Land Division Approval Criteria – Rights-of-way, Chapter 33.654

New public streets, private streets, common greens, shared courts, pedestrian connections and alleys

The following information is provided to help applicants prepare the narrative portion of their land division application. See the information guide Land Division Application Requirements http://www.portlandonline.com/bds/index.cfm?c=45482&a=92195 for a complete list of all required application materials.

The information guide Preparing Your Land Division Application Narrative http://www.portlandonline.com/bds/index.cfm?c=45482&a=239293 provides an overview of what should be included in the narrative. See that guide for:

- A description of what should be included in your **project description** an important part of your application narrative; and
- A **summary table** that lists all the land division approval criteria and explains when they apply. You should complete the summary table to determine which criteria apply to the proposal before preparing the detailed response to the criteria in this document. Submit the completed summary table as part of your application narrative.

What is included in this document?

This document contains a complete list of land division approval criteria within Chapter 33.654, Rights-of-Way. Use this document to prepare your detailed response to the criteria that apply if a **new public or private right-of-way** will be created by your proposal. If your proposal does not create any new rights-of-way, the relevant criteria are included in the approval criteria packet for the zone in which the site is located and it is not necessary to complete this form.

Approval Criteria

Many of the approval criteria below are specific to certain zones or types of rights-of-ways, such as streets (through or dead-end), alleys or pedestrian connections. Address the sections below that apply to your specific proposal. If you are proposing a new private right-of-way which does not meet the Planning Rules of the Bureau of Development Services' Administrative Rules for private rights-of-way, you must request exceptions in the criteria below. Please note that, in most cases, code references below are exact zoning code language. However, in some cases, a summary of requirements is provided and some standards have been omitted. See the Zoning Code for complete code language: *http://www.portlandonline.com/zoningcode*.

Connectivity and Location of Rights-of-Way, 33.654.110.B

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. The specific location of rights-of-way is influenced by a variety of conditions, including existing development, streets and lot patterns, and environmental features.

1. **Through streets and pedestrian connections in OS, R, C, and E zones.** In OS, R, C, and E 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 environmental overlay zones interrupt the expected path of a through street or pedestrian connection; 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 Goal 11B 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** 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 18 dwelling units. Public dead-end streets should generally be at least 200 feet apart.
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.

Applicant Response:

Connectivity and Location of Rights-of-Way, 33.654.110.B

Design of Rights-of-Way, 33.654.120

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. See 33.654.160, Street Classification.

Address the sections below that are relevant to this proposal. If a private right-of-way is proposed, please review the BDS Administrative Rule for Private Rights-of-Way for relevant standards.

Non-local street standard, 33.654.120.B

For streets other than local service streets, the Office of Transportation has approved the right-of-way width and all elements within the street right-of-way.

Applicant Response:

Local street approval criteria and standards, 33.654.120.C

The following approval criteria and standards apply to all local service streets except for common greens and shared courts.

1. **Approval criterion for width of the right-of-way.** 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, and natural features.
2. **Standard for configuration of elements within the right-of-way.** For public streets, the Office of Transportation has approved the configuration of elements within the street right-of-way. For private streets, the Bureau of Development Services has approved the configuration of elements within the street right-of-way.
3. Standards for turnarounds

a. **When a turnaround is required.** A turnaround is required on a dead-end street in the following situations: (1) The street will serve 4 or more lots; (2) The street is at least 300 feet long; or (3) When required by the Office of Transportation, the Fire Bureau or BDS.

b. **Temporary turnaround.** Where a street is temporarily terminating within the land division site, the City Engineer, BDS or Fire Bureau may require a temporary turnaround.

c. The following approval criteria and standard applies to permanent and temporary turnarounds:

1) **Approval criteria.** The turnaround must:
   - Be of a size to accommodate expected users, taking into consideration the characteristics of the site such as existing structures, natural features, the length of the street, and the number of housing units served by the street;
   - Minimize paved area;
   - Provide adequate area for safe vehicular movement; and
   - Provide adequate area for safe and convenient movement by bicyclists and pedestrians traveling on the street or traveling from the street to a pedestrian connection

2) **Standard.** For public streets, the Office of Transportation has approved the configuration of elements within the turnaround right-of-way. For private streets, the Bureau of Development Services has approved the configuration of elements within the turnaround right-of-way.

Applicant Response:

Common green approval criteria and standards, 33.654.120.D

1. Right-of-way

a. **Approval criteria**

1) The size of the common green of the right-of-way must be sufficient to accommodate expected users and uses. The size must take into consideration the characteristics of the site and vicinity, such as the pedestrian system, structures, natural features, and the community activities that may occur within the common green.

2) Generally, common greens should be dead-end streets. However, common greens may be through streets if a public pedestrian connection is provided directly abutting the common green, or in close proximity. See Figure 654-1. Common greens may also have frontage on more than one intersecting street, if the green is located at the corner of the intersecting streets. See Figure 654-2.

3) Where a common green abuts a public pedestrian connection, the green must include design features that distinguish the common green from the pedestrian connection, such as perimeter landscaping, low decorative fencing, or paving materials.

4) Where a common green is a through street, the design of the green should encourage through pedestrian and bicycle traffic to use nearby public pedestrian connections, rather than the common green.

b. **Standards for configuration of elements within the right-of-way.**

1) For common green, the Bureau of Development Services has approved the configuration of elements within the street right-of-way.

2) Turnarounds are not required for common greens.

