

NATURAL PARK MEASURES - A SIDE-BY-SIDE COMPARISON

CITIZENS’ MEASURE 3-568

The Citizens’ measure builds upon current Chapter X which was ratified by voters in 1978. Revisions to Chapter X are intentional, deliberate and precise for enacting sensible development limitations inconsistent with maintaining 16 designated natural parks as healthy natural habitats. The selection of parks and limitations are the result of outreach with citizens, many who were neighborhood chairs, members of friends’ groups, and Parks & Recreation board, the Director of Parks & Recreation, and a land-use attorney.

The objective while drafting these protections was to delineate all changes clearly and concisely with complete transparency. Additionally, no alterations were to impact Springbrook Park’s existing protections, only enhance them. Chapter X enshrines these protections and represents the culture and love our community has for its natural spaces.

~~Strikethrough~~ = deleted text; mainly replacing Springbrook Park with Natural Preserve
Double underline = new text introduced; improvements to Chapter X

Chapter 1 - LAKE OSWEGO CHARTER

CHAPTER X. PARK DEVELOPMENT LIMITATION

Section 41. Purpose.

The purpose of this Chapter is to preserve Springbrook Park ~~(and any other parks which may be designated as subject to this Chapter)~~ all designated Nature Preserves that are owned by the City of Lake Oswego, inclusive of the fifteen natural parks specified in this Chapter, as natural areas for the enjoyment of all residents of and visitors to Lake Oswego. This Chapter shall be interpreted liberallyly to achieve this purpose.

(Amended November 7, 1978.)

Section 42. Definitions.

As used in this Chapter:

Athletic Facility means any area, field, or building which is graded, leveled, constructed, or equipped for use in sports or athletics. Fields for baseball, soccer, or football and courts of tennis are examples of Athletic Facilities.

(defined in development limitations section)

(defined in development limitations section)

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The City’s referendum is a wholesale rewrite with poor sentence structure and grammatical errors that pose significant legal loopholes while providing illusory Charter protections. This language was not vetted by a land-use attorney. The most significant defects in the City’s referendum are (a) the definition of “Natural Areas,” (b) deferring the definition of parks, their acreage and boundaries until after the vote, (c) transferring park definitions to City ordinances thereby shifting custody to City Council and away from voters, (d) eliminates existing protections from Springbrook Park that are also desired for the 15 other parks, and (e) allows existing tedious public process for “other uses and facilities.”

The objective appears to intentionally confuse voters in order to keep control of these natural parks with exiting City processes thereby subjecting these parks to future development. Read the two charter amendments' text for yourself — one of these will become law. Don’t be misled and misinformed by political rhetoric.

Chapter 1 - LAKE OSWEGO CHARTER CHAPTER X. PRESERVATION OF NATURAL AREAS

Section 41. Purpose.

The purpose of this Chapter is to preserve, protect, restore and maintain the ecological functions, water quality and wildlife habitat, and the scenic and aesthetic qualities of Natural Areas that are owned by the City of Lake Oswego while also allowing for their use and enjoyment.

Section 42. Definitions.

As used in this Chapter:

Athletic Facility means any area, field, or building that is graded, leveled, constructed, or equipped for use in sports or athletics. Fields for baseball, soccer, or football and tennis courts are examples of Athletic Facilities.

Commercial Logging: Removal of trees for the purpose of selling timber or wood. Selective cutting to advance the overall health of the forest and promote ecosystem restoration is permitted.

Public Street and Road is defined as a public road, street, highway or other public way constructed or used for vehicular travel.

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(~~strikethrough~~ & double underbar = changes to existing Chapter X)

Telecommunications Facility means any area, field, or building which is graded, leveled, constructed, or equipped for use in telecommunications or broadband communication. Antennas, Cellular Towers, Radio Masts and Towers, Satellite Dishes, and Emergency Communications Systems are examples of Telecommunications Facilities. This includes Telecommunications Facilities for both public or private use.

