



CITY OF OREGON CITY

CITY COMMISSION WORK SESSION

AGENDA

Virtual Meeting
Tuesday, February 09, 2021 at 6:00 PM

VIRTUAL MEETING INFORMATION:

This meeting will be held online via Zoom and streamed live on the City's YouTube channel; please contact recorderteam@orcify.org with questions.

The public is strongly encouraged to relay concerns and comments to the Commission in one of three ways:

- Email at any time up to 12 p.m. the day of the meeting to recorderteam@orcify.org.
- Phone call (Monday – Friday, 8 am – 5 pm) to 503-496-1505.
- 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. Refine Commission Direction on Sidewalk Seating, Temporary Parklets in the Right-of-Way, and Temporary Outdoor Dining and Retail on Private Property
3. Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan Recommended Top 5 Alignment Alternatives

CITY MANAGER'S REPORT

COMMISSION COMMITTEE REPORTS

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

B. Brownfield Grant Committee - Commissioner Frank O'Donnell

C. Citizen Involvement Committee Liaison - *Commissioner Denyse McGriff*

D. Clackamas County Coordinating Committee (C4) - *Commissioner Rachel Lyles Smith*

E. Clackamas County I-205 Tolling Diversion Committee - Appointed: *Commissioner Rachel Lyles Smith* Alternate: *Commissioner Frank O'Donnell*

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

G. Clackamas Water Environment Services Policy Committee -
Appointed: *Commissioner Rocky Smith, Jr.* Alternate: *Commissioner Denyse McGriff*

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

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

J. OC 2040 Project Advisory Team - Appointed: *Commissioners Denyse McGriff and Rocky Smith, Jr.*

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

L. Oregon City Tourism Stakeholder's Group - Appointed: *Commissioners Denyse McGriff and Rocky Smith, Jr.*

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

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

O. Willamette Falls and Landings Heritage Area - *Commissioner Denyse McGriff*

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

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: 02/03/2021

SUBJECT:

List of Future Work Session Agenda Items

BACKGROUND:

February 9, 2021

Parklets Discussion

Oregon City/West Linn Pedestrian Bridge Concept – Top 5 options

March 9, 2021

Clackamas Water Environment Services Annual Report

Geologic Hazard Code Changes

Public Works Code Amendments

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

Abandoned Buildings

Beavercreek Road Concept Plan (Thimble Creek) Funding Discussion

Building Code Changes

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

Clackamas County Water Environmental Services (WES) Rate Differential

Clackamette Park Boat Ramp

Climate Action Plan Presentation (City of Milwaukie)

Code Enforcement Complaint Process

Construction Excise Tax

Cross Street and Utility Pole Banners

Ethics Training - Biennial

Land Use 101 - Annual Training

Metro Food Waste Program Requirements - Annual Review

Parks Special Event Fees and Application Process

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

Police Annual Report

Pre-Application Request for Recording Follow-up

Public Works Code Amendments (CIP and Land Use)

South Fork Water Board - Mountain Line Easements Vacation

Stormwater SDC and Rate Study

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
From: Public Works Director John M. Lewis

Agenda Date: 02/09/2021

SUBJECT:

Refine Commission Direction on Sidewalk Seating, Temporary Parklets in the Right-of-Way, and Temporary Outdoor Dining and Retail on Private Property

STAFF RECOMMENDATION:

Staff recommends that the City Commission review the pilot programs for temporary outdoor dining/retail on public sidewalks, on-street parking spaces in the right-of-way (parklets), or in private parking lots and amend the program as needed. Staff recommends the temporary program in the right-of-way be amended to:

1. Allow more than one parklet per business;
2. Allow alternative materials;
3. Allow public sidewalk pedestrian way overhead covers; and
4. Allow onsite use of non-parking lot areas on private property.

Staff recommends the temporary program be amended to:

Expand the program to include non-parking lot areas on private property, such as patios, decks, and other areas on private property, provided they do not decrease the amount of landscaping onsite below the minimum threshold.

EXECUTIVE SUMMARY:

In response to social distancing guidelines related to the Governor's Stay Home Stay Safe Executive Order due to COVID-19, the City Commission adopted a pilot program to allow temporary outdoor dining/retail in parking spaces in the right-of-way (parklets) and in private parking lots from July 16, 2020 to November 30, 2021. Since adopting the latest temporary outdoor dining/retail resolution No 20-30 (October 2020), the business community and the City Commission has raised questions and identified ideas to consider for program amendments. In consideration of the challenges for eating/drinking and retail establishments to comply with the State's reopening guidance, together with the City's parklet and sidewalk usage guidelines, this discussion is about how best to proceed with program modifications. If the Commission provides direction

for allowable program amendments, appropriate Resolution(s) will be presented at the March 3, 2021 City Commission meeting for final consideration.

With anticipation for this Work Session staff sent written letters to all parklet and onsite permittees as well as email notification was sent to the Downtown Oregon City Association, Oregon City Chamber of Commerce, and restaurants with an active business license.

