Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

5/19/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Portland Plan Amendment
DLCD File Number 008-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, June 01, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Julia Gisler, City of Portland
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

Constance Beaumont, DLCD TGM Coordinator

<paa> YA

FORM 2

DLCD Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF

MAY 12 2010

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Portland**

Local file number: **N/A**

Date of Adoption: **5/05/10**

Date Mailed: **5/11/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 11/23/09

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The Schools and Parks Conditional Use Code Refinement Project (Recreational Fields Component) is a series of code amendments addressing issues related to how recreational fields used for organized sports are regulated. Specifically, the amendments focus on clarifications and what development thresholds trigger conditional use reviews. School-related amendments associated with the project have been separated from those covered under this notice and will follow at a later date.

Does the Adoption differ from proposal?

There are several changes from the proposal. The changes are reflected in the attached Planning Commission Recommended Draft to City Council (March 18, 2010) and the memo to City Commissioners (April 28, 2010). Specifically, changes include clarification that Colleges are not subject to new recreational field code amendments, spectator seating (bleacher) setback increase, adding the Institutional Residential (IR) zone to the list of zones where the new regulations apply, modifying the conditional use review thresholds to be consistent with other conditional use language found in the code, and overall code clarifications and restructuring.

Plan Map Changed from: **N/A** to: **N/A**

Zone Map Changed from: **N/A** to: **N/A**

Location: **N/A** Acres Involved: **0**

Specify Density: Previous: **N/A** New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☒	☐	☐	☒	☒	☒	☒	☒	☒	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? ☒ **Yes** ☐ **No**

If no, do the statewide planning goals apply? ☐ **Yes** ☐ **No**

If no, did Emergency Circumstances require immediate adoption? ☐ **Yes** ☐ **No**

DLCD File No. 008-09 (17748) [16131]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Metro, Multnomah County, and Public school districts: Portland, Centennial, Reynolds, Parkrose, David Douglas, and Riverdale

Local Contact: **Shawn Wood** Phone: **(503) 823-5468** Extension: **N/A**

Address: **1900 SW 4th Ave, #7100** Fax Number: **503-823-7700**

City: **Portland** Zip: **97201-5350** E-mail Address: **Shawn.Wood@portlandoregon.gov**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light **green paper if available**.
3. Send this Form 2 and **One (1) Complete Paper Copy and One (1) Electronic Digital CD** (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL** the **PAPER COPY and CD** of the Adopted Amendment to:

   ATTENTION: PLAN AMENDMENT SPECIALIST
   DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
   635 CAPITOL STREET NE, SUITE 150
   SALEM, OREGON 97301-2540

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

City of Portland
Bureau of
Planning and Sustainability
Sam Adams, Mayor
Susan Anderson, Director

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Certificate of Mailing

I hereby certify that on May 11, 2010, I mailed a correct copy of the adopted **Schools and Parks Conditional Use Code Refinement Project** materials and DLCD Notice of Adoption to the following persons by first class mail at the post office at Portland, Oregon.

The following is a list of persons to whom a copy of this document was mailed:

Name	Address
Plan Amendments Specialist	Dept. of Land Conservation & Development 635 Capitol Street, Suite 150 Salem, Oregon 97301-2540
Stuart Farmer	Multnomah County Land Use Planning 1600 SE 190th Ste 116 Portland OR 97233
Planning Manager	Metro Planning Department Community Development 600 NE Grand Avenue Portland, OR 97232-2736

Joan Hamilton
Management Assistant
Bureau of Planning

Date

ORDINANCE No. 183750 As Amended

Improve land use regulations and procedures related to recreational fields as part of the Schools and Parks Conditional Use Code Refinement Project (Ordinance; Amend Title 33 and Title 20)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. This ordinance represents one of two components of the Schools and Parks Conditional Use Code Refinement Project and addresses regulations associated with recreational fields used for organized sports only. Regulations associated with schools are addressed in a separate Ordinance.
2. In January 2009, a project website was established to provide the public with updates on the project, staff contact information, and access to project materials.
3. On March 23, 2009, staff presented their initial recommendations on the Schools and Parks Conditional Use Code Refinement Project to the City-wide Land Use Chairs and asked for their feedback.
4. On April 17, 2009, postcards were sent to the project mailing list and all persons interested in legislative projects city-wide (approximately 1,100 addresses) announcing the availability of the *Schools and Parks Conditional Use Code Refinement Project – Public Review Draft* and an open house/discussion community meeting on May 7, 2009.
5. On April 28, 2009, the *Schools and Parks Conditional Use Code Refinement Project – Public Review Draft* was published and posted on the project website. The public review comment period extended to May 29, 2009.
6. On May 7, 2009, an open house/discussion community meeting was attended by approximately 20 people.
7. On July 28, 2009, the Planning Commission supported staff's suggestion that due to its complexity, code language for recreational field uses be separated from the package of code amendments related to schools.
8. On August 5, 2009 notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
9. On August 19, 2009, the *Schools and Parks Conditional Use Code Refinement Project – Report to Planning Commission* was published.
10. On August 21, 2009, notice was sent to the project mailing list and all persons interested in legislative projects city-wide (approximately 1,100 addresses) announcing the Planning Commission public hearing on September 22, 2009 and an open house on September 15, 2009.
11. On September 15, 2009, staff held an open house.

12. On September 22, 2009, the Portland Planning Commission held a public hearing on the proposed school-related zoning code proposals and considered conceptual changes to recreational field regulations.

13. On November 23, 2009 notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.

14. On December 10, 2009 staff held a workshop at Rigler Elementary School in NE Portland.

15. On December 11, 2009, notice of the proposal as required by ORS 227.186 and PCC 33.740 was sent to all neighborhood associations and coalitions and business associations in the City of Portland, as well as other interested persons to notify them of the Planning Commission hearing on the proposed code changes for the Schools and Parks Conditional Use Code Refinement Project – Recreational Fields.

16. On December 21, 2009, the *Schools and Parks Conditional Use Code Refinement Project – Report to Planning Commission - Recreational Fields Addendum* was published.

17. On January 6, 2010, staff met with residents of the Fernwood/Grant Park neighborhood to discuss changes to recreational field regulations. Six people attended the meeting.

18. On January 12, 2010, the Planning Commission held a hearing and adopted the Recreational Fields component of the project.

19. On February 24, 2010, staff attended the Northeast Coalition of Neighborhoods Land Use and Transportation Committee meeting to provide an update on the project and discuss impacts.

20. On March 23, 2010, notice was sent to all those who testified, wrote, or asked for notice, as well as other interested persons to notify them of the City Council hearing on the Planning Commission's recommendations for the Schools and Parks Conditional Use Code Refinement Project.

21. On April 22, 2010, City Council held a public hearing on the Schools and Parks Conditional Use Code Refinement Project and continued the hearing to April 28, 2010.

22. On April 28, 2010 City Council held a continued hearing on the Schools and Parks Conditional Use Code Refinement Project and adopted amendments to the *Recommended Draft* outlined in a memo dated April 28, 2010.

23. On May 5, 2010, City Council voted to adopt this ordinance.

Findings on Statewide Planning Goals

24. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Only the state goals addressed below apply.

25. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement, including:

    - In January 2009, a project website was established to provide the public with updates on the project, staff contact information, and access to project materials.

- On March 23, 2009, staff presented their initial recommendations on the Schools and Parks Conditional Use Code Refinement Project to the City-wide Land Use Chairs and asked for their feedback.
- On April 17, 2009, postcards were sent to the project mailing list and all persons interested in legislative projects city-wide (approximately 1,100 addresses) announcing the availability of the *Schools and Parks Conditional Use Code Refinement Project – Public Review Draft* and an open house/discussion community meeting on May 7, 2009.
- On April 28, 2009, the *Schools and Parks Conditional Use Code Refinement Project – Public Review Draft* was published and posted on the project website. The public review comment period extended to May 29, 2010.
- On May 7, 2009, an open house/discussion community meeting was attended by approximately 20 people.
- On August 5, 2009, notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
- On August 19, 2009, the *Schools and Parks Conditional Use Code Refinement Project – Report to Planning Commission* was published.
- On August 21, 2009, notice was sent to the project mailing list and all persons interested in legislative projects city-wide (approximately 1,100 addresses) announcing the Planning Commission public hearing on September 22, 2009 and an open house on September 15, 2009.
- On September 15, 2009, staff held an open house.
- On September 22, 2009, the Portland Planning Commission held a public hearing on the proposed school-related zoning code proposals and considered conceptual changes to recreational field regulations.
- On November 23, 2009, notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
- On December 10, 2009, staff held a workshop at Rigler Elementary School in NE Portland.
- On December 11, 2009, notice of the proposal as required by ORS 227.186 and PCC 33.740 was sent to all neighborhood associations and coalitions and business associations in the City of Portland, as well as other interested persons to notify them of the Planning Commission hearing on the proposed code changes for the Schools and Parks Conditional Use Code Refinement Project – Recreational Fields.
- On December 21, 2009, the *Schools and Parks Conditional Use Code Refinement Project – Report to Planning Commission - Recreational Fields Addendum* was published.
- On January 6, 2010, staff met with residents of the Fernwood/Grant Park neighborhood. Six people attended the meeting.
- On January 12, 2010, the Planning Commission held a hearing and adopted the Recreational Fields component of the project.
- On February 24, 2010, staff attended the Northeast Coalition of Neighborhoods Land Use and Transportation Committee meeting to provide an update on the project and discuss impacts.

- On March 23, 2010, notice was sent to all those who testified, wrote, or asked for notice, as well as other interested persons to notify them of the City Council hearing on the Planning Commission's recommendations for the Schools and Parks Conditional Use Code Refinement Project.

- On April 22, 2010, City Council held a public hearing on the Schools and Parks Conditional Use Code Refinement Project and continued the hearing to April 28, 2010.

- On April 28, 2010 City Council held a continued hearing on the Schools and Parks Conditional Use Code Refinement Project and adopted amendments to the *Recommended Draft* outlined in a memo dated April 28, 2010.

- On May 5, 2010, City Council voted to adopt this ordinance.

26. **Goal 2, Land Use Planning,** requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments support this goal because they follow the process set out in the Zoning Code for legislative amendments. In addition, the amendments establish a clear set of regulations and required reviews for creation of and changes to recreational fields. Where a land use review is required, the approval criteria assure that decisions will be based on facts relevant to the criteria. See also findings for Portland Comprehensive Plan Goal 1, Metropolitan Coordination, and its related policies and objectives.

27. **Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources**, requires the conservation of open space and the protection of natural and scenic resources. The amendments support this goal because they provide for more efficient use and development of open space used for recreational sports. The efficient use of the open space reinforces community support for such areas, and helps to preserve them.

28. **Goal 8, Recreational Needs,** requires satisfaction of the recreational needs of both citizens and visitors to the state. The amendments support this goal because they provide for more efficient use of open space and recreational fields; this will help better meet the recreational needs of both citizens and visitors. This is especially so in developed areas where there may be little or no recreational space on private property, thereby increasing the need for recreational needs to be met on publicly-owned lands. These amendments facilitate recreational field development that have little or no impact on the surrounding neighborhood, while providing an appropriate level of review for recreational fields and associated development that may have greater impacts on the neighborhood.

29. **Goal 9, Economic Development,** requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments support this goal because many companies and organizations use organized sports as a tool to develop their organization, or to build relationships with clients or similar businesses/organizations. These amendments facilitate recreational field development that have little or no impact on the surrounding neighborhood, while providing an appropriate level of review for those recreational fields that may have greater impacts on the neighborhood. Overall, these amendments will provide for more efficient use of open areas and of recreational fields, providing more opportunities for businesses and organizations to utilize them.

30. **Goal 10, Housing,** requires provision for the housing needs of citizens of the state. The amendments support this for the reasons below. See also findings for Portland Comprehensive Plan Goal 4, Housing and Metro Title 1. In developed areas, the opportunity for recreation on private property is limited; yards are smaller and, in multi-dwelling developments there may be no area large enough for active recreational uses. Providing such areas as part of housing development can significantly

increase the cost of housing. Overall, these amendments provide for more efficient use of open areas and of recreational fields, which will support residential uses nearby.

31. **Goal 11, Public Facilities and Services,** requires planning and development of a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for development. The amendments support this goal because they set out a clear and orderly process for creating and using recreational fields to serve the residents of and visitors to an area.

32. **Goal 12, Transportation,** requires provision of a safe, convenient, and economic transportation system. The proposed code amendments are consistent with this goal for the reasons stated in the findings addressing Portland Comprehensive Plan Goal 6, Transportation, and its related policies and objectives.

33. The **Oregon Transportation Planning Rule (TPR)** was adopted in 1991 and amended in 1996 and 2005 to implement State Goal 12. The TPR requires certain findings if the proposed regulation will significantly affect an existing or planned transportation facility.

    This proposal will not have a significant effect on existing or planned transportation facilities because the amendments will maintain the requirement in the existing code that recreational field development above a minimum threshold undergo a conditional use review. These amendments will not result in changes to the functional classification of any streets, change the City's standards for classifying streets, or result in levels of park uses that will negatively affect the performance or classification of existing facilities. As a result, the proposed code amendments will not significantly affect existing or planned transportation facilities.

34. **Goal 13, Energy Conservation,** requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. The amendments support this goal because they will provide for more efficient use and development of recreational fields at existing facilities, and facilitate development of such fields where they will have little or no impact—including traffic generation—on surrounding neighborhoods. Those that might generate a significant amount of additional traffic are subject to a land use review and mitigation of transportation impacts. Providing recreational facilities at locations that can be reached by foot, bike, or transit will conserve energy, and thus support this goal.

Findings on Metro Urban Growth Management Functional Plan

35. **Title 1, Requirements for Housing and Employment Accommodation,** requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations. The amendments are consistent with this title because they do not significantly alter the development capacity of the city. See also findings under Comprehensive Plan Goals 4 (Housing) and 5 (Economic Development).

Findings on Portland's Comprehensive Plan Goals

36. Only the Comprehensive Plan goals addressed below apply.

37. **Goal 1, Metropolitan Coordination,** calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. The amendments support this goal because they provide for more efficient use and development of open area and recreational fields, which supports urban-level development by providing increased recreational opportunities

while ensuring that negative impacts on neighborhoods are limited. This allows for more intense development within the Urban Growth Boundary, reducing pressure to expand the Boundary.

38. **Policy 1.4, Intergovernmental Coordination,** requires continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize the efficient use of public funds. The amendments support this policy because a number of other government agencies were notified of this proposal and given the opportunity to comment. These agencies include Metro, Multnomah County, and the following public school districts: Portland, Centennial, Reynolds, Parkrose, David Douglas, and Riverdale.

39. **Goal 2, Urban Development,** calls for maintaining Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments support this goal because providing for more efficient use of existing open space and recreational fields while limiting potential negative impacts on neighborhoods makes it possible to develop at an urban level while maintaining livability. The requirements for review will ensure that the character of established residential neighborhoods is retained, and the more effective provision of recreational opportunities will encourage both residential and commercial development.

40. **Policy 2.6, Open Space,** calls for providing opportunities for recreation and visual relief by preserving Portland's parks, golf courses, trails, parkways and cemeteries. These amendments allow continued use and development of recreational fields in City parks and on school grounds, and facilitate efficient use of fields for organized sports.

41. **Policy 2.9, Residential Neighborhoods,** calls for a range of housing types to accommodate increased population growth while improving and protecting the city's residential neighborhoods. These amendments support the policy because they will increase off-site recreational opportunities, allowing more housing to be built without large areas of recreational space on-site. This lowers the cost of residential development, and allows for a wider variety of urban design. These amendments facilitate providing recreational field development that has little or no impact on the surrounding neighborhood, while providing an appropriate level of review for recreational field development that may have impacts on the neighborhood.

42. **Policy 2.25, Central City Plan; Policy 2.26, Albina Community Plan; and Policy 2.27, Outer Southeast Community Plan:** These plans all call for providing recreational opportunities for residents and visitors to these areas. These amendments facilitate providing recreational field development that has little or no impact on the surrounding neighborhood, while providing an appropriate level of review for recreational field development that may have impacts on the neighborhood. They also facilitate implementation of recreational field development and use, providing increased recreational opportunities for more people.

43. **Goal 3, Neighborhoods,** calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments support this goal in the following ways: First, these amendments facilitate providing recreational field development that has little or no impact on the surrounding neighborhood, while providing an appropriate level of review for recreational field development that may have impacts on the neighborhood. Second, these amendments support the goal because they will increase off-site recreational opportunities, allowing more housing to be built without large areas of recreational space on-site. This lowers the cost of residential development, and allows for a more diversity of housing types and density within each neighborhood.

44. **Policy 3.1, Physical Conditions,** calls for programs to prevent the deterioration of existing structures and public facilities. By providing a clear process for creation of recreation fields, and for improvements to existing ones, the fields are more likely to be maintained, supporting this policy.

45. **Policy 3.6, Neighborhood Plan; Policy 3.8, Albina Community Plan Neighborhoods; Policy 3.9, Outer Southeast Community Plan Neighborhoods and Business Plan; and Policy 3.10, Northwest District Plan**: These plans all call for providing recreational opportunities for residents and visitors to these areas. These amendments facilitate providing recreational field development that has little or no impact on the surrounding neighborhood, while providing an appropriate level of review for recreational field development that may have impacts on the neighborhood. They also facilitate implementation of recreational field development and use, providing increased recreational opportunities for more people.

46. **Goal 4, Housing,** calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The amendments are consistent with this goal because they will increase off-site recreational opportunities, allowing more housing to be built without large areas of recreational space on-site. This lowers the cost of residential development, and allows for a more diversity of housing types, density, sizes, and costs within each neighborhood. See also the findings for Statewide Planning Goal, Goal 10, Housing and for Metro Title 1.

47. **Goal 5, Economic Development,** calls for the promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. The amendments are consistent with this goal because many companies and organizations use organized sports as a tool to develop their organization, or to build relationships with clients or similar businesses/organizations. Overall, these amendments will provide for more efficient development and use of open areas and of recreational fields, providing more opportunities for businesses and organizations. See also findings for Statewide Planning Goal, Goal 9, Economic Development.

