

CITY OF DRIGGS, IDAHO

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DRIGGS, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE FRONT STREET URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS AND OTHER TAXING ENTITIES; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DRIGGS, IDAHO

WHEREAS, on or about April 6, 2004, by Resolution No. 95, the Driggs City Council (“City Council”) and Mayor of the city of Driggs, Idaho (“City”) created an urban renewal agency, the Urban Renewal Agency of the City of Driggs (“Agency”), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the “Law”) and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the “Act”), upon making the findings of necessity required for creating said Agency;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on December 7, 2004, on the Driggs Urban Renewal Plan (the “Plan”) to redevelop a portion of the City, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 249-04 on December 7, 2004, approving the Plan and making certain findings;

WHEREAS, the City Council after notice duly published, conducted a public hearing on the First Amended and Restated Urban Renewal Plan, Downtown Driggs Urban Renewal Project, Including Southeast Main Addition (“Amended Plan”);

WHEREAS, following said public hearing, the City Council adopted Ordinance 285-07, on December 18, 2007, approving the Amended Plan and making certain findings;

WHEREAS, the Plan and the Amended Plan are referred to as the Project Area;

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, the Agency commenced certain discussions concerning examination of a certain area as appropriate for an urban renewal project;

WHEREAS, the Front Street Area Urban Renewal Eligibility Report, dated April 12, 2016 (the “Eligibility Report”), prepared by Doug Self, AICP and Community Development Director for the City, examined an area in the City bounded generally by Huntsman Springs Planned Unit Development on the west, Main Street on the east, Depot Street on the south, and Ross Avenue on the north, for the purpose of determining whether such area was a deteriorating area or deteriorated area as defined by Idaho Code §§ 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on April 13, 2016, by way of Resolution No. 2016.04.13 accepted the Eligibility Report and authorized the Agency Chairman and Executive Director to submit the Resolution and Eligibility Report to the City Council for its consideration;

WHEREAS, the City Council, on April 19, 2016, by Resolution No. 314-16, accepted the Eligibility Report and declared the Front Street Area described in the Eligibility Report to be a deteriorated or deteriorating area as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, that such area is appropriate for an urban renewal project and directed the Agency to commence preparation of an urban renewal plan for the area designated;

WHEREAS, the Act authorizes urban renewal agencies to adopt revenue allocation financing provisions as part of their urban renewal plans;

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 staff and its consultants have undertaken the planning process;

WHEREAS, the Agency has embarked on an urban renewal project referred to as The Urban Renewal Plan for the Front Street Urban Renewal Project (“Front Street Plan”) to redevelop a portion of the City, pursuant to the Law and the Act;

WHEREAS, the Front Street Plan proposes to create an urban renewal area commonly known as the Front Street Project Area, which area is shown on the Map of Urban Renewal Project Area and Revenue Allocation Area and described in the Description of Urban Renewal Project Area and Revenue Allocation Area, which are attached to the Front Street Plan as Attachments 1 and 2 respectively;

WHEREAS, the Front Street Project Area is eligible and appropriate for an urban renewal plan;

WHEREAS, the Front Street Plan also contains the provisions of revenue allocation financing as allowed by the Act;

WHEREAS, the Agency Board considered all comment and information submitted to the Agency during several Board meetings and the Board meeting held on September 7, 2016;

WHEREAS, on September 7, 2016, the Agency Board passed Resolution No. 2016.09.07 proposing and recommending the approval of the Front Street Plan;

WHEREAS, the Agency submitted the Front Street Plan to the Mayor and City;

WHEREAS, the Mayor and City Clerk have taken the necessary action to process the Front Street Plan;

WHEREAS, notice of the public hearing of the Front Street Plan was published in the *Teton Valley News* on September 22 and 29, 2016, a copy of said notice being attached hereto as Exhibit 1;

