



Twin Falls City Council Agenda

Monday, December 16, 2019, 5:00 PM

**** AMENDED ****

City Council Chambers
203 Main Avenue East- Twin Falls, Idaho

Members: Shawn Barigar, Suzanne Hawkins, Nikki Boyd, Chris Talkington, Gregory Lanting, Christopher Reid, Ruth Pierce

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) PROCLAMATIONS: None
- 4) GENERAL PUBLIC INPUT
- 5) CONSENT CALENDAR
 - a) **ACTION ITEM:** Request to approve the Wells Fargo Credit Commercial Card for October 2019.
By: Amy Luna, Finance Administrative Assistant
 - b) **ACTION ITEM:** Request to approve the December 09, 2019, City Council Minutes.
By: Amy Luna, Finance Administrative Assistant
 - c) **ACTION ITEM:** Request to approve the Accounts Payable for December 5 thru 11, 2019.
By: Amy Luna, Finance Administrative Assistant
 - d) **Item removed.**
 - e) **Item removed.**
- 6) ITEMS OF CONSIDERATION
 - a) **ACTION ITEM:** Request to approve and authorize the Mayor to sign an Amended Purchase and Sale Agreement between the City of Twin Falls and Katherine B. Breckenridge.
By: Shayne Nope, City Attorney
 - b) **PRESENTATION:** Water and Wastewater Operator License recognition.
By: Jon Caton, Public Works Director
 - c) **ACTION ITEM:** Request to Waive Nonconforming Building Expansion Permit Process to allow an addition on property located at 388 Van Buren St. (PZ19-0151)
By: Steve O'Connor, City Planner

- d) **ACTION ITEM:** Request to approve the FY2020 Certified Local Government application to the Idaho State Historical Society from the Twin Falls City Historic Preservation Commission.
By: Lisa Strickland, City Planner

7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

8) PUBLIC HEARINGS

- a) **ACTION ITEM:** Request for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 ZDA for the Westpark Subdivision No. 11, located on 4.41 acres on Canyon Crest Drive c/o EHM Engineers, Inc. on behalf of Bach Homes. (PZ19-0120)
By: Steve O'Connor, City Planner
- b) **ACTION ITEM:** Request for approval of an ordinance to adopt the new Washington Street South Urban Renewal Plan.
By: Nathan Murray, Economic Development Director

9) ADJOURNMENT

- a) **REQUEST TO ADJOURN TO EXECUTIVE SESSION** §74-206 (1)(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Leila Sanchez (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208) 735-7287.

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin Falls shall:
 - Wait to be recognized by the Mayor or Chairman
 - Approach the microphone/podium
 - State their name, and whether they are a resident or property owner in the City of Twin Falls, and proceed with their input.
2. The Mayor or Chairman may limit input to no less than two (2) minutes. Individuals are not permitted to give their time to other speakers.

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, and then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
3. A City Staff Report shall summarize the application and history of the request.
4. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - A complete explanation and description of the request.
 - Why the request is being made.
 - Location of the Property.
 - Impacts on the surrounding properties and efforts to mitigate those impacts.
5. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chairman may limit public testimony to no less than two (2) minutes per person.
 - Individuals are not permitted to give their time to other speakers.
 - However, five (5) or more individuals that received written notice of the public hearing may appoint, by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chairman. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.
8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chairman may limit the time permitted for the answer.
10. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning & Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.

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



Twin Falls City Council Minutes

Monday, December 9, 2019, 5:00 PM

City Council Chambers
203 Main Avenue East- Twin Falls, Idaho

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Shawn Barigar, Vice Mayor Nikki Boyd, Council Member Suzanne Hawkins, Chris Talkington, Greg Lanting, Christopher Reid & Ruth Pierce

Absent:

Staff Present: City Manager Travis Rothweiler, Deputy City Managers Mitch Humble & Brian Pike, City Attorney Shayne Nope, Police Chief Craig Kingbury, Fire Chief Les Kenworthy, Public Works Director Jon Caton, City Engineer Mark Holtzen, Staff Engineer Erin Steel, Network Administrator Mike Plane, Finance Administrative Assistant Amy Luna.

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

2) PLEDGE OF ALLEGIANCE

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

3) PROCLAMATIONS: None

4) GENERAL PUBLIC INPUT: None

5) CONSENT CALENDAR

Council Member Hawkins requested that Item(c) of the Consent Calendar be voted on separately.

MOTION: Council Member Talkington moved to approve the Consent Calendar, minus Item(c), as presented. **Council Member Pierce** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0

MOTION: Council Member Reid moved to approve the Consent Calendar Item(c), as presented. **Vice Mayor Boyd** seconded the motion. Roll call vote showed all members present voted with **Council Member Hawkins** abstaining. 6 to 0 to 1

Council Member Talkington: Asked about a bond payment refund that is in the payable.

- a) **ACTION ITEM:** Request to approve the Accounts Payable for November 21 through December 4, 2019.
- b) **ACTION ITEM:** Request to approve the November 25, 2019, City Council Minutes.
- c) **ACTION ITEM:** Request to approve the December 2, 2019, City Council Minutes.
- d) **ACTION ITEM:** Request to approve the City Council Schedule of Regular Meetings & Public Hearings for 2020.

6) ITEMS OF CONSIDERATION

- a) **ACTION ITEM:** Request to consider a resolution to allow the City to participate in authorized Cooperative Purchasing Agreements pursuant to Idaho Code 67-2807.
City Attorney Nope requested to consider a resolution to allow the City to participate in authorized Cooperative Purchasing Agreements pursuant to Idaho Code 67-2807.

Discussion ensued on the following:

Mayor Barigar: Asked for some clarification.

Council Member Hawkins: Presented some additional information.

MOTION: Council Member Lanting moved to approve the **Resolution 2019-014** to allow the City to participate in authorized Cooperative Purchasing Agreements pursuant to Idaho Code 67-2807. Council Member Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- b) **ACTION ITEM:** Seeking Council direction on whether they would like staff to enter into a contract to explore surface treatment options for Floral Avenue.

Public Works Director Caton and City Engineer Holtzen are seeking Council direction on whether they would like staff to enter into a contract to explore surface treatment options for Floral Avenue.

Discussion ensued on the following:

Council Member Talkington: Is Floral serviced by adequate fire protection water?

Vice Mayor Boyd: Asked for the number of deferrals on this road. This would be a legitimate source of funds to help fund this project.

Council Member Lanting: Are the curbs, that are there, enough to build a road up against? Deferrals could be mixed bag of everything.

Council Member Pierce: What is the length of Floral Ave? How does the population of this road compare to others?

Council Member Hawkins: How many businesses are along this road?

Council Member Lanting: Are we talking just about Floral Ave or other connecting roads as well?

Business Owner Stewart Standal: Spoke about meeting with all the property owners along Floral Ave.

Business Owner Stace Campbell: Spoke about the drainage and the project, as a whole.

Council Member Reid: Asked about the feelings of the other property owners, in regard to the deferrals.

Mayor Barigar: Asked about the property tax amount that has historically been collected.

Council Member Reid: Asked about the scope of the sidewalks?

Council Member Talkington: Spoke about the history of upgrading this road.

Council Member Hawkins: With us not having anything in our budget at this time, wants everyone to be aware of the time that this could take.

Council Member Reid: Asked what the schedule would look like for the consultant and estimated cost. How many dirt roads do we have in the City of Twin Falls?

Streets Superintendent Dean Littler: Spoke about the dirt roads in the City.

Council Member Lanting: Spoke in favor of doing the study of this road.

MOTION: Council Member Talkington moved to authorize the City to enter into a contract to explore surface treatment options for Floral Ave in the approximate amount of \$25,000.00-\$35,000.00. Council Member Hawkins seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

City Manager Rothweiler reminded everyone of the AIC Fall Academy on Wednesday, December 11, 2019 at Canyon Crest at 9:00 am.

The City will be celebrating **Council Member Talkington's** career on Friday, December 13, 2019 from 2 pm to 4 pm.

8) PUBLIC HEARINGS: None

9) ADJOURNMENT

a) **REQUEST TO ADJOURN TO:**

Executive Session §74-206(1)(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public-school student.

MOTION: Council Member Pierce moved to Adjourn to Executive Session 74206(1)(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public-school student. Council Member Talkington seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

The meeting adjourned at 05:52 PM

Amy Luna, Administrative Assistant Finance



Date: Monday, December 16, 2019
To: Honorable Mayor and City Council
From: Shayne Nope, City Attorney

ACTION ITEM

Request:

ACTION ITEM: Request to approve and authorize the Mayor to sign an Amended Purchase and Sale Agreement between the City of Twin Falls and Katherine B. Breckenridge.

Time Estimate:

10 Minutes

Background:

On November 13, 2018, the City of Twin Falls ("City") entered into a Purchase and Sale Agreement with Katherine Breckenridge ("Breckenridge") for the purchase of property owned by Breckenridge. As part of that agreement, the City had certain obligations, some of which were unable to be completed by the dates listed in the original agreement. The agreement was amended on April 29, 2019 to address some of these issues. Breckenridge and the City have discussed the need for additional amendments to effectuate the agreement. Specifically, the City would like additional time to install water and sewer services as agreed, and Breckenridge would like to clarify that the conditions are met to vacate the Bike Path Easement on the property.

Approval Process:

A simple majority of the Council is needed to authorize the Mayor to sign the attached "Second Amended Purchase and Sale Agreement."

Budget Impact:

Regulatory Impact:

History:

N/A

Analysis:

N/A

Conclusion:

In conclusion, if the council authorizes the Mayor to sign the Second Amended Purchase and Sale agreement, the City will have until March 15, 2020 to install water and sewer services to the East side of the property and the agreement will be sent to the County recorder to document the vacated Easement.

Attachments:

1. 2019 - SECOND AMENDED - PURCHASE AND SALE AGREEMENT

**SECOND AMENDED
PURCHASE AND SALE AGREEMENT**

This Second Amended Purchase and Sale Agreement (this “**Second Amended Agreement**”) is entered into as of December 16, 2019, by and between the City of Twin Falls, (“**City**”), and Katherine B. Breckenridge (“**Breckenridge**”).

RECITALS

WHEREAS, the City and Breckenridge entered into an Amended Purchase and Sale Agreement dated April 29, 2019; and,

WHEREAS, the City and Breckenridge agree that Section 1, Paragraph B should be amended to change the deadline for completion of the water and sewer services from October 30, 2019 to March 15, 2020; and,

WHEREAS, the City and Breckenridge agree that Section 2, Paragraph A should be amended to reflect the fact that the City of Twin Falls will vacate the bike path described in Exhibit C and will allow the vacated property to be incorporated into Parcel 1 of the TBS Subdivision by lot line adjustment.

AGREEMENT

NOW, THEREFORE, in consideration of the above recitals, and other good and valuable consideration, the Parties hereby agree as follows:

1. PURCHASE AND SALE OF BRECKENRIDGE PROPERTY

A. Sale and Purchase. Breckenridge hereby agrees to grant, bargain, convey and sell to City, and City does hereby agree to acquire and purchase from Breckenridge, the Property described below on the terms and conditions set forth in this Agreement. The property purchased is as legally described and shown on Exhibit A.

B. Consideration. As consideration for the Property, City shall pay to Breckenridge the sum of Three Hundred Thousand Dollars (\$300,000.00). As additional consideration, City agrees to extend public sewer/water connections to the exterior boundaries of the property retained by Breckenridge, as shown on Exhibit B. Water and sewer stubs shall be minimum eight-inch diameter (8”) lines. The water stubs shall include valves. As of the date of this agreement water and sewer services are completed on the Harrison Street side of the property. The construction on the east side of the property shall be completed by March 15, 2020.

C. Option to Acquire Additional Property. If the City needs additional real property for this project on the canyon rim, Breckenridge agrees to sell additional property on the same terms and conditions, for \$4.55 per square foot. This option shall terminate upon completion of the rim stabilization, canyon rim trail, and sewer stub projects.

D. Closing Date. The closing shall take place upon execution of public utility easements by adjoining property owners.

E. Escrow Closing. The closing shall take place at the offices of TitleFact Inc, 163 4th Ave N, Twin Falls, Idaho 83301, telephone: (208) 733-3821 (“**Escrow Agent**”). On or before the Closing Date, City and Breckenridge shall deposit with Escrow_Agent all instruments,

documents and monies (payable in cash, by wire funds or official bank check), as necessary to complete the transactions contemplated under this Agreement, including due authority resolutions and title affidavits as may be requested by Escrow Agent. City shall pay Escrow Agent's closing fees and the premium for any title insurance. All other expenses not specifically referenced in this Agreement and incurred by City or Breckenridge with respect to the transactions contemplated under this Agreement shall be borne and paid exclusively by the Party incurring the same without reimbursement.

F. Conveyance of Title. At closing, Breckenridge shall execute and deliver to City a warranty deed that is to be marketable and insurable except for rights reserved in federal patents, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, rights of way and easements established or of record and any other liens, encumbrances or defects approved by City.

G. Possession. City shall be entitled to possession of the Property on the Closing Date.

H. Title Insurance. As a condition precedent to City's obligation to close, Escrow Agent shall irrevocably commit to provide City an ALTA standard coverage title insurance policy pursuant to the Title Commitment dated as of the closing and insuring City in the amount requested by City against loss or damage by reason of any defect in Breckenridge's title to the Property subject only to the printed exclusions and general exceptions shown on the Title Commitment or appearing in the policy form and the exceptions approved by City.

I. Purchase As-Is. Except for Breckenridge's warranties in the warranty deed, City's election to proceed with the purchase of the Property shall be deemed an acknowledgement that City has had an opportunity to inspect the Property and perform a due diligence analysis of the Property and is acquiring the Property in an "as is" condition solely in reliance on City's own inspection and that neither Breckenridge nor any agent, representative or employee of Breckenridge has made any representation or warranty, express or implied, verbal or written, with respect to any aspect of the Property or its fitness for any particular use.

J. Reconstruction of Drainage. The City agrees to reconstruct the drainage ditch inside Breckenridge's north boundary property line to accommodate irrigation and/or run-off water and to design and construct the means to direct the water when it leaves the Breckenridge property. Reconstruction of the drainage ditch will coincide with the Rockfall Mitigation project and be completed no later than June 15, 2019.

K. Temporary Fence. A temporary fence shall be built on the common boundary between Breckenridge and the City to minimize trespass. This temporary fence will be built after the rim stabilization project starts. The City shall pay for the fencing materials and Breckenridge will construct the fence. The fence will be constructed with 6 1/2 ft. steel posts and 3 strands of smooth wire. Breckenridge will own the fence. Until the temporary fence is constructed, the existing fences on the east and west sides of the property to be acquired by the City shall remain in place to restrict access to the site, and posted with "No Trespassing" signs. When the initial construction begins, City may replace a section of the fence on the west side with a locking gate for equipment access to the construction area.

2. VACATION OF BIKE PATH/PUBLIC ACCESS EASEMENT

A. The City of Twin Falls hereby vacates the fifteen foot (15') wide bike path easement

over and across the southerly portion of the Breckenridge property, recorded as Instrument No. 2005-006085, Records of Twin Falls County, Idaho, Exhibit C hereto. Further, the City of Twin Falls has no objection to the bike path property being incorporated into Parcel 1 of the TBS Subdivision by lot line adjustment.

3. ADDITIONAL CONDITIONS

A. Setbacks. Breckenridge shall record a development restriction on her property prohibiting the construction of any new buildings within twenty feet (20') of Breckenridge Estates Subdivision and Breckenridge Estates No. 3, and within a sight triangle in the northwest corner of the property adjoining Breckenridge Estates Subdivision and the future Canyon Rim Trail, as shown on Exhibit B. Landscaping shall be permitted within the sight triangle only with the permission of the owner of Lot 32, Block 2, Breckenridge Estates Subdivision.

B. Rerouting Irrigation Return Flow. Breckenridge shall reroute the irrigation return flow from its currently location along the easterly border of her property to an interior location, so that all irrigation waste water remains on the property until it exits the property at the canyon rim. This work must be completed before the beginning of the 2019 irrigation season.

C. Construction of Waste Water Utility Stub From Breckenridge Estates. City shall bore the waste water stub line between the area of the existing manhole in at the end of River View Drive in Breckenridge Estates to a new manhole located within the Breckenridge property, as shown on Exhibit B. City shall repair the area around the manholes at the conclusion of the work.

D. Partial Vacation of Public Access Easement. City shall approve an amendment to the Breckenridge Estates Subdivision Final Plat, which will remove public access to pathways within that portion of Tract C which runs south of the northwesterly corner of Lot 32, Block 2, Breckenridge Estates Subdivision.

4. MISCELLANEOUS

E. Attorneys' Fees. In the event of any controversy, claim or action being filed or instituted between the Parties to interpret or enforce the terms and conditions of this Agreement, or arising from the breach of any provision hereof, the prevailing Party will be entitled to receive from the other Party all costs, damages, and expenses, including reasonable attorneys' fees through all levels of action, incurred by the prevailing Party.

F. Severability. This Agreement will be enforced to the fullest extent permitted by applicable law. If for any reason any provision of this Agreement is held to be invalid or unenforceable to any extent, then (a) such provision will be interpreted, construed or reformed to the extent reasonably required to render the same valid, enforceable and consistent with the original intent underlying such provision, and (b) such invalidity or unenforceability will not affect any other provision of this Agreement.

G. Section Headings. Section headings and other captions are for the purpose of reference only and do not limit or affect the meaning of the terms and provisions hereof.

H. Amendments. This Agreement may not be amended, modified, altered, supplemented or otherwise changed in any respect whatsoever, except by a writing duly executed by the Parties.

I. Survival. Each covenant, condition, warranty and representation herein made shall survive the closing and not merge into the closing documents. All provisions that are to be

performed or applied to circumstances subsequent to closing shall likewise survive the closing.

J. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Idaho.

K. Incorporation by Reference. All recitals and exhibits to this Agreement are hereby incorporated by reference into this Agreement as if set forth herein.

L. Counterparts. This Agreement may be executed in counterparts, each of which is deemed an original but all of which constitute one and the same instrument. The signature pages may be detached from each counterpart and combined into one instrument. Signatures to this Agreement transmitted by facsimile transmission, by electronic mail in “portable document format” (“.pdf”) form, or by any other electronic means intended to preserve the original graphic and pictorial appearance of a document, will have the same effect as physical delivery of the paper document bearing the original signature.

M. Merger. As to the subject matter contained herein, this Agreement shall be the complete, entire, final and exclusive agreement among the Parties and supersedes all prior and contemporaneous negotiations, agreements, and understandings, written or oral, between the Parties. It is expressly warranted by the Parties that no promise or inducement has been offered except as set forth herein, and that this Agreement is executed without reliance upon any promise, inducement, or representation not set forth herein. The terms of this Agreement may not be contradicted by evidence of any prior or contemporaneous agreement, and no extrinsic evidence whatsoever may be introduced to vary its terms in any mediation, arbitration, or judicial proceeding involving this Agreement.

N. Successors and Assigns. This Agreement and all rights and obligations hereunder shall inure to the benefit of and be binding upon the Parties and their respective lawful successors and permitted assigns. Neither this Agreement nor any interest hereunder will be assignable in whole or in part by either Party without the prior written consent of the other Party.

O. Waiver. No waiver by any Party of any of the provisions hereof shall be effective unless explicitly set forth in writing and signed by the Party so waiving. No waiver by any Party shall operate or be construed as a waiver in respect of any failure, breach or default not expressly identified by such written waiver, whether of a similar or different character, and whether occurring before or after that waiver. No failure to exercise, or delay in exercising, any right, remedy, power or privilege arising from this Agreement shall operate or be construed as a waiver thereof; nor shall any single or partial exercise of any right, remedy, power or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, remedy, power or privilege.

P. Further Assurances. Each of the Parties shall execute and deliver such additional documents, instruments, conveyances and assurances and take such further actions as may be reasonably required to carry out the provisions hereof and give effect to the transactions contemplated hereby.

{Remainder of page intentionally left blank; signature pages follow.}

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives as of the Effective Date.

For CITY:

City of Twin Falls

Shawn Barigar, Mayor

STATE OF IDAHO)
 :SS.
County of Twin Falls)

On this _____ day of December, 2019 before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared **Shawn Barigar**, known or identified to me to be the **Mayor** of the **City of Twin Falls, Idaho**, and acknowledged to me that he executed the foregoing instrument on behalf of said City, and that said City executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

NOTARY PUBLIC

Residing:_____

My Commission Expires: _____

For BRECKENRIDGE:

Katherine B. Breckenridge

STATE OF IDAHO)
: ss.
County of _____)

On this _____ day of December, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared **Katherine B. Breckenridge**, and acknowledged to me that she executed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTARY PUBLIC

Residing: _____

My Commission Expires: _____

EXHIBITS

Exhibit A – Legal Description and Drawing of Property

Exhibit B – Drawing Showing Public Sewer/Water Stubs (Revised)

Exhibit C – Existing Bike Path/Public Access Easement

Exhibit A



J-U-B COMPANIES



THE
LANDSON
GROUP



GATEWAY
MAPPING
INC.

PARCEL DESCRIPTION for CITY OF TWIN FALLS

A part of Parcel Two of TBS Subdivision Conveyance Plat located in part of Government Lot 5 of Section 33, Township 9 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, and more particularly described as follows:

Commencing at the South Quarter corner of said Section 33, from which the Southeast corner of said Section 33 bears North 89° 51' 19" East, 2638.59 feet;

THENCE North 00°40'01" East along the westerly boundary of the SW4 SE4 and Government Lot 5 for a distance of 1,613.36 feet to the POINT OF BEGINNING

THENCE North 00°40'01" East continuing along said westerly boundary for a distance of 48.95 feet to a found 5/8 inch rebar with cap and being a 10.00 feet in distance witness corner to the southerly rim rock of the Snake River Canyon;

THENCE North 00°40'01" East continuing along said westerly boundary for a distance of 10.00 feet to a point on the southerly rim rock of the Snake River Canyon;

THENCE along the southerly rim rock of the Snake River Canyon for the following bearings and distances:

South 64°37'43" East for a distance of 47.52 feet;

South 83°42'34" East for a distance of 122.57 feet;

South 75°51'58" East for a distance of 78.38 feet;

South 72°27'59" East for a distance of 90.65 feet;

South 81°52'22" East for a distance of 58.07 feet;

North 80°16'49" East for a distance of 68.83 feet;

South 81°43'10" East for a distance of 88.95 feet;

North 83°29'17" East for a distance of 142.67 feet;

North 88°51'29" East for a distance of 130.95 feet;

South 88°55'53" East for a distance of 99.75 feet;

North 76°37'28" East for a distance of 20.06 feet;

THENCE leaving said rim rock South 01°25'51" West for a distance of 10.00 feet to a found 5/8 inch rebar with cap and being a 10.00 feet in distance witness corner to the southerly rim rock of the Snake River Canyon;

THENCE South 01°25'51" West for a distance of 55.00 feet;

THENCE South 85°49'43" West for a distance of 413.04 feet;

THENCE North 86°09'24" West for a distance of 206.48 feet;

THENCE North 73°56'06" West for a distance of 326.33 feet to the POINT OF BEGINNING.

Said parcel contains 1.512 acres, more or less and is subject to easements, covenants and restrictions of record.

Page 1 of 1



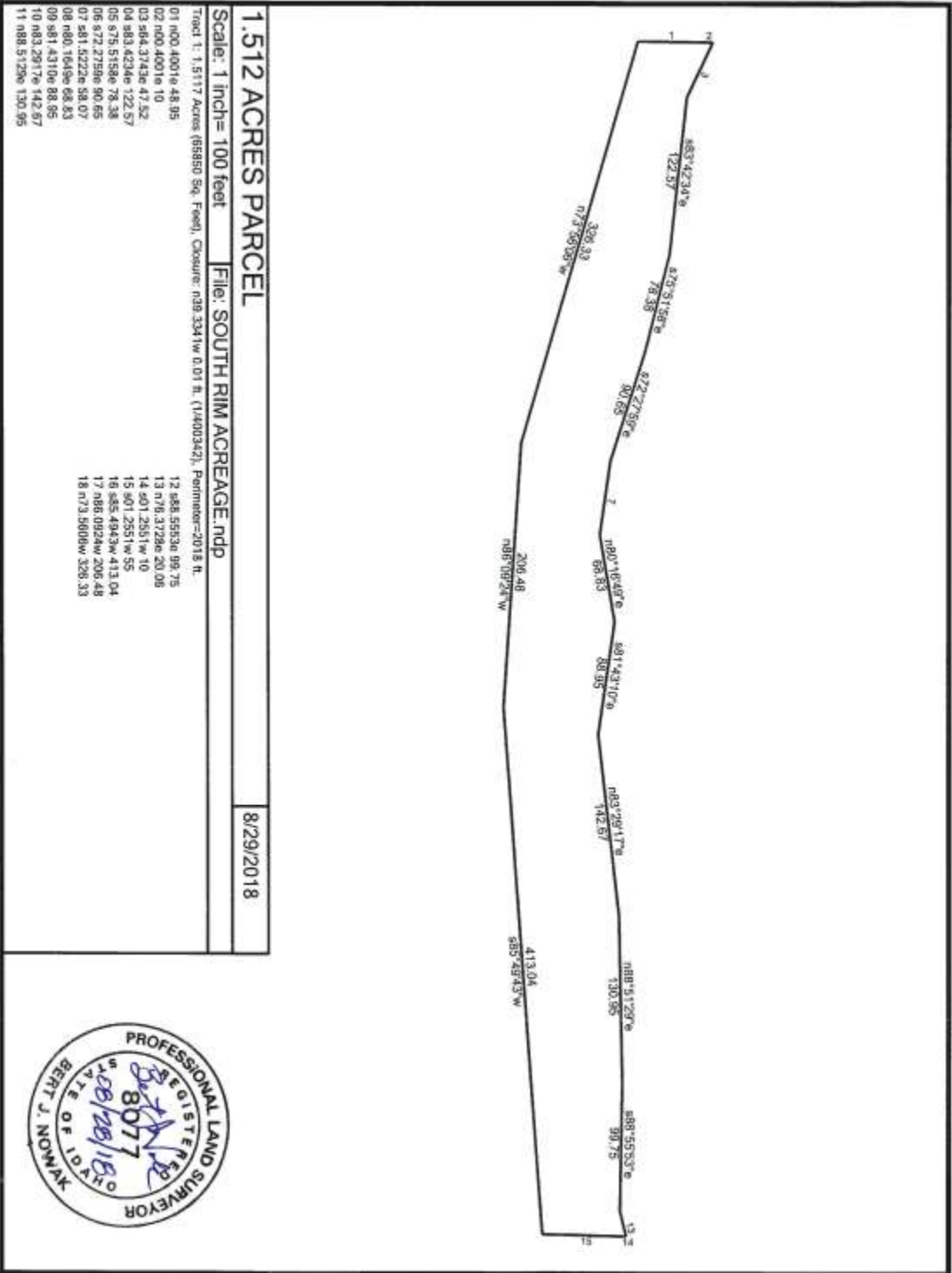


Exhibit B (Revised)

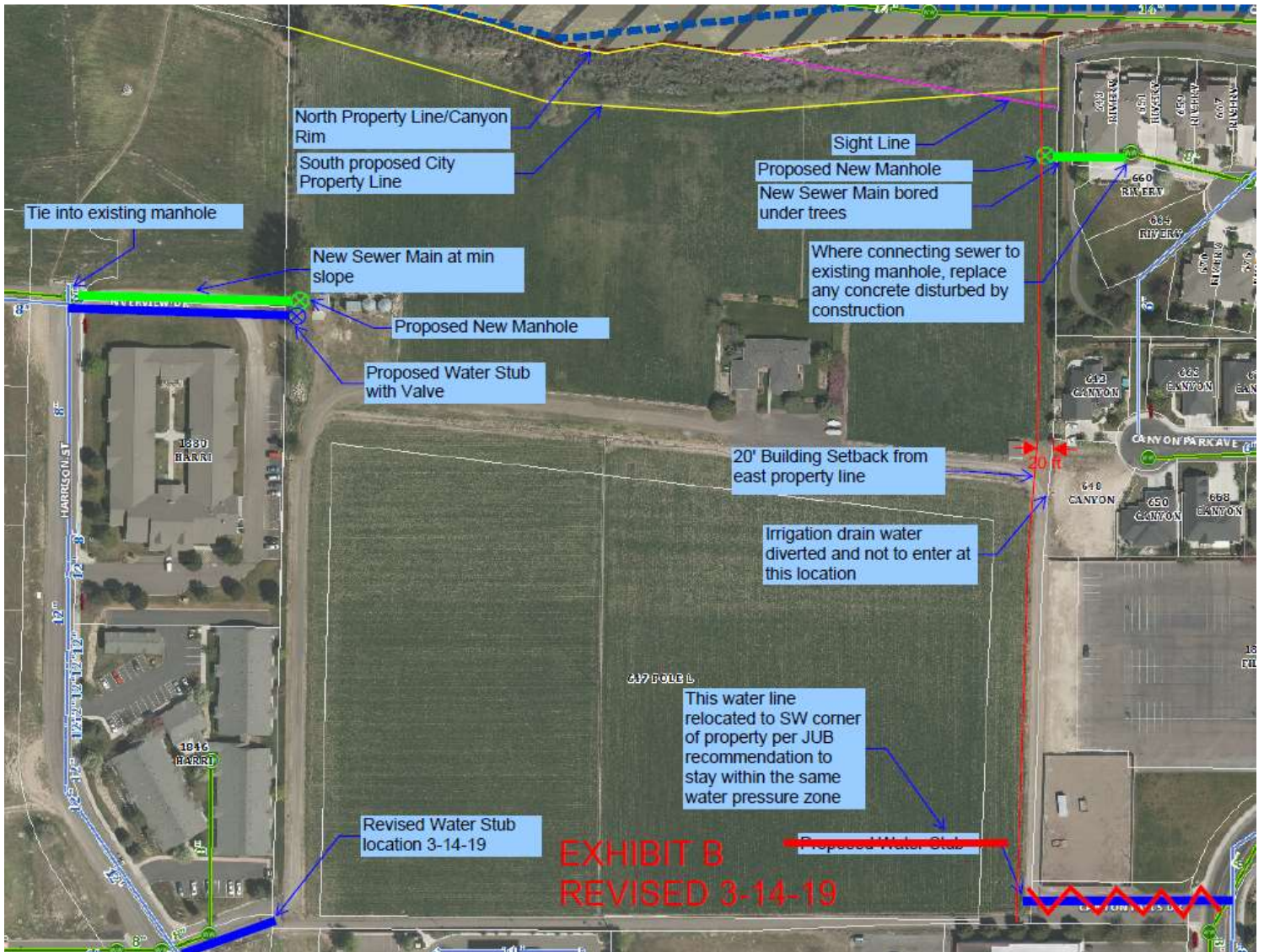


Exhibit C

09-04-18;02:41PM;Clerk/Auditor/Recorder

2087364182

1/ 3

TWIN FALLS COUNTY

RECORDED FOR:

TWIN FALLS, CITY OF
11:57:46 am 03-25-2005

2005-006085

NO. PAGES: 3

FEE: \$9.00

KRISTINA GLASCOCK
COUNTY CLERK

DEPUTY: COUNCIL

PUBLIC EASEMENT

ME-248
COMP CH
ORIGINAL #2

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, Katie Breckenridge of P.O. Box 685, Picabo, Idaho 83348, and Susan Breckenridge of 6 Pasillo Chico, Santa Fe, New Mexico, 87508, hereafter referred to as "Grantors" do hereby irrevocably grant and convey unto the CITY OF TWIN FALLS, IDAHO, a municipal corporation, hereafter referred to as "Grantee," a perpetual bicycle/pedestrian/service vehicle easement to be located upon, pass through, and across lands owned by Grantor, in the City of Twin Falls, at 647 Pole Line Road. Said easement right-of-way is particularly described in Exhibit A.

