Twin Falls City Council
Agenda

Monday, March 14, 2022, 5:00 PM

Council Chambers
203 Main Avenue East- Twin Falls, Idaho

Members: Ruth Pierce, Christopher Reid, Craig Hawkins, Nikki Boyd, Shawn Barigar, Jason Brown, Spencer Cutler

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
2) PLEDGE OF ALLEGIANCE
3) PROCLAMATIONS
4) CONSENT CALENDAR
   a) **ACTION ITEM:** Request to approve the Amazing Grace Fellowship Church "The Gathering" concert
      By: Lou Coronado , Sergeant , Twin Falls Police Department
   b) **ACTION ITEM:** Request to approve Alcohol License for Jump Time at 302 3rd Ave. S.
      By: Amy Luna, Finance Administrative Assistant
   c) **ACTION ITEM:** Request to approve City Council Meetings for March 7, 2022
      By: Erin Parrish, Executive Assistant
   d) **ACTION ITEM:** Request to waive the building permit and plan review fees for the remodel and security upgrades to Robert Stuart Middle School located at 644 Caswell Ave W.
      By: Matthew Long, Building Official
5) ITEMS OF CONSIDERATION
   a) **ACTION ITEM:** To confirm the appointment of Todd Rambur and Shelley McEuen to the Planning and Zoning Commission.
      By: Jonathan Spendlove, Planning and Zoning Director
   b) Presentation of the 2021 Annual Report of the Urban Renewal Agency of the City of Twin Falls.
      By: Travis Rothweiler, City Manager
   c) **ACTION ITEM:** Consideration of the approval of a Resolution of the City of Twin Falls, accepting the Orchard Drive East Urban Renewal District Eligibility Report, dated January 2022, and designating this area as an urban renewal area and revenue allocation area.
      By: Travis Rothweiler, City Manager
6) GENERAL PUBLIC INPUT
7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

8) PUBLIC HEARINGS

9) ADJOURNMENT

10) EXECUTIVE SESSION

a) **INFORMATIONAL:** Executive Session 74-206 (1) (e): To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.

By: Travis Rothweiler, City Manager

b) **INFORMATIONAL:** Executive Session 74-206 (1)(f): To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

By: Travis Rothweiler, City Manager

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Josh Palmer (208) 735-7312 at least two working days before the meeting. Si desea esta información en Español, por favor llame a Josh Palmer al teléfono (208) 735-7312.

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin Falls shall:
- Wait to be recognized by the Mayor or Chairman
- Approach the microphone/podium
- State their name, and whether they are a resident or property owner in the City of Twin Falls, and proceed with their input.

2. The Mayor or Chairman may limit input to no less than two (2) minutes. Individuals are not permitted to give their time to other speakers.

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.

2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, and then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.

3. A City Staff Report shall summarize the application and history of the request.

4. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
- A complete explanation and description of the request.
- Why the request is being made.
- Location of the Property.
- Impacts on the surrounding properties and efforts to mitigate those impacts.

5. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.

6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.

7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chairman may limit public testimony to no less than two (2) minutes per person.
- Individuals are not permitted to give their time to other speakers.
- However, five (5) or more individuals that received written notice of the public hearing may appoint, by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chairman. The spokesperson shall be limited to 15 minutes.
- Written comments, including e-mail, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.

8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.

9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chairman may limit the time permitted for the answer.

10. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning & Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.

* Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.

Date: Monday, March 14, 2022

To: Honorable Mayor and City Council

From: Lou Coronado, Sergeant, Twin Falls Police Department

ACTION ITEM

Request:

Request to approve the Amazing Grace Fellowship Church "The Gathering" concert

Time Estimate:

The staff is requesting this item be placed on the Consent Calendar.

Background:

Ally Tyrell, representing Amazing Grace Fellowship Church, has submitted a special event application for the Amazing Grace Fellowship Church "The Gathering" concert to be held on Friday, August 12, 2022. This event will be held at Twin Falls City Park Band Shell.

This event is a Christian concert put on by multiple churches throughout the Magic Valley area. This event will start at 7:00 p.m. and end at 9:00 p.m. There will be an estimated 500 -1000 people in attendance.

There will be amplified sound in the form of a live band featuring acoustic instruments. There will be no alcohol served at this event.

Approval Process:

Consent of the Council

Budget Impact:

The Twin Falls Police Department staff does not feel there is a need for the Twin Falls Police Department to provide security. Therefore, there is no budget impact.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the City Council approve the Special Event Application submitted for the Amazing Grace Fellowship Church the Gathering Concert based on the information provided.
Staff recommends that the on-duty Supervisor be given authority to order event organizers to mitigate the sound of amplified music. If the noise complaints become habitual, the Patrol Supervisor shall be granted the authority to order the music to be terminated.

Attachments:

None

City of Twin Falls
103 Main Avenue East
P.O. Box 1907
Twin Falls, Idaho 83303

Print Form

Alcohol License

Please attach a copy of your state license

Business Name: JumpTime TwinFalls LLC State License # 27650

Doing Business As: Jump Time Twin Falls LLC

Physical Address: 302 3rd Ave South, City, State, Zip Twin falls, ID 83301

Legal Description of Place of Business Lot ____ Block ____ Subdivision ____

Mailing Address: [redacted] City, State, Zip: [redacted]

Contact Person: Chad Babcock Phone # ~~208~~ 866-6137

Beer:	*Bottled for consumption off the premises only*	*($ 50.00)*	☐
	Bottled for consumption on premises	*($150.00)*	☑
	Bottled ~~or~~ & Draught for consumption on premises	*($200.00)*	☐
Wine:	*Retailed Sales for consumption off premises only*	*($200.00)*	☐
	Wine by the Drink for consumption on premises only	*($200.00)*	☑
Liquor:	*Liquor license & fees cover wine license and fees*	*($562.50)*	☐

License expires June 30th Total Fee $ 350.00

Applicant is an: Individual ☐ Partnership ☐ Corporation ☐ LLC ☑

If a partnership, name all partners:

Name: ____

Name: ____

Name: ____

If a corporation or association, name all officers:

Name: ____

Title: ____

Name: ____

Title: ____

~~JumpTime~~
Jumpwithme2@gmail.com

Name:

Title:

Name:

Title:

Date of incorporation or organization: Place of incorporation or organization:

Principal place of business in Idaho: Twin falls, Idaho

Owner of premises: Chad Babcock

Name of person who will manage business of selling beer at retail:

(If a partnership, all partners must sign)

Signature of applicant Chad Babcock

Name: Chad Babcock Birth date [redacted]

Signature of applicant

Name: Chad Babcock Birth date [redacted]

Signature of applicant

Name: Birth date:

Signature of applicant

Name: Birth date:

LORRIE A BAUER
COMM. #66810
NOTARY PUBLIC
STATE OF IDAHO

Subscribed and sworn to before me this 3 day of March, 20 22. Notary Public for Idaho

Lorrie A. Bauer Lorrie A Bauer Residing at: Twin Falls, ID

Notary Expiration Date: 12·16·2027

For Questions call 208-735-7245 Click here for the City Code (Title 3 then Chapter 7,8, & 9)

Return completed form to: Deputy City Clerk, City of Twin Falls, 103 Main Ave. East, Twin Falls, ID 83301

CITY STAFF USE ONLY:

Approvals:

Planning and Zoning: Yes ______ No ______

Approved

Comments:

Police Department: Yes ______ No ______

Approved

Comments:

City Clerk: Yes______ No ______

Comments:

Cycle Tracking Number: 126642

Idaho State Police

Premises No.: 2T-27650

Retail Alcohol Beverage License

License Year: 2022
License Number: 27650

This is to certify, that Jump Time Twin Falls

doing business as: Jump Time - Twin Falls

is licensed to sell alcoholic beverages as stated below at:
302 3rd Ave S, Twin Falls, Twin Falls County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.
County and city licenses are also required in order to operate.

Liquor	No	
Beer	Yes	$50.00
Wine by the bottle	No	
Wine by the glass	Yes	$100.00
Kegs to go	No	
Growlers	No	
Restaurant	Yes	$0.00
On-premises consumption	Yes	$0.00
Multipurpose arena	No	
Plaza	No	

JUMP TIME TWIN FALLS
JUMP TIME - TWIN FALLS
302 3RD AVE S

TWIN FALLS, ID 83301
Mailing Address

Valid
07/01/2021 - 06/30/2022

TOTAL FEE: $150.00

Expires
06/30/2022

03/03/2022
10:23:16

TWIN FALLS COUNTY

Receipt No: 332682

INDEX & RECORDING

Received From: Jump Time Twin Falls
202 3rd Ave S
Twin Falls, ID 83301

Payment Breakdown
Cash & Coin:
Check: 200.00 #: 2621
Credit Card:

Received on 03/03/2022

Received For	Cost Each	Quantity	Cost
BEER LICENSE-DRAUGHT.BOTTLEI	100.00	1	100.00
WINE LICENSE BY THE DRINK	100.00	1	100.00
			========
		Receipt Amount:	200.00

Related Instrument/Case No. 2022193

Received by: CLAUDIA

for: KRISTINA GLASCOCK
County Clerk, Auditor

City of Twin Falls
203 Main Avenue East
P.O. Box 2469
Twin Falls, ID 83303-2469
(208)735-7249

City of Twin Falls
203 Main Avenue East
P.O. Box 2469
Twin Falls, ID 83303-2469

03/03/2022 10:54 AM

Jump Time Twin Falls
000000

Alcohol License	350.00
Total	350.00
Cash	0.00
CKR Sta 3 2623	350.00
Change	0.00

Cashier: mmartine Station: DE-4JN4333
Receipt # 02876054

Amy Luna

From: Ian Zollinger
Sent: Thursday, March 3, 2022 11:16 AM
To: Amy Luna
Subject: RE: Jump Time Alcohol License Application

Looks like they already have a SUP for it, so Planning is good with it.

From: Amy Luna <ALuna@tfid.org>
Sent: Thursday, March 3, 2022 11:06 AM
To: Matt Hicks <Mhicks@tfid.org>; Brent H. Wright <Bwright@tfid.org>; Jonathan Spendlove <JSpendlove@tfid.org>; Ian Zollinger <izollinger@tfid.org>; Lisa Strickland <LStrickland@tfid.org>
Subject: Jump Time Alcohol License Application

This application will be placed on the March 14th Council Meeting if approved by all. Thank you!

Amy Luna
Finance Administrative Assistant

PO Box 1907
Twin Falls, ID 83301

208 -735-7245

aluna@tfid.org

Amy Luna

From: Matt Hicks
Sent: Thursday, March 3, 2022 11:46 AM
To: Amy Luna; Brent H. Wright; Jonathan Spendlove; Ian Zollinger; Lisa Strickland
Subject: RE: Jump Time Alcohol License Application

Approved by the Police Department.

From: Amy Luna
Sent: Thursday, March 3, 2022 11:06 AM
To: Matt Hicks <Mhicks@tfid.org>; Brent H. Wright <Bwright@tfid.org>; Jonathan Spendlove <JSpendlove@tfid.org>; Ian Zollinger <izollinger@tfid.org>; Lisa Strickland <LStrickland@tfid.org>
Subject: Jump Time Alcohol License Application

This application will be placed on the March 14th Council Meeting if approved by all. Thank you!

