

**RESOLUTION NO. 16-13**

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**A RESOLUTION AUTHORIZING ISSUANCE OF A PERMANENT BUT REVOCABLE  
OBSTRUCTION PERMIT FOR EXISTING AND REPLACEMENT FENCING WITHIN THE  
MCKINLEY AVENUE AND PROMONTORY AVENUE RIGHTS-OF-WAY (ROW) PROPOSED BY  
THE OWNERS OF 801 BRIGHTON AVENUE, OREGON CITY, OREGON**

**WHEREAS**, rear and side yard fencing at 801 Brighton Avenue (also known as Tax Lot 8000 of Tax Map 2-2E-31DB) has existed for an extended length of time in the unimproved Promontory Avenue and unimproved McKinley Avenue ROW; and

**WHEREAS**, Wesley and Virginia Harper, the owners of the above mentioned 801 Brighton Avenue, hereinafter called OWNERS, installed but were recently required to remove a newly constructed concrete block fence at the rear yard per notice by the City of Oregon City, hereinafter called CITY; and

**WHEREAS**, said notice was issued because the concrete block fence was constructed without CITY authorization or permits; and

**WHEREAS**, the OWNERS desire to obtain CITY authorization to install a CITY approved fence along the rear yard in unimproved Promontory Avenue at 801 Brighton Avenue as shown in Exhibit A; and

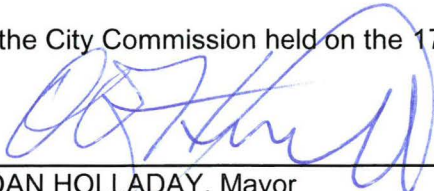
**WHEREAS**, concerning permanent obstructions, Municipal Code 12.04.120 states "It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, . . . , in any public street or alley in the city, without obtaining approval for a right-of-way permit from the commission by passage of a resolution"; and

**WHEREAS**, a "Permanent Obstruction Right-of-Way Permit" is needed (as approved by the City Commission) for placement, maintenance and replacement of the existing and proposed fencing for 801 Brighton Avenue, hereinafter called FENCING; and


**WHEREAS**, a "Permanent Obstruction Right-of-Way Permit" would allow the owner to obstruct the ROW but in no way does this record obligate the CITY to repair or compensate the property owner for property repairs in the event that the City needs use of the right-of-way.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Oregon City, Oregon, to approve Resolution No. 16-13 authorizing the issuance of a revocable "Obstruction in the Right-of-Way" permit for the placement, maintenance and replacement of City approved FENCING in the ROW described above.


Approved and adopted at a regular meeting of the City Commission held on the 17<sup>th</sup> day of August 2016.

  
\_\_\_\_\_  
DAN HOLLADAY, Mayor

Attested to this 17th day of August 2016:

  
\_\_\_\_\_  
Kattie, City Recorder

Approved as to legal sufficiency:

  
\_\_\_\_\_  
Carrie Pich  
City Attorney

# Oregon City GIS Map



**Legend A**

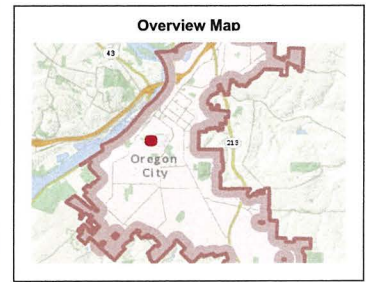
- Contours (10ft) - 1:3,600 and closer
  - 50 foot
  - 10 foot
- Taxlots
- Taxlots (Outside UGB)
- City Limits
- UGB
- Basemap

**LEGEND B**

- ① REPLACEMENT WOOD FENCE (42" TALL) WITH FENCE POSTS SET IN CONCRETE
- ② EXISTING CHAIN LINK
- ③ EXISTING WOOD FENCE (6' TALL)

**Notes**

801 Brighton Avenue AND 803 BRIGHTON AVENUE AREA MAP



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1: 600

Map created 6/7/2016

**EXHIBIT A**

City of Oregon City  
 PO Box 3040  
 625 Center St  
 Oregon City  
 OR 97045  
 (503) 657-0891  
[www.orcity.org](http://www.orcity.org)



801 Brighton Avenue  
Oregon City, OR 97045-3011  
June 6, 2016

Mr. John Knapp  
Engineering Technician III  
Public Works Department  
City of Oregon City  
625 Center Street  
Oregon City, OR 97045

Dear Mr. Knapp:

As we discussed over the telephone, we are requesting a permit to construct a fence behind our house at 801 Brighton Avenue, Oregon City, OR 97045-3011. This fence is to replace a fence that was falling down and will be in the same place (see enclosed photograph and site plan).

