

Enrolled
House Bill 3384

Sponsored by Representative WILDE, Senator BEYER; Representatives HAYDEN, NEARMAN

CHAPTER

AN ACT

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

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

SECTION 1. ORS 215.135 is amended to read:

215.135. (1) *[In addition to and not in lieu of the authority in ORS 215.130 to continue, alter, restore or replace a use that has been disallowed by the enactment or amendment of a zoning ordinance or regulation, a use]* **Notwithstanding ORS 215.130, 215.213 or 215.283 or any local zoning ordinance or regulation, a public or private school, including all buildings essential to the operation of the school,** formerly allowed pursuant to ORS 215.213 (1)(a) or 215.283 (1)(a), as in effect before January 1, 2010, may be expanded *[subject to]* **provided:**

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

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

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

(a) The expansion complies with ORS 215.296;

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

[(b) The expansion occurs on:]

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

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

(c) The expansion occurs on a tax lot:

(A) On which the school was established; or

(B) Contiguous to and, on January 1, 2015, under the same ownership as the tax lot on which the school was established; and

(d) The school is a public or private school for kindergarten through grade 12.

(2) A county may not deny an expansion under this section upon any rule or condition establishing:

(a) A maximum capacity of people in the structure or group of structures;

(b) A minimum distance between structures; or

(c) A maximum density of structures per acre.

SECTION 2. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Passed by House April 18, 2019

Repassed by House June 6, 2019

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 23, 2019

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

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Bev Clarno, Secretary of State