

PLAN

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REPORT - Columbia Gateway/Downtown Plan, Amended Report

SECTION 100 - INTRODUCTION

The Columbia Gateway/Downtown Plan (the "Plan"), as amended, governs the 318.12 acre Columbia Gateway/Downtown Urban Renewal Area (the "Area") of the City of The Dalles, Oregon. The Area was established in 1990, amended in 1993 to reduce its size, and amended further in 1998, also to reduce its size. A substantial amendment of the Plan was adopted in 2009 to increase the size of the Area and the maximum indebtedness allowed under the Plan. The Area consists of a single geographic area with an amended certified 1998/99 base year assessed value of \$24,866,020.

This Plan consists of two parts - Part 1, Text and Part 2, Exhibits, and has been prepared by the Urban Renewal Agency pursuant to the provisions of Chapter 457 of the Oregon Revised Statutes, the Oregon Constitution and all other applicable state and local laws.

SECTION 110 - CITY/AGENCY RELATIONSHIP

The Governing Body (Council) of the City of The Dalles on April 23, 1990, by Ordinance Number 90-1106, declared that blighted areas exist within the City and that there is a need for an urban renewal agency to function within the City. The City Council, by the approval of such Ordinance Number 90-1106, and in accordance with the provisions of ORS 457.045 (2), appointed an Urban Renewal Agency consisting of eleven (11) members. In 1998, the Council adopted ordinance Number 98 - 1228, designating the members of the Council as the Urban Renewal Agency. Pursuant to ORS 457.035, the Urban Renewal Agency is a public body corporate and politic.

The relationship between the City of The Dalles, an Oregon Municipal Corporation and The Dalles Urban Renewal Agency, a public body corporate and politic, shall be as contemplated by Chapter 457 of the Oregon Revised Statutes. Nothing contained in this Amended Plan, nor the City's supplying of services or personnel, nor the budgeting requirements of this ~~Amended~~ Plan shall in any way be construed as departing from or disturbing the relationship contemplated by Chapter 457 of the Oregon Revised Statutes.

SECTION 200 - DEFINITIONS

As used in the construction of this Plan, unless the context requires otherwise, the following definitions shall apply:

201. AGENCY means The Dalles Urban Renewal Agency that, in accordance with the provisions of Chapter 457 of the Oregon Revised Statutes, is the Urban Renewal Agency of the City of The Dalles, Wasco County, Oregon.

202. AREA means that geographic portion of the City which encompasses the Columbia Gateway/Downtown Area - an urban renewal area conceived pursuant to the provisions of ORS Chapter 457.

203. BLIGHTED AREAS means areas that by reason of deterioration, faulty planning, inadequate or improper facilities, deleterious land use or the existence of unsafe structures, or any combination of these factors, are detrimental to the safety, health or welfare of the community. A blighted area is characterized by the existence of one or more of the following conditions:

A. The existence of buildings and structures, used or intended to be used for living, commercial, industrial or other purposes, or any combination of those uses, which are unfit or unsafe to occupy for those purposes because of any one or a combination of the following conditions:

1. Defective design and quality of physical construction;
2. Faulty interior arrangement and exterior spacing;
3. Overcrowding and a high density of population;
4. Inadequate provision for ventilation, light, sanitation, open spaces and recreation facilities; or
5. Obsolescence, deterioration, dilapidation, mixed character or shifting of uses;

B. An economic dislocation, deterioration or disuse of property resulting from faulty planning;

C. The division or subdivision and sale of property or lots of irregular form and shape and inadequate size or dimensions for property usefulness and development;

D. The layout of property or lots in disregard of contours, drainage and other physical characteristics of the terrain and surrounding conditions;

E. The existence of inadequate streets and other rights-of-way, open spaces and utilities;

F. The existence of property or lots or other areas which are subject to inundation by water;

G. A prevalence of depreciated values, impaired investments, and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered;

H. A growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety and welfare; or

I. A loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

204. CITY means the City of The Dalles, Wasco County, Oregon.
205. CITY COUNCIL or COUNCIL means the governing body of the City of The Dalles.
206. COMPREHENSIVE PLAN means the Land Use Plan of the City of The Dalles including all of its policies, procedures and implementing provisions.
207. COUNTY means Wasco County, Oregon.
208. EXHIBIT means an attachment, either narrative or graphic, to this Urban Renewal Plan as set forth in Part 2 of this Plan.
209. ORS means Oregon Revised Statutes (State Law). ORS Chapter 457 is the chapter which regulates the renewal of blighted areas within the State of Oregon.

210. PLAN means the Amended Columbia Gateway/Downtown Plan, an Urban Renewal Plan of the City of The Dalles, Oregon.
211. REDEVELOPER means a party who acquires real property or receives financial assistance from the Urban Renewal Agency for the purposes of developing or redeveloping such property in conformity with the provisions of this Urban Renewal Plan.
212. STATE means the State of Oregon including its various departments, divisions and agencies
213. TAX INCREMENT FINANCING means a method of financing indebtedness incurred by The Dalles Urban Renewal Agency in preparing and implementing the Urban Renewal Plan. Such tax increment method is authorized by ORS sections 457.420 through 457.450 and provides that all or a portion of the tax proceeds, if any, realized from an increase in the taxable assessed value of real and personal property within the Columbia Gateway/Downtown Urban Renewal Area above that existing on the County tax roll last equalized prior to the effective date of The Dalles City Council Ordinance approving the Urban Renewal Plan may be paid into a special fund of the Agency. Such special fund, if any, shall be used to pay the principal and interest on indebtedness incurred by the Agency in financing or refinancing the preparation and implementation of the approved Urban Renewal Plan including the administration of the Agency's activities.
214. TAXING BODY means any authorized entity which levies ad valorem taxes within the boundaries of the Urban Renewal Area. Wasco [JML1] County
215. U.R. means "urban renewal" as in Urban Renewal Boundary, Urban Renewal Area, Urban Renewal Plan, etc.
216. URBAN RENEWAL ADVISORY COMMITTEE means the committee established pursuant to General Ordinance No. 98-1228, whose duties include review of all projects and expenditures for the Agency to ensure compliance with the Agency's adopted budge and the Plan; making recommendations to the Agency concerning potential projects to be undertaken, public contracts to be awarded, potential plan amendments, and budget needs, policies and procedures for

the Agency; and performance of other tasks and duties as requested by the Agency.

