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ORDINANCE NO. 3026

2190599C

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE NORTHGATE URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS AND OTHER TAXING ENTITIES; PROVIDING SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City Council (the "City Council") and Mayor of the City of Pocatello (the "City") created the urban renewal agency, the Urban Renewal Agency of the City of Pocatello, also known as the Pocatello Development Authority (hereinafter, the "Agency"), authorizing the Agency to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended and supplemented (the "Law") and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended and supplemented (the "Act") upon making the findings of necessity required for creating the 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, on July 15, 2004, after notice duly published, conducted a public hearing on the North Yellowstone Urban Renewal Area Plan (the "North Yellowstone Plan");

WHEREAS, following said public hearing the City Council adopted its Ordinance No. 2741 on July 15, 2004, approving the North Yellowstone Plan and making certain findings;

WHEREAS, the City Council, on June 22, 2006, after notice duly published, conducted a public hearing on the Naval Ordnance Plant Urban Renewal Plan and the East Center Urban Renewal Plan (the "Naval Ordnance Plant and East Center Plans");

WHEREAS, following said public hearing the City Council adopted its Ordinance No. 2797 on June 22, 2006, approving the Naval Ordnance Plant and East Center Plans and making certain findings;

WHEREAS, the City Council, on April 19, 2007, after notice duly published, conducted a public hearing on the North Portneuf Urban Renewal Plan (the "North Portneuf Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2814 on April 19, 2007, approving the North Portneuf Plan and making certain findings;

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Bannock County Recorder
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WHEREAS, the City Council, on November 15, 2007, after notice duly published, conducted a public hearing on the Amended North Yellowstone Urban Renewal Area Plan (the "Amended North Yellowstone Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2827 on November 15, 2007, approving the Amended North Yellowstone Plan and making certain findings;

WHEREAS, the City Council, on November 4, 2010, after notice duly published conducted a public hearing on the Pocatello Regional Airport Urban Renewal Area Plan (the "Pocatello Regional Airport Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2889 on November 4, 2010, approving the Pocatello Regional Airport Plan and making certain findings;

WHEREAS, the above referenced urban renewal plans and their project areas are collectively referred to as the Existing Project Areas;

WHEREAS, pursuant to Idaho Code Section 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, an urban renewal plan shall (a) conform to the general plan for the municipality as a whole, except as provided in Idaho Code Section 50-2008(g); and (b) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions;

WHEREAS, Idaho Code Section 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, in conjunction with the new Interstate 15 interchange, also referred to as the Northgate Interchange Project, and further based on inquiries and information presented by certain interested parties and property owners, the Agency commenced certain discussions concerning examination of an additional area as appropriate for an urban renewal project;

WHEREAS, the Agency obtained the Northgate Urban Renewal District (proposed) Eligibility Report, dated January 2018 (the "Report"), which examined an area known as the

Northgate Area for the purpose of determining whether such area was a deteriorating area and/or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, pursuant to Idaho Code Sections 50-2018(9) and 50-2903(8), in which the terms "deteriorating area" and "deteriorated area" are defined, the conditions necessary to be present in such an area are found in the Northgate Area;

WHEREAS, the Northgate Area has a substantial portion of open land;

WHEREAS, under the Act, a deteriorated area includes any area which is predominantly open and which, because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality;

WHEREAS, Idaho Code Sections 50-2018(9), 50-2903(8) and 50-2008(d) list the additional conditions applicable to open land areas, including open land areas to be acquired by the Agency;

WHEREAS, such additional conditions regarding open land areas are present and are found in the Northgate 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, Idaho Code Section 50-2018(18) provides that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the Agency Board, on January 17, 2018, adopted Resolution No. 2018-1 accepting the Report and authorized the Agency Chair 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 Northgate Area, which plan may include a revenue allocation area as allowed by the Act;

WHEREAS, the Agency also authorized the transmittal of the Resolution and Report to the Bannock County Board of County Commissioners for the purpose of obtaining a resolution determining such area outside the boundaries of the City to be a deteriorated area and/or a deteriorating area and appropriate for an urban renewal project;

WHEREAS, the Report was submitted to the Bannock County Board of County Commissioners for its consideration of adoption of a resolution finding the need for an urban renewal project for the proposed Northgate Area;

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WHEREAS, the Bannock County Board of County Commissioners adopted the Agency's findings concerning the Northgate Area by adopting Resolution No. 2018-23 on February 13, 2018;

WHEREAS, the City Council, by Resolution No. 2018-03, dated February 15, 2018, declared the Northgate 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; that the Bannock County Board of County Commissioners adopted the necessary resolutions; and directed the Agency to commence preparation of an urban renewal plan for the area designated;

WHEREAS, the Agency has embarked on an urban renewal project referred to as the Urban Renewal Plan for the Northgate Urban Renewal Project ("Northgate Plan") to develop and/or redevelop a portion of the City and/or the City's area of operation pursuant to the Law and the Act, as amended;

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

WHEREAS, the area included in the Northgate Project Area is slightly smaller than the area assessed in the Report;

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 Northgate Plan for the area previously designated as eligible for urban renewal planning;

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

WHEREAS, the Northgate Plan contains revenue allocation financing provisions as allowed by the Act;

WHEREAS, in order to implement the provisions of the Act, the Agency has prepared and adopted the Northgate Plan and submitted the Northgate Plan and recommendation for approval thereof to the City;

WHEREAS, the Agency Board considered all comment and information submitted to the Agency during several Board meetings throughout 2018, including several works sessions with City and County officials, and at the Board meeting held on December 19, 2018;

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WHEREAS, on December 19, 2018, the Agency Board adopted Resolution No. 2018-3 proposing and recommending the approval of the Northgate Plan;

WHEREAS, the Agency, by letter of transmittal dated January 9, 2019, submitted the Northgate Plan to the Mayor and the City Council;

WHEREAS, subsequent to the Agency's adoption of Resolution No. 2018-3, the City of Chubbuck annexed into its corporate limits a section of the Northgate Project Area, which annexation was final after December 19, 2018, but on or before December 31, 2018 (the "Chubbuck Annexation");

WHEREAS, as a result of the Chubbuck Annexation, there are certain properties within the Northgate Plan and Northgate Project Area which extend beyond the City's municipal boundaries and into the City of Chubbuck's municipal boundaries;

WHEREAS, as a result of the Chubbuck Annexation, Idaho Code Section 50-2906(3)(b) and Idaho Code Section 50-2018(18) contemplate an agreement between the City Council and the Chubbuck City Council, governing administration of a revenue allocation financing provision for any area extending beyond the City's municipal boundary but within the city limits of the City of Chubbuck, and such agreement must be formalized by a transfer of powers ordinance adopted by the Chubbuck City Council;

WHEREAS, the Mayor and the City Council have taken the necessary action to process the Northgate Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, pursuant to the Law, on February 13, 2019, the City of Pocatello Planning and Zoning Commission considered the Northgate Plan and found that the Northgate Plan is in all respects in conformity with the City of Pocatello Comprehensive Plan, 2015 Update, as amended, and forwarded its findings to the City Council. A copy of the Finding is attached hereto as Exhibit 1;

WHEREAS, notice of the public hearing of the Northgate Plan was caused to be published by the City Clerk of Pocatello, Idaho, in its official newspaper the *Idaho State Journal*, on March 15 and 29, 2019, a copy of said notice being attached hereto as Exhibit 2;

WHEREAS, as of March 15, 2019, the Northgate Plan was submitted to the affected taxing entities, available to the public, and scheduled for [GMI] consideration by the City Council;

WHEREAS, that an agreement on administration of a revenue allocation financing provision extending beyond the municipal boundary of the City has been negotiated with the Bannock County Board of County Commissioners, specifically the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906, and that the Agreement has been formalized by a transfer of power ordinance adopted by the Bannock County Board of County Commissioners. A copy of the transfer of power ordinance, Bannock County Ordinance No. 2019-03, is attached hereto as Exhibit 3;

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WHEREAS, that an agreement on administration of a revenue allocation financing provision extending beyond the municipal boundary of the City has been negotiated with the Chubbuck City Council, specifically the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906, and that the Agreement has been formalized by a transfer of power ordinance adopted by the Chubbuck City Council. A copy of the transfer of power ordinance, Chubbuck Ordinance No. 782, is attached hereto as Exhibit 4;

WHEREAS, the City Council during its regular meeting of May 2, 2019, has approved the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906 with Chubbuck by adopting Resolution No. 2019-03 and has approved the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906 with Bannock County by adopting Resolution No. 2019-04. Copies of Pocatello City Council Resolution Nos. 2019-03 and 2019-04 are attached hereto as Exhibit 5;

WHEREAS, the City Council, during its regular meeting of April 18, 2019, held the public hearing as noticed;

WHEREAS, as required by Idaho Code Sections 50-2905 and 50-2906, the Northgate Plan contains the following information with specificity which was made available to the general public and all taxing districts prior to the public hearing on April 18, 2019, the regular meeting of the City Council, at least thirty (30) days but no more than sixty (60) days prior to the date set for final reading of the ordinance: (1) a statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality; (2) 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, notes and/or other obligations are repaid, upon all taxing districts levying taxes upon property in the revenue allocation area; (6) a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred; (7) a termination date for the plan and the revenue allocation area, as provided for in section 50-2903(20), Idaho Code. In determining the termination date, the plan shall recognize that the agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the urban renewal plan; and (8) a description of the disposition or retention of any assets of the agency upon the termination date. Provided however, nothing herein shall prevent the agency from retaining assets or revenues generated from such assets as long as the agency shall have resources other than revenue allocation funds to operate and manage such assets;

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

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

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WHEREAS, it is necessary and in the best interest of the citizens of the City, to adopt the Northgate Plan and to adopt, as part of the Northgate Plan, revenue allocation financing provisions that will help finance urban renewal projects to be completed in accordance with the Northgate Plan in order to (1) encourage private development in the urban renewal area; (2) to prevent and arrest decay of the Northgate 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 Northgate 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 City Council finds that the equalized assessed valuation of the taxable property in the Northgate Project Area as shown and described in Attachments 1 and 2 of the Northgate Plan is likely to increase, and continue to increase, as a result of initiation and continuation of urban renewal projects in accordance with the Northgate 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) conform to the general plan of the municipality as a whole; (3) 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) 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 the Law, 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;

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 WHEREAS, under the Law and the Act, Idaho Code Sections 50-2018(9) and 50-2903(8)(f), the definition of a deteriorated area or a deteriorating area shall not apply to any agricultural operation, as defined in Idaho Code Section 22-4502(1), 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 Agency obtained written consents concerning certain properties within the Northgate Project Area, which may have been deemed an agricultural operation, as stated above. A true and correct copy of the agricultural operation consents are included as Attachment 6 to the Northgate Plan;

WHEREAS, the collective base assessment rolls of the Northgate Project Area, together with the base assessment roll values of the Existing Project Areas cannot exceed ten percent (10%) of the current assessed values of all the taxable property in the City;

WHEREAS, the City Council at its regular meeting held on April 18, 2019 considered the Northgate Plan, as proposed.

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

SECTION 1: It is hereby found and determined that:

- (a) The Northgate Project Area, as defined in the Northgate Plan, is a deteriorated area 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, development and redevelopment of the urban renewal area pursuant to the Northgate Plan are necessary in the interests of public health, safety, and welfare of the residents of the City.
- (c) There continues to be a need for the Agency to function in the City.
- (d) The Northgate Plan conforms to the City of Pocatello Comprehensive Plan, 2015 Update, as amended ("Comprehensive Plan").
- (e) The Northgate 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 components of the Northgate Plan and the need for overall public improvements), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area covered by the Northgate Plan.
- (f) The Northgate Plan affords maximum opportunity consistent with the sound needs of the City, as a whole, for the rehabilitation, development and redevelopment of the urban renewal area by private enterprises.

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- (g) Pursuant to Idaho Code Sections 50-2007(h) and 50-2008(d)(1), the Northgate Plan provides a feasible method for relocation obligations of any displaced families residing within the Northgate Project Area and there is not anticipated to be any activity by the Agency that would result in relocation.
 - (h) The collective base assessment rolls for the revenue allocation areas under the Existing Project Areas and the Northgate Project Area do not exceed ten percent (10%) of the assessed values of all the taxable property in the City.
 - (i) The Northgate Plan includes the requirements set out in Idaho Code Section 50-2905 with specificity.
 - (j) The Northgate Plan is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.
 - (k) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code Sections 50-2018(9) and 50-2903(8)(f), does not include any agricultural operation for which the Agency has not received written consents, or which has not been used for agricultural purposes for three (3) consecutive years.
 - (l) The portion of the Northgate 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.
 - (m) The portion of the Northgate Project Area which is identified for residential uses is necessary and appropriate as there is a shortage of housing of sound standards and design which is decent, safe and sanitary in the City; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the City.

SECTION 2: The City Council finds that the Northgate Project Area has a substantial portion of open land, that the Agency may acquire any open land within the Northgate Project Area, and that the Northgate Project Area is planned to be developed and/or redeveloped in a manner that will include both residential and nonresidential uses. The City Council finds that

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portions of the Northgate Project Area are deemed "open land," and that the criteria set forth in the Law and Act have been met.

SECTION 3: The City Council finds that one of the Northgate Plan objectives to increase the residential opportunity does meet the sound needs of the City and will provide housing opportunities in an area that does not now contain such opportunities, and the portion of the Northgate 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 Pocatello's 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 Northgate Plan is attached hereto as Exhibit 6 and is made a part hereof, and the same is hereby approved. As directed by the City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the April 18, 2019, hearing and incorporate changes or modifications, if any.

SECTION 5: As required by Idaho Code Sections 50-2906(3)(b) and 50-2907(2), and as further defined above, the Bannock County Board of County Commissioners and the City have entered into an Agreement on administration of a revenue allocation financing provision extending beyond the municipal boundary of the City and the Agreement has been formalized by a transfer of power ordinance adopted by the Bannock County Board of County Commissioners in Bannock County Ordinance No. 2019-03 (attached hereto as Exhibit 3), and by Pocatello City Council Resolution No. 2019-04 (attached hereto as Exhibit 5).

SECTION 6: As contemplated by Idaho Code Sections 50-2906(3)(b) and 50-2907(2), and as further defined above, the Chubbuck City Council and the City have entered into an Agreement, acknowledged by the Bannock County Board of County Commissioners, on administration of a revenue allocation financing provision extending beyond the municipal boundary of the City and the Agreement has been formalized by a transfer of power ordinance adopted by the Chubbuck City Council in Chubbuck Ordinance No. 782 (attached hereto as Exhibit 4), and by Pocatello City Council Resolution No. 2019-03 (attached hereto as Exhibit 5).

SECTION 7: No direct or collateral action challenging the Northgate 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 Northgate Plan.

SECTION 8: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Tax Assessor of Bannock County and to the appropriate officials of Bannock County, City of Pocatello, Pocatello School District #25, Bannock County Ambulance, Bannock County Road & Bridge, Mosquito Abatement, Portneuf Library, North Bannock Fire District, City of Chubbuck, 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. Said legal description and map are attached hereto as Exhibit 7.

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SECTION 9: The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Northgate Plan, the equalized assessed valuation of which the City Council hereby determines is in and is part of the Northgate Plan, is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Northgate Plan.

SECTION 10: The City Council hereby approves and adopts the following statement policy relating to the appointment of City Council members as members of the Agency's Board of Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but, rather, as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the Northgate Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 11: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not exercise its power under Idaho Code Section 50-2006 to designate itself as the Agency Board.

SECTION 12: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not modify the Northgate Plan in a manner that would result in a reset of the base assessment value to current value in the year modification occurs as further set forth in the Act.

SECTION 13: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2019, to the extent permitted by the Act.

SECTION 14: 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 15: All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

SECTION 16: SAVINGS CLAUSE: This Ordinance does not affect an action or proceeding commenced or right accrued before this Ordinance takes effect.

BE IT FURTHER ORDAINED THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

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PASSED AND APPROVED this 2nd day of May, 2019.

CITY OF POCA TELLO, a municipal
corporation of Idaho



BRIAN C. BLAD, Mayor

ATTEST:



RUTH NEWSOM, City Clerk

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**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION FOR THE CITY
OF POCA TELLO, IDAHO, VALIDATING CONFORMITY OF THE URBAN
RENEWAL PLAN FOR THE NORTHGATE URBAN RENEWAL PROJECT WITH
THE CITY OF POCA TELLO'S COMPREHENSIVE PLAN**

WHEREAS, the Urban Renewal Agency of the City of Pocatello ("City"), Idaho, also known as Pocatello Development Authority (hereinafter "Agency"), the duly constituted and authorized urban renewal agency of the City, has submitted the proposed Urban Renewal Plan for the Northgate Urban Renewal Project (the "Northgate Plan") to the City; and

WHEREAS, the Mayor and Pocatello City Council referred the Northgate Plan to the City Planning and Zoning Commission for review and recommendations concerning the conformity of said Northgate Plan with the City of Pocatello Comprehensive Plan, 2015 Update, as amended (the "Comprehensive Plan"); and

WHEREAS, on February 13, 2019, the City Planning and Zoning Commission met to consider whether the Northgate Plan conforms with the Comprehensive Plan for the City as required by Idaho Code Section 50-2008(b); and

WHEREAS, the City Planning and Zoning Commission has reviewed said Northgate Plan in view of the Comprehensive Plan and adopted the findings of the Planning & Development Services Department as their own; and

WHEREAS, the City Planning and Zoning Commission has determined that the Northgate Plan is in all respects in conformity with the Comprehensive Plan.

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

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

Section 2. That Exhibit A, outlining the findings supporting the determination that the Northgate Plan is in conformity with the City's Comprehensive Plan, is hereby adopted and incorporated as part of this resolution.

Section 3. That the Director of the City's Planning & Development Services Department is hereby authorized and directed to provide the Mayor and Pocatello City Council with a certified copy of this Resolution relating to said Northgate Plan.

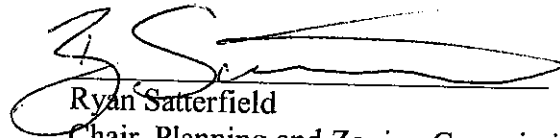
Section 4. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

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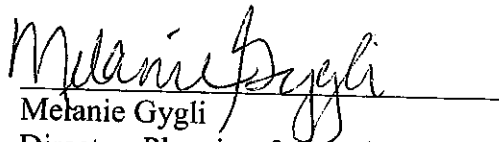
13th ADOPTED by the Planning and Zoning Commission of the City of Pocatello, Idaho, this
day of February, 2019.

APPROVED:



Ryan Satterfield
Chair, Planning and Zoning Commission

ATTEST:



Melanie Gygli
Director, Planning & Development Services

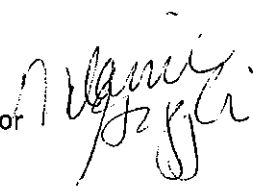
EXECUTIVE SUMMARY

TO: Planning & Zoning Commission

FROM: Melanie Gygli, Planning and Development Services Director

MEETING DATE: February 13, 2019

SUBJECT: Review of Northgate Urban Renewal Area Plan



I. REQUEST

In compliance with 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"), the Urban Renewal Plan for the Northgate Urban Renewal Project (the "Plan"), adopted by the Pocatello Development Authority on December 19, 2018, pursuant to Agency Resolution 2018-03, has been forwarded by the Mayor to the Planning & Zoning Commission concerning its conformity with the City of Pocatello Comprehensive Plan.

The plan area consists of approximately 1,800 acres north of Olympus Drive and east of Interstate 15. Approximately 300 acres have been annexed into the Pocatello city limits and is zoned for multiple uses. A new interchange, the Northgate Interchange, is in early construction phases and is anticipated to be completed later in 2019. Plans for the development include a mix of uses, including general commercial, professional office, and medical. A range of housing types and densities is also proposed, including both single- and multi-family with ownership and rental options. Many desirable amenities, such as open space and parks, are included in development plans.

II. ANALYSIS

The recommendation of the PDA, as outlined in the attached materials, is consistent with the goals of the City's Comprehensive Plan and meets the standards of the applicable Idaho Code sections referenced above. This plan directs use of revenue allocation financing to accomplish the following:

- A. The installation and construction of public improvements, including streets; and improvements to roadways, curbs, gutters and streetscapes, which for purposes of this Plan, the term "streetscapes" includes sidewalks, lighting, landscaping, benches, bike racks, public art and similar amenities between the curb and right of way line; improvements to public utilities including water and sewer improvements, and fire protection systems; other related public improvements; removal, burying, or relocation of overhead utilities; extension of electrical distribution lines and transformers; improvement of irrigation and drainage ditches and laterals; and improvement of storm drainage facilities;
- B. The planning, design and construction of the proposed Interstate 15 (Siphon Road) interchange (the Northgate Interchange Project), the Olympus Drive extension, and the local road connecting to the new interchange (the Eastside Road);
- C. The replanning, redesign, and development of undeveloped or underdeveloped areas which are stagnant or improperly utilized because of limited traffic access, underserved utilities, and other site conditions;

EXHIBIT A

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- D. The strengthening of the economic base of the Project Area and the community by the installation of needed public improvements to stimulate new private development providing employment and economic growth;
 - E. The provision of adequate land for open space, street rights-of-way and pedestrian rights-of-way, including pathways;
 - F. The reconstruction and improvement of street corridors to allow traffic flows to move through the Project Area along with the accompanying utility connections, through the Project Area;
 - G. The provision of public service utilities such as water system improvements, sewer system improvements and improvements to storm drainage facilities (which may be located outside the Project Area);
 - H. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
 - I. The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Project Area as a whole and benefiting the various taxing districts in which the urban renewal area is located; and
 - J. The funding of necessary public infrastructure to accommodate both public and private development.

More specifically, the following Goals, Objectives and Policies will be met by the activities undertaken within the proposed Urban Renewal Area:

CHAPTER 2 – POPULATION

Goal 1: Monitor population trends within the City and region in order to anticipate and provide for the needs of the citizens in all age and economic segments of the population.

-Objective 1.1: In order to retain and grow in all segments of the population, the City should consider unprecedented land use opportunities and tools to provide more flexible but carefully and purposefully defined development patterns that meet the needs and demands of future generations and evolving markets; use planning opportunities to pave the way for improved population growth, population retention, better market conditions and improved economic development.

--Policy a.: The City shall use time-proven planning principles and development patterns, trends and public improvements to provide and direct future growth and attract new growth. Various planning processes and tools should be implemented city-wide to provide for safe, desirable, consistent but improved population growth and increased population retention, improved market conditions and positive economic development.

Goal 2: Analyze and use demographic trends when planning for public services and infrastructure.

-Objective 2.1: Ensure that adequate public services and infrastructure are provided and available to accommodate future growth.

--Policy a.: Prepare development provisions that provide for installation, maintenance and upgrading of infrastructure and plan for necessary public services.

CHAPTER 4 – ECONOMIC DEVELOPMENT

Goal 1: Provide a business-friendly environment.

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Goal 2: Promote employment and income growth and diversification of the City and regional economies.

-Objective 2.3: Identify and recruit appropriate new businesses into the City that are clean, safe and pay a fair wage.

--Policy c.: Improve and maintain infrastructure in targeted development and redevelopment areas to attract businesses.

Goal 3: Strengthen the City's accessibility, convenience, desirability and image as a regional shopping center and place to do business.

-Objective 3.1: Enhance livability, attractiveness and quality of life features of the community.

--Policy a.: Encourage local investment of public and private dollars to enhance livability.

Objective 3.2: Allow for and encourage the development of a variety of retail and service businesses that are pleasant places for people to shop, work, walk and congregate.

--Policy a.: Encourage mixed-use and infill development in key locations throughout the community.

--Policy b.: Encourage the location of commercial services and areas of employment within walking or biking distance from residences.

--Policy c.: Encourage mixed-use commercial, professional and residential developments to serve as transition areas between residential neighborhoods and commercial or industrial uses.

-Objective 3.4: Provide an attractive business environment with new and expanded development of high quality design that is compatible with existing development.

CHAPTER 5 – LAND USE

Goal 1: Implement zoning designations and development regulations that accommodate existing and future needs of the City's population and that serve to facilitate orderly development within the City and region.

-Objective 1.1 Integrate cooperative planning and development actions with all local governments and public agencies in the Portneuf River Valley region.

-Objective 1.2 Use the Urban Services Boundary (USB)/Area of City Impact (ACI) to support development when adequate public facilities and infrastructure are available or are planned to be installed concurrent with development.

--Policy a. Ensure that the USB identifies the areas to which urban services are expected to be provided over the 20-year time frame of this plan.

--Policy b. Use the USB/ACI to promote the efficient delivery and use of urban services by encouraging a compact form of urban development.

-Objective 1.4 Guide annexation within the USB/ACI to encourage orderly growth.

Goal 2: Encourage development to accommodate population growth in areas indicated on the Comprehensive Plan Map as suitable and desirable for development.

-Objective 2.1 Develop zoning districts and regulations to implement the land use designations depicted on the Comprehensive Plan Map.

--Policy a. Implement zoning districts and regulations that correspond to Comprehensive Plan Map designations in order to promote development in suitable and desirable areas.

--Policy b. Provide flexible, incentive-driven regulations to promote types of development in specific locations that may help meet many goals and policies from various chapters as outlined in this Comprehensive Plan.

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Goal 3: Develop and implement zoning designations and regulations that promote land uses and developments that complement the surrounding vernacular while utilizing the unique context and opportunities of each designated area.

-Objective 3.1 Develop zoning districts and regulations that focus on relationships between developments based on form, scale and function.

--Policy a. Explore all of the various planning options available to provide flexible, diverse and productive development options in their respective and proper locations.

Goal 6: Coordinate land use planning with Bannock Transportation and Planning Organization and the Idaho Department of Transportation plans and programs related to the existing and developing transportation network in order to provide for the safe and efficient transport of people and goods.

CHAPTER 9 – TRANSPORTATION

Goal 1: Develop and maintain a coordinated and balanced transportation system that provides a variety of choices among transportation modes, including automobile, public transit, air, bicycle and pedestrian.

Chapter 10 – PARKS, TRAILS & RECREATION

Goal 1: Provide recreational opportunities for all citizens.

-Objective1.1: Provide a variety of parks, lands, greenways and recreation facilities throughout the community whenever feasible.

--Policy d.: Encourage the creation of public and private neighborhood parks in conjunction with residential, commercial and industrial development.

-Objective1.3 Provide a variety of trails and paths throughout the community whenever feasible.

--Policy c.: Support the development and maintenance of trails and paths in conjunction with residential, commercial and industrial developments.

CHAPTER 12 – HOUSING

Goal 1: Encourage development of a wide variety of high-quality housing opportunities that are safe, sanitary, attractive and affordable.

-Objective 1.1: Encourage development of housing affordable for households of all income levels throughout the community.

--Policy a.: Continue the support of a pro-active role in meeting demand for affordable housing.

-Objective 1.2: Support programs for the development, creation and maintenance of affordable housing throughout the community.

Goal 2: Adopt zoning districts and development regulations that allow for a variety of housing types responsive to the needs within the community.

Goal 4: Provide greater opportunities for the development of a greater variety of mixed-use housing types above commercial and office space.

CHAPTER 13 – COMMUNITY DESIGN

Goal 1: Improve the physical appearance and image of the City of Pocatello.

-Objective 1.1: Develop a sense of community that meets the needs of its citizens by creating a visually stimulating and aesthetically pleasing community.

--Policy b.: Identify and remediate slum and blighted areas utilizing appropriate laws and programs including urban renewal.

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- Policy c.: Promote enhancement of major gateways into the City (e.g. entrances from airport, Interstate and State highways) to provide a positive first impression.
 - Policy d.: Encourage buffer areas and open spaces between residential and other districts to promote compatibility between uses.
 - Objective 1.3: Promote and encourage aesthetically-pleasing approaches and entryways into the City through street design, landscaping and signage.
 - Policy a. Develop major gateways into the City to provide a unique and positive first impression.

Goal 2: Consider use of various planning tools available that are flexible and predictable which generally improve the overall appearance of Pocatello.

- Objective 2.2: Encourage development that is attractive and compatible and improves the quality of its surrounding environment, including established neighborhoods.
- Policy a.: Use design standards, guidelines and incentives to ensure that new development, infill and redevelopment is compatible with established development.
- Policy b.: Use design standards, guidelines and incentives to ensure that new development, infill and redevelopment is designed to be visually attractive from the street.
- Policy c.: Encourage landscape and beautification efforts with all new development.

Goal 3: Promote an attractive and walkable community.

- Objective 3.1 Create pedestrian friendly environments in all areas of the City of Pocatello.

III. FINDINGS & RECOMMENDATION

Planning & Development Services staff finds the Urban Renewal Plan for the Northgate Urban Renewal Project and the activities proposed therein to be in conformity with the City's Comprehensive Plan. The Pocatello City Council will hold a public hearing, tentatively scheduled for April 4, 2019, to consider adoption of the Urban Renewal Area and Plan.

The Commission may wish to find the Urban Renewal Plan for the Northgate Urban Renewal Project in conformity with the City's Comprehensive Plan and authorize the Chair's signature on a resolution documenting this determination.

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NOTICE OF REGULAR MEETING AND PUBLIC HEARING BY THE
CITY COUNCIL OF THE CITY OF POCA TELLO
TO CONSIDER THE
URBAN RENEWAL PLAN
FOR THE NORTHGATE URBAN RENEWAL PROJECT
OF THE POCA TELLO DEVELOPMENT AUTHORITY
OF THE CITY OF POCA TELLO

NOTICE IS HEREBY GIVEN that the City Council of the City of Pocatello will hold during its regular meeting, a public hearing in City Council Chambers, 911 N. 7th Avenue, Pocatello, Idaho, on April 18, 2019, at 6:00 p.m., to consider for adoption the proposed Urban Renewal Plan for the Northgate Urban Renewal Project ("Plan") of the Pocatello Urban Renewal Agency, a/k/a Pocatello Development Authority ("Agency"). The urban renewal and revenue allocation area boundary is hereinafter described. The Plan proposes that the Agency undertake urban renewal projects, including identifying public facilities for funding, pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended. The Plan being considered for adoption contains a revenue allocation financing provision pursuant to the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, that will cause property taxes resulting from any increase in equalized assessed valuation in excess of the equalized assessed valuation as shown on the base assessment roll as of January 1, 2019, to be allocated to the Agency for urban renewal purposes. The Agency has adopted and recommended approval of the Plan.

The general scope and objectives of the Plan are:

- a. The installation and construction of public improvements, including streets; improvements to roadways, curbs, gutters and streetscapes, which for purposes of this Plan, the term "streetscapes" includes sidewalks, lighting, landscaping, benches, bike racks, public art and similar amenities between the curb and right of way line; improvements to public utilities including water and sewer improvements, and fire protection systems; other related public improvements; removal, burying, or relocation of overhead utilities; extension of electrical distribution lines and transformers; improvement of irrigation and drainage ditches and laterals; and improvement of storm drainage facilities;
- b. The planning, design and construction of the proposed Interstate 15 (Siphon Road) interchange (the Northgate Interchange Project), the Olympus Drive extension, and the local road connecting to the new interchange (the Eastside Road);
- c. The replanning, redesign, and development of undeveloped or underdeveloped areas which are stagnant or improperly utilized because of limited traffic access, underserved utilities, and other site conditions;
- d. The strengthening of the economic base of the Project Area and the community by the installation of needed public improvements to stimulate new private development providing employment and economic growth;
- e. The provision of adequate land for open space, street rights-of-way and pedestrian rights-

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 of-way, including pathways;

- f. The reconstruction and improvement of street corridors to allow traffic flows to move through the Project Area along with the accompanying utility connections, through the Project Area;
- g. The provision of public service utilities such as water system improvements, sewer system improvements and improvements to storm drainage facilities (which may be located outside the Project Area);
- h. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- i. The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Project Area as a whole and benefiting the various taxing districts in which the urban renewal area is located; and
- j. The funding of necessary public infrastructure to accommodate both public and private development.

Any such land uses as described in the Plan will be in conformance with zoning for the City of Pocatello and the City of Pocatello Comprehensive Plan, 2015 Update, as adopted by the City Council, or as may be applicable, zoning for the City of Chubbuck, the Comprehensive Plan for the City of Chubbuck, or applicable zoning for Bannock County and the Comprehensive Plan for Bannock County. Land made available will be developed by private enterprises or public agencies as authorized by law. The Plan identifies various public and private improvements which may be made within the Project Area.

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

An area consisting of approximately 1800 acres of land east of Interstate 15 and north of Chubbuck Road and as more particularly described as follows:

A parcel of land located in and a portion of Sections 1 & 2, Township 6 South, Range 34 East, and a portion of Sections 5 & 6, Township 6 South, Range 35 East, and a portion of Sections 31, 32, & 33, Township 5 South, Range 35 East, and a portion of Section 35, Township 5 South, Range 34 East of the Boise Meridian, Bannock County, Idaho, with a Basis of Bearings per City of Pocatello Datum based on the Central Meridian of the East Zone of the Idaho State Plane Coordinate System, more particularly described as follows:

Commencing at the South Quarter Corner of said Section 1, Township 6 South, Range 34 East, being marked by a 3 inch brass cap in Survey Vault per Corner Perpetuation and Filing, Instrument No. 800761, thence along the Southerly line of said Section 1, South 89°53'17" West 35.00 feet to

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the **Point of Beginning**; thence continuing along the Southerly line of said Section 1, South $89^{\circ}53'17''$ West 2573.73 feet to the Southwest Corner of said Section 1, monumented with a 2 inch aluminum cap per Corner Perpetuation and Filing, Instrument No. 20520365; thence along the Southerly line of said Section 2, North $89^{\circ}44'11''$ West 552.28 feet to the Easterly Right-of-Way line of Interstate 15 (Federal Aid Projects Nos. I-152(1)71 and I-152(3)71); thence along said Easterly Right-of-Way line the following five (5) courses: (1) North $00^{\circ}15'22''$ East 25.82 feet; (2) thence North $79^{\circ}51'06''$ West 128.34 feet; (3) thence North $54^{\circ}36'02''$ West 361.86 feet; (4) thence North $05^{\circ}12'23''$ West 954.91 feet; (5) thence North $05^{\circ}34'22''$ East 1458.55 feet to the Latitudinal Centerline of Section 2; thence along said Latitudinal Centerline, South $89^{\circ}45'55''$ East 887.05 feet to the West Quarter Corner of Section 1, monumented with a 1 inch Iron Rod, Instrument No. 20520359; thence along the Latitudinal Centerline of Section 1, South $89^{\circ}54'37''$ East 1971.46 feet to a point of non-tangency of a 1014.34 foot radius curve concave to the Northeast of which radius bears North $00^{\circ}05'32''$ East; thence Northwesterly 1099.72 feet along said 1014.34 foot radius curve to the right through a central angle of $62^{\circ}07'07''$ and a long chord that bears North $58^{\circ}50'55''$ West 1046.65 feet; thence North $27^{\circ}48'42''$ West 657.76 feet to point of tangency of a 925.00 foot radius curve concave to the Southwest of which radius bears South $62^{\circ}11'18''$ West; thence Northwesterly 409.59 feet along said 925.00 foot radius curve to the left through a central angle of $25^{\circ}22'14''$ and a long chord that bears North $40^{\circ}29'49''$ West 406.25 feet; thence South $36^{\circ}48'47''$ West 24.94 feet; thence North $57^{\circ}20'07''$ West 180.27 feet; thence North $68^{\circ}03'16''$ West 163.21 feet; thence North $77^{\circ}47'05''$ West 92.38 feet; thence North $84^{\circ}11'13''$ West 349.62 feet, crossing into said Section 2; thence South $77^{\circ}54'44''$ West 248.46 feet; thence South $20^{\circ}11'44''$ West 550.76 feet; thence South $05^{\circ}34'28''$ West 325.00 feet; thence South $14^{\circ}06'19''$ West 303.36 feet; thence South $17^{\circ}57'19''$ West 209.88 feet; thence South $08^{\circ}29'15''$ West 194.03 feet, marked by a concrete monument with a 3 inch brass cap at station 191+00; thence along said East line, North $08^{\circ}26'09''$ West 206.54 feet marked by a concrete monument with a 3 inch brass cap at station 193+00; thence continuing along said East line, North $05^{\circ}34'22''$ East 3546.82 feet, crossing into said Section 35, Township 5 South, Range 34 East, marked by a concrete monument with a 3 inch brass cap at station 228+47.7; thence South $20^{\circ}20'26''$ East 137.23 feet; thence South $01^{\circ}45'38''$ West 601.33 feet; thence South $06^{\circ}50'51''$ West 225.06 feet; thence South $07^{\circ}04'41''$ East 251.10 feet, crossing into said Section 2, Township 6 South, Range 34 East; thence South $13^{\circ}06'08''$ East 374.73 feet; thence South $07^{\circ}55'16''$ East 189.74 feet; thence South $41^{\circ}41'29''$ East 178.44 feet; thence South $75^{\circ}10'55''$ East 457.19 feet, crossing into said Section 1; thence South $78^{\circ}59'42''$ East 25.00 feet to a point of tangency of a 1100.00 foot radius curve concave to the Southwest of which radius bears South $11^{\circ}00'18''$ West; thence Southeasterly 495.56 feet along said 1100.00 foot radius curve to the right through a central angle of $25^{\circ}48'43''$ and a long chord that bears South $66^{\circ}05'20''$ East 491.38 feet; thence South $36^{\circ}48'47''$ West 25.00 feet to a point of non-tangency of a 1075.00 foot radius curve concave to the Southwest of which radius bears South $36^{\circ}49'02''$ West; thence Southeasterly 476.02 feet along said 1075.00 foot radius curve to the right through a central angle of $25^{\circ}22'16''$ and a long chord that bears South $40^{\circ}29'49''$ East 472.14 feet; thence South $27^{\circ}48'42''$ East 657.76 feet to point of tangency of a 865.00 foot radius curve concave to the Northeast of which radius bears North $62^{\circ}11'18''$ East; thence Southeasterly 937.51 feet along said 865.00 foot radius curve to the left through a central angle of $62^{\circ}05'55''$ and a long chord that bears South $58^{\circ}51'40''$ East 892.29 feet; South $89^{\circ}54'37''$ East 3.34 feet to the point of tangency of a 100.00 foot radius curve concave to the Northwest of which radius bears North $00^{\circ}05'23''$ East; thence Northeasterly 70.61 feet along said 100.00 foot radius curve to the left through a central angle of $40^{\circ}27'33''$ and a long chord that bears North $69^{\circ}51'37''$ East 69.16 feet to the point of reverse curvature of a 130.00 foot radius curve concave to the South of which radius bears South $40^{\circ}22'10''$ East; thence Southeasterly 183.60 feet along said 130.00 foot radius curve to the right through a central angle of $80^{\circ}55'05''$ and a long chord that bears South $89^{\circ}54'37''$ East 168.72 feet to a point of reverse curvature of a 100.00

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foot radius curve concave to the Northeast of which radius bears North $40^{\circ}32'56''$ East; thence Southeasterly 70.61 feet along said 100.00 foot radius curve to the left through a central angle of $40^{\circ}27'33''$ and a long chord that bears South $69^{\circ}40'51''$ East 69.16 feet; thence South $89^{\circ}54'37''$ East 2979.23 feet to the East line of Section 1 of Township 6 South, Range 34 East; thence crossing into Section 6, Township 6 South, Range 35 East and continuing South $89^{\circ}54'37''$ East 643.19 feet to the point of tangency of a 1000.00 foot radius curve concave to the Northwest of which radius bears North $00^{\circ}05'57''$ East; thence Northeasterly 489.91 feet along said 1000.00 foot radius curve to the left through a central angle of $28^{\circ}04'11''$ and a long chord that bears North $76^{\circ}03'52''$ East 485.02 feet; thence along the West line of the Southeast Quarter of the Northwest Quarter and Government Lot 3 of said Section 6, North $00^{\circ}01'08''$ East 2362.49 feet to Northwest corner of said Government Lot 3 on the North line of said Section 6; thence along said North line, North $89^{\circ}20'55''$ West 1106.69 feet to the Northwest corner of said Section 6; thence crossing into Section 31, Township 5 South, Range 35 East along the West line of said Section 31, North $00^{\circ}08'57''$ East 2653.31 feet to the West Quarter corner of said Section 31; thence along the Latitudinal line of said Section 31, South $89^{\circ}17'15''$ East 2577.26 feet; thence continuing along said Latitudinal line, South $89^{\circ}16'42''$ East 2647.90 feet to the East Quarter corner of said Section 31; thence along the East line of said Section 31, North $00^{\circ}09'22''$ East 1319.34 feet; thence across a Bureau of Land Management area of Hiatus, North $36^{\circ}31'34''$ East 247.35 feet; thence along the North line of the South Half of the Northwest Quarter of Section 32, South $88^{\circ}47'36''$ East 2677.70 feet; thence along the West line of the North Half of the Northeast Quarter, North $03^{\circ}09'07''$ West 1278.70 feet to the North Quarter corner of said Section 32; thence along the North line of said Section 32, North $89^{\circ}53'17''$ East 1309.15 feet; thence continuing along said North line, South $89^{\circ}10'41''$ East 1316.22 feet to the Northeast Quarter corner of said Section 32; thence along the North line of Section 33, South $89^{\circ}20'04''$ East 1324.21 feet; thence continuing along said North line, South $89^{\circ}20'28''$ East 1324.25 feet to the North Quarter corner of said Section 33; thence along the Meridional Centerline of said Section 33, South $00^{\circ}47'15''$ East 1335.27 feet; thence continuing along said Meridional Centerline, South $00^{\circ}03'00''$ West 1329.78 feet; thence continuing along said Meridional Centerline, South $01^{\circ}45'40''$ West 1311.24 feet; thence along the South line of the North Half of the Southwest Quarter of said Section 33, North $89^{\circ}48'03''$ West 2654.82 feet to the East line of Section 32; thence along the East line of said Section 32, South $00^{\circ}25'31''$ West 1332.35 feet; thence across a Bureau of Land Management area of Hiatus, South $70^{\circ}54'01''$ West 289.86 feet to the Northeast corner of Section 5, Township 6 South, Range 35 East; thence along the North line of said Section 5, North $89^{\circ}15'19''$ West 2618.25 feet to the North Quarter corner of said Section 5; thence along the Meridional Centerline and East line of Government Lot 3 of said Section 5, South $00^{\circ}10'58''$ West 1323.83 feet; thence along the South line of said Government Lot 3, North $89^{\circ}46'20''$ West 1305.68 feet; thence along the East line of the Southwest Quarter of the Northwest Quarter, South $00^{\circ}02'49''$ West 1322.23 feet; thence along the Latitudinal Centerline of said Section 5, North $89^{\circ}46'31''$ West 1302.55 feet to the West Quarter corner of said Section 5; thence crossing into Section 6 and along the South line of the Southeast Quarter of the Northeast Quarter of said Section 6, North $89^{\circ}47'38''$ West 1321.07 feet to the Southwest corner of said Southeast Quarter of the Northeast Quarter; thence along the West line of said Southeast Quarter of the Northeast Quarter, North $00^{\circ}03'29''$ West 1116.43 feet; thence along a line parallel with the South line of Government Lot 2, North $89^{\circ}45'14''$ West 1320.48 feet; thence South $59^{\circ}17'05''$ West 668.40 feet; thence South $37^{\circ}42'10''$ West 975.40 feet to the South line of the Southeast Quarter of the Northwest Quarter; thence South $22^{\circ}22'38''$ West 394.32 feet to the Southeast corner of Deed Instrument No. 21715050; thence along the Southerly line of the parcel of land described in Warranty Deed, Instrument No. 21715050 the following four (4) courses; (1) thence South $63^{\circ}43'33''$ West 422.62 feet; (2) thence South $76^{\circ}51'46''$ West 477.29 feet; (3) thence North $90^{\circ}00'00''$ West 272.49 feet to said Easterly line of Section 1, Township 6 South, Range 34 East; (4)

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thence South $78^{\circ}33'36''$ West 2669.08 feet to said Meridional Centerline of Section 1; thence along said Meridional Centerline, South $00^{\circ}14'03''$ East 682.23 feet to a point of non-tangency of a 2050.00 foot radius curve concave to the Southwest of which radius bears South $76^{\circ}55'53''$ West; thence along the Easterly line of the parcel of land described in Warranty Deed, Instrument No. 21715051, Exhibit C, thence Southeasterly 469.08 feet along said 2050.00 foot radius curve to the right through a central angle of $13^{\circ}06'37''$ and a long chord that bears South $06^{\circ}30'49''$ East 468.06 feet; thence South $00^{\circ}02'30''$ West 248.16 feet; thence along the South line of Section 1, South $89^{\circ}54'05''$ West 15.00 feet; thence along the Easterly Right-of-Way line of Olympus Road, South $00^{\circ}02'30''$ West 964.09 feet; thence North $89^{\circ}57'30''$ West 70.00 feet to the Westerly Right-of-Way line of said Olympus Road; thence along said Westerly Right-of-Way line, North $00^{\circ}02'30''$ East 963.91 feet to the **Point of Beginning**.

Excepting therefrom the following parcels:

Parcel No. R3805003100

A parcel of land located in Section 31, Township 5 South, Range 35 East, Boise Meridian, Bannock County, Idaho described as the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of said Section 31, as described in Warranty Deed, Instrument No. 21103625.

Parcel No. R3805003200

A parcel of land located in Section 31, Township 5 South, Range 35 East, Boise Meridian, Bannock County, Idaho described as the Northeast Quarter of the Southwest Quarter of the Southeast Quarter of said Section 31, as described in Warranty Deed, Instrument No. 21705063.

Parcel No. R3805003300

A parcel of land located in Section 31, Township 5 South, Range 35 East, Boise Meridian, Bannock County, Idaho described as the Northwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 31, as described in Warranty Deed, Instrument No. 20914144.

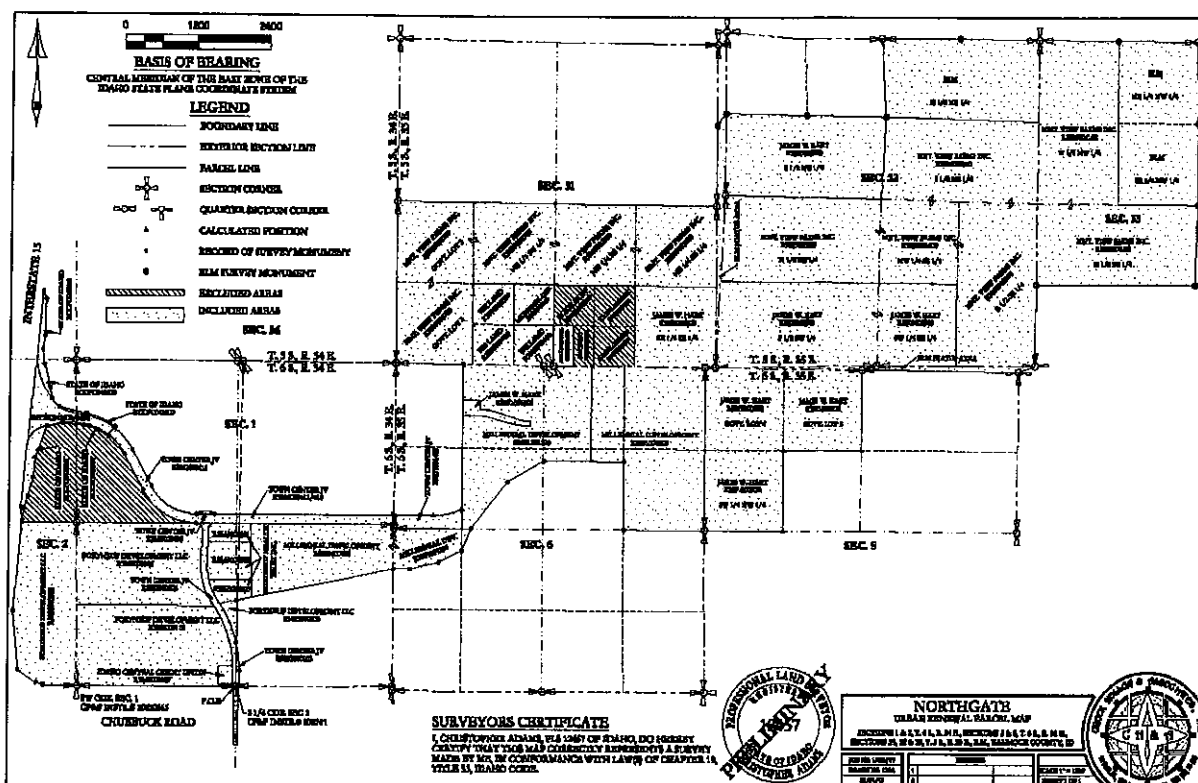
Parcel No. R3805003400

A parcel of land located in Section 31, Township 5 South, Range 35 East, Boise Meridian, Bannock County, Idaho described as the East Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 31, as described in Warranty Deed, Instrument No. 685120.

The Project Area is also depicted in the map below.

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The urban renewal project area and revenue allocation area includes certain property outside of the corporate city limits of the City of Pocatello. Bannock County has adopted a resolution declaring the need for an urban renewal project for the Northgate Area. The City of Pocatello has negotiated and will enter into separate intergovernmental agreements with the City of Chubbuck and Bannock County concerning administration of the revenue allocation financing provision extending beyond the municipal boundary of the City of Pocatello and concerning implementation of the Plan for those properties outside the city limits of the City of Pocatello and within the boundaries of Chubbuck or Bannock County as may be required by Idaho Code § 50-2906(3)(b). The agreement with Bannock County will be or has been formalized by a transfer of power ordinance adopted by Bannock County. The agreement with the City of Chubbuck will be or has been formalized by a transfer of power ordinance adopted by the City of Chubbuck.

Copies of the proposed Plan are on file for public inspection and copying per the City of Pocatello Public Records Policy at the office of the City Clerk of Pocatello, 911 N. 7th Avenue, Pocatello, Idaho, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, exclusive of holidays.

At the hearing date, time, and place noted above (April 18, 2019, at 6:00 p.m.), all interested persons are invited to attend the hearing to express their views regarding this proposal. Oral

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testimony may be offered at the meeting and may be restricted to no more than 3 minutes per person. Written testimony of more than two pages must be submitted at least five working days prior to the hearing; other written testimony may be submitted to the Planning & Development Services Department up to the time of the hearing. Additional information may be obtained by calling 208.234.6583 or by email at mgygli@pocatello.us.

City Hall is accessible to persons with disabilities. Program access accommodations may be provided with three (3) days' advance notice by contacting Skyler Beebe at sbeebe@pocatello.us; 208.234.6248 or 5815 South 5th Avenue, Pocatello, ID.

DATED: March 7, 2019.

Ruth Whitworth, City Clerk

2 publication dates: March 15, 29, 2019.

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**BANNOCK COUNTY, IDAHO
ORDINANCE NO. 2019-03**

TRANSFER OF POWERS ORDINANCE:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF BANNOCK COUNTY, IDAHO, ADOPTING FINDINGS ON THE NECESSITY OF THE URBAN RENEWAL PLAN; PROVIDING THE CITY OF POCATELLO WITH THE RIGHT, POWER, AUTHORITY, AND OBLIGATION TO ADMINISTER THE URBAN RENEWAL AREA PURSUANT TO CHAPTERS 20 AND 29, TITLE 50, IDAHO CODE, AS AMENDED; GRANTING THE REVENUE ALLOCATION PROCEEDS DERIVED FROM THE POCATELLO REVENUE ALLOCATION AREA LYING WITHIN UNINCORPORATED BANNOCK COUNTY TO THE POCATELLO URBAN RENEWAL AGENCY ALSO KNOWN AS THE POCATELLO DEVELOPMENT AUTHORITY; ADOPTING THE INTERGOVERNMENTAL AGREEMENT IMPLEMENTING THIS ORDINANCE; ACKNOWLEDGING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CHUBBUCK, IDAHO AND THE CITY OF POCATELLO, IDAHO CONCERNING THE URBAN RENEWAL PLAN AND PROJECT AREA; AND AUTHORIZING THE CHAIR TO SIGN THE AGREEMENTS AND SUCH OTHER AND FURTHER DOCUMENTS AS MAY BE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE.

WHEREAS, that this Ordinance is adopted to approve and confirm the duties, roles, and responsibilities of the City of Pocatello, Idaho, the Pocatello Urban Renewal Agency also known as the Pocatello Development Authority (the "Agency"), and Bannock County, Idaho for that portion of the revenue allocation area, as defined and described in the proposed Urban Renewal Plan for the Northgate Urban Renewal Project, lying outside the corporate boundaries of the City of Pocatello as illustrated in Exhibit 1 and to transfer power as provided in Idaho Code Section 50-2906(3)(b) and the necessary declaration set forth in Idaho Code Section 50-2018(18);

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the "Report"), which examined an area of operation of the City of Pocatello, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on January 17, 2018, adopted Resolution No. 2018-1 accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the Pocatello City Council requesting its consideration for designation of an urban renewal area and requesting the Pocatello City Council to direct the Agency to prepare an urban renewal plan for the Northgate Area, which plan may include a revenue allocation provision as allowed by law;

28-345
 WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the Agency also authorized the transmittal of the Report to the Bannock County Board of County Commissioners for purposes of obtaining a resolution accepting the Report and determining such area outside the boundaries of the City of Pocatello to be a deteriorated area and/or a deteriorating area and appropriate for an urban renewal project;

WHEREAS, the Report was submitted to the Bannock County Board of County Commissioners, and the Bannock County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Bannock County Board of County Commissioners adopted the Agency's findings concerning the proposed Northgate Area by adopting Resolution No. 2018-23 on February 13, 2018;

WHEREAS, the Pocatello City Council, by Resolution No. 2018-03, dated February 15, 2018, declared the Northgate 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, that the Bannock County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the Agency prepared the Urban Renewal Plan for the Northgate Urban Renewal Project (the "Northgate Plan") and the urban renewal area referred to as the Northgate Project Area ("Project Area" or "Revenue Allocation Area") for the area designated as eligible for urban renewal planning;

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

WHEREAS, the Agency Board on December 19, 2018, adopted Resolution No. 2018-03 proposing and recommending the Northgate Plan;

WHEREAS, the City of Chubbuck annexed into its corporate limits a section of the Project Area, which annexation was final after December 19, 2018, but on or before December 31, 2018 (the "Chubbuck Annexation");

WHEREAS, the Agency, by letter of transmittal dated January 9, 2019, submitted the Northgate Plan to the Mayor of the City of Pocatello and the Pocatello City Clerk;

WHEREAS, the Mayor of the City of Pocatello and the Pocatello City Clerk are taking the necessary action to process the Northgate Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, Idaho Code Section 50-2906(3)(b) and Idaho Code Section 50-2018(18)

29-345
 contemplate an agreement between Bannock County and the City of Pocatello, governing administration of a revenue allocation financing provision for any area extending beyond the City of Pocatello's municipal boundary but within unincorporated Bannock County, and such agreement must be formalized by a transfer of powers ordinance adopted by the Bannock County Board of County Commissioners;

WHEREAS, there are certain properties within the Northgate Plan and Project Area which extend beyond the City of Pocatello's municipal boundaries and into unincorporated Bannock County;

WHEREAS, the Board of County Commissioners deem it expedient and in the best interests of Bannock County to establish and enter into an Intergovernmental Agreement for Roles and Responsibilities under Idaho Code Section 50-2906(3)(b) between Bannock County and the City of Pocatello, to confirm Bannock County's consent under Idaho Code Section 50-2018(18), and to assure compliance with the Act and Law.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BANNOCK COUNTY, IDAHO:

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

Section 2: That the Board of County Commissioners, after reviewing the Northgate Plan delivered to Bannock County on January 23, 2019, finds: (a) the Northgate Plan and Project Area is eligible under the statutory criteria and is appropriate for an urban renewal project; (b) the adjusted base assessed values of all existing revenue allocation areas within the City of Pocatello do not exceed ten percent of the current assessed taxable value of the City of Pocatello; (c) the proposed Northgate Plan and Project Area is financially feasible given the assumptions used in the Northgate Plan; (d) the required consents from the owners of agricultural operation lands within the proposed Project Area have been given; and (e) the City of Pocatello has the authority to proceed with the creation of the Northgate Plan and Project Area after the adoption of this Ordinance by the Board of Bannock County Commissioners.

Section 3: The revenue allocation proceeds from areas lying within the boundaries of the Northgate Plan and Project Area shall be devoted to the statutory purposes as described in the Northgate Plan and as authorized by the Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code.

Section 4: That the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code §50-2906(3)(b) (the "Agreement") (which also supports the County's declaration as required by Idaho Code Section 50-2018(18) as also set forth in Resolution No. 2018-23) attached hereto as Exhibit A, is incorporated herein and made a part hereof by reference, and is hereby approved and accepted.

Section 5: That the Chair is hereby authorized to sign and enter into the Agreement, and to execute any further documents necessary to carry out the intent of the Board of Commissioners as expressed in this Ordinance and in the Agreement. A copy of this Ordinance and the attached Agreement shall be held on file in the office of the County Clerk.

30-345

Section 6: The Pocatello City Council and the Chubbuck City Council also intend to enter into an Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code § 50-2906(3)(b) concerning certain property within the Project Area located within the city limits of the City of Chubbuck resulting from the Chubbuck Annexation. The Chair is hereby authorized to sign an acknowledgment of that agreement, and to execute any further documents necessary to carry out the intent of the Board of Commissioners as expressed in this Ordinance and regarding the County's acknowledgment of the agreement between the City of Pocatello and the City of Chubbuck.

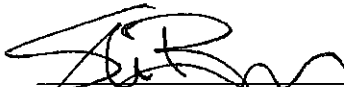
Section 7: Repeal of Conflicting Ordinances. The provisions of any Ordinance of Bannock County and any provision of the County Code which are in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 8: Severability. The sections of this Ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

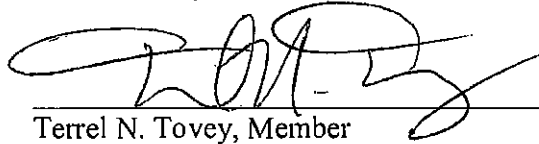
Section 9: Effective Date. The rule requiring an Ordinance to be read on three separate days, one of which shall be a reading in full, is dispensed with, and this Ordinance shall become effective upon its passage, approval and publication.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS,
BANNOCK COUNTY, IDAHO, this 5th day of March, 2019.

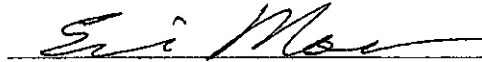
BANNOCK COUNTY BOARD OF COMMISSIONERS



Steve Brown, Chairman



Terrel N. Tovey, Member



Ernie Moser, Member

ATTEST:



Jason Dixon, Bannock County Clerk

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EXHIBIT A

2190599C

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND
RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b)

This Intergovernmental Agreement is entered into this _____ day of _____, 2019, by and between Bannock County, Idaho (the "County") and the City of Pocatello, Idaho (the "City"), and is made for the purpose of complying with Idaho Code § 50-2906(3)(b).

RECITALS

WHEREAS, the County is a duly organized and existing county under the laws and the Constitution of the State of Idaho;

WHEREAS, the City is a duly organized existing municipality under the laws and the Constitution of the state of Idaho;

WHEREAS, the City Council ("the City Council") and Mayor of the City respectively on or about July 14, 1988, adopted and approved a resolution creating the Urban Renewal Agency of Pocatello, Idaho, also known as the Pocatello Development Authority (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, there are currently four existing urban renewal project areas in the City;

WHEREAS, based on inquiries from property owners and information presented, it became apparent that additional real property within the City and the City's area of operation may be deteriorating or deteriorated and should be examined as to whether the area is eligible for urban renewal planning purposes;

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

WHEREAS, during 2017, the Agency authorized Kushlan Associates to commence an eligibility study and preparation of an eligibility report of an area located east of Interstate 15 and north of Chubbuck Road, and the surrounding properties;

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the

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"Report"), which examined an area of operation of the City, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on January 17, 2018, adopted Resolution No. 2018-1 accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct the Agency to prepare an urban renewal plan for the Northgate Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the Agency also authorized the transmittal of the Report to the Bannock County Board of County Commissioners for purposes of obtaining a resolution accepting the Report and determining such area outside the boundaries of the City to be a deteriorated area and/or a deteriorating area and appropriate for an urban renewal project;

WHEREAS, the Report was submitted to the Bannock County Board of County Commissioners, and the Bannock County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Bannock County Board of County Commissioners adopted the Agency's findings concerning the proposed Northgate Area by adopting Resolution No. 2018-23 on February 13, 2018;

WHEREAS, the City Council, by Resolution No. 2018-03, dated February 15, 2018, declared the Northgate 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, that the Bannock County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Northgate Area were obtained by the developers;

WHEREAS, the Agency and its consultants have undertaken the planning process during 2018;

WHEREAS, the Agency retained the Leland Consulting Group to perform a market analysis for the purpose of aiding in the determination of the economic feasibility of the

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES
UNDER IDAHO CODE SECTION 50-2906(3)(b)- 2

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proposed project;

WHEREAS, the Agency prepared the Urban Renewal Plan for the Northgate Urban Renewal Project (the "Northgate Plan") and the urban renewal area referred to as the Northgate Project Area ("Project Area" or "Revenue Allocation Area") for the area designated as eligible for urban renewal planning;

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

WHEREAS, the Agency Board on December 19, 2018, adopted Resolution No. 2018-03 proposing and recommending the Northgate Plan;

WHEREAS, the City of Chubbuck annexed into its corporate limits a section of the Project Area, which annexation was final after December 19, 2018, but on or before December 31, 2018;

WHEREAS, the Agency, by letter of transmittal dated January 9, 2019, submitted the Northgate Plan to the Mayor and the City Clerk;

WHEREAS, the Mayor and the City Clerk are taking the necessary action to process the Northgate Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, Idaho Code Section 50-2906(3)(b) requires an agreement between the City Council and the Bannock County Board of County Commissioners, governing administration of a revenue allocation financing provision for any area extending beyond the City's municipal boundary and located within unincorporated Bannock County, and such agreement must be formalized by a transfer of powers ordinance adopted by the County;

WHEREAS, there are certain properties within the Northgate Plan and Project Area which extend beyond the City's municipal boundaries and into unincorporated Bannock County, which properties are more particularly described and depicted on Exhibit 1 attached hereto and incorporated herein by reference;

WHEREAS, the City Council and the Board of County Commissioners desire to enter into this Agreement to avoid any uncertainty regarding the City Council's jurisdiction and authority to establish the Project Area and the Agency's authority to implement the Northgate Plan concerning those properties which are outside the City's municipal limits and within unincorporated Bannock County;

WHEREAS, the City Council and Board of County Commissioners deem it in their collective best interests to enter into this Agreement covering said properties and assuring

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES
UNDER IDAHO CODE SECTION 50-2906(3)(b)- 3

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compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively;

NOW, THEREFORE, it is mutually agreed as follows:

AGREEMENT

1. PURPOSE OF AGREEMENT

The purpose of this Agreement is to detail the duties, roles, and responsibilities to be provided by the parties with respect to compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively.

2. GENERAL PROVISIONS

The Bannock County Board of County Commissioners does hereby agree that the City Council shall have the right, power, authority, and obligation to administer the Law, Act and particularly the revenue allocation financing provisions of the Northgate Plan for that certain property which is contained within the boundaries of the revenue allocation area as defined in the Act and the Northgate Plan, which property extends beyond the City's municipal boundary and into unincorporated Bannock County. The property governed by this Agreement is described, defined, and depicted on Exhibit 1 of this Agreement. The County, by passing Resolution No. 2018-23, has declared the need for urban renewal activity in the area which extends beyond the City's municipal boundaries and into unincorporated Bannock County.

By agreeing to the administration of this property by the City Council for the limited purpose of implementing the Northgate Plan, the Board of County Commissioners agree all revenue allocation proceeds generated from such property shall be available to the Agency for all purposes authorized under the Act and the Northgate Plan. Following the establishment of the Project Area, the Agency shall administer the revenue allocation provision affecting this property as allowed under the Act and the Northgate Plan. Additionally, the Board of County Commissioners acknowledges the Northgate Plan will be reviewed by the City Planning & Zoning Commission for the Northgate Plan's conformity with the general plan for the development of the City as a whole consistent with and limited to the requirements of Idaho Code § 50-2008(b). The Board of County Commissioners defers to the City Planning & Zoning Commission's review and recommendations as required by Idaho Code § 50-2008(b) solely with regard to adopting the Northgate Plan. The City Council expressly acknowledges the parcels located within unincorporated Bannock County are subject to and shall be developed in conformity with the Bannock County Comprehensive Plans, Zoning and Development Codes as well as the Northgate Plan, recognizing the developer's intent to seek annexation of the parcels located within unincorporated Bannock County into the City prior to development, which development is intended to occur in phases over the life of the Northgate Plan and Project Area. Bannock County defers to the Agency to implement and carry out the Northgate Plan.

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The Board of County Commissioners shall approve this Agreement by the adoption of a transfer of powers ordinance and the City Council shall approve this Agreement by the adoption of a duly authorized resolution.

Upon approval and adoption of the ordinance and resolution referenced above, the City Council shall take the necessary steps through the City Clerk to transmit a copy of the County Transfer of Powers Ordinance to the County Auditor, County Assessor, the County Recorder, the other taxing districts of the revenue allocation area, and the Idaho State Tax Commission.

3. SPECIAL PROVISIONS

Public Improvements. In consideration of this Agreement, the Board of County Commissioners hereby consents to those certain public improvements identified in the Northgate Plan which may be acquired, constructed or installed on certain rights-of-way not within the City limits or rights-of-way owned in trust by the County.

4. EFFECTIVE TERM

This Agreement shall be deemed effective upon the execution of this Agreement by both the Board of County Commissioners and the City Council and shall remain in effect for the duration of the Northgate Plan. This Agreement shall be of no further force and effect as it relates to any parcel or parcels described in Exhibit I upon those properties or portions of those properties then being included within the municipal boundaries of the City, currently, or through the City's annexation process.

5. MODIFICATION

This Agreement may be modified or amended in writing if executed by both the Board of County Commissioners and the City Council.

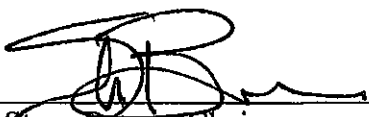
6. ENTIRE AGREEMENT

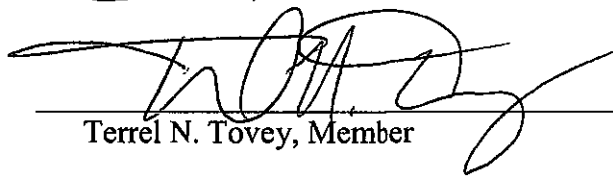
Except as provided otherwise herein, this Agreement and any attachments hereto constitute the entire Agreement between the parties concerning the subject matter hereto.

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345 IN WITNESS WHEREOF, the Board of County Commissioners of Bannock County, State of Idaho, and the City Council of the city of Pocatello, Idaho, have executed this Agreement by proper persons thereunto duly authorized as of the date first hereinabove written.

COUNTY:

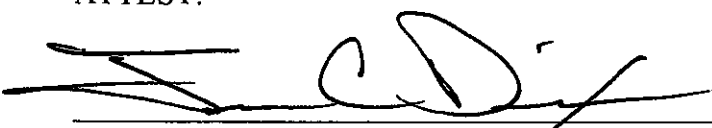
BANNOCK COUNTY BOARD OF COMMISSIONERS


 Steve Brown, Chairman


 Terrel N. Tovey, Member


 Ernie Moser, Member

ATTEST:


 Jason Dixon, Bannock County Clerk

CITY:

CITY OF POCA TELLO, IDAHO, a municipal corporation
of Idaho
 By _____
 Brian C. Blad, Mayor

ATTEST:

 Ruth E. Whitworth, City Clerk

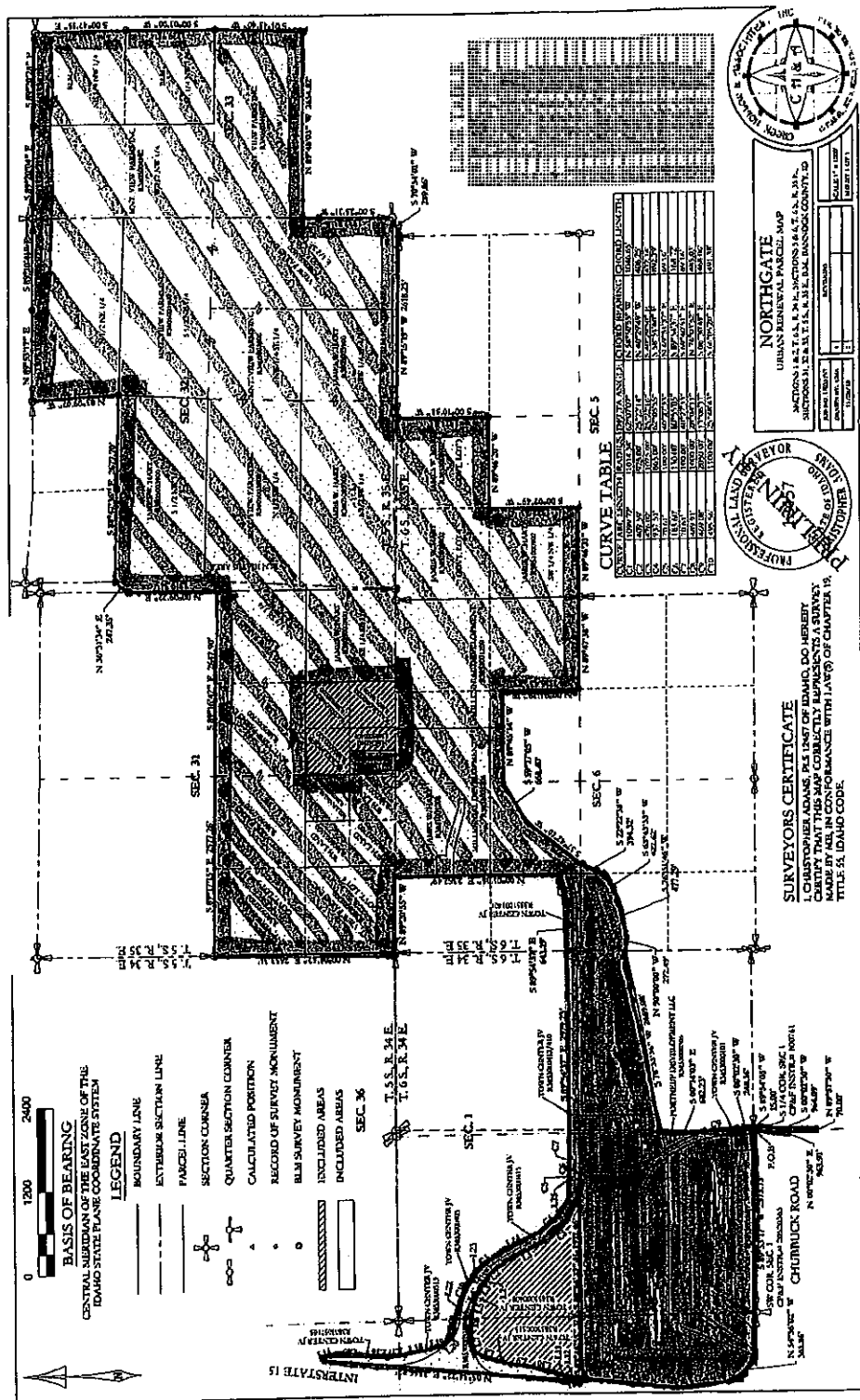
4818-0324-4932, v. 1

 INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES
 UNDER IDAHO CODE SECTION 50-2906(3)(b)- 6

Exhibit I

2190599C

EXHIBIT 1



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**SUMMARY ORDINANCE 2019-03
BANNOCK COUNTY, IDAHO**

STATEMENT OF PURPOSE -- TRANSFER OF POWERS ORDINANCE:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF BANNOCK COUNTY, IDAHO, ADOPTING FINDINGS ON THE NECESSITY OF THE URBAN RENEWAL PLAN; PROVIDING THE CITY OF POCA TELLO WITH THE RIGHT, POWER, AUTHORITY, AND OBLIGATION TO ADMINISTER THE URBAN RENEWAL AREA PURSUANT TO CHAPTERS 20 AND 29, TITLE 50, IDAHO CODE, AS AMENDED; GRANTING THE REVENUE ALLOCATION PROCEEDS DERIVED FROM THE POCA TELLO REVENUE ALLOCATION AREA LYING WITHIN UNINCORPORATED BANNOCK COUNTY TO THE POCA TELLO URBAN RENEWAL AGENCY ALSO KNOWN AS THE POCA TELLO DEVELOPMENT AUTHORITY; ADOPTING THE INTERGOVERNMENTAL AGREEMENT IMPLEMENTING THIS ORDINANCE; ACKNOWLEDGING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CHUBBUCK, IDAHO AND THE CITY OF POCA TELLO, IDAHO CONCERNING THE URBAN RENEWAL PLAN AND PROJECT AREA; AND AUTHORIZING THE CHAIR TO SIGN THE AGREEMENTS AND SUCH OTHER AND FURTHER DOCUMENTS AS MAY BE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE.

PROVIDING FOR AN EFFECTIVE DATE: This Ordinance shall be in full force and effect upon its passage, approval and publication.

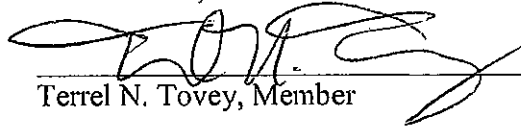
Adopted this 5th day of March, 2019, by Resolution Number 2019-22.

THE FULL TEXT OF THIS ORDINANCE IS AVAILABLE IN THE OFFICE OF THE BANNOCK COUNTY CLERK, 624 E. CENTER STREET, POCA TELLO, IDAHO.

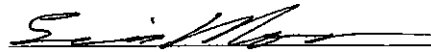
BANNOCK COUNTY BOARD OF COMMISSIONERS



Steve Brown, Chairman



Terrel N. Tovey, Member



Ernie Moser, Member

This is a true and complete summary of Ordinance 2018-03 and provides adequate notice to the public.

Attest:

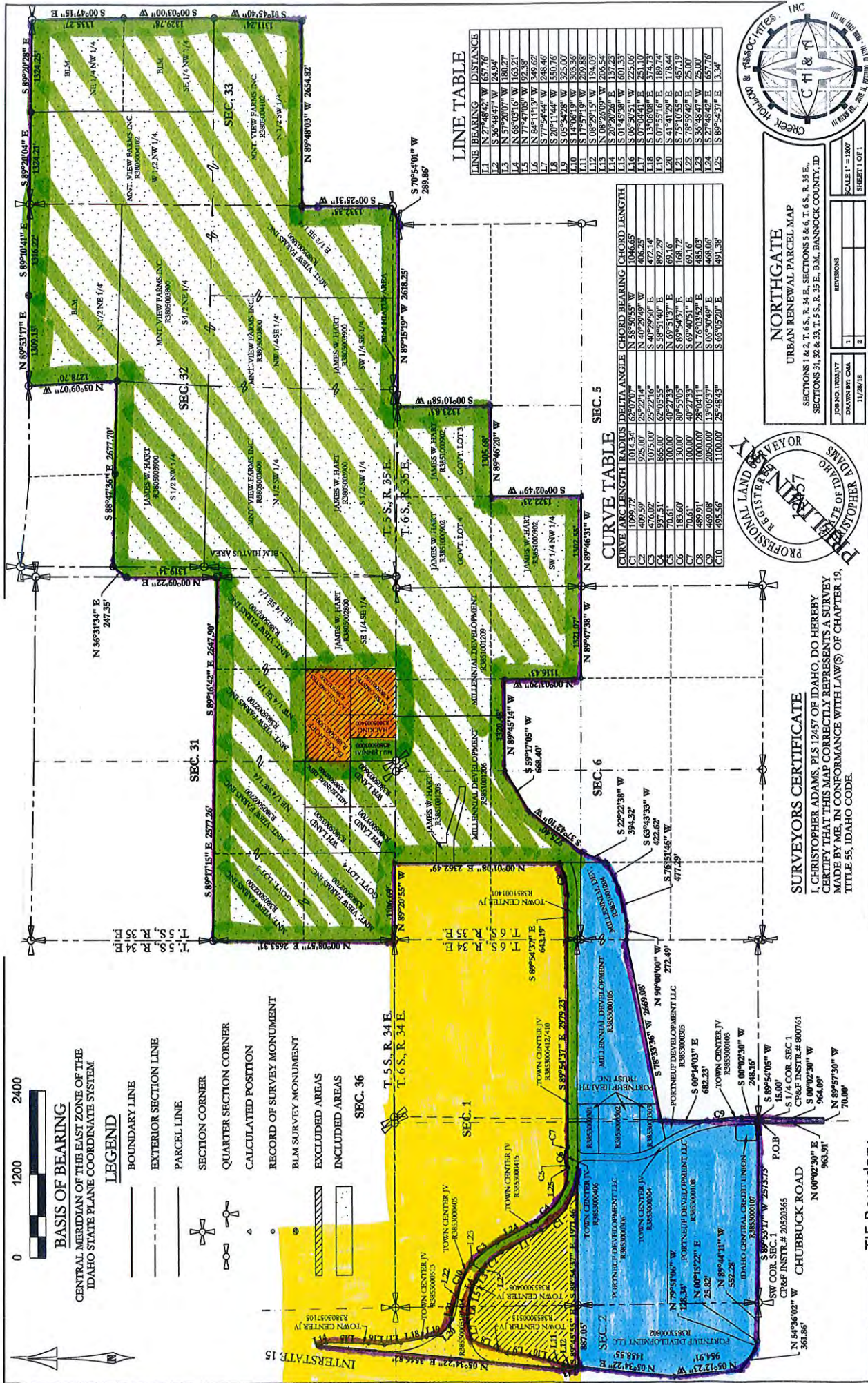


Jason Dixon, Bannock County Clerk

PUBLISH DATE: March 10, 2019

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EXHIBIT 1



Otherwise Excluded

Bannock County

City of Chubbuck

City of Pocatello

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CITY OF CHUBBUCK, IDAHO

ORDINANCE NO. 782

TRANSFER OF POWERS ORDINANCE:

AN ORDINANCE OF THE CITY OF CHUBBUCK, IDAHO, ADOPTING FINDINGS ON THE NECESSITY OF THE URBAN RENEWAL PLAN; PROVIDING THE CITY OF POCATELLO WITH THE RIGHT, POWER, AUTHORITY, AND OBLIGATION TO ADMINISTER THE URBAN RENEWAL AREA PURSUANT TO CHAPTERS 20 AND 29, TITLE 50, IDAHO CODE, AS AMENDED; GRANTING THE REVENUE ALLOCATION PROCEEDS DERIVED FROM THE POCATELLO REVENUE ALLOCATION AREA LYING WITHIN THE CITY LIMITS OF THE CITY OF CHUBBUCK TO THE POCATELLO URBAN RENEWAL AGENCY ALSO KNOWN AS THE POCATELLO DEVELOPMENT AUTHORITY; ADOPTING THE INTERGOVERNMENTAL AGREEMENT IMPLEMENTING THIS ORDINANCE; AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT AND SUCH OTHER AND FURTHER DOCUMENTS AS MAY BE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE.

WHEREAS, that this Ordinance is adopted to approve and confirm the duties, roles, and responsibilities of the City of Pocatello, Idaho, the Pocatello Urban Renewal Agency also known as the Pocatello Development Authority (the "Agency"), and the City of Chubbuck, Idaho (the "City") for that portion of the revenue allocation area, as defined and described in the proposed Urban Renewal Plan for the Northgate Urban Renewal Project, lying outside the corporate boundaries of the City of Pocatello as illustrated in Exhibit 1 and to transfer power as provided in Idaho Code Section 50-2906(3)(b) and the necessary declaration set forth in Idaho Code Section 50-2018(18);

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the "Report"), which examined an area of operation of the City of Pocatello, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on January 17, 2018, adopted Resolution No. 2018-1 accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the Pocatello City Council requesting its consideration for designation of an urban renewal area and requesting the Pocatello City Council to direct the Agency to prepare an urban renewal plan for the Northgate Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the Agency also authorized the transmittal of the Report to the Bannock County Board of County Commissioners for purposes of obtaining a resolution accepting the Report and determining such area outside the boundaries of the City of Pocatello to be a deteriorated area and/or a deteriorating area and appropriate for an urban renewal project;

ORDINANCE NO. 782 - 1

EXHIBIT 4

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WHEREAS, the Report was submitted to the Bannock County Board of County Commissioners, and the Bannock County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Bannock County Board of County Commissioners adopted the Agency's findings concerning the proposed Northgate Area by adopting Resolution No. 2018-23 on February 13, 2018;

WHEREAS, the Pocatello City Council, by Resolution No. 2018-03, dated February 15, 2018, declared the Northgate 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, that the Bannock County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the Agency prepared the Urban Renewal Plan for the Northgate Urban Renewal Project (the "Northgate Plan") and the urban renewal area referred to as the Northgate Project Area ("Project Area" or "Revenue Allocation Area") for the area designated as eligible for urban renewal planning;

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

WHEREAS, the Agency Board on December 19, 2018, adopted Resolution No. 2018-03 proposing and recommending the Northgate Plan;

WHEREAS, the City annexed into its corporate limits a section of the Project Area, which annexation was final after December 19, 2018, but on or before December 31, 2018 (the "Chubbuck Annexation");

WHEREAS, the Agency, by letter of transmittal dated January 9, 2019, submitted the Northgate Plan to the Mayor of the City of Pocatello and the Pocatello City Council;

WHEREAS, the Mayor of the City of Pocatello and the Pocatello City Council are taking the necessary action to process the Northgate Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, as a result of the Chubbuck Annexation, Idaho Code Section 50-2906(3)(b) and Idaho Code Section 50-2018(18) contemplate an agreement between the City and the City of Pocatello, governing administration of a revenue allocation financing provision for any area extending beyond the City of Pocatello's municipal boundary but within the city limits of the City, and such agreement must be formalized by a transfer of powers ordinance adopted by the City Council;

WHEREAS, as a result of the Chubbuck Annexation, there are certain properties within the Northgate Plan and Project Area which extend beyond the City of Pocatello's municipal boundaries and into the City's municipal boundaries;

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WHEREAS, the Mayor and City Council deem it expedient and in the best interests of the City of Chubbuck to establish and enter into an Intergovernmental Agreement for Roles and Responsibilities under Idaho Code Section 50-2906(3)(b) between the City of Chubbuck and the City of Pocatello, to confirm the consent of the City of Chubbuck, under Idaho Code Section 50-2018(18), and to assure compliance with the Act and Law.

