

AGENDA
CITY OF DAYTON
WORK/ SPECIAL SESSION

DATE: MONDAY, OCTOBER 21, 2024
TIME: 6:30 PM
PLACE: DAYTON CITY HALL ANNEX - 408 FERRY STREET, DAYTON, OREGON
VIRTUAL: ZOOM MEETING - ORS 192.670/HB 2560

You may join the Council Meeting online via YouTube: <https://youtube.com/live/SOfVoGWwao?feature=share>

Dayton - Rich in History . . . Envisioning Our Future

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Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice: City Hall Annex is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Recorder (503) 864-2221 or rvargas@daytonoregon.gov.

Posted: October 18, 2024
By: Rocio Vargas, City Recorder

NEXT MEETING

November 4, 2024, Regular Session Meeting

December 2, 2024, Regular Session Meeting

Virtually via Zoom and in Person, City Hall Annex, 408 Ferry Street, Dayton, Oregon

The public is encouraged to relay concerns and/or comments to the City Council in one of the following methods:

- a **Email - any time up to 5:00 p.m.** the day of the meeting to rvargas@daytonoregon.gov.
The Mayor will read the comments emailed to the City Recorder.
- b **Appear in person** - if you would like to speak during public comment, please sign up on the sign-in sheet located on the table when you enter the Council Chambers.
- c **Appear by Telephone only** - please sign up prior to the meeting by emailing the City Recorder at rvargas@daytonoregon.gov. (The chat function is not available when calling by phone into Zoom.)
- d **Appear virtually via Zoom** - send an email directly to the City Recorder, Rocio Vargas, prior to the meeting to request to speak during public comment. **The City Recorder will need your first and last name, address, and contact information** (email, phone number), **and topic name** you will receive the Zoom Meeting link or information. When it is your turn, the Mayor will announce your name and your microphone will be unmuted.

**MINUTES
DAYTON CITY COUNCIL
Regular Session
October 7, 2024**

PRESENT: Mayor Annette Frank
Councilor Drew Hildebrandt
Councilor Scott Hover
Councilor Kitty Mackin
Councilor Chris Teichroew

ABSENT: Council President Luke Wildhaber
(unexcused)
Councilor Jim Maguire
(excused)

STAFF: Cyndi Park, Interim City Manager
Rocio Vargas, City Recorder
Dave Rucklos, Tourism & Economic Development Director
Don Cutler, Public Works Supervisor
Curt Fisher, City Planner

A. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Annette Frank called the meeting to order at 6:30 pm and all those present gave the Pledge of Allegiance.

B. ROLL CALL

Mayor Annette Frank noted that councilors Hildebrandt, Hover, Mackin and Teichroew were present in person. Noted that Councilor Maguire was absent excused. Council President Wildhaber was absent unexcused.

C. APPEARANCE OF INTERESTED CITIZENS

Darrick Price, 521 Ferry Street, with Green Spark Homes presented the City Council with a memo referencing the property on 8th and Main. He explained the water drainage situation with the existing house (711 Main St.) next to the new home (721 Main St.) that he and his clients Greg White and Nathan Zook are building. Mr. Price stated that they have completed all the requirements and conditions given to them by the city on their building permit. He stated that there was a complaint from the neighbors regarding the water draining properly from their home since the construction occurred. Mr. Price stated that he looked over and noticed that the water accumulated on the ground from the gutters, which were not connected to the city stormwater. He stated that he went to the neighbors and told them what the issue was and explained a solution. Mr. Price stated that he received an email from the city stating that they(contractors)

needed to add the drainage system for the existing house per City Engineer. He stated that the city issued a temporary occupancy permit to put in the storm drainage system within 60 days for the existing house. Mr. Price state that he wants the City Attorney to review his argument because he believes the city is in violation to ORS 92.040.

Greg White, 14570 SE Palmer Creek, 721 Main St owner, stated that Mr. Price explained the situation and wanted to add that with by adding the storm drainage system required by code would dimmish the value of his property, because in the future an owner may not be able to add an RV pad.

D. CONSENT AGENDA

1. September 3, 2024, Regular Session Minutes

DREW HILDEBRANDT MOVED TO APPROVE THE SEPTEMBER 3, 2024, REGULAR SESSION MINUTES. SECONDED BY CHRIS TEICHROEW. Motion carried with Frank, Hildebrandt, Hover, Mackin and Teichroew voting aye. Councilors Maguire and Wildhaber were absent.

E. ACTION ITEMS

1. Resolution 2024/25-05 Proclaiming Oct. 20th through Oct. 26th, to be the 27th Annual National Hands & Words are not for Hurting Week

KITTY MACKIN MOVED TO APPROVE RESOLUTION 2024/25-05 PROCLAIMING OCT. 20TH THROUGH OCT. 26TH, TO BE THE 27TH ANNUAL NATIONAL HANDS & WORDS ARE NOT FOR HURTING WEEK. SECONDED BY SCOTT HOVER. Motion carried with Frank, Hildebrandt, Hover, Mackin and Teichroew voting aye. Councilors Maguire and Wildhaber were absent.

2. Second Reading and Adoption of Ordinance 661 Amending Chapter 7.4.1 of the DLUDC

Councilor Mackin preformed the second reading of Ordinance 661 Amending Chapter 7.4.1 of the DLUDC by title only.

DREW HILDEBRANDT MOVED TO APPROVE THE SECOND READING OF ORDINANCE 661 AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING CHAPTER 7.4.1 OF THE DLUDC BY TITLE

ONLY. SECONDED BY SCOTT HOVER. Motion carried with Frank, Hildebrandt, Hover, Mackin and Teichroew voting aye. Councilors Maguire and Wildhaber were absent.

DREW HILDEBRANDT MOVED TO ADOPT ORDINANCE 661 AMENDING CHAPTER 7.4.1 OF THE DLUDC OF THE DAYTON MUNICIPAL CODE. SECONDED BY KITTY MACKIN. Motion carried with Frank, Hildebrandt, Hover, Mackin and Teichroew voting aye. Councilors Maguire and Wildhaber were absent.

3. First Reading of Ordinance 662 Amending Chapter 6 Public Improvements of the Dayton Municipal Code opting into ORS 105.668

Councilor Mackin completed the first reading of Ordinance 662 by title only.

DREW HILDEBRANDT MOVED TO APPROVE THE FIRST READING OF ORDINANCE 662 AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING CHAPTER 6 OF THE DAYTON MUNICIPAL CODE TO ADOPT LIMITATION OF LIABILITY FOR CERTAIN CLAIMS ARISING FROM THE USE OF TRAILS OR STRUCTURES WITHIN PUBLIC EASEMENTS AND UNIMPROVED RIGHTS OF WAY UNDER ORS 105.668. SECONDED BY CHRIS TEICHROEW. Motion carried with Frank, Hildebrandt, Hover, Mackin and Teichroew voting aye. Councilors Maguire and Wildhaber were absent.

4. First Reading of Ordinance 663 Amending Chapter 3.8 Transient Lodging Tax

Dave Rucklos, Tourism and Economic Development Director presented a levy update among other updates to the TLT Code. He provided information on surrounding cities and their TLT levy percentage compared to Dayton and recommended an increase from 8% to 10%.

Councilor Hildebrandt inquired if 10% was enough or if the city should set a higher percentage in anticipation of keeping up with the trend in tourism cities in the coast. He inquired if this would be helpful for the City or not.

Mayor Frank inquired about the City of Carlton TLT percentage

TED stated that they have 7% but they do not have a lodging facility.

TED stated that the LOC is advocating to change the 70/30 split of the TLT for marketing and for the city. He stated that this is a pass down tax to tourists and caps at 12%.

Councilor Hover stated that he thinks the City should be more cautious and take a two-tier approach; that if needed revisit and increase at another time.

There was a discussion on what the percentage looks like on a room.

Mayor Frank asked other council members for their input.

Councilor Mackin expressed concern on the change discouraging the current construction.

Councilor Teichroew inquired for clarification on the who incurs the tax cost and if the Vintages would have to increase their tax as well.

Interim City Manager stated that it is a pass down tax the tourist.

The dollar amount per percentage was discussed. There was a consensus that this is an adjustable rate and could be revised in the future.

Mayor Frank inquired if the TLT percentage change to 11% is made per resolution.

Rocio Vargas, City Recorder stated that the text in the code could be changed to 11% and the motion to approve the first reading could state it is as amended.

Councilor Mackin preformed the first reading of Ordinance 663 Amending Chapter 3.8 Transient Lodging Tax by title only.

DREW HILDEBRANDT MOVED TO APPROVE THE FIRST READING OF ORDINANCE 663 AN ORDINANCE OF THE DAYTON CITY COUNCIL TO AMEND CHAPTER 3.8 TRANSIENT LODGING TAX OF THE DAYTON MUNICIPAL CODE AS AMENDED. SECONDED BY SCOTT HOVER.

Motion carried with Frank, Hildebrandt, Hover, Mackin and Teichroew voting aye. Councilors Maguire and Wildhaber were absent.

5. Discussion and Potential Approval to Notify FEMA of Intend to Adopt Model Floodplain Management Ordinance

Cyndi Park, Interim City Manager stated that this approval does not adopt an ordinance only gives the City the authority to notify FEMA of the intent to adopt the Model Floodplain Management Ordinance.

Curt Fisher, City Planner stated that choosing this model code is the best choice for the City as stated in the staff report memo from Jim Jacks. He stated that by opting into this model would update the floodplain overlay code.

Mayor Frank inquired how much it would cost to update the floodplain overlay.

City Planner stated that he does not know how much it would cost but with this option the existing code could be completely stricken to add the model code. He stated that there may be support funding available in the future.

Councilor Hover inquired about the deadline.

Interim City Manager stated that the decision needed to be communicated to FEMA by December 1, 2024, the implementations deadline is July 2025.

City Planner stated that Region 10 stated that they would work with the City to allow enough time to implement the updates.

DREW HILDEBRANDT MOVED TO APPROVE THAT THE CITY ADOPT A MODEL ORDINANCE THAT CONSIDERS IMPACTS TO SPECIES AND THEIR HABITAT AND REQUIRES MITIGATION TO A NO NET LOSS STANDARD; AND THAT THE CITY MANAGER, OR DESIGNEE, REPORT THIS ELECTION TO FEMA REGION ON BEHALF OF THE CITY OF DAYTON BY DECEMBER 1 2024. SECONDED BY KITTY MACKIN. Motion carried with Frank, Hildebrandt, Hover, Mackin and Teichroew voting aye. Councilors Maguire and Wildhaber were absent.

F. COUNCILOR COMMENTS AND CONCERNS

Councilor Mackin informed council of the LOC Board having three openings and stated that she has applied to be a board member and will have a zoom meeting on October 17th. She stated her goal is to bring more ADA conversations to the attention of the LOC.

Councilor Teichroew stated that he is interested in getting more community engagement. He stated that he thinks a pickleball court could be beneficial to the community.

Councilor Hildebrandt commented on the incident report from the Yamhill County Sheriff's Office. He stated that he is concerned about the number of calls and injured about updating the levy. He stated that he is concerned about the sustainability of current levy for the future needs of the City of Dayton.

Councilor Mackin stated that there had been a plan to submit a supplemental to the six-year levy in the current election. She stated that previous council members favored presidential elections for levy for the voter turnout.

Mayor Frank reminded council that levy campaigns must be a council member initiative, because staff cannot be involved politically. She stated that when the time comes council needs to put in the work to campaign the levy with the community.

Councilor Hover asked for clarification of the final week for the City Manager candidate interviews. He requested for a refresher to be sent out.

Mayor Frank asked for more traffic enforcement by the Sheriff.

G. INFORMATION REPORTS

1. Tourism and Economic Development (TED) Director

TED Director updated the council on the bridge status in preparation for the ribbon cutting to reopen the bridge. He stated he would like to set a date and time for the ceremony that would fit the schedule of all those who would like to attend as is the case of the former City Manager. TED Director stated once the bridge is complete, we will learn the ending balance available to make repairs to the approaches.

TED Director updated the council on the bandstand building permit. He stated that Newberg is currently having staff turnover, so this could delay the permit. He stated that due to budget any ADA adaptations need to be added to the goals in the February.

TED Director updated the Council on the Urban Renewal District resolutions with the Dayton Fire Department and Dayton School District. He stated that the first reading of the Ordinance adopting the plan could go into the October 21, 2024, Work Session Agenda if the Council approves. The second reading would be November 4, 2024, and go into effect 30 days after.

TED Director stated that Wednesday he will be giving Conservation Technix a tour of the parks as they begin work on the Parks Master Plan.

TED Director stated that KGW was present in Dayton recording for the morning show.

TED Director informed the Council that the City will be approaching the state and federal government for support to begin to work on the addition of the Fisher Farms wells to the city water system. He stated that the city is interested in updating the water line from the springs.

H. CITY MANAGER'S REPORT

Interim City Manager asked the Council if there was an interest of including the Community Center as a park or recreational facility. If there is interest would the Council like to use the Congressional Direct Spending obtained on this project.

I. ADJOURN

There being no further business to discuss meeting adjourned at 7:53 pm.

Respectfully submitted:

APPROVED BY COUNCIL on **October 21, 2024**

By:

As Written

As Amended

Rocio Vargas, City Recorder

Annette Frank, Mayor

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To: Honorable Mayor and City Councilors

From: Cyndi Park, Interim City Manager

Issue: Maintenance Worker Resignation - Public Works Department

Date: October 21, 2024

Background and Information:

On October 9, 2024, Rebecca Eastman turned in her resignation to Public Works Supervisor Don Cutler. Her last day is October 24, 2024. Per City of Dayton Charter the Interim City Manager needs City Council approval to appoint new employees. Interim City Manager seeks approval to advertise the opening to recruit and hire a new public works employee.

City Manager Recommendation: I recommend approval.

Potential Motion to nominate: "I move to approve the Interim City Manager to advertise, recruit and hire a new public works employee."

Council Options:

- 1 - Approve as recommended.
- 2 - Approve with amendments.
- 3 - Take no action and direct staff to do further research or provide additional options.

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To: Honorable Mayor and City Councilors
From: Cyndi Park, Interim City Manager
Issue: Second Reading of Ordinance 662 - Amending Chapter 6 - Public Improvements - Opting Into ORS 105.668
Date: October 21, 2024

Background - On February 14, 2024, the office of BEH sent an email recommending cities opt into ORS 105.668 - Limiting Trail Use Liability. BEH provided the text of the code that they recommend be added to Dayton Municipal Code. City Council approved the first reading of Ordinance 662 by title only on October 7, 2024, the.

Goal - With the City Attorney's recommendation, and to limit the liability of the City for personal injury or property damage resulting from the public's non-motorized use of trails and structures in public easements and unimproved rights of way, the City should consider adopting opting into ORS105.668 and adopt Ordinance 662.

Interim City Manager Recommendation: I recommend approving the second reading of Ordinance 662.

1. Perform the second reading of the Ordinance by title only.

"ORDINANCE NO. 662
CITY OF DAYTON
AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING THE MUNICIPAL
CODE TO ADOPT LIMITATION OF LIABILITY FOR CERTAIN CLAIMS ARISING FROM
THE USE OF TRAILS OR STRUCTURES WITHIN PUBLIC EASEMENTS AND
UNIMPROVED RIGHTS OF WAY UNDER ORS 105.668"

2. Potential Motion to Approve the Second Reading of the Ordinance by Title Only:

"I MOVE TO APPROVE THE SECOND READING OF ORDINANCE 662 AN
ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING THE MUNICIPAL CODE
TO ADOPT LIMITATION OF LIABILITY FOR CERTAIN CLAIMS ARISING FROM THE

USE OF TRAILS OR STRUCTURES WITHIN PUBLIC EASEMENTS AND UNIMPROVED RIGHTS OF WAY UNDER ORS 105.668"

3. Potential Motion to Adopt Ordinance 662:

"I MOVE TO ADOPT ORDINANCE 662 AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING THE MUNICIPAL CODE TO ADOPT LIMITATION OF LIABILITY FOR CERTAIN CLAIMS ARISING FROM THE USE OF TRAILS OR STRUCTURES WITHIN PUBLIC EASEMENTS AND UNIMPROVED RIGHTS OF WAY UNDER ORS 105.668"

City Council Options:

- 1 - Approve the 2nd Reading of Ordinance 662 as recommended.
- 2 - Approve the 2nd Reading of Ordinance 662 accept with amendments.
- 3 -Take no action and ask staff to do more research and bring further options back to the City Council.

**ORDINANCE NO. 662
CITY OF DAYTON, OREGON**

**AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING THE MUNICIPAL
CODE TO ADOPT LIMITATION OF LIABILITY FOR CERTAIN CLAIMS ARISING
FROM THE USE OF TRAILS OR STRUCTURES WITHIN PUBLIC EASEMENTS AND
UNIMPROVED RIGHTS OF WAY UNDER ORS 105.668**

WHEREAS, ORS 105.668(2) limits the liability of cities, adjacent property owners, and certain non-profit groups for injuries or property damage that result from the public's non-motorized use of trails or structures that are in a public easement or an unimproved right of way; and

WHEREAS, ORS 105.668(3) authorizes cities with populations less than 500,000 to adopt such limitation of liability by ordinance; and

WHEREAS, Dayton's population is less than 500,000; and

WHEREAS, the City of Dayton has trails or structures within its public easements and unimproved rights of way that may be used by the public for non-motorized activities such as walking, hiking, or biking; and

WHEREAS, the City of Dayton finds that the city's trails and structures are an important public amenity, that the public's use of such trails or structures is important for the health and enjoyment of the community, and that use should be encouraged; and

WHEREAS, the City of Dayton finds that it is important to protect the City, adjacent property owners, and certain nonprofit groups who provide the public with access to and perform maintenance for such trails and structures so that the public may continue to access such trails and structures; and

WHEREAS, the City of Dayton finds that adopting the limitation of liability in ORS 105.668(2) will provide the City, adjacent property owners, and nonprofit groups with such protection and will encourage the public's continued use of trails and structures in the City's public easements and unimproved rights of way.

NOW, THEREFORE, THE CITY OF DAYTON ORDAINS AS FOLLOWS:

Section 1: Findings. The above findings are hereby adopted.

Section 2: Limitation on Liability. The DAYTON MUNICIPAL CODE is hereby amended as shown on the attached Exhibit A.

Section 3: Severability. If any provision, section, phrase, or word of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does in affect other provision that can be given effect without the invalid provision or application.

Section 4: Continued Effect. All other provisions of the DAYTON MUNICIPAL CODE shall remain unchanged and in full effect.

Section 5: Effective Date. This Ordinance shall be effective on the 30th day following its passage.

PASSED AND ADOPTED by the City Council of the City of Dayton on this ___ day of _____, 2024.

Mode of Enactment:

Date of first reading: _____ In full _____ or by title only _____

Date of second reading: _____ In full _____ or by title only _____

_____ No Council member present at the meeting requested that the ordinance be read in full.

_____ A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

Final Vote:

In Favor:

Opposed:

Absent:

Abstained:

Annette Frank, Mayor

Date of Signing

ATTESTED BY:

Rocio A. Vargas, City Recorder

Date of Enactment

Attachment: Exhibit A

EXHIBIT A
DAYTON MUNICIPAL CODE ADDITION

6.13 Trails or Structures within Public Easements and Unimproved Rights of Way

6.13.1 Definitions

For the purposes of this subsection, the following terms shall have the following meaning:

- A. **Public easement:** means a platted or dedicated easement for public access that is accessible by a user on foot, horseback, bicycle, or other similar conveyance, but does not include a platted or dedicated public access easement over private streets.
- B. **Structures:** means improvements in a trail, including, but not limited to, stairs and bridges, that are accessible by a user on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance.
- C. **Trail:** means a travel way for pedestrians, bicycles, and other non-motorized means of transportation.
- D. **Unimproved Right of Way:** means a platted or dedicated public right of way over which a street, road or highway has not been constructed to the standards and specifications of the city with jurisdiction over the public right of way and for which the city has not expressly accepted responsibility for maintenance.

6.13.2 Liability Limited

- A. A personal injury or property damage resulting from use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, by a user on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance does not give rise to a private claim or right of action based on negligence against:
 - 1. The City of Dayton
 - 2. The City of Dayton's officers, employees, or agents to the extent that the officers, employees, or agents are entitled to defense and indemnification under ORS 30.285.
 - 3. The owner of land abutting the public easement or unimproved right of way.
 - 4. A nonprofit corporation and its volunteers for the construction and maintenance of the trail or structures in a public easement or unimproved right of way.

B. The immunity granted by this section does not extend to:

1. Except as provide by subsection (A)(2) of this section, a person that receives compensation for assistance, services, or advice in relation to conduct that leads to a personal injury or property damage.
2. Personal injury or property damage resulting from gross negligence or from reckless, wanton, or intentional misconduct.
3. An activity for which a person is strictly liable without regard to fault.

To: Honorable Mayor and City Councilors
Through: Cyndi Park, Interim City Manager
From: Dave Rucklos - TED Director
Issue: Second Reading of Ordinance 663 Amending Chapter 3.8 Transient Lodging Tax
Date: October 21, 2024

Background and Information

Background - On March 15, 2024, the office of BEH sent out an email recommending cities to update their Transient Lodging Tax Ordinance to accommodate the changing tourism industry. Our City Attorney provided some edits to Municipal Code Chapter 3.8. City council approved the first reading of Ordinance 663 by title only with amendments on October 7, 2024.

City Manager Recommendation: I recommend approving the second reading of Ordinance 663.

1. Perform the second reading of the Ordinance by title only.

"ORDINANCE NO. 663
CITY OF DAYTON
AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING SECTION 3.8
TRANSIENT LODGING TAX (TLT) OF CHAPTER 3 OF THE DAYTON MUNICIPAL
CODE"

2. Potential Motion to Approve the Second Reading of the Ordinance by Title Only:

"I MOVE TO APPROVE THE SECOND READING OF ORDINANCE 663 AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING CHAPTER 3.8 (TRANSIENT LODGING TAX) OF THE DAYTON MUNICIPAL CODE."

3. Potential Motion to Adopt Ordinance 663:

"I MOVE TO ADOPT ORDINANCE 663 AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING SECTION 3.8 TRANSIENT LODGING TAX (TLT) OF CHAPTER 3 OF THE DAYTON MUNICIPAL CODE"

City Council Options:

- 1 - Approve the 2nd Reading of Ordinance 663 as recommended.
- 2 - Approve the 2nd Reading of Ordinance 663 accept with amendments.
- 3 -Take no action and ask staff to do more research and bring further options back to the City Council.

**ORDINANCE NO. 663
CITY OF DAYTON**

**AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING SECTION 3.8 TRANSIENT
LODGING TAX (TLT) OF CHAPTER 3 OF THE DAYTON MUNICIPAL CODE**

Whereas, the Dayton Municipal Code is a codification of the general ordinances of the City of Dayton, organized by subject matter under Chapter, of which includes Chapter 3, Business Regulations; and

Whereas, the City Attorney recommended to revise Transient Lodging Tax Ordinances to include TLT is paid by the occupant and held in trust by the lodging operator for the local government, the tax liability in the event the dwelling property is sold, and define “transient lodging intermediaries”; and

Whereas, the State of Oregon updated legislation in 2018 to include “transient lodging intermediaries” under ORS 320.300; and

Whereas, the City of Dayton desires to conform with the changing legislative updates and changing tourism industry; and

Whereas, a local transient lodging tax is a tax imposed by a local government on the sale, service or furnishing of transient lodging;

Whereas, transient lodging includes hotel, motel and inn dwelling units that are used for temporary overnight human occupancy; spaces used for parking recreational vehicles or erecting tents during periods of human occupancy; or houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units, that are used for temporary human occupancy;

Whereas, ORS 320.350 provides that a city council may impose a new local transient lodging tax if at least seventy percent (70%) of the net revenue shall be used to fund tourism promotion or tourism-related facilities or certain debt-related expenses and no more than thirty percent (30%) of net revenue may be used for city services; and

Whereas, the city wishes to require any person other than a transient lodging provider that facilitates the retail sale of transient lodging and: charges for occupancy of the transient lodging; collects the consideration charged for occupancy of the transient lodging; or receives a fee or commission and requires the transient lodging provider to use a specified third-party entity to collect the consideration charged for occupancy of the transient lodging and remitting the tax to the city; and

Whereas, the city council wants to impose a ten (10) transient lodging tax.

Whereas, the City Council has determined that an amendment to Chapter 3 Section 3.8 is necessary to conform to changing legislation, tourism industry, and safeguard of the city interests.

NOW THEREFORE, THE CITY OF DAYTON ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Dayton does hereby amend Chapter 3 Section 3.8 of the Dayton Municipal Code as set forth in the attached Exhibit A.

Section 2. This Ordinance is effective thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Dayton on this _____.

Mode of enactment:

Date of first reading: _____ In Full ____ or by title only _____

Date of second reading: _____ In Full ____ or by title only _____

____ No council member present at the meeting requested that the ordinance be read in full.

____ A copy of the ordinance was provided to each Council member; three copies of the ordinance were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the ordinance.

Final Vote

In Favor:

Opposed:

Absent:

Abstained:

Annette Frank, Mayor

Date of Signing

Rocio Vargas, City Recorder

Date of Enactment

Attachment: Exhibit A

3.8.1 Title

This section is known as the transient room tax ordinance of the City of Dayton.

