

House Bill 2388

Sponsored by Representative CANNON (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 city or county to obtain and review comprehensive economic impact study before approving or disapproving application for permit to construct retail facility larger than 75,000 square feet of gross floor area.

A BILL FOR AN ACT

1
2 Relating to construction of large-scale retail developments.

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

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS 215.402 to**
5 **215.438.**

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

7 (a) **"Large-scale retail development" means a retail seller of goods to the end user, for**
8 **direct consumption or use, that has more than 75,000 square feet of gross floor area in one**
9 **or more buildings at the same location.**

10 (b) **"Market area" means a geographical area that is:**

11 (A) **Large enough to support the proposed large-scale retail development; and**

12 (B) **Affected by the location of the development.**

13 (c) **"Qualified preparer" means a neutral third party qualified by education, training and**
14 **experience to analyze and estimate the economic and environmental effects of large-scale**
15 **retail development on the market area.**

16 (d) **"Undue adverse impacts" means, with respect to the issues analyzed in a compre-**
17 **hensive economic impact study, that the estimated overall negative effects outweigh the es-**
18 **timated overall positive effects.**

19 (2) **Before approving or disapproving an application for a permit to construct a large-**
20 **scale retail development, the county shall review and consider a comprehensive economic**
21 **impact study prepared by a qualified preparer. The county may not approve the application**
22 **if the county determines, based on the comprehensive economic impact study, that the**
23 **large-scale retail development has undue adverse impacts.**

24 (3) **Upon receipt of the application for a permit to construct a large-scale retail develop-**
25 **ment, the county shall cause a comprehensive economic impact study to be produced by en-**
26 **tering into a contract with a qualified preparer. The county and the applicant shall select a**
27 **mutually agreeable qualified preparer from a list of qualified preparers maintained by the**
28 **county. If the county and the applicant cannot agree on the selection within 15 days after**
29 **the application is first submitted for approval, the county shall select a qualified preparer.**

30 (4)(a) **In addition to any other fees, the county shall collect, when the application is first**
31 **submitted, a fee in an amount not to exceed \$40,000 from an applicant to pay the costs of:**

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 (A) Contracting for the comprehensive economic impact study; and

2 (B) Establishing and maintaining the list of qualified preparers.

3 (b) The county shall refund the unused portion of the fee, if any, to the applicant.

4 (5) The application for a permit to construct a large-scale retail development is not
5 complete, under ORS 215.427 (3), until the county receives the comprehensive economic im-
6 pact study for review.

7 (6) In preparing the comprehensive economic impact study required by subsection (2) of
8 this section, the qualified preparer shall analyze and estimate the effects of the large-scale
9 retail development on the market area. The comprehensive economic impact study must
10 identify:

11 (a) Using existing studies and data and through the collection and analysis of new data,
12 the economic effects in the market area of the large-scale retail development on:

13 (A) Existing retail operations, including the estimated captured share of existing retail
14 sales by the large-scale retail development;

15 (B) The supply of and demand for retail space;

16 (C) The number and location of existing retail establishments in which there is overlap
17 of goods and services offered;

18 (D) Employment, including projected net job creation or loss;

19 (E) Retail wages and benefits;

20 (F) Sales revenue retained or reinvested in the market area; and

21 (G) The public tax revenues and other income generated as a result of the construction
22 and operation of the large-scale retail development.

23 (b) Using existing studies and data, to the degree available, and transportation impact
24 estimates provided by the applicant, the transportation impact and the amount of carbon
25 generated by the large-scale retail development, including:

26 (A) The number of trips to be generated by the large-scale retail development;

27 (B) The number of trip miles generated; and

28 (C) An estimate of carbon dioxide emissions using an estimated average fleet economy
29 in miles per gallon and a factor of 20 pounds of carbon dioxide emitted for each gallon of
30 gasoline used.

31 (c) The amount of public subsidies, including tax increment financing, required by the
32 large-scale retail development.

33 (d) The costs of public services and public facilities required as a result of the con-
34 struction and operation of the large-scale retail development.

35 (7) After the completion of the comprehensive economic impact study required by sub-
36 section (2) of this section and at least 30 days before approving or disapproving the applica-
37 tion for a permit, the governing body of the county shall provide an opportunity for public
38 comment on the study and its findings at one or more regularly scheduled meetings.

