

Amendments
Approved 4/28/10



City of Portland
Bureau of
**Planning and
Sustainability**

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April 28, 2010

TO: City Commissioners

FROM: Deborah Stein, District Planning Manager

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

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

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

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

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

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

Page 43 of Recommended Draft, from April 6 memo

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

33.279.030 Review Thresholds for Development

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

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

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

a. and b [No change]

- c. Be located within 300 feet of an one or more existing on-site fields approved for organized sports; and
- d. Be ~~constructed~~ approved under a Building or Zoning Permit that identifies the existing development and the new field that is being added, per this ~~section~~ paragraph.

REVISION #2: Clarify what entities are FPOs

Section not included in Recommended Draft, from April 6 memo

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

20.04.010 Definitions

H. Field Permitting Organization

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

REVISION #3 – FPO is responsible for sending public notice

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

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

20.04.050 Public Noticing – Recreational Fields

- B. The notice shall describe in detail . . . If these written comments can be addressed to the neighbor's satisfaction, no further action is necessary. PP&R The FPO shall respond to these written comments in writing within 21 days.
- C. If PP&R's the FPO's written responses to the written concerns received after the public notice are not satisfactory, a public meeting can be scheduled if requested by a neighborhood association within 1,000 feet of the subject site. The request must be made within 45 calendar days of the date of the last PP&R FPO written response to comments. A Good Neighbor Agreement (GNA) may be proposed by PP&R, PPS the school district, both organizations jointly, or other appropriate field-permitting entity FPO if there are remaining concerns after the public meeting. Neighborhood associations within 1,000 feet of the subject site may also request a GNA, in writing, within 10 calendar days of the date of the public meeting. GNAs can be linked to sports field use permits and may address a variety of compatibility issues such as:

REVISION #4 – Authority to negotiate and sign GNA

Page 83 of Recommended Draft, revised from April 21 memo

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

20.04.060 Good Neighbor Agreements – Recreational Fields

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

- A. The Director or the Director's designee is authorized to negotiate, execute and administer Good Neighbor Agreements (GNAs) under Section 20.04.050 on behalf of the City, when the City is the Field Permitting Organization (FPO).
- B. When the City is not the FPO, the FPO may negotiate, execute and administer GNAs under Section 20.04.050 according to its own internal processes.
- C. All GNAs, whether entered into by the City or by any other FPO, must comply with the Good Neighbor Agreement Policy adopted by Portland Parks & Recreation, including the process.

REVISION #5 – Recreational fields at colleges

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

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

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

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

33.110.245 Institutional Development Standards

- A. **Purpose.** [No change]
- B. **Use categories to which these standards apply.** The standards of this section apply to uses in the institutional group of use categories, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions to institutional uses. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

C. The standards.

1-3. [No Change.]

4. Outdoor activity facilities. Except as specified in paragraph C.5 below, 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 on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

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

33.120.100 Primary Uses**B. Limited Uses.**

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

a. Purpose. [No change]

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

(1) through (3) [No change]

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

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

12-14. [No Change.]

C-D. [No Change]**33.120.275 Development Standards for Institutions**

A. Purpose. [No change]

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

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

C. The standards.

1-3. [No change.]

4. Outdoor activity facilities. Except as specified in paragraph C.5 below, 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.

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

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

33.120.277 Development Standards for Institutional Campuses in the IR Zone

A. [No Change]

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

C. The standards.

1-3 [No change]

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

33.815.040 Review Procedures

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

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

Page 63 of Recommended Draft, new item

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

33.281.050 Review Thresholds for Development

[No change]

A. and B. [No change]

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

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

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

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, the Planning Commission's report entitled *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, as amended by Council..
- b. Amend Title 33, Planning and Zoning, as shown in Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, as amended by Council
- c. The specific amendments adopted by this action are to the following provisions:
 - Title 33, Planning and Zoning List of Chapters
 - Table of Contents
 - 33.100.100.B.2
 - 33.100.200.A
 - 33.100.200.B.1
 - 33.110.100.B.2
 - 33.110.245.B and C
 - Table 110-5
 - 33.120.100.B.7 and 11
 - 33.120.275.B and C
 - 33.120.277.B and C
 - 200s – Additional Use and Development Regulations

- Entire new chapter: Chapter 33.279, Recreational Fields for Organized Sports
 - 33.281.040
 - 33.281.040.B.1 through 5
 - 33.281.050.A.8
 - 33.281.050.C.1
 - 33.281.050.C.2
 - 33.281.100
 - 33.815.040, 5th sentence
 - 33.815.040.B.1.f and g
 - Chapter 33.900 List of Terms
 - 33.910.030, definitions of "Exterior Improvements" and "Organized Sports"
- d. Amend Title 20, Parks and Recreation, as shown in Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, as amended by Council. The specific amendments adopted by this action are to the following provisions:
- Section 20.04.010
 - Section 20.04.050
 - Section 20.04.060
 - Section 20.04.070
 - Section 20.04.080
- e. Adopt Section VI of Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, the Good Neighbor Agreement for Recreational Fields Policy.
- f. Adopt the commentary and discussion in Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010 as further findings and legislative intent.

