

ORDINANCE NO. 3492

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

WHEREAS, on the 6th day of July 1966, the City Council and Mayor of Idaho Falls, Idaho, respectively, created the Urban Renewal Agency of the City of Idaho Falls, Idaho, also known as the Idaho Falls Redevelopment Agency (hereinafter "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the "Law") and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"), upon making the findings of necessity required for creating said 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 above referenced 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 Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

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

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

WHEREAS, based on inquiries and information presented by certain public entities and 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, in the fall of 2021, the City engaged the services of Renee R. Magee, AICP to commence an eligibility study and preparation of an eligibility report of an area 36 acres in size, bounded by Pancheri Drive on the north, the Snake River on the west, and Yellowstone Highway on the east. The southern boundary generally follows along the south property lines of the Idaho Falls Power substation and the private parcel addressed as 2160 South Yellowstone Highway. The eligibility study area is commonly referred to as the Pancheri East Bank Study Area (the “Study Area”). All parcels in the Study Area are located within the city of Idaho Falls city limits;

WHEREAS, a portion of the Study Area was previously included within the boundaries of the original Pancheri Project Area, which terminated in 2020. The original Pancheri Project Area resulted in the successful development of the northwest portion of that area, which area was not included within the boundaries of the Study Area; however, the area to the south has continued to remain in an underdeveloped state facing significant development impediments;

WHEREAS, the Agency obtained the Pancheri East Bank Eligibility Report, dated February 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 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 a deteriorated area, many of the conditions necessary to be present in such an area are found in the Study Area, including:

- a. substantial number of deteriorated or deteriorating structures and deterioration of site;
- b. predominance of defective or inadequate street layout;
- c. faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- d. insanitary or unsafe conditions;
- e. outmoded street patterns;
- f. unsuitable topography;
- g. age or obsolescence;
- h. need for correlation of the area streets with other areas of the municipality;
- i. conditions which retard development of the area;
- j. economic disuse or underdeveloped property; and
- k. substantially impairs or arrests the sound growth of the municipality;

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 additional conditions applicable to open land or open 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, 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;

WHEREAS, the Report does not include parcels subject to such consent.

WHEREAS, the Agency Board, on February 17, 2022, adopted Resolution No. 2022-04, accepting the Report and authorized the Chair, Vice-Chair, or Administrator of Agency to transmit the Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct Agency to prepare an urban renewal plan for the Study Area, which plan may include a revenue allocation provision as allowed by the Act;

WHEREAS, the City Council on February 24, 2022, adopted Resolution No. 2022-05, 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, 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, pursuant to the Law and the Act, as amended, the Agency prepared the Urban Renewal Plan for the Pancheri East Bank Urban Renewal Project (the "Pancheri East Bank Plan"), as set forth in Exhibit 3 attached hereto, and the corresponding urban renewal/revenue allocation area referred to as the Pancheri East Bank project area (the "Pancheri East Bank Project Area," the "Project Area," or "Revenue Allocation Area"), to develop and/or redevelop a portion of the City, pursuant to the Law and the Act, as amended;

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

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

WHEREAS, the Pancheri East Bank Plan contains revenue allocation financing provisions as allowed by the Act;

WHEREAS, Agency reviewed and considered the proposed public improvements within the Pancheri East Bank Project Area at several meetings during 2022;

WHEREAS, the Agency Board considered all comment and information submitted to the Agency during several Board meetings throughout 2022, in addition to the City staff's efforts to meet with property owners, taxing districts, and other stakeholders, in order to promote input into the Pancheri East Bank Plan;

WHEREAS, on September 15, 2022, the Agency Board passed Resolution No. 2022-09 proposing and recommending the approval of the Pancheri East Bank Plan;

WHEREAS, the Agency submitted the Pancheri East Bank Plan to the Mayor and City Council;

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

WHEREAS, pursuant to the Law, at a meeting held on October 4, 2022, the Idaho Falls Planning Commission considered the Pancheri East Bank Plan and found by Planning Commission Resolution No. 01-2022 that the Pancheri East Bank Plan is in all respects in conformity with the City's Comprehensive Plan, Imagine IF, A Plan to Move Idaho Falls Forward Together, as amended (the "Comprehensive Plan") and forwarded its findings to the City Council, a copy of which is attached hereto as Exhibit 1;

WHEREAS, the notice of public hearing of the Pancheri East Bank Plan was caused to be published by the Idaho Falls City Clerk in its official newspaper the *Post Register* on October 7 and 21, 2022, a copy of said notice is attached hereto as Exhibit 2;

WHEREAS, as of October 7, 2022, the Pancheri East Bank Plan was submitted to the affected taxing entities, available to the public, and under consideration by the City Council;

WHEREAS, the City Council during its regular meeting of November 10, 2022, held such public hearing on the Pancheri East Bank Plan as noticed;

WHEREAS, as required by Idaho Code sections 50-2905 and 50-2906, the Pancheri East Bank Plan contains the following information with specificity which was made available to the general public and all affected taxing districts prior to the public hearing on November 10, 2022, the regular meeting of the City Council, at least thirty (30) days but no more than sixty (60) days prior to the date set for final reading of the Ordinance: (1) a statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality; (2) the kind, number, and location of all proposed public works or improvements within the revenue allocation area; (3) an economic feasibility study; (4) a detailed list of estimated project costs; (5) a fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds, notes and/or other obligations are repaid, upon all taxing districts levying taxes upon property in the revenue allocation area; (6) a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred; (7) a termination date for the plan and the revenue allocation area as provided for in section 50-2903(20), Idaho Code. In determining the termination date, the plan shall recognize that the agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the urban renewal plan; and (8) a description of the disposition or retention of any assets of the agency upon the termination date. Provided however, nothing herein shall prevent the agency from retaining assets or revenues generated from such assets as

long as the agency shall have resources other than revenue allocation funds to operate and manage such assets;

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

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

WHEREAS, it is necessary and in the best interest of the citizens of the City, to adopt the Pancheri East Bank Plan and to adopt, as part of the Pancheri East Bank Plan, revenue allocation financing provisions that will help finance urban renewal projects to be completed in accordance with the Pancheri East Bank Plan, in order to: (1) encourage private development in the urban renewal area; (2) to prevent and arrest decay of the Pancheri East Bank Project Area due to the inability of existing financing methods to provide needed public improvements; (3) to encourage the affected taxing districts to cooperate in the allocation of future tax revenues arising in the Pancheri East Bank 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 the Agency;

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

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

WHEREAS, if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe, and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe, and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare;

and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in the Law, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area;

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

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

WHEREAS, the City Council at its regular meeting held on November 10, 2022, considered the Pancheri East Bank Plan as proposed and made certain comprehensive findings.

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

SECTION 1: It is hereby found and determined that:

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

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

SECTION 2: The City Council finds that the Pancheri East Bank Project Area includes vacant open land that has undergone limited development, that the Agency may acquire any open

land within the Pancheri East Bank Project Area but does not intend to do so on any widespread basis, and that the Pancheri East Bank Project Area is planned to be developed and/or redeveloped in a manner that may include residential and nonresidential uses. Provided, however, the City Council finds that for the portions of the Pancheri East Bank Project Area deemed to be "open land," the criteria set forth in the Law and Act have been met.

SECTION 3: The Pancheri East Bank Plan, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachment, be, and the same hereby is approved. As directed by the City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the November 10, 2022, hearing and incorporate changes or modifications, if any.

SECTION 4: No direct or collateral action challenging the Pancheri East Bank Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the Pancheri East Bank Plan.

SECTION 5: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Bonneville County Assessor, and to the appropriate officials of Bonneville County Board of County Commissioners, City of Idaho Falls, Bonneville County Ambulance, Idaho Falls School District #91, Bonneville County Road and Bridge, College of Eastern Idaho, Flood Control District No. 1, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map indicating the boundaries of the Pancheri East Bank Project Area.

SECTION 6: The City Council hereby finds and declares that the equalized assessed valuation of the Revenue Allocation Area as defined in the Pancheri East Bank Plan, is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Pancheri East Bank Plan.

SECTION 7: The City Council hereby approves and adopts the following statement policy relating to the appointment of City Council members as members of the Agency's Board of Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but, rather, as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the Pancheri East Bank Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 8: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not exercise its power under Idaho Code section 50-2006 to designate itself as the Agency Board.

SECTION 9: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2022, to the extent permitted by the Act.

SECTION 10: The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

SECTION 11: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

SECTION 12: All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

SECTION 13: Savings Clause. This Ordinance does not affect an action or proceeding commenced or right accrued before this Ordinance takes effect.

SECTION 14: That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the Members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with, and accordingly, this Ordinance shall be in full force and effect upon its passage, approval and publication.

PASSED by the City Council of the City of Idaho Falls, Idaho, on this 10 day of November 2022.

APPROVED by the Mayor of the City of Idaho Falls, Idaho, on this 10 day of November 2022.



Mayor Rebecca L. Noah Casper

ATTEST:



Jasmine Marroquin, Deputy City Clerk

Exhibit 1

**Resolution of the Planning Commission for the City of Idaho Falls, Idaho,
Validating Conformity of the Urban Renewal Plan for the Pancheri East Bank
Urban Renewal Project with the City of Idaho Falls' Comprehensive Plan**

ORDINANCE NO. _____

CITY OF IDAHO FALLS

**BY THE PLANNING
COMMISSION**

**RESOLUTION OF THE PLANNING COMMISSION FOR THE CITY OF IDAHO
FALLS, IDAHO, VALIDATING CONFORMITY OF THE URBAN RENEWAL PLAN
FOR THE PANCHERI EAST BANK URBAN RENEWAL PROJECT WITH THE CITY
OF IDAHO FALLS' COMPREHENSIVE PLAN**

WHEREAS, the Urban Renewal Agency of the City of Idaho Falls, Idaho, also known as the Idaho Falls Redevelopment Agency (hereinafter "Agency"), the duly constituted and authorized urban renewal agency of the City of Idaho Falls, Idaho (the "City"), has submitted the proposed Urban Renewal Plan for the Pancheri East Bank Urban Renewal Project (the "Plan") to the City; and

WHEREAS, the Mayor and the Idaho Falls City Council referred the Plan to the City Planning Commission for review and recommendations concerning the conformity of said Plan with the City's Comprehensive Plan, Imagine IF, A Plan to Move Idaho Falls Forward Together, as amended (the "Comprehensive Plan"); and

WHEREAS, the staff of the City Planning Commission has reviewed said Plan and has determined that it is in all respects in conformity with the Comprehensive Plan; and

WHEREAS, on October 4, 2022, the City Planning Commission met to consider whether the Plan conforms with the Comprehensive Plan as required by Idaho Code § 50-2008(b); and

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

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

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

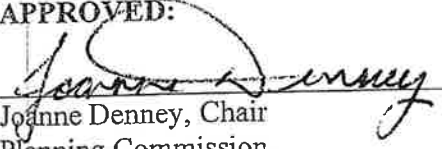
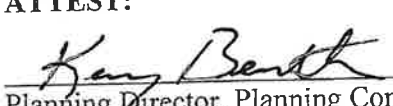
Section 1. That the Plan, submitted by the Agency and referred to this Commission by the Mayor and City Council for review, is in all respects in conformity with the City's Comprehensive Plan.

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

Section 3. That the Chair of the Planning Commission is hereby authorized and directed to provide the Mayor and City Council with a signed copy of this Resolution relating to said Plan.

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

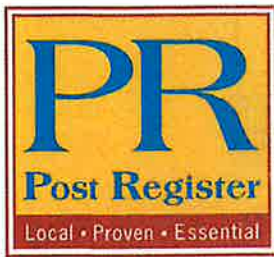
ADOPTED by the Planning Commission of the City of Falls, Idaho, this 4th day of October 2022.

APPROVED:  Joanne Denney, Chair Planning Commission	ATTEST:  Planning Director, Planning Commission
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4879-5260-0624, v. 1

Exhibit 2

Notice Published in the *Post Register*



PROOF OF PUBLICATION Post Register

State of Idaho
County of Bonneville

I, ~~Dawn Giannini~~, or Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager, or~~ Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of The Post Register, a newspaper of general circulation, published 4 days, Tuesday, Wednesday, Friday and Sunday, at Idaho Falls, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 day(s), first publication having been made on 10/07/2022 last publication having been made on 10/21/2022, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, on this 21st day of October, 2022



Notary Public
My commission expires:

attached jurat

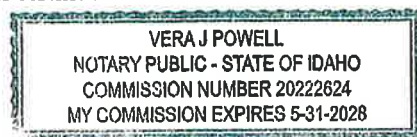
STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

On this 21st day of October, 2022 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

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



Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

**NOTICE OF REGULAR MEETING AND PUBLIC HEARING
BY THE CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO,
TO CONSIDER THE URBAN RENEWAL PLAN FOR THE
PANCHELI EAST BANK URBAN RENEWAL PROJECT
OF THE URBAN RENEWAL AGENCY OF THE CITY OF IDAHO FALLS, IDAHO
ALSO KNOWN AS THE IDAHO FALLS REDEVELOPMENT AGENCY**

NOTICE IS HEREBY GIVEN that on Thursday, November 10, 2022, at 7:30 p.m. in the City Council Chambers, City Annex Building, 689 Park Avenue, Idaho Falls, Idaho, the City Council of the City of Idaho Falls, Idaho (the "City") will hold, during its regular meeting, a public hearing to consider for adoption the proposed Urban Renewal Plan for the Pancheli East Bank 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 ("Agency"). The urban renewal and revenue allocation area boundary is continuous and is hereinafter described. The Plan proposes that the Agency undertake urban renewal projects, including identifying public facilities for funding, pursuant to the Idaho Urban Renewal Law of 1965, Title 50, Chapter 20, Idaho Code, as amended. The Plan being considered for adoption contains a revenue allocation financing provision pursuant to the Local Economic Development Act, Title 50, Chapter 20, Idaho Code, as amended, that will cause property taxes resulting from any increase in equalized assessed valuation in excess of the equalized assessed valuation as shown on the base assessment roll as of January 1, 2022, to be allocated to the Agency for urban renewal purposes. The Agency has adopted and recommended approval of the Plan. The City Council will also consider the first reading of an ordinance to adopt the Plan at the meeting on November 10, 2022. Additional readings will follow consistent with the City's ordinance approval process.