217. URBAN RENEWAL LAW means Chapter 457 of the Oregon Revised Statutes as same exists on the effective date of this Urban Renewal Plan or as same may be amended from time-to-time by action of the Oregon Legislature.
218. URBAN RENEWAL PLAN means the Amended Plan for the Columbia Gateway/Downtown Area--an Urban Renewal Area of the City of The Dalles, Oregon.

SECTION 300 - LEGAL BOUNDARY DESCRIPTION

The legal description of the boundaries of the Urban Renewal Area is set forth in Part 2 of this Plan as follows:

301. Amended Exhibit 1 -Narrative Legal Description of Urban Renewal Area.

302. Amended Exhibit 2 -Graphic (Map) Description of Urban Renewal Area.

SECTION 400 - MISSION STATEMENT, GOALS AND OBJECTIVES OF THE
DALLEES URBAN RENEWAL AGENCY FOR THE COLUMBIA
GATEWAY/DOWNTOWN PLAN

MISSION STATEMENT

THE MISSION OF THE URBAN RENEWAL AGENCY IS TO ELIMINATE BLIGHT AND DEPRECIATING PROPERTY VALUES WITHIN THE AGENCY'S JURISDICTION AND IN THE PROCESS, ATTRACTS AESTHETICALLY PLEASING, JOB PRODUCING PRIVATE INVESTMENTS THAT WILL STABILIZE OR INCREASE PROPERTY VALUES AND PROTECTS THE AREA'S HISTORIC PLACES AND VALUES.

401. GOALS AND OBJECTIVES

To accomplish its mission, the agency will develop and implement an urban renewal program, the goals and objectives of which are:

- A. To make strategic investments of urban renewal funds so that unused and underused properties can be placed in productive condition and utilized in a manner consistent with the City's Comprehensive Plan and implementing ordinances;
- B. To participate by means of various urban renewal activities (e.g. land acquisition and disposition, rehabilitation loans, etc.) in specific opportunities for business, civic, residential, cultural, and tourist-related property to be developed, redeveloped, improved, rehabilitated and conserved in ways which will:
 - 1. Encourage the expansion and development of businesses that will produce jobs for the people of The Dalles and Wasco County; or
 - 2. Increase property values so that the area will contribute its fair share to the costs of public services, provided by the city, county, schools, community college, port and park and recreation district; or
 - 3. Insure a more attractive, functional and economically viable city; or
 - 4. Conserve historically significant places and properties

C. To be responsive to the needs and the concerns of all people of the City of The Dalles in the details of amending and implementing the Urban Renewal Plan using multiple forms of outreach including; town hall meetings, the internet, news releases, and signs on projects; and

D. To encourage the maximum amount of public involvement and citizen participation in the formation and implementation of the Urban Renewal Plan by explaining and discussing the details of the Urban Renewal process:

1. To the public at town hall type gatherings;
2. To special interest groups, public service organizations, public bodies and the general public by invitation to Agency meetings;
3. By issuing periodic news releases;
4. By cooperating with the print and electronic news media by being available to discuss the Urban Renewal Plan and process;
5. By use of the Internet;

E. To provide an adequate amount of properly located and designed off-street parking, including disabled parking, in the downtown area, including a plan and program to effectively pay for, manage and maintain such parking;

F. To create positive linkages among the two sectors of the Urban Renewal Area - i.e. the Downtown and the West Gateway Area;

G. To cooperate, coordinate and assist in funding with the program to improve access and connections from downtown to the Riverfront and to provide facilities, such as trails and a public dock, to enhance public use of the Riverfront;

H. To improve the visual appearance, capacity, and traffic flow of streets that carry the major share of vehicular and pedestrian traffic in areas where development would otherwise be inhibited;

I. To assist property owners in the rehabilitation of their buildings and property to the extent that it helps implement the intent of redevelopment goals, policies, and standards, especially where rehabilitation may spur additional redevelopment activity;

J. To install and maintain coordinated street furniture, night lighting and landscaping in areas of maximum pedestrian concentration; including alley rights-of-way in the Downtown area;

K. In conjunction with specific urban renewal development or redevelopment projects, supplement existing funding sources to construct, install or replace publicly owned utility systems such as water, storm drains, and sanitary sewers where existing facilities are inadequate, undersized or otherwise substandard; and

L. To leverage the Agency's financial resources to the maximum extent possible with other public and private investments and other public and private funding sources.

M. To install underground utilities in areas of urban renewal projects including alley rights-of-way in the downtown area.

403. RELATIONSHIP OF THE PLAN TO LOCAL OBJECTIVES

This plan is intended to further the objectives of the City's Comprehensive Land Use Plan. Further, this plan is intended to improve land uses, traffic flow, off-street parking, pedestrian amenities, and other public improvements.

404. CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN

This plan has been prepared in conformity with the City's adopted Comprehensive Land Use Plan including its goals, policies, procedures, and implementing provisions.

405. CONSISTENCY WITH ECONOMIC DEVELOPMENT POLICY

The Economic Development Goal of the City's Comprehensive Land Use Plan (Goal 9) discusses, among other things, the need to:

1. Provide family wage employment opportunities for The Dalles citizens.
2. Diversify the economic base of the community.

