

URBAN RENEWAL PLAN
CALDWELL EAST URBAN RENEWAL PROJECT
URBAN RENEWAL AGENCY OF
THE CITY OF CALDWELL, IDAHO

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**URBAN RENEWAL PLAN FOR THE
CALDWELL EAST URBAN RENEWAL AREA
CALDWELL URBAN RENEWAL AGENCY**

Section 100 Introduction

This is the Urban Renewal Plan (the "Plan") for the Caldwell East Project (the "Project") in the City of Caldwell (the "City"), County of Canyon, State of Idaho, and consists of the Text, the Description of the Project Area and Revenue Allocation Area Boundaries (Attachment No.1), the Project Area-Revenue Allocation Area Boundary Map (Attachment No. 2), the Private Properties which may be Acquired by Agency (Attachment No. 3), the Map Depicting Expected Land Uses and Current Zoning Within Revenue Allocation Area and Project Area (Attachment No. 4), the Introduction to Attachment No. 5, the Statement of Proposed Public Improvements, Costs, Revenues, Tax Impacts and Financing methods (Attachment No. 5), Net Value of Private Development in Caldwell Revenue Allocation Area (Attachment 5A), Annual Tax Revenue Allocations (Attachment 5B), Impact of Revenue Allocation Financing on Canyon County Property Taxing Entities Tax Code Areas (Attachment No. 5C).

The term "Project" is used herein to describe the overall activities defined in this Plan. 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 Plan was prepared by the Urban Renewal Agency of the City of Caldwell, Idaho (the "Agency"), reviewed and recommended by the Agency, pursuant to the State of Idaho Urban Renewal Law (Chapter 20, Title 50, Idaho Code), (the "Law"), the Local Economic Development Act (Chapter 29, Title 50, Idaho Code), (the "Act"), 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 Caldwell.

The Appendix contains 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. However, 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.

The planning documents are identified as follows:

Document 1

The Caldwell East Area Workable Program/Implementation Plan dated November 3, 1998. The Caldwell East Area Workable Program/Implementation Plan is incorporated herein by reference and is attached hereto as Exhibit A.

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") as further described in Attachment #1 hereto. The Agency retains all powers allowed by law except that the power of eminent domain granted in Idaho Code Section 50-2007(c), shall not, be used except as authorized by the City Council of the City of Caldwell, Idaho. 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.

The purpose of the Urban Renewal Law will be attained through the implementation of the Plan. 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 or rights-of-way, and inadequate and deteriorated public improvements and facilities.

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

The revitalization, redesign, and development of undeveloped areas which are stagnant or improperly utilized.

The strengthening of the economic base of the Project Area and the community by the installation of needed site improvements and public facilities to stimulate new commercial expansion, employment, and economic growth.

To provide adequate land for parks and open spaces, pedestrian walkways, street rights-of-way, and parking facilities.

To provide improvements to the streets, rights-of-way, and other public infrastructures.

The establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements that provide unity and integrity to the entire Project.

The opportunity of providing affordable housing within the Project Area through assisting new developments and providing rehabilitation loan programs.

The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Revenue Allocation Area and the Project Area as a whole, and benefiting the various taxing districts in which the Urban Renewal Area is located.

The Caldwell East Urban Renewal Project is being undertaken in furtherance of said goals in order to eliminate deteriorated or deteriorating areas, to eliminate the development or spread of slums and blight and for purposes of rehabilitation and conservation in the Project Area. Said objectives are consistent with Section 50-2903(11) of the Act.

The purposes and undertakings of the Caldwell Urban Renewal Project and this Plan are consistent with the purposes of the Act as set forth in Section 50-2901 Idaho Code, as amended, which include the following:

1. To provide for the allocation of a portion of the property taxes levied against taxable property located in the revenue allocation area (specified below) for a limited period of time to assist in the financing of this Plan;
2. To encourage private development in the Project Area;
3. To prevent or arrest the decay of the Project Area due to the inability of existing financing methods to promote needed public improvements;
4. To encourage taxing districts to cooperate in the allocation of future tax revenues arising in the Project Area in order to facilitate long term growth of their common tax base; and
5. To encourage private investment within the Project Area.

A portion of the Project Area consists of open land that has been designated for future development. Under the Law and the Act inclusion of open land is allowed only if specific characteristics exist. The applicable sections of the Law and Act are Idaho Code Sections 50-2008(d)(4)(2) and 50-2903(7)(b). In general, those characteristics include:

1. 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 (Section 2008(d)(4)(2)); and
2. 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 (Section 50-2903(7)(b)).

The Eligibility Report dated October 19, 1998, concludes these characteristics exist and, consequently, inclusion of open land is justified.

Section 101 Provisions Necessary to Meet State and Local Requirements

Section 101.1 Conformance with State of Idaho Urban Renewal Law of 1966, as Amended

- a. The laws of the State of Idaho allow for an Urban Renewal Plan to be submitted by any interested person or entity in an area certified as an Urban Renewal Area by the Caldwell City

Council. The Caldwell East Urban Renewal Area was determined and designated by the Council by Resolution on October 19, 1998.

