



2023 State Legislative Session Priorities

Acting on behalf of the residents and businesses of the City of Wilsonville and SMART, the City Council adopts this list of 2023 State Legislative Priorities, which accompanies the 2023-24 State Legislative Agenda, to promote municipal policy positions on specific issues of concern, as well as to reflect ad-hoc issues of the day for which long-term City policies may or may not address adequately but for which the City Council considers important in the 2023 session of the 82nd Oregon Legislative Assembly.

Wilsonville City Council, January 19, 2023

Top 2023 Legislative Session Priorities

The City has worked during 2022 with the Office of Representative Neron, Senator-elect Woods and Legislative Counsel to advance four City Council priority legislative concepts for 2023 that have been pre-session filed and are attached:

1. Aurora State Airport Coordinated Intergovernmental Planning Between Relevant State Agencies and Affected Local Governments with Land-Use Planning Sideboards

HB 2668 – Relating to transportation; creating new provisions; and amending ORS 197.732, 836.608 and 836.642. Establishes Aurora State Airport Advisory Council for purpose of developing intergovernmental planning agreement among its members. Requires land use decisions to be compatible with agreement. Sunsets January 2, 2037. Amends regulations regarding through the fence airports and use of transportation facilities as basis for land use goal exceptions.

2. SMART Service Territory Alignment with City Boundaries; Adjustment of TriMet District Boundary

HB 2666 – Relating to TriMet Requires the mass transit district known as TriMet to adopt ordinance to modify district boundaries to exclude specified territory. Provides that ordinance may not be referred to or by electors. Requires persons in specified territory to assess whether boundary change results in new tax liability.

3. ODOT Public Transportation Division Study of WES North Willamette Valley Extension to Salem from Wilsonville, with Stops in Donald, Woodburn and Keizer

HB 2662 – Relating to a study on extending the Westside Express Service commuter line to Salem; and declaring an emergency. Requires Department of Transportation, in collaboration with Tri-Met and Portland & Western Railroad to study extending Westside Express Service commuter line to Salem. Directs department to submit findings to interim committees of Legislative Assembly related to transportation not later than September 15, 2024. Appropriates moneys from General Fund to Department of Transportation for study. Declares emergency, effective July 1, 2023.

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City of Wilsonville • South Metro Area Regional Transit (SMART)
2023 State Legislative Priorities

4. Reauthorize and Fund the Business Oregon Regionally Significant Industrial Sites (RSIS) Program

HB 2663 – Relating to industrial site readiness; creating new provisions; amending ORS 285B.627; and declaring an emergency. Extends sunset of Oregon Industrial Site Readiness Program. Appropriates moneys for deposit in Oregon Industrial Site Readiness Program Fund. Declares emergency, effective on passage.

Additional 2023 Legislative Session Priorities

The City of Wilsonville City Council also supports an additional set of four 2023 Legislative Session Priorities, including:

- 5. Increase High-Speed Broadband Access and Distribution:** The COVID pandemic demonstrated the importance of access to high-speed Internet broadband for communications, education and other purposes. State support that leverages federal funds is key to increasing access to broadband Internet, especially for lower-income households.
- 6. Develop New Funding Programs to Subsidize Childcare Resources that Improve Workforce Availability:** The COVID pandemic demonstrated the key role that access to childcare provides for parents to participate in the workforce. A City survey of businesses and workers found a lack of childcare options that is severely limiting workforce participation, which is detrimental to our economy.
- 7. Oregon Mayors Association (OMA) Taskforce on Homelessness proposal** to humanely and timely address the homelessness crisis in Oregon as a partnership between the State of Oregon and its 241 cities. This partnership will allow for the establishment and expansion of local, community-based responses that provide immediate shelter, needed services, and secure safety for unhoused Oregonians.

During the 2023 legislative session, OMA proposes two separate, yet parallel, budget proposals for 1) a budget package that provides direct allocation to cities for homelessness response and prevention services; and 2) a budget package that provides capital improvement funding for cities.

- 8. League of Oregon Cities (LOC) 2023 legislative session priorities:**
 - Infrastructure Financing and Resilience and Funding for Critical Infrastructure for Needed Housing
 - Local Funding to Address Homelessness
 - Address Measure 110 Shortcomings
 - Economic Development Incentives
 - Community Resiliency and Wildfire Planning
 - Transportation Safety Enhancement
 - Full Funding and Alignment for State Land Use Initiatives
 - Lodging Tax Flexibility

House Bill 2668

Sponsored by Representative NERON, Senator WOODS (at the request of City of Wilsonville) (Presession filed.)

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 Aurora State Airport Advisory Council for purpose of developing intergovernmental planning agreement among its members. Requires land use decisions to be compatible with agreement. Sunsets January 2, 2037.

Amends regulations regarding through the fence airports and use of transportation facilities as basis for land use goal exceptions.

A BILL FOR AN ACT

Relating to transportation; creating new provisions; and amending ORS 197.732, 836.608 and 836.642.

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

SECTION 1. (1) There is established the Aurora State Airport Advisory Council to negotiate and execute an intergovernmental agreement to facilitate intergovernmental communications and coordinated planning of land use, transportation, environmental, infrastructure, through the fence access and related issues of concern regarding operations of the Aurora State Airport and the implementation of any master plan or airport layout plan recommendations, projects or programs.

