



CITY OF OREGON CITY CITY COMMISSION WORK SESSION - REVISED AGENDA

**Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Tuesday, October 12, 2021 at 6:00 PM**

EXECUTIVE SESSION OF THE CITY COMMISSION:

The Executive Session will begin immediately following the City Commission Work Session.

1. *PURSUANT TO ORS 192.660(2)(e): to conduct deliberations with persons designated by the governing body to negotiate real property transactions.*

6:00 PM - CITY COMMISSION WORK SESSION

Typically there are no public comments at work sessions, but written comments are accepted by:

- *Email recorderteam@orc.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

CONVENE WORK SESSION AND ROLL CALL

FUTURE AGENDA ITEMS

The Commission's adopted goals and available staff resources shall be considered when recommending future agenda items. The Commission may add an item to a future agenda with consensus of the Commission.

1. List of Future Work Session Agenda Items

DISCUSSION ITEMS

2. Abandoned Building Regulations
3. Homeless Internal Strategy
4. Oregon City Sidewalk Replacement Assistance Program

CITY MANAGER'S REPORT

COMMISSION COMMITTEE REPORTS

A. Beaver Creek Employment Area Blue Ribbon Committee - Commissioner Frank O'Donnell

B. Citizen Involvement Committee Liaison - *Commissioner Adam Marl*

C. Clackamas County Coordinating Committee (C4) - Appointed: *Mayor Rachel Lyles Smith*
Alternate: *Commissioner Adam Marl*

D. Clackamas County I-205 Tolling Diversion Committee - Appointed: *Commissioner Adam Marl*
Alternate: *Commissioner Frank O'Donnell*

E. Clackamas Heritage Partners - *Commissioner Rocky Smith, Jr.*

F. Clackamas Water Environment Services Policy Committee -
Appointed: *Commissioner Rocky Smith, Jr.*

G. Downtown Oregon City Association Board - *Commissioner Denyse McGriff*

H. Metro Policy Advisory Committee (MPAC) - Appointed: *Mayor Rachel Lyles Smith*
Alternate: *Commissioner Denyse McGriff*

I. OC 2040 Project Advisory Team - Appointed: *Commissioners Adam Marl and Denyse McGriff*

J. Oregon Governor's Willamette Falls Locks Commission - *Vacant until State Appoints Mayor Rachel Lyles Smith*

K. Oregon City Tourism Stakeholder's Group - Appointed: *Commissioners Frank O'Donnell and Rocky Smith, Jr.*

L. Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan Project Advisory Committee - Appointed: *Commissioner Denyse McGriff*

M. South Fork Water Board (SFWB) - *Mayor Rachel Lyles Smith, and Commissioners Frank O'Donnell and Rocky Smith, Jr.*

N. Willamette Falls and Landings Heritage Area - Appointed: *Commissioner Denyse McGriff*
Alternate: *Commissioner Frank O'Donnell*

O. Willamette Falls Legacy Project Liaisons - *Mayor Rachel Lyles Smith and Commissioners Frank O'Donnell*

ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor/Chair calls your name, proceed to the speaker table, and state your name and city of residence into the microphone. Each speaker is given three (3) minutes to speak. To assist in tracking your speaking time, refer to the timer on the table.

As a general practice, the City Commission does not engage in discussion with those making comments. Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.

Video Streaming & Broadcasts: The meeting is streamed live on the Oregon City's website at www.orcity.org and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WFMC at 503-650-0275 for a programming schedule.



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission
From: City Manager Tony Konkol

Agenda Date: 10/12/2021

SUBJECT:

List of Future Work Session Agenda Items

BACKGROUND:

November 9, 2021

Appointment process to Boards and Committees
Election of Commissioners not Based on Position Number
Review System Development Charges (SDC's) and Utility Rates

December 7, 2021

5-Year Economic Development Strategic Plan
ARPA Funding Discussion
Compatible Change Update
OC 2040 Check-in

Additional Upcoming Items (These items are in no particular order)

Beavercreek Road Concept Plan (Thimble Creek) Funding Discussion

Boards and Committee's Orientation Manual Review and Discussion

Canemah Area - Encroachments in the Right-of-Way Policy Discussion

Charter Park Discussion (Last five – Sportcraft Landing, McLoughlin Promenade, Ermatinger House, Dement Park/Property, and Clairmont Way)

Clackamas County Water Environmental Services (WES) Rate Differential

Clackamette Park Boat Ramp

Climate Action Plan Presentation (City of Milwaukie)

Code Enforcement Complaint Process

Commission Policies and Rules of Procedure Review

Construction Excise Tax

Ethics Training

Metro Food Waste Program Requirements - Annual Review

Oregon Main Street Update by Sheri Stuart

Park Place Urbanization Study

Parks Special Event Fees and Application Process

Parking Rate Increase for Permitted Parking in Downtown Oregon City (Green, Purple, Orange, etc. Zones)

Railroad Quiet Zone Funding Discussion

Request for Recording Pre-App Conferences Follow-up

South Fork Water Board - Mountain Line Easements Vacation

Transportation Demand Management (TDM) Plan Implementation Update

Water System Risk and Resiliency Review

Willamette Falls Legacy Project Operations and Maintenance Discussion



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission **Agenda Date:** 10/12/2021
From: Community Development Director Laura Terway and Police Chief James Band

SUBJECT:

Abandoned Building Regulations

STAFF RECOMMENDATION:

None

EXECUTIVE SUMMARY:

The City Commission requested a work session to learn about the City's regulations for regulating abandoned buildings. The Building Division regulates the "dangerous buildings" as defined in chapter 15.24 of the Municipal Code and Code Enforcement regulates nuisances as defined in Title 8 of the Municipal Code. The City's regulations are consistent with that of other jurisdictions, however the City could take additional action if needed.

BACKGROUND:

The City Commission requested a work session to learn about the City's regulations for regulating abandoned buildings.

Oregon City Building Regulations

The sitewide building regulations of abandoned or dangerous buildings have decreased over time. The Oregon Structural Specialty Code was revised in 2000 removing a majority of the enforcement standards. In 2019, the Oregon Structural Specialty Code was revised again to explicitly state that the statewide building code does not apply to the abatement of nuisances and dangerous buildings. The code defines dangerous buildings as:

Any building, structure or portion thereof that meets any of the conditions described below shall be deemed dangerous:

- 1. The building or structure has collapsed, has partially collapsed, has moved off its foundation or lacks the necessary support of the ground.*

2. There exists a significant risk of collapse, detachment or dislodgment of any portion, member, appurtenance or ornamentation of the building or structure under service loads.

Municipalities are permitted to enact local ordinances for the abatement of nuisances and dangerous buildings outside of the statewide building code. The City Commission approved Ordinance 20-1001 authorizing the City Building Official to declare a building dangerous when any portion of the definition stated in OCMC 15.24.010 is determined to exist.

"Dangerous building," for the purpose of this chapter, means any building, structure or property, whether improved or unimproved, which has any of the conditions or defects described in this chapter shall constitute a "dangerous building," provided these conditions or defects exist to the extent that the health, safety or welfare of the public or occupants of the building in question are endangered:

- 1. Whenever any door, aisle, passageway, stairway, driveway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or other emergency necessitating evacuation;*
- 2. Whenever the walking surface of any aisle, passageway, stairway, driveway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or other emergency necessitating evacuation;*
- 3. Whenever the stress in any materials, member or portion thereof, due to all dead or live loads, is more than one-and-one-half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose and location;*
- 4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, whether natural or human, to the extent that the structural strength or stability is materially less than it was before the catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location;*
- 5. Whenever any portion, member or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse, and potentially injure persons or damage property;*
- 6. Whenever any portion, member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the building code for new buildings of similar structure, purpose*

- or location without exceeding the working stresses permitted in the building code for new buildings;*
- 7. Whenever any portion thereof has wracked, warped, buckled or settled to the extent that walls or other structural members have materially less resistance to winds or earthquakes than is required of similar new construction;*
 - 8. Whenever any portion, because of (a) dilapidation, deterioration or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary to the support of the building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse;*
 - 9. Whenever, for any reason, any portion thereof is manifestly unsafe for the purpose for which it is being used;*
 - 10. Whenever the exterior walls or other vertical structural members list, lean or buckle to the extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;*
 - 11. Whenever a building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings;*
 - 12. Whenever a building, structure or property has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, or criminals; or as to (c) enable persons to resort thereto for the purpose of committing unlawful acts;*
 - 13. Whenever a building, structure or property has been constructed, exists, is used, or is maintained in violation of any specific requirement, prohibition or permit condition applicable to the building provided by any provision of this code or state law;*
 - 14. Whenever a building or structure, whether or not erected in accordance with all applicable laws and ordinances, which has in any nonsupporting part, member or portion less than fifty percent, or in any supporting part, member or portion less than sixty-six percent of the (a) strength, (b) fire-resisting qualities or characteristics, or (c) weather-resisting qualities or characteristics required by law for newly constructed buildings of like area, height or occupancy in the same location;*
 - 15. Whenever a building, structure or property, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay,*

damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the building official to be unsanitary, unfit for human habitation or in a condition that is likely to cause sickness or disease;

- 16. Whenever a building, structure or property, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard;*
- 17. Whenever a building, structure or property is in a condition that constitutes a public nuisance known to the common law or equity jurisprudence;*
- 18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to qualify the building or portion thereof as an attractive nuisance or hazard to the public;*
- 19. Whenever a building, structure, property or portion thereof has been exposed to, comes into contact with, or otherwise is contaminated with any hazardous material or hazardous waste regulated under **Chapter 8.08**;*
- 20. Whenever a building, structure, property or portion thereof has been exposed to, comes into contact with, or otherwise is contaminated with untreated or inadequately treated sewage, sewage sludge, or septic tank, cesspool, or chemical toilet waste.*

Other jurisdictions have implemented steps similar to Oregon City. Clackamas County adopted standards which closely resemble ours and the City of Wilsonville adopted portions of the 2015 International Property Maintenance Code (IMPC) for their abatement of dangerous buildings. The City of Portland also adopted regulations on dangerous or derelict structures in Chapter 29.40 of their code <https://www.portland.gov/code/29/40>.

