

**URBAN RENEWAL PLAN FOR THE  
SOUTHWEST URBAN RENEWAL PROJECT**

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

**Ordinance No. O-2024-021**

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## 100 INTRODUCTION

This is the Urban Renewal Plan (the “Plan”) for the Southwest 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 Southwest 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, 2016, as may be amended from time to time. The Agency intends to rely heavily on any applicable City design standards which may cover all or part of the Project Area.

The Identification and Proposed Location of Certain Public Improvements in the Project Area, as attached hereto as Attachment 5.5, sets forth a non-exhaustive projected prioritized list of certain public improvement projects; however, the location of public improvement projects within the Project Area and project prioritization will be driven by current market conditions, project buildout timeline, development opportunities providing for partnerships and efficient development and the annual budget. Identification of proposed public entity partnership opportunities does not bind those public entities to fund those projects; rather, public entity participation is driven by public entity annual budget appropriations. This information merely highlights the potential for partnership opportunity and serves as a reasonable guide to anticipated development, recognizing the challenges with identifying all projects over the duration 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 the specific location and 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 primarily commercial and industrial projects. Any adjustment to the list of improvements and/or revenue stream to support growth of the proposed commercial and/or 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), (2), (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 new local, collector and arterial streets; improvements to existing roadways and intersections, including the installation of traffic signals, and including but not limited to improvements to State Highway 74/Washington Street South, Orchard Drive, Grandview Drive, North Road, Diamond Avenue, Highland Avenue and Park Avenue; installation of curbs, gutters and streetscapes, which for purposes of this Plan, the term “streetscapes” includes sidewalks, multi-use pathways, lighting, landscaping, benches, bike racks, wayfinding, public art 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 system and facilities 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; installation and construction and/or improvement of storm drainage facilities;

- b. The planning, design, and development of undeveloped or underdeveloped areas which are stagnant or improperly utilized because of limited traffic access, underserved utilities, and other site conditions, including underground gas lines and overhead transmission lines;
- 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 increased employment opportunities 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. The provision of public service utilities, which may be sited outside the Project Area, but are necessary to the development of the Project Area, such as water system and facilities improvements, sewer system and facilities improvements, improvements to storm drainage facilities, and power and gas system and facilities improvements;
- g. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, 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;
- h. The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Project Area as a whole and benefiting the various taxing districts in which the urban renewal area is located;
- i. The acquisition of real property to support development and/or redevelopment initiatives consistent with the Law and Act;
- j. The funding of necessary public infrastructure to accommodate both public and private development.

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

The Agency is a public body, corporate and politic, as defined and described under the Law and the Act. The Agency is 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 §§ 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, Kushlan | Associates, was retained to study a proposed project area (the “Study Area”) and prepare an eligibility report. The Southwest Revenue Allocation Area Eligibility Report (the “Report”) was submitted to the Agency. The Agency accepted the Report by Agency Resolution No. 2024-06 on August 19, 2024, and thereafter submitted the Report to the City Council for its consideration.

The Study Area was deemed by the City Council to be a deteriorating area and/or a deteriorated area and therefore eligible for an urban renewal project by adoption of Resolution No. R-2024-008 on August 26, 2024. With the adoption of Resolution No. R-2024-008, the City Council declared the Study Area described in the Report to be a deteriorated area and/or a deteriorating area as defined by the Law and Act and directed the Agency to prepare an urban renewal plan.

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

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

The Plan was prepared and submitted to the Agency for its review and approval. The Agency approved the Plan by the adoption of Agency Resolution No. 2024-08 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 December 16, 2024, by Ordinance No. O-2024-021.

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

The Project Area contains approximately 370.75 acres, inclusive of rights-of-way, and is generally located in the south-central part of the City. The Project Area is generally bounded on the east by a major north/south arterial, State Highway 74/Washington Street South, on the south by North Road, on the west by Grandview Drive, and on the north by portions of South Park Avenue West and Diamond Avenue. At the time of the Report two (2) parcels in the Study Area were proceeding with annexation into the City. At the time the City Council considers this Plan, all parcels in the Project Area will be within the city of Twin Falls city limits.

The Project Area is generally a mixture of commercially and industrially zoned properties. The majority of the acreage remains in agricultural use pending urban development. One (1) parcel is landlocked with no access to a public street. A significant deterrent to development is the transection of a gas pipeline through the Project Area.

The Project Area includes parcels that were located within the boundaries of the terminated Washington Street South revenue allocation area, which area did not develop as contemplated under that urban renewal plan and which area continues to meet the statutory conditions to warrant an urban renewal project. Continued assistance is necessary to support redevelopment activity in this area, particularly in light of the existing challenging market conditions and the desired goals to support commercial and industrial development projects in this geographic area. The Project Area continues to be an area in transition requiring continued support for desired development.

The Project Area lacks the public infrastructure necessary to properly serve economic development. While limited investment has been made on Washington Street South, full improvement to City standards has not occurred. There are no pedestrian facilities, including street illumination, or storm drainage facilities. The roadway improvements were not designed to accommodate the projected levels of commercial and industrial traffic contemplated in City planning documents. Similar deteriorating conditions exist with regard to the existing rights-of-way within the Project Area, including but not limited to: Orchard Drive, Grandview Drive, North Road, Diamond Avenue, Highland Avenue and Park Avenue. Currently, there is no street

network west of Washington Street South to support commercial and/or industrial development in the Project Area.

Municipal water exists in Washington Street South; however, much of the Project Area is undeveloped vacant land. Once developed consistent with zoning designations, extensions will be necessary to serve the area and fire flows may need to be upgraded to adequately protect a more densely developed environment. Similarly, sewer service will need to be enhanced to serve development. Additionally, certain types of industrial development may cause significant demands upon the City's wastewater treatment facility located adjacent to the Snake River in the Snake River Canyon. It has been the City's policy to require pretreatment of effluent prior to it being discharged into the City's collection system to ensure compliance with the environmental requirements of the permits issued by the State Department of Environmental Quality (DEQ). Generally, the lack of costly public infrastructure has resulted in the economic underdevelopment of the area.

The Plan proposes installation and improvements to public infrastructure and other publicly owned assets throughout the Project Area, as more specifically set forth in Attachments 5.1 and 5.5, creating the opportunity to support commercial and industrial economic development projects consistent with the City's Comprehensive Plan.

The Project Area is underdeveloped 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; diversity of ownership; and inadequate utility infrastructure needed to support industrial and commercial development within the Project Area. These conditions result in the economic underdevelopment of the area and substantially impair or arrest 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. This Plan will help to deliver development outcomes with significant public benefit which the market will not otherwise deliver on its own. 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 contemplated commercial and industrial development projects create economic development opportunities that may generate new jobs in the Project Area and will increase the tax base, which in turn, could be a factor in lowering taxes, benefiting area residents long-term.

It is unlikely that individual developers or public partners 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 development of the Project Area would not occur.

## 104 Purpose of Activities

Attachments 5.1 and 5.5 include the Twin Falls Southwest District Public Improvements List and a preliminary prioritized guide setting forth public improvements and projects identifying with specificity the proposed public improvements and projects contemplated in the Project Area, including the estimated costs of those improvements. 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. Reprioritize the Projects described in this Plan and the Plan Attachments.
- c. Retain flexibility in funding the various activities in order to best meet the Plan and the needs of the Project Area.
- d. Retain flexibility in determining whether to use the Agency's funds or funds generated by other sources.
- e. Alter the location of proposed improvements set forth in Attachment 5.5 or as described in Attachment 5.1 to support development when it occurs. The information included in Attachment 5.5 presents a proposed, realistic development scenario, projected timeline, and location, recognizing the siting of improvements is difficult to project with any certainty where the improvements will not 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 acquisition, development, and contribution of public improvements. Such references do not necessarily constitute a full, final, and formal commitment by the Agency but, rather, grant to the Agency the discretion to participate as stated subject to achieving the objectives of this Plan and provided such activity is deemed eligible under the Law and the Act. The activities listed in 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 2024 dollars of approximately \$49,500,000. This amount does not take into account inflationary factors, such as increasing construction costs, which would increase that figure depending on when the public entity, 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 \$56,373,231 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 Attachments 5.1–5.5 and this Plan. 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 Attachments 5.1–5.5 and this Plan.

## **105 Open Land Criteria**

This Plan contemplates Agency acquisition of property within the Project Area, in part, to support economic development/demonstration projects. 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 parcel size, the deficient water and sewer systems and facilities to support future development; a deficient street system; deteriorating streetscapes, including curb, gutter, sidewalks, and storm drainage facilities; and lack of fire protection, are all

conditions which delay or impair development in the Project Area. Further, 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; diversity of ownership; 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 Southwest Revenue Allocation Area Eligibility Report, prepared by Kushlan | Associates, dated August 19, 2024.

This Plan anticipates Agency acquisition of property within the Project Area; however, the acquisition of specific parcels is unknown at this time. 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 objectives of this Plan;
- c. The engineering, design, installation, construction, and/or reconstruction of the transportation network within the Project Area, including all streets and streetscapes within the Project Area, with a focus on enhancements to State Highway 74/Washington Street South, Orchard Drive, Grandview Drive, North Road, Diamond Avenue, Highland Avenue and Park Avenue, 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 sidewalks and related pedestrian facilities, curb and gutter and streetscapes, which for purposes of this Plan, the term streetscapes include sidewalks, lighting, landscaping, benches, signage, way-finding, bike racks, public art, and similar amenities between the curb and right-of-way line; and other public improvements, including multi-use pathways with landscape buffers and public open spaces;
- e. The engineering, design, installation, construction, and/or reconstruction of utilities (within and outside of the Project Area) 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, construction and/or reconstruction of pretreatment facilities, and upgrades to power, gas, fiber optics, communications and other such facilities. Construction of utilities outside of the Project Area are directly related to the growth and development within the Project Area, but cannot be sited within the Project Area, and include projects to expand or increase capacity and to create redundancies in the system;
- f. 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, floodway and flood zone mitigation; and other public improvements that may be deemed appropriate by the Board;
- g. The acquisition of real property for public right-of-way and streetscape improvements, utility undergrounding, extension, upgrades, and pedestrian facilities to create development opportunities consistent with the Plan, including but not limited to future disposition to qualified developers for qualified developments, including economic development;
- h. 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;
- i. The demolition or removal of certain buildings and/or improvements for public rights-of-way and streetscape improvements, pedestrian facilities, utility undergrounding extension and upgrades, to 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;

- j. The management of any property acquired by and under the ownership and control of the Agency;
- k. The development or redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- l. The construction and financial support of infrastructure necessary for the provision of improved transit and alternative transportation;
- m. Provide assistance related to relocation of a rail spur to remove a site impediment to development and to encourage industrial and commercial development in an area with greater access to rail;
- n. 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;
- o. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- p. The preparation and assembly of adequate sites for the development and construction of facilities for commercial, industrial, and governmental use;
- q. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- r. To the extent allowed by law, lend or invest federal funds to facilitate development and/or redevelopment;
- s. The provision for relocation assistance to displaced Project Area occupants, as required by law, or within the discretion of the Agency Board for displaced businesses;
- t. The environmental assessment and remediation of brownfield sites, or sites where environmental conditions detrimental to development and/or redevelopment exist;
- u. To collaborate with stakeholders as contemplated by Attachment 5.5;

- v. Agency participation in the remediation of any brownfield or other environmental conditions present in the Project Area; and
- w. 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; diversity of ownership; economic disuse; and inadequate utility infrastructure needed to support desired development. 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 and develop 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 opportunities, as well as encourage other economic development opportunities for existing businesses.
- c. Secure and improve certain public open space and recreational facilities in critical areas.

- d. Initiate projects designed to encourage activity centers, and provide 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 industrial and commercial 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 Project Area 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, 2044. 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, rail, or other similar systems and lines, streets, roads, curbs, gutters, sidewalks, walkways, public 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 allows the Agency's use of its resources for property acquisition. This Plan does not anticipate the Agency's widespread use of its resources for property acquisition, except for the construction of public improvements or to dispose of real property to a qualified developer to incent certain types of development as permitted by the Law and Act.

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

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

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, intersection improvements, including the installation of traffic signals, water and sewer improvements, environmental remediation/site preparation, public parking, pedestrian facilities, irrigation canal improvements, relocation of a rail spur, and improvements and/or relocations to the power and gas systems. Further, the Agency may acquire real property to facilitate commercial and industrial economic development projects 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 commercial and industrial uses. 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 or by the City with the Agency acting in an advisory capacity<sup>1</sup> to acquire real property in the Project Area for the public improvements identified in this Plan, which cannot be acquired by gift, devise, exchange, purchase, or any other lawful method.

Under the provisions of the Act, the urban renewal plan "shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area." Idaho Code § 50-2018(12). The Agency has generally described those properties by use as set out in Attachment 3 for acquisition for the construction of public improvements. The 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.

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

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

If the Agency receives federal funds for real estate acquisition and relocation, the Agency shall comply with 24 C.F.R. Part 42, implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The Agency reserves the right to extend benefits for relocation to those not otherwise entitled to relocation benefits as a matter of state law under the Act or the Law.

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, public parking facilities, drainage facilities, and other public improvements necessary to carry out this Plan.

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

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

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

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

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

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

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

Leases, lease/purchases, deeds, contracts, agreements, and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, shall be recorded in the office of the Recorder of 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, 2044. 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 agreement 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 or participate with the private or public sector with regard to any programs administered by the Idaho Department of Commerce 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 and within the Twin Falls Zoning Code, including the future land use map and zoning classifications, as may be amended. For the most part, the Project Area will include commercial and industrial development as well as public and governmental uses. 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 but not limited to State Highway 74/Washington Street South, Orchard Drive, Grandview Drive, North Road, Diamond Avenue, Highland Avenue and Park Avenue. Any new roadways, including new arterials, collectors and/or local roads to be engineered, designed, installed, and constructed in the interior of the Project Area, including but not limited to the extension of Park Avenue and Highland Avenue, 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 described 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 improved, 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 pedestrian and vehicular access, vehicular parking, and delivery loading docks with the similar needs of any existing developments permitted to remain.

