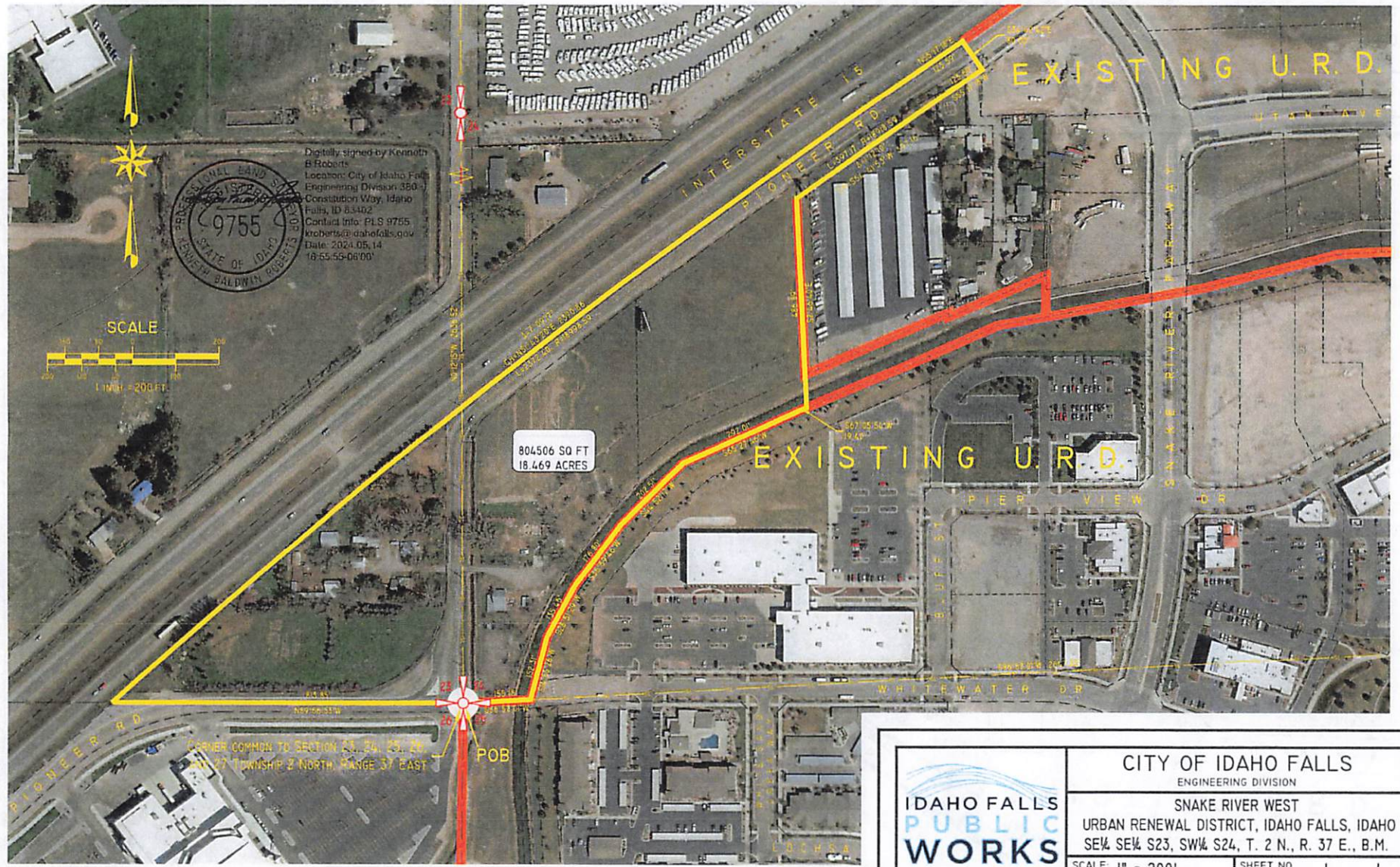






U:\6-DIRTY BY DEPARTMENT\Snake River West Urban Renewal District.dwg, 5/14/2024 4:44:51 PM



CITY OF IDAHO FALLS	
ENGINEERING DIVISION	
SNAKE RIVER WEST	
URBAN RENEWAL DISTRICT, IDAHO FALLS, IDAHO	
SE¼ SE¼ S23, SW¼ S24, T. 2 N., R. 37 E., B.M.	
SCALE: 1" = 200'	SHEET NO.   OF

# Attachment \_\_\_\_\_

## DESCRIPTION OF THE PROJECT AREA AND REVENUE ALLOCATION AREA

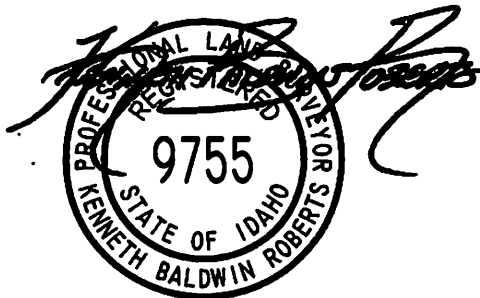
The Project Area and Revenue Allocation Area are coterminous and generally described as follows:

A parcel of land lying in a portion of the southeast quarter of the southeast quarter, (SE¼ SE¼), of Section 23 and the southwest quarter, (SW¼), of Section 24, both areas being within Township 2 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho described as follows:

**BEGINNING** at the Section Corner common to Sections 23, 24, 25, and 26, Township 2 North, Range 37 East of the Boise Meridian; **THENCE** along the Section Line common to said Sections 23 and 26 N89°56'53"W 813.85 feet to a point on the Southeasterly Right-of-Way of Interstate 15, said point being a non-tangent curve to the **RIGHT**; **THENCE** along said Southeasterly Right-of-Way of Interstate 15 the following two (2) calls:

- (1) **THENCE** Northeasterly along said curve to the **RIGHT** having a radius of 18998.59 feet, a delta angle of 07°09'17", and whose chord bears N51°43'20"E 2370.86 feet, for an arc distance of 2372.40 feet;
- (2) **THENCE** N55°17'18"E 123.59 feet;

**THENCE** S34°42'42"E 80.00 feet; **THENCE** S55°17'18"W 123.60 feet to the point of a non-tangent curve to the **LEFT**; **THENCE** along said curve to the **LEFT**, having a radius of 18918.59 feet, a delta angle of 1°12'10", and whose chord bears S54°41'53"W 397.16 feet, for an arc distance of 397.17 feet; **THENCE** along a line non-tangent to said previous curve, S02°46'40"E, a distance of 486.89 feet; **THENCE** S67°05'54"W 19.40 feet; **THENCE** S65°27'46"W 292.01 feet; **THENCE** S44°52'17"W 202.51 feet; **THENCE** S36°59'46"W 176.80 feet; **THENCE** S28°51'29"W 135.46 feet; **THENCE** S14°55'26"W 152.31 feet to a point on the Section Line common to said Sections 24 and 25; **THENCE** S86°52'01"W 155.18 feet along the Section Line common to said Sections 24 and 25 to the **POINT OF BEGINNING**, and containing 18.469 acres, more or less.



Digitally signed by Kenneth B Roberts  
Location: City of Idaho Falls Engineering Division 380  
Constitution Way, Idaho Falls, ID 83402  
Contact Info: PLS 9755 kroberts@idahofalls.gov  
Date: 2024.05.14 17:05:01-06'00'

If the electronic signature is not clearly present on this document, it has been modified from its original version and the Surveyor's Seal is no longer valid.



February 11, 2025

**Bonneville County**

Attn: Board of County Commissioners  
Attn: Dustin Barron, Assessor  
Attn: Craig Tibbitts, Treasurer  
Attn: Penny Manning  
605 N. Capital Avenue  
Idaho Falls, Idaho 83402  
Email: [rchristensen@co.bonneville.id.us](mailto:rchristensen@co.bonneville.id.us)  
Email: [dbarron@co.bonneville.id.us](mailto:dbarron@co.bonneville.id.us)  
Email: [Ctibbitts@co.bonneville.id.us](mailto:Ctibbitts@co.bonneville.id.us)  
Email: [pmanning@co.bonneville.id.us](mailto:pmanning@co.bonneville.id.us)

**Bonneville County Ambulance**

Attn: Eric Day, Chief  
343 E. Street  
Idaho Falls, ID 83402  
Email: [eday@idahofallsidaho.gov](mailto:eday@idahofallsidaho.gov)

**Bonneville County Road and Bridge**

Attn: Ken Ray, Road Manager  
605 N. Capital Avenue  
Idaho Falls, ID 83402  
Email: [kray@bonnevillecountyidaho.gov](mailto:kray@bonnevillecountyidaho.gov)

**Fire District No. 1**

Attn: Ralph Isom, Lead Commissioner  
2137 S. Ammon Road  
Ammon, ID 83406  
Email: [risom@bcfd1.us](mailto:risom@bcfd1.us)

**City of Idaho Falls**

Attn: Office of the Mayor  
Attn: City Clerk  
Attn: City Council  
308 Constitution Way  
P.O. Box 50220  
Idaho Falls, Idaho, 83405  
Email: [rcasper@idahofallsidaho.gov](mailto:rcasper@idahofallsidaho.gov)  
Email: [IFClerk@idahofallsidaho.gov](mailto:IFClerk@idahofallsidaho.gov)  
Email: [mdingman@idahofallsidaho.gov](mailto:mdingman@idahofallsidaho.gov)

**Idaho Falls School District # 91**

Attn: Board of Trustees  
Attn: Dr. Karla LaOrange, Superintendent  
690 John Adams  
Idaho Falls, ID 83401  
Email: [d91zone3@sd91.org](mailto:d91zone3@sd91.org)  
Email: [laorkarl@sd91.org](mailto:laorkarl@sd91.org)  
Email : [cushjess@sd91.org](mailto:cushjess@sd91.org)

**College of Eastern Idaho**

Attn: Dr. Lori Barber, President  
Attn: Board of Trustees, Chair  
1600 S. 25<sup>th</sup> E.  
Idaho Falls, ID 83404  
Email: [lori.barber@cei.edu](mailto:lori.barber@cei.edu)  
Email: [trustee.price@cei.edu](mailto:trustee.price@cei.edu)

**D PDA Memo of Fees and Costs**

**Idaho State Tax Commission**

Attn.: Alan Dornfest  
Attn.: Ben Seloske  
Attn: Janet James  
Attn: STC GI  
PO Box 36  
Boise, ID 83722  
Email: [alan.dornfest@tax.idaho.gov](mailto:alan.dornfest@tax.idaho.gov)  
Email: [Ben.seloske@tax.idaho.gov](mailto:Ben.seloske@tax.idaho.gov)  
Email: [jnet.James@tax.idaho.gov](mailto:jnet.James@tax.idaho.gov)  
Email : [gjs@tax.idaho.gov](mailto:gjs@tax.idaho.gov)

**RE: Urban Renewal Plan for the Snake River West Urban Renewal Project**

Dear Sir or Madam:

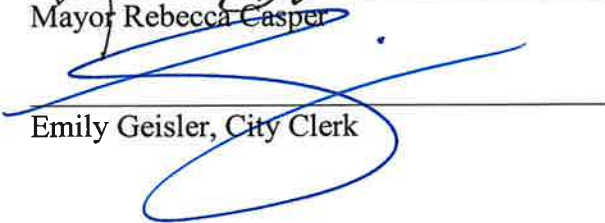
Enclosed is a copy of a formal notice that will be published in the *Post Register* on **Friday, February 14 and February 28, 2025**, advising that the Idaho Falls City Council will hold a public hearing in the City Council Chambers, City Annex Building, located 680 Park Avenue, Idaho Falls, Idaho, on **Thursday, March 20, 2025, at 7:30 p.m.**, to consider for adoption the **Urban Renewal Plan for the Snake River West Urban Renewal Project** (the “Plan”) of the Urban Renewal Agency of the City of Idaho Falls, Idaho, also known as the Idaho Falls Redevelopment Agency (the “Agency”). At that time, the City Council may consider approval of an ordinance adopting the Plan.

In compliance with Idaho Code § 50-2906, this letter serves as notice to you that the Plan contains a revenue allocation financing provision and that the Agency recommends approval of the Plan.

A copy of the Plan and Agency Resolution No. 2024-11 adopted by the Agency Board on Thursday, November 21, 2024, are enclosed, along with the map and legal description (if you are receiving this letter via email, copies of all of the referenced documents can be located at <https://www.idahofallsidaho.gov/420/Documents>). A copy of the Plan is also available at City Hall for your review. You are encouraged to provide your comments, either in writing or at the public hearing.

In the event you would like to schedule a separate meeting to discuss the Plan, representatives of the City will make themselves available to explain the Plan.

  
\_\_\_\_\_  
Mayor Rebecca Casper

  
\_\_\_\_\_  
Emily Geisler, City Clerk

Enclosures

cc: Meghan S. Conrad  
Lee Radford  
Michael A. Kirkham, City Attorney

4926-2970-4976, v. 1



# ADVERTISING INVOICE

APG West Payment  
Processing  
PO Box 1570  
Pocatello, ID 83204  
Ph. (208) 542-6712

BILLING DATE:	ACCOUNT NO:
02/10/25	10553

CITY OF IDAHO FALLS  
PO BOX 50220  
IDAHO FALLS, ID 83405

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
607026	NOTICE OF REGULAR ME	02/14/25	02/28/25	4	\$753.20

### Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
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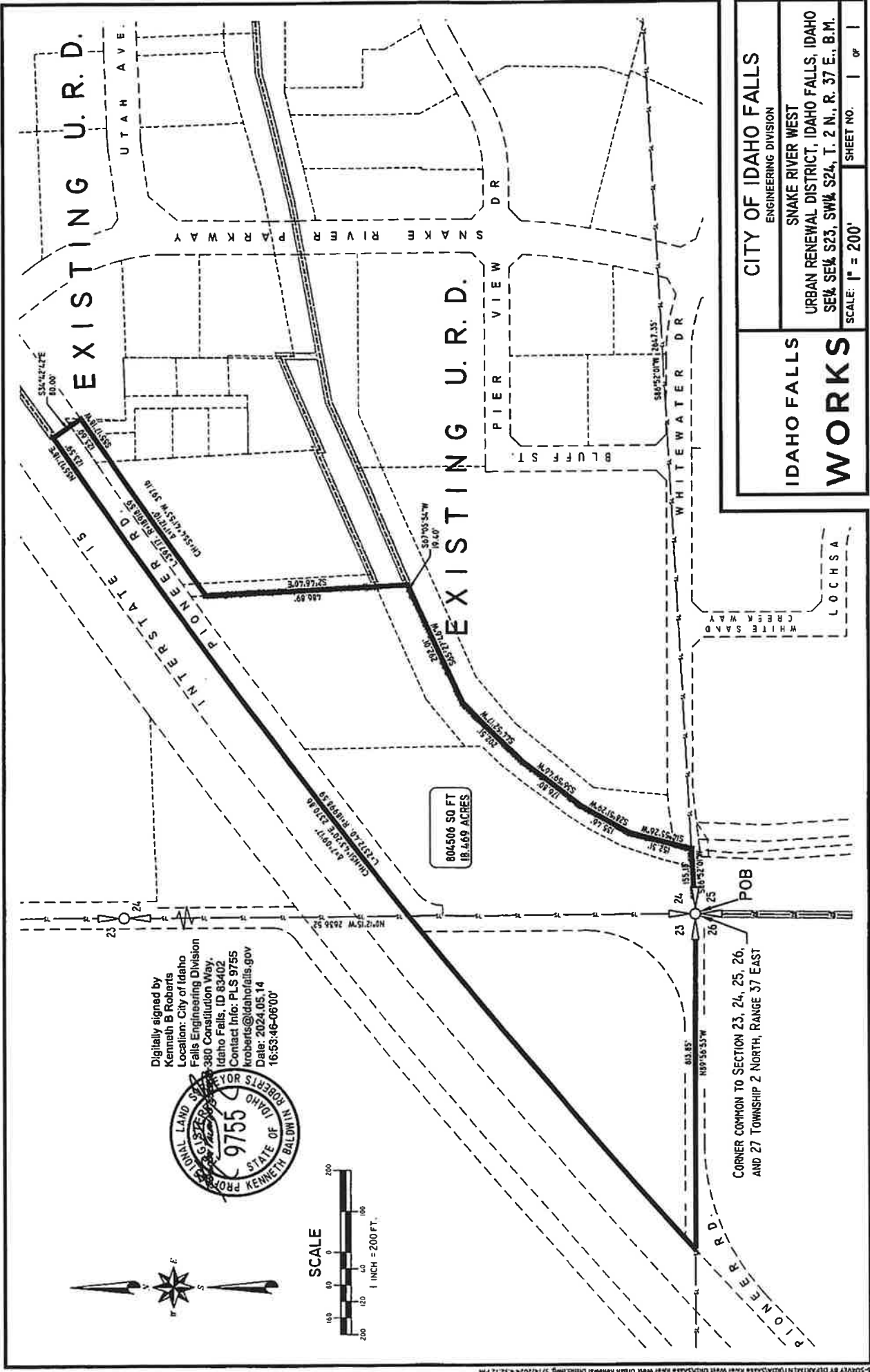
Discount: **\$0.00**  
 Surcharge: **\$0.00**  
 Credits: **\$0.00**

Gross: **\$753.20**  
 Paid Amount: **\$0.00**

**Amount Due: \$753.20**

*We Appreciate Your Business!*





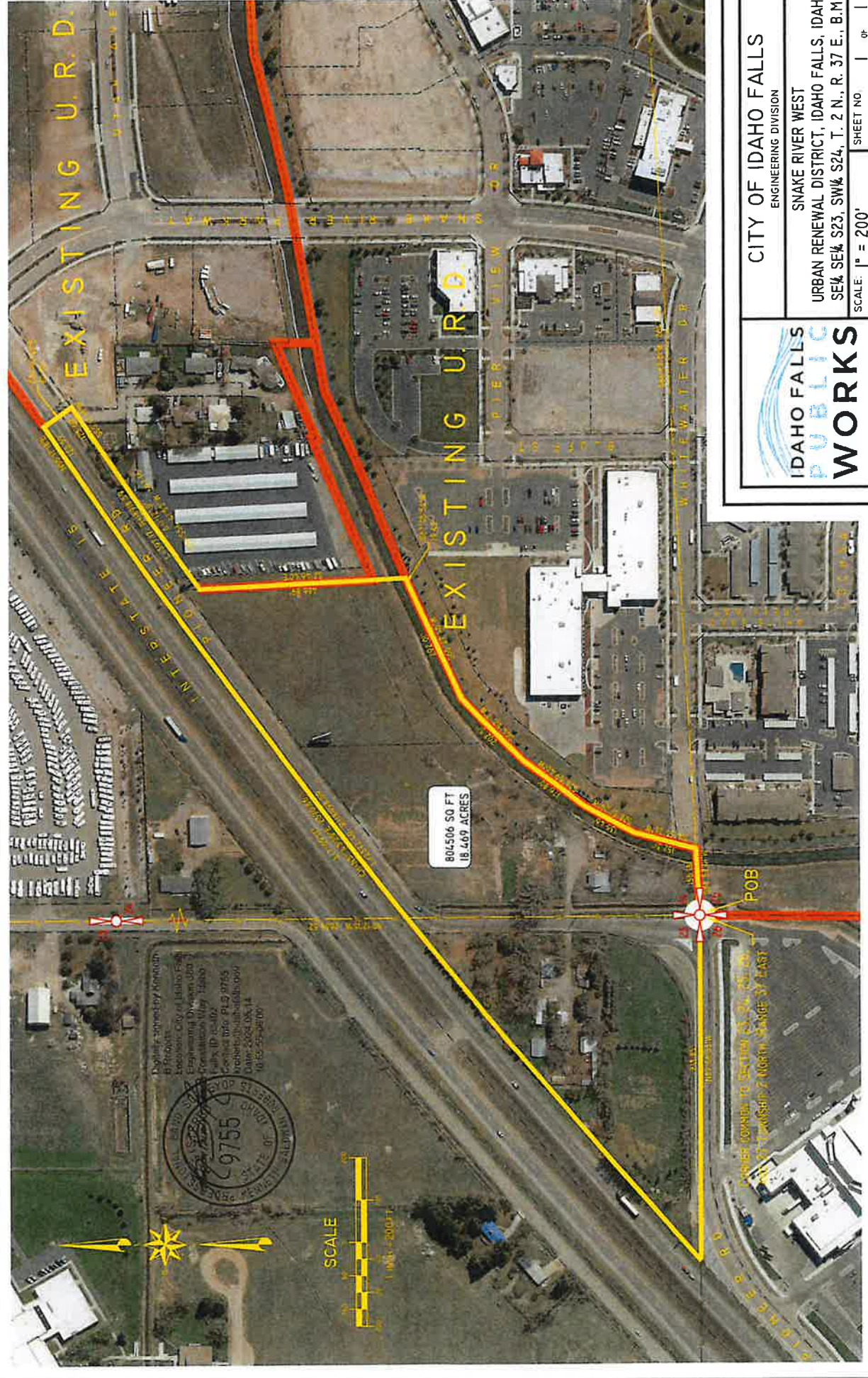
Digitally signed by  
 Kenneth B Roberts  
 Location: City of Idaho  
 Falls Engineering Division  
 380 Constitution Way,  
 Idaho Falls, ID 83402  
 Contact Info: PLS 9755  
 krobarts@idahofalls.gov  
 Date: 2024.05.14  
 16:53:46-06'00"



804506 SQ FT  
 18.469 ACRES

CORNER COMMON TO SECTION 23, 24, 25, 26,  
 AND 27 TOWNSHIP 2 NORTH, RANGE 37 EAST

<b>IDAHO FALLS</b> <b>WORKS</b>	<b>CITY OF IDAHO FALLS</b> ENGINEERING DIVISION
	SNAKE RIVER WEST URBAN RENEWAL DISTRICT, IDAHO FALLS, IDAHO SE¼, SW¼, S23, SW¼, S24, T. 2 N., R. 37 E., B.M. SCALE: 1" = 200' SHEET NO.   OF



Digitally signed by Architect  
 ID Project:  
 Application: City of Idaho Falls  
 Engineering Division (20)  
 Consultant: Miley, Tinsley  
 Idaho, ID 83402  
 Certificate: PLG 9755  
 website: mthub@idaho.gov  
 Date: 2024.0X.14  
 10:55:25-0700



	<b>CITY OF IDAHO FALLS</b> ENGINEERING DIVISION
	SNAKE RIVER WEST URBAN RENEWAL DISTRICT, IDAHO FALLS, IDAHO SE¼ SE¼ S23, SW¼ S24, T. 2 N., R. 37 E., B.M. SCALE: 1" = 200' SHEET NO.   OF

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Digitally signed by Kenneth B Roberts  
Location: City of Idaho Falls Engineering Division 380  
Constitution Way, Idaho Falls, ID 83402  
Contact Info: PLS 9755 kroberts@idahofalls.gov  
Date: 2024.05.14 17:05:01-06'00'

If the electronic signature is not clearly present on this document, it has been modified from its original version and the Surveyor's Seal is no longer valid.

**RESOLUTION NO. 2024-11**

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

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF IDAHO FALLS, IDAHO, ALSO KNOWN AS THE IDAHO FALLS REDEVELOPMENT AGENCY, RECOMMENDING AND ADOPTING THE URBAN RENEWAL PLAN FOR THE SNAKE RIVER WEST URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS SUBJECT TO CERTAIN CONDITIONS; AUTHORIZING AND DIRECTING THE CHAIR, VICE-CHAIR, OR ADMINISTRATOR AND THE SECRETARY OF THE AGENCY TO MAKE CERTAIN TECHNICAL CHANGES; AUTHORIZING AND DIRECTING THE CHAIR, VICE-CHAIR, OR ADMINISTRATOR TO TAKE APPROPRIATE ACTION; PROVIDING FOR THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council (the "City Council") of the City of Idaho Falls, Idaho (the "City"), on October 14, 2004, after notice duly published, conducted a public hearing on the River Commons Urban Renewal Plan (the "River Commons Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2256 on October 14, 2004, approving the River Commons Plan, making certain findings, and establishing the River Commons revenue allocation area (the "River Commons Project Area");

WHEREAS, the City Council, on December 11, 2014, after notice duly published conducted a public hearing on the Urban Renewal Plan for the Eagle Ridge Urban Renewal Project (the "Eagle Ridge Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2978 on December 11, 2014, approving the Eagle Ridge Plan, making certain findings, and establishing the Eagle Ridge revenue allocation area (the "Eagle Ridge Project Area");

WHEREAS, the City Council, on November 9, 2017, after notice duly published conducted a public hearing on the Urban Renewal Plan for the Jackson Hole Junction Urban Renewal Project (the “Jackson Hole Junction Plan”);

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3142 on November 9, 2017, approving the Jackson Hole Junction Plan, making certain findings, and establishing the Jackson Hole Junction revenue allocation area (the “Jackson Hole Junction Project Area”);

WHEREAS, the City Council, on November 10, 2022, after notice duly published conducted a public hearing on the Urban Renewal Plan for the Pancheri East Bank Urban Renewal Project (the “Pancheri East Bank Plan”);

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3492 on November 10, 2022, approving the Pancheri East Bank Plan, making certain findings, and establishing the Pancheri East Bank Plan revenue allocation area (the “Pancheri East Bank Project Area”);

WHEREAS, the City Council, on March 30, 2023, after notice duly published conducted a public hearing on the Urban Renewal Plan for the Anderson Bush Urban Renewal Project (the “Anderson Bush Plan”);

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3508 on March 30, 2023, approving the Anderson Bush Plan, making certain findings, and establishing the Anderson Bush Plan revenue allocation area (the “Anderson Bush Project Area”);

WHEREAS, the City Council, on October 26, 2023, after notice duly published conducted a public hearing on the Urban Renewal Plan for the Stanley Boge Urban Renewal Project (the “Stanley Boge Plan”);

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3548 on October 26, 2023, approving the Stanley Boge Plan, making certain findings, and establishing the Stanley Boge Plan revenue allocation area (the “Stanley Boge Project Area”);

WHEREAS, the above referenced existing urban renewal plans are collectively referred to as the “Existing Urban Renewal Plans” and their respective revenue allocation 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, 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, it became apparent that additional property, most of which is located within the City, and a portion of which is located within the City's area of operation within unincorporated Bonneville County, may be deteriorating and/or deteriorated and should be examined as to whether such an area is eligible for urban renewal planning purposes;

WHEREAS, on November 16, 2023, the Agency adopted Resolution No. 2023-19 approving a Memorandum of Understanding ("MOU") with U.S. Development, Inc., a Utah corporation, which inter alia required U.S. Development, Inc. to deposit certain funds to advance fund certain costs and fees related to the preparation and processing of an eligibility report, and if directed, funds related to urban renewal planning costs;

WHEREAS, U.S. Development, Inc. paid the funds as required by the MOU;

WHEREAS, the Agency engaged the services of Brad Cramer, Perspective Planning & Consulting LLC, to commence an eligibility study and preparation of an eligibility report of an area approximately 18.5 acres in size, a portion of which was located within the Eagle Ridge Project Area, requiring a deannexation. The area is generally located west of the Snake River, east and adjacent to I-15, south of Pancheri Drive, and north of Sunnyside Road (the "Study Area").