3. Increase the tax base needed to provide an adequate level of community services for The Dalles citizens.
4. Encourage the growth of existing employers and attract new employers to The Dalles that complement the existing business community.
5. Implement the objectives and activities of the Columbia Gateway/Downtown Urban Renewal Plan, enhancing opportunities for the improvement and redevelopment of business, civic, cultural, and residential uses in the area.
6. Provide for tourism-related employment as part of the effort to diversity The Dalles' economy.
7. Provide employment opportunities, environments, and choices, which are a vital part of a high quality of life in The Dalles.
8. Support the maintenance and enhancement of The Dalles commercial historic district.
9. Encourage redevelopment and adaptive reuse of commercial space downtown as an alternative to commercial sprawl.

The Urban Renewal Plan addresses these goals in conformity with the provisions of the Economic Element.

406. COORDINATION WITH THE LANDMARK COMMISSION POLICIES

In the implementation of this Urban Renewal Plan, and in particular with the Rehabilitation Program project, the Urban Renewal Agency shall coordinate their efforts with those of the Historic Landmarks Commission in the Urban Renewal Area in which the Historic Landmarks Commission has review authority.

SECTION 500 - LAND USE PLAN

The use and development of all land within the Urban Renewal Area shall conform to the City's Comprehensive Land Use Plan, the Land Use and Development Ordinance, and any other implementing ordinances of the City.

501. LAND USE DESIGNATIONS

The land use designations of the City's Comprehensive Plan which affect the Urban Renewal Plan Area are shown on Exhibit 3 this Plan. Current zoning districts, shown on Exhibit 4 of this Plan are described in full in the City's Land Use and Development Ordinance (General Ordinance #98-1222) and generally are as follows:

1. Central Business Commercial District, CBC.

The purpose is... "To provide an area for commercial uses, along with civic and certain residential uses, and to provide all basic services and amenities required to keep the downtown area the vital pedestrian-oriented center of the community". Approximately 33 percent of the Urban Renewal Area is in this zoning district.

2. Industrial District, I.

The purpose is... "To establish areas which provide for a variety of commercial and industrial uses". Approximately 33 percent of the Urban Renewal Area is in this zoning district.

3. General Commercial District, CG.

The purpose is... "To provide areas for a wide range of retail, wholesale, and service businesses commensurate with the needs of the marketing region. Approximately 4 percent of the Urban Renewal Area is in this zoning district.

4. Commercial/Light Industrial District, CLI.

The purpose is... "To provide an area for commercial uses and certain industrial uses". Approximately 22 percent of the Urban Renewal Area is in this zoning district.

5. High/Medium Density Residential District, RH.

The purpose is... "To provide areas where single family detached dwellings, single family attached dwellings, duplexes, town houses, condominiums, and multi-family developments may be constructed under various ownership patterns". Approximately 3 percent of the Urban renewal Area is in this zoning designation.

6. Parks and Open Space District, P/OS.

The purpose is... "To insure sufficient open space areas throughout the community to safeguard public need for visual and environmental resources and to provide areas for recreational activities". Approximately 5 percent of the Urban Renewal Area is in this zoning district.

502. The City's acknowledged Comprehensive Plan and its implementing ordinances, codes, policies, regulations, including The Dalles Riverfront Plan, as they exist on the effective date of this Urban Renewal Plan or as they may be amended from time to time are incorporated hereby by reference as if they were included in full.

503. The use, development or redevelopment of all land within the Urban Renewal Area shall comply with the provisions of the City's Comprehensive Plan, implementing Ordinances, codes, policies, and regulations described in Sections 501 and 502 above, and with all other applicable Federal, State, County and City regulations.

SECTION 600 - URBAN RENEWAL ACTIVITIES

In order to achieve the goals and objectives of this plan, the following projects and activities, subject to the availability of appropriate funding, may be undertaken by the Agency or caused to be undertaken by others, in accordance with applicable Federal, State, County, and City laws, policies, and procedures and in compliance with the provisions of this plan and the Cooperation Agreement between the City and Agency.

601. URBAN RENEWAL PROJECTS AND ACTIVITIES

Projects and activities listed under this section were recommended by the Urban Renewal Advisory Committee, based in part on project selection criteria. These criteria are as follows:

GENERAL CRITERIA

Acceptable projects must comply with all of the following:

- A. Selected projects must address any one, or any combination of, blighted conditions as described in the Columbia Gateway/Downtown Plan.
- B. Selected projects must be consistent with the goals, policies, and designated uses of the City's Comprehensive Land Use Plan and implementing ordinances.
- C. Selected projects must be consistent with the development policies of the Historic Landmarks Commission in those areas where the Historic Landmarks Commission has review authority.
- D. Selected projects must, in aggregate, increase property values and tax collections to a level that will produce a reasonable return of the Urban Renewal contribution.

SPECIFIC CRITERIA

Acceptable projects must meet any one or any combination, of the following:

- Increases the value of the property on which the project is located.

- Increases the property value of the surrounding properties next to the property, or right-of-way, on which the project is located.
- Places unused or underused property in a productive condition.
- Enhances opportunities for business, civic, residential, cultural, and tourist-related property to be developed, redeveloped, improved, rehabilitated, and/or conserved.
- Provides for an adequate amount of properly located off-street parking in the downtown area.
- Creates positive linkages between the two sectors of the commercial areas of the community, i.e. the Downtown and the West Gateway areas.
- Promotes the program to improve the riverfront as determined in The Dalles Riverfront Plan.
- Improves the visual appearance, capacity, and traffic flow of streets in areas where development would otherwise be inhibited.
- Assists property owners with the rehabilitation of their buildings and property.
- Enhances storm drainage capacity of streets.
- Leverages the Agency's financial resources to the maximum extent possible with other public and private investments and other public and private funding.
- Encourages investment in the core commercial area.
- Promotes housing opportunities in the Downtown area.

