

## ORDINANCE 1743

### AN ORDINANCE MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE WEST LINN WILLAMETTE RIVERFRONT TAX INCREMENT FINANCE AREA PLAN AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED

**WHEREAS**, the West Linn Redevelopment Agency (“Agency”), as the duly authorized and acting urban renewal agency of the City of West Linn, Oregon, is proposing to undertake certain urban renewal activities in a designated area within the City pursuant to ORS Chapter 457; and

**WHEREAS**, the Agency, pursuant to the requirements of ORS Chapter 457, has caused the preparation of the West Linn Willamette Riverfront Tax Increment Finance Area Plan attached hereto as Attachment A (the “Plan”). The Plan authorizes certain urban renewal activities within the West Linn Willamette Riverfront Tax Increment Finance Area Plan (the “Area”); and

**WHEREAS**, the Agency has caused the preparation of a certain Report on the West Linn Willamette Riverfront Tax Increment Finance Area Plan which will be effective July 12, 2023 attached hereto as Attachment B (the “Report”) to accompany the Plan as required under ORS 457.087; and

**WHEREAS**, the Agency forwarded the Plan and Report to the West Linn Planning Commission (the “Planning Commission”) for review and recommendation. The Planning Commission considered the Plan and Report on May 3, 2023, adopted a finding that the Plan conformed with the West Linn Comprehensive Plan, and adopted a recommendation that the City Council adopt the Plan, attached hereto as Attachment C (the “Recommendation”); and

**WHEREAS**, the Plan and the Report were forwarded on April 11, 2023, with a revised Plan and Report sent April 26, 2023, to the governing body of each taxing district affected (Clackamas County; County Extension & 4H, Clackamas County Library District; County Soil & Water Conservation District; Tualatin Valley Fire & Rescue; Port of Portland; Metro; Vector Control; Clackamas Community College; Clackamas County Education Service District; West Linn-Wilsonville School District; and the City of West Linn) by the Plan, and Agency has thereafter consulted and conferred with each taxing district; and

**WHEREAS**, on May 17, 2023 the City met with representatives of Clackamas County to review the Plan, including proposed maximum indebtedness for the Plan; and

**WHEREAS**, the City Council has not received any written recommendation from the governing bodies of the affected taxing districts; and

**WHEREAS**, on May 11, 2023 the City caused notice of the hearing to be held before the Council on the Plan, including the required statements of ORS 457.120(3), to be mailed to sewer, water, electric, or other utility customers within City’s incorporated limits; and

**WHEREAS**, on June 12, 2023 the City Council held a public hearing to review and consider the Plan, the Report, the Recommendation, and the public testimony received on or before that date and to receive additional public testimony; and

**WHEREAS**, after consideration of the record presented through this date, the City Council does by this Ordinance desire to approve the Plan.

**NOW THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:**

**Section 1.** The Plan complies with all applicable requirements of ORS Chapter 457 and the specific criteria of 457.095, in that, based on the information provided in the Report, the West Linn Planning Commission Recommendation, and the public testimony before the City Council:

1. The process for the adoption of the Plan has been conducted in accordance with the applicable provisions of Chapter 457 of the Oregon Revised Statutes and all other applicable legal requirements.
2. The area designated in the Plan as the West Linn Willamette Riverfront Tax Increment Finance Area (“Area”) is blighted, as defined by ORS 457.010(1) and is eligible for inclusion within the Plan because of conditions described in the Report in Section XI “Existing Physical, Social, and Economic Conditions and Impacts on Municipal Services”, including the existence of inadequate streets and other rights of way, open spaces and utilities and underdevelopment of property within the Area (ORS 457.010(1)(e) and (h)).
3. The rehabilitation and redevelopment described in the Plan to be undertaken by the Agency is necessary to protect the public health, safety or welfare of the City because absent the completion of urban renewal projects, the Area will fail to contribute its fair share of property tax revenues to support City services and will fail to develop and/or redevelop according to the goals of the City’s Comprehensive Plan.
4. The Plan conforms to the West Linn Comprehensive Plan and provides an outline for accomplishing the projects proposed in the Plan.
5. No residential displacement will occur as a result of the acquisition and disposition of land and redevelopment activities proposed in the Plan and therefore the Plan does not include provisions to house displaced persons.
6. Adoption and carrying out the Plan is economically sound and feasible in that eligible projects and activities will be funded by urban renewal tax revenues derived from a division of taxes pursuant to section 1c, Article IX of the Oregon Constitution and ORS 457.440 and other available funding as more fully described in the Sections of the Report.
7. Acquisition of property is necessary in the future to complete projects within the Plan.
8. The City shall assume and complete any activities prescribed it by the Plan.
9. Agency consulted and conferred with affected overlapping taxing districts prior to the Plan being forwarded to the City Council.

**Section 2.** The West Linn Willamette Riverfront Tax Increment Finance Area Plan is hereby approved based upon review and consideration by the City Council of the Plan and Report, the West Linn Planning Commission Recommendations, each of which is hereby accepted, and the public testimony in the record.

**Section 3.** The City Manager shall forward forthwith to the Agency a copy of this Ordinance.

**Section 4.** The Agency shall thereafter cause a copy of the Plan to be recorded in the Records of Clackamas County, Oregon.

**Section 5:** City Manager, in accordance with ORS 457.115, shall publish notice of the adoption of the Ordinance approving the Plan including the provisions of ORS 457.135, in the West Linn Tidings and the Oregonian no later than four days following adoption of this Ordinance.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 12th day of June, 2023, and duly PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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RORY BIALOSTOSKY OR BILL RELYEA, MAYOR

ATTEST:

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KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

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CITY ATTORNEY

Attachment

Attachment A: West Linn Willamette Riverfront Tax Increment Finance Area Plan

Attachment B: Report on the West Linn Willamette Riverfront Tax Increment Finance Area Plan

Attachment C: West Linn Planning Commission Report and Recommendation on the West Linn Willamette Riverfront Tax Increment Finance Area Plan