The general scope and objectives of the Plan are:

- a. The demolition or removal of certain buildings and/or improvements for public benefit, to eliminate unsightly, 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;
- b. The environmental assessment and remediation of brownfield sites, or sites where environmental conditions detrimental to redevelopment exist;
- c. The engineering, design, installation, construction, and/or reconstruction of streets and streetscapes, including the potential for a right-of-way extension within the Project Area and Improvements to S. Yellowstone Avenue and related adjacent pedestrian facilities, curb and gutter, intersection improvements, and traffic control measures;
- d. The engineering, design, installation, construction, and/or reconstruction of improvements to the River Walk along the east bank of the Snake River from Pancheli to the boundary of the Project Area, and related improvement projects;
- e. 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 related to the Projects and other public improvements, including but not limited to, floodway and flood zone mitigation, and other public improvements, that may be deemed appropriate by the Board;
- f. The engineering, design, installation, construction, and/or reconstruction of utilities including but not limited to improvements and upgrades to the water distribution system, including extension or expansion of the water distribution system, water capacity improvements, water storage upgrades, sewer system improvements and upgrades, including extension or expansion of the sewer collection system, R1 station, and improvements, and extension, expansion and/or upgrades to power, gas, fiber optic, communications and other such facilities;
- g. The provision for participation by property owners and developers within the Project Area to achieve the objectives of this Plan;
- h. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- i. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- j. The acquisition of real property for public right-of-way and streetscape improvements and the extension, expansion and/or upgrades of underground and aboveground utilities, pathways and trails, recreational access points and to encourage development opportunities consistent with the Comprehensive Plan;
- k. The disposition of real property through a competitive process in accordance with this Plan, Idaho law, including Idaho Code Section 50-2011, and any disposition policies adopted by the Agency;
- l. The demolition or removal of certain buildings and/or improvements for public rights-of-way and streetscape improvements, pedestrian facilities, utility underground extension, and upgrades, public parks and trails, other public facilities, to decrease underutilized parcels, to eliminate unsightly, 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;
- m. The provision of financial and other assistance to encourage and attract business enterprise including but not limited to start-ups and microbusinesses, mid-sized companies and large-scale corporations and industries;
- n. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- o. To the extent allowed by law, lend or invest federal funds to facilitate redevelopment;
- p. 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;
- q. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- r. Other related improvements to those set forth above as further set forth in Attachment 5.

Any such land uses as described in the Plan will be in conformance with zoning for the City and the City's Comprehensive Plan, Imagine IF: A Plan to Move Idaho Falls Forward Together, as amended. Land made available will be developed by private enterprises or public agencies as authorized by law. The Plan identifies various public and private improvements which may be made within the Project Area.

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

An area within the City consisting of approximately 35 acres in size, bounded by Pancheli Drive on the north, the Snake River on the west, and Yellowstone Highway on the east.

The Project Area is more particularly described as follows:

A parcel of land lying in a portion of the SE¼ of Section 24 and the NE¼ of Section 25, Township 2 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho, described as follows: COMMENCING at the Southeast Corner of Section 24, also being the Northeast Corner of Section 25, and running THENCE along the Section Line common to said Section 24 and 25, S 89°57'11" W 435.66 feet, to an angle point on the southeasterly right-of-way line of Yellowstone Avenue and the TRUE POINT OF BEGINNING; THENCE continuing along said Section Line, S 89°57'11" W 11.18 feet to an angle point on the southeasterly right-of-way line of Yellowstone Avenue; THENCE S 89°57'11" W 170.70 feet along said southeasterly right-of-way line, THENCE N 60°42'02" W 335.03 feet; THENCE N 29°17'58" E 70.00 feet; THENCE S 60°42'02" E 12.00 feet; THENCE N 29°17'11" E 28.66 feet, to the point of a non-tangent curve to the right, THENCE Northwesterly along said curve to the right, having a radius of 480.00 feet, the chord of which bears N 42°12'11" W 182.66 feet, having a central angle of 21°59'15" for an arc a distance of 183.78 feet to a point on the Bureau of Land Management resurvey survey of the John B. Davis Meander Line; THENCE along said Meander Line S 13°53'10" W 29.34 feet to an angle point on said Meander Line; THENCE S 53°29'10" W 29.56 feet along said Meander Line to a point on the Southeasterly line of a 30 foot wide road reservation; THENCE N 08°45'31" W 200.77 feet along said southeasterly road reservation line to a point on the southerly line of Government Lot 13; THENCE N 69°32'00" W 327.88 feet along said southerly line of Government Lot 13 to a point on the easterly bank of the Snake River; THENCE along the easterly bank of the Snake River by the following thirty-three (33), bearings and distances:

- 1) THENCE N 34°05'10" E 6.37 feet;
- 2) THENCE N 49°00'50" E 17.11 feet;
- 3) THENCE N 31°19'04" E 10.36 feet;
- 4) THENCE N 26°43'11" E 25.29 feet;
- 5) THENCE N 50°57'10" E 15.86 feet;
- 6) THENCE N 44°13'21" E 9.55 feet;
- 7) THENCE N 59°07'44" E 11.34 feet;
- 8) THENCE N 47°14'17" E 18.14 feet;
- 9) THENCE N 43°49'43" E 22.12 feet;
- 10) THENCE N 48°33'59" E 29.68 feet;
- 11) THENCE N 48°37'41" E 23.33 feet;
- 12) THENCE N 58°01'10" E 24.34 feet;
- 13) THENCE N 33°49'02" E 50.50 feet;
- 14) THENCE N 49°08'40" E 66.03 feet;
- 15) THENCE N 26°52'50" E 28.72 feet;
- 16) THENCE N 37°53'47" E 78.75 feet;
- 17) THENCE N 50°07'01" E 61.22 feet;
- 18) THENCE N 62°45'30" E 24.64 feet;
- 19) THENCE N 71°47'58" E 30.22 feet;
- 20) THENCE N 60°44'48" E 24.39 feet;
- 21) THENCE N 44°56'51" E 30.08 feet;
- 22) THENCE N 19°22'41" E 33.85 feet;
- 23) THENCE N 42°13'16" E 27.92 feet;
- 24) THENCE N 54°57'14" E 32.83 feet;
- 25) THENCE N 24°02'30" E 20.05 feet;
- 26) THENCE N 47°40'25" E 18.61 feet;
- 27) THENCE N 35°33'10" E 31.64 feet;
- 28) THENCE N 30°30'59" E 61.89 feet;
- 29) THENCE N 34°01'08" E 65.07 feet;
- 30) THENCE N 39°00'40" E 74.02 feet;
- 31) THENCE N 34°49'01" E 72.58 feet;
- 32) THENCE N 20°44'30" E 65.50 feet;
- 33) THENCE N 32°01'30" E 31.24 feet;

THENCE leave the easterly bank of the Snake River, S 80°57'42" E 49.07 feet to the southeasterly corner of Rail Parking Division No. 2, a subdivision of the City of Idaho Falls, Idaho, tied with the Office of the Recorder for Bonneville County as instrument number 1262117; THENCE along the southerly and easterly boundary lines of said subdivision the following six (6), bearings and distances:

- 1) THENCE S 74°11'52" E 101.15 feet;
- 2) THENCE S 67°22'52" E 48.37 feet;
- 3) THENCE S 53°09'51" E 110.62 feet;
- 4) THENCE S 84°02'32" E 109.30 feet;
- 5) THENCE N 13°51'47" E 65.53 feet;
- 6) THENCE N 65°57'28" E 123.65 feet to a point on the southeasterly right-of-way line of Pancheli Drive;

THENCE along said southeasterly right-of-way line the following three (3), bearings and distances:

- 1) THENCE S 53°09'50" E 287.12 feet;
- 2) THENCE N 23°57'19" E 3.38 feet;
- 3) THENCE S 53°37'24" E 230.85 feet to a point on said southeasterly right-of-way line of Yellowstone Avenue;

THENCE S 28°17'03" W 106.16 feet along said southeasterly right-of-way line to the TRUE POINT OF BEGINNING, and containing 31.571 acres, more or less.

The Project Area is also depicted in the map below



Copies of the proposed Plan are on file for public inspection and copying at the office of the City Clerk, 308 Constitution Way, Idaho Falls, Idaho, 83405 between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, exclusive of holidays. The Plan can also be accessed online at <https://www.idahofallsidaho.gov/118640-Idaho-Falls-Redevelopment-Agency>. For additional assistance in obtaining a copy of the Plan in the event of business office interruptions, contact the office of the City Clerk at 208-612-8414.

At the hearing date, time, and place noted above (November 10, 2022, at 7:30 p.m.), all persons interested in the above matters may appear and be heard. Written testimony is encouraged. Written testimony must be submitted at least five days prior to the hearing. Oral testimony may be limited to three minutes per person. Additional information regarding attending the meeting and submitting written testimony can be obtained by calling 208-612-8414 or by email EClerk@idahofallsidaho.gov.

Idaho Falls City Annex Building is accessible to persons with disabilities. All information presented in the hearing shall also be available upon advance request in a form usable by persons with hearing or visual impairments. Individuals with other disabilities may receive assistance by contacting the City twenty-four (24) hours prior to the hearing.
DATED September 30, 2022.

Published: October 7th, & 21st, 2022 (PR12414-288842)

Kathy Hampton
City Clerk

Exhibit 3

Urban Renewal Plan for the
Pancheri East Bank Urban Renewal Project

ORDINANCE NO. _____

**URBAN RENEWAL PLAN FOR THE
PANCHERI EAST BANK URBAN RENEWAL PROJECT**

**THE URBAN RENEWAL AGENCY FOR THE CITY OF IDAHO FALLS
A/K/A THE IDAHO FALLS REDEVELOPMENT AGENCY
CITY OF IDAHO FALLS, IDAHO**

Ordinance No. _____
Adopted _____
Effective _____

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Attachments

Attachment 1	Boundary Map of Pancheri East Bank Urban Renewal Project Area and Revenue Allocation Area
Attachment 2	Legal Description of Pancheri East Bank 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

100 INTRODUCTION

This is the Urban Renewal Plan (the “Plan”) for the Pancheri East Bank Urban Renewal Project (the “Project”) in the city of Idaho Falls (the “City”), state of Idaho. Attachments 1 through 5 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 with 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/revenue allocation area. The Pancheri East Bank 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, also known as the Idaho Falls Redevelopment Agency (the “Agency”), its consultants, and staff and reviewed and recommended by the Agency pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the “Law”), the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the “Act”), and all applicable local laws and ordinances.

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

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

shall recognize that the agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the urban renewal plan; and

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

This Plan includes the above information with specificity.

The proposed development and/or redevelopment of the Project Area as described in this Plan conforms to the Imagine IF, A Plan to Move Idaho Falls Forward Together, City of Idaho Falls' Comprehensive Plan, as amended (the "Comprehensive Plan"), and adopted by the City Council (the "City Council") on February 24, 2022. The Agency intends to rely heavily on any applicable City zoning and design standards.

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

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. 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 a commercial project.

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 Section 50-2905. The Plan narrative addresses the required elements of a plan set forth in Idaho Code Section 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 Section 50-2905(2)-(6), recognizing that actual Agency expenditures are prioritized each fiscal year during the required annual budgeting process.

Allowed projects are those activities which comply with the Law and the Act and meet the overall objectives of this Plan. The public-private relationship is crucial in the successful development and/or 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 for a mix of uses.

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

- a. The removal of vacant and old buildings, including the remediation and elimination of certain potential environmental hazards such as asbestos or lead paint, to remove an impediment to development of this underdeveloped area.
- b. The installation and construction of public improvements, including new local, streets; improvements to existing roadways and intersections; installation of curbs, gutters and streetscapes, which for purposes of this Plan, the term "streetscapes" includes sidewalks, lighting, landscaping, benches, bike racks, public art, signage, way-finding, and similar amenities between the curb and right-of-way line; installation and/or improvements to fiber optic facilities; improvements to public utilities including water and sewer improvements, and fire protection systems; removal, burying, or relocation of overhead utilities; extension of electrical distribution lines and transformers and other public improvements; installation and construction of pathways; and improvement of storm drainage facilities;
- c. The planning, design, construction and reconstruction of local roads and pathways to support access management, connectivity, and pedestrian mobility, including the extension of rights-of-way, improvements to S. Yellowstone Avenue, and the improvements to the River Walk.
- d. The replanning, redesign, and development of undeveloped or underdeveloped areas which are stagnant or improperly utilized because of limited traffic access, underserved utilities, and other site conditions;

- e. The strengthening of the economic base of the Project Area and the community by the installation of needed site and public improvements to stimulate new private development providing employment and economic growth;
- f. The provision of adequate land for open space, street rights-of-way and pedestrian rights-of-way, including pathways along the Snake River;
- g. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- h. The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Project Area as a whole and benefiting the various taxing districts in which the urban renewal area is located;
- i. The acquisition of real property to support development and/or redevelopment initiatives consistent with the Law and Act; and
- j. The funding of necessary public infrastructure to accommodate both public and private development.

101 General Procedures of the Agency

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

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

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

**102 Procedures Necessary to Meet State and Local Requirements:
Conformance with the Idaho Urban Renewal Law of 1965, as Amended**

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. A portion of the Study Area was previously included within the boundaries of the original Pancheri Project Area, which terminated in 2020. The original Pancheri Project Area resulted in the successful development of the northwest portion of that area, which area was not included within the boundaries of the Study Area; however, the area to the south has continued to remain in an underdeveloped state facing significant development impediments. The Pancheri East Bank Eligibility Report, dated February 2022 (the "Report"), was submitted to the Agency. The Agency accepted the Report by Agency Resolution No. 22-04 on February 17, 2022, and thereafter submitted the Report to the City Council.

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. 2022-05 on February 24, 2022. With the adoption of Resolution No. 2022-05, the City Council declared the Study Area described in the Report to be a deteriorated area and/or a deteriorating area as defined by the Law and Act, and further directed the Agency to commence preparation of an urban renewal plan. The boundaries of the Project Area are the same as the Study Area.

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. 07-22 on September 15, 2022, and submitted the Plan to the City Council with its recommendation for adoption.

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

Pursuant to the Law, and Act, the City Council having published due notice thereof, a public hearing was held on this Plan. Notice of the hearing was published in the *Post Register*, a newspaper having general circulation in the City. The City Council adopted this Plan on _____, 2022, by Ordinance No. _____.

103 History and Current Conditions of the Area

As more specifically described in the Report, this Project Area consists of 36 acres immediately east of the Snake River, south of Pancheri Drive, and west of the Yellowstone Highway. The Project Area includes a portion of the original Pancheri Project Area which was terminated in 2020. The Project Area does not include the successfully developed northwest portion of the former Pancheri Project Area, which included a new motel. The Project Area

includes twenty-three parcels, seventeen of which are in private ownership. The private parcels range in size from 100 square feet to 6.25 acres and occupy slightly over 25 acres of the Project Area. Publicly owned parcels and/or parcels related to public uses within the Project Area include, but are not limited to, a portion of the River Walk along the Snake River, a portion of the Yellowstone Highway, an Idaho Falls Power sub-station, and a parcel for potential right-of-way extension.

The current land uses within the Project Area consist of commercial businesses, older industrial and warehousing uses, open storage, and vacant lands. Almost sixty percent of the private parcels in the Project Area are currently either vacant or underutilized. The largest building in the Project Area is a manufacturing facility for former King B, which has been vacant since 2015. A significant portion of the Project Area is underdeveloped and/or vacant and is not being used to its highest and best use due to the deteriorating conditions present within the Project Area. The area around the Project Area and on the west bank of the Snake River are developing into healthy commercial centers; however, the significant impediments to development have continued to delay economic opportunities in the Project Area.

The Plan proposes improvements to public infrastructure and other publicly owned assets, as more specifically set forth in Attachment 5, including but not limited to demolition of a vacant manufacturing facility, which may include remediation of any potential environmental issues such as lead paint and/or asbestos; improvements to the River Walk along the east bank of the Snake River from Pancheri to the boundary of the Project Area; improvements to streets, streetscapes, and pedestrian/bike facilities and other recreation and/or access points, and other public facilities, including but not limited to expansion of, or improvements to, sewer and water facilities, fiber optic facilities, electric facilities, storm drainage facilities and other similar public infrastructure improvements as necessary creating the framework for the development of a mixed use corridor and urban center intended to create a mixed use area where people recreate, eat, work, shop and gather including commercial enterprises and pedestrian oriented facilities. In execution of this concept, there may be consideration of extending rights-of-way through the Project Area to the Yellowstone Highway, or other similar concept to open up the area adjacent to the Snake River to encourage access and to better connect the Project Area with the broader community. The Project Area is underdeveloped or vacant and is not being used to its highest and best use due to substantial number of deteriorated or deteriorating structures; age or obsolescence of public infrastructure utilities or uses; the 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; outmoded street patterns; unsuitable topography; and lack of correlation with streets in the City. The foregoing conditions have resulted in economic underdevelopment of the Project Area, substantially impaired or arrested the sound growth of the City, constitutes an economic or social liability and is 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. Finally, some of the new developments may also generate new jobs in the community that would, in turn, benefit area residents.

