

100. THE URBAN RENEWAL PLAN

A. General

The Independence Urban Renewal Plan consists of Part One -Text and Part Two - Exhibits. The Independence City Council acts as the Urban Renewal Agency of the City of Independence, Oregon.

This Plan has been prepared pursuant to Oregon Revised Statute (ORS) Chapter 457, the Oregon Constitution, and all applicable laws and ordinances of the State of Oregon and City of Independence respectively. All such applicable laws and ordinances are made a part of this Plan, whether expressly referred to in the text or not.

The City Council of the City of Independence has elected the City Council as the initial Urban Renewal Agency on August 28, 2001 by Ordinance No. 1396.

The Urban Renewal Area is a single geographic area with a single contiguous boundary in which a variety of activities and projects are contemplated to eliminate blight and the causes of blight, and intended to create an environment in which the private sector may develop uses compatible with the purposes of this plan.

The Urban Renewal Agency accepted this Report and Plan and submitted this Report and Plan to the City Council on September 11, 2001. This Urban Renewal Plan for the Independence Urban Renewal Area was approved by the City Council of the City of Independence on September 25, 2001 by Ordinance No. 1397.

B. The Renewal Plan Area Boundary

The boundary of the renewal area is shown in Exhibit 1, attached to this plan. A legal description of the project boundary will be included as Attachment 'A' of this plan when it becomes available.

200. CITIZEN PARTICIPATION

This Urban Renewal Plan was developed under the guidance of the Independence Urban Renewal Agency Advisory Committee (URAAC). In the course of formulating the Plan, the URAAC conducted a series of meetings, beginning on August 21, 2001. All meetings of the URAAC were open to the public for discussion and comment.

The Independence Planning Commission met to review the Plan on September 17, 2001. The Independence City Council held a public hearing on adoption of this Plan on September 25, 2001. Additional notice on City Council adoption of the Plan was provided, as required by ORS 457.120.

300. RELATIONSHIP TO LOCAL OBJECTIVES

The purpose of this Renewal Plan is to eliminate blighting influences found in the Renewal Area, to implement goals and objectives of the City of Independence Comprehensive Plan, and to implement development strategies and objectives for the Independence Urban Renewal Area. The Urban Renewal Plan relates to the following local goals and objectives.

A. City of Independence Comprehensive Plan

ORS 457.085 requires that an Urban Renewal Plan relate to definite local objectives. The City's Comprehensive Plan considers a wide range of goals and policies relating to land uses, traffic, transportation, public utilities, recreation and community facilities, economic development, housing and environmental protection. Specific goals and policies found in the Independence Comprehensive Plan which relate to this Plan are detailed in Attachment B of this Plan.

B. Renewal Plan Goals and Objectives

Goal One:

To diversify economic base and family wage jobs within the district.

Objectives:

- Increase ratio of business to residential growth within the City.
- Increase the number of jobs within the district.
- Recruit businesses to the district that provide family wages and incomes and tax benefit to the community.
- Entice private investments in new development and redevelopment within the commercial and industrial areas of the district.
- Support new growth and development within industrial areas of the district.
- Provide an attractive, efficiently organized industrial employment center within the district.
- Support and assist in implementing the Industrial Area Master Plan.

Goal Two :

To maintain effective, efficient and safe traffic system for vehicular and pedestrian users.

Objectives:

- Provide suitable and competent vehicle traffic circulation throughout the district.
- Create convenient and safe bicycle and pedestrian travel ways and remove pedestrian access barriers throughout the district.
- Provide new and upgraded collector roads within the district.

Goal Three:

To improve and retain existing businesses.

Objectives:

- Entice private investment in development and redevelopment of existing commercial and industrial areas of the district.
- Encourage retention and expansion of businesses within the commercial areas of the district.
- Support and assist in implementing the Commercial District Revitalization Plan.

Goal Four:

To improve attractive visual amenities for customers and community members throughout the district.