(2) The council shall review and include within its intergovernmental agreement decisions on or a methodology for approving decisions on:

(a) Surface transportation issues on local city and county and state roads pertaining to safety and traffic congestion for business and employee access to the Aurora State Airport, including the provision of public transit services to the airport;

(b) Environmental assessments of current airport pollution levels, including storm and surface water, ground water, air and noise, that provide a scientific baseline of information;

(c) Planning for the potential annexation by the City of Aurora of the airport for the purpose of providing municipal governance and public urban infrastructure services to support operations at the airport;

(d) Obtaining Land Conservation and Development Commission certification of the Oregon Department of Aviation's state agency coordination program under ORS 197.180 (4) to (7); and

(e) The implementation of all relevant components of the Oregon Department of Aviation's state agency coordination program pertaining to the approval, adoption and implementation of an Aurora State Airport master plan or airport layout plan project or other program for the airport.

(3) The council consists of up to nine members, appointed as follows:

(a) One member appointed by the Director of the Oregon Department of Aviation to represent the Oregon Department of Aviation;

(b) One member appointed by the Director of Agriculture to represent the State De-

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 **partment of Agriculture;**

2 **(c) One member appointed by the Director of the Department of Environmental Quality**
 3 **to represent the Department of Environmental Quality;**

4 **(d) One member appointed by the Director of the Department of Land Conservation and**
 5 **Development to represent the Department of Land Conservation and Development;**

6 **(e) One member appointed by the Director of Transportation to represent the Depart-**
 7 **ment of Transportation;**

8 **(f) One member appointed by the governing body of Clackamas County, if the county**
 9 **chooses to participate, representing Clackamas County;**

10 **(g) One member appointed by the governing body of Marion County, if the county chooses**
 11 **to participate, representing Marion County;**

12 **(h) One member appointed by the governing body of the City of Aurora, if the city**
 13 **chooses to participate, representing the City of Aurora; and**

14 **(i) One member appointed by the governing body of the City of Wilsonville, if the city**
 15 **chooses to participate, representing the City of Wilsonville.**

16 **(4) Each member shall serve for a term of four years, but the member serves at the**
 17 **pleasure of the appointing authority. A member may be reappointed. Before the expiration**
 18 **of the term of a member, the appointing authority shall appoint a successor or reappoint the**
 19 **member. If there is a vacancy for any cause, the appointing authority shall make an ap-**
 20 **pointment to become immediately effective for the unexpired term.**

21 **(5) The council shall elect a chairperson who represents a local government and a vice**
 22 **chairperson who represents a state agency to serve for one-year terms.**

23 **(6) The members shall serve on the council as volunteers and are not entitled to re-**
 24 **imbursement for expenses.**

25 **(7) The Oregon Department of Aviation shall staff the council, assist with the develop-**
 26 **ment of meeting agendas, record and publish council meeting minutes, assist with drafting**
 27 **the intergovernmental agreement of the council and shall otherwise support the work of the**
 28 **council.**

29 **(8) Except as provided under subsection (9)(b) of this section, the council is not a**
 30 **decision-making body.**

31 **(9) Until an intergovernmental agreement described in this section has been executed by**
 32 **each participating appointing authority under subsection (3) of this section or until the**
 33 **council membership unanimously agrees that the work of the council has been completed:**

34 **(a) The council shall meet monthly or at the call of the chairperson or a majority of the**
 35 **council membership.**

36 **(b) The Oregon Department of Aviation may not approve any new operations, expansions**
 37 **or runway lengthening of the Aurora State Airport and may not implement any master plan**
 38 **or airport layout plan recommendations, project or programs without an agreement by the**
 39 **unanimous consent of the council.**

40 **(10) Meetings of the council shall be open to the public and shall provide the opportunity**
 41 **for public written and oral testimony on matters before the council.**

42 **(11) A local government under subsection (3)(f) to (i) of this section that does not choose**
 43 **to participate or that appoints a member who does not participate in the council may not**
 44 **challenge any provision of an intergovernmental agreement executed under this section or**
 45 **object to any decision made under the agreement.**

1 **SECTION 2.** Section 3 of this 2023 Act is added to and made a part of ORS chapter 197.

2 **SECTION 3.** A public body, as defined in ORS 174.109, may not make a land use decision
 3 that would allow an expansion of the runway or allow new or expanded facilities of the
 4 Aurora State Airport unless the expansion is consistent with an intergovernmental agree-
 5 ment entered into under section 1 of this 2023 Act.

6 **SECTION 4.** Sections 1 and 3 of this 2023 Act are repealed on January 2, 2037.

7 **SECTION 5.** ORS 836.608 is amended to read:

8 836.608. (1) The continued operation and vitality of airports registered, licensed or otherwise
 9 recognized by the Department of Transportation on December 31, 1994, is a matter of state concern.