3.8.2 Definitions

Except where the context otherwise requires, the following terms are defined as follows:

1. **Accrual Accounting:** means rent is due to operator from a transient on hotel records when the rent is earned, whether or not it is paid.
2. **Cash Accounting:** means the operator does not enter the rent due from a transient on hotel records until the rent is paid.
3. **Hotel:** means any structure, or any portion of any structure occupied or intended or designed for transient occupancy for thirty days or less for dwelling, lodging, or sleeping purposes. It includes any hotel, motel, inn, condominium, tourist home or house, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, public or private club, and also means space in mobile home or trailer parks (including recreational vehicle, tent trailer and tent camping parks), or similar structures or space or portions thereof so occupied, for occupancy less than for 30-days.
4. **Hotel Hosting Platform:** means a business or other person that facilitates the retail sale of hotels by connecting transients with operators, either online or in any other manner. For the purpose of this chapter, hotel hosting platforms are operators.
- ~~3.~~
- 4.5. **Occupancy:** means the use or possession, or the right to the use or possession for lodging or sleeping purposes of any room or rooms in a hotel, or space in a mobile home or trailer park, or portion thereof.
- 5.6. **Operator:** means (1) any person who provides a hotel for occupancy to the general public for compensation. Furnishing accommodations can be done via employees, contractors, agents, or any other person allowed to process reservations and accept payment for the transient lodging on behalf of the transient lodging provider; or (2) any person who facilitates the reservations of a hotel and collects the payment for the hotel from the transient; or (3) any transient lodging provider, transient lodging intermediary, or transient lodging tax collector as defined in ORS 320.300, the proprietor of the hotel in any capacity. Where the operator performs as a managing agent other than an employee, the managing agent is an operator for the purposes of this section and has the same duties and liabilities as the principal. Compliance with the provisions of this section by either the principal or the managing agent is compliance by both.
- 6.7. **Person:** means any individual, corporation, partnership, joint venture, association, social club, fraternal organization, public or private dormitory, joint stock company, corporation, estate, oration, trust, receiver, trustee, syndicate or any other group or combination acting as a unit.
- 7.8. **Rent:** means the consideration charged, whether or not received by the operator, for the occupancy of space in a hotel, valued in money, goods, labor, credits, property or other consideration valued in money without any deduction. It does not include

charges to a condominium unit owner for cleaning or maintenance of such unit or personal use or occupancy by such owner.

~~8.9~~ **Rent Package Plan:** means the consideration charged for both food and rent where a single rate is charged for both. The amount applicable to rent for determination of the transient room tax under this section is the same as the charge for rent when food is not a part of the package plan. The amount for rent is the amount allocated to space rent, taking into consideration a reasonable value of other items in the rent package and the charge for rent when the space is rented separately and not part of a package plan.

~~9.10~~ **Tax:** means the tax payable by the transient or the aggregate amount of taxes due from an operator during the period for which collections are required to be reported.

~~10.11~~ **Transient:** means any individual who occupies or is entitled to occupancy in a hotel for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. The day a transient checks out of the hotel is not included in determining the 30-day period if the transient is not charged rent for that day by the operator. Any individual so occupying space in a hotel is a transient until the 30-day period expires unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy, or the tenancy actually extends more than 30 consecutive days. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this section may be considered. A person who pays for lodging on a monthly basis is not a transient.

3.8.3 Tax Imposed

1. ~~Effective- April 1, 2025~~~~April 1, 2016~~, each transient must pay a tax of ~~eleven (11)~~~~eight~~ percent of the rent charged by the operator for the privilege of occupancy in any hotel. For a recreational vehicle, tent trailer and tent camping with self-pay slots, the tax is increased and assessed to the closest twenty-five-cent interval. The tax is a debt owed by the transient to the city and is extinguished only by payment by the operator to the city.
2. Each transient must pay the tax to the operator of the hotel at the time the rent is collected if the operator keeps records on the cash accounting basis, and when earned if the operator keeps records on the accrual accounting basis. If rent is paid in installments, the transient must pay a proportionate share of the tax to the operator with each installment. Rent paid or charged for occupancy excludes the sale of any goods, services and commodities.
3. The City will dedicate net revenue from the transient room tax per the provisions of ORS 320.350(6).

Commented [RV1]: Dave will propose to raise the TLT tax to be increased from 8% to 10%. I suggest the effective date of April 1, 2025 based on the previous date used that matches with taxing year.

3.8.4 Collection Of Tax By Operator

1. Every operator ~~operating renting rooms or space for lodging or sleeping purposes~~ in this City not exempted under this section must collect a tax from the ~~occupant~~transient. The tax collected or accrued by the operator is a debt owed by the operator to the city.
2. In cases of credit or deferred payment of rent, the payment of tax to the operator may be deferred until the rent is paid.
3. The City Manager has authority to enforce this section and may delegate authority to adopt rules and regulations consistent with this section to aid in enforcement.
4. The operator is permitted to deduct and keep five percent of the amount of taxes actually collected to compensate the operator for administrative expenses in collecting the taxes.

3.8.5 Hotel Hosting Platform Fees

A hosting platform for hotels may collect a fee for booking services in connection with hotels only when those hotels are lawfully registered as operators with the city and possess a certificate of authority at the time the hotel is occupied.

3.8.65 Operators' Duties

1. Each operator must collect the tax imposed by this section at the same time as the rent is collected from each transient.
2. The amount of tax must be separately stated in operators' records and receipts.
3. No operator may advertise that the tax or any part of the tax will be assumed or absorbed by the operator, or that the tax will not be added to the rent, or that, when added, any part will be refunded except as provided by this section.
- ~~3.4.~~Every operator is deemed to hold the amount of city tax imposed pursuant to this chapter collected in trust for the city. While holding the payment in trust for the city, an operator may commingle the tax proceeds with the operator's funds, but the operator is not the owner of tax proceeds, except that, when a return is filed, the operator becomes the owner of the administrative fee authorized to be retained. Operators may choose to file returns and remit payment based on amounts accrued but not yet collected. The operator is liable for any tax that should have been collected from the transient, except in cases of nonpayment of rent by the transient.

3.8.76 Exemptions

The tax imposed by this section does not apply to:

1. Any occupant for more than 30 successive calendar days with respect to any rent imposed for the period commencing after the first 30 days of such successive occupancy. The requirements of this subsection are satisfied even if the hotel unit changes during the consecutive period, if (a) all hotel units occupied are within the same hotel; and (b) the transient paying for the hotel is the same person throughout the consecutive period.

- ~~2. Any person who rents a private home, vacation cabin, or like facility from any owner who rents out such facilities for less than 30 days per calendar year.~~
2. A dwelling unit in a hospital, health care facility, long-term care facility or any other residential facility that is licensed, registered or certified by the Oregon Department of Human Services or the Oregon Health Authority. Any occupant whose rent is paid for a hospital room or to a medical clinic, convalescent home or similar facility.
3. A dwelling unit in a facility providing treatment for drug or alcohol abuse or providing mental health treatment.
4. A dwelling unit that is used by members of the general public for temporary human occupancy for fewer than 30 days per year.
5. A dwelling unit, the consideration for which is funded through a contract with a government agency and the purpose of which is to provide emergency or temporary shelter.
- ~~3-6. A dwelling unit at a nonprofit youth or church camp, nonprofit conference center or other nonprofit facility.~~

3.8.8.7 Registration Of Operator

1. Every person who is an operator of a hotel in this City must register with the City Manager on a form provided by the City. Operators engaged in business at the time this section takes effect must register no later than 30 calendar days after this section takes effect. Operators starting business after this section takes effect must register within 15 calendar days after commencing business.
2. Delay in registration does not relieve any person from the obligation of payment or collection of the tax. The registration must state the name under which the operator conducts business, the business location and other information as the City Manager may require. The operator must sign the registration. Within 10 days of registration, the City Manager will issue a certificate of authority to each registrant to collect the tax. Certificates are not assignable or transferable and must be surrendered to the City Manager upon the cessation of business at the location named or upon its sale or transfer of the business. Each certificate will state the place of business to which it is applicable and must be prominently displayed to be seen and recognized by all occupants and persons seeking occupancy. Each certificate will state:
 1. The name of the operator;
 2. The address of the hotel;
 3. The date the City issued the certificate; and
 4. This Transient Occupancy Registration Certificate signifies that the operator named has fulfilled the requirements of the Transient Lodging Tax Ordinance of the city by registration with the City Manager to collect the transient lodging taxes imposed by the city and remitting them to the City Manager. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate a hotel without compliance with all local applicable laws.

3.8.98 Due Date - Returns And Payments

1. The transient must pay the tax imposed by this section to the operator at the time rent is paid. All taxes collected by any operator are due and payable to the City Manager on a quarterly basis on or before the last day of the month following the end of each calendar quarter, reporting the amount of the tax due during the quarter. Taxes due are delinquent on the last day of the month in which they are due. For example, for the calendar quarter of January, February, and March, Transient Lodging Taxes are due by April 30th. If the City Manager deems it necessary in order to ensure payment or facilitate collection by the City of the amount of taxes in any individual case, it may require returns and payment of the amount of taxes on other than monthly periods.
2. On or before the last day of the month following each quarter of collection, each operator must file with the City Manager a return for the preceding quarter's tax collections. The operator must file the return in such form as prescribed by the City Manager.
3. Remittances are delinquent if not made by the last day of the month in which they are due.
4. The operator is entitled to the administrative fee. If a hotel has multiple operators, they are not entitled to retain additional fees.
5. If a hotel is sold, or ownership is otherwise transferred during a calendar quarter, the tax collected up to the point of sale must be added to the closing costs and paid by the title company.
2. Returns must state the amount of tax collected or otherwise due for the related period. The City Manager may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of such amounts, and the amount of the rents exempt, if any.
- 4.7. The City Manager may extend, for a period not to exceed one month, the time for making any return or payment of tax for good cause. The City Manager may not grant any further extensions unless authorized by City Council.
- 5.8. The operator must deliver the return, together with the tax amount due, to the city manager either by personal delivery or by mail. If the operator files by mail, the postmark will be considered the date of filing for determining delinquencies.

Commented [AD2]: Please confirm preferred approach here. Is the tax liability rolled up in the closing costs and paid by the title company, or is the operator responsible for the partial quarter? If the operator is responsible, is the liability due before closing?

3.8.109 Penalties And Interest

3.8.109.1 Original Delinquency

Any operator that has not been granted an extension of time for remittance of tax due and fails to remit any tax imposed by this section prior to delinquency must pay a penalty equal to 10 percent of the tax amount due in addition to the tax amount.

3.8.109.2 Continued Delinquency

Any operator that has not been granted an extension of time for remittance of tax due and which fails to pay any delinquent remittance within 30 days following the date the

remittance first became delinquent, must pay a second delinquency penalty of 15 percent of the tax amount due in addition to the tax amount due and the 10 percent penalty first imposed.

3.8.109.3 Fraud

If the City Manager determines that the nonpayment of the any remittance or tax due under this section is due to fraud or an intent to evade this section's provisions, the City Manager will impose a penalty of 25 percent of the tax amount due in addition to the penalties imposed under subsections [A-3.8.10.1](#) and [B3.8.10.2](#).

3.8.109.4 Interest

In addition to penalties imposed, any operator that fails to remit any tax imposed by this section must pay interest on delinquent taxes at the [same rate established under ORS 305.220 for each month, or fraction of a month, of one percent per month on the amount of the tax due](#) from the date on which the remittance first became delinquent until paid. Penalties that are owed are not included for the purpose of calculating interest. [Interest may be on a fraction of a month if the delinquency is for less than 30 days. If an operator fails to file a return or pay the tax as required, a penalty shall be imposed in the same manner and amount provided under ORS 314.400.](#)

3.8.109.5 Penalties Merged With Tax

Every penalty imposed and all accrued interest will be merged with and become a part of the tax required to be paid.

3.8.109.6 Petition For Waiver

Any operator that fails to remit the tax within the time stated must pay the penalties. However, the operator may petition the City Manager for waiver and refund of the penalty or any portion thereof and the City Manager may, if a good and sufficient reason is shown, waive and direct a refund of the penalty or any portion thereof.

3.8.110 Deficiency Determination

1. If the City Manager determines that returns are incorrect, the [city](#) manager may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns, or upon the basis of any information submitted to the City or any additional information obtained by the City Manager.
2. One or more deficiency determinations may be made of the amount due for one or more than one period, and the amount determined is due and payable immediately upon service of notice that the amount determined is delinquent. Penalties on deficiencies are applied under Section 3.8.~~109~~.

3.8.121 Overpayment And Deficiency

3.8.121.1 Adjustments

In making a determination the city manager may offset tax overpayments, if any, previously made or against penalties and interest on underpayments. Interest on underpayments will be computed under Section 3.8.~~109~~.

3.8.12.2 Notice Of Deficiency

The City Manager will give to the operator a written notice of deficiency determination. The notice may be served personally or by mail. If by mail, the notice will be addressed to the operator at the address in city records. For service by mail of any notice required by this section, notice is served by mailing by certified mail, postage prepaid, return receipt requested.

3.8.12.3 Expiration Period

Except in the case of fraud or intent to evade this section or adopted rules, the City must make every deficiency determination and mail the appropriate notice within three years after the last day of the month following the close of the monthly period for which the amount became due, or within three years after the return is filed, whichever period expires later.

3.8.12.4 Payable Upon Receipt

Any deficiency determination becomes due and payable immediately upon receipt of notice and becomes final within 20 days after the City Manager gives notice. However, the operator may petition for refund if the petition is filed before the determination becomes final.

3.8.13 Failure To Collect Tax Fraud, Refusal to Collect, Evasion

~~Fraud, Refusal to Collect, Evasion~~ If any operator fails or refuses to collect the tax, or to make any report or tax remittance required by this section, or makes a fraudulent return or otherwise willfully attempts to evade this section, the city manager may take any action deemed best to obtain the facts and information on which to base an estimate of the tax due. As soon as the city manager determines tax is due from any operator who has failed or refused to collect, report and remit the tax, the city manager will determine and assess against the operator the tax, interest and penalties provided in this section. The ~~c~~City ~~m~~Manager will give a notice of the amount assessed. Any determination by the city manager becomes due and payable upon receipt of notice and becomes final within 20 days after the notice. The operator may petition the ~~c~~City ~~m~~Manager for refund if the petition is filed before the determination becomes final.

3.8.14 Redeterminations

1. Any person against whom a determination is made may petition for a redetermination and refund within ~~the time required in Section 3.8.11~~ 20 business days of service of notice of the tax deficiency. If a petition for redetermination and refund is not filed within the time required in Section 3.8.11, the determination becomes final at the expiration of the allowable time ~~A determination becomes final if a petition for redetermination is not timely filed.~~
2. If a petition for redetermination and refund is filed within the allowable period, the City Manager will reconsider the determination by an oral hearing and the City Manager will give 20 days' notice of the time and place of the hearing. The City Manager may continue the hearing from time to time as may be necessary.

3. The City Manager may decrease or increase the amount of the determination because of the hearing and if an increase is determined, the operator must pay that increase within three days after the hearing.
4. The written decision of the City Manager upon a petition for redetermination or refund becomes final 20 days after service upon the petitioner of notice by the city, unless appeal of the operator files the order or decision with the City Council within 20 days of the service of the notice. No petition for determination or refund or appeal is effective for any purpose unless the operator has first complied with all payment requirements.

3.8.154 Security For Collection Of Tax

1. The ~~c~~City ~~m~~Manager may require an operator to deposit with the city such security in the form of cash, bond or other security as the manager may determine is sufficient to protect the city's interests. In no event may the amount of the security be greater than twice the operator's estimated average monthly liability determined in such a manner, as the ~~c~~City ~~r~~Recorder deems proper, or \$5,000, whichever amount is less. The ~~c~~City ~~m~~Manager may increase or decrease the amount of security subject to these limitations.
2. The ~~c~~City ~~a~~Attorney may bring any legal action in the name of the City to collect the amount delinquent together with penalties and interest, [within three years after remittance is due to the city or within three years after any determination becomes final. The city is entitled to collect reasonable attorneys' fee in any legal action brought to collect on amount owed to the city under this section.](#)

3.8.165 Lien

1. The tax imposed by this section together with the interest and penalties and any direct collection costs which may be incurred after delinquency become and remain a lien until paid from the date of its recording. After the lien is recorded, notice of the lien may be issued by the ~~c~~City ~~r~~Recorder whenever:
 1. The operator is in default in the payment of the tax, interest and penalty, and
 2. A copy is sent to the delinquent operator.
2. The personal property subject to such lien seized by the city may be sold at public auction.

3.8.176

Refunds

3.8.176.1 Refunds By The City To The Operator

Whenever the amount of any tax, penalty or interest is paid more than once or has been erroneously collected or received by the City Manager, the City Manager may refund it. The operator must file a verified claim in writing with the City Manager stating the specific reason for the claim, and the operator must do so no later than three years from the date of payment. The operator must make the claim on forms provided by the City Manager. If the

City Manager approves the claim, the city manager may either refund the excess amount collected or paid, or provide a credit on any amount then due and payable by the operator, and the City Manager may refund the balance to the operator.

3.8.176.2 Refunds By City To Transient

Whenever an operator has collected a tax required by this section, and the operator has deposited that tax with the City Manager, and the City Manager later determines that the amount was erroneously collected or received by the City Manager, the City Manager may refund the incorrect amount to the transient. The operator must file a verified claim in writing with the City Manager stating the specific reason for the claim no later than three years from the date of payment.

3.8.17.3 Refunds By Operator to Transient

If an occupant has paid tax to an operator but stays a total of 30 or more consecutive days in the same hotel, the operator shall refund the occupant any tax collected for any portion of the continuous stay. The operator shall account for the collection and refund to the city manager. If the operator has remitted the tax prior to the refund or credit to the occupant, the operator shall be entitled to a corresponding refund or offset if the claim for refund is filed within three years from the date of collection.

3.8.17.4 Burden of Proof

The person claiming the refund shall have the burden of proving the facts that establish the basis for the refund.

3.8.187 Administration

1. Disposition and Use of Transient Room Tax Funds. All proceeds derived by the city from the transient room tax funds will be deposited in a special Transient Lodging Tax~~the General~~ Fund of the city.
2. Records Required from Operators. Every operator must keep guest records of room sales and accounting books and records of the room sales. The operator must retain all records for at least three years.
3. Examination of Records; Investigations. The city manager, or any person authorized in writing by the city manager, may examine, during normal business hours, the books, papers and accounting records relating to room sales of any operator liable for the tax, and may investigate the business to verify the accuracy of any return made, or if no return is made to ascertain and determine the amount required to be paid.

3.8.198 Confidentiality

1. Confidential Character Of Information Obtained No person enforcing the provisions of this section may disclose the business affairs, operations or information obtained by an investigation of records and equipment of any person required to obtain a Transient Occupancy Registration Certificate or pay a transient occupancy tax, or

the amount or source of income, profits, losses, expenditures or any particular thereof, set forth in any statement or application, or to permit any statement or application, or other document for enforcement of this section.

2. Subsection A does not prevent:
 1. The disclosure to, or the examination of records and equipment by another city official, employee or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this section or collecting taxes imposed,
 2. The disclosure, after the filing of a written request, to the taxpayer, receivers, trustees, executors, administrators, assignees and guarantors, or information as to any paid tax, any unpaid tax or amount of tax required to be collected, or interest and penalties,
 3. The disclosure of the names and addresses of any person to whom Transient Occupancy Registration certificates have been issued; and
 4. The disclosure of general statistics regarding taxes collected in the city.
3. The ~~c~~City ~~m~~Manager may refuse to make any disclosure referred to in this subsection when the public interest would suffer thereby.

3.8.2019 Appeals To The City Council

Any person aggrieved by any decision of the City Manager may appeal to the City Council by filing notice of appeal with the city recorder within 20 days of the serving or the mailing of the notice of the decision. The Council will give the appellant not less than ~~10~~ 20 days' written notice of the time and place of a hearing on the appealed matter. [The city council may agree to a compromise of the amount of tax remittance if there is a good faith dispute over the amount owing.](#) Action by the Council on appeals is final.

3.8.210 Violations

1. It is unlawful for any operator or other person to fail or refuse to:
 1. Register as required under this section;
 2. File any return required to be made; or
 3. File a supplemental return or other data required by the City Manager or to make a false or fraudulent return.
2. No person required to make, render, sign or verify any report may make any false or fraudulent report, with intent to defeat or evade the determination of any amount due or required by this section.
3. Violation of this section is a Class A Violation under the Dayton Municipal Code. [Each day that a violation remains uncured is a separate infraction.](#)

To: Honorable Mayor and City Councilors
From: Dave Rucklos - TED Director
Issue: First Reading of Ordinance 664 Adopting the Urban Renewal Plan
Date: October 21, 2024

Background and Information

Objective:

To adopt the City of Dayton Urban Renewal Plan (URP) as authorized by its Urban Renewal Agency (URA).

Explanation:

The City of Dayton has established an Urban Renewal Agency (URA) to manage a proposed 25-year District plan. Because the plan includes several public projects, three of four districts impacted by the plan must concur to its adoption

The taxing districts of the City of Dayton, Dayton Fire District, and Dayton School District have cooperatively come together to approve said plan as attached.

City staff would like the council to adopt the 25-year plan as outlined, allowing the city to use tax increment financing for defined projects including but not limited to the creation of infrastructure improvements and upgrades, recreational improvements, downtown property enhancements, and fire district and school district capital projects

City Manager Recommendation: I recommend approval.

Interim City Manager Recommendation: I recommend approving the first reading of Ordinance 664.

1. Perform the First Reading of the Ordinance by Title Only.

“ORDINANCE NO. 664
CITY OF DAYTON
AN ORDINANCE OF THE DAYTON CITY COUNCIL MAKING CERTAIN
DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE DAYTON
URBAN RENEWAL PLAN AND DIRECTING THAT NOTICE OF APPROVAL BE
PUBLISHED”

2. Potential Motion to Approve the First Reading of the Ordinance by Title Only:

“I MOVE TO APPROVE THE FIRST READING OF ORDINANCE 664 AN ORDINANCE

OF THE DAYTON CITY COUNCIL MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE DAYTON URBAN RENEWAL PLAN AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED”

City Council Options:

- 1 - Approve the 1st reading as recommended.
- 2 - Approve the 1st reading with amendments.
- 3 -Take no action and ask staff to do more research and bring further options back to the City Council.

**ORDINANCE NO. 664
CITY OF DAYTON**

**AN ORDINANCE OF THE DAYTON CITY COUNCIL MAKING CERTAIN
DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE
DAYTON URBAN RENEWAL PLAN AND DIRECTING THAT NOTICE OF
APPROVAL BE PUBLISHED**

WHEREAS, the Dayton Urban Renewal Agency (“the Agency”), as the duly authorized and acting urban renewal agency of the City of Dayton, Oregon, is proposing to undertake certain urban renewal activities in a designated area within the City pursuant to ORS Chapter 457; and

WHEREAS, the Agency, pursuant to the requirements of ORS Chapter 457, has caused the preparation of the Dayton Urban Renewal Plan dated August 5, 2024, and attached hereto as Exhibit A (the “Plan”) and incorporated hereby by reference, and the Plan authorizes certain urban renewal activities within the Dayton Urban Renewal Area (the “Area”); and

WHEREAS, the Agency has caused the preparation of a certain report Accompanying the Dayton Urban Renewal Plan dated August 5, 2024, attached hereto as Exhibit B (the “Report”) and incorporated hereby by reference to accompany the Plan as required under ORS 457.087; and

WHEREAS, the Agency forwarded the Plan and Report to the Dayton Planning Commission (the “Planning Commission”) for review and recommendation. The Planning Commission considered the Plan and Report on June 13, 2024 and passed a motion that the Plan conformed with the Dayton Comprehensive Plan. A memorandum stating that action is attached hereto as Exhibit C (the “Planning Commission Recommendation”); and

WHEREAS, the Plan and the Report were forwarded on May 7, 2024 to the governing body of each taxing district affected by the Plan, and the Agency has thereafter consulted and conferred with each taxing district; and

WHEREAS, there is a public building project in the Plan for the Dayton Fire District and a project not defined as a public building project for the Dayton School District; and

WHEREAS, the City of Dayton, Dayton Fire District, Dayton School District and Yamhill County were asked to concur with the inclusion of the Dayton Fire District and Dayton School District projects pursuant to ORS 457.089 (3); and

WHEREAS, the Dayton City Council, Dayton School District and the Dayton Fire District passed resolutions approving the inclusion of these public projects in the Plan attached hereto as Exhibit C, Exhibit D and Exhibit E respectively; and

WHEREAS, on June 13, 2024 the City met with representatives of Yamhill County to review the Plan, including proposed maximum indebtedness for the Plan; and

WHEREAS, the City Council has received a written recommendation from the governing body of the Yamhill Soil and Conservation District dated June 14, 2024, attached hereto as Exhibit F; and hereby modifies that recommendation and agrees to collaborate with the Yamhill County Soil and Water Conservation District; and

WHEREAS, on June 2024, the City caused notice of the hearing to be held before the Council on the Plan, including the required statements of ORS 457.120(3), to be mailed to utility customers within City's incorporated limits; and

WHEREAS, on July 15, 2024, the City Council held a public hearing to review and consider the Plan, the Report, the recommendation of the Dayton Planning Commission and the public testimony received on or before that date and to receive additional public testimony; and

WHEREAS, the City Council found 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.

NOW THEREFORE, CITY OF DAYTON HEREBY ORDAINS THAT:

Section 1: The Plan complies with all applicable requirements of ORS Chapter 457 and the specific criteria of ORS 457.095, in that, based on the information provided in the Report, the Dayton Planning Commission Recommendation, and the public testimony before the City Council:

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 Area is blighted, as defined by ORS 457.010(1) and is eligible for inclusion within the Plan because of conditions described in the Report in the Section "Existing Physical, Social, and Economic Conditions and Impacts on Municipal Services", including the existence of inadequate streets and other rights of way, open spaces and utilities within the Area (ORS 457.010(1)(e)) and 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 (ORS 457.010(1)(e) and (g));
3. The rehabilitation and redevelopment described in the Plan to be undertaken by the Agency 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 Dayton Comprehensive Plan and provides an outline for accomplishing the projects described in the Plan, as more fully described in XII of the Plan and in the Dayton Planning Commission recommendation.
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. Acquisition is an eligible component of the Plan and is necessary to cure blight in the Area and to promote economic prosperity.
7. Adoption 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 section 1c, Article IX of the Oregon Constitution and ORS 457.440 and other available funding as more fully described in the Sections IV through IX of the Report.
8. The City shall assume and complete any activities prescribed it by the Plan; and
9. The Agency consulted and conferred with affected overlapping taxing districts prior to the Plan being forwarded to the City Council.

