



PORTLAND PARKS & RECREATION

Healthy Parks, Healthy Portland

POLICY NAME: Good Neighbor Agreement for Recreational Fields

Policy Category: Parks & Recreation

Date Reviewed: June 2009-December 2009	Date Adopted: May 2010, as part of Title 33 Zoning Code and Title 20 Recreation & Parks Code changes
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Introduction

For more than fifty years, Portland Parks & Recreation and Portland Public Schools have worked together to provide thousands of children, youth, and adults sports programming and recreational opportunities on hundreds of sports fields in almost every neighborhood in the city.

Problem

- The need for sports fields has increased steadily over the past two decades – as the population continues to grow and need increases, we fall further behind in our ability to provide adequate recreational facilities to children, youth, and adults in the city
- Current studies regarding obesity and access to nature indicate an increasingly critical need for children and youth to be exposed to outdoor recreational activities
- Current code language limits our ability to improve existing fields to address the growing need
- High levels of use on currently available fields degrades those fields more quickly and clusters impacts to certain neighborhoods
- Current code language is ambiguous or silent on when review (and public notice) is required for sports fields.

Since December of 2008, Portland Parks & Recreation, the Bureau of Planning & Sustainability and Portland Public Schools have been working together to clarify and refine City Code to allow these agencies to better meet the needs of all Portlanders.

General Approach to Changing the Code

1. Create measurable thresholds to more clearly indicate exactly when Conditional Use (CU) reviews are required (includes public notice).
2. Improve public notice procedures when CUs are not required. Require school districts and/or Portland Parks & Recreation (PP&R) to provide notice to neighbors where field changes are proposed. The notice will provide information on proposed

changes, opportunities for input and contact information for staff.

3. Identify parameters for using a Good Neighbor Agreement (GNA) as a tool to address both the concerns of the community and the need for Parks and Schools to provide safe, adequate recreational opportunities to children, youth, and adults in the City of Portland.

Policy Statement

March 4, 1933, Roosevelt stated: "In the field of world policy I would dedicate this nation to the policy of the good neighbor--the neighbor who resolutely respects himself and, because he does so, respects the rights of others."

Good Neighbor Plans have been used extensively as a tool to engage in collaborative problem solving with communities around issues of land use, housing, crime prevention and siting for decades.

Rather than relying on legal strategies, communities, interest groups and governments come together in the spirit of collaboration and partnership to enhance neighborhood livability, develop unique and local solutions and initiate and sustain healthy partnerships and establish mechanism for accountability. The ultimate decision about what being a Good Neighbor means in practice is local: each community is different and there are different issues within the communities depending on the size and level of activity of the park.

While City Code specifically references the use of Good Neighbor Agreements in relation to liquor outlets and convenience stores, they are not incorporated in regards to other parts of the code.

City Code as it applies to sports fields, limits the ability of Portland Parks & Recreation, Portland Public School and the community to come together as partners, sharing a common community to work out the details of that relationship in a more finessed manner. Rather, the code relies heavily on conditional use reviews to handle issues that may arise due to changes in field use. This heavy reliance on conditional use reviews limits all parties in their ability to have their issues identified and addressed. Conditional use reviews often result in "Winners" and "Losers" often leaving stressed relationships and universally dissatisfied participants.

Definitions

Good Neighbor Agreement (GNA) – A document detailing the history, concerns, agreements and outcomes developed to address impacts associated with changes in use to recreational fields.

Stakeholder – anyone who is impacted by the changes in use to recreational fields. Could be a neighbor, user, business, public agency, neighborhood organization, school, etc.

Neighbor – Any business, organization, home within 400 feet of the specified site. Portland Parks & Recreation, Portland Public Schools, businesses and homeowner are neighbors.

Recreational Field – An outdoor area used formally for organized sports play. Examples include but are not limited to baseball, soccer, softball, lacrosse, rugby, and other fields.

Guiding Principles

Title 20 of the City Code (Parks and Recreation) states that Parks are maintained for the recreation of the public land and the greatest possible use is encouraged (20.04.020).