The following projects and activities are hereby deemed necessary to:

Eliminate blighted conditions and influences;

Stabilize or increase depreciating property values;

Create an attractive area for the stabilization, expansion, rehabilitation or redevelopment of existing businesses, industries, and housing;

Create a physical, visual, and economic environment that will attract new, job producing development on the area's vacant land and redevelopment property; and

Further the objectives of this Urban Renewal Plan as set forth in Section 400.

All public improvements herein proposed shall be complete with all required appurtenances and shall be constructed and implemented in conformance with the approved standards and policies of the City of The Dalles.

With monies available to it, the Urban Renewal Agency may fund in full, in part, a proportionate share, or cause to be funded, the following numbered projects and activities:

1. DOWNTOWN STREETScape IMPROVEMENTS:

The location of the Downtown Streetscape Improvements project may include all areas designated on the City's official Zoning map as "Central Business Commercial". Streetscape improvements may include:

Removal of existing curbs, gutters, sidewalks, street lighting, hollow sidewalks, street grades, and other associated elements. Construction of curbs and gutters, decorative concrete sidewalks and paving stones, period street lights, street trees, irrigation systems, plazas, signs, drinking fountains, benches, planting areas, special crosswalk treatment, and other associated elements. *This would include the ability to install Opticom GPS Systems and to upgrade the water system in the Area.*

2. DOWNTOWN / RIVERFRONT ACCESS

The Downtown / Riverfront Access project links the Downtown area to the Columbia Riverfront via a non-vehicular pathway. It includes development of a trailhead and parking lot, access tunnels under the railroad, First Street and the I-84 freeway, a boat dock near the site of the old pier, and a twelve-foot wide trail with associated landscaping elements between the trailhead and dock.

3. GRAIN ELEVATOR DEMOLITION

This project consists of removing the structures and other appurtenances that make up the three major components of the grain elevator; the wooden elevator, concrete storage silos, and metal storage bins. Removing the grain elevator allows for the construction of the Downtown / Riverfront Access project and the new sewer treatment plant.

4. COMMODORE BUILDING REDEVELOPMENT

Redevelopment of the Commodore building involves purchase, and total renovation of the building's interior for an identified use or uses, and restoration of the building's historic exterior. (Project numbers 4, 5, and 6 may be combined into one project depending on timing and on how various decisions are made.)

5. COMMODORE / PENNEY'S BLOCK REDEVELOPMENT

Redevelopment of this Downtown core block may include the demolition of the existing Penney's building and reconstruction of a new Penney's building on the same site. Part of this redevelopment project would involve the first floor of the Commodore building, the alley, and potentially other buildings on the block as well.

6. DOWNTOWN PARKING STRUCTURE AND SURFACE LOTS

Redevelopment of the Commodore building, and the Penney's / Commodore block, and the increase in demand for easy parking in the Downtown area will require the construction of a multi-level parking structure. Estimates are for 150 parking spaces to help accommodate the additional demand. Smaller surface lots in the core area may be located on a temporary basis or permanently

constructed.

7. CIVIC AUDITORIUM REMODEL AND RECONSTRUCTION

The project involves a total remodel and reconstruction of the entire building including: the Fireside room, ballroom, theater, gym, and basement areas, as well as electrical, plumbing, heating and cooling, and exterior repairs.

8. MILL CREEK BRIDGE RECONSTRUCTION (WEST 6TH ST.)

The Mill Creek Bridge reconstruction consists of two phases, the first of which has already been completed. The first phase included improving the four sidewalk approaches to the bridge and related road, drainage, and bank stabilization work. The second phase involves a complete restoration of the bridge in its original historic character including the sidewalks, railings, and light standards and deck.

9. MILL CREEK GREENWAY PROPERTY ~~ACQUISITION~~ DEVELOPMENT

~~The land to be acquired includes all the private property south of the West 6th Street Bridge and upstream to the area of the turn around that makes up the creek's ravine walls and bottomland. The street rights of way that cross through this area would be vacated and included in the total ownership. The property would then be transferred to the Park and Recreation District for development into the Mill Creek Greenway. The existing, paved Mill Creek Greenway Trail will be extended from its present terminus at the limited access bridge, under the 6th Street bridge and then to connect to 2nd Street. An additional pedestrian bridge over Mill Creek will connect the trail with the property on the north end of the Trail.~~ A main feature of the greenway is a twelve foot wide paved pedestrian / bike trail. Other park and greenway amenities may also be included such as landscaping, lighting, and irrigation.

10. GATEWAY PROJECT. WEST 2ND STREET FROM LINCOLN STREET TO WESTERN BOUNDARY OF URBAN RENEWAL, STREET AND PROPERTY REDEVELOPMENT, REDESIGN AND RECONSTRUCTION.

The Gateway project is a large project that includes reconstruction of sections of I-84, West Second, Webber and West Sixth Streets, and property realignment to provide for better access and redevelopment opportunities. The urban renewal portion of the project is focused on West Second Street and associated properties.

11. REDEVELOPMENT OF ARMORY PROPERTY / PUBLIC WORKS SITE

This project includes the redevelopment of the commercial property on the south side of West Sixth Street from Webber to Walnut. The current City Public Works office and yard would be relocated to another site.

12. THOMPSON PARK SIDEWALK

This is a small project that includes construction of a natural rock retaining wall, sidewalk, and curb. It begins at the drive entrance to the Thompson Park swimming pool and ends at the intersection of West Second Street and Cherry Heights.

13. PROPERTY REHABILITATION GRANT AND LOAN FUND PROGRAM

This program has three areas that are designed to further the objectives of the Urban Renewal program and address the many individual projects identified throughout the amendment process that meet the project selection criteria. The three program areas include:

1. Land Assemblage

The Agency may assist in land assemblage to allow for private development of City and/or privately owned property.

2. Historic Design and Restoration

The Agency may provide architectural and engineering design services for existing or new buildings in the National Historic Districts for restoration or compatible design work. The Agency may also provide low interest loans for the portion of the construction work necessary to meet the historic compatibility requirements.

