

RESOLUTION NO. 22-30

A RESOLUTION TO ESTABLISH A PARKLET PROGRAM IN THE RIGHT-OF-WAY

WHEREAS, providing an opportunity for businesses to expand their operations outdoors, either in the public right-of-way or private property, will generate greater pedestrian activity and help increase business patronage and overall interest in the area; and

WHEREAS, parklets are public spaces located in the public right-of-way that provide increased outdoor dining capacity; and

WHEREAS, to be successful, parklets must adequately address infrastructure and parking impacts, be tied to a specific location, be safe for the public to use, be easily maintained by the permittee, be for a limited and certain term, and be capable of easy and fast installation and removal; and

WHEREAS, Oregon City Municipal Code (“OCMC”) Section 12.04.120 identifies requirements for temporary obstructions in the right-of-way; and

WHEREAS, the City Commission approved Resolution No. 20-22 temporarily allowing these uses from July 16, 2020 to November 30, 2020; and again from March 15, 2021, to November 30, 2021, with a fee of \$25 per year after March 14. Resolution No. 20-30 allowed the business that submitted a permit by November 30 to continue the use from December 1, 2020, to March 14, 2021, without additional review. Resolution No. 21-15 updated the standards for parklets and private property restaurants and retail from March 17, 2021, to November 30, 2021. Resolution No. 21-46 continued the pilot program an additional six months until May 31, 2022. Resolution No. 22-16 continued the pilot program until November 30, 2022; and

WHEREAS, this Resolution will make the parklet program permanent, as identified in Exhibit A; and

WHEREAS, after the facilities are initially permitted, additional review and permitting is required each year and any time that changes are proposed. Each review requires submittal of a separate application and associated fee.


NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City adopts Exhibit A, the Oregon City Parklet Program (the “Program”), which authorizes parklets on a renewable basis within the MUD zone extending along 7th Street generally between Singer Hill Road and Jackson Street.

Section 2. All engineering fees shall be assessed per the most current engineering fee schedule.

Section 3. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 5th day of October 2022.


Denyse C. McGriff, Mayor

Attested to this 5th day of October 2022:


Jakob Wiley, City Recorder

Approved as to legal sufficiency:


City Attorney

Exhibit A: Oregon City Parklet Program

Oregon City Parklet Program

During the COVID-19 pandemic which occurred from March 2020 to early 2022, the City of Oregon City supported alternative ways to help increase patronage of local businesses affected by physical distancing requirements. The program included temporarily allowing outdoor dining within the right-of-way and on private property.

The desire of the City is to continue offering alternative dining options to retain and support businesses that can offer options to their customers.

This guide provides the design guidelines for the Oregon City Parklet Program within the public right-of-way.

Parklet Pilot Program

Restaurants in the Mixed Use Downtown District and along 7th Street (Singer Hill Road to Jackson Street) may construct a parklet in adjacent on- street parking areas to allow expanded outdoor dining.

These expanded seating areas, called “parklets,” allow restaurants throughout the business community to increase seating capacity and safely serve more customers by locating chairs and tables along sidewalks and within on-street parking areas. See Exhibit 2 for conceptual drawings.



ELIGIBILITY OF BUSINESSES

Eating and drinking establishments within the Mixed Use Downtown (MUD) District and within a block of 7th Street on John Adams, Jefferson, Madison, Monroe, JQ Adams, or

Jackson Streets and on 7th from Jefferson Street to Jackson Street.

PARKLET LOCATIONS

The parklet program limits the number of allowed parklets per block as necessary to accommodate for ADA accessibility for pedestrians, and protect accessible parking and no-parking areas such as loading zones. ADA parking spaces may be relocated temporarily if ADA standards can continue to be met.

1. Location

A parklet must be located within an existing on-street parking stall abutting or partially abutting the business utilizing the parklet. Only one parklet may utilize one parking stall; however, multiple parklets are allowed per business, per frontage, if neighboring property owners and businesses approve of additional parklets. Businesses may work together to create a parklet using two or more on-street parking stalls if the businesses are adjacent to each other. In addition, any business may allow customers of other nearby businesses to utilize the parklet.

2. Number of Parklets

A maximum of two (2) parklets are allowed per block. A block is defined as the corridor from edge of sidewalk to edge of sidewalk and from street to street. Parklets shall be granted on a first come first serve basis.