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

CHANGE - 33.279

NO
2nd

- **33.279.030 A (7):** Does not result in total spectator seating per field exceeding 210 lineal feet or events which have more than 70 spectators.

- (*Explanation: If no seating is provided (since it is not required) or the spectators overwhelm the 210 lineal feet that is provided, then there needs to be some way to affect a review...enforcement will need to investigate complaints of overuse in either case and essentially count spectators. That is the reason why conditional uses are useful because they provide the estimate for seating/parking that provides the feedback for the proposed plan.)*

NO
2nd

- **33.279.030 (C) (1):** New Recreational Fields, except as allowed by Subsection A.8 above.

- (*Explanation: See below...recommending deletion of Subsection A.8)*

#2
Failed
Adams 2nd
Y-1 N-4

- **33.279.040 B (2) Accessory Structures.** Spectator seating such as bleachers or benches must be set back at least 30 feet from adjacent R zoned Sites and at least 15 feet from all other lot lines. All other accessory structures including dugouts, concession stands and restrooms must be set back at least 45 30 feet from adjacent R zoned Sites and at least 15 feet from all other lot lines.

- (*Explanation: Granted some accessory structures, like storage facilities and maybe bathrooms can be within 15 feet of the lot line but accessory structures where people congregate and generate noise and activity should be given at least that same setbacks associated with other structures)*

Skipped

- **33.279.050 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 or events which have more than 70 spectators.

- (*Explanation: same as above in 33.279.030 A (7)*)

DELETE ENTIRELY with drawn by Fritz

#3
DS 2nd
Failed
Y-2-N-3

- **33.279.030 (A)(8) -** Concerning addition of new field. No matter how you cut it, adding a new field changes the potential or real intensity of the Use. This should not be allowed outright.

- (*Explanation: All new fields need to be reviewed through a conditional use...they increase the intensity and use of the area through noise, traffic and parking.)*

New field ^{would be} subject to a Type 2 conditional use and staff work out the language for that.

TITLE 20

- **20.04.050(A)(1):** "~~Adding one (1) new field for organized sports use where there is current or previous (last 10 years) approved organized sports use elsewhere at the school or park site.....~~The new field must be no more than 300 feet from the current or previous organized sport use. The addition of
- *(Explanation: This section allows additional fields without conditional use review which as explained in proposed changes to Title 33 should occur.*

- **20.04.050 B:** "If these written comments ~~can be~~ **are** addressed to the neighbor's satisfaction, no further action is necessary. PP&R shall respond to these written comments in writing within 21 days, **stating when their response is final.**"
 - Explanation: Since neighbors have a deadline to request a formal meeting, PP&R must be clear whether their response is intended to trigger the start of the clock for that deadline. Neighbors must be clear about whether they are satisfied or not.

Note: By taking away the Conditional Use process, PP&R staff will be required to respond individually to every neighbor writing to express concerns. There is no mechanism proposed to consolidate public input or for neighbors to organize and give public notice to decide whether to call for a public meeting.

- **20.04.050 C:** "If PP&R's written responses to the written concerns received after the public notice are not satisfactory, a public meeting ~~can~~ **must** be held if requested by a neighborhood association within 1,000 feet of the subject site, **or by residents representing at least ten homes or 50% of the homes within 400 feet of the subject site, whichever is less.** A Good Neighbor Agreement (GNA) may be proposed by PP&R, PPS, both organizations jointly, or other appropriate field permitting entity, **or the neighborhood group that has requested the public meeting,** if there are remaining concerns after the public meeting. Neighborhood associations within 1,000 feet of the subject site may also request a GNA, in writing, within 10 calendar days of the date of the public meeting. **The request for a GNA must be made within 45 days of the date of the public meeting. If neighbors or the Neighborhood Association requests a GNA process, PP&R must schedule a meeting for said purpose within 30 days of the written request. A request for a public meeting for the creation of a GNA may also be made after the use of the field has occurred by residents representing at least ten homes or 50% of the homes within 400 feet of the subject site, whichever is less.** GNAs ~~can~~ **may** be linked to sports field use permits **and other**

enforcement mechanisms, and may address a variety of compatibility issues such as: (*remainder as is*)

○ Explanation:

1) A significant number of the most affected adjacent residents should be able to call for the GNA, whether or not a Neighborhood Association supports their request.

