

**URBAN RENEWAL PLAN FOR THE  
ORCHARD DRIVE EAST URBAN RENEWAL PROJECT**

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

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## 100 INTRODUCTION

This is the Urban Renewal Plan (the “Plan”) for the Orchard Drive East Urban Renewal Project (the “Project”) in the city of Twin Falls (the “City”), state of Idaho. Attachments 1 through 6 attached hereto (collectively, the “Plan Attachments”) are incorporated herein and shall be considered a part of this Plan.

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

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

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

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

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

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

This Plan includes the above information with specificity.

The proposed development and redevelopment of the Project Area as described in this Plan conforms to the City of Twin Falls 2016 Comprehensive Plan, *Grow with Us* (the “Comprehensive Plan”), adopted by the Twin Falls City Council (the “City Council”) on November 7, 20216. The Agency intends to rely heavily on any applicable City design standards which may cover all or part of the Project Area.

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

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

**Further, a modification shall not be deemed to occur when: “[t]here is a plan amendment to support growth of an existing commercial or industrial project in an existing revenue allocation area, subject to the provisions of section 50-2905A, Idaho Code.” Idaho Code § 50-2903A(1)(a)(iv). The proposed development of the Project Area is commercial and industrial projects. Any adjustment to the list of improvements and/or revenue stream to support growth of the proposed commercial and industrial projects is not a modification under Idaho Code § 50-2903A.**

This Plan provides the Agency with powers, duties, and obligations to implement and further the program generally formulated in this Plan for the development, redevelopment, rehabilitation, and revitalization of the area within the boundaries of the Project Area. The Agency retains all powers allowed by the Law and Act. This Plan presents a process and a basic framework within which plan implementation, including contracts, agreements and ancillary documents will be presented and by which tools are provided to the Agency to fashion, develop,

and proceed with plan implementation. The Plan has balanced the need for flexibility over the twenty (20)-year timeframe of the Plan to implement the improvements identified in Attachment 5.1, with the need for specificity as required by Idaho Code § 50-2905. The Plan narrative addresses the required elements of a plan set forth in Idaho Code § 50-2905(1), (5), (7) and (8). Attachments 5.1-5.5, together with the Plan narrative, meet the specificity requirement for the required plan elements set forth in Idaho Code § 50-2905(2)-(6), recognizing that actual Agency expenditures are prioritized each fiscal year during the required annual budgeting process.

Allowed projects are those activities which comply with the Law and the Act and meet the overall objectives of this Plan. The public-private relationship is crucial in the successful development and redevelopment of the Project Area. Typically, the public will fund enhanced public improvements like utilities, streets, and sidewalks which, in turn, establish the necessary infrastructure to support adjacent private investment, which in this case includes industrial and commercial facilities.

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

- a. The installation and construction of public improvements, including a new collector street; improvements to existing roadways, including but not limited to improvements to Champlin Road and Orchard Drive; intersection improvements; installation of curbs, gutters and streetscapes, which for purposes of this Plan, the term “streetscapes” includes sidewalks, lighting, landscaping, benches, bike racks and similar amenities between the curb and right of way line; installation and/or improvements to fiber optic facilities; improvements to public utilities including water and sewer improvements, and fire protection systems; removal, burying, or relocation of overhead utilities; extension of electrical distribution lines and transformers; improvement of irrigation canals and drainage ditches and laterals; and improvement of storm drainage facilities;
- b. 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;
- c. The strengthening of the economic base of the Project Area and the community by the installation of needed public improvements to stimulate new private development providing employment and economic growth;
- d. The provision of adequate land for open space, street rights-of-way and pedestrian rights-of-way, including pathways;
- e. The reconstruction and improvement of street corridors to allow traffic flows to move through the Project Area along with the accompanying utility connections, through the Project Area;

- f. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- g. The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Project Area as a whole and benefiting the various taxing districts in which the urban renewal area is located;
- h. The 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 governed by its bylaws, as authorized by the Law and adopted by the Agency. Under the Law, the Agency is governed by the Idaho open meeting law; the Public Records Act; the Ethics in Government Act of 2015, Chapters 1, 2 and 4 of Title 74, Idaho Code; reporting requirements pursuant to Idaho Code §§ 67-450B, 67-1076, 50-2903A and 50-2913; and the competitive bidding requirements under Chapter 28, Title 67, Idaho Code, as well as other procurement or other public improvement delivery methods.

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

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

**102 Provisions Necessary to Meet State and Local Requirements: Conformance with Idaho Code Sections 50-2008 and 50-2906**

Idaho law requires that the City Council, by resolution, must determine a geographic area be a deteriorated area or a deteriorating area, or a combination thereof, and designate such area as appropriate for an urban renewal project prior to preparation of an urban renewal plan. A consultant was retained to study a proposed project area (the “Study Area”) and prepare an eligibility report (the “Report”). The Report was submitted to the Agency. The Agency accepted the Report by Agency Resolution No. 2022-01 on February 14, 2022, and thereafter submitted the Report to the City Council for their consideration.

The Study Area was deemed by the City Council to be a deteriorating area and/or a deteriorated area and therefore eligible for an urban renewal project by adoption of Resolution No. 2022-008 on March 14, 2022. With the adoption of Resolution No. 2022-008, the City Council directed the Agency to prepare an urban renewal plan.

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

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

The Plan was prepared and submitted to the Agency for its review and approval. The Agency approved the Plan by the adoption of Agency Resolution No. 2022-08 and submitted the Plan to the City Council with its recommendation for adoption.

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

Pursuant to the Law and Act, the City Council having published due notice thereof, a public hearing was held on this Plan. Notice of the hearing was duly published in the *Times News*, a newspaper having general circulation in the City. The City Council adopted this Plan on November, 14, 2022 by Ordinance No. 2022-024.

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

This Project Area includes an estimated 80 acres. The Project Area is generally located on the west side of N 3300 Road E/Champlin Road and north of E 3700 N/Orchard Drive East. All parcels were recently annexed into the city of Twin Falls city limits.

The Project Area, before it was annexed into the City, was zoned M-2 (Heavy Manufacturing), but its most recent use was for irrigated crop land. The City's Future Land Use Map in the City's Comprehensive Plan designates the Project Area as Industrial/Employment/Flex. The Project Area reflects an area in transition from historic agricultural use to commercial/industrial uses. The Project Area is located in an area that has seen significant industrial development in recent years and remains one of the few industrial areas in South Central Idaho with adequate public services available to support large-scale development. A significant impediment to development is the extent of infrastructure necessary to develop the Project Area as the public services currently available to the Project Area are consistent with historic agricultural usage of the parcels. Development potential within the Project Area is currently restricted due to defective or inadequate adjacent roadways, the lack of an internal street network, as well as lack of access to the municipal water and wastewater

systems, which creates fire flow and treatment issues. Extension of a water distribution system throughout the Project Area is necessary to support development. Likewise, the sewer system will also need to be extended throughout the Project Area. Power and gas system upgrades are also necessary, as well as improvements to the irrigation canal. The Project Area lacks the public infrastructure necessary to properly serve economic development as contemplated by the City's Comprehensive Plan.

The Plan proposes installation and improvements to public infrastructure and other publicly owned assets throughout the Project Area, as more specifically set forth in Attachment 5.1, creating the opportunity to support commercial and industrial economic development consistent with the City's Comprehensive Plan.

The Project Area is underdeveloped and/or vacant and is not being used to its highest and best use due to age or obsolescence, the predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness/obsolete platting, insanitary or unsafe conditions inadequate utility infrastructure needed for a larger development all resulting in the economic underdevelopment of the area and which conditions have substantially impaired or arrested the sound growth of the City.

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

It is unlikely that most individual developers will take on the prohibitive costs of constructing the necessary infrastructure in the Project Area without the ability of revenue allocation to help offset at least some of these costs. But for urban renewal and revenue allocation financing, the proposed public improvements to support revitalization and new industrial and commercial developments would not occur.

#### **104 Purpose of Activities**

Attachment 5.1 includes the public improvements lists identifying with specificity the proposed public improvements and projects contemplated in the Project Area, including the estimated costs of those improvements. Attachment 5.5 shows the estimated location of the proposed projects in the Project Area. The description of activities, public improvements, and the estimated costs of those items are intended to create an outside limit of the Agency's activity. Due to the inherent difficulty in projecting future levy rates, future taxable value, and the future costs of construction, the Agency reserves the right to:

- a. change funding amounts from one Project to another.
- b. to re-prioritize the projects lists described in this Plan and the Plan Attachments.

- c. Retain flexibility in funding the various activities in order to best meet the Plan and the needs of the Project Area.
- d. Retain flexibility in determining whether to use the Agency's funds or funds generated by other sources.
- e. Alter the location of proposed improvements set forth in Attachment 5.5 or as described in Attachment 5.1 to support development when it occurs. The information included in Attachment 5.5 presents a realistic development scenario and siting of improvements recognizing it is difficult to project with any certainty where the improvements will be sited until any future projects submit plans to the City for design review and permitting.

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

Throughout this Plan, there are references to Agency activities, Agency funding, and the development, and contribution of public improvements. Such references do not necessarily constitute a full, final, and formal commitment by the Agency but, rather, grant to the Agency the discretion to participate as stated subject to achieving the objectives of this Plan and provided such activity is deemed eligible under the Law and the Act. The activities listed in Attachments 5.1-5.5 will be determined or prioritized as the overall Project Area develops and through the annual budget setting process.

The activities listed in Attachments 5.1-5.5 are also prioritized by way of importance to the Agency by the amounts funded, and by year of funding, with earlier years reflecting the more important activities, achievement of higher objectives, long term goals, and commitments. As required by the Law and Act, the Agency will adopt more specific budgets annually. The projected timing of funding is primarily a function of market conditions and the availability of financial resources but is also strategic, considering the timing of private development partnership opportunities and the ability of certain strategic activities to stimulate development at given points in time within the planned 20-year period of the Plan and Project Area.

The Study (Attachments 5.1-5.5) has described a list of prioritized public improvements and other related activities with an estimated cost in 2022 dollars of approximately \$9,253,110.00. This amount does not take into account inflationary factors, such as increasing construction costs, which would increase that figure depending on when the owner, developer and/or Agency is able to develop, construct or initiate those activities. The Study has concluded the capacity of revenue allocation funds through the term of the Plan based on the assumed

development projects and assessed value increases will likely generate an estimated \$20,646,664.00 in revenue allocation proceeds if the Project Area is fully developed. The Agency reserves the discretion and flexibility to use revenue allocation proceeds in excess of the amounts predicted in the event higher increases in assessed values occur during the term of the Plan for the improvements and activities identified in the project lists. Additionally, the Agency reserves the discretion and flexibility to use other sources of funds unrelated to revenue allocation to assist in the funding of the improvements and activities identified in any of the project lists.

## **105 Open Land Criteria**

This Plan does not contemplate Agency acquisition of property within the Project Area. The Project Area includes open land requiring the area meet the conditions set forth in Idaho Code § 50-2008(d). These conditions include defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, and faulty lot layout, all of which are included in one form or another in the definitions of deteriorated area or deteriorating area set forth in Idaho Code §§ 50-2018(8), (9) and 50-2903(8). The issues listed only in Idaho Code § 50-2008(d)(4)(2) (the open land section) include economic disuse, unsuitable topography, and “the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.”

Open land areas qualify for Agency acquisition and development for primarily nonresidential uses if acquisition is necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives if any of the deteriorating area conditions set forth in Idaho Code §§ 50-2018(8), (9) and 50-2903(8) apply. But such areas also qualify if any of the issues listed only in Idaho Code § 50-2008(d)(4)(2) apply. The age or obsolescence of existing uses, a predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness/obsolete platting, insanitary or unsafe conditions and economic disuse are all conditions which delay or impair development of the open land areas and satisfy the open land conditions as more fully supported by the Orchard Drive East Urban Renewal District (Proposed) Eligibility Report, prepared by Kushlan | Associates, dated January 2022.

This Plan does not anticipate Agency acquisition of property within the Project Area. However, should the Agency determine the need to acquire property as further set forth in Attachment 3, then the open land areas qualify for Agency acquisition and development.

## **200 DESCRIPTION OF PROJECT AREA**

The boundaries of the Project Area and the Revenue Allocation Area are shown on the Boundary Map of Urban Renewal Project Area and Revenue Allocation Area, attached hereto as Attachment 1 and incorporated herein by reference, and are described in the Legal Description of Urban Renewal Project Area and Revenue Allocation Area, attached hereto as Attachment 2 and incorporated herein by reference. For purposes of boundary descriptions and use of proceeds for payment of improvements, the boundary shall be deemed to extend to the outer boundary of

rights-of-way or other natural boundary unless otherwise stated. The Project Area does not intend to include right-of-way that is currently within unincorporated Twin Falls County.

### **300 PROPOSED REDEVELOPMENT ACTIONS**

#### **301 General**

The Agency proposes to eliminate and prevent the spread of deteriorating conditions and deterioration in the Project Area by employing a strategy to improve and develop public and private lands, and to grow the economy in the Project Area. Implementation of the strategy includes, but is not limited to the following actions:

- a. The engineering, design, installation, construction, and/or reconstruction of storm water management infrastructure to support compliance with federal, state, and local regulations for storm water discharge and to support private development;
- b. The provision for participation by property owners and developers within the Project Area to achieve the economic development objectives of this Plan;
- c. The engineering, design, installation, construction, and/or reconstruction of streets and streetscapes, including but not limited to improvements to portions of N 3300 Road E/Champlin Road and E 3700 N/Orchard Drive East, and related pedestrian facilities, curb and gutter, intersection and rail crossing improvements, and traffic signals (if needed);
- d. The engineering, design, installation, construction, and/or reconstruction of utilities including but not limited to improvements and upgrades to the water distribution system, including extension of the water distribution system, water capacity improvements, water storage upgrades, wastewater system improvements and upgrades, including extension of the wastewater collection system, lift station, and improvements, and upgrades to power, gas, fiber optics, communications and other such facilities;
- e. Removal, burying, or relocation of overhead utilities; removal or relocation of underground utilities; extension of electrical distribution lines and transformers; improvement of irrigation canals and drainage ditches and laterals; undergrounding or piping of laterals; addition of fiber optic lines or other communication systems; public parking facilities, and other public improvements, including but not limited to, fire protection systems, roadways, curbs, gutters, and streetscapes, which for purposes of this Plan, the term streetscapes includes sidewalks, lighting, landscaping, benches, signage, way-finding, bike racks, and similar amenities between the curb and right-of-way line; and other public improvements, including public open spaces, that may be deemed appropriate by the Board;

- f. The acquisition of real property for public right-of-way improvements, pedestrian facilities, utility undergrounding and streetscape improvements to create development opportunities consistent with the Plan, including but not limited to future disposition to qualified developers and for qualified developments, including economic development;
- g. The disposition of real property through a competitive process in accordance with this Plan, Idaho law, including Idaho Code § 50-2011, and any disposition policies adopted by the Agency;
- h. The demolition or removal of certain buildings and/or improvements for public rights-of-way, pedestrian facilities, utility undergrounding and streetscape improvements to encourage and enhance transportation and mobility options, decrease underutilized parcels, to eliminate unhealthful, unsanitary, or unsafe conditions, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;
- i. The management of any property acquired by and under the ownership and control of the Agency;
- j. The development or redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- k. The construction and financial support of infrastructure necessary for the provision of improved transit and alternative transportation;
- l. The provision of financial and other assistance to encourage and attract business enterprise including but not limited to start-ups and microbusinesses, mid-sized companies and large-scale corporations and industries;
- m. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- n. The preparation and assembly of adequate sites for the development and construction of facilities for industrial, commercial, and governmental use;
- o. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- p. To the extent allowed by law, lend or invest federal funds to facilitate development and/or redevelopment;

- q. The environmental assessment and remediation of brownfield sites, or sites where environmental conditions detrimental to development and/or redevelopment exist;
- r. Other related improvements to those set forth above as further set forth in Attachments 5.1-5.5

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

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

Urban renewal activity is necessary in the Project Area to combat problems of physical deterioration or deteriorating conditions. As set forth in greater detail in Section 103, the Project Area has a history of stagnant growth and development compared to other areas of the City based on deteriorated or deteriorating conditions that have arrested or impaired growth in the Project Area primarily attributed to: age or obsolescence of existing uses, a predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness/obsolete platting, insanitary or unsafe conditions, economic disuse and inadequate utility infrastructure needed for a larger commercial and industrial developments. The Plan for the Project Area is a proposal to work in partnership with public and private entities to improve, develop, and grow the economy within the Project Area by the implementation of a strategy and program set forth in Section 301.

The provisions of this Plan are applicable to all public and private property in the Project Area. The provisions of the Plan shall be interpreted and applied as objectives and goals, recognizing the need for flexibility in interpretation and implementation, while at the same time not in any way abdicating the rights and privileges of the property owners which are vested in the present and future zoning classifications of the properties. All development under 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 public or private development, the Agency plays a key role in creating the necessary momentum to get and keep things going.
- b. Develop new commercial and industrial , as well as encourage economic development opportunities.
- c. Secure and improve certain public open space in critical areas.

