



Twin Falls City Council Agenda

Monday, December 16, 2024, 5:00 PM

Council Chambers
203 Main Avenue East Twin Falls, Idaho

Members: Mayor Ruth Pierce, Vice Mayor Jason Brown, Council Members Craig Hawkins, Spencer Cutler, Christopher Reid, Grayson Stone, Cherie Vollmer

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) CONSENT CALENDAR
 - a) **ACTION ITEM:** Request to approve City Council 2024 December 09, Minutes.
By: Amy Luna, Deputy City Clerk
 - b) **ACTION ITEM:** Request to approve Accounts Payable for December 5-11, 2024.
By: Amy Luna, Deputy City Clerk
 - c) **ACTION ITEM:** Request to approve December 11, 2024, Travel Requests.
By: Amy Luna, Deputy City Clerk
 - d) **ACTION ITEM:** Request to approve an Alcohol License for Tacos Villa. By:
Amy Luna, Deputy City Clerk
- 4) ITEMS OF CONSIDERATION
 - a) **ACTION ITEM:** Request to Award the Hankins Pump Station #2 construction contract to IMCO General Construction in the amount of \$8,074,000 with conditions
By: Lee Glaesemann, Staff Engineer
 - b) **ACTION ITEM:** Request to approve the purchase of a 2024 EnviroSite Camera van and equipment at a cost of \$310,871.44 using a Cooperative Purchasing Agreement with Source Well and authorize the Public Works Director to execute the contract.
By: Doug Gonzales, WWC Superintendent
 - c) **ACTION ITEM:** Request to approve the purchase of real property located in the Snake River Canyon, between the canyon rim and Canyon Springs Road, south of the City's wastewater treatment plant, in the amount of \$200,000 plus closing costs.
By: Nathan Erickson, Environmental Manager
 - d) **ACTION ITEM:** Request approval to renew the 2024 ten-year agreement between the City of Twin Falls and Operations Management International, Inc. (OMI/CH2M/Jacobs) for the wastewater treatment plant and sewer lift stations operation with the fiscal year 2024-2025 budgeted amount of \$3,906,648.37 and authorize the Mayor to sign.
By: Nathan Erickson, Environmental Manager
- 5) GENERAL PUBLIC INPUT
- 6) ADVISORY BOARD REPORT/ANNOUNCEMENTS
- 7) PUBLIC HEARINGS
 - a) **ACTION ITEM:** Request to authorize a new City of Twin Falls owned and operated sewer odor mitigation facility on property located at 879 Federation Rd. c/o City of Twin Falls (PZ24-0126)
By: William Klaver, Senior Planner
 - b) **ACTION ITEM:** A public hearing on the Urban Renewal Agency Plan for the Southwest Urban Renewal Project and consideration of adoption of Ordinance No. O-2024-021.
By: Shawn Barigar, URA Executive Director
 - c) **ACTION ITEM:** Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 1 "General Provisions". (PZ24-0129)
By: Jonathan Spendlove, Planning and Zoning Director
 - d) **ACTION ITEM:** Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 3 "Historic District & Regulations". (PZ24-0131)
By: Jonathan Spendlove, Planning and Zoning Director
 - e) **ACTION ITEM:** Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 11 "Area of Impact". (PZ24-0139)
By: Jonathan Spendlove, Planning and Zoning Director

8) **EXECUTIVE SESSION**

Request to adjourn to Executive Session pursuant to Idaho Code § 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;

9) **ADJOURNMENT**

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:
 - a. Wait to be recognized by the Mayor or Chairman.
 - b. Approach the microphone/podium.
 - c. State their name, and whether they are a resident or property owner of the City of Twin Falls and proceed with their input.
2. All public input will be limited to two (2) minutes. Individuals are not permitted to give their time to otherspeakers.
3. All presenters shall remain respectful.

Public input will not be about any of the items that were on this agenda, personnel, or a personnel-related issue. All issues involving City personnel should be directly communicated with the mayor and/or the City Manager.

Anyone failing to follow these rules will be provided with one (1) warning. Should the speaker continue to disregard these rules after the warning, will have the microphone muted and they will be asked to return to their seats.

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



Twin Falls City Council Minutes

Monday, December 9, 2024, 5:00 PM

Council Chambers
203 Main Avenue East Twin Falls, Idaho

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Ruth Pierce, Vice Mayor Jason Brown, Council Members Craig Hawkins, Christopher Reid, Spencer Cutler, Cherie Vollmer & Grayson Stone.

Absent:

Staff Present: City Manager Travis Rothweiler, Deputy City Managers Mitch Humble & Gretchen Scott, City Attorney Bruce Castleton, Planning and Zoning Director Jonathan Spendlove, City Planner Lisa Strickland, Deputy City Clerk Amy Luna

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

2) PLEDGE OF ALLEGIANCE

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

3) CONSENT CALENDAR

MOTION: Council Member Reid moved to approve the Consent Calendar as presented. **Council Member Stone** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- a) Request to approve the City Council 2024 December 02, Minutes
- b) Request to approve Accounts Payable for November 20-December 4, 2024.
- c) Request to approve 2024 September & October Wells Fargo Credit Card Summary.
- d) Request to approve acceptance of Magic Valley Regional Airport property deeds granted from Twin Falls County to the City of Twin Falls.
- e) Request to approve Finding of Facts and Conclusions of Law for the following Final Plat: Westpark Commercial Subdivision No. 12 (PZ24-0147)
- f) A request for the City Council to approve the Twin Falls Police Department's donation of fifteen (18) Axon Taser X2 handles and cartridges to the Rupert Police Department and ten (10) to the College of Southern Idaho Law Enforcement Program.

4) ITEMS OF CONSIDERATION

- a) Request to approve a resolution of the City Council of the City of Twin Falls, Idaho proposing new fees and amending the City's Master Fee Schedule.
Planning and Zoning Director Spendlove requested to approve Resolution #2024-011 of the City Council of the City of Twin Falls, Idaho proposing new fees and amending the City's Master Fee Schedule.

Discussion ensued on the following:

Council Member Stone: Asked for some clarification on the airport fees.

City Manager Rothweiler: Gave some clarification on the request.

Council Member Cutler: Asked what the increase was last year.

MOTION: Council Member Cutler moved to approve the request to approve Resolution #2024-011 from City Council to approve the new fees and amend the City's Master Fee Schedule.

Council Member Vollmer seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- b) Discussion and possible action on an amendment to the Agreement between the City of Twin Falls and the City Manager.

Mayor Pierce requested approval of the request to amend the Agreement between the City of Twin Falls and the City Manager.

Discussion ensued on the following:

Council Member Stone: Gave some clarification on the request.

Vice Mayor Brown: Spoke in favor of this request.

Council Member Reid: Spoke in favor of this request.

MOTION: Vice Mayor Brown moved to approve the request to amend the Agreement between the City of Twin Falls and the City Manager. **Council Member Vollmer** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

5) GENERAL PUBLIC INPUT

6) ADVISORY BOARD REPORT/ANNOUNCEMENTS

Council Member Hawkins spoke about the Light Parade.

City Manager Rothweiler thanked the council for approving the agreement with him.

Council Member Vollmer spoke about the open house this Thursday at 5:00 pm at Fire Station #3 regarding Vista Bonita Park.

Council Member Reid introduced Reina Reid, who spoke about the competition going on between the Canyon Ridge and Twin Falls High Schools to collect "Pennies for Possibilities".

7) PUBLIC HEARINGS

- a) Request for an annexation of approximately 46 (+/-) acres located east of Sunway Dr N from North College Rd W to Pole Line Rd W. c/o Tim Vawser, EHM on behalf of Gary Nelson (PZ24- 0103).

Planning and Zoning Director Spendlove requested an annexation of approximately 46 (+/-) acres located east of Sunway Dr N from North College Rd W to Pole Line Rd W. c/o Tim Vawser, EHM on behalf of Gary Nelson (PZ24-0103).

The applicant's representative spoke on the request.

Public Hearing Opened: 5:25 pm

Public Hearing Closed: 5:26 pm

Discussion ensued on the following:

Council Member Stone: Will be abstaining as he has done some consulting on this proposal.

Council Member Hawkins: spoke in favor of this request.

Vice Mayor Brown: Spoke in favor of this request.

MOTION: Vice Mayor Brown moved to approve the request to annex approximately 46 (+/-) acres located east of Sunway Dr N from North College Rd W to Pole line Rd W. c/o Tim Vawser, EHM on behalf of Gary Nelson (PZ24-0103). **Council Member Reid** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 6 to 0 with **Council Member Stone** abstaining.

- b) Request annexation with a zoning designation of M-2 for 9.58 acres on the south side of the 300 block of Diamond Ave W. c/o Gary Palmer (PZ24-0097)
City Planner Strickland requested annexation with a zoning designation of M-2 for 9.58 acres on the south side of the 300 block of Diamond Ave W. c/o Gary Palmer (PZ24-0097)

The applicant spoke about this request.

Public Hearing Opened: 5:32 pm

Public Hearing Closed: 5:33 pm

Discussion ensued on the following:

Council Member Stone: Asked if this is part of the proposed URA section.

MOTION: Council Member Vollmer moved to approve the request to annex a zoning designation of M-2 for 9.58 acres on the south side of the 300 block of Diamond Ave W. c/o Gary Palmer (PZ24-0097) with two conditions as presented. **Vice Mayor Brown** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- c) Request to adopt ordinance O-2024-020 for annexation and a zoning district change on property located on the south side of the 300 block of Diamond Ave W.
City Planner Strickland Request to adopt **Ordinance #O-2024-020** for annexation and a zoning district change on property located on the south side of the 300 block of Diamond Ave W.

Discussion ensued on the following: None.

MOTION: Council Member Reid made a motion to dispense with reading the rules and put Ordinance # on third and final reading by title only. **Council Member Stone** seconded the motion. The Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Mayor Pierce read ***Ordinance #2024-020*** by title only.

MOTION: Council Member Stone moved to approve the request to adopt ***Ordinance #O- 2024-020*** for annexation and a zoning district change on property located on the south side of the 300 block of Diamond Ave W. **Council Member Reid** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

8) ADJOURNMENT

The meeting adjourned at 05:37 PM

Amy Luna, Deputy City Clerk

****If you wish to have a full accounting of this meeting, please listen to the recording that is located on our website. **** [Tfid.org](https://www.tfid.org)



Date: Monday, December 16, 2024
To: Honorable Mayor and City Council
From: Lee Glaesemann, Staff Engineer

ACTION ITEM

Request:

Request to Award the Hankins Pump Station #2 construction contract to IMCO General Construction in the amount of \$8,074,000 with conditions

Time Estimate:

5 Minutes plus time for Q&A

Background:

On November 21st, bids were received for the construction of a new Hankins Pump Station #2. The low bid in the amount of \$8,074,000 was received from IMCO General Construction of Ferndale Washington. Staff is recommending to award the contract to IMCO General Construction with Conditions.

Currently, there is a single water pumping station on Hankins Road near Kimberly Road called the Hankins Pump Station. This pump station supplies water to the Hankins Pressure Zone, which was recently split into two new pressure zones (Hankins Pressure Zone North and Hankins Pressure Zone South). Currently, the existing station supplies water to both pressure zones.

Based on the estimated growth within these pressure zones, the most recent Water Master Plan projected that the existing pump station had enough capacity for at least another ten years before a new pump station would be needed for this area. When built, this new Hankins Pump Station would be able to supply water to one of the two new pressure zones and the existing Hankins Pump Station would be able to supply water to the other pressure zone.

In late 2022, Chobani approached the City with a request for an additional one million gallons of water a day to support expanded production at their plant. Since the existing pump station cannot support the requested water demand and the City had no plans to build a new station for many years, Chobani and the City came to an agreement. Among other conditions needed to support their proposed growth, Chobani agreed to fund the construction of a new Hankins Pump Station #2 to provide their needed water supply and the City agreed to fund 3 additional pumps in the new station. By adding 3 pumps to the new station, the new station will be able to provide dedicated water to one pressure zone and the existing pump station will be able to provide dedicated water to the other pressure zone. By using two pump stations instead of one, water can be supplied to the two pressure zones more efficiently, which will decrease energy costs to the City compared to a single station.

As a condition of the agreement, the City agreed to not execute the construction contract for the station until Chobani provided full payment for their portion of the work. The City has already received most of the funding from Chobani and is awaiting a final amount. If Council awards the contract, the award will need to be conditioned on receiving the full Chobani payment first.

To fund the 3 pumps that the City agreed to pay for, \$1,200,000 was included in the current City

budget. However, the bid cost for the 3 pumps came to \$1,425,000. To cover this additional cost plus a contingency, Staff is requesting \$300,000 from Water Reserves. Water Reserves has sufficient funds to cover this request. If Council awards the contract, the award will need to be conditioned on allowing the use of \$300,000 from Water Reserves.

Approval Process:

A majority vote by council to award the contract.

Budget Impact:

The City budgeted \$1,200,000 for this project and an additional \$300,000 from water reserves is being requested. Water reserves has sufficient funds to cover this request.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that Council award the Hankins Pump Station #2 construction contract to IMCO General Construction in the amount of \$8,074,000 with the following conditions:

1. The award is contingent on receiving payment from Chobani to cover their construction amount.
2. \$300,000 in Water Reserves to be used for the City's portion of construction.

Attachments:

1. 2024-11-27_Hankins_PS2_Ltr_City_BidResults

November 27, 2024

Lee Glaesemann, P.E.
Assistant City Engineer
City of Twin Falls
203 Main Avenue East
Twin Falls, ID 83301

RE: Bid Review – City of Twin Falls Hankins Pump Station #2 Bid Results

Dear Lee,

Six bids for the City of Twin Falls Hankins Pump Station #2 project were received and opened on November 21, 2024. Attached is a bid tabulation summarizing the unit prices and total bid amounts for each bidder. The following table summarizes the bid results and the engineer's estimate:

Bidder	Base Bid
IMCO General Construction	\$8,074,000.00
GSE Construction Company	\$8,150,800.00
Prusik Construction ^A	\$8,394,805.00
Extreme Excavation	\$8,413,230.04
JC Constructors ^A	\$8,749,203.00
Dasco of Idaho ^A	\$8,872,990.00
Engineer's Estimate	\$7,588,800.00

A – Bid appears to be non-responsive.

The bids were reviewed by J-U-B ENGINEERS, Inc. (J-U-B) and City staff for compliance with the administrative requirements of the Bid Documents. A summary review of each bid versus the bidding criteria is attached. As shown in the summary, the bids received from Prusik Construction, JC Constructors, and Dasco of Idaho appear to be non-responsive. The Public Works Contractor Licenses for each bidder have been listed on the summary, as registered with the State of Idaho Division of Occupational and Professional Licenses.

Per the Bid Form (Document 00410), the basis of award for the project will be on the Base Bid that is the lowest responsive bid in total price, conforms with all the conditions of the Bid Documents, is in the best interest of the project, and is within the City's available budget. Based on our review, IMCO General Construction appears to have submitted the lowest responsive bid in total price.

If you have any questions, please don't hesitate to contact me.



J-U-B FAMILY OF COMPANIES

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Holtzen".

Mark Holtzen, PE
J-U-B ENGINEERS, Inc.

Enclosures:

- Bid Tabulation
- Bid Opening Checklist

cc: AC Stowe, Staff Engineer
Rob Bohling, Water System Superintendent
Jeff Malina, Water Supply Supervisor

PROJECT: City of Twin Falls
Hankins Pump Station #2



ENGINEERS: J-U-B Engineers, Inc.
2114 Village Park Avenue, Suite 100
Twin Falls, Idaho 83301

BID DATE: November 21, 2024

BASE BID SCHEDULE

PAY ITEM	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	IMCO General Construction Ferndale, WA		GSE Construction Company Livermore, CA		Prusik Construction Boise, ID		Extreme Excavation Jerome, ID		JC Constructors Meridian, ID		Dasco of Idaho Nampa, ID	
1	Mobilization / Demobilization (5% Max)	1	LS	\$400,000.00	\$400,000.00	\$385,600.00	\$385,600.00	\$382,270.00	\$382,270.00	\$415,000.00	\$415,000.00	\$349,968.00	\$349,968.00	\$425,000.00	\$425,000.00
2	Site Work and Grading	1	LS	\$100,000.00	\$100,000.00	\$10,200.00	\$10,200.00	\$98,408.00	\$98,408.00	\$709,758.77	\$709,758.77	\$349,968.00	\$349,968.00	\$56,800.00	\$56,800.00
3	Excavation and Rock Removal	1	LS	\$620,000.00	\$620,000.00	\$1,039,300.00	\$1,039,300.00	\$855,000.00	\$855,000.00	\$638,848.22	\$638,848.22	\$1,312,381.00	\$1,312,381.00	\$1,250,000.00	\$1,250,000.00
4	Yard Piping	1	LS	\$800,000.00	\$800,000.00	\$520,500.00	\$520,500.00	\$625,000.00	\$625,000.00	\$758,887.08	\$758,887.08	\$524,952.00	\$524,952.00	\$826,000.00	\$826,000.00
5	Site Electrical	1	LS	\$50,000.00	\$50,000.00	\$232,000.00	\$232,000.00	\$50,268.00	\$50,268.00	\$55,754.75	\$55,754.75	\$262,476.00	\$262,476.00	\$75,000.00	\$75,000.00
6	Pumphouse Building - Structural	1	LS	\$1,700,000.00	\$1,700,000.00	\$2,463,000.00	\$2,463,000.00	\$2,712,771.00	\$2,712,771.00	\$1,374,908.96	\$1,374,908.96	\$612,444.00	\$612,444.00	\$2,742,200.00	\$2,742,200.00
7	Pumphouse Building - Piping	1	LS	\$965,000.00	\$965,000.00	\$924,000.00	\$924,000.00	\$1,408,279.00	\$1,408,279.00	\$1,250,955.94	\$1,250,955.94	\$962,413.00	\$962,413.00	\$981,000.00	\$981,000.00
8	Pumphouse Building - Electrical Base Schedule	1	LS	\$695,000.00	\$695,000.00	\$1,001,600.00	\$1,001,600.00	\$738,311.00	\$738,311.00	\$818,897.68	\$818,897.68	\$1,487,365.00	\$1,487,365.00	\$740,000.00	\$740,000.00
9	Pumphouse Building - HVAC	1	LS	\$400,000.00	\$400,000.00	\$361,600.00	\$361,600.00	\$365,000.00	\$365,000.00	\$374,792.88	\$374,792.88	\$568,698.00	\$568,698.00	\$396,000.00	\$396,000.00
10	50-HP Vertical Turbine Pump - Pump, Motor, and Piping	1	LS	\$650,000.00	\$650,000.00	\$165,400.00	\$165,400.00	\$215,472.00	\$215,472.00	\$550,241.55	\$550,241.55	\$612,444.00	\$612,444.00	\$309,500.00	\$309,500.00
11	150-HP Vertical Turbine Pump - Pump, Motor, and Piping	1	LS	\$745,000.00	\$745,000.00	\$199,900.00	\$199,900.00	\$251,460.00	\$251,460.00	\$617,441.62	\$617,441.62	\$454,959.00	\$454,959.00	\$347,500.00	\$347,500.00
12	50-HP Vertical Turbine Pump - Electrical Schedule 1	1	LS	\$170,000.00	\$170,000.00	\$181,900.00	\$181,900.00	\$81,432.00	\$81,432.00	\$90,320.49	\$90,320.49	\$349,968.00	\$349,968.00	\$80,000.00	\$80,000.00
13	150-HP Vertical Turbine Pump - Electrical Schedule 2	1	LS	\$270,000.00	\$270,000.00	\$181,900.00	\$181,900.00	\$130,970.00	\$130,970.00	\$145,265.67	\$145,265.67	\$393,714.00	\$393,714.00	\$130,000.00	\$130,000.00
14	Back-Up Generator	1	LS	\$450,000.00	\$450,000.00	\$446,800.00	\$446,800.00	\$436,364.00	\$436,364.00	\$483,994.12	\$483,994.12	\$349,968.00	\$349,968.00	\$450,000.00	\$450,000.00
15	Gravel Surface Repair	1	LS	\$35,000.00	\$35,000.00	\$19,300.00	\$19,300.00	\$9,550.00	\$9,550.00	\$97,827.03	\$97,827.03	\$131,238.00	\$131,238.00	\$51,500.00	\$51,500.00
16	Grass Surface Repair	1	LS	\$9,000.00	\$9,000.00	\$3,800.00	\$3,800.00	\$17,000.00	\$17,000.00	\$15,361.73	\$15,361.73	\$8,749.00	\$8,749.00	\$2,770.00	\$2,770.00
17	Stormwater Management	1	LS	\$15,000.00	\$15,000.00	\$14,000.00	\$14,000.00	\$17,250.00	\$17,250.00	\$14,973.55	\$14,973.55	\$17,498.00	\$17,498.00	\$9,720.00	\$9,720.00
Total Bid - Base Bid Schedule:				\$8,074,000.00		\$8,150,800.00		\$8,394,805.00		\$8,413,230.04		\$8,749,203.00		\$8,872,990.00	

Notes:

1. This table is a tabulation of the unit prices and total prices received from Bidders during the bidding process. It does not indicate nor convey the responsiveness of the Bid.
2. The highlighted cells denote that there was a mathematical error or omission in the written bid received from the Bidder.

City of Twin Falls Hankins Pump Station #2

Bid Opening Checklist

November 21, 2024



Contractor:	Addendum #1	Bid Form Completed and Signed	Bid Bond	Listing of Subcontractors	Listing of Suppliers	Evidence of Authority to Sign	Evidence of Authority to do Business in Idaho	Public Works Contractor License	Affidavit of Payment and Securement of All Taxes	Base Bid	Public Works License - General	Comments
1 IMCO General Construction	x	x	x	x	x	x	x	x	x	\$8,074,000.00	12741-U-1,2,3,5	
2 GSE Construction Company	x	x	x	x	x	x	x	x	x	\$8,150,800.00	026972-U-1,5	
3 Prusik Construction	x		x	x	x		x	x	x	\$8,394,805.00	045269	Bid form was not signed; no evidence of authority to sign bid
4 Extreme Exacvation	z	x	x	x	x	x	x	x	x	\$8,413,230.04	16975-U-1,2,4	
5 JC Constructors		x	x	x	x		x	x	x	\$8,749,203.00	14336-U-1,2,3,5	Did not return signed copy of Addendum #1 with bid; no clear documentation of authority to sign bid
6 Dasco of Idaho	x	x	x	x	x	x	x		x	\$8,872,990.00	009770-AAA-1,4	AAA Public Works Licenses are limited to bids less than \$5M; HVAC subcontractor doesn't appear to have an HVAC license
A highlighted denotes that the bid item was incomplete, not included, or as otherwise noted in the Comments.												
1 IMCO General Construction	Electrical Contractor HVAC Contractor Plumbing Contractor					Magic Valley Electric Element Heating and Cooling Paige Mechanical Group				PWL: 015652-U-4 PWL: 033175-CC-4 PWL: 16671-AAA-4	Electric: ELE-C-33843 HVAC: 003949 Plumbing: 028496	
2 GSE Construction Company	Electrical Contractor HVAC Contractor Plumbing Contractor					Barin Group Element Heating and Cooling Paige Mechanical Group				PWL: 038397-U PWL: 033175-CC-4 PWL: 16671-AAA-4	Electric: 038094 HVAC: 003949 Plumbing: 028496	
3 Prusik Construction	Electrical Contractor HVAC Contractor Plumbing Contractor					Magic Valley Electric Americool Heating & Cooling Paige Mechanical Group				PWL: 015652-U-4 PWL: 053990-A PWL: 16671-AAA-4	Electric: ELE-C-33843 HVAC: 021383 Plumbing: 028496	
4 Extreme Exacvation	Electrical Contractor HVAC Contractor Plumbing Contractor					Magic Valley Electric Terry's Heating & Air Paige Mechanical Group				PWL: 015652-U-4 PWL: 059980-AAA PWL: 16671-AAA-4	Electric: ELE-C-33843 HVAC: 060025 Plumbing: 028496	
5 JC Constructors	Electrical Contractor HVAC Contractor Plumbing Contractor					Barin Group Trade Masters Trade Masters				PWL: 038397-U PWL: 044637-B PWL: 044637-B	Electric: 038094 HVAC: HVC-C-10113 Plumbing: PLB-C-13267	
6 Dasco of Idaho	Electrical Contractor HVAC Contractor Plumbing Contractor					Skyline Electric Company United Team Mechanical Carson Plumbing & Mechanical				PWL: 010979-U PWL: 15594-AAA PWL: 055321-U	Electric: ELE-C-27291 HVAC: ??? Plumbing: 053343	



Date: Monday, December 16, 2024
To: Honorable Mayor and City Council
From: Doug Gonzales, Supervisor

ACTION ITEM

Request:

Request to approve the purchase of a 2024 Envirosite Camera van and equipment at a cost of \$310,871.44 using a Cooperative Purchasing Agreement with Source Well and authorize the Public Works Director to execute the contract.

Time Estimate:

Approximately 10 minutes

Background:

Idaho Code 67-2807 went into effect on July 1, 2019; it states, "With the approval of its governing board, a political subdivision may participate in cooperative purchasing agreements with the state of Idaho, other Idaho political subdivisions, other government entities, or associations thereof. Political subdivisions may also participate in cooperative purchasing programs established by any association that offers its goods or services as a result of competitive solicitation processes. Goods or services procured by participation in such cooperative agreements or programs shall be deemed to have been acquired in accordance with the requirements of this chapter".

On December 9, 2019, the City Council adopted resolution 2019-014, authorizing staff to use cooperative purchasing agreements and joint cooperative purchasing programs. City staff can approve purchases up to the informal bid limits. The city council must approve the purchase if the purchase exceeds the informal bid limit, which was increased to \$150,000.

The Fleet Steering committee recommended this purchase. It was later presented to and further recommended by the LTP committee and adopted by the council as part of the FY 25-26 budget.

This equipment is essential to the success of the Wastewater team in maintaining and evaluating through video inspection the sewer collection and stormwater systems. The current camera van and chassis are over 20 years old and due to be replaced. There is still value in this equipment, so we are reaching out to other municipalities to try and sell it to recoup some of the cost of the new van. Any existing useful equipment that is compatible with the new van will be transferred from the old van to the new van and reused.

Approval Process:

A simple majority will approve this request.

Budget Impact:

\$315,000.00 was budgeted for the replacement of the Camera van and equipment. The quote is under budget.

Regulatory Impact:

Council approval is required to make a purchase over \$150,000 using a Cooperative Purchasing agreement. Approval will allow staff to purchase a new Inspection unit.

History:

N/A

Analysis:

N/A

Conclusion:

Request to approve the purchase of a 2024 Envirosite Camera van and equipment at a cost of \$310,871.44 using a Cooperative Purchasing Agreement with Source Well and authorize the Public Works Director to execute the contract.

Attachments:

1. City of Twin Falls - Envirosight RX130 Pro E-450 Cutaway Build - MetroQuip - 8-27-24
2. Cooperative Agrmnt Resolution



CONTRACT PRICING WORKSHEET

Contract No.: 120721-EVS

Buying Agency	City of Twin Falls, ID	Sales Partner	MetroQuip, Inc.
Contact Person	Doug Gonzales	Contact Person	Jeff McCoy
Phone	208-308-7253	Phone	208-921-5332
Fax		Fax	208-345-5931
Email	dgonzales@tfd.org	Email	jmccoy@metroquip.net

Itemized Contract Items / Options - Attach additional sheet if necessary

QTY	Part Number	Description	LIST PRICE	Contract PRICE
1	E-RX-SYS-PRO-22-HD	HD System includes DCX5000 Desktop Controller with CCUI including emergency stop, RAX300 Automatic Cable Reel with 300M (1000ft) cable, wireless remote controller, reel mounting frame, RX130 Quick Change version crawler with 3 sets of rubber wheels for 6" to 12" pipe diameter. RCX90 pan, tilt, zoom camera, pressurization kit, and Wincan VX entry license.	\$ 118,288.50	\$ 112,374.08
1	E-564-0900-04	HD Elevator/Lift for RX130 Crawler	\$ 18,404.00	\$ 17,483.80
1	E-559-3900-00	HD RAL200 LED Auxiliary Light with Backeye Camera for RVX	\$ 5,457.00	\$ 5,184.15
4	E-080-0704-02	XL Rubber Wheel for RX130	\$ 2,610.80	\$ 2,480.28
6	E-080-0705-00	Small Grease Wheel for RX130	\$ 1,926.00	\$ 1,829.70
4	E-080-0706-00	Medium Grease Wheel for RX130	\$ 1,626.40	\$ 1,545.08
4	E-080-0707-00	Large Grease Wheel for RX130	\$ 1,883.20	\$ 1,789.04
1	14' Cutaway Gas Generator Build	14' Cutaway Gas Generator Build Operator Studio Equipment Bay 5.5kW Onan gas-on-gas Generator <i>See attached for specific details</i>	\$ 51,467.00	\$ 48,893.65
1		Color Printer with Ink	\$ 663.40	\$ 630.23
1		Additional 21.5" Tru-Vu Video Monitor w/Mount For Rackmount	\$ 1,348.20	\$ 1,280.79
1		Underdesk Keyboard Tray	\$ 267.50	\$ 254.13
1		Ethernet Cable and Port	\$ 513.60	\$ 487.92
1		110V Swing-Out Light	\$ 428.00	\$ 406.60
1		Cabinet Lights	\$ 963.00	\$ 914.85
1		Sink	\$ 2,311.20	\$ 2,195.64
1		Lifting Aid	\$ 5,350.00	\$ 5,082.50

1		Pull-Out Bumper Drawer	\$ 3,317.00	\$ 3,151.15
1		Bedslide (Vertical Crawler Drawer)	\$ 2,974.60	\$ 2,825.87
1		Air Compressor	\$ 797.15	\$ 757.29
1		Insulation	\$ 1,540.80	\$ 1,463.76
1		RVX Doggie Door	\$ 1,177.00	\$ 1,118.15
1		Underbody Generator Mount	\$ 706.20	\$ 670.89
1		Wall Mount Heater	\$ 470.80	\$ 447.26
1		Gaming Chair Upgrade	\$ 133.75	\$ 127.06
1		27" Rear-Facing Monitor Upgrade (from 19")	\$ 941.60	\$ 894.52
1		43" 4-Up Monitor and Rear Camera	\$ 3,959.00	\$ 3,761.05
Subtotal Contract Items			\$ 229,525.70	\$ 218,049.44

Sourced / Non Contract Items

QTY	Part Number	Description	LIST	COST
1	Chassis	2024 Ford E-Series Cutaway E-450 DRW 158" WB Supreme 14' Box	\$ 75,995.00	\$ 75,995.00
1	Bathroom	Bathroom	\$ 10,557.00	\$ 10,557.00
1	Misc	Microwave and mini Refrigerator	\$ 770.00	\$ 770.00
Subtotal Sourced Items			\$ 87,322.00	\$ 87,322.00
Freight + Drive Away			\$ 4,000.00	\$ 4,000.00
Training, PDI, and Delivery			\$ 1,500.00	\$ 1,500.00
Total Sourcewell Purchase Quote			\$ 322,347.70	\$ 310,871.44

RESOLUTION NO. 2019-014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO AUTHORIZING THE CITY OF TWIN FALLS TO PARTICIPATE IN COOPERATIVE PURCHASING AGREEMENTS AND PROGRAMS; AND AUTHORIZING CERTAIN CITY OFFICIALS TO ENTER INTO, JOIN, AND APPROVE EXPENDITURES PERTAINING TO COOPERATIVE PURCHASING AGREEMENTS AND PROGRAMS.

WHEREAS, Idaho Code §§ 67-2807 authorizes Idaho cities to participate in cooperative purchasing agreements with the state of Idaho, other Idaho political subdivisions, and other government entities; and,

WHEREAS, Idaho Code §§ 67-2807 authorizes Idaho cities to participate in cooperative purchasing programs established by any association that offers its goods or services as a result of competitive solicitation process; and,

WHEREAS, participation in cooperative purchasing agreements or programs requires approval by the City Council; and,

WHEREAS, the State of Idaho determines the value, in terms of dollars, at which an informal bidding process will be followed; and,

WHEREAS, certain city officials are authorized to approve informal bids on behalf of the City of Twin Falls; and,

WHEREAS, the City Manager has requested authorization to allow these same city officials to enter into cooperative purchasing agreements and programs, and to approve expenditures not to exceed the maximum value, in terms of dollars, set by the State of Idaho for the informal bidding process.

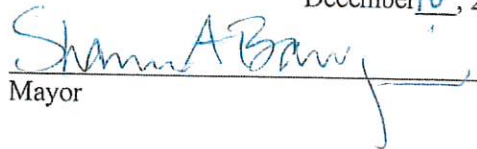
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

Section 1: That those individuals who are authorized to approve informal bids on behalf of the City of Twin Falls are authorized to enter into cooperative purchasing agreements and join cooperative purchasing programs that offer goods or services as a result of competitive solicitation.

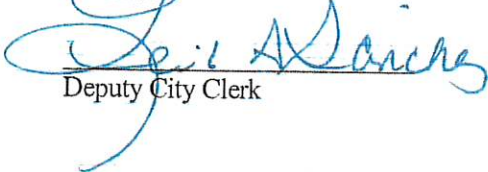
Section 2: That those individuals who are authorized to approve informal bids on behalf of the City of Twin Falls are authorized to approve expenditures as part of a cooperative purchasing agreement or cooperative purchasing program up to, but not to exceed, the maximum amount set by the State of Idaho for the informal bidding process.

PASSED BY THE CITY COUNCIL
SIGNED BY THE MAYOR

December 9, 2019.
December 10, 2019.


Mayor

ATTEST:


Deputy City Clerk



Date: Monday, December 16, 2024
To: Honorable Mayor and City Council
From: Nathan Erickson, Environmental Manager

ACTION ITEM

Request:

Request to approve the purchase of real property located in the Snake River Canyon, between the canyon rim and Canyon Springs road, south of the City's wastewater treatment plant, in the amount of \$200,000 plus closing costs.

Time Estimate:

5 Minutes

Background:

The City is in the process of evaluating improvements to the Grandview sewer line from the canyon rim to the wastewater treatment plant. It was identified that portions of the property where the existing sewer line is located, as well as areas for expansion, are owned by David L Perrine and Anne Perrine Scott. The property owners would prefer to sell the property rather than grant easements. The property in question is approximately 37 acres, as shown on the attached property location map. The property owners are willing to sell the property to the City for \$200,000 plus closing costs, which are estimated to be \$2,000. Portions of this parcel with the existing Grandview sewer line are considered to be critical to the City's infrastructure and the future development of a redundant sewer line. Staff recommends that the Council approve the request to purchase this property from David L Perrine and Anne Perrine Scott, plus closing costs for \$202,000.

Approval Process:

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

Budget Impact:

As described above, the estimated purchase price for the property is \$202,000. The FY 2024 budget does not include any funding for this purchase. However, the purpose of this acquisition is to obtain property for the maintenance and development of the wastewater system. Wastewater reserves would be an appropriate source of funding for this acquisition. Therefore, staff recommends using wastewater reserve funds to make this purchase.

Regulatory Impact:

If the Council approves the request, staff will proceed to purchase the property as described.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the City Council approve the request to purchase the property as described above.

Attachments:

1. Property Location





Date: Monday, December 16, 2024
To: Honorable Mayor and City Council
From: Nathan Erickson, Environmental Manager

ACTION ITEM

Request:

Request approval to renew the 2024 ten-year agreement between the City of Twin Falls and Operations Management International, Inc. (OMI/CH2M/Jacobs) for the wastewater treatment plant and sewer lift stations operation with the fiscal year 2024-2025 budgeted amount of \$3,906,648.37 and authorize the Mayor to sign.

Time Estimate:

10 Minutes

Background:

The City of Twin Falls and Operations Management International (OMI/CH2M/Jacobs) have collaborated for almost 40 years to address the City's wastewater treatment needs. The agreement with OMI to operate the wastewater treatment plant and lift stations throughout the City is renewed every ten years. Each year, the agreement is amended to reflect the updated base fee and other facts or figures in the agreement that may change from year to year. The agreement base fee for services provided at the wastewater treatment plant and the City's lift stations from October 1, 2024, to September 30, 2025, is \$3,906,648.37 (see attached OMI 2024 Agreement).

In recognition of the agreement's ten-year renewal, Jacobs is generously allocating \$35,000 in funding for a Micro Aeration project. This project is designed to reduce the amount of chemicals used at the wastewater treatment plant (see the attached Jacobs Micro Aeration Funding Memo).

Approval Process:

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

Budget Impact:

The proposed FY 2024-2025 budget of \$3,906,648.37 for wastewater treatment plant services is a 3% reduction from the previous year or \$115,425.00. The reduction in the overall base fee amount is mainly due to reduced power usage and cost, reduced chemical cost, and other changes negotiated during the review of the agreement with OMI.

Regulatory Impact:

By continuing the agreement with OMI, the City will continue to receive support to fulfill the requirements of the City's Idaho Pollutant Discharge Elimination System (IPDES) permit number ID0021270.

History:

N/A

Analysis:

N/A

Conclusion:

City staff recommends Council approve the renewal of the 2024 agreement with OMI and allow the Mayor to sign.

Attachments:

1. OMI 2024 Agreement
2. Jacobs Micro Aeration Funding Memo

AMENDED AND RESTATED
AGREEMENT
for
OPERATIONS, MAINTENANCE, AND MANAGEMENT SERVICES
for the
CITY OF TWIN FALLS, IDAHO
WASTEWATER TREATMENT FACILITY and PUMP STATIONS

THIS AGREEMENT is made on this ____ day of _____ 2024 between The City of Twin Falls, Idaho (hereinafter "Twin Falls"), whose address is 203 Main Avenue East, P.O. Box 1907, Twin Falls, Idaho 83301, and Operations Management International, Inc., (hereinafter "OMI") whose address for any formal notice is 9189 S. Jamaica Street, Englewood, Colorado 80112.

Twin Falls and OMI agree:

1. GENERAL

- 1.1. All definitions of words or phrases used in this Agreement are contained in Appendix A.
- 1.2. All grounds, facilities, equipment, and vehicles now owned by Twin Falls or acquired by Twin Falls shall remain the property of Twin Falls.
- 1.3. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Idaho.
- 1.4. This Agreement shall be binding upon the successors and assigns of each of the parties, but neither party will assign this Agreement without the prior written consent of the other party.
- 1.5. All notices shall be in writing and transmitted by certified mail to the address noted above.
- 1.6. This Agreement, including Appendices, is the entire Agreement of the parties. This Agreement may be modified only by written agreement signed by both parties. Wherever used, the terms "OMI" and "Twin Falls" shall include the respective officers, agents, directors, elected or appointed officials, and employees

2. SCOPE OF SERVICES—OMI

OMI shall:

- 2.1. Provide the services necessary for the management, operation and maintenance of the equipment, vehicles, grounds, and facilities identified in Appendices B and F.
- 2.2. Within the design and capability of the Project, manage, operate and maintain the project so that effluent discharged from the Project meets the requirements specified in Appendix C. OMI may alter processes and/or facilities to achieve the objectives of this Agreement, provided, however, that no alteration shall be without Twin Falls written approval if alteration shall cost in excess of Five Thousand Dollars (\$5,000.00).
- 2.3. Prepare all NPDES permit reports and submit these to Twin Falls for transmittal to appropriate agencies within NPDES time limits. Assist with all NPDES permit renewal applications.
- 2.4. Perform laboratory testing and sampling, including but not limited to all testing and sampling presently required by the NPDES permit. Twin Falls will be invoiced for and shall pay for additional laboratory testing not required by the NPDES requirements.
- 2.5. OMI will operate the Twin Falls wastewater treatment facilities so as to treat all wastes received into the plant including waste from the industries outlined in Appendix D, in accordance with industrial user agreements between all industries and Twin Falls.
- 2.6. Maintain the present industrial waste sampling and laboratory analysis program, as described in Appendix D. Results of all industrial sampling and testing shall be reported to Twin Falls by the 12th day of the following month.
- 2.7. Maintain the Twin Falls EPA-approved pretreatment program.
- 2.8. Pay all Cost incurred in normal Project operations.
- 2.9. OMI will pay all sales tax on materials and equipment purchased by OMI and all taxes measured by the income of OMI.
- 2.10. Provide Twin Falls, on a monthly basis, a report of Direct Cost in the format and in the level of detail shown in Appendix E.
- 2.11. Provide and document all Maintenance for the Project. Twin Falls shall retain ownership and have the right to inspect these records during normal business hours.
- 2.12. Provide and document all Repairs for the project.

- 2.13. Maintain an inventory list of vehicles and equipment that are being used at the Project by OMI.
- 2.14. Staff the Project with employees who have met the certification requirement of the State of Idaho. OMI will permit Twin Falls to interview any replacement for OMI's project manager. OMI will provide a project manager who is satisfactory to Twin Falls.
- 2.15. Provide twenty four (24) hours per day access to Project for Twin Falls personnel. Visits may be made at any time by any of Twin Falls employees so designated by Twin Falls representative. Keys for Project shall be provided to Twin Falls by OMI. All visitors to the Project shall comply with OMI's operating and safety procedures.

Proceed to take such actions that OMI deems necessary to protect public health and Twin Falls facilities in an emergency situation. OMI will make every effort to contact Twin Falls City Manager or authorized designee prior to taking any action. OMI will provide a written report detailing the actions taken within twenty four (24) hours after the emergency has terminated.

- 2.16. Perform other services that are incidental to the Scope of Services set forth in Article 3 below as directed by Twin Falls. Such services will be invoiced to Twin Falls at OMI's Cost plus fifteen percent (15%).
- 2.17. Provide two (2) rounds of chronic toxicity testing as required by the Twin Falls NPDES permit.
- 2.18. Provide maintenance services for the "Engineered Treatment System" Ultra Violet Disinfection System, located Twin Falls City Pool, 756 Locust North, Twin Falls, Idaho. These services include corrective maintenance to the system on an "as-needed" basis or as requested by Twin Falls. Services will also include manufacturer recommended preventive maintenance as well as semi-annual electrical inspection and annual infrared analysis of all electrical components. All maintenance tasks will be tracked and monitored with OMI's Computerized Maintenance Management System ("CMMS"). Any parts, materials and supplies will be provided by Twin Falls.

3. SCOPE OF SERVICE—Twin Falls

Twin Falls Shall:

- 3.1. Provide for all budgeted Capital Expenditures.
- 3.2. Maintain all existing Project warranties, guarantees, easements, and licenses that have been granted to Twin Falls.

- 3.3. Pay all property, franchise, or other taxes associated with the Project excluding those specified in 2.9.
- 3.4. Provide OMI, within a reasonable time after request, any piece of Twin Falls heavy equipment that is available so that OMI may discharge its obligations under this Agreement in the most cost-effective manner. Said equipment will be operated by Twin Falls employees.
- 3.5. Provide all registrations for Twin Falls owned vehicles used in connection with the Project.
- 3.6. Provide OMI use of all Twin Falls owned vehicles and equipment presently in use at the Project, including the vehicles described in Appendix F.
- 3.7. Maintain, repair, and clear the access road to the plant or provide an alternate means of access so the plant is accessible. OMI shall not be responsible for violations of the terms and conditions of this Agreement if the plant is not reasonably accessible.
- 3.8. Provide potable water to the Project for which Twin Falls will not bill OMI.
- 3.9. Allow OMI to utilize its employees, normally assigned to the Project, in support of other OMI business activities, and when appropriate OMI will charge labor and expenses to the benefiting project. Employee development activities such as internal project reviews, evaluations, meetings, and classroom training are considered Project chargeable expenses.
- 3.10. Perform Industrial Pretreatment Program services as described in Appendix D.