3. Redevelopment of Unused and Underused Land and Buildings and other Civic Improvements

The Agency may provide grants and low interest loans for business, civic, residential, cultural, and tourist-related property to be developed, redeveloped, improved, rehabilitated, and/or conserved. Grants shall be made to public, non-profit, and civic organizations only and on uses that serve a public purpose. Projects must meet the project selection criteria in order to be eligible to receive a grant.

The Agency may establish a below market interest rate loan program for the redevelopment of properties within the urban renewal area. Prior to making any loans, the Agency shall prepare and adopt a comprehensive rehabilitation loan plan that sets forth:

- a. Criteria for eligibility;
- b. Interest rates and terms for various loans;
- c. Procedures for recycling the funds as loan obligations are paid;
- d. Procedures for delinquent loan payments or defaults;
- e. Procedures and conditions for which deferred payment loans may be offered;
- f. Procedures for administering and servicing the loan program; and
- g. Such other procedures and conditions the Agency deems necessary.

14. REDEVELOPMENT OF WASCO WAREHOUSE & MILLING COMPANY PROPERTY

Redevelopment of the Wasco Warehouse & Milling Company property involves purchase and may include partial renovation and historic preservation for an identified use or uses. Additional land will be acquired from the Oregon Department of Transportation and the Union Pacific Railroad.

15. EAST GATEWAY/BREWERY GRADE STREET RECONSTRUCTION

The existing streets will be realigned and improved and a roundabout installed to help facilitate a better flow of traffic within the Area.

16. 3rd PLACE STREET IMPROVEMENTS

The 3rd Place street ~~scape~~ improvements include street, utilities, curbs, sidewalks, lighting, landscaping, and associated improvements.

602. ACQUISITION OF REAL PROPERTY

The Plan authorizes the acquisition and disposition of property as described in this section. Property includes any and all interests in property, including fee simple ownership, lease, easements, licenses or other rights to use. Eminent domain would only be used if necessary for the acquisition of land for public improvements and after the Agency has taken all steps

required by law to attempt to acquire the land by voluntary agreement with the property owner.

A.— Property Acquisition for Public Improvements

The Agency may acquire any property within the Area necessary for the public improvement projects undertaken pursuant to the Plan by all legal means. The Agency action approving an acquisition will specify the need for the acquisition in relation to the public improvement undertaken.

B. Property Acquisition - From Willing Sellers

The Plan authorizes the Agency acquisition of any interest in property within the Area that the Agency finds is necessary to support private redevelopment pursuant to the Plan, but, except as noted below, only in those cases where the property owner wishes to convey such interest to the Agency. The Agency action approving an acquisition will specify the need for the acquisition to support private redevelopment. The Plan does not authorize the Agency to use the power of eminent domain to acquire property other than in the case described in Section 602.A. above which allows the acquisition of land for public improvements using the power of eminent domain.

C. Land Disposition

The Agency will dispose of property acquired for a public improvement project by conveyance to the appropriate public agency responsible for construction and/or maintenance of the public improvement. The Agency may retain such property during construction of the public improvement. The schedule for disposition of land for a public improvement project will be determined based on the timing of the construction of the public improvement.

The Agency may dispose of property acquired under Subsection B. of this Section 602 by conveying any interest in the property. The schedule for disposition of land acquired under Subsection B. of this Section 602 will be determined by the Agency when the Agency determines the acquisition is necessary pursuant to Section 602. B above. These determinations may be made by Resolution of the Agency.

Property shall be conveyed at its fair reuse value. Fair reuse value is the value, whether expressed in terms of

rental or capital price, at which the urban renewal agency in its discretion determines such-land should be made available in order that it may be developed, redeveloped, cleared, conserved or rehabilitated for the purposes specified in such plan. Because fair reuse value reflects limitations on use of the property to those purposes specified in the Plan, the value may be lower than the property's fair market value.

Where land is sold or leased, the purchaser or lessee must agree to use the land for the purposes designated in the Plan and to begin and complete the building of its improvements within a period of time that the Agency determines is reasonable.

~~A.—INTENT: It is the intent of this Plan to authorize the Urban Renewal Agency to acquire property within the Urban Renewal Area by any legal means to achieve the objectives of this Plan, and specifically, for any of the purposes listed in Subsection 602-B below.~~

~~B.—PURPOSE OF PROPERTY ACQUISITIONS: Property acquisition, including limited interest acquisition is hereby made a part of this Plan and may be used by the Agency to achieve the objectives of this Plan based on any one of the following criteria:~~

~~1. Where existing conditions do not permit practical or feasible rehabilitation of a structure, by its owner, and it is determined by the Agency that acquisition of such properties and demolition or rehabilitation of the improvements thereon are necessary to remove substandard and blighting conditions;~~

~~2. Where detrimental land uses or conditions such as incompatible uses, or adverse influences from noise, smoke or fumes exist, or where there exists over crowding, excessive dwelling unit density or conversions to incompatible types of uses, and it is determined by the Agency that acquisition of such properties and the rehabilitation or demolition of the improvements are necessary to remove blighting influences;~~

~~3. Where it is determined by the Agency that the property is needed to provide public improvements and facilities as follows:~~

~~a. Right-of-way acquisition for streets, alleys, bicycle paths or pedestrian ways.~~

~~b. Facilities for the benefit of the public which are to be developed by the Agency, the City, or any other public entity;~~

~~c. Property acquisition for public, off street parking facilities; or~~

~~d. Where the owner of real property within the boundaries of the Urban Renewal Area wishes to convey title of such property by legal means, including by gift.~~

~~4. Where it is determined by the Agency that a substantial public interest or the objectives of this Plan can be furthered by assembling property for development or redevelopment by a party other than the owners of record of such property, the Agency may acquire such property.~~

