

**SCHOOLS AND PARKS CONDITIONAL USE CODE - AMENDMENTS ONLY**

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ DAVE JOHNSON	0550 S.W. Palatine Hill Rd. 97219-7830	(None)
✓ Dixie Johnston	"	
✓ PAUL CATHART	501 N. DIXON ST. PORTLAND, OR 97203	PCATHART@PPS.K12.OL.US
✓ CAROL SMITH	2343 NW Pittgrove St.	
✓ Mary Ann Schwab	on record	

DAVE & DIXIE JOHNSTON  
 0550 S.W. Palatine Hill Rd.  
 Portland, Oregon 97219  
 (503) 636-0959

AUDITOR 04/26/10 AM 9:51

April 26, 2010

Re: Schools and Parks Conditional  
 Use Refinement Project.  
 Draft of March 18, 2010.  
 City Council Hearing set for  
 April 28, 2010.

Bureau of Planning & Sustainability  
 1900 S.W. Fourth Ave, Suite 7100  
 Portland, Oregon 97201-5830

Attn: Deborah Stein

As noted at the hearing of April 22, 2010, The proposed code language is too broad. It appears to have the unintended result of removing college (and possibly professional) sports fields from regulation of hours, number and size of events, etc. under the conditional use system. It was agreed at the April 22, 2010 hearing that this was not intended.

A minor clarification of the wording would correct this and avoid serious misunderstanding in the future. We suggest the following:

- o Page 75, Chapter 33.910.030, Definitions, Organized Sports, end of first line add the underlined words to read:  
 "..., on a physically defined school through 12th grade or Portland Parks and Recreation field sports field (natural or synthetic)...."
- o Pages 19 through 35 where the term "Recreational Fields used for organized sports" appears add underlined words to read:  
 "...school through 12th grade or Portland Parks and Recreation recreational fields used for organized sports..."
- o Page 39, 33.279.020 C. add underlined words to read:  
 "...school through 12th grade school site, or in a Portland Parks and Recreation park."

Respectfully Submitted

Dave and Dixie Johnston

cc: Sam Adams, Mayor  
 Dan Saltzman, Commissioner  
 Randy Leonard, Commissioner  
 Nick Fish, Commissioner  
 Amanda Fritz, Commissioner  
 Council Clerk  
 Douglas Hardy, Development Services

SCHOOLS AND PARKS CONDITIONAL USE CODE- **RECREATIONAL FIELDS**

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ PAUL CATHCART	501 N. DIXON ST PORTLAND, OR 97208	PCATHCART@PPS.K12.OREG.US
✓ DAVE JOHNSTON	0550 S.W. Palatine Hill Rd Portland, Or 97219	(None)
✓ Dixie Johnston	"	
✓ Sam Pearson	1614 S.W. Avenue Ct. Port. Ore 97219	Pearson_Sam@hotmail.com
✓ FRAN LAIRD	9712 SW 6 <sup>th</sup> AVE - P 97219	lairdfran@gmail.com
<del>CHRISTOPHER HENRY</del>	<del>1113 N. B. Box 12488, Salem, OR 97309</del>	<del>HenryC@Pdx.org</del>
<del>MICHAEL MONTAGNA</del>		
<del>ANDREW SCHROE</del>		
✓ PRAKASH JOSHI	648 SW maplecrest ct. Port 97219	
<del>CHRISTINE YUN</del>	1915 SE Alder St. PDX 97214	cpypdx@gmail.com

**Parsons, Susan**

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**From:** Mark Bartlett [bartlett.m@comcast.net]  
**Sent:** Tuesday, April 27, 2010 9:54 PM  
**To:** Adams, Mayor; Leonard, Randy; Commissioner Saltzman; Commissioner Fish; Commissioner Fritz; Planning Commission; School Board; Parsons, Susan  
**Subject:** conditional use refinement proposals

Mayor Adams, and Council members,

I reviewed the outstanding comments and amendments for the recreational fields proposal.

A number are questions we asked some time ago. To my knowledge, Brett and PPR have yet to clarify all of those outstanding concerns. This issue needs much more work and further clarifications. Please vote to carry this until those clarifications are made and we have some idea how PPR plans to implement their GNA policy.

As you are aware, GNAs are not enforceable (written PPR policy or not) in addition to the following flaws...

Who would enforce them? BDS? PPR? or PPS?

What would the thresholds be for initiating any compliance action? By whom and against whom? What are the legal ramifications for revoking permits?

For example, if there are 50 players on two fields, with an LLC or corporation like Portland Softball, holding the permit, who is then the responsible party? and how would they monitor, then compel compliance or even oversight?

Responsible parties change or may change so a yearly renewal should provide some assurance of current compliant status.

What is the role for the neighborhoods?

The compressed notification time line needs further consideration. Placing the onus on neighborhoods to respond by removing rights they currently have and expect will be problematic.

Would the neighbors report to BDS compliance services or to PPR or to PPS?

What would their protocol be for compliance enforcement?

Also along these lines, increasing the on-site parking spaces (10%) or simply adding bleachers thereby passing a particular spectator level should not be the only thresholds for moving it from type 2 to type 3.

All impacts to the neighborhood should also be considered.

PPR's Brett Horner says this is still under development, so why are we

voting on this now?

