



**OREGON CITY PUBLIC WORKS
POLICIES & PROCEDURES**

City Code and Public Works Standards References: Public Works Street Standards Drawings 500 Series (OC 508, OC509), OCMC 15.28 – Signs, OCMC 12.08 Public and Street Trees, OCMC 12.04.120 Obstructions, OCMC 12.04.130 Obstructions – Sidewalk Sales, OCMC xx.xx Sight Distance, Department of Justice 2010 ADA Standards for Accessible Design (Chapter 4)

Subject: *Sidewalk Obstructions* - Standard Operating Policy (SOP)

Effective Date: xx/xx/2020

Prepared By: Josh Wheeler,
P.E.

Approved: xxx

Purpose

Establishes a policy that provides design guidelines and a process for issuing renewable right-of-way permits for temporary and semi-permanent obstructions on the sidewalk portion of the right-of-way.

General Information

OCMC 12.04.120 provides the requirements for permitting obstructions within the right-of-way. Obstructions are categorized as either “permanent” or “temporary.”

Permanent obstructions are those that are permanently anchored to the ground including, but not limited to, retaining walls, fences, signage, decks, porches, buildings, etc.

Temporary obstructions are those that are not permanently anchored and can be easily moved including, but not limited to, moving pods, debris dumpsters, planters, seating, A-frame (sandwich board) type signs, displays, etc.

Permanent obstructions require approval from the City Commission. Permanent obstructions are revocable by the City at any time and also require the property owner/applicant to record an agreement indemnifying the City for any issues caused by the obstruction.

Temporary obstructions are administered by staff and do not require approval from the City Commission. Temporary obstructions are allowed for up to 60 consecutive days. A property owner/applicant must sign an indemnification agreement; however, the agreement is not recorded against the property and expires upon expiration of the permit.

- I. Process for obtaining a permanent obstruction and constructing an obstruction in the right of way.
 - A. Make a request to Public Works – Engineering Division
 1. Staff will make a recommendation about whether the obstruction benefits the public good.
 - a. Examples:
 - 1) Obstruction does not provide a physical barrier to the movement of vehicles, bicycles, and pedestrians
 - 2) Obstruction minimizes the probability of a future landslide
 - 3) Obstruction protects Natural Resources
 - B. Applicant makes an application and pays the following fees:
 1. Application Fee
 2. Plan Review Fee
 3. City Resolution and Document Process Fee
 - C. City Commission process
 1. Staff prepares a staff report and schedules a City Commission meeting
 2. Presentation by Staff and Applicant at a City Commission meeting
 3. City Commission either approves or denies request
 - D. Permitting
 1. Revocable Right-of-Way Permit is provided (after fee is paid) for the right to have the obstruction in the right-of-way
 - a. Applicant provides an Indemnity Agreement
 - 1) Document Processing and Recording Fee is paid prior to recording by City staff at the County Recorder’s Office
 2. Applicant applies for Construction Permit to install obstruction
 - a. If this is part of a land use decision, the plans act as the permit
 - b. If this is not part of a land use decision or the land use decision is only for an overlay district:
 - 1) Right-of-Way Permit General – Moderate is applied for with the following fees:
 - a) Application and Plan Review
 - b) Inspection
 3. Review is completed and permitted
 4. Construction occurs
- II. List of Fees for the entire process:
 - A. Application Fee
 - B. Plan Review Fee
 - C. City Resolution and Document Process Fee
 - D. Revocable Right-of-Way Permit Fee

- E. Document Processing and Recording Fee
- F. Right-of-Way Permit General – Moderate – Application and Plan Review
- G. Right-of-Way Permit General – Moderate – Inspection

Temporary Obstructions (60 days or less)

An over-the-counter permit can be obtained for a temporary obstruction in the right-of-way. Temporary obstructions are defined as those obstructions that will last for no more than 60 calendar days.

Temporary obstructions are approved by staff.

- I. Process for obtaining a temporary obstruction permit
 - A. Make a request to Public Works – Engineering Division
 - 1. Staff will determine if the obstruction prevents other users (vehicles, bicycles, pedestrians) from using the right-of-way or if the applicant has provided an alternate route for those users.
 - B. Applicant makes an application and pays the following fees:
 - 1. Application and Plan Review Fee
 - 2. Inspection Fee
 - C. Permitting
 - 1. City staff reviews the request
 - 2. Applicant provides an Indemnity Agreement
 - a. This agreement expires with the termination of the permit AND the obstruction being removed.
 - 3. City staff provides permit with a specific end date based on the applicant's needs.
 - 4. City staff closes permit with a final inspection showing the right-of-way has been cleared from all obstructions caused by the permit.

Typically and historically, these permits are used for storage pods and dumpsters.

