

ORDINANCE NO. 18-173-03

AN ORDINANCE MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO, AND APPROVING, THE JOHN DAY HOUSING INCENTIVES PLAN; AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED.

WHEREAS, pursuant to Ordinance No. 18-172-02, the John Day City Council (the "Council") declared that blighted areas exist in City of John Day ("City") and elected to have the powers of an urban renewal agency exercised by the Council; and

WHEREAS, pursuant to Ordinance No. 18-172-02, the Council declared that the name of the urban renewal agency will be the John Day Urban Renewal Agency (the "Agency"); and

WHEREAS, the Agency, as City's duly authorized and acting urban renewal agency, is proposing to undertake certain urban renewal activities in a designated area within City pursuant to ORS Chapter 457; and

WHEREAS, the Agency, pursuant to the requirements of ORS Chapter 457, has caused the preparation of that certain John Day Housing Incentives Plan dated June 12, 2018 attached hereto as Exhibit A (the "Plan"). The Plan authorizes certain urban renewal activities within the John Day Urban Renewal Area (the "Area"); and

WHEREAS, the Agency has caused the preparation of a certain Report Accompanying the John Day Housing Incentives Plan dated June 12, 2018 attached hereto as Exhibit B (the "Report") to accompany the Plan as required under ORS 457.085(3); and

WHEREAS, the Plan and Report were forwarded on May 9, 2018 to the governing body of each taxing district affected by the Plan, and the Agency has thereafter consulted and conferred with each taxing district; and

WHEREAS, City presented the Plan to representatives of Grant County on May 9, 2018; and

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

WHEREAS, on May 22, 2018, after a public review process, the Agency forwarded the Plan and Report to the John Day Planning Commission (the "Commission") for review and recommendation; and

WHEREAS, the Commission considered the Plan and Report on May 24, 2018 and adopted a finding that the Plan conformed with the John Day Comprehensive Plan; and

WHEREAS, pursuant to ORS 457.120(1), 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 all utility customers within City's incorporated limits on May 29, 2018; and

WHEREAS, on June 12, 2018, the Council held a public hearing to review and consider the Plan, the Report, the recommendation of the Commission, and any public testimony received on or before that date; and

WHEREAS, the Council finds that the Plan conforms with all applicable requirements under Oregon law; and

WHEREAS, having considered the record, public testimony, and the Commission's recommendation, by this Ordinance No. 18-173-03 (this "Ordinance"), the Council desires to approve the Plan and Report.

NOW, THEREFORE, THE CITY OF JOHN DAY ORDAINS AS FOLLOWS:

1. Findings. The above-stated findings are hereby adopted.
2. Short Title. This Ordinance may be referred to and cited as the "Urban Renewal Plan Ordinance."
3. Compliance with Requirements. The Council hereby determines and finds that the Plan complies with all requirements of ORS Chapter 457 and the specific criteria of ORS 457.095(1)-(7). To this end, based on the information provided in the Report, the recommendation of the Commission, and public testimony before the Council, the Council hereby determines and finds as follows:
 - (a) The process for adopting the Plan has been conducted in accordance with the applicable provisions of ORS Chapter 457 and all other applicable legal requirements; and
 - (b) The area designated in the Plan as the Area is blighted, as defined by ORS 457.010(1), and is eligible for inclusion within the Plan because of conditions described in Section XI of the Report, titled "Existing Physical, Social, and Economic Conditions and Impacts on Municipal Services," including (1) the obsolescence, deterioration, and dilapidation of existing structures as defined under ORS 457.010(1)(a)(E), and (2) a prevalence of underdevelopment of property within the Area causing the conditions described under ORS 457.010(1)(g); and
 - (c) The rehabilitation and redevelopment described in the Plan to be undertaken by the Agency is necessary to protect the public health, safety, and welfare of City because absent the completion of the 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 the goals of the John Day Comprehensive Plan; and
 - (d) The Plan conforms to the John Day Comprehensive Plan and the John Day Strategy for Growth as a whole and provides an outline for accomplishing the projects described in the Plan, as more fully described in Section XII of the Plan and the findings of the Commission attached hereto as Exhibit C; and
 - (e) No displacement of persons will occur as a result of acquisition or disposition of land and/or redevelopment activities proposed in the Plan and, therefore, the Plan does not include provisions to house displaced persons. If the Plan is amended to include acquisition and/or disposition of land and/or additional redevelopment activities that may result in the displacement of persons, provisions will be made for displaced persons in the Report as required under applicable state and federal law; and

(f) The acquisition of real property is not an eligible activity in the Plan; and

(g) Adoption and carrying out the Plan is economically sound and feasible in that funds are available to complete the Plan projects using urban renewal tax increment 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 Sections III, IV, V, VI, and VII of the Report; and

(h) City will assume and complete any activities prescribed to it by the Plan; and

(i) The Agency consulted and conferred with affected overlapping taxing districts prior to the Plan being forwarded to the Council and the Council has not received any written recommendations from any taxing district.

4. Plan Approval. The Plan is hereby approved based upon the Council's review and consideration of the Plan, the Report, the recommendations of the Commission, each of which is hereby accepted, and the public testimony in the record.

5. City Manager. City's City Manager will forward to the Agency a copy of this Ordinance. The Agency will thereafter cause a copy of the Plan to be recorded in the Grant County Official Records. The City Manager, in accordance with ORS 457.115, will publish notice of the adoption of this Ordinance, including the provisions of ORS 457.135, in The Blue Mountain Eagle no later than four days following adoption of this Ordinance.

6. Severability; Corrections. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.

This Ordinance was PASSED and ADOPTED by the City Council by a vote of ___ for and ___ against and APPROVED by the mayor on this 12th day of June, 2018.



Ron Lundborn, Mayor

ATTEST:



Nicholas Green, City Manager

Exhibit A
John Day Housing Incentives Plan

[attached]

Exhibit B

Report Accompanying the John Day Housing Incentives Plan dated June 12, 2018

[attached]

Exhibit C
Planning Commission Minutes of May 24, 2018

[attached]