/\*PPR\*/

Other concerns

1) \*new fields\*

Allowing this additional field by right will cause hardship to neighbors in the immediate area in competing for street parking in front of their residences at a minimum.

One would think this automatically creates double parking concerns, double noise and garbage, etc... all that comes with one field.

There are numerous discussion right now about the PPR policy of not allowing play on some joint use or shared PPS facilities after school hours, or simply not allowing it on formerly shared use properties. Lisa Turpel sent me a very brief sentence that constitutes the entire relationship for shared use between them. This needs clarification and elaboration so the public knows the current policy before responding to these proposals.

What is the agreement for use between PPR and PPS?  
and on which fields or properties?

This entire issue needs further discussion and clarification among a much wider audience than the ten of us who testified to the Planning Commission.

2) \*concession areas\*

This would potentially allow commercialization in our Parks.  
Look at what is across from 1900 S W 4th. All those lunch trailers are under 1500 sq ft. so allowed by right in the current Park sites language.

Parks needs revenue, so leaving it to their sole discretion is not ideal with their history and track record. That is why we are here constructing the clarifications.

/\*Noise\*/

Limits are 50 Db for day time and 55 for night. Who would monitor this and then respond to complaints when after hours is the most common use that could generate violations? And how would citizens impacted know what 50 db is and if they are exceeding that?

/\*Skate Parks

\*/I also agree with Commissioner Fritz that /\*skate parks \*/are an item that should be regulated.

PPR's Fred Kowell told me they were master planning 19 new skate parks using this past levy funding to begin those for future build out.

Do neighbors know or should they have input when a small to medium size capital project may be coming to their park?

There are four different classification for our parks, and skate parks might not be allowed in some if neighbors were better informed... it seems that Parks is master planning skate parks first and then going to those who might be impacted by them after they approve internally. This is consistent with their concept of public involvement.

More transparency and neighborhood involvement is warranted, if not a type 3 review for skate park construction. This is unfortunate, but it is not about the cost of the process to those who participated, just that there be proper involvement with an opportunity to appeal to a third party.

They have brought this upon themselves with their actions. (Please review their disposition policy where public notification and involvement comes just prior to the Council vote)

/\*PPS

I encourage you to pass the recommendations of the Planning Commission to require type 3s for grade changes. I believe what BDS has allowed is continued illegal activities, further exacerbated by putting these acknowledged violation in abeyance until this proposal was constructed. Requiring additional oversight and the avenue for an appeal of proper due process to those impacted by any changes is essential. I think the Planning Commission was clear on why they made this recommendation.

We are compiling a list of closed schools with the lost ball fields. Mayor Adams wanted this information. We can show that 30 schools have been closed, but are uncertain how many recreational fields have been lost as a result. Most properties would have had one or two depending on grade levels.

I estimate it takes 2+ acres for a baseball or soccer field. The stated minimum for a new school is 5 acres... In our residential neighborhoods, a single 2 acre replacement property if one could be found, would cost \$1-3 million depending on location. If we use an average valuation from where that asset was sold or lost for a replacement cost, you can clearly see that it likely would exceed the net proceeds from any disposition of a PPS or PPR property. Selling real property and facilities is not a good investment strategy and a loss in every way for taxpayers.

This estimated replacement cost does not consider lost real market valuation. Incorporating this projected loss would exceed any possible positive outcome from disposition.

This does not take into account the cost to improve that land or required off site improvements, permit and design fees, etc....

Those 30 properties were recreational assets we the public already owned. We likely lost between 20 and 50 recreational fields.

What did we get for those proceeds? Where did they go?

Most of the proceeds went to the PPR general fund to be lost forever or to pay for Magellan studies that are of little use or temporary trailers to provide classes resulting from poor analysis and decision making. A dedicated fund for surplus properties was approved by PPS, but little or nothing remains as that was a mostly a public relations ploy.

Now PPR is using general fund dollars to replace those fields to meet 2020 goals. These come directly from local taxes without Federal or State assistance in most cases.

This is why we will continue to shine a light on the activities of both PPR and PPS when it comes to their policies and disposition practices by any means. They are supposed to be stewards of, not owners of our assets. It makes no sense to dispose of school properties or facilities.

Again that is why more, not less, notification and reviews are needed as proposed.

I agree with the testimony of Howard Shapiro and his associates, that the unilateral actions by these agencies have caused problems and require additional regulation and oversight.

Further that PPS facilities planning is long over due per ORS 195.110. It is clear PPS is out of compliance with state land use laws.

Selling 30 properties, redrawing boundaries, and subtle manipulation by programming and grade change, is land use planning by any definition of that word. What the PPS board and administration have done has directly impacted neighborhoods with their disposition policy, gerrymandering, and "programming" refinements. The Planning Commission understood this when it made their recommendations.

Even as PPS elected board members have the responsibilities for educating students, they should not hold sway over our public assets and development of neighborhoods without the involvement of Council, neighborhood associations and citizens, and all impacted parties as OAR 660 Goal 1 and our Comp Plan goal 11 clearly states. These proposed refinements certainly do relate directly to the City Schools Policy statement 2 under school closures.

Continually being reactive and not proactive will perpetuate the poor policy choices and planning of facilities within PPS. The City School Policy (Goal 11.58) is available for use if Council could muster the will to collaborate with PPS, and not be subject to responding to the Board's choices. We have seen where that takes us. It is time for a change.

Thank you,  
Mark Bartlett