

RESOLUTION NO. 22-02

BY THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF THE CITY OF BUHL, IDAHO:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF THE CITY OF BUHL, IDAHO, ALSO KNOWN AS THE BUHL URBAN RENEWAL AGENCY, RECOMMENDING AND ADOPTING THE FIRST AMENDMENT TO THE URBAN RENEWAL PLAN FOR THE MCCOLLUM ADDITION AND ADJACENT AREAS URBAN RENEWAL PROJECT, WHICH PLAN SEEKS TO ANNEX A CERTAIN AREA COMMONLY REFERRED TO AS THE WILLIAMS STREET ANNEXATION INTO THE EXISTING MCCOLLUM ADDITION AND ADJACENT AREAS PROJECT AREA, WHICH PLAN AMENDMENT INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS SUBJECT TO CERTAIN CONDITIONS; AUTHORIZING AND DIRECTING THE CHAIR, VICE-CHAIR, OR ADMINISTRATOR AND THE SECRETARY OF THE AGENCY TO MAKE CERTAIN TECHNICAL CHANGES; AUTHORIZING AND DIRECTING THE CHAIR, VICE-CHAIR AND ADMINISTRATOR TO TAKE APPROPRIATE ACTION; PROVIDING FOR THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

THIS RESOLUTION, made on the date hereinafter set forth by the Urban Renewal Agency of Buhl, Idaho, also known as the Buhl Urban Renewal Agency, an independent public body, corporate and politic, authorized by and existing under the authority of the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code (the "Law"), a duly created and functioning urban renewal agency for Buhl, Idaho, hereinafter referred to as the "Agency."

WHEREAS, the City Council of the city of Buhl, Idaho (the "City"), after notice duly published, conducted a public hearing on the Urban Renewal Plan, McCollum Addition and Adjacent Areas, Urban Renewal Project (the "McCollum Addition Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 871 on December 11, 2000, approving the McCollum Addition Plan, making certain findings and establishing the McCollum Addition revenue allocation area (the "McCollum Addition Project Area");

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the East Buhl Industrial Urban Renewal Project;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 957 on December 12, 2011, approving the East Buhl Industrial Plan, making certain findings and establishing the East Buhl Industrial revenue allocation area (the “East Buhl Project Area”);

WHEREAS, the McCollum Addition Plan and the East Buhl Industrial Plan and their respective project areas are collectively referred to as the “Existing Project Areas;”

WHEREAS, pursuant to Idaho Code § 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

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

WHEREAS, based on inquiries and information presented by certain interested parties and property owners, the City and Agency commenced certain discussions concerning examination of an additional area as appropriate for an urban renewal project and annexation into the McCollum Addition Project Area;

WHEREAS, in August 2021, the Agency authorized Brent Tolman, Outwest Policy Advisors, to commence an eligibility study and preparation of an eligibility report of a geographic area adjacent and contiguous to the existing McCollum Addition Project Area. The area reviewed includes approximately 51 acres of real property south of Idaho Highway 30 and east of Fair Street (the “Study Area”);

WHEREAS, the Williams Street Annexation Urban Renewal Eligibility Report, dated January 19, 2022 (the “Report”), examining the Study Area for purposes of determining whether such area is a deteriorating area, a deteriorated area, or a combination of both a deteriorating area and a deteriorated area as defined by Idaho Code §§ 50-2018(8), (9), 50-2008(d), and 50-2903(8) was submitted to the Agency;

WHEREAS, pursuant to Idaho Code §§ 50-2018(8), (9) and 50-2903(8), which define the qualifying conditions of a deteriorating area and a deteriorated area, several of the conditions necessary to be present in such an area are found in the Study Area, i.e.,

- a. the predominance of defective or inadequate street layout; and
- b. need for correlation of area with other areas of the municipality by streets and modern traffic requirements; and
- c. faulty lot layout in relation to size, adequacy, accessibility, or usefulness; obsolete platting; and
- d. insanitary or unsafe conditions.