Since 2014 the Oregon City Building Division has posted a building as dangerous on 26 different occasions, averaging a total of three times per year.

Oregon City Code Enforcement Regulations

The nuisance portion of the Municipal Code does not specifically regulate abandoned or dangerous buildings. Rather, the City has authority in Title 8 of the Oregon City Municipal Code to look at the consequences of abandoned or dangerous buildings on the community. The Code Enforcement Department addresses noxious vegetation, graffiti, broken window/doors, solid waste, and abandoned vehicles.

What do Other Cities Do?

City of Happy Valley

The City of Happy Valley requires owners of abandoned residential property and vacant foreclosed residential property to register locally. The program requires yearly registration for a fee in order to encourage property owners to keep property uses active. The fee associated with registration increases each year for four years and sustains the fourth year fee for each year thereafter.

Application	Registration Fee	2nd Year Fee	3rd Year Fee	4th Year Fee
Residential	\$100	\$200	\$300	\$400
Multi-Family	\$250	\$350	\$450	\$550
Commercial	\$250	\$350	\$450	\$550
Industrial	\$250	\$350	\$450	\$550

Additional information may be found at

<https://www.happyvalleyor.gov/services/code-enforcement/frequently-asked-questions/>

Tool Box of Options

If the City would like to further regulate abandoned buildings to encourage their occupancy, removal, or improvement, there are a variety of tools which can be implemented.

- Fines/Registration of Abandoned Buildings
- Revise the Municipal Code to Require More Property Maintenance or Discourage Abandonment of Buildings
- Use of Urban Renewal or General City Funds to Purchase or Improve Properties
- Other Economic Development tools or programs to help incentivize properties which are not economically performing or functioning in a way the City Commission expects.

Any of the tools identified above will require further analysis upon implementation as well as an assessment of staff resources to ensure proper implementation.

Conclusion

The City of Oregon City regulates abandoned buildings as well as associated property maintenance such as noxious vegetation, graffiti, broken window/doors, solid waste, and abandoned vehicles. There is currently no data on exactly how many buildings within the City are currently vacant. It is recommended that the City Commission provide direction based on the extent to which abandoned buildings are problematic within the community. The City has a variety of options to further consider. If there is a specific structure or site of concern, the Building, Planning, Code Enforcement, and Economic Development departments can work together to identify potential solutions for the Commission.

OPTIONS:

1. Provide direction for further research.
2. Provide direction that no further research is needed.

Chapter 15.24 - DANGEROUS BUILDINGS

Item 2.

15.24.010 - Definitions.

For the purposes of this chapter:

"Building official" means the building official within the department of development services, or that person's designee, including but not limited to the fire chief and the code compliance officer.

"Dangerous building," for the purpose of this chapter, means any building, structure or property, whether improved or unimproved, which has any of the conditions or defects described in this chapter shall constitute a "dangerous building," provided these conditions or defects exist to the extent that the health, safety or welfare of the public or occupants of the building in question are endangered:

1. Whenever any door, aisle, passageway, stairway, driveway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or other emergency necessitating evacuation;
2. Whenever the walking surface of any aisle, passageway, stairway, driveway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or other emergency necessitating evacuation;
3. Whenever the stress in any materials, member or portion thereof, due to all dead or live loads, is more than one-and-one-half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose and location;
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, whether natural or human, to the extent that the structural strength or stability is materially less than it was before the catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location;
5. Whenever any portion, member or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse, and potentially injure persons or damage property;
6. Whenever any portion, member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for new buildings;
7. Whenever any portion thereof has wracked, warped, buckled or settled to the extent that walls or other structural members have materially less resistance to winds or earthquakes than is required of similar new construction;
8. Whenever any portion, because of (a) dilapidation, deterioration or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessa

to the support of the building; (d) the deterioration, decay or inadequacy of its foundation; (e) any other cause, is likely to partially or completely collapse;

9. Whenever, for any reason, any portion thereof is manifestly unsafe for the purpose for which it is being used;
10. Whenever the exterior walls or other vertical structural members list, lean or buckle to the extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;
11. Whenever a building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings;
12. Whenever a building, structure or property has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, or criminals; or as to (c) enable persons to resort thereto for the purpose of committing unlawful acts;
13. Whenever a building, structure or property has been constructed, exists, is used, or is maintained in violation of any specific requirement, prohibition or permit condition applicable to the building provided by any provision of this code or state law;
14. Whenever a building or structure, whether or not erected in accordance with all applicable laws and ordinances, which has in any nonsupporting part, member or portion less than fifty percent, or in any supporting part, member or portion less than sixty-six percent of the (a) strength, (b) fire-resisting qualities or characteristics, or (c) weather-resisting qualities or characteristics required by law for newly constructed buildings of like area, height or occupancy in the same location;
15. Whenever a building, structure or property, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the building official to be unsanitary, unfit for human habitation or in a condition that is likely to cause sickness or disease;
16. Whenever a building, structure or property, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard;
17. Whenever a building, structure or property is in a condition that constitutes a public nuisance known to the common law or equity jurisprudence;
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned

for a period in excess of six months so as to qualify the building or portion thereof as an attractive nuisance or hazard to the public;

19. Whenever a building, structure, property or portion thereof has been exposed to, comes into contact with, or otherwise is contaminated with any hazardous material or hazardous waste regulated under Chapter 8.08;
20. Whenever a building, structure, property or portion thereof has been exposed to, comes into contact with, or otherwise is contaminated with untreated or inadequately treated sewage, sewage sludge, or septic tank, cesspool, or chemical toilet waste.

(Prior code §4-3-1)

15.24.020 - Administration.

- A. Building Inspections. The building official is authorized to make inspections, take actions, and make interpretations of this chapter as may be required to enforce the provisions of this chapter.
- B. Right of Entry. Whenever necessary to make an inspection to enforce any provision of this code, or whenever the building official has reasonable cause to believe that any of the dangerous building conditions mentioned in Section 15.24.010 exist, the building official may enter the building, structure or property at all reasonable times to inspect the same or to carry out any provision of this chapter. If the building or premises is occupied, the building official shall first present proper credentials and request entry of the property owner or person in charge. If the building or premises are unoccupied, the building official shall first make a reasonable effort to locate the owner or person in charge of the building or premises and request entry. If entry is refused, or the owner or person in charge is unlocatable, the building official shall seek an appropriate warrant from municipal, district or circuit court authorizing entry.
- C. Posting of Property and Restriction of Access. The building official, upon a finding that a building, structure or property constitutes a dangerous building may post the property with notices as provided in this chapter. The building official may also delimit the area of danger and prohibit all persons from entering onto, occupying or inhabiting the dangerous building area. Violation by any person of such notice and access restriction shall constitute trespass, a misdemeanor offense under this Code.

(Prior code §4-3-2)

15.24.030 - Emergency enforcement.

Notwithstanding any other section of this chapter, the building official may seek a summary abatement order to enforce the provisions of this chapter, in accordance with Section 1.20.090.

(Prior code §4-3-4)

15.24.040 - Enforcement upon inspection.

All buildings, structures or properties, whether improved or unimproved, which are determined after inspection by the building official to be dangerous as defined in this chapter are declared to be public nuisances.

(Prior code §4-3-3 (part))

15.24.050 - Notice and posting of dangerous buildings.

Upon a declaration by the building official that a building, structure or property is dangerous, it shall be posted to reflect this determination. Notice shall include at least the following: that the building official, upon inspection, has determined the structure to be dangerous and a hazard to the public health, safety or welfare, that the property is not to be entered upon or occupied by anyone without specific authority of the building official, and that any person found to be occupying or otherwise upon the property without authority shall be subject to citation and fine for trespass.

(Prior code §4-3-3(A))

15.24.060 - Violation—Penalty.

Any person who shall knowingly cause, create, construct, maintain, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, occupy or otherwise use any dangerous building or cause or permit the same to be done in violation of this chapter shall be subject to the enforcement provisions of Chapters 1.16, 1.20 and 1.24.

(Ord. 99-1004 §26, 1999: prior code §4-3-3(B))



[Home](#) / [City Code](#) / [Title 29 Property Maintenance Regulations](#)

Chapter 29.40 Dangerous and Derelict Structures

City Code Chapter

[29.40.005 Generally.](#)

No property shall contain any dangerous structure or derelict building as described in this chapter. All such structures shall be repaired or demolished.