SEE ATTACHED EXHIBIT A

The easement will revert back to Breckenridge, heirs, assignees or agents if the City of Twin Falls abandons the bike path or makes use of easement other than stated herein.

Grantor agrees not to build or permit any obstruction, building or other structure, over, on, around or about said Easement right-of-way that would interfere with Grantee's right hereunder including Grantee's right of ingress and egress for maintenance and upkeep.

It is agreed that the consideration for the easement hereby given is the sum of Ten Dollars (\$10.00) together with other good and valuable consideration, the receipt of which is hereby acknowledged, and that no further sum shall be collected hereafter for said easement. This agreement covers all of the agreements by the parties hereto and the parties agree further that there are no written or verbal agreements otherwise which change or add to the terms hereof. This grant of easement is perpetual, and shall bind the parties, their heirs, personal representatives, lawful assigns and successors in interest.

TO HAVE AND TO HOLD, said easement unto Grantee, its successors and assigns this 1st day of January 2005.

"GRANTOR"

"GRANTOR"


KATIE BRECKENRIDGE


SUSAN BRECKENRIDGE

EXHIBIT A

A strip of land located in the Southwest quarter of the Southeast quarter of Section 33, Township 9 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Commencing at the South quarter corner of said Section 33, from which the Southwest corner of said Section 33 bears South 89°47'21" West, 2640.83 feet;

THENCE North 00°40'01" East along the West boundary of the SW ¼, SE ¼, for a Distance of 513.50 feet to the POINT OF BEGINNING;

THENCE North 00°40'01" East along the West boundary of the SW ¼, SE ¼, for a Distance of 15.00 feet;

THENCE North 89°29'59" East for a distance of 919.22 feet;

THENCE South 01°25'51" West for a distance of 15.01 feet;

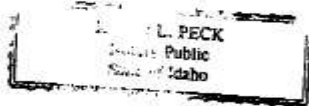
THENCE South 89°29'59" West for a distance of 919.02 feet to the POINT OF BEGINNING.

Said parcel contains 0.32 acres, more or less.

STATE OF IDAHO)
) ss.
County of Blaine)

On this 18th day of February, 2005, before me,
the undersigned, a Notary Public in and for said County and State, personally
appeared Ruth Breckenridge, known to me to be the Grantor in the
foregoing easement agreement, and acknowledged to me that he/she/they
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal, the day and year of this certificate first above written.



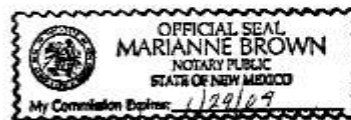
Ruth L. Peck
Notary Public in and for Idaho
Residing in Carey, Idaho

STATE OF NEW MEXICO)
) ss.
County of Santa Fe)

On this 10th day of February, 2005, before me,
the undersigned, a Notary Public in and for said County and State, personally
appeared Jessie Breckenridge, known to me to be the Grantor in the
foregoing easement agreement, and acknowledged to me that he/she/they
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal, the day and year of this certificate first above written.

Marianne Brown
Notary Public in and for New Mexico
Residing in Santa Fe, New Mexico





Date: Monday, December 16, 2019
To: Honorable Mayor and City Council
From: Jon Caton, Public Works Director

PRESENTATION

Request:

PRESENTATION: Water and Wastewater Operator License recognition.

Time Estimate:

Ten minutes.

Background:

This is an opportunity to recognize the accomplishments of the following employees:

WASTEWATER COLLECTION

Elmer Freeman, Class 4 Wastewater Collection Certification

David Cook, Class 4 Wastewater Collection Certification

Juan Puente, Class 2 Wastewater Collection Certification, Senior Operator

Dan Wade, Class 1 Wastewater Collection Certification

Jared Kirschmann, Operator In Training Certification, Anniversary date in January 2020

Uriah Holloway, Operator In Training Certification, Anniversary date in January 2020

Donovan Wiser, Operator In Training Certification, Anniversary date in September 2020

WATER

Philip Bowman, Class 3 Water Distribution, Lead Operator

Chris Milam, Class 3 Water Distribution, Lead Operator

Maysyn Malmstrom, Class 1 Water Distribution

Brent Sanders, Class 1 Water Distribution

Gus Hyatt, Class 1 Water Distribution

Approval Process:

N/A

Budget Impact:

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

N/A

Attachments:

None



Date: Monday, December 16, 2019
To: Honorable Mayor and City Council
From: Steve O'Connor, City Planner

ACTION ITEM

Request:

ACTION ITEM: Request to Waive Nonconforming Building Expansion Permit Process to allow an addition on property located at 388 Van Buren St. (PZ19-0151)

Time Estimate:

5-10 Minutes for report and questions.

Background:

This is a request for a Nonconforming Building Expansion Waiver to allow a garage addition on property located at 388 Van Buren St.

The property is within the R-4 zoning district which requires five feet (5') for side yard setback. The current residence was built in 1938, according to County Parcel records, well before the current zoning regulations.

The primary building located at the subject property is identified as a "nonconforming building" due to the side yard setback being three feet and three inches (3' 3"). The proposed addition is to the rear of the home and will not make the home any more non-conforming.

Approval Process:

Per City Code 10-3-4 The Non-Conforming Building Expansion process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

However, the council may waive this requirement for residential buildings. If the Council determines this request should go through the non-conforming building expansion permit process, an application would be required, and a public hearing shall be held with the Planning and Zoning Commission. The full process takes about 40 days from the date of application. If their decision is appealed to the Council, it could extend the time-frame another 40 days.

Budget Impact:

N/A

Regulatory Impact:

Approval of the request will allow the applicant to build within the side yard setback.

History:

N/A

Analysis:

N/A

Conclusion:

The Council is tasked with making a decision on this request. The Council may approve the request as presented, conditionally approve the request, deny the request, or table the request in order to seek more information.

Attachments:

1. PZ19-0151 Staff Report
2. 1 - Vicinity Map
3. 2 - Narrative
4. 3 - Site Plan



Comprehensive Staff Report

To: Planning & Zoning Commission
Presenter: Steve O'Connor, City Planner
Request: A request to Waive **Nonconforming Building Expansion Permit Process** to allow an addition on property located at 388 Van Buren St.
Application: PZ19-0151
Applicant & Representative:
Reyna & Nicolas Hernandez
388 Van Buren St.
Twin Falls, ID 83301

Public Hearing: December 16th, 2019

Background

This is a request for a Nonconforming Building Expansion Waiver to allow a garage addition on property located at 388 Van Buren St.

The property is within the R-4 zoning district which requires five feet (5') for side yard setback. The current residence was built in 1938, according to County Parcel records, well before the current zoning regulations.

The primary building located at the subject property is identified as a "nonconforming building" due to the side yard setback being three feet and three inches (3' 3"). The proposed addition is to the rear of the home and will not make the home any more non-conforming.

Approval Process

Per City Code 10-3-4 The Non-Conforming Building Expansion process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

However, the council may waive this requirement for residential buildings. If the Council determines this request should go through the non-conforming building expansion permit process, an application would be required, and a

public hearing shall be held with the Planning and Zoning Commission. The full process takes about 40 days from the date of application. If their decision is appealed to the Council, it could extend the time-frame another 40 days.

Applicable Regulations or Codes

Per City Code 10-3-4, A "nonconforming building" is a building or structure not conforming to the provisions of this title but which was lawfully existing or under construction at the time of the adoption of this title.

Potential Impacts

The applicant and staff do not anticipate an increase of detrimental impacts from this request on the surrounding properties.

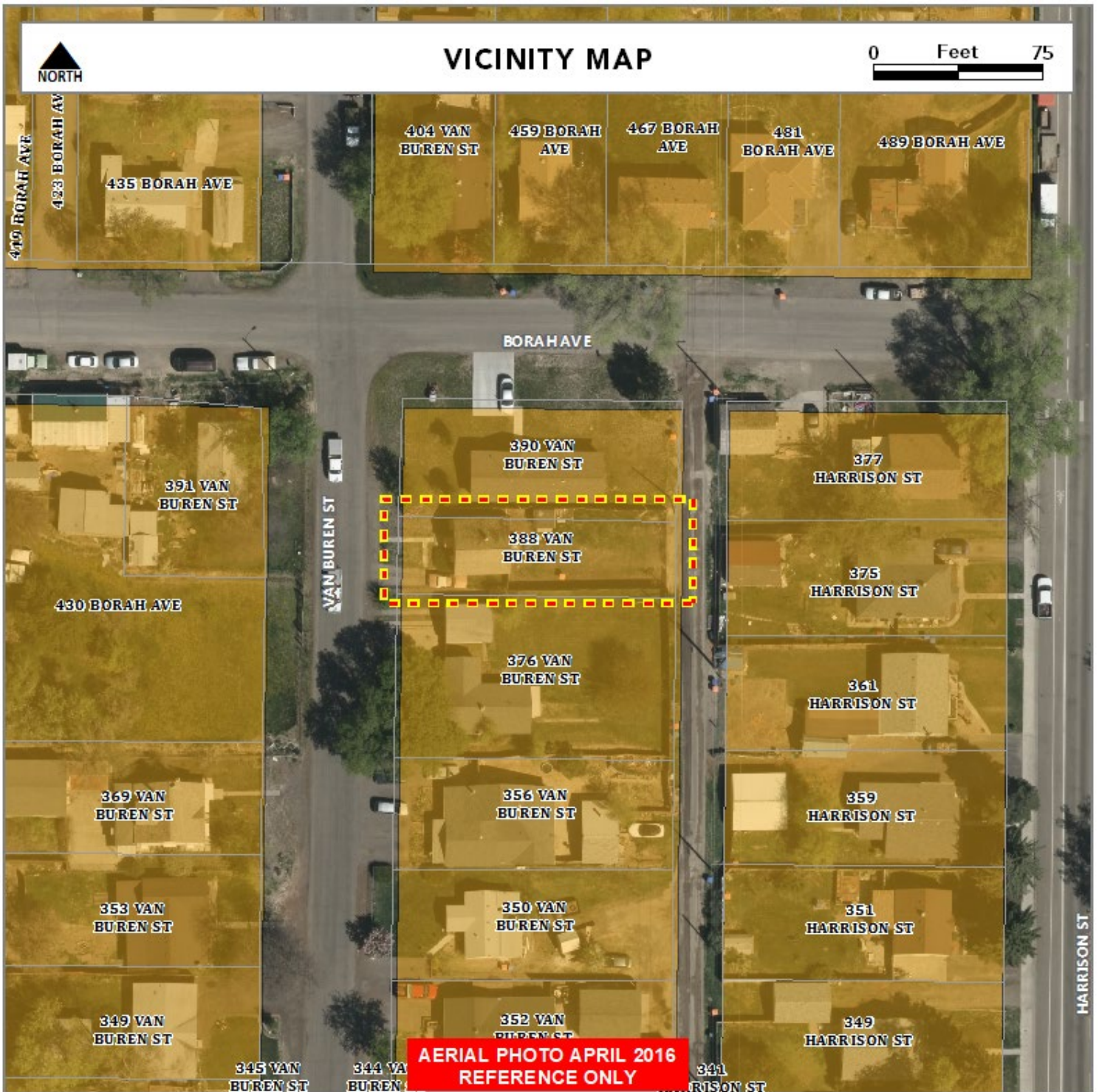
Conclusion

The Council is tasked with making a decision on this request. The Council may approve the request as presented, conditionally approve the request, deny the request, or table the request in order to seek more information.

Attachments

1. Vicinity Map
2. Narrative
3. Site Plan

Public Hearing: December 16th, 2019



R-4

Current Zoning: R-4
Comprehensive Plan: Town
Neighborhood

Existing Land Use: Residential
Proposed Land Use: Residential

Surrounding Zoning Designations & Land Use(s)

North: R-4; Residential
South: R-4; Residential

East: R-4; Residential
West: Van Buren St.; R-4; Residential

Applicable Regulations

10-3-4, 10-4-5

388 van buren st, twin falls 83301

2083085218

- a) We are adding 2 more bedrooms as the existing house only have 1 bedroom, we need more space and room.
- b) Is non-conforming as the existing house is too small, one side is 5 feet and another side is less than 5 feet. As adding 2 bedrooms will be same wideness as existing house.
- c) I believe there will be no effects as the adding is attach to the existing house and we are not doing mayor change, we still have plenty room at the back and front property. We are keeping the wideness of the existing house and just adding 12x12 bedroom

Katherine Leija
(208) 490 - 3223
784 Filer Ave. Twin Falls, ID 83301
katherine.leija@gmail.com



Owner
Mr. & Mrs.
HERNANDEZ

TITLE SHEET

Checked by
KL

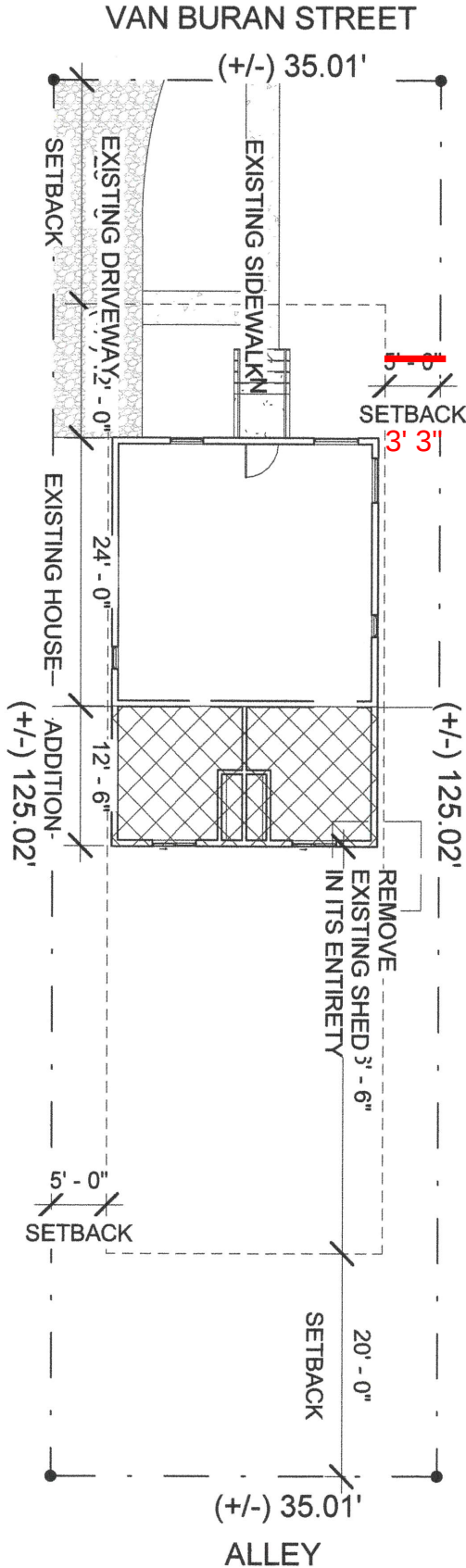
Drawn by
KL

Date
10/25/2019

A0-0

Scale 1/16" = 1'-0"

NOTE: DO NOT DRAIN STORM WATER
ONTO ADJACENT LOTS
BERMS / SWALE TO BE MAINTAINED
AFTER FINAL INSPECTION



1 SITE LAYOUT
1/16" = 1'-0"



Date: Monday, December 16, 2019
To: Honorable Mayor and City Council
From: Lisa Strickland, City Planner

ACTION ITEM

Request:

ACTION ITEM: Request to approve the FY2020 Certified Local Government application to the Idaho State Historical Society from the Twin Falls City Historic Preservation Commission.

Time Estimate:

The presentation may take up to (10) minutes with ten (10) minutes of discussion.

Background:

The Historic Preservation Commission (HPC) has typically submitted for a Certified Local Grant each year for different historic preservation projects. In the past, these projects have been a Master Plan, Historic Lincoln Lights, and Design Guidelines, to name a few.

This request before you is for Commissioners and staff to attend training on certain types of historic preservation practices. Currently, four of seven commissioners have less than one year experience. Due to this inexperience the commission felt it prudent to have a few of the members, and the primary City Staff liaison attend training. This training is focused on helping commissions identify potential historic preservation projects and community education opportunities.

After contacting the State Historic Preservation Office, we were informed there are two training opportunities coming up this year which qualify for grant reimbursement through the CLG Process. The first training is in Tacoma Washington, the second is in Pocatello Idaho. Please see the attached documentation for details regarding these two opportunities.

Approval Process:

Should the Council approve the request, the application must be signed by the Mayor. The application will then be submitted to the Idaho State Historic Preservation Office no later than December 31, 2019. Awards for the grant will be announced in February 2020 and the deadline for completion and final reimbursement will be September 2021.

Budget Impact:

The CLG grant requires that the community provide at least 50/50 match to the grant funds. These funds can be either cash or in-kind. The in-kind matches are typically in the form of donated Commission member, and City Staff time, calculated at an hourly rate.

There should be no significant budget impact with the Council's approval of this request. HPC is applying for \$5700, however in the past the HPC has used the commissioner's and staff's time to make the match and plans to do so again.

It is expected that all costs associated with this request would be covered by the grant and in-kind services.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

On December 2, the Historic Preservation Commission deliberated this request and forwarded a positive recommendation to the Council by a vote of 4-0.

The Council is tasked with making a decision on this CLG Grant Request.

Attachments:

1. FY20-CLG- Application

**Idaho State Historic Preservation Office
Certified Local Government Subgrant Application
FY2020**

Application Coversheet

Applicant/Local Government

Name: _____
Address: _____
Address: _____
Telephone: _____
DUNS No.: _____

City/County Staff Contact

Name: _____
Address: _____
Address: _____
Telephone: _____
E-mail: _____

Grant Coordinator (if different from City/County Staff Contact)

Name: _____
Address: _____
Address: _____
Telephone: _____
E-mail: _____

Budget Summary

Total CLG Grant request: _____
Total Matching share: _____
Total cost of all project(s): _____
Source(s) of match: _____

Please provide a more detailed budget breakdown on the attached budget form.

Authorization

The undersigned certifies that he/she is authorized to apply for this subgrant on behalf of the local government, to commit local matching funds to the project, and to enter into a contract if the subgrant is awarded.

Signature: _____
City/County Chief Elected Official's signature

Date: _____

Print: _____

Title: _____

Project: _____

Applicant: _____

Part A: Proposed Project

Project Description

Complete a separate Part A: Project Description for **each** proposed project. Please state the objectives, the work to be performed, how the project relates to the goals set forth in the Idaho State Historic Preservation Plan, how the project relates to any local goals or objectives, and how the project will meet the Secretary of the Interior's Standards.

Final Products

CLG grant projects should result in a tangible product. Provide a detailed and specific list of the expected final products. Typical products include but are not limited to survey reports and forms; published document (e.g. walking tour guide); a National Register nomination; or similar. In some cases, the product may be an activity like a lecture or workshop. A short narrative describing the event must be submitted to the SHPO at the completion of the project. The narrative will describe the number of people attending, who composed the audience, and whether the project was carried out according to the proposal.

Project: _____

Applicant: _____

Timetable

Provide an anticipated timetable for carrying out the proposed project. Include significant milestones such as project commencement, issuing of RFPs, public engagement events, any necessary approvals, and projected completion.

Key Staff/Personnel

Provide a list of the key staff or personnel who will be involved in the proposed project, including a brief description of the roles and responsibilities for each member. Any anticipated subcontractors to be hired can simply be identified as such (e.g. – “consultant,” “architect,” “building contractor,” et cetera).

Attachments (Surveys, A&D, reprinting)

Attach any additional documents in support of this project application. Note: some project types have **required** attachments; please refer to Chapter VII of the Idaho CLG Grants Manual for details on these requirements.

Have you included any/all attachments for the project?

Yes _____ No _____

Applicant: _____

Applicant: _____

Project: _____

[illegible]

Project: _____

Applicant: _____

Part A: Proposed Project

Project Description

Complete a separate Part A: Project Description for **each** proposed project. Please state the objectives, the work to be performed, how the project relates to the goals set forth in the Idaho State Historic Preservation Plan, how the project relates to any local goals or objectives, and how the project will meet the Secretary of the Interior's Standards.

Final Products

CLG grant projects should result in a tangible product. Provide a detailed and specific list of the expected final products. Typical products include but are not limited to survey reports and forms; published document (e.g. walking tour guide); a National Register nomination; or similar. In some cases, the product may be an activity like a lecture or workshop. A short narrative describing the event must be submitted to the SHPO at the completion of the project. The narrative will describe the number of people attending, who composed the audience, and whether the project was carried out according to the proposal.

Project: _____

Applicant: _____

Timetable

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Attachments (Surveys, A&D, reprinting)

Attach any additional documents in support of this project application. Note: some project types have **required** attachments; please refer to Chapter VII of the Idaho CLG Grants Manual for details on these requirements.

Have you included any/all attachments for the project?

Yes _____ No _____

Applicant: _____

Applicant: _____

Project: _____

[illegible]



Date: Monday, December 16, 2019
To: Planning and Zoning Commission
From: Steve O'Connor, City Planner

ACTION ITEM

Request:

ACTION ITEM: Request for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 ZDA for the Westpark Subdivision No. 11, located on 4.41 acres on Canyon Crest Drive c/o EHM Engineers, Inc. on behalf of Bach Homes. (PZ19-0120)

Time Estimate:

15-20 minutes between Staff and the Applicant.

Background:

A preliminary hearing was heard before the The Planning & Zoning Commission on Tuesday, October 22nd, 2019.

A positive recommendation was forwarded by the Planning and Zoning Commission by all commissioners present on November 19th, 2019.

Approval Process:

The applicant is required to present a preliminary review to the Planning and Zoning Commission in which the commission may give suggestions and ask questions of the applicant about the proposed ZDA. A public hearing shall be held before the Commission for a recommendation to City Council to; amend the zoning district and the zoning map, amend with recommendations or deny the request.

Budget Impact:

N/A

Regulatory Impact:

If approved, the ZDA would allow for four-plexes in the C-1 & C-1 CRO zones of the ZDA boundaries to be constructed to a height specified in the associated documents. It will also prohibit certain uses as listed in the ZDA.

History:

This parcel part of an unplatted portion of the Northbridge No. 2 PUD. The Final Plat for Westpark No. 11, which encompasses the proposed development, has been approved but not recorded.

Analysis:

This is a request for a Zoning District Change and Zoning Development Agreement (ZDA) for The Bach Homes ZDA, in the Northbridge No. 2 PUD. The property, if approved, would be rezoned from C-1 & C-1 CRO PUD to C-1 & C-1 CRO ZDA.

The ZDA proposes to allow four-plexes as a permitted use, to prohibit certain uses, and allow for additional height not to exceed sixty feet (60'). The elevations provided do not show buildings sixty feet (60') high, however the developers would like to add in a little leeway, in case heights need to change due to the site.

The Master Development Plan shows a Multi Family development with a mix of apartments similar to what is to the West, and four-plex units or commercial space along Canyon Crest Dr.

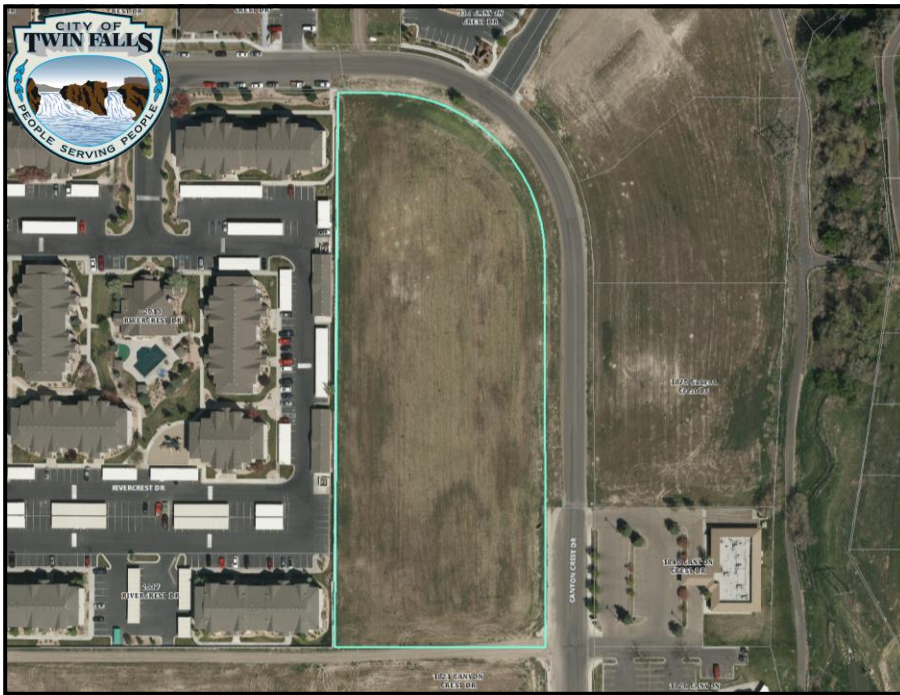
Conclusion:

The Council is tasked with approving, approving with conditions, denying, or tabling the request for further information. Should the Council approve the request, as presented, staff recommend approval be subject to the following conditions.

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to the recordation of Westpark No. 11 Final Plat.
3. Subject to building heights as presented on the applicant supplied site plan and elevations.

Attachments:

1. PZ19-00120 ZDA-ZDC Staff Report
2. 1 - Vicintiy
3. 2 - Narrative
4. 3 - MDP
5. 4 - Elevations
6. 5 - Draft ZDA
7. 6 - Photos
8. 11-19-19 PZC Minutes draft



Comprehensive Staff Report

To: Planning & Zoning Commission
Presenter: Steve O'Connor, City Planner
Request: Preliminary presentation for a request for a **Zoning District Change & Zoning Development Agreement** from C-1 PUD to C-1 ZDA for the Westpark Subdivision No. 11
Application: PZ19-0120
 Bach Homes
 c/o Tim Vawser
 EHM Engineers
 621 North College Rd, Ste. 100
 Twin Falls, ID 83301
 208.734.4888
 tvawser@ehminc.com

Public Hearing: December 16th, 2019

Analysis

This is a request for a Zoning District Change and Zoning Development Agreement (ZDA) for The Bach Homes ZDA, in the Northbridge No. 2 PUD. The property, if approved, would be rezoned from C-1 & C-1 CRO PUD to C-1 & C-1 CRO ZDA.

