

**URBAN RENEWAL PLAN FOR THE  
HISTORIC HIGH SCHOOL AND CITY PARK URBAN RENEWAL  
PROJECT**

**ASHTON URBAN RENEWAL AGENCY  
CITY OF ASHTON, IDAHO**

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

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

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

# TABLE OF CONTENTS

	Page
100 INTRODUCTION .....	1
101 General Procedures of the Agency .....	4
102 Provisions Necessary to Meet State and Local Requirements .....	4
102.1 Conformance with the Idaho Urban Renewal Law of 1965, as Amended .....	4
103 History and Current Conditions of the Area .....	5
104 Purpose of Activities .....	5
200 DESCRIPTION OF PROJECT AREA .....	6
300 PROPOSED REDEVELOPMENT ACTIONS .....	6
301 General .....	6
302 Urban Renewal Plan Objectives .....	8
303 Participation Opportunities and Agreement .....	9
303.1 Participation Agreements .....	9
303.2 Impact Fees .....	11
304 Cooperation with Public Bodies .....	11
305 Property Acquisition .....	12
305.1 Real Property .....	12
305.2 Personal Property .....	13
306 Property Management .....	13
307 Relocation of Persons (Including Individuals and Families), Business Concerns, and Others Displaced by the Project .....	14
308 Demolition, Clearance, and Building and Site Preparation .....	14
308.1 Demolition and Clearance .....	14
308.2 Preparation of Building Sites .....	15
309 Property Disposition and Development .....	15
309.1 Real Property Disposition and Development .....	15
309.1.1 General .....	15
309.1.2 Disposition and Development Documents .....	16
309.1.3 Development by the Agency .....	17
309.1.4 Development Plans .....	18
310 Personal Property Disposition .....	18
311 Rehabilitation and Conservation .....	19
312 Participation with Private Development or Public Development .....	19
313 Conforming Owners .....	19
314 Arts Funding .....	20
400 USES PERMITTED IN THE PROJECT AREA .....	20
401 Redevelopment Plan Map and Development Strategy .....	20
402 Designated Land Uses .....	20
403 [Reserved] .....	20
404 Public Rights-of-Way .....	20
405 Other Public, Semi-Public, Institutional, and Nonprofit Uses .....	21
406 Interim Uses .....	21

407	General Controls and Limitations .....	21
407.1	Construction .....	22
407.2	Rehabilitation and Retention of Properties .....	22
407.3	Limitation on Type, Size, and Height of Buildings .....	22
407.4	Open Spaces, Landscaping, Light, Air, and Privacy .....	22
407.5	Signs .....	22
407.6	Utilities .....	22
407.7	Incompatible Uses .....	22
407.8	Nondiscrimination and Nonsegregation .....	23
407.9	Subdivision of Parcels .....	23
407.10	Minor Variations .....	23
408	Design for Development .....	23
409	Off-Street Loading .....	24
410	Off-Street Parking .....	24
411	Nonconforming Uses .....	24
412	Design Guidelines for Development under a Disposition and Development Agreement or Owner Participation Agreement .....	25
500	METHODS OF FINANCING THE PROJECT .....	25
501	General Description of the Proposed Financing Method .....	25
502	Revenue Bond Funds .....	26
503	Other Loans and Grants .....	26
504	Revenue Allocation Financing Provisions .....	26
504.1	Economic Feasibility Study .....	27
504.2	Assumptions and Conditions/Economic Feasibility Statement .....	28
504.3	Ten Percent Limitation .....	29
504.4	Financial Limitation .....	29
504.5	[Reserved] .....	30
504.6	Participation with Local Improvement Districts .....	30
504.7	Issuance of Debt and Debt Limitation .....	31
504.8	Impact on Other Taxing Districts and Levy Rate .....	31
505	Phasing and Other Fund Sources .....	33
506	Lease Revenue, Parking Revenue, and Bonds .....	33
600	ACTIONS BY THE CITY .....	34
601	Maintenance of Public Improvements .....	35
700	ENFORCEMENT .....	35
800	DURATION OF THIS PLAN, TERMINATION, AND ASSET REVIEW .....	35
900	PROCEDURE FOR AMENDMENT .....	37
1000	SEVERABILITY .....	37
1100	ANNUAL REPORT .....	37
1101	APPENDICES, ATTACHMENTS, EXHIBITS, TABLES .....	37

### **Attachments**

Attachment 1	Map of Urban Renewal Project Area and Revenue Allocation Area
Attachment 2	Description of Urban Renewal Project Area and Revenue Allocation Area
Attachment 3	Private Properties Which May be Acquired by the Agency (Limited to Public Improvements and Facilities)
Attachment 4	Map Depicting Expected Land Use and Current Zoning Map of the Project Area
Attachment 5	Statement of Proposed Public Improvements, Costs, Revenue, Tax Impacts, and Financing Methods
Attachment 5A	Estimated Net Taxable Value of Growth and New Private Development and Annual Revenue Allocation in Historic High School and City Park Urban Renewal Project
Attachment 5B	Estimated Annual Revenues and Costs in Historic High School and City Park Urban Renewal Project



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**100 INTRODUCTION**

This is the Urban Renewal Plan (the “Plan”) for the Historic High School and City Park Urban Renewal Project (the “Project”) in the city of Ashton (the “City”), state of Idaho, and consists of the text contained herein and the following attachments:

Map of the Urban Renewal Project Area and Revenue Allocation Area Map (Attachment 1),

The Description of the Urban Renewal Project Area Boundaries and Revenue Allocation Area (Attachment 2),

Private Properties Which May be Acquired by Agency (Limited to Public Improvements and Facilities) (Attachment 3),

Map Depicting Expected Land Uses and Current Zoning within Project Area (Attachment 4),

Statement of Proposed Public Improvements, Costs, Revenues, Tax Impacts and Financing Methods (Attachment 5),

Net Estimated Taxable Value of Growth and New Private Development and Annual Revenue Allocation in Historic High School and City Park Urban Renewal Project (Attachment 5A), and

Estimated Annual Revenues and Costs in Historic High School and City Park Urban Renewal Project (Attachment 5B).

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 Section 50-2018(10) for the various activities contemplated by the term “Project.” Such activities include both private and public development of property within the urban renewal area. The term “Project” is not meant to refer to a specific activity or development scheme. The Historic High School and City Park Project Area is also referred to as the Project Area.

This Plan was prepared by the Board of Commissioners, consultants, and staff of the Ashton Urban Renewal Agency (the “Agency”) 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.

The proposed redevelopment of the Project Area as described in this Plan conforms to the The City of Ashton Comprehensive Land Use Plan 2008 for the city of Ashton, as amended (the "Comprehensive Plan"), adopted by the City Council (the "City Council").<sup>1</sup>

The Agency may create several planning documents that generally describe the overall Project and identify certain specific public and private capital improvement projects. Because of the changing nature of the Project, these documents, by necessity, must be dynamic and flexible. The Agency anticipates that these documents will be modified as circumstances warrant. Any modification, however, shall not be deemed as an amendment of this Plan. No modification will be deemed effective if it is in conflict with this Plan. The planning documents are purposely flexible and do not constitute specific portions of the Plan. Provided, however, prior to the adoption of any planning document or proposed modification to any planning document, the Agency shall notify the City and publish a public notice of such proposed modification at least thirty (30) days prior to the consideration of such proposed modification, thus providing the City and any other interested person or entity an opportunity to comment on said proposed modification. The Board of Commissioners of the Agency (the "Board") shall consider any such comments and determine whether to adopt the modification. The planning documents apply to redevelopment activity within the Project Area as described herein. In the event of any conflict between this Plan and the appended documents, the provisions of this Plan shall control. The Agency intends to rely heavily on any applicable City design standards which may cover all or part of the Project Area.

This Plan provides the Agency with powers, duties, and obligations to implement and further the program generally formulated in this Plan for the 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. Because of the long-term nature of this Plan, and the need to retain in the Agency flexibility to respond to market and economic conditions, property owner and developer interests, and opportunities from time to time presented for redevelopment, this Plan does not present a precise plan or establish specific projects for the redevelopment, rehabilitation, and revitalization of any area within the Project Area, nor does this Plan present specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the Project Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects will be established, and specific solutions will be proposed, and by which tools are provided to the Agency to fashion, develop, and proceed with such specific plans, projects, and solutions.

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<sup>1</sup> The Agency understands the City may be amending and/or adopting a new development code. Any proposed redevelopment within the Project Area as described in this Plan must conform to any future development code; however, the Agency can only look to the development code in effect at the time this Plan becomes effective. However, any development which commences after adoption of this Plan shall comply with the then effective development code.



Implementation of this Plan will require public co-investment to help stimulate desired private development. 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 industrial, office, and commercial facilities.

The particular projects or redevelopment projects by private entities described herein are not intended to be an exclusive or exhaustive list of potential redevelopment activity. 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 redevelopment of the Project Area.