4. COMPENSATION

- 4.1. Twin Falls shall pay OMI as compensation for services performed under this Agreement a Base Fee, which shall be equal to the Direct Costs plus the Management Fee for the period of October 1ST 2024 through September 30th of each year of this Agreement. OMI shall propose a Base Fee by May 1st of each year of this Agreement and the Parties shall mutually agree on any proposed Base Fee prior to such fee taking effect. For period of October 1, 2024 to September 30, 2025, the estimated Base Fee shall be Three Million Nine Hundred Six Thousand, Six Hundred Forty-Eight Dollars and Thirty-Seven Cents (\$3,906,648.37). Subsequent years' Base Fees shall be determined as specified in Article 4.4.
- 4.2. The estimated Direct Cost for providing services during the time period of October 1, 2024 through September 30, 2025 shall be Three Million Two

Hundred Eighty Seven Thousand, Two Hundred Forty-Two Dollars and Nineteen Cents (\$3,287,242.19). If the actual Direct Cost is less than the estimated Direct Cost for the contract year currently in effect, then OMI will rebate Twin Falls One Hundred Percent (100%) of the difference between the actual and estimated Direct Costs plus the management fee associated with those costs.

- 4.3. OMI's Management Fee shall be equal to twenty percent (20%) of the actual Direct Cost, excluding electricity which shall be fifteen percent (15%) of the actual Direct Cost.
- 4.4. Subsequent to the first year of this Agreement, the Base Fee and estimated Direct Cost will be proposed by May 1 of each year and negotiated by June 1 of each year. Should Twin Falls and OMI fail to agree, the Base Fee and the estimated Direct Cost will be determined by the application of the Base Fee Adjustment Formula shown in Appendix G.
- 4.5. If the actual Direct Cost is greater than the estimated Direct Cost for the Current Term, then Twin Falls will pay One Hundred Percent (100%) of the difference between the actual and estimated Direct Costs plus the management fee associated with those costs. OMI shall provide written notification to Twin Falls when eighty percent (80%) of the estimated Direct Cost is expended.
- 4.6. In the event that a change in the scope of services provided by OMI occurs, Twin Falls and OMI will negotiate a commensurate adjustment in Base Fee.

5. PAYMENT OF COMPENSATION

- 5.1. Twin Falls shall pay OMI the Base Fee set forth in Article 4.1 as follows:
 - 5.1.1. A monthly Base Fee which shall be equal to one twelfth (1/12th) of the Base Fee. At the option of the parties Twin Falls, the final four (4) installments of this monthly fee in any one contract year may be adjusted to reflect any rebate issued under Article 4.2 or any amounts due by either party under Article 4.5 of this Agreement.
 - 5.1.2. The monthly Base Fee shall be due and payable on the 1st of the month, for services provided in that month.
- 5.2. All other compensation to OMI is due upon receipt of OMI's invoice and payable on the tenth (10th) day of the month following receipt of OMI's invoice.
- 5.3. Any monies arising from Article 4.2 will be paid to Twin Falls within One Hundred Twenty (120) days after the end of each Agreement year.

6. INDEMNITY, LIABILITY AND INSURANCE

- 6.1. OMI hereby agrees to and shall hold Twin Falls harmless from any liability or damages for bodily injury, including death, which may arise from OMI's negligent operations under this Agreement, whether such negligent operation be by OMI or by subcontractor of OMI. Twin Falls agrees to and shall hold OMI harmless from any liability or damages for property damage or bodily injury, including death, which may arise from all causes of any kind other than OMI's negligence.
- 6.2. OMI shall be liable for those fines or civil penalties which may be imposed by a regulatory agency for violations of the effluent quality requirements in Article 2.2 that are a result of OMI's negligent operations. Twin Falls will assist OMI to contest any such fines in administrative proceedings and/or in court prior to any payment by OMI. OMI shall pay all costs of contesting any such fines.
- 6.3. OMI's liability to Twin Falls under this Agreement specifically excludes any and all indirect or consequential damages arising from the operation, maintenance, and management of Project only if a result of other than OMI's negligence.
- 6.4. Each party shall obtain and maintain insurance coverage of a type and in the amounts described in Appendix H. Each party shall name the other party as an additional insured on all insurance policies covering the Project and shall provide the other party with satisfactory proof of insurance.
- 6.5. It is understood and agreed that, in seeking the services of OMI under this Agreement, Twin Falls is requesting OMI to undertake uninsurable obligations for Twin Falls benefit, involving the presence or potential presence of hazardous substances. Therefore, Twin Falls agrees to hold harmless, indemnify, and defend OMI from and against any and all claims, losses, damages, liability, and costs including, but not limited to, costs of defense, arising out of or in any way connected with, the presence, discharge, release, or escape of contaminants of any kind, excepting only that portion of any such liability as may arise out of the negligence of OMI in the performance of services under this Agreement. The provisions of this Section 6.5 shall control over any conflicting provisions of this Agreement.

7. TERM AND TERMINATION, DEFAULT REMEDIES

- 7.1. The term of this Agreement shall be for ten (10) years commencing on October 1, 2024 and continuing through September 30, 2034. Thereafter, this Agreement shall be automatically renewed for successive terms of ten (10) years each

unless either party gives written notice to the other party of its intent to not renew this Agreement, no less than one hundred twenty (120) days prior to expiration.

- 7.2. Either party may terminate this Agreement for a material breach of the Agreement by the other party after giving written notice of breach and allowing the other party to correct the breach within thirty (30) days. In addition, Twin Falls or OMI may terminate this Agreement if regulatory agency fines or penalties imposed for violations of the effluent quality requirement in Article 2.2 exceed Two Hundred and Fifty Thousand Dollars (\$250,000) in any twelve (12) month period. In any case, OMI's liability for these fines shall not exceed a maximum aggregate of Two Hundred Fifty Thousand Dollars (\$250,000). Neither party shall terminate this Agreement without giving the other party sixty (60) days written notice of intent to terminate after failure of the other party to correct the Breach within thirty (30) days of the notice of breach. Notwithstanding the above, OMI will only be required to give Twin Falls fifteen (15) days written notice of termination for non-payment of OMI's invoice.
- 7.3. Upon notice of termination by Twin Falls, OMI will assist Twin Falls in resuming operation of the Project by:
 - 7.3.1. Turning over all operations and maintenance records to Twin Falls.
 - 7.3.2. Providing Twin Falls option to purchase all onsite computer hardware at their residual value based on original purchase price, amortized over five (5) years at fifteen percent (15%) interest per year. Twin Falls shall have full utilization of software licensed by OMI or CH2M HILL for ninety (90) days after termination in order to negotiate purchase of existing or replacement software. All data and maintenance records are the property of Twin Falls.
 - 7.3.3. Providing, if requested by Twin Falls, thirty (30) days of onsite orientation for Twin Falls personnel by OMI's Project Manager. Twin Falls shall reimburse OMI for said orientation at Project Manager's actual salary times two (2), plus expenses.
 - 7.3.4. OMI will provide Twin Falls at the date of termination the quantities of chemicals shown in Appendix I. Twin Falls will pay OMI for the cost of quantities in excess of the quantities shown in Appendix I. If additional costs are incurred by OMI at request of Twin Falls, Twin Falls will pay OMI such costs in accordance with Article 5.2.

- 7.4. OMI and/or Twin Falls may terminate this Agreement for no cause, giving the other party at least one hundred and twenty (120) days written notice. Such notice will specify the actual date and time of termination. The party choosing to terminate this Agreement will pay the other party one (1) month's fee as a demobilization or remobilization cost in addition to any other compensation for services under this Agreement.
- 7.5. Upon termination of this Agreement for any reason, Twin Falls will have the right to hire any employee working for OMI at the Twin Falls facility, provided the employee desires to terminate his employment with OMI. OMI will cooperate with Twin Falls to enable Twin Falls to resume operations in an organized manner.

8. LABOR DISPUTES: FORCE MAJEURE

- 8.1. In the event activities by Twin Falls employee groups or unions cause a disruption in OMI's ability to perform at the Project, Twin Falls, with OMI's assistance or OMI, at its own option, may seek appropriate injunctive court orders. During any such disruption, OMI shall operate the facilities on a best-efforts basis until any such disruptions cease.
- 8.2. Neither party shall be liable for damages, delays, or failure to perform its obligations under this Agreement if performance is made impractical, abnormally difficult, or abnormally costly, as a result of any unforeseen occurrence, including but not limited to fire, flood, strike, acts of God, or other occurrences, beyond its reasonable control. The party invoking this Force Majeure clause shall notify the other party immediately by verbal communication and in writing of the nature and extent of the contingency within ten (10) working days after its occurrence, and shall take reasonable measures to mitigate any impact of Force Majeure.
- 8.3. In the case of Force Majeure events (including Acts of God), Owners agrees to pay any costs and expenses (including all overtime charges and additional equipment charges) in order to maintain the Wastewater Treatment Plants so that the effluent discharged from the plants meets current permit specifications.

9. CYBER SECURITY

- 9.1. OMI's network is separate from Twin Falls SCADA network. OMI agrees not to connect any devices or breach Twin Falls SCADA network in any way. Twin Falls will be responsible for the cybersecurity of its SCADA network.

- 9.2. OMI shall not be responsible for providing OT cybersecurity for the Twin Falls SCADA network. OMI is responsible for all aspects of their portion of the network.
- 9.3. OMI may elect, to install cyberthreat monitoring technology for their network, in which case OMI shall use reasonable efforts to alert Twin Falls to any threats or vulnerability that OMI becomes aware of. However, despite the installation of any such program or technology, OMI shall not, under the terms of this Agreement, be responsible for the provision of cyber monitoring or security of the Twin Falls SCADA network (including as necessitated by good industry practice or as required by Applicable Law).
- 9.4. Twin Falls may elect to hire OMI or OMI's Affiliate to provide cybersecurity monitoring of Twin Falls SCADA network under a separate agreement.

Both parties indicate their approval of this Agreement by their signatures below.

OPERATIONS MANAGEMENT
INTERNATIONAL, INC.

CITY OF TWIN FALLS

Authorized signature:

Authorized signature:

By: **Greg Fischer**
Digitally signed by Greg Fischer
DN: cn=Greg Fischer, c=US,
o=OMI President, ou=Jacobs,
email=Greg.Fischer2@jacobs.com
Date: 2024.12.09 09:11:54 -07'00'

By: _____

Name: Greg Fischer

Name: _____

Title: President, OMI

Title: _____

Date: 12/09/2024

Date: _____

Appendix A

DEFINITIONS

- A.1 “Adequate Nutrients” means plant influent nitrogen, phosphorus, and iron contents proportional to BOD5 in the ratio of five (5) parts nitrogen, one (1) part phosphorus, and one half (0.5) part iron for each one hundred (100) parts BOD5.
- A.2 “Biologically Toxic Substances” means any substance or combination of substances contained in the plant influent in sufficiently high concentrations so as to interfere with the biological processes necessary for the removal of the organic and chemical constituents of the wastewater required to meet the discharge requirements of the Twin Falls NPDES permit. Biologically toxic substances include but are not limited to heavy metals, phenols, cyanides, pesticides, and herbicides.
- A.3 “Capital Expenditures” means any expenditures for (1) the purchase of new equipment or facility items that cost more than Two Thousand Dollars (\$2,000.00); or (2) major repairs which significantly extends equipment or facility service life and cost more than Two Thousand Dollars (\$2,000.00) or (3) expenditures that are planned, non-routine, and budgeted by Twin Falls.
- A.4 “Cost” means all Direct Cost and Indirect Cost determined on an accrual basis in accordance with generally accepted accounting principles.
- A.5 “Direct Cost” means the actual cost incurred for the direct benefit of the Project including, but not limited to, expenditures for direct labor, employee benefits, chemicals, laboratory supplies, repairs, repair parts, maintenance parts, safety supplies, gasoline, oil, equipment rental, travel, office supplies, other supplies, uniforms, telephone, postage, utilities, tools, memberships, and training supplies.
- A.6 “Electrical Cost” means the average monthly cost of Electrical energy and demand utilizing Idaho Power Company’s Rate Schedules as shown below.

Description	Municipal Facility
Electrical Energy	674,747 kWh
Electrical Demand	1141 kW

Rate Schedule	19 p
Effective Date	XXXXXX

- A.7 “Indirect Cost” means expenditures incurred by OMI for the indirect benefit of the Project.
- A.8 “Maintenance” means the cost of those routine and/or repetitive activities required or recommended by the equipment or facility manufacturer or OMI to maximize the service life of the equipment, sewer, vehicles, and facility.
- A.9 “Project” means all equipment, vehicles, grounds, and facilities described in Appendices B and F and where appropriate, the management, operations, and maintenance of such.
- A.10 “Repairs” means the cost of those non-routine/non-repetitive activities required for operational continuity, safety, and performance generally due to failure or to avert a failure of the equipment, sewer, vehicle, or facility or some component thereof

Appendix B

LOCATION OF PROJECT

B.1 OMI agrees to provide the services necessary for the management, operation, and maintenance of the following:

- a. All equipment, vehicles, grounds, and facilities now existing within the present property boundaries of or being used to operate Twin Falls' Wastewater Treatment Plant located at:

350 Canyon Springs Road West
Twin Falls, Idaho
River Mile 608.5, Snake River

- b. All equipment, grounds, and facilities now existing within the present property boundaries of pump and monitoring stations described as follows:

Rock Creek Lift Station, 212 Morrison, Twin Falls, Idaho
Independent Meat Lift Station: 994 Eastland Dr. South, Twin Falls, Idaho
Canyon Park Lift Station, 2074 Bridgeview Blvd, Idaho
Kimberly Monitoring Station, 3350 E. 3800 N., Kimberly, Idaho

Bosero Lift Station, 1053 Borah Ave. W., Twin Falls, Idaho
Rock Creek Trails Lift Station, 581 Creekside Way, Twin Falls, Idaho
Jayco Lift Station, Corner of Eldridge Ave and N 3200 E., Twin Falls, Idaho

- c. All equipment, grounds, and facilities involved with the Auger Falls water re-use project, located at Sections 19, 29 and 30 of Township 9 South, Range 17 East, B.M. and Sections 23 and 24 of Township 9 South, Range 16 East, B.M.

- d. All equipment, grounds, and facilities now existing within the present property boundaries of the Clif Bar Wastewater Treatment owned by Twin Falls and located at:

3351 Eldridge Avenue, Twin Falls, Idaho

Appendix C

NPDES PERMIT AND PROJECT CHARACTERISTICS

- C.1 OMI will operate the Project so that effluent will meet the requirement of NPDES permit no. ID-002127-0 (copy attached). OMI shall be responsible for meeting the effluent quality requirements of the Twin Falls NPDES permit unless one or more of the following occurs; (1) the Project influent does not contain Adequate Nutrients to support operation of Project biological processes and/or contains Biologically Toxic Substances which cannot be removed by the existing process and facilities; (2) dischargers into Twin Falls sewer system violate any or all regulations as stated in the Water and Sewer Ordinance 2575 and, (3) the flow, influent BOD₅, and/or influent suspended solids exceeds the Project design parameters which are based on a peak month loading rate not to exceed 16 million gallons of flow per day, 52,033 pounds of BOD₅ per day, and 36,024 pounds of suspended solids per day. EXCEPTION: If the influent BOD₅ is less than 52,033 pounds per day then the sum of the influent BOD₅ and influent TSS pounds cannot exceed 88,057 pounds per day. C.1.(l) will not apply if Project records show that a violation was caused by operator error, lack of preventive maintenance and inadequate NPDES monitoring, and/or negligent operation. OMI will notify Twin Falls in a timely manner, if in OMI's judgment the treatment facilities are inadequate to treat projected waste loads. OMI will provide existing data to support OMI's opinion. OMI will be responsible for any fines resulting from effluent quality violations if OMI fails to notify Twin Falls in a timely manner of OMI's opinion that the facility cannot treat projected waste loads.
- C.2 C.2 In the event any one of the Project influent characteristics, as identified in C.1 exceeds the design characteristics stated above, OMI shall return the wastewater facility's effluent to the characteristics required by the NPDES permit in accordance with the following schedule after Project influent characteristics return to within design parameters.

Characteristics Exceeding <u>Design Parameters By</u>	Recovery Period <u>Maximum</u>
10% or Less	5 days
Above 10% Less than 20%	10 days
20% and Above	30 days

Notwithstanding the above schedule if the failure to meet effluent quality limitations is caused by the presence of Biologically Toxic Substances or the lack

of Adequate Nutrients in the influent, then OMI will have a thirty (30) day recovery period after the influent is free from said substances or contains Adequate Nutrients.

C.3 OMI shall not be responsible for fines or legal action as a result of discharge violations within the period that influent exceeds design parameters, does not contain Adequate Nutrients, contains Biologically Toxic Substances, and the subsequent recovery period.

C.4 The estimated costs for service under this Agreement are based upon the following annual average characteristics from 2023 and 2024:

Parameter	Municipal Facility	Measurement
Flow	8.44	MGD
BOD ₅	21,903	lbs/day
TSS	16,646	lbs/day

An increase of 10 percent (10%) or more in any of these characteristics, based upon a 90-day average, will be evaluated to determine cost impact and, if necessary, an adjustment will be made by letter of agreement.

C.5 The industrial dischargers and their respective actual average flows, BOD₅, and TSS loadings during the period August 2023 through July 2024 are identified below.

Industries	Flow, mgd	BOD ₅ , mg/L	TSS, mg/L
Aramark Corporation	0.054	252	191
Chobani, LLC.	1.366	15	47
Mondelez	.0046	3650	2341
Eagle Eye Produce INC.	.0079	223	147
Glanbia Foods, INC.	0.574	585	335
Independent Meat Co.	.106	105	107
City of Kimberly	0.227	264	260
Lamb Weston INC. D1	0.325	677	400

Lamb Weston INC. D3	1.279	203	133
WestRock Company	0.01	773	201

Appendix D

INDUSTRIAL PRETREATMENT PROGRAM

D.1 Industrial Pretreatment Program Scope of Services – OMI Shall:

- D.1.1** Evaluate the Program annually and advise Twin Falls of changes in Federal and State pretreatment standards that may effect the Program.
- D.1.2** Conduct a survey of the industrial user base once every 3 years, and annually update the list of Categorical and Significant Industrial Users (CIU or SIU) according to the definition contained in 40 CFR 403, or the definition contained in the approved Program. A technical evaluation of the need to revise local limits shall be performed at least once during the term of the new NPDES permit when issued. Local limits revision, if necessary, may be provided as an out of scope service.
- D.1.3** Evaluate new industrial dischargers, recommend conditions and/or limitations for the purpose of issuing an industrial waste discharge permit, and assist in the preparation of the approved permit for issuance by Twin Falls. Such permit will be issued within 180 days after the industry has been determined to be a CIU or SIU.
- D.1.4** Perform inspection, sampling, and laboratory testing services at the frequency established in 40 CFR 403, or the approved Program, whichever, is more stringent, for each permitted CIU or SIU to determine compliance with pretreatment standards and the approved Program. Ninety (90) days prior to their expiration date, evaluate and recommend conditions and/or limitations for the purpose of renewing permits for CIUs or SIUs, and assist in the preparation of the approved permit for issuance by Twin Falls.
- D.1.5** Maintain a data management system designed to track the status of the industrial user inventory, discharge characteristics, and compliance in accordance with 40 CFR 403.12(o). Retain all records relating to Program activities for a minimum of three years.
- D.1.6** Review reports submitted by industrial user, and provide information necessary for Twin Falls to issue notices of violation and other enforcement actions according to the approved enforcement response plan for any industry not in compliance with 40 CFR 403 or the approved Program. Enforcement actions by OMI are specifically excluded in this scope of services.

D.1.7 Prepare for Twin Falls signature and submission to the appropriate regulatory agency, an annual report of Program activities.

D.2 Industrial Pretreatment Program Scope of Services – Twin Falls shall:

D.2.1 Issue and receive a completed wastewater discharge survey form prior to the issuance of any commercial or industrial building permit.

D.2.2 Issue and sign all CIU and SIU permits, notices of violations, and administer all appropriate enforcement actions.

D.2.3 Inform OMI of changes to existing business when Twin Falls becomes aware of such changes.

D.2.4 Submit all required reports to the appropriate regulatory agencies.

D.3 Categorical and Significant Industries discharging into the collection system and monitored under Pretreatment Ordinance No. 2575.

<u>SIU/Jurisdiction</u>	<u>Facility Address</u>	<u>Flow</u>	<u>pH</u>	<u>BOD</u>	<u>TSS</u>	<u>FOG</u>
Glanbia, Inc.	236 Washington St. S.	Cont.	1/mo	3/wk	3/wk	3/mo
Lamb Weston	856 Russet	Cont.	1/mo	Daily	Daily	3/mo
Independent Meat Co.	2972 Orchard Dr. E.	Cont.	1/mo	Daily	Daily	3/6 mo
Aramark	403 Main Ave. W.	Cont.	1/mo	4/wk	4/wk	3/mo
WestRock	348 South Park Ave.	Cont.	1/mo	3/wk	3/wk	2/year
Eagle Eye	2570 Eldridge Ave.	Cont	1/mo	3/wk	3/wk	2/year
Chobani	3450 Kimberly rd	Cont	1/wk	Daily	Daily	1/mo
City of Kimberly		Cont	1/mo	7/mo	7/mo	2/year
Mondelez	3148 Eldridge Ave.	Cont.	Cont.	1/mo	1/mo	Flow>12,000 gal

Notes:

NA = not applicable, not required / Specified in permit

Appendix E

DIRECT COST

<u>Item</u>	<u>Month</u>	<u>PTD</u>
Direct Labor	\$ _____	\$ _____
Standby Pay	\$ _____	\$ _____
Overtime	\$ _____	\$ _____
Incentive Bonuses	\$ _____	\$ _____
Benefits	\$ _____	\$ _____
Chemicals	\$ _____	\$ _____
Electric	\$ _____	\$ _____
Postage	\$ _____	\$ _____
Computer Expense	\$ _____	\$ _____
Natural Gas	\$ _____	\$ _____
Auto Lease	\$ _____	\$ _____
Uniforms	\$ _____	\$ _____
Repair Costs	\$ _____	\$ _____
Fuel	\$ _____	\$ _____
Equipment Rental	\$ _____	\$ _____
Outside Services	\$ _____	\$ _____
Books and Publications	\$ _____	\$ _____
Telephone	\$ _____	\$ _____
Vehicle Maintenance	\$ _____	\$ _____
Travel	\$ _____	\$ _____
Auto Mileage	\$ _____	\$ _____
Training	\$ _____	\$ _____
Office Supplies	\$ _____	\$ _____
Maintenance Supplies	\$ _____	\$ _____
Lab Supplies	\$ _____	\$ _____
Tools	\$ _____	\$ _____
Relocation	\$ _____	\$ _____
Miscellaneous	\$ _____	\$ _____
Total Direct Cost	\$ _____	\$ _____

Appendix F
VEHICLE DESCRIPTION

Item	Model	I.D. Number	VIN	Description
2009 John Deere	544K		VIN# DW544KZ625196	Loader
1999 International	Mod# 2674	ID#8609	VIN# 1HTGLAHT9XH210881	Dump Truck
2007 Sterling	Mod# LT9500	ID#8614	VIN# 2FZHAZDE97AY19049	Sludge Truck
2007 International	Mod# 7600	ID#8615	VIN# 1HTWYAHT97J552742	Sludge Truck
1993 Ford	Mod# LA9000	ID#8610	VIN# 1FTYS95L9PVA02413	Dump Truck
2011 Ford	Mod#F-350 4x4	ID#8617	VIN# 1FTRF3B69BEB47030	Service Truck
2003 International	Mod# 4200LP	ID#8616	VIN# 1HTMLAFM63H594773	Boom Truck
2017 Peterbilt	Model# 567		VIN# 1NPCLK0X4HD447134	Sludge Truck
2019 Western Star	W4700SB		VIN# 5KKHAXDV4LPLT8669	Sludge Truck
1997 Hyster	Forklift H80XL	ID# 8613	#G005D10417U	Hyster
2007 John Deere	Gator HPX 4x4		#MOHP4GX052552	Gator
2013 Ford	F-150 XL 4X4	ID# 9626	VIN# 1FTFW1EF7DKF33520	Pick up
2008 Chevy	2500 HD	ID# 7574	VIN# 1GBHK29K08E193458	Service Truck
2001 Ford	F-350 XL	ID# 8183	VIN# 1FDSF34S11EC05881	Service Truck
1993 International	Mod# 4900		VIN# 1HTSDN2RXRH549776	Vac Truck
2023 John Deere	Gator XUV865M		#1M0865MAKPM060026	Gator

Appendix G

BASE FEE ADJUSTMENT FORMULA

$$ABF = BF \times AF$$

Where:

BF = Base Fee specified in Section 4.1

ABF = Adjusted Base Fee

AF = Adjustment Factor as determined by the formula:

$$AF = [((ECI).50) + ((CPI).50)] + 1$$

ECI = The twelve month percent change (from the first quarter of the prior year to the first quarter in the current year) in the Employment Cost Index for Total Compensation for Civilian Workers, Not Seasonally Adjusted as published by U. S. Department of Labor, Bureau of Labor Statistics in the Detailed Report Series ID: CIU1010000000000A.

CPI= The twelve month percent change (from May of the prior year to May of the current year) in the Consumer Price Index for the West Urban, Energy, CUUR0400SA0E.

Appendix H

INSURANCE COVERAGE

OMI shall maintain:

1. Statutory workmen's compensation for all of OMI's employees at the Project as required by the State of Idaho.
2. Comprehensive general liability insurance in an amount not less than One Million Dollars (\$1,000,000) combined single limits for bodily injury and/or property damage.
3. Automobile liability insurance for all vehicles owned by Twin Falls and operated by OMI under this Agreement.

Twin Falls shall maintain:

1. Property damage insurance for all property owned by Twin Falls and operated by OMI under this Agreement. Any property including vehicles not properly or fully insured shall be the financial responsibility of Twin Falls if not due to OMI's negligence.
2. Automobile liability insurance for all Owner owned vehicles including any rented or leased vehicles.

Appendix I

INVENTORY OF CHEMICALS

Ferric Chloride	20,000 gallons
Polymer	28,000 lbs.

October 1, 2024, The City of Twin Falls and Jacobs started a new 10-year contract for operation and maintenance at the Twin Falls Wastewater Treatment Plant. To celebrate this agreement, Jacobs is excited to announce that we will be funding the first \$35,000 towards our planned Micro Aeration project. It is our goal to continuously pursue the most optimized operation of the treatment plant along with the lowest detrimental impacts to the environment. This project has the potential to achieve both goals by replacing or reducing the chemical used to control Hydrogen Sulfide in the digester biogas. This chemical is a hazardous chemical that we are trying to eliminate from our process. The budget for this chemical is currently more than \$125,000 a year.

The items that we will be funding are specified below-

- Biogas analyzer purchase and installation
- Electrical work for analyzer
- Airline parts and controls
- Engineering of the project installation and startup

We look forward to our continued partnership and participation in future projects to benefit the citizens of Twin Falls and the environment.

Dan Black

Jacobs Project Manager

Twin Falls WWTP

A handwritten signature in black ink, appearing to read 'Dan Black', with a long horizontal flourish extending to the right.



Date: Monday, December 16, 2024
To: Honorable Mayor and City Council
From: William Klaver, Senior Planner

ACTION ITEM

Request:

Request to authorize a new City of Twin Falls owned and operated sewer odor mitigation facility on property located at 879 Federation Rd. c/o City of Twin Falls (PZ24-0126)

Time Estimate:

Approximately 5-10 minutes for the presentation with questions/comments to follow.

Background:

The City of Twin Falls request a new use for City of Twin Falls owned and operated sewer odor mitigation facility located approximately at 879 Federation Rd.

Approval Process:

Per Twin Falls Municipal Code 10-7-9 (B), Permitted Uses: All uses on real property owned and/or operated by the city of Twin Falls are permitted uses.

Per Twin Falls Municipal Code 10-7-9 (C), Approval Of New Uses By City Council: Any proposed new use to be established on real property owned and/or operated by the city of Twin Falls, not already permitted by other provisions of this zoning ordinance or already approved as required utility improvements in new developments, must be approved by the city council after a public hearing at which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this chapter.

Budget Impact:

N/A

Regulatory Impact:

Should the Council approve this request, the use of a sewer odor mitigation structure and equipment will be permitted.

History:

The subject property was annexed into the City of Twin Falls in 2006. Findings of Fact show the property was zoned R-2 for the area of impact and the Council reaffirmed the R-2 zoning designation at this time. The zoning has not been changed since.

The property is located in the Grandview Estates Subdivision, which was recorded in August 2013. The subdivision documents classified this piece of land as "Tract A" and required it to be "deeded to the City of Twin Falls and reserved for drainage, retention, park, bike path, utilities, and irrigation and shall be maintained by the City of Twin Falls."

A temporary odor mitigation machine went through various locations throughout the city in the Summer

of 2024 to see what would be most effective. Public Works has concluded this general area would be the most appropriate for a permanent location.

Analysis:

The facility is proposed to be located on the Northwest portion of Tract A. This location balances the distance from the residential properties and school property, mitigating the most impactful effects on the surrounding properties. Hours of operation would be 24 hrs per day and seasonally operated, generally occurring in spring, summer, and fall. Occasionally, city workers will visit the site for minimal maintenance activities.

Staff does not foresee overtly detrimental impacts with the proposed new use. Anticipated minimal impacts to the surrounding neighborhood are as follows:

1. Noise - System includes a fan with a motor that will create noise. This will be mitigated by locating the structure and equipment as far from residential homes as possible, and designing the site to utilize a fan shroud and site fencing.
2. Fumes and vibration on adjoining property - This should be minimal to non-existent due to the distance from houses.

Conclusion:

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.

The Council may approve the request as presented, approve with conditions, deny the request, or table the item for further information.

Attachments:

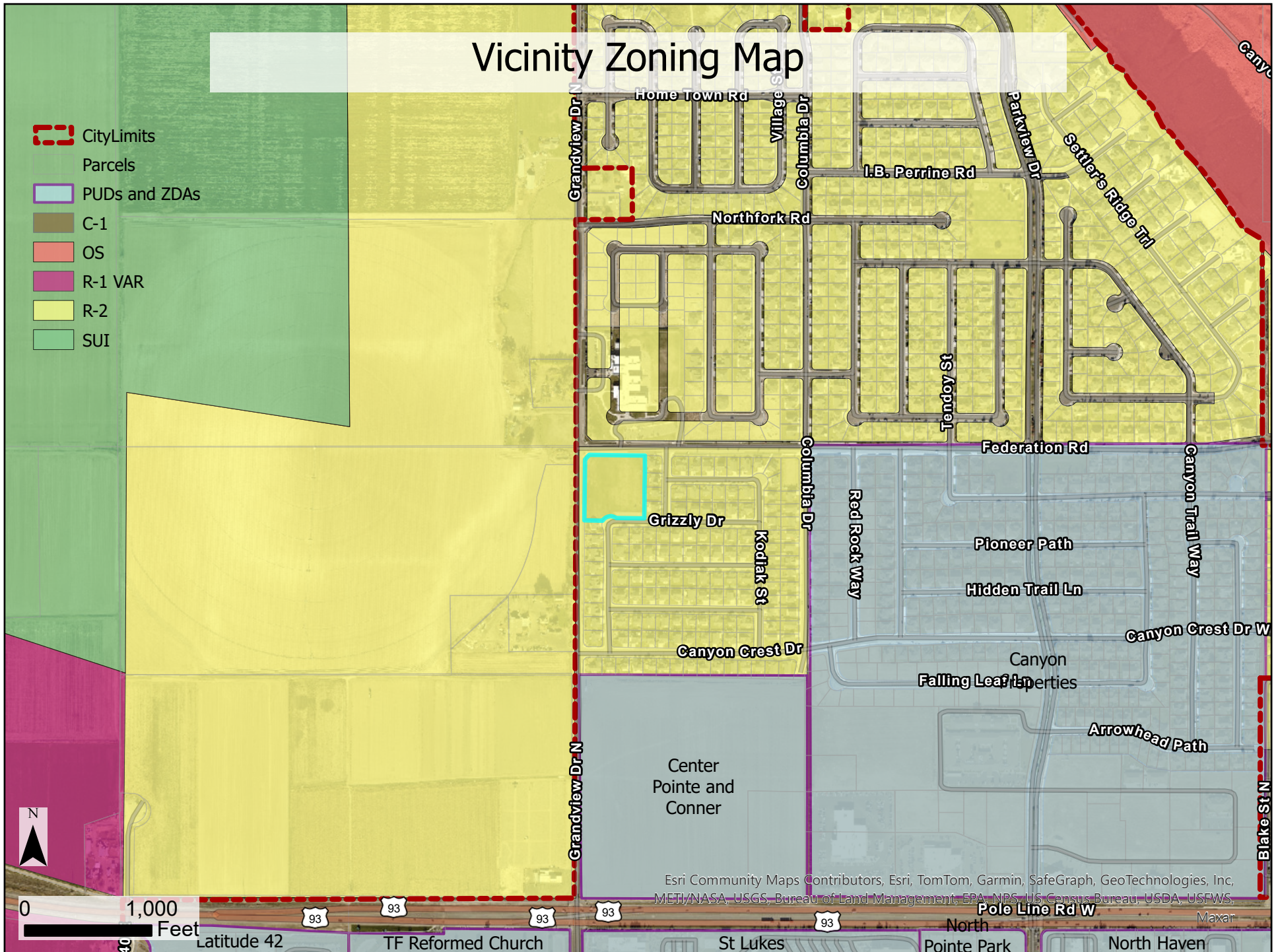
1. PZ24-0126 Vicinity Map
2. PZ24-0126 Vicinity Zoning Map
3. PZ24-0126 Presentation Map
4. PZ24-0126 Google Street View
5. PZ24-0126 Aerial Map
6. PZ24-0126 Applicant Exhibits
7. PZ24-0126 Applicant Narrative

Aerial Map



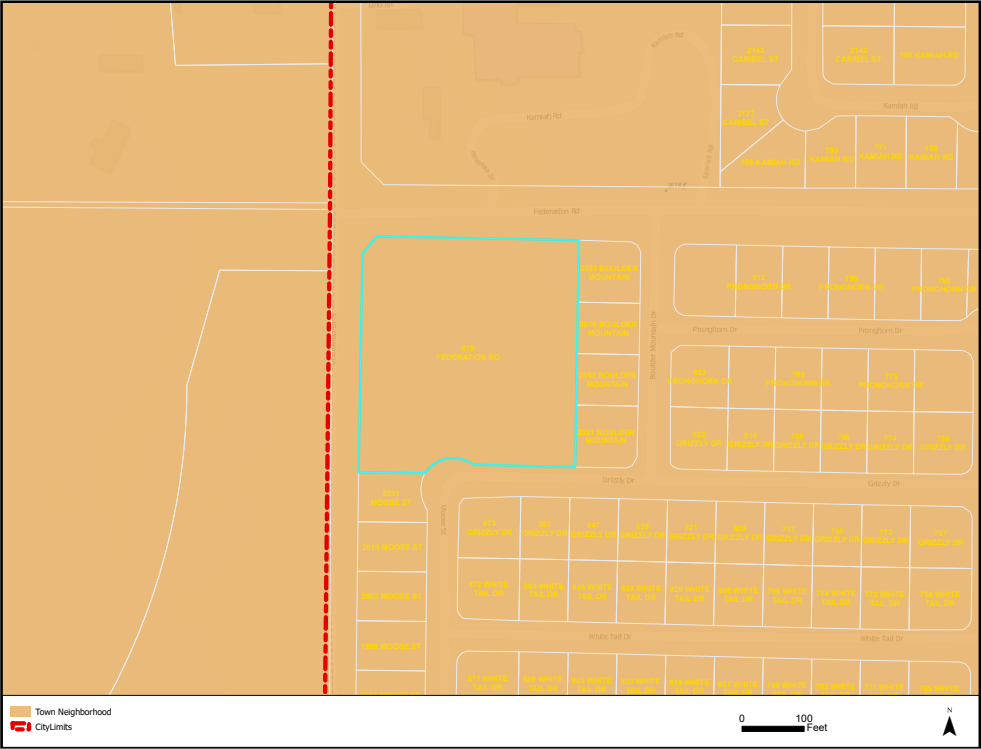
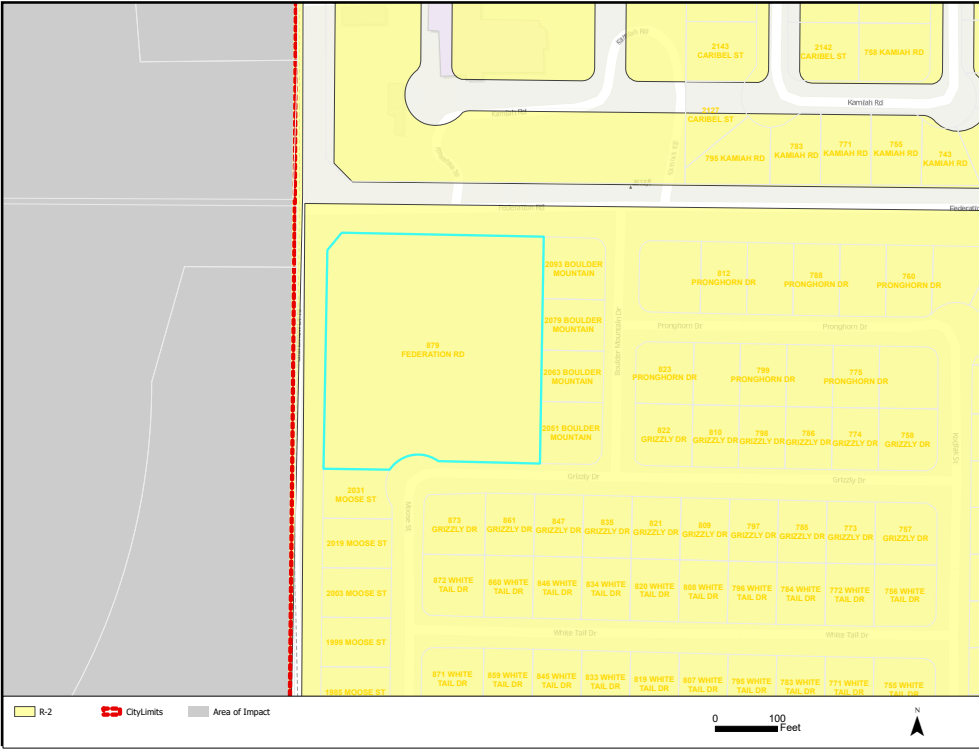
Vicinity Zoning Map

- CityLimits
- Parcels
- PUDs and ZDAs
- C-1
- OS
- R-1 VAR
- R-2
- SUI



ZONING MAP

FUTURE LAND USE MAP



Zoning

Current Zoning:	R-2
Current Land Use:	Storm Water Retention Pond
Proposed Zoning:	R-2
Proposed Land Use:	Sewer Odor Mitigation

Surrounding Area

North:	Educational (R-2)
South:	Residential (R-2)
East:	Residential (R-2)
West:	Undeveloped (County)

Regulations

Twin Falls Municipal Code Section(s) 10-7-19

Future Land Use Category

Town Neighborhood: Primarily residential in character with a desired land use mixture of single family, duplex, triplex, parks and recreation facilities, schools, and civic facilities.



