



DAN JOHNSON
MANAGER

DEVELOPMENT AGENCY

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

May 9, 2019

Development Agency Board
Board of County Commissioners
Clackamas County

Members of the Board:

**First Reading of Ordinance No. _____ Amending the
Clackamas Industrial Area Urban Renewal Plan**

Purpose/Outcomes	To remove property from the Clackamas Industrial Area Urban Renewal Boundary
Dollar Amount and Fiscal Impact	None
Funding Source	No impact
Duration	Indefinite
Previous Board Action	None on this issue
Counsel Review	Reviewed and Approved by County Counsel on April 16, 2019
Strategic Plan Alignment	Build a strong infrastructure. Build public trust through good government.
Contact Person	David Queener– 503-742-4322

BACKGROUND:

The Clackamas Industrial Area (CIA) Development Plan was adopted on July 26, 1984 and has been subsequently amended. One of the amendments was to add SE 172nd Avenue as a project and to add that area into the urban renewal district boundary. The construction of SE 172nd Avenue from Sunnyside Road south to Highway 212 has been completed by the County. The CIA is no longer taking division of taxes.

The City of Happy Valley is considering adopting an urban renewal plan focusing on transportation improvements. One of the proposed projects is the construction of SE 172nd Avenue north of Sunnyside Road. Legal counsel review has indicated that the SE 172nd Avenue right of way from Sunnyside Road north must first be removed from the CIA plan area before being included into the proposed Happy Valley Urban Renewal Area.

The Proposed Ordinance

The proposed ordinance removes the SE 172nd Avenue right of way from Highway 212 north to the county line from the boundary of the CIA urban renewal district.

RECOMMENDATION:

Staff respectfully requests that the Board complete the first reading of the ordinance and schedule a second reading of this ordinance on May 23, 2019.

Respectfully submitted,

David Queener
Clackamas County Development Agency Program Supervisor

Attachments:

Ordinance

ORDINANCE NO. _____

AMENDING THE CLACKAMAS INDUSTRIAL AREA DEVELOPMENT PLAN

Section 1 Purpose

By enactment of this ordinance, the Board of Commissioners of Clackamas County approves the attached Clackamas Industrial Area Development Plan – Plan Amendment pursuant to ORS 457.095 and ORS 457.220.

Section 2 Findings

- a) The Clackamas Industrial Development Area Plan and Report on the Plan were duly adopted and approved July 26, 1984 and have been subsequently amended. The Clackamas County Development Agency (Development Agency) proposes further amendments to the Plan at this time to remove SE 172nd Avenue right of way and to decrease the size of the urban renewal area.
- b) The Development Agency pursued a project to improve 172nd Avenue from Sunnyside Road south to Highway 212. This project is complete.
- c) The City of Happy Valley is considering an urban renewal area to complete infrastructure projects including the improvement of 172nd Avenue north of Sunnyside Road to the northern city limits.
- d) ORS 457.420(3) states that “property may not be included in more than one urban renewal area”.
- e) This amendment to remove the SE 172nd Avenue area from the Clackamas Industrial Area Development Plan, would allow the City of Happy Valley to incorporate 172nd Avenue north of Sunnyside Road into a Happy Valley urban renewal area.
- f) The Clackamas County Board of Commissioners has considered the material presented by staff and find that these amendments are necessary to allow the City of Happy Valley to include a project for the construction of 172nd Avenue north of Sunnyside Road to their city limits in their proposed urban renewal plan.

Section 3 Approval

The amendments to the Clackamas Industrial Area Plan attached as Exhibit 1, Revised Clackamas Industrial Area Urban Renewal Plan Boundary Map, and Exhibit 2, revised Clackamas Industrial Area Urban Renewal Plan legal description and incorporated herein, are hereby adopted and approved.

Section 4 Effective Date

This ordinance shall take effect ninety (90) days after its adoption.