48. **Goal 6, Transportation,** calls for developing a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility. The amendments support this goal because those recreational fields, or improvements to such fields, that are likely to generate significant traffic are subject to a land use review. The review will, in part, evaluate impacts on the transportation system, and require necessary mitigation. In addition, providing a clear process for development of recreational fields, and allowing some without a land use review increases the likelihood of development of more recreational fields in all neighborhoods; this means more people will be able to walk or bike to a recreational field rather than drive. See also findings for Statewide Planning Goals, Goal 12, Transportation.

49. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. This project followed the process and requirements specified in Chapter 33.740, Legislative Procedure. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement.

50. **Goal 10, Plan Review and Administration,** calls for periodic review of the Comprehensive Plan, for implementation of the Plan, and addresses amendments to the Plan, to the Plan Map, and to the Zoning Code and Zoning Map. The amendments support this goal by updating the process used to create and improve recreational fields.

51. **Policy 10.10, Amendments to the Zoning and Subdivision Regulations,** calls for amendments to the regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city. These amendments are clear and concise; they provide clear distinctions about what is required for each level or type of improvement. The amendments address present and

future land use problems by clarifying the regulations applicable to recreational fields, and balance the benefits of regulation against the cost of implementation by allowing some recreational field development to be allowed without land use reviews, but requiring review when appropriate. The amendments use clear and objective standards, maintain consistent procedures, are written clearly and organized logically.

52. **Goal 11, Public Facilities,** includes a wide range of goals and policies:

53. **General Goal 11-A** calls for provision of a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities. The amendments support this goal by providing a clear process for recreational field development to serve surrounding areas.

54. **Goal 11 F, Parks And Recreation,** calls for maximizing the quality, safety and usability of parklands and facilities. The amendments support this goal by fostering more efficient and continued use and development of recreational fields. In addition, these amendments foster safety and quality through facilitating development of recreational fields along with appropriate oversight and public input.

55. **Policy 11.58, City Schools Policy,** calls for maintaining on-going coordination with Portland School District #1 to achieve the goals and policies of the adopted City Schools Policy. The City Schools Policy was adopted by the City in 1979 as part of the ordinance adopting the Comprehensive Plan, but was not adopted by Portland School District #1. The Council interprets Policy 11.58 to express the City's aspiration to support Portland Public Schools through planning assistance and ongoing coordination. This policy does not state a mandatory requirement. The shared use of school facilities for recreational use is consistent with this policy's call for ongoing coordination between the City and Portland Public Schools.

56. Recent statutory amendments to ORS Chapter 195 establish requirements for school facility planning involving both the City and large school districts within the City's boundaries. These requirements are more specific than Policy 11.58 and describe a cooperative process for development and adoption of school facility plans. In particular, the school facility planning efforts required by ORS Chapter 195 are focused on identifying desirable new school sites, necessary physical improvements to existing schools, financial planning, capital improvement planning, and increasing the efficient use of existing schools for educational purposes. The Bureau of Planning and Sustainability and the large school districts within Portland's boundaries are in the process of implementing these statutory provisions. ORS Chapter 195 is not directly applicable to the proposed code amendments and, in any event, the proposed code amendments will not impede ongoing school facility planning efforts to achieve compliance with ORS Chapter 195.

57. In the City Schools Policy, **Policy Statement 4, Parks and Recreation,** calls for encouraging the maximum use of public facilities for recreation through reciprocal programming of School District and City park and recreation facilities. The Council interprets Policy Statement 4 as an aspirational statement and finds the proposed code amendments carry out the desired goal for reciprocal programming. Sharing resources between school and City park recreational facilities is one of central tenets of this project. The amendments made to the regulations support this policy.

NOW, THEREFORE, the Council directs:

a. Adopt Exhibit A, the Planning Commission's report entitled *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, as amended by Council.

b. Amend Title 33, Planning and Zoning, as shown in Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, as amended by Council.

c. The specific amendments adopted by this action are to the following provisions:

- Title 33, Planning and Zoning List of Chapters
- Table of Contents
- 33.100.100.B.2
- 33.100.200.A
- 33.100.200.B.1
- 33.110.100.B.2
- 33.110.245.B and C
- Table 110-5
- 33.120.100.B.7 and 11
- 33.120.275.B and C
- 33.120.277.B and C
- 200s – Additional Use and Development Regulations
- Entire new chapter: Chapter 33.279, Recreational Fields for Organized Sports
- 33.281.040
- 33.281.040.B.1 through 5
- 33.281.050.A.8
- 33.281.050.C.1
- 33.281.050.C.2
- 33.281.100
- 33.815.040, 5th sentence
- 33.815.040.B.1.f and g
- Chapter 33.900 List of Terms
- 33.910.030, definitions of "Exterior Improvements" and "Organized Sports"

d. Amend Title 20, Parks and Recreation, as shown in Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, as amended by Council. The specific amendments adopted by this action are to the following provisions:

- Section 20.04.010
- Section 20.04.050
- Section 20.04.060
- Section 20.04.070
- Section 20.04.080

e. Adopt Section VI of Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, the Good Neighbor Agreement for Recreational Fields Policy.

f. Adopt the commentary and discussion in Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010 as further findings and legislative intent.

Section 2. If any section, subsection, sentence, clause, phrase, diagram, designation, or drawing contained in this Ordinance, or the plan, map or code it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the plan, map, or code and each section, subsection, sentence, clause, phrase, diagram, designation, and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams, designations, or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Passed by the Council: MAY 05 2010
Mayor Sam Adams
Prepared by: Shawn Wood
Date Prepared: April 29, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland
By Susan Parsons
Deputy

561 600 637

Agenda No.
ORDINANCE NO. 183750 **As Amended**
Title

Improve land use regulations and procedures related to recreational fields as part of the Schools and Parks Conditional Use Code Refinement Project (Ordinance; Amend Title 33 and Title 20)

INTRODUCED BY
Commissioner/Auditor:
Mayor Sam Adams

COMMISSIONER APPROVAL

Mayor—Finance and Administration - Adams

Position 1/Utilities - Fritz

Position 2/Works - Fish

Position 3/Affairs - Saltzman

Position 4/Safety - Leonard

BUREAU APPROVAL

Bureau: Planning and Sustainability
Bureau Head: Susan Anderson

Prepared by: Shawn Wood
Date Prepared: April 6, 2010

Financial Impact Statement
Completed ☒ Amends Budget ☐
Not Required ☐

Portland Policy Document
If "Yes" requires City Policy paragraph stated in document.
Yes ☐ No ☒

Council Meeting Date
April 22, 2009

City Attorney Approval KSBeaumont

CLERK USE: DATE FILED APR 16 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By: _____
Deputy

ACTION TAKEN:

APR 22 2010 **CONTINUED TO** APR 28 2010 3:15pm
TIME CERTAIN

APR 28 2010 **PASSED TO SECOND READING** **As Amended** MAY 05 2010
9:30 A.M.

AGENDA

2 of 2

TIME CERTAIN ☒
Start time: 3:00 PM

Total amount of time needed: 2 hours
(for presentation, testimony and discussion)

CONSENT ☐

REGULAR ☐
Total amount of time needed: _____
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz		✓
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	—	—
Adams	Adams	✓	

City of Portland
Bureau of
Planning and Sustainability
Sam Adams, Mayor
Susan Anderson, Director

Planning
1900 S.W. 4th Ave., Ste. 7100
Portland, OR 97201-5350
Phone 503-823-7700
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www.portlandonline.com/bps

April 28, 2010

TO: City Commissioners

FROM: Deborah Stein, District Planning Manager

RE: Schools and Parks Conditional Use Code Refinement Project—Possible Motions

This memo lists possible motions for your consideration. You have already received the *Schools and Parks Conditional Use Code Refinement Project Recommended Draft*, and three memos that propose revisions to the Recommended Draft.

For your convenience, I am including the revisions proposed in those memos in this memo. There are also several new revisions proposed below, including a new set of directives for the ordinance. Finally, this memo includes only the revisions for the recreational fields portion of this project.

The Bureau of Planning and Sustainability recommends that you adopt all of these revisions.

- ☐ Revision #1 Date used to calculate when new field may be added
- ☐ Revision #2 Clarify what entities are FPOs
- ☐ Revision #3 FPO is responsible for sending public notice
- ☐ Revision #4 Authority to negotiate and sign GNA
- ☐ Revision #5 Recreational fields at colleges
- ☐ Revision #6 Ordinance directives
- ☐ Revision #7 Replace all directives in ordinance

REVISION #1: Date used to calculate when new field may be added,

Page 43 of Recommended Draft, from April 6 memo

Commentary: This change clarifies that the allowance of one new field is measured from the effective date of this ordinance as opposed to when the use became a conditional use. The changes also remove repetitive language and provide additional clarity.

33.279.030 Review Thresholds for Development
This section states when development related to recreational fields is allowed, when a conditional use review is required, and the type of procedure used.

A. Allowed. Alterations to the site that meet all of the following are allowed without a conditional use review provided the proposal:

8. Does not add more than one new field for organized sports~~, as measured from the time the use became a conditional use, to a site containing one or more existing approved fields for organized sports~~. Up to one new field may be added once per site, after [*effective date of this regulation*], without a Conditional Use Review. The new field must:

a. and b [No change]

c. Be located within 300 feet of ~~an~~ one or more existing on-site fields approved for organized sports; and

d. Be ~~constructed~~ approved under a Building or Zoning Permit that identifies the existing development and the new field that is being added, per this ~~section~~ paragraph.

REVISION #2: Clarify what entities are FPOs

Section not included in Recommended Draft, from April 6 memo

Commentary: This clarifies that the Field Permitting Organization also includes all public school districts for the purposes of public notification requirements.

20.04.010 Definitions

H. Field Permitting Organization
Any entity that permits or assigns permitting duties for organized sports use (as defined in section 33.910.030) on public parks and public schools (as described in 33.920.480). Sections 20.04.050 through 20.04.080 of this Chapter shall apply to any site owned or operated by any school district in the City of Portland, whether or not Portland Parks and Recreation is the field permitting organization for that site.

REVISION #3 – FPO is responsible for sending public notice

Pages 79,81 of Recommended Draft, from April 6 memo

Commentary: This change clarifies that the Field Permitting Organization (FPO), which may or may not be PP&R, is responsible for sending public notice.

20.04.050 Public Noticing – Recreational Fields

B. The notice shall describe in detail . . . If these written comments can be addressed to the neighbor's satisfaction, no further action is necessary. ~~PP&R~~ The FPO shall respond to these written comments in writing within 21 days.

C. If ~~PP&R's~~ the FPO's written responses to the written concerns received after the public notice are not satisfactory, a public meeting can be scheduled if requested by a neighborhood association within 1,000 feet of the subject site. The request must be made within 45 calendar days of the date of the last ~~PP&R~~ FPO written response to comments. A Good Neighbor Agreement (GNA) may be proposed by PP&R, ~~PPS~~ the school district, both organizations jointly, or other appropriate ~~field permitting entity~~ FPO if there are remaining concerns after the public meeting. Neighborhood associations within 1,000 feet of the subject site may also request a GNA, in writing, within 10 calendar days of the date of the public meeting. GNAs can be linked to sports field use permits and may address a variety of compatibility issues such as:

REVISION #4 – Authority to negotiate and sign GNA

Page 83 of Recommended Draft, revised from April 21 memo

Commentary: This change clarifies what authority the Director of Portland Parks and Recreation (PP&R) or other FPO has in regards to Good Neighbor Agreements (GNAs), which includes negotiating and executing the Agreements. These Agreements would still be subject to the adopted GNA policy. This change also clarifies that, where PP&R is not involved, the school district has that authority, although they still must adhere to the PP&R policy and process.

20.04.060 Good Neighbor Agreements – Recreational Fields

~~Good Neighbor Agreements shall adhere to the GNA Policy adopted by Portland Parks & Recreation, and are authorized and administered by the Director of Parks & Recreation or designee.~~

A. The Director or the Director's designee is authorized to negotiate, execute and administer Good Neighbor Agreements (GNAs) under Section 20.04.050 on behalf of the City, when the City is the Field Permitting Organization (FPO).

B. When the City is not the FPO, the FPO may negotiate, execute and administer GNAs under Section 20.04.050 according to its own internal processes.

C. All GNAs, whether entered into by the City or by any other FPO, must comply with the Good Neighbor Agreement Policy adopted by Portland Parks & Recreation, including the process.

REVISION #5 – Recreational fields at colleges

Pages 27, 29, 33, 35, 69 of Recommended Draft, revised from April 27 memo

Commentary: These changes clarify that Colleges are not subject to the new recreational field regulations. To differentiate these revisions from the amendments already in the Recommended Draft, code language to be added is double underlined and code language to be removed is shown in ~~double strikethrough~~.

Add Footnote to Table 110-5, Institutional Development Standards:

[6] Setbacks for structures that are accessory to recreational fields for organized sports on a school, school site, or in a park, are stated in Chapter 33.279, Recreational Fields for Organized Sports.

33.110.245 Institutional Development Standards

A. Purpose. [No change]

B. Use categories to which these standards apply. The standards of this section apply to uses in the institutional group of use categories, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions to institutional uses. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

C. The standards.

1-3. [No Change.]

4. Outdoor activity facilities. Except as specified in paragraph C.5 below, o~~O~~utdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated. Where the outdoor activity facility abuts R-zoned properties in School uses, the required setback is reduced to zero.

5. Recreational fields for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

6-10 ~~5-9~~. [No Change other than number sequence.]

33.120.100 Primary Uses

B. Limited Uses.

11. Schools, Colleges, and Medical Centers in the IR zone. This regulation applies to all parts of Table 120-1 that have a note [11].

a. Purpose. [No change]

b. Regulations for institutional campuses. High Schools, Colleges, ~~Hospitals,~~ and Medical Centers are allowed to develop as institutional campuses when they meet the following regulations.

(1) through (3) [No change]

c. Regulations for other institutions. Schools, Colleges, ~~Hospitals,~~ and Medical Centers are allowed as a conditional use only.

d. Regulations for recreational fields for organized sports. Recreational fields used for organized sports on a school or school site, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.

12-14. [No Change.]

C-D. [No Change]

33.120.275 Development Standards for Institutions

A. Purpose. [No change]

B. Use categories to which these standards apply. The standards of this section apply to uses in the institutional group of use categories in the R3 through IR zones, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions to institutional uses. Uses that are part of an institutional campus with an approved impact mitigation plan in the IR zone are subject to the development standards of 33.120.277. Recreational fields used

for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

C. The standards.

1-3. [No change.]

4. Outdoor activity facilities. Except as specified in paragraph C.5 below, o~~O~~utdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated.

5. Recreational fields used for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

6-10 ~~5-9~~. [No change other than number sequence.]

33.120.277 Development Standards for Institutional Campuses in the IR Zone

A. [No Change]

B. Where these standards apply. The standards of this section apply to all development that is part of an institutional campus with an approved impact mitigation plan or an approved conditional use master plan in the IR zone, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions from one use category to another. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

C. The standards.

1-3 [No change]

4. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

33.815.040 Review Procedures

The procedure for reviewing conditional uses depends on how the proposal affects the use of, or the development on, the site. Subsection A, below, outlines the procedures for proposals that affect the use of the site while Subsection B outlines the procedures for proposals that affect the development. Proposals may be subject to Subsection A or B or both. The review procedures of this section apply unless specifically stated otherwise in this Title. The review procedures for recreational fields for organized sports on a school, school site, or in a park, are stated in Chapter 33.279. The review procedures for schools, school related uses, and school sites, are stated in Chapter 33.281. Proposals may also be subject to the provisions of 33.700.040, Reconsideration of Land Use Approvals.

REVISION #6 – Interim clarification (until schools portion is adopted)

Page 63 of Recommended Draft, new item

Commentary: Because Council is deferring adoption of the school-related amendments, the following clarification is needed. Subsection 33.281.050.C identifies which changes trigger a Type III review. Paragraph.C.1 makes reference to provisions that will be deleted or changed by other amendments. It should be modified as follows:

33.281.050 Review Thresholds for Development
[No change]

A. and B. [No change]

C. Type III. The following alterations to development are processed through a Type III procedure:

1. All other alterations to development on the site, including alterations not allowed by Subsections A. and B. above. Recreational fields used for organized sports are subject to Chapter 33.279. Recreational Fields for Organized Sports. ~~Exceptions are outdoor recreation areas which are regulated by Subsection A. above, and athletic fields which are regulated by Subsection A. above, and Paragraph C.2. below.~~

REVISION #7 – Replace all directives in ordinance with the following:

NOW, THEREFORE, the Council directs:

a. Adopt Exhibit A, the Planning Commission's report entitled *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, as amended by Council..

b. Amend Title 33, Planning and Zoning, as shown in Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, as amended by Council

c. The specific amendments adopted by this action are to the following provisions:

- Title 33, Planning and Zoning List of Chapters
- Table of Contents
- 33.100.100.B.2
- 33.100.200.A
- 33.100.200.B.1
- 33.110.100.B.2
- 33.110.245.B and C
- Table 110-5
- 33.120.100.B.7 and 11
- 33.120.275.B and C
- 33.120.277.B and C
- 200s – Additional Use and Development Regulations

- Entire new chapter: Chapter 33.279, Recreational Fields for Organized Sports
- 33.281.040
- 33.281.040.B.1 through 5
- 33.281.050.A.8
- 33.281.050.C.1
- 33.281.050.C.2
- 33.281.100
- 33.815.040, 5th sentence
- 33.815.040.B.1.f and g
- Chapter 33.900 List of Terms
- 33.910.030, definitions of "Exterior Improvements" and "Organized Sports"

d. Amend Title 20, Parks and Recreation, as shown in Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, as amended by Council. The specific amendments adopted by this action are to the following provisions:

- Section 20.04.010
- Section 20.04.050
- Section 20.04.060
- Section 20.04.070
- Section 20.04.080

e. Adopt Section VI of Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, the Good Neighbor Agreement for Recreational Fields Policy.

f. Adopt the commentary and discussion in Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010 as further findings and legislative intent.