Section 2: At the time of the consideration of this ordinance for approval the city has received concurrence of the public building projects listed in the Plan by three of the four taxing districts estimated to forego the most taxes as computed in the Report accompanying the Plan.

Section 3: The Dayton Urban Renewal Plan is hereby approved based upon review and consideration by the City Council of the Plan and Report, the Dayton Planning Commission Recommendation, each of which is hereby accepted, and the public testimony in the record.

Section 4: The City Manager shall forward forthwith to the Agency and to the Yamhill County Assessor a copy of this Ordinance and all attachments.

Section 5: The Agency shall thereafter cause a copy of the Plan to be recorded in the Records of Yamhill County, Oregon.

Section 6: The city recorder, in accordance with ORS 457.115, shall publish notice of the adoption of the Ordinance approving the Plan including the provisions of ORS 457.135, in the News Register no later than four days following adoption of this Ordinance.

ADOPTED AND ADOPTED by the City Council of the City of Dayton this ____ of _____, 2024.



Mode of enactment:

Date of first reading: _____ In Full ____ or by title only _____

Date of second reading: _____ In Full ____ or by title only _____

____ No council member present at the meeting requested that the ordinance be read in full.

____ A copy of the ordinance was provided to each Council member; three copies of the ordinance were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the ordinance.

Final Vote

In Favor:

Opposed:

Absent:

Abstained:

Annette Frank, Mayor

Date of Signing

Rocio Vargas, City Recorder

Date of Enactment

Attachments:

Exhibit A - Dayton Urban Renewal Plan

Exhibit B - Report Accompanying the Dayton Urban Renewal Plan

Exhibit C - Dayton Planning Commission Recommendation on
the Dayton Urban Renewal Plan

Exhibit D - City Council Resolution for Inclusion of Public Building Projects

Exhibit E - Dayton School District Resolution for Inclusion of Public Building Projects

Exhibit F - Dayton Fire District Resolution for Inclusion of Public Building Projects

Exhibit G - Yamhill Conty Soil and Conservation District letter

Dayton Urban Renewal Plan

This document remains draft until the City Council adoption of the Dayton Urban Renewal Plan.

Adopted by the City of Dayton

DATE

Ordinance No.

DRAFT

If Amendments are made to the Plan, the Resolution or Ordinance Number, date and a brief summary will be listed here. The amendment will be incorporated into the Plan and noted through a footnote.

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I. DEFINITIONS

“Agency ” means the Dayton Urban Renewal Agency. This Dayton Urban Renewal Agency is responsible for administration of the urban renewal plan.

“Area” means the properties and rights-of-way located within the Dayton Urban Renewal Boundary.

“Blight” is defined in ORS 457.010(1)(A-E) and identified in the ordinance adopting the urban renewal plan.

“Board of Commissioners” means the Yamhill County Board of Commissioners.

“City” means the City of Dayton, Oregon.

“City Council” or “Council” means the Dayton City Council.

“Comprehensive Plan” means the City of Dayton comprehensive land use plan and its implementing ordinances, policies, and standards.

“County” means Yamhill County, Oregon.

“Fiscal year ending” means the year commencing on July 1 of one year and closing on June 30 of the next year.

“Frozen base” means the total assessed value including all real, personal, manufactured, and utility values within an urban renewal area at the time of adoption. The County Assessor certifies the assessed value after the adoption of an urban renewal plan.

“Increment” means that part of the assessed value of a taxing district attributable to any increase in the assessed value of the property located in an urban renewal area, or portion thereof, over the assessed value specified in the certified statement.

“Maximum indebtedness” means the amount of the principal of indebtedness included in a plan pursuant to ORS 457.190 and does not include indebtedness incurred to refund or refinance existing indebtedness.

“ORS” means Oregon Revised Statutes. Chapter 457 specifically relates to urban renewal.

“Planning Commission” means the Dayton Planning Commission.

“Revenue sharing” means under-levying tax increment proceeds to effectively share a portion of the revenue with the other taxing districts that levy permanent rate taxes in the urban renewal area as defined in ORS 457.470.

“Tax increment financing (TIF)” is a method of funding urban renewal projects and programs through incurring debt that is repaid by the division of taxes accomplished through the adoption of an urban renewal plan.

“Tax increment finance revenues” means the funds allocated by the assessor to an urban renewal area due to increases in assessed value over the frozen base within the area.

“Urban renewal area” or “URA” means a blighted area included in an urban renewal plan or an area included in an urban renewal plan under ORS 457.160.

“Urban renewal plan” or “Plan” means a plan, as it exists or is changed or modified from time to time, for one or more urban renewal areas, as provided in ORS 457.085, 457.095, 457.105, 457.115, 457.120, 457.125, 457.135 and 457.220.

“Urban renewal project” or “Project” means any work or undertaking carried out under ORS 457 in an urban renewal area.

“Urban renewal report” or “Report” means the official report that accompanies the urban renewal plan pursuant to ORS 457.087.

II. INTRODUCTION

A. *Background*

Dayton Forward, A Vision for the Future (Dayton Forward), was prepared for the Dayton Community Development Association in 2012. Since that time, the City of Dayton has used the *Dayton Forward* plan guidelines and action items as guidelines for the future development of downtown Dayton. One of the recommended Next Steps in the *Dayton Forward* plan was to seek funding for a significant package of infrastructure. Other recommended actions in the *Dayton Forward* plan require funding that is not available in the City of Dayton budget. Urban renewal, with its associated tax increment financing, is a financing tool that can assist the city with the implementation of the *Dayton Forward* plan and create a vibrant downtown for its residents and visitors.

Opportunities for public involvement in the preparation of the Dayton Urban Renewal Plan included:

- City Council Urban Renewal 101, October 2, 2023
- City Council consideration of ordinance for establishing urban renewal agency March 4, 2024, April 3, 2024
- Dayton Urban Renewal Agency meeting on May 6, 2024
- Planning Commission meeting on June 20, 2024
- City Council public hearing on July 15, 2024 which was noticed to all utility customers in the City of Dayton via the utility bills.
- City Council 1st reading of the ordinance considering adopting the URA Plan on October 7, 2024.
- City Council 2nd reading of the ordinance and adoption of the URA Plan on November 4, 2024.

The Dayton Urban Renewal Plan Area (Area), shown in Figure 1, consists of approximately 133.2 acres. It is anticipated that the Plan will take twenty five years (25) of tax increment collections to implement, although there is no duration provision in this Plan. The maximum amount of indebtedness that may be issued for the Plan is Twenty-Nine Million Four Hundred Thousand dollars (\$29,400,000). Detailed financial analysis is in the Report accompanying the Dayton Urban Renewal Plan.

Goals and objectives developed for the Plan are intended to guide tax increment finance (TIF) revenue investment in the Area over the life of the Plan. The project category descriptions and list of projects are similarly intended to aid future decision makers when considering how best to expend TIF revenue.

The relationship between the sections of the Plan and the ORS 457.085 requirements is shown in Table 1. The specific reference in the table is the section of this Plan that primarily addresses the statutory reference. There may be other sections of the Plan that also address the statute.

Table 1 - Statutory References

Statutory Requirement	Plan Section
ORS 457.085(2)(a)	V
ORS 457.085(2)(b)	V
ORS 457.085(2)(c)	XIII
ORS 457.085(2)(d)	XII
ORS 457.085(2)(e)	XII
ORS 457.085(2)(f)	VIII
ORS 457.085(2)(g)	VII
ORS 457.085(2)(h)	III
ORS 457.085(2)(i)	VI
ORS 457.085(2)(j)	V

B. Urban Renewal Overview

Urban renewal allows for the use of tax increment financing, a funding source that is unique to urban renewal, to fund its projects. Tax increment revenues - the amount of property taxes generated by the increase in total assessed values in the urban renewal area from the time the urban renewal area is first established - are used to repay borrowed funds. The borrowed funds are used to pay for urban renewal projects and cannot exceed the maximum indebtedness amount set by the urban renewal plan.

The purpose of urban renewal is to improve specific areas of a city that are poorly developed or underdeveloped, called blighted areas in Oregon Revised Statutes (ORS) 457.010. These areas can have deteriorated buildings, changing uses, streets and utilities in poor condition, a complete lack of streets and utilities altogether, or other obstacles to development.

In general, urban renewal projects can include construction or improvement of streets, utilities, and other public facilities; assistance for rehabilitation or redevelopment of property; acquisition and re-sale of property (site assembly) from willing sellers; and improvements to public spaces including parks and open spaces. This Area meets the definition of blight due to the condition of the buildings, changing uses in the Area, utility infrastructure deficiencies, and underdeveloped and undeveloped properties. These blighted conditions are specifically cited in the ordinance adopting the Plan and described in detail in the Report Accompanying the Plan (Report).

The Report contains the information required by ORS 457.087, including:

- A description of the physical, social, and economic conditions in the Area and expected impact of the plan, including fiscal impact in light of increased services; (ORS 457.087(1))
- Reasons for selection of the plan Area; (ORS 457.087(2))
- The relationship between each project to be undertaken and the existing conditions; (ORS 457.087(3))
- The estimated total cost of each project and the source of funds to pay such costs; (ORS 457.087(4))
- The estimated completion date of each project; (ORS 457.087(5))The estimated amount of funds required in the Area and the anticipated year in which the debt will be retired; (ORS 457.087(6))
- A financial analysis of the plan; (ORS 457.087(7))
- A fiscal impact statement that estimates the impact of tax increment financing (TIF) upon all entities levying taxes upon property in the urban renewal area; (ORS 457.0857(8)) and
- A relocation report.(ORS 457.087(9))

III. MAXIMUM INDEBTEDNESS

Maximum indebtedness is the amount of indebtedness secured by a pledge of tax increment revenue that can be spent on projects, programs and administration throughout the life of the Plan. The maximum amount of indebtedness that may be issued or incurred under the Plan, based upon good faith estimates of the scope and costs of projects in the Plan and the schedule for their completion is Twenty-Nine Million Four Hundred Thousand dollars (\$29,400,000). This amount is the principal of such indebtedness and does not include interest or indebtedness incurred to refund or refinance existing indebtedness or interest earned on bond or loan proceeds.

IV. PLAN GOALS

The goals of the Dayton Urban Renewal Plan are listed below. The urban renewal plan is an implementation tool to enable the city to undertake projects for which there are no other funding sources or are limited funding sources.

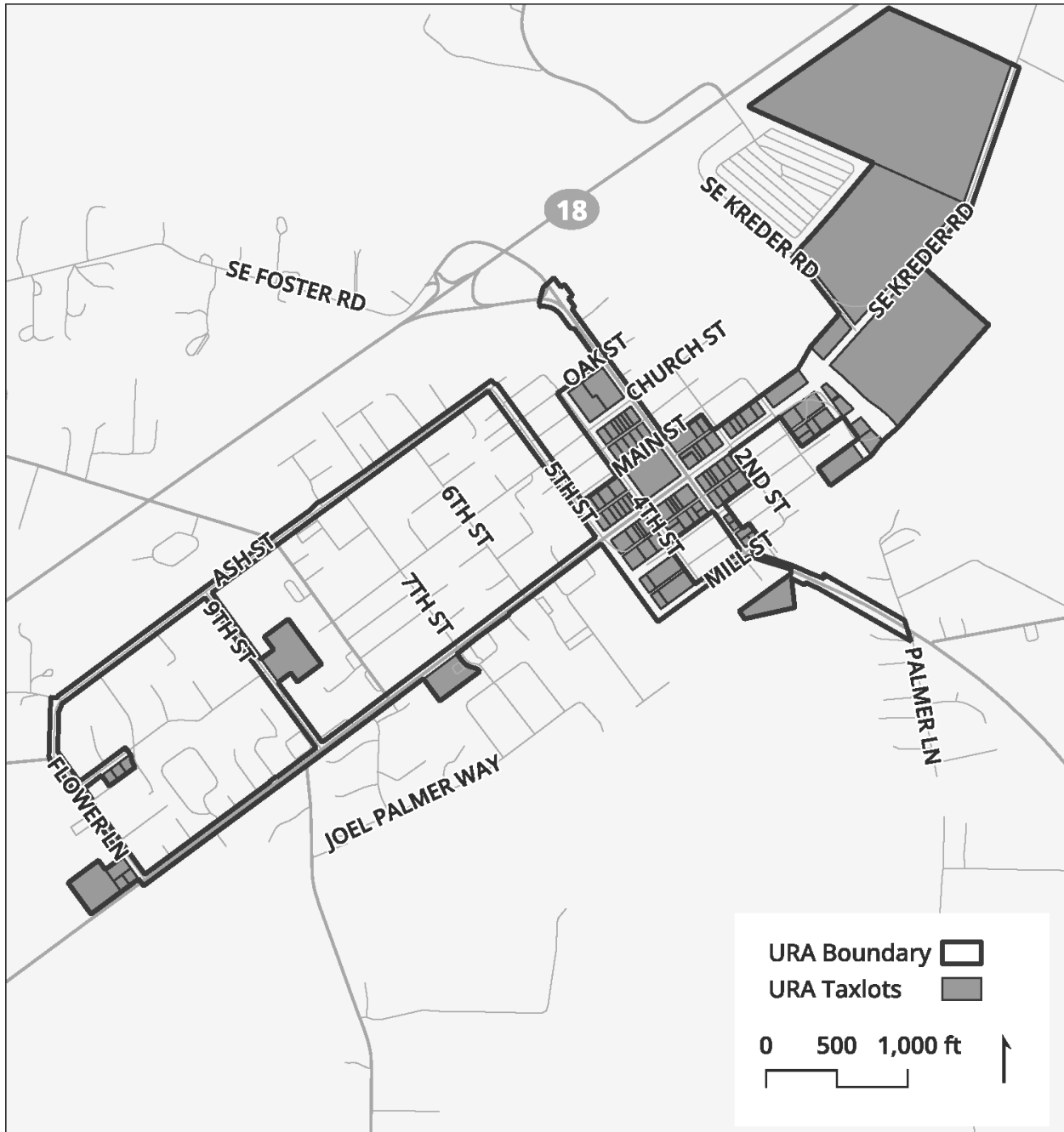
The goals of the Plan represent its basic intents and purposes. These goals come from the *Dayton Forward A Vision for the Future* Plan. The urban renewal projects identified in Section V of the Plan are the specific means of meeting the goals. The goals will be pursued as they become economically feasible and at the discretion of the Dayton Urban Renewal Agency. The goals are not listed in any order of importance or priority. A matrix of how the projects align with the goals is shown in Table 2.

- A. *Develop and maintain resilient infrastructure to support operations and meet growth.***
- B. *Create a livable community that is aesthetically pleasing, affordable, inviting, and with a vibrant and diverse economy.***
- C. *Capitalize on Dayton’s facilities and resources to provide recreational and cultural opportunities.***
- D. *Use Dayton’s heritage and historic resources to forward our image as an authentic and charming town.***

Table 2 – Relationship of Projects to Dayton Urban Renewal Plan Goals

Project Category	
Recreation Improvements	B, C, D
Downtown Streetscape	B,D
Building Façade Grant Program	B,D
Taxing District Partnerships	A,B
Infrastructure (streets and utilities)	A
Development and Redevelopment	B,D
Administration & staffing	All

Figure 1 – Dayton Urban Renewal Plan Area Boundary



Source: Tiberius Solutions

V. URBAN RENEWAL PROJECTS

Urban renewal projects authorized by the Plan are described below. They are not listed in any priority order. The Dayton Urban Renewal Agency will determine the order of the projects and may add and remove projects in the future through the amendment process defined in Section VI of this Plan. The projects identified for the Area are described below, including how they relate to the existing conditions in the Area.

A. *Recreation/Public Space Improvements*

Install recreation and park improvements including but not limited to:

- Dayton Landing
- Courthouse Square Park Enhancement
- Legion Field
- 11th Street Park
- Alderman Park
- Brookside Cemetery

B. *Downtown Streetscape Improvements*

Install streetscape improvements including but not limited to:

- Ornate lighting installation
- Bicycle racks
- Benches
- Signage
- Street trees

C. *Building Façade Grant Program*

Create a building façade grant program to improve the buildings in the Area.

D. *Taxing District Partnerships*

Work with taxing districts to identify projects that will assist them in providing services to the Area.

Dayton Fire District: provide funding up to \$2.88 million dollars calculated annually at a rate of 7.946 percent of the Agency's tax receipts for the Area for the purchase of capital equipment or for capital improvements to the Fire District station. The Improvements to the fire station serve and benefit the Area by being able to provide fire protection services to the Area and to the proposed redevelopment and new development in the Area. The Agency will enter into an intergovernmental agreement with the Dayton Fire District for the provision of capital improvements in the Area.

Dayton School District: provide funding up to one million dollars calculated annually at a rate of 2.76 percent of the Agency's tax receipts for the Area for recreational improvements at the Dayton High School. The assistance to the Dayton School District serves and benefits the Area by providing additional facilities to the school district to help with the education of the residents of Dayton, encouraging the existing residents to keep their children in Dayton schools and showing the city's commitment to the school district to help encourage other families to move to Dayton. The Agency

will enter into an intergovernmental agreement with the Dayton School District for the provision of capital improvements in the Area.

The Fire Station project is deemed to be a public building project pursuant to the definition of a public building in the 2024 edition of ORS 457.010(12)(a)(A)¹ and must be approved by at least three of the four taxing districts that are estimated to forgo the most property tax revenue as computed in the report accompanying the proposed plan (ORS 457.089(3)).

The Fire District project and the School District project, even though the interpretation is that it is defined as not a public building project in ORS 457.089(12)(b)(F)², have received concurrence from the Dayton City Council, the Dayton Fire District and the Dayton School District. The resolutions of concurrence are attached to the City Council ordinance adopting the Plan.

E. Public Infrastructure

Provide for infrastructure upgrades including but not limited to:

- Sewer and Water Line Extension and Upgrades
- Street Paving, Overlay and Repair as allowed
- Water Pressure Upgrades
- Sewer Pond Addition

F. Redevelopment and Development

Provide development support including but not limited to:

- Upgrading existing buildings
- Providing incentives for development in the Area, including the development of workforce housing

G. Administration & staffing

Authorizes expenditures for the administrative costs associated with managing the Area including but not limited to budgeting and annual reporting, planning and the implementation of projects in the Area.

¹ ORS 457.010(12)(a)(A).¹ "Public building" means: (A) A fire station, police station, public library, public hospital, capitol building, school as defined in ORS 339.315, college, university, city hall or the residence of any state official elected by the state at large.

² ORS 457.010(12)(b)(F) "Public building" does not mean: Park and recreation facilities, including sports fields.

VI. AMENDMENTS TO PLAN

The Plan may be amended as described in this section. Adding other properties to the Developer Incentives Program does not require an amendment to the Plan.

A. *Substantial Amendments*

Substantial Amendments, in accordance with ORS 457.085(2)(i), shall require the same notice, hearing, and approval procedure required of the original Plan, under ORS 457.095, including public involvement, consultation with taxing districts, presentation to the Dayton Urban Renewal Agency, the Planning Commission, the County, and adoption by the City Council by non-emergency ordinance after a hearing. Notice of such hearing shall be provided to individuals or households within the City of Dayton, as required by ORS 457.120. Notice of adoption of a Substantial Amendment shall be provided in accordance with ORS 457.095 and 457.115.

Substantial Amendments are amendments that:³

1. Add land to the urban renewal area, except for an addition of land that totals not more than a cumulative 1% of the existing area of the urban renewal area; or
2. Increase the maximum amount of indebtedness that can be issued or incurred under the Plan.

B. *Minor Amendments*

Minor Amendments are amendments that are not Substantial Amendments as defined in this Plan and in ORS 457. Minor Amendments require approval by the Dayton Urban Renewal Agency by resolution.

C. *Amendments to the Dayton Comprehensive Plan and/or the Dayton Land Use and Development Code*

Amendments to the *Dayton Comprehensive Plan* and/or the *Dayton Land Use and Development Code* that affect the Plan and/or the Area shall be incorporated automatically within the Plan without any separate action required by the Dayton Urban Renewal Agency or City Council. If a Substantial Amendment is prepared, the Section of this Plan on Relationship to Local Objectives should be updated.

³ Unless otherwise permitted by state law, no land equal to more than 20 percent of the total land area of the original Plan shall be added to the urban renewal area by amendments, and the aggregate amount of all amendments increasing the maximum indebtedness may not exceed 20 percent of the Plan's initial maximum indebtedness, as adjusted, as provided by law and by concurrence provisions in ORS 457.470.

VII. PROPERTY ACQUISITION AND DISPOSITION

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. If property is acquired it will be identified in the Plan through a Minor Amendment, as described in Section VII. Identification of property to be acquired and its anticipated disposition is required by ORS 457.085(g). If property acquisition includes a public building, how that public building serves and benefits the Area must be identified per ORS 457.085(2)(j).

A. Property acquisition for public improvements

The Dayton Urban Renewal Agency may acquire any property within the Area for the public improvement projects undertaken pursuant to the Plan by all legal means, including use of eminent domain. Good faith negotiations for such acquisitions must occur prior to institution of eminent domain procedures.

B. Property acquisition from willing sellers

The Plan authorizes Dayton Urban Renewal Agency acquisition of any interest in property within the Area that the Dayton Urban Renewal Agency finds is necessary for private redevelopment, but only in those cases where the property owner wishes to convey such interest to the Dayton Urban Renewal Agency. The Plan does not authorize the Dayton Urban Renewal Agency to use the power of eminent domain to acquire property from a private party to transfer property to another private party for private redevelopment. Property acquisition from willing sellers may be required to support development of projects within the Area.

C. Land disposition

The Dayton Urban Renewal Agency will dispose of property acquired for a public improvement project by conveyance to the appropriate public Dayton Urban Renewal Agency responsible for the construction and/or maintenance of the public improvement. The Dayton Urban Renewal Agency may retain such property during the construction of the public improvement.

The Dayton Urban Renewal Agency may dispose of property acquired under Subsection B of this Section VIII by conveying any interest in property acquired. 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 Dayton 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 the Plan. Because fair reuse value reflects limitations on the 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 Dayton Urban Renewal Agency determines is reasonable.

D. Properties to be acquired

This Plan must provide an indication of which real property may be acquired and the anticipated disposition of said real property whether by retention, resale, lease or other legal use, together with an estimated time schedule for such acquisition and disposition. This may be added at a date when the property is identified and may be added through a Minor Amendment.

The Agency intends to work with Yamhill County on the acquisition of Dayton Landing.

VIII. RELOCATION METHODS

When the Dayton Urban Renewal Agency acquires occupied property under the Plan, residential or commercial occupants of such property shall be offered relocation assistance, as required under applicable state law. Prior to such acquisition, the Dayton Urban Renewal Agency shall adopt rules and regulations, as necessary, for the administration of relocation assistance. The Dayton Urban Renewal Agency will comply with all applicable state law in providing these potential benefits.

There are plans to acquire land for infrastructure which may trigger relocation benefits in the future in the Area. All acquisitions will be reviewed for potential relocation benefits.

IX. TAX INCREMENT FINANCING OF PLAN

Tax increment financing consists of using annual tax increment revenues to make payments on debt, usually in the form of bank loans or revenue bonds. The proceeds of the debt are used to finance the urban renewal projects authorized in the Plan. Debt may be either long-term or short-term.

Tax increment revenues equal most of the annual property taxes imposed on the cumulative increase in assessed value within an urban renewal area over the frozen base value (i.e., total assessed value at the time an urban renewal plan is adopted). The property taxes for general obligation (GO) bonds and local option levies approved after October 6, 2001, are not part of the tax increment revenues.

A. General description of the proposed financing methods

The Plan will be financed using a combination of revenue sources. These include:

- Tax increment revenues;
- Advances, loans, grants, and any other form of financial assistance from federal, state, or local governments, or other public bodies;
- Loans, grants, dedications, or other contributions from private developers and property owners, including, but not limited to, assessment districts; and
- Any other public or private source.

Revenues obtained by the Dayton Urban Renewal Agency will be used to pay or repay the costs, expenses, advancements, and indebtedness incurred in (1) planning or undertaking project activities, or (2) otherwise exercising any of the powers granted by ORS Chapter 457 in connection with the implementation of this Plan, including costs associated with the preparation of the Plan.

B. Tax increment financing

The Plan may be financed, in whole or in part, by tax increment revenues allocated to the Dayton Urban Renewal Agency, as provided in ORS Chapter 457. The ad valorem taxes, if any, levied by a taxing district in which all or a portion of the Area is located, shall be divided as provided in Section 1c, Article IX of the Oregon Constitution, and ORS 457.440. Amounts collected pursuant to ORS 457.440 shall be deposited into the unsegregated tax collections account and distributed to the Dayton Urban Renewal Agency based upon the distribution schedule established under ORS 311.390.