Amy Luna
Finance Administrative Assistant

PO Box 1907
Twin Falls, ID 83301

208 -735-7245

aluna@tfid.org

Twin Falls City Council
Minutes

Monday, March 7, 2022, 5:00 PM

Council Chambers
203 Main Avenue East- Twin Falls, Idaho

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Christopher Reid, Jason Brown, Nikki Boyd, Shawn Barigier, Mayor Ruth Pierce, Craig Hawkins, Vice Mayor Christopher Reid, Spencer Cutler

Absent:

Staff Present: Mitch Hunble, Deputy City Manager; Amy Luna, Finance Administrative Assistant; Lou Coronado, Sergeant Twin Falls Police Department; Jonathan Spendlove, Planning & Zoning; Lisa Stickland, City Planner; Shayne Nope, City Attorney; Erin Steel, City Planner; Erin Parrish, Executive Assistant; Josh Palmer, Public Information Coordinate, Erin Steel, City Planner; Josh Baird, Public Works Director; Jaynie Higgins, Finance; Craig Kinsbury, Cheif of Police;

Mayor Ruth Pierce called the meeting to order at 5:00 PM. A quorum was present.

2) PLEDGE OF ALLEGIANCE

Mayor Ruth Pierce invited all present, who wished, to recite the Pledge of Allegiance to the Flag.

3) PROCLAMATIONS

a) Girl Scout Week
Mayor Ruth Pierce proclaims the week of March 6-12 as Girl Scout Week. Each attending Girl Scout introduced themselves and what troop they were from.

4) CONSENT CALENDAR

MOTION: Councilman Hawkins moved to approve the Consent Calendar as presented. **Councilman Bariger** seconded the motion. Roll call vote showed all members present voted in favor of the motion, 7 to 0.

a) Request to approve City Council 2022 February 28 Minutes

b) Request to approve Accounts Payable from February 24 to March 2, 2022.

c) Request to approve the Wells Fargo Credit Commercial Card for January 2022

d) Consideration of a request to approve the Annual Western Days and Western Days Parade special event application.

e) Request to approve the Annual Mother's Day Fiesta and Cinco de Mayo event.

f) Consideration of a request to approve the "Twin Falls Old Town Criterium." This event is scheduled to be held on Saturday, June 25, 2022, from 10 am to 7 pm. Friday setup for the event will begin at 5:00 p.m. Takedown of the event equipment will occur on Saturday, June 25th at 9:00 p.m.

g) Approval of the Findings of Fact and Conclusions of Law:
Sun West Subdivision No. 2, a PUD Final Plat
Calistoga Springs Subdivision No. 2 Final Plat

5) **ITEMS OF CONSIDERATION**

a) Request to adopt Ordinance #2022-008 to vacate a portion of platted Right of Way for property located on Hill View Drive, adjacent to lot 3 and 4, Block 1 of the Lakewood Subdivision.

MOTION: Vice Mayor Reid moved to suspend the rules and place Ordinance #2022-008 on third and file by title only, to vacate a portion of platted Right of Way for property located on Hill View Drive, adjacent to lot 3 and 4, Block 1 of the Lakewood Subdivision. **Council Member Nikki Boyd** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

MOTION: Council Member Nikki Boyd moved to approve request to adopt Ordinance #2022-008 to vacate a portion of platted Right of Way for property located on Hill View Drive, adjacent to lot 3 and 4, Block 1 of the Lakewood Subdivision. **Council Member Nikki Boyd** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

b) Request to adopt Ordinance #2022-002 to update TFCC 6-1-1 to clean up amendments to IFC.
MOTION: Council Member Brown moved to suspend Ordinance #2022-002 and put it on third and final, by title only, to update TFCC 6-1-1 to clean up amendments to IFC. **Council Member Hawkins** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

MOTION: Council Member Barigar moved to adopt Ordinance #2022-002 to update TFCC 6-1-1 to clean up amendments to IFC. **Vice Mayor Reid** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

c) Request to approve the Road Safety Audit for Filer Avenue.
Discussion ensued on the following:
Council Member Brown: Madrona and Filer intersection - wants to know if they talked specifically about it.
Council Member Boyd: Comments on student crossing in front of Twin Falls High School.
Vice Mayor Reid: Clarified that recommendations in the audit are non-binding and only recommendations.
Vice Mayor Reid: City poles in the middle of sidewalks and what the recommendations are for it.

MOTION: Vice Mayor Reid moved to approve request to approve the Road Safety Audit for Filer Avenue. **Council Member Brown** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

6) **GENERAL PUBLIC INPUT**

7) **ADVISORY BOARD REPORT/ANNOUNCEMENTS**
Councilman Barigar spoke on Art Commission meeting last week. Working on developing a revision to the resolution.

Vice Mayor Reid - Reminder that the 2022 Annual Meeting and Award Banquet for the Chamber

is this Thursday.
Deputy City Manager Humble - possible cancellation of the March 21st City Council Meeting due to staff being gone for spring break.

8) PUBLIC HEARINGS

9) ADJOURNMENT

Date: Monday, March 14, 2022

To: Honorable Mayor and City Council

From: Matthew Long

ACTION ITEM

Request:

Request to waive the building permit and plan review fees for the remodel and security upgrades to Robert Stuart Middle School located at 644 Caswell Ave W.

Time Estimate:

As part of the consent agenda, no presentation is expected for this item.

Background:

Twin Falls School District is proposing the construction\remodel and security upgrades to Robert Stuart Middle School. This remodel will provide security upgrades with the addition of a security vestibule for this building. This project will require the issuance of a building permit which will include plan review fees.. The permit has been requested, and the fees for the permit have been estimated at $9,945.38 for the building permit and plan review with a $1,389,392.00 construction valuation. Twin Falls School District has submitted a letter (see attached) requesting that the City waive the building permit and plan review fees.

The City has granted these fee waivers in the past to the School District. We have a strong relationship with Twin Falls School District. We recognize that the City and School District share the same taxpayers. To save our shared taxpayers money, staff recommends that the City Council approve the request to waive the building permit and plan review fees for the proposed.

Approval Process:

A simple majority vote of Council is required to approve this request.

Budget Impact:

Regulatory Impact:

Should the Council approve this request, City staff will issue the building permit (21-5009) without collecting the permit and plan review fees.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the City Council approve the request to waive the building permit and plan review fees for Robert Stuart Middle School remodel and security upgrades.

Attachments:

1. Permit Waiver for RSMS TFSD 03042022
2. 21-5009 644 Caswell Ave W - Comm Bldg Permit Application

Twin Falls School District #411
201 Main Ave. W
Twin Falls, ID 83301

P 208.733.6900
F 208.733.6987
www.tfsd.org

Ryan Bowman. **Operations & Educational Technology Director**

March 4, 2022

Mr. Matthew Long
Certified Building Official
203 Main Avenue East
PO Box 1907
Twin Falls, ID 83303-1907

Dear Matthew:

First, I want to thank you for your support of the Twin Falls School District. Few communities enjoy the high level of cooperation that exists between the City of Twin Falls and the Twin Falls School District #411. We have a shared facilities use agreement and have representation on the various committees within the city and school district. In addition, the city has faithfully waived building permit fees and other fees associated with building projects by the school district. This has allowed the district to maximize our taxpayer dollars to benefit the children of our community. On behalf of the TFSD #411 Board of Trustees, I want to thank the City of Twin Falls for that spirit of cooperation.

The purpose of this letter is to request a waiver of the building, mechanical, electrical & plumbing fees for our remodel and security upgrades to Robert Stuart Middle School. This remodel will provide much needed security upgrades to Robert Stuart Middle School with the addition of a Security Vestibule. The fees for this project are $13,977.53. Although not a tremendous cost, our budget for this project is tight and all savings will be invested directly into the project.

Thank you for taking the time to consider this request. If you have any questions or require additional information, please call me.

Sincerely,

Ryan Bowman
Operations & Educational Technology Director

Project Type: Commercial Building Permit
Permit Type: Commercial Remodel

Applied Date: 12/16/2021

Building Permit Application

Address: 644 CASWELL AVE W

Permit No.: 21-5009

Owner Name: Twin Falls School District
201 Main Ave. West
Twin Falls ID 83301

Contractor: Starr Corporation
2995 E 3600 N
Twin Falls ID 83301
Phone: 208 733-5695
Contractor License/Registration # RCE-685

Permit Information

Description of Work	Remodel- Two Classrooms & Admin Office, Add Security Vestibule,Robert Stuart
Property Location in City Limits	Y
Lot Number	
Block Number	
Subdivision Name	
Number of Dwelling Units	0.00
Sq. Ft. First Floor	
Sq. Ft. Second Floor	
Sq. Ft. Basement Finished	
Sq. Ft. Basement Unfinished	
Sq. Ft. Garage	
Sq. Ft. Patio	
Building Total Sq. Ft.	2,700.00
Project Value	1,389,392.00

Fee Date	Description	Qty/Hrs	Fee Waived	City Amount	Total
12/16/2021	Permit Fee Commercial City	1,389,392.00	No	6,027.50	6,027.50
12/16/2021	Plan Review Fee Comm. City		No	3,917.88	3,917.88
02/14/2022	Sewer Capacity Commercial	0.00	No	287.45	287.45
03/02/2022	Water Line 6" Main Tap	0.00	No	1,395.70	1,395.70
				Total Fees:	**11,628.53**
				Payment Amount:	**0.00**
				Amount Due:	**11,628.53**

Building Permit Application Only - This is not an approved permit

By signing this application you acknowledge that you are the owner or the owner's authorized agent who intends to construct , enlarge, alter, repair, move, demolish or change the occupancy of the building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated. This application shall be deemed to have been abandoned 180 days after the date of filing, unless the such application has been pursued in good faith or a permit is issued.

Date: Monday, March 14, 2022

To: Honorable Mayor and City Council

From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

To confirm the appointment of Todd Rambur and Shelley McEuen to the Planning and Zoning Commission.

Time Estimate:

Approximately five (5) minutes.

Background:

The Planning and Zoning Commission has two Commissioners whose terms expire in March. Commissioner Danielle Titus and Ed Musser have completed their second full term and are no longer eligible for reappointment.

The City published a request for volunteers during the month of February. Seven applications were submitted for the open seat. Mayor Ruth Pierce, PZ Commission Vice Chair Craig Kelley, and PZ Director Jonathan Spendlove reviewed the applications and conducted interviews. All seven applications received were highly qualified. The interview committee recommended, and Mayor Pierce decided on Shelley McEuen and Todd Rambur be presented for confirmation of the appointments.

Approval Process:

A simple majority vote of the Council is needed to approve this request.

Budget Impact:

NA

Regulatory Impact:

Approval of this request will fill the vacant Planning and Zoning Commission seats.

History:

Analysis:

Conclusion:

Recommend that the Council confirm the Mayoral appointment of Shelley McEuen and Todd Rambur to the Planning and Zoning Commission.

Attachments:

None

Date: Monday, March 14, 2022

To: Honorable Mayor and City Council

From: Travis Rothweiler, City Manager

PRESENTATION

Request:

Presentation of the 2021 Annual Report of the Urban Renewal Agency of the City of Twin Falls.

Time Estimate:

10 minutes

Background:

Idaho Code Section 50-2006(5)(c) requires urban renewal agencies operating in Idaho to present an annual report regarding their activities for the preceding calendar year and certain financial information. The 2021 annual report was presented and approved by the Agency at its board meeting earlier this afternoon.

Following this presentation, the Agency will publish in the Times-News a notice to the effect that the report has been filed with the City and is available for inspection in the office of the City Clerk, the Agency, and on the website.

