

# Senate Bill 478

Sponsored by Senator KRUSE

## 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 approval of urban renewal plan by electors of municipality proposing plan.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to urban renewal; amending ORS 457.085, 457.095, 457.125 and 457.135; and declaring an  
3 emergency.

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

5 **SECTION 1.** ORS 457.095 is amended to read:

6 457.095. (1) The governing body of the municipality, upon receipt of a proposed urban renewal  
7 plan and report from the municipality's urban renewal agency and after public notice and hearing  
8 and consideration of public testimony and planning commission recommendations, if any, may ap-  
9 prove the urban renewal plan, **subject to approval by registered electors of the municipality**  
10 **pursuant to subsection (3) of this section.**

11 (2) The approval shall be by nonemergency ordinance, which shall incorporate the plan by  
12 reference. *Notice of adoption of the ordinance approving the urban renewal plan, and the provisions*  
13 *of ORS 457.135, shall be published by the governing body of the municipality in accordance with ORS*  
14 *457.115 no later than four days following the ordinance adoption. The ordinance shall] and include*  
15 determinations and findings by the governing body that:

16 [(1)] (a) Each urban renewal area is blighted;

17 [(2)] (b) The rehabilitation and redevelopment is necessary to protect the public health, safety  
18 or welfare of the municipality;

19 [(3)] (c) The urban renewal plan conforms to the comprehensive plan and economic development  
20 plan, if any, of the municipality as a whole and provides an outline for accomplishing the urban  
21 renewal projects the urban renewal plan proposes;

22 [(4)] (d) Provision has been made to house displaced persons within their financial means in  
23 accordance with ORS 35.500 to 35.530 and, except in the relocation of elderly individuals or indi-  
24 viduals with disabilities, without displacing on priority lists persons already waiting for existing  
25 federally subsidized housing;

26 [(5)] (e) If acquisition of real property is provided for, that it is necessary;

27 [(6)] (f) Adoption and carrying out of the urban renewal plan is economically sound and feasible;  
28 and

29 [(7)] (g) The municipality shall assume and complete any activities prescribed it by the urban  
30 renewal plan.

31 (3) **Upon adoption of the ordinance approving the plan, the governing body of the**

**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 **municipality shall refer the ordinance to the electors for their approval or rejection at the**  
 2 **next election date specified in ORS 203.085 if the municipality is a county or ORS 221.230 if**  
 3 **the municipality is a city, that is not sooner than the 90th day following the date of adoption**  
 4 **of the ordinance.**

5 **(4) If the electors approve the plan pursuant to subsection (3) of this section, the gov-**  
 6 **erning body of the municipality shall publish notice of the adoption ordinance and the pro-**  
 7 **visions of ORS 457.135 in accordance with ORS 457.115 no later than seven days following the**  
 8 **election.**

9 **SECTION 2.** ORS 457.085 is amended to read:

10 457.085. (1) An urban renewal agency shall provide for public involvement in all stages in the  
 11 development of an urban renewal plan.

12 (2) An urban renewal plan proposed by an urban renewal agency shall include all of the fol-  
 13 lowing:

14 (a) A description of each urban renewal project to be undertaken.

15 (b) An outline for the development, redevelopment, improvements, land acquisition, demolition  
 16 and removal of structures, clearance, rehabilitation or conservation of the urban renewal areas of  
 17 the plan.

18 (c) A map and legal description of the urban renewal areas of the plan.

19 (d) An explanation of its relationship to definite local objectives regarding appropriate land uses  
 20 and improved traffic, public transportation, public utilities, telecommunications utilities, recreational  
 21 and community facilities and other public improvements.

22 (e) An indication of proposed land uses, maximum densities and building requirements for each  
 23 urban renewal area.

24 (f) A description of the methods to be used for the temporary or permanent relocation of persons  
 25 living in, and businesses situated in, the urban renewal area of the plan.

26 (g) An indication of which real property may be acquired and the anticipated disposition of said  
 27 real property, whether by retention, resale, lease or other legal use, together with an estimated time  
 28 schedule for such acquisition and disposition.

29 (h) If the plan provides for a division of ad valorem taxes under ORS 457.420 to 457.460, the  
 30 maximum amount of indebtedness that can be issued or incurred under the plan.