Section 2. If any section, subsection, sentence, clause, phrase, diagram, designation, or drawing contained in this Ordinance, or the plan, map or code it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the plan, map, or code and each section, subsection, sentence, clause, phrase, diagram, designation, and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams, designations, or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Planning Commission's Recommendation to City Council

Schools and Parks Conditional Use Code Refinement Project

Recommended Draft

March 18, 2010

City of Portland Bureau of
Planning and Sustainability
Sam Adams, Mayor | Susan Anderson, Director

The Bureau of Planning & Sustainability is committed to provide equal access to information and hearings. If you need special accommodation, please call 503.823.7700, the City's TTY at 503.823.6868, or the Oregon Relay Service at 1.800.735.2900.

For more information on this project contact:

Recreational Fields
Brett Horner – Portland Parks and Recreation
503.823.1674
brett.horner@portlandoregon.gov

Shawn Wood – Bureau of Planning and Sustainability
503.823.5468
shawn.wood@portlandoregon.gov

Schools
Deborah Stein – Bureau of Planning and Sustainability
503.823.6991
deborah.stein@portlandoregon.gov

How can I get additional copies of this report?

This report is available:

- On-line at www.portlandonline.com/planning/schools-parks;
- At the Bureau of Planning & Sustainability, 1900 SW 4th Ave., 7th floor; or
- By calling 503.823.7700 and request a copy be mailed to you.

Acknowledgements

Portland City Council
Sam Adams, *Mayor*
Nick Fish, *Commissioner*
Amanda Fritz, *Commissioner*
Randy Leonard, *Commissioner*
Dan Saltzman, *Commissioner*

Portland Planning Commission
Don Hanson, *President*
Michelle Rudd, *Vice President*
Andre' Baugh
Lai-Lani Ovalles
Howard Shapiro
Jill Sherman
Chris Smith
Irma Valdez

Bureau of Planning & Sustainability
Sam Adams, *Mayor, Commissioner-in-charge*
Susan Anderson, *Director*

Project Staff
Eric Engstrom, *Principal Planner*
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Rodney Jennings, *City Planner II*
Jessica Richman, *Senior Planner*
Shawn Wood, *City Planner II*

With additional assistance from city permitting agencies:

Bureau of Development Services
Douglas Hardy, Sheila Frugoli, and Susan McKinney

Bureau of Transportation
Courtney Duke, Bob Haley, and Wendy Cawley

Parks and Recreation
Lisa Turpel, Eileen Argentina, Brett Horner, Sarah Coates Huggins, Elizabeth Kennedy-Wong, and Sue Donaldson

City of Portland
Bureau of
Planning and Sustainability
Sam Adams, Mayor
Susan Anderson, Director

Portland Planning Commission
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January 26, 2010

Mayor Sam Adams and Members of Portland City Council
Portland City Hall
1221 SW Fourth Avenue
Portland, OR 97204

Dear Mayor Adams and Council Members:

Over the course of 18 months, the Portland Planning Commission has heard from testifiers concerned about school closures, school reconfigurations and activities on public recreational fields in relation to provisions in the City's Zoning Code and Comprehensive Plan. Some testifiers expressed concerns about equal access to educational opportunities. Testifiers have included residents from around the city, as well as representatives of Portland Public Schools (PPS), the PPS School Board and numerous athletic groups. The Commission also has discussed issues in depth with City staff from Bureaus of Planning and Sustainability, Development Services, Parks and Recreation, and Transportation.

In December 2008 the Commission agreed to staff's proposal for a 3-pronged approach to the complex issues: 1) amend Code regulations in the short term; 2) pursue intergovernmental agreements that provide for collaboration between the City and its school districts in the long-term; and 3) address citywide impacts and opportunities related to decisions about school facilities during development of the longer-term Portland Plan. *The Schools and Parks Conditional Use Code Refinement Project represents the first phase of a* process to amend Title 33, Planning and Zoning, and Title 20, Parks and Recreation.

At meetings on November 10, 2009 and January 12, 2010, the Portland Planning Commission focused on Code revisions and voted to recommend that City Council approve amendments to conditional use requirements in the Zoning Code for schools and parks. The Commission also supported changes to Title 20 related to the City's recreational fields.

The Portland Planning Commission voted unanimously to recommend the following code amendments for schools and parks because they clarify the conditional use review process and increase flexibility, while also providing opportunity for public input:

1. **Clarify and Organize Code Chapters 33.281 and 33.815** – Move all conditional use provisions regarding schools and school sites into the schools chapter, leaving criteria in the conditional use chapter – This meets the City's goals for streamlined review and code language that is understandable to users.

2. **Allow fluctuations in enrollment and staffing at schools to occur by right and require conditional use review only for changes to physical infrastructure over 1500 square feet** – This focuses review on measurable physical changes, not ever-changing, historically challengeable figures.

3. **Extend the length of time that school buildings may remain vacant and then be reopened without Conditional Use Review, with adjusted requirements for Type II or III Conditional Use Review** – This provides flexibility for reuse of school buildings as needed and appropriate.

4. **Base requirements for Conditional Use Review and notice on certain physical improvements for recreational fields; for minor improvements not covered by a CU review, use public notification and an enforceable Good Neighbor Agreement to negotiate issues of compatibility with neighborhoods.** This recognizes increasing demands for public recreational sites, public benefits of healthy communal activities and facilitation of minor improvements by schools and volunteer groups. The Commission is confident that Parks and Recreation has proposed requirements for Good Neighborhood Agreements that will make those agreements more effective, provided there is continuing commitment to monitoring and enforcement of provisions.

The Planning Commission voted 4-1 to modify staff's proposal for Conditional Use review related to grade level changes:

5. **Regulate grade level changes based on three school levels: K-5, 6-8, and 9-12.** Require Conditional Use Reviews when any grade is added to a school over the 8th/9th grade boundary or over the 5th/6th grade boundary, except when 6th-8th grade is added to a K-5 school. Require Type III review when K-5 grades are added to 6-8. The Commission's recommendation reflects concern about transportation safety for the youngest students added to schools designed for older children.

The Commission has agreed to changes to conditional use requirements because of opportunities to work on larger issues during development of the Portland Plan. Commissioners recommend that the Portland Plan:

- Recognize school districts' jurisdiction over educational policy and planning, but the City's and communities' mutual interest in collaboration on facilities planning in relation to community vitality.
- Recognize schools as hubs of 20-minute neighborhoods and communities, thereby reducing dependence on auto trips, promoting communal use of facilities and avoiding unequal impacts on different neighborhoods.
- Develop agreements with school districts that ensure consistency with the City's goals and policies for transportation connections, reduced dependence on auto travel, equity, enhancement of 20-minute neighborhoods, and overall livability.
- Encourage Good Neighbor Agreements, Intergovernmental Agreements and other non-regulatory tools to provide for better relationships between schools, parks and the public, but tie any lapses to conditional use criteria that ensure the City has "the teeth" to enforce compliance.
- Encourage opportunities for public input, blending of jurisdictional boundaries and communitywide discussion in developing Intergovernmental Agreements with school districts and in making decisions on facilities. The Commission hopes that IGAs will provide formal opportunities for public input on non-educational impacts of facilities changes in the community.

We thank City Council for your attention to our recommendations.

Very truly yours,

Howard Shapiro, Vice President
Portland Planning Commission

2 of 2

PORTLAND PARKS & RECREATION

Healthy Parks, Healthy Portland

January 11, 2010

Planning Commission
1900 SW 4th Avenue, Room 7100
Portland, OR 97201

Dear Chair and Commissioners:

The Portland Parks Board is pleased to lend full support to the proposed code refinements for recreational fields. The Parks Board has heard two presentations on this issue and believes what is being presented to you as a package is a balanced approach that considers neighborhood interests, as well as the needs of our growing organized sports community.

Through the Portland Plan process, human health issues have risen in importance. To improve the health of our residents, we need to promote active lifestyles, combat childhood obesity, and provide close access to parks and recreation opportunities for all Portlanders. Having sufficient and well-distributed recreational fields for organized sports use is absolutely vital for a thriving city. The code refinements bring these goals closer to realization.

The current Type III conditional use process should not be retained "as is" because for some field improvement proposals it functions as a blunt instrument, inhibiting modest proposals that have significant benefits to the large and growing active recreation community. The code refinements under consideration do not eliminate the Type III requirement entirely. Rather, they allow for adequate and, in some cases, more extensive public involvement and noticing requirements than in the current code.

As Parks Board chair, I urge you to recommend adoption of these code refinements as proposed in the package.

Sincerely,

Keith Thomajan
Chair, Portland Parks Board

Table of Contents

Under Separate Cover
Schools Ordinance, April 2010

Recreational Fields Ordinance, April 2010

Previous Documents
Schools and Parks Conditional Use Code Refinement Project (Recreational Fields Addendum)—Report to the Planning Commission, December 21, 2009

Schools and Parks Conditional Use Code Refinement Project—Report to the Planning Commission, August 19, 2009

Schools and Parks Conditional Use Code Refinement Project—Public Review Draft, April 28, 2009

I. Project Introduction

Project Summary

The Bureau of Planning and Sustainability (BPS) received direction from the Planning Commission in December 2008 to lead a public process to clarify Portland's zoning code as it applies to conditional uses on school and park sites. The resulting code amendments for the *Schools and Parks Conditional Use Code Refinement Project* were approved by Planning Commission at public hearings in November of 2009 and January of 2010.

At the time of initiation, the project was designed to address the conditional use zoning code regulations as they apply to schools and parks in the following topic areas:

1. **Enrollment Fluctuations** -- What are the appropriate thresholds to trigger conditional use requirements when schools make enrollment adjustments?

2. **Change of Grade Level** -- What are the appropriate thresholds to trigger conditional use requirements when a school has a shift in grade levels?

3. **Recreational Field Uses** -- What are the appropriate thresholds that trigger conditional use requirements for new uses and existing uses when proposed changes increase the intensity of field use and spectators?

4. **Conditional Use Status for Vacant School Property** -- What is the appropriate period of time that must lapse before a vacant school property loses its conditional use status? (This is currently set at 3 years.)

The *Schools and Parks Conditional Use Code Refinement Project* was originated to clearly define and establish thresholds for when conditional use reviews are required for schools and recreational fields and to establish the type of review required based on the level of potential impacts. The project has focused on issues that are central to several pending code enforcement complaints, as well as code ambiguities that have been problematic for the Bureau of Development Services (BDS) and have caused confusion for Portland Parks and Recreation (PP&R), schools, and members of the community.

More detailed summaries of the school-related changes (Topic areas 1, 2, and 4) and recreational field-related changes (Topic area 3) are provided in Sections II and III respectively.

Project Context

Significant issues have been raised by community members during this process regarding equity and socio-economic implications of school district programmatic and facilities decisions. A three-pronged approach to address these important challenges is recommended:

- **Through the zoning code**: issues directly related to measurable, physical impacts such as traffic, noise, and air quality are appropriately addressed through the zoning code and recommended code amendments follow on page 13 of this report.

- **Through intergovernmental agreements**: there are a number of issues that could be addressed through agreements between school districts and City government. Agreements could specify ways in which mutual consultation and problem resolution occur during consideration of any school decisions related to expansion, reconfiguration, closure or other significant facility changes, or any programmatic changes that have implications on community equity and prosperity. These agreements could ensure reciprocal consultation and problem resolution for any City decisions that may significantly affect or influence schools.

- **Through policy changes** to be considered in the Portland Plan and/or the comprehensive plan update: Policies could, for example, promote schools as multi-functional community hubs, provide direction regarding reuse of vacant schools, and direct City resources towards strategies to increase graduation rates. Establishing new policy direction will require significant public discussion in the years ahead.

Assumptions

A number of assumptions provide context for this project:

- Schools and parks are key components of a "20 minute neighborhood" – a concept to be explored further in the Portland Plan in which neighborhood amenities and essential services are located within a 20-minute walk or bicycle ride from home.

- While there is a clear boundary between decisions that City government has jurisdiction over and decisions within school districts' purview, it is vital that City government has a voice at the table for school district discussions concerning the future of major school facilities (including discussions about campus redevelopment or expansion, closure, or major reconfiguration) because of the interplay between these decisions and community vitality and prosperity. Similarly, school districts have expressed a desire to be integrally involved in planning discussions about Portland's future. Avenues for improved collaboration and coordination between the City and its school districts are being actively pursued.

- Play is essential to the healthy growth and development of children, including their physical, emotional, social and intellectual development. Portland needs a complete, rich system of parks and recreational fields with a broad range of opportunities for outdoor play for children and adults alike.

- As our population grows and development pressures increase over time, it will become more and more challenging to create new recreational facilities to serve the community's needs. Using our existing recreational opportunities creatively and efficiently (which may mean increasing the intensity of use of some existing facilities) will be imperative.

- Conditional use reviews are intended to assess and mitigate neighborhood impacts; they are not intended to influence educational policy decisions. The level of review associated with any specific regulation should be commensurate with the potential impacts to the surrounding neighborhood. Processes must be fair and transparent.

- General issues regarding the appropriateness of the conditional use process as the mechanism for regulating schools and parks will be forwarded to a larger city policy discussion. Many ideas, such as a new zone(s) for schools and parks, good neighbor agreements, and interagency agreements have already been identified and are worthy of consideration. These ideas hold promise for an approach that balances the needs of the community in using public properties with impacts on adjacent properties, and may be less cumbersome and more focused than a conditional use (CU) review allows.

Summary of Conditional Use Review Procedures

Certain uses are identified in the zoning code as "conditional uses" instead of being allowed outright. Although they may have beneficial effects and serve important public interests, a review of these uses is necessary due to potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

Typically, a Type III review is required when a proposed use or development has potentially greater impacts on the community than those reviewed under a Type II review. Type III reviews include greater notification requirements, lengthier timelines to ensure adequate time to review more complex proposals, decisions by the Hearings Officers, and appeal rights to City Council. The approval criteria used for Type II and Type III conditional use reviews are identical. The difference in fees and timelines for the two is as follows:

Type II – Approximately 8 weeks review time and $3,630 in review fees

Type III – Approximately 15 weeks review time and $11,137 to $16,483 in review fees.

Planning Commission's Recommendation

The Planning Commission recommends that City Council take the following actions:

- Adopt this report;
- Amend Title 33 (Zoning Code) and Title 20 (Parks and Recreation) as shown in this report;
- Adopt the report and commentary as further findings and legislative intent;
- Adopt the ordinances; and
- Advance efforts for larger public discussions, and develop formal agreements with school districts, to guide consultation and collaboration on issues of interest and concern to the City and districts.

II. Topic Summary – Schools (Topic Areas #1, #2, and #4)

Introduction

Schools are essential infrastructure in the city, and they serve a wide variety of functions in the community beyond simply their educational mission. The City of Portland and the six public school districts with facilities inside Portland's city limits have a number of mutual interests related to the interplay between schools, community and a thriving city. These code amendment recommendations provide clarity and flexibility as school programs and facilities (both public and private) fluctuate over time.

Topic Area #1: Enrollment Fluctuations

Issue

There is currently confusion regarding the relationship between two zoning code chapters that regulate schools: Chapters 33.281, Schools and Schools Sites, and 33.815, Conditional Uses. The schools chapter (33.281) acknowledges that schools by their nature need a high degree of flexibility to address changing demographics and educational policy decisions and does not regulate enrollment fluctuations. However, the conditional use chapter (33.815) requires a conditional use when there are any changes in members, students, trips and events. Enrollment fluctuations are typically reviewed by BDS only when other physical changes are proposed that would trigger a conditional use review.

Recommendation

The recommended code change will add language to 33.281.030, Review Thresholds for School Uses, that allow fluctuations in enrollment and staffing by right unless other regulations, such as additional building square footage, are triggered. This recommendation assumes that a variety of other regulations (e.g., building, fire, health and safety codes) dictate the maximum capacity for any facility based on size, configuration, and other physical constraints of the campus. This amendment is a code clarification and will not result in any content changes.

Topic Area #2: Change of Grade Levels

Issue

Currently, the Zoning Code requires a conditional use (CU) review for changes of *levels* of schools (elementary, middle school, junior high school, and high school), but does not address changes in *grades* within a school level. In the past few years, Portland Public Schools converted 30 schools from elementary or middle schools to K-8 schools. The school district used the state definition, which defines 'elementary school' as any combination of grades K-8 and understood that a CU was not required.

The Bureau of Development Services (BDS) has received 102 code compliance complaints on nine of these schools. Because of the lack of clarity in the Zoning Code regulations, BDS has placed a hold on the complaints and is waiting for the results of this project to proceed. Pending the outcome of this project, those complaints will be processed using any new code language that results from this project.

Recommendation

The recommended code changes would clearly define what triggers a CU when new grades are added to an existing school. The recommendation does not incorporate the state's definition of 'elementary school' (any combination of grades K through 8), but instead regulates three 'levels' of schools: any combination of K-5, any combination of 6-8, and any combination of 9-12.

The recommendation would set the thresholds for a CU as follows:

- Allow, by right, any grade changes within the three school levels: K-5, 6-8, and 9-12.
- Require a Type III CU when a K-8 or 6-8 school adds any higher grades (9-12).
- Require a Type III CU when a 6-8 or 6-12 school adds any lower grades (K-5).
- Require a Type II CU when a 9-12 school adds any lower grades (K-8).

The recommended thresholds reflect the current regulations which require a Type III CU when an elementary or middle school changes to a high school and a Type II CU when a high school changes to a middle or elementary school. In addition, the recommended changes require a Type III CU when a school containing any grade 6-12 adds any lower grades (currently, a change that is allowed without review), and clarifies that grades 6-8 may be added to K-5 schools without review.

Though the recommendation does not align with the state definitions of 'elementary school', it does provide a clear and workable standard.

The Planning Commission heard concerns in testimony from the community that recent grade change decisions may have resulted in low-income and minority populations experiencing greater segregation and fewer curriculum resources. These are issues that would not be addressed as part of a CU review because the approval criteria do not address socio-economic implications. The recommendation does not address these issues.

Please refer to the commentary in Chapter 33.281, Schools and School Sites for the legislative intent of these amendments.

Topic Area #4: Conditional Use Status of Vacant School Property

Issue
Currently a school—like any other conditional use—loses its conditional use status after 3 years. After that time, a new conditional use review is required to re-establish a school in the vacated facility. This is problematic for school districts because it often takes more than 3 years to re-open a school.

