



Legislation Text

File #: 19-580, **Version:** 1

Oregon City Municipal Code Section 12.04.120 Streets Sidewalks and Public Places - "Obstructions," and prospective Amendment Language Allowing Cluster or Global Approval of Revocable Long-Term Obstruction(s) in the Canemah Historic District Rights-of-Way

RECOMMENDED ACTION (Motion):

No formal action is required, however, City Commission guidance will help staff to develop a recommendation for future City Commission action.

BACKGROUND:

The Oregon City Municipal Code (OCMC) makes it unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction in any public street or alley, without obtaining approval for a right-of-way (ROW) permit from the Commission by passage of a Resolution.

In July 2019, the City Commission, in consideration of an application for approval of an obstruction in the right-of-way in the Canemah Neighborhood, was provided a graphic (PowerPoint slide) depicting multiple existing and longstanding obstructions in the ROW. The graphic was titled "Canemah ROW Potential ROW Obstructions" and included a 2018 aerial image depicting 78 possible obstructions. This graphic provided the City Commission with context to consider for the specific application, and it also raised the question about what the City should do with unpermitted obstructions in the ROW.

In the Canemah neighborhood, the platted public ROW varies but in most instances is 60 feet wide. The Canemah neighborhood is also platted with several 12.5 foot wide unimproved alleyways. Generally the paved roadway in Canemah is 20 feet wide with limited shoulders and no curbs nor sidewalks. Pedestrian access in the neighborhood is accommodated inside the travel lanes by default as shared-use facilities. Within the platted ROW, the City also is responsible for utility facilities including water, sewer, stormwater, and there are several franchise utility lines and facilities within the platted ROW. Unlike newer developments in Oregon City, it is often difficult to identify the location of the public ROW in Canemah.

Another distinction in the Canemah neighborhood is that it is complicated by a variety of overlay districts including geologic hazard, natural resource, historic, and Willamette River greenway and each of these overlays is governed through the OCMC.

Obstructions that encroach into the ROW have not been inventoried in detail, however, within the last three years the City has devoted attention on encroachments. When an obstruction associated with a development application, or a report of illegal encroachment, or a field observation of a new ROW obstruction comes up, the property owner/developer has been directed to comply with OCMC 12.04.120; Obstructions - Permit Required.

Given the City's authority to manage the Public ROW, the City Commission has asked staff to schedule this agenda item and provide options for Commission consideration in an effort to address

the Canemah Historic District unpermitted right-of-way obstructions in a comprehensive manner.

This staff report includes a memorandum which provides context for an initial conversation about four general options that could be further explored and refined including:

1. Pursue code enforcement on each obstruction in the ROW and apply current codes and policies on each individual case.
2. Pursue a global solution using a streamlined ROW permit process approving all or most obstructions in the Canemah Historic District.
3. Pursue both the global solution and adopt code changes allowing obstructions in the ROW.
4. Table the issue, pursuing code enforcement when an encroachment becomes a problem or a complaint is received.