



STAFF REPORT

HEARING DATE: June 5, 2018

REPORT DATE: May 29, 2018

TO: City Council

STAFF: Jana Fox, Planning Manager

PROPOSAL: **West Coast Storage Public Waterline Easement Vacation (SV2018-0001)**

LOCATION: The site is located at 9540 SW 125th Avenue. Tax Lots 7900, 7901 and 7802 on Washington County Tax Assessor's Map 1S127CB.

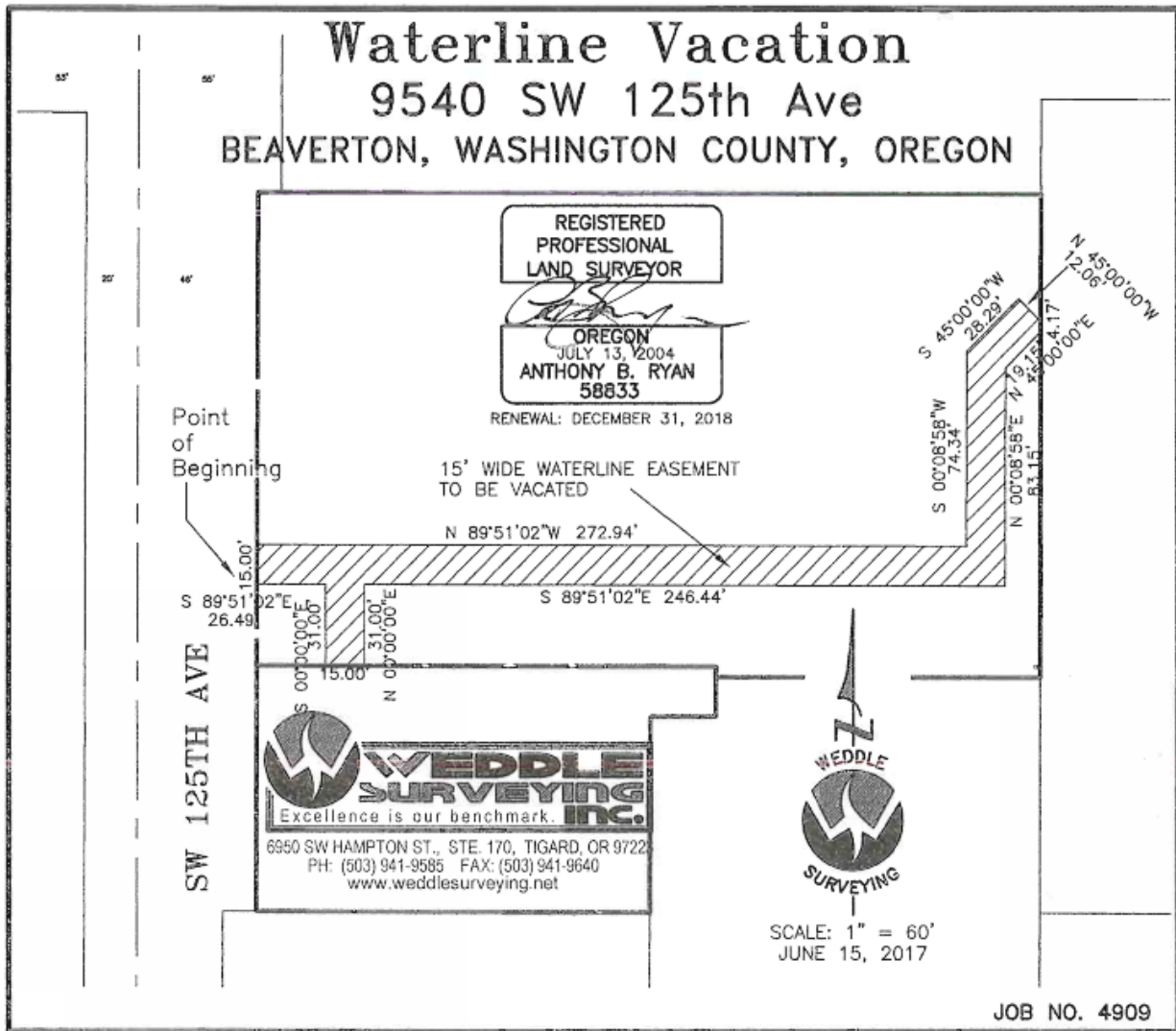
SUMMARY: The City Council will conduct a public hearing to consider an application for the vacation of a public waterline easement for a waterline which has been abandoned. The waterline previously located within the easement was relocated as required by the West Coast Storage development and the easement is no longer needed.