Recommendation
The recommended code change extends the length of time that can lapse before a vacant building loses its conditional use status from 3 years to 5 years. In addition, the recommended code language would require a Type II, rather than a Type III CU review if the school has been vacated more than 5 years, but less than 10 years, and does not include any changes to the use or development that would otherwise require a Type III CU. The recommendation would add more flexibility by increasing the time a school may be vacant before losing its conditional use status, while recognizing that after 5 years there may be changes in the neighborhood, applicable regulations, and/or other various factors that warrant a new CU review.

III. Topic Summary – Recreational Fields (Topic Area #3)

Introduction

For more than fifty years, Portland Parks & Recreation and Portland Public Schools have worked together to provide thousands of children, youth, and adults sports programming and recreational opportunities on hundreds of sports fields in almost every neighborhood in the city. The need for sports fields has increased steadily over the past two decades – as the population continues to grow and need increases, adequate recreational facilities for children, youth, and adults must be provided. The recommended changes remove code ambiguity while ensuring appropriate levels of review for field development or alterations. These include new ways to regulate recreational fields that better serve the community and address the need to improve fields amidst growing demand and limited resources.

Topic Area #3: Recreational Fields

Issues

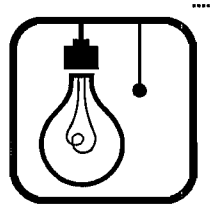
- Current structure of 33.281 (schools), 33.100 through 33.120 (OS, R base zones) and 33.815 (conditional uses) is unclear and inconsistent in some situations leading to different standards for the same development.
- Current code requires data from applicants that is difficult, or impossible to provide (there is no recordkeeping mechanism available to track 'spectators').
- Current code does not have a definition for 'organized sports'.
- Current code language is ambiguous in some situations and onerous in other situations when determining if review (and public notice) is required for sports fields.
- Inconsistent code language leads to some field development occurring without public notice or review.

Recommendations

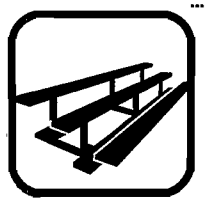
These recommended amendments move away from counting spectators and instead require a conditional use (CU) or public notice based on certain physical improvements (such as seating areas, amplification equipment, and lighting) that exceed allowable thresholds. Neighborhood compatibility issues that might not be addressed through a CU review (such as hours of play, amount of play per season or year, required noticing of changes in activity, parking concerns, litter, foul balls over fences, etc.) would be handled through other means than the Zoning Code. The amendments would provide public notice when CUs are not required and improve Good Neighbor Agreements. See *Recreational Fields Recommended Code Amendment Matrix* beginning on the following page for a summary of recommended amendments. Specifically, the recommended amendments would:

1. Consolidate thresholds and development standards in a new Title 33 (Zoning Code) chapter – 33.279.
2. Create a definition for *organized sports*. This new definition differentiates between more organized scheduled games and less organized/unstructured play, such as practice.
3. Create measurable thresholds to more clearly indicate exactly when CU reviews are required (includes public notice).
4. Introduce public notice and comment opportunity procedures when CUs are not required. Require schools and/or Portland Parks & Recreation (PP&R) to provide notice to neighbors where field changes are proposed. The notice will provide information on proposed changes, opportunities for input and contact information for staff.
5. Identify parameters for using a Good Neighbor Agreement (GNA) as a tool to address both the concerns of the community and the need for PP&R and schools to provide safe, adequate recreational opportunities to children, youth, and adults in the City of Portland.

Recreational Fields Recommended Code Amendment Matrix

Alteration	Existing Code: Threshold/ Requirement	Existing Code: Review/ Notice	Recommended Code: Threshold/ Requirement	Recommended Code: Review/ Notice	GNA Avail.
 **New Fields**	**School sites** – Technically silent on new fields, but interpreted the same as changes to existing fields **Park sites** - Drawing of spectators (No quantity specified)	Type III CU	All new fields (except as allowed below)	Type III CU	
			Exception: 1 new field allowed on sites with an existing field approved for organized sports use. Must be within 300' of existing field.	Public Notice/ Comment	✓
 **Concession Areas**	**School sites** - Any size or increase in size **Park sites -** Increase in floor area >1,500 sq. ft., and increase of >10% in floor area on site	Type III CU	Use existing Park site thresholds	Type III CU	
	Park sites - Increase in floor area >1,500 sq. ft., but increase of <10% or less in floor area on site	Type II CU	Use existing Park site thresholds	Type II CU	
	Park sites - Increase in floor area <1,500 sq. ft.	No Review	Use existing Park site thresholds	Public Notice / Comment	✓
 **Field Lighting**	**School sites** – Any increased glare **Park sites** – Increases >10% of approved numbers (games, spectators, hours)	Type III CU	Any field lighting added to a field that doesn't have lighting	Type III CU	
	Park sites – Increases <10% of approved numbers (games, spectators, hours)	Type II CU			

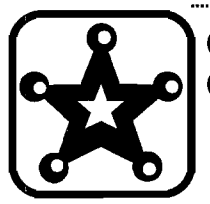
Recreational Fields Recommended Code Amendment Matrix

Alteration	Existing Code: Threshold/ Requirement	Existing Code: Review/ Notice	Recommended Code: Threshold/ Requirement	Recommended Code: Review/ Notice	GNA Avail.
 **Voice Amplification**	**School sites** – Any increased noise	Type III CU	Any amplified sound system added to a field that doesn't have sound	Type II CU	
	Park sites – Code is silent	No Review			
 **Seating**	**School sites** – Any increase in number of spectators **Park sites** - Increases >10% of approved numbers (games, spectators, hours)	Type III CU	Increases >10% above 210 lineal ft.	Type III CU	
	Park sites - Increases <10% of approved numbers (games, spectators, hours)	Type II CU	Increases <10% above 210 lineal ft.	Type II CU	
			<=210 lineal ft. total area of seating provided per field	Public Notice / Comment	✓
 **Parking**	Any increase	Type III CU	Except as allowed below, all increases or decreases	Type III CU	
	Decrease of 1 space or 4%, whichever is greater, but not > 5 spaces	No Review	Increase or decrease of up to 2 spaces or up to 10%, whichever is greater	Type II CU	
	Any other decrease	Type III CU	Increase or decrease of 1 space or 4%, whichever is greater, but not >5 spaces	Public Notice / Comment	✓

Recreational Fields Recommended Code Amendment Matrix

Alteration	Existing Code: Threshold/ Requirement	Existing Code: Review/ Notice	Recommended Code: Threshold/ Requirement	Recommended Code: Review/ Notice	Recommended Code: GNA Avail.
 **Age Conversion**	**School sites –** Converting use of field from elementary to MS, or from MS to HS	Type III CU	**Baseball:** <10 to >=10 **All other sports:** <13 to >=13/Adult	Public Notice / Comment	✓
	Converting use of field from HS to MS or elementary, or from MS to elementary	Type II CU			
	Park sites – Code is silent	No Review			
 **Development Standards**	**Fields –** 50-feet setback from abutting R-Zoned property **Accessory structures –** 10'-15' setback	N/A	**Fields –** 50-feet setback from abutting R-Zoned property. Measured from (foul line for baseball/softball and field end/side line for all others). **Bleachers –** 30' setback **All other accessory structures –** 15' setback	N/A	
 **Loss of CU Status**	Discontinued > 3 years	Type III CU	Discontinued >10 years	Type III CU	
			Discontinued >5 years, but <10 years	Type II CU	
			Discontinued <5 years	No Review	

Recreational Fields Recommended Code Amendment Matrix

Tools	Existing	Recommended
 **Review/ Notice**	Type III CU – Decision is made by Hearings Officer. Public notice is mailed to all property owners within 400 feet of site and all recognized associations within 1,000 feet. Type II CU – Decision is made by staff. Public notice mailed to all property owners within 150 feet of site and all recognized associations within 400 feet.	Type III CU – **No changes** Type II CU – **No changes** **Public Notice** – Implement via Title 20. New public notice providing proposed development information to property owners within 400 feet of site and opportunity to comment
 **Good Neighbor Agreement (GNA)**	Currently there are no defined parameters for Land Use Reviews. Generally BDS staff and the Hearings Officer have not required GNA's due to their difficulty in tracking and verifying that neighborhood groups and the applicants are following their established protocol (agreement) for communicating and problem-solving.	Implement via Title 20. In order to conduct recreational programs and/or use City-owned facilities a GNA may be required to bring affected parties together. Title 20 identifies parameters of when a GNA is appropriate, and what is required.
 **Field Permitting Guidelines**	Field permitting guidelines of permitting entity	Continue using and enforcing permitting guidelines of permitting entity
 **Code Compliance**	Enforcement of Title 33 – Portland Zoning Code	Continued enforcement of Title 33 – Portland Zoning Code for conditions of approval and development standards

IV. Recommended Amendments to Title 33 - Zoning Code

The recommended amendments to the Zoning Code that apply to schools and recreational fields are included in this section of the report. The amendments are on the odd-numbered pages. The facing (even-numbered) pages contain commentary about the recommended amendment. Code language to be added is underlined and code language to be removed is shown in ~~strikethrough~~.

For completely new chapters or sections, recommended language is not underlined for ease of reading. This is noted in the header when applicable.

Additional complementary amendments related specifically to recreational fields are included in Section V., Recommended Amendments to Title 20 – Parks and Recreation, and Section VI., Recommended Good Neighbor Agreement (GNA) Policy.

Commentary

Title 33, Planning and Zoning List of Chapters

This language adds a new chapter 33.279 for recreational fields used for organized sports to the list of chapters.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

TITLE 33, PLANNING AND ZONING
LIST OF CHAPTERS

TABLE OF CONTENTS

This language adds a new chapter 33.279 for recreational fields used for organized sports to the Table of Contents.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

TABLE OF CONTENTS

Commentary

33.100.100 Primary Uses

B. Limited uses.

2. Parks And Open Areas.

a-f. This code change moves the Open Space regulations for recreational fields to a new Chapter 33.279, Recreational Fields for Organized Sports. It also clarifies that parking areas are a conditional use and removes repetitive language.

3. Schools.

The omission of this Paragraph clarifies that schools are actually a conditional use as opposed to a limited use as would be suggested by this current paragraph language. The following Subsection C covers conditional uses, and schools would fall into this category as Table 100-1 describes. This is consistent with how schools are treated in the single-dwelling base zone.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.100.100 Primary Uses

A. Allowed uses. [No change.]

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 100-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 100-1.

1. [No Change]

2. Parks And Open Areas. This regulation applies to all parts of Table 100-1 that have note [2]. Uses in the Park And Open Areas category are allowed by right. However, certain accessory uses and facilities which are part of a Park And Open Areas use require a conditional use review. These facilities are listed below.

   a. ~~Parks.~~ Swimming pools~~; concession areas; parking areas; baseball, football, soccer, and other fields used for organized sports; and other facilities that draw spectators to events in a park, are conditional uses within a park use~~.

   b. Cemeteries~~.~~, including ~~M~~mausoleums, chapels, and similar accessory structures associated with funerals or burial~~ and parking areas are conditional uses within a cemetery use~~.

   c. Golf courses~~.~~, including ~~C~~club houses, restaurants, and driving ranges~~, and parking areas are conditional uses within a golf course use~~.

   d. Boat ramps. ~~All boat ramps and associated parking areas are conditional uses.~~

   e. Parking areas.

   f. Recreational fields for organized sports. Recreational fields used for organized sports are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.

~~3. Schools. This regulation applies to all parts of Table 100-1 that have note [3]. School uses are subject to the regulations for schools in the R5 zone as well as Chapter 33.281, Schools and School Sites.~~

3~~4~~. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 100-1 that have note [3~~4~~]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

4~~5~~. Community Services. This regulation applies to all parts of Table 100-1 that have note [4~~5~~]. Most Community Service uses are a conditional use. However, short term housing and mass shelters are prohibited.

5~~6~~. Basic Utilities. This regulation applies to all parts of Table 100-1 that have note [5~~6~~]. Basic Utilities that serve a development site are accessory uses to the primary use being served. All other Basic Utilities are conditional uses.

Commentary

Table 100-1

School Use is a conditional use in the OS zone and not a limited use as the footnote suggests. Eliminating the footnote reference clarifies this. The changes to the table also reflect the renumbering resulting from omission of the school footnote #3.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Table 100-1
Open Space Zone Primary Uses

Use Categories	OS Zone
Residential Categories	
Household Living	N
Group Living	N
Commercial Categories	
Retail Sales And Service	CU [1]
Office	N
Quick Vehicle Servicing	N
Vehicle Repair	N
Commercial Parking	N
Self-Service Storage	N
Commercial Outdoor Recreation	CU
Major Event Entertainment	N
Industrial Categories	
Manufacturing And Production	N
Warehouse And Freight Movement	N
Wholesale Sales	N
Industrial Service	N
Railroad Yards	N
Waste-Related	N
Institutional Categories	
Basic Utilities	L/CU [5]~~[6]~~
Community Service	CU [4]~~[5]~~
Parks And Open Areas	L/CU [2]
Schools	CU ~~[3]~~
Colleges	N
Medical Centers	N
Religious Institutions	N
Daycare	CU
Other Categories	
Agriculture	Y
Aviation And Surface Passenger Terminals	N
Detention Facilities	N
Mining	CU
Radio Frequency Transmission Facilities	L/CU [3]~~[4]~~
Rail Lines And Utility Corridors	CU

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.100.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Commentary

33.100.200 Development Standards

A. Allowed or limited uses.

1. Building setbacks.

   The addition of this language clarifies that standards for recreational fields used for organized sports are subject to the development standards found in the new Chapter 33.279 Recreational Fields for Organized Sports.

2. Outdoor activity facility setbacks.

   The addition of this language clarifies that recreational fields used for organized sports are not an Outdoor activity facility and are subject to the development standards found in the new Chapter 33.279 Recreational Fields for Organized Sports.

3. Recreational fields.

   This paragraph provides a reference to the development standards found in the new Chapter 33.279 Recreational Fields for Organized Sports.

B. Conditional uses.

1. Building setbacks.

   b. The addition of this language clarifies that standards for recreational fields used for organized sports are subject to the development standards found in the new Chapter 33.279 Recreational Fields for Organized Sports.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.100.200 Development Standards

A. Allowed or limited uses. Allowed or limited uses are subject to the development standards stated below.

1. Building setbacks. Except as specified in paragraph A.3, below, ~~B~~buildings must be set back from all property lines 1 foot for each foot of building height.

2. Outdoor activity facility setbacks. Except as specified in paragraph A.3 below, o~~O~~utdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated. Where the outdoor activity facility abuts R-zoned properties in School uses, the required setback is reduced to zero.

3. Recreational fields for organized sports. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

B. Conditional uses. Conditional uses are subject to the development standards stated below.

1. Building setbacks.

   a. Generally. Except as specified in paragraph 1.b, below, ~~B~~buildings must be set back from all the property lines 1 foot for each foot of building height. Where the site is adjacent to a transit street or a street within a Pedestrian District, the maximum setback is 25 feet.

   b. Recreational fields for organized sports. Setbacks for structures that are accessory to recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

2. Parking. Conditional uses must meet the parking standards for that use in the CG zone, as stated in Chapter 33.266, Parking and Loading.

3. Other standards. Conditional uses are also subject to the other development standards stated in Table 110-5 in Chapter 33.110, Single-Dwelling Zones.

Commentary

33.110.100 Primary Uses

A. Allowed uses.

B. Limited uses.

2. Parks and Open Areas.

a-f. This code change moves the single-dwelling zone regulations for recreational fields for organized sports to a new Chapter 33.279, Recreational Fields for Organized Sports. It also clarifies that parking areas are a conditional use and removes repetitive language.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.110.100 Primary Uses

A. Allowed uses. Uses allowed in the single-dwelling zones are listed in Table 110-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed use will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 110-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 110-1.

1. Community Service Uses. This regulation applies to all parts of Table 110-1 that have note [1]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term housing and mass shelters have additional regulations in Chapter 33.285, Short Term Housing and Mass Shelters.

2. Parks And Open Areas. This regulation applies to all parts of Table 110-1 that have note [2]. Parks And Open Areas uses are allowed by right. However, certain accessory uses and facilities which are part of a Parks And Open Areas use require a conditional use review. These accessory uses and facilities are listed below.

   a. ~~Parks.~~ Swimming pools~~; concession areas; parking areas; baseball, football, soccer, and other fields used for organized sports; and other facilities that draw spectators to events in a park, are conditional uses within a park use~~.

   b. Cemeteries~~.~~, including ~~M~~mausoleums, chapels, and similar accessory structures associated with funerals or burial~~, and parking areas are conditional uses within a cemetery use~~.

   c. Golf courses~~.~~, including ~~C~~club houses, restaurants, and driving ranges~~, and parking areas are conditional uses within a golf course use~~.

   d. Boat ramps. ~~All boat ramps, whether they are primary or accessory use are conditional uses.~~

   e. Parking areas.

   f. Recreational fields for organized sports. Recreational fields used for organized sports are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.

3-5. [No Change.]

C-D. [No Change.]

Commentary

33.110.245 Institutional Development Standards

A. Purpose.

B. Use categories to which these standards apply.
Provides a reference to the development standards found in the new chapter 33.279, Recreational Fields for Organized Sports.

C. The standards.

4. Outdoor activity facility setbacks.

   The addition of this language clarifies that recreational fields used for organized sports are not an Outdoor activity facility.

5. Recreational fields.

   This paragraph provides a reference to the development standards found in the new Chapter 33.279 Recreational Fields for Organized Sports.

6-10 Numbering sequence change.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.110.245 Institutional Development Standards

A. Purpose. The general base zone development standards are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed in single-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.

B. Use categories to which these standards apply. The standards of this section apply to uses in the institutional group of use categories, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions to institutional uses. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

C. The standards.

1-3. [No Change.]

4. Outdoor activity facilities. Except as specified in paragraph C.5 below, o~~O~~utdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated. Where the outdoor activity facility abuts R-zoned properties in School uses, the required setback is reduced to zero.

5. Recreational fields for organized sports. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

6-10 ~~5-9~~. [No Change other than number sequence.]