Figure 1: Looking East



Figure 2: Looking Southeast

Aerial Map

Rock Creek Elementary

Willowa Rd

Travelers

Caribel St

Coolwater St

Lolo Rd

Cayuse St

Nisqually St

Tendoy St

Lochsa Rd

Federation Rd

Columbia Dr

Red Rock Way

Prospector Way

Grizzly Dr

White Tail Dr

Bighorn Dr

Canyon Crest Dr

Grandview Dr N

Moose St

Kodlak St

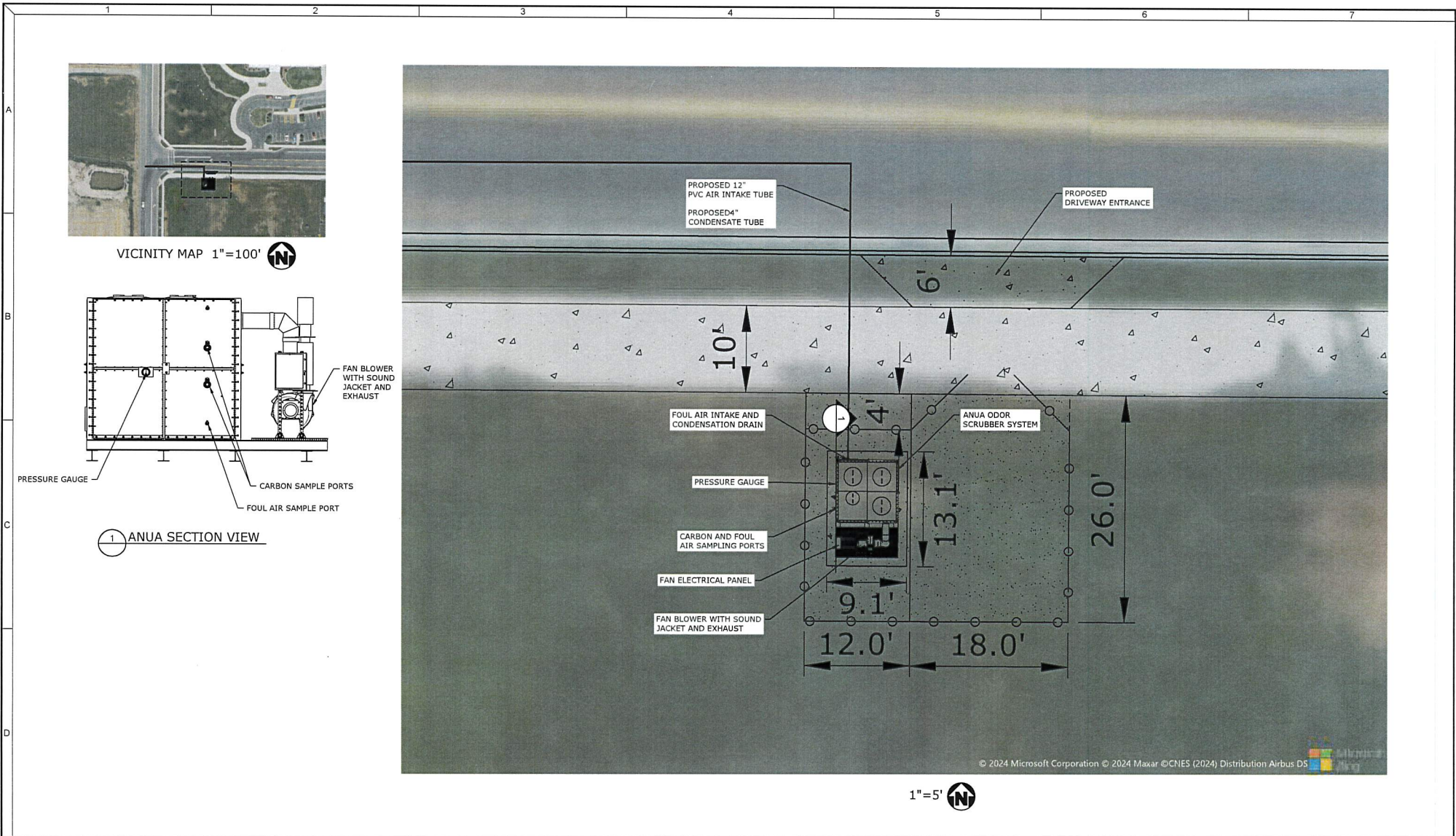
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Maxar, Microsoft, Esri, Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS

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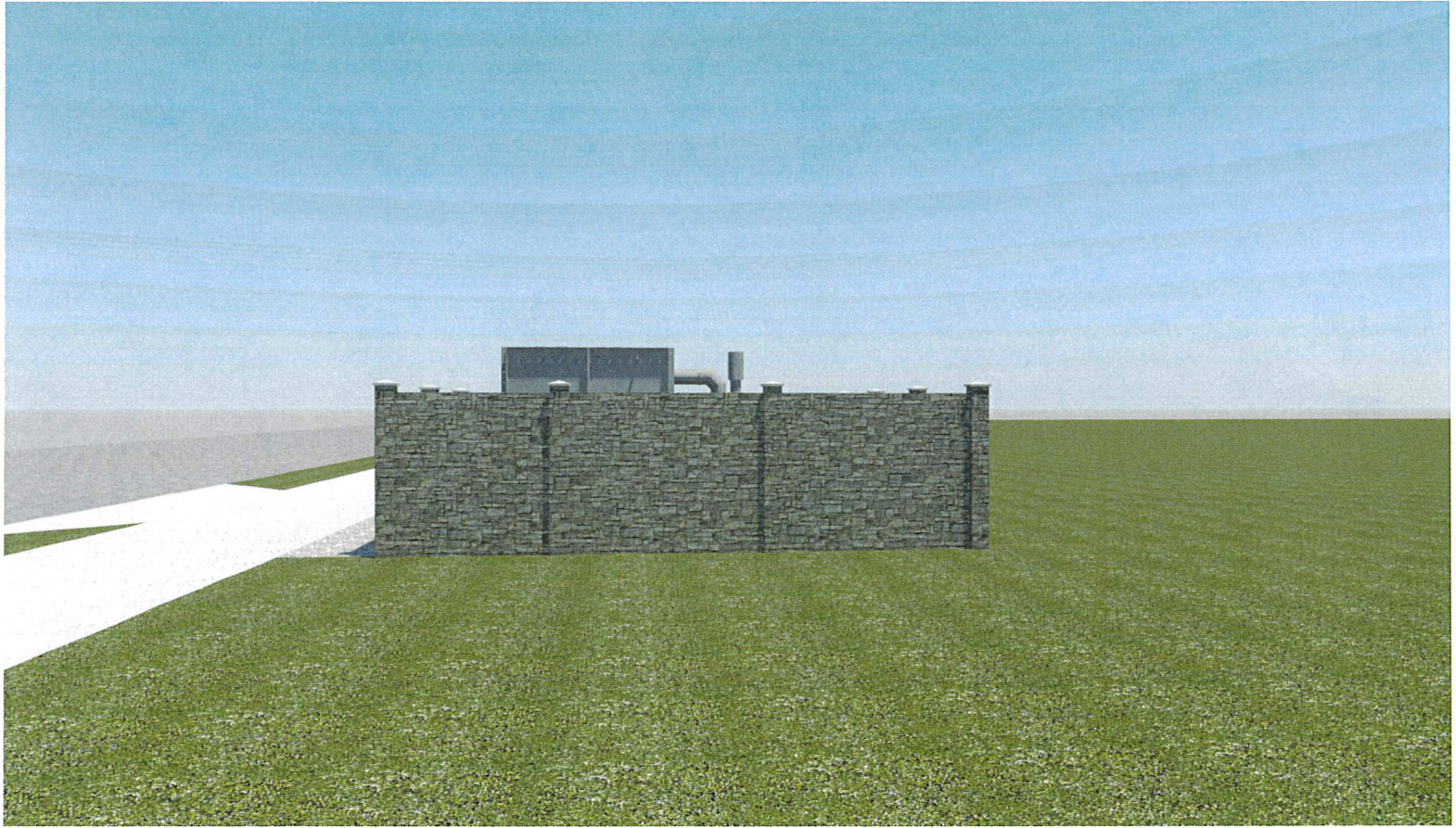


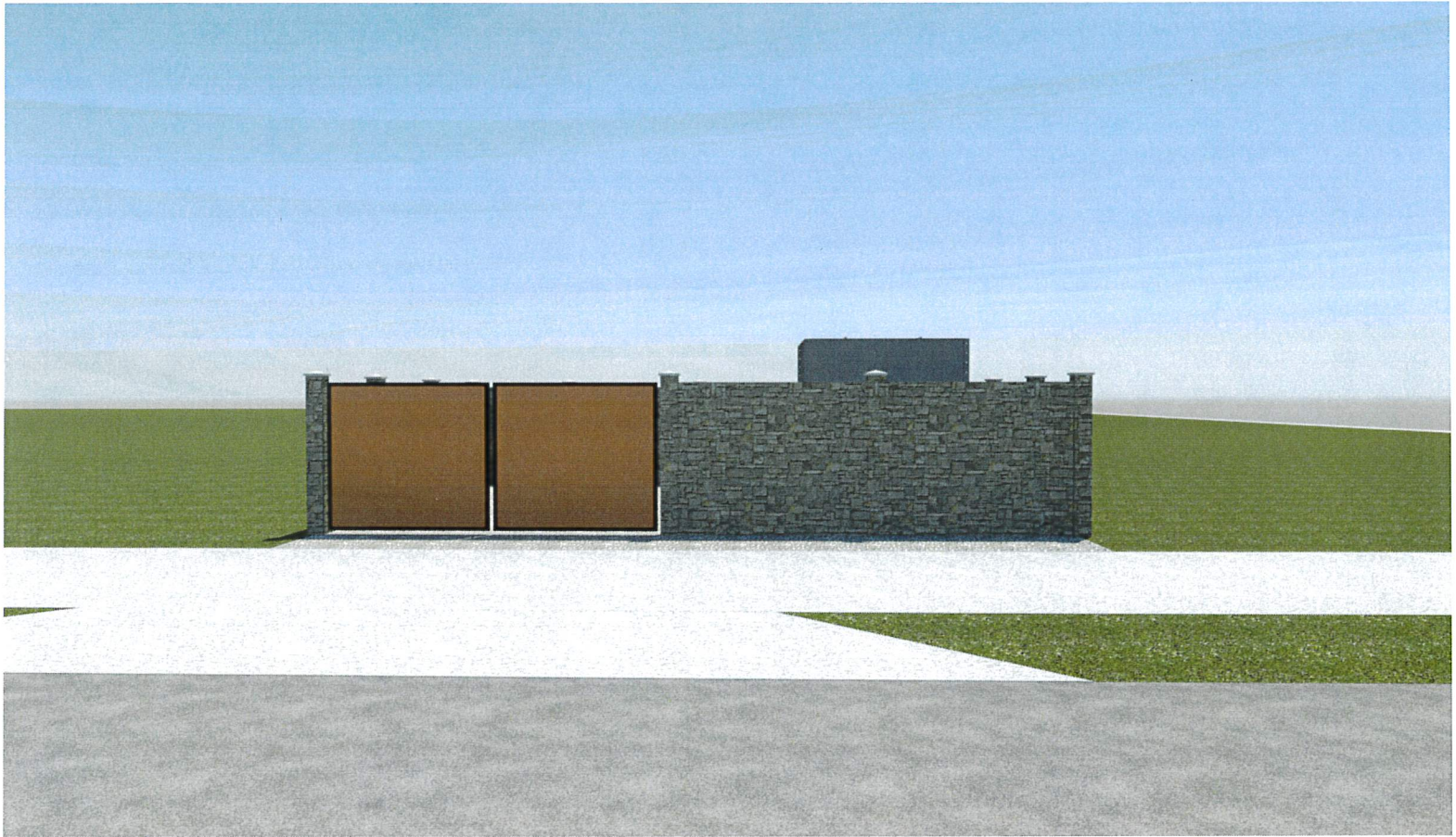
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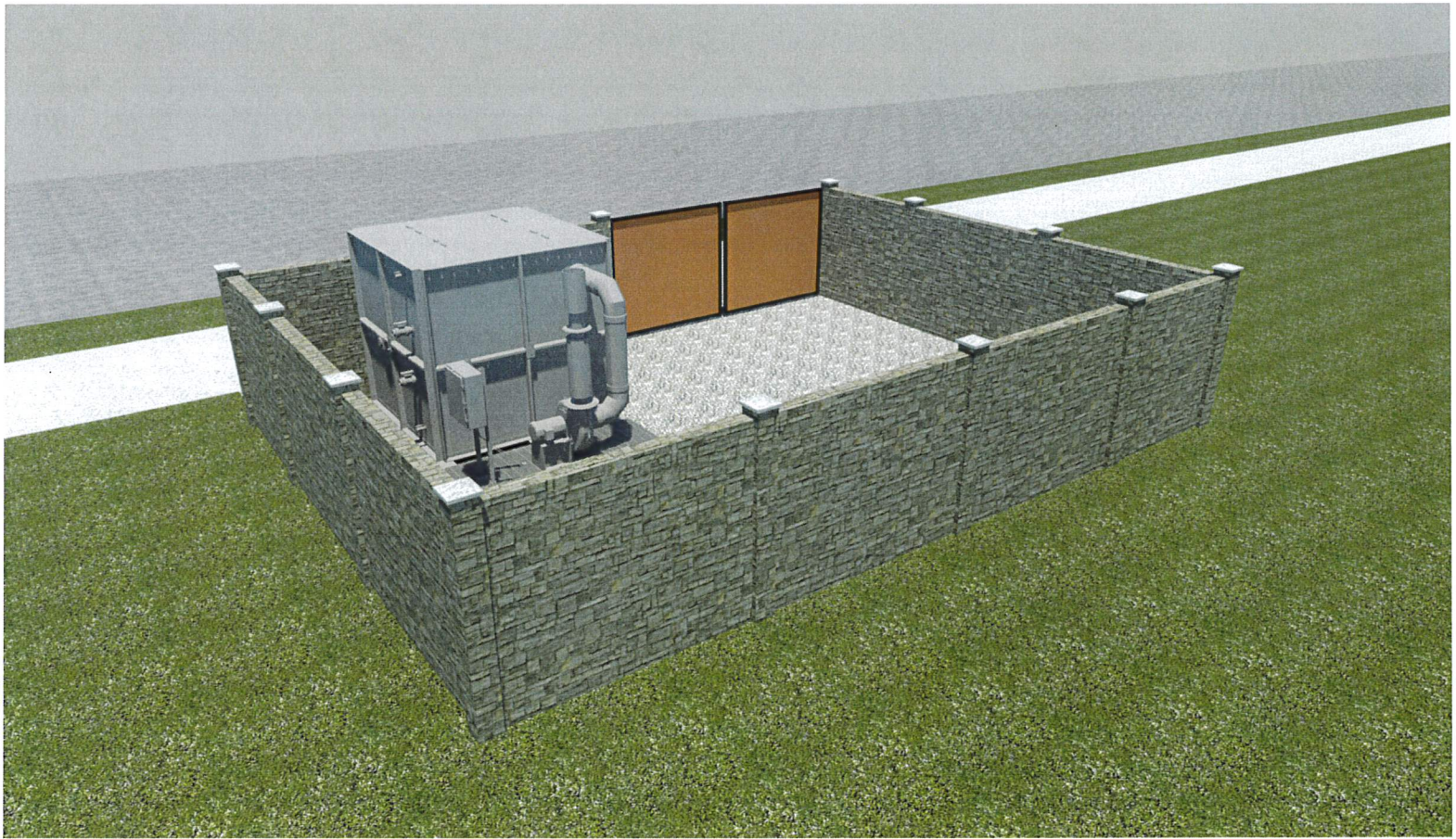


Consultant  This document, ideas, and designs incorporated herein, are an instrument of professional service, and is not to be used, in whole or in part, for any other project without the written authorization of CONSOR.	Sub Consultant	PRELIMINARY SUBMITTAL	Engineer's Seal PRELIMINARY NOT FOR CONSTRUCTION	Client / Owner	Project Title CITY OF TWIN FALLS	Designed By Drawn By Checked By Approved By	Conser Project No. PROJ# Issued On ISSUEDDATE Sheet 1 IF BAR DOES NOT MEASURE 1" DRAWING IS NOT TO SCALE
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CITY OF TWIN FALLS
Public Works Department
119 South Park Avenue West
Twin Falls, ID 83301



October 24, 2024

City of Twin Falls
Community Development Services
PO Box 1907
Twin Falls, ID 83303

RE: Special Use Permit Application Part C.3

To whom it may concern:

The following information is supporting documentation for the proposed Special Use Permit Application for an odor scrubber located at 879 Federation Road.

- a. **The reason for the request** – The City wastewater collection systems operations staff have proposed an odor control scrubber to help alleviate odorous sewer gasses from traveling out of the sewer and causing sewer odor complaints. The odor control scrubber system will utilize granular activated carbon to treat the sewer gas before cleaned air is released into the atmosphere.
- b. **An explanation of the project, including:**
 - I. **Hours of operation** – 24 hours per day and seasonally operated, generally occurring in spring, summer, and fall.
 - II. **Traffic anticipated** – Access to the site for operations staff on an infrequent basis, with a maximum of weekly basis.
 - III. **Number of employees, etc.** – No employees will routinely work at the site. City operations staff will access the site intermittently for short periods of time.
- c. **An evaluation of the effects on adjoining property, including the effect of such elements as:**
 - I. **Noise** – The system includes a fan with a motor that will create noise. Noise will be abated with a fan shroud and site fence to reduce noise.
 - II. **Glare** - None
 - III. **Odor** – The system should not produce odors.
 - IV. **Fumes and vibration on adjoining property** – The fumes and vibration to adjoining property will be minimal to non-existent.
 - V. **A discussion of the general compatibility with adjacent and other properties in the district** – The current site is a stormwater retention pond with a parklike appearance. The majority of the park will remain in its current state.

If there are further questions, please feel free to contact me.

Respectfully submitted,

Nathan Erickson
Environmental Manager
City of Twin Falls
(208) 735-7272
nerickson@tfid.org



Date: Monday, December 16, 2024
To: Honorable Mayor and City Council
From: Shawn Barigar, URA Executive Director

ACTION ITEM

Request:

A public hearing on the Urban Renewal Agency Plan for the Southwest Urban Renewal Project and consideration of adoption of Ordinance No. O-2024-021.

Time Estimate:

The estimated amount of time this item will take is 10 minutes plus time to answer questions.

Background:

In June 2024, the Urban Renewal Agency of the City of Twin Falls authorized Kushlan Associates to perform an Eligibility Report within the vicinity of Washington Street South, Orchard Drive West, Grandview Drive South, and South Park Avenue West in the Southwest area of the City. The Study Area encompasses 15 individual property parcels totaling approximately 352 acres. The area provides an opportunity for future commercial and industrial development supported by eligible public improvements initiated by the Urban Renewal Agency, should the new area be established. The Study Area included 2 parcels within unincorporated Twin Falls County; however, both of those parcels have since completed annexation to the City and are included in the final proposed plan.

The Eligibility Report found the area is suitable for an urban renewal project in accordance with Idaho Code. The subsequent Economic Feasibility Study for the area shows that anticipated future development within the area would support the estimated cost of improvements needed to develop properties within the area. Based upon Kushlan Associates review of the data and the conditions that exist within the Study Area, the Southwest area is eligible for the establishment of an urban renewal plan and revenue allocation area. The City Council adopted Resolution No. R-2024-008 on August 26, 2024, accepting the Eligibility Report.

Establishment of a new area follows specific steps in Idaho Code including drafting of the plan itself, receipt of agriculture consents from property owners within the proposed area whose properties are agricultural operations, review by the Planning and Zoning Commission for concurrence with the comprehensive plan, formal adoption of the plan by the Agency board, communication with overlapping taxing districts, and ultimately formal adoption of an ordinance by the City Council following a noticed public hearing. These steps have been completed and are outlined in the ordinance.

The purpose of the item tonight is to hold a public hearing on the creation of a new Revenue Allocation Area on the property referenced above. The City Council is also asked to consider adopting the Ordinance, creating the new Southwest Urban Renewal Area.

If the ordinance is adopted, the new area will assist in funding eligible public improvements such as streets, storm water management facilities, water and sewer systems, pedestrian and bicycle facilities, irrigation system modifications, rail spur relocation, and electrical and gas improvements.

The City Council may elect to adopt the Ordinance after a Public Hearing. In order to do so, the City

Council must make an additional motion, which must have an affirmative vote of one-half (1/2) plus one (1) of the members of the full City Council to dispense with the rule requiring two (2) separate readings by title and one (1) reading in full.

Approval Process:

A majority vote of the City Council.

Budget Impact:

The adoption of the ordinance does not have a direct impact on the City's current or future budgets. After the Area sunsets, the City and all other taxing entities will be able to claim the increment value and new construction, unless current governing sections of the Idaho Code are amended or modified.

Regulatory Impact:

The Southwest Urban Renewal Project Plan includes the requirements set forth in Idaho Code Section 50-2905.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the City Council hold the required public reading on the plan. Following the hearing, staff also recommends that the City Council dispense with the reading rules and place Ordinance No. O-2024-021 on third and final reading by title only. Finally, staff recommends the City Council adopt the Ordinance to approve the Urban Renewal Plan for the Southwest Urban Renewal Project, which includes revenue allocation financing provisions.

Attachments:

1. Ordinance O-2024-021_City

ORDINANCE NO. O-2024-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE SOUTHWEST URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS AND THE AFFECTED TAXING ENTITIES; PROVIDING SEVERABILITY, CODIFICATION, AND PUBLICATION BY SUMMARY; PROVIDING FOR WAIVER OF THE READING RULES; 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 the 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 #4-3 (the “RAA #4-3 Plan”) to redevelop a portion of the City within the boundaries of the Area #4 Plan, 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 Area #4 Plan, 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 Orchard Drive East Urban Renewal Project (the “Orchard Drive East Plan”) pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2022-024 on November 14, 2022, approving the Orchard Drive East Plan and making certain findings, including establishing the Orchard Drive East revenue allocation area (“Orchard Drive East Revenue Allocation Area”);

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the Old Towne-2 Urban Renewal Project (the “Old Towne-2 Plan”) pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. O-2023-014 on November 27, 2023, approving the Old Towne-2 Plan and making certain findings, including establishing the Old Towne-2 revenue allocation area (“Old Towne-2 Revenue Allocation Area”);

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, 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 a combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, an urban renewal plan shall (a) conform to the general plan for the municipality as a whole, except as provided in Section 50-2008(g), Idaho Code; and (b) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions;

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, or a combination thereof;

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 2024, the Agency authorized Kushlan Associates, to commence an eligibility study and preparation of an eligibility report of an area approximately 352.75 acres in

size (excluding rights-of-way) and which is generally located west of Washington Street South and south of Diamond Avenue West. A portion of the area reviewed includes the area from the recently terminated Washington Street South revenue allocation area. Additionally, at the time of review, two (2) parcels were located within unincorporated Twin Falls County. The eligibility study area is commonly referred to as the Southwest area (the “Study Area”);

WHEREAS, voluntary annexation of the two (2) parcels within the Study Area located outside the City limits and within unincorporated Twin Falls County was completed;

WHEREAS, the Agency obtained the Southwest Revenue Allocation Area Eligibility Report, dated August 19, 2024 (the “Report”), 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, 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. age or obsolescence;
- b. predominance of defective or inadequate street layout;
- c. faulty lot layout in relation to size, adequacy, accessibility, or usefulness; obsolete platting;
- d. insanitary or unsafe conditions;
- e. diversity of ownership;
- f. substantially impairs or arrests the sound growth of a municipality; and
- g. results in economic underdevelopment of the area;

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, the Agency, on August 19, 2024, adopted Resolution No. 2024-06 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, the City Council, by Resolution No. R-2024-008, dated August 26, 2024, declared the Study Area described in the Report to be a deteriorated area or a deteriorating area, or a combination thereof, as defined by Chapters 20 and 29 of Title 50, Idaho Code, as amended, that such Study Area is appropriate for an urban renewal project and directed the Agency to commence preparation of an urban renewal plan for the area designated;

WHEREAS, under the Law and the Act, Idaho Code Sections 50-2903(8)(f) and 50-2018 (8) and (9), the definition of a deteriorated area and a deteriorating area shall not apply to any agricultural operation as defined in Idaho Code Section 22-4502(2), 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;

WHEREAS, in order to implement the provisions of the Act and the Law either Agency may prepare a plan, or any person, public or private, may submit such plan to Agency;

WHEREAS, the Agency embarked on the planning of an urban renewal project to develop and/or redevelop a portion of the City pursuant to the Law and the Act, as amended;

WHEREAS, pursuant to the Law and Act, as amended, the Agency and its consultants prepared the Urban Renewal Plan for the Southwest Urban Renewal Project (the "Southwest Plan"), as set forth in Exhibit 3 attached hereto, and the corresponding urban renewal/revenue allocation area referred to as the Southwest project area (the "Southwest Project Area," the "Project Area," or "Revenue Allocation Area"), to develop and/or redevelop a portion of the City, pursuant to the Law and the Act, as amended;

WHEREAS, the Southwest Project Area is shown on the "Boundary Map of Urban Renewal Project Area and Revenue Allocation Area" and described in the "Legal Description of Urban Renewal Project Area and Revenue Allocation Area," which are attached to the Southwest Plan as Attachments 1 and 2 respectively;

WHEREAS, the Act authorizes the Agency to adopt revenue allocation financing provisions as part of an urban renewal plan;

WHEREAS, the Southwest Plan contains revenue allocation financing provisions as allowed by the Act;

WHEREAS, the Agency reviewed and considered the proposed public improvements within the Southwest Plan at several meetings during 2024;

WHEREAS, as required by the Law and the Act, the Agency reviewed the information within the Southwest Plan concerning the use of revenue allocation funds and considered the Southwest Plan at its meeting on October 14, 2024;

WHEREAS, on October 14, 2024, the Agency Board passed Resolution No. 2024-08 proposing and recommending the approval of the Southwest Plan, and directing Agency staff to finalize certain Attachments to the Southwest Plan and to make other ministerial and technical revisions to the Southwest Plan;

WHEREAS, the Agency submitted the Southwest Plan to the Mayor and City Council;

WHEREAS, the Mayor and City Clerk have taken the necessary action in good faith to process the Southwest Plan consistent with the requirements set forth in Idaho Code Sections 50-2906 and 50-2008;

WHEREAS, pursuant to the Law, at a meeting held on November 19, 2024, the Twin Falls Planning and Zoning Commission considered the Southwest Plan and found by Resolution No. R-2024-010 that the Southwest Plan is in all respects in conformity with the City of Twin Falls Comprehensive Plan, as may be amended (the "Comprehensive Plan") and forwarded its findings to the City Council, a copy of which is attached hereto as Exhibit 1;

WHEREAS, the notice of public hearing of the Southwest Plan was caused to be published by the Twin Falls City Clerk in the *Times-News* on November 7 and 21, 2024, a copy of said notice is attached hereto as Exhibit 2;

WHEREAS, as of November 4, 2024, the Southwest Plan was submitted to the affected taxing entities, made available to the public, and is under consideration by the City Council;

WHEREAS, the City Council during its regular meeting of December 16, 2024, held such public hearing on the Southwest Plan as noticed;

WHEREAS, as required by Idaho Code Sections 50-2905 and 50-2906, the Southwest Plan contains the following information with specificity which was made available to the general public and all affected taxing districts prior to the public hearing on December 16, 2024, the regular meeting of the City Council, at least thirty (30) days but no more than sixty (60) days prior to the date set forth final reading of the Ordinance: (1) a statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality; (2) the kind, number, and location of all proposed public works or improvements within the revenue allocation area; (3) an economic feasibility study; (4) a detailed list of estimated project costs; (5) a fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds, notes and/or other obligations are repaid, upon all taxing districts levying taxes upon property in the revenue allocation area; (6) a description of the methods of financing all estimated project costs and the time when related costs or monetary

obligations are to be incurred; (7) a termination date for the plan and the revenue allocation area as provided for in Section 50-2903(20), Idaho Code. In determining the termination date, the plan shall recognize that the agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the urban renewal plan; and (8) a description of the disposition or retention of any assets of the agency upon the termination date. Provided however, nothing herein shall prevent the agency from retaining assets or revenues generated from such assets as long as the agency shall have resources other than revenue allocation funds to operate and manage such assets;

WHEREAS, the Southwest Plan authorizes certain projects to be financed by owner/developer participation agreements and proceeds from revenue allocation. Revenue allocation bonds or loans are permissible;

WHEREAS, appropriate notice of the Southwest Plan and revenue allocation provision contained therein has been given to the affected taxing districts and to the public as required by Idaho Code Sections 50-2008 and 50-2906;

WHEREAS, it is necessary and in the best interest of the citizens of the City, to adopt the Southwest Plan and to adopt, as part of the Southwest Plan, revenue allocation financing provisions that will help finance urban renewal projects to be completed in accordance with the Southwest Plan, in order to: encourage private development in the urban renewal area; prevent and arrest decay of the City due to the inability of existing financing methods to provide needed public improvements; encourage taxing districts to cooperate in the allocation of future tax revenues arising in the Southwest Project Area in order to facilitate the long-term growth of their common tax base; encourage private investment within the City; and to further the public purposes of the Agency;

WHEREAS, the City Council finds that the equalized assessed valuation of the taxable property in the revenue allocation area as shown and described in Attachments 1 and 2 of the Southwest Plan is likely to increase, and continue to increase, as a result of initiation and continuation of urban renewal projects in accordance with the Southwest Plan;

WHEREAS, under the Law and Act any such plan should provide for (1) a feasible method for the location of families who will be displaced from the urban renewal area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan should conform to the general plan of the municipality as a whole; (3) the urban renewal plan should give due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of the children residing in the general vicinity of the site covered by the plan; and (4) the urban renewal plan should 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;

WHEREAS, 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 the Law, 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;

WHEREAS, the boundaries of the Southwest Project Area overlap the boundaries of the Twin Falls Highway District; however, the City has responsibility for the maintenance of roads or highways within the City limits, and therefore, the allocation of taxes shall be governed by Idaho Code Sections 50-2908(2)(a)(ii), (b) for the Southwest Project Area;

WHEREAS, the Agency obtained written consent concerning certain property owners within the Southwest Project Area, which may have been deemed an agricultural operation, as stated above. A true and correct copy of the agricultural operation consents are included as Attachment 6 to the Southwest Plan;

WHEREAS, the base assessment roll of the Southwest Project Area, together with the base assessment roll values of the Existing Project Areas, cannot exceed ten percent (10%) of the current assessed values of all the taxable property in the City;

WHEREAS, it is necessary, and in the best interests of the citizens of the City to adopt the Southwest Plan;

WHEREAS, the City Council at its regular meeting held on December 16, 2024, considered the Southwest Plan as proposed and made certain comprehensive findings.

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

SECTION 1: It is hereby found and determined that:

- (a) The Southwest Project Area as defined in the Southwest Plan is a deteriorated area or a deteriorating area as defined in the Law and the Act and qualifies as an eligible urban renewal area under the Law and Act.

- (b) The rehabilitation, conservation, development and redevelopment of the urban renewal area pursuant to the Southwest Plan are necessary in the interests of public health, safety, and welfare of the residents of the City.
- (c) There continues to be a need for the Agency to function in the City.
- (d) The Southwest Plan conforms to the City of Twin Falls Comprehensive Plan as a whole.
- (e) The Southwest Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement, recognizing the commercial and industrial components of the Southwest Plan and the need for public improvements to support the goals of the intended uses in the Southwest Project Area and shows consideration for the health, safety, and welfare of any children, residents, or businesses in the general vicinity of the urban renewal area covered by the Southwest Plan.
- (f) The Southwest Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation, development and redevelopment of the urban renewal area by private enterprises.
- (g) Pursuant to Idaho Code Sections 50-2007(h) and 50-2008(d)(l), the Southwest Plan provides a feasible method for relocation obligations of any displaced families residing within the Southwest Project Area and there is not anticipated to be any activity by the Agency that would result in relocation.
- (h) The collective base assessment rolls for the revenue allocation areas under the Existing Project Areas and the Southwest Project Area, do not exceed ten percent (10%) of the assessed values of all the taxable property in the City.
- (i) The Southwest Plan includes the requirements set forth in Idaho Code Section 50-2905 with specificity.
- (j) The Southwest Plan is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes (if any), land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.
- (k) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code Section 50-2018(9) and Idaho Code Section 50-2903(8)(f), does include agricultural operations for which the Agency has received written consent, or which have not been used for agricultural purposes for three (3) consecutive years.

- (l) The portion of the Southwest Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

SECTION 2: The City Council finds that the Southwest Project Area includes open land, that the Agency may acquire any open land within the Southwest Project Area, and that the Southwest Project Area is planned to be developed and/or redeveloped in a manner that will include primarily non-residential uses. Provided, however, the City Council finds that for the portions of the Southwest Project Area deemed to be "open land," the criteria set forth in the Law and Act have been met.

SECTION 3: The City Council finds that the portion of the Southwest Project Area which is identified for nonresidential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of City's Comprehensive Plan, to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

SECTION 4: The Southwest Plan, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachment, be, and the same hereby is, approved. As directed by the City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the December 16, 2024, hearing and incorporate changes or modifications, if any.

SECTION 5: The boundaries of the Southwest Project Area overlap the boundaries of the Twin Falls Highway District; however, the City has, or will have, the responsibility for the maintenance of roads and highways in and around the Southwest Project Area. Therefore, pursuant to Idaho Code Section 50-2908(2)(a)(iv) the revenues from the Twin Falls Highway District levies will be allocated to the Agency without the need of a further agreement.

SECTION 6: No direct or collateral action challenging the Southwest Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the Southwest Plan.

SECTION 7: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Twin Falls County Assessor, and to the appropriate officials of Twin Falls County Board of County Commissioners, Twin Falls School District No. 411, Twin Falls Ambulance, City of Twin Falls, Twin Falls Highway District, College of Southern Idaho, Twin Falls County Pest Abatement District, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map indicating the boundaries of the Southwest Project Area.

SECTION 8: The City Council hereby finds and declares that the equalized assessed valuation of the Revenue Allocation Area as defined in the Southwest Plan, is likely to

increase as a result of the initiation and completion of urban renewal projects pursuant to the Southwest Plan.

SECTION 9: The City Council hereby approves and adopts the following statement policy relating to the appointment of City Council members as members of the Agency's Board of Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but, rather, as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the Southwest Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 10: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not exercise its power under Idaho Code Section 50-2006 to designate itself as the Agency Board.

SECTION 11: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2024, to the extent permitted by the Act.

SECTION 12: The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such determination shall not affect the validity of remaining portions of this Ordinance.

SECTION 13: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

SECTION 14: All ordinances, resolutions, orders, or parts thereof in conflict herewith are hereby repealed, rescinded, and annulled.

SECTION 15: Savings Clause. This Ordinance does not affect an action or proceeding commenced or right accrued before this Ordinance takes effect.

SECTION 16: That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the Members of the full City Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with, and accordingly, this Ordinance shall be in full force and effect upon its passage, approval and publication.

PASSED by the City Council of the City of Twin Falls, Idaho, this ____ day of December 2024.

APPROVED by the Mayor of the City of Twin Falls, Idaho, this ____ day of December 2024.

APPROVED:

ATTEST:

Ruth Pierce, Mayor

City Clerk

4938-2649-3444, v. 1-L

Exhibit 1

A Resolution of the Planning and Zoning Commission for the City of Twin Falls, Idaho,
Validating Conformity of the Urban Renewal Plan for the Southwest Urban Renewal Project
with the City of Twin Falls' Comprehensive Plan (Resolution No. R-2024-010)

RESOLUTION NO. R-2024-010

**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION
FOR THE CITY OF TWIN FALLS, IDAHO, VALIDATING
CONFORMITY OF THE URBAN RENEWAL PLAN FOR THE
SOUTHWEST URBAN RENEWAL PROJECT
WITH THE CITY OF TWIN FALLS' COMPREHENSIVE PLAN**

WHEREAS, the Urban Renewal Agency of the City of Twin Falls, Idaho (hereinafter "Agency"), the duly constituted and authorized urban renewal agency of the City of Twin Falls (the "City"), has submitted the proposed Urban Renewal Plan for the Southwest Urban Renewal Project (the "Southwest Plan") to the City; and

WHEREAS, the City Manager and Twin Falls City Council referred the Southwest Plan to the City Planning and Zoning Commission for review and recommendations concerning the conformity of said Southwest Plan with the City's Comprehensive Plan, *Grow With Us*, as amended ("Comprehensive Plan"); and

WHEREAS, on November 19, 2024, the City Planning and Zoning Commission met to consider whether the Southwest Plan conforms with the Comprehensive Plan for the City as required by Idaho Code Section 50-2008(b); and

WHEREAS, the City Planning and Zoning Commission has reviewed said Southwest Plan in view of the Comprehensive Plan; and

WHEREAS, the City Planning and Zoning Commission has determined that the Southwest Plan is in all respects in conformity with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION FOR THE CITY OF TWIN FALLS, IDAHO:

Section 1. That the Southwest Plan, submitted by the Agency and referred to this Commission by the City Manager and City Council for review, is in all respects in conformity with the City's Comprehensive Plan.

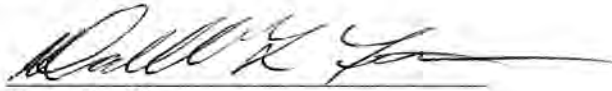
Section 2. That **Exhibit A**, outlining the findings supporting the determination that the Southwest Plan is in conformity with the City's Comprehensive Plan, is hereby adopted and incorporated as part of this Resolution.

Section 3. That the Director of the City's Planning and Zoning Department is hereby authorized and directed to provide the City Manager and Twin Falls City Council with a certified copy of this Resolution relating to said Southwest Plan.

Section 4. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

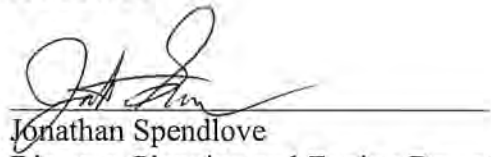
ADOPTED by the Planning and Zoning Commission of the City of Twin Falls, Idaho, this 19th day of November 2024.

APPROVED:

A handwritten signature in black ink, appearing to read 'Danielle Titus', written over a horizontal line.

Danielle Titus
Chair, Planning and Zoning Commission

ATTEST:

A handwritten signature in black ink, appearing to read 'Jonathan Spendlove', written over a horizontal line.

Jonathan Spendlove
Director, Planning and Zoning Department

EXHIBIT A

4889-4320-2288, v. 1



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:

Urban Renewal Agency of the City of Twin Falls
Urban Renewal Plan for Revenue Allocation Area "SW Plan"

Applicant(s)

)
)
) FINDINGS OF FACT,
)
) CONCLUSIONS OF LAW,
)
) AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on Tuesday, November 19, 2024. for its recommendations as to conformity of the Urban Renewal Plan for Revenue Allocation Area "Southwest Plan" and the Planning and Zoning Commission being fully advised in the matter, now makes the following:

FINDINGS OF FACT

1. The Urban Renewal Plan for Revenue Allocation Area "Southwest Plan" provides the Agency with powers, duties, and obligations to implement and further the program generally formulated in this Plan for the development, redevelopment, rehabilitation, and revitalization of the area within the boundaries of the Project Area.
2. The entire area is designated as "Industrial/Flex" by the Comprehensive Plan, and is currently zoned M2, Heavy Industrial, C1, Commercial Highway, and R-4, Medium Density Residential.
3. The property is well served by a high-capacity roadway Washington Street South (US-74) and Orchard Drive an arterial roadway.
4. The plan provides for the upgrades to necessary public infrastructure for the development, redevelopment, rehabilitation, and revitalization of the area within the boundaries of the Project Area, including improvement of water lines, wastewater pretreatment, wastewater collection, wastewater treatment, electrical power and natural gas lines.

Based on the foregoing Findings of Fact and the regulations and standards set forth within City Code, the Planning and Zoning Commission hereby makes the following:

CONCLUSIONS OF LAW

1. The Urban Renewal Plan for Revenue Allocation Area "Southwest Plan" is in conformance with the Comprehensive Plan, the objective of the zoning ordinance, and is in conformity with the general plan for the development of the municipality in an orderly manner.

Based on the foregoing Conclusions of Law, the Twin Falls City Planning and Zoning Commission hereby enters the following:

DECISION

The City of Twin Falls Planning and Zoning Commission recommends that the City Council of the City of Twin Falls approve the Urban Renewal Plat for Revenue Allocation Area "Southwest Plan".

CHAIRMAN-TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

Exhibit 2

Notice Published in the *Times-News*

**NOTICE OF PUBLIC HEARING
NOTICE OF REGULAR MEETING AND PUBLIC HEARING
BY THE CITY COUNCIL OF THE CITY OF TWIN FALLS, ID
TO CONSIDER THE URBAN RENEWAL PLAN FOR THE
SOUTHWEST URBAN RENEWAL PROJECT
OF THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS**

NOTICE IS HEREBY GIVEN that on Monday, December 16, 2024, at 5:00 p.m. (immediately following Items of Consideration), in the City Council Chambers, Twin Falls City Hall, 203 Main Avenue East Twin Falls, Idaho, 83301, the City Council (the "City Council") of the City of Twin Falls (the "City") will hold during its regular meeting, a public hearing to consider for adoption the proposed Urban Renewal Plan for the Southwest Urban Renewal Project (the "Plan") of the Urban Renewal Agency of the City of Twin Falls, Idaho (the "Agency"). The urban renewal and revenue allocation area boundary is coterminous and is hereinafter described. The Plan proposes that the Agency undertake urban renewal projects, including identifying public facilities for funding, pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended. The Plan being considered for adoption contains a revenue allocation financing provision pursuant to the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, that will cause property taxes resulting from any increase in equalized assessed valuation in excess of the equalized assessed valuation as shown on the base assessment roll as of January 1, 2024, to be allocated to the Agency for urban renewal purposes. The Agency has adopted and recommended approval of the Plan. The City Council will also consider the first reading of an ordinance to adopt the Plan at the meeting scheduled for December 16, 2024, at 5:00 p.m. Additional readings and/or consideration of the ordinance by the City Council will follow consistent with the City's ordinance approval process and may occur on December 16, 2024.

The general scope and objectives of the Plan are:

- a. The engineering, design, installation, construction, and/or reconstruction of storm water management infrastructure to support compliance with federal, state, and local regulations for storm water discharge and to support private development;
- b. The provision for participation by property owners and developers within the Project Area to achieve the objectives of this Plan;
- c. The engineering, design, installation, construction, and/or reconstruction of the transportation network within the Project Area, including all streets and streetscapes within the Project Area, with a focus on enhancements to State Highway 74/Washington Street South, Orchard Drive, Grandview Drive, North Road, Diamond Avenue, Highland Avenue and Park Avenue, and related pedestrian facilities, curb and gutter, intersection and rail crossing improvements, and traffic signals (if needed);
- d. The engineering, design, installation, construction and/or reconstruction of sidewalks and related pedestrian facilities, curb and gutter and streetscapes, which for purposes of this Plan, the term streetscapes include sidewalks, lighting, landscaping, benches, signage, way-finding, bike racks, public art, and similar amenities between the curb and right-of-way line; and other public improvements, including multi-use pathways with landscape buffers and public open spaces;
- e. The engineering, design, installation, construction, and/or reconstruction of utilities (within and outside of the Project Area) including but not limited to improvements and upgrades to the water distribution system, including extension of the water distribution system, water capacity improvements, water storage upgrades, wastewater system improvements and upgrades, including extension of the wastewater collection system, lift station, and improvements, construction and/or reconstruction of pre-treatment facilities, and upgrades to power, gas, fiber optics, communications and other such facilities. Construction of utilities outside of the Project Area are directly related to the growth and development within the Project Area, but cannot be sited within the Project Area, and include projects to expand or increase capacity and to create redundancies in the system.
- f. Removal, burying, or relocation of overhead utilities; removal or relocation of underground utilities; extension of electrical distribution lines and transformers; improvement of irrigation canals and drainage ditches and laterals; undergrounding or piping of laterals; addition of fiber optic lines or other communication systems; public parking facilities; and other public improvements, including but not limited to, fire protection systems, floodway and flood zone mitigation; and other public improvements that may be deemed appropriate by the Board.
- g. The acquisition of real property for public right-of-way and streetscape improvements, utility undergrounding, extension, upgrades, and pedestrian facilities to create development opportunities consistent with the Plan, including but not limited to future disposition to qualified developers for qualified developments, including economic development.
- h. The disposition of real property through a competitive process in accordance with this Plan, Idaho law, including Idaho Code § 50-2011, and any disposition policies adopted by the Agency;
- i. The demolition or removal of certain buildings and/or improvements for public rights-of-way and streetscape improvements, pedestrian facilities, utility undergrounding extension and upgrades, to enhance transportation and mobility options, decrease underutilized parcels to eliminate unhealthful, unsanitary, or unsafe conditions, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;
- j. The management of any property acquired by and under the ownership and control of the Agency;
- k. The development or redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- l. The construction and financial support of infrastructure necessary for the provision of improved transit and alternative transportation;
- m. Provide assistance related to relocation of a rail spur to remove a site impediment to development and to encourage industrial and commercial development in an area with greater access to rail;
- n. The provision of financial and other assistance to encourage and attract business enterprise including but not limited to start-ups and microbusinesses, mid-sized companies and large-scale corporations and industries;
- o. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- p. The preparation and assembly of adequate sites for the development and construction of facilities for commercial, industrial, and governmental use;
- q. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- r. To the extent allowed by law, lend or invest federal funds to facilitate development and/or redevelopment;
- s. The provision for relocation assistance to displaced Project Area occupants, as required by law, or within the discretion of the Agency Board for displaced businesses;
- t. The environmental assessment and remediation of brownfield sites, or sites where environmental conditions detrimental to development and/or redevelopment exist;
- u. To collaborate with stakeholders as contemplated by Attachment 5.5;
- v. Agency participation in the remediation of any brownfield or other environmental conditions present in the Project Area; and
- w. Other related improvements to those set forth above as further set forth in Attachments 5.1-5.5.

Any such land uses as described in the Plan will be in conformance with zoning for the City and the City's Comprehensive Plan, *Grow With Us*, as adopted by the City Council, or as may be applicable. Land made available will be developed by private enterprises or public agencies as authorized by law. The Plan identifies various public and private improvements which may be made within the Project Area.

The Urban Renewal Project Area and Revenue Allocation Area herein referred to is generally described as follows:

An area in the City consisting of approximately 370.75 acres, inclusive of rights-of-way, and is generally located in the south-central part of the City. The Project Area is generally bounded on the east by a major north/south arterial, State Highway 74/Washington Street South, on the south by North Road, on the west by Grandview Drive, and on the north by portions of South Park Avenue West and Diamond Avenue.