It is unlikely individual developers will take on the prohibitive costs of constructing the necessary infrastructure in the Project Area without the ability of revenue allocation funds to help offset at least some of these costs. But for urban renewal and revenue allocation financing, the proposed improvements to support development and revitalization of 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. 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 Projects described in this Plan and the Plan Attachments.
- c. Retain flexibility in funding the various activities in order to best meet the Plan and the needs of the Project Area.
- d. Retain flexibility in determining whether to use the Agency's funds or funds generated by other sources.
- e. Alter the location of proposed improvements set forth in Attachment 5 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/or 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 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 the availability of market conditions and 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 prioritized public improvements, projects, and other related activities with an estimated cost in 2022 dollars of approximately \$2,320,000. This amount does not take into account inflationary factors, such as increasing construction costs, which would increase that figure depending on when the owner, developer and/or Agency is able to develop, construct or initiate those activities. The Study has concluded the capacity of revenue allocation funds through the term of the Plan based on the assumed development projects and assessed value increases will likely generate an estimated \$2,813,207 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. 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.

200 DESCRIPTION OF PROJECT AREA

The boundaries of the Project Area and the Revenue Allocation Area are shown on the Boundary Map of Panheri East Bank 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 Panheri East Bank 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 and employment opportunities in the Project Area. Implementation of the strategy includes, but is not limited to the following actions:

- a. The demolition or removal of certain buildings and/or improvements for public benefit, 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;
- b. The environmental assessment and remediation of brownfield sites, or sites where environmental conditions detrimental to redevelopment exist;
- c. The engineering, design, installation, construction, and/or reconstruction of streets and streetscapes, including the potential for a right-of-way extension within the Project Area and improvements to S. Yellowstone Avenue and related/adjacent pedestrian facilities, curb and gutter, intersection improvements, and traffic control measures;
- d. The engineering, design, installation, construction, and/or reconstruction of improvements to the River Walk along the east bank of the Snake River from Pancheri to the boundary of the Project Area, and related improvement projects;
- e. 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 related to the Projects and other public improvements, including but not limited to, floodway and flood zone mitigation; and other public improvements, that may be deemed appropriate by the Board;
- f. The engineering, design, installation, construction, and/or reconstruction of utilities including but not limited to improvements and upgrades to the water distribution system, including extension or expansion of the water distribution system, water capacity improvements, water storage upgrades, sewer system improvements and upgrades, including extension or expansion of the sewer collection system, lift station, and improvements, and extension, expansion and/or upgrades to power, gas, fiber optics, communications and other such facilities;
- g. The provision for participation by property owners and developers within the Project Area to achieve the objectives of this Plan;

- h. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- i. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- j. The acquisition of real property for public right-of-way and streetscape improvements and the extension, expansion and/or upgrades of underground and aboveground utilities, pathways and trails, recreational access points and to encourage development opportunities consistent with the Comprehensive Plan;
- k. The disposition of real property through a competitive process in accordance with this Plan, Idaho law, including Idaho Code Section 50-2011, and any disposition policies adopted by the Agency;
- l. The demolition or removal of certain buildings and/or improvements for public rights-of-way and streetscape improvements, pedestrian facilities, utility undergrounding extension, and upgrades, public parks and trails, other public facilities, to 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;
- m. The provision of financial and other assistance to encourage and attract business enterprise including but not limited to start-ups and microbusinesses, mid-sized companies and large-scale corporations and industries;
- n. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- o. To the extent allowed by law, lend or invest federal funds to facilitate redevelopment;
- p. 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;
- q. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;

- r. 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 the Law and Act.

302 Urban Renewal Plan Objectives

Urban renewal action is necessary in the Project Area to combat problems of physical deterioration or deteriorating conditions. As set forth in greater detail in Section 103, the Project Area has a history of stagnant growth and development compared to other areas of the City based on deteriorated or deteriorating conditions that have arrested or impaired growth in the Project Area primarily attributed to: substantial number of deteriorated or deteriorating structures; age or obsolescence; the 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; outmoded street patterns; unsuitable topography; and lack of correlation with streets in the City. 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, the Agency plays a key role in creating the necessary momentum to get and keep things going.
- b. Develop new commercial, office and retail opportunities, including a new ninety room hotel, and the potential for a retail/office building and restaurant opportunities and encourage economic development to transition into a thriving commercial corridor.

100 INTRODUCTION

This is the Urban Renewal Plan (the "Plan") for the Pancheri East Bank Urban Renewal Project (the "Project") in the city of Idaho Falls (the "City"), state of Idaho. Attachments 1 through 5 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 with 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/revenue allocation area. The Pancheri East Bank 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, also known as the Idaho Falls Redevelopment Agency (the "Agency"), its consultants, and staff and reviewed and recommended by the Agency pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the "Law"), the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"), and all applicable local laws and ordinances.

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

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

shall recognize that the agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the urban renewal plan; and

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

This Plan includes the above information with specificity.

The proposed development and/or redevelopment of the Project Area as described in this Plan conforms to the Imagine IF, A Plan to Move Idaho Falls Forward Together, City of Idaho Falls' Comprehensive Plan, as amended (the "Comprehensive Plan"), and adopted by the City Council (the "City Council") on February 24, 2022. The Agency intends to rely heavily on any applicable City zoning and design standards.

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

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. 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 a commercial project.

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 Section 50-2905. The Plan narrative addresses the required elements of a plan set forth in Idaho Code Section 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 Section 50-2905(2)-(6), recognizing that actual Agency expenditures are prioritized each fiscal year during the required annual budgeting process.

Allowed projects are those activities which comply with the Law and the Act and meet the overall objectives of this Plan. The public-private relationship is crucial in the successful development and/or 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 for a mix of uses.

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

- a. The removal of vacant and old buildings, including the remediation and elimination of certain potential environmental hazards such as asbestos or lead paint, to remove an impediment to development of this underdeveloped area.
- b. The installation and construction of public improvements, including new local, streets; improvements to existing roadways and intersections; installation of curbs, gutters and streetscapes, which for purposes of this Plan, the term "streetscapes" includes sidewalks, lighting, landscaping, benches, bike racks, public art, signage, way-finding, and similar amenities between the curb and right-of-way line; installation and/or improvements to fiber optic facilities; improvements to public utilities including water and sewer improvements, and fire protection systems; removal, burying, or relocation of overhead utilities; extension of electrical distribution lines and transformers and other public improvements; installation and construction of pathways; and improvement of storm drainage facilities;
- c. The planning, design, construction and reconstruction of local roads and pathways to support access management, connectivity, and pedestrian mobility, including the extension of rights-of-way, improvements to S. Yellowstone Avenue, and the improvements to the River Walk.
- d. The replanning, redesign, and development of undeveloped or underdeveloped areas which are stagnant or improperly utilized because of limited traffic access, underserved utilities, and other site conditions;

- e. The strengthening of the economic base of the Project Area and the community by the installation of needed site and public improvements to stimulate new private development providing employment and economic growth;
- f. The provision of adequate land for open space, street rights-of-way and pedestrian rights-of-way, including pathways along the Snake River;
- g. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- h. The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Project Area as a whole and benefiting the various taxing districts in which the urban renewal area is located;
- i. The acquisition of real property to support development and/or redevelopment initiatives consistent with the Law and Act; and
- j. The funding of necessary public infrastructure to accommodate both public and private development.

101 General Procedures of the Agency

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

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

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

**102 Procedures Necessary to Meet State and Local Requirements:
Conformance with the Idaho Urban Renewal Law of 1965, as Amended**

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. A portion of the Study Area was previously included within the boundaries of the original Pancheri Project Area, which terminated in 2020. The original Pancheri Project Area resulted in the successful development of the northwest portion of that area, which area was not included within the boundaries of the Study Area; however, the area to the south has continued to remain in an underdeveloped state facing significant development impediments. The Pancheri East Bank Eligibility Report, dated February 2022 (the "Report"), was submitted to the Agency. The Agency accepted the Report by Agency Resolution No. 22-04 on February 17, 2022, and thereafter submitted the Report to the City Council.

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. 2022-05 on February 24, 2022. With the adoption of Resolution No. 2022-05, the City Council declared the Study Area described in the Report to be a deteriorated area and/or a deteriorating area as defined by the Law and Act, and further directed the Agency to commence preparation of an urban renewal plan. The boundaries of the Project Area are the same as the Study Area.

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. 07-22 on September 15, 2022, and submitted the Plan to the City Council with its recommendation for adoption.

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

Pursuant to the Law, and Act, the City Council having published due notice thereof, a public hearing was held on this Plan. Notice of the hearing was published in the *Post Register*, a newspaper having general circulation in the City. The City Council adopted this Plan on _____, 2022, by Ordinance No. _____.

103 History and Current Conditions of the Area

As more specifically described in the Report, this Project Area consists of 36 acres immediately east of the Snake River, south of Pancheri Drive, and west of the Yellowstone Highway. The Project Area includes a portion of the original Pancheri Project Area which was terminated in 2020. The Project Area does not include the successfully developed northwest portion of the former Pancheri Project Area, which included a new motel. The Project Area

includes twenty-three parcels, seventeen of which are in private ownership. The private parcels range in size from 100 square feet to 6.25 acres and occupy slightly over 25 acres of the Project Area. Publicly owned parcels and/or parcels related to public uses within the Project Area include, but are not limited to, a portion of the River Walk along the Snake River, a portion of the Yellowstone Highway, an Idaho Falls Power sub-station, and a parcel for potential right-of-way extension.

The current land uses within the Project Area consist of commercial businesses, older industrial and warehousing uses, open storage, and vacant lands. Almost sixty percent of the private parcels in the Project Area are currently either vacant or underutilized. The largest building in the Project Area is a manufacturing facility for former King B, which has been vacant since 2015. A significant portion of the Project Area is underdeveloped and/or vacant and is not being used to its highest and best use due to the deteriorating conditions present within the Project Area. The area around the Project Area and on the west bank of the Snake River are developing into healthy commercial centers; however, the significant impediments to development have continued to delay economic opportunities in the Project Area.

The Plan proposes improvements to public infrastructure and other publicly owned assets, as more specifically set forth in Attachment 5, including but not limited to demolition of a vacant manufacturing facility, which may include remediation of any potential environmental issues such as lead paint and/or asbestos; improvements to the River Walk along the east bank of the Snake River from Pancheri to the boundary of the Project Area; improvements to streets, streetscapes, and pedestrian/bike facilities and other recreation and/or access points, and other public facilities, including but not limited to expansion of, or improvements to, sewer and water facilities, fiber optic facilities, electric facilities, storm drainage facilities and other similar public infrastructure improvements as necessary creating the framework for the development of a mixed use corridor and urban center intended to create a mixed use area where people recreate, eat, work, shop and gather including commercial enterprises and pedestrian oriented facilities. In execution of this concept, there may be consideration of extending rights-of-way through the Project Area to the Yellowstone Highway, or other similar concept to open up the area adjacent to the Snake River to encourage access and to better connect the Project Area with the broader community. The Project Area is underdeveloped or vacant and is not being used to its highest and best use due to substantial number of deteriorated or deteriorating structures; age or obsolescence of public infrastructure utilities or uses; the 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; outmoded street patterns; unsuitable topography; and lack of correlation with streets in the City. The foregoing conditions have resulted in economic underdevelopment of the Project Area, substantially impaired or arrested the sound growth of the City, constitutes an economic or social liability and is 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. Finally, some of the new developments may also generate new jobs in the community that would, in turn, benefit area residents.

It is unlikely individual developers will take on the prohibitive costs of constructing the necessary infrastructure in the Project Area without the ability of revenue allocation funds to help offset at least some of these costs. But for urban renewal and revenue allocation financing, the proposed improvements to support development and revitalization of 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. 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 Projects described in this Plan and the Plan Attachments.
- c. Retain flexibility in funding the various activities in order to best meet the Plan and the needs of the Project Area.
- d. Retain flexibility in determining whether to use the Agency's funds or funds generated by other sources.
- e. Alter the location of proposed improvements set forth in Attachment 5 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/or 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 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 the availability of market conditions and 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 prioritized public improvements, projects, and other related activities with an estimated cost in 2022 dollars of approximately \$2,320,000. This amount does not take into account inflationary factors, such as increasing construction costs, which would increase that figure depending on when the owner, developer and/or Agency is able to develop, construct or initiate those activities. The Study has concluded the capacity of revenue allocation funds through the term of the Plan based on the assumed development projects and assessed value increases will likely generate an estimated \$2,813,207 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. 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.

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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 and employment opportunities in the Project Area. Implementation of the strategy includes, but is not limited to the following actions:

- a. The demolition or removal of certain buildings and/or improvements for public benefit, 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;
- b. The environmental assessment and remediation of brownfield sites, or sites where environmental conditions detrimental to redevelopment exist;
- c. The engineering, design, installation, construction, and/or reconstruction of streets and streetscapes, including the potential for a right-of-way extension within the Project Area and improvements to S. Yellowstone Avenue and related/adjacent pedestrian facilities, curb and gutter, intersection improvements, and traffic control measures;
- d. The engineering, design, installation, construction, and/or reconstruction of improvements to the River Walk along the east bank of the Snake River from Pancheri to the boundary of the Project Area, and related improvement projects;
- e. 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 related to the Projects and other public improvements, including but not limited to, floodway and flood zone mitigation; and other public improvements, that may be deemed appropriate by the Board;
- f. The engineering, design, installation, construction, and/or reconstruction of utilities including but not limited to improvements and upgrades to the water distribution system, including extension or expansion of the water distribution system, water capacity improvements, water storage upgrades, sewer system improvements and upgrades, including extension or expansion of the sewer collection system, lift station, and improvements, and extension, expansion and/or upgrades to power, gas, fiber optics, communications and other such facilities;
- g. The provision for participation by property owners and developers within the Project Area to achieve the objectives of this Plan;

- h. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- i. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- j. The acquisition of real property for public right-of-way and streetscape improvements and the extension, expansion and/or upgrades of underground and aboveground utilities, pathways and trails, recreational access points and to encourage development opportunities consistent with the Comprehensive Plan;
- k. The disposition of real property through a competitive process in accordance with this Plan, Idaho law, including Idaho Code Section 50-2011, and any disposition policies adopted by the Agency;
- l. The demolition or removal of certain buildings and/or improvements for public rights-of-way and streetscape improvements, pedestrian facilities, utility undergrounding extension, and upgrades, public parks and trails, other public facilities, to 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;
- m. The provision of financial and other assistance to encourage and attract business enterprise including but not limited to start-ups and microbusinesses, mid-sized companies and large-scale corporations and industries;
- n. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- o. To the extent allowed by law, lend or invest federal funds to facilitate redevelopment;
- p. 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;
- q. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;

- r. 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 the Law and Act.

