

RESOLUTION NO. 2020-003

BY THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY
OF RATHDRUM, IDAHO:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF RATHDRUM, IDAHO, ALSO KNOWN AS THE RATHDRUM URBAN RENEWAL AGENCY, RECOMMENDING AND ADOPTING THE URBAN RENEWAL PLAN FOR THE SILVERADO URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING AND DIRECTING THE CHAIR, VICE-CHAIR, OR ADMINISTRATOR AND THE SECRETARY OF THE AGENCY TO TAKE APPROPRIATE ACTION; AUTHORIZING AND DIRECTING THE ADMINISTRATOR AND SECRETARY OF THE AGENCY TO MAKE CERTAIN TECHNICAL CHANGES; 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 Rathdrum, Idaho, an independent public body, corporate and politic, authorized under the authority of 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"), a duly created and functioning urban renewal agency for Rathdrum, Idaho, hereinafter referred to as the "Agency."

WHEREAS, the City Council (the "City Council") of the city of Rathdrum, Idaho (the "City") found that deteriorating areas exist in the City, therefore, for the purposes of the Law, created an urban renewal agency pursuant to the Law, authorizing the Agency to transact business and exercise the powers granted by the Law and Act upon making the findings of necessity required for creating said Agency;

WHEREAS, the Mayor has duly appointed the Board of Commissioners of the Agency, which appointment was confirmed by the City Council;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the West Rathdrum Urban Renewal Plan (the "West Rathdrum Plan");

WHEREAS, following the public hearing, the City Council adopted its Ordinance No. 583 on November 13, 2019, approving the West Rathdrum Plan and making certain findings;

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

WHEREAS, in October 2017, the Agency authorized JFoster & Associates LLC to commence an eligibility study and preparation of an eligibility report of an area located north and south of Boekel Road, west of Meyer Road, north of Nagel Road, and east of State Highway 41, also referred to as the Thayer Area (the “Study Area”);

WHEREAS, the Agency obtained the Thayer Eligibility Study, dated November 2017 (the “Report”), which examined the Study Area for the purpose of determining whether such area was a deteriorating area and/or a deteriorated area as defined by Idaho Code §§ 50-2018(8), (9) and 50-2903(8);

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

- a. age or obsolescence;
- b. predominance of defective or inadequate street layout;
- c. outmoded street patterns;
- d. need for correlation of area with other areas of a municipality by streets and modern traffic patterns;
- e. faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- f. unsanitary or unsafe conditions;
- g. economic disuse or undeveloped property; and
- h. other conditions which delay development of the area.

WHEREAS, the Study Area has a substantial portion of open land or open area;

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 areas, which are the same or similar to the conditions set forth in the definitions of “deteriorating area” and “deteriorated area;”

WHEREAS, such additional conditions regarding open areas are present and are found in the Study Area;

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 Agency Board, on November 1, 2017, adopted Resolution No. 2017-002, accepting the Report and authorized the Agency Chair and Administrator to transmit the Resolution and 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 for the Study Area, which plan may include a revenue allocation area as allowed by the Act;

WHEREAS, the City Council, by Resolution No. 2017-289, dated January 10, 2018, declared the Study Area described in the Report to be a deteriorated area and/or a 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;

WHEREAS, the City Council further directed that the project area boundary under the urban renewal plan shall be geographically smaller than the Study Area in the Report;

WHEREAS, the Agency has embarked on an urban renewal project referred to as the Urban Renewal Plan for the Silverado Urban Renewal Project (“Silverado Plan”) to redevelop a portion of the City, pursuant to the Law and the Act, as amended, which area is geographically smaller than the Study Area;

WHEREAS, the Silverado Plan proposes to create an urban renewal area commonly known as the Silverado Project Area, which area is shown on the Project Area and Revenue Allocation Boundary Map and generally described in the Description of the Project Area and Revenue Allocation Area, which are attached to the Silverado Plan as Attachments 1 and 2 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 proposed Silverado Plan for the Silverado Project Area, which area was 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;

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

WHEREAS, in order to implement the provisions of the Law and the Act, the Agency shall prepare and adopt the Silverado Plan and submit the Silverado Plan and recommendation for approval thereof to the City;