2) Ten days is not sufficient for Neighborhood Associations or concerned neighbors to give notice about the motion to call for a Good Neighbor Agreement, and hold the meeting.

3) If neighbors ask for a GNA, the code should direct PP&R to engage in a good faith effort to reach one.

● **Add 20.04.050 D, Enforcement**

○ The only proposed enforcement mechanism is revoking a field permit. What if the problem is not caused by a permitted activity?

○ Needs to be a List the potential mechanisms for enforcement. I don't know what they are, other than denial of field permits. The Planning Commission supported the GNA approach only if enforcement mechanisms are approved.

● **Other Items of Concern in the Administrative Language for the GNA**

○ The Draft Policy for GNAs in PP&R Policy document switches back and forth between individual neighbors as stakeholders, and Neighborhood Associations as required participants. Notice is given to individual neighbors within 400' but then they are given no power to affect the outcome unless a Neighborhood Association takes up their cause. In the current process with a Type III Conditional Use, any affected party has the right to participate even if the Neighborhood Association does not agree with them. The proposed process sets up Neighborhood Associations as gatekeeper decision-makers. Individuals should have the right to due process with City elected officials and their staff.

○ The Draft Policy does not specify how the 5 - 15 neighborhood representatives are selected. What if 20 neighbors want to participate?

○ Why allow a GNA to expire with a sunset date such as five years?

- o What is the mechanism for the proposed annual review of whether the GNA is working?
- o In the current code, "fields used for organized sports, and other facilities that draw spectators to events in a park" are Conditional Uses. In the proposed code, this changes to "Recreational fields for organized sports", only. What was the rationale for not allowing organized public input on other spectator facilities or sports activities in parks?
- o What is the proposed process for approving skateboard facilities on parks and schools properties?
- o What about new running tracks? New tennis courts?



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April 27, 2010

To: City Commissioners

From: Deborah Stein, District Planning Manager

Subject: Responses to Schools and Parks City Council Hearing (April 22, 2010)

As a result of testimony and questions raised at the April 22, 2010 City Council hearing on the Schools and Parks Conditional Use Code Refinement Project, staff has prepared the following responses that will be presented at the continued hearing on April 28, 2010.

Colleges – Testimony highlighted a concern that the recommended code language was unclear on how recreational fields associated with colleges are treated. Within Title 33 (Zoning Code), Colleges are a separate use category from Schools, and the new regulations found in Chapter 33.279 (Recreational Fields for Organized Sports), are intended to apply to recreational fields located on a school or school site, not a college. This is described in Section 33.279.020 (Where These Regulations Apply). To clarify that Colleges are not subject to the new recreational field regulations, revised code amendments are proposed on pages 2-6 of this memo. To differentiate these revisions from those found in the Recommended Draft, code language to be added is double underlined and code language to be removed is shown in ~~double strikethrough~~.

Change of Grade Levels – The question of how grade level changes would be processed in the event that grade levels were *replaced* as opposed to *added* was raised. Under the recommended code, removing grades is allowed without conditional use review. Table 281-1 describes what type of review is required based on grades added. To clarify review procedure if a school were to close with one set of grade levels and reopen with a different set of grade levels, recommended code language has been revised to clarify that the grade level changes apply in cases of both *addition* or *replacement*. This revision allows the intent of the review procedure thresholds to remain intact. Revised code language can be found on page 7 of this memo. To differentiate these revisions from those found in the Recommended Draft, code language to be added is double underlined and code language to be removed is shown in ~~double strikethrough~~.

Tracks and Skate Parks – The issue of how tracks and skate parks would be regulated was raised. The Schools and Parks Conditional Use Code Refinement Project was initiated, in part, to address complaints and concerns stemming from recreational field use. No complaints have been received in regards to facilities such as tracks or skate parks. As such, the project has focused on how to better regulate recreational fields.

Facilities such as tracks or skate parks do not typically generate significant numbers of spectators on a regular basis, the way a baseball or football field might. However, if tracks are developed with recreational fields within them, the field would be subject to the new recreational field regulations. Therefore staff proposes to maintain the Planning Commission's current recommendations, which would allow these types of facilities without conditional use review.

Please let me know if you have any questions.

**Table 110-5
Institutional Development Standards [1]**

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

Notes:

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

33.110.245 Institutional Development Standards

- A. Purpose.** 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 on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.
- C. The standards.**
- 1-3. [No Change.]
4. Outdoor activity facilities. Except as specified in paragraph C.5 below, 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 on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.
- 6-10 5-9. [No Change other than number sequence.]