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

The report will be filed with the City Clerk. Completion of this process will have the Agency in compliance with the statutory requirements for reporting.

Attachments:

1. 2021 URA Annual Report

THE URBAN RENEWAL AGENCY
OF THE CITY OF TWIN FALLS

2021 Annual Report

Travis Rothweiler, ICMA-CM
City Manager/Executive Director

February 14, 2022

Board of Commissioners

January – June 2021
Rudy Ashenbrener - Chair
Andy Hohwieler – Vice Chair
Dan Brizee – Secretary
Cindy Bond
Alexandra Caval
Jan Rogers
Doug Vollmer

July – December 2021
Rudy Ashenbrener - Chair
Andy Hohwieler – Vice Chair
Dan Brizee – Secretary
Alexandra Caval
Jan Rogers
JJ McBride
Dave McAlindin

Staff

Nathan Murray – Executive Director (January – March)
Travis Rothweiler, City Manager & Interim Executive Director (April – December)
Lorrie Bauer - Administrative Assistant
Jesse Schuerman - Engineer
Brent Hyatt - Finance

This Annual Report is prepared pursuant to Title 50, Chapter 2006 (c) Idaho Code:

An agency authorized to transact business and exercise powers under this chapter shall file, with the local governing body, on or before March 31 of each year a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. The agency shall be required to hold a public meeting to report these findings and take comments from the public. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality and that the report is available for inspection during business hours in the office of the city clerk or county recorder and in the office of the agency.

The Urban Renewal
of the City of Twin Falls, Idaho

Agency Activities for 2021

Galena Opportunity Fund – Mixed Use Complex and Parking Structure
In May 2020, the Agency accepted a proposal from Galena Opportunity Fund for the redevelopment of multiple contiguous, underdeveloped lots, owned by the City of Twin Falls generally located at 2nd Ave S and Hansen St. Otherwise described as Lots 25-32 of Block 103, Twin Falls Townsite owned by the City of Twin Falls, commonly known as the 2nd & Hansen property.

The Agency and Galena entered into an Agreement to Negotiate Exclusively (ANE) with Galena to determine the design and financial feasibility of the proposed project. The Agency and the City worked collaboratively to transfer the property to the Agency. In turn, the City will transfer the property to the Agency after all of the terms of the ANE have been satisfied. Idaho Code, Section 50-211 requires that the Agency transfer property for "not less than its fair value for uses in accordance with the urban renewal plan" which is also commonly called the Property's "fair reuse value".

According to the Code, this value "shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the urban renewal agency retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas."

In total, the project will include a mixed-use commercial, retail and/or office space on the main level and residential on the other floors. Additionally, a parking structure with 325 parking stalls will be constructed, of which 100 spaces dedicated to public use into perpetuity. The Agency has agreed to provide up to $2 million to assist with costs of the public parking stalls. The parking structure is scheduled to be completed in late 2022, early 2023. It is anticipated the mixed-use building will be completed in 2024.

The developer is considering the development of an additional, similar mixed-use structure that will be constructed on the corner of 2nd & Shoshone Street. This building was not a part of request for proposals.

Children's Museum of the Magic Valley

In December 2020, Children's Museum of the Magic Valley (CMMV) submitted a response to the Agency's request for proposals to redevelop an underutilized parking lot, located at the corner of 3rd Avenue South and Idaho Street South. They proposed transforming the parking lot into a 15,000 square foot center for hands-on exploration and creativity. The Agency and the Children's Museum entered into an exclusive right to negotiate on April 2, 2021.

The mission of the Children's Museum of the Magic Valley is "to engage children of all ages and abilities in learning through imaginative play and discovery." The vision is "to be a gathering place that builds wonder and curiosity."

CMMV has met all milestones, which included the building conceptual designs and the financial proforma. They will submit their funding towards the end of March 2022. Based on supplied schedules, the CMMV will begin construction (site preparation) in August 2022 with completion occurring in early 2024.

160 Main Project – The Main Avenue Lofts

The Agency continued its partnership with the Galena Group on the 160 Main Project. In 2021, the Agency completed the demolition of the old, deteriorated retail building that had been vacated by a charitable, second-hand store company. The planned mixed-use project will be 75-feet in height, have 44-untis of residential, 11,000 square feet of office, and ground level restaurant/commercial space. The project is anticipated to be completed in the fall of 2022.

Placemaking in Downtown Twin Falls

The URA Downtown Arts Subcommittee advertised a Call for Mural Artists in late July. The call solicited two-dimensional exterior mural artists residing in the Northwest to submit original artwork for an exterior mural on a pre-selected building. Ten submittals were received and Matt Sunderman's submission was unanimously approved.

After the art selection was made, it was learned that the pre-selected building was located within the Twin Falls Downtown Historic District and was listed on the National Registry of Historic Places as a contributing building. As a result, the committee selected another location. The alley side of the City Hall building was selected to house the mural.

The project was completed in late Fall 2021 at a cost of $15,000.

In his artist statement, Mr. Sunderman said, "Magic of the Valley pays homage to the original settlers of the Magic Valley. The backdrop, an epic Idaho sky and vista, shows how our lady arrived at this location and a hint at the hard work that will need to be implemented to make this land her and her family's home. Her dress morphs into the river and a collage of regional, modem activities that Twin Falls has to offer. The design is a nod to the past and present with the intention of creating a sense of place while bring the community together as they experience public art."

Exploring the Creation of a New Revenue Allocation Area

Agency Board members spent time in a series of visioning and planning workshops discussing the possible creation of a new revenue allocation in the Downtown and Historical Warehouse Districts. The process took place in four separate workshop sessions over the course of nine months (May 2021 to January 2022).

The Board educated themselves on their roles to promote economic development and elimination community blight. They took a field trip and looked at the opportunities to make meaningful improvements to the core of Twin Falls after RAA 4-1 closes in 2023. They identified the ideal geographical boundary for the new Area.

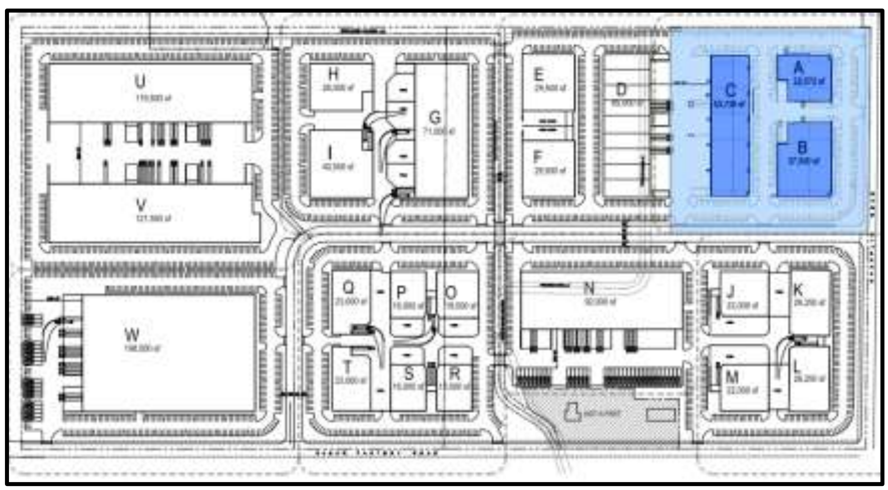
The Board's vision for the new area included additional downtown housing, hotels, a convention center, continued small development on Main Avenue, commercial and light industrial development (assembly) in the Historical Warehouse District. Several public infrastructure improvements were discussed, including funding to assist with the relocating and traffic calming on the 2nd Avenues (US Highway 30), water and sewer lines, complete street improvements, fiber optics, power and gas upgrades, parking lots/structures were just some of the public improvements that were recommended for the area.

Staff and Consultants will take the Board's vision and will transform it into the studies and ordinances needed to create a revenue allocation area and the corresponding plan.

Creation of the Orchard Drive East Revenue Allocation Area

The Agency began working with Summit Creek Development on the creation of a new revenue allocation area in the City of Twin Falls. The development group is seeking annexation and a city zoning designation. The comprehensive plan recommends a manufacturing 2 (M-2) designation.

The development contains approximately 78.5 acres and is located south of the Urban Renewal Plan for Revenue Area #4-3, generally located at the northwest intersection of Orchard and Champlin Road. It will consist of several individual buildings, ranging in size from 5,000 square feet to 200,000 square feet and will serve a variety of different businesses and users. This project would be built out in phases with both build-to-suit product as well as ready-to-lease product.



The Agency selected Kushlan Associates to determine the eligibility of this area pursuant to Idaho Code §50-2008(a). At the time of the writing of this report, the "Eligibility Report" has not been completed.

If deemed to be eligible, the new revenue allocation area will assist in funding eligible improvements to the sewer system, water system, roadways, power, gas and fiber optics. Some of the infrastructure improvements may be eligible for reimbursement by the TFURA with the establishment of a new revenue allocation area. The first step in creating a new allocation area is to conduct a feasibility study and eligibility report.

A conservative assessment on 1,000,000 SF at $80/SF would be $80 million.

Extending Public Infrastructure
The Agency supported the expansion of public infrastructure in several locations located within the 4-1 Revenue Allocation Area. Those projects included:

- $14,678 for a new power pole, 3 phase transformer banks, and service to upgrade a building located at 157 2nd Avenue West. The building will house the White Pine Distillery, a craft distillery project owned in operated by Chris Packer;

- $8,317 to upgrade electrical service to 600 amps for Kelsar Properties, LLC, located at 210 2nd Ave S;

- $165,768 for the 3rd Avenue alleyway paving and drainage improvements; and

- $49,722 to improve stormwater drainage on the 2nd Avenue Breezeway Drainage.

Summary of Financial Statements

Table 1
Statement of Net Position
As of September 30, 2021 and 2020

	2021	2020	Percentage Change 20-2020
Current & Other Assets	$ 5,725,349	$ 6,041,583	(5%)
Capital Assets	3,150,167	3,150,167	(0%)
Total Assets	**8,875,516**	**9,191,750**	**(3%)**
Long-term Debt Outstanding	68,249,212	62,557,506	9%
Other Liabilities	81,386	759,230	(89%
Total Liabilities	**68,330,598**	**63,316,736**	**8%**
Net Investment in Capital Assets	(57,982,952)	(52,777,746)	
Restricted and Unrestricted	(1,472,130)	(1,347,240)	
Total Net Position	**$ (59,455,082)**	**$ (54,124,986)**	

Statement of Net Position
The Statement of Net Position reports on the assets and liabilities of the Agency. Notable changes in Net Position value are typically the result of large debt service payments; the timing of large public improvement projects; or the purchase, sale, or contribution of capital assets. The Agency participated this year in substantial improvements to Chobani's wastewater pretreatment facility. The Agency's funding for that rehabilitation was provided by Chobani and resulted in an increase in the reimbursement agreement the Agency has with the Company. The reduction in other liabilities reflects scaled back operational activity in projects and the related reduction in open accounts payable compared to the previous year.