Adopted this _____ day of May, 2019.

Jim Bernard, Chair
Board of County Commissioners

Attest:

Recording Secretary

EXHIBIT 2
METES AND BOUNDS DESCRIPTION
CLACKAMAS INDUSTRIAL AREA DEVELOPMENT DISTRICT

A tract of land located in Sections 3, 4, 5, 9, 10, 11, 12, 14, and 15, Township 2 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon, Sections 30 and 31, Township 1 South, Range 3 East of the Willamette Meridian, Clackamas County, Oregon, and Sections 6 and 7, Township 2 South, Range 3 East of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

Beginning at a point at the intersection of the northerly right-of-way line of the Southern Pacific Railroad and the southerly right-of-way line of Harmony Road, (County Road No. 115);

- (1) thence north $83^{\circ} 48'30''$ east along the south right-of-way line of said Harmony Road, a distance of 1658.06 feet to an angle point in the south line of said road;
- (2) thence south $88^{\circ} 48'$ east along the south right-of-way line of said Harmony Road, a distance of 365 feet to an angle point in the south line of said Harmony Road;
- (3) thence northeasterly to the intersection of the south right-of-way line of said Harmony Road with the east boundary of Strawberry Lane (SE Pheasant Court);
- (4) thence southeasterly 122 feet more or less along the east boundary of Strawberry Lane (SE Pheasant Court) to its intersection with a line which begins east 86.43 feet and north $00^{\circ} 13'$ west 155 feet from the initial point of the plat of Morningside and runs south $71^{\circ} 46'15''$ east 731.96 feet;
- (5) thence south $71^{\circ} 46'15''$ east 635 feet to a point;
- (6) thence south $77^{\circ} 56'15''$ east 294.48 feet;
- (7) thence south $70^{\circ} 09'$ east 500 feet;
- (8) thence south $72^{\circ} 48'12''$ east 486.49 feet;
- (9) thence south 86° east 178.78 feet;
- (10) thence south parallel to the east line of Lot 12 of the Plat of Morningside 375 feet more or less, to a point on the south line of Lot 11 of said Plat;
- (11) thence easterly along the south line of Lots 11 and 12 of said plat 560 feet, more or less, to its intersection with the west line of S.E. 82nd Avenue;
- (12) thence southeasterly along said west right-of-way line 1065 feet, more or less, to the south line of the Southern Pacific Railroad right-of-way;
- (13) thence southeasterly, along the southwesterly line of said Southern Pacific Railroad right-of-way, a distance of 2820 feet, more or less, to the southwesterly extension of the east line of Interstate Highway 205;

- (14) thence northeasterly along said extension and along the east line of said highway 2370 feet, more or less, to a 5/8 inch iron rod;
- (15) thence south 20° 44'15" east 991.06 feet to a 5/8 inch iron rod that is also south 21° 59'38" east 1668.81 feet and south 67° 15'45" west 730 feet from the N.E. corner of the William T. Matlock DLC No. 37 in Section 4 of T2S, R2E, W.M;
- (16) thence south 68° west 6.59 feet;
- (17) thence south 31° 20' east 922.91 feet to a 5/8 inch x 30 inch iron rod;
- (18) thence north 58° 40' east 70 feet to a 5/8 inch x 30 inch iron rod;
- (19) thence south 31° 20' east 180 feet to a 3/8 inch x 30 inch iron rod;
- (20) thence south 46° 16' east 31.05 feet to a 5/8 inch x 30 inch iron rod;
- (21) thence north 58° 40' east 138 feet to the centerline of County Road No. 1317 (Lawnfield Road);
- (22) thence following said centerline in a southeasterly and southwesterly direction 375 feet to a point, said point being 1320 feet north 22° west, 49.5 feet south 68° west, 1199.1 feet north 22° west and south 68° west 400.80 feet from the southeast corner of William T. Matlock DLC No. 37;
- (23) thence north 68° 17'37" east 400.80 feet to the east line of the William T. Matlock DLC No. 37;
- (24) thence tracing said DLC line south 21° 08'40" east 1165 feet more or less to a point;
- (25) thence north 68° east 130.95 feet to a point;
- (26) thence south 33° 19' east 475.88 feet, more or less to a point on the north line of Section 10, T2S, R2E, W.M;
- (27) thence easterly along the north line of said Section 10, T2S, R2E, 3490 feet, more or less, to the N.W. corner of the N.E. ¼ of the N.E. ¼ of said Section 10;
- (28) thence south 1325.75 feet;
- (29) thence north 89° 44'30" west 120.8 feet, more or less, to an iron pipe;
- (30) thence south 1155.2 feet
- (31) thence east 489.72 feet;
- (32) thence north 220 feet, more or less, to a point that is north 1732.5 feet, south 89° 38' west 936.88 feet, more or less, and north 1258.82 feet from the S.E. corner of Section 10, T2S, R2E;
- (33) thence east 489.72 feet;
- (34) thence north 80 feet, more or less, to a point that is south 889.34 feet and west 468.6 feet from the north 1/16 corner between Sections 10 and 11;
- (35) thence east 489.72 feet;