\* The fence will be in the same style as the one depicted in the second enclosed photograph, but it will be 145 feet long, in eight-foot sections, and 42 inches high. It will have one four-foot gate which will be in the same style as the fence and also 42 inches high. The fence posts will be anchored in the ground with concrete.

Thank you for volunteering to expedite the proposal process to present our request to the June 15 commission meeting. We appreciate it. If you have any questions, you may reach me at 503-305-8019 or [wharper@gmail.com](mailto:wharper@gmail.com).

Sincerely,

  
Wesley E. Harper

Enclosures (3)

\* WOODEN FENCE

OLD/REMOVED REAR YARD FENCING

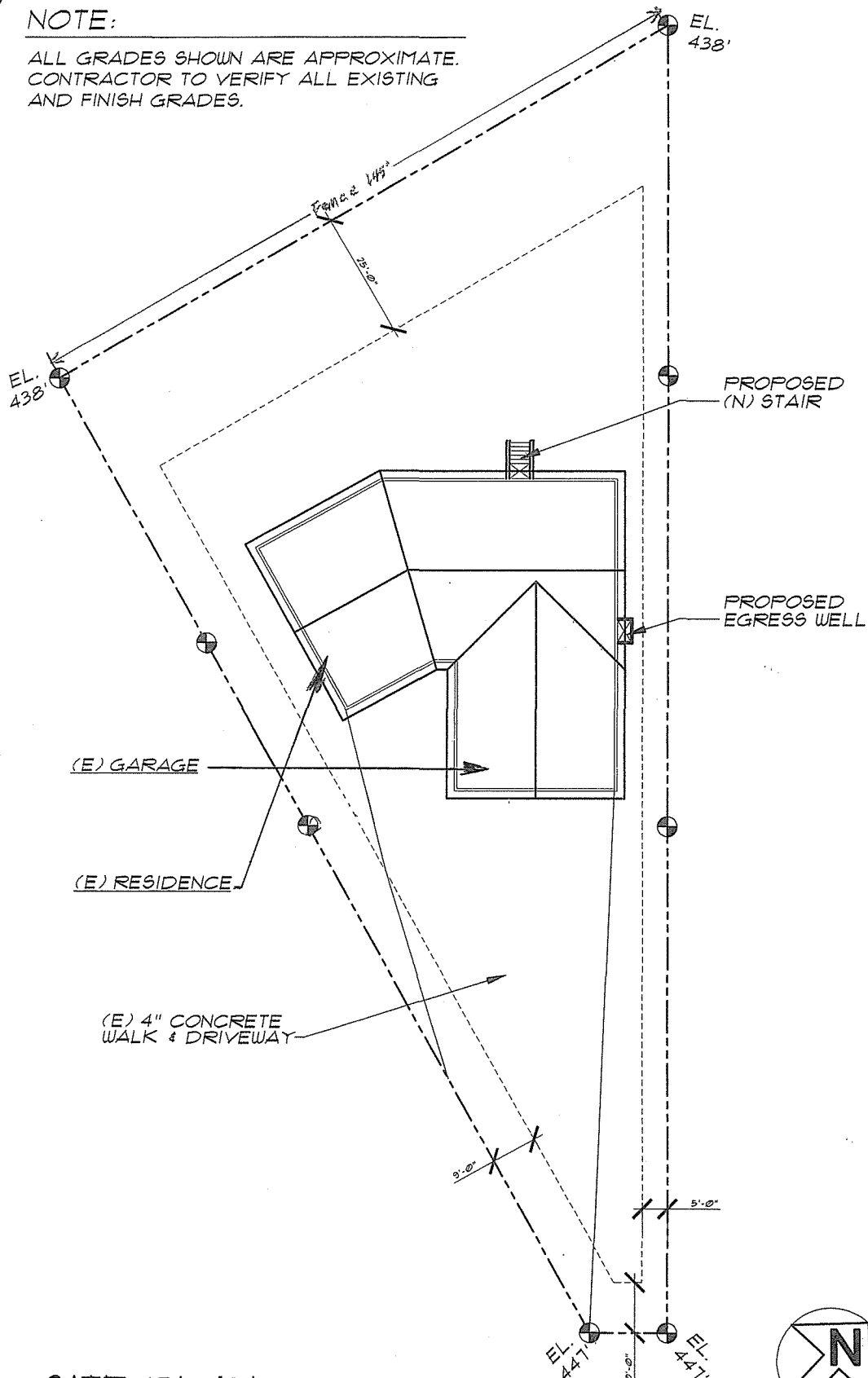


EXAMPLE OF NEW REAR YARD FENCING (EXCEPT TO BE 42" TALL)



**NOTE:**

ALL GRADES SHOWN ARE APPROXIMATE.  
CONTRACTOR TO VERIFY ALL EXISTING  
AND FINISH GRADES.



**SITE PLAN**

SCALE: ~~1" = 20'-0"~~ N.T.S.

**BRIGHTON AVE.**

801 BRIGHTON AVE  
OREGON CITY, OREGON 97045

TAX LOT 8000  
MAP NO. 22E31DB  
CITY OF OREGON CITY  
CLACKAMAS COUNTY  
