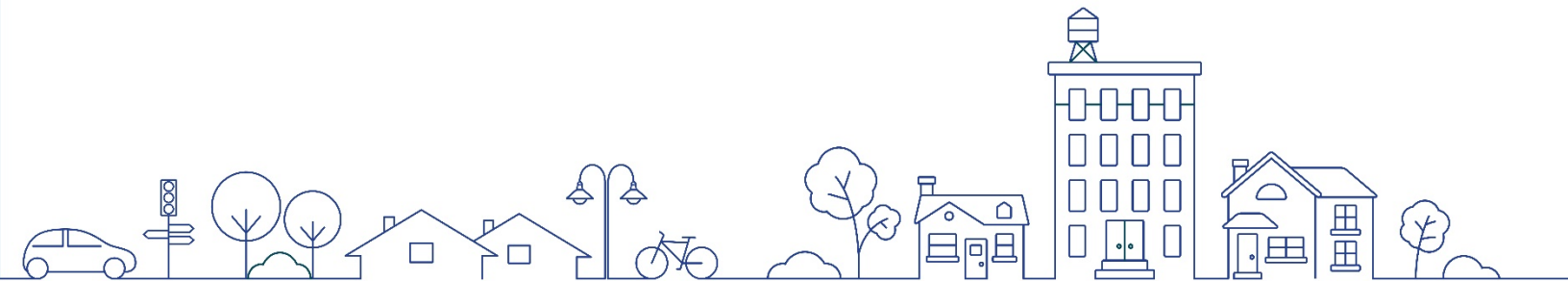


# Oregon Municipal Handbook

## CHAPTER 19: PARKS AND RECREATION



Published by the League of Oregon Cities  
August 2021

## Table of Contents

Introduction.....	3
Park Facilities and Programming.....	3
Partnerships and Joint Programs.....	4
Financing of Park and Recreational Programs.....	4
Land Use Planning.....	5
Risk Management and Recreational Immunity.....	5
Related Services.....	6
Recreational Projects Across the State.....	6
Conclusion .....	7

## Chapter 19: Parks and Recreation

### Introduction

Cities have authority by state statute and local charter to acquire, develop, maintain, and regulate their lands and structures for public recreation. Acquisition may be by gift, negotiated purchase, or eminent domain condemnation. Facilities may include parks, playgrounds, athletic and exposition grounds and buildings, stadiums, swimming pools, zoos, golf courses, bicycle paths, and other similar lands and structures.

The extent to which cities provide parks and recreation facilities varies with the population served, the characteristics of the area and ultimately, the city's values. Many small cities have no municipally owned parks and recreation facilities or maintain only a small park area. Most medium and large cities provide for a variety of recreation needs through a park and recreation systems managed by professional personnel. However, some larger cities do not have a parks or recreation system, while some small cities offer a variety of recreational programs. In a few cities, public recreational facilities and program are provided by a park and recreation district encompassing the city and surrounding areas. In general, city park facilities fill the public's need for open space, room for outdoor activities, as well as programming to fulfill activities desired by the community.

### Park Facilities and Programming

Most cities that have park facilities have passed ordinances regulating their use. Typically, these ordinances regulate hours of use, animals in the parks, sales and concessions, littering, disorderly conduct, traffic control, picnicking and fires. Cities have authority to enforce regulations in municipally-owned parks outside the city to the same degree as in parks located inside the city.

In most cities with parks and recreational facilities, the responsibility for their improvement, design, development, operation, and maintenance is assigned to a department of parks and recreation, though it is not uncommon for cities with minimal facilities and programs to assign parks and recreation to their department of public works. Some departments, particularly in larger cities, have added responsibilities for development and administration of recreational programs such as tennis, swimming, craft classes and team sports leagues. Cities sometimes appoint individuals, park boards or commissions to advise the city council and the department of parks and recreation on planning, developing and operating park and recreational systems and programs.

Prior to determining what programs to offer, cities should look at whether there are already existing programs instituted by other entities such as a park district, school district, or non-profit such as the YMCA or Boys and Girls Club. Cities may look to partner with existing entities to bolster existing services or fill existing gaps in desired programming and vice versa. For example, if a city already has a pool as part of its parks program, it may want to partner with the local YMCA to offer youth swim lessons. As part of their programming, many park and recreation programs provide various recreational opportunities such as adult sports leagues, youth summer camps, senior events, aquatics, and special community events such as summer concerts, and foot

racers. In addition to general recreation, programming can fill a need for education and safety, such as swim lessons or first aid certifications.