WHEREAS, the effects of the listed conditions cited in the Report result in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare in its present condition or use;

WHEREAS, the Study Area contains open land;

WHEREAS, under the Act a deteriorated area includes any area which is predominantly open and which, because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. See, Idaho Code § 50-2903(8)(c);

WHEREAS, Idaho Code §§ 50-2018(9), 50-2903(8) and 50-2008(d) list the additional conditions applicable to open land or open areas, including open land areas to be acquired by Agency, which are the same or similar to the conditions set forth in the definitions of “deteriorating area” and “deteriorated area;”

WHEREAS, the Report addresses the necessary findings concerning including open land within any urban renewal area as defined in Idaho Code §§ 50-2018(9), 50-2903(8)(c), and 50-2008(d);

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

WHEREAS, the Study Area includes parcels subject to such consent;

WHEREAS, the Agency Board, on January 19, 2022, adopted Resolution No. 2022-1, accepting the Report and authorized the Chair, Vice-Chair, or Administrator of the Agency to transmit the Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct the Agency to prepare an urban renewal plan amendment for the Study Area, which plan amendment may include a revenue allocation provision as allowed by the Act;

WHEREAS, the City Council on February 14, 2022, adopted Resolution No. 424, and declared the Study Area described in the Report to be a deteriorated area or a deteriorating area, or a combination thereof, as defined by Chapters 20 and 29 of Title 50, Idaho Code, as amended, that such Study Area is appropriate for an urban renewal project, and directed the Agency to commence preparation of an urban renewal plan amendment for all or a portion of the area designated;

WHEREAS, the Agency seeks to amend the McCollum Addition Plan pursuant to Idaho Code Sections 50-2033 and 50-2903(4), which amendment contains provisions of revenue

allocation financing, to redevelop a portion of the City pursuant to the Law and the Act, as amended;

WHEREAS, Idaho Code 50-2033 limits the total area to be added to no greater than ten percent (10%) of the existing revenue allocation area. The current McCollum Addition Project Area is 108.23; therefore, limiting the area to be added to 10.8 acres. As a result, only a portion of the Study Area, 10.08 acres, is sought to be added to the McCollum Addition Project Area, and the area to be added is contiguous to the McCollum Addition Project Area. The additional area is commonly referred to as the “Williams Street Annexation Area”;

WHEREAS, pursuant to the Law and Act, as amended, the First Amendment to the Urban Renewal Plan for the McCollum Addition and Adjacent Areas (the “First Amendment to the McCollum Addition Plan”) seeks to add the Williams Street Annexation Area to the McCollum Addition Project Area and further, to provide updates to certain provisions and financial information from the McCollum Addition Plan, including to address changes in the Law and Act, to provide a projection concerning the remaining and additional improvements, projected expenses, and anticipated revenues through the McCollum Addition Plan termination;

WHEREAS, the First Amendment to the McCollum Addition Plan does not result in a reset of the base assessment roll values to the current equalized assessed values in the year following the amendment or modification of the Plan as the Act provides “[f]or plans adopted or modified prior to July 1, 2016, and for subsequent modifications of those urban renewal plans, the value of the base assessment roll of property within the revenue allocation area shall be determined as if the modification had not occurred.” Idaho Code § 50-2903(4);

WHEREAS, the area to be added to the McCollum Addition Project Area is described in the “Legal Description of the Boundary of the Additional Area” and is shown on the “Boundary Map of the Additional Area,” which are attached to the First Amendment to the McCollum Addition Plan as Attachments 1A and 2A respectively;

WHEREAS, in order to implement the provisions of the Act and the Law either the Agency may prepare a plan, or any person, public or private, may submit such plan to the Agency;

WHEREAS, the Agency has prepared the First Amendment to the McCollum Addition Plan for the additional area previously designated as eligible for urban renewal planning;

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

WHEREAS, the First Amendment to the McCollum Addition Plan contains revenue allocation financing provisions as allowed by the Act;

WHEREAS, in order to implement the provisions of the Act, the Agency shall prepare and adopt the First Amendment to the McCollum Addition Plan and submit the First Amendment to the McCollum Addition Plan and recommendation for approval thereof to the City;

WHEREAS, as required by the Act, the Agency has reviewed the information within the First Amendment to the McCollum Addition Plan concerning the use of revenue allocation funds and approved such information and considered the First Amendment to the McCollum Addition Plan at its meeting on November 2, 2022;

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WHEREAS, such First Amendment to the McCollum Addition Plan will be tendered to the Planning and Zoning Commission and to the City for their consideration and review as required by the Law and the Act;

WHEREAS, under the Act, the First Amendment to the McCollum Addition Plan shall include with specificity the following: (1) a statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality; (2) a statement listing the kind, number, and location of all proposed public works or improvements within the revenue allocation area; (3) an economic feasibility study; (4) a detailed list of estimated project costs; (5) a fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds are repaid, upon all taxing districts levying taxes upon property in the revenue allocation area; and (6) a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred; (7) a termination date for the plan and the revenue allocation area as provided for in Idaho Code § 50-2903(20); and (8) a description of the disposition or retention of any assets of the agency upon the termination date;