The purpose of the Urban Renewal Law will be attained through and the major goals of this Plan are:

- a. The elimination of environmental deficiencies in the Project Area, including, among others, deteriorated and inadequate public improvements including certain streets and improvements; improvements to public utilities including water and sewer improvements, fire protection systems, railroad spurs and crossings (as allowed by law); streetlights; other public improvements; removal, burying, or relocation of overhead utilities; extension of electrical distribution lines and transformers; improvement of irrigation and drainage ditches and laterals; improvement of storm drainage facilities; and environmental remediation of brownfield sites;
- b. The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area;
- c. The replanning, redesign, and development of undeveloped or underdeveloped areas which are stagnant or improperly utilized because of limited traffic access, underserved utilities, and other site conditions;
- d. The strengthening of the economic base of the Project Area and the community by the installation of needed site improvements to stimulate new private development providing, employment, and economic growth;
- e. The provision of adequate land for parks, open space, street rights-of-way and pedestrian rights-of-way;
- f. The reconstruction and improvement of major street corridors to allow traffic flows to move through the development along with the accompanying utility connections, through the Project Area;
- g. The provision of public service utilities such as water system improvements, sewer system improvements and improvements to storm drainage facilities (which may be located outside the Project Area);

- h. 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, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- i. The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Revenue Allocation Area and the Project Area as a whole and benefiting the various taxing districts in which the urban renewal area is located; and
- j. The funding of necessary public infrastructure to accommodate both public and private development.

## **101 General Procedures of the Agency**

The Agency is a public body, corporate and politic, as defined and described under the Law and the Act. The Agency is also governed by its bylaws as authorized by the Law and adopted by the Agency. Under the Law, the Agency is governed by the Idaho open meeting law, the Public Records Act, the Ethics in Government Act, financial reporting requirements, and the competitive bidding requirements under Chapter 28, Title 67, Idaho Code.

Generally, 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. Whenever in this Plan it is stated that the Agency may modify, change, or adopt certain policy statements or contents of this Plan not requiring a formal amendment to the Plan as required by the Law or the Act, it shall be deemed to mean a consideration by the Board of such policy or procedure, duly noticed upon the Agency meeting agenda and considered by the Agency at an open public meeting and adopted by a majority of the Board members present, constituting a quorum, unless any bylaw, provision of law, or provision herein provides otherwise.

## **102 Provisions Necessary to Meet State and Local Requirements**

### **102.1 Conformance with the Idaho Urban Renewal Law of 1965, as Amended**

- a. The laws of the state of Idaho require that an urban renewal plan be prepared for an area certified as an urban renewal area by the City Council. The Project Area was certified by the City Council by Resolution No. 12-05 on November 14, 2012.
- b. With the adoption of Resolution No. 12-05, the City Council found the Project Area a deteriorated and deteriorating area existing in the City as



defined by the Law and Act, and authorized the preparation of an urban renewal plan.

- c. 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 stating that this Plan is in conformity with the Comprehensive Plan, city of Ashton.
- d. Pursuant to the Law, and Act, the City Council having published due notice thereof, a public hearing was held on this Plan. Notice of the hearing was duly published in a newspaper having general circulation. The City Council adopted this Plan on \_\_\_\_\_, 2013, by Ordinance No. \_\_\_\_\_.

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

This Project Area includes the old high school property, which site remains as a historical link between the community's past and the present, and continues to have emotional significance to the community. The original buildings on the site have been demolished and/or exist in an extremely dangerous and/or deteriorated condition. In developing this site, the Agency intends to commemorate the site's history with a sign or monument designating it as the site of the former high school.

The Plan will include the development of commercial property and enhancement of public parks, open spaces and/or other public recreation areas. The Plan will also include remediation of environmental conditions that may exist at a vacant gas station. Part of the property is underdeveloped and is not being used to its highest and best use due to deteriorating structures, inadequate street layout, insanitary and unsafe conditions and inadequate utility infrastructure needed for a larger development.

The preparation and approval of an urban renewal plan, including a revenue allocation financing provision, gives the City additional resources to solve the public infrastructure problems in this area. Revenue allocation financing should help to improve the situation. In effect, property taxes generated by new developments within the area may be used by the City's urban renewal 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.

### **104 Purpose of Activities**

The description of activities, public improvements, and the estimated costs of those items are intended to create an outside limit of the Agency's activity. The Agency reserves the right to change amounts from one category to another, as long as the overall total amount estimated is not substantially exceeded. The items and amounts are not intended to relate to any one particular development, developer, or owner. Rather, the Agency intends to discuss and

negotiate with any owner or developer who seeks Agency assistance. During such negotiation, the Agency will determine, on an individual basis, the eligibility of the activities sought for Agency funding, the amount the Agency may fund by way of percentage or other criteria including the need for such assistance. The Agency will also take into account the amount of revenue allocation proceeds estimated to be generated from the developer's activities. The Agency also reserves the right to establish by way of policy, its funding percentage or participation, which would apply to all developers and owners.

Throughout this Plan, there are references to Agency activities, Agency funding, and the acquisition, development, and contribution of public improvements. Such references do not necessarily constitute a full, final, and formal commitment by the Agency but, rather, grant to the Agency the discretion to participate as stated subject to achieving the objectives of this Plan and provided such activity is deemed eligible under the Law and the Act. In some respects the activities listed in Attachment 5 are concepts which will be determined or prioritized as the overall Project Area develops.

The Agency reserves the right to prioritize the projects described in this Plan. The Agency also reserves the right to retain its flexibility in funding the various activities. The Agency also reserves its discretion and flexibility in deciding which improvements should be funded and what level, whether using its own funds or funds generated by other sources.

The activities listed in Attachment 5 are also prioritized by way of importance to the Agency by the amounts funded, and by year of funding, with earlier years reflecting the more important activities, achievement of higher objectives, long term goals, and commitments. As required by the Law and Act, the Agency will adopt more specific budgets annually.

## **200 DESCRIPTION OF PROJECT AREA**

The boundaries of the Project Area and the Revenue Allocation Area are shown on the Project Area and Revenue Allocation Boundary Map, attached hereto as Attachment 1 and incorporated herein by reference, and are described in the Description of the Project Area and Revenue Allocation Area, attached hereto as Attachment 2 and incorporated herein by reference. For purposes of boundary descriptions and 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:

- a. The acquisition of certain real property (if needed);



- b. The demolition or removal of certain buildings and improvements for public rights-of-way for streets, utilities, walkways, and other improvements, for public facility building sites, to eliminate unhealthful, unsanitary, or unsafe conditions, enhance density, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;
- c. The provision for participation by property owners within the Project Area to achieve the objectives of this Plan;
- d. The management of any property acquired by and under the ownership and control of the Agency;
- e. The provision for relocation assistance to displaced Project occupants, as required by law;
- f. The installation, construction, or reconstruction of streets, railroad spurs (as allowed by law), utilities, including electrical distribution and transmission lines in underground configuration, if needed to encourage new developments, fiber optic or other communication systems, parking facilities, and other public improvements, including, but not limited to, irrigation and drainage laterals and ditches, canal crossings, storm drain systems, water and sewer improvements, fire protection systems, streetlights and other public improvements, including community facilities owned or occupied by the Agency or other public agencies, including the City's walkways, public open spaces, community centers, cultural centers and visitors or information centers as may be deemed appropriate by the Board;
- g. The disposition of property for uses in accordance with 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 preparation and assembly of adequate sites for the development and construction of facilities for industrial, commercial, retail, and governmental use;
- k. To the extent allowed by law, lend or invest federal funds to facilitate redevelopment; and
- l. The construction of foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights, sites for buildings to be

used for residential, commercial, industrial, and other uses contemplated by the Plan, and to provide utilities to the development site.

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

### **302 Urban Renewal Plan Objectives**

Urban renewal action is necessary in the Project Area to combat problems of physical deterioration or deteriorating conditions.

The Project Area and Revenue Allocation Area consists of approximately 22.22 acres of property located within the city limits of the City and generally is bounded by Highway 20 on the west, 1<sup>st</sup> Street and 2<sup>nd</sup> Street on the east, Walnut Street and Cherry Street on the north and Main Street on the south. The area has a history of a slow-growing tax base primarily attributed to inadequate open areas, undeveloped or underdeveloped properties, substantial number of deteriorating and/or deteriorated structures, deteriorated and vacant lots, potential environmental issues and other deteriorating factors.

Site preparation, remediation of any environmental issues, enhancement of open areas and public recreation facilities will enhance the overall development of said property.

Hence, the Plan for the Project Area is a proposal for street and utility improvements to provide an improved environment for new retail, residential and commercial facilities, senior housing, the elimination of unsafe conditions, and to otherwise prevent the extension of deterioration and reverse the deteriorating action of the area.

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

Less than fee acquisition may be utilized by the Agency when and if necessary to promote redevelopment in accordance with the objectives of the Plan.

Temporary project improvements shall be provided to facilitate adequate vehicular and pedestrian circulation.

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 development, the Agency plans a key role in creating the necessary momentum to get and keep things going.
- b. Develop new commercial opportunities and encourage economic development.

Without direct public intervention, much of the Project Area could conceivably remain unchanged for the next several years. It is anticipated success will come through at least one public-private partnership. The Plan creates the necessary flexible framework for the Project Area to support the City's economic development.

Land use in the Project Area will be modified to the extent that buildings currently vacant and land now devoted to scattered inconsistent uses will be converted to residential, senior housing, commercial, public and private parking, and/or public/semi-public uses. In implementing the activities described in this Plan, the Agency shall give due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children and seniors residing in the general vicinity of the site covered by the Plan.

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

#### **303.1 Participation Agreements**

The Agency shall enter into an owner participation agreement with any existing or future owner of property, in the event the property owner seeks and/or receives assistance from the Agency in the redevelopment of the property. In that event, the Agency may allow for an existing or future owner of property to remove his property and/or structure from future Agency acquisition subject to entering into an owner participation agreement.