The ZDA proposes to allow four-plexes as a permitted use, to prohibit certain uses, and allow for additional height not to exceed sixty feet (60'). The elevations provided do not show buildings sixty feet (60') high, however the developers would like to add in a little leeway, in case heights need to change due to the site.

The Master Development Plan shows a Multi Family development with a mix of buildings from apartments similar to what is to the West, and four-plex units or commercial space along Canyon Crest Dr.

History

This parcel part of an unplatted portion of the Northbridge No. 2 PUD. The Final Plat for Westpark No. 11, which encompasses the proposed development, has been approved but not recorded.

Approval Process

The applicant is required to present a preliminary review to the Planning and Zoning Commission in which the commission may give suggestions and ask questions of the applicant about the proposed ZDA. A public hearing shall be held before the Commission for a recommendation to City Council to; amend the zoning district and the zoning map, amend with recommendations or deny the request.

Applicable Regulations or Codes

Per City Code 10-6: Zoning Development Agreements: A ZDA shall conform to all sections of Title 10 unless specifically addressed within the written zoning development agreement and approved by the City. The agreement shall list all requested deviations from city code. The council may add other requirements they deem appropriate.

Per City Code 10-7-20: Public Hearing Notice Requirements: The applicant must follow all public notice requirements per state and city regulations.

Comprehensive Plan Compliance & Potential Impacts

The proposed uses of this ZDA are not anticipated to increase the overall impact on the surrounding properties at

full build out. The proposed changes are similar to the current use. However, the increase in the proposed use is consistent with the Comprehensive plan and land uses along Canyon Crest and Pole Line Road.

Conclusion

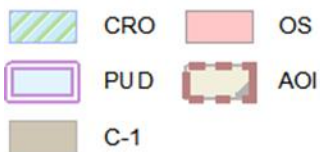
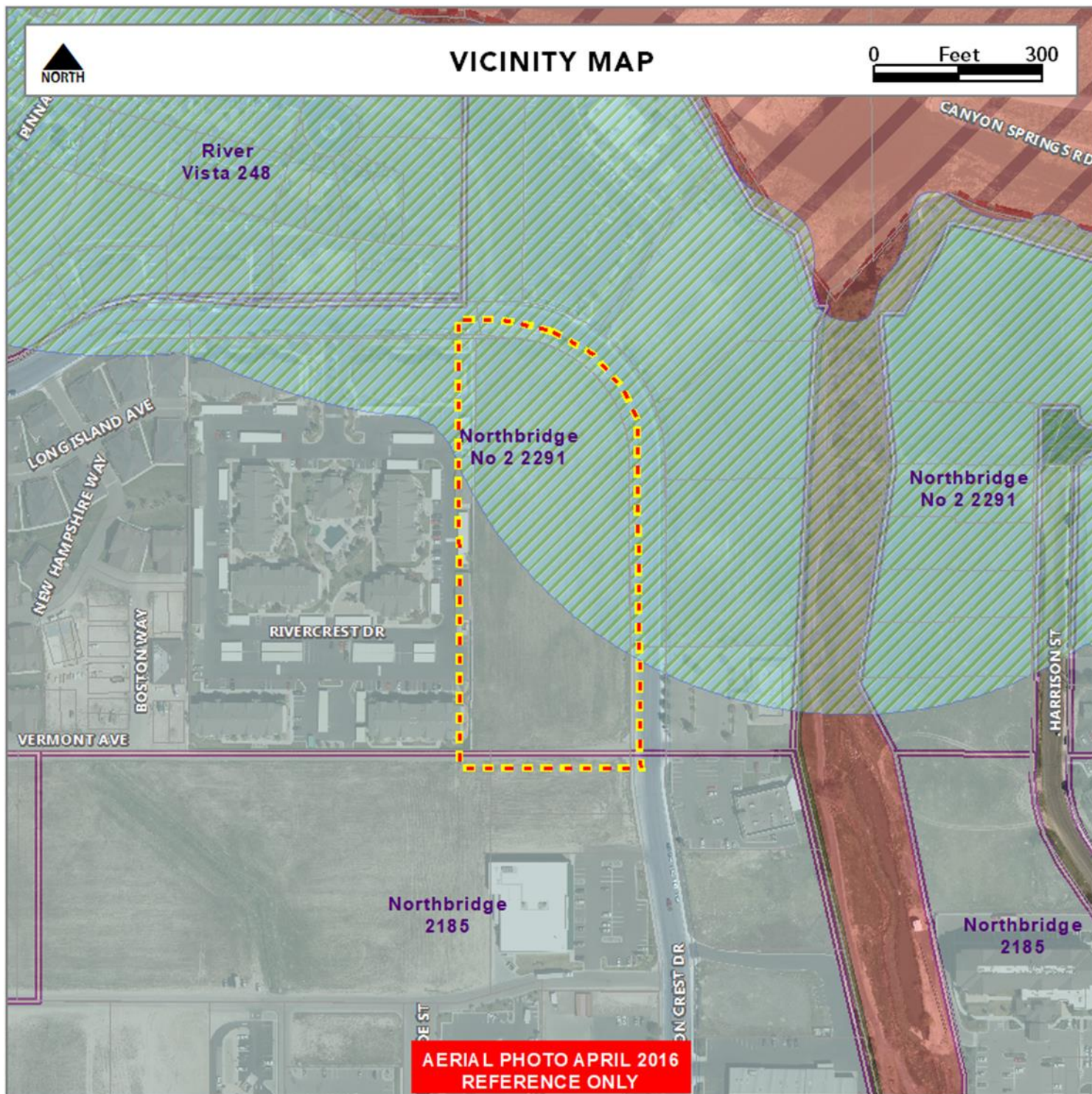
The Council is tasked with approving, approving with conditions, denying, or tabling the request for further information. Should the Council approve the request, as presented, staff recommend approval be subject to the following conditions.

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to the recordation of Westpark No. 11 Final Plat.
3. Subject to building heights as presented on the applicant supplied site plan and elevations.

Attachments

1. Vicinity Map
2. Narrative
3. Conceptual Master Development Plan
4. Elevations
5. Draft ZDA
6. Photos

Public Hearing: December 16th, 2019



Current Zoning: C-1 PUD & C-1 PUD CRO	Existing Land Use: Vacant
Comprehensive Plan: Mixed Use	Proposed Land Use: Multi-Family Residential
Surrounding Zoning Designations & Land Use(s)	
North: Canyon Crest Dr.; C-1 PUD CRO: Commercial	East: Canyon Crest Dr.; C-1 PUD; Commercial & Vacant
South: C-1 PUD, Commercial	West: C-1 PUD, Multi-Family Residential

Applicable Regulations
10-4-8, 10-4-19, North Bridge No. 2 PUD, 10-6

WESTPARK COMMERCIAL SUBDIVISION NO. 11
ZDA, APPLICATION NARRATIVE

4.a. The reason for the request is to provide clarity to the original PUD agreement governing the property and to allow a multi-family housing development with increased height within the area depicted. The original configuration of roads and uses portrayed in the Northbridge 2 PUD agreement has significantly changed since its recording and a ZDA on the property allows clarification of the uses, particularly in the CRO overlay. The original PUD allowed applicants to request additional height within the Limited Commercial areas although road configurations as currently constructed differ from the original concept making the area of the original zoning designation unclear, therefore requiring this zoning development agreement to address possible discrepancies.

4.b. The proposed change to the development is compatible with the Comprehensive Plan and original PUD both in the mixed use zoning designation of the comprehensive plan and as outlined in the PUD. The proposed buildings are set back adequately from the Canyon Rim and would not negatively impact any site triangles from the canyon floor. In relation to an allowed height directly adjacent to the Canyon Rim and the proposed height at the increased distance this site is from the rim there would be less of an impact from this development with an increased height allowance.

This development would be compatible with the neighboring properties as well, in that an apartment complex exists on the west boundary and commercial uses exist or are planned on the remaining neighboring properties to the north, south and east of mixed use variety.

The intended use of the development is either an expansion of apartments on a portion or all of the property and/or mixed use of residential and commercial development. The apartment owner currently has an option of Lot 2 which could be executed in the future and expand the site to residential in its entirety.

Specific exceptions of uses include a height exception currently not allowed in code or the PUD without approval from the Council. Multi-family buildings with 4 residential units or more per building are being requested as well as the increased height in the Zoning Development Agreement.



RIVERCREST 2
"EXHIBIT B" MASTER DEVELOPMENT PLAN - SCALE: 1"=40'

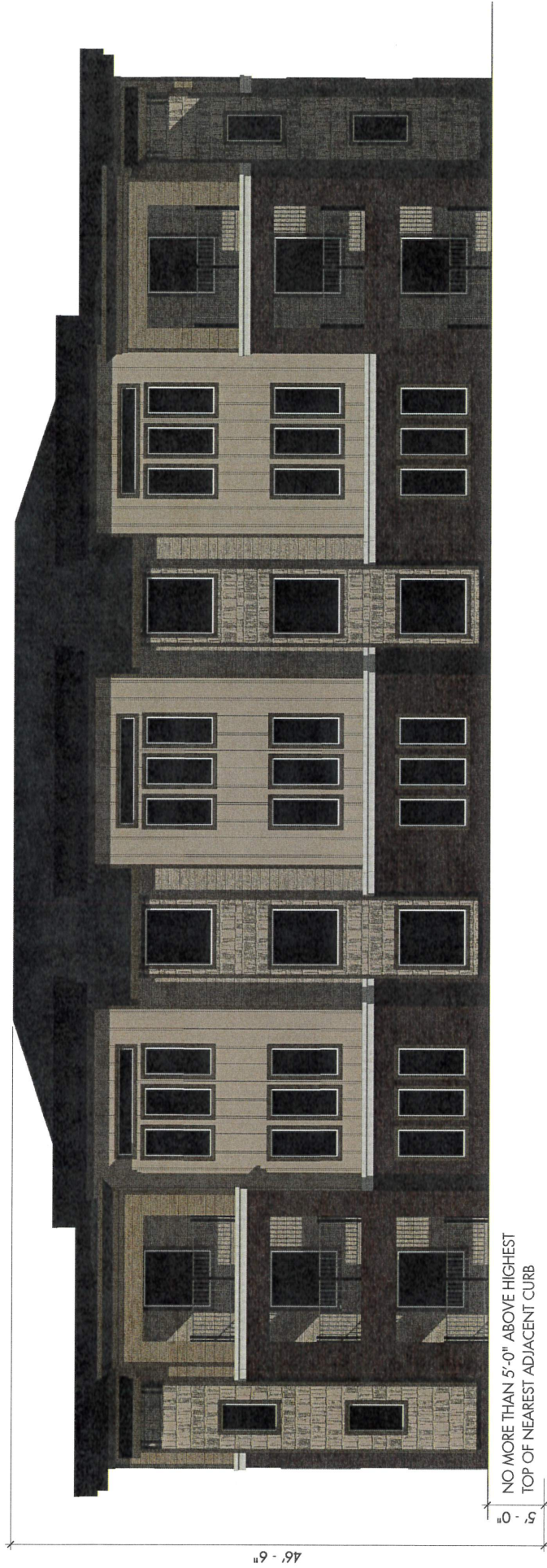
BACH HOMES
11400 E. 15th Avenue
Suite 300
Denver, CO 80232
(303) 757-5900
www.bachhomes.com

AN APARTMENT COMMUNITY BY
BACH HOMES
THIS PLAN IS PREPARED BY BACH HOMES FOR THE PROJECT.
NO OTHER USES OR MODIFICATIONS ARE PERMITTED WITHOUT WRITTEN PERMISSION.

"EXHIBIT B" MASTER
DEVELOPMENT PLAN

DRAWING NO. 131211
REVISIONS -

SHEET NO.

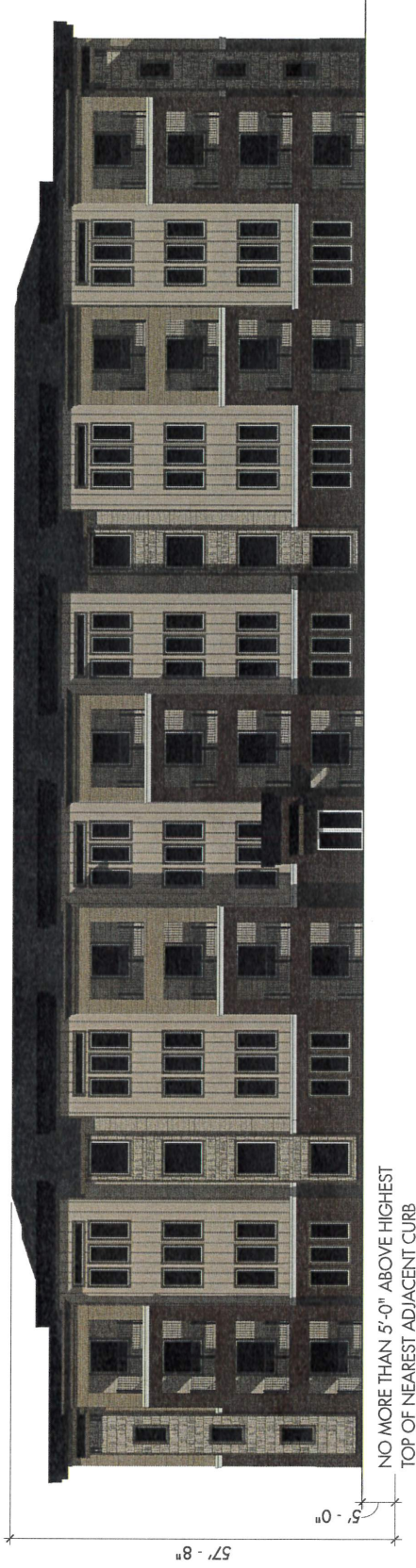


BUILDING J - FRONT & BACK ELEVATION
NOT TO SCALE

Rivercrest Apartments - Proposed Addition
Twin Falls, ID



BUILDING K - FRONT & BACK ELEVATION

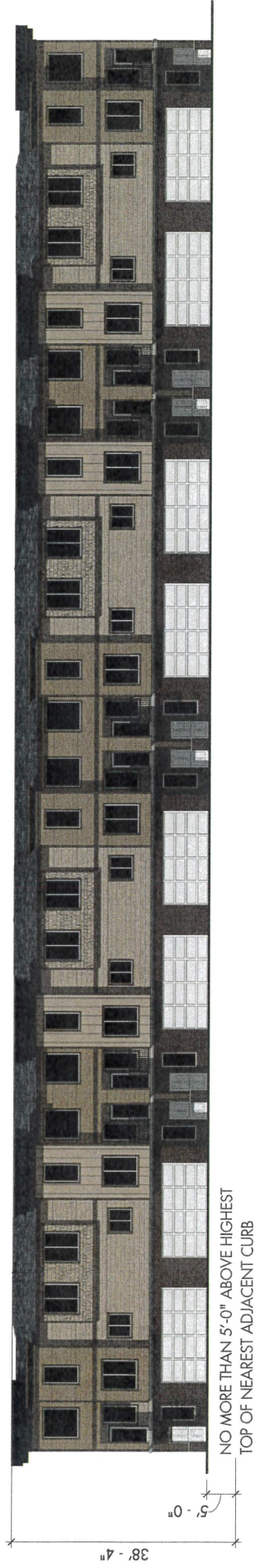


BUILDING L - FRONT & BACK ELEVATION



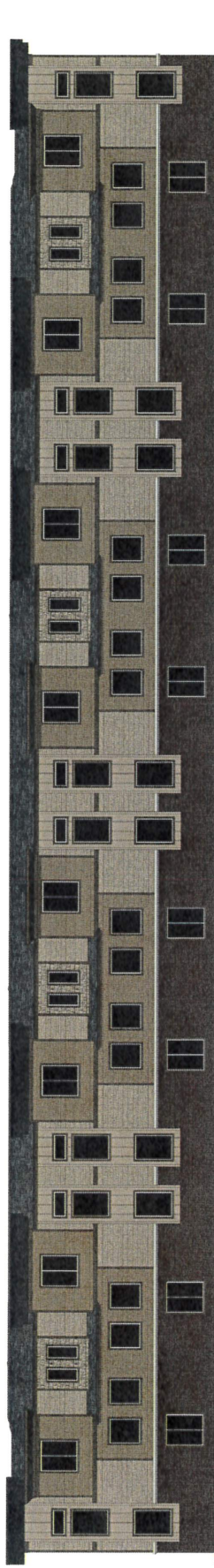
Rivercrest Apartments - Proposed Addition
Twin Falls, ID

Building's K & L



BUILDING M - FRONT ELEVATION

1/8" = 1'-0"

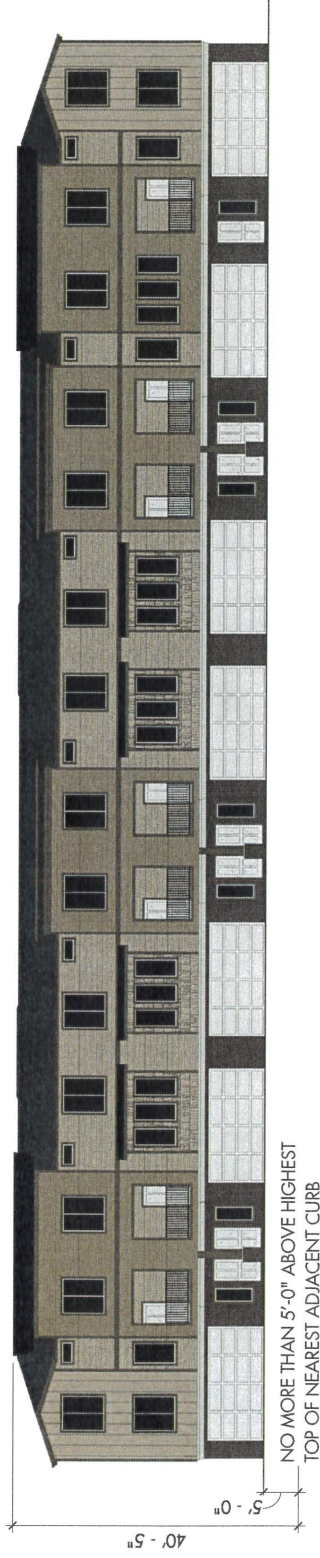


BUILDING M - BACK ELEVATION

1/8" = 1'-0"

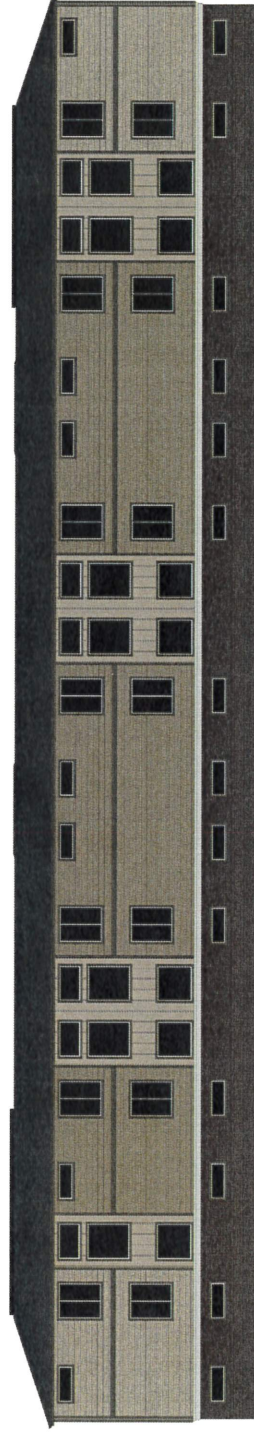
Rivercrest Apartments - Proposed Addition
Twin Falls, ID

Building M



1 BUILDING P - FRONT ELEVATION

1/8" = 1'-0"

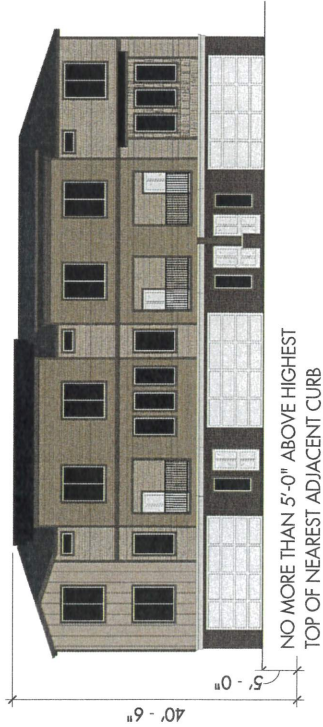


2 BUILDING P - BACK ELEVATION

1/8" = 1'-0"

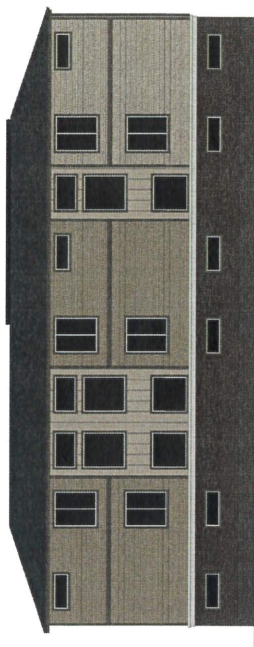
Rivercrest Apartments - Proposed Addition
Twin Falls, ID

Building P



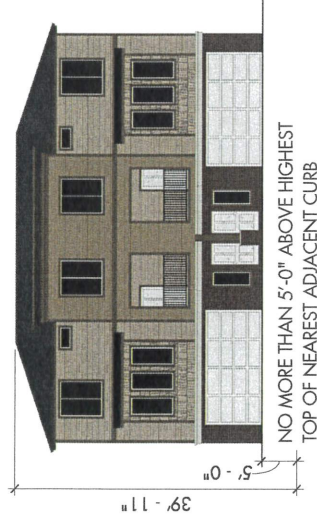
BUILDING Q - FRONT ELEVATION

3
CROSS / 1/8" = 1'-0"



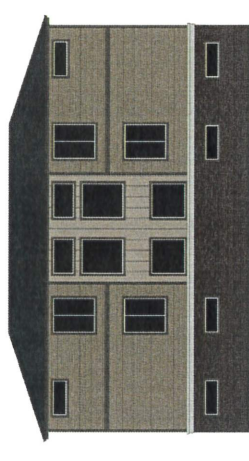
BUILDING Q - BACK ELEVATION

3
CROSS / 1/8" = 1'-0"



BUILDING R - FRONT ELEVATION

3
CROSS / 1/8" = 1'-0"



BUILDING R - BACK ELEVATION

3
CROSS / 1/8" = 1'-0"

Rivercrest Apartments - Proposed Addition
Twin Falls, ID

Buildings Q & R

Bach Homes ZDA

A C-1 & C-1 CRO Mixed-use Residential & Commercial Zoning Development Agreement

This Zoning Development Agreement (ZDA) is made and entered into this ____ day of _____, 20__, by and between the city of Twin Falls, State of Idaho a municipal corporation, hereinafter called "City" and Bach Homes, an Idaho General Partnership (hereinafter called "Developer") for the purpose of developing a Mixed-use Development of Residential & Commercial uses on property located West of and adjacent to Canyon Crest Drive, North of Pole Line Road, known as Westpark Commercial No. 11 a PUD.

NOW THEREFORE:

1. All future development, improvements, and uses shall conform to the standards and regulations of the Twin Falls City Code Title 10 – Chapter 4 – Section 8; Commercial Highway District or as amended, and City Code Title 10 – Chapter 4 – Section 19; Canyon Rim Overlay District or as amended, and all references to other sections therein including the following deviations:
2. C-1, Commercial Highway District modified as follows; and the CRO, Canyon Rim Overlay modified only where applicable;
 - a. Permitted uses;
 - i. Residential
 1. Dwellings – fourplexes
 - b. Special uses;
 - i. Miscellaneous
 1. Any Permitted or Special non-residential use requesting hours of operation outside the hours of seven o'clock A.M. (7:00 A.M.) to ten o'clock P.M. (10:00 P.M.)
 - c. Prohibited uses;
 - i. Animal Hospital - Large Animal
 - ii. Bulk Fuel Sales
 - iii. In Home Day Care Centers
 - iv. Cemeteries
 - v. Fairgrounds
 - vi. Go Cart Tracks
 - vii. Jails, Detention Centers, Or Work Release Centers
 - viii. Judicial Facilities
 - ix. Outdoor Amplified Sound systems (permanent
 - x. Outdoor Theaters
 - xi. RV And Camping Parks
 - xii. Shelter Homes and/or Facilities
 - xiii. Stand Alone Drug and Alcohol Treatment facilities
 - xiv. Tattoo Parlors
 - xv. Zoos
 - d. Property Development Standards
 - i. Building Height;
 1. No building shall exceed a height of sixty (60) feet unless authorized by the City of Twin Falls through the "Additional Height Process".
 - ii. Landscaping;
 1. A ten-foot (10') landscaping buffer directly behind the sidewalk shall be installed along Canyon Crest Drive. This buffer shall adhere to tree and bush counts as noted in City code Title 10, Chapter 11, Section 2.
 - a. Trees and shrubs may be grouped, with a maximum of seventy-five feet (75') between groupings
 2. A ten-foot (10') landscaping buffer shall be installed between commercial uses and residential uses. This buffer shall adhere to tree and bush counts as noted in City code Title 10, Chapter 11, Section 2.
 - a. Trees and shrubs may be grouped, with a maximum of seventy-five feet (75') between groupings

Bach Homes ZDA

A C-1 & C-1 CRO Mixed-use Residential & Commercial Zoning Development Agreement

b. This buffer shall also include a screening fence.

e. Signs

- i. Each vehicular entrance to the development may have one development sign, not to exceed one hundred (100) square feet. However, the number of development signs shall not exceed three (3) and must be 100 feet (100') or more apart. Development signs shall not be internally illuminated. The maximum height of the development sign shall not exceed ten (10) feet as measured from the adjacent top of curb.

DRAFT



SE Corner looking NW



SW Corner looking NE



NE Curve Looking SW



NW Corner looking SW



Twin Falls Planning & Zoning Commission Minutes

Tuesday, November 19, 2019, 6:00 PM

203 Main Ave E
Twin Falls, ID 83301
Council Chambers

Members -

City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; Craig Hawkins; Ed Musser; Carolyn Bolton; Curtis Hansen; Marilu Perez

Area of Impact: Ryan Higley; David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairperson Titus called the meeting to order at 6:01 pm.

Members Attending: Titus, Bolton, Kelley, Detweiler, Hawkins

Staff Attending: Spendlove, O'Connor, Ebersole, Strickland, Cherry, Nope, Vitek

2) Consent Calendar

Commissioner Kelley made a motion to approve the consent calendar, as presented.
Commissioner Bolton seconded the motion.

Unanimously Approved

- a) Approval of Minutes from the following meeting: October 30, 2019

3) Items of Consideration

- a) Request for approval of the Preliminary Plat for Rose Russell Subdivision approximately 6.89 (+/-) acres to develop one (1) lot located at 2469 Addison Avenue East. (PZ19-0129)

Staff Presentation:

City Planner Strickland presented the request for approval of the Preliminary Plat for Rose Russell Subdivision approximately 6.89 (+/-) acres to develop one (1) lot located at 2469 Addison Avenue East. (PZ19-0129)

As per Twin Falls City Code 10-12-2.3: The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat. If tabled, approval or denial shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the approved preliminary plat to the Council for its information and record.

This is a request for approval of the Preliminary Plat for Rose Russell Subdivision approximately 6.89 (+/-) acres to develop one (1) lot located at 2469 Addison Avenue East.

This preliminary plat complies with the standards as outlined in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3, all regulations regarding C-1 zoning development standards, and the 2016 comprehensive plan. All general criteria for approval have been met, per State Statute 50 - Chapter 13.

Should the Commission approve this request as presented, staff recommends approval be subject to the following conditions:

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

Applicant Presentation:

Scott Allen, JUB Engineers, representing applicant, presented the request for approval of the Preliminary Plat for the Rose Russell Subdivision. This is a remnant parcel from another PUD. The land has been vacant for several years. There is no plan for development at this time.

PZ/Questions & Comments:

- Commissioner Detweiler asked what lots the commission is being asked to approve.
- Mr. Allen stated the approval is for one lot at 6.89 acres.

Discussions Followed: *without concerns*

Motion:

Commissioner Bolton made a motion to approve approval of the Preliminary Plat for Rose Russell Subdivision approximately 6.89 (+/-) acres to develop one (1) lot located at 2469 Addison Avenue East, as presented, with staff recommendations. (PZ19-0129)

Commissioner Kelley seconded the motion.

Unanimously Approved

- b) Preliminary Presentation for an Amendment to the ZDA for Elizabeth Estates c/o Gerald Martens. (PZ19-0131)

Staff Presentation:

City Planner O'Connor presented the Preliminary Presentation for an Amendment to the ZDA for Elizabeth Estates c/o Gerald Martens. (PZ19-0131)

Per Twin Falls City Code 10-6-1.4(E) Approval of a ZDA Sub-District requires a preliminary presentation to the Planning and Zoning Commission for a review of the proposed changes. The Commission is allowed, and may grant the public the ability,

to ask questions and give suggestions to applicant about the proposed project during the preliminary presentation. A public hearing shall be held before the Commission for a recommendation to the Council to amend the zoning district and the zoning map, amend with recommendations or deny the request.

