

**ORDINANCE NO. 2014-06**

**AN ORDINANCE MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO,  
AND APPROVING, THE LA PINE URBAN RENEWAL PLAN.**

WHEREAS, pursuant to Ordinance No. 2014-05, the La Pine City Council (the "Council") declared that blighted areas exist in the City of La Pine (the "City") and elected to have the powers of an urban renewal agency exercised by a seven-member committee; and

WHEREAS, pursuant to Ordinance No. 2014-05, the Council declared that the name of the urban renewal agency will be the La Pine Urban Renewal Agency (the "Agency"); and

WHEREAS, the Agency, as the City's duly authorized and acting urban renewal agency, 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 that certain Urban Renewal Plan dated July 23, 2014 attached hereto as Exhibit A (the "Plan"). The Plan authorizes certain urban renewal activities within the La Pine Urban Renewal Area (the "Area"); and

WHEREAS, the Agency has caused the preparation of a certain Urban Renewal Report dated July 23, 2014 attached hereto as Exhibit B (the "Report") to accompany the Plan as required under ORS 457.085(3); and

WHEREAS, the Agency forwarded the Plan and Report to the City's Planning Commission (the "Commission") for review and recommendation. The Commission considered the Plan and Report on June 18, 2014 and adopted a finding that the Plan conformed with the La Pine Comprehensive Plan; and

WHEREAS, the Plan and Report were forwarded on June 19, 2014 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, on July 2, 2014 the City met with representatives of Deschutes County to review the Plan, including proposed maximum indebtedness for the Plan; and

WHEREAS, Deschutes County will vote on approval of the Plan as one of the parcels is in the unincorporated area of Deschutes County; and

WHEREAS, the Council consulted and conferred with the taxing jurisdictions by including them in the advisory committee and by sending a formal notice of the Plan on June 19, 2014; and

WHEREAS, on June 16, 2014, 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 property owners within City's incorporated limits and to property owners of certain unincorporated area(s) on June 23, 2014; and

WHEREAS, by letter dated June 25, 2014, the La Pine Rural Fire Protection District (the "District") submitted certain questions to the City concerning the Plan. The District's letter was received by the City on or about July 1, 2014. The District's letter did not contain any recommendations concerning the Plan.

WHEREAS, on July 9, 2014 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.

WHEREAS, during the aforementioned public hearing, the District provided testimony concerning the Plan, which testimony included a recommendation that the City ask residents to vote on the Plan;

WHEREAS, on or about July 16, 2014, the City responded to the District's letter dated June 25, 2014;

WHEREAS, by this Ordinance No. 2014-06 (this "Ordinance"), the Council desires to approve the Plan.

NOW, THEREFORE, THE CITY OF LA PINE 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 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 II of the Report, including inadequate streets and other rights-of-way, inadequate utilities, and a prevalence of depreciated values resulting from underdevelopment and underutilization of property within the Area; and

(b) 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 the 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 City's comprehensive plan; and

(c) The Plan conforms to the City's comprehensive plan as a whole and provides an outline for accomplishing the projects described in the Plan, as more fully described in Chapter XI of the Plan and the findings of the Commission attached hereto as Exhibit C; and

(d) In connection with any residential displacement occurring as a result of the acquisition and disposition of land in the Plan, provision has been made for displaced persons in the Relocation Section of the Report as required under applicable state and federal law; and

(e) The acquisition of real property provided in the Plan is necessary for the development of infrastructure improvements in the Area and for the development of public spaces as the Agency does not own all the real property interests (e.g., rights-of-way, easements, fee ownership, etc.) that will be required to undertake and complete those projects described in Chapter IV of the Plan and Section V of the Report; and

(f) 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 shown in the following Report sections: (1) Estimated Total Cost of Each Project; (2) Sources of Moneys to Pay Such Costs; (3) Estimated Amount of Tax Increment Revenues Required; (4) Anticipated Year in Which Indebtedness Will be Retired; and (5) Financial Analysis of the Plan; and

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

(h) The Council has not received any written recommendations from any taxing district. The Council rejects the District's recommendations which the District provided during its testimony at the July 9, 2014 public hearing.

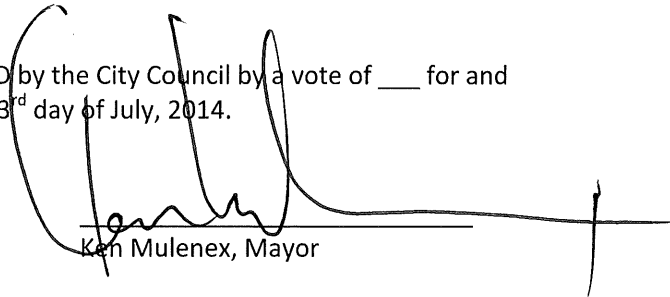
4. Plan Approval. The Plan is hereby approved based upon the Council's review and consideration of the Plan, the Report, the recommendations of the Commission, and the public testimony in the record.

5. City Recorder. The City's City Recorder will forward forthwith to the Agency a copy of this Ordinance. The Agency will thereafter cause a copy of the Plan to be recorded in the Deschutes County Official Records. The City Recorder, in accordance with ORS 457.115, will publish notice of the adoption of this Ordinance, including the provisions of ORS 457.135, in The Bulletin 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 City Council to cure editorial and/or clerical errors.

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This Ordinance was PASSED and ADOPTED by the City Council by a vote of \_\_\_ for and \_\_\_ against and APPROVED by the mayor on this 23<sup>rd</sup> day of July, 2014.



Ken Mullenex, Mayor

ATTEST:



Richard L. Allen, Interim City Manager

Exhibit A  
Urban Renewal Plan

[attached]

Exhibit B  
Urban Renewal Report

[attached]

Exhibit C

Planning Commission Minutes of June 18, 2014

[attached]