The Project Area and Revenue Allocation Area is more particularly described as follows:

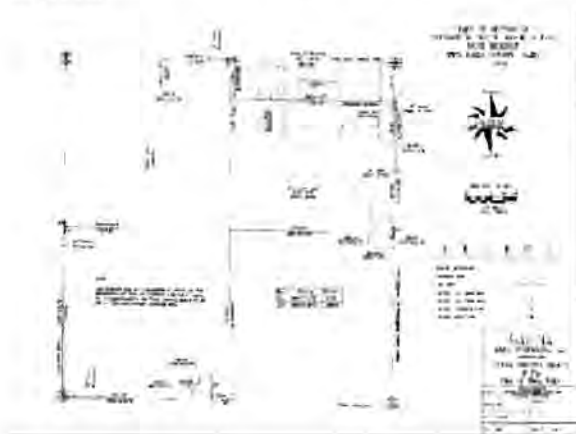
TOWNSHIP 10 SOUTH RANGE 17 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO, SECTION 20: A parcel of land located in said Section 20 and more particularly described as follows:

Commencing at the Northeast (NE) Corner of said Section 20 (Which lies South 89°12'44" East a distance of 2641.02 feet from the North (N1/4) Quarter Corner) Thence along the East boundary of said Section 20, South 00°06'47" West for a distance of 618.42 feet to the TRUE POINT OF BEGINNING; Thence South 89°12'43" East for a distance of 30.00 feet to the Easterly Right of Way of SH-74/Washington Street South; Thence along the Easterly Right of Way of SH-74/Washington Street South, South 00°26'47" West for a distance of 708.06 feet; Thence continuing along the Easterly Right of Way of SH-74/Washington Street South; South 02°59'14" East for a distance of 50.09 feet; Thence continuing along the Easterly Right of Way of SH-74/Washington Street South; South 00°26'47" West for a distance of 1326.66 feet; Thence continuing along the Easterly Right of Way of SH-74/Washington Street South; South 00°26'31" West for a distance of 238.48 feet; Thence North 88°59'12" West for a distance of 431.84 feet; Thence North 00°26'31" East for a distance of 238.15 feet; Thence North 88°59'12" West for a distance of 2239.28 feet to a point center quarter of said section 20;

Thence South 00°22'57" West for a distance of 2717.25 feet to the Southerly roadway easement of 3700 North Road; Thence along the Southerly roadway easement of 3700 North Road, North 88°46'59" West for a distance of 278.36 feet; Thence North 01°13'01" East for a distance of 426.00 feet; Thence North 88°46'59" West for a distance of 549.86 feet to Northwest corner of Pheasant Cove Subdivision No. 1; Thence along the West boundary of Pheasant Cove Subdivision No. 1, South 01°13'01" West for a distance of 426.00 feet to a point on the Southerly roadway easement of 3700 North Road; Thence along the Southerly roadway easement of 3700 North Road, North 88°46'59" West for a distance of 1831.62 feet to the Westerly roadway easement of Grandview Drive; Thence along the Westerly roadway easement of Grandview Drive, North 00°18'51" East for a distance of 2707.83 feet; Thence South 88°59'12" East for a distance of 1343.98 feet; Thence North 00°21'04" East for a distance of 2227.88 feet; Thence South 89°12'27" East for a distance of 236.73 feet; Thence North 00°21'16" East for a distance of 485.00 feet to the Northerly roadway easement of South Park Avenue West;

Thence along the Northerly roadway easement of South Park Avenue West, South 89°12'27" East for a distance of 1144.60 feet; Thence South 00°26'47" West along the Easterly roadway easement of Steele Street for a distance of 643.41 feet to a point the Northerly roadway easement of Diamond Avenue; Thence along the Northerly roadway easement of Diamond Avenue, South 89°12'43" East for a distance of 2580.05 feet to the TRUE POINT OF BEGINNING.

The Project Area and Revenue Allocation Area is also depicted in the map below:



Copies of the proposed Plan are on file for public inspection and copying per the City of Twin Falls Public Records Policy at the office of the Deputy City Clerk, 203 Main Avenue East, Twin Falls, Idaho, 83301, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, exclusive of holidays.

The Plan can also be accessed online at <https://www.tfid.org>. For additional assistance in obtaining a copy of the Plan in the event of business office interruptions, contact the office of the Deputy City Clerk at 208-735-7245.

At the hearing date, time, and place noted above (December 16, 2024, at 5:00 p.m.), all interested persons are invited to attend the hearing to express their views regarding this proposal. Oral testimony may be offered at the meeting and may be restricted to no more than 3 minutes per person. Written testimony of more than two pages must be submitted at least five working days prior to the hearing; other written testimony may be submitted to the Planning & Zoning Department up to the time of the hearing. Additional information may be obtained by calling 208-735-7271 or by email at trothweiler@tfid.org.

Twin Falls City Hall is accessible to persons with disabilities. All information presented in the hearing shall also be available upon advance request in a form usable by persons with hearing or visual impairments, individuals with other disabilities may receive assistance by contacting the Deputy City Clerk twenty-four (24) hours prior to the hearing.

/s/ Amy Luna, Deputy City Clerk
Publish: November 7, 21, 2024
COL-NV-0806

Exhibit 3

Urban Renewal Plan for the Southwest Urban Renewal Project

**URBAN RENEWAL PLAN FOR THE
SOUTHWEST URBAN RENEWAL PROJECT**

**THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS
TWIN FALLS, IDAHO**

Ordinance No. _____

Adopted _____

Effective _____

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100 INTRODUCTION

This is the Urban Renewal Plan (the “Plan”) for the Southwest Urban Renewal Project (the “Project”) in the city of Twin Falls (the “City”), state of Idaho. Attachments 1 through 6 attached hereto (collectively, the “Plan Attachments”) are incorporated herein and shall be considered a part of this Plan.

The term “Project” is used herein to describe the overall activities defined in this Plan and conforms to the statutory definition of an urban renewal project. Reference is specifically made to Idaho Code §§ 50-2018(10) and 50-2903(13) for the various activities contemplated by the term “Project.” Such activities include both private and public development of property within the urban renewal area. The Southwest Project Area is also referred to as the “Project Area” or the “Revenue Allocation Area.”

This Plan was prepared by the Board of Commissioners (the “Agency Board”) of the Urban Renewal Agency of the City of Twin Falls (the “Agency”), its consultants, and staff, and reviewed and recommended by the Agency pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the “Law”), the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the “Act”), and all applicable local laws and ordinances.

Idaho Code § 50-2905 identifies what information the Plan must include with specificity as follows:

- (1) A statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality.
- (2) A statement listing the kind, number, and location of all proposed public works or improvements within the revenue allocation area.
- (3) An economic feasibility study.
- (4) A detailed list of estimated project costs.
- (5) A fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds are repaid, upon all taxing districts levying taxes upon property on the revenue allocation area.
- (6) A description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred;
- (7) A termination date for the plan and the revenue allocation area as provided for in Section 50-2903(20), Idaho Code. In determining the termination date, the plan shall recognize that the agency shall receive allocation of revenues in the calendar

year following the last year of the revenue allocation provision described in the urban renewal plan.

- (8) A description of the disposition or retention of any assets of the agency upon the termination date. Provided however, nothing herein shall prevent the agency from retaining assets or revenues generated from such assets as long as the agency shall have resources other than revenue allocation funds to operate and manage such assets.

This Plan includes the above information with specificity.

The proposed development and redevelopment of the Project Area as described in this Plan conforms to the City of Twin Falls 2016 Comprehensive Plan, *Grow with Us* (the "Comprehensive Plan"), adopted by the Twin Falls City Council (the "City Council") on November 7, 2016, as may be amended from time to time. The Agency intends to rely heavily on any applicable City design standards which may cover all or part of the Project Area.

The Identification and Proposed Location of Certain Public Improvements in the Project Area, as attached hereto as Attachment 5.5, sets forth a non-exhaustive projected prioritized list of certain public improvement projects; however, the location of public improvement projects within the Project Area and project prioritization will be driven by current market conditions, project buildout timeline, development opportunities providing for partnerships and efficient development and the annual budget. Identification of proposed public entity partnership opportunities does not bind those public entities to fund those projects; rather, public entity participation is driven by public entity annual budget appropriations. This information merely highlights the potential for partnership opportunity and serves as a reasonable guide to anticipated development, recognizing the challenges with identifying all projects over the duration of the Project Area.

This Plan is subject to the Plan modification limitations and reporting requirements set forth in Idaho Code § 50-2903A. Subject to limited exceptions as set forth in Idaho Code § 50-2903A, if this Plan is modified by City Council ordinance, then the base value for the year immediately following the year in which modification occurs shall include the current year's equalized assessed value of the taxable property in the revenue allocation area, effectively eliminating the Agency's revenue stream.

A modification shall not be deemed to occur when "[t]here is a plan amendment to make technical or ministerial changes to a plan that does not involve an increase in the use of revenues allocated to the agency." Idaho Code § 50-2903A(1)(a)(i). Annual adjustments, as more specifically set forth in the Agency's annual budget, will be required to account for more/less estimated revenue and project timing, including the specific location and prioritization of projects. Any adjustments for these stated purposes are technical and ministerial and are not modifications under Idaho Code § 50-2903A.

Further, a modification shall not be deemed to occur when "[t]here is a plan amendment to support growth of an existing commercial or industrial project in an

existing revenue allocation area, subject to the provisions of Section 50-2905A, Idaho Code.” Idaho Code § 50-2903A(1)(a)(iv). The proposed development of the Project Area is primarily commercial and industrial projects. Any adjustment to the list of improvements and/or revenue stream to support growth of the proposed commercial and/or industrial projects is not a modification under Idaho Code § 50-2903A.

This Plan provides the Agency with powers, duties, and obligations to implement and further the program generally formulated in this Plan for the development, redevelopment, rehabilitation, and revitalization of the area within the boundaries of the Project Area. The Agency retains all powers allowed by the Law and Act. This Plan presents a process and a basic framework within which plan implementation, including contracts, agreements and ancillary documents will be presented and by which tools are provided to the Agency to fashion, develop, and proceed with plan implementation. The Plan has balanced the need for flexibility over the twenty (20)-year timeframe of the Plan to implement the improvements identified in Attachment 5.1, with the need for specificity as required by Idaho Code § 50-2905. The Plan narrative addresses the required elements of a plan set forth in Idaho Code § 50-2905(1), (2), (5), (7) and (8). Attachments 5.1-5.5, together with the Plan narrative, meet the specificity requirement for the required plan elements set forth in Idaho Code § 50-2905(2)-(6), recognizing that actual Agency expenditures are prioritized each fiscal year during the required annual budgeting process.

Allowed projects are those activities which comply with the Law and the Act and meet the overall objectives of this Plan. The public-private relationship is crucial in the successful development and redevelopment of the Project Area. Typically, the public will fund enhanced public improvements like utilities, streets, and sidewalks which, in turn, establish the necessary infrastructure to support adjacent private investment, which in this case includes industrial and commercial facilities.

The purpose of the Law and Act will be attained through the implementation of the Plan. The master goals of this Plan are:

- a. The installation and construction of public improvements, including new local, collector and arterial streets; improvements to existing roadways and intersections, including the installation of traffic signals, and including but not limited to improvements to State Highway 74/Washington Street South, Orchard Drive, Grandview Drive, North Road, Diamond Avenue, Highland Avenue and Park Avenue; installation of curbs, gutters and streetscapes, which for purposes of this Plan, the term “streetscapes” includes sidewalks, multi-use pathways, lighting, landscaping, benches, bike racks, wayfinding, public art and similar amenities between the curb and right of way line; installation and/or improvements to fiber optic facilities; improvements to public utilities including water and sewer system and facilities improvements, and fire protection systems; removal, burying, or relocation of overhead utilities; extension of electrical distribution lines and transformers; improvement of irrigation canals and drainage ditches and laterals; installation and construction and/or improvement of storm drainage facilities;

- b. The planning, design, and development of undeveloped or underdeveloped areas which are stagnant or improperly utilized because of limited traffic access, underserved utilities, and other site conditions, including underground gas lines and overhead transmission lines;
- c. The strengthening of the economic base of the Project Area and the community by the installation of needed public improvements to stimulate new private development providing increased employment opportunities and economic growth;
- d. The provision of adequate land for open space, street rights-of-way and pedestrian rights-of-way, including pathways;
- e. The reconstruction and improvement of street corridors to allow traffic flows to move through the Project Area along with the accompanying utility connections, through the Project Area;
- f. The provision of public service utilities, which may be sited outside the Project Area, but are necessary to the development of the Project Area, such as water system and facilities improvements, sewer system and facilities improvements, improvements to storm drainage facilities, and power and gas system and facilities improvements;
- g. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- h. The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Project Area as a whole and benefiting the various taxing districts in which the urban renewal area is located;
- i. The acquisition of real property to support development and/or redevelopment initiatives consistent with the Law and Act;
- j. The funding of necessary public infrastructure to accommodate both public and private development.

101 General Procedures of the Agency

The Agency is a public body, corporate and politic, as defined and described under the Law and the Act. The Agency is governed by its bylaws, as authorized by the Law, and adopted by the Agency. Under the Law, the Agency is governed by the Idaho open meeting law; the Public Records Act; the Ethics in Government Act of 2015, Chapters 1, 2 and 4 of Title 74, Idaho Code; reporting requirements pursuant to Idaho Code §§ 67-450B, 67-1076, 50-2903A and 50-2913; and the competitive bidding requirements under Chapter 28, Title 67, Idaho Code, as well as other procurement or other public improvement delivery methods.

Subject to limited exceptions, the Agency shall conduct all meetings in open session and allow meaningful public input as mandated by the issue considered or by any statutory or regulatory provision.

The Agency may adopt separate policy statements. Any modification to any policy statement is a technical or ministerial adjustment and is not a modification to this Plan under Idaho Code § 50-2903A.

102 Provisions Necessary to Meet State and Local Requirements: Conformance with Idaho Code §§ 50-2008 and 50-2906

Idaho law requires that the City Council, by resolution, must determine a geographic area be a deteriorated area or a deteriorating area, or a combination thereof, and designate such area as appropriate for an urban renewal project prior to preparation of an urban renewal plan. A consultant, Kushlan | Associates, was retained to study a proposed project area (the “Study Area”) and prepare an eligibility report. The Southwest Revenue Allocation Area Eligibility Report (the “Report”) was submitted to the Agency. The Agency accepted the Report by Agency Resolution No. 2024-06 on August 19, 2024, and thereafter submitted the Report to the City Council for its consideration.

The Study Area was deemed by the City Council to be a deteriorating area and/or a deteriorated area and therefore eligible for an urban renewal project by adoption of Resolution No. R-2024-008 on August 26, 2024. With the adoption of Resolution No. R-2024-008, the City Council declared the Study Area described in the Report to be a deteriorated area and/or a deteriorating area as defined by the Law and Act and directed the Agency to prepare an urban renewal plan.

Under the Law and Act, Idaho Code §§ 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.

In accordance with the Law and Act, the necessary agricultural operation consents were obtained from the owners of the agricultural operation within the Project Area for property that has been used as an agricultural operation within the last three (3) years. Copies of the agricultural operation consents are attached hereto as Attachment 6.

The Plan was prepared and submitted to the Agency for its review and approval. The Agency approved the Plan by the adoption of Agency Resolution No. 2024-08 and submitted the Plan to the City Council with its recommendation for adoption.

In accordance with the Law, this Plan was submitted to the Planning and Zoning Commission of the City. After consideration of the Plan, the Commission, by resolution, reported to the City Council that this Plan is in conformity with the City's Comprehensive Plan.

Pursuant to the Law and Act, the City Council having published due notice thereof, a public hearing was held on this Plan. Notice of the hearing was duly published in the *Times News*, a newspaper having general circulation in the City. The City Council adopted this Plan on _____, _____, by Ordinance No. _____.

103 History and Current Conditions of the Area

The Project Area contains approximately 370.75 acres, inclusive of rights-of-way, and is generally located in the south-central part of the City. The Project Area is generally bounded on the east by a major north/south arterial, State Highway 74/Washington Street South, on the south by North Road, on the west by Grandview Drive, and on the north by portions of South Park Avenue West and Diamond Avenue. At the time of the Report two (2) parcels in the Study Area were proceeding with annexation into the City. At the time the City Council considers this Plan, all parcels in the Project Area will be within the city of Twin Falls city limits.

The Project Area is generally a mixture of commercially and industrially zoned properties. The majority of the acreage remains in agricultural use pending urban development. One (1) parcel is landlocked with no access to a public street. A significant deterrent to development is the transection of a gas pipeline through the Project Area.

The Project Area includes parcels that were located within the boundaries of the terminated Washington Street South revenue allocation area, which area did not develop as contemplated under that urban renewal plan and which area continues to meet the statutory conditions to warrant an urban renewal project. Continued assistance is necessary to support redevelopment activity in this area, particularly in light of the existing challenging market conditions and the desired goals to support commercial and industrial development projects in this geographic area. The Project Area continues to be an area in transition requiring continued support for desired development.

The Project Area lacks the public infrastructure necessary to properly serve economic development. While limited investment has been made on Washington Street South, full improvement to City standards has not occurred. There are no pedestrian facilities, including street illumination, or storm drainage facilities. The roadway improvements were not designed to accommodate the projected levels of commercial and industrial traffic contemplated in City planning documents. Similar deteriorating conditions exist with regard to the existing rights-of-way within the Project Area, including but not limited to: Orchard Drive, Grandview Drive, North Road, Diamond Avenue, Highland Avenue and Park Avenue. Currently, there is no street

network west of Washington Street South to support commercial and/or industrial development in the Project Area.

Municipal water exists in Washington Street South; however, much of the Project Area is undeveloped vacant land. Once developed consistent with zoning designations, extensions will be necessary to serve the area and fire flows may need to be upgraded to adequately protect a more densely developed environment. Similarly, sewer service will need to be enhanced to serve development. Additionally, certain types of industrial development may cause significant demands upon the City's wastewater treatment facility located adjacent to the Snake River in the Snake River Canyon. It has been the City's policy to require pretreatment of effluent prior to it being discharged into the City's collection system to ensure compliance with the environmental requirements of the permits issued by the State Department of Environmental Quality (DEQ). Generally, the lack of costly public infrastructure has resulted in the economic underdevelopment of the area.

The Plan proposes installation and improvements to public infrastructure and other publicly owned assets throughout the Project Area, as more specifically set forth in Attachments 5.1 and 5.5, creating the opportunity to support commercial and industrial economic development projects consistent with the City's Comprehensive Plan.

The Project Area is underdeveloped or vacant and is not being used to its highest and best use due to age or obsolescence; the predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness/obsolete platting; insanitary or unsafe conditions; diversity of ownership; and inadequate utility infrastructure needed to support industrial and commercial development within the Project Area. These conditions result in the economic underdevelopment of the area and substantially impair or arrest the sound growth of the City.

The preparation and approval of an urban renewal plan, including a revenue allocation financing provision, gives the City additional resources to solve the public infrastructure and development impediment issues in this area. Revenue allocation financing should help to improve the situation. This Plan will help to deliver development outcomes with significant public benefit which the market will not otherwise deliver on its own. In effect, property taxes generated by new developments within the Project Area may be used by the Agency to finance a variety of needed public improvements and facilities. Finally, the contemplated commercial and industrial development projects create economic development opportunities that may generate new jobs in the Project Area and will increase the tax base, which in turn, could be a factor in lowering taxes, benefiting area residents long-term.

It is unlikely that individual developers or public partners will take on the prohibitive costs of constructing the necessary infrastructure in the Project Area without the ability of revenue allocation to help offset at least some of these costs. But for urban renewal and revenue allocation financing, the proposed public improvements to support revitalization and development of the Project Area would not occur.

104 Purpose of Activities

Attachments 5.1 and 5.5 include the Twin Falls Southwest District Public Improvements List and a preliminary prioritized guide setting forth public improvements and projects identifying with specificity the proposed public improvements and projects contemplated in the Project Area, including the estimated costs of those improvements. The description of activities, public improvements, and the estimated costs of those items are intended to create an outside limit of the Agency's activity. Due to the inherent difficulty in projecting future levy rates, future taxable value, and the future costs of construction, the Agency reserves the right to:

- a. Change funding amounts from one Project to another.
- b. Reprioritize the Projects described in this Plan and the Plan Attachments.
- c. Retain flexibility in funding the various activities in order to best meet the Plan and the needs of the Project Area.
- d. Retain flexibility in determining whether to use the Agency's funds or funds generated by other sources.
- e. Alter the location of proposed improvements set forth in Attachment 5.5 or as described in Attachment 5.1 to support development when it occurs. The information included in Attachment 5.5 presents a proposed, realistic development scenario, projected timeline, and location, recognizing the siting of improvements is difficult to project with any certainty where the improvements will not be sited until any future projects submit plans to the City for design review and permitting.

The Agency intends to discuss and negotiate with any owner or developer of the parcels within the Project Area seeking Agency assistance during the duration of the Plan and Project Area. During such negotiation, the Agency will determine the eligibility of the activities sought for Agency funding, the amount the Agency may fund by way of percentage or other criteria including the need for such assistance. The Agency will also take into account the amount of revenue allocation proceeds estimated to be generated from the developer's activities. The Agency also reserves the right to establish, by way of policy, its funding percentage or participation, which would apply to all developers and owners.

Throughout this Plan, there are references to Agency activities, Agency funding, and the acquisition, development, and contribution of public improvements. Such references do not necessarily constitute a full, final, and formal commitment by the Agency but, rather, grant to the Agency the discretion to participate as stated subject to achieving the objectives of this Plan and provided such activity is deemed eligible under the Law and the Act. The activities listed in Attachments 5.1-5.5 will be determined or prioritized as the overall Project Area develops and through the annual budget setting process.

The activities listed in Attachments 5.1-5.5 are also prioritized by way of importance to the Agency by the amounts funded, and by year of funding, with earlier years reflecting the more important activities, achievement of higher objectives, long term goals, and commitments. As required by the Law and Act, the Agency will adopt more specific budgets annually. The projected timing of funding is primarily a function of market conditions and the availability of financial resources but is also strategic, considering the timing of private development partnership opportunities and the ability of certain strategic activities to stimulate development at given points in time within the planned 20-year period of the Plan and Project Area.

The Study (Attachments 5.1-5.5) has described a list of prioritized public improvements and other related activities with an estimated cost in 2024 dollars of approximately \$49,500,000. This amount does not take into account inflationary factors, such as increasing construction costs, which would increase that figure depending on when the public entity, owner, developer and/or Agency is able to develop, construct or initiate those activities. The Study has concluded the capacity of revenue allocation funds through the term of the Plan based on the assumed development projects and assessed value increases will likely generate an estimated \$56,373,231 in revenue allocation proceeds if the Project Area is fully developed. The Agency reserves the discretion and flexibility to use revenue allocation proceeds in excess of the amounts predicted in the event higher increases in assessed values occur during the term of the Plan for the improvements and activities identified in Attachments 5.1–5.5 and this Plan. Additionally, the Agency reserves the discretion and flexibility to use other sources of funds unrelated to revenue allocation to assist in the funding of the improvements and activities identified in Attachments 5.1–5.5 and this Plan.

105 Open Land Criteria

This Plan contemplates Agency acquisition of property within the Project Area, in part, to support economic development/demonstration projects. The Project Area includes open land requiring the area meet the conditions set forth in Idaho Code § 50-2008(d). These conditions include defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, and faulty lot layout, all of which are included in one form or another in the definitions of deteriorated area or deteriorating area set forth in Idaho Code §§ 50-2018(8), (9) and 50-2903(8). The issues listed only in Idaho Code § 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.”

Open land areas qualify for Agency acquisition and development for primarily nonresidential uses if acquisition is necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives if any of the deteriorating area conditions set forth in Idaho Code §§ 50-2018(8), (9) and 50-2903(8) apply. But such areas also qualify if any of the issues listed only in Idaho Code § 50-2008(d)(4)(2) apply. The parcel size, the deficient water and sewer systems and facilities to support future development; a deficient street system; deteriorating streetscapes, including curb, gutter, sidewalks, and storm drainage facilities; and lack of fire protection, are all

conditions which delay or impair development in the Project Area. Further, the age or obsolescence of existing uses; a predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness/obsolete platting; insanitary or unsafe conditions; diversity of ownership; and economic disuse are all conditions which delay or impair development of the open land areas and satisfy the open land conditions as more fully supported by the Southwest Revenue Allocation Area Eligibility Report, prepared by Kushlan | Associates, dated August 19, 2024.

This Plan anticipates Agency acquisition of property within the Project Area; however, the acquisition of specific parcels is unknown at this time. Should the Agency determine the need to acquire property as further set forth in Attachment 3, then the open land areas qualify for Agency acquisition and development.

200 DESCRIPTION OF PROJECT AREA

The boundaries of the Project Area and the Revenue Allocation Area are shown on the Boundary Map of Urban Renewal Project Area and Revenue Allocation Area, attached hereto as Attachment 1 and incorporated herein by reference, and are described in the Legal Description of Urban Renewal Project Area and Revenue Allocation Area, attached hereto as Attachment 2 and incorporated herein by reference. For purposes of boundary descriptions and use of proceeds for payment of improvements, the boundary shall be deemed to extend to the outer boundary of rights-of-way or other natural boundary unless otherwise stated. The Project Area does not intend to include right-of-way that is currently within unincorporated Twin Falls County.

300 PROPOSED REDEVELOPMENT ACTIONS

301 General

The Agency proposes to eliminate and prevent the spread of deteriorating conditions and deterioration in the Project Area by employing a strategy to improve and develop public and private lands, and to grow the economy in the Project Area. Implementation of the strategy includes, but is not limited to the following actions:

- a. The engineering, design, installation, construction, and/or reconstruction of storm water management infrastructure to support compliance with federal, state, and local regulations for storm water discharge and to support private development;
- b. The provision for participation by property owners and developers within the Project Area to achieve the objectives of this Plan;
- c. The engineering, design, installation, construction, and/or reconstruction of the transportation network within the Project Area, including all streets and streetscapes within the Project Area, with a focus on enhancements to State Highway 74/Washington Street South, Orchard Drive, Grandview Drive, North Road, Diamond Avenue, Highland Avenue and Park Avenue, and related

pedestrian facilities, curb and gutter, intersection and rail crossing improvements, and traffic signals (if needed);

- d. The engineering, design, installation, construction and/or reconstruction of sidewalks and related pedestrian facilities, curb and gutter and streetscapes, which for purposes of this Plan, the term streetscapes include sidewalks, lighting, landscaping, benches, signage, way-finding, bike racks, public art, and similar amenities between the curb and right-of-way line; and other public improvements, including multi-use pathways with landscape buffers and public open spaces;
- e. The engineering, design, installation, construction, and/or reconstruction of utilities (within and outside of the Project Area) including but not limited to improvements and upgrades to the water distribution system, including extension of the water distribution system, water capacity improvements, water storage upgrades, wastewater system improvements and upgrades, including extension of the wastewater collection system, lift station, and improvements, construction and/or reconstruction of pretreatment facilities, and upgrades to power, gas, fiber optics, communications and other such facilities. Construction of utilities outside of the Project Area are directly related to the growth and development within the Project Area, but cannot be sited within the Project Area, and include projects to expand or increase capacity and to create redundancies in the system;
- f. Removal, burying, or relocation of overhead utilities; removal or relocation of underground utilities; extension of electrical distribution lines and transformers; improvement of irrigation canals and drainage ditches and laterals; undergrounding or piping of laterals; addition of fiber optic lines or other communication systems; public parking facilities, and other public improvements, including but not limited to, fire protection systems, floodway and flood zone mitigation; and other public improvements that may be deemed appropriate by the Board;
- g. The acquisition of real property for public right-of-way and streetscape improvements, utility undergrounding, extension, upgrades, and pedestrian facilities to create development opportunities consistent with the Plan, including but not limited to future disposition to qualified developers for qualified developments, including economic development;
- h. The disposition of real property through a competitive process in accordance with this Plan, Idaho law, including Idaho Code § 50-2011, and any disposition policies adopted by the Agency;
- i. The demolition or removal of certain buildings and/or improvements for public rights-of-way and streetscape improvements, pedestrian facilities, utility undergrounding extension and upgrades, to enhance transportation and mobility options, decrease underutilized parcels to eliminate unhealthful, unsanitary, or unsafe conditions, eliminate obsolete or other uses detrimental to the public

welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;

- j. The management of any property acquired by and under the ownership and control of the Agency;
- k. The development or redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- l. The construction and financial support of infrastructure necessary for the provision of improved transit and alternative transportation;
- m. Provide assistance related to relocation of a rail spur to remove a site impediment to development and to encourage industrial and commercial development in an area with greater access to rail;
- n. The provision of financial and other assistance to encourage and attract business enterprise including but not limited to start-ups and microbusinesses, mid-sized companies and large-scale corporations and industries;
- o. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- p. The preparation and assembly of adequate sites for the development and construction of facilities for commercial, industrial, and governmental use;
- q. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- r. To the extent allowed by law, lend or invest federal funds to facilitate development and/or redevelopment;
- s. The provision for relocation assistance to displaced Project Area occupants, as required by law, or within the discretion of the Agency Board for displaced businesses;
- t. The environmental assessment and remediation of brownfield sites, or sites where environmental conditions detrimental to development and/or redevelopment exist;
- u. To collaborate with stakeholders as contemplated by Attachment 5.5;

- v. Agency participation in the remediation of any brownfield or other environmental conditions present in the Project Area; and
- w. Other related improvements to those set forth above as further set forth in Attachments 5.1-5.5.

In the accomplishment of these purposes and activities and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by Law and Act.

302 Urban Renewal Plan Objectives

Urban renewal activity is necessary in the Project Area to combat problems of physical deterioration or deteriorating conditions. As set forth in greater detail in Section 103, the Project Area has a history of stagnant growth and development compared to other areas of the City based on deteriorated or deteriorating conditions that have arrested or impaired growth in the Project Area primarily attributed to: age or obsolescence of existing uses; a predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness/obsolete platting; insanitary or unsafe conditions; diversity of ownership; economic disuse; and inadequate utility infrastructure needed to support desired development. The Plan for the Project Area is a proposal to work in partnership with public and private entities to improve, develop, and grow the economy within the Project Area by the implementation of a strategy and program set forth in Section 301.

The provisions of this Plan are applicable to all public and private property in the Project Area. The provisions of the Plan shall be interpreted and applied as objectives and goals, recognizing the need for flexibility in interpretation and implementation, while at the same time not in any way abdicating the rights and privileges of the property owners which are vested in the present and future zoning classifications of the properties. All development under an owner participation agreement shall conform to those standards specified in Section 303.1 of this Plan.

This Plan must be practical in order to succeed. Particular attention has been paid to how it can be implemented, given the changing nature of market conditions. Transforming the Project Area into a vital, thriving part of the community requires an assertive strategy. The following list represents the key elements of that effort:

- a. Initiate simultaneous projects designed to revitalize and develop the Project Area. From street and utility improvements to significant new public or private development, the Agency plays a key role in creating the necessary momentum to get and keep things going.
- b. Develop new commercial and industrial opportunities, as well as encourage other economic development opportunities for existing businesses.
- c. Secure and improve certain public open space and recreational facilities in critical areas.

- d. Initiate projects designed to encourage activity centers, and provide workforce transportation and mobility options.

Without direct public intervention, much of the Project Area could conceivably remain unchanged and in a deteriorated and/or deteriorating condition for the next twenty (20) years. The Plan creates the necessary flexible framework for the Project Area to support the City's economic development while complying with the "specificity" requirement set forth in Idaho Code § 50-2905.

Land use in the Project Area will be modified to the extent that underutilized, underdeveloped, and vacant land and land now devoted to uses inconsistent with the future land uses of the area will be converted to industrial and commercial uses. In implementing the activities described in this Plan, the Agency shall give due consideration to the provision of adequate open space, park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of residents in the general vicinity of the Project Area covered by the Plan, recognizing the primary commercial and industrial nature of the Project Area.

303 Participation Opportunities and Agreement

303.1 Participation Agreements

The Agency shall enter into various development participation agreements with any existing or future owner of property in the Project Area, in the event the property owner receives assistance from the Agency in the development and/or redevelopment of the property. The term "owner participation agreement" or "participation agreement" is intended to include all participation agreements with a property owner, including reimbursement agreements, grant agreements or other participation agreements. In that event, the Agency may allow for an existing or future owner of property to remove the property and/or structure from future Agency acquisition subject to entering into an owner participation agreement. The Agency may also enter into owner participation agreements with other future owners and developers within the Project Area throughout the duration of this Plan in order to implement the infrastructure improvements set forth in this Plan.

Each structure and building in the Project Area to be rehabilitated or to be constructed as a condition of the owner participation agreement between the Agency and the owner pursuant to this Plan will be considered to be satisfactorily rehabilitated and constructed, and the Agency will so certify, if the rehabilitated or new structure meets the standards set forth in an executed owner participation agreement and meets the conditions described below:

- a. Any such property within the Project Area shall be required to conform to all applicable provisions, requirements, and regulations of this Plan. The owner participation agreement may require as a condition of financial participation by the Agency a commitment by the property owner to meet the greater objectives of the land use elements identified in the Comprehensive Plan, and applicable zoning

ordinances. Upon completion of any rehabilitation each structure must be safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition that will continue throughout an estimated useful life for a minimum of twenty (20) years.

- b. All such buildings or portions of buildings which are to remain within the Project Area shall be rehabilitated or constructed in conformity with all applicable codes and ordinances of the City.
- c. Any new construction shall also conform to all applicable provisions, requirements, and regulations of this Plan, as well as to all applicable codes and ordinances of the City.

All owner participation agreements will address phasing issues, development timing, justification and eligibility of project costs, and achievement of the objectives of the Plan. The Agency shall retain its discretion in the funding level of its participation. Obligations under owner participation agreements shall terminate no later than the termination date of this Plan, December 31, 2044. The Agency shall retain its discretion to negotiate an earlier date to accomplish all obligations under any owner participation agreement.

In all participation agreements, participants who retain real property shall be required to join in the recordation of such documents as may be necessary to make the provisions of this Plan applicable to their properties. Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

In the event a participant fails or refuses to rehabilitate, develop, use, and maintain its real property pursuant to this Plan and a participation agreement, the real property or any interest therein may be acquired by the Agency in accordance with Section 305.1 of this Plan and sold or leased for rehabilitation or development in accordance with this Plan.

Owner participation agreements may be used to implement the following objectives:

- a. Encouraging property owners to revitalize and/or remediate deteriorated areas or deteriorating areas of their parcels to accelerate development in the Project Area.
- b. Subject to the limitations of the Law and the Act, providing incentives to property owners to encourage utilization and expansion of existing permitted uses during the transition period to prevent a decline in the employment base and a proliferation of vacant and deteriorated parcels in the Project Area during the extended redevelopment of the Project Area.
- c. To accommodate improvements and expansions allowed by City regulations.
- d. Subject to the limitations of the Law and Act, providing incentives to improve nonconforming properties so they implement the design guidelines contained in

this Plan to the extent possible and to encourage an orderly transition from nonconforming to conforming uses through the term of the Plan.

- e. Provide for advance funding by the developer/owner participant of those certain public improvements related to or needed for the private development and related to the construction of certain public improvements. In that event, the Agency will agree as set out in the participation agreement to reimburse a portion of, or all of, the costs of public improvements identified in the participation agreement from the revenue allocation generated by the private development.

304 Cooperation with Public Bodies

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. All plans for development of property in the Project Area by a public body shall be subject to Agency approval, in the event the Agency is providing any financial assistance.

Subject to applicable authority, the Agency may impose on all public bodies the planning and design controls contained in this Plan to ensure that present uses and any future development by public bodies will conform to the requirements of this Plan. The Agency is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures, or other improvements of the Project Area as allowed by the Law and Act.

The Agency intends to cooperate to the extent allowable with the City and the Twin Falls County Highway District (or the Idaho Transportation Department), as the case may be, for the engineering, design, installation, construction, and/or reconstruction of public infrastructure improvements, including, but not limited to water, sewer, storm drainage, electrical, natural gas, telecommunication, rail, or other similar systems and lines, streets, roads, curbs, gutters, sidewalks, walkways, public parking facilities and unoccupied auxiliary structures. The Agency shall also cooperate with the City and the Twin Falls County Highway District (or the Idaho Transportation Department) on various relocation, screening, or undergrounding projects and the providing of fiber optic capability. To the extent any public entity, including the City and/or the Twin Falls County Highway District, has funded certain improvements, the Agency may reimburse those entities for those expenses. The Agency also intends to cooperate and seek available assistance from state, federal and other sources for economic development.

In the event the Agency is participating in the public development by way of financial incentive or otherwise, the public body shall enter into a participation agreement with the

Agency and then shall be bound by the Plan and other land use elements and shall conform to those standards specified in Section 303.1 of this Plan.

This Plan does not financially bind or obligate the City, Agency and/or any other public entity to any project or property acquisition; rather, for purposes of determining the economic feasibility of the Plan certain projects and expenditures have been estimated and included in the analysis. Agency revenue and the ability to fund reimbursement of eligible Project Costs is more specifically detailed in any owner participation agreement and in the annual budget adopted by the Agency Board.

305 Property Acquisition

305.1 Real Property

Only as specifically authorized herein, the Agency may acquire, through the voluntary measures described below, but is not required to acquire, any real property located in the Project Area where it is determined that the property is needed for construction of public improvements, required to eliminate or mitigate the deteriorated or deteriorating conditions, to facilitate economic development, including acquisition of real property intended for disposition to qualified developers through a competitive process, and as otherwise allowed by law. The acquisition shall be by any means authorized by law, including, but not limited to, the Law, the Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, but shall not include the right to invoke eminent domain authority except as authorized herein. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee, including structures and fixtures upon the real property, without acquiring the land upon which those structures and fixtures are located.

The Agency intends to acquire any real property through voluntary or consensual gift, devise, exchange, or purchase. Such acquisition of property may be for the development of the public improvements identified in this Plan. Such properties may include properties owned by private parties or public entities. This Plan allows the Agency's use of its resources for property acquisition. This Plan does not anticipate the Agency's widespread use of its resources for property acquisition, except for the construction of public improvements or to dispose of real property to a qualified developer to incent certain types of development as permitted by the Law and Act.

In the event the Agency identifies certain property which should be acquired to develop certain public improvements intended to be constructed under the provisions of this Plan, the Agency shall coordinate such property acquisition with any other public entity (e.g., without limitation, the City, the state of Idaho, or any of its authorized agencies), including the assistance of the Agency of funds to acquire said property through a voluntary acquisition or the public entity's involving of its eminent domain authority as limited by Idaho Code § 7-701A.

The Agency is authorized by this Plan to acquire the properties for the uses identified in Attachment 3 hereto, including but not limited to property to be acquired for the extension or expansion of certain rights-of-way and utilities.

The Agency is authorized by this Plan and Idaho Code §§ 50-2010 and 50-2018(12) to acquire the properties identified in Attachment 3 hereto for the purposes set forth in this Plan. The Agency has identified its intent to acquire and/or participate in the development of certain public improvements, including, but not limited to streets, streetscapes, intersection improvements, including the installation of traffic signals, water and sewer improvements, environmental remediation/site preparation, public parking, pedestrian facilities, irrigation canal improvements, relocation of a rail spur, and improvements and/or relocations to the power and gas systems. Further, the Agency may acquire real property to facilitate commercial and industrial economic development projects by assembling and disposing of developable parcels. The Agency's property acquisition will result in remediating deteriorating conditions in the Project Area by facilitating the development of commercial and industrial uses. The public improvements are intended to be dedicated to the City and/or other appropriate public entity, as the case may be, upon completion. The Agency reserves the right to determine which properties identified, if any, should be acquired. The open land areas qualify for Agency acquisition as further set forth in Section 105 of this Plan.

It is in the public interest and may be necessary, in order to eliminate the conditions requiring development and/or redevelopment and in order to execute this Plan, for the power of eminent domain to be employed by the Agency or by the City with the Agency acting in an advisory capacity¹ to acquire real property in the Project Area for the public improvements identified in this Plan, which cannot be acquired by gift, devise, exchange, purchase, or any other lawful method.

Under the provisions of the Act, the urban renewal plan "shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area." Idaho Code § 50-2018(12). The Agency has generally described those properties by use as set out in Attachment 3 for acquisition for the construction of public improvements. The Agency may also acquire property for the purpose of developing streetscape and public utilities. The Agency reserves the right to determine which properties, if any, should be acquired.

305.2 Personal Property

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, for the purpose of developing the public improvements described in Section 305.1.

306 Property Management

During the time real property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for development and/or redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

¹ House Bill 1044, adopted by the Idaho Legislature during the 2021 Legislative Session, limited the Agency's ability to exercise eminent domain.

307 Relocation of Persons (Including Individuals and Families), Business Concerns, and Others Displaced by the Project

If the Agency receives federal funds for real estate acquisition and relocation, the Agency shall comply with 24 C.F.R. Part 42, implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The Agency reserves the right to extend benefits for relocation to those not otherwise entitled to relocation benefits as a matter of state law under the Act or the Law.

In the event the Agency's activities result in displacement, the Agency shall comply with, at a minimum, the standards set forth in the Law. The Agency shall also comply with all applicable state laws concerning relocation benefits and shall coordinate with the various local, state, or federal agencies concerning relocation assistance.

308 Demolition, Clearance, and Site Preparation

The Agency is authorized (but not required) to demolish and clear buildings, structures, and other improvements from any real property in the Project Area as necessary to carry out the purposes of this Plan.

Further, the Agency is authorized (but not required) to prepare, or cause to be prepared, as building sites any real property in the Project Area owned by the Agency including rock removal and site preparation. In connection therewith, the Agency may cause, provide for, or undertake the installation or construction of streets, utilities, pedestrian walkways, public parking facilities, drainage facilities, and other public improvements necessary to carry out this Plan.

309 Property Disposition and Development

309.1 Disposition by the Agency

For the purposes of this Plan, the Agency is authorized to sell, lease, lease/purchase, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property under the reuse provisions set forth in Idaho law, including Idaho Code § 50-2011 and pursuant to any disposition policies adopted by the Agency. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated lease, sale, or transfer without public bidding.

Real property acquired by the Agency may be conveyed by the Agency and, where beneficial to the Project Area, without charge to any public body as allowed by law. All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in this Plan.

309.2 Disposition and Development Agreements

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of deteriorating conditions, all real property sold, leased, or conveyed by the Agency is subject to the provisions of this Plan.

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that development is carried out pursuant to this Plan.

Leases, lease/purchases, deeds, contracts, agreements, and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, shall be recorded in the office of the Recorder of Twin Falls County, Idaho.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, religion, sex, age, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, disability/handicap, tenure, or enjoyment of property in the Project Area. All property sold, leased, conveyed, or subject to a participation agreement shall be expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Project Area shall contain such nondiscrimination and nonsegregation clauses as required by law.

As required by law or as determined in the Agency's discretion to be in the best interest of the Agency and the public, the following requirements and obligations shall be included in the disposition and development agreement.

That the developers, their successors, and assigns agree:

- a. That a detailed scope and schedule for the proposed development shall be submitted to and agreed upon by the Agency.
- b. That the purchase or lease of the land and/or subterranean rights and/or air rights is for the purpose of redevelopment and not for speculation.
- c. That the building of improvements will be commenced and completed as jointly scheduled and determined by the Agency and the developer(s).
- d. That the site and construction plans will be submitted to the Agency for review as to conformity with the provisions and purposes of this Plan.
- e. All new construction shall have a minimum estimated life of no less than twenty (20) years.

- f. That rehabilitation of any existing structure must assure that the structure is safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition which will continue throughout an estimated useful life for a minimum of twenty (20) years.
- g. That the Agency receives adequate assurance acceptable to the Agency to ensure performance under the contract for sale.
- h. All such buildings or portions of the buildings which are to remain within the Project Area shall be reconstructed in conformity with all applicable codes and ordinances of the City.
- i. All disposition and development documents shall be governed by the provisions of Section 409 of this Plan.
- j. All other requirements and obligations as may be set forth in any participation policy established and/or amended by the Agency.

The Agency also reserves the right to determine the extent of its participation based upon the achievements of the objectives of this Plan. Obligations under any disposition and development agreement and deed covenants, except for covenants which run with the land beyond the termination date of this Plan, shall terminate no later than December 31, 2044. The Agency shall retain its discretion to negotiate an earlier date to accomplish all obligations under any disposition and development agreement.

309.3 Development by the Agency

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct public improvements within the Project Area for itself or for any public body or entity, which public improvements are or would be of benefit to the Project Area. Specifically, the Agency may pay for, install, or construct the public improvements authorized under Idaho Code §§ 50-2007, 50-2018(10) and (13), and 50-2903(9), (13), and (14), and as otherwise identified in Attachments 5.1-5.5, attached hereto and incorporated herein by reference, and may acquire or pay for the land required therefore.

The Agency may enter into contracts, leases, and agreements with the City or other public body or private entity pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code § 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under Idaho Code § 50-2908(2)(b) and Section 500 of this Plan or out of any other available funds.

