

# Senate Bill 336

Sponsored by Senator SCHRADER (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Removes provision providing that school capacity cannot be sole basis for approval or denial of residential development application.

## A BILL FOR AN ACT

1  
2 Relating to school facility planning; amending ORS 195.110.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 195.110 is amended to read:

5 195.110. (1)(a) A county or city containing a high growth school district shall include as an el-  
6 ement of its comprehensive plan a school facility plan prepared by the high growth district in co-  
7 operation with the city or county.

8 (b) A county or city containing a high growth area shall initiate planning activities with a  
9 school district to accomplish planning as required under ORS 195.020.

10 (c) The provisions of paragraph (a) of this subsection do not apply to a city that contains less  
11 than 10 percent of the total population of a high growth school district.

12 (2) As used in this section, "high growth school district" means any school district that has an  
13 enrollment of over 5,000 students and had an increase in student enrollment of six percent or more  
14 during the three most recent school years, based on certified enrollment numbers submitted to the  
15 Department of Education during the first quarter of each new school year.

16 (3) The school facility plan shall identify school facility needs based on population growth  
17 projections and land use designations contained in the city or county comprehensive plan. The plan  
18 shall be updated during periodic review and may be updated more frequently by mutual agreement  
19 between the school district and the county or city.

20 (4)(a) In the school facility plan, a high growth school district shall assess the capacity of school  
21 facilities on the basis of objective criteria that are formally approved by the school board. In an  
22 agreement under ORS 195.020, the school district and the city or county shall agree, to the greatest  
23 extent possible, on the criteria for the capacity of school facilities. After a school district formally  
24 adopts criteria for the capacity of school facilities, a county or city shall accept those criteria as  
25 its own for purposes of evaluating applications for a comprehensive plan amendment or for a resi-  
26 dential land use regulation amendment.

27 (b) A city or county shall provide notice to an affected school district when considering a plan  
28 or land use regulation amendment that significantly impacts school capacity. If the school district  
29 requests, the city or county shall implement a coordinated process with the school district to iden-  
30 tify potential school sites and facilities to address the projected impacts.

31 (c) The provisions of paragraph (b) of this subsection apply to an action that involves:

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 (A) High growth school districts;

2 (B) Light rail planning in an area that is not a high growth school district; or

3 (C) The addition of 1,000 or more residential units in an area that is not a high growth school  
4 district.

5 (5) The school facility plan shall provide for the integration of existing city or county land  
6 dedication requirements with the needs of the school district.

7 (6) Any school district not defined as high growth in subsection (2) of this section may adopt a  
8 plan for school facilities as set forth in this section, subject to cooperation with the affected cities  
9 or counties.

10 (7) The school facility plan shall cover a period of at least five years and shall include but need  
11 not be limited to the following elements:

12 (a) Population projections by school age group;

13 (b) Identification by both the city or county and the school district of desirable school sites;

14 (c) Physical improvements needed to bring existing schools up to the school district's minimum  
15 standards;

16 (d) Financial plans to meet school facility needs;

17 (e) An analysis of:

18 (A) The alternatives to new school construction and major renovation; and

19 (B) Measures to increase the efficient use of school sites including, but not limited to,  
20 multiple-story buildings and multipurpose use of sites;

21 (f) Five-year capital improvement plans;

22 (g) Site acquisition schedules and programs; and

23 (h) Based on the elements included in the school facility plan under this subsection and appli-  
24 cable laws and rules, an analysis of the land required for the five-year period covered by the plan  
25 that is suitable, as a permitted or conditional use, for school facilities inside the urban growth  
26 boundary.

27 (8) If a school district determines that there is an inadequate supply of suitable land for school  
28 facilities for the five-year period covered by the plan, the city or county, or both, and the school  
29 district shall cooperate in identifying land for school facilities including, but not limited to, adopting  
30 appropriate zoning, aggregating existing lots or parcels in separate ownership, adding one or more  
31 sites designated for school facilities to an urban growth boundary or petitioning a metropolitan  
32 service district to add one or more sites designated for school facilities to an urban growth bound-  
33 ary pursuant to applicable law and rules.

34 (9) The capacity of a school facility shall not be the basis for a development moratorium under  
35 ORS 197.505 to 197.540.

36 (10) This section [*and ORS 197.015 do*] **does** not confer any power to a school district to declare  
37 a building moratorium.

38 [*(11) Notwithstanding any other provision of state or local law, school capacity shall not be the sole*  
39 *basis for the approval or denial of any residential development application, unless the application in-*  
40 *volves changes to the local government comprehensive plan or land use regulations.*]  
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