



# PORT of THE DALLES

## Strategic Business Plan Update 2023-2027



Facilitated by:



**POINTS**  
CONSULTING

September 1, 2023

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# 1. Summary/Introduction

The Port of The Dalles contracted with Points Consulting (PC) to produce an updated Strategic Business Plan. The plan is intended to meet the requirements of the State of Oregon and to provide guidance for the Port Commissioners and staff for the next five years, 2023-2027. Per requirements of OAR 123-025-0016, Ports in Oregon are required to complete a Strategic Business Plan every ten years, which must meet the standards and requirements laid out in the Statewide Ports Strategic Business Plan.

PC performed extensive regional research, interviewed, and held workshops with Port Commissioners and staff, reviewed area socioeconomic data, analyzed the Port’s assets, and conducted several modes of community outreach to compose this plan. Community outreach included an open house community event, online survey, and one-on-one interviews with key personnel.

To avoid confusion, PC has defined several terms below.

- **The Port or The Port of The Dalles** refers to the organization, The Port of The Dalles.
- **The Port District or The Port Tax District** refers to the area within Wasco County that pays tax to the Port (see Figure 12).
- **The Port vicinity** refers to the area in which the Port has historically developed and sold properties.

## Mission & Vision

The Port is the principal public sector organization in Wasco County assigned to enhancing commerce and diversifying the County’s economic base. The Port of The Dalles mission and vision are as follows:<sup>1</sup>

**Mission:**

The Port of The Dalles mission is to support the creation, retention, expansion, and recruitment of businesses and jobs that will enhance the economy of the (Port) District.

**Vision:**

The Port will be an important contributor to economic development in the region by continuing its successful public partnerships and private sector facilitation. In addition to industrial land development, the Port will explore new, fiscally responsible, employment-generating strategies that increase the prosperity and well-being of the Port District.

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<sup>1</sup> Adapted from the Port of The Dalles 2013 Strategic Business Plan

## Port Commissioners

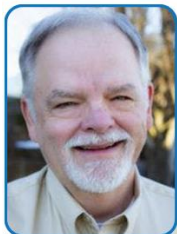
According to ORS 777, each Oregon port is to be governed by five commissioners. The commissioners have a term of office of four years. The Port Commissioners meet at least monthly and may have additional special meetings. Additionally, The Port Commissioners must have a president, vice president, treasurer, and secretary. All Commissioners for the Port of The Dalles are listed in this section, along with their positions and lengths of term.



Robert Wallace  
Position: President, Commission  
Position 1  
Term: July 1, 2022 – June 30, 2025



John D. Willer  
Position: Secretary, Commission  
Position 3  
Term: July 1, 2022 – June 30, 2025



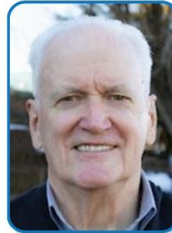
Greg Weast  
Position: Vice-President,  
Commission Position 2  
Term: July 1, 2023 – June 30, 2026



Staci Coburn  
Position: Treasurer, Commission  
Position 4  
Term: July 1, 2023 – June 30, 2026



Mary Hanlon  
Position: Assistant Secretary/  
Treasurer, Commission Position 5  
Term: July 1, 2023 – June 30, 2026



**Past Commissioner involved in SBP**  
David Griffith  
Position: Assistant Secretary/  
Treasurer, Commission Position 5  
Term: July 1, 2020 – June 30, 2023

## 2. Port Inventories and Policies

### Sites and Facilities

The Port of The Dalles properties include The Port of The Dalles Marina, the administrative offices, and buildable land available for sale. Additionally, the Port of The Dalles owns a section of the Riverfront Trail Easement on which the nine-mile The Dalles Riverfront Trails runs, as well as the Klindt Cove Park. The Port of The Dalles also owns several undeveloped parcels due to topography and environmental constraints.

#### ***The Port of The Dalles Marina***

The Port of The Dalles Marina is located on the Columbia River at River Mile 190 in The Dalles on an approximately 15-acre site, adjacent to Interstate 84. The Port of The Dalles Marina has a restroom and a 41-stall parking lot with the capacity for boat trailer parking. The Port of The Dalles Marina provides moorage for all types of water vessels, accommodating vessel draft of up to 14 feet in most areas. Transient guest moorage spaces and a boat launch ramp are available at the east end of the Port of The Dalles Marina. The Port of The Dalles Marina leases dock space for boathouses and open boat moorage; at the time of print the marina is at capacity. The Port of The Dalles Marina is in the Recreational Commercial zoning district and does not allow permanent dwelling as a permitted use.

Figure 1: The Port of The Dalles Marina



Source: Port of The Dalles website, <https://www.portofthedalles.com/about-the-marina>, accessed June 2023.

Figure 2: Map of The Port of The Dalles Marina



Source: Google Earth, accessed August 2023

### **Port Offices**

The Port Administrative Office is located on a 4.23-acre site at 3636 Klindt Drive in The Dalles. The site of the Administrative Office is not developable due to its location on a sloped embankment. The offices are in the administrative building, a converted residence. Also onsite is a parking lot, carport, and the Port's maintenance shop.

Figure 3: Port of The Dalles Administrative Offices



Source: Points Consulting, February 15, 2023

## Available Port Properties

Historically, the Port has purchased, platted, and installed infrastructure then sold the improved property to businesses. The Port currently has ten properties available for sale, most located in the Columbia Gorge Industrial Center along River Trail Way. The lots on River Trail Way all have road frontage and are approximately a four-minute drive from I-84. All the lots are located in the Enterprise and Opportunity zones, with electric, natural gas, sewer, water, and fiber optics services. Furthermore, all lots are zoned for industrial use except the 3801 Klindt Drive parcel which is zoned Commercial/Recreation. However, the largest lot size is only 3 acres, and the average lot size is 1.9 acres. Lots of this size limit use, however they can be combined to form larger parcels.

The Port of The Dalles also owns a larger parcel of land called “Tract C.” The parcel has many challenges to development and does not have a dollar value attached to it for sale.

**Table 1: Port of The Dalles Properties for Sale**

Lot	Acreage	Sale Price	Zoning
Lot 1	2.3	\$1,160,000	Industrial
Lot 2	2.2	\$1,075,000	Industrial
Lot 4	2.61	\$1,305,000	Industrial
Lot 5	2	\$1,005,000	Industrial
Lot 6	1.8	\$895,000	Industrial
Lot 8	1.2	\$585,000	Industrial
Lot 9	1.43	\$740,000	Industrial
Lot 10	3	\$1,500,000	Industrial
Lot 25	2.5	\$1,240,000	Industrial
3801 Klindt Drive	1.1	\$525,000	Commercial/Recreation

Source: [Port of The Dalles website](#), accessed June 2023

**Figure 4: Port of The Dalles Property Lot 25**



Source: Points Consulting, February 16, 2023

Figure 5: Port of The Dalles Property Lot 6



Source: Points Consulting, February 16, 2023

### **Significant Partnerships and Programs**

In addition to contributing to the local economy by selling land and buildings to the public and private sector the Port collaborates with various public and non-profit agencies on shared projects and initiatives such as Brownfields Redevelopment, urban renewal, Center on Rural Initiatives, and The Dalles Community Outreach Team. Port leadership regularly meets with:

- Wasco County
- City of The Dalles
- City of Dufur
- Columbia Gorge Community College
- The Dalles Area Chamber of Commerce
- Dufur School District 29
- Mid-Columbia Economic Development District
- Northern Wasco County Parks and Recreation
- North Wasco County School District 21
- North Wasco People's Utility District



## **Incentives and Abatements**

The Port and regional development bodies have various incentives and abatements designed to attract prospective businesses to the area. Additionally, the Port's website lists additional resources that may be helpful for business growth. An overview of programs available at time of print is provided below. Incentives

### *Fees/Permit Waivers and Reductions (City of The Dalles)*

- Contact: Economic Development Officer, City of The Dalles, Dan Spatz, email: [dspatz@ci.the-dalles.or.us](mailto:dspatz@ci.the-dalles.or.us)

### ***Real Estate Incentives (Port of The Dalles)***

- Contact: Executive Director, Port of The Dalles, Andrea Klass, email: [andrea@portofthedalles.com](mailto:andrea@portofthedalles.com)

## **Financing Incentives**

### ***Port of The Dalles***

- Contact: Executive Director, Port of The Dalles, Andrea Klass, email: [andrea@portofthedalles.com](mailto:andrea@portofthedalles.com)

### ***Oregon Investment Board***

- Contact: Oregon Investment Board, email: [loanapplication@mcedd.org](mailto:loanapplication@mcedd.org)

### ***Mid-Columbia Economic Development District***

- Contact: Mid-Columbia Economic Development District, email: [mcedd@mcedd.org](mailto:mcedd@mcedd.org)

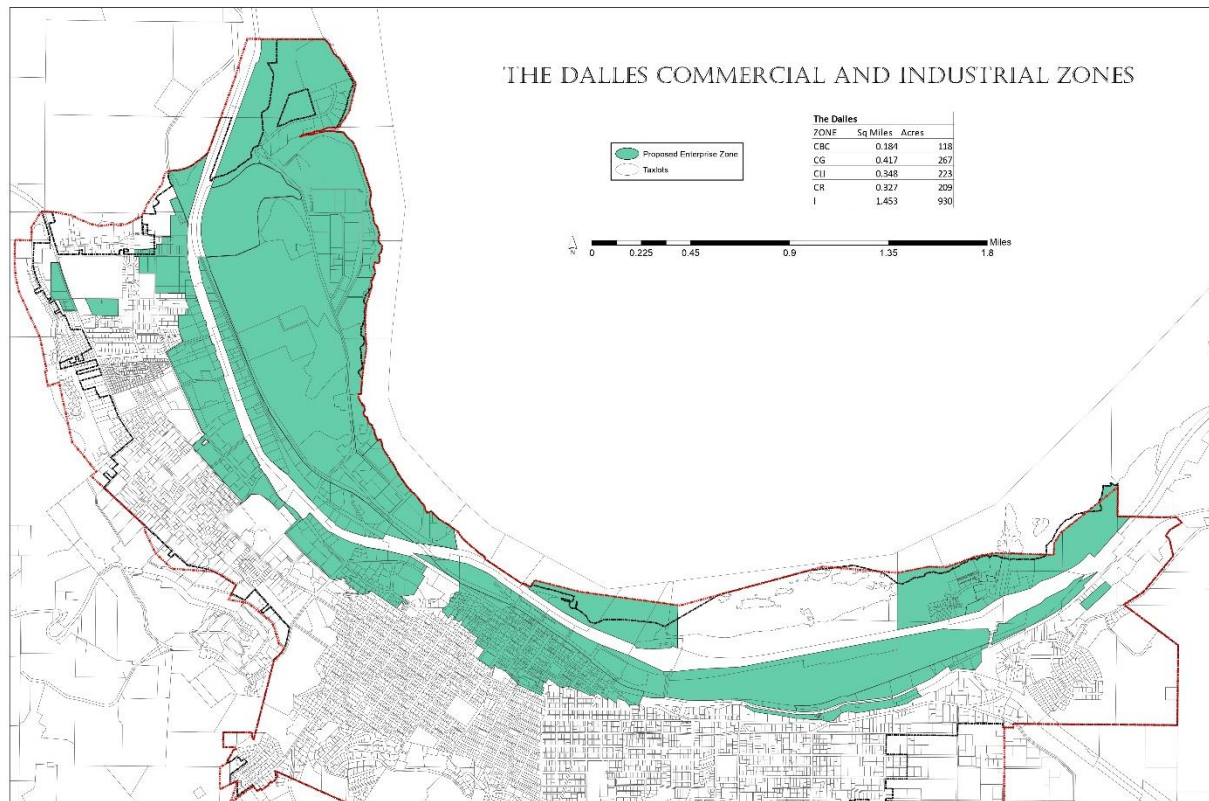
### ***State of Oregon***

- The State has a variety of programs available through Business Oregon.
- Contact: Regional Development Officer for North Central District, Valerie Egon, email: [valerie.egon@biz.oregon.gov](mailto:valerie.egon@biz.oregon.gov)

### ***The Dalles/Wasco County Joint Enterprise Zone***

- Contact: Economic Development Officer, City of The Dalles, Dan Spatz, email: [dspatz@ci.the-dalles.or.us](mailto:dspatz@ci.the-dalles.or.us)

Figure 6: The Dalles/Wasco County Joint Enterprise Zone



Source: Business Oregon website, [https://www.oregon.gov/biz/Publications/Enterprise\\_Zone\\_Maps/TDW.pdf](https://www.oregon.gov/biz/Publications/Enterprise_Zone_Maps/TDW.pdf), accessed July 2023.

## Port Policies

Just as it is important to outline the economic opportunities of the Port, it is important to outline its constraints and responsibilities in its business operations. As a Port district, the obligations and restrictions on the Port are clearly outlined in Oregon Revised Statutes (ORS) Chapter 777. Chapter 777 provides guidance to Ports and outlines their goals and responsibilities.

Not all ORS 777 topics are relevant to the Strategic Business Plan, but those relating to Port taxation and borrowing, allowable activities, and Port Commissioners are worthy of highlighting. ORS 777 serves as the primary policy document for The Port of The Dalles on these topics. This should not be seen as an exhaustive list, but as a summary of points related to the current operations and opportunities of the Port.

### ***Taxation, Bonds, and Borrowing***

- Ports may borrow money and issue bonds. In relation to taxes, Ports may “assess, levy, and collect taxes” on taxable real and personal property situated in the Port district. Further details on the financial opportunities and constraints of Ports are difficult to summarize. Refer to ORS 777.4, which is in Appendix B of this plan.

***Required and Allowable Port Activities***

- The Port may operate and maintain a marina and other recreational facilities. This includes managing and improving bays, rivers, and harbors within its limits. Facilities constructed in these spaces may be sold or leased to private or other public organizations.
- The Port may also employ staff that it finds necessary and determine just compensation for those staff.
- The Port may acquire real and personal property, conditioned on receiving an appraisal of fair market value (FMV) from a state certified appraiser. This includes the ability to purchase property on a “contractual basis” (such as a mortgage) provided the term does not exceed 20-years.
- The Port has the authority to lease and sell buildings, improvements, personal property and associated lands. Specific possible uses outlined include: “research and development parks” and “sports, recreation, convention and trade show facilities.”

***Port Commissioners***

- The Port is to be governed by five commissioners. Terms of office will be for four years. Commissioners’ seats may be vacated if they fail to appear at four or more consecutive Port Commissioner meetings.
- Port Commissioners shall consist of a president, vice president, treasurer, and secretary, who have the responsibility of filing annual reports to the board.
- Port Commissioners must meet at least once monthly, and may have additional special meetings. Materials used at the meeting pertaining to business of the Port are all public record, unless in executive session.

**Spatial View of Port Properties<sup>2</sup>**

Figure 7 displays the locations of each property currently for sale by the Port of The Dalles, while Figure 8 those properties in an aerial view and in proximity to the City’s urban growth boundary (UGB). As shown, the properties are clustered on the border of the current city limits of The Dalles.

Figure 9 illuminates further the geographic constraints present for both the Port and the City of The Dalles, as the UGB is hemmed in on one side by the Columbia River and on the other three sides by the National Scenic Area (NSA). Building upon this, Figure 10 displays both vacant lands and those parcels that are committed to future development, while also displaying the zoning for each of these districts within each of these districts. This conveys a similar story, namely, that the majority of industrially zoned lands which could be developed, have either been developed, are slated to be developed, or are currently for sale by the Port.

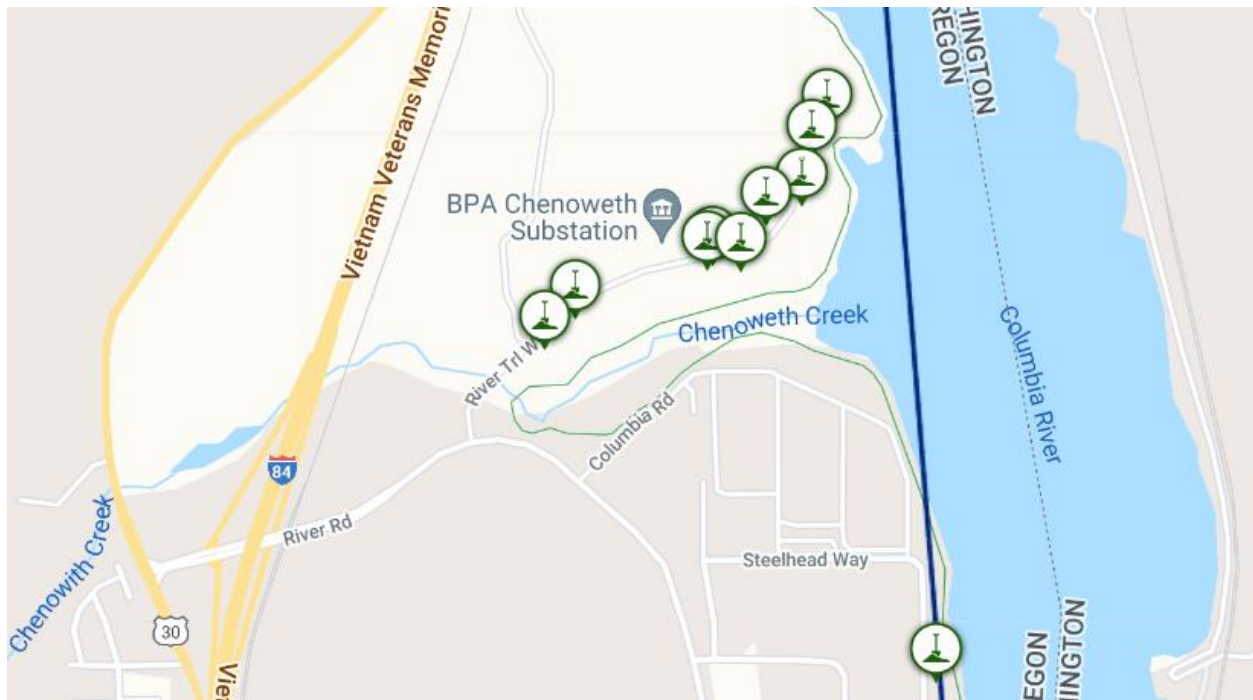
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<sup>2</sup> Full versions of the maps, where available, including dates of creation, are included in Appendix E.

Please note that aerial maps shown here have been condensed to fit into the body of this report, but larger versions have been provided in Appendix E.

Figure 11 displays how the Columbia Gorge National Scenic Area most prominently affects areas on the north side of Wasco County. As shown in Figure 12, while the Port's Taxation District includes the top third of Wasco County, including the City of Dufur. It should be noted that the city of Maupin is not part of the Port District.

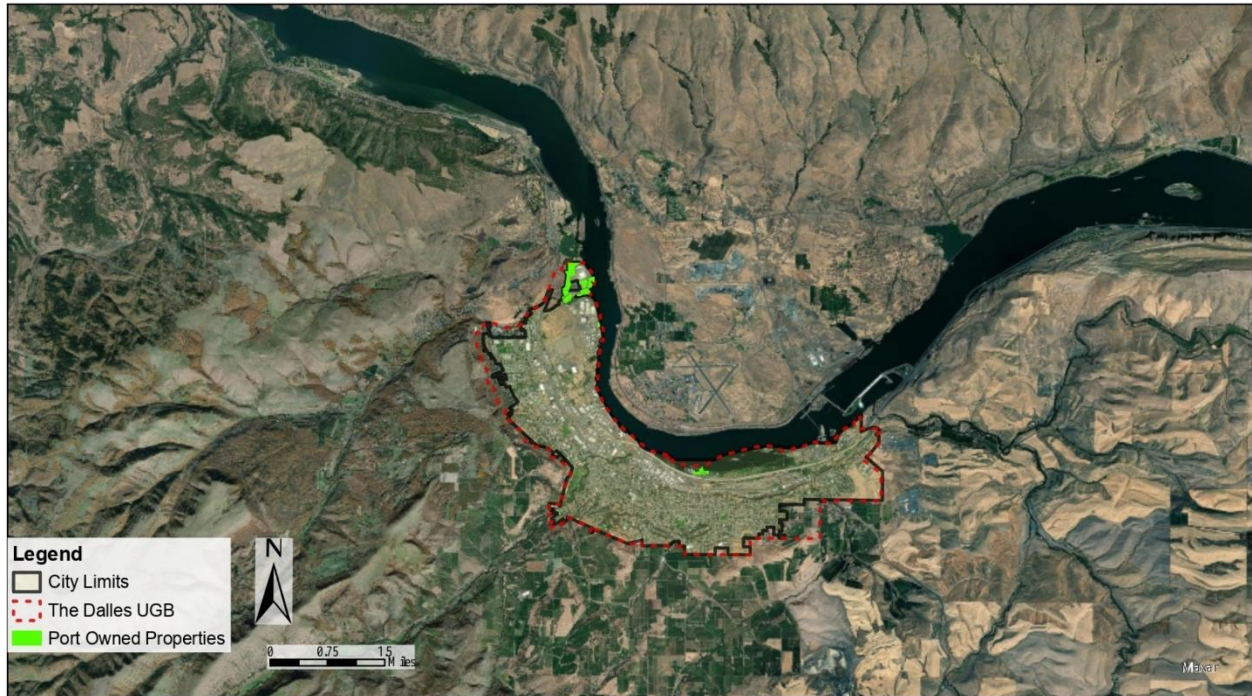
Figure 7: Map of Port Properties Currently Available<sup>3</sup>



Source: [Port of The Dalles website](#), accessed June 2023.

<sup>3</sup> Markers indicate Port of The Dalles-owned properties currently for sale.

Figure 8: Port Owned Property by Improvement Value<sup>4</sup>



Source: Nexus Planning Services using Wasco County GIS Data, 2023

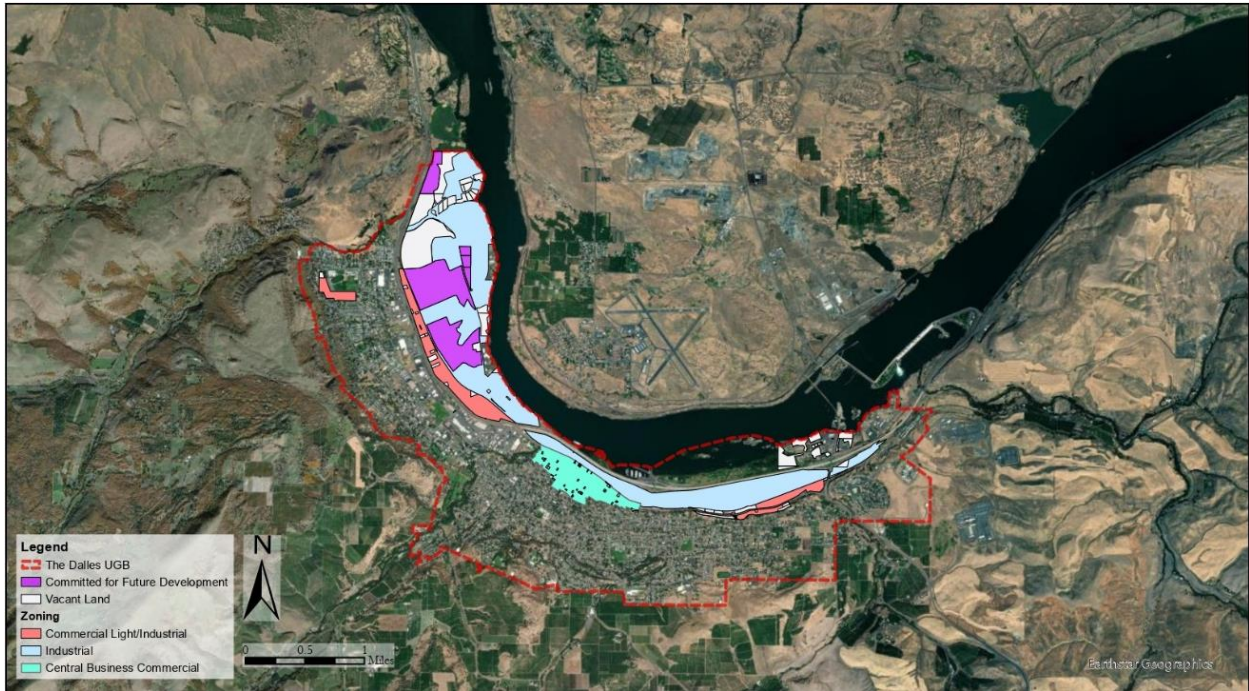
Figure 9: Geographical Constraints to Growth



Source: Source: Nexus Planning Services using Wasco County GIS Data, 2023

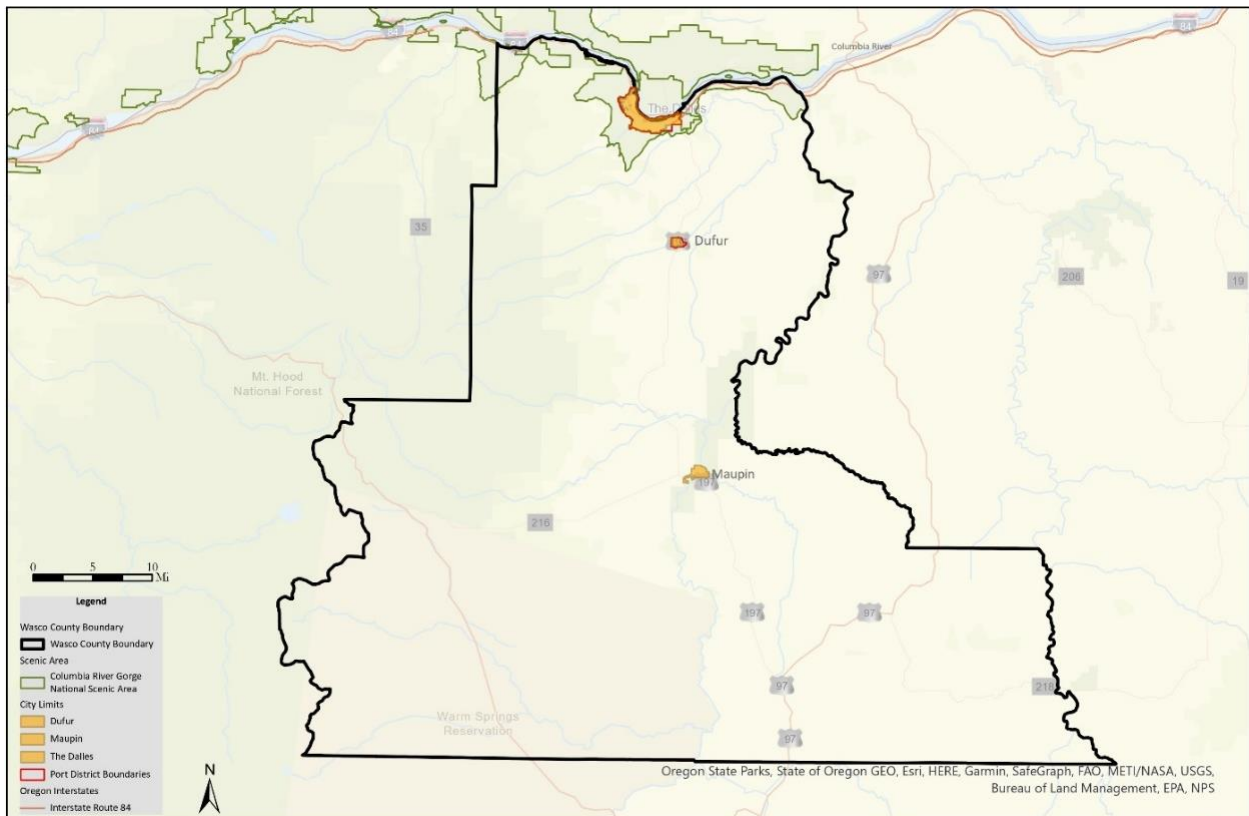
<sup>4</sup> Improvement Value is the technical term used by the Wasco County Assessor's office when determining property taxes.

Figure 10: The Dalles Vacant Lots Within Industrial Zoned Districts



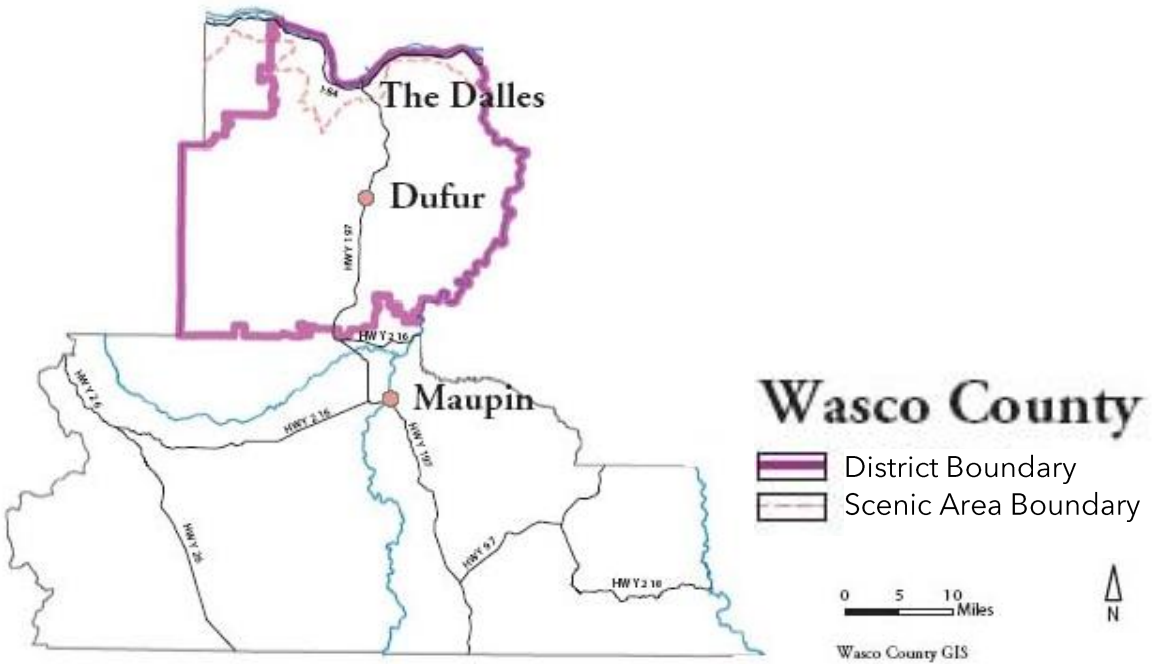
Source: Nexus Planning Services using Wasco County GIS Data, 2023

Figure 11: Wasco County and the Columbia Gorge National Scenic Area



Source: Nexus Planning Services using Wasco County GIS Data, 2023

Figure 12: Port of The Dalles District Boundary



Source: Port of The Dalles, 2023

### 3. SWOT

A SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis is a strategic planning tool which provides guidance for businesses, organizations, and other entities to understand their competitive advantage in the marketplace. The project team, with guidance from the Port of The Dalles Commissioners, reviewed the Port’s current situation and identified meaningful SWOT components.

A few caveats are necessary as an introduction to the SWOT. Firstly, the Port exists in a socioeconomic context that includes The Dalles, Wasco County, and various other communities along the Columbia Gorge. Although this plan is focused on the Port particularly, the Port is affected by certain economic factors that are outside of its control. Hence, the SWOT includes some issues that relate directly to the City of The Dalles or Wasco County rather than the Port itself. As a leading economic development organization for the region, the Port can influence many of these issues, but some are clearly outside of its purview (e.g., road and street improvements). Wherever this is the case, the issues are labelled as such. Secondly, it is possible for the same or similar issue to appear within more than one SWOT category if different dimensions of that issue qualify according to the criteria.

The following are definitions of the SWOT components:





- Attractive scenic environment and climate in a unique historical setting
- Affordable and low-carbon impact energy via hydro-electric power
- Access to/from Portland metro area and PDX airport
- Workforce concentration in advanced manufacturing, transportation, and agriculture
- Robust broadband infrastructure
- No state or local sales tax and shared border with Washington, which has a sales tax
- Within Port vicinity, healthy blend of recreational and commercial/industrial land
- Unique ability to leverage funding in partnership with other government agencies
- Surrounded by natural beauty of the Columbia Gorge National Scenic Area
- Collaboration with other local economic development organizations

## WEAKNESSES

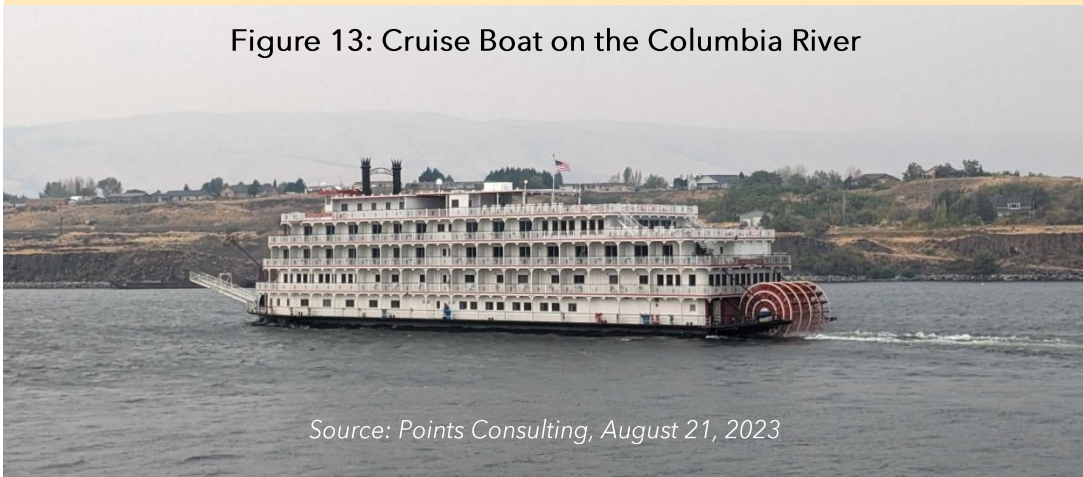
- Limited number and size of parcels in industrial zoned area
- Perceived distance from Portland discourages business and tourism
- Revenue stream for the Port is mainly limited to property tax income
- Lack of revenue streams constrain opportunities to expand development activities
- Aging infrastructure at the marina
- Non-metropolitan location with limited population and labor force
- High cost of excavation and land development due to rocky surfaces
- Higher property taxes than some other regional cities
- Relatively high system development charges increase the cost of development
- Lack of workforce housing within the region
- Workforce shortages across all industry sectors

## OPPORTUNITIES

- Businesses' alleviating workforce shortages via technology and automation
- Available properties in the City of The Dalles for redevelopment
- Commercial corridors (W 2nd St. and W 6th St.) for infill and redevelopment
- Downtown redevelopment (E. 2nd St., E 3rd St., and E. 4th St.)
- Opportunities to purchase and redevelop underperforming land and /or buildings

- Opportunity for collaboration between Port of The Dalles' and other local partners on career and technical education programs
- Within The Dalles non-industrial areas, support mixed use development including blend of commercial and residential
- Explore improved access to the Columbia River for trade and transportation
- Develop value-added agricultural businesses
- Recent improvements to the Columbia Gorge Regional Airport in Dallesport, WA could facilitate more visitors to The Dalles
- Potential for Cascadia earthquake event and preparedness of The Dalles community
- The City of The Dalles could improve pedestrian experience to help expand cruise boat industry
- Port of The Dalles could facilitate industrial and commercial development in Dufur
- Improvement of The Port of The Dalles' marketing, communications, and website
- Marina launch ramp modernization
- Expansion of the Urban Growth Boundary

Figure 13: Cruise Boat on the Columbia River



Source: Points Consulting, August 21, 2023

## THREATS

- Columbia River Gorge National Scenic Area land-use regulation ambiguity
- Development and labor costs within the region
- Unpredictable economic conditions for next two to four years
- Continued reduction of available lands for residential and commercial/industrial needs
- Worsening employee recruitment challenges due to housing affordability
- Regulatory landscape, both State and Federal

## 4. Strategic Direction & Action Plan

The Strategic Direction & Action Plan is the most critical aspect of a strategic business plan. It accounts for the socioeconomic, community, and external factors uncovered during the SWOT analysis and aligns those factors with specific goals and objectives that Port leaders can address. The following goals and objectives are consistent with the Port's vision for economic prosperity. Ideally, over the next five years, the Port will be able to return to these goals and objectives in order to measure the performance of the Port.

