



MEMORANDUM

To: City Commission
From: Tony Konkol – Community Development Director
Re: Public Works Operation Facility – Parks designation
Date: August 12, 2015

At the August 5th, 2015 City Commission meeting concerning a contract for initial work related to the redevelopment of the Public Works Operations Facility, two maps were submitted into the record by a citizen with a color designation on the upper yard of the Operation Facility representing the properties as Parks, Schools and Recreation and Park. The exhibits appear to be maps from 1975 and 2004.

The question before the Commission is whether the entire Operations Facility, excluding Waterboard Park, is real property owned or acquired by the city that has been designated a park by ordinance and therefore is required to be maintained as provided in Section 41 of Chapter X.

Chapter X – Parks and Natural Beauty of the Oregon City Charter is to prevent the transfer, sale, vacation or major change in use of city parks without first obtaining an approving vote of the legal voters of this city; to designate certain park areas and their use; to preserve the natural beauty of public parks and to protect the rights of citizens in the preservation of their heritage of nature. Its purpose also is to establish authority and procedures for abatement of nuisances and fire hazards for the protection of the public, as well as protection of the rights of individual citizens.

Section 42 – Parks Designated of Chapter X specifically identifies “Park or Natural Park” by description, including Waterboard Park: The area designated as WATERBOARD PARK on the map of Oregon City revised 1969, and the adjoining areas thereof lying below the high bluff, the westerly end of which area is at the southwesterly corner of Tract [19](#), FIELDS ADDITION, and the easterly end of which area is approximately at the intersection of Quarry and Third Streets; except any portion thereof lying north of the road running from John Adams Street and the extension thereof around the south side of the Armory and connecting to South 2nd Street. WATERBOARD PARK as above described is designated as a natural park.

Section 43 – Additional Parks of Chapter X describes the process to create a Charter Park: Additional parks may be created and land established as parks upon the acceptance by the commission of a gift to the city for park purposes or a dedication of land as a park. Real property



owned or acquired by the city in other manners may be designated as a park by ordinance. Park areas may be specifically designated as natural parks and when so designated shall be maintained as provided in [Section 41](#). Whenever any real property is designated as a park as provided herein, it is subject to all of the provisions of this Chapter X.

The description of Waterboard Park in Section 42 specifically excludes the areas north of the road running from John Adams Street and the extension thereof around the south side of the Armory, which has historically and is currently used as the upper yard of the Operations Facility. This area north of the road running from John Adams Street around the south side of the Armory is the area in question as to whether this is a Charter protected Park.

Staff has been unable to locate, nor has a specific ordinance been identified that has designated or zoned the Operations Facility upper yard as a park, nor has any ordinance been identified with narrative language that designates the Operations Facility upper yard as a Charter Park or Natural Park.

At the August 19th, 2015 City Commission meeting staff will be presenting multiple maps dating 1965, 1973, 1977 and 1980 that demonstrate that the zoning of the Operations Facility remained the same during the time period in question. The maps, from 1965 – 1980, show that the property in questions was zoned R-2 One Family Dwelling and R-6 Single Family Dwelling. The R-2 and R-6 zoning had identical lot size requirements, 6,000 square foot.

Excerpts from the 1954, 1978, 1979 and 1980 Oregon City zoning code have been attached. The excerpts do not have a “Park” zoning classifications that would be consistent with the map that was submitted into the record. It also appears that without such a zoning classification in the Municipal Code the Commission would not have the ability to zone a property a classification that did not exist.

Included as an attachment is the City’s adopted Comprehensive Plan dated 12/17/04 (Ordinance Number 04-1016) which has a designation of Quasi-Public on the Operations Facility Upper Yard. In addition, there is a March 1980 map (Ordinance Number 1953) that identifies the upper yard as Quasi-Public (QP), which is a Comprehensive Plan land use designation for publicly owned lands other than City parks (1982 Comprehensive Plan; M-2).

Based on the information it does not appear that the Public Works Operation Site is a Park as identified in the Oregon City Charter.

ZONING
ORDINANCE
NO. 1405

OREGON CITY, OREGON

APRIL 20, 1954

Z O N I N G O R D I N A N C E

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REVISED - November 6, 1978

TITLE XI
OREGON CITY CODE

Z O N I N G

TITLE XI

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REVISED - October 5, 1979

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1980

TITLE XI
ZONING

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CHAPTER 1

INTRODUCTORY ZONING PROVISIONS

SECTION:

- 11-1-1: Title
- 11-1-2: Purpose
- 11-1-3: Scope
- 11-1-4: Severability
- 11-1-5: Repeal
- 11-1-6: Definitions

11-1-1: TITLE: This Ordinance shall be known and cited as the Zoning Code of Oregon City, Oregon.