Objectives :

- Provide user friendly and eye pleasing streets, pedestrian ways and green ways throughout the district.
- Furnish new and improved pedestrian areas and parks throughout the district.

400. PROPOSED LAND USES

A. Land Use Plan

Exhibit 2, the "Comprehensive Plan Zone Map" describes the locations of the principal land use classifications which are applicable to the Renewal Area. The land use plan for the Renewal Area is consistent with the Independence Comprehensive Plan.

The Land Use Plan consists of the Land Use and Zoning Map (Exhibit 2) and the descriptive material and regulatory provisions contained in this Section (both those directly stated and those included by reference). This Plan shall be in accordance with the approved City of Independence Comprehensive Plan and Zone Map. The use and development of land in the Renewal Area shall be in accordance with the regulations prescribed in the Comprehensive Plan, Land Development and Planning Ordinance, City of Independence

Charter, or any other applicable local, county, state or federal laws regulating the use and development of property in the Urban Renewal Area.

Exhibit 2, the "Comprehensive Plan Zone Map" describes the locations of the principal land use and zoning classifications which are applicable to the Renewal Area. Comprehensive Plan designations and Zoning Districts are the same in the Independence Urban Renewal Area and Comprehensive Plan. The Comprehensive Plan and Zoning applicable to the Urban Renewal Area are described in Attachment C to this Plan.

B. Plan and Design Review

The Urban Renewal Agency shall be notified of any Comprehensive Plan amendment, re-zoning application, annexation application, building permit, and design review, variance, conditional use or other development permits or applications requested within the Urban Renewal Area. Redevelopers, as defined in this Plan, shall comply with the Redevelopers Obligations, Section 800 of this Plan.

500. OUTLINE OF DEVELOPMENT

The Urban Renewal Project consists of activities and actions which treat the causes of blight and deterioration in the Independence Urban Renewal Area. A substantial portion of the renewal area lacks adequate streets, curbs, sidewalks, water, sewer, and other infrastructure necessary to make productive use of the land. The conditions also pose a constraint to future development called for in the Comprehensive Plan. Project activities to treat these conditions include:

- Construct and improve streets, curbs and sidewalks in the Renewal Area..
- Install or upgrade water, electric, sewer and storm sewer utilities in the Renewal Area.
- Construct or improve pedestrian and bicycle circulation systems in the Renewal Area.
- Improve parks, open space, and recreation facilities in the Renewal Area.
- Construct and improve other public buildings and facilities in the Renewal Area.
- Rehabilitation and renovation of properties in the Renewal Area.
- Acquisition and disposition of land for public improvements, rights-of-way, utility improvements, and private development in the Renewal Area.
- Administration and co-ordination of development in the Renewal Area.
- Design plans to co-ordinate and guide the long-range design and development of the Independence Urban Renewal Area.
- Section 600 provides further description of each urban renewal project to be undertaken within the Urban Renewal Area.

600. DESCRIPTION OF PROJECTS TO BE UNDERTAKEN

In order to achieve the objectives of this Plan, the following activities will be undertaken on behalf of the City by the Urban Renewal Agency in accordance with applicable federal, state, county, and city laws, policies, and procedures. The Renewal Agency may fund these activities in full, in part, or seek other sources of funding for them. The description of projects herein provides general authority to undertake these activities.

These project activities may be modified, or expanded upon as needed to meet urban renewal plan objectives. Changes will be undertaken in accordance with procedures for amendments to this Plan.

A. PUBLIC IMPROVEMENTS

1. Street Construction and Circulation Improvements

This activity allows the Renewal Agency to construct and improve streets throughout the Renewal Area. These projects include, but are not limited to, landscaping, construction,

reconstruction, repair or replacement of streets, sidewalks, bike and pedestrian amenities, public transit facilities, and acquisition of land, right of ways, easements and other land rights. A preliminary list of street and circulation improvements has been developed in preparation of this Plan, but the exact location and extent of improvements will be determined by further engineering study. The list of streets to be constructed or improved may be revised or expanded by the Renewal Agency. Projects may include joint funding, construction, and uses with other governmental or private agencies.