10 (2) A local government shall recognize in its planning documents the location of private-use
 11 airports and privately owned public-use airports not listed under ORS 836.610 (3) if the airport was
 12 the base for three or more aircraft, as shown in the records of the Department of Transportation,
 13 on December 31, 1994. Local planning documents shall establish a boundary showing areas in air-
 14 port ownership, or subject to long-term lease, that are developed or committed to airport uses de-
 15 scribed in ORS 836.616 (2). Areas committed to airport uses shall include those areas identified by
 16 the airport owner that the local government determines can be reasonably expected to be devoted
 17 to airport uses allowed under ORS 836.616 (2).

18 (3)(a) A local government shall not impose limitations on the continued operation of uses de-
 19 scribed in ORS 836.616 (2) that existed at any time during 1996 at an airport described in subsection
 20 (2) of this section. A local government shall allow for the growth of uses described in ORS 836.616
 21 (2) that existed at any time during 1996 at an airport described in subsection (2) of this section. A
 22 local government shall not impose additional limitations on a use approved by the local government
 23 prior to January 1, 1997, for an airport described in subsection (2) of this section. Notwithstanding
 24 subsection (4) of this section, the construction of additional hangars or tie-downs by the owner of
 25 an airport described in subsection (2) of this section, basing additional aircraft and increases in
 26 flight activity shall be permitted at an airport described in subsection (2) of this section.

27 (b) A local government may authorize the establishment of a new use described in ORS 836.616
 28 (2) at an airport described in subsection (2) of this section following a public hearing on the use.
 29 The hearing shall be for the purpose of establishing compliance with adopted clear and objective
 30 standards relating to the compatibility and adequacy of public facilities and services as provided
 31 under subsection (5) of this section. Standards and requirements as adopted by the local government
 32 shall further the policy of ORS 836.600 to the maximum extent practicable.

33 (4) Growth of an existing use on an airport as described in subsection (3)(a) of this section that
 34 requires a building permit shall be allowed as an administrative decision without public hearing
 35 unless the growth:

36 (a) Cannot be supported by existing public facilities and services and transportation systems
 37 authorized by applicable statewide land use planning goals;

38 (b) Forces a significant change or significantly increases the costs of conducting existing uses
 39 on surrounding lands; or

40 (c) Exceeds the standards of ORS 215.296 (1) if the airport is adjacent to land zoned for exclusive
 41 farm use.

42 (5) A local government shall authorize a new use described in subsection (3)(b) of this section
 43 provided the use:

44 (a) Is or will be supported by adequate types and levels of public facilities and services and
 45 transportation systems authorized by applicable statewide land use planning goals[;]. **For airport**

1 **and through the fence properties totaling 150 acres or more, “adequate public facilities”**
 2 **means public potable and firefighting water service, public sanitary sewer and public**
 3 **stormwater utilities.**

4 (b) Does not seriously interfere with existing land uses in areas surrounding the airport[; *and*].

5 (c) [*The local government reviews the use under*] **Satisfies** the standards described in ORS
 6 215.296 if the airport is adjacent to land zoned for exclusive farm use.

7 (6) An applicant for a new use under subsection (5) of this section may demonstrate that the
 8 standards for approval will be satisfied through the imposition of conditions. Any conditions imposed
 9 shall be clear and objective.

10 (7) A local government may adopt standards and requirements for the establishment of new
 11 airports, the expansion of existing airports and the regulation of uses and activities at airports
 12 serving as the base for two or fewer aircraft on December 31, 1994, as shown in the records of the
 13 Department of Transportation. The standards and requirements shall comply with applicable state-
 14 wide land use planning laws.

15 (8) The Land Conservation and Development Commission shall adopt rules regulating the height
 16 of structures to protect approach corridors at airports described in subsection (2) of this section and
 17 at publicly owned airports that are the base for two or fewer aircraft.

18 **SECTION 6.** ORS 836.642 is amended to read:

19 836.642. (1) The Oregon Department of Aviation shall establish a pilot program at up to six rural
 20 airports to encourage development of through the fence operations designed to promote economic
 21 development by creating family wage jobs, by increasing local tax bases and by increasing financial
 22 support for rural airports. To the extent practicable, the airport sponsor of a pilot site shall use
 23 public-private partnerships that incorporate:

24 (a) Innovative and creative technologies for increasing airport usability and safety;

25 (b) Innovative and creative performance of aviation services to make the services more com-
 26 petitive and useful for the public;

27 (c) Development of the pilot site as a setting for customary and usual aviation-related activities
 28 to develop and thrive, in concert with the goals of the Oregon Business Development Department;
 29 and

30 (d) Shared responsibility for:

31 (A) Establishing and meeting the fiscal needs of the pilot site;

32 (B) Maintaining safety of operations; and

33 (C) Maintaining positive community relations and compatibility with existing uses.

34 (2) The pilot program shall operate at:

35 (a) The Aurora State Airport; and

36 (b) Not more than five additional rural airports that volunteer to participate and are selected
 37 by the Oregon Department of Aviation with the concurrence of the county in which each rural air-
 38 port is located.