~~C. PROPERTY THAT MAY BE ACQUIRED: No specific property to be acquired has been identified as of the date of approval of this Plan as amended. However, should the Agency subsequently determine that the objectives of this Plan would be furthered by acquiring property, the procedures set forth in Section 603, below, shall govern the Agency's action.~~

~~603. AGENCY'S PROCEDURES FOR IDENTIFYING PROPERTY TO BE ACQUIRED~~

~~Project activities listed in Sections 601 or 602 may require acquisition of property not identified by the Agency as of the effective date of this Plan. However, should such action be required by the Agency, the following procedures shall be undertaken prior to such property acquisition:~~

~~A. First the Agency shall determine the properties that may be acquired;~~

~~B. The Agency, or its designated representative, shall then contact the owner or owners of property at the address shown on the most current tax roll to inform the owners of Agency's interest in acquiring their property and the reasons for such interest;~~

~~C. The Agency, at a regularly scheduled meeting, shall discuss the results of the contact with the owner of the affected property and determine whether or not to proceed with the acquisition process;~~

~~D. If it is the Agency's determination to proceed with the acquisition process, they shall set a time and place for a public hearing on the matter. The owners of the property~~

~~that may be acquired shall be notified of such public hearing by registered mail, return receipt requested;~~

~~E. At the public hearing, the Agency shall explain the public purpose, public interest or the plan objectives that would be furthered by such property acquisition. The Agency shall then receive comment from the affected property owner, if any, and from the public at large;~~

~~F. After the owners and public have been heard, their comments shall be considered by the Agency. The Agency, by resolution shall then make a finding, based on the reasons for the acquisition, the content of the owners and public testimony whether or not to proceed with the acquisition. In order to proceed, the finding shall include a determination that the acquisition is necessary pursuant to one or more purposes set forth in Section 602 above. The resolution shall also set forth the anticipated disposition of said real property and a time schedule for any such acquisition and disposition~~

~~G. If the Agency's finding and determination is to proceed with the acquisition process, the Agency, by resolution, shall cause a minor change to this Plan to be prepared in conformance with Section 1201. Such change shall consist of a map or maps and a legal description of the property to be acquired including a copy of the Agency's finding described in subsection "F" above. The change shall be assigned an appropriate exhibit number and placed in the appendix of this Urban Renewal Plan;~~

~~H. The Agency shall then proceed with the acquisition process.~~

~~604. PROPERTY ACQUISITION FOR UNSPECIFIED PURPOSES~~

~~If property acquisition, other than for the projects or activities identified in Sections 601 or 602, is considered by the Agency, such property acquisition shall constitute a substantial change/amendment within the meaning of Section 1203 of this Plan and ORS 457.085(2)(i).~~

605. RELOCATION ACTIVITIES

If in the implementation of this Plan, persons or businesses should be displaced by action of the Agency, the Agency shall provide assistance to such persons or businesses to be displaced. Such displaces will be contacted to determine their

individual relocation needs. They will be provided information on available space and will be given assistance in moving. All relocation activities will be undertaken and relocation payments made in accordance with the requirements of ORS ~~281.045~~ 281.10535.500 - 35.530. Payments made to persons displaced from dwellings will be assured that they will have available to them habitable, safe, and sanitary dwellings at costs or rents within their financial reach. Payment for moving expense will be made to occupants displaced.

Prior to the Agency acquiring any property which will cause households, businesses, industries, offices or other occupants to be displaced, the Agency will prepare, adopt, and maintain a Relocation Policy. Such policy will be available to interested parties at the Agency's office and will set forth the relocation program and procedures, including eligibility for and amounts of relocation payments, services available and other relevant matters.

606. PROPERTY DISPOSITION AND REDEVELOPER OBLIGATIONS

A. PROPERTY DISPOSITION. The Agency is authorized to dispose of, sell, lease, exchange, subdivide, transfer, assign, pledge, or encumber by mortgage, deed of trust, or otherwise any interest in property which has been acquired by them in accordance with the provisions of this Plan and with the terms and conditions set forth in a Disposition and Development Agreement or other legal instrument as determined by the Agency.

All real property acquired by the Agency in the Urban Renewal Area, if any, shall be used or disposed of for development consistent with the uses permitted in this Plan. The Agency shall obtain fair re-use value for the specific uses to be permitted on the real property. Real property acquired by the Agency may be disposed of without consideration (cost) to any other public entity in accordance with this Plan. All persons and entities obtaining property from the Agency shall use the property for the purposes designated in this Plan, and shall commence and complete development of the property within a period of time which the Agency fixes as reasonable, and shall comply with other conditions which the Agency deems necessary to carry out the objectives of this Plan. Real

property shall not be disposed of for the purpose of speculation.

The Agency shall provide adequate safeguards to ensure that the provisions of this Plan will be carried out to prevent the^[EH3] recurrence of blight. All real property owned or leased by parties, shall be made subject to provisions of this Plan. Leases, deeds, contracts, agreements, documents, and declarations of restrictions by the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions precedent or subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan^[JML4].

B. REDEVELOPER'S OBLIGATION. Any redeveloper and his/her successors or assigns within the Urban Renewal Area, in addition to the other controls and obligations stipulated and required of the Redeveloper by the provisions of this Plan, shall also be obligated by the following requirements:

1. The Redeveloper shall obtain necessary approvals of proposed developments from all Federal, State and/or local agencies that may have jurisdiction on properties and facilities to be developed or redeveloped within the Urban Renewal Area;
2. The Redeveloper shall develop or redevelop such property in accordance with the land use provisions and other requirements specified in this Plan;
3. The Redeveloper shall submit all plans and specifications for construction of improvements on the land to the Agency or such of its agents as the Agency may designate for review prior to distribution to appropriate reviewing bodies as required by the City;
4. The Redeveloper shall commence and complete the development of such property for the use provided in this Plan within a reasonable period of time as determined by the Agency;
5. The Redeveloper shall not effect or execute any agreement, lease, conveyance, or other instrument whereby the real property or a part thereof is restricted upon the basis of age, race, color, religion, sex, marital status, or national origin in the sale, lease or occupancy thereof;
6. The Redeveloper shall accept all conditions and agreements as may be required by the Agency. In return for

receiving assistance from the Agency, if any, the Agency may require the redeveloper to execute a development agreement acceptable to the Agency as a condition of the Agency providing assistance.