APPLICANTS: City of Beaverton
12725 SW Millikan Way
Beaverton, OR 97076

DECISION CRITERIA: Development Code Section 40.03.2 *Facilities Review* and 40.75.15.1.C.1-7 *Street Vacation*

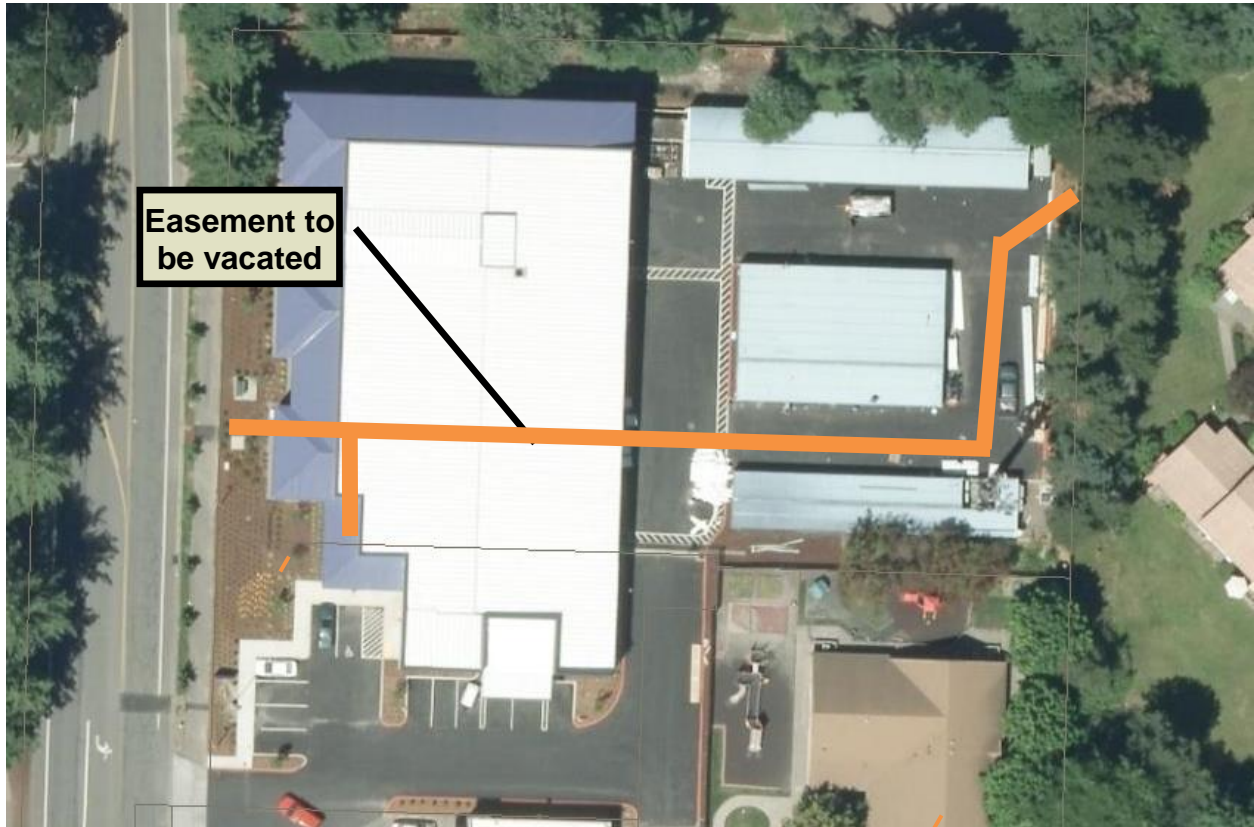
RECOMMENDATION: **Approval of SV2018-0001 (West Coast Storage Public Waterline Easement Vacation)**, with conditions of approval in Attachment C.