39 (8) The county shall maintain a list of qualified preparers.

40 **SECTION 3.** Section 4 of this 2009 Act is added to and made a part of ORS 227.160 to
41 227.186.

42 **SECTION 4.** (1) As used in this section:

43 (a) "Large-scale retail development" means a retail seller of goods to the end user, for
44 direct consumption or use, that has more than 75,000 square feet of gross floor area in one
45 or more buildings at the same location.

1 (b) “Market area” means a geographical area that is:

2 (A) Large enough to support the proposed large-scale retail development; and

3 (B) Affected by the location of the development.

4 (c) “Qualified preparer” means a neutral third party qualified by education, training and
5 experience to analyze and estimate the economic and environmental effects of large-scale
6 retail development on the market area.

7 (d) “Undue adverse impacts” means, with respect to the issues analyzed in a compre-
8 hensive economic impact study, that the estimated overall negative effects outweigh the es-
9 timated overall positive effects.

10 (2) Before approving or disapproving an application for a permit to construct a large-
11 scale retail development, the city shall review and consider a comprehensive economic im-
12 pact study prepared by a qualified preparer. The city may not approve the application if the
13 city determines, based on the comprehensive economic impact study, that the large-scale
14 retail development has undue adverse impacts.

15 (3) Upon receipt of the application for a permit to construct large-scale retail develop-
16 ment, the city shall cause a comprehensive economic impact study to be produced by enter-
17 ing into a contract with a qualified preparer. The city and the applicant shall select a
18 mutually agreeable qualified preparer from a list of qualified preparers maintained by the
19 city. If the city and the applicant cannot agree on the selection within 15 days after the ap-
20 plication is first submitted for approval, the city shall select a qualified preparer.

21 (4)(a) In addition to any other fees, the city shall collect, when the application is first
22 submitted, a fee in an amount not to exceed \$40,000 from an applicant to pay the costs of:

23 (A) Contracting for the comprehensive economic impact study; and

24 (B) Establishing and maintaining the list of qualified preparers.

25 (b) The city shall refund the unused portion of the fee, if any, to the applicant.

26 (5) The application for a permit to construct a large-scale retail development is not
27 complete, under ORS 227.178 (3), until the city receives the comprehensive economic impact
28 study for review.

29 (6) In preparing the comprehensive economic impact study required by subsection (2) of
30 this section, the qualified preparer shall analyze and estimate the effects of the large-scale
31 retail development on the market area. The comprehensive economic impact study must
32 identify:

33 (a) Using existing studies and data and through the collection and analysis of new data,
34 the economic effects in the market area of the large-scale retail development on:

35 (A) Existing retail operations, including the estimated captured share of existing retail
36 sales by the large-scale retail development;

37 (B) The supply of and demand for retail space;

38 (C) The number and location of existing retail establishments in which there is overlap
39 of goods and services offered;

40 (D) Employment, including projected net job creation or loss;

41 (E) Retail wages and benefits;

42 (F) Sales revenue retained or reinvested in the market area; and

43 (G) The public tax revenues and other income generated as a result of the construction
44 and operation of the large-scale retail development.

45 (b) Using existing studies and data, to the degree available, and transportation impact

1 estimates provided by the applicant, the transportation impact and the amount of carbon
2 generated by the large-scale retail development, including:

3 (A) The number of trips to be generated by the large-scale retail development;

4 (B) The number of trip miles generated; and

5 (C) An estimate of carbon dioxide emissions using an estimated average fleet economy
6 in miles per gallon and a factor of 20 pounds of carbon dioxide emitted for each gallon of
7 gasoline used.

8 (c) The amount of public subsidies, including tax increment financing, required by the
9 large-scale retail development.

10 (d) The costs of public services and public facilities required as a result of the con-
11 struction and operation of the large-scale retail development.

12 (7) After the completion of the comprehensive economic impact study required by sub-
13 section (2) of this section and at least 30 days before approving or disapproving the applica-
14 tion for a permit, the governing body of the city shall provide an opportunity for public
15 comment on the study and its findings at one or more regularly scheduled meetings.

16 (8) The city shall maintain a list of qualified preparers.

17 **SECTION 5.** Sections 2 and 4 of this 2009 Act apply to applications for permits to con-
18 struct large-scale retail developments first submitted on or after the effective date of this
19 2009 Act.

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