7. The Redeveloper shall maintain property under his/her ownership within the Area in a clean, neat and safe condition.

607 - OWNER PARTICIPATION

Property owners within the Urban Renewal Area proposing to improve their properties and receiving financial and/or technical assistance from the Agency shall do so in accordance with all applicable provisions of this Plan and with all applicable codes, ordinances, policies, plans and procedures of the City.

608. ADMINISTRATIVE ACTIVITIES AND SERVICES TO THE AGENCY

A. The Agency may hire its own staff or it may obtain its administrative support staff from the City of The Dalles and the City may provide the personnel necessary to staff the Urban Renewal Agency on such financial terms and conditions as the Agency and the City may from time to time agree in writing[JML5]. In the event the Agency elects to use City personnel in all or part of its staffing, the Agency will evaluate and make recommendations to the City regarding their personnel support needs. The costs of Agency staffing recommendations shall be included in the annual budget proposal of the Agency.

B. Further, the Agency may retain and budget for the services of independent professionals, firms, or organizations to provide technical services such as, but not limited to:

1. Legal Counsel and Bond Counsel;
2. Preparation of market, feasibility or other economic studies or plans;
3. Preparation of design, architectural, engineering, landscape architectural, planning, redevelopment, or other developmental feasibility studies;

4. Preparation of construction contract documents for Agency's improvement activities by appropriately licensed professionals;
5. Providing accounting or audit services;
6. Providing special rehabilitation, restoration or renovation feasibility and cost analysis studies or plans;
7. Assisting in -preparation of the annual financial report required under Section 800 of this Plan;
8. Property acquisition and disposition appraisals;
9. Licensed real estate professionals for real property acquisition, disposition or negotiation services;
10. Bond issuance and renewal financing consultants.

C. The Agency may prepare and adopt design standards, themes, guidelines and implementation procedures that would be applied in various sectors of the Urban Renewal Area as the Agency deems appropriate to:

1. Assure architectural continuity and compatibility in new or remodeled buildings that are located in areas in which buildings with unique and distinctive historical or architectural character exists;
2. Advance the role of The Dalles Riverfront Plan as a unique element of visual and civic value to the City and to the properties that abut the River. As such, promote the development and redevelopment of these abutting properties so as to advance and protect these values; and
3. Assure that the developments on the large vacant lands within the Urban Renewal Area will have a design consistency and will advance the objectives of this Urban Renewal Plan.

D. The Agency may acquire, rent or lease office space within the Urban Renewal Area and may purchase, rent or lease office furniture, equipment and facilities necessary for it to conduct its affairs in the management and implementation of this Plan.

E. The Agency may invest its reserve funds in interest-bearing accounts or securities consistent with the provisions of City, State and Federal law.

F. To implement this Plan, the Agency may borrow money, accept advances, loans or grants from any legal source, issue urban renewal bonds (also known as tax allocation bonds, governmental bonds, qualified redevelopment bonds and tax increment bonds), and receive tax increment proceeds as provided for in Section 700 of this Plan. Regardless of the form of borrowing of funds, the approval of such borrowing shall comply with the provisions of the Agency's adopted by-laws and all applicable legal requirements.

G. Without limiting any other provision, power or authorization of this Plan, the Agency shall have all of the powers and responsibilities allowed under the provisions of ORS Chapter 457.

SECTION 700 - FINANCING OF URBAN RENEWAL INDEBTEDNESS

The Urban Renewal Agency, may borrow money and accept advances, loans, grants and any other legal form of financial assistance from the Federal Government, the State, City, County, or other public body, or from any legal sources, public or private, for the purposes of undertaking and carrying out this Plan, or may otherwise obtain financing as authorized by ORS Chapter 457.

701. TAX INCREMENT FINANCING AND MAXIMUM INDEBTEDNESS

The projects may be financed, in whole or in part, by tax increment financing as provided in Article IX Section 9(1)(c) of the Oregon Constitution and ORS 457.420 through 457.450.

~~The tax increment financing process, pursuant to ORB 457.420 through 457.450, shall be terminated not later than June 30, 2015. Provided, however, the tax increment collection process may be terminated in a shorter period should debts of the Agency be retired earlier.~~

~~Beginning in FY 1999/2000, t~~The maximum amount of indebtedness that ~~can may~~ be issued or incurred under the Plan, as amended, is ~~\$14,227,353.~~ \$29,125,583.

~~Should the terminal year amount of tax increment proceeds collected be greater than the amount of debt to be retired, the surplus amount of such proceeds shall be prorated back to the County Treasurer for distribution to the affected taxing bodies as required by subsection (3) of ORS 457.450 [JML6] [EH7].~~

702. PRIOR INDEBTEDNESS

Any indebtedness permitted by law and incurred by the Agency, or the City of The Dalles in connection with preplanning for this Urban Renewal Plan may be repaid from Agency funds when and if such funds are available.

703. ANNUAL BUDGET

The Agency shall adopt and use a fiscal year ending June 30 accounting period. Each year, by July 1, the Agency shall adopt

a budget in conformance with the provisions of ORS 294 and ORS 457.460 which shall describe its sources of revenue, proposed expenditures and activities.

The Agency shall submit its proposed budget to the Urban Renewal Agency's Budget Committee for its review and approval and the Agency shall not undertake any activities nor expend any funds except as provided in the approved budget.

SECTION 800 - ANNUAL FINANCIAL STATEMENT REQUIRED

801. REQUIRED FINANCIAL STATEMENT

The Agency shall conform to all statutory requirements for reporting financial information.

