



Legislation Text

File #: 19-696, Version: 1

Renewable Right-of-Way Permits for Active Use of Sidewalks for Commercial Use

RECOMMENDED ACTION (Motion):

This is a work session discussion item and there is no recommended City Commission action at this time.

BACKGROUND:

Oregon City is fortunate to have a thriving business community with business corridors like Main Street, 7th Street, and Molalla Avenue where our community can frequent, whether it be for leisure or business. Pedestrian accessibility to these business corridors is critical and in many instances, our access ways provide great places to linger and congregate.

Ensuring that our pedestrian routes remain convenient, safe, and available to a wide range of users is also important. In Oregon City, many of the buildings were built fronting the street with no setbacks. At the same time, the streets were built relatively narrow based on the needs of the historic era of the time. Access ways, especially the sidewalks, generally run between 8 and 10 feet wide and leave little room for uses other than pedestrian access.

In limited instances, Oregon City businesses are using the public right-of-way (sidewalks) as an extension of their business. This typically includes tables and chairs for outdoor eating and, to a lesser extent, product sales like furniture or clothing. Other movable and temporary features like planter pots and 1-day sidewalk sales racks have at times been an issue, but this discussion is focused more on regular use of the sidewalk for outdoor seating.

The City has not had an adopted standard or a permitting process for such business use of the public ROW. In preparing for this report, we found records to indicate some work on this issue in 2009 and 2016. Notes from the 2016 effort indicate that a stakeholder group was formed to discuss the concerns and develop an Oregon City Active Sidewalks Project whereby permit rules and a permitting system could be adopted. A small stakeholder group was formed and interviews were held, findings were made, existing code was considered, and next steps were developed. The Oregon City Active Sidewalks Project has not progressed beyond the work completed in 2016, yet we still have the encroachment concerns.

Existing Code (Chapter 12.04.130) prohibits sidewalk cafes or displays unless in areas designated by the City Commission. The City Commission has not, to staff's knowledge, designated any areas of the City for this activity. Until recently, most current sidewalk displays and cafes have been operating without any formal permits or acknowledgement from the City.

This year, the Public Works Department started a program to notify these businesses and issue permits for seating in the right-of-way. We have not yet dealt with the issue of permitting flower pot/planter obstructions. A-Frame signs are permitted by Community Development.

Only sites that visually had seating were sent letters to get permitted. We sent 21 letters, and permitted only 5 of those properties. There are 17 properties shown using the right-of-way in Google street view. We have not sought code enforcement. The program for 2019 was purely based on the honor system.