

Enrolled Senate Bill 336

Sponsored by Senator SCHRADER; Senator DEVLIN, Representative HUNT (Presession filed.)

CHAPTER

AN ACT

Relating to school facility planning; creating new provisions; and amending ORS 195.110 and 197.299.

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

SECTION 1. ORS 195.110 is amended to read:

195.110. (1) **As used in this section, "large school district" means a school district that has an enrollment of over 2,500 students based on certified enrollment numbers submitted to the Department of Education during the first quarter of each new school year.**

[(1)(a)] (2) A **city or county** [or city] containing a [high growth] **large** school district shall:

(a) Include as an element of its comprehensive plan a school facility plan prepared by the [high growth] district in [cooperation] **consultation** with the **affected** city or county.

(b) [A county or city containing a high growth area shall] Initiate planning activities with a school district to accomplish planning as required under ORS 195.020.

[(c)] (3) The provisions of [paragraph (a) of this] subsection (2)(a) **of this section** do not apply to a city **or a county** that contains less than 10 percent of the total population of [a high growth] **the large** school district.

[(2) As used in this section, "high growth school district" means any school district that has an enrollment of over 5,000 students and had an increase in student enrollment of six percent or more during the three most recent school years, based on certified enrollment numbers submitted to the Department of Education during the first quarter of each new school year.]

(4) **The large school district shall select a representative to meet and confer with a representative of the city or county, as described in subsection (2)(b) of this section, to accomplish the planning required by ORS 195.020 and shall notify the city or county of the selected representative. The city or county shall provide the facilities and set the time for the planning activities. The representatives shall meet at least twice each year, unless all representatives agree in writing to another schedule, and make a written summary of issues discussed and proposed actions.**

(5)(a) **The school facility plan must cover a period of at least 10 years and must include, but need not be limited to, the following elements:**

(A) **Population projections by school age group.**

(B) **Identification by the city or county and by the large school district of desirable school sites.**

(C) **Descriptions of physical improvements needed in existing schools to meet the minimum standards of the large school district.**

(D) **Financial plans to meet school facility needs, including an analysis of available tools to ensure facility needs are met.**

(E) An analysis of:

(i) The alternatives to new school construction and major renovation; and

(ii) Measures to increase the efficient use of school sites including, but not limited to, multiple-story buildings and multipurpose use of sites.

(F) Ten-year capital improvement plans.

(G) Site acquisition schedules and programs.

(b) Based on the elements described in paragraph (a) of this subsection and applicable laws and rules, the school facility plan must also include an analysis of the land required for the 10-year period covered by the plan that is suitable, as a permitted or conditional use, for school facilities inside the urban growth boundary.

(6) If a large school district determines that there is an inadequate supply of suitable land for school facilities for the 10-year period covered by the school facility plan, the city or county, or both, and the large school district shall cooperate in identifying land for school facilities and take necessary actions, including, but not limited to, adopting appropriate zoning, aggregating existing lots or parcels in separate ownership, adding one or more sites designated for school facilities to an urban growth boundary, or petitioning a metropolitan service district to add one or more sites designated for school facilities to an urban growth boundary pursuant to applicable law.

(7) The school facility plan shall provide for the integration of existing city or county land dedication requirements with the needs of the large school district.

(8) The large school district shall:

[3] (a) Identify in the school facility plan *[shall identify]* school facility needs based on population growth projections and land use designations contained in the city or county comprehensive plan. *[The plan shall be updated]; and*

(b) Update the school facility plan during periodic review *[and may be updated]* or more frequently by mutual agreement between the large school district and the *[county or]* affected city or county.

[(4)(a) In the school facility plan, a high growth school district shall assess the capacity of school facilities on the basis of objective criteria that are formally approved by the school board. In an agreement under ORS 195.020, the school district and the city or county shall agree, to the greatest extent possible, on the criteria for the capacity of school facilities.]

(9)(a) In the school facility plan, the district school board of a large school district may adopt objective criteria to be used by an affected city or county to determine whether adequate capacity exists to accommodate projected development. Before the adoption of the criteria, the large school district shall confer with the affected cities and counties and agree, to the extent possible, on the appropriate criteria. After a large school district formally adopts criteria for the capacity of school facilities, *[a county or city]* an affected city or county shall accept those criteria as its own for purposes of evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment.

(b) A city or county shall provide notice to an affected large school district when considering a plan or land use regulation amendment that significantly impacts school capacity. If the large school district requests, the city or county shall implement a coordinated process with the *[school]* district to identify potential school sites and facilities to address the projected impacts.

[(c) The provisions of paragraph (b) of this subsection apply to an action that involves:]

[(A) High growth school districts;]

[(B) Light rail planning in an area that is not a high growth school district; or]

[(C) The addition of 1,000 or more residential units in an area that is not a high growth school district.]

[(5) The school facility plan shall provide for the integration of existing city or county land dedication requirements with the needs of the school district.]