WHEREAS, annexation of that portion of the Study Area located outside of the City limits and within unincorporated Bonneville County was completed; all parcels in the Study Area are located within the City limits;

WHEREAS, the Agency obtained the Eligibility Study: Snake River West (the "Report"), which examined the Study Area for the purpose of determining whether such area was a deteriorating area and/or a deteriorated area as defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8);

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

- a. The presence of a substantial number of deteriorated or deteriorating structures; deterioration of site;
- b. age or obsolescence;
- c. predominance of defective or inadequate street layout;
- d. outmoded street patterns;
- e. lack of correlation of the area with the other areas of the City by streets and modern traffic requirements;
- f. faulty lot layout in relation to size, adequacy, accessibility or usefulness/obsolete platting;
- g. insanitary or unsafe conditions;
- h. existence of conditions which endanger life or property by fire and other causes;
- i. existence of conditions which retard development of the area; and
- j. results in economic disuse or economic underdevelopment of the area;

WHEREAS, the Study Area is predominantly open space/open land;

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

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, which are the same or similar to the conditions set forth in the definitions of “deteriorating area” and “deteriorated area”;

WHEREAS, the Report addresses the findings concerning including open land within any urban renewal area as defined in Idaho Code Sections 50-2018(9), 50-2903(8)(c), and 50-2008(d);

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

WHEREAS, the Agency on February 15, 2024, adopted Resolution No. 2024-01 accepting the Report and authorizing the Chair of the Agency to transmit the Report to the City Council requesting its consideration for the designation of an urban renewal area and requesting the City Council direct the Agency to prepare an urban renewal plan for the Study Area which plan may include a revenue allocation provision as allowed by law;

WHEREAS, the City Council on April 11, 2024, adopted Resolution No. 2024-06, and declared the Study Area described in the Report to be a deteriorated area or a deteriorating area, or a combination thereof, as defined by Chapters 20 and 29 of Title 50, Idaho Code, as amended, that such Study Area is appropriate for an urban renewal project, and directed Agency to commence preparation of an urban renewal plan for the area designated;

WHEREAS, the parcels in the Study Area located within the existing Eagle Ridge Project Area were successfully de-annexed from the Eagle Ridge Project Area pursuant to City Council Ordinance No. 3575, dated June 13, 2024;

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

WHEREAS, the Study Area includes parcels subject to such consent;

WHEREAS, the Agency has embarked on an urban renewal project referred to as the Urban Renewal Plan for the Snake River West Urban Renewal Project (the “Snake River Plan”) to develop and/or redevelop a portion of the City pursuant to the Law and the Act, as amended;

WHEREAS, pursuant to the Law and Act, the Snake River West Plan proposes to create an urban renewal and revenue allocation area commonly known as the Snake River West Project Area, which area is shown on the “Boundary Map of the Snake River West Urban Renewal Project Area and Revenue Allocation Area” and described in the “Legal Description of the Snake River Urban Renewal Project Area and Revenue Allocation Area,” which are attached to the Snake River West Plan as Attachments 1 and 2 respectively;

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

WHEREAS, the Agency and its consultants have prepared the proposed Snake River West Plan for the area previously designated as eligible for urban renewal planning;

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

WHEREAS, the Snake River West Plan contains revenue allocation financing provisions as allowed by the Act;

WHEREAS, in order to implement the provisions of the Law and the Act, Agency shall prepare and adopt the Snake River West Plan and submit the Snake River West Plan and recommendation for approval thereof to the City;

WHEREAS, the Agency Board at several Agency Board meetings in 2024, has considered public improvements and projects within the Snake River West Project Area;

WHEREAS, as required by the Law and the Act, Agency has reviewed the project information within the Snake River West Plan concerning the use of revenue allocation funds and considered the Snake River West Plan at its meeting on November 21, 2024;

WHEREAS, the Snake River West Plan will be tendered to the Planning Commission and to the City Council for their consideration and review as required by the Law and the Act;

WHEREAS, under the Act, the Snake River West Plan shall include with specificity the following: (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 in the revenue allocation area; and (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 Idaho Code § 50-2903(20); and (8) a description of the disposition or retention of any assets of the agency upon the termination date;

WHEREAS, it is necessary and in the best interests of the citizens of the City to recommend approval of the Snake River West Plan and to adopt, as part of the Snake River West Plan, revenue

allocation financing provisions that will help finance urban renewal projects to be completed in accordance with the Snake River West Plan in order to (1) encourage private development in the urban renewal area; (2) to prevent and arrest decay of the Snake River West Project Area due to the inability of existing financing methods to provide needed public improvements; (3) to encourage taxing districts to cooperate in the allocation of future tax revenues arising in the Snake River West Project Area in order to facilitate the long-term growth of their common tax base; (4) to encourage the long-term growth of their common tax base; (5) to encourage private investment within the City and (6) to further the public purposes of Agency;

WHEREAS, the Agency Board finds that the equalized assessed valuation of the taxable property in the revenue allocation area described in Attachments 1 and 2 of the Snake River West Plan is likely to increase as a result of initiation of urban renewal projects in accordance with the Snake River West Plan;

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

WHEREAS, if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in 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;

WHEREAS, the estimated base assessment roll of the Snake River West 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, Agency staff and consultants recommend the Agency Board accept the Snake River West Plan and forward it to the City Council;

WHEREAS, the Agency Board finds it in the best interests of Agency and the public to formally adopt the Snake River West Plan, as set forth in **Exhibit 1** attached hereto, and to forward it to the Mayor and City Council, and recommend its adoption, subject to certain conditions.

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

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

Section 2. It is hereby found and determined that the Snake River West Project Area as defined in the Snake River West Plan is a deteriorated area, a deteriorating area, or a combination thereof, as defined in the Law and the Act and qualifies as an eligible urban renewal area under the Law.

Section 3. That Agency specifically adopts the Snake River West Plan along with any changes discussed at the November 21, 2024, Agency Board meeting, including but not limited to finalization of the Attachments to the Snake River West Plan, including but not limited to the boundary map, legal description, land use and zoning maps and the executed agricultural operation consents, confirmation of taxing district levy rates, confirmation of the affected taxing districts, updated list of projects, estimated location or siting of improvements, updated maps or legal description, and any modifications to the economic feasibility study previously prepared by Agency consultant, Brad Cramer, Perspective Planning & Consulting LLC.

Section 4. That Agency recommends that the Snake River West Plan, a copy of which is attached hereto as **Exhibit 1**, and incorporated herein by reference, be adopted by the City Council, including those sections, modifications, text, and/or insertion or replacement of Attachments as discussed at the November 21, 2024, Agency Board meeting.

Section 5. That the required agricultural operation consents will be obtained by the Agency and attached as Attachment 6 to the Snake River West Plan prior to City Council consideration of the Snake River West Plan.

Section 6. That the Agency staff, prior to transmittal of the Snake River West Plan to the City will include final Attachments to the Plan, including but not limited to the boundary map, legal description, properties which may be acquired by the Agency, the map depicting expected land uses and the current zoning map of the project area, the economic feasibility study, with all the attachments, and the agricultural operation consents.

Section 7. That this Resolution constitutes the necessary action of Agency under the Act, Idaho Code § 50-2905, recommending approval by the City Council and that the Snake River West Plan includes with specificity the following: (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 in the revenue allocation area; and (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 Idaho Code § 50-2903(20); and (8) a description of the disposition or retention of any assets of the agency upon the termination date.

Section 8. It is hereby found and determined that:

(a) The Snake River West Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the mixed-use, multi-family residential, retail, office and commercial development goals of the Plan) 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 Snake River West Plan.

(b) The Snake River West Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation, development, and redevelopment of the Snake River West Project Area by private enterprises.

(c) To the extent necessary, the Snake River West Plan provides a feasible method for relocation of any displaced families residing within the Snake River West Project Area.

(d) The Snake River West Project Area contains "open land" areas, or areas of agricultural operation, that the Agency may acquire any open land, that the Snake River West Project Area is planned to be developed and/or redeveloped in a manner that may include both residential and non-residential uses and that the "open land" criteria set forth in the Law and Act have been met.

(e) The portion of the Snake River West Project Area which is identified for residential uses is necessary and appropriate as the City Council may find there is a shortage of housing of sound standards and design which is decent, safe and sanitary in the City; 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 of residential uses is an integral part of and essential to the program of the City.

(f) The portion of the Snake River West Project Area, which is identified for non-residential uses, the City Council may find 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.

(g) The base assessment roll of the Snake River West Project Area, together with the base assessment roll value of the Existing Project Areas do not exceed ten percent (10%) of the current assessed values of all the taxable property in the City.

(h) The Snake River West Plan includes a revenue allocation provision and Agency has determined that the equalized assessed valuation of the revenue allocation area will likely increase as the result of the initiation of an urban renewal project.

Section 9. That this Resolution constitutes the necessary action of Agency under the Law, Section 50-2008, Idaho Code, and the Act.

Section 10. The Chair, Vice-Chair, or Administrator and the Secretary of the Agency are hereby authorized and directed to take all steps necessary and convenient to submit the proposed Snake River West Plan for approval by the City Council, including but not limited to the preparation of the notice of public hearing on adoption of the revenue allocation financing provisions by the City and submittal of the Snake River West Plan to the various taxing entities as required by Idaho Code § 50-2906.

Section 11. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED by the Urban Renewal Agency of Idaho Falls, Idaho, on November 21, 2024. Signed by the Chair of the Board of Commissioners and attested by the Secretary to the Board of Commissioners, on November 21, 2024.

APPROVED:

By:   
\_\_\_\_\_  
Lee Radford, Chair

ATTEST:

By:   
\_\_\_\_\_  
Terri Gazdik, Secretary

**Exhibit 1**  
**(Snake River West Plan)**

4858-1707-5452, v. 2

**URBAN RENEWAL PLAN FOR THE  
SNAKE RIVER WEST URBAN RENEWAL PROJECT**

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

**Ordinance No.** \_\_\_\_\_

**Adopted** \_\_\_\_\_

**Effective** \_\_\_\_\_

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## **Attachments**

- Attachment 1**      **Boundary Map of Snake River West Urban Renewal Project Area and Revenue Allocation Area**
- Attachment 2**      **Legal Description of Snake River West Urban Renewal Project Area and Revenue Allocation Area**
- Attachment 3**      **Private Properties Which May be Acquired by the Agency**
- Attachment 4**      **Map Depicting Expected Land Use and Current Zoning Map of the Project Area**
- Attachment 5**      **Economic Feasibility Study**
- Attachment 6**      **Agricultural Operation Consents**

## 100 INTRODUCTION

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

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

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

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

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

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

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

This Plan includes the above information with specificity.

The proposed development and redevelopment of the Project Area as described in this Plan conforms to the Idaho Falls Comprehensive Plan, *Imagine IF*, (the "Comprehensive Plan"), adopted by the Idaho Falls City Council (the "City Council") on February 24, 2022. The Agency intends to rely heavily on any applicable City zoning and design standards which may cover all or part of the Project Area.

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

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

**Further, a modification shall not be deemed to occur when "[t]here is a plan amendment to support growth of an existing commercial or industrial project in an existing revenue allocation area, subject to the provisions of section 50-2905A, Idaho Code." Idaho Code § 50-2903A(1)(a)(iv). The Project includes the development and/or redevelopment of industrial and/or commercial projects.**

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, with the need for specificity as required by Idaho Code § 50-2905. The Plan narrative addresses the required elements of a plan set forth in Idaho Code § 50-2905(1), (2), (5), (7) and (8). Attachment 5, together with the Plan narrative, meet the specificity requirement for the required plan elements set forth in Idaho Code § 50-2905(1)-(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, create an attractive setting for adjacent private investment. In this case, pursuant to the City's zoning and Future Land Use Map, development within the Project Area will be focused on mixed-use, multi-family residential, retail, office and commercial projects.

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

- a. To support the planning, design, and construction of public infrastructure and improvements to support mixed-use, multi-family residential, retail, office and commercial development opportunities;
- b. The planning, design and construction of certain public improvements, including roadway improvements to Pioneer Road, and improvements to the adjacent right-of-way to install and/or enhance curb, gutter and sidewalk, and enhanced streetscape improvements, which for purposes of this Plan, the term "streetscapes" includes sidewalks, lighting, landscaping, benches, bike racks, wayfinding, public art and similar amenities between the curb and right of way line; construction of new rights-of-way and associated streetscape improvements throughout the Project Area; improvement to existing rights-of-way and streetscapes throughout the Project Area; improvements and enhancement to bicycle and pedestrian amenities; improvements to Battle Creek Canal to support enhanced site development opportunities; planning, design and construction of the Whitewater Bridge crossing the Porter Canal and the Whitewater Street extension, including storm drainage improvements and streetscapes; planning, design and construction of related utility improvements, including improvements to the sewer system and the water system; installation and improvements to fiber optic, natural gas and power facilities;
- c. The replanning, redesign, and redevelopment of underdeveloped areas which are stagnant or improperly utilized because of site deterioration, vacant parcels, and current utilization;
- 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 for mixed-use, multi-family residential, retail, office and commercial opportunities.

- e. The provision of adequate land for street rights-of-way and pedestrian rights-of-way, including sidewalks;
- f. 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 for the Project Area, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- g. 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;
- h. The acquisition of real property to support development and/or redevelopment initiatives consistent with the Law and Act; and
- i. 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. Under the law, the Agency is governed by the Idaho open meeting law; the Public Records Act; the Ethics in Government Act of 2015, Chapters 1, 2 and 4 of Title 74, Idaho Code; reporting requirements pursuant to Idaho Code §§ 67-450B, 67-1076, 50-2903A and 50-2913; and the competitive bidding requirements under Chapter 28, Title 67, Idaho Code, as well as other procurement or other public improvement delivery methods. The Agency is also governed by its bylaws as authorized by the Law and adopted by the Agency.

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

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

#### **102 Provisions Necessary to Meet State and Local Requirements: Conformance with Idaho Code 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 (the “Study Area”) and prepare an eligibility report. The Eligibility Report: Snake River West (the “Report”), was submitted to the Agency. The Agency accepted the Report by Agency Resolution No. 2024-01 on February 15, 2024, and thereafter submitted the Report to the City Council for its consideration.

The Study Area was deemed by the City Council to be a deteriorating area and/or a deteriorated area and therefore eligible for an urban renewal project by adoption of Resolution No. 2024-06 on April 11, 2024. With the adoption of Resolution No. 2024-06, the City Council declared the Study Area described in the Report to be a deteriorated area and/or a deteriorating area as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, that such area is appropriate for an urban renewal project and directed the Agency to commence preparation of an urban renewal plan.

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

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

The Plan was prepared and submitted to the Agency for its review and approval. The Agency approved the Plan by the adoption of Agency Resolution No. 2024-11 on November 21, 2024, 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 Commission of the City. After consideration of the Plan, the Commission, by resolution, reported to the City Council that this Plan is in conformity with the City’s Comprehensive Plan.

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

### **103 History and Current Conditions of the Area**

This Project Area includes an estimated 18.469 acres and is generally located west of the Snake River, east and adjacent to I-15, south of Pancheri Drive, and north of Sunnyside Road. The Project Area is located entirely within the City limits and is within a developed portion of the City.

The Project Area is zoned Central Commercial. Current land use in the Project Area is vacant former agricultural land and single-family residential uses. The entire Project Area has been annexed into the City. The future land use map in the Comprehensive Plan envisions the Project Area as Mixed-Use Centers and Corridors, which contemplates an area where people want to shop, eat and gather, which amenities would include mixed-use buildings and commercial uses to support neighborhood connectivity. These areas include all housing types but contemplate greater housing density overall.

The area surrounding the Project Area has seen significant redevelopment: to the east is Snake River Landing, a mixed-use development; to the south is the recently completed Mountain America Center, an event venue, which is capable of hosting large events from sporting events to trade shows; and to the northeast is a hotel and several multi-family housing projects that are currently under construction. No development has occurred in the Project Area; there are significant and expensive impediments to development slowing the potential for mixed-use, multi-family residential, retail, office and commercial opportunities within the Project Area, including, but not limited to the limited street network within the Project Area; Pioneer Road is inadequate to meet growing traffic needs and lacks curb, gutter sidewalks and street lighting; the "S" curve in Pioneer Road creates safety concerns for vehicles and pedestrians as well as limiting redevelopment of a portion of the Project Area; flooding risks and ponding on the roadway; the lack of connectivity of the Project Area with the area to the east, which requires a bridge and road extension across the Porter Canal; the lack of a utility network within the Project Area to support desired development; and the location of the Battle Creek Canal, which limits the ability to develop the southern portion of the lot .

The Report cites a number of deteriorating conditions, as outlined in the Law and the Act, existing within the Project Area, including the presence of a substantial number of deteriorating or deteriorated structures; deterioration of site; age or obsolescence; predominance of defective or inadequate street layout; outmoded street patterns; lack of correlation of the area with other areas of the City by streets and modern traffic requirements; faulty lot layout in relationship to size, adequacy, accessibility, or usefulness/obsolete platting; insanitary or unsafe conditions; existence of conditions which endanger life or property by fire and other causes; and conditions which retard development of the area. The foregoing conditions result in economic underdevelopment of the area, substantially impair or arrest the sound growth of the municipality, and constitute an economic or social liability. The lack of public infrastructure in the Project Area does not support the mixed-use, multi-family residential, retail, office and commercial uses within the Project Area as identified in the Future Land Use Map and the City's Comprehensive Plan. As a result, development potential within the Project Area is currently restricted and would not meet the planning goals for a significant mixed-use, multi-family residential, retail, office and commercial area in the foreseeable future without tools to support the City's planning goals. There is a strong need for sewer and water system improvements; as well as roadway improvements, particularly on Pioneer Road, including curb, gutter, sidewalk, and streetscape improvements, as well as construction of the Whitewater bridge and the Whitewater Road extension. Improvements to the Battle Creek Canal would also assist with spurring development. At this time, the Project Area lacks the public infrastructure necessary to

properly serve the proposed uses and the economic development goals as contemplated by the City's Comprehensive Plan.

The Plan proposes remediation to certain impediments to development, as set forth in Attachment 5, with developer to advance fund certain improvements which may be eligible for reimbursement, including: Pioneer Road improvements, including right-of-way and streetscape enhancements, such as landscaping and widened sidewalks; storm drainage improvements; utility improvements, including construction of sewer and water system improvements, as well as improvements to fiber optic, natural gas and power facilities; improvements to the Battle Creek Canal; the installation and construction of the Whitewater Bridge and the Whitewater Street extension, together with right-of-way and streetscape enhancements. The Plan also proposes certain improvements to publicly owned assets within the Project Area to be undertaken and/or financed by the Agency, or other public entities, subject to annual budgeting and appropriation including, the planning, design and construction of roadway improvements, including improvements to the right-of-way and enhanced streetscape improvements,; storm drainage improvements, improvements to pedestrian and bicycle amenities, and other similar public infrastructure improvements, as necessary, creating the framework for the development of mixed-use, multi-family residential, retail, office and commercial projects consistent with the City's Comprehensive Plan.

A portion of the Project Area is underdeveloped and/or vacant and is not being used to its highest and best use due to the existence of significant impediments to development. The conditions outlined above have resulted in economic underdevelopment of the Project Area and have substantially impaired or arrested the sound growth of the City, constituted an economic and social liability and are a menace to the public health, safety, morals or welfare in its present condition and use.

The preparation and approval of an urban renewal plan, including a revenue allocation financing provision, gives the City additional resources to solve the public infrastructure and development impediment issues in this area. Revenue allocation financing should help to improve the situation. In effect, property taxes generated by new developments within the Project Area may be used by the Agency to finance a variety of needed public improvements and facilities.

It is highly unlikely that individual developers will take on the prohibitive costs of constructing the necessary infrastructure, particularly on the remaining vacant parcels in the Project Area, without the ability of revenue allocation to help offset at least some of these significant capital infrastructure costs. But for urban renewal and revenue allocation financing, the proposed removal of impediments to development and the public improvements to support revitalization and new developments supporting mixed-use, multi-family residential, retail, office and commercial uses within the Project Area would not occur.

## 104 Purpose of Activities

Attachment 5 includes the public improvements and projects list identifying with specificity the proposed public improvements and projects contemplated in the Project Area. Attachment 5 also identifies additional public improvement projects that may be undertaken by the Agency and/or another public entity. The description of activities, public improvements/projects, 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. Re-prioritize the Project 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 to support development when it occurs. The information included in Attachment 5 is based on information obtained from property owners and City staff, however, it is difficult to project with any certainty where the improvements will be sited until any future projects submit plans to the City for design review and permitting.

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

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 Attachment 5 will be determined or prioritized as the overall Project Area develops and through the annual budget setting process.

The activities listed in Attachment 5 are not prioritized but are anticipated to be completed as determined by development and available funds. As required by the Law and Act, the Agency will adopt more specific budgets annually. The projected timing of funding is primarily a function of market conditions and the availability of financial resources but is also strategic, considering the timing of private development partnership opportunities and the ability of certain strategic activities to stimulate development at given points in time within the planned duration of the urban renewal district and revenue allocation area.

The Study (Attachment 5) has described a list of projects, public improvements, and other related activities anticipated to be undertaken by property owners/developers and reimbursed with revenue allocation proceeds with an estimated cost of approximately \$5,551,594, plus the potential for an estimated \$1,800,000 for additional public infrastructure projects, which could be undertaken by the Agency and/or other public entities. These amounts do not take into account inflationary factors, such as increasing construction costs, which would increase the cost figures depending on when the owner, developer and/or Agency are 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 \$8,218,292.11 in revenue allocation proceeds. The Agency reserves the discretion and flexibility to use revenue allocation proceeds in excess of the amounts predicted in the event higher increases in assessed values occur during the term of the Plan for the improvements and activities identified in Attachment 5<sup>1</sup>. Additionally, the Agency reserves the discretion and flexibility to use other sources of funds unrelated to revenue allocation to assist in the funding of the improvements and activities identified in any of the project lists.

## **105 Open Land Criteria**

This Plan does not contemplate widespread Agency acquisition of real property within the Project Area. To the extent Agency acquisition of real property occurs, it will be, in part, to support economic development and housing. The Project Area is predominantly open, and therefore, the conditions set forth in Idaho Code Section 50-2903(8)(c) must be met. Idaho Code Section 50-2903(8)(c) states: “[a]ny area which is predominately open and which because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas.”

The eligibility criteria set forth in Idaho Code Section 50-2903(8)(c) for predominantly open land areas mirror or are the same as those criteria set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b). “Diversity of ownership” is the same, while “obsolete platting” appears to be equivalent to “faulty lot layout in relation to size, adequacy, accessibility, or

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<sup>1</sup> There is potential for additional development in the Project Area within the duration of the Plan. For purposes of Attachment 5, an alternative development scenario was proposed including a 140-unit hotel, which resulted in an additional \$1,000,000 for potential additional public infrastructure improvements as further set forth in Attachment 5.

usefulness.” “Deterioration of structures or improvements” is the same or similar to “a substantial number of deteriorated or deteriorating structures” and “deterioration of site or other improvements.” There is also an additional qualification that the provisions of Idaho Code Section 50-2008(d) shall apply to open areas.

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

Open land areas qualify for Agency acquisition and development for residential uses if the City Council determines there is a shortage of housing of sound standards and design which is decent, safe and sanitary in the City, that the need for housing will be increased as a result of the clearance of deteriorated areas, that the conditions of blight in the area and the shortage of decent, safe and sanitary housing contributes to an increase in the spread of disease and crime and constitutes 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 City. Due to the City’s expected growth, the need for housing, including affordable and/or workforce housing, is significant and integral to a successful mixed-use Project Area. Further, the existing zoning designations in the Project Area allow for mixed-density residential, and the future land use map shows areas of projected increased residential density.

Open land areas qualify for Agency acquisition and development for nonresidential uses if the City Council determines 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, because of defective or usual 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. All the stated conditions are included in one form or another in the definition of a deteriorated area and/or a deteriorating area set forth in Idaho Code Sections 50-2903(8)(b) and 50-2018(9). The conditions listed only in Section 50-2008(d)(4)(2) (the open land section) include economic disuse, unsuitable topography, and “the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.”

The conclusion of this discussion concerning open land areas is that the area qualifies if any of the eligibility conditions set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b) apply. Alternatively, the area under consideration qualifies if any of the conditions listed only in Idaho Code Section 50-2008(d)(4)(2) apply.