BACKGROUND:

On March 23, 2020, Governor Brown issued Executive Order 20-12, Stay Home, Save Lives, which closed non-essential businesses and severely limited others that were still able to remain open, including restaurants which prohibited on-premises food consumption. Due to these social distancing measures, many have experienced loss of business through reduction of sales and closures. On May 22, 2020, the Governor accepted Clackamas County's application to enter Phase 1 of Reopening Oregon, effective May 23, 2020.

On July 15, 2020, the City Commission adopted a parklet and outdoor dining/retail services pilot program for an eighteen (18) month period to begin July 16, 2020. This Resolution established the applicability, exceptions, and general requirements for the temporary use of this pilot program. The program allowed temporary outdoor dining/retail use of on-street parking stalls in the right-of-way and in private parking lots from July 16, 2020 to November 30, 2020 and again from March 15, 2021 to November 30, 2021. On October 21, 2020, the City Commission approved resolution 20-30 extending the timeframe that businesses could use parklets to include the months through the 20/21 winter (December 1, 2020 to March 14, 2021).

For clarity, and because of the applicability of differing codes and guidelines, the temporary outdoor dining/retail in Oregon City is discussed in three different categories including sidewalk seating, parklet, and private property outdoor dining/retail uses:

Sidewalk Seating Uses

OCMC 12.04.120 provides the requirements for permitting obstructions within the right-of way. Obstructions are categorized as either "permanent" or "temporary." Sidewalk seating for outdoor dining/retail use is considered a temporary obstruction because this kind of use is not permanently anchored and can be easily moved. Other temporary uses include items such as moving pods, debris dumpsters, planters, seating, A-frame (sandwich board) type signs, displays, etc. Temporary obstruction permits for things such as seating and planters are administered by staff. The permit is an annual permit which is renewable each year, similar to a business license, for the right to use the public sidewalk for the benefit of the business or property. The sidewalk dining/retail temporary permit was Commission directed to be temporarily set (Stay Home, Save Lives executive order) as a no-charge permit, but requires the property owner/applicant to sign an indemnification agreement which expires upon expiration of the permit. A

new indemnification agreement is executed annually with the renewal of the permit if one is renewed.

With the ongoing Stay Home, Save Lives executive order in place, Oregon City has been trying to balance the use of the sidewalk for traditional pedestrian use with the State's indoor dining restrictions. As such, we have been allowing more business use of the sidewalk. For now, staff have been administering this temporary use in accordance with OCMC 12.04.120 Obstructions, OCMC 12.04.130 Obstructions – Sidewalk Sales. This code is not perfect and does not specifically address outdoor seating, and the City Commission have directed staff to establish more fitting policies and procedures for sidewalk dining and retail usage. This discussion will affirm the understanding of the Commission's direction on sidewalk seating.

Parklet Dining/Retail Uses in the Right-of-Way

On July 15, 2020, the City Commission approved a Pilot Program for Parklets within the right-of-way. Restaurants in the Mixed-Use Downtown District and along 7th Street (from Singer Hill to Jackson) may temporarily use adjacent on-street parking for an outdoor extension of dining. Again, as with the sidewalk seating, the Parklets were yet another relief opportunity for restaurant owners in specific areas to balance food take-out service or indoor retail shopping with more outdoor dining/retail space by converting street parking to outdoor dining/retail use.

The City has approved three parklets, all of which have obtained the proper permits, have been in use, and meet the City's adopted program requirements. More restaurants would like to establish their own parklet, and at least one other would like to expand the use of parklets. However, the City's current program provides business owners with construction material restrictions, investment uncertainties, and space limitations for the parklets that staff will explain and seek Commission clarification to revise.

Private Property Outdoor Dining/Retail Uses

On July 15, 2020, the City Commission approved a Pilot Program for outdoor dining/retail while restaurants/retail operate at limited capacity due to COVID-19 restrictions. The program allows for up to 50% of a parking lot on private property to be used to establish outdoor dining or retail areas. Participants in the program are allowed to assemble an unlimited number of tents or shade structures with no limitations to structure size within the established outdoor dining/retail area. The outdoor dining/retail areas may not include changes to parking lot ingress/egress, removal of landscaping, and may not block ADA parking stalls or adjacent striping. The program includes a variety of criteria and each proposal is reviewed by the Oregon City Planning Division, Building Division, and Clackamas Fire District.

Four businesses have established outdoor dining areas utilizing this program; however, the program only applies to parking lots and there have been several businesses that have been unable to take advantage of the program because they do not have a parking lot, or they have a small parking lot without any parking stalls to spare. Staff

recommends expanding the program to include non-parking lot areas on private property, such as patios, decks, and other areas on private property, provided they do not decrease the amount of landscaping onsite below the minimum threshold. This would allow businesses more options to establish outdoor seating/retail and would especially benefit those businesses that do not have parking lots, have parking lots in configurations which currently do not meet our standards, or have limited onsite parking.

CONCLUSION

If the Commission provides direction for allowable program amendments, applicable Resolution(s) will be presented at the March 3, 2021, City Commission meeting for final consideration.

Though staff have found standards for jurisdictions vary widely, we continue to compare our programs and uses with a few different jurisdictions.