*Sidewalk sales have historically not been allowed within the City. However, the new policy is to allow sidewalk sales. Sidewalk sales should only be allowed with a Special Event Permit.

Sidewalk sales will be permitted as Special Events. Special Events require two fees:

- 1. Application and Review Fee
- 2. Right of Way Inspection Fee

Staff will apply the standards for temporary obstructions to the Special Event. Sidewalk sales will be limited to a maximum of seven days and will only be allowed during business hours. The right-of-way is to be cleared daily during the overnight hours.

Temporary Obstructions (Annual Renewable Permits) – also called semi-permanent obstructions or temporary long-term obstructions

In the Mixed Use Downtown and 7th Avenue corridors, businesses quite often want to use the sidewalk portion of the right-of-way to serve customers or beautify their space.

They desire to have seating for customers and planters which are considered temporary obstructions in the right-of-way. As these are typically long-term temporary obstructions, an annual renewable right-of-way permit is required.

Temporary long-term obstructions are for the time frame of 61 days to 365 days and are determined at time of application by request of the applicant and approval by City staff.

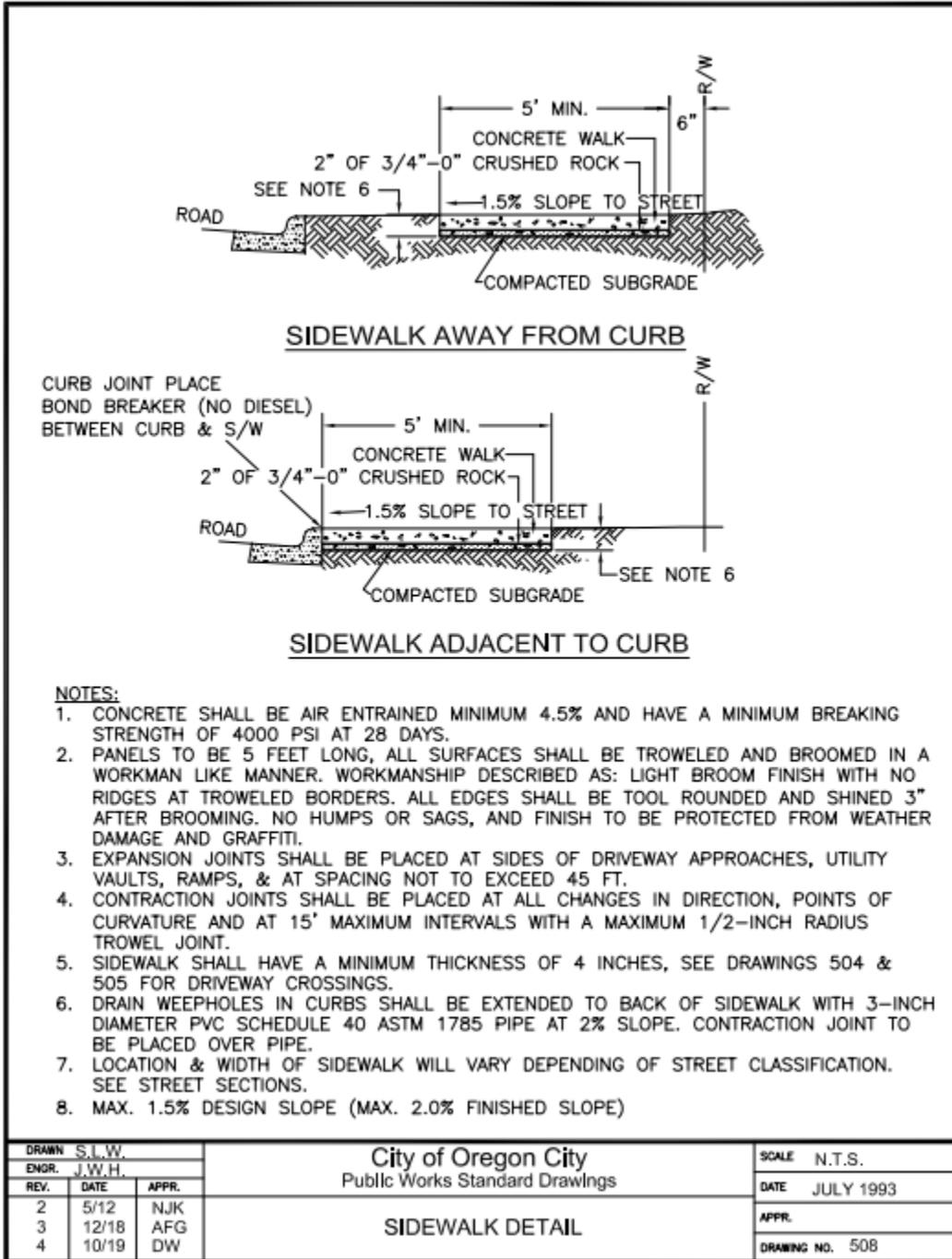
Temporary long-term obstructions are approved by staff.

