33.654 Rights-of-Way

654

Sections:

33.654.010 Purpose
33.654.020 Where These Regulations Apply
33.654.110 Connectivity and Location of Rights-of-Way
33.654.120 Design of Rights-of-Way
33.654.130 Additional Standards for Rights-of-Way
33.654.150 Ownership, Maintenance, and Public Use of Rights-of-Way
33.654.160 Street Classification

33.654.010 Purpose

Rights-of-way provide for movement and access to, within, and through a land division site by pedestrians, bicycles, and motor vehicles. These regulations ensure that the right-of-way system will serve each lot in the land division. Where possible, the system will extend through the land division to reach adjacent sites. Constraints, such as steep slopes or environmental zones on or near the site may influence the location or preclude connected rights-of-way. These regulations protect the public health and safety by ensuring safe movement and access for emergency and service vehicles.

33.654.020 Where These Regulations Apply

The regulations of this chapter apply to all land divisions.

33.654.110 Connectivity and Location of Rights-of-Way

A. Purpose. The regulations of this section ensure provision of efficient access to as many lots as possible, and enhance direct movement by pedestrians, bicycles, and motor vehicles between destinations. Direct routes for bicycles and pedestrians from residential areas to neighborhood facilities, such as schools and parks, are particularly important to increase the convenience of travelling by foot or bicycle. Direct routes for motor vehicles are important for reducing vehicle miles travelled and traffic congestion, which reduces air and water pollution and carbon emissions. Connected streets provide for more efficient provision of utility and emergency services, and also enable a more even dispersal of traffic. The specific location of rights-of-way is influenced by a variety of conditions, including existing development, streets and lot patterns, and environmental features.

B. Where these regulations apply.

1. The standards stated in Subsection C. apply to proposals for land divisions in OS, R, C, E, CI, and IR zones. Adjustments are prohibited. For proposals that cannot meet all of the standards, the approval criteria stated in Subsection D. apply. Where a proposal can meet the standards, the applicant may choose to meet all of the approval criteria stated in Subsection D. instead of all of the standards.

2. The approval criteria in Subsection D. apply to proposals for land divisions in I zones.

C. Standards.

1. Through streets.

   a. Through streets must be provided where there is more than 530 feet between through streets unless the entire site frontage is within 200 feet of the closest intersecting edge of a through street.

   b. Measuring the distance between through streets.

      (1) For the purposes of this standard, the distance between through streets is measured from the closest intersecting edge of the through street, partial through street, or self-contained pedestrian connection right of way in one direction along the shared block frontage, to the closest intersecting edge of the through street partial through street, or self-contained pedestrian connection right of way in the opposite direction along the shared block frontage.

      (2) Dead end streets are not included in measurements between through streets or pedestrian connections.

2. Partial streets and partial pedestrian connections.

   a. Where the block includes a partial through street and where a straight-line extension of the partial through street would bring the street onto the site, a partial through street is required;

   b. Where the block includes a partial pedestrian connection and where a straight-line extension of the partial pedestrian connection would bring the connection onto the site, a partial pedestrian connection is required; and

   c. Widening a partial street is required where a street that is not improved to its full design width borders the edge of the land division site.

3. Location.

   a. Through streets. When a new through streets or an extension of a partial through street is required, the street must:

      (1) Connect two or more streets when the site is abutting more than one through street or partial through street;

      (2) Be in alignment with partial through streets within the same block as the land division site; and

      (3) Extend to the boundary of the site to provide future access to adjacent sites, either by terminating at a dividable lot or locating along the edge of the land division site.

   b. Pedestrian Connections. When a partial pedestrian connection is required by 2.b, the pedestrian connection must:

      (1) Complete the connection between two or more streets when the existing pedestrian connection abuts the site; and

(2) Be in alignment with partial pedestrian connections within the same block as the land division site.

4. Dead-end streets.

a. Dead-end streets may be provided where through streets are not required. Public dead-end streets may not exceed 200 feet in length or abut more than 8 lots within the land division site and must be at least 200 feet from any other public dead-end street.

b. Where the land division site is adjacent to sites that may be divided under current zoning, dead-end streets and pedestrian connections must be extended to the boundary of the site to provide future access to the adjacent sites. For the purposes of this standard, "may be divided" does not include middle housing land divisions.

5. Alleys. Alleys may be provided in addition to required streets to accommodate alternative vehicular access to proposed lots.