WHEREAS, as required by the Law and the Act, the Agency has reviewed the information within the Silverado Plan concerning the use of revenue allocation funds and approved such information and considered the Silverado Plan at its meeting on August 27, 2020;

WHEREAS, the Agency Board, at several Agency Board meetings in 2018, 2019, and 2020 has considered public improvements related to the Silverado Project Area;

WHEREAS, the Silverado 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 Silverado 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 Silverado Plan and to adopt, as part of the Silverado Plan, revenue allocation financing provisions that will help finance urban renewal projects to be completed in accordance with the Silverado Plan in order to (1) encourage private development in the urban renewal area; (2) to prevent and arrest decay of the Silverado Project Area 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 Silverado Project Area 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 1 and 2 of the Silverado Plan is likely to increase as a result of initiation of urban renewal projects in accordance with the Silverado 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 proposed Silverado Project Area, together with the base assessment roll value of the West Rathdrum Project Area, cannot exceed ten percent (10%) of the current assessed values of all the taxable property in the City;

WHEREAS, under the Law and Act, Idaho Code §§ 50-2018(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 Silverado Project Area includes parcels subject to such consent;

WHEREAS, Agency staff and consultants recommend the Agency Board accept the Silverado 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 Silverado 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 RATHDRUM, IDAHO, AS FOLLOWS:

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

Section 2. It is hereby found and determined that the Silverado Project Area as defined in the Silverado 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 3. That the Agency specifically adopts the Silverado Plan along with any changes discussed at the August 27, 2020, Agency Board meeting, including but not limited to finalization of Attachments to the Plan, confirmation of levy rates, impacted taxing districts, updated list of projects, estimated location or siting of improvements, updated map or legal description and any modifications to the economic feasibility study previously prepared by Tom Lien.

Section 4. That the Agency recommends that the Silverado Plan, a copy of which is attached hereto as Exhibit 1, and incorporated herein by reference, be adopted by the City, including those sections, modifications, or text discussed at the August 27, 2020, Agency Board meeting.

Section 5. That the required agricultural operation consents have been obtained by the Agency.

Section 6. That Agency staff, prior to transmittal of the Silverado Plan to the City will include final Attachments to the Plan, including but not limited to the boundary map, legal description, properties which may be acquired by the Agency, the map depicting expected land uses and the current zoning map of the project area, the economic feasibility study, with all the attachments and the agricultural operations consents.

Section 7. 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 Silverado 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; (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 8. It is hereby found and determined that:

- (a) The Silverado Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the mixed-use residential, commercial and industrial components of the Silverado 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 Silverado Plan.
- (b) The Silverado Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation, development and redevelopment of the Project Area by private enterprises.
- (c) To the extent necessary, the Silverado Plan provides a feasible method for relocation of any displaced families residing within the Silverado Project Area.
- (d) The Silverado Project Area contains open land areas, that the Agency may acquire any open land, but does not intend to acquire open land on any widespread basis, that the Silverado Project Area is planned to be redeveloped in a manner that will include both 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 Silverado Project Area which is identified for residential uses is necessary and appropriate as the City Council may find 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 of residential uses is an integral part of and essential to the program of the City.
- (f) The portion of the Silverado Project Area which is identified for non-residential uses, the City Council may find 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 proposed Silverado Project Area, together with the base assessment roll value of the West Rathdrum

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

- (h) The Silverado Plan includes a revenue allocation provision and the Agency has determined that the equalized assessed valuation of the revenue allocation area will likely increase as the result of the initiation of an urban renewal project.

Section 9. That this Resolution constitutes the necessary action of the Agency under the Law, Section 50-2008, Idaho Code and the Act.

Section 10. 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 Silverado 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 Silverado Plan to the various taxing entities as required by Idaho Code § 50-2906.

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

PASSED AND ADOPTED by the Urban Renewal Agency of the City of Rathdrum, Idaho, on August 27, 2020. Signed by the Chair of the Board of Commissioners and attested by the Secretary to the Board of Commissioners, on August 28, 2020.

APPROVED:

By Destry Randles
Chair of the Board

ATTEST:

Lorrann Morrell
By Secretary

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