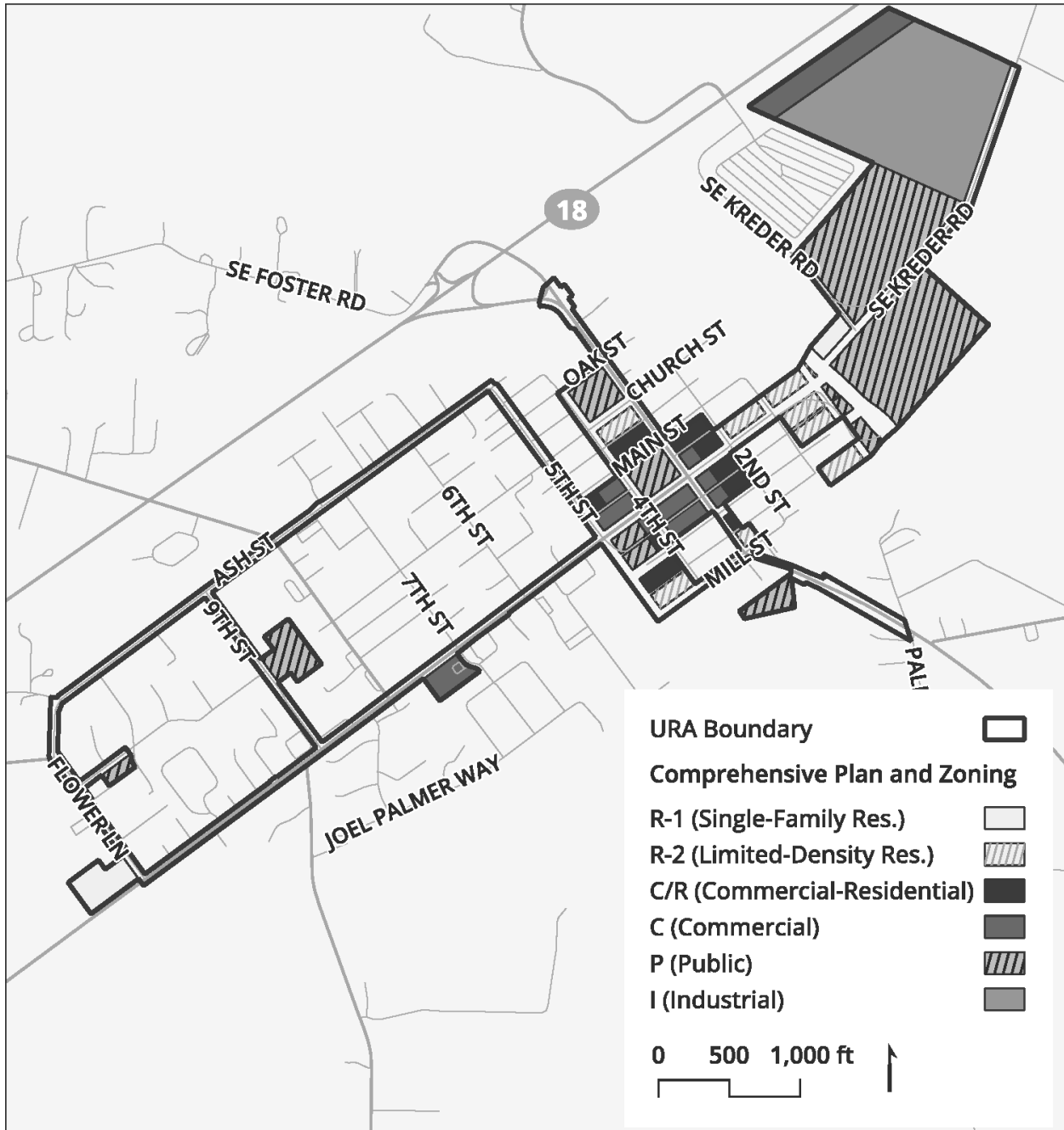
X. VALIDITY

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

XI. ANNUAL REPORT

The Dayton Urban Renewal Agency shall file an Annual Financial Statement in compliance with ORS 457.460.

Figure 2 - Comprehensive Plan and Zoning Designations



Source: Tiberius Solutions

XII. RELATIONSHIP TO LOCAL OBJECTIVES

ORS 457.085 requires that the Plan conform to local objectives including the comprehensive plan and economic development plan of a locality. This section provides that analysis. Relevant local planning and development objectives are contained within the *City of Dayton Planning Atlas Comprehensive Plan* (Comprehensive Plan), *Dayton Forward A vision for the Future* and the *Dayton Land Use and Development Code*. The following section describes the purpose and intent of these plans, the main applicable goals and policies within each plan, and an explanation of how the Plan relates to the applicable goals and policies. The analysis covers the most relevant sections of the documents but may not cover every section of the documents that relate to the Plan.

The numbering of the goals and policies within this section reflects the numbering that occurs in the original document. *Italicized text* is text that has been taken directly from an original document and therefore cannot be changed.

Comprehensive Plan and Zoning designations for all land in the Area are shown in Figure 2. All proposed land uses conform to Figure 2. Maximum densities and building requirements for all land in the Area are contained in the Dayton Development Code.

A. *City of Dayton Comprehensive Plan*

This document establishes goals and objectives for the City and creates implementing policies to achieve those goals, taking into account the objectives of the Statewide Land Use Goals and the requirements of the various implementing statutes and administrative rules. The goals contained in this plan are the general directions or accomplishments toward which the City wishes to go in the future. The polices are more specific actions the City feels are necessary to accomplish the goals.

As the Comprehensive Plan is updated in the future, this document will automatically incorporate those updates without the Plan having to be formally amended. This section of the Plan should be updated if there is a substantial amendment completed in the future.

Chapter 3. Natural, Scenic and Historic Resources Goals and Policies **Goals**

- 1. To conserve open spaces, and preserve natural, scenic and cultural resources.*
- 3. To preserve significant historic land marks, sites and structures.*

Finding: The Plan a Building Façade program which will be able to assist in the preservation of historic buildings in the Area. The funding for recreation improvements will help preserve the valuable downtown recreation resources. The Plan is in conformance with the Natural, Scenic and Historic Resources Goals of the Dayton Comprehensive Plan.

Chapter 6. Land Use and Urbanization **Goals**

- 2. To ensure a compact urban growth pattern.*
- 3. To recognize the importance of the adjacent farmland and the rural farm community to the local economy and larger Dayton and Yamhill County Community.*

Finding: The projects in the Plan will create an environment conducive to new development and redevelopment, ensuring a compact urban growth pattern. The Plan's recreation projects will support the development of housing in the Area. The Plan also has infrastructure projects that will promote housing development to occur in the Area. The Building Façade program that will assist in improving the appearance and function of the businesses in the Area which will provide services to future residents of the Area. The Plan is in conformance with the Land Use and Urbanization Goals of the Dayton Comprehensive Plan.

Chapter 7. Housing and Public Needs

Goals

- 1. To encourage housing that will meet the needs of the community in a manner that will best afford adequate choices in all income ranges and housing types.*
- 3. To ensure that the citizens are provided with safe and sanitary housing while promoting residential energy conservation design and construction techniques.*
- 4. To establish a residential zoning pattern and use which reduces the dependency on the automobile and encourages pedestrian connections to commercial and public areas.*

Finding: The Plan has recreation projects that will support the development of housing in the Area which will help provide housing choice, ensure safe and sanitary housing using current energy design and construction techniques. Providing housing in a mixed-use environment will help reduce the dependency on automobile traffic and encourage pedestrian connections to commercial and public areas. The Plan also has infrastructure projects that will promote housing development to occur in the Area. The Building Façade program that will assist in improving the appearance and function of the businesses in the Area which will provide services to future residents of the Area. The Plan also has funding for redevelopment and development which could be used for the development of workforce housing. The Plan is in conformance with the Housing and Public Needs Goals of the Dayton Comprehensive Plan.

Chapter 8. Economy of the City

Goals

- 1. To diversify and improve the City's economy.*
- 2. To provide sufficient, orderly and convenient commercial and industrial development that will enhance the livability of the community and meet the needs of the citizens.*
- 3. Create an environment that will enhance the downtown and provide a focal point for both residents and visitors.*

Finding: The Plan has recreation projects that will provide increased activity in the Area, enhance the downtown and provide a focal point for residents and visitors. The Plan has infrastructure projects that will promote development to occur in the Area and a Building Façade program that will assist in improving the appearance and function of the businesses in the Area. Much of the development is anticipated to be mixed use developments, so will add to the environment that will enhance the downtown. The Plan is in conformance with the Economy Goal of the Dayton Comprehensive Plan.

Chapter 9. Public Facilities and Services

Goals

- 1. To develop a timely, orderly and efficient arrangement of public and private facilities and services as a framework for future development.*

Finding: The Plan has transportation and utility projects within the Area. These projects will help facilitate new development within the Area. The Plan also has a project category of Taxing District Partnerships to work with the taxing districts to complete projects within the Area. The Plan is in conformance with the Public Facilities and Services Goals of the Dayton Comprehensive Plan.

Chapter 10. Transportation

Goals

- 1. To provide a safe, convenient, aesthetic and economic transportation system through a variety of transportation means.*

Finding: The Plan has transportation projects that will improve the transportation system and provide improved pedestrian mobility within the Area.

The Plan is in conformance with the Transportation Goal of the Dayton Comprehensive Plan.

B. City of Dayton Land Use and Development Code

The following zoning districts are within the Area. This Development Code is enacted to implement the goals and policies of the City of Dayton Comprehensive Plan; provide methods of administering and enforcing the provisions of this Code; and promote the public health, safety, and general welfare of the community. As property is developed within the Area, it will go through the normal approval process of the City. This urban renewal plan does not change zoning or add any increased restrictions to any zoning category.

1. Single Family Residential - R1

7.2.102.01 Purpose

The purpose of the R-1 zone is to allow development of single family homes on individual lots provided with urban services at urban densities. Other uses compatible with residential development are also appropriate. These areas are designated as Residential in the Comprehensive Plan.

2. Limited Density Residential - R2

7.2.103.01 Purpose

The R-2 zone is intended to provide for detached and attached dwellings on a lot or multiple dwellings on a lot at an intermediate density. Other uses compatible with residential development are also appropriate. R-2 zones are located in areas designated Residential in the Comprehensive Plan

3. Commercial Residential - CR

7.2.105.01 Purpose

To provide areas for the development of a mixture of single family, multi-family, and manufactured homes, and limited retail and service commercial uses.

4. Commercial - C

7.2.106.01 Purpose

The Commercial (C) Zone is the primary commercial zone within the City. The zone is specifically designed to provide area for commercial activities to serve the residents of the City and the surrounding area. The Commercial Zone is suitable for the Commercial Plan designation.

5. Industrial - I

7.2.107.01 Purpose

The purpose of the I Zone is to provide areas suitable for warehousing, primary and secondary processing, packaging, fabricating of finished goods and equipment with related outdoor storage and incidental sales. The Industrial zone is appropriate in those areas designated Industrial in the Comprehensive Plan where the location has access to an arterial street or highway and where the noises, lights, odors, and traffic will not conflict with residential areas.

6. Public - P

7.2.108.01 Purpose

The purpose of the P (PUBLIC) zone is to provide areas appropriate for specific public and semi-public uses and to ensure their compatibility with adjacent uses. The Public zone is applicable to those properties designated Public in the Comprehensive Plan.

Finding: The Plan is in conformance with the land use designations in the Dayton City Code. As property is developed within the Area, it will go through the normal approval process of the City. This urban renewal plan does not change zoning or add any increased restrictions to any zoning category.

C. Dayton Forward – A Vision for the Future

This plan was prepared for the City of Dayton in 2012.

Goal 1. Build an authentic, peaceful, safe and inclusive community - diverse in its culture, ages, beliefs and income levels - where citizens care for each other and all groups feel welcome and comfortable.

Goal 2. Maintain Dayton's compact, pedestrian friendly, small-town character. Revitalize its central business core with appropriately scaled development. Focus on infill development and placemaking within the existing fabric. Avoid auto oriented commercial strip development.

Goal 3. Use Dayton's historic, cultural, and natural resources to transform it into an authentic and charming community which appeals to individuals with high disposable incomes.

Goal 4. Create a vibrant employment base through the development of small commercial businesses that serve residents and tourists, with industries that highlight the quality of surrounding agricultural products and sustainable practices.

Goal 5. Use Dayton's heritage and historic resources to forward its image as an authentic and charming town.

Goal 6. Transform Dayton's character through the use of landscape elements such as street trees, public parks and trail systems.

Goal 7. Preserve, enhance and develop the scenic qualities of the Yamhill River by improving public access, creating recreation opportunities, and maintaining its natural beauty.

Goal 8. Capitalize on Dayton's natural resources to provide recreational opportunities for residents, tourists, and retirees.

Goal 11. Provide a range of quality housing opportunities that will be attractive to young families, retirees, students, tourists and those employed within greater Dayton.

Goal 12. Make Dayton a more self-sufficient community by improving residents' access to basic daily retail services.

Goal 13. Encourage a transportation system and modes of transportation that enhance and support the character of the town.

Goal 15. Upgrade Dayton's infrastructure so that commercial, industrial and housing growth can be accommodated.

Finding: The Plan's projects are intended to provide the type of community envisioned by the Dayton Forward Plan. There are projects to greatly enhance the recreational experience for residents and to bring visitors to Dayton. There are projects to support increased commercial activities, either through storefront loans, rehabilitation or new development. There is funding to bring new residential opportunities to the Area, including workforce housing. There is funding to improve the streetscape and pedestrian atmosphere in the Area. The Plan is in conformance with the *Dayton Forward – A Vision for the Future Plan*.

EXHIBIT A

City of Dayton Urban Renewal Area Description

A tract of land and road rights-of-way, located in the Northwest and Southwest One-Quarters of Section 16, the Northeast, Southwest, and Southeast One-Quarters of Section 17, and the Northwest One-Quarter of Section 20, Township 4 South, Range 3 West, Willamette Meridian, City of Dayton, Yamhill County, Oregon, and being more particularly described as follows:

Beginning at the westerly corner of Lot 261 of the plat "Town of Dayton", also being the intersection of the southeasterly right-of-way line of Main Street and the northeasterly right-of-way line of 5th Street (Assessor's Map 4.3.17DA);

1. Thence along said southeasterly right-of-way line, Northeasterly 300 feet, more or less, to the southwesterly right-of-way line of 4th Street (Assessor's Map 4.3.17DA);
2. Thence along said southwesterly right-of-way line, Northwesterly 721 feet, more or less, to the centerline of Oak Street (Assessor's Map 4.3.17DB);
3. Thence along said centerline, Northeasterly 370 feet, more or less, to the southwesterly right-of-way line of 3rd Street (Assessor's Map 4.3.17AD);
4. Thence along said southwesterly right-of-way line, Northwesterly 640 feet, more or less, to the northeasterly corner of Deed Instrument Number 200702379, Yamhill County Deed Records (Assessor's Map 4.3.17);
5. Thence leaving said southwesterly right-of-way line, North $16^{\circ}43'40''$ East 105.94 feet, more or less (Assessor's Map 4.3.17);
6. Thence North $44^{\circ}55'45''$ East 90.79 feet, more or less, to the northeasterly right-of-way line of 3rd Street (Assessor's Map 4.3.17AD);
7. Thence along said northeasterly right-of-way line, Southeasterly 1,498 feet, more or less, to the southeasterly right-of-way line of Main Street (Assessor's Map 4.3.17DA);
8. Thence along said southeasterly right-of-way line, Northeasterly 300 feet, more or less, to the southwesterly right-of-way line of 2nd Street (Assessor's Map 4.3.17DA);
9. Thence along said southwesterly right-of-way line, Southeasterly 140 feet, more or less, to the northerly corner of Lot 147 of said "Town of Dayton" (Assessor's Map 4.3.17DA);
10. Thence along the northeasterly extension of the northwesterly line of said Lot 147, Northeasterly 740 feet, more or less, to the northerly corner of Lot 31 of said "Town of Dayton" (Assessor's Map 4.3.17DA);
11. Thence leaving said northeasterly extension, Northeasterly 120 feet, more or less, to the westerly corner of Deed Film 245, Page 0007, Yamhill County Deed Records (Assessor's Map 4.3.16);
12. Thence along the northwesterly line of said Deed, Northeasterly 310 feet, more or less, to the southwesterly right-of-way line of SE Kreder Road (Assessor's Map 4.3.16);

13. Thence along said southwesterly right-of-way line, Northwesterly 517 feet, more or less, to the southwesterly extension of the northwesterly line of Film 126, Page 259, Yamhill County Deed Records (Assessor's Map 4.3.16);
14. Thence along said southwesterly extension and the northwesterly line of said Deed, Northeasterly 886 feet, more or less, to the southwesterly line of Instrument Number 199704522, Yamhill County Deed Records (Assessor's Map 4.3.16);
15. Thence along said southwesterly line, Northwesterly 962 feet, more or less, to the southeasterly right-of-way line of Oregon State Highway 18/233 (Assessor's Map 4.3.16);
16. Thence along said southeasterly right-of-way line, Northeasterly 1,215 feet, more or less, to the northeasterly line of said Deed (Assessor's Map 4.3.16);
17. Thence along said northeasterly line and the southeasterly extension thereof, Southeasterly 1,014 feet, more or less, to the southeasterly right-of-way line of SE Kreder Road (Assessor's Map 4.3.16);
18. Thence along said southeasterly right-of-way line, Southwesterly 1,591 feet, more or less, to the northeasterly line of Volume 48, Page 283 (Assessor's Map 4.3.16);
19. Thence along said northeasterly line, Southeasterly 647 feet, more or less, to the easterly corner of said Deed (Assessor's Map 4.3.16);
20. Thence along the southeasterly line of said Deed, Southwesterly 968 feet, more or less, to the southerly corner of said Deed (Assessor's Map 4.3.16);
21. Thence leaving said southeasterly line, Southwesterly 145 feet, more or less, to the easterly corner of Volume 181, Page 111 (Assessor's Map 4.3.16CB);
22. Thence along the southeasterly line of said Deed, Southwesterly 116 feet, more or less, to the northwesterly right-of-way line of Mill Street (Assessor's Map 4.3.16CB);
23. Thence along said northwesterly right-of-way line, Southwesterly 372 feet, more or less, to the northeasterly right-of-way line of 1st Street (Assessor's Map 4.3.16CB);
24. Thence along said northeasterly right-of-way line, Northwesterly 150 feet, more or less, to the westerly corner of Lot 6 of said "Town of Dayton" (Assessor's Map 4.3.16CB);
25. Thence along the northwesterly line of said Lot 6 and the northeasterly extension thereof, Northeasterly 360 feet, more or less, to the northeasterly right-of-way line of SE Water Street (Assessor's Map 4.3.16CB);
26. Thence along said northeasterly right-of-way line, Northwesterly 190 feet, more or less, to the northwesterly right-of-way line of Alder Street (Assessor's Map 4.3.17DA);
27. Thence along said northwesterly right-of-way line, Southwesterly 360 feet, more or less, to the northeasterly right-of-way line of 1st Street (Assessor's Map 4.3.17DA);
28. Thence along said northeasterly right-of-way line, Northwesterly 260 feet, more or less, to the southeasterly right-of-way line of Ferry Street (Assessor's Map 4.3.17DA);
29. Thence along said southeasterly right-of-way line, Southwesterly 440 feet, more or less, to the southwesterly right-of-way line of 2nd Street (Assessor's Map 4.3.17DA);
30. Thence along said southwesterly right-of-way line, Southeasterly 260 feet, more or less, to the northwesterly right-of-way line of Alder Street (Assessor's Map 4.3.17DA);
31. Thence along said northwesterly right-of-way line, Southwesterly 240 feet, more or less, to the easterly corner of Lot 141 of said "Town of Dayton" (Assessor's Map 4.3.17DA);
32. Thence along the southeasterly extension of the northeasterly line of said Lot 141, Southeasterly 220 feet, more or less, to the westerly corner of Lot 130 of said "Town of Dayton" (Assessor's Map 4.3.17DA);
33. Thence along the northwesterly line of said Lot 130, Northeasterly 60 feet, more or less, to the northeasterly line of said Lot 130 (Assessor's Map 4.3.17DA);

34. Thence along said northeasterly line, Southeasterly 120 feet, more or less, to the easterly corner of Partition Plat No. 2006-35, also being on the northwesterly right-of-way line of Mill Street (Assessor's Map 4.3.17DA);
35. Thence along said northwesterly right-of-way line, Southwesterly 60 feet, more or less, to the easterly corner of Parcel 1 of said plat (Assessor's Map 4.3.17DA);
36. Thence leaving said northwesterly right-of-way line, Southerly 71 feet, more or less, to the intersection of the southeasterly right-of-way line of Mill Street and the northeasterly right-of-way line of 3rd Street (Assessor's Map 4.3.16CB);
37. Thence along said northeasterly right-of-way line, Southeasterly 1,309 feet, more or less, to the centerline of SE Palmer Road (Assessor's Map 4.3.16CB);
38. Thence along said centerline, Southerly 155 feet, more or less, to the southwesterly right-of-way line of 3rd Street (Assessor's Map 4.3.16);
39. Thence along said southwesterly right-of-way line, Northwesterly 977 feet, more or less, to easterly line of Instrument Number 201816829, Yamhill County Deed Records (Assessor's Map 4.3.17DD);
40. Thence along said easterly line, Southerly 206 feet, more or less, to the southerly corner of said Deed (Assessor's Map 4.3.17DD);
41. Thence along the southerly line of said Deed, Westerly 363 feet, more or less, to the southwesterly corner of said Deed (Assessor's Map 4.3.17DD);
42. Thence along the southwesterly line of said Deed, Northwesterly 66 feet, more or less, to the westerly corner of said Deed, also being on the southeasterly line of Partition Plat No. 92-40 (Assessor's Map 4.3.17DD);
43. Thence along the northwesterly line of said Deed, Northeasterly 452 feet, more or less, to the northerly corner of said Deed (Assessor's Map 4.3.17DD);
44. Thence leaving said northwesterly line, Northwesterly 330 feet, more or less, to a point on the southeasterly right-of-way line of Mill Street, said point bears Northeasterly 48.5 feet, more or less, from the northerly corner of Instrument Number 202207411, Yamhill County Deed Records (Assessor's Map 4.3.17DD);
45. Thence along said southeasterly right-of-way line, Southwesterly 788 feet, more or less, to the southwesterly right-of-way line of 5th Street (Assessor's Map 4.3.17);
46. Thence along said southwesterly right-of-way line, Northwesterly 681 feet, more or less, to the southeasterly right-of-way line of Ferry Street (Assessor's Map 4.3.17);
47. Thence along said southeasterly right-of-way line, Southwesterly 1,291 feet, more or less, to the southwesterly right-of-way line of 7th Street (Assessor's Map 4.3.20AB);
48. Thence along said southwesterly right-of-way line, Southeasterly 209 feet, more or less, to the southeasterly line of Lot 2 of the plat "Palmer Creek Addition" (Assessor's Map 4.3.20AB);
49. Thence along said southeasterly line, Southwesterly 352 feet, more or less, to the southwesterly line of said Lot 2 (Assessor's Map 4.3.20AB);
50. Thence along said southwesterly line, Northwesterly 194 feet, more or less, to the southeasterly right-of-way line of Ferry Street (Assessor's Map 4.3.17);
51. Thence along said southeasterly right-of-way line, Southwesterly 2,465 feet, more or less, to the southeasterly extension of the southwesterly right-of-way line of Flower Lane (Assessor's Map 4.3.20);
52. Thence along said southeasterly extension, Northwesterly 60 feet, more or less, to the easterly corner of Partition Plat No. 2006-49, also being on the northwesterly right-of-way line of Ferry Street (Assessor's Map 4.3.20BB);

53. Thence along said northwesterly right-of-way line, Southwesterly 418 feet, more or less, to the southwesterly line of Partition Plat No. 2003-17 (Assessor's Map 4.3.20BB);
54. Thence along said southwesterly line, Northwesterly 274 feet, more or less, to the northwesterly line of said plat (Assessor's Map 4.3.20BB);
55. Thence along said northwesterly line, Northeasterly 267 feet, more or less, to the northerly corner of said plat (Assessor's Map 4.3.20BB);
56. Thence along the northeasterly line of said plat, Southeasterly 81 feet, more or less, to the northwesterly line of said Partition Plat No. 2006-49 (Assessor's Map 4.3.20BB);
57. Thence along said northwesterly line, Northeasterly 152 feet, more or less, to the southwesterly right-of-way line of Flower Lane (Assessor's Map 4.3.20BB);
58. Thence along said southwesterly right-of-way line, Northwesterly 828 feet, more or less, to the southerly right-of-way line of SE Ash Road (Assessor's Map 4.3.20BB);
59. Thence leaving said southerly right-of-way line, Northwesterly 62 feet, more or less, to the intersection of the northerly right-of-way line of SE Ash Road and the northwesterly right-of-way line of Ash Street (Assessor's Map 4.3.17CC);
60. Thence along said northwesterly right-of-way line, Northeasterly 4,268 feet, more or less, to the northeasterly right-of-way line of 5th Street (Assessor's Map 4.3.17DB);
61. Thence along said northeasterly right-of-way line, Southeasterly 1,075 feet, more or less, to the Point of Beginning (Assessor's Map 4.3.17DA).

Excepting therefrom;

Excepting Parcel 1;

Beginning at the southerly corner of Lot 232 of said "Town of Dayton", also being on the northwesterly right-of-way line of Mill Street (Assessor's Map 4.3.17DD);

100. Thence along said northwesterly right-of-way line, Southwesterly 70 feet, more or less, to the southwesterly right-of-way line of 4th Street (Assessor's Map 4.3.17DD);
101. Thence along said southwesterly right-of-way line, Northwesterly 340 feet, more or less, to the northwesterly right-of-way line of Alder Street (Assessor's Map 4.3.17DD);
102. Thence along said northwesterly right-of-way line, Northeasterly 405 feet, more or less, to the centerline of 3rd Street (Assessor's Map 4.3.17DA);
103. Thence along said centerline, Southeasterly 340 feet, more or less, to the northwesterly right-of-way line of Mill Street (Assessor's Map 4.3.17DD);
104. Thence along said northwesterly right-of-way line, Southwesterly 335 feet, more or less, to the Point of Beginning.