302 Urban Renewal Plan Objectives

Urban renewal action is necessary in the Project Area to combat problems of physical deterioration or deteriorating conditions. As set forth in greater detail in Section 103, the Project Area has a history of stagnant growth and development compared to other areas of the City based on deteriorated or deteriorating conditions that have arrested or impaired growth in the Project Area primarily attributed to: substantial number of deteriorated or deteriorating structures; age or obsolescence; the 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; outmoded street patterns; unsuitable topography; and lack of correlation with streets in the City. 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, the Agency plays a key role in creating the necessary momentum to get and keep things going.
- b. Develop new commercial, office and retail opportunities, including a new ninety room hotel, and the potential for a retail/office building and restaurant opportunities and encourage economic development to transition into a thriving commercial corridor.

- c. Secure and improve certain public open space in critical areas and expand the River Walk Improvements along the Snake River throughout the Project Area, increasing recreation accessibility points.

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

Land use in the Project Area will be modified to the extent that underutilized, underdeveloped, deteriorated, deteriorating buildings and vacant land now devoted to scattered inconsistent uses and uses inconsistent with the future land uses of the area will be converted to a hotel and other commercial, office, restaurant and retail uses consistent with the Comprehensive Plan, which envisions the area as a Mixed Use Corridor and Urban Center/Core. Mixed use corridors are those areas where people eat, shop, and gather. An Urban Center is characterized by taller structures, mixed-use buildings, pedestrian oriented facilities, and commercial enterprises. In implementing the activities described in this Plan, the Agency shall give due consideration to the provision of adequate open space, park and recreation areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of residents in the general vicinity of the Project Area covered by the Plan, recognizing, however, the primary purpose of this Plan and Project Area is to support new private development providing for economic growth through diverse, resilient, regionally supportive, enhanced employment opportunities and to establish a thriving commercial area.

303 Participation Opportunities and Participation Agreements

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," "participation agreement," or "development agreement" are 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 and the Idaho Code. Additional 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 provisions of adequate open space and pathways.
- 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 development timing, justification and eligibility of project costs, and achievement of the objectives of the Plan. The Agency shall retain its discretion in the funding level of its participation. Obligations under owner participation agreements shall terminate no later than the termination date of this Plan, December 31, 2042. 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 decline in the employment base and a proliferation of vacant and deteriorated parcels in the Project Area during the extended redevelopment of the Project Area.
- c. To accommodate improvements and expansions allowed by City regulations 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 the Act.

The Agency specifically intends to cooperate to the extent allowable with the City for the engineering, design, installation, construction and/or reconstruction of public infrastructure improvements, including the potential for a right-of-way extension in the Project Area, improvements to S. Yellowstone Avenue, the River Walk Improvements, sewer and water system improvements, drainage district improvements and improvements to gas, electrical and fiber infrastructure, as well as other street, streetscape, and pedestrian improvements including but not limited to those 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, the providing of fiber optic capability, and the funding of gas, electrical water, and sewer improvements. To the extent any public entity, including the City, has funded certain improvements such as water and sewer facilities, the Agency may reimburse those entities for those expenses. The Agency shall also cooperate with any public entity having jurisdiction over rights-of-way for the improvement of roads within the Project Area and with the public bodies responsible for water and sewer improvements. 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 anticipates the Agency's use of its resources for property acquisition.

In the event the Agency identifies certain property which should be acquired to develop certain public improvements intended to be constructed under the provisions of this Plan, the Agency shall coordinate such property acquisition with any other public entity (e.g., without limitation, the City, the state of Idaho, or any of its authorized agencies), including the assistance of the Agency of funds to acquire said property either through a voluntary acquisition or the 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 underground 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 identified in Section 301 of the Plan and Attachment 5. The Agency's property acquisition will result in remediating deteriorating conditions in the Project Area by facilitating the development of mixed-use buildings, commercial enterprises, and pedestrian oriented facilities. The public improvements are intended to be dedicated to the City, and/or other appropriate public entities, as the case may be, upon completion. The Agency reserves the right to determine which properties identified, if any, should be acquired.

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,¹ 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.

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

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

305.2 Personal Property

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain as limited by Idaho Code Section 7-701A 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 and shall also coordinate with the various local, state, or federal agencies concerning relocation assistance.

308 Demolition, Clearance, and Site Preparation

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

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

309 Property Disposition and Development

309.1 Disposition by the Agency

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

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

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

309.2 Disposition and Development Agreements

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

The Agency shall reserve such powers and controls in the disposition and development documents as the Agency deems 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, 2042. 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 this Plan, 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 bodies or private entities 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 architectural 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 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 bodies or private entities, 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.

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, as depicted on Attachment 4 and as set forth in the City's Comprehensive Plan, including the future land use map and zoning classifications, as may be amended. For the most part, the Project Area is proposed as a Mixed Use Corridor and Urban Center/Core, which includes mixed-use buildings, pedestrian oriented facilities and commercial enterprises, to support an area where people eat, shop and gather. 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 includes S. Yellowstone Avenue frontage and a portion of the intersection with S. Yellowstone Avenue and Pancheri Drive. Otherwise, the Project Area does not contain internal public streets with modern paving width, facilities for storm drainage, sidewalks, and illumination. The proposed development provides for the potential of a right-of-way extension within the Project Area and there is potential for additional new internal streets and rights-of-way. The new roadways and streets will be engineered, designed, installed, and constructed in conjunction with any applicable policies and design standards of the City regarding dedicated rights-of-way. Additional public streets, alleys, and easements may be created in the Project Area as needed for proper development, and as otherwise described in this Plan and Attachment 5.

Any development, maintenance and future changes in the developed rights-of-way and street layout shall be in accordance with the objectives of this Plan and the City's design standards; 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 applicable 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 and local laws and codes, 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 an 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 towards the Project.

In the event the Agency adopts design standards or controls, those provisions will thereafter apply to each site or portion thereof in the Project Area. 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, financial assistance from the City (loans, grants, other financial assistance), state of Idaho, federal government or other public entities, interest income, developer advanced funds, donations, loans from private financial institutions (bonds, notes, line of credit), the lease or sale of Agency-owned property, public parking revenue, or any other available source, public or private, including assistance from any taxing district or any public entity.

The Agency is also authorized to obtain advances, lines of credit, borrow funds, and create indebtedness in carrying out this Plan. The Agency may also consider an inter-fund transfer from other urban renewal project areas. The principal and interest on such advances, funds, and indebtedness may be paid from any funds available to the Agency. The City, as it is able, may also supply additional assistance through City loans and grants for various public improvements and facilities. 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.

The Agency also intends to seek appropriate private contributions, where applicable, to assist in the funding of the activities described herein.

503 Revenue Allocation Financing Provisions

The Agency hereby adopts revenue allocation financing provisions as authorized by the Act, effective retroactively to January 1, 2022. 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 statement necessarily incorporates estimates and projections based on the Agency's and consultants' present knowledge and expectations. The Agency is hereby authorized to adjust the presently anticipated urban renewal projects and use of revenue allocation financing of the related Project Costs to effectuate the general objections 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 or Agency, 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 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 for the cost of eligible public improvements pursuant to an owner participation agreement.

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

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

503.1 Economic Feasibility Study

Attachment 5 constitutes the Economic Feasibility Study ("Study") prepared by Renee R. Magee, AICP. The Study constitutes the financial analysis required by the Act and is based upon

existing information from the property owners, the developer, the Agency, the City, and others. Projections are based upon input from the Agency, property owners/developers, City, and other public entities.

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 the proposed development take place as projected, the project indebtedness could be extinguished earlier, dependent upon the bond sale documents or other legal obligations. Should private development take longer to materialize, or should the private development be substantially less than projected, then the amount of revenue generated will be substantially reduced and debt may continue for its full term.

The Plan and the Plan Attachments incorporate estimates and projections based on the Agency's and consultants' present knowledge and expectations. The Plan proposes certain public improvements as set forth in Attachment 5, which will facilitate development in the Revenue Allocation Area as more fully guided by the design, planning 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, overlapping taxing districts, the City, and others. The information has been analyzed by the Agency and its consultants in order to provide an analysis that meets the requirements set forth under the Law and Act. At the point in time when the Agency may seek a loan from lenders or others, a more detailed and then-current financial pro forma will be presented to those lenders or underwriters for analysis to determine the borrowing capacity of the Agency. As set forth herein, the Agency reserves the right to fund the Project on a "pay-as-you-go" basis. The Agency Board will prioritize the activities set forth in this Plan and determine what funds are available and what activities can be funded. The Agency will establish those priorities through its mandated annual budgetary process.

The list of public improvements, or activities within Attachment 5 are prioritized by way of feasibility based on timing of developer advanced funding of potentially eligible public infrastructure improvements, 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.

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 potential developers and City staff.

The types of new construction expected in the Project Area are mixed-use commercial, transit and pedestrian oriented facilities and commercial enterprises, including but not limited to a hotel, a retail/office building, a restaurant, the improvements to the River Walk and the improvements to rights-of-way, streetscapes, and other public facilities, including but not limited to sewer, water, fiber, gas, electrical and drainage facilities. The Project Area has potential for a significant increase in commercial growth due to the location of the Project Area. However, without a method to construct the identified public improvements development is unlikely to occur in much of the Project Area.

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 Limitation²

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 July, 2022, is \$7,009,313,999. Therefore, the 10% limit is \$700,931,399.

The adjusted base assessed value of each of the existing revenue allocation areas as of July 2022, and the current assessed taxable value of the proposed Project Area, is as follows:

River Commons District	\$272,621
Eagle Ridge District	\$7378,925
Jackson Hole Junction District	\$398,710
Pancheri East Bank Proposed District	\$7,301,157
Total of Existing and Proposed Districts	\$15,351,413

² Due to the timing of the assessment process and creation of this Plan, the July (non-equalized) 2022 values have been used to establish compliance with the 10% limitation. Using the estimated 2022 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 .22%).

The adjusted base values for the combined existing revenue allocation areas and the estimated base value for the proposed Project Area is \$15,351,413, which is less than 10% of the City's estimated 2022 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 including annual revenue allocations, developer contributions, city, or other public entity contributions, interfund loan, federal funding, grants, property disposition 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.³ Based on these funding sources, the conclusion is that the Project is feasible.

The Agency reserves the discretion and flexibility to use revenue allocation proceeds in excess of the amounts projected in the Study for the purpose of funding the identified projects and improvements. The projections in the Study are based on reasonable assumptions and existing market conditions. However, should the Project Area result in greater than anticipated revenues, the Agency specifically reserves the ability to fund the activities and projects identified in this 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 may have to be adjusted depending upon the availability of some of the funds and the Agency's ability to finance any portion of the

³ 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 the Agency intends to construct or fund through the term of the Plan. The costs of improvements are estimates only as it is impossible to know with any certainty what the costs of improvements will be in future years. There is general recognition that construction costs fluctuate and are impacted by future unknowns, such as, the cost of materials and laborers. Final costs will be determined by way of construction contract public bidding or by an agreement between the developer/owner and/or public entity and Agency. The listing of public improvements 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 this budget and appropriates 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 identified in Attachment 5 and this Plan. Please note, the specific location of certain public infrastructure projects, such as sewer, water, fiber optic, gas, electrical and drainage facility improvements will depend on the type and timing of development. The specific location of the improvements does not constitute a modification to the Plan.

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

Generally, the Agency expects to develop those improvements identified in Attachment 5 related to demolition of the vacant manufacturing facility and the River Walk Improvements first, in conjunction with private development of the hotel within the Project Area generating the increment as identified in Attachment 5.

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 [Reserved]

505 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.

506 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.⁴ 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, then 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

⁴ Statutory changes to Idaho Code Sections 63-802 and 63-301A in 2021 and 2022, further limit a taxing entity’s ability to increase the property tax portion of its budget. The Study has considered the impact of House Bill 389 on the Project’s overall feasibility.

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 would not occur but for the ability to use revenue allocation funds to fund certain significant public infrastructure improvements.

One result of new construction occurring outside the revenue allocation area (Idaho Code §§ 63-802 and 63-301A) is the likely reduction of the levy rate as assessed values increase for property within each taxing entity's jurisdiction.⁵ From and after December 31, 2006, Idaho Code § 63-301A prohibits taxing entities from including, as part of the new construction roll, the increased value related to new construction within a revenue allocation area until the revenue allocation authority is terminated. Any new construction within the Project Area is not available for inclusion by the taxing entities to increase their budgets. Upon termination of this Project Area or deannexation of area, the taxing entities will be able to include a percentage⁶ of the accumulated increment value on the new construction roll, which increase is available for budget capacity increases in setting the following year's budget pursuant to Idaho Code Sections 63-802 and 63-301A.

As the 2022 certified levy rates will not be determined until October/early November 2022, the 2021 certified levy rates have been used in the Study for purposes of the analysis.⁷ For Tax Year 2021, those taxing districts and levy rates for the parcels located within the City are as follows:⁸

⁵ Idaho Code Sections 63-802 and 63-301A limit 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.

⁶ Pursuant to Idaho Code Sections 63-802 and 63-301A, 80% of the total eligible increment value is added to the new construction roll.

⁷ Due to the timing of the taxing districts' budget and levy setting process, certification of the 2022 levy rates did not occur until this Plan had been prepared. In order to provide a basis to analyze the impact on the taxing entities, the 2021 levy rates are used. Use of the 2021 levy rates provides a more accurate base than estimating the 2022 levy rates.

⁸ It is unclear how the personal property tax exemption set forth in Idaho Code § 63-602KK may impact the levy rate.

Taxing Districts:

Levy Rates:

Bonneville County Ambulance	.000298296
Bonneville County	.003444253
Bonneville County Road & Bridge	.000068516
College of Eastern Idaho	.000122476
Flood Control #1	.000006017
City of Idaho Falls	.007649767
Idaho Falls School #91	0
TOTAL⁹	.011589325

The Study has made certain assumptions concerning the levy rate. The levy rate is estimated to decrease 1%/year over the life of the Project Area to adjust for the impact of statutory changes to Idaho Code Sections 63-802 and 63-301A, as well as considering the rapidly increasing property values. Existing property values within the Project Area are estimated to inflate at .5%/year for the duration of the Project Area. It is anticipated the base assessment roll value will be adjusted downwards following demolition of the former King B plant, which is anticipated to be demolished in 2023. It is estimated a new hotel will be issued a certificate of occupancy in late 2025 with an estimated assessed taxable valuation as of January 1, 2026, of \$15,700,000, which is a conservative valuation. The Study anticipates the Agency will receive revenue allocation proceeds from this new development in 2027. The Study further anticipates development of a restaurant site and a small retail/office building within the Project Area within the last ten (10) years of the Project Area. The new development value is estimated to inflate at a rate of 2%/year for the duration of the Project Area. If the overall levy rate is less than projected, or if expected development fails to occur as estimated, the Agency shall receive fewer funds from revenue allocation.

Pursuant to Idaho Code § 50-2908, the Agency is not entitled to revenue allocation proceeds from certain levy increases which are allowed by either specific statutory authorization or approved by an election of the qualified electors of the particular taxing district. Therefore, for any levy election, the Agency will not receive revenue allocation funds which would have been generated by imposing that levy on the assessed valuation within the Project Area. The Study has taken this statute into account.

507 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

⁹ Net of voter approved bonds and levies.