310 Development Plans

All development plans (whether public or private) prepared pursuant to an owner participation agreement or disposition and development agreement, shall be submitted to the

Agency Board for review and approval. All development in the Project Area must conform to those standards specified in Section 409 and all applicable City ordinances.

311 [Reserved]

312 [Reserved]

313 Participation with Others

Under the Law, the Agency has the authority to lend or invest funds obtained from the federal government for the purposes of the Law if allowable under federal laws or regulations. The federal funds that may be available to the Agency are governed by regulations promulgated by the Department of Housing and Urban Development for the Community Development Block Grant Program ("CDBG"), the Economic Development Administration, the Small Business Administration, or other federal agencies. In order to enhance such grants, the Agency's use of revenue allocation funds is critical.

Under those regulations the Agency may participate with the private sector in the development and financing of those private projects that will attain certain federal objectives.

The Agency may, therefore, use the federal funds for the provision of assistance to private for-profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms to support, for any other activity necessary or appropriate to carry out an economic development project.

As allowed by law, the Agency may also use funds from any other sources or participate with the private or public sector with regard to any programs administered by the Idaho Department of Commerce for any purpose set forth under the Law or Act.

The Agency may enter into contracts, leases, and agreements with the City, or other public body or private entity, pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code § 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under Idaho Code § 50-2908(2)(b) and Section 500 of this Plan or out of any other available funds.

314 Conforming Owners

The Agency may, at the Agency's sole and absolute discretion, determine that certain real property within the Project Area presently meets the requirements of this Plan, and the owner of such property will be permitted to remain as a conforming owner without a participation agreement with the Agency, provided such owner continues to operate, use, and maintain the real property within the requirements of this Plan.

400 USES PERMITTED IN THE PROJECT AREA

401 Designated Land Uses

The Agency intends to rely upon the overall land use designations and zoning classifications of the City, as may be amended, and as depicted on Attachment 4 and as set forth in the City's Comprehensive Plan and within the Twin Falls Zoning Code, including the future land use map and zoning classifications, as may be amended. For the most part, the Project Area will include commercial and industrial development as well as public and governmental uses. Provided, however, nothing herein within this Plan shall be deemed to be granting any particular right to zoning classification or use.

402 [Reserved]

403 Public Rights-of-Way

The Project Area contains existing maintained public rights-of-way included within the boundaries, as shown on Attachment 1, including but not limited to State Highway 74/Washington Street South, Orchard Drive, Grandview Drive, North Road, Diamond Avenue, Highland Avenue and Park Avenue. Any new roadways, including new arterials, collectors and/or local roads to be engineered, designed, installed, and constructed in the interior of the Project Area, including but not limited to the extension of Park Avenue and Highland Avenue, will be constructed in conjunction with any applicable policies and design standards of the City or Twin Falls County Highway District (and State and Federal standards, as the case may be) regarding dedicated rights-of-way. Additional public streets, alleys, and easements may be created in the Project Area as needed for proper development, and other potential roadways described in Attachment 5.5, or described in Attachment 5.1.

Additional improvements to existing streets, alleys and easements may be created, improved, or extended in the Project Area as needed for development. Existing dirt roadways, streets, easements, and irrigation or drainage laterals or ditches may be improved, abandoned, closed, vacated, expanded, or modified as necessary for proper development of the Project Area, in accordance with any applicable policies and standards of the Idaho Transportation Department, the City or the Twin Falls County Highway District regarding changes to dedicated rights-of-way, and appropriate irrigation or drainage districts regarding changes to laterals or ditches.

Any development, maintenance, and future changes in the interior or exterior street layout shall be in accordance with the objectives of this Plan and the design standards of the City, Twin Falls County Highway District, or the Idaho Department of Transportation as may be applicable; and shall be effectuated in the manner prescribed by State and local law; and shall be guided by the following criteria:

- a. A balancing of the needs of proposed and potential new developments for adequate pedestrian and vehicular access, vehicular parking, and delivery loading docks with the similar needs of any existing developments permitted to remain.

Such balancing shall take into consideration the rights of existing owners and tenants under the rules for owner and tenant participation adopted by the Agency for the Project and any participation agreements executed thereunder;

- b. The requirements imposed by such factors as topography, traffic safety, and aesthetics; and
- c. The potential need to serve not only the Project Area and new or existing developments, but to also serve areas outside the Project Area by providing convenient and efficient vehicular access and movement.

The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way.

404 Interim Uses

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses that are not in conformity with the uses permitted in this Plan. However, any interim use must comply with applicable City Code or Twin Falls County Code.

405 Development in the Project Area Subject to the Plan

All real property in the Project Area, under the provisions of either a disposition and development agreement or an owner participation agreement, is made subject to the controls and requirements of this Plan. No such real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of this Plan.

406 Construction Shall Comply with Applicable Federal, State, and Local Laws and Ordinances and Agency Development Standards

All construction in the Project Area shall comply with all applicable state laws, the Twin Falls City Code, as may be amended from time to time, and any applicable City Council ordinances pending codification, including but not limited to, regulations concerning the type, size, density and height of buildings; open space, landscaping, light, air, and privacy; the undergrounding of utilities; limitation or prohibition of development that is incompatible with the surrounding area by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors; parcel subdivision; off-street loading and off-street parking requirements.

In addition to applicable codes, ordinances, or other requirements governing development in the Project Area, additional specific performance and development standards may be adopted by the Agency to control and direct development activities in the Project Area in the event of a disposition and development agreement or owner participation agreement.

407 [Reserved]

408 Nonconforming Uses

The Agency may permit an existing use to remain in an existing building and site usage in good condition, which use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Project Area. The owner of such a property must be willing to enter into an owner participation agreement and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and use of the Project Area.

The Agency may authorize additions, alterations, repairs, or other improvements in the Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project Area where, in the determination of the Agency, such improvements would be compatible with surrounding Project uses and development.

All nonconforming uses shall also comply with the City codes and ordinances.

409 Design Guidelines for Development under a Disposition and Development Agreement or Owner Participation Agreement

Under a disposition and development agreement and an owner participation agreement, the design guidelines and land use elements of the Plan shall be achieved to the greatest extent feasible, though the Agency retains the authority to grant minor variations under this Plan and subject to a negotiated agreement between the Agency and the developer or property owner.

Under those agreements, the architectural, landscape, and site plans shall be submitted to the Agency and approved in writing by the Agency. In such agreements, the Agency may impose additional design controls. Therefore, such plans shall give consideration to good design and amenities to enhance the aesthetic quality of the Project Area. These additional design standards or controls will be implemented through the provisions of any owner participation agreement or disposition and development agreement. These controls are in addition to any standards and provisions of any applicable City building or zoning ordinances; provided, however, each and every development shall comply with all applicable City zoning and building ordinances.

500 METHODS OF FINANCING THE PROJECT

501 General Description of the Proposed Financing Method

The Agency is authorized to finance this Project with revenue allocation funds, financial assistance from the City (loans, grants, other financial assistance), state of Idaho, federal government or other public entities, interest income, developer advanced funds, donations, loans from private financial institutions (bonds, notes, line of credit), the lease or sale of Agency-owned property, public parking revenue, or any other available source, public or private, including assistance from any taxing district or any public entity.

The Agency is also authorized to obtain advances, lines of credit, borrow funds, and create indebtedness in carrying out this Plan. The Agency may also consider a transfer or grant from the City, an inter-fund transfer from other urban renewal project areas or enter into a memorandum of understanding with any property owner and/or related entity to fund the establishment of the Project Area. The principal and interest on such advances, funds, and indebtedness may be paid from any funds available to the Agency. The City, as it is able, may also supply additional assistance through City loans and grants for various public improvements and facilities. The City or any other public agency, as properly budgeted, may expend money to assist the Agency in carrying out this Project.

As allowed by law and subject to restrictions as are imposed by law, the Agency is authorized to issue notes or bonds from time to time, if it deems appropriate to do so, in order to finance all or any part of the Project. Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

502 Revenue Allocation Financing Provisions

The Agency hereby adopts revenue allocation financing provisions as authorized by the Act, effective retroactively to January 1, 2024. These revenue allocation provisions shall apply to all taxing districts which are located in or overlap the Revenue Allocation Area shown and described on Attachments 1 and 2 to this Plan. The Agency shall take all actions necessary or convenient to implement these revenue allocation financing provisions. The Agency specifically finds that the equalized assessed valuation of property within the Revenue Allocation Area is likely to increase as a result of the initiation of the Project.

The Agency, acting by one or more resolutions adopted by its Board, is hereby authorized to apply all or any portion of the revenues allocated to the Agency pursuant to the Act to pay as costs are incurred (pay-as-you-go) or to pledge all or any portion of such revenues to the repayment of any moneys advance-funded by developers or owners, borrowed, indebtedness incurred, or notes or bonds issued by the Agency to finance or to refinance the Project Costs (as defined in Idaho Code § 50-2903(14)) of one or more urban renewal projects.

The Agency may consider a note or line of credit issued by a bank or lending institution premised upon revenue allocation funds generated by a substantial private development contemplated by the Study, as defined in Section 502.1, which would allow the Agency to more quickly fund the public improvements contemplated by this Plan. Likewise, a developer/owner advanced funding of certain eligible public infrastructure improvements to be reimbursed pursuant to an owner participation agreement could achieve the same purpose.

Upon enactment of a City Council ordinance finally adopting these revenue allocation financing provisions and defining the Revenue Allocation Area described herein as part of the Plan, there shall hereby be created a special fund of the Agency into which the County Treasurer shall deposit allocated revenues as provided in Idaho Code § 50-2908. The Agency shall use such funds solely in accordance with Idaho Code § 50-2909 and solely for the purpose of

providing funds to pay the Project Costs, including any incidental costs, of such urban renewal projects as the Agency may determine by resolution or resolutions of its Board.

A statement listing proposed public improvements and facilities, a schedule of improvements, an economic feasibility study, estimated project costs, fiscal impact upon other taxing districts, the location of proposed public infrastructure improvements, and methods of financing project costs required by Idaho Code § 50-2905 is included in this Plan and in Attachments 5.1-5.5 to this Plan. This information necessarily incorporates estimates and projections based on the Agency's and consultants' present knowledge and expectations. The Agency is hereby authorized to adjust the presently anticipated urban renewal projects and use of revenue allocation financing of the related Project Costs if the Board deems such adjustment necessary or convenient to effectuate the general objectives of the Plan in order to account for revenue inconsistencies, market adjustments, future priorities, developers/owners seeking Agency assistance pursuant to an owner participation agreement, and unknown future costs. Agency revenue and the ability to fund reimbursement of eligible Project Costs is more specifically detailed in the annual budget.

Revenues will continue to be allocated to the Agency until termination of the revenue allocation area as set forth in Section 800. The Study incorporates estimates and projections based on the Agency's and its consultants' present knowledge and expectations concerning the length of time to complete the improvements and estimated future revenues. The activity may take longer depending on the significance and timeliness of development. Alternatively, the activity may be completed earlier if revenue allocation proceeds are greater or the Agency obtains additional funds from another source.

The Agency may appropriate funds consisting of revenue allocation proceeds on an annual basis without the issuance of notes or bonds. The Agency may also obtain advances or loans from the City or Agency, or from the Agency's other revenue allocation area, or private entity and financial institutions in order to immediately commence construction of certain of the public improvements. Developer advanced funding of public improvements could also achieve the same purpose. The revenue allocation proceeds are hereby irrevocably pledged for the payment of the principal and interest on the advance of monies or making of loans or the incurring of any indebtedness such as bonds, notes, and other obligations (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part, including reimbursement to any owner/developer or public entity for the cost of eligible public improvements pursuant to an owner participation agreement.

The Agency is authorized to make such pledges as to specific advances, loans, and indebtedness as appropriate in carrying out the Project. The Agency reserves the right to either pay for Project Costs from available revenue (pay-as-you-go basis) or borrow funds by incurring debt through notes or other obligations.

Revenue allocation proceeds are deemed to be only a part of the proposed funding sources for the payment of public improvements and other project improvements. Additionally, project funding is proposed to be phased for the improvements, allowing various sources of funds to be accumulated for use.

502.1 Economic Feasibility Study

Attachment 5.2 constitutes the Economic Feasibility Study for the Project Area as supported by Attachments 5.1, 5.3, 5.4 and 5.5 (collectively, the “Study”), prepared by Kushlan | Associates. The Study constitutes the financial analysis required by the Act and is based upon existing information from property owners, developers, the Agency, the City, and others.

502.2 Assumptions and Conditions/Economic Feasibility Statement

The information contained in the Study assumes certain completed and projected actions. All debt is projected to be repaid no later than the duration period of the Plan. The total amount of indebtedness (and all other loans or indebtedness), developer reimbursement and the amount of revenue generated by revenue allocation are dependent upon the extent and timing of private development. Should all of the development take place as projected, the project indebtedness could be extinguished earlier, dependent upon other legal obligations. Should private development take longer to materialize, or should the private development be substantially less than projected, then the amount of revenue generated will be substantially reduced and debt may continue for its full term.

The Plan and the Plan Attachments incorporate estimates and projections based on the Agency’s and consultants’ present knowledge and expectations. The Plan proposes certain public improvements as set forth in the Study, and in Section 301, which will facilitate commercial and industrial economic development opportunities in the Revenue Allocation Area.

The assumptions set forth in the Study are based upon the best information available to the Agency and its consultants through public sources or discussions with property owners, developers, the City staff, and others. The information has been analyzed by the Agency and its consultants in order to provide an analysis that meets the requirements set forth under the Law and Act. At the point in time when the Agency may seek a loan from lenders or others, a more detailed and then-current financial pro forma will be presented to those lenders or underwriters for analysis to determine the borrowing capacity of the Agency. As set forth herein, the Agency reserves the right to fund the Project on a “pay-as-you-go” basis. The Agency Board will prioritize the activities set forth in this Plan and determine what funds are available and what activities can be funded. The Agency will establish those priorities through its mandated annual budgetary process.

The list of public improvements, or activities within the Study are prioritized by way of importance to the Agency, by feasibility based on estimated revenues to be received, amounts funded, and by timing of the proposed funding. The projected timing of funding is primarily a function of the availability of financial resources and market conditions but is also strategic, considering the timing of anticipated or projected private development partnership opportunities and the ability of certain strategic activities to stimulate development at a given point in time within the duration of the Plan and Project Area.

The assumptions concerning revenue allocation proceeds are based upon certain anticipated or projected new developments, assessed value increases, and assumed tax levy rates

as more specifically set forth in the Study. In projecting new construction, the Study considered parcels identified as expected to develop over the life of the Project Area, communications with potential developers and City staff. Based on a review of past general inflationary increases, the Study assumes land values will inflate at a rate of 6% per year through 2029 and then will inflate at 3% per year for the duration of the Project Area. Improvement values are estimated to inflate at a rate of 8% per year through 2029 and then will inflate at 4% per year for the duration of the Project Area. The Study projects new taxable development investment valued at \$400,000,000 over the life of the Project Area.

The types of new construction expected in the Project Area are: commercial and industrial developments, as well as, other public facilities and improvements, including but not limited to streets, streetscapes, water and sewer improvements, power, gas and fiber optic improvements, relocation of a rail spur, environmental remediation/site preparation, public parking, and pedestrian/bike paths. The Project Area has potential for a significant increase in commercial and industrial growth due to the location of the Project Area. However, without a method to construct the identified public improvements such as main water and sewer lines, street infrastructure, and pedestrian amenities, development is unlikely to occur in much of the Project Area.

The financial analysis set forth in the Study has taken into account and excluded levies that do not flow to the Agency consistent with Idaho Code § 50-2908.

It is understood that application of certain exemptions, including the homeowner's exemption and Idaho Code § 63-602K, which provides for personal property tax exemption to businesses may have the effect of reducing the increment value, which in turn reduces revenue.

502.3 Ten Percent Limitation

Under the Act, the base assessed valuation for all revenue allocation areas cannot exceed gross/net ten percent (10%) of the current assessed taxable value for the entire City. According to the Twin Falls County Assessor, the assessed taxable value for the City as of January 1, 2023², less homeowners' exemptions, is \$6,406,571,903 (does not include State assessed operating property). Therefore, the 10% limit is \$640,657,190.

The adjusted base assessed value of each of the existing revenue allocation areas³, together with the assessed taxable value of the proposed Project Area, as of January 1, 2023, is as follows:

² Due to the timing of the assessment process and creation of this Plan, the 2023 values have been used to establish compliance with the 10% limitation. Using the 2023 values, the total adjusted base values of the existing revenue allocation areas combined with the value of this Project Area is 3.977% of the total taxable value of the City. Even assuming an increase in values for 2024, the combined adjusted base values of the revenue allocation areas would not exceed 10% of the current assessed taxable value for the entire City.

³ Washington Street South terminated effective January 1, 2024. The revenue allocation area formerly included within the Washington Street South area is included within the boundaries of the proposed Project Area at the stepped up current taxable value..

Area 4-3 (Chobani)	\$1,069,508
Area 4-4 (Clif Bar)	\$4,090,577
Orchard Drive East	\$483,366 ⁴
Old Towne-2	\$233,672,375
Proposed Southwest	\$15,260,739
TOTAL:	\$254,576,565

The adjusted base values for the combined revenue allocation areas total \$254,576,565, which is less than 10% of the City's 2023 taxable value.

502.4 Financial Limitation

The Study identifies several capital improvement projects. Use of any particular funding source for any particular purpose is not assured or identified. Use of the funding source shall be conditioned on any limitations set forth in the Law, the Act, by contract, or by other federal regulation. If revenue allocation funds are unavailable, then the Agency will need to use a different funding source for that improvement.

The amount of funds available to the Agency from revenue allocation financing is directly related to the assessed value of new improvements within the Revenue Allocation Area. Under the Act, the Agency is allowed the revenue allocation generated from inflationary increases and new development value. Increases have been assumed based upon the projected value of new development as that development occurs along with possible land reassessment based on a construction start.

The Study, with the various estimates and projections, constitutes an economic feasibility study. Costs and revenues are analyzed, and the analysis shows the need for public capital funds during the project. Multiple financing sources are contemplated in the Study, including proposed revenue allocation notes, annual revenue allocations, developer contributions, city contributions, interfund loan, and other financing sources as permitted by law. This Study identifies the kind, number, and location of all proposed public works or improvements, a detailed list of estimated project costs, a description of the methods of financing illustrating project costs, and the time when related costs or monetary obligations are to be incurred.⁵ Based on these funding sources, the conclusion is that the Project is feasible.

The Agency reserves the discretion and flexibility to use revenue allocation proceeds in excess of the amounts projected in the Study for the purpose of funding the identified projects and improvements. The projections in the Study are based on reasonable assumptions and existing market conditions. However, should the Project Area result in greater than anticipated revenues, the Agency specifically reserves the ability to fund the additional activity and projects identified in the Plan. Further, the Agency reserves the discretion and flexibility to use other sources of funds unrelated to revenue allocation to assist in the funding of the improvements and activities identified, including but not limited to owner participation agreements and disposition

⁴ Pursuant to House Bill 560 enacted during the 2020 Legislative Session, and effective as of July 1, 2020, this Plan assumes any increase in value on the agricultural parcels will be allocated to the increment value.

⁵ See Idaho Code § 50-2905.

and development agreements. The Agency may also re-prioritize projects in the project list pursuant to market conditions, project timing, funding availability, etc., as more specifically detailed in the annual budget.

The proposed timing for the public improvements may have to be adjusted depending upon the availability of funds and the Agency's ability to finance any portion of the Project. **Any adjustment to Project timing or funding is technical or ministerial in nature and shall not be considered a modification of the Plan pursuant to Idaho Code § 50-2903A.**

The Study lists those public improvements the Agency intends to construct or fund (directly or through reimbursement) through the term of the Plan. The costs of improvements are estimates only as it is impossible to know with any certainty what the costs of improvements and projects will be in future years. There is general recognition that construction costs fluctuate and are impacted by future unknowns, such as, the cost of materials and laborers. Final costs will be determined by way of construction contract public bidding or by an agreement between the developer/owner, and/or public entity, and Agency. The listing of public improvements and projects does not commit the Agency, City, or other public entity, to any particular level of funding; rather, identification of the activity in the Plan allows the Agency to negotiate the terms of any reimbursement with the developer and/or the public entities. This Plan does not financially bind or obligate the Agency, City, or other public entity to any project or property acquisition; rather, for purposes of determining the economic feasibility of the Plan certain projects and expenditures have been estimated and included in the analysis. The City has not committed to fund any public infrastructure improvements within the Project Area. Such decisions concerning capital improvement projects and/or other expenditures are made by the City annually pursuant to its budget and appropriation process. Agency revenue and the ability to fund reimbursement of eligible Project Costs is more specifically detailed in any participation agreement and in the annual budget adopted by the Agency Board. The proposed location and siting of the proposed public infrastructure and other improvement projects in the Project Area are generally described in Attachments 5.1 and 5.5 and this Plan recognizing that the specific location of the projects will depend on the type and timing of development. The specific location of the improvements or the change in the location of the improvements identified in Attachment 5 or this Plan is technical and/or ministerial and does not constitute a modification to the Plan.

The Agency reserves its discretion and flexibility in deciding which improvements are more critical for development or redevelopment, and the Agency intends to coordinate its public improvements with associated development by private developers/owners. Where applicable, the Agency also intends to coordinate its participation in the public improvements with the receipt of certain grants or loans which may require the Agency's participation in some combination with the grant and loan funding.

Generally, the Agency expects to develop those improvements identified in the Study first, in conjunction with private development within the Project Area generating the increment as identified in the Study.

The Plan has shown that the equalized valuation of the Revenue Allocation Area as defined in the Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

502.5 [Reserved]

502.6 Participation with Local Improvement Districts and/or Business Improvement Districts

Under the Idaho Local Improvement District (“LID”) Code, Chapter 17, Title 50, Idaho Code, the City has the authority to establish local improvement districts for various public facilities, including, but not limited to, streets, curbs, gutters, sidewalks, storm drains, landscaping, and other like facilities. To the extent allowed by the Law and the Act, the Agency reserves the authority, but not the obligation, to participate in the funding of local improvement district facilities. This participation may include either direct funding to reduce the overall cost of the LID or to participate as an assessed entity to finance the LID project. Similarly, to the extent allowed by the Law and the Act, the Agency reserves the authority, but not the obligation, to participate in the funding of the purposes specified under the Business Improvement Districts, Chapter 26, Title 50, Idaho Code.

502.7 Issuance of Debt and Debt Limitation

Any debt incurred by the Agency as allowed by the Law and Act shall be secured by revenue allocation funds as allowed by the Act. All such debt shall be repaid within the duration of this Plan, except as may be authorized by law.

502.8 Impact on Other Taxing Districts and Levy Rate

An estimate of the overall impact of the revenue allocation project on each taxing district is shown in the Study through the new development projections set forth in the Study.

The assessed value for each property in a revenue allocation area consists of a base value and an increment value. The base value is the assessed value as of January 1 of the year in which a revenue allocation area is approved by a municipality, with periodic adjustments allowed by Idaho law. The increment value is the difference between the adjusted base assessed value and current assessed taxable value in any given year while the property is in a revenue allocation area. Under Idaho Code § 63-802, taxing entities are constrained in establishing levy rates by the amount each budget of each taxing district can increase on an annual basis. Taxing entities submit proposed budgets to the County Board of Commissioners, which budgets are required to comply with the limitations set forth in Idaho Code § 63-802. Therefore, the impact of revenue allocation on the taxing entities is more of a product of the imposition of Idaho Code § 63-802, than the effect of urban renewal.

The County Board of Commissioners calculates the levy rate required to produce the proposed budget amount for each taxing entity using the assessed values which are subject to each taxing entity’s levy rate. Assessed values in urban renewal districts which are subject to

revenue allocation (incremental values) are not included in this calculation. The combined levy rate for the taxing entities is applied to the incremental property values in a revenue allocation area to determine the amount of property tax revenue which is allocated to an urban renewal agency. The property taxes generated by the base values in the urban renewal districts and by properties outside revenue allocation areas are distributed to the other taxing entities. Properties in revenue allocation areas are subject to the same levy rate as they would be outside a revenue allocation area. The difference is how the revenue is distributed. If the overall levy rate is less than assumed, the Agency may receive fewer funds from revenue allocation.

In addition, without the Revenue Allocation Area and its ability to pay for public improvements and public facilities, fewer substantial improvements within the Revenue Allocation Area would be expected during the term of the Plan; hence, there would be lower increases in assessed valuation to be used by the other taxing entities. The Study's analysis is premised upon the fact the proposed development and/or redevelopment would not occur but for the ability to use revenue allocation funds to fund certain significant public infrastructure improvements.

One result of new construction occurring outside the revenue allocation area (Idaho Code §§ 63-802 and 63-301A) is the likely reduction of the levy rate as assessed values increase for property within each taxing entity's jurisdiction. From and after December 31, 2006, Idaho Code § 63-301A prohibits taxing entities from including, as part of the new construction roll, the increased value related to new construction within a revenue allocation area until the revenue allocation authority is terminated. Any new construction within the Project Area is not available for inclusion by the taxing entities to increase their budgets. Upon termination of this Plan or deannexation of area, the taxing entities will be able to include a percentage of the increment value on new construction roll for purposes of setting the following year's budget and revenue from such value is not limited to the eight percent cap set forth in Idaho Code § 63-802.

As the 2024 certified levy rates are not determined until late 2024, the 2023 certified levy rates have been used as a base to support the assumptions in the Study for purposes of the analysis.⁶ Those taxing districts and levy rates are as follows:

<u>Taxing Districts</u>	<u>Levy Rates:</u>
City of Twin Falls	.004714041
Twin Falls County	.002671258
Twin Falls School District #411 - Tort	.000012520
Twin Falls County Ambulance	.000111169
Twin Falls County Pest Abatement District	.000063292
College of Southern Idaho	.000705854
Twin Falls Highway District	.000703461
TOTAL⁷	0.008981595

⁶ Due to the timing of the taxing districts' budget and levy setting process, certification of the 2024 levy rates did not occur until this Plan had been prepared and was in the process of being considered by the Agency. In order to provide a basis to analyze the impact on the taxing entities, the 2023 levy rates are used. Use of the 2023 levy rates provides a more accurate base than estimating the 2024 levy rates.

House Bill 587, as amended in the Senate, effective July 1, 2020, amends Idaho Code § 50-2908 altering the allocation of revenue allocation funds to the Agency from the Twin Falls County Highway District levy.⁸ This amendment will apply to this Project Area and provides: “[i]n the case of a revenue allocation area first formed or expanded to include the property on or after July 1, 2020, all taxes levied by any highway district, unless the local governing body that created the revenue allocation area has responsibility for the maintenance of roads or highways” will be allocated to the applicable highway district, which in this case is the Twin Falls County Highway District.

It is generally understood the City has, or will have, responsibility for the maintenance of the roads or highways in and around the Project Area, and therefore, the revenues from the Twin Falls County Highway District levies will be allocated to the Agency, without need of a further agreement.

The Study has made certain assumptions concerning the levy rate. For purposes of the Study, the estimated levy rate is projected to stay level for the life of the revenue allocation area⁹. If the overall levy rate is less than projected, or if expected development fails to occur as estimated, the Agency will likely receive fewer funds from revenue allocation.

Pursuant to Idaho Code § 50-2908, the Agency is not entitled to revenue allocation proceeds from certain levy increases which are allowed by either specific statutory authorization or approved by an election of the qualified electors of the particular taxing district. Therefore, for any levy election, the Agency will not receive revenue allocation funds which would have been generated by imposing that levy on the assessed valuation within the Project Area. The Study has taken this statute into account. This is also the reason there is no impact to Twin Falls School District #411 (tort levy only).

503 Phasing and Other Fund Sources

Other sources of funds may include City, and other public entity parties, owner/developer participation, and financing. It is important to note this Plan does not financially bind or obligate the City, Agency and/or any other public entity to any project or property acquisition. The City and/or other local government entity continues to be subject to statutory and constitutional budget and levy limitations. The City, Agency, and/or other public entity participation in any project shall be determined by the amount of revenue allocation funds generated and pursuant to the annual budgeting process.

504 Lease Revenue and Bonds

Under the Law (Idaho Code § 50-2012), the Agency is authorized to issue revenue bonds to finance certain public improvements identified in the Plan. Under that type of financing, the

⁷ Net of voter approved bonds and levies.

⁸ Senate Bill 1107, as amended in the Senate, effective July 1, 2021, made a corresponding amendment to Idaho Code Section 40-1415(3) to address the responsibility for funding certain urban renewal projects.

⁹ Accurate projection of future levy rates is speculative. Due to the nature of the property uses within the Project Area and the development potential, holding the levy rate constant provides a sound basis to project future revenues.

public entity would pay the Agency a lease payment annually which provides certain funds to the Agency to retire the bond debt. Another variation of this type of financing is sometimes referred to as conduit financing, which provides a mechanism where the Agency uses its bonding authority for the Project, with the end user making payments to the Agency to retire the bond debt. These sources of revenues are not related to revenue allocation funds and are not particularly noted in the Study, because of the “pass through” aspects of the financing. Under the Act, the economic feasibility study focuses on the revenue allocation aspects of the Agency’s financial model.

These financing models typically are for a longer period of time than the 20-year period set forth in the Act. However, these financing models do not involve revenue allocation funds, but rather funds from the end users which provide a funding source for the Agency to continue to own and operate the facility beyond the term of the Plan as allowed by Idaho Code § 50-2905(8) as those resources involve funds not related to revenue allocation funds.

505 Membership Dues and Support of Community Economic Development

The Act is premised upon economic development being a valid public purpose. To the extent allowed by the Law and the Act, the Agency reserves the authority to use revenue allocation funds to contract with non-profit and charitable organizations established for the purpose of supporting economic development and job creation. Additionally, the Agency reserves the authority to expend revenue allocation funds to join, participate and support non-profit organizations established to support Agency best practices and administration. The line item of District Operating Expenses within the Study shall be deemed to include expenditures for the purposes described in this section as may be deemed appropriate during the annual budgetary process.

600 ACTIONS BY THE CITY AND OTHER PUBLIC ENTITIES

The City shall aid and cooperate with the Agency in carrying out this Plan in support of the Comprehensive Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing deterioration. Actions by the City may include, but not be limited to, the following:

- a. Institution and completion of proceedings necessary for changes and improvements in private and publicly owned public utilities within or affecting the Project Area.
- b. Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan.
- c. Imposition, wherever necessary, of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
- d. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency may develop and provide for enforcement

of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.

- e. Building code enforcement.
- f. Performance of the above actions and of all other functions and services relating to public peace, health, safety, and physical development normally rendered in accordance with a schedule which will permit the development and/or redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
- g. The undertaking and completing of any other proceedings necessary to carry out the Project.
- h. Administration of Community Development Block Grant funds that may be made available for this Project.
- i. Appropriate agreements with the Agency for administration, supporting services, funding sources, and the like.
- j. Assist with coordinating and implementing the public improvements in the Project Area identified in the Study.
- k. Institution and completion of proceedings necessary for the establishment of a local improvement district under Chapter 17, Title 50, Idaho Code, or a business improvement district.
- l. Joint funding of certain public improvements, subject to public entity annual appropriation, including but not limited to those identified in this Plan and Attachments 5.1-5.5 to the Plan.
- m. Use of public entity labor, services, and materials for construction of the public improvements listed in this Plan.
- n. Transfer of real property or improvements upon Agency request.
- o. Waiver of impact fees and permit fees as may be permitted by the law.
- p. Contribute land for right-of-way improvements at no cost to support construction of the public improvements listed in this Plan.

The foregoing actions, if taken by the City, do not constitute any commitment for financial outlays by the City.

601 Maintenance of Public Improvements

The Agency has not identified any commitment or obligation for long-term maintenance of the public improvements identified. The Agency will need to address this issue with the appropriate entity, public or private, who has benefited from or is involved in the ongoing preservation of the public improvement. The Agency expects to dedicate public improvements to the City.

700 ENFORCEMENT

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the City.

800 DURATION OF THIS PLAN, TERMINATION, AND ASSET REVIEW

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan, shall be effective for twenty (20) years from the effective date of the Plan subject to modifications and/or extensions set forth in Idaho Code §§ 50-2904 and 50-2905(7). The revenue allocation authority will expire on December 31, 2044, except for any revenue allocation proceeds received in calendar year 2045, as contemplated by Idaho Code § 50-2905(7). The Agency may use proceeds in 2045 to complete the projects set forth herein. As stated in the Plan, any owner participation agreement or disposition and development agreement obligations will cease as of December 31, 2044.

Idaho Code § 50-2903(5) provides the Agency shall adopt a resolution of intent to terminate the revenue allocation area by September 1 in the year of termination. In order to provide sufficient notice of termination to the affected taxing districts to allow them to benefit from the increased budget capacity, the Agency will use its best efforts to provide notice of its intent to terminate this Plan and its revenue allocation authority by May 1, 2045, or if the Agency determines an earlier terminate date, then by May 1 of the early termination year:

- a. When the Revenue Allocation Area plan budget estimates that all financial obligations have been provided for, the principal of and interest on such moneys, indebtedness, and bonds have been paid in full or when deposits in the special fund or funds created under this chapter are sufficient to pay such principal and interest as they come due, and to fund reserves, if any, or any other obligations of the Agency funded through revenue allocation proceeds shall be satisfied and the Agency has determined no additional project costs need be funded through revenue allocation financing, the allocation of revenues under Idaho Code § 50-2908 shall thereupon cease; any moneys in such fund or funds in excess of the amount necessary to pay such principal and interest shall be distributed to the affected taxing districts in which the Revenue Allocation Area is located by the County Clerk in the same manner and proportion as the most recent distribution to the affected taxing districts of the taxes on the taxable property located within the

Revenue Allocation Area; and the powers granted to the urban renewal agency under Idaho Code § 50-2909 shall thereupon terminate.

- b. In determining the termination date, the Plan shall recognize that the Agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the Plan.
- c. For the fiscal year that immediately predates the termination date, the Agency shall adopt and publish a budget specifically for the projected revenues and expenses of the Plan and make a determination as to whether the Revenue Allocation Area can be terminated before January 1 of the termination year pursuant to the terms of Idaho Code § 50-2909(4). In the event that the Agency determines that current tax year revenues are sufficient to cover all estimated expenses for the current year and all future years, by May 1, but in any event, no later than September 1, the Agency shall adopt a resolution advising and notifying the local governing body, the county auditor, and the State Tax Commission, recommending the adoption of an ordinance for termination of the Revenue Allocation Area by December 31 of the current year, and declaring a surplus to be distributed as described in Idaho Code § 50-2909 should a surplus be determined to exist. The Agency shall cause the ordinance to be filed with the office of the county recorder and the Idaho State Tax Commission as provided in Idaho Code § 63-215.

Upon termination of the revenue allocation authority of the Plan to the extent the Agency owns or possesses any assets, subject to the following paragraph, the Agency intends to dispose of any remaining assets by granting or conveying or dedicating such assets to the City, unless based on the nature of the asset, disposition to another public entity is more appropriate.

As allowed by Idaho Code § 50-2905(8), the Agency may retain assets or revenues generated from such assets as long as the Agency shall have resources other than revenue allocation funds to operate and manage such assets. Similarly, facilities which provide a lease income stream to the Agency for full retirement of the facility debt will allow the Agency to meet debt services obligations and provide for the continued operation and management of the facility. For those assets which do not provide such resources or revenues, the Agency will likely convey such assets to the City, depending on the nature of the asset.

900 PROCEDURE FOR AMENDMENT OR MODIFICATION

Modification of this Plan by City Council ordinance results in a reset of the base value for the year immediately following the year in which the modification occurred to include the current year's equalized assessed value of the taxable property in the revenue allocation area, effectively eliminating the Agency's revenue stream as more fully set forth in Idaho Code § 50-2903A subject to certain limited exceptions contained therein, including the exception to allow an amendment to support growth of an existing commercial or industrial project. Idaho Code § 50-2903A(1)(a)(iv). As more specifically identified above, the Agency's projections are based on estimated values, estimated levy rates, estimated future development, and estimated costs of

future construction/improvements. Annual adjustments, as more specifically set forth in the Agency's annual budget, will be required to account for more/less estimated revenue and prioritization of projects. Any adjustments for these stated purposes are technical and ministerial and are not deemed a modification under Idaho Code § 50-2903A(1)(a)(i).

1000 SEVERABILITY

If any one or more of the provisions contained in this Plan to be performed on the part of the Agency shall be declared by any court of competent jurisdiction to be contrary to law, then such provision or provisions shall be null and void and shall be deemed separable from the remaining provisions in this Plan and shall in no way affect the validity of the other provisions of this Plan.

1100 ANNUAL REPORT AND OTHER REPORTING REQUIREMENTS

Under the Law, the Agency is required to file with the City and the State Controller's office, on or before March 31 of each year, a report of the Agency's activities for the preceding calendar year, which report shall include certain financial information required under Idaho Code § 67-1076. This annual report shall be considered at a public meeting to report these findings and take comments from the public.

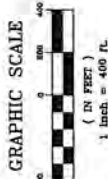
Additionally, the Agency must comply with certain other reporting requirements as set forth in the local government registry portal, Idaho Code §§ 67-1076 and 50-2006(5)(c), State of Idaho Controller's Office, and Idaho Code § 50-2913, the tax commission plan repository, and Idaho Code § 50-2903A, the tax commission's plan modification annual attestation. Failure to report the information requested under any of these statutes results in significant penalties, including loss of increment revenue, and the imposition of other compliance measures by the Twin Falls County Board of County Commissioners.

1200 APPENDICES, ATTACHMENTS, EXHIBITS, TABLES

All attachments and tables referenced in this Plan are attached and incorporated herein by their reference. All other documents referenced in this Plan but not attached are incorporated by their reference as if set forth fully.

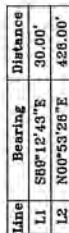
Attachment 1

Boundary Map of Urban Renewal Project Area and Revenue Allocation Area



LEGGEND

PARCEL BOUNDARY
SECTION LINE
LOT LINE
FOUND 1/2" IRON
FOUND 5/8" IRON
FOUND ALUMINUM C
FOUND BRASS CAP



NOTE:

This boundary map is a compilation of record and field information and does not constitute a Record of Survey but is supplemental to the Urban Renewal Agency of the City of Twin Falls Revenue Allocation Area.

GARCIA
LAND SURVEYING, LLC

ANNEXATION MAP
Urban Renewal Agency
Of The
City of Twin Falls

LOCATED IN: PART OF SECTION 20
TOWNSHIP 10 SOUTH, RANGE 17 EAST, R.M.
TWIN FALLS COUNTY, IDAHO

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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DATE: 9.11.2024

OF NO: 2453 SHEET NO: 1 OF 1

Attachment 2

Legal Description of Urban Renewal Project Area and Revenue Allocation Area

**Urban Renewal Agency
of the City of Twin Falls
Southwest Area Taxing District Description**

TOWNSHIP 10 SOUTH RANGE 17 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 20: A parcel of land located in said Section 20 and more particularly described as follows:

Commencing at the Northeast (NE) Corner of said Section 20 (Which lies South 89°12'44" East a distance of 2641.02 feet from the North (N1/4) Quarter Corner) Thence along the East boundary of said section 20, South 00°06'47" West for a distance of 618.42 feet to the **TRUE POINT OF BEGINNING**;

Thence South 89°12'43" East for a distance of 30.00 feet to the Easterly Right of Way of SH-74/Washington Street South;

Thence along the Easterly Right of Way of SH-74/Washington Street South;
South 00°26'47" West for a distance of 708.06 feet;

Thence continuing along the Easterly Right of Way of SH-74/Washington Street South;
South 02°59'14" East for a distance of 50.09 feet;

Thence continuing along the Easterly Right of Way of SH-74/Washington Street South;
South 00°26'47" West for a distance of 1326.66 feet;

Thence continuing along the Easterly Right of Way of SH-74/Washington Street South;
South 00°26'31" West for a distance of 238.48 feet;

Thence North 88°59'12" West for a distance of 431.84 feet;

Thence North 00°26'31" East for a distance of 238.15 feet;

Thence North 88°59'12" West for a distance of 2239.28 feet to a point center quarter of said section 20;

Thence South 00°22'57" West for a distance of 2717.25 feet to the Southerly roadway easement of 3700 North Road;

Thence along the Southerly roadway easement of 3700 North Road, North 88°46'59" West for a distance of 278.36 feet;

Thence North 01°13'01" East for a distance of 426.00 feet;

Thence North 88°46'59" West for a distance of 549.86 feet to Northwest corner of Pheasant Cove Subdivision No. 1;

Thence along the West boundary of Pheasant Cove Subdivision No. 1, South 01°13'01" West for a distance of 426.00 feet to a point on the Southerly roadway easement of 3700 North Road;

Thence along the Southerly roadway easement of 3700 North Road, North 88°46'59" West for a distance of 1831.62 feet to the Westerly roadway easement of Grandview Drive;

Thence along the Westerly roadway easement of Grandview Drive, North $00^{\circ}18'51''$ East for a distance of 2707.83 feet;

Thence South $88^{\circ}59'12''$ East for a distance of 1343.98 feet;

Thence North $00^{\circ}21'04''$ East for a distance of 2227.88 feet;

Thence South $89^{\circ}12'27''$ East for a distance of 236.73 feet;

Thence North $00^{\circ}21'16''$ East for a distance of 485.00 feet to the Northerly roadway easement of South Park Avenue West;

Thence along the Northerly roadway easement of South Park Avenue West, South $89^{\circ}12'27''$ East for a distance of 1144.60 feet;

Thence South $00^{\circ}26'47''$ West along the Easterly roadway easement of Steele Street for a distance of 643.41 feet to a point the Northerly roadway easement of Daimond Avenue;

Thence along the Northerly roadway easement of Daimond Avenue, South $89^{\circ}12'43''$ East for a distance of 2580.05 feet to the **TRUE POINT OF BEGINNING**.