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

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

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

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

**All such agreements will address phasing issues, justification and eligibility of project costs, and achievement of the objectives of the Plan. Agency shall retain its discretion in the funding level of its participation.**

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

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

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

- a. Encouraging established businesses to revitalize deteriorating areas of their parcels to accelerate the enhancement of the street environment in the Plan area.
- b. Subject to the limitations of the Law and the Act, providing incentives to existing business owners to encourage continued utilization and expansion of existing permitted uses to prevent properties from falling into disuse, a proliferation of vacant and deteriorated parcels and a reduction in area employment.
- c. Allowing existing nonconforming uses to continue in accordance with City regulations and to accommodate improvements and expansions allowed by City regulations.



- d. Subject to the limitations of the Act, providing incentives to improve nonconforming properties so they implement the design guidelines contained in this Plan to the extent possible and to encourage an orderly transition from nonconforming to conforming uses over the next twenty (20) years.

### **303.2 Impact Fees**

For any development covered by an owner participation agreement or disposition and development agreement, the Agency shall have the authority, but not the obligation, to consider the payment of all or part of any impact fee assessed on the development from revenue allocation proceeds to the extent allowed by law.

### **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 insure 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.

The Agency specifically intends to cooperate to the extent allowable with the City for the construction of street and utility improvements. The Agency shall also cooperate with the City on various relocation, screening, or underground projects, the providing of fiber optic capability, and the funding of 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 and federal 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.

### **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, and as otherwise allowed by law. The acquisition shall be by any means authorized by law, including, but not limited to, the Law, the Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, but shall not include the right to invoke eminent domain authority except as authorized herein. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee, including structures and fixtures upon the real property, without acquiring the land upon which those structures and fixtures are located.

The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performed under the agreement.

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 or for the assembly of properties for the redevelopment of those properties to achieve the objectives of this Plan. Such properties may include properties owned by private parties or public entities. This Plan does not anticipate the Agency's widespread use of its resources for property acquisition, except for the construction of public improvements and any ability to engage in certain demonstration projects and other major objectives outlined in this Plan and to assemble certain critical or strategic parcels to dispose to the private sector to assist in the redevelopment of the Project Area.

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.

The Agency is authorized by this Plan to acquire the properties identified in Attachment 3 hereto. Otherwise, Agency acquisition of any other real property shall be accomplished only following a formal amendment to this Plan that will include an exhibit identifying the property to be acquired.



It is in the public interest and is 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 to acquire real property in the Project Area, which cannot be acquired by gift, devise, exchange, purchase, or any other lawful method.

Under the provisions of the Act, the urban renewal plan "shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area." Idaho Code § 50-2018(12). The Agency has not identified any particular parcel for acquisition for the construction of public improvements. These activities are generally described in Attachment 3. The Agency may also acquire property for the purpose of developing public parking facilities, providing public open space, providing public utilities, and enhancing the opportunity for other uses. At the present time, the Agency cannot specifically identify which parcels may be necessary for acquisition. The Agency reserves the right to determine which properties, if any, should be acquired. Generally, the Agency will invoke its acquisition authority only for the elimination or mitigation of deteriorated or deteriorating buildings, structures, or properties in order to enhance public open space in the Project Area or to assist or participate in site reclamation, remediation, or elimination of deteriorating or deteriorated areas, and then only by voluntary means. However, the Agency's authority to invoke eminent domain to acquire real property for disposition to private parties for economic development is limited by Idaho Code § 7-701A.

### **305.2 Personal Property**

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain. For purposes of this Plan, acquisition of certain permanent fixtures or improvements upon real property shall be governed by this section. The Agency retains the right to purchase those fixtures or improvements (including buildings) for the purpose of eliminating certain deteriorated or deteriorated structures to facilitate the redevelopment the real property upon which the buildings and structures are located. Such acquisition shall be based upon appraised value of the structures and negotiation with the owner of the structures. The Agency shall take into account, before committing to such acquisition, any environmental or other liability present or potentially present in such structures. In the event, the Agency determines to acquire such property; it shall do so upon the successful negotiation of an owner participation agreement in compliance with the terms of Section 303.1 of this Plan. In addition, such owner shall commit to the redevelopment of the real property and to maintain the real property in a safe and clean manner. The Agency shall acquire such property by way of any acceptable conveyance.

### **306 Property Management**

During such time such 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 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 may also undertake relocation activities for those not entitled to benefit under federal law, as the Agency may deem appropriate for which funds are available. The Agency's activities should not result in the displacement of families within the area. In the event the Agency's activities result in displacement, the Agency shall compensate such residents by providing reasonable moving expenses into decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families. The Agency will not participate in any private redevelopment activity which will result in displacement of families unless a method exists for the relocation of displaced families in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families. For any other activity, the Agency will comply with the provisions of the Law regarding relocation.

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.

For displacement of families, 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. If such a program is considered, it shall be adopted by resolution of the Agency Board.

### **308 Demolition, Clearance, and Building and Site Preparation**

#### **308.1 Demolition and Clearance**

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.



## **308.2 Preparation of Building Sites**

The Agency is authorized (but not required) to prepare, or cause to be prepared, as building sites any real property in the Project Area owned by the Agency, including rock removal and site preparation. In connection therewith, the Agency may cause, provide for, or undertake the installation or construction of streets, utilities, storm drainage facilities, and other public improvements necessary to carry out this Plan. The Agency is also authorized (but not required) to construct foundations, platforms, and other structural forms necessary for the provision or utilization of air rights sites for buildings to be used for industrial, commercial, private, public, and other uses provided in this Plan. To the extent allowed by the Law and Act, the Agency may assist in the preparation of building sites by way of reclamation, remediation, or elimination of deteriorated conditions. The Agency is also authorized (but not required) to purchase certain site or building improvements for purpose of site preparation and development.

## **309 Property Disposition and Development**

### **309.1 Real Property Disposition and Development**

#### **309.1.1 General**

For the purposes of this Plan, the Agency is authorized to sell, lease, 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 Code Section 50-2011. 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.

All purchasers or lessees of property acquired from the Agency shall be obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

The Agency shall give due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children and seniors residing in the general vicinity of the sit covered by the Plan.

### **309.1.2 Disposition and Development Documents**

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, as well as all property subject to participation agreements, is subject to the provisions of this Plan.

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

Leases, 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 Fremont County.

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

The land and/or air rights and subterranean rights acquired by the Agency will be disposed of subject to an agreement between the Agency and the Developers. The Developers (including owner/participants) will be required by the contractual agreement to observe the Land Use and Building Requirements provision of this Plan and to submit a Redevelopment Schedule satisfactory to the Agency. Schedule revisions will be made only at the option of the Agency.

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 agreement.

That the Developers, their successors, and assigns agree:

- a. That a plan and time schedule for the proposed development shall be submitted to 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 there will be no discrimination against any person or group of persons because of disability/handicap, age, race, sex, creed, color, national origin, disability, or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises or any improvements erected or to be erected thereon, therein conveyed; nor will the Developer himself or any person claiming under or through him establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of tenants, lessees, sublessees, or vendees in the premises or any improvements erected, or to be erected thereon, therein conveyed. The above provision will be perpetual and will be appended to the land disposed of within the Project Area by the Agency.
- e. 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.
- f. All new construction shall have a minimum estimated life of no less than twenty (20) years.
- g. 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.
- h. That the Agency receives adequate assurance acceptable to the Agency to ensure performance under the contract for sale.
- i. 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.
- j. All disposition and development documents shall be governed by the provisions of Section 408 and 412 of this Plan.

The Agency also reserves the right to determine the extent of its participation based upon the achievements of the objectives of this Plan

### **309.1.3 Development by the Agency**

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct any publicly-owned building, facility, structure, or other improvement within the Project Area for itself or for any public body or entity, which buildings, facilities, structures, or other improvements are or would be of benefit to the Project Area. Specifically,

the Agency may pay for, install, or construct the buildings, facilities, structures, and other improvements identified in Attachment 5, attached hereto and incorporated herein by reference, and may acquire or pay for the land required therefore.

The Agency may also prepare properties for development by renovation or other means as allowed by law. The Agency may also, as allowed by law, assist in the development of private projects.

In addition to the public improvements authorized under Idaho Code Section 50-2007, 50-2018, and 50-2903(9), (13), and (14), the Agency is authorized to install and construct, or to cause to be installed and constructed, within the Project Area for itself or for any public body or entity, public improvements and public facilities, including, but not limited to, the following: (1) utilities; (2) telecommunications (including fiber-optic) facilities; (3) parks, plazas, open space, recreational facilities and pedestrian paths; (4) landscaped areas; (5) street improvements; (6) sanitary sewers; (7) flood control facilities and storm drains; (8) water mains; (9) canal crossings; (10) fire prevention; (11) railroad spurs and crossings (as allowed by law); (12) community facilities; (13) remediation of environmental conditions; and (14) other public infrastructure.

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

The Agency may enter into contracts, leases, and agreements with the City or other public body or private entity pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code Section 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision (2)(b) of Section 50-2908 of the Act and Section 504 to this Plan or out of any other available funds.

#### **309.1.4 Development Plans**

All development plans (whether public or private) prepared, pursuant to disposition and development or owner participation agreements, shall be submitted to the Agency for approval and architectural review. All development in the Project Area must conform to those standards specified in Sections 408 and 412, *infra*.

#### **310 Personal Property Disposition**

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



### **311 Rehabilitation and Conservation**

The Agency is authorized to rehabilitate, renovate, and conserve, or to cause to be rehabilitated, renovated, and conserved, any building or structure in the Project Area owned by the Agency for preparation of redevelopment and disposition. The Agency is also authorized and directed to advise, encourage, and assist in the rehabilitation and conservation of property in the Project Area not owned by the Agency.