The extent of the Renewal Agency's participation in funding such improvements will be based upon a Renewal Agency finding on the benefit of that project to the Renewal Area, and the importance of the project in carrying out Plan objectives.

2. Infrastructure and Utilities Improvements

This activity allows the Renewal Agency to construct and improve infrastructures and utilities throughout the Renewal Area. These projects include, but are not limited to. Construction, reconstruction, repair, upgrading, and over sizing or replacement of electric, water, sanitary sewer and storm drainage facilities, relocation of overhead lines to underground locations, and acquisition of land, right-of-ways, easements and other land rights. The list of infrastructures and utilities to be constructed or improved may be revised or expanded by the Renewal Agency. Projects may include joint funding, construction, and uses with other governmental or private agencies.

The extent of the renewal Agency's participation in funding such improvements will be based upon a Renewal Agency finding on the benefit of that project to the Renewal Area, and the importance of the project in carrying out Plan objectives.

3. Public Facilities

This activity will enable the Renewal Agency to assist in the development of new public facilities within the Renewal Area by participating in funding the acquisition, construction or rehabilitation of public facilities within the Renewal Area. Public facilities may include public parking facilities, municipal facilities, police and fire facilities, libraries, recreation centers, conference facilities, community centers, teleconferencing centers, and performing arts facilities. Projects may include joint funding, construction, and uses with other governmental or private agencies. The extent of the Renewal Agency's participation in funding such facilities will be based upon a Renewal Agency finding on the benefit of that project to the Renewal Area, and the importance of the project in carrying out Plan objectives.

4. Parks, Recreation, Pedestrian and Bike Corridors and Other Amenities

This activity will enable the Renewal Agency to carry out Renewal and Comprehensive Plan objectives relating to parks and recreation facilities and, improvements to pedestrian and bicycle facilities throughout the Renewal Area. To carry out these objectives, the Renewal Agency may acquire and improve land or buildings for public parks, open space, bicycle and pedestrian uses, construct facilities for public use, and fund such planning and engineering studies as needed to carry out these activities.

Projects may include joint funding, construction, and uses with other governmental or private agencies. The extent of the Renewal Agency's participation in funding such facilities will be based upon a Renewal Agency finding on the benefit of that project to the Renewal Area, and the importance of the project in carrying out Plan objectives.

B. PRESERVATION, REHABILITATION, AND REDEVELOPMENT

This activity will enable the Renewal Agency to carry out Renewal and Comprehensive Plan goals for Independence's economy, and for improving the appearance and vitality of Independence. The Renewal Agency may participate, through loans, grants, or both, in assisting development of new public and private buildings and facilities in the Renewal Area, and in maintaining and improving exterior and interior conditions of existing buildings in the Renewal Area. The Renewal Agency may make this assistance available as it deems necessary to achieve

the objectives of this Plan.

1. Redevelopment Through New Construction

Redevelopment through new construction may be achieved by public or private property owners, with or without financial assistance by the Renewal Agency. To encourage redevelopment through new construction, the Renewal Agency is authorized to set financial guidelines, establish loan programs and provide below market interest rate and market rate loans and provide such other forms of financial assistance to property owners and those desiring to acquire and redevelop property in the Renewal Area, as it may deem appropriate in order to achieve the objectives of this Plan.

2. Preservation, Rehabilitation, and Conservation

The purpose of this activity is to conserve and rehabilitate existing buildings within the Renewal Area where they may be adapted for uses that further Plan goals. Rehabilitation and conservation may be achieved by owner and/or tenant activity, with or without financial assistance by the Renewal Agency. To encourage rehabilitation and conservation, the Renewal Agency is authorized to create guidelines, establish loan and grant programs and provide below market interest rate and market rate loans to the owners of buildings, or those intending to acquire buildings, which are in need of rehabilitation and for which rehabilitation and reuse is economically feasible