Administration line item identified in the Study shall be deemed to include expenditures for the purposes described in this section as may be deemed appropriate during the annual budgetary process.

508 Phasing and Other Fund Sources

The Agency anticipates funding only a portion of the entire cost of the public improvements shown on Attachment 5. Other sources of funds shall include City, other public entity partners, and owner/developer participation. 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. 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.

509 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.

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, or other public entities, 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. Institution and completion of proceedings necessary for the establishment of a local improvement district under Chapter 17, Title 50, Idaho Code, or a business improvement district.
- h. The undertaking and completing of any other proceedings necessary to carry out the Project.
- i. Administration of Community Development Block Grant funds that may be made available for this Project.
- j. Appropriate agreements with the Agency for administration, supporting services, funding sources, and the like.
- k. Joint funding of certain public improvements, including but not limited to those identified in this Plan and Attachment 5 to the Plan.
- l. Use of public entity labor, services, and materials for construction of the public improvements listed in this Plan.
- m. Assist with coordinating and implementing the public improvements in the Project Area identified in the Study.

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

In addition to the above, other public entities may aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan.

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, 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 extensions set forth in Idaho Code § 50-2904. The revenue allocation authority will expire on December 31, 2042, except for any revenue allocation proceeds received in calendar year 2043, as contemplated by Idaho Code § 50-2905(7). The Agency may use proceeds in 2043 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, 2042.

Idaho Code § 50-2903(5) provides the Agency shall adopt a resolution of intent to terminate the revenue allocation area by September 1. In order to provide sufficient notice of termination to the affected taxing districts to allow them to benefit from the increased budget capacity, the Agency will use its best efforts to provide notice of its intent to terminate this Plan and its revenue allocation authority by May 1, 2043, 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. Similarly, facilities which provide a lease income stream to the Agency for full retirement of the facility debt will allow the Agency to meet debt services obligations and provide for the continued operation and management of the facility. For those assets which do not provide such resources or revenues, the Agency will likely convey such assets to the City, depending on the nature of the asset.

900 PROCEDURE FOR AMENDMENT

To the extent there are any outstanding loans or obligations, this Plan should not be modified pursuant to the provisions set forth in Idaho Code Section 50-2903A. Modification of this Plan results in a reset of the base value for the year immediately following the year in which the modification occurred to include the current year's equalized assessed value of the taxable property in the revenue allocation area, effectively eliminating the Agency's revenue stream as more fully set forth in Idaho Code Section 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 Section 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

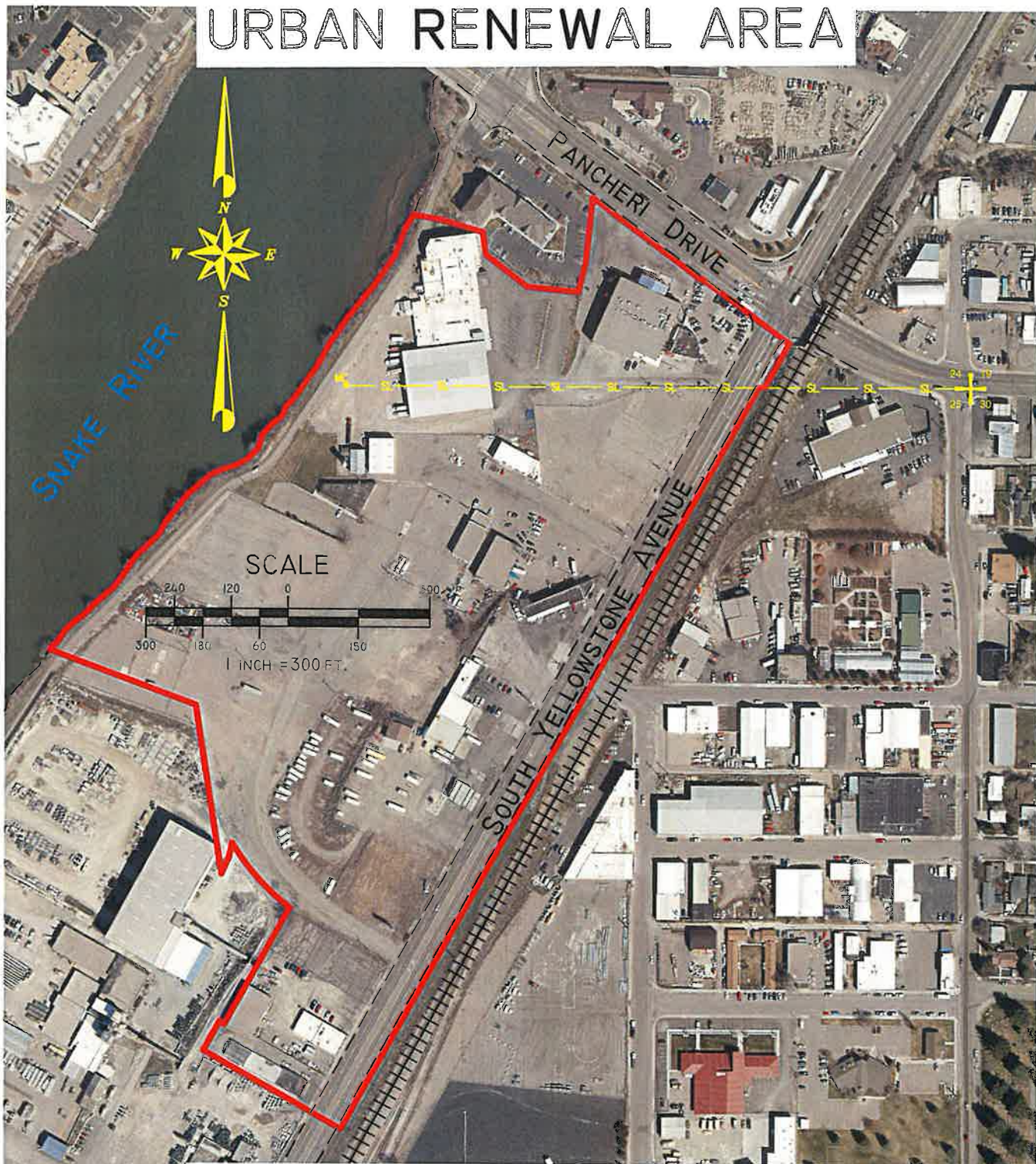
Under the Law, the Agency is required to file with the City and the State Controller's Office, on or before March 31 of each year, a report of the Agency's activities for the preceding calendar year, which report shall include certain financial information required under Idaho Code § 67-1076. This annual 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 reference. All other documents referenced in this Plan but not attached are incorporated by reference as if set forth fully.

URBAN RENEWAL AREA



CITY OF IDAHO FALLS

ENGINEERING DIVISION

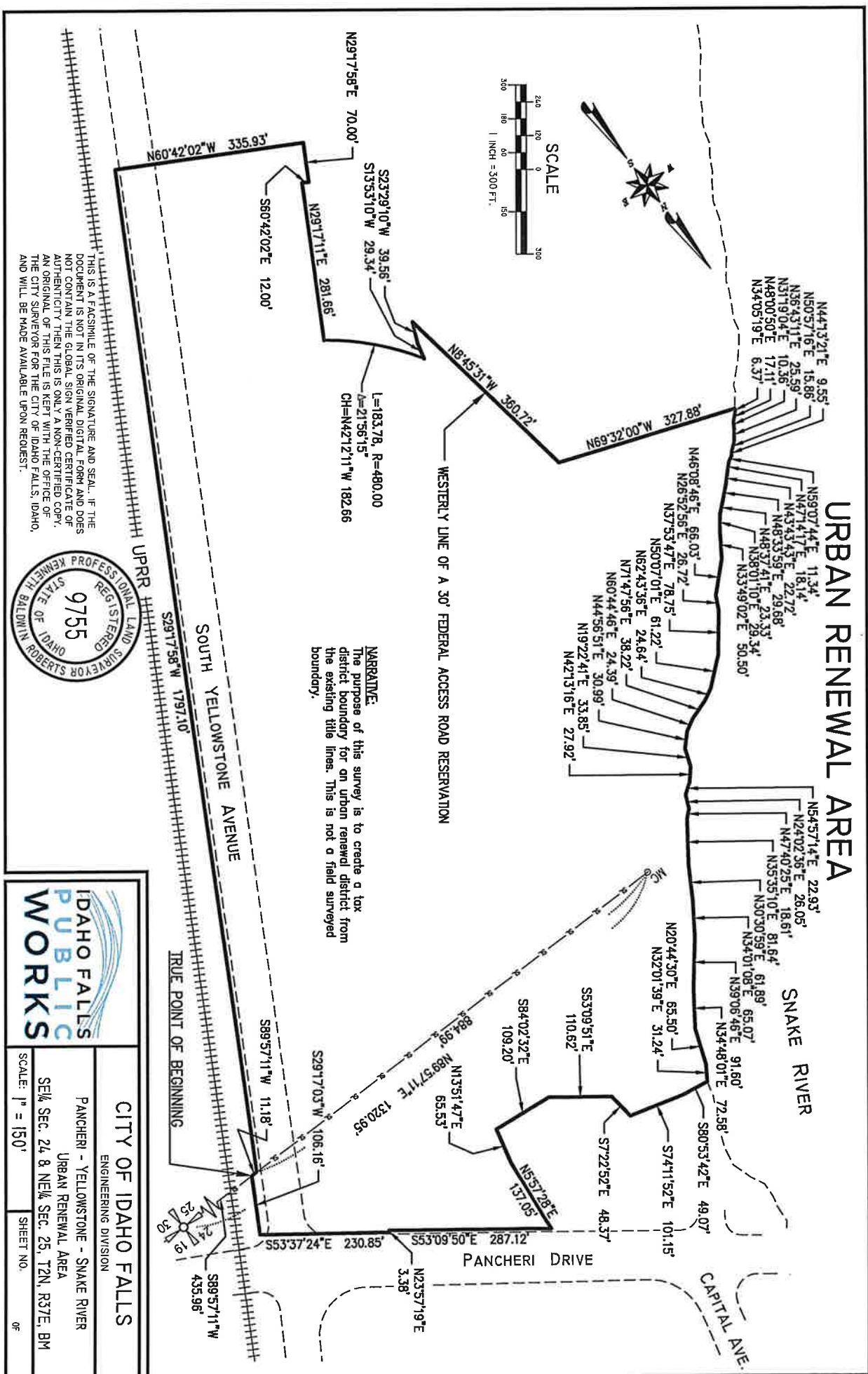
PANCHERI - YELLOWSTONE - SNAKE RIVER
URBAN RENEWAL AREA

SE¼ SEC. 24 & NE¼ SEC. 25, T2N, R37E, BM

SCALE: 1" = 300'

SHEET NO.

OF



Attachment 2

Legal Description of Pancheri East Bank Urban Renewal Project Area
and Revenue Allocation Area

EXHIBIT "A"

A parcel of land lying in a portion of the SE¼ of Section 24 and the NE¼ of Section 25, Township 2 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho, described as follows: COMMENCING at the Southeast Corner of Section 24, also being the Northeast Corner of Section 25, and running THENCE along the Section Line common to said Section 24 and 25, S 89°57'11" W 435.96 feet, to an angle point on the southeasterly right-of-way line of Yellowstone Avenue and the **TRUE POINT OF BEGINNING**; THENCE continuing along said Section Line, S 89°57'11" W 11.18 feet to an angle point on the southeasterly right-of-way line of Yellowstone Avenue; THENCE S 29°17'58" W 1797.10 feet along said southeasterly right-of-way line; THENCE N 60°42'02" W 335.93 feet; THENCE N 29°17'58" E 70.00 feet; THENCE S 60°42'02" E 12.00 feet; THENCE N 29°17'11" E 281.66 feet, to the point of a non-tangent curve to the right; THENCE Northwesterly along said curve to the right, having a radius of 480.00 feet, the chord of which bears N 42°12'11" W 182.66 feet, having a central angle of 21°56'15", for an arc a distance of 183.78 feet to a point on the Bureau of Land Management retracement survey of the John B. David Meander Line; THENCE along said Meander Line S 13°53'10" W, 29.34 feet to an angle point on said Meander Line; THENCE S 23°29'10" W 39.56 feet along said Meander Line to a point on the Southwesterly line of a 30 foot wide road reservation; THENCE N 08°45'31" W 360.72 feet along said southwesterly road reservation line to a point on the southerly line of Government Lot 13; THENCE N 69°32'00" W 327.88 feet along said southerly line of Government Lot 13 to a point on the easterly bank of the Snake River; THENCE along the easterly bank of the Snake River the following thirty-three, (33), bearings and distances:

- 1) THENCE N 34°05'19" E 6.37 feet;
- 2) THENCE N 48°00'50" E 17.11 feet;
- 3) THENCE N 31°19'04" E 10.36 feet;
- 4) THENCE N 36°43'11" E 25.59 feet;
- 5) THENCE N 50°57'16" E 15.86 feet;
- 6) THENCE N 44°13'21" E 9.55 feet;
- 7) THENCE N 59°07'44" E 11.34 feet;
- 8) THENCE N 47°14'17" E 18.14 feet;
- 9) THENCE N 43°43'43" E 22.72 feet;
- 10) THENCE N 48°33'59" E 29.68 feet;
- 11) THENCE N 48°37'41" E 23.33 feet;
- 12) THENCE N 38°01'10" E 29.34 feet;
- 13) THENCE N 33°49'02" E 50.50 feet;
- 14) THENCE N 46°08'46" E 66.03 feet;
- 15) THENCE N 26°52'56" E 26.72 feet;
- 16) THENCE N 37°53'47" E 78.75 feet;
- 17) THENCE N 50°07'01" E 61.22 feet;
- 18) THENCE N 62°43'36" E 24.64 feet;
- 19) THENCE N 71°47'56" E 38.22 feet;
- 20) THENCE N 60°44'46" E 24.39 feet;
- 21) THENCE N 44°56'51" E 30.99 feet;
- 22) THENCE N 19°22'41" E 33.85 feet;
- 23) THENCE N 42°13'16" E 27.92 feet;
- 24) THENCE N 54°57'14" E 22.93 feet;



- 25) THENCE N 24°02'36" E 26.05 feet;
- 26) THENCE N 47°40'25" E 18.61 feet;
- 27) THENCE N 35°35'10" E 81.64 feet;
- 28) THENCE N 30°30'59" E 61.89 feet;
- 29) THENCE N 34°01'08" E 65.07 feet;
- 30) THENCE N 39°06'46" E 91.60 feet;
- 31) THENCE N 34°48'01" E 72.58 feet;
- 32) THENCE N 20°44'30" E 65.50 feet;
- 33) THENCE N 32°01'39" E 31.24 feet;

THENCE leave the easterly bank of the Snake River, S 80°53'42" E 49.07 feet to the southwesterly corner of Ball Packing Division No. 2, a subdivision of the City of Idaho Falls Idaho, filed with the Office of the Recorder for Bonneville County as instrument number 1262117; THENCE along the Southerly and easterly boundary lines of said subdivision the following six, (6), bearings and distances:

- 1) THENCE S 74°11'52" E 101.15 feet;
- 2) THENCE S 07°22'52" E 48.37 feet;
- 3) THENCE S 53°09'51" E 110.62 feet;
- 4) THENCE S 84°02'32" E 109.20 feet;
- 5) THENCE N 13°51'47" E 65.53 feet;
- 6) THENCE N 05°57'28" E 137.05 feet to a point on the southwesterly right-of-way line of Pancheri Drive;

THENCE along said southwesterly right-of-way line the following three, (3), bearings and distances:

- 1) THENCE S 53°09'50" E, 287.12 feet;
- 2) THENCE N 23°57'19" E 3.38 feet;
- 3) THENCE S 53°37'24" E 230.85 feet to a point on said southeasterly right-of-way line of Yellowstone Avenue;

THENCE S 29°17'03" W 106.16 feet along said southeasterly right-of-way line; to the **TRUE POINT OF BEGINNING**, and containing 31.571 acres, more or less.