The following conditions are found in the Project Area, and have delayed or impaired

development of the open land areas and satisfy the open land conditions as more fully supported by the Eligibility Report: Snake River West, prepared by Brad Cramer, Perspective Planning & Consulting LLC: the presence of a substantial number of deteriorating or deteriorated structures; deterioration of site; age or obsolescence; predominance of defective or inadequate street layout; outmoded street patterns; lack of correlation of the area with other areas of the City by streets and modern traffic requirements; faulty lot layout in relationship to size, adequacy, accessibility, or usefulness/obsolete platting; insanitary or unsafe conditions; existence of conditions which endanger life or property by fire and other causes; substantially impairs or arrests the sound growth the municipality; conditions which retard development of the area; and the foregoing results in economic underdevelopment of the area and economic disuse.

This Plan does not anticipate widespread Agency acquisition of real 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 Boundary Map of Snake River West Urban Renewal Project Area and Revenue Allocation Area, attached hereto as Attachment 1 and incorporated herein by reference, and are described in the Legal Description of Snake River West Urban Renewal Project Area and Revenue Allocation Area, attached hereto as Attachment 2 and incorporated herein by reference. For purposes of boundary descriptions and use of proceeds for payment of improvements, the boundary shall be deemed to extend to the outer boundary of rights-of-way or other natural boundary unless otherwise stated.

## **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, to increase connectivity, and to grow the economy in the Project Area. Implementation of the strategy includes, but is not limited to the following actions:

- a. The engineering, design, installation, construction, and/or reconstruction of storm water management infrastructure to support compliance with federal, state, and local regulations for storm water discharge and to support private development;
- b. The provision for participation by property owners and developers within the Project Area to achieve the objectives of this Plan;
- c. The engineering, design, installation, construction, and/or reconstruction of the transportation network within the Project Area, including all streets and

streetscapes within the Project Area, with a focus on enhancements to Pioneer Road and related right-of-way improvements, including pedestrian facilities, curb and gutter improvements;

- d. The engineering, design, installation, construction, and/or reconstruction of sidewalks and related pedestrian facilities, curb, gutter and streetscapes throughout the Project Area, which for purposes of this Plan, the term streetscapes includes sidewalks, lighting, landscaping, benches, signage, wayfinding, bike racks, public art, and similar amenities between the curb and right-of-way line; and other public improvements, including multi-use pathways for bicycles and pedestrians;
- e. The engineering, design, installation and/or construction of the Whitewater Bridge crossing the Porter Canal and the Whitewater Street Extension, including but not limited to related right-of-way improvements, including pedestrian facilities, curb and gutter improvements, and streetscapes;
- f. The engineering, design, installation, construction, and/or reconstruction of utilities including but not limited to sewer system improvements and upgrades, water system improvements and upgrades; improvements to fiber optic, natural gas and power facilities;
- g. The engineering, design, installation, construction, and/or reconstruction of a portion of the Battle Creek Canal to support site development;
- h. The engineering, design, installation, construction, and/or reconstruction of bicycle and pedestrian amenities;
- i. Removal or relocation of underground utilities;
- j. The acquisition of real property for public right-of-way improvements and pedestrian facilities to encourage development opportunities consistent with the Plan, including but not limited to future disposition to qualified developers;
- k. The acquisition of real property for 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;
- l. 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;
- m. The removal of certain infrastructure 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;

- n. The management of any property acquired by and under the ownership and control of the Agency;
- o. The development or redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- p. The provision of financial and other assistance to encourage a mix of uses in the Project Area consistent with the Comprehensive Plan;
- q. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- r. The preparation and assembly of adequate sites for the development and construction of facilities for uses consistent with the Comprehensive Plan;
- s. In collaboration with property owners and other stakeholders, working with the City to amend zoning regulations (if necessary) and standards and guidelines as needed to support implementation of this Plan;
- t. 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, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- u. To the extent allowed by law, lend or invest federal funds to facilitate development and/or redevelopment;
- v. The provision for relocation assistance to displaced Project Area occupants, as required by law, or within the discretion of the Agency Board for displaced businesses;
- w. 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 all the powers now or hereafter permitted by Law and Act.

## **302 Urban Renewal Plan Objectives**

Urban renewal activity is necessary in the Project Area to combat problems of physical deterioration or deteriorating conditions. As set forth in greater detail in Section 103, the Project Area has a history of stagnant growth and underdevelopment based on certain impediments to development and the existence of deteriorated or deteriorating conditions that have arrested or impaired growth in the Project Area primarily attributed to: presence of a substantial number of deteriorating or deteriorated structures; deterioration of site; age or obsolescence; predominance of defective or inadequate street layout; outmoded street patterns; lack of correlation of the area with other areas of the City by streets and modern traffic requirements; faulty lot layout in relationship to size, adequacy, accessibility, or usefulness/obsolete platting; insanitary or unsafe conditions; existence of conditions which endanger life or property by fire and other causes; and conditions which retard development of the area; and economic disuse/underdevelopment. The foregoing conditions substantially impair or arrest the sound growth of the municipality. 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 and in Attachment 5.

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

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

- a. Initiate simultaneous projects designed to revitalize the Project Area. From street and utility improvements to significant new private development creating housing density, the Agency plays a key role in creating the necessary momentum to get and keep things going.
- b. Support development that enhances the transportation network and connectivity with other areas of the City.
- c. Support pedestrian and bicyclist experiences in support of the City's "Connecting our Communities" plan.
- d. Support the development of uses consistent with the City's Comprehensive Plan, including mixed-use, multi-family residential, retail, office and commercial development that supports the City's economic development and housing goals.

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

Land use in the Project Area may be modified to the extent that underutilized, underdeveloped, deteriorated, deteriorating and vacant land and land now devoted to uses inconsistent with the future land uses of the area will be converted to mixed-use, multi-family residential, retail, office and commercial uses consistent with the Comprehensive Plan, which is currently zoned Central Commercial, and envisioned as Mixed-Use Centers and Corridors in the Comprehensive Plan. In implementing the activities described in this Plan, the Agency, in recognizing the mixed-use, multi-family residential, retail, office and commercial uses within the Project Area, shall give due consideration to the provision of adequate open space, park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of residents in the general vicinity of the Project Area covered by the Plan.

### **303 Participation Opportunities and Agreement**

#### **303.1 Participation Agreements**

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

Each structure and building in the Project Area to be rehabilitated or to be constructed as a condition of the owner participation agreement between the Agency and the owner pursuant to this Plan will be considered to be satisfactorily rehabilitated and constructed pursuant to the requirements of the Law and Act, and the Agency will so certify, if the rehabilitated or new structure meets the standards set forth in an executed owner participation agreement and complies with applicable provisions of this Plan, local codes and ordinances, the Idaho Code and meets the conditions described below:

- a. Any such property within the Project Area shall be required to conform to all applicable provisions, requirements, and regulations of this Plan. The owner participation agreement may require as a condition of financial participation by

the Agency a commitment by the property owner to meet the greater objectives of the land use elements identified in the Comprehensive Plan, and applicable zoning ordinances, and other requirements deemed appropriate and necessary by the Agency. Upon completion of any rehabilitation each structure must be safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition that will continue throughout an estimated useful life for a minimum of twenty (20) years.

- b. Any owner shall 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 those residing in the general vicinity of the site covered by the Plan, recognizing the uses contemplated in the Project Area.
- c. 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.
- d. Any new construction shall also conform to all applicable provisions, requirements, and regulations of this Plan, as well as to all applicable codes and ordinances of the City.

**All owner participation agreements will address phasing issues, development timing, phasing, 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, 2045. The Agency shall retain its discretion to negotiate an earlier date to accomplish all obligations under any owner participation agreement.**

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

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

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

- a. Encouraging property owners to revitalize and/or remediate deteriorated areas or deteriorating areas of their parcels to accelerate development in the Project Area.
- b. Subject to the limitations of the Law and the Act, providing incentives to property owners to encourage utilization and expansion of existing permitted uses during the transition period to prevent a proliferation of vacant and deteriorated parcels in the Project Area during the extended redevelopment of the Project Area.
- c. To accommodate improvements and expansions allowed by City regulations and generally consistent with this Plan for the Project Area.
- d. Subject to the limitations of the Law and Act, providing incentives to improve nonconforming properties so they implement the design guidelines contained in this Plan to the extent possible and to encourage an orderly transition from nonconforming to conforming uses through the term of the Plan.
- e. Provide for advance funding by the developer/owner participant of those certain public improvements related to or needed for the private development and related to the construction of certain public improvements. In that event, the Agency will agree as set out in the participation agreement to reimburse a portion of, or all of, the costs of public improvements identified in the participation agreement from the revenue allocation generated by the private development.

### **304 Cooperation with Public Bodies**

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

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

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

The Agency intends to cooperate to the extent allowable with the City for the engineering, design, installation, construction, and/or reconstruction of public infrastructure

improvements, including, but not limited to improvements to rights-of-way, including Pioneer Road improvements and related streetscapes; construction of the Whitewater Bridge over the Porter Canal and the Whitewater Street Extension, including right-of-way and streetscape improvements; improvements to the Battle Creek Canal; other public infrastructure installation, expansion and/or upgrades to sewer facilities, water facilities, fiber optic facilities, natural gas facilities and power facilities; improvements to storm drainage infrastructure; improvements to streetscapes, curbs, gutters, sidewalks, pathways and other pedestrian and cycling improvements; and other improvements set forth in Section 301 and in Attachment 5. The Agency shall also cooperate with the City on various relocation, screening, or undergrounding projects. To the extent any public entity, including the City has funded certain public infrastructure improvements, the Agency may reimburse those entities for those expenses. The Agency also intends to cooperate and seek available assistance from state, federal and other sources for economic development.

In the event the Agency is participating in the public development by way of financial incentive or otherwise, the public body shall enter into a participation agreement with the Agency and then shall be bound by the Plan and other land use elements and shall conform to those standards specified in Section 303.1 of this Plan.

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

### **305 Property Acquisition**

#### **305.1 Real Property**

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

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

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

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

The Agency is authorized by this Plan and Idaho Code §§ 50-2010 and 50-2018(12) to acquire the properties identified in Attachment 3 hereto for the purposes set forth in this Plan. The Agency has identified its intent to acquire and/or participate in the development of certain public improvements, including, but not limited to those defined in Section 301 of the Plan and in Attachment 5. The Agency's property acquisition will result in remediating deteriorating conditions in the Project Area by facilitating development consistent with the Comprehensive Plan. The public improvements are intended to be dedicated to the City and/or other appropriate public entity, as the case may be, upon completion. The Agency reserves the right to determine which properties identified, if any, should be acquired. The open land areas qualify for Agency acquisition as further set forth in Section 105 of this Plan.

It is in the public interest and may be necessary, in order to eliminate the conditions requiring redevelopment and in order to execute this Plan, for the power of eminent domain to be employed by the Agency, or by the City with the Agency acting in an advisory capacity,<sup>2</sup> 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

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<sup>2</sup> House Bill 1044, adopted by the Idaho Legislature during the 2021 Legislative Session, limited the Agency's ability to exercise eminent domain.

Agency may also acquire property for the purpose of developing streetscape and public utilities. The Agency reserves the right to determine which properties, if any, should be acquired.

### **305.2 Personal Property**

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

### **306 Property Management**

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

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

If the Agency receives federal funds for real estate acquisition and relocation, the Agency shall comply with 24 C.F.R. Part 42, implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The Agency reserves the right to extend benefits for relocation to those not otherwise entitled to relocation benefits as a matter of state law under the Act or the Law. The Agency may determine to use as a reference the relocation benefits and guidelines promulgated by the federal government, the state government, or local government, including the State Department of Transportation. The intent of this section is to allow the Agency sufficient flexibility to award relocation benefits on some rational basis, or by payment of some lump-sum per case basis. The Agency may also consider the analysis of replacement value for the compensation awarded to either owner occupants or businesses displaced by the Agency to achieve the objectives of this Plan. The Agency may adopt relocation guidelines which would define the extent of relocation assistance in non-federally assisted projects and which relocation assistance to the greatest extent feasible would be uniform. The Agency shall also coordinate with the various local, state, or federal agencies concerning relocation assistance as may be warranted.

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. The Agency 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 site preparation. In connection therewith, the Agency may cause, provide for, or undertake the installation or construction of streets, utilities, parks, pedestrian walkways, public parking facilities, drainage facilities, and other public improvements necessary to carry out this Plan.

### **309 Property Disposition and Development**

#### **309.1 Disposition by the Agency**

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

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

#### **309.2 Disposition and Development Agreements**

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

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

Leases, lease/purchases, deeds, contracts, agreements, and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, shall be recorded in the office of the Recorder of Bonneville 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 disposition and development 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 and to support the planning, design and transportation goals set forth in the Comprehensive 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 407 of this Plan.

- j. All other requirements and obligations as may be set forth in any participation policy established and/or amended by the Agency.

**The Agency also reserves the right to determine the extent of its participation based upon the achievements of the objectives of this Plan. Obligations under any disposition and development agreement and deed covenants, except for covenants which run with the land beyond the termination date of this Plan, shall terminate no later than December 31, 2045. The Agency shall retain its discretion to negotiate an earlier date to accomplish all obligations under any disposition and development agreement.**

### **309.3 Development by the Agency**

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct public improvements within the Project Area for itself or for any public body or entity, which public improvements are or would be of benefit to the Project Area. Specifically, the Agency may pay for, install, or construct the public improvements authorized under Idaho Code §§ 50-2007, 50-2018(10) and (13), and 50-2903(9), (13), and (14), and as otherwise identified in Attachment 5, attached hereto and incorporated herein by reference, 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 of this Plan or out of any other available funds.

### **310 Development Plans**

All development plans (whether public or private) prepared, pursuant to an owner participation or disposition and development 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 407. Additionally, development must be consistent with all City ordinances, design overlays and be supportive of the goals set forth in the Plan and the Comprehensive Plan.

### **311 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, or other State or federal agencies, for any purpose set forth under the Law or Act.

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

### **312 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.

### **313 Arts Funding**

The Agency encourages public art and performing arts through joint ventures with private developers and in cooperation with the City. Whenever possible, any Agency arts funding will be used to leverage additional contributions from developers, other private sources, and public or quasi-public entities for purposes of including public art within the projects identified in this Plan.

## **400 USES PERMITTED IN THE PROJECT AREA**

### **401 Designated Land Uses**

The Agency intends to rely upon the overall land use designations and zoning classifications of the City, as may be amended, and as depicted on Attachment 4 and as set forth in the City's Comprehensive Plan and within the City's zoning code, including the future land use map and zoning classifications, as may be amended. The Project Area is zoned Central Commercial, with the Comprehensive Plan designating the area as envisioned to be Mixed-Use Centers and Corridors on the future land use map. 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 included within the boundaries, as shown on Attachment 1 and within several maps included within Attachment 5, including but not limited to portions of: Pioneer Road; and the construction of the Whitewater Bridge and the Whitewater Street expansion. Any new roadways, including new local, collectors, and/or arterials to be engineered, designed, installed, and constructed in the Project Area, 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.

Additional improvements to existing streets, alleys and easements may be created, improved, or extended in the Project Area as needed for development. Existing dirt roadways, streets, easements, and canal, irrigation or drainage laterals or ditches may be abandoned, closed, 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, and appropriate irrigation or drainage districts or canal companies, regarding changes to canals, laterals or ditches.

Any development, maintenance, and future changes in the interior or exterior street layout shall be in accordance with the objectives of this Plan and the design standards of the City, or the Idaho Department of Transportation 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 pedestrian and vehicular access, vehicular parking, and delivery loading docks with the similar needs of any existing developments permitted to remain. Such balancing shall take into consideration the rights of existing owners and tenants under the rules for owner and tenant participation adopted by the Agency for the Project and any participation agreements executed thereunder;

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

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

#### **403 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 the City Code.

#### **404 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, redeveloped, rehabilitated, or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of this Plan.

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

In addition to applicable codes, ordinances, or other requirements governing development in the Project Area, additional specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Project Area in the event of a disposition and development agreement or owner participation agreement, including but not limited to compliance with the City of Idaho Falls Bridge and Street Regulation Ordinance, Chapter 1A, Title 11 of the City Code.

#### **406 Nonconforming Uses**

This Section applies to property owners seeking assistance from the Agency regarding their property. 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.

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

Under those agreements, the architectural, landscape, and site plans shall be submitted to the Agency and approved in writing by the Agency. In such agreements, the Agency may impose additional design controls. The Agency shall find that any approved plans do comply with this Plan. The Agency reserves the right to impose such design standards on an ad hoc basis through the approval process of the disposition and development agreement or owner participation 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 toward 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. These additional design standards or controls 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 ordinances.

## **500 METHODS OF FINANCING THE PROJECT**

### **501 General Description of the Proposed Financing Method**

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

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

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

### **502 Other Loans and Grants**

Any other loans, grants, guarantees, or financial assistance from the United States, the state of Idaho CDBG funds, or any other public or private source will be utilized if available. The Agency may consider funding sources through Local Improvement Districts as authorized by state law. Neither the members of the Agency nor any persons executing such loans or grants shall be liable on the loans or grants by reason of their issuance.

### **503 Revenue Allocation Financing Provisions**

The Agency hereby adopts revenue allocation financing provisions as authorized by the Act, effective retroactively to January 1, 2025. 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 property 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 503.1, which would allow the Agency to more quickly fund the public improvements contemplated by this Plan. Likewise, a developer/owner advanced funding of certain eligible public infrastructure improvements to be reimbursed pursuant to an owner participation agreement could achieve the same purpose.

Upon enactment of a City Council ordinance finally adopting these revenue allocation financing provisions and defining the Revenue Allocation Area described herein as part of the Plan, there shall hereby be created a special fund of the Agency into which the County Treasurer shall deposit allocated revenues as provided in Idaho Code § 50-2908. The Agency shall use such funds solely in accordance with Idaho Code § 50-2909 and solely for the purpose of providing funds to pay the Project Costs, including any incidental costs, of such urban renewal projects as the Agency may determine by resolution or resolutions of its Board.

A statement listing proposed public improvements and facilities, a schedule of improvements, the location of proposed public infrastructure 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 Attachment 5 to this Plan. This information necessarily incorporates estimates and projections based on the Agency's and consultants' present knowledge and expectations. Attachment 5 also identifies additional public infrastructure projects that may be undertaken by the Agency and/or in partnership with the City, depending on the existence of funding and time remaining in the revenue allocation area. The Agency is hereby authorized to adjust the presently anticipated urban renewal projects and use of revenue allocation financing of the related Project Costs if the Board deems such adjustment necessary or convenient to effectuate the general objectives of the Plan in order to account for revenue inconsistencies, market adjustments, future priorities, developers/owners seeking Agency assistance pursuant to an owner participation agreement, and

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

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, from other revenue allocation areas (inter-district loan), or private entity and financial institutions in order to immediately commence construction of certain of the public improvements. Developer advanced funding of public improvements could also achieve the same purpose. The revenue allocation proceeds are hereby irrevocably pledged for the payment of the principal and interest on the advance of monies or making of loans or the incurring of any indebtedness such as bonds, notes, and other obligations (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part, including reimbursement to any owner/developer or public entity for the cost of eligible public improvements pursuant to a participation agreement.

Revenues will continue to be allocated to the Agency until termination of the revenue allocation area as set forth in Section 800. Attachment 5 incorporates estimates and projections based on the Agency's and its consultants' present knowledge and expectations concerning the length of time to complete the improvements and estimated future revenues. The activity may take longer depending on the significance and timeliness of development. Alternatively, the activity may be completed earlier if revenue allocation proceeds are greater, or the Agency obtains additional funds from another source.

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

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

### **503.1 Economic Feasibility Study**

Attachment 5 constitutes the Economic Feasibility Study (the "Study"), prepared by Brad Cramer, Perspective Planning & Consulting LLC. The Study constitutes the financial analysis required by the Act and is based upon existing information from property owners, developers, the Agency, the City, and others.

### **503.2 Assumptions and Conditions/Economic Feasibility Statement**

The information contained in Attachment 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 indebtedness (and all other loans or indebtedness), developer reimbursement and the amount of revenue generated by revenue allocation are dependent upon the extent and timing of private development. Should all the development take place as projected, the project indebtedness could be extinguished earlier, dependent upon other legal obligations. Should private development take longer to materialize, or should the private development be substantially less than projected, then the amount of revenue generated will be substantially reduced and debt may continue for its full term.

The Plan and the Plan Attachments incorporate estimates and projections based on the Agency's and consultants' present knowledge and expectations. The Plan proposes certain public improvements as set forth in Attachment 5 and in Section 301, which will facilitate developments in the Revenue Allocation Area as more fully guided by the design, planning, development, use, and transportation goals set forth in the Comprehensive Plan.

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

The project list within Attachment 5 is prioritized by way of feasibility based on timing of developer advanced funding of potentially eligible improvements and projects, estimated revenues to be received, amounts funded, and by year of funding. The projected timing of funding is primarily a function of the availability of financial resources and market conditions but is also strategic, considering the timing of anticipated or projected private development partnership opportunities and the ability of certain strategic activities to stimulate development at a given point in time within the duration of the Plan and Project Area. Attachment 5 also identifies other public improvements that may be funded during the duration of the Plan with revenue allocation proceeds but are not contemplated to be advance funded by any developer/property owners, including planning, design, engineering and construction of improvements to streets; streetscapes; pedestrian and bicycle improvements; enhanced landscaping; and storm drainage improvements on rights-of-way within the Project Area. Cost estimates are too speculative to include in Attachment 5; however, the Study anticipates \$1,800,000 to \$2,000,000 in revenue allocation proceeds that could be allocated to the foregoing improvements should development within the Project Area occur as projected.

The assumptions concerning revenue allocation proceeds are based upon certain anticipated or projected new developments, assessed value increases, and assumed tax levy rates as more specifically set forth in Attachment 5. Further, the financial analysis set forth in

Attachment 5 has taken into account and excluded levies that do not flow to the Agency consistent with Idaho Code § 50-2908. In projecting new construction, the Study considered parcels identified as expected to develop over the life of the Project Area, communications with developers/property owners, City staff and others.

The types of new construction expected in the Project Area are mixed-use, multi-family residential, retail, office and commercial facilities. Additional improvements include improvements to streets, rights-of-way, streetscapes, and other public facilities, including but not limited to sewer, water, fiber optic, natural gas, power and drainage facilities. However, without a method to construct the identified public improvements such as sewer improvements, street infrastructure, and pedestrian amenities, development is unlikely to occur in much of the Project Area.

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

### 503.3 Ten Percent Limitation<sup>3</sup>

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 Bonneville County Assessor, the assessed taxable value for the City as of June 2024 is \$8,086,452,575. Therefore, the 10% limit is \$808,645,257.

The adjusted base assessed value of each of the existing revenue allocation areas and the assessed taxable value of the proposed Project Area as of June 2024, is as follows:

River Commons District	\$131,823
Eagle Ridge District	\$7,343,365
Jackson Hole Junction District	\$700,421
Pancheri East Bank District	\$5,939,063
Anderson Bush District	\$416,321
Stanley Boge District	\$41,521,753
Snake River West Proposed RAA	\$388,053 <sup>4</sup>
Yellowstone Square Proposed RAA	\$9,404,034
 Total of Existing and Proposed Districts	 \$65,844,833

<sup>3</sup> Due to the timing of the assessment process and creation of this Plan, the June (non-equalized) 2024 values have been used to establish compliance with the 10% limitation. Using the estimated 2024 values, the total value of the existing revenue allocation areas combined with the value of this Project Area are significantly less than 10% of the total assessed taxable value of the City (only .81%). Even assuming an increase to the values, the combined base values will not exceed 10% of the total assessed taxable value of the City.

<sup>4</sup> The base value of the proposed Project Area was calculated using 2024 values for all parcels other than a 4.59 acre parcel owned by LLKM Properties, LLC, which used the 2023 value. This is due to a small change in parcel lines which occurred during the finalization of the Study. The change in parcel lines requires reappraisal of the values for each new section by the Bonneville County Assessor's Office, which had not yet occurred.

The adjusted base values for the combined existing revenue allocation areas and the estimated base value for the proposed Project Area is \$65,844,833, which is less than 10% of the City's estimated 2024 taxable value.

#### **503.4 Financial Limitation**

The Study identifies several capital improvement projects. Use of any particular funding source for any particular purpose is not assured or identified. Use of the funding source shall be conditioned on any limitations set forth in the Law, the Act, by contract, or by other federal 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 are contemplated in the Study, including proposed revenue allocation notes, annual revenue allocations, developer contributions, City, or other public entity contributions, interfund loan, and other financing sources as permitted by law. This Study identifies the kind, number, and location of all proposed public works or improvements, a detailed list of estimated project costs, a description of the methods of financing illustrating project costs, and the time when related costs or monetary obligations are to be incurred.<sup>5</sup> Based on these funding sources, the conclusion is that the Project is feasible.

The Agency reserves the discretion and flexibility to use revenue allocation proceeds in excess of the amounts projected in the Study for the purpose of funding the identified projects and improvements, including those projects identified, but for which providing cost estimates was deemed too speculative. The projections in the Study are based on reasonable assumptions and existing market conditions. However, should the Project Area result in greater than anticipated revenues, the Agency specifically reserves the ability to fund the additional activities and projects identified in the Plan. Further, the Agency reserves the discretion and flexibility to use other sources of funds unrelated to revenue allocation to assist in the funding of the improvements and activities identified, including but not limited to owner participation agreements and disposition and development agreements. The Agency may also re-prioritize 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 and projects may have to be adjusted depending upon the availability of funds and the Agency's ability to finance any portion of the

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<sup>5</sup> See Idaho Code § 50-2905.

**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.**

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

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

Generally, the Agency expects to develop those improvements and fund the projects identified in Attachment 5 (through reimbursement) first, in conjunction with private development within the Project Area generating the increment as identified in Attachment 5. The Agency may undertake the additional public infrastructure improvements identified in Attachment 5 that may be funded during the duration of the Plan with revenue allocation proceeds but are not contemplated to be advance funded by any developer/property owners, including planning, design, engineering and construction of street and streetscape improvements and enhanced landscaping and pedestrian/bicyclist improvements within the Project Area. Cost estimates are too speculative to include in Attachment 5; however, the Study anticipates up to \$2,800,000 in revenue allocation proceeds that could be allocated to the foregoing improvements.