- b. In accordance with the Idaho Urban Renewal Law of 1965 this Plan was submitted to the Planning and Zoning Commission of the City of Caldwell. After consideration of the Plan, the Commission filed a Resolution with the City Council stating that this Plan is in conformity with the Comprehensive Plan, City of Caldwell.

Section 200 Description of Project Area

The boundaries of the Project Area and of the Revenue Allocation Area are described in Attachment No. 1, which is attached hereto and incorporated herein by reference, and are shown on the "Project Area and Revenue Allocation Area Boundary Map", attached hereto as Attachment No. 2 and incorporated herein by reference.

Section 300 Proposed Redevelopment Actions

Section 301 General

The Agency proposes to eliminate and prevent the spread of blight and deterioration in the Project Area by undertaking some or all of the following activities:

- a. The installation, construction, or reconstruction of streets, utilities, fire protection facilities, police facilities, parking facilities, right of way beautification, storm drainage, recreation and park amenities, street lighting, airport facilities, community center, libraries, and other public improvements and the operation and management of such facilities in conformance with the Law and Act;
- b. A voluntary program of construction, repair and rehabilitation of buildings and other improvements which should include the provision of loan programs to assist owners of residential, commercial, and industrial property to rehabilitate their property;
- c. The acquisition of real property for public facilities, rights of way and redevelopment purposes;
- d. The demolition or removal of certain buildings and improvements;
- e. Participation by persons or entities engaged in business or holding interests in property within the Project Area through remaining in or reentering the Project Area;
- f. The management of any property acquired by and under the ownership and control of the Agency;
- g. The provision for relocation assistance to displaced Project occupants, as required by law;
- h. The disposition of property for uses in accordance with the Law and this plan;
- i. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;

- j. The assembly of adequate sites for the development and construction of residential, public, and commercial facilities; and,
- k. To the extent allowed by law, the lending or investing of federal funds to facilitate redevelopment.

In the accomplishment of these purposes and activities and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by law, except as noted herein.

The foregoing activities are more specifically set forth in the Caldwell East Area Workable Program/Implementation Plan. The Agency hereby determines that all of the foregoing activities are necessary to effectively carry out the objectives of this Plan in the Project Area, as defined by Urban Renewal Law and the Local Economic Development Act, as specified in Section 100 of this Plan.

Section 302 Urban Renewal Plan Objectives

Urban Renewal action is necessary in the Project Area to combat problems of physical blight and economic obsolescence. The Plan encourages taxing districts, included in the project area, to present comments and projects to the Agency for consideration and inclusion as viable methods of meeting plan objectives.

The Project Area consists of a large area bounded generally by UPRR right of way or Cleveland Boulevard on the west, Lincoln Road on the north, Homedale Road to the south and extending eastward to Ward Road. The area has a history of a slow-growing tax base primarily attributed to: inadequate street improvements; inadequate utilities; inadequate drainage facilities; poorly maintained properties; inadequate pedestrian and open areas; undeveloped properties; inconsistent and diverse property ownership; and other deteriorating factors.

Hence, the Urban Renewal Plan for the Project Area is a proposal for: a) improvements to public facilities and public infrastructure that will provide an improved environment for new commercial developments, b) the elimination of unsafe conditions, c) preventing the extension of blight and deterioration and the reversal of deteriorating action in the area and d) promoting the economic development of the area.

The foregoing objectives are consistent with objectives of the Act as referred to in Section 100 of this Plan above.

The provisions of this Plan are applicable to all public and private property in the Project Area. The provisions of this Plan and the Caldwell East Area Workable Program/Implementation Plan shall be interpreted and applied as objectives and goals, recognizing the need for flexibility in interpretation and implementation, while at the same time not in any way abdicating the rights and privileges of the property owners which are vested in the present and future zoning classifications of the properties. All development under an owner participation agreement shall conform to those standards specified in Section 405.02 of this Plan.

Section 303 Participation Opportunities and Agreements

The Agency is authorized to enter into an owner participation agreement with any existing or future owner of property, in the event the property owner seeks and/or receives assistance from the Agency in the redevelopment of the property and the Agency determines such participation is in the best interests of the Agency and the public. In that event, the Agency may allow for an existing or future owner of property to remove his property and/or structure from future Agency acquisition subject to entering into an owner participation agreement.

Section 304 Cooperation with Public Bodies

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency specifically intends to cooperate to the extent allowable by law with the City of Caldwell, the Caldwell Housing Authority, the Caldwell and Vallivue School Districts, Canyon County, Idaho Housing and Finance Association, and the State of Idaho.

In the event an Agency is participating in the public development by way of financial incentive or otherwise, the public body shall enter into a participation agreement with the Agency and then shall be bound by the Caldwell East Area Workable Program/Implementation Plan and other land use elements and shall conform to those standards specified in Section 405.02 of this Plan.