39 (3) The Oregon Department of Aviation, by rule, shall provide standards and guidelines for
 40 through the fence operations that:

41 (a) Ensure that the operations provide financial support to the pilot sites in compliance with
 42 Federal Aviation Administration regulations;

43 (b) Require submission, review, approval and, as appropriate, revision of a facility site plan for
 44 each through the fence operation so that the real property covered by the site plan can be incor-
 45 porated into the airport boundary and coordinated with the other aspects of the airport master plan;

1 (c) Ensure that the operations are conducted according to a written contract between the com-
2 mercial or industrial user of property within the airport boundary and the airport sponsor;

3 (d) Ensure that pilot sites continue to operate in a safe manner and to fulfill their roles in
4 Oregon's emergency response system;

5 (e) Preserve investments in pilot sites and the level of service provided by pilot sites;

6 (f) Facilitate orderly management of pilot sites;

7 (g) Provide equitable and uniform treatment of airport tenants and users at pilot sites;

8 (h) Advance economic development through qualified customary and usual aviation-related ac-
9 tivities within the airport boundaries of pilot sites;

10 (i) Encourage well-ordered economic development within the airport boundaries of the pilot
11 sites;

12 (j) Facilitate and foster good relations with the communities surrounding the pilot sites;

13 (k) Enable conformity with approved airport master plans;

14 (L) Make pilot sites available for public use on reasonable terms; *[and]*

15 (m) Assist pilot sites in developing financial self-sufficiency through the use of innovative fund-
16 ing and economic development programs[.]; **and**

17 **(n) Limit through the fence aviation, commercial and industrial uses to 50 acres per pilot**
18 **site.**

19 (4) The Department of Land Conservation and Development, the county and a city, if any, within
20 whose jurisdiction a pilot site is located shall coordinate with the Oregon Department of Aviation
21 to ensure that the applicable comprehensive plans and land use regulations, including airport zoning
22 classifications pursuant to ORS 836.600 to 836.630, facilitate through the fence operations and sup-
23 port the development or expansion of the pilot site consistent with applicable statewide land use
24 planning requirements.

25 (5) The Oregon Business Development Department shall assist the pilot sites to:

26 (a) Identify, qualify for and apply for funding from appropriate grant and loan programs; and

27 (b) Develop innovative short-term and long-term funding opportunities.

28 (6) To the extent practicable, the airport sponsors shall utilize innovative airport infrastructure
29 and operations funding to support the pilot sites including, but not limited to:

30 (a) Airport districts as provided in ORS chapter 838;

31 (b) Economic development programs administered by the Oregon Business Development Depart-
32 ment;

33 (c) Tax increment financing to provide funding for airport-related infrastructure;

34 (d) United States Department of Agriculture Rural Development grants or low-interest loans;
35 and

36 (e) Programs, including funding for short line railroads under ORS 367.067, designed to facilitate
37 development of intermodal transportation projects.

38 **SECTION 7.** ORS 197.732 is amended to read:

39 197.732. (1) As used in this section:

40 (a) "Compatible" is not intended as an absolute term meaning no interference or adverse impacts
41 of any type with adjacent uses.

42 (b) "Exception" means a comprehensive plan provision, including an amendment to an acknowl-
43 edged comprehensive plan, that:

44 (A) Is applicable to specific properties or situations and does not establish a planning or zoning
45 policy of general applicability;

1 (B) Does not comply with some or all goal requirements applicable to the subject properties or
2 situations; and

3 (C) Complies with standards under subsection (2) of this section.

4 (2) A local government may adopt an exception to a goal if:

5 (a) The land subject to the exception is physically developed to the extent that it is no longer
6 available for uses allowed by the applicable goal;

7 (b) The land subject to the exception is irrevocably committed as described by Land Conserva-
8 tion and Development Commission rule to uses not allowed by the applicable goal because existing
9 adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable;
10 or

11 (c) The following standards are met:

12 (A) Reasons justify why the state policy embodied in the applicable goals should not apply;

13 (B) Areas that do not require a new exception cannot reasonably accommodate the use;

14 (C) The long term environmental, economic, social and energy consequences resulting from the
15 use at the proposed site with measures designed to reduce adverse impacts are not significantly
16 more adverse than would typically result from the same proposal being located in areas requiring
17 a goal exception other than the proposed site; and

18 (D) The proposed uses are compatible with other adjacent uses or will be so rendered through
19 measures designed to reduce adverse impacts.

20 (3) The commission shall adopt rules establishing:

21 (a) That an exception may be adopted to allow a use authorized by a statewide planning goal
22 that cannot comply with the approval standards for that type of use[.];

23 (b) Under what circumstances particular reasons may or may not be used to justify an exception
24 under subsection (2)(c)(A) of this section[; and].

25 (c) Which uses allowed by the applicable goal must be found impracticable under subsection (2)
26 of this section.

27 **(d) That the presence of a transportation facility, as defined in ORS 197.798, may not**
28 **justify an exception under subsection (2)(c)(A) of this section.**

29 (4) A local government approving or denying a proposed exception shall set forth findings of fact
30 and a statement of reasons that demonstrate that the standards of subsection (2) of this section have
31 or have not been met.

32 (5) Each notice of a public hearing on a proposed exception shall specifically note that a goal
33 exception is proposed and shall summarize the issues in an understandable manner.

