

RESOLUTION No. 15-29

A RESOLUTION INTERPRETING THE TERM “DESIGNATED AS A PARK” AS SET FORTH IN CHAPTER X, SECTION 43 OF THE CITY OF OREGON CITY CHARTER

WHEREAS, Chapter X, Section 42 of the City of Oregon City Charter (hereinafter “City Charter”) identifies those areas that are “designated as parks,” including Waterboard Park, and is specifically described to include the following areas:

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; and

WHEREAS, 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 is historically and currently used as the upper yard of the Operations Facility (hereinafter “the subject property”); and

WHEREAS, Chapter X, Section 43 of the City Charter authorizes the City Commission to create additional parks and whenever this additional land is “designated as a park,” it is subject to the provisions of Chapter X, including prohibiting certain actions without first obtaining approval by the voters within the city; and

WHEREAS, after reviewing the City’s files, City staff was unable to locate, nor has a specific ordinance been identified, that designated the subject property as a Charter-designated park, as authorized by Chapter X, Section 43; and

WHEREAS, the Comprehensive Plan map adopted in 1975 through Resolution 75-22, indicates that the subject property was colored green, designated for “Parks, Schools and Recreation,” and therefore, could be put to uses other than parks; and

WHEREAS, during the period from c1930 to 1968, the Oregon City Vocational School and the Clackamas Community College used the subject property for educational purposes suggesting that the green coloring on the map allowed other non-park uses; and

WHEREAS, the zoning maps dated 1965, 1973, 1977, and 1980 show that the subject property was zoned R-2, One Family Dwelling and R-6, Single Family dwelling and there is no indication that the property was ever zoned for Park use; and

WHEREAS, on June 18, 2004, the City adopted a new Comprehensive Plan map as part of a large legislative update to the City’s Comprehensive Plan that specifically included a provision contemplating a second ordinance to update the Comprehensive Plan and fix errors and other incongruities that resulted from the large number of changes to the Comprehensive Plan, and

WHEREAS, The June 18, 2004, Comprehensive Plan Map depicted the subject property in green, which indicated a Comprehensive Plan designation as “Park”; and

WHEREAS, on December 17, 2004, as part of the prior June 2004 provisions to fix plan errors and other incongruities that resulted from the large number of changes to the Comprehensive Plan including Comprehensive Plan map clean-up, the City adopted a new Comprehensive Plan map through Ordinance No. 04-1016, indicating that the subject property was designated “Quasi-Public;” and

WHEREAS, page 10 of the Comprehensive Plan explains that the comprehensive plan is to serve a land use planning purpose, where it states:

[T]he principal land-use planning ordinance and the City’s controlling land-use document. It establishes the City’s legal record of policy on land use and other development and conservation issues. As a land use planning document, the Comprehensive Plan represents a future, desired vision of Oregon City; and

WHEREAS, Goal 2.7 characterizes the Comprehensive Plan Land Use Map as “the official long-range planning guide for land use development.”

WHEREAS, neither the City’s Parks and Recreation Master Plan dated July 14, 1999 nor the 2008 Parks and Recreation Master Plan include specific site acquisition or site development plans, recommendations for park designation, site acquisition, or park development in or around Waterboard Park.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of Oregon City that:

Section 1. The City hereby interprets the term “designated as a park” as used in Chapter X, Section 43 of the City of Oregon City Charter as requiring the adoption of an ordinance so designating the property, as described by its legal or common property boundaries, for inclusion in the list of Chapter X, Section 42 Parks Designated and subject to Chapter X of the City Charter.

Section 2. The City further finds that the City’s Comprehensive Plan and Comprehensive Plan Land Use Map are long-range, future planning documents for regulating land uses within the City and as such, a designation appearing on the Comprehensive Plan Land Use Map adopted by ordinance does not control whether or not property is “designated as a park” and subject to the provisions of Chapter X of the City Charter.

Section 3. Based on the foregoing, the City further finds that the subject property has never been “designated as a park” and therefore, is not subject to Chapter X of the City Charter.

Section 4. Severability. If any provision of this Resolution or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable.

Read for the first time at a regular meeting of the City Commission held on the 16 day of September, and the City Commission finally enacted the foregoing ordinance this 7th day of October, 2015.

DAN HOLLADAY, Mayor

Attested to this ____ day of October 2015:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibits:

A: 1975 Comprehensive Plan Land Use Map

B: June, 2004 Comprehensive Plan Land Use Map

C: December, 2004 Comprehensive Plan Land Use Map