

ORDINANCE NO. 1459-21

AN ORDINANCE ADOPTING A SUBSTANTIAL AMENDMENT TO THE LEVETON TAX INCREMENT DISTRICT PLAN TO ADD CERTAIN LAND TO THE PLAN AREA.

WHEREAS, the City has created the Leveton Tax Increment District, and associated Leveton Tax Increment District Plan, under the authority of ORS Chapter 457;

WHEREAS, the City wishes to make a Major Amendment to the Leveton Tax Increment District Plan, as provided by ORS Chapter 457;

WHEREAS, the Tualatin Development Commission (the "TDC"), pursuant to the requirements of ORS Chapter 457, has caused the preparation of the Leveton Tax Increment District Plan Amendment dated August 23, 2021, and attached as Exhibit A (the "Plan Amendment") and incorporated herein by reference;

WHEREAS, the Plan Amendment authorizes certain urban renewal activities within the Leveton Tax Increment Area (the "Area");

WHEREAS, the TDC has caused the preparation of a certain Report Accompanying the Leveton Tax Increment Plan dated August 23, 2021 and attached hereto as Exhibit B (the "Report") to accompany the Plan as required under ORS 457.087); and

WHEREAS, the TDC forwarded the Plan Amendment and Report to the Tualatin Planning Commission, which considered the Plan and Report on July 15, 2021, and adopted a finding that the Plan Amendment conformed with the Tualatin Comprehensive Plan and made a recommendation, which is attached as Exhibit C and incorporated by reference;

WHEREAS, the Plan and the Report were forwarded on June 30, 2021 to the governing body of each taxing district affected by the Plan, and the TDC has thereafter consulted and conferred with each taxing district; and

WHEREAS, on August 3, 2021 the City met with the Washington County Board of Commissioners to review the Plan, including the proposed maximum indebtedness for the Plan; and

WHEREAS, in July 2021, the City caused notice of a hearing to be held before City Council on the Plan, including the required statements of ORS 457.120(3), to be mailed to utility customers within City's incorporated limits; and

WHEREAS, on August 9, 2021 the City Council held a public hearing to review and consider the Plan, the Report, the recommendation of the Tualatin Planning Commission, and the public testimony received on or before that date and to receive additional public testimony; and

WHEREAS, the City Council has determined that the Plan conforms with all applicable legal requirements; and

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

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The Council adopts the Plan Amendment in Exhibit A, adopts the Report in Exhibit B, and adopts the Planning Commission Report in Exhibit C. The Leveton Tax Increment Plan is approved and adopted based upon review and consideration by the City Council, the Tualatin Planning Commission Recommendations, taxing district recommendations each of which is hereby accepted, as well as the public testimony in the record.

Section 2. The Council finds the Plan complies with all applicable requirements of ORS Chapter 457 and the specific criteria of ORS 457.095, based on the information in the Report, the Tualatin Planning Commission Recommendation, and the public testimony before the City Council, including the following findings:

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 Leveton Tax Increment Area is blighted, as defined by ORS 457.010(1) and is eligible for inclusion within the Plan because of conditions described in Section X of the Report, including the existence of inadequate streets and other rights of way, open spaces, and utilities (ORS 457.010(1)(e));
3. The rehabilitation and redevelopment described in the Plan to be undertaken by the TDC 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 Tualatin Comprehensive Plan and provides an outline for accomplishing the projects described in the Plan, as more fully described in Section XIII of the Plan and in the Tualatin Planning Commission Recommendation in Exhibit C;
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 of 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 Article IX, section 1c, of the Oregon Constitution and ORS 457.440 and other available funding as more fully described in Sections III and IV of the Report;

7. The City shall assume and complete any activities prescribed it by the Plan; and
8. The TDC consulted and conferred with affected overlapping taxing districts prior to the Plan being forwarded to the City Council.

Section 3. The City Manager is directed to forward a copy of this Ordinance to the TDC.

Section 4. Upon receipt from the City Manager, the TDC shall cause a copy of the Plan to be recorded in the Deed Records of Washington County, Oregon.

Section 5. The City Manager, in accordance with ORS 457.115, shall publish newspaper notice of the adoption of this Ordinance approving the Plan, including the provisions of ORS 457.135, no later than four days following adoption of this Ordinance.

Section 6. The City Manager is delegated the authority to conduct any and all actions necessary to carry out the intent of this Ordinance and ensure compliance with law.

ADOPTED by the City Council this ____ day of _____, 2021.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

BY _____
City Attorney

ATTEST:

BY _____
City Recorder