- d. Initiate projects designed to increase workforce transportation and mobility options.

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

Land use in the Project Area will be modified to the extent that underutilized, underdeveloped, and vacant land and land now devoted to uses inconsistent with the future land uses of the area will be converted to commercial and industrial uses. In implementing the activities described in this Plan, the Agency shall give due consideration to the provision of adequate open space, park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of residents in the general vicinity of the site covered by the Plan, recognizing the primary commercial and industrial nature of the Project Area.

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

#### **303.1 Participation Agreements**

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

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

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

ordinances. 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 or constructed 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, as well as to all applicable codes and ordinances of the City.

**All owner participation agreements will address phasing issues, development timing, justification and eligibility of project costs, and achievement of the objectives of the Plan. The Agency shall retain its discretion in the funding level of its participation. Obligations under owner participation agreements shall terminate no later than the termination date of this Plan, December 31, 2042. The Agency shall retain its discretion to negotiate an earlier date to accomplish all obligations under any owner participation agreement.**

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

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

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

- a. Encouraging property owners to revitalize and/or remediate deteriorated areas or deteriorating areas of their parcels to accelerate development in the Project Area.
- b. Subject to the limitations of the Law and the Act, providing incentives to property owners to encourage utilization and expansion of existing permitted uses during the transition period to prevent a decline in the employment base and a proliferation of vacant and deteriorated parcels in the Project Area during the extended redevelopment of the Project Area.
- c. To accommodate improvements and expansions allowed by City regulations.
- d. Subject to the limitations of the Law and Act, providing incentives to improve nonconforming properties so they implement the design guidelines contained in

this Plan to the extent possible and to encourage an orderly transition from nonconforming to conforming uses through the term of the Plan.

- e. Provide for advance funding by the developer/owner participant of those certain public improvements related to or needed for the private development and related to the construction of certain public improvements. In that event, the Agency will agree as set out in the participation agreement to reimburse a portion of, or all of, the costs of public improvements identified in the participation agreement from the revenue allocation generated by the private development.

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

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

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

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

The Agency intends to cooperate to the extent allowable with the City and the Twin Falls County Highway District (or the Idaho Transportation Department), as the case may be, for the engineering, design, installation, construction, and/or reconstruction of public infrastructure improvements, including, but not limited to water, sewer, storm drainage, electrical, natural gas, telecommunication, or other similar systems and lines, streets, roads, curbs, gutters, sidewalks, walkways, parking facilities and unoccupied auxiliary structures. The Agency shall also cooperate with the City and the Twin Falls County Highway District (or the Idaho Transportation Department) on various relocation, screening, or undergrounding projects and the providing of fiber optic capability. To the extent any public entity, including the City and/or the Twin Falls County Highway District, has funded certain improvements, the Agency may reimburse those entities for those expenses. The Agency also intends to cooperate and seek available assistance from state, federal and other sources for economic development.

In the event the Agency is participating in the public development by way of financial incentive or otherwise, the public body shall enter into a participation agreement with the

Agency and then shall be bound by the Plan and other land use elements and shall conform to those standards specified in Section 303.1 of this Plan.

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

### **305 Property Acquisition**

#### **305.1 Real Property**

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

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

In the event the Agency identifies certain property which should be acquired to develop certain public improvements intended to be constructed under the provisions of this Plan, the Agency shall coordinate such property acquisition with any other public entity (e.g., without limitation, the City, the state of Idaho, or any of its authorized agencies), including the assistance of the Agency of funds to acquire said property through a voluntary acquisition.

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

The Agency is authorized by this Plan and Idaho Code §§ 50-2010 and 50-2018(12) to acquire the properties identified in Attachment 3 hereto for the purposes set forth in this Plan. The Agency has identified its intent to acquire and/or participate in the development of certain public improvements, including, but not limited to streets, streetscapes, water and sewer improvements, irrigation canal improvements, and improvements to the power and gas systems. Further, the Agency may acquire real property to facilitate commercial and/or industrial development by assembling and disposing of developable parcels. The Agency's property acquisition will result in remediating deteriorating conditions in the Project Area by facilitating the development of community and industrial areas. The public improvements are intended to be dedicated to the City and/or other appropriate public entity, as the case may be, upon completion. The Agency reserves the right to determine which properties identified, if any, should be acquired. The open land areas qualify for Agency acquisition as further set forth in Section 105 of this Plan.

It is in the public interest and may be necessary, in order to eliminate the conditions requiring development and/or redevelopment and in order to execute this Plan, for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area for the public improvements identified in this Plan, which cannot be acquired by gift, devise, exchange, purchase, or any other lawful method.

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

### **305.2 Personal Property**

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

### **306 Property Management**

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

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

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

In the event the Agency's activities result in displacement, the Agency shall comply with, at a minimum, the standards set forth in the Law. The Agency shall also comply with all applicable state laws concerning relocation benefits and shall coordinate with the various local, state, or federal agencies concerning relocation assistance.

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

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

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

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

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

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

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

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

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

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

Leases, lease/purchases, deeds, contracts, agreements, and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, shall be recorded in the office of the Recorder of Twin Falls County, Idaho.

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

As required by law or as determined in the Agency's discretion to be in the best interest of the Agency and the public, the following requirements and obligations shall be included in the disposition and development agreement.

That the developers, their successors, and assigns agree:

- a. That a detailed scope and schedule for the proposed development shall be submitted to and agreed upon by the Agency.
- b. That the purchase or lease of the land and/or subterranean rights and/or air rights is for the purpose of redevelopment and not for speculation.
- c. That the building of improvements will be commenced and completed as jointly scheduled and determined by the Agency and the developer(s).
- d. That the site and construction plans will be submitted to the Agency for review as to conformity with the provisions and purposes of this Plan.
- e. All new construction shall have a minimum estimated life of no less than twenty (20) years.
- f. That rehabilitation of any existing structure must assure that the structure is safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition which will continue throughout an estimated useful life for a minimum of twenty (20) years.

- g. That the Agency receives adequate assurance acceptable to the Agency to ensure performance under the contract for sale.
- h. All such buildings or portions of the buildings which are to remain within the Project Area shall be reconstructed in conformity with all applicable codes and ordinances of the City.
- i. All disposition and development documents shall be governed by the provisions of Section 409 of this Plan.
- j. All other requirements and obligations as may be set forth in any participation policy established and/or amended by the Agency.

**The Agency also reserves the right to determine the extent of its participation based upon the achievements of the objectives of this Plan. Obligations under any disposition and development agreement and deed covenants, except for covenants which run with the land beyond the termination date of this Plan, shall terminate no later than December 31, 2042. The Agency shall retain its discretion to negotiate an earlier date to accomplish all obligations under any disposition and development agreement.**

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

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct public improvements within the Project Area for itself or for any public body or entity, which public improvements are or would be of benefit to the Project Area. Specifically, the Agency may pay for, install, or construct the public improvements authorized under Idaho Code §§ 50-2007, 50-2018(10) and (13), and 50-2903(9), (13), and (14), and as otherwise identified in Attachments 5.1-5.5, attached hereto and incorporated herein by reference, and may acquire or pay for the land required therefore.

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

### **310 Development Plans**

All development plans (whether public or private) prepared, pursuant to an owner participation or disposition and development agreement, shall be submitted to the Agency Board for review and approval. All development in the Project Area must conform to those standards specified in Section 409 and all applicable City ordinances.

### **311 [Reserved]**

**312 [Reserved]**

**313 Participation with Others**

Under the Law, the Agency has the authority to lend or invest funds obtained from the federal government for the purposes of the Law if allowable under federal laws or regulations. The federal funds that may be available to the Agency are governed by regulations promulgated by the Department of Housing and Urban Development for the Community Development Block Grant Program (“CDBG”), the Economic Development Administration, the Small Business Administration, or other federal agencies. In order to enhance such grants, the Agency’s use of revenue allocation funds is critical.

Under those regulations the Agency may participate with the private sector in the development and financing of those private projects that will attain certain federal objectives.

The Agency may, therefore, use the federal funds for the provision of assistance to private for-profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms to support, for any other activity necessary or appropriate to carry out an economic development project.

As allowed by law, the Agency may also use funds from any other sources for any purpose set forth under the Law or Act.

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

**314 Conforming Owners**

The Agency may, at the Agency’s sole and absolute discretion, determine that certain real property within the Project Area presently meets the requirements of this Plan, and the owner of such property will be permitted to remain as a conforming owner without a participation agreement with the Agency, provided such owner continues to operate, use, and maintain the real property within the requirements of this Plan.

**400 USES PERMITTED IN THE PROJECT AREA**

**401 Designated Land Uses**

The Agency intends to rely upon the overall land use designations and zoning classifications of the City, as may be amended, and as depicted on Attachment 4 and as set forth in the City’s Comprehensive Plan, including the future land use map and zoning classifications, as may be amended. For the most part, the Project Area includes a mix of uses including

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

**402 [Reserved]**

**403 Public Rights-of-Way**

The Project Area contains existing maintained public rights-of-way included within the boundaries, as shown on Attachment 1, including portions of N 3300 Road E/Champlin Road and E 3700 N/Orchard Drive East. Any new roadways, including new collectors to be engineered, designed, installed, and constructed in the interior of the Project Area, will be constructed in conjunction with any applicable policies and design standards of the City or Twin Falls County Highway District (and State and Federal standards, as the case may be) regarding dedicated rights-of-way. Additional public streets, alleys, and easements may be created in the Project Area as needed for proper development, and other potential roadways generally shown in Attachment 5.5, or described in Attachment 5.1.

Additional improvements to existing streets, alleys and easements may be created, improved, or extended in the Project Area as needed for development. Existing dirt roadways, streets, easements, and irrigation or drainage laterals or ditches may be abandoned, closed, vacated, expanded, or modified as necessary for proper development of the Project Area, in accordance with any applicable policies and standards of the Idaho Transportation Department, the City or the Twin Falls County Highway District regarding changes to dedicated rights-of-way, and appropriate irrigation or drainage districts regarding changes to laterals or ditches.

Any development, maintenance and future changes in the interior or exterior street layout shall be in accordance with the objectives of this Plan and the design standards of the City, Twin Falls County Highway District, or the Idaho Department of Transportation as may be applicable; and 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 Area by providing convenient and efficient vehicular access and movement.

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

#### **404 Interim Uses**

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses that are not in conformity with the uses permitted in this Plan. However, any interim use must comply with applicable City Code or Twin Falls County Code.

#### **405 Development in the Project Area Subject to the Plan**

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

#### **406 Construction Shall Comply with Applicable Federal, State, and Local Laws and Ordinances and Agency Development Standards**

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

In addition to 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 [Reserved]**

#### **408 Nonconforming Uses**

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

The Agency may authorize additions, alterations, repairs, or other improvements in the Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project Area where, in the determination of the Agency, such improvements would be compatible with surrounding Project uses and development.

All nonconforming uses shall also comply with the City codes and ordinances.

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

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

Under those agreements, the architectural, landscape, and site plans shall be submitted to the Agency and approved in writing by the Agency. In such agreements, the Agency may impose additional design controls. 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 owner participation agreement or disposition and development agreement. These controls are in addition to any standards and provisions of any applicable City building or zoning ordinances; provided, however, each and every development shall comply with all applicable City zoning and building ordinances.

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

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

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

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

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

## **502 Revenue Allocation Financing Provisions**

The Agency hereby adopts revenue allocation financing provisions as authorized by the Act, effective retroactively to January 1, 2022. These revenue allocation provisions shall apply to all taxing districts which are located in or overlap the Revenue Allocation Area shown and described on Attachments 1 and 2 to this Plan. The Agency shall take all actions necessary or convenient to implement these revenue allocation financing provisions. The Agency specifically finds that the equalized assessed valuation of property within the Revenue Allocation Area is likely to increase as a result of the initiation of the Project.

The Agency, acting by one or more resolutions adopted by its Board, is hereby authorized to apply all or any portion of the revenues allocated to the Agency pursuant to the Act to pay as costs are incurred (pay-as-you-go) or to pledge all or any portion of such revenues to the repayment of any moneys borrowed, indebtedness incurred, or notes or bonds issued by the Agency to finance or to refinance the Project Costs (as defined in Idaho Code § 50-2903(14)) of one or more urban renewal projects.

The Agency may consider a note or line of credit issued by a bank or lending institution premised upon revenue allocation funds generated by a substantial private development contemplated by the Study, as defined in Section 502.1, which would allow the Agency to more quickly fund the public improvements contemplated by this Plan. Likewise, a developer/owner advanced funding of certain eligible public infrastructure improvements to be reimbursed pursuant to an owner participation agreement could achieve the same purpose.

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

A statement listing proposed public improvements and facilities, a schedule of improvements, an economic feasibility study, estimated project costs, fiscal impact upon other taxing districts, and methods of financing project costs required by Idaho Code § 50-2905 is included in this Plan and in Attachments 5.1-5.5 to this Plan. This information necessarily incorporates estimates and projections based on the Agency's and consultants' present knowledge and expectations. The Agency is hereby authorized to adjust the presently anticipated urban renewal projects and use of revenue allocation financing of the related Project Costs if the Board deems such adjustment necessary or convenient to effectuate the general objectives of the Plan in order to account for revenue inconsistencies, market adjustments, future priorities and

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

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

The revenue allocation proceeds are hereby irrevocably pledged for the payment of the principal and interest on the advance of monies or making of loans or the incurring of any indebtedness such as bonds, notes, and other obligations (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part, including reimbursement to any owner/developer for the cost of eligible public improvements pursuant to an owner participation agreement.

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

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

### **502.1 Economic Feasibility Study**

Attachment 5.2 constitutes the Economic Feasibility Study for the Project Area as supported by Attachments 5.1, 5.3, 5.4 and 5.5 (collectively, the "Study"), prepared by Kushlan | Associates. The Study constitutes the financial analysis required by the Act and is based upon existing information from property owners, developers, the Agency, the City, and others.

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

The information contained in the Study assumes certain completed and projected actions. All debt is projected to be repaid no later than the duration period of the Plan. The total amount of indebtedness (and all other loans or indebtedness), developer reimbursement and the amount of revenue generated by revenue allocation are dependent upon the extent and timing of private development. Should all of the development take place as projected, the project indebtedness could be extinguished earlier, dependent upon other legal obligations. Should private development take longer to materialize, or should the private development be substantially less

than projected, then the amount of revenue generated will be substantially reduced and debt may continue for its full term.

The Plan and the Plan Attachments incorporate estimates and projections based on the Agency's and consultants' present knowledge and expectations. The Plan proposes certain public improvements as set forth in the Study, which will facilitate commercial and industrial development opportunities in the Revenue Allocation Area.

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

The project lists, or activities within the Study are prioritized by way of importance to the Agency, by feasibility based on estimated revenues to be received, amounts funded, and by timing of the proposed funding. The projected timing of funding is primarily a function of the availability of financial resources and market conditions but is also strategic, considering the timing of anticipated or projected private development partnership opportunities and the ability of certain strategic activities to stimulate development at a given point in time within the duration of the Plan and Project Area.

The assumptions concerning revenue allocation proceeds are based upon certain anticipated or projected new developments, assessed value increases, and assumed tax levy rates as more specifically set forth in the Study. In projecting new construction, the Study considered parcels identified as expected to develop over the life of the Project Area, communications with potential developers and City staff, and historical market absorption rates for commercial and industrial improvements. Based on a review of past general inflationary increases, the Study assumes land values will inflate at a rate of 6% per year for five (5) years and then will inflate at 3% per year for the duration of the Project Area. Improvement values are estimated to inflate at a rate of 8% per year for five (5) years and then will inflate at 4% per year for the duration of the Project Area. As anticipated development is focused on commercial and industrial development it is assumed none of the parcels will qualify for a homeowner's property tax exemption. Based on representations from the developer, total new taxable development investment is estimated at \$111,830,700, with significant projects receiving certificate of occupancy in years 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030.

The types of new construction expected in the Project Area are: industrial and commercial facilities. The Project Area has potential for a significant increase in commercial and industrial growth due to the location of the Project Area. However, without a method to construct

the identified public improvements such as main water and sewer lines, street infrastructure (internal and improvements to existing rights-of-way), and pedestrian amenities, development is unlikely to occur in much of the Project Area.

The financial analysis set forth in the Study has taken into account and excluded levies that do not flow to the Agency consistent with Idaho Code § 50-2908.

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

### **502.3 Ten Percent Limitation**

Under the Act, the base assessed valuation for all revenue allocation areas cannot exceed gross/net ten percent (10%) of the current assessed taxable value for the entire City. According to the Twin Falls County Assessor, the assessed taxable value for the City as of January 1, 2021<sup>1</sup>, less homeowners' exemptions, is \$4,653,143,739.00. Therefore, the 10% limit is \$465,314,373.00.