34 (6) Upon review of a decision approving or denying an exception:

35 (a) The Land Use Board of Appeals or the commission shall be bound by any finding of fact for
36 which there is substantial evidence in the record of the local government proceedings resulting in
37 approval or denial of the exception;

38 (b) The board upon petition, or the commission, shall determine whether the local government's
39 findings and reasons demonstrate that the standards of subsection (2) of this section have or have
40 not been met; and

41 (c) The board or commission shall adopt a clear statement of reasons that sets forth the basis
42 for the determination that the standards of subsection (2) of this section have or have not been met.

43 (7) The commission shall by rule establish the standards required to justify an exception to the
44 definition of "needed housing" authorized by ORS 197.303.

45 (8) An exception acknowledged under ORS 197.251, 197.625 or 197.630 (1) (1981 Replacement

1 Part) on or before August 9, 1983, continues to be valid and is not subject to this section.

2

House Bill 2666

Sponsored by Representative NERON, Senator WOODS (at the request of City of Wilsonville) (Presession filed.)

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 the mass transit district known as TriMet to adopt ordinance to modify district boundaries to exclude specified territory. Provides that ordinance may not be referred to or by electors. Requires persons in specified territory to assess whether boundary change results in new tax liability.

A BILL FOR AN ACT

1
2 **Relating to TriMet.**

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

4 **SECTION 1.** (1) **As soon as practicable after the effective date of this 2023 Act, TriMet**
5 **shall adopt an ordinance to modify its district boundaries to exclude from the district the**
6 **territory described in section 2 of this 2023 Act. Notwithstanding ORS 267.170, the ordinance**
7 **adopted under this section may not be referred to or by electors.**

8 (2) **Persons located in the areas described in section 2 of this 2023 Act shall assess**
9 **whether the mass transit district boundary change required under this section results in any**
10 **new liability for taxes imposed by a local government and, if so, shall commence paying any**
11 **such taxes.**

12 (3) **As used in this section:**

13 (a) **"Local government" has the meaning given that term in ORS 174.116.**

14 (b) **"TriMet" means the Tri-County Metropolitan Transportation District of Oregon, a**
15 **mass transit district created under ORS chapter 267.**

16 **SECTION 2.** **The boundaries of the territory to be excluded under section 1 of this 2023**
17 **Act are as follows:**

18 (1) **A 1,652 acre tract of land, more or less, situated in the Southerly Half of Sections 34,**
19 **35, and 36 of Township 2 South, Range 1 West; the Southwesterly One-Quarter of Section 31**
20 **of Township 2 South, Range 1 East; Section 6, Township 3 South, Range 1 East; and Section**
21 **1, the North Half of Section 2, Section 3, the Northeast One-Quarter of Section 4, and the**
22 **Northeast One-Quarter of Section 10, of Township 2 South, Range 1 West, all of the**
23 **Willamette Meridian, Washington and Clackamas Counties, State of Oregon, being more**
24 **particularly described as follows: beginning at the section corner common to Sections 34 and**
25 **35, T2S, R1W, and Sections 2 and 3, T3S, R1W, W.M., being at the intersection of SW**
26 **Grahams Ferry Road (County Road (C.R.) 844) and SW Basalt Creek Road; thence, in an**
27 **easterly direction along the common line of Section 35, T2S, R1W and Section 2, T3S, R1W,**
28 **W.M., for a distance of 2,495 feet, more or less, to the westerly right-of-way line of SW**
29 **Boones Ferry Road (Market Road 24); thence, in a northerly direction along the westerly**
30 **right-of-way line of SW Boones Ferry Road, for a distance of 231 feet, more or less, to the**

