

City of Portland, Oregon
FINANCIAL IMPACT STATEMENT
For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Shawn Wood		2. Telephone No. 503.823.5468	3. Bureau/Office/Dept. Bureau of Planning and Sustainability
4a. To be filed (date) 4/8/2010 (forwarded to mayor's office)	4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>		Date Submitted to FPD Budget Analyst: 4/7/10

1) Legislation 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)

2) Purpose of the Proposed Legislation:

The code amendments would improve implementation, clarify ambiguous code language, and provide levels of review commensurate with the intensity of development.

The current code structure regulates recreational fields in several places in the code and as a result treats recreational fields in park sites differently from recreational fields in school sites, leading to different standards for the same development.

The amendments would treat all recreational fields the same by consolidating review thresholds and standards in a single location within the code.

When determining conditional use applicability, current code requires spectator data from applicants that is difficult, or impossible to provide (there is no recordkeeping mechanism available to track 'spectators'). Additionally, 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. The amendments would require review based on quantifiable thresholds, focusing rather on thresholds related to development that accommodates or potentially increases spectators instead of relying on counting actual spectators. Various levels of review and public notification would be applied based on the intensity of proposed development.

3) Revenue:

Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated please identify the source.

Generally, implementation of these changes will be incorporated into day-to-day activities of the Bureau of Development Services and Portland Parks and Recreation and no significant short or long-term increase or reduction in revenue is anticipated.

The project does provide zoning code amendments that allow, without Conditional Use (CU) Review, up to one new recreation field for organized sports on sites that currently have organized sports occurring. Currently a Type III CU is required which with the required pre-application conference costs between \$11,000 and \$16,500. Cost recovery for processing Type III reviews is approximately 75%. As such, the potential for fewer Type III reviews will result in overall cost savings.

The applicant for new recreational fields is frequently Portland Parks and Recreation. The code amendment referenced above would decrease expenses for this bureau.

4) Expense:

What are the costs to the City as a result of this legislation? What is the source of funding for the expense? *(Please include costs in the current fiscal year as well as costs in future years) (If the action is related to a grant or contract please include the local contribution or match required)*

Implementation of these measures will be done by the Bureau of Development Services and Portland Parks and Recreation. The implementation will be incorporated into existing development review procedures. A small one-time cost will be incurred for printing the revised pages of Title 33 and Title 20, and for training staff. These costs are already budgeted for the Bureau of Planning and Sustainability, the Bureau of Development Services, and Portland Parks and Recreation .

Staffing Requirements:

5) Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? *(If new positions are created please include whether they will be part-time, full-time, limited term or permanent positions. If the position is limited term please indicate the end of the term.)*

No positions are anticipated to be created, eliminated or re-classified as a result of these code amendments.

6) Will positions be created or eliminated in future years as a result of this legislation?

No positions are anticipated to be created or eliminated in future years as a result of these code amendments. Having fewer Conditional Use reviews for recreational fields will allow reallocation of limited BDS Land Use Services staff resources to other land use review activities.

Complete the following section only if an amendment to the budget is proposed.

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Center Code column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Amount

Celia Heron, Bureau Operations Manager

APPROPRIATION UNIT HEAD (Typed name and signature)



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

Sam Adams, Mayor
Susan Anderson, Director

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MEMORANDUM

To: Mayor Sam Adams

From: Susan Anderson, Director

Date: April 6, 2010

1. Ordinance Title:

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

2. Contact Name, Department, & Phone Number:

Shawn Wood, Bureau of Planning and Sustainability, x3-5468

3. Requested Council Date: April 22, 2010

Consent Agenda Item: _____ or Regular Agenda Item: X

Emergency Item (answer below): _____ or Non- Emergency Item: X

If emergency, why does this need to take effect immediately:

- 4. History of Agenda Item/Background:** 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 for school and recreational field 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. For each topic area, staff explored what the appropriate threshold should be to trigger conditional use review, as well as related standards.

At the outset of this project, staff identified the following desired outcomes:

- Fair, open public discussion of the balance/trade-offs that must be met to reach workable solutions (within the constraints of the limited scope and funding for this project).
- Zoning code regulations that are clear, easy to follow, and set reasonable expectations for all community stakeholders.
- Improved communication and coordination between the permitting agencies, school districts, and Portland Parks and Recreation to more efficiently manage schools and parks facilities—and to more thoughtfully include public input on changes that have impacts on the surrounding neighborhood.

Staff initiated this project to resolve questions raised by a series of 102 code compliance complaints filed on nine PPS schools which had recently undergone grade level changes. Because of the lack of clarity in the Zoning Code regulations, BDS has placed a hold on the complaints and is waiting for the results of this project to proceed. Pending the outcome of this project, those complaints will be processed using any new code language that results from this project.

As recommended by the Planning Commission, the project consists of amendments to Title 33 (Zoning Code) and to Title 20 (Parks and Recreation). The majority of these are technical

amendments to provide clarification and ease of implementation. Others provide flexibility for schools and recreational fields as well as measurable thresholds for determining level of review.

5. **Purpose of Agenda Item:** To improve City land use regulations and procedures as they relate to schools and recreational fields.