Staff makes no recommendation at this time.

Applicant Presentation:

Tim Vawser, EHM Engineers, representing applicant, presented the request for an amendment to the ZDA for Elizabeth Estates. Complete the U shaped subdivision.

Discussions Followed:

- Commissioner Detweiler asked if there is a private entrance for Building 16.
- City Planner O'Connor reviewed the loop around the development. He stated that Building 16 uses existing driveway.
- Commissioner Detweiler asked if the landscape changes with amendment.
- City Planner O'Connor stated the landscape requirements remain the same as approved.

Public Hearing; Dec. 10

4) Public Hearings

- a) Request for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 ZDA for the Westpark Subdivision No. 11, located on 4.41 acres on Canyon Crest Drive c/o EHM Engineers, Inc. on behalf of Bach Homes. (PZ19-0120)

Staff Presentation:

City Planner O'Connor presented the Request for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 ZDA for the Westpark Subdivision No. 11, located on 4.41 acres on Canyon Crest Drive c/o EHM Engineers, Inc. on behalf of Bach Homes. (PZ19-0120)

The applicant is required to present a preliminary review to the Planning and Zoning Commission in which the commission may give suggestions and ask questions of the applicant about the proposed ZDA. A public hearing shall be held before the Commission for a recommendation to City Council to; amend the zoning district and the zoning map, amend with recommendations or deny the request.

This parcel part of an unplatted portion of the Northbridge No. 2 PUD. The Final Plat for Westpark No. 11, which encompasses the proposed development, has been approved but not recorded.

This is a request for a Zoning District Change and Zoning Development Agreement (ZDA) for The Bach Homes ZDA, in the Northbridge No. 2 PUD. The property, if approved, would be rezoned from C-1 & C-1 CRO PUD to C-1 & C-1 CRO ZDA.

The ZDA proposes to allow four-plexes as a permitted use, to prohibit certain uses, and allow for additional height not to exceed sixty feet (60'). The elevations provided do not show buildings sixty feet (60') high, however the developers would like to add in a little leeway, in case heights need to change due to the site. **North part in Canyon Rim Overlay.**

The Master Development Plan shows a Multi Family development with a mix of apartments similar to what is to the West, and four-plex units or commercial space along Canyon Crest Dr.

If the Commission determines the proposed request appropriate, you may recommend approval to the City Council, as presented, subject to the following conditions.

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to the recordation of Westpark No. 11 Final Plat.

Applicant Presentation:

Tim Vawser, EHM Engineers, representing applicant, presented the request for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 ZDA for the Westpark Subdivision No. 11, located on 4.41 acres on Canyon Crest Drive. He also introduced Nick Mason with Bach Homes as the applicant.

He explained this request is an extension of the River Crest Apartments with the focus of this request being on the apartments. The request is for two (2) variations, one being the lower density of some of the units and the sixty (60) foot height to build up the site to sewer out. Height is measured off the top of nearest curb. The new buildings will mirror what exists to the west.

PZ/Questions & Comments:

- Commission Kelley asked if there has been preliminary plat work done, due to the rock.
- Mr. Vawser stated they do not see any issues. He stated they will have to build up on the north end for the sewer.
- Commissioner Kelley asked the number of stories for each building.
- Mr. Vawser reviewed the elevations for the commission.
- Commissioner Titus asked if building L is an existing building.
- Mr. Vawser stated it is a proposed building.
- Commissioner Titus asked the height of the buildings existing in the complex.
- Mr. Vawser stated he believes some are at the maximum height.
- Commissioner Bolton asked for an aerial view of the site in relation to the Canyon Rim Overlay.
- City Planner O'Connor reviewed the aerial view with the Canyon Rim Overlay. He stated the complex sits approximately seven hundred (700) feet from the canyon rim.
- Commissioner Detweiler asked if there are vacant lots on other side of Canyon Crest Drive.

- City Planner O'Connor stated there are vacant lots across the street.
- Commissioner Titus asked for clarification of the request.
- City Planner O'Connor reviewed the request for lower density units be outright permitted, while being a high density complex.

Public Hearing: Opened

- Barry Thompson, representing HOA for East Hampton presented his concerns for the additional height request. He believes the buildings should remain to the confines of the overlay. He stated he has a concern for increased traffic and the intersection at Pole Line Rd and Canyon Crest Dr. He stated there is a concern with cars parking on both sides of the street because it is a narrow street. He stated that Washington St. is an arterial road and he would like the city to look at the road with future planning to improve the traffic for the area.

Public Hearing: Closed

Discussions Followed:

- Commissioner Kelley appreciates the traffic concerns, but believes there is no issue with this project and will approve this request.
- Commissioner Detweiler has a reservation on the additional height. He asked if the southern four (4) story building out of overlay. He believes sixty (60) feet is too tall for area.
- City Planner O'Connor stated it is out of overlay and in C1 zone fifty (50') feet allowed.
- Commissioner Hawkins does not have an issue with height as Twin Falls is a growing city and there is a need for affordable housing with new buildings having additional height for growth.
- Commissioner Kelley reiterated the just in case component of height request.
- City Planner O'Connor reviewed the elevations of the proposed buildings.

Motion:

Commissioner Kelley recommend approval for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 ZDA for the Westpark Subdivision No. 11, located on 4.41 acres on Canyon Crest Drive c/o EHM Engineers, Inc. on behalf of Bach Homes, as presented with staff recommendations. (PZ19-0120)

Commissioner Hawkins seconded the motion.

Commission Discussion on Motion:

- Commissioner Detweiler stated he is not in favor of the additional height request.
- Commissioner Titus stated she is okay with fifty (50) feet height to match the rest of the area.
- City Planner O'Connor stated the height request is for the sewer needs. If there was a desire for the buildings on the front of the complex want to be built taller, the applicant would have to come back before the commission.
- PZ Director Spendlove stated if commission is concerned about the additional height, they can add an amendment stating the buildings stay as depicted on the elevations and also specify which buildings.

Second Motion:

Commissioner Bolton made a motion to amend the main motion to add a condition that all building heights will be as presented on site plan, located on 4.41 acres on Canyon Crest Drive c/o EHM Engineers, Inc on behalf of Bach Homes. (PZ19-0120) Commissioner Detweiler seconded the motion.

Unanimously approved

Motion:

Commissioner Kelley recommend approval for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 ZDA for the Westpark Subdivision No. 11, located on 4.41 acres on Canyon Crest Drive c/o EHM Engineers, Inc. on behalf of Bach Homes, as presented with the additional condition. (PZ19-0120) Commissioner Hawkins seconded the motion.

Unanimously approved

- b) Request for a Special Use Permit to allow the expansion of an existing Work Release Center on property located at 594 & 616 Washington Street South. (PZ19-0125) - **Withdrawn by Applicant**

- c) Request for a Special Use Permit to allow a drive through facility on property located at 213 Cheney Drive West c/o Gerald Martens on behalf of LIAO, LLC. (PZ19-0128)

Staff Presentation:

City Planner Cherry presented the Request for a Special Use Permit to allow a drive through facility on property located at 213 Cheney Drive West c/o Gerald Martens on behalf of LIAO, LLC. (PZ19-0128)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within six (6) months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

The multi-tenant building which the proposed use will be located is currently under construction.

This is a request for a Special Use Permit to allow a drive through facility on property

located at 213 Cheney Drive West. The subject property is located with the C-1 (Commercial Highway) Zoning District in the River Hawk Commercial PUD. The C-1 Zone requires a special use permit (SUP) for drive-through services.

The proposed drive-through will be accessory to a space within a multi-tenant building. The submitted site plans proposes a drive-through which provides approximately five (5) stacking spaces before the first stopping point and an escape lane which is nine feet (9') wide.

If the Commission approves this request as presented, then staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Applicant Presentation:

Tim Vawser, EHM Engineers, representing applicant, presented the Request for a Special Use Permit to allow a drive through facility on property located at 213 Cheney Drive West c/o Gerald Martens on behalf of LIAO, LLC. The drive through is acceptable per city code. He stated the drive through will be along the back of the building, causing no traffic issues.

PZ/Questions & Comments:

- Commissioner Bolton asked about access to drive through to the east off Cheney Drive and how customers will exit the lot.
- Mr. Vawser explained customers would turn east to the turn outs on Cheney to make a U-turn to travel west on Cheney Drive.

Public Hearing: Opened and Closed without comment

Discussions Followed: *without concerns*

Motion:

Commissioner Kelley made a motion to approve the request for a Special Use Permit to allow a drive through facility on property located at 213 Cheney Drive West c/o Gerald Martens on behalf of LIAO, LLC, as presented with staff recommendations. (PZ19-0128)

Commissioner Bolton seconded the motion.

Unanimously approved

- d) Request for a Special Use Permit to allow a Detention Center on property located at 650 Addison Avenue West c/o Robert Beer on behalf of Twin Falls County. (PZ19-0132)

Staff Presentation:

City Planner Cherry presented the Request for a Special Use Permit to allow a Detention Center on property located at 650 Addison Avenue West c/o Robert Beer

on behalf of Twin Falls County. (PZ19-0132)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal. Per County records the building which will house the proposed Detention Center was built in 1950 as the Twin Falls Hospital.

In 2012, Twin Falls County began the process of remodeling the hospital into office space for various county departments.

The building now serves as the Twin Falls County Annex which houses a variety of county functions and services, as well as other affiliated organizations and service oriented groups.

This is a request to allow a Detention Center on property located at 650 Addison Avenue West. The subject property is located within the Commercial Highway (C-1) and portions of the property are within the Canyon Rim Overlay (CRO) Districts. Due to the complication of the CRO District on a portion of the property, staff is recommending a condition to help clarify the land uses in that area.

The proposed Detention Center will be on the third floor of the Twin Falls County Building. Approximately 31,886 square feet will be utilized for Detention Center Operations. Per the applicant it is anticipated approximately eleven (11) persons will be housed at one time. The design of the facility will have the ability to house approximately seventeen (17) to twenty (20), depending on the situation.

A 4,500 square foot outdoor recreation area will also be provided in the Northeastern portion of the property.

The Detention Center will operate twenty-four hours a day seven days a week. The Detention Center will be staffed by existing personnel in the County Building. It is important to note, the County has declared this will be a Youth Detention Facility. It is there desire to bring all the youth oriented services into one location in order to make that transition for the youth easier and more focused on services to help them succeed.

If the Commission approves this request as presented, then staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code

requirements and other standards as applicable.

2. Subject no portion of the building within the Canyon Rim Overlay being utilized directly for Detention Center operations.

Applicant presentation:

Bob Beer, representing applicant, presented the request for an a Special Use Permit to allow a Detention Center on property located at 650 Addison Avenue West c/o Robert Beer on behalf of Twin Falls County. (PZ19-0132)

He stated the detention center will occupy the vacant 3rd floor to alleviate overcrowding at the current facility. The detention center will join other youth services at the facility. The center will be on the 3rd floor, with the goal to have all juvenile services at the same facility on the same floor. The recreation area will be used on a daily basis, weather permitting. The area will be surrounded by a 12 ft. high chain link fence. He stated the area of the building in Canyon Rim Overlay will be used for secured storage. The detainees will be under 18 years old. There is no plan to house adult prisoners at facility.

PZ/Questions & Comments:

- Commissioner Bolton asked about the safe house on second floor being residential facility. Will it be used in conjunction with the detention center?
- Mr. Beer stated there are residential services at the facility now.
- Commissioner Bolton asked about south side plan.
- Mr. Beer reviewed plan for 3rd floor.
- Commissioner Bolton asked about exception to Canyon Rim Overlay.
- PZ Director Spendlove explained that city code does not allow for an SUP for the Overlay.
- Commissioner Kelley asked if this facility is for juvenile overflow.
- Mr. Beer stated the juvenile detention center will be moved to the new location to have everything under one roof for juveniles.
- Commissioner Hawkins stated he believes this is great idea to address the challenge of the County. He does not like that there is space that is not usable at this time.
- County Commissioner Hall stated the county will be back in front of the commission for a ZDA.

Public Hearing: Opened

- Letter from The Department of Water Resources stating concerns shown to commission.
- Mr. Beer addressed the concerns in the letter.

Public Hearing: Closed

Discussions Followed:

- Commission Hawkins stated there are remedies to concerns in letter.
- Commissioner Kelley stated the County is taking consideration into the concerns. He believes that one building for all services is a good decision.
- Commissioner Bolton agreed, likes centralized location for juvenile services. She stated she believes County will take safety seriously and is in favor of this

Special Use Permit.

Motion:

Commissioner Detweiler made a motion to approve the request for a Special Use Permit to allow a Detention Center on property located at 650 Addison Avenue West c/o Robert Beer on behalf of Twin Falls County, as presented with staff recommendations. (PZ19-0132)

Commissioner Hawkins seconded the motion.

Unanimously approved

5) Upcoming Meeting(s)

- a) Worksession: Wednesday, December 4, 2019
Tuesday, December 10, 2019
- b) 2020 PZ Meeting Calendar
One meeting in November and December to accommodate holidays.

6) Adjournment

The meeting adjourned at 07:37 PM

Kelli Ebersole, Administrative Assistant



Date: Monday, December 16, 2019
To: Honorable Mayor and City Council
From: Nathan Murray, Economic Development Director

ACTION ITEM

Request:

ACTION ITEM: Request for approval of an ordinance to adopt the new Washington Street South Urban Renewal Plan.

Time Estimate:

10 minute presentation followed by a period of time for public comment.

Background:

The Urban Renewal Plan for the Washington Street South Urban Renewal Project ("Washington Street South Plan") was prepared by the Urban Renewal Agency of the City of Twin Falls, Idaho aka the Twin Falls Urban Renewal Agency ("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 Washington Street South Plan provides for the Agency to undertake urban renewal projects pursuant to the Law and the Act. The Washington Street South 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, 2020, to be allocated to the Agency for the urban renewal purposes.

The plan was presented to the Twin Falls Planning & Zoning Commission on October 22, 2019, and was approved for compliance with the City's Comprehensive Plan. The plan has been additionally noticed in the Times-News. The plan and applicable exhibits are attached hereto.

Approval Process:

A majority vote by the Council would carry the proposed motion.

Budget Impact:

n/a

Regulatory Impact:

If approved, tax increment above what is existing would be transferred to the Twin Falls Urban Renewal Agency.

History:

N/A

Analysis:

N/A

Conclusion:

The Twin Falls Urban Renewal Agency has followed the procedures outlined in state code to establish a new revenue allocation area. Staff recommends that the Council adopt the proposed ordinance to create the Washington Street South Urban Renewal Plan.

Attachments:

1. Washington Street South Plan Ordinance
2. Washington Street South Plan

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF TWIN FALLS, IDAHO,
APPROVING THE URBAN RENEWAL PLAN FOR THE WASHINGTON
STREET SOUTH 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 OTHER TAXING ENTITIES;
PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY
SUMMARY, AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Board of Commissioners of the City of Twin Falls (the “City”), on or about July 19, 1965, adopted and approved Resolution No. 909 creating the Urban Renewal Agency of the City of Twin Falls, Idaho, also known as the Twin Falls Urban Renewal Agency (hereinafter, the “Agency”), authorizing the Agency to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended and supplemented (the “Law”) upon making the findings of necessity required for creating the Agency;

WHEREAS, in 1988, the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended and supplemented (the “Act”), was adopted;

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

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

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2579 on May 4, 1998, approving the RAA #4-1 Plan, and making certain findings;

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

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

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

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3022 on December 12, 2011, approving the RAA #4-3 Plan and making certain findings;

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

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3097 on June 1, 2015, approving the RAA #4-4 Plan and making certain findings;

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

WHEREAS, pursuant to Idaho Code § 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 deteriorating area, or 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 § 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 § 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 deteriorating area;

WHEREAS, based on inquiries and information presented by certain interested parties and property owners, the Agency commenced certain discussions concerning examination of an additional area which may be eligible for urban renewal project planning purposes;

WHEREAS, in 2018, the Agency authorized Kushlan Associates, to commence an eligibility study and preparation of an eligibility report of an area generally located west of Washington Street South and south of Diamond Avenue West. The eligibility report area is commonly referred to as the Washington Street South Area (the “Study Area”);

WHEREAS, the Agency obtained the Twin Falls Washington Street South Urban

Renewal District Eligibility Report, dated March 2019 (the “Report”), which examined the Study Area, an area within the area of operation of the City, for the purpose of determining whether such area was a deteriorating area and/or a deteriorated area as defined by Idaho Code §§ 50-2018(9) and 50-2903(8);

WHEREAS, pursuant to Idaho Code §§ 50-2018(9) and 50-2903(8), which define a deteriorating area and a deteriorated area, many of the conditions necessary to be present in such an area are found in the Study Area;

WHEREAS, the Report was submitted to the Agency and the Agency, on March 11, 2019, by way of Resolution No. 2019-03, accepted the Report and authorized the Agency Chair, Vice-Chair and the Executive Director to submit the Resolution and Report to the City Council for its consideration;

WHEREAS, the City Council on or about April 1, 2019, adopted and approved Resolution No. 2019-009 finding the Study Area described in the Report was a deteriorated area and/or a deteriorating area as defined by Chapters 20 and 29, Title 50, Idaho Code, that such area is appropriate for an urban renewal project and directed the Agency to prepare an urban renewal plan for the area designated;

WHEREAS, the Study Area includes 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;

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

WHEREAS, such additional conditions regarding open land areas are present and are found in the Study Area;

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

WHEREAS, the Agency and its consultants have undertaken the planning process during 2019;

WHEREAS, the Agency prepared a proposed Urban Renewal Plan for the Washington

Street South Urban Renewal Project (the “Washington Street South Plan”) and the urban renewal area referred to as the Washington Street South Project Area (“Project Area” or “Revenue Allocation Area”) for the area designated as eligible for urban renewal planning;

WHEREAS, the Act authorizes urban renewal agencies to adopt revenue allocation financing provisions as part of their urban renewal plans;

WHEREAS, the Washington Street South Plan contains revenue allocation financing provisions as allowed by the Act;

WHEREAS, the Agency Board considered all comment and information submitted to the Agency during several earlier Board meetings throughout 2019, and the Board meeting held on August 12, 2019;

WHEREAS, on August 12, 2019, the Agency Board passed Resolution No. 2019-04 proposing and recommending the approval of the Washington Street South Plan;

WHEREAS, the Agency submitted the Washington Street South Plan to the City Manager, Mayor and City Council;

WHEREAS, the City Manager and Deputy City Clerk have taken the necessary action to process the Washington Street South Plan consistent with the requirements set forth in Idaho Code §§ 50-2906 and 50-2008;

WHEREAS, pursuant to the Law, on October 22, 2019, the City of Twin Falls Planning and Zoning Commission considered the Washington Street South Plan and found that the Washington Street South Plan is in all respects in conformity with the City’s Comprehensive Plan, *Grow With Us*, as amended (“Comprehensive Plan”) and forwarded its findings to the City Council, a copy of which is attached hereto as Exhibit 1;

WHEREAS, notice of the public hearing of the Washington Street South Plan was caused to be published by the Deputy City Clerk of Twin Falls, Idaho, in its official newspaper the *Times News*, on November 15 and 29, 2019, a copy of said notice being attached hereto as Exhibit 2;

WHEREAS, as of November 8, 2019, the Washington Street South Plan was submitted to the affected taxing entities, available to the public, and under consideration by the City Council;

WHEREAS, the City Council, during its regular meeting on December 16, 2019, held the public hearing as noticed;

WHEREAS, as required by Idaho Code §§ 50-2905 and 50-2906, the Washington Street South Plan contains the following information with specificity which was made available to the general public and all taxing districts prior to the public hearing on December 16, 2019, the regular meeting of the City Council, at least thirty (30) days but no more than sixty (60) days prior to the date set for 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 Washington Street South Plan authorizes certain projects to be financed by proceeds from revenue allocation;

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

WHEREAS, it is necessary and in the best interest of the citizens of the City, to adopt the Washington Street South Plan and to adopt, as part of the Washington Street South Plan, revenue allocation financing provisions that will help finance urban renewal projects to be completed in accordance with the Washington Street South 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 Project Area in order to facilitate the long-term growth of their common tax base; to 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 Project Area is likely to increase, and continue to increase, as a result of initiation and continuation of urban renewal projects in accordance with the Washington Street South 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) conform to the general plan of the municipality as a whole; (3) 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) 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, under the Law and the Act (specifically §§ 50-2018(9) and 50-2903(8)(f)), a deteriorating area may not include an agricultural operation, as defined in Idaho Code § 22-4502(1), 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 Agency obtained written consents concerning certain properties within the 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 Washington Street South Plan;

WHEREAS, the collective base assessment rolls of the Washington Street South 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, the City Council at its regular meeting held on December 16, 2019, considered the Washington Street South Plan, as proposed, and made certain comprehensive findings.

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

SECTION 1: It is hereby found and determined that:

- (a) The Project Area, as defined in the Washington Street South Plan, is a deteriorated 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 Washington Street South 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 Washington Street South Plan conforms to the Comprehensive Plan.
- (e) The Washington Street South Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the industrial and commercial components of the Washington Street South Plan and the need for overall public improvements), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area covered by the Washington Street South Plan.
- (f) The Washington Street South 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 §§ 50-2007(h) and 50-2008(d)(1), the Washington Street South Plan provides a feasible method for relocation obligations of any displaced families residing within the 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 Washington Street South Project Area do not exceed ten percent (10%) of the assessed values of all the taxable property in the City.
- (i) The Washington Street South Plan includes the requirements set out in Idaho Code § 50-2905 with specificity.
- (j) The Washington Street South 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 §§ 50-2018(9) and 50-2903(8)(f), does not include any agricultural operations for which the Agency has not received written consents, or which has not been used for agricultural purposes for three (3) consecutive years.
- (l) The portion of the 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 Project Area has a substantial portion of open land, that the Agency may acquire any open land within the Project Area, but does not intend to do so on any widespread basis, and that the Project Area is planned to be developed and/or redeveloped in a manner that will include nonresidential uses. The City Council finds that for the portions of the 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 Washington Street South Plan meets the sound needs of the City and will provide opportunities in an area that does not now contain such opportunities, and the portion of the 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 the 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 Washington Street South 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 Deputy 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, 2019, hearing and incorporate changes or modifications, if any.

SECTION 5: No direct or collateral action challenging the Washington Street South 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 Washington Street South Plan.

SECTION 6: Upon the effective date of this Ordinance, the Deputy City Clerk is authorized and directed to transmit to the County Auditor and Tax Assessor of Twin Falls County and to the appropriate officials of Twin Falls County Board of County Commissioners, City of Twin Falls, Twin Falls Highway District, Twin Falls School District No. 411, Twin Falls Ambulance, Mosquito Abatement District, College of Southern Idaho, 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 or plat indicating the boundaries of the Project Area.

SECTION 7: The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Washington Street South Plan, the equalized assessed valuation of which the City Council hereby determines is in and is part of the Washington Street South Plan, is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Washington Street South Plan.

SECTION 8: 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 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 Washington Street South Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 9: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not exercise its power under Idaho Code § 50-2006 to designate itself as the Agency Board.

SECTION 10: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not modify the Washington Street South Plan in a manner that would result in a reset of the base assessment value for the year immediately following the year in which the modification occurs to include the current year's equalized assessed value of the taxable property as further set forth in the Act.

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, 2020, 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 declaration 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.

PASSED by the City Council _____, 20____

SIGNED BY THE MAYOR _____, 20____

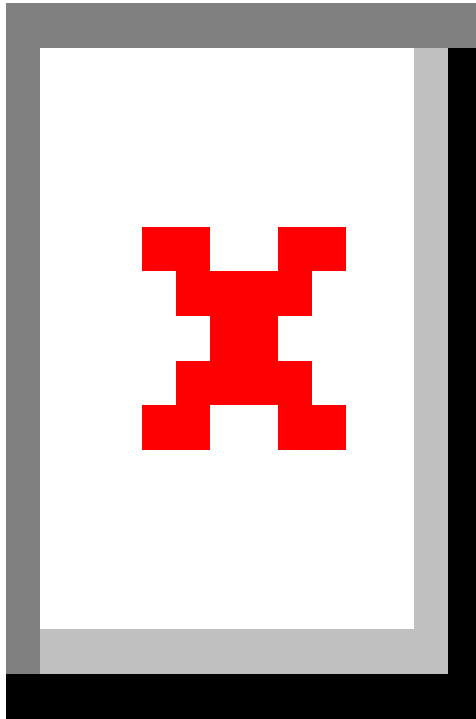
Mayor Shawn Barigar

ATTEST:

Deputy City Clerk

Exhibit 1

**FINDINGS OF THE PLANNING AND ZONING COMMISSION FOR THE CITY OF
TWIN FALLS, VALIDATING CONFORMITY OF THE URBAN RENEWAL PLAN
FOR THE WASHINGTON STREET SOUTH URBAN RENEWAL PROJECT WITH
THE CITY OF TWIN FALLS' COMPREHENSIVE PLAN**



RESOLUTION NO. 2019-01

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

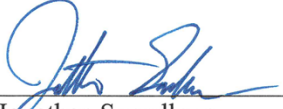
ADOPTED by the Planning and Zoning Commission of the City of Twin Falls, Idaho, this 22nd day of October 2019.

APPROVED:



Craig Kelley
Vice Chair, Planning and Zoning
Commission

ATTEST:



Jonathan Spendlove
Director, Planning and Zoning Department

Exhibit 2

NOTICE PUBLISHED IN THE *TIMES NEWS*

NOTICE OF REGULAR MEETING AND PUBLIC HEARING BY THE
CITY COUNCIL OF THE CITY OF TWIN FALLS
TO CONSIDER THE
URBAN RENEWAL PLAN
FOR THE WASHINGTON STREET SOUTH URBAN RENEWAL PROJECT
OF THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS

NOTICE IS HEREBY GIVEN that the City Council of the City of Twin Falls will hold during its regular meeting, a public hearing in Council Chambers, 203 Main Avenue East Twin Falls, Idaho, on December 16, 2019, at 6:00 p.m., to consider for adoption the proposed Urban Renewal Plan for the Washington Street South Urban Renewal Project (“Plan”) of the Urban Renewal Agency of the City of Twin Falls (“Agency”). The urban renewal and revenue allocation area boundary 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, 2020, to be allocated to the Agency for urban renewal purposes. The Agency has adopted and recommended approval of the Plan.

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 City Clerk, 203 Main Avenue East, Twin Falls, Idaho, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, exclusive of holidays.

At the hearing date, time, and place noted above (December 16, 2019, at 6:00 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 & Development Services Department up to the time of the hearing. Additional information may be obtained by calling 208-735-7240 or by email at NMurray@tfid.org.

City Hall is accessible to persons with disabilities. Program access accommodations may be provided with three (3) days’ advance notice by contacting Leila Sanchez at lsanchez@tfid.org; 208-735-7245 or 203 Main Avenue East, Twin Falls, Idaho.

DATED: November 8, 2019.

Published in Times-News November 15 & 29, 2019

Exhibit 3

URBAN RENEWAL PLAN FOR THE
WASHINGTON STREET SOUTH URBAN RENEWAL PROJECT

Attached separately as Washington Street South Plan

Exhibit 4
CITY OF TWIN FALLS

SUMMARY OF ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF TWIN FALLS, IDAHO,
APPROVING THE URBAN RENEWAL PLAN FOR THE WASHINGTON
STREET SOUTH 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 OTHER TAXING ENTITIES;
PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY
SUMMARY, AND ESTABLISHING AN EFFECTIVE DATE.**

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

SECTION 1: It is hereby found and determined that:

- (a) The Project Area, as defined in the Washington Street South Plan, is a deteriorated 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 Washington Street South 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 Washington Street South Plan conforms to the Comprehensive Plan.
- (e) The Washington Street South Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the industrial and commercial components of the Washington Street South Plan and the need for overall public improvements), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area covered by the Washington Street South Plan.
- (f) The Washington Street South 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 §§ 50-2007(h) and 50-2008(d)(1), the Washington Street South Plan provides a feasible method for relocation obligations of any displaced

families residing within the 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 Washington Street South Project Area do not exceed ten percent (10%) of the assessed values of all the taxable property in the City.
- (i) The Washington Street South Plan includes the requirements set out in Idaho Code § 50-2905 with specificity.
- (j) The Washington Street South 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 §§ 50-2018(9) and 50-2903(8)(f), does not include any agricultural operations for which the Agency has not received written consents, or which has not been used for agricultural purposes for three (3) consecutive years.
- (l) The portion of the 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 Project Area has a substantial portion of open land, that the Agency may acquire any open land within the Project Area, but does not intend to do so on any widespread basis, and that the Project Area is planned to be developed and/or redeveloped in a manner that will include nonresidential uses. The City Council finds that for the portions of the 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 Washington Street South Plan meets the sound needs of the City and will provide opportunities in an area that does not now contain such opportunities, and the portion of the 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 the 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 Washington Street South 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 Deputy 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, 2019, hearing and incorporate changes or modifications, if any.