In addition, staff will continue our work with Clackamas County Fire District #1 and the Oregon Health Department to defer but maintain and support their authority and responsibility with safe practices and public health for these outdoor dining and retail uses. The Commission should also anticipate clarifying language that continues to limit the City's liability for areas outside of our regulatory authority, but at the same time emphasizes the applicant's responsibility to comply with regulation (fire and public health) that generally falls outside of the City's authority.

If the City Commission adopts regulatory changes, staff will reach out to all the facilities which submitted for permits as well as those in enforcement to inform them of the changes.

OPTIONS:

Staff is discussing refinements to the City's OCMC related to sidewalk seating, our COVID 19 relief program including temporary parklets in the right-of-way, and temporary outdoor dining and retail on private property. The following options apply to each of these programs individually or could apply to all:

1. Maintain the existing codes and regulations as adopted.
2. Direct staff to prepare a Resolution(s) amending the applicable codes, guidelines, or programs for any one or all of the uses.

BUDGET IMPACT:

Amount: Staff Time

FY(s):

Funding Source(s):

Oregon City COVID-19 Recovery Assistance Program: December 1, 2020- March 14, 2021

Due to the COVID-19 pandemic, the City of Oregon City supports alternative ways to help increase patronage of local businesses effected by physical distancing requirements. This program includes temporarily allowing the following with restrictions:

- **Parklet Pilot Program:** Restaurants in certain locations downtown and along 7th Street to temporarily use adjacent on-street parking for outdoor temporary use as an extension of dining; and
- **Outdoor Dining and Retail in Private Parking Lots Program:** Retail and Restaurants throughout the City to use up to half their parking lot for additional retail and/or dining.

Both programs are temporary from July 16, 2020 – November 30, 2020 and again from March 15, 2021-November 30, 2021. Temporary facilities that submitted a permit by November 30th may continue the use, in compliance with this Guide, from December 1, 2020 to March 14, 2021. The City Commission will review the programs after November 30, 2020 but before March 15, 2021 to determine if any changes to the standards are needed prior to March 15, 2021.

Parklet Pilot Program

Restaurants in the Mixed Use Downtown District and along 7th Street (Singer Hill Road to Jackson Street) may construct a parklet in adjacent on-street parking areas to allow expanded outdoor dining.

These expanded seating areas called “parklets” will allow restaurants throughout the business community to temporarily increase seating capacity and safely serve more customers, while maintaining social distancing, by locating chairs and tables along sidewalks, in on-street parking areas.



ELIGIBILITY OF BUSINESSES

Eating and drinking establishments within the Mixed Use Downtown (MUD) District and within a block of 7th Street (from Singer Hill Road to Jackson Street).

PARKLET LOCATIONS

The parklet program limits the number of allowed parklets per block as necessary to accommodate for ADA accessibility for pedestrians, protect accessible parking and no-parking areas such as loading zones.

1. Location

A parklet must be located within an existing on-street parking stall abutting or partially abutting the business utilizing the parklet. Only one parklet utilizing one stall is allowed per business, per frontage. Businesses may work together to create a parklet using two or more on-street parking stalls if the businesses are adjacent to each other. In addition, any business may allow customers of other nearby business to utilize the parklet.

2. Approval

A parklet shall only be located in designated on-street parking areas that have been approved by the City of Oregon City after careful review and authorization via a Parklet Permit. The property owner, any additional building tenants, along with all other businesses located adjacent to and immediately abutting within the same block of the parklet must provide written consent supporting the request. After the facilities are initially permitted, any changes require an additional City review. Each review requires submittal of a separate application and associated fee.

3. Posted Speed Limit

A parklet may be established along roadways where the posted speed limit is 25 mph or less.

4. Parking Zones

Parklets are prohibited in accessible parking spaces and the accessible aisle adjacent to the accessible spaces and no parking zones. See Exhibit 1 for locations that are prohibited from parklet use in downtown; areas marked in red.

TERM OF USE

Parklets are to be temporary in construction. They may be assembled March 15 through November 30. Permits will be for this period only, pending review and approval. This

means parklets must not be installed before March 15 and must be completely removed on or before November 30 of each year. Parklets submitted by November 30, 2020, in compliance with this Guide, may continue the use of the facility from December 1, 2020 to March 14, 2021.

GENERAL GUIDELINES

- Public parklets must be located adjacent to the applicant's business.
- If all accessibility and design requirements are met, installation of a parklet platform is not required, provided that existing pavement is not damaged or otherwise altered.
- Design for easy removal. The parklet will sit on top of the existing street surface. Because parklets may sit on top of critical infrastructure and utilities such as gas lines, sewer and water mains, etc., they need to be designed for easy removal in case of an emergency.
- No additional signage is allowed within or on the parklet other than those required by law.
- Maintenance and litter removal are the responsibility of the applicant/owner. Failure to maintain the parklet may result in the revocation of the permit.
- No audio systems or other sound amplification devices are permitted for incorporation in the design of any parklet and shall not be used on any parklet.
- No smoking or vaping is permitted within a parklet at any time.
- If applicable, the applicant is responsible for obtaining separate Oregon Liquor Control Commission (OLCC) permits.
- If applicable, the applicant is responsible for following food safety guidelines regulated by the Oregon Health Authority.