(Telecommunications definition influenced in collaboration with land use attorney based on three prior City attempts to place telecommunication facilities at Cooks Butte)

Bryant Woods Park means the park land owned by the City of Lake Oswego which is commonly referred to as "Bryant Woods Park" (19.7 acres, more or less, to the North of Childs Road located at the corner of Childs Road and Canal Road at 4301 Childs Road).

Canal Acres means the park land owned by the City of Lake Oswego which is commonly referred to as "Canal Acres" (27.3 acres, more or less, to the South of Childs Road, to the West of Canal Road, and to the East of Sycamore Avenue, located at 19300 Canal Road).

Cooks Butte Park means the park land owned by the City of Lake Oswego which is commonly referred to as "Cooks Butte Park" (43 acres, more or less, located at 2100 Palisades Crest Drive).

Cornell Natural Area means the park land owned by the City of Lake Oswego which is commonly referred to as "Cornell Natural Area" (3.2 acres, more or less, to the East of Cornell Street, to the South of Larch Street, located at 16920 Cornell Street).

Glennmorrie Greenway means the park land owned by the City of Lake Oswego which is commonly referred to as "Glennmorrie Greenway" (1.3 acres, more or less, to the East of Pacific Hwy, to the North of Glennmorrie Terrace, located at 16540 Pacific Hwy).

Hallinan Woods means the park land owned by the City of Lake Oswego which is commonly referred to as "Hallinan Woods" (3.8 acres, more or less, located at 1103 Obrien Street).

Iron Mountain Park means the park land owned by the City of Lake Oswego which is commonly referred to as "Iron Mountain Park" (51 acres, more or less, to the North of Iron Mountain Blvd, located at 2401 Iron Mountain Blvd).

Kerr Open Space means the park land owned by the City of Lake Oswego which is commonly referred to as "Kerr Open Space" (10 acres, more or less, to the South of SW Stevenson Street, to East of Grouse Terrace, to the North of Walking Woods Drive, to the West of Icarus Loop).

Lamont Springs Natural Area means the park land owned by the City of Lake Oswego which is commonly referred to as "Lamont Springs Natural Area" (0.5 acres, more ore less, to the South of Lakeview Blvd, and to the East of Bryant Road, at the corner of Lakeview Blvd and Bryant Road, located at 4600 Lakeview Drive).

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Telecommunications Facility means any building, antenna, tower, mast, pole or structure that is used for radio, cellular, broadband, or telephone communication. This includes any communications equipment attached to other structures such as street lights or buildings.

(City definition drops examples and distinction for "public" and "private" facilities, opening possibly for telecommunications facilities in a natural parks citizens seek to prohibit)

(not defined until after the vote & moved from charter protection to city ordinance)

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River Run means the park land comprised of two parcels (River Run East and River Run West), owned by the City of Lake Oswego which is commonly referred to as "River Run" (10.8 acres, more or less, to the East of Canal Road, to the North of the Tualatin River, located at 19690 River Run Drive and 3770 Rivers Edge Drive).

Southshore Natural Area means the park land owned by the City of Lake Oswego which is commonly referred to as "Southshore Natural Area" (9.2 acres, more or less, located at 1201 South Shore Blvd).

Springbrook Park means the park land owned by the City of Lake Oswego which is commonly referred to as "Springbrook Park" (52 acres, more or less, to the South of Country Club Road, to the West and North of Wembley Park Road, and to the East of Boones Ferry Road). The term "Springbrook Park" does not include the City of Lake Oswego existing indoor tennis facility and adjoining parking lot.

Stevens Meadows means the two park lands owned by the City of Lake Oswego which is commonly referred to as "Stevens Meadows" and the "Stevens Homestead" (27.8 acres, more or less, located at 18600 Shipley Drive and 1551 Childs Road, respectively).

Waluga Park - West means the park land owned by the City of Lake Oswego which is commonly referred to as "Waluga Park - West" (22.8 acres, more or less, to the East of Inverurie Drive, to the North of SW Oakridge Road, to the West of Waluga Drive).

Woodmont Natural Park means the park land owned by the City of Lake Oswego which is commonly referred to as "Woodmont Natural Park" (6.8 acres, more or less, at the corner of Atwater Rd and Atwater Lane, located at 13600 Atwater Lane).