Such balancing shall take into consideration the rights of existing owners and tenants under the rules for owner and tenant participation adopted by the Agency for the Project and any participation agreements executed thereunder;

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

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

#### **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 development 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, 2024. These revenue allocation provisions shall apply to all taxing districts which are located in or overlap the Revenue Allocation Area shown and described on Attachments 1 and 2 to this Plan. The Agency shall take all actions necessary or convenient to implement these revenue allocation financing provisions. The Agency specifically finds that the equalized assessed valuation of property within the Revenue Allocation Area is likely to increase as a result of the initiation of the Project.

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

The Agency may consider a note or line of credit issued by a bank or lending institution premised upon revenue allocation funds generated by a substantial private development contemplated by the Study, as defined in Section 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, the location of proposed public infrastructure improvements, 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, developers/owners seeking Agency assistance pursuant to an owner participation agreement, and unknown future costs. Agency revenue and the ability to fund reimbursement of eligible Project Costs is more specifically detailed in the annual budget.

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 Agency may appropriate funds consisting of revenue allocation proceeds on an annual basis without the issuance of notes or bonds. The Agency may also obtain advances or loans from the City or Agency, or from the Agency's other revenue allocation area, or private entity and financial institutions in order to immediately commence construction of certain of the public improvements. Developer advanced funding of public improvements could also achieve the same purpose. The revenue allocation proceeds are hereby irrevocably pledged for the payment of the principal and interest on the advance of monies or making of loans or the incurring of any indebtedness such as bonds, notes, and other obligations (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part, including reimbursement to any owner/developer or public entity for the cost of eligible public improvements pursuant to 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, and in Section 301, which will facilitate commercial and industrial economic 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 staff, and others. The information has been analyzed by the Agency and its consultants in order to provide an analysis that meets the requirements set forth under the Law and Act. At the point in time when the Agency may seek a loan from lenders or others, a more detailed and then-current financial pro forma will be presented to those lenders or underwriters for analysis to determine the borrowing capacity of the Agency. As set forth herein, the Agency reserves the right to fund the Project on a “pay-as-you-go” basis. The Agency Board will prioritize the activities set forth in this Plan and determine what funds are available and what activities can be funded. The Agency will establish those priorities through its mandated annual budgetary process.

The list of public improvements, 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. Based on a review of past general inflationary increases, the Study assumes land values will inflate at a rate of 6% per year through 2029 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 through 2029 and then will inflate at 4% per year for the duration of the Project Area. The Study projects new taxable development investment valued at \$400,000,000 over the life of the Project Area.

The types of new construction expected in the Project Area are: commercial and industrial developments, as well as, other public facilities and improvements, including but not limited to streets, streetscapes, water and sewer improvements, power, gas and fiber optic improvements, relocation of a rail spur, environmental remediation/site preparation, public parking, and pedestrian/bike paths. 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, 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, 2023<sup>2</sup>, less homeowners' exemptions, is \$6,406,571,903 (does not include State assessed operating property). Therefore, the 10% limit is \$640,657,190.

The adjusted base assessed value of each of the existing revenue allocation areas<sup>3</sup>, together with the assessed taxable value of the proposed Project Area, as of January 1, 2023, is as follows:

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<sup>2</sup> Due to the timing of the assessment process and creation of this Plan, the 2023 values have been used to establish compliance with the 10% limitation. Using the 2023 values, the total adjusted base values of the existing revenue allocation areas combined with the value of this Project Area is 3.977% of the total taxable value of the City. Even assuming an increase in values for 2024, 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>3</sup> Washington Street South terminated effective January 1, 2024. The revenue allocation area formerly included within the Washington Street South area is included within the boundaries of the proposed Project Area at the stepped up current taxable value..

Area 4-3 (Chobani)	\$1,069,508
Area 4-4 (Clif Bar)	\$4,090,577
Orchard Drive East	\$483,366 <sup>4</sup>
Old Towne-2	\$233,672,375
Proposed Southwest	\$15,260,739
<b>TOTAL:</b>	<b>\$254,576,565</b>

The adjusted base values for the combined revenue allocation areas total \$254,576,565, which is less than 10% of the City’s 2023 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, by contract, or by other federal regulation. If revenue allocation funds are unavailable, then the Agency will need to use a different funding source for that improvement.

The amount of funds available to the Agency from revenue allocation financing is directly related to the assessed value of new improvements within the Revenue Allocation Area. Under the Act, the Agency is allowed the revenue allocation generated from inflationary increases and new development value. Increases have been assumed based upon the projected value of new development as that development occurs along with possible land reassessment based on a construction start.

The Study, with the various estimates and projections, constitutes an economic feasibility study. Costs and revenues are analyzed, and the analysis shows the need for public capital funds during the project. Multiple financing sources are contemplated in the Study, including proposed revenue allocation notes, annual revenue allocations, developer contributions, city contributions, interfund loan, and other financing sources as permitted by law. This Study identifies the kind, number, and location of all proposed public works or improvements, a detailed list of estimated project costs, a description of the methods of financing illustrating project costs, and the time when related costs or monetary obligations are to be incurred.<sup>5</sup> Based on these funding sources, the conclusion is that the Project is feasible.

The Agency reserves the discretion and flexibility to use revenue allocation proceeds in excess of the amounts projected in the Study for the purpose of funding the identified projects and improvements. The projections in the Study are based on reasonable assumptions and existing market conditions. However, should the Project Area result in greater than anticipated revenues, the Agency specifically reserves the ability to fund the additional activity and projects identified in the Plan. Further, the Agency reserves the discretion and flexibility to use other sources of funds unrelated to revenue allocation to assist in the funding of the improvements and activities identified, including but not limited to owner participation agreements and disposition

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<sup>4</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.

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

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 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 (directly or through reimbursement) 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 and projects will be in future years. There is general recognition that construction costs fluctuate and are impacted by future unknowns, such as, the cost of materials and laborers. Final costs will be determined by way of construction contract public bidding or by an agreement between the developer/owner, and/or public entity, and Agency. The listing of public improvements and projects does not commit the Agency, City, or other public entity, to any particular level of funding; rather, identification of the activity in the Plan allows the Agency to negotiate the terms of any reimbursement with the developer and/or the public entities. This Plan does not financially bind or obligate the Agency, City, or other public entity to any project or property acquisition; rather, for purposes of determining the economic feasibility of the Plan certain projects and expenditures have been estimated and included in the analysis. The City has not committed to fund any public infrastructure improvements within the Project Area. Such decisions concerning capital improvement projects and/or other expenditures are made by the City annually pursuant to its budget and appropriation process. Agency revenue and the ability to fund reimbursement of eligible Project Costs is more specifically detailed in any participation agreement and in the annual budget adopted by the Agency Board. The proposed location and siting of the proposed public infrastructure and other improvement projects in the Project Area are generally described in Attachments 5.1 and 5.5 and this Plan recognizing that the specific location of the projects will depend on the type and timing of development. The specific location of the improvements or the change in the location of the improvements identified in Attachment 5 or this Plan is technical and/or ministerial and does not constitute a modification to the Plan.

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

Generally, the Agency expects to develop those improvements 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 may receive fewer funds from revenue allocation.

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

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 a percentage of the increment value on new construction roll for purposes of setting the following year’s budget and revenue from such value is not limited to the eight percent cap set forth in Idaho Code § 63-802.

As the 2024 certified levy rates are not determined until late 2024, the 2023 certified levy rates have been used as a base to support the assumptions in the Study for purposes of the analysis.<sup>6</sup> Those taxing districts and levy rates are as follows:

<u>Taxing Districts</u>	<u>Levy Rates:</u>
City of Twin Falls	.004714041
Twin Falls County	.002671258
Twin Falls School District #411 - Tort	.000012520
Twin Falls County Ambulance	.000111169
Twin Falls County Pest Abatement District	.000063292
College of Southern Idaho	.000705854
Twin Falls Highway District	.000703461
<b>TOTAL<sup>7</sup></b>	<b>0.008981595</b>

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<sup>6</sup> Due to the timing of the taxing districts’ budget and levy setting process, certification of the 2024 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 provide a basis to analyze the impact on the taxing entities, the 2023 levy rates are used. Use of the 2023 levy rates provides a more accurate base than estimating the 2024 levy rates.

House Bill 587, as amended in the Senate, effective July 1, 2020, amends Idaho Code § 50-2908 altering the allocation of revenue allocation funds to the Agency from the Twin Falls County Highway District levy.<sup>8</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. For purposes of the Study, the estimated levy rate is projected to stay level for the life of the revenue allocation area<sup>9</sup>. If the overall levy rate is less than projected, or if expected development fails to occur as estimated, the Agency will likely receive fewer funds from revenue allocation.

Pursuant to Idaho Code § 50-2908, the Agency is not entitled to revenue allocation proceeds from certain levy increases which are allowed by either specific statutory authorization or approved by an election of the qualified electors of the particular taxing district. Therefore, for any levy election, the Agency will not receive revenue allocation funds which would have been generated by imposing that levy on the assessed valuation within the Project Area. The Study has taken this statute into account. This is also the reason there is no impact to Twin Falls School District #411 (tort levy only).

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

Other sources of funds may include City, and other public entity parties, owner/developer participation, and financing. It is important to note this Plan does not financially bind or obligate the City, Agency and/or any other public entity to any project or property acquisition. The City and/or other local government entity continues to be subject to statutory and constitutional budget and levy limitations. The City, 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.

### **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

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<sup>7</sup> Net of voter approved bonds and levies.

<sup>8</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.

<sup>9</sup> Accurate projection of future levy rates is speculative. Due to the nature of the property uses within the Project Area and the development potential, holding the levy rate constant provides a sound basis to project future revenues.

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 District 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 in support of the Comprehensive Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing deterioration. Actions by the City may include, but not be limited to, the following:

- a. Institution and completion of proceedings necessary for changes and improvements in private and publicly owned public utilities within or affecting the Project Area.
- b. Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan.
- c. Imposition, wherever necessary, of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
- d. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency may develop and provide for enforcement

of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.

- e. Building code enforcement.
- f. Performance of the above actions and of all other functions and services relating to public peace, health, safety, and physical development normally rendered in accordance with a schedule which will permit the development and/or redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
- g. The undertaking and completing of any other proceedings necessary to carry out the Project.
- h. Administration of Community Development Block Grant funds that may be made available for this Project.
- i. Appropriate agreements with the Agency for administration, supporting services, funding sources, and the like.
- j. Assist with coordinating and implementing the public improvements in the Project Area identified in the Study.
- k. Institution and completion of proceedings necessary for the establishment of a local improvement district under Chapter 17, Title 50, Idaho Code, or a business improvement district.
- l. Joint funding of certain public improvements, subject to public entity annual appropriation, including but not limited to those identified in this Plan and Attachments 5.1-5.5 to the Plan.
- m. Use of public entity labor, services, and materials for construction of the public improvements listed in this Plan.
- n. Transfer of real property or improvements upon Agency request.
- o. Waiver of impact fees and permit fees as may be permitted by the law.
- p. Contribute land for right-of-way improvements at no cost to support construction of the public improvements listed in this Plan.

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

## **601 Maintenance of Public Improvements**

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

## **700 ENFORCEMENT**

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

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

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan, shall be effective for twenty (20) years from the effective date of the Plan subject to modifications and/or extensions set forth in Idaho Code §§ 50-2904 and 50-2905(7). The revenue allocation authority will expire on December 31, 2044, except for any revenue allocation proceeds received in calendar year 2045, as contemplated by Idaho Code § 50-2905(7). The Agency may use proceeds in 2045 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, 2044.

Idaho Code § 50-2903(5) provides the Agency shall adopt a resolution of intent to terminate the revenue allocation area by September 1 in the year of termination. In order to provide sufficient notice of termination to the affected taxing districts to allow them to benefit from the increased budget capacity, the Agency will use its best efforts to provide notice of its intent to terminate this Plan and its revenue allocation authority by May 1, 2045, 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 by City Council ordinance results in a reset of the base value for the year immediately following the year in which the modification occurred to include the current year's equalized assessed value of the taxable property in the revenue allocation area, effectively eliminating the Agency's revenue stream as more fully set forth in Idaho Code § 50-2903A subject to certain limited exceptions contained therein, including the exception to allow an amendment to support growth of an existing commercial or industrial project. Idaho Code § 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 and the State Controller's office, on or before March 31 of each year, a report of the Agency's activities for the preceding calendar year, which report shall include certain financial information required under Idaho Code § 67-1076. This annual report shall be considered at a public meeting to report these findings and take comments from the public.

Additionally, the Agency must comply with certain other reporting requirements as set forth in 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.