3. Approval

A parklet shall only be located in designated on-street parking areas that have been approved by the City of Oregon City after careful review and authorization via a Renewable Right-of-Way Permit. The property owner, any additional building tenants, along with all other businesses located adjacent to and immediately abutting within the same block of the parklet, must provide written consent supporting the request.

4. Posted Speed Limit

A parklet may be established along roadways where the posted speed limit is 25 mph or less.

5. Parking Zones

Parklets are prohibited in accessible parking spaces, the accessible aisle adjacent to the accessible spaces, and no parking zones. See Exhibit 1 for locations that are prohibited from parklet use in downtown; areas are marked in red. Additional locations may also be

prohibited if conditions warrant. ADA parking spaces may be relocated temporarily if ADA standards can continue to be met.

TERM OF USE

Parklets shall be permitted on an annual basis. Each permit will be valid for one calendar year and expire on December 31 of any given year. The permit will need to be renewed annually.

GENERAL GUIDELINES

- Parklets must be located adjacent to the applicant's business.
- If all accessibility and design requirements are met, installation of a parklet platform is not required provided that existing pavement is not damaged or otherwise altered.
- Design for easy removal. The parklet will sit on top of the existing street surface. Because parklets may sit on top of critical infrastructure and utilities such as gas lines, sewer, and water mains, etc., they need to be designed for easy removal in case of an emergency.
- No additional signage is allowed within or on the parklet other than those required by law.
- Maintenance and litter removal are the responsibility of the applicant/owner. Failure to maintain the parklet may result in the revocation of the permit.
- No audio systems or other sound amplification devices are permitted for incorporation in the design of any parklet and shall not be used on any parklet.
- No smoking or vaping is permitted within a parklet at any time.
- ADA Guidelines must be met at all times.
- If applicable, the applicant is responsible for obtaining separate Oregon Liquor Control Commission (OLCC) permits.
- If applicable, the applicant is responsible for following food safety guidelines as well as Center for Disease Control (CDC) guidelines regulated by the Oregon Health Authority.
- If applicable, the applicant is responsible for following fire safety guidelines as regulated by Clackamas Fire District #1.
- Permits are required annually.

MAINTENANCE OF THE PARKLET

The parklet will be owned and maintained by the applicant. The applicant is responsible for all costs associated with the design development, construction, installation, maintenance, and removal of the parklet. Approval of an application obligates the applicant to keep the parklet free of debris, grime, and graffiti, and to keep all plants in good health.

The permit requires that the facility is swept daily and debris is removed from under (if applicable) and around the parklet a minimum of once a week. A maintenance plan and agreement are required to ensure compliance.

PARKLET DESIGN STANDARDS

The following design standards ensure that all parklets are safe, accessible, attractive, and functional.

1. BASE AND DECKING

If proposed, parklet decking must be designed such that the parklet has a vertical lip of no more than ¼-inch as it connects to the curb and may not have more than a ½ inch gap from the curb. The cross slope from the curb to the street must not exceed 2%. This means that most parklets will likely have an elevated base decking. The submitted design must demonstrate that the deck is compliant with ADA accessibility requirements including at least one ADA-compliant access point for each parking space used.

The parklet platform may not be attached to or damage the street and must be easily assembled and disassembled. Any damage to the street is the responsibility of the applicant.

The parklet platform must be designed to allow for curb line stormwater drainage and include a minimum twelve (12") inch gutter bar. The parklet platform must be designed to not allow debris to collect underneath the deck.

2. PARKLET FOOTPRINT

A buffer is required in the locations in which the parklet abuts adjacent on-street parking stalls. For parallel parking, there must be a twenty-four (24") inch setback on either end of the parklet, adjacent to parallel parking, and to the roadway. Wheel stops may be used but are not required.

For diagonal and perpendicular spaces, the edge of the parklet must be set back eighteen (18") inches from the adjacent parking space on either side. This setback space must be included within the parklet space, and not be taken from the adjacent space.

For multiple businesses adjacent to each other or businesses that received approval from the City and neighboring properties to install multiple parklets, adjoining stalls are allowed without a buffer.

3. BUFFER

Parklet design must include a continuous physical barrier along the street which is able to withstand impact while maintaining clear visual sightlines to the street.

To protect a parklet located on a parallel parking space from parking maneuvers, substantial planters, weighted bollards, or other structures that can withstand light vehicular impact must be installed on either end of the parklet and at the street edge. Cones or Type II barricades are not acceptable. Parklets occupying diagonal parking spaces are not required to have such substantial edge materials, except for the side and corners at the street edge. Additional traffic safety items may be added to the final design by City staff.