At its core, the Strategic Direction & Action Plan answers the two fundamental questions:

- "Where do we want to go as a Port?" and
- "How are we going to get there?"

There are two layers to the Strategic Direction & Action Plan:



The Port will continuously review and amend these goals and objectives as needed.

### Goal 1: Facilitate High Quality Job Growth

- Objective 1.1: Maintain reputation and practice of sound fiscal management
- Objective 1.2: Develop water, sewer, road and telecom infrastructure systems in Port-owned properties
- Objective 1.3: Continue to work with Columbia River Gorge Commission, Wasco County and the city of The Dalles on UGB expansion
- Objective 1.4: Sell or lease-out remaining vacant lots at Columbia Gorge Industrial Center

### Goal 2: Develop High Impact Industrial and Commercial Opportunities

- Objective 2.1: Monitor commercial real estate redevelopment options in commercial/industrial areas of The Dalles
- Objective 2.2: Monitor commercial real estate redevelopment options in commercial/industrial areas of Dufur
- Objective 2.3: Consider expanding the Port District
- Objective 2.5: Explore development of "industrial flex space" on remaining small Port-owned properties

- Objective 2.6: Explore development of commercial space for Port to lease out in downtown
- Objective 2.7: Pursue State and Federal grants to leverage Port assets

### **Goal 3: Enhance Tourism, Recreational, and Community Assets**

- Objective 3.1: Explore the feasibility of facilitating development of an RV park
- Objective 3.2: Explore the feasibility of recreational enhancements in the Port vicinity (such as trails, parks, wayfinding, and water facilities)
- Objective 3.3: Continue enforcement of marina policies on types and duration of use
- Objective 3.4: Work with the City of The Dalles to support the cruise ship industry
- Objective 3.5: Facilitate development of more eateries and coffee-shops in Port vicinity
- Objective 3.6: Launch ramp improvements

### **Goal 4: Support Mission of Community Partner Organizations**

- Objective 4.1: Offer gap financing for significant development opportunities through Intergovernmental Agreements
- Objective 4.2: Explore multi-agency collaboration on support services (i.e., grant writer, grant administrators, IT services, etc.)
- Objective 4.3: Enhance communication methods with community members about the Port's impact
- Objective 4.4: Collaborate with City of The Dalles Economic and Community Development staff on Columbia Gateway URA and other redevelopment projects
- Objective 4.5: Collaborate with the City of Dufur, when possible, on infrastructure improvements and other community projects.

## 5. Additional Development Opportunities

There are numerous additional opportunities for the Port of The Dalles to contribute to economic development in Wasco County. At various points, Port Commissioners have discussed and considered these alternatives.

### Commercial/Industrial Properties for Sale in The Dalles

Beyond the properties currently owned by the Port, there are several other opportunities to acquire properties for redevelopment. As noted in the Strategic Direction & Action Plan, acquiring properties for redevelopment and sale, or long-term hold and lease, are both options for the Port of The Dalles.

PC researched commercial and industrial properties currently (as of July 2023) for sale in The Dalles. Table 2 contains a summary of the parcels from the MLS view, which illuminates potential costs to purchasers, zoning districts, and estimated down payment requirements.

**Table 2: Properties for Sale in The Dalles**

Address	Zone	Vacancy	Acreage	Price
2519 E 2nd St	Industrial	Yes	4.5	\$799K
623 E 3rd	Commercial	No	0.29	\$1.65M
752 Lee St	General Commercial	Yes	0.2	\$165K
212 Terminal Ave	Commercial/Light Industrial	No	1.18	\$399K
500 W 9th	Commercial	No	0.13	\$399K
1012 Trevitt	Commercial	Partial	0.24	\$399K
River Rd	Industrial	Yes	7.85	\$15M
615 E 4th St	Central Business Commercial	No	0.21	\$399K
155 Southshore Ave	Recreational Commercial	Yes	0.14	\$145K

Source: Points Consulting using [realtor.com](https://www.realtor.com), [zillow.com](https://www.zillow.com), [copperwest.com](https://www.copperwest.com), and [windermere.com](https://www.windermere.com), June 2023

## Economic Development in Dufur

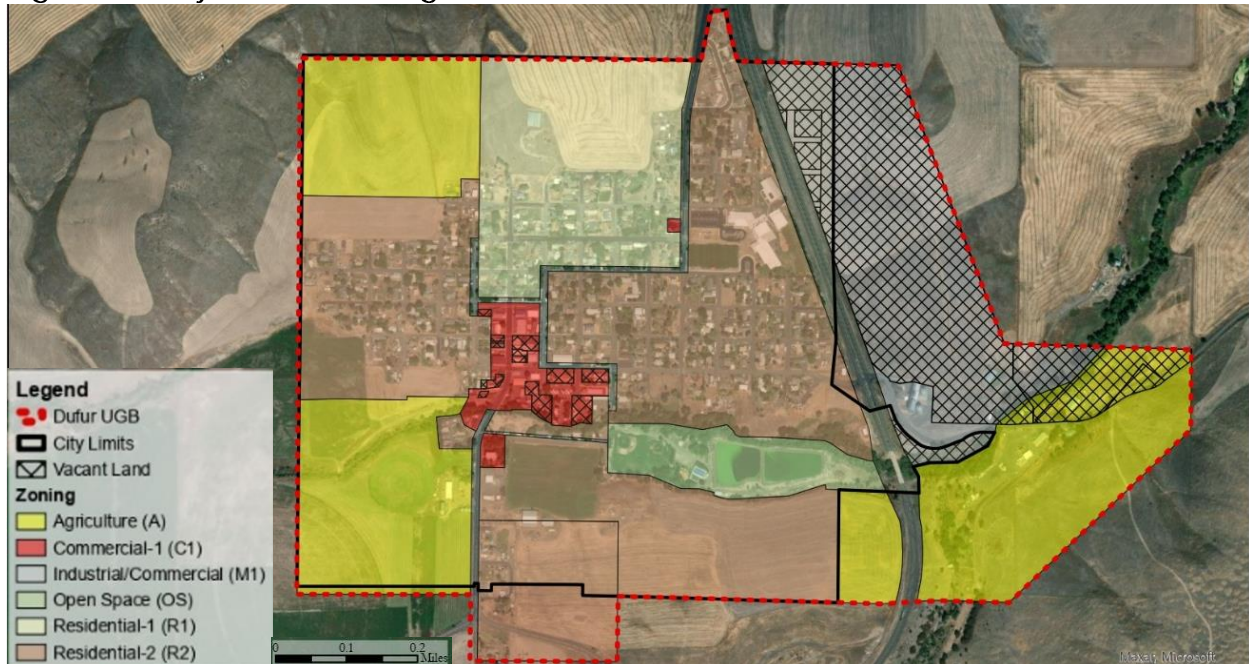
Though the Port has not yet completed a project in Dufur, the map does indicate there is lands within the UGB zoned as M1: Industrial/Commercial which are predominantly vacant, as well as some land zoned as A: Agricultural, that could theoretically be rezoned. The C1: Commercial district has vacant buildings in the downtown area.

Figure 15: Vacant Facilities in Dufur



Source: Points Consulting, May 11, 2023

Figure 14: City of Dufur Zoning and Vacant Lands



Source: Nexus Planning Services using Wasco County GIS Data, 2023

## Potential Target Industries

Economic developers often seek to grow local employment using a target industry approach. With this strategy the regional economy builds from existing strengths and assets rather than developing them from scratch. There are also considerable benefits to target industry attraction as businesses in the same industry benefit from being in close proximity. Examples are: workforce training/development, supply chain linkages, and development of new innovations. Given industrial land is limited within The Dalles, identifying target industries could also allow for more focus on businesses that fit the geographic footprint of available lots.

Based on the strengths observed within The Dalles and the greater Columbia Gorge economy, target industries that are well suited for the region include:

- Outdoor recreation manufacturing
- Small scale value-added food manufacturing
- Fermented beverage manufacturing (i.e. wine, beer, and spirits)
- Construction and repair companies
- Boutique light-industrial manufacturing
- Transportation, distribution, and logistics (TDL) companies
- Restaurants, drinking places, and coffee-shops<sup>5</sup>

## Partner with the Columbia Gateway Urban Renewal Agency

The Columbia Gateway Urban Renewal Agency, established in 1990, overlaps in mission and vision with the Port of The Dalles. The mission of the agency is to:

...eliminate blight and depreciating property values within the Agency's jurisdiction and in the process, attract aesthetically pleasing, job producing private investments that will stabilize or increase property values and protect the Area's historic places and values.

Furthermore, the agency's goals include, placing "unused and underused properties in productive condition" and assisting with "opportunities for business.... property to be developed, redeveloped, improved, rehabilitated, and conserved".<sup>6</sup>

These overlapping goals make the Columbia Gateway Urban Renewal Agency a prime candidate for future collaboration with the Port of The Dalles. In particular, the northwest corner of the Columbia Gateway Urban Renewal District overlaps with W 2<sup>nd</sup> St. and the industrial zone. W 2<sup>nd</sup> St. is considered by some in The Dalles to be an area of "blight", and a partnership between the Port and the Columbia-Gateway Urban Renewal Agency would allow for the two organizations to take on a larger project to improve the area. Leveraging this financing tool would allow both organizations to achieve more together than they could separately.

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<sup>5</sup> Please note that such uses are permitted by right in the Industrial (I), Commercial/Light Industrial (CLI) and Commercial Recreational (CR) districts

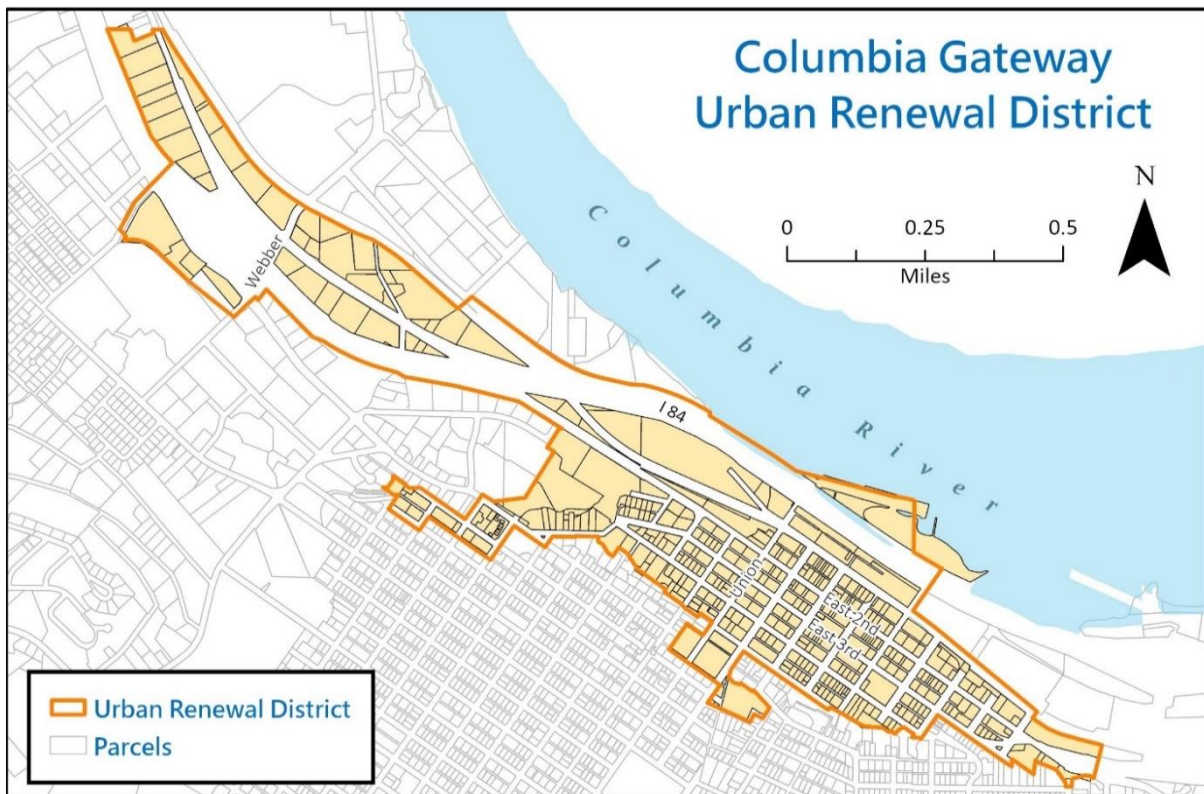
<sup>6</sup> *The Dalles website*, [https://www.thedalles.org/government/urban\\_renewal\\_agency/index.php](https://www.thedalles.org/government/urban_renewal_agency/index.php), accessed July 2023.

Figure 16: Area of W. 2<sup>nd</sup> St.



Source: Points Consulting, August 21, 2023

Figure 17: Map of the Columbia Gateway Urban Renewal District



Source: The Dalles website, [https://www.thedalles.org/government/urban\\_renewal\\_agency/index.php](https://www.thedalles.org/government/urban_renewal_agency/index.php), accessed June 2023.



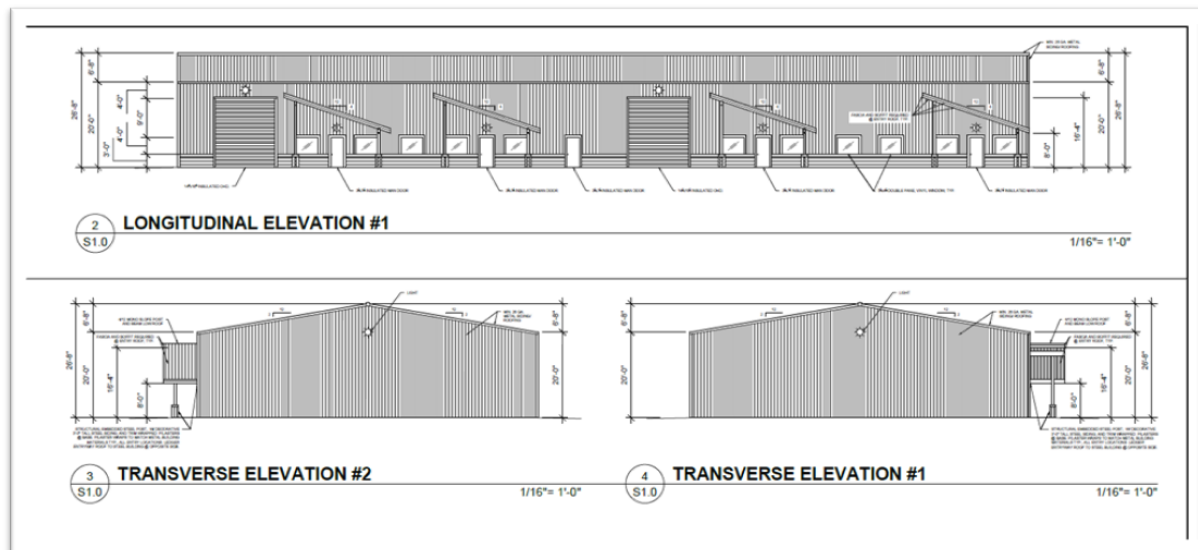
## Rental Examples from Other Oregon Ports

At this stage, the Port of The Dalles is considered alternative methods for contributing to the commercial and industrial landscape of the Port Tax District. One such option includes the concept of long-term ownership and renting out of office or industrial space. However, given the limited green field opportunities for industrial development, and opportunity to renew certain under-invested parcels in The Dalles, this concept is on the radar for Port Commissioners to consider in future Strategic Plans.

At the time of publishing this document, PC discovered that 15 of Oregon's 23 Ports serve as landlords on long-term leases. Among these include multiple neighbors along the Columbia, including the Ports of Arlington, Cascade Locks, Hood River, and Morrow County. The most common building types owned by ports include Flex Space, which can be divided among various industrial renters, and office space. Given the increasing shortage of developable lands within UGBs in Oregon, this trend will likely continue in subsequent years.

To provide one such example, the Port of Morrow, the second-largest port in Oregon, leases out four, 4,000 square foot flex-spaces. These flex spaces are partially a warehouse, partially office space. The \$1.6 million development cost was financed through the Port's general fund. As part of the development process, the Port installed dividing walls, a single bathroom, air exchange, and freeze protection. All other updates were tenant improvements. All four flex-spaces were quickly leased, and the Port is working on developing more space in Irrigon.

Figure 18: Port of Morrow



Source: Port of Morrow, 2023

## 6. Stakeholder Interviews and Community Survey

PC conducted extensive community outreach throughout the duration of the project. Outreach took several forms, including workshops, interviews, an open house, and an online survey. The workshops, interviews, and open house are summarized in the section entitled Stakeholder Interviews. The survey results are also tabulated in the Community Survey section. It should be noted that while not all the issues listed below are under the purview of the Port of The Dalles, they are included in this document because they are community issues.

### Stakeholder Interviews

Several key themes emerged from the community outreach over the duration of the project. In order to ensure confidentiality, remarks are not associated with specific people, however the examples are pulled from actual conversations held with PC. Themes are listed in no particular order.

- Desire for Improved Quality of Life and Beautification
  - Lack of childcare
  - Homeless population
- Urban Renewal and Blight Reduction
  - W. 2<sup>nd</sup> St
- Lack of Housing
  - Workforce housing struggles
- Workforce Shortage
  - Difficulty recruiting and retaining workers
- Port's Mission
  - Lack of widespread knowledge on the role of the Port
- Desire for Growth, Despite Substantive Challenges
  - High cost of development
  - Long approval times
  - Infrastructure challenges
- Opportunities for Networking and Connecting
  - More networking opportunities for business-owners
  - More recreational opportunities for employees
- Shared Frustration at Lack of Commercial and Industrial Lands
  - Frustration at lack of commercial and industrial lands for development
  - Constraints of the UGB
  - Negative sentiment around Google-owned lands
- Opportunities in Dufur
  - Available properties in Dufur

#### ***Desire for Improved Quality of Life and Beautification***

There was a prevalent sentiment that the Port vicinity along the river is beautiful, a place where both people and businesses want to be. However, community members and business owners also had some concerns regarding quality of life.

One business owner has many employees with children that have a hard time finding childcare. This business owner indicated that the lack of childcare facilities was one of the largest impediments to the growth of their business.

Another topic frequently mentioned was the homeless population around the Port vicinity. Business owners cited safety concerns for their businesses and employees. One business owner said they had their electricity stolen. They felt specifically that there was a security risk at night.

Figure 19: The Dalles, East 2<sup>nd</sup> Street and Federal Street



Source: Points Consulting, May 11, 2023

### ***Urban Renewal and Blight Reduction***

Several community members termed the area of W. 2<sup>nd</sup> St. as a blight and expressed a desire to see it cleaned up. One community member noted that it makes a bad impression from I-84 and that it seems underutilized for light industrial. Community members also wanted to see more development of the vacant buildings downtown, particularly for mixed-use. At the time of publishing this Plan, there are at least 12 vacant storefront buildings in the downtown area of The Dalles, which was also commented upon by numerous members of the Commission and the general public.

### ***Lack of Housing***

Difficulty finding housing for themselves or for employees came up frequently during the community outreach. One community member shared that they moved to The Dalles because of the perceived lower cost of living than parts of Washington or Western Oregon. They stated that they think others are moving to The Dalles for a similar reason. However, most business owners felt that the cost of workforce housing did not align with the wages they could afford to pay.

One employer shared that they have an employee sporadically commuting from Salt Lake City due to the high cost of housing in The Dalles. While this was an extreme example, the lack of housing and the associated difficulties of finding workers came up often during the May 10<sup>th</sup> Business Luncheon.

### ***Workforce Shortage***

Labor difficulties due to workforce shortage was often cited by business owners as a major impediment to their business's growth. Struggles recruiting and retaining workers have affected multiple business owners. Furthermore, several people expressed that they cannot afford to pay their workers as much as the workers would need to find suitable housing.

### ***Unclarity on Port's Mission***

Amongst those who knew the mission of the Port, the Port had a good reputation. However, there were equally as many community members, if not more, who were fuzzy on the objectives of the Port.

One business owner said that their business had been in the Port vicinity for many years and had many positive things to say about the Port and surrounding area. When they first located to the Port vicinity they were leasing, but purchased the property when it became available for sale. As evidence of the high demand for real estate in the Port vicinity, this business has now started to lease their property to other businesses.

Another business owner had relocated to the Port vicinity more recently, after difficulties in finding suitable real estate to renovate. They were attracted to the area by the bike path and the beautiful environment. They were happy with their location in the Port vicinity and were grateful to the Port for opening up a different avenue than expected to expand their growing business.

However, there were also quite a few business owners that could not clearly articulate the mission of the Port or how it related to the business environment of The Dalles. There were also a few community members with frustration directed at the Port. Particularly, there was a sentiment of perceived money hoarding by the Port from several community members who wished the Port would invest more capital to aid development.

### ***Desire for Growth, Despite Substantive Challenges***

The community members that PC spoke to share a desire to see The Dalles grow and prosper. However, they mentioned various obstacles to both the growth of their businesses, and The Dalles as a whole.

High costs of development were brought up by several community members. One business owner was concerned that the high costs of development drives away private developers who can easily go elsewhere for land. Long approval time and continuous back and forth on approvals with the City of The Dalles was also mentioned as an impediment to development.

Another community member expressed concern that future growth may put a strain on infrastructure, particularly water, sewer, and traffic in the Port vicinity. The individual noted that these are not issues at present, but they may become issues if the area were to grow quickly.

### ***Opportunities for Networking and Connecting***

The desire for growth was also expressed in more positive ways. One business owner said they would like to see more networking events amongst area business owners. Specifically, they mentioned they would like an area inside the industrial district for networking and collaborating with fellow business owners. Community members also expressed interest in mixed-use development in the Port vicinity, restaurants, townhomes, trails, etc. A third space of post-work socialization for employees was on the wish list of one community member. Several community members also mentioned a desire to see more opportunities for outdoor recreation, such as an outdoor sports complex, biking, or kayaking at the marina.

### ***Shared Frustration at Lack of Commercial and Industrial Lands***

Lack of land supply was frequently mentioned in conversations with PC. The large amount of land occupied by Google was mentioned on several occasions. The inflexibility of the urban growth boundary (UGB) was a shared source of frustration amongst many of the business owners that PC spoke to. Community members were aware of the general shortage of commercial and industrial lands and difficulty in expanding the UGB. Amerities prime location in the middle of town was also mentioned by several as an unfortunate allocation of land.

Google as a prominent landowner is seen both as an opportunity and as a source of frustration for community members. Though most are aware of the key role they play in tax revenues, many also emphasize how much of the developable lands are now locked up by an employer with little engagement with local businesses and a limited employment base.

### ***Opportunities in Dufur***

Recognizing the shortage of land available for industrial and commercial purposes in The Dalles, numerous community members are interested in exploring opportunities for development in Dufur. Though 14-miles south of The Dalles, Dufur is in the Port of The Dalles Tax District. Dufur's business ecosystem is limited to a few downtown services and agri-businesses. Azure Standard, a natural foods distributor, has recently invested in the Dufur Market on Main Street. Azure is also currently developing a carob processing facility in Dufur. Community leadership seems divided on whether the town should follow the path of commercial and industrial development or remain a largely residential and agriculture-focused community, but the opportunities for growth clearly exist.

### **Community Survey**

PC conducted a Port of The Dalles business community survey between April 25th and May 27<sup>th</sup> of 2023. A total of 33 unique responses were collected both via an electric survey. The survey included a mix of both fixed response questions (e.g., multiple choice, selection and scaled responses), and open-ended questions directed at active members in The Dalles' local businesses.

## Survey Responses

Figure 20: In what way do you represent a business?

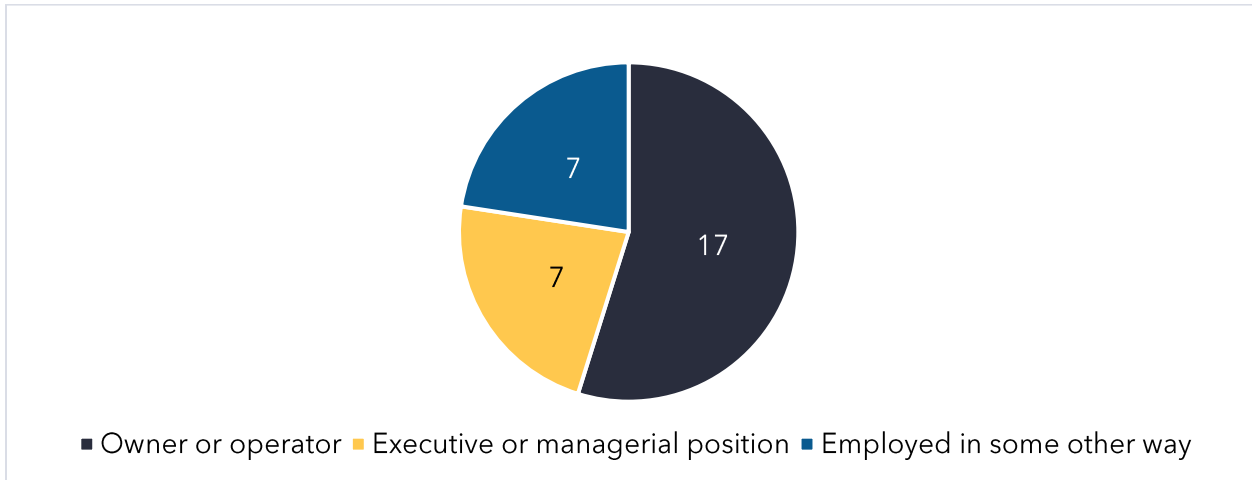


Figure 21: Do you own or lease your business space?

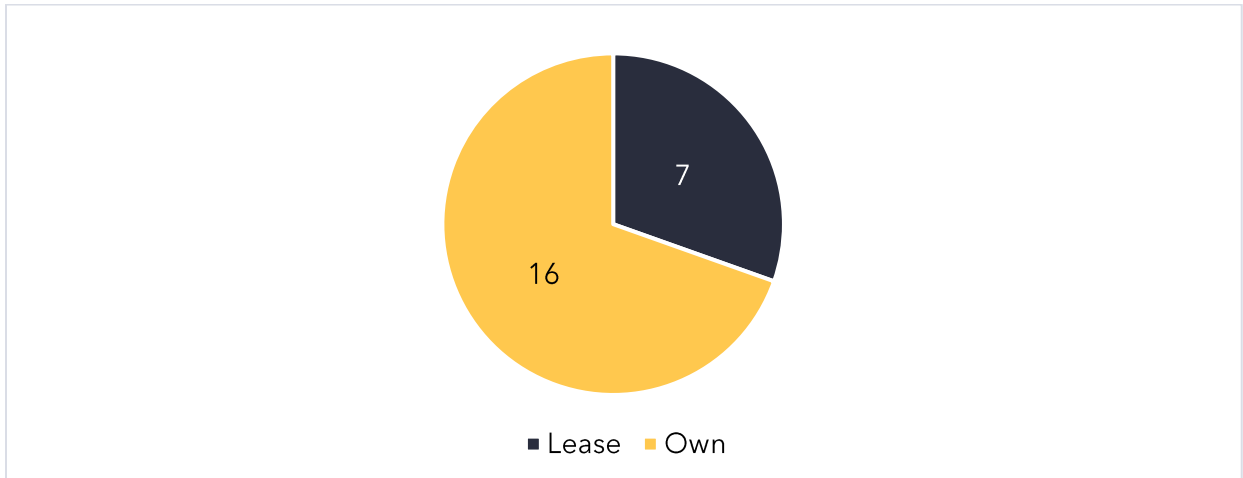


Figure 22: To your knowledge, how long has the business you represent been located in the region?

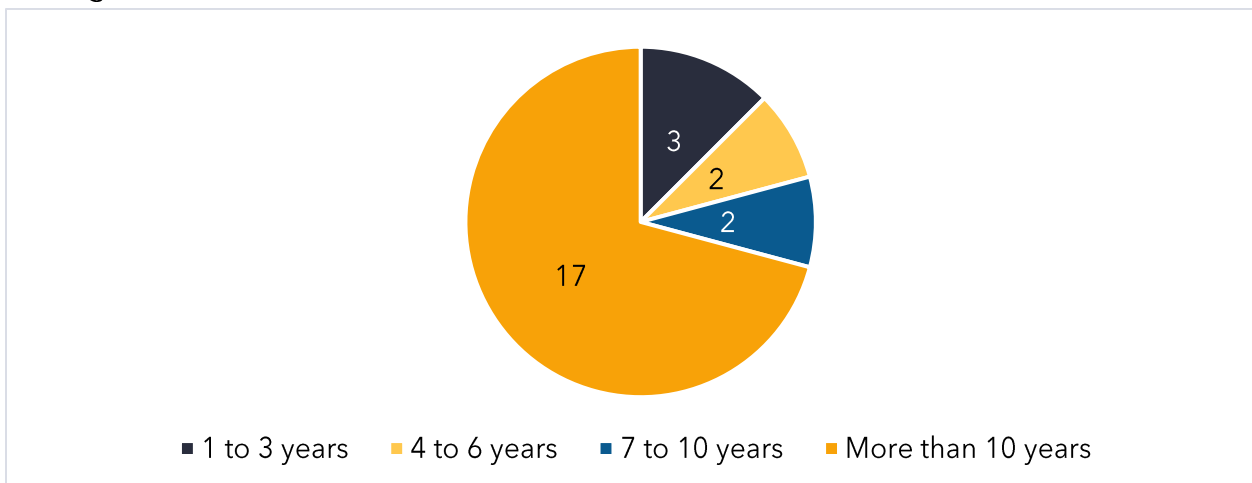


Figure 23.1: Is the business you represent located within The Dalles industrial or commercial areas? If so, which specific zoning district are you located in within the City of The Dalles? (If you do not know, please reference the shaded areas of this map.)

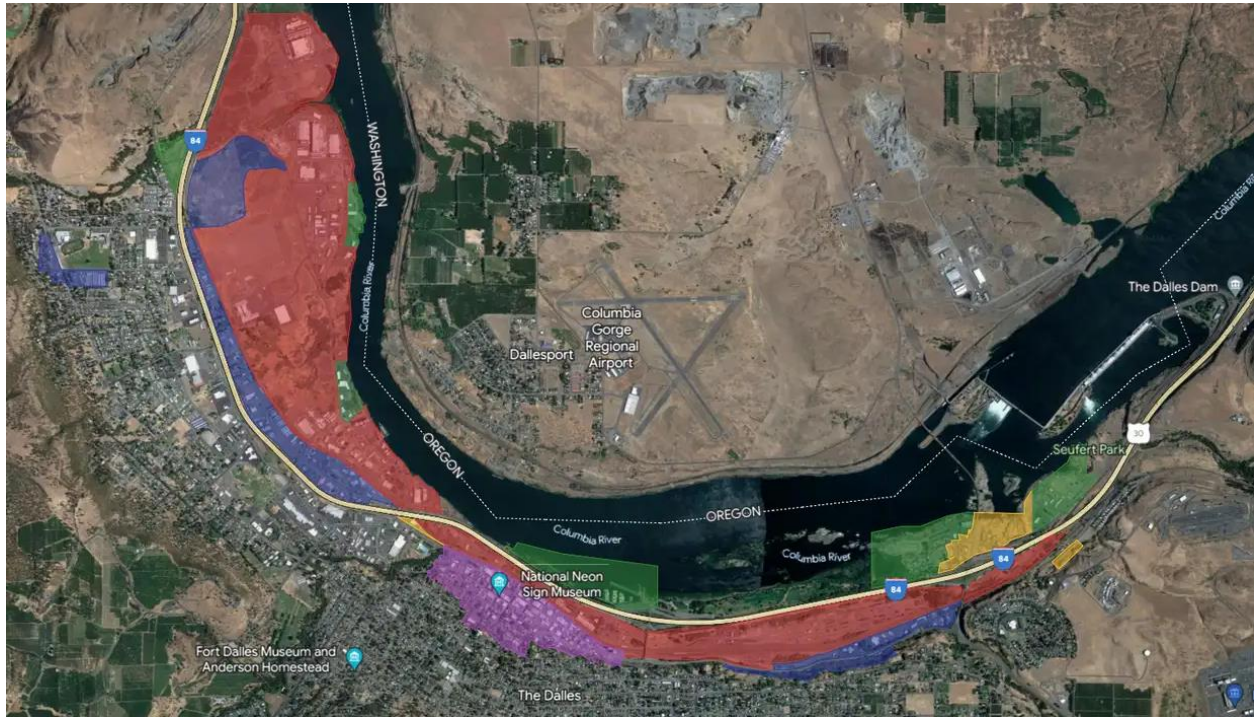


Figure 23.2: Responses:

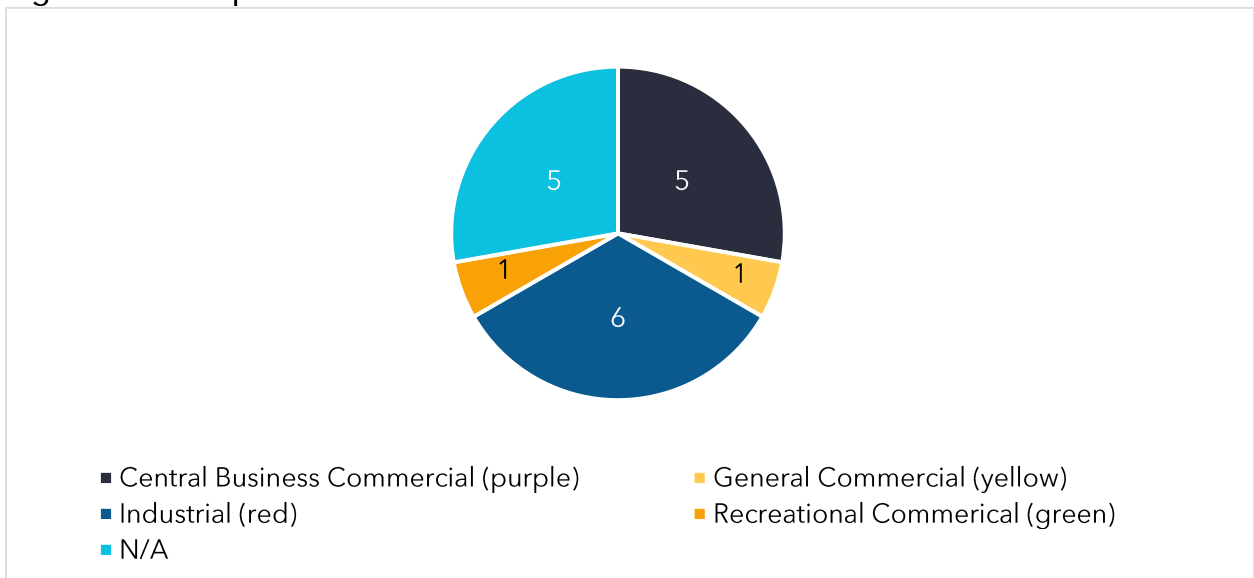


Figure 24: Where is the business you represent located?

