

Senate Bill 853

Sponsored by Senator METSGER (at the request of Oregon State Building and Construction Trades Council)

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**.

Establishes Commercial and Industrial Projects Siting Authority to nominate and select traded sectors for development of commercial or industrial projects. Requires authority to nominate traded sectors on basis of certain criteria and to hold hearing before selecting which traded sector to develop.

Requires state, counties, cities and political subdivisions to issue appropriate permits, licenses and certificates and to enter into intergovernmental agreements for development of commercial or industrial projects.

A BILL FOR AN ACT

1
2 Relating to governmental siting.

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

4 **SECTION 1. As used in sections 2 to 7 of this 2009 Act:**

5 (1) "Commercial or industrial project" or "project" means a project developed by the
6 Economic and Community Development Department under ORS 285B.280 to 285B.286.

7 (2) "Traded sector" has the meaning given that term in ORS 285B.280.

8 **SECTION 2. (1) There is established the Commercial and Industrial Projects Siting Au-**
9 **thority, consisting of five members appointed by the Governor.**

10 (2) The term of office of a member is four years, but a member serves at the pleasure
11 of the Governor. Before the expiration of the term of a member, the Governor shall appoint
12 a successor whose term begins on January 1 next following. If there is a vacancy for any
13 cause, the Governor shall make an appointment to become immediately effective for the
14 unexpired term.

15 (3) The appointment of a member to the authority is subject to confirmation by the
16 Senate in the manner prescribed in ORS 171.562 and 171.565.

17 (4) The Governor shall select one member of the authority to serve as chairperson.

18 (5) The authority shall nominate traded sectors and determine the locations for the de-
19 velopment of commercial or industrial projects pursuant to sections 2 to 7 of this 2009 Act.

20 (6) A majority of the members constitutes a quorum for the transaction of business.

21 (7) Members of the authority are entitled to compensation and expenses as provided in
22 ORS 292.495.

23 (8) The Economic and Community Development Department shall provide staff support
24 to the authority and reimburse the authority's claims for expenses.

25 **SECTION 3. The Commercial and Industrial Projects Siting Authority shall:**

26 (1) Nominate traded sectors for the development of commercial or industrial projects
27 based on whether:

28 (a) The governing body of a local jurisdiction demonstrates an interest in having a traded

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 sector selected for the development of a project within its jurisdiction.

2 (b) The governing body of a local jurisdiction has an economic need for the development
3 of a project.

4 (c) Land or capital is available for the development of a project.

5 (d) Development of a project would be harmful to the natural features of a local juris-
6 diction.

7 (e) The proposed project is compatible with the natural features of a local jurisdiction.

8 (f) Development of a project meets any other criteria established by the Director of the
9 Economic and Community Development Department under section 7 of this 2009 Act.

10 (2) Publish a report that states the conclusions of the Economic and Community Devel-
11 opment Department with regard to each nominated traded sector and provide copies of the
12 report to:

13 (a) Each of the county commissioners in a county where any nominated traded sector is
14 located;

15 (b) Each of the city council members in a city where any nominated traded sector is lo-
16 cated;

17 (c) Any governmental agency that provides services to the department for the develop-
18 ment of a project or to any public or private entity with whom the department contracts to
19 develop a project; and

20 (d) Any member of the public who requests a copy of the report.

21 (3) Provide public notice of the nominated traded sectors and the hearings process re-
22 quired by section 5 of this 2009 Act. To disseminate this information to the public, the au-
23 thority shall:

24 (a) Publish the notice in a newspaper of general circulation in the county or counties
25 where the traded sectors are located; and

26 (b) Post the notice on the department's website.

27 **SECTION 4.** Prior to nominating traded sectors under section 3 of this 2009 Act, the
28 Commercial and Industrial Projects Siting Authority shall:

29 (1) Hold a meeting with government officials of each local jurisdiction where the au-
30 thority is considering nomination of a traded sector to discuss the preferences of the local
31 governing body; and

32 (2) Consult with other governmental agencies about the feasibility and suitability of de-
33 veloping a commercial or industrial project in each local jurisdiction where the authority is
34 considering nomination of a traded sector.

35 **SECTION 5.** (1) Within 30 days after the Commercial and Industrial Projects Siting Au-
36 thority nominates traded sectors under section 3 of this 2009 Act, the authority shall hold a
37 public hearing in each local jurisdiction where a nominated traded sector is located. During
38 the hearing, the authority shall receive testimony from the Director of the Economic and
39 Community Development Department, the local governing body, other affected governmental
40 agencies and the public regarding the nominated traded sectors and any proposed conditions
41 for the development of a commercial or industrial project.

42 (2) No later than 10 days before the hearing held by the authority, any affected govern-
43 mental agency, local governing body or person may submit to the authority a proposed con-
44 dition for the development of the project on a form developed by the authority. The
45 authority shall consider written submissions that:

1 (a) Separately and specifically state each condition and the need for each condition;

2 (b) Identify the traded sector and the proposed project to which the condition, if ap-
3 proved, would attach; and

4 (c) Present conditions that directly pertain to the traded sector, the proposed project,
5 any route that provides access to the traded sector or any natural feature in the immediate
6 vicinity of the traded sector.

7 (3)(a) Within 45 days after the authority nominates traded sectors under section 3 of this
8 2009 Act, the authority shall select and rank in order of preference the traded sectors for
9 the development of commercial or industrial projects and specify any conditions that the
10 authority has attached to a traded sector. The authority shall support each selected traded
11 sector and attached condition with findings that address the criteria specified in section 3
12 of this 2009 Act.

13 (b) In addition to the findings required by paragraph (a) of this subsection, when the
14 authority decides not to adopt a proposed condition submitted in accordance with subsection
15 (2) of this section, the authority shall state the reasons why adoption of the proposed con-
16 dition is not in the public interest.

17 (c) The authority shall report the authority's findings and reasons under paragraphs (a)
18 and (b) of this subsection to the Legislative Assembly in the manner provided in ORS 192.245.

19 (4) The governing body of a local jurisdiction may demonstrate an interest in being se-
20 lected for the development of a project by presenting to the authority a written statement
21 that describes the governing body's interest no later than 30 days after the authority pro-
22 vides notice under section 3 of this 2009 Act.

23 (5) If the authority selects a traded sector from a jurisdiction whose governing body did
24 not demonstrate an interest, the authority shall make and publish findings that explain the
25 reason for selecting a traded sector in that jurisdiction, including the reasons for selecting
26 a traded sector in that jurisdiction over a jurisdiction that expressed an interest under sub-
27 section (4) of this section.

28 **SECTION 6.** (1) Notwithstanding ORS 169.690, 195.025, 197.180, 215.130 (4) and 227.286, the
29 decisions of the Commercial and Industrial Projects Siting Authority shall bind the state and
30 all counties, cities and political subdivisions in this state to the approval of the traded sec-
31 tors and the approval of the commercial or industrial projects. Affected state agencies,
32 counties, cities and political subdivisions shall issue the appropriate permits, licenses and
33 certificates and enter into any intergovernmental agreements that are necessary for the
34 development of the projects, subject only to the conditions that the authority attaches to
35 each project.

36 (2) Each state or local governmental agency that issues a permit, license or certificate
37 shall continue to exercise enforcement authority over the permit, license or certificate.

38 **SECTION 7.** In accordance with the applicable provisions of ORS chapter 183, the Direc-
39 tor of the Economic and Community Development Department shall adopt rules necessary
40 for the administration of sections 2 to 7 of this 2009 Act.

41