

**PROPOSED AMENDMENTS TO
SENATE BILL 845**

1 On page 1 of the printed bill, delete lines 4 through 30 and delete pages
2 2 and 3 and insert:

3 **“SECTION 1. The Legislative Assembly finds and declares that the**
4 **State of Oregon has a compelling interest in promoting and stimulat-**
5 **ing economic development for the welfare of its residents by providing**
6 **for predictability and certainty in the use and development of land**
7 **within Metro that, on January 1, 2013:**

8 **“(1) Is designated as an urban reserve by Metro;**

9 **“(2) Is included within the urban growth boundary of Metro; and**

10 **“(3) Is planned and zoned, under provisions of the acknowledged**
11 **comprehensive plan and land use regulations implementing the plan,**
12 **for traded sector use.**

13 **“SECTION 2. (1) As used in this section:**

14 **“(a) ‘Certified site’ means a site for which the Economic Recovery**
15 **Review Council established under section 3, chapter 564, Oregon Laws**
16 **2011, issues a certificate authorizing industrial use to manufacture**
17 **goods for markets for which national or international competition**
18 **exists.**

19 **“(b) ‘Economic opportunity project of state significance’ means a**
20 **proposed use of land by an employer:**

21 **“(A) That is for use at a certified site;**

22 **“(B) For which the employer has agreed to provide and maintain**

1 at least 500 new full-time jobs; and

2 “(C) That requires a block of 150 to 350 contiguous acres of land
3 within the urban growth boundary of Metro.

4 “(c) ‘Local permitting agency’ means the City of Hillsboro,
5 Washington County or Metro.

6 “(d) ‘Permit’ means a permit, license, certificate or other discre-
7 tionary approval, required from a local permitting agency or a state
8 permitting agency to authorize a use of land unless the permit, li-
9 cense, certificate or other discretionary approval is issued pursuant to
10 a federally delegated program.

11 “(e) ‘State permitting agency’ means the Department of Environ-
12 mental Quality, the Department of State Lands or the Department of
13 Transportation.

14 “(2) If the local permitting agencies jointly submit a written re-
15 quest, the council may review a proposed economic opportunity project
16 of state significance under this section.

17 “(3) The council may not issue a project certificate after December
18 31, 2015.

19 “(4) The council shall expedite the review of an economic opportu-
20 nity project of state significance through an expedited project review
21 process if the council determines that:

22 “(a) An adequate workforce resides in the vicinity of the project,
23 given the planned employment and location;

24 “(b) Agreements or commitments are in place to fund public
25 infrastructure and services required to serve the project, including
26 major transportation facilities; and

27 “(c) Development of the project does not require completion of an
28 environmental impact statement.

29 “(5) The council may expedite one economic opportunity project of
30 state significance under this section.

1 **“(6) If the local permitting agencies submit a request accompanied**
2 **by complete applications for permits required for the proposed eco-**
3 **nom ic opportunity project of state significance, the council shall:**

4 **“(a) Provide notice of the application in the manner required by**
5 **ORS 197.763 for a land use decision or in the manner required for a**
6 **quasi-judicial amendment of a comprehensive plan in the applicable**
7 **acknowledged land use regulations of Washington County, whichever**
8 **results in broader notice;**

9 **“(b) Provide for at least one public hearing at a location within**
10 **Washington County on the proposal to site and develop the project;**

11 **“(c) Consider recommendations of the local permitting agencies and**
12 **state permitting agencies that would otherwise have jurisdiction to**
13 **review the permits for the proposed economic development project in**
14 **determining whether the project complies with applicable standards**
15 **and criteria and in determining whether to impose conditions of ap-**
16 **proval for a project the council approves; and**

17 **“(d) Apply the standards and criteria for each permit required for**
18 **the construction and operation of the project and determine, within**
19 **120 days after the date a complete application is filed and based on the**
20 **record and the applicable law, whether the project complies with the**
21 **applicable standards and criteria.**

22 **“(7) The council has exclusive jurisdiction to approve permits under**
23 **this section. The council may not waive standards and criteria that**
24 **apply to issuance of a permit. If the council determines that the pro-**
25 **posed economic opportunity project of state significance complies with**
26 **the applicable standards and criteria, the council shall issue a project**
27 **certificate approving the siting and development of the project. In**
28 **addition to other conditions reasonably necessary to ensure that the**
29 **project complies with applicable standards and criteria, the council**
30 **shall impose a condition requiring a commencement date for con-**

