

Report to the Planning Commission

**Schools and Parks Conditional Use
Code Refinement Project**

Recreational Fields Addendum

December 21, 2009



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

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Planning Commission Public Hearing

Date: Tuesday, January 12, 2010
Time: 3:00 pm (check agenda for specific start time)
Location: 1900 SW 4th Avenue (at SW Hall Blvd.), Rm. 2500A

How can I comment on the proposals in this report?

- Testify at the Planning Commission public hearing on January 12, 2010; and/or
- Send or e-mail your written comments to the Planning Commission:
 - 1900 SW 4th Avenue, Rm. 7100, Portland, OR 97201;
 - planningcommission@ci.portland.or.us;
 - fax to 503.823.7800

Written testimony must be received by the time of the hearing.

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Under Separate Cover

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

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

I. Project Summary

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.

Problem

- Current structure of 33.281 (schools), 33.100-120 (OS, R base zones) and 33.815 (conditional uses) is unclear 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.

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 Proposed Code Changes

1. Consolidate thresholds and development standards in a new Title 33 (Portland Zoning Code) chapter.
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 conditional use (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 Parks and Schools to provide safe, adequate recreational opportunities to children, youth, and adults in the City of Portland.

For a summary of the proposed code changes, see the Recreational Fields Proposed Code Change Matrix on Page 3.

II. Summary of Proposal

Summary of proposal for consideration by the Planning Commission

The Bureau of Planning and Sustainability (BPS) has been leading a public process to clarify Portland's Zoning Code as it applies to conditional uses on school and associated park uses. The Schools and Parks Conditional Use Code Refinement Project has focused on clarifying the Zoning Code regulations for four topic areas: 1) enrollment fluctuations, 2) change of grade level, 3) recreational field uses, and 4) conditional use status for vacant school property. This project follows up on Topic 3, and includes proposals for new ways to regulate recreational fields that better serve the community and address the need to improve fields amidst growing demand and limited resources.

On September, 22, 2009, the Planning Commission held their initial public hearing on the Schools and Parks Conditional Use Code Refinement Project. Portland Parks & Recreation (PP&R) staff presented conceptual ideas for revisions to how recreational fields are regulated. The Planning Commission heard public testimony on these conceptual ideas and directed staff to further develop these ideas and work out the details with community stakeholders. Staff has incorporated this stakeholder and Planning Commission input into a revised proposal.

At their public hearing on January 12th the Planning Commission will consider proposed revisions to the regulations for recreation field use that include changes to both Title 33, Zoning Code and Title 20, Parks and Recreation. These draft amendments propose to 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 Conditional Use 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 proposal would provide public notice when conditional uses are not required and improve Good Neighbor Agreements. See Recreational Fields Proposed Code Change Matrix beginning on page 3 for a summary of proposed changes.

The public notice/comment language and Good Neighbor Agreement would be located in Title 20 Parks and Recreation. Although these documents are outside of the purview of the Planning Commission, they are included here because their role as part of a comprehensive package is critical and the Title 33 amendments rely on these additional tools found in Title 20.

As part of the larger schools/parks project, the report that follows serves as an addendum to the *School/Parks Code Refinement Project – Report to the Planning Commission, August 19, 2009*. Proposed amendments to the zoning code that address topic area #3 recreational fields begin on page 9 of this report.

Recreational Fields Proposed Code Change Matrix

Alteration	Existing Code		Proposed Code		GNA Avail.	
	Threshold/ Requirement	Review/ Notice	Threshold/ Requirement	Review/ Notice		
 <p>New Fields</p>	<p>School sites – Technically silent on new fields, but interpreted the same as changes to existing fields</p> <p>Park sites - Drawing of spectators (No quantity specified)</p>	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	<input checked="" type="checkbox"/>	
 <p>Concession Areas</p>	<p>School sites - Any size or increase in size</p> <p>Park sites - Increase in floor area >1,500 sq. ft., and increase of >10% in floor area on site</p>	Type III CU	Use existing Park site thresholds	Type III CU		
 <p>Field Lighting</p>	<p>School sites - Increase in floor area >1,500 sq. ft., but increase of <10% or less in floor area on site</p> <p>Park sites - Increase in floor area <1,500 sq. ft.</p>	Type II CU	Use existing Park site thresholds	Type II CU		
	<p>School sites – Any increased glare</p> <p>Park sites – Increases >10% of approved numbers (games, spectators, hours)</p> <p>Park sites – Increases <10% of approved numbers (games, spectators, hours)</p>	No Review	Use existing Park site thresholds	Public Notice / Comment	<input checked="" type="checkbox"/>	