As necessary in carrying out this Plan, the Agency is authorized to move, or to cause to be moved, any substandard structure or building or any structure or building which can be rehabilitated to a location within or outside the Project Area.

### **312 Participation with Private Development or Public Development**

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 Idaho Community Development Block Grant Program ("ICDBG"), 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 for any purpose set forth under the Law or Act.

The Agency may enter into contracts, leases, and agreements with the City, or other public body or private entity, pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code Section 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision 2(b) of Section 50-2908 of the Local Economic Development Act and Section 504 to this Plan or out of any other available funds.

### **313 Conforming Owners**

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

agreement with the Agency, provided such owner continues to operate, use, and maintain the real property within the requirements of this Plan.

#### **314 Arts Funding**

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

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

#### **401 Redevelopment Plan Map and Development Strategy**

The Urban Renewal Project Area Map, the Revenue Allocation Map, and the Description of the Urban Renewal Project Area Boundaries, attached hereto as Attachments 1 and 2, incorporated by reference, describe the proposed land uses to be permitted in the Project Area for all land-public and private. The proposed land uses and permitted land uses are described in Attachment 4.

#### **402 Designated Land Uses**

The Agency intends to rely upon the overall land use designations and zoning classifications of the City, as depicted on Attachment 4 and as set forth in the City Comprehensive Plan, including the future land use map and zoning classifications. For the most part, the Project Area is proposed as industrial and commercial development. Provided, however, nothing herein within this Plan shall be deemed to be granting any particular right to zoning classification or use.

#### **403 [Reserved]**

#### **404 Public Rights-of-Way**

The major public streets within the Project Area are portions of North 1<sup>st</sup> Street, North 2<sup>nd</sup> Street, Walnut Street, Cherry Street, Maple Street and Pine Street.

Additional improvements to existing streets and easements may be created, improved, or extended in the Project Area as need for development. Existing streets, easements, and irrigation or drainage laterals or ditches may be abandoned, closed, or modified as necessary for proper development of the Project, in conjunction with any applicable policies and standards of the City regarding changes to dedicated rights-of-way, and appropriate irrigation or drainage districts regarding changes to laterals or ditches.

Any changes in the existing interior or exterior 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 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 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.

#### **405 Other Public, Semi-Public, Institutional, and Nonprofit Uses**

The Agency is also authorized to permit the maintenance, establishment, or enlargement of public, semi-public, institutional, or nonprofit uses, including park and recreational facilities; educational, fraternal, employee; philanthropic and charitable institutions; utilities; governmental facilities; railroad rights-of-way and equipment; and facilities of other similar associations or organizations. All such uses shall, to the extent possible, conform to the provisions of this Plan applicable to the uses in the specific area involved. The Agency may impose such other reasonable requirements and/or restrictions as may be necessary to protect the development and use of the Project Area.

#### **406 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.

#### **407 General Controls and Limitations**

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

#### **407.1 Construction**

All construction in the Project Area shall comply with all applicable state and local laws and codes in effect from time to time. In addition to applicable codes, ordinances, or other requirements governing development in the Project Area, additional specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Project Area in the event of a disposition and development agreement or owner participation agreement.

#### **407.2 Rehabilitation and Retention of Properties**

Any existing structure within the Project Area, subject to either a disposition and development agreement or owner participation agreement, approved by the Agency for retention and rehabilitation, shall be repaired, altered, reconstructed, or rehabilitated in such a manner that it will be safe and sound in all physical respects and be attractive in appearance and not detrimental to the surrounding uses.

#### **407.3 Limitation on Type, Size, and Height of Buildings**

Except as set forth in other sections of this Plan, the type, size, and height of buildings shall be as limited by applicable federal, state, and local statutes, ordinances, and regulations.

#### **407.4 Open Spaces, Landscaping, Light, Air, and Privacy**

The issues of open space, landscaping, light, air, and privacy shall be governed by applicable federal, state, and local laws and ordinances.

#### **407.5 Signs**

All signs shall conform to City sign ordinances as they now exist or are hereafter amended.

#### **407.6 Utilities**

The Agency shall require that all utilities be placed underground whenever physically and economically feasible.

#### **407.7 Incompatible Uses**

No use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors which would be incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area.



#### **407.8 Nondiscrimination and Nonsegregation**

There shall be no discrimination or segregation based upon race, color, creed, religion, sex, age, marital status, disability/handicap, national origin, or ancestry permitted in the sale, lease sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area.

#### **407.9 Subdivision of Parcels**

Any parcel in the Project Area shall be subdivided only in compliance with the City subdivision ordinance.

#### **407.10 Minor Variations**

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

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

No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public peace, health, safety, or welfare and to assure compliance with the purposes of the Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under City codes and ordinances.

#### **408 Design for Development**

Within the limits, restrictions, and controls established in this Plan, the Agency is authorized to establish heights of buildings, 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, and other like standards.

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

In the event the Agency adopts design standards or controls, those provisions will thereafter apply to each site or portion thereof in the Project Area. Those controls and standards will be implemented through the provisions of any disposition and development agreement or owner participation agreement or by appropriate covenants appended to the land and instruments of conveyance executed pursuant thereto. These controls are in addition to any standards and provisions of any applicable City building or zoning ordinances; provided, however, each and every development shall comply with all applicable City zoning and building ordinance.

#### **409 Off-Street Loading**

Any development and improvements shall provide for off-street loading as required by the City ordinances as they now exist or are hereafter amended.

#### **410 Off-Street Parking**

All new construction in the area shall provide off-street parking as required by the City ordinances as they now exist or are hereafter amended. The off-street parking requirement may be met by a public parking facility, including a parking garage and/or parking lot within proximity to the new construction.

#### **411 Nonconforming Uses**

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

#### **412 Design Guidelines for Development under a Disposition and Development Agreement or Owner Participation Agreement**

Under an owner participation agreement or a disposition and development 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 Section 407.10 of 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. One of the objectives of this Plan is to create an attractive pedestrian environment in the Project Area. Therefore, such plans shall give consideration to good design and amenities to enhance the aesthetic quality of the Project Area. These additional design standards or controls will be implemented through the provisions of any disposition and development agreement or owner participation agreement or by appropriate covenants appended to the land and instruments of conveyance executed pursuant thereto. These controls are in addition to any standard 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 financial assistance from the City, state of Idaho, federal government, interest income, Agency bonds, donations, loans from private financial institutions, the lease or sale of Agency-owned property, 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, borrow funds, and create indebtedness in carrying out this Plan. The Agency may also consider an interfund 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 facilities.

The City or any other public agency may expend money to assist the Agency in carrying out this Project.





## **502 Revenue Bond Funds**

As allowed by law and subject to restrictions as are imposed by law, the Agency is authorized to issue 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.

## **503 Other Loans and Grants**

Any other loans, grants, guarantees, or financial assistance from the United States, the state of Idaho, including ICDBG 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.

## **504 Revenue Allocation Financing Provisions**

The Agency hereby adopts revenue allocation financing provisions as authorized by Act, effective retroactively to January 1, 2013. These revenue allocation provisions shall apply to all taxing districts which are located in or overlap the Revenue Allocation Area 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 or to pledge all or any portion of such revenues to the repayment of any moneys borrowed, indebtedness incurred, or bonds issued by the Agency to finance or to refinance the Project Costs (as defined in Idaho Code Section 50-2903(14)) of one or more urban renewal projects.

Upon enactment of an ordinance by the governing body of the City 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 Section 50-2908. The Agency shall use such funds solely in accordance with Idaho Code Section 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, an economic feasibility study, estimated project costs, fiscal impact upon other taxing districts, and methods of financing project costs required by Idaho Code Section 50-2905 is included in Attachment 5 to this Plan. This statement necessarily incorporates estimates and projections based on the Agency's present knowledge and expectations. The Agency is hereby authorized to modify the presently anticipated urban renewal projects and use of revenue allocation financing of the related Project Costs if the Board deems such modification necessary or convenient to effectuate the general objectives of the Plan.

The Agency may also appropriate funds consisting of revenue allocation proceeds on an annual basis without the issuance of bonds. The Agency has also provided for obtaining advances or loans from the City or Agency, or from the Agency's other revenue allocation area, or private entity and financial institutions in order to immediately commence construction of certain of the public improvements. Revenues will continue to be allocated to the Agency until the improvements identified in Attachment 5 are completely constructed or until any obligation to the City or any other public entity, other revenue allocation area, or private entity are fulfilled. Attachment 5 incorporates estimates and projections based on the Agency's present knowledge and expectations concerning the length of time to complete the improvements. 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.

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.

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.

The Agency is authorized to make such pledges as to specific advances, loans, and indebtedness as appropriate in carrying out the Project.

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.

#### **504.1 Economic Feasibility Study**

Attachments 5, 5A and 5B constitute the Economic Feasibility Study ("Study") for the urban renewal area prepared by Agency representatives and/or consultants. The Study



constitutes the financial analysis required by the Act and is based upon existing information from the Agency and City. Projections are based upon input from the Agency, property owners, developers, and others.

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

The information contained in Attachment 5 assumes certain completed and projected actions. Under the provisions of the Act, the revenue allocation shall continue until the debt or other obligations or other project activity is completed or satisfied. All debt is projected to be repaid no later than the duration period of the Plan. The total amount of bonded indebtedness (and all other loans or indebtedness) and the amount of revenue generated by revenue allocation are dependent upon the extent and timing of private development. Should all of the 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 attachments incorporate estimates and projections based on the Agency's present knowledge and expectations. The Agency may modify the project if the Board deems such modifications necessary to effectuate the Plan. The Plan proposes certain public improvements, including utility and street improvements, which will facilitate development in the Revenue Allocation Area.