Section 305 Property Acquisition

Section 305.1 Real Property

Only as specifically authorized herein, the Agency may acquire or cause to be acquired, but is not required to acquire, real property located in the Project Area where it is determined that the property is needed for construction of public improvements and as otherwise allowed by law. The acquisition shall be by any means authorized by law (including, but not limited to, the Idaho Urban Renewal Law, the Local Economic Development Act. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee, including structures and fixtures upon the real property.

The Agency is authorized, but not required, by this Plan to acquire property in the areas identified in Attachment No. 3 hereto. Otherwise, Agency acquisition of any other real property shall be accomplished only following a formal amendment to this Plan that will include an exhibit identifying the property to be acquired.

Except as otherwise provided herein, the Agency may acquire, but is not required to acquire, any real property located in the Project Area by any means authorized by law.

The Agency is authorized, but not required however, to acquire public property transferred to private ownership before redevelopment of the Project Area is completed, unless the Agency and the

private owner enter into a participation agreement and the owner completes his responsibilities under the participation agreement.

Section 305.2 Personal Property

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, and where allowed by law the Agency is authorized to acquire personal property in the Project Area by any lawful means.

Section 306 Property Management

Property acquired by the Agency in the Project Area shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

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

The Agency may undertake relocation activities, as the Agency may deem appropriate for which funds are available. Persons leasing property held for redevelopment (i.e., those tenants who commence tenancy after acquisition by the Agency) shall not be eligible for relocation benefits.

Section 308 Demolition, Clearance, and Building Site Preparation

Section 308.1 Demolition and Clearance

The Agency is authorized (but not required) to demolish and clear buildings, structures, and other improvements from any real property in the Project Area as necessary to carry out the purposes of this Plan.

Section 308.2 Preparation of Building Sites

The Agency is authorized (but not required) to prepare, or cause to be prepared, as building sites any real property in the Project Area owned by the Agency. In connection therewith, the Agency may cause, provide for, or undertake the installation or construction of streets, utilities, parks, pedestrian walkways, parking facilities, drainage facilities, and other public improvements and facilities necessary to carry out this Plan.

Section 309 Property Disposition and Development

Section 309.1 Real Property Disposition and Development

Section 309.1(a) General

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

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

All purchasers or lessees of property acquired from the Agency shall be obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

Section 309.1(b) Disposition and Development Documents

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

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

Leases, deeds, contracts, agreements, and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, shall be recorded in the office of the Recorder of Canyon County.

The provisions of Section 405.02 of this Plan shall also govern all disposition and development documents.

Section 309.1(c) Development by the Agency

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop or construct any publicly owned building, facility, structure, or other improvement within the Project Area for itself or for any public body or entity.

The Agency may also prepare properties for development by renovation or other means as allowed by law. The Agency may also as allowed by law and provided for in the plan assist in the development of private projects.

In addition to the public improvements authorized under Idaho Code Sections 50-2007 and 50-2903, the Agency is authorized to install and construct, or to cause to be installed and constructed, within the Project Area for itself or for any public body or entity, public improvements and public facilities, including, but not limited to, the following: (1) utilities; (2) parks, plazas and pedestrian paths; (3) parking facilities; (4) landscaped areas; (5) street improvements; (6) sanitary sewers; (7) flood control facilities and storm drains; (8) water mains; (9) arenas or stadiums; (10) airport facilities; (11) fire or police facilities; (12) libraries; and (13) housing rehabilitation improvements.

Any public facility ultimately owned by the Agency shall be operated and managed in such a manner to preserve the public purpose nature of the facility. Any lease agreement with a private entity or management contract agreement shall include all necessary provisions sufficient to protect the public interest and public purpose.

Section 309.1(d) Development Plans

All development plans (whether public or private) prepared, pursuant to disposition and development or owner participation agreements, shall be submitted for approval and architectural review through the City Building Department or Planning and Zoning Department. All development in the Project Area must conform to those standards specified in Section 404 of this plan. All development plans (whether public or private) prepared pursuant to a disposition and development agreement or owner participation agreement shall be submitted to the Agency for approval and design review. All development under a disposition and development agreement or owner participation agreement must also conform to those standards specified in Section 405.02 of this Plan.

Section 310 Personal Property Disposition

For the purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property which is acquired by the Agency.

Section 311 Rehabilitation and Conservation

The Agency is authorized to rehabilitate, renovate, and conserve, or to cause to be rehabilitated, renovated, and conserved, any building or structure in the Project Area owned by the Agency for preparation of redevelopment and disposition. The Agency is also authorized and directed to advise, encourage, and assist in the rehabilitation and conservation of property in the Project Area not owned by the Agency. The Agency is also authorized to acquire, restore, rehabilitate, move, and conserve buildings of historic or architectural significance.

As necessary in carrying out this Plan, the Agency is authorized to move, or to cause to be moved, any substandard structure or building or any structure or building which can be rehabilitated to a location within or outside the Project Area.