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1 **apparent intersection of said right-of-way and the northerly right-of-way line of SW Greenhill**
2 **Lane; thence, in an easterly direction along the northerly right-of-way line of SW Greenhill**
3 **Lane, for a distance of 1,840 feet, more or less, to the westerly right-of-way line of Interstate**
4 **5; thence, in a northeasterly direction along the said westerly right-of-way of Interstate 5,**
5 **for a distance of 436 feet, more or less, to the northerly line of the plat "Tualatin Orchard**
6 **Tract," a duly recorded subdivision in Washington County; thence, in an easterly direction**
7 **along the north line of the plat "Tualatin Orchard Tract," for a distance of 838 feet, more**
8 **or less, to the common line of Sections 35 and 36, T2S, R1W, W.M.; thence, in a northerly**
9 **direction along said common line for a distance of 137 feet, more or less, to the**
10 **northwesterly corner of Lot 24 of the plat "Comte & Kohlman's Little Homes No. 1," a duly**
11 **recorded subdivision in Washington County; thence, in an easterly direction along the**
12 **northerly line of said Lot 24, for a distance of 773 feet, more or less, to the apparent**
13 **northerly return of the northerly right-of-way line of Frobase Road (C.R. 932); thence, con-**
14 **tinuing in an easterly direction along the northerly right-of-way line of Fromase Road, for**
15 **a distance of 4,536 feet, more or less, to the easterly line of Section 36, T2S, R1W, W.M.,**
16 **being the westerly line of Section 31, T2S, R1E, W.M., the centerline of SW 65th Avenue (C.R.**
17 **131), and a county line between Washington and Clackamas Counties; thence, in a southerly**
18 **direction along said common line, for a distance of 58 feet to the projection of the**
19 **southwesterly corner of Parcel 5, Partition Plat No. 1994-19, Clackamas County; thence, in**
20 **an easterly direction along the southerly lines of Parcel 5 and 6, of PP No. 1994-19, Parcel 3**
21 **of PP No. 1992-130, and Document Number 1993-002364, for a distance of 2,813 feet, more or**
22 **less, to the center section line of Section 31, T2S, R1E, W.M.; thence, in a southerly direction**
23 **along the center section line of Section 31, T2S, R1E, W.M., continuing along the center**
24 **section line of Section 6, T3S, R1E, W.M., passing at a distance of 3,379 feet, more or less,**
25 **the southerly right-of-way line of Eastgate Drive, and continuing for a total distance of 3,418**
26 **feet, more or less, to a northwesterly corner of Lot 13 of the plat "Quarry at Stafford," a**
27 **duly recorded subdivision in Clackamas County; thence, in an easterly direction along a**
28 **northwesterly line of said Lot 13, for a distance of 72 feet, more or less, to a point for corner;**
29 **thence, in a southerly direction along a westerly line of said Lot 13, for a distance of 1,199**
30 **feet, more or less, to the southwesterly corner of said Lot 13, being on the southerly line of**
31 **the northerly one-half of the southwesterly one-quarter of Section 6, T3S, R1E, W.M.;**
32 **thence, in a westerly direction along said line, for a distance of 2,853 feet, more or less, to**
33 **the east line of Section 1, T3S, R1W, W.M., being the westerly line of Section 6, T3S, R1E,**
34 **W.M., the centerline of aforementioned SW 65th Avenue, and aforementioned county line;**
35 **thence, in a northerly direction along said common line, for a distance of 261 feet, more or**
36 **less, to the centerline intersection of said SW 65th Avenue and SW Elligsen Road (C.R. 2649);**
37 **thence, in a westerly direction along the centerline of SW Elligsen Road, for a distance of**
38 **1.0 mile, more or less, to the common line of Sections 1 and 2, T3S, R1W, W.M.; thence, in**
39 **a northerly direction along said common line, for a distance of 1,783 feet, more or less, to**
40 **the northeasterly corner of the plat of "Stafford Park No. 2," a duly recorded subdivision in**
41 **Washington County; thence, in a westerly direction along the northerly line of said "Stafford**
42 **Park No. 2," for a distance of 1,018 feet, more or less, to the easterly right-of-way of afore-**
43 **mentioned Interstate 5; thence, continuing in a westerly direction, for a distance of 1,348**
44 **feet, more or less, to the centerline intersection of aforementioned SW Boones Ferry Road**
45 **and SW Day Road (C.R. 470); thence, continuing in a westerly direction with the centerline**

1 of SW DAY Road, for a distance of 2,917 feet, more or less, to the common line of Sections
 2 2 and 3, T3S, R1W, W.M., and intersection of SW Day Road and SW Grahams Ferry Road;
 3 thence, in a southwesterly direction along the easterly right-of-way line of SW Grahams
 4 Ferry Road, for a distance of 4,270 feet, more or less to the centerline of a ditch (Coffee Lake
 5 Creek); thence, in a northwesterly direction along the centerline of a ditch per PS4745 filled
 6 in Clackamas County Survey Records, Survey Number 9081 filled in Washington County
 7 Survey Records, and Partition Plat No. 1999-101 Washington County Survey Records, for a
 8 distance of 3,210 feet, more or less, to the westerly interior et al corner of Parcel 2 of said
 9 PP No. 1999-001; thence, in a northwesterly direction along the northerly line of the North
 10 Coffee Lake Creek Wetlands (Book 527, Page 226), for a distance of 1,290 feet, more or less,
 11 to the one-quarter line of Section 3, T3S, R1W, W.M.; thence, in a westerly direction along
 12 said one-quarter line, passing at 745 feet, more or less, the common section line of Sections
 13 3 and 4, T3S, R1W, W.M., same being a county line between Washington and Clackamas
 14 Counties, continuing for a total distance of 893 feet, more or less, to the centerline of SW
 15 Morgan Road (C.R. 699); thence, in a northerly direction along the centerline of SW Morgan
 16 Road, for a distance of 2,460 feet, more or less, to the centerline intersection of said SW
 17 Morgan Road and SW Tonquin Road; thence, in a northeasterly direction along the centerline
 18 of SW Tonquin Road, for a distance of 2,120 feet, more or less, to the centerline intersection
 19 of said SW Tonquin Road and aforementioned SW Basalt Creek Road; thence, in an easterly
 20 direction along the centerline of SW Basalt Creek Road, for a distance of 3,612 feet, more
 21 or less, to the point of beginning.