### Partnerships and Joint Programs

Due to their nature, some park and recreational facilities are appropriate for development by both cities and school districts. Through cooperative agreements, cities and school districts sometimes opt for joint or adjacent ownership of facilities. Aquatic centers are often constructed and operated through an agreement between the city and the school district in order to intensify pool use and improve the level of service received from the investment. A city wishing to construct a new aquatic facility may work with the local school district to provide space for the district swim teams in exchange for a fee. Cooperative agreements may involve consolidated ownership of facilities, joint administration operation, one party performing administrative tasks for both city and district, or a combination of these methods. Many cities also have arrangements with school districts for the use of school buildings and sports fields when they are not being used for school programs.

### Central Grant County Aquatics Center

Five cities in Grant County have partnered to replace the local aquatic center. The cities of Prairie City, Mt. Vernon, and Seneca, along with the John Day/Canyon City Parks and Recreation District will share the financing of the pool. More information is available on the city of [John Day's website](#).

### Financing of Park and Recreational Programs

In Oregon, the acquisition, development, operation and maintenance of parks and recreational programs are financed through the usual local government sources, such as general fund revenue, bonds, serial levies, and user fees. Among special sources are state grants, federal grants such as those available from the Heritage Conservation and Recreation System, and Community Development Block Grants.

Cities may also adopt system development charges (SDCs) for the acquisition and development of new park facilities. An SDC is a one-time fee imposed on new development to equitably recover the cost of expanding infrastructure capacity to serve new customers. SDCs are not taxes—they are collected for a specific purpose and provide a distinct benefit to the persons who pay the fee. SDC revenue is restricted by statute, and SDC revenue must be used to provide needed capital improvements.<sup>1</sup>

#### Resource:

LOC's [Model Policy System Development Charges Ordinance](#) available in the LOC's online [Reference Library](#).

SDCs represent a valuable tool for cities to ensure that public facilities – such as those utilized for parks and recreation – keep pace with new development by distributing the costs of increased services on new development, not on existing development.

It is important to note that financing must include a long-term study of maintenance and staffing costs associated with the facility and any associated programming. While the capital cost – that

<sup>1</sup> See ORS 223.205 to 223.223.315.

is, the cost to construct a facility – is a one-time charge, the costs to maintain the facility and properly staff the facility are ongoing. A city may cover the expenses related to ongoing maintenance and staffing by implementing user fees. User fees may look different in each city and among each facility. For example, cities may charge higher rates for out of district and non-citizen users. On the other hand, a city may choose to implement a flat fee among all users, or implement a sliding scale with the opportunity for scholarships so that accessibility is addressed while maintaining an appropriate source of funding. A city will need to address these ongoing costs during its annual budgeting process.

### **Land Use Planning**

As the amount of housing in a community increases, the number and size of parks should also increase. Determining recreational needs and establishing the location and priorities of various types of local park and recreational areas is an element of the land use planning process. Statewide Planning Goal 8 requires cities to inventory their existing recreational facilities and areas, determine existing and future recreational needs, and develop a plan to protect recreational resources. City recreational plans should be consistent with state and federal recreational plans.

**Example:**

City of Eugene's [Parks System Plan](#)

Plans for land and facilities to accommodate a community's future recreational needs usually are developed by city planning and associated organizations and park department staff and park advisory bodies. Development policies can help establish new park sites as land is subdivided or planned developments are constructed.

Cities located along the Willamette River are participants in a special state-mandated program. The Oregon Legislature has directed that a natural, scenic, historical and recreational greenway be developed and maintained along the Willamette River. The Oregon Department of Transportation developed a Willamette River Greenway Plan that was approved by the Land Conservation and Development Commission.<sup>2</sup> Much of the Greenway Plan is being implemented through local cooperative efforts included in land use plans and implementation programs of cities and counties located along the Willamette River Greenway. A somewhat similar program, although not state-mandated, applies to Bear Creek in the Ashland-Medford area.

### **Risk Management and Recreational Immunity**

Park enjoyment can come with risks. A few recommendations include inspecting your playground equipment to ensure that the equipment is free from damage, rot, or loose, missing, or broken parts and pieces. These inspections should be done quarterly or upon user comments/complaints.

---

<sup>2</sup> Additional information on Goal 15: Willamette River Greenway is available at: <https://www.oregon.gov/lcd/OP/Pages/Goal-15.aspx>.