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

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

Section 2: That the City Council of the City of Chubbuck, after reviewing the Northgate Plan delivered to the City on January 23, 2019, finds: (a) the Northgate Plan and Project Area is eligible under the statutory criteria and is appropriate for an urban renewal project; and (b) the City of Pocatello has the authority to proceed with the creation of the Northgate Plan and Project Area after the adoption of this Ordinance by the City Council of the City of Chubbuck.

Section 3: That the City Council of the City of Chubbuck, after reviewing the Northgate Plan delivered to the City on January 23, 2019, supports the findings in the Northgate Plan that: (a) the adjusted base assessed values of all existing revenue allocation areas within the City of Pocatello do not exceed ten percent of the current assessed taxable value of the City of Pocatello; (b) the proposed Northgate Plan and Project Area is financially feasible given the assumptions used in the Northgate Plan; and (c) the required consents from the owners of agricultural operation lands within the Project Area have been given.

Section 4: The revenue allocation proceeds from areas lying within the boundaries of the Northgate Plan and Project Area shall be devoted to the statutory purposes as described in the Northgate Plan and as authorized by the Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code.

Section 5: That the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code §50-2906(3)(b) (the "Agreement") attached hereto as Exhibit A, is incorporated herein and made a part hereof by reference and is hereby approved and accepted.

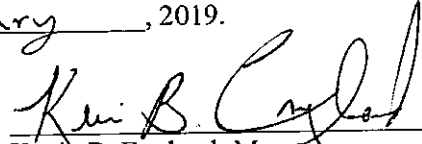
Section 6: That the Mayor is hereby authorized to sign and enter into the Agreement, and to execute any further documents necessary to carry out the intent of the City Council as expressed in this Ordinance and in the Agreement. A copy of this Ordinance and the attached Agreement shall be held on file in the office of the City Clerk.

Section 7: Repeal of Conflicting Ordinances. The provisions of any Ordinance of the City and any provision of the Municipal Code which are in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

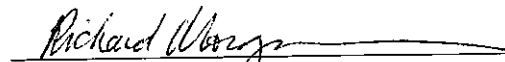
Section 8: Severability. The sections of this Ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

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Section 9: Effective Date. The rule requiring an Ordinance to be read on three separate days, one of which shall be a reading in full, is dispensed with, and this Ordinance shall become effective upon its passage, approval and publication.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF CHUBBUCK, IDAHO, this 20th day of February, 2019.


Kevin B. England, Mayor

ATTEST:


Richard Morgan, City Clerk

4812-6345-6645, v. 3

ORDINANCE NO. 782 - 4

44- 345

21905996

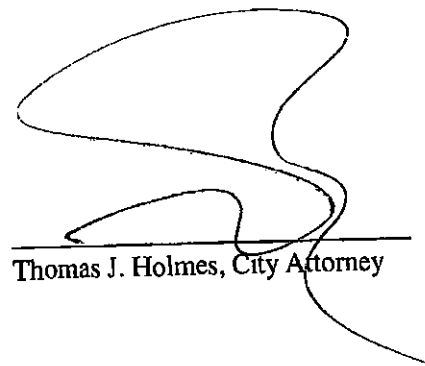
SUMMARY OF ORDINANCE NO. 782

An ordinance of the City of Chubbuck, a municipal corporation of the state of Idaho; providing for the repeal of conflicting ordinances; adopting findings on the necessity of the Urban Renewal Plan for the Northgate Urban Renewal Project; providing the City of Pocatello with the right, power, authority, and obligation to administer the Urban Renewal Area pursuant to chapters 20 and 29, Title 50, Idaho Code, as amended; granting the revenue allocation proceeds derived from the Pocatello Revenue Allocation Area lying within the city limits of the City of Chubbuck to the Pocatello Urban Renewal Agency also known as the Pocatello Development Authority; adopting the Intergovernmental Agreement implementing this ordinance and authorizing the Mayor to sign the agreement and such other and further documents as may be necessary to carry out the intent of this ordinance; providing for the severability of the provisions of this ordinance; providing when this ordinance shall be in effect.

The full text of this ordinance is available at the City Clerk's Office, Chubbuck city Office, 5160 Yellowstone, Chubbuck, ID 83202.

I have reviewed the foregoing summary and believe it provides a true and correct summary of Ordinance No. 782 and that the summary provides adequate notice to the public of the contents of this ordinance.

DATED this 21 day of February, 2019.



Thomas J. Holmes, City Attorney

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND
RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b)

This Intergovernmental Agreement is entered into this 20th day of February, 2019, by and between the City of Chubbuck, Idaho ("Chubbuck") and the City of Pocatello, Idaho ("Pocatello"), and is made for the purpose of complying with Idaho Code § 50-2906(3)(b).

RECITALS

WHEREAS, Chubbuck is a duly organized existing municipality under the laws and the Constitution of the State of Idaho;

WHEREAS, Pocatello is a duly organized existing municipality under the laws and the Constitution of the state of Idaho;

WHEREAS, the Pocatello City Council and Mayor of Pocatello respectively on or about July 14, 1988, adopted and approved a resolution creating the Urban Renewal Agency of Pocatello, Idaho, also known as the Pocatello Development Authority (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, there are currently four existing urban renewal project areas in Pocatello;

WHEREAS, based on inquiries from property owners and information presented, it became apparent that additional real property within Pocatello and Pocatello's area of operation, as defined in Idaho Code § 50-2018(18), may be deteriorating or deteriorated and should be examined as to whether the area is eligible for urban renewal planning purposes;

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

WHEREAS, during 2017, the Agency authorized Kushlan Associates to commence an eligibility study and preparation of an eligibility report of an area located east of Interstate 15 and north of Chubbuck Road, and the surrounding properties;

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the "Report"), which examined an area of operation of Pocatello, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for

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the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on January 17, 2018, adopted Resolution No. 2018-1 accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the Pocatello City Council requesting its consideration for designation of an urban renewal area and requesting the Pocatello City Council to direct the Agency to prepare an urban renewal plan for the Northgate Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the Agency also authorized the transmittal of the Report to the Bannock County Board of County Commissioners for purposes of obtaining a resolution accepting the Report and determining such area outside the boundaries of Pocatello to be a deteriorated area and/or a deteriorating area and appropriate for an urban renewal project;

WHEREAS, the Report was submitted to the Bannock County Board of County Commissioners, and the Bannock County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Bannock County Board of County Commissioners adopted the Agency's findings concerning the proposed Northgate Area by adopting Resolution No. 2018-23 on February 13, 2018;

WHEREAS, the Pocatello City Council, by Resolution No. 2018-03, dated February 15, 2018, declared the Northgate 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, that the Bannock County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Northgate Area were obtained by the developers;

WHEREAS, the Agency and its consultants have undertaken the planning process during 2018;

WHEREAS, the Agency retained the Leland Consulting Group to perform a market analysis for the purpose of aiding in the determination of the economic feasibility of the proposed project;

WHEREAS, the Agency prepared the Urban Renewal Plan for the Northgate Urban Renewal Project (the "Northgate Plan") and the urban renewal area referred to as the Northgate

47- 246
Project Area ("Project Area" or "Revenue Allocation Area") for the area designated as eligible for urban renewal planning;

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

WHEREAS, the Agency Board on December 19, 2018, adopted Resolution No. 2018-03 proposing and recommending the Northgate Plan;

WHEREAS, Chubbuck annexed into its corporate limits a section of the Project Area, which annexation was final after December 19, 2018, but on or before December 31, 2018 (the "Chubbuck Annexation");

WHEREAS, the Agency, by letter of transmittal dated January 9, 2019, submitted the Northgate Plan to the Mayor of Pocatello and the Pocatello City Council;

WHEREAS, the Mayor of Pocatello and the Pocatello City Council are taking the necessary action to process the Northgate Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, as a result of the Chubbuck Annexation, Idaho Code Section 50-2906(3)(b) and Idaho Code Section 50-2018(18) contemplate an agreement between the Pocatello City Council and the Chubbuck City Council, governing administration of a revenue allocation financing provision for any area extending beyond Pocatello's municipal boundary but within the city limits of Chubbuck, and such agreement must be formalized by a transfer of powers ordinance adopted by the Chubbuck City Council;

WHEREAS, as a result of the Chubbuck Annexation, there are certain properties within the Northgate Plan and Project Area which extend beyond Pocatello's municipal boundaries and into Chubbuck's municipal boundaries, which properties are more particularly described and depicted on Exhibit 1 attached hereto and incorporated herein by reference;

WHEREAS, the Pocatello City Council and the Chubbuck City Council desire to enter into this Agreement to avoid any uncertainty regarding the Pocatello City Council's jurisdiction and authority to establish the Project Area and the Agency's authority to implement the Northgate Plan concerning those properties which are outside Pocatello's municipal limits and within the city limits of Chubbuck;

WHEREAS, the Pocatello City Council and Chubbuck City Council deem it in their collective best interests to enter into this Agreement covering said properties and assuring compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively;

NOW, THEREFORE, it is mutually agreed as follows:

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AGREEMENT

1. PURPOSE OF AGREEMENT

The purpose of this Agreement is to detail the duties, roles, and responsibilities to be provided by the parties with respect to compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively.

2. GENERAL PROVISIONS

The Chubbuck City Council does hereby agree that the Pocatello City Council shall have the right, power, authority, and obligation to administer the Law, Act and particularly the revenue allocation financing provisions of the Northgate Plan for that certain property which is contained within the boundaries of the revenue allocation area (as defined in the Act and the Northgate Plan) as a result of the Chubbuck Annexation, which property now extends beyond Pocatello's municipal boundary and into the city limits of Chubbuck. The property governed by this Agreement is described, defined, and depicted on Exhibit 1 of this Agreement. The Chubbuck City Council further specifically acknowledges and declares the need for urban renewal activity in the area which extends beyond Pocatello's municipal boundaries and into the city limits of Chubbuck.

By agreeing to the administration of this property by the Pocatello City Council for the limited purpose of implementing the Northgate Plan, the Chubbuck City Council agrees all revenue allocation proceeds generated from such property shall be available to the Agency for all purposes authorized under the Act and the Northgate Plan. Following the establishment of the Project Area, the Agency shall administer the revenue allocation provision affecting this property as allowed under the Act and the Northgate Plan. Additionally, the Chubbuck City Council acknowledges the Northgate Plan will be reviewed by the Pocatello Planning & Zoning Commission for the Northgate Plan's conformity with the general plan for the development of Pocatello as a whole consistent with and limited to the requirements of Idaho Code § 50-2008(b). The Chubbuck City Council defers to the Pocatello Planning & Zoning Commission's review and recommendations as required by Idaho Code § 50-2008(b) solely with regard to adopting the Northgate Plan. The Pocatello City Council expressly acknowledges the parcels located within the city limits of Chubbuck are subject to and shall be developed in conformity with the Chubbuck Comprehensive Plan, Zoning and Development Codes as well as the Northgate Plan. The Chubbuck City Council defers to the Agency to implement and carry out the Northgate Plan.

The Chubbuck City Council shall approve this Agreement by the adoption of a transfer of powers ordinance and the Pocatello City Council shall approve this Agreement by the adoption of a duly authorized resolution.

Upon approval and adoption of the resolution referenced above, the Pocatello City Council shall take the necessary steps through the Pocatello City Clerk to transmit a copy of the Chubbuck City Council Ordinance to the County Auditor, County Assessor, the County Recorder, the other taxing districts of the revenue allocation area, and the Idaho State Tax Commission.

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2190599C

3. SPECIAL PROVISIONS

Public Improvements. In consideration of this Agreement, the Chubbuck City Council hereby consents to those certain public improvements identified in the Northgate Plan which may be acquired, constructed or installed on certain rights-of-way not within the Pocatello limits but on the rights-of-way owned in trust by Chubbuck.

4. EFFECTIVE TERM

This Agreement shall be deemed effective upon the execution of this Agreement by both the Chubbuck City Council and the Pocatello City Council and shall remain in effect for the duration of the Northgate Plan.

5. MODIFICATION

This Agreement may be modified or amended in writing if executed by both the Chubbuck City Council and the Pocatello City Council.

6. ENTIRE AGREEMENT

Except as provided otherwise herein, this Agreement and any attachments hereto constitute the entire Agreement between the parties concerning the subject matter hereto.

IN WITNESS WHEREOF, the City Council of the City of Chubbuck, Idaho and the City Council of the City of Pocatello, Idaho, have executed this Agreement by proper persons thereunto duly authorized as of the date first hereinabove written.

CITY:

CITY OF CHUBBUCK, IDAHO, a municipal corporation
of Idaho

By Kevin England
Kevin England, Mayor

ATTEST:

Rich Morgan
Rich Morgan, Chubbuck City Clerk

50' 345

CITY:

CITY OF POCA TELLO, IDAHO, a municipal corporation
of Idaho

By _____
Brian C. Blad, Mayor

ATTEST:

Ruth E. Whitworth, City Clerk

ACKNOWLEDGED BY:

BANNOCK COUNTY BOARD OF COMMISSIONERS

Steve Brown, Chairman

Terrel N. Tovey, Member

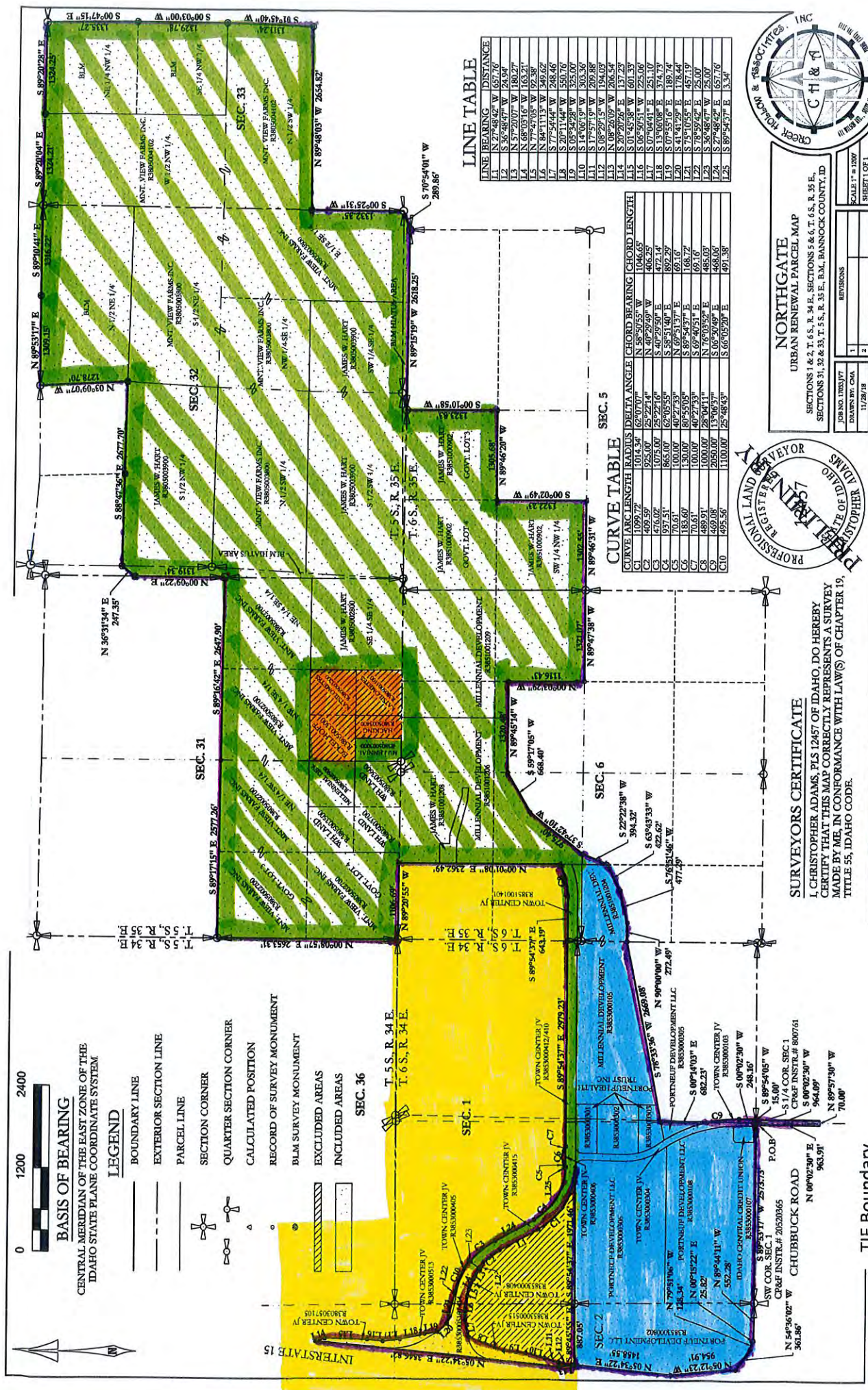
Ernie Moser, Member

ATTEST:

Jason Dixon, Bannock County Clerk

51-345

EXHIBIT 1



2190599C

Otherwise Excluded

Bannock County

TIF Boundary

City of Chubbuck

City of Pocatello

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RESOLUTION NO. 2019-04

2190599C

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF POCA TELLO TO PROVIDE FOR AN INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b) BETWEEN BANNOCK COUNTY, IDAHO AND THE CITY OF POCA TELLO, IDAHO; PROVIDING FOR AREAS OUTSIDE THE CITY LIMITS TO BE INCLUDED WITHIN AN URBAN RENEWAL AREA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor (the "Mayor") and City Council (the "City Council") of the City of Pocatello (the "City") have the authority (pursuant to Idaho Code §50-302) to establish resolutions not inconsistent with the laws of the State of Idaho as may be expedient, in addition to the special powers therein granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry;

WHEREAS, the City Council and Mayor of the City respectively on or about July 14, 1988, adopted and approved a resolution creating the Urban Renewal Agency of Pocatello, Idaho, also known as the Pocatello Development Authority (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, there are currently four existing urban renewal project areas in the City;

WHEREAS, based on inquiries from property owners and information presented, it became apparent that additional real property within the City and the City's area of operation may be deteriorating or deteriorated and should be examined as to whether the area is eligible for urban renewal planning purposes;

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

WHEREAS, during 2017, the Agency authorized Kushlan Associates to commence an eligibility study and preparation of an eligibility report of an area located east of Interstate 15 and north of Chubbuck Road, and the surrounding properties;

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the "Report"), which examined an area of operation of the City, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on January 17, 2018, adopted Resolution No. 2018-1 accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct the Agency to prepare an urban renewal plan for the Northgate Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

RESOLUTION - 1

EXHIBIT 5

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WHEREAS, the Agency also authorized the transmittal of the Report to the Bannock County Board of County Commissioners for purposes of obtaining a resolution accepting the Report and determining such area outside the boundaries of the City to be a deteriorated area and/or a deteriorating area and appropriate for an urban renewal project;

WHEREAS, the Report was submitted to the Bannock County Board of County Commissioners, and the Bannock County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Bannock County Board of County Commissioners adopted the Agency's findings concerning the proposed Northgate Area by adopting Resolution No. 2018-23 on February 13, 2018;

WHEREAS, the City Council, by Resolution No. 2018-03, dated February 15, 2018, declared the Northgate 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, that the Bannock County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Northgate Area were obtained by the developers;

WHEREAS, the Agency and its consultants have undertaken the planning process during 2018;

WHEREAS, the Agency prepared the Urban Renewal Plan for the Northgate Urban Renewal Project (the "Northgate Plan") and the urban renewal area referred to as the Northgate Project Area ("Project Area" or "Revenue Allocation Area") for the area designated as eligible for urban renewal planning;

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

WHEREAS, the Agency Board on December 19, 2018, adopted Resolution No. 2018-03 proposing and recommending the Northgate Plan;

WHEREAS, the City of Chubbuck annexed into its corporate limits a section of the Project Area, which annexation was final after December 19, 2018, but on or before December 31, 2018;

WHEREAS, the Agency, by letter of transmittal dated January 9, 2019, submitted the Northgate Plan to the Mayor and the City Clerk;

WHEREAS, the Mayor and the City Clerk are taking the necessary action to process the Northgate Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, prior to the date of the public hearing on the Northgate Plan, Idaho Code Section 50-2906(3)(b) requires an agreement between the City Council and the Bannock County Board of County Commissioners, governing administration of a revenue allocation financing provision for any area extending beyond the City's municipal boundary and located within unincorporated Bannock County, and such agreement must be formalized by a transfer of powers ordinance adopted by the County;

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WHEREAS, there are certain properties within the Northgate Plan and Project Area which extend beyond the City's municipal boundaries and into unincorporated Bannock County;

WHEREAS, the Bannock County Board of County Commissioners adopted Ordinance No. 2019-02, the Transfer of Powers Ordinance, by Resolution No. 2019-22, on March 5, 2019, which Ordinance authorized the Chair to sign and enter into the Intergovernmental Agreement for Roles and Responsibilities under Idaho Code Section 50-2906(3)(b) between Bannock County and the City;

WHEREAS, the Mayor and City Council deem it expedient and in the best interests of the City of Pocatello to establish and enter into an Intergovernmental Agreement for Roles and Responsibilities under Idaho Code Section 50-2906(3)(b) between Bannock County and the City of Pocatello, to confirm the consent of Bannock County, Idaho, under Idaho Code Section 50-2018(18), and to assure compliance with the Act and Law.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF POCA TELLO, IDAHO, AS FOLLOWS:

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

Section 2: That the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code §50-2906(3)(b) attached hereto as Exhibit A, is incorporated herein and made a part hereof by reference, and is hereby approved and accepted.

Section 3: That the Mayor is hereby authorized to sign and enter into the Agreement. A copy of this Resolution and the attached Agreement shall be held on file in the office of the City Clerk.

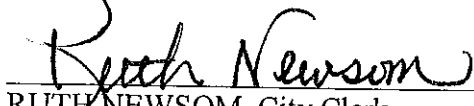
Section 4: That this Resolution shall be in full force and effect immediately upon its adoption and approval.

RESOLVED this 2nd day of May, 2019.

CITY OF POCA TELLO, a municipal corporation of Idaho


BRIAN C. BLAD, Mayor

ATTEST:


RUTH NEWSOM, City Clerk

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND
RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b)

This Intergovernmental Agreement is entered into this 2nd day of May, 2019, by and between Bannock County, Idaho (the "County") and the City of Pocatello, Idaho (the "City"), and is made for the purpose of complying with Idaho Code § 50-2906(3)(b).

RECITALS

WHEREAS, the County is a duly organized and existing county under the laws and the Constitution of the State of Idaho;

WHEREAS, the City is a duly organized existing municipality under the laws and the Constitution of the state of Idaho;

WHEREAS, the City Council ("the City Council") and Mayor of the City respectively on or about July 14, 1988, adopted and approved a resolution creating the Urban Renewal Agency of Pocatello, Idaho, also known as the Pocatello Development Authority (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, there are currently four existing urban renewal project areas in the City;

WHEREAS, based on inquiries from property owners and information presented, it became apparent that additional real property within the City and the City's area of operation may be deteriorating or deteriorated and should be examined as to whether the area is eligible for urban renewal planning purposes;

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

WHEREAS, during 2017, the Agency authorized Kushlan Associates to commence an eligibility study and preparation of an eligibility report of an area located east of Interstate 15 and north of Chubbuck Road, and the surrounding properties;

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the

56- 345
"Report"), which examined an area of operation of the City, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on January 17, 2018, adopted Resolution No. 2018-1 accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct the Agency to prepare an urban renewal plan for the Northgate Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the Agency also authorized the transmittal of the Report to the Bannock County Board of County Commissioners for purposes of obtaining a resolution accepting the Report and determining such area outside the boundaries of the City to be a deteriorated area and/or a deteriorating area and appropriate for an urban renewal project;

WHEREAS, the Report was submitted to the Bannock County Board of County Commissioners, and the Bannock County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Bannock County Board of County Commissioners adopted the Agency's findings concerning the proposed Northgate Area by adopting Resolution No. 2018-23 on February 13, 2018;

WHEREAS, the City Council, by Resolution No. 2018-03, dated February 15, 2018, declared the Northgate 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, that the Bannock County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Northgate Area were obtained by the developers;

WHEREAS, the Agency and its consultants have undertaken the planning process during 2018;

WHEREAS, the Agency retained the Leland Consulting Group to perform a market analysis for the purpose of aiding in the determination of the economic feasibility of the

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES
UNDER IDAHO CODE SECTION 50-2906(3)(b)- 2

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proposed project;

WHEREAS, the Agency prepared the Urban Renewal Plan for the Northgate Urban Renewal Project (the "Northgate Plan") and the urban renewal area referred to as the Northgate Project Area ("Project Area" or "Revenue Allocation Area") for the area designated as eligible for urban renewal planning;

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

WHEREAS, the Agency Board on December 19, 2018, adopted Resolution No. 2018-03 proposing and recommending the Northgate Plan;

WHEREAS, the City of Chubbuck annexed into its corporate limits a section of the Project Area, which annexation was final after December 19, 2018, but on or before December 31, 2018;

WHEREAS, the Agency, by letter of transmittal dated January 9, 2019, submitted the Northgate Plan to the Mayor and the City Clerk;

WHEREAS, the Mayor and the City Clerk are taking the necessary action to process the Northgate Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, Idaho Code Section 50-2906(3)(b) requires an agreement between the City Council and the Bannock County Board of County Commissioners, governing administration of a revenue allocation financing provision for any area extending beyond the City's municipal boundary and located within unincorporated Bannock County, and such agreement must be formalized by a transfer of powers ordinance adopted by the County;

WHEREAS, there are certain properties within the Northgate Plan and Project Area which extend beyond the City's municipal boundaries and into unincorporated Bannock County, which properties are more particularly described and depicted on Exhibit 1 attached hereto and incorporated herein by reference;

WHEREAS, the City Council and the Board of County Commissioners desire to enter into this Agreement to avoid any uncertainty regarding the City Council's jurisdiction and authority to establish the Project Area and the Agency's authority to implement the Northgate Plan concerning those properties which are outside the City's municipal limits and within unincorporated Bannock County;

WHEREAS, the City Council and Board of County Commissioners deem it in their collective best interests to enter into this Agreement covering said properties and assuring

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES
UNDER IDAHO CODE SECTION 50-2906(3)(b)- 3

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compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively;

NOW, THEREFORE, it is mutually agreed as follows:

AGREEMENT

1. PURPOSE OF AGREEMENT

The purpose of this Agreement is to detail the duties, roles, and responsibilities to be provided by the parties with respect to compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively.

2. GENERAL PROVISIONS

The Bannock County Board of County Commissioners does hereby agree that the City Council shall have the right, power, authority, and obligation to administer the Law, Act and particularly the revenue allocation financing provisions of the Northgate Plan for that certain property which is contained within the boundaries of the revenue allocation area as defined in the Act and the Northgate Plan, which property extends beyond the City's municipal boundary and into unincorporated Bannock County. The property governed by this Agreement is described, defined, and depicted on Exhibit 1 of this Agreement. The County, by passing Resolution No. 2018-23, has declared the need for urban renewal activity in the area which extends beyond the City's municipal boundaries and into unincorporated Bannock County.

By agreeing to the administration of this property by the City Council for the limited purpose of implementing the Northgate Plan, the Board of County Commissioners agree all revenue allocation proceeds generated from such property shall be available to the Agency for all purposes authorized under the Act and the Northgate Plan. Following the establishment of the Project Area, the Agency shall administer the revenue allocation provision affecting this property as allowed under the Act and the Northgate Plan. Additionally, the Board of County Commissioners acknowledges the Northgate Plan will be reviewed by the City Planning & Zoning Commission for the Northgate Plan's conformity with the general plan for the development of the City as a whole consistent with and limited to the requirements of Idaho Code § 50-2008(b). The Board of County Commissioners defers to the City Planning & Zoning Commission's review and recommendations as required by Idaho Code § 50-2008(b) solely with regard to adopting the Northgate Plan. The City Council expressly acknowledges the parcels located within unincorporated Bannock County are subject to and shall be developed in conformity with the Bannock County Comprehensive Plans, Zoning and Development Codes as well as the Northgate Plan, recognizing the developer's intent to seek annexation of the parcels located within unincorporated Bannock County into the City prior to development, which development is intended to occur in phases over the life of the Northgate Plan and Project Area. Bannock County defers to the Agency to implement and carry out the Northgate Plan.

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES
UNDER IDAHO CODE SECTION 50-2906(3)(b)- 4

69' 345
The Board of County Commissioners shall approve this Agreement by the adoption of a transfer of powers ordinance and the City Council shall approve this Agreement by the adoption of a duly authorized resolution.

Upon approval and adoption of the ordinance and resolution referenced above, the City Council shall take the necessary steps through the City Clerk to transmit a copy of the County Transfer of Powers Ordinance to the County Auditor, County Assessor, the County Recorder, the other taxing districts of the revenue allocation area, and the Idaho State Tax Commission.

3. SPECIAL PROVISIONS

Public Improvements. In consideration of this Agreement, the Board of County Commissioners hereby consents to those certain public improvements identified in the Northgate Plan which may be acquired, constructed or installed on certain rights-of-way not within the City limits or rights-of-way owned in trust by the County.

4. EFFECTIVE TERM

This Agreement shall be deemed effective upon the execution of this Agreement by both the Board of County Commissioners and the City Council and shall remain in effect for the duration of the Northgate Plan. This Agreement shall be of no further force and effect as it relates to any parcel or parcels described in Exhibit 1 upon those properties or portions of those properties then being included within the municipal boundaries of the City, currently, or through the City's annexation process.

5. MODIFICATION

This Agreement may be modified or amended in writing if executed by both the Board of County Commissioners and the City Council.

6. ENTIRE AGREEMENT

Except as provided otherwise herein, this Agreement and any attachments hereto constitute the entire Agreement between the parties concerning the subject matter hereto.

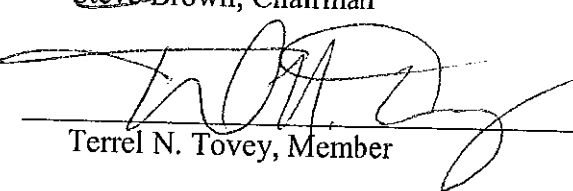
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IN WITNESS WHEREOF, the Board of County Commissioners of Bannock County, State of Idaho, and the City Council of the city of Pocatello, Idaho, have executed this Agreement by proper persons thereunto duly authorized as of the date first hereinabove written.

COUNTY:

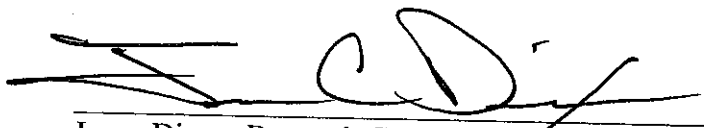
BANNOCK COUNTY BOARD OF COMMISSIONERS


Steve Brown, Chairman


Terrel N. Tovey, Member


Ernie Moser, Member

ATTEST:


Jason Dixon, Bannock County Clerk

CITY:

CITY OF POCA TELLO, IDAHO, a municipal corporation
of Idaho

By 
Brian C. Blad, Mayor

ATTEST:

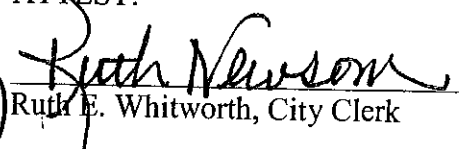
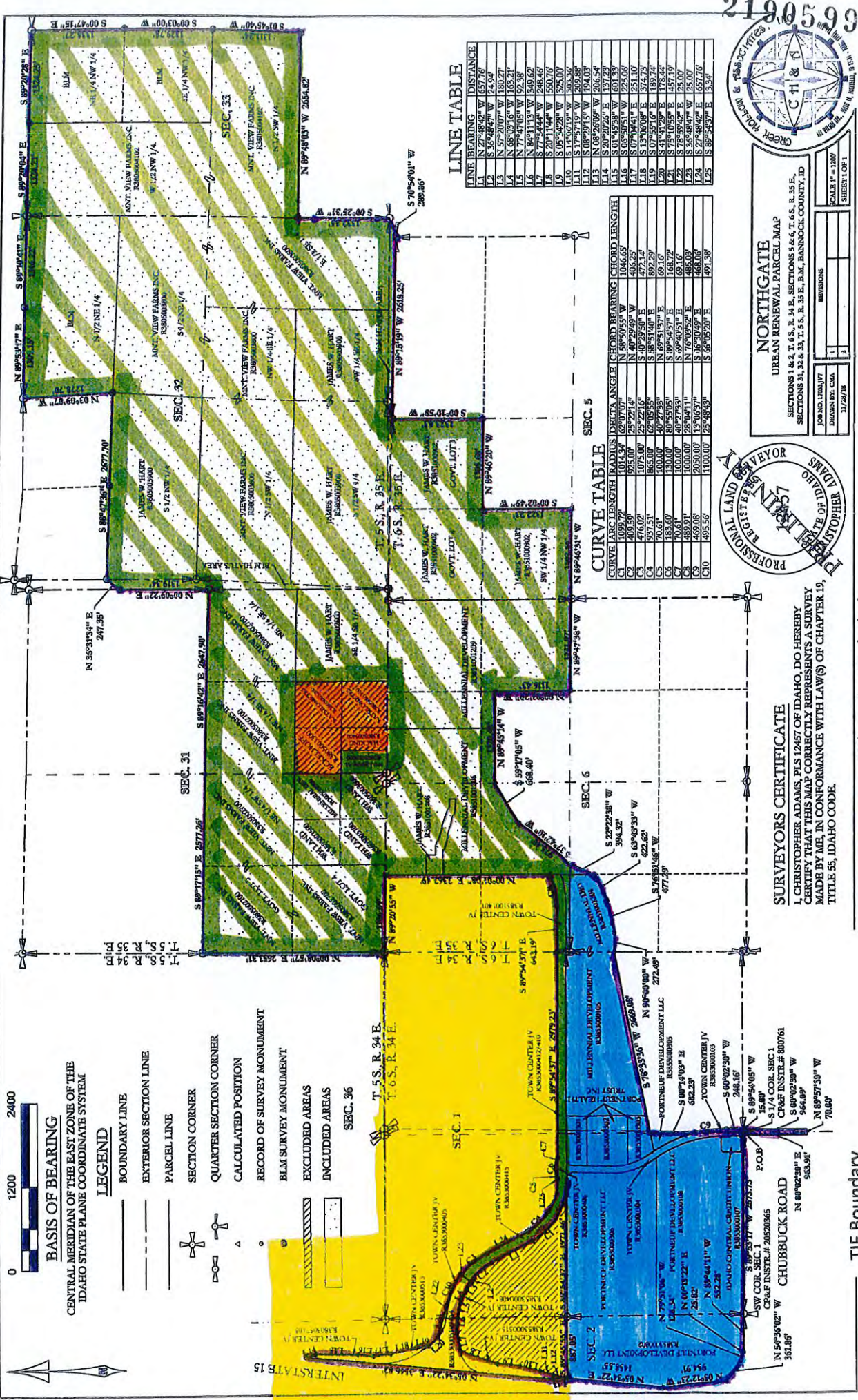
(FNA) 
Ruth E. Whitworth, City Clerk

EXHIBIT 1



2190599C



NORTHGATE
URBAN RENEWAL PARCEL MAP

SECTIONS 1 & 2 T. 6 S., R. 34 E., S. 35 E.,
SECTIONS 31, 32 & 33 T. 6 S., R. 35 E., B.M., BANNOCK COUNTY, ID

SCALE 1" = 200'

DATE 12/20/12

BY J. ADAMS

FOR THE CITY OF CHUBBUCK



SURVEYORS CERTIFICATE

I, CHRISTOPHER ADAMS, PLS 12571 OF IDAHO, DO HEREBY
CERTIFY THAT THIS MAP CORRECTLY REPRESENTS A SURVEY
MADE BY ME, IN CONFORMANCE WITH LAW(S) OF CHAPTER 19,
TITLE 55, IDAHO CODE.

Otherwise Excluded

Bannock County

TIF Boundary

City of Chubbuck

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF POCA TELLO TO PROVIDE FOR AN INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b) BETWEEN THE CITY OF CHUBBUCK, IDAHO AND THE CITY OF POCA TELLO, IDAHO; PROVIDING FOR AREAS OUTSIDE THE CITY LIMITS TO BE INCLUDED WITHIN AN URBAN RENEWAL AREA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor (the "Mayor") and City Council (the "City Council") of the City of Pocatello (the "City") have the authority (pursuant to Idaho Code §50-302) to establish resolutions not inconsistent with the laws of the State of Idaho as may be expedient, in addition to the special powers therein granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry;

WHEREAS, the City Council and Mayor of the City respectively on or about July 14, 1988, adopted and approved a resolution creating the Urban Renewal Agency of Pocatello, Idaho, also known as the Pocatello Development Authority (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, there are currently four existing urban renewal project areas in the City;

WHEREAS, based on inquiries from property owners and information presented, it became apparent that additional real property within the City and the City's area of operation may be deteriorating or deteriorated and should be examined as to whether the area is eligible for urban renewal planning purposes;

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

WHEREAS, during 2017, the Agency authorized Kushlan Associates to commence an eligibility study and preparation of an eligibility report of an area located east of Interstate 15 and north of Chubbuck Road, and the surrounding properties;

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the "Report"), which examined an area of operation of the City, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on January 17, 2018, adopted Resolution No. 2018-1 accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the City

63- 346
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 Northgate Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the Agency also authorized the transmittal of the Report to the Bannock County Board of County Commissioners for purposes of obtaining a resolution accepting the Report and determining such area outside the boundaries of the City to be a deteriorated area and/or a deteriorating area and appropriate for an urban renewal project;

WHEREAS, the Report was submitted to the Bannock County Board of County Commissioners, and the Bannock County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Bannock County Board of County Commissioners adopted the Agency's findings concerning the proposed Northgate Area by adopting Resolution No. 2018-23 on February 13, 2018;

WHEREAS, the City Council, by Resolution No. 2018-03, dated February 15, 2018, declared the Northgate 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, that the Bannock County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Northgate Area were obtained by the developers;

WHEREAS, the Agency and its consultants have undertaken the planning process during 2018;

WHEREAS, the Agency prepared the Urban Renewal Plan for the Northgate Urban Renewal Project (the "Northgate Plan") and the urban renewal area referred to as the Northgate Project Area ("Project Area" or "Revenue Allocation Area") for the area designated as eligible for urban renewal planning;

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

WHEREAS, the Agency Board on December 19, 2018, adopted Resolution No. 2018-03 proposing and recommending the Northgate Plan;

64- 345
WHEREAS, the City of Chubbuck annexed into its corporate limits a section of the Project Area, which annexation was final after December 19, 2018, but on or before December 31, 2018 (the "Chubbuck Annexation");

WHEREAS, the Agency, by letter of transmittal dated January 9, 2019, submitted the Northgate Plan to the Mayor and the City Clerk;

WHEREAS, the Mayor and the City Clerk are taking the necessary action to process the Northgate Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, as a result of the Chubbuck Annexation, prior to the date of the public hearing on the Northgate Plan, Idaho Code Section 50-2906(3)(b) and Idaho Code Section 50-2018(18) contemplate an agreement between the City Council and the Chubbuck City Council, governing administration of a revenue allocation financing provision for any area extending beyond the City's municipal boundary but within the city limits of the City of Chubbuck, and such agreement must be formalized by a transfer of powers ordinance adopted by the Chubbuck City Council;

WHEREAS, as a result of the Chubbuck Annexation, there are certain properties within the Northgate Plan and Project Area which extend beyond the City's municipal boundaries and into the City of Chubbuck's municipal boundaries;

WHEREAS, the Chubbuck City Council adopted Ordinance No. 782, the Transfer of Powers Ordinance, on February 20, 2019, which Ordinance authorized the Mayor to sign and enter into the Intergovernmental Agreement for Roles and Responsibilities under Idaho Code Section 50-2906(3)(b) between the City of Chubbuck and the City;

WHEREAS, the Mayor and City Council deem it expedient and in the best interests of the City of Pocatello to establish and enter into an Intergovernmental Agreement for Roles and Responsibilities under Idaho Code Section 50-2906(3)(b) between the City of Chubbuck and the City of Pocatello, to confirm the consent of the City of Chubbuck, under Idaho Code Section 50-2018(18), and to assure compliance with the Act and Law.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF POCA TELLO, IDAHO, AS FOLLOWS:

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

Section 2: That the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code §50-2906(3)(b) attached hereto as Exhibit A, is incorporated herein and made a part hereof by reference, and is hereby approved and accepted.

Section 3: That the Mayor is hereby authorized to sign and enter into the Agreement. A copy of this Resolution and the attached Agreement shall be held on file in the office of the City Clerk.

65-345

Section 4: That this Resolution shall be in full force and effect immediately upon its adoption and approval.

RESOLVED this 2nd day of MAY, 2019.

CITY OF POCA TELLO, a municipal corporation of Idaho


BRIAN C. BLAD, Mayor

ATTEST:


RUTH NEWSOM, City Clerk

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND
RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b)

This Intergovernmental Agreement is entered into this ^{2nd}~~20th~~ day of ^{May}~~February~~, 2019, by and between the City of Chubbuck, Idaho ("Chubbuck") and the City of Pocatello, Idaho ("Pocatello"), and is made for the purpose of complying with Idaho Code § 50-2906(3)(b).

RECITALS

WHEREAS, Chubbuck is a duly organized existing municipality under the laws and the Constitution of the State of Idaho;

WHEREAS, Pocatello is a duly organized existing municipality under the laws and the Constitution of the state of Idaho;

WHEREAS, the Pocatello City Council and Mayor of Pocatello respectively on or about July 14, 1988, adopted and approved a resolution creating the Urban Renewal Agency of Pocatello, Idaho, also known as the Pocatello Development Authority (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, there are currently four existing urban renewal project areas in Pocatello;

WHEREAS, based on inquiries from property owners and information presented, it became apparent that additional real property within Pocatello and Pocatello's area of operation, as defined in Idaho Code § 50-2018(18), may be deteriorating or deteriorated and should be examined as to whether the area is eligible for urban renewal planning purposes;

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

WHEREAS, during 2017, the Agency authorized Kushlan Associates to commence an eligibility study and preparation of an eligibility report of an area located east of Interstate 15 and north of Chubbuck Road, and the surrounding properties;

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the "Report"), which examined an area of operation of Pocatello, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for

67 345
the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on January 17, 2018, adopted Resolution No. 2018-1 accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the Pocatello City Council requesting its consideration for designation of an urban renewal area and requesting the Pocatello City Council to direct the Agency to prepare an urban renewal plan for the Northgate Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the Agency also authorized the transmittal of the Report to the Bannock County Board of County Commissioners for purposes of obtaining a resolution accepting the Report and determining such area outside the boundaries of Pocatello to be a deteriorated area and/or a deteriorating area and appropriate for an urban renewal project;

WHEREAS, the Report was submitted to the Bannock County Board of County Commissioners, and the Bannock County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Bannock County Board of County Commissioners adopted the Agency's findings concerning the proposed Northgate Area by adopting Resolution No. 2018-23 on February 13, 2018;

WHEREAS, the Pocatello City Council, by Resolution No. 2018-03, dated February 15, 2018, declared the Northgate 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, that the Bannock County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Northgate Area were obtained by the developers;

WHEREAS, the Agency and its consultants have undertaken the planning process during 2018;

WHEREAS, the Agency retained the Leland Consulting Group to perform a market analysis for the purpose of aiding in the determination of the economic feasibility of the proposed project;

WHEREAS, the Agency prepared the Urban Renewal Plan for the Northgate Urban Renewal Project (the "Northgate Plan") and the urban renewal area referred to as the Northgate

68-345
Project Area ("Project Area" or "Revenue Allocation Area") for the area designated as eligible for urban renewal planning;

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

WHEREAS, the Agency Board on December 19, 2018, adopted Resolution No. 2018-03 proposing and recommending the Northgate Plan;

WHEREAS, Chubbuck annexed into its corporate limits a section of the Project Area, which annexation was final after December 19, 2018, but on or before December 31, 2018 (the "Chubbuck Annexation");

WHEREAS, the Agency, by letter of transmittal dated January 9, 2019, submitted the Northgate Plan to the Mayor of Pocatello and the Pocatello City Council;

WHEREAS, the Mayor of Pocatello and the Pocatello City Council are taking the necessary action to process the Northgate Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, as a result of the Chubbuck Annexation, Idaho Code Section 50-2906(3)(b) and Idaho Code Section 50-2018(18) contemplate an agreement between the Pocatello City Council and the Chubbuck City Council, governing administration of a revenue allocation financing provision for any area extending beyond Pocatello's municipal boundary but within the city limits of Chubbuck, and such agreement must be formalized by a transfer of powers ordinance adopted by the Chubbuck City Council;

WHEREAS, as a result of the Chubbuck Annexation, there are certain properties within the Northgate Plan and Project Area which extend beyond Pocatello's municipal boundaries and into Chubbuck's municipal boundaries, which properties are more particularly described and depicted on Exhibit 1 attached hereto and incorporated herein by reference;

WHEREAS, the Pocatello City Council and the Chubbuck City Council desire to enter into this Agreement to avoid any uncertainty regarding the Pocatello City Council's jurisdiction and authority to establish the Project Area and the Agency's authority to implement the Northgate Plan concerning those properties which are outside Pocatello's municipal limits and within the city limits of Chubbuck;

WHEREAS, the Pocatello City Council and Chubbuck City Council deem it in their collective best interests to enter into this Agreement covering said properties and assuring compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively;

NOW, THEREFORE, it is mutually agreed as follows:

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AGREEMENT

1. PURPOSE OF AGREEMENT

The purpose of this Agreement is to detail the duties, roles, and responsibilities to be provided by the parties with respect to compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively.

2. GENERAL PROVISIONS

The Chubbuck City Council does hereby agree that the Pocatello City Council shall have the right, power, authority, and obligation to administer the Law, Act and particularly the revenue allocation financing provisions of the Northgate Plan for that certain property which is contained within the boundaries of the revenue allocation area (as defined in the Act and the Northgate Plan) as a result of the Chubbuck Annexation, which property now extends beyond Pocatello's municipal boundary and into the city limits of Chubbuck. The property governed by this Agreement is described, defined, and depicted on Exhibit 1 of this Agreement. The Chubbuck City Council further specifically acknowledges and declares the need for urban renewal activity in the area which extends beyond Pocatello's municipal boundaries and into the city limits of Chubbuck.

By agreeing to the administration of this property by the Pocatello City Council for the limited purpose of implementing the Northgate Plan, the Chubbuck City Council agrees all revenue allocation proceeds generated from such property shall be available to the Agency for all purposes authorized under the Act and the Northgate Plan. Following the establishment of the Project Area, the Agency shall administer the revenue allocation provision affecting this property as allowed under the Act and the Northgate Plan. Additionally, the Chubbuck City Council acknowledges the Northgate Plan will be reviewed by the Pocatello Planning & Zoning Commission for the Northgate Plan's conformity with the general plan for the development of Pocatello as a whole consistent with and limited to the requirements of Idaho Code § 50-2008(b). The Chubbuck City Council defers to the Pocatello Planning & Zoning Commission's review and recommendations as required by Idaho Code § 50-2008(b) solely with regard to adopting the Northgate Plan. The Pocatello City Council expressly acknowledges the parcels located within the city limits of Chubbuck are subject to and shall be developed in conformity with the Chubbuck Comprehensive Plan, Zoning and Development Codes as well as the Northgate Plan. The Chubbuck City Council defers to the Agency to implement and carry out the Northgate Plan.

The Chubbuck City Council shall approve this Agreement by the adoption of a transfer of powers ordinance and the Pocatello City Council shall approve this Agreement by the adoption of a duly authorized resolution.

Upon approval and adoption of the resolution referenced above, the Pocatello City Council shall take the necessary steps through the Pocatello City Clerk to transmit a copy of the Chubbuck City Council Ordinance to the County Auditor, County Assessor, the County Recorder, the other taxing districts of the revenue allocation area, and the Idaho State Tax Commission.

20-345

3. SPECIAL PROVISIONS

Public Improvements. In consideration of this Agreement, the Chubbuck City Council hereby consents to those certain public improvements identified in the Northgate Plan which may be acquired, constructed or installed on certain rights-of-way not within the Pocatello limits but on the rights-of-way owned in trust by Chubbuck.

4. EFFECTIVE TERM

This Agreement shall be deemed effective upon the execution of this Agreement by both the Chubbuck City Council and the Pocatello City Council and shall remain in effect for the duration of the Northgate Plan.

5. MODIFICATION

This Agreement may be modified or amended in writing if executed by both the Chubbuck City Council and the Pocatello City Council.

6. ENTIRE AGREEMENT

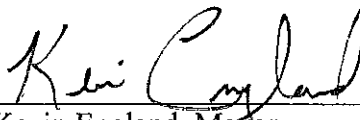
Except as provided otherwise herein, this Agreement and any attachments hereto constitute the entire Agreement between the parties concerning the subject matter hereto.

IN WITNESS WHEREOF, the City Council of the City of Chubbuck, Idaho and the City Council of the City of Pocatello, Idaho, have executed this Agreement by proper persons thereunto duly authorized as of the date first hereinabove written.

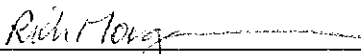
CITY:

CITY OF CHUBBUCK, IDAHO, a municipal corporation
of Idaho

By

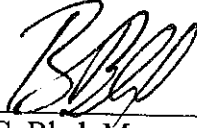

Kevin England, Mayor

ATTEST:


Rich Morgan, Chubbuck City Clerk

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CITY:

CITY OF POCA TELLO, IDAHO, a municipal corporation
of Idaho

By 

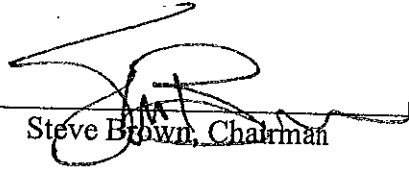
Brian C. Blad, Mayor

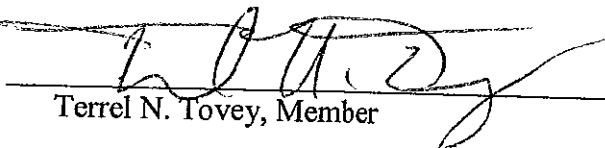
ATTEST:

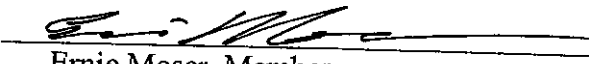

FNA Ruth E. Whitworth, City Clerk

ACKNOWLEDGED BY:

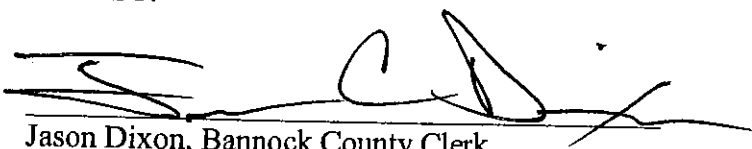
BANNOCK COUNTY BOARD OF COMMISSIONERS


Steve Brown, Chairman


Terrel N. Tovey, Member


Ernie Moser, Member

ATTEST:


Jason Dixon, Bannock County Clerk



City of Chubbuck

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**URBAN RENEWAL PLAN FOR THE
NORTHGATE URBAN RENEWAL PROJECT**

**THE POCA TELLO URBAN RENEWAL AGENCY A/K/A THE
POCA TELLO DEVELOPMENT AUTHORITY
CITY OF POCA TELLO, IDAHO**

Ordinance No. _____
Adopted _____
Effective _____

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Attachments

Attachment 1	Boundary Map of Urban Renewal Project Area and Revenue Allocation Area
Attachment 2	Legal Description of Urban Renewal Project Area and Revenue Allocation Area
Attachment 3	Private Properties Which May be Acquired by the Agency
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Attachment 5.2	Economic Feasibility Study
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Attachment 5.6	Market Analysis
Attachment 6	Agricultural Operation Consents
Attachment 7	Bannock County Board of County Commissioners Resolution No. 2018-23 (eligibility)
Attachment 8	Pocatello City Council Resolution No. 2018-3 (eligibility)
Attachment 9	Bannock County Board of County Commissioners Ordinance No. 2019-03 (Intergovernmental Agreement and Transfer of Powers Ordinance)
Attachment 10	Pocatello City Council Resolution No. 2019-04 (Intergovernmental Agreement – Bannock County)
Attachment 11	Chubbuck City Council Ordinance No. 782 (Intergovernmental Agreement and Transfer of Powers Resolution)

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Attachment 12

Pocatello City Council Resolution No. 2019-04 (Intergovernmental Agreement – City of Chubbuck)

100 INTRODUCTION

This is the Urban Renewal Plan (the "Plan") for the Northgate Urban Renewal Project (the "Project") in the City of Pocatello (the "City"), state of Idaho. Attachments 1 through 12 attached hereto (collectively, the "Plan Attachments") are incorporated herein and shall be considered a part of this Plan.

The term "Project" is used herein to describe the overall activities defined in this Plan and conforms to the statutory definition of an urban renewal project. Reference is specifically made to Idaho Code §§ 50-2018(10) and 50-2903(13) 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 Northgate Project Area is also referred to as the "Project Area."

This Plan was prepared by the Board of Commissioners (the "Agency Board") of the Urban Renewal Agency for the City of Pocatello, also known as the Pocatello Development Authority (the "Agency"), its consultants, and staff, and reviewed and recommended by the Agency pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the "Law"), the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"), and all applicable local laws and ordinances.

Idaho Code § 50-2905 identifies what information the Plan must include with specificity as follows:

- (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 on the revenue allocation area.
- (6) A description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred;
- (7) A termination date for the plan and the revenue allocation area as provided for in section 50-2903(20), Idaho Code. In determining the termination date, the plan shall recognize that the agency shall receive allocation of revenues in the calendar

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 year following the last year of the revenue allocation provision described in the urban renewal plan.

- (8) A description of the disposition or retention of any assets of the agency upon the termination date. Provided however, nothing herein shall prevent the agency from retaining assets or revenues generated from such assets as long as the agency shall have resources other than revenue allocation funds to operate and manage such assets.

This Plan includes the above information with specificity.

The Project Area extends beyond the municipal boundary of the City to include parcels in unincorporated Bannock County. Pursuant to Idaho Code Sections 50-2018(18) and 50-2906(1), the Bannock County Board of County Commissioners (the "BOCC") has deemed the Project Area eligible for an urban renewal project (Attachment 7). Further, for purposes of implementing this Plan, the BOCC entered into an intergovernmental agreement and adopted a transfer of powers ordinance (Attachments 9 and 10). As the Project Area develops, the City and County intend for the Project Area to be fully annexed into the City.

During the development of this Plan, the City of Chubbuck evidenced its intent to annex certain parcels on the east side of Interstate 15, north and south of the Northgate Interchange Project and connecting road, including annexing over a section of Interstate 15. The annexation is estimated to be final upon publication on or before December 31, 2018. It is generally understood by the City and the City of Chubbuck that the annexation will have no impact on the Project Area; however, the Project Area boundaries include an overlapping section of Interstate 15. For the purposes of implementing this Plan, and further pursuant to Idaho Code Sections 50-2018(18) and 50-2906(1), the City of Chubbuck entered into an intergovernmental agreement and adopted a transfer of powers resolution (Attachments 11 and 12). As the area of potential overlap between the City of Chubbuck and the Project Area is within non-taxable right-of-way, the certified levy rates for the City of Chubbuck were not relied upon to support the findings in the Economic Feasibility Study (Attachment 5.2).

The proposed development of the Project Area as described in this Plan conforms to The City of Pocatello Comprehensive Plan, 2015 Update, as amended (the "Comprehensive Plan"), and adopted by the City Council (the "City Council"). The Agency intends to rely heavily on any applicable City design standards which may cover all or part of the Project Area.¹

This Plan is subject to the Plan modification limitations and reporting requirements set forth in Idaho Code § 50-2903A. Subject to limited exceptions as set forth in Idaho Code § 50-2903A, if this Plan is modified by a City Council ordinance, then the base value

¹ The redevelopment of the Project Area also conforms to the Bannock County Comprehensive Plan, adopted June 16, 2008, as amended. However, as the Project Area will ultimately be annexed into the City in phases prior to development, the City's Comprehensive Plan will guide development as addressed in the intergovernmental agreement between the City and the County. Due to the timing of the City of Chubbuck's annexation, and as any potential overlap between the Project Area boundary and the City of Chubbuck is anticipated to be limited to non-taxable right-of-way, the City's Comprehensive Plan will guide development in the Project Area as addressed in the intergovernmental agreement between the City and the City of Chubbuck.

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 for the year immediately following the year in which modification occurs shall be reset to the then current year's equalized assessed value of the taxable property in the revenue allocation area, effectively eliminating the Agency's revenue stream. Should the Agency have any outstanding financial obligations, the City shall not adopt an ordinance modifying this Plan unless written consent has been obtained by any creditors, including but not limited to developers who have entered into reimbursement agreements with the Agency.

A modification shall not be deemed to occur when "[t]here is a plan amendment to make technical or ministerial changes to a plan that does not involve an increase in the use of revenues allocated to the agency." Idaho Code § 50-2903A(1)(a)(i). Annual adjustments as more specifically set forth in the Agency's annual budget will be required to account for more/less estimated revenue and project timing. Any adjustments for these stated purposes are technical and ministerial and are not modifications under Idaho Code § 50-2903A.

This Plan provides the Agency with powers, duties, and obligations to implement and further the program generally formulated in this Plan for the development, redevelopment, rehabilitation, and revitalization of the area within the boundaries of the Project Area. The Agency retains all powers allowed by the Law and Act. This Plan presents a process and a basic framework within which plan implementation, including contracts, agreements and ancillary documents will be presented and by which tools are provided to the Agency to fashion, develop, and proceed with plan implementation. The Plan has balanced the need for flexibility over the twenty (20)-year timeframe of the Plan to implement the improvements identified in Attachment 5.1, with the need for specificity as required by Idaho Code § 50-2905. The Plan narrative addresses the required elements of a plan set forth in Idaho Code § 50-2905(1), (5), (7) and (8). Attachments 5.1-5.5, together with the Plan narrative, meet the specificity requirement for the required plan elements set forth in Idaho Code § 50-2905(2)-(6), recognizing that actual Agency expenditures are prioritized each fiscal year during the required annual budgeting process.

Allowed projects are those activities which comply with the Law and the Act and meet the overall objectives of this Plan. The public-private relationship is crucial in the successful development and redevelopment of the Project Area. Typically, the public will fund enhanced public improvements like utilities, streets, and sidewalks which, in turn, create an attractive setting for adjacent private investment for a mixed-use residential (single family residential and increased density), light industrial, office, and commercial facilities.

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

- a. The installation and construction of public improvements, including streets; and improvements to roadways, curbs, gutters and streetscapes, which for purposes of this Plan, the term "streetscapes" includes sidewalks, lighting, landscaping, benches, bike racks, public art and similar amenities between the curb and right of way line; improvements to public utilities including water and sewer improvements, and fire protection systems; other related public improvements; removal, burying, or relocation of overhead utilities; extension of electrical

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distribution lines and transformers; improvement of irrigation and drainage ditches and laterals; and improvement of storm drainage facilities;

- b. The planning, design and construction of the proposed Interstate 15 (Siphon Road) interchange (the Northgate Interchange Project), the Olympus Drive extension, and the local road connecting to the new interchange (the Eastside Road);
- c. The replanning, redesign, and development of undeveloped or underdeveloped areas which are stagnant or improperly utilized because of limited traffic access, underserved utilities, and other site conditions;
- d. The strengthening of the economic base of the Project Area and the community by the installation of needed public improvements to stimulate new private development providing employment and economic growth;
- e. The provision of adequate land for open space, street rights-of-way and pedestrian rights-of-way, including pathways;
- f. The reconstruction and improvement of street corridors to allow traffic flows to move through the Project Area along with the accompanying utility connections, through the Project Area;
- g. The provision of public service utilities such as water system improvements, sewer system improvements and improvements to storm drainage facilities (which may be located outside the Project Area);
- h. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- i. The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Project Area as a whole and benefiting the various taxing districts in which the urban renewal area is located; and
- j. The funding of necessary public infrastructure to accommodate both public and private development.

101 General Procedures of the Agency

The Agency is a public body, corporate and politic, as defined and described under the Law and the Act. The Agency is also governed by its bylaws as authorized by the Law and

adopted by the Agency. Under the Law, the Agency is governed by the Idaho open meeting law; the Public Records Act; the Ethics in Government Act of 2015, Chapters 1, 2 and 4 of Title 74, Idaho Code; reporting requirements pursuant to Idaho Code §§ 67-450B, 67-450E, 50-2903A and 50-2913; and the competitive bidding requirements under Chapter 28, Title 67, Idaho Code, as well as other procurement or other public improvement delivery methods.

Subject to limited exceptions, the Agency shall conduct all meetings in open session and allow meaningful public input as mandated by the issue considered or by any statutory or regulatory provision.

The Agency may adopt separate policy statements. Any modification to any policy statement is a technical or ministerial adjustment and is not a modification to this Plan under Idaho Code § 50-2903A.

102 Provisions Necessary to Meet State and Local Requirements: Conformance with the Idaho Urban Renewal Law of 1965, as Amended

Idaho law requires that an urban renewal plan be prepared for an area determined to be eligible as an urban renewal area by the City Council. The Project Area was reviewed and determined to be eligible by Agency Resolution No. 2018-1 on January 17, 2018.

As properties within the Project Area are outside the boundaries of the City and within the boundaries of unincorporated Bannock County, and in accordance with Idaho Code § 50-2018(18), the Bannock County Board of County Commissioners adopted Resolution No. 2018-23, on February 13, 2018, finding the Project Area to be a deteriorated area and/or deteriorating area and finding a need for the urban renewal plan. A copy of Resolution No. 2018-23 is attached hereto as Attachment 7.

The Project Area was deemed eligible by the City Council by adoption of Resolution No. 2018-03 on February 15, 2018. With the adoption of Resolution No. 2018-03, the City Council found the Project Area to be a deteriorating area and/or deteriorating area existing in the City as defined by the Law and Act and authorized the preparation of an urban renewal plan. A copy of Resolution No. 2018-03 is attached hereto as Attachment 8.

In accordance with the Law and Act, the necessary agricultural operation consents were obtained from owners of any agricultural operations within the Project Area for property that has been used as an agricultural operation within the last three (3) years. Copies of the agricultural operation consents are attached hereto as Attachment 6.

The Plan was prepared and submitted to the Agency for its review and approval. The Agency approved the Plan by the adoption of Agency Resolution No. 2018-3 on December 19, 2018, and submitted the Plan to the BOCC, the Chubbuck City Council² and the City Council with its recommendation for adoption.

² The City of Chubbuck annexed into a section of the Project Area, which annexation was final after December 19, 2018, but on or before December 31, 2018. As a result, the Plan was submitted to the Chubbuck City Council in accordance with Idaho Code § 50-2018(18) and 50-2906(1).

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In accordance with the Law, this Plan was submitted to the Planning and Zoning Commission of the City. After consideration of the Plan, the Commission reported to the City Council that this Plan is in conformity with the City's Comprehensive Plan.

In accordance with the Law and the Act, the City Council and BOCC entered into an intergovernmental agreement concerning the administration and implementation of the Plan and the BOCC adopted a transfer of powers ordinance on March 5, 2019, by Ordinance No. 2019-03.

In accordance with the Law and the Act, the City Council and the Chubbuck City Council entered into an intergovernmental agreement concerning the administration and implementation of the Plan and the Chubbuck City Council adopted a transfer of powers resolution on February 26, 2019, by Ordinance No. 782.

Pursuant to the Law and Act, the City Council having published due notice thereof, a public hearing was held on this Plan. Notice of the hearing was duly published in the *Idaho State Journal*, a newspaper having general circulation in the City. The City Council adopted this Plan on May 2, 2019, 2019, by Ordinance No. 3026.

103 History and Current Conditions of the Area

This Project Area includes an estimated 1,800 acres. Approximately 300 acres north of Chubbuck Road and east of Interstate 15 was annexed into the City in 2018. The area has been used primarily for agricultural purposes, although a new Interstate 15 interchange, the Northgate Interchange Project, is expected to begin construction in 2018, and is anticipated to be completed in 2019³. While there has been recent investment and development on parcels immediately south of Chubbuck Road, no investment had been made within the Project Area.

The Project Area has been, or will be upon annexation into the City, zoned for primarily mixed use commercial and residential uses. A significant impediment to development is the extent of infrastructure necessary to develop the area. Development potential within the Project Area is currently restricted due to lack of access to the municipal water system, which also creates fire flow issues. Extension of a water distribution system throughout the Project Area is necessary to support development. Likewise, the sewer system will also need to be extended throughout the Project Area. Power system upgrades are also necessary.

The Plan proposes installation and improvements to public infrastructure and other publicly owned assets throughout the Project Area, as more specifically set forth in Attachment 5.1, including but not limited to participation in the engineering, design and construction of the proposed new Interstate 15 interchange; engineering, design and construction of the local road connecting an extension of Olympus Drive and the proposed Northgate Parkway to the new interchange (Eastside Road); installation of roadways, including streetscapes, streetlights, curbs, gutters sidewalks and other related pedestrian amenities; water and sewer improvements; improvements to the power system; storm drainage and irrigation system improvements; and parks and open space, including pedestrian/bike paths, creating the framework for the

³ Originally, the Northgate Interchange Project was estimated to have been fully constructed and completed in 2018.

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parks and open space, including pedestrian/bike paths, creating the framework for the development of a commercial, office and retail area, and ultimately a planned unit development community.

Due to the anticipated construction of the I-15 Interchange, and the future land use map, the Project Area is underdeveloped and/or vacant and is not being used to its highest and best use due to the predominance of defective or inadequate street layout, outmoded street patterns, need for modern traffic requirements, insanitary and unsafe conditions, unsuitable topography and faulty lot layout and inadequate utility infrastructure needed for a larger development. The foregoing conditions have arrested or impaired growth in the Project Area.

The preparation and approval of an urban renewal plan, including a revenue allocation financing provision, gives the City additional resources to solve the public infrastructure and development impediment issues in this area. Revenue allocation financing should help to improve the situation. In effect, property taxes generated by new developments within the Project Area may be used by the Agency to finance a variety of needed public improvements and facilities. Finally, some of the new developments may also generate new jobs in the community that would, in turn, benefit area residents.

104 Purpose of Activities

Attachment 5.1 includes the public improvements list identifying with specificity the proposed public improvements and projects contemplated in the Project Area. The description of activities, public improvements, and the estimated costs of those items are intended to create an outside limit of the Agency's activity. Due to the inherent difficulty in projecting future levy rates, future taxable value, and the future costs of construction, the Agency reserves the right to:

- a. change funding amounts from one Project to another.
- b. to re-prioritize the Projects described in this Plan and the Plan Attachments.
- c. Retain flexibility in funding the various activities in order to best meet the Plan and the needs of the Project Area.
- d. Retain flexibility in determining whether to use the Agency's funds or funds generated by other sources.
- e. Alter the location of proposed improvements set forth in Attachment 5.5 to support development when it occurs. The information included in Attachment 5.5 presents a realistic development scenario recognizing it is difficult to project with any certainty where the improvements will be sited until the future project submits plans to the City for design review and permitting.

The Agency intends to discuss and negotiate with any owner or developer of the parcels within the Project Area seeking Agency assistance. During such negotiation, the Agency will determine the eligibility of the activities sought for Agency funding, the amount the Agency may fund by

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 way of percentage or other criteria including the need for such assistance. The Agency will also take into account the amount of revenue allocation proceeds estimated to be generated from the developer's activities. The Agency also reserves the right to establish by way of policy, its funding percentage or participation, which would apply to all developers and owners.

Throughout this Plan, there are references to Agency activities, Agency funding, and the development, and contribution of public improvements. Such references do not necessarily constitute a full, final, and formal commitment by the Agency but, rather, grant to the Agency the discretion to participate as stated subject to achieving the objectives of this Plan and provided such activity is deemed eligible under the Law and the Act. The activities listed in Attachments 5.1-5.5 will be determined or prioritized as the overall Project Area develops and through the annual budget setting process.

The activities listed in Attachments 5.1-5.5 are also prioritized by way of importance to the Agency by the amounts funded, and by year of funding, with earlier years reflecting the more important activities, achievement of higher objectives, long term goals, and commitments. As required by the Law and Act, the Agency will adopt more specific budgets annually. The projected timing of funding is primarily a function of the availability of market conditions and financial resources but is also strategic, considering the timing of private development partnership opportunities and the ability of certain strategic activities to stimulate development at a given points in time within the planned 20-year period of the urban renewal district and revenue allocation area.

The Study (Attachments 5.1-5.5) has described a list of prioritized public improvements and other related activities with an estimated cost in 2018 dollars of approximately \$60,625,000. This amount does not take into account inflationary factors which would increase that figure depending on when the Agency is able to develop, construct or initiate those activities. The Study has concluded the capacity of revenue allocation funds through the term of the Plan based on the assumed development projects and assessed value increases will likely generate \$64,966,358. The Agency reserves the discretion and flexibility to use revenue allocation proceeds in excess of the amounts predicted in the event higher increases in assessed values occur during the term of the Plan for the improvements and activities identified. Additionally, the Agency reserves the discretion and flexibility to use other sources of funds unrelated to revenue allocation to assist in the funding of the improvements and activities identified.

105 Open Land Criteria

The Project Area includes open land requiring the area meet the conditions set forth in Idaho Code § 50-2008(d). These conditions include defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, and faulty lot layout, all of which are included in one form or another in the definitions of deteriorated area or deteriorating area set forth in Idaho Code §§ 50-2018(8), (9) and 50-2903(8). The issues listed only in Idaho Code § 50-2008(d)(4)(2) (the open land section) include economic disuse, unsuitable topography, and "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."

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Open land areas qualify if any of the deteriorating area conditions set forth in Idaho Code §§ 50-2018(8), (9) and 50-2903(8) apply. But such areas also qualify if any of the issues listed only in Idaho Code § 50-2008(d)(4)(2) apply. The lack of water and sewer facilities, large parcel size, diversity of ownership, a deficient street system and lack of fire protection facilities are all conditions which delay or impair development of the open land areas and satisfy the open land conditions.

This Plan does not anticipate or intend Agency acquisition of property within the Project Area. However, should the Agency determine the need to acquire property as further set forth in Attachment 3, then the open land areas qualify for Agency acquisition and development. Open land areas qualify for Agency acquisition and development for residential uses if the City Council determines 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 will be increased as a result of the clearance of deteriorated areas, that the conditions of blight in the area and the shortage of decent, safe and sanitary housing contributes to an increase in the spread of disease and crime and constitutes and menace to the public health, safety, morals, or welfare, and that the acquisition of the area for residential uses is an integral part of and essential to the program of the City. Due to the City's expected growth, the need for housing is significant and integral to a successful mixed-use project area, as further shown in the Pocatello Urban Renewal: Market Analysis, dated June 2018, and prepared by Leland Consulting Group, attached hereto as Attachment 5.6.

Open land areas qualify for Agency acquisition and development for primarily nonresidential uses if acquisition is necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives if any of the deteriorating area conditions set forth in Idaho Code §§ 50-2018(8), (9) and 50-2903(8) apply. But such areas also qualify if any of the issues listed only in Idaho Code § 50-2008(d)(4)(2) apply. The lack of water and sewer facilities, large parcel size, a deficient street system, lack of fire protection facilities, economic disuse, unsuitable topography and environmental issues are all conditions which delay or impair development of the open land areas and satisfy the open land conditions as more fully supported by the Northgate Urban Renewal District (Proposed), Eligibility Report, prepared by Kushlan Associates, dated January 2018.

200 DESCRIPTION OF PROJECT AREA

The boundaries of the Project Area and the Revenue Allocation Area are shown on the Boundary Map of Urban Renewal Project Area and Revenue Allocation Area, attached hereto as Attachment 1 and incorporated herein by reference, and are described in the Legal Description of Urban Renewal Project Area and Revenue Allocation Area, attached hereto as Attachment 2 and incorporated herein by reference. 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 or other natural boundary unless otherwise stated.

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300 PROPOSED REDEVELOPMENT ACTIONS**301 General**

The Agency proposes to eliminate and prevent the spread of deteriorating conditions and deterioration in the Project Area by employing a strategy to improve and develop public and private lands, and to grow the economy in the Project Area. Implementation of the strategy includes, but is not limited to the following actions:

- a. The construction of storm water management infrastructure to support compliance with federal, state and local regulations for storm water discharge and to support private development;
- b. The provision for participation by property owners and developers within the Project Area to achieve the objectives of this Plan;
- c. The engineering, design, installation, construction, and/or reconstruction of streets, including but not limited to the proposed Interstate 15 interchange (Siphon Road)/Northgate Interchange Project, the connecting local road (Eastside Road), and the Olympus Drive extension, and utilities, including, removal, burying, or relocation of overhead utilities; extension of electrical distribution lines and transformers; improvement of irrigation and drainage ditches and laterals; addition of fiber optic lines or other communication systems; and improvement of storm drainage facilities, parking facilities, and other public improvements, including but not limited to, water and sewer improvements, fire protection systems, roadways, curbs, gutters, and streetscapes, which for purposes of this Plan, the term streetscapes includes sidewalks, lighting, landscaping, benches, bike racks, public art and similar amenities between the curb and right-of-way line; and other public improvements, including public or other community facilities or buildings owned or occupied by the Agency or other public agencies, including the City's walkways, public open spaces, community centers, cultural centers and visitors or information centers that may be deemed appropriate by the Board;
- d. The acquisition of real property from the City for right-of-way improvements, public parks, pedestrian facilities and trails, recreational access points and to encourage development opportunities consistent with the Plan, including but not limited to future disposition to qualified developers;
- e. The disposition of real property through a competitive process in accordance with this Plan, Idaho law, including Idaho Code § 50-2011, and any disposition policies adopted by the Agency;
- f. The management of any property acquired by and under the ownership and control of the Agency;

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- g. The development or redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- h. The construction and financial support of infrastructure necessary for the provision of improved transit and alternative transportation;
- i. The construction of a public safety facility for police, fire and/or emergency services;
- j. The provision of financial and other assistance to encourage and attract business enterprise including but not limited to start-ups and microbusinesses, mid-sized companies and large-scale corporations;
- k. The provision of financial and other assistance to encourage greater density;
- l. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- m. The preparation and assembly of adequate sites for the development and construction of facilities for commercial, office, retail, residential, and governmental use;
- n. In collaboration with property owners and other stakeholders, working with the City to amend zoning regulations (if necessary) and standards and guidelines for the design of streetscape, festival streets, plazas, multi-use pathways, parks and open space and other like public spaces applicable to the Project Area as needed to support implementation of this Plan;
- o. The demolition or removal of certain buildings and/or improvements for public right-of-way and streetscape improvements, utility undergrounding, extension, upgrades, public parks and open space, multi-use trails, public facilities, and to encourage and enhance transportation and mobility options, decrease underutilized parcels, to eliminate unhealthful, unsanitary, or unsafe conditions, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;
- p. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- q. To the extent allowed by law, lend or invest federal funds to facilitate development and/or redevelopment; and

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r. To make improvements to utilities (within and outside of the Project Area) to encourage development throughout the Project Area.

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 and Act.

302 Urban Renewal Plan Objectives

Urban renewal activity is necessary in the Project Area to combat problems of physical deterioration or deteriorating conditions. As set forth in greater detail in Section 103, the Project Area has a history of a slow-growing tax base based on deteriorated and/or deteriorating conditions that have arrested or impaired or will arrest or impair growth in the Project Area.

Construction of public facilities, installation and construction of infrastructure, including roadways (including, but not limited to the I-15 Interchange, the connecting local road (Eastside Drive), and the Olympus Drive extension), sidewalk, curb, gutter, intersections, improvements to water and sewer facilities (within and outside of the Project Area), fire protection updates, as well as remediating any drainage issues will enhance the overall development of the Project Area.

Hence, the Plan for the Project Area is a proposal for street and utility improvements to provide an improved environment for new commercial, office, retail, and residential uses, public improvements or facilities, the elimination of unsafe conditions, and to otherwise prevent the extension of deterioration and reverse the deteriorating action of the area.

Less than fee acquisition may be utilized by the Agency when and if necessary to promote redevelopment in accordance with the objectives of the Plan.

Temporary project improvements shall be provided, if necessary, to facilitate adequate vehicular and pedestrian circulation.

The provisions of this Plan are applicable to all public and private property in the Project Area. The provisions of the 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 303.1 of this Plan.

This Plan must be practical in order to succeed. Particular attention has been paid to how it can be implemented, given the changing nature of market conditions. Transforming the Project Area into a vital, thriving part of the community requires an assertive strategy. The following list represents the key elements of that effort:

- a. Initiate simultaneous projects designed to revitalize the Project Area. From street and utility improvements to significant new public or private development, the

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Agency plays a key role in creating the necessary momentum to get and keep things going.

- b. Develop new mixed-use residential, retail, commercial, and office opportunities and encourage economic development.
- c. Secure and improve certain public open space in critical areas.
- d. Initiate projects designed to encourage a mixture of housing stock including varying density, market-rate and workforce housing options.

Without direct public intervention, much of the Project Area could conceivably remain unchanged and in a deteriorated and/or deteriorating condition for the next twenty (20) years. The Plan creates the necessary flexible framework for the Project Area to support the City's economic development while complying with the "specificity" requirement set forth in Idaho Code § 50-2905.

Land use in the Project Area will be modified to the extent that underutilized, underdeveloped, and vacant land and land now devoted to uses inconsistent with the future land uses of the area will be converted to residential, commercial, retail and office uses. In implementing the activities described in this Plan, the Agency shall give due consideration to the provision of adequate open space, park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of residents in the general vicinity of the site covered by the Plan.

303 Participation Opportunities and Agreement

303.1 Participation Agreements

The Agency shall enter into various development participation agreements 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. The term "owner participation agreement" or "participation agreement" is intended to include all participation agreements with a property owner, including reimbursement agreements, grant agreements or other participation agreements.

Each structure and building in the Project Area to be constructed as a condition of the owner participation agreement between the Agency and the owner pursuant to this Plan will be considered to be satisfactorily rehabilitated and constructed, and the Agency will so certify, if the rehabilitated or new structure meets the standards set forth in an executed owner participation agreement and meets the conditions described below:

- a. Any such property within the Project Area shall be required to conform to all applicable provisions, requirements, and regulations of this Plan. The owner participation agreement may require as a condition of financial participation by the Agency a commitment by the property owner to meet the greater objectives of

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the land use elements identified in the Comprehensive Plan, and applicable zoning ordinances. Upon completion of any rehabilitation each structure must be safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition that will continue throughout an estimated useful life for a minimum of twenty (20) years.

- b. All such buildings or portions of buildings which are to remain within the Project Area shall be rehabilitated or constructed in conformity with all applicable codes and ordinances of the City.
- c. Any new construction shall also conform to all applicable provisions, requirements, and regulations of this Plan, as well as to all applicable codes and ordinances of the City.

All owner participation agreements will address phasing issues, justification and eligibility of project costs, and achievement of the objectives of the Plan. The Agency shall retain its discretion in the funding level of its participation. Obligations under owner participation agreements shall terminate no later than the termination date of this Plan, December 31, 2039. The Agency shall retain its discretion to negotiate an earlier date to accomplish all obligations under any owner participation agreement.

In all participation agreements, participants who retain real property shall be required to join in the recordation of such documents as may be necessary to make the provisions of this Plan applicable to their properties. Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

In the event a participant fails or refuses to rehabilitate, develop, use, and maintain its real property pursuant to this Plan and a participation agreement, the real property or any interest therein may be acquired by the Agency in accordance with Section 305.1 of this Plan and sold or leased for rehabilitation or development in accordance with this Plan.

Owner participation agreements may be used to implement the following objectives:

- a. Encouraging property owners to revitalize and/or remediate deteriorated areas or deteriorating areas of their parcels to accelerate development in the Project Area.
- b. Subject to the limitations of the Law and the Act, providing incentives to property owners to encourage utilization and expansion of existing permitted uses during the transition period to prevent a decline in the employment base and a proliferation of vacant and deteriorated parcels in the Project Area during the extended redevelopment of the Project Area.
- c. To accommodate improvements and expansions allowed by City regulations.

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- d. Subject to the limitations of the Law and Act, providing incentives to improve nonconforming properties so they implement the design guidelines contained in this Plan to the extent possible and to encourage an orderly transition from nonconforming to conforming uses through the term of the Plan.
 - e. Provide for advance funding by the developer/owner participant of those certain public improvements related to or needed for the private development. In that event, the Agency will agree as set out in the participation agreement to reimburse a portion of, or all of, the costs of public improvements identified in the participation agreement from the revenue allocation generated by the private development.

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, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. All plans for development of property in the Project Area by a public body shall be subject to Agency approval, in the event the Agency is providing any financial assistance.

Subject to applicable authority, the Agency may impose on all public bodies the planning and design controls contained in this Plan to ensure that present uses and any future development by public bodies will conform to the requirements of this Plan. The Agency is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures, or other improvements of the Project Area as allowed by the Law and Act.