Commentary

Table 110-5
Institutional Development Standards

Notes:

[1-5] No Change

[6] Clarifies that setbacks for structures that are accessory to recreational fields for organized sports are stated in Chapter 33.279, Recreational Fields for Organized Sports.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Table 110-5
Institutional Development Standards [1]

Minimum Site Area for New Uses	10,000 sq. ft.
Maximum Floor Area Ratio [2]	0.5 to 1
Maximum Height [3]	50 ft.
Minimum Building Setbacks [2]	1 ft. back for every 2 ft. of bldg. height, but in no case less than 15 ft.
Maximum Building Setback Transit Street or Pedestrian District	20 ft. or per CU/IMP review
Maximum Building Coverage [2]	50% of site area
Minimum Landscaped Area [2,4]	25% of site area to the L1 standard
Buffering from Abutting Residential Zone [5]	15 ft. to L3 standard
Buffering Across a Street from a Residential Zone [5]	15 ft. to L1 standard
Setbacks for All Detached Accessory Structures Except Fences [6]	10 ft.
Parking and Loading	See Chapter 33.266, Parking And Loading
Signs	See Title 32, Signs and Related Regulations

Notes:
[1] The standards of this table are minimums or maximums as indicated. Compliance with the conditional use approval criteria might preclude development to the maximum intensity permitted by these standards.
[2] For campus-type developments, the entire campus is treated as one site. Setbacks are only measured from the perimeter of the site. The setbacks in this table only supersede the setbacks required in Table 110-3. The normal regulations for projections into setbacks and for detached accessory structures still apply.
[3] Towers and spires with a footprint of 200 square feet or less may exceed the height limit, but still must meet the setback standard. All rooftop mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment that cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.
[4] Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.
[5] Surface parking lots are subject to the parking lot setback and landscaping standards stated in Chapter 33.266, Parking And Loading.
[6] Setbacks for structures that are accessory to recreational fields for organized sports are stated in Chapter 33.279, Recreational Fields for Organized Sports.

Commentary

33.120.100 Primary Uses

A. Allowed uses.

B. Limited uses.

7. Parks and Open Areas.

a-f. This code change moves the multi-dwelling zone regulations for recreational fields to the new Chapter 33.279, Recreational Fields for Organized Sports. It also clarifies that parking areas are a conditional use and removes repetitive language.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.120.100 Primary Uses

A. Allowed uses. Uses allowed in the multi-dwelling zones are listed in Table 120-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed use will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed in these zones subject to limitations are listed in Table 120-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 120-1.

1-6. [No Change.]

7. Parks And Open Areas. This regulation applies to all parts of Table 120-1 that have note [7]. Parks And Open Areas uses are allowed by right. However, certain accessory uses and facilities which are part of a Parks And Open Areas use require a conditional use review. These accessory uses and facilities are listed below.

   a. ~~Parks.~~ Swimming pools~~; concession areas; parking areas; baseball, football, soccer, and other fields used for organized sports; and other facilities that draw spectators to events in a park, are conditional uses within a park use~~.

   b. Cemeteries~~.~~, including ~~M~~mausoleums, chapels, and similar accessory structures associated with funerals or burial~~, and parking areas are conditional uses within a cemetery use~~.

   c. Golf courses~~.~~, including ~~C~~club houses, restaurants, and driving ranges~~, and parking areas are conditional uses within a golf course use~~.

   d. Boat ramps. ~~All boat ramps, whether they are primary or accessory use are conditional uses.~~

   e. Parking areas.

   f. Recreational fields for organized sports. Recreational fields used for organized sports are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.

8-10. [No Change.]

Commentary

33.120.100 Primary Uses (cont'd)

A. Allowed uses.

B. Limited uses.

11. Schools, Colleges, and Medical Centers in the IR zone.

d. This code change moves the schools, colleges and medical center regulations for recreational fields to the new Chapter 33.279, Recreational Fields for Organized Sports.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.120.100 Primary Uses (cont'd)

11. Schools, Colleges, and Medical Centers in the IR zone. This regulation applies to all parts of Table 120-1 that have a note [11].

    a. Purpose. High Schools, Colleges, and Medical Centers located in IR Zones are limited to the large institutional campuses the IR Zone is intended to foster. The IR zone was created in recognition of the role such institutions play in meeting the needs of Portland's citizens.

    b. Regulations for institutional campuses. High Schools, Colleges, Hospitals, and Medical Centers are allowed to develop as institutional campuses when they meet the following regulations.

        (1) The institution is located or is to be located on a site that is at least 5 acres in total area. Exceptions to this minimum size requirement are prohibited.

        (2) The institution has an approved impact mitigation plan or conditional use master plan.

        (3) Trade schools and business schools are commercial uses and are not allowed in an IR zone through a conditional use.

    c. Regulations for other institutions. Schools, Colleges, Hospitals, and Medical Centers are allowed as a conditional use only.

    d. Regulations for recreational fields for organized sports. Recreational fields used for organized sports are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.

12-14. [No Change.]

C-D. [No Change]

Commentary

33.120.275 Institutional Development Standards

A. Purpose. No change

B. Use categories to which these standards apply.
Provides a reference to the development standards found in the new chapter for recreational fields, Chapter 33.279, Recreational Fields for Organized Sports

C. The standards.

4. Outdoor activity facility setbacks.

   The addition of this language clarifies that recreational fields used for organized sports are not an Outdoor activity facility.

5. Recreational fields.

   This paragraph provides a reference to the development standards found in the new Chapter 33.279 Recreational Fields for Organized Sports.

6-10 Numbering sequence change.

33.120.277 Development Standards for Institutional Campuses in the IR Zone

A. No change

B. The addition of this language clarifies that recreational fields used for organized sports are not subject to these standards but instead the standards of the new Chapter 33.279, Recreational Fields for Organized Sports.

C. The standards.

1-3 No change

4. This paragraph adds a reference to the development standards found in the new Chapter 33.279 Recreational Fields for Organized Sports.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.120.275 Development Standards for Institutions

A. Purpose. The general base zone development standards in the R3 through RX zones are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed in multi-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.

B. Use categories to which these standards apply. The standards of this section apply to uses in the institutional group of use categories in the R3 through IR zones, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions to institutional uses. Uses that are part of an institutional campus with an approved impact mitigation plan in the IR zone are subject to the development standards of 33.120.277. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

C. The standards.

1-3. [No change.]

4. Outdoor activity facilities. Except as specified in paragraph C.5 below, o~~O~~utdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated.

5. Recreational fields used for organized sports. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

6-10 ~~5-9~~. [No change other than number sequence.]

33.120.277 Development Standards for Institutional Campuses in the IR Zone

A. [No Change]

B. Where these standards apply. The standards of this section apply to all development that is part of an institutional campus with an approved impact mitigation plan or an approved conditional use master plan in the IR zone, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions from one use category to another. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

C. The standards.

1-3 [No change]

4. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

Commentary

200s Additional Use & Development Regulations

33.279 Recreational Fields for Organized Sports

This language adds a new chapter for recreational fields used for organized sports to the 200s chapters.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

200s - ADDITIONAL USE & DEVELOPMENT REGULATIONS

33.203 Accessory Home Occupations
33.205 Accessory Dwelling Units
33.209 Aviation
33.212 Bed and Breakfast Facilities
33.218 Community Design Standards
33.219 Convenience Stores
33.224 Drive-Through Facilities
33.229 Elderly and Disabled High Density Housing
33.236 Floating Structures
33.239 Group Living
33.243 Helicopter Landing Facilities
33.248 Landscaping and Screening
33.251 Manufactured Housing and Manufactured Dwelling Parks
33.254 Mining and Waste-Related
33.258 Nonconforming Situations
33.262 Off-Site Impacts
33.266 Parking and Loading
33.272 Public Recreational Trails
33.274 Radio Frequency Transmission Facilities
33.278 Permit-Ready Houses
33.279 Recreational Fields for Organized Sports
33.281 Schools and School Sites
33.284 Self-Service Storage
33.285 Short Term Housing and Mass Shelters
33.288 Special Street Setbacks
33.293 Superblocks
33.296 Temporary Activities

Commentary

33.279 Recreational Fields for Organized Sports

Code language pertaining to recreational fields is currently found in the OS, Single-dwelling zones, and Multi-dwelling base zones (Use and Institutional Development Standards) as well as in Chapter 33.281, Schools and School Sites, and 33.815 Conditional Uses. This new chapter (33.279) would consolidate conditional use requirements, development standards, and loss of conditional use status for recreational fields into one chapter. This will allow recreational fields used for organized sports on schools, school sites, and park sites to be treated the same. Changes to existing recreational field code language, as seen in earlier commentary and recommended code changes, remove regulations from the various sections of the code and instead require that they be subject to this new chapter. This consolidation clarifies and simplifies the procedures and standards for recreational fields.

33.279.010 Purpose

The purpose outlines the need for recreational fields and their unique relationship to the community. It also recognizes that as neighborhoods change, so will the demand and alterations to the fields. Furthermore, the purpose identifies compatibility and impacts with residential areas as important elements.

33.279.020 Where These Regulations Apply

This language identifies where the new regulations for recreational fields would apply. It identifies that the regulations of this chapter apply to schools, school sites, and parks in Open Space zones, R-zones (single- and multi-dwelling), and the IR zone (Institutional Residential).

THIS IS A NEW CHAPTER, FOR EASE OF READING IT IS NOT UNDERLINED

CHAPTER 33.279
RECREATIONAL FIELDS FOR ORGANIZED SPORTS
(Added by: Ord. No. _____, effective ___/___/10)

General:

33.279.010 Purpose
The recreational field requirements:

- Allow flexibility in the use and development of recreational fields;
- Recognize that recreational fields used for organized sports have a special relationship to the community and are an important resource;
- Recognize that demographics and program needs change over time, and that alterations and additions to recreational fields respond to those changes; and
- Maintain compatibility with and limit the negative impacts on surrounding residential areas.

33.279.020 Where These Regulations Apply
The regulations of this chapter apply to recreational fields if all of the following are met:

A. Organized sports. If the recreational field is used for organized sports;

B. OS, R, or IR zone. If the recreational field is in an OS, R, or IR zone; and

C. School, school site, or in a park. If the recreational field is located on a school, school site, or in a park.

Commentary

33.279.030 Review Thresholds for Development

The code now requires a conditional use (CU) review for new fields in parks and schools that are used for organized sports. The thresholds for review rely on any increases in number of spectators. It is extremely difficult to implement this requirement for a number of reasons. One reason is that it is difficult to define a spectator. Another reason is that it is difficult to track the numbers of spectators that come to events. Existing facilities may be subject to a new CU review if they draw even one more spectator than they have in the past.

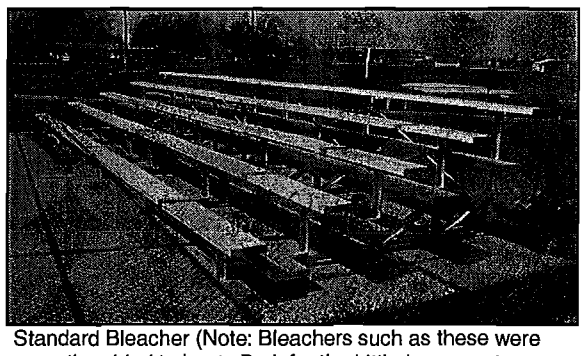
The recommended amendments move away from the standard of quantifying actual spectators. Instead, they aim to capture physical improvements that speak to the intensity of use experienced by the field(s). A conditional use review would be required for facilities that are designed to accommodate a significant number of spectators, or that would draw spectators at night when they could create greater disturbances in a neighborhood. New facilities and changes to existing facilities that potentially increase use intensity such as seating, amplification systems, and lighting, for example, would require a conditional use review. Other minimal changes would be allowed without review. However some field changes that do not require a CU would instead trigger a public notice/opportunity to comment that would be covered in Title 20, Parks and Recreation. This notice and comment opportunity may or may not lead to a Good Neighbor Agreement that has also been developed as part of recommended amendments to Title 20. See Section V and VI for additional information on these processes.

A. Allowed

This subsection identifies what recreational field development is allowed without a conditional use review.

1-6. This language is consistent with language in 33.281 Schools and School Sites and language found in 33.815 Conditional Uses.

7. This provision allows for up to 210 lineal feet of spectator seating without a CU. As mentioned above, these thresholds move away from quantifying spectators, which can be difficult to determine or track. As such, development that would accommodate spectators is used to identify one element of field intensity that could be used as a threshold for review. 210 lineal feet represents two standard bleachers (5 rows). At 36 inches per person (1.5 feet of personal space on each side), this seating would accommodate 70 people. It should be noted that 70 people would represent a reasonable seating capacity and it is assumed that maximum seating would not be reached during most events. It is assumed that not all of the spectators will be single occupancy drivers and therefore impacts such as parking are limited, but worth review if this threshold is exceeded. The Bureau of Transportation has stated that 70 people would translate to approx. 25 cars which is an acceptable quantity without transportation impact review.



Standard Bleacher (Note: Bleachers such as these were recently added to Lents Park for the Little League - two bleachers per field on multiple fields)

THIS IS A NEW CHAPTER, FOR EASE OF READING IT IS NOT UNDERLINED

33.279.030 Review Thresholds for Development
This section states when development related to recreational fields is allowed, when a conditional use review is required, and the type of procedure used.

A. Allowed. Alterations to the site that meet all of the following are allowed without a conditional use review provided the proposal:

1. Complies with all previous conditions of approval;

2. Meets one of the following:

   a. Complies with the development standards of this Title; or

   b. Does not comply with the development standards of this Title, but an adjustment or modification to the development standards has been approved through a land use review;

3. Does not increase the floor area by more than 1,500 square feet;

4. Does not increase the exterior improvement area by more than 1,500 square feet. Fences, handicap access ramps, on-site pedestrian circulation systems, and increases allowed by Subsections A.6 and A.8, below are exempt from this limitation;

5. Will not result in a net gain or loss of site area;

6. Will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:

   a. On sites with 5 or more parking spaces, up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be removed; however, the removal of more than 5 spaces requires a conditional use review;

   b. Up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be added; however, the addition of more than 5 spaces requires a conditional use review; and

   c. Any cumulative loss or gain of parking allowed in 6.a or 6.b above is measured from the time the use became a conditional use, or the last conditional use review of the use, whichever is most recent, to the present.

7. Does not result in total spectator seating per field exceeding 210 lineal feet; or

33.279.030 Review Thresholds for Development

8. One new field is recommended to be allowed on a school, school site, or park site where there is already approved organized sports use occurring. The rationale for this allowance of one field is that adding only one new field is not significantly adding to site activities that are already happening. The field must be within 300 feet of the existing field that has organized sports use. The requirement that the new field be within 300' of the existing field consolidates site activities with similar characteristics. Additionally one new field that proposes either lighting, spectator seating in excess of 210 lineal feet, or voice amplification systems would not be allowed to use this provision since those alterations alone require a conditional use (CU) review.

   In situations where this exception is applicable, neighbors would still receive public notice and an opportunity to comment through the Public Notice provision in Title 20, Parks and Recreation. Neighbors would get advanced notice and an opportunity to weigh-in on the proposal before it is allowed. A Good Neighbor Agreement is also an option if resolution cannot be achieved. See Sections V and VI.

   If a field is proposed on a site that does not currently have approved organized sports activity, then this development would require a Type III CU since the site does not currently have the types of characteristics associated with organized sports. Regardless of current organized sports activity, more than one new field would also be reviewed as a Type III CU given the potential greater impacts.

THIS IS A NEW CHAPTER, FOR EASE OF READING IT IS NOT UNDERLINED

33.279.030 Review Thresholds for Development (cont'd)

A. Allowed.

8. Does not add more than one new field, as measured from the time the use became a conditional use, to a site containing one or more existing approved fields for organized sports. Up to one new field may be added. The new field must:

   a. Meet the development standards of Section 33.279.040;

   b. Not include lighting, a voice amplification system, or spectator seating in excess of 210 lineal feet;

   c. Be within 300 feet of an existing field approved for organized sports; and

   d. Be constructed under a Building or Zoning Permit that identifies the existing development and the new field that is being added, per this section.

Commentary

33.279.030 Review Thresholds for Development (cont'd)

B. Type II

This subsection identifies when a Type II conditional use review is required.

1. Voice amplification is another element of field use that can have impacts on neighboring properties. As such, its addition to a field that does not currently have a voice amplification system would require a Type II review. The term "system" is used intentionally to differentiate between smaller hand held devices and larger permanent systems. Voice amplification added to a field that already has amplification would not trigger a conditional use review, and Chapter 33.262, Off-Site Impacts would regulate impacts resulting from any additional noise.

2-9. This language is consistent with 33.281 Schools and School Sites recommended thresholds.

C. Type III

This subsection identifies when a Type III conditional use review would be required.

1. All new fields would require a Type III CU with the exception of one new field on a site that currently has a recreational field used for organized sports. See previous Commentary.

2. Lighting provides for extended play into evening hours when field play could have additional impacts on neighbors. Noise typically occurring during daylight hours could occur into the evening. Glare from lights could also impact neighbors. Adding lighting to a field that currently does not have lighting would trigger a conditional use review. Lighting added to a field that already has lighting would not trigger a conditional use review, and Chapter 33.262, Off-Site Impacts would regulate any issues with additional glare.

3. This language clarifies that all other development (unless allowed by Subsection A, or a Type II per Subsection B) is a Type III.

THIS IS A NEW CHAPTER, FOR EASE OF READING IT IS NOT UNDERLINED

33.279.030 Review Thresholds for Development

B. Type II. A Type II review is required for the following individual or cumulative alterations:

1. Voice amplification systems for recreational fields that currently do not have an approved voice amplification system;

2. When proposed alterations to the site will not violate any conditions of approval;

3. When there will be a net loss in site area that will not take the site out of conformance, or further out of conformance, with a site development standard;

4. When there will be an increase or decrease in the net number of parking spaces by up to 2 spaces or up to 10 percent of the total number of parking spaces, whichever is greater;

5. When the alterations will not increase the floor area on the site by more than 10 percent, up to a maximum of 25,000 square feet;

6. When the alterations will not increase the exterior improvement area on the site by more than 10 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by B.4 above are exempt from this limitation;

7. When the alterations will not increase the floor area and the exterior improvement area on the site by more than 10 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by B.4 above are exempt from this limitation; or

8. The increases in paragraphs B.4 through 7, above, are measured from the time the use became a conditional use or the last conditional use review of the use, whichever is most recent, to the present.