The code amendments for schools (Topic Area 1, 2, and 4) would:

- allow fluctuations in enrollment and staffing by right unless other thresholds, such as additional building area, are triggered;
- clearly define when changes in grade levels would require a conditional use review; and
- extend the length of time that school buildings may remain vacant and then reopened without conditional use review.

The recreational fields component (Topic Area 3), 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. Recommended amendments to the Zoning Code would clarify that parks, schools, and school sites are treated the same and would rely on measurable thresholds for determining conditional use review applicability. These changes would also address current code language that is confusing and in some situations difficult to implement.

Two new tools are introduced to provide neighbors with opportunities to comment on field alterations that don't require a conditional use review. These include a Public Notice and a formalized Good Neighbor Agreement (GNA) process. These new tools are proposed to be located in Title 20, Parks and Recreation and are only applied to smaller-scale field development that would generate minimal impacts.

6. **Legal Issues:** It should be noted that two ordinances have been prepared, one for the school amendments and one for the recreational field amendments. Two ordinances were prepared due to the complexity and distinct nature of the two subjects.
7. **What individuals or groups are or would be opposed to this ordinance? Supportive?**

School Issues – Based on past testimony, public comment, and conversations with the public, staff anticipates testimony revolving around the issues below.

Support:

- School districts feel the current code is difficult to administer and are supportive of more flexibility and clarity in meeting the challenges of classroom capacity (Topic Area #1) and vacant school properties (Topic Area #4).
- Community members may be in support of amendments to grade level changes (Topic Area #3) since shifting certain grade level changes to a Type III CU process would provide additional opportunities for public review and input.

Oppose:

- School districts may not be supportive of the grade level change amendments recommended by the Planning Commission and may prefer regulating two grade levels (K-8 and 9-12), rather than the three grade levels (K-5, 6-8, and 9-12) as recommended.
- School districts may also not be supportive of new thresholds for grade level changes because they would require reviews not previously required and require some reviews previously processed as Type IIs to be processed as Type IIIs.
- Community members who have filed zoning code violation complaints related to grade level changes may have concerns regarding how the cases currently on hold will be processed and enforced.
- Community members may have issues that are outside of the scope of the conditional use process. Conditional use reviews are intended to assess and

mitigate neighborhood impacts; they are not intended to influence educational policy decisions or address broader socio-economic or other disparities.

- Some testifiers referred to the City Schools Policy adopted as part of the Comprehensive Plan in 1979 and there has been some confusion as to whether or not this project alters this policy. The ordinance before Council does not alter this policy.

Recreational Fields Issues - Based on past testimony, public comment, and conversations with the public, staff anticipates testimony revolving around the issues below.

Support:

- The organized sports leagues and field users would be supportive of the code amendments to recreational fields.

Oppose:

- Some neighbors who live within close proximity to recreational fields may feel that their influence is being diminished as a result of code amendments that would allow some field development without a conditional use review.
- Some neighbors may feel that development standards (field and accessory setbacks) may not be sufficient to mitigate for impacts such as noise and light.
- At the Planning Commission hearing, there was some concern regarding reliance on neighborhood notification and potential Good Neighbor Agreements (GNAs) for field changes in cases where a conditional use would not be required. Feedback from open houses and workshops confirms this sentiment.
- Some neighbors have indicated a general distrust of Portland Parks and Recreation and Portland Public Schools to uphold and enforce agreements.

8. **How Does This Relate to Current City Policies?** As detailed in the findings in the ordinances, all of these changes are supportive of the Portland Comprehensive Plan. Issues that are part of a larger conversation, such as equity and educational policies will be forwarded to a larger multi-stakeholder policy discussion, such as the Portland Plan. The proposed ordinances do not involve any alterations to the City School Policy (1979)
9. **Community Participation:** Open houses and workshops were held to gather community input on the code amendments for both schools and recreational fields. Additionally, staff met directly with neighbors who either had additional concerns or could not attend the workshops. The meetings directly resulted in changes to the proposed code amendments. Notice of the Planning Commission hearings for the code amendments were sent to more than 580 individuals, neighborhood associations, and business associations.

The Planning Commission heard testifiers express concern regarding school closures, school reconfiguration, and equal access to educational opportunities. The Commission recognized the limits of the Zoning Code and this project as being a code improvement project, but expressed interest in pursuing other approaches (through the Portland Plan and possible intergovernmental agreements) to address other issues that were raised in testimony. Their discussion centered around the thresholds for requiring review when a school proposes grade levels changes.

During the Planning Commission hearing for recreational fields, most of the testimony focused on concern over the proposed Good Neighbor Agreement (GNA) policy as well as general distrust of Portland Public Schools and Portland Parks and Recreation to uphold and enforce any agreements.

10. **Other Government Participation:**

Staff worked collaboratively with the Bureau of Development Services (BDS), Portland Parks and Recreation (PP&R), Office of Transportation (PBOT), and Office of Neighborhood Involvement (ONI) during this project. In addition, staff consulted with its five major school districts.

11. Financial Impact: Implementation of these changes will be incorporated into day-to-day activities of the Bureau of Development Services and Portland Parks and Recreation. The amendments will result in clear regulations and potentially, fewer conditional use reviews for alterations to recreational fields. In general, these amendments are anticipated to result in no significant change in revenue or expense.

It should be noted that two Financial Impact Statements have been prepared, one for the schools amendments and one for the recreational field amendments.