[29.40.010 Derelict Buildings.](#)

(Amended by Ordinance Nos. 176381 and 181699, effective April 25, 2008.)

A. A derelict building shall be considered to exist whenever any building, structure, or portion thereof which is unoccupied meets any of the following criteria or any residential structure which is at least 50% unoccupied meets any of the following two criteria:

1. Has been ordered vacated by the Director pursuant to Chapter 29.60;
2. Has been issued a correction notice by the Director pursuant to Section 29.60.050;
3. Is unsecured;
4. Is boarded;
5. Has been posted for violation of Chapter 29.20 more than once in any two year period; or
6. Has, while vacant, had a nuisance abated by the City pursuant to this Title.

B. Any property which has been declared by the Director to include a derelict building shall be considered in violation of this Title until:

1. The building has been lawfully occupied;
2. The building has been demolished and the lot cleared and graded under building permit, with final inspection and approval by the Director; or
3. The owner has demonstrated to the satisfaction of the Director that the property is free of all conditions and in compliance with all notices listed in the definition of a derelict building in this Section.

[29.40.020 Dangerous Structures.](#)

Any structure which has any or all of the following conditions or defects to the extent that life, health, property, or safety of the public or the structure's occupants are endangered, shall be deemed to be a dangerous structure and such condition or defects shall be abated pursuant to Sections 29.60.050 and 29.60.080 of this Title.

A. High loads. Whenever the stress in any materials, member, or portion of a structure, due to all dead and live loads, is more than 1-1/2 times the working stress or stresses allowed in the Oregon Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location.

B. Weakened or unstable structural members or appendages.

1. Whenever any portion of a structure has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability is materially less than it was before such catastrophe and is less than the minimum requirements of the Oregon State Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location; or
2. Whenever appendages including parapet walls, cornices, spires, towers, tanks, statuary, or other appendages or structural members which are supported by, attached to, or part of a building, and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the Oregon State Structural Specialty and Fire and Life Safety Code.

C. Buckled or leaning walls, structural members. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

D. Vulnerability to earthquakes, high winds.

1. Whenever any portion of a structure is wrecked, warped, buckled, or has settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction; or
2. Whenever any portion of a building, or any member, appurtenance, or ornamentation of the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Oregon Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the Oregon State Structural Specialty Code and Fire and Life Safety Code for such buildings.

E. Insufficient strength or fire resistance. Whenever any structure which, whether or not erected in accordance with all applicable laws and ordinances:

1. Has in any non-supporting part, member, or portion, less than 50 percent of the strength or the fire-resisting qualities or characteristics required by law for a newly constructed building of like area, height, and occupancy in the same location; or
2. Has in any supporting part, member, or portion less than 66 percent of the strength or the fire-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

This subsection does not apply to strength required to resist seismic loads. For application of seismic requirements see Chapter 24.85.

F. Risk of failure or collapse.

1. Whenever any portion or member of appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property; or
2. Whenever the structure, or any portion thereof, is likely to partially or completely collapse as a result of any cause, including but not limited to:
 - a. Dilapidation, deterioration, or decay;
 - b. Faulty construction;
 - c. The removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such structure; or

d. The deterioration, decay, or inadequacy of its foundation.

G. Excessive damage or deterioration. Whenever the structure exclusive of the foundation:

1. Shows 33 percent or more damage or deterioration of its supporting member or members;
2. 50 percent damage or deterioration of its non-supporting members; or
3. 50 percent damage or deterioration of its enclosing or outside wall coverings.

H. Demolition remnants on site. Whenever any portion of a structure, including unfilled excavations, remains on a site for more than 30 days after the demolition or destruction of the structure;

I. Lack of approved foundation. Whenever any portion of a structure, including unfilled excavations, remains on a site, including:

1. Where a structure is not placed on an approved foundation and no valid permit exists for a foundation for that structure: or
2. For more than 90 days after issuance of a permit for a foundation for a structure, where the structure is not placed on an approved foundation.

J. Fire hazard. Whenever any structure is a fire hazard as a result of any cause, including but not limited to: Dilapidated condition, deterioration, or damage; inadequate exits; lack of sufficient fire-resistive construction; or faulty electric wiring, gas connections, or heating apparatus.

K. Other hazards to health, safety, or public welfare.

1. Whenever, for any reason, the structure, or any portion thereof, is manifestly unsafe for the purpose for which it is lawfully constructed or currently is being used; or
2. Whenever a structure is structurally unsafe or is otherwise hazardous to human life, including but not limited to whenever a structure constitutes a hazard to health, safety, or public welfare by reason of inadequate maintenance, dilapidation, unsanitary conditions, obsolescence, fire hazard, disaster, damage, or abandonment.

L. Public nuisance.

1. Whenever any structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence; or
2. Whenever the structure has been so damaged by fire, wind, earthquake or flood or any other cause, or has become so dilapidated or deteriorated as to become:
 - a. An attractive nuisance, or
 - b. A harbor for vagrants or criminals.

M. Chronic dereliction. Whenever a derelict building, as defined in this Title, remains unoccupied for a period in excess of 6 months or period less than 6 months when the building or portion thereof constitutes an attractive nuisance or hazard to the public.

N. Violations of codes, laws. Whenever any structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such structure provided by the building regulations of this City, as specified in the Oregon State Structural Specialty Code and Fire and Life Safety Code or any law or ordinance of this State or City relating to the condition, location, or structure or buildings.

[29.40.030 Abatement of Dangerous Structures.](#)

Item 2.

All structures or portions thereof which are determined after inspection by the Director to be dangerous as defined in this Title are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified herein. If the Director determines that a structure is dangerous, as defined by this Title, the Director may commence proceedings to cause the repair, vacation, demolition, or warehousing of the structure.

Exhibit 1

City of Wilsonville Structural Specialty Code

I. Adoption of 2019 Oregon Structural Specialty Code

Except as amended herein, the City of Wilsonville (“City”) adopts the 2019 Oregon Structural Specialty Code, as adopted by Oregon Administrative Rules (OAR) 918-460-0010 through 918-460-0015, as part of the City’s Building Code. A copy of the 2019 Oregon Structural Specialty Code, as well as the provisions of the 2018 International Building Code and the 2018 International Property Maintenance Code referenced herein, shall be kept in the office of the Building Official of the City of Wilsonville.

II. Amendments to 2019 Oregon Structural Specialty Code

The City further adopts by reference the following provisions as part of the City’s Building Code.

1. **Section 101.2 Scope** - of the 2019 Oregon Structural Specialty Code, all items listed as 1 through 20 that are available for local regulation, except the following:
 - a. Delete: Item 1.
2. **Section 104.1 General** - of the 2019 Oregon Structural Specialty Code is amended as follows:
 - a. Waiver. The Building Official shall not have power to waive the Building Code.
3. **Section 105.2 Work Exempt from a Permit** - of the 2019 Oregon Structural Specialty Code is amended to add the following numbered revisions:
 - a. 11. Flag poles not over 30 feet in height.
 - b. 12. Fences not over 6 feet in height.
 - c. 13. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
 - d. 14. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.
 - e. 15. Signs: See Wilsonville Development Code Section 4.156 for work exempt from a permit.

4. **Section 112 Service Utilities** - of the 2019 Oregon Structural Specialty Code, along with the corresponding 2018 International Building Code Section.
5. **Section 116 Unsafe Structures or Equipment** - of the 2019 Oregon Structural Specialty Code, along with the corresponding 2018 International Building Code Section. For the purposes of clarifying and defining what are unsafe structures, unsafe equipment, or dangerous building conditions, the following sections of the 2018 International Property Maintenance Code are adopted:
 - a. Section 108.1.5, Dangerous Structure or Premises
 - b. Section 109, Emergency Measures
 - c. Chapter 2, Definitions
 - d. Sections 304.1.1, 305.1.1, 306.1.1, each titled Unsafe Conditions
6. **Section 901.1 Private Fire Hydrants and Private Fire Lines** - of the 2019 Oregon Structural Specialty Code, along with the corresponding 2018 International Building Code Section. Installations of fire department connections, including private fire service mains, shall conform to the 2019 NFPA 24 Standard for the Installation of Private Fire Service Mains and Their Appurtenances.
7. **Section 905 Standpipe Systems** - of the 2019 Oregon Structural Specialty Code, along with the corresponding 2018 International Building Code Section. Installations of standpipe systems shall conform to the 2019 NFPA 14 Standard for the Installation of Standpipe and Hose Systems.
8. **Section 906 Portable Fire Extinguishers** - of the 2019 Oregon Structural Specialty Code, along with the corresponding 2018 International Building Code Section.
9. **Section 912 Fire Department Connections** - of the 2019 Oregon Structural Specialty Code, along with the corresponding 2018 International Building Code Section. Installations of fire department connections, including private fire service mains, shall conform to the 2019 NFPA 24 Standard for the Installation of Private Fire Service Mains and Their Appurtenances.
10. **Chapter 31 Special Construction** - of the 2019 Oregon Structural Specialty Code, along with the corresponding 2018 International Building Code Sections.
11. **Chapter 32 Encroachments Into the Public Right of Way** - of the 2019 Oregon Structural Specialty Code, along with the corresponding 2018 International Building Code Sections.

