

CITY OF IDAHO FALLS

SUMMARY OF ORDINANCE NO. 2685

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, APPROVING THE FIRST AMENDMENT TO THE SECOND AMENDED AND RESTATED LINDSAY BOULEVARD URBAN RENEWAL PLAN CITY OF IDAHO FALLS (NOW REFERRED TO AS THE IDAHO FALLS SNAKE RIVER URBAN RENEWAL PROJECT PLAN, THE DOWNTOWN ADDITION), 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; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS:

SECTION 1: It is hereby found and determined that:

(a) The Project Area as defined in the First Amendment to the Second Amended and Restated Lindsay Boulevard Urban Renewal 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 First Amendment to the Second Amended and Restated Lindsay Boulevard Urban Renewal Plan is necessary in the interests of public health, safety, and welfare of the residents of the City of Idaho Falls.

(c) There continues to be a need for the Idaho Falls Redevelopment Agency (“Agency”) to function in the City of Idaho Falls.

(d) The First Amendment to the Second Amended and Restated Urban Renewal Plan conforms to the Comprehensive Plan of the City of Idaho Falls.

(e) The First Amendment to the Second Amended and Restated Urban Renewal Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the primary commercial component of the First Amendment to the Second Amended and Restated Urban Renewal Plan, the need for overall public improvements, and the proposed public open space), 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 Second Amended and Restated Urban Renewal Plan.

(f) The First Amendment to the Second Amended and Restated Urban Renewal 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) The First Amendment to the Second Amended and Restated Urban Renewal Plan provides a feasible method for relocation of any displaced families residing within the urban renewal area.

(h) The Project Area and Revenue Allocation Area may contain certain open land, that the Agency does not intend to acquire any open land on any widespread basis, and that the Project Area is planned to be redeveloped in a manner that will include both residential and non-residential uses. Provided, however, that if portions of the Project Area and Revenue Allocation Area are deemed "open land" the criteria set forth in the Law and Act have been met.

(I) That portion of the 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.

(j) The base assessment roll of the First Amendment to the Second Amended and Restated Urban Renewal Area, does not exceed ten percent (10%) of the assessed value of the City of Idaho Falls.

SECTION 2: The City Council finds that the Project Area and Revenue Allocation Area do not consist of predominately open land, that the Agency does not intend to acquire any open land on any widespread basis, and that the Project Area is planned to be redeveloped in a manner that will include both residential and nonresidential uses. Provided, however, the City Council finds that if portions of the Project Area and Revenue Allocation Area are deemed "open land," the criteria set forth in the Law and Act have been met.

SECTION 3: The City Council finds that one of the First Amendment to the Second Amended and Restated Urban Renewal Plan objectives to increase the residential opportunity to include affordable housing does meet the sound needs of the City and will provide housing opportunity in an area that does not now contain such opportunity, and the portion of the Project Area which is identified for nonresidential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Idaho Falls 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 4: The First Amendment to the Second Amended and Restated Urban Renewal Plan is attached hereto as Exhibit 1 and is made a part hereof, and the same is hereby approved. The City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the December 14, 2006, hearing.

SECTION 5: No direct or collateral action attacking the First Amendment to the Second Amended and Restated Urban Renewal 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 First Amendment to the Second Amended and Restated Urban Renewal Plan.

SECTION 6: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the Bonneville County Auditor and Tax Assessor, and to the appropriate officials of Idaho Falls School District No. 91, Bonneville County Commissioners, Flood Control District No. 1, Bonneville Ambulance District, Fire District No. 1, New Sweden Cemetery District, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map or plat indicating the boundaries of the Revenue Allocation Area.

SECTION 7: The City Council hereby finds and declares that the Revenue Allocation Area as defined in the First Amendment to the Second Amended and Restated Urban Renewal Plan includes that portion of the urban renewal area (defined as the Project Area in the First Amendment to the Second Amended and Restated Urban Renewal Plan), the equalized assessed valuation of which the Council hereby determines is in and is part of the First Amendment to the Second Amended and Restated Urban Renewal Plan has increased since the 1988, 1992, and 2002 Plan adoptions, and is likely to continue to increase as a result of the initiation and completion of urban renewal projects pursuant to the First Amendment to the Second Amended and Restated Urban Renewal Plan. The base assessment roll remains as established by the passage of Ordinance 1926 in 1988, Ordinance 2084 in 1992, Ordinance 2467 in 2002, and Ordinance 2556 in 2004.