WHEREAS, as required by Idaho Code §§ 50-2905 and 50-2906, the Front Street Plan contains the following information with specificity which was made available to the general public and all taxing districts prior to the public hearing on October 25, 2016, at least thirty (30) days but no more than sixty (60) days prior to the date set for final reading of the ordinance: (1) a statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality; (2) the kind, number, and location of all proposed public works or improvements within the revenue allocation area; (3) an economic feasibility study; (4) a detailed list of estimated project costs; (5) a fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds, notes and/or other obligations are repaid, upon all taxing districts levying taxes upon property in the revenue allocation area; (6) a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred; (7) a termination date for the plan and the revenue allocation area as provided for in section 50-2903(20), Idaho Code. In determining the termination date, the plan shall recognize that the agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the urban renewal plan; and (8) a description of the disposition or retention of any assets of the agency upon the termination date. Provided however, nothing herein shall prevent the agency from retaining assets or revenues generated from such assets as long as the agency shall have resources other than revenue allocation funds to operate and manage such assets;

WHEREAS, appropriate notice of the Front Street Plan and the impact on the revenue allocation provision contained therein has been given to the taxing districts and to the public as required by Idaho Code §§ 50-2008 and 50-2906;

WHEREAS, as of September 23, 2016, the Front Street Plan was submitted to the affected taxing entities, available to the public, and under consideration by the City Council;

WHEREAS, at a meeting held September 28, 2016, the Driggs Planning and Zoning Commission considered the Front Street Plan and found that the Front Street Plan is in all respects in conformity with the Comprehensive Plan. A copy of the Resolution of the Driggs Planning and Zoning Commission Relating to the Urban Renewal Plan for the Front Street Urban Renewal Project is attached hereto as Exhibit 2;

WHEREAS, the City Council during its special meeting on October 25, 2016, held the public hearing;

WHEREAS, the Front Street Plan authorizes certain projects to be financed by revenue allocation bonds, or loans, and proceeds from revenue allocation;

WHEREAS, it is necessary and in the best interest of the citizens of the City to adopt the Front Street Plan, including revenue allocation financing provisions since revenue allocation will help finance urban renewal projects to be completed in accordance with the Front Street Plan, in order to: encourage private development in the urban renewal area; prevent and arrest decay of the City due to the inability of existing financing methods to provide needed public improvements; encourage taxing districts to cooperate in the allocation of future tax revenues arising in the urban renewal area in order to facilitate the long-term growth of their common tax base; encourage private investment within the City; and to further the public purposes of the Agency;

WHEREAS, the City Council finds that the equalized assessed valuation of the taxable property in the Front Street Project Area is likely to increase, and continue to increase, as a result of initiation and continuation of urban renewal projects in accordance with the Front Street 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, the collective base assessment roll for the revenue allocation area under the Plan, as subsequently amended by the Amended Plan in 2007, and the Front Street Plan revenue allocation area, cannot exceed ten percent (10%) of the assessed value of the City;

WHEREAS, the City Council at its regular meeting held on November 1, 2016, considered the Front Street Plan as proposed, and made certain comprehensive findings.

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

SECTION 1: It is hereby found and determined that:

- (a) The Front Street Project Area as defined in the Front Street Plan is a deteriorated or a deteriorating area as defined in the Law and the Act and qualifies as an eligible urban renewal area under the Law and Act.
- (b) The rehabilitation, conservation, and redevelopment of the urban renewal area pursuant to the Front Street Plan are necessary and in the interests of public health, safety, and welfare of the residents of the City.
- (c) There continues to be a need for the Agency to function in the City.
- (d) The Front Street Plan conforms to the Comprehensive Plan.
- (e) The Front Street Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the commercial component of the Front Street Plan and the need for overall 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 Front Street Plan.
- (f) The Front Street Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation and redevelopment of the urban renewal area by private enterprises.
- (g) Pursuant to Idaho Code §§ 50-2007(h) and 50-2008(d)(1), the Front Street Plan provides a feasible method for relocation obligations and there is not anticipated to be any activity by the Agency that would result in relocation.
- (h) The collective base assessment roll for the revenue allocation area under the Plan, as amended by the Amended Plan in 2007, and the new Front Street Plan revenue allocation area does not exceed ten percent (10%) of the assessed value of the City.
- (i) The Front Street Plan includes the requirements set out in Idaho Code § 50-2905 with specificity.
- (j) The Front Street Plan is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.
- (k) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code §§ 50-2018(9) and 50-2903(8)(f), does not include any agricultural operation or any forest land requiring written consent.