Nature Preserve means natural area parks or open spaces owned by the City of Lake Oswego that are managed or maintained to retain their natural condition and prevent habitat deterioration. Nature Preserves that are subject to the limitations of this Chapter, which upon ratification will initially include, Bryant Woods Park, Canal Acres, Cornell Natural Area, Cooks Butte Park, Glenmorrie Greenway, Hallinan Woods, Iron Mountain Park, Kerr Open Space, Lamont Springs Natural Area, River Run, Southshore Natural Area, Springbrook Park, Stevens Meadows, Waluga Park - West, and Woodmont Natural Park.

(Citizens' measure enshrines parks, boundaries, and acreage explicitly. The entire park is protected. Any alternation to these definitions would intentionally require voter approval. Springbrook Park has been protected for over 40 years because the park is explicitly defined in Chapter X)

(These parks can be including under the citizens' Charter protections by City Council designating them as "Nature Preserves" at anytime - see Section 46 below)

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(not defined until after the vote & moved from charter protection to city ordinance)

(not defined until after the vote & moved from charter protection to city ordinance)

(REMOVED)

(not defined until after the vote & moved from charter protection to city ordinance)

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Natural Area means a natural area park or open space owned by the City of Lake Oswego that is managed or maintained to retain or improve its natural condition, environmental value, ecological function, to prevent habitat deterioration, to prevent and adapt to climate change, and to reduce the risk of wildfire in the community. A natural area may provide a scenic, aesthetic appearance and provide passive recreational uses and educational opportunities. No later than 60 days after ratification of this Charter Amendment, the City Council shall hold a public hearing and adopt by ordinance a map of the Natural Areas of each of these park properties. At a minimum, this map will include Springbrook Park; Cooks Butte; Woodmont Nature Park; Hallinan Woods; Stevens Meadow; Bryant Woods; Canal Acres; Cornell Natural Area; Glenmorrie Greenway; Kerr Open Space; Lamont Springs; River Run I and II; Southshore; Kelly Creek; Pennington Park; Sunny Slope; and the natural areas of West Waluga, East Waluga, George Rogers, Iron Mountain and Freepons Parks.

(Defers mapping parks until after the vote. Moves parks, boundaries and acreage to city ordinances while suggesting parks may be divided into natural and developable. Any alteration may occur with a 4:3 City Council vote at any time. Mayors, City Councils, and City staff change frequently thereby risking natural parks to redefinition and development.)

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(~~strikethrough~~ & double underbar = changes to existing Chapter X)

Section 43. Limitations on Development.

The City of Lake Oswego shall insure that all development within ~~Springbrook Park~~ a Nature Preserve is consistent with the preservation of Springbrook Park ~~a Nature Preserve~~ as a natural area available for public enjoyment.

To facilitate public access and use, the City of Lake Oswego may build trails for hiking, jogging, horseback and bicycle riding, may provide benches and interpretive displays, and may provide picnic and sanitary facilities within Springbrook Park a Nature Preserve. To access and use particularly fragile habitats, boardwalks may be built; however, trails shall refrain from using hard surface materials, such as asphalt and concrete, in order to remain consistent with the natural conditions of a Nature Preserve.

(ADA trails constructed with natural materials (that are slip-resistant and better for erosion) and boardwalks are used widely in national, state and city natural and wilderness areas to meet accessibility requires are allowed. See page 15 of the Federal Outdoor Guide <https://www.access-board.gov/files/aba/guides/outdoor-guide.pdf>)

The City of Lake Oswego shall not construct or develop (or allow any person to construct or develop) any Athletic Facility, any Telecommunications Facility, or any parking lot, road, or trail for motorized vehicles within Springbrook Park a Nature Preserve. The City of Lake Oswego shall not cut (or allow any person to cut) any tree in Springbrook Park a Nature Preserve for the purpose of facilitating the construction or development of any Athletic Facility, any Telecommunications Facility, or any parking lot, road, or trail for motorized vehicles.