C. ACQUISITION AND REDEVELOPMENT OF PROPERTY

The Renewal Agency is authorized to acquire property within the Renewal Area, if necessary, by any legal means to achieve the objectives of this Plan. Property acquisition, including limited interest acquisition, is hereby made a part of this Plan and may be used to achieve the objectives of this Plan. All acquisition of property will require a minor amendment to the plan as set forth in Section 800 of this Plan

1. Acquisition requiring City Council ratification.

City Council ratification is required for Renewal Agency acquisitions for the following purposes:

- Assembling land for development by the private sector where the developer of such land is a person or group other than the owner of record of such land to be acquired. Such acquisition shall be undertaken only following completion of a minor amendment to this Plan as set forth in Section 800(B)(1) of this Plan. The City Council shall ratify the minor amendment to this Plan by resolution.
- Where conditions exist that may affect the health, safety and welfare of the Renewal Area and it is determined that acquisition of such properties and demolition of the improvements thereon are necessary to remove substandard and blighting conditions, acquisition shall be undertaken only following completion of a minor amendment to this Plan as set forth in Section 800(B)(1) of this Plan. The City Council shall ratify the minor amendment to this Plan by resolution.
- All acquisition requiring the use of the Renewal Agency's powers of eminent domain.

If such plan amendment is approved by the City Council, a map exhibit shall be prepared showing the properties to be acquired and the property will be added to the list of properties to be acquired in Section 600(C)(3) of this Plan. The map exhibit shall be appropriately numbered and shall be included in Part Two as an official part of this Urban Renewal Plan.

2. Acquisition not requiring City Council ratification.

Land acquisition not requiring City Council ratification requires a minor amendment to this Plan as set forth in Section 800(C)(2) of this Plan. The minor amendment to the Plan may be adopted by the Renewal Agency by resolution. The Agency may acquire land without Council ratification where the following conditions exists:

- Where it is determined that the property is needed to provide public improvements and facilities in the Renewal Area as follows:
 1. Right-of-way acquisition for streets, alleys or pedestrian ways.
 2. Right of way and easement acquisition for water, sewer, and other utilities.
 3. Property acquisition for public use, or for public buildings and facilities.
- Where the owner of real property within the boundaries of the Renewal Area wishes to convey title of such property by any means, including by gift.

If such plan amendment is approved by the Renewal Agency, a map exhibit shall be prepared showing the properties to be acquired and the property will be added to the list of properties to be acquired in. Section 600 C.3 of this Plan. The map exhibit shall be appropriately numbered and shall be included in Part Two as an official part of this Urban Renewal Plan.

3. Properties to be acquired

At the time this Plan is prepared, one property has been identified for potential acquisition: the Harter property, known as ‘Independence Machine Shop’.

D. PROPERTY DISPOSITION

The Renewal Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property which has been acquired, in accordance with the provisions of this Urban Renewal Plan.

All real property acquired by the Renewal Agency in the Renewal Area shall be disposed of for development of the uses permitted in the Plan at its fair re-use value. Fair re-use value will be the price at which the Renewal Agency, in its discretion, determines property should be made available in order that it may be developed, redeveloped, cleared, conserved, or rehabilitated for the purposes specified in this Plan. Real property acquired by the Renewal Agency may be disposed of to any other person or entity by the Renewal Agency, in accordance with this Plan, by negotiated sale for its fair re-use value.

All persons and entities obtaining property from the Renewal 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 Renewal Agency fixes as reasonable, and to comply with other conditions which the Renewal Agency deems necessary to carry out the purposes of this Plan.

To provide adequate safeguards to insure that the provisions of this Plan will be carried out to prevent the recurrence of blight, all real property disposed of by the Renewal Agency, as well as all real property owned or leased by participants which is assisted financially by the Renewal Agency, shall be made subject to this Plan. Leases, deeds, contracts, and agreements by the Renewal Agency may contain restrictions, covenants, or any other provisions necessary to carry out this Plan.