MAINTENANCE OF THE PARKLET

The parklet will be owned and maintained by the applicant. The applicant is responsible for all costs associated with the design development, construction, installation, maintenance, and removal of the parklet. Approval of an application obligates the applicant to keep the parklet free of debris, grime, and graffiti, and to keep all plants in good health.

The permit requires that the facility is swept daily and debris is removed from under (if applicable) and around the parklet a minimum of once a week. A maintenance plan and agreement are required to ensure compliance.

PARKLET DESIGN STANDARDS

The following design standards ensure that all parklets are safe, accessible, attractive, and functional.

1. BASE AND DECKING

If proposed, parklet decking must be designed such that the parklet has a vertical lip of no more than ¼-inch as it connects to the curb and may not have more than a ½ inch gap from the curb. The cross slope from the curb to the street must not exceed 2%. This means that most parklets will likely have an elevated base decking. The submitted design must demonstrate that the deck is compliant with ADA accessibility requirements including at least one ADA-compliant access point for each parking space used.

The parklet platform may not be attached to or damage the street and must be easily assembled and disassembled. Any damage to the street is the responsibility of the applicant.

The parklet platform must be designed to allow for curblane stormwater drainage and include a minimum twelve (12") inch gutter bar. The parklet platform must be designed to not allow debris to collect underneath the deck.

2. PARKLET FOOTPRINT

A buffer is required in the locations in which the parklet abuts adjacent on-street parking stalls. For parallel parking there must be a twenty-four (24") inch setback on either end of the parklet, adjacent to parallel parking, and to the roadway. Wheel stops may be used but are not required.

For diagonal and perpendicular spaces, the edge of the parklet must be set back eighteen (18") inches from the adjacent parking space on either side. This setback space must be included within the parklet space, and not be taken from the adjacent space.

For multiple businesses adjacent to each other that want to assemble a parklet, adjoining stalls are allowed without a buffer.

3. BUFFER

Parklet design must include a physical continuous physical barrier along the street able to withstand impact while maintaining clear visual sightlines to the street.

To protect a parklet located on a parallel parking space from parking maneuvers, substantial planters, weighted bollards, or other structures that can withstand light vehicular impact, must be installed on either end of the parklet and at the street edge. Cones or Type II barricades are not acceptable. Parklets occupying diagonal parking spaces are not required to have such substantial edge materials, except for the side and corners at the street edge. Additional traffic safety items may be added to the final design by City staff.

Barriers and fencing may not extend into the street side setback zone or bolted into the street. If portable fencing is used, each section must be connected together. If cable is used for the barrier, spacing between cables cannot exceed 6-inches.

A reflective delineator post must be placed at the outer corners of the parking space/parklet, 6-inches from the wheel stops. Delineator posts must be 36-inches tall, cylindrical, white, flexible, and must include reflective striping.

4. VERTICAL ELEMENTS

Vertical elements, such as planters and umbrellas over tabletops, should be included so that the facility is visible to vehicles. Umbrellas or sails cannot be placed within 20 feet of a stop sign and must be contained within the parklet.

Applicants with overhead canopies, sails, or similar must demonstrate that the structures have the ability to withstand wind loads equal to the standards which apply on private property. Covers comprised of more substantial materials such as wood or metal are not allowed.

Applicants proposing a cover must demonstrate that visual obstruction to adjacent businesses, both to storefronts and identifying signage, is minimized.

6. MATERIALS

The use of high quality, durable materials capable of withstanding prolonged use is required. Examples include wood and metal. Membrane/pop-up structures, pallets, construction fencing, or chain link are not allowed.

Surface materials: loose particles, such as sand or loose stone, are not permitted on the parklet. A non-slip surface is required.

7. SEATING

Everyone should be able to travel adjacent sidewalks and enjoy parklets. Furniture must be able to accommodate a minimum of one accessible space per parklet. To accommodate for social distancing measures currently in place, tables, including their seating, and circulation areas must be a minimum of 6 feet from one another.

8. LIGHTING

Lighting that extends across the sidewalk must be a minimum of 8 feet above the sidewalk. Any single lighting source more than 40 watts shall be shielded.



9. HEATING APPLIANCES

Portable outdoor gas-fired heating appliances (such as propane heaters) shall be approved by Clackamas Fire District #1.

APPLICATION

An application for a Parklet Permit is required and must be approved before installation of the parklet. Once the parklet is constructed, an inspection is required to verify compliance with the approved application. Applications will be accepted on a rolling basis. A parklet applicant must comply with the applicable standards and agree to the terms of the Indemnity and Release Agreement required as part of the application including Liability Insurance covering Permittee's activity described in the Release.

Any changes to the parklet associated with this program shall be submitted to the City for review with a revised application.

PARKLET PERMIT FEE

During the initial pilot program, a \$25 parklet fee will be required per year, but the sidewalk fee will be waived. A new review fee is required for each City review.