The Agency specifically intends to cooperate to the extent allowable with the City for the construction of street, streetscape, utility, a joint public facility for police, fire and/or emergency services, and pedestrian improvements. The Agency shall also cooperate with the City on various relocation, screening, or underground projects, the providing of fiber optic capability, and the funding of water and sewer improvements. To the extent any public entity, including the City or County, has funded certain improvements such as improvements related to the I-15 interchange (Siphon Road), other roadways, including but not limited to the local road connecting the new I-15 interchange to Olympus Drive (Eastside Drive), and the Olympus Drive extension, water and sewer facilities or storm drainage improvements, the Agency may reimburse those entities for those expenses. The Agency shall also cooperate with any public entity having jurisdiction over rights-of-way for the improvement of streets within the Project Area and with the public bodies responsible for water and sewer improvements. The Agency may also cooperate and seek available assistance from state and federal sources for economic development.

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In the event the 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 Plan and other land use elements and shall conform to those standards specified in Section 303.1 of this Plan.

This Plan does not financially bind or obligate the Agency to any project or property acquisition; rather, for purposes of determining the economic feasibility of the Plan certain projects and expenditures have been estimated and included in the analysis. Agency revenue and the ability to fund reimbursement of eligible Project Costs is more specifically detailed in any owner participation agreement and in the annual budget adopted by the Agency Board.

305 Property Acquisition

305.1 Real Property

Only as specifically authorized herein, the Agency may acquire, through the voluntary measures described below, but is not required to acquire, any real property located in the Project Area where it is determined that the property is needed for construction of public improvements, required to eliminate or mitigate the deteriorated or deteriorating conditions, to facilitate economic development, including acquisition of real property intended for disposition to qualified developers through a competitive process, and as otherwise allowed by law. The acquisition shall be by any means authorized by law, including, but not limited to, the Law, the Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, but shall not include the right to invoke eminent domain authority except as authorized herein. 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, without acquiring the land upon which those structures and fixtures are located.

The Agency intends to acquire any real property through voluntary or consensual gift, devise, exchange, or purchase. Such acquisition of property may be for the development of the public improvements identified in this Plan. Such properties may include properties owned by private parties or public entities. This Plan does not anticipate the Agency's widespread use of its resources for property acquisition, except for the construction of public improvements.

In the event the Agency identifies certain property which should be acquired to develop certain public improvements intended to be constructed under the provisions of this Plan, the Agency shall coordinate such property acquisition with any other public entity (e.g., without limitation, the City, the state of Idaho, or any of its authorized agencies), including the assistance of the Agency of funds to acquire said property either through a voluntary acquisition or the public entity's invoking of its eminent domain authority as limited by Idaho Code Section 7-701A.

The Agency is authorized by this Plan to acquire the properties identified in Attachment 3 hereto, including but not limited to property to be acquired for the extension or expansion of certain rights-of-way.

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The Agency is authorized by this Plan and Idaho Code §§ 50-2010 and 50-2018(12) to acquire the properties identified in Attachment 3 hereto for the purposes set forth in this Plan. The Agency has identified its intent to acquire and/or participate in the development of certain public improvements, including, but not limited to streets, streetscapes, water and sewer improvements, environmental remediation/site preparation, public parking, community facilities, including but not limited to parks, pedestrian/bike paths and trails, multi-purpose athletic and performance facilities, recreation facilities and other public facilities, such as a joint police, fire and/or emergency medical services facility. Further, the Agency may acquire real property to facilitate commercial development by assembling and disposing of developable parcels. The Agency's property acquisition will result in remediating deteriorating conditions in the Project Area by facilitating the development of mixed-use, residential, commercial, retail and industrial areas. The public improvements are intended to be dedicated to the City upon completion. The Agency reserves the right to determine which properties identified, if any, should be acquired. The open land areas qualify for Agency acquisition as further set forth in Section 105 of this Plan.

It is in the public interest and may be necessary, in order to eliminate the conditions requiring redevelopment and in order to execute this Plan, for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area for the public improvements identified in this Plan, which cannot be acquired by gift, devise, exchange, purchase, or any other lawful method.

Under the provisions of the Act, the urban renewal plan "shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area." Idaho Code § 50-2018(12). The Agency has generally described those properties by use as set out in Attachment 3 for acquisition for the construction of public improvements. The Agency may also acquire property for the purpose of developing streetscape and public utilities. The Agency reserves the right to determine which properties, if any, should be acquired.

305.2 Personal Property

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain for the purpose of developing the public improvements described in section 305.1.

306 Property Management

During the time real property, if any, in the Project Area is owned by the Agency, such property 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.

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

If the Agency receives federal funds for real estate acquisition and relocation, the Agency shall comply with 24 C.F.R. Part 42, implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

In the event the Agency's activities result in displacement, the Agency shall comply with, at a minimum, the standards set forth in the Law. The Agency shall also comply with all applicable state laws concerning relocation benefits. The Agency shall also coordinate with the various local, state, or federal agencies concerning relocation assistance.

308 Demolition, Clearance and Site Preparation

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.

Further, 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 including site preparation. 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 necessary to carry out this Plan.

309 Property Disposition and Development

309.1 Disposition by the Agency

For the purposes of this Plan, the Agency is authorized to sell, lease, lease/purchase, 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 § 50-2011. 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.

309.2 Disposition and Development Agreements

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

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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, lease/purchases, 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 Bannock County, Idaho.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, religion, sex, age, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, disability/handicap, tenure, or enjoyment of property in the Project Area. All property sold, leased, conveyed, or subject to a participation agreement shall be expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Project Area shall contain such nondiscrimination and nonsegregation clauses as required by law.

As required by law or as determined in the Agency's discretion to be in the best interest of the Agency and the public, the following requirements and obligations shall be included in the disposition and development agreement.

That the developers, their successors, and assigns agree:

- a. That a detailed scope and schedule for the proposed development shall be submitted to and agreed upon by the Agency.
- b. That the purchase or lease of the land and/or subterranean rights and/or air rights is for the purpose of redevelopment and not for speculation.
- c. That the building of improvements will be commenced and completed as jointly scheduled and determined by the Agency and the developer(s).
- d. That the site and construction plans will be submitted to the Agency for review as to conformity with the provisions and purposes of this Plan.
- e. All new construction shall have a minimum estimated life of no less than twenty (20) years.
- f. That rehabilitation of any existing structure must assure that the structure is safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition which will continue throughout an estimated useful life for a minimum of twenty (20) years.

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- g. That the Agency receives adequate assurance acceptable to the Agency to ensure performance under the contract for sale.
- h. All such buildings or portions of the buildings which are to remain within the Project Area shall be reconstructed in conformity with all applicable codes and ordinances of the City.
- i. All disposition and development documents shall be governed by the provisions of Section 409 of this Plan.
- j. All other requirements and obligations as may be set forth in any participation policy established and/or amended by the Agency.

The Agency also reserves the right to determine the extent of its participation based upon the achievements of the objectives of this Plan. Obligations under any disposition and development agreement and deed covenants, except for covenants which run with the land beyond the termination date of this Plan, shall terminate no later than December 31, 2039. The Agency shall retain its discretion to negotiate an earlier date to accomplish all obligations under any disposition and development agreement.

309.3 Development by the Agency

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct public improvements within the Project Area for itself or for any public body or entity, which public improvements are or would be of benefit to the Project Area. Specifically, the Agency may pay for, install, or construct the public improvements authorized under Idaho Code Section 50-2007, 50-2018(10) and (13), and 50-2903(9), (13), and (14), and as otherwise identified in Attachments 5.1-5.5, attached hereto and incorporated herein by reference, and may acquire or pay for the land required therefore.

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 § 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under Idaho Code § 50-2908(2)(b) and Section 500 of this Plan or out of any other available funds.

310 Development Plans

All development plans (whether public or private) prepared, pursuant to an owner participation or disposition and development agreement, shall be submitted to the Agency Board for approval and architectural review. All development in the Project Area must conform to those standards specified in Section 409. Additionally, development must be consistent with all City ordinances.

311 [Reserved]

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312 [Reserved]

313 Participation with Others

Under the Law, the Agency has the authority to lend or invest funds obtained from the federal government for the purposes of the 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 ("CDBG"), the Economic Development Administration, the Small Business Administration, or other federal agencies. In order to enhance such grants, the Agency's use of revenue allocation funds is critical.

Under those regulations the Agency may participate with the private sector in the development and financing of those private projects that 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 to 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 § 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under Idaho Code § 50-2908(2)(b) and Section 500 of this Plan or out of any other available funds.

314 Conforming Owners

The Agency may, at the Agency's sole and absolute discretion, determine that certain real property within the Project Area presently meets the requirements of this Plan, and the owner of such property will be permitted to remain as a conforming owner without a participation agreement with the Agency, provided such owner continues to operate, use, and maintain the real property within the requirements of this Plan.

315 Arts Funding

The Agency encourages public art and performing arts through joint ventures with private developers and in cooperation with the City. Whenever possible, any Agency arts funding will be used to leverage additional contributions from developers, other private sources, and public or quasi-public entities for purposes of including public art within the streetscape projects identified in this Plan.

400 USES PERMITTED IN THE PROJECT AREA**401 Designated Land Uses**

The Agency intends to rely upon the overall land use designations and zoning classifications of the City, as depicted on Attachment 4 and as set forth in the City's Comprehensive Plan Land Use Map, including the future land use map and zoning classifications, as may be amended. For the most part, the Project Area is proposed as mixed-use residential, commercial, retail and office development. Provided, however, nothing herein within this Plan shall be deemed to be granting any particular right to zoning classification or use.

402 [Reserved]**403 Public Rights-of-Way**

The Project Area includes portions of Chubbuck Road, Olympus Drive and Interstate -15. The proposed development contemplates a new Interstate 15 interchange (Siphon Road) and several new City roads including the local road connecting the new Interstate 15 interchange to Olympus Drive. The new roadway will be constructed in conjunction with any applicable policies and design standards of the City (and State and Federal standards, as the case may be) regarding dedicated rights-of-way. Additional public streets, alleys, and easements may be created in the Project Area as needed for proper development, and other potential roadways generally shown in Attachment 5.5.

Additional improvements to existing streets and easements may be created, improved, or extended in the Project Area as needed for development. Existing dirt roadways, streets, easements, and irrigation or drainage laterals or ditches may be abandoned, closed, or modified as necessary for proper development of the Project Area, in conjunction with any applicable policies and standards of the City regarding changes to dedicated rights-of-way, and appropriate irrigation or drainage districts regarding changes to laterals or ditches.

Any development, maintenance and future changes in the interior or exterior street layout shall be in accordance with the objectives of this Plan and the City's design standards; shall be effectuated in the manner prescribed by State and local law; and shall be guided by the following criteria:

- a. A balancing of the needs of proposed and potential new developments for adequate vehicular access, vehicular parking, and delivery loading docks with the similar needs of any existing developments permitted to remain. Such balancing shall take into consideration the rights of existing owners and tenants under the rules for owner and tenant participation adopted by the Agency for the Project and any participation agreements executed thereunder;
- b. The requirements imposed by such factors as topography, traffic safety, and aesthetics; and

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The potential need to serve not only the Project Area and new or existing developments, but to also serve areas outside the Project Area by providing convenient and efficient vehicular access and movement.

The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way.

404 Interim Uses

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses that are not in conformity with the uses permitted in this Plan. However, any interim use must comply with applicable City Code or Bannock County Code.

405 Development in the Project Area Subject to the Plan

All real property in the Project Area, under the provisions of either a disposition and development agreement or an owner participation agreement, is made subject to the controls and requirements of this Plan. No such real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of this Plan.

406 Construction Shall Comply with Applicable Federal, State, and Local Laws and Ordinances and Agency Development Standards

All construction in the Project Area shall comply with all applicable state laws, the Pocatello City Code, as may be amended from time to time, and any applicable City Council ordinances pending codification, including but not limited to, regulations concerning the type, size, density and height of buildings; open space, landscaping, light, air, and privacy; the undergrounding of utilities; limitation or prohibition of development that is incompatible with the surrounding area by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors; parcel subdivision; off-street loading and off-street parking requirements.

In addition to applicable codes, ordinances, or other requirements governing development in the Project Area, additional specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Project Area in the event of a disposition and development agreement or owner participation agreement.

407 [Reserved]

408 Nonconforming Uses

The Agency may permit an existing use to remain in an existing building and site usage in good condition, which use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Project

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Area. The owner of such a property must be willing to enter into an owner participation agreement and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and use of the Project Area.

The Agency may authorize additions, alterations, repairs, or other improvements in the Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project Area where, in the determination of the Agency, such improvements would be compatible with surrounding Project uses and development.

All nonconforming uses shall also comply with the City codes and ordinances.

409 Design Guidelines for Development under a Disposition and Development Agreement or Owner Participation Agreement

Under a disposition and development agreement and an owner participation agreement, the design guidelines and land use elements of the Plan shall be achieved to the greatest extent feasible, though the Agency retains the authority to grant minor variations under 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 amenities to enhance the aesthetic quality of the Project Area. These additional design standards or controls will be implemented through the provisions of any owner participation agreement or disposition and development agreement. 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.

500 METHODS OF FINANCING THE PROJECT

501 General Description of the Proposed Financing Method

The Agency is authorized to finance this Project with revenue allocation funds, financial assistance from the City (loans, grants, other financial assistance), state of Idaho, federal government or other public entities, interest income, developer advanced funds, donations, loans from private financial institutions (bonds, notes, line of credit), the lease or sale of Agency-owned property, public parking revenue, 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, lines of credit, borrow funds, and create indebtedness in carrying out this Plan. The Agency may also consider an inter-fund transfer from other urban renewal project areas and a grant from the City. The principal and interest on such advances, funds, and indebtedness may be paid from any funds available to the

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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.

As allowed by law and subject to restrictions as are imposed by law, the Agency is authorized to issue notes or 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 are liable personally on the bonds by reason of their issuance.

502 Revenue Allocation Financing Provisions

The Agency hereby adopts revenue allocation financing provisions as authorized by the Act, effective retroactively to January 1, 2019. These revenue allocation provisions shall apply to all taxing districts which are located in or overlap the Revenue Allocation Area shown and described on Attachments 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 property within the Revenue Allocation Area is likely to increase as a result of the initiation of the Project.

The Agency, acting by one or more resolutions adopted by its Board, is hereby authorized to apply all or any portion of the revenues allocated to the Agency pursuant to the Act to pay as costs are incurred (pay-as-you-go) or to pledge all or any portion of such revenues to the repayment of any moneys borrowed, indebtedness incurred, or notes or bonds issued by the Agency to finance or to refinance the Project Costs (as defined in Idaho Code § 50-2903(14)) of one or more urban renewal projects.

Upon enactment of a City Council ordinance 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 § 50-2908. The Agency shall use such funds solely in accordance with Idaho Code § 50-2909 and solely for the purpose of providing funds to pay the Project Costs, including any incidental costs, of such urban renewal projects as the Agency may determine by resolution or resolutions of its Board.

A statement listing proposed public improvements and facilities, a schedule of improvements, an economic feasibility study, estimated project costs, fiscal impact upon other taxing districts, and methods of financing project costs required by Idaho Code § 50-2905 is included in this Plan and in Attachments 5.1-5.6 to this Plan. This statement necessarily incorporates estimates and projections based on the Agency's and consultants' present knowledge and expectations. The Agency is hereby authorized to adjust the presently anticipated urban renewal projects and use of revenue allocation financing of the related Project Costs if the Board deems such adjustment necessary or convenient to effectuate the general objectives of the Plan in order to account for revenue inconsistencies and unknown future costs.

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Agency revenue and the ability to fund reimbursement of eligible Project Costs is more specifically detailed in the annual budget.

The Agency may also appropriate funds consisting of revenue allocation proceeds on an annual basis without the issuance of notes or bonds. The Agency has also provided for obtaining advances or loans from the City or Agency, or from the Agency's other revenue allocation area, or private entity and financial institutions in order to immediately commence construction of certain of the public improvements. Revenues will continue to be allocated to the Agency until termination of the revenue allocation area as set forth in Section 800. Attachments 5.1-5.5 incorporate estimates and projections based on the Agency's and its consultants' present knowledge and expectations concerning the length of time to complete the improvements and estimated future revenues. 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 from another source.

The revenue allocation proceeds are hereby irrevocably pledged for the payment of the principal and interest on the advance of monies or making of loans or the incurring of any indebtedness such as bonds, notes, and other obligations (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part.

The Agency is authorized to make such pledges as to specific advances, loans, and indebtedness as appropriate in carrying out the Project.

The Agency reserves the right to either pay for Project Costs from available revenue (pay as you go basis) or borrow funds by incurring debt through notes or other obligations.

Revenue allocation proceeds are deemed to be only a part of the proposed funding sources for the payment of public improvements and other project improvements. Additionally, project funding is proposed to be phased for the improvements, allowing various sources of funds to be accumulated for use.

502.1 Economic Feasibility Study

Attachment 5.2 constitutes the Economic Feasibility Study ("Study"), as supported by Attachments 5.1, 5.3, 5.4, 5.5, and 5.6, for the urban renewal area prepared by Phil Kushlan, Kushlan Associates. The Study constitutes the financial analysis required by the Act and is based upon existing information from the developers, the Agency, the City and others. Projections are based upon input from the Agency, property owners, developers, City and other public entities.

The Study also relies on information included in the Market Analysis, dated June 2018, and prepared by Chris Zahas, Leland Consulting Group (the "Market Study"). The Market Study is attached hereto as Attachment 5.6.

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502.2 Assumptions and Conditions/Economic Feasibility Statement

The information contained in Attachments 5.1-5.6 assumes certain completed and projected actions. All debt is projected to be repaid no later than the duration period of the Plan. The total amount of indebtedness (and all other loans or indebtedness) and the amount of revenue generated by revenue allocation are dependent upon the extent and timing of private development. Should all of the development take place as projected, the project indebtedness could be extinguished earlier, dependent upon other legal obligations. 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 debt may continue for its full term.

The Plan and the Plan Attachments incorporate estimates and projections based on the Agency's and consultants' present knowledge and expectations. The Plan proposes certain public improvements as set forth in Attachments 5.1 through 5.5, which will facilitate development in the Revenue Allocation Area.

The assumptions set forth in the Study are based upon the best information available to the Agency and its consultants through public sources or discussions with property owners, developers, City and others. The information has been analyzed by the Agency and its consultants in order to provide an analysis that meets the requirements set forth under the Law and Act. At the point in time when the Agency may seek a loan from lenders or others, a more detailed and then-current financial pro forma will be presented to those lenders or underwriters for analysis to determine the borrowing capacity of the Agency. As set forth herein, the Agency reserves the right to fund the Project on a "pay as you go" basis. The Agency Board will prioritize the activities set forth in this Plan and determine what funds are available and what activities can be funded. The Agency will establish those priorities through its mandated annual budgetary process.

The assumptions concerning revenue allocation proceeds are based upon certain assessed value increases, assumed tax levy rates, and the Market Analysis as more specifically set forth in Attachments 5.1-5.6. In projecting new construction, the consultants considered the construction of the new Interstate 15 interchange, the construction of the local road connecting the interchange to Olympus Drive, the Olympus Drive expansion, the proposed project plans provided by the developers, the developers' anticipated build-out timeline, and historical market absorption rates for commercial, retail and residential improvements.

The types of new construction expected in the Project Area are: commercial, office, medical and nursing facility, residential, including residential above retail and office, live-work residences, higher density townhome, and single-family homes, lodging and retail. Developers have identified significant interest in these development types. The Project Area has potential for a significant increase in residential growth as interest has been expressed for new construction single family, condominium and higher density living, particularly with regard to the close access and walkability to the County-owned wellness complex. Several large parcels in the Project Area have recently been acquired for development purposes. Other owners have

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expressed interest in developing their properties or selling to a developer. However, without a method to construct the identified public improvements such as main water and sewer lines and street infrastructure, development is unlikely to occur in much of the Project Area.

The financial analysis set forth in Attachments 5.3-5.4 has taken into account and excluded levies that do not flow to the Agency consistent with Idaho Code § 50-2908.

It is understood that application of certain exemptions, including the homeowner's exemption and Idaho Code § 63-602K, which provides for personal property tax exemption to businesses may have the effect of reducing the increment value, which in turn reduces revenue.

502.3 Ten Percent Limitation⁴

Under the Act, the base assessed valuation for all revenue allocation areas cannot exceed gross/net ten percent (10%) of the current assessed taxable value for the entire City. According to the Bannock County Assessor, the assessed taxable value for the City as of January 1, 2017, less homeowners' exemptions, is \$2,510,768,942.00. Therefore, the 10% limit is \$251,076,894.00.

The adjusted base assessed value of each of the existing revenue allocation areas as of January 1, 2017, is as follows:

North Yellowstone Urban Renewal District	\$8,918,151
Naval Ordnance Urban Renewal District	\$3,449,470
North Portneuf Urban Renewal District	\$4,409,661
Pocatello Airport Urban Renewal District	\$995,883

The estimated base value for the proposed Northgate District (after the agricultural exemption is lifted) is \$15,964,566.

The adjusted base values for the combined revenue allocation areas total \$33,737,731, which is less than 10% of the City's 2017 value.

502.4 Financial Limitation

The Study identifies several capital improvement projects. Use of any particular funding source for any particular purpose is not assured or identified. Use of the funding source shall be conditioned on any limitations set forth in the Law, the Act, or by contract. If revenue allocation funds are unavailable, then the Agency will need to use a different funding source for that improvement.

⁴ Due to the timing of the assessment process and creation of this Plan, the 2017 values have been used to establish compliance with the 10% limitation. Using the 2017 values, the total value of the existing revenue allocation areas combined with the value of this Project Area are less than 1.5% of the total value of the City. Even assuming an increase in values for 2018, the combined values of the revenue allocation areas would not exceed 10% of the current assessed value for the entire City.

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The amount of funds available to the Agency from revenue allocation financing is directly related to the assessed value of new improvements within the Revenue Allocation Area. Under the Act, the Agency is allowed the revenue allocation generated from inflationary increases and new development value. Increases have been assumed based upon the projected value of new development as that development occurs along with possible land reassessment based on a construction start.

The Study, with the various estimates and projections, constitutes an economic feasibility study. Costs and revenues are analyzed, and the analysis shows the need for public capital funds during the project. Multiple financing sources including proposed revenue allocation notes, annual revenue allocations, developer contributions, city contributions, interfund loan, and other funds are shown. This Study identifies the kind, number, and location of all proposed public works or improvements, a detailed list of estimated project costs, a description of the methods of financing illustrating project costs, and the time when related costs or monetary obligations are to be incurred. See Idaho Code § 50-2905. Based on these funding sources, the conclusion is that the Project is feasible.

The information contained in the Study assumes certain projected actions. First, the Agency has projected an advance from the City, County and Agency to assist with funding the planning, engineering and construction of the new Interstate 15 interchange. Additionally, the Agency has projected an advance from the developers, City and the Agency to assist with funding the local road connecting the new Interstate 15 interchange to Olympus Drive and the Olympus Drive expansion. Under the provisions of the Act, the revenue allocation may continue until the end of the Plan term. Second, the total amount of indebtedness and the amount of revenue generated by revenue allocation is dependent upon the extent and timing of private development. The Agency may also re-prioritize projects and the location of those projects pursuant to market conditions, project timing, funding availability, etc. as more specifically detailed in the annual budget.

The proposed timing for the public improvements may very well have to be adjusted depending upon the availability of some of the funds and the Agency's ability to finance any portion of the Project. **Any adjustment to Project timing or funding is technical or ministerial in nature and shall not be considered a modification of the Plan pursuant to Idaho Code Section 50-2903A.**

Attachments 5.1-5.2 list those public improvements the Agency may reimburse the developer and public entities for through the term of the Plan. The costs of improvements are estimates only as it is impossible to know with any certainty what the costs of improvements will be in future years. There is general recognition that construction costs fluctuate and are impacted by future unknowns, such as, the cost of materials and laborers. Final costs will be determined by way of construction contract public bidding or by an agreement between the developer/owner and Agency. The listing of public improvements does not commit the Agency to any particular level of funding; rather, identification of the activity in the Plan allows the Agency to negotiate the terms of any reimbursement with the developer and/or the public entities. This Plan does not financially bind or obligate the Agency to any project or property acquisition; rather, for purposes of determining the economic feasibility of the Plan certain projects and expenditures

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 have been estimated and included in the analysis. Agency revenue and the ability to fund reimbursement of eligible Project Costs is more specifically detailed in any participation agreement and in the annual budget adopted by the Agency Board. The proposed location and siting of roads and utilities in the Project Area is generally shown in Attachment 5.5 recognizing that the specific location of roads and utilities will depend on the type and timing of development. The change in the location of the improvements shown on Attachment 5.5 does not constitute a modification to the Plan.

The Agency reserves its discretion and flexibility in deciding which improvements are more critical for development or redevelopment, and the Agency intends to coordinate its public improvements with associated development by private developers/owners. Where applicable, the Agency also intends to coordinate its participation in the public improvements with the receipt of certain grants or loans which may require the Agency's participation in some combination with the grant and loan funding.

Generally, the Agency expects to develop those improvements identified in Attachments 5.1-5.2 first, in conjunction with private development within the Project Area generating the increment as identified in Attachments 5.3-5.4.

The Plan has shown that the equalized valuation of the Revenue Allocation Area as defined in the Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

502.5 [Reserved]

502.6 Participation with Local Improvement Districts and/or Community Infrastructure Districts

Under the Idaho Local Improvement District Code, Chapter 17, Title 50, Idaho Code, the City has the authority to establish local improvement districts for various public facilities, including, but not limited to, streets, curbs, gutters, sidewalks, storm drains, landscaping, and other like facilities. To the extent allowed by the Law and the Act, the Agency reserves the authority to participate in the funding of local improvement district facilities. This participation may include either direct funding to reduce the overall cost of the local improvement district or to participate as an assessed entity to finance the local improvement district project.

Further, a community infrastructure district formed pursuant to the Community Infrastructure District Act, Chapter 31, Title 50, Idaho Code, provides an additional funding mechanism for certain public improvements benefitting the district, including highways, interstates, public parking facilities, pedestrian and bicycling trails, public safety facilities (law enforcement, fire, emergency medical and rescue), street lighting facilities, and real property acquisition for community infrastructure, water supply treatment, storage and distribution facilities, wastewater collection, treatment and disposal facilities, road, streets and related landscaping, storm water facilities, parks and open space. To the extent allowed by the Law and the Act, the Agency reserves the authority to participate in the funding of community infrastructure district facilities. This participation may include either direct funding to reduce the

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 overall cost of the community infrastructure district or to participate as an assessed entity to finance the community infrastructure district project.

502.7 Issuance of Debt and Debt Limitation

Any debt incurred by the Agency as allowed by the Law and Act shall be secured by revenue allocation funds as allowed by the Act. All such debt shall be repaid within the duration of this Plan, except as may be authorized by law.

502.8 Impact on Other Taxing Districts and Levy Rate

An estimate of the overall impact of the revenue allocation project on each taxing district is shown in the Study through the new development projections.

The assessed value for each property in a revenue allocation area consists of a base value and an increment value. The base value is the assessed value as of January 1 of the year in which a revenue allocation area is approved by a municipality, with periodic adjustments allowed by Idaho law. The increment value is the difference between the adjusted base assessed value and current assessed value in any given year while the property is in a revenue allocation area. Under Idaho Code § 63-802, taxing entities are constrained in establishing levy rates by the amount each budget of each taxing district can increase on an annual basis. Taxing entities submit proposed budgets to the County Board of Commissioners, which budgets are required to comply with the limitations set forth in Idaho Code § 63-802. Therefore, the impact of revenue allocation on the taxing entities is more of a product of the imposition of Idaho Code § 63-802, then the effect of urban renewal.

The County Board of Commissioners calculates the levy rate required to produce the proposed budget amount for each taxing entity using the assessed values which are subject to each taxing entity's levy rate. Assessed values in urban renewal districts which are subject to revenue allocation (incremental values) are not included in this calculation. The combined levy rate for the taxing entities is applied to the incremental property values in a revenue allocation area to determine the amount of property tax revenue which is allocated to an urban renewal agency. The property taxes generated by the base values in the urban renewal districts and by properties outside revenue allocation areas are distributed to the other taxing entities. Properties in revenue allocation areas are subject to the same levy rate as they would be outside a revenue allocation area. The difference is how the revenue is distributed. If the overall levy rate is less than assumed, the Agency will receive fewer funds from revenue allocation.

In addition, without the Revenue Allocation Area and its ability to pay for public improvements and public facilities, fewer substantial improvements within the Revenue Allocation Area would be expected during the term of the Plan; hence, there would be lower increases in assessed valuation to be used by the other taxing entities.

One result of new construction occurring outside the revenue allocation area (Idaho Code §§ 63-802 and 63-301A) is the likely reduction of the levy rate as assessed values increase for property within each taxing entity's jurisdiction. From and after December 31, 2006, Idaho

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Code § 63-301A prohibits taxing entities from including, as part of the new construction roll, the increased value related to new construction within a revenue allocation area until the revenue allocation authority is terminated. Any new construction within the Project Area is not available for inclusion by the taxing entities to increase their budgets. Upon termination of this Plan or deannexation of area, the taxing entities will be able to include the accumulated new construction roll value in setting the following year's budget and revenue from such value is not limited to the three percent increase allowed in Idaho Code § 63-802(1)(a).

As the 2018 certified levy rates are not determined until late September 2018, the 2017 certified levy rates have been used in the Study for purposes of the analysis⁵. For Tax Year 2017⁶, those districts and rates for the parcels located within the City are as follows:⁷

<u>Taxing Districts</u>	<u>Levy Rates:</u>
Bannock County	.005365305
City of Pocatello	.011281940
Pocatello School District #25	.000000000
Bannock Ambulance	.000400000
Bannock County Road & Bridge	.000674609
Mosquito Abatement	.000027026
TOTAL LEVY ⁸	.017748880

For Tax Year 2017,⁹ those districts and rates for the parcels located within the unincorporated County are as follows:¹⁰

<u>Taxing Districts</u>	<u>Levy Rates:</u>
Bannock County	.005365305
Pocatello School District #25	.000000000
Bannock Ambulance	.000400000
Bannock County Road & Bridge	.000674609
Portneuf Library	.000583499

⁵ The certified levy rates for the City of Chubbuck were not relied upon to support the findings in the Study as the potential area of boundary overlap includes non-taxable right-of-way. To the extent the City of Chubbuck annexes taxable parcels, the allocation of revenues will be governed by the intergovernmental agreement.

⁶ Due to the timing of the taxing districts' budget and levy setting process, certification of the 2018 levy rates did not occur until this Plan had been prepared. In order to provide a basis to analyze the impact on the taxing entities, the 2017 levy rates are used. Use of the 2017 levy rates provides a more accurate base than estimating the 2018 levy rates.

⁷ It is unclear how the personal property tax exemption set forth in Idaho Code § 63-602KK may impact the levy rate.

⁸ Net of voter approved bonds and levies.

⁹ Due to the timing of the taxing districts' budget and levy setting process, certification of the 2018 levy rates did not occur until this Plan had been prepared. In order to provide a basis to analyze the impact on the taxing entities, the 2017 levy rates are used. Use of the 2017 levy rates provides a more accurate base than estimating the 2018 levy rates.

¹⁰ It is unclear how the personal property tax exemption set forth in Idaho Code § 63-602KK may impact the levy rate.

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Mosquito Abatement
Bannock Fire
TOTAL LEVY¹¹

21905996
.000027026
.000551251
.00760169

The Study has made certain assumptions concerning the levy rate. First, it is anticipated the parcels currently located outside the jurisdictional boundaries of the City and in unincorporated Bannock County will be annexed into the City. As a result, the levy rate applied to parcels within the boundaries of the City has been used to estimate revenue. Second, the levy rate is estimated to stay level for the life of the revenue allocation area. As the actual impact of the termination of any existing revenue allocation areas, the expiration of any property tax abatements granted pursuant to Idaho Code § 63-602NN and property value fluctuations on the levy rate is unknown, the Study has assumed a conservative levy rate of .017. The annual increment value is expected to increase by approximately 3% (1% annual increase in land values and a 2% annual increase in improvement values) over the term of the Plan once the improvements have been completed and fully assessed by the County. If the overall levy rate is less than projected, or if expected development fails to occur as estimated, the Agency shall receive fewer funds from revenue allocation.

Pursuant to Idaho Code § 50-2908, the Agency is not entitled to revenue allocation proceeds from certain levy increases which are allowed by either specific statutory authorization or approved by an election of the qualified electors of the particular taxing district. Therefore, for any levy election, the Agency will not receive revenue allocation funds which would have been generated by imposing that levy on the assessed valuation within the Project Area. The Study has taken this statute into account. This is also the reason there is no anticipated impact to Pocatello School District #25.

503 Phasing and Other Fund Sources

The Agency anticipates funding only a portion of the entire cost of the public improvements shown on Attachments 5.1-5.5. Other sources of funds shall include City, County and developer participation. Agency participation shall be determined by the amount of revenue allocation funds generated.

504 Lease Revenue and Bonds

Under the Law (Idaho Code § 50-2012), the Agency is authorized to issue revenue bonds to finance certain public improvements identified in the Plan. Under that type of financing, the public entity would pay the Agency a lease payment annually which provides certain funds to the Agency to retire the bond debt. Another variation of this type of financing is sometimes referred to as conduit financing, which provides a mechanism where the Agency uses its bonding authority for the Project, with the end user making payments to the Agency to retire the bond debt. These sources of revenues are not related to revenue allocation funds and are not particularly noted in the Study, because of the "pass through" aspects of the financing. Under the Act, the economic feasibility study focuses on the revenue allocation aspects of the Agency's financial model.

¹¹ Net of voter approved bonds and levies.

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 These financing models typically are for a longer period of time than the 20-year period set forth in the Act. However, these financing models do not involve revenue allocation funds, but rather funds from the end users which provide a funding source for the Agency to continue to own and operate the facility beyond the term of the Plan as allowed by Idaho Code § 50-2905(8) as those resources involve funds not related to revenue allocation funds.

505 Membership Dues and Support of Community Economic Development

The Act is premised upon economic development being a valid public purpose. To the extent allowed by the Law and the Act, the Agency reserves the authority to use revenue allocation funds to contract with non-profit and charitable organizations established for the purpose of supporting economic development and job creation. Additionally, the Agency reserves the authority to expend revenue allocation funds to join, participate and support non-profit organizations established to support Agency best practices and administration. The line item of Operating Expenses within the Study shall be deemed to include expenditures for the purposes described in this section as may be deemed appropriate during the annual budgetary process.

600 ACTIONS BY THE CITY AND COUNTY

The City and County 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 deterioration. Actions by the City and County may include, but not be limited to, the following:

- a. Institution and completion of proceedings necessary for changes and improvements in private and publicly owned 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 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. Building Code enforcement.
- 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

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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 a local improvement district under Chapter 17, Title 50, Idaho Code.
- h. The undertaking and completing of any other proceedings necessary to carry out the Project.
- i. Administration of Community Development Block Grant funds that may be made available for this Project.
- j. Appropriate agreements with the Agency for administration, supporting services, funding sources, and the like.
- k. The waiver of any hookup or installation fee for sewer, water, or other utility services for any facility owned by any public agency, including any Agency facility.
- l. Joint funding of certain public improvements, including but not limited to improvements to sewer treatment facilities.
- m. Use of public entity labor, services, and materials for construction of the public improvements listed in this Plan.
- n. The waiver of any city impact fee for development within the Project Area.
- o. Institution and completion of proceedings necessary for the establishment of a community infrastructure district under Chapter 31, Title 50, Idaho Code.
- p. Assist with coordinating and implementing the public improvements in the Project Area identified in the Study.

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

Actions by the County shall include, but not be limited to, entering into an agreement with the Agency and/or the City as may be necessary to make improvements to the portion of the Project Area located within the boundaries of the County, to coordinate with the City on annexation proceedings, and to coordinate with the Agency and/or City on the establishment of a community infrastructure district. The foregoing actions, if taken by the County, do not constitute any commitment for financial outlays by the County.

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601 Maintenance of Public Improvements

The Agency has not identified any commitment or obligation for long-term maintenance of the public improvements identified. The Agency will need to address this issue with the appropriate entity, public or private, who has benefited from or is involved in the ongoing preservation of the public improvement.

700 ENFORCEMENT

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

800 DURATION OF THIS PLAN, TERMINATION, AND ASSET REVIEW

Except for the nondiscrimination and nonsegregation 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 twenty (20) years from the effective date of the Plan subject to modifications and/or extensions set forth in Idaho Code § 50-2904. The revenue allocation authority will expire on December 31, 2039, except for any revenue allocation proceeds received in calendar year 2040, as contemplated by Idaho Code § 50-2905(7). The Agency may use proceeds in 2040 to complete the projects set forth herein. As stated in the Plan, any owner participation agreement or disposition and development agreement obligations will cease as of December 31, 2039.

Idaho Code § 50-2093(5) provides the Agency shall adopt a resolution of intent to terminate the revenue allocation area by September 1. In order to provide sufficient notice of termination to the affected taxing districts to allow them to benefit from the increased budget capacity, the Agency will use its best efforts to provide notice of its intent to terminate this Plan and its revenue allocation authority by May 1, 2040, or if the Agency determines an earlier terminate date, then by May 1 of the early termination year:

- a. When the Revenue Allocation Area plan budget estimates that all financial obligations have been provided for, the principal of and interest on such moneys, indebtedness, and bonds have been paid in full or when deposits in the special fund or funds created under this chapter are sufficient to pay such principal and interest as they come due, and to fund reserves, if any, or any other obligations of the Agency funded through revenue allocation proceeds shall be satisfied and the Agency has determined no additional project costs need be funded through revenue allocation financing, the allocation of revenues under Idaho Code § 50-2908 shall thereupon cease; any moneys in such fund or funds in excess of the amount necessary to pay such principal and interest shall be distributed to the affected taxing districts in which the Revenue Allocation Area is located in the same manner and proportion as the most recent distribution to the affected taxing districts of the taxes on the taxable property located within the Revenue

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Allocation Area; and the powers granted to the urban renewal agency under Idaho Code § 50-2909 shall thereupon terminate.

- b. In determining the termination date, the Plan shall recognize that the Agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the Plan.
- c. For the fiscal year that immediately predates the termination date, the Agency shall adopt and publish a budget specifically for the projected revenues and expenses of the Plan and make a determination as to whether the Revenue Allocation Area can be terminated before January 1 of the termination year pursuant to the terms of Idaho Code § 50-2909(4). In the event that the Agency determines that current tax year revenues are sufficient to cover all estimated expenses for the current year and all future years, by May 1, but in any event, no later than September 1, the Agency shall adopt a resolution advising and notifying the local governing body, the county auditor, and the State Tax Commission, recommending the adoption of an ordinance for termination of the Revenue Allocation Area by December 31 of the current year, and declaring a surplus to be distributed as described in Idaho Code § 50-2909 should a surplus be determined to exist. The Agency shall cause the ordinance to be filed with the office of the county recorder and the Idaho State Tax Commission as provided in Idaho Code § 63-215.

Upon termination of the revenue allocation authority of the Plan to the extent the Agency owns or possesses any assets, subject to the following paragraph, the Agency intends to dispose of any remaining assets by granting or conveying or dedicating such assets to the City, unless based on the nature of the asset, disposition to another public entity is more appropriate.

As allowed by Idaho Code § 50-2905(8), the Agency may retain assets or revenues generated from such assets as long as the Agency shall have resources other than revenue allocation funds to operate and manage such assets. Similarly, facilities which provide a lease income stream to the Agency for full retirement of the facility debt will allow the Agency to meet debt services obligations and provide for the continued operation and management of the facility.

900 PROCEDURE FOR AMENDMENT OR MODIFICATION

To the extent there is any outstanding obligation, this Plan shall not be modified pursuant to the provisions set forth in Idaho Code § 50-2903A. Modification of this Plan results in a reset of the base assessment roll values to the current values in the year of modification as more fully set forth in Idaho Code § 50-2903A subject to certain limited exceptions contained therein. As more specifically identified above, the Agency's projections are based on estimated values, estimated levy rates, estimated future development, and estimated costs of future construction/improvements. Annual adjustments as more specifically set forth in the Agency's annual budget will be required to account for more/less estimated revenue and prioritization of

116' 345 projects (if necessary). Any adjustments for these stated purposes are technical and ministerial and is not deemed a modification under Idaho Code § 50-2903A.

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.

1100 ANNUAL REPORT AND OTHER REPORTING REQUIREMENTS

Under the Law, the Agency is required to file with the City, on or before March 31 of each year, a report of the Agency's activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such calendar year. This annual report shall be considered at a public meeting to report these findings and take comments from the public.

Additionally, the Agency must comply with certain other reporting requirements as set forth in Idaho Code § 67-450E, the local government registry portal, Idaho Code § 50-2913, the tax commission plan repository, and Idaho Code § 50-2903A, the tax commission's plan modification annual attestation. Failure to report the information requested under any of these statutes results in significant penalties, including loss of increment revenue, and the imposition of other compliance measures by the Bannock County Board of County Commissioners.

1200 APPENDICES, ATTACHMENTS, EXHIBITS, TABLES

All attachments and tables referenced in this Plan are attached and incorporated herein by their reference. All other documents referenced in this Plan but not attached are incorporated by their reference as if set forth fully.

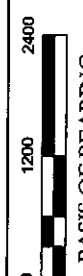
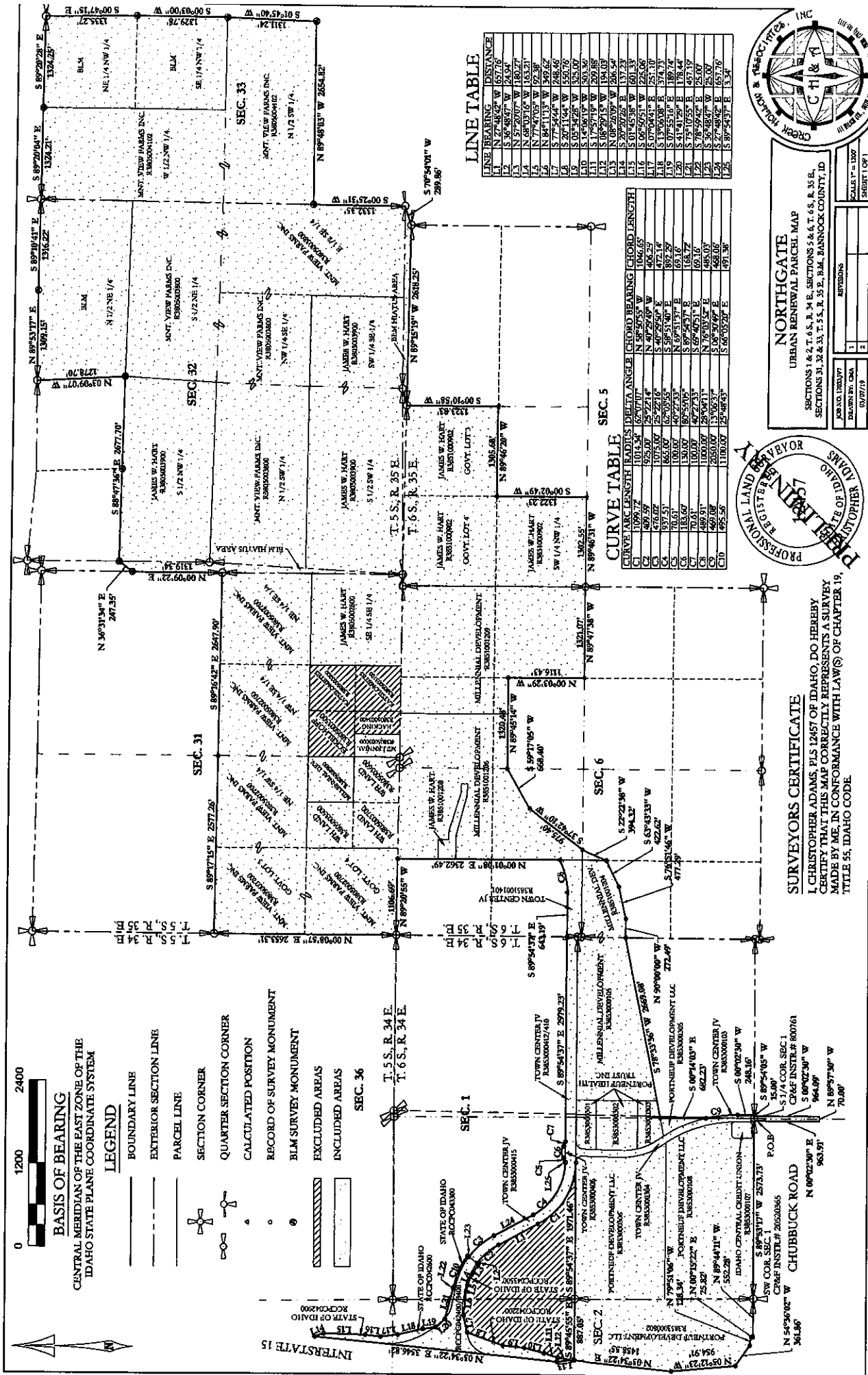
116-345

2190599C

Attachment 1

Boundary Map of Urban Renewal Project Area and Revenue Allocation Area

117-
345



BASIS OF BEARING

CENTRAL MERIDIAN OF THE EAST ZONE OF THE
IDAHO STATE PLANE COORDINATE SYSTEM

LEGEND

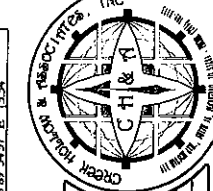
- BOUNDARY LINE
- EXTERIOR SECTION LINE
- PARCEL LINE
- SECTION CORNER
- QUARTER SECTION CORNER
- CALCULATED POSITION
- RECORD OF SURVEY MONUMENT
- BLM SURVEY MONUMENT
- EXCLUDED AREAS
- INCLUDED AREAS

LINE TABLE

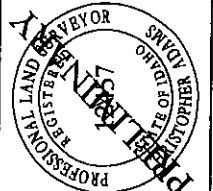
LINE	BEARING	DISTANCE
1	N 27°48'02" W	657.76
2	S 36°48'02" W	24.94
3	N 57°20'07" W	180.27
4	S 29°10'16" W	163.21
5	N 64°11'13" W	56.62
6	S 77°54'44" W	248.46
7	S 20°11'44" W	550.76
8	S 05°34'28" W	563.56
9	S 17°59'19" W	209.85
10	S 08°29'51" W	194.03
11	S 02°20'27" W	139.34
12	S 01°43'58" W	601.33
13	S 06°59'51" E	251.70
14	S 17°00'41" E	374.73
15	S 13°06'08" E	185.74
16	S 07°55'16" E	185.74
17	S 17°06'58" E	184.44
18	S 16°06'58" E	150.07
19	S 16°06'58" E	150.07
20	S 16°06'58" E	150.07
21	S 16°06'58" E	150.07
22	S 16°06'58" E	150.07
23	S 16°06'58" E	150.07
24	S 16°06'58" E	150.07
25	S 16°06'58" E	150.07

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	1099.77	1013.34	129°47'07"	N 89°59'55" W	1046.65
C2	407.28	925.00	25°22'14"	N 89°29'49" W	406.29
C3	407.28	925.00	25°22'14"	S 89°29'49" E	406.29
C4	937.51	651.00	129°47'07"	N 89°59'55" W	901.67
C5	70.01	100.00	42°27'33"	N 89°59'55" W	68.12
C6	183.69	300.00	80°59'06"	S 89°59'55" E	168.72
C7	70.01	100.00	42°27'33"	S 89°59'55" E	68.12
C8	407.28	1000.00	25°22'14"	N 89°59'55" E	406.03
C9	407.28	1000.00	25°22'14"	S 89°59'55" E	406.03
C10	425.56	1100.00	12°48'43"	S 89°59'55" E	491.36



NORTHGATE
URBAN RENEWAL PARK MAP
SECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
DATE: 01/07/19
DRAWN BY: CHA
SCALE: 1" = 1200'



SURVEYORS CERTIFICATE

I, CHRISTOPHER ADAMS, PLS 12457 OF IDAHO, DO HEREBY
CERTIFY THAT THIS MAP CORRECTLY REPRESENTS A SURVEY
MADE BY ME, IN CONFORMANCE WITH LAW(S) OF CHAPTER 19,
TITLE 55, IDAHO CODE.

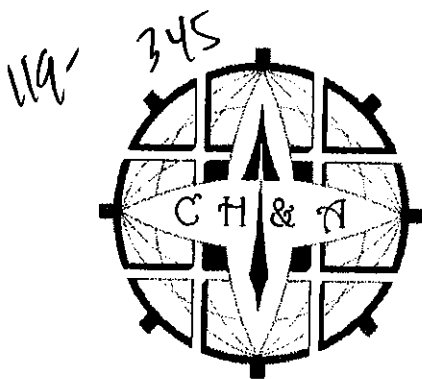
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Attachment 2

2190599C

Legal Description of Urban Renewal Project Area and Revenue Allocation Area



Creek Hollow & Associates, Inc.

2190599C

611 Wilson Ave., Suite 1A, Pocatello, ID 83201
Phone: (208) 709-3113 / Fax: (208) 238-8852

Town Center Joint Venture

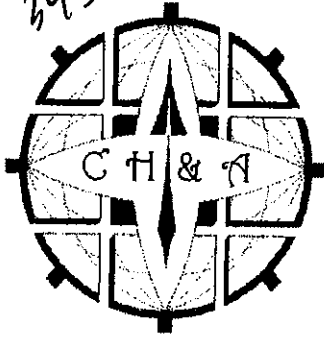
March 5, 2019

LEGAL DESCRIPTION Urban Renewal Boundary

A parcel of land located in and a portion of Sections 1 & 2, Township 6 South, Range 34 East, and a portion of Sections 5 & 6, Township 6 South, Range 35 East, and a portion of Sections 31, 32, & 33, Township 5 South, Range 35 East, and a portion of Section 35, Township 5 South, Range 34 East of the Boise Meridian, Bannock County, Idaho, with a Basis of Bearings per City of Pocatello Datum based on the Central Meridian of the East Zone of the Idaho State Plane Coordinate System, more particularly described as follows:

Commencing at the South Quarter Corner of said Section 1, Township 6 South, Range 34 East, being marked by a 3 inch brass cap in Survey Vault per Corner Perpetuation and Filing, Instrument No. 800761, thence along the Southerly line of said Section 1, South 89°53'17" West 35.00 feet to the **Point of Beginning**; thence continuing along the Southerly line of said Section 1, South 89°53'17" West 2573.73 feet to the Southwest Corner of said Section 1, monumented with a 2 inch aluminum cap per Corner Perpetuation and Filing, Instrument No. 20520365; thence along the Southerly line of said Section 2, North 89°44'11" West 552.28 feet to the Easterly Right-of-Way line of Interstate 15 (Federal Aid Projects Nos. I-152(1)71 and I-152(3)71); thence along said Easterly Right-of-Way line the following five (5) courses: (1) North 00°15'22" East 25.82 feet; (2) thence North 79°51'06" West 128.34 feet; (3) thence North 54°36'02" West 361.86 feet; (4) thence North 05°12'23" West 954.91 feet; (5) thence North 05°34'22" East 1458.55 feet to the Latitudinal Centerline of Section 2; thence along said Latitudinal Centerline, South 89°45'55" East 887.05 feet to the West Quarter Corner of Section 1, monumented with a 1 inch Iron Rod, Instrument No. 20520359; thence along the Latitudinal Centerline of Section 1, South 89°54'37" East 1971.46 feet to a point of non-tangency of a 1014.34 foot radius curve concave to the Northeast of which radius bears North 00°05'32" East; thence Northwesterly 1099.72 feet along said 1014.34 foot radius curve to the right through a central angle of 62°07'07" and a long chord that bears North 58°50'55" West 1046.65 feet; thence North 27°48'42" West 657.76 feet to point of tangency of a 925.00 foot radius curve concave to the Southwest of which radius bears South 62°11'18" West; thence Northwesterly 409.59 feet along said 925.00 foot radius curve to the left through a central angle of 25°22'14" and a long chord that bears North 40°29'49" West 406.25 feet; thence South 36°48'47" West 24.94 feet; thence North 57°20'07" West 180.27 feet; thence North 68°03'16" West 163.21 feet; thence North 77°47'05" West 92.38 feet; thence North 84°11'13" West 349.62 feet, crossing into said Section 2; thence South 77°54'44" West 248.46 feet; thence South 20°11'44" West 550.76 feet; thence South 05°34'28" West 325.00 feet; thence South 14°06'19" West 303.36 feet; thence South 17°57'19" West 209.88 feet; thence South 08°29'15" West 194.03 feet, marked by a concrete monument with a 3 inch brass cap at station 191+00; thence along said East line, North 08°26'09" West 206.54 feet marked by a concrete monument with a 3 inch brass cap at station 193+00; thence continuing along said East line, North 05°34'22" East 3546.82 feet, crossing into said Section 35, Township 5 South, Range 34 East, marked by a concrete monument with a 3 inch brass cap at station 228+47.7; thence South 20°20'26" East 137.23 feet; thence South 01°45'38" West 601.33 feet;

120' 345



Creek Hollow & Associates, Inc.

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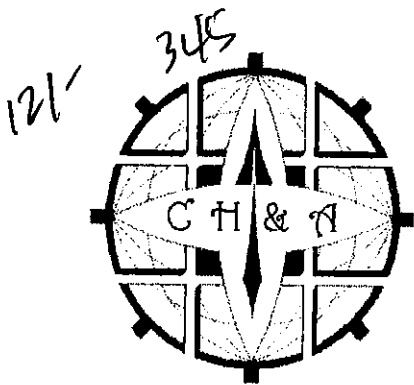
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Phone: (208) 709-3113 / Fax: (208) 238-8852

Town Center Joint Venture

March 5, 2019

LEGAL DESCRIPTION
Urban Renewal Boundary (continued)

thence South 06°50'51" West 225.06 feet; thence South 07°04'41" East 251.10 feet, crossing into said Section 2, Township 6 South, Range 34 East; thence South 13°06'08" East 374.73 feet; thence South 07°55'16" East 189.74 feet; thence South 41°41'29" East 178.44 feet; thence South 75°10'55" East 457.19 feet, crossing into said Section 1; thence South 78°59'42" East 25.00 feet to a point of tangency of a 1100.00 foot radius curve concave to the Southwest of which radius bears South 11°00'18" West; thence Southeasterly 495.56 feet along said 1100.00 foot radius curve to the right through a central angle of 25°48'43" and a long chord that bears South 66°05'20" East 491.38 feet; thence South 36°48'47" West 25.00 feet to a point of non-tangency of a 1075.00 foot radius curve concave to the Southwest of which radius bears South 36°49'02" West; thence Southeasterly 476.02 feet along said 1075.00 foot radius curve to the right through a central angle of 25°22'16" and a long chord that bears South 40°29'49" East 472.14 feet; thence South 27°48'42" East 657.76 feet to point of tangency of a 865.00 foot radius curve concave to the Northeast of which radius bears North 62°11'18" East; thence Southeasterly 937.51 feet along said 865.00 foot radius curve to the left through a central angle of 62°05'55" and a long chord that bears South 58°51'40" East 892.29 feet; South 89°54'37" East 3.34 feet to the point of tangency of a 100.00 foot radius curve concave to the Northwest of which radius bears North 00°05'23" East; thence Northeasterly 70.61 feet along said 100.00 foot radius curve to the left through a central angle of 40°27'33" and a long chord that bears North 69°51'37" East 69.16 feet to the point of reverse curvature of a 130.00 foot radius curve concave to the South of which radius bears South 40°22'10" East; thence Southeasterly 183.60 feet along said 130.00 foot radius curve to the right through a central angle of 80°55'05" and a long chord that bears South 89°54'37" East 168.72 feet to a point of reverse curvature of a 100.00 foot radius curve concave to the Northeast of which radius bears North 40°32'56" East; thence Southeasterly 70.61 feet along said 100.00 foot radius curve to the left through a central angle of 40°27'33" and a long chord that bears South 69°40'51" East 69.16 feet; thence South 89°54'37" East 2979.23 feet to the East line of Section 1 of Township 6 South, Range 34 East; thence crossing into Section 6, Township 6 South, Range 35 East and continuing South 89°54'37" East 643.19 feet to the point of tangency of a 1000.00 foot radius curve concave to the Northwest of which radius bears North 00°05'57" East; thence Northeasterly 489.91 feet along said 1000.00 foot radius curve to the left through a central angle of 28°04'11" and a long chord that bears North 76°03'52" East 485.02 feet; thence along the West line of the Southeast Quarter of the Northwest Quarter and Government Lot 3 of said Section 6, North 00°01'08" East 2362.49 feet to Northwest corner of said Government Lot 3 on the North line of said Section 6; thence along said North line, North 89°20'55" West 1106.69 feet to the Northwest corner of said Section 6; thence crossing into Section 31, Township 5 South, Range 35 East along the West line of said Section 31, North 00°08'57" East 2653.31 feet to the West Quarter corner of said Section 31; thence along the Latitudinal line of said Section 31, South 89°17'15" East 2577.26 feet; thence continuing along said Latitudinal line, South 89°16'42" East 2647.90 feet to the East Quarter corner of said Section 31;



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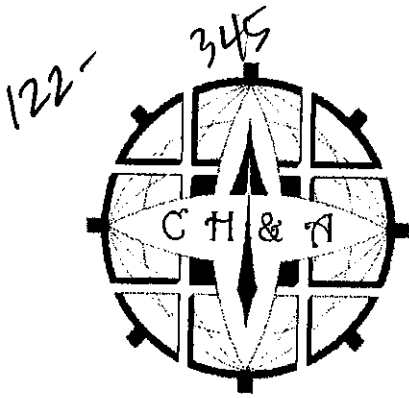
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Town Center Joint Venture

March 5, 2019

LEGAL DESCRIPTION
Urban Renewal Boundary (continued)

thence along the East line of said Section 31, North 00°09'22" East 1319.34 feet; thence across a Bureau of Land Management area of Hiatus, North 36°31'34" East 247.35 feet; thence along the North line of the South Half of the Northwest Quarter of Section 32, South 88°47'36" East 2677.70 feet; thence along the West line of the North Half of the Northeast Quarter, North 03°09'07" West 1278.70 feet to the North Quarter corner of said Section 32; thence along the North line of said Section 32, North 89°53'17" East 1309.15 feet; thence continuing along said North line, South 89°10'41" East 1316.22 feet to the Northeast Quarter corner of said Section 32; thence along the North line of Section 33, South 89°20'04" East 1324.21 feet; thence continuing along said North line, South 89°20'28" East 1324.25 feet to the North Quarter corner of said Section 33; thence along the Meridional Centerline of said Section 33, South 00°47'15" East 1335.27 feet; thence continuing along said Meridional Centerline, South 00°03'00" West 1329.78 feet; thence continuing along said Meridional Centerline, South 01°45'40" West 1311.24 feet; thence along the South line of the North Half of the Southwest Quarter of said Section 33, North 89°48'03" West 2654.82 feet to the East line of Section 32; thence along the East line of said Section 32, South 00°25'31" West 1332.35 feet; thence across a Bureau of Land Management area of Hiatus, South 70°54'01" West 289.86 feet to the Northeast corner of Section 5, Township 6 South, Range 35 East; thence along the North line of said Section 5, North 89°15'19" West 2618.25 feet to the North Quarter corner of said Section 5; thence along the Meridional Centerline and East line of Government Lot 3 of said Section 5, South 00°10'58" West 1323.83 feet; thence along the South line of said Government Lot 3, North 89°46'20" West 1305.68 feet; thence along the East line of the Southwest Quarter of the Northwest Quarter, South 00°02'49" West 1322.23 feet; thence along the Latitudinal Centerline of said Section 5, North 89°46'31" West 1302.55 feet to the West Quarter corner of said Section 5; thence crossing into Section 6 and along the South line of the Southeast Quarter of the Northeast Quarter of said Section 6, North 89°47'38" West 1321.07 feet to the Southwest corner of said Southeast Quarter of the Northeast Quarter; thence along the West line of said Southeast Quarter of the Northeast Quarter, North 00°03'29" West 1116.43 feet; thence along a line parallel with the South line of Government Lot 2, North 89°45'14" West 1320.48 feet; thence South 59°17'05" West 668.40 feet; thence South 37°42'10" West 975.40 feet to the South line of the Southeast Quarter of the Northwest Quarter; thence South 22°22'38" West 394.32 feet to the Southeast corner of Deed Instrument No. 21715050; thence along the Southerly line of the parcel of land described in Warranty Deed, Instrument No. 21715050 the following four (4) courses; (1) thence South 63°43'33" West 422.62 feet; (2) thence South 76°51'46" West 477.29 feet; (3) thence North 90°00'00" West 272.49 feet to said Easterly line of Section 1, Township 6 South, Range 34 East; (4) thence South 78°33'36" West 2669.08 feet to said Meridional Centerline of Section 1; thence along said Meridional Centerline, South 00°14'03" East 682.23 feet to a point of non-tangency of a 2050.00 foot radius curve concave to the Southwest of which radius bears South 76°55'53" West;



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Town Center Joint Venture

March 5, 2019

LEGAL DESCRIPTION
Urban Renewal Boundary (continued)

thence along the Easterly line of the parcel of land described in Warranty Deed, Instrument No. 21715051, Exhibit C, thence Southeasterly 469.08 feet along said 2050.00 foot radius curve to the right through a central angle of $13^{\circ}06'37''$ and a long chord that bears South $06^{\circ}30'49''$ East 468.06 feet; thence South $00^{\circ}02'30''$ West 248.16 feet; thence along the South line of Section 1, South $89^{\circ}54'05''$ West 15.00 feet; thence along the Easterly Right-of-Way line of Olympus Road, South $00^{\circ}02'30''$ West 964.09 feet; thence North $89^{\circ}57'30''$ West 70.00 feet to the Westerly Right-of-Way line of said Olympus Road; thence along said Westerly Right-of-Way line, North $00^{\circ}02'30''$ East 963.91 feet to the **Point of Beginning**.

Excepting therefrom the following parcels:

Parcel No. R3805003100

A parcel of land located in Section 31, Township 5 South, Range 35 East, Boise Meridian, Bannock County, Idaho described as the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of said Section 31, as described in Warranty Deed, Instrument No. 21103625.

Parcel No. R3805003200

A parcel of land located in Section 31, Township 5 South, Range 35 East, Boise Meridian, Bannock County, Idaho described as the Northeast Quarter of the Southwest Quarter of the Southeast Quarter of said Section 31, as described in Warranty Deed, Instrument No. 21705063.

Parcel No. R3805003300

A parcel of land located in Section 31, Township 5 South, Range 35 East, Boise Meridian, Bannock County, Idaho described as the Northwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 31, as described in Warranty Deed, Instrument No. 20914144.

Parcel No. R3805003400

A parcel of land located in Section 31, Township 5 South, Range 35 East, Boise Meridian, Bannock County, Idaho described as the East Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 31, as described in Warranty Deed, Instrument No. 685120.



Private Properties Which May Be Acquired by Agency

- 122' 345
1. The Agency has not identified any particular parcel for the construction of public improvements or for private redevelopment. Properties which may be subject to acquisition include parcels to:
 - a) assemble with adjacent parcels to facilitate redevelopment;
 - b) assemble with adjacent rights-of-way to improve configuration and enlarge parcels for redevelopment;
 - c) reconfigure sites for development and possible extension of streets or pathways;
 - d) assemble for future transfer to qualified developers to facilitate the development of mixed-use, residential, commercial and retail areas; or
 - e) assemble for the construction of certain public improvements, including but not limited to streets, streetscapes, water and sewer improvements, environmental remediation/site preparation, parking, community facilities, parks, pedestrian/bike paths and trails, recreation access points, multi-purpose athletic and performance facilities and other public facilities, including fire, police, EMS facilities.
 2. The Agency reserves the right to acquire any additional right-of-way or access routes near or around existing or planned rights-of-way.
 3. The Agency reserves the right to acquire property needed to provide adequately sized sites for high priority projects for the development of public improvements (the exact location of which has not been determined).
 4. Other parcels may be acquired for the purpose of facilitating catalyst or demonstration projects, constructing public parking, constructing new streets or pathways, enhancing public spaces, or to implement other elements of the urban renewal plan strategy and/or any master plan for the Project Area.

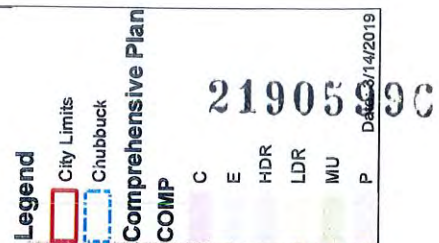
124- 345

Attachment 4

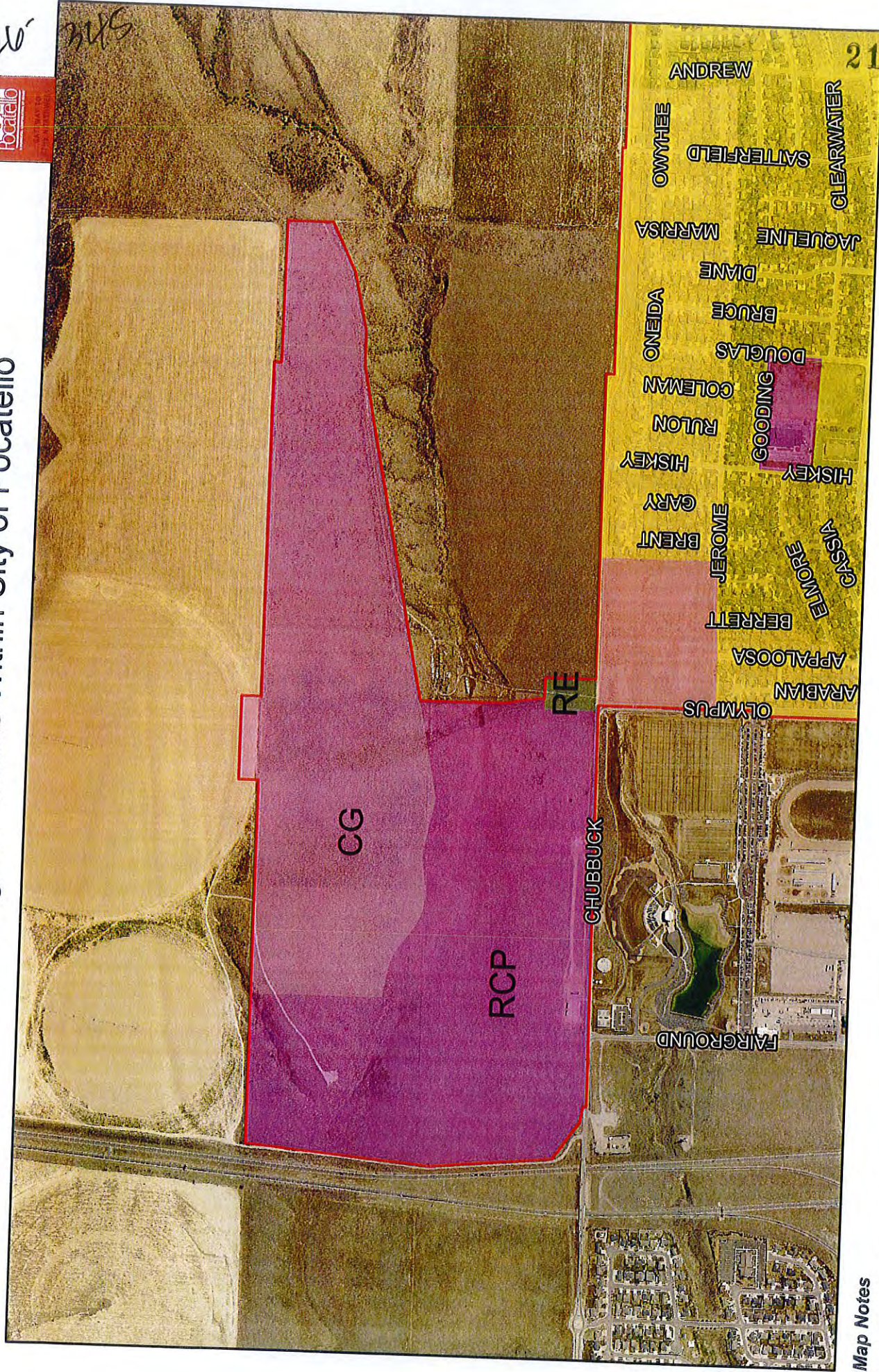
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Map Depicting Expected Land Uses and Current Zoning Map
of the Project Area

COMPREHENSIVE PLAN NORTHGATE AREA



Zoning of Portions Within City of Pocatello



Map Notes

- CG: Commercial General
- RCP: Residential Commercial Professional
- RE: Residential Estate

1 inch = 1,435 feet



Disclaimer: The information herein was created by the City of Pocatello GIS, and is to be used for reference purposes only, and no other use or reliance on the

March 13, 2019

21905990

127' 345

Attachment 5.1

2190599C

Public Improvements within the Revenue Allocation Area

ATTACHMENT 5.1**Public Improvements within the Revenue Allocation Area**

This Attachment includes a projected list of proposed public works or improvements within the Project Area. The Project Area includes fully improved streets, utilities (on-site and off-site), and other public right-of-way amenities as well as park and open space costs. The proposed Northgate Development Improvement List for the Northgate Urban Renewal District and estimated costs of the identified public infrastructure improvements are those supplied by the developer. The projected estimated costs are compared against estimated revenues to determine the financial feasibility of the Plan and Project. The amount ultimately to be reimbursed to the developer and/or public entities will be determined, in part, by the following factors:

- Specific terms of an owner participation agreement to be negotiated between the Urban Renewal Agency for the City of Pocatello also known as the Pocatello Development Authority ("PDA") and the developer and the PDA and the public entities.
- Actual cost of construction when incurred.
- Timing of Development
- Annual budgets adopted by the PDA's Board

The proposed Northgate Development Improvement List for the Northgate Urban Renewal District, as supplied by the developer, identifies anticipated investments to support private investment in capital facilities. Capital facilities generally have long useful lives and significant costs.

The City of Pocatello ("City"), Bannock County ("County"), and the PDA partnered with the Idaho Transportation Department to fund the construction of the new Interstate 15 ("I-15") interchange. This new I-15 interchange is the economic driver incentivizing the private development of the Project Area. As part of this major undertaking, the City, County, and PDA contemplated the establishment of a Project Area in conjunction with the proposed private development to reimburse the public entities for the public improvements related to the I-15 Interchange and other related public improvements. Additionally, the City and PDA contributed to the funding of the Olympus Drive Extension and the local road connecting the new I-15 Interchange to Olympus Drive, referred to as the Eastside Road. Again, the City and PDA participated with the understanding their contribution to the Project would be reimbursed by revenue allocation funds through the establishment of the Project Area and private development anticipated to occur within the boundaries of the Project Area.

Most of the public improvement projects contained in the Project Area will be advance-funded by the developer, as is the case in similar developments throughout the community. The overall project and the infrastructure to support it are all consistent

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with the vision articulated in the Amended Pocatello Comprehensive Plan and as required in City development regulations. The cost estimates provided by the developer for all infrastructure costs, including the reimbursement of the City, County, and PDA costs already incurred, or may be incurred, prior to the establishment of the District, are included in the cash flow analyses.

The estimated public improvement costs that may be incurred by the City, County, and PDA are as follows:

City of Pocatello	\$3,000,000
Bannock County	\$1,350,000
Pocatello Development Authority	<u>\$2,000,000</u>
Total Public Entity Reimbursement	\$6,350,000

To be clear, the amounts set forth above are estimates for the limited purpose of determining whether the Plan is economically feasible. The amounts shown are not intended to be a binding commitment of the City, County, or PDA to pledge, budget, or allocate funds for the payment of any public improvement costs related to the Plan and/or the Project Area.

Estimated public improvement costs expected to be incurred by the developer are as follows:

Phase 1 Street Construction (including pedestrian Facilities)	\$10,410,000
Phase 1 Water System Investment	\$ 2,000,000
<u>Phase 1 Sewer System Investment</u>	<u>\$ 0</u>
Total Reimbursable investment Phase 1	\$12,410,000
Phase 2 Street Investment (including pedestrian Facilities)	\$ 7,890,000
Phase 2 Water System Investments	\$ 0
<u>Phase 2 Sewer System Improvement</u>	<u>\$ 1,875,000</u>
Total Reimbursable investment Phase 2	\$ 9,765,000
Phase 3 Street Investment (including pedestrian Facilities)	\$ 0
Phase 3 Water System Investment	\$ 6,000,000
<u>Phase 3 Sewer System Investment</u>	<u>\$ 6,000,000</u>
Total Reimbursable investment Phase 3	\$12,000,000
Phase 4 Street Investment (including pedestrian Facilities)	\$ 4,900,000
Phase 4 Water System Investment	\$ 0
Phase 4 Sewer System Investment	\$ 0
<u>Phase 4 Fire / EMS Facility Participation</u>	<u>\$ 4,000,000</u>
Total Reimbursable investment Phase 4	\$ 8,900,000

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Phase 5 Street Investment (including pedestrian Facilities)	\$11,200,000
Phase 5 Water System Investment	\$ 0
Phase 5 Sewer System Investment	\$ 0
Total Reimbursable investment Phase 5	\$11,200,000

Summary:

Grand Total Street Investment	\$34,400,000
Grand Total Water System Investment	\$ 8,000,000
Grand Total Sewer System Investment	\$ 7,875,000
Grand Total Fire/EMS Facility	\$ 4,000,000
Grand Total Reimbursable Investment All Phases	\$54,275,000
Grand total Public Entity Reimbursement	\$ 6,350,000
Grand total Public and Private Infrastructure Investment	\$60,625,000

The actual costs to be reimbursed by the PDA will likely vary from the costs detailed here as they will be subject to a specific Owner Participation Agreement ("OPA") to be negotiated with the PDA once an urban renewal district is created. The cost estimates used in this analysis are considered high estimates for the purpose of financial planning. The purpose of this Attachment is to determine the economic feasibility of the proposed Project recognizing that not all of the proposed public improvement costs may be reimbursable to the developer and the amount actually reimbursable will be set forth in the OPA.

The Urban Renewal Plan for the Northgate Urban Renewal Project (the "Plan") covers the 20-year period 2020 to 2040.

The Plan includes a revenue allocation provision establishing the Northgate Revenue Allocation Area (the "District" or "Project Area") and is estimated to generate \$64,891,358 in revenue allocation funds or tax increment revenue between 2020 and 2040 in addition to the initial \$75,000 inter-district loan from the PDA to activate the program. The total from both sources is estimated to be \$64,966,358. The estimated revenue yield is based upon the Pocatello Urban Renewal: Market Analysis, dated June 2018, conducted by the Leland Consulting Group, using their more optimistic "attainable" scenario, over a 20-year life of an urban renewal district in Idaho.

As noted above, there are presently \$50,275,000 in Project costs identified in the list for public improvement costs provided by the developer. In addition, the Plan provides for the reimbursement of any funds advanced by three public entities noted above in the estimated amount of \$6,350,000¹ as well as a \$4,000,000 developer contribution to a

¹ The City, County, and PDA are not bound or committed to any funding amount. The City, County, and PDA anticipate being reimbursed for funding public improvements within the boundaries of the Project Area; however, the amount and level of funding has not yet been determined. The amount shown is an estimate for the purpose of establishing economic feasibility and is not intended to be a binding obligation of the City, County, and/or PDA.

131-245
proposed Fire/Emergency Medical Service facility located within the Project Area. The economic feasibility study assumes no interest is payable on the reimbursement to the public entities or the developer. Administrative costs over the 20-year life of the district are estimated at \$990,000 or approximately 1.5% of total revenue. Specific operation requirements will be established on an annual basis through the formal budget process for the PDA.

Total estimated expenditures, therefore, equal \$61,695,001 for the "attainable" scenario leaving a positive program balance at the end of the 20-year term of \$3,271,357. The analysis assumes that the OPA will provide reimbursement of 75% of the Revenue Allocation yield after the operating expenses of the District are provided for and after the public entities have been reimbursed for their advance funding of related expenditures. See attached cash flow analyses for detailed estimates.

The Plan provides for the district to extend through its maximum term of 20 years. The attached cash flow model suggests early termination would be unlikely unless taxable investment greatly exceeded forecast demand and/or capital infrastructure investment subject to reimbursement is substantially reduced. Unforeseen circumstances could delay the private taxable investment thus slowing the revenue stream into the project reducing the flow of revenue into the District.

Secure funding includes revenue allocation funds and is money the PDA is highly likely to receive. The funds may not be in the PDA's possession at the beginning of the Plan period, but it is virtually certain that the Agency will receive the funds. The PDA may need to take specific actions to generate the funding, but those actions are within their powers. Despite the high probability of secure funding, no project can proceed until a specific, enforceable funding plan is in place.

Potential funding is money that might be received by the PDA. In every case the PDA is eligible for the funding, and the source of funding exists under current law. However, each potential funding source requires one or more additional steps or decisions before the PDA can obtain the resources, and the ultimate decision is outside of the PDA's independent control. Grant funds are an example of potential funding. Thus, potential funding is not assumed in determining financial feasibility.

Unfunded projects, or portions of projects, lack secure or potential funding.

The amount of tax increment contributed to the project may vary depending upon the actual cost of infrastructure, timing of development, the actual revenue stream, and the Agency's annual budgeting process.

The Plan proposes certain public improvements that will facilitate development in the Project Area. The overall investment package will be funded from a variety of financing methods and sources including private equity. The primary method of financing the

132- 345
PDA's obligation will be through the use of tax increment revenue (i.e., incremental property taxes from the revenue allocation area). This plan anticipates that the tax increment revenue may be used to pay for improvements through an OPA with developers of property located within the District. The issuance of bonds is not anticipated in this analysis of financial feasibility.

Other sources of funding for project may include, but are not limited to:

- Local Improvement District (LID)
- Community Infrastructure District (CID)
- Business Improvement District (BID)
- Development Impact Fees
- Franchise Fees
- Grants from federal, state, local, regional agencies and/or private entities
- Other bonds, notes, and/or loans
- Improvements and/or payments by developers

The total project costs and the amount of tax increment contributed to each project are estimates provided by the developer, City, County, and/or the PDA. The estimated project costs and revenues are based on the PDA's present knowledge and expectations supported by detailed information from development interests associated with the properties in the District. The timing of each project and the availability of all revenue sources will determine the final combination of funding sources.

Summary of Projects

The following tables summarize the estimated total costs for each project category. Specific project funding will be reviewed by the PDA Board during the development of the Owner Participation Agreements, the execution of and any up-dates to such agreements. The numbers displayed below represent the full public improvement costs including full roadway improvements, sidewalks and pedestrian ways, drainage improvements, as well as public and private utilities. The costs presented are in 2018 dollars and are not inflated over time.

133' 345

Attachment 5.2

2190599C

Economic Feasibility Study

134-345

Developer Projects Northgate Urban Renewal District	
Public Entity Reimbursement	\$ 6,350,000
Developer Costs	
Street System Investment	\$ 34,400,000
Water System Improvements	\$ 8,000,000
Sewer System Improvements	\$ 7,875,000
Fire/EMS Facility	\$4,000,000
Total Developer Costs	\$60,625,000

Cost of Operations and Improvements by Year (2020-2040)

Year	Secure Funding (TIF & PDA Loan)	Potential Funding	District Operating Expenses	Reimburse Public Entity Costs & OPA Debt Service	PDA Loan Debt Service	Total Project Liabilities
2020	\$75,000	\$0	\$20,000	\$0	\$0	\$20,000
2021	\$5,460	\$0	\$20,000	\$0	\$0	\$20,000
2022	\$631,759	\$0	\$50,000	\$466,664	\$30,000	\$546,664
2023	\$803,344	\$0	\$50,000	\$659,174	\$50,000	\$759,174
2024	\$1,141,426	\$0	\$50,000	\$945,863	0	\$995,863
2025	\$1,327,923	\$0	\$50,000	\$1,194,908	\$0	\$1,244,908
2026	\$1,510,216	\$0	\$50,000	\$1,393,889	\$0	\$1,443,889
2027	\$1,708,809	\$0	\$50,000	\$1,628,448	\$0	\$1,678,448
2028	\$1,903,440	\$0	\$50,000	\$1,849,683	\$0	\$1,899,683
2029	\$2,326,657	\$0	\$50,000	\$2,275,717	\$0	\$2,325,717
2030	\$3,253,144	\$0	\$50,000	\$3,202,909	\$0	\$3,252,909
2031	\$3,496,035	\$0	\$50,000	\$3,445,977	\$0	\$3,495,977
2032	\$3,735,849	\$0	\$50,000	\$3,685,834	\$0	\$3,735,834
2033	\$3,993,113	\$0	\$50,000	\$3,943,109	\$0	\$3,993,109
2034	\$4,247,589	\$0	\$50,000	\$4,197,589	\$0	\$4,247,589
2035	\$5,084,107	\$0	\$50,000	\$5,034,107	\$0	\$5,084,107
2036	\$5,365,122	\$0	\$50,000	\$5,315,121	\$0	\$5,365,121
2037	\$5,664,411	\$0	\$50,000	\$5,614,412	\$0	\$5,664,412
2038	\$5,961,752	\$0	\$50,000	\$5,911,752	0	\$5,961,752
2039	\$6,277,693	\$0	\$50,000	\$6,227,693	\$0	\$6,277,693
2040	\$6,453,509	\$0	\$50,000	\$3,632,152	\$0	\$3,682,152
2041	\$0	\$0	0	\$0	\$0	\$0
Total	\$64,966,358	\$0	\$990,000	\$60,625,001	\$80,000	\$61,695,001

Note: This analysis anticipates a positive fund balance of \$3,271,357 the end of the project. Sufficient funds are generated to fund 100% of the project infrastructure costs.

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ATTACHMENT 5.2

Economic Feasibility Study

The original development scenario as presented by the development consortium reflected a level of optimism that we considered beyond what could be sustained by the local market conditions. To verify the assumptions driving the development proposal, the PDA obtained an independent real estate market analysis conducted by the Leland Consulting Group ("Leland"), based in Portland, Oregon. The Pocatello Urban Renewal: Market Analysis, dated June 2018 is attached as Attachment 5.6 to the Plan. The Leland analysis demonstrated a more constrained demand extending over a longer period of time. These factors worked together to constrain revenue yields over the 20-year life of the proposed Northgate District.