The adjusted base assessed value of each of the existing revenue allocation areas, together with the proposed Project Area, as of January 1, 2021, is as follows:

Area 4-1 (Old Towne)	\$23,760,191
Area 4-3 (Chobani)	\$1,069,508
Area 4-4 (ClifBar)	\$4,090,577
Washington Street South	\$24,710,081
Orchard Drive East	\$483,366 <sup>2</sup>
Total:	\$54,113,693

The adjusted base values for the combined revenue allocation areas total \$54,113,693, which is less than 10% of the City's 2021 taxable value.

### **502.4 Financial Limitation**

The Study identifies several capital improvement projects. Use of any particular funding source for any particular purpose is not assured or identified. Use of the funding source shall be conditioned on any limitations set forth in the Law, the Act, or by contract. If revenue allocation funds are unavailable, then the Agency will need to use a different funding source for that improvement.

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<sup>1</sup> Due to the timing of the assessment process and creation of this Plan, the 2021 values have been used to establish compliance with the 10% limitation. Using the 2021 values, the total adjusted base values of the existing revenue allocation areas combined with the value of this Project Area is 1.16% of the total taxable value of the City. Even assuming an increase in values for 2022, the combined adjusted base values of the revenue allocation areas would not exceed 10% of the current assessed taxable value for the entire City.

<sup>2</sup> Pursuant to House Bill 560 enacted during the 2020 Legislative Session, and effective as of July 1, 2020, this Plan assumes any increase in value on the agricultural parcels will be allocated to the increment value.

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, annual revenue allocations, developer contributions, city contributions, interfund loan, 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 related costs or monetary obligations are to be incurred.<sup>3</sup> Based on these funding sources, the conclusion is that the Project is feasible.

The Agency reserves the discretion and flexibility to use revenue allocation proceeds in excess of the amounts projected in the Study for the purpose of funding the identified projects and improvements. The projections in the Study are based on reasonable assumptions and existing market conditions. Further, the Agency reserves the discretion and flexibility to use other sources of funds unrelated to revenue allocation to assist in the funding of the improvements and activities identified, including but not limited to owner participation agreements and disposition and development agreements. The Agency may also re-prioritize projects in the project list pursuant to market conditions, project timing, funding availability, etc., as more specifically detailed in the annual budget.

The proposed timing for the public improvements may have to be adjusted depending upon the availability of some of the funds and the Agency's ability to finance any portion of the Project. **Any adjustment to Project timing or funding is technical or ministerial in nature and shall not be considered a modification of the Plan pursuant to Idaho Code § 50-2903A.**

The Study lists those public improvements the Agency intends to construct or fund through the term of the Plan. The costs of improvements are estimates only as it is impossible to know with any certainty what the costs of improvements will be in future years. There is general recognition that construction costs fluctuate and are impacted by future unknowns, such as, the cost of materials and laborers. Final costs will be determined by way of construction contract public bidding or by an agreement between the developer/owner and Agency. The listing of public improvements does not commit the Agency, City, or other public entity, to any particular level of funding; rather, identification of the activity in the Plan allows the Agency to negotiate the terms of any reimbursement with the developer and/or the public entities. This Plan does not financially bind or obligate the Agency to any project or property acquisition; rather, for purposes of determining the economic feasibility of the Plan certain projects and expenditures have been estimated and included in the analysis. Agency revenue and the ability to fund reimbursement of eligible Project Costs is more specifically detailed in any participation agreement and in the annual budget adopted by the Agency Board. The proposed location and

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<sup>3</sup> See Idaho Code § 50-2905.

siting of the proposed public infrastructure and other improvement projects in the Project Area are generally shown on Attachment 5.5 recognizing that the specific location of the projects will depend on the type and timing of development. The change in the location of the improvements shown on Attachment 5.5 does not constitute a modification to the Plan.

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

Generally, the Agency expects to develop those improvements identified in the Study first, in conjunction with private development within the Project Area generating the increment as identified in the Study.

The Plan has shown that the equalized valuation of the Revenue Allocation Area as defined in the Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

#### **502.5 [Reserved]**

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

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

#### **502.7 Issuance of Debt and Debt Limitation**

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

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

An estimate of the overall impact of the revenue allocation project on each taxing district is shown in the Study through the new development projections set forth in the Study.

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

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

In addition, without the Revenue Allocation Area and its ability to pay for public improvements and public facilities, fewer substantial improvements within the Revenue Allocation Area would be expected during the term of the Plan; hence, there would be lower increases in assessed valuation to be used by the other taxing entities.

One result of new construction occurring outside the revenue allocation area (Idaho Code §§ 63-802 and 63-301A) is the likely reduction of the levy rate as assessed values increase for property within each taxing entity's jurisdiction. From and after December 31, 2006, Idaho Code § 63-301A prohibits taxing entities from including, as part of the new construction roll, the increased value related to new construction within a revenue allocation area until the revenue allocation authority is terminated. Any new construction within the Project Area is not available for inclusion by the taxing entities to increase their budgets. Upon termination of this Plan or deannexation of area, the taxing entities will be able to include the accumulated new construction roll value in setting the following year's budget and revenue from such value is not limited to the three percent increase allowed in Idaho Code § 63-802(1)(a).

As the 2022 certified levy rates are not determined until late September or October 2022, the 2021 certified levy rates have been used as a base to support the assumptions in the Study for purposes of the analysis.<sup>4</sup> Those taxing districts and are as follows:

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<sup>4</sup> Due to the timing of the taxing districts' budget and levy setting process, certification of the 2022 levy rates did not occur until this Plan had been prepared and was in the process of being considered by the Agency. In order to

<u>Taxing Districts</u>	<u>Levy Rates:</u>
City of Twin Falls	.006245573
Twin Falls County	.003604221
Twin Falls School District #411 - Tort	.000020805
Twin Falls County Ambulance	.000148295
Twin Falls County Pest Abatement District	.000085067
College of Southern Idaho	.000924499
Twin Falls Highway District	.000942152
<b>TOTAL<sup>5</sup></b>	<b>.011970612</b>

House Bill 587, as amended in the Senate, effective July 1, 2020, amends Idaho Code Section 50-2908 altering the allocation of revenue allocation funds to the Agency from the Twin Falls County Highway District levy.<sup>6</sup> This amendment will apply to this Project Area and provides: “[i]n the case of a revenue allocation area first formed or expanded to include the property on or after July 1, 2020, all taxes levied by any highway district, unless the local governing body that created the revenue allocation area has responsibility for the maintenance of roads or highways” will be allocated to the applicable highway district, which in this case is the Twin Falls County Highway District.

It is generally understood the City has, or will have, responsibility for the maintenance of the roads or highways in and around the Project Area, and therefore, the revenues from the Twin Falls County Highway District levies will be allocated to the Agency, without need of a further agreement.

The Study has made certain assumptions concerning the levy rate. Due to statutory changes to Idaho Code § 63-802, imposing certain limitations on the taxing districts’ ability to increase their budgets and the anticipated termination of existing revenue allocation areas during the life of this Project Area, it is estimated the levy rate will decrease. For purposes of the Study, the estimated levy rate is reduced by 30% to .0008 and is estimated to stay level for the life of the revenue allocation area. If the overall levy rate is less than projected, or if expected development fails to occur as estimated, the Agency shall receive fewer funds from revenue allocation.

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

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provide a basis to analyze the impact on the taxing entities, the 2021 levy rates are used. Use of the 2021 levy rates provides a more accurate base than estimating the 2022 levy rates.

<sup>5</sup> Net of voter approved bonds and levies.

<sup>6</sup> Senate Bill 1107, as amended in the Senate, effective July 1, 2021, made a corresponding amendment to Idaho Code Section 40-1415(3) to address the responsibility for funding certain urban renewal projects.

taken this statute into account. This is also the reason there is no impact to Twin Falls School District #411 (tort levy only).

### **503 Phasing and Other Fund Sources**

The Agency anticipates funding by reimbursement the entire cost of the eligible public improvements identified in the Study. Other sources of funds shall include developer participation. It is important to note this Plan does not financially bind or obligate the City, Agency and/or any other public entity to any project or property acquisition. Agency and/or other public entity participation in any project shall be determined by the amount of revenue allocation funds generated and pursuant to the annual budgeting process.

In 2022, a developer interested in developing within the Project Area entered into a Memorandum of Understanding (“MOU”) with the Agency for the costs which the Agency would initially incur in retaining a consultant to review the Project Area and provide an eligibility report. The developer also agreed to initially fund the preparation of an urban renewal plan, should the Project Area be found to be eligible for an urban renewal district. These upfront funding contributions by the developer are considered eligible reimbursable expenses by the Agency. The Study contemplates the reimbursement of these upfront costs to the developer

### **504 Lease Revenue and Bonds**

Under the Law (Idaho Code § 50-2012), the Agency is authorized to issue revenue bonds to finance certain public improvements identified in the Plan. Under that type of financing, the public entity would pay the Agency a lease payment annually which provides certain funds to the Agency to retire the bond debt. Another variation of this type of financing is sometimes referred to as conduit financing, which provides a mechanism where the Agency uses its bonding authority for the Project, with the end user making payments to the Agency to retire the bond debt. These sources of revenues are not related to revenue allocation funds and are not particularly noted in the Study, because of the “pass through” aspects of the financing. Under the Act, the economic feasibility study focuses on the revenue allocation aspects of the Agency’s financial model.

These financing models typically are for a longer period of time than the 20-year period set forth in the Act. However, these financing models do not involve revenue allocation funds, but rather funds from the end users which provide a funding source for the Agency to continue to own and operate the facility beyond the term of the Plan as allowed by Idaho Code § 50-2905(8) as those resources involve funds not related to revenue allocation funds.

### **505 Membership Dues and Support of Community Economic Development**

The Act is premised upon economic development being a valid public purpose. To the extent allowed by the Law and the Act, the Agency reserves the authority to use revenue allocation funds to contract with non-profit and charitable organizations established for the purpose of supporting economic development and job creation. Additionally, the Agency reserves the authority to expend revenue allocation funds to join, participate and support non-

profit organizations established to support Agency best practices and administration. The line item of Operating Expenses within the Study shall be deemed to include expenditures for the purposes described in this section as may be deemed appropriate during the annual budgetary process.

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

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

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

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

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

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

### **700 ENFORCEMENT**

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

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

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan, shall be effective for twenty (20) years from the effective date of the Plan subject to modifications and/or extensions set forth in Idaho Code § 50-2904 and 50-2905(7). The revenue allocation authority will expire on December 31, 2042, except for any revenue allocation proceeds received in calendar year 2043, as contemplated by Idaho Code § 50-2905(7). The Agency may use proceeds in 2043 to complete the projects set forth herein. As stated in the Plan, any owner participation agreement or disposition and development agreement obligations will cease as of December 31, 2042.

Idaho Code § 50-2903(5) provides the Agency shall adopt a resolution of intent to terminate the revenue allocation area by September 1. In order to provide sufficient notice of termination to the affected taxing districts to allow them to benefit from the increased budget capacity, the Agency will use its best efforts to provide notice of its intent to terminate this Plan and its revenue allocation authority by May 1, 2043, or if the Agency determines an earlier terminate date, then by May 1 of the early termination year:

- a. When the Revenue Allocation Area plan budget estimates that all financial obligations have been provided for, the principal of and interest on such moneys, indebtedness, and bonds have been paid in full or when deposits in the special fund or funds created under this chapter are sufficient to pay such principal and interest as they come due, and to fund reserves, if any, or any other obligations of the Agency funded through revenue allocation proceeds shall be satisfied and the Agency has determined no additional project costs need be funded through revenue allocation financing, the allocation of revenues under Idaho Code § 50-2908 shall thereupon cease; any moneys in such fund or funds in excess of the amount necessary to pay such principal and interest shall be distributed to the affected taxing districts in which the Revenue Allocation Area is located by the

County Clerk in the same manner and proportion as the most recent distribution to the affected taxing districts of the taxes on the taxable property located within the Revenue Allocation Area; and the powers granted to the urban renewal agency under Idaho Code § 50-2909 shall thereupon terminate.

- b. In determining the termination date, the Plan shall recognize that the Agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the Plan.
- c. For the fiscal year that immediately predates the termination date, the Agency shall adopt and publish a budget specifically for the projected revenues and expenses of the Plan and make a determination as to whether the Revenue Allocation Area can be terminated before January 1 of the termination year pursuant to the terms of Idaho Code § 50-2909(4). In the event that the Agency determines that current tax year revenues are sufficient to cover all estimated expenses for the current year and all future years, by May 1, but in any event, no later than September 1, the Agency shall adopt a resolution advising and notifying the local governing body, the county auditor, and the State Tax Commission, recommending the adoption of an ordinance for termination of the Revenue Allocation Area by December 31 of the current year, and declaring a surplus to be distributed as described in Idaho Code § 50-2909 should a surplus be determined to exist. The Agency shall cause the ordinance to be filed with the office of the county recorder and the Idaho State Tax Commission as provided in Idaho Code § 63-215.

Upon termination of the revenue allocation authority of the Plan to the extent the Agency owns or possesses any assets, subject to the following paragraph, the Agency intends to dispose of any remaining assets by granting or conveying or dedicating such assets to the City, unless based on the nature of the asset, disposition to another public entity is more appropriate.

As allowed by Idaho Code § 50-2905(8), the Agency may retain assets or revenues generated from such assets as long as the Agency shall have resources other than revenue allocation funds to operate and manage such assets. Similarly, facilities which provide a lease income stream to the Agency for full retirement of the facility debt will allow the Agency to meet debt services obligations and provide for the continued operation and management of the facility. For those assets which do not provide such resources or revenues, the Agency will likely convey such assets to the City, depending on the nature of the asset.

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

Modification of this Plan results in a reset of the base value for the year immediately following the year in which the modification occurred to include the current year's equalized assessed value of the taxable property in the revenue allocation area, effectively eliminating the Agency's revenue stream as more fully set forth in Idaho Code § 50-2903A subject to certain limited exceptions contained therein, including the exception to allow an amendment to support growth of an existing commercial or industrial project. I.C. § 50-2903A(1)(a)(iv). As more

specifically identified above, the Agency's projections are based on estimated values, estimated levy rates, estimated future development, and estimated costs of future construction/improvements. Annual adjustments, as more specifically set forth in the Agency's annual budget, will be required to account for more/less estimated revenue and prioritization of projects. Any adjustments for these stated purposes are technical and ministerial and are not deemed a modification under Idaho Code § 50-2903A(1)(a)(i).

#### **1000 SEVERABILITY**

If any one or more of the provisions contained in this Plan to be performed on the part of the Agency shall be declared by any court of competent jurisdiction to be contrary to law, then such provision or provisions shall be null and void and shall be deemed separable from the remaining provisions in this Plan and shall in no way affect the validity of the other provisions of this Plan.

#### **1100 ANNUAL REPORT AND OTHER REPORTING REQUIREMENTS**

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

Additionally, the Agency must comply with certain other reporting requirements as set forth in the local government registry portal, Idaho Code §§ 67-1076 and 50-2006(5)(c), State of Idaho Controller's Office, and Idaho Code § 50-2913, the tax commission plan repository, and Idaho Code § 50-2903A, the tax commission's plan modification annual attestation. Failure to report the information requested under any of these statutes results in significant penalties, including loss of increment revenue, and the imposition of other compliance measures by the Twin Falls County Board of County Commissioners.