Recreational Fields Proposed Code Change Matrix

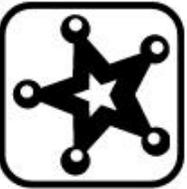
Alteration	Existing Code		Proposed Code		GNA Avail.
	Threshold/ Requirement	Review/ Notice	Threshold/ Requirement	Review/ Notice	
 Voice Amplification	School sites – Any increased noise	Type III CU	Any amplified sound system added to a field that doesn't have sound	Type II CU	
	Park sites – Code is silent	No Review			
 Seating	School sites – Any increase in number of spectators	Type III CU	Increases >10% above 210 lineal ft.	Type III CU	
	Park sites - Increases >10% of approved numbers (games, spectators, hours)				
	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	

* *Note: Code amendment proposed in RICAP5 would allow, without review, an increase in the number of parking spaces of 1 or 4% (a public notice would be required under the Rec. Fields proposal), whichever is greater, but in no case more than 5 spaces. A Type II CU would be required for an increase in the number of parking spaces of 2 or 10%, whichever is greater. All other increases in parking would require a Type III CU.

Recreational Fields Proposed Code Change Matrix

Alteration	Existing Code		Proposed Code		GNA Avail.
	Threshold/ Requirement	Review/ Notice	Threshold/ Requirement	Review/ Notice	
 Age Conversion	School sites – Converting use of field from elementary to MS, or from MS to HS	Type III CU	Converting any field (<13 to >13/Adult)	Public Notice / Comment	<input checked="" type="checkbox"/>
	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	OS and RS zones - 50-foot setback for fields from abutting R-Zoned property. 10'-15' setback for accessory structures	N/A	No change other than to clarify where to measure from (foul line for baseball/softball and field end/side line for all others) and increase accessory structure setback to 15 feet for all sites	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 Proposed Code Change Matrix

Tools	Existing	Proposed
 <p>Review/Notice</p>	<p>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.</p> <p>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.</p>	<p>Type III CU – No changes</p> <p>Type II CU – No changes</p> <p>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</p>
 <p>Good Neighbor Agreement (GNA)</p>	<p>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.</p>	<p>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.</p>
 <p>Field Permitting Guidelines</p>	<p>Field permitting guidelines of permitting entity</p>	<p>Continue using and enforcing permitting guidelines of permitting entity</p>
 <p>Code Compliance</p>	<p>Enforcement of Title 33 – Portland Zoning Code</p>	<p>Continued enforcement of Title 33 – Portland Zoning Code for conditions of approval and development standards</p>

Topic Area #3: Recreational Field Uses

Staff Proposal	Rationale	Staff Recommendation
<p>The following code amendments would clarify how recreational fields are regulated:</p> <p>Title 33</p> <ul style="list-style-type: none"> ▪ Amendment to introduce a new Chapter 33.279 covering recreational fields used for organized sports. ▪ Amendments to 33.281, Schools and School Sites to refer recreational fields used for organized sports to the new Chapter 33.279. ▪ Amendments to 33.100 Open Space, 33.110 Single – Dwelling Zones, and 33.120 Multi-Dwelling Zones to refer review thresholds and development standards to the new Chapter 33.279. ▪ Introduction of new definition for Organized Sports. <p>Title 20</p> <ul style="list-style-type: none"> ▪ Amendments to create a new Chapter 20.04 (Parks and Recreation) to add public notice thresholds and requirements <p>While not a code amendment, a new formalized process for Good Neighbor Agreements (GNA) is also proposed.</p>	<p>These changes include proposals for new ways to regulate recreational fields that better serve the community and address the need to improve fields amidst growing demand and limited resources.</p> <p>These changes address concerns raised by BDS and PP&R that the relationships between the regulations are confusing and in some situations difficult to implement.</p> <p>These changes would also clarify that parks, schools and school sites are treated the same and would rely on measurable thresholds for determining conditional use review applicability.</p> <p>New tools such as a Public Notice/Comment are introduced to provide neighbors with opportunities to comment on field alterations that don't require a land use review.</p> <p>A formalized Good Neighbor Agreement (GNA) process is also proposed. A GNA is a valuable tool because all interested parties are involved and are encouraged to work directly with each other to resolve issues at a local level, rather than taking a legislative or legal approach.</p>	<p>Planning Commission recommends that City Council adopt these amendments.</p>