- (36) thence south 190 feet, more or less;
- (37) thence east 973.14 feet;
- (38) thence north 200 feet, more or less, to a point that is north 898.92 feet and west 979.44 feet from the center of the Oregon City and Phillip Foster Road (State Highway 212) on the east line of the Presley Welch DLC;
- (39) thence east 979.44 feet;
- (40) thence south 200 feet to a point;
- (41) thence east 420 feet to a point;
- (42) thence north 100 feet to a point;
- (43) thence east 361.64 feet to a point;
- (44) thence south 55 feet, more or less, to a point that is east 773.64 feet and north $0^{\circ} 42'40''$ east 284 feet from the N.W. corner of the Isaac Capps DLC No. 52;
- (45) thence east, parallel to the north line of said DLC No. 52, 682 feet, more or less;
- (46) thence south 45 feet, more or less;
- (47) thence east 135 feet;
- (48) thence north 650 feet;
- (49) thence east 526.74 feet;
- (50) thence continuing east 541.30 feet to a point;
- (51) thence south $1^{\circ} 16'30''$ east, a distance of 600 feet to a point;
- (52) thence south 84° east 1200 feet to a point,
- (53) thence south 68° east 1000 feet to a point;
- (54) thence south 83° east 800 feet to a point;
- (55) thence south 88° east 800 feet to a point;
- (56) thence south 63° east 500 feet to a point;
- (57) thence north 77° east 200 feet to a point henceforth to be referred to as "Point A";
- (58) thence south 52° west 600 feet to a point;
- (59) thence north 15° west 400 feet to a point;
- (60) thence north 70° west 250 feet to a point;

- (61) thence north 88° west 1200 feet to a point;
- (62) thence north 75° west 800 feet to a point;
- (63) thence north 88° west 900 feet to a point;
- (64) thence north 77° west 680 feet, more or less, to a point on the northerly right-of way of Oregon State Highway No. 212;
- (65) thence westerly along the north right-of-way line of said Oregon State Highway No. 212, a distance of 1050 feet, more or less, to its intersection with the northerly extension of a line that runs parallel to and 465.96 feet west of the east line of the Isaac Capps DLC #52;
- (66) thence south, along said line, a distance of 1230 feet to a point;
- (67) thence west 114.10 feet;
- (68) thence south 615 feet;
- (69) thence east 158 feet;
- (70) thence south 35 feet;
- (71) thence east 242 feet;
- (72) thence south 15° 30' west 305.10 feet, more or less;
- (73) thence west 194.40 feet, more or less;
- (74) thence south 131 feet;
- (75) thence west 194 feet to a point on the east line of S.E. 135th Avenue;
- (76) thence south along said right-of-way line 130 feet;
- (77) thence west 50 feet;
- (78) thence south 817.11 feet, more or less;
- (79) thence east 59.9 feet;
- (80) thence southwesterly 650 feet in a straight line to a point which is north 728.2 feet and east 1170 feet from the reentrant corner of Isaac Capps DLC No. 52 in Section 14, T2S, R2E, W.M;
- (81) thence west 205 feet to a point;
- (82) thence south 12° 0' west 250.92 feet;
- (83) thence south 9° 09'30" east 107.27 feet;
- (84) thence south 68° 20' west 268.92 feet;
- (85) thence west 687 feet to a point on the southerly extension of the centerline of County Road No. 310 (S.E. 130th Avenue);