- (1) The portion of the Front Street Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

SECTION 2: The City Council finds that the Front Street Plan meets the sound needs of the City and will provide opportunities in an area that does not now contain such opportunities, and nonresidential uses are necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan, as may be amended, 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.

SECTION 3: The Front Street Plan, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachment, be, and the same hereby is, approved. As directed by the City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the October 25, 2016, hearing, and incorporate changes or modifications, if any.

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

SECTION 5: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Tax Assessor of Teton County and to the appropriate officials of Teton County, the City, Teton School District #401, Teton County Fire Protection District, Teton County Library District, Teton County Ambulance Service District, Driggs-Darby Cemetery District, Teton County Mosquito Abatement District, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundary of the area and a map or plat indicating the boundaries of the revenue allocation area.

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

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

SECTION 8: So long as any Agency bonds, notes or other obligations are outstanding,

the City Council will not exercise its power under Idaho Code § 50-2006 to designate itself as the Agency Board.

SECTION 9: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not modify the Front Street Plan in a manner that would result in a reset of the base assessment value to current value in the year modification occurs as further set forth in the Act.

SECTION 10: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2016, to the extent permitted by the Act.

SECTION 11: The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

SECTION 12: At least one-half plus one of the City Council members finding good cause, the City Council hereby dispenses with the rule that this Ordinance be read on three different days, two readings of which shall be in full, and have hereby adopted this Ordinance, having considered it at two readings.

SECTION 13: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

SECTION 14: All ordinances, resolutions, orders, or parts thereof in conflict herewith are hereby repealed, rescinded, and annulled.

SECTION 15: SAVINGS CLAUSE: This ordinance does not affect an action or proceeding commenced or right accrued before this ordinance takes effect.

PASSED by the City Council of the city of Driggs, Idaho, on this ____ day of November, 2016.

APPROVED by the Mayor of the city of Driggs, Idaho, on this _____ day of November, 2016.

_____, Mayor

ATTEST:

_____, City Clerk

First Reading: _____

NOTICE OF SPECIAL MEETING AND PUBLIC HEARING BY THE
CITY COUNCIL OF THE CITY OF DRIGGS, IDAHO
TO CONSIDER THE
URBAN RENEWAL PLAN
FOR THE FRONT STREET URBAN RENEWAL PROJECT
OF THE DRIGGS URBAN RENEWAL AGENCY
OF THE CITY OF DRIGGS

NOTICE IS HEREBY GIVEN that the City Council of the city of Driggs, Idaho (the "City"), will hold during its special meeting, a public hearing at Driggs City Hall, 60 S. Main Street, Driggs, Idaho, on October 25, 2016, at 6:30 p.m., to consider for adoption the Urban Renewal Plan for the Front Street Urban Renewal Project ("Plan") of the Driggs Urban Renewal Agency ("Agency"). The boundaries of the Plan revenue allocation area are hereinafter described. The boundaries of the urban renewal area and the revenue allocation area are concurrent. The Plan proposes that the Agency undertake urban renewal projects pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the "Law"). The Plan being considered for adoption contains a revenue allocation financing provision pursuant to the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"), that will cause property taxes resulting from any increase in equalized assessed valuation in excess of the equalized assessed valuation as shown on the base assessment roll as of January 1, 2016, to be allocated to the Agency for urban renewal purposes. The Agency has adopted and recommended approval of the Plan.