Section 311.1 Property Rehabilitation Loans

With revenue allocation funds and other available funding sources available to it, and as allowed by law and/or the Act, the Agency will implement a program of voluntary repair and rehabilitation of buildings within the revenue allocation area (the "Rehabilitation Program") in accordance with Sections 50-2007(g) and 50-2903(11)(e) of the Idaho Code. The goal of this program is to bring buildings in the area up to the general safety and other standards set forth in the City's building code through building code enforcement and by providing to property owners a financial incentive to remodel, repair, replace, and/or rehabilitate their buildings. The financial incentives will include loans and/or grants to property owners as described below. The Rehabilitation Program is intended to apply to both commercial and residential buildings within the area.

The Agency, with the cooperation and assistance of the City, plans to implement its Rehabilitation Program through the following financial incentives and programs:

I. Lending Programs. The Agency will establish a program to utilize revenue allocation funding, bank funding and other available public or private funds to provide below market rate loans to property owners to bring their buildings up to code under the Rehabilitation Program. Prior to making any loans, Program Guidelines will be established to include the following:

1. Applicant eligibility, consideration may be given to the income of individual owners to the degree that interest is subsidized below market and for credit purposes.
2. Interest rates to vary depending on market condition.
3. Maximum and minimum terms for loans to be dependent on ability to repay, property value and appraisal, and availability of funds.
4. Provisions to recycle Agency funds as loans are repaid.
5. Procedures for deferment of repayment until property sold where appropriate (see below).
6. Procedures for administration and servicing of loans.
7. Such other procedures and provisions as may be deemed necessary.

Lending programs that are expected to be a part of the Rehabilitation Program include:

A. Home Improvement—Owner Occupied. The highest priority for home improvement will be targeted at owner-occupied homes. Home ownership promotes neighborhood stability and pride and should be promoted.

Available HUD funds and revenue allocation funds may be used in concert with bank funding and/or Idaho Housing and Finance Association financing to provide a below market rate loan program. Loans may be provided for a variety of home improvement projects. Any repayment of Agency funds would go to a community development fund that would be used to foster additional community development throughout the City.

Elderly people on fixed incomes may not be able to make loan payments. A deferred payment program may be initiated with all or a portion of the repayment being deferred until the home is sold or the person dies.

B. Home Improvement Loans—Rental Property. A rental housing program could develop and improve the supply of low and moderate income housing which needs to be upgraded in the project area. A program similar to the owner-occupied program may be developed with the exception of the deferred payment element. A strict code enforcement program coupled with low interest loans can make upgrades sustainable, affordable, and effective.

C. Other Building Improvement Loans. The Agency, with the assistance and cooperation of the City, to the extent funds can be made available, may provide below market rate financing to other building owners in the Revenue Allocation Area who agree to bring their buildings into building code compliance.

II. Other Financial Incentives. Other financial incentives may be made available to properties which are subject to real estate taxes to implement the Rehabilitation Program include:

A. Home Replacement Incentive. Many older homes cannot be economically rehabilitated and should be removed. The ease in renting old, substandard housing and the residual value of even a very substandard house makes it improbable that structures would be removed without an incentive program. One incentive could equal the cost of demolition, payment of all City building and hookup fees and a cash rebate upon completion of a new home. The incentive for demolition or clearing of a lot to prepare for sale could be offered in a loan which is forgiven if the lot is sold and a structure placed on it within a specified time period.

There are also many pre-1976 mobile homes and single-wide mobile homes located on private lots which do not meet current safety and structural standards. The same type of incentive program would be provided if the mobile home is replaced with a site-built or manufactured home on a permanent foundation. This program would allow mobile home owners to upgrade their housing and stay at the same location.

B. Infill Development Incentives. There are vacant residential properties located within the oldest portions of the Revenue Allocation area that have infrastructure in place but haven't developed. The proposed residential infill development area is that residential area generally bounded by Boise Avenue on the west, the freeway on the north, the railroad right of way on the south and N. 14th on the east. The incentives provided may include the payment of all City building and hookup fees, site clearance costs, plus a cash rebate per dwelling unit completed.

C. Voluntary LID's. Voluntary LIDs may be established each year, with the assistance of the City, which would allow property owners of homes and businesses to do improvements and hookups and finance those improvements at a low interest rate over 10 years. The voluntary LID would make it possible for City services to be connected as they are extended.

D. Senior Housing. Additional housing for low-income senior citizens may be provided through a combination of HUD funding and other public or private investment. A site could be acquired with revenue allocation funding to provide a ready, available location for the project.

Section 312 Participation with Private Development

Under the Idaho Urban Renewal Law the Agency has the authority to lend or invest funds obtained from the federal government for the purposes of the Urban Renewal law if allowable under federal laws or regulations. The federal funds that may be available to the Agency are governed by regulations promulgated by the Department of Housing and Urban Development for the Community Development Block Grant Program.

Under those regulations the agency may participate with the private sector in the development and financing of those private projects which will attain certain federal objectives.

The Agency may, therefore, use the federal funds for the provision of assistance to private for profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements,

technical assistance, and other forms of support, for any other activity necessary or appropriate to carry out an economic development project.

As allowed by law, the Agency may also use funds from any other sources for any purpose set forth under the Law or Act.