Excepting Parcel 2;

Beginning at the southerly corner of Partition Plat No. 2010-16, also being on the northeasterly right-of-way line of 9th Street (Assessor's Map 4.3.17CD);

200. Thence along said northeasterly right-of-way line, Northwesterly 521 feet, more or less (Assessor's Map 4.3.17CD);
201. Thence leaving said northeasterly right-of-way line along a line perpendicular to said right-of-way line, North 53°33'50" East 112.61 feet, more or less
202. Thence along a line parallel to said right-of-way line, South 36°26'10" East 78.74 feet, more or less (Assessor's Map 4.3.17CD);
203. Thence along a line perpendicular to said right-of-way line, North 53°33'50" East 212.11 feet, more or less (Assessor's Map 4.3.17CD);

204. Thence along a line parallel to said right-of-way line, North 36°26'10" West 395.77 feet, more or less (Assessor's Map 4.3.17CD);
205. Thence along a line perpendicular to said right-of-way line, South 53°33'50" West 212.11 feet, more or less (Assessor's Map 4.3.17CD);
206. Thence along a line parallel to said right-of-way line, South 36°26'10" East 112.27 feet, more or less (Assessor's Map 4.3.17CD);
207. Thence along a line perpendicular to said right-of-way line, South 53°33'50" West 112.61 feet, more or less, to the northeasterly right-of-way line of 9th Street (Assessor's Map 4.3.17CD);
208. Thence along said northeasterly right-of-way line, Northwesterly 582 feet, more or less, to the southeasterly right-of-way line of Ash Street (Assessor's Map 4.3.17CD);
209. Thence along said southeasterly right-of-way line, Northeasterly 2,416 feet, more or less, to the southwesterly right-of-way line of 5th Street (Assessor's Map 4.3.17DB);
210. Thence along said southwesterly right-of-way line, Southeasterly 1,281 feet, more or less, to the northwesterly right-of-way line of Ferry Street (Assessor's Map 4.3.17DB);
211. Thence along said northwesterly right-of-way line, Southwesterly 2,414 feet, more or less, to the Point of Beginning (Assessor's Map 4.3.17CD).

Excepting Parcel 3;

Beginning at the northerly corner of Partition Plat No. 95-04, also being on the southwesterly right-of-way line of 9th Street (Assessor's Map 4.3.17CD);

300. Thence along said southwesterly right-of-way line, Southeasterly 1,319 feet, more or less, to the northwesterly right-of-way line of Ferry Street (Assessor's Map 4.3.17CD);
301. Thence along said northwesterly right-of-way line, Southwesterly 1,513 feet, more or less, to the northeasterly right-of-way line of Flower Lane (Assessor's Map 4.3.20BB);
302. Thence along said northeasterly right-of-way line, Northwesterly 752 feet, more or less, to the southeasterly right-of-way line of Church Street (Assessor's Map 4.3.17CC);
303. Thence along said southeasterly right-of-way line, Northeasterly 152 feet, more or less, to the southwesterly line of Lot 3, Block 3 of the plat "Palmer Addition" (Assessor's Map 4.3.17CC);
304. Thence along said southwesterly line, Southeasterly 93 feet, more or less, to the southeasterly line of said plat (Assessor's Map 4.3.17CC);
305. Thence along said southeasterly line, Northeasterly 226 feet, more or less, to the southwesterly right-of-way line of 11th Street (Assessor's Map 4.3.17CC);
306. Thence along said southwesterly right-of-way line, Northwesterly 103 feet, more or less, to the northerly corner of Lot 5 of said plat, also being on the southeasterly right-of-way line of Church Street (Assessor's Map 4.3.17CC);
307. Thence leaving said southeasterly right-of-way line, Northwesterly 60 feet, more or less, to a point on the northwesterly right-of-way line of Church Street, said point bears Northeasterly 46 feet, more or less, from the southerly corner of Lot 21, Block 2 of said plat (Assessor's Map 4.3.17CC);
308. Thence along said northwesterly right-of-way line, Southwesterly 389 feet, more or less, to the northeasterly right-of-way line of Flower Lane (Assessor's Map 4.3.17CC);
309. Thence along said northeasterly right-of-way line, Northwesterly 261 feet, more or less, to the southeasterly right-of-way line of Ash Street (Assessor's Map 4.3.17CC);
310. Thence along said southeasterly right-of-way line, Northeasterly 1,600 feet, more or less, to the Point of Beginning (Assessor's Map 4.3.17CD).

The above-described tract of land contains 133.2 acres, more or less.

9/4/2024

Report Accompanying the Dayton Urban Renewal Plan

This document remains draft until the City Council adoption of the Dayton Urban Renewal Plan.

Adopted by the City of Dayton

Date

Ordinance No.

List of Participants

City Council

Mayor Trini Marquez
Council President Jim Maguire
Annette Frank
Andrew Hildebrandt
Kitty Mackin
Luke Wildhaber

Dayton Urban Renewal Agency

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I. DEFINITIONS

“Agency ” means the Dayton Urban Renewal Agency. This Dayton Urban Renewal Agency is responsible for administration of the urban renewal plan.

“Area” means the properties and rights-of-way located within the Dayton Urban Renewal Boundary.

“Blight” is defined in ORS 457.010(1)(A-E) and identified in the ordinance adopting the urban renewal plan.

“Board of Commissioners” means the Yamhill County Board of Commissioners.

“City” means the City of Dayton, Oregon.

“City Council” or “Council” means the Dayton City Council.

“Comprehensive Plan” means the City of Dayton comprehensive land use plan and its implementing ordinances, policies, and standards.

“County” means Yamhill County, Oregon.

“Fiscal year ending” means the year commencing on July 1 of one year and closing on June 30 of the next year.

“Frozen base” means the total assessed value including all real, personal, manufactured, and utility values within an urban renewal area at the time of adoption. The County Assessor certifies the assessed value after the adoption of an urban renewal plan.

“Increment” means that part of the assessed value of a taxing district attributable to any increase in the assessed value of the property located in an urban renewal area, or portion thereof, over the assessed value specified in the certified statement.

“Maximum indebtedness” means the amount of the principal of indebtedness included in a plan pursuant to ORS 457.190 and does not include indebtedness incurred to refund or refinance existing indebtedness.

“ORS” means Oregon Revised Statutes. Chapter 457 specifically relates to urban renewal.

“Planning Commission” means the Dayton Planning Commission.

“Revenue sharing” means under-levying tax increment proceeds to effectively share a portion of the revenue with the other taxing districts that levy permanent rate taxes in the urban renewal area as defined in ORS 457.470.

“Tax increment financing (TIF)” is a method of funding urban renewal projects and programs through incurring debt that is repaid by the division of taxes accomplished through the adoption of an urban renewal plan.

“Tax increment finance revenues” means the funds allocated by the assessor to an urban renewal area due to increases in assessed value over the frozen base within the area.

“Urban renewal area” or “URA” means a blighted area included in an urban renewal plan or an area included in an urban renewal plan under ORS 457.160.

“Urban renewal plan” or “Plan” means a plan, as it exists or is changed or modified from time to time, for one or more urban renewal areas, as provided in ORS 457.085, 457.095, 457.105, 457.115, 457.120, 457.125, 457.135 and 457.220.

“Urban renewal project” or “Project” means any work or undertaking carried out under ORS 457 in an urban renewal area.

“Urban renewal report” or “Report” means the official report that accompanies the urban renewal plan pursuant to ORS 457.087.

II. INTRODUCTION

The Report Accompanying the Dayton Urban Renewal Plan (Report) contains background information and project details that pertain to the Dayton Urban Renewal Plan (Plan). The Report is not a legal part of the Plan but is intended to provide public information and support the findings made by the Dayton City Council (City Council) as part of the approval of the Plan.

The Report provides the analysis and contains the information required to meet the standards of ORS 457.087, including financial feasibility. The Report requirements include:

1. A description of the physical, social, and economic conditions in the Area and expected impact of the plan, including fiscal impact in light of increased services; (ORS 457.087(1))
2. Reasons for selection of the plan Area; (ORS 457.087(2))
3. The relationship between each project to be undertaken and the existing conditions; (ORS 457.087(3))
4. The estimated total cost of each project and the source of funds to pay such costs; (ORS 457.087(4))
5. The estimated completion date of each project; (ORS 457.087(5))The estimated amount of funds required in the Area and the anticipated year in which the debt will be retired; (ORS 457.087(6))
6. A financial analysis of the plan; (ORS 457.087(7))
7. A fiscal impact statement that estimates the impact of tax increment financing (TIF) upon all entities levying taxes upon property in the urban renewal area; (ORS 457.0857(8)) and
8. A relocation report.(ORS 457.087(9))

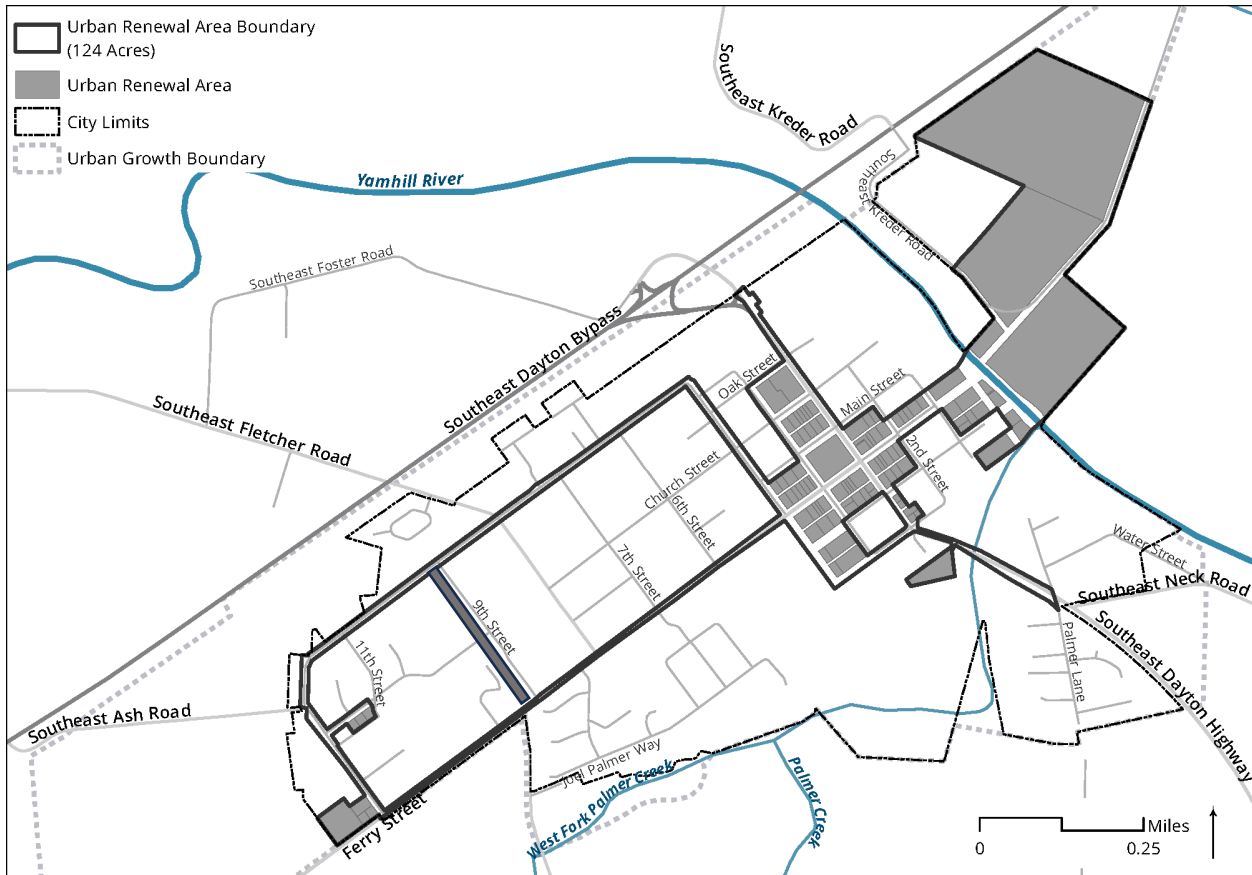
The relationship between the sections of the Report and the ORS 457.087 requirements is shown in Table 1. The specific reference shown is the section of this Report that most addresses the statutory reference. There may be other sections of the Report that also address the statute.

The Report provides guidance on how the Plan might be implemented. As the Dayton Urban Renewal Agency (Agency) reviews revenues and potential projects each year, it has the authority to make adjustments to the implementation assumptions in this Report. The Agency may allocate budgets differently, adjust the timing of the projects, decide to incur debt at different times than assumed in this Report, and make other adjustments to the financials as determined by the Agency. The Agency may also make changes as allowed in the Amendments section of the Plan.

Table 1. Statutory References

Statutory Requirement	Report Section
ORS 457.087 (1)	XI
ORS 457.087 (2)	XII
ORS 457.087 (3)	III
ORS 457.087 (4)	IV
ORS 457.087 (5)	VII
ORS 457.087 (6)	V,VI
ORS 457.087 (7)	V,VI
ORS 457.087 (8)	IX
ORS 457.087 (9)	XIII

Figure 1. Dayton Urban Renewal District Boundary



III. THE PROJECTS IN THE AREA AND THE RELATIONSHIP BETWEEN URBAN RENEWAL PROJECTS AND THE EXISTING CONDITIONS IN THE URBAN RENEWAL AREA

The projects identified for the Dayton Urban Renewal Area (Area) are described below, including how they relate to the existing conditions in the Area.

A. Recreation and Park Improvements

Install recreation and park improvements including but not limited to:

1. Dayton Landing

EXISTING CONDITIONS:

Dayton Landing is a 1.4-acre county park consisting of a gravel parking lot and small boat ramp. The boat ramp is located at the confluence of the Yamhill River and Palmer Creek, about five miles upstream from the Willamette River. The Yamhill River is currently navigable upstream from here to Lafayette Locks Historical Park and is popular with canoeists and kayakers.

Nearby, a footbridge connects Dayton Landing Park to the City of Dayton's Alderman Park across the Yamhill River.

2. Courthouse Square Park Enhancement

EXISTING CONDITIONS:

Court House Square Park covers one full city block in the middle of downtown Dayton between Ferry and Main Streets and between 3rd and 4th Streets. The park has a covered picnic area and historic bandstand and fountain, a new children's playground area, basketball court and restrooms. The park is owned by the City of Dayton.

3. Legion Field

EXISTING CONDITIONS:

Legion Field is a full city block in size and is located in the middle of Dayton between Church and Oak Streets and between 3rd and 4th Streets. Zoned for public use, this park is maintained by the City of Dayton.

This City Park is owned by the City of Dayton. It was the original site of the Dayton Grade School that was built around 1875 and was destroyed in a fire in the 1950's.

Legion Field is currently used as a baseball field by local Junior and Midget Baseball Teams, with the baseball diamond maintained by volunteers during the baseball season.

4. Andrew Smith Park

EXISTING CONDITIONS:

Andrew Smith Park is located west of 11th Street and between Church Street and Park Place. It is owned by the City of Dayton. The park is equipped with a children's play area that includes swings, a climbing rock, and a basketball court. The park also has new public restrooms.

B. Downtown Streetscape Improvements

Install streetscape improvements including but not limited to:

- Ornate lighting installation
- Bicycle racks
- Benches
- Signage
- Street trees

EXISTING CONDITIONS:

Downtown Dayton has minimal streetscape features. There is no common streetscape theme throughout the downtown to provide a sense of place.

C. Building Façade Grant Program

Create a building façade grant program to improve the buildings in the Area.

EXISTING CONDITIONS:

There are existing buildings in the Area that are in need of façade improvements. One major building is undergoing substantial rehabilitation, but there are other buildings which need improvements to their façades and for overall building improvements.

D. Taxing District Partnerships

Work with taxing districts to identify projects that will assist them in providing services to the Area.

EXISTING CONDITIONS:

The Fire District will need a new ladder truck or other capital improvements to be able to service the projected new development in the Area. The School District may need assistance to their facilities within the Area.

E. Public Infrastructure

Provide funds for leveraging or grant applications for the following infrastructure upgrades:

1. Sewer and Water Line Extension and Upgrades
2. Street Paving, Overlay and Repair as allowed
3. Water Pressure Upgrades
4. Sewer Pond Addition

EXISTING CONDITIONS:

Section XI of this Report details the existing conditions of the utility infrastructure and transportation network needs in the Area.

F. Redevelopment and Development

Provide development support including but not limited to:

- Upgrading existing buildings

- Providing incentives for development in the Area, including the development of workforce housing.

EXISTING CONDITIONS:

There are existing buildings in the Area that are in need of redevelopment. One major building is undergoing substantial rehabilitation, but there are other buildings which need improvements to be redeveloped. There are many parcels that are not developed and may need assistance to develop in the Area.

G. Administration

Authorizes expenditures for the administrative costs associated with managing the Area including budgeting and annual reporting, planning and the implementation of projects in the Area.

EXISTING CONDITIONS:

This area in Dayton is not presently in an urban renewal area, so requires no administrative responsibilities from the urban renewal agency. Once an urban renewal plan with its associated requirements for administration exists for the Area, there will be a need for administrative funds to be allocated for that administration.

IV. THE ESTIMATED TOTAL COST OF EACH PROJECT AND THE SOURCES OF MONEYS TO PAY SUCH COSTS

Table 2 shows the costs of the projects in Fiscal Year Ending (FYE) 2024 constant dollars.

Table 2. Estimated Cost of Each Project in Constant FYE 2024\$

	Estimated Cost 2024\$
Recreation/Public Space Improvements	\$8,518,000
Downtown Streetscape Improvements	\$460,000
Building Façade Grant Program	\$100,000
Taxing District Partnerships	\$2,000,000
Public Infrastructure	\$4,848,249
Redevelopment/Development	\$3,172,000
Financing Fees	\$197,904
Administration	\$1,000,000
Total Cost	\$20,296,153

Source: City of Dayton

These estimates will be refined in the annual budgeting process, understanding the limiting total cost factor of the maximum indebtedness. Different allocations may be made to different line items within the Plan.

The Taxing Districts Partnership includes commitments of one million dollars to the Dayton Fire District and to the Dayton School District for capital expenditures.

The scenario presented in this Report is only one scenario for how the Agency may decide to implement this Plan, and this scenario is financially feasible.

V. FINANCIAL ANALYSIS OF THE PLAN

The estimated tax increment revenues through Fiscal Year End (FYE) 2050 are calculated based on projections of the assessed value within the Area and the consolidated tax rate that will apply in the Area.

The long-term projections for FYE 2026 and beyond assume an annual growth rate of 3% for existing assessed value in the Area plus specific exception value assumptions for future development within the Area. These assumptions were provided by Dayton staff and relied on existing permit data and discussions with potential developers. The frozen base value, the assessed value of the Area at the time it is adopted by the City Council is very low. The success of this Area will depend upon new development and rehabilitation within the Area.

If actual assessed value growth is less than forecast, then it would reduce the financial capacity of the Area to fund projects listed in the Plan over the anticipated duration of the Plan.

Table 3 shows the incremental assessed value, tax rates, and tax increment revenues each year, adjusted for discounts, delinquencies, and truncation loss. The first year of tax increment collections is anticipated to be FYE 2026. The narrative analysis for Table 3 is shown below:

- Total AV is the estimated total assessed value of the Area on an annual basis.
- Frozen base is the estimate of the assessed value of the Area at its formation.
- Increment applied is the total assessed value minus the frozen base.
- Increment shared is the amount that will be distributed to all taxing Areas according to their permanent rate due to revenue sharing. In this Plan, there is no assumption for revenue sharing as the financial projections do not meet the statutory thresholds. See Section VIII for a definition of revenue sharing.
- Tax rate is the total permanent rate levy for the Area.
- Gross tax increment financing revenue (TIF) is calculated by multiplying the tax rate times the assessed value used. The tax rate is per thousand dollars of assessed value, so the calculation is “tax rate times assessed value used divided by one thousand.”
- Adjustments are calculated at 5% of the Gross TIF and are for discounts, delinquencies, and rate truncation.
- Current Year Net reflects subtracting the 5% adjustment factor from Gross TIF.
- Prior Year Net is the tax increment revenue that was delinquent the prior year and is paid by the assessor’s office once it is received. It is estimated that this amount is 1.5% of total TIF.
- Total TIF is the amount of tax increment revenues estimated to be received by the Agency.

Table 3. Projected Incremental Assessed Value, Tax Rates, and Tax Increment Revenues

FYE	Total AV	Frozen Base AV	Increment Applied	Tax Rate	Gross TIF	Adjustments	Current Year Net	Prior Year Net	Total TIF
2026	24,235,093	10,915,900	13,319,193	11.6873	155,665	(7,783)	147,882	-	147,882
2027	24,962,146	10,915,900	14,046,246	11.6873	164,163	(8,208)	155,955	2,218	158,173
2028	84,525,598	10,915,900	73,609,698	11.6873	860,299	(43,015)	817,284	2,339	819,623
2029	91,983,354	10,915,900	81,067,454	11.6873	947,460	(47,373)	900,087	12,259	912,346
2030	101,232,003	10,915,900	90,316,103	11.6873	1,055,551	(52,778)	1,002,774	13,501	1,016,275
2031	110,033,760	10,915,900	99,117,860	11.6873	1,158,420	(57,921)	1,100,499	15,042	1,115,541
2032	121,595,978	10,915,900	110,680,078	11.6873	1,293,551	(64,678)	1,228,874	16,507	1,245,381
2033	125,243,858	10,915,900	114,327,958	11.6873	1,336,185	(66,809)	1,269,376	18,433	1,287,809
2034	129,001,175	10,915,900	118,085,275	11.6873	1,380,098	(69,005)	1,311,093	19,041	1,330,134
2035	132,871,211	10,915,900	121,955,311	11.6873	1,425,328	(71,266)	1,354,062	19,666	1,373,728
2036	136,857,348	10,915,900	125,941,448	11.6873	1,471,915	(73,596)	1,398,320	20,311	1,418,631
2037	140,963,070	10,915,900	130,047,170	11.6873	1,519,900	(75,995)	1,443,905	20,975	1,464,880
2038	145,191,962	10,915,900	134,276,062	11.6873	1,569,325	(78,466)	1,490,858	21,659	1,512,517
2039	149,547,721	10,915,900	138,631,821	11.6873	1,620,232	(81,012)	1,539,220	22,363	1,561,583
2040	154,034,153	10,915,900	143,118,253	11.6873	1,672,666	(83,633)	1,589,033	23,088	1,612,121
2041	158,655,177	10,915,900	147,739,277	11.6873	1,726,673	(86,334)	1,640,340	23,835	1,664,175
2042	163,414,833	10,915,900	152,498,933	11.6873	1,782,301	(89,115)	1,693,186	24,605	1,717,791
2043	168,317,278	10,915,900	157,401,378	11.6873	1,839,597	(91,980)	1,747,617	25,398	1,773,015
2044	173,366,796	10,915,900	162,450,896	11.6873	1,898,612	(94,931)	1,803,682	26,214	1,829,896
2045	178,567,800	10,915,900	167,651,900	11.6873	1,959,398	(97,970)	1,861,428	27,055	1,888,483
2046	183,924,833	10,915,900	173,008,933	11.6873	2,022,007	(101,100)	1,920,907	27,921	1,948,828
2047	189,442,578	10,915,900	178,526,678	11.6873	2,086,495	(104,325)	1,982,170	28,814	2,010,984
2048	195,125,855	10,915,900	184,209,955	11.6873	2,152,917	(107,646)	2,045,271	29,733	2,075,004
2049	200,979,630	10,915,900	190,063,730	11.6873	2,221,332	(111,067)	2,110,265	30,679	2,140,944
2050	207,009,020	10,915,900	196,093,120	11.6873	2,291,799	(114,590)	2,177,209	31,654	2,208,863
TOTAL:					\$37,611,889	\$(1,880,596)	\$35,731,297	\$503,310	\$36,234,607

Source: Tiberius Solutions

VI. THE ESTIMATED AMOUNT OF TAX INCREMENT REVENUES REQUIRED AND THE ANTICIPATED YEAR IN WHICH INDEBTEDNESS WILL BE RETIRED

Table 4 shows a summary of the financial capacity of the Area, including how total TIF revenue translates to the ability to fund urban renewal projects in constant 2024 dollars in five-year increments. Table 6, Table 7 and Table 8 show more detailed tables on the allocation of tax revenues to debt service. Table 9, Table 10 and Table 10 show potential allocations to projects and administration over time.

The Area is anticipated to complete all projects and have sufficient tax increment finance revenue to terminate the Area in FYE 2050, a 25-year time frame for taking division of tax revenues. If growth in assessed value is slower than projected, the Agency may not be able to complete all projects in the Plan in this timeframe and would therefore continue taking division of tax proceeds until the Agency reaches the maximum indebtedness. If growth in assessed value is more robust than the projections, it may take a shorter period. These assumptions show one scenario for financing and that this scenario is financially feasible.

The maximum indebtedness is \$29,400,000 (Twenty-Nine Million Four Hundred Thousand dollars). The estimated total amount of tax increment revenues required to service the maximum indebtedness of \$29,400,000 is \$36,234,607 and is from permanent rate tax levies. The difference between the total amount of tax increment revenues (Net TIF) and maximum indebtedness is due the cost of borrowing to complete projects. If the Agency decides to accelerate projects in the future by using loans, then the interest on those loans is not calculated as part of the maximum indebtedness and may be repaid through tax increment proceeds. If the Agency does not borrow money, then this number will be lower.