Table 2

Statement of Activities

For Years Ended September 30, 2021 and 2020

	2021	2020	Percentage Change 2021-2020
Charges for Services - Rent	$ 26,000	$ 16,000	63%
Property Tax Increment	7,206,184	7,722,993	(7%)
Other Income and Sale of Assets	231,600	(804,500)	(129%)
Investment Earnings	6,239	73,001	(91%)
Total Revenue	**7,470,023**	**7,007,494**	**7%**
General Government	363,906	371,675	(2%)
Community Development	9,707,949	447,518	2,069%
Interest on Long-Term Debt	2,728,265	2,972,555	(8%)
Total Expenses	**12,800,120**	**3,791,748**	**(238%)**
Increase (Decrease) in Net Assets	(5,330,097)	3,215,746	
Net Position - Beginning	(54,124,985)	(57,340,731)	
Net Position - Ending	**$ (59,455,082)**	**$ (54,124,985)**	

Statement of Activities

The Statement of Activities reports on the Agency's operating revenues and expenditures

Revenues

Idaho created the Public Safety Grant Initiative to leverage CARES Act funds to cover local public safety personnel expenses associated with the coronavirus. To participate in this initiative, local elected officials agreed not to increase the base property tax budgets and not to take the allowable 3% increase. As a result, Twin Falls property owners received a onetime property tax reduction. The election to participate by the City, and the associated reduction in the levy rate, had the effect of reducing the Agency's property tax increment collected in the current year. This year, the Agency secured an increased lease payment from the Veterans Administration for property owned by the agency.

Expenses

As mentioned previously, the Agency spent qualified expenditures to improve a pretreatment facility at Chobani in the amount of $9,024,656.

The Agency's first revenue allocation area will be terminating at the end of this year. Plans are being developed for the remaining real estate parcels and how to liquidate them to best benefit the community.

The full audited financial statements of the Agency are available at Twin Falls City Hall during regular business hours.

Date:	Monday, March 14, 2022
To:	Honorable Mayor and City Council
From:	Travis Rothweiler, Twin Falls City Manager

ACTION ITEM:

Approval of a Resolution of the City of Twin Falls, accepting the Orchard Drive East Urban Renewal District Eligibility Report, dated January 2022, and designating this area as an urban renewal area and revenue allocation area.

Time Estimate:

This item should take 15 minutes plus time for the public hearing and to answer questions.

Background:

Developer Summit Creek Development, LLC (the "Developer") approached the Agency to consider studying approximately 78 acres west of N 3300 E and north of Orchard Drive East to determine eligibility for a new urban renewal project to support the development of an industrial park. The Agency and Developer entered into a Memorandum of Understanding, wherein the Developer agreed to provide funding for planning costs related to the establishment of a new plan and urban renewal/revenue allocation area.

The first step in the establishment of a new plan and urban renewal/revenue allocation area is to define a potential geographic area for analysis as to whether conditions exist within it to qualify for redevelopment activities.

Phil Kushlan, Kushlan Associates, was retained by The Urban renewal Agency. Mr. Kushlan reviewed the proposed study area and prepared an eligibility report. He found this area is eligible to be included in an urban renewal area and revenue allocation area.

The Orchard Drive East Urban Renewal District Eligibility Report, dated January 2022, was submitted to the Agency. The Urban Renewal Agency unanimously adopted the eligibility report.

City staff has reviewed Eligibility Report and concurs the property is eligible for inclusion. The Resolution affirms the Agency's findings that deteriorating conditions exist. The qualifying conditions in the study area include:

- age or obsolescence;
- predominance of defective or inadequate street layout;
- faulty lot layout in relation to size, adequacy, accessibility or usefulness;
- obsolete platting; and
- insanitary or unsafe conditions.

The report states these conditions result in economic underdevelopment of the area and substantially impairs or arrests the sound growth of the City. The Resolution also directs the Agency to commence the preparation of an urban renewal plan and corresponding revenue allocation area.

The Report also finds that the value of the existing base assessment rolls, together with the proposed base assessment roll of the study area, do not exceed 10% of the current assessed taxable value of the City.

Approval Process:
Approval of the Resolution requires a simple majority (50%+1) of the members in attendance at this meeting.

Budget Impact:
Approving this request does not create any budgetary impacts to the City of Twin Falls.

Regulatory Impact:
Annual Report is prepared pursuant to Title 50, Chapter 2005 of the Idaho Code:

> *50-2005. FINDING OF NECESSITY BY LOCAL GOVERNING BODY. No urban renewal agency and no municipality shall exercise the authority hereafter conferred by this act until after the local governing body shall have adopted a resolution finding that: (1) one or more deteriorated or deteriorating areas as defined in this act exist in such municipality; (2) the rehabilitation, conservation, redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality; and (3) there is need for an urban renewal agency to function in the municipality.*

Conclusion: Staff is asking for final approval of the approval of the Resolution accepting the Orchard Drive East Urban Renewal District Eligibility Report, dated January 2022, and designating this area as an urban renewal area and revenue allocation area.

Attachments:
2021 Urban Renewal Agency of the City of Twin Falls Annual Report.

RESOLUTION NO. 2022-___

A RESOLUTION BY THE COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DETERMINING A CERTAIN AREA REFERRED TO AS THE ORCHARD DRIVE EAST AREA WITHIN THE CITY OF TWIN FALLS, TO BE A DETERIORATED AREA AND/OR A DETERIORATING AREA AS DEFINED BY IDAHO CODE SECTIONS 50-2018(8), (9) AND 50-2903(8); DIRECTING THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS TO COMMENCE THE PREPARATION OF AN URBAN RENEWAL PLAN SUBJECT TO CERTAIN CONDITIONS, WHICH PLAN MAY INCLUDE REVENUE ALLOCATION PROVISIONS FOR ALL OR PART OF THE AREA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (the "City Council") of the city of Twin Falls (the "City") created the Urban Renewal Agency of the city of Twin Falls, Idaho, an independent public body, corporate and politic, authorized under the authority of the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the "Law") and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"), a duly created and functioning urban renewal agency for Twin Falls, Idaho, hereinafter referred to as the "Agency."

WHEREAS, by Resolution No. 909, dated July 19, 1965, the Board of Commissioners of the City created an urban renewal agency pursuant to the Law;

WHEREAS, on June 30, 1997, the City Council, by Resolution No. 1603, determined certain property to be a deteriorated area or a deteriorating area or a combination thereof and designated the area as appropriate for an urban renewal project to be known as Urban Renewal Area #4 (the "Area #4 Plan"). The Area #4 Plan has been amended several times;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for Urban Renewal Area #4 and Creating Revenue Allocation Area #4-1 (the "RAA #4-1 Plan") to redevelop a portion of the City within the boundaries of the Urban Renewal Area #4, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2579 on May 4, 1998, approving the RAA #4-1 Plan, and making certain findings, including establishing the RAA #4-1 revenue allocation area ("RAA #4-1");

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Amended Urban Renewal Plan for Urban Renewal Area #4-1 Expansion (the "Amended RAA #4-1 Plan") seeking to add geographic area to RAA #4-1 Plan, pursuant to Idaho Code § 50-2033, to redevelop a portion of the City within the boundaries of the Urban Renewal Area #4, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No.

3056 on August 26, 2013, approving the Amended RAA #4-1 Plan and making certain findings, including expanding RAA #4-1;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for Urban Renewal Area #4-3 (the "RAA #4-3 Plan") to redevelop a portion of the City within the boundaries of the Urban Renewal Area #4, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3022 on December 12, 2011, approving the RAA #4-3 Plan and making certain findings, including establishing the RAA #4-3 revenue allocation area ("RAA #4-3");

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for Urban Renewal Area #4-4 (the "RAA #4-4 Plan") to redevelop a portion of the City within the boundaries of the Urban Renewal Area #4, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3097 on June 1, 2015, approving the RAA #4-4 Plan and making certain findings, including establishing the RAA #4-4 revenue allocation area ("RAA #4-4);

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the Washington Street South Urban Renewal Project (the "Washington Street South Plan") pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2019-015 on December 16, 2019, approving the Washington Street South Plan and making certain findings, including establishing the Washington Street South revenue allocation area (the "Washington Street South Project Area"). Due to the timing of the publication of the Ordinance Summary and recording, the Washington Street South Plan and Project Area has an effective base year retroactive to January 1, 2020;

WHEREAS, the above referenced urban renewal plans are collectively referred to as the Existing Urban Renewal Plans and their corresponding project areas are collectively referred to as the Existing Project Areas;

WHEREAS, based on inquiries and information presented by certain interested parties and property owners, the Agency commenced certain discussions concerning examination of an additional area as appropriate for an urban renewal project;

WHEREAS, in 2021, the Agency authorized Kushlan Associates, to commence an eligibility study and preparation of an eligibility report of an area 78.26 acres in size and which is generally located on the west side of N 3300 Road East and north of Orchard Drive, East. The eligibility study area is commonly referred to as the Orchard Drive East Study Area (the "Study Area");

WHEREAS, the Agency obtained the Orchard Drive East Urban Renewal District (Proposed) Eligibility Report, dated January 2022 (the "Report"), a copy of which is attached hereto as **Exhibit A**, which examined the Study Area, for the purpose of determining whether such area was a deteriorating area and/or a deteriorated area as defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8);

WHEREAS, at the time the Study Area was reviewed for eligibility, the Study Area was outside the City limits and within unincorporated Twin Falls County, but annexation of the Study Area parcels was in progress. The Study Area was recently annexed into the City;

WHEREAS, pursuant to Idaho Code Sections 50-2018(8), (9) and 50-2903(8), which define “deteriorating area” and “deteriorated area,” many of the qualifying conditions necessary to be present in such an area are found in the Study Area, including:

a. the presence of a substantial number of deteriorated or deteriorating structures; deterioration of site;
b. age or obsolescence;
c. predominance of defective or inadequate street layout;
d. faulty lot layout in relation to size, adequacy, accessibility, or usefulness/obsolete platting; and
e. insanitary or unsafe conditions;

WHEREAS, the Study Area is predominantly open land or open area;

WHEREAS, under the Act, a deteriorated area includes any area which is predominantly open and which, because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. See Idaho Code Section 50-2903(8);

WHEREAS, Idaho Code Sections 50-2018(9), 50-2903(8) and 50-2008(d) list additional conditions applicable to open land areas, including open land areas to be acquired by the Agency, which are the same or similar to the conditions set forth in the definitions of “deteriorating area” and “deteriorated area;”

WHEREAS, the Report addresses the necessary findings concerning the eligibility of open land within the Study Area as defined in Idaho Code Sections 50-2018(9), 50-2903(8)(c), and 50-2008(d);

WHEREAS, the effects of the listed conditions cited in the Report result in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare in its present condition or use;

WHEREAS, under the Law and the Act, Idaho Code Sections 50-2903(8)(f) and 50-2018 (8) and (9), the definition of a deteriorating area shall not apply to any agricultural operation as defined in section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation, except for an agricultural operation that has not been used for three (3) consecutive years;

WHEREAS, the Study Area includes parcels subject to such consent. While the necessary consents have not been obtained, any and all consents shall be obtained prior to City Council adoption of any urban renewal plan;

WHEREAS, the Report includes a preliminary analysis concluding the base assessment roll value for the Study Area along with the base assessment roll values for the Existing Project Areas do not exceed 10% of the current assessed valuation of all taxable property within the City;

WHEREAS, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or a deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, Idaho Code Section 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or a deteriorating area;

WHEREAS, the Agency, on February 14, 2022, adopted Resolution No. 2022-01 (a copy of which is attached hereto as **Exhibit B** without the attached exhibits thereto) accepting the Report and authorizing the Chairman or Executive Director of the Agency to transmit the Report to the City Council, requesting its consideration for designation of an urban renewal area and requesting the City Council to direct the Agency to prepare an urban renewal plan for the Study Area, which plan may include a revenue allocation provision as allowed by the Act;

WHEREAS, it is desirable and in the best public interest that the Agency prepare an urban renewal plan for the area identified as the proposed Orchard Drive East Urban Renewal Area in the Report located within the City, County of Twin Falls, State of Idaho, and within the City's area of operation;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AS FOLLOWS:

Section 1. That the Mayor and Council of the city of Twin Falls, Idaho, finds and declares:

(a) That the Study Area described in the Report, attached hereto as **Exhibit A**, is a deteriorated area or a deteriorating area, as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, within the city of Twin Falls, Idaho, and qualifies as an urban renewal project and justification exists for designating the area as appropriate for an urban renewal project;

(b) That there is a need for the Agency to function in accordance with the provision of Chapters 20 and 29, Title 50, Idaho Code, as amended, within a designated area for the purpose of establishing an urban renewal plan.