SECTION 8: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2006, to the extent permitted by the Act.

SECTION 9: 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 10: 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 11: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

SECTION 12: All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

SECTION 13: 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 Idaho Falls, Idaho, on this 14th day of December, 2006.

APPROVED by the Mayor of the City of Idaho Falls, Idaho, on this 15th day of December, 2006.

EXHIBITS TO THE ORDINANCE

- Exhibit 1 First Amendment to the Second Amended and Restated Lindsay Boulevard Urban Renewal Plan, City of Idaho Falls (Now referred to as: Idaho Falls Snake River Urban Renewal Project Plan, The Downtown Addition)
- Exhibit 2 Planning & Zoning Commission Resolution finding the First Amendment Second Amended and Restated Urban Renewal Plan in Conformity With Comprehensive Plan
- Exhibit 3 Notice Published in *Post Register*, November 12, 2006
- Exhibit 4 Ordinance Summary

SUMMARY OF PLAN

The First Amendment to the Second Amended and Restated Lindsay Boulevard Urban Renewal Plan was prepared by the urban renewal agency of the City of Idaho Falls, (the "Agency") pursuant to the State of Idaho Urban Renewal Law, the Local Economic Development Act, the Idaho Constitution, and all applicable laws and ordinances and was approved by the Agency. The First Amendment to the Second Amended and Restated Urban Renewal Plan provides for the Agency to undertake urban renewal projects pursuant to the Idaho Urban Renewal Law of 1965 as amended. The First Amendment to the Second Amended and Restated Urban Renewal Plan contains a revenue allocation financing provision pursuant to the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, that will cause property taxes resulting from any increases in equalized assessed valuation in excess of the equalized assessed valuation as shown on the original base assessment roll as of November 1, 1988, January 1, 1992, January 1, 2002, and January 1, 2006, as set forth in the First Amendment to the Second Amended and Restated Lindsay Boulevard Urban Renewal Plan, to be allocated to the Agency for the urban renewal purposes.

The general scope and objectives of the First Amendment to the Second Amended and Restated Urban Renewal Plan are:

1. The acquisition of certain real property;
2. 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, insanitary, or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of blight or deterioration;
3. The provision for participation by property owners within the Project Area, including the opportunity to provide additional screening for properties adjacent to Interstate Highway No. 15, and the redevelopment of properties in the downtown core from just south of Broadway Avenue to "G" Street;
4. The management of any property acquired by and under the ownership and control of the Agency;
5. The provision for relocation assistance to displaced Project occupants, as required by law;
6. The installation, construction, or reconstruction of streets, utilities, including electrical distribution and transmission lines in underground configuration, if needed to encourage new developments, fiber optic or other communication systems, parking facilities, and other public improvements, including, but not limited to, irrigation and drainage laterals and ditches, storm drain systems with retention ponds and landscaped areas with connecting walkways, reconstruction and/or relocation of a sewer line bridge and possible combination with a

pedestrian bridge, improvements to certain railroad crossings, the reconstruction of Memorial Drive and Constitution Way, a footbridge over the Snake River, Yellowstone Highway Improvements, streetscape, and landscaping;

7. The disposition of property for uses in accordance with this Plan;
8. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan.
9. The rehabilitation of structures and improvements by present owners, their successors, and the Agency.
10. The preparation and assembly of adequate sites for the development and construction of facilities for commercial, retail, entertainment, lodging and governmental use, including community centers and visitors or information centers as may be deemed appropriate by the Agency;
11. To the extent allowed by law, lend or invest federal funds to facilitate redevelopment;
12. The construction of foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights, sites for buildings to be used for residential, commercial, industrial, and other uses contemplated by the Plan, and to provide utilities to the development site; and
13. Improvement of storefronts at street level and façade, along with acceptable design, as allowed by law.

Any such land uses as described in the First Amendment to the Second Amended and Restated Urban Renewal Plan will be in conformance with the Comprehensive Plan of Idaho Falls, Idaho. Land made available will be developed by private enterprises or public agencies as authorized by law. The First Amendment to the Second Amended and Restated Urban Renewal Plan identifies various public and private improvements which may be made within the Urban Renewal Area.