Table 4. TIF Capacity of the Area in FYE 2024 Constant Rounded Numbers

Net TIF	\$36,200,000
Maximum Indebtedness	\$29,400,000
Capacity (2024\$)	\$20,500,000
Years 1-5	\$3,400,000
Years 6-10	\$8,500,000
Years 11-15	\$3,400,000
Years 16-20	\$2,700,000
Years 21-25	\$2,600,000

Source: Tiberius Solutions

This financial analysis shows borrowings as identified in Table 5. This is only one scenario for how the Agency may decide to implement this Plan, and this scenario is financially feasible. The Agency may decide to do borrowings at different times or for different amounts, depending on their analysis at the time. The timeframes on these borrowings are designed to have all borrowings repaid at the termination of the Area in FYE 2050. The amounts shown are the principal amounts of the borrowings. The total amounts, including interest, are shown in the second column of The total amounts, including interest, are shown in the second column of Table 6.

Table 5. Projected Loan Amounts and Loan Terms

	Loan A	Loan B	Loan C	Loan D
Principal Amount	\$1,200,000	\$8,000,000	\$2,100,000	\$1,300,000
Interest Rate	5.00%	5.00%	5.00%	5.00%
Loan Term	20	20	15	10
Loan Year	2026	2031	2036	2041
Interest Payment Start	2026	2031	2036	2041
Principal Payment Start	2026	2031	2036	2041
Annual Payment	(\$96,291)	(\$641,941)	(\$202,319)	(\$168,356)

Source: Tiberius Solutions

Table 6. Tax Increment Revenues and Allocations to Debt Service, Through FYE 2033

	Total	FYE 2026	FYE 2027	FYE 2028	FYE 2029	FYE 2030	FYE 2031	FYE 2032	FYE 2033
Resources									
TIF: Current Year	35,731,296	147,882	155,955	817,284	900,087	1,002,774	1,100,499	1,228,874	1,269,376
TIF: Prior Years	503,311	-	2,218	2,339	12,259	13,501	15,042	16,507	18,433
Total Resources	36,234,607	147,882	158,173	819,623	912,346	1,016,275	1,115,541	1,245,381	1,287,809
Expenditures									
Debt Service									
Scheduled Payments									
Loan A	(1,925,822)	(96,291)	(96,291)	(96,291)	(96,291)	(96,291)	(96,291)	(96,291)	(96,291)
Loan B	(12,838,814)	-	-	-	-	-	(641,941)	(641,941)	(641,941)
Loan C	(3,034,782)	-	-	-	-	-	-	-	-
Loan D	(1,683,559)	-	-	-	-	-	-	-	-
Total Debt Service	(19,482,977)	(96,291)	(96,291)	(96,291)	(96,291)	(96,291)	(738,232)	(738,232)	(738,232)
Debt Service Coverage Ratio		1.54	1.64	8.51	9.47	10.55	1.51	1.69	1.74
Transfer to URA Projects Fund	(16,751,630)	(51,591)	(61,882)	(723,332)	(816,055)	(919,984)	(377,309)	(507,149)	(549,577)
TOTAL EXPENDITURES	(36,234,607)	(147,882)	(158,173)	(819,623)	(912,346)	(1,016,275)	(1,115,541)	(1,245,381)	(1,287,809)

Source: Tiberius Solutions

Table 7. Tax Increment Revenues and Allocations to Debt Service, Through FYE 2041

	FYE 2034	FYE 2035	FYE 2036	FYE 2037	FYE 2038	FYE 2039	FYE 2040	FYE 2041
Resources								
TIF: Current Year	1,311,093	1,354,062	1,398,320	1,443,905	1,490,858	1,539,220	1,589,033	1,640,340
TIF: Prior Years	19,041	19,666	20,311	20,975	21,659	22,363	23,088	23,835
Total Resources	1,330,134	1,373,728	1,418,631	1,464,880	1,512,517	1,561,583	1,612,121	1,664,175
Expenditures								
Debt Service								
Scheduled Payments								
Loan A	(96,291)	(96,291)	(96,291)	(96,291)	(96,291)	(96,291)	(96,291)	(96,291)
Loan B	(641,941)	(641,941)	(641,941)	(641,941)	(641,941)	(641,941)	(641,941)	(641,941)
Loan C	-	-	(202,319)	(202,319)	(202,319)	(202,319)	(202,319)	(202,319)
Loan D	-	-	-	-	-	-	-	(168,356)
Total Debt Service	(738,232)	(738,232)	(940,551)	(940,551)	(940,551)	(940,551)	(940,551)	(1,108,907)
Debt Service Coverage Ratio	1.80	1.86	1.51	1.56	1.61	1.66	1.71	1.50
Transfer to URA Projects Fund	(591,902)	(635,496)	(478,080)	(524,329)	(571,966)	(621,032)	(671,570)	(555,269)
TOTAL EXPENDITURES	(1,330,134)	(1,373,728)	(1,418,631)	(1,464,880)	(1,512,517)	(1,561,583)	(1,612,121)	(1,664,175)

Source: Tiberius Solutions

Table 8. Tax Increment Revenues and Allocations to Debt Service, Through FYE 2050

	FYE 2042	FYE 2043	FYE 2044	FYE 2045	FYE 2046	FYE 2047	FYE 2048	FYE 2049	FYE 2050
Resources									
TIF: Current Year	1,693,186	1,747,617	1,803,682	1,861,428	1,920,907	1,982,170	2,045,271	2,110,265	2,177,209
TIF: Prior Years	24,605	25,398	26,214	27,055	27,921	28,814	29,733	30,679	31,654
Total Resources	1,717,791	1,773,015	1,829,896	1,888,483	1,948,828	2,010,984	2,075,004	2,140,944	2,208,863
Expenditures									
Debt Service									
Scheduled Payments									
Loan A	(96,291)	(96,291)	(96,291)	(96,291)	-	-	-	-	-
Loan B	(641,941)	(641,941)	(641,941)	(641,941)	(641,941)	(641,941)	(641,941)	(641,941)	(641,941)
Loan C	(202,319)	(202,319)	(202,319)	(202,319)	(202,319)	(202,319)	(202,319)	(202,319)	(202,319)
Loan D	(168,356)	(168,356)	(168,356)	(168,356)	(168,356)	(168,356)	(168,356)	(168,356)	(168,356)
Total Debt Service	(1,108,907)	(1,108,907)	(1,108,907)	(1,108,907)	(1,012,615)	(1,012,615)	(1,012,615)	(1,012,615)	(1,012,615)
Debt Service Coverage Ratio	1.55	1.60	1.65	1.70	1.92	1.99	2.05	2.11	2.18
Transfer to URA Projects Fund	(608,884)	(664,109)	(720,989)	(779,577)	(936,213)	(998,368)	(1,062,388)	(1,128,329)	(1,196,248)
TOTAL EXPENDITURES	(1,717,791)	(1,773,015)	(1,829,896)	(1,888,483)	(1,948,828)	(2,010,984)	(2,075,004)	(2,140,944)	(2,208,863)

Source: Tiberius Solutions

VII. THE ANTICIPATED COMPLETION DATE FOR EACH PROJECT

The schedule for construction of projects will be based on the availability of funding. The projects will be ongoing and will be completed as directed by the Agency.

The Area is anticipated to complete all projects and have sufficient tax increment finance revenue to terminate the Area in FYE 2050, a 25-year program of tax increment collections.

The amount of money available for projects in 2024 constant dollars for the Area is approximately \$20,300,000. See Table 2 for the individual project analysis.

Table 9, Table 10 and Table 10 show the approximate \$20,300,000 of 2024 constant dollars for projects inflated over the life of the Area, totaling the maximum indebtedness of \$29,400,000. All costs shown in Table 9, Table 10 and Table 10 are in year-of-expenditure dollars, which are adjusted by 3.0% annually to account for inflation.

The 3% inflation rate is the rate to use in the future if any amendment to increase maximum indebtedness is pursued in accordance with ORS 457.470.

The Agency may change the completion dates in their annual budgeting process or as project decisions are made in administering the Plan. The following tables are prepared to show that the Area is financially feasible as required by ORS 457.

Table 9. Programs and Costs in Year of Expenditure Dollars, Through FYE 2032

	Total	FYE 2026	FYE 2027	FYE 2028	FYE 2029	FYE 2030	FYE 2031	FYE 2032	FYE 2033
Resources									
Beginning Balance		-	7,556	25,768	619,796	378,189	117,905	107,773	66,938
Interest Earnings	80,855	-	38	129	3,099	1,891	590	539	335
Transfer from TIF Fund	16,751,630	51,591	61,882	723,332	816,055	919,984	377,309	507,149	549,577
Bond/Loan Proceeds	12,600,000	1,200,000	-	-	-	-	8,000,000	-	-
Total Resources	29,432,485	1,251,591	69,476	749,229	1,438,949	1,300,064	8,495,804	615,462	616,850
Expenditures (YOE \$)									
Recreation and Open Space	(10,428,656)	(583,495)	-	(84,413)	(1,014,388)	(1,134,395)	(5,534,550)	(497,852)	(521,920)
Downtown Streetscape	(488,014)	(488,014)	-	-	-	-	-	-	-
Building Façade Grant Program	(106,090)	(106,090)	-	-	-	-	-	-	-
Taxing District Partnerships	(2,704,550)	-	-	-	-	-	(922,425)	-	-
Redevelopment and Development	(4,565,388)	-	-	-	-	-	(1,721,860)	-	-
Infrastructure	(9,340,603)	-	-	-	-	-	-	-	-
Financing Fees	(252,000)	(24,000)	-	-	-	-	(160,000)	-	-
Administration	(1,547,184)	(42,436)	(43,708)	(45,020)	(46,372)	(47,764)	(49,196)	(50,672)	(52,192)
Total Expenditures	(29,432,485)	(1,244,035)	(43,708)	(129,433)	(1,060,760)	(1,182,159)	(8,388,031)	(548,524)	(574,112)
Ending Balance		7,556	25,768	619,796	378,189	117,905	107,773	66,938	42,738

Source: Tiberius Solutions

Table 10. Programs and Costs in Year of Expenditure Dollars, Through FYE 2042

	FYE 2034	FYE 2035	FYE 2036	FYE 2037	FYE 2038	FYE 2039	FYE 2040	FYE 2041	FYE 2042
Resources									
Beginning Balance	42,738	77,135	103,970	801,417	1,271,013	1,788,830	2,356,487	132,123	77,861
Interest Earnings	214	386	520	4,007	6,355	8,944	11,782	661	389
Transfer from TIF Fund	591,902	635,496	478,080	524,329	571,966	621,032	671,570	555,269	608,884
Bond/Loan Proceeds	-	-	2,100,000	-	-	-	-	1,300,000	-
Total Resources	634,854	713,018	2,682,570	1,329,753	1,849,334	2,418,807	3,039,839	1,988,053	687,134
Expenditures (YOE \$)									
Recreation and Open Space	(503,963)	(553,680)	-	-	-	-	-	-	-
Downtown Streetscape	-	-	-	-	-	-	-	-	-
Building Façade Grant Program	-	-	-	-	-	-	-	-	-
Taxing District Partnerships	-	-	(1,782,125)	-	-	-	-	-	-
Redevelopment and Development	-	-	-	-	-	-	(2,843,528)	-	-
Infrastructure	-	-	-	-	-	-	-	(1,818,080)	-
Financing Fees	-	-	(42,000)	-	-	-	-	(26,000)	-
Administration	(53,756)	(55,368)	(57,028)	(58,740)	(60,504)	(62,320)	(64,188)	(66,112)	(68,096)
Total Expenditures	(557,719)	(609,048)	(1,881,153)	(58,740)	(60,504)	(62,320)	(2,907,716)	(1,910,192)	(68,096)
Ending Balance	77,135	103,970	801,417	1,271,013	1,788,830	2,356,487	132,123	77,861	619,038

Source: Tiberius Solutions

Table 11. Programs and Costs in Year of Expenditure Dollars, Through FYE 2050

	FYE 2043	FYE 2044	FYE 2045	FYE 2046	FYE 2047	FYE 2048	FYE 2049	FYE 2050
Resources								
Beginning Balance	619,038	1,216,101	64,828	770,317	1,633,738	291,691	1,274,225	2,325,173
Interest Earnings	3,095	6,081	324	3,852	8,169	1,458	6,371	11,626
Transfer from TIF Fund	664,109	720,989	779,577	936,213	998,368	1,062,388	1,128,329	1,196,248
Bond/Loan Proceeds	-	-	-	-	-	-	-	-
Total Resources	1,286,241	1,943,172	844,729	1,710,382	2,640,275	1,355,537	2,408,925	3,533,047
Expenditures (YOE \$)								
Recreation and Open Space	-	-	-	-	-	-	-	-
Downtown Streetscape	-	-	-	-	-	-	-	-
Building Façade Grant Program	-	-	-	-	-	-	-	-
Taxing District Partnerships	-	-	-	-	-	-	-	-
Redevelopment and Development	-	-	-	-	-	-	-	-
Infrastructure	-	(1,806,100)	-	-	(2,269,640)	-	-	(3,446,783)
Financing Fees	-	-	-	-	-	-	-	-
Administration	(70,140)	(72,244)	(74,412)	(76,644)	(78,944)	(81,312)	(83,752)	(86,264)
Total Expenditures	(70,140)	(1,878,344)	(74,412)	(76,644)	(2,348,584)	(81,312)	(83,752)	(3,533,047)
Ending Balance	1,216,101	64,828	770,317	1,633,738	291,691	1,274,225	2,325,173	-

Source: Tiberius Solutio

VIII. REVENUE SHARING

Revenue sharing targets defined in ORS 457,470 are not projected to be reached as the threshold set (annual tax increment revenues in excess of 10 percent of the maximum indebtedness) is not projected to be met during the expected life of the Area.

Revenue sharing means that, at thresholds defined in ORS 457.470, the impacted taxing jurisdictions will receive a share of the incremental growth in the Area. The first threshold is when annual tax increment finance revenues exceed 10% of the original maximum indebtedness of the Plan (10% = \$2,940,000). At the 10% threshold, the Agency will receive the full 10% of the initial maximum indebtedness plus 25% of the increment above the 10% threshold, and the taxing jurisdictions will receive 75% of the increment above the 10% threshold.

The second threshold is set at 12.5% of the maximum indebtedness (12.5% = \$3,675,000). If this threshold is met, revenue for the Area would be capped at 12.5% of the maximum indebtedness, with all additional tax revenue being shared with affected taxing districts.

If assessed value in the Area grows more quickly than projected, the revenue sharing triggers could be reached during the life of the Area.

IX. IMPACT OF THE TAX INCREMENT FINANCING

This section describes the impact of tax increment financing of the maximum indebtedness, both until and after the indebtedness is repaid, upon all entities levying taxes upon property in the Area.

The impact of tax increment financing on overlapping taxing Areas consists of the property tax revenues foregone on permanent rate levies as applied to the growth in assessed value in the Area. These projections are for impacts estimated through FYE 2050 and are shown in Table 12 and Table 13. School District 8 and the Willamette Regional Education Service District are not *directly* affected by the tax increment financing, but the amounts of their taxes divided for the urban renewal plan are shown in the following tables. Under current school funding law, property tax revenues are combined with State School Fund revenues to achieve per-student funding targets. Under this system, property taxes foregone, due to the use of tax increment financing, are substantially replaced with State School Fund revenues, as determined by a funding formula at the state level.

Table 12 and Table 13 show the projected impacts to permanent rate levies of taxing Areas as a result of this Plan. Table 12 shows the general government levies, and Table 13 shows the education levies

Table 12. Projected Impact on Taxing Area Permanent Rate Levies - General Government

FYE	Yamhill County	Yamhill County Extension Service	Yamhill County Soil & Water	City of Dayton	Dayton Fire Department	Chemeketa Library	Subtotal Gen. Govt.
2026	(32,614)	(568)	(448)	(21,583)	(15,566)	(1,035)	(71,813)
2027	(34,883)	(608)	(479)	(23,084)	(16,649)	(1,107)	(76,811)
2028	(180,758)	(3,149)	(2,483)	(119,620)	(86,273)	(5,737)	(398,019)
2029	(201,207)	(3,505)	(2,763)	(133,152)	(96,033)	(6,386)	(443,047)
2030	(224,128)	(3,904)	(3,078)	(148,320)	(106,973)	(7,113)	(493,516)
2031	(246,020)	(4,286)	(3,379)	(162,807)	(117,421)	(7,808)	(541,721)
2032	(274,655)	(4,784)	(3,772)	(181,757)	(131,088)	(8,716)	(604,773)
2033	(284,012)	(4,947)	(3,901)	(187,949)	(135,554)	(9,013)	(625,376)
2034	(293,346)	(5,110)	(4,029)	(194,126)	(140,009)	(9,310)	(645,930)
2035	(302,960)	(5,278)	(4,161)	(200,488)	(144,598)	(9,615)	(667,100)
2036	(312,863)	(5,450)	(4,297)	(207,042)	(149,324)	(9,929)	(688,905)
2037	(323,063)	(5,628)	(4,437)	(213,792)	(154,193)	(10,253)	(711,364)
2038	(333,568)	(5,811)	(4,581)	(220,744)	(159,207)	(10,586)	(734,497)
2039	(344,389)	(5,999)	(4,730)	(227,905)	(164,372)	(10,930)	(758,324)
2040	(355,535)	(6,193)	(4,883)	(235,281)	(169,691)	(11,283)	(782,866)
2041	(367,015)	(6,393)	(5,041)	(242,878)	(175,170)	(11,648)	(808,144)
2042	(378,839)	(6,599)	(5,203)	(250,703)	(180,814)	(12,023)	(834,181)
2043	(391,018)	(6,812)	(5,370)	(258,762)	(186,627)	(12,409)	(860,998)
2044	(403,563)	(7,030)	(5,543)	(267,064)	(192,614)	(12,808)	(888,621)
2045	(416,483)	(7,255)	(5,720)	(275,614)	(198,781)	(13,218)	(917,071)
2046	(429,792)	(7,487)	(5,903)	(284,421)	(205,133)	(13,640)	(946,376)
2047	(443,499)	(7,726)	(6,091)	(293,493)	(211,675)	(14,075)	(976,559)
2048	(457,618)	(7,972)	(6,285)	(302,836)	(218,414)	(14,523)	(1,007,648)
2049	(472,161)	(8,225)	(6,485)	(312,460)	(225,355)	(14,985)	(1,039,670)
2050	(487,139)	(8,486)	(6,690)	(322,372)	(232,504)	(15,460)	(1,072,652)
TOTAL:	\$(7,991,128)	\$(139,205)	\$(109,752)	\$(5,288,253)	\$(3,814,038)	\$(253,610)	\$(17,595,982)

Source: Tiberius Solutions

Table 13. Projected Impact on Taxing Area Permanent Rate Levies – Education

FYE	School District 8	Willamette Regional ESD	Chemeketa Community College	Subtotal Education	Total All
2026	(64,395)	(3,754)	(7,920)	(76,069)	(147,882)
2027	(68,876)	(4,015)	(8,471)	(81,362)	(158,173)
2028	(356,902)	(20,807)	(43,894)	(421,604)	(819,623)
2029	(397,278)	(23,161)	(48,860)	(469,299)	(912,346)
2030	(442,534)	(25,800)	(54,425)	(522,759)	(1,016,275)
2031	(485,759)	(28,320)	(59,742)	(573,820)	(1,115,541)
2032	(542,298)	(31,616)	(66,695)	(640,608)	(1,245,381)
2033	(560,773)	(32,693)	(68,967)	(662,433)	(1,287,809)
2034	(579,203)	(33,767)	(71,234)	(684,204)	(1,330,134)
2035	(598,186)	(34,874)	(73,568)	(706,629)	(1,373,728)
2036	(617,738)	(36,014)	(75,973)	(729,726)	(1,418,631)
2037	(637,878)	(37,188)	(78,450)	(753,516)	(1,464,880)
2038	(658,621)	(38,398)	(81,001)	(778,020)	(1,512,517)
2039	(679,987)	(39,643)	(83,629)	(803,259)	(1,561,583)
2040	(701,993)	(40,926)	(86,335)	(829,255)	(1,612,121)
2041	(724,660)	(42,248)	(89,123)	(856,031)	(1,664,175)
2042	(748,007)	(43,609)	(91,994)	(883,610)	(1,717,791)
2043	(772,054)	(45,011)	(94,952)	(912,017)	(1,773,015)
2044	(796,823)	(46,455)	(97,998)	(941,275)	(1,829,896)
2045	(822,334)	(47,942)	(101,136)	(971,412)	(1,888,483)
2046	(848,612)	(49,474)	(104,367)	(1,002,453)	(1,948,828)
2047	(875,677)	(51,052)	(107,696)	(1,034,425)	(2,010,984)
2048	(903,554)	(52,677)	(111,124)	(1,067,356)	(2,075,004)
2049	(932,268)	(54,351)	(114,656)	(1,101,275)	(2,140,944)
2050	(961,843)	(56,075)	(118,293)	(1,136,211)	(2,208,863)
TOTAL:	\$(15,778,245)	\$(919,870)	\$(1,940,503)	\$(18,638,628)	\$(36,234,607)

Source: Tiberius Solutions Please refer to the explanation of the schools funding in the preceding section

Table 14 shows the projected increased revenue to the taxing jurisdictions after tax increment proceeds are projected to be terminated in FYE 2050.

The Frozen Base is the assessed value of the Area established by the County Assessor at the time the Area is established. Excess Value is the increased assessed value in the Area above the Frozen Base.

Table 14. Additional Revenues Obtained after Termination of TIF - FYE 2051

Taxing District	Type	Tax Rate	From Frozen Base	From Excess Value	Total
General Government					
Yamhill County	Permanent	2.5775	28,136	521,437	549,573
Yamhill County Extension Service	Permanent	0.0449	490	9,083	9,573
Yamhill County Soil & Water	Permanent	0.0354	386	7,162	7,548
City of Dayton	Permanent	1.7057	18,619	345,069	363,688
Dayton Fire Department	Permanent	1.2302	13,429	248,874	262,303
Chemeketa Library	Permanent	0.0818	893	16,548	17,441
Subtotal		5.6755	61,953	1,148,173	1,210,126
Education		.0000			
School District 8	Permanent	5.0892	55,553	1,029,562	1,085,115
Willamette Regional ESD	Permanent	0.2967	3,239	60,023	63,262
Chemeketa Community College	Permanent	0.6259	6,832	126,622	133,454
Subtotal		6.0118	65,624	1,216,208	1,281,832
TOTAL:		11.6873	\$127,577	\$2,364,381	\$2,491,958

Source: Tiberius Solutions

X. COMPLIANCE WITH STATUTORY LIMITS ON ASSESSED VALUE AND SIZE OF URBAN RENEWAL AREA

State law limits the percentage of both a municipality’s total assessed value and the total land area that can be contained in an urban renewal Area at the time of its establishment to 25% for municipalities under 50,000 in population. As noted below, the frozen base (assumed to be FYE 2024 values), including all real, personal, manufactured, and utility properties in the Area, is projected to be \$10,915,900. The frozen base is the assessed value of the Area at the time it is adopted. The Yamhill County Assessor will establish the frozen base once the urban renewal plan is adopted.

The percentage of total City assessed value in urban renewal area is 6.83%, below the 25% threshold.

The Area contains approximately 131 acres, including public rights-of-way. This puts 24.25% of the city’s acreage in an urban renewal area, which is below the 25% threshold.

Table 15. Urban Renewal Area Conformance with Assessed Value and Acreage Limits

	Acreage	Assessed Value
Dayton Urban Renewal Area	131	\$10,915,900
City of Dayton	538	\$159,743,377
% of City Acreage	23.6%	
% of City Assessed Value	24.25%	6.83%

Source: Compiled by Elaine Howard Consulting, LLC

XI. EXISTING PHYSICAL, SOCIAL, AND ECONOMIC CONDITIONS AND IMPACTS ON MUNICIPAL SERVICES

This section of the Report describes existing conditions within the Area and documents the occurrence of “blighted areas,” as defined by ORS 457.010(1).

A. Physical Conditions

1. Land Use

The Area measures 131 total acres in size, which is composed of 106 individual parcels encompassing 89.14 acres, and an additional 41.86 acres in public rights-of-way. An analysis of FYE 2024 property classification data from the Yamhill County Department of Assessment and Taxation database was used to determine the land use designation of parcels in the Area. By acreage, Exempt (49.20%) accounts for the most prevalent land use within the Area. Exempt uses are those uses that are government, non-profit or other tax-exempt status. Some of the exempt uses are classified as residential in the comprehensive plan and zoning table. This was followed by Industrial (35.19%) and Residential (11.21%). Detailed land use designations in the Area can be seen in Table 16.