(c) That the Study Area identified in the Report is determined to be a deteriorated area or a deteriorating area, as defined in Chapters 20 and 29, Title 50, Idaho Code, as amended, or a combination thereof, and such area is designated as appropriate for an urban renewal project;

(d) That the rehabilitation, conservation, and redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, and welfare of the residents of the City.

(e) That the Agency will obtain any agricultural consents from the real property owners, as may be necessary, prior to formally submitting the proposed urban renewal plan to the City for its consideration.

Section 2. That the Agency shall be, and hereby is, directed to commence preparation of an urban renewal plan for the Study Area described in the Report for consideration by the Agency Board and, if acceptable, final consideration by the City Council in compliance with Chapters 20 and 29, Title 50, Idaho Code, as amended.

Section 3. That this Resolution shall be in full force and effect immediately upon is adoption and approval.

ADOPTED by the Council of the City of Twin Falls, Idaho, this 14th day of March 2022.

APPROVED by the Mayor of the City of Twin Falls, Idaho this 14th day of March 2022.

APPROVED:

By:____________________________________
Mayor

ATTEST:

By:________________________________
City Clerk

Exhibit A

The Orchard Drive East Urban Renewal District (Proposed)
Eligibility Report, dated January 2022

(Intentionally Blank)

Orchard Drive East
Urban Renewal District
(Proposed)

Eligibility Report

Prepared for

The Urban Renewal Agency of the City of Twin Falls

January 2022

Kushlan | Associates
Boise, Idaho

Introduction: Kushlan | Associates was retained by The Urban Renewal Agency of the City of Twin Falls, Idaho, also known as the Twin Falls Urban Renewal Agency (the "TFURA") to assist in their consideration of establishing a new revenue allocation area[1] in the City of Twin Falls, Idaho, and its area of operation.

Elected Officials serving the City of Twin Falls are:

Mayor:	Ruth Pierce
Vice Mayor:	Chris Reid
Council Members:	Shawn Barigar
	Nikki Boyd
	Jason Brown
	Spencer Cutler
	Craig Hawkins

City Staff

City Manager:	Travis Rothweiler

Idaho Code § 50-2006 states: "URBAN RENEWAL AGENCY. (a) There is hereby created in each municipality an independent public body corporate and politic to be known as the "urban renewal agency" that was created by resolution as provided in section 50-2005, Idaho Code, before July 1, 2011, for the municipality..." to carry out the powers enumerated in the statutes. The Twin Falls City Council adopted Resolution No.909 on July 19, 1965, bringing forth those powers within the City of Twin Falls.

The Mayor, with the confirmation of the City Council, has appointed seven members to the TFURA Board of Commissioners (the "TFURA Board"). The TFURA Board currently oversees the implementation of four revenue allocation areas. The first, revenue allocation area #4-1 (the "Old Towne District") was established by the City Council's adoption of Ordinance No. 2579 in May 1998 and is focused on the revitalization of downtown Twin Falls and adjacent areas. This revenue allocation area has been amended several times. The second revenue allocation area (#4-3) (Chobani) was established with the adoption of Ordinance No. 3022 on December 12, 2011. The third revenue allocation area (#4-4) (ClifBar) was established by Ordinance No. 3097 adopted on June 1, 2015. Both revenue allocation areas #4-3 and #4-4 are focused on economic development on the eastern edge of the city. The fourth revenue allocation area (Washington Street South) was established by Ordinance No. 2019-015 adopted on December 16, 2019, but not effective until January 10, 2020, and also focuses on economic development goals for the community.

The current membership of the Commission is as follows:

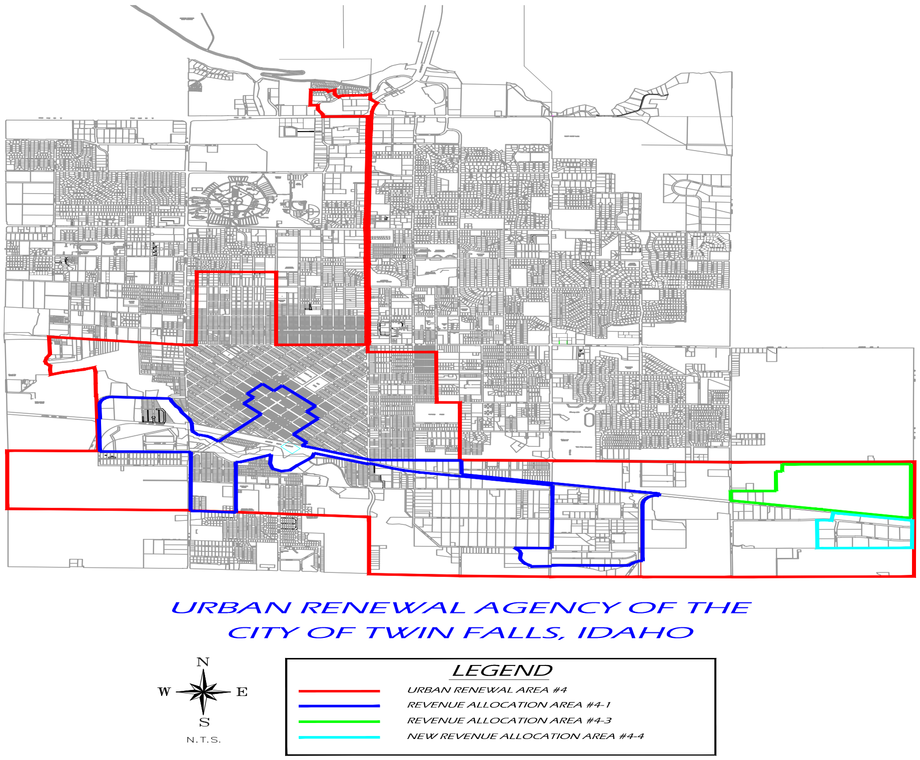
Chair:	Rudy Ashenbrenner
Vice Chairman	Andy Hohwieler
Secretary	Dan Brizee
Commissioners	Alexandra Caval
	Jan Rogers
	JJ McBride
	Dave McAlindin

[1] Throughout this Study, urban renewal/revenue allocation area will be referred to as an "revenue allocation area"

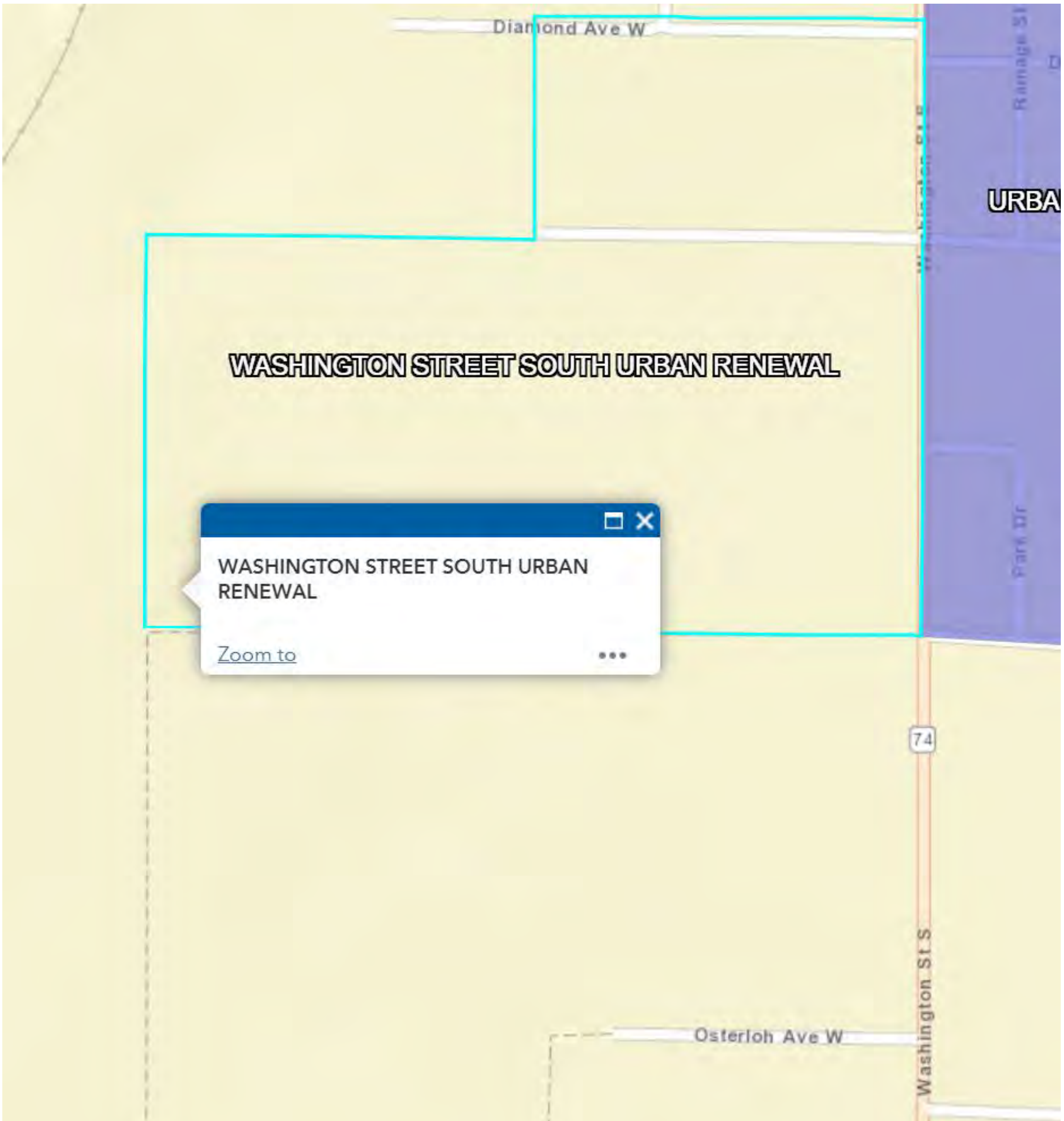
Staff:

Urban Renewal Administrator:	Travis Rothweiler
Administrative Assistant:	Lorrie Bauer

Map of the Twin Falls Revenue Allocation Areas 4-1, 4-3 and 4-4



Map of Washington Street South Revenue Allocation District



Background:

While Native Americans inhabited the area for millennia, the development of the community of Twin Falls, as we know it today, was initiated in 1900. I. B. Perrine had farmed in the Snake River Canyon since 1884, providing sustenance to the Wood River mines and the surrounding area in South Central Idaho. In response to the adoption of the Carey Act in 1894 that encouraged the development of facilities to irrigate traditionally arid lands, Perrine led an effort to create the Twin Falls Land and Water Company (TFLWC) in 1900 supported by Salt Lake City and Eastern financial interests. The first infrastructure investment was the construction of Milner Dam on the Snake River on which construction was commenced in 1903 and completed in 1905. Construction of distribution facilities in the Main Line, Highline and Lowline canals set the stage for the establishment of the community of Twin Falls with the original plat being filed on May 12, 1904, with formal incorporation occurring in 1905.