The Agency may enter into contracts, leases, and agreements with the City, or other public body or private entity, pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code Section 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision (2)(b) of Section 50-2908 of the Act and Section 504 to this Plan or out of any other available funds.

Section 400 Uses Permitted in the Project Area

Section 401 Redevelopment Plan Map and Development Strategy

The Description of the Project Area and Revenue Allocation Area Boundary and Project Area-Revenue Allocation Area Boundary Map, attached hereto as Attachment Nos. 1 and 2 and incorporated by reference, describe the location of the Project Area Boundaries. The proposed land uses to be permitted in the Project Area for all land, public and private, are depicted in Attachment No. 4.

Section 402 Designated Land Uses

Section 402.1 Land Use Classifications

The land use classifications for the Project Area are as shown and depicted in Attachment 4 which includes those portions of the area that are within, as well as outside, Caldwell corporate boundaries. The only land use classification outside the corporate boundaries, but within the Project Area, is agricultural (AG). Classifications within the City are set forth and described in Caldwell Zoning Ordinance No. 1451 and include the following: semi-rural residential, R-S & R-S-2; single-family residential, R-1; combined medium density residential, R-2; multiple-family high density residential, R-3; neighborhood commercial, C-1; community commercial, C-2; service commercial, C-3; interchange or freeway commercial, C-4; industrial park, I-P; light industrial, M-1 and heavy industrial, M-2. These land use classifications were adopted in accordance with the land use component set forth in the Caldwell Comprehensive Plan, and include land use categories for agricultural; low/medium/high density residential; neighborhood/community/service and interchange commercial; and industrial park/light industrial/heavy industrial.

A portion of the Project Area is located outside the city limits of the City of Caldwell. Under Section 50-2007(a) of the Law, the Agency is authorized "to undertake and carry out urban renewal projects and related activity within its area of operation." "Area of operation" is defined under Section 50-2018(r) as the corporate limits of the municipality and "the area within five (5) miles of such limits." This portion of the Project Area lies within five (5) miles of the city limits and also lies within the City's area of impact as defined under the City of Caldwell Comprehensive Plan amended in July 1994. While this area is currently zoned under Canyon County Zoning ordinances, it is anticipated that when development occurs in this area, the properties will be annexed to the City of Caldwell or the provisions of the Comprehensive Plan of the City of Caldwell will apply.

Section 403 Other Land Uses and Public Rights-of-Way

Public rights of way, including public streets, alleys, and easements may be created or abandoned in the Project Area in accordance with the applicable requirements of the City of Caldwell, and/or the Idaho Department of Transportation and any other applicable state or local law. All other uses shall be permitted to the extent they conform to the applicable requirements of the City of Caldwell and any other applicable state or local law. All public rights of way within the project area are included in the project area.

Section 404 General Controls and Limitations

All construction and rehabilitation of structures, limitations on type, size, and height of buildings, determination of open space, landscaping, light, air and privacy, limitation on signage, requirements for utility location, limitation upon incompatible and noxious uses, restrictions regarding nondiscrimination, subdivision of property, restrictions as to offstreet loading and off street parking shall be as regulated and provided by the City of Caldwell and shall be consistent with all other applicable state and local laws and requirements.

Section 405 Design for Development

The design for any development of any property within the Project Area shall be subject to the applicable review and restrictions of the City of Caldwell as set forth in its ordinances and regulations.

Section 405.01 Design Guidelines for Development

The land use elements and design guidelines of this Plan are encouraged but not specifically required for development within the Project Area unless an owner participation agreement or disposition and development agreement is entered into between the property owner or developer and the Agency.

All development under this section shall also comply with all applicable City zoning and building ordinances.

Section 405.02 Design Guidelines for Development Under a Disposition and Development Agreement or Owner Participation Agreement

Under an owner participation agreement or a disposition and development agreement the design guidelines and land use elements of this Plan shall be achieved to the greatest extent feasible, though the Agency retains the authority to grant minor variations under Section 404.10 of this Plan and subject to a negotiated agreement between the Agency and the developer or property owner.

Under those agreements, the architectural, landscape, and site plans shall be submitted to the Agency and approved in writing by the Agency. In such agreements, the Agency may impose additional design controls. One of the objectives of this Plan is to create an attractive pedestrian environment in the Project Area. Therefore, such plans shall give consideration to good design, and other amenities to enhance the aesthetic quality of the Project Area. These additional design standards or controls will be implemented through the provisions of any disposition and development agreement or owner

participation agreement or by appropriate covenants appended to the land and instruments of conveyance executed pursuant thereto. These controls are in addition to any standard and provisions of any applicable City building or zoning ordinances; provided, however, each and every development shall comply with all applicable City zoning and building ordinances.

Section 500 Methods of Financing the Project

Section 501 General Description of the Proposed Financing Method

The Agency is authorized to finance this Project with financial assistance from the City, State of Idaho, federal government, interest income, Agency bonds, donations, loans from private financial institutions, the lease or sale of Agency owned property, or any other available source, public or private, including assistance from any taxing district or any public entity.