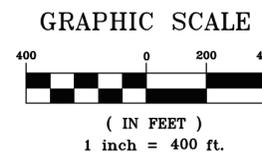
## **1200 APPENDICES, ATTACHMENTS, EXHIBITS, TABLES**

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

PART OF SECTION 20  
 TOWNSHIP 10 SOUTH, RANGE 17 EAST  
 BOISE MERIDIAN  
 TWIN FALLS COUNTY, IDAHO  
 2024



L E G E N D

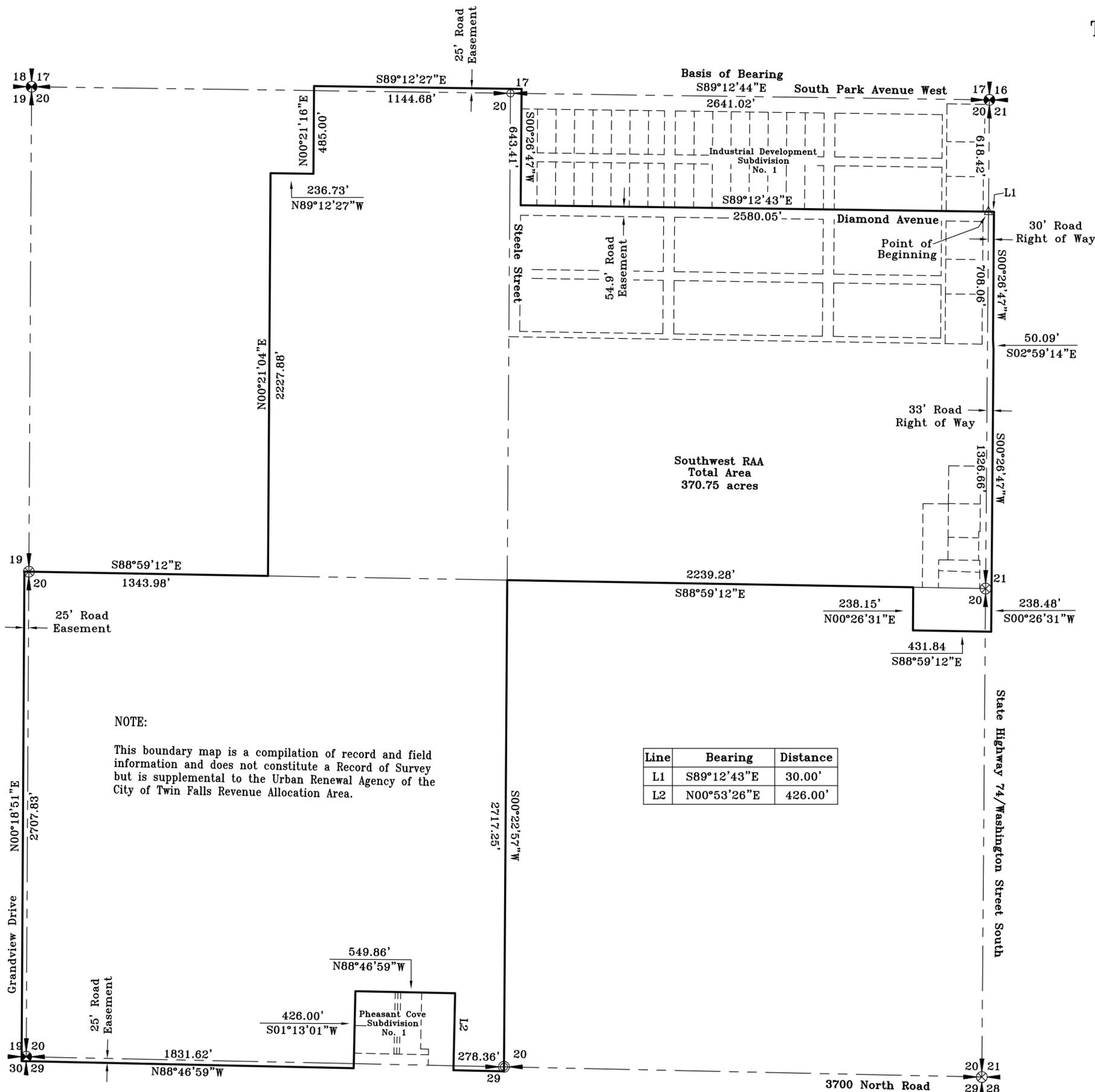
- PARCEL BOUNDARY —————
- SECTION LINE - - - - -
- LOT LINE - · - · -
- FOUND 1/2" IRON ROD ○
- FOUND 5/8" IRON ROD ⊙
- FOUND ALUMINUM CAP ⊗
- FOUND BRASS CAP ⊕

GARCIA  
 LAND SURVEYING, LLC

ANNEXATION MAP  
 Urban Renewal Agency  
 Of The  
 City of Twin Falls

LOCATED IN: PART OF SECTION 20  
 TOWNSHIP 10 SOUTH, RANGE 17 EAST, B.M.  
 TWIN FALLS COUNTY, IDAHO

DRAWN BY: JG	REVISIONS:
DATE: 9.11.2024	
JOB NO.: 2463	SHEET NO.: 1 OF 1



Line	Bearing	Distance
L1	S89°12'43"E	30.00'
L2	N00°53'26"E	426.00'

NOTE:  
 This boundary map is a compilation of record and field information and does not constitute a Record of Survey but is supplemental to the Urban Renewal Agency of the City of Twin Falls Revenue Allocation Area.

Attachment 2

Legal Description of Urban Renewal Project Area and Revenue Allocation Area

**Urban Renewal Agency  
of the City of Twin Falls  
Southwest Area Taxing District Description**

TOWNSHIP 10 SOUTH RANGE 17 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

**SECTION 20:** A parcel of land located in said Section 20 and more particularly described as follows:

Commencing at the Northeast (NE) Corner of said Section 20 (Which lies South 89°12'44" East a distance of 2641.02 feet from the North (N1/4) Quarter Corner) Thence along the East boundary of said section 20, South 00°06'47" West for a distance of 618.42 feet to the **TRUE POINT OF BEGINNING**;

**Thence** South 89°12'43" East for a distance of 30.00 feet to the Easterly Right of Way of SH-74/Washington Street South;

**Thence** along the Easterly Right of Way of SH-74/Washington Street South;  
South 00°26'47" West for a distance of 708.06 feet;

**Thence** continuing along the Easterly Right of Way of SH-74/Washington Street South;  
South 02°59'14" East for a distance of 50.09 feet;

**Thence** continuing along the Easterly Right of Way of SH-74/Washington Street South;  
South 00°26'47" West for a distance of 1326.66 feet;

**Thence** continuing along the Easterly Right of Way of SH-74/Washington Street South;  
South 00°26'31" West for a distance of 238.48 feet;

**Thence** North 88°59'12" West for a distance of 431.84 feet;

**Thence** North 00°26'31" East for a distance of 238.15 feet;

**Thence** North 88°59'12" West for a distance of 2239.28 feet to a point center quarter of said section 20;

**Thence** South 00°22'57" West for a distance of 2717.25 feet to the Southerly roadway easement of 3700 North Road;

**Thence** along the Southerly roadway easement of 3700 North Road, North 88°46'59" West for a distance of 278.36 feet;

**Thence** North 01°13'01" East for a distance of 426.00 feet;

**Thence** North 88°46'59" West for a distance of 549.86 feet to Northwest corner of Pheasant Cove Subdivision No. 1;

**Thence** along the West boundary of Pheasant Cove Subdivision No. 1, South 01°13'01" West for a distance of 426.00 feet to a point on the Southerly roadway easement of 3700 North Road;

**Thence** along the Southerly roadway easement of 3700 North Road, North 88°46'59" West for a distance of 1831.62 feet to the Westerly roadway easement of Grandview Drive;

**Thence** along the Westerly roadway easement of Grandview Drive, North  $00^{\circ}18'51''$  East for a distance of 2707.83 feet;

**Thence** South  $88^{\circ}59'12''$  East for a distance of 1343.98 feet;

**Thence** North  $00^{\circ}21'04''$  East for a distance of 2227.88 feet;

**Thence** South  $89^{\circ}12'27''$  East for a distance of 236.73 feet;

**Thence** North  $00^{\circ}21'16''$  East for a distance of 485.00 feet to the Northerly roadway easement of South Park Avenue West;

**Thence** along the Northerly roadway easement of South Park Avenue West, South  $89^{\circ}12'27''$  East for a distance of 1144.60 feet;

**Thence** South  $00^{\circ}26'47''$  West along the Easterly roadway easement of Steele Street for a distance of 643.41 feet to a point the Northerly roadway easement of Daimond Avenue;

**Thence** along the Northerly roadway easement of Daimond Avenue, South  $89^{\circ}12'43''$  East for a distance of 2580.05 feet to the **TRUE POINT OF BEGINNING**.

**Parcel contains 370.75 acres**

## Attachment 3

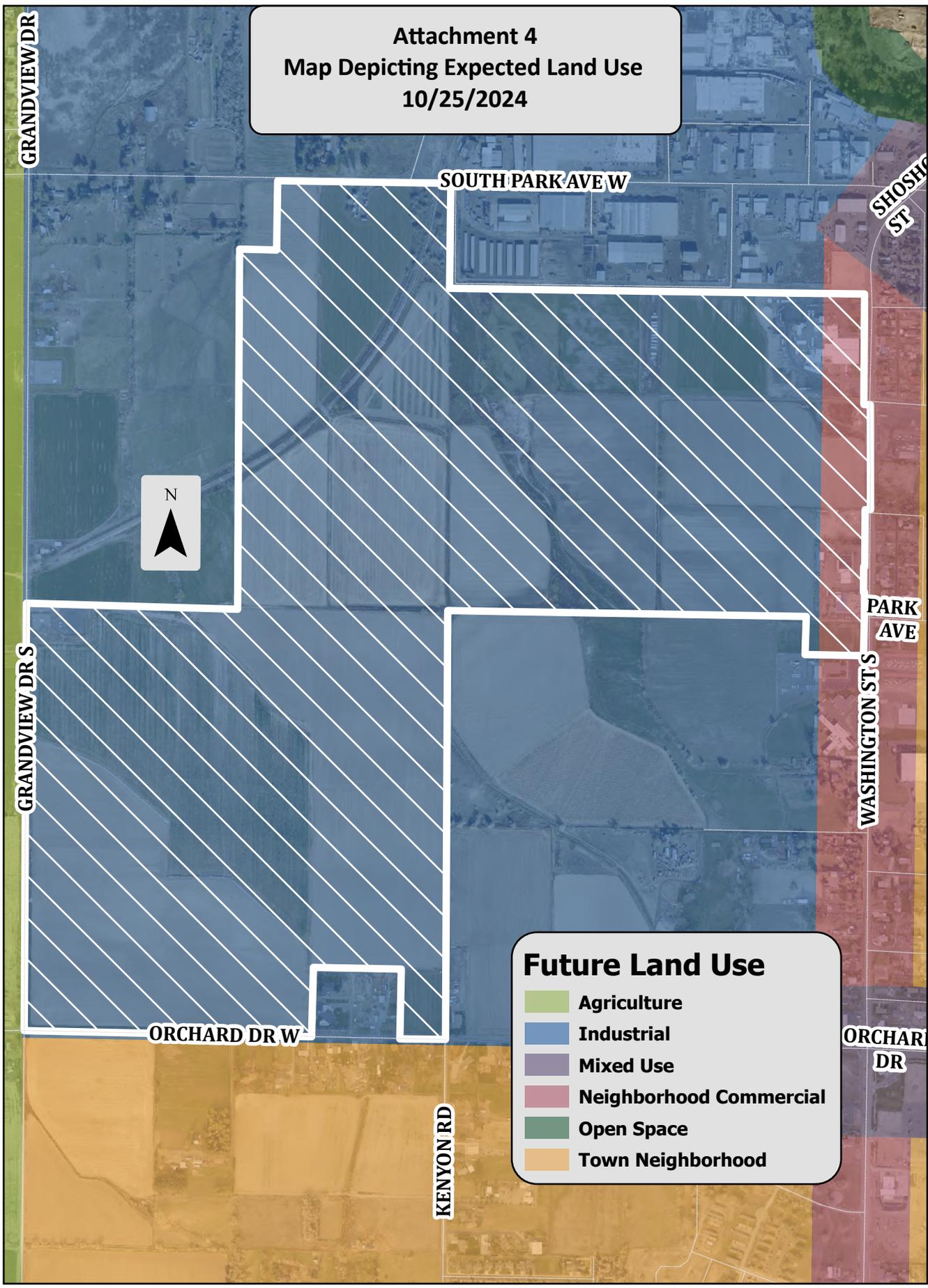
### Private Properties Which May Be Acquired by the Agency

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 mixed-use, residential, commercial, and retail areas; or
  - e) assemble for the construction of certain public improvements, including but not limited to streets, streetscapes, water and sewer improvements, environmental remediation/site preparation, public parking, community facilities, parks, pedestrian/bike paths and trails, recreation access points, and other public facilities.
2. The Agency reserves the right to acquire any additional right-of-way or access routes near or around existing or planned rights-of-way.
3. The Agency reserves the right to acquire property needed to provide adequately sized sites for high priority projects for the development of public improvements (the exact location of which has not been determined).
4. Other parcels may be acquired for the purpose of facilitating catalyst or demonstration projects, constructing public parking, constructing new streets or pathways, enhancing public spaces, or to implement other elements of the urban renewal plan strategy and/or any master plan for the Project Area.

Attachment 4

Map Depicting Expected Land Uses and Current Zoning Map  
of the Project Area

**Attachment 4**  
**Map Depicting Expected Land Use**  
**10/25/2024**



- Future Land Use**
- Agriculture
  - Industrial
  - Mixed Use
  - Neighborhood Commercial
  - Open Space
  - Town Neighborhood

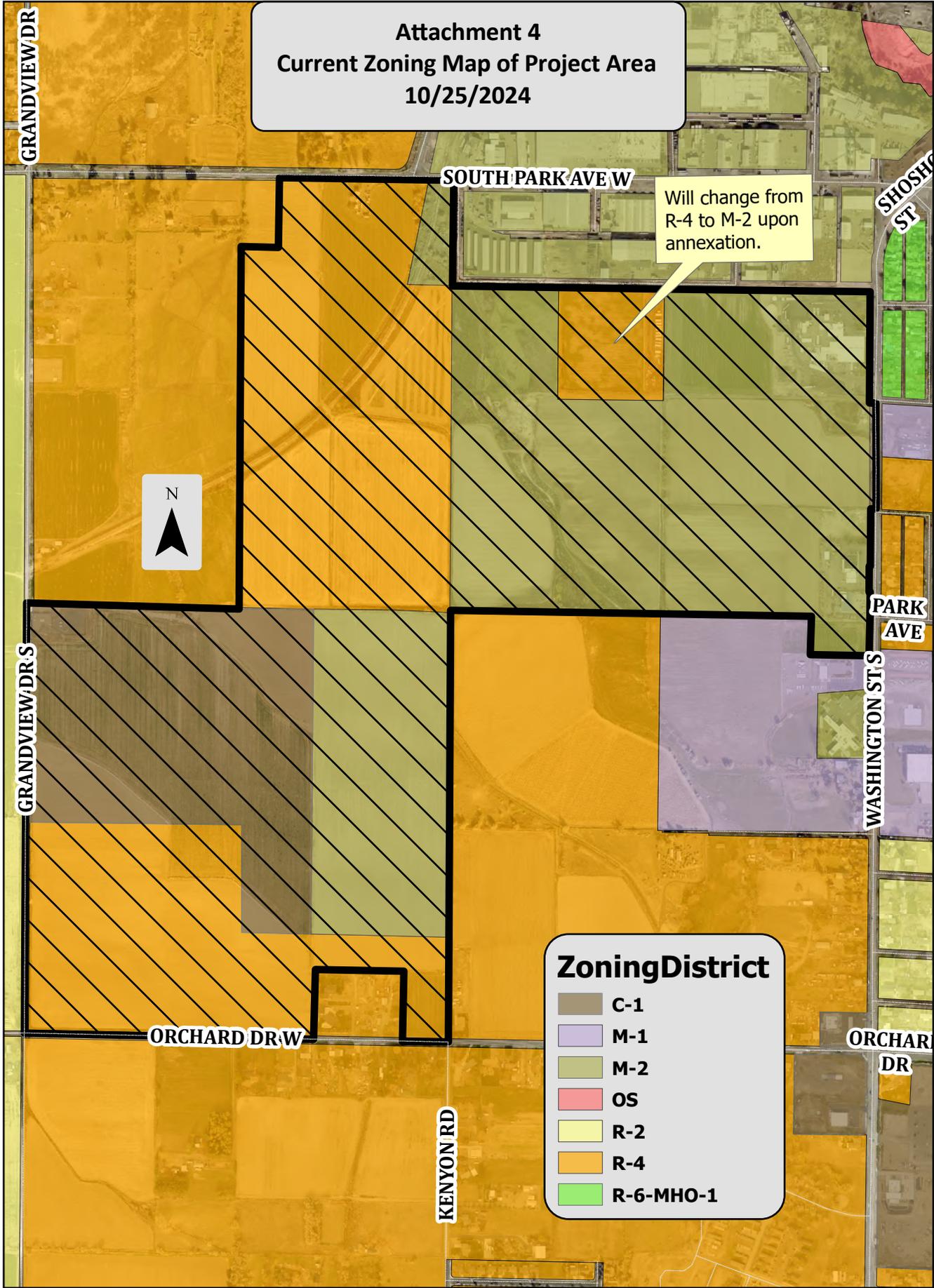
Attachment 4  
Current Zoning Map of Project Area  
10/25/2024

Will change from  
R-4 to M-2 upon  
annexation.