Staff Recommendation for Topic Area #3

The Bureau of Planning and Sustainability is seeking the Planning Commission's recommendation of approval of the amendments. This recommendation should include the following actions:

- Adopt this report and recommend that Council adopt it;
- Recommend that Council amend the Zoning Code as shown in this report;
- Recommend that Council adopt the ordinance; and
- Direct staff to continue to refine the recommended code language as necessary.

III. Proposed Amendments to Title 33 - Zoning Code

The proposed amendments to the Zoning Code 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 proposed amendment. Code language to be added is underlined and code language to be removed is shown in ~~striketrough~~.

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

There are amendments to the following zoning code sections. Content changes are highlighted; structural changes (no content change) are shown in italic.

- 33.100 Open Space Zone –changes needed to implement new Chapter 33.279*
- 33.110 Single-Dwelling Zones - structural changes needed to implement new Chapter 33.279*
- 33.120 Multi-Dwelling Zones - structural changes needed to implement new Chapter 33.279*
- 33.279 Recreational Fields for Organized Sports – new chapter
- 33.281 Schools and School Sites - structural changes needed to implement new Chapter 33.279
- 33.910 Definitions – provide new definition for ‘Organized Sports’

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 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. Mausoleums, chapels, and similar accessory structures associated with funerals or burial, ~~and parking areas are conditional uses within a cemetery use.~~
 - c. Golf courses. 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.~~
34. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 100-1 that have note [34]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
45. Community Services. This regulation applies to all parts of Table 100-1 that have note [45]. Most Community Service uses are a conditional use. However, short term housing and mass shelters are prohibited.
56. Basic Utilities. This regulation applies to all parts of Table 100-1 that have note [56]. Basic Utilities that serve a development site are accessory uses to the primary use being served. All other Basic Utilities are conditional uses.

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] <u>[6]</u>
Community Service	CU [4] <u>[5]</u>
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] <u>[4]</u>
Rail Lines And Utility Corridors	CU

Y = Yes, Allowed

CU = Conditional Use Review Required

L = Allowed, But Special Limitations

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.

33.100.200 Development Standards

A. Allowed or limited uses.

2. Outdoor activity facility setbacks.

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

3. Recreational fields.

This paragraph provides 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~~

33.100.200 Development Standards

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

1. Building setbacks. 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, Outdoor 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. 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.
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.

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 ~~strike through~~

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. Mausoleums, chapels, and similar accessory structures associated with funerals or burial, ~~and parking areas are conditional uses within a cemetery use.~~
 - c. Golf courses. 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.]

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 ~~strike through~~

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, Outdoor 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.]

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 ~~strike through~~

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. Mausoleums, chapels, and similar accessory structures associated with funerals or burial, ~~and parking areas are conditional uses within a cemetery use.~~
- c. Golf courses. 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.]

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 ~~strike through~~

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]

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 ~~strike through~~

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, oOutdoor 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.

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 proposed 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 use 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 proposed 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**

(Amended by: Ord. No. _____, effective ___/___/10)

General:

- 33.279.010 Purpose
- 33.279.020 Where These Regulations Apply
- 33.279.030 Review Thresholds
- 33.279.040 Development Standards
- 33.279.050 Loss of Conditional Use Status
- 33.279.060 Additional Regulations

33.279.010 Purpose

The recreational field requirements:

- Increase recreational field use within the City of Portland;
- 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 a 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.