The values statement in *Parks 2020 Vision* is as follows:

The organization strives to demonstrate the following values:

- Enthusiasm and passion for our work;
- Innovation, creativity and excellence in all we do;
- Honesty, integrity and respect in our relationships;
- Collaborative efforts that achieve positive change;
- Transparent, ethical and accountable decisions;
- Sustainable practices in caring for our buildings, gardens and parks;
- Responsible stewardship for the natural and cultural environment;
- Responsiveness to the needs of the public; and
- Commitment to the safety and well being of our visitors and staff.

Portland Parks & Recreation recognizes the value its programs, parks and activities bring to a community. Portland Parks & Recreation identifies itself as an integral part of the local neighborhoods in Portland. Parks is a neighbor as well as a service provider. It is committed to participating as a neighbor by working with the community in a spirit of fairness, openness, collaboration and honesty.

Procedures & Guidelines

City Code has been changed to support the ability of Portland Parks & Recreation, Portland Public Schools and the community to meet the needs recreational sports groups, schools and the community. As part of the recommended code changes, Good Neighbor Agreements have been added as a tool to encourage open and collaborative relationships between all of these stakeholders. The following procedures are a guide to understanding when and how the development of a Good Neighbor Agreement would be beneficial.

Ultimately, due to their unique nature, the final process for developing a Good Neighbor Agreement will be determined by the participants.

Before We Work on a Good Neighbor Agreement -

A Good Neighbor Agreement can be used when either Portland Parks & Recreation or Portland Public Schools proposes changes to an existing field and there are outstanding

concerns/issues.

In general, a Good Neighbor Agreement will be initiated after Portland Parks & Recreation has notified identified stakeholders within 400' of its intention to alter the current use of an existing recreational field. The notification must include: site plans, anticipated changes in use, permits required, land use reviews, contact persons and licenses that will be requested. Ideally, any questions, comments or concerns will be addressed directly between the concerned neighbor and the appropriate staff. If a concern or issue cannot be addressed at this level, stakeholders should meet to identify and clarify any issues and concerns. Stakeholders must request that the neighborhood association send a letter to the appropriate parks staff requesting a meeting, with a list of specific concerns and/or issues, within 45 days. Portland Parks & Recreation will schedule a public meeting within 30 days of receipt of that letter. A meeting will be scheduled with notification sent to a mutually agreed upon list of stakeholders. At this meeting, participants will work to understand and address the issues presented.

When a Good Neighbor Agreement is Recommended -

If an issue cannot be addressed by speaking directly with staff or with a public meeting, or it is assumed that impacts or concerns are more long term, then it is recommended that the parties agree to proceed with the development of a Good Neighbor Agreement.

Who can participate in a Good Neighbor Agreement?

- Stakeholder representatives from the involved agency, organization, site councils, principals, business or program
- Stakeholders groups may include, but are not limited to immediate neighbors (business owners and residents), representatives of the neighborhood association, business association(s), sports user groups, other community and advocacy groups.
- Stakeholders whose geographical boundaries are generally within 400 feet or two blocks of the proposed facility or facility modifications. Other geographic considerations include natural boundaries such as freeways, main thoroughfares etc.
- Additional stakeholders are Police and Crime Prevention

How many representatives can participate?

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

Who facilitates the development of a Good Neighbor Agreement?

Ideally, facilitation will be by a third party. If resources are not available, the facilitator should be agreed upon by the participants.

How is a Good Neighbor Agreement “Ratified”?

A Good Neighbor Agreement will be considered “ratified” when the participants have signed the final documents. A Good Neighbor Committee will work toward consensus agreements on identified issues, and obtaining signatures from all participants. If consensus cannot be achieved, three-fourths (75%) of all participants present can “ratify” an agreement by signing it.

What authority does a Good Neighbor Agreement have?