- (86) thence south along said centerline extension to the westerly exterior angle corner of the Isaac Capps DLC No. 52, also being 421.70 feet south of the northeast corner of Government Lot No. 10;
- (87) thence south $44^{\circ} 08'$ west 410.40 feet to a point;
- (88) thence south $56^{\circ} 45'$ west 615 feet;
- (89) thence south $48^{\circ} 43'$ west 407.70 feet;
- (90) thence south $65^{\circ} 50'$ west 239.20 feet to a point, said point being on the west line of the Isaac Capps DLC No. 52;
- (91) thence north $0^{\circ} 25'$ east on said DLC line 340 feet to a point on the northeasterly extension of the south line of Vernon Street, said point also being south $0^{\circ} 25'$ west 699.04 feet from the westerly northwest corner of DLC No. 52;
- (92) thence south $65^{\circ} 25'$ west 96.85 feet to a point of intersection with the most easterly corner of S.E. Vernon Street;
- (93) thence northerly at right angles to said south line 40 feet to the north line of said S.E. Vernon Street;
- (94) thence south $65^{\circ} 25'$ west 441.14 feet to an angle point on the north line of said Vernon Street;
- (95) thence north $89^{\circ} 36'$ west 458.69 feet to the centerline of a 40 foot strip of Land;
- (96) thence north $0^{\circ} 24'$ east 115 feet to a point;
- (97) thence south $89^{\circ} 09'$ west 299 feet to a point;
- (98) thence south $0^{\circ} 24'$ west 296.50 feet, more or less, to a point on the right bank of the Clackamas River as it existed on May 14, 1979,
- (99) thence downstream, along said right bank of the Clackamas River, 1050 feet, more or less, to the most southerly southeast corner of that certain tract of real property (Assessor's Map 2 2E 15A, TL 1800) conveyed to Terry W. Emmert, by the deed recorded under Fee #96-52847, Deed records of Clackamas County;
- (100) thence north $50^{\circ} 26'$ east, along the east line of said Emmert Property, 23.22 feet to a point;
- (101) thence continuing along the east line of said Emmert Property, north $00^{\circ} 26'$ east, 863.69 feet, more or less, to a point in the south line of Capps Road;
- (102) thence west, along the south line of said Capps Road, 25 feet, more or less, to a point at the southerly extension of the west line of Parcel 1, Partition Plat No.1995-164, Clackamas County Survey Records;
- (103) thence north 60 feet, more or less, to the southwest corner of said Parcel 1, Partition Plat No.1995-164, Clackamas County Survey Records;
- (104) thence easterly, along the north right-of-way of said S.E. Capps Road, 3400 feet, more or less, to the west Right-of-Way line of S.E. 130th Ave.;