33.279.030 Review Thresholds

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 proposed 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 proposed amendments to Title 20. See Section IV and Appendix A for additional information on these processes.

A. Allowed

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

- 1-7. This language is consistent with language in 33.281 Schools and School Sites and standard language found in 33.815 Conditional Uses.
8. 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 18 inches per person, this seating would accommodate 140 people. It should be noted that 140 people would represent a maximum seating capacity and it is assumed that maximum seating would not be reached during most events. The availability of seating alone does



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

not necessarily generate additional attendance so it is assumed that although a capacity of 140 people is available, it will more often be significantly less. Similarly 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.

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

33.279.030 Review Thresholds

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

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.9, below are exempt from this limitation;
5. Will not result in a net gain or loss of site area;
6. 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 is not allowed without a conditional review;
7. Will not result in a net loss in the number of parking spaces, except as follows:
 - a. No reduction in shared parking spaces is allowed;
 - b. 1 space or 4 percent of the total number of parking spaces may be removed, whichever is greater; and
 - c. An individual or cumulative removal of parking spaces in excess of 5 spaces is not allowed without 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
 - d. Removal of parking from sites with 4 or fewer required spaces is not allowed without conditional use review.
8. The alteration does not result in total spectator seating per field exceeding 210 lineal feet; or

33.279.030 Review Thresholds

9. One new field is proposed to be allowed on a school, school site, or park site where there is already 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, 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 Section IV and Appendix A.

If a field is proposed on a site that does not currently have 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 greater impacts.

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

33.279.030 Review Thresholds

A. Allowed.

9. Up to one new field may be added once to a site containing one or more existing approved fields for organized sports. 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.

33.279.030 Review Thresholds (cont'd)

B. Type II

This subsection identifies when a Type II conditional use review would be 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 proposed 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

- B. Type II.** A Type II review is required for alterations to development when the individual or cumulative alterations will:
1. Include a voice amplification system for recreational fields that currently do not have an approved voice amplification system;
 2. Not violate any conditions of approval;
 3. Result in a net loss in site area that:
 - a. Takes the site out of conformance, or further out of conformance, with a site development standard; and
 - b. Exceeds the parking reduction limits stated in A.7 above;
 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. Not increase the individual or cumulative alterations to the floor area on the site by more than 10 percent, up to a maximum of 25,000 square feet;
 6. Not increase the individual or cumulative alterations to 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 Subsection B.5 above are exempt from this limitation;
 7. Not increase the individual or cumulative alterations to 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 Subsection B.5 above are exempt from this limitation; or
 9. The increases in Subsections B.4 through B.7, above, are measured from the time the use became a conditional use or the last Type III 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.9 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.

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 must be set back at least 50 feet from 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, including bleachers, 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.

33.281.030 Review Thresholds for Schools

These changes are part of the proposed Schools Conditional Use Code Refinement Project and are represented here in gray for reference purposes only. Commentary is provided in the *Schools and Parks Conditional Use Code Refinement Project—Report to the Planning Commission, August 19, 2009* on page 16.

A. [No Change]

B. Change of grade levels.

These changes are part of the proposed Schools Conditional Use Code Refinement Project and are represented here in gray for reference purposes only. Commentary is provided in the *Schools and Parks Conditional Use Code Refinement Project—Report to the Planning Commission, August 19, 2009* on page 16.

1-2. These changes are part of the proposed Schools Conditional Use Code Refinement Project and are represented here in gray for reference purposes only. Commentary is provided in the *Schools and Parks Conditional Use Code Refinement Project—Report to the Planning Commission, August 19, 2009* on page 16.

3. This addition clarifies that change in grade levels in regards to recreational fields are regulated by the new Chapter 33.279 Recreational Fields for Organized Sports. Although not specifically covered by 33.279, the reference in 33.279.060 to Title 20 establishes the link to the Public Notice/Commentary requirement for changes in age for field play.