Chapter 9.01

9.01 CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AND STRUCTURES

9.01.010 Purpose

- A. It is the purpose of this chapter to provide a just, equitable and practicable method, to be cumulative with addition to any other remedy provided by the Building Code, Housing Code or otherwise available by law. Whereby buildings or structures which from any cause endanger the life, limb, health, property, safety, or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.
- B. The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.
- C. The provisions of this chapter shall apply to all dangerous buildings and structures, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.020 Alterations, Additions and Repairs

- A. All buildings or structures, which are required to be repaired, under the provisions of this chapter, shall remain subject to all applicable provisions of law, including but not limited to the Oregon Specialty Code.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.030 Administration

- A. The building official and his or her authorized representatives are hereby delegated full authority to enforce the provisions of this chapter. The building official shall have the power to render interpretations of this chapter, to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this chapter.
- B. The Compliance Hearings Officer appointed pursuant to Chapter 2.07, has the authority and jurisdiction to conduct hearings to enforce the provisions of this chapter.
- C. The following Clackamas County employees are "Authorized Representatives" of the building official :
 - 1. The Deputy Building Codes Administrator;
 - 2. The Plan Review Supervisor; and
 - 3. The Structural/Mechanical Inspector Supervisor.

- D. Words, phrases, and provisions in this chapter shall be construed as specified herein or as specified in the Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language Unabridged; copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.
1. BUILDING CODE is the Clackamas County Building Code, as defined in Section 9.02.040.
 2. DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 9.01.100 of this chapter.
- [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.040 Inspections

The health officer, the building official, and their staff are hereby authorized to make any such inspections and take such actions as may be required to enforce the provisions of this chapter. Where provisions of the Oregon Fire Code may be at issue, the building office shall consult with a fire marshal prior to taking action under this chapter.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.050 Right of Entry

When the health officer, building official or the building official's authorized representative has reasonable suspicion to believe that there exists in a building or upon premises a condition which is contrary to or in violation of this chapter, that makes the building or premises unsafe, dangerous, or hazardous, the building official, the building official's authorized representatives, the health official and their staff may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such building or premises were occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.060 Abatement Of Dangerous Buildings

All buildings or portions thereof, which are determined after inspection or receipt of other verifiable information to be dangerous, as defined in this chapter, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Section 9.01.100 of this chapter. In addition to abatement as described herein, a dangerous building may be ordered to be vacated subject to the provisions of this chapter.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.070 Violations

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, or structure, cause or permit the same to be done in violation of this chapter or any provision of the Building Code.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.080 Inspection Of Work

All buildings or structures within the scope of this chapter and all construction or work for which a permit is required shall be subject to inspection by the building official or the building official's authorized representative in accordance with and in the manner provided by this chapter and of the Building Code.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.090 Code Compliance Hearings Officer

- A. As authorized by Section 9.01.030 (B) of this code, and subject to Chapter 2.07 of this code, the Code Compliance Hearings Officer shall conduct hearings and render decisions to enforce the provisions of this chapter.
- B. The Code Compliance Hearings Officer shall have no authority to interpret the administrative provisions of this chapter nor shall the Code Compliance Hearings Officer be empowered to waive requirements of this chapter.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.100 Dangerous Building or Structure

For the purpose of this chapter, any building, building system, or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building or structure, provided that such conditions or defects endanger the life, health, property or safety of its occupants or the public.

- A. Whenever a building or structure is determined to be structurally unsound or defective such that building collapse or other structural failure may occur or where such a structural condition exists that may be injurious to life, limb, or property.
- B. Whenever a required door, aisle, passageway, stair, or other exit component or system is blocked or otherwise rendered unusable or is otherwise in violation of any applicable code.
- C. Whenever a building or structure is being used or occupied contrary to the manner in which it was approved provided that such use creates a life or fire safety hazard, health hazard, or environmental hazard to the building occupants or adjacent property owners.

- D. Whenever a building or structure is effected by one or more health hazards including but not limited to inadequate plumbing and/or sanitation, inadequate light and/or ventilation, chemical hazard, toxins, or is otherwise determined to be unfit for human habitation or use.
 - E. Whenever, for any reason, a building or structure or a portion thereof is manifestly unsafe for the purpose for which it is being used.
 - F. Whenever a building contains a fire hazard as defined in the most current edition of the Oregon Fire Code that creates an immediate threat to life or fire safety.
 - G. Whenever any building system (electrical, plumbing, heating, ventilation, air conditioning or other permanently installed system) is determined to be unsafe or otherwise in violation of any applicable code or ordinance.
 - H. Whenever permanently installed equipment or machinery creates a structural, life or fire safety hazard, health or other hazard.
 - I. Whenever the accumulation of solid and/or putrescible waste creates a structural, life or fire safety, health or other hazard.
 - J. Whenever an environmental hazard exists that poses an immediate danger to the occupants of a building or where the continued use of a building will cause the environmental hazard to worsen.
 - K. Whenever an occupied building lacks an operational, potable water supply.
 - L. Whenever an occupied building lacks a functioning connection to public sewer or an approved and fully operational septic facilities.
 - M. Whenever any other condition exists that creates a significant structural, life or fire safety, health or other hazard that impacts the occupancy or continued use of buildings or structures. In such cases, the health officer or the building official shall cite the specific reason(s) that the building or structure has been determined to be unsafe.
- [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.110 Notices And Orders Of Building Official

When the building official or the building official's authorized representative has inspected, caused to be inspected, or received a sufficient amount of verifiable information about any building and has found and determined that such building is a dangerous building, the building official shall commence proceedings to cause the repair, vacation or demolition of the building.

- A. Notice and Order

The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

 - 1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
 - 2. A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 9.01.100 of this chapter.
 - 3. A statement of the action required to be taken as determined by the building official.

- a. If the building official has determined that the building or structure must be repaired, the order shall require that all required permits must be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.
 - b. If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.
 - c. If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.
4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official;
 - a. Will order the building vacated and posted to prevent further occupancy until the work is completed, and
 - b. May proceed to cause the work to be done and charge the costs thereof against the property or its owner.
5. Statements advising
 - a. that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the Code Compliance Hearings Officer, provided the appeal is made in writing as provided in this chapter and filed with the building official within 30 days from the date of service of such notice and order; and
 - b. That failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.
- B. Service of Notice and Order

The notice and order and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the building official or disclosed from official public records: The holder of any mortgage, or deed of trust or other legal interest holder; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.
- C. Method of Service

Service of the notice and order shall be made upon all persons entitled thereto

either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.120 Recordation Of Notice And Order

- A. Where the building official or an authorized representative has determined that a building or structure constitutes an immediate danger to the life, limb, property, or safety of the public, the building official may record with the County Clerk a certificate describing the property and certifying that:
 - 1. the building is a dangerous building; and
 - 2. the owner has been so notified.
- B. If the building or structure does not constitute an immediate danger to the life, limb, property, or safety of the public, and if the property owner does not obtain compliance with the order within the time specified therein, and no appeal has been properly and timely filed, the building official or an authorized representative may record with the County Clerk a certificate describing the property and certifying that:
 - 1. the building is a dangerous building; and
 - 2. the owner has been so notified.
- C. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.130 Repair, Vacation And Demolition

The following standards shall be followed by the building official (and by the Code Compliance Hearings Officer if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

- A. Any building declared a dangerous building under this chapter shall be made to comply with one of the following:
 - 1. The building shall be repaired in accordance with the Building Code or other current code applicable to the type of substandard conditions requiring repair; or
 - 2. The building shall be demolished at the option of the building owner; or

3. Where a building is not occupied and does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured, and maintained against entry in a manner acceptable to the building official. Where a building cannot adequately be secured and maintained against entry, the building official shall have discretion to disallow the securing of the building against entry as an option for resolution of the dangerous condition.
- B. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated and such a building shall remain vacated until such time as the building official or an authorized representative determines the building no longer poses an immediate threat. Upon issuance and posting of an order to vacate a dangerous building it shall be unlawful for anyone to enter or remain in the building without obtaining the prior written permission of the building official or an authorized representative. A person who enters or remains in a duly ordered and posted dangerous building is subject to arrest, criminal prosecution, and any other remedy available at law.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.140 Order To Vacate

- A. Posting. Every order to vacate shall, in addition to being served as provided in Section 9.01.110, be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY
It is a misdemeanor to occupy this building,
Or to remove or deface this notice.
Building Official
..... of

- B. Compliance. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued under Section 9.01.110, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant the provisions of the Building Code.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.150 Appeal

- A. Any person entitled to service under Section 9.01.110 may appeal from any notice and order or any action of the building official under this chapter by filing at the office of the building official a written appeal containing:
 1. A heading in the words: "Before the Code Compliance Hearings Officer

- of Clackamas County
 2. The of”
 3. A caption reading: “Appeal of,” giving the names of all appellants participating in the appeal.
 4. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
 5. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
 6. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed modified or otherwise set aside.
 7. The signatures of all parties named as appellants and their official mailing addresses.
 8. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
- B. The appeal shall be filed within 30 days from the date of the service of such order or action of the building official.
- C. As soon as practicable after receiving the written appeal, the Code Compliance Hearings Officer shall fix a date time and place for the hearing of the appeal by the board. Such date shall not be less than 15 days and not for more than 60 days from the date the appeal was filed with the building official. Written notice of the time and place of the hearing shall be provided in the manner set forth in Section 2.07.050.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.160 Effect Of Failure To Appeal

Failure of any person to file an appeal in accordance with the provisions of Section 9.01.150 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

[Codified by Ord. 05-2000, 7/13/00]

9.01.170 Scope Of Hearing On Appeal

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

[Codified by Ord. 05-2000, 7/13/00]

9.01.180 Staying Of Order Under Appeal

Except for vacation orders made pursuant to Section 9.01.140, enforcement of any notice and order of the building official issued under this chapter shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.190 Hearing, Conduct of Hearing, and the Form of Decision on Appeal

The notice of hearing, the conduct of the hearing and the form of decision shall be provided in the manner set forth in Section 2.07.050-2.01.100.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.200 Compliance

After any order of the building official or the Code Compliance Hearings Officer made pursuant to this chapter becomes final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order.