- (105) thence north, along the west right-of-way line of S.E. 130th Avenue, 850 feet, more or less, to a point at the westerly extension of the north line of Partition Plat No.1990-56, Clackamas County Survey Records and also the north line of that certain tract of real property (Assessor's Map 2 2E 14A, TL1080) conveyed to Mutual Materials Co. by the deed recorded under Fee #82-22065, Deed Records of Clackamas County;
- (106) thence east, along the north line of said Partition Plat No.1990-56, and the north line of said Mutual Materials Co. tract, 1425 feet, more or less, to the southeast corner of that certain tract of real property (Assessor's Map 2 2E 11D, TL1304) conveyed to Portland General Electric Company, as Parcel IV in the deed recorded under Fee #77-22190, Deed Records of Clackamas County;
- (107) thence north, 1052 feet, more or less, to the southeast corner of that certain tract of real property (Assessor's Map 2 2E 11D, TL 1400) conveyed to Ralph Mooers and Hazel Mooers, husband and wife, by the deed recorded in Deed Book 685, Page 325, Deed Records of Clackamas County;
- (108) thence west, along the south line of said Mooers tract, 335.28 feet, more or less, to the southwest corner thereof;
- (109) thence north 1668 feet, more or less, to the southwest corner of Parcel 1, Partition Plat No. 1995-160, Clackamas County Survey Records;
- (110) thence north $89^{\circ} 57' 02''$ east, along the south line of said Parcel 1, 160.00 feet to the southeast corner thereof;
- (111) thence along the easterly line of said Parcel 1, north $00^{\circ} 06' 03''$ west, 153.68 feet to an angle point in said east line;
- (112) thence continuing along the easterly line of said Parcel 1, south $89^{\circ} 56' 17''$ west, 15.00 feet to an angle point in said east line;
- (113) thence continuing along the easterly line of said Parcel 1, north $00^{\circ} 06' 03''$ west, 102.14 feet to a point of curvature;
- (114) thence northerly and northwesterly, along the easterly line of said Parcel 1, along the arc of a 33.00 foot radius curve to the left, through a central angle of $87^{\circ} 03' 58''$, for an arc distance of 50.15 feet (the long chord of which bears North $43^{\circ} 38' 02''$ west, 45.46 feet) to a point at the most northerly northeast corner of Parcel 1, Partition Plat No.1995-160, Clackamas County Survey Records, said point also being on the southerly right-of-way line of Oregon State Highway No. 212;
- (115) thence westerly, along the southerly right-of-way line of said Oregon State Highway No. 212, 10,500 feet, more or less, to intersection of said southerly right-of-way line of Oregon State Highway No. 212 and a line that is parallel to and 30 feet east of, being measured at right angles to, the centerline of the Southern Pacific Railroad;
- (116) thence northerly, parallel to and 30 feet east of, being measured at right angles to, the centerline of the said Southern Pacific Railroad, a distance of 2247 feet, more or less, to the south line of Mather Road;
- (117) thence south $68^{\circ} 39'$ west 60 feet to the intersection of the westerly boundary of said railroad Right-of-Way with the southerly boundary of Mather Road;

- (118) thence northerly along the railroad right-of-way 25 feet, more or less, to the most northerly corner of the Plat of Marshfield in Section 9, T2S, R2E, W. M;
- (119) thence south 68°11' west along the northwesterly line of said plat 495 feet to the westerly line of S.E. 82nd Drive;
- (120) thence northwesterly along said west line of 82nd Drive 650 feet to the southeasterly line of Jannsen Road;
- (121) thence south 68°56' west 1180 feet, more or less, along the southerly line of said Jannsen Road and its southwesterly extension to the centerline of Cascade Highway North as shown on State Highway Drawing 8B-715 at centerline Station 508 + 45;
- (122) thence north 13°57'30" west along said centerline 3145 feet, more or less, to Engineer Station 477 + 00; said point also being Engineer Station 20 + 00 on the centerline of Oregon State Highway No. 224 (relocated Lake Road, Pacific Highway east Cascade Highway section of the Clackamas Highway as shown on drawing 8B-3310);
- (123) thence northwesterly along the centerline of said Oregon State Highway No. 224 (relocated Lake Road, Pacific Highway east Cascade Highway section of the Clackamas Highway as shown on drawing 8B-3310), 1800 feet more or less to a point at the intersection of said centerline of Oregon State Highway 224 and the southerly projection of the westerly right-of-way line of Johnson road;
- (124) thence northerly, along the westerly right-of-way line of said Johnson, 1600 feet, more or less, to a point on the south line of the Southern Pacific Railroad right-of-way;
- (125) thence northwesterly, along said south line of the Southern Pacific Railroad right-of-way, 4400 feet, more or less, to a point that is 74 feet southwesterly from the Point of Beginning;
- (126) thence northeasterly 74 feet to the Point of Beginning;
- (127) Also including the following described tract of land;