**Zoning District**

	C-1
	M-1
	M-2
	OS
	R-2
	R-4
	R-6-MHO-1



## 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 Twin Falls Southwest Project Area. The proposed improvements within the Project Area include improvements to streets, utilities, and other public rights-of-way amenities as well as, property acquisition, improvements to bicycle and pedestrian facilities, water facilities and system improvements, wastewater facilities and system improvements, stormwater management facilities, electric and natural gas facilities and system improvements, and irrigation system modifications.

The Twin Falls Southwest District Public Improvement List set forth below identifies needed investments in capital facilities by the Urban Renewal Agency of the City of Twin Falls (the "Agency" or "Twin Falls URA"). Capital facilities generally have long useful lives and significant costs. Some of the improvement projects contained in the Twin falls Southwest District Public Improvement List are also contained in the City of Twin Falls Capital Improvement Plan (CIP) and other planning documents. Some improvement projects included in the Twin Falls Southwest District Public Improvement List have evolved upon consideration of these and various other City plans and policies, including the Comprehensive Plan, and may have grant funding allocated. The Twin Falls Southwest District Public Improvement List is not an appropriation or approval of any specific project. The Twin Falls Southwest Plan covers the 20-year period 2024 to 2044. The operation of the Idaho property tax system will provide a year's revenue in 2045 after the formal termination of the Revenue Allocation Area (estimated at \$6,000,000). This analysis does not recognize that income in determining economic feasibility.

The Project Area is estimated to generate \$56,373,230 in tax increment revenue between 2025 and 2044. The fiscal analysis recognizes a sum of \$49,515,000 for total capital and debt service costs as well as \$1,695,624 for administrative/operating costs over the life of the Project Area. Total estimated expenditures, therefore, equal \$51,260,324 leaving a significant positive program balance of \$5,162,606 at the end of the term. See attached cash flow analysis for detailed estimates.

#### Project Funding

Secure funding includes revenue allocation resources and is money the Twin Falls URA is highly likely to receive. The funds may not be in the Twin Falls URA's possession at the beginning of the Plan period, but it is virtually certain that the Twin Falls URA will receive the funds. The Twin Falls URA may need to take specific actions to generate the funding, but those actions are within the Twin Falls URA's 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 Twin Falls URA. In every case the Twin Falls URA 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 Twin Falls URA can obtain the resources, and the ultimate decision is outside of the Twin Falls URA's independent control. Grant funds are an example of potential funding.

Unfunded projects, or portions of projects lack secure or potential funding.

The amount of tax increment contributed to each project may vary. These projects will be funded in part from a variety of other revenue sources if available. The timing of each project and the availability of all revenue sources will determine the final combination of funding sources.

The Plan proposes certain public improvements that will facilitate development and support rehabilitation in the Project Area. The investments are anticipated to be funded from a variety of financing methods and sources. The primary method of financing will be using tax increment revenue (i.e., incremental property taxes from the revenue allocation area). This Plan anticipates that the tax increment revenue may be used to pay for improvements on a pay-as-you-go basis, or through the issuance of bonds, Owner Participation Agreements (OPAs) or other reimbursement agreements, grants, or a combination of sources.

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 advance funding of projects by developers, property owners and/or public entities

The total project costs and the amount of tax increment contributed to each project are estimates. The estimated project costs and revenues are based on the Twin Falls URA's present knowledge and expectations supported by information from property owners, and City and Agency staff and consultants. The timing of each project and the availability of all revenue sources will determine the final combination of funding sources.

<b>Summary of Projects</b>
----------------------------

The following table summarizes the estimated total project costs to be incurred in implementing the Plan in the Project Area. Specific project funding will be reviewed by the Twin Falls Urban Renewal Board during the annual budget cycle.

<b>Twin Falls Southwest District Public Improvements List</b>	
• Streets	\$15,000,000
• Stormwater Management	\$ 7,000,000
• Water System Improvements	\$ 7,500,000
• Sewage System Improvements	\$10,000,000
• Pedestrian and Bicycle Facilities	\$ 1,015,000
• Property Acquisition	\$ 2,000,000
• Electric Power and Natural Gas	\$ 4,000,000
• Irrigation System Modifications	\$ 2,000,000
• Rail Spur Relocation	\$ 1,000,000
<b>Total</b>	<b>\$49,515,000</b>

A non-exhaustive projected prioritized list of certain public improvement projects is set forth in Attachment 5.5; however, the location of public improvement projects within the Project Area and project prioritization will be driven by current market conditions, project buildout timeline, development opportunities providing for partnerships and efficient development and the annual budget. Identification of proposed public entity partnership opportunities does not bind those public entities to fund those projects; rather, public entity participation is driven by public entity annual budget appropriations. This information merely highlights the potential for partnership opportunity.

**Cost of Improvements by Year (2025-2044)**

<b>Year</b>	<b>Secure Funding</b>	<b>Potential Funding</b>	<b>Unfunded</b>	<b>Total Project Liabilities</b>
2024	\$0	\$0.00	\$0.00	\$0
2025	\$10,571	\$50,000	\$0.00	\$11,057
2026	\$21,293	\$0.00	\$0.00	\$22,196
2027	\$ 34,239	\$0.00	\$0.00	\$23,424
2028	\$389,469	\$0.00	\$0.00	\$398,947
2029	\$1,871,088	\$0.00	\$0.00	\$1,870,000
2030	\$1,951,147	\$0.00	\$0.00	\$1,950,000
2031	\$2,034,399	\$0.00	\$0.00	\$2,030,000
2032	\$2,120,973	\$0.00	\$0.00	\$2,130,000
2033	\$2,490,001	\$0.00	\$0.00	\$2,490,000
2034	\$2,864,781	\$0.00	\$0.00	\$2,865,000
2035	\$2,984,543	\$0.00	\$0.00	\$2,990,000
2036	\$3,109,086	\$0.00	\$0.00	\$3,100,000
2037	\$3,508,600	\$0.00	\$0.00	\$3,500,000
2038	\$3,654,085	\$0.00	\$0.00	\$3,670,000
2039	\$3,805,378	\$0.00	\$0.00	\$3,800,000
2040	\$4,349,712	\$0.00	\$0.00	\$4,350,000
2041	\$4,528,809	\$0.00	\$0.00	\$4,530,000
2042	\$5,327,057	\$0.00	\$0.00	\$5,330,000
2043	\$5,545,224	\$0.00	\$0.00	\$5,550,000
2044	\$5,772,105	\$0.00	\$0.00	\$650,000
<b>Total</b>	\$56,373,230	\$50,000	\$0.00	\$51,260,624

*Note: Fund Balance of \$5,252,606 remains at the termination of the Project as reflected in the attached cash flow analysis*

## ATTACHMENT 5.2

### Economic Feasibility Study

The Plan is economically feasible because the proposed development is consistent with the City's Comprehensive Plan, the amount of growth in the area is consistent with the growth projected in the Comprehensive Plan and the revenue from the proposed Project Area equals or exceeds the estimated costs of the projects to be funded by the Twin Falls URA.

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

- The amount of development proposed in the proposed Project Area.
- The amount of tax revenue to be generated by the anticipated development.
- The amount of other funding received or contemplated to be received for the Twin Falls URA public improvement projects.
- The estimated cost of Twin Falls URA public improvement projects to be funded by the Twin Falls URA's tax increment revenue and other potentially available funds.

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

### Economic Feasibility Analysis

#### Summary:

Over the course of the proposed Project Area, \$56,373,230 of Tax Increment Revenue is anticipated to be generated. The Economic Feasibility Study assumes up to ten percent (10%) will be used annually for administration of the Project Area for a total of \$1,695,624 (3.0% of total revenue) for administration and operating costs over the 20-year lifespan of the Project Area. Administrative expense has been capped at \$100,000 annually for this analysis. Specific administrative costs will be subject to annual appropriations by the Agency Board of Commissioners

At the conclusion of the Project Area in 2044, the termination plan will submit any non-obligated surplus funds by September 30, 2045, to the County Treasurer to distribute to the taxing districts pro-rata according to their levy percentages.

The spreadsheet entitled "Twin Falls Southwest Revenue Allocation Area Cash Flow Analysis" gives a more detailed outlook on the revenues and expenses of the proposed Project Area.

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

- Land Value Increase @ 6% / Year through 2029 then 3% thereafter.
- Improvement Value Increase @ 8% / Year through 2029 then 4% thereafter.
- Tax Rate remains constant.

- Total estimated cost of the Twin Falls Southwest District Public Improvements List over the life of the project: \$49,515,000.
- 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 Analysis shows that the project is 100% financially feasible and will generate adequate funds within the Project Area to fund the necessary capital improvements. The Agency has pursued outside funding sources to augment tax increment revenues and will consider issuing debt, advancing project schedules. The Agency is committed to closing the Project Area as soon as the projects are deemed completed and all infrastructure improvements are made, and financial obligations satisfied. This would result in a benefit to the overlapping taxing districts and taxpayers supporting those districts.

Attachment 5.3

Twin Falls Southwest Revenue Allocation Estimates  
September 2024

6% annual increase in land value from initial year through 2029, then 3% and 8% annual increase in improvement value for from initial year through 2029, then 4%											
Year	Land Value (+6% annually) for 5 years, then 3%	Initial Improvement Value (+8% annually for 5 years, then 4%	Total Assessed Value	Annual New Const. Value on tax roll	Cum. New Const Value + Inflation	Taxable Value	Increment Value (I - Base)	Levy Rate (-0%)	Tax Increment Yield	Admin Costs (10%)	Funding for Capital Projects / Debt Service
2024	\$ 2,315,600	\$ 12,945,139	\$ 15,260,739		\$ -	\$ 15,260,739		0.009			
2025	\$ 2,454,536	\$ 13,980,750	\$ 16,435,286	\$ -	\$ -	\$ 16,435,286	\$ 1,174,547	0.009	\$ 10,571	\$ 1,057	\$ 9,514
2026	\$ 2,601,808	\$ 15,099,210	\$ 17,701,018	\$ -	\$ -	\$ 17,701,018	\$ 2,440,279	0.009	\$ 21,963	\$ 2,196	\$ 19,766
2027	\$ 2,757,917	\$ 16,307,147	\$ 19,065,064	\$ -	\$ -	\$ 19,065,064	\$ 3,804,325	0.009	\$ 34,239	\$ 3,424	\$ 30,815
2028	\$ 2,923,392	\$ 17,611,719	\$ 20,535,110	\$ 38,000,000	\$ 38,000,000	\$ 58,535,110	\$ 43,274,371	0.009	\$ 389,469	\$ 38,947	\$ 350,522
2029	\$ 3,098,795	\$ 19,020,656	\$ 22,119,451	\$ 160,000,000	\$ 201,040,000	\$ 223,159,451	\$ 207,898,712	0.009	\$ 1,871,088	\$ 100,000	\$ 1,771,088
2030	\$ 3,191,759	\$ 19,781,482	\$ 22,973,241	\$ -	\$ 209,081,600	\$ 232,054,841	\$ 216,794,102	0.009	\$ 1,951,147	\$ 100,000	\$ 1,851,147
2031	\$ 3,287,512	\$ 20,572,742	\$ 23,860,254	\$ -	\$ 217,444,864	\$ 241,305,118	\$ 226,044,379	0.009	\$ 2,034,399	\$ 100,000	\$ 1,934,399
2032	\$ 3,386,137	\$ 21,395,651	\$ 24,781,789	\$ -	\$ 226,142,659	\$ 250,924,447	\$ 235,663,708	0.009	\$ 2,120,973	\$ 100,000	\$ 2,020,973
2033	\$ 3,487,721	\$ 22,251,477	\$ 25,739,199	\$ 31,000,000	\$ 266,188,365	\$ 291,927,564	\$ 276,666,825	0.009	\$ 2,490,001	\$ 100,000	\$ 2,390,001
2034	\$ 3,592,353	\$ 23,141,537	\$ 26,733,889	\$ 30,000,000	\$ 306,835,899	\$ 333,569,789	\$ 318,309,050	0.009	\$ 2,864,781	\$ 100,000	\$ 2,764,781
2035	\$ 3,700,123	\$ 24,067,198	\$ 27,767,321	\$ -	\$ 319,109,335	\$ 346,876,657	\$ 331,615,918	0.009	\$ 2,984,543	\$ 100,000	\$ 2,884,543
2036	\$ 3,811,127	\$ 25,029,886	\$ 28,841,013	\$ -	\$ 331,873,709	\$ 360,714,722	\$ 345,453,983	0.009	\$ 3,109,086	\$ 100,000	\$ 3,009,086
2037	\$ 3,925,461	\$ 26,031,081	\$ 29,956,542	\$ 30,000,000	\$ 375,148,657	\$ 405,105,200	\$ 389,844,461	0.009	\$ 3,508,600	\$ 100,000	\$ 3,408,600
2038	\$ 4,043,225	\$ 27,072,325	\$ 31,115,549		\$ 390,154,604	\$ 421,270,153	\$ 406,009,414	0.009	\$ 3,654,085	\$ 100,000	\$ 3,554,085
2039	\$ 4,164,522	\$ 28,155,218	\$ 32,319,739	\$ -	\$ 405,760,788	\$ 438,080,527	\$ 422,819,788	0.009	\$ 3,805,378	\$ 100,000	\$ 3,705,378
2040	\$ 4,289,457	\$ 29,281,426	\$ 33,570,884	\$ 43,000,000	\$ 464,991,219	\$ 498,562,103	\$ 483,301,364	0.009	\$ 4,349,712	\$ 100,000	\$ 4,249,712
2041	\$ 4,418,141	\$ 30,452,683	\$ 34,870,824	\$ -	\$ 483,590,868	\$ 518,461,692	\$ 503,200,953	0.009	\$ 4,528,809	\$ 100,000	\$ 4,428,809
2042	\$ 4,550,685	\$ 31,670,791	\$ 36,221,476	\$ 68,000,000	\$ 570,934,503	\$ 607,155,979	\$ 591,895,240	0.009	\$ 5,327,057	\$ 100,000	\$ 5,227,057
2043	\$ 4,687,206	\$ 32,937,622	\$ 37,624,828	\$ -	\$ 593,771,883	\$ 631,396,711	\$ 616,135,972	0.009	\$ 5,545,224	\$ 100,000	\$ 5,445,224
2044	\$ 4,827,822	\$ 34,255,127	\$ 39,082,949	\$ -	\$ 617,522,758	\$ 656,605,707	\$ 641,344,968	0.009	\$ 5,772,105	\$ 100,000	\$ 5,672,105
				\$ 400,000,000					\$ 56,373,231	\$ 1,645,624	\$ 54,727,607