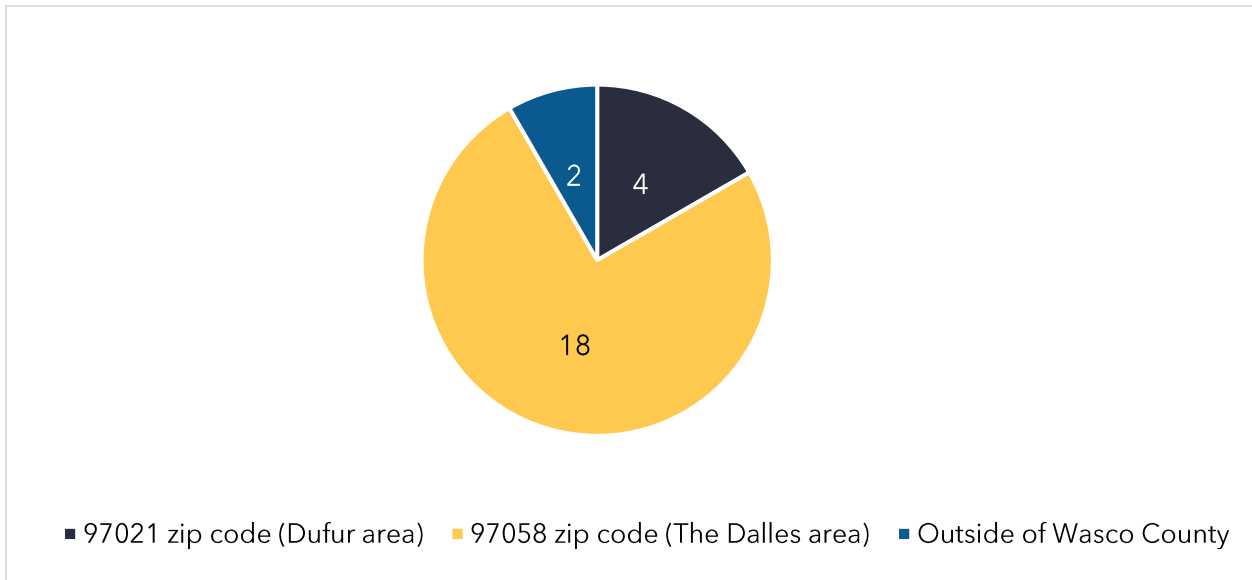


Figure 25: The following are the businesses allowed in these districts 'by right.' What type of business or industry are you engaged in?

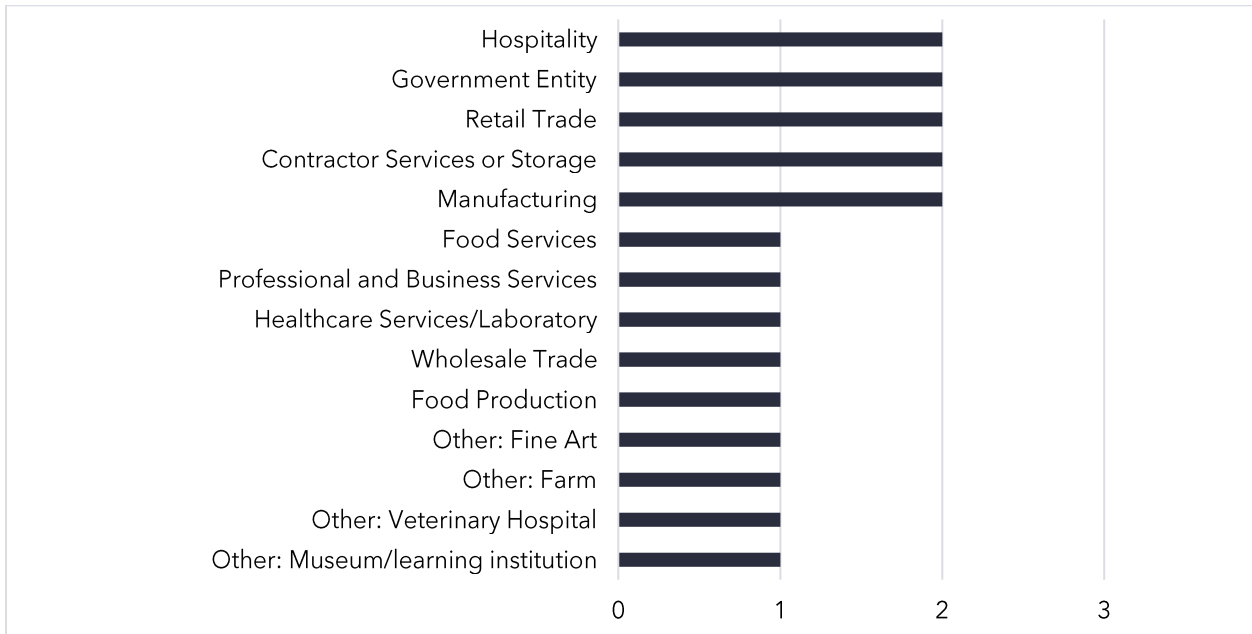




Figure 26: What are the advantages of having a business located in this region?

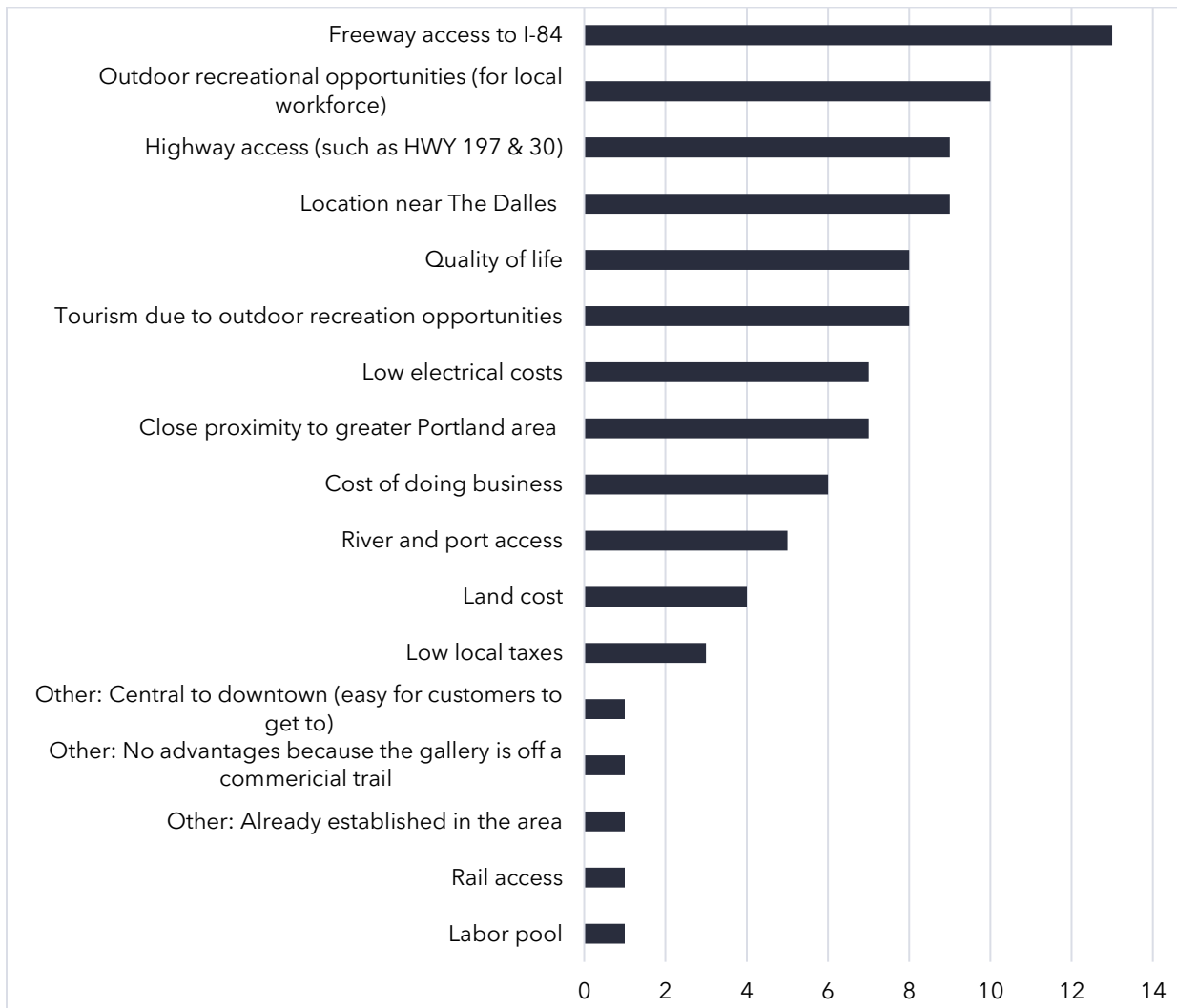


Table 3: Please describe, as best you can, your understanding of what the Port of The Dalles does as an organization:

Responses
Brings in cruise ships
Develops land for private sector job creation, particularly in industrial sectors.
Helps develop economic activity in areas near the "port"
Don't know
Land mgmt. of the port area, coordinating river traffic in and around the port
Management of the port, the port area, and business controls for area real estate
Manages the Port of The Dalles
Negotiates really sweetheart deals with Google to give away our region's water while allowing them not to pay their fair share in taxes AND letting them build giant ugly buildings on our best prime waterfront real estate that could have been better suited for tourism-oriented retail.
Oversees port property
Oversees the management and growth of the Port. Protect/ensure our regions resources.

Planning, organizing of the port
Promotes job growth
Provides industrial development to the area / boat basin, and river access
They should have developed ready sites for small business
Works to bring in businesses with new jobs
Don't know

**Table 4: Are there other businesses or industries within your industry or supply chain that would benefit from operating in northern Wasco County? Please explain:**

Responses
Always looking to build the tourism business
Manufacturing, aviation, renewable energy, value-added agriculture.
My business is radio - so I can help a business grow if they advertise with me.
Unknown
No- I'm a beef rancher, unless you can get a cattle auction house open again then I wouldn't have to go to Madras or Hermiston to sell my calves.
Unsure

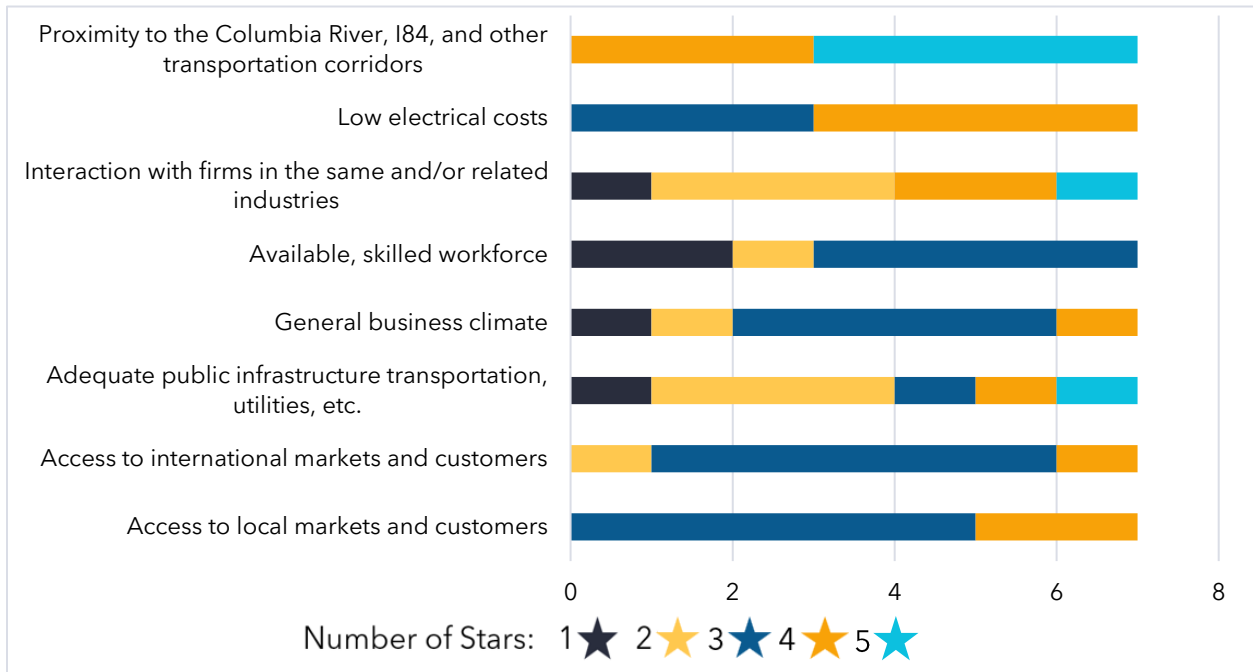
**Table 5: Can you think of any strategies or actions that The Port of The Dalles could utilize to help your business grow?**

Responses
Advertise with my radio stations and help me grow.
Catering to the cruise ships / tourism clientele and building a strong infrastructure for tourism would be welcome.
City building requirements are so restrictive that they have stopped my development that I had planned
Get more developers started
help with signage
Keep on top of the homeless situation
No
No, keep developing all the great things you're doing
Not sure unless beautification efforts are in the port Orgs purview
Put me in contact with the cruise ships. I can NOT get any help with this.
Quit bowing down to Google
Stop giving away land to google - allow the fostering of other businesses to move in.
The port has been very supportive of our concerns and provided oversight for our future growth
Work with city, parks, college and school district to expand workforce housing capacity, which is a critical constraint on economic development.

Figure 27: What types of industries would you like to see more of in the vicinity of the Port of The Dalles?



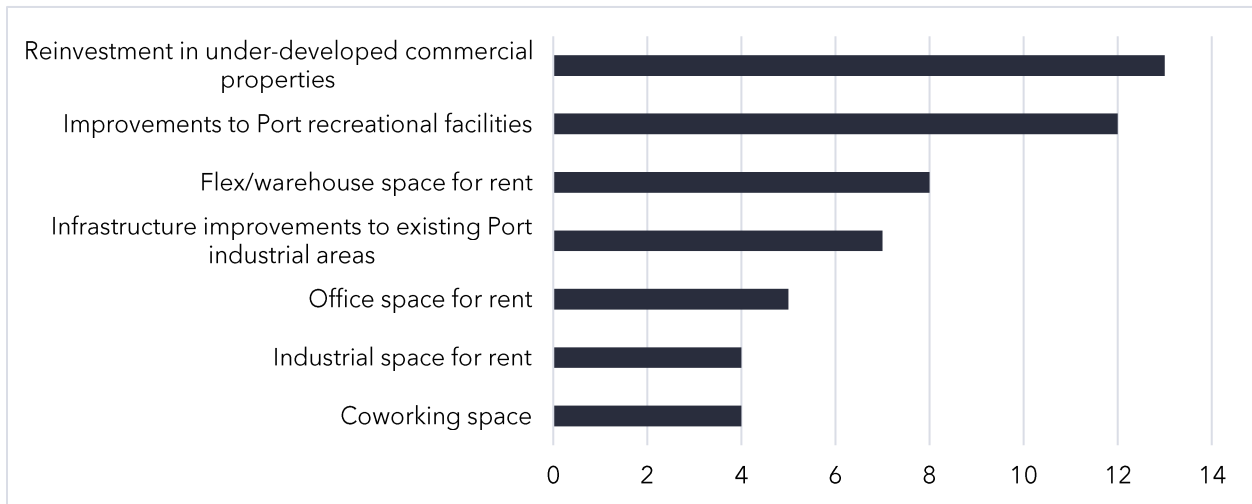
Figure 28: Please rate the following statements as they relate to the strengths of the Port of The Dalles as a place to do business:



**Table 6: Please list the greatest barriers hindering your business growth:**

Responses
Affordable housing
Away from I5
City of The Dalles
City planning/lack of development abilities
Cost of feed, fuel, supplies and maintenance to keep equipment running which I can't control.
Finding qualified people to work really want jobs and not *just checks.
Finding talented labor
I need to hire a good salesperson.
Income inequality in the United States
Keeping downtown store fronts occupied with more retail businesses.
Labor Pool
Lack of office space options
Land availability
Materials
Off the beaten track
People
We need more traffic to our website & physical location
Labor
Lack of affordable building space
Affordable child care
Demand for tourist activities
There appears to be a stuck feeling about the culture here.
The competition.
Cost of goods
Expanding in the current facility and finding affordable monies in this economic climate. Regardless of the party in office
inconsistency
Federal historic designation
Inadequate healthcare and mental health care due to a lack of a universal, government funded healthcare plan
Market price of calf sales. At mercy of the highest auction buyer price. Niche markets to private sellers are costly to run.
Keeping the city of The Dalles vibrant with park spaces, inviting walking areas with streets with beautification efforts in place

**Figure 29: Which of the following new business concepts would you be interested in the Port of The Dalles developing for the sake of the community?**



**Table 7: Which of the following new business concepts would you be interested in the Port of The Dalles developing for the sake of the community? "Other:"**

Responses
Always looking to build the tourism business
Manufacturing, aviation, renewable energy, value-added agriculture.
My business is radio - so I can help a business grow if they advertise with me.
No- I'm a beef rancher, so not unless you can get a cattle auction house open again.

**Table 8: Are there any specific goods and services that are missing in The Dalles that you think could be successful in The Dalles?**

Responses
Clothing, more variety of restaurants, local artists, a Whole Foods or Trader Joes would be amazing, Target.
Continuing diversification of family-wage jobs across all sectors.
Heated, enclosed (reticulated roof) swimming pool, bocce ball courts, mini golf, farmers market space, food hall, more diverse grocery stores, more parks, more green areas to encourage yearly festivals
Hospitality. Affordable housing
No
Recreation - there is nothing for kids and teens to do here.
Regional aircraft maintenance center/ clothing stores/ and manufacturing
Rental services for outdoor recreation. (Not talking Hood River. But we have almost nothing))
Retail especially clothing and small goods (shoes, cosmetics [sic]., etc.)
Retail, clothing option, there isn't much here in town, so really anything would be a great addition
We have a monopoly on grocery stores - Kroger owns both FM and Safeway. We have nothing for our youth. Pathetic we have to travel to PDX for basic needs.
We need more restaurants and pubs for tourism to thrive.
You totally missed the mark in handing off prime land to Google. You would have had much higher tax revenue by developing the area for restaurant and retail businesses.

**Table 9: To the best of your knowledge, what do you see as the biggest challenge for the Port of The Dalles in the next 5-10 years?**

Responses
Dealing with homeless camps
Developed lots to build on
Growing houselessness due to income inequality and a poor healthcare system
Homelessness population, keeping the landscaping on the river banks under control
I would love to see the space that google occupies made a little more appealing from the drive into The Dalles off i84.
Integrating recreational and commercial/industrial areas
Making construction of facilities more affordable

**Table 10: To the best of your knowledge, what do you see as the biggest opportunity for the Port of The Dalles in the next 5-10 years?**

Responses
Creation of build able lots
Integrating recreation in the port
Restaurants and cafés to encourage people to use walking trail
River Tail "community" development.
Tourism and raising the quality of life for The Dalles year-long residents

**Table 11: Please share any additional comments as it relates to business development within the Port of The Dalles, City of The Dalles, or Dufur.**

Responses
Focus on what's good for your residents - not what might bring in more money for City of The Dalles. Once you figure out how to represent your residents, the residents will help take care of The City's expenses.
Helping to fix our houseless crisis and to get those that are dealing with drug addictions help to get off them
I have all the equipment to open a youth center, I just need a space. If you have any ideas please contact me - Codie 541-296-9102.
More transparency with the port
Office space for rent is the worst downtown. It would be great to have some other options. And more cute shops to get people there.
Quick licking Google's boots.
While it very important to create wage earning jobs. If we aren't careful about how we develop the spaces adjacent to the river proper, we will miss a huge opportunity for the towns ideal livability in the future. To our detriment I'm afraid.

## 7. Background Conditions

### Socioeconomic Data

In order to get a broader understanding of the socioeconomic makeup of the City of The Dalles, PC compiled data about The Dalles, Wasco County, Oregon, and the United States.

Over 50% of the total Wasco County population reside in The Dalles. The Dalles is growing at a faster rate than Wasco County, and it is also growing more rapidly than both Oregon and the United States as a whole.

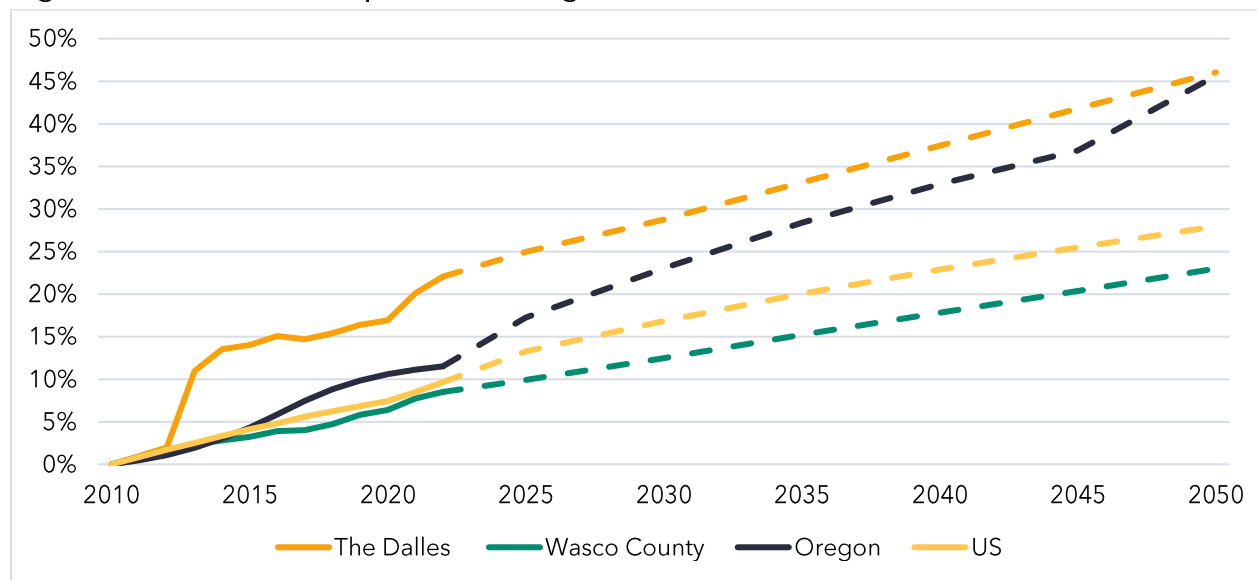
Table 12: Population Change, 2010-2021

Area	2010 Population	2021 Population	Numerical Change	% Change
The Dalles	13,275	15,942	2,667	20.1%
Wasco County	24,695	26,603	1,908	7.7%
Oregon	3.8M	4.2M	0.4M	10.5%
US	304.0M	329.7M	25.7M	8.5%

Source: US Census Bureau, 2021

According to data from Portland State University (shown in Figure 30), this growth is projected to continue to apace, with The Dalles continuing to grow at a more rapid rate than the other areas of comparison.

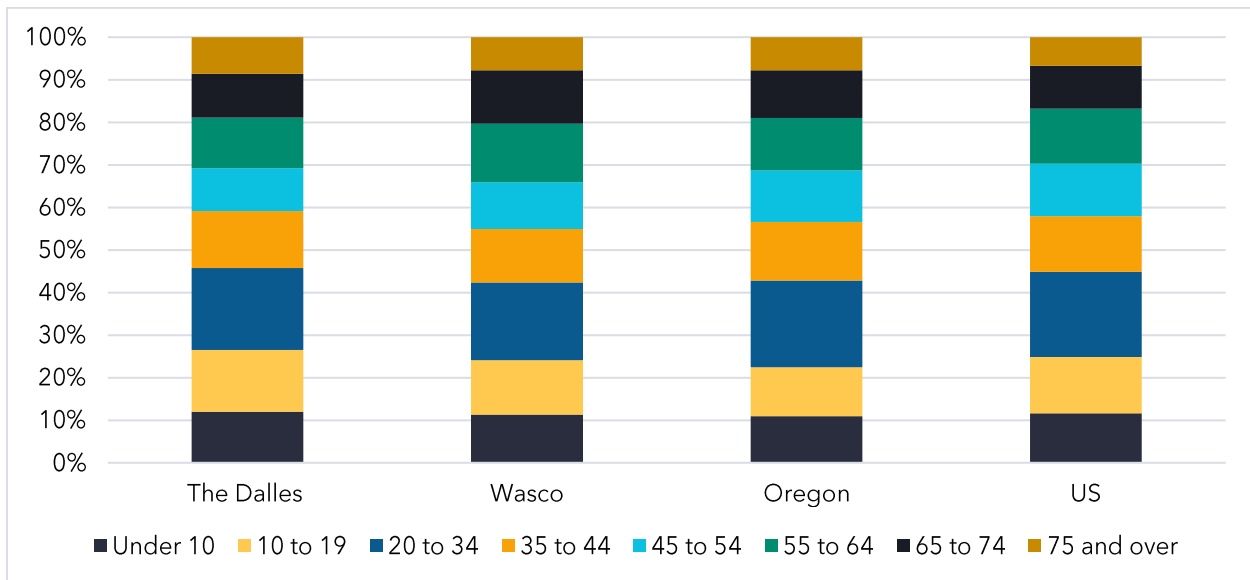
Figure 30: Cumulative Population Change: 2010-2050



Source: Portland State University, Population Research Center, and US Census Bureau, 2021

Some of the growth may be due to a relatively young population in The Dalles. While 59% of The Dalles is under the age of 45, 55% of Wasco County's population is in that age bracket. This difference may seem small, however areas with a younger population tend to propel further growth. Young people are more likely to start families or businesses (which in turn, encourages in-migration).

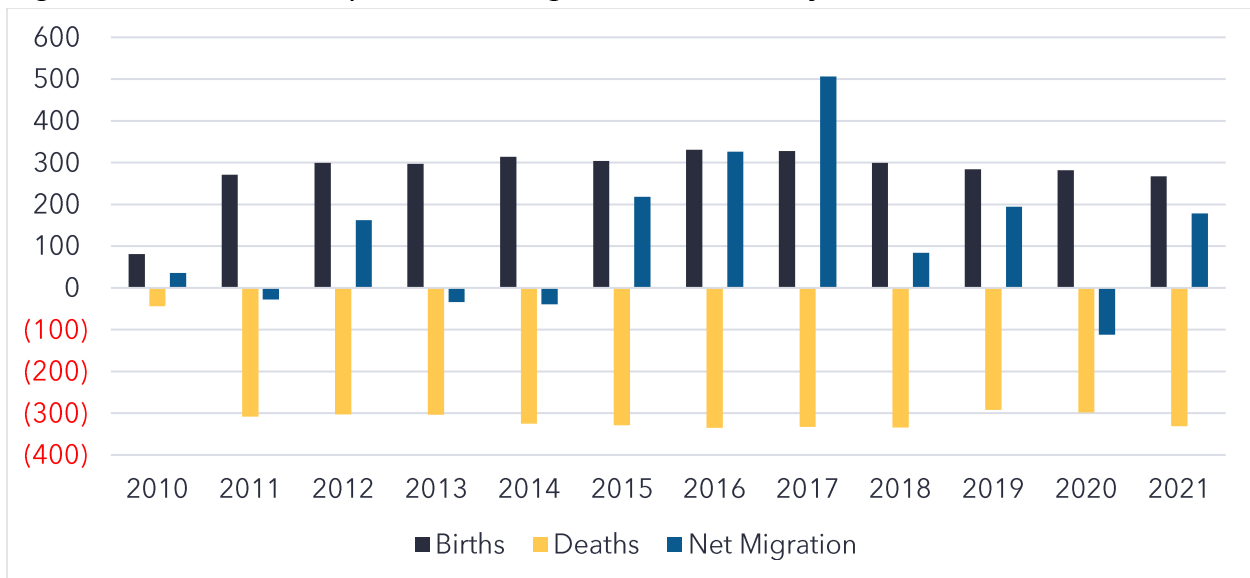
Figure 31: Population by Age, 2021



Source: US Census Bureau, 2021

In almost every year in the past twelve, there have been more deaths than births in The Dalles. However, the difference is quite small, on average about a 15-person loss in population. As such, most of the growth of The Dalles in the past decade has stemmed from migration into the city. The years 2015-2017 in particular saw a notable boom in population.

Figure 32: Sources of Population Change in Wasco County

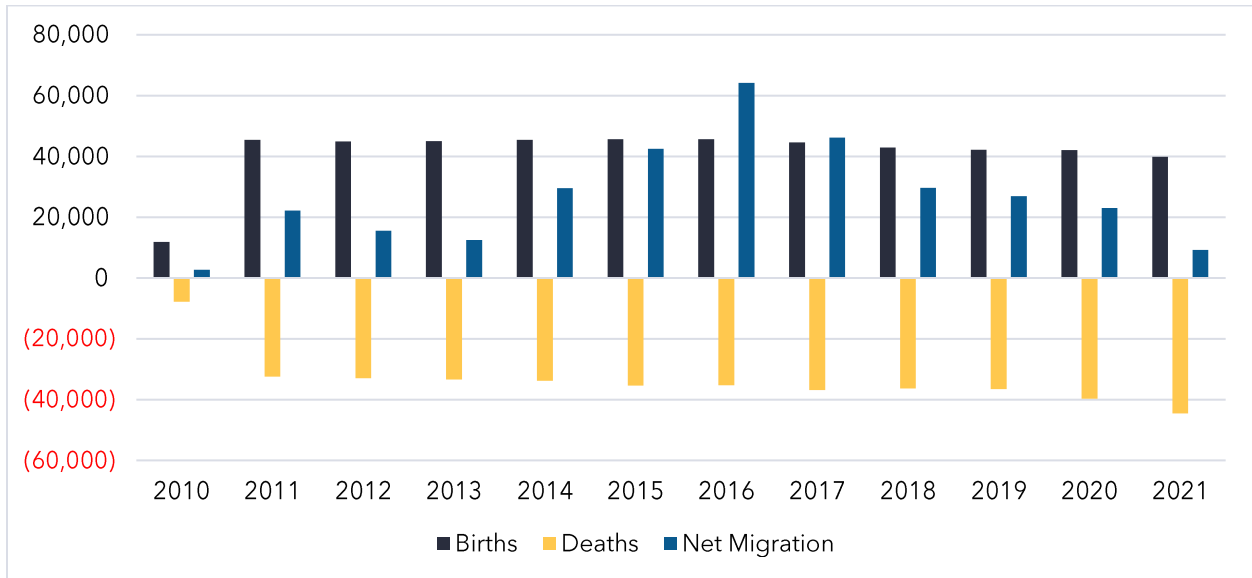


Source: US Census Bureau, 2021

Oregon's migration patterns have been more variable overall. However, the state grew via births throughout the 2010s. In fact, 2021 was the first year to show a notable break from the pattern with 4,700 more deaths than births.



Figure 33: Sources of Population Change in Oregon



Source: US Census Bureau, 2021

Notably the employment landscape in The Dalles and Wasco County has shifted in the past five years. In particular, management occupations have seen an impressive 40% growth in The Dalles and 26% in Wasco County as a whole. Construction and extraction has also seen significant growth in The Dalles and Production has risen by 20% in Wasco County.

Table 13: Employment Change in Top Five Occupations by Region

Occupation	2017	2021	5 Year % Change
---Wasco County---			
Management	1,143	1,437	25.7%
Office and administrative support	1,445	1,344	(7.0%)
Sales	1,088	1,155	6.2%
Farming, fishing, and forestry	761	711	(6.6%)
Production	558	672	20.4%
---The Dalles---			
Office and administrative support	904	929	2.8%
Management	491	690	40.5%
Sales	713	686	(3.8%)
Food preparation and serving	425	457	7.5%
Construction and extraction	279	380	36.2%

Source: US Census ACS, 2017-2021

Overall, employment has risen by over 6% in Wasco County, despite decreases in retail, wholesale, finance/insurance, and information. However, the significant increases in public administration and other services led most of the growth. Despite not seeing as significant an

increase in employment, the agriculture/forestry/fishing industry location quotient (LQ)<sup>7</sup> is 7, meaning that industry has is seven times more highly concentrated in The Dalles than the US average.

