

**A-Engrossed**  
**House Bill 3384**

Ordered by the House April 15  
Including House Amendments dated April 15

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.

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

**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, re-*  
7 *store or replace a use that has been disallowed by the enactment or amendment of a zoning ordinance*  
8 *or regulation, a use]* **Notwithstanding ORS 215.130, 215.213 or 215.283 or any local zoning ordi-**  
9 **nance or regulation, a public or private school, including all buildings essential to the oper-**  
10 **ation of the school,** formerly allowed pursuant to ORS 215.213 (1)(a) or 215.283 (1)(a), as in effect  
11 before January 1, 2010, may be expanded *[subject to]* **provided:**

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 expansion complies with ORS 215.296;**

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

18 *[(b) The expansion occurs on:]*

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

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

22 **(c) The expansion occurs on a tax lot:**

23 **(A) On which the school was established; or**

24 **(B) Contiguous to and under the same ownership as the tax lot on which the school was**  
25 **established; and**

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

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

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

2       **(b) A minimum distance between structures; or**

3       **(c) A maximum density of structures per acre.**

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

7

---