A Good Neighbor Agreement is not legally binding, but rather depends on the collaboration and commitment of all parties to ensure that each neighbors' interests are met. All Good Neighbor Agreements must detail the commitment of all parties to upholding the agreement. If any party fails to uphold their commitment, than the group will be reconvened and the concerns will be addressed. If any party fails to participate or does not participate in two (2) or more meetings without being excused by the facilitator, their interest in the GNA shall be forfeited. If a permitted park user regularly fails to adhere to the terms of a Good Neighbor Agreement, Parks & Recreation will have the option of revoking their permit.

How is a Good Neighbor Agreement Enforced?

The Agreement is enforced by the field permitting agency that processes field permit applications, and will be tied to the approval and granting of field use permits. A field permit for use of a recreation field can be withheld or rescinded for non-compliance with a GNA.

How long does a Good Neighbor Agreement last?

The duration of a Good Neighbor Agreement is site specific. If each party is acting in good faith and issues are addressed or resolved in a mutually agreed upon manner, the need for a formally documented agreement will diminish over time. The participants in a good neighbor agreement should discuss the following issues:

Expiration – GNAs can be valid for specified periods. One option is to have them in force for five (5) years, with an opportunity to renewals (renewal periods may vary).

Review – GNAs should be reviewed periodically, such as annually, to determine what has worked well, what may need changing, and what is clearly not working as planned.

Modification - GNAs may need to be modified during the initial five (5) year period. The participants should discuss and the agreement should specify how modifications are proposed and approved. One option is to address modifications as part of an annual review.

Related Policies, Procedures & Forms

Good Neighbor Agreement Process Flow Chart
Good Neighbor Agreement Template Document

Appendix

Recreational Field Matrix of Code Changes

Additional Comments



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Good Neighbor Agreement Process

- I. Portland Parks & Recreation and/or Portland Public Schools identifies the need to change an existing use in a recreational field
- II. The initiating agency determines the review/notification policy (matrix)
- III. The agency determines public notification is appropriate for this type of field use
- IV. The agency provides notification to neighbors within 400' of the affected field
- V. Neighbors have 45 days to identify concerns/issues and work with the neighborhood association to respond in writing to the agency notification.
- VI. Initiating agency has 30 days to schedule a public meeting. Notification will be sent to identified neighbors; neighborhood association; business association; and all businesses, residences, organizations and property owners 150' of the proposed site.
- VII. Public meeting will be held to address/resolve identified issues/concerns
- VIII. At the end of the public meeting, if issues are not able to be resolved, the group can agree to work together to develop a Good Neighbor Agreement.
- IX. Identify composition of Good Neighbor Agreement Development Team (not to exceed 15 participants, with a minimum of 5).
- X. Develop Good Neighbor Agreement
- XI. Send notification of GNA to identified stakeholders



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Good Neighbor Agreement Outline

- I. Introduction and Background
 - a. Information about the proposed changes to any given site/facility; the objectives of the changes; process that stakeholders went through to establish document; basic rights inherent in agreement
 - b. Legal status of the Agreement – Good Neighbor Agreements are not legally binding, rather it is a community partnership agreement. Participants should be given time for independent counsel to review document.
- II. Goals of the Agreement
 - a. May include goals such as initiate and maintain open communication; maintain neighborhood safety and livability; reduce crime and fear of crime; develop a procedure for problem solving; maintain open dialogue etc.

Agreements

The following section outlines specific agreements that the stakeholders identify. It is important to be clear about who will do what, and not place the onus on one stakeholder. It is a shared process, with shared responsibilities

- III. All Parties Agree to:
- IV. Agency Agrees to
- V. Business Owners Agree to
- VI. Individual Neighbors Agree to
- VII. Police Bureau Agrees to
- VIII. Crime Prevention Agrees to
- IX. Communication Procedure
Identify what communication procedures are in place for ongoing communication and problem solving. Can include but is not limited to:
 - Regularly scheduled advisory committee meetings to problem solve issues
 - Agreement to use mediation services for conflicts, disputes, etc.
 - Who to call for what kind of issues
- X. Administration
Ways in which a GNA document might be monitored, again understanding that it is not a legal document.
- XI. Signatures
- XII. Attachments / Exhibits