**Table 14: Employment by Industry in Wasco County**

Industry	2021	% Change Since 2017	LQ
Educational Services	2,874	3.8%	0.62
Retail trade	1,575	(6.0%)	1.25
Agriculture/Forestry/Fishing	1,150	1.0%	7.00
Arts/Entertainment/Recreation	1,143	18.0%	0.91
Manufacturing	1,058	29.7%	0.88
Public administration	851	55.9%	1.57
Professional/Scientific/Tech	834	0.7%	0.57
Construction	673	2.0%	0.91
Other Services (Excluding Public)	600	38.6%	1.26
Transportation/Warehousing	467	9.4%	0.56
Wholesale trade	303	(25.7%)	1.42
Finance/Insurance	299	(11.8%)	0.36
Information	167	(31.3%)	0.63
<b>Grand Total</b>	<b>11,994</b>	<b>6.6%</b>	<b>--</b>

Source: US Census ACS and Esri Business Analyst, 2017-2022

Employment in The Dalles grew at an even greater rate than Wasco County, over 9%. While agriculture/forestry/fishing industry makes up a smaller portion of the employment than in Wasco County, The Dalles still has significant concentration in that area. The Dalles saw gains and losses in employment in many of the same industries as Wasco County overall. However, both the gains and losses were more dramatic in The Dalles.

**Table 15: Employment by Industry in The Dalles**

Industry	2021	% Growth Since 2017	LQ
Educational Services	1,694	2.8%	0.61
Retail trade	952	(15.5%)	1.31
Manufacturing	661	19.5%	0.80
Arts/Entertainment/Recreation	660	20.7%	0.64
Professional/Scientific/Technical Services	601	0.5%	0.62
Public administration	593	85.9%	1.72
Construction	437	25.2%	1.03
Other Services	413	84.4%	1.26
Agriculture/Forestry/Fishing	357	19.8%	4.00

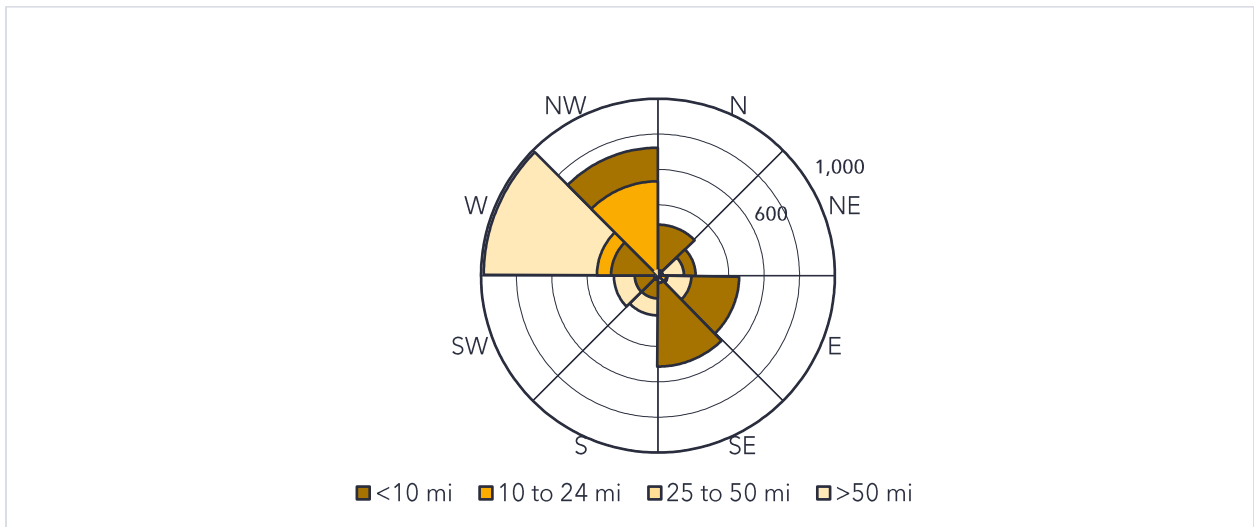
<sup>7</sup> The US Bureau of Economic Analysis defines location quotient as “an industry’s share of a regional total for some economic statistic (earnings, GDP by metropolitan area, employment, etc.) divided by the industry’s share of the national total for the same statistic.” <https://www.bea.gov/help/faq/478>, accessed November, 2023.

Transportation/Warehousing/Utilities	285	82.7%	1.58
Finance and Insurance	200	(9.5%)	0.30
Wholesale trade	148	(40.6%)	1.63
Information	101	(48.7%)	0.53
<b>Grand Total</b>	<b>7,102</b>	<b>9.5%</b>	--

Source: US Census ACS and Esri Business Analyst, 2017-2022

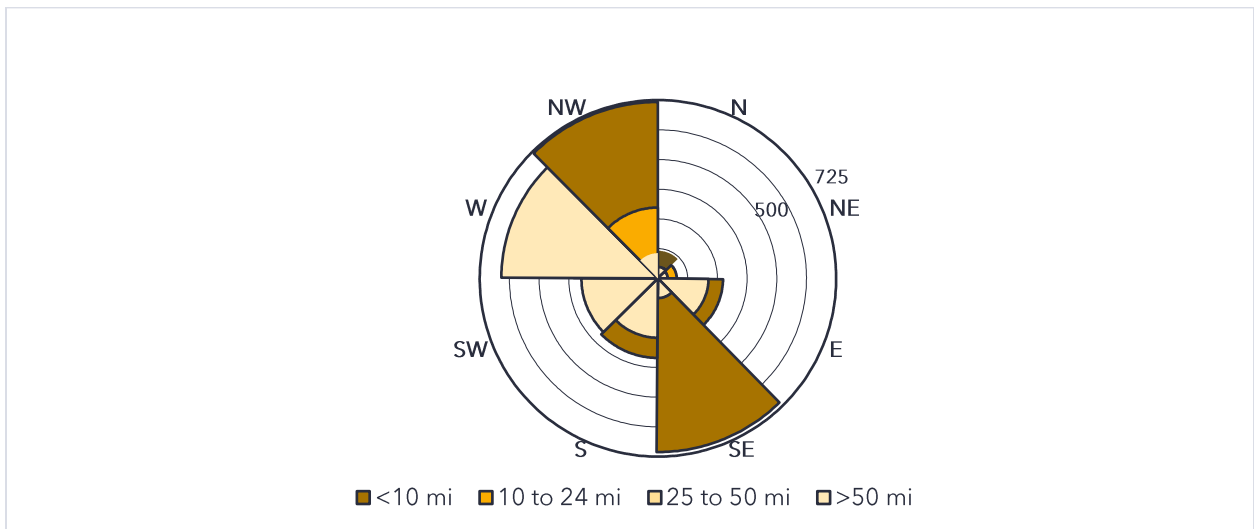
Most workers who commute out of The Dalles are traveling west and northwest, likely to the Hood River area. However, there is a percentage headed south and southeast as well. On the other hand, most workers commuting into The Dalles are mainly coming in from the northwest and southeast.

Figure 34: Distance and Direction of Worker Commute out of The Dalles



Source: U.S. Census Bureau, On-the-Map, 2020

Figure 35: Distance and Direction of Worker Commute into the Dalles



Source: U.S. Census Bureau, On-the-Map, 2020

## Appendix A: Meeting Memos

### February 15<sup>th</sup> Launch Meeting

#### Meeting Notes

Port of The Dalles Strategic Business Plan  
Port Commission Launch Meeting

Port Office, The Dalles,  
February 15<sup>th</sup>, 2023

In attendance:

- Points Consulting: Brian Points, Madeline Bowen, Maria Byler
- Port of The Dalles: Jennifer Toepke, Andrea Klaas, Staci Coburn, Robert Wallace, Greg Weast, David Griffith, John D. Willer

The meeting opened by discussing public engagement strategies. It was decided that PC will draft a survey aimed at area businesses, with Andrea Klaas providing contact information. PC also requested a variety of materials from the Port and the commissioners. After a general discussion of Port resources, the commissioners shared their thoughts on the top unmet opportunities of the Port and what kind of businesses they would like to attract to the Port vicinity. PC then facilitated an exercise in which the commissioners wrote down their vision for the Port in twenty years.

### April 11<sup>th</sup> Administrative Meeting

#### Meeting Notes

Port of The Dalles Strategic Business Plan  
Administrative Meeting and Progress Update

Zoom Call  
April 11<sup>th</sup>, 2023

In attendance:

- Points Consulting: Brian Points, Madeline Bowen, Maria Byler
- Port of The Dalles: Jennifer Toepke, Andrea Klaas

This meeting was a brief discussion of survey logistics and plans for the May onsite visit, as well as a status update. Also discussed were materials still needed from Port staff.

## May 10<sup>th</sup> Business Leaders Lunch

Meeting Notes

Port of The Dalles Strategic Business Plan  
Community Business Leaders Lunch

Sunshine Mill, The Dalles,  
May 10th, 2023

Figure 36: PC Hosting Community Business Leaders Lunch for The Dalles



Source: Points Consulting, May 10, 2023

PC coordinated a lunch for community business leaders and representatives from local government. While a sign-in sheet was provided, not all signed in. PC estimates an attendance of 20-25 people, with 15 attendees listed on the sheet. The lunch was an informal gathering designed to hear open feedback from community business leaders. A sample of the types of questions asked is included below.

Table 16: Sign-in Sheet, Community Business Leaders Lunch, May 10, 2023

Name	Organization	Role
Dave Anderson	City of The Dalles	Public Works Director
Rich Mays	City of The Dalles	Mayor
Dan Spatz	Columbia Gorge Community College	Director, Capital Projects and Community Relations

Breen Goodwin	Columbia Gorge Food Bank	Incoming Rural Communities Liaison
Sharon Thornberry	Columbia Gorge Food Bank	Outgoing Rural Communities Liaison
Erik Kerr	Crestline Construction	General Manager
Bill Ketchum	Crestline Construction	Operations Manager
Matthew Cole	DirectLine-IT	Owner
Shannon Garrett	Hage Electric	Owner
Chris Zukin	Meadow Outdoor Advertising	Owner
Scott Baker	Northern Wasco County Parks and Recreation	Executive Director
Andrew Meyers	Oregon Dept of Fish and Wildlife	----
Debbie Hendrickx	Swell Gelato	Owner
Yvonne Pepin Wakefield	Yvonne's Art Studio	Owner

## Questions for Luncheon<sup>8</sup>

### Background

- What benefits does the local economy experience due to the Port?

### ***Business owners:***

- What benefits does your business experience due to the Port?

### Real Estate/Buildings

- What types of real estate (outside of residential) does The Dalles need more of?
- Do you think The Dalles needs more professional office space?
- Do you think The Dalles needs co-working space?
- Do think anything should be done to improve amenities at the waterfront?
  - Marina, recreation, hospitality, food/beverages
- Do you think there are areas of town that could be developed for better commercial/industrial use?

### ***Government:***

- How prepared is your infrastructure to handle more commercial/industrial usage?
- Are there areas of town that have been better prepared for commercial/industrial use according to your comp plan and other planning work?

### Economy

- What direction do you see The Dalles heading?
  - Same industries or different?
- What role does Dufur play in the Wasco County economy? Could it play a bigger role?

### ***Manufacturing***

- Are there other businesses in your supply chain locally? Are there opportunities for more of those businesses to be here?

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<sup>8</sup> These questions were asked at the business luncheon as part of PC's community engagement efforts. Results of these questions are summarized in Chapter 6 of this document.

### ***Small Industrial–type Businesses***

- What are the biggest constraints for small industrial-type businesses in The Dalles?
  - (blue-collar type: mfg, transport, construction, maintenance, etc.)
  - Where do buildings fall on that list of constraints?

### **May 10<sup>th</sup> SWOT Workshop**

#### Meeting Notes

Port of The Dalles Strategic Business Plan  
Port Commission SWOT Workshop

Port Office, The Dalles,  
May 10th, 2023

In attendance:

- Points Consulting: Brian Points, Madeline Bowen, Maria Byler
- Port of The Dalles: Jennifer Toepke, Andrea Klaas, Staci Coburn, Greg Weast, David Griffith, John D. Willer

PC reported on the survey responses and map progress. The commissioners provided feedback on the maps. The rest of the meeting was dedicated to conducting the SWOT analysis.

## Appendix B: ORS 777

### Oregon Revised Statutes (ORS) Chapter 777 – Ports Generally 2021<sup>9</sup>

#### Ports

##### *Definitions*

777.005 Definitions for ORS 777.005 to 777.725 and 777.915 to 777.953. As used in ORS 777.005 to 777.725 and 777.915 to 777.953, unless the context requires otherwise:

- (1) "Board" means the board of commissioners of a port.
- (2) "County" means the county in which the port, or the greater portion of the area of the port, is located.
- (3) "County board" means the county court or the board of county commissioners of the county.
- (4) "County clerk" means the county clerk of the county.
- (5) "Port" means a port formed pursuant to ORS 777.010 and 777.050.
- (6) "Owner" or "landowner" means the record owner of real property or the vendee of a recorded contract of purchase of real property, if any, to the exclusion of the vendor. [Amended by 1971 c.728 §1; 1983 c.83 §109; 2003 c.802 §148]

##### *Organization of Ports*

777.010 Areas that may be included in port. (1) Ports may be formed in the manner provided in this section and ORS 777.050.

(2) A proposed port may include all the territory in one county. However, where a petition is filed for formation of a port, the territorial limits of which do not include the county as a whole, the limits proposed by the petition shall not extend beyond the natural watershed of any drainage basin whose waters flow into another bay, estuary or river navigable from the sea situate within the county. [Amended by 1959 c.602 §1; 1963 c.209 §1; 1967 c.342 §1; 1971 c.727 §182; 1971 c.728 §2; 2003 c.802 §149]

777.015 [Amended by 1967 c.342 §2; repealed by 1971 c.727 §203]

777.020 [Amended by 1959 c.602 §2; 1963 c.252 §1; repealed by 1971 c.727 §203]

777.022 [1959 c.602 §4; 1963 c.252 §2; repealed by 1971 c.727 §203 and by 1971 c.728 §138]

777.025 [Amended by 1967 c.342 §3; repealed by 1971 c.647 §149 and by 1971 c.728 §138]

777.030 [Amended by 1959 c.57 §1; 1963 c.252 §3; repealed by 1971 c.647 §149]

777.035 [Amended by 1967 c.342 §4; repealed by 1971 c.727 §203]

777.040 [Amended by 1959 c.602 §5; repealed by 1971 c.727 §203]

777.045 [Repealed by 1971 c.647 §149 and by 1971 c.727 §203]

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<sup>9</sup> [https://www.oregonlegislature.gov/bills\\_laws/ors/ors777.html](https://www.oregonlegislature.gov/bills_laws/ors/ors777.html)



**777.050 Operation and effect of proclamation; general corporate powers and capacity.** From the date of the formation order, the port specified in the order shall:

- (1) Have perpetual succession.
- (2) Have, and may exercise and carry out, the corporate powers and objects declared by ORS 777.005 to 777.725 and 777.915 to 777.953.
- (3) Make all contracts, hold, receive and dispose of real and personal property, and do all other acts and things which may be requisite, necessary or convenient in carrying out the objects of the corporation or exercising the powers conferred upon it.
- (4) Sue and be sued, plead and be impleaded in all actions, suits or proceedings brought by or against it. [Amended by 1971 c.727 §184; 1971 c.728 §10]

**777.055** [Repealed by 1971 c.728 §138]

**777.060** [Amended by 1963 c.268 §18; repealed by 1971 c.727 §203]

### ***Facilities for World Maritime Trade***

**777.065 Development of port facilities at certain ports as state economic goal; state agencies to assist ports.** The Legislative Assembly recognizes that assistance and encouragement of enhanced world trade opportunities are an important function of the state, and that development of new and expanded overseas markets for commodities exported from the ports of this state has great potential for diversifying and improving the economic base of the state. Therefore, development and improvement of port facilities suitable for use in world maritime trade at the Ports of Umatilla, Morrow, Arlington, The Dalles, Hood River and Cascade Locks and the development of deepwater port facilities at Astoria, Coos Bay, Newport, Portland and St. Helens is declared to be a state economic goal of high priority. All agencies of the State of Oregon are directed to assist in promptly achieving the creation of such facilities by processing applications for necessary permits in an expeditious manner and by assisting the ports involved with available financial assistance or services when necessary. [1981 c.879 §6; 1993 c.106 §1]

**Note:** 777.065 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 777 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

(Port Powers and Functions; Port Commissioners)

**777.080 Application of special district election laws to ports.** (1) ORS chapter 255 governs the following:

- (a) The nomination and election of district commissioners.
  - (b) The conduct of district elections.
- (2) The electors of the district may exercise the powers of the initiative and referendum regarding a district measure, in accordance with ORS 255.135 to 255.205. [1983 c.350 §325]

**777.090 Agreements between ports; allocation of expenses and revenues.** A port may enter into agreements with other ports to exercise jointly all powers granted to any of the agreeing ports. The agreement may authorize joint acquisition of real property or other

interests in land and may provide for the allocation among the agreeing ports of expenses incurred or revenues received in the performance of the agreement. [1981 c.879 §10]

**Note:** 777.090 to 777.100 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 777 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**777.095 Agreement between Port of Astoria and State Land Board concerning deepwater port facility at Tongue Point; division of revenue; board's share credited to Common School Fund.** Any agreement between the Port of Astoria, individually or in conjunction with another port, pursuant to ORS 777.090, and the State Land Board shall specify a division between the parties of all net revenues accruing from the management of the deepwater port facility at Tongue Point. The State Land Board's share of the net revenues shall be transferred to the Department of State Lands and credited to the Common School Fund. [1981 c.879 §9]

**Note:** See note under 777.090.

**777.100 Annual report to legislative committees concerning agreements made under ORS 777.090.** Annually, the directors of any agreeing ports and the Director of the Department of State Lands shall report to appropriate legislative committees the nature of all agreements made under ORS 777.090 and accomplishments thereunder. [1981 c.879 §11; 2007 c.354 §26]

**Note:** See note under 777.090.

**777.105 Bay, river and harbor improvement.** A port may improve bays, rivers and harbors within its limits and between its limits and the sea for the width and length and to the depth the port considers necessary or convenient for the use of shipping and as the means at its disposal will allow. It may construct the canals, basins and waterways necessary or convenient for the use of shipping or the extension of the commerce of the port. [Amended by 1971 c.728 §12]

**777.108 Agreements between two or more ports.** Two or more ports may enter agreements, to exercise jointly all powers granted to each of the agreeing ports individually. In the exercise of such powers ports may acquire jointly all lands, rights in real property, leases or easements necessary for their purposes. However, ports so acting jointly shall not acquire real property or rights in any other port without the consent of such port. [1961 c.367 §2; 1971 c.728 §13]

**777.110 Contracts with federal government.** A port may:

(1) Contract with the federal government to do all or part of the work of making or maintaining, or both, a depth of water in the bays, harbors or rivers as determined by the federal government; and

(2) Receive therefor compensation as agreed between the federal government and the port. [Amended by 1971 c.728 §14]

**777.112 Contracts or intergovernmental agreements between ports and others.** (1) A port may enter into intergovernmental agreements under ORS chapter 190 for any purpose permitted under that chapter.

(2) Any port may enter into a contract with any person or into an intergovernmental agreement under ORS chapter 190 for the use and control of water for promoting erosion control, pollution control or otherwise protecting, maintaining and enhancing waters within the boundaries of the port district.

(3) Expenses incurred or revenues received in the performance of a contract or agreement entered into under subsections (1) and (2) of this section shall be allocated among the parties as the contract or agreement shall provide. [1961 c.367 §3; 1971 c.691 §1; 1971 c.728 §139; 2003 c.802 §150; 2017 c.84 §1]

**777.113 Port assistance to public bodies within port boundaries.** Consistent with the purposes, functions and powers granted to it by law, a port may provide research or technical assistance for the planning, promotion or implementation of commercial, industrial or economic development projects upon request by any public body as defined in ORS 174.109 within the boundaries of the port. [1977 c.209 §2; 2003 c.802 §151]

**Note:** 777.113 was added to and made a part of ORS chapter 777 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**777.115** [Repealed by 1971 c.728 §16 (777.116 enacted in lieu of 777.115)]

**777.116 Port may acquire real and personal property; appraisal by state certified appraiser required; purchase contract limited.** (1) A port may acquire, by condemnation or other lawful method, hold, use, enjoy and convey, lease or otherwise dispose of real and personal property, or any interest therein, necessary or convenient in carrying out its powers. Condemnation proceedings shall be conducted as provided by ORS chapter 35.

(2)(a) A port may not purchase real property unless the port first obtains an appraisal of the fair market value of the property from a state certified appraiser who is disinterested in the transaction and independent of the port.

(b) If the appraisal obtained under paragraph (a) of this subsection concludes that the value of the property exceeds \$2,000,000, then the port must obtain an additional appraisal of the fair market value of the property before purchasing the property. The appraiser who conducts the additional appraisal must be a state certified appraiser but need not be disinterested in the transaction or independent of the port.

(c) Nothing in this subsection requires the port to purchase the real property at the appraised value.

(d) The appraisals obtained under this section may not be admitted as evidence in any condemnation proceeding.

(3) A port may purchase real or personal property upon a contractual basis when the period of time allowed for payment under the contract does not exceed 20 years.

(4) As used in this section, "state certified appraiser" has the meaning given that term in ORS 674.010. [1971 c.728 §17 (enacted in lieu of 777.115, 777.185 and 777.187); 1973 c.127 §2; 1975 c.43 §1; 1979 c.17 §1; 1991 c.5 §45; 1993 c.201 §1; 2017 c.86 §1]

**777.120 Port's authority over harbors, wharf lines and navigation.** (1) To the full extent the State of Oregon might exercise control or grant to ports the right to exercise control, a port has full control of all bays, rivers and harbors within its limits, and between its limits and the sea. As convenient, requisite or necessary or in the best interests of the maritime shipping and commercial interests of the port, a port may, within its limits:

(a) Make, change or abolish wharf lines in bays, rivers and harbors.

(b) By ordinance make, modify or abolish regulations for the use of navigation, or for the placing of obstructions in or the removal of obstructions from bays, rivers and harbors.

(2) A port shall have the authority to engage in the control and prevention of river and stream bank erosion, and the prevention of damage from floodwater and sediment, and to make, establish, change, modify or abolish such rules and regulations to preserve natural resources and prevent estuary and stream pollution within the boundaries of the district. [Amended by 1971 c.268 §20; 1971 c.691 §2; 1971 c.728 §140]

**777.125 Ports may maintain tug and pilotage service; charges; port's liability limited; salvage claims.** (1) A port may establish, maintain and operate a tugboat and pilotage service in the port and between the port and the sea. To provide such service, it may purchase, lease, control and operate tugboats and pilot boats and collect charges from vessels employing such tugs for towage or pilotage services.

(2) The charges for towage and pilotage shall be fixed by the board and filed in the records of the port. A port is entitled to a lien upon a vessel for any sums due the port for piloting or towing such vessel. The master and owner of such vessel shall, in addition, be jointly and severally liable to the port for the sums due.

(3) If a vessel or cargo, while being towed by a vessel owned or operated by a port or while under the charge of a pilot employee thereof, suffers injury or loss by reason of the fault of the tug, or the negligence or incompetency of the pilot, the port shall not be liable for any loss or injury thereof in excess of \$5,000.

(4) A port may claim and collect salvage for services rendered to vessels in distress in the same manner as a natural person. [Amended by 1971 c.728 §20]

**777.130** [Amended by 1963 c.219 §1; 1963 c.365 §1; 1965 c.445 §1; 1967 c.416 §2; 1969 c.497 §1; repealed by 1971 c.728 §21 (777.195 to 777.258 enacted in lieu of 777.130)]

**777.132 Authority of ports to distribute water; construct and maintain marina and recreation facilities.** (1) A port may distribute water for domestic purposes, industrial purposes, irrigation purposes or for the purposes of recharging ground water basins or reservoirs within or without the port.

(2) A port may construct, improve, maintain and operate public marina or other recreation facilities. Such facilities may include campgrounds or parks which the port may operate and maintain or lease to public or private organizations or persons for operation and maintenance. [1969 c.497 §3; 1971 c.728 §29; 1973 c.127 §1; 1974 c.39 §1; 1987 c.103 §1]

**Note:** 777.132 was added to and made a part of ORS chapter 777 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**777.135 Board of port commissioners; qualifications; appointment; term; first meeting; election; vacancies.** (1) The power and authority given a port is vested in and shall be

exercised by a board of five commissioners, each of whom shall be an elector registered in the port.

(2) Within 10 days after the formation of the port, the Governor shall appoint the first board of five commissioners, each of whom shall be an elector registered in the port.

(3) The commissioners shall meet at a place within the port, designated by the Governor, on the fifth day after their appointment and shall organize as a board, first making and subscribing to an oath of office. The term of office of each commissioner shall be determined by lot at the first meeting of the board. The terms of two of the commissioners expire June 30 next following the first regular district election, and the terms of the remaining three commissioners expire June 30 next following the second next regular district election.

(4) At the first regular district election following the appointment of the first board, two commissioners shall be elected. At the second regular district election following the appointment of the first board, three commissioners shall be elected.

(5) Except as provided in subsection (3) of this section, the term of commissioner is four years.

(6) The term of a commissioner shall expire when the commissioner is absent from four or more consecutive regular meetings of the board of port commissioners and the board declares the position vacant. The vacancy shall be filled as provided by ORS 198.320. [Amended by 1967 c.185 §1; 1971 c.647 §136; 1971 c.727 §§185,200; 1971 c.728 §30; 1973 c.796 §74; 1983 c.83 §110; 1983 c.350 §318; 1995 c.705 §1]

**777.137 Designation of position numbers for commissioners.** (1) Each office of commissioner of the board of a port shall be designated by number as Position No. 1, Position No. 2, and so forth.

(2) The secretary of a port shall assign a position number to each office on the board. The number so assigned shall be certified by the secretary to the commissioner in office holding that position. The secretary shall file a copy of the certification with the elections officer for the district. [1969 c.297 §2; 1971 c.728 §31; 1983 c.350 §319]

**777.140 Board meetings; board officers; rules; public records.** (1) A board shall meet at a place within the port as it may from time to time determine. A board shall hold at least one regular meeting in each month on a day to be fixed by it, and may hold special meetings as provided by its rules.

(2) A board shall choose from its number a president, vice president, treasurer and secretary, who shall hold their offices until the next election of officers and who shall have the powers and perform the duties usual in such cases. Annual reports shall be made by the president, vice president, treasurer and secretary and filed with the board.

(3) All proceedings of a board shall be entered in the records of the board. All books, maps, plans, documents, vouchers, reports and other papers and records pertaining to the business of the port shall be public records. [Amended by 1971 c.728 §32]

**777.145** [Repealed by 1969 c.345 §20]

**777.150 Port employees; compensation.** A port may employ engineers, superintendents, mechanics, clerks or other persons as it may find requisite, necessary or convenient and fix their rates of compensation. [Amended by 1967 c.412 §1; 1971 c.403 §16; 1971 c.728 §36]

**777.155 Division of ports into subdistricts.** Upon a petition of the electors filed with the board within 10 days after the date of a boundary or name change order a board shall subdivide the port. Such a petition shall be signed by electors registered in the district equal in number to at least 25 percent of the electors who voted at the last port election. The board by resolution shall divide the port into five subdistricts approximately equal in population. Not later than the 10th day after the resolution is adopted, the secretary of the board shall file a certified copy of the resolution with the county clerk of each county in which the district is located. [Amended by 1963 c.268 §19; 1967 c.498 §3; 1971 c.727 §186; 1971 c.728 §37; 1983 c.83 §111; 1983 c.350 §320]

**777.160 Representation by subdistricts; terms of commissioners after subdistricting.** (1) At the first regular district election after the effective date of the division of a port into subdistricts under ORS 777.155 or 777.326, one commissioner shall be elected from each subdistrict. Thereafter election of commissioners shall be by subdistrict and by the electors in each such subdistrict.

(2) The terms of office of the incumbent commissioners of a port that is subdivided as provided by ORS 777.155 or 777.326 terminate on June 30 following the first regular district election after the effective date of the division of the port into subdistricts.

(3) The two commissioners who receive the greatest number of votes cast at the election under subsection (1) of this section shall hold office for the term of four years beginning July 1 following the election. The three commissioners who receive the lesser number of votes cast at the election shall hold office for the term of two years beginning July 1 following the election. [Amended by 1963 c.268 §20; 1967 c.498 §4; 1971 c.727 §187; 1971 c.728 §38; 1973 c.796 §75; 1983 c.350 §321]

**777.165 Vacancies.** Notwithstanding ORS 198.320, the Governor may fill vacancies on the board of any port by appointment when the vacancies exist as a result of the failure to nominate and elect board members as provided in ORS 777.080, 777.135 and 777.160. The appointees shall be electors registered in the port. If the port is divided into subdistricts under ORS 777.155 or 777.326, the appointees shall be electors registered in the subdistrict represented by the vacant position. The terms of the appointees shall be determined by lot at a meeting of the board held within five days after the appointment. However, the term of an appointee shall expire on June 30 next following the succeeding regular district election at which a successor is elected. The terms of the appointees shall be arranged with the terms of the other members so that the terms of not more than three commissioners expire on June 30 next following any regular district election. [Amended by 1969 c.669 §18; 1971 c.728 §39; 1981 c.173 §53; 1983 c.83 §112; 1983 c.350 §322]

**777.170** [Amended by 1971 c.728 §40; 1975 c.647 §51; repealed by 1981 c.173 §54 (777.171 enacted in lieu of 777.170)]

**777.171** [1981 c.173 §55 (enacted in lieu of 777.170); repealed by 1983 c.350 §331a]

**777.175** [Repealed by 1971 c.728 §138]

**777.180 Powers of ports created by special laws.** All ports created prior to April 17, 1920, under any special law of the Legislative Assembly of this state shall, in addition to the powers they possessed on that date, have all the powers possessed by ports under the general laws

of this state, except the power to borrow money and issue bonds under ORS 777.410 and 777.415. [Amended by 1971 c.728 §41]

**777.185** [Amended by 1963 c.327 §1; 1971 c.545 §1; repealed by 1971 c.728 §16 (777.116 enacted in lieu of 777.185)]

**777.187** [1967 c.186 §2; repealed by 1971 c.728 §16 (777.116 enacted in lieu of 777.187)]

**777.190 Ordinances for policing or regulating of port property.** A port may by ordinance in accordance with ORS 198.510 to 198.600 make, modify or abolish regulations to provide for the policing, control, regulation and management of property owned, operated, maintained or controlled by the port. A port, for the purpose of enforcing such ordinances, may appoint peace officers who shall have the same authority, for the purpose of the enforcement of the ordinances, as other peace officers. [1955 c.699 §§2,3,4; 1959 c.255 §1; 1971 c.268 §21; 1971 c.728 §42]

**777.195 Port may engage in certain water commerce-related activities.** A port may, for hire:

(1) Acquire, charter, own, lease, rent, dispose of, maintain and operate towboats, barges and other watercraft for the transportation of all kinds of merchandise, freight and commercial or recreational passengers, and engage generally in maritime trade and commerce, within or without the boundaries of this state.

(2) Own, acquire, construct, operate and maintain railroad terminal grounds and yards; and construct, operate and maintain such line or lines of railroad, with necessary sidetrack, turnouts, switches and connection and arrangements with other common carriers, as may facilitate water commerce between common carriers and points within the port; and carry and transport freight and passengers and move passenger trains over the lines.

(3) Acquire, own, lease, rent, operate, maintain and dispose of unit trains and related facilities for the transportation of bulk commodities to facilities within the port from locations within or without the port. [1971 c.728 §22 (enacted in lieu of 777.130); 1979 c.109 §1; 1981 c.879 §2; 2001 c.883 §39f]

**777.205** [1963 c.209 §3; repealed by 1971 c.727 §203]

**777.210 Port may engage in certain port management activities.** A port may:

(1) Establish, operate and maintain water transportation lines in any of the navigable waters of this state and waters tributary thereto, any portion of which may touch the boundaries of the port.

(2) Engage generally in the business of buying and selling coal, fuel oil and all kinds of fuel for watercraft of all kinds.

(3) Acquire, construct, maintain and operate sea walls, jetties, piers, wharves, docks, boat landings, warehouses, storehouses, elevators, grain bins, terminal icing plants, facilities for processing agricultural, fish or meat products, bunkers, oil tanks, ferries, canals, locks, tidal basins, bridges, subways, tramways, cableways, conveyors, power plants, power transmission lines, administration buildings and fishing terminals, and modern appliances and buildings for the economical handling, packing, storing and transportation of freight and handling of passenger traffic with full power to lease and sell the same, together with the lands upon which they are situated, whether held by the port in its governmental capacity or not.

(4) For the public convenience and the convenience of its shipping and commercial interests, may improve all or any portion of the waterfront of its harbors, rivers and waterways.

(5) Enlarge its tidal area, and construct, excavate and dredge canals and channels connecting its waterways with one another or with other waterways and the sea.

(6) Acquire, construct, maintain and operate airports anywhere within the port.

(7) Acquire, construct, maintain, operate, support, promote and invest in facilities and related activities for the propagation of fish in accordance with the commercial fishing laws.

(8) Acquire, construct, maintain and operate facilities for constructing, repairing or maintaining any type of watercraft. [1971 c.728 §23 (enacted in lieu of 777.130); 1979 c.407 §3; 2017 c.165 §1]

**777.215** [1963 c.209 §4; repealed by 1971 c.727 §203]

**777.220 Port may collect certain fees from port users.** A port may collect from vessels using any port facility, wharfage, dockage and dry dockage; and collect from owners or consignees of goods passing over the docks and warehouses, wharfage and storage charges for goods so handled. [1971 c.728 §24 (enacted in lieu of 777.130)]

**777.225** [1963 c.209 §5; repealed by 1971 c.727 §203]

**777.230 Port may generate electric power; sale of power limited to utilities and federal agency; use of natural gas as fuel for generating facilities.** (1) A port may:

(a) Design, erect, complete, operate and maintain all necessary hydroelectric, steam-generating, electric, oil, gasoline or other power-producing plants or systems, for the purpose of generating electrical current for lighting and power purposes.

(b) Acquire rights of way for the placing of transmission lines over which to carry the electrical energy required between the points of origin or production and the locations where such power may be carried for distribution, and sell, lease and dispose of same.

(2) This section does not authorize a port to enter into the business of supplying electric energy or services, or other power service, to municipalities or to the public, or for any purpose other than the construction or operation of docks, terminals, elevators or other shipping facilities, or in any of the work ports are authorized by law to engage in.