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

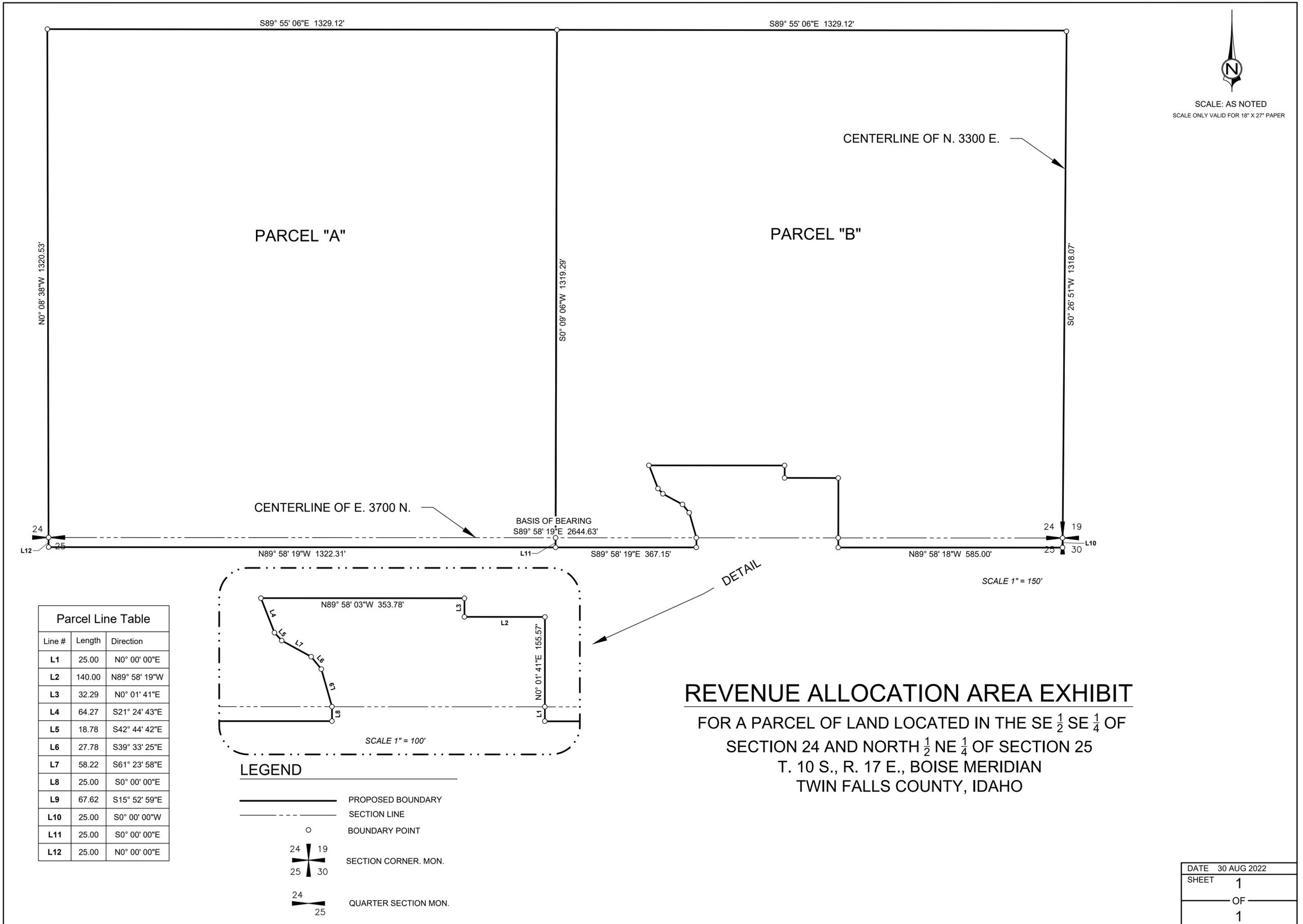
All attachments and tables referenced in this Plan are attached and incorporated herein by their reference. All other documents referenced in this Plan but not attached are incorporated by their reference as if set forth fully.

Attachment 1

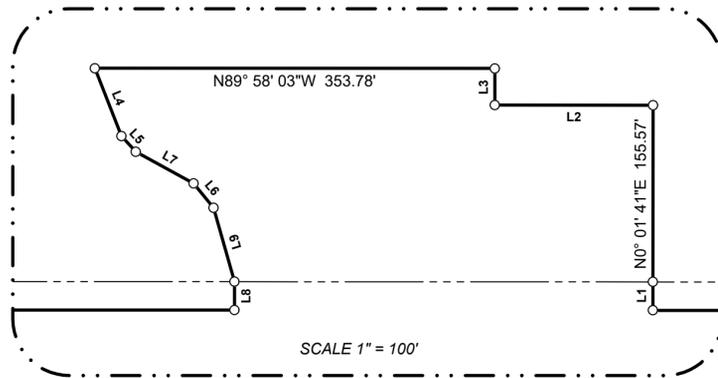
Boundary Map of Urban Renewal Project Area and Revenue Allocation Area



SCALE: AS NOTED  
SCALE ONLY VALID FOR 18" X 27" PAPER



Parcel Line Table		
Line #	Length	Direction
L1	25.00	N0° 00' 00"E
L2	140.00	N89° 58' 19"W
L3	32.29	N0° 01' 41"E
L4	64.27	S21° 24' 43"E
L5	18.78	S42° 44' 42"E
L6	27.78	S39° 33' 25"E
L7	58.22	S61° 23' 58"E
L8	25.00	S0° 00' 00"E
L9	67.62	S15° 52' 59"E
L10	25.00	S0° 00' 00"W
L11	25.00	S0° 00' 00"E
L12	25.00	N0° 00' 00"E



**LEGEND**

-  PROPOSED BOUNDARY
-  SECTION LINE
-  BOUNDARY POINT
-  SECTION CORNER MON.
-  QUARTER SECTION MON.

## REVENUE ALLOCATION AREA EXHIBIT

FOR A PARCEL OF LAND LOCATED IN THE SE  $\frac{1}{2}$  SE  $\frac{1}{4}$  OF SECTION 24 AND NORTH  $\frac{1}{2}$  NE  $\frac{1}{4}$  OF SECTION 25 T. 10 S., R. 17 E., BOISE MERIDIAN TWIN FALLS COUNTY, IDAHO

DATE	30 AUG 2022
SHEET	1
OF	1

Attachment 2

Legal Description of Urban Renewal Project Area and Revenue Allocation Area

## Parcel "A"

A parcel of land located in the SW1/4 SE1/4, Section 24 and the NW1/4 NE1/4, Section 25, T. 10 S., R. 17 E., Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

BEGINNING at the S1/4 Corner of said Section 24 which is a brass cap from which the SE Corner of said Section 24 which is a brass cap bears S 89°58'19" E, 2644.63 ft. the Basis of Bearing of this description, run thence N 00°08'38" W along the westerly boundary of said SW1/4 SE1/4 a distance of 1320.53 ft. to the NW Corner of the SW1/4 SE1/4 which is a ½" rebar;

Thence S 89°55'06" E along the northerly boundary of said SW1/4 SE1/4 a distance of 1329.12 ft. to the NE Corner of the SW1/4 SE1/4 which is a ½" rebar with a plastic cap;

Thence S 00°09'06" W along the easterly boundary of said SW1/4 SE1/4 a distance of 1319.29 ft. to the SE Corner of the SW1/4 SE1/4;

Thence South a distance of 25.00 ft. to a point on the southerly right-of-way of Orchard Drive East;

Thence N 89°58'19" W along said southerly right-of-way a distance of 1322.31 ft.;

Thence North a distance of 25.00 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 40.93 ACRES

## Parcel "B"

A parcel of land located in the SE1/4 SE1/4, Section 24 and the NE1/4 NE1/4, Section 25, T. 10 S., R. 17 E., Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

BEGINNING at the SE Corner of said Section 24 which is a brass cap from which the S1/4 Corner of said Section 24 which is a brass cap bears N 89°58'19" W, 2644.63 ft. the Basis of Bearing of this description, run thence South a distance of 25.00 ft. to a point on the southerly right-of-way of Orchard Drive East;

Thence N 89°58'18" W along said southerly right-of-way a distance of 585.00 ft.;

Thence North a distance of 25.00 ft. to a point on the southerly boundary of Section 24;

Thence N 00°01'41" E a distance of 155.57 ft. to a ½" rebar with a plastic cap;

Thence N 89°58'19" W a distance of 140.00 ft. to a ½" rebar with a plastic cap;

Thence N 00°01'41" E a distance of 32.29 ft. to a ½" rebar with a plastic cap;

Thence N 89°58'03" W a distance of 353.78 ft. to a ½" rebar with a plastic cap;

Thence S 21°24'43" E a distance of 64.27 ft. to a ½" rebar with a plastic cap;

Thence S 42°44'42" E a distance of 18.78 ft. to a ½" rebar with a plastic cap;

Thence S 61°23'58" E a distance of 58.22 ft.;

Thence S 39°33'25" E a distance of 27.78 ft. to a ½" rebar with a plastic cap;

Thence S 15°52'59" E a distance of 67.62 ft. to a ½" rebar with a plastic cap located at the southerly boundary of said Section 24;

Thence South a distance of 25.00 ft. to a point on said southerly right-of-way of Orchard Drive ;

Thence N 89°58'19" W along said southerly right-of-way a distance of 367.15 ft.;

Thence North 25.00 ft. to the SW Corner of said SE1/4 SE1/4 of Section 24;

Thence N 00°09'06" E along the westerly boundary of said SE1/4 SE1/4 a distance of 1319.29 ft. to the NW Corner of said SE1/4 SE1/4 which is a ½" rebar with a plastic cap;

Thence S 89°55'06" E along the northerly boundary of said SE1/4 SE1/4 a distance of 1329.12 ft. to the NE Corner of said SE1/4 SE1/4 which is a 5/8" rebar;

Thence S 00°26'51" W along the easterly boundary of said SE1/4 SE1/4 a distance of 1318.07 ft. to the POINT OF BEGINNING.

**PARCEL CONTAINS 38.94 ACRES**

## Attachment 3

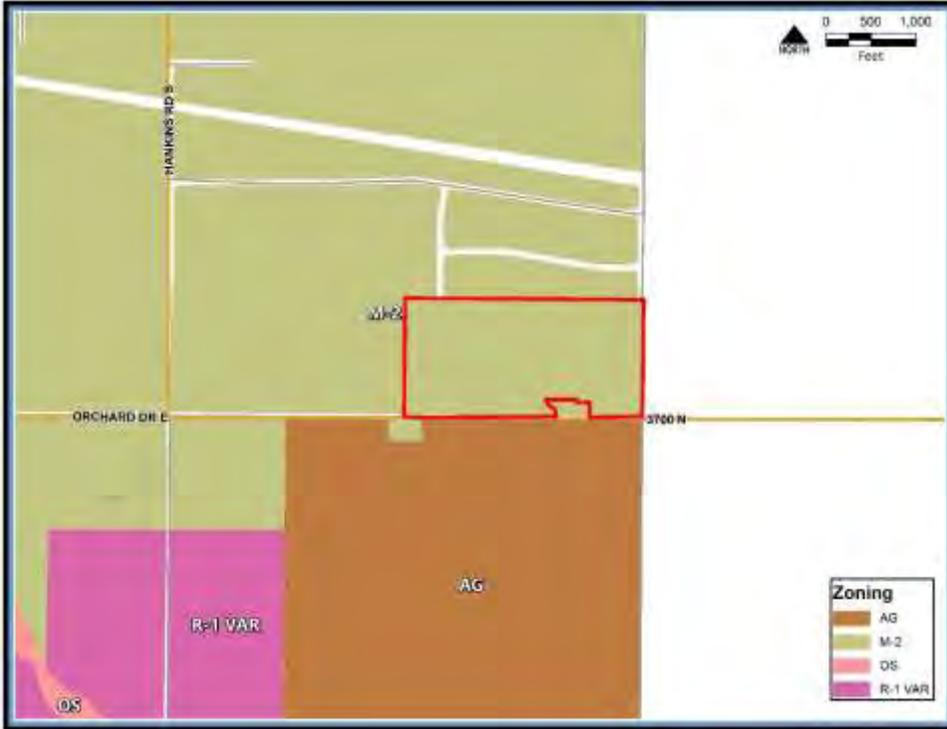
### Private Properties Which May Be Acquired by the Agency

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

**Attachment 4**

Maps Depicting Current Zoning Districts and Current Comprehensive Plan - Future Land Uses

Revenue Allocation Area and Project Area (boundary in Red)



Current Zoning:  
M2 – Heavy Manufacturing



Comprehensive Plan –  
Future Land Use Map  
Industrial

## Attachment 5

Economic Feasibility Study (including Attachments 5.1, 5.2, 5.3, 5.4 and 5.5)

## ATTACHMENT 5.1

### Public Improvements within the Revenue Allocation Area

This Attachment includes a projected list of proposed public works or improvements within the Orchard Drive East Revenue Allocation Area (the “Project Area”). The proposed improvements within the Project Area include improvements to streets, utilities, and other public rights-of-way amenities as well as improvements to a major irrigation facility critical to the area economy.

The Public Facility Development Projects and Costs list for the Project Area, set forth below, was compiled by the developer of the proposed industrial park and identifies needed investments to support private investment in capital facilities. Capital facilities generally have long useful lives and significant costs. The overall project and the infrastructure to support it are all consistent with the vision articulated in the City of Twin Falls Comprehensive Plan and as required in City development regulations. The cost estimates provided by the developer are based upon prices for similar construction in the area.

Estimated costs expected to be incurred in implementing the urban renewal plan are as follows:

#### **Public Facility Development Projects and Costs**

Public Utilities	
Water System Improvements	\$1,335,900
Sewer System Improvements	\$ 455,105
Street Improvements	\$3,602,005
Irrigation Canal Improvements	\$2,425,100
Electric power and Natural Gas system improvements	\$1,435,000
<b>Total Public Facility Development Costs</b>	<b>\$9,253,110</b>

The projects and estimated costs have been provided by the developer. The costs are estimated in 2022 dollars and are not inflated. Costs will likely vary from the costs detailed here, as they will be subject to inflation and further project refinement and timing. The cost estimates used in this analysis are considered estimates for the purpose of financial planning.

The Twin Falls Orchard Drive East Revenue Allocation Area is estimated to generate \$20,646,663 in tax increment revenue between 2022 and 2042<sup>1</sup> in addition to

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<sup>1</sup> As the Idaho property tax system provides for taxes being paid in arrears, revenue allocation proceeds will be received in FY2043. However, the final year of income has not been considered in determining the economic feasibility of the Orchard Drive East Project.

the initial \$75,000 loan from the Urban Renewal Agency of the City of Twin Falls (the “Agency” or “TFURA”) and/or the property owners/developers pursuant to the terms of a memorandum of understanding to activate the program.

The total from both sources is estimated to be \$20,721,663. There are presently \$9,253,110 of project costs identified in the Public Facility Development Project and Costs list for public improvement costs provided by the developer. It is generally understood the Public Facility Development Projects will be advance funded by the owner/developer, which eligible costs as determined by the Agency would then be reimbursed through an owner participation agreement (OPA), or other similar agreement, from resources derived from the Project Area.

Administrative costs over the 20-year life of the district are estimated at \$1,290,396 or approximately 6.25% of total estimated revenue. The initial advance funding to support startup costs is assumed to be repaid at 5% interest for a total obligation of \$112,500.

The total estimated expenditures equal \$20,307,279, leaving a \$414,384 positive program balance of at the end of the 20-year term. See attached cash flow analysis for detailed estimates.

The Urban Renewal Plan for the Orchard Drive East Urban Renewal Project (the “Plan”) provides for the Plan and Project Area to extend through its maximum term of 20 years.

### Project Funding

Secure funding includes revenue allocation funds and is money the TFURA is highly likely to receive. The funds may not be in the TFURA’s possession at the beginning of the Plan period, but it is virtually certain that the Agency will receive the funds. The TFURA may need to take specific actions to generate the funding, but those actions are within their powers. Despite the high probability of secure funding, no project can proceed until a specific, enforceable funding plan is in place.

Potential funding is money that might be received by the TFURA. In every case the TFURA is eligible for the funding, and the source of funding exists under current law. However, each potential funding source requires one or more additional steps or decisions before the TFURA can obtain the resources, and the ultimate decision is outside of the TFURA’s independent control. An example of potential funding includes capital contributions from public entities and grant funding. Thus, potential funding is not assumed in determining financial feasibility.

Unfunded projects, or portions of projects lack secure or potential funding. At this time, all projects are anticipated to be funded.

The amount of tax increment contributed to the project will vary depending upon the actual cost of infrastructure.

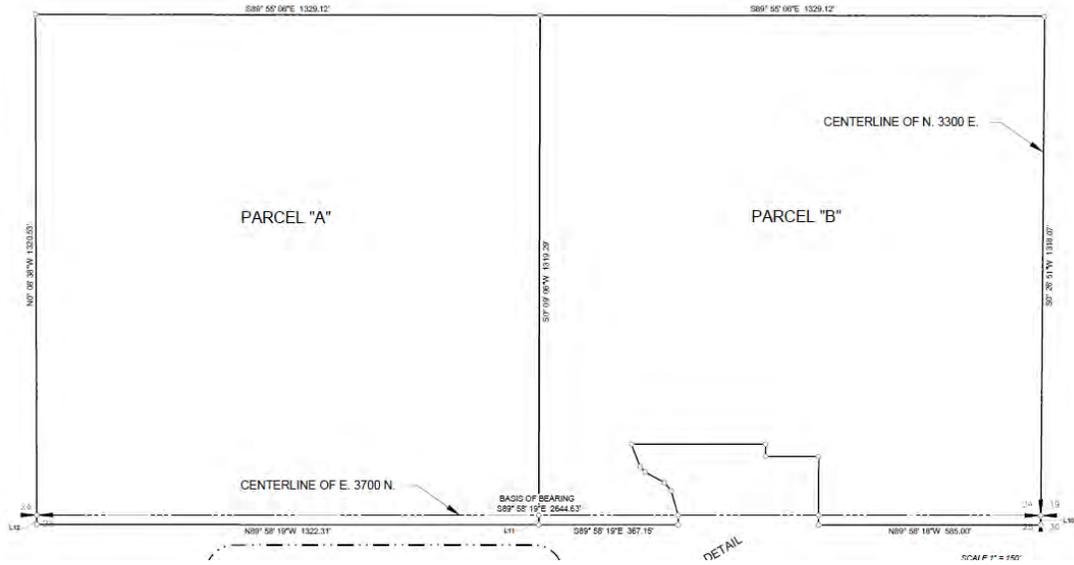
The Plan proposes certain public improvements that will facilitate development in the Project Area. The overall investment package will be funded from a variety of financing methods and sources. The primary method of financing the TFURA's obligation will be using tax increment revenue (i.e., incremental property taxes from the revenue allocation area). This Plan permits that at least a portion of the revenue allocation proceeds will be used to reimburse an owner/developer through a negotiated agreement for some or all of the eligible improvement costs. The issuance of bonds is not anticipated in this analysis of financial feasibility.