11-1-2: PURPOSE: The purpose of this Ordinance is to promote public health, safety and general welfare through standards and regulations designed to provide adequate light and air; to secure safety from fire and other dangers; to lessen congestion in the streets; to prevent the overcrowding of land; to assure opportunities for effective utilization of land; to provide for desired population densities; and to facilitate adequate provision for transportation, public utilities, parks and other provisions set forth in the Oregon City Comprehensive Plan and the Oregon Land Conservation and Development Commission Statewide Planning Goals.

11-1-3: SCOPE: This Ordinance applies to all public and private lands situated within the boundaries of the City. In interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the public health, safety and general welfare. Whenever the requirements of this Ordinance differ from the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or those imposing the higher standards shall govern.

CHAPTER 2
ZONING MAP PROVISIONS

SECTION:

- 11-2-1: General Provisions
- 11-2-2: Classification of Zoning Districts
- 11-2-3: Official Zoning Map
- 11-2-4: Boundaries of Zoning Districts
- 11-2-5: Zoning of Annexed Areas
- 11-2-6: Street and Alley Vacations

11-2-1: GENERAL PROVISIONS: Except as hereinafter provided:

- (A) No building or structure shall be erected, structurally altered, enlarged or moved, nor shall any building, structure or land be used or designated to be used for any use other than is permitted in the district in which such building, structure or land is located, and then only after applying for and securing all permits and licenses required by law and this Code.
- (B) No building or structure shall be erected, enlarged or structurally altered to exceed the height limit established for the district in which the building or structure is located.
- (C) No building or structure shall be erected, enlarged or moved on a lot unless the building or structure and also the lot conforms to the area regulations of the district in which the building or structure is located, except as provided in this Title.
 - 1. No parcel of land on record at the time of the adoption of this Title shall hereafter be reduced in any manner below the minimum lot area, size or dimensions required by this Title.
 - 2. No lot area shall be so reduced or diminished that the off-street parking area, the yard, open space or total lot area be made smaller than required by

C,2) this Title, nor shall the lot area per family be reduced in any manner except in conformity to the regulations of this Title.

3. No yard or landscaped area now provided for any building or structure or hereafter provided in conformance with the regulations of this Title shall be considered as any part of a yard, or landscaped area for any other building or structure.

4. No required yard shall include any land dedicated, reserved or set aside for street purposes, except as provided in this Title.

(D) Each lot or building site must abut a public street and have a minimum frontage of forty five feet (45') on a street or thirty feet (30') on a cul-de-sac and meet all other requirements of lot size. An existing lot of record which does not meet the minimum frontage requirement may not be built upon unless adequate frontage for vehicular access is provided. (Ord. 1953, 3-13-80)

11-2-2: CLASSIFICATION OF ZONING DISTRICTS: For the purpose of this Title and to carry out these regulations, the City is hereby divided into districts, known as:

"R-10"	Single-Family Dwelling District
"R-8"	Single-Family Dwelling District
"R-6"	Single-Family Dwelling District
"RD-4"	Two-Family Dwelling District
"RC-4"	McLoughlin Conditional Residential District
"RA-2"	Multi-Family Dwelling District
"LOC"	Limited Office Conditional District
"LO"	Limited Office District
"NC"	Neighborhood Commercial District
"HC"	Historic Commercial District
"LC"	Limited Commercial District
"C"	General Commercial District
"CBD"	Central Business District
"M-1"	Light Industrial District
"M-2"	Heavy Industrial District

In addition to the foregoing districts, special overlay districts shall be known as:

"H"	Historic Overlay District
"FP"	Flood Plain Overlay District
"US"	Unstable Slopes Overlay District
"P"	Park Acquisition Overlay District
"WRG"	Willamette River Greenway Overlay District

(Ord. 1953, 3-13-80; amd. Ord. 1982, 6-11-81)

T A B L E A

<u>County Land Use Classifications</u>	<u>City Land Use Classifications</u>	
<u>Residential</u>	<u>Residential</u>	<u>City Zone</u>
Low Density Residential	Low Density Residential	R-10, R-8, R-6
Medium Density Residential	Medium Density Residential	RD-4
High Density Residential	High Density Residential	RA-2
Special High Density	High Density Residential	RA-2
<u>Commercial</u>	<u>Commercial</u>	<u>City Zone</u>
General Commercial	General Commercial	C
Community Commercial	Limited Commercial	LOC, LO, NC, LC
<u>Industrial</u>	<u>Industrial</u>	<u>City Zone</u>
Campus Industrial	Industrial	M-1 (Special provisions)
Light Industrial	Industrial	M-2
Heavy Industrial	Industrial	M-2

Request for a specific district designation may be made in the annexation petition and if such designation is accepted by the City Commission, following a Planning Commission study and report, the designation shall be effective upon annexation. Procedure as set forth in Title XI, Chapter 12 shall be followed in conjunction with the annexation proceedings. The Planning Commission report shall address applicable Comprehensive Plan Goals and Policies of the Dual Interest Area Agreement.