33.120.100 Primary Uses (cont'd)

11. Schools, Colleges, and Medical Centers in the IR zone. This regulation applies to all parts of Table 120-1 that have a note [11].
 - a. Purpose. High Schools, Colleges, and Medical Centers located in IR Zones are limited to the large institutional campuses the IR Zone is intended to foster. The IR zone was created in recognition of the role such institutions play in meeting the needs of Portland's citizens.
 - b. Regulations for institutional campuses. High Schools, Colleges, ~~Hospitals~~, and Medical Centers are allowed to develop as institutional campuses when they meet the following regulations.
 - (1) The institution is located or is to be located on a site that is at least 5 acres in total area. Exceptions to this minimum size requirement are prohibited.
 - (2) The institution has an approved impact mitigation plan or conditional use master plan.
 - (3) Trade schools and business schools are commercial uses and are not allowed in an IR zone through a conditional use.
 - c. Regulations for other institutions. Schools, Colleges, ~~Hospitals~~, and Medical Centers are allowed as a conditional use only.
 - d. Regulations for recreational fields for organized sports. Recreational fields used for organized sports on a school or school site, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.

12-14. [No Change.]

C-D. [No Change]

33.120.275 Development Standards for Institutions

- A. Purpose.** 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 on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.
- C. The standards.**
- 1-3. [No change.]
4. Outdoor activity facilities. Except as specified in paragraph C.5 below, 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.
5. Recreational fields used for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.
- 6-10 5-9. [No change other than number sequence.]

33.120.277 Development Standards for Institutional Campuses in the IR Zone

- A. [No Change]**
- B. Where these standards apply.** The standards of this section apply to all development that is part of an institutional campus with an approved impact mitigation plan or an approved conditional use master plan in the IR zone, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions from one use category to another. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.
- C. The standards.**
- 1-3 [No change]
4. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

20.04.010 Definitions**H. Field Permitting Organization**

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

Regulations in OS and R zones

33.281.030 Review Thresholds for School Uses

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

- A. New school use.** The creation of a school use on a site that does not have a school use or is not a school site is reviewed through the Type III procedure.
- B. Change of school grade levels.** ~~Changes from an elementary to a middle or junior high or to a high school, or from a middle or junior high to a high school are reviewed through a Type III procedure. Changes from a high school to a middle or junior high or to an elementary school, or from a middle or junior high to an elementary school are reviewed through a Type II procedure. Changes from a middle to a junior high, or from a junior high to a middle school are allowed by right. Removing grades from any school is allowed. Adding or replacing grades is allowed or a conditional use, as specified in Table 281-1.~~

Table 281-1 Regulations for Adding or Replacing Grades		
<u>If a school has the following grades:</u>	<u>Regulation for adding or replacing the following grades:</u>	
	<u>Allowed</u>	<u>CU required (Type III unless noted otherwise)</u>
<u>Any grade K-5</u>	<u>Any grade K-8</u>	<u>Any grade 9-12</u>
<u>Any grade 6-8</u>	<u>Any grade 6-8</u>	<u>Any grade K-5</u> <u>Any grade 9-12</u>
<u>Any grade 9-12</u>	<u>Any grade 9-12</u>	<u>Any grade 6-8 (Type II)</u> <u>Any grade K-5</u>
<u>Any grade K-5 AND</u> <u>Any grade 6-8</u>	<u>Any grade K-8</u>	<u>Any grade 9-12</u>
<u>Any grade 6-8 AND</u> <u>Any grade 9-12</u>	<u>Any grade 6-12</u>	<u>Any grade K-5</u>
<u>Any grade K-5 AND</u> <u>Any grade 6-8 AND</u> <u>Any grade 9-12</u>	<u>Any grade K-12</u>	---



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April 21, 2010

To: City Commissioners

From: Deborah Stein, District Planning Manager

Subject: Revision #5 to *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*

Following publication of the *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft* - March 18, 2010, staff determined that four sections of recommended code language needed revising. A memo dated April 6, 2010 was issued to address these four issues.

Since issuing that memo, a 5th revision to the code language is necessary based on City Attorney recommendation. This memo serves to revise the recommended code language in the *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft* for clarity; however the substance and intent of the Planning Commission's recommendations are not being changed. Code language to be added is underlined and code language to be removed is shown in ~~strikethrough~~. Please let me know if you have any questions.

REVISION # 5 –

Commentary:

This change clarifies what authority the Director of Portland Parks and Recreation, or the Director's designee has in regards to Good Neighbor Agreements (GNAs), which includes negotiating and executing the Agreements. These Agreements would still be subject to the adopted GNA policy. The term "Director" is defined in 20.04.010 Definitions.

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.~~

Subject to the Good Neighbor Agreement Policy adopted by Portland Parks & Recreation, the Director or the Director's designee is authorized to negotiate, execute and administer, on behalf of the City, Good Neighbor Agreements under Section 20.04.050.