Attachment 3

Private Properties Which May Be Acquired by Agency

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

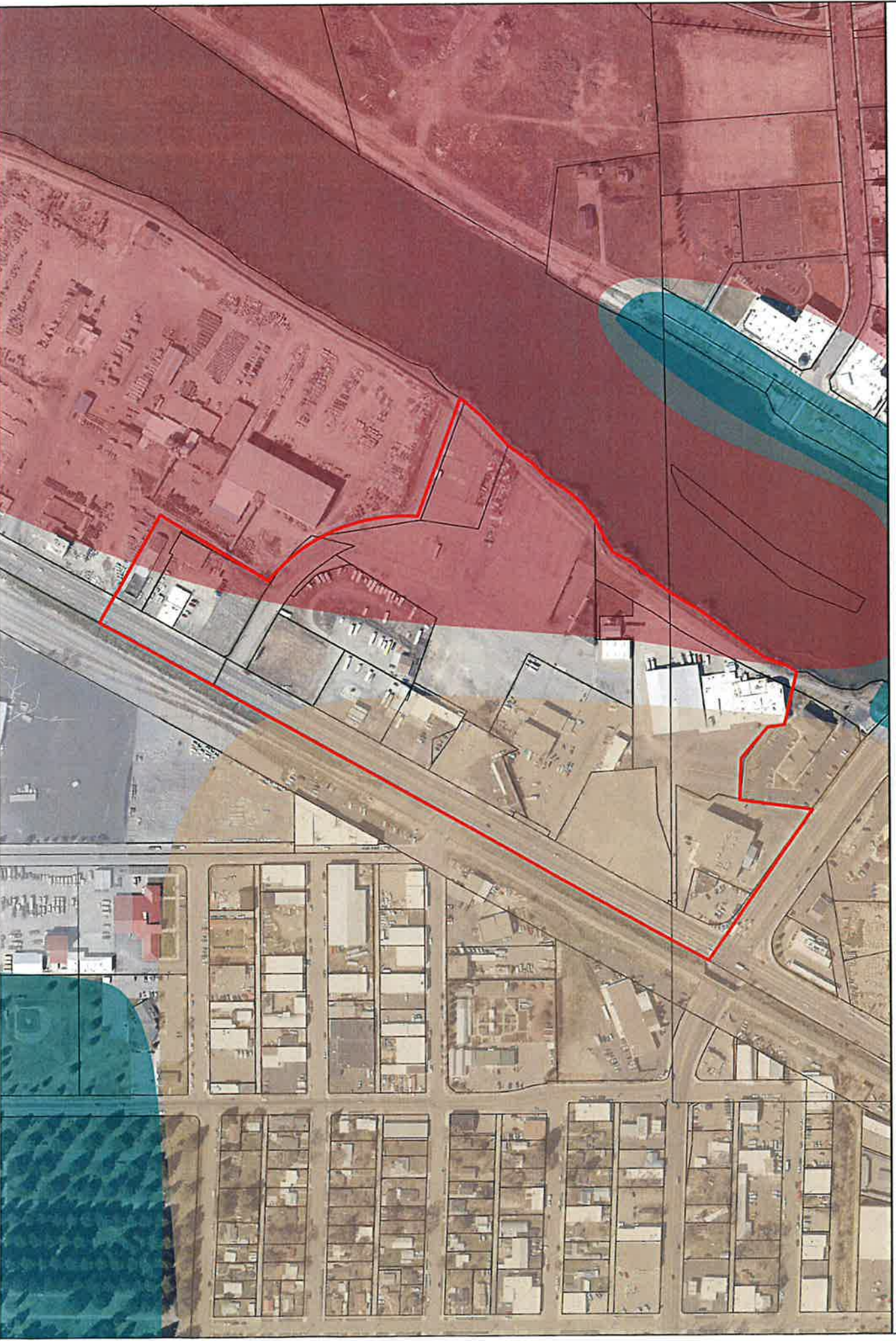
Attachment 4

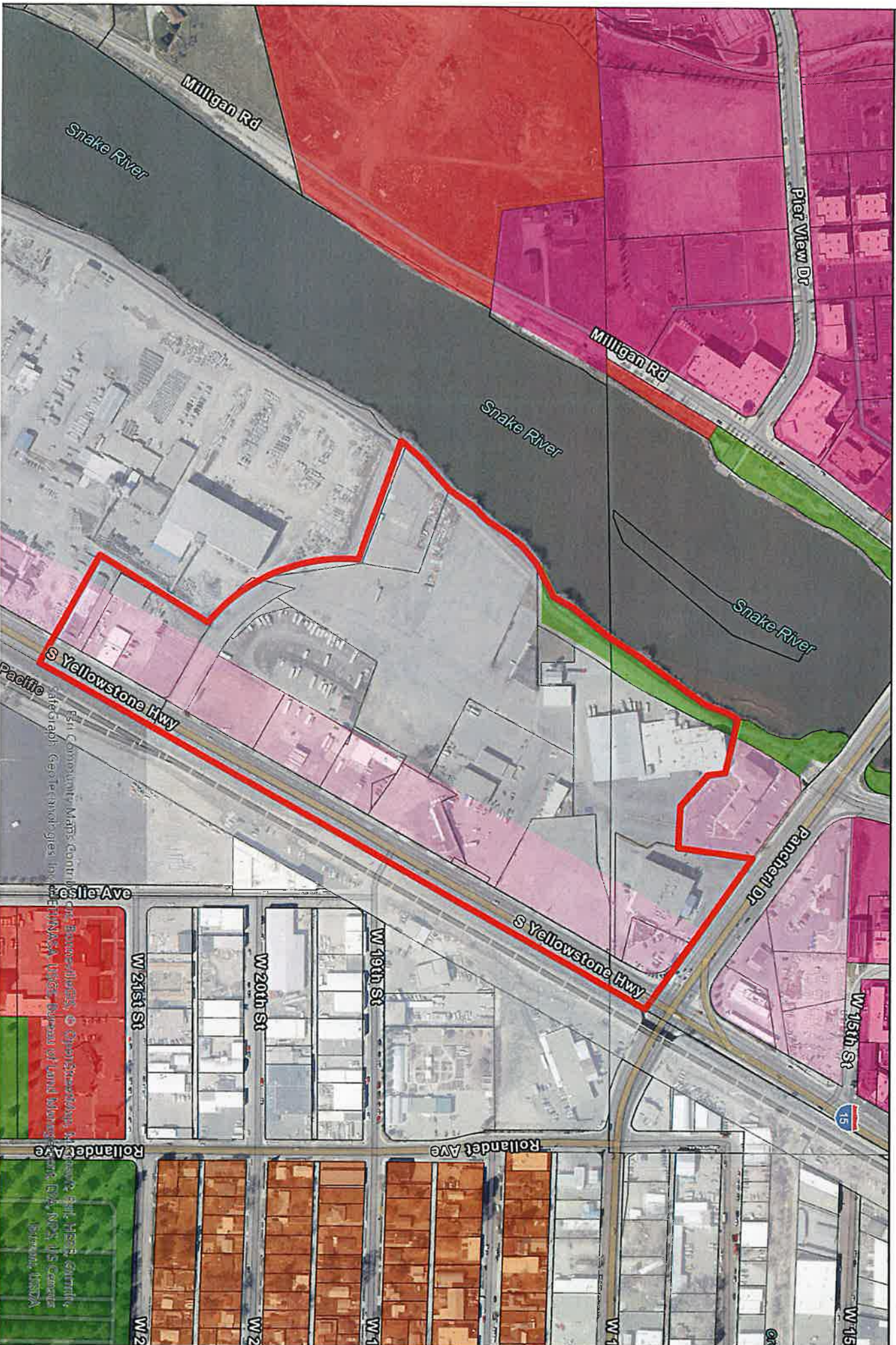
Map Depicting Expected Land Uses and Current Zoning
Within Revenue Allocation Area and Project Area

- 1 NATURAL and OPEN SPACE
- 3 INDUSTRIAL
- 4 SUBURBAN
- 5 GENERAL URBAN

- 6 MIXED USE CENTERS and CORRIDORS

- 7 URBAN CORE
- 8 SPECIAL USE





Attachment 5

Economic Feasibility Study

4864-1650-6411, v. 6

ATTACHMENT 5
PANCHERI EAST BANK
ECONOMIC FEASIBILITY STUDY
September, 2022

Purpose of Study

The purpose of this economic feasibility study is to determine if the private development envisioned in the potential Pancheri East Bank revenue allocation area (the "Pancheri East Bank Project Area") will be sufficient to finance the public improvements funded by the Idaho Falls Redevelopment Agency ("IFRA" or "Agency"). This study relies on estimates provided by the developer for demolition and site development costs, new construction costs, improvements to public infrastructure, and timing of such private investments. This information was supplemented by discussions with other private property owners in the Pancheri East Bank Study Area and the staff of the City of Idaho Falls.

Description of Project

The developer, Sentinel Properties, or its successor or assignee (the "Developer"), is planning to construct a hotel with ninety rooms on the parcel presently occupied by the former King B Jerky manufacturing plant at 1740 South Yellowstone Highway. The parcel is east and adjacent to the Snake River and south of Pancheri Drive and Candlewood Suites. The Developer estimates the costs to construct and furnish the hotel on the parcel will be approximately \$16 million and will be completed by the end of 2025. These development costs include the demolition of the manufacturing facility which has been vacant since 2015 and improvements to the publicly owned River Walk adjacent to the Pancheri East Bank Project Area. The Developer presently owns the site, roughly four acres, proposed for the hotel.

To be able to financially complete this project, the Developer has requested the assistance of IFRA to fund, through reimbursement, potentially eligible costs for certain public infrastructure improvements including demolition, environmental remediation, site development and the River Walk Improvements. This construction will be initially funded by the Developer and, through the parameters contained in a to be negotiated owner participation agreement (OPA), reimbursed by the Agency from increment tax revenues generated by the hotel. If the hotel project is not completed or generates less revenue than anticipated, the reimbursement, if any, will also be curtailed. In addition to the hotel project, discussions with other private property owners have indicated an interest in construction of a small office/retail building and eventually a restaurant in the study area. It is estimated these projects will have a value of approximately \$3 million and will be constructed in the middle years of the life of the revenue allocation area (RAA).

Summary of Findings

The project is projected to generate over \$2,800,000 in tax increment revenues between 2022 and 2042. In addition, it is anticipated the Pancheri East Bank Project Area will be loaned \$30,000, pursuant to an inter-district loan from unpledged, surplus funds in the River Commons Project Area, for administration costs in the formative years. The urban renewal planning costs of preparing the necessary documents in the estimated amount of \$38,000 have been initially funded by the Developer and will be reimbursed by the project revenues.

The public improvement projects costs are anticipated to be \$350,000 for demolition, environmental remediation, and the River Walk Improvements. In addition, the OPA will provide for reimbursement to the Developer for the monies committed to IFRA in a Memorandum of Understanding (MOU) to finance the work to create an urban renewal area. This MOU reimbursement increases the reimbursement to the

Developer to approximately \$390,000. The projections also include the repayment of \$30,000 to the River Commons Project Area for a proposed inter-district loan for administration costs. Longer term, the study provides for \$1.3 million for street improvements which include curb and gutter, sidewalk, street lighting, storm drainage, public utilities, and landscaping. Additional improvements in utilities and the public right-of-way are anticipated in the latter years of the RAA. In summary, it is anticipated the private investment in the RAA will generate more than \$2,800,000 in revenue and potentially eligible public infrastructure costs are estimated to be approximately \$2,320,000. The project is economically feasible.

Summary of Projects

The table below lists the projects, projected time periods, and estimated costs. The costs are in 2022 dollars and may, therefore, increase over time.

Projects Within Pancheri East Bank Project Area¹

Project Description	Estimated Cost	Estimated Timing
Demolition of vacant manufacturing facility	\$250,000	2023
River Walk and right-of-way improvements	\$100,000	2024
Right-of-way improvements	\$120,000	2028-2030
Public utilities, right-of-way improvements ²	\$250,000	2030-2032
Street construction	\$1,300,000	2034-2039
Landscaping, pedestrian, street improvements	300,000	2039-2041
Total	\$2,320,000	

Specific project funding requests will be reviewed by the IFRA Board prior to the development of the OPA and will be further described and identified in that process. It is anticipated the costs for demolition, environmental remediation, River Walk, and right-of-way improvements, which are estimated to be \$350,000, will be reimbursed under the OPA as will advances paid by the Developer under the MOU.

Levy Rates

The 2021 levy rates have been used in this study since 2022 certified levy rates will not be determined until this fall. The 2021 levy rates are:

Taxing Districts	Levy Rate
Bonneville County	0.003512769
Idaho Falls	0.007649767
School District No. 91	NA
Flood Control	0.000006017
Ambulance	0.000298296
College of Eastern Idaho	0.000122476
Total	0.011589325

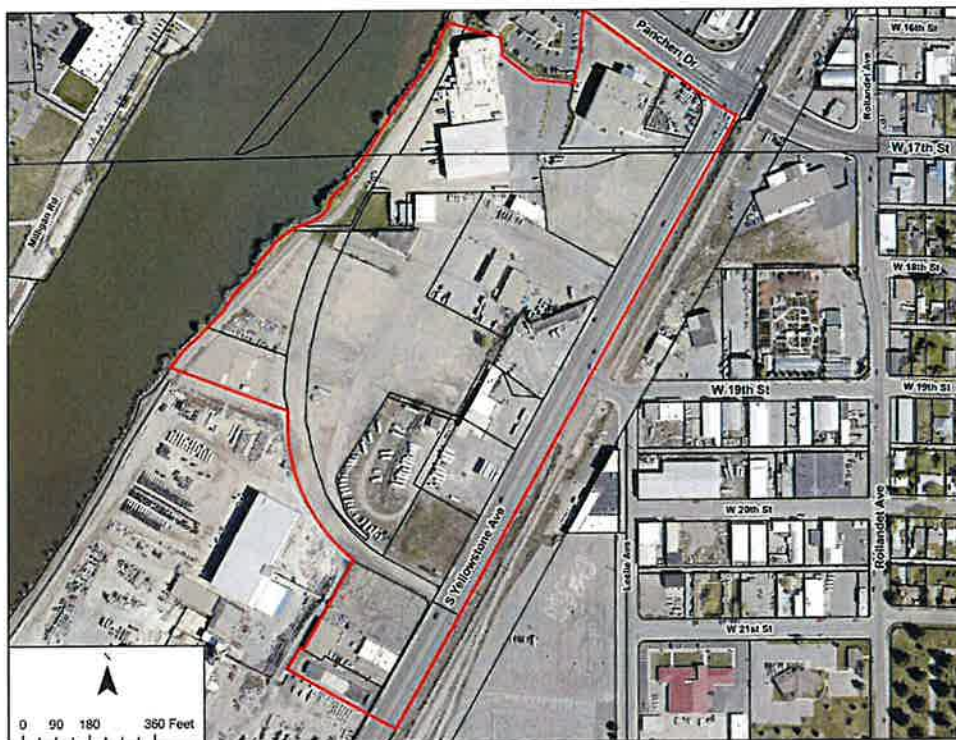
SOURCE: Bonneville County publication entitled *2021 Bonneville County Levies Based on Each \$1.00 Market Value*. Manatron system of Bonneville County was used to verify rates.