LIABILITY INSURANCE

A parklet applicant must maintain general liability insurance in the amount no less than \$2 million per occurrence/\$4 million aggregate throughout the term of the parklet permit, in accordance with the Indemnity and Release Agreement obligations and City of Oregon City standards.

SITE PLAN

A design document is required at the time of application submittal. A complete set of proposal drawings is required in order to be considered for approval. This site plan/design will help staff understand how your parklet would fit within the street. The site plan does not need to be drawn by a design professional, it can be done by hand or computer, and shows the exact location of the parklet, the area around the parklet, the proposed layout and dimensions, and where parklet amenities (e.g., seating and landscape features) would be placed. Staff will determine if your selected site is appropriate for a parklet and how the parklet would integrate into the neighborhood context.

EXHIBIT 1



Main Street from 6th Street to Hwy 99E



Main Street from 6th Street to 8t Street



Main Street from 8th Street to 10th Street



Main Street from 10th Street to 11th Street

Outdoor Dining and Retail in Private Parking Lots Program

The following temporary program is designed to support local restaurants/bars and retail subject to COVID-19 minimum spacing requirements. The purpose of the program is to temporarily allow the use of up to half of a private parking lot for outdoor seating or retail use in an on-site parking lot adjacent to a business.



This program is temporary. Outdoor dining and retail areas constructed in compliance with these provisions may be assembled from July 16, 2020 – November 30, 2020 and again from March 15, 2021-November 30, 2021. Temporary facilities that submitted a permit by November 30, 2020 may continue the use, in compliance with this Guide, from December 1, 2020 to March 14, 2021. The minimum parking requirements as well as other applicable land use standards are suspended and replaced with the requirements within this policy.

DESIGN STANDARDS

1. SIZE

Up to 50% of the parking spaces in a parking lot on the same property as a restaurant/bar or retail business may be converted to outdoor dining/retail space. Within shopping centers, where a lot serves more than one business, the 50% limit applies to the shopping center parking lot as a whole.

2. DESIGN

- a. To protect the outdoor dining or retail area from parking maneuvers, substantial planters, weighted bollards, or other structures that can withstand light vehicular impact must be installed between vehicular areas and the expanded outdoor space. Cones or Type II barricades are not acceptable.
- b. No existing landscaping may be removed.
- c. An unlimited number of temporary tents, umbrellas, or and other shade structures are allowed within the expanded outdoor area with documentation demonstrating they are secured to the ground or otherwise protected from movement. The structures may be any size.
- d. No use of the ADA stall(s) or adjacent striping is allowed.
- e. No change to the vehicular ingress/egress of the site is allowed.
- f. The following minimum clearance must be maintained within the parking lot:

8 feet above sidewalks/pedestrian accessways

No cords, structures, sails, coverings, or similar may cover or extend across a space for vehicle maneuvering or parking.

- g. Any single lighting source more than 40 watts shall be shielded. Excessive lighting may be deemed a nuisance.
- h. If seating is provided, a minimum of one accessible (ADA) seat shall be provided per parklet.

3. **MATERIALS**

- a. The outdoor dining area shall be designed for easy removal.
- b. No installation of gravel, sand, or other surface materials is allowed.
- c. No chain link, pallets, or construction fencing is allowed.

4. **OTHER STANDARDS**

- a. Approval from the property owner is required.
- b. Approval from the Building Department and Clackamas County Fire District #1 is required.
- c. Applications must be submitted to the Planning Division.
- d. A fee of \$25 each year will be charged for participation in this program.
- e. Any changes to the outdoor dining/retail associated with this program shall be submitted to the City for review with a revised application and associated fee.

5. **PERMIT SUBMITTAL REQUIREMENTS**

An application for the Outdoor Dining and Retail in Private Parking Lots Program is required and must be approved before installation. Once construction is complete, an inspection is required to verify compliance with the approved application

- ✓ Application Form
- ✓ Site Plan drawing or sketch including:
 - Footprint of the proposed outdoor dining/retail area
 - Building footprints and entrances
 - Existing parking stalls
 - Existing driveways
 - Proposed vehicle circulation diagram
 - Location of barricades around outdoor dining/retail area

If an owner wishes to continue use of the outdoor dining or retail area after the closure of this program, the owner shall be responsible for obtaining proper approvals as well as compliance with all applicable standards in the Oregon City Municipal Code.

12.04.120 - Obstructions—Permit required.

- A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B. of this section, in any public street or alley in the City, without obtaining approval for a right-of-way permit from the City Commission by passage of a resolution.
 - 1. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.
 - 2. The applicant shall submit at least the following information in the permitting process in order to allow the City Commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;
 - b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
 - d. Alternative routes if necessary;
 - e. Minimizing obstruction area; and
 - f. Hold harmless/maintenance agreement.
 - 3. If the City Commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the City Engineer shall issue a right-of-way permit with any conditions deemed necessary by the City Commission.
- B. Temporary Obstructions.
 - 1. A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.
 - 2. The City Engineer, or designee, is authorized to grant a permit for a temporary obstruction.
 - 3. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.
 - 4. The applicant shall submit, and the City Engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the City Engineer:
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;
 - b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
 - d. Alternative routes if necessary;
 - e. Minimizing obstruction area; and
 - f. Hold harmless/maintenance agreement.
 - 5. In determining whether to issue a right-of-way permit to allow a temporary obstruction, the City Engineer may issue such a permit only after finding that the following criteria have been satisfied:
 - a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;
 - b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;
 - c. No alternative locations are available that would not require use of the public right-of-way; and
 - d. Any other factor that the City Engineer deems relevant.