The Idaho State Legislature created Twin Falls County (the "County") on February 21, 1907, naming the City of Twin Falls as County Seat. The County had previously been part of Cassia County and Owyhee County at different times in its history. As farming grew as the lead component of the area's economy, the community grew to support those engaged in that enterprise.

Over time the community has grown and prospered, often influenced by transportation improvements impacting the region. The Minidoka and Southwestern Railroad (M&SW) arrived in the community on August 7, 1904. The M&SW was acquired by the Oregon Short Line Railroad, a division of the Union Pacific Railroad, in 1912. The Twin Falls – Jerome Intercounty Bridge was opened in 1927 connecting the communities north and south of the Snake River. Now called the I.B. Perrine Bridge, it serves as the crossing for US Highway 93 that connects Mexico and Canada through Nevada, Idaho, and Montana. U.S. 93 runs through the city, as do US Highway 30 and State Highways 50 and 74. Interstate 84 now carries its east-west traffic approximately 3 miles north of the city.

In support of the continuing economic vitality of the region, the community turned to the Urban Renewal Law in 1965 with the creation of the TFURA by Resolution No. 909 adopted by the City Council on July 19, 1965. In 1997, the City Council adopted Resolution No. 1603 that consolidated prior existing urban renewal areas into a new combined Area 4. Subsequent to that action, the City Council established four revenue allocation areas to pursue specific objectives. Those areas are noted below with their expiration dates[2]:

Area 4-1 (Old Towne)	December 31, 2022
Area 4-3 (Chobani)	December 12, 2031
Area 4-4 (ClifBar)	June 1, 2035
Washington Street South	December 31, 2040

Demographics:

According to the US Census Bureau, the 2020 population of the city is 51,807 and has grown by 17.4% since 2010. This is similar to the growth rate experienced statewide which was 17.3% during that period.

At 27.3%, the City's percentage of people under 18 years of age exceeds the statewide percentage of 25.1% by 2.2%. The percentage of population under 5 years of age exceeds the statewide figure by 1.0% (7.5% vs. 6.5%). The percentage of the City's population over 65 years of age (13.8%) is less than the statewide percentage (16.3%) by 2.5%. These statistics reflect a population base that is slightly younger than that found statewide.

The population is predominately white at 90.6% as compared to the statewide percentage of 93.0%. The Hispanic population exceeds the statewide percentage by 3.4% (16.2% vs. 12.8%).

[2] Pursuant to Idaho Code Section 50-2905(8) it is recognized the Agency shall receive allocation of revenues in the calendar year following the termination date.

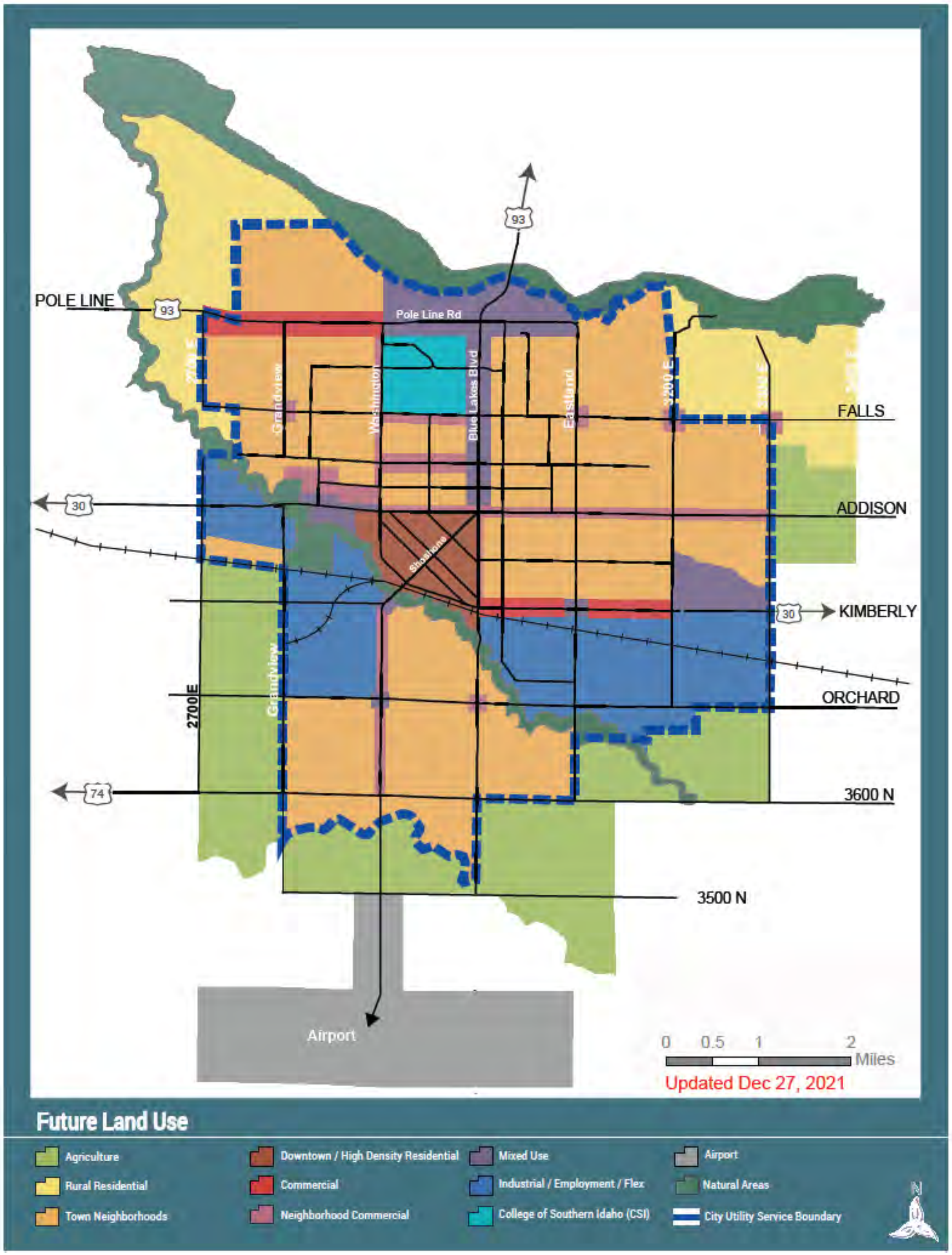
Housing units are 62.9% owner-occupied as opposed to the statewide statistic of 70.0%. Median value of owner-occupied housing units is $162,000 as compared to $212,300 statewide. Monthly owner costs with mortgage are $1,140 as compared to the statewide figure of $1,270. Median gross rent in the city is reported as $818 as compared to $853 statewide.

When income statistics are compared to statewide numbers, we see that the population of the city lags the rest of Idaho in these categories as well. The median household income in the city is $50,739, approximately 9.1% below the statewide figure of $55,785. Per capita income for the city's population is $24,933 as compared to the statewide number of $27,970. The percentage of the City's population below poverty level is 14.8% as compared to the statewide number of 10.1%.

These statistics suggest that the City's population may have limited capacity to fund new or increasing revenue sources to support economic development efforts in addition to on-going operational requirements. Thus, utilizing existing investment mechanisms such as found in Title 50, Chapters 20 and 29 is a prudent exercise of local legislative authority.

Investment Capacity: Cities across the nation actively participate in the economic vitality of their communities through investment in infrastructure. Water and sewer facilities as well as transportation, communication, electrical distribution, and other systems are all integral elements of an economically viable community. Idaho cities have a significant challenge in responding to these demands along with the on-going need to reinvest in their general physical plant to ensure it does not deteriorate to the point of system failure. They face stringent statutory and constitutional limitations on revenue generation and debt as well as near total dependence upon state legislative action to provide funding options. These strictures severely constrain capital investment strategies.

The tools made available to cities in Title 50, Chapters 20 and 29, the Urban Renewal Law and the Local Economic Development Act, are some of the few that are available to assist communities in their efforts to support economic vitality. New sources of State support are unlikely to become available in the foreseeable future, thus the City of Twin Falls' interest in exploring the potential for establishing their fifth urban renewal district is an appropriate public policy consideration.


POLE LINE
93
Pole Line Rd
Grandview
Washington
Blue Lakes Blvd
Eastland
3200 E
FALLS
ADDISON
30
Shoshone
KIMBERLY
ORCHARD
2700E
Grandview
74
3600 N
3500 N
Airport
0 0.5 1 2
Miles
Updated Dec 27, 2021
Future Land Use
Agriculture
Rural Residential
Town Neighborhoods
Downtown / High Density Residential
Commercial
Neighborhood Commercial
Mixed Use
Industrial / Employment / Flex
College of Southern Idaho (CSI)
Airport
Natural Areas
City Utility Service Boundary
N

Steps in Consideration of Revenue Allocation Area:

The first step in consideration of establishing a revenue allocation area in Idaho is to define a potential geographic area for analysis as to whether conditions exist within it to qualify for redevelopment activities under the statute. We have called this the "Study Area."

The next step in the process is to review the conditions within the Study Area to determine whether the area is eligible for creating a district. The State Law governing urban renewal sets out the following criteria, at least one of which must be found, for an area to be considered eligible for urban renewal activities:

1. The Presence of a Substantial Number of Deteriorated or Deteriorating Structures and Deterioration of Site or Other Improvements [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]

2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)]

3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)(b)]

4. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness; Obsolete Platting [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]

5. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]

6. Diversity of Ownership [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]

7. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]

8. Defective or Unusual Conditions of Title [50-2018(9) and 50-2903(8)(b)]

9. Results in Economic Underdevelopment of the Area [50-2903(8)(b); 50-2903(8)(c)]

10. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]

If the Eligibility Report finds that one or more of the conditions noted above exists within the Study Area, then the Agency may accept the findings and forward the Eligibility Report to the City Council for their consideration. If the City Council concurs with the determination of the Agency, they may direct that an Urban Renewal Plan be developed for the area that addresses the issues raised in the Eligibility Report.

The Agency then acts to prepare the Urban Renewal Plan for the new District establishing a Revenue Allocation Area to fund improvements called for in the Plan. Once the Plan for the District and Revenue Allocation Area are completed, the Agency Board forwards it to the City Council for their consideration.

The City Council must refer the Urban Renewal Plan to the Planning and Zoning Commission to determine whether the Plan, as presented, is consistent with the City's

Comprehensive Plan and make a corresponding finding. At the same time, other taxing entities levying property taxes within the boundaries of the proposed Revenue Allocation Area are provided a thirty-day opportunity to comment on the Plan to the City Council. While the taxing entities are invited to comment on the Plan, their concurrence is not required for the City Council to proceed with formal consideration.

Based on legislative changes to Idaho Code § 50-2908(2)(a), effective July 1, 2020, the Twin Falls County Highway District (the "Highway District") is allocated all of the taxes levied by the Highway District within a revenue allocation area first formed or expanded to include property on or after July 1, 2020 (including taxes levied on the base and increment values), unless the City creating the revenue allocation area has responsibility for the maintenance of the roads or highways. Depending on the ultimate boundary of the revenue allocation area this provision may apply to this proposed district, if formed.