- A. Failure to Obey Order to Vacate. Any person who fails to comply with an order to vacate a dangerous building is subject to arrest and criminal prosecution, as well as fines, fees, and civil penalties permitted by law.
- B. Failure to Obey Order to Repair or Demolish Building. Whenever effective person fails to comply with an order to repair or demolish a dangerous building the building official may:
 - 1. order the building to be vacated, and 2. in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this chapter. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.210 Extension Of Time To Perform Work

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the building official may grant extensions of time, in increments of 60 additional days, within which to complete said repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.220 Interference With Repair Or Demolition Work Prohibited

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished

under the provisions of this chapter; or with any person to whom such building has been lawfully sold pursuant to the provisions of this chapter, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this chapter, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this chapter.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.230 Performance Of Work Of Repair Or Demolition

When any work of repair or demolition is to be done pursuant to Section 9.01.200, of this chapter, the building official shall issue an order therefor to the director of the Department of Transportation and Development and the work shall be accomplished by personnel of this jurisdiction or by private contract under the direction of said director. Plans and specifications therefor may be prepared by said director, or the director may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.240 Repair And Demolition Fund

The Board of County Commissioners hereby creates a Repair and Demolition fund to be used for the purpose of repairing, demolishing, and taking steps to mitigate dangerous buildings that pose an immediate threat to the health and safety of the occupants or the public. Expenditures from the fund may be made by the County Building Official, upon advising the Department Director.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.250 Recovery Of Cost Of Repair Or Demolition

The director of the Department of Transportation or his or her designee shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of Section 9.01.240, of this chapter. Upon the completion of the work of repair or demolition, said director shall prepare and record with the clerk of this jurisdiction a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 9.01.110. Thereafter the Building Official shall make all reasonable efforts to recover the amounts spent and costs of said work shall become a lien on the property and a debt for which the record owner(s) and interest holders are personally liable until paid in full. Said lien shall be enforceable in any manner provided by law.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

9.01.260 Remedies not Exclusive

None of the remedies described in this chapter are exclusive and the County may pursue any other remedies available to it including, but not limited to, commencing a civil action in a court of competent jurisdiction.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 11-2015, 12/17/15]

Section 9.01.270 [Repealed by Ord. 11-2015, 12/17/15]

Section 9.01.280 [Repealed by Ord. 11-2015, 12/17/15]

Section 9.01.290 [Repealed by Ord. 11-2015, 12/17/15]

Section 9.01.300 [Repealed by Ord. 11-2015, 12/17/15]

Section 9.01.310 [Repealed by Ord. 11-2015, 12/17/15]

Section 9.01.320 [Repealed by Ord. 11-2015, 12/17/15]

Section 9.01.330 [Repealed by Ord. 11-2015, 12/17/15]

Section 9.01.340 [Repealed by Ord. 11-2015, 12/17/15]

Section 9.01.350 [Repealed by Ord. 11-2015, 12/17/15]

Section 9.01.360 [Repealed by Ord. 11-2015, 12/17/15]

Section 9.01.370 [Repealed by Ord. 11-2015, 12/17/15]

Section 9.01.380 [Repealed by Ord. 11-2015, 12/17/15]

Section 9.01.390 [Repealed by Ord. 11-2015, 12/17/15]

Section 9.01.400 [Repealed by Ord. 11-2015, 12/17/15]

Oregon City Internal Homeless Strategy

Oregon City Commission Goal 4.1

The purpose of this goal is to define the strategies the City of Oregon City will adopt in addressing the issues related to homelessness in the community.

Disclaimers:

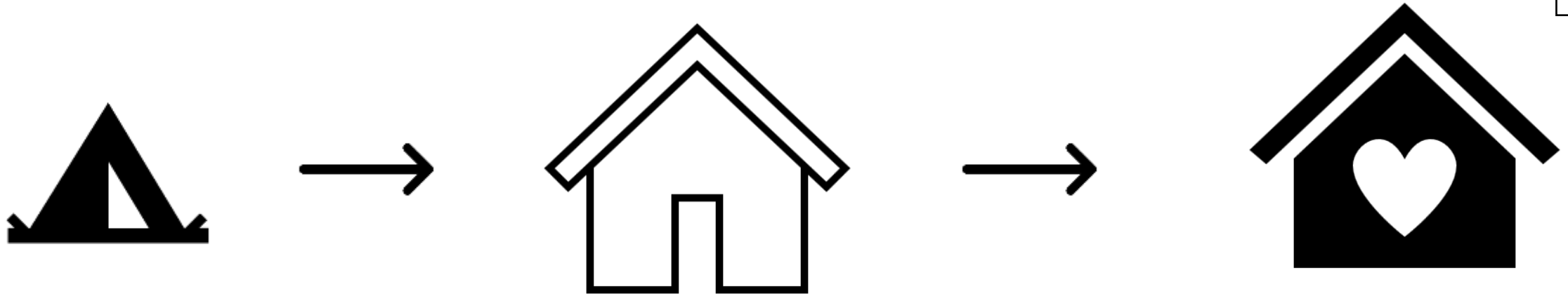
- We are not going to end homelessness. While that would be a fantastic goal, it is not realistic.
- What we see in Oregon City is part of a regional problem, the population changes daily.
- People living homeless are as diverse as any other group.
- We do not discriminate against people because they are homeless. When responding to the community, we focus on behaviors.
- We are not experts. Our perspective has come through experience working at the street level with the homeless population daily, since 2013.
- Most people we encounter on the street every day are unwilling to take services and housing. It takes a village.

Community Strategies: How the City of Oregon City has responded to concerns from the *community* regarding homeless people.

- Homeless Outreach Officer response to address problems in neighborhoods and businesses.
- Behavioral Health Specialist: resource to City facilities, the business community, and neighborhoods.
- Camp and trash cleanups: we have done this with code enforcement staff and hired vendors.
- Coordination with stakeholders in strategic problem-solving: ODOT, METRO, Clackamas County, Father's Heart, LEAD, etc.
- Code update to address the codification of the Boise and Grants Pass cases.
- Arta Potty Program has been discontinued.

Homeless Community Members: How we serve and assist *members of our community that are homeless.*

- **Housing:** Homeless outreach officer does ongoing work with people who need housing and want services. Anecdotally, over 80% of the people we contact refuse services. Some are not ready and some simply do not want it. Most of the successes in transition to housing come after ongoing work over months and even years.
- **Behavioral Health:** Outreach officer and behavioral health specialist do a significant amount of casework with people who need behavioral health intervention. Some success stories have taken more than 18 months to get a successful resolution.
- **LEAD Partnership:** Law Enforcement Assisted Diversion. This program is in cooperation with the Clackamas County District Attorney's Office and Central City Concern. This program diverts court cases from the criminal system toward providing services that better address root causes. The accountability provided through this program helps homeless people get out of homelessness.
- **Consulting:** Kevin Dahlgren; resource for shelters and other services. (Bybee Lakes Hope Center, women's shelter).



- **Short-term/Temporary:** Up to 6 months. First step from homeless.
- Ongoing client support from members of LEAD
 - Accountability
 - Preparation for long-term
- Currently in hotel rooms paid by FEMA money that is going away
- Cost per bed about \$40k annually (\$110/night)

- **Permanent Housing:**
 - Rapid Re-Housing (RRH) or short-term rent assistance
 - For cases with lower barriers to rehousing
 - Long-term rent assistance
 - Permanent Supportive Housing (PSH)
 - For more challenging cases
- Most successful after preparation by caseworkers during short term.
- This is the target of County Commission for Metro Supportive Housing Services Bond (SHS)

Opportunities?

- Temporary housing:
 - Build short-term beds/housing?
 - Lobby County Commission regarding importance of short-term strategies (Metro SHS Bond Money)
 - Fund caseworker position or portion of a position
 - LEAD caseworker (client)
 - Father's Heart (housing)
- Public restrooms?
- Father's Heart relocation assistance?
- Other ideas?

Questions?