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

The assumptions concerning revenue allocation proceeds are based upon certain assessed value increases and assumed tax levy rates.

House Bill 1 adopted by the 58<sup>th</sup> Idaho Legislature convening in Special Session in August 2006 (codified at Idaho Code Section 33-802) repealed the operation and maintenance property tax levy imposed by school districts. House Bill 1 also repealed Idaho Code Section 50-2908(2)(a)(iii) which required certain revenue allocation funds to be disbursed to school districts. The financial analysis set forth in Attachment 5A has taken into account the provisions of Idaho Code § 33-802.

House Bill 315 adopted by the 62<sup>nd</sup> Idaho Legislature amends Idaho Code Section 63-602KK, and provides for personal property tax exemption to businesses. Application of the exemption may have the effect of reducing the base value and/or reducing the increment value. The financial analysis set forth in Attachment 5A has taken into account the provisions of Idaho Code Section 63-602KK.

#### **504.3 Ten Percent Limitation**

Under the Act, the base assessed valuation for all revenue allocation areas cannot exceed gross/net ten percent (10%) of the current assessed valuation for the entire City. According to the Fremont County Assessor, the base assessment roll for the Project Area as of January 1, 2013, less homeowner's exemptions, is \$739,621.00. The total assessed value for the City as of January 1, 2012, less homeowner's exemptions, is \$33,828,250.00.<sup>2</sup> Therefore, the 10% limit is \$3,382,825.00. The estimated adjusted base value for the existing Highway 20 and Main Street Project Area, approved in 1996, is \$8,163.00. The estimated adjusted base value for the property within the proposed amendment to the Highway 20 and Main Street Project Area as of January 1, 2013, less homeowner's exemptions, is \$406,905.00. The base values for the combined revenue allocation areas total \$1,154,689.00, which is less than 10% of the City's 2012 value.

#### **504.4 Financial Limitation**

The Study identifies several capital improvement projects. Use of any particular financing source for any particular purpose is not assured or identified. Use of the funding source shall be conditioned on any limiting authority. 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 proposed revenue allocation notes and bonds, annual revenue allocations, developer contributions, city contributions, and other funds are shown. This Study identifies the kind, number, and location of all proposed public works or improvements, a detailed list of estimated project costs, a description of the methods of financing illustrating project costs, and the time when relate costs or monetary obligations are to be incurred. See Idaho Code § 50-2905. Based on these funding sources, the conclusion is that the project is feasible.

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<sup>2</sup> The 2013 total assessed values for the City are \$31,935,823. The revised 10% limit is \$3,193,582. The base values remain less than 10% of the City's 2013 value.



The information contained in the Study assumes certain projected actions. First, the Agency has projected several note issues through a bank loan, developer contributions, and the advance from the Agency's other revenue allocation area. Under the provisions of the Act, the revenue allocation may continue until the end of the Plan term. Second, the total amount of indebtedness and the amount of revenue generated by revenue allocation is dependent upon the extent and timing of private development. Should the development take place as projected, indebtedness would be extinguished earlier, dependent upon the note documents and legal obligations therein. 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 bonds may continue for their full term.

The proposed timing for the public improvements may very well have to be modified depending upon the availability of some of the funds and the Agency's ability to sell an initial issue of notes or bonds.

Attachment 5B lists those public improvements which Agency intends to construct through the term of the Plan. The costs of improvements are estimates only. Final costs will be determined by way of construction contract public bidding or by an agreement between the developer/owner and Agency.

The listing of public improvements does not commit the Agency to any particular improvement, any particular cost, or any particular order of construction. The Agency reserves its discretion and flexibility in deciding which improvements are more critical for redevelopment, and the Agency intends to coordinate its public improvements with associated development by private developers/owners. 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 5B first, in conjunction with industrial private development generating the increment as identified in Attachment 5A.

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.

#### **504.5 [Reserved]**

#### **504.6 Participation with Local Improvement Districts**

Under the Idaho Local Improvement District Code, Chapter 17, Title 50, Idaho Code, the City has the authority to establish local improvement districts for various public facilities, including, but not limited to, streets, curbs, gutters, sidewalks, storm drains, landscaping, and other like facilities. To the extent allowed by the Law and the Act, the Agency reserves the

authority 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.

#### **504.7 Issuance of Debt and Debt Limitation**

Any debt incurred by the Agency as allowed by the Law and Act shall be secured by revenues identified in the debt resolution or revenue allocation funds as allowed by the Act. All such debt shall be repaid within the duration of this Plan.

#### **504.8 Impact on Other Taxing Districts and Levy Rate**

A specific delineation of tax dollars generated by revenue allocation upon each taxing district has not been prepared. The overall impact of the revenue allocation project is shown in the Study. Pursuant to Idaho Code, Section 63-802, taxing entities are constrained in establishing levy rates by a function of the amount each budget of each taxing district can increase on an annual basis. The amounts set forth in the Study would constitute the amounts distributed to other taxing entities from the Revenue Allocation Area if there were no urban renewal project. Each individual district's share of that amount would be determined by its particular levy rate as compared to the other districts in any given year. Therefore, the impact of revenue allocation is more of a product of the imposition of Section 63-802. In addition, without the revenue allocation district and its ability to pay for public improvements and public facilities, fewer substantial improvements within the Revenue Allocation Area would be expected in the next five to ten years, hence there would be lower increases in assessed valuation to be used by the taxing entities.

If the overall levy rate is less than assumed, the Agency will receive fewer funds from revenue allocation. 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 state code. The increment value is the difference between the base assessed value and current assessed value in any given year while the property is in a revenue allocation area. Under Section § 63-802, Idaho Code, taxing entities are constrained in establishing levy rates by the amount each budget of each taxing district can increase on an annual basis. Taxing entities submit proposed budgets to the County Board of Commissioners, which budgets are required to comply with the limitations set forth in Section 63-802, Idaho Code.

The County Board of Commissioners calculates the levy rate required to produce the proposed budget amount for each taxing entity using the assessed values which are subject to each taxing entity's levy rate. Assessed values in urban renewal districts which are subject to revenue allocation (incremental values) are not included in this calculation. The combined levy rate for the taxing entities is applied to the incremental property values in a revenue allocation area to determine the amount of property tax revenue which is allocated to an urban renewal agency. The property taxes generated by the property values in the urban renewal districts that are not subject to revenue allocation 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.

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 in the next five to ten years; hence, there would be lower increases in assessed valuation to be used by the other taxing entities. If the overall levy rate is less than as assumed, the Agency shall receive fewer funds from revenue allocation.

One result of Section 63-802, Idaho Code and Section 63-301A, Idaho Code is the likely reduction of the levy rate as assessed values increase for property within each taxing entity's jurisdiction. If the overall levy rate is less than as assumed, the Agency shall receive fewer funds from revenue allocation. Section 63-301A, Idaho Code, 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 will no longer be available for inclusion by the taxing entities to increase their budgets. Less tax revenue will be available to those taxing entities. Upon termination of this Plan, the taxing entities will be able to include the accumulated new construction roll value in setting the following year's budget and revenue from such value is not limited to the three percent increase allowed in Section 63-802(1)(a).

Generally, the impact on the taxing entities would be to determine the Agency's projected revenue and disburse those funds in the same ratio as the respective levy rates in the Revenue Allocation Area of each taxing district. For Tax Year 2013, those districts and rates are as follows:

Taxing Districts Levy Rates:

Fremont County	0.004268871
City of Ashton	0.009058333
School District No. 215 (Tort)	0.000031435
Fremont County Ambulance	0.000173431
Cemetery No.1 North Fremont	0.000177351
North Fremont Fire	0.000498281
North Fremont Hospital	0.000225991
Fremont Library	0.000296155
TOTAL LEVY <sup>3</sup>	0.014729848

As noted above, Section 63-802, Idaho Code, may have the effect of reducing the levy rate as assessed values increase for property within each taxing entity's jurisdiction; however, it is unclear how Section 63-602KK may impact the levy rate. The Study has made certain assumptions concerning the levy rate. The levy rate is estimated to stay level for the life of the revenue allocation area. The annual increment value is expected to increase by approximately 1% a year with larger increases expected in years 2015 and 2023 due to probable commercial

<sup>3</sup> Net of School District and City bond levy rates.

developments. If the overall levy rate is less than projected, the Agency shall receive fewer funds from revenue allocation.

The 2008 Idaho Legislature passed and Governor Otter signed House Bill 470 as amended in the Idaho Senate, which bill became effective retroactive to January 1, 2008 (Session Laws, Chapter 253). The bill amended Idaho Code Sections 50-2908, 63-803, and 63-811. In brief, the bill provided that an urban renewal agency shall not be 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 held after January 1, 2008, 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. Additionally, as this Plan has been adopted after January 1, 2008, any voter approved levy adopted prior to January 1, 2008, will not be available for use by the Agency. The Study which is attached as Attachment 5A has taken this statute into account. The levy rates for School District No. 215 Tort and the City shown above are the aggregate levy rates for the school district and City as of 2012 less voter approved levies. The Study has assumed the impact of House Bill 470.

#### **505 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 developer contributions and City participation. Agency participation shall be determined by the amount of revenue allocation funds generated.

#### **506 Lease Revenue, Parking Revenue, and Bonds**

Under the Law, 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 may not be 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 Section 50-2905(7) as those resources involve funds not related to revenue allocation funds.