Parcel contains 370.75 acres

Attachment 3

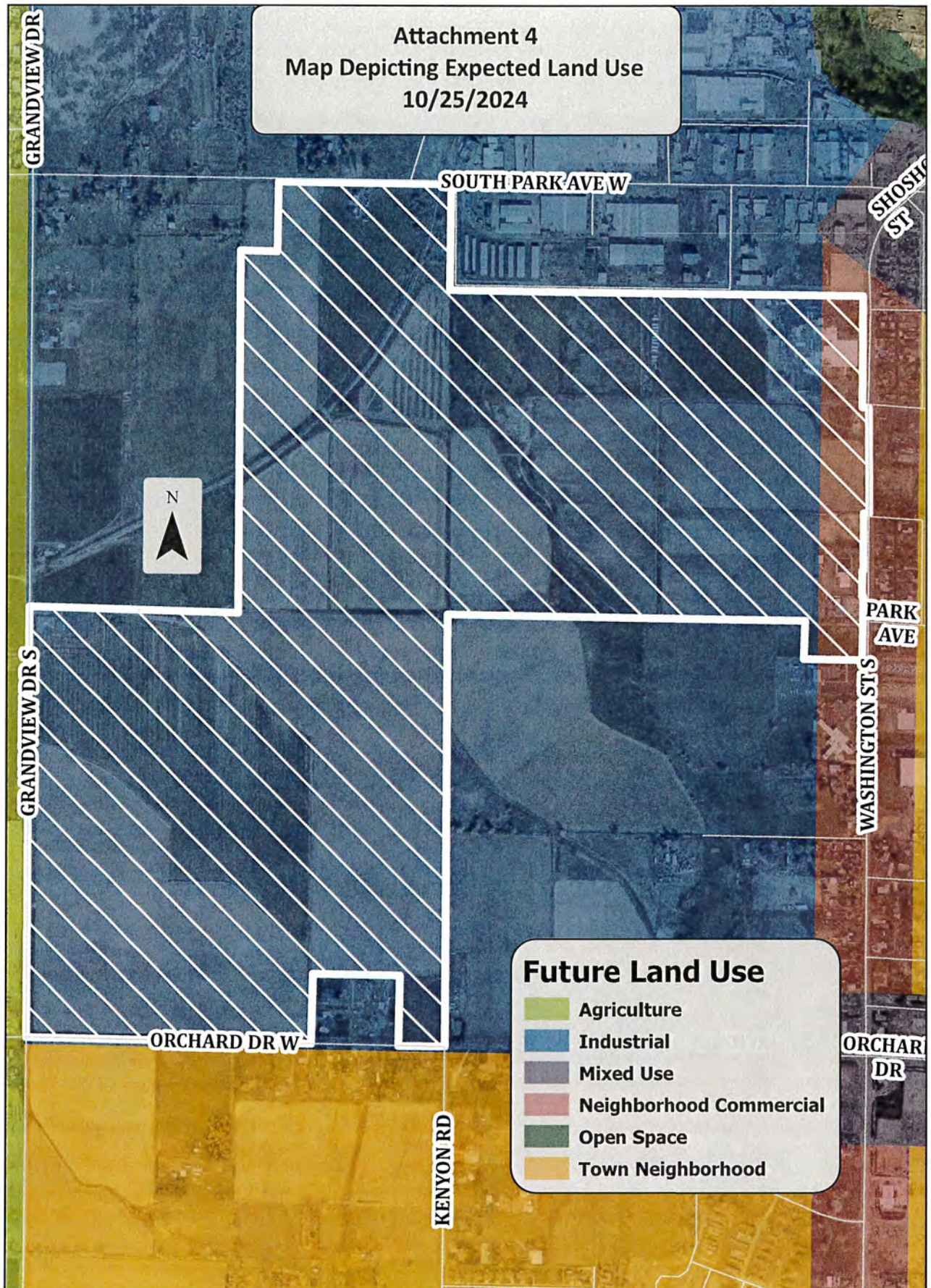
Private Properties Which May Be Acquired by the Agency

1. The Agency has not identified any particular parcel to be acquired for the construction of public improvements or for private redevelopment. Properties which may be subject to acquisition include parcels to:
 - a) assemble with adjacent parcels to facilitate redevelopment;
 - b) assemble with adjacent rights-of-way to improve configuration and enlarge parcels for redevelopment;
 - c) reconfigure sites for development and possible extension of streets or pathways;
 - d) assemble for future transfer to qualified developers to facilitate the development of mixed-use, residential, commercial, and retail areas; or
 - e) assemble for the construction of certain public improvements, including but not limited to streets, streetscapes, water and sewer improvements, environmental remediation/site preparation, public parking, community facilities, parks, pedestrian/bike paths and trails, recreation access points, and other public facilities.
2. The Agency reserves the right to acquire any additional right-of-way or access routes near or around existing or planned rights-of-way.
3. The Agency reserves the right to acquire property needed to provide adequately sized sites for high priority projects for the development of public improvements (the exact location of which has not been determined).
4. Other parcels may be acquired for the purpose of facilitating catalyst or demonstration projects, constructing public parking, constructing new streets or pathways, enhancing public spaces, or to implement other elements of the urban renewal plan strategy and/or any master plan for the Project Area.

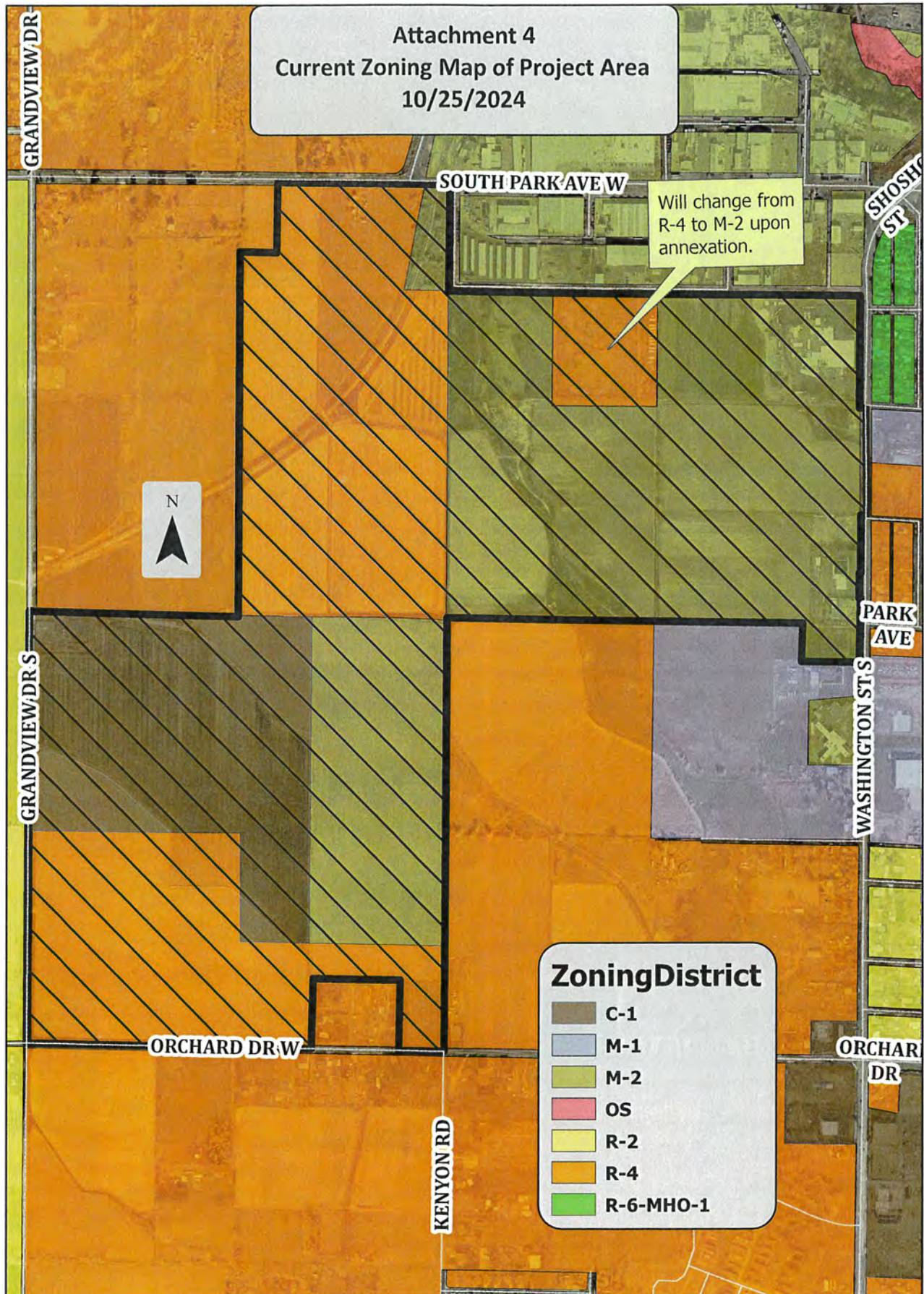
Attachment 4

Map Depicting Expected Land Uses and Current Zoning Map
of the Project Area

Attachment 4
Map Depicting Expected Land Use
10/25/2024



Attachment 4
Current Zoning Map of Project Area
10/25/2024



Attachment 5

Economic Feasibility Study (including Attachments 5.1, 5.2, 5.3, 5.4 and 5.5)

ATTACHMENT 5.1

Public Improvements within the Revenue Allocation Area

This Attachment includes a projected list of proposed public works or improvements within the Twin Falls Southwest Project Area. The proposed improvements within the Project Area include improvements to streets, utilities, and other public rights-of-way amenities as well as, property acquisition, improvements to bicycle and pedestrian facilities, water facilities and system improvements, wastewater facilities and system improvements, stormwater management facilities, electric and natural gas facilities and system improvements, and irrigation system modifications.

The Twin Falls Southwest District Public Improvement List set forth below identifies needed investments in capital facilities by the Urban Renewal Agency of the City of Twin Falls (the "Agency" or "Twin Falls URA"). Capital facilities generally have long useful lives and significant costs. Some of the improvement projects contained in the Twin falls Southwest District Public Improvement List are also contained in the City of Twin Falls Capital Improvement Plan (CIP) and other planning documents. Some improvement projects included in the Twin Falls Southwest District Public Improvement List have evolved upon consideration of these and various other City plans and policies, including the Comprehensive Plan, and may have grant funding allocated. The Twin Falls Southwest District Public Improvement List is not an appropriation or approval of any specific project. The Twin Falls Southwest Plan covers the 20-year period 2024 to 2044. The operation of the Idaho property tax system will provide a year's revenue in 2045 after the formal termination of the Revenue Allocation Area (estimated at \$6,000,000). This analysis does not recognize that income in determining economic feasibility.

The Project Area is estimated to generate \$56,373,230 in tax increment revenue between 2025 and 2044. The fiscal analysis recognizes a sum of \$49,515,000 for total capital and debt service costs as well as \$1,695,624 for administrative/operating costs over the life of the Project Area. Total estimated expenditures, therefore, equal \$51,260,324 leaving a significant positive program balance of \$5,162,606 at the end of the term. See attached cash flow analysis for detailed estimates.

Project Funding

Secure funding includes revenue allocation resources and is money the Twin Falls URA is highly likely to receive. The funds may not be in the Twin Falls URA's possession at the beginning of the Plan period, but it is virtually certain that the Twin Falls URA will receive the funds. The Twin Falls URA may need to take specific actions to generate the funding, but those actions are within the Twin Falls URA's powers. Despite the high probability of secure funding, no project can proceed until a specific, enforceable funding plan is in place.

Potential funding is money that might be received by the Twin Falls URA. In every case the Twin Falls URA is eligible for the funding, and the source of funding exists under current law. However,

each potential funding source requires one or more additional steps or decisions before the Twin Falls URA can obtain the resources, and the ultimate decision is outside of the Twin Falls URA's independent control. Grant funds are an example of potential funding.

Unfunded projects, or portions of projects lack secure or potential funding.

The amount of tax increment contributed to each project may vary. These projects will be funded in part from a variety of other revenue sources if available. The timing of each project and the availability of all revenue sources will determine the final combination of funding sources.

The Plan proposes certain public improvements that will facilitate development and support rehabilitation in the Project Area. The investments are anticipated to be funded from a variety of financing methods and sources. The primary method of financing will be using tax increment revenue (i.e., incremental property taxes from the revenue allocation area). This Plan anticipates that the tax increment revenue may be used to pay for improvements on a pay-as-you-go basis, or through the issuance of bonds, Owner Participation Agreements (OPAs) or other reimbursement agreements, grants, or a combination of sources.

Other sources of funding for project may include, but are not limited to:

- Local Improvement District (LID)
- Business Improvement District (BID)
- Development Impact Fees
- Franchise Fees
- Grants from federal, state, local, regional agencies and/or private entities
- Other bonds, notes and/or loans
- Improvements and/or advance funding of projects by developers, property owners and/or public entities

The total project costs and the amount of tax increment contributed to each project are estimates. The estimated project costs and revenues are based on the Twin Falls URA's present knowledge and expectations supported by information from property owners, and City and Agency staff and consultants. The timing of each project and the availability of all revenue sources will determine the final combination of funding sources.

Summary of Projects

The following table summarizes the estimated total project costs to be incurred in implementing the Plan in the Project Area. Specific project funding will be reviewed by the Twin Falls Urban Renewal Board during the annual budget cycle.

Twin Falls Southwest District Public Improvements List	
• Streets	\$15,000,000
• Stormwater Management	\$ 7,000,000
• Water System Improvements	\$ 7,500,000
• Sewage System Improvements	\$10,000,000
• Pedestrian and Bicycle Facilities	\$ 1,015,000
• Property Acquisition	\$ 2,000,000
• Electric Power and Natural Gas	\$ 4,000,000
• Irrigation System Modifications	\$ 2,000,000
• Rail Spur Relocation	\$ 1,000,000
Total	\$49,515,000

A non-exhaustive projected prioritized list of certain public improvement projects is set forth in Attachment 5.5; however, the location of public improvement projects within the Project Area and project prioritization will be driven by current market conditions, project buildout timeline, development opportunities providing for partnerships and efficient development and the annual budget. Identification of proposed public entity partnership opportunities does not bind those public entities to fund those projects; rather, public entity participation is driven by public entity annual budget appropriations. This information merely highlights the potential for partnership opportunity.

Cost of Improvements by Year (2025-2044)

Year	Secure Funding	Potential Funding	Unfunded	Total Project Liabilities
2024	\$0	\$0.00	\$0.00	\$0
2025	\$10,571	\$50,000	\$0.00	\$11,057
2026	\$21,293	\$0.00	\$0.00	\$22,196
2027	\$ 34,239	\$0.00	\$0.00	\$23,424
2028	\$389,469	\$0.00	\$0.00	\$398,947
2029	\$1,871,088	\$0.00	\$0.00	\$1,870,000
2030	\$1,951,147	\$0.00	\$0.00	\$1,950,000
2031	\$2,034,399	\$0.00	\$0.00	\$2,030,000
2032	\$2,120,973	\$0.00	\$0.00	\$2,130,000
2033	\$2,490,001	\$0.00	\$0.00	\$2,490,000
2034	\$2,864,781	\$0.00	\$0.00	\$2,865,000
2035	\$2,984,543	\$0.00	\$0.00	\$2,990,000
2036	\$3,109,086	\$0.00	\$0.00	\$3,100,000
2037	\$3,508,600	\$0.00	\$0.00	\$3,500,000
2038	\$3,654,085	\$0.00	\$0.00	\$3,670,000
2039	\$3,805,378	\$0.00	\$0.00	\$3,800,000
2040	\$4,349,712	\$0.00	\$0.00	\$4,350,000
2041	\$4,528,809	\$0.00	\$0.00	\$4,530,000
2042	\$5,327,057	\$0.00	\$0.00	\$5,330,000
2043	\$5,545,224	\$0.00	\$0.00	\$5,550,000
2044	\$5,772,105	\$0.00	\$0.00	\$650,000
Total	\$56,373,230	\$50,000	\$0.00	\$51,260,624

Note: Fund Balance of \$5,252,606 remains at the termination of the Project as reflected in the attached cash flow analysis

ATTACHMENT 5.2

Economic Feasibility Study

The Plan is economically feasible because the proposed development is consistent with the City's Comprehensive Plan, the amount of growth in the area is consistent with the growth projected in the Comprehensive Plan and the revenue from the proposed Project Area equals or exceeds the estimated costs of the projects to be funded by the Twin Falls URA.

The economic feasibility of the Plan is based on the following factors:

- The amount of development proposed in the proposed Project Area.
- The amount of tax revenue to be generated by the anticipated development.
- The amount of other funding received or contemplated to be received for the Twin Falls URA public improvement projects.
- The estimated cost of Twin Falls URA public improvement projects to be funded by the Twin Falls URA's tax increment revenue and other potentially available funds.

The following is a summary of the analysis and estimates of the factors used to determine the economic feasibility of Plan.

Economic Feasibility Analysis

Summary:

Over the course of the proposed Project Area, \$56,373,230 of Tax Increment Revenue is anticipated to be generated. The Economic Feasibility Study assumes up to ten percent (10%) will be used annually for administration of the Project Area for a total of \$1,695,624 (3.0% of total revenue) for administration and operating costs over the 20-year lifespan of the Project Area. Administrative expense has been capped at \$100,000 annually for this analysis. Specific administrative costs will be subject to annual appropriations by the Agency Board of Commissioners

At the conclusion of the Project Area in 2044, the termination plan will submit any non-obligated surplus funds by September 30, 2045, to the County Treasurer to distribute to the taxing districts pro-rata according to their levy percentages.

The spreadsheet entitled "Twin Falls Southwest Revenue Allocation Area Cash Flow Analysis" gives a more detailed outlook on the revenues and expenses of the proposed Project Area.

The following assumptions were made in the formulation of the Economic Feasibility Analysis:

- Land Value Increase @ 6% / Year through 2029 then 3% thereafter.
- Improvement Value Increase @ 8% / Year through 2029 then 4% thereafter.
- Tax Rate remains constant.

- Total estimated cost of the Twin Falls Southwest District Public Improvements List over the life of the project: \$49,515,000.
- Tax rate does not include levies excluded pursuant to Idaho Code 50-2908, such as voter approved bonds/levies after 2007, judgment levies or the School District Plant or supplemental levies excluded by law.

The Economic Feasibility Analysis shows that the project is 100% financially feasible and will generate adequate funds within the Project Area to fund the necessary capital improvements. The Agency has pursued outside funding sources to augment tax increment revenues and will consider issuing debt, advancing project schedules. The Agency is committed to closing the Project Area as soon as the projects are deemed completed and all infrastructure improvements are made, and financial obligations satisfied. This would result in a benefit to the overlapping taxing districts and taxpayers supporting those districts.

Attachment 5.3

Twin Falls Southwest Revenue Allocation Estimates

September 2024

6% annual increase in land value from initial year through 2029, then 3% and 8% annual increase in improvement value for from initial year through 2029, then 4%											
Year	Land Value (+6% annually) for 5 years, then 3%	Initial Improvement Value (+8% annually for 5 years, then 4%	Total Assessed Value	Annual New Const. Value on tax roll	Cum. New Const Value + Inflation	Taxable Value	Increment Value (I - Base)	Levy Rate (-0%)	Tax Increment Yield	Admin Costs (10%)	Funding for Capital Projects / Debt Service
2024	\$ 2,315,600	\$ 12,945,139	\$ 15,260,739		\$ -	\$ 15,260,739		0.009			
2025	\$ 2,454,536	\$ 13,980,750	\$ 16,435,286	\$ -	\$ -	\$ 16,435,286	\$ 1,174,547	0.009	\$ 10,571	\$ 1,057	\$ 9,514
2026	\$ 2,601,808	\$ 15,099,210	\$ 17,701,018	\$ -	\$ -	\$ 17,701,018	\$ 2,440,279	0.009	\$ 21,963	\$ 2,196	\$ 19,766
2027	\$ 2,757,917	\$ 16,307,147	\$ 19,065,064	\$ -	\$ -	\$ 19,065,064	\$ 3,804,325	0.009	\$ 34,239	\$ 3,424	\$ 30,815
2028	\$ 2,923,392	\$ 17,611,719	\$ 20,535,110	\$ 38,000,000	\$ 38,000,000	\$ 58,535,110	\$ 43,274,371	0.009	\$ 389,469	\$ 38,947	\$ 350,522
2029	\$ 3,098,795	\$ 19,020,656	\$ 22,119,451	\$ 160,000,000	\$ 201,040,000	\$ 223,159,451	\$ 207,898,712	0.009	\$ 1,871,088	\$ 100,000	\$ 1,771,088
2030	\$ 3,191,759	\$ 19,781,482	\$ 22,973,241	\$ -	\$ 209,081,600	\$ 232,054,841	\$ 216,794,102	0.009	\$ 1,951,147	\$ 100,000	\$ 1,851,147
2031	\$ 3,287,512	\$ 20,572,742	\$ 23,860,254	\$ -	\$ 217,444,864	\$ 241,305,118	\$ 226,044,379	0.009	\$ 2,034,399	\$ 100,000	\$ 1,934,399
2032	\$ 3,386,137	\$ 21,395,651	\$ 24,781,789	\$ -	\$ 226,142,659	\$ 250,924,447	\$ 235,663,708	0.009	\$ 2,120,973	\$ 100,000	\$ 2,020,973
2033	\$ 3,487,721	\$ 22,251,477	\$ 25,739,199	\$ 31,000,000	\$ 266,188,365	\$ 291,927,564	\$ 276,666,825	0.009	\$ 2,490,001	\$ 100,000	\$ 2,390,001
2034	\$ 3,592,353	\$ 23,141,537	\$ 26,733,889	\$ 30,000,000	\$ 306,835,899	\$ 333,569,789	\$ 318,309,050	0.009	\$ 2,864,781	\$ 100,000	\$ 2,764,781
2035	\$ 3,700,123	\$ 24,067,198	\$ 27,767,321	\$ -	\$ 319,109,335	\$ 346,876,657	\$ 331,615,918	0.009	\$ 2,984,543	\$ 100,000	\$ 2,884,543
2036	\$ 3,811,127	\$ 25,029,886	\$ 28,841,013	\$ -	\$ 331,873,709	\$ 360,714,722	\$ 345,453,983	0.009	\$ 3,109,086	\$ 100,000	\$ 3,009,086
2037	\$ 3,925,461	\$ 26,031,081	\$ 29,956,542	\$ 30,000,000	\$ 375,148,657	\$ 405,105,200	\$ 389,844,461	0.009	\$ 3,508,600	\$ 100,000	\$ 3,408,600
2038	\$ 4,043,225	\$ 27,072,325	\$ 31,115,549		\$ 390,154,604	\$ 421,270,153	\$ 406,009,414	0.009	\$ 3,654,085	\$ 100,000	\$ 3,554,085
2039	\$ 4,164,522	\$ 28,155,218	\$ 32,319,739	\$ -	\$ 405,760,788	\$ 438,080,527	\$ 422,819,788	0.009	\$ 3,805,378	\$ 100,000	\$ 3,705,378
2040	\$ 4,289,457	\$ 29,281,426	\$ 33,570,884	\$ 43,000,000	\$ 464,991,219	\$ 498,562,103	\$ 483,301,364	0.009	\$ 4,349,712	\$ 100,000	\$ 4,249,712
2041	\$ 4,418,141	\$ 30,452,683	\$ 34,870,824	\$ -	\$ 483,590,868	\$ 518,461,692	\$ 503,200,953	0.009	\$ 4,528,809	\$ 100,000	\$ 4,428,809
2042	\$ 4,550,685	\$ 31,670,791	\$ 36,221,476	\$ 68,000,000	\$ 570,934,503	\$ 607,155,979	\$ 591,895,240	0.009	\$ 5,327,057	\$ 100,000	\$ 5,227,057
2043	\$ 4,687,206	\$ 32,937,622	\$ 37,624,828	\$ -	\$ 593,771,883	\$ 631,396,711	\$ 616,135,972	0.009	\$ 5,545,224	\$ 100,000	\$ 5,445,224
2044	\$ 4,827,822	\$ 34,255,127	\$ 39,082,949	\$ -	\$ 617,522,758	\$ 656,605,707	\$ 641,344,968	0.009	\$ 5,772,105	\$ 100,000	\$ 5,672,105
				\$ 400,000,000					\$ 56,373,231	\$ 1,645,624	\$ 54,727,607

Assumptions:

Land Values inflate at 6% per year through 2029 then 3% thereafter
Improvement Values inflate at 8% per year through 2029 then 4% thereafter
Assumes no owner occupied structures eligible for Homeowner's Exemption
Property tax income available in the year after completion of construction
New construction values inflate on same basis as original improvement values
Administrative costs at 10% capped at \$100,000 per year

Attachment 5.4

Twin Falls Southwest Revenue Allocation Area

Cash Flow Analysis

	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Beginning Balance	\$ -	\$ -	\$ 49,514	\$ 49,281	\$ 60,096	\$ 50,618	\$ 51,706	\$ 52,853	\$ 57,252	\$ 48,225	\$ 48,226
Source of Funds											
Total Revenue Allocation	\$ -	\$ 10,571	\$ 21,963	\$ 34,239	\$ 389,469	\$ 1,871,088	\$ 1,951,147	\$ 2,034,399	\$ 2,120,973	\$ 2,490,001	\$ 2,864,781
Other Revenue(Start-up Loan)	\$ -	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Funds Available	\$ -	\$ 60,571	\$ 71,477	\$ 83,520	\$ 449,565	\$ 1,921,706	\$ 2,002,853	\$ 2,087,252	\$ 2,178,225	\$ 2,538,226	\$ 2,913,007
Use of Funds											
District Operating Expenses	\$ -	\$ 11,057	\$ 22,196	\$ 23,424	\$ 38,947	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
Repay Start-up Loan	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000	\$ 20,000	\$ 10,000	\$ -	\$ -	\$ -
Capital, Debt Service Expenses	\$ -	\$ -	\$ -	\$ -	\$ 360,000	\$ 1,750,000	\$ 1,830,000	\$ 1,920,000	\$ 2,030,000	\$ 2,390,000	\$ 2,765,000
Total Use of Funds	\$ -	\$ 11,057	\$ 22,196	\$ 23,424	\$ 398,947	\$ 1,870,000	\$ 1,950,000	\$ 2,030,000	\$ 2,130,000	\$ 2,490,000	\$ 2,865,000
Ending Balance	\$ -	\$ 49,514	\$ 49,281	\$ 60,096	\$ 50,618	\$ 51,706	\$ 52,853	\$ 57,252	\$ 48,225	\$ 48,226	\$ 48,007
Beginning Balance	\$ 48,007	\$ 42,550	\$ 51,636	\$ 60,236	\$ 44,321	\$ 49,699	\$ 49,411	\$ 48,220	\$ 45,277	\$ 40,501	Total
Source of Funds											
Total Revenue Allocation	\$ 2,984,543	\$ 3,109,086	\$ 3,508,600	\$ 3,654,085	\$ 3,805,378	\$ 4,349,712	\$ 4,528,809	\$ 5,327,057	\$ 5,545,224	\$ 5,772,105	\$ 56,373,230
Other Revenue	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000
Total Funds Available	\$ 3,032,550	\$ 3,151,636	\$ 3,560,236	\$ 3,714,321	\$ 3,849,699	\$ 4,399,411	\$ 4,578,220	\$ 5,375,277	\$ 5,590,501	\$ 5,812,606	\$ 56,423,230
Use of Funds											
District Operating Expenses	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 1,695,624
Repay Startup Loan	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000
Capital, Debt Service Expenses	\$ 2,890,000	\$ 3,000,000	\$ 3,400,000	\$ 3,570,000	\$ 3,700,000	\$ 4,250,000	\$ 4,430,000	\$ 5,230,000	\$ 5,450,000	\$ 550,000	\$ 49,515,000
Total Use of Funds	\$ 2,990,000	\$ 3,100,000	\$ 3,500,000	\$ 3,670,000	\$ 3,800,000	\$ 4,350,000	\$ 4,530,000	\$ 5,330,000	\$ 5,550,000	\$ 650,000	\$ 51,260,624
Ending Balance	\$ 42,550	\$ 51,636	\$ 60,236	\$ 44,321	\$ 49,699	\$ 49,411	\$ 48,220	\$ 45,277	\$ 40,501	\$ 5,162,606	

Assumptions

10% of annual TIF yield dedicated to Twin Falls Urban Renewal Agency for District operating Expenses, capped at \$100,000, Yr.
Land Values will increase at an average of 6% annually for 5 years then at 3% over the remaining life of the District.
Improvement Values inflate at 8% per year through 2029 then 4% thereafter.
Assumes no owner occupied structures eligible for Homeowner's Exemption.
Property tax income available in the year after completion of construction.
New construction values inflate on same basis as original improvement values.
New construction costs escalate at the same rate as Improvement Values.

Attachment 5.5

Twin Falls Southwest District Public Improvements

Identification and Proposed Location of Certain Public Improvements in the Project Area

The following table summarizes the estimated total project costs for each project and defines a general timeline for when the improvements are anticipated. Specific project funding will be reviewed by the Agency Board during the annual budget cycle.

	<u>Years 1-5</u>	<u>Years 6-10</u>	<u>Years 11-15</u>	<u>Years 16-20</u>
Street Improvements/Stormwater Management/ Pedestrian and Bicycle Facilities	\$ 11,242,000	\$ 7,365,000	\$ 2,465,000	\$ 1,943,000
Including drainage, streetscape, pedestrian, and bicycle facility improvements; Includes arterial and collector streets, including but not limited to South Park Avenue, Washington Street, Park Avenue, Diamond Avenue, Steele Street, Orchard Drive, and Grandview Avenue; includes traffic signals on Washington Street; includes property acquisition.				
Water System Improvements	\$ 7,125,000	\$ 375,000	\$ -	\$ -
Includes but is not limited to: distribution/water improvements and upgrades; booster station upgrades; water capacity improvements; water storage upgrades; includes property acquisition.				
Wastewater System Improvements	\$ 10,000,000	\$ -	\$ -	\$ -
Includes, but is not limited to: pretreatment facilities, sewer system capacity improvements of the Grandview Trunk Line and collector lines, and sewer lift station; includes property acquisition.				
Utilities (Electric Power, Natural Gas, Irrigation System Modifications, Rail Spur Relocation)	\$ 4,045,000	\$ 1,725,000	\$ 3,230,000	\$ -
Including electricity, natural gas, surface water irrigation systems, rail spur relocation, and property acquisition for siting of utility improvements.				
TOTALS:	\$ 32,412,000	\$ 9,465,000	\$ 5,695,000	\$ 1,943,000

Attachment 6

Agricultural Operation Consents

Tax Parcel	Owner
RPT00107201805A	Gem State Dairy Products
RPT00107201200A	Gem State Dairy Products
RPT00107201830A	Gem State Dairy Products
RP10S17E207201A	Gem State Dairy Products
RPT00107202410A	Lewis Land and Livestock Co.
RPT00107200600	Craig Casperson
RPT00107204800A	Grandview Falls LLC
RP10S17E200610	J&G Steel Properties
RPT00107200620	J& G Steel Properties

The following pages contain the executed Agricultural Operation Consent Form, including Exhibit A, from each Owner.

Each Owner was given Exhibit B "Excerpts of Statutes" and Exhibit C "Eligibility Report" as attached for first Parcel consent.

AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Henry C. Hafliger, Jr., Manager, of Gem State Dairy Products, LLC, and states that Gem State Dairy Products owns that certain property generally described as Parcel Identification Numbers RPT00107201805A, RPT00107201200A, RPT00107201830A, and RP10S17E207201A in the real property records of Twin Falls County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated August 2024, entitled Southwest Revenue Allocation Area Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Henry C. Hafliger, Jr., Manager, of Gem State Dairy Products, LLC, hereby provides his/her consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 7 day of October 2024,

Gem State Dairy Products, LLC



Name: Henry C. Hafliger, Jr.
Title: Manager

EXHIBIT A

PARCEL NUMBERS: RP10S17E207201, RPT00107201200, RPT00107201805 and
RPT00107201830





EXHIBIT B

EXCERPTS OF STATUTES

IDAHO CODE §§ 50-2018(8) AND (9)

(8) "Deteriorated area" shall mean an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare. Provided however, this definition 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 or to any forest land as defined in section 63-1701(4), Idaho Code, absent the consent of the forest landowner, as defined in section 63-1701(5), Idaho Code, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

(9) "Deteriorating area" shall mean an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use; provided, that if such deteriorating area consists of open land the conditions contained in the proviso in section 50-2008(d), Idaho Code, shall apply; and provided further, that any disaster area referred to in section 50-2008(g), Idaho Code, shall constitute a deteriorating area. Provided however, this definition 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 or to any forest land as defined in section 63-1701(4), Idaho Code, absent the consent of the forest landowner, as defined in section 63-1701(5), Idaho Code, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

IDAHO CODE § 50-2008

50-2008. PREPARATION AND APPROVAL OF PLAN FOR URBAN RENEWAL PROJECT. (a) An urban renewal project for an urban renewal area shall 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 a combination thereof and designated such area as appropriate for an urban renewal project.

(b) An urban renewal agency may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to an urban renewal agency. Prior to its approval of an urban renewal project, the local governing body shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to the local governing body within sixty (60) days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission, or if no recommendations are received within said sixty (60) days, then without such recommendations, the local governing body may proceed with the hearing on the proposed urban renewal project prescribed by subsection (c) hereof.

(c) The local governing body shall hold a public hearing on an urban renewal project, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration.

(d) Following such hearing, the local governing body may approve an urban renewal project and the plan therefor if it finds that (1) a feasible method exists for the location of families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan conforms to the general plan of the municipality as a whole; (3) the urban renewal plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the plan; and (4) 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.

(e) An urban renewal plan may be modified at any time: Provided that if modified after the lease or sale by the urban renewal agency of real property in the urban renewal project area, such modification may be conditioned upon such approval of the owner, lessee or successor in interest as the urban renewal agency may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.

(f) Upon the approval by the local governing body of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area, and the urban renewal agency may then cause such plan or modification to be carried out in accordance with its terms.

(g) Notwithstanding any other provisions of this act, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the governor of the state has certified the need for disaster assistance under 42 U.S.C. section 5121, or other federal law, the local governing body may approve an urban renewal plan and an urban renewal project with respect to such area without regard to the provisions of subsection (d) of this section and the provisions of this section requiring a general plan for the municipality and a public hearing on the urban renewal project.

(h) Any urban renewal plan containing a revenue allocation financing provision shall include the information set forth in section 50-2905, Idaho Code.

IDAHO CODE §50-2903(8)

(8) "Deteriorated area" means:

(a) Any area, including a slum area, in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(b) Any area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, results in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use.

(c) Any 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.

(d) Any area which the local governing body certifies is in need of redevelopment or rehabilitation as a result of a flood, storm, earthquake, or other natural disaster or catastrophe respecting which the governor of the state has certified the need for disaster assistance under any federal law.

(e) Any area which by reason of its proximity to the border of an adjacent state is competitively disadvantaged in its ability to attract private investment, business or commercial development which would promote the purposes of this chapter.

(f) "Deteriorated area" does not mean not developed beyond agricultural, or any agricultural operation as defined in section 22-4502(1), Idaho Code, or any forest land as defined in section 63-1701(4), Idaho Code, unless the owner of the agricultural operation or the forest landowner of the forest land gives written consent to be included in the deteriorated area, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

EXHIBIT C

ELIGIBILITY REPORT

Southwest Revenue Allocation Area

Eligibility Report

Prepared for

The Urban Renewal Agency of the
City of Twin Falls

August 19, 2024



Kushlan | Associates
Boise, Idaho

Introduction:

Kushlan | Associates was retained by the Urban Renewal Agency of the City of Twin Falls (the Agency) to assist them in their consideration of establishing a new urban renewal district in the City of Twin Falls, Idaho (the City).

The Mayor, with the confirmation of the City Council, has appointed seven members to the Urban Renewal Agency of the City of Twin Falls to guide the development of urban renewal plans and oversee their implementation. The current membership of the Commission is as follows:

Chair:	Rudy Ashenbrener
Vice Chair:	Dave McAlindin
Secretary:	Eric Smallwood
Commissioners:	Dan Brizee
	Jan Rogers
	JJ McBride
	Jennifer Colvin

Executive Director: Shawn Barigar

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 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 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 Twin Falls 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 Arizona, 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 Twin Falls.

In support of that continuing economic vitality of the region, the community turned to the Urban Renewal Law in 1965 with the creation of the Urban Renewal Agency of the City of Twin Falls by Resolution 909 adopted by the Twin Falls City Council on July 19, 1965. In 1997 the City Council adopted Resolution 1603 that consolidated prior existing urban renewal areas into a new combined Area 4. Subsequent to that action, the City Council has established six revenue allocation areas to pursue specific objectives. Those areas are noted below with their expiration dates:

Area 4-1 (Old Towne)	2022 (Closed)
Area 4-3 (Chobani)	2031
Area 4-4 (Clif Bar)	2035
Washington Street South	2040 (to be closed 2024)
Orchard Drive East	2042
Old Towne-2	2043

A formal Eligibility Study as required under Idaho Code must be conducted for this and any future areas that the Agency and City will consider ensuring the decision makers have current information on which to exercise their discretion.

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 and other systems are all integral elements of an economically vital 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. Idaho cities face stringent constitutional limitations and near total dependence upon legislative action to provide funding. An Idaho city's access to funding sources and the ability to employ effective financing mechanisms such as General Obligation bonding, severely constrain capital investment strategies.

With a difficult approval threshold (66 2/3%) for General Obligation bond issues, accessing what few tools exist in Idaho cities remains a prudent exercise of the City's fiduciary obligations. The tools made available to cities in Title 50, Chapters 20 and 29, the Urban Renewal Law and Economic Development Act are some of the few that are available. New sources of State support are not likely to become available in the foreseeable future, thus the Agency's interest in exploring the potential for establishing their seventh urban renewal district is appropriate.

Demographics:

According to the US Census Bureau, the estimated 2024 population of the City of Twin Falls is 56,521 and has grown by 17.4% since 2020. This is a higher growth rate than that experienced statewide which was 6.8% during that period.

At 25.2%, Twin Falls' percentage of people under 18 years of age exceeds the statewide percentage of 23.9% by 1.3%. The percentage of population under 5 years of age exceeds the statewide figure by 1.1% (6.9% vs. 5.8%). The percentage of the Twin Falls population over 65 years of age (15.8%) is less than the statewide percentage (17.0%) by 1.2%. These statistics reflect a population base that is slightly younger than that found statewide.

The population is predominately white at 83.8% as compared to the statewide percentage of 92.6%. The Hispanic population exceeds the statewide percentage by 1.6% (15.1% vs. 13.5%).

Housing units are 63.0% owner-occupied as opposed to the statewide statistic of 72.0%. Median value of owner-occupied housing units is \$243,700 as compared to \$331,600 statewide. Monthly owner costs with mortgage are \$1,375 as compared to the statewide figure of \$1,520. Median gross rent in Twin Falls is reported as \$952 as compared to \$1,061 statewide.

When income statistics are compared to statewide numbers, we see that the population of Twin Falls lags the rest of Idaho in these categories as well. The median household income in Twin Falls is \$58,024, approximately 21% below the statewide figure of \$70,214. Per capita money income for the Twin Falls population is \$31,255 as compared to the statewide number of \$34,919. The percentage of the Twin Falls population below poverty level is 12.1% as compared to the statewide number of 10.7%.

These statistics suggest that the Twin Falls 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.

<i>Statistics are derived from the latest United States Census Bureau Report.</i>

Steps in Consideration of an Urban Renewal District:

The first step in consideration of establishing an urban renewal district in Idaho is to define a potential 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 Urban Renewal Agency may adopt it and forward it to the City Council for their consideration. If the City Council concurs with the determination of the Urban Renewal Agency, they may direct that an Urban Renewal Plan be developed for the area that addresses the issues raised in the Eligibility Report.

The Urban Renewal Agency, then acts to prepare the Urban Renewal Plan for the new District and determines whether to also recommend the establishment of 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 Urban Renewal 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 for a finding that the Plan, as presented, is consistent with the City's Comprehensive Plan. At the same time, the taxing entities levying property taxes within the boundaries of the proposed Urban Renewal District 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 their formal consideration.

Once the Planning and Zoning Commission makes their finding of consistency 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, when added to 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 overlapping taxing districts, County officials and Idaho State Tax Commission.

The Urban Renewal Agency then proceeds to implement the Plan.

Description of the Southwest Study Area:

The Study Area subject to the current review (Southwest) is located primarily in the south-central part of the City and consists of parcels adjacent or in close proximity to a major north/south arterial, Washington Street South. The thoroughfare is the primary access to the Twin Falls Regional Airport and, in this section, is also designated as Idaho State Highway 74.

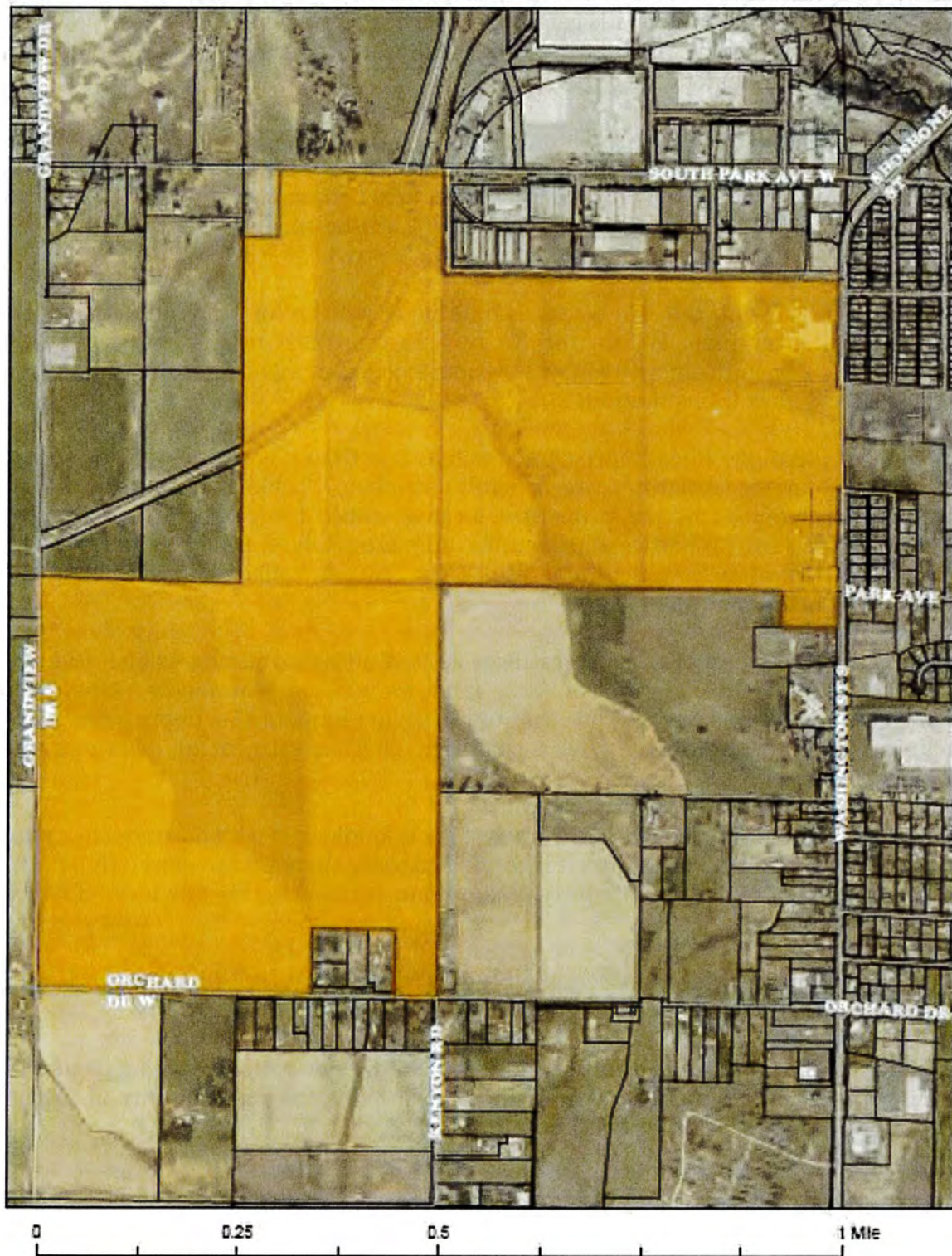
According to the records supplied by the Twin Falls County Assessor, the area contains a total of 352.748 acres, excluding public rights-of-way. This area encompasses fifteen (15) individual tax parcels. The total area is taxable with no properties being exempt from taxation. The majority of the acreage is currently used for agricultural purposes, and thus, is assessed at agricultural land values.

Table 1 reflects the data for each of the 15 tax parcels represented in the Study Area:

Table 1

Tax Parcel	Acres	Land Value	Improvement Value	Total Value
RPT00107201805A	34.64	\$72,385	\$0	\$72,385
RPT00107201200A	40.61	\$183,150	\$106	\$183,256
RPT00107201830A	0.84	\$74,886	\$0	\$74,886
RPT00107201821A	0.75	\$90,808	\$1,995,768	\$2,086,576
RPT00107201811A	0.484	\$58,680	\$0	\$58,680
RPT00107202300A	1.31	\$159,066	\$68,230	\$227,296
RPT00107201806	0.326	\$52,799	\$458,739	\$511,538
RPT00107201801	0.478	\$77,418	\$0	\$77,418
RPT00107200010A	18.66	\$754,460	\$10,313,150	\$11,067,610
RPT00107202410A	77.5	\$245,943	\$109,146	\$355,089
RPT00107204800A	154.94	\$319,215	\$0	\$319,215
RP10S17E207201	2.0	\$4,242	\$0	\$4,242
RP10S17E200610	9.58	\$202,287	\$0	\$202,287
RPT00107200620	0.42	\$895	\$0	\$895
RPT00107200600	10.21	\$19,366	\$0	\$19,366
Total	352.748	\$2,315,600	\$12,945,139	\$15,260,739

Please see the following map for a graphic representation of the Study Area.



