CHAPTER 33.272
PUBLIC RECREATIONAL TRAILS

(Amended by: Ord. No. 166835, effective 5/23/95; Ord. No. 174263, effective 4/15/00; Ord. No. 177082, effective 1/20/03.)

Sections:

33.272.010 Purpose
33.272.020 Dedication of Public Right-Of-Way or Easement
33.272.030 Construction of the Trail
33.272.040 Use of Trail
33.272.050 Hours of Use
33.272.060 Trespass
33.272.070 Trail Maintenance and Liability
33.272.080 Standards for City Acceptance of Deeded Land

33.272.010 Purpose

The public recreational trail requirements are intended to:

- Increase recreational opportunities within the City of Portland and connect these recreational opportunities with a regional recreational trail system;
- Increase public access along the Willamette River and to other significant natural resource areas;
- Provide emergency vehicle access;
- Provide access to increase public safety;
- Assist in flood protection and control;
- Assist in shoreline anchoring;
- Support alternative modes of transportation;
- Provide connections to other transportation systems;
- Implement the City's Comprehensive Plan policies regarding public recreational trails;
- Help create a pleasant, aesthetically pleasing urban environment; and
- Provide consistent standards for trail development.

33.272.020 Dedication of a Public Right-Of-Way or Easement

All applicants for a land use review or for building permits on lands designated with a recreational trail symbol on the zoning map are required to grant an easement for the recreational trail. The easement must be done as part of recording a land use review and finalized prior to obtaining a final certificate of occupancy. The land may be donated to the City instead of granting an easement when the standards of Section 33.272.080 are met. Trails shown adjacent to public rights-of-way may be constructed in the public right-of-way, subject to approval from the Office of Transportation.

33.272.030 Construction of Trails

A. Single-dwelling zones. The construction of the recreational trail in single-dwelling residential zones is only required for subdivisions and PUDs that involve the creation of a street. Existing single-dwelling lots are not required to construct the trail.

B. Columbia South Shore Plan District. Sites in the Columbia South Shore Slough Trail area and Cross-Levee Trail area must also comply with the regulations of Section 33.515.260. These areas are shown on Map 515-4. Other trails in the Columbia South Shore Plan District must comply only with the regulations of this chapter.

C. South Waterfront subdistrict of the Central City plan district. Sites in the South Waterfront subdistrict must comply with the regulations of Section 33.510.253. The regulations of that section specify when recreational trails must be constructed within the South Waterfront subdistrict.

D. All other zones. Construction of the recreational trail is required on lands designated with a recreational trail symbol on the zoning maps in any of the following situations listed below.

1. When there is new development;

2. When exterior alterations to existing development are 35 percent or greater of the assessed improvement value of the total improvements on the site; or

3. When streets are constructed in a subdivision, industrial park, or PUD.

E. Prior to certificate of occupancy. The trail must be constructed prior to the issuance of a certificate of occupancy, unless the site is eligible for the trust fund provisions of 33.515.260.B, or the special timing provisions of Paragraph 33.510.253.D.4.

F. Trail standards. A public recreational trail must comply with the standards of Portland Parks and Recreation for recreational trails or, where the trail is located in a public right-of-way, it must comply with the standards of the Portland Office of Transportation.

G. Environmental review. If the trail is located within the Environmental zones, the trail must comply with the requirements of Chapter 33.430.

33.272.040 Use of Trail

Public use and conduct on the recreational trail are subject to the regulations in Chapter 12, Prohibited Conduct, of Title 20, Parks and Recreation; and Chapter 50, Columbia South Shore Slough Trail of Title 20 except as otherwise limited by the terms of an easement between the applicant and the City.

33.272.050 Hours of Use

The recreational trail and access paths must be open to the public between the hours of 5 a.m. and 10 p.m., except as otherwise limited by the terms of an easement between the applicant and the City.

33.272.060 Trespass

Nothing in this chapter is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired.

33.272.070 Trail Maintenance and Liability

A. City maintenance. The City will accept maintenance and liability, similar to its responsibilities for City-owned park property, for a recreational trail segment if the City Engineer or the Director of Portland Parks and Recreation finds all of the following:

1. The applicant requests that the City assume the responsibilities;

2. The trail lies within an easement or right-of-way granted to the City for trail purposes;

3. The trail has been constructed to City standards;

4. The trail is physically continuous for at least 1/4-mile along the designated route. This requirement will be waived if the trail has not been made part of a physically continuous segment of at least 1/4-mile within 2 years after completion of the segment under consideration; and

5. If the applicant desires to use a private security force to patrol the trail area, the owner has signed an agreement holding the City harmless from all claims, suits, or actions of any nature, caused or arising out of the actions of the private security force, its subcontractors, agents, or employees.

B. Applicant maintenance. The applicant retains maintenance and liability responsibilities unless these responsibilities are accepted by the City. Where the applicant retains maintenance and liability responsibilities, the trail segment must be maintained at a level at least equal to those segments maintained by the City.

33.272.080 Standards for City Acceptance of Deeded Land.
The land may be donated to the City instead of granting an easement if the following standards are met:

A. The trail is constructed and meets the City's trail construction standards or the trust fund option described under Subsection 33.515.260.B. has been applied.

B. The property owner meets the hazardous substances standards in the City's standard trail easement agreement.