22 (2) A 313 acre tract of land, more or less, situated in the Southwesterly Quarter of Sec-
 23 tion 7 and Northwesterly Quarter of Section 18, Township 3 South, Range 1 East of the
 24 Willamette Meridian, Clackamas County, State of Oregon, being more particularly described
 25 as follows: beginning at the section corner at the Southeast corner of Section 12 and the said
 26 Northeast corner of Section 13 in Range 1 West of the Willamette Meridian which is also the
 27 Southwest corner of said Section 7 and Northwest corner of said Section 18, said point being
 28 the intersection of Boeckman Road (County Road 80), SW Stafford Road (Market Road 12),
 29 SW Advance Road (County Road 140(X-24)), and SW Wilsonville Road; thence, in a northerly
 30 direction along the common line of said Section 12 and said Section 7 with the centerline of
 31 SW Stafford Road a distance of 2,681 feet, more or less, to the intersection of the northerly
 32 right-of-way line of SW Kahle Rd (County Road 2393); thence, in an easterly direction along
 33 the northerly right-of-way line of SW Kahle Rd for a distance of 2,600 feet, more or less, to
 34 the westerly line of Lot 14 of the plat of "TURNER LITTLE FARMS," a duly recorded sub-
 35 division in Clackamas County; thence, in a southerly direction along the westerly line of said
 36 Lot 14 a distance of 33 feet, more or less, to the southwesterly corner of said Lot 14; thence,
 37 in an easterly direction along the southerly line of said Lot 14, same being the northerly line
 38 of a tract of land described in deed recorded under Document Number (Doc. No.) 2022-008589
 39 of the Clackamas County Deed Records (CCDR), for a distance of 585 feet, more or less, to
 40 a point for corner; thence, in a southwesterly direction over and across said Doc. No.
 41 2022-008589 for a distance of 1381 feet, more or less, to the southerly line of said Doc. No.
 42 2022-008589 and the northerly line of a tract of land described in deed recorded under Doc.
 43 No. 2011-074240 CCDR; thence, in a westerly direction along said common line for a distance
 44 of 139 feet, more or less, to the northwesterly corner of said Doc. No. 2011-074240; thence,
 45 in a southerly direction along the westerly line of said Doc. No. 2011-074240 for a distance

1 of 1,325 feet, more or less, to the southerly right of way line of aforementioned SW Advance
2 Road; thence, in a westerly direction along the southerly right of way line of SW Advance
3 Road, a distance of 440 feet, more or less, to a point being 440.2 feet west of the quarter
4 section corner of aforementioned Sections 7 and 18; thence, in a southerly direction along a
5 line called to be 440.2 feet west of, and parallel to, the quarter section line of said Section
6 18, for a distance of 2,300 feet, more or less, to the southerly right-of-way line of SW Kruse
7 Road (County Road 2359); thence, in a westerly direction along the southerly right-of-way line
8 of SW Kruse Road, for a distance of 873 feet, more or less, to the center line of SW 60th
9 Avenue (County Road 2359); thence, in a southerly direction along the centerline of SW
10 Kruse Road, for a distance of 304 feet, more or less, to the northeasterly corner of the Heirs
11 of D.S. Minkler, Dec'd, DLC No. 48; thence, in a westerly direction along the northerly line
12 of said DLC No. 48, for a distance of 1,435 feet, more or less, to the easterly line of afore-
13 mentioned Section 13; thence, in a northerly direction along the easterly line of said Section
14 13, same being the westerly line of aforementioned Section 18, for a distance of 2633 feet,
15 more or less, to the point of beginning.

16

House Bill 2662

Sponsored by Representative NERON; Senator WOODS (at the request of City of Wilsonville) (Presession filed.)

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 Department of Transportation, in collaboration with Tri-Met and Portland & Western Railroad to study extending Westside Express Service commuter line to Salem. Directs department to submit findings to interim committees of Legislative Assembly related to transportation not later than September 15, 2024.

Appropriates moneys from General Fund to Department of Transportation for study.

Declares emergency, effective July 1, 2023.

A BILL FOR AN ACT

Relating to a study on extending the Westside Express Service commuter line to Salem; and declaring an emergency.

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

SECTION 1. (1) The Department of Transportation, in collaboration with Tri-Met as defined in ORS 267.334 and Portland & Western Railroad, shall study issues related to extending the Westside Express Service commuter line to Salem, including increasing the frequency and hours of service. The study must include, but is not limited to:

(a) A review of the specific operational and locational issues for extending and operating the Westside Express Service commuter line on the old Oregon Electric Railway using the existing or new Westside Express Service trains and the Portland & Western Railroad tracks.

(b) Consulting cities that may be potentially served by the service extension, including Wilsonville, Donald, Woodburn, Keizer and Salem, to better understand local access and other related issues.

(c) Consulting relevant transit agencies, including but not limited to South Metro Area Regional Transit, Woodburn Transit Service and Salem-Keizer Transit, that would potentially provide bus service from rail stops to Wilsonville, Donald, Woodburn, Keizer or Salem and exploring options for connecting rail stops with transit service.

(2) The department shall submit a report in the manner provided by ORS 192.245, and may include recommendations for legislation, to the interim committees of the Legislative Assembly related to transportation no later than September 15, 2024.

SECTION 2. Section 1 of this 2023 Act is repealed on January 2, 2025.

SECTION 3. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Transportation, for the biennium beginning July 1, 2023, out of the General Fund, the amount of \$500,000, which may be expended for the purpose of carrying out the provisions of section 1 of this 2023 Act.