C. Type III. The following are processed through a Type III procedure:

1. New recreational fields, except as allowed by Subsection A.8 above;

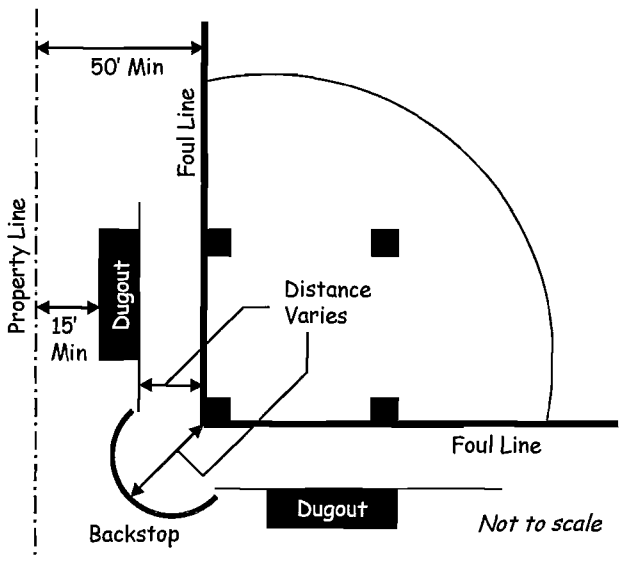
2. Lighting for recreational fields that currently do not have approved lighting; or

3. All other alterations to development related to recreational fields used for organized sports on the site, including alterations not allowed by Subsections A. and B. above.

33.279.040 Development Standards

Development standards for recreational fields are currently found in the institutional development standards of the R zones and the development standards of the OS zone. Locating them in this new chapter facilitates determining what standards apply to recreational fields in the OS, R, and IR zones.

Currently development standards for recreational fields require a 50-foot setback from residentially-zoned properties. This standard is maintained with the recommended code language since it provides adequate distance to minimize impacts. Additionally, if fields were set back in excess of 50 feet, this would preclude the ability for many park and school sites to support field development. This language also clarifies that the 50-foot setback is measured from the foul line for baseball/softball (see drawing) and from the field end or side line for all other sports.



The standards also allow accessory structures such as dugouts, or bleachers to be within this setback, but no closer than 30 feet for bleachers and 15 feet for all other structures. The 30-foot setback for bleachers addresses noise and privacy issues unique to spectator seating. The 15-foot setback for all other accessory structures is consistent with the 15-foot setback currently required for detached accessory structures in the institutional development standards for single-dwelling zones. Multi-dwelling zones currently require 10 feet and this would be increased to 15 feet with the recommended standard.

33.279.050 Loss of Conditional Use Status

Currently a recreational field loses its conditional use status after 3 years if the use is discontinued. After that time, reuse of the field for organized sports is not allowed without a new conditional use review. This amendment extends the time that a field can be reused for organized sports under the same conditional use approval from 3 years to 5 years. It further defines what review types are used if the reuse is proposed before or after 10 years from discontinuance and whether additional development is proposed. The language used here is consistent with recommended 33.281 Schools and School Sites language. The increase in time before CU status is lost provides for additional flexibility with fields as use fluctuates.

33.279.060 Additional Regulations

This section provides a reference to Title 20, specifically a public notice/commentary requirement meant to capture specific elements of recreational field development that don't require a conditional use review. The public notice will give neighbors an opportunity to learn of proposed recreational field development and contact Park staff regarding their comments. By sharing information and concerns early, all involved have the opportunity to identify ways to improve a proposal and to resolve conflicts. If required, a Good Neighbor Agreement may be entered into. See Sections V and VI.

THIS IS A NEW CHAPTER, FOR EASE OF READING IT IS NOT UNDERLINED

33.279.040 Development Standards

A. Purpose. Ensure that recreational fields and accessory structures will be compatible with and minimize negative impacts on adjacent uses.

B. Standards. The standards of this subsection apply to new fields, alterations to existing fields, and accessory structures.

1. Recreational fields. Recreational fields must be set back at least 50 feet from adjacent R-zoned sites. Setbacks are measured from property lines to foul line for baseball and softball fields, and to the field end or side lines for all other sports.

2. Accessory structures. Spectator seating such as bleachers or benches must be set back at least 30 feet from adjacent R-zoned sites and at least 15 feet from all other lot lines. All other accessory structures including dugouts, concession stands, and restrooms must be set back at least 15 feet from all lot lines.

33.279.050 Loss of Conditional Use Status

If a recreational field is not used for organized sports for more than 5 continuous years, a new conditional use is required to resume the use for organized sports. Except as allowed by 33.279.030.A, the new conditional use is reviewed as follows:

A. If the organized sports use has been discontinued for less than 10 years, and the proposed new organized sports use does not add lighting or does not result in total spectator seating per field exceeding 210 lineal feet, it is reviewed through a Type II procedure.

B. All other new organized sports uses are reviewed through a Type III procedure.

33.279.060 Additional Regulations

Other City regulations may apply to recreational fields used for organized sports. See Title 20, Parks and Recreation.

CHAPTER 33.281
SCHOOLS AND SCHOOL SITES

33.281.020 Relationship to Base Zone and Conditional Use Regulations

Currently, there are two chapters that regulate school conditional uses - Chapter 33.81 Schools and School Sites and Chapter 33.815 Conditional Uses. To simplify the code these amendments recommend moving all the regulations that govern when a CU is required and the type of review required for schools from Chapter 33.815 Conditional Uses to Chapter 33.281, Schools and School Sites. The sections that have been added to Chapter 33.281 include 33.815.040, Review Procedures, and 33.815.050, Loss of Conditional Use Status. The amended code language clarifies that these regulations are now in chapter 33.281 and drop the references to these sections in the conditional use chapter. The approval criteria 33.815.105 will continue to be located in Chapter 33.815.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.281
SCHOOLS AND SCHOOL SITES

33.281.010 Purpose
The City recognizes that schools have a special relationship to the community. This chapter provides regulations for schools and school sites located throughout the City's neighborhoods. The regulations acknowledge that school sites provide an important community resource and that traditionally a wide variety of activities take place at school sites. The regulations also reflect the fact that there is a constant change in uses, programs, and buildings as school districts respond to changing demographics and educational innovations. At the same time, the regulations protect surrounding uses from negative impacts by providing a forum for the review of major changes to uses or buildings.

33.281.020 Relationship to Base Zone and Conditional Use Regulations
The base zone chapters indicate whether school uses are allowed by right, are conditional uses, or are prohibited. In OS and R zones, schools are generally regulated as conditional uses. In C and E zones, schools are generally allowed by right. In I zones, schools are prohibited. This chapter provides supplemental information and regulations specific to school uses and school sites. The requirements of the base zone apply unless superseded by the regulations in this chapter. In situations where the use is regulated as a conditional use, the regulations that apply are located in this chapter, except for the conditional use approval criteria, which are in 33.815.105. ~~the conditional use regulations approval criteria in 33.815.040, .050, and .105 also apply~~. If a school site has previous conditions of approval, the specific conditions take precedence over the threshold levels of review in this chapter.

Commentary

33.281.030. Review Thresholds for School Uses

A. [No Change]

B. Change of grade levels.
Currently, the Zoning Code requires a conditional use (CU) review for changes of *levels* of schools (elementary, middle school, junior high school, and high school), but does not address changes in *grades* within a school level. It also does not address simply adding or removing grades from an existing school; it addresses situations where the complete school level is changed. As a further complication, the state defines 'elementary school' as any combination of grades K-8, but the Zoning Code contains no definition of the different school levels.

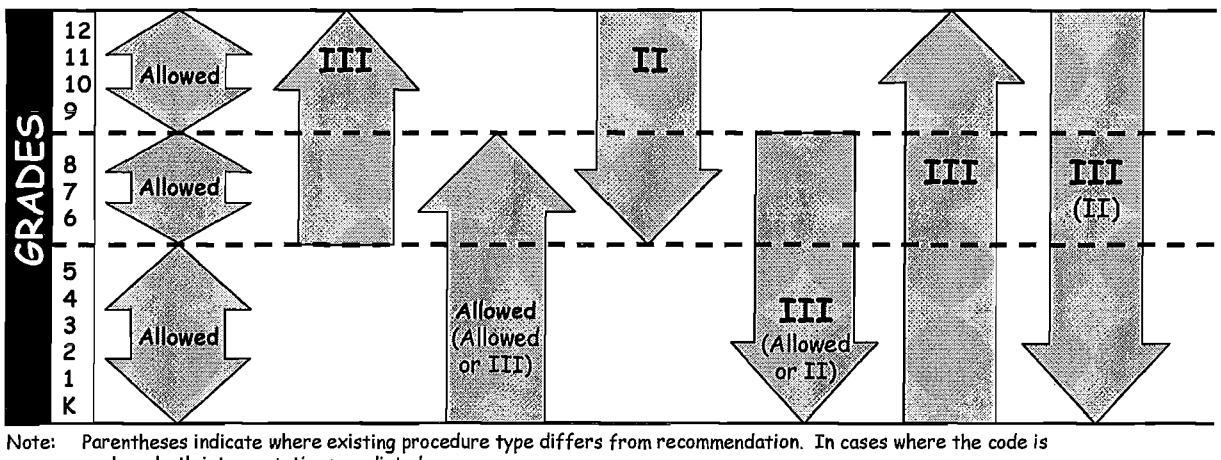
These amendments revise the current code to regulate changes in 'grade level' rather than changes in 'school level'. They are intended to provide the school districts with as much flexibility as needed to accommodate changes, while ensuring that grade changes that may result in impacts to the surrounding area continue to require a CU review.

While adopting the state definition of 'elementary school' would be the simplest way of regulating schools (i.e. regulating 9-12 grade level and K-8 grade levels), it would not address the Planning Commission's concern regarding the impacts adding K-5 grades to a school with higher grades has on the surrounding area and the safety of the younger children.

In general, these amendments:

- Regulate three school levels: K-5, 6-8, and 9-12 grades.
- Allow for any grade changes that result in a school that has a combination of grades K-5, 6-8 or 9-12, unless other regulations, such as additional building square footage, are triggered.
- Require a CU review for most situations when a grade outside of the defined grades in its level is added to a school. But once a grade outside these levels is added then all grades in that level may be added without further review.
- Allow any grade to be removed from a school.

Procedure Type Required When Adding Grade Levels



Note: Parentheses indicate where existing procedure type differs from recommendation. In cases where the code is unclear, both interpretations are listed.

See the following page of commentary for the legislative intent of each regulation.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Code begins on next code language page.

33.281.030. Review Thresholds for School Uses (cont'd)

B. Change of grade levels.

The following chart provides the legislative intent of these amendments:

	Adding Lower Grades	Adding Higher Grades
9-12	**Adding grades 6-8 to a school containing 9th-12th grades requires a Type II CU.** *Intent: This reflects the current regulations that require a Type II CU when a high school changes to an elementary or middle school. When younger grades are combined with grades 9-12 the students often have to commute farther from their home than they would if they attended their K-8 school, resulting in transportation impacts.* **Adding grades K-5 to a school containing 6th-12th grades requires a Type III CU.** *Intent: This changes current practice. Currently the code is unclear whether adding any grades K-5 to a school with 6th-8th grades require a Type II CU or is allowed. Adding K-8 to a school with 9th-12th grades requires a Type II CU. This amendment requires a Type III for both situations. See below for the legislative intent of this amendment.*	n/a
6-8	**Adding grades K-5 to a school containing 6th-8th grades requires a Type III CU.** *Intent: The primary reason for requiring a Type III CU in these situations is to allow for a public review of the safety of adding younger children to a school (and transportation system) designed for older students. The Planning Commission felt that a Type III conditional use review in these situations would benefit the public.*	**Adding grades 9-12 to a school containing 6th-8th grades requires a Type III CU.** *Intent: This reflects the current regulations that require a Type III CU when an elementary or middle school changes to a high school. The impacts for a high school (students can drive, open campuses, larger facilities, increased extra-curricular activities and after school activities) tend to create more of an impact to the surrounding area.*
K-5	n/a	**Adding grades 6-8 to a school containing K-5th grades is allowed.** *Intent: There is no value added for a school to undergo a conditional use review for this situation because there is no data available to objectively distinguish between the impacts of 6th- 8th graders and K-5th graders.*

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Regulations in OS and R zones

33.281.030 Review Thresholds for School Uses

This section ~~The following thresholds~~ states when a conditional use is required and the type of procedure used ~~the type of procedure used in the conditional use review~~ for changes to school uses in the OS and R zones. ~~Changes that are allowed by right are also stated~~.

A. New school use. The creation of a school use on a site that does not have a school use or is not a school site is reviewed through the Type III procedure.

B. Change of ~~school~~ grade levels. ~~Changes from an elementary to a middle or junior high or to a high school, or from a middle or junior high to a high school are reviewed through a Type III procedure. Changes from a high school to a middle or junior high or to an elementary school, or from a middle or junior high to an elementary school are reviewed through a Type II procedure. Changes from a middle to a junior high, or from a junior high to a middle school are allowed by right.~~ Removing grades from any school is allowed. Adding grades is allowed or a conditional use, as specified in Table 281-1.

Table 281-1
Regulations for Adding Grades

If a school has the following grades:	**Regulation for adding the following grades:**	
	Allowed	**CU required (Type III unless noted otherwise)**
Any grade K-5	Any grade K-8	Any grade 9-12
Any grade 6-8	Any grade 6-8	Any grade K-5 Any grade 9-12
Any grade 9-12	Any grade 9-12	Any grade 6-8 (Type II) Any grade K-5
Any grade K-5 AND Any grade 6-8	Any grade K-8	Any grade 9-12
Any grade 6-8 AND Any grade 9-12	Any grade 6-12	Any grade K-5
Any grade K-5 AND Any grade 6-8 AND Any grade 9-12	Any grade K-12	—

33.281.030 (cont'd)

C. [No change]

D. Fluctuations in enrollment and staffing.
The recommended amendments address confusion regarding the relationship of Chapters 33.281, Schools and Schools Sites, and 33.815, Conditional Uses. The schools chapter clearly states that the activities of school buildings should have flexibility in order to meet school and community needs and at the same time protect the surrounding area from negative impacts by requiring a conditional use review of major changes to uses. A change in student numbers usually doesn't result in a major change of how the school is used. However, Chapter 33.815, Conditional Uses, requires a conditional use when there are any changes in members, students, trips and events (Type II CU for changes less than 10% and Type III CU for changes over 10%).

The number of students allowed in each school is regulated. Schools must meet the Universal Building Code as well as other standards for classroom size, safety and fire regulations, etc. This amendment assumes that it is the responsibility of the school administrators to see that the number of students in a building meets these requirements; within these limits, the enrollment can move up and down without a land use review.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.281.030 Review Thresholds for School Uses (cont'd)

C. [No change]

D. Changes in enrollment and staffing. Changes in the number of students enrolled and the number and classification of staff are allowed without review except where a conditional use review is required by Subsections 33.281.050.B or C.

Commentary

33.281.040 Review Thresholds for Other Uses

A. [No change]

B. Other uses on school sites.

1. [No change] Existing regulations require recreation areas on school property, such as playgrounds and fields, to be maintained and open to the public at times when the school is not using them.

2. Playgrounds and fields are mentioned, but Parks and Open Area uses are not specifically listed in the code as "other uses" on school sites. This amendment clarifies that Parks and Open Space uses are allowed on school sites and that they are regulated the same as these uses are in an Open Space zone or a Residential zone. It further states that recreational fields used for organized sports are regulated through a new Chapter 33.279, Recreational Fields.

3-5. [No change]

6. There are two chapters that regulate school conditional uses in the code right now. To simplify the code this project recommends moving many of the regulations from Chapter 33.815, Conditional Uses to Chapter 33.281, Schools and School Sites. The recommended language is similar to 33.815.040A.3.c. in the conditional use chapter. It clarifies that uses other than schools or those listed in 33.281.040.B.1-5 may be allowed outright or with a conditional use review on a school site if consistent with the base zone.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.281.040 Review Thresholds for Other Uses
This section ~~The following thresholds~~ states when a conditional use is required for changes to nonschool uses on school sites in the OS and R zones, and the type of procedure used when a conditional use review is required. ~~Changes that are allowed by right are also stated.~~

A. Purpose. This section allows additional conditional uses on school sites over that normally allowed by the base zones. This is in recognition of the special nature of school sites and the necessity to allow interim uses to allow school districts to maintain sites for future school uses. The additional uses are limited to uses which provide a public service and which can be accommodated on the site with minimal disruption to the site and surrounding area. Offices which can be accommodated easily on the site if adequate off-street parking is provided are also allowed.

B. Other uses on school sites.

1. Daycare, Community Service, and nonprofit or social service Office uses are allowed ~~by right~~ at a school site. However, these uses must comply with the parking requirements in Chapter 33.266, Parking and Loading. In addition, any exterior recreation areas including playgrounds and fields must be maintained and open to the public at times when the use is not occupying the areas.

2. Parks And Open Area uses at school sites are subject to the use regulations of the base zone, plan district and overlay zone. Recreational fields used for organized sports are subject to the regulations of 33.279, Recreational Fields for Organized Sports.

~~3~~2. Change to another conditional use or the addition of another conditional use in a different use category, except as allowed by Paragraph B.1. or B.2. above, are reviewed through a Type III procedure.

~~4~~3. Office uses, other than nonprofit or social service offices allowed by Paragraph B.1., above, are reviewed though a Type III procedure.

54. Commercial or industrial uses other than those allowed in Paragraphs B.1. and B.~~4~~3., above, are reviewed through a Type III procedure. The operators of the uses must be nonprofit, governmental, or social service agencies. The uses ~~can~~ may only be in portions of buildings that are already designed to accommodate the proposed use. For example, a social service agency could request approval to run a vocational training program in the auto shop portion of a building on the site.