The Agency is also authorized to obtain advances, borrow funds, and create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from any funds available to the Agency. The City, as it is able, may also supply additional assistance through City loans and grants for various public facilities.

The City or any other public agency may expend money to assist the Agency in carrying out this Project.

Section 502 Revenue Bond Funds

As allowed by law and subject to such restrictions as are imposed by law, the Agency is authorized to issue bonds from time to time, if it deems appropriate to do so, in order to finance all or any part of the Project. Neither the members of the Agency, nor any persons executing the bonds shall be liable on the bonds by reason of their issuance.

Section 503 Other Loans and Grants

Any other loans, grants, guarantees, or financial assistance from the United States, the State of Idaho, or any other public or private source may be utilized if available.

Section 504 Revenue Allocation Financing Provisions

The Agency hereby adopts revenue allocation financing provisions as authorized by Chapter 29, Title 50, Idaho Code (the "Act"), effective retroactively to January 1, 1998 and designates the entire Project Area (Caldwell East Urban Renewal Area) as the Revenue Allocation Area. These revenue allocation provisions shall apply to all taxing districts in which the Revenue Allocation Area is located and described on Attachment Nos. 1 and 2 to this Plan. The Agency shall take all actions necessary or convenient to implement these revenue allocation-financing provisions. The Agency specifically finds that the equalized assessed valuation of properties within the Revenue Allocation Area are likely to increase as a result of the initiation of the Urban Renewal Project.

The Agency, acting by one or more resolutions adopted by its Board of Commissioners, is hereby authorized to apply all or any portion of the revenues allocated to the Agency pursuant to the Act to pay such costs as are incurred or to pledge all or any portion of such revenues to the repayment of any

moneys borrowed, indebtedness incurred, or bonds issued by the Agency to finance or to refinance the Project Costs (as defined in Idaho Code Section 50-2903[11]) of one or more urban renewal projects.

Upon enactment of an ordinance by the governing body of the City of Caldwell, Idaho, finally adopting these revenue allocation financing provisions and defining the Revenue Allocation Area described herein as part of the Plan, there shall hereby be created a special fund of the Agency into which the County Treasurer shall deposit allocated revenues as provided in Idaho Code Section 60-2908. The Agency shall use such funds solely in accordance with Idaho Code Section 60-2909 and solely for the purpose of providing funds to pay the Project Costs, including any revenue bond payments and any incidental costs, of such urban renewal projects as the Agency may determine by resolution or resolutions of its Board of Commissioners.

A statement listing proposed public improvements and facilities, an economic feasibility study, estimated project costs, fiscal impact upon other taxing districts, and methods of financing project costs required by Idaho Code Section 50-2905 is included in Attachment No. 5 to this Plan. This statement necessarily incorporates estimates and projections based on the Agency's present knowledge and expectations. The Agency is hereby authorized to modify the presently anticipated urban renewal projects and use of revenue allocation financing of the related project costs if the Board of Commissioners of the Agency deems such modification necessary or convenient to effectuate the general objectives of the Plan.

The Agency has also provided for expenditure of revenue allocation proceeds on an annual basis without the issuance of bonds. The Agency has also provided for obtaining advances or loans from the City or private entity in order to commence construction of certain of the public improvements. Revenues will continue to be allocated to the Agency until the improvements identified in Attachment No. 5 are completely constructed or until any obligation to the City or other public entity or private entity are fulfilled or any outstanding revenue bonds have been repaid in full. Attachment No. 5 incorporates estimates and projections based on the Agency's present knowledge and expectations concerning the length of time to complete the improvements. The activity may take longer depending on the significance and timeliness of development. Alternatively the activity may be completed earlier if revenue allocation proceeds are greater or the Agency obtains additional funds.

The revenues and costs shown on attachment 5 are estimates. Any bonds that may be issued will be amortized in 15 years or less. Actual project costs will be updated and revised as needed to stay within available revenues.

Section 600 Actions by the City

The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Actions by the City shall include, but not be limited to, the following:

- a. Institution and completion of proceedings necessary for changes and improvements in private and publicly owned property, rights-of-way, or public utilities within or affecting the Project Area.
- b. Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan.

- c. Imposition wherever necessary (by conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
- d. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency may develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.
- e. Preservation of historical sites.
- f. Performance of the above actions and of all other functions and services relating to public peace, health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
- g. Institution and completion of proceedings necessary for the establishment of local improvement districts under Chapter 17, Title 60, Idaho Code.
- h. The undertaking and completing of any other proceedings necessary to carry out the Project.
- i. Administration of Community Development Block Grant and other state and federal grant funds that may be made available for the Project.
- j. Appropriate agreements with the Agency for administration supporting services, funding sources, and the like.

The foregoing actions to be taken by the City do not constitute any commitment for financial outlays by the City.

Section 700 Enforcement

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

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, such owners may enforce any recorded provisions that are expressly for the benefit of owners of property in the Project Area.

