

RESOLUTION NO. 24-12

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**A RESOLUTION ADOPTING THE AMENDMENTS TO THE OREGON CITY  
SIDEWALK REPLACEMENT ASSISTANCE PROGRAM**

**WHEREAS**, The City has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter, state law, and City ordinance by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans; and

**WHEREAS**, Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements, and all other public ways or areas; and

**WHEREAS**, Under Oregon City Municipal Code 12.04.030-12.04.040, the City assigns responsibility for the maintenance and repair of sidewalks to abutting property owners, but allows the City to do sidewalk repair work, assess the costs of the sidewalk repair work, and enforce the maintenance and repair of the sidewalk; and

**WHEREAS**, The City adopted its Transportation System Plan in 2013 which includes eight (8) transportation goals, all of which support safe sidewalks to better accommodate the need for reduced driving demand and more reliance on walking; and

**WHEREAS**, Safe and accessible pedestrian ways is a major part of the City's overall transportation vision; and

**WHEREAS**, The Sidewalk Replacement Assistance Program is in no way intended to relieve property owners of their responsibilities, but rather, it is intended to assist property owners with the cost of replacing damaged sidewalks; and

**WHEREAS**, Oregon City Municipal Code (OCMC) Chapter 12.08.010 states the purpose of Public and Street Trees is to "Develop tree-lined streets to protect the living quality and beautify the city;" Establish physical separation between pedestrians and vehicular traffic; Create opportunities for solar shading; Improve air and water quality; and Increase the community tree canopy and resource;" and

**WHEREAS**, All new development in Oregon City is required to install street trees in accordance with OCMC 12.08, which mandates a street tree every thirty-five feet of property frontage, generally planted in a planter strip located adjacent to a public sidewalk; and

**WHEREAS**, The damage to sidewalks from street tree roots can be extensive, resulting in widespread pedestrian trip hazards throughout Oregon City; and

**WHEREAS**, The City Commission recognizes the burden that street tree roots have placed on the community's sidewalks; and

**WHEREAS**, the City has a transportation maintenance fund that is dedicated to improving the transportation infrastructure throughout the city; and

**WHEREAS**, the City Commission adopted Resolution No. 22-02, A Resolution Adopting the Oregon City Sidewalk Replacement Assistance Program (Pilot) for the biennial budget of 2021-2023.

**WHEREAS**, the City Commission adopted Resolution No. 22-36, A Resolution Adopting the Oregon City Sidewalk Replacement Assistance Program, as a "Permanent" Program on November 16, 2022.

**NOW, THEREFORE, THE CITY OF OREGON CITY RESOLVES AS FOLLOWS**

**Section 1.** The City hereby adopts the amendments to the Sidewalk Replacement Assistance Program ("SRAP") attached to this resolution as **Exhibit A**, which includes the changes identified in the red text attached to this resolution at **Exhibit B**, replacing all previously adopted documents.

**Section 2.** The City will continue to accept applications for properties with fronting sidewalks where the street tree(s) have lifted or are negatively impacting the sidewalk grade, as set forth in the SRAP.

**Section 3.** The City hereby continues to dedicate \$200,000 per fiscal year from within the Transportation Fund to support the Oregon City SRAP, which includes funding for both replacement of current sidewalk trip hazards and retroactive reimbursements for sidewalk permitted where the current property owner can provide documentation of replacement costs, until such time the City Commission changes the budget allocation during the biennial budget process.

**Section 4.** The City will accept reimbursement requests on a first come first serve basis based on the date for which the receipts for reimbursement and all other documentation is provided until such time the budget is fully expended.

**Section 5.** This resolution is effective immediately upon its adoption.

Approved and adopted at a meeting of the City Commission held on the 1st day of May 2024.

  
DENYSE C. MCGRIFF,  
Mayor

Attested to this 1st day of May 2024:

  
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Jakob Wiley, City Recorder

Approved as to legal sufficiency:

  
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Carrie Richter (May 3, 2024 19:53 PDT)  
City Attorney

Exhibit A: Oregon City Sidewalk Replacement Assistance Program Guideline Amendments  
Exhibit B: Oregon City Sidewalk Replacement Assistance Program Guideline Amendments - Redlines