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission
From: Public Works Director John M. Lewis, PE

Agenda Date: 10/12/2021

SUBJECT:

Oregon City Sidewalk Replacement Assistance Program

STAFF RECOMMENDATION:

This is the second opportunity to bring forth a City Commission Work Session discussion pertaining to the Sidewalk Replacement Assistance Program which is a newly proposed program intended to help the City and its citizenry address sidewalk damage resulting from street tree roots. This report will bring up to date the program changes, sharing changed program language and clarifying City Commission feedback received at the August 10, 2021, Work Session.

EXECUTIVE SUMMARY:

Like most agencies, the Oregon City Municipal Code identifies the property owner as the responsible party for abutting sidewalk repairs and replacement. Though trees provide benefits such as stormwater retention, wildlife habitat, and reduced energy consumption, street trees often cause damage to abutting sidewalks. Street trees have caused significant damage in neighborhoods across the city, although it was the Wasco Acres, Trailview, and Tracey Heights subdivisions enforcement letter that stirred our most recent discussion and resulted in this proposal for a new Sidewalk Replacement Assistance Program. At the May 25, 2021, City Commission meeting, the City Commission asked staff to address the neighborhood concerns with background and recommendations moving forward. August 10, 2021, was the first policy discussion on a proposed program. This report is accompanied by an updated DRAFT Sidewalk Replacement Assistance Program and will be considered for additional policy guidance.

BACKGROUND:

Like most agencies, the Oregon City Municipal Code identifies the abutting property owner as the responsible party for sidewalk repairs and maintenance of abutting street trees. Though trees provide benefits, they can cause damage to abutting sidewalks. Street trees have caused significant damage along many sidewalks, and thus the City Commission has been considering a strategy for dealing with the damaged sidewalks

and associated street tree problems. The City Commission specifically requested that staff return with a sidewalk assistance program. On August 10, 2021, City Commission provided additional direction as well as a request that the topic be brought back for further consideration.

Recognizing that street trees are the “root” of the problem, this staff report continues to focus on the sidewalk repair element, recognizing that allocation of limited public funding on sidewalk repairs should be done in conjunction with adjustments incorporating the latest street tree best management practices. However, this discussion remains mostly focused on the Oregon City Sidewalk Replacement Assistance Program.

Some property owners have been proactive in addressing the trip hazard concerns, while others have not. The City Commission has and continues to consider a range of interests and concerns. It is important for the community to recognize that the City Code as written today assigns sidewalk liability directly to the adjacent property owner. This program, as proposed, would not change that. However, the program as proposed would provide financial assistance in the form of a onetime reimbursement for a portion of the cost to replace sidewalks damaged by street tree roots.

In consideration of establishing a new program, the City Commission provided direction on several policy issues associated with the Oregon City Sidewalk Replacement Assistance Program. Using this direction, staff has modified the draft program language as well as included language for further consideration related to the grant unit rate and single applicant grant maximum. The DRAFT Oregon City Sidewalk Replacement Assistance Program is attached for reference with and without redlines.

At the October 12, 2021, City Commission meeting, staff will provide the City Commission with a presentation including background, review what was heard in August and review how those points were addressed, and then open the topic up for any final direction so that staff can finalize the implementation pieces and get the program adopted.

OPTIONS:

1. Direct staff to proceed with the program as written.
2. Direct staff to proceed with the program with modifications.
3. Continue the matter to a future work session to address concerns beyond what the City Commission feels can be addressed as straight forward modifications.
4. Maintain the status quo as it pertains to sidewalk/street code and do not take further action.

Oregon City Sidewalk Replacement Assistance

TEST Program

OVERVIEW

The goal of the Oregon City Sidewalk Replacement Assistance TEST Program is to address sidewalk panels that have been lifted by street trees, to prevent the associated sidewalk trip hazards in a timely manner, and to assist property owners with the related replacement costs.

Emphasis on Pedestrian Travel

The City's Transportation System Plan (TSP) provides a long-term guide for City Transportation investments. With the growing need to address vehicle congestion, the City has been imposing standards and requirements that placed construction of sidewalks and pedestrian ways on all new development since the 1970's. In 2013, the TSP provided solutions for dealing with congestion by taking a multimodal network approach to enable more cost-effective solutions to increase transportation capacity and encourage multiple travel options. Oregon City Streets include 158 miles of sidewalks and over 2,600 curb ramps. Safe and accessible pedestrian ways is a major part of the City's overall transportation vision. Supporting property owner needs in maintaining the existing infrastructure is a critical element to maintain safe pedestrian access.

Program Summarizing Facts

- **Program Annual Budget:** This Sidewalk Replacement Assistance Program is a test program developed amid a two year (2022-2023) biennial budget. The City's anticipated revenue over the two-year budget includes over \$7 million, made up mostly from gas tax and vehicle registration fee revenues, plus an additional \$5.7 million in pavement maintenance fee revenues. All rolled up together with beginning fund balances and other lesser funding revenue line items, the 2022-23 Transportation Fund Budget includes \$17.8 million in total resources.

In contrast, the capital outlay over the two-year biennium is nearly 9 million. With little certainty about how much expenditure this test program will utilize, rather than institute a new budget line item or cutting funding from other projects, this test program will be absorbed within the Transportation Fund budget. In an effort to place some boundaries on the program spending, expenditures will be monitored with a City Commission endorsement of a program expenditure of up to \$200,000 during the first 12 months of the test. Should the test program exceed the \$200,000 allocation, then staff will bring before the City Commission an update and request for additional funding and budget authorization. Otherwise, the test program one year anniversary will be the

next program check in to determine how the program is going and how the funding allocation is meeting the program needs.

BACKGROUND

Industry Practice and Responsibility for Sidewalks

According to the U.S. Department of Transportation Federal Highway Administration (FHWA), city charters commonly specify that the city is not liable for any accidents or injuries incurred due to sidewalk conditions. Most Oregon charters assign complete responsibility for sidewalk maintenance to the owner of the adjacent property.

Pursuant to the Oregon City Municipal Code 12.04.030-12.04. 040, the City assigns sidewalk responsibility to abutting property owners. This assistance test program is in no way intended to relieve property owners of their responsibilities, but rather it is intended to assist property owners with the cost of replacing damaged sidewalks.

Compliance History

Oregon City has a long history of working with property owners to uphold the sidewalk code. In the past, enforcement of trip hazards in Oregon City has been a complaint-driven process rather than an assistance program. Many property owners take the initiative to repair sidewalks before a complaint is submitted, while others wait until the sidewalk damage is reported by others. In review of our sidewalk damage tracking records (July 2018 through May 2021), 190 records exist. Of the 190 records, 132 are recorded as having completed their repairs.

Individual sidewalk enforcement and repair efforts have varied depending on the property owner and the disposition of the area. Often sidewalk complaints are limited to one address. In other cases, an areawide problem is reported. Regardless of the complaint, the sidewalk problem is verified, and the fronting property owner is notified of the City's code and requirements for replacement.

Trees and Tree Impacts on Sidewalks

Oregon City recognizes that the maintenance and repair of sidewalks within the city is necessary to protect the health, safety, and welfare of residents and visitors. This program is being developed in recognition of the inherent conflict between tree roots and sidewalks, and the accompanying financial burden these public policies place upon homeowners.

ELIGIBILITY

1. Applications for the Sidewalk Replacement Assistance TEST Program will only be accepted for properties with fronting sidewalks where the street tree(s) has lifted or is negatively impacting the sidewalk grade.
2. Applications will only be accepted for sidewalks along public streets.
3. Applicants may only apply for one grant (may include multiple sidewalk replacements) for one property in a calendar year.
4. Should program funds become limited and inadequate to cover the overall program demands, first-time applicants will be given priority over previous applicants.
5. Applications must be received and approved by the City before the sidewalk work begins.
6. Applications for sidewalk replacement cost reimbursements that are retroactive to the enactment of this TEST Program will be considered for sidewalk replacements that were permitted by the City and determined in compliance with sidewalk standards for any sidewalk replacement permit issued in calendar year 2018, 2019, 2020, or 2021.
7. Applicants must sign the application form including a statement that they are able to pay for the work out of pocket as the Sidewalk Replacement Assistance TEST Program is an assistance program created as a cost reimbursement to the applicant.

Work completed under the Sidewalk Replacement Assistance TEST Program must be completed within 120 days of application approval. If this deadline is not able to be met, applicant may apply for a one-time 30-day extension. Applicant must contact the City at least 14 days prior to the work deadline if an extension is necessary.

PROCEDURES

Use of Funds

1. Grant funds must be used for the replacement of existing sidewalk sections **that have been damaged by the growth of street tree roots or street tree trunk.**
2. Grant funds are only eligible for sidewalk removal and replacement displaced or damaged by the growth of the street tree; adjacent sidewalk replacement not displaced or damaged by the street tree will not be considered a reimbursable expense.
3. Grant funds can be applied to costs associated with the street tree damaged sidewalk such as safe work zones, creation of temporary pedestrian routes, traffic control, permitting, demo, disposal, root removal, subgrade preparation, forming, pouring, and finishing sidewalk, protection from adverse weather and security of the finished sidewalk.
4. Grant funds can be used for applicant costs incurred for sidewalk replacement work associated with permitted sidewalk replacements that have been deemed complete and

compliant with City standards but that were completed during the 2018, 2019, 2020, and 2021 calendar years.