## 600 ACTIONS BY THE CITY

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

- a. Institution and completion of proceedings necessary for changes and improvements in private and publicly owned public utilities within or affecting the Project Area.
- b. Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan.
- c. Imposition wherever necessary of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
- d. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency may develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.
- e. Building Code enforcement.
- f. Performance of the above actions and of all other functions and services relating to public peace, health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
- g. Institutional and completion of proceedings necessary for the establishment of a local improvement district under Chapter 17, Title 50, Idaho Code.
- h. The undertaking and completing of any other proceedings necessary to carry out the Project.
- i. Administration of Idaho 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. Imposition, whenever necessary of controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
- l. The waiver of any hookup or installation fee for sewer, water, or other utility services for any facility owned by any public agency, including any Agency facility.
- m. Joint funding of certain public improvements, including but not limited to improvements to sewer treatment facilities.
- n. Use of public entity labor, services, and materials for construction of the public improvements listed in this Plan.

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

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

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

### **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.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

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

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan, shall be effective for twenty (20) years from the effective date of the Plan subject to modifications and/or extensions set forth in Idaho Code § 50-2904. The revenue allocation authority will expire on December 31, 2033, except for any revenue allocation proceeds received in calendar year 2034.



This Plan shall terminate no later than December 31, 2033, except for revenues which may be received in 2034. Either on January 1, 2033, or if the Agency determines an earlier terminate date:

- 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 Section 50-2908, Idaho Code, 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 Section 50-2909, Idaho Code, 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 terminate 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 Section 50-2909(4), Idaho Code. In the event that the Agency determines that current tax year revenues are sufficient to cover all estimated expenses for the current year and all future years, by September 1, the Agency shall adopt a resolution advising and notifying the local governing body, the county auditor, and the State Tax Commission, recommending the adoption of an ordinance for termination of the Revenue Allocation Area by December 31 of the current year, and declaring a surplus to be distributed as described in Section 50-2909, Idaho Code, should a surplus be determined to exist. The Agency shall cause the ordinance to be filed with the office of the county recorder and the Idaho State Tax Commission as provided in Section 63-215, Idaho Code.

Upon termination of the revenue allocation authority of the Plan to the extent the Agency owns or possesses any assets, the Agency shall dispose of any remaining assets by granting or conveying or dedicating such assets to the City.

As allowed by Idaho Code Section 50-2905(7), the Agency may retain assets or revenues generated from such assets as loans; the Agency shall have resources other than revenue

allocation funds to operate and manage such assets. Similarly, facilities which provide a least 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.

Upon termination of the revenue allocation authority of the Plan, to the extent the Agency owns or possesses any assets, the Agency shall dispose of any remaining assets by granting or conveying or dedicating such assets to the City.

## **900 PROCEDURE FOR AMENDMENT**

The Plan may be further modified at any time by the Agency provided that, if modified after disposition of real property in the Project Area, the modifications must be consented to by the Developer or Developers or his successor or successors of such real property whose interest is substantially affected by the proposed modification. Where the proposed modification will substantially change the Plan, the modifications must be approved by the City Council in the same manner as the original Plan. Substantial changes for City Council approval purposes shall be regarded as revisions in project boundaries, land uses permitted, land acquisition, and other changes which will violate the objectives of this Plan.

## **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**

Under the, the Agency is required to file with the City, on or before March 31 of each year, a report of the Agency's activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such calendar year. This annual report shall be considered at a public meeting to report these findings and take comments from the public.

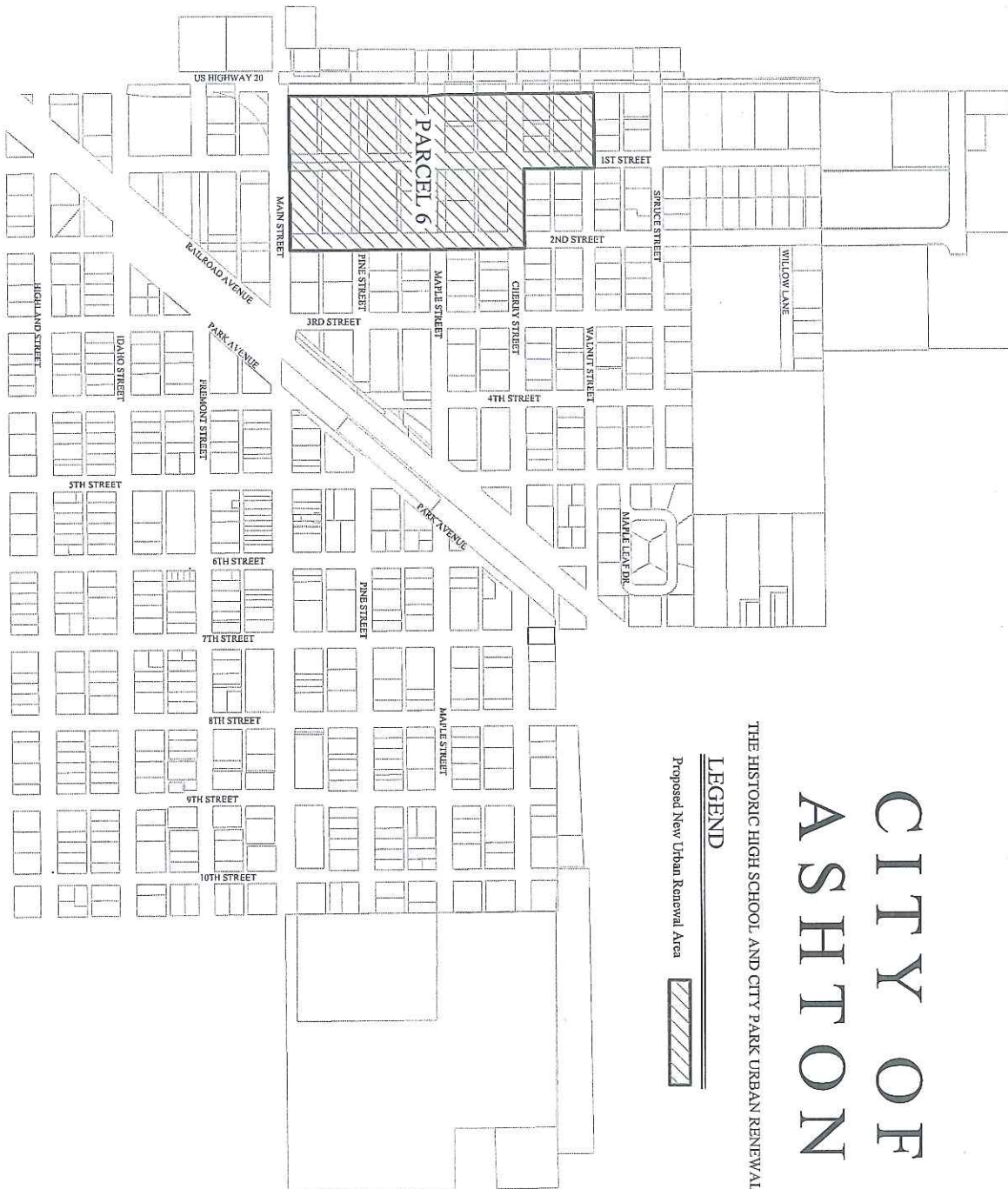
## **1101 APPENDICES, ATTACHMENTS, EXHIBITS, TABLES**

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



Attachment 1

Project Area and Revenue Allocation Area Boundary Map



# CITY OF ASHTON

THE HISTORIC HIGH SCHOOL AND CITY PARK URBAN RENEWAL AREA

## LEGEND

Proposed New Urban Renewal Area





## Attachment 2

### Description of Project Area and Revenue Allocation Area

An area consisting of approximately 22.22 acres within the City generally bounded by portions of Highway 20 on the west, 1<sup>st</sup> Street and 2<sup>nd</sup> Street on the east, Walnut Street and Cherry Street on the north and Main Street on the south, and as more particularly described as follows:



Job No. 13118  
8-27-2013  
T.R.M.

**LEGAL DESCRIPTION**  
**FOR**  
**CITY OF ASHTON**  
(PROPOSED NEW URBAN RENEWAL AREA, PARCEL EAST OF HIGHWAY 20  
AND NORTH OF MAIN ST. - PARCEL NO. 6)

Beginning at the Southwest corner of Block 33, Original Townsite of Ashton, Fremont County, Idaho and running thence S.89°37'52"W. 598.32 along the north right-of-way line of Main Street to a point of curve; thence 222.73 feet along said curve to the right, Curve Data: Delta = 89°52'15", Radius = 142.00 feet, Chord bearing = N.45°26'00"W. 200.59 feet to the east right-of-way line of U.S. Highway No. 20, Federal Aid Project No. F-6471(2); thence N.00°30'06"W. 1348.57 feet along said east right-of-way line to the north right-of-way line of Walnut Street; thence N.89°37'22"E. 362.96 feet along said north right-of-way line to the Southwest corner of Block 94, Original Townsite of Ashton; thence S.00°23'16"E. 350.00 feet along the east right-of-way line of First Street to the Southwest corner of Block 9, Original Townsite of Ashton; thence N.89°37'22"E. 380.00 feet along the north right-of-way line of Cherry Street to the Southwest corner of Block 8, Original Townsite of Ashton; thence S.00°23'16"E. 1140.35 feet along the east right-of-way line of Second Street to the point of beginning.

Parcel contains 22.22 acres.



### Attachment 3

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

1. Property is intended to be acquired that is necessary for the extension or expansion of certain rights-of-way. No other particular properties have been identified for acquisition by the Agency. The Agency does not intend to purchase property for future development by private persons.
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 for the development of public improvements and public facilities and/or to further remediation of environmental conditions that may exist on private property, such as an abandoned gas station.