Using the Leland analysis and the revised infrastructure investment schedule subsequently provided by the developer, the Urban Renewal Plan for the Northgate Urban Renewal Project ("Plan") as currently envisioned is economically feasible because the revenue anticipated to be generated by the proposed development is sufficient to fully cover the anticipated cost of development.

The economic feasibility of the Plan and Project Area is based on the following factors:

- The amount of development proposed in the Project Area
- The timing of the proposed taxable development
- The nature of the proposed development (i.e., amount of development subject to the Homeowners Property Tax Exemption)
- The amount of tax revenue to be generated by the proposed development
- The amount of other revenue to be received for PDA public improvement projects
- The cost of public improvement projects is to be funded by the PDA's tax increment revenue.
- If revenue equals or exceeds project costs, the URA Plan is economically feasible.

The following is a summary of the analysis and estimates of the factors used to determine the economic feasibility of the Plan and Project Area.

Pocatello Development Authority Urban Renewal Plan Financial Feasibility Analysis

Summary:

Over the course of the Plan and Project Area, \$64,891,358 of Tax Increment Revenue will be generated. Ten percent (10%) will be used annually for administration of the Project Area (capped at \$50,000/year for a total of \$990,000 for administration costs over the 20-year lifespan of the District).

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At this time, no revenue bonds are planned for the Project Area due to the speculative nature of the development. A positive cash flow sufficient to cover anticipated debt service, bond reserves, and required debt service coverage ratios would have to be demonstrated in order for an investor to view this as a positive investment.

The attached spreadsheets entitled "Projected Northgate Urban Renewal District Cash Flow Analysis" gives a more detailed outlook of the revenues and expenses of the "attainable" development scenario from the Leland Market Study for the District.

The following assumptions were made in the formulation of the Financial Feasibility Analysis:

- Land Value Increase @ 1%/Yr.
- Improvement Value Increase @ 2%/Yr.
- Tax Levy Rate remains constant
- Total developer advanced funded Cost of Improvements over the life of the project in the amount of \$50,275,000 (Developer estimate) in addition to the estimated advanced funded costs in the amount of \$6,350,000 by the City, Bannock County, and the PDA for transportation improvements benefitting the project and a \$4,000,000 contribution to a new Fire/EMS facility to be located within the Project Area
- The public entities will be reimbursed for their advanced funding prior to allocation being made for developer reimbursement
- Developer installed improvements would be subject to an OPA with PDA repaying the developer for such costs only from the tax increment revenue generated by the project
- The Cash Flow Analysis assumes 75% of the annual district funds will be committed to repayment of the debt created through the OPA
- Additional principal payments are assumed as excess cash accumulates in the Northgate Fund at the discretion of the PDA Board
- 10% of annual tax increment revenue would be allocated for District operational expenses; however, that amount would be capped at \$50,000 per year
- Tax rate does not include levies excluded by law

The Financial Feasibility Analysis shows that the project will generate adequate funds within the project area to fund the necessary capital improvements.

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Attachment 5.3

Estimated Net Taxable Value of Growth and New Private Development and Annual Revenue
Allocation in the Northgate Urban Renewal Project

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Northgate URD Revenue Allocation Estimates October 2018

Scenario #2: Low Inflation Rate: 1% annual increase in land value and 2% annual increase in Improvement Value; Attainable Private investment.

Year	Land Value (+/-1% annually) w/ ad ex	Initial Improvement Value	Total Assessed Value w/ag ex	Est. AV w/o ag ex	Annual New Const. Value on tax roll	Cum. New Const. Value + Inflation @ 2%	Cumulative Homeowners' Exemption	Taxable Value	Increment Value (+/- Base)	Levy Rate	Tax Increment Yield	Admin Costs (10%)	Funding for Capital Projects / Debt Service
2020	\$ 306,553	\$ -	\$ 306,553	\$ 15,964,566	\$ -	\$ 0	\$ -	\$ 15,964,566	\$ -	0.0171			
2021	\$ 309,619	\$ -	\$ 309,619	\$ 16,283,857	\$ -	\$ -	\$ -	\$ 16,283,857	\$ 319,291	0.0171	\$ 5,460	\$ 546	\$ 4,914
2022	\$ 312,715	\$ -	\$ 312,715	\$ 16,609,534	\$ 50,100,000	\$ 50,100,000	\$ 13,800,000	\$ 52,909,534	\$ 36,944,968	0.0171	\$ 631,759	\$ 50,000	\$ 581,759
2023	\$ 315,842	\$ -	\$ 315,842	\$ 16,941,725	\$ 15,500,000	\$ 66,602,000	\$ 20,600,000	\$ 62,943,725	\$ 46,979,159	0.0171	\$ 803,344	\$ 50,000	\$ 753,344
2024	\$ 319,000	\$ -	\$ 319,000	\$ 17,280,560	\$ 25,100,000	\$ 93,034,040	\$ 27,600,000	\$ 82,714,600	\$ 66,750,034	0.0171	\$ 1,141,426	\$ 50,000	\$ 1,091,426
2025	\$ 322,190	\$ -	\$ 322,190	\$ 17,626,171	\$ 15,500,000	\$ 110,394,721	\$ 34,400,000	\$ 93,620,892	\$ 77,656,326	0.0171	\$ 1,327,923	\$ 50,000	\$ 1,277,923
2026	\$ 325,412	\$ -	\$ 325,412	\$ 17,978,694	\$ 15,100,000	\$ 127,702,615	\$ 41,400,000	\$ 104,281,309	\$ 88,316,743	0.0171	\$ 1,510,216	\$ 50,000	\$ 1,460,216
2027	\$ 328,666	\$ -	\$ 328,666	\$ 18,338,268	\$ 15,500,000	\$ 145,756,668	\$ 48,200,000	\$ 115,894,936	\$ 99,930,370	0.0171	\$ 1,708,809	\$ 50,000	\$ 1,658,809
2028	\$ 331,953	\$ -	\$ 331,953	\$ 18,705,034	\$ 15,100,000	\$ 163,771,801	\$ 55,200,000	\$ 127,276,834	\$ 111,312,268	0.0171	\$ 1,903,440	\$ 50,000	\$ 1,853,440
2029	\$ 335,273	\$ -	\$ 335,273	\$ 19,079,134	\$ 27,900,000	\$ 194,947,237	\$ 62,000,000	\$ 152,026,371	\$ 136,061,805	0.0171	\$ 2,326,657	\$ 50,000	\$ 2,276,657
2030	\$ 338,625	\$ -	\$ 338,625	\$ 19,460,717	\$ 56,900,000	\$ 255,746,182	\$ 69,000,000	\$ 206,206,898	\$ 190,242,332	0.0171	\$ 3,253,144	\$ 50,000	\$ 3,203,144
2031	\$ 342,011	\$ -	\$ 342,011	\$ 19,849,931	\$ 15,500,000	\$ 276,361,105	\$ 75,800,000	\$ 220,411,036	\$ 204,446,470	0.0171	\$ 3,496,035	\$ 50,000	\$ 3,446,035
2032	\$ 345,432	\$ -	\$ 345,432	\$ 20,246,930	\$ 15,100,000	\$ 296,988,327	\$ 82,800,000	\$ 234,435,257	\$ 218,470,691	0.0171	\$ 3,735,849	\$ 50,000	\$ 3,685,849
2033	\$ 348,886	\$ -	\$ 348,886	\$ 20,651,868	\$ 15,500,000	\$ 318,428,094	\$ 89,600,000	\$ 249,479,962	\$ 233,515,396	0.0171	\$ 3,993,113	\$ 50,000	\$ 3,943,113
2034	\$ 352,375	\$ -	\$ 352,375	\$ 21,064,906	\$ 15,100,000	\$ 339,896,656	\$ 96,600,000	\$ 264,361,562	\$ 248,396,996	0.0171	\$ 4,247,589	\$ 50,000	\$ 4,197,589
2035	\$ 355,899	\$ -	\$ 355,899	\$ 21,486,204	\$ 48,500,000	\$ 395,194,589	\$ 103,400,000	\$ 313,280,793	\$ 297,316,227	0.0171	\$ 5,084,107	\$ 50,000	\$ 5,034,107
2036	\$ 359,458	\$ -	\$ 359,458	\$ 21,915,928	\$ 15,100,000	\$ 418,198,481	\$ 110,400,000	\$ 329,714,409	\$ 313,749,843	0.0171	\$ 5,365,122	\$ 50,000	\$ 5,315,122
2037	\$ 363,052	\$ -	\$ 363,052	\$ 22,354,247	\$ 15,500,000	\$ 442,062,450	\$ 117,200,000	\$ 347,216,697	\$ 331,252,131	0.0171	\$ 5,664,411	\$ 50,000	\$ 5,614,411
2038	\$ 366,683	\$ -	\$ 366,683	\$ 22,801,331	\$ 15,100,000	\$ 466,003,699	\$ 124,200,000	\$ 364,605,031	\$ 348,640,465	0.0171	\$ 5,961,752	\$ 50,000	\$ 5,911,752
2039	\$ 370,349	\$ -	\$ 370,349	\$ 23,257,358	\$ 15,500,000	\$ 490,823,773	\$ 131,000,000	\$ 383,081,131	\$ 367,116,565	0.0171	\$ 6,277,693	\$ 50,000	\$ 6,227,693
2040	\$ 374,053	\$ -	\$ 374,053	\$ 23,722,505		\$ 500,640,249	\$ 131,000,000	\$ 393,362,754	\$ 377,398,188	0.0171	\$ 6,453,509	\$ 50,000	\$ 6,403,509
											\$ 64,891,358		\$ 63,940,812

Assumptions:

- Land Values inflate at 1% per year
- Improvement Values inflate at 2% per year
- Homeowner Exemption @ \$100K per year for all owner occupied residential units
- Private investment occurs as per schedule in column F (Leland Attainable Schedule)
- Property tax income available 2 years after completion of construction
- New construction values inflate on same basis as original improvement values (2%)
- Administrative costs at 10% capped at \$50,000 per year

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Attachment 5.4

Estimated Annual Revenues and Costs in the Northgate Urban Renewal Project
(Cash Flow Analysis)

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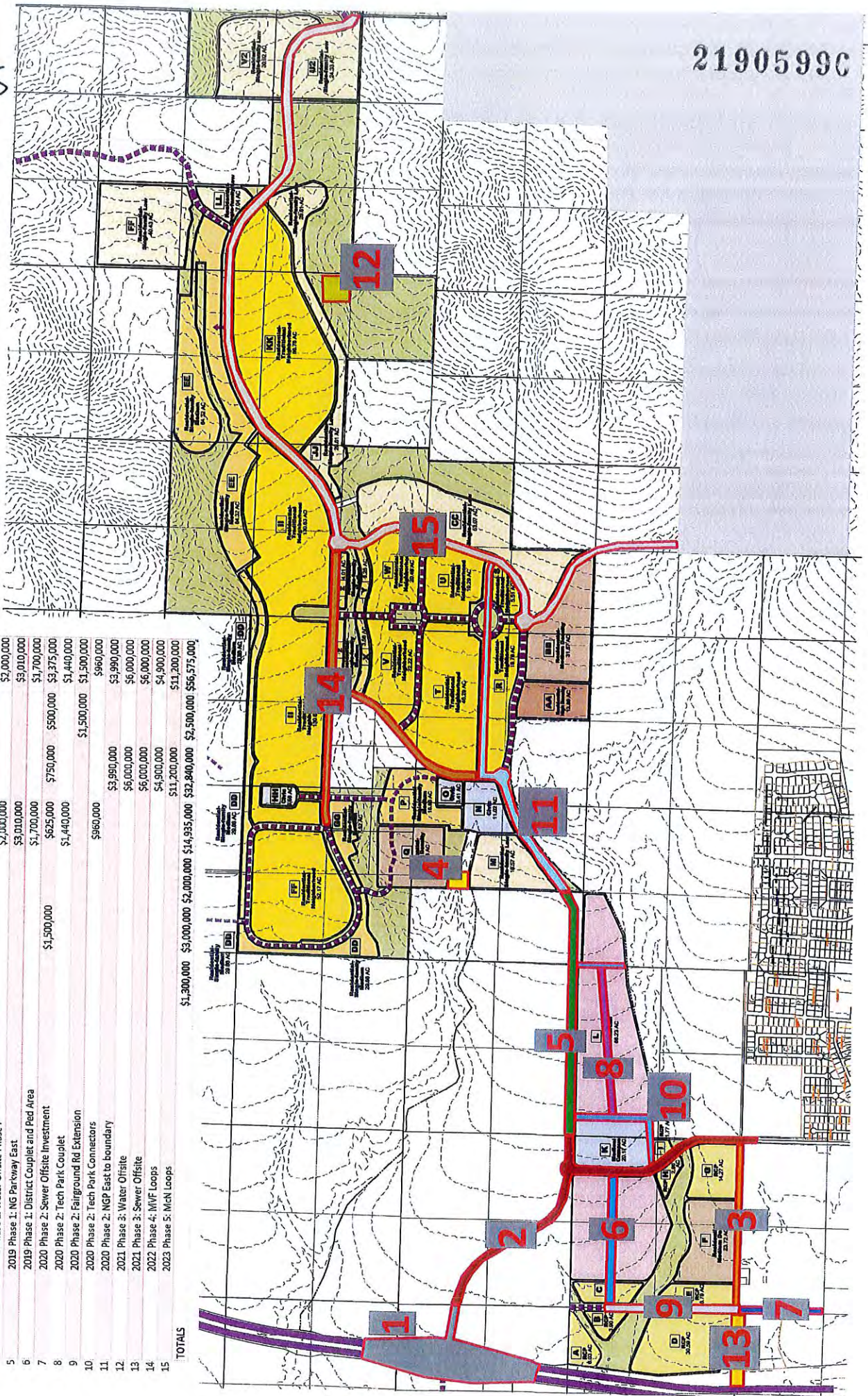
Attachment 5.5

Map Showing Proposed Location of Public Improvements in the Project Area

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Item	Year	Project Description	Bannock	Pocatello	PDA	TCIV	Millennial	Portneux	TOTAL
1	2018	Phase 1: Northgate Interchange	\$1,300,000	\$500,000	\$1,700,000				\$3,500,000
2	2018	Phase 1: Olympus NG Extension/Utilities/ROW				\$5,200,000			\$5,200,000
3	2018	Phase 1: Chubbuck Rd Upgrade		\$1,000,000	\$300,000				\$1,300,000
4	2019	Phase 1: Water Offsite Phase I					\$500,000		\$500,000
5	2019	Phase 1: NG Parkway East				\$2,000,000			\$2,000,000
6	2019	Phase 1: District Couplet and Ped Area				\$3,010,000			\$3,010,000
7	2020	Phase 2: Sewer Offsite Investment				\$1,700,000			\$1,700,000
8	2020	Phase 2: Tech Park Couplet		\$1,500,000		\$625,000	\$750,000	\$500,000	\$3,375,000
9	2020	Phase 2: Fairground Rd Extension				\$1,440,000			\$1,440,000
10	2020	Phase 2: NGP East to boundary				\$960,000		\$1,500,000	\$2,460,000
11	2020	Phase 2: Water Offsite				\$3,990,000			\$3,990,000
12	2021	Phase 3: Water Offsite				\$6,000,000			\$6,000,000
13	2021	Phase 3: Sewer Offsite				\$6,000,000			\$6,000,000
14	2022	Phase 4: MVF Loops				\$4,900,000			\$4,900,000
15	2023	Phase 5: McN Loops				\$11,200,000			\$11,200,000
TOTALS			\$1,300,000	\$3,000,000	\$2,000,000	\$14,935,000	\$32,840,000	\$2,500,000	\$56,575,000



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Attachment 5.6

Market Analysis

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Pocatello Urban Renewal: Market Analysis

Date June 2018
To Phil Kushlan, Kushlan Associates
From Chris Zahas and Sam Brookham,
Leland Consulting Group
Project Pocatello Urban Renewal: Market Analysis



INTRODUCTION

Project Description

Many public partners have coalesced in support of a private development proposal for a signature mixed-use community that would bring quality housing, significant new jobs, and public amenities and infrastructure to Pocatello. Known as Northgate, the project would be privately developed, but requires financial assistance since the area is completely devoid of urban infrastructure today. To support the financing of infrastructure, the Pocatello Development Authority (PDA) has committed to forming a new urban renewal district that would provide funding for developer reimbursements. As part of the district formation process, the PDA must complete a financial feasibility report, and it has retained a consultant to conduct that work. Through that report, the PDA would like to better understand the likely rate of absorption of the proposed project so that the financial projections are realistic and so that the PDA can assess whether the anticipated tax increment revenues are sufficient to repay the required infrastructure investments.

The proposed Northgate community includes the following components.

- The first phase will consist of a new retail shopping center, initial construction of a one-million-square-foot information technology park, and about 500 to 1,000 residential units.
- A total of 10,000 residential units are planned in the area around the interchange at full build out, including an array of luxury homes built on larger properties, condominiums, and apartments.
- The technology park is expected to eventually employ 6,000 people.

Task Overview

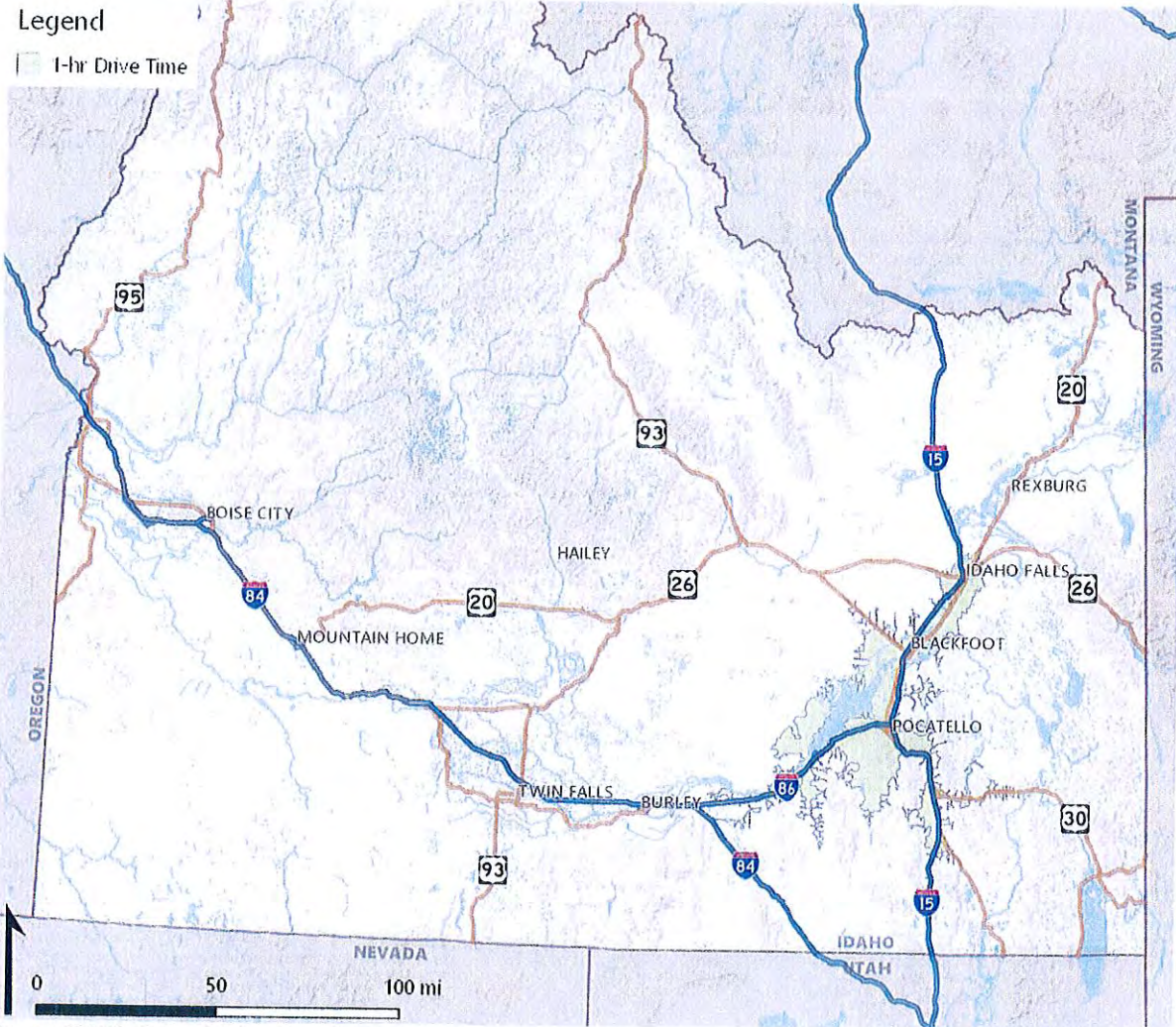
This goal of this market analysis is to provide development projections in support of the feasibility report as well as provide strategic advice regarding the emerging public-private partnership.

The market analysis is organized as follows:

National and Regional Context	2
Market Conditions	5
Real Estate Conditions.....	13
Growth Projections and Demand Forecast.....	32
Conclusion	40

NATIONAL AND REGIONAL CONTEXT

Location and Regional Context



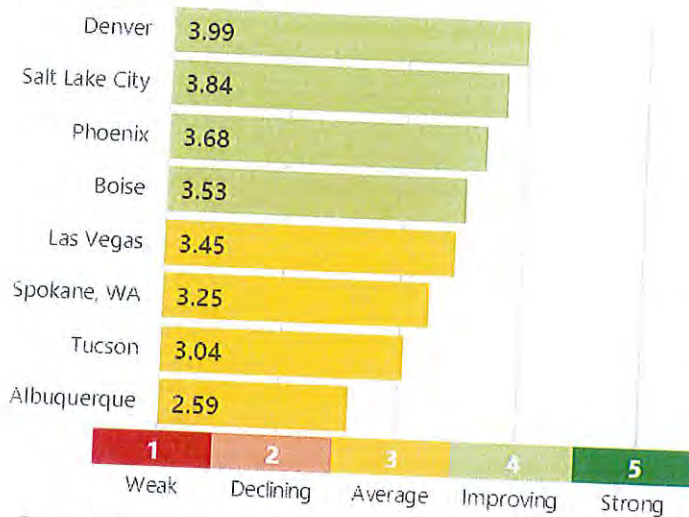
Source: TIGER, State of Idaho, OpenStreetMap, and Leland Consulting Group

Pocatello is located in southeast Idaho along I-86 and I-15 within one-hour's drive from Idaho Falls to the north, the I-84/I-86 interchange to the west, and Malad City to the south. Boise, Idaho's major metropolitan area, is approximately three-and-a-half hours to the west via I-84.

Development and Land Use Types

This section includes excerpts from the Urban Land Institute's Emerging Trends in Real Estate report for 2018, an annual publication that assesses the state of real estate markets both nationally and locally. National and regional trends have an impact on land use in Pocatello: they set the stage for the types of investments that are desirable for real estate developers and investors.

Local Outlook: Mountain Region¹



Source: Urban Land Institute

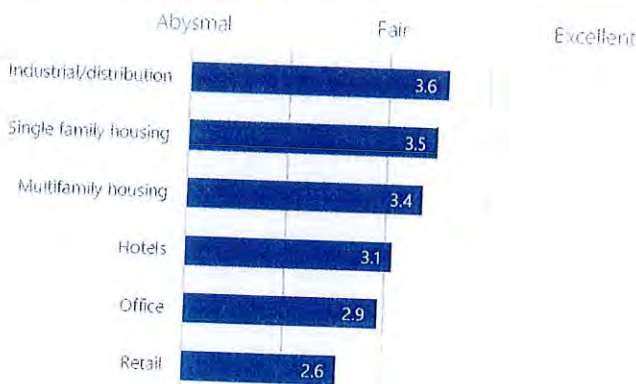
Companies have expanded or relocated operations to the Boise market to take advantage of the relative proximity, lower operating costs, and access to qualified labor.

As ULI only includes major metropolitan markets, the local outlook for Pocatello is not available. However, regional growth is likely to impact southeastern Idaho also. An Idaho State Journal article in August 2017 regarding the new interchange project suggested that regional growth in Boise and the Wasatch Front is "pushing those markets away from affordability and toward new urban challenges such as poor air quality, traffic jams and sprawl. Pocatello can absorb some of this growth efficiently, and without fundamentally altering its excellent pace and quality of life."

Emerging Trends describes the Mountain region markets as diverse, with some seeing higher recent and projected growth rates than others. In addition, the markets in this region have recovered from the global financial crisis at different rates.

Boise is considered an "improving" market by ULI, where the competitive cost and attractive quality of life has helped spur recent population growth and continues to be an attractive Millennial destination. Further, the perceived stability of the Boise market is seen as making it more attractive as national investors look for additional markets in which to place capital.

Development Prospects, 2018¹



Source: Urban Land Institute

Emerging Trends also provides guidance about the types of development that are likely to be most desirable in the coming years. While this is a national outlook, the guidance is usually relevant locally.

The following figure shows ULI's high-level summary of national development prospects for 2018 and in coming years. Several notable features are described below.

Desirable Development Types. Industrial and distribution are favored development types, largely because of the acceleration of online retailing, and the need for distribution points for these goods. Single-family housing

¹ Scores represent average of local market participants' opinions on strength of local economy, investor demand, capital availability, development and redevelopment opportunities, public/private investments, and local development community.

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has picked back up significantly; for many years following the great recession, single-family housing was much slower. Multifamily housing is also seen as having fair to good development prospects. Hotel development is judged to be just above fair. Leland Consulting Group's experience is that hotel development is a specialized form of development, which will work in specific locations, often with an established base of major employers or a major tourism draw.

Southeastern Idaho

Southeastern Idaho's economy includes agriculture, high-tech manufacturing, energy, services, and trade. Pocatello is southeastern Idaho's largest city and home to Idaho State University, a major research university and partner in workforce development, basic research, and cultural opportunities.

The Idaho Department of Labor offers an annual labor market economic report. Key findings from the 2016 report include:

- The region experienced steady population growth of 0.8 percent and strong economic growth between 2015 and 2016 following setbacks faced during the recession.
- The labor force has followed a similar trajectory, growing by 1.2 percent between 2015 and 2016. The unemployment rate was 3.6 percent for 2016 – a 0.5 percentage point drop from the previous year, but still not as low as the 2007 pre-recession rate of 2.9 percent. As of June 2017, the seasonally adjusted unemployment rate for the region was 2.7 percent, marking the second time the monthly rates dropped below three percent since the recession.
- Bannock County saw 210 fewer persons unemployed in 2016 from 2015, 524 more people employed and an unemployment rate that declined from four percent in 2015 to 3.5 percent in 2016. Declining unemployment rates in Bannock County are supported by strong employment gains in construction, manufacturing, and food services sectors.
- Construction of an FBI Data Center is ongoing. Construction is expected to exceed \$10 million and the project is anticipated to create as many as 300 new high-skilled jobs with average wages estimated at \$60,000 per year.
- In addition to the FBI Center expansion project, 2016 saw a large number of major construction projects in the Pocatello area including a \$9 million renovation of Fred Meyer, a \$6 million Idaho State Police construction project, a \$4 million Grace Lutheran High School construction, and the construction of the neighboring Mountain View Event Center.
- In 2017, Western States Cat completed its \$20 million new facility south of Pocatello.

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MARKET CONDITIONS

Population Characteristics

The State of Idaho is one of the fastest growing states in the nation at almost two percent annually from 2000 to 2010, and 1.3 percent annually from 2010 to 2017. This high growth rate is driven largely by the growth of the Boise metropolitan region. Other parts of the state, such as southeastern Idaho, where Pocatello is located, experienced significantly slower growth rates during this period. Population growth rates in Pocatello and Chubbuck have historically been marginally higher than those in the region.

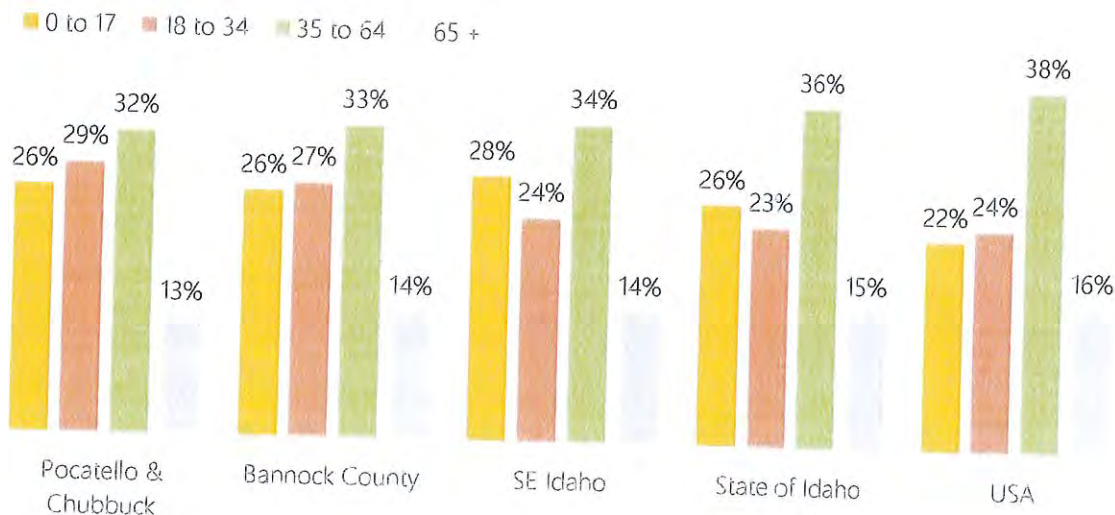
Population, 2000 to 2017

	Pocatello and Chubbuck	Bannock County	SE Idaho	State of Idaho	USA
2000 Total Population	61,707	75,565	154,007	1,293,953	281,421,906
2010 Total Population	68,136	82,839	166,284	1,567,582	308,745,538
2017 Total Population	70,436	85,802	171,096	1,714,694	327,514,334
00-10 Growth Rate	1.0%	0.9%	0.8%	1.9%	0.9%
10-17 Growth Rate	0.5%	0.5%	0.4%	1.3%	0.8%

Source: ESRI and Leland Consulting Group

There is a significantly greater proportion of "young adults" (aged 18 to 34) and slightly fewer seniors (over 65) in the Pocatello-Chubbuck area than the state. These age groups are typically the primary target market for mixed-use and/or denser housing types and urban settings. This is potentially indicative of a market primed for greater multifamily development.

Population by Age, 2017



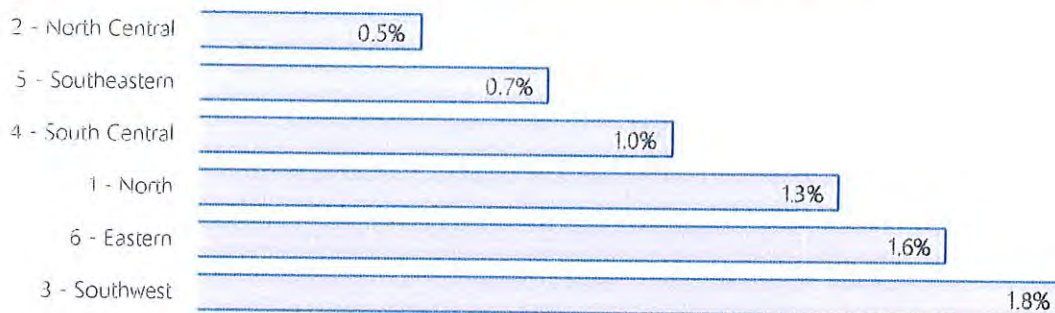
Source: ESRI and Leland Consulting Group

Forecasted Growth

Population growth is the greatest driver of demand for new development – residential especially. Population in the southeastern Idaho region is projected to grow at an annual rate of 0.7 percent through 2025, ranking as the region with the second slowest growth in Idaho. The southwest region – which includes Boise – is projected to see its population grow at an annual rate of 1.8 percent through 2025.

At 0.7 percent annual growth, absorption of new residential units and commercial space will likely be slower than other regions in the state, limiting the amount of new development that can be built initially.

Population Growth Projections, Idaho Regional Growth Rates, 2015 to 2025



Source: Idaho Department of Labor and Leland Consulting Group

Population growth consists of both natural growth (births and deaths) and migration (in- and out-migration). As the following table shows, migratory patterns have been relatively steady with similar numbers of in-migrants to out-migrants. Further, most of Bannock County's existing residents from 2015 to 2016 (most recent data available) were non-migrants; or in other words, they had resided in Bannock County since 2014. Those that did leave tended to have higher incomes and larger households than those migrating into Bannock County.

Bannock County Migration, 2015 to 2016

Bannock County Migration	Returns (households)	Exemptions (population)	Approx. Household Income	Approx. Household Size
In-Migration	1,806	3,831	\$41,645	2.12
From Other Idaho Counties	787	1,587	\$33,160	2.02
From Other States	1,019	2,244	\$48,197	2.20
Out-Migration	1,895	4,173	\$43,725	2.20
To Other Idaho Counties	897	2,069	\$43,104	2.31
To Other States	998	2,104	\$44,283	2.11
Bannock Co. Non-Migrants	26,506	61,131	\$55,037	2.31

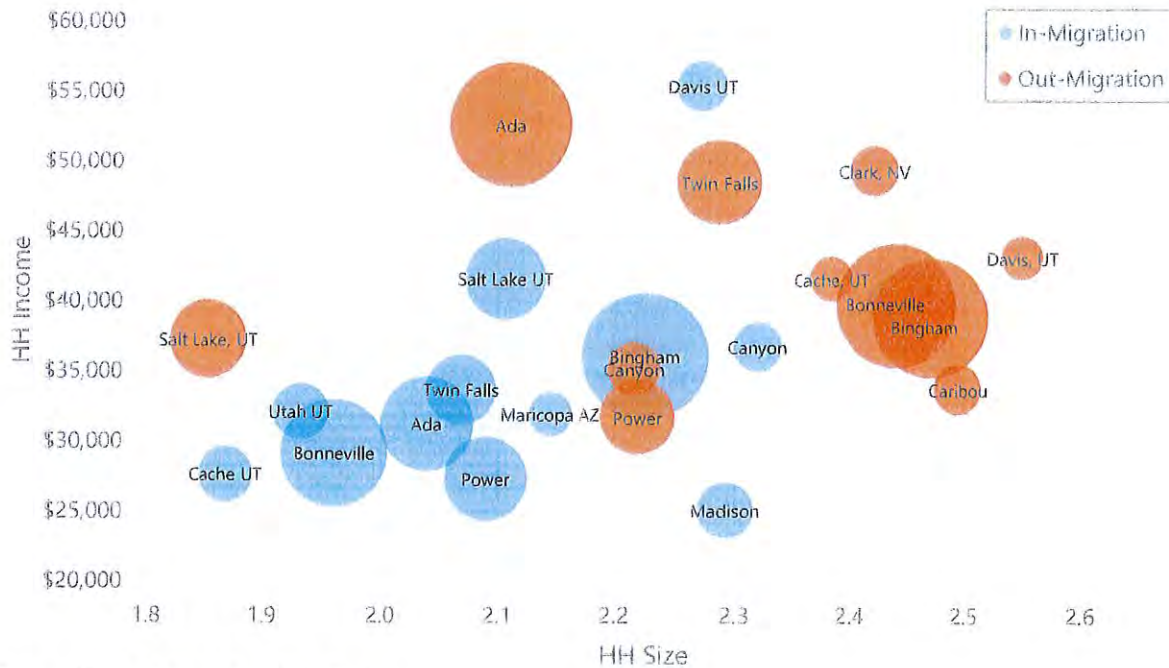
Source: IRS SOI Tax Statistics and Leland Consulting Group

The following figure shows origins and destinations of Bannock County's in- and out-migrants, with the size of the bubble corresponding to the total number of households. Most significantly, it appears that Bannock County is losing its highest earning households to Ada County (Boise). With one of the smallest household sizes among out-migrants (second only to out-migrants to Salt Lake County), this may indicate that these households are

young adults, rather than more established families, moving to Boise where the economy is booming and there are available jobs.

- Adjacent counties: Power; Bingham; Bonneville; and Caribou
- Nearby counties: Twin Falls; Madison
- Further counties: Ada (Boise); Canyon (Caldwell); Salt Lake, UT; Davis, UT; Utah, UT; Cache, UT; Maricopa, AZ; Clark, NV

Bannock County In- and Out-Migration Origins/Destinations, 2015 to 2016



Source: IRS and Leland Consulting Group

Household Characteristics

Pocatello and Chubbuck experienced significant household growth between 2000 and 2010 but significantly lower growth rates thereafter. This slowdown may be a direct result of the recession, which especially impacted the construction of new single-family homes. That said, the area has the lowest percent of "vacant housing units" compared to the county and wider region and state, which may indicate a tight housing market. The two cities also have a higher proportion of renters than other areas, likely driven in part by the presence of Idaho State University.

Household Growth and Tenure, 2000 to 2017

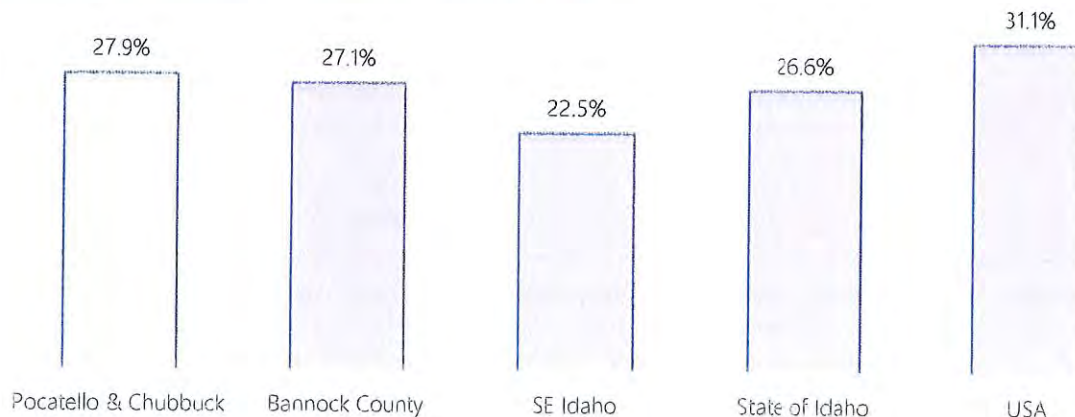
	Pocatello and Chubbuck	Bannock County	SE Idaho	State of Idaho	USA
2000 Households	22,685	27,192	52,794	469,645	105,480,101
2010 Households	25,552	30,682	58,833	579,408	116,716,292
2017 Households	26,157	31,475	60,248	628,868	123,158,887
00-17 Annual Growth Rate	1.2%	1.2%	1.1%	2.1%	1.0%
10-17 Annual Growth Rate	0.3%	0.4%	0.3%	1.2%	0.8%
Owner-Occupied Units	57%	60%	63%	59%	56%
Renter-Occupied Units	37%	33%	27%	28%	33%
Vacant Housing Units	6%	7%	11%	13%	11%

Source: ESRI and Leland Consulting Group

Note: Tenure is for 2017 only

Pocatello's residents, on average, are more educated than the wider region but less than the USA. Statewide, about 27 percent have a bachelor's degree or higher. Compared to other cities and metro areas, Boise (31 percent), Rexburg (37 percent), and Logan, UT (39 percent) are significantly more educated. The closest cities, Idaho Falls (27 percent) and Twin Falls (20 percent), have a lower educational attainment level, on average.

Percent Population (25+) with Bachelor's Degree, 2017



Source: ESRI and Leland Consulting Group

With regard to income, Pocatello and Chubbuck tend to have the lowest household incomes relative to the region, state, and country. With that said, per capita income is comparable to the state. The discrepancy between per capita and household income levels is likely due to the smaller household sizes in the Pocatello-Chubbuck area (2.62 persons per household on average versus 2.68 in the state). The median household income for other cities in the region widely vary, such as Rexburg (\$26k), Logan City, UT (\$38k), Idaho Falls (48k), and Twin Falls (\$42k).

Income Comparison, 2017

	Pocatello and Chubbuck	Bannock County	SE Idaho	State of Idaho	USA
Med HH Income	\$42,033	\$44,985	\$46,344	\$48,983	\$56,124
Per Capita Income	\$22,163	\$22,717	\$21,559	\$24,301	\$30,820

Source: ESRI and Leland Consulting Group

The median home value of all existing homes in the Pocatello-Chubbuck area is approximately \$150,000. The value of new homes (built in the past decade) tend to be between \$180,000 and \$200,000. Based on the National Association of Realtors' housing affordability index, these homes would be the upper threshold of affordability for households earning \$42,000 annually.

Employment

Existing Employment Conditions

Employment in Pocatello is dominated by health care and social assistance, retail, food and accommodation, manufacturing, and education. There are few business services, while most of the educational jobs are in the public sector (Idaho State University). The following table shows the latest private-sector employment characteristics for 2017 Q3 (which excludes Idaho State University and the FBI, for example).

Bannock County Industry Profile, 2017 Q3

Industry	Number of Firms*	Number of Jobs	Change in # of Jobs 2016-2017 Q3	Avg. Wage
22 Utilities	7	114	-6	\$86,164
23 Construction	247	1,777	-10	\$43,212
31-33 Manufacturing	71	2,092	191	\$59,644
42 Wholesale Trade	116	1,060	34	\$46,488
44-45 Retail Trade	312	4,482	15	\$26,000
48-49 Transportation & Warehousing	57	644	34	\$39,052
51 Information	30	338	-8	\$39,468
52 Finance & Insurance	148	1,566	-113	\$43,056
53 Real Estate & Rental & Leasing	89	266	1	\$25,428
54 Professional & Technical Services	213	1,162	56	\$39,260
55 Mgmt. of Companies & Enterprises	13	740	175	\$46,956
56 Administrative & Waste Services	105	1,788	-37	\$22,984
61 Educational Services	23	214	42	\$29,120
62 Health Care & Social Assistance	386	5,680	183	\$35,204
71 Arts, Entertainment, & Recreation	32	456	38	\$10,764
72 Accommodation & Food Services	206	3,560	30	\$14,872
81 Other Services, ex. Public Admin	167	738	31	\$28,184
Total	2,222	26,678	656	\$33,588

Source: QCEW (from United States Bureau of Labor Statistics) and Leland Consulting Group

*Private only

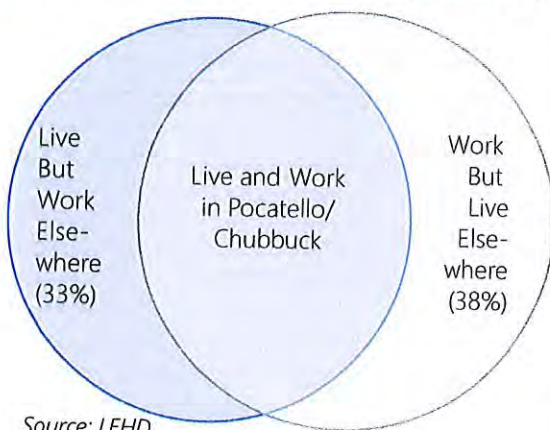
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- Between 2016 Q3 and 2017 Q3, all industries except utilities, construction, information, finance and insurance, and administrative and waste services saw positive job gains.
 - Manufacturing, management of companies and enterprises, and educational services all experienced double-figure annual growth rates (10+ percent).
 - Information for the government sector is unavailable, and includes public administration, public schools and universities, and other significant organizations such as the FBI. This sector is potentially the largest.

The following graphic shows the proportion of workers that either live, work, or live *and* work within the Pocatello and Chubbuck area. About two-thirds of workers in the Pocatello and Chubbuck area also live there, showing the lack of nearby cities and towns.

Of the one-third that work outside of the Pocatello-Chubbuck area, approximately 4,000 (approximately 12 percent) people commute to work north/northeast to Idaho Falls and Rexburg, the location of BYU, and approximately 3,000 people commute west – mostly to Twin Falls and Boise.

Of the 38 percent of workers in the Pocatello-Chubbuck area that commute from elsewhere, about 3,000 employees commute from Idaho Falls and Rexburg, and 3,000 from the west.

Pocatello and Chubbuck Commute Patterns, Inflow-Outflow, 2015



Source: LEHD

A high percentage of people that both live and work in a given area typically suggests a well-balanced economy with a good mix of residents and jobs, but it can also highlight a lack of opportunity to capture additional residents or employees traveling to and from the area.

There are many residents of Pocatello that commute to the Idaho National Laboratory (INL) to the north. With 7,000 employees, the INL is a significant regional employer that continues to attract young, educated workers. Continuing to attract these workers to live in Pocatello would greatly improve absorption of new housing units.

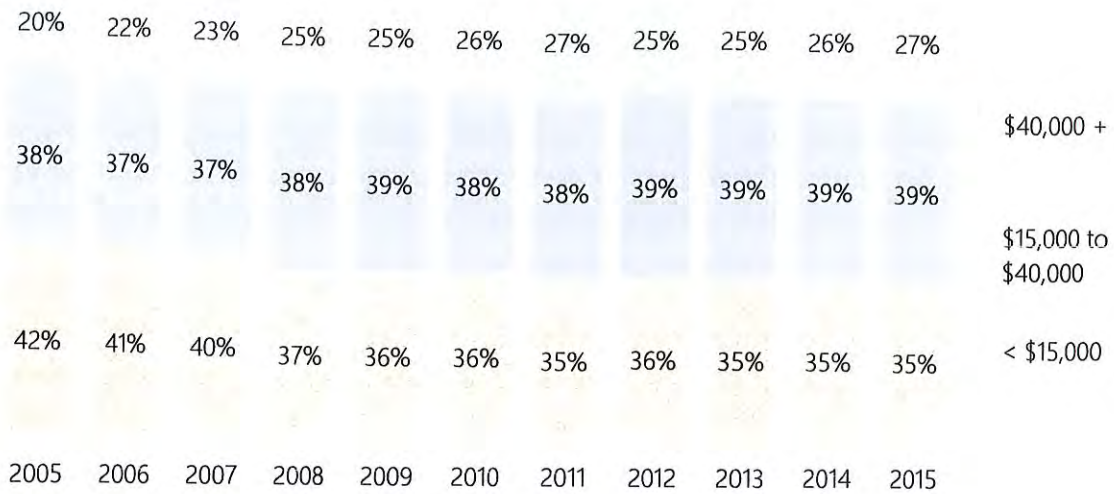
Elsewhere, there may be opportunities to attract residents of Idaho Falls and Twin Falls currently working in Pocatello with additional housing, but most new housing will likely be driven by job growth. Commuters to and from Boise are likely in high-growth white-collar industries, such as professional and business services, which are not strong industry sectors in the region (as the following table shows). Pocatello is therefore unlikely to be able to successfully compete with the Boise market.

While employment growth has been relatively stagnant over the past decade, annual wages have been rising, with an increasingly greater proportion of workers earning over \$40,000 per year. Income growth increases the range of housing options attainable to existing residents.

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Pocatello and Chubbuck Workers by Annual Wage, 2005 to 2015



Source: ESRI and Leland Consulting Group

Employment Forecasts

Pocatello's growing economy is driven by agriculture, manufacturing, research and development, and transportation. The city also serves as the retail hub for southeast Idaho and outdoor recreation helps attract tourists to the area.

Industries projected to add the most jobs through 2024 include construction, health care and social assistance, public administration. High growth industries (based on annual percent growth) include construction, real estate and rental and leasing, art, entertainment, and recreation, and other services.

Southeast Idaho² Industry Projections, 2014 to 2024

NAICS	Industry	Jobs 2014	Jobs 2024	10-yr Job Growth	Annual Job Growth
11	Agriculture, Forestry, Fishing & Hunting	2,601	3,076	475	1.7%
21	Mining	482	376	-106	-2.5%
22	Utilities	291	315	24	0.8%
23	Construction	2,758	3,702	944	3.0%
31	Manufacturing	5,994	6,482	488	0.8%
42	Wholesale Trade	2,662	3,129	467	1.6%
44	Retail Trade	6,984	7,550	566	0.8%
48	Transportation & Warehousing	1,640	1,801	161	0.9%
51	Information	706	767	61	0.8%
52	Finance & Insurance	2,280	2,403	123	0.5%
53	Real Estate & Rental & Leasing	531	734	203	3.3%
54	Professional, Scientific, & Technical Services	1,526	1,526	0	0.0%
55	Management of Companies & Enterprises	428	392	-36	-0.9%
56	Administrative & Support Services	2,881	3,164	283	0.9%
61	Educational Services (private + state + local)	7,306	7,901	595	0.8%
62	Health Care & Social Assistance	9,049	10,502	1,453	1.5%
71	Arts, Entertainment & Recreation	835	1,088	253	2.7%
72	Accommodation & Food Services	4,438	4,983	545	1.2%
81	Other Services (except Government)	1,752	2,352	600	3.0%
92	Public Administration	6,288	7,202	914	1.4%
	Total	61,432	69,445	8,013	1.2%

Source: Idaho Department of Labor and Leland Consulting Group

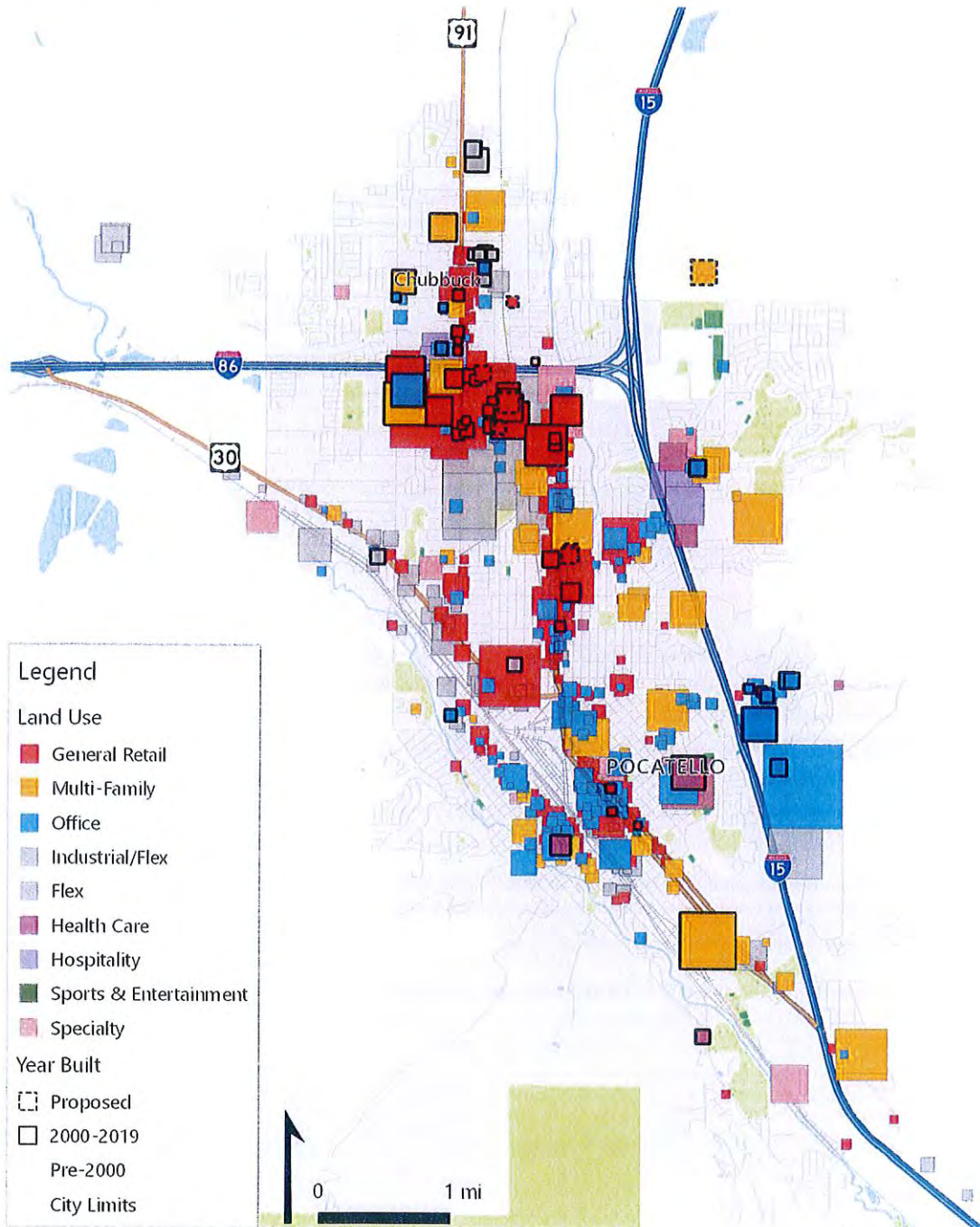
² Includes Bannock, Bear Lake, Bingham, Caribou, Franklin, Oneida and Power counties

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REAL ESTATE CONDITIONS

This section focuses on existing real estate market conditions in the cities of Pocatello and Chubbuck, summarizing characteristics such as vacancies, absorption, development trends, and other national trends. The following map shows all land uses – except single-family residential – by square footage.

Development, Pocatello and Chubbuck Cities

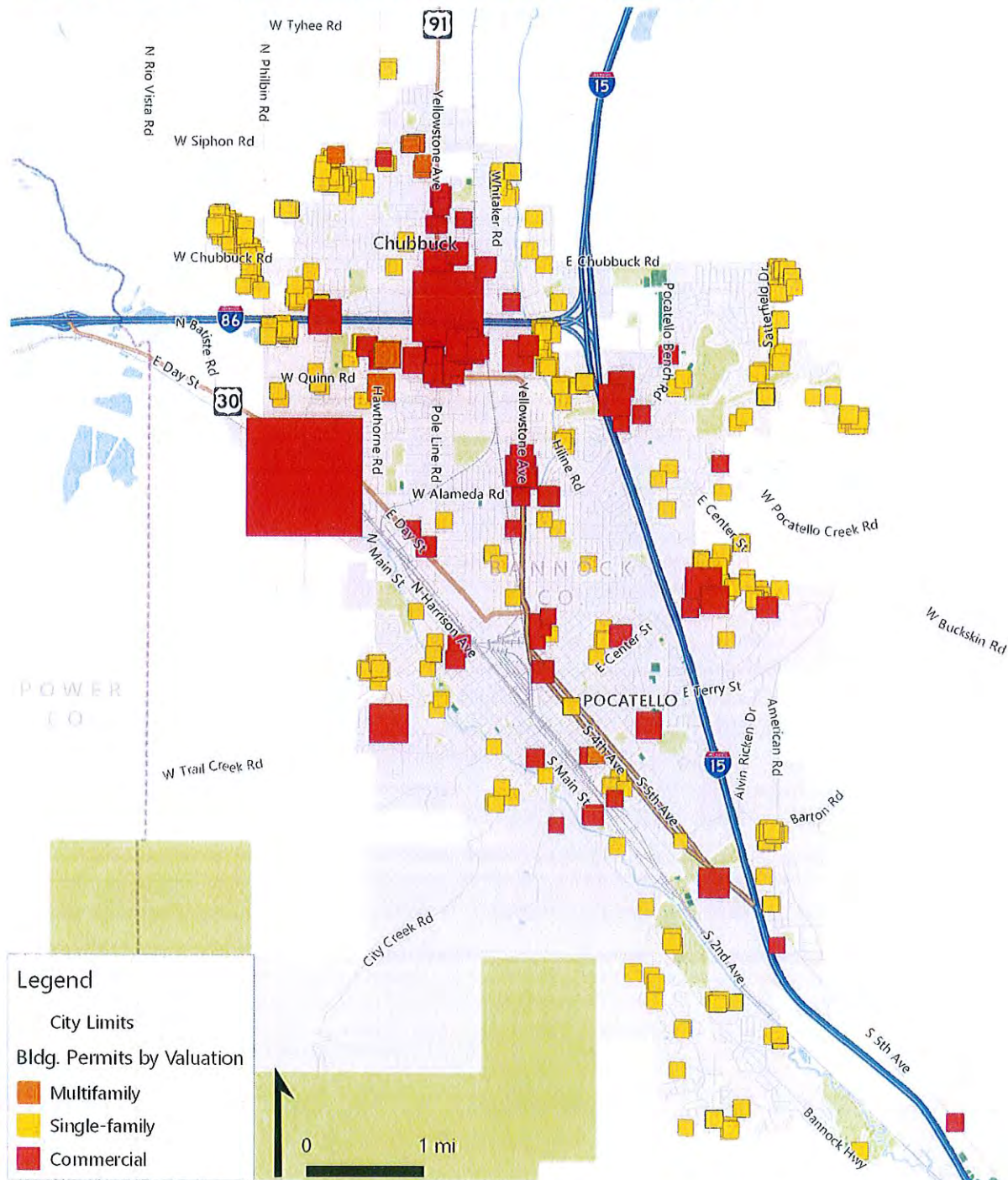


Source: CoStar and Leland Consulting Group

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As the following map shows – which includes commercial and residential building permits by project value – momentum appears to be pushing north. Commercial permits are clustered around the Pine Ridge Mall and Portneuf Medical Center, and along Yellowstone Avenue. The highest-value permit was issued for the Great Western Malting Company expansion in west Pocatello on US-30.

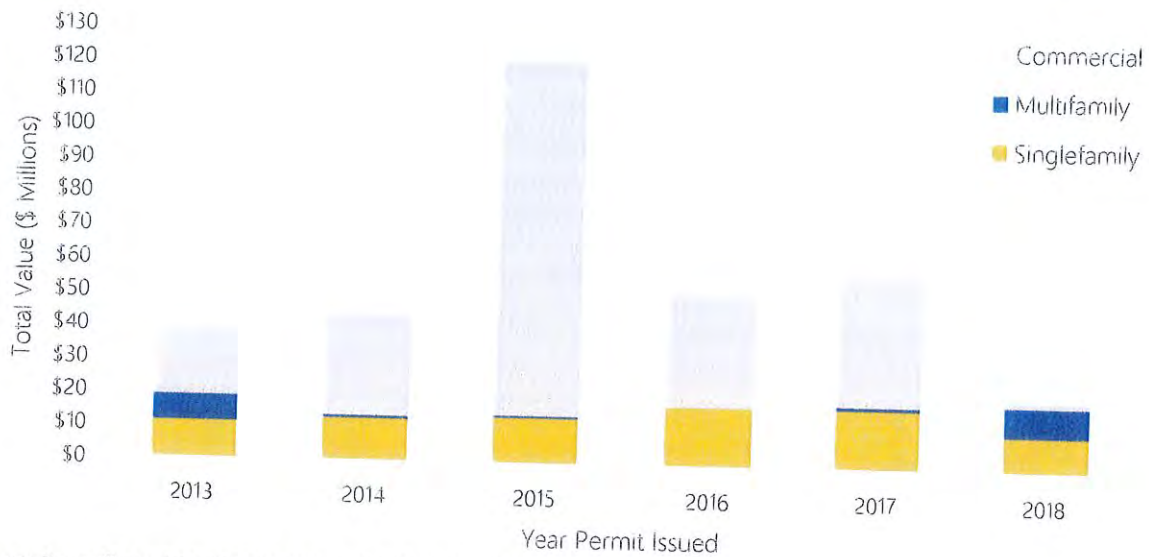
Building Permits Issued, New Construction by Total Value, 2013 to 2018 Q1



Source: Chubbuck and Pocatello Cities, TIGER, Leland Consulting Group

Over the past five years (2013 to 2018 Q1), there have been 747 permits issued for new construction of single-family detached residential units in the cities of Pocatello and Chubbuck, 59 permits issued for multifamily units (totaling over 330 units), and 103 permits issued for commercial development. However, as the following figure shows, while more permits have been issued for single-family residential development, significantly more commercial square footage has been permitted in the Pocatello-Chubbuck area in recent years, particularly in 2015 (project value is directly correlated with the size of the project).

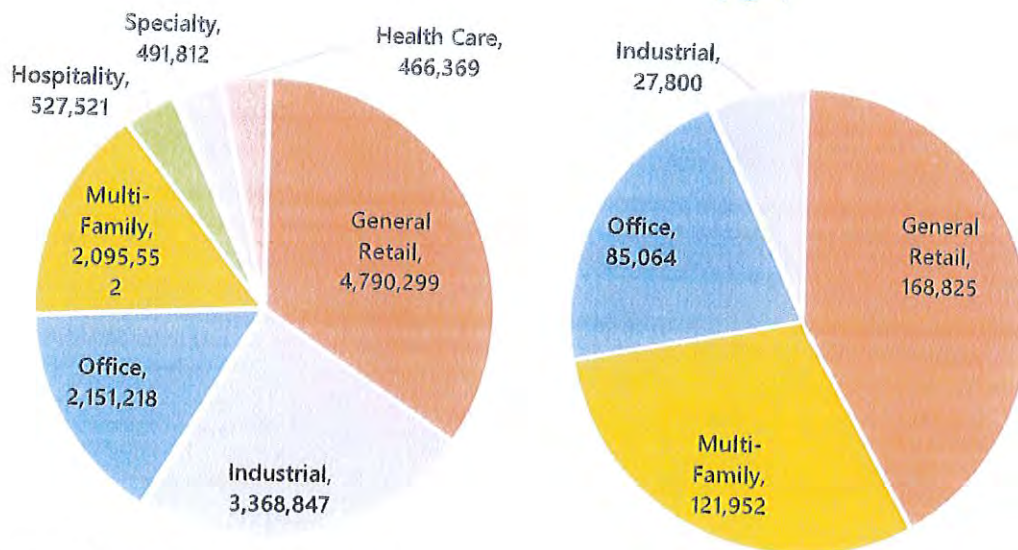
Permits Issued by Project Value and Land Use, Pocatello and Chubbuck, 2013 to 2018 Q1



Source: Pocatello and Chubbuck Cities and Leland Consulting Group

Excluding institutional single-family residential land uses, the Pocatello-Chubbuck area is dominated by retail and industrial development. Recently, retail and multifamily has been the predominant land use.

Land Use Mix by Square Feet, All Years (left), Built Since 2010 (right)

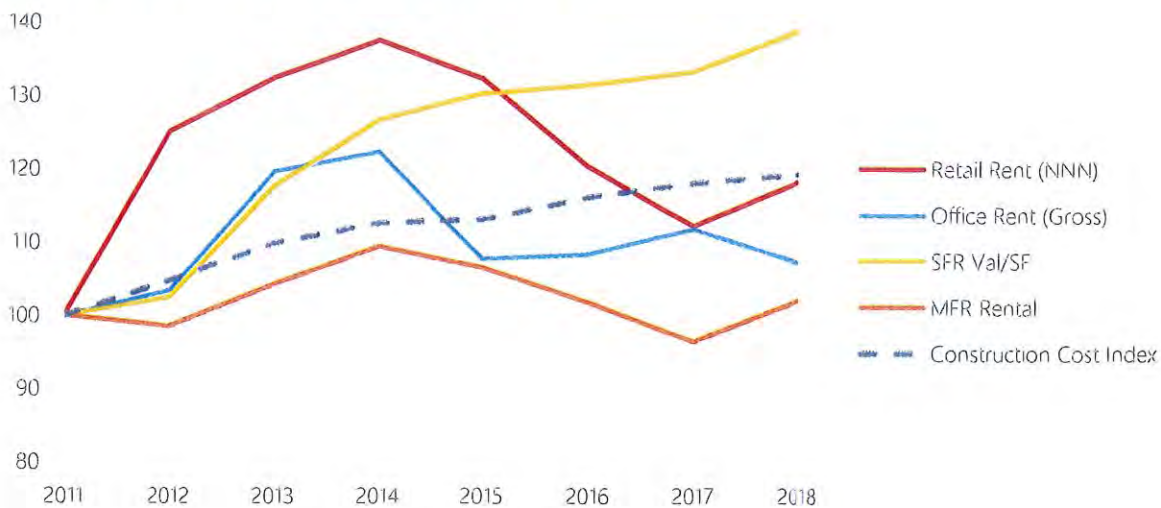


Source: CoStar and Leland Consulting Group

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One of the main challenges for new construction post-recession has been rapidly increasing construction costs. Rents in major metropolitan areas have generally increased at a similar pace, but in smaller cities and more rural areas rents are typically not high enough for new construction to be feasible.

The following figure shows commercial and multifamily rent growth and single-family values indexed to 2011 numbers. Single-family home values per square foot appear to be the only land use where growth has outpaced construction cost growth (which is likely to be a conservative estimate). Rent growth is also out-of-sorts with typical trends. Post-recession, economies have tended to recover on the back of multifamily growth. In the Pocatello-Chubbuck area – where multifamily has seen little rent growth – this does not appear to be the case. Retail rents increased rapidly post-recession (likely because rents experienced a sheer drop off during the recession) but have been in decline since 2014. With the retail industry currently in a state of flux and disruption, rents are unlikely to increase significantly – especially for traditional auto-oriented big box retail construction. With that said, many retail tenants are now more willing to pay more for high-quality space and prime locations.

Construction Cost and Rent Growth, 2011 to 2018 Q1



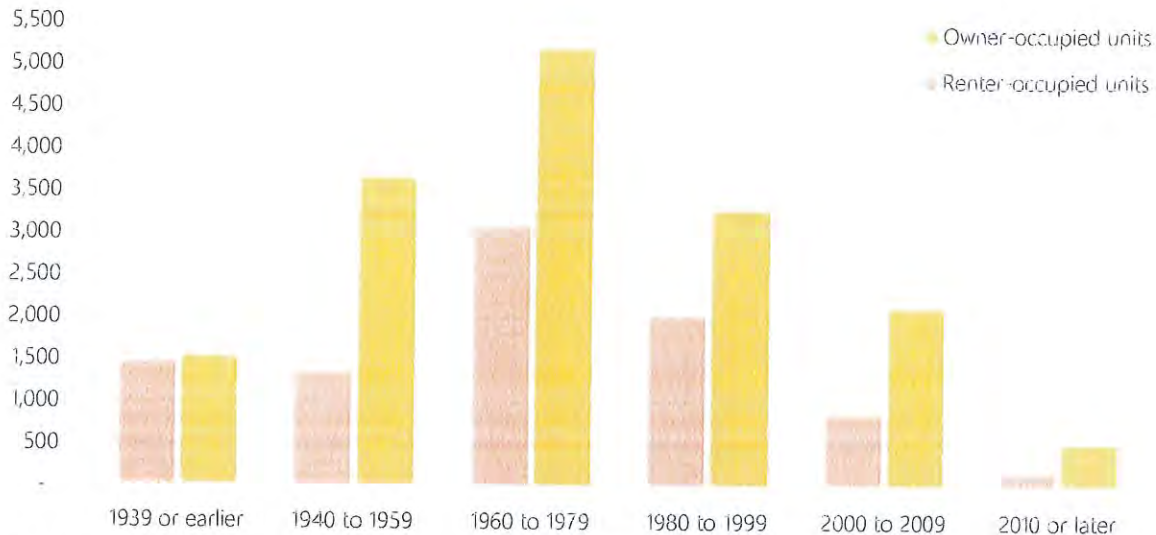
Source: CoStar, Zillow, RSMMeans, and Leland Consulting Group

Residential Market

The housing market in the Pocatello and Chubbuck area is currently very tight. According to an Idaho State Journal article in February of 2018, the average home in the area is on the market for less than 60 days before closing, and while it typically has about 430 homes for sale, less than 100 homes were available as of February 2018 – many of which were priced over \$250,000. The result is a difficult market for first-time buyers and lower income families.

Approximately one-third of Pocatello and Chubbuck's housing units were built between 1960 and 1979, and only 15 percent of all units have been built since 2000, suggesting an older housing stock – especially with rental units (more likely to be multifamily than owner-occupied units). In short, older neighborhoods contain a greater proportion of renters.

Tenure of Occupied Housing Units by Year Built, 2016

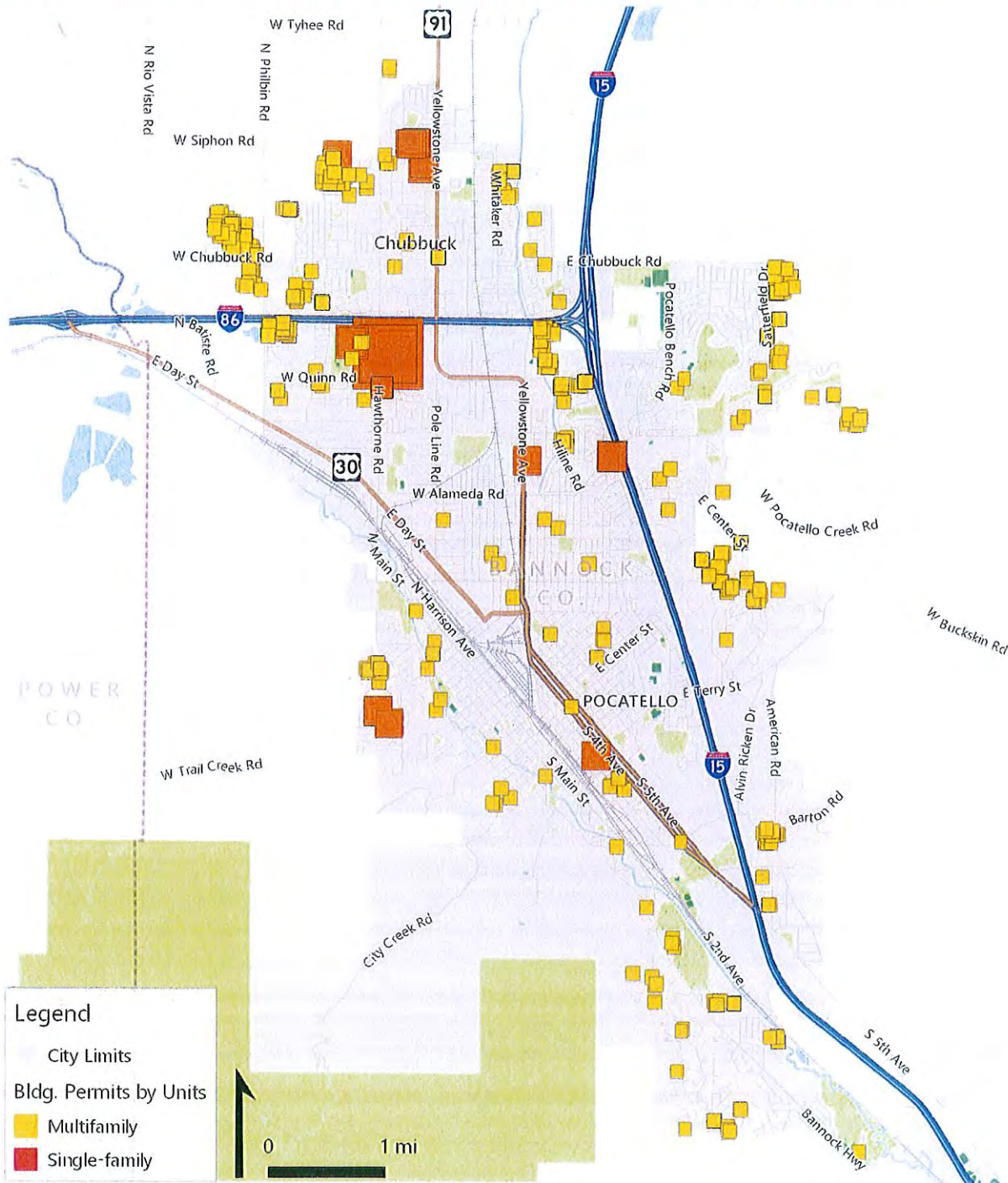


Source: American Community Survey 5-Year Estimates and Leland Consulting Group

The following map shows residential building permits issued for the last five years. Clustering of single-family permits indicate new subdivision locations. Large new subdivisions are getting built out in west and northwest Chubbuck and east and throughout north Pocatello. A handful of smaller subdivisions are getting built in southeast and west Pocatello. Most multifamily permits have been fourplexes.

As noted already, from 2013 to 2018 Q1 there were 747 permits issued for new construction of single-family detached residential units in the cities of Pocatello and Chubbuck and 59 permits issued for multifamily units (totaling about 330 units). Annually, this equates to approximately 130 single-family homes and 42 multifamily units (includes all buildings with two or more units). According to MLS data, approximately 60 to 70 new single-family homes were sold in the last year in the Pocatello-Chubbuck area.

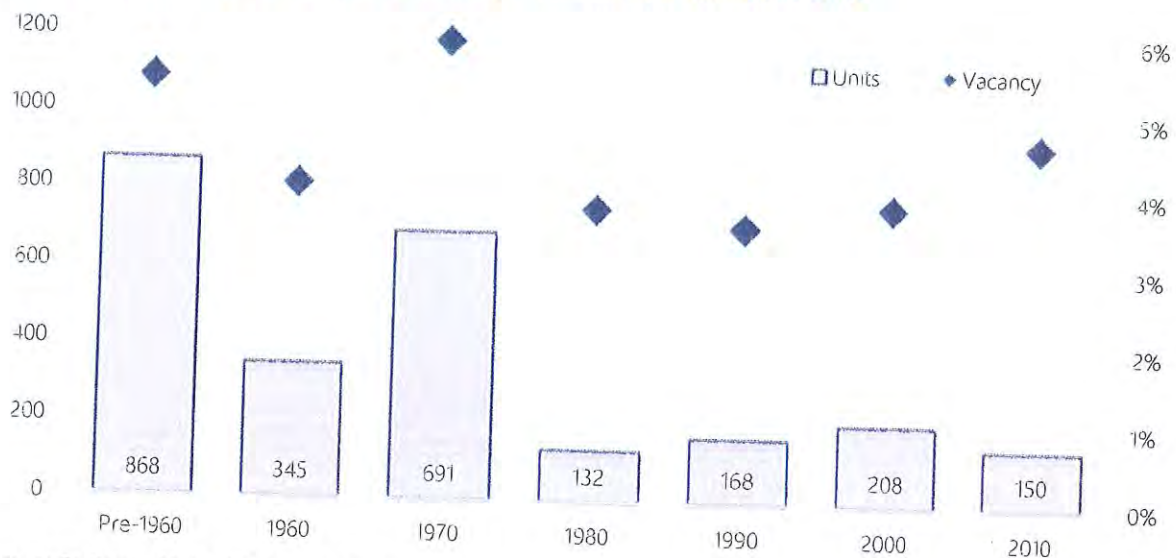
Residential Building Permits Issued, New Construction by Number of Units, 2013 to 2018 Q1



Multifamily Market Supply

While most of Pocatello and Chubbuck's existing multifamily (typically buildings with four or more units) residential stock is older (built pre-1980), the vacancy rates indicate a relatively tight market for multifamily apartments, as shown in the following figure. Overall, a vacancy rate of five percent suggests a market in equilibrium, yet for units built after 1980 the vacancy rate is significantly lower, suggesting existing demand. It is feasible that there is pent-up demand in the region for additional housing.

Multifamily Units by Year Built and Vacancy, Pocatello and Chubbuck Cities



Source: CoStar and Leland Consulting Group

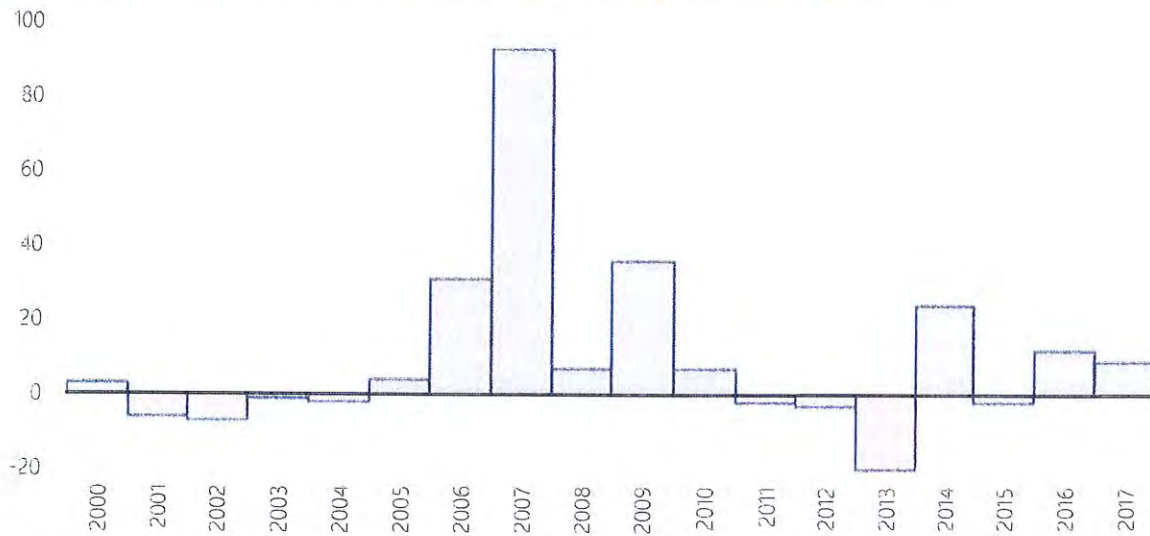
This assumption of pent-up demand is supported by net positive absorption of multifamily units over the past two decades. Absorption is the amount of space or units leased within a market or submarket over a given period of time (usually one year). Absorption considers both construction of new space and demolition or removal from the market of existing space. It represents the demand over a specified period, contrasted with supply.

When supply is less than demand, vacancy decreases, and absorption is positive. When supply is greater than demand, vacancy increases, and absorption is negative. A negative absorption can reflect changes in the marketplace, such as a sudden lack of jobs due to a company closing.

Absorption was positive, on average, despite the addition of three multifamily projects increasing multifamily supply by 11 percent (54 new units in 2006, 106 in 2007, and 48 in 2009). Over the past decade, net absorption averaged 16 multifamily units per year of net absorption, showing a tightening market and decreasing vacancy rate.

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Multifamily Net Unit Absorption, Pocatello and Chubbuck Cities, 2000 to 2017



Source: CoStar and Leland Consulting Group

As the following table shows, there are no multifamily properties currently renting for over \$1.00 per square foot. While there are few notable trends in the existing inventory, the highest renting properties tend to be student housing.

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Multifamily Properties with 20+ Units, Pocatello-Chubbuck Area, 2018

Bldg. Name	City	# of Units	Year Built	# of Stories	Rent PSF	Rent Type
Kirkwood Meadows	Pocatello	200	1972	2	\$0.74	Market
Hawthorne Gardens	Chubbuck	150	2014	3	\$0.86	Market
Pine Ridge Apts.	Chubbuck	144	1976	2	\$0.89	Market
Pocatello Heights Apts.	Pocatello	116	1967	2	\$0.55	Market
Bengal Creek Ridge Apts.	Pocatello	106	2007	2	\$0.87	Student
Diamond Court	Chubbuck	96	1998	2	\$0.58	Market/Affordable
Grove Apts.	Pocatello	96	1975	2	\$0.54	Market
Yellowstone Townhouse Apts.	Pocatello	94		2	\$0.53	Market
St Anthony Place Apts.	Pocatello	88	1985	3		Affordable/Senior
Christensen Courts	Pocatello	74		3		Affordable
Village Apts.	Pocatello	68	1975	2	\$0.56	Market
McKinley Manor	Pocatello	56		2		Affordable
Avalon Park Apts.	Pocatello	54	2006	2	\$0.69	Affordable
Brentwood Manor	Pocatello	50	1930	4	\$0.51	Market
1002-1022 E Poplar St	Pocatello	50		2		Market
Cardona Senior Apts.	Pocatello	48	2009	2	\$0.42	Affordable/Senior
Fargo Apts.	Pocatello	44	1915	4	\$0.60	Market
Michael's Manor	Pocatello	39	1998	2	\$0.81	Market
Hillside Village Apts.	Pocatello	33	1999	2	\$0.97	Student
Cedar View Apts.	Pocatello	32	1988	2	\$0.64	Affordable
Executive Inns Apts.	Pocatello	26		2	\$0.48	Affordable
Zener Apts.	Pocatello	25		2	\$0.98	Market
Collegiate Inn	Pocatello	24	1973	3	\$0.84	Student
Casa Del Rio	Pocatello	24	1940	2	\$0.59	Market
Summit Apts.	Pocatello	24	1978	3	\$0.70	Market
1070 McKinley Ave	Pocatello	20		2		Market

Source: CoStar and Leland Consulting Group

Single-Family Market Summary

The average number of days on the market for a home to sell has been decreasing for the last several years, likely due to lower housing inventory and a stronger demand for housing in the Pocatello-Chubbuck area. There is particularly strong demand for houses priced from \$100,000 to \$150,000. In the first quarter of 2018, 218 homes were sold in Bannock County, with an average of only 81 days on the market. Of those 218 homes, 70 were priced between \$100,000 and \$150,000 and were sold within 70 days, on average.

Townhomes and twin homes, two traditional "missing middle" housing types³ in the area have been even quicker to sell. From after the recession to 2016 Q1, these housing types were spending between 120 and 160 days on the market before selling; over the past two years they have sold within 60 to 70 days, further indicative of the demand for affordable housing types that meet the demand for walkable urban living.

³ Missing middle is a range of multiunit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for walkable urban living.

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 Selected Single-Family Dwelling Sale Characteristics, 2008 to 2017

Year	Days on Market	Total Homes Listed	Total Homes Sold	Percent of Homes Sold	Median Home Price	Percent of Asking Price
2008	109	1,988	990	50%	\$135,900	98.4%
2009	123	2,010	844	42%	\$127,650	95.4%
2010	124	1,627	721	44%	\$125,000	96.3%
2011	130	1,001	681	68%	\$113,500	96.4%
2012	135	1,011	746	74%	\$124,000	97.2%
2013	118	1,508	889	59%	\$133,700	97.6%
2014	119	1,742	915	53%	\$132,900	97.8%
2015	109	1,280	1,054	82%	\$136,000	97.8%
2016	94	1,429	1,080	76%	\$138,000	98.5%
2017	81	1,321	1,144	87%	\$145,000	98.7%
2018 Q1	85	274	213	78%	\$150,000	99.0%

Source: Greater Pocatello Association of Realtors MLS Data and Leland Consulting Group

The ratio of homes sold to homes listed has been rapidly rising since the recession, to the extent that if the current trend continued, 100 percent of homes listed would be expected to be sold by 2021. This indicates a need to increase the supply of homes through new construction.