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

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

The total project costs and the amount of tax increment are estimates. The estimated project costs and revenues are based on the TFURA's present knowledge and expectations supported by detailed information from the developer based, in part, upon current construction projects in the broader community.

## Map of Proposed Twin Falls Orchard Drive East Revenue Allocation Area



### Summary of Projects

The following table setting forth the Public Facility Development Projects and Costs, and as set forth above, summarizes the estimated total costs for each project category.

<b>Public Facility Development Projects and Costs Orchard Drive East Revenue Allocation Area</b>	
Public Facility Development Costs	
Water System Improvements	\$1,335,900
Sewer System Improvements	\$ 455,105
Street Improvements	\$3,602,005
Irrigation Canal Improvements	\$2,425,100
Power Natural Gas System Improvements	\$1,435,000
<b>Total Public Facility Development Costs</b>	<b>\$9,253,110</b>

**Cost of Operations and Improvements by Year (2022-2043)**

<b>Year</b>	<b>Secure Funding (TIF &amp; TFURA Loan)</b>	<b>Potential Funding</b>	<b>District Operating Expenses</b>	<b>Capital and Program Expenses And Repay Advance Funding</b>	<b>Total Project Liabilities</b>
2022	\$75,000	\$0	\$0	\$0	\$0
2023	\$266	\$0	\$25,000	\$0	\$25,000
2024	\$91,596	\$0	\$25,000	\$68,697	\$93,697
2025	\$178,204	\$0	\$25,237	\$133,653	\$156,890
2026	\$295,465	\$0	\$50,000	\$246,599	\$296,599
2027	\$436,842	\$0	\$50,000	\$352,632	\$402,632
2028	\$651,594	\$0	\$65,159	\$513,696	\$578,855
2029	\$757,881	\$0	\$75,000	\$618,732	\$693,732
2030	\$886,280	\$0	\$75,000	\$814,090	\$889,090
2031	\$1,089,496	\$0	\$75,000	\$1,017,122	\$1,092,122
2032	\$1,144,069	\$0	\$75,000	\$1,058,052	\$1,133,052
2033	\$1,201,368	\$0	\$75,000	\$1,156,850	\$1,231,850
2034	\$1,261,529	\$0	\$75,000	\$1,196,147	\$1,271,147
2035	\$1,324,694	\$0	\$75,000	\$1,243,521	\$1,318,521
2036	\$1,391,014	\$0	\$75,000	\$1,293,261	\$1,368,261
2037	\$1,460,647	\$0	\$75,000	\$1,395,485	\$1,470,485
2038	\$1,533,757	\$0	\$75,000	\$1,450,318	\$1,525,318
2039	\$1,610,520	\$0	\$75,000	\$1,507,890	\$1,582,890
2040	\$1,691,116	\$0	\$75,000	\$1,568,337	\$1,643,337
2041	\$1,775,738	\$0	\$75,000	\$1,631,804	\$1,706,804
2042	\$1,864,587	\$0	\$75,000	\$1,750,000	\$1,825,000
2043	\$0	\$0	0		\$0
<b>Total</b>	<b>\$20,721,663</b>	<b>\$0</b>	<b>\$1,290,396</b>	<b>\$19,016,883</b>	<b>\$20,305,282</b>

Note: This analysis anticipates a positive fund balance of \$414,384 at the end of the project.

## ATTACHMENT 5.2

### Economic Feasibility Study

The Urban Renewal Plan for the Orchard Drive East Urban Renewal Project (the “Plan”), as currently envisioned, is economically feasible because the proposed development is sufficient to fully cover the anticipated cost of redevelopment program.

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

- The amount of development anticipated in the Project Area
- The timing of the proposed taxable development
- The nature of the proposed development
- The amount of tax revenue to be generated by the proposed development
- The cost of public improvement projects is to be funded through revenue allocation proceeds
- If revenue equals or exceeds project costs, the Plan is economically feasible.

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

#### The Economic Feasibility Study

##### Summary:

Over the course of the Orchard Drive East Project Area, \$20,646,663 Tax Increment Revenue will be generated using the development scenarios proposed by the developer. The Economic Feasibility Study assumes 10% of the annual revenue allocation proceeds will be used for administration of the Orchard Drive East Project Area with that amount capped at \$75,000 per year, for a total of \$1,290,396 for administration costs over the 20-year lifespan of the Project Area. The revenue allocation proceeds dedicated to administrative cost is augmented by an advanced funded loan (\$75,000) to support the Orchard Drive East Project Area until sufficient revenue allocation resources become available. That loan is anticipated to be repaid by 2029 including 5% interest.

The attached spreadsheets entitled “Twin Falls Orchard Drive East Revenue Allocation Area Cash Flow Analysis” gives a more detailed outlook on the revenues and expenses of the development scenario.

The following assumptions were made in the formulation of the Economic Feasibility Study:

- Land Value Increase @ 6% / Year for 5 years, then 3% / year for the balance of the term.

- Improvement Value Increase @ 8% / Year for 5 years, then 4% / year for the balance of the term.
- Tax Rate is reduced 30% and held constant through the life of the Plan recognizing recently imposed property tax limitations on local governments in Idaho
- Total Cost of Improvements over the life of the project: \$9,253,110 (Developer's estimates)
- Tax rate does not include levies excluded pursuant to Idaho Code 50-2908, such as voter approved bonds/levies after 2007, judgment levies or the School District Plant or supplemental levies excluded by law.

The Economic Feasibility Study shows that the project will generate adequate funds within the Project Area to fund the proposed Public Facility Development Costs and Project Area operating costs. Resources would be available under this scenario to consider terminating the Plan and Project Area before its 20-year life or to fund other legally allowed expenditures in the Revenue Allocation Area.

Attachment 5.3

Orchard Drive East Revenue Allocation Forecast with 30% Tax Rate Reduction													
Year	Land Value (+6% annually for 5 years then 3%)	Initial Imprv. Value (+ 8% Annually for 5 years then 4%)	Total Assessed Value	Annual New Const. Value on tax roll	Cum. New Const Value + Inflation @ 10% for 5 years then 5%)	Cum total Taxable Value	Cumulative Homeowners ' Exemption	Taxable Value	Increment Value (H - Base Value)	Levy Rate (-30% then Flat)	Tax Increment Yield	Admin Costs (10%)	Funding for Capital Projects / Debt Service
2022	\$ 273,126	\$ 210,240	\$ 483,366	\$ -	\$ -	\$ 483,366	\$ -	\$ 483,366	\$ -	0.008	\$ -		
2023	\$ 289,514	\$ 227,059	\$ 516,573	\$ -	\$ -	\$ 516,573	\$ -	\$ 516,573	\$ 33,207	0.008	\$ 266	\$ 27	\$ 239
2024	\$ 306,884	\$ 245,224	\$ 552,108	\$ 11,380,700	\$ 11,380,700	\$ 11,932,808	\$ -	\$ 11,932,808	\$ 11,449,442	0.008	\$ 91,596	\$ 9,160	\$ 82,436
2025	\$ 325,297	\$ 264,842	\$ 590,139	\$ 9,650,000	\$ 22,168,770	\$ 22,758,909	\$ -	\$ 22,758,909	\$ 22,275,543	0.008	\$ 178,204	\$ 17,820	\$ 160,384
2026	\$ 344,815	\$ 286,029	\$ 630,844	\$ 12,400,000	\$ 36,785,647	\$ 37,416,491	\$ -	\$ 37,416,491	\$ 36,933,125	0.008	\$ 295,465	\$ 29,547	\$ 265,919
2027	\$ 365,504	\$ 308,912	\$ 674,416	\$ 13,950,000	\$ 54,414,212	\$ 55,088,627	\$ -	\$ 55,088,627	\$ 54,605,261	0.008	\$ 436,842	\$ 43,684	\$ 393,158
2028	\$ 376,469	\$ 321,268	\$ 697,737	\$ 24,100,000	\$ 81,234,922	\$ 81,932,660	\$ -	\$ 81,932,660	\$ 81,449,294	0.008	\$ 651,594	\$ 65,159	\$ 586,435
2029	\$ 387,763	\$ 334,119	\$ 721,882	\$ 9,200,000	\$ 94,496,668	\$ 95,218,551	\$ -	\$ 95,218,551	\$ 94,735,185	0.008	\$ 757,881	\$ 75,000	\$ 682,881
2030	\$ 399,396	\$ 347,483	\$ 746,880	\$ 11,300,000	\$ 110,521,502	\$ 111,268,382	\$ -	\$ 111,268,382	\$ 110,785,016	0.008	\$ 886,280	\$ 75,000	\$ 811,280
2031	\$ 411,378	\$ 361,383	\$ 772,761	\$ 19,850,000	\$ 135,897,577	\$ 136,670,338	\$ -	\$ 136,670,338	\$ 136,186,972	0.008	\$ 1,089,496	\$ 75,000	\$ 1,014,496
2032	\$ 423,720	\$ 375,838	\$ 799,558		\$ 142,692,456	\$ 143,492,013	\$ -	\$ 143,492,013	\$ 143,008,647	0.008	\$ 1,144,069	\$ 75,000	\$ 1,069,069
2033	\$ 436,431	\$ 390,872	\$ 827,303		\$ 149,827,079	\$ 150,654,381	\$ -	\$ 150,654,381	\$ 150,171,015	0.008	\$ 1,201,368	\$ 75,000	\$ 1,126,368
2034	\$ 449,524	\$ 406,507	\$ 856,031	\$ -	\$ 157,318,432	\$ 158,174,463	\$ -	\$ 158,174,463	\$ 157,691,097	0.008	\$ 1,261,529	\$ 75,000	\$ 1,186,529
2035	\$ 463,010	\$ 422,767	\$ 885,777	\$ -	\$ 165,184,354	\$ 166,070,131	\$ -	\$ 166,070,131	\$ 165,586,765	0.008	\$ 1,324,694	\$ 75,000	\$ 1,249,694
2036	\$ 476,900	\$ 439,677	\$ 916,578	\$ -	\$ 173,443,572	\$ 174,360,149	\$ -	\$ 174,360,149	\$ 173,876,783	0.008	\$ 1,391,014	\$ 75,000	\$ 1,316,014
2037	\$ 491,207	\$ 457,265	\$ 948,472	\$ -	\$ 182,115,750	\$ 183,064,222	\$ -	\$ 183,064,222	\$ 182,580,856	0.008	\$ 1,460,647	\$ 75,000	\$ 1,385,647
2038	\$ 505,943	\$ 475,555	\$ 981,498	\$ -	\$ 191,221,538	\$ 192,203,036	\$ -	\$ 192,203,036	\$ 191,719,670	0.008	\$ 1,533,757	\$ 75,000	\$ 1,458,757
2039	\$ 521,122	\$ 494,577	\$ 1,015,699	\$ -	\$ 200,782,615	\$ 201,798,314	\$ -	\$ 201,798,314	\$ 201,314,948	0.008	\$ 1,610,520	\$ 75,000	\$ 1,535,520
2040	\$ 536,755	\$ 514,360	\$ 1,051,116	\$ -	\$ 210,821,746	\$ 211,872,861	\$ -	\$ 211,872,861	\$ 211,389,495	0.008	\$ 1,691,116	\$ 75,000	\$ 1,616,116
2041	\$ 552,858	\$ 534,935	\$ 1,087,793		\$ 221,362,833	\$ 222,450,626	\$ -	\$ 222,450,626	\$ 221,967,260	0.008	\$ 1,775,738	\$ 75,000	\$ 1,700,738
2042	\$ 569,444	\$ 556,332	\$ 1,125,776		\$ 232,430,974	\$ 233,556,750	\$ -	\$ 233,556,750	\$ 233,073,384	0.008	\$ 1,864,587	\$ 75,000	\$ 1,789,587
											<b>\$ 20,646,664</b>	<b>\$ 1,215,396</b>	<b>\$ 19,431,268</b>
				<b>\$ 111,830,700</b>									

**Assumptions**

Land Values inflates at 6% per year for 5 years then at 3% for remainder of the Plan term

Improvement Values inflate at 8% per year for 5 years then at 4% for remainder of the Plan term

Tax rate reduced by 30% from 2021 certified rate then held constant for the remainder of the Plan term

None of the parcels qualify for the Homeowner's Property Tax Exemption

Revenue Allocation proceeds flow to the District in the year after Certificate of Occupancy (C.O.)

Potential Development Projects within District based upon Developer's Projections (Total Taxable Investment @ \$111,830,700)

Block 1 - C.O. in 2023 ~ \$11,380,700

Block 5 - C.O. in 2024 ~ \$ 9,650,000

Block 2 - C.O. in 2025 ~ \$12,400,000

Block 3 - C.O. in 2026 ~ \$13,950,000

Block 4 - C.O. in 2027 ~ \$24,100,000

Block 6 - C.O. in 2028 ~ \$ 9,200,000

Block 7 - C.O. in 2029 ~ \$11,300,000

Block 8 - C.O. in 2030 ~ \$19,850,000

Grand Total Taxable Investment ~ \$111,830,700

10% of annual revenue allocation yield will be paid to the Twin Falls Urban Renewal Agency for administrative costs, capped at \$75,000 annually

Balance of Revenue Allocation yield will be available for capital investment and program expenses

\* Administrative amount subject to annual appropriation by the TFURA Board

Note 1: 2021 Assessed Values Used in forecast. (Latest Certified Values)

Note 2: TFURA will receive revenue allocation funds in 2043, but that amount has not been considered in determining economic feasibility.

Note 3: Note: Total District Operating Costs represent the 10% annual allocation from projected Revenue Allocation proceeds plus draws from the initial \$75,000 "start-up" loan

Attachment 5.4

**Twin Falls Orchard Drive East Revenue Allocation Area  
Cash Flow Analysis ~ Current Tax Rate Reduced by 30% Then Remains Constant**

	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
<b>Beginning Balance</b>	\$ -	\$ 75,000	\$ 50,266	\$ 48,165	\$ 67,479	\$ 66,345	\$ 100,556	\$ 173,295	\$ 237,444	\$ 234,634	\$ 232,008
<b>Source of Funds</b>											
<b>Total Revenue Allocation</b>	\$ -	\$ 266	\$ 91,596	\$ 178,204	\$ 295,465	\$ 436,842	\$ 651,594	\$ 757,881	\$ 886,280	\$ 1,089,496	\$ 1,144,069
<b>Advance funding (MOU or other) *</b>	\$ 75,000		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Funds Available</b>	\$ 75,000	\$ 75,266	\$ 141,862	\$ 226,369	\$ 362,944	\$ 503,187	\$ 752,150	\$ 931,176	\$ 1,123,724	\$ 1,324,130	\$ 1,376,077
<b>Use of Funds</b>											
<b>District Operating Expenses</b>	\$ -	\$ 25,000	\$ 25,000	\$ 25,237	\$ 50,000	\$ 50,000	\$ 65,159	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000
<b>Repay MOU or other @ 5%</b>	\$ -	\$ -	\$ -	\$ -	\$ 25,000	\$ 25,000	\$ 25,000	\$ 37,500	\$ -	\$ -	\$ -
<b>OPA Reimbursement @ 75% of TIF Yield</b>		\$ -	\$ 68,697	\$ 133,653	\$ 221,599	\$ 327,632	\$ 488,696	\$ 568,411	\$ 664,710	\$ 817,122	\$ 858,052
<b>Total Funding Commitments</b>	\$ -	\$ 25,000	\$ 93,697	\$ 158,890	\$ 296,599	\$ 402,632	\$ 578,855	\$ 680,911	\$ 739,710	\$ 892,122	\$ 933,052
<b>Discretionary Advance OPA Payment or other allowable project costs</b>		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,821	\$ 149,380	\$ 200,000	\$ 200,000
<b>TOTAL Expenses</b>		\$ 25,000	\$ 93,697	\$ 158,890	\$ 296,599	\$ 402,632	\$ 578,855	\$ 693,732	\$ 889,090	\$ 1,092,122	\$ 1,133,052
<b>Ending Balance</b>	\$ 75,000	\$ 50,266	\$ 48,165	\$ 67,479	\$ 66,345	\$ 100,556	\$ 173,295	\$ 237,444	\$ 234,634	\$ 232,008	\$ 243,025