At the time of filing a petition for annexation, the filing fee listed in Section 11-13-6 shall be paid to the City Recorder to defray the costs of publication, investigation and processing. (Ord. 1982, 6-11-81)

11-2-6: STREET AND ALLEY VACATIONS: Whenever any street, alley or public way is vacated by official action, the zoning districts adjoining the side of such public way shall automatically be extended to the side or sides to which such lands revert, to include the right of way thus vacated which shall henceforth be subject to all regulations of the extended district or districts. (Ord. 1953, 3-13-80)

- D,10) (b) Not aggravate existing situation;
- (c) Maintain existing vegetative cover to the extent possible;
- (d) Retain watercourses in a natural state, to the extent possible.
- (E) Approval of Development. The City Engineer shall determine, on the basis of the information required in the development permit application, along with Planning Department and Building Department reviews, whether the development of a parcel of land constitutes a hazard to life and limb or endangers property or adversely affects the safety, use or stability of a public way or drainage channel. If a hazard does exist, the City Engineer shall impose additional requirements to reduce or eliminate the hazard prior to granting a development permit.
- (F) Liability for Damage. Approval of an application by the City Engineer for any development in an Unstable Slope Area shall not imply any liability on the part of the City for any subsequent damage due to earth slides. Prior to the issuance of a building permit, a waiver of damages and an indemnity and hold harmless agreement shall be required which releases the City from all liability for any damages to said property, due to changes in physical conditions resulting from said development.
- (G) Compliance with other Ordinances. Nothing contained in this Section shall relieve the developer of the duty to comply with all requirements of the Uniform Building Code, this Title and other Oregon City ordinances. In the case of a conflict, the more restrictive regulation shall apply.
- (H) Appeal. Any developer who is aggrieved by any action of the City Engineer under the provisions of this Section may, within ten (10) days of such action, file with the City Recorder a written notice of appeal of such action, setting forth the reasons for such appeal. The City Commission shall hear and determine the matter and may affirm, modify or disaffirm the decision of the City Engineer within sixty (60) days of the filing of notice of appeal.

11-3-20: "P" PARK ACQUISITION OVERLAY DISTRICT:

- A) Purpose. The purpose of this overlay district is to provide the City the option of acquiring property suitable for use as park land when new development is planned on undeveloped property in the Park Overlay District.

In recognizing the need to enhance, protect, conserve, maintain and develop park lands in the City, it is necessary to provide the opportunity to the City to acquire property which is desirable to meet this need. The purpose of

- A) this overlay district is to provide the City the first option of acquiring property located in this District if a building permit for any site improvement is planned. The overlay districts will be established in areas in which there is property which is suitable for park land and where there is a need for park land. The Park Acquisition Overlay District is a superimposed zone applied in combination with existing zones.
- (B) Areas Affected. This Section shall apply to those lands designated Park Acquisition Overlay Districts on a special Oregon City zoning map.
- (C) Procedures:
1. If an application is made for a building permit for any undeveloped property located in the Park Acquisition Overlay District, the City Commission shall, within thirty (30) days after the application is initially filed, determine whether the property is to be acquired by the City. The City Commission shall consider the location of the property, the character of the neighborhood, the suitability of such land for park land and recreational purposes, the population to be served, the need for parks in the neighborhood, and whether the land owner will be able to receive reasonable return on the property if the permit is not granted.
 2. No building permit shall be granted for this land during said thirty (30) days unless the City Commission sooner determines that said property is not desired for park land.
 3. The City Commission may reject the application for the permit if it determines that the property would be desirable as City park land. In this event, issuance of the permit shall be suspended for a period to be fixed by the City Commission, but not exceeding one hundred twenty (120) days from the date of application.
 4. If the City Commission determines the property to be desirable as City park land, the City Commission may, in its discretion, declare the City's intentions to proceed with negotiations for acquisition and extend the suspension period for an additional period not to exceed one hundred eighty (180) days, to a total of not more than three hundred (300) days from the date of application for the building permit.
 5. During the period of suspension of permit application, no permit shall be issued for such building nor shall any person build or make any site improvements on such property.
 6. If at the end of the three hundred (300) days the City has not acquired the property and the applicant has not withdrawn his application for a building permit, the City shall issue the permit, if the applicant otherwise complies with the codes and ordinances of the City. (Ord. 1953, 3-13-80)