Currently, only about five to six percent (in 2017 numbers) of all annual home sales are for new construction (60 to 70 homes). Assuming most of the 150 single-family and 35 multiplex permits were built, this would still reflect approximately 15 to 20 percent of total home sales.

Absorption Rate. The absorption rate is the rate at which homes sell over a given period of time. An absorption rate above 20 percent is generally associated with a seller's market, meaning that homes are selling fast. An absorption rate below 15 percent is generally associated with a buyer's market, meaning that homes are selling relatively slowly.

The Pocatello-Chubbuck area's absorption rate is well above the 20 percent threshold which indicates a seller's market. While home listings have remained relatively equal over the past decade, an increasing number of homes have been sold. This suggests a tightening of the market and a need to increase the housing inventory.

Planned and Proposed Projects

Single-family residential continues to develop in the area through small-to-medium sized subdivisions – currently 19 in Pocatello and four in Chubbuck. There are no additional significant planned or proposed multifamily projects, other than a handful of multiplex projects (duplex, triplex, etc.).

Market Trends

The recession had a profound and lasting effect on the housing market, and while the recovery is now well underway, more people are renting than ever before. For many people, financial barriers such as rising student debts, access to credit, and cumbersome down payments have forced them to rent. For many others, the choice to rent is simply a choice. Indeed, it is well established that the two most populous generations – the

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Baby Boomers (ages 54 to 72) and Millennials (ages 22 to 37) – are currently the primary drivers of demand for residential units in walkable, urban locations that offer flexibility and a range of amenities.

As Baby Boomers reach retirement age and see the last of their children leave home, they are increasingly attracted to smaller move-down or “lock-and-leave” housing which requires less maintenance and affords more flexibility. As such, age-restricted and senior multifamily housing has risen near the top of the list for best investment choices (per the ULI’s Emerging Trends in Real Estate report for 2018).

For Millennials, the situation is more nuanced and difficult to forecast. The common rhetoric for many years was that Millennials desire urban living and will continue to reside in urban cities because of financial conditions and choice. However, while demand for urban rental apartments has remained high among Millennials, they are increasingly forming households and having children, looking at select suburbs and secondary markets because of the quality of life, lower cost, and space and yard availability. Indeed, 70 percent of Millennials expect to be homeowners by 2020, even though only 26 percent own today (per the ULI’s Gen Y and Housing report). With that said, generational trends associated with the next emerging generation – Gen Z (ages 21 and below) – is relatively unknown.

Other reports have recently documented important trends in housing. Findings include:

- Cost of housing, neighborhood safety, proximity to work, K-12 school quality, and community character, ambience, and visual appeal were the top five critical community features for survey respondents.⁴
- Urban setting, proximity to shopping, dining and entertainment, walkability, and availability of mass transit are also important – but not critical – features in a community.⁵
- The more walkable the community, the more satisfied residents are with their quality of life.⁶
- Access to public transportation is much more important to those earning under \$50,000 per year, while walkability is also more important to those with lower incomes.⁷
- Sixty percent of residents would spend at least a little more for a house in a walkable community.⁸
- Four-in-10 people prefer a walkable community and short commute. Millennials, in particular, are swayed by a shorter commute.⁹

Talk of generational shifts, however, sometimes misses the point. Ultimately, people are waiting longer to make significant life choices, such as buying a home or having children, and quality of place has emerged as a primary desire for almost all prospective residents across all demographic groups. Quality of place is simply the combination of components that make any given place enjoyable to live, such as availability of and access to good schools, parks, quality health care, transit, shops, entertainment, and cultural amenities.

⁴ Urban Land Institute (ULI), Gen Y and Housing: What They Want and Where They Want it, 2015

⁵ Ibid.

⁶ National Association of Realtors (NAR), National Community and Transportation Preference Survey, 2017

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

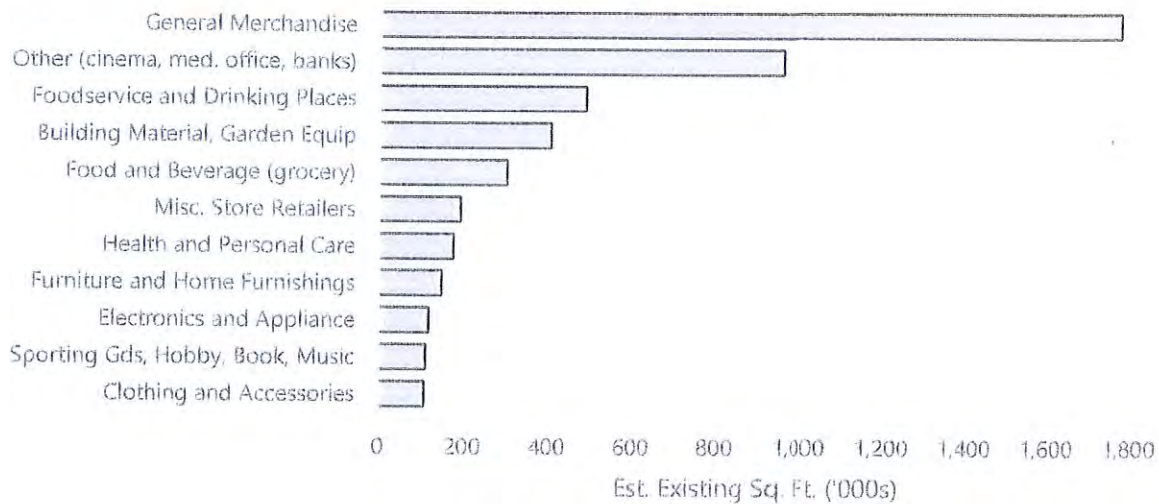
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Retail Market

Market Summary

Regionally, retail is concentrated in Pocatello and Chubbuck. General merchandise is by far the predominant retail category (by total square footage). This is likely due to the Walmart and other big box stores in the area.

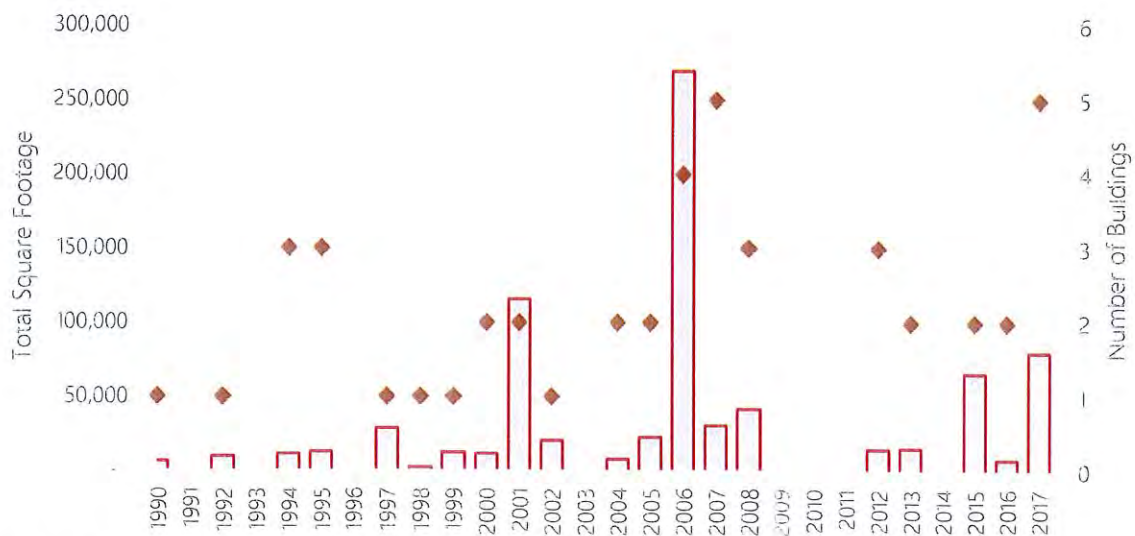
Estimated Existing Square Footage Per Retail Category, 2018



Source: ESRI and Leland Consulting Group

Of the total four million square footage existing in the Pocatello-Chubbuck area, about seven percent was built in 2006 and three percent in 2001. Most retail was built pre-1990. A number of large stores were built in 2017, such as PetSmart. For the most part, retail development has been auto-oriented.

Retail Deliveries, 1990 to 2017



Source: CoStar and Leland Consulting Group

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Retail vacancy rates have been gradually improving over the past decade. In fact, vacancies did not appear to be greatly impacted by the recession like many other cities and towns. Net absorption, on the other hand, has been inconsistent, but has totaled 111,000 net square feet of retail space over the past decade.

Retail Net Absorption (Square Feet) and Vacancy Rate, 2007 to 2017



Source: CoStar and Leland Consulting Group

Planned and Proposed Projects

Several retail projects are proposed in the Chubbuck/north Pocatello area. The seven projects total approximately 82,854 square feet. None of these projects are likely to be comparable projects for the Northgate development as they are auto-oriented, low-density pad sites and strip centers. With that said, asking rents start at \$17.50 and increase to \$28.00 per square foot triple-net, which are \$5.00 to \$16.00 per square more than current average retail rents.

It is potentially unlikely that many of these projects will go ahead. Absorption of new retail space in the Pocatello-Chubbuck area has been slow over the past decade (totaling 111,000 square feet during this period). With approximately 83,000 square feet of new retail planned, it is unlikely the current market could support this space within the next two years.

Market Trends

Generally, the retail industry is in an unprecedented state of disruption and transition, impacted by the growth of ecommerce (internet sales), declining traditional brick and mortar store sales, consolidation of major retail chain stores, and the overall decline in overall demand for new retail space (outside of a downtown or walkable urban environment).

The Rise of Ecommerce. Between 2001 and 2015, total online retail sales grew at a 21.8 percent annual growth rate and accounted for 22 percent of total retail sales growth. During the same period, brick and mortar stores grew at only 3.7 percent annually, decreasing their share of the total retail market from 98 percent to 89 percent. While still only a small total market share, estimates indicate that up to 20 percent of total U.S. sales will be attributed to ecommerce by 2019.

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The rise of online retail has also had a major impact on the way retailers are doing business. As more people turn to the internet to do their shopping, traditional brick and mortar stores are altering their store formats and incorporating an online platform into their business concepts. Omnichannel retail strategies, where a retailer operates through both physical locations and online sales, have been a necessity in today's market.

The list of top online retailers reinforces this point as many also have a significant brick and mortar presence. Of the top 25 companies with the highest online retail sales in 2016, 18 were more traditional brick-and-mortar retailers. These include companies such as Walmart, Best Buy, Macy's Inc., Nordstrom Inc., Target Corp., Gap Inc. and Neiman Marcus.¹⁰ That said, Amazon remains king among online retailers, with almost six times the sales volume of the second ranked retailer – Walmart.

Downtown and Other Retail Trends

Several other national trends impacting the retail industry are as follow:

- The role of entertainment in driving downtown retail is strong and growing. Many cities are pursuing the potential for entertainment as anchor projects, particularly in the form of arts and cultural facilities, for their downtowns.
- Food and entertainment retail remain strong and expect continued growth, often serving as anchors.
- Expanding or growing retail concepts include fresh fast/casual dining, local arts, and lifestyle and wellness retail. Neighborhood grocery-anchored retail continues to experience good demand growth and falling vacancies. However, these may be facing some underlying risks due to over-retailing and tenant competition as developers seek "safe plays" against ecommerce.
- Contracting or declining retail concepts include fast food, dollar stores, and commodity retail.
- Downtowns with large resident populations that choose to shop locally have the best chance of retaining independent retailers.
- In some cities, universities are becoming active in helping their host cities enhance the urban experience by transforming underutilized properties and boosting local business with a stronger downtown presence.
- The most successful and resilient retail establishments will be in more mature market areas (i.e., cities versus new suburbs).
- Lifestyle centers are replacing malls by attempting to create a sense of community, and focus on food, entertainment, music, books, and home goods.
- National trends toward compact, urban living, with less car dependence will facilitate increased downtown retail spending.

Employment Market

Employment growth is an important driver of housing demand, especially in smaller cities and isolated geographies where there are few nearby employment centers. Pocatello's employment market is centered around the Portneuf Medical Center, Idaho State University, and the FBI. This is unique from other regional employment centers such as Idaho Falls where the Idaho National Laboratory is located.

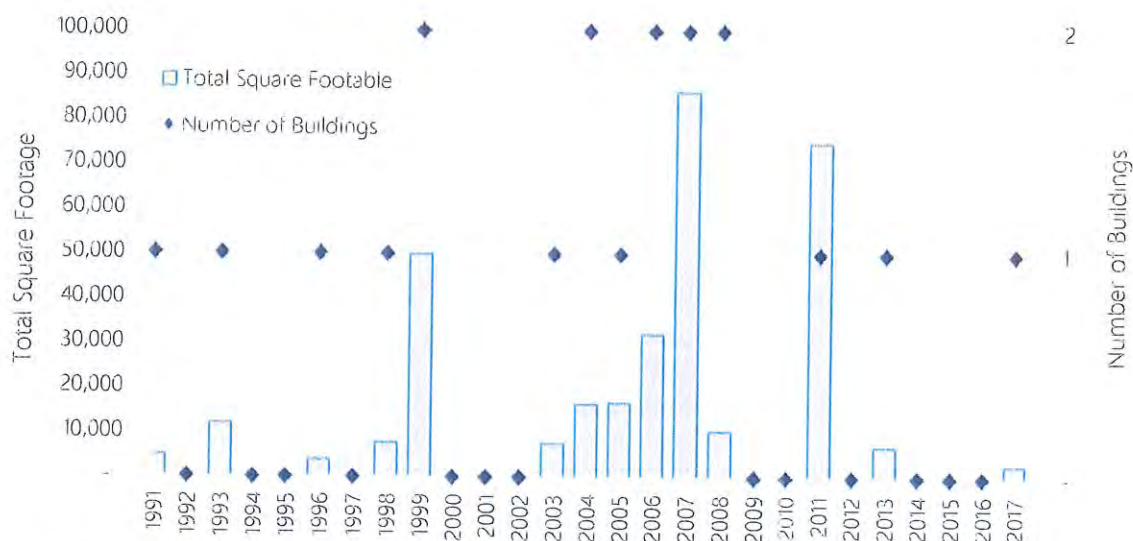
¹⁰ www.wwd.com/business-news/financial/amazon-walmart-top-ecommerce-retailers-10383750/

171' 245
Discussion of the employment market includes office and industrial. More rural industries such as natural resource extraction and agriculture are typically excluded from these discussions as they have significantly fewer demands for physical office and industrial space.

Market Summary

There has been little office development in the Pocatello-Chubbuck area since the recession. Only one significant office building was built – the 75,000-square-foot Allstate Call Center in Chubbuck.

Office Development, 1990 to 2017

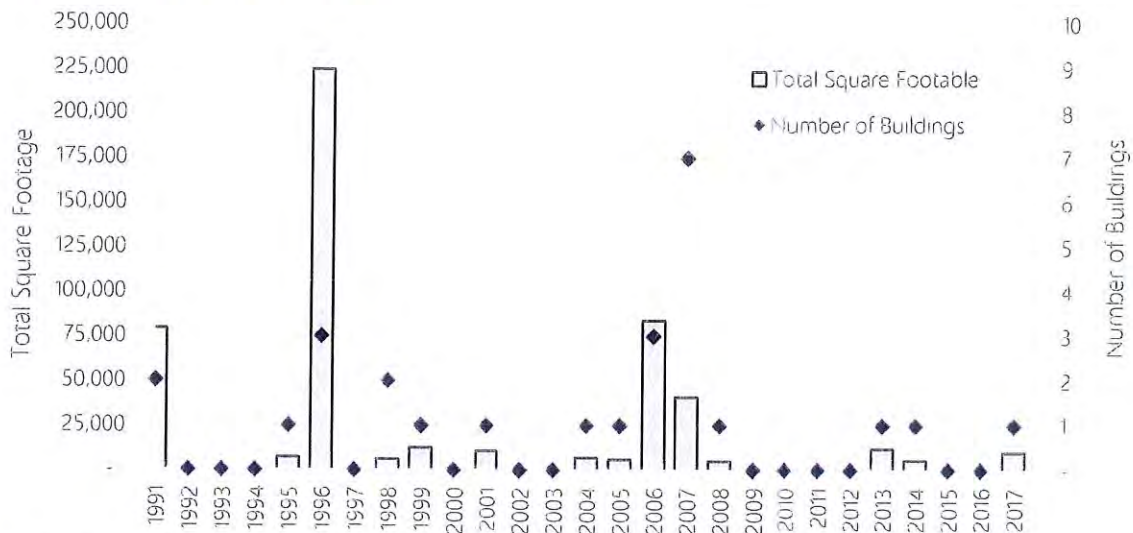


Source: CoStar and Leland Consulting Group

Similarly, industrial development has been sparse. There was only one significant year of industrial development in the last 25 years, of which the 209,000-square-foot William M. and Karin A. Eames Advanced Technical Education and Innovations Complex (an Idaho State University campus facility formerly known as the Research and Innovation in Science and Engineering, or RISE, Complex) was mostly responsible. Industrial includes flex space and makerspace.

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Industrial Development, 1990 to 2017

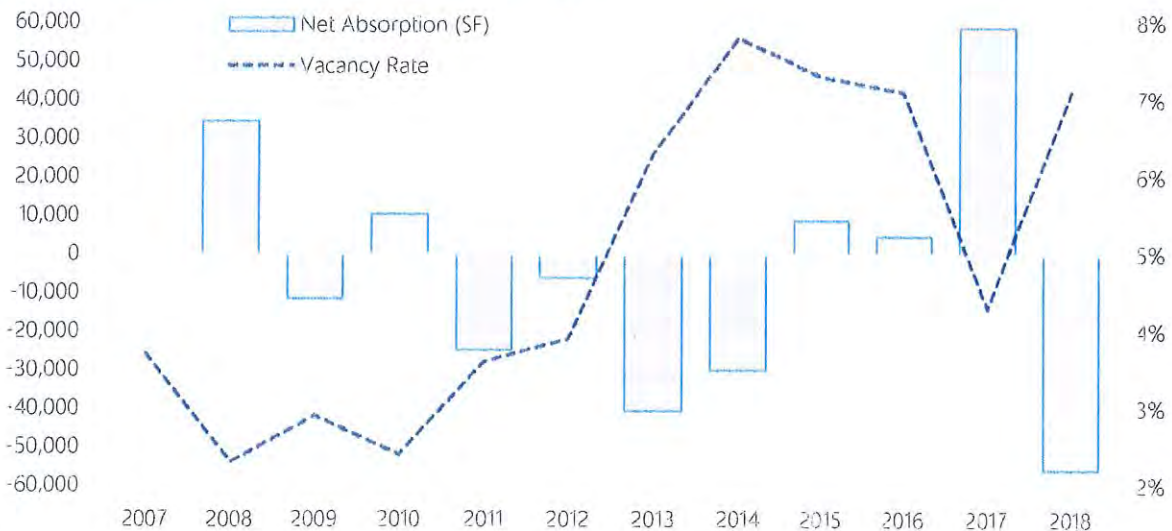


Source: CoStar and Leland Consulting Group

For existing buildings, net absorption is the measure of total square feet occupied (indicated as a Move-In) less the total space vacated (indicated as a Move-Out) over a given period of time. Lease renewals are not factored into net absorption unless the renewal includes the leasing of additional space.

For the Pocatello-Chubbuck area, net absorption for office has been relatively even. Negative absorption (i.e., space vacated combined with some new office space coming online) in 2013 and 2014 increased the vacancy rate. Despite the uptick, vacancy remains relatively low.

Office Net Absorption and Vacancy, 2007 to 2018 Q1



Source: CoStar and Leland Consulting Group

Of the 20 lease comps over the past three years, only one is over \$20 per square foot. Most office spaces rent for between \$10 and \$15 (gross) per square foot. These average rents are generally too low for new

173- 345
 construction to be financially feasible. However, there has been very little new office construction in the region over the past two decades, and absolutely no new Class A office construction. Given the scale and quality (most likely Class A) of the office development proposed in Northgate, there is a lack of adequate comparable rents on which to make significant conclusions about what rents may be achievable in Northgate.

Planned and Proposed Projects

No significant office projects are planned or proposed in the area. However, some office components are expected to be included in the planned Bingham Health Care Medical Campus in Chubbuck. The Campus is set to open in 2019 and is located on an undeveloped 20-acre lot in central Chubbuck along Knudsen Boulevard. The Bingham Health Care Medical Campus will directly compete with the Portneuf Medical Center currently existing in Pocatello, as well as the future development planned in the Northgate area.

In contrast, the Idaho Falls market continues to build high-quality office space, most recently at Snake River Landing, a 450-acre mixed-use development along I-15 and the Snake River. Snake River Landing includes 300,000 square feet of Class A office space with another 300,000 expected in the coming decade. Office development in Idaho Falls revolves around the Idaho National Laboratory (INL), which is transforming Idaho Falls into a center for spinoff technology companies. Continued and successful development in and near Idaho Falls is likely to restrict the absorption of significant new development for the Northgate project. Residential development has been slow to materialize but plans for single-family and multifamily development are in the pipeline, which will likely target young professionals working at Snake River Landing, INL, and Idaho Falls.

While significant construction projects are limited, there are several significant business expansions in the area (both recently completed and proposed) which will add many jobs:

- A 100,000-square-foot expansion of the FBI data center was recently completed. It is expected that the FBI will hire about 350 people in technical positions and 150 in administrative positions by the 2019 opening.
- Buchanan & Edwards, a national cyber security and data management company, is also planning an expansion. According to their website, "Buchanan & Edwards is looking to fill high tech jobs that pay \$80,000 to \$140,000 per year, which will have a major positive impact on our community's economy and talent base." It is expected that the expansion will include the hiring of 50 to 80 new employees. Idaho State University has formed a recruiting partnership with Buchanan & Edwards to help IT students land internships or permanent employment in computer science and software development.
- Amy's Kitchen, a Petaluma-based frozen food production facility, has plans to hire 1,000 total employees. As of December 2017, the company was estimated to have 700 employees.
- Great Western Malting Company recently added 10 new jobs to their plant to an existing base of 35 employees.
- The Allstate Insurance Center currently employs about 480 people, but employment is projected to grow to 550 in the coming years.
- SME Steel currently employs 135 people, with projections for about 150 new jobs.
- Western States Cat currently employees about 110 people, with projections for 15 new jobs.

Other large employers in the area include ON Semiconductor (over 750 jobs), J.R. Simplot, Bannock County, Idaho State University, and Portneuf Medical Center.

Market Trends

Across the United States, traditional office development is increasingly considered obsolete in today's shifting market. Tenant preferences are swinging toward mixed-use, walkable, live-work-play environments, as companies find it is tougher to recruit the emerging Millennial workforce to sterile, single-use buildings and in auto-dependent neighborhoods. There are many parallels with retail, here, although the office market is impacted more by location preferences and workplace trends than emerging technologies.

Location Preferences. While people once followed the jobs, corporations and professional firms are now following people back to the city. These companies have increasingly seen prospective employees choosing to live, work, and play in more interesting – often urban – locations, and now they have realized that attracting these employees requires them to be in these places too. As such, authenticity of place has become a sought-after commodity. Companies and workers now look for the genuine, the idiosyncratic, the unique and, most importantly, a personality of place that matches their own. In fact, a recent Newmark study¹¹ identified a significant rent premium for office properties with transit access, dining operations, and open floor plates of around 50 percent higher than those with obsolescent characteristics.

For cities, this means the opportunity lies in attracting more investment and focusing on placemaking to make themselves the place where the best and brightest live, work and shop. This might require updating office and industrial areas to reflect the way we now do business and work day-to-day. And, as the finance, utility and even government sectors continue to consolidate, cities will need to backfill their buildings with new tenants to keep downtown an interesting and lively place.

For colleges and universities, the opportunity is drawing employers closer to their campuses in a way that will boost research funding, create jobs for graduates and consulting for faculty, and raise their overall visibility in the community. Institutions that do this creatively will also be able to tap new sources of financing for campus expansion. Investments in student housing will further boost the local experience.

Workplace Trends. General trends impacting the office work space include a steady decline in the amount of square feet per employee, the increase in standardized work spaces and non-dedicated (shared) office space with more amenities, more tolerance for telecommuting and collaborative work spaces, and a greater emphasis on higher space utilization, innovation, and productivity. Within the private sector, "creative" office environments are becoming ever more popular. Real estate investors are wondering whether the office sector is next in line for a painful shakeup, as tenants continue to use office space more efficiently.

The impact of tenants' push for greater space efficiency has created winners and losers within the office market. Fitting more employees into less space has enabled office tenants to sign smaller leases or afford higher-end space. This is a particularly compelling tradeoff in the current market, as tenants are increasingly relying on amenity-rich office environments to help recruit the highly skilled workers who are now in short supply.

There are several examples of large companies moving to new space use models in their office environment. For example, P&G allows many workers to work anywhere and has been moving to standardized non-dedicated space, increasing their office work station utilization rate from 60 to 90 percent, and HP is targeting 120 to 150 square feet per employment and 85 percent utilization with standardization and highly shared space.

¹¹ Newmark Grubb Knight Frank, 2015, "Suburban Office Obsolescence: Quantifying Challenges and Opportunities" [URL](#)

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Innovation Districts. For the past 50 years, the landscape of innovation has been dominated by places like Silicon Valley – suburban corridors of spatially isolated corporate campuses, accessible only by car, with little emphasis on the quality of life or on integrating work, housing, and recreation.

A new complementary urban model is now emerging, giving rise to “innovation districts.” Innovation districts are the manifestation of mega-trends altering the location preferences of people and firms and, in the process, re-conceiving the very link between the economy, placemaking, and social networking. These districts are geographic areas where leading-edge anchor institutions and companies cluster and connect with start-ups, business incubators, and accelerators. They are also physically compact, transit-accessible, and technically-wired and offer mixed-use housing, office, and retail.

Innovation districts are still an early trend that, because of their multidimensional nature, has yet to receive a systematic analysis across the United States and other countries. Yet they have the unique potential during this pivotal post-recession period to spur productive, inclusive, and sustainable economic development.

GROWTH PROJECTIONS AND DEMAND FORECAST

The following table summarizes 10- and 20-year projections and estimated demand for both households (units) and employment development (square feet) for the Pocatello-Chubbuck area. It is important to note that these projection summaries are based purely on TAZ data. Employment projections cover *all* non-residential development, including retail, industrial, office, etc. In order to calculate absorption of different land uses, further calculations are necessary. This section, therefore, explores 20-year demand forecasts for residential, office, industrial, and retail development, and presents estimated capture rates and absorption for the Northgate development.

Household, Commercial and Employment Demand Summary, Pocatello-Chubbuck Area, 2018 to 2038

	2018 est.	Projections				
		2018-2038 projected annual growth rate	2028	2038	10-yr Growth Total	20-yr Growth Total
Households	31,196	1.03%	34,658	38,272	3,462	7,076
		Approximate Residential Unit Demand (units)			3,670	7,500
Employment	32,014	0.91%	35,050	38,373	3,036	6,359
		Approximate Commercial & Employment Space Demand*			1.1 million Sq. Ft..	2.2 million Sq. Ft.

Source: Bannock County TAZ data and Leland Consulting Group

*Assumes 350 square feet per employee.

Residential

Based on a 1.03 percent annual household growth rate (average rate based on regional forecasts from both local area TAZ projections and State of Idaho regional projections for southeastern Idaho), we project total demand in the Pocatello-Chubbuck area for 7,900 additional units over the next 20 years, or 395 annually. However, the 1,200 very low-income units (households earning less than \$15,000) are more likely to be public housing (e.g., Section 8). As this market analysis addresses *private* development, we therefore exclude these units from further discussion, revising the total unit count to 6,700 units over 20 years, or 335 annually.

While only around 220 new units (150 single-family and 65 multifamily units, which includes duplexes) have been built annually over the past five years, the residential market has been tightening for both multifamily and single-family, with decreasing vacancy rates among apartments and declining days-on-market and increasing sales prices for single-family for-sale housing. As such, an increase in annual unit deliveries to 335 is reasonable.

We anticipate tenure to continue at a 60/40 split between owner- to renter-occupied housing, with most rental demand for units affordable to households earning less than \$50,000 annually.

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20-Year Residential Demand by Income, Pocatello-Chubbuck Area, 2018-2038



Source: Leland Consulting Group

*6,700 total units, excluding very low-income units

Considering the tightness of the local market and lack of significant new development, it is assumed that the Northgate development could capture a significant proportion of both new single-family and multifamily units. The capture rate and absorption of new apartments could be especially high as the proposed Northgate development would be one of the only dense, walkable, mixed-use areas in the region. Given the anticipated influx of medium- and high-income employees to the area due to local employment growth (e.g., the FBI, Allstate, Buchanan & Edwards, etc.), not to mention the growth of other regional employment centers (e.g., Snake River Landing, Idaho National Laboratory), it is reasonable to assume a high capture rate for the Northgate development.

The following table provides a summary of 20-year unit demand for single-family detached and attached and multifamily rental (apartments) for the Pocatello-Chubbuck area, and the estimated capture rates and unit absorption for the Northgate area.

For single-family detached and attached, we assume a capture rate of 10 to 30 percent. There are approximately 24 subdivisions currently in various stages of construction in Pocatello and Chubbuck, and approximately – by a rough estimate – 400 buildable single-family lots. If and when homes are constructed on these lots, there remains significant tracts of vacant land which may be subdivided at some later time. By these estimates, with approximately 215 permits being issued for detached and attached housing annually, there is only a two-year supply of buildable lots. New land will need to be subdivided.

For multifamily rental apartments, the equation seems more straightforward. There has been very little of this product built recently – only 350 units since 2006 (not including Rendezvous Hall student housing at Idaho State University, completed in 2007). If a similar trend continued, we could expect the Northgate area to absorb most new multifamily apartment development. However, we expect development to increase throughout the area as the economy continues to recover, rents increase, and high-income jobs come online. We also expect some of

178 the older rental properties to redevelop – and perhaps add units – and that some renters will prefer to live closer to downtown or near the Portneuf Medical Center or Idaho State University. As such, a maximum capture rate of 50 percent is anticipated, or 1,030 units.

Estimated Northgate Residential Development Capture Rates

	20-Year Market Area Unit Demand	Attainable Study Area Capture Rates	20-Year Study Area Absorption (low)	20-Year Study Area Absorption (med)	20-Year Study Area Absorption (high)
SFR Detached	2,900	10 to 30%	290	580	870
SFR Attached	1,700	15 to 30%	250	380	510
MFR Rental	2,100	20 to 50%	410	720	1,030
Total Units	6,700	14 to 36%	950	1,680	2,410

Source: Leland Consulting Group

Employment

Three projected employment growth rates are shown in the following figure: recent trends in employment using LEHD data from 2010 to 2015; State of Idaho projections for southeast Idaho, and local area TAZ projections from the Bannock Transportation Planning Organization (BTPO). The recent trends projection derived from LEHD data indicates significantly slower employment growth than the TAZ and State projections. This is largely because the recession had such a profound impact on the market and the Pocatello-Chubbuck area only began to recover and see positive employment growth after 2012.

The State and TAZ projections indicate employment growth of 7,100 to 9,700 jobs over the next 20 years in the Pocatello-Chubbuck area. The State projection applies to a broader region (southeast Idaho) and projects a higher growth rate.

Projected Employment Growth, Pocatello and Chubbuck Cities, 2015 to 2038



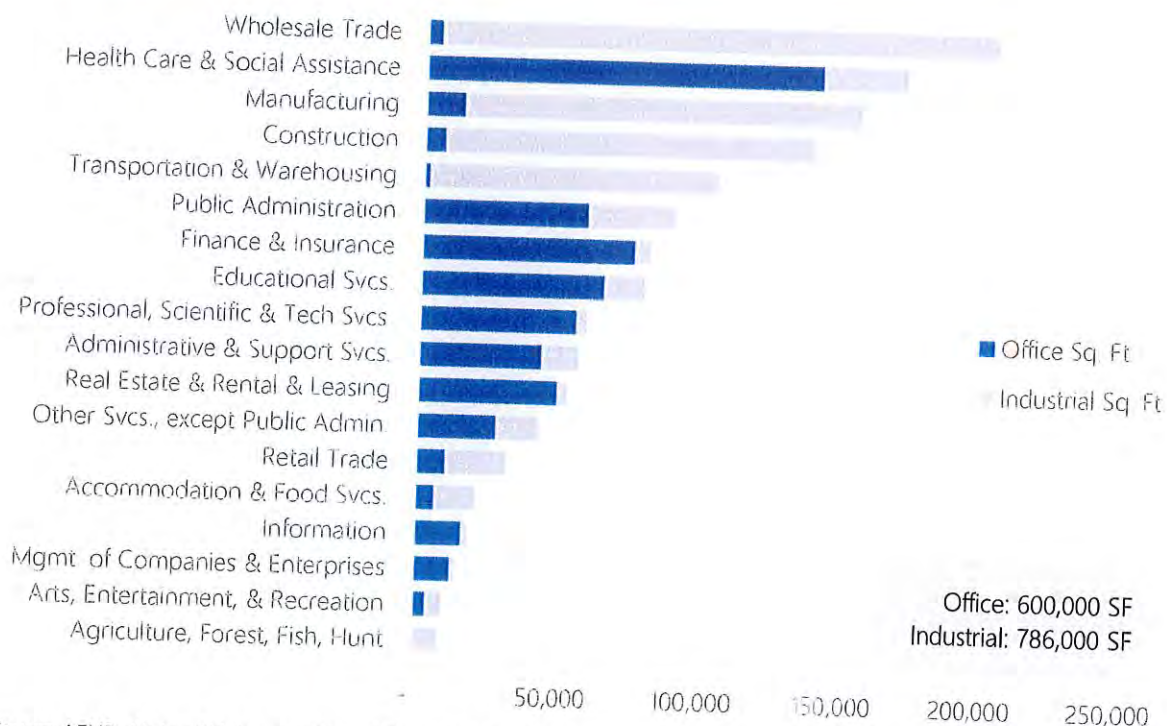
Source: LEHD, State of Idaho Demography Office, Bannock County, and Leland Consulting Group

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Given the inconsistencies in various employment forecasts, we use an average of historic growth rates and local and regional projected rates to calculate demand for office and industrial development.

The following figure shows the 20-year demand for office and industrial space by total square feet. As office employment typically needs less square feet per employee, industrial users such as manufacturing and warehousing tenants may have greater space demands than an office user, despite experiencing slower employment growth.

- Jobs are projected to grow by approximately 8,700 jobs in the Pocatello-Chubbuck area over the next 20 years.
- The greatest office needs will be in the health care and social assistance industry, which is projected to grow at 1.5 percent over the next 20 years. Access to health care is an essential service for a growing population, particularly for areas with growing senior populations.
- Demand for industrial space is greatest in the industries of wholesale trade, construction, manufacturing, and transportation and warehousing. These industries have the greatest square footage needs per employee (typically 600 to 1,200 square feet per employee). As automation becomes more commonplace in these industries, the amount of square feet per employee will likely increase.

20-Year Employment Demand by Industry



Source: LEHD, State of Idaho, and Leland Consulting Group

Total demand for an additional 1.3 million square feet of office and employment space is estimated for the Pocatello-Chubbuck area over the next 20 years. Of this, approximately 14 to 26 percent may be captured within the Northgate area.

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For office, it is reasonable to assume a higher capture rate of 25 to 40 percent. This is formulated on a 50 percent share of industries that typically demand high-quality office space, a low capture rate for industries that will likely prefer other locations, and competitive industries such as health care.

A new walkable mixed-use development will likely be attractive to white-collar tenants hoping to attract talent, and there are few large tracts of vacant commercial land left for significant office development within the Pocatello and Chubbuck city limits. Tenants in the industries of professional, scientific and technical services, finance and insurance, administrative and support services, real estate and rental and leasing, and other services are likely to be prime targets for new Class A and B office – the former of which is highly lacking in the area. Northgate's capture rate of new development oriented toward the health care and social assistance industry – which is projected for the most employment gains over the next 20 years – will likely be significantly lower due to the existing Portneuf Medical Center and planned Bingham Health Care Medical Campus in Chubbuck. Office development supporting public administration and educational services is more likely to occur downtown and near Idaho State University where similar development already exists.

For industrial, the potential capture rate benefits from the available land in the Northgate development. However, traditional industrial land uses tend to locate on flat land near other industrial development, where there is existing intrastate with plenty of capacity and quality access to transportation. Adjacent residential uses also tend to discourage industrial users. The Northgate area satisfies very little of these criteria, so traditional industrial development is likely to locate elsewhere, such as the existing industrial park. Chubbuck is also exploring the development of a new industrial and/or business park, which appears to be better suited for industrial. As such, we anticipate the Northgate development to capture five to 15 percent of new demand. Light industrial uses, such as clothing, shoe, and furniture manufacturers, and which may also feature retail components (such as distilleries, breweries, and makerspaces), or high-tech industrial uses would likely be some of the best fitting uses here.

Estimated Northgate Employment Development Capture Rates

	20-Year Market Area Sq. Ft. Demand	Attainable Study Area Capture Rates	20-Year Study Area Absorption (low)	20-Year Study Area Absorption (med)	20-Year Study Area Absorption (high)
Office	600,000	25 to 40%	150,000	225,000	240,000
Employment	749,000	5 to 15%	37,000	74,500	112,000
Total Sq. Ft.	1,349,000	14 to 26%	187,000	299,500	412,000

Source: Leland Consulting Group

Retail

Understanding the pattern of retail spending within a community as it relates to the spending patterns of the state is critical. Retail sectors in which spending is not fully captured are called "leakage" categories, while retail categories in which more sales are captured than are generated by residents are called "attraction" or "surplus" categories.

A retail sales surplus indicates that a community pulls consumers and retail dollars in from outside the trade area, thereby serving as a regional market. Conversely, when local demand for a specific product is not being met within a trade area, consumers are going elsewhere to shop creating retail leakage.

181-3595 The following table shows the current annual retail leakage and equivalent store square footage (based on average retail sales per square foot) for different retail categories. Most retail categories show a sales leakage occurring, with food and beverage (grocery) the sector with the highest leakage. The sales surplus on display in the general merchandise categories indicates that the Pocatello-Chubbuck area draws in customers from a wider region.

With that said, both Costco and Walmart – which both function as full-service grocery stores – are categorized as “General Merchandise” retailers. Both retailers have sales volumes well in excess of \$10 million, and there are two Walmart Supercenter locations within the market area (one in Pocatello and one in Blackfoot). As such, the sales leakage within the food and beverage (grocery) category is likely to be artificially high; conversely, the sales surplus in the general merchandise category is likely to be significantly lower in reality.

Retail Leakage, 2017

	Current Est. HH Demand	Current Est. Sales	Current Leakage (\$)	Equivalent Sq. Ft.
Furniture and Home Furnishings	\$38,569,391	\$26,742,434	\$11,826,957	67,500
Electronics and Appliance	\$37,252,490	\$27,580,887	\$9,671,603	43,000
Building Material, Garden Equip	\$85,726,711	\$77,183,561	\$8,543,150	49,000
Food and Beverage (grocery)	\$196,356,315	\$143,625,529	\$52,730,786	150,500
Health and Personal Care	\$60,530,142	\$62,539,629	-\$2,009,487	-6,000
Clothing and Accessories	\$43,136,519	\$22,475,943	\$20,660,576	103,500
Sporting Gds, Hobby, Book, Music	\$47,123,763	\$20,540,554	\$26,583,209	152,000
General Merchandise	\$251,415,629	\$313,867,145	-\$62,451,516	-500,000
Misc. Store Retailers	\$56,166,192	\$39,986,287	\$16,179,905	81,000
Foodservice and Drinking Places	\$129,672,866	\$130,019,285	-\$346,419	-1,500
Other (including cinema, prof./med. office, consumer banks, etc.)	\$141,892,503	\$129,684,188	\$12,208,315	97,500
		Total	\$93,597,079	236,500
		Leakage only	\$158,404,501	744,000

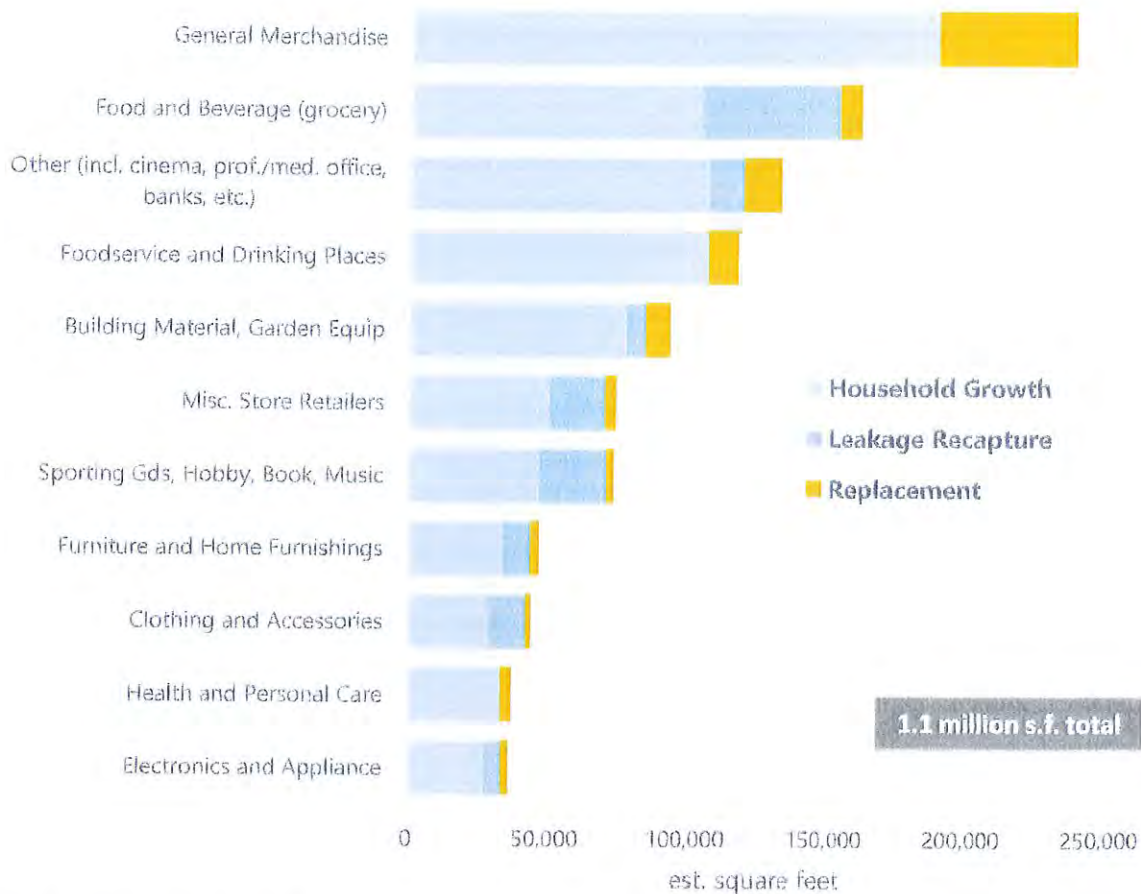
Source: ESRI and Leland Consulting Group

Leakage provides the most immediate opportunities for new retail development, but the long-term driver of demand for new retail development is household and employment growth. Applying projected household growth rates and assuming about 10 to 20 percent of existing sales leakage can be recaptured, we calculate approximate demand for 1.1 million square feet of new retail development in the market area over the next 20 years, or 55,000 square feet per year. With that said – like office and industrial – retail is likely to develop in chunks and absorb into the market before new retail is built. For example, developers are likely to build a retail center of 200,000 square feet and wait until it is fully leased before building more retail.

Household or employment growth is typically necessary for significant new retail development. During the past decade, where growth in the area has stagnated (largely due to the recession), net absorption totaled 111,000 square feet, or 11,000 square feet per year.

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20-Year Retail Demand by Source, Pocatello Market Area



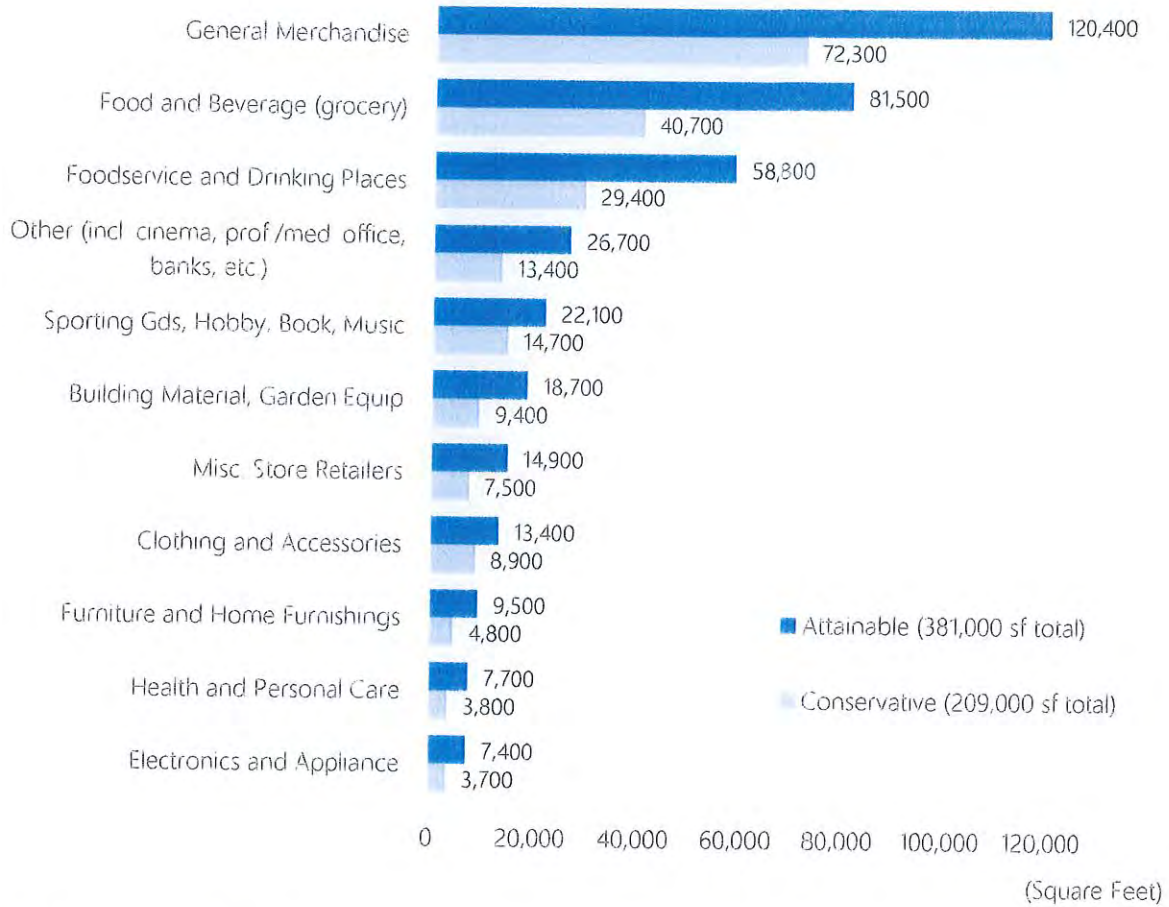
Source: Leland Consulting Group

A preliminary estimate for the Northgate area's capture rate of market area demand is 20 to 36 percent. However, the actual capture rate will largely rely on coordinated marketing and branding efforts, the construction and subsequent success of other competitive retail developments in the region, and the extent to which employment and household growth is realized. Household growth will initially drive demand for amenities such as restaurants, grocery stores, and entertainment-based development, which are likely to be the most successful near-term retail tenants based on existing sales leakage and growth projections. The construction of a new LDS temple in Pocatello is likely to increase retail feasibility due to increased visitation to the area.

As other retail centers -- especially traditional large, old big-box stores -- close and/or transition to other uses, there are opportunities to absorb these "lost" sales. For example, the transition of the former department store at Pine Ridge Mall to a fitness center decreases overall retail sales in the general merchandise category, while demand remains the same.

Since the region currently lacks a lifestyle-oriented mixed-use center, Northgate has the opportunity to differentiate itself from its competitors in the area -- of which there are few. Downtown will remain attractive for smaller and more boutique retailers, while Pine Ridge Mall is unlikely to transition to new uses or a new development form in the coming years.

Estimated Northgate Retail Development Capture Rates



Source: Leland Consulting Group

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CONCLUSION

The following table summarizes market supported demand for private-sector real estate development in the Northgate project area over the next 20 years, based on a variety of prevailing market conditions including regional growth trends, local and regional demographics, local amenities, access considerations, and likely competitive activity across the broader local area.

Summary Table, Northgate Development 20-Year Estimated Absorption Capacity

Product Type	Demand (conservative)	Demand (attainable)	Notes
Residential (units)	950	2,210	Absorption of residential uses will be steady.
Ownership Attached	250	510	
Apartments	410	830	
Single-Family Detached	290	870	
Non-Residential (sf)	434,000	868,000	Absorption of all non-residential development will be staggered as larger centers are built and tenanted.
Retail	209,000	381,000	General merchandise, grocery, and drinking and dining establishments are the recommended retail industries. Some opportunities may arise for lifestyle- or entertainment-oriented retail, such as a cinema. Northgate may also cannibalize some local retail space in older locations, such as Pine Ridge Mall.
Office	150,000	240,000	Traditional office sectors such as financial activities and professional services will likely absorb most new office development. Job growth in health care and social assistance will drive demand for new office, although it will compete with other notable developments in the area. Health care should locate near the southern edge of the study area and allow for medical office (dental, clinics, etc.).
Industrial	37,000	112,000	Wholesale trade and transportation and warehousing would likely benefit from proximity to the interstate. However, the Northgate project would likely attract light industrial tenants more typically seen in downtown environments, such as distilleries, breweries, and makerspace. Some high-tech industrial such as advanced manufacturing and R&D may be possible as the cyber-security industry becomes more prevalent in the region.

Source: Leland Consulting Group

Attachment 6

Agricultural Operation Consents

NOTE: Exhibit B – Excerpts of Statutes Idaho Code §§ 50-2018(8) AND (9), 50-2008, 50-2903(8)

and

Exhibit C – Northgate Urban Renewal District (Proposed) Eligibility Report for the Pocatello Development Authority, prepared by Phil Kushlan, Kushlan Associates

referenced in each consent are only reproduced following the first consent.

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2190599C

CONSENT FORM

COMES NOW Mike McNabb, representing WH Land & Livestock (WHLL), an Idaho company, and states that WHLL owns that certain property generally described as Parcel Identification Numbers: R3805003500, R3805003700, R3805003600 and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated January 2018, entitled Northgate Urban Renewal District (Proposed) Eligibility Report for the Pocatello Development Authority, prepared by Phil Kushlan, Kushlan Associates, and as attached hereto as Exhibit C.

Further, WHLL, hereby provides his/her consent and approval that the subject Property may be included within a proposed urban renewal area, and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 14 day of SEPTEMBER, 2018.

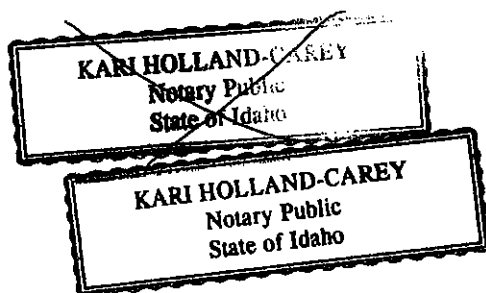
WH Land & Livestock

Name: Mike McNabb
Title: partner

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 STATE OF IDAHO)
) ss:
 County of Bannock)

On this 14 day of September, 2018, before me, a notary public in and for said state, personally appeared Mike McNabb, known or identified to me to be Manager of WH Land & Livestock – an Idaho company, and the person who executed the instrument on behalf of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Kari Holland-Carey
 Notary Public for Idaho
 Residing At Pocatello
 My Commission Expires _____

**My Commission Expires:
 September 9, 2023**

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EXHIBIT A**LEGAL DESCRIPTION**

Parcel 1: (R3805003500)

The NW¼ SE¼ SW¼ Section 31, Township 5 South, Range 35 East, Bannock County, Idaho.

Parcel 2: (R3805003700)

The SW¼ SE¼ SW¼ Section 31, Township 5 South, Range 35 East, Bannock County, Idaho.

Parcel 3: (R3805003600)

The SE¼ SE¼ SW¼ Section 31, Township 5 South, Range 35 East, Bannock County, Idaho.

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2190599C

EXHIBIT B

**EXCERPTS OF STATUTES
IDAHO CODE §§ 50-2018(8) AND (9), 50-2008, 50-2903(8)**

50-2018(8) "Deteriorated area" shall mean an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare. Provided however, this definition shall not apply to any agricultural operation, as defined in section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation or to any forest land as defined in section 63-1701(4), Idaho Code, absent the consent of the forest landowner, as defined in section 63-1701(5), Idaho Code, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

50-1-28(9) "Deteriorating area" shall mean an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use; provided, that if such deteriorating area consists of open land the conditions contained in the proviso in section 50-2008(d), Idaho Code, shall apply; and provided further, that any disaster area referred to in section 50-2008(g), Idaho Code, shall constitute a deteriorating area. Provided however, this definition shall not apply to any agricultural operation, as defined in section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation or to any forest land as defined in section 63-1701(4), Idaho Code, absent the consent of the forest landowner, as defined in section 63-1701(5), Idaho Code, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

50-2903(8) "Deteriorated area" means:

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- (a) Any area, including a slum area, in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.
- (b) Any area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, results in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use.
- (c) Any area which is predominately 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. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas.
- (d) Any area which the local governing body certifies is in need of redevelopment or rehabilitation as a result of a flood, storm, earthquake, or other natural disaster or catastrophe respecting which the governor of the state has certified the need for disaster assistance under any federal law.
- (e) Any area which by reason of its proximity to the border of an adjacent state is competitively disadvantaged in its ability to attract private investment, business or commercial development which would promote the purposes of this chapter.
- (f) "Deteriorated area" does not mean not developed beyond agricultural, or any agricultural operation as defined in section 22-4502(1), Idaho Code, or any forest land as defined in section 63-1701(4), Idaho Code, unless the owner of the agricultural operation or the forest landowner of the forest land gives written consent to be included in the deteriorated area, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

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Northgate
Urban Renewal District
(Proposed)

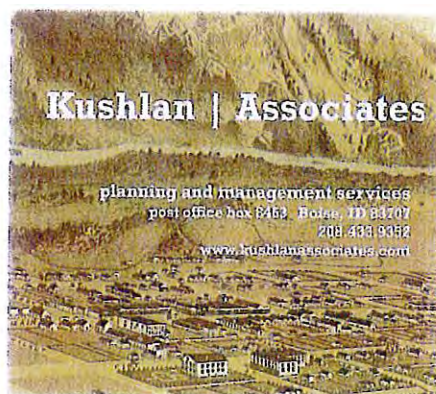
Eligibility Report

Prepared for

Elam & Burke, P.A.

On behalf of

The Pocatello Development Authority
January 2018



Kushlan | Associates
Boise, Idaho

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Introduction: Kushlan | Associates was retained by the law firm of Elam & Burke, P. A. to develop an Eligibility Report for the consideration of establishing a new urban renewal district in the City of Pocatello, Idaho. Historically, the property subject to this review has existed in unincorporated Bannock County. Much of the area has become under consideration for annexation to the City during the pendency of this review.

Elected Officials serving the City of Pocatello are:

Mayor:	Brian Blad
Council Members:	Heidi Adamson Roger Bray Jim Johnston Rick Cheatum Linda Leeuwrik
Planning & Development Director:	Melanie Gygli

Idaho Code Section 50-2006 states, in part: "URBAN RENEWAL AGENCY. (a) There is hereby created in each municipality an independent public body corporate and politic to be known as the "urban renewal agency" that was created by resolution as provided in section 50-2005, Idaho Code..." to carry out the powers enumerated in Title 50, Chapters 20 and 29, Idaho Code. The Pocatello City Council adopted Resolution 1988-13 in 1988 bringing forth those powers within the City of Pocatello.

The Mayor, with the confirmation of the City Council, has appointed nine members to the board of the Urban Renewal Agency of the City of Pocatello, also doing business as the Pocatello Development Authority (PDA). The PDA currently oversees the implementation of four urban renewal districts located throughout Pocatello. The current membership of the PDA Board is as follows:

Chair:	Scott Smith
Vice Chairman	Chad Carr
Commissioners	Brian Blad Larry Fisher Jim Johnston Russ Meyers Thomas Ottaway, PhD Terrel N. Tovey Scott Turner
Ex-Officio (Bannock Dev. Corp.)	John Regetz
Interim Executive Director:	Melanie Gygli

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Existing Pocatello Urban Renewal Districts

2190599C

District	Year Established	Scheduled Termination
North Yellowstone Urban Renewal District	2004	2028
Naval Ordnance Urban Renewal District	2006	2026
North Portneuf Urban Renewal District	2007	2024
Pocatello Airport Urban Renewal District	2010	2033

Background:

While Native Americans inhabited the area for centuries, the development of the community of Pocatello, as we know it today, evolved through the late nineteenth century. At first, the area served as a transit route for immigrants and stage coach lines headed for Fort Hall, established by Nathaniel Wyeth in 1834 a few miles north of the current location of Pocatello. The Utah and Northern Railroad intersected with the Oregon Short Line Railroad at this location. European settlement started in the 1880s and was originally focused on the requirements of the railroads.

The fact that the site was located on the Fort Hall Indian Reservation limited the development of the community to the previously granted right-of-way secured through the tribal lands in 1882. As a result of significant growth in population, the US Government secured rights to an additional 2,000 acres of Reservation land allowing for expansion of the community. Additional land was secured from the Tribe in 1905.

The City was created as a City of the First Class by the Idaho Legislature in 1889 and today ranks as the fifth largest city in the state.

The Idaho Legislature established an institution of higher learning at Pocatello in 1901. Designated as the Academy of Idaho, a two-year program, it started holding classes in September of 1902. The school was renamed as the Idaho Technical Institute in 1915 and then, in 1927, as the University of Idaho, Southern Branch. In 1947 the institution was elevated to a four-year program and again renamed as Idaho State College. Finally, in 1963, the College was designated as Idaho State University, a full, four-year public university.

While the community retained its economic focus on the railroads and surrounding agricultural and mining interests, the University has exerted significant cultural and economic influence on the broader community

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Official US Census Data

2190599C

Year	Population	Average Annual Change
1900	4,046	
1910	9,110	+8.45% / Yr.
1920	15,001	+5.11% / Yr.
1930	16,471	0.94% / Yr.
1940	18,133	+0.97% / Yr.
1950	26,131	+3.72% / Yr.
1960	26,534	+0.15% / Yr.
1970	40,036	+4.2% / Yr.
1990	46,340	+1.47% / Yr.
2000	46,091	- 0.05% / Yr.
2010	54,255	+0.45% / Yr.
2016 (Estimate)	54,746	+0.015% /Yr.

When income statistics are compared to statewide numbers, we see that the population of Pocatello lags the rest of Idaho in these categories. The median household income in Pocatello is \$40,269, approximately 15.4% below the statewide figure of \$47,583. Per capita money income for the Pocatello population is \$20,697 as compared to the statewide number of \$23,399. The percentage of the Pocatello population below poverty level is 21.9% as compared to the statewide number of 14.4%. (Data from the US Census Bureau.)

Investment Capacity: Cities across the nation actively participate in the economic vitality of their communities through investment in infrastructure. Water and sewer facilities as well as transportation, communication, electrical distribution and other systems are all integral elements of an economically vital community. Idaho cities have a significant challenge in responding to these demands along with the on-going need to reinvest in their general physical plant to ensure it does not deteriorate to the point of system failure. They face stringent statutory and constitutional limitations on revenue generation and debt as well as near total dependence upon legislative action to provide funding options. These strictures severely constrain capital investment strategies.

The tools made available to cities in Title 50, Chapters 20 and 29, the Urban Renewal Law and the Economic Development Act are some of the few that are available to assist communities in their efforts to support economic vitality. New sources of State support are unlikely to become available in the foreseeable future, thus the PDA's interest in exploring the potential for establishing its fifth urban renewal district is an appropriate public policy consideration.

Northgate Development

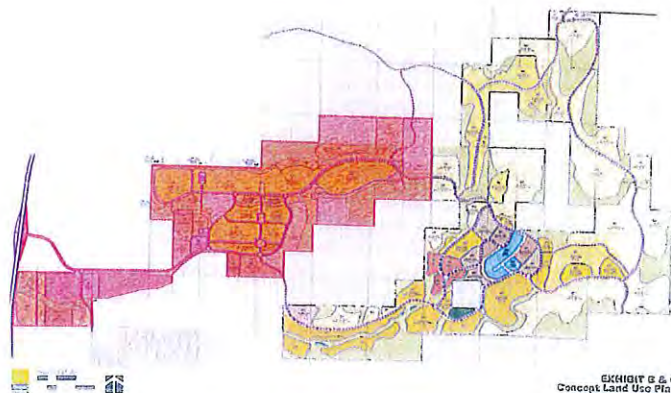
The cities of Pocatello and Chubbuck, along with Bannock County have been planning for the development of the area north of the current Pocatello city limits, east of Interstate 15 and south of the Fort Hall Indian Reservation for more than a decade. While specifics of the vision have changed over time, the area was seen as integral to the development of the City of Pocatello and urban levels of development at various densities was a common thread throughout the planning efforts. Those planning efforts have included the Idaho

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Transportation Department as well as private landowners in the areas and development interests from within the community and the broader region.

Recent dialogue among the various partners in the planning effort has resulted in a more definitive plan calling for a bold development vision resulting in a significant mixed-use area that would ultimately be annexed to and served by the City of Pocatello over time. Various planning documents have been updated to accommodate the current vision. Agreements among the parties have been implemented providing for substantial public investment in initial transportation infrastructure, including advancing the schedule for construction of the Northgate Interchange on Interstate 15 from 2035 to 2018. In addition to the interchange, in which both local public and private investment has been made, the local entities have provided resources to construct the access roads leading to the new interchange on both sides of the interstate highway.

In support of the current proposal, the City and County have agreed to expand the City of Pocatello Area of City Impact and Comprehensive Land Use Planning area to include the geography covered by the planned development. Substantial private investment has been made in securing rights to land for inclusion in the development as well as in sophisticated master planning of the area helping to define the infrastructure investments needed to support the envisioned community.

As indicated in the Master Plan map (below), substantial public infrastructure is called for in implementing the development pattern envisioned. Thus far, development opportunities considered for the area covered by the Comprehensive Plan, have been insufficient in scale to support the required public facility investment. This imbalance has thwarted the orderly implementation of the planning undertaken by the City and the property owners. This lack of progress has stimulated the current interest in exercise the powers granted under State Law in the establishment of a fifth urban renewal district in Pocatello.



Steps in Consideration of an Urban Renewal District:

The first step in consideration of establishing an urban renewal district in Idaho is to define a potential area for analysis as to whether conditions exist within it to qualify for redevelopment activities under the statute. We have called this the "Study Area".

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The next step in the process is to review the conditions within the Study Area to determine whether the area is eligible for creating a district. The State Law governing urban renewal sets out the following criteria, at least one of which must be found, for an area to be considered eligible for urban renewal activities.

1. The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site [50-2018(9); and 50-2903(8)(b)]
2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)]
3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)(b)]
4. Outmoded Street Patterns [50-2008(d)(4)(2)]
5. Need for Correlation of Area with Other Areas of a Municipality by Streets; and Modern Traffic Requirements [50-2008(d)(4)(2)]
6. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness [50-2018(9) and 50-2903(8)(b)]
7. Unsuitable Topography or Faulty Lot Layouts [50-2008(d)(4)(2)]
8. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]
9. Diversity of Ownership [50-2018(9) and 50-2903(8)(b)]
10. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]
11. Defective or unusual condition of title [50-2018(9) and 50-2903(8)(b)]
12. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b)]
13. Results in Economic Underdevelopment of the Area [50-2903(8)(b)]

If the Eligibility Report finds that one or more of the conditions noted above exist within the Study Area, then the Urban Renewal Agency may accept the Eligibility Report and forward it to the City Council for its consideration. If the City Council adopts the Eligibility Report and makes the necessary findings, it may direct the Urban Renewal Agency to prepare an Urban Renewal Plan for the study area. If any part of the proposed urban renewal district remains outside the city limits of the sponsoring community, the Board of County Commissioners must also accept the Eligibility Report.

Based upon the acceptance of the Eligibility Report by the required governing bodies, the Urban Renewal Agency, then acts to prepare the Urban Renewal Plan for the new District and determines whether to also recommend the establishment of a Revenue Allocation Area to fund improvements called for in the Plan. Once the Plan for the

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District and Revenue Allocation Area are completed and approved, the Urban Renewal Board of Commissioners forwards it to the City Council for its formal consideration.

The City Council must refer the Urban Renewal Plan to the Planning and Zoning Commission for a finding that the Plan, as presented, is in conformity with the City's Comprehensive Plan. The Planning and Zoning Commission has 60 days to complete its review. At the same time, other taxing entities levying property taxes within the boundaries of the proposed Urban Renewal District are provided a thirty-day opportunity to comment on the Plan to the City Council. While the taxing entities are invited to comment on the Plan, their concurrence is not required for the City Council to proceed with its consideration. In the case of the Northgate Area, the effected taxing districts for those properties located within the city limits of Pocatello are:

- The City of Pocatello
- Bannock County
- School District #25
- County Road and Bridge
- Bannock County Ambulance District
- Pest Abatement

Should any of an urban renewal district ultimately created in this area remain outside the city limits of Pocatello, the effected taxing districts for those properties are:

- Bannock County
- North Bannock Fire District
- Portneuf Library
- Bannock County Road and Bridge
- School District #25
- Bannock County Ambulance District
- Pest Abatement

Once the Planning and Zoning Commission makes its findings of conformity and the thirty-day comment period has passed, the City Council is permitted to hold a public hearing and formally consider the adoption of the Plan creating the new Urban Renewal District and Revenue Allocation Area.

The City Council must also find that the taxable value within the district to be created, plus the Adjusted Base Assessed Value of any existing Urban Renewal / Revenue Allocation areas do not exceed the statutory maximum of 10% of the citywide assessed valuation.

If the City Council, in its discretion, chooses to proceed, it will officially adopt the Urban Renewal Plan and Revenue Allocation Area and provide official notification of that action to the taxing entities, County officials and Idaho State Tax Commission.

The Urban Renewal Agency then proceeds to implement the Plan.

Description of the Northgate Study Area:

148' 345
The Study Area subject to the current review is located on the east side of Interstate 15, north of Chubbuck Road. The Study Area consists of twenty-four (24), relatively large, tax parcels with a combined area of 2,533.2 acres. Two of the parcels included in the Study Area are under the ownership of the United States government under the jurisdiction of the Bureau of Land Management (BLM). The size and value information presented in Table 1 was derived from the Bannock County Assessor's on-line parcel information system. The current taxable value of the Study Area is \$306,553. However, all of that area maintains an agricultural property tax exemption. This is important because State Law requires that when such properties transition from this exemption, the resultant increase in taxable value accrues to the Base Assessed Value instead of the Incremental Value. This requires our estimating the impact of this transition. In reviewing the values ascribed to the various parcels we see values ranging from \$.0014 to \$.0084 per square foot for agricultural exempt land. Non-exempt land in the area ranges from \$0.09 per square foot to \$0.36 per square foot. The average of the non-exempt land surveyed was \$0.16 per square foot. This is a reasonable benchmark value for non-exempt, non-entitled land envisioned by the statute. Therefore, the taxable values have been adjusted to reflect this higher number as a basis for making the 10% calculation. Using this assumption, the Base Assessed Value of the Northgate URD increased from the \$306,553 amount to \$15,964,566. (See Table 1 Below)

The Study Area is virtually all vacant land, either remaining in a natural fallow state or dedicated to agricultural uses. Only one parcel reflects any improvement value assigned by the Bannock County Assessor and that appears to be associated with an old potato cellar and four metal granaries. The total Improvement Value for the Study Area is \$20,800.

Northgate Urban Renewal District Study Area

Table 1

O	Parcel #	Acreage	2016 Taxable AV	Est. 2016 Base AV w/o ag. Exemption
MILLENNIAL DEVELOPMENT	R3853000401	321.1	0	\$2,237,939
PORTNEUF DEVELOPMENT LLC	R3853000802	58.1	0	\$404,934
PORTNEUF DEVELOPMENT LLC	R3853000300	80.0	\$82,015	\$557,568
PORTNEUF DEVELOPMENT LLC	R3853000101	78.9	\$20,160	\$549,901
HART, ROBERT E	R3853000104	159.1	\$78,690	\$1,108,863
HART, ROBERT E	R3851001203	68	-0-	\$473,933
HART, JAMES W	R3851001202	322.2	-0-	\$2,245,605
HART, JAMES W	R3851000902	159	-0-	\$1,108,166
MTN VIEW FARMS INC	R3805002700	197.6	\$28,909	\$1,377,193
WH LAND & LIVESTOCK	R3805003500	10.1	\$1,000	\$70,393
HART, JAMES W	R3805002900	10.1	\$1,000	\$70,393
ECKELHOFF, ANN	R3805003300	9.9	\$1,000	\$68,999

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KATSILOMETES, THOMAS J	R3805003200	9.9	\$590	\$68,999
WH LAND & LIVESTOCK	R3805003700	10.0	\$1,000	\$69,696
WH LAND & LIVESTOCK	R3805003600	10.0	\$1,000	\$69,696
HART, JAMES W	R3805003000	5.0	\$325	\$34,848
HACKING, CHARLES M	R3805003400	5.0	\$1,000	\$34,848
KATSILOMETES, THOMAS J	R3805003100	9.9	\$680	\$68,999
HART, JAMES W	R3805002800	79.7	\$10,026	\$555,477
HART, JAMES W	R3805003900	242.2	\$27,167	\$1,688,037
MTN VIEW FARMS INC	R3805003800	282.9	\$33,102	\$1,971,700
BUREAU OF LAND MANAGEMENT	N/A	121	-0-	\$-
MTN VIEW FARMS INC	R3805004102	161.9	\$18,919	\$1,128,378
BUREAU OF LAND MANAGEMENT	N/A	121	-0-	\$-
Totals		2533.2	\$306,553	\$15,964,566

- Note: These acreages are exclusive of adjacent public rights-of-way for Chubbuck Road and any portion of I-15 that should be included in the ultimate boundaries of any district established. Publicly owned properties are assigned no value in Idaho assessments, so including them makes no difference to the value calculation, but will slightly increase the ultimate acreage.

Analysis of the Study Area:

A review of the Study Area reflects an area in transition. It is bounded on the south by the City of Pocatello with intense residential development abutting the Study Area. Interstate 15 constitutes the westerly boundary with the City of Chubbuck situated immediately west of the Interstate right-of-way. In fact, a small portion of the land lying east of the I-15 right-of-way, but outside the Study Area, is within the corporate limits of the City of Chubbuck.

Given the proximity to the urban area, the adjacent cities, the county, property owners and potential developers have undertaken substantial planning efforts extending back over a decade. The diverse interests of the property owners and the attendant cost of providing public infrastructure to support implementation of plans have thwarted progress. Over the past year, a renewed dialogue has taken place leading to a bold vision for the area, creating a development pattern unlike historic trends. An intensive mix of retail, high-tech industrial and residential development is called for in the Master Plan. Substantial, binding, financial commitments to property acquisition and transportation investments by local governments in the area as well as the property owners and developers, have prompted the Idaho Transportation Department (ITD) to advance the schedule for the Northgate (Siphon Road) interchange on I-15 from 2035 to 2018. Such commitments have resulted in ITD initiating design of the facility with construction anticipated in 2018. The

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two cities and Bannock County have committed to construct local roadway improvements connecting the interchange to the local street network to coincide with the completion of the State-sponsored project.

However, utility and transportation infrastructure beyond the basic investment currently committed is beyond the capacity of local jurisdictions under current and foreseeable conditions as noted in the discussion of investment capacity above. A Public-Private Partnership is determined necessary to provide the required infrastructure to allow the plans to move forward to implementation.

In support of the vision, the City of Pocatello, in concert with Bannock County, has amended its adopted Area of City Impact Boundary to include the current master plan area as well as anticipated future phases. In further support of the vision, the City's Comprehensive Plan Land Use Map was modified to reflect the results of the recent planning efforts.

While the area has no development that would be considered as "deteriorated or deteriorating" under the statutes, provisions are made under the Local Economic Development Act that recognize conditions that impede the rational development of the city as being conditions under which the Urban Renewal Law and the Economic Development Act may be employed. A specific analysis of the eligibility criteria compared to conditions existing on the ground is noted below.

For the convenience of the reader, we will reiterate the statutory criteria, at least one of which must be found to qualify an area for urban renewal activities. Those conditions are:

1. The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site [50-2018(9); and 50-2903(8)(b)]
2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)]
3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)(b)]
4. Outmoded Street Patterns [50-2008(d)(4)(2)]
5. Need for Correlation of Area with Other Areas of a Municipality by Streets; and Modern Traffic Requirements [50-2008(d)(4)(2)]
6. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness [50-2018(9) and 50-2903(8)(b)]
7. Unsuitable Topography or Faulty Lot Layouts [50-2008(d)(4)(2)]
8. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]
9. Diversity of Ownership [50-2018(9) and 50-2903(8)(b)]
10. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]
11. Defective or unusual condition of title [50-2018(9) and 50-2903(8)(b)]

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12. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b)]
 13. Results in Economic Underdevelopment of the Area [50-2903(8)(b)]

Analysis: Northgate Urban Renewal District (Proposed)

Criterion #1: The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site: The entire area under consideration has traditionally been used for agricultural purposes. There has been minimal investment in improvements through the years. While pivot irrigation systems are in place and a deteriorated potato cellar is located along with four granaries on one parcel, a "Substantial Number of Deteriorated or Deteriorating Structures" are not present in the proposed district. Therefore, criterion #1 is not met.

Criterion #2: Age or Obsolescence: Again, as noted above the development pattern is consistent with the historic agricultural use and minimal investment has been made in structures. While the one structure, the old potato cellar, is indeed old, deteriorated and obsolete for current purposes, one would be hard-pressed to make a finding that such "Age or Obsolescence" is a significant factor throughout the proposed district. Therefore criterion #2 is not met.

Criterion #3: Predominance of Defective or Inadequate Street Layout: As noted above, ITD is currently in the design phase leading to the construction of a new interchange with I-15. Connecting roads will be constructed leading to and from that new State facility, yet arterial streets connecting development within the Master Plan Area are not provided. Chubbuck Road, situated on the southern boundary of the district will serve as a primary access point to the proposed development. It currently exists in a two-lane rural configuration without curb, gutter and sidewalks as would normally be required of urban level development. Olympus Drive, connecting the area to the central part of Pocatello remains in a rural configuration between Butte Street and Chubbuck Road. Substantial improvements to these existing facilities will be required for them to function as primary access to the proposed development. Therefore, criterion #3 is met.

Criterion #4: Outmoded Street Patterns: This criterion is addressed in the same manner as the previous one and since there is no interior circulation pattern in place and Chubbuck Road and Olympus Drive have not been upgraded to full urban standards, criterion #4 is met.

Criterion #5: Need for Correlation of Area with Other Areas of a Municipality by Streets; and Modern Traffic Requirements: The new interchange being planned for I-15 is a critical facility that will connect the anticipated development with the broader community and region through access to the interstate system. Additionally, the interchange and associated local street improvements will connect the area to the cities of Chubbuck and Pocatello. Resources dedicated to these projects are limited and despite current cost estimates being within available resources, final costs remain unknown and additional resources may be required. No street network connecting the various aspects of the Master Plan or connecting to future development is in place or funded. Again, both Chubbuck Road and Olympus Drive that will serve as primary connections to both Pocatello and Chubbuck

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203- do not provide sufficient capacity to serve the intended purpose. Neither Chubbuck Road nor Olympus Drive provide pedestrian or bicycle facilities connecting to the rest of the community. Therefore Criterion #5 is met.

Criterion #6: Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness: The parcels in the Study Area are of a size and configuration appropriate for the historic agricultural use for which they have been deployed for several decades. However, as the City and region have developed around these properties, the large lots in the area are not properly configured to accommodate the development pattern envisioned in the Master Plan. A more fine-grained and high-density development pattern is represented in the adopted Master Plan. Several of the parcels have no access to a public right-of-way. Therefore criterion #6 is met.

Criterion #7: Unsuitable Topography or Faulty Lot Layouts: While the topography of the proposed district presents no significant development impediments the lot layout as noted above is inappropriate for the uses envisioned and several parcels are land-locked. Thus criterion # 7 is met.

Criterion #8: Insanitary or Unsafe Conditions: Again, given the current agricultural use "insanitary and unsafe conditions" are not present. However, when considering the anticipated development pattern, we find the area completely devoid of public water supply and distribution facilities. No provision for required fire flows nor any provision of sanitary sewer or storm drainage facilities adequate to the demand has been made. Therefore criterion #8 is met.

Criterion #9: Diversity of Ownership: There are twenty-two privately owned parcels included in proposed district under ten separate ownerships. Two of the parcels are owned by the federal government and managed by the Bureau of Land Management complicating required assembly of properties into a cohesive development. Therefore criterion # 9 is met.

Criterion #10: Tax or Special Assessment Delinquency: According to Bannock County Assessor records, no delinquencies exist. Therefore Criterion #10 is not met.

Criterion #11: Defective or unusual condition of title: Many of the parcels in the proposed district appear to have been created by an informal "Lot split" and not through formal subdivision. Therefore they do not represent legal lots of record, but merely a separate parcel for taxation purposes. While this is a legal process in the State of Idaho such tax parcels may not comply with zoning and other site requirements. This can be viewed as an unusual condition of title. Therefore Criterion #11 is met.

Criterion #12: Substantially Impairs or Arrests the Sound Growth of a Municipality: The State of Idaho, the City of Pocatello, the City of Chubbuck and Bannock County are making substantial investment in the transportation facilities serving this and the surrounding areas. The City of Pocatello has expressed its vision for this area in the creation and adoption of the Comprehensive Land Use Plan for the city, but without the capacity to provide public infrastructure, the Study Area will remain an under-utilized area in the midst of one of the largest urban areas in southeast Idaho. Criterion #12 is met.

Criterion #13: Results in Economic Underdevelopment of the Area: See discussion of Criterion #12 above. Criterion #13 is met.

204-

Findings: Northgate Urban Renewal District: Conditions exist within the district to allow the Board of Commissioners of the Pocatello Development Authority and the Pocatello City Council to determine that the area is eligible for urban renewal activities as prescribed in State Law.

	Criteria	Met	Not Met
1	The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site		X
2	Age or Obsolescence		X
3	Predominance of Defective or Inadequate Street Layout	X	
4	Outmoded Street Patterns	X	
5	Need for Correlation of Area with Other Areas of a Municipality by Streets; and Modern Traffic Requirements	X	
6	Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness	X	
7	Unsuitable Topography or Faulty Lot Layouts	X	
8	Insanitary or Unsafe Conditions	X	
9	Diversity of Ownership	X	
10	Tax or Special Assessment Delinquency		X
11	Defective or unusual condition of title	X	
12	Substantially Impairs or Arrests the Sound Growth of a Municipality	X	
13	Results in Economic Underdevelopment of the Area	X	

Analysis: Open Land Conditions

In addition to the eligibility conditions identified above, the geographic area under review is also required to satisfy the "open land" conditions. Idaho Code Section 50-2903(8)(c) states: "[a]ny area which is predominately 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. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas."

Many of the eligibility criteria set forth in Idaho Code Section 50-2903(8)(c) for predominantly open land areas mirror or are the same as those criteria set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b). "Diversity of ownership" is the same, while "obsolete platting" appears to be equivalent to "faulty lot layout in relation to size, adequacy, accessibility, or usefulness." "Deterioration of structures or improvements" is the same or similar to "a substantial number of deteriorated or deteriorating structures" and "deterioration of site or other improvements." There is also an additional qualification that the provisions of Idaho Code Section 50-2008(d) shall apply to open areas.

Idaho Code Section 50-2008(d)(4) primarily addresses the urban renewal plan approval process and sets forth certain conditions and findings for agency acquisition of open land as follows:

205- 345

(4) the urban renewal plan will 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: Provided, that 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.

In sum, there is one set of findings if the area of open land is to be acquired and developed for residential uses and a separate set of findings if the land is to be acquired and developed for nonresidential uses.

Basically, open land areas may be acquired by an urban renewal agency and developed for nonresidential uses if such acquisition is necessary to solve various problems, associated with the land or the infrastructure, that have delayed the area's development. These problems include defective or usual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, and faulty lot layout. All of the stated conditions are included in one form or another in the definition of deteriorated area set forth in Idaho Code Sections 50-2903(8)(b) and 50-2018(9). The conditions listed only in Section 50-2008(d)(4)(2) (the open land section) include economic disuse, unsuitable topography, and "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." The conclusion of this discussion concerning open land areas is that the area qualifies if any of the eligibility conditions set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b) apply. Alternatively, the area under consideration qualifies if any of the conditions listed only in Idaho Code Section 50-2008(d)(4)(2) apply. The parcel size, the lack of water and sewer facilities; a nonexistent access and internal street system; an inadequate storm drain system; and lack of fire protection, are all conditions which delay development of the Study Area.

206- 345
Based on the above analysis, diversity of ownership, obsolete platting/faulty lot layout and economic underdevelopment are conditions found in the Study Area, and therefore, the open land condition is satisfied.

CONCLUSION:

Based upon our review of the data and the conditions that exist within the Study Area as noted above, the Pocatello City Council may, at its discretion determine that the Northgate Urban Renewal District, as proposed, is eligible for the establishment of an urban renewal district.