6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.
- C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the City Commission.

12.04.130 - Obstructions—Sidewalk sales.

- A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.
- B. The City Commission may, in its discretion, designate certain areas of the City to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided.

January 27, 2021

Oregon City Business
Oregon City, Oregon 97045

RE: Parklet, Parking Lot Seating, Sidewalk Seating Program

To whom it may concern:

On July 15, 2020, the City Commission approved a program to allow parklets within the right of way within much of the downtown area and 7th Street, a parking lot seating program throughout the entire City, and a sidewalk seating program. The program was initially approved for the time period July 16, 2020 to November 30, 2020 and March 15, 2021 to November 30, 2021.

In Fall 2020, the City Commission extended the program to include December 1, 2020 to March 14, 2021. This allowed existing seating or previously applied for seating to remain during these months.

The program included design standards detailed in the program guide which can be found at the following website : <https://www.orcity.org/planning/parklet-pilot-program-and-outdoor-dining-and-retail-private-parking-lots-program>

The parklet program and parking lot program requires an annual fee of \$25 per year and waives the sidewalk fee. *If you operate and maintain a parklet or parking lot seating area, you will need to pay the 2021 fee by March 15, 2021 for the second cycle of the program.* Sidewalk seating will remain free through November 30, 2021.

The parklet and sidewalk program also require indemnity agreements and proof of liability insurance as defined within the program guide.

New requests or amended permits shall provide a revised or new site plan following the standards within the program guidelines.

January 27, 2021

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To be able to keep your staff and patrons safe during this time, we want to make you aware of the following standards :

1. Heating is only allowed per Clackamas Fire District No. 1 Standards and Oregon Fire Code. A copy of those standards are enclosed.
2. Coverings beyond umbrellas are allowed per Oregon Health Authority, Clackamas Fire District No. 1 Standards, Oregon Fire Code, and applicable Building Codes.

If your original approved application and permit did not include heating or coverings, you will need to amend your permit to remain in compliance with the program.

The City Commission is scheduled to discuss this program at a work session on February 9, 2021. We welcome written testimony about the program and feedback or suggestions for how to improve the program for the 2021 program cycle. Please provide any written testimony to the City Recorder at recorderteam@orccity.org. You may also watch the discussion on YouTube or attend the meeting in a virtual setting; however, verbal testimony is normally not provided at Work Sessions. If any changes are made to the program, they would be voted on at a future City Commission meeting on a To Be Determined date.

Your contacts for the programs are :

- Aaron Parker : Parklets and Sidewalk Seating – aparker@orccity.org, 503-496-1560
- Dilia Vassileva : Parking Lot Seating – dvassileva@orccity.org, 503-974-5501

We hope this program serves you during this difficult time.

Sincerely,

John Lewis, PE
Public Works Director

Laura Terway
Community Development Director



OREGON FIRE CODE

Joint Policy Bulletin

A collaborative service to provide consistent and concise application of Oregon's fire prevention and life safety regulations.

Date: January 11th, 2021

Initiating: Joint Policy Bulletin No. 0006

Subject: Tent Use During Declared Emergencies

Code References: 2019 Oregon Fire Code (OFC) Sections 101.3 104.8, 305, 308, 315, 1201, 1203 and Chapters 31 and 61.

Background: The intent of this document is provide guidance and consistency to local fire officials while working with business owners, or those offering shelter, to ensure fire and life-safety. In 2020, the State of Oregon endured unprecedented wildfires, resulting in the displacement of thousands of homeowners, and the spread of a worldwide pandemic that impacted almost all aspects of life for every person in the state. The extent and magnitude of both disasters was swift and unpredictable, leaving homeowners and business owners alike with the need to use some form of shelter, most commonly tents.

It was found that the influx of tent structures erected in response to an emergency may outpace the ability of local fire jurisdictions to administer operational permits or provide an adequate level of guidance prior to their construction and use. In addition, it was noted that there may be challenges with heating these spaces while providing Oregon Fire Code consistency among all fire agencies.

As identified in Oregon statute and the Oregon Fire Code (OFC), there are times when strict adherence to the OFC may not be in the best interest of the public. When those rare occasions are identified, local officials have the ability to use their judgement to implement like measures that provide an equivalent level of fire and life safety protection.

It will take the cooperation of business owners and local fire authorities to work together to make sure these temporary adjustments and variances are carried out responsibly and safely.

Advice: Assist local jurisdictions to make both objective and subjective decisions regarding the use of tents, and other similar structures, during times of emergency, both within the established temporary use of 180 days, and when that time frame is necessarily extended in consideration of an executive order or other locally declared emergencies as defined by guidelines of the Oregon Office of Emergency Management.