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

Regulations in OS and R zones

33.281.030 Review Thresholds for School Uses

This section states when a conditional use is required the type of procedure used in the conditional use review for changes to school uses 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. 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.~~
 - 1. Kindergarten through 8th grade. A school containing any grades between Kindergarten and 8th grade may add or remove grades between Kindergarten and 8th grade without review. Adding any grade from 9th to 12th grade to such a school is reviewed through a Type III Conditional Use.

 - 2. 9th through 12th grades. A school containing any grades between 9th and 12th grades may add or remove grades between 9th through 12th grades without review. Adding any grade from Kindergarten through 8th grade to such a school is reviewed through a Type II Conditional Use.

 - 3. Regulations of this subsection do not apply to recreational fields used for organized sports.

33.281.040 Review Thresholds for Other Uses

These changes are part of the proposed Schools Conditional Use Code Refinement Project and are represented here in gray for reference purposes only. Commentary is provided in the *Schools and Parks Conditional Use Code Refinement Project—Report to the Planning Commission, August 19, 2009* on page 20.

B. Other uses on school sites.

1. These changes are part of the proposed Schools Conditional Use Code Refinement Project and are represented here in gray for reference purposes only. Commentary is provided in the *Schools and Parks Conditional Use Code Refinement Project—Report to the Planning Commission, August 19, 2009* on page 20.
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.
- 3-6. These changes are part of the proposed Schools Conditional Use Code Refinement Project and are represented here in gray for reference purposes only. Commentary is provided in the *Schools and Parks Conditional Use Code Refinement Project—Report to the Planning Commission, August 19, 2009* on page 20.

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

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.
- ~~32.~~ 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.
- ~~43.~~ 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.43., 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.

33.281.050 Review Thresholds for Development

These changes are part of the proposed Schools Conditional Use Code Refinement Project and are represented here in gray for reference purposes only. Commentary is provided in the *Schools and Parks Conditional Use Code Refinement Project—Report to the Planning Commission, August 19, 2009* on page 22.

- A. These changes are part of the proposed Schools Conditional Use Code Refinement Project and are represented here in gray for reference purposes only. Commentary is provided in the *Schools and Parks Conditional Use Code Refinement Project—Report to the Planning Commission, August 19, 2009* on page 22.

1-7. [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 ~~strike through~~

33.281.050 Review Thresholds for Development

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

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

1-7 [No Change.]

- ~~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

These changes are part of the proposed Schools Conditional Use Code Refinement Project and are represented here in gray for reference purposes only. Commentary is provided in the *Schools and Parks Conditional Use Code Refinement Project—Report to the Planning Commission, August 19, 2009* on page 24.

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

- 1-6. These changes are part of the proposed Schools Conditional Use Code Refinement Project and are represented here in gray for reference purposes only. Commentary is provided in the *Schools and Parks Conditional Use Code Refinement Project—Report to the Planning Commission, August 19, 2009* on page 24.

C. Type III

These changes are part of the proposed Schools Conditional Use Code Refinement Project and are represented here in gray for reference purposes only. Commentary is provided in the *Schools and Parks Conditional Use Code Refinement Project—Report to the Planning Commission, August 19, 2009* on page 24.

1. These changes are part of the proposed Schools Conditional Use Code Refinement Project and are represented here in gray for reference purposes only. Commentary is provided in the *Schools and Parks Conditional Use Code Refinement Project—Report to the Planning Commission, August 19, 2009* on page 24.

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 ~~strike~~through

33.281.050 Review Thresholds for Development

B. Type II. A Type II review is required for ~~a~~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.~~

1. Violate any conditions of approval;
2. Result in a net loss in site area that:
 - a. Takes the site out of conformance, or further out of conformance, with a development standard; and
 - b. Exceeds the parking reduction limits stated in A.5 above;
3. Increase the individual or cumulative alterations to the floor area on the site by more than 10 percent, up to a maximum of 25,000 square feet;
4. Increase the individual or cumulative alterations to the exterior improvement area on the site by more than 10 percent, up to a maximum of 25,000 square feet; or
5. Increase the individual or cumulative alterations to 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.
6. The increases in paragraphs B.3 through 5, above, are measured from the time the use became a conditional use or the last Type III conditional use review of the use, whichever is most recent, to the present.

