

HB 3384 B STAFF MEASURE SUMMARY

Carrier: Sen. Beyer

Senate Committee On Environment and Natural Resources

Action Date: 05/14/19

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Bentz, Dembrow, Olsen, Prozanski, Roblan

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Beth Patrino, LPRO Analyst

Meeting Dates: 5/2, 5/14, 5/16

WHAT THE MEASURE DOES:

Revises statute allowing the expansion of a nonconforming school use in exclusive farm use zone. Allows the expansion of a public or private school that was established on or before January 1, 2009 on the tax lot on which the school was established, or on a tax lot contiguous to and under the same ownership as the tax lot on which the school was established. Limits schools for possible expansion on EFU lands to kindergarten through grade 12 schools. Specifies that a county cannot deny a public or private school expansion on land zoned for exclusive farm use (EFU) based on a rule or condition that establishes: a maximum capacity of people in the structure or group of structures, a minimum distance between structures, or a maximum density of structures per acre. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Oak Hill School expansion plans
- Land Conservation and Development Commission administrative rule prohibiting expansion of buildings with a capacity of more than 100 people
- Concern that measure would conflict with federal law that protects religious institutions from discriminatory land use regulations

EFFECT OF AMENDMENT:

-4 Adds date requiring that school expansion occur on a tax lot that on January 1, 2015 is under the same ownership as the tax lot on which the school was established.

BACKGROUND:

Oregon's Statewide Planning Goal 3, 'Agricultural Lands,' requires all agricultural lands to be inventoried and preserved by adopting exclusive farm use (EFU) zones. Farm uses allowed on EFU-zoned lands include: raising, harvesting, and selling crops; feeding, breeding, managing, and selling certain animals; and preparing, storing, and disposing of products and by-products raised on these lands. ORS 215.213 and 215.283 allow numerous exceptions, both outright and conditional, for certain nonfarm uses on EFU-zoned lands. Common nonfarm uses include commercial activities in conjunction with farm uses; utility facilities necessary for public service; and certain road improvement projects, schools, community centers, churches, parks and playgrounds, and dwellings.

In 2009, the legislature passed House Bill 3099, which removed outright EFU exceptions for schools. The legislation added a conditional exception for public or private schools that primarily serve the rural residents from the area where the school is located. The legislation also allowed for the expansion of nonconforming public and private schools on EFU lands that existed on or before January 1, 2009, provided that the expansion occurs on the tax lot on which the use was established on or before January 1, 2009, or on a contiguous lot that was owned by the applicant on January 1, 2009, and that the applicant receives conditional approval from the county.

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House Bill 3384B would allow public or private school expansion on the tax lot on which a school was established, or on a tax lot contiguous to and under the same ownership as the tax lot on which the school was established, and would specify that a county cannot deny a school expansion on EFU land based on certain rules or conditions related to capacity, density, or distance between structures.