The general scope and objectives of the Plan are:

- a. The acquisition of certain real property for right-of-way improvements;
- b. The demolition or removal of certain buildings and improvements for public rights-of-way for streets, utilities, walkways, and other improvements, for public facility building sites, to eliminate unhealthful, unsanitary, or unsafe conditions, enhance density, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;
- c. The provision for participation by property owners within the Project Area to achieve the objectives of this Plan;
- d. The management of any property acquired by and under the ownership and control of the Agency;
- e. The provision for relocation assistance to displaced Project Area occupants as a result of any Agency activity, as required by law;
- f. The elimination of environmental deficiencies in the Project Area, including, among others, deteriorated and inadequate public improvements including certain streets, and improvements to roadways, curbs, gutters and streetscapes, which for purposes of this Plan the term includes sidewalks, lighting, landscaping, benches, bike racks, public art and similar amenities between the curb and right of way line; improvements to public utilities including water and sewer improvements; other related public improvements; removal, burying, or relocation of overhead utilities; extension of electrical distribution lines and transformers; improvement of irrigation and drainage ditches and laterals; and improvement of storm drainage facilities;
- g. The disposition of property for public use in accordance with this Plan;
- h. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- i. The rehabilitation of structures and improvements by present owners and their successors;
- j. The preparation and assembly of adequate sites for the development and construction of facilities for industrial, commercial, retail, and governmental use;
- k. To the extent allowed by law, lend or invest federal funds to facilitate redevelopment; and
- l. To make improvements to utilities to encourage development through the Project Area.

Any such land uses as described in the Plan will be in conformance with zoning for the City and the Driggs Comprehensive Plan, as adopted by the City Council. Land made available will be developed by private enterprises or public agencies as authorized by law. The Plan identifies various public and private improvements which may be made within the urban renewal and revenue allocation area.

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

This Project Area is approximately 33 acres, and generally includes the geographic area bounded by the Huntsman Springs Planned Unit Development on the west, Main Street on the east, Depot Street on the south and Ross Avenue on the north.

The boundary of the Plan revenue allocation area is also depicted in the map below.



Copies of the proposed Plan are on file for public inspection and copying for the cost of duplication at the office of the City Clerk of Driggs, 60 S. Main Street, Driggs, Idaho, between the hours of 8:30 a.m. and 5:00 p.m., Monday through Thursday, and from 8:30 a.m. and 1:00 p.m. on Friday, exclusive of holidays.

The hearing will be held in a handicapped accessible facility. All information presented in the hearing shall also be available upon advance request in a form usable by persons with hearing or visual impairments; individuals with other disabilities may receive assistance by contacting the City 24 hours prior to the hearing.

At the hearing date, time, and place noted above (October 25, 2016, at 6:30 p.m.), all persons interested in the above matters may appear and be heard. Written comments will also be accepted. Comments should be directed to the City Clerk of Driggs. Written comments should be submitted seven (7) days prior to the hearing date.

DATED this 14th day of September 2016.

s/s Kreshyn Schuehler, City Clerk

2 publication dates: September 22, 29, 2016.

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Exhibit 2

RESOLUTION OF THE DRIGGS PLANNING AND ZONING COMMISSION
RELATING TO THE URBAN RENEWAL PLAN FOR THE
FRONT STREET URBAN RENEWAL PROJECT
DRIGGS URBAN RENEWAL AGENCY
FOR THE CITY OF DRIGGS

WHEREAS, the Driggs Urban Renewal Agency, the duly constituted and authorized urban renewal agency of the City of Driggs (hereinafter "Agency"), has submitted a proposed urban renewal plan entitled "Urban Renewal Plan for the Front Street Urban Renewal Project" (the "Plan") to the city of Driggs, and the Plan was referred to the Planning and Zoning Commission for review and recommendations concerning the conformity of said Plan with the Comprehensive Plan known as the Comprehensive Plan of the City of Driggs;

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

WHEREAS, the Driggs Planning and Zoning Commission met on September 28, 2016, to consider the Plan;

WHEREAS, the Driggs Planning and Zoning Commission has reviewed said Plan in view of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF DRIGGS, IDAHO:

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

Section 2. That the Chair of the Planning and Zoning Commission by and hereby is authorized and directed to provide the Driggs City Council with a certified copy of this Resolution relating to said Plan.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED by the Planning and Zoning Commission of the City of Driggs, Idaho, this 28th day of September, 2016.



Chair, Planning and Zoning Commission

Exhibit 3

FRONT STREET PLAN

Exhibit 4

SUMMARY OF ORDINANCE NO. _____