House Bill 3384

Sponsored by Representative WILDE, Senator BEYER

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.

Limits reasons counties may deny expansion of certain schools on land zoned for exclusive farm use.

A BILL FOR AN ACT

Relating to nonconforming schools in exclusive farm use zones; amending ORS 215.135.

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, re-
store or replace a use that has been disallowed by the enactment or amendment of a zoning ordinance or regulation, a use] Notwithstanding ORS 215.213, 215.130 or 215.283 or any local zoning ordi-
nance or regulation, a public or private school, including all buildings essential to the oper-
ation 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] on a lot or parcel 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) (c) The expansion occurs on:

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

(B) A [tax] lot or parcel that is contiguous to the [tax] lot or parcel described in subparagraph

(A) of this paragraph and that was owned by the applicant on January 1, 2009.

(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.

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.

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