2. Standards for land divisions with common greens. Land divisions that include a common green must meet the following standards:

a. The Fire Bureau has approved the land division for emergency access; and

b. Lots that have a front lot line on a common green must meet Section 33.266.110, Minimum Required Parking Spaces.

Applicant Response:

Pedestrian connections, 33.654.120.E

1. Approval criterion for width of the right-of-way. The width of the pedestrian connection right-of-way must be sufficient to accommodate expected users and provide a safe environment, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing

structures, natural features, and total length of the pedestrian connection. As much as is possible, the users should be able to stand at one end of the connection and see the other end.

2. **Configuration of elements within the right-of-way.** For public pedestrian connections, the Office of Transportation has approved the configuration of elements within the pedestrian connection right-of-way. For private pedestrian connections, the Bureau of Development Services has approved the configuration of elements within the pedestrian connection right-of-way.

Applicant Response:

Alleys, 33.654.120.F

1. **Approval criteria for width of the right-of-way.** The width of the alley right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity such as existing street and pedestrian system improvements, existing structures, and natural features.
2. **Standard for configuration of elements within the right-of-way.** For public alleys, the Office of Transportation has approved the configuration of elements within the alley right-of-way. For private alleys, the Bureau of Development Services has approved the configuration of elements within the alley right-of-way.
3. **Standard for turnarounds.** The City Engineer, BDS or Fire Bureau may require a turnaround on a dead-end alley.

Applicant Response:

Shared Court approval criteria and standards, 33.654.120.G

The following approval criteria and standards apply to shared courts:

1. **Right-of-way**
   a. **Approval criterion for width of the right-of-way.** The size of the shared court right-of-way must be sufficient to accommodate expected users and uses. The size must take into consideration the characteristics of the site and vicinity, such as the pedestrian system, structures, traffic safety, natural features, and the community activities that may occur within the shared court.

   b. **Standards for length of the right-of-way.** A shared court may be up to 150 feet long.

   c. **Standards for configuration of elements within the right-of-way.**

      1) The Bureau of Development Services has approved the configuration of elements within the street right-of-way, including a specific paving treatment and traffic calming measures;
      2) Shared courts must be dead-end streets. Through shared courts are not allowed.

   d. **Standards for turnarounds.** Turnarounds are not required for a shared court, unless required by the City Engineer, Bureau of Development Services, or Fire Bureau.

2. **Standards for land divisions with shared courts.** Land division that include a shared court must meet the following standards:
   a. A shared court is allowed only in multi-dwelling, commercial, or employment zones;

   b. Up to 16 lots may have a front lot line on a shared court;

   c. Lots with a front lot line on a shared court must be developed with attached houses, detached houses, duplexes or attached duplexes; and

   d. The Fire Bureau has approved the land division for emergency access.

Applicant Response:

Additional Approval Criteria for Rights-of-Way, 33.654.130

A. Utilities. Utilities must be located within rights-of-way or utility easements that are adjacent to rights-of-way to the maximum extent practicable. Utility easements of up to 15 feet in width may be required adjacent to rights-of-way.

B. Extension of existing public dead-end streets and pedestrian connections. Existing public dead-end streets and pedestrian connections adjacent to the site must be extended onto the site as needed to serve the site.

C. Future extension of proposed dead-end streets and pedestrian connections. 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. 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.

D. **Partial rights-of-way.** Partial rights-of-way and street improvements may be appropriate where the proposed right-of-way and street improvements are expected to be provided by the owner of the adjacent property. Partial rights-of-way and street improvements may also be required where needed to provide future access to adjacent sites. The Office of Transportation must approve the configuration of a partial right-of-way or public street improvement.

E. **Ownership of alleys**. Where the proposed alley abuts sites that may be divided or further developed under current zoning, the alley may be required to be dedicated to the public. Factors to be considered include the spacing of existing rights-of-way, whether adjacent sites are already fully developed under the current zoning, and whether the alley can provide vehicle access to adjacent developable sites. The Office of Transportation must approve the dedication and configuration of any public alley improvements.

Applicant Response:

Ownership, 33.654.150.B

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

1. Through streets. Through streets must be dedicated to the public.
2. Partial streets. Partial streets must be dedicated to the public.
3. Dead-end streets. In general, dead-end streets and turnaround must be dedicated to the public. A dead-end street may be privately owned if the street will abut no more than eight lots within the land division site, and the street is not proposed as, or required to be a partial street. If the street is not dedicated to the public, it must be in a tract, and owned in common by the owners of the property served by the street or by the Homeowners' Association.
4. Exceptions for temporary turnarounds. Temporary turnarounds may be in an easement.
5. Exceptions for common greens and shared courts. Common greens and shared courts must be privately owned. They must be in a tract, and owned by the Homeowners' Association or owned in common by the owners of property served by the common green or shared court.
6. Pedestrian connections.

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

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

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

7. Alleys.

a. Determination of whether an alley must be dedicated to the public or may be privately owned is made under 33.654.130. E.

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

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

8. Public rights-of-way. All elements of public rights-of-way must be dedicated to the public, except as allowed by Paragraph B.10, below.

9. 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.10, below. This standard does not apply to alleys serving five or fewer lots.

10. 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 654-1;
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 the Bureau of Development Services 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.

Applicant Response:

Sections 33.654.150.C Maintenance, and D. Public Use of ROW and 33.654.160 Street Classification are omitted, see Zoning Code.