

# House Bill 2946

Sponsored by Representatives BAILEY, CLEM

## 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**.

Directs Land Conservation and Development Commission to amend statewide land use planning goals to require land use planning for public schools, consistent with policy of Legislative Assembly.

## A BILL FOR AN ACT

1  
2 Relating to school facility planning; creating new provisions; and amending ORS 195.110.

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

4 **SECTION 1. (1) The Land Conservation and Development Commission shall amend a**  
5 **statewide land use planning goal relating to public facilities and services, or otherwise adopt**  
6 **or amend goals, to require land use planning for public schools.**

7 **(2) In carrying out subsection (1) of this section, the commission shall make changes to**  
8 **the goal that are consistent with ORS 195.110 (2).**

9 **SECTION 2.** ORS 195.110 is amended to read:

10 195.110. (1) As used in this section, "large school district" means a school district that has an  
11 enrollment of over 2,500 students based on certified enrollment numbers submitted to the Depart-  
12 ment of Education during the first quarter of each new school year.

13 **(2) The Legislative Assembly finds and declares that:**

14 **(a) Public schools, large and small, play an essential role in the vitality of our commu-**  
15 **nities.**

16 **(b) Well designed and located schools can:**

17 **(A) Contribute positively to neighborhood identity;**

18 **(B) Promote walking and bicycling;**

19 **(C) Demonstrate and inspire sustainable living; and**

20 **(D) Encourage civic and social learning and engagement.**

21 **(c) Over the past several decades, Oregon communities have diverged from the tradi-**  
22 **tional siting and construction of schools by:**

23 **(A) Building schools only where land was cheapest;**

24 **(B) Constructing school facilities with a focus solely on lowest initial cost; and**

25 **(C) Designing schools in ways that reinforce single use and lack of flexibility.**

26 **(d) Oregon communities suffer the results of this lack of vision, and a new vision for**  
27 **Oregon schools is needed in which schools are:**

28 **(A) Sited to build community;**

29 **(B) Designed to promote social learning and shared use; and**

30 **(C) Funded and constructed with life cycle costs, not initial costs, as the primary con-**  
31 **cern.**

**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       **(e) The State of Oregon must enable better school siting during concept planning and**  
 2 **funding to:**

3       **(A) Promote sharing of school facilities and flexible use; and**

4       **(B) Require emphasis on life cycle uses and costs as the standard for school construction,**  
 5 **rehabilitation and replacement.**

6       [(2)] **(3)** A city or county containing a large school district shall:

7       (a) Include as an element of its comprehensive plan a school facility plan prepared by the dis-  
 8 trict in consultation with the affected city or county.

9       (b) Initiate planning activities with a school district to accomplish planning as required under  
 10 ORS 195.020.

11       [(3)] **(4)** The provisions of subsection [(2)(a)] **(3)(a)** of this section do not apply to a city or a  
 12 county that contains less than 10 percent of the total population of the large school district.

13       [(4)] **(5)** The large school district shall select a representative to meet and confer with a repre-  
 14 sentative of the city or county, as described in subsection [(2)(b)] **(3)(b)** of this section, to accomplish  
 15 the planning required by ORS 195.020 and shall notify the city or county of the selected represen-  
 16 tative. The city or county shall provide the facilities and set the time for the planning activities.  
 17 The representatives shall meet at least twice each year, unless all representatives agree in writing  
 18 to another schedule, and make a written summary of issues discussed and proposed actions.

19       [(5)(a)] **(6)(a)** The school facility plan must cover a period of at least 10 years and must include,  
 20 but need not be limited to, the following elements:

21       (A) Population projections by school age group.

22       (B) Identification by the city or county and by the large school district of desirable school sites.

23       (C) Descriptions of physical improvements needed in existing schools to meet the minimum  
 24 standards of the large school district.

25       (D) Financial plans to meet school facility needs, including an analysis of available tools to en-  
 26 sure facility needs are met.

27       (E) An analysis of:

28       (i) The alternatives to new school construction and major renovation; and

29       (ii) Measures to increase the efficient use of school sites including, but not limited to, multiple-  
 30 story buildings and multipurpose use of sites.

31       (F) Ten-year capital improvement plans.

32       (G) Site acquisition schedules and programs.

33       (b) Based on the elements described in paragraph (a) of this subsection and applicable laws and  
 34 rules, the school facility plan must also include an analysis of the land required for the 10-year pe-  
 35 riod covered by the plan that is suitable, as a permitted or conditional use, for school facilities in-  
 36 side the urban growth boundary.

37       [(6)] **(7)** If a large school district determines that there is an inadequate supply of suitable land  
 38 for school facilities for the 10-year period covered by the school facility plan, the city or county,  
 39 or both, and the large school district shall cooperate in identifying land for school facilities and take  
 40 necessary actions, including, but not limited to, adopting appropriate zoning, aggregating existing  
 41 lots or parcels in separate ownership, adding one or more sites designated for school facilities to  
 42 an urban growth boundary, or petitioning a metropolitan service district to add one or more sites  
 43 designated for school facilities to an urban growth boundary pursuant to applicable law.

44       [(7)] **(8)** The school facility plan shall provide for the integration of existing city or county land  
 45 dedication requirements with the needs of the large school district.

1        [(8)] (9) The large school district shall:

2        (a) Identify in the school facility plan school facility needs based on population growth  
3 projections and land use designations contained in the city or county comprehensive plan; and

4        (b) Update the school facility plan during periodic review or more frequently by mutual agree-  
5 ment between the large school district and the affected city or county.

6        [(9)(a)] (10)(a) In the school facility plan, the district school board of a large school district may  
7 adopt objective criteria to be used by an affected city or county to determine whether adequate  
8 capacity exists to accommodate projected development. Before the adoption of the criteria, the large  
9 school district shall confer with the affected cities and counties and agree, to the extent possible,  
10 on the appropriate criteria. After a large school district formally adopts criteria for the capacity  
11 of school facilities, an affected city or county shall accept those criteria as its own for purposes of  
12 evaluating applications for a comprehensive plan amendment or for a residential land use regulation  
13 amendment.

14        (b) A city or county shall provide notice to an affected large school district when considering  
15 a plan or land use regulation amendment that significantly impacts school capacity. If the large  
16 school district requests, the city or county shall implement a coordinated process with the district  
17 to identify potential school sites and facilities to address the projected impacts.

18        [(10)] (11) A school district that is not a large school district may adopt a school facility plan  
19 as described in this section in consultation with an affected city or county.

20        [(11)] (12) The capacity of a school facility is not the basis for a development moratorium under  
21 ORS 197.505 to 197.540.

22        [(12)] (13) This section does not confer any power to a school district to declare a building  
23 moratorium.

24        [(13)] (14) A city or county may deny an application for residential development based on a lack  
25 of school capacity if:

26        (a) The issue is raised by the school district;

27        (b) The lack of school capacity is based on a school facility plan formally adopted under this  
28 section; and

29        (c) The city or county has considered options to address school capacity.

30        **SECTION 3. The Land Conservation and Development Commission shall adopt or amend**  
31 **statewide land use planning goals, as required by section 1 of this 2009 Act, within one year**  
32 **after the effective date of this 2009 Act.**  
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