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.~~

33.281.100 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 ~~strike through~~

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.

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 ~~strike through~~

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.

IV. Proposed Amendments to Title 20 – Parks and Recreation (for reference only)

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 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

**CHAPTER 20.04.050
PUBLIC NOTICING AND GOOD NEIGHBOR AGREEMENTS FOR RECREATIONAL FIELDS**

20.04.050 Public Noticing – Recreational Fields

Field permitting organizations are responsible for mailing a public notice to owners of residentially-zoned property within 400 feet of the site, recognized neighborhood organizations within 1,000 feet of the site, 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 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, where there is no such current or previous (last 10 years) use on the subject field;
3. Spectator seating fixtures less than 210 lineal feet in size per field and within 100 feet of a residentially-zoned property;
4. Concession stands less than 1,500 square feet in size (temporary or permanent) and within 100 feet of a residentially-zoned property; or
5. Parking areas with 5 parking spaces or less and within 15 feet of a residential property.

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) proposed sports user groups. The public notice of proposed field improvements will provide contact information for the neighbors to call or send questions, comments, or concerns within 21 calendar days. The field permitting agency must respond to any comments in writing. If these comments are addressed to the neighbor's satisfaction, no further action is necessary.

If the response from the field permitting organization to the public is not satisfactory neighborhood stakeholders must request that the neighborhood association send a letter to the appropriate parks staff requesting a meeting. A Good Neighbor Agreement (GNA) may be proposed by Portland Parks and Recreation, Portland Public Schools, both organizations jointly, or other appropriate entity to address and respond to the neighbors. GNAs can be linked to sports field use permits and may address a variety of compatibility issues such as:

- A. Hours of use outside currently established park & school operating hours;
- B. Tournament play;
- C. Placement of fields, temporary portable restrooms, storage areas, etc.;
- D. Screening for privacy and safety (netting and/or landscaping);
- E. Noise concerns outside established noise ordinance regulations (portable music players, whistles, bullhorns, etc.);
- F. Litter, loitering, and other nuisances; and
- G. Parking usage.

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.

20.04.070 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 Building Permit Applications

All of the steps outlined in Section 20.04.050 and 20.04.060 must be completed before a building permit is requested for improvements identified in 20.04.050.

APPENDIX A: GOOD NEIGHBOR AGREEMENT

(For reference only)

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 in tact. 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 proposed, the policy strives for consensus among GNA participants. In the event that consensus cannot be achieved, the policy allows for a vote of the committee. 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 are 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 community discussion and interaction. 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

DRAFT - FOR DISCUSSION PURPOSES

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 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, schools and the community to come together as partners, sharing a common community 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, home within 400 feet of the specified site. Portland Parks & Recreation, Portland Public Schools, businesses and homeowner are 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, or other entity placed under the jurisdiction of PP&R for park or recreational purposes, and the community to meet the needs 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.

Before We Work on a Good Neighbor Agreement -

A Good Neighbor Agreement can be used when either Portland Parks & Recreation, or other entity placed under the jurisdiction of PP&R for park or recreational purposes, 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. Ideally, any questions, comments or concerns will be addressed directly between the concerned neighbor and the appropriate staff. If a concern or issue cannot be addressed at this level, stakeholders should meet to identify and clarify any issues and concerns. Stakeholders must request that the neighborhood association send a letter to the appropriate parks staff requesting a meeting, with a list of specific concerns and/or issues, within 45 days. Portland Parks & Recreation will schedule a public meeting within 30 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.

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.

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, 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.
- Additional stakeholders are Police and Crime Prevention

How many representatives can participate?

There should be no less than 5 and no more than 15 representatives.

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.

How is a Good Neighbor Agreement “Ratified”?

A Good Neighbor Agreement will be considered “ratified” when the participants have signed the final documents. A Good Neighbor Committee 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.

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, then 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.

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.

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. 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 Field Matrix of Code Changes

Additional Comments

Good Neighbor Agreement (GNA) Flowchart - DRAFT