Section 800 Duration of This Plan

Except for the nondiscrimination and non-segregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan shall be effective for sixteen (16) years from the date of adoption of this Plan by the City Council through December 31, 2014 provided, however, that the revenue from property taxes shall be

restricted to collection of taxes assessed for the fifteen (15) year period commencing with the 1999 assessment.

Section 900 Procedure for Amendment

The Urban Renewal Plan may be further modified at any time by the Agency and in compliance with the Law and the Act. Where the proposed modification will substantially change the Plan, the modifications must be approved by the City Council in the same manner as the original Plan. Substantial changes for City Council approval purposes shall be regarded as revisions in project boundaries, land uses permitted, land acquisition, and other changes which will violate the objectives of this Plan. Any amendment or modification shall be subject to such rights at law or equity any individual or entity may have who has entered into a disposition or development agreement or owner participation agreement with the Agency or its successor or successors in interest may be entitled to assert.

Section 1000 Severability

If any one or more of the provisions contained in this Plan to be performed on the part of the Agency shall be declared by any Court of competent jurisdiction to be contrary to law, then such provision or provisions shall be null and void and shall be deemed separable from the remaining provisions in this Plan and shall in no way affect the validity of the other provisions of this Plan.

ATTACHMENTS

Attachment No. 1	Description of the Project Area and Revenue Allocation Area boundaries
Attachment No. 2	Project Area-Revenue Allocation Area Boundary Map
Attachment No. 3	Private Properties which may be Acquired by Agency
Attachment No. 4	Map Depicting Expected Land Uses and Current Zoning Within Revenue Allocation Area and Project Area
Introduction to Attachment No. 5	Introduction
Attachment No. 5	Statement of Proposed Public Improvements, Costs, Revenues, Tax Impacts and Financing Methods
Attachment No. 5A	Net Value of Private Development in Revenue Allocation Area
Attachment No. 5B	Estimated Annual Tax Revenue Allocations
Attachment No. 5C	Impact of Revenue Allocation Financing on Canyon County Property Taxing Entities Tax Code Areas; 1998 Tax Levy Rate
Attachment No. 6	Urban Renewal Agency Resolution No. 1998-1 Proposing the Urban Renewal Plan, Approved November 3, 1998
Attachment No. 7	City Council Resolution No. 88-1998 Determining the Caldwell East Area to be a Deteriorated Area
Attachment No. 7A	City Council Resolution No. 89-1998
Attachment No. 7B	City Council Resolution No. 90-1998
Attachment No. 7C	Executive Order
Attachment No. 8	Planning and Zoning Commission Resolution Recommending that the Caldwell East Renewal Plan Conforms to the Comprehensive Plan for the City of Caldwell, Approved November 12, 1998
Attachment No. 9	City of Caldwell Notice of Special Meeting and Public Hearing.
Attachment No. 10	City Council Ordinance No. 2260 Approving the Caldwell East Urban Renewal Plan and Authorizing the City Clerk to Transmit a copy of the Ordinance and Other Required Information to County and State Officials, Approved December 21, 1998, Date of publication, December 30, 1998.

Attachment No. 1
Description of the Project Area and Revenue
Allocation Area Boundaries

A description of the Project Area and Revenue Allocation Area boundaries will be completed pending instruction

The Project Area and Revenue Allocation Area are represented by the same area consisting of approximately 4600 acres. The area can be described as falling within the following general boundaries. These boundaries follow property boundaries on record at the Canyon County Assessor's office and are specifically detailed on the assessor's map in Attachment 2.

At the point of beginning designated as the UPRR right of way at 43rd street northwest to 10th Ave. (including the area north and east of Cleveland Boulevard & Blaine Street between Linden Road and 21st Ave.), thence northeast on 10th Ave. to Chicago, thence northwest to Boise Ave., thence southwest to Belmont, thence northwest to the Boise River (including city property in and around the water treatment plant and rotary pond and including the Centennial Way corridor from Belmont to Simplot Blvd), thence east along the Boise River to the Old Highway 30 Bridge, thence southeast along Old Highway 30 to Illinois (including parcels adjoining Highway 30 and extending north and east toward Canyon Hill), thence south on Illinois to Interstate 84 (including Luby Park), thence southeast on Interstate 84 to Franklin Road, thence east on Franklin Road to Frontage Road, thence northwest along the base of Canyon Hill to Lincoln Road, thence east on Lincoln approximately 1/3 mile, thence south to Marblefront Road, thence east on Marblefront Road 1/4 mile, thence south to a point on the line of Hillcrest Road extended, thence east 1/2 mile, thence south 1/4 mile, thence east 1/4 mile, thence south 1/4 mile to Franklin Road, thence east to KCID Road, thence north 1/4 mile, thence east 1/2 mile to Ward Road, thence south to Linden Road, thence west 1 mile to KCID Road, thence south 1/2 mile, thence east 1/2 mile to to Ward Road extended, thence south to Laster Lane, thence east to Lake Ave., thence north to 43rd street, thence northeast to the point of beginning.

Other areas included in the Project Area and Revenue Allocation Area attached to but not described in the foregoing description include:

An area beginning at Laster Lane and Lake Ave., thence south to Homedale Road (excluding developed residential parcels), thence east on Homedale Road to Elijah Drain, thence northwest along Elijah Drain to Laster Lane, thence west to the point of beginning.