Beginning at a point on the northerly right-of-way line of Oregon State Hwy. No. 212, said point of beginning being South 52° West, 250 feet, more or less, from the aforementioned Point "A" (Line No. 57 of the above description);

Thence Easterly, following said northerly right-of-way line of Oregon State Hwy No. 212, a distance of 4,898 feet, more or less, to the east line of the west 1/2 of Section 7, Township 2 South, Range 3 East, W.M.;

Thence Southerly, following the east line of the west 1/2 of said Section 7, a distance of 80 feet, more or less, to the southerly right-of-way line of said Oregon State Hwy No. 212;

Thence Westerly, following said southerly right-of-way line of Oregon State Hwy No. 212, a distance of 5,000 feet, more or less, to a point that is South 52° West from the aforementioned Point "A";

Thence North 52° East, a distance of 130 feet, more or less, to the point of beginning.

EXCEPTIONS

Excepting the following described parcel located in Section 9, T2S, R2E, W.M., located in Clackamas County in the State of Oregon:

Beginning at a point that is north 89° west 178 feet from the ¼ corner between Sections 9 and 10, T2S, R2E, W.M.;

- (1) thence north 89° west 786 feet along the south line of S.E. Clackamas Road to the intersection of said south line with the east line of 98th Avenue;
- (2) thence south 0° 02' west 879.60 feet along the east line of said 98th Street to the S.W. corner of Lot 1, Block 8 of the Plat of Hollywood Gardens;
- (3) thence south 89° east 905 feet to the S.E. corner of Lot 15, Block 7 of said plat, said point also being on the west line of S.E. 102nd Avenue;
- (4) thence north 00° 08' west 770 feet more or less to an iron pipe at a point of curve in the west line of 102nd Avenue, such point of curve also being in the east line of Lot 16, Block 2 of Hollywood Gardens, such point also being opposite Engineers Station "C" 282 + 97.11 P.T. shown on State Highway Map of Clackamas Overcrossing Section of Clackamas Highway, Drawing No. 1A421;
- (5) thence from said point of curve to the left northwesterly 186.46 feet to an iron bolt at a point of tangent on the north line of Lot 11, Block 2, of said Hollywood Gardens, such point also being opposite Engineers Station "C" 280 + 64.02 P.C. shown on aforesaid State Highway Map back to the point of beginning of the herein described parcel.

Excepting the following described parcel, part of the Samuel L. Campbell DLC No. 64 in Section 10, T2S, R2E, W.M., County of Clackamas and State of Oregon, described as:

Beginning at a point on the east line of said DLC, which point is 3016.86 feet north of the southeast corner of said claim;

- (1) thence west 1141.09 feet, more or less, to a point;
- (2) thence south 00° 31' 10" east 1274 feet more or less to a point on the relocated north line of State Highway 212;
- (3) thence south 89° 24' 50" east along the relocated north boundary of said highway 1126.23 feet to a point, said point being 20 feet west of the east line of Samuel L. Campbell DLC No. 64;
- (4) thence north 00° 43' 40" west 547 feet more or less to a point;
- (5) thence north 89° 24' 50" east 20 feet to a point on the east line of said DLC;
- (6) thence north 00° 43' 40" west along the east line of said DLC 716.31 feet to the point of beginning.