	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	Total
<b>Beginning Balance</b>	\$ 243,025	\$ 212,543	\$ 202,926	\$ 209,099	\$ 231,853	\$ 222,014	\$ 230,454	\$ 258,084	\$ 305,863	\$ 374,797	
<b>Source of Funds</b>											
<b>Total Revenue Allocation</b>	\$ 1,201,368	\$ 1,261,529	\$ 1,324,694	\$ 1,391,014	\$ 1,460,647	\$ 1,533,757	\$ 1,610,520	\$ 1,691,116	\$ 1,775,738	\$ 1,864,587	\$ 20,646,663
<b>Advance funding (MOU or other)</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,000
<b>Total Funds Available</b>	\$ 1,444,393	\$ 1,474,072	\$ 1,527,620	\$ 1,600,113	\$ 1,692,500	\$ 1,755,771	\$ 1,840,974	\$ 1,949,200	\$ 2,081,601	\$ 2,239,384	\$ 20,721,663
<b>Use of Funds</b>											
<b>District Operating Expenses</b>	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 1,290,396
<b>Repay MOU or other @ 5%</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 112,500
<b>OPA Reimbursement @ 75% of TIF Yield</b>	\$ 901,026	\$ 946,147	\$ 993,521	\$ 1,043,261	\$ 1,095,485	\$ 1,150,318	\$ 1,207,890	\$ 1,268,337	\$ 1,331,804	\$ -	\$ 14,086,358
<b>Total Funding Commitments</b>	\$ 976,026	\$ 1,021,147	\$ 1,068,521	\$ 1,118,261	\$ 1,170,485	\$ 1,225,318	\$ 1,282,890	\$ 1,343,337	\$ 1,406,804	\$ 75,000	\$ 15,489,254
<b>Discretionary Advance OPA Payment or other allowable project costs</b>	\$ 255,824	\$ 250,000	\$ 250,000	\$ 250,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 1,750,000	\$ 4,818,025
<b>TOTAL Expenses</b>	\$ 1,231,850	\$ 1,271,147	\$ 1,318,521	\$ 1,368,261	\$ 1,470,485	\$ 1,525,318	\$ 1,582,890	\$ 1,643,337	\$ 1,706,804	\$ 1,825,000	\$ 20,307,279
<b>Ending Balance</b>	\$ 212,543	\$ 202,926	\$ 209,099	\$ 231,853	\$ 222,014	\$ 230,454	\$ 258,084	\$ 305,863	\$ 374,797	\$ 414,384	

**Assumptions**

Initial District Start-up costs supported by MOU and/or inter-fund loan of \$75,000 to be repaid at 5% Interest

10% of annual TIF yield dedicated to Twin Falls Urban Renewal Agency for District operating Expenses, capped at \$75,000, Yr.

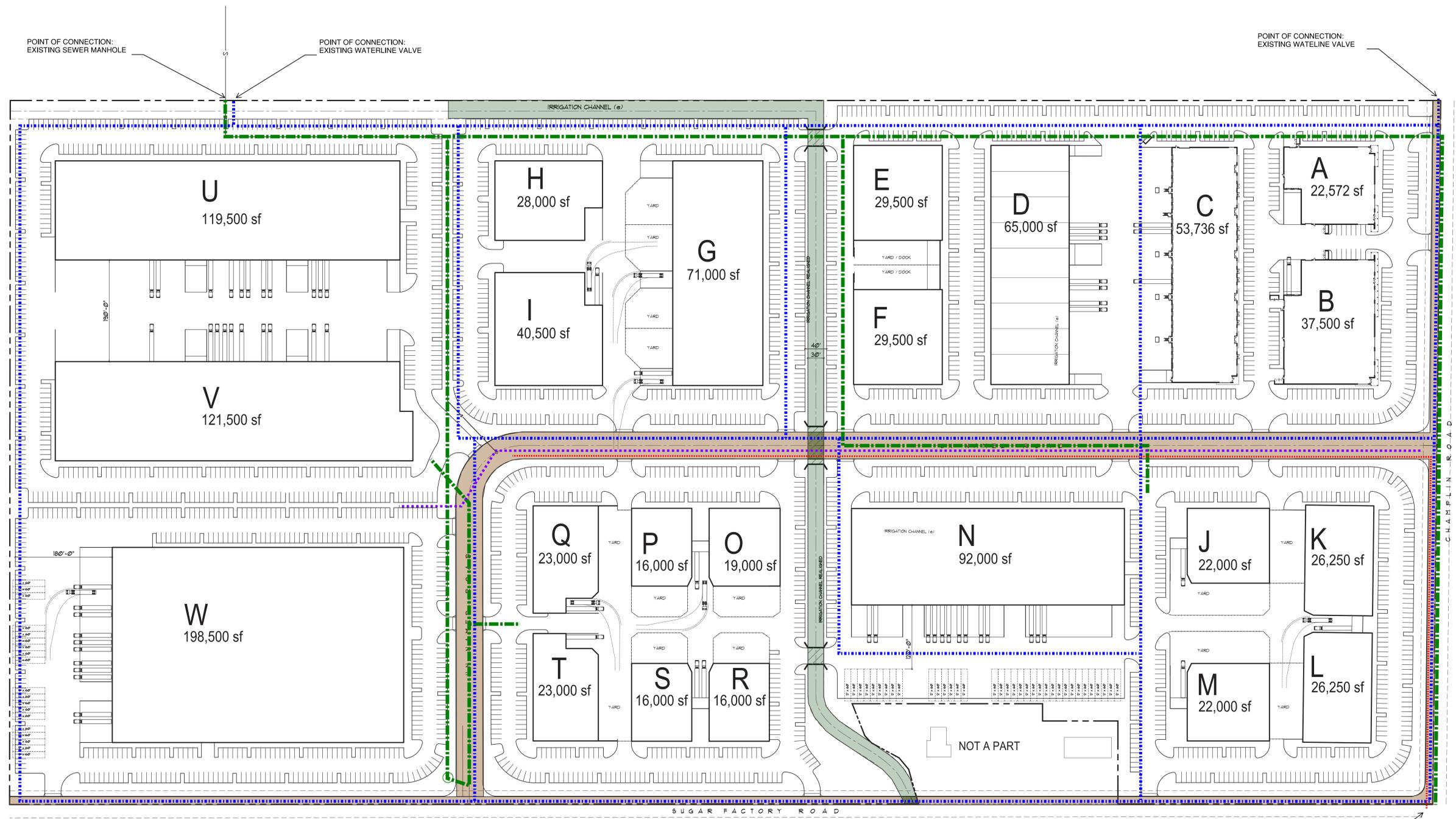
Developer allowable cost of \$9,254,110 for public infrastructure repaid through Owner Participation Agreement @5% interest (18-year Obligation \$14,086,508) ~ Reduced if paid early

**Twin Falls Orchard Drive East Revenue Allocation Area  
Cash Flow Analysis ~ Current Tax Rate Reduced by 30% Then Remains Constant**

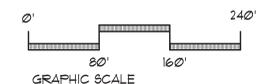
Incremental Revenue generated from taxable investment as per schedule provided by developer											
Block 1 - C.O. in 2023 ~ \$11,380,700											
Block 5 - C.O. in 2024 ~ \$ 9,650,000											
Block 2 - C.O. in 2025 ~ \$12,400,000											
Block 3 - C.O. in 2026 ~ \$13,950,000											
Block 4 - C.O. in 2027 ~ \$24,100,000											
Block 6 - C.O. in 2028 ~ \$ 9,200,000											
Block 7 - C.O. in 2029 ~ \$11,300,000											
Block 8 - C.O. in 2030 ~ \$19,850,000											
Total Taxable Investment = \$111,830,700											
<i>Land Values will increase at an average of 6% annually for 5 years then at 3% over the remaining life of the District</i>											
<i>Improvement Values will increase at a rate of 8% for 5 years then at 4% over the remaining life of the District</i>											
<i>The Model assumes the entire public infrastructure investment would be made upfront. However, it is likely the investment will occur in phases thus impacting the repayment schedule in the OPA</i>											
<b>Note: Total District Operating Costs represent the 10% annual allocation from projected Revenue Allocation proceeds plus draws from the initial \$75,000 "start-up" loan</b>											

Attachment 5.5

**\*The information included in Attachment 5.5 presents a realistic development scenario and siting of improvements recognizing it is difficult to project with any certainty where the improvements will be sited until any future projects submit plans to the City for design review and permitting. Location of proposed public infrastructure improvements may change.**



- LEGEND:**
- PUBLIC STREET IMPROVEMENTS
  - PUBLIC SANITARY SEWER LINE
  - CANAL RELOCATION IMPROVEMENTS
  - 8" & 10" WATER MAIN
  - 12" STORM DRAIN
  - GAS & ELECTRIC UTILITIES



**SITE PLAN**  
SCALE: 1" = 80'-0"  
NORTH

Attachment 6

Agricultural Operation Consents

4878-3348-7657, v. 2

## AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Gregg Hamann, Chief Financial Officer and Secretary of HS Vista Oaks, Inc., the general partner of Twins Industrial, LP, a California limited partnership (“Twins Industrial”), and states that Twins Industrial owns that certain property generally described as Parcel Identification Numbers RP10S17E248400 and RP10S17E241810 in the real property records of Twin Falls County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the “Property”), and hereby certifies:

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

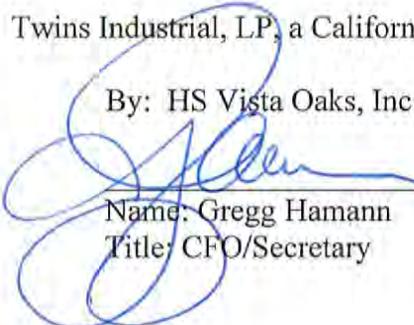
(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated January 2022, entitled Orchard Drive East Urban Renewal District (Proposed) Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Gregg Hamann, Chief Financial Officer and Secretary of HS Vista Oaks, Inc., the general partner of Twins Industrial, LP, a California limited partnership hereby provides his consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 19 day of September, 2022.

Twins Industrial, LP, a California Limited Partnership

By: HS Vista Oaks, Inc., its general partners

  
Name: Gregg Hamann

Title: CFO/Secretary

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

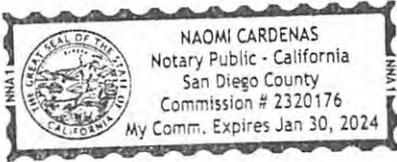
**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }  
County of San Diego

On September 19, 2022 before me, Naomi Cardenas, Notary Public  
Date Here Insert Name and Title of the Officer  
personally appeared Gregg Hamann  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal and/or Stamp Above

**OPTIONAL**

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_  
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_  
Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_ Signer's Name: \_\_\_\_\_  
 Corporate Officer – Title(s): \_\_\_\_\_  Corporate Officer – Title(s): \_\_\_\_\_  
 Partner –  Limited  General  Partner –  Limited  General  
 Individual  Attorney in Fact  Individual  Attorney in Fact  
 Trustee  Guardian of Conservator  Trustee  Guardian of Conservator  
 Other: \_\_\_\_\_  Other: \_\_\_\_\_  
Signer is Representing: \_\_\_\_\_ Signer is Representing: \_\_\_\_\_

**EXHIBIT A**

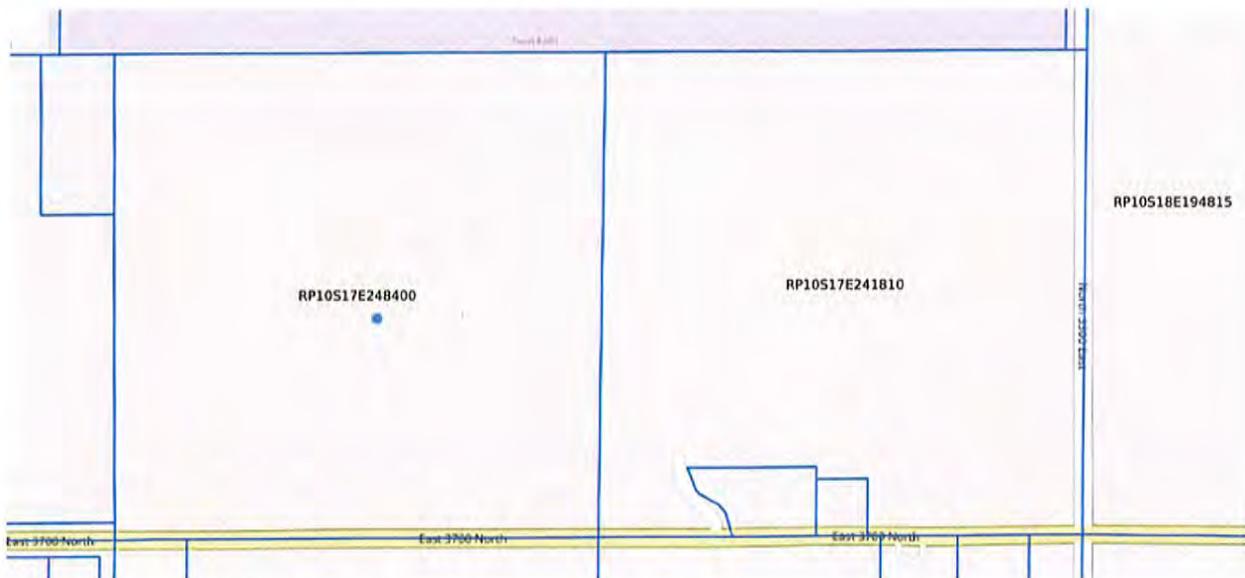
**PARCEL NUMBER**

**RP10S17E248400 and RP10S17E241810**

**ADDRESS**

**3262 3700 N Twin Falls, Idaho**

**DESCRIPTION**



**Description for RP10S17E248400:**

A parcel of land located in the SW1/4 SE1/4, Section 24 and the NW1/4 NE1/4, Section 25, T. 10 S., R. 17 E., Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

BEGINNING at the S1/4 Corner of said Section 24 which is a brass cap from which the SE Corner of said Section 24 which is a brass cap bears S 89°58'19" E, 2644.63 ft. the Basis of Bearing of this description, run thence N 00°08'38" W along the westerly boundary of said SW1/4 SE1/4 a distance of 1320.53 ft. to the NW Corner of the SW1/4 SE1/4 which is a ½" rebar;

Thence S 89°55'06" E along the northerly boundary of said SW1/4 SE1/4 a distance of 1329.12 ft. to the NE Corner of the SW1/4 SE1/4 which is a ½" rebar with a plastic cap;

Thence S 00°09'06" W along the easterly boundary of said SW1/4 SE1/4 a distance of 1319.29 ft. to the SE Corner of the SW1/4 SE1/4;

Thence South a distance of 25.00 ft. to a point on the southerly right-of-way of Orchard Drive East;

Thence N 89°58'19" W along said southerly right-of-way a distance of 1322.31 ft.;

Thence North a distance of 25.00 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 40.93 ACRES

**Description for RP10S17E241810:**

A parcel of land located in the SE1/4 SE1/4, Section 24 and the NE1/4 NE1/4, Section 25, T. 10 S., R. 17 E., Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

BEGINNING at the SE Corner of said Section 24 which is a brass cap from which the S1/4 Corner of said Section 24 which is a brass cap bears N 89°58'19" W, 2644.63 ft. the Basis of Bearing of this description, run thence South a distance of 25.00 ft. to a point on the southerly right-of-way of Orchard Drive East;

Thence N 89°58'18" W along said southerly right-of-way a distance of 585.00 ft.;

Thence North a distance of 25.00 ft. to a point on the southerly boundary of Section 24;

Thence N 00°01'41" E a distance of 155.57 ft. to a ½" rebar with a plastic cap;

Thence N 89°58'19" W a distance of 140.00 ft. to a ½" rebar with a plastic cap;

Thence N 00°01'41" E a distance of 32.29 ft. to a ½" rebar with a plastic cap;

Thence N 89°58'03" W a distance of 353.78 ft. to a ½" rebar with a plastic cap;

Thence S 21°24'43" E a distance of 64.27 ft. to a ½" rebar with a plastic cap;

Thence S 42°44'42" E a distance of 18.78 ft. to a ½" rebar with a plastic cap;

Thence S 61°23'58" E a distance of 58.22 ft.;

Thence S 39°33'25" E a distance of 27.78 ft. to a ½" rebar with a plastic cap;

Thence S 15°52'59" E a distance of 67.62 ft. to a ½" rebar with a plastic cap located at the southerly boundary of said Section 24;

Thence South a distance of 25.00 ft. to a point on said southerly right-of-way of Orchard Drive ;

Thence N 89°58'19" W along said southerly right-of-way a distance of 367.15 ft.;

Thence North 25.00 ft. to the SW Corner of said SE1/4 SE1/4 of Section 24;

Thence N 00°09'06" E along the westerly boundary of said SE1/4 SE1/4 a distance of 1319.29 ft. to the NW Corner of said SE1/4 SE1/4 which is a ½" rebar with a plastic cap;

Thence S 89°55'06" E along the northerly boundary of said SE1/4 SE1/4 a distance of 1329.12 ft. to the NE Corner of said SE1/4 SE1/4 which is a 5/8" rebar;

Thence S 00°26'51" W along the easterly boundary of said SE1/4 SE1/4 a distance of 1318.07 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 38.94 ACRES

## EXHIBIT B

### EXCERPTS OF STATUTES

#### IDAHO CODE §§ 50-2018(8) AND (9)

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

(9) "Deteriorating area" shall mean an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use; provided, that if such deteriorating area consists of open land the conditions contained in the proviso in section 50-2008(d), Idaho Code, shall apply; and provided further, that any disaster area referred to in section 50-2008(g), Idaho Code, shall constitute a deteriorating area. Provided however, this definition shall not apply to any agricultural operation, as defined in section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation or to any forest land as defined in section 63-1701(4), Idaho Code, absent the consent of the forest landowner, as defined in section 63-1701(5), Idaho Code, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

## IDAHO CODE § 50-2008

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

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

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

(d) Following such hearing, the local governing body may approve an urban renewal project and the plan therefor if it finds that (1) a feasible method exists for the location of families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan conforms to the general plan of the municipality as a whole; (3) the urban renewal plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the plan; and (4) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise: Provided, that if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as

a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this act, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

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

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

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

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

**IDAHO CODE §50-2903(8)**

(8) "Deteriorated area" means:

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

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

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

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

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

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

**EXHIBIT C**  
**ELIGIBILITY REPORT**

4837-6502-2952, v. 1

Orchard Drive East  
Urban Renewal District  
(Proposed)

Eligibility Report

Prepared for

The Urban Renewal Agency of the City of  
Twin Falls

January 2022



Kushlan | Associates  
Boise, Idaho

**Introduction:** Kushlan | Associates was retained by The Urban Renewal Agency of the City of Twin Falls, Idaho, also known as the Twin Falls Urban Renewal Agency (the “TFURA”) to assist in their consideration of establishing a new revenue allocation area<sup>1</sup> in the City of Twin Falls, Idaho, and its area of operation.