1 **struction that is calculated to ensure that a particular site is devel-**
2 **oped for the project within a specific time period. The commencement**
3 **date may not be more than three years after the date of issuance of**
4 **the project certificate. If the council determines that the project does**
5 **not, or cannot, comply with applicable standards and criteria, the**
6 **council shall issue a final order denying the application and explaining**
7 **why the application was not approved. If the commencement date is**
8 **not met, the land shall revert automatically to the comprehensive plan**
9 **designation and zoning that would have applied to the land without**
10 **the project certification process described in this section.**

11 **“(8) A local permitting agency or a state permitting agency may**
12 **recommend conditions of approval reasonably necessary to ensure that**
13 **the construction and operation of the economic opportunity project**
14 **of state significance complies with applicable standards and criteria.**

15 **“(9) Expedited project review is not subject to ORS 183.413 to 183.470.**

16 **“(10) Issuance of a project certificate signed by appropriate repre-**
17 **sentatives of the employer, the City of Hillsboro, Washington County**
18 **and the council:**

19 **“(a) Binds the employer and public bodies, as defined in ORS 174.109,**
20 **in regard to the construction and operation of the economic opportu-**
21 **nity project of state significance.**

22 **“(b) Satisfies requirements imposed on a state permitting agency**
23 **by ORS 197.180 and administrative rules implementing ORS 197.180.**

24 **“(c) Authorizes the City of Hillsboro and Washington County to**
25 **submit the changes to the acknowledged comprehensive plan and land**
26 **use regulations of the city and the county in the manner required by**
27 **ORS 197.610 to 197.625 and, for purposes of acknowledgement, limits**
28 **the scope of Land Conservation and Development Commission review**
29 **to confirmation that the changes are consistent with the project cer-**
30 **tificate.**

1 “(11) The employer must meet or exceed the employment levels
2 specified in the application for a period of at least five years following
3 the date that a certificate of occupancy is issued for the certified site
4 facility. Employment involved in the construction of the facility shall
5 not be included in the determination of the employment level specified
6 in the application. If the employer does not meet or exceed the em-
7 ployment levels:

8 “(a) The council shall notify Metro and the Department of Land
9 Conservation and Development that the lands occupied by the eco-
10 nomic opportunity project of state significance must be included in the
11 buildable lands inventory established by Metro under ORS 197.299; and

12 “(b) The employer must pay the council \$10,000 per year for each
13 full-time position by which the employer does not meet or exceed the
14 specified employment levels.

15 “(12) After the council issues a project certificate, local permitting
16 agencies and state permitting agencies shall:

17 “(a) Issue permits as required in the project certificate; and

18 “(b) Exercise enforcement authority over the permits, including
19 conditions imposed in the project certificate.

20 “(13) The council shall charge the employer a fee calculated to re-
21 cover the costs reasonably incurred to conduct expedited project re-
22 view, including the costs incurred by local permitting agencies and
23 state permitting agencies that make recommendations to the council
24 concerning whether the proposed siting complies with applicable
25 standards and criteria. If the fee charged by the council includes costs
26 incurred by a local permitting agency or a state permitting agency, the
27 council shall pay or reimburse the local permitting agency or the state
28 permitting agency in the manner provided by ORS 469.360. The council
29 may require the employer to pay all or a portion of the fee before in-
30 itiation of the expedited project review and may require progress pay-

1 **ments as the review proceeds. The fee required by this section is in**
2 **lieu of any fee or fees otherwise required for review of a permit ad-**
3 **dressed in the project certificate.**

4 **“(14) The council shall deposit moneys received under this section**
5 **in the Economic Recovery Review Council Fund established under**
6 **section 5, chapter 564, Oregon Laws 2011.**

7 **“(15) The Land Use Board of Appeals does not have jurisdiction to**
8 **consider decisions, aspects of decisions or actions taken under this**
9 **section.**

10 **“(16) A person who participates in the proceedings before the**
11 **council may appeal a final order of the council to the Court of Appeals.**
12 **The appeal shall proceed in the manner provided by ORS 197.850,**
13 **197.855 and 197.860. However, notwithstanding ORS 197.850 (9) or any**
14 **other provision of law, the court shall reverse or remand the decision**
15 **only if the court finds that:**

16 **“(a) The council’s determination that the proposed siting qualifies**
17 **as an economic opportunity project of state significance was clearly**
18 **in error;**

19 **“(b) There is a basis to vacate the decision as described in ORS**
20 **36.705 (1)(a) to (d) or a basis for modification or correction of an award**
21 **as described in ORS 36.710; or**

22 **“(c) The decision was unconstitutional.**

23 **“SECTION 3. This 2013 Act being necessary for the immediate**
24 **preservation of the public peace, health and safety, an emergency is**
25 **declared to exist, and this 2013 Act takes effect on its passage.”.**

26