

RESOLUTION NO. 2023-01

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 ANDERSON BUSH 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 (“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 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 by certain public entities, certain interested parties and property owners, the Agency commenced certain discussions concerning examination of an area located within the City and whether it may be deteriorating or deteriorated and should be examined as to whether such an area is eligible for an urban renewal project;

WHEREAS, on June 16, 2022, the Agency adopted Resolution No. 2022-05 approving a Memorandum of Understanding (“MOU”) with Blacktail West LLC, which inter alia provided for Blacktail West LLC to advance fund certain costs related to the planning and establishment of an urban renewal plan and project area and such deposits were made;

WHEREAS, in July 2022, the Agency engaged the services of Renee R. Magee, AICP to commence an eligibility study and preparation of an eligibility report of an area approximately 48 acres in size, in northern Idaho Falls east of US 20. The area is bounded by Science Center Drive on the north, U.S. 20 on the west, Anderson Street on the south, and North Boulevard on the east. The eligibility study area is commonly referred to as the Anderson Bush Study Area (the “Study Area”). All parcels in the Study Area are located within the City limits;

WHEREAS, the Agency obtained the Anderson Bush Eligibility Study, dated August 2022 (the “Report”), which examined the Study Area for the purpose of determining whether such area was a deteriorating area, a deteriorated area, or a combination of both a deteriorating area and a deteriorated area as those terms are defined by Idaho Code §§ 50-2018(8), (9), and 50-2903(8);

WHEREAS, pursuant to Idaho Code §§ 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. predominance of defective or inadequate street layout;
- b. faulty lot layout in relation to size, adequacy, accessibility or usefulness/obsolete platting;
- c. insanitary or unsafe conditions;
- d. unsuitable topography;
- e. outmoded street patterns;
- f. age or obsolescence;
- g. conditions which retard development of the area;
- h. economic disuse or underdevelopment of the property; and
- i. lack of correlation of the area with other areas of the City by streets and modern traffic requirements;

WHEREAS, the Study Area contains vacant 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 Study Area is not “predominantly” open undeveloped land, but is rather vacant land that has undergone some limited development; however, the Report addresses the

necessary 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 August 25, 2022, adopted Resolution No. 2022-05 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 September 22, 2022, adopted Resolution No.31, 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, 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 does not include parcels subject to such consent;

WHEREAS, the Agency has embarked on an urban renewal project referred to as the Urban Renewal Plan for the Anderson Bush Urban Renewal Project (the “Anderson Bush 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 Anderson Bush Plan proposes to create an urban renewal and revenue allocation area commonly known as the Anderson Bush Project Area, which area is shown on the “Boundary Map of the Anderson Bush Urban Renewal Project Area and Revenue Allocation Area” and described in the “Legal Description of the Anderson Bush Urban Renewal Project Area and Revenue Allocation Area,” which are attached to the Anderson Bush 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 Anderson Bush 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 Anderson Bush 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 Anderson Bush Plan and submit the Anderson Bush Plan and recommendation for approval thereof to the City;

WHEREAS, the Agency reviewed and considered the proposed public improvements and projects within the Anderson Bush Plan and Project Area during its meeting on December 15, 2022;

WHEREAS, as required by the Law and the Act, Agency has reviewed the project information within the Anderson Bush Plan concerning the use of revenue allocation funds and considered the Anderson Bush Plan at its meeting on January 19, 2023;

WHEREAS, the Anderson Bush Plan will be tendered to the Planning and Zoning Commission and to the City Council for their consideration and review as required by the Law and the Act;

WHEREAS, under the Act, the Anderson Bush 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 Anderson Bush Plan and to adopt, as part of the Anderson Bush Plan, revenue allocation financing provisions that will help finance urban renewal projects to be completed in accordance with the Anderson Bush Plan in order to (1) encourage private development in the urban renewal area; (2) to prevent and arrest decay of the Anderson Bush 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 Anderson Bush 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 Anderson Bush

Plan is likely to increase as a result of initiation of urban renewal projects in accordance with the Anderson Bush 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 Anderson Bush 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 Anderson Bush 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 Anderson Bush 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 Anderson Bush Project Area as defined in the Anderson Bush 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 Anderson Bush Plan along with any changes discussed at the January 19, 2023, Agency Board meeting, including but not limited to finalization of the Attachments to the Anderson Bush Plan, confirmation of taxing district levy rates, confirmation of the affected taxing districts, updated list of projects, updated map or legal description, and any modifications to the economic feasibility study prepared by Agency consultant Renee R. Magee, AICP.

Section 4. That Agency recommends that the Anderson Bush 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 January 19, 2023, Agency Board meeting.

Section 6. That the Agency, if not attached at the time of the Agency Board's consideration, prior to consideration of the Anderson Bush Plan by the City Council will include final Attachments to the Plan, including but not limited to the boundary map, legal description, and current land use and zoning maps.

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 Anderson Bush 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 Anderson Bush 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 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 Anderson Bush Plan.

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

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

(d) To the extent the Anderson Bush Project Area contains “open land” areas, that the Agency may acquire any open land, that the Anderson Bush Project Area is planned to be developed and/or redeveloped in a manner that may include 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 Anderson Bush 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 Anderson Bush 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 Anderson Bush 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 Anderson Bush 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 Anderson Bush 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 Anderson Bush 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 January 19, 2023.
Signed by the Chair of the Board of Commissioners and attested by the Secretary to the Board of Commissioners, on January 19, 2023.

APPROVED:

By: _____
Lee Radford, Chair

ATTEST:

By _____
Teri Gazdik, Secretary

Exhibit 1
(Anderson Bush Plan)

4890-1678-3687, v. 1