Table 16. Land Use in the Area

Land Use	Tax Lots	Acres	Percent of Acres
Exempt	29	43.86	49.20%
Industrial	1	31.37	35.19%
Residential	46	9.99	11.21%
Commercial	26	3.36	3.77%
Miscellaneous	4	0.56	0.63%
TOTAL:	106	89.14	100.00%

Source: Compiled by Elaine Howard Consulting with data from Tiberius Solutions received from the Yamhill County Department of Assessment and Taxation (FYE 2024)

2. Comprehensive Plan and Zoning Designations

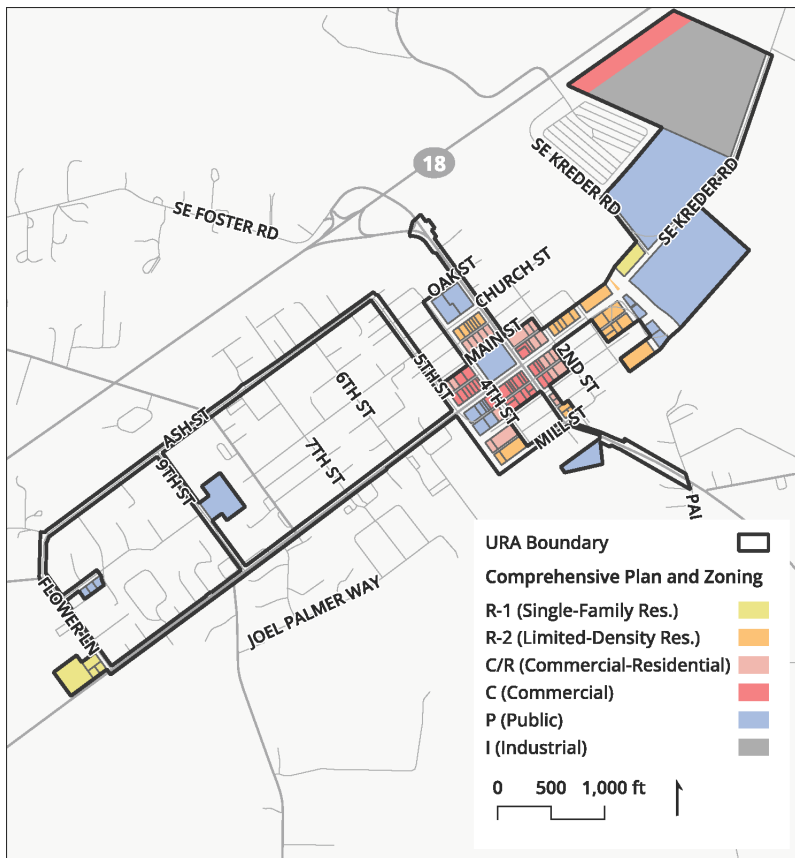
The Comprehensive Plan and Zoning designations in Dayton are the same. The most prevalent comprehensive plan and zoning designation by acreage in the Area is Public (44.09%). The second most prevalent comprehensive plan designation in the Area is Industrial (35.19%). The Industrial parcel has split zoning, with commercial on the top edge of the parcel. However, the parcel is identified in the following table as Industrial. Detailed comprehensive plan designations in the Area can be seen in Table 17.

Table 17. Comprehensive Plan and Zoning Designations in the Area

Designations	Tax Lots	Acres	Percent of Acres
Public	21	39.3	44.09%
Industrial	1	31.37	35.19%
Residential-2	25	6.3	7.07%
Commercial	37	5.55	6.23%
Commercial/Residential	17	3.36	3.77%
Residential 1	5	3.26	3.66%
TOTAL:	106	89.14	100.00%

Source: Compiled by Elaine Howard Consulting with data from Tiberius Solutions received from the Yamhill County Department of Assessment and Taxation (FYE 2024).

Figure 2. Comprehensive Plan and Zoning Designations



B. Infrastructure

This section identifies the existing conditions in the Area to assist in **establishing blight in the ordinance adopting the urban renewal plan.** These are projects identified by the City of Dayton staff in identifying infrastructure needs in the Area for establishing blighting conditions in the Area. **This does not mean that all of these projects are included in the urban renewal plan.** The specific projects that are included in the Plan are listed in Sections III and IV of this Report.

1. Transportation

Deficiencies in the Area are shown below.

- Ash Street from west connection to Ferry Street to 5th Street
- 5th Street to Mill Street
- 4th Street from Oak Street to Main Street
- Mill Street 4th Street to 3rd Street (Highway 221)
- Main Street from 5th Street to 4th Street and 3rd Street to 2nd Street
- Church Street from 4th Street to 3rd Street (Highway 221)
- Oak Street from 4th Street to 3rd Street (Highway 221)
- 2nd Street from Main Street to Alder Street
- Kreeder Road from Highway 223 to the east edge of the Area

2. Water, Sanitary Sewer and Storm Water

Deficiencies in the water, sanitary sewer, and storm water systems are shown below.

Water: There are water pipe upsizing projects needed within the Area.

- Ash Street west from 9th Street and continuing as Ash Street turns south.
- 5th Street between Oak Street and Church Street
- 4th Street between Ferry Street and Alder Street
- Kreeder Road east of the Yamhill River
- Highway 221 from south side of the Area to Mill Street
- Mill Street between 4th Street and 3rd Street (Highway 221)

Sanitary Sewer: There are sewer pipe upsizing projects and other sanitary sewer deficiencies within the Area.

- Ash Street west from 9th Street and continuing as Ash Street turns south.
- Ferry Street from Ash Street west to 8th Street
- Kreeder Road along west portion of the loop
- North of Ferry Street and west of 1st Street
- Main Pump Station Force Main (to Wastewater Treatment Plant) and Bore under Yamhill River)
- Reroute RV Park Force Main
- Ferry Street (9th Street pump station (P.S.) to Manhole (MH) 34
- 9th Street Pump Station Force Main (P.S. to MH 11)
- New Ash Street Pump Station Force Main.

Storm: There are storm pipe upsizing projects deficiencies within the Area.

- Ferry Street east of Flower Lane to 7th Street.
- Oak Street from 3rd street to 5th Street
- 3rd Street from Ash street to Main Street
- Main Street east of 3rd Street
- and Church Street.
- Ferry Street between 1st Street and 2nd Street
- Mill Street west of 4th Street.

C. Social Conditions

According to information from the Yamhill County Assessor's office, the Area contains forty-six parcels containing ten acres that have residential uses. Since there are such limited residents in the Area, the following demographics are presented for the City of Dayton as a whole. These facts are from the US Census 2022 American Community Survey 5 Year Estimates.

- There are households 722 with 2.69 persons per household. Dayton has a population of 2,678.
- Thirty percent of the residents are Hispanic or Latin.
- Thirty percent speak a language other than English at home.
- In 2021, the median household income of Dayton households was \$76,014.
- Twenty one percent of residents in Dayton meet the poverty level in the census tracking.
- Seventy-nine percent of residents own their own homes.

D. Economic Conditions

1. Taxable Value of Property within the Area

The estimated total assessed value of the Area calculated with data from the Yamhill County Department of Assessment and Taxation for FYE 2024 including all real, personal, manufactured, and utility properties, is estimated to be \$10,915,900.

2. Building to Land Value Ratio

Table 18 shows the improvement to land ratios (I:L) for properties within the Area. In the Area, 29 tax lots or 49.21% of the Area is exempt, meaning they have no assessed value. Fifteen tax lots representing 37.42% of the acreage have no improvement value. Another 6.52% of the acreage has I:L ratios less than 1.0. In other words, the improvements on these properties are worth less than the land they sit on. A reasonable I:L ratio for properties in the Area is 2.0. Only 19 of the 105 tax lots in the Area, totaling 3.25% of the acreage have I:L ratios of 2.0 or more. In summary, the area is underdeveloped and not contributing significantly to the tax base in Dayton.

Table 18. Improvement to Land Ratios in the Area

Improvement to Land Ratio	Tax Lots	Acres	Percent of Acres
Exempt	29	43.86	49.21%
No Improvement Value	15	33.35	37.42%
0.01-0.50	7	0.89	1.00%
0.51-1.00	20	4.92	5.52%
1.01-1.50	11	2.44	2.74%
1.51-2.00	5	0.77	0.86%
2.01-2.50	12	1.48	1.66%
2.51-3.00	3	0.82	0.92%
3.01-4.00	1	0.16	0.18%
> 4.00	3	0.44	0.49%
TOTAL:	106	89.13	100.00%

Source: Compiled by Elaine Howard Consulting with data from Tiberius Solutions received from the Yamhill County Department of Assessment and Taxation (FYE 2023)

E. Impact on Municipal Services

The fiscal impact of tax increment financing on taxing Areas that levy taxes within the Area (affected taxing Areas) is described in Section IX of this Report. This subsection discusses the fiscal impacts resulting from potential increases in demand for municipal services.

The projects being considered for future use of urban renewal funding are for improving the overall conditions of the Area including improvements to the recreation facilities, façade improvements, redevelopment of buildings, and improving the pedestrian and streetscape environment. It is anticipated that these improvements will catalyze development on the undeveloped parcels in the Area.

The financial impacts from tax increment collections will be countered by future economic development, and, in the future, adding increases in assessed value to the tax base for all taxing jurisdictions, including the city.

XII. REASONS FOR SELECTION OF EACH URBAN RENEWAL AREA IN THE PLAN

The reason for selecting the Area is to provide the ability to fund projects and programs necessary to cure blight within the Area. The outcome of implementing these projects is anticipated to be an increase to the economic growth in Dayton by providing infrastructure improvements to improve the overall environment of the Area including providing improved facilities for recreation opportunities for residents and tourists, improving the safety and functioning of the transportation network in the Area, providing upgraded utility systems and the ability to provide incentives for economic development in the Area.

XIII. RELOCATION REPORT

When the Agency acquires occupied property under the Plan, residential or commercial occupants of such property shall be offered relocation assistance, as required under applicable state law. Prior to such acquisition, the Agency shall adopt rules and regulations, as necessary, for the administration of relocation assistance. The Agency will comply with all applicable state law in providing these potential benefits. At the writing of this Report, the Agency anticipates acquiring right of way in the Area.

MEMO

TO: Dayton Planning Commission through Curt Fisher

FROM: Elaine Howard and Scott Vanden Bos, Elaine Howard Consulting, LLC

RE: Proposed Dayton Urban Renewal Plan

DATE: June 13, 2024

Summary and Background

The Dayton Planning Commission (Planning Commission) is being asked to make a recommendation to the Dayton City Council (City Council) regarding the City Council's consideration and potential adoption of the proposed Dayton Urban Renewal Plan (Plan).

The focus of the Planning Commission's review is the conformance of the Plan with the Dayton Comprehensive Plan (Comprehensive Plan). This action does not require a public hearing. However, if there is anyone present at the Planning Commission meeting who desires to provide input, it is recommended the Planning Commission allow that input. The Planning Commission is not being asked to approve the Plan, but rather make a recommendation to the City Council on the conformance of the Plan to the Comprehensive Plan.

There are no explicit review criteria for a Planning Commission for the review of an urban renewal plan. The Oregon Revised Statute (ORS) ORS 457.089 (2)(a) states that "An urban renewal plan and accompanying report shall be forwarded to the planning commission of the municipality for recommendations, prior to presenting the plan to the governing body of the municipality for approval under ORS 457.095". The generally accepted practice is for the Planning Commission to provide input on the relationship of the Plan to the Local Objectives (Section XIII of the Plan), and particularly to its conformance to the Dayton Comprehensive Plan.

The Dayton Urban Renewal Plan Area (Area) consists of approximately 131 total acres. The primary purposes of the Plan are to provide recreational improvements, improve the transportation system including pedestrian access and streetscape improvements, address infrastructure deficiencies, provide economic development programs to incentivize development in the Area and to work with taxing districts to identify projects that will assist them in providing services to the Area.

It is anticipated that the Plan will take twenty-five years of tax increment collections to implement. The maximum amount of indebtedness that may be issued for the Plan is not to exceed \$29,400,000 (Twenty-Nine Million Four Hundred Thousand dollars). Detailed financial analysis is in the Report Accompanying the Dayton Urban Renewal Plan (Report).

Urban renewal allows for the use of tax increment financing, a funding source that is unique to urban renewal, to fund its projects. Tax increment revenues - the amount of property taxes generated by the increase in total assessed values in the urban renewal area from the time the urban renewal area is first established - are used to repay borrowed funds. The borrowed funds are used to pay for urban renewal projects and cannot exceed the maximum indebtedness amount set by the urban renewal plan. Urban renewal does not increase property taxes but divides the taxes that are already assessed. The impact of urban renewal financing is on the regular taxing districts. The Report Accompanying the Plan fully describes the financing and impacts.

Section XIII of the Plan contains the findings of the conformance to the Comprehensive Plan and this section is included in the text of this memorandum. The numbering of the goals and policies reflects the numbering that occurs in the original document. *Italicized text* is text that has been taken directly from an original document and therefore cannot be changed.

The projects identified in the Plan were examined against the Comprehensive Plan goals to ensure that the projects conformed to the Comprehensive Plan. The projects are in the following categories and described more fully in Section V of the Plan.

- A. Recreation/Public Space Improvements
- B. Downtown Streetscape Improvements
- C. Building Façade Grant Program
- D. Taxing District Partnerships
- E. Public Infrastructure
- F. Redevelopment and Development
- G. Administration & staffing

Dayton Comprehensive Plan

The Dayton Comprehensive Plan establishes goals and objectives for the City and creates implementing policies to achieve those goals, taking into account the objectives of the Statewide Land Use Goals and the requirements of the various implementing statutes and administrative rules. The goals contained in this plan are the general directions or accomplishments toward which the City wishes to go in the future. The policies are more specific actions the City feels are necessary to accomplish the goals.

As the Comprehensive Plan is updated in the future, this document will automatically incorporate those updates without the Plan having to be formally amended. This section of the Plan should be updated if there is a substantial amendment completed in the future.

Chapter 3. Natural, Scenic and Historic Resources Goals and Policies

Goals

To conserve open spaces, and preserve natural, scenic and cultural resources.

To preserve significant historic land marks, sites and structures.

Finding: The Plan a Building Façade program which will be able to assist in the preservation of historic buildings in the Area. The funding for recreation improvements will help preserve the valuable downtown recreation resources. The Plan is in conformance with the Natural, Scenic and Historic Resources Goals of the Dayton Comprehensive Plan.

Chapter 6. Land Use and Urbanization

Goals

To ensure a compact urban growth pattern.

To recognize the importance of the adjacent farmland and the rural farm community to the local economy and larger Dayton and Yamhill County Community.

Finding: The projects in the Plan will create an environment conducive to new development and redevelopment, ensuring a compact urban growth pattern. The Plan's recreation projects will support the development of housing in the Area. The Plan also has infrastructure projects that will promote housing development to occur in the Area. The Building Façade program that will assist in improving the appearance and function of the businesses in the Area which will provide services to future residents of the Area. The Plan is in conformance with the Land Use and Urbanization Goals of the Dayton Comprehensive Plan.

Chapter 7. Housing and Public Needs

Goals

To encourage housing that will meet the needs of the community in a manner that will best afford adequate choices in all income ranges and housing types.

3. To ensure that the citizens are provided with safe and sanitary housing while promoting residential energy conservation design and construction techniques.

To establish a residential zoning pattern and use which reduces the dependency on the automobile and encourages pedestrian connections to commercial and public areas.

Finding: The Plan has recreation projects that will support the development of housing in the Area which will help provide housing choice, ensure safe and sanitary housing using current energy design and construction techniques. Providing housing in a mixed-use environment will help reduce the dependency on automobile traffic and encourage pedestrian connections to commercial and public areas. The Plan also has infrastructure projects that will promote housing development to occur in the Area. The Building Façade program that will assist in improving the appearance and function of the businesses in the Area which will provide services to future residents of the Area. The Plan also has funding for redevelopment and development which could be used for the development of workforce housing. The Plan is in conformance with the Housing and Public Needs Goals of the Dayton Comprehensive Plan.

Chapter 8. Economy of the City

Goals

To diversify and improve the City's economy.

To provide sufficient, orderly and convenient commercial and industrial development that will enhance the livability of the community and meet the needs of the citizens.

Create an environment that will enhance the downtown and provide a focal point for both residents and visitors.

Finding: The Plan has recreation projects that will provide increased activity in the Area and enhance the downtown and provide a focal point for residents and visitors. The Plan has infrastructure projects that will promote development to occur in the Area and a Building Façade program that will assist in improving the appearance and function of the businesses in the Area. Much of the development is anticipated to be mixed use developments, so will add to the environment that will enhance the downtown. The Plan is in conformance with the Economy Goal of the Dayton Comprehensive Plan.

Chapter 9. Public Facilities and Services

Goals

To develop a timely, orderly and efficient arrangement of public and private facilities and services as a framework for future development.

Finding: The Plan has transportation and utility projects within the Area. These projects will help facilitate new development within the Area. The Plan also has a project category of Taxing District Partnerships to work with the taxing districts to complete projects within the Area. The Plan is in conformance with the Public Facilities and Services Goals of the Dayton Comprehensive Plan.

Chapter 10. Transportation

Goals

To provide a safe, convenient, aesthetic and economic transportation system through a variety of transportation means.

Finding: The Plan has transportation projects that will improve the transportation system and provide improved pedestrian mobility within the Area. The Plan is in conformance with the Transportation Goal of the Dayton Comprehensive Plan.

Recommended Action/Motion

I move the Dayton Planning Commission adopt the facts findings in this memo and Section XIII of the draft Urban Renewal Plan as finding that the Dayton Urban Renewal Plan conforms with the Dayton Comprehensive Plan and recommend that the Dayton City Council adopt the proposed plan.

MINUTES
DAYTON PLANNING COMMISSION
June 13, 2024

Dayton Commissioners Present: Ann-Marie Anderson, Chairperson
Dave Mackin, Vice-Chairperson
Rob Hallyburton
Katelyn Van Genderen

Dayton Commissioners Absent: Tim Parsons

Dayton Staff Present: Curt Fisher, City Planner
Rocio Vargas, City Recorder/Planning Coordinator
Director

A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Ann-Marie Anderson called the meeting to order at 6:30pm all those present gave the pledge of allegiance.

B. APPROVAL OF ORDER OF AGENDA

No Changes.

C. APPEARANCE OF INTERESTED CITIZENS

None.

D. APPROVAL OF MINUTES

Commissioner Mackin moved to approve the minutes for March 13, 2024, and May 9, 2024. Seconded by Commissioner Hallyburton. Motion carried with Anderson, Hallyburton, Mackin and Van Genderen voting aye.

E. PUBLIC HEARING

Chair Anderson opened the public meeting at 6:33pm to consider Text Amendments to Chapter 7.4.1 of the Dayton Land Use Development Code to update the standards for the placement of temporary signs.

Curt Fisher, City Planner, presented the staff report.

No public comment.

Chair closed the Public Hearing at 6:38pm.

Commissioner Hallyburton inquired about a typo on page 15.

Commissioner Van Genderen inquired about section 7.4.101.04.

Chair Anderson inquired about A-board signs being allowed under temporary signs description.

Commissioner Hallyburton inquired about excluding A board signs as a temporary sign in the Central Business Overlay Zone.

Commissioner Van Genderen asked about the 30-day calendar year language and how it would be determined.

There was a discussion on how the 30-day per calendar year is subject to complaint driven enforcement.

Further language use and editing was discussed.

Commissioner Hallyburton moved to adopt a revised staff report with the following revisions section 7.4.101.03 definitions add a definition of flag read by the Chair; Section 7.4.101.04 Prohibited Signs, second sentence would be moved to a subsection; Section 7.4.101.06 Non-Conforming Signs subsection (A) will remain as formally worded; Section 7.4.102.05 Design, Construction and Maintenance, subsection (E) will remain as formally worded; and recommend the City Council to approve the revised amendments. Seconded by Commissioner Van Genderen. *Motion carried with Anderson, Hallyburton, Mackin and Van Genderen voting aye.*

F. OTHER BUSINESS

a. Urban Renewal Agency Plan Presentation

Dave Rucklos, Tourism and Economic Development Director prefaced the Urban Renewal presentation for Elaine Howard.

Elaine Howard presented information on Urban Renewal.

There was a discussion on how the Urban Renewal Plan would benefit the City, and how the priorities would be set.

There was a discussion on the broadness of the projects and the purpose of it being, is to conform to the comprehensive plan.

Commissioner Van Genderen moved the Dayton Planning Commission adopt the facts findings in this memo and Section XII of the draft Urban Renewal Plan as finding that the Dayton Urban Renewal Plan conforms with the Dayton Comprehensive Plan and recommend that the Dayton City Council adopt the proposed plan. Seconded by Commissioner Hallyburton. *Motion carried with Anderson, Hallyburton, Mackin and Van Genderen voting aye.*

G. ADJOURNMENT

There being no further business to discuss, the Chair adjourned the meeting at 7:47pm.

Respectfully submitted:

APPROVED BY COMMISSION **November 14, 2024.**

As Written

As Amended

By:

Rocio Vargas, City Recorder

Ann-Marie Anderson, Planning Commission Chair

**RESOLUTION NO. 2024/25-0X
CITY OF DAYTON**

**A RESOLUTION FOR THE CITY OF DAYTON CONCURRING WITH THE
INCLUSION OF A PUBLIC BUILDING PROJECT IN THE DAYTON URBAN
RENEWAL PLAN**

WHEREAS, the Dayton Municipal Code contains Chapter 1.19 creating an Urban Renewal Agency ("Agency");

WHEREAS, the Dayton Urban Renewal Agency pursuant to the requirements of ORS Chapter 457 prepared the Dayton Urban Renewal Plan ("Plan") reviewed by the Agency on May 6, 2024; and

WHEREAS, Section V of the Plan authorizes certain project activities within the Dayton Urban Renewal Area; and

WHEREAS, these projects include funding for improvements to the Dayton Fire station or Dayton Fire District capital equipment and for recreation facilities for the Dayton School District; and

WHEREAS, the Fire District project is considered a public building project under ORS 457.010(12)(a)(A) and the interpretation of ORS 457.010 (12)(b)F is that the School District project is not defined as a public building project; and

WHEREAS, the inclusion of a public building project requires concurrence of taxing districts in accordance with ORS 457.089; and

WHEREAS, these public projects are described in Section V of Exhibit A, Dayton Urban Renewal Plan and Exhibit B, Report Accompanying the Dayton Urban Renewal Plan; and

WHEREAS, the governing body of taxing districts representing three of the four taxing districts who are estimated to forego the most property tax revenue must concur with this expenditure of funds for a public building project as required by ORS 457.089(3); and

WHEREAS, the Agency has requested concurrence from the City of Dayton, the Dayton School District, Yamhill County and the Dayton Fire District; and

WHEREAS, the City of Dayton concurs with the inclusion of the public building projects for improvements to the Dayton Fire District station or Dayton Fire District capital equipment and for recreation facilities for the Dayton School District in the Dayton Urban Renewal Plan;

NOW THEREFORE, THE CITY OF DAYTON RESOLVES AS FOLLOWS:

Section 1. The recitals of this resolution are adopted as additional findings and are incorporated herein as if fully set forth.

Section 2. This resolution shall be effective as of the date of adoption.

Section 3. The Dayton Urban Renewal Agency will enter into intergovernmental agreements with the Dayton Fire District describing the terms of the funding for the Dayton Fire District and with the Dayton School District describing the terms of the funding for the Dayton School District

ADOPTED this 7th day of October 2024.

Mayor

ATTEST:

Rocio Vargas
City Recorder

Attachments:

- Exhibit A. Dayton Urban Renewal Plan
- Exhibit B. Report Accompanying the Dayton Urban Renewal Plan

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into by and between the Dayton Urban Renewal Agency, an urban renewal agency organized under ORS 457 ("Agency"), and the Dayton School District, a school district organized under ORS 332, ORS 330.005, and Oregon Const. Article VII, Section 3 ("District"), each individually a "Party" and collectively the "Parties."

WHEREAS, authority is conferred upon local governments under ORS 190.010 to enter into agreements for the performance of any and all functions and activities that a party to the agreement, its officers or agencies have authority to perform; and

WHEREAS, the District provides education services and is a critical part of the City's economic development strategy for the City of Dayton's Urban Renewal Area ("Area"); and

WHEREAS, these services benefit the Area by providing additional facilities for the District to help with the education of City residents, encouraging the existing residents to keep their children in Dayton schools, and showing the City's commitment to the District to help encourage other families to move to Dayton. Such services are integral to the success of the Area and Dayton's Urban Renewal Plan ("Plan"); and

WHEREAS, Section V of the Plan authorizes certain project activities within the Area including improvements to the District's high school recreation area (School District Project); and

WHEREAS, Section V also includes enhancing the Area's fire protection services through improvements to the Dayton Fire District fire station (Fire Station Project) which Project is considered a public building project under ORS 457.010(12)(a)(A) and the interpretation of ORS 457.010 (12)(b)(F); and

WHEREAS, the inclusion of a public building project requires concurrence of taxing districts in accordance with ORS 457.089; and

WHEREAS, the District concurs with the inclusion of the Fire Station Project as a public building project and as a project in the Plan; and

WHEREAS, the Agency agrees to provide funding for the School District Project in recognition that the District will suffer a loss of revenue due to the establishment of the Area and adoption of the Plan; and

WHEREAS, both parties desire to enter into this Agreement under the terms and conditions set forth herein in recognition that the public will benefit and to ensure the goals of the Plan are met.

AGREEMENT

1. **District and Agency Concurrence.** Both parties concur with the inclusion of the Fire Station Project in the Plan as a public building as that term is defined under ORS 457.010(12)(a)(A).

2. **District Obligations.** The District has the following obligations:

- a. Use Agency funds for the School District Project which includes renovating and improving the Dayton High School stadium located at 801 Ferry Street, Dayton, OR 97114 which stadium is located within the Urban Renewal Area (Area). The School District Project will benefit the Area through enhanced education services.
- b. Ensure that the School District Project is consistent with the Plan's economic development and design goals.
- c. Ensure all Agency funds are used consistent with ORS 457, specifically 457.170 and the Plan.
- d. Pay all costs associated with the School District Project including maintenance and upkeep.
- e. After funds have been disbursed to the District, Provide Agency with a line item accounting of the funds used within 90 days (and no longer than three years) after School District Project completion.
- f. The District is not responsible for any costs associated with the Fire Station Project.

3. **Agency Obligations:** The Agency has the following obligations:

- a. Set aside 2.76% of the Agency's tax increment receipts each year for the District until the set aside amount reaches \$1,000,000 (Maximum Amount).
- b. Transfer the Maximum Amount to the District through a process to be mutually determined by the Agency and District.
- c. Agency will aim to provide the Maximum Amount on or around November 1, 2031; however, the Agency's obligation is contingent on accruing the Maximum Amount.
- d. If the Maximum Amount has not been reached as of November 1, 2031, the Agency shall transfer the amount accrued by that date to the District no later than December 15, 2031; the Agency shall continue to set aside receipts as provided in Section 3.a. and transfer the remaining balance to the District in one final installment within 45 days of accruing it.
- e. Once the District has received \$1,000,000, the Agency will have no further obligation to the District.
- f. Agency is not responsible for any costs associated with the School District Project.
- g. Agency shall maintain records of its tax increment receipts and amounts set aside for the District, and shall share such records with the District upon District's request.