Other Relevant Issues

Agricultural Land Owners concurrence: Virtually all of the area within the Study Area maintains an agricultural land property tax exemption as authorized under state law. The statutory provisions concerning the creation of an urban renewal district prohibit inclusion of any land used for agricultural purposes without the express written consent of the property owner. We understand that all property owners with existing agricultural lands located within the Study Area are willing to provide the required consent, but such consent has not yet been requested. Final consideration of any urban renewal plan created through this process could not proceed without the required consents being in-hand.

10% Analysis: In addition to the findings reported above, we also sought to verify that the assessed value of the proposed Study Area is within the statutory limits. As noted above, State Law limits the percentage of assessed value that can be included in urban renewal / revenue allocation districts to 10% of the total valuation of the City. According to Bannock County Assessor records, the most recent total certified value for the City of Pocatello is \$ 2,510,768,942. As shown in the analysis in Table 1 the current taxable value of the entire Study Area after the agricultural exemptions are lifted is estimated to be \$15,964,566. This value then must be added to the Base Assessed Value of the four existing urban renewal districts to test for the 10% limitation. The Adjusted Base Assessed Value of the four existing districts is \$17,773,165. The analysis for these purposes is presented in Table 2, below. The combined amounts are well below the statutory limit.

Table 2

Statutory 10% Limitation Analysis		
Area	Taxable Value	Percentage
Total City	\$2,510,768,942	100%
	Base Values of Existing Districts	
North Yellowstone Urban Renewal District	\$8,918,151	0.355%
Naval Ordnance Urban Renewal District	\$3,449,470	0.137%
North Portneuf Urban Renewal District	\$4,409,661	0.176%

207-345

Pocatello Airport Urban Renewal District	\$995,883	0.040%
	Value of Proposed District	
Proposed Northgate URA	\$15,964,566	0.363%
Total UR Base Assessed Value Percentage	\$33,737,731	1.344%

We also explored the effect of creating this district on the capacity of the City and PDA to consider future districts should they choose to do so. The table below shows that even if a new district were to be established, approximately 8.66% of the citywide taxable value would remain uncommitted for urban renewal purposes.

Remaining Urban Renewal Capacity		
• Maximum 10% Limitation	\$251,076,894	10%
• North Yellowstone Urban Renewal Dist.	\$8,918,151	0.355%
• Naval Ordnance Urban Renewal District	\$3,449,470	0.137%
• North Portneuf Urban Renewal District	\$4,409,661	0.176%
• Pocatello Airport Urban Renewal District	\$995,883	0.040%
• Proposed Northgate URA	\$15,964,566	0.636%
Available AV within limitation	\$217,339,163	8.66%

208- 345

2190599C

CONSENT FORM

COMES NOW Gary Johnson, representing Mountain View Farms, Inc. (MVF), an Idaho Corporation, and states that MVF owns that certain property generally described as Parcel Identification Numbers: R3805002700, R3805003800, R3805004102 and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated January 2018, entitled Northgate Urban Renewal District (Proposed) Eligibility Report for the Pocatello Development Authority, prepared by Phil Kushlan, Kushlan Associates, and as attached hereto as Exhibit C.

Further, Mountain View Farms, Inc., as [TITLE] of said [ENTITY], hereby provides his/her consent and approval that the subject Property may be included within a proposed urban renewal area, and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 17 day of Sept., 2018.

MOUNTAIN VIEW FARMS, INC

Name: Gary Johnson

Title: Vice Pres

21905996

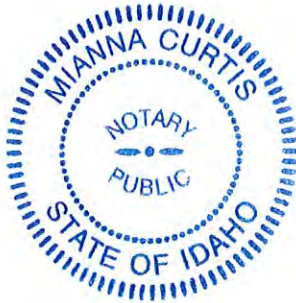
245
STATE OF IDAHO)

) ss:

County of Bannock)

On this 17 day of September, 2018, before me, a notary public in and for said state, personally appeared Gary Johnson, known or identified to me to be Manager of Mountain View Farms – an Idaho company, and the person who executed the instrument on behalf of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Mianna Curtis
Notary Public for Idaho

Residing At 445 Yellowstone Ave, Chubbuck

My Commission Expires March 16, 2023 83202

210' 345

EXHIBIT A

2190599C

LEGAL DESCRIPTION

PARCEL 1: (r3805002700)

SECTION 31, TOWNSHIP 5 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO
NE1/4SE1/4; NE1/4SW1/4; NW1/4SE1/4; LOTS 3 AND 4

PARCEL 2: (R3805003800)

SECTION 32, TOWNSHIP 5 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO
N1/2SW1/4; NW1/4SE1/4; S1/2NE1/4; E1/2SE1/4

PARCEL 3: (R3805004102)

SECTION 33, TOWNSHIP 5 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO
W1/2NW1/4; N1/2SW1/4

CONSENT FORM

241' 245

COMES NOW ARVIL SWANEY, MANGER of MILLENNIAL DEVELOPMENT PARTNERS, and KENNETH PAPE, MANAGER of PORTNEUF DEVELOPMENT (Collectively representing the "TOWN CENTER JV" (TCJV), an Idaho Partnership and states that TCJV owns that certain property particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

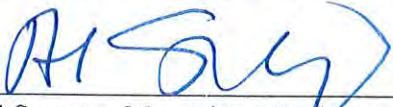
(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated January 2018, entitled Northgate Urban Renewal District (Proposed) Eligibility Report for the Pocatello Development Authority, prepared by Phil Kushlan, Kushlan Associates, and as attached hereto as Exhibit C.

Further, PAPE and SWANEY of said TCJV hereby provides his/her consent and approval that the subject Property may be included within a proposed urban renewal area, and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 17th day of October, 2018.

Town Center JV, a general partnership, being comprised of Millennial Development Partners, LLC and Portneuf Development, LLC

By: 

Arvil Swaney, Managing Member, Millennial Development Partners, LLC

By: 

Kenneth D. Pape, Chief Executive Manager, Portneuf Development, LLC

212- 345
 STATE OF IDAHO)
) ss:
 County of Bannock)

On this 17th day of October, 2018, before me, a notary public in and for said state, personally appeared Arvil Swaney, known or identified to me to be the managing member of Millennial Development Partners, LLC, one of the general partners of Town Center JV, an Idaho general partnership, and one of the partners that subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said limited liability company executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

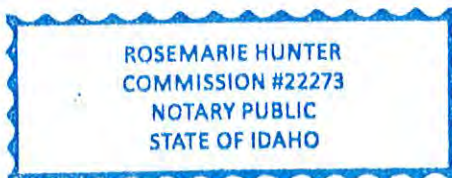


Rosemarie Hunter
 Notary Public for Idaho
 Residing At Bozelle, ID
 My Commission Expires 5-25-2024

STATE OF IDAHO)
) ss:
 County of Bannock)

On this 17th day of October, 2018, before me, a notary public in and for said state, personally appeared Kenneth D. Pape, known or identified to me to be the Chief Executive Manager of Portneuf Development, LLC, one of the general partners of Town Center JV, an Idaho general partnership, and one of the partners that subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said limited liability company executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Rosemarie Hunter
 Notary Public for Idaho
 Residing At Bozelle, ID
 My Commission Expires 5-25-2024

EXHIBIT A

LEGAL DESCRIPTION

Town Center JV, a General Partnership
ROW for Olympus (Portneuf Development side)

PARCEL 1:

A STRIP OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BEING A PORTION OF THE LAND DESCRIBED IN DEED INSTRUMENT 21612701, OF THE RECORDS OF BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 1, BEING MARKED BY A 2" ALUMINUM CAP IN A CITY OF POCA TELLO STANDARD VAULT, AND RECORDED UNDER CORNER PERPETUATION AND FILING RECORD INSTRUMENT 800761 OF THE RECORDS OF BANNOCK COUNTY, THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89°53'23" WEST ALONG THE SOUTH LINE OF SAID SECTION 1 A DISTANCE OF 50.00 FEET;

THENCE NORTH 00°02'30" EAST, A DISTANCE OF 248.42 FEET, TO A POINT OF TANGENCY OF A 1950.00 FOOT RADIUS CURVE, FROM SAID POINT THE RADIUS BEARS NORTH 89°57'30" WEST;

THENCE NORTHWESTERLY ALONG SAID CURVE THRU A CENTRAL ANGLE OF 34°37'47", AND AN ARC DISTANCE OF 1178.59 FEET, TO A POINT OF REVERSE CURVATURE, FROM SAID POINT THE RADIUS BEARS NORTH 55°24'43" EAST;

THENCE NORTHWESTERLY ALONG A 1050.00 FOOT RADIUS CURVE, THRU A CENTRAL ANGLE OF 35°40'32", AND AN ARC DISTANCE OF 653.79 FEET, TO A POINT OF TANGENCY;

THENCE NORTH 01°05'15" EAST, A DISTANCE OF 577.00 FEET, TO A POINT OF TANGENCY OF A 100.00 FOOT RADIUS CURVE, FROM SAID POINT THE RADIUS BEARS NORTH 88°54'45" WEST;

THENCE NORTHWESTERLY ALONG SAID CURVE, THRU A CENTRAL ANGLE OF 90°58'27", AND AN ARC DISTANCE OF 158.78 FEET TO A POINT OF CUSP, FROM SAID POINT THE RADIUS BEARS SOUTH 00°06'49" WEST, ALSO SAID POINT BEING ON THE LATITUDINAL CENTERLINE OF SECTION 1;

THENCE SOUTH 89°54'40" EAST, ALONG THE LATITUDINAL CENTERLINE OF SECTION 1, A DISTANCE OF 300.00 FEET, TO A POINT OF CUSP OF A 100.00 FOOT RADIUS CURVE, WHOSE CENTER BEARS SOUTH 00°05'20" WEST;

THENCE SOUTHWESTERLY ALONG SAID CURVE, THRU A CENTRAL ANGLE OF 89°00'05", AND AN ARC DISTANCE OF 155.34 FEET, TO A POINT OF TANGENCY;

THENCE SOUTH 01°05'15" WEST, A DISTANCE OF 582.23 FEET, TO A POINT OF TANGENCY OF A 950.00 FOOT RADIUS CURVE, FROM SAID POINT THE CENTER BEARS SOUTH 88°54'46" EAST;

THENCE SOUTHEASTERLY ALONG SAID CURVE THRU A CENTRAL ANGLE OF 35°40'32", AND AN ARC DISTANCE OF 591.52 FEET, TO A POINT OF REVERSE CURVATURE, OF A 2050.00 FOOT RADIUS CURVE, FROM SAID POINT THE RADIUS BEARS SOUTH 55°24'43" WEST;

THENCE SOUTHEASTERLY ALONG SAID CURVE THRU A CENTRAL ANGLE OF 21°31'08", AND AN ARC DISTANCE OF 769.93 FEET, TO A POINT OF NON-TANGENCY, ON THE MERIDIONAL CENTERLINE OF SECTION 1, FROM SAID POINT THE CENTER BEARS, SOUTH 76°55'51" WEST;

THENCE SOUTH 00°14'04" EAST ALONG THE MERIDIONAL CENTERLINE OF SECTION 1 A DISTANCE OF 713.28 FEET TO THE TRUE POINT OF BEGINNING.

214-345
ROW bought from Rupp – interchange row

PARCEL 2:

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 6 SOUTH, RANGE 34 EAST, AND THE SOUTHEAST 1/4 OF SECTION 3S, TOWNSHIP 5 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, BEING A PORTION OF THE LANDS DESCRIBED IN CORRECTED QUITCLAIM DEED RECORDED AS INSTRUMENT NO. 21514114 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SECTION 1, BEING MARKED BY A 1" IRON ROD WITH NO CAP AS DESCRIBED IN CORNER PERPETUATION AND FILING RECORDED AS INSTRUMENT NO. 20520359 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY, FROM WHICH THE CENTER 1/4 CORNER OF SECTION 1 BEARS SOUTH 89°54'39" EAST A DISTANCE OF 2629.33 FEET;

THENCE NORTH 0°38'28" WEST, ALONG THE WEST LINE OF SECTION 1, A DISTANCE OF 1624.95 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 0°38'28" WEST, CONTINUING ALONG THE WEST LINE OF SECTION 1, A DISTANCE OF 153.15 FEET;

THENCE NORTH 78°59'42" WEST A DISTANCE OF 75.51 FEET TO A POINT OF TANGENCY WITH A 500.00 FOOT RADIUS CURVE WHOSE CENTER BEARS NORTH 11°00'18" EAST;

THENCE FOLLOWING ALONG SAID CURVE TO THE RIGHT IN A NORTHWESTERLY DIRECTION THROUGH A CENTRAL ANGLE OF 48°40'36" FOR AN ARC LENGTH OF 424.78 FEET (THE CHORD OF SAID CURVE BEARS NORTH 54°39'24" WEST A DISTANCE OF 412.12 FEET) TO A POINT OF TANGENCY;

THENCE NORTH 30°19'06" WEST A DISTANCE OF 201.23 FEET TO A POINT OF TANGENCY WITH A 1000 FOOT RADIUS CURVE WHOSE CENTER BEARS NORTH 59°40'54" EAST;

THENCE FOLLOWING ALONG SAID CURVE TO THE RIGHT IN A NORTHERLY DIRECTION THROUGH A CENTRAL ANGLE OF 35°53'28" FOR AN ARC LENGTH OF 626.42 FEET (THE CHORD OF SAID CURVE BEARS NORTH 12°22'22" EAST A DISTANCE OF 616.23 FEET) TO A POINT OF TANGENCY WITH THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 15 AS DEFINED IN FEDERAL AID PROJECT I-15-2(1)72, SAID POINT BEING A POINT OF CUSP;

THENCE SOUTH 5°34'22" WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF I-15, A DISTANCE OF 1560.60 FEET TO A POINT OF CUSP WITH A 350.00 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTH 84°25'38" EAST;

THENCE FOLLOWING ALONG SAID CURVE TO THE RIGHT IN A NORTHEASTERLY DIRECTION THROUGH A CENTRAL ANGLE OF 72°20'22" FOR AN ARC LENGTH OF 441.90 FEET (THE CHORD OF SAID CURVE BEARS NORTH 41°44'33" EAST A DISTANCE OF 413.13 FEET) TO A POINT OF TANGENCY;

THENCE NORTH 77°54'44" EAST A DISTANCE OF 341.27 FEET TO A POINT OF TANGENCY WITH A 350.00 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTH 12°05'16" EAST;

THENCE FOLLOWING ALONG SAID CURVE TO THE RIGHT IN AN EASTERLY DIRECTION THROUGH A CENTRAL ANGLE OF 23°05'34" FOR AN ARC LENGTH OF 141.06 FEET (THE CHORD OF SAID CURVE BEARS NORTH 89°27'31" EAST A DISTANCE OF 140.11 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 78°59'42" EAST A DISTANCE OF 49.22 FEET TO THE POINT OF BEGINNING.

RESERVING THEREFROM:

AN EASEMENT FOR MAINTENANCE OF AN EXISTING IRRIGATION LINE ON THE NORTHERLY 200 FEET OF THE ABOVE DESCRIBED LANDS.

216' 345

2190599C

ROW bought from Rupp – west ROW

PARCEL 3:

A 150.00 FOOT WIDE STRIP OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BEING A PORTION OF THE LAND DESCRIBED IN DEED INSTRUMENT 21514114, OF THE RECORDS OF BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER 1/4 CORNER OF SECTION 1, BEING MARKED BY A 2 1/2" ALUMINUM CAP STAMPED PLS-10786, AND RECORDED UNDER CORNER PERPETUATION AND FILING RECORD INSTRUMENT 21617873 OF THE RECORDS OF BANNOCK COUNTY, FROM WHICH THE SOUTH 1/4 CORNER OF SAID SECTION 1 BEARS SOUTH 00°14'04" EAST, 2650.48 FEET, THE TRUE POINT OF BEGINNING;

THENCE NORTH 89°54'40" WEST ALONG THE LATITUDINAL CENTERLINE OF SAID SECTION 1 A DISTANCE OF 657.85 FEET, TO A POINT OF NON-TANGENCY OF A 1015.00 FOOT RADIUS CURVE, FROM SAID POINT THE CENTER BEARS NORTH 00°06'49" EAST;

THENCE NORTHWESTERLY ALONG SAID CURVE, THRU A CENTRAL ANGLE OF 62°04'26", AND AN ARC DISTANCE OF 1099.65 FEET, TO A POINT OF TANGENCY;

THENCE NORTH 27°48'45" WEST, A DISTANCE OF 657.80 FEET, TO A POINT OF TANGENCY OF A 925.00 FOOT RADIUS CURVE, FROM SAID POINT THE CENTER BEARS SOUTH 62°11'15" WEST;

THENCE NORTHWESTERLY ALONG SAID CURVE, THRU A CENTRAL ANGLE OF 51°10'57", AND AN ARC DISTANCE OF 826.30 FEET TO A POINT OF TANGENCY;

THENCE NORTH 78°59'42" WEST, A DISTANCE OF 148.17 FEET, TO A POINT ON THE WEST LINE OF SECTION 1;

THENCE NORTH 00°38'28" WEST, ALONG THE WEST LINE OF SECTION 1, A DISTANCE OF 153.15 FEET;

THENCE SOUTH 78°59'42" EAST, A DISTANCE OF 179.09 FEET, TO A POINT OF TANGENCY OF A 1075.00 FOOT RADIUS CURVE, FROM SAID POINT THE CENTER BEARS, SOUTH 11°00'18" WEST;

THENCE SOUTHEASTERLY ALONG SAID CURVE THRU A CENTRAL ANGLE OF 51°10'57", AND AN ARC DISTANCE OF 960.30 FEET, TO A POINT OF TANGENCY;

THENCE SOUTH 27°48'45" EAST, A DISTANCE OF 657.80 FEET, TO A POINT OF TANGENCY OF A 865.00 FOOT RADIUS CURVE, FROM SAID POINT THE CENTER BEARS NORTH 62°11'15" EAST;

THENCE SOUTHEASTERLY ALONG SAID CURVE THRU A CENTRAL ANGLE OF 62°05'55", AND AN ARC DISTANCE OF 937.51 FEET, TO A POINT OF TANGENCY;

THENCE SOUTH 89°54'40" EAST PARALLEL WITH AND 150.00 FEET NORTH OF THE LATITUDINAL CENTERLINE OF SECTION 1, A DISTANCE OF 656.57 FEET, TO A POINT ON THE MERIDIONAL CENTERLINE OF SECTION 1;

THENCE SOUTH 0°14'04" EAST ALONG THE MERIDIONAL CENTERLINE OF SECTION 1 A DISTANCE OF 150.00 FEET TO THE TRUE POINT OF BEGINNING.

216' 345

2190599C

Olympus ROW bought from Bob Hart

PARCEL 4:

A TRACT OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 1, BEING A 3 INCH BCM PER CORNER PERPETUATION RECORDED AS INST. NO. 20520364 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY, THENCE NORTH 89°54'05" EAST, ALONG THE SOUTH LINE OF SECTION 1, A DISTANCE OF 50.00 FEET; THENCE NORTH 0°02'30" EAST A DISTANCE OF 248.16 FEET TO A POINT OF CURVATURE OF A 2050.00 FOOT RADIUS CURVE WHOSE CENTER BEARS NORTH 89°57'30" WEST; THENCE FOLLOWING ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°06'37" FOR AN ARC LENGTH OF 469.08 FEET (THE CHORD OF SAID CURVE BEARS NORTH 6°30'49" WEST A DISTANCE OF 468.05 FEET) TO A POINT OF NON-TANGENCY ON THE MERIDIONAL CENTERLINE OF SECTION 1; THENCE SOUTH 0°14'03" EAST, ALONG THE MERIDIONAL CENTERLINE OF SECTION 1, A DISTANCE OF 713.28 FEET TO THE POINT OF BEGINNING.

Additional ROW bought from Rupp – Southerly addition to Interchange - 21803043

PARCEL 5

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 2 AND THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 2, BEING MARKED BY A 1 INCH IRON ROD PER CORNER PERPETUATION AND FILING, INSTRUMENT NO. 20520359; THENCE ALONG THE LATITUDINAL CENTERLINE OF SAID SECTION 2, NORTH 89°45'55" WEST 887.05 FEET TO A 1/2 INCH REBAR WITH A CAP STAMPED KA 10789 ON THE EAST LINE OF INTERSTATE 15 (FEDERAL AID PROJECTS NOS. I-152(1)71 AND I-152(3)71); THENCE ALONG SAID EAST LINE, NORTH 05°34'22" EAST 40.73 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE, NORTH 08°26'09" WEST 206.54 FEET MARKED BY A CONCRETE MONUMENT WITH A 3 INCH BRASS CAP; THENCE CONTINUING ALONG SAID EAST LINE, NORTH 05°34'22" EAST 1009.48 FEET TO A POINT OF TANGENCY OF A 350.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST OF WHICH RADIUS BEARS SOUTH 84°25'38" EAST; THENCE ALONG THE SOUTHERLY LINE OF DEED INSTRUMENT NO. 21715051, EXHIBIT D, THE NEXT FIVE (5) COURSES; (1) THENCE NORTHEASTERLY 441.90 FEET ALONG SAID 350.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 72°20'22" AND A LONG CHORD THAT BEARS NORTH 41°44'33" EAST 413.13 FEET; (2) THENCE NORTH 77°54'44" EAST 341.26 FEET TO A POINT OF NON-TANGENCY OF A 350.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST OF WHICH RADIUS BEARS SOUTH 12°05'16" EAST; (3) THENCE NORTHEASTERLY 141.07 FEET ALONG SAID 350.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 23°05'34" AND A LONG CHORD THAT BEARS NORTH 89°27'31" EAST 140.11 FEET; (4) THENCE SOUTH 78°59'42" EAST 197.41 FEET TO THE POINT OF TANGENCY OF A 925.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST OF WHICH RADIUS BEARS SOUTH 11°00'18" WEST; (5) THENCE SOUTHEASTERLY 416.73 FEET ALONG SAID 925.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 25°48'46" AND A LONG CHORD THAT BEARS SOUTH 66°05'19" EAST 413.21 FEET; THENCE SOUTH 36°48'47" WEST 24.94 FEET; THENCE NORTH 57°20'07" WEST 180.27 FEET; THENCE NORTH 68°03'16" WEST 163.21 FEET; THENCE NORTH 77°47'05" WEST 92.38 FEET; THENCE NORTH 84°11'13" WEST 349.62 FEET; THENCE SOUTH 77°54'44" WEST 248.46 FEET; THENCE SOUTH 20°11'44" WEST 550.76 FEET; THENCE SOUTH 05°34'28" WEST 325.00 FEET; THENCE SOUTH 14°06'19" WEST 303.36 FEET; THENCE SOUTH 17°57'19" WEST 209.88 FEET; THENCE SOUTH 08°29'15" WEST 194.03 FEET TO THE POINT OF BEGINNING.

211-345

2190599C

Additional ROW bought from Rupp – Northerly addition to Interchange - 21803043

PARCEL 6

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 2 AND NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, AND SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 2, BEING MARKED BY A 1 INCH IRON ROD PER CORNER PERPETUATION AND FILING, INSTRUMENT NO. 20520359; THENCE ALONG THE LATITUDINAL CENTERLINE OF SAID SECTION 2, NORTH 89°45'55" WEST 887.05 FEET TO A 1/2 INCH REBAR WITH A CAP STAMPED KA 10789 ON THE EAST LINE OF INTERSTATE 15 (FEDERAL AID PROJECTS NOS. I-152(1)71 AND I-152(3)71); THENCE ALONG SAID EAST LINE, NORTH 05°34'22" EAST 40.73 FEET; THENCE CONTINUING ALONG SAID EAST LINE, NORTH 08°26'09" WEST 206.54 FEET MARKED BY A CONCRETE MONUMENT WITH A 3 INCH BRASS CAP; THENCE CONTINUING ALONG SAID EAST LINE, NORTH 05°34'22" EAST 2570.08 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE, NORTH 05°34'22" EAST 976.73 FEET TO A CONCRETE MONUMENT WITH A 3" BRASS CAP; THENCE SOUTH 20°20'26" EAST 137.23 FEET; THENCE SOUTH 01°45'38" WEST 601.33 FEET; THENCE SOUTH 06°50'51" WEST 225.06 FEET; THENCE SOUTH 07°04'41" EAST 251.10 FEET; THENCE SOUTH 13°06'08" EAST 374.73 FEET; THENCE SOUTH 07°55'16" EAST 189.74 FEET; THENCE SOUTH 41°41'29" EAST 178.44 FEET; THENCE SOUTH 75°10'55" EAST 457.19 FEET; THENCE SOUTH 78°59'42" EAST 25.00 FEET TO A POINT OF TANGENCY OF A 1100.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST OF WHICH RADIUS BEARS SOUTH 11°00'18" WEST; THENCE SOUTHEASTERLY 495.56 FEET ALONG SAID 1100.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 25°48'43" AND A LONG CHORD THAT BEARS SOUTH 66°05'20" EAST 491.38 FEET; THENCE SOUTH 36°48'47" WEST 25.00 FEET TO A POINT OF NON-TANGENCY OF A 1075.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST OF WHICH RADIUS BEARS SOUTH 36°49'02" WEST; THENCE ALONG THE NORTHERLY LINE OF DEED . INSTRUMENT NO. 21715051, EXHIBIT D, THE NEXT FIVE (5) COURSES; (1) THENCE NORTHWESTERLY 484.30 FEET ALONG SAID 1075.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 25°48'44" AND A LONG CHORD THAT BEARS NORTH 66°05'20" WEST 480.21 FEET; (2) THENCE NORTH 78°59'42" WEST 254.61 FEET TO A POINT TANGENCY OF A 500.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST OF WHICH RADIUS BEARS NORTH 11°00'18" EAST; (3) THENCE NORTHWESTERLY 424.78 FEET ALONG SAID 500.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 48°40'34" AND A LONG CHORD THAT BEARS NORTH 54°39'25" WEST 412.12 FEET; (4) THENCE NORTH 30°19'06" WEST 201.23 FEET TO THE POINT OF TANGENCY OF A 1000.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST OF WHICH RADIUS BEARS NORTH 59°40'54" EAST; (5) THENCE NORTHWESTERLY 626.42 FEET ALONG SAID 1000.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 35°53'28" AND A LONG CHORD THAT BEARS NORTH 12°22'22" WEST 616.23 FEET TO THE POINT OF BEGINNING.

218 345
Additional ROW bought from Rupp – Northgate roundabout - 21803043

PARCEL 7

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 1, BEING MARKED BY A 5/8 INCH REBAR WITH A 2.5 INCH ALUMINUM CAP STAMPED "LS 10786" PER CORNER PERPETUATION AND FILING, INSTRUMENT NO. 21617873; THENCE NORTH 00°14'03" WEST 150.00 FEET TO THE NORTHERLY LINE OF DEED INSTRUMENT NO. 21715051, EXHIBIT E; THENCE ALONG SAID NORTHERLY LINE, NORTH 89°54'37" WEST 354.73 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHERLY LINE, NORTH 89°54'37" WEST 298.50 FEET TO THE POINT OF NON-TANGENCY OF A 100.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST OF WHICH RADIUS BEARS NORTH 00°05'23" EAST; THENCE NORTHEASTERLY 70.61 FEET ALONG SAID 100.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 40°27'33" AND A LONG CHORD THAT BEARS NORTH 69°51'37" EAST 69.16 FEET TO THE POINT OF REVERSE CURVATURE OF A 130.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTH OF WHICH RADIUS BEARS SOUTH 40°22'10" EAST; THENCE SOUTHEASTERLY 183.60 FEET ALONG SAID 130.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 80°55'05" AND A LONG CHORD THAT BEARS SOUTH 89°54'37" EAST 168.72 FEET TO A POINT OF REVERSE CURVATURE OF A 100.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST OF WHICH RADIUS BEARS NORTH 40°32'56" EAST; THENCE SOUTHEASTERLY 70.61 FEET ALONG SAID 100.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 40°27'33" AND A LONG CHORD THAT BEARS SOUTH 69°40'51" EAST 69.16 FEET TO THE POINT OF BEGINNING.

24- 345

CONSENT FORM

2190599C

COMES NOW Brenda Worrell, Chief Operating Officer of Idaho Central Credit Union, and states that Idaho Central Credit Union owns that certain property generally described as Parcel Identification Number: Parcel No. R3853000107, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

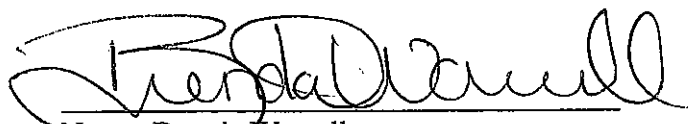
(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated January 2018, entitled Northgate Urban Renewal District (Proposed) Eligibility Report for the Pocatello Development Authority, prepared by Phil Kushlan, Kushlan Associates, and as attached hereto as Exhibit C.

Further, Brenda Worrell, as Chief Operating Officer of said Idaho Central Credit Union, hereby provides his/her consent and approval that the subject Property may be included within a proposed urban renewal area, and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 1st day of November, 2018.

Idaho Central Credit Union



Name: Brenda Worrell

Title: Chief Operating Officer

345

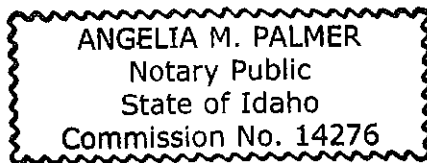
220'

STATE OF IDAHO)
) ss:
County of Bannock)

2190599C

On this 1st day of November, 2018, before me, a notary public in and for said state, personally appeared Brenda Worrell, known or identified to me to be the Chief Operating Officer of Idaho Central Credit Union, the person who executed the instrument as said Chief Operating Officer of said Idaho Central Credit Union, and acknowledged to me that Idaho Central Credit Union executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Angelia M Palmer
Notary Public for Idaho
Residing At Pocatello, ID
My Commission Expires 5/4/21

EXHIBIT A

LEGAL DESCRIPTION

IDAHO CENTRAL CREDIT UNION - 21802207

PARCEL 1:

(FUTURE LOT 8, BLOCK 1, THE CROSSINGS DIVISION NO. 1)

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 1, BEING MARKED BY A 3 INCH BRASS CAP PER CORNER PERPETUATION AND FILING, INSTRUMENT NO. 800761; THENCE ALONG THE SOUTH LINE OF SAID SECTION 1, SOUTH 89°53'17" WEST 50.00 FEET; THENCE NORTH 00°02'30" EAST 66.11 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 45°00'00" WEST 38.21 FEET; THENCE SOUTH 00°02'30" WEST 8.14 FEET; THENCE PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, SOUTH 89°53'17" WEST 208.00 FEET; THENCE NORTH 00°02'30" EAST 270.05 FEET; THENCE NORTH 45°02'30" EAST 42.43 FEET; THENCE SOUTH 89°57'30" EAST 174.30 FEET; THENCE SOUTH 45°44'04" EAST 41.85 FEET TO A POINT OF NON-TANGENCY OF A 1950.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST OF WHICH RADIUS BEARS SOUTH 88°29'22" WEST; THENCE SOUTHEASTERLY 52.82 FEET ALONG SAID 1950.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 01°33'08" AND A LONG CHORD THAT BEARS SOUTH 00°44'04" EAST 52.82 FEET; THENCE SOUTH 00°02'30" WEST 182.31 FEET TO THE POINT OF BEGINNING.

222' 345'

CONSENT FORM

COMES NOW Shaun Menchaca, President of Portneuf Health Trust, Inc., an Idaho Corporation, and states that Portneuf Health Trust, Inc. owns that certain property generally described as Parcel Identification Number: Parcel No. R3853000301, R3853000302, R3853000303, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

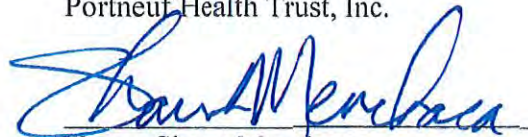
(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated January 2018, entitled Northgate Urban Renewal District (Proposed) Eligibility Report for the Pocatello Development Authority, prepared by Phil Kushlan, Kushlan Associates, and as attached hereto as Exhibit C.

Further, Shaun Menchaca, as President of said Portneuf Health Trust, Inc., hereby provides his/her consent and approval that the subject Property may be included within a proposed urban renewal area, and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 30 day of October, 2018.

Portneuf Health Trust, Inc.



Name: Shaun Menchaca

Title: President

225
345

2190599C

STATE OF IDAHO)
) ss:
County of Bannock)

On this 30 day of October, 2018, before me, a notary public in and for said state, personally appeared Shaun Menchaca, known or identified to me to be the President of Portneuf Health Trust, Inc., an Idaho Corporation, the person who executed the instrument on behalf of said corporation as said President of said Portneuf Health Trust, Inc., and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Nancy Wright
Notary Public for Idaho
Residing At 3135 Rockland Hwy American Falls
My Commission Expires 3-21-2022 FD 8321

224- 345

EXHIBIT A

2190599C

LEGAL DESCRIPTION

Portneuf Heath Trust, Inc.

PARCEL 1:

COMMENCING AT THE CENTER QUARTER CORNER OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND RUNNING THENCE S 39°23'54" E 398.18 FEET; WHICH IS THE POINT OF BEGINNING. AND RUNNING THENCE N 90°00'00" W 714.72 FEET; THENCE S 01°05'15" W 371.93 FEET; THENCE IN A SOUTHERLY DIRECTION WITH A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 950.00 FEET, HAVING A CHORD S 06°03'11" E 236.18 FEET, A CENTRAL ANGLE 14°16'53" AND AN ARC LENGTH 236.79 FEET; THENCE N 90°00'00" E 699.36 FEET; THENCE N 00°14'03" W 606.73 FEET; TO THE POINT OF BEGINNING.

PARCEL 2:

COMMENCING AT THE CENTER QUARTER CORNER OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND RUNNING THENCE S 15°35'39" E 949.37 FEET; WHICH IS THE POINT OF BEGINNING. AND RUNNING THENCE N 90°00'00" W 699.36 FEET; THENCE IN A SOUTHEASTERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 950.00 FEET, HAVING A CHORD S 23°53'27" E 352.67 FEET, A CENTRAL ANGLE 21°23'39" AND AN ARC LENGTH 354.73 FEET; THENCE IN A SOUTHEASTERLY DIRECTION WITH A REVERSE TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 2050.00 FEET, HAVING A CHORD S 33°26'40" E 81.83 FEET, A CENTRAL ANGLE 02°17'14" AND AN ARC LENGTH 81.83 FEET; THENCE N 79°06'07" E 522.04 FEET; THENCE N 00°14'03" W 292.04 FEET; TO THE POINT OF BEGINNING.

PARCEL 3:

COMMENCING AT THE CENTER QUARTER CORNER OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND RUNNING THENCE S 89°53'42" E 251.48 FEET; WHICH IS THE POINT OF BEGINNING. AND RUNNING THENCE N 89°53'42" W 633.91 FEET; THENCE IN A SOUTHWESTERLY DIRECTION WITH A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 74.98 FEET, HAVING A CHORD S 45°35'18" W 105.14 FEET, A CENTRAL ANGLE 89°02'00" AND AN ARC LENGTH 116.51 FEET; THENCE S 01°05'15" W 234.86 FEET; THENCE N 90°00'00" E 714.72 FEET; THENCE N 00°14'03" W 307.24 FEET; TO THE POINT OF BEGINNING.

225- 345

CONSENT FORM

2190599C

COMES NOW James W. Hart and David Hart, Idaho individuals, and state that these individuals own that certain property generally described as Parcel Identification Numbers: R3851000902, R3805002800, R3805003900^{*} and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned have reviewed the materials provided in Exhibit B, and have had an opportunity to review the urban renewal eligibility report, dated January 2018, entitled Northgate Urban Renewal District (Proposed) Eligibility Report for the Pocatello Development Authority, prepared by Phil Kushlan, Kushlan Associates, and as attached hereto as Exhibit C.

Further, these individuals hereby provide their consent and approval that the subject Property may be included within a proposed urban renewal area, and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 25th day of October, 2018.

* and
R3851006208
JP JHC
JHC

INDIVIDUALS

Name: James W. Hart
Title: owner

Name: David J Hart
Title: owner

2W-345

STATE OF IDAHO)
) ss:
County of Bannock

21905990

On this 25 day of October, 2018, before me, a notary public in and for said state, personally appeared James W. Hart and David Hart, known or identified to me to be the persons who executed the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Terri Neu
Notary Public for Idaho
Residing At Pocatello
My Commission Expires 1/18/2019

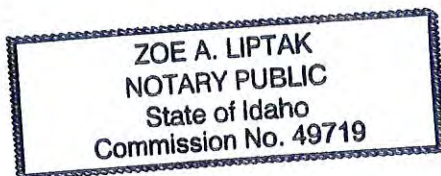
227- 345

2190599C

STATE OF IDAHO)
County of Bonneville) ss:

On this 25th day of October, 2018, before me, a notary public in and for said state, personally appeared James W. Hart and David Hart, known or identified to me to be the persons who executed the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Zoe A. Liptak
Notary Public for Idaho
Residing At Chubbuck, ID
My Commission Expires 12/6/2020

2190599C

228'

345

EXHIBIT A

LEGAL DESCRIPTION

JAMES W. HART, AS TO A 2/3 INTEREST AND DAVID J. HART, AS TO A 1/3 INTEREST

PARCEL 1: (R3851000902)

SECTION 5, TOWNSHIP 6 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO:
SW $\frac{1}{4}$ NW $\frac{1}{4}$; LOTS 3 AND 4

PARCEL 2: (R3805002800)

SECTION 31, TOWNSHIP 5 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO:
SE $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL 3: (R3805003900)

SECTION 32, TOWNSHIP 5 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO:
S $\frac{1}{2}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$

229- 345

CONSENT FORM

2190599C

COMES NOW Ken Pape, Member of Portneuf Development, LLC, an Idaho limited liability company, and states that Portneuf Development, LLC owns that certain property generally described as Parcel Identification Number: Parcel No. R3853000108, R3853000306, R3853000802~~A~~ and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

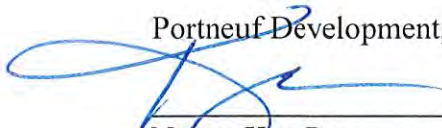
(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated January 2018, entitled Northgate Urban Renewal District (Proposed) Eligibility Report for the Pocatello Development Authority, prepared by Phil Kushlan, Kushlan Associates, and as attached hereto as Exhibit C.

Further, Ken Pape, as Member of said Portneuf Development, LLC, hereby provides his/her consent and approval that the subject Property may be included within a proposed urban renewal area, and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 17th day of October, 2018.

Portneuf Development, LLC


Name: Ken Pape

Title: Member

★ and 
R3853000305
after annexation
R3853000146700

230

345

STATE OF IDAHO)
) ss:
County of Bannock)

21905996

On this 17th day of October, 2018, before me, a notary public in and for said state, personally appeared Ken Pape, known or identified to me to be the Member of Portneuf Development, LLC, an Idaho limited liability company, the person who executed the instrument on behalf of said limited liability company as said Member of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Rosemarie Hunter

Notary Public for Idaho
Residing At Bozelle, ID
My Commission Expires 5-25-2024

EXHIBIT A**LEGAL DESCRIPTION**

Portneuf Development Company, LLC, an Idaho Limited Liability Company

PARCEL 1:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO BEING A PORTION OF PARCEL #3 OF RECORD OF SURVEY, INSTRUMENT NO. 21617876, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 1, BEING MARKED BY A 5/8 INCH REBAR WITH A 2.5 INCH ALUMINUM CAP STAMPED "LS 10786" PER CORNER PERPETUATION AND FILING, INSTRUMENT NO. 21617873, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE MERIDIONAL CENTERLINE OF SAID SECTION 1, SOUTH 00°14'03" EAST 1254.85 FEET TO A 1/2 INCH REBAR WITH A CAP STAMPED "RMES PELS 2341"; THENCE SOUTH 79°06'07" WEST 1712.68 FEET TO A 5/8 INCH REBAR WITH A CAP STAMPED "CH&A 12457"; THENCE NORTH 52°32'37" WEST 850.37 FEET TO A 5/8 INCH REBAR WITH A CAP STAMPED "CH&A 12457"; THENCE PARALLEL WITH THE WESTERLY LINE OF SAID SECTION 1, NORTH 00°40'37" WEST 941.15 FEET TO A 5/8 INCH REBAR WITH A CAP STAMPED "CH&A 12457"; THENCE NORTH 61°44'42" EAST 261.37 FEET TO A 5/8 INCH REBAR WITH A CAP STAMPED "CH&A 12457" ON THE NORTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE ALONG SAID NORTHERLY LINE OF THE SOUTHWEST QUARTER OF SECTION 1, SOUTH 89°54'37" EAST 2132.60 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO BEING A PORTION OF PARCEL #3 OF RECORD OF SURVEY, INSTRUMENT NO. 21617876, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 1, BEING MARKED BY A 2 INCH ALUMINUM CAP IN SURVEY VAULT PER CORNER PERPETUATION AND FILING, INSTRUMENT NO. 20520365, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE WESTERLY LINE OF SAID SECTION 1, NORTH 00°40'37" WEST 2659.76 FEET TO THE WEST QUARTER CORNER MONUMENTED WITH A 1 INCH IRON ROD PER CORNER PERPETUATION AND FILING, INSTRUMENT NO. 20520359; THENCE ALONG THE NORTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1, SOUTH 89°54'37" EAST 496.72 FEET TO A 5/8 INCH REBAR WITH A CAP STAMPED "CH&A 12457" FROM WHICH THE CENTER QUARTER CORNER BEARS SOUTH 89°54'37" EAST 2132.60 FEET; THENCE SOUTH 61°44'42" WEST 261.37 FEET TO A 5/8 INCH REBAR WITH A CAP STAMPED "CH&A 12457"; THENCE PARALLEL WITH THE WESTERLY LINE OF SAID SECTION 1, SOUTH 00°40'37" EAST 941.15 FEET TO A 5/8 INCH REBAR WITH A CAP STAMPED "CH&A 12457"; THENCE SOUTH 52°32'37" EAST 850.37 FEET TO A 5/8 INCH REBAR WITH A CAP STAMPED "CH&A 12457"; THENCE NORTH 79°06'07" EAST 1712.68 FEET TO A 1/2 INCH REBAR WITH A CAP STAMPED "RMES PELS 2341" ON THE MERIDIONAL CENTERLINE OF SAID SECTION 1; THENCE ALONG SAID MERIDIONAL CENTERLINE, SOUTH 00°14'03" EAST 1395.52 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 1 MONUMENTED WITH A 3 INCH BRASS CAP IN SURVEY VAULT PER CORNER PERPETUATION AND FILING, INSTRUMENT NO. 20520364; THENCE ALONG THE SOUTHERLY LINE OF SAID SECTION 1, SOUTH 89°53'17" WEST 2608.74 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO BEING PARCEL #2 OF RECORD OF SURVEY,

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INSTRUMENT NO. 21617876, AND PARCEL 1 OF EXHIBIT A OF WARRANTY DEED, INSTRUMENT NO. 21706688 DESCRIBED AS FOLLOWS PER SAID WARRANTY DEED:

THAT PORTION OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BANNOCK COUNTY, IDAHO LYING EAST OF THE TRACT DEEDED TO THE STATE OF IDAHO FOR INTERSTATE HIGHWAY RIGHT-OF-WAY IN INSTRUMENT NO. 331245, 371994 AND 332196, RECORDS OF BANNOCK COUNTY, IDAHO, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND, SITUATED IN THE SE1/4 OF SECTION 2, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF SECTION 2 MONUMENTED WITH AN ALUMINUM CAP IN MONUMENT BOX INST. NO. 20520365, FROM WHICH THE S1/4 CORNER BEARS N 89°44'11" W 2626.83 FEET, AND RUNNING THENCE N 89°44'11" W 552.27 FEET ALONG THE SOUTH SECTION LINE OF SAID SECTION 2 TO THE EASTERLY RIGHT-OF-WAY OF INTERSTATE 15 (FEDERAL AID PROJECTS NOS. I-152(1)71 AND I-152(3)71); THENCE N 00°15'22" E 25.82 FEET ALONG SAID RIGHT-OF-WAY TO A 1/2" IRON ROD PLS 10786; THENCE N 79°51'06" W 128.34 FEET ALONG SAID EASTERLY RIGHT-OF-WAY TO A RIGHT-OF-WAY MONUMENT; THENCE N 54°36'02" W 361.86 FEET ALONG SAID EASTERLY RIGHT-OF-WAY TO A RIGHT-OF-WAY MONUMENT; THENCE N 05°12'23" W 954.91 FEET ALONG SAID EASTERLY RIGHT-OF-WAY TO A RIGHT-OF-WAY MONUMENT; THENCE N 05°34'22" E 1458.55 FEET ALONG SAID EASTERLY RIGHT-OF-WAY TO A POINT ON THE EAST-WEST CENTER SECTION LINE MONUMENTED WITH A 1/2" IRON ROD PLS 10786; THENCE S 89°45'55" E 887.05 FEET ALONG SAID CENTERLINE TO THE EAST 1/4 CORNER MONUMENTED WITH A 1 INCH IRON ROD INST. NO. 20520359; THENCE S 00°40' 37" E 2659.76 FEET ALONG THE EAST LINE OF SAID SECTION 2 TO THE POINT OF BEGINNING.

EXCEPTION NO. 1

ROW FOR OLYMPUS ROW

A STRIP OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BEING A PORTION OF THE LAND DESCRIBED IN DEED INSTRUMENT 21612701, OF THE RECORDS OF BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 1, BEING MARKED BY A 2" ALUMINUM CAP IN A CITY OF POCA TELLO STANDARD VAULT, AND RECORDED UNDER CORNER PERPETUATION AND FILING RECORD INSTRUMENT 800761 OF THE RECORDS OF BANNOCK COUNTY, THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89°53'23" WEST ALONG THE SOUTH LINE OF SAID SECTION 1 A DISTANCE OF 50.00 FEET;

THENCE NORTH 00°02'30" EAST, A DISTANCE OF 248.42 FEET, TO A POINT OF TANGENCY OF A 1950.00 FOOT RADIUS CURVE, FROM SAID POINT THE RADIUS BEARS NORTH 89°57'30" WEST;

THENCE NORTHWESTERLY ALONG SAID CURVE THRU A CENTRAL ANGLE OF 34°37'47", AND AN ARC DISTANCE OF 1178.59 FEET, TO A POINT OF REVERSE CURVATURE, FROM SAID POINT THE RADIUS BEARS NORTH 55°24'43" EAST;

THENCE NORTHWESTERLY ALONG A 1050.00 FOOT RADIUS CURVE, THRU A CENTRAL ANGLE OF 35°40'32", AND AN ARC DISTANCE OF 653.79 FEET, TO A POINT OF TANGENCY;

THENCE NORTH 01°05'15" EAST, A DISTANCE OF 577.00 FEET, TO A POINT OF TANGENCY OF A 100.00 FOOT RADIUS CURVE, FROM SAID POINT THE RADIUS BEARS NORTH 88°54'45" WEST;

THENCE NORTHWESTERLY ALONG SAID CURVE, THRU A CENTRAL ANGLE OF 90°58'27", AND AN ARC DISTANCE OF 158.78 FEET TO A POINT OF CUSP, FROM SAID POINT THE RADIUS BEARS SOUTH 00°06'49" WEST, ALSO SAID POINT BEING ON THE LATITUDINAL CENTERLINE OF SECTION 1;

THENCE SOUTH 89°54'40" EAST, ALONG THE LATITUDINAL CENTERLINE OF SECTION 1, A DISTANCE OF 300.00 FEET, TO A POINT OF CUSP OF A 100.00 FOOT RADIUS CURVE, WHOSE CENTER BEARS SOUTH 00°05'20" WEST;

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THENCE SOUTHWESTERLY ALONG SAID CURVE, THRU A CENTRAL ANGLE OF $89^{\circ}00'05''$, AND AN ARC DISTANCE OF 155.34 FEET, TO A POINT OF TANGENCY;
THENCE SOUTH $01^{\circ}05'15''$ WEST, A DISTANCE OF 582.23 FEET, TO A POINT OF TANGENCY OF A 950.00 FOOT RADIUS CURVE, FROM SAID POINT THE CENTER BEARS SOUTH $88^{\circ}54'46''$ EAST;
THENCE SOUTHEASTERLY ALONG SAID CURVE THRU A CENTRAL ANGLE OF $35^{\circ}40'32''$, AND AN ARC DISTANCE OF 591.52 FEET, TO A POINT OF REVERSE CURVATURE, OF A 2050.00 FOOT RADIUS CURVE, FROM SAID POINT THE RADIUS BEARS SOUTH $55^{\circ}24'43''$ WEST;
THENCE SOUTHEASTERLY ALONG SAID CURVE THRU A CENTRAL ANGLE OF $21^{\circ}31'08''$, AND AN ARC DISTANCE OF 769.93 FEET, TO A POINT OF NON-TANGENCY, ON THE MERIDIONAL CENTERLINE OF SECTION 1, FROM SAID POINT THE CENTER BEARS, SOUTH $76^{\circ}55'51''$ WEST;
THENCE SOUTH $00^{\circ}14'04''$ EAST ALONG THE MERIDIONAL CENTERLINE OF SECTION 1 A DISTANCE OF 713.28 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTION NO. 2

PHT PARCEL 1

COMMENCING AT THE CENTER QUARTER CORNER OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND RUNNING THENCE S $39^{\circ}23'54''$ E 398.18 FEET; WHICH IS THE POINT OF BEGINNING.
AND RUNNING THENCE N $90^{\circ}00'00''$ W 714.72 FEET; THENCE S $01^{\circ}05'15''$ W 371.93 FEET;
THENCE IN A SOUTHERLY DIRECTION WITH A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 950.00 FEET, HAVING A CHORD S $06^{\circ}03'11''$ E 236.18 FEET, A CENTRAL ANGLE $14^{\circ}16'53''$ AND AN ARC LENGTH 236.79 FEET; THENCE N $90^{\circ}00'00''$ E 699.36 FEET;
THENCE N $00^{\circ}14'03''$ W 606.73 FEET; TO THE POINT OF BEGINNING.

EXCEPTION NO. 3

PHT PARCEL 2

COMMENCING AT THE CENTER QUARTER CORNER OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND RUNNING THENCE S $15^{\circ}35'39''$ E 949.37 FEET; WHICH IS THE POINT OF BEGINNING.
AND RUNNING THENCE N $90^{\circ}00'00''$ W 699.36 FEET; THENCE IN A SOUTHEASTERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 950.00 FEET, HAVING A CHORD S $23^{\circ}53'27''$ E 352.67 FEET, A CENTRAL ANGLE $21^{\circ}23'39''$ AND AN ARC LENGTH 354.73 FEET; THENCE IN A SOUTHEASTERLY DIRECTION WITH A REVERSE TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 2050.00 FEET, HAVING A CHORD S $33^{\circ}26'40''$ E 81.83 FEET, A CENTRAL ANGLE $02^{\circ}17'14''$ AND AN ARC LENGTH 81.83 FEET; THENCE N $79^{\circ}06'07''$ E 522.04 FEET; THENCE N $00^{\circ}14'03''$ W 292.04 FEET; TO THE POINT OF BEGINNING.

EXCEPTION NO. 4

PHT PARCEL 3

COMMENCING AT THE CENTER QUARTER CORNER OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND RUNNING THENCE S $89^{\circ}53'42''$ E 251.48 FEET; WHICH IS THE POINT OF BEGINNING.
AND RUNNING THENCE N $89^{\circ}53'42''$ W 633.91 FEET; THENCE IN A SOUTHWESTERLY DIRECTION WITH A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 74.98 FEET, HAVING A CHORD S $45^{\circ}35'18''$ W 105.14 FEET, A CENTRAL ANGLE $89^{\circ}02'00''$ AND AN ARC LENGTH 116.51 FEET; THENCE S $01^{\circ}05'15''$ W 234.86 FEET; THENCE N $90^{\circ}00'00''$ E 714.72 FEET; THENCE N $00^{\circ}14'03''$ W 307.24 FEET; TO THE POINT OF BEGINNING.

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EXCEPTION NO. 5

ICCU PARCEL

(FUTURE LOT 8, BLOCK 1, THE CROSSINGS DIVISION NO. 1)

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 1, BEING MARKED BY A 3 INCH BRASS CAP PER CORNER PERPETUATION AND FILING, INSTRUMENT NO. 800761; THENCE ALONG THE SOUTH LINE OF SAID SECTION 1, SOUTH 89°53'17" WEST 50.00 FEET; THENCE NORTH 00°02'30" EAST 66.11 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 45°00'00" WEST 38.21 FEET; THENCE SOUTH 00°02'30" WEST 8.14 FEET; THENCE PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1, SOUTH 89°53'17" WEST 208.00 FEET; THENCE NORTH 00°02'30" EAST 270.05 FEET; THENCE NORTH 45°02'30" EAST 42.43 FEET; THENCE SOUTH 89°57'30" EAST 174.30 FEET; THENCE SOUTH 45°44'04" EAST 41.85 FEET TO A POINT OF NON-TANGENCY OF A 1950.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST OF WHICH RADIUS BEARS SOUTH 88°29'22" WEST; THENCE SOUTHEASTERLY 52.82 FEET ALONG SAID 1950.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 01°33'08" AND A LONG CHORD THAT BEARS SOUTH 00°44'04" EAST 52.82 FEET; THENCE SOUTH 00°02'30" WEST 182.31 FEET TO THE POINT OF BEGINNING.

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CONSENT FORM

COMES NOW Arvil Swaney, Managing Member of Millennial Development Partners, a Utah LLC ("MILLENNIAL"), and states that MILLENNIAL owns that certain property generally described as Parcel Identification Numbers: R3851001209, R3851001206, R3805003000, R3805002900^{*} and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated January 2018, entitled Northgate Urban Renewal District (Proposed) Eligibility Report for the Pocatello Development Authority, prepared by Phil Kushlan, Kushlan Associates, and as attached hereto as Exhibit C.

Further, Arvil Swaney, as Managing Member of MILLENNIAL, hereby provides his/her consent and approval that the subject Property may be included within a proposed urban renewal area, and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 13th day of September, 2018.

and

★ R3853000105
after annexation
R.P.C.P.P. 147100

R3851001204
after annexation
R.P.C.P.P. 147200

ARS

MILLENNIAL DEVELOPMENT PARTNERS

Name: Arvil Swaney

Title: Managing Member
Millennial Development Partners

236' 345

STATE OF IDAHO)
County of Bannock) ss:

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On this 15 day of September, 2018, before me, a notary public in and for said state, personally appeared [NAME], known or identified to me to be the [TITLE] of [ENTITY], an Idaho Utah LLC, the person who executed the instrument on behalf of said MDP MDP as said [TITLE] of said LLC, and acknowledged to me that such SWALEY executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Konni R. Kendell
Notary Public for Idaho
Residing At American Fork, ID
My Commission Expires 3-22-24

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EXHIBIT A

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LEGAL DESCRIPTION

PARCEL 1: (R3851001209)

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, GOVERNMENT LOT 1, A PORTION OF GOVERNMENT LOT 2, AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 6 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 6, BEING MARKED BY A 5/8 INCH REBAR WITH A 2 INCH ALUMINUM CAP STAMPED RMES PELS 2341 PER CORNER PERPETUATION AND FILING, INSTRUMENT NO. 21707720, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 6, NORTH 89°47'38" WEST 1321.07 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, NORTH 00°03'29" WEST 1116.43 FEET; THENCE ALONG A LINE PARALLEL WITH THE SOUTH LINE OF GOVERNMENT LOT 2, NORTH 89°45'14" WEST 531.63 FEET; THENCE ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID GOVERNMENT LOT 2, NORTH 00°01'40" WEST 1558.84 FEET TO THE NORTH LINE OF SAID SECTION 6; THENCE ALONG SAID NORTH LINE, SOUTH 89°38'00" EAST 1850.49 FEET TO THE NORTHEAST CORNER OF SAID SECTION 6 BEING MARKED BY A 2 INCH ALUMINUM CAP STAMPED CITY OF POCA TELLO HORIZONTAL CONTROL PLS 942; THENCE ALONG THE EAST LINE OF SAID SECTION 6, SOUTH 00°05'19" EAST 2670.46 FEET TO THE POINT OF BEGINNING.

PARCEL 2 - 88.87 ACRES (R3851001206)

A PARCEL OF LAND LOCATED IN A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, A PORTION OF GOVERNMENT LOT 3, A PORTION OF GOVERNMENT LOT 2, A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 6 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 6, BEING MARKED BY A 5/8 INCH REBAR WITH A 2 INCH ALUMINUM CAP STAMPED RMES PELS 2341 PER CORNER PERPETUATION AND FILING, INSTRUMENT NO. 21707718; THENCE SOUTH 89°47'38" EAST 1114.28 FEET TO THE NORTHEAST CORNER OF GOVERNMENT LOT 6, BEING MARKED BY A 2 INCH ALUMINUM CAP STAMPED RMES PELS 2341, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND GOVERNMENT LOT 3 OF SAID SECTION 6, NORTH 00°01'08" EAST 1853.87 FEET; THENCE SOUTH 89°58'52" EAST 327.96 FEET; THENCE SOUTH 74°53'06" EAST 598.76 FEET; THENCE SOUTH 84°13'28" EAST 189.34 FEET; THENCE NORTH 00°01'40" WEST 96.68 FEET; THENCE SOUTH 89°33'15" WEST 109.65 FEET; THENCE NORTH 72°42'13" WEST 598.06 FEET; THENCE NORTH 89°58'52" WEST 129.11 FEET; THENCE NORTH 00°01'08" EAST 149.06 FEET; THENCE NORTH 89°58'52" WEST 284.53 FEET TO THE WEST LINE OF SAID GOVERNMENT LOT 3; THENCE ALONG SAID WEST LINE, NORTH 00°01'08" EAST 587.47 FEET TO NORTHWEST CORNER OF SAID GOVERNMENT LOT 3 ON THE NORTH LINE OF SAID SECTION 6; THENCE ALONG SAID NORTH LINE, SOUTH 89°20'52" EAST 1319.60 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 6, BEING MARKED BY A 2 INCH ALUMINUM CAP STAMPED RMES PELS 2341 PER CORNER PERPETUATION AND FILING, INSTRUMENT NO. 21707719; THENCE CONTINUING ALONG SAID NORTH LINE OF SECTION 6, SOUTH 89°20'52" EAST 154.19 FEET TO THE SOUTH QUARTER CORNER OF SECTION 31, TOWNSHIP 5 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BEING MARKED BY A STONE AND 2 INCH ALUMINUM CAP

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STAMPED CITY OF POCA TELLO HORIZONTAL CONTROL PLS 942; THENCE ALONG SAID NORTH LINE OF SAID SECTION 6, SOUTH 89°38'00" EAST 634.67 FEET; THENCE ALONG A LINE PARALLEL WITH THE WEST LINE OF GOVERNMENT LOT 2, SOUTH 00°01'40" EAST 1558.84 FEET; THENCE ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID GOVERNMENT LOT 2, NORTH 89°45'14" WEST 788.85 FEET; THENCE SOUTH 59°17'05" WEST 668.40 FEET; THENCE SOUTH 37°42'10" WEST 975.40 FEET TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 22°22'38" WEST 394.32 FEET TO THE SOUTHEAST CORNER OF DEED INSTRUMENT NO. 21715050; THENCE ALONG THE EAST LINE OF SAID DEED INSTRUMENT NO. 21715050, NORTH 00°01'08" EAST 365.17 FEET TO THE POINT OF BEGINNING.

PARCEL 3 - 5.04 ACRES (R3805003000)

A PARCEL OF LAND LOCATED IN SECTION 31, TOWNSHIP 5 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO DESCRIBED AS THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 31, AS DESCRIBED IN WARRANTY DEED, INSTRUMENT NO. 21706690, PARCEL 10A.

PARCEL 4 - 10.09 ACRES (R3805002900)

A PARCEL OF LAND LOCATED IN SECTION 31, TOWNSHIP 5 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO DESCRIBED AS THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 31, AS DESCRIBED IN WARRANTY DEED, INSTRUMENT NO. 21706690, PARCEL 10A.

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Attachment 7

Bannock County Board of County Commissioners Resolution No. 2018-23 (eligibility)

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In The Matter of ELIGIBILITY OF NORTHGATE)
PROJECT AS URBAN RENEWAL AREA)

2190599C

R.S. No 2018-23
February 13, 2018

RESOLUTION

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BANNOCK COUNTY, IDAHO, ADOPTING THE FINDINGS OF THE POCATELLO DEVELOPMENT AUTHORITY, THE URBAN RENEWAL AGENCY OF THE CITY OF POCATELLO, IDAHO, ADOPTED BY RESOLUTION ON JANUARY 17, 2018, IN RESOLUTION NO. 2018-1; ACCEPTING THAT CERTAIN REPORT PREPARED FOR THE POCATELLO DEVELOPMENT AUTHORITY ON THE ELIGIBILITY FOR CERTAIN PROPERTY REFERRED TO AS THE NORTHGATE AREA AS AN URBAN RENEWAL AREA AND REVENUE ALLOCATION AREA AND JUSTIFICATION FOR DESIGNATING THE AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT SUBJECT TO CERTAIN CONDITIONS; FINDING A PORTION OF THE NORTHGATE AREA INCLUDES CERTAIN PROPERTIES WITHIN THE UNINCORPORATED AREA OF BANNOCK COUNTY; FINDING AND DECLARING THE NEED FOR AN URBAN RENEWAL PROJECT FOR THE NORTHGATE AREA; APPROVING CREATION OF THAT PORTION OF THE NORTHGATE AREA LYING OUTSIDE OF THE CORPORATE BOUNDARIES OF THE CITY OF POCATELLO AND WITHIN THE UNINCORPORATED AREA OF BANNOCK COUNTY; FINDING THAT THE JURISDICTIONAL BOUNDARIES OF THE CITY OF POCATELLO AND BANNOCK COUNTY REMAIN THE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Pocatello Development Authority, 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 (hereinafter the "Law") and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act"), is a duly created and functioning urban renewal agency for Pocatello, Idaho, hereinafter referred to as the "Agency."

WHEREAS, the City Council (the "City Council") of the city of Pocatello (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 the Act upon making the findings of necessity required for creating the Agency;

WHEREAS, there are several existing urban renewal project areas in the City;

WHEREAS, based on inquiries and information presented, the Agency commenced certain discussions concerning examination of an additional area as appropriate for an urban renewal project;

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WHEREAS, in 2017, the Agency authorized Kushlan Associates, to commence an eligibility study and preparation of an eligibility report of an area located east of Interstate 15 and north of Chubbuck Road and the surrounding properties;

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the "Report"), which examined an area within the area of operation of the City, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Report was submitted to the Agency, a copy of which is attached hereto as Exhibit A;

WHEREAS, under the Act and Law, specifically Sections 50-2903(8)(f) and 50-2018 (8) and (9), Idaho Code, the definition of a deteriorating area shall not apply to any agricultural operation as defined in Section 22-4502(1), Idaho Code, or any forest land as defined in Section 63-1701(4), Idaho Code, absent the consent of the owner of the agricultural operation or the forest landowner of the forest land, except for an agricultural operation or forest land that has not been used for three (3) consecutive years;

WHEREAS, the Northgate Area includes parcels subject to such consent. While the necessary consents have not been obtained, any and all consents shall be obtained prior to City Council adoption of any urban renewal plan;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, a portion of the Northgate Area includes certain real property located in unincorporated Bannock County;

WHEREAS, the Agency accepted the Report by way of Resolution No. 2018-1 at the January 17, 2018, meeting of the Agency Board, a copy of Resolution No. 2018-1 (without exhibits), is attached hereto as Exhibit B;

WHEREAS, pursuant to Idaho Code Section 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 Section 50-2904, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area;

WHEREAS, the proposed Northgate Area has no impact on the jurisdictional boundaries of Bannock County;

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WHEREAS, on February 13, 2018, representatives of the Agency presented the Report to the Bannock County Commissioners requesting the Commissioners to consider adopting the findings concerning the proposed Northgate Area.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BANNOCK COUNTY, IDAHO, AS FOLLOWS:

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

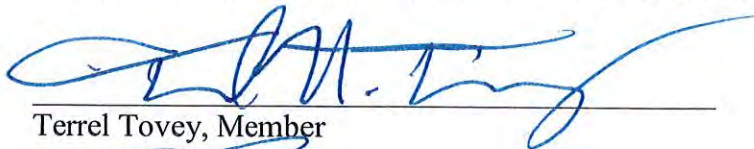
Section 2. That the findings of the Agency made on January 17, 2018, in Resolution No. 2018-1, are hereby adopted by the Board of Bannock County Commissioners.

Section 3. That there is a need for an urban renewal plan for the Northgate Area.

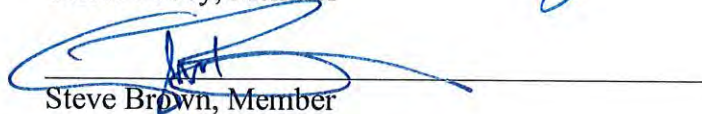
Section 4. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED this 13th day of February, 2018.

BOARD OF BANNOCK COUNTY COMMISSIONERS

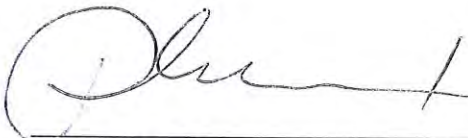


Terrel Tovey, Member



Steve Brown, Member

ATTEST:



Robert Poleki
Bannock County Clerk

243-345

2190599C

Northgate
Urban Renewal District
(Proposed)

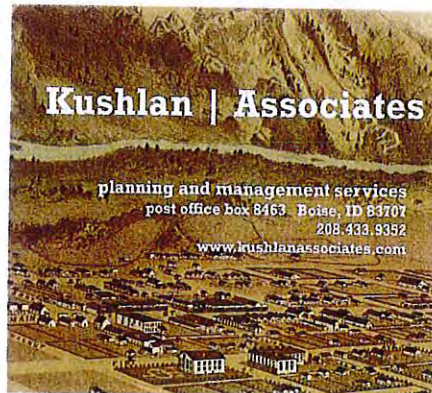
Eligibility Report

Prepared for

Elam & Burke, P.A.

On behalf of

The Pocatello Development Authority
January 2018



Kushlan | Associates
Boise, Idaho

Introduction: Kushlan | Associates was retained by the law firm of Elam & Burke, P. A. to develop an Eligibility Report for the consideration of establishing a new urban renewal district in the City of Pocatello, Idaho. Historically, the property subject to this review has existed in unincorporated Bannock County. Much of the area has become under consideration for annexation to the City during the pendency of this review.

Elected Officials serving the City of Pocatello are:

Mayor:	Brian Blad
Council Members:	Heidi Adamson Roger Bray Jim Johnston Rick Cheatum Linda Leeuwrik
Planning & Development Director:	Melanie Gygli

Idaho Code Section 50-2006 states, in part: "URBAN RENEWAL AGENCY. (a) There is hereby created in each municipality an independent public body corporate and politic to be known as the "urban renewal agency" that was created by resolution as provided in section 50-2005, Idaho Code..." to carry out the powers enumerated in Title 50, Chapters 20 and 29, Idaho Code. The Pocatello City Council adopted Resolution 1988-13 in 1988 bringing forth those powers within the City of Pocatello.

The Mayor, with the confirmation of the City Council, has appointed nine members to the board of the Urban Renewal Agency of the City of Pocatello, also doing business as the Pocatello Development Authority (PDA). The PDA currently oversees the implementation of four urban renewal districts located throughout Pocatello. The current membership of the PDA Board is as follows:

Chair:	Scott Smith
Vice Chairman	Chad Carr
Commissioners	Brian Blad Larry Fisher Jim Johnston Russ Meyers Thomas Ottaway, PhD Terrel N. Tovey Scott Turner
Ex-Officio (Bannock Dev. Corp.)	John Regetz
Interim Executive Director:	Melanie Gygli

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Existing Pocatello Urban Renewal Districts ^{2190599C}

District	Year Established	Scheduled Termination
North Yellowstone Urban Renewal District	2004	2028
Naval Ordnance Urban Renewal District	2006	2026
North Portneuf Urban Renewal District	2007	2024
Pocatello Airport Urban Renewal District	2010	2033

Background:

While Native Americans inhabited the area for centuries, the development of the community of Pocatello, as we know it today, evolved through the late nineteenth century. At first, the area served as a transit route for immigrants and stage coach lines headed for Fort Hall, established by Nathaniel Wyeth in 1834 a few miles north of the current location of Pocatello. The Utah and Northern Railroad intersected with the Oregon Short Line Railroad at this location. European settlement started in the 1880s and was originally focused on the requirements of the railroads.

The fact that the site was located on the Fort Hall Indian Reservation limited the development of the community to the previously granted right-of-way secured through the tribal lands in 1882. As a result of significant growth in population, the US Government secured rights to an additional 2,000 acres of Reservation land allowing for expansion of the community. Additional land was secured from the Tribe in 1905.

The City was created as a City of the First Class by the Idaho Legislature in 1889 and today ranks as the fifth largest city in the state.

The Idaho Legislature established an institution of higher learning at Pocatello in 1901. Designated as the Academy of Idaho, a two-year program, it started holding classes in September of 1902. The school was renamed as the Idaho Technical Institute in 1915 and then, in 1927, as the University of Idaho, Southern Branch. In 1947 the institution was elevated to a four-year program and again renamed as Idaho State College. Finally, in 1963, the College was designated as Idaho State University, a full, four-year public university.

While the community retained its economic focus on the railroads and surrounding agricultural and mining interests, the University has exerted significant cultural and economic influence on the broader community

Official US Census Data

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Year	Population	Average Annual Change
1900	4,046	
1910	9,110	+8.45% / Yr.
1920	15,001	+5.11% / Yr.
1930	16,471	0.94% / Yr.
1940	18,133	+0.97% / Yr.
1950	26,131	+3.72% / Yr.
1960	26,534	+0.15% / Yr.
1970	40,036	+4.2% / Yr.
1990	46,340	+1.47% / Yr.
2000	46,091	- 0.05% / Yr.
2010	54,255	+0.45% / Yr.
2016 (Estimate)	54,746	+0.015% /Yr.

When income statistics are compared to statewide numbers, we see that the population of Pocatello lags the rest of Idaho in these categories. The median household income in Pocatello is \$40,269, approximately 15.4% below the statewide figure of \$47,583. Per capita money income for the Pocatello population is \$20,697 as compared to the statewide number of \$23,399. The percentage of the Pocatello population below poverty level is 21.9% as compared to the statewide number of 14.4%. (Data from the US Census Bureau.)

Investment Capacity: Cities across the nation actively participate in the economic vitality of their communities through investment in infrastructure. Water and sewer facilities as well as transportation, communication, electrical distribution and other systems are all integral elements of an economically vital community. Idaho cities have a significant challenge in responding to these demands along with the on-going need to reinvest in their general physical plant to ensure it does not deteriorate to the point of system failure. They face stringent statutory and constitutional limitations on revenue generation and debt as well as near total dependence upon legislative action to provide funding options. These strictures severely constrain capital investment strategies.

The tools made available to cities in Title 50, Chapters 20 and 29, the Urban Renewal Law and the Economic Development Act are some of the few that are available to assist communities in their efforts to support economic vitality. New sources of State support are unlikely to become available in the foreseeable future, thus the PDA's interest in exploring the potential for establishing its fifth urban renewal district is an appropriate public policy consideration.

Northgate Development

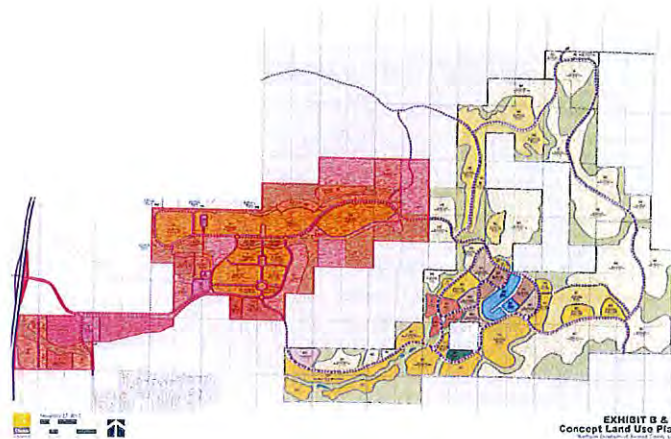
The cities of Pocatello and Chubbuck, along with Bannock County have been planning for the development of the area north of the current Pocatello city limits, east of Interstate 15 and south of the Fort Hall Indian Reservation for more than a decade. While specifics of the vision have changed over time, the area was seen as integral to the development of the City of Pocatello and urban levels of development at various densities was a common thread throughout the planning efforts. Those planning efforts have included the Idaho

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Transportation Department as well as private landowners in the areas and development interests from within the community and the broader region.

Recent dialogue among the various partners in the planning effort has resulted in a more definitive plan calling for a bold development vision resulting in a significant mixed-use area that would ultimately be annexed to and served by the City of Pocatello over time. Various planning documents have been updated to accommodate the current vision. Agreements among the parties have been implemented providing for substantial public investment in initial transportation infrastructure, including advancing the schedule for construction of the Northgate Interchange on Interstate 15 from 2035 to 2018. In addition to the interchange, in which both local public and private investment has been made, the local entities have provided resources to construct the access roads leading to the new interchange on both sides of the interstate highway.

In support of the current proposal, the City and County have agreed to expand the City of Pocatello Area of City Impact and Comprehensive Land Use Planning area to include the geography covered by the planned development. Substantial private investment has been made in securing rights to land for inclusion in the development as well as in sophisticated master planning of the area helping to define the infrastructure investments needed to support the envisioned community.

As indicated in the Master Plan map (below), substantial public infrastructure is called for in implementing the development pattern envisioned. Thus far, development opportunities considered for the area covered by the Comprehensive Plan, have been insufficient in scale to support the required public facility investment. This imbalance has thwarted the orderly implementation of the planning undertaken by the City and the property owners. This lack of progress has stimulated the current interest in exercise the powers granted under State Law in the establishment of a fifth urban renewal district in Pocatello .



Steps in Consideration of an Urban Renewal District:

The first step in consideration of establishing an urban renewal district in Idaho is to define a potential area for analysis as to whether conditions exist within it to qualify for redevelopment activities under the statute. We have called this the "Study Area".

248- The next step in the process is to review the conditions within the Study Area to determine whether the area is eligible for creating a district. The State Law governing urban renewal sets out the following criteria, at least one of which must be found, for an area to be considered eligible for urban renewal activities.

1. The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site [50-2018(9); and 50-2903(8)(b)]
2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)]
3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)(b)]
4. Outmoded Street Patterns [50-2008(d)(4)(2)]
5. Need for Correlation of Area with Other Areas of a Municipality by Streets; and Modern Traffic Requirements [50-2008(d)(4)(2)]
6. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness [50-2018(9) and 50-2903(8)(b)]
7. Unsuitable Topography or Faulty Lot Layouts [50-2008(d)(4)(2)]
8. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]
9. Diversity of Ownership [50-2018(9) and 50-2903(8)(b)]
10. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]
11. Defective or unusual condition of title [50-2018(9) and 50-2903(8)(b)]
12. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b)]
13. Results in Economic Underdevelopment of the Area [50-2903(8)(b)]

If the Eligibility Report finds that one or more of the conditions noted above exist within the Study Area, then the Urban Renewal Agency may accept the Eligibility Report and forward it to the City Council for its consideration. If the City Council adopts the Eligibility Report and makes the necessary findings, it may direct the Urban Renewal Agency to prepare an Urban Renewal Plan for the study area. If any part of the proposed urban renewal district remains outside the city limits of the sponsoring community, the Board of County Commissioners must also accept the Eligibility Report.

Based upon the acceptance of the Eligibility Report by the required governing bodies, the Urban Renewal Agency, then acts to prepare the Urban Renewal Plan for the new District and determines whether to also recommend the establishment of a Revenue Allocation Area to fund improvements called for in the Plan. Once the Plan for the

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District and Revenue Allocation Area are completed and approved, the Urban Renewal Board of Commissioners forwards it to the City Council for its formal consideration.

The City Council must refer the Urban Renewal Plan to the Planning and Zoning Commission for a finding that the Plan, as presented, is in conformity with the City's Comprehensive Plan. The Planning and Zoning Commission has 60 days to complete its review. At the same time, other taxing entities levying property taxes within the boundaries of the proposed Urban Renewal District are provided a thirty-day opportunity to comment on the Plan to the City Council. While the taxing entities are invited to comment on the Plan, their concurrence is not required for the City Council to proceed with its consideration. In the case of the Northgate Area, the effected taxing districts for those properties located within the city limits of Pocatello are:

- The City of Pocatello
- Bannock County
- School District #25
- County Road and Bridge
- Bannock County Ambulance District
- Pest Abatement

Should any of an urban renewal district ultimately created in this area remain outside the city limits of Pocatello, the effected taxing districts for those properties are:

- Bannock County
- North Bannock Fire District
- Portneuf Library
- Bannock County Road and Bridge
- School District #25
- Bannock County Ambulance District
- Pest Abatement

Once the Planning and Zoning Commission makes its findings of conformity and the thirty-day comment period has passed, the City Council is permitted to hold a public hearing and formally consider the adoption of the Plan creating the new Urban Renewal District and Revenue Allocation Area.

The City Council must also find that the taxable value within the district to be created, plus the Adjusted Base Assessed Value of any existing Urban Renewal / Revenue Allocation areas do not exceed the statutory maximum of 10% of the citywide assessed valuation.

If the City Council, in its discretion, chooses to proceed, it will officially adopt the Urban Renewal Plan and Revenue Allocation Area and provide official notification of that action to the taxing entities, County officials and Idaho State Tax Commission.

The Urban Renewal Agency then proceeds to implement the Plan.

Description of the Northgate Study Area:

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The Study Area subject to the current review is located on the east side of Interstate 15, north of Chubbuck Road. The Study Area consists of twenty-four (24), relatively large, tax parcels with a combined area of 2,533.2 acres. Two of the parcels included in the Study Area are under the ownership of the United States government under the jurisdiction of the Bureau of Land Management (BLM). The size and value information presented in Table 1 was derived from the Bannock County Assessor's on-line parcel information system. The current taxable value of the Study Area is \$306,553. However, all of that area maintains an agricultural property tax exemption. This is important because State Law requires that when such properties transition from this exemption, the resultant increase in taxable value accrues to the Base Assessed Value instead of the Incremental Value. This requires our estimating the impact of this transition. In reviewing the values ascribed to the various parcels we see values ranging from \$.0014 to \$.0084 per square foot for agricultural exempt land. Non-exempt land in the area ranges from \$0.09 per square foot to \$0.36 per square foot. The average of the non-exempt land surveyed was \$0.16 per square foot. This is a reasonable benchmark value for non-exempt, non-entitled land envisioned by the statute. Therefore, the taxable values have been adjusted to reflect this higher number as a basis for making the 10% calculation. Using this assumption, the Base Assessed Value of the Northgate URD increased from the \$306,553 amount to \$15,964,566. (See Table 1 Below)

The Study Area is virtually all vacant land, either remaining in a natural fallow state or dedicated to agricultural uses. Only one parcel reflects any improvement value assigned by the Bannock County Assessor and that appears to be associated with an old potato cellar and four metal granaries. The total Improvement Value for the Study Area is \$20,800.

Northgate Urban Renewal District Study Area

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My Map

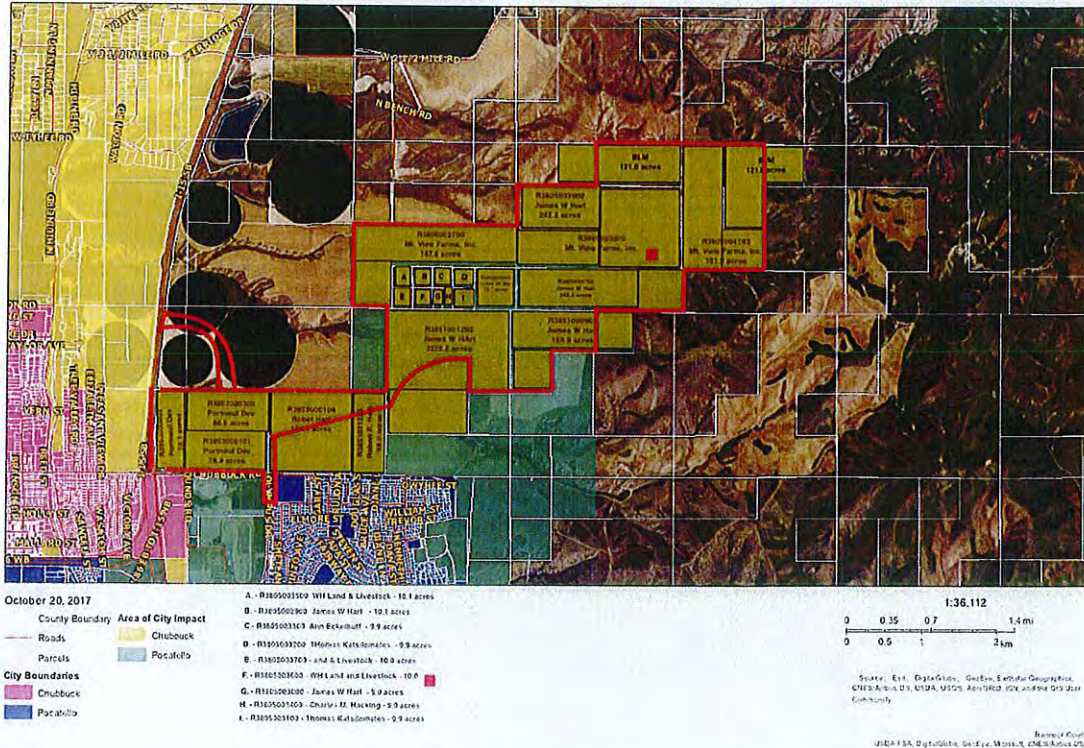


Table 1

O	Parcel #	Acreage	2016 Taxable AV	Est. 2016 Base AV w/o ag. Exemption
MILLENNIAL DEVELOPMENT	R3853000401	321.1	0	\$2,237,939
PORTNEUF DEVELOPMENT LLC	R3853000802	58.1	0	\$404,934
PORTNEUF DEVELOPMENT LLC	R3853000300	80.0	\$82,015	\$557,568
PORTNEUF DEVELOPMENT LLC	R3853000101	78.9	\$20,160	\$549,901
HART, ROBERT E	R3853000104	159.1	\$78,690	\$1,108,863
HART, ROBERT E	R3851001203	68	-0-	\$473,933
HART, JAMES W	R3851001202	322.2	-0-	\$2,245,605
HART, JAMES W	R3851000902	159	-0-	\$1,108,166
MTN VIEW FARMS INC	R3805002700	197.6	\$28,909	\$1,377,193
WH LAND & LIVESTOCK	R3805003500	10.1	\$1,000	\$70,393
HART, JAMES W	R3805002900	10.1	\$1,000	\$70,393
ECKELHOFF, ANN	R3805003300	9.9	\$1,000	\$68,999

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KATSILOMETES, THOMAS J	R3805003200	9.9	\$590	\$68,999
WH LAND & LIVESTOCK	R3805003700	10.0	\$1,000	\$69,696
WH LAND & LIVESTOCK	R3805003600	10.0	\$1,000	\$69,696
HART, JAMES W	R3805003000	5.0	\$325	\$34,848
HACKING, CHARLES M	R3805003400	5.0	\$1,000	\$34,848
KATSILOMETES, THOMAS J	R3805003100	9.9	\$680	\$68,999
HART, JAMES W	R3805002800	79.7	\$10,026	\$555,477
HART, JAMES W	R3805003900	242.2	\$27,167	\$1,688,037
MTN VIEW FARMS INC	R3805003800	282.9	\$33,102	\$1,971,700
BUREAU OF LAND MANAGEMENT	N/A	121	-0-	\$-
MTN VIEW FARMS INC	R3805004102	161.9	\$18,919	\$1,128,378
BUREAU OF LAND MANAGEMENT	N/A	121	-0-	\$-
Totals		2533.2	\$306,553	\$15,964,566

- Note: These acreages are exclusive of adjacent public rights-of-way for Chubbuck Road and any portion of I-15 that should be included in the ultimate boundaries of any district established. Publicly owned properties are assigned no value in Idaho assessments, so including them makes no difference to the value calculation, but will slightly increase the ultimate acreage.