(3) Notwithstanding subsections (1) and (2) of this section, a port may construct, acquire, own or operate, by itself or with other public or private entities, electrical generating plants, electric distribution facilities and related fuel supply and steam generation and distribution facilities. However, the electric output of such plants or systems shall not be sold or delivered, directly or indirectly, to any person or other entity located within this state other than:

(a) An electric utility as defined in ORS 758.505; or

(b) The Bonneville Power Administration.

(4) The related fuel supply facilities of a port shall be constructed and operated for the sole purpose of furnishing fuel to the generating plants or systems owned by the port by itself or with other public or private entities.

(5) Except as provided in subsection (6) of this section, natural gas used to fuel the generation of electricity or energy by any port as described in subsection (3) of this section shall be purchased from or transported by an entity, if any, that is a public utility as defined in ORS 757.005 and approved by the Public Utility Commission under ORS 758.400 to 758.475 to distribute natural gas in the service territory in which the port is located.

(6) The rate charged a port by the public utility shall be the rate found to be reasonable by the Public Utility Commission under ORS 757.230. When reviewing the rate, the Public Utility



Commission shall also determine the cost of alternatives to natural gas service from the public utility. For the purposes of this subsection, the cost of alternatives to natural gas service from the public utility is the cost incurred by a person other than a port without consideration of governmental entitlements that are available to a port but not to private persons. If the rate acceptable to the public utility and found to be reasonable by the Public Utility Commission is greater than such cost of alternatives, the port may pursue other alternatives for natural gas service. [1971 c.728 §25 (enacted in lieu of 777.130); 1985 c.773 §4; 1991 c.253 §1]

**777.240 Port may advertise and promote facilities, commerce and activities.** A port may advertise and promote facilities and commerce of the port, activities of the port and activities of others using port facilities, through public and trade media, exhibits, fairs, trade fairs and trade tours, either alone or in cooperation with others or through associations or organizations having similar interests. [1971 c.728 §26 (enacted in lieu of 777.130); 2017 c.85 §1]

**777.250 Port powers with respect to development and use of its lands; industrial or research and development parks; sports, recreation, convention, trade show facilities.** (1) A port may construct buildings or other improvements and acquire personal properties including but not limited to machinery and equipment considered necessary whether or not now in existence or under construction, suitable for use by any industry for the manufacturing, refining, processing or assembling of any agricultural, mining or other products or by any commercial enterprise in storing, warehousing, distributing or selling or servicing any products of agriculture, mining or industry or by any profit or nonprofit enterprise for research and development. The port has full power to lease and sell the buildings, improvements and personal property, together with the lands upon which they are situated, whether held by the port in its governmental capacity or not.

(2) In addition, a port may:

(a) Acquire and develop land, or develop land already owned, as the site for an industrial or research and development park, including as a part of such development provisions for water, sewage, drainage, roads, transportation, power, communication or other similar facilities which are incidental to the development of the site;

(b) Develop the site pursuant to a comprehensive plan in a manner compatible with other uses in the area in which the industrial or research and development park is located and adopt regulations necessary to implement the plan;

(c) Lease, sublease or sell tracts of land within an industrial or research and development park as building sites to any industry or commercial enterprise or profit or nonprofit enterprise described by this subsection; and

(d) Charge and collect fees for services made available within the industrial or research and development park.

(3) A port may acquire, construct, maintain or operate sports, recreation, convention and trade show facilities.

(4) For revenue bonding purposes under ORS 777.560 to 777.590, projects undertaken under this section shall be classified as either:

(a) Sales, if the port is to sell outright or by conditional sale its interest in the property, or, if by contract the port's title to the property is retained for a limited term only;

(b) Leases, if the port is only to rent, lease, sublease or charge a user fee for the property with the intention of retaining title to, or possession of, the property for its future benefit and use; or

(c) Loans, if the port is to lend the proceeds of such revenue bonds and has no ownership interest in the property. [1971 c.728 §27 (enacted in lieu of 777.130); 1979 c.109 §2; 1979 c.407 §1a; 1983 c.459 §15; 1987 c.103 §2; 1997 c.171 §22]

**777.255** [Repealed by 1963 c.268 §21]

**777.258 General powers of port in promotion of certain interests.** A port may, in general, do such other acts and things, not mentioned by ORS 777.195 to 777.258, as tend to promote the maritime shipping, aviation and commercial interests of the port. [1971 c.728 §28 (enacted in lieu of 777.130)]

**777.260** [Repealed by 1963 c.268 §21]

**777.262 Port dredging activities; legislative findings and purpose.** (1) The Legislative Assembly finds:

(a) That recent changes in federal law authorize the United States Army Corps of Engineers to require ports and other local communities to provide a portion of the costs of dredging harbors and channels near those communities;

(b) That port districts and communities in this state cannot afford to pay the costs necessary to continue the dredging activities that are essential to keep the major harbors and waterways navigable for larger vessels in maritime trade; and

(c) That the State of Oregon must therefore pay for the dredging activities when ports cannot, or this state must tolerate the loss of maritime trade and commerce that will inevitably result from the halt of dredging activities.

(2) Therefore, it is the purpose of this section and one purpose of ORS 777.267 to provide a method of financing all or part of the nonfederal portion of the costs of dredging activities that constitute new federally authorized navigation improvements in the ports of this state when those ports are unable to finance the activities. [1989 c.1020 §1; 2013 c.621 §3]

**Note:** 777.262 and 777.267 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 777 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**777.265** [Repealed by 1963 c.268 §21]

**777.267 Marine Navigation Improvement Fund.** (1) The Marine Navigation Improvement Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Marine Navigation Improvement Fund shall be credited to the fund. The moneys in the fund and interest earnings on the moneys in the fund are continuously appropriated to the Oregon Business Development Department for the Oregon Infrastructure Finance Authority for the purposes of:

(a) Paying a portion of the construction costs of dredging activities that constitute new federally authorized navigation improvement projects and are carried out in the harbors and channels on the Oregon coast and along the Columbia River when federal law or regulation requires a portion of the costs to be paid by nonfederal interests;

(b) Paying the study and construction costs of other new navigation improvement projects that directly support, or provide access to, a federally authorized navigation improvement project;

(c) Paying the study and construction costs of maintenance projects related to existing federally authorized navigation improvement projects; and

(d) Paying for portions of the cost of maintenance dredging projects undertaken with equipment owned by the State of Oregon at publicly owned ports and marinas.

(2) The Marine Navigation Improvement Fund established by this section consists of:

(a) Moneys appropriated or otherwise deposited into the fund by the Legislative Assembly;

(b) Repayment of loans made with moneys in the fund; and

(c) Bond proceeds deposited in the fund.

(3) Moneys in the fund shall be used primarily to make loans to ports for eligible projects. The authority may award a grant or provide other assistance from moneys in the fund to a port for an eligible project only if a loan is not feasible due to the financial hardship of the port or other special circumstances, as set forth in rules adopted by the department.

(4) Eligibility for assistance from the Marine Navigation Improvement Fund shall be limited to and funded, subject to the availability of funds, in the following order of priority:

(a) Maintenance projects related to existing federally authorized navigation improvement projects.

(b) Other new navigation improvement projects that directly support, or provide access to, a federally authorized navigation improvement project or a federally authorized navigation channel.

(c) New federally authorized navigation improvement projects.

(d) Payment of portions of the cost of maintenance dredging projects undertaken with equipment owned by the State of Oregon at publicly owned ports and marinas.

(5) The authority shall limit financial assistance for construction costs under subsection (1)(a) of this section to those projects that have completed all federally required studies.

(6) The authority shall limit financial assistance for construction costs under subsection (1)(b) of this section to projects sponsored by a port, as defined in ORS 777.005 or 778.005, that meet criteria developed by the authority.

(7) The authority shall limit financial assistance for study costs under subsection (1)(b) of this section to projects that meet criteria developed by the authority.

(8) The authority shall limit financial assistance for study and construction costs under subsection (1)(c) of this section to projects that meet criteria developed by the authority. [1989 c.1020 §2; 1991 c.461 §87; subsection (3) enacted as 1991 c.461 §88; 2001 c.570 §1; 2003 c.741 §13; 2009 c.830 §143; 2013 c.621 §4; 2017 c.750 §87]

**Note:** See note under 777.262.

**777.270** [Amended by 1959 c.602 §6; repealed by 1963 c.268 §21]

**777.271 Authority of rural ports to operate telecommunications facilities; exceptions.** (1) A rural port may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate and maintain any telecommunications facilities within or without the port's limits for the port's own use.

(2) This section does not authorize a rural port to provide telecommunications services to end users.

(3) A rural port may not exercise powers of eminent domain to acquire telecommunications infrastructure or facilities or contractual rights to telecommunications infrastructure or facilities held by any other person or entity.

(4) As used in this section, "rural port" means a port that has a population of less than 750,000 within its territorial boundaries. [2015 c.164 §2]

777.272 [1959 c.602 §8; repealed by 1963 c.268 §21]

**777.273 Authority of ports to operate pipelines; exceptions.** (1) A port may own, acquire, construct, operate, improve and maintain pipelines and related facilities for the transportation of products and materials that promote the maritime shipping, aviation and commercial interests of the port.

(2) A port may enter into connection and other agreements with entities owning or operating pipelines and related facilities as may assist the port with regard to its authority described in this section.

(3) A port may acquire by purchase, gift or the exercise of the power of eminent domain rights of way for the placement of pipelines and related facilities.

(4) This section does not grant any additional authority to a port to own, purchase or sell the products and materials carried within the pipelines, but only grants authority over pipelines and related facilities used for transportation purposes.

(5) Except as otherwise specifically authorized by law, this section does not authorize a port to exercise authority over natural gas pipelines and related facilities, the transportation of natural gas or the acquisition of natural gas pipeline rights of way. [1991 c.367 §2]

777.275 [Repealed by 1963 c.268 §21]

### ***Columbia River Channel Deepening Project***

**777.277 Definitions for ORS 777.277 to 777.287.** As used in ORS 777.277 to 777.287:

(1) "Channel Deepening Account" means the account in the Marine Navigation Improvement Fund created by ORS 777.282.

(2) "Channel Deepening Debt Service Account" means the account in the Marine Navigation Improvement Fund created by ORS 777.282.

(3) "Channel deepening project" means a project to deepen the deep draft Columbia River navigation channel from an authorized depth of 40 feet.

(4) "Grant agreement" means the grant agreement described in ORS 777.284.

(5) "Oregon nonfederal share" means that portion of the cost of the channel deepening project that is allocable to the Oregon sponsors and that is not paid by the federal government, the State of Washington or the Washington sponsors.

(6) "Oregon sponsors" means the Port of St. Helens, the Port of Portland or any agency acting on behalf of the government of the State of Oregon as a financial contributor to the channel deepening project.

(7) "Primary sponsor" means the Port of Portland as representative of the Oregon sponsors.

(8) "Project cooperation agreement" means a written agreement between the United States Government and a nonfederal sponsor that requires the United States Government to construct, and the nonfederal sponsor to share in the cost of, a project authorized under the Water Resources Development Act or a similar Act of the United States Congress.

(9) "Washington sponsors" means the Port of Vancouver, the Port of Kalama, the Port of Woodland, the Port of Longview or any agency acting on behalf of the government of the State of Washington as a financial contributor to the channel deepening project. [1997 c.644 §1; 1997 c.612 §16; 2002 s.s.3 c.6 §20; 2003 c.741 §14; 2009 c.830 §144]

**Note:** 777.277 to 777.287 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 777 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**777.279** [1997 c.644 §2; 2001 c.942 §8; repealed by 2003 c.741 §17]

**777.280** [Repealed by 1963 c.268 §21]

**777.282 Channel Deepening Account; Channel Deepening Debt Service Account; payments to primary sponsor.** (1) The Channel Deepening Account is hereby created in the Marine Navigation Improvement Fund.

(2) Any earnings and interest earned on amounts in the Channel Deepening Account shall be credited to the Channel Deepening Account. The moneys in the Channel Deepening Account are continuously appropriated to the Oregon Business Development Department for the Oregon Infrastructure Finance Authority and shall be transferred by the authority to the primary sponsor pursuant to and upon the terms and conditions set forth in the grant agreement entered into under ORS 777.284 to pay the Oregon nonfederal share.

(3) The Channel Deepening Debt Service Account is hereby created in the Marine Navigation Improvement Fund.

(4) Any earnings and interest earned on amounts in the Channel Deepening Debt Service Account must be credited to the Channel Deepening Debt Service Account. The moneys in the Channel Deepening Debt Service Account are continuously appropriated to the Oregon Business Development Department for the Oregon Infrastructure Finance Authority for payment of bond-related costs for lottery bonds issued under ORS 285B.551 (5) and section 12, chapter 741, Oregon Laws 2003, and for lottery bonds issued for channel deepening under ORS 285B.551 (3) and section 6, chapter 942, Oregon Laws 2001.

(5) The restrictions on the use of moneys in the Marine Navigation Improvement Fund set forth in ORS 777.267 do not apply to moneys in the Channel Deepening Account or the Channel Deepening Debt Service Account. [1997 c.644 §3; 2001 c.942 §9; 2003 c.741 §15; 2009 c.830 §145]

**Note:** See note under 777.277.

**777.284 Grant agreement with primary sponsor; request for issuance of lottery bonds.** (1) The Director of the Oregon Business Development Department shall enter into, or modify, a grant agreement with the primary sponsor committing the Oregon Business Development Department to request that the State Treasurer issue lottery bonds as provided in ORS 285B.551 (3) and section 6, chapter 942, Oregon Laws 2001, to obtain lottery bond proceeds for deposit in the Channel Deepening Account for payment of the Oregon nonfederal share.

(2) The total amount paid to the primary sponsor pursuant to the grant agreement may not exceed the lesser of the amount of the Oregon nonfederal share or the total amount deposited in the Channel Deepening Account. The grant agreement:

(a) Shall specify a method for determining the total amount of the Oregon nonfederal share; and

(b) May not contain provisions or be construed or enforced in any manner that would cause the grant agreement to constitute a debt or liability of the state that violates section 7, Article

XI of the Oregon Constitution. [1997 c.644 §4; 2001 c.942 §10; 2002 s.s.1 c.8 §3; 2003 c.741 §16; 2009 c.830 §146]

**Note:** See note under 777.277.

777.285 [Repealed by 1963 c.268 §21]

**777.287 Agreements with federal agencies.** The Oregon sponsors are each hereby authorized to enter into agreements with agencies of the United States for the channel deepening project and, notwithstanding any other provision of law, may each agree to be bound by any requirement imposed by an Act of the United States Congress as a condition of federal participation in the channel deepening project. [1997 c.644 §5]

**Note:** See note under 777.277.

777.289 [1997 c.644 §6; 2001 c.942 §11; repealed by 2003 c.741 §17]

777.290 [Repealed by 1963 c.268 §21]

777.295 [Repealed by 1963 c.268 §21]

777.300 [1963 c.268 §2; repealed by 1971 c.727 §203]

777.303 [1963 c.268 §3; repealed by 1971 c.727 §203]

777.305 [Repealed by 1963 c.268 §21]

777.307 [1963 c.268 §4; repealed by 1971 c.727 §203]

777.310 [Repealed by 1963 c.268 §21]

777.313 [1963 c.268 §5; repealed by 1971 c.727 §203]

777.315 [Repealed by 1963 c.268 §21]

777.317 [1963 c.268 §6; repealed by 1971 c.727 §203]

777.320 [Repealed by 1963 c.268 §21]

777.323 [1963 c.268 §7; repealed by 1971 c.727 §203]

777.325 [Amended by 1959 c.602 §9; repealed by 1963 c.268 §21]

### ***Annexation***

**777.326 Special procedure for annexations increasing by one-half or more the area or assessed value of taxable property within the port.**(1) This section applies when an annexation would increase the area of a port by one-half or more, or would increase the assessed value of taxable property within a port by one-half or more. An annexation proposal

subject to this section, if approved by the county board, shall be submitted to the electors at an election which shall be held at the same time as a primary election or general election.

(2) When the county board orders an election on the annexation proposal, the board shall adopt an order dividing or redividing the area of the port, including the territory annexed, into five subdistricts. The boundaries of the subdistricts shall be determined in accordance with ORS 777.155 and shall be described in the order calling the election on the proposed annexation.

(3) At the first regular district election following the effective date of the annexation, one commissioner from each of the five subdistricts established under subsection (2) of this section shall be elected. The terms of the incumbent commissioners shall terminate and the terms of the commissioners elected under this subsection shall commence as provided in ORS 777.160.

(4) If the annexation is approved, the order proclaiming the annexation shall also describe the boundaries of the subdistricts established as provided by subsection (2) of this section. [1967 c.498 §2; 1971 c.647 §140; 1971 c.727 §§188,201; 1971 c.728 §49; 1983 c.350 §323; 1987 c.267 §79; 1995 c.712 §111; 1997 c.541 §386]

777.327 [1959 c.602 §11; repealed by 1963 c.268 §21]

777.328 [1963 c.268 §8; repealed by 1971 c.727 §203]

777.330 [Repealed by 1963 c.268 §21]

777.333 [1963 c.268 §9; repealed by 1971 c.727 §203 and by 1971 c.728 §138]

777.335 [Repealed by 1963 c.268 §21]

777.337 [1963 c.268 §10; repealed by 1971 c.727 §203]

777.340 [Repealed by 1963 c.268 §21]

777.343 [1963 c.268 §11; repealed by 1971 c.727 §203]

777.345 [Repealed by 1963 c.268 §21]

**777.347 Consent of Department of State Lands for state lands.** The Department of State Lands is authorized to consent to annexation with respect to any land owned by the State of Oregon, under the jurisdiction of the department, which is located in the territory proposed to be annexed. [1963 c.268 §12; 1971 c.727 §189]

777.350 [Repealed by 1963 c.268 §21]

**777.353 Annexation of enclave.** When territory not part of another port or wholly belonging to the state or federal government is surrounded by the boundaries of a port, the board of the surrounding port may, by resolution, annex the territory to the port with or without the consent of any resident or owner of property within the territory and without submitting the proposed annexation to the electors for approval. [1963 c.268 §13; 1971 c.728 §52]

777.355 [Repealed by 1963 c.268 §21]

777.357 [1963 c.268 §14; repealed by 1971 c.727 §203]

777.360 [1963 c.268 §15; repealed by 1971 c.647 §149 and by 1971 c.727 §203 and by 1971 c.728 §138]

**777.365 Name change of port; notice.** A board may, within 60 days following an order of annexation, change the name of the port by order made at any regular meeting. Notice of the proposed change, including the new name, shall be given by publication in a newspaper of general circulation in the port once a week for three successive weeks prior to the meeting. [1963 c.268 §16; 1971 c.727 §190; 1971 c.728 §54]

777.370 [1963 c.268 §17; repealed by 1971 c.727 §203]

777.395 [1967 c.416 §3; 1971 c.728 §18; repealed by 1975 c.771 §33]

### ***Port Fiscal Matters***

**777.405 Deposit and disbursement of moneys; financial records.** (1) Money of a port shall be deposited in one or more banks designated by the board. Funds shall be withdrawn only when previously ordered by the board, upon a check signed and countersigned by such persons as may be authorized by resolution of the board.

(2) A receipt or voucher showing clearly the nature and items covered by each check drawn shall be kept on file. [Amended by 1971 c.728 §33; 1989 c.428 §1]

**777.410 Ports may borrow money and issue bonds.** (1)(a) For the purpose of carrying into effect any of the powers granted by ORS 777.105 to 777.258, a port may, when authorized so to do by the electors, borrow money and sell and dispose of bonds, which shall constitute a general obligation of the port and be secured by the port's full faith and credit. The bonds shall be secured by the taxing power of the port as provided in ORS 777.430 (2). In addition, the port may provide that the bonds shall be payable from and secured by a lien and pledge of all or any part of the revenues derived by the port from the facilities constructed from the proceeds of the bonds. Bonds outstanding at any one time shall never exceed in the aggregate two and one-half percent of the real market value of all taxable property within the port, computed in accordance with ORS 308.207.

(b) A port may provide for the creation of special trust funds and may authorize the appointment of a trustee to administer such funds. A port may obligate itself to set aside and pay into a special trust fund any revenues pledged to the payment of bonds. A port, from available funds, may establish and fund debt service, operation and maintenance reserves.

(c) Proceeds from the sale of bonds may be used by a port to pay the costs incurred in issuing the bonds, to pay the costs of preliminary work incident to issuing and selling the bonds, including but not limited to planning, engineering, inspection, accounting, fiscal, legal, trustee and other similar expenses, to pay interest on the bonds for such time as the port may determine, but not exceeding six months beyond completion of the facilities financed with the bonds, and to establish reserves for debt service on the bonds.

(2) Without elector approval the board may, whenever it determines that an emergency exists, issue bonds, within the limitation provided by subsection (1) of this section, in an aggregate amount not exceeding \$100,000 in any period of 12 months. Bonds shall not be issued under this subsection to provide funds for the acquisition of land. Bonds issued under



this subsection shall be issued and sold in accordance with subsection (3) of this section but shall mature in such length of time, not exceeding five years, as the board determines.

(3) All bonds issued under this section shall be issued as prescribed in ORS chapter 287A. [Amended by 1957 c.375 §1; 1963 c.9 §37; 1965 c.223 §1; 1971 c.728 §71; 1973 c.127 §3; 1977 c.698 §1; 1981 c.94 §52; 1981 c.289 §1; 1985 c.773 §2; 1991 c.459 §439; 2007 c.783 §223]

**777.415 Resolution and election prerequisite to issuance of bonds.** When it is proposed to borrow money or to sell and dispose of bonds as authorized by ORS 777.410 (1), a board shall first pass a resolution authorizing the borrowing of money and the issuance and sale of bonds. The resolution shall state the amount of money to be raised, the maximum rate of interest that the bonds will bear and the nature and terms of the bonds. The resolution also shall state the general purpose for which the moneys to be raised are to be used. The question of issuance of the bonds shall then be referred by the board to the electors of the port at a special election to be called for that purpose. The money raised shall be expended for no other purpose than that expressed in the resolution and the purpose shall be stated in the ballot title used in the election. A contract involving the expenditure of funds to be raised under ORS 777.410 (1) shall not be entered into by the board until the borrowing of the funds is approved by a majority of those voting on the question at the special election provided for by this section. [Amended by 1957 c.375 §2; 1971 c.647 §142; 1971 c.728 §72]

**777.420** [Repealed by 1957 c.375 §3]

**777.425** [Repealed by 1957 c.375 §3]

**777.430 Taxing powers of ports.** (1) In carrying out the purposes of ORS 777.005 to 777.725 and 777.915 to 777.953, a port may assess, levy and collect taxes upon all taxable real and personal property situated within the port, in an amount each year not to exceed one-fourth of one percent (0.0025) of the real market value of the property, computed in accordance with ORS 308.207.

(2) Each year a port may also assess, levy and collect a tax upon all such property in an amount sufficient to pay the yearly interest on general obligation bonds or other evidences of indebtedness theretofore issued by the port and then outstanding, together with any portion of the principal of general obligation bonds maturing within that year. The tax shall be applied only in payment of interest and principal of such bonds or indebtedness. However, the board may apply any other funds it may have toward such payments.

(3)(a) A port may assess, levy and collect a tax upon all taxable real and personal property situated within the port for the purpose of providing revenue to a city or county in which the port is located for law enforcement services provided by the city or county within the boundaries of the port.

(b) A tax described in this subsection may be levied only as prescribed under ORS 280.040 to 280.145.

(c) The transfer of moneys raised pursuant to this subsection to a city or county for funding law enforcement services of the city or county within the port is a public purpose for which a port levying a tax under this subsection has been organized. [Amended by 1963 c.9 §38; 1971 c.728 §73; 1991 c.459 §440; 2001 c.500 §1]

**777.435 Levy, assessment and collection of taxes.** (1) Taxes authorized by ORS 777.430 shall be levied in each year and returned to the county officer whose duty it is to extend the tax roll by the time required by law for city taxes to be levied and extended. The county officer whose duty it is to extend the county levy shall extend the levy of a port in the same manner as city taxes are extended.

(2) All taxes levied by a port become payable at the same time and shall be collected by the same officers as regular county taxes. The county officers collecting the taxes shall pay them to the treasurer of the port as provided by law. [Amended by 1971 c.728 §74]

**777.437 Filing boundary change with county assessor and Department of Revenue.** For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225. [2001 c.138 §52]

**777.440 Levy of special tax by county court upon default of port officers.** If a port fails or refuses to levy the special tax provided by ORS 777.430 (2), within the time provided, in an amount sufficient to pay the interest accruing during the 12 months following October 1 next ensuing on bonds theretofore issued by the port and then outstanding, together with any portion of the principal of such bonds maturing within the 12 months, the county board of the county in which the port is located, shall levy at its July term immediately following such failure or refusal by the port, a tax on all the taxable real and personal property situated within the port, at a rate sufficient to pay such interest and principal. [Amended by 1971 c.728 §75]

**777.445 Procedure subsequent to levy under ORS 777.440.** (1) Taxes levied under ORS 777.440 by the county board shall be assessed and collected as if the levy had been made by the port itself.

(2) However, taxes thus levied by the county board shall not be paid to the treasurer of the port by the county officers collecting the tax, but shall be paid to the county treasurer to the credit of the port issuing the bonds to be used for the purpose provided by subsection (3) of this section.

(3) The county treasurer shall pay from the fund the interest on or maturing principal of any bond described by ORS 777.440 as it becomes due, and at such places as are designated in the bonds or interest coupons thereof, or upon the presentation at the county treasurer's office of the bonds or coupons, which must show the amount due and the number and series of the bond.

(4) All bonds or coupons thereof thus paid shall be immediately reported by the county treasurer to the port board.

(5) On October 1 of the next calendar year following the year of the levy by the county board, the county treasurer shall ascertain the exact amount of interest and principal payable and still remaining unpaid. The county treasurer shall retain from the fund an amount sufficient to pay such principal and interest and pay to the treasurer of the port any balance of the fund remaining after making such deduction. [Amended by 1971 c.728 §76]

**777.447 Promissory notes authorized for port development purposes; limitations; form; payment.** In addition to other powers granted a port, a port may, at any time, upon proper resolution adopted by the board, issue promissory notes to assist it in carrying out the powers granted the port under this chapter. The promissory notes shall not exceed a term of 10 years, shall be considered bonds for purposes of ORS chapter 287A and shall be issued as prescribed in ORS chapter 287A. A port may not have more than \$10 million in promissory notes

outstanding at any one time and may not pledge or use tax-derived revenues to retire the notes. The notes shall be signed by the president and the treasurer of the port and shall state what assets and revenues of the port shall be security for the notes and that the notes do not constitute a full faith and credit pledge of the port. No officer or employee of the port shall hold promissory notes under this section. Expenditure of note proceeds and payment on notes issued under this section shall first be properly budgeted in accordance with the Local Budget Law. [1979 c.119 §2; 1981 c.94 §53; 1993 c.97 §28; 1999 c.177 §1; 2007 c.783 §224; 2019 c.627 §1]

**777.450** [Repealed by 1971 c.728 §138]

**777.455 Authority to issue refunding bonds for specified purposes; amounts.** A port may, in accordance with ORS 777.455 to 777.505, issue refunding bonds for the purpose of refunding and retiring all or any part of its outstanding bonds when the holders are willing to surrender such bonds. When judgment is taken against a port based on bonds and interest coupons issued by the port, refunding bonds may be issued to provide funds with which to pay such judgment. Such bonds may be issued, pursuant to an ordinance or resolution adopted by the board, without elector approval. Such bonds may be issued in the full amount of the outstanding bonds and any judgment on bonds and interest coupons less any sinking funds applicable thereto. The full faith and credit of the issuing port shall be pledged to the payment of the principal of and interest on each of such bonds. Debt limitations imposed by law do not apply to refunding bonds. [Amended by 1971 c.728 §77]

**777.460 Refunding bonds; terms and conditions; bond call.** (1) The refunding bonds shall bear interest at a rate determined by the board, payable semiannually, and shall be in such denominations and mature at such times as determined by the board, but the bonds must all mature not later than 30 years after their date of issue.

(2) The board may provide that the bonds are subject to call and redemption prior to maturity, in numerical order, in inverse numerical order or in the entire amount of the issue outstanding. The bonds may be called only on interest-paying dates.

(3) Before calling bonds containing optional provisions, the port shall publish a notice of call in one issue of a newspaper specializing in financial matters published in New York, New York, at least 30 days before such interest-paying date.

(4) Callable refunding bonds, at the option of the board, may be called and retired or may be refunded again in accordance with the terms of the bonds and the provisions of ORS 777.455 to 777.505.

(5) Both the principal of the bonds and the interest thereon, when due, shall be paid in lawful money of the United States at the office of the treasurer of the issuing port, or at the fiscal agency of the State of Oregon in the City and State of New York, at the option of the board. [Amended by 1971 c.728 §78; 1981 c.94 §54]

**777.465 Disposition of refunding bonds.** The refunding bonds may be exchanged par value for par value for the bonds they are issued to refund and may be issued and delivered to a judgment creditor in the amount of the judgment, or the bonds may be advertised for sale and sold for not less than the par value thereof.

**777.470 Levy of tax to meet principal and interest; amount required; disposition of proceeds of tax.** Upon issuance of any refunding bonds the port board shall levy a tax

sufficient to pay the principal and interest of such bonds at maturity. If the bonds are serial bonds the tax shall provide an amount of money sufficient to pay the next maturing installment of principal and the interest on the entire issue. If the bonds are issued as term bonds the tax shall be sufficient to raise an amount of money, which, if the same amount were raised each year thereafter for the life of the bonds, would produce a sum equal to the principal amount of the bonds so issued. The proceeds of taxes levied under this section shall be set aside when collected into a special fund and used for no other purpose than the payment of the bonds so issued. [Amended by 1971 c.728 §81]

**777.475 Remedies of holders of refunding bonds on default.** If there is a default in payment of principal or interest of bonds issued pursuant to ORS 777.455, the holders thereof shall be reinvested with and have all the remedies they would have had if they were holding obligations refunded by the issuance of such bonds. [Amended by 1971 c.728 §82]

**777.480 Construction of ORS 777.455 to 777.505.** The authority contained in ORS 777.455 to 777.505 is supplemental and in addition to all other powers granted to port districts to issue bonds. [Amended by 1971 c.728 §83]

**777.485 Compromise and refunding agreements; contents; subsequent procedure; effect.** (1) A board may enter into agreement with the holders of its outstanding indebtedness providing for compromise of the indebtedness and the refunding thereof by the issuance of bonds under ORS 777.455. An agreement may provide for the amount of refunding bonds to be issued, the interest rate the bonds are to bear, the dates of maturity of the bonds and the amount of money to be raised by taxes each year to pay the principal of and interest on the bonds. When an agreement is entered into, a port shall have complete authority to issue bonds in accordance therewith.

(2) The board may provide in the ordinance authorizing such refunding bonds:

(a) For setting aside a sinking or other fund into a special trust fund for payment of the bonds.

(b) For the pledging of taxes and other revenues directly to the payment of the principal of or interest on the bonds or to the sinking fund.

(c) For limitations on subsequent borrowings by the port either in the nature of permanent debt or temporary financing.

(d) For limitations on the amounts of appropriations in subsequent budgets for operating expenses.

(3) A port has all necessary authority to carry out the terms and conditions so included in any such ordinance. The validity of the refunding bonds, however, shall not be dependent upon nor affected by the validity or regularity of the ordinance provisions enumerated in subsection (2) of this section. [Amended by 1971 c.728 §84]

**777.490** [Repealed by 1971 c.728 §138]

**777.495** [Amended by 1965 c.223 §2; repealed by 1971 c.728 §138]

**777.500 Advertisement of bonds; bids; rejection of bids; readvertisement; time of sale limited.** (1) Refunding bonds shall be advertised for sale at least once each week for not less than two successive weeks in a newspaper of general circulation published within the port or, if there is no such newspaper, then in a newspaper published in the county in which the port is located.

(2) All bids for such bonds shall be in writing and be sealed and, unless the sale is made to the sinking fund of the particular port or to the State of Oregon, shall be accompanied by a certified check or a cashier's check upon a bank doing business in this state for an amount of not less than two percent of the par value of the bonds for which the bid is submitted. Bids shall be opened publicly at the time and place specified in the advertisement. The bonds shall be sold for cash.

(3) If the bids for the purchase of the bonds are not satisfactory, the board may reject any and all of the bids and may readvertise for bids in the manner provided by this section.

(4) The date of sale shall not precede by more than four months the first succeeding date upon which the bonds to be refunded thereby will mature or may be called, redeemed or otherwise retired. [Amended by 1971 c.728 §79; 1981 c.94 §55]

**777.505 Delivery of bonds to purchaser; deposit of sale proceeds; redemption and retirement of refunded bonds.** (1) Refunding bonds, upon payment therefor in cash, may be delivered to the purchaser thereof at any time after sale date, but not later than the date as of which the refunded bonds have been called for payment. The bonds shall be delivered at the place in the State of Oregon designated by the board in the notice of sale of the bonds.

(2) Proceeds of sale of the bonds equal to the total par value of the bonds refunded shall be deposited at the fiscal agency mentioned in ORS 777.460 in conformity with the laws relating to deposits of funds with the fiscal agency or, at the option of the issuing port, pursuant to ORS 295.001 to 295.108, in a special trust account to be used solely for the payment of the principal of the outstanding refunding bonds and for no other purpose.

(3) The outstanding refunded bonds shall be redeemed and retired as soon as possible after the date of sale of the refunding bonds issued in lieu thereof, but in no case shall such refunding bonds be invalidated by reason of the failure of the port to redeem or retire the refunded bonds. [Amended by 1967 c.451 §29; 1971 c.728 §80]

**777.510 Port warrants; execution; contents.** A port board may issue warrants drawn upon any officer designated the custodian of money belonging to or credited to the port. Warrants shall be signed by the treasurer and countersigned by the president of the port or in the absence or inability of the president to act, by the vice president. Warrants shall show upon their face the nature and extent of the obligation satisfied. They may be used in payment of any obligation of the port, including expenses of operation, payment of the principal amount of port bonds at their maturity and in payment of interest or interest coupons of the bonds at the time the interest becomes due and payable. [Amended by 1971 c.728 §34]

**777.515 Payment of warrants; interest on warrants.** (1) The treasurer of a port, or the treasurer of the county who is the legal custodian of funds belonging to or credited to a port, shall pay the warrants of the port when presented, if the treasurer has money in custody for the purpose of paying the obligation for which the warrant was given. The treasurer shall write on the face of the warrant the date of redemption and the treasurer's signature.