Assumptions:

- Land Values inflate at 6% per year through 2029 then 3% thereafter
- Improvement Values inflate at 8% per year through 2029 then 4% thereafter
- Assumes no owner occupied structures eligible for Homeowner's Exemption
- Property tax income available in the year after completion of construction
- New construction values inflate on same basis as original improvement values
- Administrative costs at 10% capped at \$100,000 per year

**Attachment 5.4**

Twin Falls Southwest Revenue Allocation Area

**Cash Flow Analysis**

	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
<b>Beginning Balance</b>	\$ -	\$ -	\$ 49,514	\$ 49,281	\$ 60,096	\$ 50,618	\$ 51,706	\$ 52,853	\$ 57,252	\$ 48,225	\$ 48,226
<b>Source of Funds</b>											
<b>Total Revenue Allocation</b>	\$ -	\$ 10,571	\$ 21,963	\$ 34,239	\$ 389,469	\$ 1,871,088	\$ 1,951,147	\$ 2,034,399	\$ 2,120,973	\$ 2,490,001	\$ 2,864,781
<b>Other Revenue ( Start-up Loan)</b>	\$ -	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Funds Available</b>	\$ -	\$ 60,571	\$ 71,477	\$ 83,520	\$ 449,565	\$ 1,921,706	\$ 2,002,853	\$ 2,087,252	\$ 2,178,225	\$ 2,538,226	\$ 2,913,007
<b>Use of Funds</b>											
<b>District Operating Expenses</b>	\$ -	\$ 11,057	\$ 22,196	\$ 23,424	\$ 38,947	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
<b>Repay Start-up Loan</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000	\$ 20,000	\$ 10,000	\$ -	\$ -	\$ -
<b>Capital, Debt Service Expenses</b>		\$ -	\$ -	\$ -	\$ 360,000	\$ 1,750,000	\$ 1,830,000	\$ 1,920,000	\$ 2,030,000	\$ 2,390,000	\$ 2,765,000
<b>Total Use of Funds</b>	\$ -	\$ 11,057	\$ 22,196	\$ 23,424	\$ 398,947	\$ 1,870,000	\$ 1,950,000	\$ 2,030,000	\$ 2,130,000	\$ 2,490,000	\$ 2,865,000
<b>Ending Balance</b>	\$ -	\$ 49,514	\$ 49,281	\$ 60,096	\$ 50,618	\$ 51,706	\$ 52,853	\$ 57,252	\$ 48,225	\$ 48,226	\$ 48,007
	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	Total
<b>Beginning Balance</b>	\$ 48,007	\$ 42,550	\$ 51,636	\$ 60,236	\$ 44,321	\$ 49,699	\$ 49,411	\$ 48,220	\$ 45,277	\$ 40,501	
<b>Source of Funds</b>											
<b>Total Revenue Allocation</b>	\$ 2,984,543	\$ 3,109,086	\$ 3,508,600	\$ 3,654,085	\$ 3,805,378	\$ 4,349,712	\$ 4,528,809	\$ 5,327,057	\$ 5,545,224	\$ 5,772,105	\$ 56,373,230
<b>Other Revenue</b>		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000
<b>Total Funds Available</b>	\$ 3,032,550	\$ 3,151,636	\$ 3,560,236	\$ 3,714,321	\$ 3,849,699	\$ 4,399,411	\$ 4,578,220	\$ 5,375,277	\$ 5,590,501	\$ 5,812,606	\$ 56,423,230
<b>Use of Funds</b>											
<b>District Operating Expenses</b>	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 1,695,624
<b>Repay Startup Loan</b>	\$ -	\$ -									\$ 50,000
<b>Capital, Debt Service Expenses</b>	\$ 2,890,000	\$ 3,000,000	\$ 3,400,000	\$ 3,570,000	\$ 3,700,000	\$ 4,250,000	\$ 4,430,000	\$ 5,230,000	\$ 5,450,000	\$ 550,000	\$ 49,515,000
<b>Total Use of Funds</b>	\$ 2,990,000	\$ 3,100,000	\$ 3,500,000	\$ 3,670,000	\$ 3,800,000	\$ 4,350,000	\$ 4,530,000	\$ 5,330,000	\$ 5,550,000	\$ 650,000	\$ 51,260,624
<b>Ending Balance</b>	\$ 42,550	\$ 51,636	\$ 60,236	\$ 44,321	\$ 49,699	\$ 49,411	\$ 48,220	\$ 45,277	\$ 40,501	\$ 5,162,606	

**Assumptions**

- 10% of annual TIF yield dedicated to Twin Falls Urban Renewal Agency for District operating Expenses, capped at \$100,000, Yr.
- Land Values will increase at an average of 6% annually for 5 years then at 3% over the remaining life of the District.
- Improvement Values inflate at 8% per year through 2029 then 4% thereafter.
- Assumes no owner occupied structures eligible for Homeowner's Exemption.
- Property tax income available in the year after completion of construction.
- New construction values inflate on same basis as original improvement values.
- New construction costs escalate at the same rate as Improvement Values.

**Attachment 5.5**

**Twin Falls Southwest District Public Improvements**

**Identification and Proposed Location of Certain Public Improvements in the Project Area**

The following table summarizes the estimated total project costs for each project and defines a general timeline for when the improvements are anticipated. Specific project funding will be reviewed by the Agency Board during the annual budget cycle.

	<u>Years 1-5</u>	<u>Years 6-10</u>	<u>Years 11-15</u>	<u>Years 16-20</u>
<b>Street Improvements/Stormwater Management/ Pedestrian and Bicycle Facilities</b>	\$ 11,242,000	\$ 7,365,000	\$ 2,465,000	\$ 1,943,000
Including drainage, streetscape, pedestrian, and bicycle facility improvements; Includes arterial and collector streets, including but not limited to South Park Avenue, Washington Street, Park Avenue, Diamond Avenue, Steele Street, Orchard Drive, and Grandview Avenue; includes traffic signals on Washington Street; includes property acquisition.				
<b>Water System Improvements</b>	\$ 7,125,000	\$ 375,000	\$ -	\$ -
Includes but is not limited to: distribution/water improvements and upgrades; booster station upgrades; water capacity improvements; water storage upgrades; includes property acquisition.				
<b>Wastewater System Improvements</b>	\$ 10,000,000	\$ -	\$ -	\$ -
Includes, but is not limited to: pretreatment facilities, sewer system capacity improvements of the Grandview Trunk Line and collector lines, and sewer lift station; includes property acquisition.				
<b>Utilities (Electric Power, Natural Gas, Irrigation System Modifications, Rail Spur Relocation)</b>	\$ 4,045,000	\$ 1,725,000	\$ 3,230,000	\$ -
Including electricity, natural gas, surface water irrigation systems, rail spur relocation, and property acquisition for siting of utility improvements.				
<b>TOTALS:</b>	<b>\$ 32,412,000</b>	<b>\$ 9,465,000</b>	<b>\$ 5,695,000</b>	<b>\$ 1,943,000</b>

## Attachment 6

### Agricultural Operation Consents

Tax Parcel	Owner
RPT00107201805A	Gem State Dairy Products
RPT00107201200A	Gem State Dairy Products
RPT00107201830A	Gem State Dairy Products
RP10S17E207201A	Gem State Dairy Products
RPT00107202410A	Lewis Land and Livestock Co.
RPT00107200600	Craig Casperson
RPT00107204800A	Grandview Falls LLC
RP10S17E200610	J&G Steel Properties
RPT00107200620	J& G Steel Properties

The following pages contain the executed Agricultural Operation Consent Form, including Exhibit A, from each Owner.

Each Owner was given Exhibit B “Excerpts of Statutes” and Exhibit C “Eligibility Report” as attached for first Parcel consent.

## AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Henry C. Hafliger, Jr., Manager, of Gem State Dairy Products, LLC, and states that Gem State Dairy Products owns that certain property generally described as Parcel Identification Numbers RPT00107201805A, RPT00107201200A, RPT00107201830A, and RP10S17E207201A 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 August 2024, entitled Southwest Revenue Allocation Area Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Henry C. Hafliger, Jr., Manager, of Gem State Dairy Products, LLC, hereby provides his/her 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.

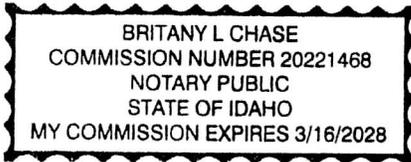
DATED this 7 day of October 2024.

Gem State Dairy Products, LLC

  
Name: Henry C. Hafliger, Jr.  
Title: Manager

STATE OF Idaho )  
 ) ss:  
County of Twin Falls )

On this 7 day of October, 2024, before me, a Notary Public for the state of Idaho, personally appeared Henry C. Hasinger, Jr, known or identified to me to be the Manager of Idem State Dairy products a LLC [limited partnership/corporation] that executed the instrument or the person who executed the instrument on behalf of said limited partnership and acknowledged to me that such Henry C. Hasinger executed the same.

