

House Bill 3426

Sponsored by Representative NEARMAN

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**.

Allows nonconforming public or private school on land zoned for exclusive farm use to expand on contiguous land acquired by school after school became nonconforming.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to nonconforming schools in exclusive farm use zones; amending ORS 215.135; and declaring
3 an emergency.

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

5 **SECTION 1.** ORS 215.135 is amended to read:

6 215.135. (1) In addition to and not in lieu of the authority in ORS 215.130 to continue, alter,
7 restore or replace a use that has been disallowed by the enactment or amendment of a zoning or-
8 dinance or regulation, a [*use*] **public or private school** formerly allowed pursuant to ORS 215.213
9 (1)(a), **as in effect on and after January 1, 1974, and before January 1, 2010, or ORS 215.283**
10 (1)(a), **as in effect on and after January 1, 1984, and before January 1, 2010, may be expanded**
11 **if the expansion occurs on:** [*before January 1, 2010, may be expanded subject to:*]

12 [*(a) The requirements of subsection (2) of this section; and*]

13 [*(b) Conditional approval of the county in the manner provided in ORS 215.296.*]

14 [(2) A nonconforming use described in subsection (1) of this section may be expanded under this
15 section if:]

16 [(a) The use was established on or before January 1, 2009; and]

17 [(b) The expansion occurs on:]

18 [(A) The tax lot on which the use was established on or before January 1, 2009; or]

19 [(B) A tax lot that is contiguous to the tax lot described in subparagraph (A) of this paragraph
20 and that was owned by the applicant on January 1, 2009.]

21 **(a) The tax lot on which the public or private school was established; or**

22 **(b) A tax lot that is contiguous to the tax lot described in paragraph (a) of this sub-**
23 **section.**

24 **(2) Expansion of a public or private school under this section does not require the con-**
25 **ditional approval of a local government.**

26 **SECTION 2.** This 2017 Act being necessary for the immediate preservation of the public
27 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
28 on its passage.

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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.