## Attachment 4

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



## City of Ashton Comprehensive Plan Update 2008

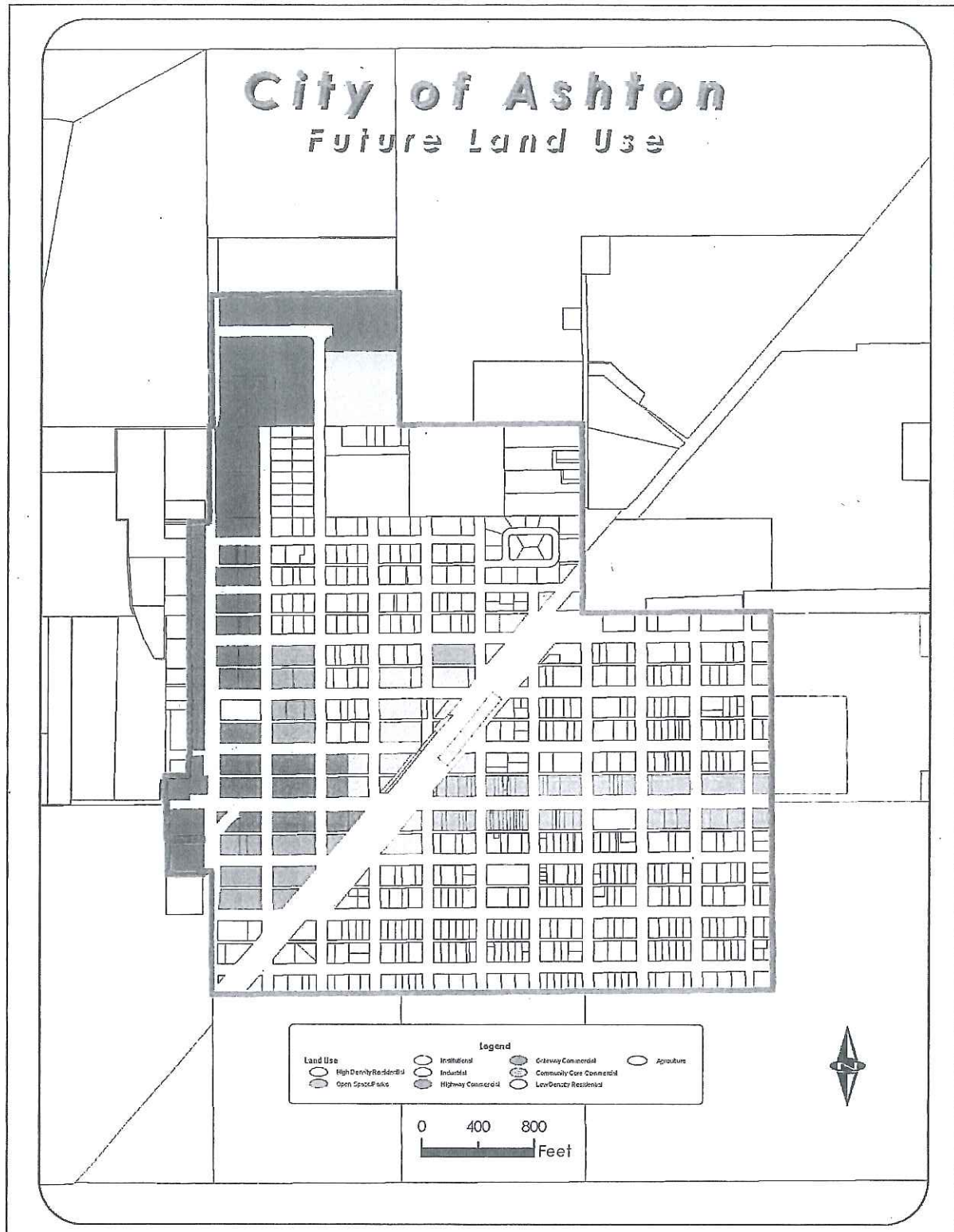
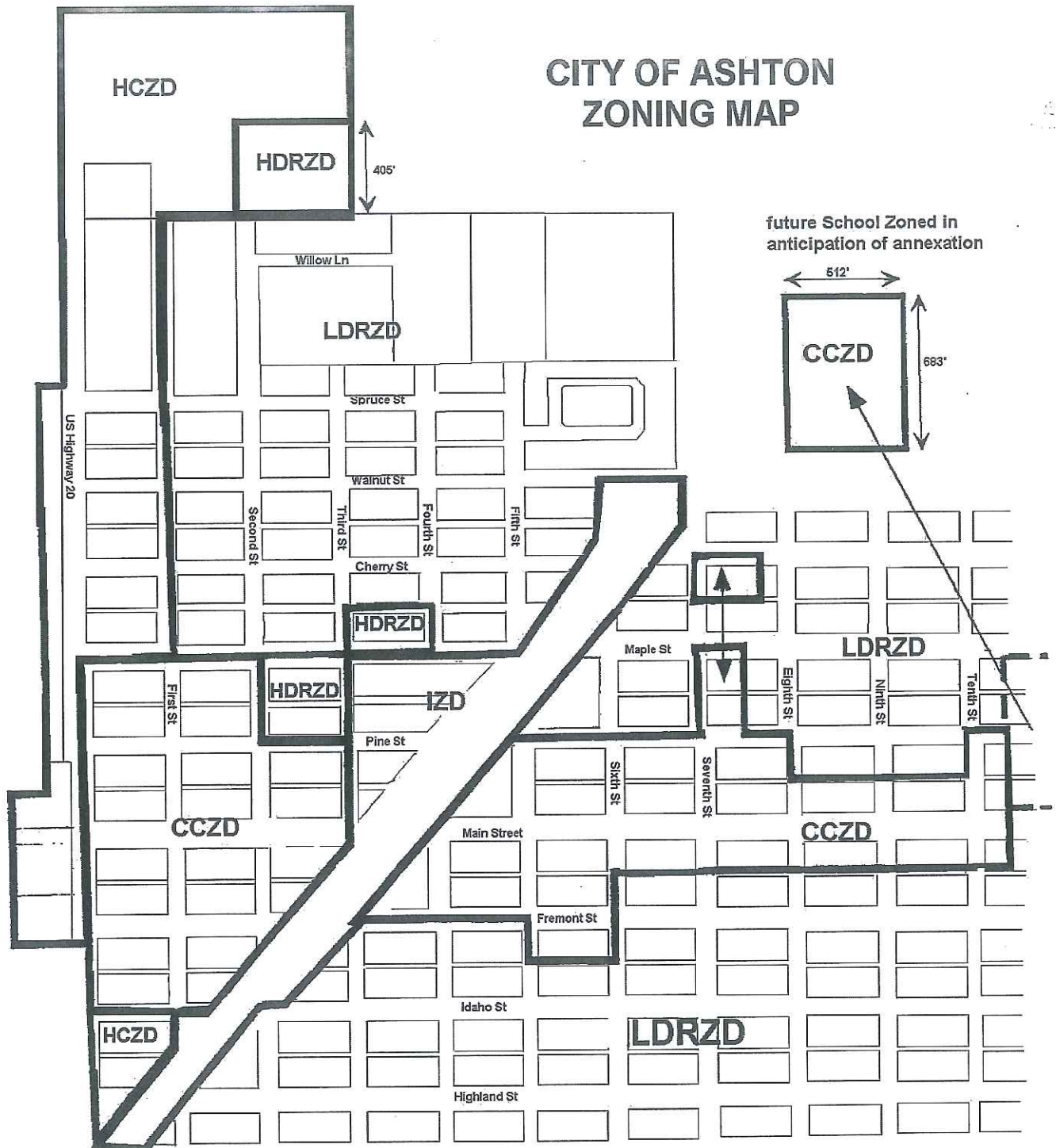


Figure 2.2 - Ashton Future Land Use Map



CCZD = Community Core Zoning District    HCZD = Highway Commercial Zoning District  
 IZD = Industrial Zoning District    HDRZD = Higher Density Residential Zoning District  
 LDRZD = Lower Density Residential Zoning District



## Attachment 5

### The Ashton Historical High School Urban Renewal Area

#### Statement of Proposed Public Improvements, Costs, Revenue, Tax Impacts, and Financing Methods

##### Introduction

Expenditure of funds for projects is anticipated through 2033.

Anticipated costs of the urban renewal project, revenue sources, estimated revenue allocations, and the amount of indebtedness required to complete the project are shown in Attachment 5. Attachment 5 necessarily incorporates estimates and projections based on the Agency's completed activities, present knowledge, and expectations. The Agency may modify the presently anticipated urban renewal projects and use of revenue allocation financing or the related project costs if the Board deems such modification necessary or convenient to effectuate the general objectives of the Plan. Any further modification will affect the estimate.

Attachment 5A depicts estimated assessments of the property value located in the Urban Renewal Area through 2033 and anticipated tax revenues allocated to the Urban Renewal Agency through the same period.

Attachment 5A also demonstrates the overall estimated impact of revenue allocation financing on all taxing districts in which the revenue allocation area is located. The impact on individual taxing districts would be determined by those districts' levies at the time of the establishment of the Urban Renewal Area and the projected addition of private investment within the Revenue Allocation Area. As set forth in this Plan, the taxing districts have independent authority concerning the setting of their levies.

