

Handout for June 14, 2010 Parkrose School Board Work Session
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BACKGROUND OF SCHOOL FIELD USE ISSUE

Every school within the City of Portland has a land use designation as a Conditional Use in addition to its zoning designation

Conditional Use land use status is a regulatory recognition of the special impacts institutions can have on surrounding neighborhoods and their residents

Conditional Use status ensures a public review process for changes to the regulations impacting land uses of both buildings and grounds and for violation complaints regarding those regulations.

Conditional Use land use status is guided through Title 33 Zoning Code

Conditional Use review process requires public notice explaining the proposed changes, provides a period in which responses to the change will be accepted, provides a subsequent staff review and decision regarding the changes, provides an opportunity to challenge that decision to a neutral hearing officer, and finally provides an opportunity to challenge that decision to the City Council and/or the State Land Use Board of Appeals for final decision.

Conditional Use status may provide a periodic opportunity for general public review of how well the relationship between the institution and surrounding neighborhoods is avoiding negative impacts and how well previous agreements are being kept.

During the past several years, more than 120 violation complaints regarding some Portland Public School sites have been made to the Bureau of Development Services. Many of the complaints were about traffic, parking, and noise from uses of school grounds during non-school hours but some were about changes in grade levels and other issues directly the responsibility of the Portland School District Board.

In late 2008, the Bureau of Planning and Sustainability was directed to begin the Schools and Parks Conditional Use Code Refinement Project to attempt to clarify what code complaints were land use matters and could be handled through Title 33 Zoning Code, how to define and resolve "minor" Conditional Use code complaints in a more expedited manner, and how to better clarify the status of the Portland Parks Bureau as school Field Permitting Organization (FPO) for the Portland School District and thus having responsibility for meeting school field use regulations.

On June 4, 2010 the City Council adopted Conditional Use changes for school grounds that moved the "minor" uses from Title 33 Zoning Code into Title 20 Parks Code.

This changed Code relationship applies to every School District in the City of Portland.

Lists “Minor” uses not subject to Title 33 Zoning Code Conditional Use regulation:

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:

1. Complies with all previous conditions of approval;
2. Meets one of the following:
 - a. Complies with the development standards of this Title; or
 - b. Does not comply with the development standards of this Title, but an adjustment or modification to the development standards has been approved through a land use review;
3. Does not increase the floor area by more than 1,500 square feet;
4. Does not increase the exterior improvement area by more than 1,500 square feet. Fences, handicap access ramps, on-site pedestrian circulation systems, and increases allowed by Subsections A.6 and A.8, below are exempt from this limitation;
5. Will not result in a net gain or loss of site area;
6. Will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:
 - a. On sites with 5 or more parking spaces, up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be removed; however, the removal of more than 5 spaces requires a conditional use review;
 - b. Up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be added; however, the addition of more than 5 spaces requires a conditional use review; and
 - c. Any cumulative loss or gain of parking allowed in 6.a or 6.b above is measured from the time the use became a conditional use, or the last conditional use review of the use, whichever is most recent, to the present.
7. Does not result in total spectator seating per field exceeding 210 lineal feet; or
8. Does not add more than one new field for organized sports. Up to one new field may be added once per site, after June 4, 2010, without a conditional use review. The new field must:
 - a. Meet the development standards of Section 33.279.040;
 - b. Not include lighting, a voice amplification system, or spectator seating in excess of 210 lineal feet;
 - c. Be located within 300 feet of one or more existing on-site fields approved for organized sports; and
 - d. Be approved under a Building or Zoning Permit that identifies the existing development and the new field that is being added, per this paragraph.

Many of these “minor” changes to school field use are regulated under Title 20 Parks and Recreation Code. The public process responsibility lies with the Field Permitting Organization (FPO). For the Portland Public School District this is the Portland Parks Bureau. For all other City School Districts, the FPO is the School District itself. Many school field uses are still subject to Title 33 Zoning Code regulation.