SECTION 5: No direct or collateral action challenging the Washington Street South 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 Washington Street South Plan.

SECTION 6: Upon the effective date of this Ordinance, the Deputy City Clerk is authorized and directed to transmit to the County Auditor and Tax Assessor of Twin Falls County and to the appropriate officials of Twin Falls County Board of County Commissioners, City of Twin Falls, Twin Falls Highway District, Twin Falls School District No. 411, Twin Falls Ambulance, Mosquito Abatement District, College of Southern Idaho, 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 or plat indicating the boundaries of the Project Area.

SECTION 7: The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Washington Street South Plan, the equalized assessed valuation of which the City Council hereby determines is in and is part of the Washington Street South Plan, is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Washington Street South Plan.

SECTION 8: 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 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 Washington Street South Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 9: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not exercise its power under Idaho Code § 50-2006 to designate itself as the Agency Board.

SECTION 10: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not modify the Washington Street South Plan in a manner that would result in a reset of the base assessment value for the year immediately following the year in which the modification occurs to include the current year's equalized assessed value of the taxable property as further set forth in the Act.

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, 2020, 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 declaration 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.

PASSED by the City Council _____, 20____

SIGNED BY THE MAYOR _____, 20____

EXHIBITS TO THE ORDINANCE

- Exhibit 1 Findings of the Planning and Zoning Commission for the City of Twin Falls, Validating Conformity of the Urban Renewal Plan for the Washington Street South Urban Renewal Project with the City of Twin Falls' Comprehensive Plan
- Exhibit 2 Notice Published in the *Times News*
- Exhibit 3 Urban Renewal Plan for the Washington Street South Urban Renewal Project
- Exhibit 4 Ordinance Summary

SUMMARY OF WASHINGTON STREET SOUTH PLAN

The Urban Renewal Plan for the Washington Street South Urban Renewal Project ("Washington Street South Plan") was prepared by the Urban Renewal Agency of the City of Twin Falls, Idaho aka the Twin Falls Urban Renewal Agency ("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 Washington Street South Plan provides for the Agency to undertake urban renewal projects pursuant to the Law and the Act. The Washington Street South 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, 2020, to be allocated to the Agency for the urban renewal purposes.

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 economic development objectives of this Plan;
- c. The engineering, design, installation, construction, and/or reconstruction of streets, including but not limited to improvements and upgrades to Diamond Avenue West, Washington Street South, Park Avenue, and Highland Avenue, and related pedestrian facilities, intersection improvements and traffic signals;
- d. 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, booster system upgrades, water capacity improvements, water storage upgrades, sewer system improvements and upgrades, construction and/or reconstruction of pretreatment facilities, and improvements and upgrades to power and gas 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 sewer main improvements along Grandview Dr. and Filer Ave. to increase capacity; a waterline extension project to loop the system around a portion of the Project Area; and improvements to the Wills Booster Station to increase capacity through pump acquisition and installation;
- e. Removal, burying, or relocation of overhead utilities; removal or relocation of underground utilities; extension of electrical distribution lines and transformers; improvement of irrigation and drainage ditches and laterals; addition of fiber optic lines or other communication systems; parking facilities, and other public improvements, including but not limited to, fire protection systems, roadways, curbs, gutters, and streetscapes, which for purposes of this Plan, the term streetscapes includes sidewalks, lighting, landscaping, benches, bike racks, public art and similar amenities between the curb and right-of-way line; and other public improvements, including public open spaces that may be deemed appropriate by the Board;
- f. The acquisition of real property for public right-of-way improvements, pedestrian facilities, utility undergrounding and streetscape improvements to create development opportunities consistent with the Plan, including but not limited to future disposition to qualified developers and for qualified developments, including economic development;
- g. 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;

- h. The demolition or removal of certain buildings and/or improvements for public rights-of-way, pedestrian facilities, utility undergrounding and streetscape improvements to encourage and 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;
- i. The management of any property acquired by and under the ownership and control of the Agency;
- j. The development or redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- k. The construction and financial support of infrastructure necessary for the provision of improved transit and alternative transportation;
- l. 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;
- m. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- n. The preparation and assembly of adequate sites for the development and construction of facilities for commercial, industrial and governmental use;
- o. To the extent allowed by law, lend or invest federal funds to facilitate development and/or redevelopment;
- p. The environmental assessment and remediation of brownfield sites, or sites where environmental conditions detrimental to development and/or redevelopment exist;
- q. In collaboration with property owners and other stakeholders, working with the City to amend zoning regulations (if necessary) and standards and guidelines for the design of streetscape, multi-use pathways, parks and open space, and other like public spaces applicable to the Project Area as needed to support implementation of this Plan;
- r. The construction and financial support of infrastructure necessary for the provision of improved transit and mobility systems, including alternative forms of transportation;
- s. 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; and

- t. Other related improvements to those set forth above as further set forth in Attachment 5.

Any such land uses as described in the Plan will be in conformance with zoning for the City of Twin Falls and the Twin Falls 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 described as follows:

An area consisting of approximately 90 acres of land, excluding public rights-of-way, and 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, also designated as Idaho State Highway 74. The Project Area generally includes parcels west of Washington Street South and south of Diamond Avenue West. The Project 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 the NE¼ of said Section 20 and more particularly described as follows:

Beginning at the Northeast (NE) Corner of said Section 20 (Which lies North 00°26'47" East a distance of 2703.31 feet from the East (E1/4) Quarter Corner of same section.) Thence South 00°26'47" West for a distance of 618.20 feet; Thence North 89°13'46" West for a distance of 10.00 feet to the center line of Washington Street South and the **TRUE POINT OF BEGINNING**;

Thence Southerly along the center line of Washington Street South, South 00°26'47" West a distance of 729.48 feet;

Thence continuing along center line of Washington Street South, South 00°52'28" East for a distance of 433.80 feet;

Thence continuing along center line of Washington Street South, South 00°26'47" West a distance of 922.00 feet;

Thence North 88°59'09" West a distance of 2638.13 feet to the West Boundary of the NE¼;

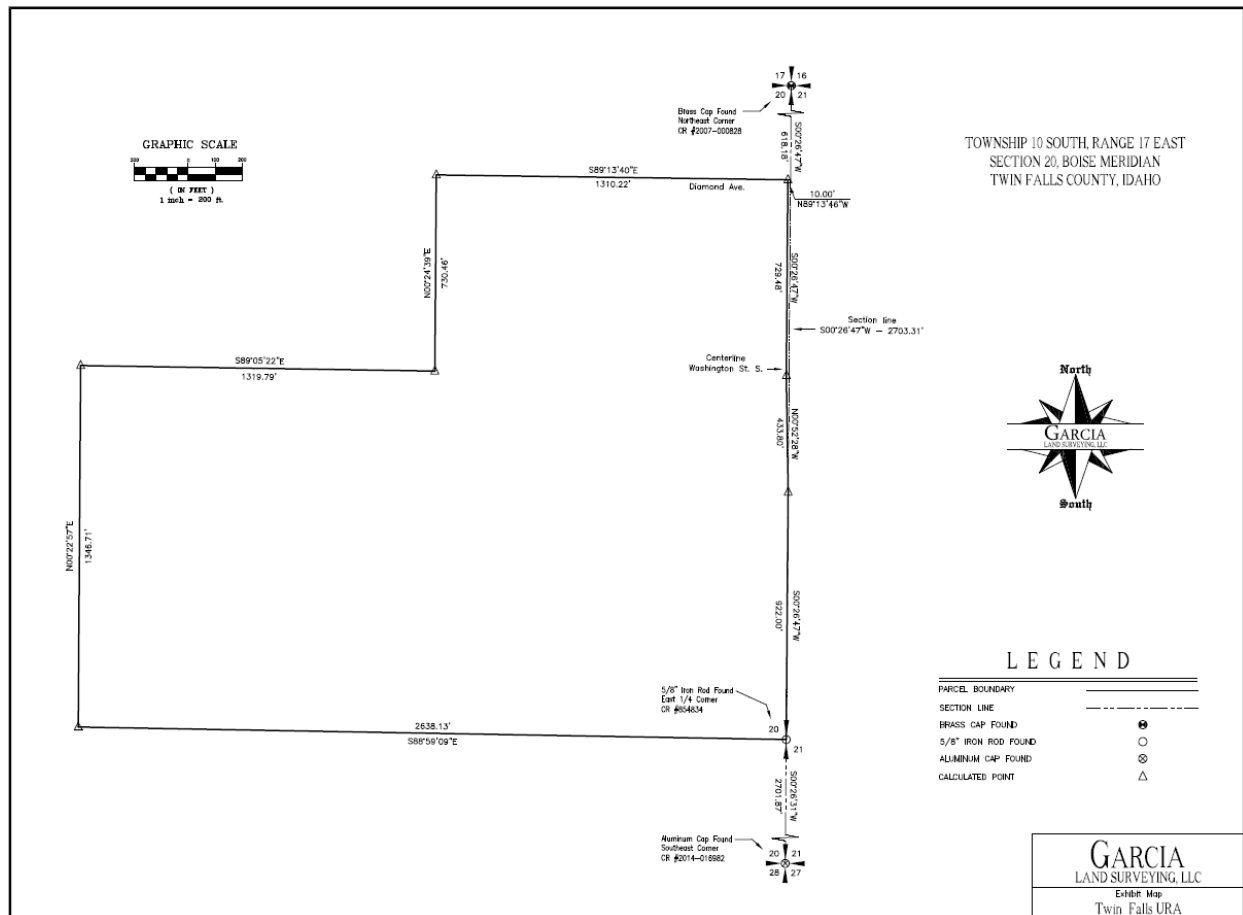
Thence continuing along the West boundary of the NE¼, North 00°22'57" East for a distance of 1346.71 feet;

Thence South 89°05'22" East for a distance of 1319.79 feet;

Thence North 00°24'39" East a distance of 730.46 feet to the North Right of Way of Diamond Avenue;

Thence continuing along the North Right of Way of Diamond Avenue South $89^{\circ}13'40''$ East for a distance of 1310.22 feet to the **TRUE POINT OF BEGINNING**:

The Project Area is also depicted in the map below.



Sections 300 through 313 discuss the proposed redevelopment actions, participation opportunities and agreements, cooperation with public bodies, property acquisition standards and requirements, relocation, demolition, and property disposition.

Section 401 discusses the type of land uses authorized in the Project Area.

Section 408 describes design guidelines for development.

Section 500 outlines the general description of the proposed financing methods. The Agency is authorized to finance the 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 adopts revenue allocation financing provisions authorized by the Act retroactively to January 1, 2020. The Agency specifically finds that the equalized assessed valuation of property within the Project Area is likely to increase as a result of the initiation of the Project. The Agency is 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.

Project costs include engineering, design, installation, construction and/or reconstruction of street improvements, water and sewer improvements, and other public improvement costs (within and outside of the Project Area). The assessed valuation of real and personal property on the base assessment roll is still available for use by the other taxing districts, Twin Falls County, City of Twin Falls, Twin Falls Highway District, Twin Falls School District No. 411, Twin Falls Ambulance, Mosquito Abatement District, and College of Southern Idaho to finance their operations. The Washington Street South Plan authorizes the Agency to sell revenue bonds to finance project costs, developer and/or public entity reimbursement and to use annual revenue allocations to pay the debt service and/or reimbursement obligations.

The program outlined in the Washington Street South Plan emphasizes the installation of needed public improvements, street improvements, utility work, and other costs to encourage private development.

Attachment 5.2, the Economic Feasibility Study, as supported by Attachments 5.1, 5.3, 5.4 and 5.5, which constitutes the financial analysis required by the Act and is based upon existing information from property owners, developers, the Agency, City and others. Costs and revenues are analyzed, and the analysis shows the need for public capital funds during the project. Multiple financing sources including annual revenue allocations, developer contributions, city contributions, interfund loan are shown. The 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. Based on these funding sources, the Study concludes that the project is feasible.

The Washington Street South Plan follows the underlying zoning classifications of the city of Twin Falls.

Sections 600 and 700 describe cooperative activities by the Agency with the City to carry out the Washington Street South Plan.

The duration of the Washington Street South Plan is for twenty (20) years, recognizing revenue allocation proceeds will be received in the following year, as contemplated by Idaho Code § 50-2905(7). A termination process is described in Section 800 of the Washington Street South Plan. The Agency is required to prepare an annual report each year describing its activities during the previous year.

ATTACHMENTS TO THE WASHINGTON STREET SOUTH PLAN

Attachment 1	Boundary Map of Washington Street South Urban Renewal Project Area and Revenue Allocation Area
Attachment 2	Legal Description of Washington Street South Urban Renewal Project Area and Revenue Allocation Area
Attachment 3	Properties Which May be Acquired by the Agency
Attachment 4	Map Depicting Expected Land Uses and Current Zoning Map of the Project Area
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	Maps Showing Proposed Location of Certain Public Improvements in the Project Area
Attachment 6	Agricultural Operation Consents

The full text of the Ordinance _____ is available at the offices of the City Clerk, 203 Main Avenue East Twin Falls, Idaho 83301.

This summary is approved by the Twin Falls City Council at its meeting of December 16, 2019.

Mayor Shawn Barigar

ATTEST:

Deputy City Clerk

I, Shayne Nope, City Attorney for the City of Twin Falls, Idaho, hereby declare and certify that in my capacity as City Attorney of the city of Twin Falls, pursuant to Idaho Code Section 50-901A(3) of the Idaho Code 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. _____.

DATED this _____ day of December 2019.

Shayne Nope, City Attorney
Twin Falls, Idaho

4815-0088-3628, v. 1

**URBAN RENEWAL PLAN FOR THE
WASHINGTON STREET SOUTH URBAN RENEWAL PROJECT
URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS
TWIN FALLS, IDAHO**

Ordinance No. _____

Adopted _____

Effective _____

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Attachments

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100 INTRODUCTION

This is the Urban Renewal Plan (the “Plan”) for the Washington Street South Urban Renewal Project (the “Project”) in the city of Twin Falls (the “City”), county of Twin Falls, 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 term “Project” is not meant to refer to a specific activity or development scheme. The Washington Street South Project Area is also referred to as the “Project 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; 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.

This Plan includes the above information with specificity.

The proposed development of the Project Area as described in this Plan conforms to the Twin Falls Comprehensive Plan, *Grow With Us*, adopted by the Twin Falls City Council (the “City Council”) on November 7, 2016 (the “Comprehensive Plan”), as may be amended from time to time. The Agency intends to rely heavily on the City’s applicable design standards.

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. Should the Agency have any outstanding financial obligations, the City shall not adopt an ordinance modifying this Plan unless written consent has been obtained by any creditors, including but not limited to lending institutions, owners and developers who have entered into reimbursement agreements with the Agency.

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

Further, 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 prioritization of projects. Any adjustments for these stated purposes are technical and ministerial and are not modifications 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), (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 purposes of the Law and Act will be attained through, and the major goals of this Plan, are:

- a. The installation and construction of public improvements, including new collector and arterial streets; improvements to existing roadways and intersections, including the installation of traffic signals; installation of curbs, gutters and streetscapes, which for purposes of this Plan, the term “streetscapes” includes sidewalks, lighting, landscaping, benches, bike racks, 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 improvements, and fire protection systems; removal, burying, or relocation of overhead utilities; extension of electrical distribution lines and transformers; improvement of irrigation and drainage ditches and laterals; and improvement of storm drainage facilities;
- b. The planning, design and construction of the proposed improvements to Diamond Avenue West, Washington Street South, Park Avenue, and Highland Avenue;
- c. The replanning, redesign, 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;
- d. 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 employment and economic growth;

- e. The provision of adequate land for open space, street rights-of-way and pedestrian rights-of-way, including pathways;
- f. 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;
- g. 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 improvements, sewer system improvements and improvements to storm drainage facilities;
- h. 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;
- i. 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; and
- 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 also 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 and 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, 67-450E, 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 Procedures Necessary to Meet State and Local Requirements: Conformance with Idaho Code Sections 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 was retained to study a proposed project area and prepare an eligibility report. The eligibility report was submitted to the Agency. The Agency accepted the eligibility report by Agency Resolution No. 2019-03 on March 11, 2019, and thereafter submitted the eligibility report to the City Council for its consideration.

The area studied 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. 2019-009 on April 1, 2019. With the adoption of Resolution No. 2019-009, the City Council authorized the preparation of an urban renewal plan.

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. 2019-04 on August 12, 2019, 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 published in the *Times-News*, a newspaper having general circulation in the City. The City Council adopted this Plan on _____], 2019, by Ordinance No. [_____].

103 History and Current Conditions of the Area

The Project Area contains approximately 90 acres, excluding public rights-of-way, and 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, also designated as Idaho State Highway 74. The Project Area generally includes parcels west of Washington Street South and south of Diamond Avenue West.

The Project Area encompasses nine (9) individual tax parcels with a mixture of commercially and industrially zoned properties. The majority of the acreage is currently used for agricultural purposes and receives an agricultural property tax exemption. 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 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 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. Currently, there is no street network west of Washington Street South.

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, the type of industrial development envisioned, with high treatment requirements due to the processing of milk products, will 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 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). Generally, the lack of public infrastructure has resulted in the economic underdevelopment of the area.

The Plan proposes improvements to public infrastructure and other publicly owned assets throughout the Project Area, creating the opportunity for industrial and commercial economic development. The Project Area is underdeveloped or vacant and is not being used to its highest and best use due to deterioration of site and other improvements, the age and obsolescence of infrastructure, the predominance of defective or inadequate street layout, outmoded street patterns, need for modern traffic requirements, unsuitable topography and/or faulty lot layouts, insanitary and unsafe conditions, diversity of ownership, defective or unusual conditions of title and inadequate utility infrastructure needed for industrial and commercial development. The foregoing conditions have arrested or impaired growth in the Project Area.

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 problems in this area. Revenue allocation financing should help to improve the situation. In effect, property taxes generated by new developments within the area may be used by the Agency to finance a variety of needed public improvements and facilities. Finally, the contemplated industrial development will generate new jobs in the community that would, in turn, benefit area residents.

It is unlikely individual developers 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 industrial development and improvements to existing industrial facilities would not occur.

104 Purpose of Activities

Attachment 5.1 includes the Public Improvement List identifying with specificity the proposed public improvements and projects contemplated in the Project Area. 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. to re- prioritize 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 realistic development scenario recognizing it is difficult to project with any certainty where the improvements will be sited until the future project submits 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. 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 a 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 2019 dollars of approximately \$30,351,000. This amount does not take into account inflationary factors, such as increasing construction costs, which would increase that figure depending on when the 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 \$49,037,176 (not discounted to present value). 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. 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.

105 Open Land Criteria

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 to facilitate the proper growth and development of the Project Area in accordance with City planning 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 50-2008(d)(4)(2) apply. The lack of water and sewer facilities, large parcel size, a deficient street system, lack of fire protection facilities, economic disuse, unsuitable topography and environmental issues are all conditions which delay or impair development of the open land or potentially open land areas and satisfy the open land conditions as more fully supported by the Twin Falls Washington Street South Urban Renewal District Eligibility Report, prepared by Phil Kushlan, Kushlan Associates, dated March 2019.

This Plan does not anticipate or intend Agency acquisition of property within the Project Area. However, 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 Project Area and Revenue Allocation Boundary Map, attached hereto as Attachment 1 and incorporated herein by reference, and are described in the Legal Description of the Project Area and Revenue Allocation Area, attached hereto as Attachment 2 and incorporated herein by reference. For purposes of boundary descriptions and the 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.

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 economic development objectives of this Plan;
- c. The engineering, design, installation, construction, and/or reconstruction of streets, including but not limited to improvements and upgrades to Diamond Avenue West, Washington Street South, Park Avenue, and Highland Avenue, and related pedestrian facilities, intersection improvements and traffic signals;
- d. 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, booster system upgrades, water capacity improvements, water storage upgrades, sewer system improvements and upgrades, construction and/or reconstruction of pretreatment facilities, and improvements and upgrades to power and gas 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 sewer main improvements along Grandview Dr. and Filer Ave. to increase capacity; a waterline extension project to loop the system

around a portion of the Project Area; and improvements to the Wills Booster Station to increase capacity through pump acquisition and installation;

- e. Removal, burying, or relocation of overhead utilities; removal or relocation of underground utilities; extension of electrical distribution lines and transformers; improvement of irrigation and drainage ditches and laterals; addition of fiber optic lines or other communication systems; parking facilities, and other public improvements, including but not limited to, fire protection systems, roadways, curbs, gutters, and streetscapes, which for purposes of this Plan, the term streetscapes includes sidewalks, lighting, landscaping, benches, bike racks, public art and similar amenities between the curb and right-of-way line; and other public improvements, including public open spaces that may be deemed appropriate by the Board;
- f. The acquisition of real property for public right-of-way improvements, pedestrian facilities, utility undergrounding and streetscape improvements to create development opportunities consistent with the Plan, including but not limited to future disposition to qualified developers and for qualified developments, including economic development;
- g. 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;
- h. The demolition or removal of certain buildings and/or improvements for public rights-of-way, pedestrian facilities, utility undergrounding and streetscape improvements to encourage and 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;
- i. The management of any property acquired by and under the ownership and control of the Agency;
- j. The development or redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- k. The construction and financial support of infrastructure necessary for the provision of improved transit and alternative transportation;
- l. 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;

- m. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- n. The preparation and assembly of adequate sites for the development and construction of facilities for commercial, industrial and governmental use;
- o. To the extent allowed by law, lend or invest federal funds to facilitate development and/or redevelopment;
- p. The environmental assessment and remediation of brownfield sites, or sites where environmental conditions detrimental to development and/or redevelopment exist;
- q. In collaboration with property owners and other stakeholders, working with the City to amend zoning regulations (if necessary) and standards and guidelines for the design of streetscape, multi-use pathways, parks and open space, and other like public spaces applicable to the Project Area as needed to support implementation of this Plan;
- r. The construction and financial support of infrastructure necessary for the provision of improved transit and mobility systems, including alternative forms of transportation;
- s. 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; and
- t. Other related improvements to those set forth above as further set forth in Attachment 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 as permitted by the Law and the 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: a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, deterioration of site or other improvements; limited public infrastructure and services; and obsolete platting. 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 any development agreement shall conform to those standards specified in Section 303 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 and establishing it as a gateway to the City requires an assertive strategy. The following 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 in critical areas.
- d. Initiate projects designed to increase workforce transportation and mobility options.

Without direct public intervention, the Project Area has and 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 the existing brownfields, and underutilized, underdeveloped, and vacant land and land now devoted to scattered inconsistent uses will be converted to commercial and industrial uses. In implementing the activities described in this Plan, the Agency shall give due consideration to the provision of adequate park and open space, and community 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 site covered by the Plan, recognizing the primary commercial and industrial nature of the Project Area.

303 Participation Opportunities and Participation Agreements

The Agency shall enter into an owner participation agreement (which term includes all types of reimbursement 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. 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.

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:

- 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.
- 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.
- 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, 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, 2040. The Agency shall retain its discretion to negotiate an earlier date to accomplish all obligations under any owner participation agreement.

In all owner 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:

- Encouraging property owners to revitalize and/or remediate deteriorated areas or deteriorating areas of their parcels to accelerate development in the Project Area.
- 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 development and/or redevelopment of the Project Area.
- Allowing existing nonconforming uses to continue in accordance with City regulations and to accommodate improvements and expansions allowed by City regulations.
- 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 over the next twenty (20) years.
- Provide for advance funding by the developer/owner participant of those certain public improvements related to or needed for the private development. 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 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, or other similar systems and lines, streets, roads, curbs, gutters, sidewalks, walkways, parking facilities and unoccupied auxiliary structures. The Agency shall also cooperate with the City on various relocation, screening, or underground projects and the providing of fiber optic capability. To the extent any public entity, including the City, 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 an agreement with the Agency and then shall be bound by the Plan and other land use elements and shall take into consideration those standards specified in Section 303 of this Plan.

This Plan does not financially bind or obligate the Agency 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.

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 either through a voluntary acquisition or the invocation of eminent domain authority as limited by Idaho Code § 7-701A.

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, drainage facilities, streets, streetscapes, intersection improvements, including the installation of traffic signals, water and sewer improvements, environmental remediation/site preparation, parking, parks and open space, multi-use paths and trails, power and gas improvements and/or relocations, and other related public infrastructure improvements.. Further, the Agency may acquire real property to facilitate commercial and industrial development 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 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 is 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 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 identified, 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, including eminent domain 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.

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.

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 also 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, parks and open space, multi-use paths and trails, 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.

Air rights and subterranean rights may be disposed of for any permitted use within the Project Area boundaries.

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 408 of this Plan.
- j. All other requirements and obligations as set forth in the existing Participation Policy.

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, 2040. 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 Section 50-2007, 50-2018(10) and (13), and 50-2903(9), (13), and (14), and as otherwise identified in Attachments 5.1-5.5 and may acquire or pay for the land required therefore.

Any public facility ultimately owned by the Agency shall be operated and managed in such a manner to preserve the public purpose nature of the facility. Any lease agreement with a private entity or management contract agreement shall include all necessary provisions sufficient to protect the public interest and public purpose.

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 to this Plan or out of any other available funds.

310 Development Plans

All development plans (whether public or private) prepared pursuant to a disposition and development agreement or owner participation agreement, shall be submitted to the Agency Board for approval and review. All development in the Project Area must conform to those standards specified in Section 408 and all applicable City ordinances.

311 Personal Property Disposition

For the purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property which is acquired by the Agency.

312 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 to this Plan or out of any other available funds.

313 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.

314 [RESERVED]

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 tentatively 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. Provided, however, nothing herein within this Plan shall be deemed to be granting any particular right to zoning classification or use.

402 Public Rights-of-Way

The Project Area contains existing maintained public rights-of-way as shown on Attachment 1, including but not limited to Washington Street South, Park Avenue, Highland Avenue and Diamond Avenue West. Any new roadways 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 (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 generally shown in Attachment 5.5, or described in Attachment 5.1.

Existing dirt roadways, streets, alleys, easements, and irrigation or drainage laterals or ditches (if any) 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 or the City regarding changes to dedicated rights-of-way.

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 City or the Idaho Department of Transportation's design standards as may be applicable; 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 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;
- 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; and
- d. Street connectivity should be maximized, and the design and/or construction of permanent cul-de-sacs and dead-end streets should be minimized to the greatest extent practicable.

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.

403 [RESERVED]

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.

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 the Twin Falls City Code, 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 redevelopment activities in the Project Area in the event of a disposition and development agreement or owner participation agreement.

407 Minor Variations

Under exceptional circumstances, the Agency is authorized to permit a variation from the limits, restrictions, and controls established by this Plan. In order to permit such variation, the Agency must determine that:

- a. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Plan;
- b. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls;
- c. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and
- d. Permitting a variation will not be contrary to the objectives of this Plan.

No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public peace, health, safety, or welfare and to assure compliance with the purposes of the Plan. Any variation permitted by the

Agency hereunder shall not supersede any other approval required under City codes and ordinances.

408 Design for Development under a Disposition and Development Agreement or Owner Participation Agreement

Within the limits, restrictions, and controls established in this Plan, the Agency is authorized to establish heights of buildings, density, land coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project Area. Any development must also comply with the City's zoning ordinance regarding heights, setbacks, density and other like standards.

In the case of property which is the subject of a disposition and development agreement or an owner participation agreement with the Agency, no new improvement shall be constructed, and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated, except in accordance with this Plan. Under those agreements the architectural, landscape, and site plans shall be submitted to the Agency and approved in writing by the Agency. One of the objectives of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design, open space, and other amenities to enhance the aesthetic quality of the Project Area. The Agency shall not approve any plans that do not comply with this Plan. The Agency reserves the right to impose such design standards on an ad hoc, case by case basis through the approval process of the owner participation agreement or disposition and development agreement. Any change to such approved design must be consented to by the Agency and such consent may be conditioned upon reduction of Agency's financial participation towards the Project.

In the event the Agency adopts design standards or controls, those provisions will thereafter apply to each site or portion thereof in the Project Area. Those controls and standards will be implemented through the provisions of any disposition and development agreement or owner participation 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 ordinance.

409 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.

500 METHODS OF FINANCING THE PROJECT

501 General Description of the Proposed Financing Methods

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 an inter-fund transfer from other urban renewal project areas. 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.

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, 2020. 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 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 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, 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 and unknown future costs. Agency revenue and the ability to fund reimbursement of eligible Project Costs is more specifically detailed in the annual budget.

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. 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 developers for the cost of eligible public improvements.

Revenues will continue to be allocated to the Agency until termination of the revenue allocation area as set forth in Section 800. Attachments 5.1-5.5 incorporate estimates and projections based on the Agency's 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.

502.1 Economic Feasibility Study

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

502.2 Assumptions and Conditions/Economic Feasibility Statement

The information contained in Attachments 5.1-5.5 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 bonded indebtedness, developer reimbursement and all other loans or indebtedness, and the amount of revenue generated by revenue allocation are dependent upon the extent and timing of private development. Should all of the proposed development take place as projected, the project indebtedness could be extinguished earlier, dependent upon the bond sale documents or 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 Attachments 5.1-5.5, which will facilitate commercial and industrial development in the Revenue Allocation Area.