31 (i) A description of what types of possible future amendments to the plan are substantial  
 32 amendments and require the same notice, hearing and approval procedure required of the original  
 33 plan under ORS 457.095 as provided in ORS 457.220, including but not limited to amendments:

34 (A) Adding land to the urban renewal area, except for an addition of land that totals not more  
 35 than one percent of the existing area of the urban renewal area.

36 (B) Increasing the maximum amount of indebtedness that can be issued or incurred under the  
 37 plan.

38 (j) For a project which includes a public building, an explanation of how the building serves or  
 39 benefits the urban renewal area.

40 (3) An urban renewal plan shall be accompanied by a report which shall contain:

41 (a) A description of physical, social and economic conditions in the urban renewal areas of the  
 42 plan and the expected impact, including the fiscal impact, of the plan in light of added services or  
 43 increased population;

44 (b) Reasons for selection of each urban renewal area in the plan;

45 (c) The relationship between each project to be undertaken under the plan and the existing

1 conditions in the urban renewal area;

2 (d) The estimated total cost of each project and the sources of moneys to pay such costs;

3 (e) The anticipated completion date for each project;

4 (f) The estimated amount of money required in each urban renewal area under ORS 457.420 to  
5 457.460 and the anticipated year in which indebtedness will be retired or otherwise provided for  
6 under ORS 457.420 to 457.460;

7 (g) A financial analysis of the plan with sufficient information to determine feasibility;

8 (h) A fiscal impact statement that estimates the impact of the tax increment financing, both until  
9 and after the indebtedness is repaid, upon all entities levying taxes upon property in the urban re-  
10 newal area; and

11 (i) A relocation report which shall include:

12 (A) An analysis of existing residents or businesses required to relocate permanently or tempo-  
13 rarily as a result of agency actions under ORS 457.170;

14 (B) A description of the methods to be used for the temporary or permanent relocation of per-  
15 sons living in, and businesses situated in, the urban renewal area in accordance with ORS 35.500  
16 to 35.530; and

17 (C) An enumeration, by cost range, of the existing housing units in the urban renewal areas of  
18 the plan to be destroyed or altered and new units to be added.

19 (4) An urban renewal plan and accompanying report shall be forwarded to the planning com-  
20 mission of the municipality for recommendations, prior to presenting the plan to the governing body  
21 of the municipality for approval under ORS 457.095.

22 (5) An urban renewal plan and accompanying report shall be forwarded to the governing body  
23 of each taxing district affected by the urban renewal plan and the agency shall consult and confer  
24 with the taxing districts prior to presenting the plan to the governing body of the municipality for  
25 approval under ORS 457.095. Any written recommendations of the governing body of each taxing  
26 district shall be accepted, rejected or modified by the governing body of the municipality in adopting  
27 the plan.

28 (6) No urban renewal plan shall be carried out until the plan has been approved by [*the gov-*  
29 *erning body of*] each municipality pursuant to ORS 457.095 and 457.105.

30 **SECTION 3.** ORS 457.125 is amended to read:

31 457.125. A copy of the ordinance approving an urban renewal plan under ORS 457.095 shall be  
32 sent by the governing body of the municipality to the urban renewal agency. A copy of the resol-  
33 ution approving an urban renewal plan under ORS 457.105 shall be sent by the governing body of  
34 a municipality to the urban renewal agency. Upon receipt of the necessary approval of each  
35 municipality [*governing body*] **pursuant to ORS 457.095**, the urban renewal plan shall be recorded  
36 by the urban renewal agency with the recording officer of each county in which any portion of an  
37 urban renewal area within the plan is situated.

38 **SECTION 4.** ORS 457.135 is amended to read:

39 457.135. After October 3, 1979, any urban renewal plan purported to be adopted in conformance  
40 with applicable legal requirements shall be conclusively presumed valid for all purposes 90 days af-  
41 ter [*adoption of the plan by ordinance of the governing body of the municipality*] **approval of the plan**  
42 **by the electors of the municipality pursuant to ORS 457.095**. No direct or collateral attack on  
43 the action may thereafter be commenced.

44 **SECTION 5. This 2013 Act being necessary for the immediate preservation of the public**  
45 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**

1 **on its passage.**

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