D. Approval criteria.

1. Through streets and pedestrian connections in OS, R, C, E, CI, and IR Zones. In OS, R, C, E, CI, and IR zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:

a. Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;

b. Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;

c. Characteristics of the site, adjacent sites, and vicinity, such as:

(1) Terrain;

(2) Whether adjacent sites may be further divided;

(3) The location of existing streets and pedestrian connections;

(4) Whether narrow frontages will constrain creation of a through street or pedestrian connection;

(5) Whether any of the following interrupt the expected path of a through street or pedestrian connection:

- Environmental, River Environmental, Pleasant Valley Natural Resource, or Greenway overlay zones;
- Tree groves;
- Streams;
- Combined flood hazard area; or
- Wetlands; and

(6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;

d. Master street plans for the area identified in the Transportation Element of the Comprehensive Plan;

e. Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.

2. Dead-end streets in OS, R, C, E, CI, and IR zones.

a. In OS, R, C, E, CI, and IR zones, dead-end streets may be provided where through streets are not required. Dead-end streets should generally not exceed 200 feet in length, and should generally not serve more than 25 dwelling units. Public dead-end streets should generally be at least 200 feet apart.

b. Where the land division site is adjacent to sites that may be divided under current zoning, dead-end streets and pedestrian connections must be extended to the boundary of the site as needed to provide future access to the adjacent sites. Options for access and street locations must consider the characteristics of adjacent sites, including terrain, the location of existing dwellings, environmental or Pleasant Valley Natural Resource overlay zoning, streams, wetlands, special flood hazard areas, and tree groves. The following factors are considered when determining if there is a need to make provisions for future access to adjacent sites. A need may exist if:

(1) The site is within a block that does not comply with the spacing standards or adopted street plan of the Transportation Element of the Comprehensive Plan; or

(2) The full development potential of adjacent sites within the block will not be realized unless a more complete street system is provided to improve access to those sites.

3. Pedestrian connections in I Zones. In I zones, pedestrian connections to all Regional Transitways, Major Transit Priority Streets, Transit Access Streets, Community Transit Streets, Off-Street Paths, and recreational trails within 1,300 feet of the site are required where appropriate and practicable. The connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible. Only the portion of the pedestrian connection that is on the land division site is required.

4. Alleys in all zones. Alleys may be required where the provision of an alley is appropriate to mitigate transportation or development impacts. Alleys may be appropriate to move garage access away from busy streets, reduce the number of

driveways crossing sidewalks, provide alternative locations on the site for parking, limit the number of garage doors facing the street, and maintain on-street parking. Where alleys are not required, applicants may choose to provide them.

33.654.120 Design of Rights-of-Way

A. Purpose. The purpose of these standards and approval criteria is to ensure that the vehicle, bicycle, and pedestrian circulation system is designed to be safe, efficient, and convenient.

B. Public streets. For public streets and public alleys, the Bureau of Transportation has preliminarily approved the right-of-way width and the design and configuration of elements within the right-of-way including frontage improvements.

C. Private streets. The following regulations apply to the design of private streets and private alleys. Portland Permitting & Development is authorized to develop and maintain administrative rules for the width and the design and configuration of elements within a private street:

1. Width of the right-of-way. Private rights-of-way must meet the width standard stated in Subparagraph C.1.a. If the proposal cannot meet the standard, the applicant can choose to meet the approval criterion in Subparagraph C.1.b. Adjustments are prohibited:

   a. Standard. The proposed private right-of-way must meet the applicable minimum width standards stated in the Permanent Administrative Rules for Private Rights of Way. Wider private rights of way may be proposed.

   b. Approval criterion. The width of the local street right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, natural features, the length of the street, and the number of housing units served by the street.

2. Configuration of elements. For all private rights-of-way, Portland Permitting & Development has preliminarily approved the design and configuration of elements within the right-of-way in conformance with relevant administrative rules and the standards in Paragraph C.3.

3. Additional design standards for private rights-of-way:

   a. Turnarounds.

      (1) Purpose. A turnaround is a type of junction that allows traffic traveling in one direction on a road to safely and efficiently reverse course and travel the opposite direction without the need to back up long distances.