The information contained in Attachment 5 assumes certain completed and projected actions. Under the provisions of the act, the revenue allocation shall continue until any obligation is satisfied. All debt is projected to be repaid no later than the duration period of the Plan. Second, the total amount of bonded indebtedness and the amount of revenue generated by revenue allocation is dependent upon the extent and timing of private development. Attachment 5B projects expenditures through the term of the Plan. If all of the planned development takes place as projected, bonded or other indebtedness could be extinguished earlier, dependent upon the bond sale documents or other legal obligations. If private investment takes longer to materialize, or should the private development be substantially less than projected, then the amount of revenue generated will be substantially reduced. In that instance certain public improvement projects may not be completed.

The Plan and attachments incorporate estimates and projections based on the Agency's present knowledge and expectations. The Agency may modify the project if the Board deems such modifications necessary to implement the Plan. The Plan proposes certain public improvements, including utility improvements, improvements to streetscapes, street improvement including storm drainage, assisting

in cleaning up of an existing LUST site, improvements to parks and recreation infrastructure including the potential construction of a recreation center, and other infrastructure cost, which will facilitate development in the Revenue Allocation Area.

### **Economic Feasibility Statement**

The attachments, with their various estimates and projections, constitute 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 proposed revenue allocation notes and bonds, annual revenue allocations, developer contributions, grant funds, in-kind services, and other public funds are shown. This attachment 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 cost, and the time when related costs or monetary obligations are to be incurred (See Idaho Code 50-2905). Based on these funding sources, the conclusion is that the project is feasible.

The proposed timing for the public improvements may very well have to be modified depending upon the availability of some of the funds and the agency's ability or desire to sell an initial issue of notes or bonds, including a developer note.

Attachment 5A, Estimated Net Taxable Value of Growth and New Private Development and Annual Revenue Allocation, projects estimated increases in assessed value resulting from natural increases in land valuation and new private development in the Revenue Allocation Area beginning in 2013, and illustrates how the project's new development would generate net revenue to the Agency.

Attachment 5B, Estimated Annual Revenues and Costs, shows the estimated sources and used of funds through 2033.

The analysis has assumed certain levy rates as a result of current statutory provisions and projections.

### **Description of Public Financing Sources**

Revenue Allocation-Revenue allocation financing (sometimes referred to as tax increment financing) applies the increase in property taxes within a defined area to public infrastructure improvements. The improvements are designed to enhance the private development potential, thus creating the additional assessed valuation. The process is initiated upon action of a municipality, whereupon the county assessor will establish the assessed valuation within the Revenue Allocation Area for a base year. The incremental revenue may be applied directly as it is received by the authorized redevelopment agency or, more commonly, applied as a long-term revenue stream for the issuance of bonds or other debt obligations. Once the Plan has been fully implemented and/or the bonds or debt obligations have been retired, the incremental revenue flows back to the appropriate taxing districts in the same proportion as the base revenue. Revenue Allocation has been available in Idaho since 1988 and is anticipated to be the major, and thus most essential, component for Plan financing.



Loans and Notes – The time delay from initiation of Plan implementation and the establishment of the base assessment role is problematic with Revenue Allocation. Several years may elapse before the incremental tax revenue stream can adequately demonstrate the strength necessary to issue bonds. Short term notes or loans issued by local lenders or others are a means of providing the bridge financing necessary to begin development work. Bond proceeds can then be used to “take out” the notes. The Agency may borrow other funds from other sources as needed and authorized under the Plan.

Local Improvement Districts (LIDs) – This financing mechanism is used to fund capital improvements and distribute the cost among a number of property owners. Cities, Counties, and highway districts often use LIDs for local street and sewer projects. A series of ordinances are adopted to create the district, approve the assessment roll, and issue construction warrants and long-term bonds. The tax-exempt bonds are issued through bid or negotiated sale with revenue collection tied to the property tax system. Bond terms are usually ten years.

SBA 504 Program – This program uses the public sale of reduced interest debentures to write-down commercial loans for commercial and limited industrial projects.

Community Reinvestment - Local lenders are making funds available at below-market interest rates in order to meet their Community Reinvestment Act obligations.

Community Development Block Grant (CDBG) – The City may choose to submit an application from time to time for Idaho Community Development Block Grant funding in order to achieve the objectives set forth in this plan. A block grant application must meet certain eligibility requirements, and is constrained to a specific list of eligible activities. However, Community Development Block Grant funding may be some assistance in completing portions of the Agency’s funding objectives.

Developer Advances – Developer Advances may be a desirable approach to initiate development projects given the delayed flow of revenue under tax increment financing. The terms of the advance are negotiable on a project-by-project basis, but possible uses include; master planning, project administration, necessary legal work, and even preliminary public infrastructure work.

City or Agency Advances – A city or agency may provide advances or contributions for certain public improvements from another existing project area.

Conduit Financing – The Agency reserves the right to participate as a conduit financing vehicle for those projects described in the Plan, using lease or revenue proceeds, rather than revenue allocation proceeds.

Brownfield Loans/Grants - The City may choose to pursue a brownfield grant to assist a private property owner or municipality clean up a contaminated site located within an Urban Renewal Area.

### **Financing Conclusion**

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.



Attachment 5A  
Ashton Historic High School Urban Renewal Area  
Estimated Net Taxable Value of Growth and New Private Development  
and  
Annual Revenue Allocation

Year	Annual Increment Value	Tax Levy Rate	Agency Revenue
2013	\$ -	0.014729848	\$ -
2014	7,396.21	0.014729848	108.95
2015	7,470.17	0.014729848	110.03
2016	6,007,544.87	0.014729848	88,490.22
2017	6,067,620.32	0.014729848	89,375.13
2018	6,128,296.53	0.014729848	90,268.88
2019	6,189,579.49	0.014729848	91,171.57
2020	7,751,475.29	0.014729848	114,178.05
2021	7,828,990.04	0.014729848	115,319.83
2022	7,907,279.94	0.014729848	116,473.03
2023	7,986,352.74	0.014729848	117,637.76
2024	8,066,216.27	0.014729848	118,814.14
2025	8,146,878.43	0.014729848	120,002.28
2026	8,228,347.21	0.014729848	121,202.30
2027	8,310,630.69	0.014729848	122,414.33
2028	8,393,736.99	0.014729848	123,638.47
2029	8,477,674.36	0.014729848	124,874.85
2030	8,562,451.11	0.014729848	126,123.60
2031	8,648,075.62	0.014729848	127,384.84
2032	8,734,556.37	0.014729848	128,658.69
2033	8,821,901.94	0.014729848	129,945.27

1. The 2013 Base of the new Historic High School Area at formation is \$739,621.00. We are assuming a 1% growth in valuation for planning purposes.
2. We are assuming a \$7,500,000.00 in increased value of potential Retail and Commercial projects over the life of the Urban Renewal Projects.
3. We are assuming the Levy Rate will be held constant over the life of the project.

Ashton Historic High School Urban Renewal Area  
Projected Revenue and Expenses - FY 2013 - 2033

Fiscal Year Ending	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Beginning Balance	\$0	\$0	\$109	(\$24,781)	\$9,159	\$13,534	\$8,802	\$8,974	\$16,152	\$14,472
Sources of Funds:										
Revenue Allocation	\$0	\$109	\$110	\$88,940	\$89,375	\$90,268	\$91,172	\$114,178	\$115,320	\$116,473
City Funding	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ACHD	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
URA Loan	\$0	\$150,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Available	\$0	\$150,109	\$219	\$64,159	\$98,534	\$103,802	\$99,974	\$123,152	\$131,472	\$130,945
Uses of Funds:										
Public Infrastructure	\$0	\$145,000	\$0	\$30,000	\$50,000	\$0	\$0	\$0	\$50,000	\$0
Parks/Rec. Center	\$0	\$0	\$0	\$0	\$0	\$70,000	\$60,000	\$80,000	\$40,000	\$90,000
Streetscape/Lights	\$0	\$0	\$0	\$0	\$0	\$0	\$4,000	\$0	\$0	\$0
Streets	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Water/Sewer	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Reimburse URA Loans	\$0	\$0	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
Admin. Prof. Services	\$0	\$5,000	\$5,000	\$5,000	\$15,000	\$5,000	\$7,000	\$7,000	\$7,000	\$7,000
Miscellaneous	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Use of Funds	\$0	\$150,000	\$25,000	\$55,000	\$85,000	\$95,000	\$91,000	\$107,000	\$117,000	\$117,000
End Balance	\$0	\$109	(\$24,781)	\$9,159	\$13,534	\$8,802	\$8,974	\$16,152	\$14,472	\$13,945



Ashton Historic High School Urban Renewal Area  
Projected Revenue and Expenses - FY 2013 - 2033

2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
\$13,945	\$49,582	\$38,415	\$48,418	\$34,620	\$36,034	\$4,673	\$10,548	\$6,671	\$44,056	\$32,715
\$117,638	\$118,833	\$120,002	\$121,202	\$122,414	\$123,638	\$124,875	\$126,124	\$127,385	\$128,659	\$129,945
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$131,582	\$168,415	\$158,418	\$169,620	\$157,034	\$159,673	\$129,548	\$136,671	\$134,056	\$172,715	\$162,660
\$0	\$0	\$100,000	\$125,000	\$111,000	\$145,000	\$109,000	\$120,000	\$80,000	\$130,000	\$121,820
\$55,000	\$100,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$20,000	\$20,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$7,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$40,000
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$82,000	\$130,000	\$110,000	\$135,000	\$121,000	\$155,000	\$119,000	\$130,000	\$90,000	\$140,000	\$161,820
\$49,582	\$38,415	\$48,418	\$34,620	\$36,034	\$4,673	\$10,548	\$6,671	\$44,056	\$32,715	\$840