[6] (10) *[Any]* A school district *[not defined as high growth in subsection (2) of this section]* that is not a large school district may adopt a *[plan for school facilities as set forth in this section,*

subject to cooperation with the affected cities or counties] **school facility plan as described in this section in consultation with an affected city or county.**

[(7) The school facility plan shall cover a period of at least five years and shall include but need not be limited to the following elements:]

[(a) Population projections by school age group;]

[(b) Identification by both the city or county and the school district of desirable school sites;]

[(c) Physical improvements needed to bring existing schools up to the school district's minimum standards;]

[(d) Financial plans to meet school facility needs;]

[(e) An analysis of:]

[(A) The alternatives to new school construction and major renovation; and]

[(B) Measures to increase the efficient use of school sites including, but not limited to, multiple-story buildings and multipurpose use of sites;]

[(f) Five-year capital improvement plans;]

[(g) Site acquisition schedules and programs; and]

[(h) Based on the elements included in the school facility plan under this subsection and applicable laws and rules, an analysis of the land required for the five-year period covered by the plan that is suitable, as a permitted or conditional use, for school facilities inside the urban growth boundary.]

[(8) If a school district determines that there is an inadequate supply of suitable land for school facilities for the five-year period covered by the plan, the city or county, or both, and the school district shall cooperate in identifying land for school facilities including, but not limited to, adopting appropriate zoning, aggregating existing lots or parcels in separate ownership, adding one or more sites designated for school facilities to an urban growth boundary or petitioning a metropolitan service district to add one or more sites designated for school facilities to an urban growth boundary pursuant to applicable law and rules.]

[(9)] **(11)** The capacity of a school facility [*shall not be*] **is not** the basis for a development moratorium under ORS 197.505 to 197.540.

[(10)] **(12)** This section [*and ORS 197.015 do*] **does** not confer any power to a school district to declare a building moratorium.

[(11) Notwithstanding any other provision of state or local law, school capacity shall not be the sole basis for the approval or denial of any residential development application, unless the application involves changes to the local government comprehensive plan or land use regulations.]

(13) A city or county may deny an application for residential development based on a lack of school capacity if:

(a) The issue is raised by the school district;

(b) The lack of school capacity is based on a school facility plan formally adopted under this section; and

(c) The city or county has considered options to address school capacity.

SECTION 2. ORS 197.299 is amended to read:

197.299. (1) A metropolitan service district organized under ORS chapter 268 shall complete the inventory, determination and analysis required under ORS 197.296 (3) not later than five years after completion of the previous inventory, determination and analysis.

(2)(a) The metropolitan service district shall take such action as necessary under ORS 197.296 (6)(a) to accommodate one-half of a 20-year buildable land supply determined under ORS 197.296 (3) within one year of completing the analysis.

(b) The metropolitan service district shall take all final action under ORS 197.296 (6)(a) necessary to accommodate a 20-year buildable land supply determined under ORS 197.296 (3) within two years of completing the analysis.

(c) The metropolitan service district shall take action under ORS 197.296 (6)(b), within one year after the analysis required under ORS 197.296 (3)(b) is completed, to provide sufficient buildable land within the urban growth boundary to accommodate the estimated housing needs for 20 years from

the time the actions are completed. The metropolitan service district shall consider and adopt new measures that the governing body deems appropriate under ORS 197.296 (6)(b).

(3) The Land Conservation and Development Commission may grant an extension to the time limits of subsection (2) of this section if the Director of the Department of Land Conservation and Development determines that the metropolitan service district has provided good cause for failing to meet the time limits.

(4)(a) The metropolitan service district shall establish a process to expand the urban growth boundary to accommodate a need for land for a public school that cannot reasonably be accommodated within the existing urban growth boundary. The metropolitan service district shall design the process to:

(A) Accommodate a need that must be accommodated between periodic analyses of urban growth boundary capacity required by subsection (1) of this section; and

(B) Provide for a final decision on a proposal to expand the urban growth boundary within four months after submission of a complete application by a *[high growth]* **large** school district[,] as defined in ORS 195.110.

(b) At the request of a *[high growth]* **large** school district, the metropolitan service district shall assist the *[high growth]* **large** school district to identify school sites required by the school facility planning process described in ORS 195.110. A need for a public school is a specific type of identified land need under ORS 197.298 (3).

SECTION 3. A school district that is a large school district as defined in ORS 195.110 on the effective date of this 2007 Act shall complete a school facility plan within two years after the effective date of this 2007 Act.

Passed by Senate April 24, 2007

Received by Governor:

Repassed by Senate June 13, 2007

.....M.,....., 2007

Approved:

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Secretary of Senate

.....M.,....., 2007

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President of Senate

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Governor

Passed by House June 11, 2007

Filed in Office of Secretary of State:

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Speaker of House

.....M.,....., 2007

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Secretary of State