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.

### **503.5 Participation with Local Improvement Districts and/or Business Improvement Districts**

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

### **504 Issuance of Debt and Debt Limitation**

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

### **505 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.

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

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

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

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

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.<sup>6</sup> From and after December 31, 2006, Idaho Code § 63-301A prohibits taxing entities from including, as part of the new construction roll, the increased value related to new construction within a revenue allocation area until the revenue allocation authority is terminated. Any new construction within the Project Area is not available for inclusion by the taxing entities to increase their budgets. Upon termination of the Project Area or deannexation of area from the Project Area, the taxing entities will be able to include a percentage<sup>7</sup> of the increment value on the new construction roll for purposes of setting the following year's budget and revenue from such value is not limited to the eight percent cap set forth in Idaho Code § 63-802.

As the 2024 certified levy rates are not determined until November 2024, the 2023 certified levy rates obtained from the publication entitled *2023 Bonneville County Levies Based on Each \$1.00 Market Value* found on the Bonneville County website have been used in the Study for purposes of the analysis.<sup>8</sup> For Tax Year 2023, those taxing districts and levy rates are as follows:<sup>9</sup>

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<sup>6</sup> House Bill 389 amended Idaho Code Sections 63-802 and 63-301A limiting the value placed on the new construction roll and available to a taxing district for a budget capacity increase. This could result in lower levy rates over time. Additionally, the impact of House Bill 292 (2023), the property tax relief bill, is unknown, but may also have the effect of lowering levy rates over time.

<sup>7</sup> Pursuant Idaho Code Sections 63-802 and 63-301A, 80% of the total eligible increment value is added to the new construction roll.

<sup>8</sup> Due to the timing of the taxing districts' budget and levy setting process, certification of the 2024 levy rates will not occur until this Plan had been prepared. In order to provide a basis to analyze the impact on the taxing entities, the 2023 levy rates are used. Use of the 2023 levy rates provides a more accurate base than estimating the 2024 levy rates.

<sup>9</sup> It is unclear how the personal property tax exemption set forth in Idaho Code § 63-602KK, and as amended by House Bill 389, effective January 1, 2022, may impact the levy rate.

<u>Taxing Districts</u>	<u>Levy Rates:</u>
Bonneville County Ambulance	.000200786
Bonneville County	.002352847
Bonneville County Road & Bridge	.000036090
School District No. 91	0
Fire District #1	.000529030
College of Eastern Idaho	0.000083419
City of Idaho Falls	.005404480
<b>TOTAL<sup>10</sup></b>	<b>0.005487899</b>

The Study has made certain assumptions for purposes of determining the economic feasibility of the project:

1. Valuations only include taxable parcels in the Project Area;
2. The base value of the parcels de-annexed from the Eagle Ridge Revenue Allocation Area and included in the Project Area has increased to the current taxable value;
3. Total increment value is assumed to increase 2% per year;
4. Applicable tax levy rate is assumed to decrease 1% per year;
5. The new development timeline for a proposed 272-unit apartment complex and the estimated taxable valuation were provided by the developer. The Study recognizes the delay in revenue allocation proceeds from the time the new development value is on the tax rolls;
6. In projecting timing of payments under an owner participation agreement, the Study recognizes reimbursement commences following receipt of the certificate of occupancy and the Agency receipt of revenue allocation proceeds from the private development project; and
7. The Study assumes the Agency will receive revenue allocation proceeds in the year following termination.

The Study also projects additional revenue from a potential future hotel development, which increases the revenue allocation proceeds available to fund public infrastructure improvements as noted in the Study.

The total projects eligible for reimbursement to the developer are anticipated to be approximately \$5,551,594. The Study further projects up to \$2,800,000 in revenue to fund the additional public infrastructure projects identified in Attachment 5. In addition to reimbursement to the developer for certain eligible project costs, the Study also contemplates that developer/property owner will be reimbursed for advance funding certain planning costs in the estimated amount of \$40,000, pursuant to a memorandum of understanding with the Agency.

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<sup>10</sup> Net of voter approved bonds and levies.

Based on the above conservative assumptions, the Project is economically feasible and should be completed by 2045.

Pursuant to Idaho Code § 50-2908, the Agency is not entitled to revenue allocation proceeds from certain levy increases which are allowed by either specific statutory authorization or approved by an election of the qualified electors of the particular taxing district. Therefore, for any levy election, the Agency will not receive revenue allocation funds which would have been generated by imposing that levy on the assessed valuation within the Project Area. The Study has taken this statute into account. This is also the reason there is no impact to the School District No. 91.

#### **506 Other Fund Sources**

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

#### **507 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.

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.

#### **508 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 Administration within the Study shall be deemed to include expenditures for the purposes described in this section as may be deemed appropriate during the annual budgetary process.

## **600 ACTIONS BY THE CITY AND OTHER PUBLIC ENTITIES**

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

- a. Institution and completion of proceedings necessary for changes and improvements in private and publicly owned public utilities within or affecting the Project Area.
- b. Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan.
- c. Imposition, wherever necessary, of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
- d. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency may develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.
- e. Building Code enforcement.
- f. Performance of the above actions and of all other functions and services relating to public peace, health, safety, and physical development normally rendered in accordance with a schedule which will permit the development and/or redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
- g. The undertaking and completing of any other proceedings necessary to carry out the Project.
- h. Administration of Community Development Block Grant funds that may be made available for this Project.
- i. Appropriate agreements with the Agency for administration, supporting services, funding sources, and the like.

- j. Joint funding of certain public improvements, subject to public entity annual appropriation, including but not limited to those identified in this Plan and Attachment 5 to the Plan.
- k. Use of public entity labor, services, and materials for construction of the public improvements identified in this Plan and in Attachment 5 to this Plan.
- l. Assist with coordinating and implementing the public improvements in the Project Area identified in the Study.
- n. Waiver of impact fees and permit fees as may be permitted by the law.
- o. Contribute land for right-of-way improvements at no cost to support construction of the public improvements lists in the Plan.

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

#### **601 Maintenance of Public Improvements**

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

#### **700 ENFORCEMENT**

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

#### **800 DURATION OF THIS PLAN, TERMINATION, AND ASSET REVIEW**

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan, shall be effective for twenty (20) years from the effective date of the Plan subject to modifications and/or extensions set forth in Idaho Code § 50-2904. The revenue allocation authority will expire on December 31, 2045, except for any revenue allocation proceeds received in calendar year 2046, as contemplated by Idaho Code § 50-2905(7). The Agency may use proceeds in 2046 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, 2045.

Idaho Code § 50-2903(5) provides the Agency shall adopt a resolution of intent to terminate the revenue allocation area by September 1, in the year of termination. In order to provide sufficient notice of termination to the affected taxing districts to allow them to benefit from the increased budget capacity, the Agency will use its best efforts to provide notice of its intent to terminate this Plan and its revenue allocation authority by May 1, 2046, 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 in the same manner and proportion as the most recent distribution to the affected taxing districts of the taxes on the taxable property located within the Revenue Allocation Area; and the powers granted to the urban renewal agency under Idaho Code § 50-2909 shall thereupon terminate.
- b. In determining the termination date, the Plan shall recognize that the Agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the Plan.
- c. For the fiscal year that immediately predates the termination date, the Agency shall adopt and publish a budget specifically for the projected revenues and expenses of the Plan and make a determination as to whether the Revenue Allocation Area can be terminated before January 1 of the termination year pursuant to the terms of Idaho Code § 50-2909(4). In the event that the Agency determines that current tax year revenues are sufficient to cover all estimated expenses for the current year and all future years, by May 1, but in any event, no later than September 1, the Agency shall adopt a resolution advising and notifying the local governing body, the county auditor, and the State Tax Commission, recommending the adoption of an ordinance for termination of the Revenue Allocation Area by December 31 of the current year, and declaring a surplus to be distributed as described in Idaho Code § 50-2909 should a surplus be determined to exist. The Agency shall cause the ordinance to be filed with the office of the county recorder and the Idaho State Tax Commission as provided in Idaho Code § 63-215.

Upon termination of the revenue allocation authority of the Plan to the extent the Agency owns or possesses any assets, subject to the following paragraph, the Agency intends to dispose

of any remaining assets by granting or conveying or dedicating such assets to the City, unless based on the nature of the asset, disposition to another public entity is more appropriate.

As allowed by Idaho Code § 50-2905(8), the Agency may retain assets or revenues generated from such assets as long as the Agency shall have resources other than revenue allocation funds to operate and manage such assets.

## **900 PROCEDURE FOR AMENDMENT OR MODIFICATION**

Modification of this Plan by City Council ordinance results in a reset of the base value for the year immediately following the year in which the modification occurred to include the current year's equalized assessed value of the taxable property in the revenue allocation area, effectively eliminating the Agency's revenue stream as more fully set forth in Idaho Code § 50-2903A subject to certain limited exceptions contained therein. 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). Further, a modification shall not be deemed to occur when "[t]here is a plan amendment to support growth of an existing commercial or industrial project in an existing revenue allocation area, subject to the provisions of section 50-2905A, Idaho Code." Idaho Code § 50-2903A(1)(a)(iv). The Project includes the development and/or redevelopment of a commercial project.

## **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, Idaho Code § 50-2006(5)(c), the Agency is required to file with the City and the State Controller's Office, on or before March 31 of each year, a report of the Agency's activities for the preceding calendar year, which report shall include certain financial information required under Idaho Code § 67-1076. This annual report shall be considered at a public meeting to report these findings and take comments from the public.

Additionally, the Agency must comply with certain other reporting requirements as set forth in Idaho Code § 67-1076, the local government registry portal, the tax commission plan repository, *see* Idaho Code § 50-2913, the tax commission's plan modification annual attestation, *see* Idaho Code § 50-2903A. Failure to report the information requested under any of these

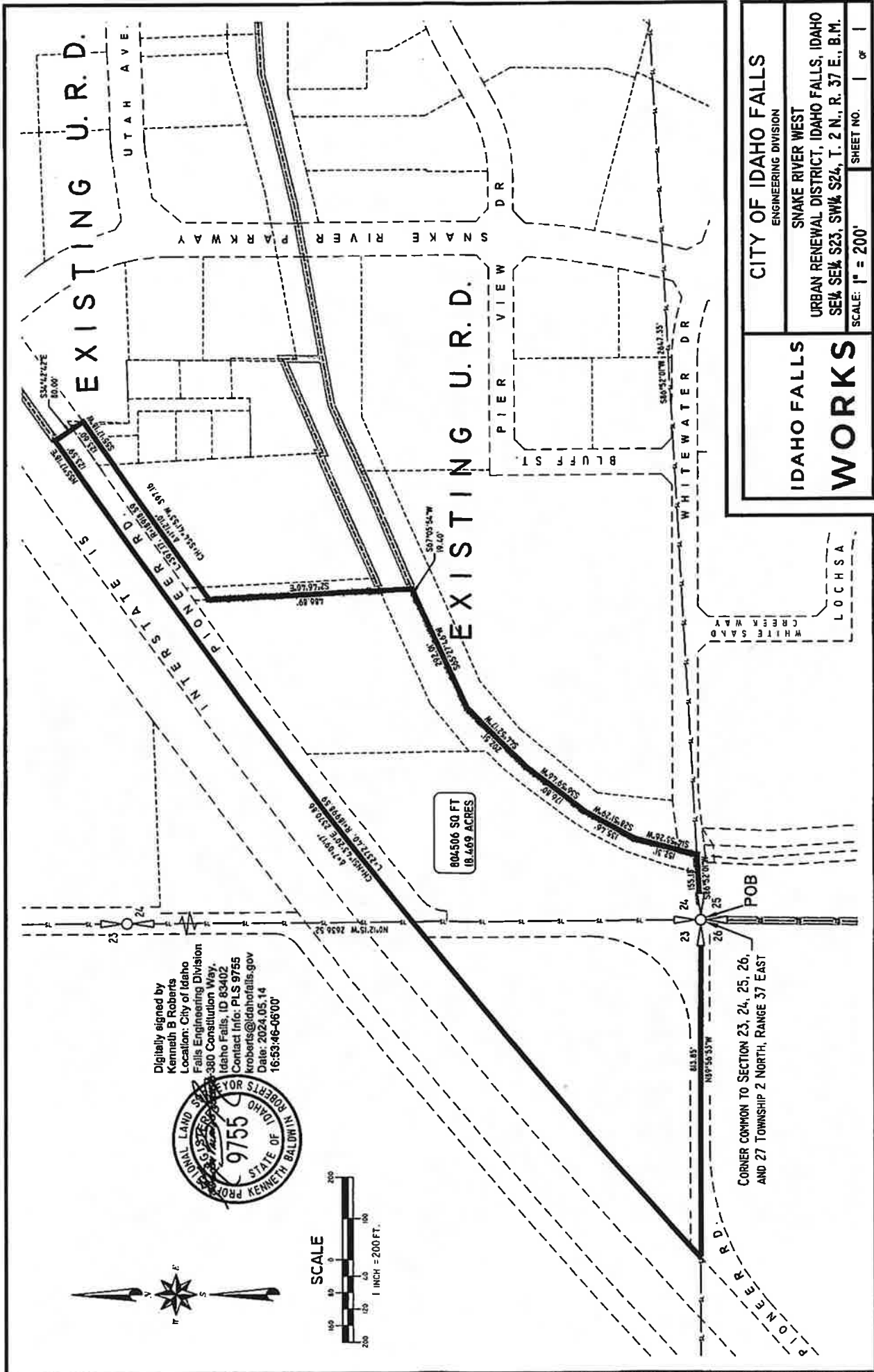
statutes results in significant penalties, including loss of increment revenue, and the imposition of other compliance measures by the Bonneville County Board of County Commissioners.

## **1200 APPENDICES, ATTACHMENTS, EXHIBITS, TABLES**

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

Attachment 1

**Boundary Map of Snake River West  
Urban Renewal Project Area and Revenue Allocation Area**

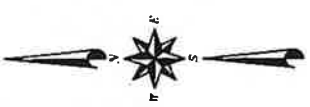


**EXISTING U.R.D.**

**EXISTING U.R.D.**

804,506 SQ. FT.  
(18.469 ACRES)

Digitally signed by  
Kenneth B Roberts  
Location: City of Idaho  
Falls Engineering Division  
380 Constitution Way,  
Idaho Falls, ID 83402  
Contact Info: PLS 9755  
kroberts@idahofalls.gov  
Date: 2024.05.14  
16:53:46-06'00'




POB  
CORNER COMMON TO SECTION 23, 24, 25, 26,  
AND 27 TOWNSHIP 2 NORTH, RANGE 37 EAST

<b>IDAHO FALLS</b> <b>WORKS</b>	<b>CITY OF IDAHO FALLS</b> ENGINEERING DIVISION
	SNAKE RIVER WEST URBAN RENEWAL DISTRICT, IDAHO FALLS, IDAHO SE¼ SE¼ S23, SW¼ S24, T. 2 N., R. 37 E., B.M. SCALE: 1" = 200'

SHEET NO. | OF |





**CITY OF IDAHO FALLS**  
ENGINEERING DIVISION

**SNAKE RIVER WEST**  
URBAN RENEWAL DISTRICT, IDAHO FALLS, IDAHO  
SE¼ SE¼ S23, SW¼ S24, T. 2 N., R. 37 E., B.M.

SHEET NO. | of |  
SCALE: 1" = 200'

Design: James R. Smith  
 Engineer: City of Idaho Falls  
 Department: Engineering  
 1000 S. Broadway, Suite 100  
 Idaho Falls, ID 83402  
 Phone: 208-343-4100  
 Fax: 208-343-4100  
 Email: jsmith@idaho-falls.gov



804506 SQ FT  
 18.469 ACRES

POB

Reference to Section 15, 34, 35, 36  
 Township 2 North, Range 37 East

Attachment 2

Legal Description of Snake River West  
Urban Renewal Project Area and Revenue Allocation Area

# Attachment \_\_\_\_\_

## DESCRIPTION OF THE PROJECT AREA AND REVENUE ALLOCATION AREA

The Project Area and Revenue Allocation Area are coterminous and generally described as follows:

A parcel of land lying in a portion of the southeast quarter of the southeast quarter, (SE¼ SE¼), of Section 23 and the southwest quarter, (SW¼), of Section 24, both areas being within Township 2 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho described as follows:

**BEGINNING** at the Section Corner common to Sections 23, 24, 25, and 26, Township 2 North, Range 37 East of the Boise Meridian; **THENCE** along the Section Line common to said Sections 23 and 26 N89°56'53"W 813.85 feet to a point on the Southeasterly Right-of-Way of Interstate 15, said point being a non-tangent curve to the RIGHT; **THENCE** along said Southeasterly Right-of-Way of Interstate 15 the following two (2) calls:

- (1) **THENCE** Northeasterly along said curve to the RIGHT having a radius of 18998.59 feet, a delta angle of 07°09'17", and whose chord bears N51°43'20"E 2370.86 feet, for an arc distance of 2372.40 feet;
- (2) **THENCE** N55°17'18"E 123.59 feet;

**THENCE** S34°42'42"E 80.00 feet; **THENCE** S55°17'18"W 123.60 feet to the point of a non-tangent curve to the LEFT; **THENCE** along said curve to the LEFT, having a radius of 18918.59 feet, a delta angle of 1°12'10", and whose chord bears S54°41'53"W 397.16 feet, for an arc distance of 397.17 feet; **THENCE** along a line non-tangent to said previous curve, S02°46'40"E, a distance of 486.89 feet; **THENCE** S67°05'54"W 19.40 feet; **THENCE** S65°27'46"W 292.01 feet; **THENCE** S44°52'17"W 202.51 feet; **THENCE** S36°59'46"W 176.80 feet; **THENCE** S28°51'29"W 135.46 feet; **THENCE** S14°55'26"W 152.31 feet to a point on the Section Line common to said Sections 24 and 25; **THENCE** S86°52'01"W 155.18 feet along the Section Line common to said Sections 24 and 25 to the **POINT OF BEGINNING**, and containing 18.469 acres, more or less.



Digitally signed by Kenneth B Roberts  
Location: City of Idaho Falls Engineering Division 380  
Constitution Way, Idaho Falls, ID 83402  
Contact Info: PLS 9755 kroberts@idahofalls.gov  
Date: 2024.05.14 17:05:01-06'00'

If the electronic signature is not clearly present on this document, it has been modified from its original version and the Surveyor's Seal is no longer valid.

### Attachment 3

#### Private Properties Which May Be Acquired by the 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 include parcels to:
  - 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 mixed-use, multi-family residential, retail, office, and commercial facilities; or
  - e) assemble for the construction of certain public improvements, including but not limited to streets, streetscapes, water and sewer improvements, natural gas facility improvements, electrical facility improvements, fiber optic improvements, pedestrian/bike paths and trails, and other public facilities.
2. The Agency reserves the right to acquire any additional right-of-way or access routes near or around existing or planned rights-of-way.
3. The Agency reserves the right to acquire property needed to provide adequately sized sites for high priority projects for the development of public improvements (the exact location of which has not been determined).
4. Other parcels may be acquired for the purpose of facilitating catalyst or demonstration projects, constructing public parking, constructing new streets or pathways, enhancing public spaces, or to implement other elements of the urban renewal plan strategy and/or any master plan for the Project Area.

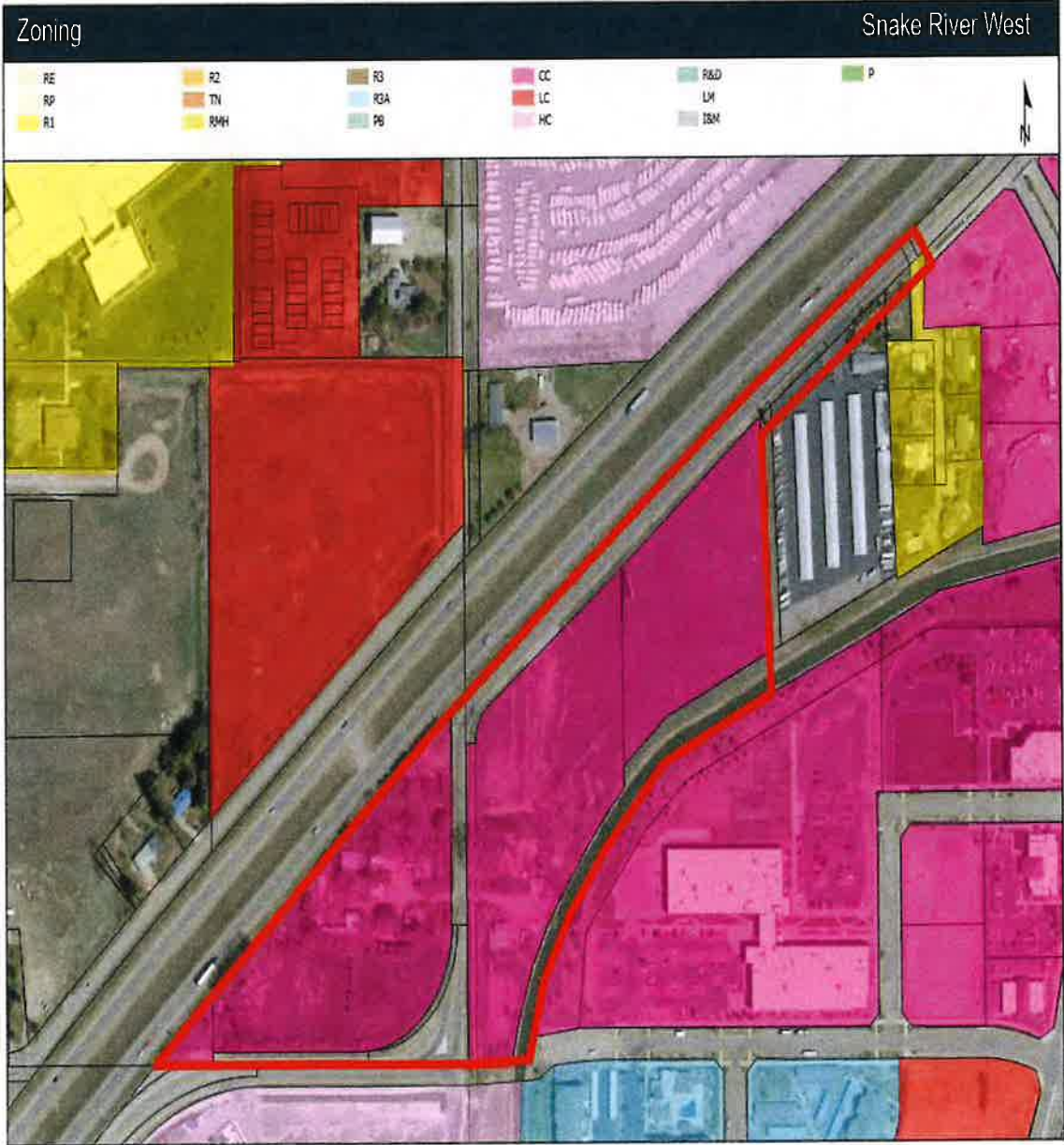
## Attachment 3

### Private Properties Which May Be Acquired by the Agency

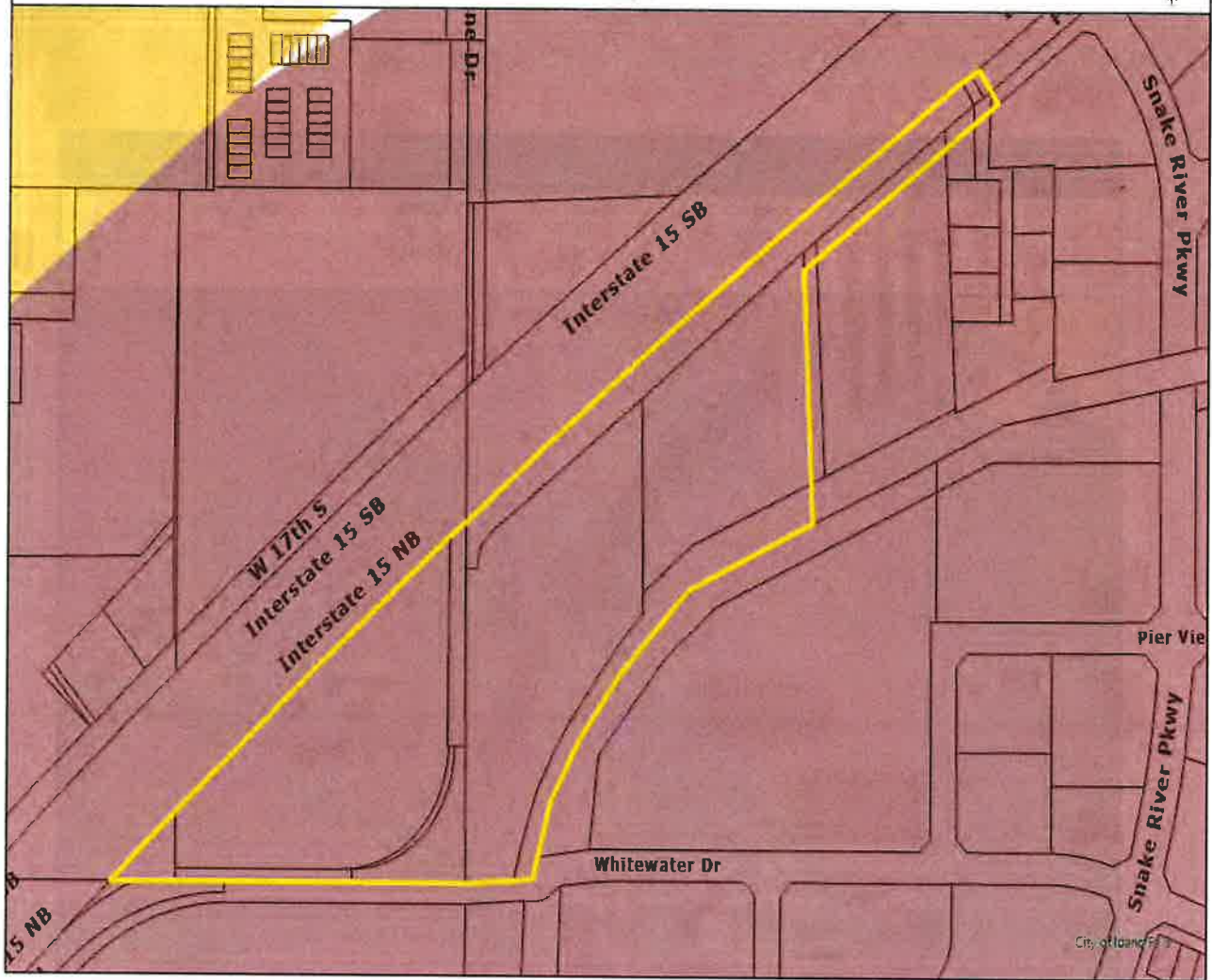
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  - d) assemble for future transfer to qualified developers to facilitate the development of mixed-use, multi-family residential, retail, office, and commercial facilities; or
  - e) assemble for the construction of certain public improvements, including but not limited to streets, streetscapes, water and sewer improvements, natural gas facility improvements, electrical facility improvements, fiber optic improvements, pedestrian/bike paths and trails, and other public facilities.
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Attachment 4