Approach of Study

This study assumes the Pancheri East Bank Project Area will consist of 36 acres and 23 parcels as pictured below. The Pancheri East Bank Project Area includes 36 acres bounded on the west by the Snake River, the north by Pancheri Avenue, on the east by Yellowstone Highway, and on the south by properties addressed as 2130 and 2160 South Yellowstone Highway.

¹ The sources of the estimated costs are Sentinel Properties (the Developer), the staff of the City of Idaho Falls, the past maximum amount of assistance given to a developer based on the estimated value of new construction, and the financial feasibility study for the Pancheri Yellowstone URA.

² Public utilities include public water, sewer, electric, fiber, and storm drainage facilities.



Estimated Tax Increment Revenues

Below is the estimated tax increment revenue to be generated by the new hotel with ninety rooms, a small retail/office building, and a restaurant. The hotel estimate is based on the anticipated construction cost. There is an inflationary increase in value estimated for the properties not anticipated to be substantially improved in the RAA. The estimate does not include any revenues from personal property which is estimated to be \$1.6 million in the hotel. The table below only estimates the tax increment to be received, not other possible revenues, such as loans, brownfield grants, or other governmental programs.

Year	Total Assessed Valuation	Estimated Valuation of Hotel Construction	Estimated Valuation of Retail Space (2)	Estimated Valuation of Restaurant	Estimated Assessed Valuation	Estimated Valuation Minus Base Value	Levy Rate	Estimated Tax Increment Revenue
2022	\$7,301,157				\$7,301,157	\$0	0.011589325	\$0
2023	\$5,958,068				\$5,958,068	\$0	0.011473432	\$0
2024	\$5,987,858	\$0	\$0	\$0	\$5,987,858	\$29,790	0.011358697	\$338
2025	\$6,017,798	\$0	\$0	\$0	\$6,017,798	\$59,730	0.01124511	\$672
2026	\$6,047,887	\$0	\$0	\$0	\$6,047,887	\$89,819	0.011132659	\$1,000
2027	\$6,078,126	\$13,585,987	\$0	\$0	\$19,664,113	\$13,706,045	0.011021333	\$151,059
2028	\$6,108,517	\$13,857,707	\$0	\$0	\$19,966,223	\$14,008,155	0.010911119	\$152,845
2029	\$6,139,059	\$14,134,861	\$900,000	\$0	\$21,173,920	\$15,215,852	0.010802008	\$164,362
2030	\$6,169,755	\$14,417,558	\$918,000	\$0	\$21,505,313	\$15,547,245	0.010693988	\$166,262
2031	\$6,200,603	\$14,705,909	\$936,360	\$0	\$21,842,873	\$15,884,805	0.010587048	\$168,173
2032	\$6,231,606	\$15,000,027	\$955,087	\$2,000,000	\$24,186,721	\$18,228,653	0.010481178	\$191,058
2033	\$6,262,764	\$15,300,028	\$974,189	\$2,040,000	\$24,576,981	\$18,618,913	0.010376366	\$193,197
2034	\$6,294,078	\$15,606,029	\$993,673	\$2,080,800	\$24,974,579	\$19,016,511	0.010272602	\$195,349
2035	\$6,325,549	\$15,918,149	\$1,013,546	\$2,122,416	\$25,379,660	\$19,421,592	0.010169876	\$197,515
2036	\$6,357,176	\$16,236,512	\$1,033,817	\$2,164,864	\$25,792,370	\$19,834,302	0.010068178	\$199,695
2037	\$6,388,962	\$16,561,242	\$1,054,493	\$2,208,162	\$26,212,860	\$20,254,792	0.009967496	\$201,890
2038	\$6,420,907	\$16,892,467	\$1,075,583	\$2,252,325	\$26,641,282	\$20,683,214	0.009867821	\$204,098
2039	\$6,453,012	\$17,230,317	\$1,097,095	\$2,297,371	\$27,077,794	\$21,119,726	0.009769143	\$206,322
2040	\$6,485,277	\$17,574,923	\$1,119,037	\$2,343,319	\$27,522,555	\$21,564,487	0.009671451	\$208,560
2041	\$6,517,703	\$17,926,421	\$1,141,418	\$2,390,185	\$27,975,727	\$22,017,659	0.009574737	\$210,813
								\$2,813,207

SOURCE: Bonneville County Parcel Viewer, last assessment, land value, value of improvement, and acres, July, 2022.

The following assumptions were made to generate estimated tax increment revenues:

1. The Certificate of Occupancy for the hotel will be granted in December, 2025. Therefore, the full value of the hotel will not be reflected in the tax rolls until 2026, with revenue allocation proceeds flowing to the Agency in 2027. No attempt was made to determine any estimated tax prior to 2027.
2. The mill levy will decrease by 1% annually.
3. The value of the new construction will increase by 2% annually.
4. The base assessment roll valuation has been reduced by the assessed valuation of the former King B plant which is scheduled to be demolished in 2023.
5. The increase in valuation for the parcels presently developed will be similar to the past increases in valuation in the area, i.e., roughly 0.5% annually.
6. The assessed valuation of new construction does not totally reflect the estimate of the Developer which is \$15,700,000. Therefore, this estimate of revenue is conservative.
7. The value of a new retail/office building is estimated to be \$900,000. The value of a new restaurant is estimated to be \$2,000,000.
8. The base value is estimated to be \$5,958,068. This value reflects the demolition of the former King B manufacturing plant. This lower base value may slip to 2024 depending on the date of demolition and its recognition by the Bonneville County assessor.

The table above only considers revenues generated by tax increment. There are other potential sources of funding. Such sources could be funds generated by one or more of the following programs:

1. Local improvement district,
2. Business improvement district,
3. Development impact fees,
4. Franchise fees,
5. Grants from non-profits,
6. Grants from federal, state, local, or regional governmental entities,
7. Bonds, notes, and/or loans for public infrastructure,
8. Improvements and payments made or advance funded by developers.

The revenues, projected costs of projects, and timing are based on IFRA's present knowledge and on the information from the Developer, present land owners in the Panchari East Bank Project Area, and information from Bonneville County and the City of Idaho Falls.

Anticipated Revenues and Expenses

The following table illustrates all anticipated revenues and the uses of the funds in the proposed RAA:

Year	Estimated Revenues	Debt Service (OPA)	Administration (10% of revenues after 2027)	Repayment of \$30K Loan from RAA	Funding for Additional Public Projects	Estimated Date of Expense for Public Projects
2022	\$38,000		\$20,000			
2023	\$30,000		\$30,000			
2024	\$338		\$6,000		\$338	
2025	\$672		\$6,000		\$672	
2026	\$1,000		\$6,000		\$1,000	
2027	\$151,059	\$113,294	\$15,106	\$20,000	\$2,659	
2028	\$152,845	\$114,634	\$15,285	\$10,000	\$12,927	
2029	\$164,362	\$123,272	\$16,436		\$24,654	
2030	\$166,262	\$40,000	\$16,626		\$109,636	\$120,000
2031	\$168,173		\$16,817		\$151,356	
2032	\$191,058		\$19,106		\$171,952	\$250,000
2033	\$193,197		\$19,320		\$173,877	
2034	\$195,349		\$19,535		\$175,814	
2035	\$197,515		\$19,752		\$177,764	
2036	\$199,695		\$19,970		\$179,726	
2037	\$201,890		\$20,189		\$181,701	
2038	\$204,098		\$20,410		\$183,688	
2039	\$206,322		\$20,632		\$185,690	\$1,300,000
2040	\$208,560		\$20,856		\$187,704	
2041	\$210,813		\$21,081		\$189,732	\$300,000
	\$2,881,208	\$391,200	\$349,120	\$30,000	\$2,110,889	

The following assumptions were made to generate this table:

1. The Developer advanced \$38,000 under the MOU executed in December, 2021, to finance the eligibility study and the urban renewal plan.

2. The inter-district loan from the River Commons Project Area will be in the estimated amount of \$30,000 to the Pancheri East Bank Project Area to cover administrative costs in the initial years. These initial costs are shown as \$6,000 per year. The \$38,000 advanced by the Developer will be expended in 2022-23 for costs to prepare the necessary documents to create the urban renewal plan.
3. The Developer costs for qualifying expenses will be repaid with tax increment generated by the construction of a hotel. The repayment will be covered by an owner participation agreement (OPA), and the revenues generated by the development will be the only source of repayment.
4. 75% of the tax increment will be committed to repay the Developer, and a payment of 75% is reflected under the table above. The repayment of the \$30,000 to River Commons will be from the 25% retained by the Agency for administration and public projects.
5. Ten percent of the increment will be used to cover administrative expenses. In 2027-28, the remaining 15% retained by the Agency will be the source to repay River Commons.
6. For purposes of this study, repayment to the Developer is estimated to be approximately \$390,000, which covers \$350,000 for demolition and River Walk improvements and \$38,000 to cover the expenses associated with creation of an urban renewal/revenue allocation area.
7. Funds not necessary for administration or repayment to the Developer may be accumulated to repay debt service earlier than anticipated and close the district or to fund additional public improvements. Such public improvements include right-of-way improvements at driveways and street intersections, public utilities (water, sewer, electric, fiber, etc.), street improvements, and landscaping and pedestrian improvements.
8. It is assumed the public projects will be paid initially by the developer and repaid through an OPA or completed on a pay-as-you-go process, especially in the later years of the RAA. A loan from a bank or a federal grant may be another funding source.

Provided the development proceeds as presently projected, this proposed Pancheri East Bank Project Area will have tax increment revenues to repay the Developer the costs for the necessary improvements to assure the construction of a hotel with ninety guest rooms. In addition, there will be sufficient tax increment in later years to construct an interior street in the proposed RAA, one with public utilities, storm drainage, street lighting, sidewalks, and landscaping. There should also be funding for replacement of existing water and sewer mains as necessary and improvement of rights-of-way, the River Walk, pedestrian facilities, and landscaping. This project is economically feasible and will benefit the taxpayers in Idaho Falls and the immediate area east of the Snake River.

Ten Percent Limitation on Assessed Valuation within Revenue Allocation Area

Idaho statutes limit the assessed valuation permitted in a revenue allocation area. The base assessment rolls are not to exceed at any time ten percent of the current assessed valuation of all taxable property within the municipality.

“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.

Idaho Code Section 50-2903(15).

The Data Processing Department of Bonneville County provided the City of Idaho Falls assessed value as well as the adjusted base of the existing urban renewal areas/revenue allocation areas in July, 2022.

Statutory Ten Percent Limitation Analysis		
Area	Assessed Value	Percentage
City of Idaho Falls	\$7,009,313,999	
10%	\$700,931,399	
	Adjusted Base	
River Commons RAA	\$272,621	
Eagle Ridge RAA	\$7,378,925	
Jackson Hole Junction RAA	\$398,710	
Pancheri East Bank Proposed RAA ³	\$7,301,157	
Total Assessed Base RAAs	\$15,351,413	0.22%

SOURCE: Bonneville County Data Processing, July, 2022. PM106-2020 Annual Assessed Value, Real Property, Personal Property, Mobile Home. URD055, Urban Renewal by Pin within TAG. The source material refers to the revenue allocation areas (RAA) as urban renewal areas (URA) since the revenue allocation area corresponds to the urban renewal boundaries.

The total adjusted base of the existing RAAs and the Pancheri East Bank Project Area will not exceed the ten percent limitation. The base of all RAAs, including a new Pancheri East Bank Project Area, will be less than 1% of the assessed valuation of Idaho Falls, easily less than \$700,931,399 or ten percent of the current assessed valuation of all taxable property within the City of Idaho Falls.

³ This figure is the total of the assessed valuations in the proposed RAA as found on the Bonneville County Parcel Viewer, July, 2022.

Exhibit 4

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

CITY OF IDAHO FALLS ORDINANCE NO. _____

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

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

SECTION 1: It is hereby found and determined that:

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

ORDINANCE NO. _____

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

SECTION 2: The City Council finds that the Pancheri East Bank Project Area includes vacant open land that has undergone limited development, that the Agency may acquire any open

land within the Pancheri East Bank Project Area but does not intend to do so on any widespread basis, and that the Pancheri East Bank Project Area is planned to be developed and/or redeveloped in a manner that may include residential and nonresidential uses. Provided, however, the City Council finds that for the portions of the Pancheri East Bank Project Area deemed to be "open land," the criteria set forth in the Law and Act have been met.

SECTION 3: The Pancheri East Bank Plan, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachment, be, and the same hereby is approved. As directed by the City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the November 10, 2022, hearing and incorporate changes or modifications, if any.

SECTION 4: No direct or collateral action challenging the Pancheri East Bank Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the Pancheri East Bank Plan.

SECTION 5: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Bonneville County Assessor, and to the appropriate officials of Bonneville County Board of County Commissioners, City of Idaho Falls, Bonneville County Ambulance, Idaho Falls School District #91, Bonneville County Road and Bridge, College of Eastern Idaho, Flood Control District No. 1, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map indicating the boundaries of the Pancheri East Bank Project Area.

SECTION 6: The City Council hereby finds and declares that the equalized assessed valuation of the Revenue Allocation Area as defined in the Pancheri East Bank Plan, is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Pancheri East Bank Plan.

SECTION 7: The City Council hereby approves and adopts the following statement policy relating to the appointment of City Council members as members of the Agency's Board of Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but, rather, as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the Pancheri East Bank Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 8: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not exercise its power under Idaho Code section 50-2006 to designate itself as the Agency Board.

SECTION 9: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2022, to the extent permitted by the Act.

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SECTION 10: The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

SECTION 11: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

SECTION 12: All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

SECTION 13: Savings Clause. This Ordinance does not affect an action or proceeding commenced or right accrued before this Ordinance takes effect.

SECTION 14: That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the Members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with, and accordingly, this Ordinance shall be in full force and effect upon its passage, approval and publication.

PASSED by the City Council of the City of Idaho Falls, Idaho, on this ____ day of November 2022.

APPROVED by the Mayor of the City of Idaho Falls, Idaho, on this ____ day of November 2022.

EXHIBITS TO THE ORDINANCE

- | | |
|-----------|---|
| Exhibit 1 | Resolution of the Planning Commission for the City of Idaho Falls, Idaho, Validating Conformity of the Urban Renewal Plan for the Pancheri East Bank Urban Renewal Project with the City of Idaho Falls' Comprehensive Plan |
| Exhibit 2 | Notice Published in the <i>Post Register</i> |
| Exhibit 3 | Urban Renewal Plan for the Pancheri East Bank Urban Renewal Project |
| Exhibit 4 | Ordinance Summary |

SUMMARY OF PANCHERI EAST BANK PLAN

The Urban Renewal Plan for the Pancheri East Bank Urban Renewal Project ("Pancheri East Bank Plan") was prepared by the Urban Renewal Agency of the City of Idaho Falls, Idaho, also known as the Idaho Falls Redevelopment Agency ("Agency") pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the "Law"), the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"), and all applicable laws and ordinances and was approved by the Agency. The Pancheri East Bank Plan

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provides for the Agency to undertake urban renewal projects pursuant to the Law and the Act. The Pancheri East Bank Plan contains a revenue allocation financing provision pursuant to the Act that will cause property taxes resulting from any increases in equalized assessed valuation in excess of the equalized assessed valuation as shown on the original base assessment roll as of January 1, 2022, to be allocated to the Agency for the urban renewal purposes. The duration of the Pancheri East Bank Plan is for twenty (20) years and the Plan includes a termination process.