Analysis of the Study Area:

The Study Area consists of 15 tax parcels representing 352.748 acres located in and immediately adjacent to the South-central part of the City of Twin Falls. Those properties located within unincorporated Twin Falls County are expected to annex to the City coincident to the consideration of this process.

It is located generally west of Washington Street South and south of Diamond Avenue West. It is a mixture of commercially and industrially zoned properties. A significant portion of the Study Area remains in agricultural uses pending urban level development. As such, written consent of the property owners will be required before they may be included within the boundary of an urban renewal district.

A detailed review of the Study Area reflects a pattern of underinvestment and disinvestment over time. Within the Study Area one finds properties where recent investment has been made with either new construction or significant renovation. Four of the parcels reflect this condition.

Conversely where one finds improvement values less than land values, the property is either vacant or the structures are generally obsolete. Table 1 above shows that a substantial percentage of the properties located within the Study Area reflect this condition. Ten (10) properties representing approximately 254.2 acres are primarily vacant and dedicated to agricultural use. Three parcels reflect improvement values substantially below land value.

The American Institute of Appraisers suggests that an economically viable, developed property would reflect a ratio of 30% land to 70% improvements. After initial improvements are made, without continuing reinvestment, the improvement ratio declines and as it approaches par, a condition of disinvestment or deterioration is assumed.

Additionally, one (1) parcel within the Study Area is landlocked with no access to a public street and one (1) of the major parcels is connected to Washington Street by only a narrow twenty-foot extension of the property, a condition inadequate for any level of intense urban development.

A major gasoline pipeline transects the Study Area on a prescribed easement limiting development potential along its length.

Even if one arbitrarily sets an Improvement to Land Value ratio of 1:1 as a benchmark below which one finds notable disinvestment, one finds the vast majority of the area within the Study Area is below this line.

Table 2

The Comparison of Land Value to Improvement Value		
Category	Number of Lots	Percentage of Area
Vacant	11	78.5%
Improvement Value < 1.0 X Land Value	3	28.8.0%
200% - 300%	0	0%
300% - 400%	0	0%
400% - 500%	0	0%
500% - 600%	0	0 %
600% - 700%	0	0%
700% - 800%	0	0%
800%-900%	1	0.08%
900% - 1000%	0	0%
Improvement Value > 1000%	2	4.5%

As the table shows, the percentage of properties where re-investment has been made is relatively small.

Infrastructure:

A similar pattern of under-investment exists in the public infrastructure in the Study Area. While limited investment has been made on Washington Street South associated with recent development, full improvement to current City standards has not been made. Curb and gutter are in place on the west side fronting new commercial development, but no pedestrian facilities or storm drainage facilities are in place. The balance of Washington Street South through the Study Area shows an improvement standard reflective of historic rural state highways consisting of an asphalt mat with no provision for storm drainage, pedestrian facilities or urban levels of illumination. Such facilities were not designed to accommodate projected levels of commercial and industrial traffic envisioned in City planning documents, potentially resulting in significant deterioration of the street surface.

At the point in time of this investigation, no street network exists west of Washington Street South. Any substantial industrial development as envisioned in the City's Comprehensive Plan would require a more robust street network throughout the area currently being used for agricultural purposes.

Street lighting is inadequate on Washington Street South and totally non-existent in the balance of the Study Area. Areas of the City, experiencing more recent development enjoy a significantly higher standard of illumination than found in the Study Area.

Storm Drainage: As noted above, none of Washington Street South frontage has storm drainage facilities installed. In the areas where no curbs and gutters exist, storm drainage

facilities, piped systems or open ditches, are not in place to handle discharges from storms or from melting snow. This allows ponding of water creating traffic hazards as well as deterioration of the roadbed itself. This condition is predominant in the Study Area especially on the east side of Washington Street South, south of Highland Avenue.

As the City grows, national standards for handling storm drainage will apply to the City. One can expect substantial investment in such facilities will be required during the life of an urban renewal district.

Water: Municipal water service is available in the Study Area only in the Washington Street South right-of-way. Fire hydrant placement appears inadequate even for the current land uses.

The City of Twin Falls Water System Master Plan, adopted in 2016, notes inadequate fire flows in the area to support the land uses envisioned in the City's Comprehensive Plan. Much of the area is undeveloped vacant land that is zoned for significantly more dense urban uses represented by their commercial and industrial zoning designations. Extensions will be required to serve the large parcels when development occurs. Depending upon specific uses, fire flows may have to be upgraded to ensure adequate fire protection is available in a denser development environment.

Sewer: As with the water system, the sewer collection system will need to be enhanced throughout the area to serve the development envisioned in the City's Comprehensive Plan and zoning documents. Additionally, the type of development envisioned, may include high treatment requirements due to the type of processing, and are anticipated to have significant demands upon the City's wastewater treatment facility located adjacent to the river in the Snake River Canyon. It has been the City's policy to require pre-treatment of effluent such as will be generated in the Study Area prior to its being discharged into the City's collection system to ensure compliance with the environmental requirements of the permits issued by the State Department of Environmental Quality (DEQ).

Required Findings Regarding Eligibility for the Study Area:

In order to make a finding that the Study Area is, in fact, eligible for being considered for the establishment of an urban renewal district, one must compare the conditions found in the area with the statutory criteria noted above. For the convenience of the reader those criteria are repeated here:

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) (c)].

Criterion #1: The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site: As noted above 10 of the properties representing 74% of the acreage in the Study Area are vacant or have minimal improvements. The other 3 parcels reflect recent commercial investment. Given that most of the land is vacant and what structures are present are relatively new, one cannot find that a “substantial number of deteriorated structures” are present. Therefore, Criterion #1 is not met.

Criterion #2: Age or Obsolescence: The majority of the Study Area is vacant land currently under cultivation. Given the designation in the City’s Comprehensive Plan and zoning documents supporting commercial and industrial uses, the current agricultural use is obsolete. Therefore, Criterion #2 is met.

Criterion #3: Predominance of Defective or Inadequate Street Layout. While some of the parcels can be served from Washington Street South, Grandview Drive S and Orchard Drive W, the presence of large undeveloped acreages suggests the current network will prove inadequate to support future development. Both Highland and Park Avenue will need to be extended to the west of Washington Street South providing access to the interior portions of the currently vacant parcels. A denser circulation system will be required to support more intensive uses. Improvement of Grandview and Orchard will be necessary to provide a circulation pattern consistent with urban standards. Therefore, Criterion #3 is met.

Criterion #4: Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness; Obsolete Platting. Six (6) of the parcels within the Study Area are large, and mostly vacant. Future development consistent with the City’s Comprehensive Plan will require subdivision and the extension of public access to the completed parcels. Also, as noted above, there is one parcel that currently has no access to a public street, and one large 40-acre parcel has limited 20-foot frontage, thus severely limiting their utility in an urban setting. Therefore, Criterion #4 is met.

Criterion #5: *Insanitary or Unsafe Conditions*. The substandard condition of the streets, the lack of storm drainage facilities, the incomplete street lighting system and the lack of adequate pedestrian facilities point to current unsafe conditions that will be exacerbated as development occurs consistent with the City's Comprehensive Plan. The water system will need to be expanded into the large parcels to provide adequate fire protection. Sewer treatment system upgrades will be required to fully serve the anticipated development. Therefore, Criterion #5 is met.

Criterion #6: *Diversity of Ownership*. The 15 parcels examined in this study are under the ownership of 8 entities. Such diversity of ownership creates challenges for creating and executing a common vision for the area. Therefore, Criterion #6 is met.

Criterion #7: *Tax or Special Assessment Delinquency*: The records of the Twin Falls County Assessor do not reflect any tax or special assessment delinquency. Therefore, Criterion #7 is not met.

Criterion #8: *Defective or Unusual Conditions of Title*: No defective or unusual conditions of title are reported by the Twin Falls County Assessor. Therefore, this criterion is not met.

Criterion #9: *Results in Economic Underdevelopment of the Area*. Large and landlocked parcels, a diverse ownership pattern and inadequate infrastructure are all factors that inhibit the development of properties within the Study Area as envisioned in City planning documents. The gasoline pipeline limits design options in the development of a major portion of the Study Area. Therefore, Criterion #9 is met.

Criterion #10: *Substantially Impairs or Arrests the Sound Growth of a Municipality*. The Study Area exists within and adjacent to the corporate limits of the City of Twin Falls and abuts dense urban development on the north, and east sides. Annexation of those parcels located in unincorporated Twin Falls County is being initiated. The lack of adequate infrastructure within the Study Area inhibits the development envisioned in the City's Comprehensive Plan. Therefore Criterion #10 is met.

Findings: Southwest Urban Renewal District: Conditions exist within the Study Area to allow the Board of Commissioners of the Urban Renewal Agency of the City of Twin Falls and the Twin Falls City Council to determine that the area is eligible for urban renewal activities as prescribed in State Law.

	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	

	Criteria	Met	Not Met
4	Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness	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.”

Many of 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(d)(4) primarily addresses the urban renewal plan approval process and sets forth certain conditions and findings for agency acquisition of open land as follows:

(4) 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 summary, 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 of 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; 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, obsolete platting/faulty lot layout, diversity of ownership, and economic underdevelopment are conditions found in the Study Area, and therefore, the open land condition is satisfied.

CONCLUSION:

Based upon our review of the data and the conditions that exist within the Study Area as noted above, the Twin Falls City Council may, at its discretion, determine that the Study Area, as proposed, is eligible for the establishment of an urban renewal district.

Other Relevant Issues

Agricultural Land Owners Concurrence: A substantial part of the area within the Study Area is valued as agricultural land. The statutory provisions concerning the creation of an urban renewal district prohibit inclusion of any land used for agricultural purposes without the express written consent of the property owner. Such consent has not yet been requested. Final consideration of any urban renewal plan created through this process could not proceed without the required consents being in-hand.

10% Analysis: In addition to the findings reported above, we also sought to verify that the assessed value of the proposed Study Area is within the statutory limits. As noted above, State Law limits the percentage of assessed value 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 most recent certified value for the City of Twin Falls is \$6,406,571,903. The taxable value of the Study Area is \$15,260,739 representing 0.238% of the total City assessed value. The Base Assessed Value of the Twin Falls RAA 4-3 is \$1,096,508; Twin Falls RAA 4-4 is \$4,090,577; Orchard Drive East RAA is \$483,336; and Old Towne-2 RAA is \$233,672,375. The assessed value of the Study Area is \$15,260,739. The existing Washington Street South RAA is planned to be closed. The Table below shows the result compared to the statutory requirement.

Statutory 10% Limitation Analysis		
Area	Base Assessed Value	Percentage
Total City	\$6,406,571,903	100%
• RAA 4-3 (Chobani)	\$1,069,508	0.017%
• RAA 4-4 (Clif Bar)	\$4,090,577	0.064%
• Washington Street South RAA (To be Closed TY2024)	\$0	0%
• Orchard Drive East RAA	\$483,336	0.008%
• Old Towne-2 RAA	\$233,672,375	3.65%
• Proposed Southwest RAA	\$15,260,739	0.238%
Total UR Base Assessed Value Percentage	\$254,576,535	3.977%

We also explored the effect of creating this district on the capacity of the Urban Renewal Agency to consider future districts should they choose to do so. The table below shows that even if a new district similar to the Study Area were to be established, approximately 6.023% of the citywide assessed value would remain uncommitted.

Remaining Urban Renewal Capacity		
• Maximum 10% Limitation	\$640,657,190	10%
• RAA 4-3 (Chobani)	\$1,069,508	0.017%
• RAA 4-4 (Clif Bar)	\$4,090,577	0.064%
• Orchard Drive East RAA	\$483,336	0.008%
• Old Towne-2 RAA	\$233,672,752	3.65%
• Proposed Southwest RAA	\$15,260,739	0.238%
• Total AV in Revenue Allocation Areas	\$254,576,535	3.977%
• Available AV under limitation	\$386,080,655	6.023%

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AGRICULTURAL OPERATION CONSENT FORM

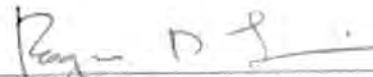
COMES NOW Roger Dean Lewis II and Leslie Lewis, Members, of Lewis Land and Livestock LLC, and states that Lewis Land and Livestock LLC owns that certain property generally described as Parcel Identification Number RPT00107202410 in the real property records of Twin Falls County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

- (1) that the Property has been used, within the last three (3) years, as an agricultural operation; and
- (2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated August 2024, entitled Southwest Allocation Area Revenue Allocation Area Eligibility Report, prepared by Kushlan Associates and as attached hereto as Exhibit C.

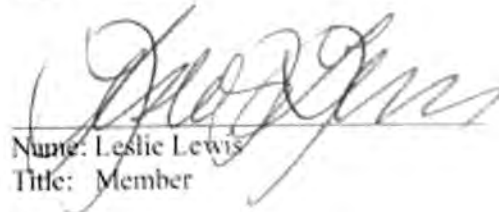
Further, Roger Dean Lewis II and Leslie Lewis, Members, of Lewis Land and Livestock LLC hereby provide their consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 14th day of October 2024.

Lewis Land and Livestock LLC



Name: Roger Dean Lewis II
Title: Member



Name: Leslie Lewis
Title: Member

EXHIBIT A

PARCEL NUMBER: RPT00107202410



AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Craig Casperson, Owner, and states that he owns that certain property generally described as Parcel Identification Number RPT00107200600 in the real property records of Twin Falls County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated August 2024, entitled Southwest Allocation Area Revenue Allocation Area Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Craig Casperson hereby provides his consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 8TH day of October 2024.


Name: Craig Casperson
Title: Owner

EXHIBIT A

PARCEL NUMBER: RPT00107200600



AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Lance L. Whitney, Agent, of Grandview Falls, LLC, and states that Grandview Falls, LLC owns that certain property generally described as Parcel Identification Number RPT00107204800 in the real property records of Twin Falls County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated August 2024, entitled Southwest Allocation Area Revenue Allocation Area Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Lance L. Whitney, Agent, of Grandview Falls, LLC, hereby provides his/her consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 8th day of October 2024.

Grandview Falls, LLC


Name: Lance L. Whitney
Title: Agent

EXHIBIT A

PARCEL NUMBER: RPT00107204800



AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Benjamin Wills and Gary Palmer, Registered Agents, of J&G Steel Properties, LLC, and states that J&G Steel Properties, LLC owns that certain property generally described as Parcel Identification Numbers RP10S17E200610 and RPT00107200620 in the real property records of Twin Falls County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

- (1) that the Property has been used, within the last three (3) years, as an agricultural operation; and
- (2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated August 2024, entitled Southwest Allocation Area Revenue Allocation Area Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Benjamin Wills and Gary Palmer, Registered Agents, of J&G Steel Properties, LLC hereby provides their consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 7th day of October 2024.

J&G Steel Properties, LLC



Name: Benjamin Wills
Title: Registered Agent



Name: Gary Palmer
Title: Registered Agent

EXHIBIT A

PARCEL NUMBERS: RP10S17E200610 and RPT00107200620



Exhibit 4

Summary of Ordinance No. O-2024-021

**NOTICE AND PUBLISHED SUMMARY
OF ORDINANCE PURSUANT TO I.C. §50-901(A)**

ORDINANCE NO. O-2024-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE SOUTHWEST URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS AND THE AFFECTED TAXING ENTITIES; PROVIDING SEVERABILITY, CODIFICATION, AND PUBLICATION BY SUMMARY; PROVIDING FOR WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: It is hereby found and determined that:

- (a) The Southwest Project Area as defined in the Southwest Plan is a deteriorated area or a deteriorating area as defined in the Law and the Act and qualifies as an eligible urban renewal area under the Law and Act.
- (b) The rehabilitation, conservation, development and redevelopment of the urban renewal area pursuant to the Southwest Plan are necessary in the interests of public health, safety, and welfare of the residents of the City.
- (c) There continues to be a need for the Agency to function in the City.
- (d) The Southwest Plan conforms to the City of Twin Falls Comprehensive Plan as a whole.
- (e) The Southwest Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement, recognizing the commercial and industrial components of the Southwest Plan and the need for public improvements to support the goals of the intended uses in the Southwest Project Area and shows consideration for the health, safety, and welfare of any children, residents, or businesses in the general vicinity of the urban renewal area covered by the Southwest Plan.
- (f) The Southwest Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation, development and redevelopment of the urban renewal area by private enterprises.

- (g) Pursuant to Idaho Code Sections 50-2007(h) and 50-2008(d)(l), the Southwest Plan provides a feasible method for relocation obligations of any displaced families residing within the Southwest Project Area and there is not anticipated to be any activity by the Agency that would result in relocation.
- (h) The collective base assessment rolls for the revenue allocation areas under the Existing Project Areas and the Southwest Project Area, do not exceed ten percent (10%) of the assessed values of all the taxable property in the City.
- (i) The Southwest Plan includes the requirements set forth in Idaho Code Section 50-2905 with specificity.
- (j) The Southwest Plan is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes (if any), land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.
- (k) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code Section 50-2018(9) and Idaho Code Section 50-2903(8)(f), does include agricultural operations for which the Agency has received written consent, or which have not been used for agricultural purposes for three (3) consecutive years.
- (l) The portion of the Southwest Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

SECTION 2: The City Council finds that the Southwest Project Area includes open land, that the Agency may acquire any open land within the Southwest Project Area, and that the Southwest Project Area is planned to be developed and/or redeveloped in a manner that will include primarily non-residential uses. Provided, however, the City Council finds that for the portions of the Southwest Project Area deemed to be "open land," the criteria set forth in the Law and Act have been met.

SECTION 3: The City Council finds that the portion of the Southwest Project Area which is identified for nonresidential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of City's Comprehensive Plan, to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

SECTION 4: The Southwest Plan, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachment, be, and the same hereby is, approved. As

directed by the City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the December 16, 2024, hearing and incorporate changes or modifications, if any.

SECTION 5: The boundaries of the Southwest Project Area overlap the boundaries of the Twin Falls Highway District; however, the City has, or will have, the responsibility for the maintenance of roads and highways in and around the Southwest Project Area. Therefore, pursuant to Idaho Code Section 50-2908(2)(a)(iv) the revenues from the Twin Falls Highway District levies will be allocated to the Agency without the need of a further agreement.

SECTION 6: No direct or collateral action challenging the Southwest Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the Southwest Plan.

SECTION 7: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Twin Falls County Assessor, and to the appropriate officials of Twin Falls County Board of County Commissioners, Twin Falls School District No. 411, Twin Falls Ambulance, City of Twin Falls, Twin Falls Highway District, College of Southern Idaho, Twin Falls County Pest Abatement District, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map indicating the boundaries of the Southwest Project Area.

SECTION 8: The City Council hereby finds and declares that the equalized assessed valuation of the Revenue Allocation Area as defined in the Southwest Plan, is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Southwest Plan.

SECTION 9: The City Council hereby approves and adopts the following statement policy relating to the appointment of City Council members as members of the Agency's Board of Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but, rather, as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the Southwest Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 10: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not exercise its power under Idaho Code Section 50-2006 to designate itself as the Agency Board.

SECTION 11: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2024, to the extent permitted by the Act.

SECTION 12: The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared

invalid for any reason, such determination shall not affect the validity of remaining portions of this Ordinance.

SECTION 13: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

SECTION 14: All ordinances, resolutions, orders, or parts thereof in conflict herewith are hereby repealed, rescinded, and annulled.

SECTION 15: Savings Clause. This Ordinance does not affect an action or proceeding commenced or right accrued before this Ordinance takes effect.

SECTION 16: That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the Members of the full City Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with, and accordingly, this Ordinance shall be in full force and effect upon its passage, approval and publication.

PASSED by the City Council of the City of Twin Falls, Idaho, this ____ day of December 2024.

APPROVED by the Mayor of the City of Twin Falls, Idaho, this ____ day of December 2024.

EXHIBITS TO THE ORDINANCE

- | | |
|-----------|---|
| Exhibit 1 | A Resolution of the Planning and Zoning Commission for the City of Twin Falls, Idaho, Validating Conformity of the Urban Renewal Plan for the Southwest Urban Renewal Project with the City of Twin Falls' Comprehensive Plan |
| Exhibit 2 | Notice Published in the <i>Times-News</i> |
| Exhibit 3 | Urban Renewal Plan for the Southwest Urban Renewal Project |
| Exhibit 4 | Ordinance Summary |

SUMMARY OF SOUTHWEST PLAN

The Urban Renewal Plan for the Southwest Urban Renewal Project ("Southwest Plan") was prepared by the Urban Renewal Agency of the City of Twin Falls ("Agency") pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the "Law"), the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"), and all applicable laws and ordinances and was approved by the Agency. The Southwest Plan provides for the Agency to undertake urban renewal projects pursuant to the Law and the Act. The Southwest Plan contains a revenue allocation financing provision pursuant to the Act that will cause property taxes resulting from any increases in equalized assessed valuation in excess of the equalized assessed valuation as shown on the original base assessment roll as of January 1, 2024, to be allocated to the Agency for the urban renewal purposes. The duration of the Southwest Plan is for twenty (20) years and includes a termination process for the Southwest Plan.

The general scope and objectives of the Plan include are:

- a. The engineering, design, installation, construction, and/or reconstruction of storm water management infrastructure to support compliance with federal, state, and local regulations for storm water discharge and to support private development;
- b. The provision for participation by property owners and developers within the Project Area to achieve the objectives of this Plan;
- c. The engineering, design, installation, construction, and/or reconstruction of the transportation network within the Project Area, including all streets and streetscapes within the Project Area, with a focus on enhancements to State Highway 74/Washington Street South, Orchard Drive, Grandview Drive, North Road, Diamond Avenue, Highland Avenue and Park Avenue, and related pedestrian facilities, curb and gutter, intersection and rail crossing improvements, and traffic signals (if needed);

- d. The engineering, design, installation, construction and/or reconstruction of sidewalks and related pedestrian facilities, curb and gutter and streetscapes, which for purposes of this Plan, the term streetscapes include sidewalks, lighting, landscaping, benches, signage, way-finding, bike racks, public art, and similar amenities between the curb and right-of-way line; and other public improvements, including multi-use pathways with landscape buffers and public open spaces;
- e. The engineering, design, installation, construction, and/or reconstruction of utilities (within and outside of the Project Area) including but not limited to improvements and upgrades to the water distribution system, including extension of the water distribution system, water capacity improvements, water storage upgrades, wastewater system improvements and upgrades, including extension of the wastewater collection system, lift station, and improvements, construction and/or reconstruction of pretreatment facilities, and upgrades to power, gas, fiber optics, communications and other such facilities. Construction of utilities outside of the Project Area are directly related to the growth and development within the Project Area, but cannot be sited within the Project Area, and include projects to expand or increase capacity and to create redundancies in the system;
- f. Removal, burying, or relocation of overhead utilities; removal or relocation of underground utilities; extension of electrical distribution lines and transformers; improvement of irrigation canals and drainage ditches and laterals; undergrounding or piping of laterals; addition of fiber optic lines or other communication systems; public parking facilities, and other public improvements, including but not limited to, fire protection systems, floodway and flood zone mitigation; and other public improvements that may be deemed appropriate by the Board;
- g. The acquisition of real property for public right-of-way and streetscape improvements, utility undergrounding, extension, upgrades, and pedestrian facilities to create development opportunities consistent with the Plan, including but not limited to future disposition to qualified developers for qualified developments, including economic development;
- h. The disposition of real property through a competitive process in accordance with this Plan, Idaho law, including Idaho Code Section 50-2011, and any disposition policies adopted by the Agency;
- i. The demolition or removal of certain buildings and/or improvements for public rights-of-way and streetscape improvements, pedestrian facilities, utility undergrounding extension and upgrades, to enhance transportation and mobility options, decrease underutilized parcels to eliminate unhealthful, unsanitary, or unsafe conditions, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;

- j. The management of any property acquired by and under the ownership and control of the Agency;
- k. The development or redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- l. The construction and financial support of infrastructure necessary for the provision of improved transit and alternative transportation;
- m. Provide assistance related to relocation of a rail spur to remove a site impediment to development and to encourage industrial and commercial development in an area with greater access to rail;
- n. The provision of financial and other assistance to encourage and attract business enterprise including but not limited to start-ups and microbusinesses, mid-sized companies and large-scale corporations and industries;
- o. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- p. The preparation and assembly of adequate sites for the development and construction of facilities for commercial, industrial, and governmental use;
- q. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- r. To the extent allowed by law, lend or invest federal funds to facilitate development and/or redevelopment;
- s. The provision for relocation assistance to displaced Project Area occupants, as required by law, or within the discretion of the Agency Board for displaced businesses;
- t. The environmental assessment and remediation of brownfield sites, or sites where environmental conditions detrimental to development and/or redevelopment exist;
- u. To collaborate with stakeholders as contemplated by Attachment 5.5;
- v. Agency participation in the remediation of any brownfield or other environmental conditions present in the Project Area; and

- w. Other related improvements to those set forth above as further set forth in Attachments 5.1-5.5.

Any such land uses as described in the Southwest Plan will be in conformance with zoning for the City and the City's Comprehensive Plan as adopted by the City Council. Land made available will be developed by private enterprises or public agencies as authorized by law. The Southwest Plan identifies various public and private improvements which may be made within the Southwest Project Area.

The Southwest Project Area and Revenue Allocation Area herein referred to is generally described as follows:

An area in the City consisting of approximately 370.75 acres, inclusive of rights-of-way, and is generally located in the south-central part of the City. The Project Area is generally bounded on the east by a major north/south arterial, State Highway 74/Washington Street South, on the south by North Road, on the west by Grandview Drive, and on the north by portions of South Park Avenue West and Diamond Avenue and as more particularly described below:

The Southwest Project Area and Revenue Allocation Area is more particularly described as follows:

TOWNSHIP 10 SOUTH RANGE 17 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 20: A parcel of land located in said Section 20 and more particularly described as follows:

Commencing at the Northeast (NE) Corner of said Section 20 (Which lies South 89°12'44" East a distance of 2641.02 feet from the North (N1/4) Quarter Corner) Thence along the East boundary of said Section 20, South 00°06'47" West for a distance of 618.42 feet to the TRUE POINT OF BEGINNING;

Thence South 89°12'43" East for a distance of 30.00 feet to the Easterly Right of Way of SH-74/Washington Street South;

Thence along the Easterly Right of Way of SH-74/Washington Street South; South 00°26'47" West for a distance of 708.06 feet;

Thence continuing along the Easterly Right of Way of SH-74/Washington Street South; South 02°59'14" East for a distance of 50.09 feet;

Thence continuing along the Easterly Right of Way of SH-74/Washington Street South; South 00°26'47" West for a distance of 1326.66 feet;

Thence continuing along the Easterly Right of Way of SH-74/Washington Street South; South 00°26'31" West for a distance of 238.48 feet;

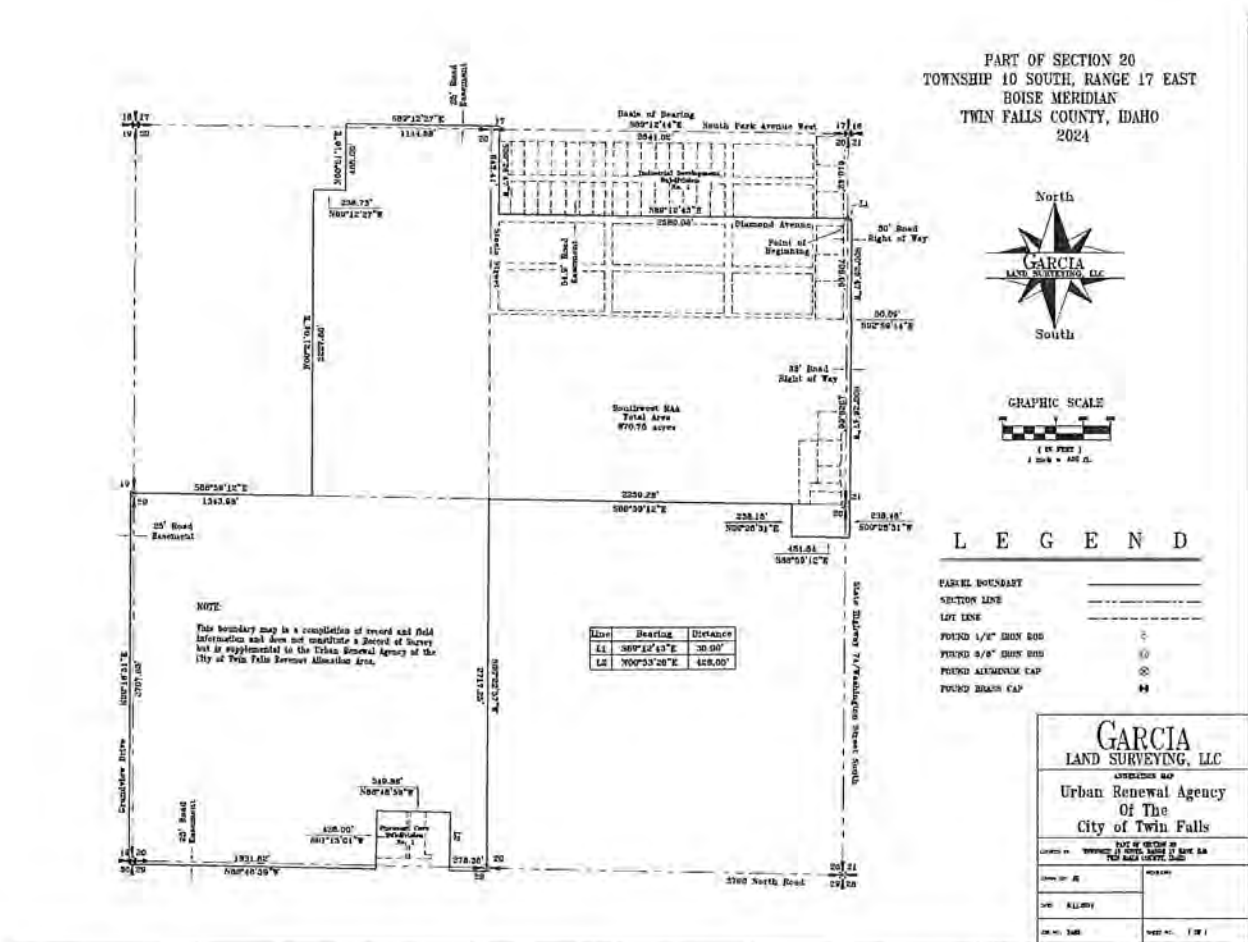
Thence North 88°59'12" West for a distance of 431.84 feet;

Thence North 00°26'31" East for a distance of 238.15 feet;

Thence North 88°59'12" West for a distance of 2239.28 feet to a point center quarter of said Section 20;

Thence South 00°22'57" West for a distance of 2717.25 feet to the Southerly roadway easement of 3700 North Road;
Thence along the Southerly roadway easement of 3700 North Road, North 88°46'59" West for a distance of 278.36 feet;
Thence North 01°13'01" East for a distance of 426.00 feet;
Thence North 88°46'59" West for a distance of 549.86 feet to Northwest corner of Pheasant Cove Subdivision No. 1;
Thence along the West boundary of Pheasant Cove Subdivision No. 1, South 01°13'01" West for a distance of 426.00 feet to a point on the Southerly roadway easement of 3700 North Road;
Thence along the Southerly roadway easement of 3700 North Road, North 88°46'59" West for a distance of 1831.62 feet to the Westerly roadway easement of Grandview Drive;
Thence along the Westerly roadway easement of Grandview Drive, North 00°18'51" East for a distance of 2707.83 feet;
Thence South 88°59'12" East for a distance of 1343.98 feet; Thence North 00°21'04" East for a distance of 2227.88 feet; Thence South 89°12'27" East for a distance of 236.73 feet;
Thence North 00°21'16" East for a distance of 485.00 feet to the Northerly roadway easement of South Park Avenue West;
Thence along the Northerly roadway easement of South Park Avenue West, South 89°12'27" East for a distance of 1144.60 feet;
Thence South 00°26'47" West along the Easterly roadway easement of Steele Street for a distance of 643.41 feet to a point the Northerly roadway easement of Daimond Avenue;
Thence along the Northerly roadway easement of Daimond Avenue, South 89°12'43" East for a distance of 2580.05 feet to the TRUE POINT OF BEGINNING.

The Project Area and Revenue Allocation Area is depicted in the map below:



Section 100 includes an introduction, general procedures of the Agency, necessary statutory procedures, the history and current conditions of the Southwest Project Area, as well as the purpose of activities, and open land criteria.

Section 200 references the boundaries of the Southwest Project Area.

Sections 300 through 314 discuss the proposed redevelopment actions, Southwest Plan objectives, participation opportunities and agreements, cooperation with public bodies, property acquisition standards and requirements, property management, relocation, demolition, and property disposition, development, and participation with others.

Sections 400 through 409 discuss the type of land uses authorized in the Southwest Project Area, public rights-of-way, development in the Southwest Project Area, construction requirements, nonconforming uses, and design guidelines.

Section 500 outlines the general description of the proposed financing methods. Among other sources, the Southwest Plan will utilize revenue allocation financing, authorized by the Act. This statute was approved in 1988 by the Idaho Legislature. Section 502 and Attachments 5.1-5.5 discuss revenue allocation financing and show how such financing has

worked and would work in the Southwest Project Area in the future if certain new private developments occur as estimated.

Increases in assessed valuation of real and personal property in the Southwest Project Area that occur after January 1, 2024, will generate revenue for the Agency to pay project costs as set forth in the Southwest Plan. The assessed valuation of real and personal property on the base assessment roll is still available for use by the overlapping taxing districts, the Twin Falls County Board of County Commissioners, Twin Falls School District No. 411, Twin Falls Ambulance, City of Twin Falls, Twin Falls Highway District, College of Southern Idaho, and Twin Falls County Pest Abatement District, to finance their operations. The Southwest Plan authorizes the Agency to sell revenue bonds to finance project costs, and also authorizes developer and/or public entity advance funding of project costs eligible for reimbursement. The Southwest Plan contemplates the use of annual revenue allocations to pay debt service, reimbursements to developers and/or public entities, or on a pay-as-you basis. The Agency is authorized to fund projects on a pay-as-you-go basis, through participation agreements, and other methods as further set forth in the Southwest Plan.

The program outlined in the Southwest Plan emphasizes the installation of needed public improvements, including but not limited to street improvements, utility work, and other costs to encourage private development.

Attachments 5.1-5.5 describe in detail the cost and financing methods for complete repayment of the debt incurred, of costs used to finance projects, and to also fund the additional described activities, including reimbursement of advance funded eligible public improvement costs to property owners/developers or public entities.

The Southwest Plan follows the underlying zoning classifications of the City.

Sections 600 and 700 describe cooperative activities by the Agency with the City and other entities.

The duration of the Southwest Plan is for twenty (20) years. A termination process is described in Section 800 of the Southwest Plan.

Sections 900-1200 include procedures for amendments, severability, reporting requirements and incorporation of attachments.

ATTACHMENTS TO THE SOUTHWEST PLAN

Attachment 1	Boundary Map of Urban Renewal Project Area and Revenue Allocation Area
Attachment 2	Legal Description of Urban Renewal Project Area and Revenue Allocation Area
Attachment 3	Private Properties Which May be Acquired by the Agency

- Attachment 4 Map Depicting Expected Land Use and Current Zoning Map of the Project Area
- Attachment 5 Economic Feasibility Study
 - Attachment 5.1 Public Improvements Within the Revenue Allocation Area
 - Attachment 5.2 Economic Feasibility Study
 - Attachment 5.3 Revenue Allocation Estimates
 - Attachment 5.4 Cash Flow Analysis
 - Attachment 5.5 Identification and Proposed Location of Certain Public Improvements in the Project Area
- Attachment 6 Agricultural Operation Consents

A full text of the Ordinance and the Southwest Plan are available for inspection at City Hall, City of Twin Falls, 203 Main Avenue East, Twin Falls, Idaho.

City of Twin Falls
Mayor and City Council
By: City Clerk

Public Hearing: 12/16/2024; Consolidated Readings _____

**STATEMENT OF TWIN FALLS CITY ATTORNEY AS TO ADEQUACY OF
SUMMARY OF ORDINANCE NO. O-2023-014**

I, Bruce Castleton, Acting City Attorney for the City of Twin Falls, Idaho, hereby declare and certify that in my capacity as Acting City Attorney of the City of Twin Falls, pursuant to Idaho Code Section 50-901A(3) as amended, I have reviewed a copy of the above Summary of Ordinance, have found the same to be true and complete, and said Summary of Ordinance provides adequate notice to the public of the contents, including the exhibits, of Ordinance No. O-2024-021.

DATED this _____ day of December 2024.

Bruce Castleton, Acting City Attorney

4912-0977-2036, v. 1L



Date: Monday, December 16, 2024
To: Honorable Mayor and City Council
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 1 "General Provisions". (PZ24-0129)

Time Estimate:

15-20 minutes for staff presentation.

Background:

In February 2018, the City Council tasked Planning and Zoning Staff to initiate a complete rewrite of Title 10: Zoning and Subdivision Regulations. The main goals of the rewrite are to accomplish the following:

- Update the current definitions;
- Simplify the code navigation process for users;
- Streamline the development approval process; and
- Make the code reflect the goals, language, and strategies of the 2016 Comprehensive Plan.

The chapter applicable to this Staff Report is the "General Provisions". This chapter was mostly adopted in the original ordinance (Ord. 2012) in 1981. In 1982, the purpose statement of Title 10 was amended to add the protection and mitigation efforts for flood conditions.

This chapter contains much the same language as before, the legal type language needs to be located somewhere, and this is where it typically ends up. This proposed amendment has consolidated the general provisions into one location. Some redundant sections have been removed, and some sections have been updated.

The Planning and Zoning Commission recommended approval, as presented, on November 4, 2024. This recommendation was approved by a vote of 4-0.

Approval Process:

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt

or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

10-14-7: ACTION BY COUNCIL:

The council, prior to adopting, revising or rejecting the amendment to this title as recommended by the commission shall conduct at least one public hearing using the same notice and hearing procedures as the commission. Following the council hearing, if said council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the council adopts the amendment.

Upon granting or denying an application to amend this title, the council shall specify:

- A. The regulations and standards used in evaluating the application.
- B. The reasons for approval or denial.
- C. The actions, if any, that the applicant could take to obtain a permit.

In the event the council shall approve an amendment, such amendment shall thereafter be made a part of this title upon the preparation and passage of an ordinance.

Budget Impact:

N/A

Regulatory Impact:

Should this be approved, this section will be the general provisions for the zoning regulations. This outlines an effective date, grants authority, outlines applicability of the code, outlines the Planning and Zoning Commission's bylaws, etc.

History:

N/A

Analysis:

N/A

Conclusion:

The Council is tasked with making a decision on the proposed text amendment. The Council may approve, approve with conditions, deny, or table the item to a date certain.

Sample main motions:

1. *Move to approve the proposed zoning text amendment to the general provisions chapter of Title 10 as presented;*

2. *Move to approve the proposed zoning text amendment to the general provisions chapter of Title 10 with the following conditions; or*
3. *Move to table the item to a date certain of _____.*

Attachments:

1. Proposed General Provisions Chapter
2. Current General Provisions Chapter 10.28.2024
3. PZ Minutes 11042024

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10-1: GENERAL PROVISIONS

10-1-1: EFFECTIVE DATE.

The Twin Falls City Uniform Development Code was adopted on [insert date] and became effective on [insert date].

10-1-2: PURPOSE AND INTENT.

This Uniform Development Code is enacted to exercise the full range of authority available under Idaho Code 67-6502.

10-1-3: AUTHORITY

- A. Pursuant to the powers and jurisdictions vested through the laws, statutes and regulations of the State of Idaho, the Twin Falls Council does hereby exercise the power and authority to adopt zoning and subdivision regulations to regulate the development and use of lands under its jurisdiction. Such regulation of the development of land and the attachment of reasonable conditions to land development is an exercise of valid police power delegated by the State of Idaho to this City. The developer has the duty of compliance with these restrictions and standards set forth by the City of Twin Falls for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the City and to the safety and general welfare of the current and future property owners within subdivisions, neighborhoods, and the community at large.
- B. Under the power and authority so vested, the Twin Falls Council hereby declares that no building permit or zoning permit shall be issued for any property, lot, parcel or plat of land; nor shall any excavation or filling of land; or construction of any public or private improvements take place or be commenced thereon; except in conformity with these regulations; and no land subject to these regulations shall be subdivided and sold or

offered for sale, until the owner has obtained approval of a final plat in accordance with these regulations and the approved plat is filed with the County Recorder.

10-1-4: APPLICABILITY AND CONFORMITY

- A. The Uniform Development Code applies to all buildings, land, property, site improvements, and structures within the City of Twin Falls.
- B. In their interpretation and application, the provisions of this Uniform Development Code are the minimum requirements necessary to meet the purpose and intent of these regulations.
- C. Except as otherwise provided by these regulations, land, buildings, and premises in any district shall hereafter be used only in accordance with the regulations established for that district and the following general provisions.
1. No building shall be erected, constructed, relocated, or structurally altered to have a greater height, proportion of coverage, or smaller yards or open spaces than permissible under the limitations set forth by these zoning district regulations. No yards, open spaces, or off-street parking space or loading space existing or provided shall be reduced below the minimum requirements set forth in these regulations, or further reduced if already less than said minimum requirements.
 2. No open space, yard, or off-street parking space or loading space that exists or is provided for a building or use and necessary to meet or partially meet the requirements of these regulations shall be considered as all or part of the yard, open space, off-street parking space, or loading space required for any other building or

upon any other lot unless otherwise permitted within this Title.

3. No legal lot held in single ownership at the effective date of these regulations shall be reduced in dimension or area so as to be smaller than required by this Title, unless otherwise permitted within this Title.
- D. Control Over Less Restrictive Agreements, Laws, and Regulations. The Uniform Development Code does not nullify any private agreement or covenant, and the City of Twin Falls will not enforce any private agreement, covenant, or contract. Wherever the Uniform Development Code is more restrictive than a private agreement or covenant, the Uniform Development Code controls. If any condition or requirement imposed by the Uniform Development Code is more restrictive than a condition or requirement imposed by any other law, rule or regulation of any kind, or contains and actual, implied, or apparent conflict, the more restrictive condition or requirement controls.
- E. References to Other Laws. Whenever a provision of the Uniform Development Code refers to any other part of the Twin Falls City Code, the reference applies to any subsequent amendment of that law.
- F. Text and Graphics. Illustrations, photographs, and graphics included in the Uniform Development Code are to illustrate the intent and requirement of the text. In the case of a conflict between the text and any Illustrations, photographs or graphics, the text controls.
- G. Current Versions & Citations. All references to other regulations or manuals in this Title refer to the most current adopted version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations or documents have been repealed and not

replaced by other regulations or manuals, Title requirements for compliance are no longer in effect, unless in direct conflict with the health, safety, and welfare of the general public.

10-1-5: MEDIATION

- A. Mediation may be requested in writing by the applicant, an affected party, the Planning & Zoning Commission, or the Council. Mediation may occur at any point during the decision-making process, or after a final decision has been made. If mediation occurs after a final decision, any resolution of differences through mediation must be the subject of another public hearing before the decision-making body.
- B. The applicant and any other affected persons objecting to the application shall participate in at least one mediation session if mediation is requested by the Planning & Zoning Commission or the Council. The Council shall select and pay the expense of the mediator for the first meeting among the interested parties. Compensation of the mediator shall be determined among the parties at the outset of any mediation undertaking. An applicant may decline to participate in mediation requested by an affected person, and an affected person may decline to participate in mediation requested by the applicant, except that the parties shall participate in at least one mediation session if directed to do so by the governing board.
- C. During mediation, any time limitation relevant to the application shall be tolled. Such tolling shall cease when the applicant or any other affected person, after having participated in at least one mediation session, states in writing that no further participation is desired and notifies the other parties, or upon notice of a request to mediate wherein no mediation session is scheduled for 28 days from the date of such request.