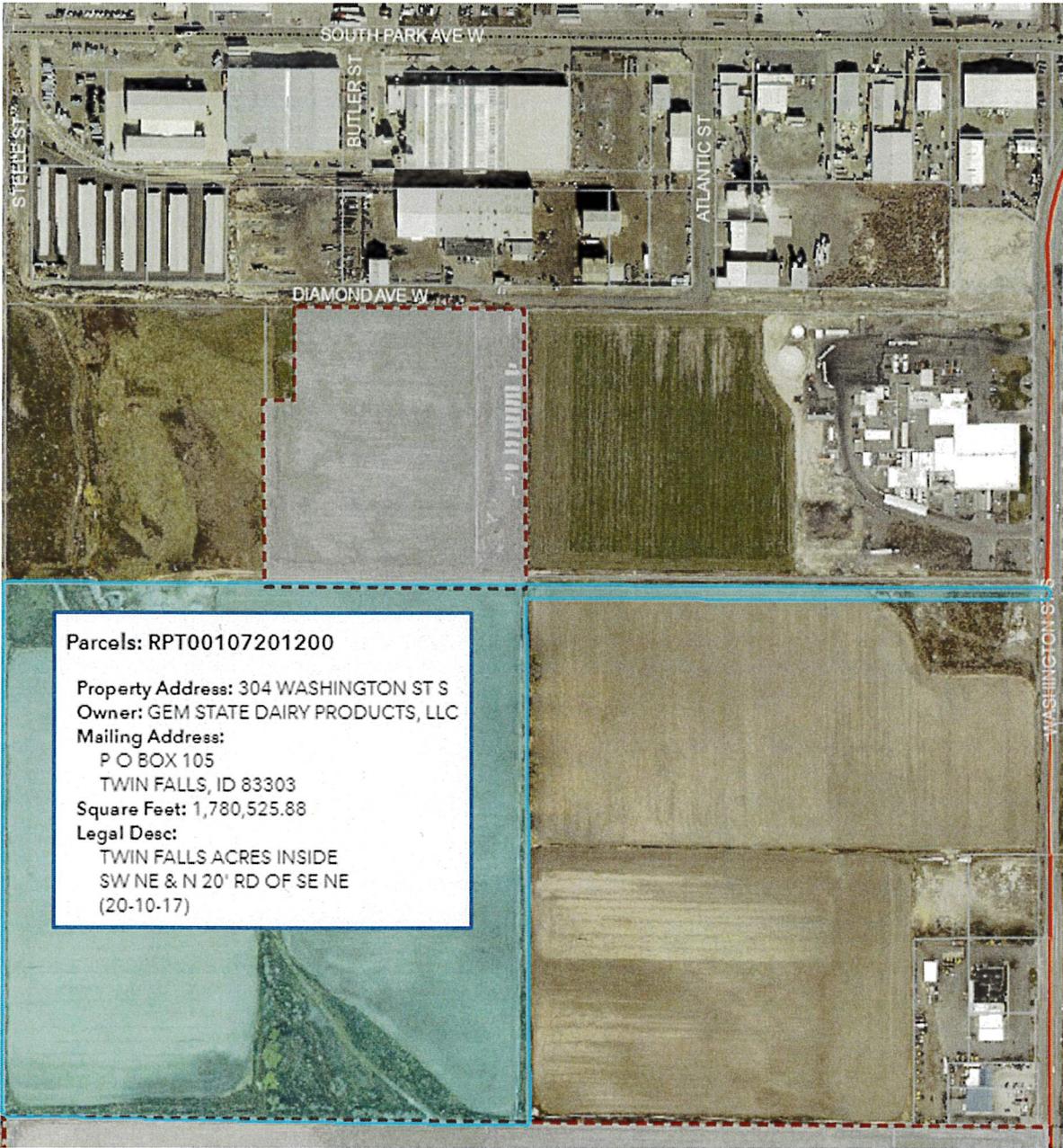


Britany Chase  
Notary Public  
My Commission Expires on 3/16/2028

**EXHIBIT A**

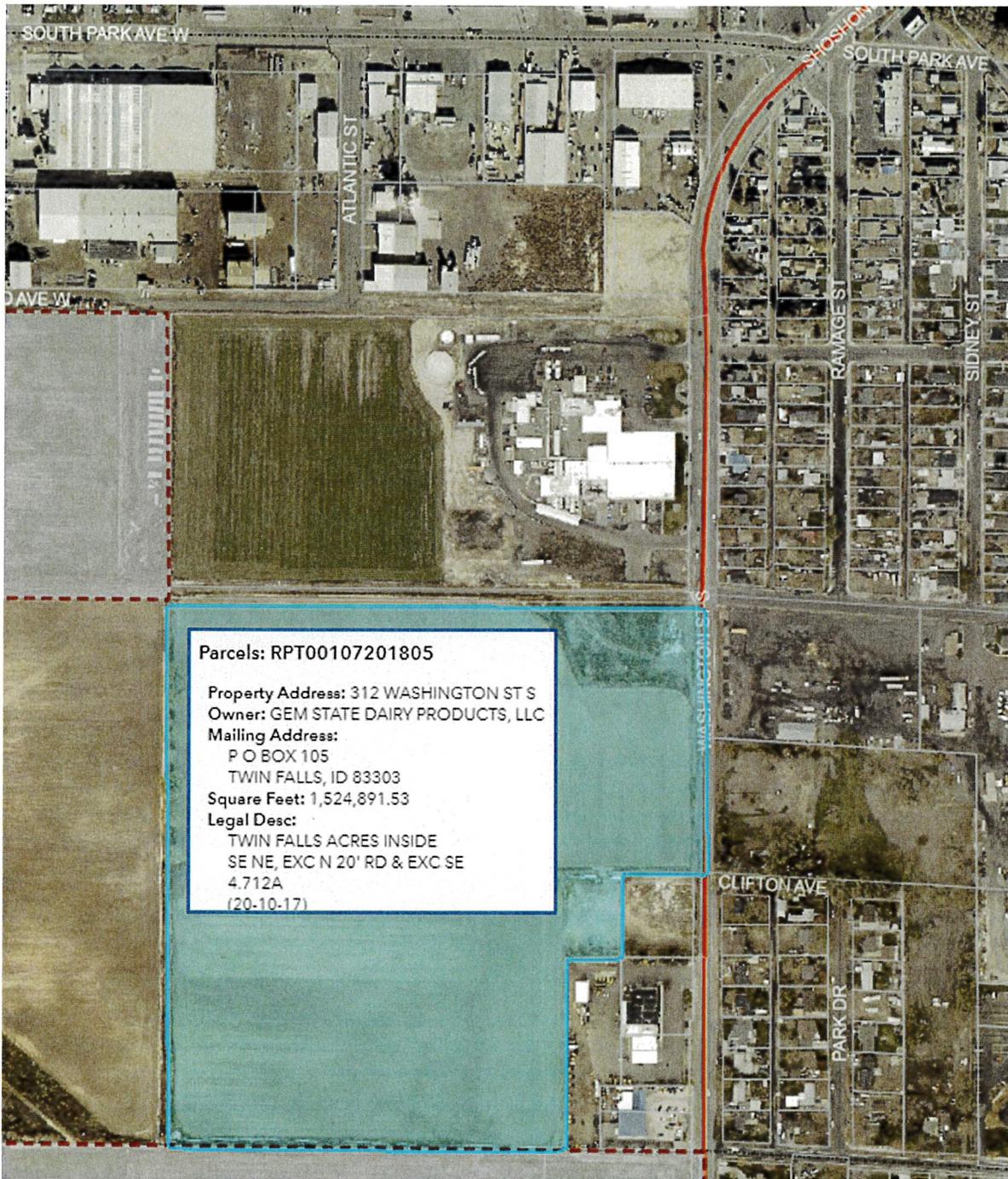
**PARCEL NUMBERS: RP10S17E207201, RPT00107201200, RPT00107201805 and  
RPT00107201830**





**Parcels:** RPT00107201200

**Property Address:** 304 WASHINGTON ST S  
**Owner:** GEM STATE DAIRY PRODUCTS, LLC  
**Mailing Address:**  
P O BOX 105  
TWIN FALLS, ID 83303  
**Square Feet:** 1,780,525.88  
**Legal Desc:**  
TWIN FALLS ACRES INSIDE  
SW NE & N 20' RD OF SE NE  
(20-10-17)



**Parcels:** RPT00107201805  
**Property Address:** 312 WASHINGTON ST S  
**Owner:** GEM STATE DAIRY PRODUCTS, LLC  
**Mailing Address:**  
P O BOX 105  
TWIN FALLS, ID 83303  
**Square Feet:** 1,524,891.53  
**Legal Desc:**  
TWIN FALLS ACRES INSIDE  
SE NE, EXC N 20' RD & EXC SE  
4.712A  
(20-10-17)



395 WASHINGTON ST S

CLIFTON AVE

404 WASHINGTON ST S ←

407 WASHINGTON ST S

405 PARK DR

**Parcels: RPT00107201830**

Property Address: 404 WASHINGTON ST S  
Owner: GEM STATE DAIRY PRODUCTS, LLC  
Mailing Address:  
P O BOX 105  
TWIN FALLS, ID 83303  
Square Feet: 36,272.78  
Legal Desc:  
TWIN FALLS ACRES INSIDE  
N 208.7 OF E 208.7 OF S1/2 SE  
NE, EXC E 33 HWY  
(20-10-17)

PARK AV

433

187 PARK AVE

464 WASHINGTON ST S

469 WASHINGTON ST S

469 PARK DR

478 PARK DR

215 PARK AVE

490 WASHINGTON ST S

491 WASHINGTON ST S

161 PARK AVE

PARK AVE

## **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**

# Southwest Revenue Allocation Area

## Eligibility Report

Prepared for

The Urban Renewal Agency of the  
City of Twin Falls

August 19, 2024



Kushlan | Associates  
Boise, Idaho

**Introduction:**

Kushlan | Associates was retained by the Urban Renewal Agency of the City of Twin Falls (the Agency) to assist them in their consideration of establishing a new urban renewal district in the City of Twin Falls, Idaho (the City).

The Mayor, with the confirmation of the City Council, has appointed seven members to the Urban Renewal Agency of the City of Twin Falls to guide the development of urban renewal plans and oversee their implementation. The current membership of the Commission is as follows:

- Chair: Rudy Ashenbrenner
- Vice Chair: Dave McAlindin
- Secretary: Eric Smallwood
  
- Commissioners: Dan Brizee
- Jan Rogers
- JJ McBride
- Jennifer Colvin

Executive Director: Shawn Barigar

**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 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 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 Twin Falls 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 Arizona, 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 Twin Falls.

In support of that continuing economic vitality of the region, the community turned to the Urban Renewal Law in 1965 with the creation of the Urban Renewal Agency of the City of Twin Falls by Resolution 909 adopted by the Twin Falls City Council on July 19, 1965. In 1997 the City Council adopted Resolution 1603 that consolidated prior existing urban renewal areas into a new combined Area 4. Subsequent to that action, the City Council has established six revenue allocation areas to pursue specific objectives. Those areas are noted below with their expiration dates:

Area 4-1 (Old Towne)	2022 (Closed)
Area 4-3 (Chobani)	2031
Area 4-4 (Clif Bar)	2035
Washington Street South	2040 (to be closed 2024)
Orchard Drive East	2042
Old Towne-2	2043

A formal Eligibility Study as required under Idaho Code must be conducted for this and any future areas that the Agency and City will consider ensuring the decision makers have current information on which to exercise their discretion.

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 and other systems are all integral elements of an economically vital 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. Idaho cities face stringent constitutional limitations and near total dependence upon legislative action to provide funding. An Idaho city's access to funding sources and the ability to employ effective financing mechanisms such as General Obligation bonding, severely constrain capital investment strategies.

With a difficult approval threshold (66 2/3%) for General Obligation bond issues, accessing what few tools exist in Idaho cities remains a prudent exercise of the City's fiduciary obligations. The tools made available to cities in Title 50, Chapters 20 and 29, the Urban Renewal Law and Economic Development Act are some of the few that are available. New sources of State support are not likely to become available in the foreseeable future, thus the Agency's interest in exploring the potential for establishing their seventh urban renewal district is appropriate.

## Demographics:

According to the US Census Bureau, the estimated 2024 population of the City of Twin Falls is 56,521 and has grown by 17.4% since 2020. This is a higher growth rate than that experienced statewide which was 6.8% during that period.

At 25.2%, Twin Falls' percentage of people under 18 years of age exceeds the statewide percentage of 23.9% by 1.3%. The percentage of population under 5 years of age exceeds the statewide figure by 1.1% (6.9% vs. 5.8%). The percentage of the Twin Falls population over 65 years of age (15.8%) is less than the statewide percentage (17.0%) by 1.2%. These statistics reflect a population base that is slightly younger than that found statewide.

The population is predominately white at 83.8% as compared to the statewide percentage of 92.6%. The Hispanic population exceeds the statewide percentage by 1.6% (15.1% vs. 13.5%).

Housing units are 63.0% owner-occupied as opposed to the statewide statistic of 72.0%. Median value of owner-occupied housing units is \$243,700 as compared to \$331,600 statewide. Monthly owner costs with mortgage are \$1,375 as compared to the statewide figure of \$1,520. Median gross rent in Twin Falls is reported as \$952 as compared to \$1,061 statewide.

When income statistics are compared to statewide numbers, we see that the population of Twin Falls lags the rest of Idaho in these categories as well. The median household income in Twin Falls is \$58,024, approximately 21% below the statewide figure of \$70,214. Per capita money income for the Twin Falls population is \$31,255 as compared to the statewide number of \$34,919. The percentage of the Twin Falls population below poverty level is 12.1% as compared to the statewide number of 10.7%.

These statistics suggest that the Twin Falls 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.

*Statistics are derived from the latest United States Census Bureau Report.*

## Steps in Consideration of an Urban Renewal District:

The first step in consideration of establishing an urban renewal district in Idaho is to define a potential 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 Urban Renewal Agency may adopt it and forward it to the City Council for their consideration. If the City Council concurs with the determination of the Urban Renewal Agency, they may direct that an Urban Renewal Plan be developed for the area that addresses the issues raised in the Eligibility Report.

The Urban Renewal Agency, then acts to prepare the Urban Renewal Plan for the new District and determines whether to also recommend the establishment of 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 Urban Renewal 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 for a finding that the Plan, as presented, is consistent with the City's Comprehensive Plan. At the same time, the taxing entities levying property taxes within the boundaries of the proposed Urban Renewal District 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 their formal consideration.

Once the Planning and Zoning Commission makes their finding of consistency 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, when added to 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 overlapping taxing districts, County officials and Idaho State Tax Commission.

The Urban Renewal Agency then proceeds to implement the Plan.

### **Description of the Southwest Study Area:**

The Study Area subject to the current review (Southwest) is located primarily in the south-central part of the City and consists of parcels adjacent or in close proximity to a major north/south arterial, Washington Street South. The thoroughfare is the primary access to the Twin Falls Regional Airport and, in this section, is also designated as Idaho State Highway 74.

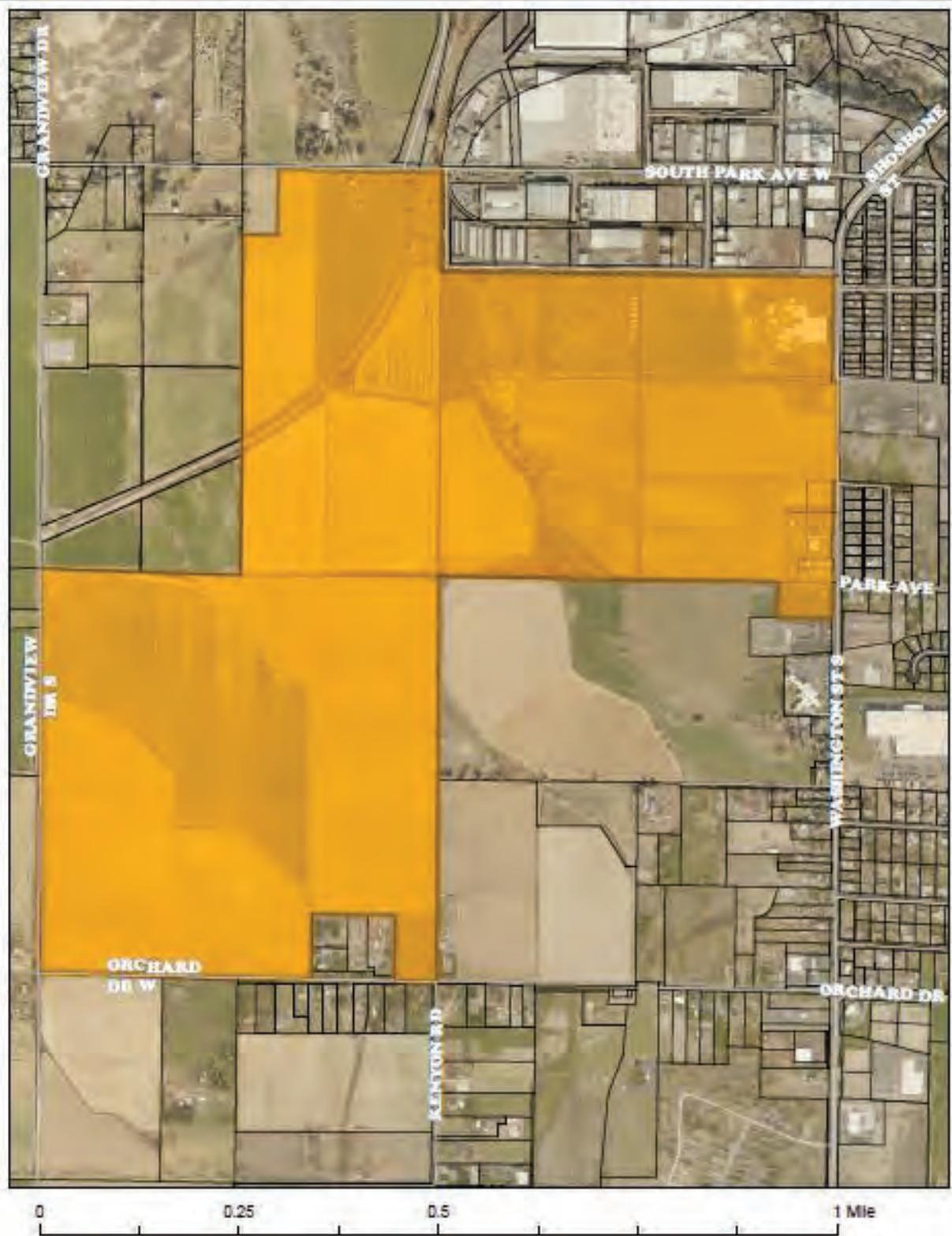
According to the records supplied by the Twin Falls County Assessor, the area contains a total of 352.748 acres, excluding public rights-of-way. This area encompasses fifteen (15) individual tax parcels. The total area is taxable with no properties being exempt from taxation. The majority of the acreage is currently used for agricultural purposes, and thus, is assessed at agricultural land values.