Consideration shall be given in the creation and implementation of this policy so that any modifications to the Oregon Fire Code are reasonable and demonstrate that the intent of the code is satisfied in accordance with ORS 476.035 and OFC 104.8.

Authority: During times of unusual hardship or when unique difficulties necessitate, such as during a global pandemic, ORS 476.035 empowers the State Fire Marshal with the ability to apply adjustments to the Oregon Fire Code if such changes meet the intent and purpose of the code, support the public's general welfare, and help ensure their health and safety.

ORS 401.168 gives the Governor the complete authority to direct the Oregon Office of the State Fire Marshal to prevent or alleviate damage during a state of emergency and to provide assistance in order to restore services, including the availability of food, that provide for the health and safety of the citizens.

Process: This policy is reserved exclusively for use only after the declaration of a State or Local emergency and only when it is determined that the continued strict enforcement of applicable sections of the Oregon Fire Code would create a greater risk than is reasonable due to that emergency. This risk could be the result of health factors, socio-economic impacts or others.

Compliance:

General: The requirements of the Oregon Fire Code shall prevail unless specifically amended below. No amendment shall conflict with an Executive Order issued by the Governor. Chapter 31 provides requirements specific to the protection of temporary tents. Chapter 61 and NFPA 58 provide requirements for the safe handling and use of LP-Gas including propane and butane. All equipment, including tents, heaters and appliances, shall be listed for their intended use, including their owners manual or use and care instructions. Tents used for cooking need to follow the provisions of the Oregon Fire Code. No amendments or changes will be allowed to the Oregon Fire Code or National Electrical Code for requirements related to electrical wiring requiring permit. There may be attachments that are relevant and to be used in conjunction with this bulletin.

- **Approval and Permits:** All tents, regardless of size, utilizing any of the alternatives contained herein, are required to have fire department approval, preferably through use of an Operational Permit.

Enclosed tents 400 square feet or less are still required to meet the minimum OFC requirements, but larger tents also need fire department approval in accordance with OFC Section 3103.2. Tents with all sides open shall also meet the requirements of Section 3103.2.

The local fire code official may allow an alternate tent material to NFPA 701 to be utilized meeting the requirements for flame propagation criteria. The most common standards in the U.S. are the California State Fire Marshal (CSFM) Title 19 and ASTM E84.

- **Plans and Inspections:** The use of this JPB is conditional upon the submission of plans and approval of the site after an inspection as required by the fire code official. Use of the tent or similar structure beyond 180 days may be approved for the duration of the declared emergency when approved and inspected as determined by the local fire code official. The approved plan shall be kept available by the owner and any significant changes to the plan will require additional approval by the fire code official.

Plans must include the approved care, quantity and security of any flammable and combustible liquid storage fuel containers, including LP-gas cylinders, and indicate their approved location while awaiting use or removal from the premises.

- **Designated Staff Training:** The awareness of these amendments to staff is crucial for the safety of themselves and to the public. All designated staff shall be familiar with all approved plans and be trained in the location and use of portable fire extinguishers, the proper use of heaters, fuel storage plan, and electrical panel location.
- **Location and Access:** Through coordination with the local fire department, tents requiring a 20 foot setback from buildings may be approved closer after the owner has checked with other affected businesses, local authorities, and ensured there are no land use and zoning restrictions.

The fire department may then approve the closer location if the tent does not unduly impair fire department access, impede fire ground operations, and does not diminish egress from either the tent or any nearby building, and meets all other requirements of this Joint Policy Bulletin and the Oregon Fire Code.

Tent separation to combustible vegetation and waste material shall be at the discretion of the fire code official and shall be documented on the approved plans.

- **Exits, Lighting and Aisles:** Exit openings shall be clearly marked with signs and tents shall be adequately illuminated to see all egress components. Occupant loads shall be per the fire code, or as restricted by the emergency orders. Aisle width shall be maintained and exits shall be kept clear of obstructions such as electrical equipment and cords, heaters, and chairs. Walking surfaces shall be maintained both inside and outside of the tent. LED lights rated for outdoor use are preferred. Generator use shall be as required in the fire code.
- **Portable Fire Extinguishers:** Approved portable fire extinguishers complying with section 906 shall be provided in locations approved by the fire code official.
- **Heat Producing Equipment:** In accordance with OFC Section 3107.4 the following alternative means of heating may be approved as a best practice by the local fire code official. Note that such heaters must still meet all the applicable requirements of OFC Sections 305 and 315 and their manufactures instructions. Fuel sources shall be removed and safely stored, and electric heaters shall be unplugged, when not in use.
 - Portable electric heaters using an extension cord. Heaters shall be UL 1278 listed. Extension cords shall be a minimum of #14 AWG, grounded, rated for outdoor use, and plugged into a GFCI protected outlet. Physical protection of the cord shall be considered with the use of commercially available guards. Cords shall not extended through exit openings or be located so as to be tripping hazards.
 - Portable electric heater heater plugged into a UL 1363 listed relocatable power tap with a fuse or other overcurrent protection (this is not a “surge protector”) listed for outdoor use and plugged directly into an approved receptacle. This option allows the owner to also supply needed low wattage devices such LED strings of lights.