- D. The mediation process may be undertaken pursuant to the general limitations established by this section.
- E. The mediation process shall not be part of the official record regarding the application.

10-1-6: TRANSITIONAL DEVELOPMENT.

- A. Applications in Process. Development applications pending approval that are deemed complete by the Planning and Administrator and received prior to the effective date of these regulations will be reviewed under the terms of the previous title with regards to use, density, intensity, location, and site design features that impact any of these essential elements. Otherwise, the provisions of these regulations will be met with regards to any element of use or development that doesn't impact an essential element, as noted, or negatively affect a valid vested right as determined by the Planning and Administrator. Such provisions include, but are not limited to, landscaping, number and location of driveways, lighting, and signage.
- B. Unexpired Permits.
 - 1. The enactment of this Title shall not terminate or otherwise affect rights, variances, and permits acquired or authorized for work that is actively in progress under the provisions of any title hereby repealed.
 - 2. Where a building permit has been issued for the construction of a building or structure, and for an authorized use and occupancy thereof in accordance with the law in place prior to the effective date of these regulations said building or structure may be completed in conformance with the approved plans and on the basis for which the building permit has been issued,

provided construction of the building or structure is commenced within 180 days of the effective date of the permit and diligently pursued to completion.

- C. Prior Actions and Penalties. This Title shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous title, nor shall it be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue under such law or title.

10-1-7: SEVERABILITY.

If any section, paragraph, clause, sentence or provision the Uniform Development Code is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of the Uniform Development Code. The effect of the judgment is confined to the section, paragraph, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

10-1-8: VIOLATION AND PENALTIES.

- A. Whenever a violation of this Title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis of the same and shall be filed with the Administrator. The Administrator shall properly record such complaint, immediately investigate the same and take such action, or cause the same to be taken thereon as provided by this Title. The City Attorney shall, in addition to taking whatever criminal action is deemed necessary, take steps to civilly enjoin any violation of this Title.
- B. Any violation of the provisions of this Title or any failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues beyond notice shall be considered a separate offense. The landowner, tenant,

subdivider, builder, developer, public official, or any other person who commits, participates in, assists in or maintains such continuing violation may be found guilty of a separate offense for each day the violation continues. Nothing contained herein shall prevent the Council or any other public official or private citizen from taking such lawful action as it necessary to restrain or prevent any violation of this Title or the Idaho Code.

- C. Any person convicted of violating any of the provisions of this Title shall be punishable by imprisonment for a term not to exceed 90 days, a fine not to exceed \$300.00, or by both such fine and imprisonment, or as the Court shall deem necessary in the interest of justice.

10-1-9: ADMINISTRATION.

- A. Planning & Zoning Director. The Planning & Zoning Director, throughout this Title referred to as Administrator, shall administer the provisions of this Title and provide guidance to the Planning & Zoning Commission and the Council, and in addition, shall have the following duties:

1. Advise interested persons of the Unified Development Title provisions.
2. Adhere to best planning practices that promote the goals and objectives of the adopted Comprehensive Plan and other related adopted City policy documents.
3. Aid and assist applicants in the preparation and submission of required applications.
4. Issue zoning permits, notifications, and similar administrative duties.

5. Investigate all violations of this Title and notify the person responsible for such violations, ordering the action necessary to correct such violation.
6. Whenever there is doubt as to this classification of use not specifically mentioned in this Title, the determination shall be made by the Administrator. Such determination shall be based upon detailed description of the proposed use and such other information as may be required. The Administrator shall make such investigations as are necessary to compare the nature and characteristics of the proposed use with those of listed uses in the various districts, and shall determine that the use is, in all essentials, pertinent to the objectives of this Title, of the same character as a use listed as allowed or as a special use permitted in one of such specified district or districts. No use added by such administrative determination shall permit in any district a use which is a special use permitted in such districts or in any less restricted district, nor shall same permit a use which is an allowed use in a less restrictive district. The determination of the Administrator shall be final unless an appeal is made as hereinafter provided.
7. Appeals to the Planning & Zoning Commission concerning the Administrator's interpretation and administration of this Title may be taken by any person aggrieved by a decision of said Administrator. Said appeal will follow the procedures as found in 10-8-4(G) of this Title.

- B. Planning & Zoning Commission. This Title establishes a Planning & Zoning Commission which may be referred to as the Commission throughout these regulations. The Commission shall be constituted and shall function according to bylaws established and referenced herein and shall have all of the power or authority to consider titles or to recommend amendments to or repeal of any portion of this Title. The Commission shall provide guidance and assistance to the Council, holding public hearings as required by law, and shall grant or deny applications presented to the Commission, and shall make timely written recommendations to the Council in all matters relating to this Title in which the Council has final decision-making powers. Any action taken by the Commission which would be final unless appealed may be reviewed and heard by the Council per 10-8-4.
- C. Bylaws Of Planning & Zoning Commission. The following organizational bylaws for the Commission are hereby adopted as an integral part of this Title and shall function as guidelines for said Commission in executing their roles and responsibilities in administering this Title.
1. Creation and Purpose: In fulfilling the powers and duties by law conferred upon the Commission, the Commission shall, among other things, bear in mind the purpose of this Title, as established in 10-1-1, and the impact of decisions made in consideration of this purpose.
 2. Duties of the Commission: Consistent with the purposes of the Commission hereinabove set forth, the Commission shall have the following duties together with such other duties as are prescribed by law:
 - a. Initiate proposed amendments to this section.
 - b. Conduct a complete review and audit of the zoning code once every three years. The review will consist of measuring how the Uniform Development Code assists in meeting the goals and actions described by the Comprehensive Plan, and similar City policy documents.
 - c. Review all proposed amendments to this Title and make recommendations to the Council.
 - d. Conduct a comprehensive planning process designed to prepare, implement, review, and update a comprehensive plan as required by Idaho State Law.
 - e. Review all districts, subdistricts, and overlay districts, and make recommendations to the Council.
 - f. Grant special use permits as specified in this Title and under the conditions as herein specified with such additional safeguards as will uphold the intent of this Title.
 - g. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Administrator.
 - h. Authorize such variances from the terms of this Title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Title will result in unnecessary hardship, and so that the spirit of this Title shall be observed and substantial justice done.

3. Membership Terms and Qualifications:
 - a. The Commission shall consist of seven members. All members shall be appointed by the mayor, and confirmed by a majority vote of the full Council.
 - b. Members shall serve a term of three years beginning regularly on March 1st of each year with a maximum of two consecutive terms or six years.
 - c. Members shall have resided in the City of Twin Falls for two continuous years preceding their appointment, shall be residents of the City of Twin Falls at the time of appointment and said members must remain residents of the City during the term of office to which they were appointed.
 - d. As required by State Code 67-6526-4(K), or as amended, persons living within the delimited area of impact shall be entitled to representation on the Planning & Zoning Commission. Such representation shall as nearly as possible reflect the proportion of population living within the City of impact, as opposed to the population living within the areas of impact.
 - i. The Council thereby appoints one seat, of the seven member Commission, as the City Area of Impact representative.
 - ii. Appointments shall follow the process, schedule, and term limits found in City Code 10-1-11(C).
 - e. In appointing members to the Commission, the Council shall be certain that the area and interest within its jurisdiction are broadly represented by the appointed membership. Members shall be selected and appointed without respect to political affiliations.
4. Vacancies & Removal of Commission Members: Vacancies occurring otherwise than through the expiration of appointed terms shall be filled in the same manner as the original appointments. A member appointed to fill an unexpired term shall serve the remainder of the unexpired term and may be appointed to no more than two full consecutive terms. Members may be removed for cause only by a majority vote of the full Council.
5. Conflict of Interest: A member of the Commission shall not participate in any proceeding or action when the member, his employer, or his employee, business partner or associate, his business, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any action or potential interest in any proceedings shall be disclosed at or before any meeting, duly entered and recorded in the minutes, at which the action is being heard or considered.
6. Organization & Meetings: Upon organization, and thereafter at the first regular meeting in March of each year, the Commission shall elect, by a majority of the full membership, a chairperson and shall create and fill in a similar manner any other office that it may deem necessary.

- a. The chairperson may establish subcommittees, advisory committees, or neighborhood groups to advise and assist in carrying out the responsibilities of the Commission.
 - b. The chairperson (or vice chairperson) shall preside at all regular meetings of the Commission which may be scheduled on the second and fourth Tuesdays of each month for no less than nine months in a year. All meetings and records shall be open to the public and a record of all meetings, hearings, resolutions, studies, findings, permits, recommendations and actions shall be maintained by the Commission.
7. Public Hearings.
- a. The chairperson shall preside over and conduct all public hearings on all matters presented to the Planning & Zoning Commission. No public hearings shall be held except and until notice has been provided the public in conformance with the statutes of the State of Idaho.
 - b. The following rules shall be observed in the conduct of any public hearing before the Commission, hereinafter referred to as the hearing body. The following rules shall be known as the "Twin Falls Rules of Procedure".
 - i. The applicant shall not make any material changes to the application or proposal after publication of the notice of public hearing. If the applicant wishes to make a change to the application after the publication of the notice of public hearing, the applicant shall notify the Administrator and the hearing shall be canceled, to be rescheduled after the changes are submitted for staff review.
 - ii. Prior to opening the public hearing, the presiding officer shall review the public hearing process.
 - iii. All persons permitted to testify or speak before the hearing body at a public hearing shall declare their name and residency for the record. This rule shall not apply to staff or technical witnesses directed by the presiding officer to give evidence or information to the hearing body.
 - iv. No person shall be permitted to speak before the hearing body at a public hearing until such person has been recognized by the presiding officer.
 - v. All public hearing proceedings shall be recorded, and all persons speaking at such public hearings shall speak in such a manner as will assure that the recorded testimony or remarks will be accurate and trustworthy.
 - vi. Any exhibit introduced by any person shall be retained by the hearing body and made a part of the record therein.

vii. Presentations and Testimony shall follow this order and rules:

- A. Staff will present the information of the request.
- B. The applicant will then give their initial presentation which shall be limited to 15 minutes. The hearing body may grant additional time if a written request has been submitted prior to the public hearing.
- C. Members of the hearing body may then ask questions regarding the application.
- D. Testimony from the public may be limited by the presiding officer to no less than two minutes per person.
- E. Five or more persons receiving written notice of the public hearing may appoint a person to speak for them by submitting written authorization to the Administrator prior to 12:00 P.M. on the date of the hearing. Appointed spokespersons shall be limited to 15 minutes for their presentation.
- F. Written comments, including e-mail, shall be received 2 business days prior to the date of the hearing to be accepted for consideration by the hearing body.
- G. The applicant will be permitted five minutes for rebuttal/closing statements. After all testimony has been given, the public hearing shall be closed and no additional information may be requested or given, unless the public hearing is reopened.
- H. The speaker shall not be interrupted by members of the hearing body until his time limit has been expended or until he has finished his statement.
- I. At the end of a speaker's comments, each member, when recognized by the presiding officer, may be allowed to question the speaker and the speaker shall be limited to answers to the questions asked. The presiding officer may limit the time permitted for the answer. The question and answer period shall not be included in the speaker's time limit, as established.
- J. Any person not conforming to any of the listed rules may be prohibited from speaking before the public hearing. Should any person refuse to comply with such prohibition, he/she may be asked to leave the hearing, and thereafter removed from the room by order of the presiding officer.

- c. The main motion on the application shall be in the affirmative, to approve the application, and may include conditions from the staff report, or members of the hearing body. The main motion may be amended to establish or remove conditions. If the motion passes, the application is approved. If the motion fails, the application is deemed denied. Motions on appeals shall also be in the affirmative to approve the action requested by the applicant.
- 8. Quorum for The Conducting of Business and Voting:
 - a. A majority of the membership shall constitute a quorum for the transaction of business at any meeting of the Commission.
 - b. In the event any regular member is absent or not sitting due to a conflict of interest, said member shall not be counted for the purposes of constituting a quorum.
 - c. Each member shall be entitled to one vote and the acts of a majority of a quorum present at any regular or special meeting shall be the acts of the Commission.
- 9. These bylaws may and shall be amended in the same manner provided for amendments to this Title in general.
- 10. Special Meetings.
 - a. Special meetings of the Commission may be held at such times and at such places as agreed on by at least four members at a regularly scheduled public meeting. Written notice

of all such special meetings, including the time, date, and purpose of said meetings shall be provided to all members of the Commission. A special meeting can take place subject to the rules and process established in Section 74-204 of Idaho Code.

- b. No business may be conducted at any such special meeting upon any application or request of any citizen except and unless notice of the request and of the special meeting has been published as required by law.

10-1-10. RULES OF LANGUAGE CONSTRUCTION.

A. Meaning and Intent.

- 1. All references to other county, state, or federal regulations or policies mean the most current version and citation for those regulations and policies unless expressly indicated otherwise. When the referenced regulations have been repealed and not replaced, any requirements under these regulations for compliance with such regulations or policies shall be consistent with state statutes at the time of code adoption or amendment unless such action is determined by the Administrator to violate current law. To any extent such other regulation has not yet been adopted, such reference shall be ignored.
- 2. All references to employees, public officials, bodies, and agencies mean those of the City of Twin Falls, unless otherwise expressly stated.

3. Whenever a provision vests authority in the head of a department or other officer or employee of the City to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

B. Computation of Time.

1. References to "days" are to calendar days unless otherwise expressly stated. Reference to "business days" are references to regular working days of the City, excluding weekends and holidays observed by the City.
2. In computing any period of time prescribed or allowed by these regulations, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or a holiday, in which event the period runs until the end of the next day. As used in these regulations, "holiday" includes any day designated as such by the ~~county~~ City.
3. A day concludes at the close of business (5:00 p.m.), and any materials received after that time will be deemed to have been received the following day.

C. Tenses and Usage.

1. Words and numbers used in the singular include the plural, and words and numbers used in the plural include the singular.
2. Words used in the present tense include the past and future tense. The reverse is also true.

3. The words "shall," "will," and "must" are always mandatory; the word "may" is permissive, except when the context of its particular use is negative (e.g., "may not").
4. Requirements using numbers as stated "up to x," "not more than x," and "a maximum of x," always include "x."
5. Any reference to a chapter or section shall mean a chapter or section of these regulations, unless otherwise specified.
6. The word "district" is synonymous with the word "zone".
7. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, governmental unit, and any combination thereof.
8. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
9. The word "lot" includes the words "plot", "tract" or "parcel of land" as the context indicates.
10. The term "erected" means "constructed", "altered", "moved" or "repaired".
11. The word "street" includes the words "road", "route", and "highway."
12. Words used in the masculine gender include the feminine gender and vice versa, and gender-neutral words may substitute for gender-specific words (e.g., "they" instead of "she").

13. References to NAICS codes shall mean those codes assigned to businesses in the most recent edition of the North American Industrial Classification Manual published by the United States Office of Management and Budget unless otherwise explicitly stated. NAICS Codes are listed as an aid in interpretation and determination of specific uses included in a general class of uses.
 14. The word "contiguous" as applied to lots or districts shall be interpreted as meaning "sharing a common boundary, abutting."
 15. The phrase "on the premises of," as applied to accessory uses or structures shall be interpreted to mean "on the same lot or on a contiguous lot in the same ownership."
- D. Conjunctions. Unless the context clearly indicates otherwise, conjunctions have the following meanings within these regulations.
1. The word "and" in a list indicates that all connected items or provisions apply.
 2. The word "or" in a list means that connected items or provisions may apply singularly or in combination.

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TITLE 10

ZONING AND SUBDIVISION REGULATIONS

CHAPTER 1

GENERAL ZONING PROVISIONS

SECTION:

10-1-1: Title

10-1-2: Authority

10-1-3: Jurisdiction

10-1-4: Policy of City

10-1-5: Purpose

10-1-6: Interpretation

10-1-7: Conflicts of Law

10-1-8: Severability

10-1-9: Saving Provision

10-1-10: Amendments

10-1-11: Violation and Penalties

10-1-12: Effective Date

10-1-1: TITLE:

These regulations shall hereafter be known, cited and referred to as the development regulations of the City and shall include all zoning and subdivision regulations governing developments under the jurisdiction of the City.

10-1-2: AUTHORITY:

(A) Pursuant to the powers and jurisdictions vested through the laws, Statutes and regulations of the State of Idaho, the City Council does hereby exercise the power and authority to adopt zoning and subdivision regulations to regulate development of lands under its jurisdiction. Such regulation of the development of land and the attachment of reasonable conditions to land development is an exercise of valid police power delegated by the State to this City. The developer has the duty of compliance with reasonable conditions laid down by said Council for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economical development of the Municipality and to the safety and general welfare of the future property owners in the subdivision and of the community at large.

(B) Under the power and authority so vested, the Council hereby declares that no building permit or certificate of zoning compliance shall be issued for any parcel or plat of land subject to the regulations nor shall any excavation or filling of land or construction of any public or private improvements take place or be commenced thereon, except in conformity with these regulations and no land subject to these regulations shall be subdivided and sold or offered for sale until the owner has obtained approval of a final plat in accordance with these regulations ¹ and the approved plat is filed with the County Recorder.

Notes

¹ 1. See Section 10-12-2-4 of this Title.

10-1-3: JURISDICTION:

(A) These regulations shall apply to all lands and improvements within the corporate City limits.

(B) They shall also apply to lands and improvements outside the corporate City limits that:

1. Are within the designated "area of impact" ¹ and are not incorporated into an active agricultural unit of twenty (20) acres or more.

2. Are under written agreement by past or present owners to be regulated in return for enjoying the benefits of certain services normally available only to in-city lands.

(C) For subdivision regulation only, all lands within one mile of the corporate City limits are subject by State law to the

City's ordinances.

Notes

- ¹ 2. See Chapter 8 of this Title.

10-1-4: POLICY OF CITY:

It is hereby declared to be the policy of the City to consider the development of land within the jurisdiction of the City subject to the control of the City and to adopt development regulations to facilitate accomplishment of the goals and objectives of any comprehensive plans of the City for the orderly, planned, efficient and economical development of the City. It shall be the general policy of the City that:

(A) All land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace;

(B) Land shall not be subdivided until all available public facilities and improvements exist or have been given proper consideration by the City Council and proper provision has been made for drainage, water, sewerage and capital improvements such as schools, parks, recreation facilities, transportation facilities and improvements;

(C) All existing and proposed public improvements shall conform to and be properly related to any proposals shown in a comprehensive plan, official map or capital budget and program of the City;

(D) All existing and proposed public improvements shall conform to and be properly related to any proposals shown in a comprehensive plan, official map or capital budget and program of the City.

It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in any building and housing codes ¹, zoning ordinances, comprehensive plans, official maps, land use plans and capital budgets and programs adopted by the City.

Notes

- ¹ 1. See Title 4 of this Code.

10-1-5: PURPOSE:

Pursuant to the general policy of the City, these regulations are adopted for the following purposes:

(A) To protect and provide for the public health, safety and general welfare of the Municipality.

(B) To guide the future growth and development of the Municipality, in accordance with any comprehensive plan of the City.

(C) To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of population.

(D) To protect the character and the social and economic stability of all parts of the Municipality and to encourage the orderly and beneficial development of all parts of the Municipality.

(E) To protect and conserve the value of land throughout the Municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

(F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities.

(G) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

(H) To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.

(I) To insure that public facilities are available and will have a sufficient capacity to serve any proposed development.

(J) To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the Municipality in order to preserve the integrity, stability and beauty of the community and the value of the land.

(K) To preserve the natural beauty and topography of the Municipality and to insure appropriate development with regard to these natural features.

(L) To provide for open spaces through the most efficient design and layout of the land, including the use of average

density in providing for minimum width and area of lots, while preserving the density of land as established in this Title. (Ord. 2012, 7-6-81)

(M) To minimize public and private losses due to flood conditions as follows:

1. To minimize expenditure of public money and costly flood control projects;
2. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
3. To minimize prolonged business interruptions;
4. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
5. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
6. To insure that potential buyers are notified that property is in an area of special flood hazard; and,
7. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 2045, 7-6-82)

10-1-6: INTERPRETATION:

The Administrator ¹ shall be responsible for the interpretation of these regulations and any interpretation and application of the regulations shall be the minimum requirements for the promotion of the public health, safety and general welfare. This is not intended to abrogate any appeal rights provided herein.

Notes

¹ 1. See Section 10-17-1 of this Code.

10-1-7: CONFLICTS OF LAW:

(A) These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, Statute or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(B) These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that where the provisions of these regulations are more restrictive or impose higher standards or regulation than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the City Council or the Municipality in approving a subdivision or in enforcing these regulations, and such private provisions are not consistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder but will not be enforced by the City.

10-1-8: SEVERABILITY:

If any part of provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

10-1-9: SAVING PROVISION:

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the Municipality except as shall be expressly provided for in these regulations.

10-1-10: AMENDMENTS:

For the purpose of providing for the public health, safety and general welfare, the City may from time to time amend the provisions imposed by these development regulations. Public hearings on all proposed amendments shall be held by the City in the manner herein prescribed ¹.

Notes

¹ 1. See Chapter 14 of this Title.

10-1-11: VIOLATION AND PENALTIES:

Whenever a violation of this Title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis of the same and shall be filed with the Administrator. The Administrator shall properly record such complaint, immediately investigate the same and take such action, or cause the same to be taken thereon as provided by this Title ¹. The City Attorney shall, in addition to taking whatever criminal action is deemed necessary, take steps to civilly enjoin any violation of this Title.

Any violation of the provisions of this Title or any failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues beyond notice shall be considered a separate offense. The land owner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such continuing violation may be found guilty of a separate offense for each day the violation continues as aforesaid. Nothing herein contained shall prevent the Council or any other public official or private citizen from taking such lawful action as it necessary to restrain or prevent any violation of this Title or the Idaho Code.

Provided, however, that where property has been made nonconforming or where an existing nonconforming use has been increased by the exercise of eminent domain, it shall not be a violation and no penalty, either civil or criminal, shall result. Persons desiring to change or modify the use of said nonconforming properties in a manner which would, but for the exercise of eminent domain, be permitted outright, may apply for a special use permit, which permit may be granted with due consideration given to the health, safety and welfare of the citizens of the City.

Any person convicted of violating any of the provisions of this Title shall be punishable by imprisonment for a term not to exceed ninety (90) days, a fine not to exceed three hundred dollars (\$300.00) or by both such fine and imprisonment, or as the Court shall deem necessary in the interest of justice.

Notes

¹ 2. See Section 10-13-1-6 of this Code.

10-1-12: EFFECTIVE DATE:

The Zoning Code, as hereby adopted, shall be effective immediately upon its passage and publication as required by law, and shall be in full force and effect. (Ord. 2012, 7-6-81)



Twin Falls Planning & Zoning Commission Minutes

Monday, November 4, 2024, 6:00 PM

203 Main Ave East
Twin Fall, ID 83303

Special Meeting

Members -

City Limits: Chairperson Danielle Titus; Vice-Chair Cortney Campbell; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Tiffany Zimmerman

Area of Impact:

1) Confirmation of Quorum/Call Meeting to Order

Chairperson Titus called the meeting to order at 06:00 PM

Members Attending: Titus, Rambur, Weatherford, Zimmerman

Staff Attending: Spendlove, Klaver, Ebersole, Green

2) Conflict of Interest Declaration

3) Consent Calendar

4) Items of Consideration

5) Public Hearings

- a) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 1 "General Provisions". (PZ24-0129)

Staff Presentation:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 1 "General Provisions". (PZ24-0129)

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in

section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

N/A

N/A

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the general provisions chapter of Title 10 as presented;*
2. *Move to recommend denial for the proposed zoning text amendment to the general provisions chapter of Title 10; or*
3. *Move to table the item to a date certain of _____.*

Public Hearing: Opened and closed with no public input

Discussions Followed:

MOTION: Commissioner Rambur moved to approve the recommendation for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 1 "General Provisions". (PZ24-0129). Commissioner Weatherford seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- b) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 11 "Area of Impact". (PZ24-0139)

Staff Presentation:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 11 "Area of Impact". (PZ24-0139)

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning

Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
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- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

N/A

N/A

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

- 1. Move to recommend approval for the proposed zoning text amendment to the area of impact chapter of Title 10 as presented;*
- 2. Move to recommend denial for the proposed zoning text amendment to the area of impact chapter of Title 10; or*
- 3. Move to table the item to a date certain of _____.*

Public Hearing: Opened and closed with no public input.

MOTION: Commissioner Weatherford moved to approve the recommendation for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 11 "Area

of Impact". (PZ24-0139). Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- c) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 3 "Historic District & Regulations". (PZ24-0131)

Staff Presentation:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 3 "Historic District & Regulations". (PZ24-0131)

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

N/A

N/A

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the*

- historic district and regulations chapter of Title 10 as presented;*
2. *Move to recommend denial for the proposed zoning text amendment to the historic district and regulations chapter of Title 10; or*
 3. *Move to table the item to a date certain of _____.*

Public Hearing: Opened and closed with no public input

MOTION: Commissioner Zimmerman moved to approve the recommendation for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 3 "Historic District & Regulations". (PZ24-0131). Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

6) Upcoming Meeting(s)

- a) November 19, 2024.

7) Adjournment

The meeting adjourned at 06:44 PM

Jody Green

Jody Green, Planning Technician



Date: Monday, December 16, 2024
To: Honorable Mayor and City Council
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 3 "Historic District & Regulations". (PZ24-0131)

Time Estimate:

15-20 minutes for staff presentation.

Background:

In February 2018, the City Council tasked Planning and Zoning Staff to initiate a complete rewrite of Title 10: Zoning and Subdivision Regulations. The main goals of the rewrite are to accomplish the following:

- Update the current definitions;
- Simplify the code navigation process for users;
- Streamline the development approval process; and
- Make the code reflect the goals, language, and strategies of the 2016 Comprehensive Plan.

The chapter applicable to this Staff Report is the "Historic Districts and Regulations" chapter. This chapter is a consolidation of multiple chapters, making this a new chapter to Title 10. The historic district regulations were outlined in Municipal Code section 10-4-22 back in 1999. In 2012, the design guideline regulations were added. The process and requirement to obtain a Certificate of Appropriateness was outlined in Municipal Code section 10-13-1 in 2017.

This chapter contains much the same language as before and consolidates into one (1) chapter / location.

The Planning and Zoning Commission recommended approval, as presented, on November 4, 2024. This recommendation was approved by a vote of 4-0.

Approval Process:

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt

or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

10-14-7: ACTION BY COUNCIL:

The council, prior to adopting, revising or rejecting the amendment to this title as recommended by the commission shall conduct at least one public hearing using the same notice and hearing procedures as the commission. Following the council hearing, if said council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the council adopts the amendment.

Upon granting or denying an application to amend this title, the council shall specify:

- A. The regulations and standards used in evaluating the application.
- B. The reasons for approval or denial.
- C. The actions, if any, that the applicant could take to obtain a permit.

In the event the council shall approve an amendment, such amendment shall thereafter be made a part of this title upon the preparation and passage of an ordinance.

Budget Impact:

N/A

Regulatory Impact:

Should this be approved, this section will be the Historic Districts and Regulations chapter.

History:

N/A

Analysis:

N/A

Conclusion:

The Council is tasked with making a decision on the proposed text amendment. The Council may approve, approve with conditions, deny, or table the item to a date certain.

Sample main motions:

1. *Move to approve the proposed zoning text amendment to the historic district and regulations chapter of Title 10 as presented;*
2. *Move to approve the proposed zoning text amendment to the historic district and regulations chapter of Title 10 with conditions; or*
3. *Move to table the item to a date certain of _____.*

Attachments:

1. Proposed Historic District Regulations Chapter
2. Current Historic Preservation Regulations
3. PZ Minutes 11042024

10-3: HISTORIC DISTRICTS & REGULATIONS

10-3-1: APPLICABILITY.

The regulations included in this section apply to all properties located within the Twin Falls Downtown Historic District, Twin Falls City Park Historic District, and Warehouse Historic District. Current historic district boundary maps can be found in Chapter 13 of this Title, as approved by City Council.

10-3-2: CERTIFICATE OF APPROPRIATENESS

- A. Any applicant desiring to construct, repair, alter, restore, modify, relocate, demolish, or change in any manner the exterior portion of any building or structure within the Historic Districts listed in section 10-3-1 of this Title shall apply for and receive a Certificate of Appropriateness prior to any granting of building permits or changes to the exterior portion of said building or structure. A Certificate of Appropriateness is also required for the construction, repair, or change to aboveground utility structures, wireless communication facilities, and any type of permanent outdoor advertising within the Historic Districts listed in section 10-3-1 of this Title.
 - B. Application Process. Certificates of Appropriateness applications shall be approved or denied using the following procedure:
 1. Application. Any person desiring to obtain a Certificate of Appropriateness, as herein defined, shall submit the necessary application to the Administrator on forms as provided by the City.
2. Historic Preservation Commission Review.
 - a. Historic Preservation Commission review is required for the approval of a Certificate of Appropriateness. ~~for any historic contributing building in a district.~~
 - b. The Twin Falls City Historic Preservation Commission shall review the Design Guidelines as they exist or as amended for compliance before issuing a Certificate of Appropriateness.
 - c. The Historic Preservation Commission shall make its determination within 15 business days after submission of the application. Such a certificate is to be issued by the Administrator prior to the issuance of a building permit or other permit granted for purposes of construction or altering structures.
 - d. A Certificate of Appropriateness shall be required whether or not a building permit is required.
 - e. A decision of the Historic Preservation Commission regarding an application for a Certificate of Appropriateness may be appealed by the applicant to the City Council.

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10-4-22: WHO, WAREHOUSE HISTORIC OVERLAY DISTRICT:

10-4-22.1: PURPOSE:

This overlay district is intended to provide recognition and protection of the nationally registered Twin Falls historic warehouse district through the implementation of design guidelines for modifications, demolition or construction of buildings within the district. This overlay may be placed on the CB, OT, M1 or M2 zoning district. (Ord. 2608, 5-3-1999)

10-4-22.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Any use permitted in the basic district upon which the overlay is placed.

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Any use allowed by special use permit in the basic district upon which the overlay is placed.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2608, 5-3-1999)

10-4-22.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the warehouse historic overlay district:

(A) Lot Area: The minimum lot size as required by the basic district upon which the overlay is placed.

(B) Lot Occupancy: Same as that of the basic district upon which the overlay is placed.

(C) Building Height: Same as that of the basic district upon which the overlay is placed.

(D) Yards:

1. Front yards: Same as that of the basic district upon which the overlay is placed.

2. Side yards: Same as that of the basic district upon which the overlay is placed.

3. Rear yards: Same as that of the basic district upon which the overlay is placed.

(E) Access: Same as that of the basic district upon which the overlay is placed.

(F) Landscaping: Same as that of the basic district upon which the overlay is placed or such additional or other landscaping as required by the historic preservation commission.

(G) Off Street Parking: Same as that of the basic district upon which the overlay is placed. (Ord. 2608, 5-3-1999)

(H) Design Guidelines: No exterior portion of any building or other structure (including walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor aboveground utility structures nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within this district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the historic preservation commission. The historic preservation commission shall review the "Warehouse Historic District Design Guidelines" as they exist or as amended for compliance before issuing a certificate of appropriateness. Such a certificate is to be issued by the historic preservation commission prior to the issuance of a building permit or other permit granted for purposes of construction or altering structures. A certificate of appropriateness shall be required whether or not a building permit is required. A decision of the historic preservation commission regarding an application for a certificate of appropriateness may be appealed by the applicant to the city council. (Ord. 3025, 2-6-2012)

10-13-1: BUILDING PERMIT:

(A) Permit Required: No person shall erect, construct, enlarge, alter, repair, move, convert or demolish any building or structure in the city or cause the same to be done without first obtaining a separate building permit for each such building or structure from the city building official.

(B) Application For Permit: To apply for a permit the applicant shall first file an application therefor in writing on a form furnished for that purpose by the city building official, who shall determine the acceptability of the request in conformance with the building code, and who shall thereupon issue or deny the application.

(C) Certificate Of Appropriateness: For those properties located within the Twin Falls downtown historic district and the Twin Falls City Park historic district, before applying for a building permit, the property owner shall apply for and receive a certificate of appropriateness from the Twin Falls historic preservation commission.

1. No exterior portion of any building or other structure, including walls, fences, light fixtures, steps and pavement, or other appurtenant features, nor aboveground utility structures nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within these districts until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the historic preservation commission. The historic preservation commission shall review the "design guidelines" as they exist or as amended for compliance before issuing a certificate of appropriateness. The historic preservation commission shall make its determination within ten (10) business days after

submission of the application. Such a certificate is to be issued by the historic preservation commission prior to the issuance of a building permit or other permit granted for purposes of construction or altering structures.

2. A certificate of appropriateness shall be required whether or not a building permit is required.

3. A decision of the historic preservation commission regarding an application for a certificate of appropriateness may be appealed by the applicant to the city council. (Ord. 2017-009, 2-27-2017)



Twin Falls Planning & Zoning Commission Minutes

Monday, November 4, 2024, 6:00 PM

203 Main Ave East
Twin Fall, ID 83303

Special Meeting

Members -

City Limits: Chairperson Danielle Titus; Vice-Chair Cortney Campbell; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Tiffany Zimmerman

Area of Impact:

1) Confirmation of Quorum/Call Meeting to Order

Chairperson Titus called the meeting to order at 06:00 PM

Members Attending: Titus, Rambur, Weatherford, Zimmerman

Staff Attending: Spendlove, Klaver, Ebersole, Green

2) Conflict of Interest Declaration

3) Consent Calendar

4) Items of Consideration

5) Public Hearings

- a) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 1 "General Provisions". (PZ24-0129)

Staff Presentation:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 1 "General Provisions". (PZ24-0129)

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- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in

section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

N/A

N/A

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the general provisions chapter of Title 10 as presented;*
2. *Move to recommend denial for the proposed zoning text amendment to the general provisions chapter of Title 10; or*
3. *Move to table the item to a date certain of _____.*

Public Hearing: Opened and closed with no public input

Discussions Followed:

MOTION: Commissioner Rambur moved to approve the recommendation for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 1 "General Provisions". (PZ24-0129). Commissioner Weatherford seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- b) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 11 "Area of Impact". (PZ24-0139)

Staff Presentation:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 11 "Area of Impact". (PZ24-0139)

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning

Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

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Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

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N/A

N/A

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the area of impact chapter of Title 10 as presented;*
2. *Move to recommend denial for the proposed zoning text amendment to the area of impact chapter of Title 10; or*
3. *Move to table the item to a date certain of _____.*

Public Hearing: Opened and closed with no public input.

MOTION: Commissioner Weatherford moved to approve the recommendation for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 11 "Area

of Impact". (PZ24-0139). Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- c) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 3 "Historic District & Regulations". (PZ24-0131)

Staff Presentation:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 3 "Historic District & Regulations". (PZ24-0131)

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

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- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

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N/A

N/A

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the*

- historic district and regulations chapter of Title 10 as presented;*
2. *Move to recommend denial for the proposed zoning text amendment to the historic district and regulations chapter of Title 10; or*
 3. *Move to table the item to a date certain of _____.*

Public Hearing: Opened and closed with no public input

MOTION: Commissioner Zimmerman moved to approve the recommendation for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 3 "Historic District & Regulations". (PZ24-0131). Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

6) Upcoming Meeting(s)

- a) November 19, 2024.

7) Adjournment

The meeting adjourned at 06:44 PM

Jody Green

Jody Green, Planning Technician



Date: Monday, December 16, 2024
To: Honorable Mayor and City Council
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 11 "Area of Impact". (PZ24-0139)

Time Estimate:

15-20 minutes for staff presentation.

Background:

In February 2018, the City Council tasked Planning and Zoning Staff to initiate a complete rewrite of Title 10: Zoning and Subdivision Regulations. The main goals of the rewrite are to accomplish the following:

- Update the current definitions;
- Simplify the code navigation process for users;
- Streamline the development approval process; and
- Make the code reflect the goals, language, and strategies of the 2016 Comprehensive Plan.

The chapter applicable to this Staff Report is the "Area of City Impact". This chapter was mostly adopted in the Ordinance 2793 in 2004. In 2020, the administration of the Area of City Impact was added.

This Chapter has not seen significant changes from the previous code. Changing this section is governed by state statute. Recent state code updates has pushed the jurisdiction solely to the County. This amendment reflects the City's responsibility for the Area of Impact.

The Planning and Zoning Commission recommended approval, as presented, on November 4, 2024. This recommendation was approved by a vote of 4-0.

Approval Process:

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

10-14-7: ACTION BY COUNCIL:

The council, prior to adopting, revising or rejecting the amendment to this title as recommended by the commission shall conduct at least one public hearing using the same notice and hearing procedures as the commission. Following the council hearing, if said council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the council adopts the amendment.

Upon granting or denying an application to amend this title, the council shall specify:

- A. The regulations and standards used in evaluating the application.
- B. The reasons for approval or denial.
- C. The actions, if any, that the applicant could take to obtain a permit.

In the event the council shall approve an amendment, such amendment shall thereafter be made a part of this title upon the preparation and passage of an ordinance.

Budget Impact:

N/A

Regulatory Impact:

Should this be approved, this section will be the Area of Impact chapter, bringing the City into conformance with new State Legislation.

History:

N/A

Analysis:

N/A

Conclusion:

The Council is tasked with making a decision on the proposed text amendment. The Council may approve, approve with conditions, deny, or table the item to a date certain.

Sample main motions:

1. *Move to approve for the proposed zoning text amendment to the area of impact chapter of Title 10 as presented;*
2. *Move to approve the proposed zoning text amendment to the area of impact chapter of Title 10 with conditions; or*
3. *Move to table the item to a date certain of _____.*

Attachments:

1. Proposed Area of Impact Chapter
2. Current Area of City Impact Chapter 10.28.2024
3. PZ Minutes 11042024

CHAPTER 11: AREA OF IMPACT

10-11-1 ADMINISTRATION.

- A. The administration of the codes applicable to the City of Twin Falls area of impact shall be as appointed and authorized by the Board of Commissioners for Twin Falls County.
- B. Persons living within the City of Twin Falls area of impact shall be entitled to representation on the City Planning and Zoning Commission. Such representation shall as nearly as possible reflect the proportion of population living within the city as opposed to the population living within the City of Twin Falls area of impact. (Ord. 2020-006, 3-16-2020)

10-11-2 ENFORCEMENT.

Twin Falls County and its employees and agents shall enforce compliance with the provisions of this chapter within the City of Twin Falls area of impact. (Ord. 2020-006, 3-16-2020)

10-11-3 RENEGOTIATION.

The area of city impact may be reviewed at any time upon the request of either party. (Ord. 2793, 7-19-2004)

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CHAPTER 8

AREA OF CITY IMPACT

SECTION:

10-8-1: Integration Of Recitals

10-8-2: Geographic Area Of City Impact

10-8-3: Governing Plan And Ordinance

10-8-4: Administration

10-8-5: Enforcement

10-8-6: Renegotiation

10-8-1: INTEGRATION OF RECITALS:

The recitals set forth in ordinance 2279 on file in the office of the city clerk are incorporated in this chapter and by this reference made a part hereof. (Ord. 2793, 7-19-2004)

10-8-2: GEOGRAPHIC AREA OF CITY IMPACT:

The agreed upon area of city impact is as shown on the city of Twin Falls, Idaho, area of impact and zoning districts map. (Ord. 2793, 7-19-2004)

10-8-3: GOVERNING PLAN AND ORDINANCE:

(A) The city of Twin Falls comprehensive plan and Twin Falls, Idaho, revised area of impact and comprehensive plan land use map, together with the city of Twin Falls zoning and subdivision regulations contained in this title, and the city of Twin Falls, Idaho, area of impact and zoning districts map, are hereby adopted by reference by the county of Twin Falls to be in full force and effect in the area of city impact.

(B) Within the area of city impact, no provision of this chapter shall apply to any parcel of land twenty (20) acres or larger used solely for agricultural purposes. Within the area of city impact this chapter shall apply to any parcel of land proposed to be used for nonagricultural purposes. (Ord. 2793, 7-19-2004)

10-8-4: ADMINISTRATION:

(A) The administration of the codes applicable to the City of Twin Falls Area of Impact shall be as appointed and authorized by the Board of Commissioners for Twin Falls County.

(B) Persons living within the City of Twin Falls Area of Impact shall be entitled to representation on the City Planning and Zoning Commission. Such representation shall as nearly as possible reflect the proportion of population living within the city as opposed to the population living within the City of Twin Falls Area of Impact.

(Ord. 2020-006, 3-16-2020)

10-8-5: ENFORCEMENT:

Twin Falls County and its employees and agents shall enforce compliance with the provisions of this chapter within the City of Twin Falls Area of Impact. (Ord. 2020-006, 3-16-2020)

10-8-6: RENEGOTIATION:

The area of city impact may be reviewed and renegotiated at any time upon the request of either party hereto. (Ord. 2793, 7-19-2004)



Twin Falls Planning & Zoning Commission Minutes

Monday, November 4, 2024, 6:00 PM

203 Main Ave East
Twin Fall, ID 83303

Special Meeting

Members -

City Limits: Chairperson Danielle Titus; Vice-Chair Cortney Campbell; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Tiffany Zimmerman

Area of Impact:

1) Confirmation of Quorum/Call Meeting to Order

Chairperson Titus called the meeting to order at 06:00 PM

Members Attending: Titus, Rambur, Weatherford, Zimmerman

Staff Attending: Spendlove, Klaver, Ebersole, Green

2) Conflict of Interest Declaration

3) Consent Calendar

4) Items of Consideration

5) Public Hearings

- a) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 1 "General Provisions". (PZ24-0129)

Staff Presentation:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 1 "General Provisions". (PZ24-0129)

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in

section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

N/A

N/A

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the general provisions chapter of Title 10 as presented;*
2. *Move to recommend denial for the proposed zoning text amendment to the general provisions chapter of Title 10; or*
3. *Move to table the item to a date certain of _____.*

Public Hearing: Opened and closed with no public input

Discussions Followed:

MOTION: Commissioner Rambur moved to approve the recommendation for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 1 "General Provisions". (PZ24-0129). Commissioner Weatherford seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- b) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 11 "Area of Impact". (PZ24-0139)

Staff Presentation:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 11 "Area of Impact". (PZ24-0139)

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning

Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

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- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

N/A

N/A

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the area of impact chapter of Title 10 as presented;*
2. *Move to recommend denial for the proposed zoning text amendment to the area of impact chapter of Title 10; or*
3. *Move to table the item to a date certain of _____.*

Public Hearing: Opened and closed with no public input.

MOTION: Commissioner Weatherford moved to approve the recommendation for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 11 "Area

of Impact". (PZ24-0139). Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- c) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 3 "Historic District & Regulations". (PZ24-0131)

Staff Presentation:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 3 "Historic District & Regulations". (PZ24-0131)

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

N/A

N/A

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the*

- historic district and regulations chapter of Title 10 as presented;*
2. *Move to recommend denial for the proposed zoning text amendment to the historic district and regulations chapter of Title 10; or*
 3. *Move to table the item to a date certain of _____.*

Public Hearing: Opened and closed with no public input

MOTION: Commissioner Zimmerman moved to approve the recommendation for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 3 "Historic District & Regulations". (PZ24-0131). Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

6) Upcoming Meeting(s)

- a) November 19, 2024.

7) Adjournment

The meeting adjourned at 06:44 PM

Jody Green

Jody Green, Planning Technician