The assumptions set forth in the Study are based upon the best information available to the Agency and consultants through public sources or discussions with property owners, developers, 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 assumptions concerning revenue allocation proceeds are based upon certain anticipated development, assessed value increases and assumed levy rates as more specifically set forth in Attachments 5.1-5.5. Further, the financial analysis set forth in Attachments 5.3-5.4 has taken into account and excluded levies that do not flow to the Agency consistent with Idaho Code § 50-2908. The types of new construction expected in the Project Area are industrial and commercial facilities and improvements. The Project Area has potential for a significant increase in industrial and commercial growth due to the location of the Project Area. However, without a

method to construct the identified public improvements development is unlikely to occur in much of the Project Area.

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 value¹ for the City as of January 1, 2018², less homeowner's exemptions is \$2,859,303,458; therefore, the 10% limit is \$285,930,346.

The adjusted base assessed value of each of the existing revenue allocation areas as of January 1, 2018, is as follows:

Area 4-1	\$23,760,191
Area 4-3	\$1,069,508
Area 4-4	\$4,090,577

The estimated base value for the proposed Project Area is \$18,689,262. The adjusted base values for the combined revenue allocation areas total \$47,609,535, which is less than 10% of the City's 2018 taxable value.

502.4 Financial Limitation

The Study identifies several capital improvement projects. Use of any particular financing or 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 regulations. 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 including annual revenue allocations, developer

¹ Includes taxable real and personal property; excludes operating property.

² Due to the timing of the assessment process and creation of this Plan, the 2018 values have been used to establish compliance with the 10% limitation. Using the 2018 values, the total adjusted base value of the existing and proposed revenue allocation areas combined with the value of this Project Area is 1.67% of the total taxable value of the City. Even assuming an increase in values for 2019 and 2020, the combined adjusted base values of the revenue allocation areas would not exceed 10% of the current assessed taxable value for the entire City.

contributions, city contributions and interfund loan are shown. 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. See Idaho Code § 50-2905. Based on these funding sources, the conclusion is that the project is feasible.

The projections in the Study are based on reasonable assumptions and existing market conditions. First, the Agency has projected an inter-district loan from the Agency's existing project area to assist with the administrative costs for establishing the new Project Area. That loan is anticipated to be repaid to the existing Project Area in full, with interest. Second, the Agency has projected a significant industrial development within the Project Area, as well as improvements to existing commercial and industrial facilities. These developments and/or improvements are expected to generate significant revenue allocation funds as early as 2022. Third, the Agency has projected the existing owners/developers will advance fund many of the public improvements necessary for the development and/or expansion to occur, which amounts subject to reimbursement will be reimbursed to the existing owners/developers pursuant to the terms of an owner participation agreement. Fourth, under the provisions of the Act, the revenue allocation may continue until the end of the Plan term. Fifth, the total amount of indebtedness and the amount of revenue generated by revenue allocation is dependent upon the extent and timing of private development.

Finally, 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 bonds, notes, participation agreements and disposition and development agreements. The Agency may also, re-prioritize projects and the location of those projects 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 very well have to be adjusted depending upon the availability of some of the 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.**

Attachments 5.1-5.5 list those public improvements the Agency may directly fund in whole or reimburse a future owner, developer and/or public entity for 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 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 Agency. The identification of public improvements does not commit the Agency 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 owner, developer and/or public entities. This Plan does not financially bind or obligate the Agency 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 participation agreement and in the annual budget adopted by the Agency Board. The proposed location and siting of roads and utilities in the Project Area is generally shown in Attachment 5.5 and/or described in Attachment 5.1 recognizing that the specific location of roads and utilities will depend on the type and timing of development. The change in location of the improvements shown on Attachment 5.5 and/or described in Attachment 5.1 does not constitute a modification to the Plan.

The Agency reserves its discretion and flexibility in deciding which improvements are more critical for development, 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 Attachments 5.1-5.2 and 5.5 in conjunction with private development within the Project Area generating the increment as identified in Attachments 5.3-5.4.

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 Participation with Local Improvement Districts

Under the Idaho Local Improvement District 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.

502.6 Issuance of Debt and Debt Limitation

Any debt incurred by the Agency as allowed by the Law and Act shall be secured by revenues identified in the debt resolution or 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.

502.7 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 Attachment 5.3.

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 is more 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 will 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 in the short term for inclusion by the taxing entities to increase their budget capacity. Upon termination of this Plan or deannexation of area, the taxing entities will be able to include the accumulated new construction roll value in setting the following year's budget and revenue from such value is not limited to the three percent increase allowed in Idaho Code § 63-802(1)(a).

As 2019 certified levy rates are not determined until late September 2019, the 2018 certified levy rates have been used in the Study for purposes of the analysis.³ Those taxing districts and rates are as follows:

Taxing District Levies:

Twin Falls County	.004282926
Twin Falls Highway District	.001131447
City of Twin Falls	.007503874
Twin Falls School District No. 411	.000015895
Twin Falls Ambulance	.000198801
Mosquito Abatement District	.000108620
College of Southern Idaho	.000914913
TOTAL:	.014156476

The Study has made certain assumptions concerning the levy rate. The levy rate is estimated to stay level for the life of the revenue allocation area. Additionally, the Study assumes a 1% annual increase in land value and a 2% annual increase in improvement value over the term of the Plan. If the overall levy rate is less than projected, or the land values do not increase as expected, or expected development fails to occur as estimated, the Agency shall 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.

503 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 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.

³ Due to the timing of the taxing districts’ budget and levy setting process, certification of the 2019 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 2018 levy rates are used. Use of the 2018 levy rates provides a more accurate base than estimating the 2019 or 2020 levy rates.

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.

504 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 Expense identified in 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

The City shall aid and cooperate with the Agency in carrying out this 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 shall 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. Use of public entity labor, services, and materials for construction of the public improvements listed in this Plan.
- k. Coordination of the development agreements entered into by the City and developer with the goals of the Plan.
- l. Assist with coordinating and implementing the public improvements in the Project Area identified in the Study.
- m. Contribute land for right-of-way improvements at no cost to support construction of the public improvements listed in this Plan.
- n. Institution and completion of proceedings necessary for the establishment of a local improvement district under Chapter 17, Title 50, Idaho Code.
- o. Joint funding of certain public improvements, including but not limited to improvements to streets, sewer treatment facilities, water system and storage facilities.

The foregoing actions to be 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, 2040, except for any revenue allocation proceeds received in calendar year 2041, as contemplated by Idaho Code § 50-2905(7). The Agency may use proceeds in 2041 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, 2040.

Idaho Code § 50-2903(5) provides the Agency shall adopt a resolution of intent to terminate the revenue allocation area by September 1. 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, 2041, or if the Agency determines an earlier termination 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, the Agency shall dispose of any remaining assets by granting or conveying or dedicating such assets to the City.

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

To the extent there is any outstanding loans or obligations, this Plan shall not be modified pursuant to the provisions set forth in Idaho Code § 50-2903A. Modification of this Plan 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. I.C. § 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, on or before March 31 of each year, a report of the Agency's activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such calendar year. This annual report shall be considered at a public meeting to report these findings and take comments from the public.

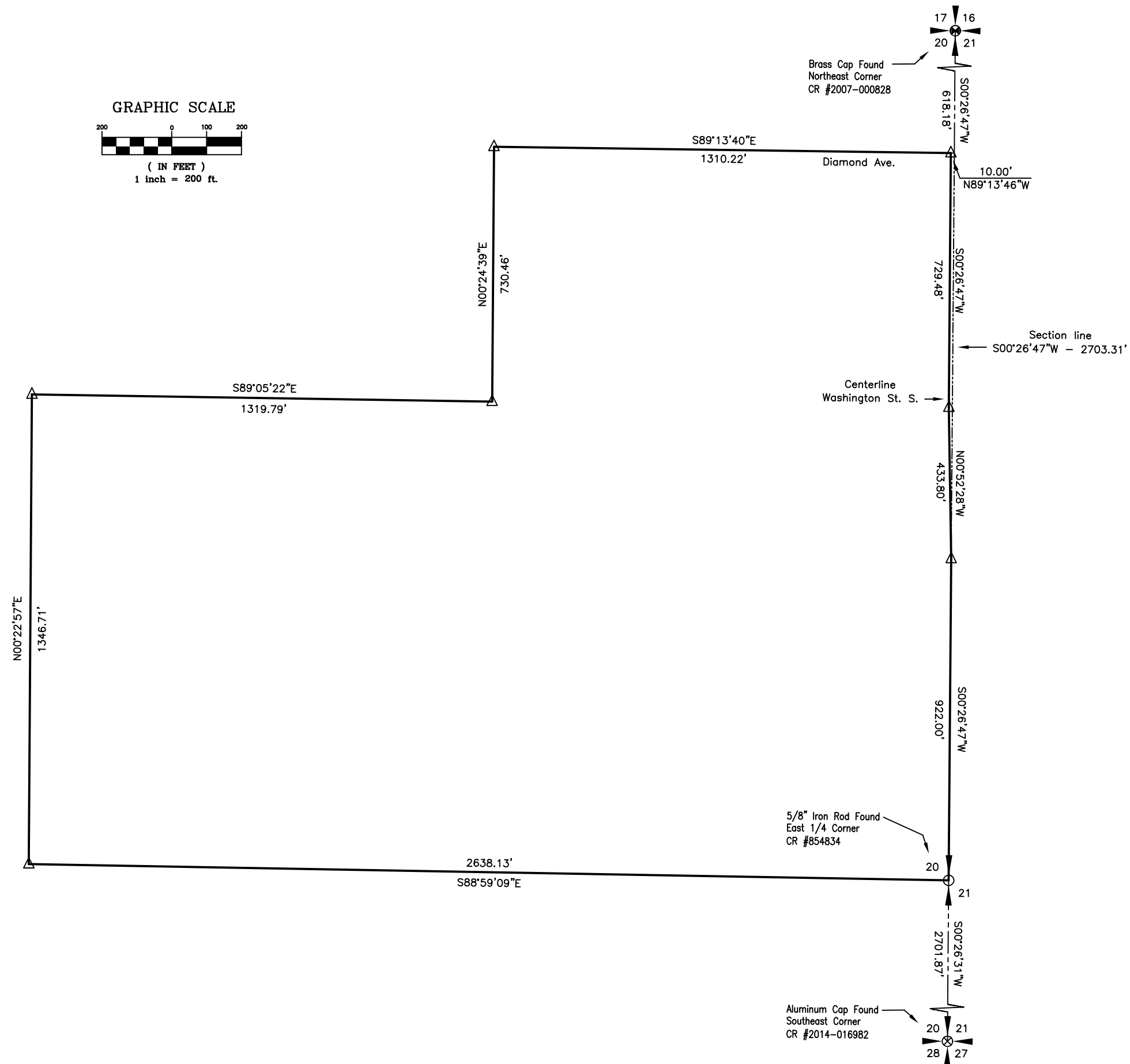
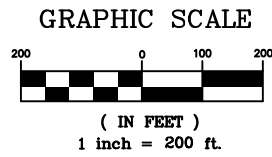
Additionally, the Agency must comply with certain other reporting requirements as set forth in Idaho Code § 67-450E, the local government registry portal, Idaho Code § 50-2913, the tax commission plan repository, and Idaho Code § 50-2903A, the tax commission's plan modification annual attestation. Failure 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

Project Area and Revenue Allocation Area Boundary Map



LEGEND

PARCEL BOUNDARY	
SECTION LINE	
BRASS CAP FOUND	
5/8" IRON ROD FOUND	
ALUMINUM CAP FOUND	
CALCULATED POINT	

Attachment 2

Legal Description of Project Area and Revenue Allocation Area

An area consisting of approximately 90 acres as more particularly described as follows:

URA RAA Description

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

SECTION 20: A parcel of land located in the NE¼ of said Section 20 and more particularly described as follows:

Beginning at the Northeast (NE) Corner of said Section 20 (Which lies North 00°26'47" East a distance of 2703.31 feet from the East (E1/4) Quarter Corner of same section.) Thence South 00°26'47" West for a distance of 618.20 feet; Thence North 89°13'46" West for a distance of 10.00 feet to the center line of Washington Street South and the **TRUE POINT OF BEGINNING**;

Thence Southerly along the center line of Washington Street South, South 00°26'47" West a distance of 729.48 feet;

Thence continuing along center line of Washington Street South, South 00°52'28" East for a distance of 433.80 feet;

Thence continuing along center line of Washington Street South, South 00°26'47" West a distance of 922.00 feet;

Thence North 88°59'09" West a distance of 2638.13 feet to the West Boundary of the NE¼;

Thence continuing along the West boundary of the NE¼, North 00°22'57" East for a distance of 1346.71 feet;

Thence South 89°05'22" East for a distance of 1319.79 feet;

Thence North 00°24'39" East a distance of 730.46 feet to the North Right of Way of Diamond Avenue;

Thence continuing along the North Right of Way of Diamond Avenue South 89°13'40" East for a distance of 1310.22 feet to the **TRUE POINT OF BEGINNING**;

Attachment 3

Properties (Public and/or Private) Which May Be Acquired by Agency

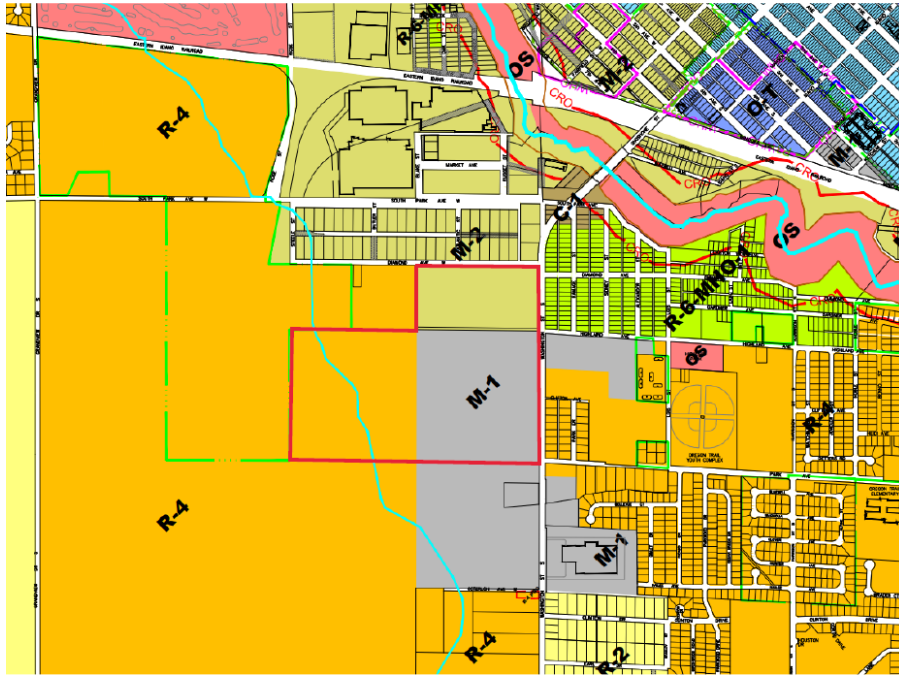
1. The Agency has not identified any particular parcel for the construction of public improvements or for private redevelopment. Properties which may be subject to acquisition included parcels to:
2.
 - a. assemble with adjacent parcels to facilitate development and/or redevelopment;
 - b. assemble with adjacent rights-of-way to improve configuration and enlarge parcels for development and/or 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 industrial and commercial developments;
 - e. assemble for the construction of certain public improvements, including but not limited to streets, streetscapes, water and sewer improvements, environmental remediation/site preparation, parking, community and recreation facilities, parks and open space, multi-use paths and trails, and other public facilities.
3. The Agency reserves the right to acquire any additional right-of-way or access routes near or around existing or planned rights-of-way.
4. 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).
5. 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
Within Revenue Allocation Area and Project Area

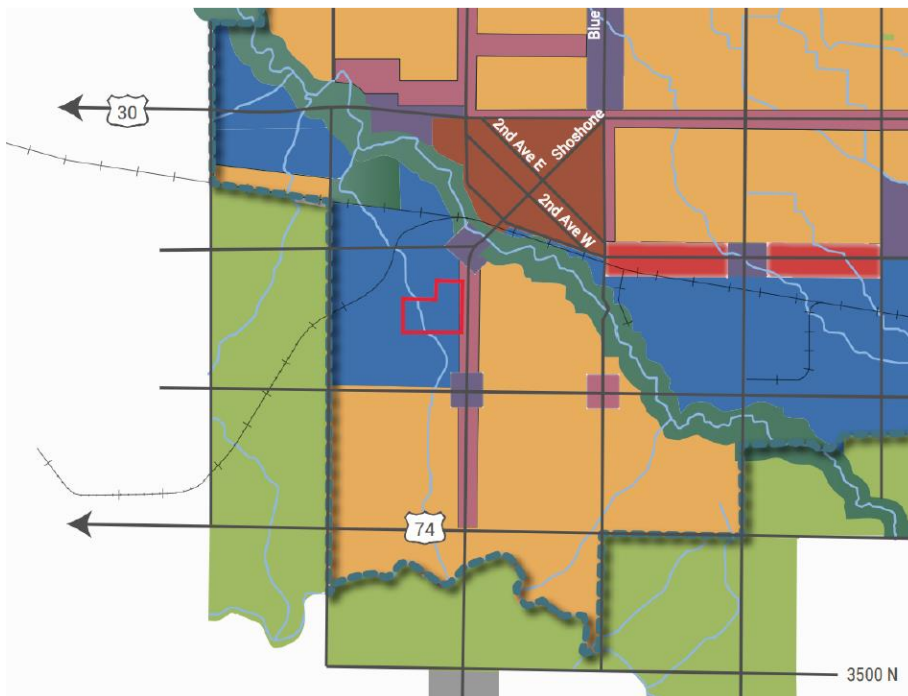
Attachment 4

Map Depicting Expected Land Uses and Current Zoning Within Revenue Allocation Area and Project Area



Current Zoning:

- M1- Light Manufacturing
- M2- Heavy Manufacturing
- R4- Medium Density Residential



Comprehensive Plan:

Industrial

Attachments 5.1-5.5

Economic Feasibility Study

ATTACHMENT 5.1

Public Improvements within the Revenue Allocation Area

This Attachment includes a projected list of proposed public works or improvements within the Project Area. The Project Area includes streets, and other public right-of-way.

The Twin Falls Urban Renewal Agency Washington Street South Urban Renewal District Public Improvement List (the “Public Improvement List”) identifies needed investments in capital facilities by the Urban Renewal Agency of the City of Twin Falls (the “Agency”). Capital facilities generally have long useful lives and significant costs. Some of the improvement projects contained in the Public Improvement List are also contained in the City of Twin Falls Capital Improvement Plans (CIP). Some improvement projects included in the Public Improvement List have evolved upon consideration of these and various other City plans and policies, including the Comprehensive Plan, and may have potential grant funding allocated. The Public Improvement List is not an appropriation or approval of any specific project. This Attachment covers the 20-year revenue generating period of the Plan from 2021 to 2040, recognizing the Agency receives revenue in the year, following termination of the Plan, in 2041.

The Project Area is estimated to generate \$49,037,176 in tax increment¹ revenue between 2021 and 2041 in addition to an initial inter-district operating loan from the Agency of \$50,000 to activate the program. There are presently \$30,351,000 of project costs identified in the Public Improvement List for the Agency as well as a sum of \$5,649,000 for interest costs over the life of the District. Administrative costs are calculated at 10% of annual revenue with a cap of \$100,000. This totals \$2,040,000 over the life of the District (4.16%). Total estimated expenditures, therefore, equal \$49,023,838 leaving a small positive program balance of \$63,338 at the end of the term. Attachment 5.4 to the Plan sets forth the cash flow analysis for detailed estimates.

Secure funding includes revenue allocation funds and is money the Agency is highly likely to receive. The funds may not be in the Agency’s possession at the beginning of the Plan period, but it is virtually certain that the Agency will receive the funds. The Agency may need to take specific actions to generate the funding, but those actions are within the Agency’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 Agency. In every case the Agency 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 Agency can obtain the resources, and the ultimate decision is outside of the Agency’s independent control. Grant funds are an example of potential funding.

¹ The use of the terms “tax increment” and “revenue allocation” are used interchangeably.

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 will be funded from a variety of financing methods and sources. The primary method of financing will be through the use of 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 a combination of sources.

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

- Local Improvement District (LID)
- Business Improvement District (BID)
- Development Impact Fees
- Franchise Fees
- Grants from federal, state, regional agencies and/or private entities
- Other bonds, notes and/or loans
- Improvements and/or payments by developers

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 Agency's present knowledge and expectations. The Agency may refine the project and/or the Plan if the Board deems such refinements necessary to effectuate the Plan as long as a formal modification to the Plan is not required. 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 for each project. Specific project funding will be reviewed by the Agency Board during the annual budget cycle.

Twin Falls Urban Renewal Agency Projects: Washington Street South Urban Renewal District Public Improvement List		
Street Improvements		\$8,943,000
Includes Drainage, Streetscape and Pedestrian Improvements; Includes Arterial and Collector Streets, including but not limited to Park Avenue, Washington Street, Diamond Avenue and Highland Avenue; includes new traffic signal		
Water System Improvements		\$6,097,000
Includes, but is not limited to: distribution/water improvements and upgrades; booster station upgrades; water capacity improvements; water storage upgrades		
Wastewater System Improvements		\$13,690,000
Includes, but is not limited to: pretreatment facility; sewer system improvements and upgrades		
Utilities (Power and Natural Gas)		\$1,300,000
Permit and Fees		\$321,000
Total Project Costs		\$30,351,000

Cost of Improvements by Year (2020-2040)

Year	Secure Funding (Tax Increment Revenue)	Potential Funding	Unfunded	Total Project Liabilities
2021	\$78,000.00 (1)	\$0.00	\$0.00	\$40,000.00
2022	\$1,883,172.00	\$0.00	\$0.00	\$1,671,172.00
2023	\$1,956,839.00	\$0.00	\$0.00	\$1,956,839.00
2024	\$2,030,568.00	\$0.00	\$0.00	\$2,030,568.00
2025	\$2,105,763.00	\$0.00	\$0.00	\$2,105,763.00
2026	\$2,154,452.00	\$0.00	\$0.00	\$2,154,452.00
2027	\$2,204,105.00	\$0.00	\$0.00	\$2,204,105.00
2028	\$2,254,742.00	\$0.00	\$0.00	\$2,254,743.00
2029	\$2,306,380.00	\$0.00	\$0.00	\$2,306,380.00
2030	\$2,359,042.00	\$0.00	\$0.00	\$2,359,041.00
2031	\$2,412,747.00	\$0.00	\$0.00	\$2,412,748.00
2032	\$2,468,914.00	\$0.00	\$0.00	\$2,468,913.00
2033	\$2,524,796.00	\$0.00	\$0.00	\$2,524,796.00
2034	\$2,581,783.00	\$0.00	\$0.00	\$2,581,783.00
2035	\$2,639,900.00	\$0.00	\$0.00	\$2,639,900.00
2036	\$2,699,169.00	\$0.00	\$0.00	\$2,699,169.00
2037	\$2,759,612.00	\$0.00	\$0.00	\$2,759,612.00
2038	\$2,821,252.00	\$0.00	\$0.00	\$2,821,252.00
2039	\$2,884,114.00	\$0.00	\$0.00	\$2,884,115.00
2040	\$2,948,223.00	\$0.00	\$0.00	\$2,948,488.00
2041	\$3,013,603.00	\$0.00	\$0.00	\$3,200,000.00
2042	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$49,087,176.00	\$0.00	\$0.00	\$49,023,838.00

- *Note: A positive balance of \$63,338 is projected at the end of the district. That amount added to the Total Project Liabilities equals the estimated total funds available of \$49,087,176 as set forth in Attachment 5.4*

- *1: Revenue Allocation Income of \$28,000 plus \$50,000 start up loan from TFURA*

South Washington URD Improvements - Twin Falls

5/2/2019

<u>Costs</u>	<u>Costs</u>	<u>City</u>	<u>URA-TIF</u>	<u>State</u>	<u>CBDG</u>
<u>Water</u>					
Distribution/Water Improvements	\$ 3,890,000				
Booster Station Upgrades	\$ 407,000				
Water Capacity Improvements	\$ 1,000,000				
Glanbia Water Storage Upgrades	\$ 800,000				
Total	\$ 6,097,000	\$ -	\$ -	\$ 400,000	
<u>Street Improvements</u>					
Park Ave & W side of Washington	\$ 2,151,000				
East side of Washington	\$ 2,846,000				
Diamond Ave Street Section	\$ 1,477,000				
Park & Washington Signal	\$ 550,000				
Highland Ave section	\$ 1,369,000				
Diamond & Washington Signal	\$ 550,000				
Total	\$ 8,943,000				\$ 500,000
<u>Wastewater</u>					
Pretreatment - MBBR	\$ 7,750,000				
Sewer Improvements	\$ 3,940,000				
Glanbia Sewer Upgrades	\$ 2,000,000				
Total	\$ 13,690,000				
<u>Permit & Impact Fees (Est)</u>					
Fire	\$ 66,000				
Police	\$ 30,000				
Streets	\$ 110,000				
Sewer & Water (incl tap fees)	\$ 115,000				
Mech-Elec-Plum	\$ 10,660				
Plan Review	\$ 135,496				
Permit Fee	\$ 208,455				
Total	\$ 675,611	\$ 354,611	\$ -	\$ -	\$ -
<u>Utilities</u>					
Power	\$ 1,000,000				
Natural Gas	\$ 300,000				
Total	\$ 1,300,000	\$ -	\$ -	\$ -	\$ -
Total Estimated Costs	<u>\$ 30,705,611</u>				

Disclaimer

The commitments made herein are based upon representations made by Gem State Dairy Products to the City of Twin Falls. Any changes to the project may change the commitments that can be made to Gem State Dairy Products.

ATTACHMENT 5.2

Economic Feasibility Study

The Urban Renewal Plan for the Washington Street South Urban Renewal Project (the “Plan”) is economically feasible because the proposed industrial 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 Project Area equals or exceeds the estimated costs of the projects to be funded by the Agency.

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

- The amount of development proposed in the Project Area
- The amount of tax revenue to be generated by the proposed development
- The cost of Agency public improvement projects to be funded by the Agency’s tax increment revenue.

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

Twin Falls URA Washington Street South Economic Feasibility Analysis

Summary:

Over the course of the Revenue Allocation District, \$49,037,176 of Tax Increment Revenue will be generated. Ten percent (10%) will be used annually for administration of the Urban Renewal District (capped at \$100,000 annually), for a total of \$2,040,000 (4.16% of total revenue) for administration and operating costs over the 20-year lifespan of the District.

Attachment 5.4 gives a more detailed outlook on the revenues and expenses of the District.

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

- Land Value Increase @ 1% / Yr
- Improvement Value Increase @ 2% / Yr.
- Early industrial investment within the Project Area along with anticipated additional investment drive the projections. A significant new industrial development is expected to come on the tax rolls in 2021 followed by other investments to industrial facilities in 2021, 2022, 2023, 2024 and 2025. Smaller commercial investments are spread throughout the analysis period.
- Tax Rate remains constant
- Total Cost of Improvements over the life of the project: \$30,351,000

- Tax rate does not include debt service for bonds issued after 2007, judgment levies or the School District Plant or supplemental levies excluded by Idaho Code Section 50-2908.

The Financial 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 will pursue outside funding sources to augment tax increment revenues, minimize debt, and advance project schedules as well as potentially reducing the number of years the project will be necessary. The Agency is committed to closing the District as soon as the Project is deemed complete and all infrastructure improvements are made and financial obligations satisfied. This would result in a benefit to the taxing districts and taxpayers supporting those districts.