      (2) Standard. A turnaround is required on a dead-end street in the following situations. Turnarounds are not required on a common green:

      - The street will serve 4 or more lots;
      - When required by the City Engineer to ensure forward egress onto a non-local street;

- When the street is at least 300 feet long;
- When the street is longer than 150 feet and the street is needed to meet the Fire Bureau requirements for fire emergency access; or
- When the street is longer than 100 feet and the lots will each have curbside garbage and recycling service.

b. Streets.

(1) Purpose. A private street provides access to new lots in a land division site, where public street access is not possible or practical. A private street provides access for a limited number of motor vehicles, bicycles, and pedestrians, and often provides a route for private and public utility connections. In some circumstances a private street must also accommodate larger vehicles, such as fire trucks, delivery trucks, or garbage/recycling trucks. By preventing through traffic and limiting the number of lots that are served, private streets have fewer users, reducing the impacts on maintenance and allowing for reduced right of way widths.

(2) Standards for streets other than shared courts, common greens, or pedestrian connections:

- A private street must be a dead-end street;
- Up to 8 lots within the land division site may abut a private street;
- The Fire Bureau has approved the land division for emergency access;
- Except as allowed by C.3.b(3), in residential zones, one on-street parking space is required for every two lots proposed.

(3) On street parking exceptions. There are two exceptions to the requirement for on-street parking in C.3.b(2). One is a standard and one is an approval criterion:

- Standard exception. On-street parking is not required when
  - The street is less than 300 feet in length;
  - No more than 3 lots within the land division site have a front lot line on the street; and
  - The lots with a front lot line on the street are developed with no more than two dwelling units each.
- Approval criterion. On-street parking may be reduced or waived when a site-specific parking analysis is provided demonstrating that adequate parking will be available. The analysis must include information regarding expected on-street parking demand on the private street based on allowed densities, access to alternative modes of travel, availability of parking in the area, feasibility of providing parking on the lots, and how visitors and deliveries will be accommodated.

c. Shared courts.

(1) Purpose. Shared courts provide shared vehicle, pedestrian, and bicycle access to abutting property. The access for all modes is accommodated on the same surface and not differentiated by grade separation. A shared court may function as a community yard. A shared court includes traffic calming measures to ensure safe co-existence of vehicles, pedestrians, and bicycles

in the same space. Shared courts should be designed to prioritize use of the right-of-way by pedestrians. Hard and soft landscape features may be included in a shared court, such as trees, shrubs, patterned brick paving, or benches.

(2) Standards:

- A shared court must not exceed 150 feet in length;
- A shared court must be a dead-end street;
- The Fire Bureau has approved the land division for emergency access;
- Shared courts must include at least 250 square feet of grassy area, play area, or dedicated gardening space, exclusive of vehicle parking areas. This area must be at least 15 feet wide at its narrowest dimension; and
- Up to 16 lots within the land division site may abut a shared court.

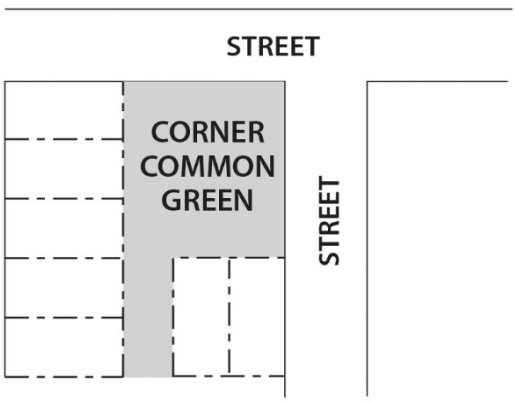
d. Common greens.

(1) Purpose. Common greens are landscaped rights of way that provide access for pedestrians and bicycles to abutting property. Since no motor vehicle access is provided, common greens are not limited in length or by the number of lots that can be served. Common greens are also intended to serve as a common open space amenity for residents, but not intended to serve as general pedestrian connections between streets.

(2) Standards:

- The length of a common green and number of lots is not limited;
- Common greens must be dead end streets. Through common greens are not allowed but common greens may be located on a corner of two intersecting streets. See Figure 654-1;
- The Fire Bureau has approved the land division for emergency access;
- Common Greens must include at least 400 square feet of grassy area, play area, or dedicated gardening space, which must be at least 15 feet wide at its narrowest dimension; and
- Vehicle area, except for emergency vehicle access approved by the Fire Bureau, is prohibited in common greens;

Figure 654-1
Corner Common Green



e. Pedestrian connections.