Table 1 reflects the data for each of the 15 tax parcels represented in the Study Area:

**Table 1**

<b>Tax Parcel</b>	<b>Acres</b>	<b>Land Value</b>	<b>Improvement Value</b>	<b>Total Value</b>
RPT00107201805A	34.64	\$72,385	\$0	\$72,385
RPT00107201200A	40.61	\$183,150	\$106	\$183,256
RPT00107201830A	0.84	\$74,886	\$0	\$74,886
RPT00107201821A	0.75	\$90,808	\$1,995,768	\$2,086,576
RPT00107201811A	0.484	\$58,680	\$0	\$58,680
RPT00107202300A	1.31	\$159,066	\$68,230	\$227,296
RPT00107201806	0.326	\$52,799	\$458,739	\$511,538
RPT00107201801	0.478	\$77,418	\$0	\$77,418
RPT00107200010A	18.66	\$754,460	\$10,313,150	\$11,067,610
RPT00107202410A	77.5	\$245,943	\$109,146	\$355,089
RPT00107204800A	154.94	\$319,215	\$0	\$319,215
RP10S17E207201	2.0	\$4,242	\$0	\$4,242
RP10S17E200610	9.58	\$202,287	\$0	\$202,287
RPT00107200620	0.42	\$895	\$0	\$895
RPT00107200600	10.21	\$19,366	\$0	\$19,366
<b>Total</b>	<b>352.748</b>	<b>\$2,315,600</b>	<b>\$12,945,139</b>	<b>\$15,260,739</b>

*Please see the following map for a graphic representation of the Study Area.*



## **Analysis of the Study Area:**

The Study Area consists of 15 tax parcels representing 352.748 acres located in and immediately adjacent to the South-central part of the City of Twin Falls. Those properties located within unincorporated Twin Falls County are expected to annex to the City coincident to the consideration of this process.

It is located generally west of Washington Street South and south of Diamond Avenue West. It is a mixture of commercially and industrially zoned properties. A significant portion of the Study Area remains in agricultural uses pending urban level development. As such, written consent of the property owners will be required before they may be included within the boundary of an urban renewal district.

A detailed review of the Study Area reflects a pattern of underinvestment and disinvestment over time. Within the Study Area one finds properties where recent investment has been made with either new construction or significant renovation. Four of the parcels reflect this condition.

Conversely where one finds improvement values less than land values, the property is either vacant or the structures are generally obsolete. Table 1 above shows that a substantial percentage of the properties located within the Study Area reflect this condition. Ten (10) properties representing approximately 254.2 acres are primarily vacant and dedicated to agricultural use. Three parcels reflect improvement values substantially below land value.

The American Institute of Appraisers suggests that an economically viable, developed property would reflect a ratio of 30% land to 70% improvements. After initial improvements are made, without continuing reinvestment, the improvement ratio declines and as it approaches par, a condition of disinvestment or deterioration is assumed.

Additionally, one (1) parcel within the Study Area is landlocked with no access to a public street and one (1) of the major parcels is connected to Washington Street by only a narrow twenty-foot extension of the property, a condition inadequate for any level of intense urban development.

A major gasoline pipeline transects the Study Area on a prescribed easement limiting development potential along its length.

Even if one arbitrarily sets an Improvement to Land Value ratio of 1:1 as a benchmark below which one finds notable disinvestment, one finds the vast majority of the area within the Study Area is below this line.

**Table 2**

<b>The Comparison of Land Value to Improvement Value</b>		
<b>Category</b>	<b>Number of Lots</b>	<b>Percentage of Area</b>
Vacant	11	78.5%
Improvement Value < 1.0 X Land Value	3	28.8.0%
200% - 300%	0	0%
300% - 400%	0	0%
400% - 500%	0	0%
500% - 600%	0	0 %
600% - 700%	0	0%
700% - 800%	0	0%
800%-900%	1	0.08%
900% - 1000%	0	0%
Improvement Value > 1000%	2	4.5%

As the table shows, the percentage of properties where re-investment has been made is relatively small.

**Infrastructure:**

A similar pattern of under-investment exists in the public infrastructure in the Study Area. While limited investment has been made on Washington Street South associated with recent development, full improvement to current City standards has not been made. Curb and gutter are in place on the west side fronting new commercial development, but no pedestrian facilities or storm drainage facilities are in place. The balance of Washington Street South through the Study Area shows an improvement standard reflective of historic rural state highways consisting of an asphalt mat with no provision for storm drainage, pedestrian facilities or urban levels of illumination. Such facilities were not designed to accommodate projected levels of commercial and industrial traffic envisioned in City planning documents, potentially resulting in significant deterioration of the street surface.

At the point in time of this investigation, no street network exists west of Washington Street South. Any substantial industrial development as envisioned in the City's Comprehensive Plan would require a more robust street network throughout the area currently being used for agricultural purposes.

Street lighting is inadequate on Washington Street South and totally non-existent in the balance of the Study Area. Areas of the City, experiencing more recent development enjoy a significantly higher standard of illumination than found in the Study Area.

Storm Drainage: As noted above, none of Washington Street South frontage has storm drainage facilities installed. In the areas where no curbs and gutters exist, storm drainage

facilities, piped systems or open ditches, are not in place to handle discharges from storms or from melting snow. This allows ponding of water creating traffic hazards as well as deterioration of the roadbed itself. This condition is predominant in the Study Area especially on the east side of Washington Street South, south of Highland Avenue.

As the City grows, national standards for handling storm drainage will apply to the City. One can expect substantial investment in such facilities will be required during the life of an urban renewal district.

Water: Municipal water service is available in the Study Area only in the Washington Street South right-of-way. Fire hydrant placement appears inadequate even for the current land uses.

The City of Twin Falls Water System Master Plan, adopted in 2016, notes inadequate fire flows in the area to support the land uses envisioned in the City's Comprehensive Plan. Much of the area is undeveloped vacant land that is zoned for significantly more dense urban uses represented by their commercial and industrial zoning designations. Extensions will be required to serve the large parcels when development occurs. Depending upon specific uses, fire flows may have to be upgraded to ensure adequate fire protection is available in a denser development environment.

Sewer: As with the water system, the sewer collection system will need to be enhanced throughout the area to serve the development envisioned in the City's Comprehensive Plan and zoning documents. Additionally, the type of development envisioned, may include high treatment requirements due to the type of processing, and are anticipated to have significant demands upon the City's wastewater treatment facility located adjacent to the river in the Snake River Canyon. It has been the City's policy to require pre-treatment of effluent such as will be generated in the Study Area prior to its being discharged into the City's collection system to ensure compliance with the environmental requirements of the permits issued by the State Department of Environmental Quality (DEQ).

### **Required Findings Regarding Eligibility for the Study Area:**

In order to make a finding that the Study Area is, in fact, eligible for being considered for the establishment of an urban renewal district, one must compare the conditions found in the area with the statutory criteria noted above. For the convenience of the reader those criteria are repeated here:

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) (c)].

Criterion #1: *The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site:* As noted above 10 of the properties representing 74% of the acreage in the Study Area are vacant or have minimal improvements. The other 3 parcels reflect recent commercial investment. Given that most of the land is vacant and what structures are present are relatively new, one cannot find that a “substantial number of deteriorated structures” are present. Therefore, Criterion #1 is not met.

Criterion #2: *Age or Obsolescence:* The majority of the Study Area is vacant land currently under cultivation. Given the designation in the City's Comprehensive Plan and zoning documents supporting commercial and industrial uses, the current agricultural use is obsolete. Therefore, Criterion #2 is met.

Criterion #3: *Predominance of Defective or Inadequate Street Layout.* While some of the parcels can be served from Washington Street South, Grandview Drive S and Orchard Drive W, the presence of large undeveloped acreages suggests the current network will prove inadequate to support future development. Both Highland and Park Avenue will need to be extended to the west of Washington Street South providing access to the interior portions of the currently vacant parcels. A denser circulation system will be required to support more intensive uses. Improvement of Grandview and Orchard will be necessary to provide a circulation pattern consistent with urban standards. Therefore, Criterion #3 is met.

Criterion #4: *Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness; Obsolete Platting.* Six (6) of the parcels within the Study Area are large, and mostly vacant. Future development consistent with the City's Comprehensive Plan will require subdivision and the extension of public access to the completed parcels. Also, as noted above, there is one parcel that currently has no access to a public street, and one large 40-acre parcel has limited 20-foot frontage, thus severely limiting their utility in an urban setting. Therefore, Criterion #4 is met.

Criterion #5: *Insanitary or Unsafe Conditions*. The substandard condition of the streets, the lack of storm drainage facilities, the incomplete street lighting system and the lack of adequate pedestrian facilities point to current unsafe conditions that will be exacerbated as development occurs consistent with the City's Comprehensive Plan. The water system will need to be expanded into the large parcels to provide adequate fire protection. Sewer treatment system upgrades will be required to fully serve the anticipated development. Therefore, Criterion #5 is met.

Criterion #6: *Diversity of Ownership*. The 15 parcels examined in this study are under the ownership of 8 entities. Such diversity of ownership creates challenges for creating and executing a common vision for the area. Therefore, Criterion #6 is met.

Criterion #7: *Tax or Special Assessment Delinquency*: The records of the Twin Falls County Assessor do not reflect any tax or special assessment delinquency. Therefore, Criterion #7 is not met.

Criterion #8: *Defective or Unusual Conditions of Title*: No defective or unusual conditions of title are reported by the Twin Falls County Assessor. Therefore, this criterion is not met.

Criterion #9: *Results in Economic Underdevelopment of the Area*. Large and landlocked parcels, a diverse ownership pattern and inadequate infrastructure are all factors that inhibit the development of properties within the Study Area as envisioned in City planning documents. The gasoline pipeline limits design options in the development of a major portion of the Study Area. Therefore, Criterion #9 is met.

Criterion #10: *Substantially Impairs or Arrests the Sound Growth of a Municipality*. The Study Area exists within and adjacent to the corporate limits of the City of Twin Falls and abuts dense urban development on the north, and east sides. Annexation of those parcels located in unincorporated Twin Falls County is being initiated. The lack of adequate infrastructure within the Study Area inhibits the development envisioned in the City's Comprehensive Plan. Therefore Criterion #10 is met.

**Findings: Southwest Urban Renewal District:** Conditions exist within the Study Area to allow the Board of Commissioners of the Urban Renewal Agency of the City of Twin Falls and the Twin Falls City Council to determine that the area is eligible for urban renewal activities as prescribed in State Law.

	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	

	Criteria	Met	Not Met
4	Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness	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	

**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.”

Many of 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(d)(4) primarily addresses the urban renewal plan approval process and sets forth certain conditions and findings for agency acquisition of open land as follows:

(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.

In summary, 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 of 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; 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, obsolete platting/faulty lot layout, diversity of ownership, and economic underdevelopment are conditions found in the Study Area, and therefore, the open land condition is satisfied.

## CONCLUSION:

Based upon our review of the data and the conditions that exist within the Study Area as noted above, the Twin Falls City Council may, at its discretion, determine that the Study Area, as proposed, is eligible for the establishment of an urban renewal district.

### Other Relevant Issues

**Agricultural Land Owners Concurrence:** A substantial part of the area within the Study Area is valued as agricultural land. The statutory provisions concerning the creation of an urban renewal district prohibit inclusion of any land used for agricultural purposes without the express written consent of the property owner. Such consent has not yet been requested. Final consideration of any urban renewal plan created through this process could not proceed without the required consents being in-hand.

**10% Analysis:** In addition to the findings reported above, we also sought to verify that the assessed value of the proposed Study Area is within the statutory limits. As noted above, State Law limits the percentage of assessed value 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 most recent certified value for the City of Twin Falls is \$6,406,571,903. The taxable value of the Study Area is \$15,260,739 representing 0.238% of the total City assessed value. The Base Assessed Value of the Twin Falls RAA 4-3 is \$1,096,508; Twin Falls RAA 4-4 is \$4,090,577; Orchard Drive East RAA is \$483,336; and Old Towne-2 RAA is \$233,672,375. The assessed value of the Study Area is \$15,260,739. The existing Washington Street South RAA is planned to be closed. The Table below shows the result compared to the statutory requirement.

Statutory 10% Limitation Analysis		
Area	Base Assessed Value	Percentage
<b>Total City</b>	<b>\$6,406,571,903</b>	<b>100%</b>
• RAA 4-3 (Chobani)	\$1,069,508	0.017%
• RAA 4-4 (Clif Bar)	\$4,090,577	0.064%
• Washington Street South RAA (To be Closed TY2024)	\$0	0%
• Orchard Drive East RAA	\$483,336	0.008%
• Old Towne-2 RAA	\$233,672,375	3.65%
• Proposed Southwest RAA	\$15,260,739	0.238%
<b>Total UR Base Assessed Value Percentage</b>	<b>\$254,576,535</b>	<b>3.977%</b>

We also explored the effect of creating this district on the capacity of the Urban Renewal Agency to consider future districts should they choose to do so. The table below shows that even if a new district similar to the Study Area were to be established, approximately 6.023% of the citywide assessed value would remain uncommitted.