DESCRIPTION OF PROJECT AREA

The Project Area boundaries herein referred to are as follows:

On the north, the area is generally bounded by U.S. 20, the western bank of the Snake River, the northern edge of the bridge on Broadway Avenue, the eastern bank of the Snake River, and G Street. On the east, the area is generally bounded by North Eastern Avenue. On the south, the area is bounded by a line 120 feet south of the southern right-of-way line of Broadway Avenue, the

southern edge of the Broadway right-of-way, the western bank of the Snake River, and Pancheri Drive extended west to Interstate 15. On the west, the area is bounded by the eastern right-of-way line of Interstate 15.

The Urban Renewal Area is the entire area referred to as the Project Area. The Agency may use its funding resources, including revenue allocation proceeds, to fund public improvements within the various rights-of-way and Revenue Allocation Area. The Revenue Allocation Area is the area from which revenue allocation proceeds will be received.

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.

[INSERT MAP]

Sections 300 through 323 discuss the proposed redevelopment actions, participation opportunities and agreements, cooperation with public bodies, property acquisition standards and requirements, including personal property, relocation, demolition, and property disposition.

Sections 402 through 419 discuss the type of land uses authorized in the Project Area and list other controls by referencing the applicable City ordinances.

Section 420 describes design guidelines for development.

Sections 501-504 summarizes the Financing Plan for the Project Area and describes the 1988, 1992, 2002 and 2006 base assessment roll for the Project Area.

Sections 505-519 defines a contribution policy of the Agency for certain street improvements.

The First Amendment to the Second Amended and Restated Urban Renewal Plan also contains a major section on financing. Among other sources, the First Amendment to the Second Amended and Restated Urban Renewal Plan will utilize revenue allocation financing, authorized by Chapter 20, Title 50, Idaho Code. This statute was approved in 1988 by the Idaho Legislature. Sections 501, 504 and Attachment 5 discuss revenue allocation financing and show how such financing has worked and would work in the Project Area in the future if certain new private developments occur as estimated.

Increases in assessed valuation of real and personal property in the Project Area that occurred after 1988/1992/2002/2006, will generate revenue for the Agency to pay project costs. Project costs include street improvements, parking facilities, and other public improvement costs. The assessed valuation of real and personal property on the base assessment roll is still available for use by the other taxing districts, City of Idaho Falls, Bonneville County, Idaho Falls School District-Bonneville County, Flood Control District No. 1, Ambulance Commission, and Fire District No. 1 to finance their operations. The First Amendment to the Second Amended and Restated Urban Renewal Plan authorizes the Agency to sell revenue bonds to finance project costs and to use annual revenue allocations to pay the debt service.

The program outlined in the First Amendment to the Second Amended and Restated Urban Renewal Plan emphasizes the installation of needed public improvements, street improvements, utility work, and other costs to encourage private development.

Attachment 5 describes in detail the cost and financing methods for complete repayment of the debt incurred used to finance the Project and to also fund the additional described activities.

No change in the land use designation or the potential uses in the area have been proposed. The First Amendment to the Second Amended and Restated Urban Renewal Plan follows the underlying zoning classifications of the City of Idaho Falls. Proposals for certain zone changes are made in the First Amendment to the Second Amended and Restated Urban Renewal Plan.

Sections 600 and 700 describe cooperative activities by the Agency with the City.

The duration of the First Amendment to the Second Amended and Restated Urban Renewal Plan is for thirty (30) years, which expires in 2018. A termination process is described in Section 800 of the Plan. The Agency is required to prepare an annual report each year describing its activities during the previous year.

**ATTACHMENTS TO THE FIRST AMENDMENT TO THE SECOND
AMENDED AND RESTATED URBAN RENEWAL PLAN**

Attachment 1	Project Area and Revenue Allocation Area Boundary Map
Attachment 2	Description of the Project Area and Revenue Allocation Area
Attachment 3	Private Properties Which May be Acquired by Agency
Attachment 4	Map Depicting Expected Land Uses and Current Zoning Within Revenue Allocation Area and Project Area
Introduction to Attachment 5	Introduction
Attachment 5	Statement of Proposed Public Improvements, Costs, Revenues, Tax Impacts, and Funding Methods (and) Implementation Plan
Attachment 5A	Net Value of Private Development in Renewal Allocation Area
Attachment 5B	Estimated Annual Tax Revenue Allocations
Attachment 5C	Estimated Annual Revenues and Costs
Attachment 6	Idaho Falls Redevelopment Agency – Capital Projects Completed 1988-2006
Attachment 7	List of Potential Projects – Snake River District and Downtown Area (G Street to Broadway), September 21, 2006

The full text of Ordinance 2685 is available at the offices of the City Clerk located at Idaho Falls City Hall, City Hall Plaza, 680 Park Avenue, Idaho Falls, Idaho 83405.

