CHAPTER 33.654
RIGHTS-OF-WAY

(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)

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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. 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. Approval criteria.

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 in OS, R, C, and E zones. In OS, R, C, and E 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 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.

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. Non-local street standard. 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.

C. Local street approval criteria and standards. 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 City Engineer, 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.

D. Common green approval criteria and standards. The purpose of the following standards is to allow streets designed to provide access for only pedestrians and bicycles to abutting properties. Common greens are also intended to serve as a common open space amenity for residents. The following approval criteria and standards apply to common greens:

1. Right-of-way.

a. Approval criteria.

(1) The size of the common green 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 greens, 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.

(3) 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.

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.

Figure 654-1
Blocks with Through Common Green

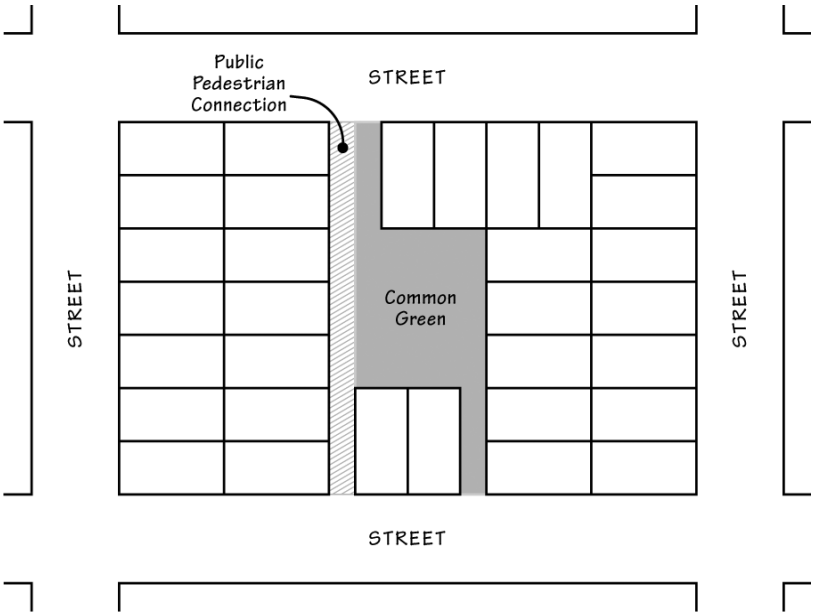
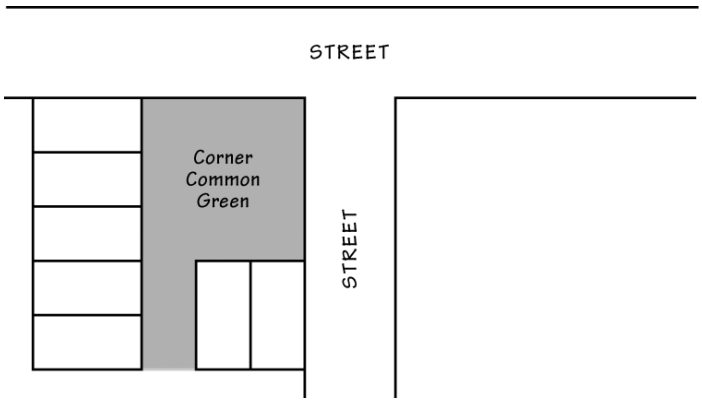


Figure 654-2
Corner Common Green



E. Pedestrian connections. The following approval criteria and standards apply to pedestrian connections:

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. Standard for 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.

F. Alleys. The following approval criteria and standards apply to alleys:

1. Approval criterion 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, Bureau of Development Services, or Fire Bureau may require a turnaround on a dead-end alley.

G. Shared court approval criteria and standards. The purpose of the shared court standards is to allow streets that accommodate pedestrians and vehicles within the same circulation area, while ensuring that all can use the area safely. Special paving and other street elements should be designed to encourage slow vehicle speeds and to signify the shared court's intended use by pedestrians as well as vehicles. Access from a shared court is limited to ensure low traffic volumes that can allow a safe mixing of pedestrians and vehicles. Shared courts are limited to zones intended for more intense development to facilitate efficient use of land while preserving the landscape-intensive character of lower-density zones. 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.

(3) 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.

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 divisions 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.

33.654.130 Additional Approval Criteria for Rights-of-Way

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 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.

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

3. Dead-end streets. In general, dead-end streets and turnarounds 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 property served by the street or by the Homeowners' Association.

4. Exception 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. If 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.

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 654-3;

(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.

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.

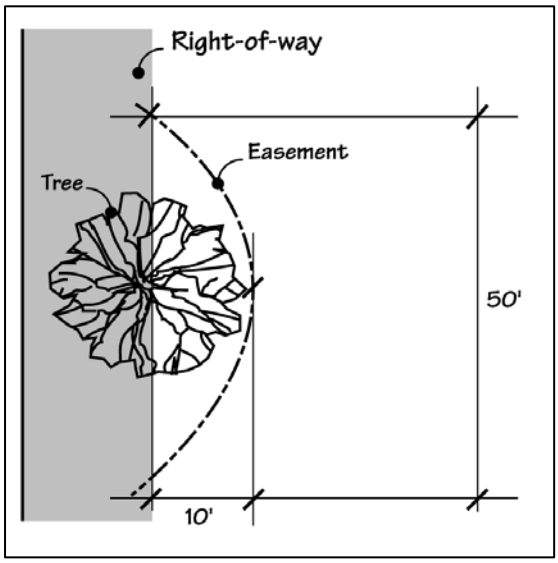
D. Public use of right-of-way.

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

2. Pedestrian connections must include a public access easement that allows public access on all parts of the connection; and

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

Figure 654-3
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.