Elected Officials serving the City of Twin Falls are:

Mayor:	Ruth Pierce
Vice Mayor:	Chris Reid
Council Members:	Shawn Barigar
	Nikki Boyd
	Jason Brown
	Spencer Cutler
	Craig Hawkins

City Staff

City Manager:	Travis Rothweiler
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Idaho Code § 50-2006 states: “URBAN RENEWAL AGENCY. (a) There is hereby created in each municipality an independent public body corporate and politic to be known as the “urban renewal agency” that was created by resolution as provided in section 50-2005, **Idaho Code, before July 1, 2011, for the municipality...**” to carry out the powers enumerated in the statutes. The Twin Falls City Council adopted Resolution No.909 on July 19, 1965, bringing forth those powers within the City of Twin Falls.

The Mayor, with the confirmation of the City Council, has appointed seven members to the TFURA **Board of Commissioners (the “TFURA Board”)**. The TFURA Board currently oversees the implementation of four revenue allocation areas. The first, revenue allocation area #4-1 (**the “Old Towne District”**) **was established by the City Council’s adoption of Ordinance No. 2579 in May 1998** and is focused on the revitalization of downtown Twin Falls and adjacent areas. This revenue allocation area has been amended several times. The second revenue allocation area (#4-3) (Chobani) was established with the adoption of Ordinance No. 3022 on December 12, 2011. The third revenue allocation area (#4-4) (ClifBar) was established by Ordinance No. 3097 adopted on June 1, 2015. Both revenue allocation areas #4-3 and #4-4 are focused on economic development on the eastern edge of the city. The fourth revenue allocation area (Washington Street South) was established by Ordinance No. 2019-015 adopted on December 16, 2019, but not effective until January 10, 2020, and also focuses on economic development goals for the community.

The current membership of the Commission is as follows:

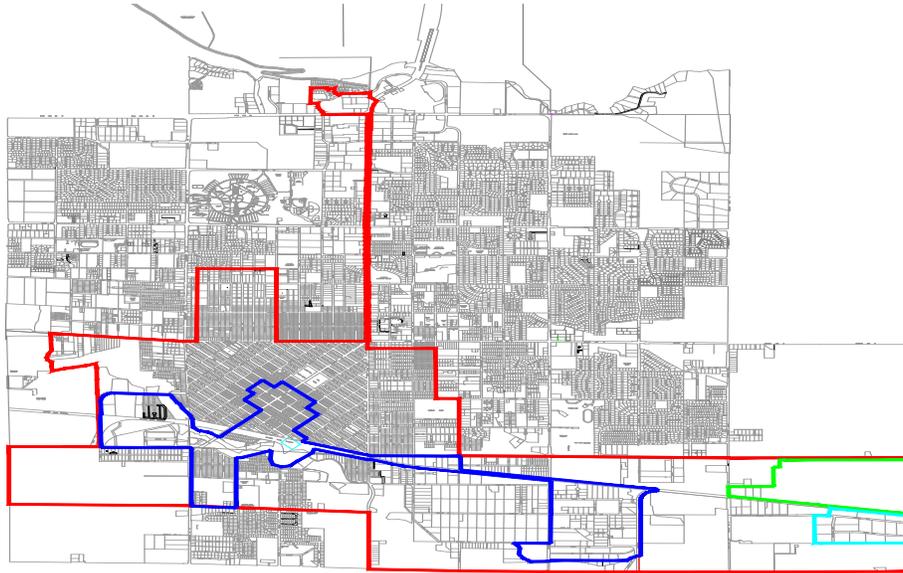
Chair:	Rudy Ashenbrenner
Vice Chairman	Andy Hohwieler
Secretary	Dan Brizee
Commissioners	Alexandra Caval
	Jan Rogers
	JJ McBride
	Dave McAlindin

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<sup>1</sup> Throughout this Study, urban renewal/revenue allocation area will be referred to as an “revenue allocation area”

Staff:  
Urban Renewal Administrator: Travis Rothweiler  
Administrative Assistant: Lorrie Bauer

Map of the Twin Falls Revenue Allocation Areas 4-1, 4-3 and 4-4

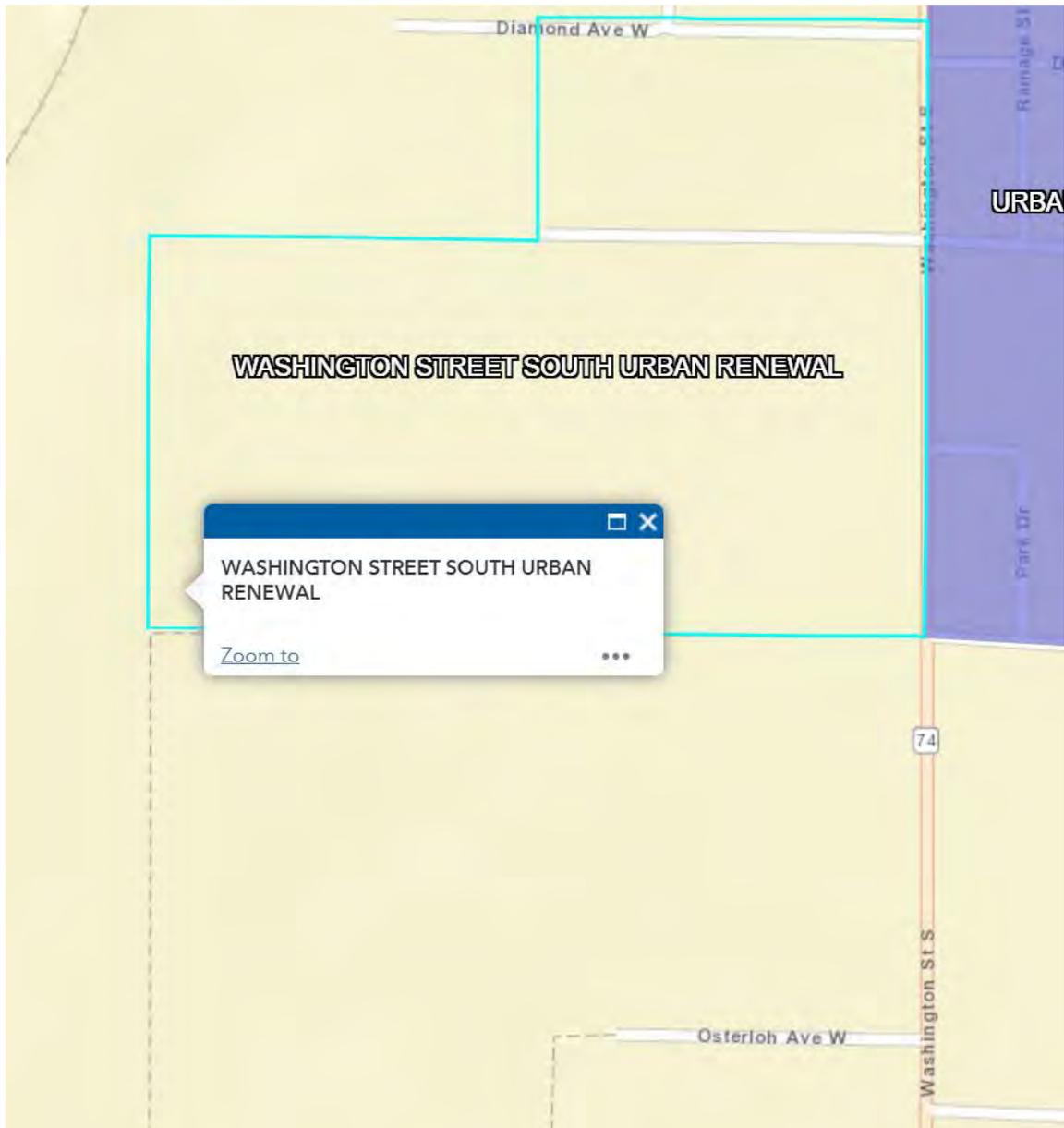


*URBAN RENEWAL AGENCY OF THE  
CITY OF TWIN FALLS, IDAHO*



<i>LEGEND</i>	
	<i>URBAN RENEWAL AREA #4</i>
	<i>REVENUE ALLOCATION AREA #4-1</i>
	<i>REVENUE ALLOCATION AREA #4-3</i>
	<i>NEW REVENUE ALLOCATION AREA #4-4</i>

## Map of Washington Street South Revenue Allocation District



### Background:

While Native Americans inhabited the area for millennia, the development of the community of Twin Falls, as we know it today, was initiated in 1900. I. B. Perrine had farmed in the Snake River Canyon since 1884, providing sustenance to the Wood River mines and the surrounding area in South Central Idaho. In response to the adoption of the Carey Act in 1894 that encouraged the development of facilities to irrigate traditionally arid lands, Perrine led an effort to create the Twin Falls Land and Water Company (TFLWC) in 1900 supported by Salt Lake City and Eastern financial interests. The first

infrastructure investment was the construction of Milner Dam on the Snake River on which construction was commenced in 1903 and completed in 1905. Construction of distribution facilities in the Main Line, Highline and Lowline canals set the stage for the establishment of the community of Twin Falls with the original plat being filed on May 12, 1904, with formal incorporation occurring in 1905.

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

Over time the community has grown and prospered, often influenced by transportation improvements impacting the region. The Minidoka and Southwestern Railroad (M&SW) arrived in the community on August 7, 1904. The M&SW was acquired by the Oregon Short Line Railroad, a division of the Union Pacific Railroad, in 1912. The Twin Falls – Jerome Intercounty Bridge was opened in 1927 connecting the communities north and south of the Snake River. Now called the I.B. Perrine Bridge, it serves as the crossing for US Highway 93 that connects Mexico and Canada through Nevada, Idaho, and Montana. U.S. 93 runs through the city, as do US Highway 30 and State Highways 50 and 74. Interstate 84 now carries its east-west traffic approximately 3 miles north of the city.

In support of the continuing economic vitality of the region, the community turned to the Urban Renewal Law in 1965 with the creation of the TFURA by Resolution No. 909 adopted by the City Council on July 19, 1965. In 1997, the City Council adopted Resolution No. 1603 that consolidated prior existing urban renewal areas into a new combined Area 4. Subsequent to that action, the City Council established four revenue allocation areas to pursue specific objectives. Those areas are noted below with their expiration dates<sup>2</sup>:

Area 4-1 (Old Towne)	December 31, 2022
Area 4-3 (Chobani)	December 12, 2031
Area 4-4 (ClifBar)	June 1, 2035
Washington Street South	December 31, 2040

**Demographics:** According to the US Census Bureau, the 2020 population of the city is 51,807 and has grown by 17.4% since 2010. This is similar to the growth rate experienced statewide which was 17.3% during that period.

At 27.3%, **the City’s percentage of** people under 18 years of age exceeds the statewide percentage of 25.1% by 2.2%. The percentage of population under 5 years of age exceeds the statewide figure by 1.0% (7.5% vs. 6.5%). **The percentage of the City’s population over 65 years of age (13.8%) is less than the statewide percentage (16.3%) by 2.5%.** These statistics reflect a population base that is slightly younger than that found statewide.

The population is predominately white at 90.6% as compared to the statewide percentage of 93.0%. The Hispanic population exceeds the statewide percentage by 3.4% (16.2% vs. 12.8%).

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<sup>2</sup> Pursuant to Idaho Code Section 50-2905(8) it is recognized the Agency shall receive allocation of revenues in the calendar year following the termination date.

Housing units are 62.9% owner-occupied as opposed to the statewide statistic of 70.0%. Median value of owner-occupied housing units is \$162,000 as compared to \$212,300 statewide. Monthly owner costs with mortgage are \$1,140 as compared to the statewide figure of \$1,270. Median gross rent in the city is reported as \$818 as compared to \$853 statewide.

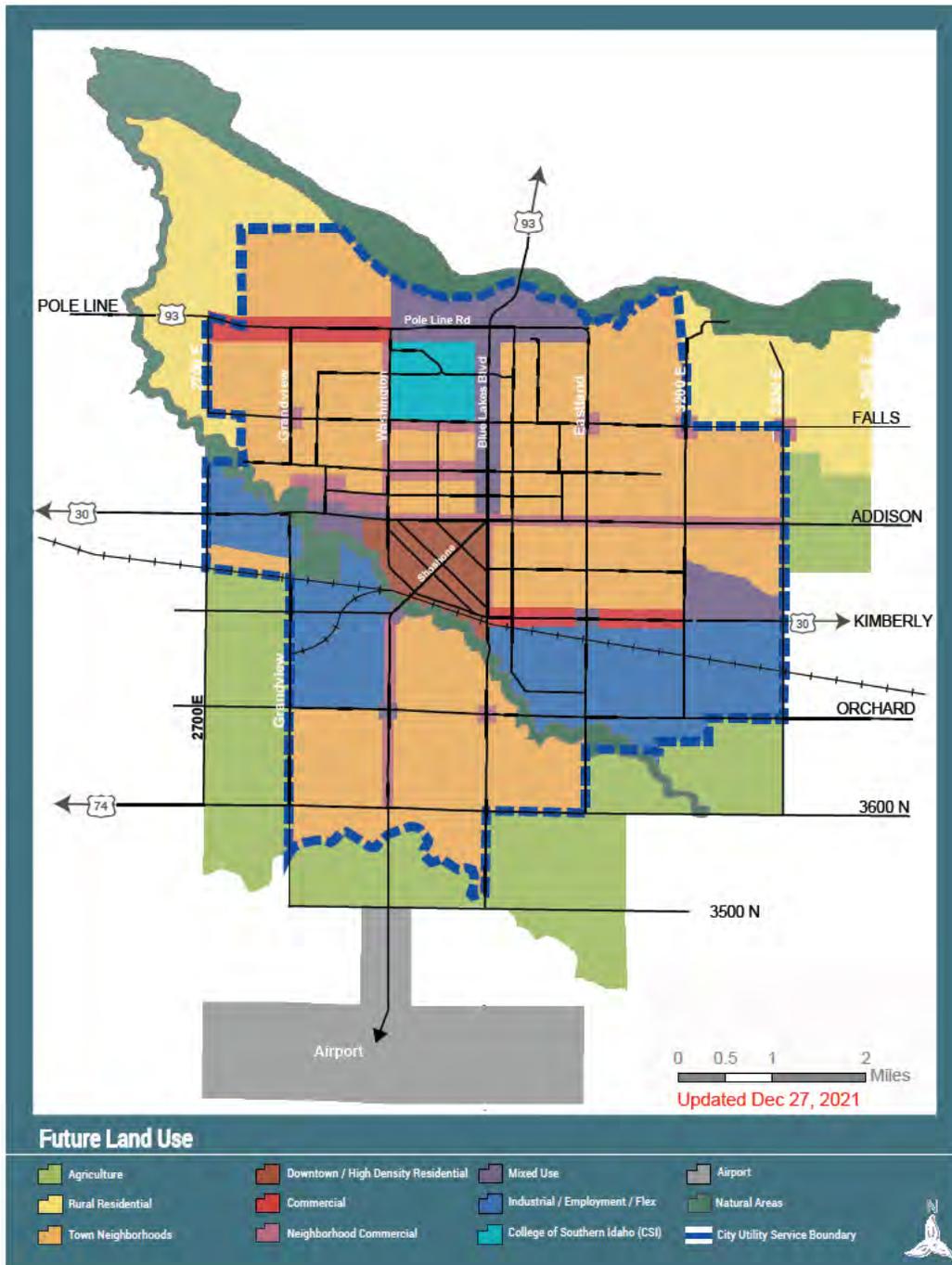
When income statistics are compared to statewide numbers, we see that the population of the city lags the rest of Idaho in these categories as well. The median household income in the city is \$50,739, approximately 9.1% below the statewide figure of \$55,785. Per capita income for the **city's population is \$24,933** as compared to the statewide number of \$27,970. **The percentage of the City's population below poverty level is 14.8%** as compared to the statewide number of 10.1%.

