



## Legislation Details (With Text)

<b>File #:</b>	17-491	<b>Version:</b>	1	<b>Name:</b>	Parker Knoll Subdivision - Charter Park Discussion
<b>Type:</b>	Report	<b>Status:</b>		<b>Status:</b>	Agenda Ready
<b>File created:</b>	9/5/2017	<b>In control:</b>		<b>In control:</b>	City Commission
<b>On agenda:</b>	9/12/2017	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	Parker Knoll Subdivision - Charter Park Discussion				
<b>Sponsors:</b>	Phil Lewis				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Staff Report, 2. Memorandum from City Attorney, 3. Exhibit A - Proposed Subdivision Site Plan, 4. Exhibit B - Current Conditions, 5. Exhibit C - Easement, 6. Exhibit D - Wesley Linn Park Tax Lots, 7. Exhibit E - Previous Voter Approval Efforts, 8. Exhibit F - Precedent Memo for Interpreting Chapter X, Section 41, 9. Request from the Applicant, 10. TP 17-02 Combined Comments				

Date	Ver.	Action By	Action	Result
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### Parker Knoll Subdivision - Charter Park Discussion

#### **RECOMMENDED ACTION (Motion):**

Staff recommend the City Commission consider whether the Parker Knoll Subdivision construction and use of roadway easement on Wesley Lynn Park property require prior approval by the voters under Chapter X of the Oregon City Charter.

#### **BACKGROUND:**

The City has received an application from Icon Construction for a subdivision located at 19510 Leland Road, Oregon City, OR 97045. The proposed subdivision is adjacent to Wesley Lynn Park along its northeast and southeast borders.

The proposal includes subdividing the subject site into 11 lots to accommodate single-family residences along an extension of Reddaway Avenue. The applicant proposed to utilize an existing easement to accommodate a portion of the roadway on the Wesley Lynn Park site. The easement area has twice been the subject of election proposals that would have allowed locating a roadway, drainage and utilities necessary to support the development on park land. As those elections both were narrowly defeated, the applicant has revised the design to include a public road within a portion of the easement as well as a concrete path, both within and outside of the easement area, which they believe is authorized by the easement and does not require voter approval.

The question for the City Commission to decide is whether the Parker Knoll Subdivision construction and use of roadway easement on Wesley Lynn Park property require prior approval by the voters under Chapter X of the Oregon City Charter.

The applicable portion of Chapter X, Section 41 of the Oregon City Charter states that the Commission may not do any of the following acts with regard to any designated city park or part thereof without first obtaining approval of the legal voters of the city. Said acts are as follows:

(b) Vacate or otherwise change the legal status of any park.

(c) Construct permanent buildings or structures thereon other than for recreational purposes and park maintenance. In any case where at the date of adoption of this section there are existing structures which do not comply with this provision, such structures and any additions and alterations thereto are excepted from the provisions of this section.

The City Commission's interpretation of the charter and whether the proposed development meets the threshold to trigger voter approval is essential.

A public hearing is scheduled for the October 18<sup>th</sup> City Commission meeting where testimony will be taken from the public, including the applicant. After hearing public testimony, the Commission will be given an opportunity to deliberate and make a decision.