

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.
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- 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.
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 - 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.

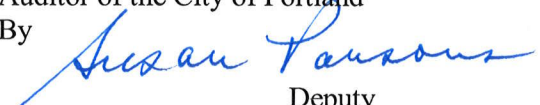
f. Adopt the commentary and discussion in Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010 as further findings and legislative intent.

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


Deputy

581-600-637
 Agenda No. **183750** **As Amended**
ORDINANCE NO.
 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)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration <i>Adams</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <p>BUREAU APPROVAL</p> <p>Bureau: Planning and Sustainability Bureau Head: Susan Anderson</p> <p>Prepared by: Shawn Wood Date Prepared: April 6, 2010</p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date April 22, 2009</p> <p>City Attorney Approval <i>KS Beaumont</i></p>	<p>CLERK USE: DATE FILED <u>APR 16 2010</u></p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p> <p><i>[Signature]</i></p> <p>APR 22 2010 CONTINUED TO APR 28 2010 3:15pm</p> <p>APR 28 2010 PASSED TO SECOND READING As Amended MAY 05 2010 9:30 A.M.</p>
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AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/> 2 of 2 Start time: 3:00 PM</p> <p>Total amount of time needed: 2 hours (for presentation, testimony and discussion)</p> <p>CONSENT <input type="checkbox"/></p> <p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

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	✓