Twin Falls Washington Street South Urban Renewal District Revenue Allocation Estimates

Attachment 5.3

Gem State Properties													
Year	Land Value (+1% annually)	Initial Improvement Value	Total Assessed Value	Annual New Const. Value on tax roll	Cum. New Const Value + Inflation @ 2%	Cumulative Homeowners' Exemption	Taxable Value	Increment Value (I - Base)	Levy Rate (-0%)	Tax Increment Yield	Admin Costs (10%)	Funding for Capital Projects / Debt Service	
2021	\$ 6,213,911	\$ 279,397	\$ 6,493,308	\$ -	\$ -	\$ -	\$ 6,493,308	\$ -	0.014	\$ -			
2022	\$ 6,276,050	\$ 284,985	\$ 6,561,035	\$ 130,000,000	\$ 130,000,000	\$ -	\$ 136,561,035	\$ 130,067,727	0.014	\$ 1,820,948	\$ 100,000	\$ 1,720,948	
2023	\$ 6,338,811	\$ 290,685	\$ 6,629,495	\$ -	\$ 132,600,000	\$ -	\$ 139,229,495	\$ 132,736,187	0.014	\$ 1,858,307	\$ 100,000	\$ 1,758,307	
2024	\$ 6,402,199	\$ 296,498	\$ 6,698,697	\$ -	\$ 135,252,000	\$ -	\$ 141,950,697	\$ 135,457,389	0.014	\$ 1,896,403	\$ 100,000	\$ 1,796,403	
2025	\$ 6,466,221	\$ 302,428	\$ 6,768,649	\$ -	\$ 137,957,040	\$ -	\$ 144,725,689	\$ 138,232,381	0.014	\$ 1,935,253	\$ 100,000	\$ 1,835,253	
2026	\$ 6,530,883	\$ 308,477	\$ 6,839,360	\$ -	\$ 140,716,181	\$ -	\$ 147,555,541	\$ 141,062,233	0.014	\$ 1,974,871	\$ 100,000	\$ 1,874,871	
2027	\$ 6,596,192	\$ 314,646	\$ 6,910,838	\$ -	\$ 143,530,504	\$ -	\$ 150,441,343	\$ 143,948,035	0.014	\$ 2,015,272	\$ 100,000	\$ 1,915,272	
2028	\$ 6,662,154	\$ 320,939	\$ 6,983,093	\$ -	\$ 146,401,115	\$ -	\$ 153,384,207	\$ 146,890,899	0.014	\$ 2,056,473	\$ 100,000	\$ 1,956,473	
2029	\$ 6,728,775	\$ 327,358	\$ 7,056,133	\$ -	\$ 149,329,137	\$ -	\$ 156,385,270	\$ 149,891,962	0.014	\$ 2,098,487	\$ 100,000	\$ 1,998,487	
2030	\$ 6,796,063	\$ 333,905	\$ 7,129,968	\$ -	\$ 152,315,720	\$ -	\$ 159,445,688	\$ 152,952,380	0.014	\$ 2,141,333	\$ 100,000	\$ 2,041,333	
2031	\$ 6,864,024	\$ 340,583	\$ 7,204,607	\$ -	\$ 155,362,034	\$ -	\$ 162,566,641	\$ 156,073,333	0.014	\$ 2,185,027	\$ 100,000	\$ 2,085,027	
2032	\$ 6,932,664	\$ 347,395	\$ 7,280,059	\$ -	\$ 158,469,275	\$ -	\$ 165,749,333	\$ 159,256,025	0.014	\$ 2,229,584	\$ 100,000	\$ 2,129,584	
2033	\$ 7,001,990	\$ 354,343	\$ 7,356,333	\$ -	\$ 161,638,660	\$ -	\$ 168,994,993	\$ 162,501,685	0.014	\$ 2,275,024	\$ 100,000	\$ 2,175,024	
2034	\$ 7,072,010	\$ 361,430	\$ 7,433,440	\$ -	\$ 164,871,433	\$ -	\$ 172,304,873	\$ 165,811,565	0.014	\$ 2,321,362	\$ 100,000	\$ 2,221,362	
2035	\$ 7,142,730	\$ 368,658	\$ 7,511,389	\$ -	\$ 168,168,862	\$ -	\$ 175,680,251	\$ 169,186,943	0.014	\$ 2,368,617	\$ 100,000	\$ 2,268,617	
2036	\$ 7,214,158	\$ 376,032	\$ 7,590,189	\$ -	\$ 171,532,239	\$ -	\$ 179,122,429	\$ 172,629,121	0.014	\$ 2,416,808	\$ 100,000	\$ 2,316,808	
2037	\$ 7,286,299	\$ 383,552	\$ 7,669,852	\$ -	\$ 174,962,884	\$ -	\$ 182,632,736	\$ 176,139,428	0.014	\$ 2,465,952	\$ 100,000	\$ 2,365,952	
2038	\$ 7,359,162	\$ 391,223	\$ 7,750,386	\$ -	\$ 178,462,142	\$ -	\$ 186,212,527	\$ 179,719,219	0.014	\$ 2,516,069	\$ 100,000	\$ 2,416,069	
2039	\$ 7,432,754	\$ 399,048	\$ 7,831,802	\$ -	\$ 182,031,384	\$ -	\$ 189,863,186	\$ 183,369,878	0.014	\$ 2,567,178	\$ 100,000	\$ 2,467,178	
2040	\$ 7,507,081	\$ 407,029	\$ 7,914,110	\$ -	\$ 185,672,012	\$ -	\$ 193,586,122	\$ 187,092,814	0.014	\$ 2,619,299	\$ 100,000	\$ 2,519,299	
2041	\$ 7,582,152	\$ 415,169	\$ 7,997,322	\$ -	\$ 189,385,452	\$ -	\$ 197,382,774	\$ 190,889,466	0.014	\$ 2,672,453	\$ 100,000	\$ 2,572,453	
				\$ 130,000,000									
										\$ 44,434,721	\$ 2,000,000	\$ 42,434,721	

Twin Falls Washington Street South Urban Renewal District Revenue Allocation Estimates

Attachment 5.3

Non-Gem StateWashington Street Properties													
Year	Land Value (+1% annually)	Initial Improvement Value	Total Assessed Value	Annual New Const. Value on tax roll	Cum. New Const Value + Inflation @ 2%	Cumulative Homeowners' Exemption	Taxable Value	Increment Value (I - Base)	Levy Rate (-0%)	Tax Increment Yield	Admin Costs (10%)	Funding for Capital Projects / Debt Service	
2021	\$ 230,608	\$ 3,248,114	\$ 3,478,722	\$ -	\$ -	\$ -	\$ 3,478,722	\$ -	0.014	\$ -			
2022	\$ 232,914	\$ 3,313,076	\$ 3,545,990	\$ -	\$ -	\$ -	\$ 3,545,990	\$ 67,268	0.014	\$ 942	\$ 94	\$ 848	
2023	\$ 235,243	\$ 3,379,338	\$ 3,614,581	\$ 100,000	\$ 100,000	\$ -	\$ 3,714,581	\$ 235,859	0.014	\$ 3,302	\$ 330	\$ 2,972	
2024	\$ 237,596	\$ 3,446,925	\$ 3,684,520	\$ -	\$ 102,000	\$ -	\$ 3,786,520	\$ 307,798	0.014	\$ 4,309	\$ 431	\$ 3,878	
2025	\$ 239,972	\$ 3,515,863	\$ 3,755,835	\$ -	\$ 104,040	\$ -	\$ 3,859,875	\$ 381,153	0.014	\$ 5,336	\$ 534	\$ 4,803	
2026	\$ 242,371	\$ 3,586,180	\$ 3,828,552	\$ -	\$ 106,121	\$ -	\$ 3,934,672	\$ 455,950	0.014	\$ 6,383	\$ 638	\$ 5,745	
2027	\$ 244,795	\$ 3,657,904	\$ 3,902,699	\$ -	\$ 108,243	\$ -	\$ 4,010,942	\$ 532,220	0.014	\$ 7,451	\$ 745	\$ 6,706	
2028	\$ 247,243	\$ 3,731,062	\$ 3,978,305	\$ -	\$ 110,408	\$ -	\$ 4,088,713	\$ 609,991	0.014	\$ 8,540	\$ 854	\$ 7,686	
2029	\$ 249,715	\$ 3,805,683	\$ 4,055,399	\$ -	\$ 112,616	\$ -	\$ 4,168,015	\$ 689,293	0.014	\$ 9,650	\$ 965	\$ 8,685	
2030	\$ 252,213	\$ 3,881,797	\$ 4,134,009	\$ -	\$ 114,869	\$ -	\$ 4,248,878	\$ 770,156	0.014	\$ 10,782	\$ 1,078	\$ 9,704	
2031	\$ 254,735	\$ 3,959,433	\$ 4,214,168	\$ -	\$ 117,166	\$ -	\$ 4,331,333	\$ 852,611	0.014	\$ 11,937	\$ 1,194	\$ 10,743	
2032	\$ 257,282	\$ 4,038,621	\$ 4,295,904	\$ 100,000	\$ 219,509	\$ -	\$ 4,515,413	\$ 1,036,691	0.014	\$ 14,514	\$ 1,451	\$ 13,062	
2033	\$ 259,855	\$ 4,119,394	\$ 4,379,249	\$ -	\$ 223,899	\$ -	\$ 4,603,148	\$ 1,124,426	0.014	\$ 15,742	\$ 1,574	\$ 14,168	
2034	\$ 262,453	\$ 4,201,782	\$ 4,464,235	\$ -	\$ 228,377	\$ -	\$ 4,692,613	\$ 1,213,891	0.014	\$ 16,994	\$ 1,699	\$ 15,295	
2035	\$ 265,078	\$ 4,285,817	\$ 4,550,895	\$ -	\$ 232,945	\$ -	\$ 4,783,840	\$ 1,305,118	0.014	\$ 18,272	\$ 1,827	\$ 16,444	
2036	\$ 267,729	\$ 4,371,534	\$ 4,639,263	\$ -	\$ 237,604	\$ -	\$ 4,876,866	\$ 1,398,144	0.014	\$ 19,574	\$ 1,957	\$ 17,617	
2037	\$ 270,406	\$ 4,458,964	\$ 4,729,370	\$ -	\$ 242,356	\$ -	\$ 4,971,726	\$ 1,493,004	0.014	\$ 20,902	\$ 2,090	\$ 18,812	
2038	\$ 273,110	\$ 4,548,144	\$ 4,821,254	\$ -	\$ 247,203	\$ -	\$ 5,068,457	\$ 1,589,735	0.014	\$ 22,256	\$ 2,226	\$ 20,031	
2039	\$ 275,841	\$ 4,639,107	\$ 4,914,948	\$ -	\$ 252,147	\$ -	\$ 5,167,095	\$ 1,688,373	0.014	\$ 23,637	\$ 2,364	\$ 21,273	
2040	\$ 278,600	\$ 4,731,889	\$ 5,010,488	\$ -	\$ 257,190	\$ -	\$ 5,267,678	\$ 1,788,956	0.014	\$ 25,045	\$ 2,505	\$ 22,541	
2041	\$ 281,386	\$ 4,826,527	\$ 5,107,912	\$ -	\$ 262,334	\$ -	\$ 5,370,246	\$ 1,891,524	0.014	\$ 26,481	\$ 2,648	\$ 23,833	
				\$ 200,000						\$ 272,050	\$ 27,205	\$ 244,845	

Twin Falls Washington Street South Urban Renewal District Revenue Allocation Estimates

Attachment 5.3

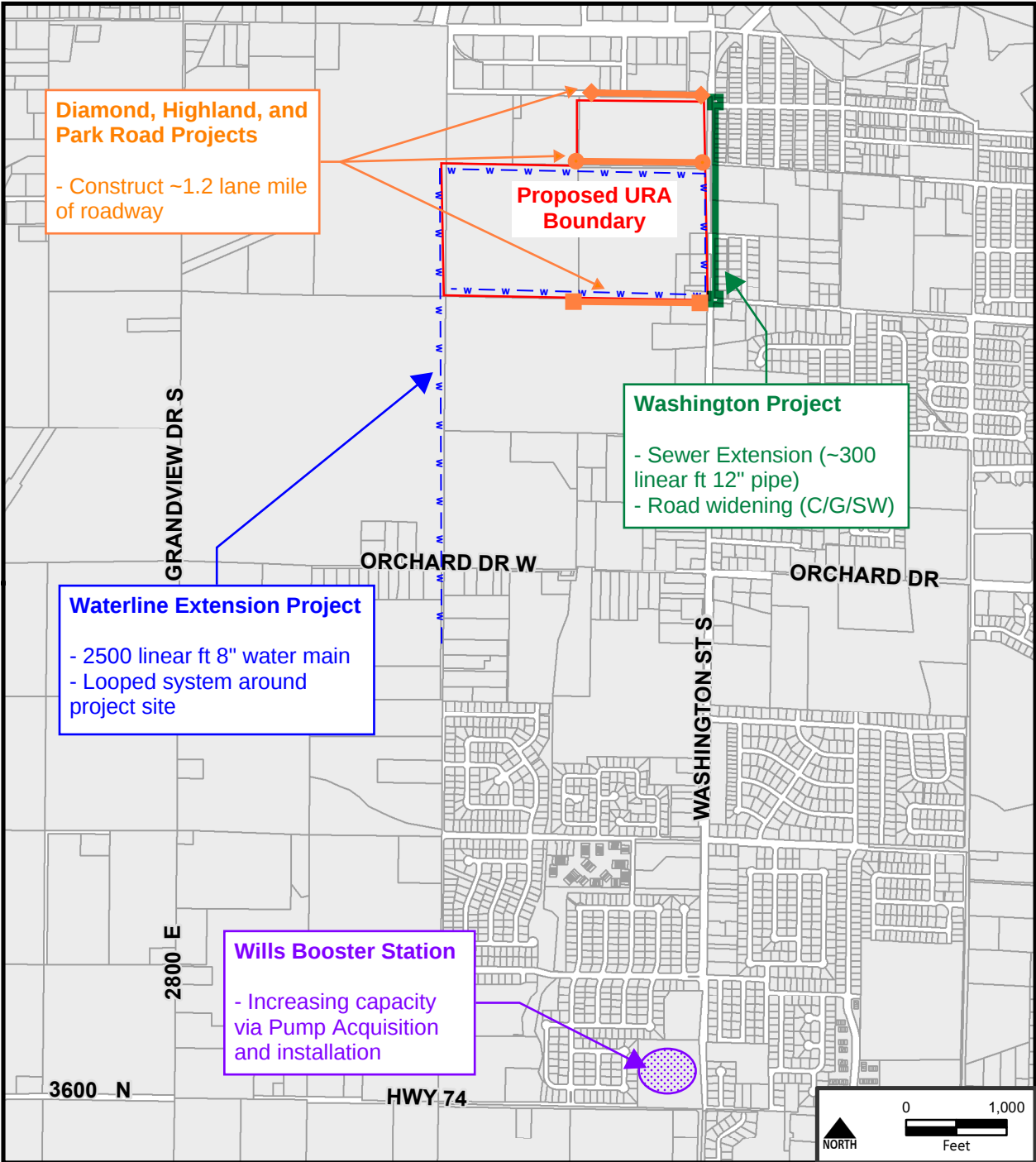
Glanbia Properties												
Year	Land Value (+1% annually)	Initial Improvement Value	Total Assessed Value	Annual New Const. Value on tax roll	Cum. New Const Value + Inflation @ 2%	Cumulative Homeowners' Exemption	Taxable Value	Increment Value (I - Base)	Levy Rate (-0%)	Tax Increment Yield	Admin Costs (10%)	Funding for Capital Projects / Debt Service
2021	\$ 333,720	\$ 16,698,947	\$ 17,032,667	\$ 2,000,000	\$ 2,000,000	\$ -	\$ 19,032,667	\$ 2,000,000	0.014	\$ 28,000		\$ 28,000
2022	\$ 337,057	\$ 17,032,926	\$ 17,369,983	\$ 2,000,000	\$ 4,040,000	\$ -	\$ 21,409,983	\$ 4,377,316	0.014	\$ 61,282	\$ 6,128	\$ 55,154
2023	\$ 340,428	\$ 17,373,584	\$ 17,714,012	\$ 2,000,000	\$ 6,120,800	\$ -	\$ 23,834,812	\$ 6,802,145	0.014	\$ 95,230	\$ 9,523	\$ 85,707
2024	\$ 343,832	\$ 17,721,056	\$ 18,064,888	\$ 2,000,000	\$ 8,243,216	\$ -	\$ 26,308,104	\$ 9,275,437	0.014	\$ 129,856	\$ 12,986	\$ 116,871
2025	\$ 347,270	\$ 18,075,477	\$ 18,422,748	\$ 2,000,000	\$ 10,408,080	\$ -	\$ 28,830,828	\$ 11,798,161	0.014	\$ 165,174	\$ 16,517	\$ 148,657
2026	\$ 350,743	\$ 18,436,987	\$ 18,787,730	\$ -	\$ 10,616,242	\$ -	\$ 29,403,972	\$ 12,371,305	0.014	\$ 173,198	\$ 17,320	\$ 155,878
2027	\$ 354,251	\$ 18,805,727	\$ 19,159,977	\$ -	\$ 10,828,567	\$ -	\$ 29,988,544	\$ 12,955,877	0.014	\$ 181,382	\$ 18,138	\$ 163,244
2028	\$ 357,793	\$ 19,181,841	\$ 19,539,634	\$ -	\$ 11,045,138	\$ -	\$ 30,584,772	\$ 13,552,105	0.014	\$ 189,729	\$ 18,973	\$ 170,757
2029	\$ 361,371	\$ 19,565,478	\$ 19,926,849	\$ -	\$ 11,266,041	\$ -	\$ 31,192,890	\$ 14,160,223	0.014	\$ 198,243	\$ 19,824	\$ 178,419
2030	\$ 364,985	\$ 19,956,787	\$ 20,321,772	\$ -	\$ 11,491,362	\$ -	\$ 31,813,134	\$ 14,780,467	0.014	\$ 206,927	\$ 20,693	\$ 186,234
2031	\$ 368,634	\$ 20,355,923	\$ 20,724,558	\$ -	\$ 11,721,189	\$ -	\$ 32,445,747	\$ 15,413,080	0.014	\$ 215,783	\$ 21,578	\$ 194,205
2032	\$ 372,321	\$ 20,763,042	\$ 21,135,363	\$ -	\$ 11,955,613	\$ -	\$ 33,090,975	\$ 16,058,308	0.014	\$ 224,816	\$ 22,482	\$ 202,335
2033	\$ 376,044	\$ 21,178,303	\$ 21,554,347	\$ -	\$ 12,194,725	\$ -	\$ 33,749,072	\$ 16,716,405	0.014	\$ 234,030	\$ 23,403	\$ 210,627
2034	\$ 379,804	\$ 21,601,869	\$ 21,981,673	\$ -	\$ 12,438,619		\$ 34,420,292	\$ 17,387,625	0.014	\$ 243,427	\$ 10,000	\$ 233,427
2035	\$ 383,603	\$ 22,033,906	\$ 22,417,508	\$ -	\$ 12,687,392	\$ -	\$ 35,104,900	\$ 18,072,233	0.014	\$ 253,011	\$ 10,000	\$ 243,011
2036	\$ 387,439	\$ 22,474,584	\$ 22,862,023	\$ -	\$ 12,941,140	\$ -	\$ 35,803,162	\$ 18,770,495	0.014	\$ 262,787	\$ 10,000	\$ 252,787
2037	\$ 391,313	\$ 22,924,076	\$ 23,315,389	\$ -	\$ 13,199,962	\$ -	\$ 36,515,351	\$ 19,482,684	0.014	\$ 272,758	\$ 10,000	\$ 262,758
2038	\$ 395,226	\$ 23,382,557	\$ 23,777,783	\$ -	\$ 13,463,962	\$ -	\$ 37,241,745	\$ 20,209,078	0.014	\$ 282,927	\$ 10,000	\$ 272,927
2039	\$ 399,178	\$ 23,850,208	\$ 24,249,387	\$ -	\$ 13,733,241	\$ -	\$ 37,982,628	\$ 20,949,961	0.014	\$ 293,299	\$ 10,000	\$ 283,299
2040	\$ 403,170	\$ 24,327,213	\$ 24,730,383	\$ -	\$ 14,007,906	\$ -	\$ 38,738,288	\$ 21,705,621	0.014	\$ 303,879	\$ 10,000	\$ 293,879
2041	\$ 407,202	\$ 24,813,757	\$ 25,220,959	\$ -	\$ 14,288,064	\$ -	\$ 39,509,023	\$ 22,476,356	0.014	\$ 314,669	\$ 10,000	\$ 304,669
				\$ 10,000,000								
										\$ 4,330,408	\$ 287,565	\$ 4,042,843

**Twin Falls Washington Street Urban Renewal District
Cash Flow Analysis
Attachment 5.4**

	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
Beginning Balance	\$ -	\$ 38,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000
Source of Funds											
Revenue Allocation - Gem State	\$ -	\$ 1,820,948	\$ 1,858,307	\$ 1,896,403	\$ 1,935,253	\$ 1,974,871	\$ 2,015,272	\$ 2,056,473	\$ 2,098,487	\$ 2,141,333	\$ 2,185,027
Revenue Allocation - Wash. Street		\$ 942	\$ 3,302	\$ 4,309	\$ 5,336	\$ 6,383	\$ 7,451	\$ 8,540	\$ 9,650	\$ 10,782	\$ 11,937
Revenue Allocation - Glanbia	\$ 28,000	\$ 61,282	\$ 95,230	\$ 129,856	\$ 165,174	\$ 173,198	\$ 181,382	\$ 189,729	\$ 198,243	\$ 206,927	\$ 215,783
Total Revenue Allocation	\$ 28,000	\$ 1,883,172	\$ 1,956,839	\$ 2,030,568	\$ 2,105,763	\$ 2,154,452	\$ 2,204,105	\$ 2,254,742	\$ 2,306,380	\$ 2,359,042	\$ 2,412,747
TFURA Inter-District Loan *	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Funds Available	\$ 78,000	\$ 1,921,172	\$ 2,206,839	\$ 2,280,568	\$ 2,355,763	\$ 2,404,452	\$ 2,454,105	\$ 2,504,742	\$ 2,556,380	\$ 2,609,042	\$ 2,662,747
Use of Funds											
District Operating Expenses	\$ 40,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
et Available After Oerating Expenses	\$ 38,000	\$ 1,821,172	\$ 2,106,839	\$ 2,180,568	\$ 2,255,763	\$ 2,304,452	\$ 2,354,105	\$ 2,404,742	\$ 2,456,380	\$ 2,509,042	\$ 2,562,747
Available for Debt Service (75%)		\$ 1,365,879	\$ 1,580,129	\$ 1,635,426	\$ 1,691,822	\$ 1,728,339	\$ 1,765,579	\$ 1,803,557	\$ 1,842,285	\$ 1,881,781	\$ 1,922,061
n State OPA Debt Service Obligation	\$ -	\$ 1,365,879	\$ 1,580,129	\$ 1,635,426	\$ 1,691,822	\$ 1,728,339	\$ 1,765,579	\$ 1,803,557	\$ 1,842,285	\$ 1,881,781	\$ 1,922,061
Additional Principal											
Total Debt Service		\$ 1,365,879	\$ 1,580,129	\$ 1,635,426	\$ 1,691,822	\$ 1,728,339	\$ 1,765,579	\$ 1,803,557	\$ 1,842,285	\$ 1,881,781	\$ 1,922,061
Repay Inter-District Loan @ 5%	\$ -	\$ -	\$ 55,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Additional Street, and utility Projects		\$ 205,293	\$ 221,710	\$ 295,142	\$ 313,941	\$ 326,113	\$ 338,526	\$ 351,186	\$ 364,095	\$ 377,260	\$ 390,687
Total Use of Funds	\$ 40,000	\$ 1,671,172	\$ 1,956,839	\$ 2,030,568	\$ 2,105,763	\$ 2,154,452	\$ 2,204,105	\$ 2,254,743	\$ 2,306,380	\$ 2,359,041	\$ 2,412,748
Ending Balance	\$ 38,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000
	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	Total
Beginning Balance	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 249,735	
Source of Funds											
Revenue Allocation - Gem State	\$ 2,229,584	\$ 2,275,024	\$ 2,321,362	\$ 2,368,617	\$ 2,416,808	\$ 2,465,952	\$ 2,516,069	\$ 2,567,178	\$ 2,619,299	\$ 2,672,453	\$ 44,434,720
Revenue Allocation - Wash. Street	\$ 14,514	\$ 15,742	\$ 16,994	\$ 18,272	\$ 19,574	\$ 20,902	\$ 22,256	\$ 23,637	\$ 25,045	\$ 26,481	\$ 272,049
Revenue Allocation - Glanbia	\$ 224,816	\$ 234,030	\$ 243,427	\$ 253,011	\$ 262,787	\$ 272,758	\$ 282,927	\$ 293,299	\$ 303,879	\$ 314,669	\$ 4,330,407
Total Revenue Allocation	\$ 2,468,914	\$ 2,524,796	\$ 2,581,783	\$ 2,639,900	\$ 2,699,169	\$ 2,759,612	\$ 2,821,252	\$ 2,884,114	\$ 2,948,223	\$ 3,013,603	\$ 49,037,176
TFURA Inter-District Loan	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000
Total Funds Available	\$ 2,718,914	\$ 2,774,796	\$ 2,831,783	\$ 2,889,900	\$ 2,949,169	\$ 3,009,612	\$ 3,071,252	\$ 3,134,114	\$ 3,198,223	\$ 3,263,338	\$ 49,087,176

**Twin Falls Washington Street Urban Renewal District
Cash Flow Analysis
Attachment 5.4**

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	\$ 2,040,000
Available After Operating Expenses	\$ 2,618,914	\$ 2,674,796	\$ 2,731,783	\$ 2,789,900	\$ 2,849,169	\$ 2,909,612	\$ 2,971,252	\$ 3,034,114	\$ 3,098,223	\$ 3,163,338	\$ 51,834,910
Available for Debt Service (75%)	\$ 1,964,185	\$ 2,006,097	\$ 2,048,837	\$ 2,092,425	\$ 2,136,877	\$ 2,182,209	\$ 2,228,439	\$ 2,275,586	\$ 2,323,667	\$ 2,372,503	\$ 38,876,183
Gem State OPA Debt Service Obligation	\$ 1,964,185	\$ 2,006,097	\$ 2,048,837	\$ 2,092,425	\$ 2,136,877	\$ 2,182,209	\$ 2,228,439	\$ 2,275,586	\$ 1,848,488	\$ -	\$ 36,000,000
Additional Principal							\$ -	\$ -	\$ -	\$ -	\$ -
Total Debt Service	\$ 1,964,185	\$ 2,006,097	\$ 2,048,837	\$ 2,092,425	\$ 2,136,877	\$ 2,182,209	\$ 2,228,439	\$ 2,275,586	\$ 1,848,488	\$ -	\$ 36,000,000
Repay Inter-district Loan @ 5%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 55,000
Additional Street, and utility Projects	\$ 404,728	\$ 418,699	\$ 432,946	\$ 447,475	\$ 462,292	\$ 477,403	\$ 492,813	\$ 508,529	\$ 1,000,000	\$ 3,100,000	\$ 10,928,838
Total Use of Funds	\$ 2,468,913	\$ 2,524,796	\$ 2,581,783	\$ 2,639,900	\$ 2,699,169	\$ 2,759,612	\$ 2,821,252	\$ 2,884,115	\$ 2,948,488	\$ 3,200,000	\$ 49,023,838
Ending Balance	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 249,735	\$ 63,338	
Assumptions											
<i>Land Values will increase at an average of 1% annually over the life of the District</i>											
<i>Improvement Values will increase at an average of 2% annually over the life of the District</i>											
Gem State will fund required improvements with reimbursemet from Revenue Allocation proceeds over the life of the District if sufficient funds are generated by the taxable investment											
Specifics of the Gem State reimbursement will be subject to a separate Owner Participation Agreement (OPA) between Gem State and the Twin Falls Urban Renewal Agency											
Other improvements, not funded through the Gem Stater OPA, will be funded on a cash basis and/or a subsequent OPA with another developer											





Attachment 6

Agricultural Operation Consent(s)

4844-6135-9766, v. 8

CONSENT FORM

COMES NOW Hiram Finney, Manager of Gem State Dairy Products, LLC, an Idaho Limited Liability Company, and states that Gem State Dairy Products, LLC owns that certain property generally described as Parcel Identification Number: RPT00107201200A, RPT00107201830A, 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 March 2019, entitled Twin Falls Washington Street South Urban Renewal District Eligibility Report, prepared by Phil Kushlan, Kushlan Associates, and as attached hereto as Exhibit C.

Further, Hiram Finney, as Manager of said 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 18 day of Sept., 2019.

Gem State Dairy Products, LLC

Name: Hiram Finney *HAF*

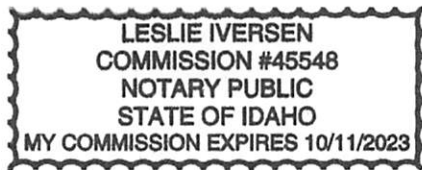
Title: MANAGER

STATE OF IDAHO)

County of Twin Falls) ss:

On this 18th day of September, 2019, before me, a notary public in and for said state, personally appeared Hiram Finney, known or identified to me to be the Manager of Gem State Dairy Products, LLC, an Idaho limited liability company, the person who executed the instrument on behalf of Gem State Dairy Products, LLC, as said Manager of said Gem State Dairy Products, LLC, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Leslie Iversen
Notary Public for Idaho
My Commission Expires 10/11/2023

EXHIBIT A

LEGAL DESCRIPTION

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

Section 20: S½NE¼ SAVE AND EXCEPT the following described:

Beginning at the Southeast Corner of the NE¼ of said Section 20, which shall be the Point of Beginning;

Thence North 00°26'45" East a distance of 675.84 feet to the northeast corner of the S½SE¼NE¼ of Section 20, marked by a 5/8 inch rebar;

Thence along the north line of the S½SE¼NE¼, North 89°02'28" West a distance of 208.73 feet to the northwest corner of a tract of land

conveyed to Albert Hills by Decree Instrument No. 91008220 on file in the Twin Falls County recorders office and marked by a set 5/8 x 30 inch rebar;

Thence along the west line of said Hills tract, South 00°26'24" West a distance of 210.75 feet to the northeast corner of a tract of land

conveyed to Arnold Investment Company Limited by Warranty Deed #1999-010403, being marked by a ½ inch rebar with cap JUB LS#865;

Thence along the north line of said Arnold tract, North 89°33'15" West a distance of 139.99 feet to a point from which a ½ inch rebar with

cap JUB LS#865 bears South 49°32' West, a distance of 0.6 feet;

Thence along the west line of said Arnold tract, South 00°26'45" West a distance of 463.50 feet to the intersection with the south line of the

NE¼ of Section 20, from which a ½ inch rebar with cap JUB LS#865 bears North 05°15' West a distance of 0.25 feet;

Thence along the south line of the NE¼ of Section 20, South 88°59'07" East a distance of 348.71 feet to the Point of Beginning.