The City of Lake Oswego shall not construct or develop (or allow any person to construct or develop) any facility or any structure above ground that would impair or be inconsistent with the natural conditions of a Nature Preserve.

The City of Lake Oswego shall not cut (or allow any person to cut) any tree in a Nature Preserve for the purpose of commercial logging.

(Citizens' measure intentionally prohibits any new facilities or structures and expects any future development to be well communicated and ratified by voters, whereas City's referendum continues the existing tedious public process that places citizens' voice at the end that typically yield minor immaterial concessions.)

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Section 43. Limitations on Development.

The City of Lake Oswego shall manage the Natural Areas to preserve and enhance the biological, hydrological, ecological and environmental functions and promote a healthy ecosystem. The City shall also manage Natural Areas in a way that protects their scenic and aesthetic qualities and provides access to nature for the public, consistent with their environmental values and ecological function.

The following activities are allowed: (re-ordered to compare with citizens' measure)

2. Maintenance and renovation of trails for walking, hiking, wheelchairs and mobility devices, horseback riding, and non-motorized bicycle travel to allow public enjoyment of the Natural Areas. Trail construction should be appropriate for the natural conditions of the natural area and the anticipated use of the trail. Construction of new trails for the above purposes is allowed after an environmental assessment by the Lake Oswego Parks and Recreation Department, and review by the Parks, Recreation and Natural Resources Advisory Board (or any successor board).
3. Construction, maintenance, renovation and replacement of picnic and sanitary facilities, boardwalks, benches and interpretive displays, where appropriate.

The following facilities and activities are prohibited in Natural Areas: construction of new Athletic Facilities, Commercial Logging, construction of new Public Streets and Roads, and construction or installation of new Telecommunication Facilities.

(Removes prohibition on parking lots, roads, or trails for motorized trail from existing Springbrook protections. It also removes prohibition for cutting any tree for these purposes.)

Other uses and facilities related to restoration and access to Natural Areas are allowed only after the City Council adopts, by ordinance, a property-specific master plan for a Natural Area. The property-specific master plan must spell out proposed and facilities must include findings that these proposed uses and facilities are consistent with preserving the environmental qualities and ecological function of the Natural Area, while also providing public access and enjoyment. The City must involve the public in development of any property-specific master plan. This public involvement process must include written notice to all the City's recognized Neighborhood Associations, and written notice to property owners within 300 feet of the Natural Area as listed on the most recent property tax assessment roll, including an opportunity to offer input to the City's Parks, Recreation, & Natural Areas Board (or any successor board), and an opportunity to present testimony at a formal public hearing.

("business as usual" - development may continue with current tedious public process)

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(~~strikethrough~~ & double underbar = changes to existing Chapter X)

The City of Lake Oswego shall be allowed to maintain (or allow any person to maintain) a Nature Preserve for the purposes of ecological restoration that provides a safe and healthy natural area that is accessible for public enjoyment, provides a healthy habitat for wildlife, eliminates invasive species, restores native species, and mitigates fire hazards.

The City of Lake Oswego shall be allowed to maintain (or allow any person to maintain) any existing facility or existing structure, or any existing parking lot, road, or trail for motorized vehicles in a Nature Preserve constructed before **(date initiative is ratified)** that is above ground as long as that facility or structure, or parking lot, road, or trail for motorized vehicles is not altered in any manner that would further impair or be inconsistent with the natural conditions of a Nature Preserve.

(Maintenance expectations for natural areas and existing City-infrastructure are virtually identical)

The City of Lake Oswego shall be allowed to implement (or allow any person to implement) a park master plan for a Nature Preserve that was adopted before **(date initiative is ratified)**.

(Amended November 7, 1978.)

(At the time the Citizens' text was authored, there were 4 pre-existing park-specific master plans:
2 master plans - Iron Mountain & Woodmont - have completed; Stevens Meadow Homestead
Trailhead is in-progress; and a dated Canal Acres is yet to be funded)

Section 44. Effective Date.

This Chapter carries an effective date of November 7, 1978 **(date initiative is ratified)**.

