



City of Oregon City

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Staff Report

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Agenda Date: 6/17/2020

Status: Consent Agenda

To: City Commission

Agenda #: 81.

From: Public Works Director John Lewis

File Type: Resolution

SUBJECT:

Resolution No. 20-18, Declaring an Emergency and Exempting the Molalla Avenue Streetscape Project from Prohibition Against Unlawful Noises on a Temporary Basis

RECOMMENDED ACTION (Motion):

Staff recommends that the City Commission review and approve Resolution No. 20-18.

EXECUTIVE SUMMARY:

The City is preparing for construction of the Molalla Avenue Streetscape Project. This resolution will allow the contractor, Kerr Contractors Oregon LLC, to complete portions of the work during night hours. Night work was included in the project scope and is necessary to avoid disruption to the high traffic volumes along this corridor and business hour interruption of services and access to businesses.

Work outside of daytime hours is prohibited without City Commission approval in residentially-zoned neighborhoods per Oregon City Municipal Code Section (OCMC) 9.12.023. Most of the area along the project is commercial with pockets of a residential housing along the west side of Molalla Avenue.

OCMC Section 2.52.020 defines "emergencies" to include "utility or transportation emergencies". Night work on this project is anticipated to be limited to normally busy travel ways and key construction elements that take several hours to complete. The project team understands work at night is impactful to residential property and as such intend to follow past City Commission direction regarding discretion on permitting night work and insistent on adequate neighborhood notification.

BACKGROUND:

Molalla Avenue from Beavercreek Road to Oregon Highway 213 in Oregon City is a key corridor for motorists, transit users, pedestrians, and bicyclists. The corridor connects Oregon City's Downtown and Regional Center with Clackamas Community College and the Clackamas County Red Soils Campus and connects residential areas on the west side to commercial areas on the north and east sides.

This project will consist of constructing roadway improvements mostly on the west side of Molalla Avenue to make the corridor safer for people biking, walking, and taking transit. The project will also include critical new and replacement waterlines within the corridor.

The City has entered a contract with Kerr Contractors Oregon LLC to construct the Molalla Avenue Streetscape Project. The contract work involves many aspects and together with Kerr Contractors and the City's project team we are recommending some elements of construction be done at night to minimize impacts to traffic at Beavercreek Road and local businesses.

Most of the project work will be done during regular construction hours. However, given the high volume of traffic that uses this corridor, and to protect the public and the contractor's safety, we are proposing that waterline construction and road work between the intersection of Beavercreek Road and Clairmont Way be constructed at night to prevent traffic impacts. Portland General Electric has expressed desire for some elements of their work to occur at night to avoid power shut offs during business hours. Other public utilities are thought to be in a similar situation. And other project work in key areas such as fronting the post office, and the Fire Station may require night work. Other work that involves water system tie-ins or placement of signal equipment may require construction staging at night. All night work would be expected to begin after the peak evening travel time (6:00 p.m.) and then finishing before the peak morning travel time (6:00 a.m.).

OCMC 9.12.023.E declares the construction, demolition, alteration or repair of any building or the excavation of any streets and highways in a residentially zoned neighborhood between the hours of ten p.m. and seven a.m., Monday through Saturday; and between eight p.m. and nine a.m. on Sunday to be a code violation. Per Oregon City Municipal Code (OCMC) 2.52.020, "emergencies" include "utility or transportation emergencies". OCMC 2.52.040 (L) authorizes the City, in cases of emergency, to "order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency". Adoption of Resolution 20-18 provides City Commission approval for temporary emergency night work.

Because of the significant impacts to the neighborhood that would result from daytime work on the project - including limited emergency services, disrupted power supply, construction safety, and impacted transportation facilities that require nighttime work - staff is recommending that the City Commission declare a limited emergency for this particular location to allow for nighttime work to occur that would otherwise be prohibited by the City's Code. City staff recognizes that, even with the emergency declaration, this project will have impacts on neighbors, property owners, and businesses along this corridor and will work with the affected parties to ensure the impacts are limited and that the project is ultimately successful.

OPTIONS:

1. Approval of Resolution 20-18 exempting the Molalla Avenue Streetscape Project from prohibition against unlawful noises on a limited and emergency temporary basis. This option will help to ensure that the project will accommodate businesses and through traffic and allow for greater safety for the contractor and the public during the construction of these improvements.
2. Disapproval of Resolution 20-18 exempting the Molalla Avenue Streetscape Project from prohibition against unlawful noises on an emergency temporary basis. This option will increase the hazards to the public and the contractor and adversely impact/disrupt businesses during the construction of these improvements.