This summary is approved by the Idaho Falls City Council at its meeting of December 14, 2006.





Mayor

ATTEST:



City Clerk

I, Dale W. Storer, City Attorney for the City of Idaho Falls, Idaho, declare that in my capacity as City Attorney of the City of Idaho Falls, pursuant to Idaho Code Section 50-901A(3) of the Idaho Code as amended, and I hereby certify that I have reviewed a copy of the above Summary of Ordinance, have found the same to be true and complete, and provide adequate notice to the public of the contents, including the exhibits, of Ordinance No. 2685.

DATED this 14th day of December, 2006.



City Attorney, City of Idaho Falls, Idaho

FIRST AMENDMENT TO THE
SECOND AMENDED AND RESTATED
LINDSAY BOULEVARD
URBAN RENEWAL PLAN
CITY OF IDAHO FALLS

NOW REFERRED TO AS THE

IDAHO FALLS SNAKE RIVER
URBAN RENEWAL PROJECT PLAN,
THE DOWNTOWN ADDITION

Ordinance No. 1926
Adopted 12/23/88
Effective 12/29/88

Amended and Restated Plan
Ordinance No. 2084
Adopted 12/10/92
Published 12/29/92

Second Amended and Restated Plan
Ordinance No. ~~2084~~2467
Adopted ~~11/14~~11/14/2002
Published ~~11/20~~11/20/2002

First Amendment to the
Second Amended and Restated Plan
Ordinance No. ~~2467~~
Adopted ~~11/14~~11/14, 2006
Published ~~11/20~~11/20, 2006

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ATTACHMENTS

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Attachment 2	Description of the Project Area and Revenue Allocation Area Boundary Map
Attachment 3	Private Description of Properties Which May Be Acquired by Agency
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Introduction to Attachment 5	Introduction to
Attachment 5;	the Statement of Proposed Public Improvements, Costs, Revenues, Tax Impacts and Financing Methods (and) Implementation Plan
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Attachment 6	Financial History Lindsay/Snake River Area 1988- 2006 Idaho Falls Redevelopment Agency Capital Projects Completed 1988-2006
Attachment 7	Proposed Bond Amortization Schedule List of Potential Projects Snake River District and Downtown Area (G Street to Broadway), September 21, 2006

**FIRST AMENDMENT TO THE
SECOND AMENDED AND RESTATED
URBAN RENEWAL PLAN FOR THE
LINDSAY BOULEVARD AREA
IDAHO FALLS URBAN RENEWAL AGENCY**

To Be Referred to as the Idaho Falls Snake River Urban Renewal Project Plan;

[For ease of review, changes and modifications included in this First Amendment are depicted by cross-through for deletions and by color text for additions or modifications.]

I. [§100] INTRODUCTION

This is the ~~First Amendment to the~~ Second Amended and Restated Urban Renewal Plan (the “Plan”) for the Lindsay Boulevard Project (now to be referred to as the Idaho Falls Snake River Urban Renewal Project, ~~the Downtown Addition;~~ collectively referred to as~~†~~ the “Project”) in the City of Idaho Falls (the “City”), County of Bonneville, State of Idaho, and consists of the text contained herein and:

~~the Description of the Project Area and Revenue Allocation Area Boundaries (Attachment 1);~~

the Project Area-Revenue Allocation Area Boundary Map (Attachment 2),

~~the Description of the Project Area and Revenue Allocation Area Boundaries (Attachment 2);~~

the Private Properties Which May be Acquired by Agency (Attachment 3),

the Map Depicting Expected Land Uses and Current Zoning Within Revenue Allocation Area and Project Area (Attachment 4),

the Introduction to Attachment 5, the Statement of Proposed Public Improvements, Costs, Revenues, Tax Impacts and Financing Methods (Attachment 5),

Net Value of Private Development in Idaho Falls Revenue Allocation Area (Attachment 5A),

Annual Tax Revenue Allocation (Attachment 5B) ~~and~~.