E. TECHNICAL, FINANCIAL AND DESIGN PLAN(S)

This activity will enable the Renewal Agency to fund further studies and plans to refine the general ideas, costs, financing and activities described in this Plan. Such studies are intended to define and detail concepts relating to themes, landscaping treatments, design requirements, costs, financing and placement of Plan activities.

F. PLAN ADMINISTRATION

It is the intent of this Plan to provide for the effective administration of this Plan, and to plan for the various activities contained in this Plan. Project funds may be utilized to pay indebtedness associated with preparation of this Plan, to carry out design plans, miscellaneous land use and public facility studies, engineering, marketing and promotions, and other technical studies as may be needed during the course of this Plan. Project funds may be utilized to pay for, but not

limited thereto, marketing and promotional materials and programs to assist in carrying out the objectives of the redevelopment plan. Project funds also may be used to pay, but not limited thereto, for personnel, consulting and other administrative costs incurred in management of this Plan.

700. REDEVELOPER'S OBLIGATIONS

Redevelopers within the Urban Renewal Area will be subject to controls and obligations imposed by the provisions of this Plan. Redevelopers also will be obligated by the following requirements:

- The Redeveloper shall develop or redevelop property in accordance with the land-use provisions and other requirements specified in this Plan.
- The Renewal Agency may require the redeveloper to execute a development agreement acceptable to the Renewal Agency as a condition of any form of assistance by the Renewal Agency. The Redeveloper shall accept all conditions and agreements as may be required by the Renewal Agency.
- The Redeveloper shall submit all plans and specifications for construction of improvements on the land to the Renewal Agency or its designated agent, for review and approval prior to distribution to reviewing bodies as required by the City.
- The Redeveloper shall commence and complete the development of such property for the use provided in this Plan within a reasonable time as determined by the Renewal Agency.
- The Redeveloper shall not effect any instrument whereby the sale, lease, or occupancy of the real property, or any part thereof, is restricted upon the basis of age, race, color, religion, sex, marital status, or national origin.

800. AMENDMENTS TO THE RENEWAL PLAN

It is anticipated that this Renewal Plan will be reviewed periodically during the execution of this Plan and projects and activities thereunder. This Plan may be changed, modified, or amended as future conditions warrant. Types of Renewal Plan amendments are:

A. Substantial Amendments

Substantial amendments to the Plan consist of

- Increases in the urban renewal area boundary, in cumulative excess of 1% shall be a substantial amendment requiring approval per ORS 457.095, and notice as provided in ORS 457.120.
- Increasing the maximum amount of indebtedness to be issued under the plan shall be a substantial amendment requiring approval per ORS 457.095, and notice as provided in ORS 457.120.
- The addition of improvements or activities which represent a substantial change in the purpose and objectives of this Plan, and which cost more than \$1,000,000, shall be a substantial amendment requiring approval per ORS 457.095, but not requiring notice as provided in ORS 457.120. The \$1,000,000 amount will be adjusted annually from 2001 costs according to the "Engineering News Record" construction cost index for the Northwest area of the United States.

B. Minor Amendments Requiring Approval by City Council.

Amendments to the Plan defined in this section shall require approval by the Renewal Agency by resolution, and approval by the City Council by resolution. Such amendments are defined as:

- Acquisition of property for purposes specified in Sections 600(C) of this Plan.
- Change of Urban Renewal Agency by ordinance.

C. Other Minor Amendments.

The Renewal Agency may approve minor amendments by resolution. Such amendments are defined as:

- Amendments to clarify language, add graphic exhibits, make minor modifications in the scope or location of improvements authorized by this Plan, or other such modifications which do not change the basic planning or engineering principles of the Plan.
- Acquisition of property for purposes specified in Section 600(C) of this Plan.
- Addition of a project substantially different from those identified in Section 600 of the Plan or substantial modification of a project identified in Section 600 if the addition or modification of the project costs less than \$1,000,000 in 1999 dollars.
- Increases in the urban renewal area boundary, not in cumulative excess of 1 %.

