

Senate Bill 276

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for Bicycle Transportation Alliance)

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**.

Requires school district to consider effect of school site selection on transportation costs to school district and to families of school children.

A BILL FOR AN ACT

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

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

4 **SECTION 1. A school district, as defined in ORS 330.005, shall consider the effect of**
5 **school site selection on transportation costs to the school district and to the families of**
6 **school children. When selecting between potential school sites, the school district shall esti-**
7 **mate anticipated transportation costs associated with desirable school sites and shall com-**
8 **pare anticipated transportation costs for desirable school sites that are centrally located in**
9 **the school district with anticipated transportation costs for desirable school sites on the**
10 **periphery of the school district.**

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

12 195.110. (1) As used in this section, "large school district" means a school district, **as defined**
13 **in ORS 330.005**, that has an enrollment of over 2,500 students based on certified enrollment numbers
14 submitted to the Department of Education during the first quarter of each new school year.

15 (2) A city or county containing a large school district shall:

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

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

20 (3) The provisions of subsection (2)(a) of this section do not apply to a city or a county that
21 contains less than 10 percent of the total population of the large school district.

22 (4) The large school district shall select a representative to meet and confer with a represen-
23 tative of the city or county, as described in subsection (2)(b) of this section, to accomplish the
24 planning required by ORS 195.020 and shall notify the city or county of the selected representative.
25 The city or county shall provide the facilities and set the time for the planning activities. The rep-
26 resentatives shall meet at least twice each year, unless all representatives agree in writing to an-
27 other schedule, and make a written summary of issues discussed and proposed actions.

28 (5)(a) The school facility plan must cover a period of at least 10 years and must include, but
29 need not be limited to, the following elements:

30 (A) Population projections by school age group.

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

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

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

6 **(E) A projection of anticipated transportation costs, to the school district and to the**
7 **families of school children, associated with desirable school sites, including a comparison of**
8 **anticipated transportation costs for desirable school sites that are centrally located in the**
9 **school district with anticipated transportation costs for desirable school sites on the pe-**
10 **riphery of the school district.**

11 [(E)] (F) An analysis of:

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

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

15 [(F)] (G) Ten-year capital improvement plans.

16 [(G)] (H) Site acquisition schedules and programs.

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

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

28 (7) The school facility plan shall provide for the integration of existing city or county land
29 dedication requirements with the needs of the large school district.

30 (8) The large school district shall:

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

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

35 (9)(a) In the school facility plan, the district school board of a large school district may adopt
36 objective criteria to be used by an affected city or county to determine whether adequate capacity
37 exists to accommodate projected development. Before the adoption of the criteria, the large school
38 district shall confer with the affected cities and counties and agree, to the extent possible, on the
39 appropriate criteria. After a large school district formally adopts criteria for the capacity of school
40 facilities, an affected city or county shall accept those criteria as its own for purposes of evaluating
41 applications for a comprehensive plan amendment or for a residential land use regulation amend-
42 ment.

43 (b) A city or county shall provide notice to an affected large school district when considering
44 a plan or land use regulation amendment that significantly impacts school capacity. If the large
45 school district requests, the city or county shall implement a coordinated process with the district

1 to identify potential school sites and facilities to address the projected impacts.

2 (10) A school district that is not a large school district may adopt a school facility plan as de-
3 scribed in this section in consultation with an affected city or county.

4 (11) The capacity of a school facility is not the basis for a development moratorium under ORS
5 197.505 to 197.540.

6 (12) This section does not confer any power to a school district to declare a building morato-
7 rium.

8 (13) A city or county may deny an application for residential development based on a lack of
9 school capacity if:

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

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

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

14 **SECTION 3. Section 1 of this 2009 Act and the amendments to ORS 195.110 by section 2**
15 **of this 2009 Act apply to a school facility planning process or a school site selection process**
16 **that is completed more than 90 days after the effective date of this 2009 Act.**

17