Ongoing maintenance of park equipment is essential to providing a safe and fun environment for park users. Additionally, having a capital improvement plan for park equipment is critical to have the funds available for repair or replacement such as replacing metal slides with plastic to avoid minor burns to a child who is using a metal slide on a hot summer day. The U.S. Consumer Product Safety Commission has public a *Public Playground Safety Handbook* which provides recommendations focused on playground-related injuries and mechanical mechanisms of injury. A copy of the handbook is accessible at: <https://www.cpsc.gov/s3fs-public/325.pdf>.

**Resource:**

To assist with managing risk, CityCounty Insurance Services has several documents in its [Risk Resource library](#) relating to parks and recreation for CIS members to use and review.

Like playground equipment, skate or BMX parks need similar inspections and maintenance. These parks have a higher risk of injury due to the nature of activities, therefore recreational immunity is an important part of risk management for parks.

Recreational immunity provides landowners – including cities – with immunity from liability arising from injuries sustained from recreational users of the land.<sup>3</sup> However, this immunity becomes limited when the landowner charges a fee to use the land for one or more recreational purposes.<sup>4</sup> However, if the landowner provides notice in a manner specified by ORS 105.688(8), the owner will maintain immunity for all other uses of the land for which the fee is not imposed.<sup>5</sup> The required notice must be provided “by means reasonably calculated to apprise a person of the limited uses of the land for which the charge is made, \* \* \* or the portion of the land which is subject to charge” and the immunities that apply to other uses when no fee is charged.<sup>6</sup> A sample notice is provided at the end of this chapter.

**Related Services**

Cities may also provide youth and senior citizen centers as part of their parks and recreation programs. Other services may include programs similar to the city of Bend’s “Dial-A-Ride” bus service for senior and disabled citizens.

**Recreational Projects Across the State**

As previously mentioned, the services, programs and facilities offered by a city varies greatly. Below are examples of just a few programs and facilities that cities around the state are providing.

---

<sup>3</sup> ORS 105.682 and 105.688.

<sup>4</sup> ORS 105.688.

<sup>5</sup> *Id.*

<sup>6</sup> ORS 105.688(8).



### **The city of Hermiston’s Funland Playground**

**Rebuild:** <https://hermistonprojects.com/funland/>

The city of Hermiston recently built one of the largest, engaging, and inclusive playgrounds in the Northwest. The playground has three zones: Wildwest, Adventure, and Farmland. Included in the park a locomotive, wagon train, stagecoach, pirate ship, bark, giant fruit and

vegetables, and a 6-foot watermelon slice.



### **The city of Madras’s Adopt-A-Trail Program:**

<https://www.ci.madras.or.us/publicworks/page/adopt-trail-program>

The Adopt-a-Trail Program provides citizens and citizen groups the opportunity to assist the city of Madras with the clean-up of trash and debris located along the city’s trail system. Volunteer participation in this program fosters civic pride, assists with the beautification of the city, and encourages greater participation in the city’s affairs.

### **McMinnville’s After School Program:**

<https://www.mcminnvilleoregon.gov/parksrec/page/new-kids-block>

The city of McMinnville Parks & Recreation Department’s Kids on the Block After-School Program serves approximately 400 first to fifth grade students each school year at all six of the McMinnville School District’s elementary schools. The program provides a needed service and has a legacy near and dear to both short-term and long-term residents of the city. The purpose of the program is to provide a safe, fun, enriching afterschool experience – and has a heartfelt support from leadership over the past few decades. The program provides three hours of after-school programming and recreation enrichment on 135 program days per school year which covers most school days from mid-September to mid-May.



### **Conclusion**

Parks and recreation services provide the local community with needed space and recreational opportunities. These facilities and services are impactful in improving the city’s livability.

## Sample Recreational Immunity Notice

### NOTICE:

Oregon law (ORS 105.682, et seq.) provides the owner of land is not liable in contract or tort for injury death or property damage that arises out of use of the land for recreational purposes (known as “recreational use immunity”). That immunity from liability does not apply if the owner makes a charge for permission to use the land. Fees charged for a particular use in this park, such as camping, do not apply to other uses of the park, or to your ability to enter other areas of the park. Therefore, *[insert city name]* is not liable for injuries, death or property damage arising out of any use of this park for recreational purposes when no specific charge has been made for that use or for the right to enter that part of the property.