(2) If there are no funds in the custody of the port treasurer to pay the warrant when presented, the port treasurer shall indorse thereon "Not Paid for Want of Funds" and the date of presentment over the signature of the port treasurer. The warrant shall draw interest at the legal rate from the date of such indorsement. Thereafter, the county treasurer, upon presentment of the warrant, shall pay upon the warrant any funds which may come into the county treasurer's custody for the purpose of paying the obligation for which the warrant was

issued and shall, over the signature of the county treasurer, indorse the amount of the payment upon the warrant with the date of the payment.

(3) However, a warrant drawn in payment of the principal or face amount of a port bond shall in no event draw interest in excess of the rate of interest expressed upon the face of the port bond, and the rate of such interest shall appear upon the face of the warrant. Interest on a warrant shall cease from the date of notice by publication in some newspaper printed or circulated in the county. Notice shall be given by the port treasurer authorized to redeem the warrant, stating that there are funds to redeem outstanding warrants. The treasurer shall give notice when the treasurer has \$10,000 belonging to the fund. [Amended by 1971 c.728 §35]

**777.520 Special tax levy, rate, use of proceeds; bond sinking fund.** (1) A port may assess, levy and collect each year in addition to other taxes which it is by law authorized to levy, a special tax upon all taxable real and personal property situated within the port.

(2) Such annual levy shall not exceed one-tenth of one percent. The proceeds thereof shall be used only in the purchase on the open market of bonds of the port, at such prices, as the board determines.

(3) All funds collected from such levy shall be placed in a separate fund, designated the bond sinking fund, and shall be used exclusively for the purposes provided by this section as long as the principal of any bond of the port remains outstanding or unpaid. After the principal of all bonds of the port has been paid, the balance remaining in such fund may be transferred to any other fund as the board may direct. [Amended by 1971 c.728 §85]

**777.525** [Repealed by 1971 c.728 §138]

**777.530 Special assessments for local improvement; assessment ordinance; assessment districts.** (1) When a port constructs or acquires a local improvement which the port is authorized to construct or acquire, the board of that port may levy special assessments against property within the port in proportion to the benefits such property will receive on account of the construction or acquisition of the local improvement. However, before proceeding to construct or acquire a local improvement for which special assessments will be levied, the board shall adopt an ordinance that:

(a) Describes the local improvement to be constructed or acquired and the part of the work to be undertaken immediately;

(b) Contains a preliminary estimate of the probable cost of the local improvement;

(c) Determines the manner of financing the local improvement. The board may provide that the cost of the construction or acquisition shall be paid in part by assessments against the property directly benefited and in part out of general funds, ad valorem tax levies, the proceeds of the sale of bonds, service charges or any combination of such sources. The determination of the board as to the proportion of cost allocation shall be based on its sound discretion;

(d) Describes one or more assessment districts containing the properties against which the cost of the local improvement will be assessed;

(e) Provides for the method of assessment, the recording of assessment liens on properties that are directly benefited and for the making of supplemental assessments and rebates;

(f) Contains provision for a notice to be mailed to each affected property owner announcing the intention of the board to construct or acquire a local improvement, to create one or more assessment districts and to assess benefited property for a part or all of the cost; and

(g) Provides for a hearing not sooner than 20 days after the mailing of the notices described in paragraph (f) of this subsection at which affected property owners may appear to support or

object to the proposed local improvement and assessment. The board shall consider such objections and may adopt, correct, modify or abandon the proposed local improvement or assessments.

(2) Special assessments in the port shall, so far as practicable, be apportioned within the port in accordance with the special and peculiar benefit each lot or parcel of land receives from the construction or acquisition of a local improvement.

(3) Special assessment districts authorized by this section may be established for, and limited to, financing the costs of planning and engineering required for the construction or acquisition of a local improvement.

(4) As used in this section, "local improvement" has the meaning given that term by ORS 223.001. [1989 c.644 §2; 1991 c.902 §117]

**Note:** 777.530 and 777.535 were added to and made a part of ORS chapter 777 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**777.535 Installment payment of special assessment; limitation.** The provisions of ORS 223.205 to 223.316 (Bancroft Bonding Act) and ORS 223.770 relating to the assessment of property benefited by public improvements and to the issuance of bonds and other obligations for the cost of such improvements, shall apply insofar as practicable and applicable in relation to the assessment by ports of the cost or any portion of the cost of improvements against the property benefited in accordance with ORS 777.530 and to the issuance of bonds and other obligations by the port. However, notwithstanding ORS 223.295, the limitation specified in ORS 777.410 (1)(a) on the amount of general obligation bonds outstanding at any one time applies to bonds and other obligations issued under this section. [1989 c.644 §3; 1991 c.902 §116; 1995 c.333 §21; 1997 c.249 §223]

**Note:** See note under 777.530.

**777.560 Ports may issue and sell revenue bonds; use of proceeds.** (1) For the purpose of carrying into effect any of the powers granted to ports, a port may issue and sell revenue bonds in accordance with ORS 777.560 to 777.590 without the necessity of obtaining the prior approval of the electors of the port. Proceeds from the sale of revenue bonds may be used by the port in its governmental capacity or loaned to private parties. The proceeds may be used to cover the costs incurred in issuing the bonds, and preliminary work incident to carrying out such purposes and powers, including but not limited to planning, engineering, inspection, accounting, fiscal, legal and trustee expenses, the cost of issuance of bonds, engraving, printing, advertising and other similar expenses, and to pay interest on the outstanding bonds issued for any project during the period of actual construction and for six months after the completion thereof. Revenue bonds shall not be a general obligation of the port nor a charge upon the tax revenues of the port, nor a charge upon any other revenues or property of the port not specifically pledged thereto.

(2) In addition to the powers granted by subsection (1) of this section, a port may authorize and issue revenue bonds under ORS 287A.150. [1955 c.423 §2; 1959 c.337 §1; 1971 c.728 §86; 1993 c.97 §29; 2007 c.783 §225]

**777.565 Resolution or ordinance authorizing revenue bonds and creating special trust fund.** (1) Revenue bonds issued under ORS 777.560 (1) shall be authorized by resolution or

ordinance of the board. The resolution or ordinance shall provide for the creation of a special trust fund, authorize the appointment of a trustee to administer the fund, and obligate the port to set aside and pay into the special trust fund all, or a portion, of its nontax-derived revenues not otherwise pledged or committed for other purposes for any activity authorized by ORS 777.105 to 777.258, other than an activity under ORS 777.250 (4)(a) or (c). For a facility or facilities designated under ORS 777.250 (4)(a) or (c), no revenues other than those derived from the particular facility or facilities to be financed by the sale of the particular issue of revenue bonds then being authorized shall be pledged. The board may, in addition, pledge for the payment of the principal and interest of any issue of such bonds any property of the port not pledged for other purposes. However, with respect to revenue bonds issued to finance a facility or facilities designated under ORS 777.250 (4)(a) or (c), the board, in addition, may only pledge or mortgage such facilities including buildings, improvements or properties, and any land acquired in connection with such facilities, for the benefit of the holders of revenue bonds issued therefor. Notice that action upon the bond resolution or ordinance will be taken at the designated meeting of the board shall be given for a period of not less than two consecutive weeks, prior to the meeting, by publication once each week in a newspaper of general circulation, published within the port or, if there be no such newspaper, in a newspaper of general circulation, published within the county.

(2) A special trust fund created by a resolution or ordinance adopted under subsection (1) of this section shall be used solely for payment of principal and interest due upon the revenue bonds issued and sold pursuant to ORS 777.560 (1), and to the payment of the costs and expenses enumerated in ORS 777.560.

(3) The resolution or ordinance may provide that if the money in the special trust fund is insufficient to pay the revenue bonds the bonds shall be payable out of any part or all of other nontax-derived revenues of the port. However, for a facility or facilities designated under ORS 777.250 (4)(a) or (c), no revenues other than those derived from the particular facility or facilities to be financed by the sale of the particular issue of revenue bonds then being authorized shall be pledged. When all bonds issued and sold pursuant to ORS 777.560 (1) and expenses thereof have been paid so that no charge remains upon the special fund, the board may, by resolution or ordinance, transfer any balance remaining in the fund to its general fund, discharge the trustee and dissolve the special fund. The trustee authorized to administer the fund may, subject to approval of the board, invest and reinvest moneys in the special fund in securities in which the State of Oregon may by law invest.

(4) ORS 777.560 to 777.590 and the provisions of the resolution or ordinance authorizing a revenue bond issue constitute a contract with the holders of the bonds, and shall be enforceable by any owner or holder of the bonds. [1955 c.423 §3; 1959 c.337 §2; 1965 c.223 §3; 1967 c.621 §1; 1971 c.728 §87; 1979 c.407 §2; 1997 c.171 §23; 2007 c.783 §226]

**777.570 Form of bonds.** Revenue bonds issued under ORS 777.560 (1):

- (1) Shall be negotiable instruments.
- (2) Shall be issued under ORS chapter 287A, but the requirements of ORS 287A.150 do not apply.
- (3) Shall contain a recital that principal and interest on the revenue bonds are payable solely out of revenues and property of the port pledged to the payment thereof by the ordinance of the board authorizing the issue of which the bonds are a part.
- (4) May contain covenants of the port to protect and safeguard the security and rights of holders of such bonds and such other terms and conditions, in conformity with ORS 777.560 to 777.590, which the board determines are necessary or desirable to protect the port or



increase the marketability of the bonds. [1955 c.423 §4; 1959 c.337 §3; 1965 c.223 §4; 1971 c.728 §141; 1971 c.778 §1; 1981 c.879 §3; 1997 c.171 §24; 2007 c.783 §227]

**777.575 Sale of bonds.** (1) The board may from time to time sell revenue bonds authorized pursuant to ORS 777.565, as provided by this section.

(2) Except as provided by subsections (3) and (4) of this section, the bonds shall be advertised for sale at least once each week for not less than two successive weeks in a newspaper of general circulation published within the port or, if there is no such newspaper, then in a newspaper published in the county. Bids shall be in writing and be sealed and, unless the bidder is the State of Oregon, accompanied by a certified check or a cashier's check upon a bank doing business in this state in an amount not less than two percent of the par value of the bonds. Bids shall be opened publicly at the time and place specified in the advertisement. If the bids are not satisfactory, the board may reject any and all bids and may readvertise for bids in the manner provided by this subsection.

(3) The board may sell any of the bonds to the federal government or any agency thereof at private sale without advertisement or calling for bids.

(4) Revenue bonds including revenue bonds to refund such bonds of a port may be sold to any person either at a public or private sale without advertisement or calling for bids as the board may in its sole discretion determine. [1955 c.423 §5; 1959 c.337 §4; 1965 c.223 §5; 1967 c.416 §1; 1971 c.728 §89; 1981 c.94 §56]

**777.580** [1955 c.423 §6; 1959 c.337 §5; 1965 c.223 §6; repealed by 1971 c.728 §138]

**777.585 Refunding revenue bonds.** (1) A port may, without the necessity of authorization from the electors of the port, issue and sell its refunding revenue bonds for the purpose of redeeming revenue bonds which are outstanding or paying interest due thereon:

(a) At maturity pursuant to redemption provisions in the outstanding revenue bonds; or

(b) At any time before maturity if the holders of the outstanding revenue bonds consent or if the outstanding revenue bonds authorize redemption before maturity.

(2) ORS 777.560 to 777.590 apply to bonds authorized to be issued and sold under this section. [1955 c.423 §7; 1959 c.337 §6; 1965 c.223 §7; 1971 c.728 §90]

**777.590 Authority to issue and sell revenue bonds; leasing property and pledging revenues.** (1) ORS 777.560 to 777.590 are complete authority for the issuance and sale of revenue bonds and refunding revenue bonds. Any restrictions, limitations, conditions or procedure provided by other statutes relating to issuance and sale of bonds or other obligations do not apply to the issuance and sale of revenue bonds and refunding revenue bonds under ORS 777.560 to 777.590.

(2) The lease of any property of the port and the pledging of revenues therefrom to the payment of the costs and expenses enumerated by ORS 777.560, and to the payment of principal and interest on bonds issued and sold under ORS 777.560 to 777.590, shall be considered to further the public interest within the meaning of ORS 271.310. [1955 c.423 §8; 1959 c.337 §7; 1965 c.223 §8; 1971 c.728 §91; 2005 c.443 §27]

**Note:** Section 20, chapter 671, Oregon Laws 2019, provides:

**Sec. 20. Lottery bonds for Port of Cascade Locks.** (1) For the biennium beginning July 1, 2021, at the request of the Oregon Department of Administrative Services, after the department consults with the Port of Cascade Locks, the State Treasurer is authorized to issue

lottery bonds pursuant to ORS 286A.560 to 286A.585 in an amount that produces \$2.4 million in net proceeds for the purposes described in subsection (2) of this section, plus an additional amount estimated by the State Treasurer to be necessary to pay bond-related costs.

(2) Net proceeds of lottery bonds issued under this section must be transferred to the department for deposit in the ODAS Economic Development Distributions Fund established under ORS 461.553 for distribution to the Port of Cascade Locks to construct buildings and upgrade and expand infrastructure in the Port of Cascade Locks Business Park.

(3) The Legislative Assembly finds that the use of lottery bond proceeds will create jobs, further economic development, finance public education or restore and protect parks, beaches, watersheds and native fish and wildlife, and is authorized based on the finding that assisting in the establishment and expansion of businesses in Oregon and in the construction, improvement and expansion of infrastructure that comprises the physical foundation for industrial and commercial activities provide the basic framework for continued and expanded economic opportunities and quality communities. [2019 c.671 §20; 2021 c.682 §15]

### ***Special Elections***

**777.605 Special elections.** When a board desires to hold an election for the purpose of submitting to the electors of the port any measure that may lawfully be submitted to the electors, at any meeting called in accordance with its rules or the statutes governing the board, the board may adopt a resolution calling a special election. In the resolution the board may describe in general terms the measures which are to be submitted at the election. [Amended by 1971 c.728 §92; 1973 c.796 §76; 1975 c.647 §52; 1983 c.350 §326]

777.610 [Repealed by 1971 c.647 §149]

777.615 [Repealed by 1971 c.647 §149]

777.620 [Repealed by 1971 c.647 §149]

777.625 [Repealed by 1971 c.647 §149]

777.630 [1987 c.607 §10; renumbered 285.825 in 1991]

777.635 [1987 c.607 §11; 1989 c.908 §64; renumbered 285.827 in 1991]

777.640 [1987 c.607 §12; renumbered 285.830 in 1991]

777.645 [1987 c.607 §13; renumbered 285.833 in 1991]

777.650 [1987 c.607 §14; renumbered 285.835 in 1991]

777.655 [1987 c.607 §15; renumbered 285.837 in 1991]

777.660 [1987 c.607 §16; renumbered 285.840 in 1991]

777.665 [1987 c.607 §21; renumbered 285.843 in 1991]

### ***Establishment of Water Transportation Lines***

**777.705 Definitions for ORS 777.705 to 777.725.** As used in ORS 777.705 to 777.725, "bonus" or "bonuses" includes payment of funds for:

- (1) Chartering vessels;
- (2) Guaranteeing to vessels, transportation lines, companies or persons, cargo and tonnage, and guaranteeing to vessels, transportation lines, companies or persons against loss on account of delay in the Columbia River or Willamette River or at the Columbia River bar;
- (3) Absorption of charges for lightering, dredging, towage and pilotage of any vessels; or
- (4) Fixing of pilotage and stevedoring charges, seamen's wages, fuel costs, supplies and other charges and expenses incident to maritime commerce, at such a rate as may place a port on a competitive basis in such matter with other ports. [Amended by 1971 c.728 §97]

**777.710 Payment of bonus explained.** The payment of a bonus authorized by ORS 777.715 and 777.720 includes the payment of sums necessary to make good the guarantee described by ORS 777.705. [Amended by 1971 c.728 §98]

**777.715 Ports may pay bonuses in aid of water transportation and may charter vessels.** (1) By the payment of bonuses to a person engaged or preparing to engage in the operation of water transportation lines, a port may:

- (a) Aid in establishing water transportation lines between the port and any other domestic or foreign port or ports; and
- (b) Aid in establishing water transportation lines on the interior rivers of this state, on the rivers between Washington and Oregon, or on the rivers of Washington and Idaho reached by navigation from Oregon's rivers.

(2) A port may charter vessels. [Amended by 1971 c.728 §99]

**777.720 Discretion of board in making payment; contracts.** A board may expend the money raised as authorized by ORS 777.725 in the form of a bonus or bonuses payable to the persons described by ORS 777.715. The money shall be expended in the manner and at such times as the board determines will result in the greatest benefit and advantage to the port and will best aid the establishment and continued operation of the water transportation lines. The board may contract as may be necessary to carry into effect the purposes of ORS 777.725. [Amended by 1971 c.728 §100]

**777.725 Borrowing money to pay bonus; bond issues, amount, terms, interest, signature, approval by electors, name of bonds, sale.** (1) For the purpose of ORS 777.705 to 777.725 and 777.915 to 777.953, a port may borrow money and sell and dispose of bonds. The bonds shall not, singly or in the aggregate, with previous debts and liabilities incurred and outstanding for such purposes, exceed one-fourth of one percent (0.0025) of the real market value of all taxable property within the port. The bonds shall be issued from time to time as the board may determine, and shall be of such denominations, run for such period of years and for such rate of interest as the board determines.

(2) Bonds shall not be issued unless authorized by the majority of the electors voting upon the question at an election called for that purpose.

(3) Every issue of bonds shall be in serial form so as to mature in numerical order in equal installments annually on and after five years from date. The bonds shall not bear interest exceeding in any event a net effective rate of seven percent per annum. The bonds shall be

signed on behalf of the port by its president and countersigned by its secretary. The bonds shall be so conditioned that the port shall agree, in consideration of the premises, to pay at a place therein named to the bearer or registered holder thereof the sum named therein at the maturity thereof in lawful money of the United States, with interest thereon in like lawful money at the rate per annum named therein, payable semiannually in accordance with the tenor and terms of interest coupons thereto attached.

(4) The bonds shall be known as water transportation bonds of the Port of (insert name of port), County of (insert name of county), State of Oregon, as the case may be.

(5) The bonds shall be sold for cash to the highest responsible bidder, upon sealed bids, after advertising; but the board may reject any and all bids tendered and proceed to readvertise when bids are not satisfactory. [Amended by 1967 c.293 §35; 1971 c.728 §101; 1991 c.459 §441]

777.727 [1985 c.775 §1; renumbered 285.850 in 1991]

777.729 [1985 c.775 §2; renumbered 285.853 in 1991]

777.732 [1985 c.775 §§3,6; 1987 c.607 §18; renumbered 285.857 in 1991]

777.735 [Repealed by 1971 c.647 §149 and by 1971 c.728 §138]

777.736 [1985 c.775 §5; renumbered 285.860 in 1991]

777.738 [1985 c.775 §7; renumbered 285.863 in 1991]

777.740 [Amended by 1971 c.647 §143; repealed by 1971 c.728 §138]

777.745 [Repealed by 1971 c.728 §138]

777.750 [Repealed by 1971 c.728 §138]

### **Export Trading Corporations**

**777.755 Legislative findings and policy.** The Legislative Assembly hereby finds that:

(1) The geographical location of this state, its maritime resources, its skilled labor force and the availability of land for industrial and commercial development provide an opportunity for the citizens of this state to expand participation in and increase the benefits from international trade and commerce.

(2) The development and operation of international trade and commerce is in the public interest because that trade and commerce promotes the commerce of this state, creates and retains jobs and diversifies the economy of this state.

(3) Export trading corporations, encouraged by federal law, provide a means to develop and facilitate international trade and commerce and the export and import of goods and services through this state by furnishing services necessary to international trade and by the purchase, sale and financing of goods and services.

(4) Export trading corporations can facilitate the expansion of total exports and imports and are an important mechanism for experimentation in the development of innovative international trade programs beneficial to local, state, regional and national economic needs.

(5) Export trading corporations can provide a means for meeting this state's need for well-developed export and import trade intermediaries and can achieve economies of scale and

acquire expertise enabling them to export and import goods and services or provide export and import trade services at a reasonable cost to producers. [1983 c.200 §1]

**777.760 Definitions for ORS 777.755 to 777.800.** As used in ORS 777.755 to 777.800, unless the context requires otherwise:

- (1) "Board" means the board of directors of an export trading corporation.
- (2) "Commissioner" means a member of the board of commissioners of a port.
- (3) "Commissioners of the port" means the board of commissioners of the port which formed the export trading corporation.
- (4) "Export trading corporation" means a municipal corporation formed by a port under ORS 294.125, 294.316, 646.740 and 777.755 to 777.800.
- (5) "Export trading project" means a transaction or arrangement for the purchase, sale, exchange or delivery of goods or services in international trade or commerce.
- (6) "Port" means a municipal corporation formed under ORS 777.005 to 777.725, 777.915 to 777.953 and 777.990 or ORS chapter 778.
- (7) "Services" includes, but is not limited to, architectural, automatic data processing, business, communications, consulting, engineering, financial, insurance, legal, management, product research and design, repair, training and transportation services. [1983 c.200 §2; 2007 c.804 §81]

**777.763 Export trading corporation; formation by port; hearing; dissolution of corporation.** (1) Any port may form an export trading corporation. Proceedings to form an export trading corporation shall be initiated by a resolution adopted by the commissioners of the port proposing the formation of an export trading corporation and fixing a time and place for a public hearing on the resolution. The hearing shall be held not less than 30 days after adoption of the resolution.

(2) Notice of the public hearing shall be published in one or more newspapers of general circulation within the port not less than 15 days prior to the date fixed for the public hearing.

(3) Any person may appear at the public hearing and present oral or written statements for or against the proposal to form an export trading corporation.

(4) After the public hearing, if the commissioners of the port determine the formation of an export trading corporation would promote the purposes of ORS 294.125, 294.316, 646.740 and 777.755 to 777.800, the board may by ordinance form an export trading corporation.

(5) An ordinance forming an export trading corporation shall include:

- (a) The name of the export trading corporation.
- (b) The names of the initial board of directors.
- (c) The office address and the name and address of the initial registered agent.

(6) Unless a later date is specified, the ordinance shall take effect and the export trading corporation formed on the 30th day after enactment of the ordinance. The ordinance shall be subject to the powers of initiative and referendum vested in the electors of the port.

(7) A certified copy of the ordinance shall be filed with the Secretary of State.

(8) The port by ordinance may dissolve the export trading corporation. The ordinance shall include a plan for the dissolution and liquidation of the assets of the export trading corporation. Any surplus assets remaining after payment of the indebtedness of the export trading corporation shall be transferred to the port. [1983 c.200 §3]

**777.765 Powers of export trading corporation.** An export trading corporation shall constitute a municipal corporation of this state and a public body, corporate and politic,

exercising public power. No part of the net earnings of an export trading corporation shall accrue to the benefit of a private person. An export trading corporation may:

- (1) Develop, manage and operate export trading projects.
- (2) Conduct market research, advertising and marketing, within and outside the boundaries of this state.
- (3) Purchase or otherwise acquire, finance, hold, maintain, sell, lease or otherwise dispose of goods or services of every type or nature, within or outside the boundaries of this state.
- (4) Acquire or provide communication, insurance, legal assistance, transportation, including trade documentation and freight forwarding, foreign exchange, letters of credit and other necessary or desirable services.
- (5) Purchase or otherwise acquire, construct, operate, maintain, lease, rent and dispose of warehouses, elevators, terminals, buildings and other necessary or desirable facilities, within or outside the boundaries of this state.
- (6) Enter into contracts, joint ventures, brokerage or other agreements with any person for the purchase, sale or distribution of goods or services, within or outside the boundaries of this state.
- (7) Levy and collect rentals, commissions, fees, storage and other charges for use of facilities or services rendered.
- (8) Apply for and accept financial, technical or other assistance from any person, including the federal, state, county or city government, or other municipal corporations.
- (9) Enter into contracts with any governmental entity or municipal corporation.
- (10) Do such other acts or things as may be necessary or convenient for the exercise of the powers granted by ORS 294.125, 294.316, 646.740 and 777.755 to 777.800. [1983 c.200 §10]

**777.767 Authorized agreements.** (1) An export trading corporation may enter into agreements which provide for the establishment of prices or rates, or which require a party to the agreement to sell, lease or purchase a commodity or service solely to or from the export trading corporation or to the persons designated in the agreement, when such agreements are entered into pursuant to export trade activities specified in a certificate issued to the corporation under 15 U.S.C. 4001 to 4021. This subsection is not intended to confer any immunity from federal antitrust laws beyond the immunity conferred by a certificate issued under 15 U.S.C. 4001 to 4021.

(2) When entering into agreements containing the provisions described in subsection (1) of this section, the export trading corporation shall be deemed to be performing a governmental function essential for the benefit of the people of this state and the development and diversification of the economy of this state.

(3) An export trading corporation and a port may enter into agreements for the port to provide accounting, clerical, technical, sales, promotional and other administrative services. The port shall be reimbursed not less than the actual cost for providing such services. [1983 c.200 §13]

**777.770 Additional fiscal powers of export trading corporation.** For the purpose of carrying into effect all or any of its powers, an export trading corporation may:

- (1) Borrow money, evidence such borrowing with its promissory notes or other obligations of indebtedness, and pledge in whole or in part any of its assets or revenues not subject to prior liens or pledges.
- (2) Issue and sell revenue bonds in the manner and upon the terms and conditions authorized by ORS 777.560 to 777.590.

(3) Purchase, negotiate and sell letters of credit, bills of lading, dock receipts, dock warrants, drafts and other documents of title as defined in ORS 71.2010 (2)(p). [1983 c.200 §11; 2009 c.181 §108]

**777.773 Status of obligations of export trading corporation; prohibited investments.** (1) An obligation of an export trading corporation, whether arising from the sale of revenue bonds or otherwise, shall not in any manner be a general obligation of the port, nor a charge upon any revenues or property of the port.

(2) An export trading corporation shall not acquire stock or other equity interest in any private corporation organized for profit. [1983 c.200 §12]

**777.775 Status of export trading corporation; application of certain laws.** (1) An export trading corporation is not a contracting agency for the purposes of ORS 279A.055, 279A.065, 279A.070, 279A.075, 279A.100, 279A.105, 279A.120, 279C.005, 279C.100 to 279C.125, 279C.300 to 279C.470 and 279C.570 and ORS chapter 279B, except ORS 279B.025, 279B.235, 279B.240, 279B.270, 279B.275 and 279B.280.

(2) An export trading corporation is not a public employer for the purposes of ORS chapters 238 and 238A. [1983 c.200 §16; 2003 c.733 §81; 2003 c.794 §331]

**777.780 Board of directors; election; term; compensation; board officers.** (1) The board of directors of the export trading corporation shall consist of three members. Only commissioners of the port shall be eligible to serve as members of the board of directors. The board of directors shall be elected by majority vote of the commissioners of the port.

(2) The initial board of directors shall consist of one director elected for a one-year term, one director elected for a two-year term and one director elected for a three-year term. Following election of the initial board, the term of office of a director is three years. A director shall serve until a successor is elected and qualified.

(3) Before the expiration of the term of a director, the commissioners of the port shall elect a successor. A director is eligible for reelection. In case of a vacancy for any cause, the commissioners of the port shall elect a person to serve for the unexpired term.

(4) The board shall choose from among its members by majority vote a president, vice president and secretary-treasurer to serve for such terms as the board may determine.

(5) Directors shall not be entitled to compensation for their services but shall be entitled to reimbursements for actual and necessary expenses incurred or paid in the performance of their duties as members of the board. [1983 c.200 §4]

**777.783 Board meetings; rules; quorum.** (1) The board may hold regular meetings at the time and place fixed by the rules of the board. A majority of the members of the board constitutes a quorum for the transaction of business.

(2) Special meetings may be held when called by the president of the board or by a majority of the members of the board in the manner prescribed by the rules of the board. [1983 c.200 §5]

**777.785 Meetings of board to be open to public; executive sessions.** (1) Except as provided in subsection (2) of this section, all meetings of the board shall be open to the public and all persons shall be permitted to attend any meeting.

(2) In addition to matters which may be considered in executive session under ORS 192.660, the board may also meet in executive session to:

(a) Consider preliminary negotiations for an export trading project involving financial or commercial information which the board in good faith determines should be kept confidential.

(b) Review the operation, modification, enlargement or abandonment of an export trading project involving financial or commercial information which the board in good faith determines should be kept confidential.

(3) In its discretion the board may allow representatives of the news media to attend executive sessions held under subsection (2)(a) and (b) of this section on such terms and conditions as the board may prescribe. [1983 c.200 §6]

**777.787 Chief executive officer of export trading corporation; appointment; removal.** (1) The board may appoint a chief executive officer who shall be responsible for the administration of the business affairs of an export trading corporation. The chief executive officer shall perform such duties as the board may prescribe.

(2) The chief executive officer shall hold office for an indefinite term and may be removed from office only by the affirmative vote of a majority of the board. Removal of a chief executive officer may be reconsidered by the board but is otherwise final and not subject to appeal. [1983 c.200 §7]

**777.790 Employees of export trading corporation.** (1) An export trading corporation may employ such persons within or outside the boundaries of this state as necessary or convenient to accomplish its purposes. In addition, an export trading corporation may appoint such agents, brokers or representatives, within or outside the boundaries of this state, as necessary or convenient to accomplish its purposes.

(2) The chief executive officer of an export trading corporation may employ, appoint, discipline or remove all employees, agents, brokers and representatives of an export trading corporation, and fix the compensation to be paid to such persons. [1983 c.200 §8]

**777.793 Disclosure of commercial or financial information prohibited; exception.** (1) Except as provided in subsection (2) of this section, no officer, agent or employee of an export trading corporation shall disclose commercial or financial information concerning an export trading project.

(2) Commercial or financial information may be disclosed:

(a) In a judicial proceeding when disclosure is ordered by a court of competent jurisdiction;

(b) With the consent of the persons whose interests are affected by disclosure;

(c) By an officer, agent or employee of an export trading corporation acting within the scope of employment, as prescribed by rules of the board; or

(d) When the board finds the information would not reasonably be considered confidential, the export trading corporation has not obliged itself in good faith not to disclose the information and disclosure is in the public interest. [1983 c.200 §9]

**777.795 Right to inspect records of export trading corporation; certain records exempt from disclosure.** (1) Except as provided in subsection (2) of this section, the written records of an export trading corporation shall be public records available for inspection under ORS 192.311 to 192.478.

(2) In addition to the exemptions set forth in ORS 192.338, 192.345 and 192.355, the following public records of an export trading corporation are exempt from disclosure:

(a) Information consisting of financial, commercial, sales, production, cost or similar business records of a private concern or enterprise which is not otherwise required to be disclosed by state or federal law.



(b) Trade secrets, as defined in ORS 192.345 (2). [1983 c.200 §14]

**777.800 Annual report.** An export trading corporation shall report annually to the port on the operations of the export trading corporation. A copy of the report shall be filed by the export trading corporation with the Secretary of State. [1983 c.200 §15]

**777.805** [1969 c.599 §39; 1973 c.249 §78; 1975 c.371 §1; 1985 c.565 §120; 1989 c.908 §65; renumbered 285.805 in 1991]

**777.810** [1969 c.599 §40; 1973 c.249 §79; 1975 c.371 §3; 1985 c.565 §121; renumbered 285.807 in 1991]

**777.815** [1969 c.599 §42; 1969 c.599 §42a; repealed by 1973 c.249 §91]

**777.817** [1987 c.607 §17; 1991 c.651 §22; renumbered 285.810 in 1991]

**777.820** [1969 c.599 §43; repealed by 1973 c.249 §91]

**777.825** [1969 c.599 §44; repealed by 1973 c.249 §91]

**777.830** [1969 c.599 §45; 1973 c.249 §80; renumbered 285.813 in 1991]

**777.835** [1969 c.599 §46; 1973 c.249 §81; 1975 c.371 §4; renumbered 285.815 in 1991]

**777.840** [1969 c.599 §47; renumbered 285.817 in 1991]

**777.845** [1969 c.599 §48; 1973 c.249 §82; renumbered 285.820 in 1991]

**777.850** [1977 c.838 §3; 1985 c.565 §122; 1985 c.773 §3; 1989 c.908 §66; 1991 c.483 §1; renumbered 285.870 in 1991]

**777.852** [1977 c.838 §4; 1989 c.908 §67; renumbered 285.873 in 1991]

**777.854** [1977 c.838 §5; 1989 c.908 §68; renumbered 285.875 in 1991]

**777.856** [1977 c.838 §6; renumbered 285.880 in 1991]

**777.858** [1977 c.838 §7; 1979 c.182 §11; 1979 c.800 §1; 1989 c.645 §1; 1989 c.908 §69; renumbered 285.883 in 1991]

**777.860** [1977 c.838 §8; 1979 c.800 §2; 1985 c.773 §1; 1989 c.645 §2; 1989 c.908 §70; 1991 c.483 §2; renumbered 285.885 in 1991]

**777.862** [1977 c.838 §9; 1989 c.908 §71; renumbered 285.887 in 1991]

**777.864** [1977 c.838 §10; 1989 c.908 §72; renumbered 285.890 in 1991]

**777.866** [1977 c.838 §11; 1989 c.908 §73; renumbered 285.893 in 1991]

777.868 [1977 c.838 §12; 1989 c.908 §74; renumbered 285.895 in 1991]  
777.870 [1977 c.838 §14; 1989 c.908 §75; renumbered 285.897 in 1991]  
777.872 [1977 c.838 §15; 1989 c.908 §76; renumbered 285.900 in 1991]  
777.874 [1977 c.838 §21; 1989 c.908 §77; renumbered 285.903 in 1991]  
777.876 [1977 c.838 §27; 1989 c.908 §78; renumbered 285.905 in 1991]  
777.878 [1977 c.838 §16; renumbered 285.907 in 1991]  
777.880 [1977 c.838 §17; 1979 c.800 §3; 1989 c.908 §79; renumbered 285.910 in 1991]  
777.882 [1977 c.838 §18; 1989 c.645 §3; 1989 c.908 §80; renumbered 285.913 in 1991]  
777.884 [1977 c.838 §§20,24; 1979 c.416 §6; 1985 c.773 §5; 1989 c.908 §81; renumbered 285.915 in 1991]  
777.886 [1977 c.838 §22; 1981 c.653 §6; 1989 c.908 §82; renumbered 285.917 in 1991]  
777.888 [1977 c.838 §23; renumbered 285.920 in 1991]  
777.890 [1977 c.838 §1; renumbered 777.910]  
777.892 [1981 c.532 §2; 1989 c.908 §83; renumbered 285.923 in 1991]  
777.894 [1981 c.532 §3; 1989 c.908 §84; renumbered 285.925 in 1991]  
777.896 [1981 c.532 §4; renumbered 285.927 in 1991]  
777.898 [1981 c.532 §5; renumbered 285.930 in 1991]  
777.900 [1981 c.532 §6; renumbered 285.933 in 1991]  
777.902 [1981 c.532 §7; renumbered 285.935 in 1991]  
777.904 [1981 c.532 §8; renumbered 285.940 in 1991]  
777.910 [Formerly 777.890; renumbered 285.943 in 1991]

## **Oregon International Port of Coos Bay**

### ***Temporary provisions relating to borrowing for Coos Bay Channel Project***

Note: Sections 13 and 14, chapter 746, Oregon Laws 2007, provide:

Sec. 13. (1) In addition to amounts authorized under ORS 286.505 to 286.545 (2005 Edition) or pursuant to ORS 286A.035, the State Treasurer, at the request of the Director of the

Oregon Business Development Department, may issue lottery bonds pursuant to ORS 286A.560 to 286A.585:

(a) In an amount of up to \$5 million for payment of the expenses of the Coos Bay Channel Project; and

(b) In an additional amount to be estimated by the State Treasurer for payment of bond-related costs of the Oregon Department of Administrative Services, the Oregon Business Development Department and the State Treasurer.