SECTION 4. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect

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 **July 1, 2023.**

2

House Bill 2663

Sponsored by Representative NERON, Senator WOODS (at the request of City of Wilsonville) (Presession filed.)

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**.

Extends sunset of Oregon Industrial Site Readiness Program. Appropriates moneys for deposit in Oregon Industrial Site Readiness Program Fund.
Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to industrial site readiness; creating new provisions; amending ORS 285B.627; and declaring an emergency.

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

SECTION 1. ORS 285B.627 is amended to read:

285B.627. (1) In consultation with the Department of Revenue, the Oregon Business Development Department shall establish and administer the Oregon Industrial Site Readiness Program. The purpose of the program is to:

(a) Enter into tax reimbursement arrangements with qualified project sponsors pursuant to subsection (5) of this section; or

(b) Provide loans, including forgivable loans, to qualified project sponsors pursuant to subsection (5) of this section.

(2)(a) Subject to standards and procedures that the Oregon Business Development Department shall establish by rule, the department shall designate regionally significant industrial sites for inclusion in the program.

(b) A regionally significant industrial site designated under this section must be an industrial site that is planned and zoned for industrial use.

(3) A project sponsor may apply to participate in the program by submitting an application and development plan in writing in a form prescribed by the department by rule.

(4) The department shall establish by rule criteria and standards for the qualification of project sponsors to participate in the program.

(5) Upon qualification of a project sponsor under this section, and before July 1, [2023] **2033**, the department may:

(a) Enter into a tax reimbursement arrangement with the project sponsor pursuant to which the project sponsor shall receive an amount equal to 50 percent of the estimated incremental income tax revenues generated by an eligible employer per tax year, beginning with the first tax year following the tax year in which a project sponsor is qualified under this section, until the total investment of the qualified project sponsor in the eligible site preparation costs, including interest, established under subsection (7) of this section has been recovered, at which time the tax reimbursement arrangement shall end; or

(b) Enter into a loan agreement with the project sponsor under terms and conditions specified

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 and required by the department. In making a determination to enter into a loan agreement with the
2 project sponsor, the department shall consider the reasonableness of the project sponsor's estimated
3 costs to prepare the site for industrial use, including but not limited to eligible site preparation
4 costs established by the department pursuant to subsection (7) of this section. The agreement may
5 specify that a portion of the loan may be forgiven if the project sponsor enters into a contract with
6 an eligible employer to conduct a business in the traded sector industry on a regionally significant
7 industrial site within seven years after the project sponsor was qualified under this section.

8 (6)(a) The total amount of the loan that may be forgiven under subsection (5) of this section is
9 the lesser of:

10 (A) Fifty percent of the total cost of eligible site preparation costs; or

11 (B) Fifty percent of the amount of the estimated incremental income tax revenues for the eligible
12 employer for the term of the loan.

13 (b) Loan forgiveness may not be allowed under subsection (5) of this section if any portion of
14 the loan that would not be forgiven would be repaid by the project sponsor with state funds received
15 from any source.

16 (7) The department shall establish, by rule, eligible site preparation costs including, but not
17 limited to, some or all of the following:

18 (a) Acquisition and assembly costs associated with creating large development parcels.

19 (b) Transportation improvements such as access roads, intersections, turning lanes, signals,
20 sidewalks, curbs, transit stops and storm drains.

21 (c) Water and sewer infrastructure.

22 (d) Natural resource mitigation.

23 (e) Site grading activities.

24 (f) Environmental remediation and mitigation activities to address brownfields issues in accord-
25 ance with state and federally approved remediation plans.

26 (g) Planning, engineering and administrative costs associated with applying for necessary local,
27 state and federal permits.

28 (h) Interest-carrying costs incurred by a project sponsor for amounts borrowed to develop a re-
29 gionally significant industrial site, not to exceed 20 percent of the total amount forgiven, if any,
30 under subsection (5) of this section.

31 (8) The total amount of tax reimbursement arrangements and loan amounts authorized under this
32 section may not exceed \$10 million per year.

33 (9) Funds received pursuant to a tax reimbursement arrangement or a loan agreement under
34 subsection (5) of this section may not be used for the payment of:

35 (a) A penalty or fine; or

36 (b) Environmental remediation activities conducted at a regionally significant industrial site that
37 is listed or proposed to be listed as a national priority pursuant to the Comprehensive Environ-
38 mental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) for which the project
39 sponsor, eligible employer or any party to the tax reimbursement arrangement or loan agreement
40 is liable under 42 U.S.C. 9607 at that regionally significant industrial site.

41 (10) The department shall adopt rules to administer and implement the provisions of this section.

42 **SECTION 2. There is appropriated to the Oregon Business Development Department, for**
43 **the biennium beginning July 1, 2023, out of the General Fund, the amount of \$50,000,000 for**
44 **deposit in the Oregon Industrial Site Readiness Program Fund established under ORS**
45 **285B.632. The moneys may be used for any purpose for which moneys in the fund may be**

1 used.

2 **SECTION 3. This 2023 Act being necessary for the immediate preservation of the public**
3 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
4 **on its passage.**

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