4. **Term.** This Agreement shall take effect on the date both parties have signed below ("Effective Date"), and shall remain in effect until Agency has provided District with the Maximum Amount at which time this Agreement will terminate.

5. **Waiver.** The failure of either Party to enforce any provision under this Agreement shall not constitute a waiver by it of any other provision.

6. **Compliance with Laws.** The Parties will comply with all applicable laws in the performance of their obligations under this Agreement.

7. **Hold Harmless and Indemnification.** This Agreement is for the benefit of the Parties only. Subject to any and all limitations, exclusions, and notice requirements of the Oregon Tort Claims Act (ORS 30.260 through 30.300) and the constitution of the State of Oregon, each party shall be responsible for their own acts and those of its officers, employees, or agents. Each party agrees to indemnify, save, and hold harmless the other party and that party's officers, employees, and agents, from and against all claims, demands and causes of actions and suits of any kind or nature for personal injury, death or damage to property on account of or arising out of services performed, the omissions of services or in any way resulting from the acts or omissions of the indemnifying party and indemnifying party's officers, employees, and agents under this Agreement. To the extent applicable, the above indemnification is subject to and shall not exceed the limits of liability of the Oregon Tort Claims Act (ORS 30.260 through 30.300). The obligations set forth in this Section 7 shall survive the termination of this Agreement.

8. **Insurance.** Both parties shall maintain insurance levels or self-insurance in accordance with ORS 30.282, for the duration of this Agreement at levels necessary to protect against public body liability as specified in ORS 30.269 through 30.274.

9. **Modification.** This Agreement may be modified only by mutual agreement of the Parties. Any modification to this agreement shall be in writing and signed by an authorized representative of each Party hereto.

10. **Entire Agreement; Amendments.** This Agreement contains the entire agreement of the Parties on the subject enumerated herein. An addition or modification of the provisions of this Agreement shall not be effective unless it is in writing and acknowledged by the authorized signature of each Party.

11. **Laws of Oregon.** This Agreement shall be construed and enforced in accordance with the laws of the State of Oregon.

12. **Default.** Either Party shall be deemed to be in default if it fails to comply with any provisions of this Agreement. The non-defaulting Party shall provide the other Party with written notice of default and allow thirty (30) calendar days within which to cure the defect. If the defect is not cured within thirty (30) calendar days, the non-defaulting Party may terminate this Agreement effective upon written notice thereof to the other Party, or upon such other date as may be set forth in said notice.


13. **Notices.** All notices required or allowed of one Party to the other shall be deemed given when sent to the Parties at the following addresses:

For Agency: City of Dayton, 416 Ferry Street, Dayton, OR 97114

For District: Superintendent's Office, 780 Ferry Street, Dayton, OR 97114, Attention: Superintendent


14. **Authority to Enter into Agreement.** The signatories, by affixing their signatures hereto, personally certify that they are authorized to do so by the Charter, Ordinances, and/or governing body of the respective governmental entity for which they are executing this Agreement, and that their signatures shall cause this Agreement to be binding upon such Party.

For Agency:



By: Cynell Park
Title: Interim City Manager
Date: 10/7/2021

For District:



By: Dr. Amy Fast
Title: Superintendent, Dayton School District
Date: 10/3/24

Dayton School District #8
www.daytonk12.org

REGULAR BOARD MEETING

Tuesday, September 10, 2024

The Board of Directors of Dayton School District No. 8 met for the regular monthly meeting on Tuesday, September 10, 2024 in the District Board Room broadcast via zoom.

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Board Chair Larry Ringnalda called the Regular Board Meeting to order at 6:01 PM and led the Pledge of Allegiance to the American Flag.

ATTENDANCE

Board Members

Larry Ringnalda, Chair
Kraig Albright, Vice Chair – *arrived @ 6:04*
Veronica Palmer - *Zoom*
Pieper Sweeney
Ann Coleman arrived @ 6:07
Terri Paysinger
Christopher Wytoski

Administrators/Board Secretary

Amy Fast, Superintendent
Amber Estrada, Business Manager
Molly Arce, District Secretary

Student Board Members

Lillie Brooks
Cash Yount - *Absent*

PUBLIC COMMENT

No Public Comment

Additions, Deletions, and Amendments to Agenda:

- Additions – Business
- Overnight request: Approve Overnight Request FFA
 - **Lower Willamette District FFA Leadership Camp:** Location Falls City, Oregon
September 23, 2024 – September 24, 2024
 - **National FFA Convention:** Location Indianapolis, Indiana from October 19, 2024 –
October 27, 2024
 - **State FFA Convention:** Location Redmond, Oregon from March 20, 2025 – March 23,
2025
 - **FFA Rafting Trip:** Location Maupin, Oregon from June (Date TBD)

CONSENT AGENDA

It was moved by Director Christopher Wytoski, seconded by Director Terri Paysinger and carried unanimously (6-0) to adopt the agenda with changes as stated.

- Approve Minutes of August 13, 2024 Regular Board Meeting
- Confirm Employment
 - Krista Carpino – High School Hospitality Teacher
 - Kristina Sheppard – District Speech Pathologist
 - Jamison McGillvray – High School/Junior High Music Teacher
 - Mariah Deboff – Grade School Special Education Teacher (Emotional Growth Center)
 - Molly Hurtado – High School Math Teacher
 - Morgan Poulos – Post High Special Education Teacher
 - Claire Coleman – Transfer High School Ag Business CTE

- Kristian Frack – District English Language Development TOSA
- Heather Hughes – High School JV Volleyball Coach
- Susan Rader – Grade School Projects Class Program Instructor
- Elizabeth Toll – High School Science Teacher
- Rachel Hosking – Grade School SLC IA
- Amber Carter – Grade School IA One on One
- Melanie Oakes - High School English Language Teacher
- Liz Fliazar – High School JV2 Volleyball Coach
- Alicia Wilson – High School Asst. Cross Country Coach
- Marshall Anderson – High School Asst. Football Coach
- Jacob Karnes – High School Asst. Football Coach
- Shayla Wacker – Junior High Volleyball Coach
- Ellyce Schilling, Changed to .5 FTE
- Paul Bodenhamer III – High School Post High IA

REPORTS

Financial Report

Amber Estrada, Business Manager, reported:

- The August financial report is included in the board packet for your review.
- Superintendent Amy Fast and Amber Estrada have been collaborating to enhance our financial reporting process. Amber has actively reached out to other business members in the area to explore potential revisions to our existing report format.
- In an effort to foster better financial understanding and oversight, Amber is in the process of organizing monthly meetings with all program leaders and administrators to review the budget collectively.

Superintendent Report

Amy Fast, Superintendent, reported:

Key Updates:

- **Meeting Input:** Please feel free to share your thoughts on topics or issues you would like to see addressed in our forthcoming meetings.
- **Acknowledgment:** A heartfelt thank you to all program leaders for your dedication and efforts in making the start of this academic year successful.
- **Enrollment Growth:** We are pleased to report an increase in enrollment compared to last year, which positively impacts our district's funding.
- **System Improvements:** I am currently working on establishing more efficient systems and processes. This includes our transition to a new Student Information System, integrating all staff systems into a single digital platform, thereby streamlining operations and reducing costs.
- **Security Enhancements:** We are in the process of installing sound systems across all areas of the district. Additionally, new locking grate systems are being implemented to enhance security, as this remains our top priority.
- **Behavior Support Programs:** We are excited to introduce new programs and personnel at the [GS/Grade School] to provide support for behavioral needs.
- **TOSA Initiatives:** Each building will have a Teacher on Special Assignment (TOSA) dedicated to supporting our new staff.
- **New Class Focus:** We are implementing a "Projects Class" at the GS, concentrating on CTE and STEAM-related learning to facilitate smoother educational transitions for students.
- **End-of-Year Goals:** Planning is also underway regarding the updates to our end-of-year superintendent goals aligning with new graduation requirements, which will be reported in each meeting.

Director Wytoski highlighted the importance of the communication tools we've implemented, particularly the walkie-talkies, which have greatly improved our ability to maintain clear communication and support safety across the district. It's encouraging to see the tangible effects of this enhancement. Additionally, he expressed appreciation for our late start Monday professional development days. These dedicated times for staff development are proving to be productive for both our educators and students, fostering a more effective teaching and learning environment.

Director Pieper Sweeney also raised an important point regarding our Rigorous Curriculum initiative. Superintendent Amy Fast explained that we started with are focused on our K-3rd grade curriculum. The professional guides and the depth of collaboration among teachers are vital as we navigate standards that have varying levels of importance. During collaborative sessions, educators are taking the time to examine these standards closely, determining what should be taught at each level of complexity. By working together, they assess what strategies were effective and identify areas that may need improvement. This reflective practice allows us to continuously refine our approach and share insights, enhancing the educational experience for our students.

Maintenance/Facilities Reports

Otto Rice, Director of Maintenance Reported:

Maintenance report is included in the board packet for your review

- **Summer Review:** We have witnessed significant room changes at both the Junior High and High School levels. Otto is pleased to share that the staff has successfully completed all summer work, including room cleaning.
- **Current Initiatives:** The Preventative Maintenance List has been compiled; please refer to it for details on ongoing maintenance tasks. Staff training on new safety protocols has commenced. Safety inspections are scheduled for this week.
- **Looking Ahead:** The Grade School gym, which underwent renovations over the summer, has been cleared for small group use.
- **Important Safety Notes:** Otto has shared a plan regarding the recent heat index concerns. We have procured additional AC units for staff rooms, noting that there was a high demand for cooling solutions.
- **Fall Projects:** As we kick off the new school year, staff are actively supporting teachers as they transition to their new classrooms. This is a particularly busy time, and I appreciate everyone's hard work and collaboration.

College and Career Efrain Arredondo Reported:

Why This Matters: Efrain understands that the time we spend with each student often isn't enough, and he is determined to change that. He envisions a space where every senior can engage in one-on-one conversations that are judgment-free—conversations that will help them discover their self-worth and understand the wide array of possibilities available to them.

Goals and Opportunities: Efrain wants to instill in our students the knowledge that they should not feel overwhelmed by pressure at this stage in their lives. Instead, he encourages them to keep as many doors open as possible when it comes to deciding on their futures. Whether that means attending a four-year university or learning how to effectively tell their personal stories, Efrain is committed to guiding them through this crucial time. He is aware of the heavy responsibility he carries and is fueled by a deep desire

to make a positive impact on our student body. By expanding systems of support and fostering community connections, Efrain aims to ensure that every student has access to vital resources. He will be actively researching scholarship opportunities and facilitating job shadowing experiences to help students explore various career paths.

Next Steps: Efrain is eager to engage with students and families. He is committed to continuing one-on-one conversations and will be reaching out to students for career guidance. Additionally, he will attend conferences to enhance his expertise and gather new resources to support our students.

Avid High School: Alicia Wilson Reported -

AVID serves both as a class and a philosophy that promotes college readiness and career technical education (CTE). We are currently in the process of integrating these elements, focusing on our two main goals:

1. **Enhanced Notetaking and Collaboration:** We aim to foster an environment where students can effectively engage with their peers to improve their learning processes. We are exploring strategies to strengthen collaboration and have observed positive results in past implementations of AVID, which we are now rolling out more gradually to ensure that both staff and students become fully onboard.
2. **Increasing Accessibility:** To reach more students, we have designated Mondays for Professional Development and Learning (PDL) sessions which will include all staff, helping us disseminate AVID strategies school-wide. Our vision is to embed AVID as an umbrella system for student engagement, enhancing the academic experience for all.

As part of our leadership team, we are prioritizing professional development that supports teachers in integrating AVID strategies—specifically the WICOR (Writing, Inquiry, Collaboration, Organization, and Reading) framework—into their instruction. This approach not only benefits the students but also creates a dynamic learning culture that reflects real-life applications of our classes.

Additionally, we want to emphasize that our AVID elective provides valuable support to help students navigate their high school journey, nurturing their growth and commitment to rigorous coursework. Students participating in AVID commit to challenging themselves, and we strive to maintain a balance between academic rigor and enjoyment, ensuring that our program offers a supportive safety net. We believe that this initiative aligns closely with our Portrait of a Graduate, preparing students not just for academic success but for their futures beyond school.

DISCUSSION

Schedule of Board Events

- Next Work Session on October 16, 2024 beginning at 6:00PM in the district boardroom OSBA Board self-evaluation will provide a self-evaluation prior
- Next Regular Board Meeting, Tuesday October 8, 2024 beginning at 6:00 PM
- Oregon School Board Association Annual Convention, November 9-11, 2024, at the Portland Marriott Downtown Waterfront Hotel.

BUSINESS

Overnight Request FFA

Overnight request has been submitted by Mitch Coleman for the 2024-2025 School Year. Details of the

request are as follows:

- **Lower Willamette District FFA Leadership Camp:** Location Falls City, Oregon September 23, 2024 – September 24, 2024
- **National FFA Convention:** Location Indianapolis, Indiana from October 19, 2024 – October 27, 2024
- **State FFA Convention:** Location Redmond, Oregon from March 20, 2025 – March 23, 2025
- **FFA Rafting Trip:** Location Maupin, Oregon from June (Date TBD)

It was moved by Director Christopher Wytoski and seconded by Director Terri Paysinger, it was carried unanimously (5-0) to approve the overnight FFA request.

Approve Dayton Urban Renewal

Dave Rucklos from the City of Dayton indicated that the Dayton Fire District has approved the Urban Plan and is set to adopt it by the end of the month.

During our discussions, Terri raised an essential question regarding the mechanism for the School District to access the proposed million dollars. Dave outlined a couple of potential pathways for this funding: either on an annual basis or as a one-time lump sum payment. Dave plans to provide an extension letter by September 30th and will aim for the official adoption by October 3rd. Subsequently, the board will need to determine the payout schedule and ensure this is incorporated into the resolution, as it will be essential for establishing the agreement.

A motion was made by Director Terri Paysinger to approve the resolution for the Dayton School District concurring with the inclusion of a public building project in the Dayton Urban Renewal Plan as written with additions of a lump sum payout in 5 years from the approval of the district. Second by Director Christopher Wytoski and carried unanimously (6-0; Director Pieper Sweeney abstained from the vote) to approve the Dayton Urban Renewal Plan as stated above.

Approve Superintendent Evaluation Process

The Board of Directors will again use the Oregon School Board Association Superintendent Evaluation process this year. The evaluation will include superintendent-board check in meetings. The board will evaluate the superintendent on the following performance standards: Visionary District Leadership, Ethics and Professional norms, Inclusive district culture, culturally responsive instructional leadership and improvement, communication and community relations, effective organizational management, effective financial management, and policy governance and advocacy.

It was moved by Christopher Wytoski, seconded by Kraig Albright, and carried unanimously (7-0) to approve the OSBA Superintendent Evaluation Process and Evaluation Calendar as presented.

Nomination of Director Albright to OSBA Board of Directors

It was moved by Terri Paysinger, seconded by Ana Coleman, and carried unanimously (6-0; Kraig Albright abstained from the vote) to nominate Kraig Albright to the Oregon School Board Association Board of Directors.

Approve Alternative Education Programs

Yearly approval of alternative education programs is required by board policy IGBHA, alternative education programs. The list of programs includes:

- Dayton Grade School – Structured Learning Classroom
- McMinnville Special Programs

- Newberg Special Programs
- Willamette Education Service District Programs
- Dayton JH/HS Structured Learning Classroom
- Polk Adolescent Day Treatment Center (PADTC)
- Clackamas ESD Program – Heron Creek Therapeutic School
- Dayton High School-Alternative Education/Online Computer Assisted instruction
- Chemeketa Community College
- Dayton Community Transitions Program – (CTP)

It was moved by Director Terri Paysinger, seconded by Director Kraig Albright, and carried unanimously (7-0) to approve the alternative education programs for the 2024-2025 school year as presented.

Approve Softball Batting Cage Contract

A motion was made by Director Larry Ringnalda to approve the expenditure for the softball batting cages, granting Superintendent Amy Fast the authority to negotiate the contract with a maximum limit not to exceed \$169,127.80. The motion was seconded by Director Kraig Albright and carried unanimously (7-0).

Overnight Request FFA

Overnight request has been submitted by Mitch Coleman for the 2024-2025 School Year. Details of the request are as follows:

- **Lower Willamette District FFA Leadership Camp:** Location Falls City, Oregon September 23, 2024 – September 24, 2024
- **National FFA Convention:** Location Indianapolis, Indiana from October 19, 2024 – October 27, 2024
- **State FFA Convention:** Location Redmond, Oregon from March 20, 2025 – March 23, 2025
- **FFA Rafting Trip:** Location Maupin, Oregon from June (Date TBD)

It was moved by Director Christopher Wytoski and seconded by Director Terri Paysinger, it was carried unanimously (7-0) to approve the overnight FFA request.

BOARD REFLECTION

Director Christopher Wytoski remarked on the importance of hearing from our professionals about the positive impacts our efforts have on students. He emphasized a key teaching point: GPA does not define one's character.

Director Ann Coleman expressed her excitement for the upcoming year and shared that everything is progressing wonderfully.

Lillie Brooks shared her enthusiasm for the college and career guidance she is receiving, which she feels is steering her in the right direction. She also extended her gratitude for the softball batting cages.

Director Kraig Albright enjoys engaging with staff and the community throughout the district and appreciates the clear direction we are projecting.

Director Larry Ringnalda highlighted the collaborative spirit within the AVID program, noting how it fosters teamwork among both staff and students, helping them develop essential skills.

Director Pieper Sweeney voiced her appreciation for the passion everyone demonstrates when discussing student welfare, affirming that this investment from teachers is invaluable to our students' growth.

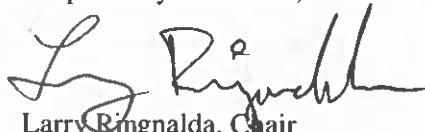
Director Terri Paysinger shared her excitement about the direction Dayton is heading, noting her long-standing involvement and how invigorated she feels about our initiatives.

FUTURE AGENDA ITEMS

No Future agenda items were discussed

The Board Chair adjourned the meeting at 7:41 PM.

Respectfully submitted,



Larry Ringnald, Chair
Dayton Board of Education



Molly Arce, Board Secretary
Dayton Board of Education

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into by and between the Dayton Urban Renewal Agency, an urban renewal agency organized under ORS 457 ("Agency"), and the Dayton Fire District, a fire district organized under ORS 478 ("District"), each individually a "Party" and collectively the "Parties."

WHEREAS, authority is conferred upon local governments under ORS 190.010 to enter into agreements for the performance of any and all functions and activities that a party to the agreement, its officers or agencies have authority to perform; and

WHEREAS, the District provides critical response and fire protection services to the City of Dayton's Urban Renewal Area ("Area"). Such services are necessary for the public's health, safety, and welfare and integral to the success of the Urban Renewal Area and Dayton's Urban Renewal Plan ("Plan"); and

WHEREAS, Section V of the Plan authorizes certain project activities within the Area including fire protection services which encompasses improvements to the District's fire station (Fire Station Project) and purchase of District capital equipment; and

WHEREAS, the Fire Station Project is considered a public building project under ORS 457.010(12)(a)(A) and the interpretation of ORS 457.010 (12)(b)(F); and

WHEREAS, the inclusion of a public building project requires concurrence of taxing districts in accordance with ORS 457.089; and

WHEREAS, the District concurs with the inclusion of the Fire Station Project as a public building project and as a project in the Plan; and

WHEREAS, the Agency agrees to provide funding for the Fire Station Project and for the purchase of District capital equipment in recognition that the District will suffer a loss of revenue due to the establishment of the Area and adoption of the Plan; and

WHEREAS, both parties desire to enter into this Agreement under the terms and conditions set forth herein in recognition that the public will benefit and to ensure the goals of the Plan are met.

AGREEMENT

1. **District and Agency Concurrence.** Both parties concur with the inclusion of the Fire Station Project in the Plan as a public building as that term is defined under ORS 457.010(12)(a)(A).

2. **District Obligations.** The district has the following obligations:

- a. Use Agency funds for the Fire Station Project which includes renovating and improving the district fire station located at 500 7 Street, Dayton, OR 97114 which is located within the Urban Renewal Area (Area). The Fire Station Project will benefit the Area through enhanced fire protection services.
- b. Ensure that the Fire Station Project is consistent with the Plan's economic development and design goals.
- c. Use Agency funds to purchase District capital equipment (Capital Equipment) which equipment will benefit the Area through enhanced fire protection services.
- d. Ensure all Agency funds are used consistent with ORS 457, specifically 457.170 and the Plan.
- e. Pay all costs associated with the Fire Station Project and Capital Equipment including maintenance and upkeep.
- f. Provide Agency with an annual statement for the preceding calendar listing out what Agency funds were used for

3. **Agency Obligations:** The Agency has the following obligations:
- a. Provide District with payments of 7.946% of Agency's tax increment receipts during the duration of the plan. Agency will provide funds annually which will be paid through a transfer of funds.
 - b. Once the maximum life of the agreement has been reached, the Agency will have no further obligation to the District.
 - c. Agency is not responsible for any costs associated with the Fire Station Project and Capital Equipment.

4. **Term.** This Agreement shall take effect on the date both parties have signed below ("Effective Date") and shall remain in effect until plan's expiration at which time this agreement will terminate .

5. **Waiver.** The failure of either Party to enforce any provision under this Agreement shall not constitute a waiver by it of any other provision.

6. **Compliance with Laws.** The Parties will comply with all applicable laws in the performance of their obligations under this Agreement.

7. **Hold Harmless and Indemnification.** This Agreement is for the benefit of the Parties only. The District agrees to indemnify, save, and hold harmless the Agency and its officers, employees, and agents, from and against all claims, demands and causes of actions and suits of any kind or nature for personal injury, death or damage to property on account of or arising out of services performed, the omissions of services or in any way resulting from the acts or omissions of the District and its officers, employees, and agents under this Agreement. To the extent applicable, the above indemnification is subject to and shall not exceed the limits of liability of the Oregon Tort Claims Act (ORS 30.260 through 30.300). In addition, District shall be solely responsible for any contract claims, delay damages or similar items arising from or caused by the action or inaction of the District under this Agreement. The obligations set forth in this Section 7 shall survive the termination of this Agreement.

8. Insurance. Both parties shall maintain insurance levels or self-insurance in accordance with ORS 30.282, for the duration of this Agreement at levels necessary to protect against public body liability as specified in ORS 30.269 through 30.274.

9. Modification. This Agreement may be modified only by mutual agreement of the Parties. Any modification to this agreement shall be in writing and signed by an authorized representative of each Party hereto.

10. Entire Agreement; Amendments. This Agreement contains the entire agreement of the Parties on the subject enumerated herein. An addition or modification of the provisions of this Agreement shall not be effective unless it is in writing and acknowledged by the authorized signature of each Party.

11. Laws of Oregon. This Agreement shall be construed and enforced in accordance with the laws of the State of Oregon.

12. Default. Either Party shall be deemed to be in default if it fails to comply with any provisions of this Agreement. The non-defaulting Party shall provide the other Party with written notice of default and allow thirty (30) calendar days within which to cure the defect. If the defect is not cured within thirty (30) calendar days, the non-defaulting Party may terminate this Agreement effective upon written notice thereof to the other Party, or upon such other date as may be set forth in said notice.

13. Notices. All notices required or allowed of one Party to the other shall be deemed given when sent to the Parties at the following addresses:

For Agency:

For District:

14. Authority to Enter into Agreement. The signatories, by affixing their signatures hereto, personally certify that they are authorized to do so by the Charter, Ordinances, and/or governing body of the respective governmental entity for which they are executing this Agreement, and that their signatures shall cause this Agreement to be binding upon such Party.

For Agency:

For District:

Don Wilson
By: Dryden Fine Diston
Title: Board Chair
Date: 9/14/24

Call
By: Timothy Papp
Title: Integrity Compliance Manager
Date: 10/15/2024 Wayne



YAMHILL SOIL & WATER
CONSERVATION DISTRICT

June 14, 2024

Dear Mayor Annette Frank and Dayton City Council Members,

The Yamhill Soil and Water Conservation District (District) appreciates the opportunity to comment on the Dayton Urban Renewal Plan. We acknowledge the importance of updating and upgrading infrastructure to promote sustainable development. While the District is generally supportive of such efforts, we have concerns regarding the potential financial impact on our operations.

The District's primary mission is to conserve, restore, and enhance Yamhill County's natural resources, while inspiring future generations. Our operations are funded by a modest tax revenue, and according to the city's projections, the District would forgo approximately 1% of our annual tax base each year through 2050, amounting to \$109,752. Although this figure may appear small, it is significant given that the District is also impacted by five other ongoing urban renewals in the county. These cumulative reductions in revenue negatively affect the services we provide to Yamhill County residents.

Each reduction in our tax base hinders our ability to leverage additional funding through grants and agreements, which is crucial for our operations. For instance, while our anticipated tax revenue for fiscal year 2024-2025 is \$407,833, our overall budget is over \$9.5 million due to our success in securing external funding. This capability would be compromised without our foundational tax revenue.

It is important to note that the District is not opposed to development. We support smart, sustainable growth as more individuals move into Yamhill County. With the substantial amount of Inflation Reduction Act funding and other federal funds currently available for infrastructure and revitalization projects, we believe that these sources, in addition to local bond options, should be utilized to offset costs, rather than reducing the revenue of local taxing districts. We urge local governments to pursue these funding avenues and provide incentives that encourage beneficial development while minimizing the financial impact on the District and other small taxing entities in the county.

We wish you success with the Dayton Urban Renewal Plan and look forward to collaborating with you to achieve our mutual goals.

Sincerely,

Barbara Boyer

Board Chair, Yamhill Soil and Water Conservation District

2200 SW 2ND ST, MCMINNVILLE, OR 97128 ☀ (503) 472-6403 ☀ YAMHILLSWCD.ORG