<b>Remaining Urban Renewal Capacity</b>		
• Maximum 10% Limitation	\$640,657,190	10%
• RAA 4-3 (Chobani)	\$1,069,508	0.017%
• RAA 4-4 (Clif Bar)	\$4,090,577	0.064%
• Orchard Drive East RAA	\$483,336	0.008%
• Old Towne-2 RAA	\$233,672,752	3.65%
• Proposed Southwest RAA	\$15,260,739	0.238%
• Total AV in Revenue Allocation Areas	\$254,576,535	3.977%
• <b>Available AV under limitation</b>	<b>\$386,080,655</b>	<b>6.023%</b>

v.20240821:11:45L

AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Roger Dean Lewis II and Leslie Lewis, Members, of Lewis Land and Livestock LLC, and states that Lewis Land and Livestock LLC owns that certain property generally described as Parcel Identification Number RPT00107202410 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 August 2024, entitled Southwest Allocation Area Revenue Allocation Area Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Roger Dean Lewis II and Leslie Lewis, Members, of Lewis Land and Livestock LLC hereby provide their consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

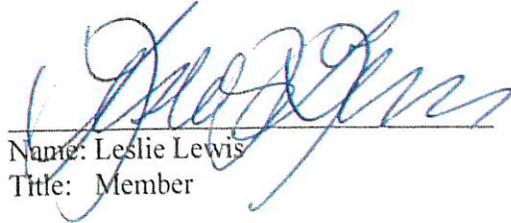
DATED this 14<sup>th</sup> day of October 2024.

Lewis Land and Livestock LLC



Name: Roger Dean Lewis II

Title: Member



Name: Leslie Lewis

Title: Member

STATE OF Washington )

) ss:  
County of King )

On this 14<sup>th</sup> day of October, 2024, before me, a Notary Public for the state of Washington, personally appeared Roger D. Lewis, known or identified to me to be the member of Lewis Land and Livestock LLC. a LLC. [limited partnership/corporation] that executed the instrument or the person who executed the instrument on behalf of said limited partnership and acknowledged to me that such Lewis Land and Livestock LLC executed the same.

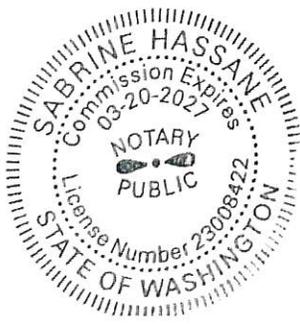


Sabine Hassane  
Notary Public  
My Commission Expires on 03-20-27

STATE OF Washington )

) ss:  
County of King )

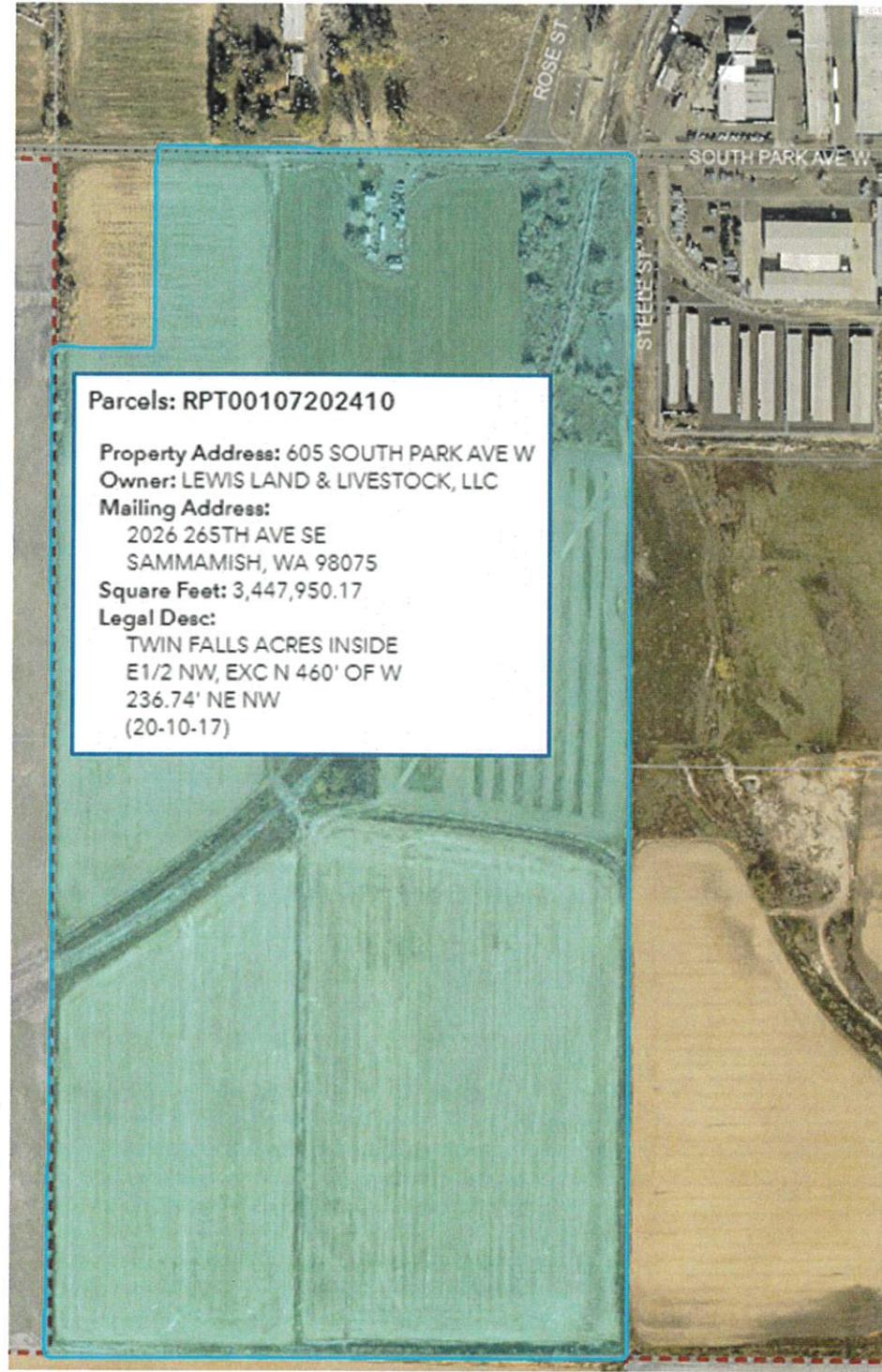
On this 14<sup>th</sup> day of October, 2024, before me, a Notary Public for the state of Washington, personally appeared Leslie J. Lewis, known or identified to me to be the member of Lewis Land and Livestock LLC. a LLC. [limited partnership/corporation] that executed the instrument or the person who executed the instrument on behalf of said limited partnership and acknowledged to me that such Lewis Land and Livestock LLC executed the same.



Sabine Hassane  
Notary Public  
My Commission Expires on 03-20-27

**EXHIBIT A**

**PARCEL NUMBER: RPT00107202410**



## AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Craig Casperson, Owner, and states that he owns that certain property generally described as Parcel Identification Number RPT00107200600 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 August 2024, entitled Southwest Allocation Area Revenue Allocation Area Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Craig Casperson 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 8<sup>th</sup> day of October 2024.

  
Name: Craig Casperson  
Title: Owner

STATE OF Idaho )  
 ) ss:  
County of Twin Falls )

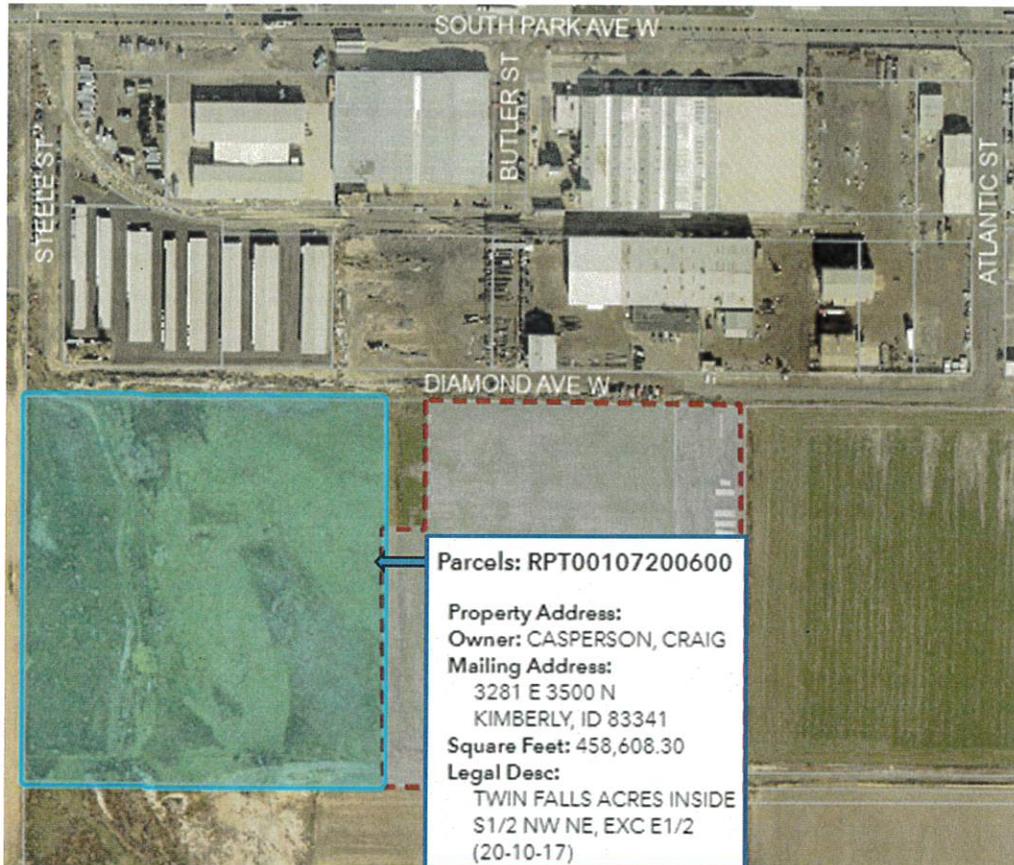
On this 8<sup>th</sup> day of October, 2024, before me, a Notary Public for the state of Idaho, personally appeared Craig Casperson, known or identified to me to be the Owner of property, a N/A [limited partnership/corporation] that executed the instrument or the person who executed the instrument on behalf of said limited partnership and acknowledged to me that such N/A executed the same.



Jessie Langdon  
Notary Public  
My Commission Expires on 1/22/30

**EXHIBIT A**

**PARCEL NUMBER: RPT00107200600**



## AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Lance L. Whitney, Agent, of Grandview Falls, LLC, and states that Grandview Falls, LLC owns that certain property generally described as Parcel Identification Number RPT00107204800 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 August 2024, entitled Southwest Allocation Area Revenue Allocation Area Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Lance L. Whitney, Agent, of Grandview Falls, LLC, hereby provides his/her 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 8<sup>th</sup> day of October 2024.

Grandview Falls, LLC

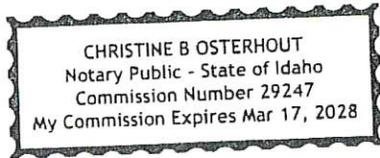


Name: Lance L. Whitney

Title: Agent

STATE OF Idaho )  
 ) ss:  
County of Minidoka )

On this 8<sup>TH</sup> day of October, 2024, before me, a Notary Public for the state of Idaho, personally appeared Lance L. Whitney, known or identified to me to be the registered Agent of Grandview Falls LLC, a LLC [limited partnership/corporation] that executed the instrument or the person who executed the instrument on behalf of said limited partnership and acknowledged to me that such Grandview Falls LLC executed the same.



Christine B Osterhout  
Notary Public  
My Commission Expires on 3-17-2028

**EXHIBIT A**

**PARCEL NUMBER: RPT00107204800**



## AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Benjamin Wills and Gary Palmer, Registered Agents, of J&G Steel Properties, LLC, and states that J&G Steel Properties, LLC owns that certain property generally described as Parcel Identification Numbers RP10S17E200610 and RPT00107200620 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:

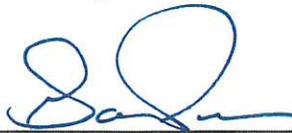
- (1) that the Property has been used, within the last three (3) years, as an agricultural operation; and
- (2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated August 2024, entitled Southwest Allocation Area Revenue Allocation Area Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Benjamin Wills and Gary Palmer, Registered Agents, of J&G Steel Properties, LLC hereby provides their consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 7th day of October 2024.

J&G Steel Properties, LLC

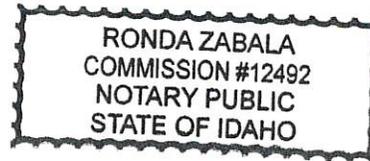
  
Name: Benjamin Wills  
Title: Registered Agent

  
Name: Gary Palmer  
Title: Registered Agent

STATE OF Idaho )  
 ) ss:  
County of Twin Falls )

On this 7th day of October, 2024, before me, a Notary Public for the state of Idaho, personally appeared Gary Palmer, known or identified to me to be the member of J&G Steel Properties, a LLC [limited partnership/corporation] that executed the instrument or the person who executed the instrument on behalf of said limited partnership and acknowledged to me that such J&G Steel Properties executed the same.

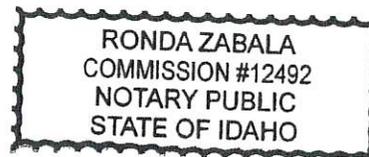
  
\_\_\_\_\_  
Notary Public  
My Commission Expires on 5-1-29



STATE OF Idaho )  
 ) ss:  
County of Twin Falls )

On this 7th day of October, 2024, before me, a Notary Public for the state of Idaho, personally appeared Benjamin Wills, known or identified to me to be the member of J&G Steel Properties, a LLC [limited partnership/corporation] that executed the instrument or the person who executed the instrument on behalf of said limited partnership and acknowledged to me that such J&G Steel Properties executed the same.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires on 5-1-29



**EXHIBIT A**

**PARCEL NUMBERS: RP10S17E200610 and RPT00107200620**

