

# 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, restore or replace a use that has been disallowed by the enactment or amendment of a zoning ordinance or regulation, a use]* **Notwithstanding ORS 215.213, 215.130 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]* **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.