City of Oregon City

GEOGRAPHIC INFORMATION SYSTEM

Comprehensive Plan Map

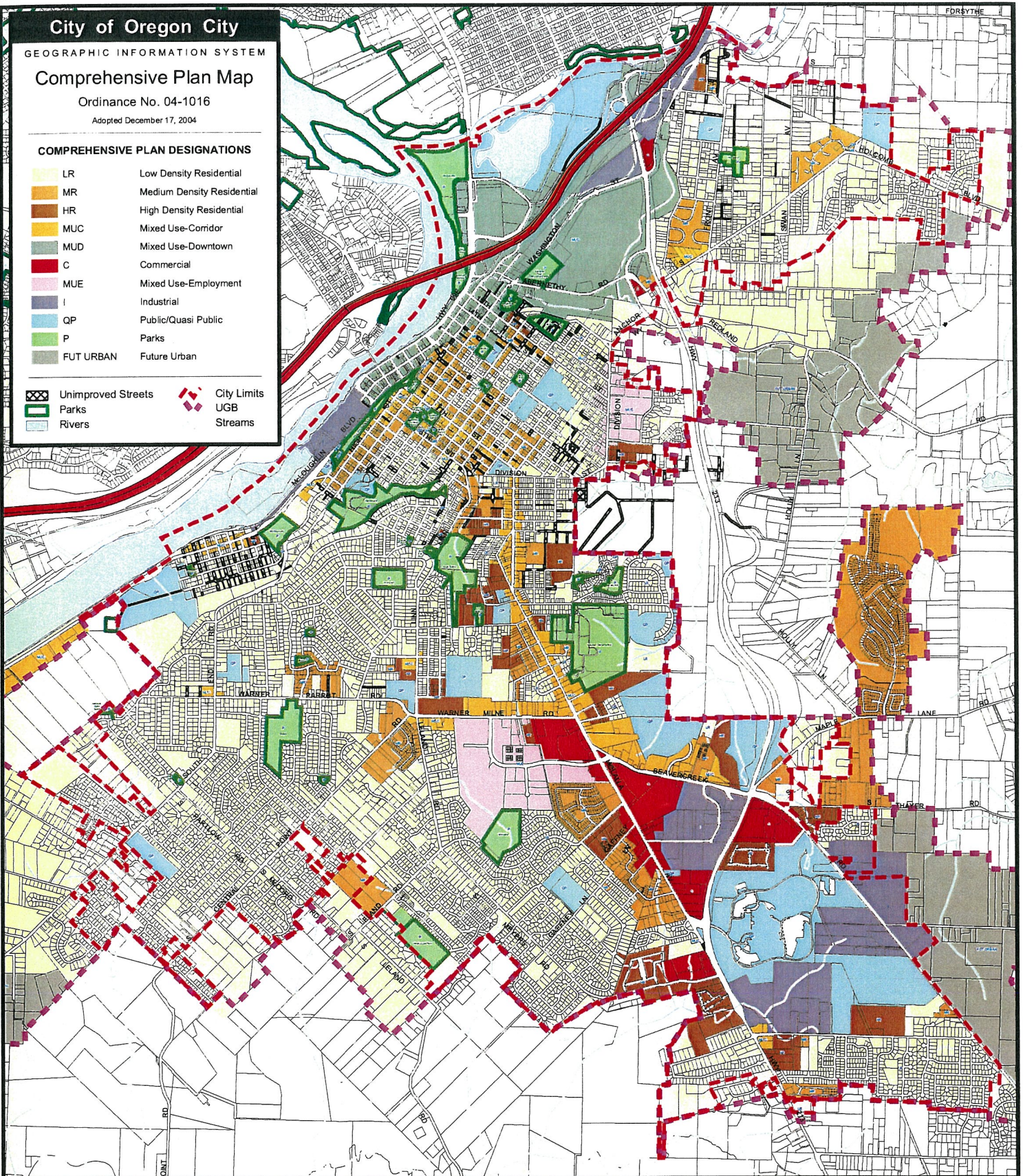
Ordinance No. 04-1016

Adopted December 17, 2004

COMPREHENSIVE PLAN DESIGNATIONS

LR	Low Density Residential
MR	Medium Density Residential
HR	High Density Residential
MUC	Mixed Use-Corridor
MUD	Mixed Use-Downtown
C	Commercial
MUE	Mixed Use-Employment
I	Industrial
QP	Public/Quasi Public
P	Parks
FUT URBAN	Future Urban

	Unimproved Streets
	Parks
	Rivers
	City Limits UGB
	Streams



MAP FOR REFERENCE PURPOSES ONLY.
The information on this map is derived from Oregon City's digital database. However, there may be map errors or omissions. Please contact Oregon City directly to verify map information. Notification of any errors is appreciated.



0.5 0.25 0 0.5 Miles

2,000 1,000 0 2,000 4,000 Feet

Please recycle with colored office grade paper.

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Plot date: January 19, 2005
Plot name: Comprehensive_8_5x11P_No_Addresses_20050119.pdf
Map name: Comprehensive Map - 8_5x11 portrait.mxd