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



- Transect
- 01 Natural and Open Space
  - 02 Residential
  - 03 Industrial
  - 04 Suburban
  - 05 General Urban
  - 06 Mixed Use Centers and Corridors
  - 07 Urban Core
  - 08 Special Use



Attachment 5

Economic Feasibility Study

**Attachment 5**  
**Snake River West Urban Renewal District**  
**Economic Feasibility Study**

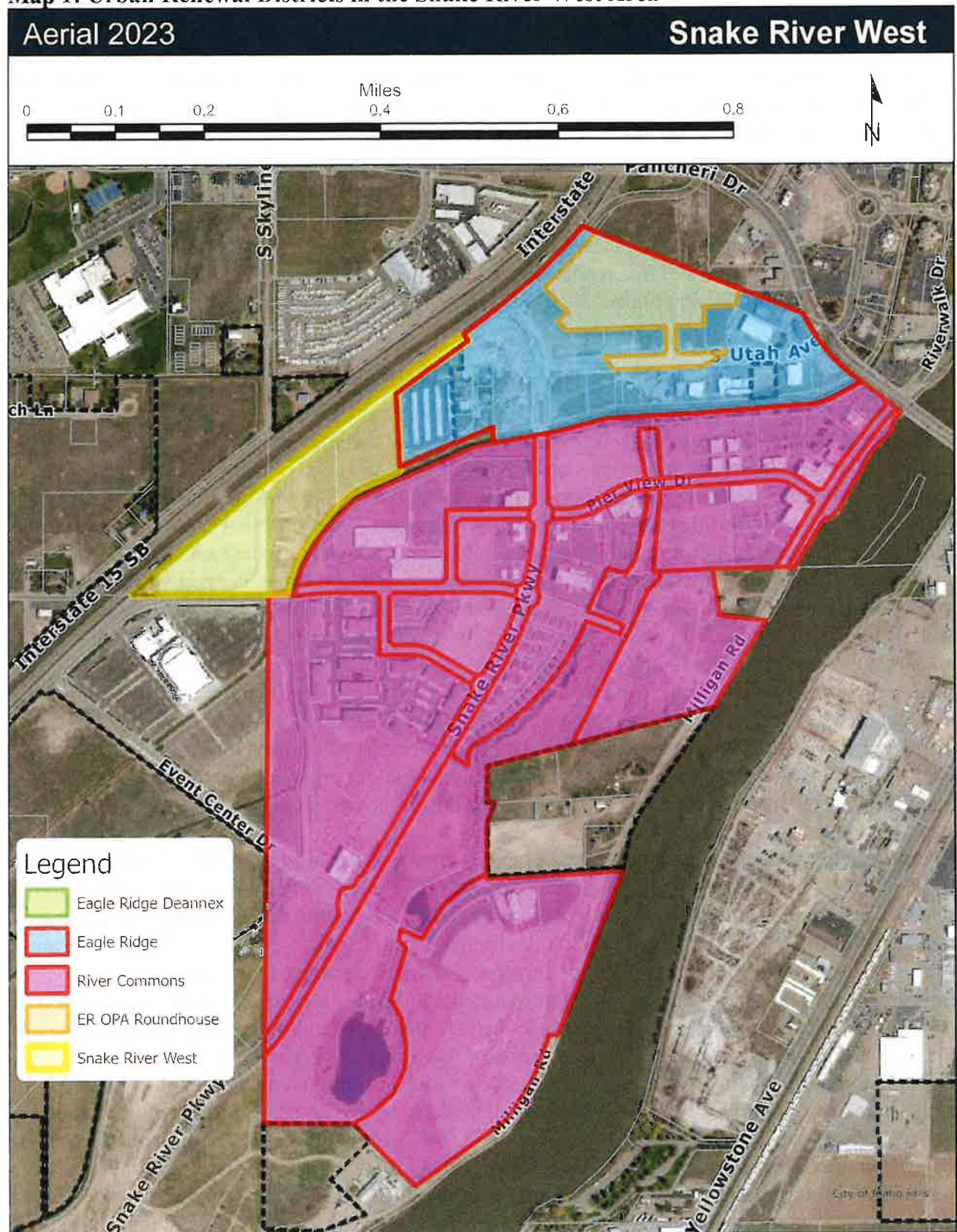
**Background**

In 2023, the Idaho Falls Redevelopment Agency (Agency) was approached by two developers about participation in two separate multi-family residential projects. One of these projects, the Eagle Ridge Apartments, is partially within the north end of the existing Eagle Ridge Urban Renewal District (Eagle Ridge) boundary. The other project, proposed by US Development included land outside Eagle Ridge as well as a small parcel within the southern end of Eagle Ridge. Both projects presented separate and unique challenges in terms of Agency assistance. To address these challenges, the Agency's board of commissioners authorized pursuit of the following actions:

- A revised Owner Participation Agreement with Eagle Ridge Development, LLC was entered into to redefine and clarify the boundaries and parcels by which tax increment/revenue allocation revenues would be collected to reimburse the developer under the terms of an existing note for public improvements already constructed.
- In support of Roundhouse, the developers of Eagle Ridge Apartments, an owner participation agreement was entered into with Eagle Ridge Project, LLC to address reimbursement for developer funded public improvements eligible for reimbursement, to define the site and to establish the method and percentage of revenues that would be collected and distributed to the developer.
- Consideration of an amendment to the Eagle Ridge Plan to reflect the de-annexation of the southernmost parcel within Eagle Ridge and the segment of Pioneer Road adjacent to said parcel and continuing north to the southern property line of a storage unit development.
- Consideration of the establishment of a new urban renewal district/revenue allocation area called the Snake River West Urban Renewal District (Snake River West), including the US Development proposal and the de-annexed portion of the Eagle Ridge Urban Renewal District.

The original Eagle Ridge boundary, de-annexation area, proposed Snake River West boundary, and adjacent River Commons Urban Renewal District are all shown on Map 1. This study focuses on the fourth bullet in the list above. The purpose of the study is to determine the economic feasibility of the proposed Snake River West project by analyzing if the tax increment revenue from anticipated development in the proposed Snake River West revenue allocation area (RAA) will be sufficient to cover the costs of public improvements and other eligible expenses within the Snake River West Project Area. This report relies on information provided by the developer as well as data provided by staff at the City of Idaho Falls and Bonneville County.

Map 1: Urban Renewal Districts in the Snake River West Area



## **Project Area and Description**

The Snake River West Project Area is located east and adjacent to I-15, north of the Mountain America Event Center, west of the Snake River Landing development, and south of Eagle Ridge. It includes 5 privately held parcels and approximately 2,800 feet of the Pioneer Road right-of-way. Besides the event center, surrounding land uses include mixed-use development to the east, storage units and a hotel to the north, with new apartments being developed to the northeast. The estimated base value of the Snake River West Project Area is \$388,053. This number was calculated using 2024 values for all parcels other than a 4.59 acre parcel owned by LLKM Properties, LLC, which used the 2023 value. This is due to a small change in parcel lines which occurred during the writing of this report. The change in parcel lines meant the values for each new section needed to be reappraised by the Bonneville County Assessor's Office, which has not yet occurred.

The developer of Snake River West is US Development. The developer is proposing to build 272 apartment units on the northern parcels with an estimated value of \$54,074,945. They are also exploring a 140-unit hotel on the southern parcel. Because the hotel project is still in an exploratory phase, no projected value was provided by the developer. The apartment project is expected to be completed within three years from the start date. As part of the project, the developer will install utilities (water, sewer, fiber, gas, power, etc.) in Pioneer Road and improve the road to include a center turn lane and curb, gutter, and sidewalk on the east side. Additionally, other contemplated public infrastructure improvements associated with the overall project and that benefit the Snake River West District include improvements to Battle Creek as well as improvements to Whitewater bridge and street improvements. These improvements have an estimated cost of approximately \$5.6 million according to the developer's engineer. It should be noted, this estimate was not validated by the City's engineer. Other public infrastructure improvements that may be completed in the Snake River District by public entities include improvements to roads, rights-of-way and associated streetscape improvements throughout the District, as well as improvements and enhancements to bicycle and pedestrian amenities. These additional public improvements have an estimated cost of approximately \$2,800,000.

Because the main development area and associated right-of-way is adjacent to I-15 with no other private lands adjacent to Pioneer Road, the costs of public improvements must be borne entirely by US Development. In order for the project to be financially viable, the developer has requested assistance from the Agency to fund the public improvements associated with Pioneer Road, and the adjacent right-of-way and streetscape improvements, the accompanying utilities, the improvements to Battle Creek, and the improvements to Whitewater bridge, Whitewater Street, and the adjacent right-of-way and streetscape through tax increment/revenue allocation financing (TIF). It is anticipated that an Owner Participation Agreement (OPA) will be entered into by the developer and the Agency which will include the details of reimbursement. For purposes of this study, it is projected the Agency will reimburse the developer 75% of tax increment revenues collected from the Snake River West Project Area. 10% of the remaining tax increment revenues will be retained by the Agency for administration of the district and the other 15% will be held for potential future public projects. It is anticipated that the district will be in place for the 20-years allowed by Idaho statute. This would not preclude the Agency from closing the district earlier.

**Table 1: Project Improvements**

Project Improvements	Estimated Cost
Pioneer Road Improvements	\$1,444,176
Right-of-Way Improvements	\$494,745
Public Utility Improvements	\$1,457,287
Battle Creek Improvements	\$674,417
Whitewater Bridge Improvements	\$1,189,965
Whitewater Street Improvements	\$291,004
<b>Total</b>	<b>\$5,551,594</b>

**Economic Feasibility Study Approach**

The study reviewed parcels anticipated to see private investment within the Snake River West Project Area. It also evaluated the costs of public improvements identified by the developer and the City. Private development projects reviewed include a 272-unit apartment complex and a 140-unit hotel. Because the hotel is not a confirmed project, the study considered two scenarios. Scenario 1 assumes only the apartments are constructed. Scenario 2 assumes the hotel is also built, and utilizes a recent hotel project in the area rather than developer estimates. Scenario 2 only includes an adjusted cash flow table and analysis following the analysis of Scenario 1. Scenario 2 does not assume an increase in the amount eligible for reimbursement under the OPA.

The tables in this study include reviews of anticipated revenues from the private investment in Snake River West Project Area. Those are followed by anticipated expenses for the Project Area. Finally, Table 6 is a total cash flow for the Project Area. The tables are followed by an analysis of the findings.

Table 2 below is a summary of public infrastructure projects and anticipated costs and timing. Costs for the project are estimated by the developer’s engineer. As projects are completed and reimbursement is requested, Agency staff will review invoices and confirm payment of obligations and amounts prior to authorization of reimbursements, subject to specific conditions being met in the OPA. As noted earlier, it is anticipated that the developer will pay for the improvements and reimbursement will occur as outlined in a future OPA.

**Table 2: Summary of Anticipated Project Costs and Timing**

Project Description	Estimated Cost	Estimated Timing
Pioneer Road Improvements	\$1,444,176	2025-2026
Right-of-Way Improvements	\$494,745	2025-2026
Public Utility Improvements	\$1,457,287	2025-2026
Battle Creek Improvements	\$674,417	2025-2026
Whitewater Bridge Improvements	\$1,189,965	2025-2027
Whitewater Street Improvements	\$291,004	2025-2027
<b>Total</b>	<b>\$5,551,594</b>	

Table 3 is a list of currently available levy rates for all parcels in the Project Area. These rates are based on the 2023 *Certificate of County Levies for Bonneville County* report provided by City of Idaho Falls staff. The levies are based on each \$1.00 market value as determined by the Bonneville County Assessor's office. Although the final version of this report was completed in late 2024, the 2024 levies were still not available at the time of this writing.

**Table 3: Current Applicable Levy Rates**

<b>Taxing District</b>	<b>Levy Rate</b>
Bonneville County	.002352847
Bonneville County Road & Bridge	.000036090
Idaho Falls	.005404480
School District No. 91	0
Ambulance	.000200786
College of Eastern Idaho	.000083419
Fire District #1	.000529030
<b>Total</b>	<b>0.008606652</b>

Assumptions for Table 4: Snake River West Anticipated Revenues

1. Valuations only include taxable parcels in the proposed Snake River West Project Area.
2. The base value of the parcels de-annexed from Eagle Ridge and included in Snake River West has increased to the current taxable value.
3. Total valuation is assumed to increase 2% per year. Base value assumes no change.
4. Applicable tax levy is assumed to decrease 1% per year.
5. The project valuation increases assume timelines provided by the developer, with values of the project being added to the total valuation two years following anticipated completion of each phase.
6. Reimbursement commences following receipt of certificate of occupancy for buildings in each phase and Agency's receipt of revenue allocation proceeds.
7. Note, it is assumed the Agency will receive revenue allocation proceeds in the year following termination pursuant to the authority set forth in the Idaho Code; however, no revenue for 2046 is shown in the Tables due to pay-off of the OPA.

**Table 4: Snake River West Scenario 1 Anticipated Revenues**

Year	Base Value	Total Estimated Valuation	Increment Value	Applicable Levy Rate	Estimated Revenue
2025	\$ 388,053.00	\$ 388,053.00	\$ -	0.008606652	\$ -
2026	\$ 388,053.00	\$ 395,814.06	\$ 7,761.06	0.008520585	\$ 66.13
2027	\$ 388,053.00	\$ 403,730.34	\$ 15,677.34	0.00843538	\$ 132.24
2028	\$ 388,053.00	\$ 16,315,804.95	\$ 15,927,751.95	0.008351026	\$ 133,013.07
2029	\$ 388,053.00	\$ 36,522,121.05	\$ 36,134,068.05	0.008267516	\$ 298,738.97
2030	\$ 388,053.00	\$ 55,542,163.47	\$ 55,154,110.47	0.00818484	\$ 451,427.59
2031	\$ 388,053.00	\$ 56,653,006.74	\$ 56,264,953.74	0.008102992	\$ 455,914.47
2032	\$ 388,053.00	\$ 57,786,066.87	\$ 57,398,013.87	0.008021962	\$ 460,444.69
2033	\$ 388,053.00	\$ 58,941,788.21	\$ 58,553,735.21	0.007941742	\$ 465,018.69
2034	\$ 388,053.00	\$ 60,120,623.97	\$ 59,732,570.97	0.007862325	\$ 469,636.89
2035	\$ 388,053.00	\$ 61,323,036.45	\$ 60,934,983.45	0.007783702	\$ 474,299.74
2036	\$ 388,053.00	\$ 62,549,497.18	\$ 62,161,444.18	0.007705865	\$ 479,007.68
2037	\$ 388,053.00	\$ 63,800,487.13	\$ 63,412,434.13	0.007628806	\$ 483,761.17
2038	\$ 388,053.00	\$ 65,076,496.87	\$ 64,688,443.87	0.007552518	\$ 488,560.64
2039	\$ 388,053.00	\$ 66,378,026.81	\$ 65,989,973.81	0.007476993	\$ 493,406.56
2040	\$ 388,053.00	\$ 67,705,587.34	\$ 67,317,534.34	0.007402223	\$ 498,299.40
2041	\$ 388,053.00	\$ 69,059,699.09	\$ 68,671,646.09	0.007328201	\$ 503,239.61
2042	\$ 388,053.00	\$ 70,440,893.07	\$ 70,052,840.07	0.007254919	\$ 508,227.66
2043	\$ 388,053.00	\$ 71,849,710.93	\$ 71,461,657.93	0.00718237	\$ 513,264.03
2044	\$ 388,053.00	\$ 73,286,705.15	\$ 72,898,652.15	0.007110546	\$ 518,349.21
2045	\$ 388,053.00	\$ 74,752,439.25	\$ 74,364,386.25	0.00703944	\$ 523,483.66
				<b>TOTAL</b>	<b>\$ 8,218,292.11</b>

*\*The base value was calculated using 2024 values other than a 4.59 acre parcel owned by LLKM Properties, LLC for which only a 2023 value was available due to a modification of parcel lines which occurred during the writing of this report.*

**Table 5: Snake River West Scenario 1 Anticipated Expenses**

Year	Estimated Revenues	Debt Service (OPA) 75%	OPA Balance	Administration (10% of Revenues)	Fund Carryover for Public Projects
2025	\$ -	\$ -	\$ 5,591,594.00	\$ -	\$ -
2026	\$ 66.13	\$ -	\$ 5,591,594.00	\$ 6.61	\$ 59.52
2027	\$ 132.24	\$ -	\$ 5,591,594.00	\$ 13.22	\$ 178.54
2028	\$ 133,013.07	\$ 99,759.80	\$ 5,491,834.20	\$ 13,301.31	\$ 20,130.50
2029	\$ 298,738.97	\$ 224,054.23	\$ 5,267,779.97	\$ 29,873.90	\$ 64,941.34
2030	\$ 451,427.59	\$ 338,570.69	\$ 4,929,209.28	\$ 45,142.76	\$ 132,655.48
2031	\$ 455,914.47	\$ 341,935.85	\$ 4,587,273.42	\$ 45,591.45	\$ 201,042.65
2032	\$ 460,444.69	\$ 345,333.52	\$ 4,241,939.91	\$ 46,044.47	\$ 270,109.35
2033	\$ 465,018.69	\$ 348,764.01	\$ 3,893,175.89	\$ 46,501.87	\$ 339,862.16
2034	\$ 469,636.89	\$ 352,227.67	\$ 3,540,948.22	\$ 46,963.69	\$ 410,307.69
2035	\$ 474,299.74	\$ 355,724.81	\$ 3,185,223.42	\$ 47,429.97	\$ 481,452.65
2036	\$ 479,007.68	\$ 359,255.76	\$ 2,825,967.66	\$ 47,900.77	\$ 553,303.80
2037	\$ 483,761.17	\$ 362,820.87	\$ 2,463,146.78	\$ 48,376.12	\$ 625,867.98
2038	\$ 488,560.64	\$ 366,420.48	\$ 2,096,726.30	\$ 48,856.06	\$ 699,152.08
2039	\$ 493,406.56	\$ 370,054.92	\$ 1,726,671.38	\$ 49,340.66	\$ 773,163.06
2040	\$ 498,299.40	\$ 373,724.55	\$ 1,352,946.83	\$ 49,829.94	\$ 847,907.97
2041	\$ 503,239.61	\$ 377,429.71	\$ 975,517.12	\$ 50,323.96	\$ 923,393.91
2042	\$ 508,227.66	\$ 381,170.75	\$ 594,346.38	\$ 50,822.77	\$ 999,628.06
2043	\$ 513,264.03	\$ 384,948.03	\$ 209,398.35	\$ 51,326.40	\$ 1,076,617.67
2044	\$ 518,349.21	\$ 209,398.35	\$ 0.00	\$ 51,834.92	\$ 1,333,733.60
2045	\$ 523,483.66	\$ -	\$ 0.00	\$ 52,348.37	\$ 1,804,868.90
<b>Total</b>	<b>\$ 8,218,292.11</b>	<b>\$ 5,591,594.00</b>	<b>\$ (0.00)</b>	<b>\$ 821,829.21</b>	<b>\$ 1,804,868.90</b>

\*The OPA Balance column includes \$40,000 for repayment of fees paid by the developer for preparation of the eligibility report and urban renewal plan

Table 6: Snake River West Urban Renewal District Scenario 1 Total Cash Flow uses information from the preceding tables to analyze the overall cash flow for the life of the district. The additional assumption it includes is that the Agency will spend funds accumulated for public projects during the last four years of the district to achieve a zero balance

**Table 6: Snake River West Urban Renewal District Scenario 1 Total Cash Flow**

YEAR	REVENUES	OPA DEBT SERVICE	ADMIN	PUBLIC IMPROVEMENTS	TOTAL EXPENSES	BALANCE
2025	\$ -	\$ -	\$ -		\$ -	\$ -
2026	\$ 66.13	\$ -	\$ 6.61		\$ 6.61	\$ 59.52
2027	\$ 132.24	\$ -	\$ 13.22		\$ 13.22	\$ 178.54
2028	\$133,013.07	\$ 99,759.80	\$ 13,301.31		\$ 113,061.11	\$ 20,130.50
2029	\$298,738.97	\$ 224,054.23	\$ 29,873.90		\$ 253,928.12	\$ 64,941.34
2030	\$451,427.59	\$ 338,570.69	\$ 45,142.76		\$ 383,713.45	\$ 132,655.48
2031	\$455,914.47	\$ 341,935.85	\$ 45,591.45		\$ 387,527.30	\$ 201,042.65
2032	\$460,444.69	\$ 345,333.52	\$ 46,044.47		\$ 391,377.99	\$ 270,109.35
2033	\$465,018.69	\$ 348,764.01	\$ 46,501.87		\$ 395,265.88	\$ 339,862.16
2034	\$469,636.89	\$ 352,227.67	\$ 46,963.69		\$ 399,191.36	\$ 410,307.69
2035	\$474,299.74	\$ 355,724.81	\$ 47,429.97		\$ 403,154.78	\$ 481,452.65
2036	\$479,007.68	\$ 359,255.76	\$ 47,900.77		\$ 407,156.53	\$ 553,303.80
2037	\$483,761.17	\$ 362,820.87	\$ 48,376.12		\$ 411,196.99	\$ 625,867.98
2038	\$488,560.64	\$ 366,420.48	\$ 48,856.06		\$ 415,276.54	\$ 699,152.08
2039	\$493,406.56	\$ 370,054.92	\$ 49,340.66		\$ 419,395.58	\$ 773,163.06
2040	\$498,299.40	\$ 373,724.55	\$ 49,829.94		\$ 423,554.49	\$ 847,907.97
2041	\$503,239.61	\$ 377,429.71	\$ 50,323.96		\$ 427,753.67	\$ 923,393.91
2042	\$508,227.66	\$ 381,170.75	\$ 50,822.77	\$ 250,000.00	\$ 681,993.51	\$ 749,628.06
2043	\$513,264.03	\$ 384,948.03	\$ 51,326.40	\$ 250,000.00	\$ 686,274.43	\$ 576,617.67
2044	\$518,349.21	\$ 209,398.35	\$ 51,834.92	\$ 500,000.00	\$ 761,233.27	\$ 333,733.60
2045	\$523,483.66	\$ -	\$ 52,348.37	\$ 804,868.90	\$ 857,217.27	\$ (0.00)

### **Cash Flow Analysis**

Based on the assumptions in the tables, there will likely be sufficient TIF revenues generated from development in Scenario 1 to repay the full anticipated OPA balance. There is also an anticipated balance for use towards additional public improvements for the entire Project Area of approximately \$1.8 million. These funds are shown to be paid out over 4 years in Table 6, but they could be spent in other timeframes. In terms of potential public projects for which these funds might be spent, these could include improvements to roads, rights-of-way and associated streetscape improvements throughout the District, as well as improvements and enhancements to bicycle and pedestrian amenities as identified in the City of Idaho Falls' bicycle and pedestrian plan *Connecting our Communities*.

It is important to note again that the assumptions in the Option 1 analysis are intentionally conservative for anticipated revenues and do not include other potential private development projects in the Snake River West Project Area. The study also does not include any other potential sources of revenues such as grants, LIDs, bonds, or others that are potentially available within the Project Area.

As noted earlier in the report, an alternative scenario is possible with the additional development of a 140-unit hotel in the Project Area. Because valuation numbers were not provided for the hotel project, this study relied on the valuation of the My Space Hotel recently completed in the Eagle Ridge Urban Renewal District. The hotel's value listed on the building permit was approximately \$7,000,000. Accounting for an estimated 38% rise in construction costs since 2020, for this study, a new hotel was assumed to be valued at \$10,000,000. It was also assumed the hotel would be built by 2030 and be added to the total valuation of the Project Area by 2032.

In this scenario, the balance of the OPA is repaid in 2042, two years earlier than Scenario 1. It also provides approximately \$1,000,000 more than Scenario 1 for potential additional public improvements. This would mean approximately \$2.8 million in potential funds for additional public projects in the area that could be undertaken by either the developer, the City or the Agency. These numbers are shown in Table 7 on the following page.