Assuming successful annexation into the City, the taxing entities levying property taxes within the proposed revenue allocation area are projected to be:

- The City of Twin Falls
- The Twin Falls School District #411
- Twin Falls County
- Twin Falls County Ambulance
- Twin Falls County Pest Abatement District
- College of Southern Idaho

Once the Planning and Zoning Commission makes their finding of conformity and the thirty-day comment period has passed, the City Council is permitted to hold a public hearing and formally consider the adoption of the Plan creating the new Urban Renewal District and Revenue Allocation Area.

The City Council must also find that the taxable value of the district to be created plus the Base Assessed Value of any existing Urban Renewal / Revenue Allocation Area does not exceed the statutory maximum of 10% of the citywide assessed valuation.

If the City Council, in their discretion chooses to proceed, they will officially adopt the Urban Renewal Plan and Revenue Allocation Area and provide official notification of that action to the affected taxing districts, County Assessor and Idaho State Tax Commission.

The Agency then proceeds to implement the Plan.

Description of the Orchard Drive East Study Area:

The Study Area subject to the current review is located in unincorporated Twin Falls County immediately south of and contiguous with the current city limits. It is located on the west side of N 3300 Road E and north of Orchard Drive, East. The properties are included within the boundaries of the City of Twin Falls Area of City Impact and have been included in the City of Twin Falls Comprehensive Plan. (See Future Land Use Map above). As shown below, the Study Area consists of two (2) relatively large tax parcels, one consisting of 40 acres and one 38.26 acres. The two smaller parcels shown below are not included within the boundaries of the Study Area[3]. Annexation of the Study Area parcels is currently in progress and is anticipated to be completed prior to consideration of this report.

Orchard Drive East Revenue Allocation Area Study Area

Table 1

Parcel #	Ownership	Acreage	Land Value	Improvement Value	2021 Taxable Value
RP10S17E241810A	Twins Industrial, LP	38.26	$137,315	$27,540	$164,855
RP10S17E248400A	Herman Woebke	40.0	$135,811	$182,700	$318,511
Total Orchard Drive E. Study Area		78.26	$273,126	$210,240	$483,366

Description of the Orchard Drive East Study Area:

As noted in the table above, the Orchard Drive East Study Area consists of two (2) tax parcels.

The easterly parcel consists of 38.26 acres and its current use is irrigated crop land. It is zoned M-2 (Heavy Manufacturing) in unincorporated Twin Falls County. The property is

[3] Currently, the boundary line between the City and unincorporated Twin Falls County is unclear and requires further analysis. The Study Area boundary extends to the far side of the rights-of-way; however, to the extent the boundary line between the City and Twin Falls County is within the right-of-way, it may be the revenue allocation area boundary is ultimately smaller than the Study Area boundary.

located within the City of Twin Falls Area of City Impact (ACI) and has been included in the Future Land Use Map of the City's Comprehensive Plan. That document designates this property as "Industrial / Employment / Flex".

The westerly parcel consists of 40 acres, and its current use is irrigated crop land. It is currently zoned M-2 (Heavy Manufacturing) in unincorporated Twin Falls County. County Assessor records reflect the presence of an older (1923) residential structure on the property. No Homeowner Property Tax Exemption is reflected in the County Assessor records suggesting that it is not an owner-occupied structure. The property is also located within the City of Twin Falls Area of City Impact (ACI) and has been included in the Future Land Use Map of the City's Comprehensive Plan. That document designates this property as "Industrial / Employment / Flex".

Analysis of the Study Area:

A review of the Study Area reflects an area in transition. While the area remains in its historic agricultural use, it is immediately adjacent to the corporate boundary of the City of Twin Falls. That area has seen significant industrial development in recent years and remains one of the few industrial areas in South Central Idaho with adequate public services available to support large-scale development.

The current development plan for the Study Area calls for the phased development of a primarily "for lease" industrial area including an estimated 1,000,000 square feet of space that would be available to various businesses requiring between 5,000 and 200,000 square feet of space. Currently, public services available to the site are consistent with the historic agricultural usage of the property.

For the convenience of the reader, the statutory criteria are reiterated, at least one of which must be found to qualify an area for urban renewal activities. Those conditions are:

1. The Presence of a Substantial Number of Deteriorated or Deteriorating Structures and Deterioration of Site or Other Improvements [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]

2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)]

3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)(b)]

4. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness; Obsolete Platting [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]

5. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]

6. Diversity of Ownership [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]

7. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]

8. Defective or Unusual Conditions of Title [50-2018(9) and 50-2903(8)(b)]

9. Results in Economic Underdevelopment of the Area [50-2903(8)(b); 50-2903(8)(c)]

10. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]

<u>Analysis: Orchard Drive East Study Area</u>

Criterion #1: The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site: The historic farmstead currently located in the Study Area consists of an older residential dwelling constructed in 1923 and updated in 1953 along with a few outbuildings consistent with the agricultural use of the property.

However, since these structures are the only ones in the Study Area, there is not a "substantial number of deteriorated or deteriorating structures" remaining within the Study Area. Therefore, criterion #1 is not met.

Criterion #2: Age or Obsolescence: Again, as noted above, the structures that remain in the Study Area, were built to serve the historic agricultural use. While the remaining structures remain serviceable for the current use, they are not of a nature to support the high-density industrial use envisioned in the Comprehensive Plan. Therefore, the remaining structures located along Orchard Drive East are obsolete in this context and as such, criterion #2 is met.

Criterion #3: Predominance of Defective or Inadequate Street Layout: As noted above, the Study Area has seen limited development of supportive infrastructure. The roads serving the area (N. 3300 E and Orchard Drive E) are typical county roads consisting of relatively narrow asphalt mats with gravel shoulders and no provision for the management of storm drainage beyond the roadside ditches common to rural roadways. There is no internal street system to provide access to the Study Area. Implementation of the vision articulated in the City's Comprehensive Plan will require substantial upgrades to the streets serving the expanded demand. Therefore, criterion #3 is met

Criterion #4: Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness; Obsolete Platting: The parcels in the Study Area are of a size and configuration appropriate for the historic agricultural use for which they have been deployed for several decades. However, as the City and region have developed around these properties, the large lots are not properly configured to accommodate the development pattern envisioned in the Comprehensive Plan. A more fine-grained and high-density development pattern is represented in the adopted Plan. Therefore, criterion #4 is met.

Criterion #5: Insanitary or Unsafe Conditions: Again, given the current agricultural use and general lack of development "insanitary and unsafe conditions" are not present. However, when considering the anticipated development pattern, the Study Area is completely devoid of public water supply and distribution facilities. No provision for required fire flows nor any provision of sanitary sewer or storm drainage facilities adequate to the anticipated demand has been made. Therefore, criterion #5 is met.

Criterion #6: Diversity of Ownership: The ownership of the 78.26 acres in the Study Area has been in the hands of two (2) entities. However, the proposed developer of the industrial facility has acquired both parcels and envisions the properties to be developed together under a single development plan. Thus, the Study Area is controlled by only one entity. Therefore criterion #6 is not met.

Criterion #7: Tax or Special Assessment Delinquency: According to Twin Falls County Assessor records, no delinquencies exist. Therefore, criterion #7 is not met.

Criterion #8: Defective or unusual condition of title: No defective or unusual conditions of title are reflected in Twin Falls County records. Therefore, criterion #8 is not met.

Criterion #9: Results in Economic Underdevelopment of the Area: Economic development and high-wage job creation are high priorities for the broader Twin Falls community as reflected in various planning documents. The supply of industrial land to support the desired economic expansion is extremely limited. The high cost of infrastructure investment required to accommodate the desired levels of economic activity have proven a barrier to the expansion of the adjacent industrial areas. As a result, the Study Area remains in its historic agricultural usage immediately adjacent to one of the state's most vibrant industrial areas. Without a means to support the physical transition of the Study Area the area will likely remain in its current agricultural use for the indefinite future. Therefore, criterion #9 is met.

Criterion #10: Substantially Impairs or Arrests the Sound Growth of a Municipality: The City of Twin Falls and the and the Twin Falls Urban Renewal Agency have made substantial investment in the transportation and utility facilities serving the area within the corporate limits immediately adjacent and to the north of the Study Area. The City of Twin Falls has expressed its vision for this area by including it within the City's Comprehensive Plan, but without the capacity to provide full public infrastructure, the Study Area will remain an under-utilized area adjacent to one of the fastest growing areas in the State of Idaho. Criterion #10 is met.

<u>Findings: Orchard Drive East Study Area:</u> Conditions exist within the Study Area to allow the TFURA Board and the Twin Falls City Council to determine that the area is eligible for urban renewal activities as prescribed in State Law.

Summary of Findings

	Criteria	Met	Not Met
1	The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site		X
2	Age or Obsolescence	X	
3	Predominance of Defective or Inadequate Street Layout	X	
4	Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness; Obsolete Platting	X	
5	Insanitary or Unsafe Conditions	X	
6	Diversity of Ownership		X
7	Tax or Special Assessment Delinquency		X
8	Defective or unusual condition of title		X
9	Results in Economic Underdevelopment of the Area	X	

10	Substantially Impairs or Arrests the Sound Growth of a Municipality	X	

Analysis: Open Land Conditions: In addition to the eligibility conditions identified above, the geographic area under review is also required to satisfy the "open land" conditions. Idaho Code Section 50-2903(8)(c) states: "[a]ny area which is predominately open and which because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas."

The eligibility criteria set forth in Idaho Code Section 50-2903(8)(c) for predominantly open land areas mirror or are the same as those criteria set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b). "Diversity of ownership" is the same, while "obsolete platting" appears to be equivalent to "faulty lot layout in relation to size, adequacy, accessibility, or usefulness." "Deterioration of structures or improvements" is the same or similar to "a substantial number of deteriorated or deteriorating structures" and "deterioration of site or other improvements." There is also an additional qualification that the provisions of Idaho Code Section 50-2008(d) shall apply to open areas.

Idaho Code Section 50-2008 primarily addresses the urban renewal plan approval process and Idaho Code Section 50-2008(d)(4) sets forth certain conditions and findings for agency acquisition of open land as follows:

> the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise: Provided, that if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this act, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any

> combination of such factors or other conditions which retard development of the area.

In sum, there is one set of findings if the area of open land is to be acquired and developed for residential uses and a separate set of findings if the land is to be acquired and developed for nonresidential uses.

Basically, open land areas may be acquired by an urban renewal agency and developed for nonresidential uses if such acquisition is necessary to solve various problems, associated with the land or the infrastructure, that have delayed the area's development. These problems include defective or usual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, and faulty lot layout. All the stated conditions are included in one form or another in the definition of a deteriorated area and/or a deteriorating area set forth in Idaho Code Sections 50-2903(8)(b) and 50-2018(9). The conditions listed only in Section 50-2008(d)(4)(2) (the open land section) include economic disuse, unsuitable topography, and "the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area."

The conclusion of this discussion concerning open land areas is that the area qualifies if any of the eligibility conditions set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b) apply. Alternatively, the area under consideration qualifies if any of the conditions listed only in Idaho Code Section 50-2008(d)(4)(2) apply. The parcel size, the lack of water and sewer facilities in the Study Area; a nonexistent access and internal street system; an inadequate storm drain system; and lack of fire protection, are all conditions which delay development of the Study Area.

Based on the above analysis, to the extent the Study Area is "predominantly open land," which is not a defined term, obsolete platting/faulty lot layout and economic underdevelopment are conditions found in the Study Area, and therefore, the open land condition is satisfied.