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

Investment Capacity: Cities across the nation actively participate in the economic vitality of their communities through investment in infrastructure. Water and sewer facilities as well as transportation, communication, electrical distribution, and other systems are all integral elements of an economically viable community. Idaho cities have a significant challenge in responding to these demands along with the on-going need to reinvest in their general physical plant to ensure it does not deteriorate to the point of system failure. They face stringent statutory and constitutional limitations on revenue generation and debt as well as near total dependence upon state legislative action to provide funding options. These strictures severely constrain capital investment strategies.

The tools made available to cities in Title 50, Chapters 20 and 29, the Urban Renewal Law and the Local Economic Development Act, are some of the few that are available to assist communities in their efforts to support economic vitality. New sources of State support are unlikely to become available in the foreseeable future, thus the City of **Twin Falls'** interest in exploring the potential for establishing their fifth urban renewal district is an appropriate public policy consideration.

# City of Twin Falls Comprehensive Plan



## Steps in Consideration of Revenue Allocation Area:

The first step in consideration of establishing a revenue allocation area in Idaho is to define a potential geographic area for analysis as to whether conditions exist within it to qualify for redevelopment activities under the **statute. We have called this the “Study Area.”**

The next step in the process is to review the conditions within the Study Area to determine whether the area is eligible for creating a district. The State Law governing urban renewal sets out the following criteria, at least one of which must be found, for an area to be considered eligible for urban renewal activities:

1. The Presence of a Substantial Number of Deteriorated or Deteriorating Structures and Deterioration of Site or Other Improvements [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)]
3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)(b)]
4. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness; Obsolete Platting [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
5. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]
6. Diversity of Ownership [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
7. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]
8. Defective or Unusual Conditions of Title [50-2018(9) and 50-2903(8)(b)]
9. Results in Economic Underdevelopment of the Area [50-2903(8)(b); 50-2903(8)(c)]
10. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]

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

The Agency then acts to prepare the Urban Renewal Plan for the new District establishing a Revenue Allocation Area to fund improvements called for in the Plan. Once the Plan for the District and Revenue Allocation Area are completed, the Agency Board forwards it to the City Council for their consideration.

The City Council must refer the Urban Renewal Plan to the Planning and Zoning **Commission to determine whether the Plan, as presented, is consistent with the City’s**

Comprehensive Plan and make a corresponding finding. At the same time, other taxing entities levying property taxes within the boundaries of the proposed Revenue Allocation Area are provided a thirty-day opportunity to comment on the Plan to the City Council. While the taxing entities are invited to comment on the Plan, their concurrence is not required for the City Council to proceed with formal consideration.

Based on legislative changes to Idaho Code § 50-2908(2)(a), effective July 1, 2020, the Twin Falls County Highway District (**the “Highway District”**) is allocated all of the taxes levied by the Highway District within a revenue allocation area first formed or expanded to include property on or after July 1, 2020 (including taxes levied on the base and increment values), unless the City creating the revenue allocation area has responsibility for the maintenance of the roads or highways. Depending on the ultimate boundary of the revenue allocation area this provision may apply to this proposed district, if formed.

Assuming successful annexation into the City, the taxing entities levying property taxes within the proposed revenue allocation area are projected to be:

- The City of Twin Falls
- The Twin Falls School District #411
- Twin Falls County
- Twin Falls County Ambulance
- Twin Falls County Pest Abatement District
- College of Southern Idaho

Once the Planning and Zoning Commission makes their finding of conformity and the thirty-day comment period has passed, the City Council is permitted to hold a public hearing and formally consider the adoption of the Plan creating the new Urban Renewal District and Revenue Allocation Area.

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

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

The Agency then proceeds to implement the Plan.

## Description of the Orchard Drive East Study Area:

The Study Area subject to the current review is located in unincorporated Twin Falls County immediately south of and contiguous with the current city limits. It is located on the west side of N 3300 Road E and north of Orchard Drive, East. The properties are included within the boundaries of the City of Twin Falls Area of City Impact and have been included in the City of Twin Falls Comprehensive Plan. (See Future Land Use Map above). As shown below, the Study Area consists of two (2) relatively large tax parcels, one consisting of 40 acres and one 38.26 acres. The two smaller parcels shown below are not

included within the boundaries of the Study Area<sup>3</sup>. Annexation of the Study Area parcels is currently in progress and is anticipated to be completed prior to consideration of this report.



### Orchard Drive East Revenue Allocation Area Study Area

Table 1

Parcel #	Ownership	Acreage	Land Value	Improvement Value	2021 Taxable Value
RP10S17E241810A	Twins Industrial, LP	38.26	\$137,315	\$27,540	\$164,855
RP10S17E248400A	Herman Wuebke	40.0	\$135,811	\$182,700	\$318,511
Total Orchard Drive E. Study Area		78.26	\$273,126	\$210,240	\$483,366

### Description of the Orchard Drive East Study Area:

As noted in the table above, the Orchard Drive East Study Area consists of two (2) tax parcels.

The easterly parcel consists of 38.26 acres and its current use is irrigated crop land. It is zoned M-2 (Heavy Manufacturing) in unincorporated Twin Falls County. The property is

<sup>3</sup> Currently, the boundary line between the City and unincorporated Twin Falls County is unclear and requires further analysis. The Study Area boundary extends to the far side of the rights-of-way; however, to the extent the boundary line between the City and Twin Falls County is within the right-of-way, it may be the revenue allocation area boundary is ultimately smaller than the Study Area boundary.

located within the City of Twin Falls Area of City Impact (ACI) and has been included in **the Future Land Use Map of the City's Comprehensive Plan**. That document designates this property as **"Industrial / Employment / Flex"**.

The westerly parcel consists of 40 acres, and its current use is irrigated crop land. It is currently zoned M-2 (Heavy Manufacturing) in unincorporated Twin Falls County. County Assessor records reflect the presence of an older (1923) residential structure on the property. No Homeowner Property Tax Exemption is reflected in the County Assessor records suggesting that it is not an owner-occupied structure. The property is also located within the City of Twin Falls Area of City Impact (ACI) and has been included in the **Future Land Use Map of the City's Comprehensive Plan**. That document designates this property as **"Industrial / Employment / Flex"**.

## Analysis of the Study Area:

A review of the Study Area reflects an area in transition. While the area remains in its historic agricultural use, it is immediately adjacent to the corporate boundary of the City of Twin Falls. That area has seen significant industrial development in recent years and remains one of the few industrial areas in South Central Idaho with adequate public services available to support large-scale development.

The current development plan for the Study Area calls for the phased development of a primarily **"for lease" industrial area including an estimated 1,000,000 square feet** of space that would be available to various businesses requiring between 5,000 and 200,000 square feet of space. Currently, public services available to the site are consistent with the historic agricultural usage of the property.

For the convenience of the reader, the statutory criteria are reiterated, at least one of which must be found to qualify an area for urban renewal activities. Those conditions are:

1. The Presence of a Substantial Number of Deteriorated or Deteriorating Structures and Deterioration of Site or Other Improvements [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)]
3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)(b)]
4. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness; Obsolete Platting [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
5. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]
6. Diversity of Ownership [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
7. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]
8. Defective or Unusual Conditions of Title [50-2018(9) and 50-2903(8)(b)]

9. Results in Economic Underdevelopment of the Area [50-2903(8)(b); 50-2903(8)(c)]
10. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]

#### Analysis: Orchard Drive East Study Area

*Criterion #1: The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site:* The historic farmstead currently located in the Study Area consists of an older residential dwelling constructed in 1923 and updated in 1953 along with a few outbuildings consistent with the agricultural use of the property.

However, since these structures are the only ones in the Study Area, there is not a “substantial number of deteriorated or deteriorating structures” remaining within the Study Area. Therefore, criterion #1 is not met.

*Criterion #2: Age or Obsolescence:* Again, as noted above, the structures that remain in the Study Area, were built to serve the historic agricultural use. While the remaining structures remain serviceable for the current use, they are not of a nature to support the high-density industrial use envisioned in the Comprehensive Plan. Therefore, the remaining structures located along Orchard Drive East are obsolete in this context and as such, criterion #2 is met.

*Criterion #3: Predominance of Defective or Inadequate Street Layout:* As noted above, the Study Area has seen limited development of supportive infrastructure. The roads serving the area (N. 3300 E and Orchard Drive E) are typical county roads consisting of relatively narrow asphalt mats with gravel shoulders and no provision for the management of storm drainage beyond the roadside ditches common to rural roadways. There is no internal street system to provide access to the Study Area. Implementation of the vision **articulated in the City’s** Comprehensive Plan will require substantial upgrades to the streets serving the expanded demand. Therefore, criterion #3 is met

*Criterion #4: Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness; Obsolete Platting:* The parcels in the Study Area are of a size and configuration appropriate for the historic agricultural use for which they have been deployed for several decades. However, as the City and region have developed around these properties, the large lots are not properly configured to accommodate the development pattern envisioned in the Comprehensive Plan. A more fine-grained and high-density development pattern is represented in the adopted Plan. Therefore, criterion #4 is met.

*Criterion #5: Insanitary or Unsafe Conditions:* Again, given the current agricultural use **and general lack of development “insanitary and unsafe conditions” are not present.** However, when considering the anticipated development pattern, the Study Area is completely devoid of public water supply and distribution facilities. No provision for required fire flows nor any provision of sanitary sewer or storm drainage facilities adequate to the anticipated demand has been made. Therefore, criterion #5 is met.

*Criterion #6: Diversity of Ownership:* The ownership of the 78.26 acres in the Study Area has been in the hands of two (2) entities. However, the proposed developer of the

industrial facility has acquired both parcels and envisions the properties to be developed together under a single development plan. Thus, the Study Area is controlled by only one entity. Therefore criterion #6 is not met.

*Criterion #7: Tax or Special Assessment Delinquency:* According to Twin Falls County Assessor records, no delinquencies exist. Therefore, criterion #7 is not met.

*Criterion #8: Defective or unusual condition of title:* No defective or unusual conditions of title are reflected in Twin Falls County records. Therefore, criterion #8 is not met.

*Criterion #9: Results in Economic Underdevelopment of the Area:* Economic development and high-wage job creation are high priorities for the broader Twin Falls community as reflected in various planning documents. The supply of industrial land to support the desired economic expansion is extremely limited. The high cost of infrastructure investment required to accommodate the desired levels of economic activity have proven a barrier to the expansion of the adjacent industrial areas. As a result, the Study Area remains in its historic agricultural usage immediately adjacent to one of the **state's most vibrant industrial areas. Without a means to support the physical transition** of the Study Area the area will likely remain in its current agricultural use for the indefinite future. Therefore, criterion #9 is met.

*Criterion #10: Substantially Impairs or Arrests the Sound Growth of a Municipality:* The City of Twin Falls and the and the Twin Falls Urban Renewal Agency have made substantial investment in the transportation and utility facilities serving the area within the corporate limits immediately adjacent and to the north of the Study Area. The City of Twin Falls has expressed its vision for this area by including it **within the City's** Comprehensive Plan, but without the capacity to provide full public infrastructure, the Study Area will remain an under-utilized area adjacent to one of the fastest growing areas in the State of Idaho. Criterion #10 is met.

Findings: Orchard Drive East Study Area: Conditions exist within the Study Area to allow the TFURA Board and the Twin Falls City Council to determine that the area is eligible for urban renewal activities as prescribed in State Law.

Summary of Findings

	Criteria	Met	Not Met
1	The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site		X
2	Age or Obsolescence	X	
3	Predominance of Defective or Inadequate Street Layout	X	
4	Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness; Obsolete Platting	X	
5	Insanitary or Unsafe Conditions	X	
6	Diversity of Ownership		X
7	Tax or Special Assessment Delinquency		X
8	Defective or unusual condition of title		X
9	Results in Economic Underdevelopment of the Area	X	

10	Substantially Impairs or Arrests the Sound Growth of a Municipality	X	
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**Analysis: Open Land Conditions:** In addition to the eligibility conditions identified above, the geographic area under review is also required to satisfy the “open land” conditions. Idaho Code Section 50-2903(8)(c) states: “[a]ny area which is predominately open and which because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas.”

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

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

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

combination of such factors or other conditions which retard development of the area.

In sum, there is one set of findings if the area of open land is to be acquired and developed for residential uses and a separate set of findings if the land is to be acquired and developed for nonresidential uses.

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

The conclusion of this discussion concerning open land areas is that the area qualifies if any of the eligibility conditions set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b) apply. Alternatively, the area under consideration qualifies if any of the conditions listed only in Idaho Code Section 50-2008(d)(4)(2) apply. The parcel size, the lack of water and sewer facilities in the Study Area; a nonexistent access and internal street system; an inadequate storm drain system; and lack of fire protection, are all conditions which delay development of the Study Area.

Based on the above analysis, **to the extent the Study Area is "predominantly open land,"** which is not a defined term, obsolete platting/faulty lot layout and economic underdevelopment are conditions found in the Study Area, and therefore, the open land condition is satisfied.

## Other Relevant Issues:

### Agricultural Landowners Concurrence:

The statutory provisions concerning the creation of an urban renewal district prohibit inclusion of any land used for an agricultural operation without the express written consent of the property owner. An agricultural operation is broadly defined in Idaho Code § 22-4502(2) and means **"an activity or condition that occurs in connection with the production of agricultural products for food, fiber, fuel and other lawful uses..."** As of the date of this Eligibility Study, both parcels appear, from a visual inspection, to be active agricultural operations. As a result, property owner consent is required prior to final **consideration of the proposed district's creation.**

## CONCLUSION:

Based upon the data and the conditions that exist within the Study Area as noted above, the TFURA Board and the Twin Falls City Council may determine that the Orchard Drive East Study Area is eligible for the establishment of a revenue allocation area.

**10% Analysis:** In addition to the findings reported above, verification that the assessed value of the proposed Study Area is within the statutory limits, is needed. State Law limits the percentage of values on the combined base assessment rolls that can be included in urban renewal / revenue allocation districts to 10% of the current assessed valuation of all taxable property within the City. According to Twin Falls County Assessor records, the 2021 total certified value for the City of Twin Falls is \$4,653,143,739 (does not include State assessed operating property). As shown in the analysis in Table 1 the current taxable value of the entire Study Area is estimated to be \$483,336. This value then must be added to the Base Assessed Values of Area 4-1, 4-3, 4-4 and the Washington Street South Districts to test for the 10% limitation. The analysis for this purpose is presented in Table 2, below. The combined base assessment roll values are well below the statutory limit.

Table 2

Statutory 10% Limitation Analysis		
Area	Taxable Value	Percentage
• Total City	\$4,653,143,739	100%
	Adjusted Base Values	
• Area 4-1 (Old Towne)	\$23,760,191	0.51%
• Area 4-3 (Chobani)	\$ 1,069,508	0.02%
• Area 4-4 (ClifBar)	\$4,090,577	0.09%
• Washington Street South	\$24,710,081	0.53%
• Proposed Orchard Drive East Area	\$483,336	0.01%
<b>Total UR Base Assessed Value Percentage</b>	<b>\$54,113,693</b>	<b>1.16%</b>

The effect of creating this district on the capacity of the City and TFURA to consider future districts should they choose to do so is also explored. The table below shows there is capacity to consider additional districts.

Table 3

Remaining Urban Renewal Capacity		
Maximum 10% Limitation	\$465,314,373	10%
• Area 4-1 (Old Towne)	\$23,760,191	0.51%
• Area 4-3 (Chobani)	\$ 1,069,508	0.02%
• Area 4-4 (ClifBar)	\$4,090,577	0.09%
• Washington Street South	\$24,710,191	0.53%
• Proposed Orchard Drive East Area	\$483,366	0.01%
<b>Available AV within limitation</b>	<b>\$411,200,681</b>	<b>8.84%</b>