5. Grant funds are only eligible for the applicant who owned the home or applied for the grant at the time of the replacements and can provide proof of expenses.
6. Grants that incorporate multiple sidewalk replacement areas (grouped permit) are encouraged.

Eligibility for a Grant

1. Applicants are responsible for obtaining and complying with the conditions of the City's Sidewalk/ROW permit for jobs that require sidewalk replacement.
2. To be eligible, applicants must first submit a complete and signed permit application.
3. Applications submitted by applicants not self-performing the sidewalk replacement work should include at least one price quote from a qualified contractor to complete the work; self-performed work should include a materials quantity and cost estimate.
4. Competitive bids help applicants choose the most rational way to proceed and help the City ascertain industry cost trends for the program; however, competitive bids are not required.
5. Work not self-performed must include a quote from an Oregon licensed contractor who is also maintaining a current Oregon City or Metro business license.
6. The maximum grant reimbursement will follow the program summarizing facts section listed below.
7. For jobs where sidewalk replacement is not the preferred treatment, such as grinding or patching, no grant reimbursement will be provided.
8. All grant awards and reimbursements will be made on a first-come, first-served basis, subject to the availability of funds as allocated and approved by the City Commission. Once the program budgeted amount has been expended, no further applications will be approved without further spending authority provided by the City Commission.

Note: The lack of sufficient funds to cover the number of applications received by the City in any given year will not excuse the homeowner from the responsibility of maintaining the adjoining sidewalk in a safe condition nor create any liability to the City for any unsafe sidewalks.

STANDARDS

Priorities

The following priority levels are used for scheduling of replacements for street tree-lifted sidewalk panel replacement assistance:

1. Locations where a pedestrian has tripped due to the tree-lifted sidewalk panel and documented the trip with an injury report are top priority for action.

2. Tree-lifted sidewalk defects that are considered sidewalk trip hazards and are located within a high-volume pedestrian area are second priority.
 - a. Locations within 300 feet of a Transit Corridor
 - b. Locations designated in the TSP as a pedestrian priority corridor including Walking Solution Routes, Family Friendly Routes, and Shared Use Paths
 - c. Locations designated through land use planning as a pedestrian generator including the following: Downtown Economic Improvement District, Regional Center, and the Enterprise Zone areas.
3. Tree-lifted sidewalk panels where the original frontage improvement was built with planter strips less than 4 feet wide are third priority.
4. Tree-lifted sidewalk defects that are considered sidewalk trip hazards and are not located within a high-volume pedestrian area will be prioritized based on the severity of the trip hazard.

FUNDING ASSISTANCE

Grant Rates

- Annual Sidewalk Replacement Assistance Program Grant Award **unit rates**:
 - Single location permit (3 or less locations) - **rate per each** replacement = \$1,200
 - Group location permit (4 or more locations)- **rate per each** replacement = \$900
- Annual Sidewalk Replacement Assistance Program **Single Applicant Maximum Award**:
 - 3 or less locations = \$3,600
 - 5 or more locations \$4,500

Note: While group permits are not limited in the number of replacements per permit, nor limited by replacements per property owner, no single property owner would qualify for funding greater than the single applicant maximum of 5 or more locations (\$4,500).

Exclusions

Items not reimbursable under the City of Oregon City Sidewalk Replacement Assistance TEST Program include the following:

1. Reimbursable funds may only be used for the replacement of existing sidewalk panels that have been damaged by the roots of street trees. **Tree removal and replacement assistance may be available through a separate program administered under the Oregon City Street Tree Assistance Program.**
2. Work performed without prior City authorization as described under Procedures.
3. Work not completed in compliance with the City's standard requirements for construction.
4. Short-term repair work including sidewalk grinding or patching.
5. Extended root removal or property damages onto private property.

6. Adjacent concrete repair beyond the original sidewalk width.
7. Adjacent concrete panels beyond the tree-lifted panels.
8. Landscape restoration, repairs, or extra cosmetics (shrubs, rocks).
9. Broken, damaged, or new sprinkler or irrigation systems.
10. Any other unusual items will be addressed on an individual basis.

Procedures

Step 1 Before proceeding, the property owner/applicant reviews the Oregon City Sidewalk Replacement Assistance TEST Program webpage and completes the program understanding worksheet.

Step 2 Before the work begins, property-owner submits application form along with support documentation.

Submit Application Online

OR

Print Application Packet, application may be emailed to OC4@orccity.org or mail to Oregon City Permitting at 13895 Fir Street, Oregon City, Oregon 97045

Step 3 City confirms reimbursement eligibility and approves application.

Upon verification that the sidewalk has been damaged by the roots of protected trees, the Sidewalk Replacement Reimbursement Application may be approved. The applicant will be notified that the work is eligible to receive funds and that their work permit is ready for applicant signature.

Step 4 Work begins.

With approved permit in hand, the work must then be completed within 120 days. If the work is unable to be completed within the 120 days due to unforeseen circumstances, the applicant may request a one-time 30-day extension. Applicant must contact the City for an extension prior to permit expiration.

Step 5 Work is completed. Property owner pays contractor and then submits reimbursement request with project documentation which at a minimum must include a final invoice from the contractor.

After the work has been completed, the homeowner must submit the actual invoice from the contractor along with a signed Sidewalk Replacement Reimbursement Request form. Upon approval by the City, the grant funds will be disbursed.

Oregon City Sidewalk ~~Repair~~Replacement Assistance

TEST Program

OVERVIEW

The goal of the Oregon City Sidewalk ~~Repair~~Replacement Assistance TEST Program is to address sidewalk panels that have been lifted by street trees, to prevent the associated sidewalk trip hazards in a timely manner, and to assist property owners with the related ~~repair~~replacement costs.

Emphasis on Pedestrian Travel

The City's ~~Transportations~~Transportation System Plan (TSP) provides a long-term guide for City Transportation investments. With the growing need to address vehicle congestion, the City has been imposing standards and requirements that placed construction of sidewalks and pedestrian ways on all new development since the 1970's. In 2013, the TSP provided solutions for dealing with congestion by taking a multimodal network approach to enable more cost-effective solutions to increase transportation capacity and encourage multiple travel options. Oregon City Streets include 158 miles of sidewalks and over 2,600 curb ramps. Safe and accessible pedestrian ways is a major part of the City's overall transportation vision. Supporting property owner needs in maintaining the existing infrastructure is a critical element to maintain safe pedestrian access.

Program Summarizing Facts

- ~~Program Annual Budget:~~ Program Annual Budget: This Sidewalk Replacement Assistance Program is a test program developed amid a two year (2022-2023) biennial budget. The City's anticipated revenue over the two-year budget includes over \$7 million, made up mostly from gas tax and vehicle registration fee revenues, plus an additional \$5.7 million in pavement maintenance fee revenues. All rolled up together with beginning fund balances and other lesser funding revenue line items, the 2022-23 Transportation Fund Budget includes \$17.8 million in total resources.

In contrast, the capital outlay over the two-year biennium is nearly 9 million. With little certainty about how much expenditure this test program will utilize, rather than institute a new budget line item or cutting funding from other projects, this test program will be absorbed within the Transportation Fund budget. In an effort to place some boundaries on the program spending, expenditures will be monitored with a City Commission endorsement of a program expenditure of up to \$200,000 during the first 12 months of the test. Should the test program exceed the \$200,000 allocation, then

staff will bring before the City Commission an update and request for additional funding and budget authorization. Otherwise, the test program one year anniversary will be the next program check in to determine how the program is going and how the funding allocation is meeting the program needs.

- ~~Annual Program Maximum Grant Award:~~ _____

BACKGROUND

Industry Practice and Responsibility for Sidewalks

According to the U.S. Department of Transportation, Federal Highway Administration (FHWA), city charters commonly specify that the city is not liable for any accidents or injuries incurred due to sidewalk conditions. Most Oregon charters assign complete responsibility for sidewalk maintenance to the owner of the adjacent property.

Pursuant to the Oregon City Municipal Code 12.04.030-12.04. 040, the City assigns sidewalk responsibility to abutting property owners. This assistance test program is in no way intended to relieve property owners of their responsibilities, but rather it is intended to assist property owners with the cost of ~~repairing or~~ replacing damaged sidewalks.

Compliance History

Oregon City has a long history of working with property owners to uphold the sidewalk code. In the past, enforcement of trip hazards in Oregon City has been a complaint-driven process rather than an assistance program. Many property owners take the initiative to repair sidewalks before a complaint is submitted, while others wait until the sidewalk damage is reported by others. In review of our sidewalk damage tracking records (July 2018 through May 2021), 190 records exist. Of the 190 records, 132 are recorded as having completed their repairs.

Individual sidewalk enforcement and repair efforts have varied depending on the property owner and the disposition of the area. Often sidewalk complaints are limited to one address. In other cases, an areawide problem is reported. Regardless of the complaint, the sidewalk problem is ~~validated~~ verified, and the fronting property owner is notified of the City's code and requirements for ~~repair~~ replacement.

Trees and Tree Impacts on Sidewalks

Oregon City recognizes that the maintenance and repair of sidewalks within the city is necessary to protect the health, safety, and welfare of residents and visitors. This program is being developed in recognition of the inherent conflict between tree roots and sidewalks, and the accompanying financial burden these public policies place upon homeowners.

