

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 329

An Ordinance amending MCC Chapter 11.15, the Zoning Ordinance, to provide for the location of limited alternative uses in vacant or under-utilized public school buildings.

Multnomah County ordains as follows:

SECTION 1. FINDINGS AND CONCLUSIONS.

The Findings and Conclusions in Section 1 of Ordinance No. 328, (Ordinance A2 of PC 24-82) are adopted for the purposes of this Ordinance.

SECTION 2. AMENDMENT OF COMMUNITY SERVICE GENERAL PROVISIONS.

MCC 11.15.7010, General Provisions, is amended as follows:

A. Subpart (B) is amended to read:

"(B) Except as provided in MCC .7022 (F) and (G), the Hearings Officer shall hold a public hearing on each application for a Community Service Use, modification thereof, or time extension.

B. Subparts (C), (D), and (E) are amended to delete "Hearings Officer" and insert "approval authority."

SECTION 3. AMENDMENT OF COMMUNITY SERVICE APPROVAL CRITERIA.

MCC 11.15.7015, Approval Criteria, is amended to add:

"(4) Will satisfy such other applicable approval criteria as are stated in this Section."

SECTION 4. AMENDMENT OF COMMUNITY SERVICE USES.

MCC Chapter 11.15 is amended to add Section .7022, to read as follows:

"11.15.7022 Limited Alternative Uses of Surplus Public School Space.

(A) Purpose. The purpose of this section is to facilitate the efficient alternative use of vacant or under-utilized public school building space by authorizing those uses which are beneficial to or compatible with the community.

(i) The school district board having jurisdiction over the school building in question, is hereby designated as the Hearings Officer for the purposes of MCC 11.15.7022.

(B) Minor Uses. The Board finds that the uses listed in this subsection are so similar to school use in land use impact, that they should be allowed as accessory or alternative uses to approved school use. At the same time, the policy of citizen involvement and open public participation dictates that these listed uses only be permitted after public review by the affected school district board.

Subject to the provisions of MCC .7022(F). (H), and (I), one or more of the following alternative uses may be permitted to occupy vacant or under-utilized space in an existing public school building where the total of such space does not exceed 20% of the classroom space in the building:

- (1) Adult, teen or senior center.
- (2) Community food or non-profit hot meals service.
- (3) Day nursery, kindergarten or after-school child care.
- (4) Day or evening classes, such as high school or college level courses, vocational school, physical fitness, indoor or outdoor recreation.
- (5) Health center, including counseling, well-baby clinic or physical therapy.
- (6) Library.
- (7) Accessory uses common to the above uses.

The 20%-of-the-classroom-space standard shall be interpreted narrowly so as to rule out the applicability of this subsection in the event of doubt.

- (C) Other Uses. Subject to the provisions of MCC .7022 (G), (H), and (I), the following alternative uses may be permitted to occupy vacant or under-utilized space in an existing public school building:
- (1) Those uses listed in (B) above when occupying more than 20% of the building classroom space.
 - (2) Arts or crafts gallery or sales.
 - (3) Community access cable TV studio.
 - (4) Computer or data processing facility.
 - (5) Governmental branch office or subcenter.
 - (6) Office of non-profit or charitable group or association.
 - (7) Professional or business office.
 - (8) Accessory uses common to the above uses.
- (D) EXCEPTIONS. The uses listed in .7022 (B) and (C) do not include a corrections center, halfway house or rehabilitation facility.
- (E) Pre-existing Uses. A use listed in MCC .7022(B) or (C) which occupied public school building space on the effective date of this Ordinance shall be deemed to have satisfied the provisions of this section.
- (F) Action on Minor Uses. Action on a proposal to locate a use listed in MCC .7022(B) shall be taken by the school district board.
- (1) The proposal shall be considered at a regular school board meeting and again at a public hearing called by the school board for the purpose.
 - (2) Notice of the meetings and purpose shall be given by the school board by first class mail at least 15 days in advance of each meeting to each owner of property within 250 feet of the school site, and to such other persons or groups as have requested notice on such matters.
 - (3) The school board shall conduct the public hearing generally in accordance with the Rules of Procedure adopted by the Hearings Officer under MCC .8125(A).

- (4) The decision and the statement of findings of fact and conclusions adopted by the school board at the public hearing shall be filed with the Planning Director within ten days of the action.
- (G) Action on Other Uses. Action on a proposal to locate a use listed in MCC .7022(C) shall be taken under the provisions of MCC .8205 through .8285, modified to substitute "school district board" for "Hearings Officer" or "Planning Commission," and further modified as follows:
 - (1) An action may only be initiated by the school district board under MCC .8210(A).
 - (2) The school district board shall:
 - (a) Act to give notice of public hearing under MCC .8220,
 - (b) Conduct the required hearing(s) under MCC .8230,
 - (c) Make findings of fact and conclusions under MCC .8235,
 - (d) Make decisions under MCC .8240,
 - (e) Maintain proceeding records under MCC .8245, and
 - (3) The school district board shall file the written decision in accordance with MCC .8240. The Planning Director and the Clerk of the Board shall follow the requirements of MCC .8255.
 - (4) The decision of the school district board shall become final on the tenth business day following submittal to the Clerk of the Board of County Commissioners, unless a Notice of Review shall have been filed under MCC .8260, or the Board of County Commissioners orders review under MCC .8265.
 - (5) EXCEPTION. At the option of the school district board, action proceedings may be taken by the Hearings Officer.
- (H) Approval Criteria. In approving an alternative use listed in .7022(B) or (C), the approval authority shall find:
 - (1) The approval criteria of MCC .7015 are satisfied; and
 - (2) The use will occupy existing public school building space which is surplus to the current or anticipated need for school purposes; and

- (3) The use will provide an appropriate public facility or public non-profit service to the immediate area of community; or
- (4) The use is consistent with urban area needs in a location and under circumstances reasonably suitable for the purpose; and
- (5) There are safe, convenient and reasonably suitable means of pedestrian, bicycle and vehicle access to and circulation on the site; and
- (6) The applicable development standards of this Chapter are met or can be satisfied through appropriate conditions of approval.

(I) Approval Conditions. The approval authority may impose approval limitations or conditions as listed in MCC .7010(E)."

SECTION 5. FEES.

MCC 11.15.9010(B) is amended by adding:

- "(1) Minor alternative uses in public school buildings,
(MCC .7022(B) \$ 30.00
- (2) Alternative uses in public school buildings,
(MCC .7022(C) \$100.00"

ADOPTION

This Ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on August 19, 1982, according to Section 5.50 of the Charter of Multnomah County.

ADOPTED this 20th day of July, 1982, being the date of its 2nd reading before the Board of County Commissioners of Multnomah County, Oregon.

FOR THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

By *Christine Miller*
Presiding Officer

Authenticated by the County Executive on the 23 day of

July, 1982.

Donald E. Clark
DONALD E. CLARK, County Executive

APPROVED AS TO FORM:

JOHN B. LEAHY, County Counsel
for Multnomah County, Oregon

By *Laurence Kressel*
Laurence Kressel, Deputy