~~Estimates of Annual Revenues and Costs (Attachment 5C).~~

~~Detailed Presentation of Estimated Annual Revenues and Costs (Attachment 5C-1);~~

~~Financial History Lindsay/Snake River Project Area 1988-2006 Idaho Falls Redevelopment Agency-Capital Projects Completed 1988-2006 (Attachment 6), and~~

~~Proposed Bond Amortization Schedule-List of Potential Projects-Snake River District and Downtown Area (G Street to Broadway), September 21, 2006 (Attachment 7).~~

The term “Project” is used herein to describe the overall activities defined in this Plan and conforms with the statutory definition of urban renewal project. Reference is specifically made to Idaho Code Section 50-2018(j) 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 term “Project” is not meant to refer to a specific activity or development scheme.

This **First Amendment to the Plan Downtown Addition** was prepared for the Idaho Falls Redevelopment Agency (the “Agency”) and reviewed and recommended by the Agency pursuant to the State of Idaho Urban Renewal Law (Chapter 20, Title 50, Idaho Code), the Local Economic Development Act (Chapter 29, Title 50, Idaho Code), the Idaho Constitution, and all applicable local laws and ordinances.

The proposed redevelopment of the Project Area as described in this Plan conforms to the Comprehensive Plan of Idaho Falls for the Year 2000, as amended, adopted by the City Council.

The Agency may create several planning documents that generally describe the overall Project and identify certain specific public and private capital improvement projects. Because of the changing nature of the Project, these documents, by necessity, must be dynamic and flexible. The Agency anticipates that these documents will be modified as circumstances warrant. Any modification, however, shall not be deemed as an amendment of this Plan. No modification will be deemed effective if it is in conflict with this Plan. The planning documents are purposely flexible and do not constitute specific portions of the Plan. Provided, however, prior to the adoption of any planning document or proposed modification to any planning document, the Agency shall notify the City and publish a public notice of such proposed modification at least thirty (30) days prior to the consideration of such proposed modification, thus providing the City and any other interested person or entity an opportunity to comment on said proposed modification. The Agency Board shall consider any such comments and determine whether to adopt the modification. The planning documents apply to redevelopment activity within the Project Area as described herein. In the event of any conflict between this Plan and the appended documents, the provisions of this Plan shall control.

This Plan provides the Agency with powers, duties, and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation, and revitalization of the area within the boundaries of the Project (the "Project Area"). Because of the long-term nature of this Plan, and the need to retain in the Agency flexibility to respond to market and economic conditions, property owner and developer interests, and opportunities from time to time presented for redevelopment, this Plan does not present a precise plan or establish specific projects for the redevelopment, rehabilitation, and revitalization of any area within the Project Area, nor does this Plan present specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the Project Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects will be established, and specific solutions will be proposed, and by which tools are provided to the Agency to fashion, develop, and proceed with such specific plans, projects, and solutions.

Implementation of this Plan will require public co-investment to help stimulate desired private development. Typically, the public will fund enhanced public facilities like utilities, streets, sidewalks, public parking facilities, parks, or plazas which, in turn, create an attractive setting for adjacent private investment in office, retail, housing or hotels, entertainment and convention-related facilities. This public-private relationship has been instrumental in the successful redevelopment of the Lindsay Urban Renewal Area in Idaho Falls since 1988.

The particular projects or redevelopment projects by private entities described herein are not intended to be an exclusive or exhaustive list of potential redevelopment activity. Allowed projects are those activities which comply with the Law and the Act and meet the overall objectives of this Plan.

The purpose of the Urban Renewal Law will be attained through and the major goals of this Plan are:

The elimination of environmental deficiencies in the Project Area, including, among others, obsolete and aged building types, substandard streets, and deteriorated and inadequate public improvements, including certain streets, improvements to public utilities, removal, burying, or relocation of overhead utilities, and roadways and improvement of irrigation and drainage ditches and laterals.

The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area.

The replanning, redesign, and development of undeveloped or underdeveloped areas which are stagnant or improperly utilized because of fragmented ownerships, excessive lava rock, and other site conditions.