802. STATEMENT FILED AND PUBLISHED

The statement required by Subsection 801 shall be filed with the City Council and notice shall be published in the "The Dalles Chronicle", a newspaper of general circulation in the City, that the statement has been prepared and is on file with the City and with the Urban Renewal Agency and the information contained in the statement is available to all interested persons.

SECTION 900 - CITIZEN PARTICIPATION

The activities and projects identified in this Plan, the development of subsequent plans, procedures, activities and regulations, and the adoption of amendments to this Plan shall be undertaken with the participation of citizens, owners and tenants as individuals and organizations who reside within or who have financial interest within the Urban Renewal Area and with the general citizens of the City.

In particular, the Agency intends to give substantial weight to the recommendations of the Urban Renewal Advisory Committee established by the Agency. This Committee is charged with reviewing issues, programs and projects related to the Plan and its implementation. Membership on the Committee shall be representative of the interests of the City of The Dalles and of the Area. The Committee may establish such rules and procedures as it deems necessary to conduct its work.

SECTION 1000 - NON-DISCRIMINATION

In the preparation, adoption and implementation of this Plan, no public official or private party shall take any action or cause any persons, group or organization to be discriminated against on the basis of age, race, color, religion, sex, marital status or national origin.

SECTION 1100 - RECORDING OF PLAN

A copy of the City Council's Non-Emergency Ordinance approving this Plan or amendments to this Plan under ORS 457.095 shall be sent by the Council to the Urban Renewal Agency. Following receipt of such Ordinance, this Plan or such amendments shall be recorded by the Agency with the Recording Officer, Wasco County.

SECTION 1200 - PROCEDURES FOR CHANGES OR AMENDMENTS IN THE APPROVED URBAN RENEWAL PLAN

The Plan will be reviewed and analyzed periodically and will continue to evolve during the course of project execution and ongoing planning. The Plan may be changed, clarified, modified or amended as future conditions may warrant. Where, in the judgment of the Agency the proposed modification will substantially change the Plan, the modification must be duly approved by the City council in the same manner as the original Plan and in accordance with the requirements of State and local law. The provisions of ORS 457.085 and ORS 457.220 and of Section 1203 of this Plan shall apply.

The various types of Plan changes, clarifications, modifications or amendments and the official actions that shall be taken prior to their implementation are as follows:

1201 - MINOR CHANGES

Minor changes shall not modify the goals and objectives of the Plan or any of its provisions. Such minor changes may include:

- A. Clarification of language or the State Legislature's changes in ORS Chapter and Section references;
- B. Clarification of written or graphic Exhibits to this Plan.
- C. Modification in this location of project improvements authorized by this Plan, resulting from detailed architectural, engineering or planning analysis.
- D. The identification of property to be acquired as provided for ~~in Sections 601, 602 and 603 of in~~ this Plan.
- E. Changes to the scope, cost or location or projects or addition of projects that do not modify the goals and objectives or the basic procedural, planning or engineering principles of this Plan.

Such minor changes, if any, shall be made only by a duly approved resolution of the Agency in which the details of the minor change shall be described.

1202 - AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN OR TO ANY OF ITS IMPLEMENTING ORDINANCES

From time to time during the implementation of this Urban Renewal Plan, the Planning Commission and the City Council of the City of The Dalles may approve amendments or modifications to the City's Comprehensive Plan or to codes, policies, procedures or ordinances which are established to implement such Comprehensive Plan. Further, the City Council may from time to time amend or approve new Building, Health Safety and other Codes that affect the implementation of this Urban Renewal Plan.

A. Where such amendments, modifications or approvals have been officially adopted by the City Council, such amendments, modifications or approvals - which affect the provisions of this Urban Renewal Plan - shall, by reference become a part of the Plan as if such amendments, modifications or approvals were herein stated in full.

B. The City Council shall forwarded to the Agency copies of such Council actions as are herein above described and the Agency shall prepare and approve a resolution recognizing that such City Council amendments, modifications or approvals are to be considered as minor changes to this Urban Renewal Plan as provided in Section 1201 above.

1203 - COUNCIL APPROVED AMENDMENTS

Changes to the Plan that are not minor changes as described in Section 1202 or substantial changes as described in Section 1204 shall be approved by the City Council in the manner described in ORS 457.085(4), (5) and (6) except that the additional notice provisions of ORS 457.120 shall not apply.

Council approved amendments include +

~~A. Any changes~~ in any provision of this Plan which would modify the goals and objectives or the basic procedural, planning or engineering principles of this Plan. n ~~and~~

~~B. As set forth in Section 604, any acquisition undertaken in connection with projects or activities not identified in Section 601 or 602 of this Plan.~~

1204 - SUBSTANTIAL CHANGES

Substantial changes, if any, shall be approved by the City Council in the same manner as the Council's approval of the original plan and in compliance with the provisions of ORS 457.095 and ORS 457.220.

Substantial changes shall include the following:

- A. An increase in the maximum amount of indebtedness that may be issued or incurred under this Plan as set forth in Section ~~1400-701~~ of this Plan; and
- B. Adding land to the urban renewal area that totals more than one percent of the existing area of the urban renewal area.
- ~~B. An increase in the effective period of this Plan as set forth in Section 1301.~~

SECTION 1300 --~~DURATION AND~~ VALIDITY OF APPROVED URBAN RENEWAL PLAN

~~1301 -- DURATION OF URBAN RENEWAL PLAN~~

~~This Plan shall remain in force and effect for a period of not more than twenty five (25) years from the effective date of approval of this Plan. Any extension shall be considered as a substantial change pursuant to Section 1204.~~

~~1302 -- VALIDITY~~

Should a court of competent jurisdiction find any word, clause, sentence, section or part of this Plan to be invalid, the remaining words, clauses, sentences or parts shall be unaffected by such finding and shall remain in force and effect. ~~for the duration of the Plan.~~