Other Relevant Issues:

Agricultural Landowners Concurrence:

The statutory provisions concerning the creation of an urban renewal district prohibit inclusion of any land used for an agricultural operation without the express written consent of the property owner. An agricultural operation is broadly defined in Idaho Code § 22-4502(2) and means "an activity or condition that occurs in connection with the production of agricultural products for food, fiber, fuel and other lawful uses…" As of the date of this Eligibility Study, both parcels appear, from a visual inspection, to be active agricultural operations. As a result, property owner consent is required prior to final consideration of the proposed district's creation.

CONCLUSION:

Based upon the data and the conditions that exist within the Study Area as noted above, the TFURA Board and the Twin Falls City Council may determine that the Orchard Drive East Study Area is eligible for the establishment of a revenue allocation area.

10% Analysis: In addition to the findings reported above, verification that the assessed value of the proposed Study Area is within the statutory limits, is needed. State Law limits the percentage of values on the combined base assessment rolls that can be included in urban renewal / revenue allocation districts to 10% of the current assessed valuation of all taxable property within the City. According to Twin Falls County Assessor records, the 2021 total certified value for the City of Twin Falls is $4,653,143,739 (does not include State assessed operating property). As shown in the analysis in Table 1 the current taxable value of the entire Study Area is estimated to be $483,336. This value then must be added to the Base Assessed Values of Area 4-1, 4-3, 4-4 and the Washington Street South Districts to test for the 10% limitation. The analysis for this purpose is presented in Table 2, below. The combined base assessment roll values are well below the statutory limit.

Table 2

Statutory 10% Limitation Analysis		
Area	Taxable Value	Percentage
• Total City	$4,653,143,739	100%
	Adjusted Base Values	
• Area 4-1 (Old Towne)	$23,760,191	0.51%
• Area 4-3 (Chobani)	$ 1,069,508	0.02%
• Area 4-4 (ClifBar)	$4,090,577	0.09%
• Washington Street South	$24,710,081	0.53%
• Proposed Orchard Drive East Area	$483,336	0.01%
Total UR Base Assessed Value Percentage	$54,113,693	1.16%

The effect of creating this district on the capacity of the City and TFURA to consider future districts should they choose to do so is also explored. The table below shows there is capacity to consider additional districts.

Table 3

Remaining Urban Renewal Capacity		
Maximum 10% Limitation	$465,314,373	10%
• Area 4-1 (Old Towne)	$23,760,191	0.51%
• Area 4-3 (Chobani)	$ 1,069,508	0.02%
• Area 4-4 (ClifBar)	$4,090,577	0.09%
• Washington Street South	$24,710,191	0.53%
• Proposed Orchard Drive East Area	$483,366	0.01%
Available AV within limitation	$411,200,681	8.84%

Exhibit B

Resolution No. 2022-01 Accepting the Orchard Drive East Urban Renewal District (Proposed) Eligibility Report, dated January 2022

(Attachments to the Resolution are Not Included)

(Intentionally Blank)

RESOLUTION NO. 2022-01

BY THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS, IDAHO:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS, IDAHO, ACCEPTING THAT CERTAIN REPORT ON ELIGIBILITY FOR CERTAIN PROPERTY REFERRED TO AS THE ORCHARD DRIVE EAST AREA AS AN URBAN RENEWAL AREA AND REVENUE ALLOCATION AREA AND JUSTIFICATION FOR DESIGNATING THE AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; TO MAKE ANY NECESSARY TECHNICAL CHANGES TO THE REPORT; AUTHORIZING AND DIRECTING THE CHAIR OR EXECUTIVE DIRECTOR TO TRANSMIT THE REPORT AND THIS RESOLUTION TO THE CITY COUNCIL OF THE CITY OF TWIN FALLS REQUESTING ITS CONSIDERATION FOR DESIGNATION OF AN URBAN RENEWAL AREA AND SEEKING FURTHER DIRECTION FROM THE COUNCIL; AND PROVIDING AN EFFECTIVE DATE.

THIS RESOLUTION, made on the date hereinafter set forth by the Urban Renewal Agency of the City of Twin Falls, Idaho, an independent public body, corporate and politic, authorized under the authority of the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the “Law”) and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the “Act”), a duly created and functioning urban renewal agency for Twin Falls, Idaho, hereinafter referred to as the “Agency.”

WHEREAS, by Resolution No. 909, dated July 19, 1965, the Board of Commissioners of the City of Twin Falls, Idaho (the “City”) created an urban renewal agency pursuant to the Law;

WHEREAS, on June 30, 1997, the City Council of the City of Twin Falls, Idaho (the “City Council”), by Resolution No. 1603, determined certain property to be a deteriorated area or a deteriorating area or a combination thereof and designated the area as appropriate for an urban renewal project to be known as Urban Renewal Area #4 (the “Area #4 Plan”). The Area #4 Plan has been amended several times;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for Urban Renewal Area #4 and Creating Revenue Allocation Area #4-1 (the “RAA #4-1 Plan”) to redevelop a portion of the City within the boundaries of the Urban Renewal Area #4, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2579 on May 4, 1998, approving the RAA #4-1 Plan, and making certain findings, including establishing the RAA #4-1 revenue allocation area (“RAA #4-1”);

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Amended Urban Renewal Plan for Urban Renewal Area #4-1 Expansion (the "Amended RAA #4-1 Plan") seeking to add geographic area to RAA #4-1 Plan, pursuant to Idaho Code § 50-2033, to redevelop a portion of the City within the boundaries of the Urban Renewal Area #4, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3056 on August 26, 2013, approving the Amended RAA #4-1 Plan and making certain findings, including expanding RAA #4-1;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for Urban Renewal Area #4-3 (the "RAA #4-3 Plan") to redevelop a portion of the City within the boundaries of the Urban Renewal Area #4, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3022 on December 12, 2011, approving the RAA #4-3 Plan and making certain findings, including establishing the RAA #4-3 revenue allocation area ("RAA #4-3");

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for Urban Renewal Area #4-4 (the "RAA #4-4 Plan") to redevelop a portion of the City within the boundaries of the Urban Renewal Area #4, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3097 on June 1, 2015, approving the RAA #4-4 Plan and making certain findings, including establishing the RAA #4-4 revenue allocation area ("RAA #4-4);

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the Washington Street South Urban Renewal Project (the "Washington Street South Plan") pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2019-015 on December 16, 2019, approving the Washington Street South Plan and making certain findings, including establishing the Washington Street South revenue allocation area (the "Washington Street South Project Area"). Due to the timing of the publication of the Ordinance Summary and recording, the Washington Street South Plan and Project Area has an effective base year retroactive to January 1, 2020;

WHEREAS, the above referenced urban renewal plans are collectively referred to as the Existing Urban Renewal Plans and their corresponding project areas are collectively referred to as the Existing Project Areas;

WHEREAS, based on inquiries and information presented, the Agency commenced certain discussions concerning examination of an additional area as appropriate for an urban renewal project;

WHEREAS, in 2021, the Agency authorized Kushlan Associates, to commence an eligibility study and preparation of an eligibility report of an area 78.26 acres in size and which is generally located on the west side of N 3300 Road East and north of Orchard Drive, East. The eligibility study area is commonly referred to as the Orchard Drive East Study Area (the "Study Area");

WHEREAS, the Agency has obtained the Orchard Drive East Urban Renewal District (Proposed) Eligibility Report, dated January 2022 (the "Report"), a copy of which is attached hereto as **Exhibit A**, which examined the Study Area, for the purpose of determining whether such area was a deteriorating area and/or a deteriorated area as defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8);

WHEREAS, at the time the Study Area was reviewed for eligibility, the Study Area was outside the City limits and within unincorporated Twin Falls County, but annexation of the Study Area parcels was in progress. The Study Area was recently annexed into the City;

WHEREAS, pursuant to Idaho Code Sections 50-2018(8), (9) and 50-2903(8), which lists the definition of deteriorating area and deteriorated area, many of the conditions necessary to be present in such an area are found in the Study Area, including:

a. the presence of a substantial number of deteriorated or deteriorating structures; deterioration of site;
b. age or obsolescence;
c.. predominance of defective or inadequate street layout;
d. faulty lot layout in relation to size, adequacy, accessibility, or usefulness/obsolete platting; and
e. insanitary or unsafe conditions.

WHEREAS, the effects of the listed conditions cited in the Report result in economic underdevelopment of the area, substantially impairs, or arrests the sound growth of a municipality, constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare in its present condition or use;

WHEREAS, under the Act, a deteriorated area includes any area which is predominantly open and which, because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. See Idaho Code Section 50-2903(8);

WHEREAS, Idaho Code Sections 50-2018(9), 50-2903(8) and 50-2008(d) list additional conditions applicable to open land areas, including open land areas to be acquired by the Agency;

WHEREAS, the Report addresses the necessary findings concerning the eligibility of open land within the Study Area as defined in Idaho Code Sections 50-2018(9), 50-2903(8)(c), and 50-2008(d);

WHEREAS, under the Law and the Act, Idaho Code Sections 50-2903(8)(f) and 50-2018 (8) and (9), the definition of a deteriorating area shall not apply to any agricultural operation as defined in section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation, except for an agricultural operation that has not been used for three (3) consecutive years;

WHEREAS, the Study Area includes parcels subject to such consent. While the necessary consents have not been obtained, any and all consents shall be obtained prior to City Council adoption of any urban renewal plan;

WHEREAS, the Report includes a preliminary analysis concluding the base assessment roll value for the Study Area along with the base assessment roll values for the Existing Project Areas do not exceed 10% of the current assessed valuation of all taxable property within the City;

WHEREAS, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or a deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, Idaho Code Section 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or a deteriorating area;

WHEREAS, the Agency Board finds it in the best public interest to accept this Report.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS, IDAHO, AS FOLLOWS:

Section 1. That the above statements are true and correct.

Section 2. That the Agency Board acknowledges acceptance and receipt of the Report, attached hereto as **Exhibit A**, recognizing technical changes or corrections which may be required before transmittal to the City Council for its consideration.

Section 3. That there are one or more areas within the City that are a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8), as more fully set forth in the Report, attached hereto as **Exhibit A**.

Section 4. That one such area is the Study Area, which is approximately 78.26 acres in size and is generally located on the west side of N 3300 Road East and north of Orchard Drive, East.

Section 5. That the rehabilitation, conservation, development and redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, and welfare of the residents of the City.

Section 6. That the Chair of the Board of Commissioners or Executive Director is hereby authorized to transmit the Report to the Twin Falls City Council requesting that the City Council:

a. Determine whether the Study Area identified in the Report qualifies as an urban renewal project and justification for designating the area, as appropriate, for an urban renewal project;

b. If such designation is made, whether the Agency should proceed with the preparation of an urban renewal plan for the area, which plan may include a revenue allocation provision as allowed by law; and

c. Coordinate with the Agency to obtain the required agricultural consent from the property owners.

Section 7. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED AND ADOPTED by the Urban Renewal Agency of the City of Twin Falls, on February 14, 2022.

APPROVED AND EXECUTED by the Chairman of the Board of Commissioners of the Agency and attested by the Secretary to the Board of Commissioners, on this 14th day of February 2022.

APPROVED:

By: Rudy Ashenbrener

Rudy Ashenbrener, Chair

ATTEST:

By: Dan B Brizee

Dan Brizee, Secretary

4853-1391-1945, v. 1