STATE OF OREGON

TITLE: **SITE PLAN**  
PROJECT: **HARPER REMODEL**  
OWNER: **WES HARPER**  
DATE: MAY 18, 2015  
PROJECT NO: 15-100-52



NO.  
**S**

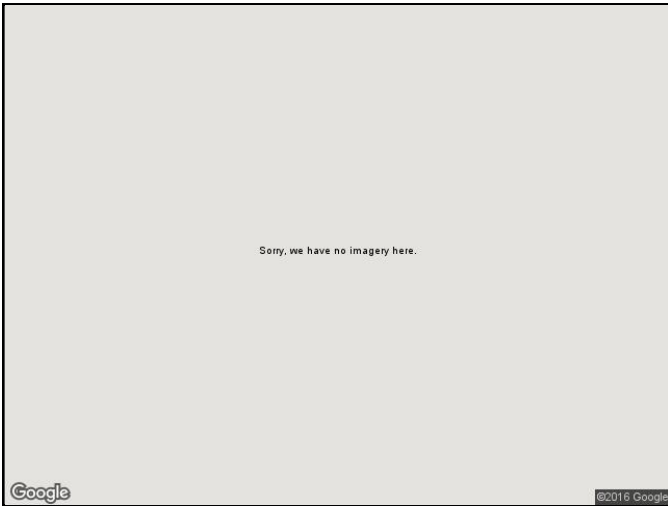
**Brighton: Existing Fencing Locations at 801 Brighton**

**Year of photograph - 2015:**



**Year of photograph - 2001:**





Google Streetview photo locations are approximate



**Taxlot Information**

Parcel Number (APN) 2-2E-31DB-08000  
 Primary Situs Address 801 BRIGHTON AVE  
 OREGON CITY, OR 97045  
 County CLACKAMAS  
 Section TS2 RE3 S1  
 Latitude 45.348844  
 Longitude -122.609127  
 Approx. Elevation (ft) 1  
 R Number (Alt ID) 00580776  
 Approx. Size (acres) 0.23  
 USGS Quad Name Oregon City  
 Within Oregon City Limits? Y  
 Urban Growth Boundary (UGB) Inside

**Political Boundaries**

Jurisdiction OREGON CITY  
 Voting Precinct 3.00000000  
 US Congressional District 5  
 Oregon House District 40  
 Oregon Senate District 20  
 Metro Council District 2  
 Metro Councilor Carlotta Collette  
 Metro Councilor Email carlotta.collette@oregonmetro.gov