Analysis of the Study Area:

A review of the Study Area reflects an area in transition. It is bounded on the south by the City of Pocatello with intense residential development abutting the Study Area. Interstate 15 constitutes the westerly boundary with the City of Chubbuck situated immediately west of the Interstate right-of-way. In fact, a small portion of the land lying east of the I-15 right-of-way, but outside the Study Area, is within the corporate limits of the City of Chubbuck.

Given the proximity to the urban area, the adjacent cities, the county, property owners and potential developers have undertaken substantial planning efforts extending back over a decade. The diverse interests of the property owners and the attendant cost of providing public infrastructure to support implementation of plans have thwarted progress. Over the past year, a renewed dialogue has taken place leading to a bold vision for the area, creating a development pattern unlike historic trends. An intensive mix of retail, high-tech industrial and residential development is called for in the Master Plan. Substantial, binding, financial commitments to property acquisition and transportation investments by local governments in the area as well as the property owners and developers, have prompted the Idaho Transportation Department (ITD) to advance the schedule for the Northgate (Siphon Road) interchange on I-15 from 2035 to 2018. Such commitments have resulted in ITD initiating design of the facility with construction anticipated in 2018. The

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two cities and Bannock County have committed to construct local roadway improvements connecting the interchange to the local street network to coincide with the completion of the State-sponsored project.

However, utility and transportation infrastructure beyond the basic investment currently committed is beyond the capacity of local jurisdictions under current and foreseeable conditions as noted in the discussion of investment capacity above. A Public-Private Partnership is determined necessary to provide the required infrastructure to allow the plans to move forward to implementation.

In support of the vision, the City of Pocatello, in concert with Bannock County, has amended its adopted Area of City Impact Boundary to include the current master plan area as well as anticipated future phases. In further support of the vision, the City's Comprehensive Plan Land Use Map was modified to reflect the results of the recent planning efforts.

While the area has no development that would be considered as "deteriorated or deteriorating" under the statutes, provisions are made under the Local Economic Development Act that recognize conditions that impede the rational development of the city as being conditions under which the Urban Renewal Law and the Economic Development Act may be employed. A specific analysis of the eligibility criteria compared to conditions existing on the ground is noted below.

For the convenience of the reader, we will reiterate the statutory criteria, at least one of which must be found to qualify an area for urban renewal activities. Those conditions are:

1. The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site [50-2018(9); and 50-2903(8)(b)]
2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)]
3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)(b)]
4. Outmoded Street Patterns [50-2008(d)(4)(2)]
5. Need for Correlation of Area with Other Areas of a Municipality by Streets; and Modern Traffic Requirements [50-2008(d)(4)(2)]
6. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness [50-2018(9) and 50-2903(8)(b)]
7. Unsuitable Topography or Faulty Lot Layouts [50-2008(d)(4)(2)]
8. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]
9. Diversity of Ownership [50-2018(9) and 50-2903(8)(b)]
10. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]
11. Defective or unusual condition of title [50-2018(9) and 50-2903(8)(b)]

254- 345 12. Substantially Impairs or Arrests the Sound Growth of a Municipality
[50-2018(9) and 50-2903(8)(b)]

13. Results in Economic Underdevelopment of the Area [50-2903(8)(b)]

Analysis: Northgate Urban Renewal District (Proposed)

Criterion #1: The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site: The entire area under consideration has traditionally been used for agricultural purposes. There has been minimal investment in improvements through the years. While pivot irrigation systems are in place and a deteriorated potato cellar is located along with four granaries on one parcel, a "Substantial Number of Deteriorated or Deteriorating Structures" are not present in the proposed district. Therefore, criterion #1 is not met.

Criterion #2: Age or Obsolescence: Again, as noted above the development pattern is consistent with the historic agricultural use and minimal investment has been made in structures. While the one structure, the old potato cellar, is indeed old, deteriorated and obsolete for current purposes, one would be hard-pressed to make a finding that such "Age or Obsolescence" is a significant factor throughout the proposed district. Therefore criterion #2 is not met.

Criterion #3: Predominance of Defective or Inadequate Street Layout: As noted above, ITD is currently in the design phase leading to the construction of a new interchange with I-15. Connecting roads will be constructed leading to and from that new State facility, yet arterial streets connecting development within the Master Plan Area are not provided. Chubbuck Road, situated on the southern boundary of the district will serve as a primary access point to the proposed development. It currently exists in a two-lane rural configuration without curb, gutter and sidewalks as would normally be required of urban level development. Olympus Drive, connecting the area to the central part of Pocatello remains in a rural configuration between Butte Street and Chubbuck Road. Substantial improvements to these existing facilities will be required for them to function as primary access to the proposed development. Therefore, criterion #3 is met.

Criterion #4: Outmoded Street Patterns: This criterion is addressed in the same manner as the previous one and since there is no interior circulation pattern in place and Chubbuck Road and Olympus Drive have not been upgraded to full urban standards, criterion #4 is met.

Criterion #5: Need for Correlation of Area with Other Areas of a Municipality by Streets; and Modern Traffic Requirements: The new interchange being planned for I-15 is a critical facility that will connect the anticipated development with the broader community and region through access to the interstate system. Additionally, the interchange and associated local street improvements will connect the area to the cities of Chubbuck and Pocatello. Resources dedicated to these projects are limited and despite current cost estimates being within available resources, final costs remain unknown and additional resources may be required. No street network connecting the various aspects of the Master Plan or connecting to future development is in place or funded. Again, both Chubbuck Road and Olympus Drive that will serve as primary connections to both Pocatello and Chubbuck

255- ~~255-~~ do not provide sufficient capacity to serve the intended purpose. Neither Chubbuck Road nor Olympus Drive provide pedestrian or bicycle facilities connecting to the rest of the community. Therefore Criterion #5 is met.

Criterion #6: Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness: The parcels in the Study Area are of a size and configuration appropriate for the historic agricultural use for which they have been deployed for several decades. However, as the City and region have developed around these properties, the large lots in the area are not properly configured to accommodate the development pattern envisioned in the Master Plan. A more fine-grained and high-density development pattern is represented in the adopted Master Plan. Several of the parcels have no access to a public right-of-way. Therefore criterion #6 is met.

Criterion #7: Unsuitable Topography or Faulty Lot Layouts: While the topography of the proposed district presents no significant development impediments the lot layout as noted above is inappropriate for the uses envisioned and several parcels are land-locked. Thus criterion # 7 is met.

Criterion #8: Insanitary or Unsafe Conditions: Again, given the current agricultural use "insanitary and unsafe conditions" are not present. However, when considering the anticipated development pattern, we find the area completely devoid of public water supply and distribution facilities. No provision for required fire flows nor any provision of sanitary sewer or storm drainage facilities adequate to the demand has been made. Therefore criterion #8 is met.

Criterion #9: Diversity of Ownership: There are twenty-two privately owned parcels included in proposed district under ten separate ownerships. Two of the parcels are owned by the federal government and managed by the Bureau of Land Management complicating required assembly of properties into a cohesive development. Therefore criterion # 9 is met.

Criterion #10: Tax or Special Assessment Delinquency: According to Bannock County Assessor records, no delinquencies exist. Therefore Criterion #10 is not met.

Criterion #11: Defective or unusual condition of title: Many of the parcels in the proposed district appear to have been created by an informal "Lot split" and not through formal subdivision. Therefore they do not represent legal lots of record, but merely a separate parcel for taxation purposes. While this is a legal process in the State of Idaho such tax parcels may not comply with zoning and other site requirements. This can be viewed as an unusual condition of title. Therefore Criterion #11 is met.

Criterion #12: Substantially Impairs or Arrests the Sound Growth of a Municipality: The State of Idaho, the City of Pocatello, the City of Chubbuck and Bannock County are making substantial investment in the transportation facilities serving this and the surrounding areas. The City of Pocatello has expressed its vision for this area in the creation and adoption of the Comprehensive Land Use Plan for the city, but without the capacity to provide public infrastructure, the Study Area will remain an under-utilized area in the midst of one of the largest urban areas in southeast Idaho. Criterion #12 is met.

Criterion #13: Results in Economic Underdevelopment of the Area: See discussion of Criterion #12 above. Criterion #13 is met.

Findings: Northgate Urban Renewal District: Conditions exist within the district to allow the Board of Commissioners of the Pocatello Development Authority and the Pocatello City Council to determine that the area is eligible for urban renewal activities as prescribed in State Law.

	Criteria	Met	Not Met
1	The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site		X
2	Age or Obsolescence		X
3	Predominance of Defective or Inadequate Street Layout	X	
4	Outmoded Street Patterns	X	
5	Need for Correlation of Area with Other Areas of a Municipality by Streets; and Modern Traffic Requirements	X	
6	Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness	X	
7	Unsuitable Topography or Faulty Lot Layouts	X	
8	Insanitary or Unsafe Conditions	X	
9	Diversity of Ownership	X	
10	Tax or Special Assessment Delinquency		X
11	Defective or unusual condition of title	X	
12	Substantially Impairs or Arrests the Sound Growth of a Municipality	X	
13	Results in Economic Underdevelopment of the Area	X	

Analysis: Open Land Conditions

In addition to the eligibility conditions identified above, the geographic area under review is also required to satisfy the "open land" conditions. Idaho Code Section 50-2903(8)(c) states: "[a]ny area which is predominately 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. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas."

Many of the eligibility criteria set forth in Idaho Code Section 50-2903(8)(c) for predominantly open land areas mirror or are the same as those criteria set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b). "Diversity of ownership" is the same, while "obsolete platting" appears to be equivalent to "faulty lot layout in relation to size, adequacy, accessibility, or usefulness." "Deterioration of structures or improvements" is the same or similar to "a substantial number of deteriorated or deteriorating structures" and "deterioration of site or other improvements." There is also an additional qualification that the provisions of Idaho Code Section 50-2008(d) shall apply to open areas.

Idaho Code Section 50-2008(d)(4) primarily addresses the urban renewal plan approval process and sets forth certain conditions and findings for agency acquisition of open land as follows:

(4) the urban renewal plan will 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: Provided, that 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.

In sum, there is one set of findings if the area of open land is to be acquired and developed for residential uses and a separate set of findings if the land is to be acquired and developed for nonresidential uses.

Basically, open land areas may be acquired by an urban renewal agency and developed for nonresidential uses if such acquisition is necessary to solve various problems, associated with the land or the infrastructure, that have delayed the area's development. These problems include defective or usual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, and faulty lot layout. All of the stated conditions are included in one form or another in the definition of deteriorated area set forth in Idaho Code Sections 50-2903(8)(b) and 50-2018(9). The conditions listed only in Section 50-2008(d)(4)(2) (the open land section) include economic disuse, unsuitable topography, and "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." The conclusion of this discussion concerning open land areas is that the area qualifies if any of the eligibility conditions set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b) apply. Alternatively, the area under consideration qualifies if any of the conditions listed only in Idaho Code Section 50-2008(d)(4)(2) apply. The parcel size, the lack of water and sewer facilities; a nonexistent access and internal street system; an inadequate storm drain system; and lack of fire protection, are all conditions which delay development of the Study Area.

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Based on the above analysis, diversity of ownership, obsolete platting/faulty lot layout and economic underdevelopment are conditions found in the Study Area, and therefore, the open land condition is satisfied.

CONCLUSION:

Based upon our review of the data and the conditions that exist within the Study Area as noted above, the Pocatello City Council may, at its discretion determine that the Northgate Urban Renewal District, as proposed, is eligible for the establishment of an urban renewal district.

Other Relevant Issues

Agricultural Land Owners concurrence: Virtually all of the area within the Study Area maintains an agricultural land property tax exemption as authorized under state law. The statutory provisions concerning the creation of an urban renewal district prohibit inclusion of any land used for agricultural purposes without the express written consent of the property owner. We understand that all property owners with existing agricultural lands located within the Study Area are willing to provide the required consent, but such consent has not yet been requested. Final consideration of any urban renewal plan created through this process could not proceed without the required consents being in-hand.

10% Analysis: In addition to the findings reported above, we also sought to verify that the assessed value of the proposed Study Area is within the statutory limits. As noted above, State Law limits the percentage of assessed value that can be included in urban renewal / revenue allocation districts to 10% of the total valuation of the City. According to Bannock County Assessor records, the most recent total certified value for the City of Pocatello is \$ 2,510,768,942. As shown in the analysis in Table 1 the current taxable value of the entire Study Area after the agricultural exemptions are lifted is estimated to be \$15,964,566. This value then must be added to the Base Assessed Value of the four existing urban renewal districts to test for the 10% limitation. The Adjusted Base Assessed Value of the four existing districts is \$17,773,165. The analysis for these purposes is presented in Table 2, below. The combined amounts are well below the statutory limit.

Table 2

Statutory 10% Limitation Analysis		
Area	Taxable Value	Percentage
Total City	\$2,510,768,942	100%
	Base Values of Existing Districts	
North Yellowstone Urban Renewal District	\$8,918,151	0.355%
Naval Ordnance Urban Renewal District	\$3,449,470	0.137%
North Portneuf Urban Renewal District	\$4,409,661	0.176%

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Pocatello Airport Urban Renewal District	\$995,883	0.040%
	Value of Proposed District	
Proposed Northgate URA	\$15,964,566	0.363%
Total UR Base Assessed Value Percentage	\$33,737,731	1.344%

We also explored the effect of creating this district on the capacity of the City and PDA to consider future districts should they choose to do so. The table below shows that even if a new district were to be established, approximately 8.66% of the citywide taxable value would remain uncommitted for urban renewal purposes.

Remaining Urban Renewal Capacity		
• Maximum 10% Limitation	\$251,076,894	10%
• North Yellowstone Urban Renewal Dist.	\$8,918,151	0.355%
• Naval Ordnance Urban Renewal District	\$3,449,470	0.137%
• North Portneuf Urban Renewal District	\$4,409,661	0.176%
• Pocatello Airport Urban Renewal District	\$995,883	0.040%
• Proposed Northgate URA	\$15,964,566	0.636%
Available AV within limitation	\$217,339,163	8.66%

RESOLUTION NO. 2018-1

200-345
BY THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF
POCATELLO, IDAHO:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
THE URBAN RENEWAL AGENCY OF POCATELLO, IDAHO,
ALSO KNOWN AS THE POCATELLO DEVELOPMENT
AUTHORITY, ACCEPTING THAT CERTAIN REPORT ON
ELIGIBILITY FOR THE NORTHGATE URBAN RENEWAL
DISTRICT AS AN URBAN RENEWAL AREA AND
JUSTIFICATION FOR DESIGNATING THE AREA AS
APPROPRIATE FOR AN URBAN RENEWAL PROJECT;
AUTHORIZING THE CHAIRMAN OR EXECUTIVE
DIRECTOR TO TRANSMIT THE REPORT AND THIS
RESOLUTION TO THE CITY COUNCIL OF THE CITY OF
POCATELLO REQUESTING ITS CONSIDERATION FOR
DESIGNATION OF AN URBAN RENEWAL AREA AND
SEEKING FURTHER DIRECTION FROM THE COUNCIL;
AND PROVIDING AN EFFECTIVE DATE.

THIS RESOLUTION, made on the date hereinafter set forth by the Pocatello Urban
Renewal Agency of the city of Pocatello, Idaho, also known as the Pocatello Development
Authority, 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 and
supplemented (the "Law") and the Local Economic Development Act, Chapter 29, Title 50,
Idaho Code as amended and supplemented (the "Act"), a duly created and functioning urban
renewal agency for Pocatello, Idaho, hereinafter referred to as the "Agency;"

WHEREAS, the City Council (the "City Council") of the city of Pocatello (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 the Act upon making the findings of necessity
required for creating the 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, on July 15, 2004, after notice duly published, conducted a
public hearing on the North Yellowstone Urban Renewal Area Plan (the "North Yellowstone
Plan");

WHEREAS, following said public hearing the City Council adopted its Ordinance No.
2741 on July 15, 2004, approving the North Yellowstone Plan and making certain findings;

WHEREAS, the City Council, on June 22, 2006, after notice duly published, conducted a
public hearing on the Naval Ordnance Plant Urban Renewal Plan and the East Center Urban
Renewal Plan (the "Naval Ordnance Plant and East Center Plans");

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WHEREAS, following said public hearing the City Council adopted its Ordinance No. 2797 on June 22, 2006, approving the Naval Ordnance Plant and East Center Plans and making certain findings;

WHEREAS, the City Council, on April 19, 2007, after notice duly published, conducted a public hearing on the North Portneuf Urban Renewal Plan (the "North Portneuf Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2814 on April 19, 2007, approving the North Portneuf Plan and making certain findings;

WHEREAS, the City Council, on November 15, 2007, after notice duly published, conducted a public hearing on the Amended North Yellowstone Urban Renewal Area Plan (the "Amended North Yellowstone Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2827 on November 15, 2007, approving the Amended North Yellowstone Plan and making certain findings;

WHEREAS, the City Council, on November 4, 2010, after notice duly published conducted a public hearing on the Pocatello Regional Airport Urban Renewal Area Plan (the "Pocatello Regional Airport Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2889 on November 4, 2010, approving the Pocatello Regional Airport Plan and making certain findings;

WHEREAS, the above referenced urban renewal plans and their project areas are collectively referred to as the Project Areas;

WHEREAS, based on inquiries and information presented, the Agency commenced certain discussions concerning examination of an additional area as appropriate for an urban renewal project;

WHEREAS, in 2017, the Agency authorized Kushlan Associates, to commence an eligibility study and preparation of an eligibility report of an area located east of I-15 and north of Chubbuck Road;

WHEREAS, the Agency has obtained an eligibility report, dated January 2018 (the "Report"), which examined an area within the area of operation of the City, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Report has been submitted to the Agency, a copy of which is attached hereto as Exhibit A;

WHEREAS, under the Law, Sections 50-2903(8)(f) and 50-2018 (8) and (9), the
RESOLUTION NO. 2018-1- 2

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definition of a deteriorating area shall not apply to any agricultural operation as defined in section 22-4502(1), Idaho Code, or any forest land as defined in section 63-1701(4), Idaho Code, absent the consent of the owner of the agricultural operation or the forest landowner of the forest land, except for an agricultural operation or forest land that has not been used for three (3) consecutive years;

WHEREAS, the Northgate Area includes parcels subject to such consent. While the necessary consents have not been obtained, any and all consents shall be obtained prior to City Council adoption of any urban renewal plan;

WHEREAS, Idaho Code Section 50-2018(18) provides that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, a portion of the Northgate Area includes certain real property located in unincorporated Bannock County;

WHEREAS, Bannock County will be asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Report addresses the necessary findings concerning the eligibility of open land within the Study Area as defined in Idaho Code Sections 50-2018(9), 50-2903(8)(c), and 50-2008(d);

WHEREAS, pursuant to Idaho Code Section 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 a deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, Idaho Code Section 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 a deteriorating area;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF COMMISSIONERS OF THE POCA TELLO DEVELOPMENT AUTHORITY OF POCA TELLO, IDAHO, AS FOLLOWS:

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

Section 2. That the Board acknowledges acceptance and receipt of the Report.

Section 3. That there are one or more areas within the City that are a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8).

Section 4. That one such area is an area more commonly known as the Northgate Area, which is bounded by I-15 on the west and Chubbuck Road on the south.

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Section 5. That the rehabilitation, conservation, and redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, and welfare of the residents of the City.

Section 6. That the Chair of the Board of Commissioners or Executive Director is hereby authorized to transmit the Report to the Pocatello City Council requesting that the City Council:

- a. Determine whether the Northgate Area identified in the Report qualifies as an urban renewal project and justification for designating the area, as appropriate, for an urban renewal project; Provided, however, the Agency requests the City Council not take such action until Bannock County has approved a resolution declaring the need for an urban renewal project for the Northgate Area;
- b. If such designation is made, whether the Agency should proceed with the preparation of an urban renewal plan for the area, which Plan may include a revenue allocation provision as allowed by law; and
- c. Coordinate with the Agency to obtain the required agricultural consent from the property owners.

Section 7. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED by the Pocatello Development Authority of the city of Pocatello, Idaho, on January 17, 2018. Signed by the Chair of the Board of Commissioners, and attested by the Secretary to the Board of Commissioners, on January 17, 2018.

APPROVED:

By:


 Scott Smith, Chair

ATTEST:

By:


 Melanie Gygli, Secretary

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Attachment 8

Pocatello City Council Resolution No. 2018-03 (eligibility)

205-345

A RESOLUTION BY THE POCA TELLO CITY COUNCIL DETERMINING A CERTAIN AREA WITHIN THE CITY OR WITHIN THE CITY'S AREA OF OPERATION, TO BE A DETERIORATED AREA OR A DETERIORATING AREA AS DEFINED BY IDAHO CODE SECTIONS 50-2018(9) AND 50-2903(8); DIRECTING THE URBAN RENEWAL AGENCY OF POCA TELLO TO COMMENCE THE PREPARATION OF AN URBAN RENEWAL PLAN SUBJECT TO CERTAIN CONDITIONS, WHICH PLAN MAY INCLUDE REVENUE ALLOCATION PROVISIONS FOR ALL OR PART OF THE AREA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (the "City Council") of the City of Pocatello (the "City") created the urban renewal agency of the City of Pocatello, also known as the Pocatello Development Authority (hereinafter, the "Agency"), authorizing the Agency to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended and supplemented (the "Law") and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended and supplemented (the "Act") upon making the findings of necessity required for creating the 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, on July 15, 2004, after notice duly published, conducted a public hearing on the North Yellowstone Urban Renewal Area Plan (the "North Yellowstone Plan");

WHEREAS, following said public hearing the City Council adopted its Ordinance No. 2741 on July 15, 2004, approving the North Yellowstone Plan and making certain findings;

WHEREAS, the City Council, on June 22, 2006, after notice duly published, conducted a public hearing on the Naval Ordnance Plant Urban Renewal Plan and the East Center Urban Renewal Plan (the "Naval Ordnance Plant and East Center Plans");

WHEREAS, following said public hearing the City Council adopted its Ordinance No. 2797 on June 22, 2006, approving the Naval Ordnance Plant and East Center Plans and making certain findings;

WHEREAS, the City Council, on April 19, 2007, after notice duly published, conducted a public hearing on the North Portneuf Urban Renewal Plan (the "North Portneuf Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2814 on April 19, 2007, approving the North Portneuf Plan and making certain findings;

WHEREAS, the City Council, on November 15, 2007, after notice duly published, conducted a public hearing on the Amended North Yellowstone Urban Renewal Area Plan (the "Amended North Yellowstone Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2827 on November 15, 2007, approving the Amended North Yellowstone Plan and making certain findings;

WHEREAS, the City Council, on November 4, 2010, after notice duly published conducted a public hearing on the Pocatello Regional Airport Urban Renewal Area Plan (the "Pocatello Regional Airport Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2889 on November 4, 2010, approving the Pocatello Regional Airport Plan and making certain findings;

WHEREAS, the above referenced urban renewal plans and their project areas are collectively referred to as the Project Areas;

WHEREAS, based on inquiries and information presented, it has become apparent that additional real property within the City and the City's area of operation may be deteriorating or deteriorated and should be examined as to whether the area is eligible for urban renewal planning purposes;

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

WHEREAS, during 2017, the Agency authorized Kushlan Associates, to commence an eligibility study and preparation of an eligibility report of an area located east of Interstate 15 and north of Chubbuck Road, and the surrounding properties;

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the "Report"), which examined an area of operation of the City, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Report was submitted to the Agency, a copy of the Report is attached hereto as Exhibit A;

WHEREAS, the Agency, on January 17, 2018, adopted Resolution No. 2018-1 (a copy of which is attached hereto as Exhibit B without the attached exhibits thereto) accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct the Agency to prepare an Urban Renewal Plan for the Northgate Area, which Plan may include a revenue allocation provision as allowed by law;

WHEREAS, the Agency also authorized the transmittal of the Report to Bannock County for purposes of obtaining a resolution accepting the Report and determining such area to be deteriorated and/or deteriorating and appropriate for an urban renewal project;

267-345 WHEREAS, pursuant to Idaho Code Sections 50-2018(9) and 50-2903(8), which lists the definition of a deteriorating area and a deteriorated area, many of the conditions necessary to be present in such an area are found in the Northgate Urban Renewal Project Area, i.e.,

- a. predominance of defective or inadequate street layout;
- b. outmoded street patterns;
- c. faulty lot layout in relation to size, adequacy, accessibility or usefulness;
- d. unsuitable topography;
- e. unsanitary or unsafe conditions;
- f. diversity of ownership; and
- g. defective and unusual conditions of title;

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 Report includes a preliminary analysis concluding the base assessment roll value for the Northgate Area along with the base assessment rolls for the existing Project Areas does not exceed 10% of the overall current assessed valuation of all taxable property within the City;

WHEREAS, under the Law and Act, specifically Sections 50-2018(9) and 50-2903(8)(f), the definition of a deteriorating area shall not apply to any agricultural operation as defined in section 22-4502(1), Idaho Code, 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, additional analysis concerning any agricultural operations and additional requests for consent of property owners who may have such agricultural operations within the past three (3) consecutive years continues;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, a portion of the Northgate Area includes certain properties within unincorporated Bannock County;

WHEREAS, the Bannock County Board of County Commissioners was asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Bannock County Board of County Commissioners adopted the Agency's finding concerning the proposed Northgate Area by adopting Resolution No. 2018.23 on February 13, 2018, which Resolution No. 2018-23 is attached hereto as Exhibit C, without the exhibits attached thereto.

WHEREAS, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area

208-245 to be a deteriorated area or a deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, Idaho Code Section 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 a deteriorating area;

WHEREAS, it is desirable and in the best public interest that the Agency prepare an urban renewal plan for the area identified as the Northgate Area in the Report located within the City and within the City's area of operation;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF POCA TELLO, IDAHO, AS FOLLOWS:

Section 1: That the City Council of Pocatello finds and declares:

(a) That the Northgate Area described in the Report is a deteriorated area or a deteriorating area existing in the City or the City's area of operation as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended;

(b) That there is a need for the Agency, an urban renewal agency, to function in accordance with the provisions of Chapters 20 and 29, Title 50, Idaho Code, as amended, within a designated area for the purpose of establishing an urban renewal plan;

(c) That the area identified as the Northgate Area in the Report is determined to be a deteriorated area or a deteriorating area, or a combination thereof, and such area is designated as appropriate for an urban renewal project;

(d) That the area identified as the Northgate Area in the Report includes certain properties within unincorporated Bannock County. Bannock County has adopted a resolution finding the need for an urban renewal project for the proposed Northgate Area; and

(e) That the Agency will need to receive the required agricultural operation consents from the real property owners prior to formally submitting the proposed urban renewal plan to the City for its consideration.

Section 2: That the Agency commence preparation of an Urban Renewal Plan for consideration by the Agency Board and, if acceptable, final consideration by the City Council in compliance with Chapters 20 and 29, Title 50, Idaho Code, as amended.

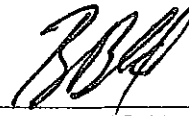
Section 3: That this Resolution shall be in full force and effect immediately upon its adoption and approval.

WA 345

RESOLVED this 15th day of February, 2018.

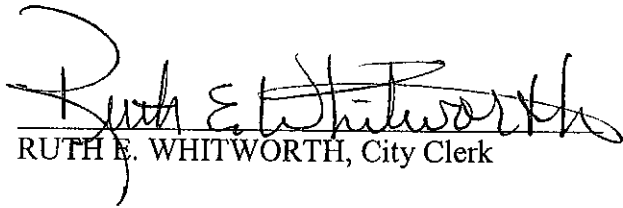
21905990

CITY OF POCA TELLO, a municipal
corporation of Idaho



BRIAN C. BLAD, Mayor

ATTEST:



RUTH E. WHITWORTH, City Clerk

210' 345

2190599C

Northgate
Urban Renewal District
(Proposed)

Eligibility Report

Prepared for

Elam & Burke, P.A.

On behalf of

The Pocatello Development Authority
January 2018



Kushlan | Associates
Boise, Idaho



271-345 **Introduction:** Kushlan | Associates was retained by the law firm of Elam & Burke, P. A. to develop an Eligibility Report for the consideration of establishing a new urban renewal district in the City of Pocatello, Idaho. Historically, the property subject to this review has existed in unincorporated Bannock County. Much of the area has become under consideration for annexation to the City during the pendency of this review.

Elected Officials serving the City of Pocatello are:

Mayor: Brian Blad

Council Members: Heidi Adamson
Roger Bray
Jim Johnston
Rick Cheatum
Linda Leeuwrik

Planning & Development Director: Melanie Gygli

Idaho Code Section 50-2006 states, in part: "URBAN RENEWAL AGENCY. (a) There is hereby created in each municipality an independent public body corporate and politic to be known as the "urban renewal agency" that was created by resolution as provided in section 50-2005, Idaho Code..." to carry out the powers enumerated in Title 50, Chapters 20 and 29, Idaho Code. The Pocatello City Council adopted Resolution 1988-13 in 1988 bringing forth those powers within the City of Pocatello.

The Mayor, with the confirmation of the City Council, has appointed nine members to the board of the Urban Renewal Agency of the City of Pocatello, also doing business as the Pocatello Development Authority (PDA). The PDA currently oversees the implementation of four urban renewal districts located throughout Pocatello. The current membership of the PDA Board is as follows:

Chair:	Scott Smith
Vice Chairman	Chad Carr
Commissioners	Brian Blad
	Larry Fisher
	Jim Johnston
	Russ Meyers
	Thomas Ottaway, PhD
	Terrel N. Tovey
	Scott Turner

Ex-Officio (Bannock Dev. Corp.)	John Regetz
Interim Executive Director:	Melanie Gygli

272-345

Existing Pocatello Urban Renewal Districts 2190599C

District	Year Established	Scheduled Termination
North Yellowstone Urban Renewal District	2004	2028
Naval Ordnance Urban Renewal District	2006	2026
North Portneuf Urban Renewal District	2007	2024
Pocatello Airport Urban Renewal District	2010	2033

Background:

While Native Americans inhabited the area for centuries, the development of the community of Pocatello, as we know it today, evolved through the late nineteenth century. At first, the area served as a transit route for immigrants and stage coach lines headed for Fort Hall, established by Nathaniel Wyeth in 1834 a few miles north of the current location of Pocatello. The Utah and Northern Railroad intersected with the Oregon Short Line Railroad at this location. European settlement started in the 1880s and was originally focused on the requirements of the railroads.

The fact that the site was located on the Fort Hall Indian Reservation limited the development of the community to the previously granted right-of-way secured through the tribal lands in 1882. As a result of significant growth in population, the US Government secured rights to an additional 2,000 acres of Reservation land allowing for expansion of the community. Additional land was secured from the Tribe in 1905.

The City was created as a City of the First Class by the Idaho Legislature in 1889 and today ranks as the fifth largest city in the state.

The Idaho Legislature established an institution of higher learning at Pocatello in 1901. Designated as the Academy of Idaho, a two-year program, it started holding classes in September of 1902. The school was renamed as the Idaho Technical Institute in 1915 and then, in 1927, as the University of Idaho, Southern Branch. In 1947 the institution was elevated to a four-year program and again renamed as Idaho State College. Finally, in 1963, the College was designated as Idaho State University, a full, four-year public university.

While the community retained its economic focus on the railroads and surrounding agricultural and mining interests, the University has exerted significant cultural and economic influence on the broader community

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Year	Population	Average Annual Change
1900	4,046	
1910	9,110	+8.45% / Yr.
1920	15,001	+5.11% / Yr.
1930	16,471	0.94% / Yr.
1940	18,133	+0.97% / Yr.
1950	26,131	+3.72% / Yr.
1960	26,534	+0.15% / Yr.
1970	40,036	+4.2% / Yr.
1990	46,340	+1.47% / Yr.
2000	46,091	- 0.05% / Yr.
2010	54,255	+0.45% / Yr.
2016 (Estimate)	54,746	+0.015% /Yr.

When income statistics are compared to statewide numbers, we see that the population of Pocatello lags the rest of Idaho in these categories. The median household income in Pocatello is \$40,269, approximately 15.4% below the statewide figure of \$47,583. Per capita money income for the Pocatello population is \$20,697 as compared to the statewide number of \$23,399. The percentage of the Pocatello population below poverty level is 21.9% as compared to the statewide number of 14.4%. (Data from the US Census Bureau.)

Investment Capacity: Cities across the nation actively participate in the economic vitality of their communities through investment in infrastructure. Water and sewer facilities as well as transportation, communication, electrical distribution and other systems are all integral elements of an economically vital community. Idaho cities have a significant challenge in responding to these demands along with the on-going need to reinvest in their general physical plant to ensure it does not deteriorate to the point of system failure. They face stringent statutory and constitutional limitations on revenue generation and debt as well as near total dependence upon legislative action to provide funding options. These strictures severely constrain capital investment strategies.

The tools made available to cities in Title 50, Chapters 20 and 29, the Urban Renewal Law and the Economic Development Act are some of the few that are available to assist communities in their efforts to support economic vitality. New sources of State support are unlikely to become available in the foreseeable future, thus the PDA's interest in exploring the potential for establishing its fifth urban renewal district is an appropriate public policy consideration.

Northgate Development

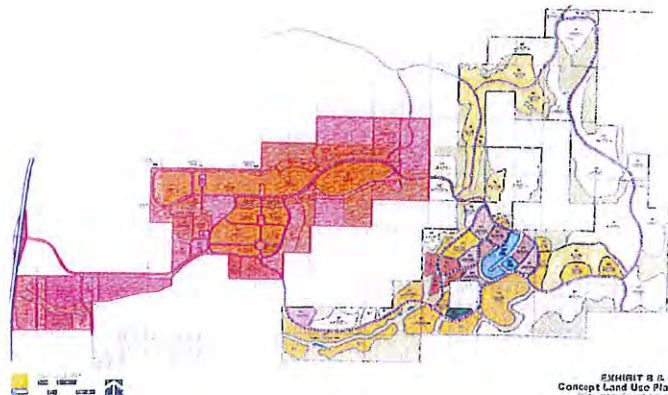
The cities of Pocatello and Chubbuck, along with Bannock County have been planning for the development of the area north of the current Pocatello city limits, east of Interstate 15 and south of the Fort Hall Indian Reservation for more than a decade. While specifics of the vision have changed over time, the area was seen as integral to the development of the City of Pocatello and urban levels of development at various densities was a common thread throughout the planning efforts. Those planning efforts have included the Idaho

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Transportation Department as well as private landowners in the areas and development interests from within the community and the broader region.

Recent dialogue among the various partners in the planning effort has resulted in a more definitive plan calling for a bold development vision resulting in a significant mixed-use area that would ultimately be annexed to and served by the City of Pocatello over time. Various planning documents have been updated to accommodate the current vision. Agreements among the parties have been implemented providing for substantial public investment in initial transportation infrastructure, including advancing the schedule for construction of the Northgate Interchange on Interstate 15 from 2035 to 2018. In addition to the interchange, in which both local public and private investment has been made, the local entities have provided resources to construct the access roads leading to the new interchange on both sides of the interstate highway.

In support of the current proposal, the City and County have agreed to expand the City of Pocatello Area of City Impact and Comprehensive Land Use Planning area to include the geography covered by the planned development. Substantial private investment has been made in securing rights to land for inclusion in the development as well as in sophisticated master planning of the area helping to define the infrastructure investments needed to support the envisioned community.

As indicated in the Master Plan map (below), substantial public infrastructure is called for in implementing the development pattern envisioned. Thus far, development opportunities considered for the area covered by the Comprehensive Plan, have been insufficient in scale to support the required public facility investment. This imbalance has thwarted the orderly implementation of the planning undertaken by the City and the property owners. This lack of progress has stimulated the current interest in exercise the powers granted under State Law in the establishment of a fifth urban renewal district in Pocatello .



Steps in Consideration of an Urban Renewal District:

The first step in consideration of establishing an urban renewal district in Idaho is to define a potential area for analysis as to whether conditions exist within it to qualify for redevelopment activities under the statute. We have called this the "Study Area".

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The next step in the process is to review the conditions within the Study Area to determine whether the area is eligible for creating a district. The State Law governing urban renewal sets out the following criteria, at least one of which must be found, for an area to be considered eligible for urban renewal activities.

1. The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site [50-2018(9); and 50-2903(8)(b)]
2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)]
3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)(b)]
4. Outmoded Street Patterns [50-2008(d)(4)(2)]
5. Need for Correlation of Area with Other Areas of a Municipality by Streets; and Modern Traffic Requirements [50-2008(d)(4)(2)]
6. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness [50-2018(9) and 50-2903(8)(b)]
7. Unsuitable Topography or Faulty Lot Layouts [50-2008(d)(4)(2)]
8. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]
9. Diversity of Ownership [50-2018(9) and 50-2903(8)(b)]
10. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]
11. Defective or unusual condition of title [50-2018(9) and 50-2903(8)(b)]
12. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b)]
13. Results in Economic Underdevelopment of the Area [50-2903(8)(b)]

If the Eligibility Report finds that one or more of the conditions noted above exist within the Study Area, then the Urban Renewal Agency may accept the Eligibility Report and forward it to the City Council for its consideration. If the City Council adopts the Eligibility Report and makes the necessary findings, it may direct the Urban Renewal Agency to prepare an Urban Renewal Plan for the study area. If any part of the proposed urban renewal district remains outside the city limits of the sponsoring community, the Board of County Commissioners must also accept the Eligibility Report.

Based upon the acceptance of the Eligibility Report by the required governing bodies, the Urban Renewal Agency, then acts to prepare the Urban Renewal Plan for the new District and determines whether to also recommend the establishment of a Revenue Allocation Area to fund improvements called for in the Plan. Once the Plan for the

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District and Revenue Allocation Area are completed and approved, the Urban Renewal Board of Commissioners forwards it to the City Council for its formal consideration.

The City Council must refer the Urban Renewal Plan to the Planning and Zoning Commission for a finding that the Plan, as presented, is in conformity with the City's Comprehensive Plan. The Planning and Zoning Commission has 60 days to complete its review. At the same time, other taxing entities levying property taxes within the boundaries of the proposed Urban Renewal District are provided a thirty-day opportunity to comment on the Plan to the City Council. While the taxing entities are invited to comment on the Plan, their concurrence is not required for the City Council to proceed with its consideration. In the case of the Northgate Area, the effected taxing districts for those properties located within the city limits of Pocatello are:

- The City of Pocatello
- Bannock County
- School District #25
- County Road and Bridge
- Bannock County Ambulance District
- Pest Abatement

Should any of an urban renewal district ultimately created in this area remain outside the city limits of Pocatello, the effected taxing districts for those properties are:

- Bannock County
- North Bannock Fire District
- Portneuf Library
- Bannock County Road and Bridge
- School District #25
- Bannock County Ambulance District
- Pest Abatement

Once the Planning and Zoning Commission makes its findings of conformity and the thirty-day comment period has passed, the City Council is permitted to hold a public hearing and formally consider the adoption of the Plan creating the new Urban Renewal District and Revenue Allocation Area.

The City Council must also find that the taxable value within the district to be created, plus the Adjusted Base Assessed Value of any existing Urban Renewal / Revenue Allocation areas do not exceed the statutory maximum of 10% of the citywide assessed valuation.

If the City Council, in its discretion, chooses to proceed, it will officially adopt the Urban Renewal Plan and Revenue Allocation Area and provide official notification of that action to the taxing entities, County officials and Idaho State Tax Commission.

The Urban Renewal Agency then proceeds to implement the Plan.

Description of the Northgate Study Area:

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The Study Area subject to the current review is located on the east side of Interstate 15, north of Chubbuck Road. The Study Area consists of twenty-four (24), relatively large, tax parcels with a combined area of 2,533.2 acres. Two of the parcels included in the Study Area are under the ownership of the United States government under the jurisdiction of the Bureau of Land Management (BLM). The size and value information presented in Table 1 was derived from the Bannock County Assessor's on-line parcel information system. The current taxable value of the Study Area is \$306,553. However, all of that area maintains an agricultural property tax exemption. This is important because State Law requires that when such properties transition from this exemption, the resultant increase in taxable value accrues to the Base Assessed Value instead of the Incremental Value. This requires our estimating the impact of this transition. In reviewing the values ascribed to the various parcels we see values ranging from \$.0014 to \$.0084 per square foot for agricultural exempt land. Non-exempt land in the area ranges from \$0.09 per square foot to \$0.36 per square foot. The average of the non-exempt land surveyed was \$0.16 per square foot. This is a reasonable benchmark value for non-exempt, non-entitled land envisioned by the statute. Therefore, the taxable values have been adjusted to reflect this higher number as a basis for making the 10% calculation. Using this assumption, the Base Assessed Value of the Northgate URD increased from the \$306,553 amount to \$15,964,566. (See Table 1 Below)

The Study Area is virtually all vacant land, either remaining in a natural fallow state or dedicated to agricultural uses. Only one parcel reflects any improvement value assigned by the Bannock County Assessor and that appears to be associated with an old potato cellar and four metal granaries. The total Improvement Value for the Study Area is \$20,800.

Northgate Urban Renewal District Study Area

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0	Parcel #	Acreage	2016 Taxable AV	Est. 2016 Base AV w/o ag. Exemption
MILLENNIAL DEVELOPMENT	R3853000401	321.1	0	\$2,237,939
PORTNEUF DEVELOPMENT LLC	R3853000802	58.1	0	\$404,934
PORTNEUF DEVELOPMENT LLC	R3853000300	80.0	\$82,015	\$557,568
PORTNEUF DEVELOPMENT LLC	R3853000101	78.9	\$20,160	\$549,901
HART, ROBERT E	R3853000104	159.1	\$78,690	\$1,108,863
HART, ROBERT E	R3851001203	68	-0-	\$473,933
HART, JAMES W	R3851001202	322.2	-0-	\$2,245,605
HART, JAMES W	R3851000902	159	-0-	\$1,108,166
MTN VIEW FARMS INC	R3805002700	197.6	\$28,909	\$1,377,193
WH LAND & LIVESTOCK	R3805003500	10.1	\$1,000	\$70,393
HART, JAMES W	R3805002900	10.1	\$1,000	\$70,393
ECKELHOFF, ANN	R3805003300	9.9	\$1,000	\$68,999

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KATSILOMETES, THOMAS J	R3805003200	9.9	\$590	\$68,999
WH LAND & LIVESTOCK	R3805003700	10.0	\$1,000	\$69,696
WH LAND & LIVESTOCK	R3805003600	10.0	\$1,000	\$69,696
HART, JAMES W	R3805003000	5.0	\$325	\$34,848
HACKING, CHARLES M	R3805003400	5.0	\$1,000	\$34,848
KATSILOMETES, THOMAS J	R3805003100	9.9	\$680	\$68,999
HART, JAMES W	R3805002800	79.7	\$10,026	\$555,477
HART, JAMES W	R3805003900	242.2	\$27,167	\$1,688,037
MTN VIEW FARMS INC	R3805003800	282.9	\$33,102	\$1,971,700
BUREAU OF LAND MANAGEMENT	N/A	121	-0-	\$-
MTN VIEW FARMS INC	R3805004102	161.9	\$18,919	\$1,128,378
BUREAU OF LAND MANAGEMENT	N/A	121	-0-	\$-
Totals		2533.2	\$306,553	\$15,964,566

- Note: These acreages are exclusive of adjacent public rights-of-way for Chubbuck Road and any portion of I-15 that should be included in the ultimate boundaries of any district established. Publicly owned properties are assigned no value in Idaho assessments, so including them makes no difference to the value calculation, but will slightly increase the ultimate acreage.

Analysis of the Study Area:

A review of the Study Area reflects an area in transition. It is bounded on the south by the City of Pocatello with intense residential development abutting the Study Area. Interstate 15 constitutes the westerly boundary with the City of Chubbuck situated immediately west of the Interstate right-of-way. In fact, a small portion of the land lying east of the I-15 right-of-way, but outside the Study Area, is within the corporate limits of the City of Chubbuck.

Given the proximity to the urban area, the adjacent cities, the county, property owners and potential developers have undertaken substantial planning efforts extending back over a decade. The diverse interests of the property owners and the attendant cost of providing public infrastructure to support implementation of plans have thwarted progress. Over the past year, a renewed dialogue has taken place leading to a bold vision for the area, creating a development pattern unlike historic trends. An intensive mix of retail, high-tech industrial and residential development is called for in the Master Plan. Substantial, binding, financial commitments to property acquisition and transportation investments by local governments in the area as well as the property owners and developers, have prompted the Idaho Transportation Department (ITD) to advance the schedule for the Northgate (Siphon Road) interchange on I-15 from 2035 to 2018. Such commitments have resulted in ITD initiating design of the facility with construction anticipated in 2018. The

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two cities and Bannock County have committed to construct local roadway improvements connecting the interchange to the local street network to coincide with the completion of the State-sponsored project. 2190599C

However, utility and transportation infrastructure beyond the basic investment currently committed is beyond the capacity of local jurisdictions under current and foreseeable conditions as noted in the discussion of investment capacity above. A Public-Private Partnership is determined necessary to provide the required infrastructure to allow the plans to move forward to implementation.

In support of the vision, the City of Pocatello, in concert with Bannock County, has amended its adopted Area of City Impact Boundary to include the current master plan area as well as anticipated future phases. In further support of the vision, the City's Comprehensive Plan Land Use Map was modified to reflect the results of the recent planning efforts.

While the area has no development that would be considered as "deteriorated or deteriorating" under the statutes, provisions are made under the Local Economic Development Act that recognize conditions that impede the rational development of the city as being conditions under which the Urban Renewal Law and the Economic Development Act may be employed. A specific analysis of the eligibility criteria compared to conditions existing on the ground is noted below.

For the convenience of the reader, we will reiterate the statutory criteria, at least one of which must be found to qualify an area for urban renewal activities. Those conditions are:

1. The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site [50-2018(9); and 50-2903(8)(b)]
2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)]
3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)(b)]
4. Outmoded Street Patterns [50-2008(d)(4)(2)]
5. Need for Correlation of Area with Other Areas of a Municipality by Streets; and Modern Traffic Requirements [50-2008(d)(4)(2)]
6. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness [50-2018(9) and 50-2903(8)(b)]
7. Unsuitable Topography or Faulty Lot Layouts [50-2008(d)(4)(2)]
8. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]
9. Diversity of Ownership [50-2018(9) and 50-2903(8)(b)]
10. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]
11. Defective or unusual condition of title [50-2018(9) and 50-2903(8)(b)]

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12. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b)]
 13. Results in Economic Underdevelopment of the Area [50-2903(8)(b)]

Analysis: Northgate Urban Renewal District (Proposed)

Criterion #1: The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site: The entire area under consideration has traditionally been used for agricultural purposes. There has been minimal investment in improvements through the years. While pivot irrigation systems are in place and a deteriorated potato cellar is located along with four granaries on one parcel, a "Substantial Number of Deteriorated or Deteriorating Structures" are not present in the proposed district. Therefore, criterion #1 is not met.

Criterion #2: Age or Obsolescence: Again, as noted above the development pattern is consistent with the historic agricultural use and minimal investment has been made in structures. While the one structure, the old potato cellar, is indeed old, deteriorated and obsolete for current purposes, one would be hard-pressed to make a finding that such "Age or Obsolescence" is a significant factor throughout the proposed district. Therefore criterion #2 is not met.

Criterion #3: Predominance of Defective or Inadequate Street Layout: As noted above, ITD is currently in the design phase leading to the construction of a new interchange with I-15. Connecting roads will be constructed leading to and from that new State facility, yet arterial streets connecting development within the Master Plan Area are not provided. Chubbuck Road, situated on the southern boundary of the district will serve as a primary access point to the proposed development. It currently exists in a two-lane rural configuration without curb, gutter and sidewalks as would normally be required of urban level development. Olympus Drive, connecting the area to the central part of Pocatello remains in a rural configuration between Butte Street and Chubbuck Road. Substantial improvements to these existing facilities will be required for them to function as primary access to the proposed development. Therefore, criterion #3 is met.

Criterion #4: Outmoded Street Patterns: This criterion is addressed in the same manner as the previous one and since there is no interior circulation pattern in place and Chubbuck Road and Olympus Drive have not been upgraded to full urban standards, criterion #4 is met.

Criterion #5: Need for Correlation of Area with Other Areas of a Municipality by Streets; and Modern Traffic Requirements: The new interchange being planned for I-15 is a critical facility that will connect the anticipated development with the broader community and region through access to the interstate system. Additionally, the interchange and associated local street improvements will connect the area to the cities of Chubbuck and Pocatello. Resources dedicated to these projects are limited and despite current cost estimates being within available resources, final costs remain unknown and additional resources may be required. No street network connecting the various aspects of the Master Plan or connecting to future development is in place or funded. Again, both Chubbuck Road and Olympus Drive that will serve as primary connections to both Pocatello and Chubbuck

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do not provide sufficient capacity to serve the intended purpose. Neither Chubbuck Road nor Olympus Drive provide pedestrian or bicycle facilities connecting to the rest of the community. Therefore Criterion #5 is met.

Criterion #6: Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness: The parcels in the Study Area are of a size and configuration appropriate for the historic agricultural use for which they have been deployed for several decades. However, as the City and region have developed around these properties, the large lots in the area are not properly configured to accommodate the development pattern envisioned in the Master Plan. A more fine-grained and high-density development pattern is represented in the adopted Master Plan. Several of the parcels have no access to a public right-of-way. Therefore criterion #6 is met.

Criterion #7: Unsuitable Topography or Faulty Lot Layouts: While the topography of the proposed district presents no significant development impediments the lot layout as noted above is inappropriate for the uses envisioned and several parcels are land-locked. Thus criterion # 7 is met.

Criterion #8: Insanitary or Unsafe Conditions: Again, given the current agricultural use "insanitary and unsafe conditions" are not present. However, when considering the anticipated development pattern, we find the area completely devoid of public water supply and distribution facilities. No provision for required fire flows nor any provision of sanitary sewer or storm drainage facilities adequate to the demand has been made. Therefore criterion #8 is met.

Criterion #9: Diversity of Ownership: There are twenty-two privately owned parcels included in proposed district under ten separate ownerships. Two of the parcels are owned by the federal government and managed by the Bureau of Land Management complicating required assembly of properties into a cohesive development. Therefore criterion # 9 is met.

Criterion #10: Tax or Special Assessment Delinquency: According to Bannock County Assessor records, no delinquencies exist. Therefore Criterion #10 is not met.

Criterion #11: Defective or unusual condition of title: Many of the parcels in the proposed district appear to have been created by an informal "Lot split" and not through formal subdivision. Therefore they do not represent legal lots of record, but merely a separate parcel for taxation purposes. While this is a legal process in the State of Idaho such tax parcels may not comply with zoning and other site requirements. This can be viewed as an unusual condition of title. Therefore Criterion #11 is met.

Criterion #12: Substantially Impairs or Arrests the Sound Growth of a Municipality: The State of Idaho, the City of Pocatello, the City of Chubbuck and Bannock County are making substantial investment in the transportation facilities serving this and the surrounding areas. The City of Pocatello has expressed its vision for this area in the creation and adoption of the Comprehensive Land Use Plan for the city, but without the capacity to provide public infrastructure, the Study Area will remain an under-utilized area in the midst of one of the largest urban areas in southeast Idaho. Criterion #12 is met.

Criterion #13: Results in Economic Underdevelopment of the Area: See discussion of Criterion #12 above. Criterion #13 is met.

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Findings: Northgate Urban Renewal District: Conditions exist within the district to allow the Board of Commissioners of the Pocatello Development Authority and the Pocatello City Council to determine that the area is eligible for urban renewal activities as prescribed in State Law.

	Criteria	Met	Not Met
1	The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site		X
2	Age or Obsolescence		X
3	Predominance of Defective or Inadequate Street Layout	X	
4	Outmoded Street Patterns	X	
5	Need for Correlation of Area with Other Areas of a Municipality by Streets; and Modern Traffic Requirements	X	
6	Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness	X	
7	Unsuitable Topography or Faulty Lot Layouts	X	
8	Insanitary or Unsafe Conditions	X	
9	Diversity of Ownership	X	
10	Tax or Special Assessment Delinquency		X
11	Defective or unusual condition of title	X	
12	Substantially Impairs or Arrests the Sound Growth of a Municipality	X	
13	Results in Economic Underdevelopment of the Area	X	

Analysis: Open Land Conditions

In addition to the eligibility conditions identified above, the geographic area under review is also required to satisfy the "open land" conditions. Idaho Code Section 50-2903(8)(c) states: "[a]ny area which is predominately 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. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas."

Many of the eligibility criteria set forth in Idaho Code Section 50-2903(8)(c) for predominantly open land areas mirror or are the same as those criteria set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b). "Diversity of ownership" is the same, while "obsolete platting" appears to be equivalent to "faulty lot layout in relation to size, adequacy, accessibility, or usefulness." "Deterioration of structures or improvements" is the same or similar to "a substantial number of deteriorated or deteriorating structures" and "deterioration of site or other improvements." There is also an additional qualification that the provisions of Idaho Code Section 50-2008(d) shall apply to open areas.

Idaho Code Section 50-2008(d)(4) primarily addresses the urban renewal plan approval process and sets forth certain conditions and findings for agency acquisition of open land as follows:

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(4) the urban renewal plan will 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: Provided, that 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.

In sum, there is one set of findings if the area of open land is to be acquired and developed for residential uses and a separate set of findings if the land is to be acquired and developed for nonresidential uses.

Basically, open land areas may be acquired by an urban renewal agency and developed for nonresidential uses if such acquisition is necessary to solve various problems, associated with the land or the infrastructure, that have delayed the area's development. These problems include defective or usual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, and faulty lot layout. All of the stated conditions are included in one form or another in the definition of deteriorated area set forth in Idaho Code Sections 50-2903(8)(b) and 50-2018(9). The conditions listed only in Section 50-2008(d)(4)(2) (the open land section) include economic disuse, unsuitable topography, and "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." The conclusion of this discussion concerning open land areas is that the area qualifies if any of the eligibility conditions set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b) apply. Alternatively, the area under consideration qualifies if any of the conditions listed only in Idaho Code Section 50-2008(d)(4)(2) apply. The parcel size, the lack of water and sewer facilities; a nonexistent access and internal street system; an inadequate storm drain system; and lack of fire protection, are all conditions which delay development of the Study Area.

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Based on the above analysis, diversity of ownership, obsolete platting/faulty lot layout and economic underdevelopment are conditions found in the Study Area, and therefore, the open land condition is satisfied.

CONCLUSION:

Based upon our review of the data and the conditions that exist within the Study Area as noted above, the Pocatello City Council may, at its discretion determine that the Northgate Urban Renewal District, as proposed, is eligible for the establishment of an urban renewal district.

Other Relevant Issues

Agricultural Land Owners concurrence: Virtually all of the area within the Study Area maintains an agricultural land property tax exemption as authorized under state law. The statutory provisions concerning the creation of an urban renewal district prohibit inclusion of any land used for agricultural purposes without the express written consent of the property owner. We understand that all property owners with existing agricultural lands located within the Study Area are willing to provide the required consent, but such consent has not yet been requested. Final consideration of any urban renewal plan created through this process could not proceed without the required consents being in-hand.

10% Analysis: In addition to the findings reported above, we also sought to verify that the assessed value of the proposed Study Area is within the statutory limits. As noted above, State Law limits the percentage of assessed value that can be included in urban renewal / revenue allocation districts to 10% of the total valuation of the City. According to Bannock County Assessor records, the most recent total certified value for the City of Pocatello is \$ 2,510,768,942. As shown in the analysis in Table 1 the current taxable value of the entire Study Area after the agricultural exemptions are lifted is estimated to be \$15,964,566. This value then must be added to the Base Assessed Value of the four existing urban renewal districts to test for the 10% limitation. The Adjusted Base Assessed Value of the four existing districts is \$17,773,165. The analysis for these purposes is presented in Table 2, below. The combined amounts are well below the statutory limit.

Table 2

Statutory 10% Limitation Analysis		
Area	Taxable Value	Percentage
Total City	\$2,510,768,942	100%
	Base Values of Existing Districts	
North Yellowstone Urban Renewal District	\$8,918,151	0.355%
Naval Ordnance Urban Renewal District	\$3,449,470	0.137%
North Portneuf Urban Renewal District	\$4,409,661	0.176%

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Pocatello Airport Urban Renewal District	\$995,883	0.040%
	Value of Proposed District	
Proposed Northgate URA	\$15,964,566	0.363%
Total UR Base Assessed Value Percentage	\$33,737,731	1.344%

We also explored the effect of creating this district on the capacity of the City and PDA to consider future districts should they choose to do so. The table below shows that even if a new district were to be established, approximately 8.66% of the citywide taxable value would remain uncommitted for urban renewal purposes.

Remaining Urban Renewal Capacity		
• Maximum 10% Limitation	\$251,076,894	10%
• North Yellowstone Urban Renewal Dist.	\$8,918,151	0.355%
• Naval Ordnance Urban Renewal District	\$3,449,470	0.137%
• North Portneuf Urban Renewal District	\$4,409,661	0.176%
• Pocatello Airport Urban Renewal District	\$995,883	0.040%
• Proposed Northgate URA	\$15,964,566	0.636%
Available AV within limitation	\$217,339,163	8.66%

RESOLUTION NO. 2018-1

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

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
THE URBAN RENEWAL AGENCY OF POCATELLO, IDAHO,
ALSO KNOWN AS THE POCATELLO DEVELOPMENT
AUTHORITY, ACCEPTING THAT CERTAIN REPORT ON
ELIGIBILITY FOR THE NORTHGATE URBAN RENEWAL
DISTRICT AS AN URBAN RENEWAL AREA AND
JUSTIFICATION FOR DESIGNATING THE AREA AS
APPROPRIATE FOR AN URBAN RENEWAL PROJECT;
AUTHORIZING THE CHAIRMAN OR EXECUTIVE
DIRECTOR TO TRANSMIT THE REPORT AND THIS
RESOLUTION TO THE CITY COUNCIL OF THE CITY OF
POCATELLO REQUESTING ITS CONSIDERATION FOR
DESIGNATION OF AN URBAN RENEWAL AREA AND
SEEKING FURTHER DIRECTION FROM THE COUNCIL;
AND PROVIDING AN EFFECTIVE DATE.

THIS RESOLUTION, made on the date hereinafter set forth by the Pocatello Urban
Renewal Agency of the city of Pocatello, Idaho, also known as the Pocatello Development
Authority, 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 and
supplemented (the "Law") and the Local Economic Development Act, Chapter 29, Title 50,
Idaho Code as amended and supplemented (the "Act"), a duly created and functioning urban
renewal agency for Pocatello, Idaho, hereinafter referred to as the "Agency;"

WHEREAS, the City Council (the "City Council") of the city of Pocatello (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 the Act upon making the findings of necessity
required for creating the 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, on July 15, 2004, after notice duly published, conducted a
public hearing on the North Yellowstone Urban Renewal Area Plan (the "North Yellowstone
Plan");

WHEREAS, following said public hearing the City Council adopted its Ordinance No.
2741 on July 15, 2004, approving the North Yellowstone Plan and making certain findings;

WHEREAS, the City Council, on June 22, 2006, after notice duly published, conducted a
public hearing on the Naval Ordnance Plant Urban Renewal Plan and the East Center Urban
Renewal Plan (the "Naval Ordnance Plant and East Center Plans");

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WHEREAS, following said public hearing the City Council adopted its Ordinance No. 2797 on June 22, 2006, approving the Naval Ordnance Plant and East Center Plans and making certain findings;

WHEREAS, the City Council, on April 19, 2007, after notice duly published, conducted a public hearing on the North Portneuf Urban Renewal Plan (the "North Portneuf Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2814 on April 19, 2007, approving the North Portneuf Plan and making certain findings;

WHEREAS, the City Council, on November 15, 2007, after notice duly published, conducted a public hearing on the Amended North Yellowstone Urban Renewal Area Plan (the "Amended North Yellowstone Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2827 on November 15, 2007, approving the Amended North Yellowstone Plan and making certain findings;

WHEREAS, the City Council, on November 4, 2010, after notice duly published conducted a public hearing on the Pocatello Regional Airport Urban Renewal Area Plan (the "Pocatello Regional Airport Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2889 on November 4, 2010, approving the Pocatello Regional Airport Plan and making certain findings;

WHEREAS, the above referenced urban renewal plans and their project areas are collectively referred to as the Project Areas;

WHEREAS, based on inquiries and information presented, the Agency commenced certain discussions concerning examination of an additional area as appropriate for an urban renewal project;

WHEREAS, in 2017, the Agency authorized Kushlan Associates, to commence an eligibility study and preparation of an eligibility report of an area located east of I-15 and north of Chubbuck Road;

WHEREAS, the Agency has obtained an eligibility report, dated January 2018 (the "Report"), which examined an area within the area of operation of the City, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Report has been submitted to the Agency, a copy of which is attached hereto as Exhibit A;

WHEREAS, under the Law, Sections 50-2903(8)(f) and 50-2018 (8) and (9), the
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 definition of a deteriorating area shall not apply to any agricultural operation as defined in section 22-4502(1), Idaho Code, or any forest land as defined in section 63-1701(4), Idaho Code, absent the consent of the owner of the agricultural operation or the forest landowner of the forest land, except for an agricultural operation or forest land that has not been used for three (3) consecutive years;

WHEREAS, the Northgate Area includes parcels subject to such consent. While the necessary consents have not been obtained, any and all consents shall be obtained prior to City Council adoption of any urban renewal plan;

WHEREAS, Idaho Code Section 50-2018(18) provides that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, a portion of the Northgate Area includes certain real property located in unincorporated Bannock County;

WHEREAS, Bannock County will be asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Report addresses the necessary findings concerning the eligibility of open land within the Study Area as defined in Idaho Code Sections 50-2018(9), 50-2903(8)(c), and 50-2008(d);

WHEREAS, pursuant to Idaho Code Section 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 a deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, Idaho Code Section 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 a deteriorating area;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF COMMISSIONERS OF THE POCA TELLO DEVELOPMENT AUTHORITY OF POCA TELLO, IDAHO, AS FOLLOWS:

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

Section 2. That the Board acknowledges acceptance and receipt of the Report.

Section 3. That there are one or more areas within the City that are a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8).

Section 4. That one such area is an area more commonly known as the Northgate Area, which is bounded by I-15 on the west and Chubbuck Road on the south.

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Section 5. That the rehabilitation, conservation, and redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, and welfare of the residents of the City.

Section 6. That the Chair of the Board of Commissioners or Executive Director is hereby authorized to transmit the Report to the Pocatello City Council requesting that the City Council:

- a. Determine whether the Northgate Area identified in the Report qualifies as an urban renewal project and justification for designating the area, as appropriate, for an urban renewal project; Provided, however, the Agency requests the City Council not take such action until Bannock County has approved a resolution declaring the need for an urban renewal project for the Northgate Area;
- b. If such designation is made, whether the Agency should proceed with the preparation of an urban renewal plan for the area, which Plan may include a revenue allocation provision as allowed by law; and
- c. Coordinate with the Agency to obtain the required agricultural consent from the property owners.

Section 7. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED by the Pocatello Development Authority of the city of Pocatello, Idaho, on January 17, 2018. Signed by the Chair of the Board of Commissioners, and attested by the Secretary to the Board of Commissioners, on January 17, 2018.

APPROVED:

By: Scott Smith
 Scott Smith, Chair

ATTEST:

By: Melanie Gygli
 Melanie Gygli, Secretary

4842-1083-6826, v. 2

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 In The Matter of ELIGIBILITY OF NORTHGATE)
PROJECT AS URBAN RENEWAL AREA)

R.S. No 2018-23
 February 13, 2018

RESOLUTION

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BANNOCK COUNTY, IDAHO, ADOPTING THE FINDINGS OF THE POCATELLO DEVELOPMENT AUTHORITY, THE URBAN RENEWAL AGENCY OF THE CITY OF POCATELLO, IDAHO, ADOPTED BY RESOLUTION ON JANUARY 17, 2018, IN RESOLUTION NO. 2018-1; ACCEPTING THAT CERTAIN REPORT PREPARED FOR THE POCATELLO DEVELOPMENT AUTHORITY ON THE ELIGIBILITY FOR CERTAIN PROPERTY REFERRED TO AS THE NORTHGATE AREA AS AN URBAN RENEWAL AREA AND REVENUE ALLOCATION AREA AND JUSTIFICATION FOR DESIGNATING THE AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT SUBJECT TO CERTAIN CONDITIONS; FINDING A PORTION OF THE NORTHGATE AREA INCLUDES CERTAIN PROPERTIES WITHIN THE UNINCORPORATED AREA OF BANNOCK COUNTY; FINDING AND DECLARING THE NEED FOR AN URBAN RENEWAL PROJECT FOR THE NORTHGATE AREA; APPROVING CREATION OF THAT PORTION OF THE NORTHGATE AREA LYING OUTSIDE OF THE CORPORATE BOUNDARIES OF THE CITY OF POCATELLO AND WITHIN THE UNINCORPORATED AREA OF BANNOCK COUNTY; FINDING THAT THE JURISDICTIONAL BOUNDARIES OF THE CITY OF POCATELLO AND BANNOCK COUNTY REMAIN THE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Pocatello Development Authority, 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 (hereinafter the "Law") and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act"), is a duly created and functioning urban renewal agency for Pocatello, Idaho, hereinafter referred to as the "Agency."

WHEREAS, the City Council (the "City Council") of the city of Pocatello (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 the Act upon making the findings of necessity required for creating the Agency;

WHEREAS, there are several existing urban renewal project areas in the City;

WHEREAS, based on inquiries and information presented, the Agency commenced certain discussions concerning examination of an additional area as appropriate for an urban renewal project;



292-345 WHEREAS, in 2017, the Agency authorized Kushlan Associates, to commence an eligibility study and preparation of an eligibility report of an area located east of Interstate 15 and north of Chubbuck Road and the surrounding properties;

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the "Report"), which examined an area within the area of operation of the City, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Report was submitted to the Agency, a copy of which is attached hereto as Exhibit A;

WHEREAS, under the Act and Law, specifically Sections 50-2903(8)(f) and 50-2018 (8) and (9), Idaho Code, the definition of a deteriorating area shall not apply to any agricultural operation as defined in Section 22-4502(1), Idaho Code, or any forest land as defined in Section 63-1701(4), Idaho Code, absent the consent of the owner of the agricultural operation or the forest landowner of the forest land, except for an agricultural operation or forest land that has not been used for three (3) consecutive years;

WHEREAS, the Northgate Area includes parcels subject to such consent. While the necessary consents have not been obtained, any and all consents shall be obtained prior to City Council adoption of any urban renewal plan;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, a portion of the Northgate Area includes certain real property located in unincorporated Bannock County;

WHEREAS, the Agency accepted the Report by way of Resolution No. 2018-1 at the January 17, 2018, meeting of the Agency Board, a copy of Resolution No. 2018-1 (without exhibits), is attached hereto as Exhibit B;

WHEREAS, pursuant to Idaho Code Section 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 Section 50-2904, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area;

WHEREAS, the proposed Northgate Area has no impact on the jurisdictional boundaries of Bannock County;

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WHEREAS, on February 13, 2018, representatives of the Agency presented the Report to the Bannock County Commissioners requesting the Commissioners to consider adopting the findings concerning the proposed Northgate Area.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BANNOCK COUNTY, IDAHO, AS FOLLOWS:

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

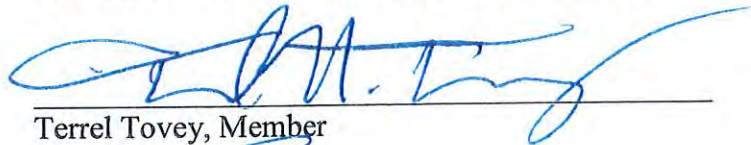
Section 2. That the findings of the Agency made on January 17, 2018, in Resolution No. 2018-1, are hereby adopted by the Board of Bannock County Commissioners.

Section 3. That there is a need for an urban renewal plan for the Northgate Area.

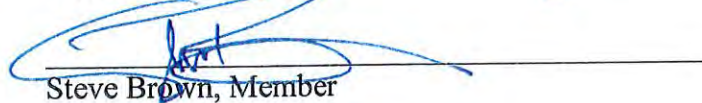
Section 4. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED this 13th day of February, 2018.

BOARD OF BANNOCK COUNTY COMMISSIONERS



Terrel Tovey, Member



Steve Brown, Member

ATTEST:



Robert Poleki
Bannock County Clerk

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Attachment 9

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Bannock County Board of County Commissioners Ordinance No. 2019-03 (Intergovernmental Agreement and Transfer of Powers Ordinance)

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**BANNOCK COUNTY, IDAHO
ORDINANCE NO. 2019-03**

TRANSFER OF POWERS ORDINANCE:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF BANNOCK COUNTY, IDAHO, ADOPTING FINDINGS ON THE NECESSITY OF THE URBAN RENEWAL PLAN; PROVIDING THE CITY OF POCATELLO WITH THE RIGHT, POWER, AUTHORITY, AND OBLIGATION TO ADMINISTER THE URBAN RENEWAL AREA PURSUANT TO CHAPTERS 20 AND 29, TITLE 50, IDAHO CODE, AS AMENDED; GRANTING THE REVENUE ALLOCATION PROCEEDS DERIVED FROM THE POCATELLO REVENUE ALLOCATION AREA LYING WITHIN UNINCORPORATED BANNOCK COUNTY TO THE POCATELLO URBAN RENEWAL AGENCY ALSO KNOWN AS THE POCATELLO DEVELOPMENT AUTHORITY; ADOPTING THE INTERGOVERNMENTAL AGREEMENT IMPLEMENTING THIS ORDINANCE; ACKNOWLEDGING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CHUBBUCK, IDAHO AND THE CITY OF POCATELLO, IDAHO CONCERNING THE URBAN RENEWAL PLAN AND PROJECT AREA; AND AUTHORIZING THE CHAIR TO SIGN THE AGREEMENTS AND SUCH OTHER AND FURTHER DOCUMENTS AS MAY BE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE.

WHEREAS, that this Ordinance is adopted to approve and confirm the duties, roles, and responsibilities of the City of Pocatello, Idaho, the Pocatello Urban Renewal Agency also known as the Pocatello Development Authority (the "Agency"), and Bannock County, Idaho for that portion of the revenue allocation area, as defined and described in the proposed Urban Renewal Plan for the Northgate Urban Renewal Project, lying outside the corporate boundaries of the City of Pocatello as illustrated in Exhibit 1 and to transfer power as provided in Idaho Code Section 50-2906(3)(b) and the necessary declaration set forth in Idaho Code Section 50-2018(18);

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the "Report"), which examined an area of operation of the City of Pocatello, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on January 17, 2018, adopted Resolution No. 2018-1 accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the Pocatello City Council requesting its consideration for designation of an urban renewal area and requesting the Pocatello City Council to direct the Agency to prepare an urban renewal plan for the Northgate Area, which plan may include a revenue allocation provision as allowed by law;

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WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the Agency also authorized the transmittal of the Report to the Bannock County Board of County Commissioners for purposes of obtaining a resolution accepting the Report and determining such area outside the boundaries of the City of Pocatello to be a deteriorated area and/or a deteriorating area and appropriate for an urban renewal project;

WHEREAS, the Report was submitted to the Bannock County Board of County Commissioners, and the Bannock County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Bannock County Board of County Commissioners adopted the Agency's findings concerning the proposed Northgate Area by adopting Resolution No. 2018-23 on February 13, 2018;

WHEREAS, the Pocatello City Council, by Resolution No. 2018-03, dated February 15, 2018, declared the Northgate 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, that the Bannock County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the Agency prepared the Urban Renewal Plan for the Northgate Urban Renewal Project (the "Northgate Plan") and the urban renewal area referred to as the Northgate Project Area ("Project Area" or "Revenue Allocation Area") for the area designated as eligible for urban renewal planning;

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

WHEREAS, the Agency Board on December 19, 2018, adopted Resolution No. 2018-03 proposing and recommending the Northgate Plan;

WHEREAS, the City of Chubbuck annexed into its corporate limits a section of the Project Area, which annexation was final after December 19, 2018, but on or before December 31, 2018 (the "Chubbuck Annexation");

WHEREAS, the Agency, by letter of transmittal dated January 9, 2019, submitted the Northgate Plan to the Mayor of the City of Pocatello and the Pocatello City Clerk;

WHEREAS, the Mayor of the City of Pocatello and the Pocatello City Clerk are taking the necessary action to process the Northgate Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, Idaho Code Section 50-2906(3)(b) and Idaho Code Section 50-2018(18)

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 contemplate an agreement between Bannock County and the City of Pocatello, governing administration of a revenue allocation financing provision for any area extending beyond the City of Pocatello's municipal boundary but within unincorporated Bannock County, and such agreement must be formalized by a transfer of powers ordinance adopted by the Bannock County Board of County Commissioners;

WHEREAS, there are certain properties within the Northgate Plan and Project Area which extend beyond the City of Pocatello's municipal boundaries and into unincorporated Bannock County;

WHEREAS, the Board of County Commissioners deem it expedient and in the best interests of Bannock County to establish and enter into an Intergovernmental Agreement for Roles and Responsibilities under Idaho Code Section 50-2906(3)(b) between Bannock County and the City of Pocatello, to confirm Bannock County's consent under Idaho Code Section 50-2018(18), and to assure compliance with the Act and Law.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BANNOCK COUNTY, IDAHO:

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

Section 2: That the Board of County Commissioners, after reviewing the Northgate Plan delivered to Bannock County on January 23, 2019, finds: (a) the Northgate Plan and Project Area is eligible under the statutory criteria and is appropriate for an urban renewal project; (b) the adjusted base assessed values of all existing revenue allocation areas within the City of Pocatello do not exceed ten percent of the current assessed taxable value of the City of Pocatello; (c) the proposed Northgate Plan and Project Area is financially feasible given the assumptions used in the Northgate Plan; (d) the required consents from the owners of agricultural operation lands within the proposed Project Area have been given; and (e) the City of Pocatello has the authority to proceed with the creation of the Northgate Plan and Project Area after the adoption of this Ordinance by the Board of Bannock County Commissioners.

Section 3: The revenue allocation proceeds from areas lying within the boundaries of the Northgate Plan and Project Area shall be devoted to the statutory purposes as described in the Northgate Plan and as authorized by the Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code.

Section 4: That the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code §50-2906(3)(b) (the "Agreement") (which also supports the County's declaration as required by Idaho Code Section 50-2018(18) as also set forth in Resolution No. 2018-23) attached hereto as Exhibit A, is incorporated herein and made a part hereof by reference, and is hereby approved and accepted.

Section 5: That the Chair is hereby authorized to sign and enter into the Agreement, and to execute any further documents necessary to carry out the intent of the Board of Commissioners as expressed in this Ordinance and in the Agreement. A copy of this Ordinance and the attached Agreement shall be held on file in the office of the County Clerk.

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Section 6: The Pocatello City Council and the Chubbuck City Council also intend to enter into an Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code § 50-2906(3)(b) concerning certain property within the Project Area located within the city limits of the City of Chubbuck resulting from the Chubbuck Annexation. The Chair is hereby authorized to sign an acknowledgment of that agreement, and to execute any further documents necessary to carry out the intent of the Board of Commissioners as expressed in this Ordinance and regarding the County's acknowledgment of the agreement between the City of Pocatello and the City of Chubbuck.

Section 7: Repeal of Conflicting Ordinances. The provisions of any Ordinance of Bannock County and any provision of the County Code which are in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 8: Severability. The sections of this Ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

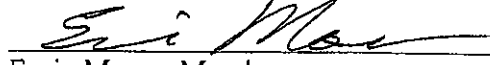
Section 9: Effective Date. The rule requiring an Ordinance to be read on three separate days, one of which shall be a reading in full, is dispensed with, and this Ordinance shall become effective upon its passage, approval and publication.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS,
 BANNOCK COUNTY, IDAHO, this 5th day of March, 2019.

BANNOCK COUNTY BOARD OF COMMISSIONERS


 Steve Brown, Chairman


 Terrel N. Tovey, Member


 Ernie Moser, Member

ATTEST:


 Jason Dixon, Bannock County Clerk

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND
RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b)

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This Intergovernmental Agreement is entered into this ____ day of _____, 2019, by and between Bannock County, Idaho (the "County") and the City of Pocatello, Idaho (the "City"), and is made for the purpose of complying with Idaho Code § 50-2906(3)(b).

RECITALS

WHEREAS, the County is a duly organized and existing county under the laws and the Constitution of the State of Idaho;

WHEREAS, the City is a duly organized existing municipality under the laws and the Constitution of the state of Idaho;

WHEREAS, the City Council ("the City Council") and Mayor of the City respectively on or about July 14, 1988, adopted and approved a resolution creating the Urban Renewal Agency of Pocatello, Idaho, also known as the Pocatello Development Authority (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, there are currently four existing urban renewal project areas in the City;

WHEREAS, based on inquiries from property owners and information presented, it became apparent that additional real property within the City and the City's area of operation may be deteriorating or deteriorated and should be examined as to whether the area is eligible for urban renewal planning purposes;

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

WHEREAS, during 2017, the Agency authorized Kushlan Associates to commence an eligibility study and preparation of an eligibility report of an area located east of Interstate 15 and north of Chubbuck Road, and the surrounding properties;

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the

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 "Report"), which examined an area of operation of the City, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on January 17, 2018, adopted Resolution No. 2018-1 accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct the Agency to prepare an urban renewal plan for the Northgate Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the Agency also authorized the transmittal of the Report to the Bannock County Board of County Commissioners for purposes of obtaining a resolution accepting the Report and determining such area outside the boundaries of the City to be a deteriorated area and/or a deteriorating area and appropriate for an urban renewal project;

WHEREAS, the Report was submitted to the Bannock County Board of County Commissioners, and the Bannock County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Bannock County Board of County Commissioners adopted the Agency's findings concerning the proposed Northgate Area by adopting Resolution No. 2018-23 on February 13, 2018;

WHEREAS, the City Council, by Resolution No. 2018-03, dated February 15, 2018, declared the Northgate 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, that the Bannock County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Northgate Area were obtained by the developers;

WHEREAS, the Agency and its consultants have undertaken the planning process during 2018;

WHEREAS, the Agency retained the Leland Consulting Group to perform a market analysis for the purpose of aiding in the determination of the economic feasibility of the

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES
 UNDER IDAHO CODE SECTION 50-2906(3)(b)- 2

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proposed project;

WHEREAS, the Agency prepared the Urban Renewal Plan for the Northgate Urban Renewal Project (the "Northgate Plan") and the urban renewal area referred to as the Northgate Project Area ("Project Area" or "Revenue Allocation Area") for the area designated as eligible for urban renewal planning;

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

WHEREAS, the Agency Board on December 19, 2018, adopted Resolution No. 2018-03 proposing and recommending the Northgate Plan;

WHEREAS, the City of Chubbuck annexed into its corporate limits a section of the Project Area, which annexation was final after December 19, 2018, but on or before December 31, 2018;

WHEREAS, the Agency, by letter of transmittal dated January 9, 2019, submitted the Northgate Plan to the Mayor and the City Clerk;

WHEREAS, the Mayor and the City Clerk are taking the necessary action to process the Northgate Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, Idaho Code Section 50-2906(3)(b) requires an agreement between the City Council and the Bannock County Board of County Commissioners, governing administration of a revenue allocation financing provision for any area extending beyond the City's municipal boundary and located within unincorporated Bannock County, and such agreement must be formalized by a transfer of powers ordinance adopted by the County;

WHEREAS, there are certain properties within the Northgate Plan and Project Area which extend beyond the City's municipal boundaries and into unincorporated Bannock County, which properties are more particularly described and depicted on Exhibit 1 attached hereto and incorporated herein by reference;

WHEREAS, the City Council and the Board of County Commissioners desire to enter into this Agreement to avoid any uncertainty regarding the City Council's jurisdiction and authority to establish the Project Area and the Agency's authority to implement the Northgate Plan concerning those properties which are outside the City's municipal limits and within unincorporated Bannock County;

WHEREAS, the City Council and Board of County Commissioners deem it in their collective best interests to enter into this Agreement covering said properties and assuring

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES
UNDER IDAHO CODE SECTION 50-2906(3)(b)- 3

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compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively;

NOW, THEREFORE, it is mutually agreed as follows:

AGREEMENT

1. PURPOSE OF AGREEMENT

The purpose of this Agreement is to detail the duties, roles, and responsibilities to be provided by the parties with respect to compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively.