WHEREAS, it is necessary and in the best interests of the citizens of the City to recommend approval of the First Amendment to the McCollum Addition Plan and to adopt, as part of the First Amendment to the McCollum Addition Plan, revenue allocation financing provisions that will help finance urban renewal projects to be completed in accordance with the First Amendment to the McCollum Addition Plan in order to (1) encourage private development in the urban renewal area; (2) to prevent and arrest decay of the additional area added by the First Amendment to the McCollum Addition Plan due to the inability of existing financing methods to provide needed public improvements; (3) to encourage taxing districts to cooperate in the allocation of future tax revenues arising in the additional area added by the First Amendment to the McCollum Addition Plan in order to facilitate the long-term growth of their common tax base; (4) to encourage the long-term growth of their common tax base; (5) to encourage private investment within the City and (6) to further the public purposes of the Agency;

WHEREAS, the Agency Board finds that the equalized assessed valuation of the taxable property in the revenue allocation area described in Attachments 1A and 2A of the First Amendment to the McCollum Addition Plan is likely to increase as a result of initiation of urban renewal projects in accordance with the First Amendment to the McCollum Addition Plan;

WHEREAS, the Agency Board further finds the equalized assessed valuation of the taxable property in the existing McCollum Addition Project Area will continue to increase as a result of initiation and continuation of urban renewal projects in accordance with the McCollum Addition Plan, as amended by the First Amendment to the McCollum Addition Plan;

WHEREAS, under the Law and Act, any such plan should provide for (1) a feasible

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

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

WHEREAS, the base assessment roll of the area added by the First Amendment to the McCollum Addition Plan, together with the base assessment roll values of the Existing Project Areas, cannot exceed ten percent (10%) of the current assessed values of all the taxable property in the City;

WHEREAS, the boundaries of the McCollum Addition Project Area overlap the boundaries of the Buhl Highway District. The City has the responsibility for the maintenance of roads and highways within the City; therefore, if ultimately adopted by the City Council, the taxes levied by the Buhl Highway District on the increment value will be allocated to the Agency, pursuant to Idaho Code Section 50-2908(2)(a)(iv). An agreement with the Buhl Highway District is not necessary for the area added by the First Amendment to the McCollum Addition Plan. No agreement was required for the original McCollum Addition Project Area;

WHEREAS, Agency staff and consultants recommend the Agency Board accept the First Amendment to the McCollum Addition Plan and forward it to the City Council;

WHEREAS, the Agency Board finds it in the best interests of the Agency and the public

to formally adopt the First Amendment to the McCollum Addition Plan, as set forth in **Exhibit 1** attached hereto, and to forward it to the Mayor and City Council, and recommend its adoption, subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF BUHL, AS FOLLOWS:

Section 1. That the above statements are true and correct.

Section 2. It is hereby found and determined that the additional area as defined in the First Amendment to the McCollum Addition Plan is a deteriorated area, a deteriorating area, or a combination thereof, as defined in the Law and the Act and qualifies as an eligible urban renewal area under the Law.

Section 2. That the Agency specifically adopts the First Amendment to the McCollum Addition Plan along with any changes discussed at the November 2, 2022, Agency Board meeting, including but not limited to finalization of the Attachments to the First Amendment to the McCollum Addition Plan, confirmation of levy rates, confirmation of the affected taxing districts, updated list of projects, updated map or legal description and any modifications to the supplement to the economic feasibility analysis prepared by Outwest Policy Advisors.

Section 4. That the Agency recommends that the First Amendment to the McCollum Addition Plan, a copy of which is attached hereto as **Exhibit 1**, and incorporated herein by reference, be adopted by the City Council, including those sections, modifications, or text, or replacement of Attachments as discussed at the November 2, 2022, Agency Board meeting.

Section 5. That this Resolution constitutes the necessary action of the Agency under the Act, Idaho Code § 50-2905, recommending approval by the City and that the First Amendment to the McCollum Addition Plan includes with specificity the following: (1) a statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality; (2) a statement listing the kind, number, and location of all proposed public works or improvements within the revenue allocation area; (3) an economic feasibility study; (4) a detailed list of estimated project costs; (5) a fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds are repaid, upon all taxing districts levying taxes upon property in the revenue allocation area; and (6) a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred; (7) a termination date for the plan and the revenue allocation area as provided for in Idaho Code § 50-2903(20); and (8) a description of the disposition or retention of any assets of the agency upon the termination date.

