

Senate Bill 542

Sponsored by Senator PROZANSKI (at the request of Cathy Bellavita)

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**.

Requires city or county to prepare and review economic impact report before approving or disapproving application for permit to construct retail building larger than 100,000 gross square feet.

A BILL FOR AN ACT

1
2 Relating to construction of superstore retailers.

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

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 215.402 to**
5 **215.438.**

6 **SECTION 2. (1) The Legislative Assembly finds and declares that:**

7 (a) **The construction and operation of a superstore retailer has land use, environmental,**
8 **economic, fiscal and social equity effects that extend beyond the boundaries of the county in**
9 **which the superstore retailer is located.**

10 (b) **It is essential for the statewide public health, safety and welfare to require counties**
11 **to evaluate and consider the potential spillover effects of approving the construction and**
12 **operation of a superstore retailer.**

13 (c) **The review and regulation of superstore retailers is a matter of statewide concern.**

14 (2) **Before approving or disapproving an application for a permit to construct a super-**
15 **store retailer, the county shall prepare, or cause to be prepared by a neutral third party**
16 **qualified by education, training and experience to do so, an economic impact report.**

17 (3) **The economic impact report required by subsection (2) of this section must include,**
18 **but need not be limited to:**

19 (a) **An assessment of the extent to which the proposed superstore retailer will capture**
20 **a share of retail sales in the market area.**

21 (b) **An assessment of how the construction and operation of the proposed superstore**
22 **retailer will affect the supply and demand for retail space in the market area.**

23 (c) **An assessment of how the construction and operation of the proposed superstore**
24 **retailer will affect employment in the market area, including:**

25 (A) **The number of individuals employed in existing similar retail businesses in the mar-**
26 **ket area.**

27 (B) **An estimate of the number of individuals who will likely be employed by the proposed**
28 **superstore retailer.**

29 (C) **An assessment of whether the proposed superstore retailer will result in a net in-**
30 **crease or decrease in retail employment.**

31 (D) **The effect on wages and benefits of employees of other similar retail businesses.**

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 (d) A projection of the costs of public services and public facilities required as a result
 2 of the construction and operation of the proposed superstore retailer.

3 (e) A projection of the public revenues as a result of the construction and operation of
 4 the proposed superstore retailer.

5 (f) An assessment of the effect that the construction and operation of the proposed
 6 superstore retailer will have on retail operations in the same market area, including the
 7 potential for blight resulting from retail business closures.

8 (g) An assessment of the effect that the construction and operation of the proposed
 9 superstore retailer will have on the ability of the county to remain in compliance with the
 10 statewide land use planning goals implemented through its acknowledged comprehensive plan
 11 and land use regulations.

12 (h) An assessment of the effect that the construction and operation of the proposed
 13 superstore retailer will have on average total vehicle miles traveled by retail customers in
 14 the same market area.

15 (i) An assessment of the potential for long-term vacancy of the property on which the
 16 superstore retailer is proposed if the superstore retailer were to vacate the premises.

17 (4) After the completion of the economic impact report required by subsection (2) of this
 18 section and at least 30 days before approving or disapproving the application for a permit,
 19 the governing body of the county shall provide an opportunity for public comment on the
 20 economic impact report and its findings at one or more regularly scheduled meetings.

21 (5) The applicant shall pay the county for the costs of preparing the economic impact
 22 report.

23 (6) As used in this section:

24 (a) "Market area" means a geographical area that is large enough to support and be af-
 25 fected by the location of the specific type of superstore retailer.

26 (b) "Superstore retailer" means a retail seller of goods to the public in a business es-
 27 tablishment that requires more than 100,000 square feet of gross buildable area.

28 **SECTION 3.** Section 4 of this 2007 Act is added to and made a part of ORS 227.160 to
 29 227.186.

30 **SECTION 4.** (1) The Legislative Assembly finds and declares that:

31 (a) The construction and operation of a superstore retailer has land use, environmental,
 32 economic, fiscal and social equity effects that extend beyond the boundaries of the city in
 33 which the superstore retailer is located.

34 (b) It is essential for the statewide public health, safety and welfare to require cities to
 35 evaluate and consider the potential spillover effects of approving the construction and oper-
 36 ation of a superstore retailer.

37 (c) The review and regulation of superstore retailers is a matter of statewide concern.

38 (2) Before approving or disapproving an application for a permit to construct a super-
 39 store retailer, the city shall prepare, or cause to be prepared by a neutral third party quali-
 40 fied by education, training and experience to do so, an economic impact report.

41 (3) The economic impact report required by subsection (2) of this section must include,
 42 but need not be limited to:

43 (a) An assessment of the extent to which the proposed superstore retailer will capture
 44 a share of retail sales in the market area.

45 (b) An assessment of how the construction and operation of the proposed superstore

1 retailer will affect the supply and demand for retail space in the market area.

2 (c) An assessment of how the construction and operation of the proposed superstore
3 retailer will affect employment in the market area, including:

4 (A) The number of individuals employed in existing similar retail businesses in the mar-
5 ket area.

6 (B) An estimate of the number of individuals who will likely be employed by the proposed
7 superstore retailer.

8 (C) An assessment of whether the proposed superstore retailer will result in a net in-
9 crease or decrease in retail employment.

10 (D) The effect on wages and benefits of employees of other similar retail businesses.

11 (d) A projection of the costs of public services and public facilities required as a result
12 of the construction and operation of the proposed superstore retailer.

13 (e) A projection of the public revenues as a result of the construction and operation of
14 the proposed superstore retailer.

15 (f) An assessment of the effect that the construction and operation of the proposed
16 superstore retailer will have on retail operations in the same market area, including the
17 potential for blight resulting from retail business closures.

18 (g) An assessment of the effect that the construction and operation of the proposed
19 superstore retailer will have on the ability of the city to remain in compliance with the
20 statewide land use planning goals implemented through its acknowledged comprehensive plan
21 and land use regulations.

22 (h) An assessment of the effect that the construction and operation of the proposed
23 superstore retailer will have on average total vehicle miles traveled by retail customers in
24 the same market area.

25 (i) An assessment of the potential for long-term vacancy of the property on which the
26 superstore retailer is proposed if the superstore retailer were to vacate the premises.

27 (4) After the completion of the economic impact report required by subsection (2) of this
28 section and at least 30 days before approving or disapproving an application for a permit, the
29 governing body of the city shall provide an opportunity for public comment on the economic
30 impact report and its findings at one or more regularly scheduled meetings.

31 (5) The applicant shall pay the city for the costs of preparing the economic impact report.

32 (6) As used in this section:

33 (a) "Market area" means a geographical area that is large enough to support and be af-
34 fected by the location of the specific type of superstore retailer.

35 (b) "Superstore retailer" means a retail seller of goods to the public in a business es-
36 tablishment that requires more than 100,000 square feet of gross buildable area.

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