Barriers and fencing may not extend into the street side setback zone or bolted into the street. If portable fencing is used, each section must be connected together. If cable is used for the barrier, spacing between cables cannot exceed 6-inches.

A reflective delineator post must be placed at the outer corners of the parking space/parklet, 6-inches from the wheel stops. Delineator posts must be 36-inches tall, cylindrical, white, flexible, and must include reflective striping.

4. VERTICAL ELEMENTS

Vertical elements, such as planters and umbrellas over tabletops, should be included so that the facility is visible to vehicles. Umbrellas or sails cannot be placed within 20 feet of a stop sign and must be contained within the parklet.

Applicants with overhead canopies, sails, or similar items must demonstrate that the structures have the ability to withstand wind loads equal to the standards which apply on private property. Covers comprised of more substantial materials such as wood or metal are not allowed.

Applicants proposing a cover must demonstrate that visual obstruction to adjacent businesses, both to storefronts and identifying signage, is minimized.

5. MATERIALS

The use of high quality, durable materials capable of withstanding prolonged use is required. Examples include wood and metal. Pallets, construction fencing, or chain link are not allowed.

Surface materials: loose particles, such as sand or loose stone, are not permitted on the parklet. A non-slip surface is required.

6. SEATING

Everyone should be able to travel adjacent sidewalks and enjoy parklets. Furniture must be able to accommodate a minimum of one accessible space per parklet



7. LIGHTING

Lighting that extends across the sidewalk must be a minimum of 8 feet above the sidewalk. Any single lighting source more than 40 watts shall be shielded.

8. HEATING APPLIANCES

Portable outdoor gas-fired heating appliances (such as propane heaters) shall be approved by Clackamas Fire District #1.

9. SIDEWALK DIVERSIONS

In place of a parklet, a business may choose to install a sidewalk diversion which must meet ADA guidelines, be made of durable materials using slip-resistant materials, and be protected similarly with substantial planters, weighted bollards, or other structures that can withstand light vehicular impact.

Barriers and fencing may not extend into the street side setback zone or bolted into the street. If portable fencing is used, each section must be connected together. If cable is used for the barrier, spacing between cables cannot exceed 6-inches.

A reflective delineator post must be placed at the outer corners of the parking space/sidewalk diversion, 6-inches from the wheel stops. Delineator posts must be 36-inches tall, cylindrical, white, flexible, and must include reflective striping.

Sidewalk diversions are permitted as a parklet which includes the diversion and the sidewalk seating area.



APPLICATION

An application for a Renewable Right-of-Way Permit is required and must be approved before installing a parklet. Once the parklet is constructed, an inspection is required to verify compliance with the approved application. Applications will be accepted on a rolling basis. A parklet applicant must comply with the applicable standards and agree to the terms of the Indemnity and Release Agreement required as part of the application including Liability Insurance covering Permittee's activity described in the Release.

PARKLET PERMIT FEE

Parklets shall follow Renewable Right of Way Permit fees set by Resolution in the Engineering Fee Schedule effective at the time of application.

LIABILITY INSURANCE

A parklet applicant must maintain general liability insurance in the amount no less than \$2 million per occurrence/\$4 million aggregate throughout the term of the Renewable Right-of-Way Permit, in accordance with the Indemnity and Release Agreement obligations and City of Oregon City standards.

SITE PLAN

A design document is required at the time of application submittal. A complete set of proposal drawings is required in order to be considered for approval. This site plan/design will help staff understand how your parklet would fit within the street. The site plan does not need to be drawn by a design professional. It can be drawn by hand or computer and must show the exact location of the parklet, the area around the parklet, the proposed layout and dimensions, and where parklet amenities (e.g., seating and landscape features) would be placed. Staff will determine if your selected site is appropriate for a parklet and how the parklet would integrate into the neighborhood context.

EXHIBITS

Exhibit 1 shows locations in red where parklets are not allowed unless other accommodations are made.

Exhibit 2 shows some design examples.

EXHIBIT 1



Main Street from 6th Street to Hwy. 99E



Main Street from 6th Street to 8th Street



Main Street from 8th Street to 10th Street



Main Street from 10th Street to 11th Street

EXHIBIT 2 – Possible Options