**Table 7: Snake River West Scenario 2 Total Cash Flow**

YEAR	REVENUES	OPA DEBT SERVICE	ADMIN	PUBLIC IMPROVEMENTS	TOTAL EXPENSES	BALANCE
2025	\$ -	\$ -	\$ -		\$ -	\$ -
2026	\$ 66.13	\$ -	\$ 6.61		\$ 6.61	\$ 59.52
2027	\$ 132.24	\$ -	\$ 13.22		\$ 13.22	\$ 178.54
2028	\$ 133,013.07	\$ 99,759.80	\$ 13,301.31		\$ 113,061.11	\$ 20,130.50
2029	\$ 298,738.97	\$ 224,054.23	\$ 29,873.90		\$ 253,928.12	\$ 64,941.34
2030	\$ 451,427.59	\$ 338,570.69	\$ 45,142.76		\$ 383,713.45	\$ 132,655.48
2031	\$ 455,914.47	\$ 341,935.85	\$ 45,591.45		\$ 387,527.30	\$ 201,042.65
2032	\$ 540,664.31	\$ 405,498.23	\$ 54,066.43		\$ 459,564.67	\$ 282,142.30
2033	\$ 546,024.46	\$ 409,518.34	\$ 54,602.45		\$ 464,120.79	\$ 364,045.97
2034	\$ 551,436.52	\$ 413,577.39	\$ 55,143.65		\$ 468,721.04	\$ 446,761.44
2035	\$ 556,901.01	\$ 417,675.75	\$ 55,690.10		\$ 473,365.86	\$ 530,296.60
2036	\$ 562,418.44	\$ 421,813.83	\$ 56,241.84		\$ 478,055.68	\$ 614,659.36
2037	\$ 567,989.35	\$ 425,992.01	\$ 56,798.94		\$ 482,790.95	\$ 699,857.76
2038	\$ 573,614.26	\$ 430,210.70	\$ 57,361.43		\$ 487,572.12	\$ 785,899.90
2039	\$ 579,293.71	\$ 434,470.28	\$ 57,929.37		\$ 492,399.65	\$ 872,793.96
2040	\$ 585,028.24	\$ 438,771.18	\$ 58,502.82		\$ 497,274.00	\$ 960,548.20
2041	\$ 590,818.39	\$ 443,113.79	\$ 59,081.84	\$ 350,000.00	\$ 852,195.63	\$ 699,170.95
2042	\$ 596,664.72	\$ 346,631.91	\$ 59,666.47	\$ 350,000.00	\$ 756,298.38	\$ 539,537.29
2043	\$ 602,567.77	\$ -	\$ 60,256.78	\$ 700,000.00	\$ 760,256.78	\$ 381,848.28
2044	\$ 608,528.12	\$ -	\$ 60,852.81	\$ 700,000.00	\$ 760,852.81	\$ 229,523.59
2045	\$ 614,546.33	\$ -	\$ 61,454.63	\$ 782,615.29	\$ 844,069.92	\$ 0.00

**Conclusion**

Based on the above, using conservative modeling, the conclusion is the revenue generation from the private development is sufficient to fund the necessary public infrastructure improvements, and related Agency operations costs; therefore, the project is economically feasible.

**Limitations to the Feasibility Study**

This study is based on information provided by the developers as to estimated valuation of the development and estimates for projects costs. The projects within this study may be modified by changes in estimated construction schedules, including completion dates, the economy of the Idaho Falls region, significant changes in the tax levies, and revisions to applicable legislation. The total project costs and potential tax increment revenues are estimates. Additionally, this report not intended to be an exhaustive list of proposed projects in the Project Area.

Attachment 6

Agricultural Operation Consents

*Exhibit C to the Consents is only included with the first consent to eliminate redundancy*

4879-8240-7418, v. 2

**AGRICULTURAL OPERATION CONSENT FORM**

COME NOW Tyrell Wall, Member of Cloverland Investments LLC, a Utah limited liability company, and Pamela B. Bridenstine, Manager of Deerfield Holdings LLC, a Utah limited liability company, and state that Cloverland Investments LLC and Deerfield Holdings LLC, own that certain property generally described as Parcel Identification Numbers RPA00007246161 and RPA00007246086 in the real property records of Bonneville County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certify:

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

(2) that the undersigneds have reviewed the materials provided in Exhibit B and have had an opportunity to review the urban renewal eligibility report entitled Eligibility Report: Snake River West, prepared by Brad Cramer, Perspective Planning & Consulting LLC and as attached hereto as Exhibit C.

Further, Tyrell Wall as Member of Cloverland Investments LLC, and Pamela B. Bridenstine, as Manager of Deerfield Holdings LLC, hereby provide their consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 11 day of <sup>DIC</sup> ~~November~~ 2024.

CLOVERLAND INVESTMENTS LLC



Name: Tyrell Wall  
Title: Member

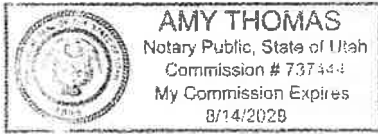
DEERFIELD HOLDINGS LLC



Name: Pamela B. Bridenstine  
Title: Manager

County of Davis ) ss:

On this 11 day of December 2024, before me, a Notary Public for the state of Idaho, personally appeared Tyrell Wall, known or identified to me to be the Member of the limited liability company, that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

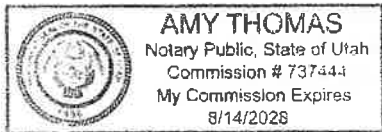


Amy Thomas  
Notary Public  
My Commission Expires on 8/14/2028

STATE OF UTAH )

County of Davis ) ss:

On this 11 day of December 2024, before me, a Notary Public for the state of Idaho, personally appeared Pamela B. Bridenstine, known or identified to me to be the Manager of the limited liability company, that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.



Amy Thomas  
Notary Public  
My Commission Expires on 8/14/2028

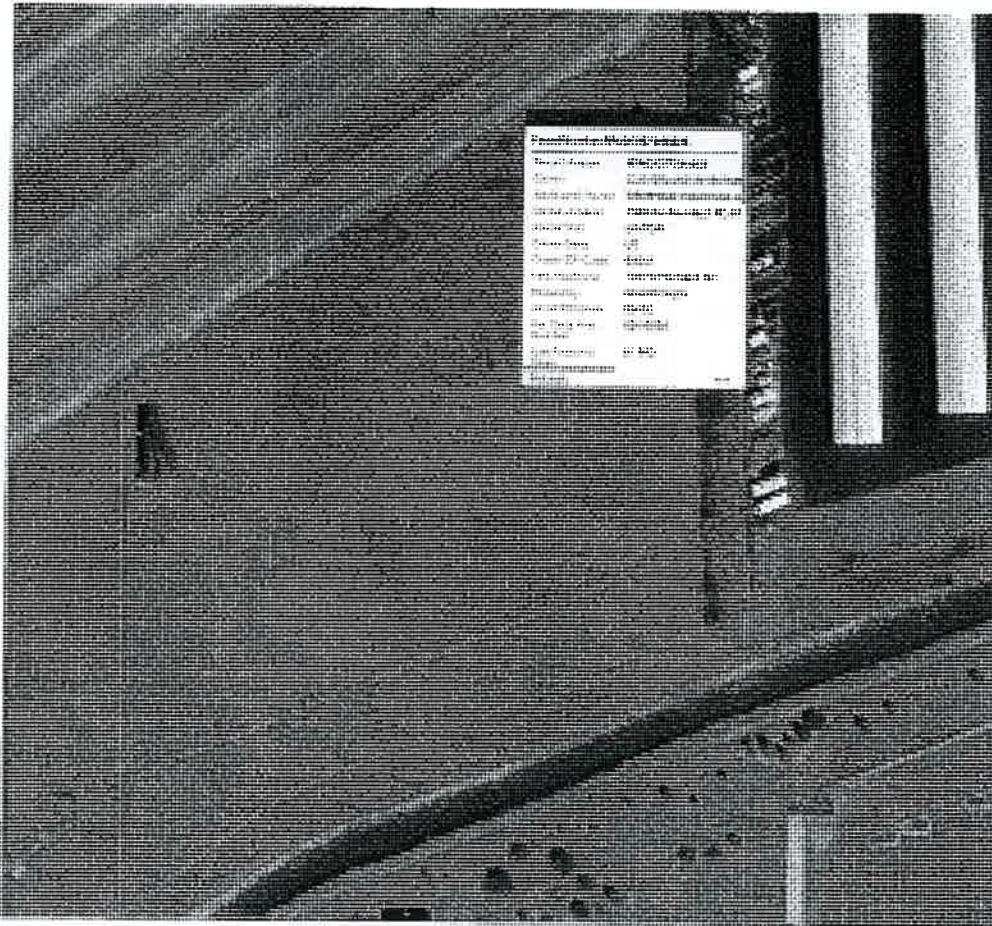
**EXHIBIT A**

**PARCEL NUMBER: RPA00007246161**

**ADDRESS: S Pioneer Road**

**DESCRIPTION**





**EXHIBIT B**

**EXCERPTS OF STATUTES**

**IDAHO CODE §§ 50-2018(8) AND (9)**

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

safety, morals or welfare. Provided however, this definition shall not apply to any agricultural operation, as defined in section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation or to any forest land as defined in section 63-1701(4), Idaho Code, absent the consent of the forest landowner, as defined in section 63-1701(5), Idaho Code, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

(9) "Deteriorating area" shall mean an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use; provided, that if such deteriorating area consists of open land the conditions contained in the proviso in section 50-2008(d), Idaho Code, shall apply; and provided further, that any disaster area referred to in section 50-2008(g), Idaho Code, shall constitute a deteriorating area. Provided however, this

definition shall not apply to any agricultural operation, as defined in section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation or to any forest land as defined in section 63-1701(4), Idaho Code, absent the consent of the forest landowner, as defined in section 63-1701(5), Idaho Code, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

**IDAHO CODE § 50-2008**

50-2008. PREPARATION AND APPROVAL OF PLAN FOR URBAN RENEWAL PROJECT. (a) An urban renewal project for an urban renewal area shall not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or a deteriorating area or a combination thereof and designated such area as appropriate for an urban renewal project.

(b) An urban renewal agency may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to an urban renewal agency. Prior to its approval of an urban renewal project, the local governing body shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to the local governing body within sixty (60) days after receipt of the plan for review. Upon receipt of the recommendations of the

planning commission, or if no recommendations are received within said sixty (60) days, then without such recommendations, the local governing body may proceed with the hearing on the proposed urban renewal project prescribed by subsection (c) hereof.

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

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

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

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

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

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

(h) Any urban renewal plan containing a revenue allocation financing provision

shall include the information set forth in section 50-2905, Idaho Code.

**IDAHO CODE §50-2903(8)**

(8) "Deteriorated area" means:

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

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

and is a menace to the public health, safety, morals or welfare in its present condition and use.

(c) Any area which is predominately open and which because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas.

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

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

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

#### EXHIBIT C

#### ELIGIBILITY REPORT



**PERSPECTIVE**  
PLANNING & CONSULTING

**Eligibility Report:**

# **Snake River West**

PREPARED BY

**Brad Cramer**

*Perspective Planning & Consulting LLC*

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ASSISTANCE FROM

**Brian Stevens**

*Planner II/GIS Analyst for the City of Idaho Falls*



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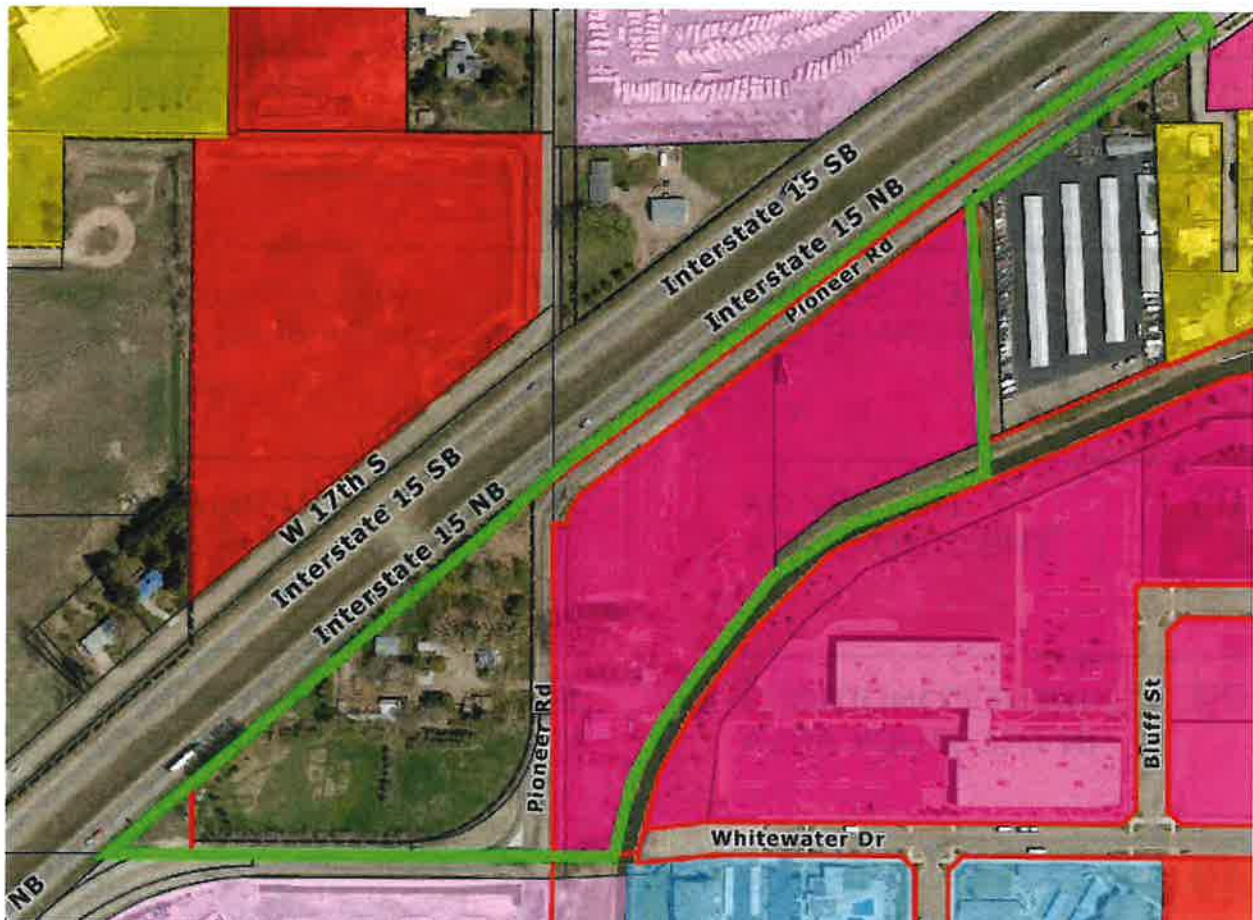
# Executive Summary

This report is a review of approximately 17 acres (study area) located between the Snake River and I-15 to determine its eligibility for designation as Urban Renewal Area (URA) and appropriate for an urban renewal project under the Idaho Urban Renewal Law of 1965 and Local Economic Development Act, which are described in more detail in Appendix B.

The proposed name for the new urban renewal/revenue allocation area is Snake River West. The study area is located generally west of the Snake

River, east and adjacent to I-15, south of Pancheri Drive, and north of Sunnyside Road. It is west of the River Commons Urban Renewal District. It also includes area currently located within the southern portion of the existing Eagle Ridge Urban Renewal District, an issue described in more detail in the report.

The boundaries of the study area are shown on Map 1. The study area includes only three parcels, and a portion of Pioneer Road. The only street within the study area is Pioneer Road. To simplify references to the main areas of the study area, Map 2 on page 2 labels the northern area as Parcel A and the southern portion as Parcel B.

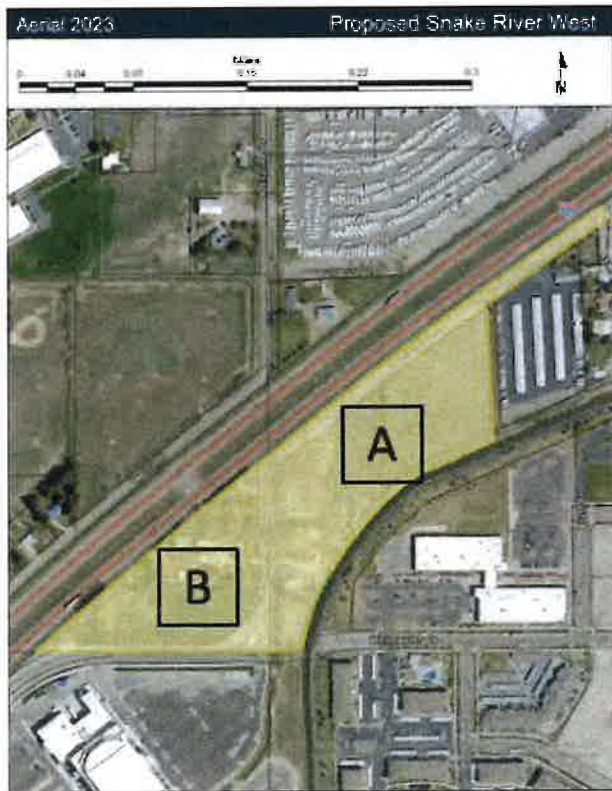


MAP 1 - PROPOSED SNAKE RIVER WEST BOUNDARY



PARCEL A LOOKING NORTH

Because portions of the study area are already included in the Eagle Ridge Urban Renewal District, in order for those lands to be included within the proposed Snake River West Urban Renewal District, they must first be de-annexed from Eagle Ridge. The Idaho Falls Redevelopment Agency (Agency) Board of Commissioners has authorized Agency staff and legal counsel to proceed with an amendment to the Urban Renewal Plan for the Eagle Ridge Urban Renewal Project to deannex those parcels. This process is critical as most of the features which make the study area eligible for the creation of a URA focus on Pioneer Road, which is part of the Eagle Ridge District. Maps 4 and 5 on page 8 depict which area must be de-annexed in relation to both the current Eagle Ridge and proposed Snake River West boundaries..



MAP 3 - PARCEL LABELS

The Idaho Urban Renewal Law of 1965, which comprises Chapter 20, Title 50 as amended and the Local Economic Development Act, comprising Chapter 29, Title 50 of Idaho Code as amended, outline the statutory criteria for determining whether an area is eligible to be designated as a URA. To be eligible, a site must be determined to be a deteriorating and/or deteriorated area by meeting at least one of these statutory criteria. The review of the study area determined that it meets at least one of the criteria and is, therefore, eligible to be an urban renewal project. A summary of the criteria and whether they are met is included below in Table 1. The full analysis of each criterion is included in the main body of the report.

Table 1

# Summary of Findings
















CRITERION	CRITERION MET	CHARACTERISTICS SUPPORTING FINDING
Substantial number of deteriorating structures and deterioration of site		This is met via Parcel B only due to deteriorating outbuildings on the site
Age or obsolescence		Parcel B has structures constructed before 1969
Predominance of defective or inadequate street layout		Lack of connection between Whitewater Drive and Pioneer Road is a significant gap in the transportation network.  Pioneer Road is also inadequate in terms of improvements requiring a widening to at least three lanes and construction of curb, gutter and sidewalk.
Outmoded street patterns		The S-curve in Pioneer Road creates several safety hazards and access issues.
Need for correlation of area with other areas of by streets and modern traffic requirements		Pioneer Road needs to be widened to at least three lanes and be improved with curb, gutter and sidewalk.
Faulty lot layout		The lots on their own are generally developable, but they are extraordinarily difficult to develop due to large gaps in the utility network. Access to Parcel B is also challenging due to the curvature of Pioneer Road.
Unsuitable topography		There was no evidence that shallow basalt existing in the study area even though it is fairly prevalent in the immediate area.
Insanitary or unsafe conditions		Pioneer Road presents an unsafe condition in several ways. The S-curve presents visibility issues, especially for a collector roadway with higher speeds and for pedestrians. The lack of curb and gutter increase the potential for pooling of water and significant ice patches. Allowed parking on Pioneer Road is unsafe with the current widths and curvature of the roadway.

Table 1

# Summary of Findings Cont.

CRITERION	CRITERION MET	CHARACTERISTICS SUPPORTING FINDING
Diversity of ownership		There are only two landowners within the study area.
Tax or special assessment delinquency		This was not evaluated for this report.
Defective or unusual conditions of title		This was not evaluated for this report.
Existence of conditions which endanger life or property		Although some of the structures on Parcel B are deteriorating and not constructed under current building or fire codes, they are not habitable and present only minimal risk. Flooding risk is also minimal other than potentially on one small portion of Parcel A. There are, however, safety concerns for pedestrians on Pioneer, especially along the S-curve.
Impairs or arrests the sound growth of a municipality		There are significant needs to fill gaps in the utility system and improve Pioneer Roadway. Because of the location of I-15, there are no developable parcels to the west of Pioneer Road which puts the full burden of infrastructure costs on fewer landowners, making the study area difficult to develop. Parcel B is also a county island which creates inefficiencies in delivery of services.
Retards development of the area		The conditions noted above have created extraordinary cost burdens required to develop parcels within the study area. This is evidenced by the lack of development despite significant growth in the immediate area.
Economic underdevelopment and economic disuse		See above.

# Background Information

## Idaho Falls Redevelopment Agency

The Idaho Falls Urban Renewal Agency, also known as the Idaho Falls Redevelopment Agency (Agency) is the urban renewal agency of the City of Idaho Falls. The Mayor, with the confirmation of the City Council, has appointed seven individuals to the Idaho Falls Redevelopment Agency Board of Commissioners:

**Lee Radford**, *Chair*  
**Brent Thompson**, *Vice-Chair*  
**Terri Gazdik**, *Secretary*  
**Christopher Harvey**  
**Lisa Burtenshaw**  
**Chris Pelkola Lee**  
**John Walker**

The Agency, originally created on July 6, 1966, was re-established by the Mayor and Council on October 20, 1988, for the purpose of eliminating deteriorated and/or deteriorating conditions in the Snake River Urban Renewal District (formerly Lindsay Boulevard Urban Renewal District). The Snake River Urban Renewal District expired in 2018. The Pancheri-Yellowstone Urban Renewal District ("Pancheri District") was terminated after eleven years in 2019. The Agency now administers six urban renewal/revenue allocation areas: River Commons, Eagle Ridge, Jackson Hole Junction, Pancheri East Bank, Anderson Bush and Stanley Boge.

Wade Sanner, Director of Community Development Services (CDS) for the City of Idaho Falls, serves as the Executive Director of the Agency with assistance

from Brian Stevens. Elam & Burke, P.A. is the legal counsel. Brad Cramer, with the assistance of the CDS staff, has been engaged to prepare an eligibility report to determine if the Snake River West Study Area meets the criteria for designation as an urban renewal area (URA).



PIONEER ROAD-WHITewater LOOKING EAST



BATTLE CREEK CANAL LOOKING NORTHWEST



# Urban Renewal Background Information

In response to federal programs funding redevelopment of “blighted” urban areas in the mid-twentieth century, Idaho passed the Idaho Urban Renewal Law of 1965. The law authorized Idaho Municipalities to identify deteriorating areas within their communities and to use federal grant monies to improve and, if necessary, redevelop these areas. Support for such federal expenditures dissipated and eventually ended in the early 1970’s. With the loss of federal support, states needed another tool to assist cities to redevelop deteriorating areas and to participate in the economic vitality of their communities.

Idaho cities have a significant financial challenge in responding to the infrastructure demands of growth along with the on-going need to maintain the existing physical plant in good repair. Idaho cities face stringent

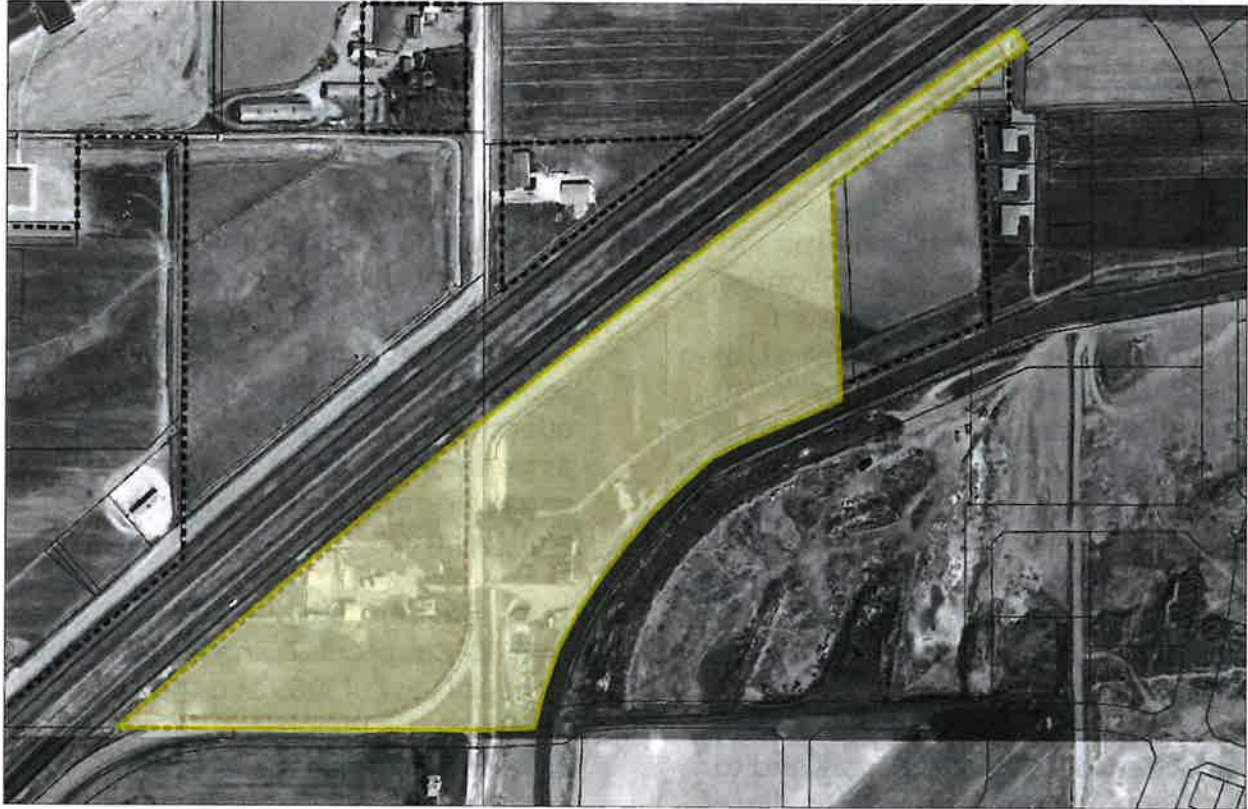
constitutional limitations and near total dependence upon state legislative action to provide funding. An Idaho city’s access to funding sources and the ability to employ effective financing mechanisms such as general obligation bonding severely constrain capital investment strategies.