Section 6. It is hereby found and determined that:

- (a) The First Amendment to the McCollum Addition Plan gives due consideration to the provision of adequate park and recreation areas and

facilities that may be desirable for neighborhood improvement (recognizing the residential components of the First Amendment to the McCollum Addition Plan and the need for public improvements), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area covered by the First Amendment to the McCollum Addition Plan.

- (b) The First Amendment to the McCollum Addition Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation, development and redevelopment of the McCollum Addition Project Area as amended by the First Amendment to the McCollum Addition Plan by private enterprises.
- (c) The First Amendment to the McCollum Addition Plan provides a feasible method for relocation of any displaced families residing within the McCollum Addition Project Area, noting there are no current residents in the area added by the First Amendment to the McCollum Addition Plan.
- (d) The area added by the First Amendment to the McCollum Addition Plan contains “open land” areas, or areas of agricultural operation, that the Agency may acquire open land, that the First Amendment to the McCollum Addition Project Area is planned to be redeveloped in a manner that may include residential and non-residential uses and that the “open land” criteria set forth in the Law and Act have been met.
- (e) The portion of the area added by the First Amendment to the McCollum Addition Plan which may be identified for residential uses is necessary and appropriate as there is a shortage of housing of sound standards and design which is decent, safe and sanitary in the City; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the City.
- (f) The portion of the area added by the First Amendment to the McCollum Addition Plan which may be identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns and the need for the correlation of this area with other areas of the City.
- (g) The base assessment roll of the area added by the First Amendment to the McCollum Addition Plan, together with the base assessment roll values of

the Existing Project Areas, do not exceed ten percent (10%) of the current assessed values of all the taxable property in the City.

- (h) The area to be added by the First Amendment to the McCollum Addition Plan does not exceed ten percent (10%) of the geographical area contained within the existing McCollum Addition Project Area and the area to be added is contiguous to the existing McCollum Addition Project Area.
- (i) The First Amendment to the McCollum Addition Plan includes a revenue allocation provision and the Agency has determined that the equalized assessed valuation of the revenue allocation area as described in Attachments 1A and 2A of the First amendment to the McCollum Addition Plan will likely increase as the result of the initiation of an urban renewal project, and the equalized assessed valuation of the revenue allocation area in the existing McCollum Addition Project Area will likely increase and/or continue to increase as a result of the initiation and/or continuation of an urban renewal project pursuant to the McCollum Addition Plan, as amended by the First Amendment to the McCollum Addition Plan.

Section 7. That this Resolution constitutes the necessary action of the Agency under the Law, § 50-2008, Idaho Code and the Act.

Section 8. The Chair, Vice-Chair, or Administrator, and the Secretary of the Agency are hereby authorized and directed to take all steps necessary and convenient to submit the proposed First Amendment to the McCollum Addition Plan for approval by the City Council, including but not limited to the preparation of the notice of public hearing on adoption of the revenue allocation financing provisions by the City and submittal of the First Amendment to the McCollum Addition Plan to the various taxing entities as required by Idaho Code Section 50-2906.

Section 9. The First Amendment to the McCollum Addition Plan is not a modification or amendment resulting in an upwards adjustment of the base. *See*, Idaho Code Sections 50-2903(4) and 50-2033.

Section 10. That the required agricultural operation consent has been obtained or will be obtained by the Agency and attached as Attachment 6 to the First Amendment to the McCollum Addition Plan upon receipt and in any event prior to City Council consideration of the First Amendment to the McCollum Addition Plan.

Section 11. That the boundaries of the area added by the First Amendment to the McCollum Addition Plan overlap the boundaries of the Buhl Highway District; however, the City has responsibility for the maintenance of roads or highways within the City limits, and therefore, the allocation of taxes shall be governed by Idaho Code Sections 50-2908(2)(a)(ii), (b) for the area added by the First Amendment to the McCollum Addition Plan. A separate agreement with the Buhl Highway District for a different allocation is unnecessary for the area

added by the First Amendment to the McCollum Addition Plan. No agreement was required for the original McCollum Addition Project Area;

Section 11. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED by the Urban Renewal Agency of the city of Buhl, Idaho, on November 2³, 2022. Signed by the Chair of the Board of Commissioners and attested by the Secretary to the Board of Commissioners, on November 2³, 2022.

APPROVED:

By Barbara A. Mielgen
Chair of the Board

ATTEST:

By Scott Bybee
Secretary

Exhibit 1

**First Amendment to the Urban Renewal Plan for the
McCollum Addition and Adjacent Areas Plan**

4857-6666-7817, v. 1