(2) The director shall request that the State Treasurer issue the amount of bonds described in subsection (1)(a) of this section, at the request of the primary sponsor, to transfer in the biennium beginning July 1, 2007, up to \$5 million in net proceeds of lottery bonds to the Coos Bay Channel Fund established in section 15, chapter 746, Oregon Laws 2007, for distribution to the primary sponsor after the director finds that the primary sponsor has taken action pursuant to the grant agreement required in section 14, chapter 746, Oregon Laws 2007, that triggers the distribution of bond proceeds described in this subsection. [2007 c.746 §13; 2009 c.900 §1; 2013 c.754 §1; 2015 c.815 §3; 2019 c.671 §42; 2021 c.682 §54]

**Sec. 14.** (1) The Director of the Oregon Business Development Department shall enter into one or more grant agreements with the primary sponsor that require the Oregon Business Development Department to disburse, over the course of the project, an aggregate principal amount of \$5 million for payment of the expenses of the Coos Bay Channel Project, from the Coos Bay Channel Fund established pursuant to section 15, chapter 746, Oregon Laws 2007, to the primary sponsor. The department shall make disbursements from the fund as soon as bond proceeds are deposited in the fund.

(2) The one or more grant agreements must establish appropriate triggers for the distribution of bond proceeds described in section 13 (2), chapter 746, Oregon Laws 2007, based on appropriate measures of progress in completion of the project that are satisfactory to the director and consistent with prudent financial practices that reflect sound stewardship of public resources.

(3) The State of Oregon and its agencies and departments are not liable to the lenders, vendors or contractors of the Oregon sponsors for any action or omission under sections 11 to 15, chapter 746, Oregon Laws 2007.

(4) By receipt of any part of net proceeds of lottery bonds described in section 13, chapter 746, Oregon Laws 2007, the primary sponsor agrees to indemnify the state and its agencies and departments to the fullest extent permitted by law for liability the state or its agencies and departments might incur in connection with any borrowing by the primary sponsor for the project.

(5) The director and the primary sponsor shall modify the existing grant agreement as may be necessary to incorporate the amendments to this section and section 13, chapter 746, Oregon Laws 2007, by sections 1 and 2, chapter 754, Oregon Laws 2013. [2007 c.746 §14; 2009 c.900 §2; 2013 c.754 §2; 2015 c.815 §4; 2016 c.66 §14; 2019 c.671 §43; 2021 c.682 §55]

**777.915 Definitions for ORS 777.915 to 777.953.** As used in ORS 777.915 to 777.953, unless the context requires otherwise:

(1) "Board" means the board of commissioners of the Oregon International Port of Coos Bay.

(2) "Coos Bay rail link" means a railroad right-of-way, including spur lines, appurtenances, facilities and related property within the railroad right-of-way, that connects the station of Danebo in Lane County with the station of Coquille in Coos County.

(3) "Port" means the Oregon International Port of Coos Bay. [1987 c.565 §2; 2011 c.437 §1]

**777.917 Oregon International Port of Coos Bay; applicability of statutes.** (1) The Port of Coos Bay is hereby renamed the Oregon International Port of Coos Bay.

(2) Notwithstanding ORS 777.135 to 777.165, 777.410 and 777.415, ORS 777.915 to 777.953 apply to the Oregon International Port of Coos Bay. [1987 c.565 §§2a,3]

**777.920 Board of port commissioners; powers.** (1) The power and authority given to the Oregon International Port of Coos Bay is vested in and shall be exercised by a board of five commissioners. The board may exercise such powers, at regular or special meetings, as is usual and customary with similar bodies.

(2) The port may own, operate, repair and maintain the Coos Bay rail link. [1987 c.565 §4; 2011 c.437 §2]

**777.923 Qualifications of port commissioners.** (1) The board shall be composed of electors registered in the port.

(2) A person is eligible for appointment as a commissioner of the port who at the time of the appointment is a citizen of the United States and of the State of Oregon, and who has for one year immediately preceding appointment resided within the port. [1987 c.565 §5]

**777.925 Appointment of port commissioners; term; vacancies.** (1) Upon the expiration of the term of a commissioner, a successor shall be appointed by the Governor, subject to confirmation as provided by ORS 171.562 and 171.565. Except as provided in ORS 777.927 and 777.930, appointees, when confirmed, shall hold office for a term of four years and until their respective successors have been appointed, confirmed and qualified.

(2) If a vacancy occurs by death, resignation or disqualification of a commissioner, the vacancy shall be filled by appointment by the Governor for the unexpired term subject to confirmation as provided by subsection (1) of this section. [1987 c.565 §6]

**777.927 Removal of port commissioner for malfeasance; statement of charges; notice; court hearing.** If the Governor is at any time satisfied that a commissioner has been guilty of malfeasance in office, the Governor may file with the Secretary of State a written statement of the acts of the commissioner constituting the malfeasance. Thereupon the Secretary of State shall transmit a copy of the statement to the commissioner named and another copy to the clerk of the Circuit Court for Marion County. After the expiration of 10 days following the delivery of the statement to the commissioner a hearing shall be held before the court, of which hearing the commissioner is entitled to at least five days' notice. If upon the hearing the court determines that the commissioner has been guilty of malfeasance in office, written findings to that effect shall be made and filed by the court. Thereupon the commissioner shall be considered removed from office. The vacancy so created shall be filled as provided in ORS 777.925. [1987 c.565 §7]

**777.930 Removal of port commissioner for lack of attendance; authorized leave of absence.** (1) If a commissioner appointed under ORS 777.925 fails, without being excused by the remaining members of the board, to attend for a period of 60 days any of the regular or special meetings of the board regularly and duly called and held, that commissioner may be removed from office by the Governor.

(2) The board may grant a leave of absence not exceeding three months to a commissioner unable to attend meetings of the board by reason of illness or continued absence from the Oregon International Port of Coos Bay. [1987 c.565 §10]

**777.933 Board meetings; rules; executive committee.** (1) The board shall hold at least one regular meeting in each month on a day to be fixed by it, and may hold special meetings as provided by the rules of the board. At all regular and special meetings a majority of the commissioners then members of the board constitutes a quorum.

(2) The board may create an executive committee of which every commissioner shall be a member and of which a number less than a majority, as the board may determine, may constitute a quorum for the transaction of business. The committee may hold its meetings under such rules as the board may prescribe. However, the executive committee has no power except as a committee and only as expressly conferred upon it by the rules of the board. In no event shall the committee exercise the general powers of the board. The board has no power to appoint or delegate any part of its power or authority to any committee except the executive committee. [1987 c.565 §8]

**777.935 Board officers.** (1) The Governor shall designate one member of the board as president of the board, who shall hold that office until removed from it by the Governor. The president of the board shall have the powers and perform the duties usual to the office of president.

(2) The president of the board shall designate from the other members of the board a vice president, treasurer and secretary of the board, who shall hold those offices until removed from them by the president. Each officer shall have the powers and perform the duties usual to the respective offices. [1987 c.565 §9]

**777.937 Board to report to Legislative Assembly.** The board shall report to the Legislative Assembly of this state, biennially, everything done or performed by the board under this chapter. [1987 c.565 §11]

**777.940 Power to issue general obligation bonds; limitation; dedication of revenues; use of proceeds.** (1) For the purpose of carrying into effect any of the powers granted to the port, the port has the power to borrow money and to sell and dispose of bonds which shall constitute a general obligation of the port and be secured by the port's full faith and credit. Such bonds outstanding at one time shall never exceed in the aggregate one and three-fourths percent of the real market value of all taxable property within the limits of the port, computed in accordance with ORS 308.207. The bonds shall be secured by the taxing power of the port as provided in ORS 777.430 (2). In addition, the port may provide that the bonds shall be payable from and secured by a lien and pledge of all or any part of the revenues derived by the port from the facilities constructed from the proceeds of the bonds.

(2) The port may provide for the creation of special trust funds and may authorize the appointment of a trustee to administer the same and may obligate itself to set aside and pay into a special trust fund any revenues pledged to the payment of the bonds. The port may establish and provide from available funds for the funding of debt service, operation and maintenance reserves.

(3) Proceeds from the sale of the bonds may also be used to pay the costs incurred in issuing the bonds, preliminary work incident to carrying out such powers, including but not limited to planning, engineering, inspection, accounting, fiscal, legal and trustee expenses and other similar expenses, and to pay interest on the bonds for such period as the port may determine, but not to exceed six months beyond completion of the facilities financed with the bonds, and to establish reserves for debt service on the bonds. [1987 c.565 §12; 1991 c.459 §442]

**777.943 Issuance of bonds.** Bonds authorized by ORS 777.940 shall be issued as prescribed in ORS chapter 287A. [1987 c.565 §13; 1997 c.171 §25; 2007 c.783 §228]

**777.945 Certain uses of bond proceeds prohibited in absence of elector approval.** Bonds shall not be issued by the port to provide funds for the establishment or operation of surface ship and air lines or for the payment of bonuses to either such line or lines without the approval of the electors of the port expressed at an election called and held within the port at which such question is submitted. [1987 c.565 §14]

**777.947 Limitation on annual issuance and aggregate amount of bonds in absence of elector approval.** (1) The total amount of general obligation bonds issued in any calendar year by the port without the approval of the electors of the port shall not exceed \$500,000.

(2) The aggregate outstanding principal amount of general obligation bonds issued by the port without the approval of the electors of the port shall not at any time exceed \$1.5 million.

(3) Nothing in this section applies to refunding bonds. [1987 c.565 §15]

**777.950 Certain uses of proceeds of bonds issued without elector approval prohibited.** Notwithstanding any other provision of law, proceeds from the sale of bonds issued by the port without the approval of the electors of the port under ORS 777.947, except for refunding bonds, shall be used only for construction, maintenance and repair of facilities and works necessary for industrial development within the port, construction, maintenance and repair of docks, piers, wharves, dredge and spoil sites and navigation aids and as matching moneys for state and federal grants for the purposes described in this section. [1987 c.565 §16]

**777.953 Annexation; authority; procedure; effect.** (1) The board, on its own motion, may initiate a proposal for annexation to the Oregon International Port of Coos Bay of territory that is not within the boundaries of another port organized under this chapter. Annexed territory may be either wholly or partially within or outside the same county in which the Oregon International Port of Coos Bay is located. However, if the territory proposed to be annexed is outside Coos County, the territory must be situated entirely within the watershed of the Coos River and its tributaries. The proposal for annexation shall be made in a resolution adopted by the board.

(2) After adoption of a resolution proposing annexation of the territory described in subsection (1) of this section to the port, the board shall fix a day for a public hearing before the board at which time the electors of the port and of the affected territory may appear and be heard on the question of annexation.

(3) The board shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of the hearing in a newspaper of general circulation in the county and shall cause notices of the hearing to be posted in four public places in the port for the same period.

(4) After the public hearing, the board shall file the resolution proposing annexation with the governing body of the county in which the territory proposed to be annexed is situated. The county governing body shall order an election to be held in the territory. The county governing body shall also order the board to hold an election within the boundaries of the port on the same day, both elections to be held for the purpose of submitting the proposed annexation to the electors. The board shall certify the results of the election to the county

governing body. The order of annexation shall be entered by the county governing body when a majority of all the votes cast in the territory and the port are in favor of the annexation.

(5) After the date of entry of an order by the county governing body annexing territory to the port, the territory annexed shall become subject to the outstanding indebtedness, bonded or otherwise, of the port in like manner as the territory within the port.

(6) Except as necessary to implement the provisions of subsection (7) of this section, ORS 198.705 to 198.955 and 777.326 do not apply to an annexation proceeding conducted under this section.

(7)(a) Notwithstanding subsection (1) of this section, the board may annex territory within the area constituting the Coos Bay rail link or land planned and zoned for industrial uses that is contiguous to the Coos Bay rail link. In lieu of the procedures described in subsections (2) to (5) of this section, annexation of territory within the area of the Coos Bay rail link or land planned and zoned for industrial uses that is contiguous to the Coos Bay rail link shall proceed only at the request of the landowner, in accordance with the annexation procedures set forth in ORS 198.857.

(b) Notwithstanding ORS 198.720 (2), the Oregon International Port of Coos Bay may annex territory described in paragraph (a) of this subsection that is within the boundaries of another port. Annexation under this subsection does not withdraw the territory from the other port. [1987 c.565 §16a; 2007 c.804 §82; 2011 c.437 §3]

## **Penalties**

**777.990 Penalties.** (1) Failure by a port treasurer, or county treasurer charged with the duties provided by ORS 777.515, to comply with the requirements of that section for a period of 10 days is a Class A violation.

(2) Subject to ORS 153.022, any person violating a regulation adopted by a port board under ORS 777.120 or 777.190 commits a Class A misdemeanor. [Amended by 1971 c.728 §102; 1999 c.1051 §226; 2011 c.597 §95]

# Appendix C: Local Zoning and Land Use Development Ordinances

## The Dalles Commercial Recreational Zone

### Section 5.080

#### CR - Recreational Commercial District

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### 5.080.010 Purpose

This district implements the CR - Recreational Commercial Comprehensive Plan designation and is intended to provide areas for mixed business, commercial, service, recreational, and light industrial uses. Site planning for permitted uses shall insure protection and enhancement of the significant environmental areas located along the Columbia River and related streams and creeks. Streets, sidewalks, bikeways, and water, sewer, and storm drainage systems shall be constructed or improved as needed.

### 5.080.020 Permitted Uses

- A. Primary Uses Permitted Outright. The following primary uses shall be processed per the provisions of *Section 3.030: Site Plan Review*:
1. Retail uses, excluding shopping centers. If over 15,000 square feet must get a conditional use permit.
  2. Conference, Visitors, and Convention Centers.
  3. Hotels, Motels, and Campgrounds.
  4. Light Industrial (campus setting or compatible with commercial and recreational uses).
  5. Recreational Facilities.
  6. All dwellings, as defined by this ordinance, so long as the ground floor is a permitted commercial use.
  7. Restaurants.
  8. Service and Administrative Offices.
  9. Public and Private Parking Lots and Structures, in accordance with *Chapter 7 - Parking Standards*.
  10. Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per the provisions *Subsection 5.080.030: Conditional Uses* below).
  11. Recreational Vehicle Parks, in accordance with *Chapter 12 - Recreational Vehicle Parks*.
  12. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
  13. Other uses determined by the Director to be similar to the above uses.

B. Accessory Uses Permitted Outright.

1. Accessory uses, buildings and structures not otherwise prohibited, customarily incidental to the primary use, subject to the provisions of *Section 6.030: Accessory Development*.
2. Residential dwelling for security and/or caretaker and maintenance personnel, limit 1 dwelling per site.

**5.080.030 Conditional Uses**

The following Conditional Uses are allowed subject to review and approval, per the provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060: Administrative Conditional Use Permits*.

- A. Child Care Center, as defined in *Chapter 2 - Definitions*.
- B. Community Facilities, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.
- C. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- D. Other uses determined by the Director to be similar to the above uses.
- E. Adult Business. An application for an adult business shall also comply with the following criteria:
  1. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
    - a) A public school.
    - b) A public library.
    - c) A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court
- F. Planned Development, subject to the provisions of *Section 9.050: Planned Development*.

5.080.040 Development Standards

CR Recreational Commercial	Standard
Lot Size, Width, Depth	No minimum
Setbacks	None, except 10 ft. where fronts, sides, or rears on a public Right of Way, and all development shall be set back 30 ft. or more from the Columbia River to accommodate the Riverfront Trail and associated amenities
Building Height	40 ft. maximum
Lot Coverage	60% of Lot Area maximum
Pedestrian Access	All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with <i>Subsection 5.080.050(A): Pedestrian Walkways</i>
Off Street Parking (Bicycles and Vehicles)	See <i>Chapter 7 - Parking Standards</i>
Landscaping	See <i>Section 6.010: Landscaping Standards</i>
Accessory Uses, Buildings and Structures	See <i>Section 6.030: Accessory Development</i>
Access Management	See <i>Section 6.050: Access Management</i>

### 5.080.050 Design Standards

- A. Pedestrian Walkways. Each developed site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-way. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialties Code, and the Oregon Revised Statutes.

### 5.080.060 Exceptions To Standards

- A. Setbacks. River dependent uses may utilize the 30 foot setback from the Columbia River. Examples of river dependent uses include boat ramps and launches, loading docks, and barge ways.
- B. Parking. The following permitted and conditional uses may be exempted from the off-street parking requirements of this Ordinance as follows:
  - 1. Vehicles and Bicycles.
    - a) Uses which the Director determines have no employees on site and are not open to the public.
    - b) Wireless Communication Facilities.
  - 2. Bicycles Only.
    - a) Hotels, Motels, and Campgrounds.
    - b) Recreational Vehicle Parks.

## The Dalles Commercial/Light Industrial Zone

### Section 5.070

#### **CLI - COMMERCIAL/LIGHT INDUSTRIAL DISTRICT**

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5.070.060	Exceptions To Standards	5-85

### 5.070.010 Purpose

This district implements the CLI - Commercial/Light Industrial zone district as part of the Commercial Comprehensive Plan designation and is intended to provide an area for commercial uses and certain light industrial uses. New development shall be designed to promote clustering of businesses where appropriate, and use of common access and traffic controls. Where appropriate, safe and convenient pedestrian and bicycle circulation between the particular use and the adjoining street/sidewalk shall also be provided.

This district also accommodates Business Parks that provide for a mixture of commercial and light industrial uses in a campus-like setting where business activities are conducted indoors. To ensure compatibility with adjacent residential neighborhoods, Business Parks shall be reviewed through the Planned Development Process set forth in Section 9.050.

### 5.070.020 Permitted Uses

- A. Primary Uses Permitted Outright. The following primary uses shall be subject to the provisions of *Section 3.030: Site Plan Review*, and all other applicable requirements of this and other City Ordinances:
1. Agricultural Sales and Service, including feed and seed stores, nurseries, greenhouses, landscape supplies, and garden centers.
  2. Animal Sales and Services (pet stores, grooming, kennels, veterinary).
  3. Automobile and heavy/light equipment repair, sales and services, including rental agencies, detailing, service stations, body shops, auto painting, and machine shops, on site only except during community events.
  4. Child Care Center, as defined in *Chapter 2 - Definitions*.
  5. Contractor shops, offices, and storage areas.
  6. Engineering, research and development.
  7. Food Services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
  8. Hotels and Motels.
  9. Laundromats and Dry Cleaners, including industrial operations.
  10. Light manufacture, assembly, and packaging of goods or products which can be performed with minimal adverse impact on, and poses no special hazard to, the environment and the community.
  11. Liquor stores, taverns, lounges and bars.
  12. Manufactured Home Sales, including demonstration units (not to be actual dwelling units).
  13. Markets and Grocery Stores.
  14. Medical and Dental Offices, Clinics, Laboratories, and Medical Marijuana Dispensaries. An application for a Medical Marijuana Dispensary shall also comply with the following criteria:

- a) The dispensary facility must be located more than 500 feet from any R-L, R-H, or R-M Residential District, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property in the R-L, R-H, or R-M Residential District.
- b) The Medical Marijuana Dispensary must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property on which the other facility is located:
  - 1. A public or private elementary, secondary or career school attended primarily by minors.
  - 2. A public library.
  - 3. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.
- c) The dispensary facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the dispensary facility is prohibited.
- d) The dispensary facility shall not have a drive-up use.
- e) The dispensary facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the dispensary facility's exterior refuse containers.
- f) The dispensary facility shall be registered with the Oregon Health Authority under the State of Oregon's medical marijuana facility registration system under ORS 475.300 to 475.346, as now constituted, and meet the requirements of OAR Chapter 333 Division 8 Medical Marijuana Facilities.
- g) The hours of operation for the dispensary facility shall be no earlier than 10:00 AM and no later than 6:00 PM.

15. Personal Care Services such as barber shops and salons.

16. Printing and Publishing.

17. Professional and Administrative Offices and Services.

18. Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per the provisions *Subsection 5.070.030: Conditional Uses* below).

19. Public and Private Parking Lots, subject to the provisions of *Chapter 7 - Parking Standards*.
20. Public and private transportation depots and terminals, passengers and freight.
21. Recreation Facilities (commercial - indoor), including health and athletic clubs, bowling alleys, skating rinks, shooting ranges, movie theaters including multiplexes, and game rooms.
22. Residential dwelling for security and maintenance personnel, limit 1 dwelling per site.
23. Retail Uses, including shopping centers.
24. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
25. Warehousing, storage, and distribution of equipment, commodities and products in an enclosed area, including ministorage facilities
26. Wholesale Uses.
27. Other uses determined by the Director to be similar to the above uses.

B. Accessory Uses Permitted Outright.

1. Accessory dwellings, per the provisions of *Section 6.030: Accessory Development*. Must be accessory to an existing nonconforming single family residential use.
2. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, subject to the provisions of *Section 6.030: Accessory Development*.
3. Bed and Breakfast and Vacation Rentals in existing non-conforming residential dwellings, subject to the provisions of *Section 6.040: Bed and Breakfasts and Vacation Rentals*.
4. Bus shelters, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.
5. Home Business, subject to the provisions of *Section 6.020: Home Businesses*. Must be accessory to an existing nonconforming residential use.

**5.070.030 Conditional Uses**

The following Conditional Uses are allowed subject to review and approval, per the appropriate provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060: Administrative Conditional Use Permits*:

- A. Community Facilities Sites, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.



- B. Planned Development, subject to the provisions of *Section 9.050: Planned Development*.
- C. Recreational Vehicle Parks, subject to the provisions of *Chapter 12 - Recreational Vehicle Parks*.
- D. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- E. Other uses determined by the Commission to be similar to the above uses.
- F. Adult Business. An application for an adult business shall also comply with the following criteria:
  - 1. The adult business must be located more than 1000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of the property on which the facility is located:
    - a) A public school.
    - b) A public library.
    - c) A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.

5.070.040 Development Standards

CLI Commercial/Light Industrial	Standard
Lot Size	10,000 sq. ft. minimum or smaller for Business Parks approved through the Planned Development Process.
Site Size	None, except for Business Parks which shall be a minimum site size of 10 acres.
Setbacks Front Yard and Side Yard	None, except 10 feet on corner lots and 15 ft. where borders residential district. Except for common wall units, buildings in Business Parks shall have a minimum 10 ft. side yard setback; buildings and parking areas shall be landscaped and setback a minimum of 10 ft. from public rights-of-way.
Rear Yard	5 ft. minimum, 15 ft. minimum where borders a residential district.
Building Height	55 ft. maximum, except 40 ft. maximum within 100 ft. of a residential zone <sup>12</sup>
Building Orientation	New buildings shall be oriented primarily toward a street or designated accessway. Building orientation shall include an entrance
Pedestrian Access	All building entrances shall provide for a clear pedestrian connection to the street/sidewalk in accordance with <i>Subsection 5.070.050(B): Pedestrian Walkways</i>
Off Street Parking (Bicycles and Vehicles)	See <i>Chapter 7 - Parking Requirements</i>
Landscaping	See Section 6.010: Landscaping Standards. Business Parks shall have a minimum of 20% landscaping; required setbacks shall be landscaped.
Accessory Uses, Buildings and Structures	See <i>Section 6.030: Accessory Development</i>
Access Management	See <i>Section 6.050: Access Management</i>

<sup>12</sup> The 40 ft. height limitation shall not apply where there is more than a 20 foot difference in elevation between the commercial lot and the residential zone district.

### 5.070.050 Design Standards

- A. Exterior Elevations. Exterior elevations of buildings shall incorporate architectural design features such as offsets, balconies, projections, base/wall/cornice design, windows, entries, bays, seating, wall articulation, traditional storefront elements, or similar elements to preclude large expanses of uninterrupted building surfaces.
  - 1. Horizontal. At least 3 architectural design features shall be incorporated along the horizontal face (side to side) of the structure.
  - 2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom) of the structure.
- B. Pedestrian Walkways. Where public sidewalks exist, or upon sidewalk development, each developed site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction and be the shortest practical distance between the main entry(ies) and the public right-of-way. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialties Code, and the Oregon Revised Statutes.
- C. Entries. Primary entries shall face a public street or designated access drive and shall be accessed from a public sidewalk, in accordance with the provisions of Subsection (B) above. Secondary entries may face parking lots or loading areas. Doors shall not swing into public rights of-way.
- D. Additional Business Park Design Standard. Except for parking and loading activities, all non-recreational Business Park activities shall be conducted indoors; outdoor business activities, including storage of materials, shall be prohibited in Business Parks.

### 5.070.060 Exceptions To Standards

- A. Pedestrian Access. The following permitted and conditional uses may be exempted from the requirements for pedestrian access of this Ordinance (but may still be required to meet federal and state requirements):
  - 1. Automobile sales lots, however the sales lots must still provide for access to the sales lot from the sidewalk.
  - 2. Commercial card-lock fueling stations where there are no mini markets on site.
  - 3. Heavy Equipment sales and service.

4. Service stations where there are no mini-markets on site.
  5. Storage facilities and warehouses.
  6. Wireless Communication Facilities.
  7. Other uses which the Director determines to have no public pedestrian access needs.
- B. Parking. The following permitted and conditional uses may be exempted from the bicycle parking requirements of this Ordinance:
1. Wireless Communication Facilities.
  2. Uses which the Director determines have no employees on site and are not open to the public.

## The Dalles Industrial Zone

### Section 5.090

#### **I - INDUSTRIAL DISTRICT**

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5.090.060	Exceptions To Standards	5-100
5.090.070	Performance Standards	5-100

### 5.090.010 Purpose

This district implements the I - Industrial Comprehensive Plan Designation and is intended to establish areas which provide for a variety of commercial and industrial uses. All uses in the Industrial Zone District shall comply with Federal and State health, safety, environmental, and pollution standards, and be designed to minimize conflict between industry and other land uses.

### 5.090.020 Permitted Uses

- A. Primary Uses Permitted Outright. The following primary uses shall be subject to the provisions of *Section 3.030: Site Plan Review*, and all other applicable requirements of this and other City Ordinances:
1. Auto body shops, auto painting, and machine shops.
  2. Circus or like activity (limited to 4 events per year per site).
  3. Feed, seed and fuel stores (excluding bulk storage of petroleum or gas, which shall be processed as a conditional use per *Subsection 5.090.030: Conditional Uses* below) located wholly within completely enclosed buildings. Packaged materials may be stored in an enclosed yard.
  4. Food production and manufacturing.
  5. Food Services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
  6. Heavy Equipment Sales and Service, on site only.
  7. Laundry and cleaning service industries.
  8. Manufacturing, fabricating, processing, repair, engineering, research and development, assembly, wholesale, transfer, distribution, and storage uses (except manufacture of explosives, the slaughter of animals, and the rendering of fats).
  9. Printing and Publishing.
  10. Public and Private Parking Lots.
  11. Public and Private vehicle servicing and fueling stations.
  12. Public Parks and Open Space (excluding spectator and participant sports facilities, which shall be processed as Community Facilities Sites per the provisions *Subsection 5.090.030: Conditional Uses* below).
  13. Railroad yards and spurs, shipyards, and commercial docking facilities.
  14. Rock, sand, and gravel cleaning, crushing, processing, and assaying.
  15. Rodeo Grounds.
  16. Storage and maintenance yards.
  17. Transportation Facilities.

18. Truck stop facility, including incidental community uses, such as restaurant, fuel, and shower facilities.
19. Veterinary services, kennels, and fish hatcheries.
20. Warehouses.
21. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
22. Other uses determined by the Director to be similar to the above uses.

B. Accessory Uses Permitted Outright.

1. Accessory uses, buildings and structures, not otherwise prohibited and customarily incidental to the primary use, subject to the provisions of *Section 6.030: Accessory Development*.
2. Bus shelters, bike racks, street furniture, drinking fountains, and other pedestrian and transit amenities.
3. Residential dwelling for security and/or caretaker and maintenance personnel, limit 1 dwelling per site.

### 5.090.030 Conditional Uses

The following Conditional Uses are allowed subject to review and approval, per the appropriate provisions of either *Section 3.050: Conditional Use Permits* or *Section 3.060: Administrative Conditional Use Permits*:

- A. Agriculture and Aqua-culture, excluding livestock and poultry operations.
- B. Bulk fuel stores (petroleum, methane, propane, and gasoline).
- C. Child Care Center, as defined in *Chapter 2 - Definitions*.
- D. Collection, packaging, storage and reprocessing of recyclable materials, so long as the market area is more than 50% from the local area.
- E. Junkyards and automotive wrecking yards enclosed within a view obscuring fence or wall.
- F. Recreation Facilities (Commercial - Outdoor), including golf courses and shooting ranges.
- G. Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- H. Other uses determined by the Director to be similar to the above uses.
- I. Community Facilities Sites, subject to the provisions of *Section 5.100: Community Facilities Overlay District*.

5.090.040 Development Standards

<b>I Industrial</b>	<b>Standard</b>
Lot Size	10,000 sq. ft. minimum or larger as necessary to meet Goal 9 large lot requirements.
Lot Width, Depth	No minimum/maximum
Setbacks All Yards	No minimum except as follows: A. 25 ft. from Residential Zone or Community Facilities Overlay; B. 10 ft. from a public Right of Way; C. 30 ft from the Columbia River to accommodate the Riverfront Trail and associated amenities.
Building Height	55 ft. maximum, except 40 ft. maximum within 100 ft. of a residential zone <sup>13</sup>
Pedestrian Access	Building entrances may be required to have a clear pedestrian connection to the street/sidewalk in accordance with <i>Subsection 5.090.050: Pedestrian Walkways</i> below
Off Street Parking	<i>See Chapter 7 - Parking Standards</i>
Landscaping	<i>See Section 6.010: Landscaping Standards</i>
Accessory Uses, Buildings and Structures	<i>See Section 6.030: Accessory Development</i>
Access Management	<i>See Section 6.050: Access Management</i>

Large Industrial Sites:

1. Four 20 acre sites shall be identified on a map in The Dalles Community Development Department in order to meet large site needs identified in The Dalles Economic Opportunities Analysis. The four sites shall be selected in cooperation and collaboration with the property owner.
2. Once a large industrial user purchases or develops an identified site, or any 20 acre site, the number of required sites shall be reduced accordingly.

<sup>13</sup> The 40 ft. height limitation shall not apply where there is more than a 20 foot difference in elevation between the commercial lot and the residential zone district.



3. The location of the identified 20 acre sites may be modified by the Community Development Department at any time, in collaboration with the property owner and approval by the Planning Commission.
4. The property owner may develop smaller lots on the property so long as a place for a large industrial site is retained on that property.
5. In reviewing any development plan on a property with an identified site, the Community Development Department shall work with the property owner to identify a new location on that property.
6. If the remainder of the property does not meet large industrial site requirements, the Community Development Department shall either identify another property that can accommodate a large site, or initiate an amendment to the Economic Opportunity Analysis and Comprehensive Plan.

#### **5.090.050 Pedestrian Walkways**

- A. Applicability. Pedestrian walkways shall be provided in the I - Industrial zone district when both of the following occur:
  - 1) An existing public sidewalk serves 1 or both sides of the street on which the use fronts.
  - 2) The Oregon Americans With Disabilities Act requires an accessible connection between the use and the public right-of way.
- B. Walkway Standards. Where required, each developed site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-way. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialties Code, and the Oregon Revised Statutes.

#### **5.090.060 Exceptions To Standards**

- A. Setbacks. River dependent uses may utilize the 30 foot setback from the Columbia River. Examples of river dependent uses include boat ramps and launches, loading docks, and barge ways.

B. Parking. The following permitted and conditional uses may be exempted from the off-street parking requirements of this Ordinance as follows:

1) Vehicles and Bicycles.

- a. Uses which the Director determines have no employees on site and are not open to the public.
- b. Wireless Communication Facilities.

2) Bicycles Only.