2. GENERAL PROVISIONS

The Bannock County Board of County Commissioners does hereby agree that the City Council shall have the right, power, authority, and obligation to administer the Law, Act and particularly the revenue allocation financing provisions of the Northgate Plan for that certain property which is contained within the boundaries of the revenue allocation area as defined in the Act and the Northgate Plan, which property extends beyond the City's municipal boundary and into unincorporated Bannock County. The property governed by this Agreement is described, defined, and depicted on Exhibit 1 of this Agreement. The County, by passing Resolution No. 2018-23, has declared the need for urban renewal activity in the area which extends beyond the City's municipal boundaries and into unincorporated Bannock County.

By agreeing to the administration of this property by the City Council for the limited purpose of implementing the Northgate Plan, the Board of County Commissioners agree all revenue allocation proceeds generated from such property shall be available to the Agency for all purposes authorized under the Act and the Northgate Plan. Following the establishment of the Project Area, the Agency shall administer the revenue allocation provision affecting this property as allowed under the Act and the Northgate Plan. Additionally, the Board of County Commissioners acknowledges the Northgate Plan will be reviewed by the City Planning & Zoning Commission for the Northgate Plan's conformity with the general plan for the development of the City as a whole consistent with and limited to the requirements of Idaho Code § 50-2008(b). The Board of County Commissioners defers to the City Planning & Zoning Commission's review and recommendations as required by Idaho Code § 50-2008(b) solely with regard to adopting the Northgate Plan. The City Council expressly acknowledges the parcels located within unincorporated Bannock County are subject to and shall be developed in conformity with the Bannock County Comprehensive Plans, Zoning and Development Codes as well as the Northgate Plan, recognizing the developer's intent to seek annexation of the parcels located within unincorporated Bannock County into the City prior to development, which development is intended to occur in phases over the life of the Northgate Plan and Project Area. Bannock County defers to the Agency to implement and carry out the Northgate Plan.

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES
UNDER IDAHO CODE SECTION 50-2906(3)(b)- 4

303-345
The Board of County Commissioners shall approve this Agreement by the adoption of a transfer of powers ordinance and the City Council shall approve this Agreement by the adoption of a duly authorized resolution.

Upon approval and adoption of the ordinance and resolution referenced above, the City Council shall take the necessary steps through the City Clerk to transmit a copy of the County Transfer of Powers Ordinance to the County Auditor, County Assessor, the County Recorder, the other taxing districts of the revenue allocation area, and the Idaho State Tax Commission.

3. SPECIAL PROVISIONS

Public Improvements. In consideration of this Agreement, the Board of County Commissioners hereby consents to those certain public improvements identified in the Northgate Plan which may be acquired, constructed or installed on certain rights-of-way not within the City limits or rights-of-way owned in trust by the County.

4. EFFECTIVE TERM

This Agreement shall be deemed effective upon the execution of this Agreement by both the Board of County Commissioners and the City Council and shall remain in effect for the duration of the Northgate Plan. This Agreement shall be of no further force and effect as it relates to any parcel or parcels described in Exhibit 1 upon those properties or portions of those properties then being included within the municipal boundaries of the City, currently, or through the City's annexation process.

5. MODIFICATION

This Agreement may be modified or amended in writing if executed by both the Board of County Commissioners and the City Council.

6. ENTIRE AGREEMENT

Except as provided otherwise herein, this Agreement and any attachments hereto constitute the entire Agreement between the parties concerning the subject matter hereto.

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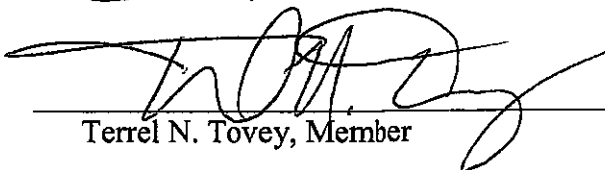
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IN WITNESS WHEREOF, the Board of County Commissioners of Bannock County, State of Idaho, and the City Council of the city of Pocatello, Idaho, have executed this Agreement by proper persons thereunto duly authorized as of the date first hereinabove written.

COUNTY:

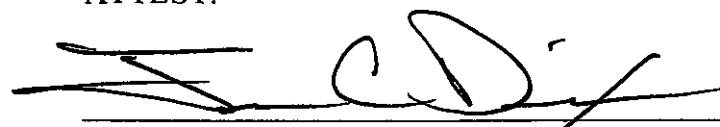
BANNOCK COUNTY BOARD OF COMMISSIONERS


Steve Brown, Chairman


Terrel N. Tovey, Member


Ernie Moser, Member

ATTEST:


Jason Dixon, Bannock County Clerk

CITY:

CITY OF POCA TELLO, IDAHO, a municipal corporation
of Idaho

By _____
Brian C. Blad, Mayor

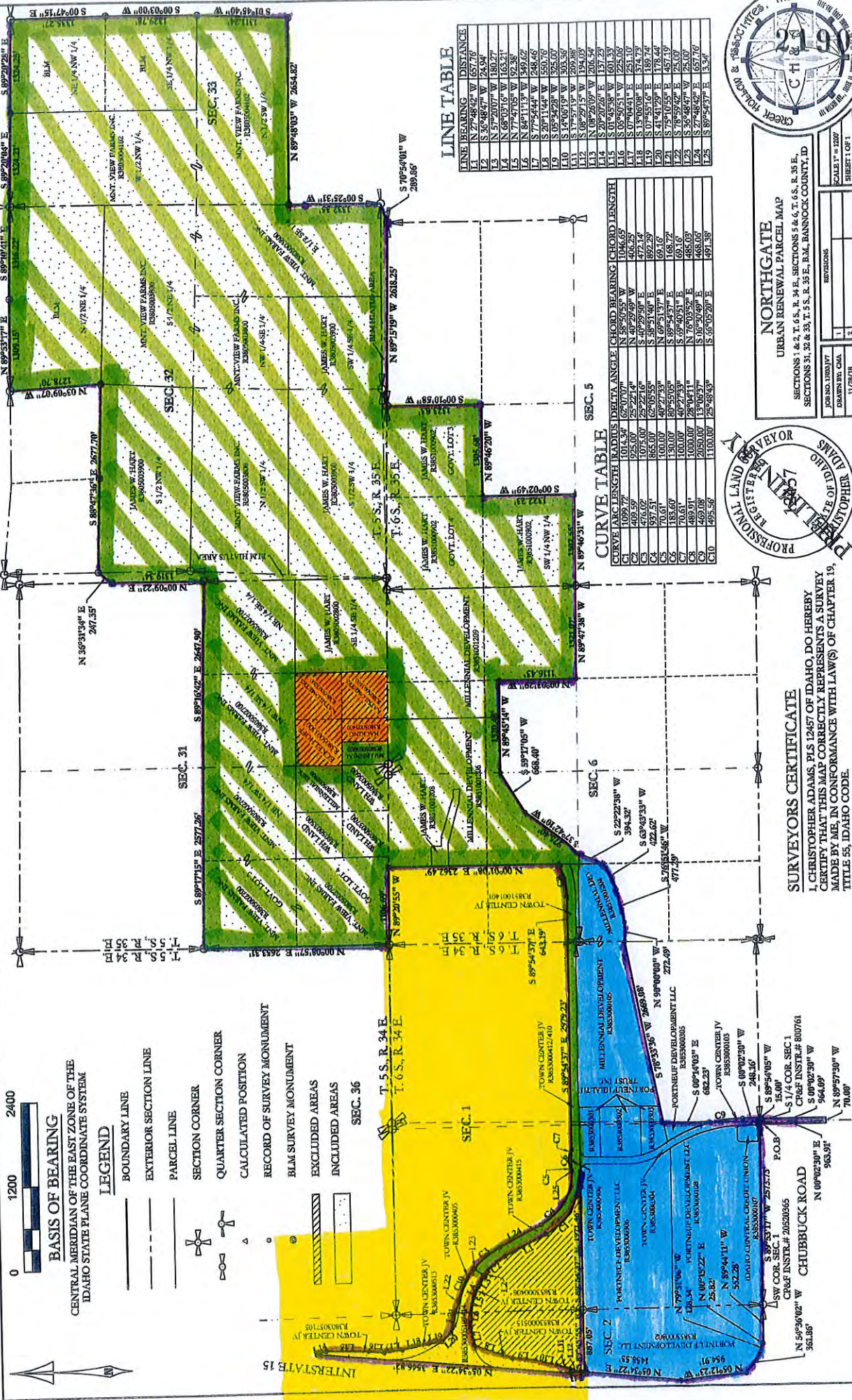
ATTEST:

Ruth E. Whitworth, City Clerk

4818-0324-4932, v. 1

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES
UNDER IDAHO CODE SECTION 50-2906(3)(b)- 6

EXHIBIT 1



Otherwise Excluded

Bannock County

TIF Boundary

City of Chubbuck

SURVEYORS CERTIFICATE

I, CHRISTOPHER ADAMS, PLS 12457 OF IDAHO, DO HEREBY CERTIFY THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME, IN CONFORMANCE WITH LAW(S) OF CHAPTER 19, TITLE 55, IDAHO CODE.



NORTHGATE

URBAN RENEWAL PARCEL MAP

SECTIONS 1 & 2, T. 6 S., R. 34 E., SECTIONS 31, 32 & 33, T. 5 S., R. 35 E., BANNOCK COUNTY, ID.

JOHN D. ADAMS, PLS 12457, DRAFTER BY CAD, 11/29/18

SCALE 1" = 200'

SHEET 1 OF 1



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306' 345

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**SUMMARY ORDINANCE 2019-03
BANNOCK COUNTY, IDAHO**

STATEMENT OF PURPOSE – TRANSFER OF POWERS ORDINANCE:

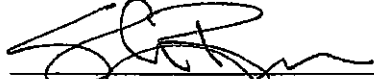
AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF BANNOCK COUNTY, IDAHO, ADOPTING FINDINGS ON THE NECESSITY OF THE URBAN RENEWAL PLAN; PROVIDING THE CITY OF POCATELLO WITH THE RIGHT, POWER, AUTHORITY, AND OBLIGATION TO ADMINISTER THE URBAN RENEWAL AREA PURSUANT TO CHAPTERS 20 AND 29, TITLE 50, IDAHO CODE, AS AMENDED; GRANTING THE REVENUE ALLOCATION PROCEEDS DERIVED FROM THE POCATELLO REVENUE ALLOCATION AREA LYING WITHIN UNINCORPORATED BANNOCK COUNTY TO THE POCATELLO URBAN RENEWAL AGENCY ALSO KNOWN AS THE POCATELLO DEVELOPMENT AUTHORITY; ADOPTING THE INTERGOVERNMENTAL AGREEMENT IMPLEMENTING THIS ORDINANCE; ACKNOWLEDGING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CHUBBUCK, IDAHO AND THE CITY OF POCATELLO, IDAHO CONCERNING THE URBAN RENEWAL PLAN AND PROJECT AREA; AND AUTHORIZING THE CHAIR TO SIGN THE AGREEMENTS AND SUCH OTHER AND FURTHER DOCUMENTS AS MAY BE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE.

PROVIDING FOR AN EFFECTIVE DATE: This Ordinance shall be in full force and effect upon its passage, approval and publication.

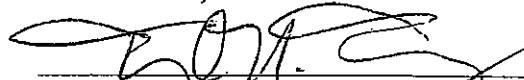
Adopted this 5th day of March, 2019, by Resolution Number 2019-22.

THE FULL TEXT OF THIS ORDINANCE IS AVAILABLE IN THE OFFICE OF THE BANNOCK COUNTY CLERK, 624 E. CENTER STREET, POCATELLO, IDAHO.

BANNOCK COUNTY BOARD OF COMMISSIONERS



Steve Brown, Chairman



Terrel N. Tovey, Member



Ernie Moser, Member

This is a true and complete summary of Ordinance 2018-03 and provides adequate notice to the public.

Attest:



Jason Dixon, Bannock County Clerk

PUBLISH DATE: March 10, 2019

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Attachment 10

2190599C

Pocatello City Council Resolution No. 2019-04 (Intergovernmental
Agreement – Bannock County)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF POCA TELLO TO PROVIDE FOR AN INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b) BETWEEN BANNOCK COUNTY, IDAHO AND THE CITY OF POCA TELLO, IDAHO; PROVIDING FOR AREAS OUTSIDE THE CITY LIMITS TO BE INCLUDED WITHIN AN URBAN RENEWAL AREA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor (the "Mayor") and City Council (the "City Council") of the City of Pocatello (the "City") have the authority (pursuant to Idaho Code §50-302) to establish resolutions not inconsistent with the laws of the State of Idaho as may be expedient, in addition to the special powers therein granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry;

WHEREAS, the City Council and Mayor of the City respectively on or about July 14, 1988, adopted and approved a resolution creating the Urban Renewal Agency of Pocatello, Idaho, also known as the Pocatello Development Authority (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, there are currently four existing urban renewal project areas in the City;

WHEREAS, based on inquiries from property owners and information presented, it became apparent that additional real property within the City and the City's area of operation may be deteriorating or deteriorated and should be examined as to whether the area is eligible for urban renewal planning purposes;

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

WHEREAS, during 2017, the Agency authorized Kushlan Associates to commence an eligibility study and preparation of an eligibility report of an area located east of Interstate 15 and north of Chubbuck Road, and the surrounding properties;

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the "Report"), which examined an area of operation of the City, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on January 17, 2018, adopted Resolution No. 2018-1 accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct the Agency to prepare an urban renewal plan for the Northgate Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

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WHEREAS, the Agency also authorized the transmittal of the Report to the Bannock County Board of County Commissioners for purposes of obtaining a resolution accepting the Report and determining such area outside the boundaries of the City to be a deteriorated area and/or a deteriorating area and appropriate for an urban renewal project;

WHEREAS, the Report was submitted to the Bannock County Board of County Commissioners, and the Bannock County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Bannock County Board of County Commissioners adopted the Agency's findings concerning the proposed Northgate Area by adopting Resolution No. 2018-23 on February 13, 2018;

WHEREAS, the City Council, by Resolution No. 2018-03, dated February 15, 2018, declared the Northgate 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, that the Bannock County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Northgate Area were obtained by the developers;

WHEREAS, the Agency and its consultants have undertaken the planning process during 2018;

WHEREAS, the Agency prepared the Urban Renewal Plan for the Northgate Urban Renewal Project (the "Northgate Plan") and the urban renewal area referred to as the Northgate Project Area ("Project Area" or "Revenue Allocation Area") for the area designated as eligible for urban renewal planning;

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

WHEREAS, the Agency Board on December 19, 2018, adopted Resolution No. 2018-03 proposing and recommending the Northgate Plan;

WHEREAS, the City of Chubbuck annexed into its corporate limits a section of the Project Area, which annexation was final after December 19, 2018, but on or before December 31, 2018;

WHEREAS, the Agency, by letter of transmittal dated January 9, 2019, submitted the Northgate Plan to the Mayor and the City Clerk;

WHEREAS, the Mayor and the City Clerk are taking the necessary action to process the Northgate Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, prior to the date of the public hearing on the Northgate Plan, Idaho Code Section 50-2906(3)(b) requires an agreement between the City Council and the Bannock County Board of County Commissioners, governing administration of a revenue allocation financing provision for any area extending beyond the City's municipal boundary and located within unincorporated Bannock County, and such agreement must be formalized by a transfer of powers ordinance adopted by the County;

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WHEREAS, there are certain properties within the Northgate Plan and Project Area which extend beyond the City's municipal boundaries and into unincorporated Bannock County;

WHEREAS, the Bannock County Board of County Commissioners adopted Ordinance No. 2019-02, the Transfer of Powers Ordinance, by Resolution No. 2019-22, on March 5, 2019, which Ordinance authorized the Chair to sign and enter into the Intergovernmental Agreement for Roles and Responsibilities under Idaho Code Section 50-2906(3)(b) between Bannock County and the City;

WHEREAS, the Mayor and City Council deem it expedient and in the best interests of the City of Pocatello to establish and enter into an Intergovernmental Agreement for Roles and Responsibilities under Idaho Code Section 50-2906(3)(b) between Bannock County and the City of Pocatello, to confirm the consent of Bannock County, Idaho, under Idaho Code Section 50-2018(18), and to assure compliance with the Act and Law.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF POCA TELLO, IDAHO, AS FOLLOWS:

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

Section 2: That the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code §50-2906(3)(b) attached hereto as Exhibit A, is incorporated herein and made a part hereof by reference, and is hereby approved and accepted.

Section 3: That the Mayor is hereby authorized to sign and enter into the Agreement. A copy of this Resolution and the attached Agreement shall be held on file in the office of the City Clerk.

Section 4: That this Resolution shall be in full force and effect immediately upon its adoption and approval.

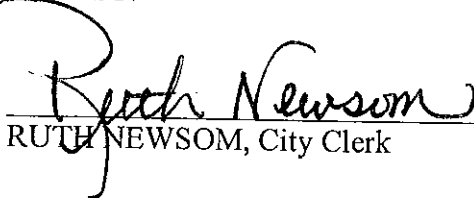
RESOLVED this 2nd day of May, 2019.

CITY OF POCA TELLO, a municipal corporation of Idaho



BRIAN C. BLAD, Mayor

ATTEST:


RUTH NEWSOM, City Clerk

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INTERGOVERNMENTAL AGREEMENT FOR ROLES AND
RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b)

This Intergovernmental Agreement is entered into this 2nd day of May, 2019, by and between Bannock County, Idaho (the "County") and the City of Pocatello, Idaho (the "City"), and is made for the purpose of complying with Idaho Code § 50-2906(3)(b).

RECITALS

WHEREAS, the County is a duly organized and existing county under the laws and the Constitution of the State of Idaho;

WHEREAS, the City is a duly organized existing municipality under the laws and the Constitution of the state of Idaho;

WHEREAS, the City Council ("the City Council") and Mayor of the City respectively on or about July 14, 1988, adopted and approved a resolution creating the Urban Renewal Agency of Pocatello, Idaho, also known as the Pocatello Development Authority (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, there are currently four existing urban renewal project areas in the City;

WHEREAS, based on inquiries from property owners and information presented, it became apparent that additional real property within the City and the City's area of operation may be deteriorating or deteriorated and should be examined as to whether the area is eligible for urban renewal planning purposes;

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

WHEREAS, during 2017, the Agency authorized Kushlan Associates to commence an eligibility study and preparation of an eligibility report of an area located east of Interstate 15 and north of Chubbuck Road, and the surrounding properties;

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the

312- 345
"Report"), which examined an area of operation of the City, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on January 17, 2018, adopted Resolution No. 2018-1 accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct the Agency to prepare an urban renewal plan for the Northgate Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the Agency also authorized the transmittal of the Report to the Bannock County Board of County Commissioners for purposes of obtaining a resolution accepting the Report and determining such area outside the boundaries of the City to be a deteriorated area and/or a deteriorating area and appropriate for an urban renewal project;

WHEREAS, the Report was submitted to the Bannock County Board of County Commissioners, and the Bannock County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Bannock County Board of County Commissioners adopted the Agency's findings concerning the proposed Northgate Area by adopting Resolution No. 2018-23 on February 13, 2018;

WHEREAS, the City Council, by Resolution No. 2018-03, dated February 15, 2018, declared the Northgate 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, that the Bannock County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Northgate Area were obtained by the developers;

WHEREAS, the Agency and its consultants have undertaken the planning process during 2018;

WHEREAS, the Agency retained the Leland Consulting Group to perform a market analysis for the purpose of aiding in the determination of the economic feasibility of the

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proposed project;

WHEREAS, the Agency prepared the Urban Renewal Plan for the Northgate Urban Renewal Project (the "Northgate Plan") and the urban renewal area referred to as the Northgate Project Area ("Project Area" or "Revenue Allocation Area") for the area designated as eligible for urban renewal planning;

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

WHEREAS, the Agency Board on December 19, 2018, adopted Resolution No. 2018-03 proposing and recommending the Northgate Plan;

WHEREAS, the City of Chubbuck annexed into its corporate limits a section of the Project Area, which annexation was final after December 19, 2018, but on or before December 31, 2018;

WHEREAS, the Agency, by letter of transmittal dated January 9, 2019, submitted the Northgate Plan to the Mayor and the City Clerk;

WHEREAS, the Mayor and the City Clerk are taking the necessary action to process the Northgate Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, Idaho Code Section 50-2906(3)(b) requires an agreement between the City Council and the Bannock County Board of County Commissioners, governing administration of a revenue allocation financing provision for any area extending beyond the City's municipal boundary and located within unincorporated Bannock County, and such agreement must be formalized by a transfer of powers ordinance adopted by the County;

WHEREAS, there are certain properties within the Northgate Plan and Project Area which extend beyond the City's municipal boundaries and into unincorporated Bannock County, which properties are more particularly described and depicted on Exhibit 1 attached hereto and incorporated herein by reference;

WHEREAS, the City Council and the Board of County Commissioners desire to enter into this Agreement to avoid any uncertainty regarding the City Council's jurisdiction and authority to establish the Project Area and the Agency's authority to implement the Northgate Plan concerning those properties which are outside the City's municipal limits and within unincorporated Bannock County;

WHEREAS, the City Council and Board of County Commissioners deem it in their collective best interests to enter into this Agreement covering said properties and assuring

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES
UNDER IDAHO CODE SECTION 50-2906(3)(b)- 3

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compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively;

NOW, THEREFORE, it is mutually agreed as follows:

AGREEMENT

1. PURPOSE OF AGREEMENT

The purpose of this Agreement is to detail the duties, roles, and responsibilities to be provided by the parties with respect to compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively.

2. GENERAL PROVISIONS

The Bannock County Board of County Commissioners does hereby agree that the City Council shall have the right, power, authority, and obligation to administer the Law, Act and particularly the revenue allocation financing provisions of the Northgate Plan for that certain property which is contained within the boundaries of the revenue allocation area as defined in the Act and the Northgate Plan, which property extends beyond the City's municipal boundary and into unincorporated Bannock County. The property governed by this Agreement is described, defined, and depicted on Exhibit 1 of this Agreement. The County, by passing Resolution No. 2018-23, has declared the need for urban renewal activity in the area which extends beyond the City's municipal boundaries and into unincorporated Bannock County.

By agreeing to the administration of this property by the City Council for the limited purpose of implementing the Northgate Plan, the Board of County Commissioners agree all revenue allocation proceeds generated from such property shall be available to the Agency for all purposes authorized under the Act and the Northgate Plan. Following the establishment of the Project Area, the Agency shall administer the revenue allocation provision affecting this property as allowed under the Act and the Northgate Plan. Additionally, the Board of County Commissioners acknowledges the Northgate Plan will be reviewed by the City Planning & Zoning Commission for the Northgate Plan's conformity with the general plan for the development of the City as a whole consistent with and limited to the requirements of Idaho Code § 50-2008(b). The Board of County Commissioners defers to the City Planning & Zoning Commission's review and recommendations as required by Idaho Code § 50-2008(b) solely with regard to adopting the Northgate Plan. The City Council expressly acknowledges the parcels located within unincorporated Bannock County are subject to and shall be developed in conformity with the Bannock County Comprehensive Plans, Zoning and Development Codes as well as the Northgate Plan, recognizing the developer's intent to seek annexation of the parcels located within unincorporated Bannock County into the City prior to development, which development is intended to occur in phases over the life of the Northgate Plan and Project Area. Bannock County defers to the Agency to implement and carry out the Northgate Plan.

315- 345
The Board of County Commissioners shall approve this Agreement by the adoption of a transfer of powers ordinance and the City Council shall approve this Agreement by the adoption of a duly authorized resolution.

Upon approval and adoption of the ordinance and resolution referenced above, the City Council shall take the necessary steps through the City Clerk to transmit a copy of the County Transfer of Powers Ordinance to the County Auditor, County Assessor, the County Recorder, the other taxing districts of the revenue allocation area, and the Idaho State Tax Commission.

3. SPECIAL PROVISIONS

Public Improvements. In consideration of this Agreement, the Board of County Commissioners hereby consents to those certain public improvements identified in the Northgate Plan which may be acquired, constructed or installed on certain rights-of-way not within the City limits or rights-of-way owned in trust by the County.

4. EFFECTIVE TERM

This Agreement shall be deemed effective upon the execution of this Agreement by both the Board of County Commissioners and the City Council and shall remain in effect for the duration of the Northgate Plan. This Agreement shall be of no further force and effect as it relates to any parcel or parcels described in Exhibit 1 upon those properties or portions of those properties then being included within the municipal boundaries of the City, currently, or through the City's annexation process.

5. MODIFICATION

This Agreement may be modified or amended in writing if executed by both the Board of County Commissioners and the City Council.

6. ENTIRE AGREEMENT

Except as provided otherwise herein, this Agreement and any attachments hereto constitute the entire Agreement between the parties concerning the subject matter hereto.

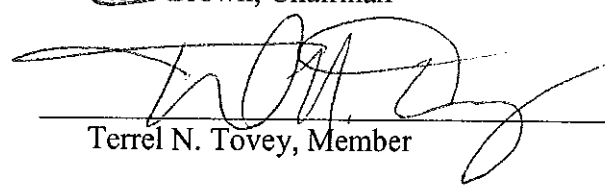
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IN WITNESS WHEREOF, the Board of County Commissioners of Bannock County, State of Idaho, and the City Council of the city of Pocatello, Idaho, have executed this Agreement by proper persons thereunto duly authorized as of the date first hereinabove written.

COUNTY:

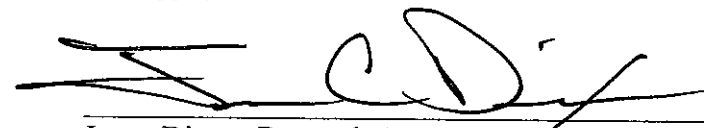
BANNOCK COUNTY BOARD OF COMMISSIONERS


Steve Brown, Chairman


Terrel N. Tovey, Member

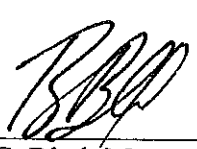

Ernie Moser, Member

ATTEST:

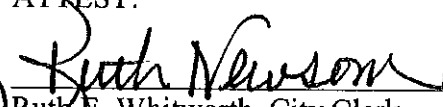

Jason Dixon, Bannock County Clerk

CITY:

CITY OF POCA TELLO, IDAHO, a municipal corporation
of Idaho

By 
Brian C. Blad, Mayor

ATTEST:

(FNA) 
Ruth E. Whitworth, City Clerk

4818-0324-4932, v. 1

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES
UNDER IDAHO CODE SECTION 50-2906(3)(b)- 6

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Bannock County

City of Chubbuck

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CITY OF CHUBBUCK, IDAHO

ORDINANCE NO. 782

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TRANSFER OF POWERS ORDINANCE:

AN ORDINANCE OF THE CITY OF CHUBBUCK, IDAHO, ADOPTING FINDINGS ON THE NECESSITY OF THE URBAN RENEWAL PLAN; PROVIDING THE CITY OF POCATELLO WITH THE RIGHT, POWER, AUTHORITY, AND OBLIGATION TO ADMINISTER THE URBAN RENEWAL AREA PURSUANT TO CHAPTERS 20 AND 29, TITLE 50, IDAHO CODE, AS AMENDED; GRANTING THE REVENUE ALLOCATION PROCEEDS DERIVED FROM THE POCATELLO REVENUE ALLOCATION AREA LYING WITHIN THE CITY LIMITS OF THE CITY OF CHUBBUCK TO THE POCATELLO URBAN RENEWAL AGENCY ALSO KNOWN AS THE POCATELLO DEVELOPMENT AUTHORITY; ADOPTING THE INTERGOVERNMENTAL AGREEMENT IMPLEMENTING THIS ORDINANCE; AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT AND SUCH OTHER AND FURTHER DOCUMENTS AS MAY BE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE.

WHEREAS, that this Ordinance is adopted to approve and confirm the duties, roles, and responsibilities of the City of Pocatello, Idaho, the Pocatello Urban Renewal Agency also known as the Pocatello Development Authority (the "Agency"), and the City of Chubbuck, Idaho (the "City") for that portion of the revenue allocation area, as defined and described in the proposed Urban Renewal Plan for the Northgate Urban Renewal Project, lying outside the corporate boundaries of the City of Pocatello as illustrated in Exhibit 1 and to transfer power as provided in Idaho Code Section 50-2906(3)(b) and the necessary declaration set forth in Idaho Code Section 50-2018(18);

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the "Report"), which examined an area of operation of the City of Pocatello, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on January 17, 2018, adopted Resolution No. 2018-1 accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the Pocatello City Council requesting its consideration for designation of an urban renewal area and requesting the Pocatello City Council to direct the Agency to prepare an urban renewal plan for the Northgate Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the Agency also authorized the transmittal of the Report to the Bannock County Board of County Commissioners for purposes of obtaining a resolution accepting the Report and determining such area outside the boundaries of the City of Pocatello to be a deteriorated area and/or a deteriorating area and appropriate for an urban renewal project;

ORDINANCE NO. 782 - 1

319 / 345
WHEREAS, the Report was submitted to the Bannock County Board of County Commissioners, and the Bannock County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Bannock County Board of County Commissioners adopted the Agency's findings concerning the proposed Northgate Area by adopting Resolution No. 2018-23 on February 13, 2018;

WHEREAS, the Pocatello City Council, by Resolution No. 2018-03, dated February 15, 2018, declared the Northgate 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, that the Bannock County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the Agency prepared the Urban Renewal Plan for the Northgate Urban Renewal Project (the "Northgate Plan") and the urban renewal area referred to as the Northgate Project Area ("Project Area" or "Revenue Allocation Area") for the area designated as eligible for urban renewal planning;

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

WHEREAS, the Agency Board on December 19, 2018, adopted Resolution No. 2018-03 proposing and recommending the Northgate Plan;

WHEREAS, the City annexed into its corporate limits a section of the Project Area, which annexation was final after December 19, 2018, but on or before December 31, 2018 (the "Chubbuck Annexation");

WHEREAS, the Agency, by letter of transmittal dated January 9, 2019, submitted the Northgate Plan to the Mayor of the City of Pocatello and the Pocatello City Council;

WHEREAS, the Mayor of the City of Pocatello and the Pocatello City Council are taking the necessary action to process the Northgate Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, as a result of the Chubbuck Annexation, Idaho Code Section 50-2906(3)(b) and Idaho Code Section 50-2018(18) contemplate an agreement between the City and the City of Pocatello, governing administration of a revenue allocation financing provision for any area extending beyond the City of Pocatello's municipal boundary but within the city limits of the City, and such agreement must be formalized by a transfer of powers ordinance adopted by the City Council;

WHEREAS, as a result of the Chubbuck Annexation, there are certain properties within the Northgate Plan and Project Area which extend beyond the City of Pocatello's municipal boundaries and into the City's municipal boundaries;

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WHEREAS, the Mayor and City Council deem it expedient and in the best interests of the City of Chubbuck to establish and enter into an Intergovernmental Agreement for Roles and Responsibilities under Idaho Code Section 50-2906(3)(b) between the City of Chubbuck and the City of Pocatello, to confirm the consent of the City of Chubbuck, under Idaho Code Section 50-2018(18), and to assure compliance with the Act and Law.

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

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

Section 2: That the City Council of the City of Chubbuck, after reviewing the Northgate Plan delivered to the City on January 23, 2019, finds: (a) the Northgate Plan and Project Area is eligible under the statutory criteria and is appropriate for an urban renewal project; and (b) the City of Pocatello has the authority to proceed with the creation of the Northgate Plan and Project Area after the adoption of this Ordinance by the City Council of the City of Chubbuck.

Section 3: That the City Council of the City of Chubbuck, after reviewing the Northgate Plan delivered to the City on January 23, 2019, supports the findings in the Northgate Plan that: (a) the adjusted base assessed values of all existing revenue allocation areas within the City of Pocatello do not exceed ten percent of the current assessed taxable value of the City of Pocatello; (b) the proposed Northgate Plan and Project Area is financially feasible given the assumptions used in the Northgate Plan; and (c) the required consents from the owners of agricultural operation lands within the Project Area have been given.

Section 4: The revenue allocation proceeds from areas lying within the boundaries of the Northgate Plan and Project Area shall be devoted to the statutory purposes as described in the Northgate Plan and as authorized by the Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code.

Section 5: That the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code §50-2906(3)(b) (the "Agreement") attached hereto as Exhibit A, is incorporated herein and made a part hereof by reference and is hereby approved and accepted.

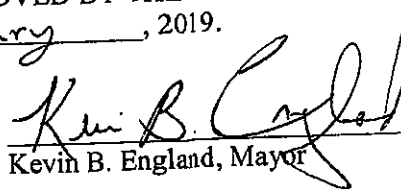
Section 6: That the Mayor is hereby authorized to sign and enter into the Agreement, and to execute any further documents necessary to carry out the intent of the City Council as expressed in this Ordinance and in the Agreement. A copy of this Ordinance and the attached Agreement shall be held on file in the office of the City Clerk.

Section 7: Repeal of Conflicting Ordinances. The provisions of any Ordinance of the City and any provision of the Municipal Code which are in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

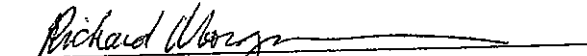
Section 8: Severability. The sections of this Ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

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Section 9: Effective Date. The rule requiring an Ordinance to be read on three separate days, one of which shall be a reading in full, is dispensed with, and this Ordinance shall become effective upon its passage, approval and publication.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF CHUBBUCK, IDAHO, this 20th day of February, 2019.


Kevin B. England, Mayor

ATTEST:


Richard Morgan, City Clerk

4812-6345-6645, v. 3

ORDINANCE NO. 782 - 4

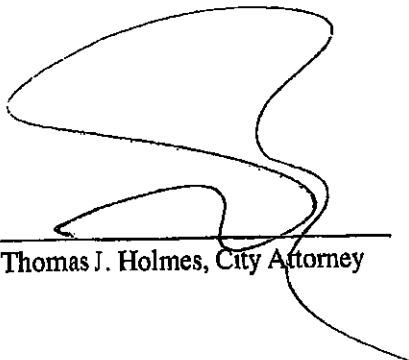
SUMMARY OF ORDINANCE NO. 782

An ordinance of the City of Chubbuck, a municipal corporation of the state of Idaho; providing for the repeal of conflicting ordinances; adopting findings on the necessity of the Urban Renewal Plan for the Northgate Urban Renewal Project; providing the City of Pocatello with the right, power, authority, and obligation to administer the Urban Renewal Area pursuant to chapters 20 and 29, Title 50, Idaho Code, as amended; granting the revenue allocation proceeds derived from the Pocatello Revenue Allocation Area lying within the city limits of the City of Chubbuck to the Pocatello Urban Renewal Agency also known as the Pocatello Development Authority; adopting the Intergovernmental Agreement implementing this ordinance and authorizing the Mayor to sign the agreement and such other and further documents as may be necessary to carry out the intent of this ordinance; providing for the severability of the provisions of this ordinance; providing when this ordinance shall be in effect.

The full text of this ordinance is available at the City Clerk's Office, Chubbuck city Office, 5160 Yellowstone, Chubbuck, ID 83202.

I have reviewed the foregoing summary and believe it provides a true and correct summary of Ordinance No. 782 and that the summary provides adequate notice to the public of the contents of this ordinance.

DATED this 21 day of February, 2019.


Thomas J. Holmes, City Attorney

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND
RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b)

This Intergovernmental Agreement is entered into this 25th day of February, 2019, by and between the City of Chubbuck, Idaho ("Chubbuck") and the City of Pocatello, Idaho ("Pocatello"), and is made for the purpose of complying with Idaho Code § 50-2906(3)(b).

RECITALS

WHEREAS, Chubbuck is a duly organized existing municipality under the laws and the Constitution of the State of Idaho;

WHEREAS, Pocatello is a duly organized existing municipality under the laws and the Constitution of the state of Idaho;

WHEREAS, the Pocatello City Council and Mayor of Pocatello respectively on or about July 14, 1988, adopted and approved a resolution creating the Urban Renewal Agency of Pocatello, Idaho, also known as the Pocatello Development Authority (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, there are currently four existing urban renewal project areas in Pocatello;

WHEREAS, based on inquiries from property owners and information presented, it became apparent that additional real property within Pocatello and Pocatello's area of operation, as defined in Idaho Code § 50-2018(18), may be deteriorating or deteriorated and should be examined as to whether the area is eligible for urban renewal planning purposes;

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

WHEREAS, during 2017, the Agency authorized Kushlan Associates to commence an eligibility study and preparation of an eligibility report of an area located east of Interstate 15 and north of Chubbuck Road, and the surrounding properties;

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the "Report"), which examined an area of operation of Pocatello, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for

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2190599C

the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on January 17, 2018, adopted Resolution No. 2018-1 accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the Pocatello City Council requesting its consideration for designation of an urban renewal area and requesting the Pocatello City Council to direct the Agency to prepare an urban renewal plan for the Northgate Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the Agency also authorized the transmittal of the Report to the Bannock County Board of County Commissioners for purposes of obtaining a resolution accepting the Report and determining such area outside the boundaries of Pocatello to be a deteriorated area and/or a deteriorating area and appropriate for an urban renewal project;

WHEREAS, the Report was submitted to the Bannock County Board of County Commissioners, and the Bannock County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Bannock County Board of County Commissioners adopted the Agency's findings concerning the proposed Northgate Area by adopting Resolution No. 2018-23 on February 13, 2018;

WHEREAS, the Pocatello City Council, by Resolution No. 2018-03, dated February 15, 2018, declared the Northgate 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, that the Bannock County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Northgate Area were obtained by the developers;

WHEREAS, the Agency and its consultants have undertaken the planning process during 2018;

WHEREAS, the Agency retained the Leland Consulting Group to perform a market analysis for the purpose of aiding in the determination of the economic feasibility of the proposed project;

WHEREAS, the Agency prepared the Urban Renewal Plan for the Northgate Urban Renewal Project (the "Northgate Plan") and the urban renewal area referred to as the Northgate

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Project Area ("Project Area" or "Revenue Allocation Area") for the area designated as eligible for urban renewal planning;

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

WHEREAS, the Agency Board on December 19, 2018, adopted Resolution No. 2018-03 proposing and recommending the Northgate Plan;

WHEREAS, Chubbuck annexed into its corporate limits a section of the Project Area, which annexation was final after December 19, 2018, but on or before December 31, 2018 (the "Chubbuck Annexation");

WHEREAS, the Agency, by letter of transmittal dated January 9, 2019, submitted the Northgate Plan to the Mayor of Pocatello and the Pocatello City Council;

WHEREAS, the Mayor of Pocatello and the Pocatello City Council are taking the necessary action to process the Northgate Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, as a result of the Chubbuck Annexation, Idaho Code Section 50-2906(3)(b) and Idaho Code Section 50-2018(18) contemplate an agreement between the Pocatello City Council and the Chubbuck City Council, governing administration of a revenue allocation financing provision for any area extending beyond Pocatello's municipal boundary but within the city limits of Chubbuck, and such agreement must be formalized by a transfer of powers ordinance adopted by the Chubbuck City Council;

WHEREAS, as a result of the Chubbuck Annexation, there are certain properties within the Northgate Plan and Project Area which extend beyond Pocatello's municipal boundaries and into Chubbuck's municipal boundaries, which properties are more particularly described and depicted on Exhibit 1 attached hereto and incorporated herein by reference;

WHEREAS, the Pocatello City Council and the Chubbuck City Council desire to enter into this Agreement to avoid any uncertainty regarding the Pocatello City Council's jurisdiction and authority to establish the Project Area and the Agency's authority to implement the Northgate Plan concerning those properties which are outside Pocatello's municipal limits and within the city limits of Chubbuck;

WHEREAS, the Pocatello City Council and Chubbuck City Council deem it in their collective best interests to enter into this Agreement covering said properties and assuring compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively;

NOW, THEREFORE, it is mutually agreed as follows:

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AGREEMENT

1. PURPOSE OF AGREEMENT

The purpose of this Agreement is to detail the duties, roles, and responsibilities to be provided by the parties with respect to compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively.

2. GENERAL PROVISIONS

The Chubbuck City Council does hereby agree that the Pocatello City Council shall have the right, power, authority, and obligation to administer the Law, Act and particularly the revenue allocation financing provisions of the Northgate Plan for that certain property which is contained within the boundaries of the revenue allocation area (as defined in the Act and the Northgate Plan) as a result of the Chubbuck Annexation, which property now extends beyond Pocatello's municipal boundary and into the city limits of Chubbuck. The property governed by this Agreement is described, defined, and depicted on Exhibit 1 of this Agreement. The Chubbuck City Council further specifically acknowledges and declares the need for urban renewal activity in the area which extends beyond Pocatello's municipal boundaries and into the city limits of Chubbuck.

By agreeing to the administration of this property by the Pocatello City Council for the limited purpose of implementing the Northgate Plan, the Chubbuck City Council agrees all revenue allocation proceeds generated from such property shall be available to the Agency for all purposes authorized under the Act and the Northgate Plan. Following the establishment of the Project Area, the Agency shall administer the revenue allocation provision affecting this property as allowed under the Act and the Northgate Plan. Additionally, the Chubbuck City Council acknowledges the Northgate Plan will be reviewed by the Pocatello Planning & Zoning Commission for the Northgate Plan's conformity with the general plan for the development of Pocatello as a whole consistent with and limited to the requirements of Idaho Code § 50-2008(b). The Chubbuck City Council defers to the Pocatello Planning & Zoning Commission's review and recommendations as required by Idaho Code § 50-2008(b) solely with regard to adopting the Northgate Plan. The Pocatello City Council expressly acknowledges the parcels located within the city limits of Chubbuck are subject to and shall be developed in conformity with the Chubbuck Comprehensive Plan, Zoning and Development Codes as well as the Northgate Plan. The Chubbuck City Council defers to the Agency to implement and carry out the Northgate Plan.

The Chubbuck City Council shall approve this Agreement by the adoption of a transfer of powers ordinance and the Pocatello City Council shall approve this Agreement by the adoption of a duly authorized resolution.

Upon approval and adoption of the resolution referenced above, the Pocatello City Council shall take the necessary steps through the Pocatello City Clerk to transmit a copy of the Chubbuck City Council Ordinance to the County Auditor, County Assessor, the County Recorder, the other taxing districts of the revenue allocation area, and the Idaho State Tax Commission.

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3. SPECIAL PROVISIONS

Public Improvements. In consideration of this Agreement, the Chubbuck City Council hereby consents to those certain public improvements identified in the Northgate Plan which may be acquired, constructed or installed on certain rights-of-way not within the Pocatello limits but on the rights-of-way owned in trust by Chubbuck.

4. EFFECTIVE TERM

This Agreement shall be deemed effective upon the execution of this Agreement by both the Chubbuck City Council and the Pocatello City Council and shall remain in effect for the duration of the Northgate Plan.

5. MODIFICATION

This Agreement may be modified or amended in writing if executed by both the Chubbuck City Council and the Pocatello City Council.

6. ENTIRE AGREEMENT

Except as provided otherwise herein, this Agreement and any attachments hereto constitute the entire Agreement between the parties concerning the subject matter hereto.

IN WITNESS WHEREOF, the City Council of the City of Chubbuck, Idaho and the City Council of the City of Pocatello, Idaho, have executed this Agreement by proper persons thereunto duly authorized as of the date first hereinabove written.

CITY:

CITY OF CHUBBUCK, IDAHO, a municipal corporation
of Idaho

By Kevin England
Kevin England, Mayor

ATTEST:

Rich Morgan
Rich Morgan, Chubbuck City Clerk

328- 345

2190599C

CITY:

CITY OF POCA TELLO, IDAHO, a municipal corporation
of Idaho

By _____

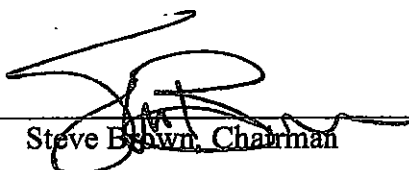
Brian C. Blad, Mayor

ATTEST:

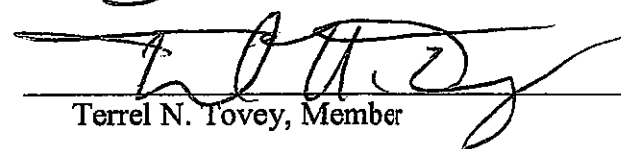
Ruth E. Whitworth, City Clerk

ACKNOWLEDGED BY:

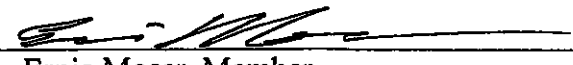
BANNOCK COUNTY BOARD OF COMMISSIONERS



Steve Brown, Chairman

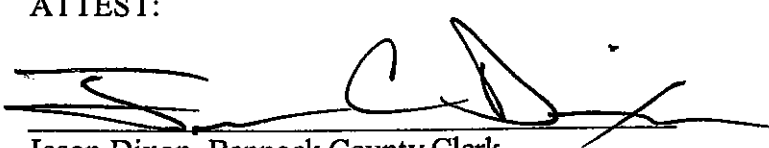


Terrel N. Tovey, Member



Ernie Moser, Member

ATTEST:

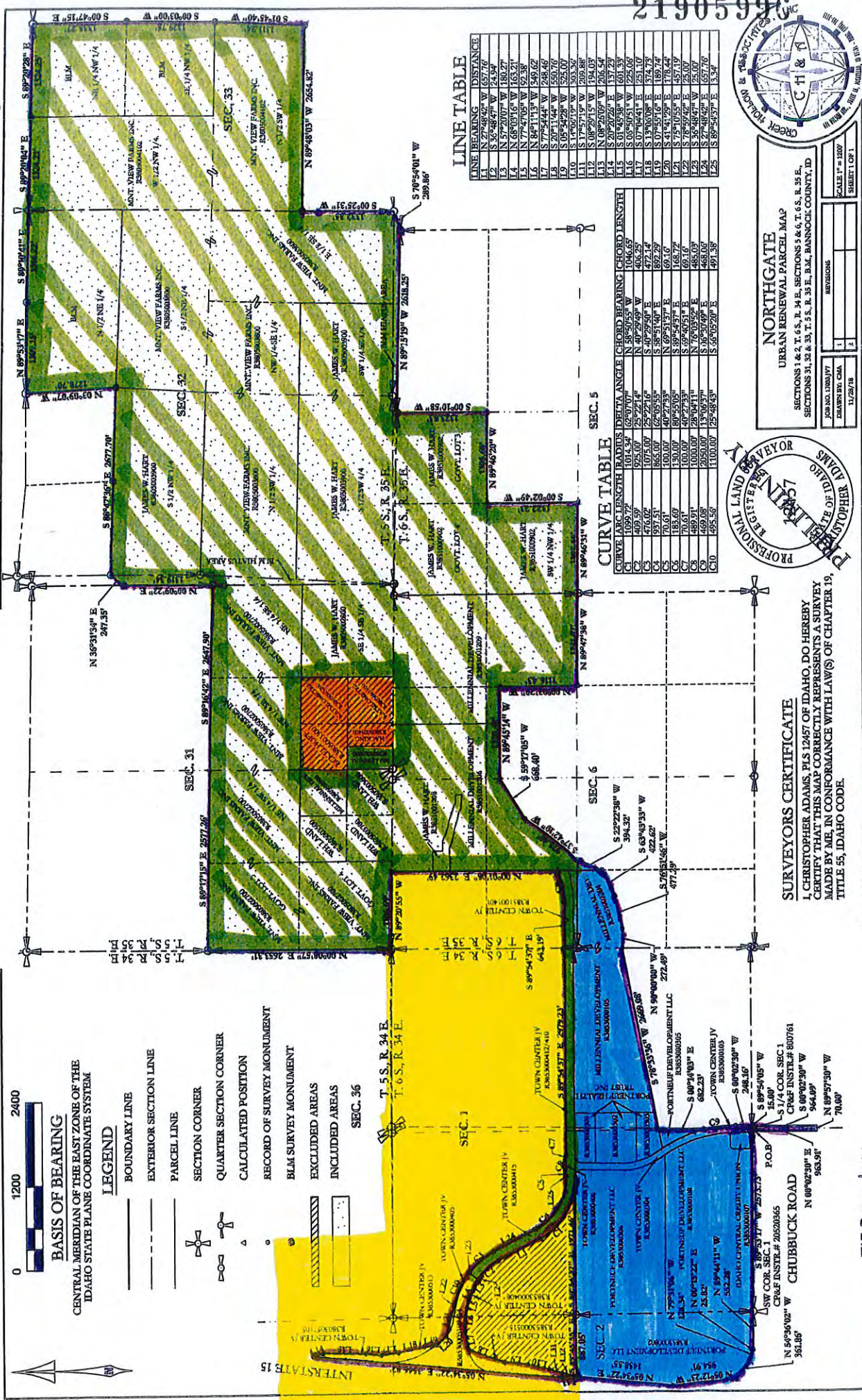


Jason Dixon, Bannock County Clerk

4824-0345-4853, v. 4

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES
UNDER IDAHO CODE SECTION 50-2906(3)(b)- 6

EXHIBIT 1



Otherwise Excluded

Bannock County

TIF Boundary

City of Chubbuck

Attachment 12

Pocatello City Council Resolution No. 2019-03 (Intergovernmental
Agreement – City of Chubbuck)

331-345

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RESOLUTION NO. 2019-03

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF POCA TELLO TO PROVIDE FOR AN INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b) BETWEEN THE CITY OF CHUBBUCK, IDAHO AND THE CITY OF POCA TELLO, IDAHO; PROVIDING FOR AREAS OUTSIDE THE CITY LIMITS TO BE INCLUDED WITHIN AN URBAN RENEWAL AREA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor (the "Mayor") and City Council (the "City Council") of the City of Pocatello (the "City") have the authority (pursuant to Idaho Code §50-302) to establish resolutions not inconsistent with the laws of the State of Idaho as may be expedient, in addition to the special powers therein granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry;

WHEREAS, the City Council and Mayor of the City respectively on or about July 14, 1988, adopted and approved a resolution creating the Urban Renewal Agency of Pocatello, Idaho, also known as the Pocatello Development Authority (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, there are currently four existing urban renewal project areas in the City;

WHEREAS, based on inquiries from property owners and information presented, it became apparent that additional real property within the City and the City's area of operation may be deteriorating or deteriorated and should be examined as to whether the area is eligible for urban renewal planning purposes;

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

WHEREAS, during 2017, the Agency authorized Kushlan Associates to commence an eligibility study and preparation of an eligibility report of an area located east of Interstate 15 and north of Chubbuck Road, and the surrounding properties;

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the "Report"), which examined an area of operation of the City, in an area known as the Northgate Area, which area also included real property located within unincorporated Bannock County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on January 17, 2018, adopted Resolution No. 2018-1 accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the City

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21905996

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 Northgate Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the Agency also authorized the transmittal of the Report to the Bannock County Board of County Commissioners for purposes of obtaining a resolution accepting the Report and determining such area outside the boundaries of the City to be a deteriorated area and/or a deteriorating area and appropriate for an urban renewal project;

WHEREAS, the Report was submitted to the Bannock County Board of County Commissioners, and the Bannock County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Bannock County Board of County Commissioners adopted the Agency's findings concerning the proposed Northgate Area by adopting Resolution No. 2018-23 on February 13, 2018;

WHEREAS, the City Council, by Resolution No. 2018-03, dated February 15, 2018, declared the Northgate 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, that the Bannock County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Northgate Area were obtained by the developers;

WHEREAS, the Agency and its consultants have undertaken the planning process during 2018;

WHEREAS, the Agency prepared the Urban Renewal Plan for the Northgate Urban Renewal Project (the "Northgate Plan") and the urban renewal area referred to as the Northgate Project Area ("Project Area" or "Revenue Allocation Area") for the area designated as eligible for urban renewal planning;

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

WHEREAS, the Agency Board on December 19, 2018, adopted Resolution No. 2018-03 proposing and recommending the Northgate Plan;

333-345
WHEREAS, the City of Chubbuck annexed into its corporate limits a section of the Project Area, which annexation was final after December 19, 2018, but on or before December 31, 2018 (the "Chubbuck Annexation");

WHEREAS, the Agency, by letter of transmittal dated January 9, 2019, submitted the Northgate Plan to the Mayor and the City Clerk;

WHEREAS, the Mayor and the City Clerk are taking the necessary action to process the Northgate Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, as a result of the Chubbuck Annexation, prior to the date of the public hearing on the Northgate Plan, Idaho Code Section 50-2906(3)(b) and Idaho Code Section 50-2018(18) contemplate an agreement between the City Council and the Chubbuck City Council, governing administration of a revenue allocation financing provision for any area extending beyond the City's municipal boundary but within the city limits of the City of Chubbuck, and such agreement must be formalized by a transfer of powers ordinance adopted by the Chubbuck City Council;

WHEREAS, as a result of the Chubbuck Annexation, there are certain properties within the Northgate Plan and Project Area which extend beyond the City's municipal boundaries and into the City of Chubbuck's municipal boundaries;

WHEREAS, the Chubbuck City Council adopted Ordinance No. 782, the Transfer of Powers Ordinance, on February 20, 2019, which Ordinance authorized the Mayor to sign and enter into the Intergovernmental Agreement for Roles and Responsibilities under Idaho Code Section 50-2906(3)(b) between the City of Chubbuck and the City;

WHEREAS, the Mayor and City Council deem it expedient and in the best interests of the City of Pocatello to establish and enter into an Intergovernmental Agreement for Roles and Responsibilities under Idaho Code Section 50-2906(3)(b) between the City of Chubbuck and the City of Pocatello, to confirm the consent of the City of Chubbuck, under Idaho Code Section 50-2018(18), and to assure compliance with the Act and Law.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF POCA TELLO, IDAHO, AS FOLLOWS:

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

Section 2: That the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code §50-2906(3)(b) attached hereto as Exhibit A, is incorporated herein and made a part hereof by reference, and is hereby approved and accepted.

Section 3: That the Mayor is hereby authorized to sign and enter into the Agreement. A copy of this Resolution and the attached Agreement shall be held on file in the office of the City Clerk.

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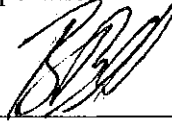
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Section 4: That this Resolution shall be in full force and effect immediately upon its adoption and approval.

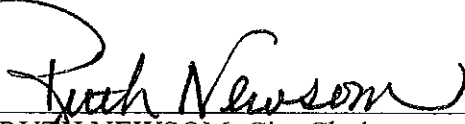
RESOLVED this 2nd day of May, 2019.

CITY OF POCA TELLO, a municipal
corporation of Idaho



BRIAN C. BLAD, Mayor

ATTEST:



RUTH NEWSOM, City Clerk

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND
RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b)

This Intergovernmental Agreement is entered into this ^{2nd} ~~20th~~ day of ^{May} ~~February~~, 2019,
by and between the City of Chubbuck, Idaho ("Chubbuck") and the City of Pocatello, Idaho
("Pocatello"), and is made for the purpose of complying with Idaho Code § 50-2906(3)(b).

RECITALS

WHEREAS, Chubbuck is a duly organized existing municipality under the laws and the
Constitution of the State of Idaho;

WHEREAS, Pocatello is a duly organized existing municipality under the laws and the
Constitution of the state of Idaho;

WHEREAS, the Pocatello City Council and Mayor of Pocatello respectively on or about
July 14, 1988, adopted and approved a resolution creating the Urban Renewal Agency of
Pocatello, Idaho, also known as the Pocatello Development Authority (the "Agency"),
authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal
Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the
Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter
the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, there are currently four existing urban renewal project areas in Pocatello;

WHEREAS, based on inquiries from property owners and information presented, it
became apparent that additional real property within Pocatello and Pocatello's area of operation,
as defined in Idaho Code § 50-2018(18), may be deteriorating or deteriorated and should be
examined as to whether the area is eligible for urban renewal planning purposes;

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

WHEREAS, during 2017, the Agency authorized Kushlan Associates to commence an
eligibility study and preparation of an eligibility report of an area located east of Interstate 15 and
north of Chubbuck Road, and the surrounding properties;

WHEREAS, the Agency obtained an eligibility report, dated January 2018 (the
"Report"), which examined an area of operation of Pocatello, in an area known as the Northgate
Area, which area also included real property located within unincorporated Bannock County, for

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the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on January 17, 2018, adopted Resolution No. 2018-1 accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the Pocatello City Council requesting its consideration for designation of an urban renewal area and requesting the Pocatello City Council to direct the Agency to prepare an urban renewal plan for the Northgate Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the Agency also authorized the transmittal of the Report to the Bannock County Board of County Commissioners for purposes of obtaining a resolution accepting the Report and determining such area outside the boundaries of Pocatello to be a deteriorated area and/or a deteriorating area and appropriate for an urban renewal project;

WHEREAS, the Report was submitted to the Bannock County Board of County Commissioners, and the Bannock County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Northgate Area;

WHEREAS, the Bannock County Board of County Commissioners adopted the Agency's findings concerning the proposed Northgate Area by adopting Resolution No. 2018-23 on February 13, 2018;

WHEREAS, the Pocatello City Council, by Resolution No. 2018-03, dated February 15, 2018, declared the Northgate 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, that the Bannock County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Northgate Area were obtained by the developers;

WHEREAS, the Agency and its consultants have undertaken the planning process during 2018;

WHEREAS, the Agency retained the Leland Consulting Group to perform a market analysis for the purpose of aiding in the determination of the economic feasibility of the proposed project;

WHEREAS, the Agency prepared the Urban Renewal Plan for the Northgate Urban Renewal Project (the "Northgate Plan") and the urban renewal area referred to as the Northgate

Project Area ("Project Area" or "Revenue Allocation Area") for the area designated as eligible for urban renewal planning;

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

WHEREAS, the Agency Board on December 19, 2018, adopted Resolution No. 2018-03 proposing and recommending the Northgate Plan;

WHEREAS, Chubbuck annexed into its corporate limits a section of the Project Area, which annexation was final after December 19, 2018, but on or before December 31, 2018 (the "Chubbuck Annexation");

WHEREAS, the Agency, by letter of transmittal dated January 9, 2019, submitted the Northgate Plan to the Mayor of Pocatello and the Pocatello City Council;

WHEREAS, the Mayor of Pocatello and the Pocatello City Council are taking the necessary action to process the Northgate Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, as a result of the Chubbuck Annexation, Idaho Code Section 50-2906(3)(b) and Idaho Code Section 50-2018(18) contemplate an agreement between the Pocatello City Council and the Chubbuck City Council, governing administration of a revenue allocation financing provision for any area extending beyond Pocatello's municipal boundary but within the city limits of Chubbuck, and such agreement must be formalized by a transfer of powers ordinance adopted by the Chubbuck City Council;

WHEREAS, as a result of the Chubbuck Annexation, there are certain properties within the Northgate Plan and Project Area which extend beyond Pocatello's municipal boundaries and into Chubbuck's municipal boundaries, which properties are more particularly described and depicted on Exhibit 1 attached hereto and incorporated herein by reference;

WHEREAS, the Pocatello City Council and the Chubbuck City Council desire to enter into this Agreement to avoid any uncertainty regarding the Pocatello City Council's jurisdiction and authority to establish the Project Area and the Agency's authority to implement the Northgate Plan concerning those properties which are outside Pocatello's municipal limits and within the city limits of Chubbuck;

WHEREAS, the Pocatello City Council and Chubbuck City Council deem it in their collective best interests to enter into this Agreement covering said properties and assuring compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively;

NOW, THEREFORE, it is mutually agreed as follows:

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AGREEMENT

1. PURPOSE OF AGREEMENT

The purpose of this Agreement is to detail the duties, roles, and responsibilities to be provided by the parties with respect to compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively.

2. GENERAL PROVISIONS

The Chubbuck City Council does hereby agree that the Pocatello City Council shall have the right, power, authority, and obligation to administer the Law, Act and particularly the revenue allocation financing provisions of the Northgate Plan for that certain property which is contained within the boundaries of the revenue allocation area (as defined in the Act and the Northgate Plan) as a result of the Chubbuck Annexation, which property now extends beyond Pocatello's municipal boundary and into the city limits of Chubbuck. The property governed by this Agreement is described, defined, and depicted on Exhibit 1 of this Agreement. The Chubbuck City Council further specifically acknowledges and declares the need for urban renewal activity in the area which extends beyond Pocatello's municipal boundaries and into the city limits of Chubbuck.

By agreeing to the administration of this property by the Pocatello City Council for the limited purpose of implementing the Northgate Plan, the Chubbuck City Council agrees all revenue allocation proceeds generated from such property shall be available to the Agency for all purposes authorized under the Act and the Northgate Plan. Following the establishment of the Project Area, the Agency shall administer the revenue allocation provision affecting this property as allowed under the Act and the Northgate Plan. Additionally, the Chubbuck City Council acknowledges the Northgate Plan will be reviewed by the Pocatello Planning & Zoning Commission for the Northgate Plan's conformity with the general plan for the development of Pocatello as a whole consistent with and limited to the requirements of Idaho Code § 50-2008(b). The Chubbuck City Council defers to the Pocatello Planning & Zoning Commission's review and recommendations as required by Idaho Code § 50-2008(b) solely with regard to adopting the Northgate Plan. The Pocatello City Council expressly acknowledges the parcels located within the city limits of Chubbuck are subject to and shall be developed in conformity with the Chubbuck Comprehensive Plan, Zoning and Development Codes as well as the Northgate Plan. The Chubbuck City Council defers to the Agency to implement and carry out the Northgate Plan.

The Chubbuck City Council shall approve this Agreement by the adoption of a transfer of powers ordinance and the Pocatello City Council shall approve this Agreement by the adoption of a duly authorized resolution.

Upon approval and adoption of the resolution referenced above, the Pocatello City Council shall take the necessary steps through the Pocatello City Clerk to transmit a copy of the Chubbuck City Council Ordinance to the County Auditor, County Assessor, the County Recorder, the other taxing districts of the revenue allocation area, and the Idaho State Tax Commission.

3. SPECIAL PROVISIONS

Public Improvements. In consideration of this Agreement, the Chubbuck City Council hereby consents to those certain public improvements identified in the Northgate Plan which may be acquired, constructed or installed on certain rights-of-way not within the Pocatello limits but on the rights-of-way owned in trust by Chubbuck.

4. EFFECTIVE TERM

This Agreement shall be deemed effective upon the execution of this Agreement by both the Chubbuck City Council and the Pocatello City Council and shall remain in effect for the duration of the Northgate Plan.

5. MODIFICATION

This Agreement may be modified or amended in writing if executed by both the Chubbuck City Council and the Pocatello City Council.

6. ENTIRE AGREEMENT

Except as provided otherwise herein, this Agreement and any attachments hereto constitute the entire Agreement between the parties concerning the subject matter hereto.

IN WITNESS WHEREOF, the City Council of the City of Chubbuck, Idaho and the City Council of the City of Pocatello, Idaho, have executed this Agreement by proper persons thereunto duly authorized as of the date first hereinabove written.

CITY:

CITY OF CHUBBUCK, IDAHO, a municipal corporation of Idaho

By Kevin England
Kevin England, Mayor

ATTEST:

Rich Morgan
Rich Morgan, Chubbuck City Clerk

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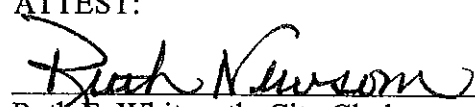
CITY:

CITY OF POCA TELLO, IDAHO, a municipal corporation
of Idaho

By

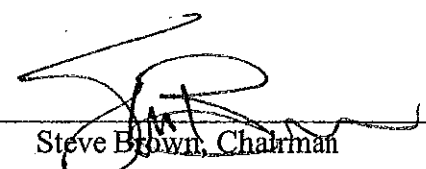

Brian C. Blad, Mayor

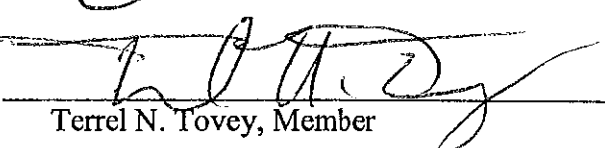
ATTEST:

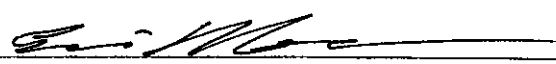

~~FNA~~ Ruth E. Whitworth, City Clerk

ACKNOWLEDGED BY:

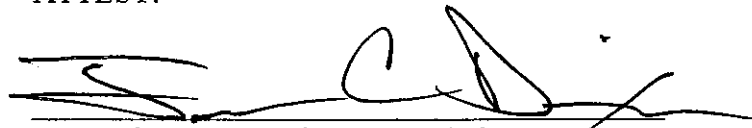
BANNOCK COUNTY BOARD OF COMMISSIONERS


Steve Brown, Chairman


Terrel N. Tovey, Member


Ernie Moser, Member

ATTEST:

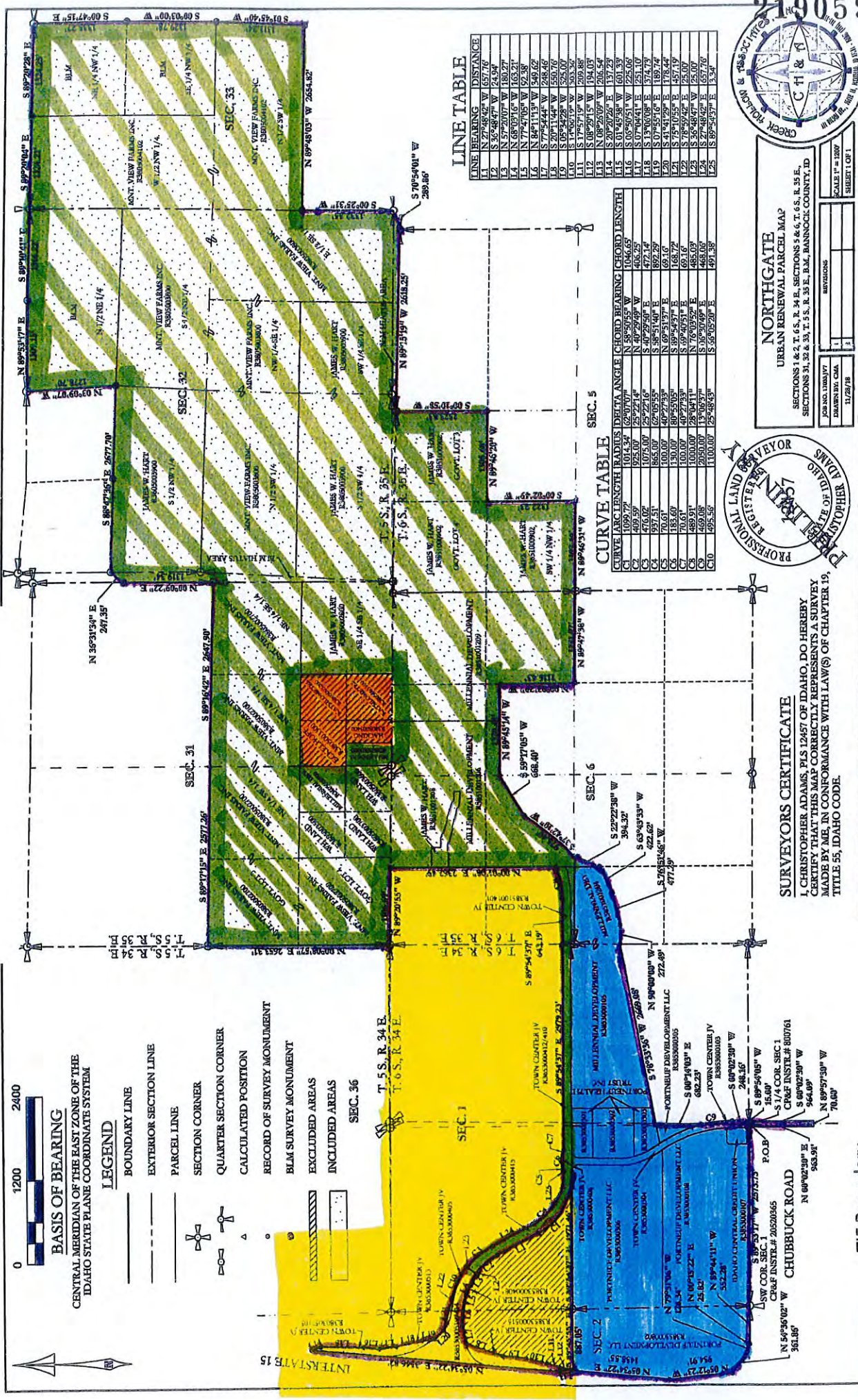

Jason Dixon, Bannock County Clerk

4824-0345-4853, v. 4

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES
UNDER IDAHO CODE SECTION 50-2906(3)(b)- 6

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EXHIBIT 1



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Exhibit 7

LEGAL DESCRIPTION AND MAP

A parcel of land located in and a portion of Sections 1 & 2, Township 6 South, Range 34 East, and a portion of Sections 5 & 6, Township 6 South, Range 35 East, and a portion of Sections 31, 32, & 33, Township 5 South, Range 35 East, and a portion of Section 35, Township 5 South, Range 34 East of the Boise Meridian, Bannock County, Idaho, with a Basis of Bearings per City of Pocatello Datum based on the Central Meridian of the East Zone of the Idaho State Plane Coordinate System, more particularly described as follows:

Commencing at the South Quarter Corner of said Section 1, Township 6 South, Range 34 East, being marked by a 3 inch brass cap in Survey Vault per Corner Perpetuation and Filing, Instrument No. 800761, thence along the Southerly line of said Section 1, South 89°53'17" West 35.00 feet to the **Point of Beginning**; thence continuing along the Southerly line of said Section 1, South 89°53'17" West 2573.73 feet to the Southwest Corner of said Section 1, monumented with a 2 inch aluminum cap per Corner Perpetuation and Filing, Instrument No. 20520365; thence along the Southerly line of said Section 2, North 89°44'11" West 552.28 feet to the Easterly Right-of-Way line of Interstate 15 (Federal Aid Projects Nos. I-152(1)71 and I-152(3)71); thence along said Easterly Right-of-Way line the following five (5) courses: (1) North 00°15'22" East 25.82 feet; (2) thence North 79°51'06" West 128.34 feet; (3) thence North 54°36'02" West 361.86 feet; (4) thence North 05°12'23" West 954.91 feet; (5) thence North 05°34'22" East 1458.55 feet to the Latitudinal Centerline of Section 2; thence along said Latitudinal Centerline, South 89°45'55" East 887.05 feet to the West Quarter Corner of Section 1, monumented with a 1 inch Iron Rod, Instrument No. 20520359; thence along the Latitudinal Centerline of Section 1, South 89°54'37" East 1971.46 feet to a point of non-tangency of a 1014.34 foot radius curve concave to the Northeast of which radius bears North 00°05'32" East; thence Northwesterly 1099.72 feet along said 1014.34 foot radius curve to the right through a central angle of 62°07'07" and a long chord that bears North 58°50'55" West 1046.65 feet; thence North 27°48'42" West 657.76 feet to point of tangency of a 925.00 foot radius curve concave to the Southwest of which radius bears South 62°11'18" West; thence Northwesterly 409.59 feet along said 925.00 foot radius curve to the left through a central angle of 25°22'14" and a long chord that bears North 40°29'49" West 406.25 feet; thence South 36°48'47" West 24.94 feet; thence North 57°20'07" West 180.27 feet; thence North 68°03'16" West 163.21 feet; thence North 77°47'05" West 92.38 feet; thence North 84°11'13" West 349.62 feet, crossing into said Section 2; thence South 77°54'44" West 248.46 feet; thence South 20°11'44" West 550.76 feet; thence South 05°34'28" West 325.00 feet; thence South 14°06'19" West 303.36 feet; thence South 17°57'19" West 209.88 feet; thence South 08°29'15" West 194.03 feet, marked by a concrete monument with a 3 inch brass cap at station 191+00; thence along said East line, North 08°26'09" West 206.54 feet marked by a concrete monument with a 3 inch brass cap at station 193+00; thence continuing along said East line, North 05°34'22" East 3546.82 feet, crossing into said Section 35, Township 5 South, Range 34 East, marked by a concrete monument with a 3 inch brass cap at station 228+47.7; thence South 20°20'26" East 137.23 feet; thence South 01°45'38" West 601.33 feet; thence South 06°50'51" West 225.06 feet; thence South 07°04'41" East 251.10 feet, crossing into said Section 2, Township 6 South, Range 34 East; thence South 13°06'08" East 374.73 feet; thence South 07°55'16" East

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189.74 feet; thence South $41^{\circ}41'29''$ East 178.44 feet; thence South $75^{\circ}10'55''$ East 457.19 feet, crossing into said Section 1; thence South $78^{\circ}59'42''$ East 25.00 feet to a point of tangency of a 1100.00 foot radius curve concave to the Southwest of which radius bears South $11^{\circ}00'18''$ West; thence Southeasterly 495.56 feet along said 1100.00 foot radius curve to the right through a central angle of $25^{\circ}48'43''$ and a long chord that bears South $66^{\circ}05'20''$ East 491.38 feet; thence South $36^{\circ}48'47''$ West 25.00 feet to a point of non-tangency of a 1075.00 foot radius curve concave to the Southwest of which radius bears South $36^{\circ}49'02''$ West; thence Southeasterly 476.02 feet along said 1075.00 foot radius curve to the right through a central angle of $25^{\circ}22'16''$ and a long chord that bears South $40^{\circ}29'49''$ East 472.14 feet; thence South $27^{\circ}48'42''$ East 657.76 feet to point of tangency of a 865.00 foot radius curve concave to the Northeast of which radius bears North $62^{\circ}11'18''$ East; thence Southeasterly 937.51 feet along said 865.00 foot radius curve to the left through a central angle of $62^{\circ}05'55''$ and a long chord that bears South $58^{\circ}51'40''$ East 892.29 feet; South $89^{\circ}54'37''$ East 3.34 feet to the point of tangency of a 100.00 foot radius curve concave to the Northwest of which radius bears North $00^{\circ}05'23''$ East; thence Northeasterly 70.61 feet along said 100.00 foot radius curve to the left through a central angle of $40^{\circ}27'33''$ and a long chord that bears North $69^{\circ}51'37''$ East 69.16 feet to the point of reverse curvature of a 130.00 foot radius curve concave to the South of which radius bears South $40^{\circ}22'10''$ East; thence Southeasterly 183.60 feet along said 130.00 foot radius curve to the right through a central angle of $80^{\circ}55'05''$ and a long chord that bears South $89^{\circ}54'37''$ East 168.72 feet to a point of reverse curvature of a 100.00 foot radius curve concave to the Northeast of which radius bears North $40^{\circ}32'56''$ East; thence Southeasterly 70.61 feet along said 100.00 foot radius curve to the left through a central angle of $40^{\circ}27'33''$ and a long chord that bears South $69^{\circ}40'51''$ East 69.16 feet; thence South $89^{\circ}54'37''$ East 2979.23 feet to the East line of Section 1 of Township 6 South, Range 34 East; thence crossing into Section 6, Township 6 South, Range 35 East and continuing South $89^{\circ}54'37''$ East 643.19 feet to the point of tangency of a 1000.00 foot radius curve concave to the Northwest of which radius bears North $00^{\circ}05'57''$ East; thence Northeasterly 489.91 feet along said 1000.00 foot radius curve to the left through a central angle of $28^{\circ}04'11''$ and a long chord that bears North $76^{\circ}03'52''$ East 485.02 feet; thence along the West line of the Southeast Quarter of the Northwest Quarter and Government Lot 3 of said Section 6, North $00^{\circ}01'08''$ East 2362.49 feet to Northwest corner of said Government Lot 3 on the North line of said Section 6; thence along said North line, North $89^{\circ}20'55''$ West 1106.69 feet to the Northwest corner of said Section 6; thence crossing into Section 31, Township 5 South, Range 35 East along the West line of said Section 31, North $00^{\circ}08'57''$ East 2653.31 feet to the West Quarter corner of said Section 31; thence along the Latitudinal line of said Section 31, South $89^{\circ}17'15''$ East 2577.26 feet; thence continuing along said Latitudinal line, South $89^{\circ}16'42''$ East 2647.90 feet to the East Quarter corner of said Section 31; thence along the East line of said Section 31, North $00^{\circ}09'22''$ East 1319.34 feet; thence across a Bureau of Land Management area of Hiatus, North $36^{\circ}31'34''$ East 247.35 feet; thence along the North line of the South Half of the Northwest Quarter of Section 32, South $88^{\circ}47'36''$ East 2677.70 feet; thence along the West line of the North Half of the Northeast Quarter, North $03^{\circ}09'07''$ West 1278.70 feet to the North Quarter corner of said Section 32; thence along the North line of said Section 32, North $89^{\circ}53'17''$ East 1309.15 feet; thence continuing along said North line, South $89^{\circ}10'41''$ East 1316.22 feet to the Northeast Quarter corner of said Section 32; thence along the North line of Section 33, South $89^{\circ}20'04''$ East 1324.21 feet; thence continuing along said North line, South $89^{\circ}20'28''$ East 1324.25 feet to the North Quarter corner of said Section 33; thence along the Meridional Centerline of said Section 33, South $00^{\circ}47'15''$ East 1335.27 feet; thence continuing along said Meridional Centerline, South $00^{\circ}03'00''$ West

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1329.78 feet; thence continuing along said Meridional Centerline, South 01°45'40" West 1311.24 feet; thence along the South line of the North Half of the Southwest Quarter of said Section 33, North 89°48'03" West 2654.82 feet to the East line of Section 32; thence along the East line of said Section 32, South 00°25'31" West 1332.35 feet; thence across a Bureau of Land Management area of Hiatus, South 70°54'01" West 289.86 feet to the Northeast corner of Section 5, Township 6 South, Range 35 East; thence along the North line of said Section 5, North 89°15'19" West 2618.25 feet to the North Quarter corner of said Section 5; thence along the Meridional Centerline and East line of Government Lot 3 of said Section 5, South 00°10'58" West 1323.83 feet; thence along the South line of said Government Lot 3, North 89°46'20" West 1305.68 feet; thence along the East line of the Southwest Quarter of the Northwest Quarter, South 00°02'49" West 1322.23 feet; thence along the Latitudinal Centerline of said Section 5, North 89°46'31" West 1302.55 feet to the West Quarter corner of said Section 5; thence crossing into Section 6 and along the South line of the Southeast Quarter of the Northeast Quarter of said Section 6, North 89°47'38" West 1321.07 feet to the Southwest corner of said Southeast Quarter of the Northeast Quarter; thence along the West line of said Southeast Quarter of the Northeast Quarter, North 00°03'29" West 1116.43 feet; thence along a line parallel with the South line of Government Lot 2, North 89°45'14" West 1320.48 feet; thence South 59°17'05" West 668.40 feet; thence South 37°42'10" West 975.40 feet to the South line of the Southeast Quarter of the Northwest Quarter; thence South 22°22'38" West 394.32 feet to the Southeast corner of Deed Instrument No. 21715050; thence along the Southerly line of the parcel of land described in Warranty Deed, Instrument No. 21715050 the following four (4) courses; (1) thence South 63°43'33" West 422.62 feet; (2) thence South 76°51'46" West 477.29 feet; (3) thence North 90°00'00" West 272.49 feet to said Easterly line of Section 1, Township 6 South, Range 34 East; (4) thence South 78°33'36" West 2669.08 feet to said Meridional Centerline of Section 1; thence along said Meridional Centerline, South 00°14'03" East 682.23 feet to a point of non-tangency of a 2050.00 foot radius curve concave to the Southwest of which radius bears South 76°55'53" West; thence along the Easterly line of the parcel of land described in Warranty Deed, Instrument No. 21715051, Exhibit C, thence Southeasterly 469.08 feet along said 2050.00 foot radius curve to the right through a central angle of 13°06'37" and a long chord that bears South 06°30'49" East 468.06 feet; thence South 00°02'30" West 248.16 feet; thence along the South line of Section 1, South 89°54'05" West 15.00 feet; thence along the Easterly Right-of-Way line of Olympus Road, South 00°02'30" West 964.09 feet; thence North 89°57'30" West 70.00 feet to the Westerly Right-of-Way line of said Olympus Road; thence along said Westerly Right-of-Way line, North 00°02'30" East 963.91 feet to the **Point of Beginning**.

Excepting therefrom the following parcels:

Parcel No. R3805003100

A parcel of land located in Section 31, Township 5 South, Range 35 East, Boise Meridian, Bannock County, Idaho described as the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of said Section 31, as described in Warranty Deed, Instrument No. 21103625.

Parcel No. R3805003200

A parcel of land located in Section 31, Township 5 South, Range 35 East, Boise Meridian, Bannock County, Idaho described as the Northeast Quarter of the Southwest Quarter of the

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Southeast Quarter of said Section 31, as described in Warranty Deed, Instrument No. 21705063.

Parcel No. R3805003300

A parcel of land located in Section 31, Township 5 South, Range 35 East, Boise Meridian, Bannock County, Idaho described as the Northwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 31, as described in Warranty Deed, Instrument No. 20914144.

Parcel No. R3805003400

A parcel of land located in Section 31, Township 5 South, Range 35 East, Boise Meridian, Bannock County, Idaho described as the East Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 31, as described in Warranty Deed, Instrument No. 685120.

The Project Area is also depicted in the map below.