Tools available to cities in Idaho Code Title 50, Chapters 20 and 29, the Urban Renewal Law of 1965 and the Local Economic Development Act, respectively, are some of the few available to assist communities in their efforts to support economic vitality. New sources of State support are not likely to become available in the foreseeable future, thus the Idaho Falls Redevelopment Agency’s on-going interest in exploring the potential for establishing additional urban renewal/revenue allocation areas is appropriate.

## Purpose of the Report

The purpose of this report is to determine if the Study Area meets the criteria outlined in Idaho statutes, Idaho Code Sections 50-2018(8), (9), and 50-2903(8), for a URA. This report is the first step to assist the Idaho Falls City Council determine if there is a need for creating a URA in a portion or all of the Study Area. To be eligible, a proposed URA need only meet one of the criteria in the statute. A complete list of all steps required to create a URA, and list of eligibility criteria is included in Appendix B.

MAP 3-1969 AERIAL PHOTO

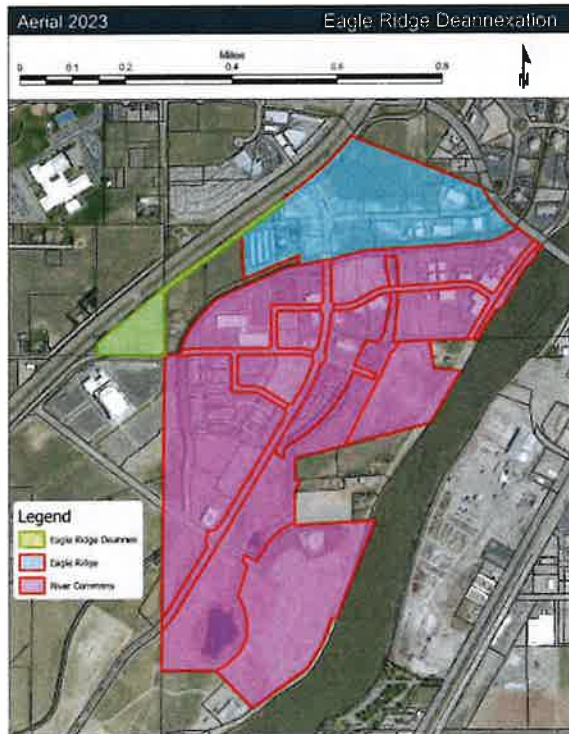


## History of the Study Area

The study area includes approximately 17 acres and three parcels bounded by I-15 and Pioneer Road on the northwest and the Porter Canal on the east. Pioneer Road also curves to be the southern boundary of the study area. Based on aerial photos dating back to 1969, which is depicted on Map 3, the study area has historically included only residential or agricultural uses, while areas around it have developed commercially. Snake River Landing, a part of which included within the boundaries the River Commons Urban Renewal District, is a mixed-use development to the east. Prior to being

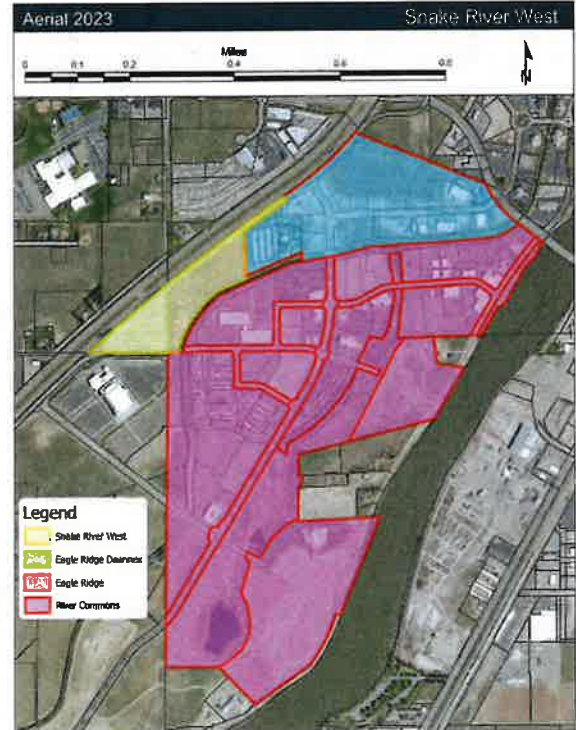
the site for Snake River Landing, lands to the east functioned as a gravel extraction operation. To the south of the study area, the Idaho Falls Auditorium District (IFAD) recently completed the Mountain America Center (MAC), a venue which hosts large events ranging from hockey games to concerts to trade shows. To the immediate northeast, because Porter Canal and I-15 create a narrow strip of land, development has been limited to storage units and a few single-family homes. However, just beyond these uses, a hotel is currently under construction within the Eagle Ridge Urban Renewal District. Other development, including a multi-family housing complex, is also anticipated to begin construction in that area.

MAP 4: DE-ANNEXATION BOUNDARY

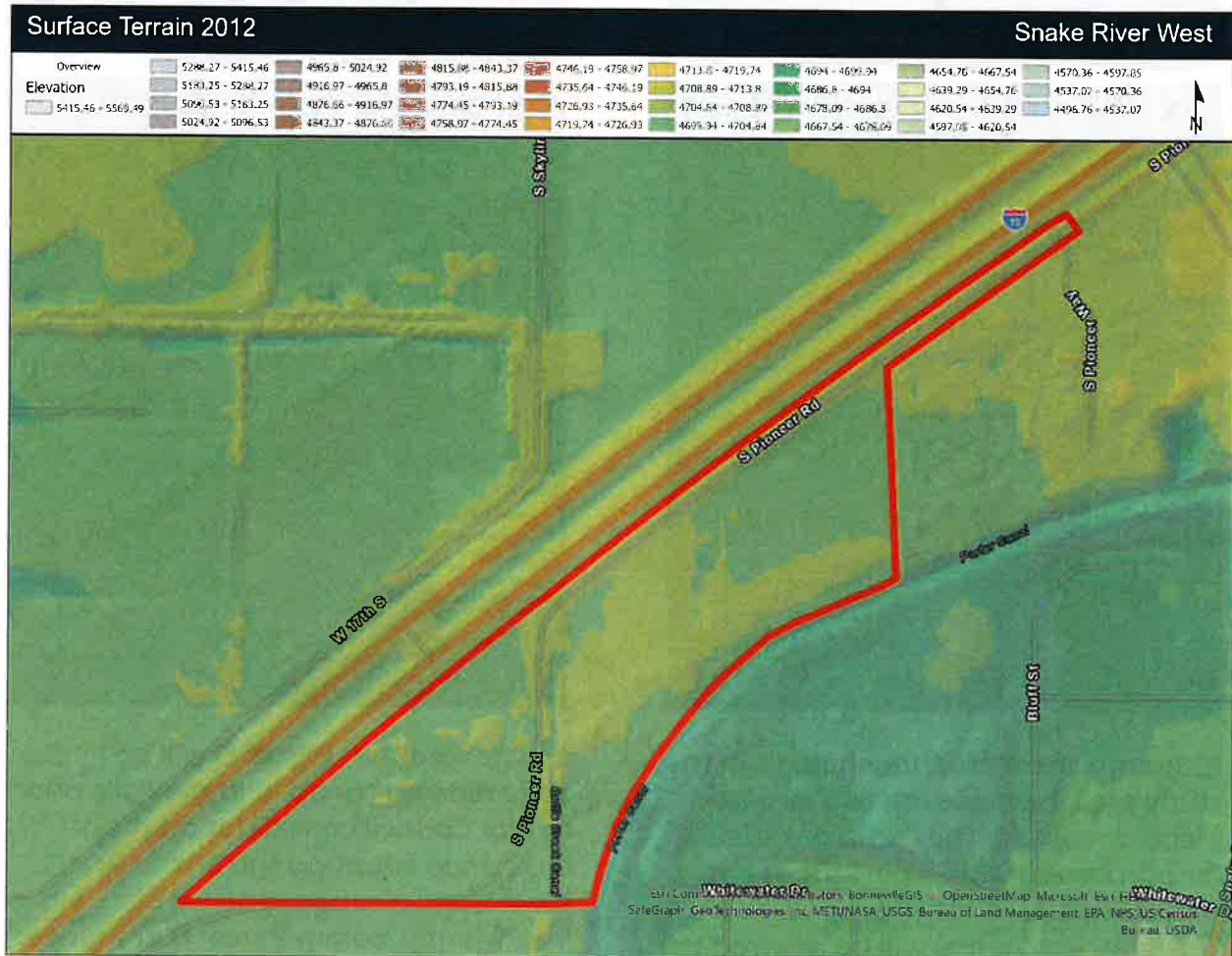


Although there are three parcels in the study area, because the two largest pieces are under the same ownership, for purposes of this report those two parcels will be referred to as Parcel A. The southern parcel will be referred to as Parcel B. These designations are shown in Map 2 on page 2. This delineation is also important because there are some key differences between the two parcels that necessitate additional explanation and (potentially) process if the Agency pursues the creation of a new urban renewal/revenue allocation area. Parcel B and Pioneer Road are currently included in the Eagle Ridge Urban Renewal District as depicted on Map 4 above. Parcel B and portions of the roadway are also within unincorporated Bonneville County. Parcel A, on the other hand, has been annexed into the City of Idaho Falls and is not part of any other existing urban renewal/ revenue allocation area. It is

MAP 5: DE ANNEXATION BOUNDARY WITH PROPOSED NEW BOUNDARY



anticipated that Parcel B will be annexed and zoned in Idaho Falls prior to City Council consideration of an ordinance adopting the Snake River West District urban renewal plan. More importantly, before Parcel B or Pioneer Road can be included in a new URA, they must first be de-annexed from the Eagle Ridge Urban Renewal District pursuant to a plan amendment. For this report, Parcel B and the roadway will be evaluated for eligibility as part of the study area as if de-annexation will occur. If the de-annexation does not occur, the Agency and the City Council may modify the boundary of a future urban renewal/ revenue allocation area accordingly. However, because Pioneer Road plays a significant role in determining eligibility, the final recommendations of this report may need to be adjusted if the roadway is not included in the final boundary.



# Current Conditions In The Study Area

## Topography and Geology

Map 6 is a surface terrain map of the study area. The map shows the area and surrounding parcels are generally flat, with some mild changes in elevation. East of Porter Canal, however, the elevation does drop, likely due to years of gravel extraction. Map 7 is a geologic survey map produced by the Idaho Geologic Survey. It identifies this

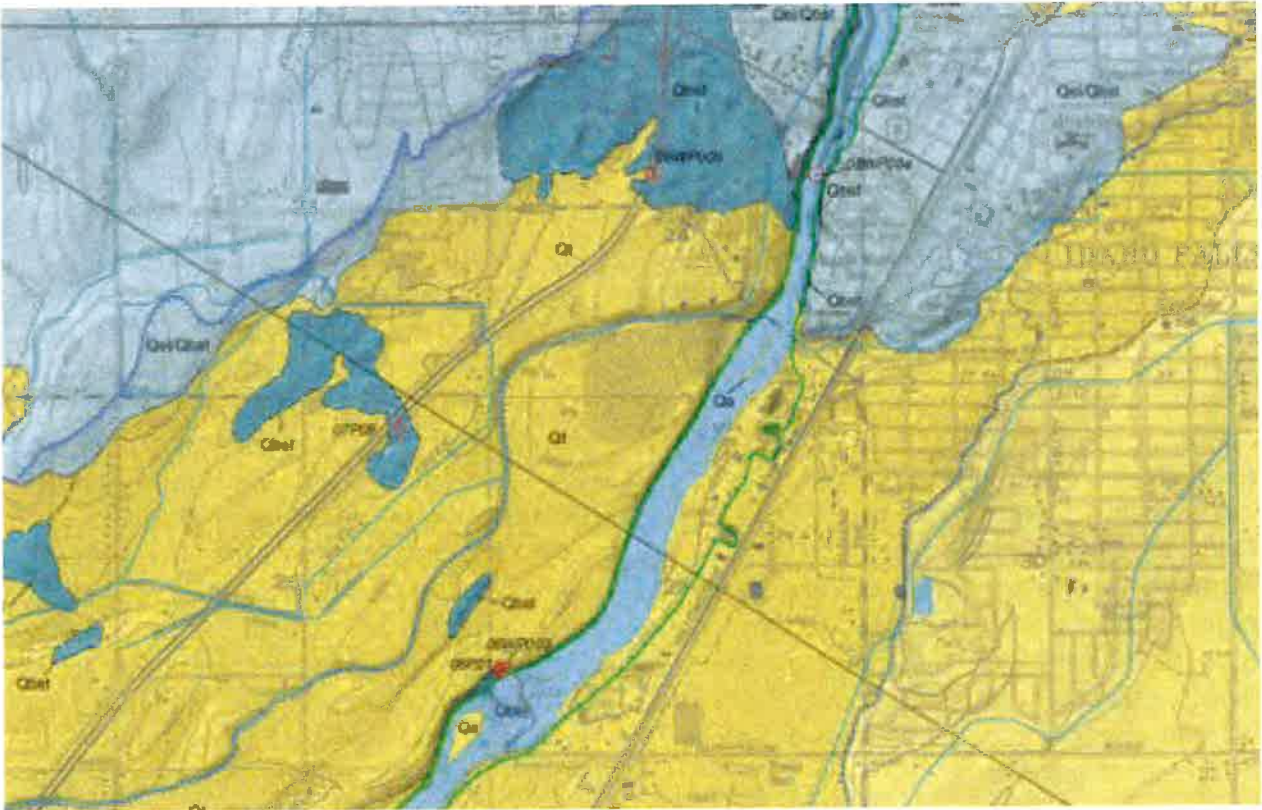
area as Alluvium of Snake River Outwash, which is described as having heavy levels of gravel and sand. While it does not identify areas of shallow basalt, the general area is known to have a large shelf of rock that rises and drops dramatically. To the south, for example, the MAC and its parking lot had to be strategically placed in order to avoid this shallow shelf for the foundation of the building. While it is possible that shallow rock may exist within the study area, there was not a geo-technical study available or any other evidence to confirm where such outcroppings may exist.

## Land Uses and Structures

As noted in the history section, lands within the study area have been, and remain, a combination of residential and agricultural uses. However, it does not appear the land has not been farmed for quite some time and currently lies fallow. The areas immediately surrounding the study area have largely developed as commercial and office space, with some single-family residential to the northeast and planned higher density residential further north.

Aerial photos from 1969, which are the earliest available of this area, show residential structures as well as agricultural outbuildings on both

parcels. These aerials are also important because there were no records found on construction dates for the buildings, but all existing structures appear on the 1969 photo. The structures include a residence on two of the parcels along with several out-buildings. Based on a site visit in December 2023, all structures on Parcel A have been demolished. On Parcel B, there are two single-family residences which appear to be occupied and at least one trailer home, along with several outbuildings. The residences appear to be in good repair. The trailer home and outbuildings show more obvious signs of age and wear, potentially nearing an unusable condition.



MAP 7-GEOLOGIC SURVEY



I-15 FROM PIONEER ROAD

## Streets

Within the study area, there is only one street: Pioneer Road. It begins at the northeast portion of the study area and forms an “S” curve as it progresses to the southwest. Pioneer is identified as a major collector by the Bonneville Metropolitan Planning Organization's (BMPO). Despite this designation and the major development which has recently occurred to the south, this section of Pioneer Road is not improved with curb, gutter or sidewalks and does not have any street lighting. The asphalt appears to be in moderate-to-good condition with some signs of cracking and patching. One area of concern noted at an evening site visit during an event at the MAC, is that vehicles were parked along the north side of Pioneer Road along nearly the entire frontage adjacent to the center. There is no signage to prohibit this, however there is also insufficient width for this to occur safely, especially given the severe lack of visibility as traffic comes around the curves in the road.

In terms of the larger street network, Pioneer connects with Event Center Drive (a collector) and Sunnyside Road (a major arterial) to the south. Sunnyside connects traffic to I-15. To the northeast, Pioneer intersects with Snake River Parkway, which is the main north/south road which runs through Snake River Landing and is identified as a minor arterial. Pioneer then continues northeast and eventually intersects with Utah Avenue (a minor arterial), providing access to a major shopping and office area in the Taylor Crossing, Renaissance Center, and Wal-Mart developments. There are no connections to the west due to I-15. To the east, there is a critical gap in the street network. Pioneer is planned to connect with Whitewater Drive which will cross the Porter Canal, however the required bridge has not yet been constructed. Development that occurs within the study area will likely be required to contribute towards construction of this connecting bridge.

There have been several traffic studies of the area, including the early 2000's when Snake River Landing was first being considered and more recently when the event center property was being platted. The most recent evaluation and update of these studies was conducted by Keller Associates in 2013. Each of the studies have assumed the connection between Whitewater Drive and Pioneer Road with a bridge. The Keller report noted that previous studies had modeled 3-lane roadways

on Event Center Drive and Pioneer and that while these are sufficient for the near term, a 4-lane road would serve long terms needs better, especially following events at the MAC. As noted previously, Pioneer Road is currently a 2-lane road section with no curb, gutter or sidewalk. Table 2 is data from the Keller report showing when traffic improvements will be warranted. They indicate completion of the event center would generate enough traffic to warrant turning lane improvements, including on Pioneer Road.

**Table 2**  
**Warrants Met for Turn Lane Construction**

Intersection	Movement	Horizon Year & Condition			
		2013 Existing	2013 Build	2018 Background	2018 Build
1 Pioneer/Milligan/Utah	WB Left	✗	✗	✗	✗
	WB Right	✗	✗	✗	✗
	EB Right	✗	✓	✗	✓
2 Pancheri/Utah/Crane	NB Right	✓	✓	✓	✓
	SB Right	✗	✗	✓	✓
	WB Right	✓	✓	✓	✓
3 Sunnyside Pioneer	WB Right	✓	✓	✓	✓
5 Pioneer/Event Center	SB Left	✗	✓	✗	✓
	NB Right	✗	Pocket/Taper	✗	Pocket/Taper
	WB Left	✗	✗*	✗	✗*
6 Snake River/Event Center	SB Right	✗	✓	✗	✓
	EB Left	✗	✓	✗	✓
Event Center Drive Accesses (All)	NB Right	✗	✓	✗	✓
Pioneer Road Accesses (All)	NB Right	✗	✓	✗	✓

\*Even though the traffic analyses show that these left turn lanes are not warranted, changing the assumptions of traffic control used for a sold out even would likely cause volumes to meet this warrant.

- Water Main Line
- Sewer Line
- Storm Line
- Storm Pond



MAP 8-UTILITIES

## Utilities

Because these parcels were developed in the county and new development has not occurred since annexation, the utility network in the study area is lacking. As shown on Map 8, city sewer only crosses at the northeast boundary to serve a small residential development. This line, when extended to connect with the sewer line to the south at the MAC, will be sufficient to serve development in the area. However, the current gap means there is no available service to Parcel A.

The city water system is more fully developed in the immediate area, but again not within the study area. There is a main water line from the MAC to the south and another line to the northeast which will connect as development occurs along Pioneer Road. The water line from the MAC also continues east to Whitewater Drive and Snake River Landing.



## Lot Layout

Although both parcels are relatively large and can accommodate development, there are challenges with the layouts of each. Parcel A, the larger of the two, has sufficient area and depth for modern development. The two challenges are the canals bordering the property and the curvature of the roadway which creates a narrow section of land on the southern end. Porter Canal borders the eastern boundary of Parcel A and the Battle Creek Canal runs along the southwestern frontage. Porter Canal does not present a major barrier to development, but there will be costs associated with burying Battle Creek Canal. Also, because Battle Creek is located on the narrow stretch of land on the south, it further limits the ability to develop that portion of the lot. The combination of the S-curve in Pioneer Road on the west side of the parcel and the curvature of Portal Canal on the east side of the parcel are what cause this narrow section of land. The width and curve may require creativity in

placement of buildings on the lot. For Parcel B, there are similar challenges caused by the curvature of Pioneer Road and the location of I-15 on the western boundary. These two roads not only create an oddly shaped lot, but also impose additional development standards such as landscaping and buffering along all sides of the parcel which will be applied upon annexation and development of the site. In addition, placement of access points for higher traffic producing uses will be challenging due to lack of visibility created by the curves in Pioneer Road. This is exacerbated by the current configuration of the intersection of Pioneer and future Whitewater/access to the MAC parking lot. Currently, there is a stop sign on Pioneer for traffic moving south directly into the parking lot. However, for thru-traffic vehicles do not have to stop, but rather have continuous flow around the curves of Pioneer.



MAP 9-IMAGINE IF FUTURE LAND USE

## Idaho Falls Comprehensive Plan and Zoning and Current Uses

Imagine IF: A Plan to Move Idaho Falls Forward Together, which is the city's comprehensive plan, identifies the study area and lands immediately surrounding as "Mixed Use Centers and Corridors." This designation is described below and shown on Map 8:

The Mixed-Use Centers and Corridors Transect denotes areas where people tend to shop, eat and gather. These areas include all housing types but generally at a more intense scale than other areas. These areas also include mixed-use buildings, recreation centers and commercial uses. Mixed-Use Centers and corridors may vary in scale from large, regional commercial centers with supportive housing to smaller commercial pockets called walkable

centers that support a well-connected, walkable neighborhood.

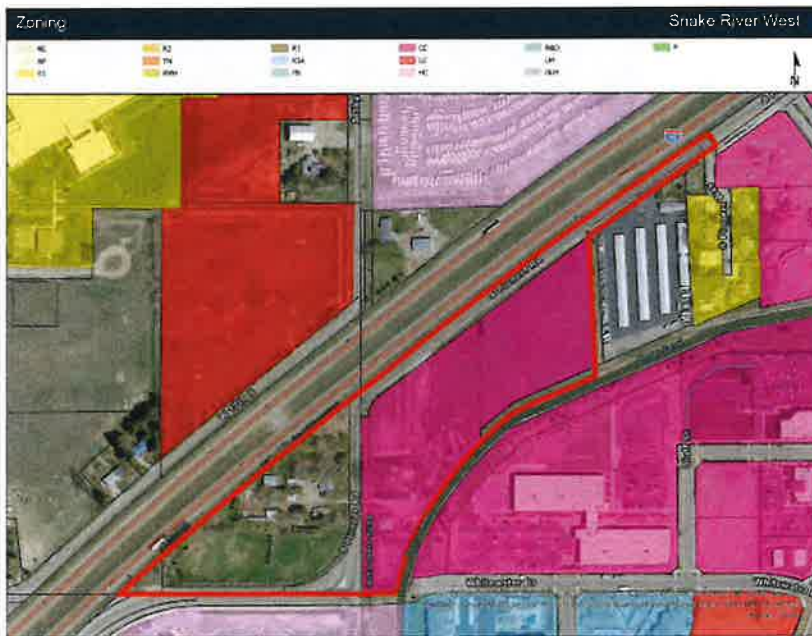
Parcels A is annexed and zoned Central Commercial (CC) as shown on Map 10. This designation is usually reserved for older areas of the city where development occurred with no setbacks. It has been applied on these parcels and in the Snake River Landing to the east to reflect Snake River Landing's objective to build in more of a traditional, dense downtown pattern. This will provide the advantage of having reduced setbacks and higher densities for future development. It is also broad in terms of its allowed uses, providing flexibility to reflect market demands as development occurs.

Parcel B, on the other hand, has not yet been annexed and is zoned A-1 Agricultural Zone in Bonneville County. This zone is much more limited in allowed uses, primarily purposed for large lot residential and agricultural uses. There are some limited commercial uses allowed but are

agriculturally focused. As of the writing of this report annexation had not been requested by the applicant. It is anticipated that the parcel will be annexed and zoned prior to City Council consideration of an ordinance adopting an urban renewal plan.

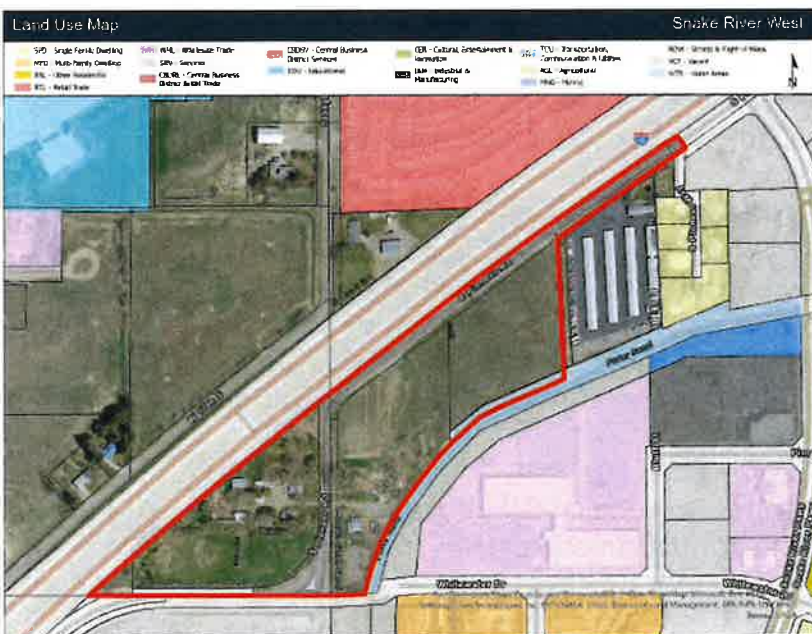
As noted earlier, the study area contains vacant former agricultural land and

MAP 10-IDAHO FALLS ZONING



single-family residential uses. The surrounding area, however, includes a broader diversity of uses as shown on Map 11. These include services, entertainment, light industrial, educational, multi-family residential, single-family residential, and retail. Map 10 does not include use designations for parcels in unincorporated Bonneville County and has not been updated to show the hotel currently under construction on the corner of Pioneer Road and Snake River Parkway. It does demonstrate, however, the economic underdevelopment within the study area.