Waterline Vacation



West Coast Storage Public Waterline Easement Vacation
SV2018-0001

AERIAL PHOTO



**West Coast Storage Public Waterline Easement Vacation
SV2018-0001**

BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Submittal Complete	Final Written Decision Date	240-Day*
SV2018-0001	May 10, 2018	May 10, 2018	N/A	N/A

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	R2 (Urban Medium Density)	
Current Development	The area is developed as a self-storage facility. The waterline previously located within the easement has been removed.	
Site Size	1.6 Acres	
NAC	Greenway NAC	
Surrounding Uses	Zoning: North: R2 South: NS East: R2 West: R2	Uses: North: Attached Residential South: Commercial East: Attached Residential West: Attached Residential

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS	PAGE
Attachment A: Facilities Review Committee Analysis and Recommendations	FR1-FR3
Attachment B: SV2018-0001 West Coast Storage Public Waterline Easement Vacation	SV1-SV3
Attachment C: Recommended Conditions of Approval	COA1

EXHIBITS

Exhibit 1. Materials Submitted by Staff

Exhibit 1.1 Easement Map (page 2 of report) and

Exhibit 1.2 Aerial Photo (page 3 of report)

Exhibit 2. Materials Submitted by Applicant

Exhibit 3. Comments Received

None Received

**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
West Coast Storage Public Waterline Easement Vacation
(SV2018-0001)**

Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted applications as identified below:

- **All nine (9) criteria of 40.03.2 are applicable to the submitted application, SV2017-0001.**

Section 40.03.2

A. *The transportation facility, as proposed or modified, conforms to the Transportation System Plan.*

No transportation facilities are proposed to be modified. The easement proposed to be vacated is for a public waterline which has been removed from the easement area and relocated to accommodate development. The City of Beaverton is the water service provider in the area and no other water system provides public water service in the vicinity.

Therefore, the Committee finds that criterion is not applicable.

B. *There are safe and efficient vehicular and pedestrian circulation patterns within the project boundaries.*

No modifications are proposed to vehicular and pedestrian circulation patterns.

Therefore, the Committee finds that criterion is not applicable.

C. *The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are in place.*

No modifications that would affect Chapter 60 are proposed. The easement proposed to be vacated is for a public waterline which has been removed from the easement area and relocated to accommodate development. The City of Beaverton is the water service provider in the area and no other water system provides public water service in the vicinity.

Therefore, the Committee finds that criterion is not applicable.

- D. Adequate means are provided or proposed to be provided in a satisfactory manner, to ensure continued periodic maintenance and replacement of the following, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities.***

No transportation facility is proposed therefore maintenance is not required.

Therefore, the Committee finds that criterion is not applicable.

- E. The proposed transportation facility connects to the surrounding circulation systems in a safe, efficient, and direct manner.***

No transportation facility is proposed.

Therefore, the Committee finds that criterion is not applicable.

- F. The proposed transportation facility or modification thereof will provide adequate fire equipment facility access and turnaround area, as well as adequate street lighting for crime and accident prevention as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.***

No transportation facilities or modifications thereto are proposed.

Therefore, the Committee finds that criterion is not applicable.

- G. Grading and contouring are the minimum necessary to accommodate the proposed transportation facility, while mitigating adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.***

No physical development or grading is proposed with this application.