ELIGIBILITY

1. Applications for the Sidewalk Replacement Assistance TEST Program will only be accepted for ~~single-family homes, duplexes, or townhouses in Residential or Multiple Use zones.~~ properties with fronting sidewalks where the street tree(s) ~~either~~ has lifted or is ~~beginning to show signs of~~ negatively impacting the sidewalk grade.
2. Applications will only be accepted for sidewalks along public streets.
3. Applicants may only apply for one grant (may include multiple sidewalk ~~repairs~~ replacements) for one property in a calendar year.
4. ~~First~~ Should program funds become limited and inadequate to cover the overall program demands, first-time applicants will be given priority over previous applicants.
5. Applications must be received and approved by the City before the sidewalk work begins. ~~Retroactive applications will not be accepted.~~
6. ~~Program is only available for use with residential properties.~~
6. Applications for sidewalk replacement cost reimbursements that are retroactive to the enactment of this TEST Program will be considered for sidewalk replacements that were permitted by the City and determined in compliance with sidewalk standards for any sidewalk replacement permit issued in calendar year 2018, 2019, 2020, or 2021. .
7. Applicants must sign the application form including a statement that they are able to pay for the work out of pocket as the Sidewalk Replacement Assistance TEST Program is an assistance program created as a cost reimbursement to the applicant.

Work completed under the Sidewalk Replacement Assistance TEST Program must be completed within ~~90~~ 120 days of application approval. If this deadline is not able to be met, applicant may apply for a one-time 30-day extension. Applicant must contact the City at least 14 days prior to the work deadline if an extension is necessary.

PROCEDURES

Use of Funds

1. Grant funds must be used for the ~~repair or~~ replacement of existing ~~sidewalks~~ sidewalk sections **that have been damaged by the** ~~roots~~ growth of street ~~trees~~ tree roots or street tree trunk.
2. Grant funds are only eligible for sidewalk removal and replacement displaced or damaged by the growth of the street tree; adjacent sidewalk replacement not displaced or damaged by the street tree will not be considered a reimbursable expense.
3. Grant funds can be applied to costs associated with the street tree damaged sidewalk such as safe work zones, creation of temporary pedestrian routes, traffic control, permitting, demo, disposal, root removal, subgrade preparation, forming, pouring, and

finishing sidewalk, protection from adverse weather and security of the finished sidewalk.

4. Grant funds can be used for applicant costs incurred for sidewalk replacement work associated with permitted sidewalk replacements that have been deemed complete and compliant with City standards but that were completed during the 2018, 2019, 2020, and 2021 calendar years.
5. Grant funds are only eligible for the applicant who owned the home or applied for the grant at the time of the replacements and can provide proof of expenses.
6. Grants that incorporate multiple sidewalk replacement areas (grouped permit) are encouraged.

Eligibility for a Grant

1. Applicants are responsible for obtaining and complying with the conditions of the City's Sidewalk/ROW permit for jobs that require sidewalk replacement.
2. To access grant funds, homeowners be eligible, applicants must obtain three first submit a complete and signed permit application.
3. Applications submitted by applicants not self-performing the sidewalk replacement work should include at least one price quote from a qualified contractor to complete the work; self-performed work should include a materials quantity and cost estimate.
- 2-4. Competitive bids help applicants choose the most rational way to proceed and help the City ascertain industry cost trends for the program; however, competitive bids for jobs that require a permit are not required.
- 3-5. Competitive bids Work not self-performed must come from contractors with a contractor's license in good standing and the successful low bidder must obtain or have include a quote from an Oregon licensed contractor who is also maintaining a current Oregon City or Metro business license.
- 4-6. The maximum grant reimbursement will be % of the lowest bid or % of the actual invoiced amount, whichever is less, regardless of who the homeowner chooses for the work, subject to a cap of \$ per application follow the program summarizing facts section listed below.
- 5-7. For jobs where no permits are required sidewalk replacement is not the preferred treatment, such as grinding or patching, the maximum no grant reimbursement will be % of the invoiced cost, subject to a cap of \$ provided.
- 6-8. All grant awards and reimbursements will be made on a first-come, first-served basis, subject to the availability of funds in the as allocated and approved by the City budget Commission. Once the program budgeted amount has been expended, no further applications will be approved without further spending authority provided by the City Commission.

Note: The lack of sufficient funds to cover the number of applications received by the City in any given year will not excuse the homeowner from the responsibility of maintaining

the adjoining sidewalk in a safe condition nor create any liability to the City for any unsafe sidewalks.

STANDARDS

Priorities

The following priority levels are used for scheduling of ~~repairs~~replacements for street tree-lifted sidewalk panel ~~repair~~replacement assistance:

1. Locations where a pedestrian has tripped due to the tree-lifted sidewalk panel and documented the trip with an injury report are top priority for action.
2. Tree-lifted sidewalk defects that are considered sidewalk trip hazards and are located within a high-volume pedestrian area are second priority.
 - a. Locations within 300 feet of a Transit Corridor
 - b. Locations designated in the TSP as a pedestrian priority corridor including Walking Solution Routes, Family Friendly Routes, and Shared Use Paths
 - c. Locations designated through land use planning as a pedestrian generator including the following: Downtown Economic Improvement District, Regional Center, and the Enterprise Zone areas.
3. Tree-lifted sidewalk panels where the original frontage improvement was built with planter strips less than 4 feet wide are third priority.
4. Tree-lifted sidewalk defects that are considered sidewalk trip hazards and are not located within a high-volume pedestrian area will be prioritized based on the severity of the trip hazard.

FUNDING ASSISTANCE

Grant Rates

- Annual Sidewalk Replacement Assistance Program Grant Award unit rates:
 - Single location permit (3 or less locations) - rate per each replacement = \$1,200
 - Group location permit (4 or more locations)- rate per each replacement = \$900
- Annual Sidewalk Replacement Assistance Program Single Applicant Maximum Award:
 - 3 or less locations = \$3,600
 - 5 or more locations \$4,500

Note: While group permits are not limited in the number of replacements per permit, nor limited by replacements per property owner, no single property owner would qualify for funding greater than the single applicant maximum of 5 or more locations (\$4,500).

Exclusions

Items not reimbursable under the City of Oregon City Sidewalk ~~Repair~~Replacement Assistance ~~TEST~~ Program include the following:

1. Reimbursable funds may only be used for the ~~repair or~~ replacement of existing ~~sidewalks~~sidewalk panels that have been damaged by the roots of street trees. **Tree removal and replacement assistance may be available through a separate program administered under the Oregon City Street Tree Assistance Program.**
2. Work performed ~~without competitive quotes and~~ without prior City authorization as described under Procedures.
3. Work not completed in compliance with the City's standard requirements for construction.
4. Short-term repair work including sidewalk grinding or patching
- 4.5. Extended root removal or property damages onto private property.
- 5.6. Adjacent concrete repair or grinding beyond the original sidewalk width.
- 6.7. Adjacent concrete panels beyond the tree-lifted panels.
- 7.8. Landscape restoration, repairs, or extra cosmetics (shrubs, rocks).
- 8.9. Broken, damaged, or new sprinkler or irrigation systems.
- 9.10. Any other unusual items will be addressed on an individual basis.

Procedures

Step 1 Before proceeding, the property owner/applicant reviews the Oregon City Sidewalk Replacement Assistance ~~Repair~~TEST Program webpage and completes the program understanding worksheet.

Step 2 Before the work begins, property-owner submits application form along with ~~competitive bids~~support documentation.

Submit Application Online ~~(will need to attach bids electronically)~~

OR

Print Application Packet, application may be emailed

to

OC4@orc.org or mail to Oregon City Permitting at 13895 Fir Street, Oregon City Oregon 97045

Step 3 City confirms reimbursement eligibility and approves application.

Upon verification that the sidewalk has been damaged by the roots of protected trees, the Sidewalk RepairReplacement Reimbursement Application may be approved, ~~subject to available funds.~~ The homeowner applicant will be notified that the work is eligible to receive funds and that their work permit is ready for applicant signature.

Step 4 Work begins.

~~Completed right-of-way~~With approved permit applications must accompany in hand, the Sidewalk Repair Reimbursement Application, along with a check for the non-reimbursable permit fee (\$150 or 7% of the total cost — whichever is higher), and three written estimates from contractors. The work must then be completed within ~~90~~120 days. If the work is unable to be completed within the ~~90~~120 days due to unforeseen circumstances, the applicant may request a one-time 30-day extension ~~as determined by the City.~~ Applicant must contact the City at least 14 days prior to the work deadline ~~if for~~ an extension ~~is necessary prior to permit expiration.~~

Step 5 Work is completed. Property owner pays contractor and then submits reimbursement request with project documentation which at a minimum must include a final invoice from the contractor.

After the work has been completed, the homeowner must submit the actual invoice from the contractor along with a signed Sidewalk ~~Repair~~Replacement Reimbursement Request form. Upon approval by the City, the grant funds will be disbursed ~~in the amount of 50% of the invoice or 50% of the lowest bid for jobs requiring a permit subject to a maximum of \$1,500, or 50% of the invoice amount subject to a maximum of \$500 for grinding or patching work.~~