The general scope and objectives of the Pancheri East Bank Plan are:

- a. The demolition or removal of certain buildings and/or improvements for public benefit, 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;
- b. The environmental assessment and remediation of brownfield sites, or sites where environmental conditions detrimental to redevelopment exist;
- c. The engineering, design, installation, construction, and/or reconstruction of streets and streetscapes, including the potential for a right-of-way extension within the Project Area and improvements to S. Yellowstone Avenue and related/adjacent pedestrian facilities, curb and gutter, intersection improvements, and traffic control measures;
- d. The engineering, design, installation, construction, and/or reconstruction of improvements to the River Walk along the east bank of the Snake River from Pancheri to the boundary of the Project Area, and related improvement projects;
- e. 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 related to the Projects and other public improvements, including but not limited to, floodway and flood zone mitigation; and other public improvements, that may be deemed appropriate by the Board;
- f. The engineering, design, installation, construction, and/or reconstruction of utilities including but not limited to improvements and upgrades to the water distribution system, including extension or expansion of the water distribution system, water capacity improvements, water storage upgrades, sewer system improvements and upgrades, including extension or expansion of the sewer collection system, lift station, and improvements, and extension, expansion and/or upgrades to power, gas, fiber optics, communications and other such facilities;
- g. The provision for participation by property owners and developers within the Project Area to achieve the objectives of this Plan;
- h. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;

- i. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- j. The acquisition of real property for public right-of-way and streetscape improvements and the extension, expansion and/or upgrades of underground and aboveground utilities, pathways and trails, recreational access points and to encourage development opportunities consistent with the Comprehensive Plan;
- k. The disposition of real property through a competitive process in accordance with this Plan, Idaho law, including Idaho Code Section 50-2011, and any disposition policies adopted by the Agency;
- l. The demolition or removal of certain buildings and/or improvements for public rights-of-way and streetscape improvements, pedestrian facilities, utility undergrounding extension, and upgrades, public parks and trails, other public facilities, to 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;
- m. The provision of financial and other assistance to encourage and attract business enterprise including but not limited to start-ups and microbusinesses, mid-sized companies and large-scale corporations and industries;
- n. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- o. To the extent allowed by law, lend or invest federal funds to facilitate redevelopment;
- p. 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;
- q. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- r. Other related improvements to those set forth above as further set forth in Attachment 5.

Any such land uses as described in the Pancheri East Bank Plan will be in conformance with zoning for the City and City's Comprehensive Plan, Imagine IF, A Plan to Move Idaho Falls Forward Together, as amended, as adopted by the City Council. Land made available will be developed by private enterprises or public agencies as authorized by law. The Pancheri East Bank Plan identifies various public and private improvements which may be made within the Pancheri East Project Area.

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The Pancheri East Bank Project Area and Revenue Allocation Area herein referred to is generally described as follows:

An area within the City consisting of approximately 32 acres immediately east of the Snake River, south of Pancheri Drive, and west of the Yellowstone Highway and more particularly described below:

The Project Area is also depicted in the map below:

A parcel of land lying in a portion of the SE¼ of Section 24 and the NE¼ of Section 25, Township 2 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho, described as follows:

COMMENCING at the Southeast Corner of Section 24, also being the Northeast Corner of Section 25, and running THENCE along the Section Line common to said Section 24 and 25, S 89°57'11" W 435.96 feet, to an angle point on the southeasterly right-of-way line of Yellowstone Avenue and the TRUE POINT OF BEGINNING; THENCE continuing along said Section Line, S 89°57'11" W 11.18 feet to an angle point on the southeasterly right-of-way line of Yellowstone Avenue; THENCE S 29°17'58" W 1797.10 feet along said southeasterly right-of-way line; THENCE N 60°42'02" W 335.93 feet; THENCE N 29°17'58" E 70.00 feet; THENCE S 60°42'02" E 12.00 feet; THENCE N 29°17'11" E 281.66 feet, to the point of a non-tangent curve to the right; THENCE Northwesterly along said curve to the right, having a radius of 480.00 feet, the chord of which bears N 42°12'11" W 182.66 feet, having a central angle of 21°56'15", for an arc a distance of 183.78 feet to a point on the Bureau of Land Management retracement survey of the John B. David Meander Line; THENCE along said Meander Line S 13°53'10" W, 29.34 feet to an angle point on said Meander Line; THENCE S 23°29'10" W 39.56 feet along said Meander Line to a point on the Southwesterly line of a 30 foot wide road reservation; THENCE N 08°45'31" W 360.72 feet along said southwesterly road reservation line to a point on the southerly line of Government Lot 13; THENCE N 69°32'00" W 327.88 feet along said southerly line of Government Lot 13 to a point on the easterly bank of the Snake River; THENCE along the easterly bank of the Snake River the following thirty-three, (33), bearings and distances:

- 1) THENCE N 34°05'19" E 6.37 feet;
- 2) THENCE N 48°00'50" E 17.11 feet;
- 3) THENCE N 31°19'04" E 10.36 feet;
- 4) THENCE N 36°43'11" E 25.59 feet;
- 5) THENCE N 50°57'16" E 15.86 feet;
- 6) THENCE N 44°13'21" E 9.55 feet;
- 7) THENCE N 59°07'44" E 11.34 feet;
- 8) THENCE N 47°14'17" E 18.14 feet;
- 9) THENCE N 43°43'43" E 22.72 feet;
- 10) THENCE N 48°33'59" E 29.68 feet;
- 11) THENCE N 48°37'41" E 23.33 feet;

- 12) THENCE N 38°01'10" E 29.34 feet;
- 13) THENCE N 33°49'02" E 50.50 feet;
- 14) THENCE N 46°08'46" E 66.03 feet;
- 15) THENCE N 26°52'56" E 26.72 feet;
- 16) THENCE N 37°53'47" E 78.75 feet;
- 17) THENCE N 50°07'01" E 61.22 feet;
- 18) THENCE N 62°43'36" E 24.64 feet;
- 19) THENCE N 71°47'56" E 38.22 feet;
- 20) THENCE N 60°44'46" E 24.39 feet;
- 21) THENCE N 44°56'51" E 30.99 feet;
- 22) THENCE N 19°22'41" E 33.85 feet;
- 23) THENCE N 42°13'16" E 27.92 feet;
- 24) THENCE N 54°57'14" E 22.93 feet;
- 25) THENCE N 24°02'36" E 26.05 feet;
- 26) THENCE N 47°40'25" E 18.61 feet;
- 27) THENCE N 35°35'10" E 81.64 feet;
- 28) THENCE N 30°30'59" E 61.89 feet;
- 29) THENCE N 34°01'08" E 65.07 feet;
- 30) THENCE N 39°06'46" E 91.60 feet;
- 31) THENCE N 34°48'01" E 72.58 feet;
- 32) THENCE N 20°44'30" E 65.50 feet;
- 33) THENCE N 32°01'39" E 31.24 feet;

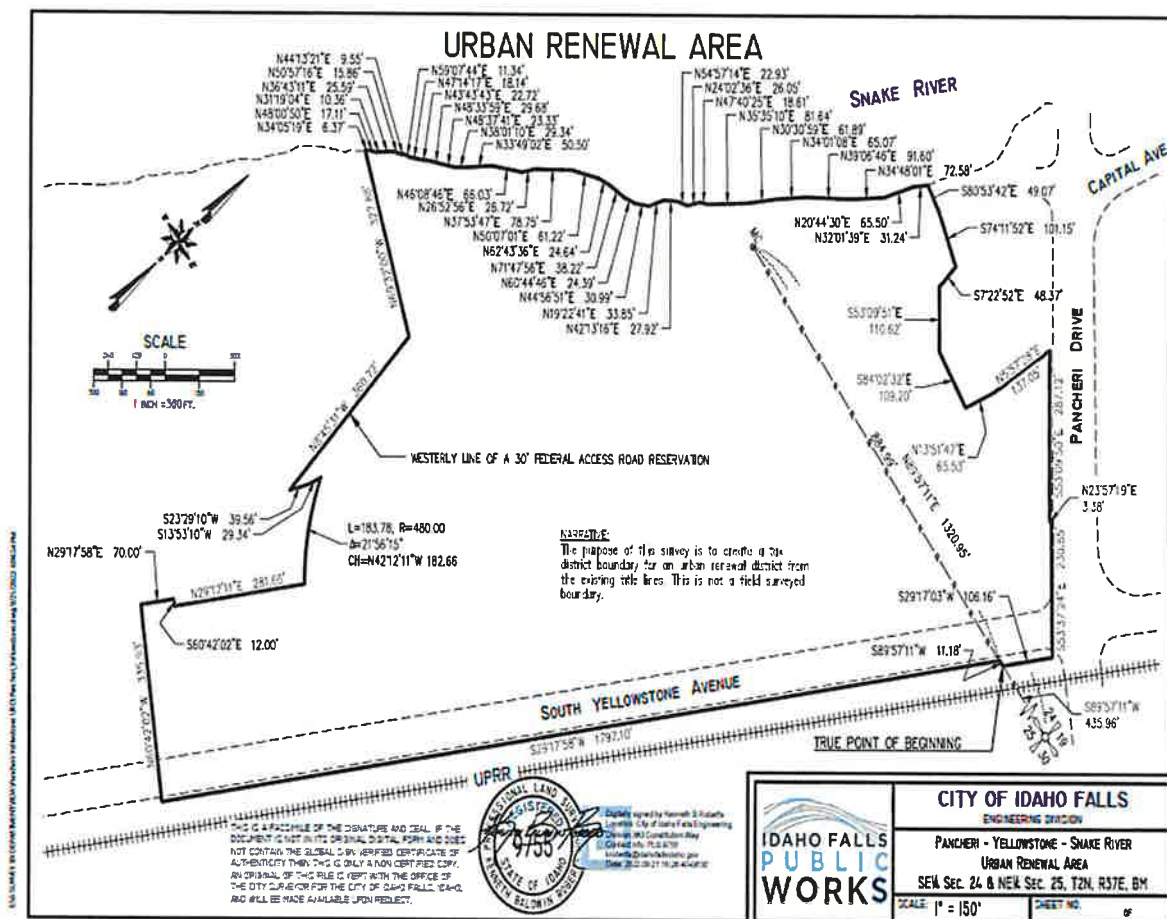
THENCE leave the easterly bank of the Snake River, S 80°53'42" E 49.07 feet to the southwesterly corner of Ball Packing Division No. 2, a subdivision of the City of Idaho Falls Idaho, filed with the Office of the Recorder for Bonneville County as instrument number 1262117; THENCE along the southerly and easterly boundary lines of said subdivision the following six, (6), bearings and distances:

- 1) THENCE S 74°11'52" E 101.15 feet;
- 2) THENCE S 07°22'52" E 48.37 feet;
- 3) THENCE S 53°09'51" E 110.62 feet;
- 4) THENCE S 84°02'32" E 109.20 feet;
- 5) THENCE N 13°51'47" E 65.53 feet;
- 6) THENCE N 05°57'28" E 137.05 feet to a point on the southwesterly right-of-way line of Pancheri Drive;

THENCE along said southwesterly right-of-way line the following three, (3), bearings and distances:

- 1) THENCE S 53°09'50" E, 287.12 feet;
- 2) THENCE N 23°57'19" E 3.38 feet;
- 3) THENCE S 53°37'24" E 230.85 feet to a point on said southeasterly right-of-way line of Yellowstone Avenue;

THENCE S 29°17'03" W 106.16 feet along said southeasterly right-of-way line; to the TRUE POINT OF BEGINNING, and containing 31.571 acres, more or less.



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

Section 200 references the boundaries of the Project Area.

Section 300 discusses the proposed redevelopment actions, participation opportunities and agreements, cooperation with public bodies, property acquisition standards and requirements, relocation, demolition, and property disposition.

Section 400 discusses the type of land uses authorized in the Project Area; provides the real property in the Project Area is subject to the controls and requirements of the Pancheri East Bank Plan and construction shall comply with applicable federal, state, and local laws and ordinances and Agency development standards; and provides design guidance for development.

Section 500 outlines the general description of the proposed financing methods. Among other sources, the Pancheri East Bank Plan will utilize revenue allocation financing, authorized

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by the Act. This statute was approved in 1988 by the Idaho Legislature. Section 503 and Attachment 5 discuss revenue allocation financing and show how such financing has worked and would work in the Project Area in the future if certain new private developments occur as estimated.

Increases in assessed valuation of real and personal property in the Project Area that occur after January 1, 2022, will generate revenue for the Agency to pay project costs. Project costs include street improvements, water and sewer improvements, and other public improvement costs. The assessed valuation of real and personal property on the base assessment roll is still available for use by the other taxing districts, Bonneville County, City of Idaho Falls, Bonneville County Ambulance, Idaho Falls School District #91, Bonneville County Road and Bridge, College of Eastern Idaho, and Flood Control District No. 1 to finance their operations. The Pancheri East Bank Plan authorizes the Agency to sell revenue bonds to finance project costs, developer and/or public entity reimbursement and to use annual revenue allocations to pay the debt service.

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

Attachment 5 describes in detail the cost and financing methods for complete repayment of the debt incurred used to finance projects and to also fund the additional described activities.

The Pancheri East Bank Plan follows the underlying zoning classifications of the city of Idaho Falls.

Sections 600 and 700 describe cooperative activities by the Agency with the City to carry out the Pancheri East Bank Plan.

Sections 800 – 1100 provides that the duration of the Pancheri East Bank Plan is for twenty (20) years; provides a termination process of the Pancheri East Bank Plan; provides the requirement of the Agency to prepare an annual report each year describing its activities during the previous year and to comply with certain other reporting requirements.

ATTACHMENTS TO THE PANCHERI EAST BANK PLAN

Attachment 1	Boundary Map of Pancheri East Bank Urban Renewal Project Area and Revenue Allocation Area
Attachment 2	Legal Description of Pancheri East Bank 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

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The full text of the Ordinance _____ is available at the offices of the City Clerk,
308 Constitution Way, Idaho Falls, Idaho, 83405.

This summary is approved by the Idaho Falls City Council at its meeting of November
10, 2022.



Rebecca Casper, Mayor

ATTEST:



Jasmine Marroquin, Deputy City Clerk

Randall D. nrf
I, ~~Randy~~ Fife, City Attorney for the city of Idaho Falls, Idaho, hereby declare and certify
that in my capacity as City Attorney of the city of Idaho Falls, pursuant to Idaho Code Section
50-901A(3) of the Idaho Code as amended, I have reviewed a copy of the above Summary of
Ordinance, have found the same to be true and complete, and said Summary of Ordinance
provides adequate notice to the public of the contents, including the exhibits, of Ordinance
No. _____.

DATED this _____ day of November 2022.


Randall D. Randy Fife, City Attorney
Idaho Falls, Idaho *nrf*