6. Adding an allowed use may or may not require a conditional use depending on the proposed changes to development on the site. See Section 33.281.050.

Commentary

33.281.050 Review Thresholds for Development

A. [No change]

1-4. [No change]

5. This language has been rewritten to be consistent with parking thresholds in 33.815 Conditional Uses that was recently amended through RICAP 5 and rewritten here for additional clarity. This amendment addresses situations where parking is removed in order to complete stormwater upgrades in a parking lot. Removal of one space is often necessary in order to incorporate vegetated swales that meet current standards. Increased flexibility for removal of spaces from small sites is necessary to accommodate stormwater-related retrofits

   Additionally, increases or decreases in the number of parking spaces are often required when a conditional use changes in size, but the current thresholds do not allow any increase in number of parking spaces without a review, and do not differentiate between minor changes in parking quantity that can be processed as a Type II procedure, versus major changes in parking quantity that require a Type III review.

   These amendments clarify that a nominal increase in number of parking spaces (the addition of 1 space, or 4% of the total number of spaces, whichever is greater) is allowed without a review.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.281.050 Review Thresholds for Development
~~The following thresholds state the type of procedure used in the conditional use review for changes to development at schools and on school sites in the OS and R zones. Changes that are allowed by right are also stated.~~ This section states when development related to schools and on school sites in the OS and R zones is allowed, when a conditional use review is required, and the type of procedure used.

A. Allowed ~~by right~~. Alterations to the site that meet all of the following are allowed without a conditional use review.

1. The addition of new outdoor recreation areas, or changes to existing outdoor recreation areas;

2. The addition of up to 1,500 square feet of floor area to the site;

3. Fences, handicap access ramps, and on-site pedestrian circulation systems;

4. Changes that do not result in a net gain or loss of site area;

~~5. Alterations to parking areas other than Special Event Parking that meet the following:~~

~~a. Will not result in a net gain in the number of parking spaces;~~

~~b. Sites with up to 15 spaces, not including those used for Special Event Parking: will not result in a net loss in the number of parking spaces;~~

~~c. Sites with 16 or more spaces, not including those used for Special Event Parking: will not decrease the number of spaces except as follows:~~

~~(1) No reduction in shared parking spaces is allowed;~~

~~(2) 1 space or 4 percent of the total number of parking spaces may be removed, whichever is greater; and~~

~~(3) An individual or cumulative removal of parking spaces in excess of 5 spaces is prohibited. The cumulative loss of parking is measured from the time the use became a conditional use, July 16, 2004, or the last conditional use review of the use, whichever is most recent, to the present.~~

5. The alteration will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:

a. On sites with 5 or more parking spaces, up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be removed; however, the removal of more than 5 spaces requires a conditional use review;

b. Up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be added; however, the addition of more than 5 spaces requires a conditional use review; and

c. Any cumulative loss or gain of parking allowed in 5.a or 5.b above is measured from the time the use became a conditional use, or the last conditional use review of the use, whichever is most recent, to the present.

Commentary

33.281.050 Review Thresholds for Development (cont'd)

A. **[No change]**

6-7. [No change]

8. This omission allows recreational fields used for organized sports in both school and parks sites to be treated equally. Recreational fields used for organized sports is referenced in 33.281.040.B.2 above where it clarifies that 33.279 contains the regulations for these fields so no thresholds are required in this Paragraph.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.281.050 Review Thresholds for Development (cont'd)

6. The alteration meets one of the following:

   a. Complies with the development standards of this Title; or

   b. Does not comply with the development standards of this Title, but an adjustment or modification to the development standards has been approved through a land use review; and

7. The alteration complies with all previous conditions of approval~~;~~.

~~8. Modifications to existing athletic fields that do not increase the potential for noise, glare, or additional numbers of spectators, or times that spectators come to the site.~~

33.281.050 Review Thresholds for Development (cont'd)

B. Type II

There are two chapters that regulate school conditional uses in the code right now. To simplify the code this project recommends moving many of the regulations from Chapter 33.815, Conditional Uses to Chapter 33.281, Schools and School Sites. The regulations governing when a CU is required and the type of review required for schools are moved to 33.281. This amendment would bring the thresholds for Type II found in Chapter 33.815 to Chapter 33.281. These amendments will not result in any content change.

The sentence related to outdoor recreation and athletic fields is deleted since these thresholds are now found in the new Chapter 33.279, Recreational Fields for Organized Sports.

C. Type III

1. The last sentence is deleted since these thresholds are now found in the new Chapter 33.279, Recreational Fields for Organized Sports.

2. This sentence is deleted since these thresholds are now found in the new Chapter 33.279, Recreational Fields for Organized Sports.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.281.050 Review Thresholds for Development

B. Type II. ~~Alterations to development when the individual or cumulative alterations will not increase the floor area or exterior improvement area by more than 10 percent, up to a maximum of 25,000 square feet are reviewed through a Type II procedure. The increase is measured from the time the use became a conditional use, the effective date of this Title, or the last Type III conditional use review on the site, whichever is most recent. Exceptions are outdoor recreation areas and athletic fields, which are regulated by Subsection A. above, and Subsection C. below.~~ A Type II review is required when the following individual or cumulative alterations are proposed. The increases in paragraphs B.3 through B.6, below, are measured from the time the use became a conditional use or the last conditional use review of the use, whichever is most recent, to the present.

1. When proposed alterations to the site will not violate any conditions of approval;

2. When there will be a net loss in site area that will not take the site out of conformance, or further out of conformance, with a development standard;

3. When there will be an increase or decrease in the net number of parking spaces by up to 2 spaces or up to 10 percent of the total number of parking spaces, whichever is greater;

4. When the alterations will not increase the floor area on the site by more than 10 percent, up to a maximum of 25,000 square feet;

5. When the alterations will not increase the exterior improvement area on the site by more than 10 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by B.3 above are exempt from this limitation; or

6. When the alterations will not increase the floor area and the exterior improvement area on the site by more than 10 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by B.3 above are exempt from this limitation.

C. Type III. ~~The following alterations to development are processed through a Type III procedure:~~ All other alterations to development on the site, including alterations not allowed by Subsections A. and B. above are reviewed through a Type III procedure.

~~1. All other alterations to development on the site, including alterations not allowed by Subsections A. and B. above. Exceptions are outdoor recreation areas which are regulated by Subsection A. above, and athletic fields which are regulated by Subsection A. above, and Paragraph C.2. below.~~

~~2. Modifications to existing athletic fields that increase the potential for noise, glare, or additional numbers of spectators, or times spectators come to the site. These types of modifications include modifications such as adding or increasing any of the following: seating capacity, lighting, voice amplification equipment, announcer's booths, ticket booths, and concessions.~~

33.281.055 Loss of Conditional Use Status on School Sites
As part of the restructuring of Chapters 33.281, School and School Sites, and 33.815, Conditional Uses, this recommended code amendment adds regulations for vacant school sites to the schools chapter (33.281). Currently, school sites are regulated by the conditional use chapter (33.815) and must meet the same regulations that apply to other conditional uses. The language recommended here is the same as in chapter 33.815, except the length of time that can lapse before a vacant building loses its conditional use status has been changed from 3 years to 5 years and there are different CU requirements when the site has been vacated more than 5 years, but less than 10 years.

Currently a school—like any other conditional use—loses its conditional use status after 3 years. After that time, only uses allowed in the underlying zone are allowed on the site without a Type III conditional use review. By increasing the time a school may be vacant without losing its CU status from 3 to 5 years, the recommended amendments respond to the fact that people typically want to keep neighborhood schools open and that once closed, it is often difficult to open schools in less than 3 years.

However, after 5 years there may be changes in the neighborhood, applicable regulations, and other various factors that warrant a new CU review. Again, responding to the unique nature of schools facility planning, the recommended amendments assign a Type II—rather than Type III CU review if the school has been vacant more than 5 years but less than 10 years and does not include any changes to the use or development that would otherwise require a CU III. A type II review considers the same criteria regarding impacts on the surrounding neighborhood as a Type III, but because the case is reviewed by BDS staff (and doesn't include a public hearing) with appeals going to the hearing officer (rather than City Council) a Type II is faster and less expensive than a Type III.

After the school has been vacant more than ten years a Type III CU would be required. This is the same requirement other CUs in the city must meet when they are vacant over 3 years.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.281.055 Loss of Conditional Use Status on School Sites.
If a school use is discontinued for more than 5 continuous years, a new conditional use is required. A school use has been discontinued if the use ceases operations, even if the structure or materials related to the use remain. Any school use proposing to locate at the site after more than 5 years of discontinued use must go through a new conditional use review. The new conditional use is reviewed as follows:

A. If the school use has been discontinued for less than 10 years, and the proposed new school use does not include any of the Type III changes listed in 33.281.030.B or 33.281.050.C, the conditional use is reviewed through a Type II procedure.

B. If the school use has been discontinued for less than 10 years, and the proposed new school use includes any of the changes listed in 33.281.030.B or 33.281.050.C, the conditional use is reviewed through a Type III procedure.

C. If the school use has been discontinued for more than 10 years, the conditional use is reviewed through a Type III procedure.

Commentary

33.281.100 General Standards

This paragraph adds a reference to the standards found in the new Chapter 33.279 Recreational Fields for Organized Sports.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Development Standards

33.281.100 General Standards

In the OS and R zones, the development standards for institutional uses apply except where superseded by the standards in this chapter. The institutional development standards are stated in 33.110.245 and 33.120.275. In C and E zones, the development standards of the base zone apply except where superseded by the standards in this chapter. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

Commentary

CHAPTER 33.815
CONDITIONAL USES

33.815.040 Review Procedures

The amendments in this section of the conditional use chapter clarify that the review procedures for recreational fields for organized sports are located in 33.279 Recreational Fields for Organized Sports and review procedures for schools, school related uses, and school sites are located in Chapter 33.281 Schools and School Sites.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.815
CONDITIONAL USES

33.815.040 Review Procedures

The procedure for reviewing conditional uses depends on how the proposal affects the use of, or the development on, the site. Subsection A, below, outlines the procedures for proposals that affect the use of the site while Subsection B outlines the procedures for proposals that affect the development. Proposals may be subject to Subsection A or B or both. The review procedures of this section apply unless specifically stated otherwise in this Title. The review procedures for recreational fields for organized sports are stated in Chapter 33.279. The review procedures for schools, school related uses, and school sites, are stated in Chapter 33.281. Proposals may also be subject to the provisions of 33.700.040, Reconsideration of Land Use Approvals.

Commentary

33.815.040 Review Procedures (cont'd)

A. [No Change]

B. [No Change]

1. [No Change]

a.-e. [No Change]

f and g. This language has been rewritten for clarity and has been consolidated in one subparagraph. The new language replaces language that had been modified as part of the RICAP 5 code amendments.

33.815.080 Approval Criteria in General [No change]
There are no changes recommended for the approval criteria for schools or recreational fields.

The majority of schools are located in residential and open space zones and are conditional uses; the conditional use criteria for these schools are found in 33.815.105 Institutional and Other Uses in R Zones. (Schools are allowed by right in commercial and employment zones and are prohibited in industrial zones.)

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.815.040 Review Procedures (cont'd)

B. Proposals that alter the development of an existing conditional use. Alterations to the development on a site with an existing conditional use may be allowed, require an adjustment, modification, or require a conditional use review, as follows:

1. Conditional use review not required. A conditional use review is not required for alterations to the site that comply with Subparagraphs a through g. All other alterations are subject to Paragraph 2, below. Alterations to development are allowed by right provided the proposal:

   a-d. [No Change]

   e. Will not result in a net gain or loss of site area; and

   ~~f. Will not increase the net number of parking spaces by more than 1 space or 4 percent of the total number of parking spaces, whichever is greater. However, an individual or cumulative addition of more than 5 parking spaces requires a conditional use review; and~~

   ~~g. Will not result in a net loss in the number of parking spaces, except as follows:~~

      ~~(1) No reduction in shared parking spaces is allowed;~~

      ~~(2) 1 space or 4 percent of the total number of parking spaces may be removed, whichever is greater;~~

      ~~(3) An individual or cumulative removal of parking spaces in excess of 5 spaces requires a conditional use review. The cumulative loss of parking is measured from the time the use became a conditional use, July 16, 2004, or the last conditional use review of the use, whichever is most recent, to the present; and~~

      ~~(4) Removal of parking from sites with 4 or fewer required spaces requires a conditional use review.~~

   f. Will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:

      (1) On sites with 5 or more parking spaces, up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be removed; however, the removal of more than 5 spaces requires a conditional use review;

      (2) Up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be added; however, the addition of more than 5 spaces requires a conditional use review; and

      (3) Any cumulative loss or gain of parking allowed in (1) or (2) above is measured from the time the use became a conditional use, or the last conditional use review of the use, whichever is most recent, to the present.

33.815.080 Approval Criteria in General
The approval criteria for all conditional use reviews are stated below. Requests for conditional uses will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met.

CHAPTER 33.90 LIST OF TERMS

This insertion adds term 'Organized Sports' to the List of Terms defined in Chapter 33.910, Definitions.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.900
LIST OF TERMS

Amend Chapter 33.900 LIST OF TERMS

Add the term 'Organized Sports'

Commentary

CHAPTER 33.910
DEFINITIONS

33.910.030 Definitions

Development-Related Definitions

- **Exterior Improvements.** The addition of the term "synthetic turf" clarifies that turf fields would be treated the same as grass fields as it relates to this definition. Furthermore, it allows the conversion or expansion of existing grass fields to turf fields without conditional use review.

Organized Sports. This new definition clarifies that organized sports occurs on a field (as opposed to a court) and includes regularly scheduled games by a team. It also clarifies that organized sports does not include unstructured play such as practice (even if regularly scheduled) or casual use such as pick-up games or family use.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.910
DEFINITIONS

33.910.030 Definitions
The definition of words with specific meaning in the zoning code are as follows:

Development-Related Definitions

- **Exterior Improvements.** All improvements except buildings or other roofed structures. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways, but does not include vegetative landscaping, synthetic turf, natural geologic forms, or unimproved land. See also Development.

Organized Sports. Any athletic team play (scheduled games), by any ages, on a physically defined sports field (natural or synthetic). Includes both scheduled athletic games associated with school programs and non-school programs. Examples include T-ball, high-school football, youth baseball, and soccer clubs. Organized sports does not include practice or other unstructured play such as pick-up games or impromptu use and does not include play on hard-surfaced courts.

V. Recommended Amendments to Title 20 – Parks and Recreation

Commentary

20.04 General Provisions

20.04.050 Public Noticing - Recreational Fields

This is new code language, supplementing Title 20 and details when a public notice is required to be sent to neighbors living next to school and park recreational fields. The notice is sent from specified distances as a radius from the edge (property lines) of the site. The public notice is intended as a way for the community to understand what is being proposed, and as an opportunity for the community to request changes if there are concerns. Some of the listed actions requiring noticing can happen at parks under the current code with no advance notice to or input from neighbors. The notice requirement provides a way for the community to weigh-in on the more minor or incremental recreational field proposals that don't rise to the level of a conditional use.

THIS IS A NEW SECTION, FOR EASE OF READING IT IS NOT UNDERLINED

20.04.050 Public Noticing – Recreational Fields

A. Field permitting organizations (FPOs) are responsible for mailing a public notice to owners of residentially-zoned property within a radius of 400 feet of the site property lines, recognized neighborhood organizations within a radius of 1,000 feet of the site property lines, and existing organized sports user groups (permit holders) of the site for any of the following proposed improvements on schools, school sites or park sites that are adjacent to residential property and that do not require a (Title 33) conditional use:

1. Adding one (1) new field for organized sports use where there is current or previous (last 10 years) approved organized sports use elsewhere at the school or park site. The new field must be no more than 300 feet from the current or previous organized sports use. The addition of two (2) or more fields requires a conditional use. A new field more than 300 feet from the current or previous organized sports use requires a conditional use (see Title 33);

2. Upgrading, improving, or converting an existing recreational field for organized sports use primarily by older youth (ages 13-17) or adults (for baseball, age 10 and older), where there is no such current or previous (last 10 years) use on the subject field;

3. Bleachers or seating fixtures 210 lineal feet or smaller in size per field and less than 100 feet from an abutting residential property;

4. Concession stands 1,500 square feet or smaller in size (temporary or permanent) and within 100 feet of a residential property; or

5. Parking areas with 5 parking spaces or fewer AND within 15 feet of a residential property.

B. The notice shall describe in detail the type of improvements or change in use proposed. The notice shall include the type, size, location, and setbacks proposed for the field as well as the current (if any) and proposed sports user groups. The public notice of proposed field improvement will provide contact information for the neighbors to call or send written questions, comments, or concerns within 21 calendar days. If these written comments can be addressed to the neighbor's satisfaction, no further action is necessary. PP&R shall respond to these written comments in writing within 21 days.

Commentary

20.04.050 Public Noticing - Recreational Fields (cont'd)

See previous commentary

THIS IS A NEW SECTION, FOR EASE OF READING IT IS NOT UNDERLINED

20.04.050 Public Noticing – Recreational Fields (cont'd)

C. If PP&R's written responses to the written concerns received after the public notice are not satisfactory, a public meeting can be scheduled if requested by a neighborhood association within 1,000 feet of the subject site. The request must be made within 45 calendar days of the date of the last PP&R written response to comments. A Good Neighbor Agreement (GNA) may be proposed by PP&R, PPS, both organizations jointly, or other appropriate field permitting entity if there are remaining concerns after the public meeting. Neighborhood associations within 1,000 feet of the subject site may also request a GNA, in writing, within 10 calendar days of the date of the public meeting. GNAs can be linked to sports field use permits and may address a variety of compatibility issues such as:

1. Hours of use outside currently established park & school operating hours;
2. Tournament play;
3. Placement of fields, temporary portable restrooms, storage areas, etc.;
4. Screening for privacy and safety (netting and/or landscaping);
5. Noise concerns outside established noise ordinance regulations (portable music players, whistles, bullhorns, etc.);
6. Litter, loitering, and other nuisances; and
7. Parking usage.

D. The field permitting organization may require sports groups and field improvement project proponents to assist with and help pay for the preparation and distribution of the required notice.