900. MAXIMUM INDEBTEDNESS

The Maximum Indebtedness authorized under this plan is \$13,665,480 (Thirteen Million Six Hundred Sixty-Five Thousand Four Hundred Eighty Dollars).

1000. FINANCING METHODS

A. General

The Urban Renewal Agency may borrow money and accept advances, loans, grants and other forms of financial assistance from the federal government, the state, city, county or other public body, or from any sources, public or private, for the purposes of paying indebtedness incurred in undertaking and carrying out this Plan. In addition, the Renewal Agency may borrow money from, or lend money to a public agency in conjunction with a joint undertaking of a project authorized by this Plan. If such funds are loaned, the Renewal Agency may promulgate rules and procedures for the methods and conditions of payment of such loans.

B. Tax Increment Financing

It is contemplated that the urban renewal projects will be financed in whole or in part by tax increment financing, as authorized in ORS 457.420 through ORS 457.450.

C. Prior Indebtedness

Any indebtedness permitted by law and incurred by the Renewal Agency or the City in connection with preplanning for this Plan shall be repaid from tax increment proceeds generated pursuant to this section.

1100. RELOCATION

The Renewal Agency will provide relocation assistance to all persons or businesses displaced by project activities. Those displaced will be given assistance in finding replacement facilities. All persons or businesses which may be displaced will be contacted to determine such relocation needs. They will be provided information on available space and will be given assistance in moving. All relocation activities will be undertaken and payments made, in accordance with the requirements of ORS 281.045-281.105 and any other applicable laws or regulations.

Relocation payments will be made as provided in ORS 281.060. Payments made to persons displaced from dwellings will assure that they will have available to them decent, safe,

and sanitary dwellings at costs or rents within their financial reach. Payment for moving expense will be made to residences and businesses displaced. The Renewal Agency may contract with Oregon Department of Transportation (ODOT), or other parties to help administer its relocation program.

1200. DEFINITIONS

The following definitions will govern the construction of this Plan unless the context otherwise requires.

- "Area" means the area included within the boundaries of the Independence Urban Renewal District.
- "City" means the City of Independence, Oregon.
- "City Council" means the City Council of the City of Independence, Oregon.
- "Comprehensive Plan" means the City's Comprehensive Land Use Plan and its implementing Ordinances, policies and development standards.
- "County" means the County of Polk, State of Oregon.
- "Displaced" person or business means any person or business who is required to relocate as a result of action by the Urban Renewal Agency to vacate a property for public use or purpose.
- "Disposition and Development Agreement" means an agreement between the Urban Renewal Agency and a private developer which sets forth the terms and conditions under which will govern the disposition of land to a private developer.
- "Exhibit" means an attachment, either narrative or map, to the Urban Renewal Plan, for the Independence Urban Renewal Area, Part Two -Exhibits.
- "ORS" means Oregon Revised Statute (State Law) and specifically Chapter 457 thereof.
- "Plan" means the Independence Urban Renewal Plan for the Independence Urban Renewal Area, Parts One and Two. "Planning Commission" means the Planning Commission of the City of Independence, Oregon.
- "Project, Activity or Project Activity" means any undertaking or activity within the Renewal Area, such as a public improvement, street project or other activity which is authorized and for which implementing provisions are set forth in the Urban Renewal Plan.
- "Report" means the report accompanying the Plan, as provided in ORS 457.085 (3).
- "Redeveloper" means any individual or group acquiring property from the Urban Renewal Agency or receiving financial assistance for the physical improvement of privately or publicly held structures and land.
- "Text" means the Urban Renewal Plan for the Independence Urban Renewal Area, Part One - Text.
- "Urban Renewal Agency" means the Urban Renewal Agency of the City of Independence, Oregon.
- "Urban Renewal Area", "Independence Urban Renewal Area", or "Renewal Area" means the geographic area for which this Urban Renewal Plan has been approved. The boundary of the Renewal Area is described in Exhibits made a part of this Plan.