Section 45. Severability.

If a court should hold invalid or unconstitutional any clause or part of this Chapter, that holding shall not affect the remaining parts of this Chapter which are not held invalid or unconstitutional.

CITY COUNCIL'S MEASURE 3-575

The following activities are allowed: (re-ordered to compare with citizens' measure)

1. Maintenance, stewardship and education activities that promote ecological restoration and enhancement, eliminate invasive species, restore native species, and mitigate fire hazards. This includes thinning and removal of hazard trees and removal of non-native nuisance and invasive species of plants.
4. Maintenance, renovation, or replacement of any existing facility or structure not specifically listed in 2 or 3 above, including any existing telecommunications equipment used to manage the City's utility infrastructure, and any existing road for motorized vehicles constructed before January 1, 2022 as long as the footprint of the facility, equipment, structure, street or road for motorized vehicles does not increase
5. The City of Lake Oswego shall be allowed to implement (or allow any person to implement) a park master plan for a Natural Area that was adopted before January 1, 2022.

(Section 44. Effective Date - eliminated but immaterial, effective when ratified)

Section 44. Severability.

If a court should hold invalid or unconstitutional any clause or part of this Chapter, that holding shall not affect the remaining parts of this Chapter which are not held invalid or unconstitutional.

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Section 46. Application to Other Park.

This Chapter shall apply to any other park (i) conveyed by property owners to the City of Lake Oswego with a "Nature Preserve" designation that shall carry with the property in perpetuity, (ii) nominated by the Parks, Recreation, and Natural Resources Board and/or the Director of Parks and Recreation designating such other park as a "Nature Preserve" and ratified by the City Council, (iii) ratified by voters specifically designating such other park as a "Nature Preserve", or (iv) acquired by a bond issue after the effective date of this Chapter if (and only if) the voters specifically designate such other park as subject to this Chapter. If any other park is designated as subject to this Chapter, then this Chapter shall apply to that park and if its name (preceded by the word "or" "and") were added after Springbrook Park throughout Section 43 to the Nature Preserve definition of this Chapter.

(Amended November 7, 1978 [Note: from November 7, 1978 until June 30, 1980, this Chapter was numbered XXV and included Sections 102 through 107]; Renumbered Chapter on July 1, 1980.)

(Citizens' amendment adds additional avenues to include more natural parks by decreeing as "Nature Preserve": (a) when deeded to the City, or (b) by City Council at any regular meeting)

Section 46A. Maximum Height of Structures in Residential Areas.

The City of Lake Oswego shall neither construct nor allow the construction of any structure which is more than 50 feet in height within a residential zone, except for the construction of a single symbolic appurtenance of a structure to 75 foot height. The City may, however, construct or allow the construction of a lighting structure which is more than 50 feet in height in a public park or school sports fields located in a residential zone. For purposes of this section the height of a structure or of a part or appurtenance of a structure shall be measured from the ground or sidewalk surface within a 5-foot horizontal distance of the exterior of the structure, provided such sidewalk or ground surface is not more than 10 feet above the lowest grade as defined by city ordinance; or, if such sidewalk or ground surface is more than 10 feet above lowest grade, height shall be measured from a point 10 feet higher than the lowest grade, to the top of the highest element of the building or structure.

(Amended May 19, 1987; March 24, 1992.)

(Covered by Section 45 - Severability (above) & ADA is a Federal Law)

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Section 45. Application to Other Natural Areas.

The City Council may designate additional City-owned properties, or portions of properties, as subject to this Chapter by ordinance.

(City ordinance keeps custody of changes to parks & definitions with City Council, not voters)

(Section 46A eliminated from City's amendment; thereby, eliminating this maximum height restriction in residential areas)

Section 46. Accessibility Regulations.

With regard to the design or materials for used facilities otherwise allowed by this Chapter, if there is a conflict between any provision of this Chapter and the requirements of the Americans with Disabilities Act, or any other applicable federal, state or local regulations relating to accessibility for people with disabilities, the requirements of those regulations will prevail.