(1) Purpose. Pedestrian connections provide general access for pedestrians and bicyclists and provide a through connection between two streets or between a street and amenity like an open space tract. Private pedestrian connections typically connect two private streets or tracts, but may connect a private street to a public street.

(2) Standards:

- The length of a private pedestrian connection is not limited;
- Private pedestrian connections must only connect two private streets, a private street and a private tract, or a private street and a public street;
- The Fire Bureau has approved the land division for emergency access;
- Users must be able to see from one end of the connection to the other end; and
- Vehicle area, except for emergency vehicle access approved by the Fire Bureau, is prohibited in private pedestrian connections.

f. Alleys.

(1) Purpose. Private alleys provide a secondary means of access, primarily intended for limited motor vehicle or service vehicles, though pedestrians and bicycles may still share the roadway in private alleys. Private alleys allow access to on-site parking to be consolidated, preserving the street frontage for more continuous sidewalk improvements and also can be used to reduce traffic conflicts.

(2) Standards:

- Dead end private alleys may be up to 150 feet in length;
- The Fire Bureau has approved the land division for emergency access; and
- Up to 8 lots can have a lot line abutting a dead end alley. There is no limitation on the number of lots with a lot line on a through alley.

33.654.130 Additional Standards for Rights-of-Way

A. Street trees.

1. For existing and proposed public streets, the City Forester, in consultation with the City Engineer, has preliminarily approved the street tree preservation, protection, and planting plan.

2. Private street trees. Private street tree plans must meet the standard stated in Subparagraph A.2.a. If the proposal cannot meet the standard, the applicant can choose to meet the approval criterion in Subparagraph A.2.b. Adjustments are prohibited:

   a. Private street tree standard. The street tree planting plan meets the Trees and Landscaping standards stated in the Permanent Administrative Rules for Private Rights of Way;

   b. Private street tree approval criteria. The number of private street trees may be reduced or are not required when:

      (1) It is not feasible to provide street trees while meeting 33.654.120 Design of Rights Of Way, and the minimum lot size and dimension standards of the zone;

      (2) Trees will be planted in the front yard of each lot, near the street tract, generally one tree every 25 feet of frontage;

      (3) The proposed tree locations will not conflict with public utility easements on the lots; and

      (4) Tree planting may be deferred until development of the lots, however, such planting must occur prior to final building inspection.

B. Utilities. Telephone, cable, natural gas, electric, and telecommunication utilities must be located within rights-of-way or utility easements that are adjacent to rights-of-way. Utility easements up to 15 feet in width may be required adjacent to rights-of-way. Utility easements needed to serve the lots must be identified during the preliminary land division plan review.

33.654.150 Ownership, Maintenance, and Public Use of Rights-Of-Way

A. Purpose. To protect long-term access and both public and private investment in the street system, the rights and responsibilities for the street system must be clear. Public ownership of streets is preferred to provide long-term access to sites and meet connectivity goals. However, where a dead-end street serves a limited number of units, the public benefit may be very limited and the maintenance costs may be relatively high. In that limited situation, private streets may be appropriate. Where public ownership is not feasible, property owners must know their maintenance responsibilities and what public use to expect on rights-of-way.

B. Ownership. Ownership of rights-of-way is determined through the following standards:

1. Through streets. Through streets must be dedicated to the public.

2. Pedestrian connections.

    a. Pedestrian connections that connect or are intended to eventually connect two public streets must be dedicated to the public.

    b. Partial pedestrian connections that begin at a public right of way and terminate at the boundary of the land division site must be dedicated to the public.

    c. Pedestrian connections that connect or are intended to eventually connect to a public school, park or library must be dedicated to the public.

    d. Pedestrian connections that connect two private streets, or that connect a private street to a public street, may be privately owned unless B.2.c applies.

    e. Pedestrian connections that are not dedicated to the public must be privately owned in common by the owners of the property within the land division site that abut the pedestrian connection, or by the Homeowners' Association. If the pedestrian connection will not be dedicated to the public, it must be in a tract.

3. Partial streets. Partial streets must be dedicated to the public.

4. Dead-end streets.

    a. Dead-end streets and turnarounds must be dedicated to the public. Temporary turnarounds may be in an easement.

    b. Exception. A dead-end street and turnaround may be privately owned if the street is not a temporary dead-end street and meets the private street design requirements in 33.654.120.C. The private street and turnaround must be in a tract, and owned in common by the owners of property served by the street or by the Homeowners' Association.