Therefore, the Committee finds that criterion is not applicable.

- H. *Access and facilities for physically handicapped people are maintained and/or incorporated into the subject transportation facility, with particular attention to providing continuous, uninterrupted access routes.***

No physical development or grading is proposed with this application.

Therefore, the Committee finds that criterion is not applicable.

- I. *The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code.***

The applicant submitted the applications on May 10, 2018 and was deemed complete on May 10, 2018. In the review of the materials the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

Therefore, the Committee finds the proposal meets the criterion for approval.

ANALYSIS AND FINDINGS FOR STREET VACATION

Section 40.75.05. Street Vacation; Purpose

The purpose of Street Vacation is to recognize that changes to the City's existing street system are occasionally required. Therefore, the following application has been established to allow limited changes to the City's existing street system without adversely affecting safe and efficient circulation throughout the City. A Street Vacation is a legislative action which is not subject to the 120 day rule of ORS 227.178. This Section is carried out by the approval criteria listed herein.

Section 40.75.1.C. Approval Criteria:

In order to approve a Street Vacation application, the City Council shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. *The proposal satisfies the threshold requirements for a Street Vacation application.***

Section 40.75.15.A.1 Threshold:

"Abandonment or otherwise vacation of an existing public transportation right-of-way or public easement that is within the City of Beaverton."

The proposal is to vacate existing City of Beaverton public waterline easement within the West Coast Storage site. The easement no longer contains a waterline, which was relocated to accommodate development, therefore the easement is no longer needed. Removal of the waterline was reviewed and approved during the development review process and has been completed.

Therefore, staff finds the proposal meets the criterion for approval.

- 2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

The City of Beaverton is the applicant for the Street Vacation application, therefore no fee is required.

Therefore, staff finds the proposal meets the criterion for approval.

- 3. *The proposed Street Vacation meets the eligibility provisions of ORS 271.080.***

Staff cites the following provisions as applicable to the proposal, ORS 271.080 Vacation in incorporated cities; petition; consent of property owners:

(1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefore setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted.

In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

Staff notes that ORS 271.080 identifies provisions for vacating public rights of way or plats. However the City proposes to vacate a waterline easement which is not regulated by ORS 271.080, therefore staff finds the criterion is not applicable.

Therefore, staff finds the criterion is not applicable.

4. *The proposed Street Vacation will not adversely impact street connectivity as identified in the Transportation Element of the Comprehensive Plan.*

No modifications to transportation systems or infrastructure are proposed, therefore no adverse impacts to street connectivity will occur.

Therefore, staff finds the criterion is not applicable.

5. *The proposed Street Vacation will not adversely impact police, fire, and emergency service in the area.*

The vacation of the public waterline easement, which has already been removed will not adversely impact police, fire or emergency services. The fireflow to the

proposed buildings and site were reviewed at the time of Building Permit approval and have been adequately constructed and inspected.

Therefore, staff finds the proposal meets the criterion for approval.

6. *That the vacation of the street will not hinder accessibility to any above ground or underground public facilities.*

There are no utilities located within the easement to be vacated, therefore there will be no hindrance to utility access.

Therefore, staff finds the proposal meets the criterion for approval.

7. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

The Street Vacation application requires a public hearing with the City Council, pursuant to Section 50.45 of the Development Code. The proposed Street Vacation does not require additional applications and all documents relevant to the request have been filed.

Therefore, staff finds that the proposal meets the criterion for approval.

RECOMMENDATION: Based on the facts and findings presented, staff can recommend approval of **SV2018-0001 (West Coast Storage Waterline Easement Vacation)**, subject to the conditions of approval found in Attachment C of this report.

CONDITIONS OF APPROVAL

SV2018-0001

A. Prior to the vacation of the easement, the applicant shall:

1. A land survey of the approved vacation is to be recorded with Washington County.