

10/16/13

AGENDA ITEM SUMMARY

DATE: ~~10-7-2013~~ DEPARTMENT: CDD DEPT. HEAD SIGNATURE: MA

SUBJECT: Consideration and adoption of the Urban Renewal Plan for the Gateway District Urban Renewal Project and proceed with the first reading of Ordinance 1138 identifying the Gateway District as an Urban Renewal District, thereby establishing a baseline property value for creating of the district and directing the URA Chair to proceed with implementing the plan accordingly.

AUTHORITY: Idaho Code 50-29 City Ordinance/Code (IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Background and Summary

Nearly four years and thousands of hours of work and have gone into presenting the Urban Renewal Plan for the Gateway District Urban Renewal Project to the Hailey City Council for adoption. Beginning in 2010 with the formation of the Hailey Urban Renewal Agency, the HURA Board and staff have worked to define a revenue allocation area that will benefit the citizens of Hailey and improve the quality of life for years. While the main focus of the urban renewal project is on redeveloping River Street, the Urban Renewal Plan for the Gateway District Urban Renewal Project gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement throughout the District. These improvements include street, water, and sewer improvements along with public art, public plazas, and general public improvements. The Plan shows significant consideration for the health, safety, and welfare of all residents and businesses in the general vicinity of the urban renewal area and in the surrounding community. The total project costs for the Gateway District are projected to be \$8,072,020. The total Tax Increment Financing revenue generated from the project is projected to be \$8,680,451.00.

Planning and Zoning Commission Recommendation from September 9, 2013 Meeting

On September 9, 2013, the Planning and Zoning Commission considered the Urban Renewal Plan for the Gateway District Urban Renewal Project to determine whether the Plan is in conformity with the Comprehensive Plan of the City of Hailey. The Commission, having been presented with all information and testimony in favor and in opposition to the proposal, voted unanimously (4-0) to recommend adoption of the Plan to the City Council. The Commission approved and signed Findings of Fact and Conclusions of Law stating the reasons for their recommendation and the Plan's general compliance with the Comprehensive Plan.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

None

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Benefits Committee |
| <input checked="" type="checkbox"/> City Attorney | <input checked="" type="checkbox"/> Mayor | <input checked="" type="checkbox"/> Streets |
| <input checked="" type="checkbox"/> City Clerk | <input checked="" type="checkbox"/> Planning | <input type="checkbox"/> Treasurer |
| <input checked="" type="checkbox"/> Building | <input type="checkbox"/> Police | <input checked="" type="checkbox"/> Sustainability |
| <input checked="" type="checkbox"/> Engineer | <input checked="" type="checkbox"/> Public Works, | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Fire Dept. | Parks | <input type="checkbox"/> _____ |
| | <input checked="" type="checkbox"/> P & Z Commission | |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discuss the recommendation from the Planning and Zoning Commission and consider the ordinance for approval, denial, or continuation. If the Council votes to approve the ordinance, please consider conducting the first two readings at the October 7 meeting. All three readings must be complete by October 21.

ACTION OF THE CITY COUNCIL:

Date: 10/7 - 1st Reading
City Clerk 10/9 - 2nd Reading

10/15 - 3rd Reading & Summary

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record *Additional/Exceptional Originals to:

Copies (all info.): _____

Copies (AIS only)

Instrument # _____

ORDINANCE NO. 1138

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE GATEWAY DISTRICT URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; PROVIDING FINDINGS; ALLOWING FOR TECHNICAL CORRECTIONS; LIMITING CHALLENGES AFTER THIRTY DAYS FOLLOWING THE EFFECTIVE DATE OF THIS ORDINANCE; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS; AUTHORIZING CITY COUNCIL MEMBERS TO SIT ON THE HAILEY URBAN RENEWAL AREA BOARD; PROHIBITING THE HAILEY CITY COUNCIL FROM ACTING AS HAILEY URBAN RENEWAL AREA BOARD; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR A SAVINGS CLAUSE.

WHEREAS, the Legislature of the State of Idaho enacted a law known as the Idaho Urban Renewal Law (Idaho Code Title 50, Chapter 20) (the "Law") and among other things, the Law created in each municipality of the State of Idaho an independent public body, corporate and politic, to be known as the Urban Renewal Agency, and the Law provides that such agency shall not transact any business or exercise its powers, and no municipality shall exercise the authority conferred by the Law, until or unless the City Council has adopted a resolution wherein certain findings are made;

WHEREAS, the Legislature of the State of Idaho enacted a law known as the Idaho Economic Development Act, as amended (Title 50, Chapter 29) (the "Act"), which allows adoption of a revenue allocation financing provision as part of an urban renewal plan;

WHEREAS, Hailey Resolution No. 2010-02 found that one or more deteriorated or deteriorating areas as defined in the Law exist in the City of Hailey, Idaho; that the rehabilitation, conservation, redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City of Hailey, Idaho; and that there is a need for an urban renewal agency to function in the City of Hailey, Idaho;

WHEREAS, Hailey Resolution No. 2010-02 authorized the Mayor, with the advice and consent of the Hailey City Council ("City Council"), to appoint a Board of Commissioners of the Hailey Urban Renewal Agency, in the method and manner as provided in the Law;

WHEREAS, Hailey Ordinance No. 1081, adopted April 11, 2011, amends Hailey Municipal Code by adding a new Chapter 2.40, entitled Hailey Urban Renewal Agency, and, among other things, established a three to nine member board of commissioners for the Hailey Urban Renewal Agency ("Agency");

AGENDA ITEM SUMMARY

DATE: 10/15/2013

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Summary of Hailey Ordinance No. 1138 (Hailey Urban Renewal Agency)

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a summary of Hailey Ordinance No. 1138 which, among other things, adopted the Urban Renewal Plan.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	_____
___ Safety Committee	___ P & Z Commission	___ Police	_____
___ Streets	___ Public Works, Parks	___ Mayor	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Make a motion to approve the summary of Hailey Ordinance No. 1138.