An area beginning at the intersection of Lake Ave. and Ustick Road, thence west 1/2 mile, thence north to Twilight Street, thence east to 38th Street (including all rights of way extending to Cleveland Boulevard), thence southeast on Dearborn to 41st, thence southwest on 41st to Everett Street, thence southeast on Everett to Lake Ave., thence south to the point of beginning.

An area beginning at the intersection of 10th Ave. and UPRR right of way, thense southwest on 10th Ave. to Everett Street, thense southeast to 12th Ave. (including Sebree Park), thense northeast to Dearborn, thense northwest to 10th Ave., thense northeast to the point of beginning.

An area beginning at the intersection of 7th Ave. and UPRR right of way, thense southwest to Main Street, thense northwest to 6th Ave., thense southwest to Blaine Street, thense southeast to 7th Ave., thense southwest to Everett, thense southeast to Kimball, thense southwest to Fillmore Street, thense northwest to 7th Ave., thense northeast to Cleveland Boulevard, thense northwest to 6th Ave., thense southwest to Dearborn Ave., thense northwest to 5th Ave., thense northeast to Cleveland Boulevard, thense southeast to 6th Ave., thense northeast to Arthur Street, thense northwest to 5th Ave., thense northeast to Main Street, thense southeast to 6th Ave., thense northeast to UPRR right of way, thense southeast to the point of beginning.

Attachment No. 3
Property Which May Be Acquired by Agency

1. That area generally bounded by Union Pacific Railroad right-of-way on the southwest, the Boise River on the northwest, Plymouth St., N. Illinois Ave. and I-84 on the northeast and N. 14th on the southeast, Caldwell, Canyon County, Idaho.
2. That area within the project area generally bounded by Franklin Road (Highway 20-26) on the south, Canyon Hill on the west, Lincoln St. on the north and KCID Rd. on the east, Caldwell, Canyon County, Idaho and Canyon County, Idaho.
3. Portions of properties located throughout the project area as needed for street widening or utility construction.

Attachment No. 4
MAP DEPICTING EXPECTED LAND USES AND CURRENT
ZONING WITHIN REVENUE ALLOCATION AREA
AND PROJECT AREA

Attached maps include:

1. City of Caldwell Zoning Map
2. Canyon County Zoning Map
3. City of Caldwell Comprehensive Plan Map

Attachment 5
Statement of Proposed Public Improvements,
Costs, Revenue, Tax Impacts and Financing Methods

INTRODUCTION

This Urban Renewal Plan and attachments incorporate estimates and projections based on the Agency's present knowledge and expectations. The Agency may modify the project and/or the Plan if the Board of Commissioners deems such modifications necessary to effectuate the plan. This plan proposes certain public improvements, public facilities, utility work, and housing rehabilitation, all of which will facilitate development and support rehabilitation in the Revenue Allocation Area.

The attachments, with their various estimates and projections, constitute an economic feasibility study. Costs and revenues are analyzed for sixteen (16) years of development. The analyses show the need for approximately \$107,000,000 in capital expenditures during the project. Multiple financing sources, including one or more revenue allocation bond issues in an aggregate amount of up to \$8,000,000 or more, annual revenue allocations, city funds and loans, various grants and other federal money, bank rehabilitation loans, and developer contributions are shown. Actual revenues will support actual costs. Since the estimated costs are covered by projected revenue allocations and other sources, the conclusion is that the project is feasible.

The information contained in these attachments assumes certain projected actions. First, the Agency has projected the use of revenue allocations for a period of fifteen (15) years; however, the actual use will be finally determined by final project costs and revenues. Second, the amount of revenue generated by revenue allocation is dependent upon the extent and timing of private development. Should private development take longer to materialize or should the private development be substantially less than projected, then the amount of revenue generated will be substantially reduced, and the project costs will also be reduced. Legislative changes in the property taxing system to reduce tax levy rates could have the same effect.

The revenues and costs shown on attachment 5 are estimates. Any bonds that may be issued will be amortized in 15 years or less. Actual project costs will be updated and revised as needed to stay within available revenues. Attachments focus on the financing of proposed public improvements, residential rehabilitation and development, public facilities, and other costs.

Attachment 5A, Estimated Net Taxable Value of New Private Development in Caldwell East Development Area, estimates increases in tax assessments resulting from new development in different areas within the project area, each within the boundaries of one of the two school districts (Caldwell and Vallivue).

Attachment 5B, Estimated Annual Revenue Allocations, illustrates how new development in the project area would generate net revenue for the Agency within the separate tax code areas for the school districts.

Attachment 5C, Impact of Revenue Allocation Financing on Canyon County Property Taxing Entities 1998 Tax Levy Rate, estimates the impact of revenue allocation financing on all taxing districts in which the revenue allocation area is located if the project development is achieved. This attachment should be reviewed in conjunction with Attachments 5A and 5B, which show how the revenue estimates were generated.