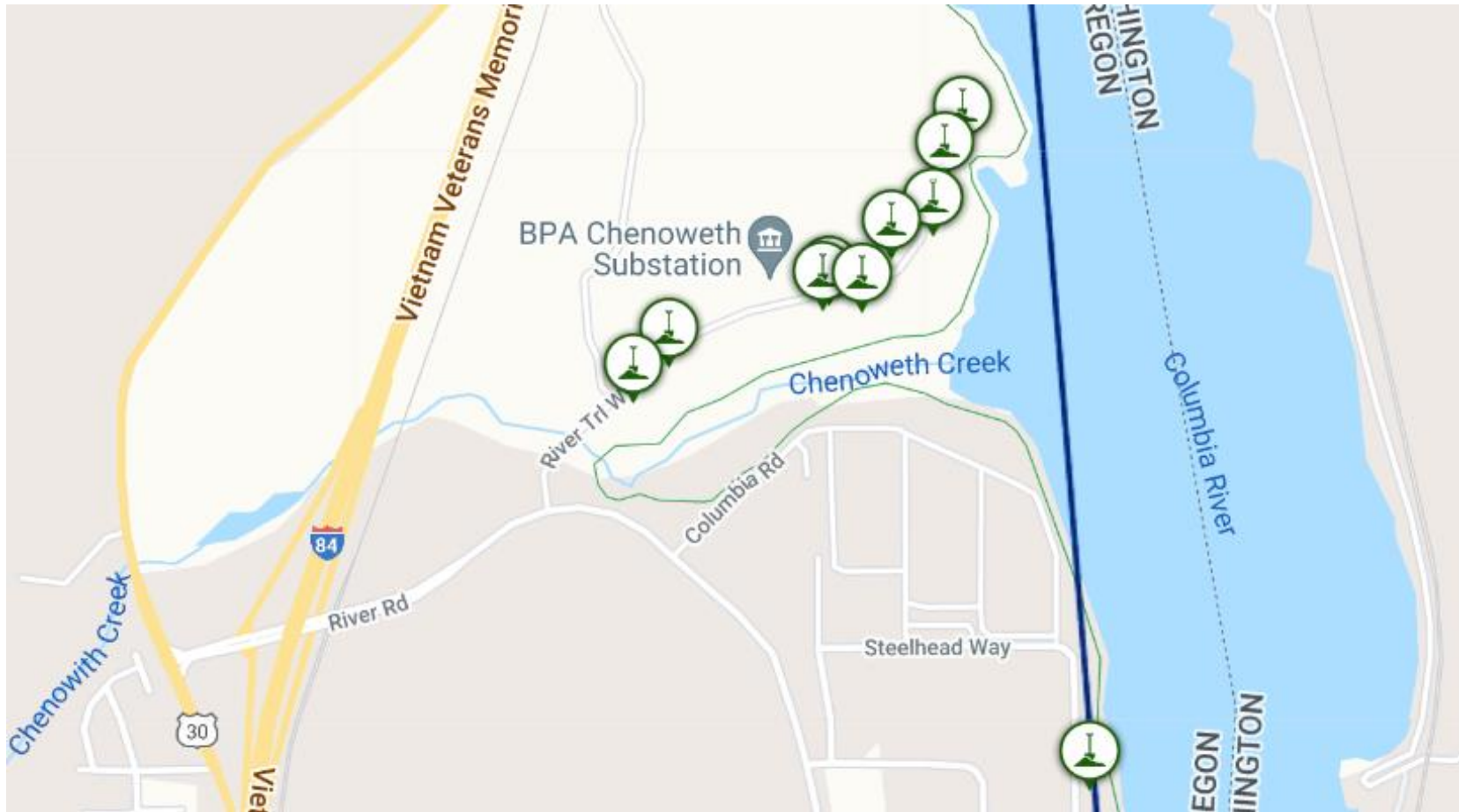
- a. Recreational Vehicle Parks.

**5.090.070 Performance Standards**

Each use, activity, or operation within this district shall comply with all applicable local, state, and federal standards and shall not create a nuisance beyond the zone district boundary because of odor, vibration, noise, dust, vector control, smoke or gas. Uses shall also prevent materials and debris that could collect and cause a nuisance to be windblown or migrate off-site.

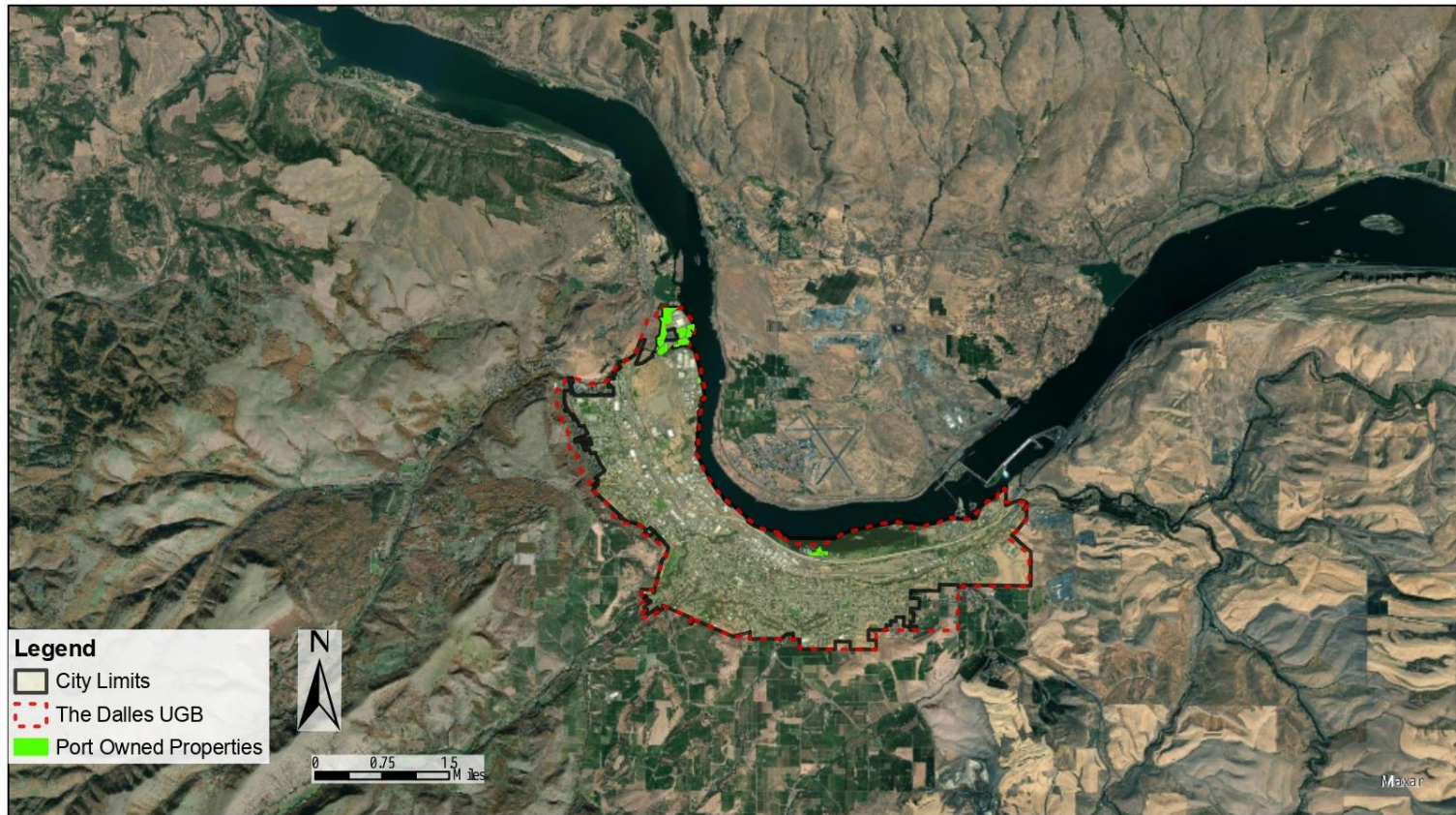
## Appendix D: Maps of The Dalles and Dufur

Figure 37: Map of Port Properties Currently Available



Source: [Port of The Dalles website](#), accessed June 2023.

Figure 38: Port Owned Property by Improvement Value



 <p>Nexus Planning Services www.nexusplanningservices.com</p>	<p>Port of The Dalles - Strategic Business Plan</p> <h2>Port Owned Properties (Developable)</h2>	<p>Date of Creation: 11/22/2023</p> <p>Data Sources: FS Geodata Clearinghouse, Oregon Spatial Data Library</p>
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Source: Nexus Planning Services using Wasco County GIS Data, 2023

Figure 39: Geographical Constraints to Growth

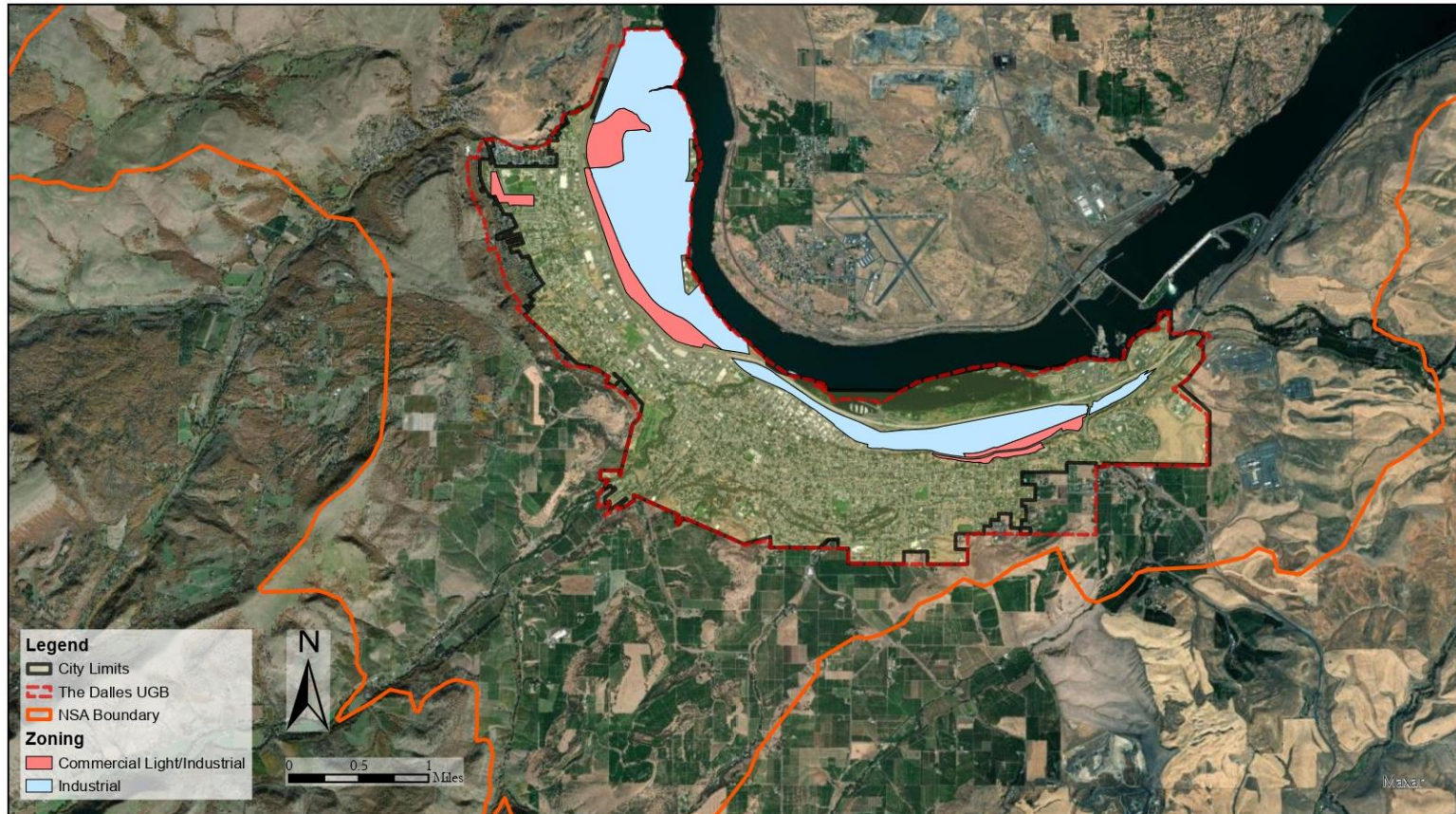
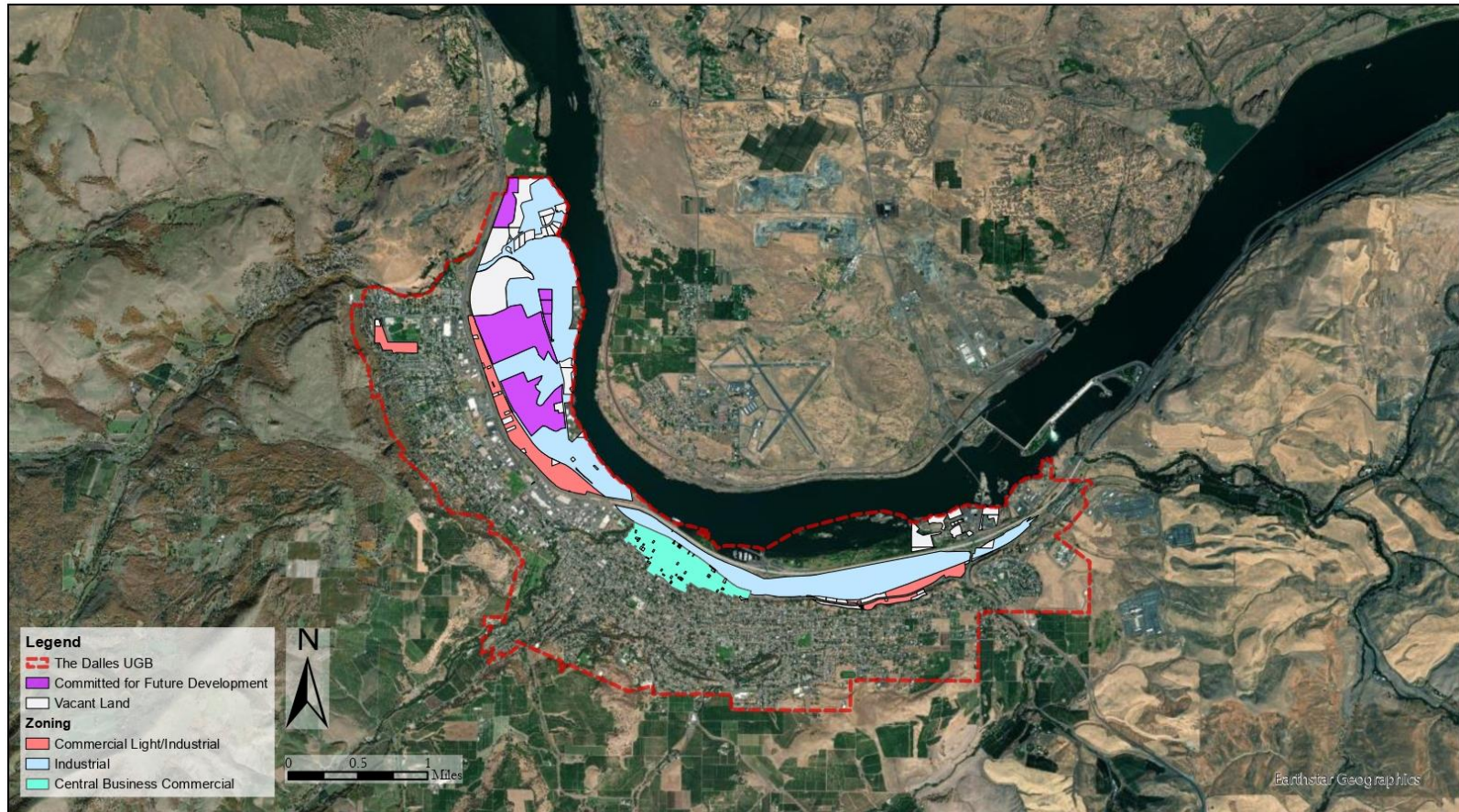


Figure 40: The Dalles Vacant Lots Within Industrial Zoned Districts



Nexus Planning Services  
www.nexusplanningservices.com

Port of The Dalles - Strategic Business Plan

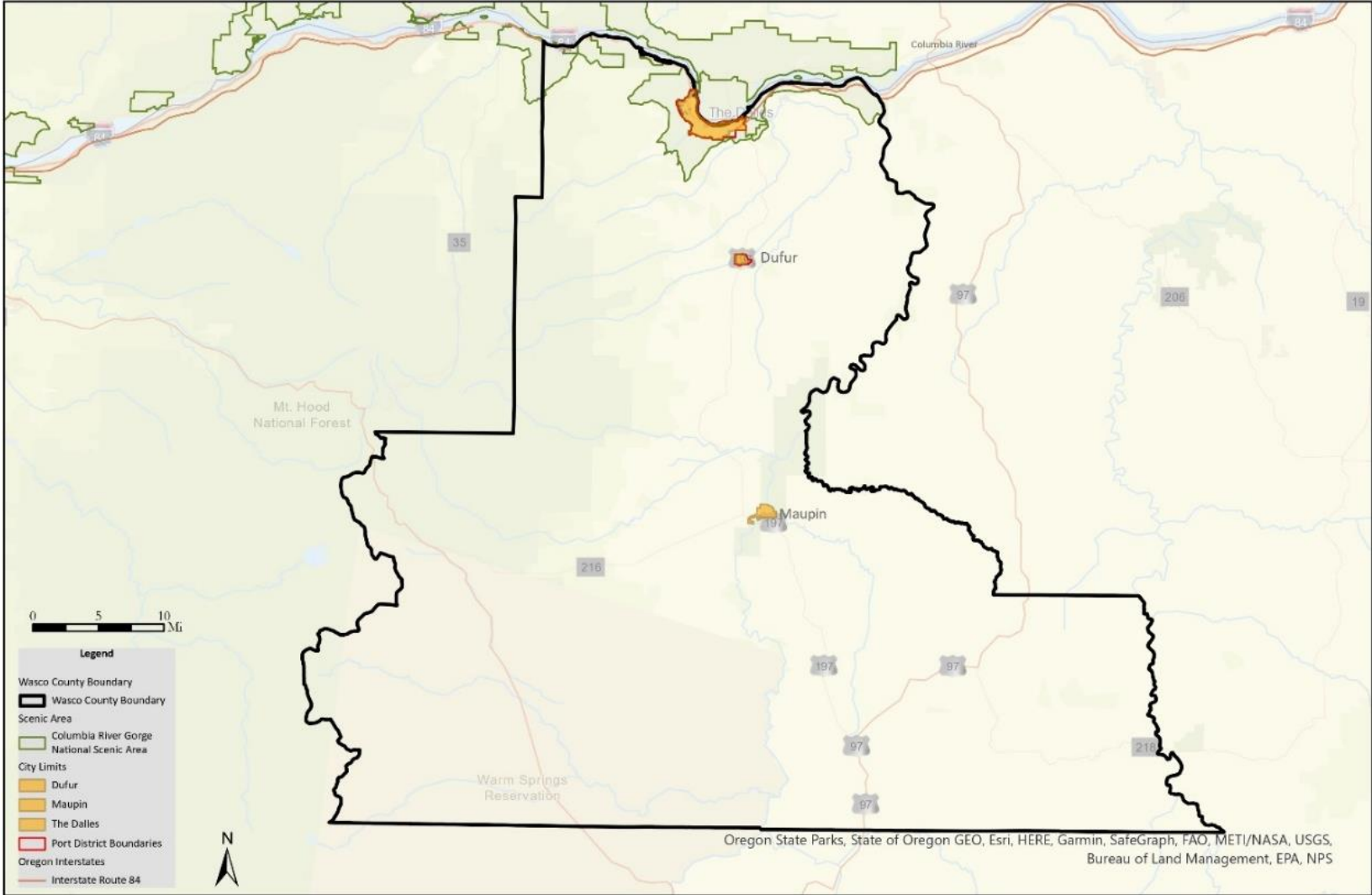
## Vacant Lots Within Industrial Zoned Districts

Date of Creation:  
6/15/2023

Data Sources: FS  
Geodata Clearinghouse,  
Oregon Spatial Data  
Library

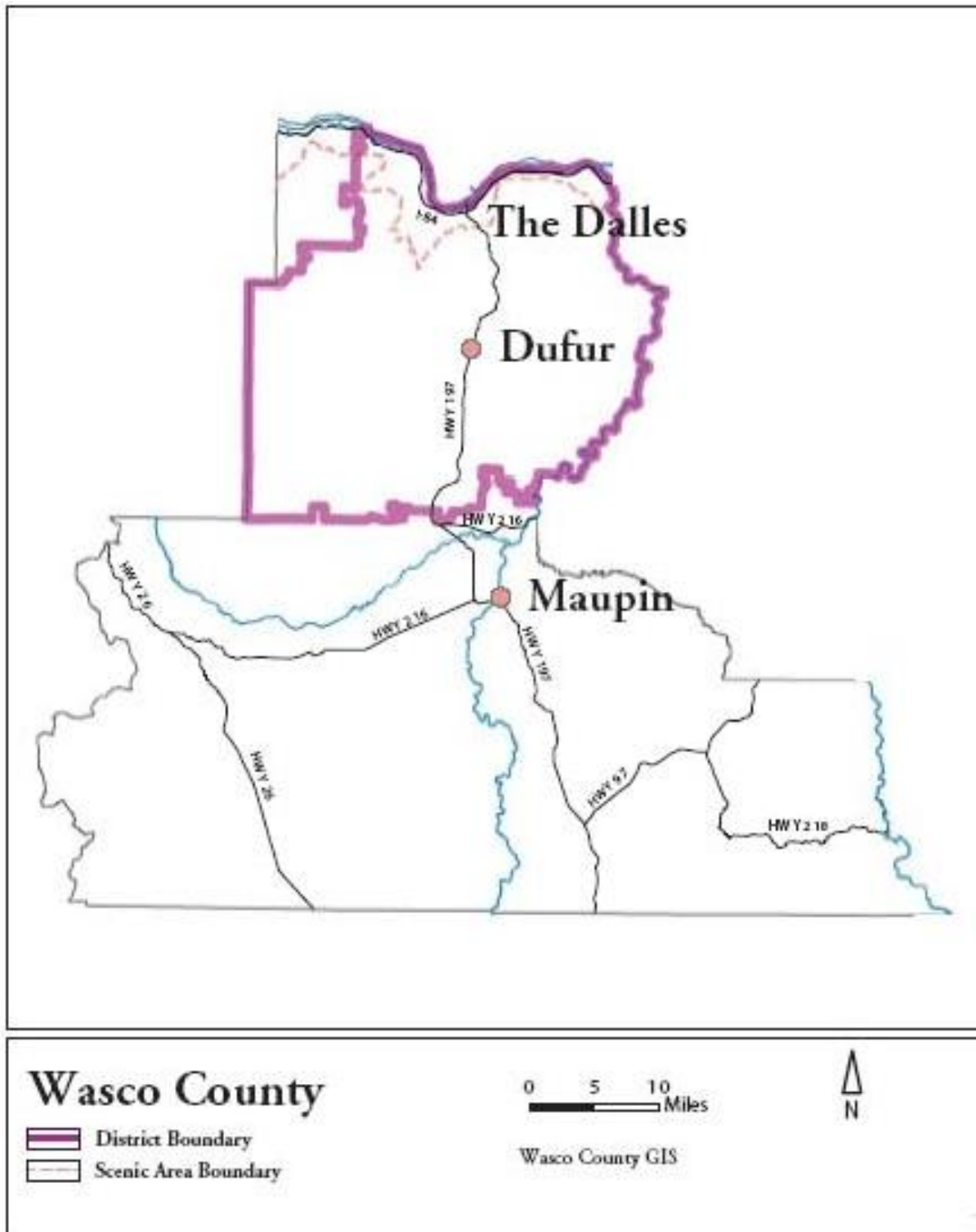
Source: Nexus Planning Services using Wasco County GIS Data, 2023

Figure 41: Wasco County, Port District and Scenic Area



Source: Nexus Planning Services using Wasco County GIS Data, 2023

Figure 42: Port of The Dalles District Boundary



Source: Port of The Dalles, 2023



Figure 43: City of Dufur Zoning and Vacant Lands

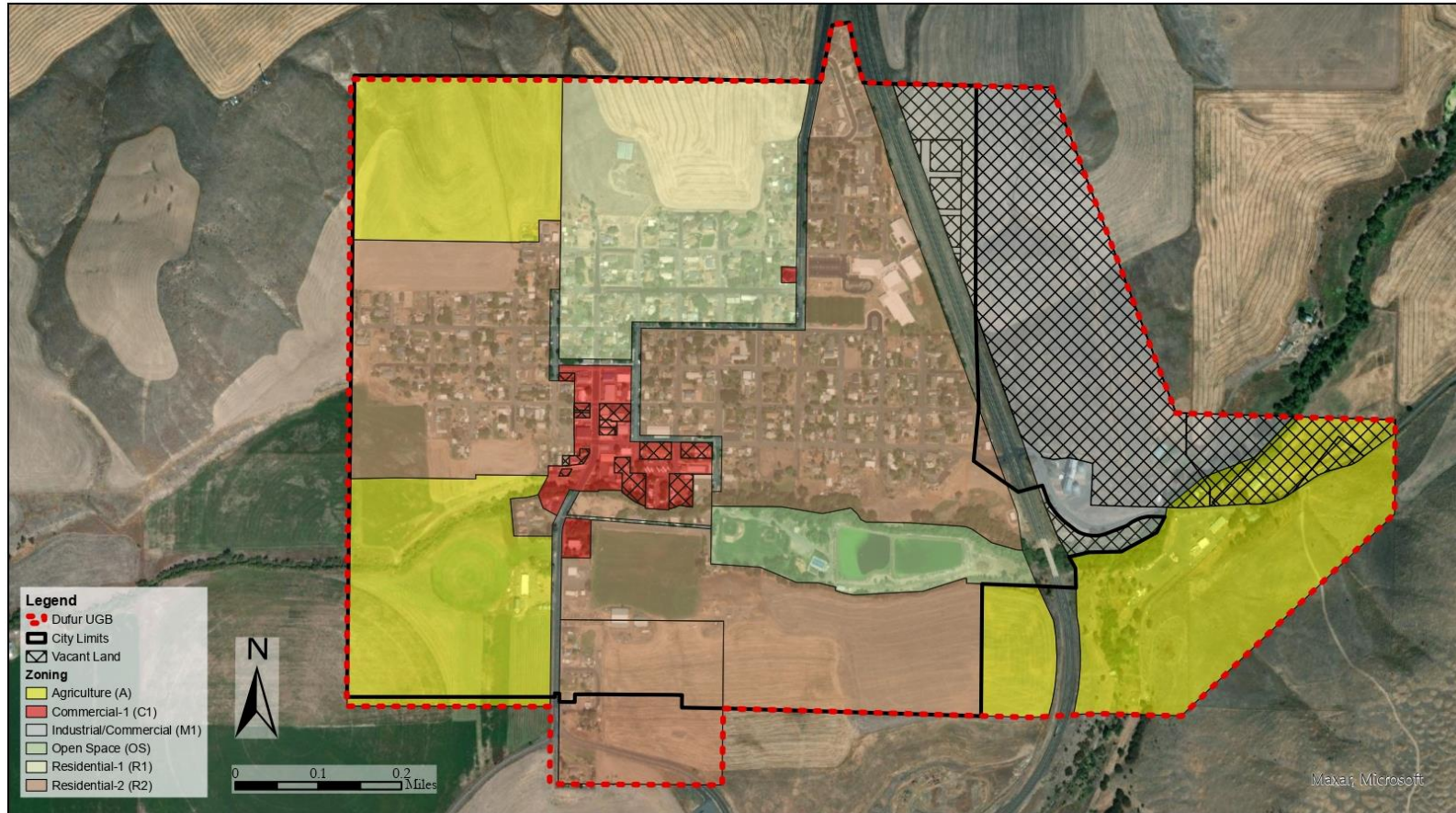
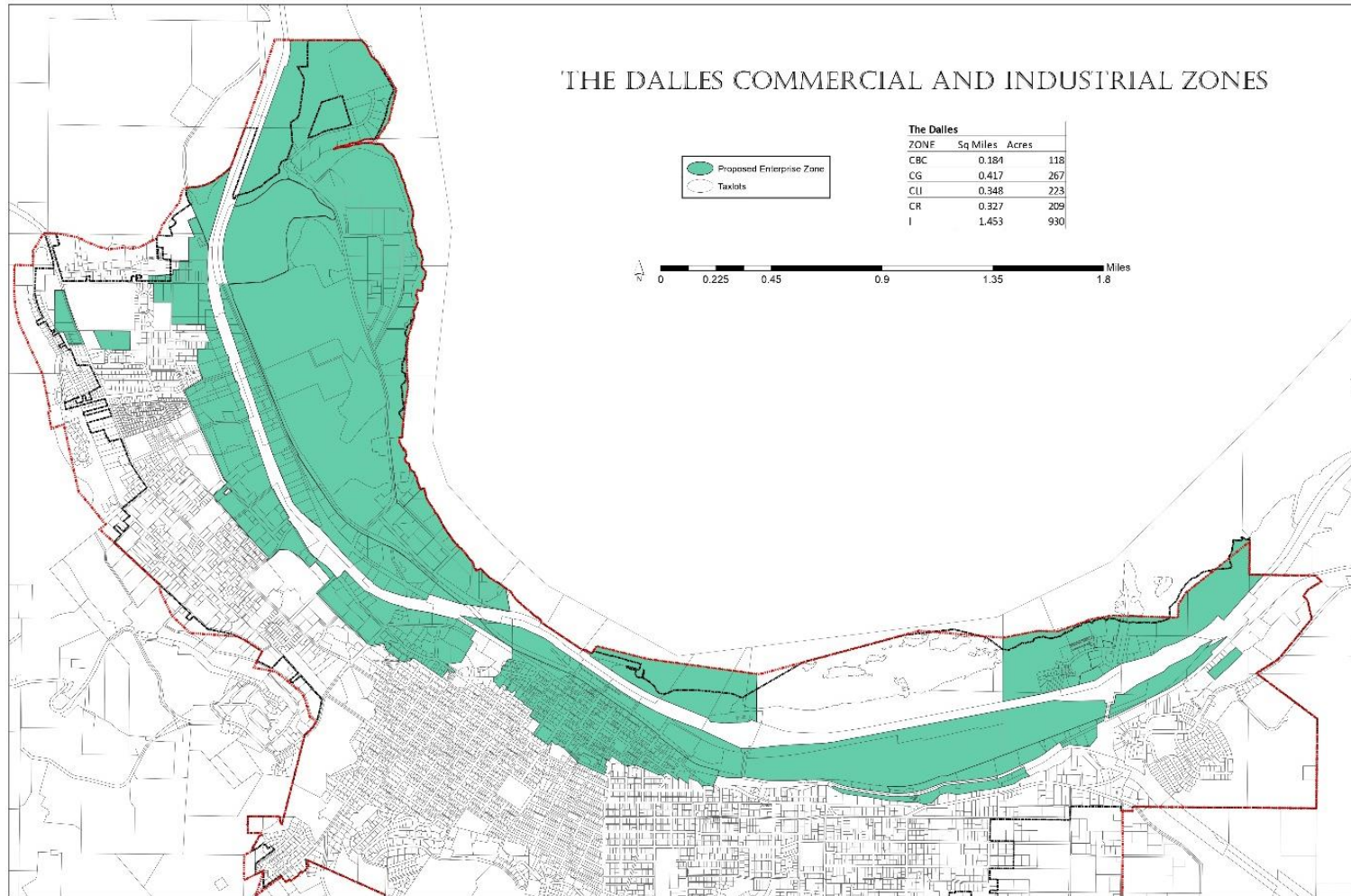
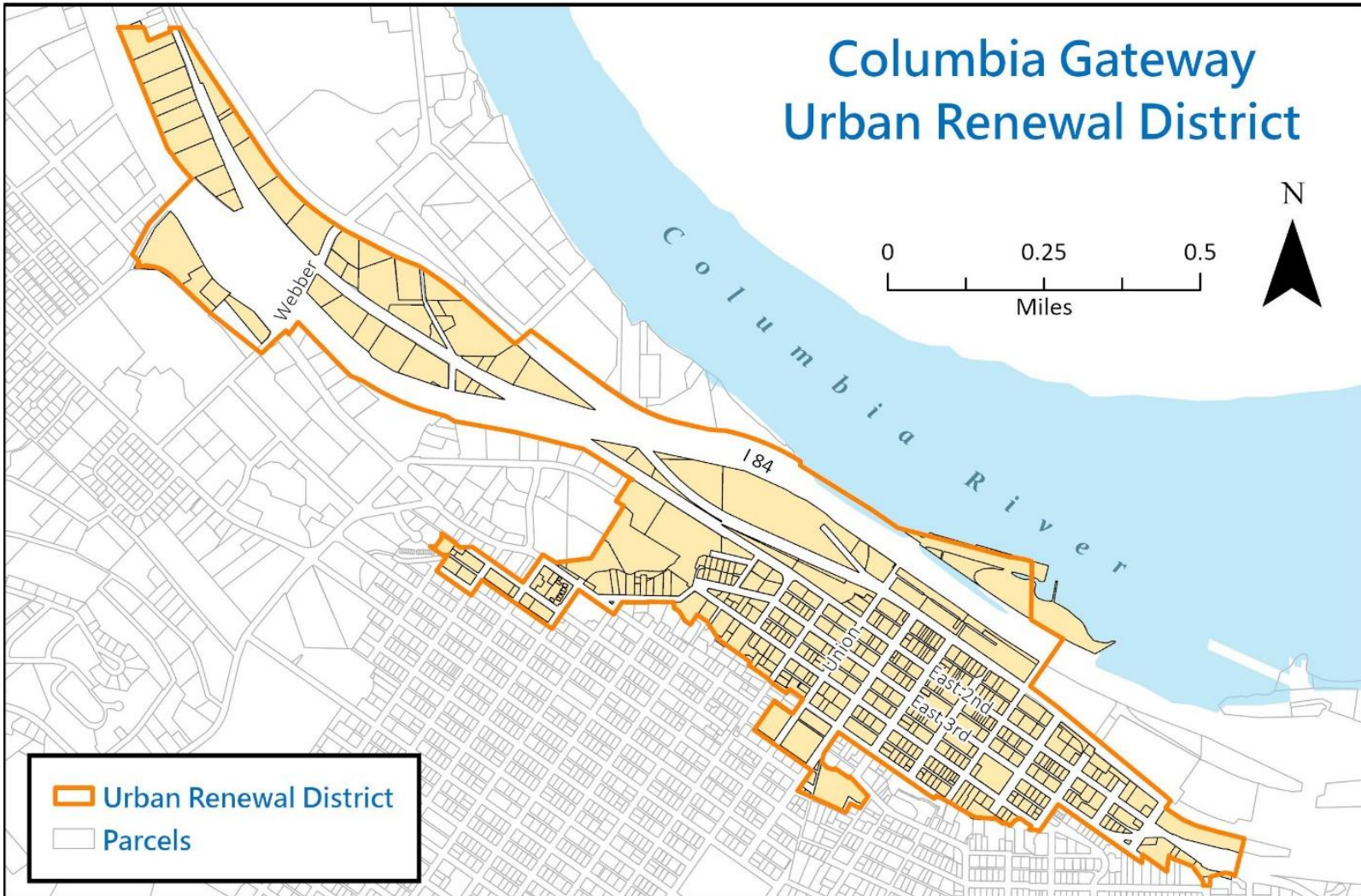


Figure 44: Wasco County Joint Enterprise Zone



Source: Business Oregon website, [https://www.oregon.gov/biz/Publications/Enterprise\\_Zone\\_Maps/TDW.pdf](https://www.oregon.gov/biz/Publications/Enterprise_Zone_Maps/TDW.pdf), accessed July 2023.

Figure 45: Map of the Columbia Gateway Urban Renewal District



Source: The Dalles website, [https://www.thedalles.org/government/urban\\_renewal\\_agency/index.php](https://www.thedalles.org/government/urban_renewal_agency/index.php), accessed June 2023.