- I. Process for obtaining a renewable right-of-way permit.
 - A. Make a request to Public Works – Engineering Division
 1. Staff will determine if the obstruction prevents other users (vehicles, bicycles, pedestrians) from using the right-of-way or if the applicant has provided an alternate route for those users.
 - B. Applicant makes an application and pays the following fees:
 1. Application, Plan Review, and Inspection Fee
 - C. Permitting
 1. City staff reviews the request
 2. Applicant provides an Indemnity Agreement
 - a. This agreement expires with the termination of the permit AND the obstruction being removed.
 3. City staff provides permit with a specific end date based on the applicant's needs.
 4. City staff closes permit with a final inspection showing the right-of-way has been cleared from all obstructions caused by the permit.
 - D. Renewal
 1. Annually, the City sends requests to all properties in the following areas:
 - a. Main Street (99E to 15th Street)
 - b. 7th Street (Center Street to Harrison Street)
 2. The City provides drive-by inspections of these two corridors by July 15 of each year. If a property includes any temporary obstructions without a permit, a letter will be sent to the property owner giving them 10 days to bring their property into compliance.
 3. If a permit is not obtained after two notices are given, the property shall be sent to code enforcement.

Miscellaneous

In no way shall any obstruction prevent the use of any proper user of the right-of-way from using the crosswalks, accessible ramps, or other features needed for the joint use of this space.

Appendix



***Sidewalk Detail is subject to change/modification**

NOTES:

1. FOR SIDEWALK RAMP DETAILS USE OREGON DEPARTMENT OF TRANSPORTATION'S (ODOT) STANDARD DRAWING NUMBER RD755.
2. FOR SIDEWALK RAMP PLACEMENT OPTIONS FOR CURB RADII LESS THAN OR EQUAL TO 15 FEET, USE OREGON DEPARTMENT OF TRANSPORTATION'S (ODOT) STANDARD DRAWING NUMBER RD756.
3. FOR SIDEWALK RAMP PLACEMENT OPTIONS FOR CURB RADII GREATER THAN 15 FEET, USE OREGON DEPARTMENT OF TRANSPORTATION'S (ODOT) STANDARD DRAWING NUMBER RD757.
4. FOR TRUNCATED DOME DETECTABLE WARNING SURFACE DETAILS AND LOCATIONS USE OREGON DEPARTMENT OF TRANSPORTATION'S (ODOT) STANDARD DRAWING NUMBER RD759.
5. THESE DRAWINGS CAN BE BE FOUND ON ODOT'S WEBSITE:
<https://www.oregon.gov/ODOT/Engineering/Pages/Drawings-Roadway.aspx>
6. CONCRETE FOR SIDEWALK RAMPS SHALL BE AIR ENTRAINED (4.5% MINIMUM) AND HAVE A MINIMUM BREAKING STRENGTH OF 4000 PSI AT 28 DAYS.
7. TRUNCATED DOME DETECTABLE WARNING SURFACE PANELS SHALL BE:
CITY APPROVED CONCRETE or CAST IRON PANEL IN NON-FADING BLACK OR CHARCOAL COLOR. PLASTIC OR FIBERGLASS PANELS OR SURFACE APPLIED SYSTEMS WILL NOT BE ACCEPTED.

QUALIFYING PRODUCT LIST:

ADA SOLUTIONS- CAST IRON TACTILE SYSTEM OR CITY APPROVED EQUAL

<https://adatile.com/cast-iron-tactile-systems/>

TRANSPO INDUSTRIES- POLYMER CONCRETE DETECTABLE WARNING TILE

<https://www.transpo.com/roads-highways/precast-products/ada-detectable-warning-tiles-and-mats/step-safe-cast-in-place-ada-tile>

8. MAX. 1.5% DESIGN LANDING SLOPE (MAX. 2.0% FINISHED SLOPE).
9. MAX. 7.5% DESIGN RAMP SLOPE (MAX. 8.33% FINISHED SLOPE).

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|-----------|-------|-------|---|-----------------|
| DRAWN JRF | | | City of Oregon City Public Works Standard Drawings | SCALE N.T.S. |
| ENGR. NJK | | | | DATE JAN. 2005 |
| REV. | DATE | APPR. | SIDEWALK RAMP DETAILS AND PLACEMENT OPTIONS | APPR. |
| 2 | 5/12 | NJK | | DRAWING NO. 509 |
| 3 | 12/18 | AFG | | |
| 4 | 8/19 | DW | | |

***Sidewalk Ramp Details and Placement Options Detail is subject to change/modification**