5. Alleys.

    a. Alleys that provide access to more than 5 lots within the land division site and abut sites that may be divided under current zoning must be dedicated to the public unless the Bureau of Transportation does not agree to accept the dedication.

    b. If an alley is not dedicated to the public and serves more than 5 lots within the land division site, it must be placed in a tract owned in common by the owners of property that abut the alley or the Homeowners' Association.

    c. If an alley is not dedicated to the public and serves 5 or fewer lots within the land division site, it must either be placed in an easement, or placed in a tract owned in common by the owners of the property within the land division site or the Homeowners' Association.

6. Public rights-of-way. All elements of public rights-of-way must be dedicated to the public, except as allowed by paragraph B.8, below.

7. Private rights-of-way. For rights-of-way held in common ownership or owned by the Homeowners' Association, all elements of the right-of-way must be in a tract, except as allowed by paragraph B.8, below.

8. Right-of-way elements in easements. Right-of-way elements may be in an easement if the following standards are met:

   a. Temporary turnarounds. Temporary turnarounds allowed under this Chapter may be placed in easements that also include a public access easement that allows public access on all parts of the turnaround;

   b. Street elements. Sidewalks and other street elements may be placed in easements adjacent to a right-of-way if the following standards are met:

      (1) A tree, rock outcropping, or other natural feature within the right-of-way precludes construction of the sidewalk or other element within the right-of-way;

      (2) The easement may be up to 50 feet long, measured along the right-of-way, and up to 10 feet wide. See Figure 654-2;

      (3) The easement must also include a public access easement that allows public access on all parts of the easement; and

      (4) The City Engineer has approved the use of an easement adjacent to a public street or Portland Permitting & Development has approved the use of an easement adjacent to a private street.

   c. Alleys. Alleys serving 5 or fewer lots may be placed in an easement.

C. Maintenance. If the right-of-way is privately owned, a maintenance agreement must be recorded that commits the owner to maintain all elements of the right-of-way.

D. Public use of rights-of-way.

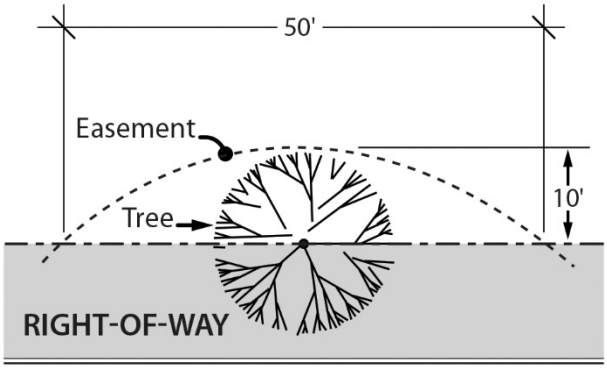
1. Street tracts must include a public access easement that allows public access on all parts of the sidewalks;

2. Shared courts must include a public access easement that allows public access on all parts of the shared roadway;

3. Common greens, and pedestrian connections must include a public access easement that allows public access on all parts of the connection; and

4. Public access easements must be recorded with the County Recorder.

Figure 654-2
Street Elements in Easements



33.654.160 Street Classification

A. Purpose. As streets are created or extended through the land division process, these streets should receive a classification in the Transportation Element of the Comprehensive Plan. The street classifications guide decisions on the design of streets and intersections, traffic operations, and the appropriate types of development along the street.

B. New streets and street extensions. New streets, street extensions, and pedestrian connections within the land division site will automatically be classified as local service streets for all modes unless the Transportation Element of the Comprehensive Plan designates them for other classifications.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177028, effective 12/14/02; Ord. No. 178657, effective 9/3/04 Ord. No. 179845, effective 1/20/06; Ord. No. 179980, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 186053, effective 1/1/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24.)

The City of Portland is committed to providing meaningful access. To request translation, interpretation, modifications, accommodations, or other auxiliary aids or services, contact 311, Relay: 711.

503-823-4000: Traducción e Interpretación | Biên Dịch và Thông Dịch | अनुवादन तथा व्याख्या

口笔译服务 | Устный и письменный перевод | Turjumaad iyo Fasiraad

Письмовий і усний переклад | Traducere și interpretariat | Chiaku me Awewen Kapas

www.portland.gov/bps/accommodation