FOLLOW-UP REMARKS:

SUMMARY OF HAILEY ORDINANCE NO. 1138

The following is a summary of the principal provisions of Ordinance No. 1138 of the City of Hailey, Idaho, duly passed and adopted October 15, 2013, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE GATEWAY DISTRICT URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; PROVIDING FINDINGS; ALLOWING FOR TECHNICAL CORRECTIONS; LIMITING CHALLENGES AFTER THIRTY DAYS FOLLOWING THE EFFECTIVE DATE OF THIS ORDINANCE; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS; AUTHORIZING CITY COUNCIL MEMBERS TO SIT ON THE HAILEY URBAN RENEWAL AREA BOARD; PROHIBITING THE HAILEY CITY COUNCIL FROM ACTING AS HAILEY URBAN RENEWAL AREA BOARD; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR A SAVINGS CLAUSE.

The following is a summary of the principal provisions of Hailey Ordinance No. 1138:

The Introductory portion of Ordinance No. 1138 recites much of the history involving the Hailey Urban Renewal Agency ("Agency") and attaches the Urban Renewal Plan for the Gateway District Urban Renewal Project ("Plan") as Exhibit 1, the Findings and Recommendations of the Hailey Planning and Zoning Commission as Exhibit 2 and a notice of hearing published in the Idaho Mountain Express as Exhibit 3.

Section 1 makes findings that a) the Project Area as defined in the Plan is a deteriorated or a deteriorating area and qualifies as an eligible urban renewal area under the law, b) the rehabilitation, conservation, and redevelopment of the urban renewal area pursuant to the Plan are necessary in the interests of public health, safety, and welfare of the residents of the City of Hailey, c) there continues to be a need for the Agency to function in the City of Hailey, d) the Plan conforms to the Comprehensive Plan for the City of Hailey, e) the Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement, 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 Plan, f) the Plan affords maximum opportunity consistent with the sound needs of the City of Hailey as a whole for the rehabilitation and redevelopment of the Project Area by private enterprises, g) the Plan provides a feasible method for relocation of any displaced families residing within the Project Area, the proposed Revenue Allocation Area within the Plan does not exceed ten percent (10%) of the assessed value of the City of Hailey, i) the Plan includes the requirements set out in Idaho Code § 50-2905, and j) the 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.

Section 2 makes findings the City Council finds that the Project Area and Revenue Allocation Area do not consist of predominantly open land, that the Agency does not intend to acquire any open land on any widespread basis, and that the Project Area is planned to be redeveloped in a manner that will include nonresidential uses.

Section 3 makes findings the City Council finds that the Plan meets the sound needs of the City of Hailey and will provide opportunities in an area that does not now contain such opportunities, and nonresidential uses are necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan for the City of Hailey, as amended, to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City of Hailey.

Section 4 approves of the Plan allowing the City Council, the City Clerk and/or the Agency to make certain technical corrections or revisions.

Section 5 allows a direct or collateral action challenging the Plan if 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 Plan.

Section 6 authorizes the City Clerk to transmit to the County Auditor and Tax Assessor of Blaine County and to the appropriate officials of Blaine County Board of County Commissioners, City of Hailey, Blaine County School District No. 61, Blaine County Ambulance District, Cemetery District, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map or plat indicating the boundaries of the Revenue Allocation Area.

Section 7 makes findings that the Revenue Allocation Area as defined in the Plan (defined as the Project Area in the Plan), the equalized assessed valuation of which the Council hereby determines is in and is part of the Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

Section 8 approves of the appointment of City Council members as members of the Agency's Board of Commissioners under certain conditions.

Section 9 limits the City Council from exercising its power under Idaho Code § 50-2006 to designate itself as the Agency Board so long as any Agency bonds, notes or other obligations are outstanding.

Section 10 provides for an effective date of the ordinance upon passage, approval and publication and also provides that the revenue allocation financing provision in the Plan is retroactive to January 1, 2013 as permitted by law.

Section 11 provides for a severability clause.

Section 12 provides for a repealer clause.

Section 13 provides for a savings clause.

The full text of Ordinance No. 1138 is available at Hailey City Hall at 115 South Main Street, Suite H, Hailey, Idaho 83333 and will be provided to any citizen upon request during regular business hours.

CERTIFICATION OF CITY ATTORNEY

I, the undersigned Attorney at Law, as attorney for the City of Hailey, Idaho, hereby certify that I have read the foregoing summary of Ordinance No. 1138 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1138, and that in my opinion, the above summary is true and complete and provides adequate notice to the public of the contents of Ordinance No. 1138.

Dated this 15th day of October, 2013.

Ned Williamson, Hailey City Attorney

Publish: Idaho Mountain Express, October __, 2013.