Commentary

20.04.060 Good Neighbor Agreements – Recreational Fields

This is new code language and specifies that a Good Neighbor Agreement (GNA) policy exists and shall be followed in cases where there are outstanding issues that require some discussion and resolution. Currently, there are no clear guidelines or procedures for GNAs for recreational fields. Once in place, the formalized policy should address many of the issues that have kept recreational field GNAs from achieving more successful outcomes. The policy is intended to answer questions such as: How are GNAs enforced? Who can participate in a GNA? How many can participate? Do all participants have to sign the agreement? How long are GNAs in effect? Commentary specific to the GNA policy are included with the policy in Section VI.

20.04.070 Completion of Field Improvements

This is new code language and specifies that parties proposing improvements to recreational fields must first complete applicable required steps in Title 20 (for example, noticing and/or, if necessary, a GNA) prior to completing any field improvements. Some field improvements do not require building permits.

20.04.080 Building Permit Applications

This is new code language and specifies that parties proposing improvements to recreational fields must first complete applicable required steps in Title 20 (for example, noticing and/or, if necessary, a GNA) prior to submitting for building permits.

THIS IS A NEW SECTION, FOR EASE OF READING IT IS NOT UNDERLINED

20.04.060 Good Neighbor Agreements – Recreational Fields

Good Neighbor Agreements shall adhere to the GNA Policy adopted by Portland Parks & Recreation, and are authorized and administered by the Director of Parks & Recreation or designee.

20.04.070 Completion of Field Improvements

If a Good Neighbor Agreement process is initiated, it must be completed or resolved before any of the proposed improvements in 20.04.050.A are implemented.

20.04.080 Building Permit Applications

All of the steps required in Title 20 must be completed before an applicant may apply for a building permit.

VI. Recommended Good Neighbor Agreement (GNA) Policy

Good Neighbor Agreement Policy
This policy is new and is intended to formalize and provide strong guidance for a Good Neighbor Agreement process to address recreational field proposals. Currently, GNAs for recreational field proposals are an ad hoc process with no written guidelines. This has limited their effectiveness, and has made them difficult for all participants. Although more structured, the GNA policy is still a fairly informal, non-binding process that can be customized as needed based upon the unique characteristics of the site and composition of the neighborhood.

The Director of the Bureau of Parks & Recreation will adopt this policy. It will be entered into the city auditor's Portland policy documents index and made available on the Bureau's website. Public comment on the draft policy is encouraged as part of the code refinement process for recreational fields.

The GNA process is intended as an alternative to some conditional use reviews. It does not eliminate the conditional use review process for recreational fields entirely. On the more substantial neighborhood issues, such as field lighting, new fields on sites that don't have organized sports, and projects with amplified sound proposed, the conditional use process remains intact. Where the GNA is valuable is in resolving neighbor issues that the conditional use process has difficulty monitoring, controlling and addressing: litter, where field users and spectators park, tournaments and other limited or temporary use, noise from sports players and spectators, the number of games or length of the sports season, and other use issues.

Enforcement
GNAs rely on a collaborative effort of the participants, but can be enforced through the field permit process. If sports groups cannot abide by stipulations in the GNA, then field permits to use a particular field can be revoked. Ongoing effectiveness of the agreements will depend on the ongoing participation of stakeholders.

Ratification
As recommended, the policy strives for consensus among GNA participants. In the event that consensus cannot be achieved, the policy allows for a vote of the participants. At least 75% of the participants must vote in support for the GNA to be approved. A GNA requires between 5 and 15 participants, so this means that at the low end (5 participants), 4 of 5 must sign, and at the high end (15 participants), 11 of 15 must sign.

A GNA is a valuable tool in this arena because all interested parties involved are encouraged to work directly with each other to resolve issues at a local level, rather than taking a legislative or legal approach. The GNA is more flexible than the conditional use process and encourages greater community discussion and interaction over time. The proactive and engaging nature of a GNA is conducive to engaging a broader range of stakeholders.

Expiration
A GNA may sunset, renew, be modified, or have an annual review. The policy recommends that as part of the agreement, participants discuss and specify in the agreement how long the GNA will be in force, if and how it can be renewed or modified, and if reviews and assessments for effectiveness are needed. The policy recommends a 5-year initial life with possibility for renewals, an annual review and opportunity for modification.

PORTLAND PARKS & RECREATION

Healthy Parks, Healthy Portland

POLICY NAME: Good Neighbor Agreement for Recreational Fields

Policy Category: Parks & Recreation

Date Reviewed:	**Date Adopted:**
Contact Person: Brett Horner, Strategy & Planning Manager	**Authorized By:** **Position:**

Introduction

For more than fifty years, Portland Parks & Recreation and Portland Public Schools have worked together to provide thousands of children, youth, and adults sports programming and recreational opportunities on hundreds of sports fields in almost every neighborhood in the city.

Problem

- The need for sports fields has increased steadily over the past two decades – as the population continues to grow and need increases, we fall further behind in our ability to provide adequate recreational facilities to children, youth, and adults in the city
- Current studies regarding obesity and access to nature indicate an increasingly critical need for children and youth to be exposed to outdoor recreational activities
- Current code language limits our ability to improve existing fields to address the growing need
- High levels of use on currently available fields degrades those fields more quickly and clusters impacts to certain neighborhoods
- Current code language is ambiguous or silent on when review (and public notice) is required for sports fields.

Since December of 2008, Portland Parks & Recreation, the Bureau of Planning & Sustainability and Portland Public Schools have been working together to clarify and refine City Code to allow these agencies to better meet the needs of all Portlanders.

General Approach to Changing the Code

1. Create measurable thresholds to more clearly indicate exactly when conditional use (CU) reviews are required (includes public notice).
2. Improve public notice procedures when CUs are not required. Require school districts and/or Portland Parks & Recreation (PP&R) to provide notice to neighbors where field changes are proposed. The notice will provide information on proposed changes, opportunities for input and contact information for staff.
3. Identify parameters for using a Good Neighbor Agreement (GNA) as a tool to address both the concerns of the community and the need for Parks and Schools to provide safe, adequate recreational opportunities to children, youth, and adults in the City of Portland.

Policy Statement

March 4, 1933, Roosevelt stated: "In the field of world policy I would dedicate this nation to the policy of the good neighbor--the neighbor who resolutely respects himself and, because he does so, respects the rights of others."

Good Neighbor Plans have been used extensively as a tool to engage in collaborative problem solving

with communities around issues of land use, housing, crime prevention and siting for decades.

Rather than relying on legal strategies, communities, interest groups and governments come together in the spirit of collaboration and partnership to enhance neighborhood livability, develop unique and local solutions and initiate and sustain healthy partnerships and establish mechanism for accountability. The ultimate decision about what being a Good Neighbor means in practice is local: each community is different and there are different issues within the communities depending on the size and level of activity of the park.

While City Code specifically references the use of Good Neighbor Agreements in relation to liquor outlets and convenience stores, they are not incorporated in regards to other parts of the code.

City Code as it applies to sports fields, limits the ability of Portland Parks & Recreation, Portland Public Schools and the community to come together as partners, sharing a common commitment to work out the details of that relationship in a more finessed manner. Rather, the code relies heavily on conditional use reviews to handle issues that may arise due to changes in field use. This heavy reliance on conditional use reviews limits all parties in their ability to have their issues identified and addressed. Conditional use reviews often result in "winners" and "losers" often leaving stressed relationships and universally dissatisfied participants.

Definitions

Good Neighbor Agreement (GNA) – A document detailing the history, concerns, agreements and outcomes developed to address impacts associated with changes in use to recreational fields.

Stakeholder – anyone who is impacted by the changes in use to recreational fields. Could be a neighbor, user, business, public agency, neighborhood organization, school, etc.

Neighbor – Any business, organization, or home within 400 feet of the edge (property line) of the specified site. Portland Parks & Recreation, Portland Public Schools, businesses and homeowner could be considered neighbors.

Recreational Field – An outdoor area used formally for organized sports play. Examples include but are not limited to baseball, soccer, softball, lacrosse, rugby, and other fields.

Guiding Principles

Title 20 of the City Code (Parks and Recreation) states that Parks are maintained for the recreation of the public land and the greatest possible use is encouraged (20.04.020).

The values statement in ***Parks 2020 Vision*** is as follows:

The organization strives to demonstrate the following values:

- Enthusiasm and passion for our work;
- Innovation, creativity and excellence in all we do;
- Honesty, integrity and respect in our relationships;
- Collaborative efforts that achieve positive change;
- Transparent, ethical and accountable decisions;
- Sustainable practices in caring for our buildings, gardens and parks;
- Responsible stewardship for the natural and cultural environment;
- Responsiveness to the needs of the public; and
- Commitment to the safety and well being of our visitors and staff.

Portland Parks & Recreation recognizes the value its programs, parks and activities bring to a community. Portland Parks & Recreation identifies itself as an integral part of the local neighborhoods in Portland. Parks is a neighbor as well as a service provider. It is committed to participating as a neighbor by working with the community in a spirit of fairness, openness, collaboration and honesty.

Procedures & Guidelines

City Code has been changed to support the ability of Portland Parks & Recreation (PP&R), Portland Public Schools (PPS) and the community to meet the needs of recreational sports groups, schools and the community. As part of the recommended code changes, Good Neighbor Agreements have been added as a tool to encourage open and collaborative relationships between all of these stakeholders. The following procedures are a guide to understanding when and how the development of a Good Neighbor Agreement would be beneficial.

Ultimately, due to their unique nature, the final process for developing a Good Neighbor Agreement will be determined by the participants.

1. **Before Work on a Good Neighbor Agreement Begins -**
   A Good Neighbor Agreement can be used when either Portland Parks & Recreation or Portland Public Schools proposes changes to an existing field and there are outstanding concerns/issues.

   In general, a Good Neighbor Agreement will be initiated after Portland Parks & Recreation has notified identified stakeholders within 400' of its intention to alter the current use of an existing recreational field. The notification must include: site plans, anticipated changes in use, permits required, land use reviews, contact persons and licenses that will be requested. The notice will clearly state that stakeholders have 21 days to submit comments, questions, or concerns in writing. Ideally, any questions, comments or concerns will be addressed directly between the concerned neighbor and the appropriate staff. PP&R will respond in writing to all written comments obtained from the notice within 21 days. If a stakeholder is not satisfied with PP&R's response, stakeholders should meet to identify and clarify any issues and concerns. Stakeholders must request that a neighborhood association within 1,000 feet of the subject site send a letter to the appropriate PP&R staff (identified in the public notice) requesting a meeting. The letter from the neighborhood association must be received by PP&R within 45 calendar days of the date of PP&R's last response letter, and shall include a list of specific concerns and/or issues. Portland Parks & Recreation will schedule a public meeting within 30 calendar days of receipt of that letter. A meeting will be scheduled with notification sent to a mutually agreed upon list of stakeholders. At this meeting, participants will work to understand and address the issues presented. If concerns and questions cannot be resolved at this meeting or shortly thereafter, a GNA may be initiated. If PP&R does not initiate the GNA as a result of this meeting, a GNA can only be required by a neighborhood association within 1,000 feet of the subject site. The neighborhood association must submit a letter to PP&R requesting a GNA within 10 calendar days of the date of the above-referenced meeting.

2. **When a Good Neighbor Agreement is Recommended -**
   If an issue cannot be addressed by speaking directly with staff or with a public meeting, or it is assumed that impacts or concerns are more long term, then it is recommended that the parties agree to proceed with the development of a Good Neighbor Agreement.

3. **Who can participate in a Good Neighbor Agreement?**
   - Stakeholder representatives from the involved agency, organization, site councils, principals, business or program
   - Stakeholders groups may include, but are not limited to immediate neighbors (business owners and residents), representatives of the neighborhood association, business association(s), sports user groups, police and city crime prevention staff, park friends and partner organizations, and other community and advocacy groups.
   - Stakeholders whose geographical boundaries are generally within 400 feet or two blocks of the proposed facility or facility modifications. Other geographic considerations include natural boundaries such as freeways, main thoroughfares, etc.

4. **How many representatives can participate?**
   There should be no fewer than 5 and no more than 15 representatives.

5. Who facilitates the development of a Good Neighbor Agreement?
Ideally, facilitation will be by a third party. If resources are not available, the facilitator should be agreed upon by the participants.

6. How is a Good Neighbor Agreement "Ratified"?
A Good Neighbor Agreement will be considered "ratified" when the participants have signed the final documents. The Good Neighbor participants will work toward consensus agreements on identified issues, and obtaining signatures from all participants. If consensus cannot be achieved, three-fourths (75%) of all participants present can "ratify" an agreement by signing it.

7. What authority does a Good Neighbor Agreement have?
A Good Neighbor Agreement is not legally binding, but rather depends on the collaboration and commitment of all parties to ensure that each neighbors' interests are met. All Good Neighbor Agreements must detail the commitment of all parties to upholding the agreement. If any party fails to uphold their commitment, than the group will be reconvened and the concerns will be addressed. If any party fails to participate or does not participate in two (2) or more meetings without being excused by the facilitator, their interest in the GNA shall be forfeited. If a permitted park user regularly fails to adhere to the terms of a Good Neighbor Agreement, Parks & Recreation will have the option of revoking their permit.

8. How is a Good Neighbor Agreement Enforced?
The Agreement is enforced by the field permitting agency that processes field permit applications, and will be tied to the approval and granting of field use permits. A field permit for use of a recreation field can be withheld or rescinded for non-compliance with a GNA.

9. How long does a Good Neighbor Agreement last?
The duration of a Good Neighbor Agreement is site specific. If each party is acting in good faith and issues are addressed or resolved in a mutually agreed upon manner, the need for a formally documented agreement will diminish over time. The participants in a good neighbor agreement should discuss the following issues:

Expiration – GNAs can be valid for specified periods. One option is to have them in force for five (5) years, with an opportunity to renewals (renewal periods may vary).

Review – GNAs should be reviewed periodically, such as annually, to determine what has worked well, what may need changing, and what is clearly not working as planned.

Modification - GNAs may need to be modified during the initial five (5) year period. The participants should discuss, and the agreement should specify, how modifications are proposed and approved, and if there will be an expiration date. One option is to address modifications as part of an annual review.

Related Policies, Procedures & Forms

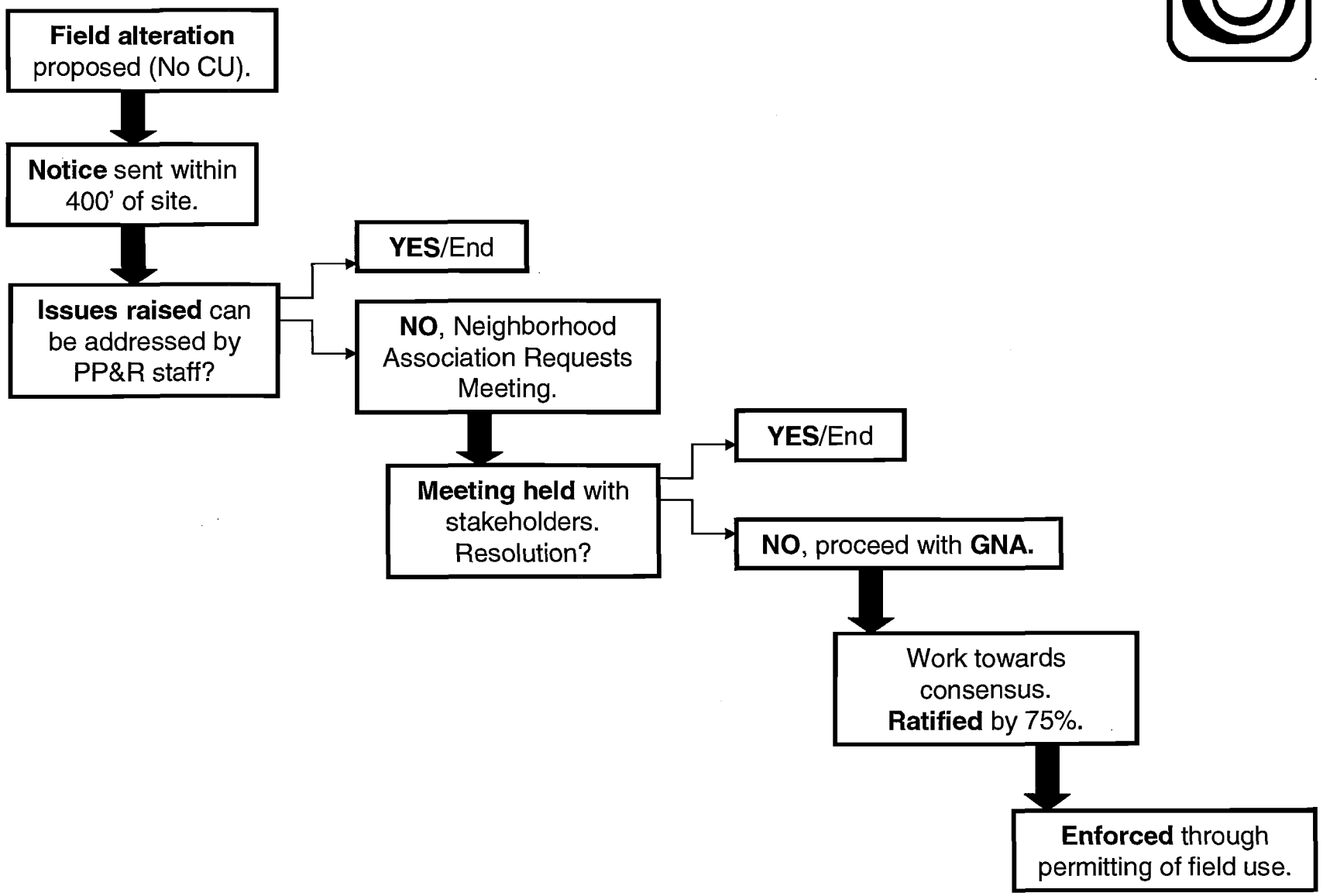
Good Neighbor Agreement Process Flow Chart
Good Neighbor Agreement Template Document (to be developed)

Appendix

Recreational Fields Recommended Code Amendments Matrix

Additional Comments

Good Neighbor Agreement (GNA) Flowchart - DRAFT



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