And

**TOWNSHIP 10 SOUTH, RANGE 17 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO
Section 20: A tract of land located in the Northeast corner of the S½SE¼NE¼, more particularly described as follows:**

Beginning at the Northeast corner of the S½SE¼NE¼;

Thence South 208.7 feet along the East line of Section 20;

Thence West 208.7 feet;

Thence North 208.7 feet;

Thence East 208.7 feet along the North boundary of the S½SE¼NE¼ to THE POINT OF BEGINNING.

EXCEPT the East 33 feet for Highway.

EXHIBIT B

**EXCERPTS OF STATUTES
IDAHO CODE §§ 50-2018(8) AND (9), 50-2008, 50-2903(8)**



Idaho Statutes

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TITLE 50 MUNICIPAL CORPORATIONS CHAPTER 20 URBAN RENEWAL LAW

50-2018. DEFINITIONS. The following terms wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Agency" or "urban renewal agency" shall mean a public agency created by section 50-2006, Idaho Code.

(2) "Municipality" shall mean any incorporated city or town, or county in the state.

(3) "Public body" shall mean the state or any municipality, township, board, commission, authority, district, or any other subdivision or public body of the state.

(4) "Local governing body" shall mean the council or other legislative body charged with governing the municipality.

(5) "Mayor" shall mean the mayor of a municipality or other officer or body having the duties customarily imposed upon the executive head of a municipality.

(6) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(7) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(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.

(10) "Urban renewal project" may include undertakings and activities of a municipality in an urban renewal area for the elimination of deteriorated or deteriorating areas and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:

- (a) Acquisition of a deteriorated area or a deteriorating area or portion thereof;
- (b) Demolition and removal of buildings and improvements;
- (c) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, off-street parking facilities, public facilities or buildings and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this chapter in accordance with the urban renewal plan;
- (d) Disposition of any property acquired in the urban renewal area, including sale, initial leasing or retention by the agency itself, at its fair value for uses in accordance with the urban renewal plan except for disposition of property to another public body;
- (e) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
- (f) Acquisition of real property in the urban renewal area which, under the urban renewal plan, is to be repaired or

rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property;

(g) Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or to prevent the spread of blight or deterioration, or to provide land for needed public facilities;

(h) Lending or investing federal funds; and

(i) Construction of foundations, platforms and other like structural forms.

(11) "Urban renewal area" means a deteriorated area or a deteriorating area or a combination thereof which the local governing body designates as appropriate for an urban renewal project.

(12) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan:

(a) Shall 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.

(13) "Related activities" shall mean:

(a) Planning work for the preparation or completion of a community-wide plan or program pursuant to section 50-2009, Idaho Code; and

(b) The functions related to the acquisition and disposal of real property pursuant to section 50-2007(d), Idaho Code.

(14) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(15) "Bonds" shall mean any bonds, including refunding bonds, notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(16) "Obligee" shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the municipality property used in connection with urban renewal, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(17) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(18) "Area of operation" shall mean the area within the corporate limits of the municipality and the area within five (5) miles of such limits, except that it shall not include any area which lies within the territorial boundaries of another incorporated city or town or within the unincorporated area of the county unless a resolution shall have been adopted by the governing body of such other city, town or county declaring a need therefor.

(19) "Board" or "commission" shall mean a board, commission, department, division, office, body or other unit of the municipality.

(20) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

History:

[50-2018, added 1965, ch. 246, sec. 18, p. 600; am. 1970, ch. 103, sec. 1, p. 256; am. 1987, ch. 258, sec. 1, p. 525; am. 1987, ch. 259, sec. 4, p. 542; am. 1990, ch. 430, sec. 2, p. 1186; am. 2003, ch. 146, sec. 1, p. 420; am. 2006, ch. 310, sec. 1, p. 953; am. 2011, ch. 229, sec. 6, p. 625; am. 2011, ch. 317, sec. 4, p. 916.]

How current is this law?

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Idaho Statutes

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TITLE 50 MUNICIPAL CORPORATIONS CHAPTER 20

URBAN RENEWAL LAW

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.

History:

[50-2008, added 1965, ch. 246, sec. 8, p. 600; am. 2011, ch. 317, sec. 3, p. 914.]

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TITLE 50 MUNICIPAL CORPORATIONS CHAPTER 29

LOCAL ECONOMIC DEVELOPMENT ACT

50-2903. DEFINITIONS. The following terms used in this chapter shall have the following meanings, unless the context otherwise requires:

(1) "Act" or "this act" means this revenue allocation act.

(2) "Agency" or "urban renewal agency" means a public body created pursuant to section 50-2006, Idaho Code.

(3) "Authorized municipality" or "municipality" means any county or incorporated city which has established an urban renewal agency, or by ordinance has identified and created a competitively disadvantaged border community.

(4) Except as provided in section 50-2903A, Idaho Code, "base assessment roll" means the equalized assessment rolls, for all classes of taxable property, on January 1 of the year in which the local governing body of an authorized municipality passes an ordinance adopting or modifying an urban renewal plan containing a revenue allocation financing provision, except that the base assessment roll shall be adjusted as follows: the equalized assessment valuation of the taxable property in a revenue allocation area as shown upon the base assessment roll shall be reduced by the amount by which the equalized assessed valuation as shown on the base assessment roll exceeds the current equalized assessed valuation of any taxable property located in the revenue allocation area, and by the equalized assessed valuation of taxable property in such revenue allocation area that becomes exempt from taxation subsequent to the date of the base assessment roll. The equalized assessed valuation of the taxable property in a revenue allocation area as shown on the base assessment roll shall be increased by the equalized assessed valuation, as of the date of the base assessment roll, of taxable property in such revenue allocation area that becomes taxable after the date of the base assessment roll, provided any increase in valuation caused by the removal of the agricultural tax exemption from undeveloped agricultural land in a revenue allocation area shall be added to the base assessment roll. An urban renewal plan containing a revenue allocation financing provision adopted or modified prior to July 1, 2016, is not subject to section 50-2903A, Idaho Code. For plans adopted or modified prior to July 1, 2016, and for subsequent modifications of those urban renewal plans, the value of the base assessment roll of property within the revenue allocation area shall be determined as if the modification had not occurred.

(5) "Budget" means an annual estimate of revenues and expenses for the following fiscal year of the agency. An

agency shall, by September 1 of each calendar year, adopt and publish, as described in section 50-1002, Idaho Code, a budget for the next fiscal year. An agency may amend its adopted budget using the same procedures as used for adoption of the budget. For the fiscal year that immediately predates the termination date for an urban renewal plan involving a revenue allocation area or will include 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 the January 1 of the termination year pursuant to the terms of section 50-2909(4), Idaho Code. 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 September 1 the agency shall adopt a resolution advising and notifying the local governing body, the county auditor, and the state tax commission and 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 section 50-2909, Idaho Code, 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 section 63-215, Idaho Code. Upon notification of revenues sufficient to cover expenses as provided herein, the increment value of that revenue allocation area shall be included in the net taxable value of the appropriate taxing districts when calculating the subsequent property tax levies pursuant to section 63-803, Idaho Code. The increment value shall also be included in subsequent notification of taxable value for each taxing district pursuant to section 63-1312, Idaho Code, and subsequent certification of actual and adjusted market values for each school district pursuant to section 63-315, Idaho Code.

(6) "Clerk" means the clerk of the municipality.

(7) "Competitively disadvantaged border community area" means a parcel of land consisting of at least forty (40) acres which is situated within the jurisdiction of a county or an incorporated city and within twenty-five (25) miles of a state or international border, which the governing body of such county or incorporated city has determined by ordinance is disadvantaged in its ability to attract business, private investment, or commercial development, as a result of a competitive advantage in the adjacent state or nation resulting from inequities or disparities in comparative sales taxes, income taxes, property taxes, population or unique geographic features.

(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.

(9) "Facilities" means land, rights in land, buildings, structures, machinery, landscaping, extension of utility services, approaches, roadways and parking, handling and storage areas, and similar auxiliary and related facilities.

(10) "Increment value" means the total value calculated by summing the differences between the current equalized value of each taxable property in the revenue allocation area and that property's current base value on the base assessment roll, provided such difference is a positive value.

(11) "Local governing body" means the city council or board of county commissioners of a municipality.

(12) "Plan" or "urban renewal plan" means a plan, as it exists or may from time to time be amended, prepared and approved pursuant to sections 50-2008 and 50-2905, Idaho Code, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.

(13) "Project" or "urban renewal project" or "competitively disadvantaged border areas" may include undertakings and activities of a municipality in an urban renewal area for the elimination of deteriorated or deteriorating areas and for the prevention of the development or spread of slums and blight and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:

(a) Acquisition of a deteriorated area or a deteriorating area or portion thereof;

(b) Demolition and removal of buildings and improvement;

(c) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, open space, off-street parking facilities, public facilities, public recreation and entertainment facilities or buildings and other improvements necessary for carrying out, in the urban renewal area or competitively disadvantaged border community area, the urban renewal objectives of this act in accordance with the urban renewal plan or the competitively disadvantaged border community area ordinance.

(d) Disposition of any property acquired in the urban renewal area or the competitively disadvantaged border community area (including sale, initial leasing or retention by the agency itself) or the municipality creating the competitively disadvantaged border community area at its fair value for uses in accordance with the urban renewal plan except for disposition of property to another public body;

(e) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;

(f) Acquisition of real property in the urban renewal area or the competitively disadvantaged border community area which, under the urban renewal plan, is to be repaired or rehabilitated for dwelling use or related facilities,

repair or rehabilitation of the structures for guidance purposes, and resale of the property;

(g) Acquisition of any other real property in the urban renewal area or competitively disadvantaged border community area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or to prevent the spread of blight or deterioration, or to provide land for needed public facilities or where necessary to accomplish the purposes for which a competitively disadvantaged border community area was created by ordinance;

(h) Lending or investing federal funds; and

(i) Construction of foundations, platforms and other like structural forms.

(14) "Project costs" includes, but is not limited to:

(a) Capital costs, including the actual costs of the construction of public works or improvements, facilities, buildings, structures, and permanent fixtures; the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures, and permanent fixtures; the acquisition of equipment; and the clearing and grading of land;

(b) Financing costs, including interest during construction and capitalized debt service or repair and replacement or other appropriate reserves;

(c) Real property assembly costs, meaning any deficit incurred from the sale or lease by a municipality of real or personal property within a revenue allocation district;

(d) Professional service costs, including those costs incurred for architectural, planning, engineering, and legal advice and services;

(e) Direct administrative costs, including reasonable charges for the time spent by city or county employees in connection with the implementation of a project plan;

(f) Relocation costs;

(g) Other costs incidental to any of the foregoing costs.

(15) "Revenue allocation area" means that portion of an urban renewal area or competitively disadvantaged border community area where the equalized assessed valuation (as shown by the taxable property assessment rolls) of which the local governing body has determined, on and as a part of an urban renewal plan, is likely to increase as a result of the initiation of an urban renewal project or competitively disadvantaged border community area. The base assessment roll or rolls of revenue allocation area or areas shall not exceed at any time ten percent (10%) of the current assessed valuation of all taxable property within the municipality.

(16) "State" means the state of Idaho.

(17) "Tax" or "taxes" means all property tax levies upon taxable property.

(18) "Taxable property" means taxable real property, personal property, operating property, or any other tangible

or intangible property included on the equalized assessment rolls.

(19) "Taxing district" means a taxing district as defined in section 63-201, Idaho Code, as that section now exists or may hereafter be amended.

(20) "Termination date" means a specific date no later than twenty (20) years from the effective date of an urban renewal plan or as described in section 50-2904, Idaho Code, on which date the plan shall terminate. Every urban renewal plan shall have a termination date that can be modified or extended subject to the twenty (20) year maximum limitation. Provided however, the duration of a revenue allocation financing provision may be extended as provided in section 50-2904, Idaho Code.

History:

[50-2903, added 1988, ch. 210, sec. 3, p. 393; am. 1990, ch. 430, sec. 4, p. 1190; am. 1994, ch. 381, sec. 2, p. 1223; am. 1996, ch. 322, sec. 54, p. 1081; am. 2000, ch. 275, sec. 1, p. 893; am. 2002, ch. 143, sec. 2, p. 396; am. 2011, ch. 317, sec. 6, p. 918; am. 2016, ch. 349, sec. 3, p. 1017.]

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EXHIBIT C

ELIGIBILITY REPORT

4812-9373-8643, v. 4

Twin Falls Washington Street South Urban Renewal District

Eligibility Report

Prepared for

The Twin Falls Urban Renewal Agency
March 2019



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 Agency Board to guide the development of urban renewal plans and oversee their implementation. The current membership of the Agency Board is as follows:

Chair:	Dexter Ball
Vice Chair	Perri Gardner
Commissioners	Rudy Ashenbrener
	Cindy Bond
	Suzzane Cawthra
	Andy Hohwieler
	Doug Vollmer

Urban Renewal
Executive Director: Nathan Murray

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

Over time the community has grown and prospered, often influenced by transportation improvements impacting the region. The Minidoka and Southwestern Railroad (M&SW) arrived in the City on August 7, 1904. The M&SW was acquired by the Oregon Short Line Railroad, a division of the Union Pacific Railroad, in 1912. The Twin Falls – Jerome Intercounty Bridge was opened in 1927 connecting the communities north and south of the Snake River.

Now called the I.B. Perrine Bridge it serves as the crossing for US Highway 93 that connects Mexico and Canada through Nevada, Idaho and Montana. U.S. 93 runs through the City, as do US Highway 30 and State Highways 50 and 74. Interstate 84 now carries its east-west traffic approximately 3 miles north of the City.

In support of that continuing economic vitality of the region, the community turned to the Urban Renewal Law in 1965 with the creation of the Agency by Resolution 909 adopted by the 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 established three revenue allocation areas to pursue specific objectives. Those areas are noted below with their expiration dates:

Area 4-1 (Old Towne)	2022
Area 4-3 (Chobani)	2031
Area 4-4 (Clif Bar)	2035

Further industrial development located within the existing urban renewal area has been proposed. However, the required findings regarding deteriorated or deteriorating conditions were last formally analyzed in 1997 and were not applied to the specific properties under review. It has been determined that a formal Eligibility Study as required under Idaho Code should be conducted for this and any future areas that the Agency and City will consider to ensure 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 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 of 1965 and the Local 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 fourth urban renewal district is appropriate.

Demographics: According to the US Census Bureau, the estimated 2017 population of the City is 49,202 and has grown by 11% since 2010. This is a

slightly lower growth rate than that experienced statewide which was 11.9% during that period.

At 28%, the City's percentage of people under 18 years of age exceeds the statewide percentage of 25.8% by 2.2%. The percentage of population under 5 years of age exceeds the statewide figure by 1.1% (7.7% vs. 6.8%). The percentage of the City's population over 65 years of age (13.7%) is less than the statewide percentage (15.4%) by 1.7%. These statistics reflect a population base that is slightly younger than that found statewide.

The population is predominately white at 90.2% as compared to the statewide percentage of 93.2%. The Hispanic population exceeds the statewide percentage by 3.6% (16.1% vs. 12.5%).

Housing units are 61.8% owner-occupied as opposed to the statewide statistic of 69.2%. Median value of owner-occupied housing units is \$146,600 as compared to \$176,800 statewide. Monthly owner costs with mortgage is \$1,079 as compared to the statewide figure of \$1,195. Median gross rent in the City is reported as \$757 as compared to \$792 statewide.

When income statistics are compared to statewide numbers, we see that the population of the City lags the rest of Idaho in these categories as well. The median household income in the City is \$46,283, approximately 10% below the statewide figure of \$50,985. Per capita monthly income for the City's population is \$21,704 as compared to the statewide number of \$25,471. The percentage of the City's population below poverty level is 15.7% as compared to the statewide number of 12.8%.

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

Statistics are derived from the latest United States Census Bureau Report.

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 [50-2018(9); and 50-2903(8)(b) and (8)(c); and 50-2008(d)(4)(2)]
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)]
4. Outmoded Street Patterns [50-2008(d)(4)(2)]
5. Need for Correlation of Area with Other Areas of a Municipality by Streets and Modern Traffic Requirements [50-2008(d)(4)(2)]
6. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness [50-2018(9) and 50-2903(8)(b)]
7. Unsuitable Topography or Faulty Lot Layouts [50-2008(d)(4)(2)]
8. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]
9. Diversity of Ownership [50-2018(9) and 50-2903(8)(b) and (8)(c) and 50-2008(d)(4)(2)]
10. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]
11. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b)]
12. Conditions Which Retard Development of the Area [50-2008(d)(4)(2)]
13. Results in Economic Underdevelopment of the Area [50-2903(8)(b)] and Economic Disuse [50-2008(d)(4)(2)]

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

The Agency then acts to prepare the Urban Renewal Plan for the new District 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 Agency Board forwards it to the City Council for their consideration.

The City Council must refer the Urban Renewal Plan to the Planning and Zoning Commission for a finding that the Plan, as presented, is consistent with the City's Comprehensive Plan. At the same time, other 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 conformity and the thirty-day comment period has passed, the City Council is permitted to hold a public hearing and formally consider the adoption of the Plan creating the new Urban Renewal District and Revenue Allocation Area.

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

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

The Agency then proceeds to implement the Plan.

Description of the Washington Street South Study Area: The Study Area subject to the current review (Washington Street South) 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 98.098 acres, excluding public rights-of-way. This area encompasses nine (9) 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 receives an agricultural property tax exemption.

Table 1 reflects the data for each of the 9 tax parcels represented in the Study Area:

Table 1

Tax Parcel	Owner	Acres	Land Value	Improvement Value	Total Value
RPT00107201805A	Johnston, Peter B III	34.64	\$113,015	\$104,441	\$108,300
RPT00107201200A	Johnston, Peter B III	40.61	\$108,941	\$1,493	\$110,434
RPT00107201830A	High Desert RV Park, LLC	0.84	\$32,392	\$173,463	\$205,855
RPT00107201821A	Dermody Family Limited	0.75	\$59,983	\$593,026	\$593,026
RPT00107201811	Dermody Family Limited	1.31	\$45,726	\$42,760	\$88,486
RPT00107201811	Dermody Family Limited	0.484	\$39,526	\$19,970	\$59,496
RPT00107201806	Kathryn & Sole Powers	0.326	\$25,808	\$259,358	\$285,166
RPT00107201801	Kathryn & Sole Powers	0.478	\$36,693	\$0	\$36,693
RPT00107200010A	Glanbia Foods, Inc	18.66	\$333,720	\$16,698,947	\$17,032,667
Total		98.098	\$795,804	\$17,893,458	\$18,689,262

Please see the map below for a graphic representation of the Study Areas.



Analysis of the Study Area: The Study Area consists of 9 tax parcels representing 98.098 acres located in the South-central part of the City. 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 (75.25 acres – 76.71%) remains in agricultural uses pending urban level development. These properties appear to enjoy an agricultural exemption for property taxes that will need to be considered if there is a decision to proceed with the development of an urban renewal plan for the area, as consents from these property owners will be required for their inclusion.

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. In these instances, one finds a ratio of improvement value to land value of approximately 10:1.

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 reflects this condition. Two (2) properties representing 75.25 acres are primarily vacant and dedicated to agricultural use. Four (4) properties (including the agricultural parcels) representing 77.04 acres have improvement values approaching or dropping below land values. 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 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	2	41%
Improvement Value < 1.0 X Land Value	4	38%
200% - 300%	0	0%
300% - 400%	0	0%
400% - 500%	0	0%
500% - 600%	1	1%
600% - 700%	0	0%
700% - 800%	0	0%
800%-900%	0	0%
900% - 1000%	1	1%
Improvement Value > 1000%	2	19%

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 Washington Street South. 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 more dense 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, with high treatment requirements due to the processing of milk products, will cause 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 Washington Street South 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 [50-2018(9); and 50-2903(8)(b) and (8)(c); and 50-2008(d)(4)(2)]
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)]
4. Outmoded Street Patterns [50-2008(d)(4)(2)]
5. Need for Correlation of Area with Other Areas of a Municipality by Streets and Modern Traffic Requirements [50-2008(d)(4)(2)]
6. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness [50-2018(9) and 50-2903(8)(b)]
7. Unsuitable Topography or Faulty Lot Layouts [50-2008(d)(4)(2)]
8. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]
9. Diversity of Ownership [50-2018(9); 50-2903(8)(b) and (8)(c); and 50-2008(d)(4)(2)]
10. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]
11. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b)]

12. Conditions Which Retard Development of the Area [50-2008(d)(4)(2)]
13. Results in Economic Underdevelopment of the Area [50-2903(8)(b)] and Economic Disuse [50-2008(d)(4)(2)]

Criterion #1: *The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site:* As noted above 6 of the properties representing 79% of the acreage in the Study Area reflect land to improvement values suggesting that deteriorated or deteriorating structures exist or are vacant. A site visit confirms the data. Therefore, Criterion #1 is met.

Criterion #2: *Age or Obsolescence:* The majority of the Study Area is vacant land currently under cultivation. One parcel contains a residence constructed in 1911 and appears to be in serviceable condition. Several outbuildings exist on the property in close proximity to the house that are deteriorated. Farm implements and inoperable vehicles occupy the area surrounding the house. Given the designation in the City's Comprehensive Plan and zoning documents, the current use as a residence associated with an 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, 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 more dense circulation system will be required to support more intensive uses. Therefore, Criterion #3 is met.

Criterion #4: *Outmoded Street Patterns.* See analysis under Criterion #3. Criterion #4 is met.

Criterion #5: *Need for Correlation of Area with Other Areas of a Municipality by Streets; and Modern Traffic Requirements.* The Study Area is served by Washington Street South. As noted above, only partial improvements have been made to this facility through the Study Area. This roadway also serves as the primary community access to the Twin Falls Regional Airport, so ensuring an adequate level of service as the area develops is essential. Should industrial development on properties to the west of the Study Area be pursued, road access to Washington Street South will become necessary. Therefore, Criterion #5 is met.

Criterion #6: *Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness.* Three (3) 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 complete 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 #6 is met.

Criterion #7: *Unsuitable Topography or Faulty Lot Layouts*. While no unusual topographical features exist within the Study Area, the lot layouts as discussed in Criterion #6 apply. The noted gasoline pipeline runs diagonally across the southern and westerly portions of the Study Area limiting development options. Therefore, Criterion #7 is met.

Criterion #8: *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 #8 is met.

Criterion #9: *Diversity of Ownership*. The 9 parcels examined in this study are under the ownership of 5 entities. Such diversity of ownership creates challenges for creating and executing a common vision for the area. Therefore, Criterion #9 is met.

Criterion #10: *Tax or Special Assessment Delinquency*: The records of the Twin Falls County Assessor do not reflect any tax or special assessment delinquency. Therefore, Criterion #10 is not met.

Criterion #11: *Substantially Impairs or Arrests the Sound Growth of a Municipality*. The Study Area exists within the corporate limits of the City of Twin Falls and abuts dense urban development on the north, and east sides. Significant industrial development has occurred on one of the parcels and that entity is considering an expansion in the near future under favorable conditions. The lack of adequate infrastructure within the Study Area inhibits the development envisioned in the City's Comprehensive Plan. Therefore, Criterion #11 is met.

Criterion #12: *Conditions Which Retard Development 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 #12 is met.

Criterion #13: *Results in Economic Underdevelopment of the Area*. The Washington Street South area in the City has seen sporadic investment in recent years. However, the majority of the land within the Study Area remains

underutilized and in some cases we see deteriorating and/or obsolete uses. Therefore, Criterion #13 is met.

Findings: Washington Street South Urban Renewal District:

Conditions exist within the district to allow the Board of Commissioners of the Agency and the 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	
4	Outmoded Street Patterns	X	
5	Need for Correlation of Area with Other Areas of a Municipality by Streets; and Modern Traffic Requirements	X	
6	Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness	X	
7	Unsuitable Topography or Faulty Lot Layouts	X	
8	Insanitary or Unsafe Conditions	X	
9	Diversity of Ownership	X	
10	Tax or Special Assessment Delinquency		X
11	Defective or unusual condition of title	X	
12	Substantially Impairs or Arrests the Sound Growth of a Municipality	X	
13	Results in Economic Underdevelopment of the Area	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 sum, there is one set of findings if the area of open land is to be acquired and developed for residential uses and a separate set of findings if the land is to be acquired and developed for nonresidential uses.

Basically, open land areas may be acquired by an urban renewal agency and developed for nonresidential uses if such acquisition is necessary to solve various problems, associated with the land or the infrastructure, that have delayed the area’s development. These problems include defective or usual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, and faulty lot layout. All 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, diversity of ownership, obsolete platting/faulty lot layout 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 Washington Street South Urban Renewal District, 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 maintains an agricultural land property tax exemption as authorized under state law. 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 total valuation of the City. According to Twin Falls County Assessor records, the most recent certified value for the City is \$2,859,303,458. The taxable value of the Study Area is \$18,689,262 representing 0.65% of the total City assessed value. The Base Assessed Value of the Twin Falls Urban Renewal District 4-1 is \$23,760,191, Twin Falls District 4-3 is \$1,096,508, and Twin Falls District 4-4 is \$4,090,577. The Table below shows the result compared to the statutory requirement.

Statutory 10% Limitation Analysis		
Area	Base Assessed Value	Percentage
Total City	\$2,859,303,458	100%
• Twin Falls Area 4-1 (Old Towne)	\$23,760,191	0.83%
• Twin Falls Area 4-3 (Chobani)	\$1,069,508	0.04%
• Twin Falls Area 4-4 (Clif Bar)	\$4,090,577	0.14%
• Proposed Washington Street South URD	\$18,689,262	0.65%
Total UR Base Assessed Value Percentage	\$47,609,535	1.67%

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 Washington Street South were to be established, approximately 8.33% of the citywide assessed value would remain uncommitted.

Remaining Urban Renewal Capacity		
• Maximum 10% Limitation	\$285,930,346	10%
• Twin Falls Area 4-1 (Old Towne)	\$23,760,191	0.83%
• Twin Falls Area 4-3 (Chobani)	\$1,069,508	0.04%
• Twin Falls Area 4-4 (Clif Bar)	\$4,090,577	0.14%
• Proposed Washington Street South URD	\$18,689,262	0.65%
• Total AV in Revenue Allocation Areas	\$47,609,538	1.67%
• Available AV under limitation	\$238,320,808	8.33%

Impact of losing Agricultural Land Exemption: It should be noted that four of the parcels carry an agricultural property tax exemption, thereby significantly reducing the assessed values as reflected in the numbers above. At such time that these properties change use, the agricultural exemption is withdrawn, and the resultant assessed value accrues to the Adjusted Base Value not the Incremental Value. We needed to test the impact of this circumstance to ensure the 10% limitation reviewed above remains met. In doing this analysis we adjusted the “per acre” value of the 4 properties to reflect the non-exempt values of adjacent properties. That analysis is reflected below:

Parcel Number	Area	Current Land Value	AV per acre	Adjacent Non-Exempt AV	Revised Non-exempt AV
RPT00107201805A	34.64	\$113,015	\$3,262.56	\$81,665.30	\$2,828,885.62
RPT00107201200A	40.61	\$108,941	\$2,682.62	\$81,665.30	\$3,316,427.40
RPT00107201830A	0.84	\$32,392	\$38,561.90	\$81,665.30	\$68,598.84
RPT00107202300A	1.31	\$45,726	\$34,905	\$81,665.30	\$106,981.53
Totals		\$300,074			\$6,320,893.39
Difference					\$6,020,819.39

Revised Remaining Urban Renewal Capacity		
• Maximum 10% Limitation	\$285,930,346	10%
• Twin Falls Area 4-1 (Old Towne)	\$23,760,191	0.83%
• Twin Falls Area 4-3 (Chobani)	\$1,069,508	0.04%
• Twin Falls Area 4-4 (Clif Bar)	\$4,090,577	0.14%
• Proposed Washington Street South URD	\$24,710,081	0.86%
• Total AV in Revenue Allocation Areas	\$53,630,357	1.88%
• Available AV under limitation	\$232,299,989	8.12%

Amount Below 10% Cap w/ Washington Street South with Ag Exemptions	\$238,320,808 (8.33%)
Amount Below 10% Cap w/ Washington Street South without Ag Exemptions	\$232,299,989 (8.12%)

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