



Testimony by City of Wilsonville Mayor Shawn O'Neil Opposing and Amending HB 2658 -5:

Latest Amendments of Proposed Legislation Provide Improvements; However, Section 2 Remains Problematic

Scheduled for public hearing on June 16, 2025, before
the Senate Committee on Rules

Chair Jama, Vice Chair Bonham, and Members of the Committee:

I am testifying on behalf of the City of Wilsonville in opposition to HB 2658 -5 and proposing amendments for consideration at the scheduled June 16, 2025, public hearing. The proposed legislation has been improved considerably from prior versions, and the City greatly appreciates the committee's work to make the bill more workable.

Wilsonville has been one of Oregon's fastest-growing cities for the past 20 years, contributing an estimated 20% of all new housing to the Portland metro area during that time, with the largest percentage (55.5%) of middle-housing and multifamily residential units.

Wilsonville understands the balance between supporting development and exacting necessary public improvements with development. Rough proportionality is a standard developed by the US Supreme in cases like *Dolan v. City of Tigard* to ensure that public infrastructure requirements are roughly proportional to the exactions imposed on the developer.

The criteria for establishing exactment of public improvements found in Section 2(a) of -5 is problematic. Specifically, the language prohibits a municipality from requiring frontage improvements if the alteration does not increase the square footage or footprint and does not result in a change of occupancy classification group. This could allow for a sit-down restaurant to be converted to a drive-through restaurant, both considered occupancy A, with no transportation improvements required, assuming that the improvements were less than \$150,000 and the footprint of the building did not change. Such a modification from a sit-down restaurant to a drive-through restaurant has significant impacts to the transportation system that should be mitigated by the developer with the building permit application. Transportation improvement exactions should be

based on the increased demand on the transportation system, not connected to the occupancy classification group.

Additionally, the language in Section(b)(B) of the -5 amendments limits the ability to exact ADA improvements to those in effect on the effective date of this proposed 2025. It is important that we make continuous efforts to improve our transportation systems accessibility for our most vulnerable populations, as those federal regulations are updated into the future.

To better align with the bill's intent to ensure that exaction of public improvements are proportional with the actual development's improvements, the City proposes the following amendment in bold text for Section 2:

"SECTION 2. (2)(a)(D) Existing or proposed uses for the building do not result in an increase in average daily trips. The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily trips, unless a specific trip generation study is approved by the municipality.

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SECTION 2. (2)(b)(B) If the Americans with Disabilities Act of 1990, 42 U.S.C 12101 et seq., ~~as in effect on the effective date of this 2025 Act~~, requires the municipality to include the installation of a frontage improvement as a condition in, or as a condition of obtaining a construction permit.

The City of Wilsonville appreciates your consideration and urges opposing HB 2658 -5 as presented and urges amendments as outlined in this testimony. Thank you.

Sincerely,



Shawn O'Neil, Mayor
City of Wilsonville