MAP 11-CURRENT LAND USES





MOUNTAIN AMERICA CENTER



PARCEL B LOOKING NORTHWEST



PARCEL A LOOKING NORTHEAST

## Ten Percent Limitation and Assessed Valuation Within Revenue Allocation Area

In addition to the eligibility criteria discussed in this report, Idaho statutes limit the combined base assessment rolls of the existing and proposed Revenue Allocation Areas (RAAs) to ten percent of the current assessed valuation of all taxable property within the municipality. Idaho Code Section 50-2903(15) states:

“Revenue allocation area” means that portion of an urban renewal area...where the equalized assessed valuation (as shown on the taxable property assessment rolls) of which the local governing body has determined, on and as a part of the urban renewal plan, is likely to increase as a result of the initiation of an urban renewal project....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. “

The Data Processing Department of Bonneville County provided the City of Idaho Falls assessed value as well as the adjusted base of the existing RAAs.

Table 2

## Statutory Ten Percent Limitation Analysis

AREA	ASSESSED VALUE	PERCENTAGE
City of Idaho Falls	\$8,434,935,991	
	<b>ADJUSTED BASE</b>	
River Commons District	\$131,823	
Eagle Ridge District*	\$7,062,245	
Jackson Hole Junction District	\$523,128	
Anderson Bush District	\$6,425,722	
Pancheri East Bank District	\$6,949,228	
Stanley Boge	\$43,456,835	
Yellowstone Square (Proposed District)	\$9,533,697	
Snake River West District (Proposed District)	\$547,415	
<b>TOTAL ASSESSED BASE URA'S</b>	<b>\$74,630,093</b>	<b>0.88%</b>

SOURCE: Bonneville County Data Processing, August 2023. PM106-2023 Annual Assessed Value, Real Property, Personal Property, Mobile Home. URD055, Urban Renewal by Pin within TAG, August 2023. Yellowstone Square and Northgate Mile assessed values based on Idaho Falls GIS system and Bonneville County Parcel Viewer, 2023.

\*Adjusted to show removal of parcels under consideration for the de-annexation, which current taxable values are included in the assessed value for the Proposed Snake River West District.

The total combined adjusted base assessment rolls of the existing RAAs and the proposed Stanley Boge District, Yellowstone Square District, and Northgate Mile District will not exceed the estimated ten percent limit of \$843,493,599. The combined rolls are estimated to be 0.88% using the 2023 assessed values.

# Findings

To find a study area is eligible for the creation of a URA and RAA, the Study Area must contain one or more of the statutory criteria spelled out in Idaho Code Sections 50-2018(8), (9), and 50-2903(8), and to the extent there is open land, the statutory criteria in Idaho Code Section 50-2903(8)(c). Below are the criteria and a brief discussion of the findings.

## 01 The Presence of a Substantial Number of Deteriorated or Deteriorating Structures and Deterioration of the Site

The structures that were on Parcel A have been demolished and the land cleared. On Parcel B, there appear to be four outbuildings that are in a deteriorating state. The trailer home is also in a deteriorating state. The two single family residences appear to be well maintained. The word "substantial" is a subjective term, but here was considered as a percentage of the total number of structures on the site. If Parcel B is included in the final boundary, this criterion is met.

## 02 Age or Obsolescence

The age of structures pre-date 1969 and likely do not meet modern building and fire codes. This criterion is met.

## 03 Predominance of Defective or Inadequate Street Layout

Pioneer Road is the only street included within the study area and it is currently part of the Eagle Ridge Urban Renewal District. The S-curve in Pioneer Road is defective in that it creates safety concerns for both vehicles and pedestrians as traffic volumes increase and visibility is limited. The lack of a connection with Whitewater Drive to the east is inadequate. It was an assumed connection in all traffic studies considered for this area and will become an ever increasingly important connection as development occurs and traffic volumes rise. Also, as a major collector, Pioneer Road is inadequate as it is only a county road section with only two lanes, no curb, gutter or sidewalk, and no streetlights. Now that the MAC is completed, analysis from the traffic studies for that development show Pioneer Road warrants at least a center turn lane and would benefit even further from widening from its current 2-lane configuration to 4-lanes. If Pioneer Road is included in the final boundary, this criterion is met.

## **04 Outmoded Street Patterns**

As was noted in the eligibility report for the Eagle Ridge Urban Renewal District prepared by Kushlan Associates in 2014, the S-curve in Pioneer Road presents traffic hazards for an area rapidly growing with higher density commercial and residential development. It reduces visibility and, in winter, presents a potential ice hazard as the road carries higher speeds. Also, given the curvature of the road and lack of visibility, it is an outmoded pattern to permit parking on the street, especially during events. Vehicles are traveling at higher speeds and street parking puts pedestrians in the narrow right-of-way without sufficient opportunity to be seen by vehicles coming around the curves. There is also no internal street network that could be used to bypass the curve. If Pioneer Road is included in the final boundary, this criterion is met.

## **05 Need for Correlation of the Area with Other Areas of Municipality by Streets and Modern Traffic**

In general, Pioneer is well connected with the rest of the city. The one, but important, exception to this is the lack of connection to Whitewater Drive to the east. As noted above, this has been an anticipated connection for many years and is increasingly important as development occurs in the area. This criterion is met.

## **06 Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness; Obsolete Platting**

Neither of the parcels have been platted which must occur prior to development. Parcel A is of sufficient size and has adequate access to accommodate modern development but lack of platting reflects its historic agricultural uses, not its readiness for modern development.. While there is a small, narrow portion of the parcel on the southern end that would limit placement of structures, it does not take up enough of the parcel to render the area undevelopable. Parcel B, on the other hand, presents greater difficulty for development. While it does have an odd shape and has not been platted, its buildable area is also reduced because all of its boundaries have frontage on either Pioneer Road or I-15. Accessibility is also challenging for higher traffic uses because of the lack of visibility and curvature of the roadway.

## **06 Cont.**

In terms of usefulness of the lots for development purposes, water and power could serve both properties. Sewer, however, is not available for Parcel A. It is approximately 900 feet from the northern boundary and 450 feet from the southern boundary. Water only exists at the southern end of Parcel A. In order to create the looped system the city typically requires, water will have to be run approximately 2,100 feet and sewer would have to be extended over 2,500 feet to connect with the line to the north. While this is a normal cost of development, the presence of I-15, which disconnects the properties from other developable parcels to the west means that the developer must pay for the full cost of extensions of the utilities as there are no other properties which would contribute to front footage fees, which are used to reimburse developers for a portion of the cost of utility extensions, when such parcels are developed and connect to the lines. This is also an issue for road widening. In normal developments, the city's impact fees pay for the construction of arterial roads but the developer on either side of a roadway is responsible for their half of collectors and local roads. In this case, because there is no other parcel on the west and because Pioneer Road is a collector, the developer will have nearly one-half mile of roadway expenses with no opportunity for cost sharing. This is an unusual circumstance and cost burden for public infrastructure representing a significant impediment to desired development. This criterion is met.

## **07 Unsuitable Topography**

While there are some changes in elevation to the east and the area in the immediate vicinity is known to include shallow basalt, there was no evidence presented or discovered in the analysis that would suggest the topography within the study area is unsuitable for development. This criterion is not met.

## **08 Insanitary or Unsafe Conditions**

There were no insanitary conditions observed on either parcel within the study area. In terms of unsafe conditions, Parcel A shows limited risk, especially with no structures on the site. The highest risk may be limited flooding due to lack of curb and gutter along Pioneer Road.

## 08 Cont.

Porter Canal, the larger of the two waterways on the property, also presents limited risk and it appears flooding would send water flows to the east due to the topography of the land. Battle Creek Canal on the southern end of Parcel A could present a flooding risk as it is a smaller waterway with less capacity. For Parcel B, the same minimal concerns from flooding apply from Pioneer Road. The outbuildings on the parcel are also aging and likely do not meet current building or fire codes. However, where these do not appear to be continuously occupied by people, it appears the risk is minimal.

The safety concern that does exist within the study area is the layout of Pioneer Road and lack of modern traffic improvements and parking regulations along the right-of-way. As noted above, during events, parking is allowed at least along the north side of Pioneer Road. Not only is the road narrow with insufficient space for safe parking, but because of the curvature of the roadway, especially for southbound traffic, this parking puts pedestrians in the section of right-of-way with the least visibility for motorists. Also, as a collector with higher speeds of travel, the lack of curb and gutter create the risk of pooling and freezing water, which is a hazard on its own, but is exacerbated by the S-curve in Pioneer Road noted under “Outmoded Street Patterns.” This criterion is met.

## 09 Diversity of Ownership

There are only three property owners within the study area. This criterion is not met.

## 10 Tax or Special Assessment Delinquency

Taxes and special assessments were not evaluated for this report. This criterion is not met.

## 11 Defective or Unusual Conditions of Title

Conditions of title were not evaluated for this report. This criterion is not met.

## **12 Existence of Conditions which Endanger Life or Property by Fire and Other Causes**

Similar to the criterion for unsanitary or unsafe conditions, Parcel A does not appear to present conditions which endanger life or property other than perhaps some minimal flooding risk. For Parcel B, aging structures which likely do not meet modern building or fire codes are likely the greatest risk. However, these are not buildings that appear to be regularly occupied and are not eligible to be permanently occupied without significant rehabilitation and therefore the risk is minimal. The major safety risk that does exist is regarding pedestrian traffic on Pioneer Road. Due to low visibility through S-curve, this criterion is met.

## **13 Substantially Impairs or Arrests the Sound Growth of**

Part of the sound growth pattern of a municipality is that city boundaries do not sprawl haphazardly into unincorporated areas of the county. Similarly, when there are county islands surrounded by city development, as is the case with Parcel B, it creates inefficiencies in service deliveries as the county must provide certain services such as police and road maintenance when the city is already providing that same service to properties in the same area. Sound growth patterns also include logical and efficient connections of utilities which create looped systems that are easier to repair and manage. The lack of utilities, roadway improvements, and the county island have persisted in the study area, despite significant economic growth in the immediate area. This is at least in part due to the long stretches of utilities and roadway improvements with no opportunities for cost sharing. This criterion is met.

## **14 Conditions which Retard Development of the Area AND #15 Results in Economic Underdevelopment of the Area & Economic Disuse**

The evidence that there are conditions which retard development of the area may be that the study area remains vacant despite the substantial commercial development that has happened in the vicinity. As noted in other sections, the conditions which make the study area more difficult to develop include the large gaps in the utility system and the outmoded roadway pattern on Pioneer Road. Extending utilities, improving Pioneer Road, connecting to Whitewater Drive with a bridge across a substantially sized canal are cost prohibitive in relation to the available developable land and, therefore, returns on investments. Besides these issues, other opportunities to improve the area such as straightening Pioneer Road would take significant public infrastructure investment and reconfiguring of land. It is unlikely opportunities such as this could even be explored without a public private partnership. These criteria are met.

# Conclusion

The Snake River West Study Area and proposed RAA meets one or more of the criteria for eligibility under Idaho Code Sections 50-2018(8) and (9) and 50-2903(8). The study area suffers from economic underdevelopment, primarily due to major gaps in the utility system, unimproved roadways, and difficult and disconnected roadway system and traffic pattern, and an extraordinary cost burden due to lack of developable lands on both sides of Pioneer Road and

insufficient developable land relative to the costs required. There are certain criteria which are only met if Parcel B or Pioneer Road are included in the final boundary. If the de-annexation of these features from the Eagle Ridge District Urban Renewal District are not completed, this report may need to be reviewed and revised. Table 3, which is also included in the executive summary, summarizes the findings of eligibility for the study area.



PARCEL A LOOKING SOUTHEAST



PARCEL A LOOKING WEST



PARCEL B LOOKING WEST

Table 4

# Summary of Findings
















CRITERION	CRITERION MET	CHARACTERISTICS SUPPORTING FINDING
Substantial number of deteriorating structures and deterioration of site		This is met via Parcel B only due to deteriorating outbuildings on the site
Age or obsolescence		Parcel B has structures constructed before 1969
Predominance of defective or inadequate street layout		Lack of connection between Whitewater Drive and Pioneer Road is a significant gap in the transportation network.  Pioneer Road is also inadequate in terms of improvements requiring a widening to at least three lanes and construction of curb, gutter and sidewalk.
Outmoded street patterns		The S-curve in Pioneer Road creates several safety hazards and access issues.
Need for correlation of area with other areas of by streets and modern traffic requirements		Pioneer Road needs to be widened to at least three lanes and be improved with curb, gutter and sidewalk.
Faulty lot layout		The lots on their own are generally developable, but they are extraordinarily difficult to develop due to large gaps in the utility network. Access to Parcel B is also challenging due to the curvature of Pioneer Road.
Unsuitable topography		There was no evidence that shallow basalt existing in the study area even though it is fairly prevalent in the immediate area.
Insanitary or unsafe conditions		Pioneer Road presents an unsafe condition in several ways. The S-curve presents visibility issues, especially for a collector roadway with higher speeds and for pedestrians. The lack of curb and gutter increase the potential for pooling of water and significant ice patches. Allowed parking on Pioneer Road is unsafe with the current widths and curvature of the roadway.

Table 4

# Summary of Findings Cont.

CRITERION	CRITERION MET	CHARACTERISTICS SUPPORTING FINDING
Diversity of ownership		There are only two landowners within the study area.
Tax or special assessment delinquency		This was not evaluated for this report.
Defective or unusual conditions of title		This was not evaluated for this report.
Existence of conditions which endanger life or property		Although some of the structures on Parcel B are deteriorating and not constructed under current building or fire codes, they are not habitable and present only minimal risk. Flooding risk is also minimal other than potentially on one small portion of Parcel A. There are, however, safety concerns for pedestrians on Pioneer, especially along the S-curve.
Impairs or arrests the sound growth of a municipality		There are significant needs to fill gaps in the utility system and improve Pioneer Roadway. Because of the location of I-15, there are no developable parcels to the west of Pioneer Road which puts the full burden of infrastructure costs on fewer landowners, making the study area difficult to develop. Parcel B is also a county island which creates inefficiencies in delivery of services.
Retards development of the area		The conditions noted above have created extraordinary cost burdens required to develop parcels within the study area. This is evidenced by the lack of development despite significant growth in the immediate area.
Economic underdevelopment and economic disuse		See above.

Appendix A:

# Additional Site Photos



PIONEER ROAD LOOKING NORTH



PIONEER ROAD LOOKING WEST



PIONEER ROAD-WHITEWATER LOOKING EAST



PIONEER ROAD-WHITEWATER LOOKING NORTH



PIONEER ROAD-WHITEWATER LOOKING SOUTH



SOUTHERN PORTION OF PARCEL A

## Appendix B:

# Steps in Creating a New Urban Renewal Area & Revenue Allocation Area

## Steps in Creating a URA and Revenue Allocation Area

If an urban renewal agency is in existence in a community, the creation of an urban renewal area, including a revenue allocation area (required for use of tax increment financing), begins with an eligibility report for a designated area within the community. The central question for an eligibility report whether the study area has at least one of the statutory characteristics which must be found to be considered eligible for urban renewal activities. These characteristics or criteria are:

The presence of a substantial number of deteriorated or deteriorating structures and deterioration of site. [50-2018(9), 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)(b)],

4. Outmoded street patterns [50-2008(d)(4)(2)],

5. Need for correlation of area with other areas of municipality by streets and modern traffic requirements [50-2008(d)(4)(2)],

6. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness; obsolete platting [50-2018(9), 50-2903(8)(b) and (8)(c)], and 50-2008(d)(4)(2)]

7. Unsuitable topography [50-2008(d)(4)(2)],

8. Insanitary or unsafe conditions [50-2018(9), 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), 50-2903(8)(b)], and 50-2008 (d)(4)(2)]

11. Defective or unusual conditions of title [50-2018(9), 50-2903(8)(b) and (8)(c), and 50-2008(d)(4)(2)],
12. Existence of conditions which endanger life or property by fire and other causes [50-2018(9), 50-2903(8)(b)],
13. Substantially impairs or arrests the sound growth of a municipality and is a menace to the public health, safety, morals or welfare [50-2018(9), 50-2903(8)(b) and 8(c)],
14. Conditions which retard development of the area [50-2008(d)(4)(2)], and
15. Results in economic underdevelopment of the area [50-2903(8)(b)] and economic disuse [50-2008(d)(4)(2)].

If it is determined the Study Area has characteristics which meet one or more of the statutory criteria listed above, the Agency may accept the eligibility report and request its consideration by the governing body. No URA can be designated as such unless the City Council adopts a resolution finding the area under consideration is deteriorated or deteriorating due to such characteristics, the redevelopment of the area is necessary for the welfare of the residents, and the area is appropriate for an urban renewal project.

The resolution approved by City Council authorizes the Agency to prepare a plan for the proposed urban renewal area. The urban renewal area plan is to include the following with specificity:

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. Termination date for the plan and revenue allocation area as provided for in section 50-2903(20), Idaho Code. In determining the termination date, the plan shall recognize that the agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the urban renewal plan;

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

Once the plan is prepared and approved by the Agency, it is forwarded to the City Council. Prior to the public hearing before the City Council, the City Council forwards the plan to the City Planning and Zoning Commission for its determination that the plan conforms to the City's comprehensive plan. At least thirty (30) days prior to the public hearing, a copy of the notice and plan is distributed to the taxing entities overlapping the boundaries of the proposed district. After receiving the recommendation of the commission, and after notice fully published, the public hearing is held. The City Council must approve an urban renewal plan, including revenue allocation financing provisions, by an ordinance. If the ordinance is adopted by the City Council, a copy of the ordinance with legal description of the Revenue Allocation Area (RAA) is distributed to all the overlapping taxing entities, county officials and the State Tax Commission.

By state statute, following adoption of the ordinance, the base year assessment roll values are fixed as of January 1, of the year in which the ordinance becomes effective. The RAA has a maximum life of twenty years under Idaho statutes. The urban renewal agency implements the plan adopted by the City Council.



## Appendix C:

# Open Lands Analysis

The study area, particularly Parcel A, has been used for agricultural uses in the past but has lain fallow for many years. There has not been significant development anywhere in the study area as structures have been limited to several small, single-family homes and outbuildings. Parcel A is large enough to support modern development. Parcel B is also large enough, but there are challenges due to the road layout which creates accessibility and safety issues.

Idaho Code Section 50-2903(8)(c) states: “[a]ny area which is predominately open and which because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas.”

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

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

The urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise: provided, that if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or

contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this act, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivision, 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.

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

The conclusion of this discussion concerning open land areas is that the area qualifies if any of the eligibility conditions set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b) apply. Alternatively, the area under consideration qualifies if any of the conditions listed only in Idaho Code Section 50-2008(d)(4)(2) apply. As set forth in greater detail above, economic disuse, faulty lot layout; obsolete platting, deteriorating structures, and outmoded road patterns are all conditions which delay development of the Study Area.

Based on the above analysis, while the Study Area does appear to include "predominantly open land," which is not a defined term, and "greenfield" or previous agricultural operations, conditions found within the study area include economic disuse, faulty lot layout; obsolete platting, outmoded road patterns, and deteriorating structures and site improvements, and therefore, the open land condition is satisfied.



**PERSPECTIVE**  
PLANNING & CONSULTING

ELIGIBILITY REPORT:  
**Snake River West**

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PREPARED BY

**Brad Cramer**  
*Perspective Planning & Consulting LLC*

---

ASSISTANCE FROM

**Brian Stevens**  
*Planner II/GIS Analyst for the City of Idaho Falls*

AGRICULTURAL OPERATION CONSENT FORM

COMES NOW John Burtenshaw, Manager of LLKM Properties LLC, an Idaho limited liability company, and states that LLKM Properties LLC owns that certain property generally described as Parcel Identification Number RPA00007239688 aka RPA00007239337 in the real property records of Bonneville County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certify:

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

(2) that the undersigneds have reviewed the materials provided in Exhibit B and have had an opportunity to review the urban renewal eligibility report entitled Eligibility Report: Snake River West, prepared by Brad Cramer, Perspective Planning & Consulting LLC and as attached hereto as Exhibit C.

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

DATED this 20<sup>th</sup> day of December 2024.

LLKM PROPERTIES LLC

*John Burtenshaw*

Name: John Burtenshaw  
Title: Manager

*John Burtenshaw*

STATE OF IDAHO )

ss:

County of Bonneville

On this 20<sup>th</sup> day of December 2024, before me, a Notary Public for the state of Idaho, personally appeared John Burtenshaw, known or identified to me to be the Manager of the limited liability company, that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

*Amara J. Katin*

LENORE KATRI  
COMMISSION NO. 17063  
NOTARY PUBLIC  
STATE OF IDAHO

Notary Public  
My Commission Expires on \_\_\_\_\_

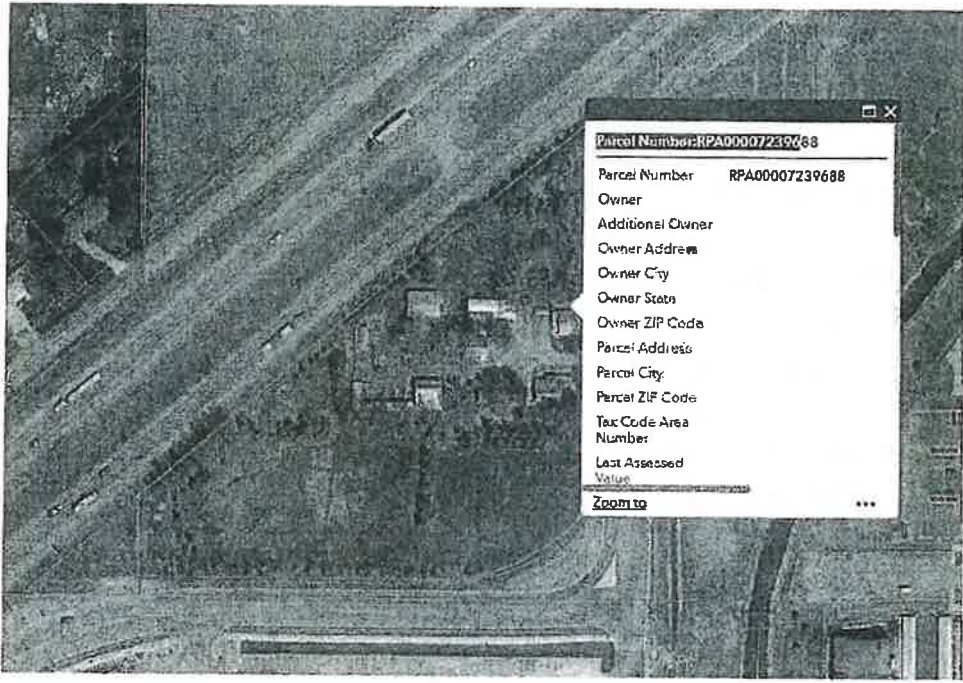
Residing at Idaho Falls, ID  
My Commission Expires: 1-30-2027

**EXHIBIT A**

**PARCEL NUMBER: RPA00007239688 aka RPA00007239337**

**ADDRESS: 1618 S PIONEER RD**

**DESCRIPTION**



**EXHIBIT B**

**EXCERPTS OF STATUTES**

**IDAHO CODE §§ 50-2018(8) AND (9)**

(8) "Deteriorated area" shall mean an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by

reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare. Provided however, this definition shall not apply to any agricultural operation, as defined in section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation or to any forest land as defined in section 63-1701(4), Idaho Code, absent the consent of the forest landowner, as defined in section 63-1701(5), Idaho Code, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

(9) "Deteriorating area" shall mean an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or

constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use; provided, that if such deteriorating area consists of open land the conditions contained in the proviso in section 50-2008(d), Idaho Code, shall apply; and provided further, that any disaster area referred to in section 50-2008(g), Idaho Code, shall constitute a deteriorating area. Provided however, this definition shall not apply to any agricultural operation, as defined in section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation or to any forest land as defined in section 63-1701(4), Idaho Code, absent the consent of the forest landowner, as defined in section 63-1701(5), Idaho Code, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

**IDAHO CODE § 50-2008**

50-2008. PREPARATION AND APPROVAL OF PLAN FOR URBAN RENEWAL PROJECT. (a) An urban renewal project for an urban renewal area shall not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or a deteriorating area or a combination thereof and designated such area as appropriate for an urban renewal project.

(b) An urban renewal agency may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to an urban renewal agency. Prior to its approval of an urban renewal project, the local governing body shall submit such plan

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

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

(d) Following such hearing, the local governing body may approve an urban renewal project and the plan therefor if it finds that (1) a feasible method exists for the location of families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan conforms to the general plan of the municipality as a whole; (3) the urban renewal plan gives due consideration to the provision of adequate park and recreational

areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the plan; and (4) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise: Provided, that if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this act, because of defective or unusual

conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

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

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

(g) Notwithstanding any other provisions of this act, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the governor of the state has certified the need for disaster assistance under 42 U.S.C. section 5121, or

other federal law, the local governing body may approve an urban renewal plan and an urban renewal project with respect to such area without regard to the provisions of subsection (d) of this section and the provisions of this section requiring a general plan for the municipality and a public hearing on the urban renewal project.

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

IDAHO CODE §50-2903(b)

(8) "Deteriorated area" means:

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

(b) Any area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax

or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, results in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use.

(c) Any area which is predominately open and which because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas.

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

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

(f) "Deteriorated area" does not mean not developed beyond agricultural, or any agricultural operation as defined in section 22-4502(1), Idaho Code, or any forest land as defined in section 63-

1701(4), Idaho Code, unless the owner of the agricultural operation or the forest landowner of the forest land gives written consent to be included in the deteriorated area, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

EXHIBIT C

ELIGIBILITY REPORT

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