“RPT’s can be found up to 25 feet in length. Note: many circuits will be 20 amp service and most heaters are 13 to 16 amps, meaning very few other accessory uses will be possible. Also note that multiplug cube adapters and power strips without fuses are not allowed. See OFC Section 604.4 commentary for more on RPT’s.
 - Portable propane heaters listed for emergency use indoors, or in tents, connected to a 20 lb. (BBQ grill type) container located at least 5 feet outside the tent and installed per manufactures instructions, may be approved. Both the heater and the supply hose to it must be CSA certified.

The heater, which normally runs off a 1 lb. container, may require a conversion kit and a fuel filter, both would be available from the manufacturer. The heater must have a tip over switch, an oxygen depletion sensor and be used per the manufactures instructions. Flammable gas alarms and carbon monoxide alarms are highly encouraged as well as the practice of leaving a minimum 6 inch gap between the ground and the tent side walls.

Other heaters that produce an open flame, including LP-gas catalytic heaters, may be approved if in the opinion of the fire code official they are determined to pose a minimal fire hazard, meet the applicable portions of OFC Section 308, are used properly, and are located safely away from tent walls, combustible materials and exits.

- o Construction type heaters (also known as “Bullet” or “Salamander” heaters) may be approved for pre-heating and drying purposes when the public is NOT occupying the tent and when they are otherwise used in accordance with their owners manual, paying particularly attention to the fuel container location. The unit must be completely removed from the tent when not in use and anytime the public occupies tent.

Conclusion: As identified in Oregon statute and the Oregon Fire Code, there are times when strict adherence to the OFC may not be in the best interest of the public. When those rare occasions are rightly identified, the law gives the State Fire Marshal and local officials the ability to use their judgement to implement like measures that provide an equivalent level of safety.

It will take the cooperation of business owners and local fire authorities to work together to make sure these temporary adjustments and variances are carried out responsibly and safely.

Contacts: If you have questions or are in need of further information email osfm.flss@state.or.us or call 503-934-8256.

References:

Oregon Revised Statute: 476. 035. Adjustments and variances in application of statutes and regulations

Oregon Administrative Rule: 837-039-0006. Minimum Fire Code Requirements

ICC Considerations for Converting Outdoor Spaces into Temporary Seating Spaces: 20-19250_GR_Outdoor_Seating_Code_RPT_FINAL_HIRES.pdf

Oregon Office of Emergency Management: *Emergency Declarations Guidelines For Local Elected And Appointed Officials*; May 2018.

Oregon Office of the State Fire Marshal: *Technical Advisory 14-12 “Temporary Shelters”*



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: 02/09/2021

SUBJECT:

Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan Recommended
Top 5 Alignment Alternatives

EXECUTIVE SUMMARY:

The purpose of the Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan is to identify potential bridge locations and provide opportunities for community and local agency conversations to reimagine a new crossing.

BACKGROUND:

Oregon Department of Transportation (ODOT) – in partnership with Oregon City, West Linn, Clackamas County, and Metro – is initiating a planning effort to investigate the feasibility of a pedestrian and bicycle bridge across the Willamette River connecting Oregon City and West Linn. This project will identify potential bridge locations and provide opportunities for community and local agency conversations to reimagine a new crossing. A key component of this project is to consider the historical significance of the study area and evaluate crossing options with minimal impacts to natural and cultural resources.

This planning effort supports community desires to connect the regional active transportation network in this area. Pedestrians and bicyclists currently use the historic Arch Bridge (OR 43) which is the existing multimodal crossing in this area. Agency partners are interested in identifying a safe and reliable option for a low-stress connection between the two cities.

Today, no existing local or regional plans call for the construction of a new pedestrian and bicycle crossing of the Willamette River between Oregon City and West Linn. There are multimodal planned facilities at various stages of development (planned but unfunded, designed but unfunded, funded awaiting construction) within the identified study area on each side of the river.

A new pedestrian and bicycle bridge will enhance access for people walking and biking and provide the region with opportunities to reconnect with the river and enhance the

connection in the regional bikeway and pedestrian system. Completing the multimodal network with a river crossing creates essential access to and along the Willamette River between Gladstone, Oregon City, and West Linn.

The project team began work in November 2020 which included determining decision-making structure, roles and responsibilities of participants, preparing a Public Involvement and Communications Plan, as well as identifying key stakeholders and interested parties. Public Engagement for the project will be getting underway in January 2021.

Evaluating the Recommended Top 5 Alignment Alternatives

The recommended top 5 alignment alternatives will be reviewed against the identified evaluation criteria, which include the following:

- Equity
- Demand
- Safety & User Experience
- Health
- Transportation Sustainability
- Cost
- Design Feasibility

The criteria will be evaluated using qualitative and quantitative performance measures and will indicate the relative strengths and weaknesses of each of the different alignments. The evaluation criteria will be used to assess the top 5 alignment alternatives identified as part of the initial screening process. The application of the evaluation criteria will inform the selection of a preferred alignment alternative. The criteria will inform the selection of the preferred alignment for people walking, biking, and rolling across the Willamette River.