**Assessment & Value Information**

Taxmap 2S2E31DB  
 Market Values as of 1/5/2016  
 Land Value (Mkt) \$209,356  
 Building Value (Mkt) \$238,280  
 Exempt Amount \$0  
 Net Value (Mkt) \$447,636  
 Assessed Value \$367,657  
 Year Built (if known) 1968  
 Sale Date 200812  
 Sale Price \$380,000  
 Document Date 2008-12-30 00:00  
 Document Number 2009-002665  
 State General Prop. Code 101  
 County Tax Code 062002



**Land Use and Planning**

<i>Zoning</i>	R6	<i>In Sewer Moratorium Area?</i>	Y
<i>Zoning Description</i>	6,000 Single Family Dwelling District	<i>In Thayer Rd Pond Fee Area?</i>	N
<i>Comprehensive Plan</i>	lr	<i>In Beavercreek Rd Access Area?</i>	N
<i>Comprehensive Plan Description</i>	Residential - Low Density	<i>In Willamette River Greenway?</i>	N
<i>Subdivision</i>	FALLS VIEW ADDITION	<i>In Geologic Hazard?</i>	Y
<i>Subdivision Plat Number</i>	40	<i>In High Water Table Area?</i>	N
<i>PUD (if known)</i>		<i>In Nat. Res. Overlay District (NROD)?</i>	N
<i>Partition Plat Number</i>	0	<i>In 1996/FEMA 2008 100-yr Floodplain?</i>	N
<i>Neighborhood Association</i>	Rivercrest NA	<i>In Barlow Trail Area?</i>	N
<i>Urban Renewal District</i>	Not in an urban renewal district	<i>Watershed</i>	Abernethy Creek-Willamette River
<i>Historic District</i>	Not in a historic district	<i>Sub-Watershed</i>	Tanner Creek-Willamette River
<i>Historic Designated Struct.?</i>	N	<i>Basin</i>	Willamette
<i>Concept Plan Area</i>	Not in a concept plan area	<i>Sub-Basin</i>	Middle Willamette
<i>Urban/Rural Reserve</i>			
<i>Reserve Name</i>			

**Service Districts**

<i>Elementary School</i>	Candy Lane/Jennings Lodge
<i>Middle School</i>	Gardiner Middle
<i>High School</i>	Oregon City High
<i>School District</i>	OREGON CITY
<i>Oregon Dept. of Ed. Dist. ID</i>	1928
<i>Natl. Cntr for Ed. Stats Dist. ID</i>	4109330
<i>Water District</i>	
<i>Park District</i>	
<i>Sewer District</i>	Tri-City Service District
<i>Fire District</i>	Clackamas Fire District #1
<i>Fire Management Zone</i>	6597
<i>Transit District</i>	Tri-County Metropolitan
<i>Garbage Hauler</i>	Oregon City Garbage Co.
<i>Garbage Hauler Phone</i>	(503) 656-8403

**Census Information**

<i>Census Tract</i>	225.00000000
<i>Census Block Group</i>	4
<i>Census Block Grp. Pop. (2010)</i>	757



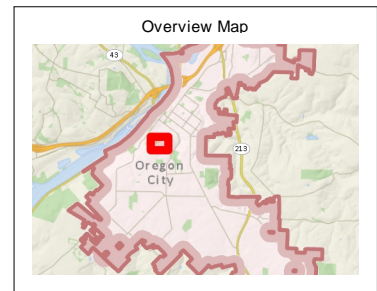
# Promontory ROW



### Legend

- Taxlots
- Taxlots (Outside UGB)
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes



0 200 400 Feet



1: 2,400



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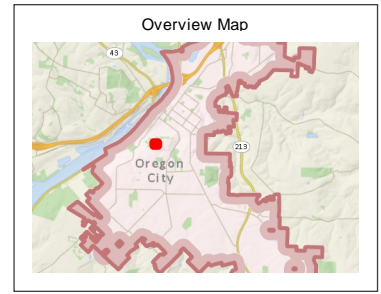
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