

RESOLUTION NO. 06-URA5

A RESOLUTION OF THE KETCHUM URBAN RENEWAL AGENCY, ADOPTING THE KETCHUM URBAN RENEWAL PLAN AND SUBMITTING IT TO THE CITY OF KETCHUM FOR REVIEW, RECOMMENDATION AND APPROVAL IN ACCORDANCE WITH IDAHO CODE SECTIONS 50-2001 *ET SEQ.* AND IDAHO CODE SECTIONS 50-2901 *ET SEQ.*

WHEREAS, the Tom Hudson Company recommended as part of the Framework that it is in the best interests of the public health, safety, morals and welfare of the residents of and visitors to the City of Ketchum to create an urban renewal agency; and

WHEREAS, pursuant to Resolution No. 06-022, the City Council expressed its support for the formation of an urban renewal agency; and

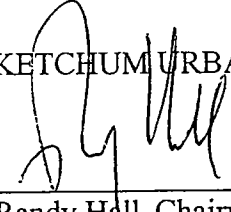
WHEREAS, an urban renewal plan has been created and reviewed by the Attorney for the Ketchum Urban Renewal Agency and such plan meets all requirements of Idaho Code § 50-2001 *et seq.* and § 50-2901 *et seq.*; and

WHEREAS, the Ketchum Urban Renewal Agency has reviewed and approved the Ketchum Urban Renewal Plan.

NOW, THEREFORE, BE IT RESOLVED by the Chairman and Commissioners of the Ketchum Urban Renewal Agency that the Ketchum Urban Renewal Plan is hereby adopted shall be submitted to the City of Ketchum for review, recommendation and approval in accordance with Idaho Code Sections 50-2001 *et seq.* and Idaho Code Sections 50-2901 *et seq.*

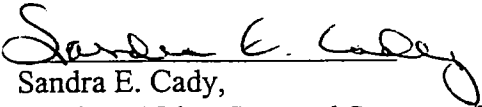
This Resolution will be in full force and effect upon its adoption this 16th day of October, 2006.

KETCHUM URBAN RENEWAL AGENCY



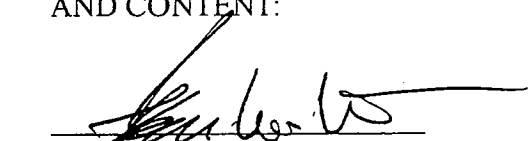
Randy Hall, Chairman

ATTEST:



Sandra E. Cady,
Ketchum Urban Renewal Secretary/Treasurer

APPROVED AS TO FORM
AND CONTENT:



Benjamin W. Worst,
Attorney for Ketchum Urban Renewal Agency

URBAN RENEWAL PLAN
KETCHUM URBAN RENEWAL PROJECT
KETCHUM URBAN RENEWAL AGENCY
CITY OF KETCHUM, IDAHO

Ordinance No. ____
Adopted _____, 2006
Effective _____, 2006

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ATTACHMENTS

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Attachment 6	City Council Resolution No. 06-034 Determining the Ketchum Area to Be a Deteriorated Area, Approved April 3, 2006

Attachment 7

Planning and Zoning Agency Resolution Recommending that the Ketchum Renewal Plan Conforms to the Comprehensive Plan for the City of Ketchum, Approved _____, Resolution No. _____

Attachment 8

City Council Ordinance No. _____ approving the Ketchum Urban Renewal Plan and Authorizing the City Clerk to transmit a copy of the Ordinance and other required information to County and State Officials, Approved _____, 2006 Date of Publication, _____, 2006

EXECUTIVE SUMMARY OF THE KETCHUM URBAN RENEWAL PLAN

Introduction

The Ketchum Urban Renewal Plan (the "Plan") is a legal document providing the Ketchum Urban Renewal Agency (the "Agency") with the powers, duties, and obligations to implement a program of redevelopment and revitalization within the Revenue Allocation Area as identified on the map as depicted on Attachment 2 to the Plan.

The Revenue Allocation Area qualifies as a deteriorating area under the Urban Renewal Law as identified by City Council Resolution No. 06-034 passed on April 3, 2006. A copy of that resolution is included as Attachment 6.

Plan Activities and Private Development

The program outlined in the Plan emphasizes the installation of needed public improvements, including without limitation, affordable workforce housing, parking structures, a town plaza and streetscape improvements to encourage private development.

Financing

Agency financing of the activities referenced above will come from a combination of annual revenue allocation funds, bond proceeds and other sources. Debt service for any Agency borrowing will be paid by annual revenue allocations.

Increases in assessed valuation of real and personal property in the Revenue Allocation Area that occur after January 1, 2006, the date of the base assessment roll, will generate revenue for the Agency to pay its project costs. Those project costs include the Agency's planning costs, appraisals, legal fees, administration, financing public improvements, and contingencies. The current (2005) assessed valuation of real and personal property on the base assessment roll (net of the homeowner's exemption, if any), estimated to be \$2,724,000,000, is still available for use by the other taxing districts. The Plan authorizes the Agency to obtain various funding sources, including developer loans or other funding mechanisms to be repaid by revenue allocation proceeds. When the Agency project activities are completed and any bonds and loans are repaid, the increases in assessed value of real and personal property in the area become available for use by the other taxing entities.

It is anticipated that revenue allocation proceeds will be needed for a period between twenty (20) to twenty-four (24) years or such longer period as required to pay project costs, subject to applicable state and federal laws.

Development Agreements

The Plan provides for agreements with developers either through an owner participation agreement or disposition and development agreement. Under such agreements, the developer will be contractually committed to its scope and conditions of development in exchange for the Agency's assistance with site and other costs. Under such agreements, the developer will be required to commit to a specific schedule of performance. Other than temporary improvements, any new development or renovation of existing structures will be required to continue through an estimated useful life of at least 20 years. The duration of the Plan is set forth as 24 years. Design considerations and land use enforcement shall be governed by

the City of Ketchum zoning and building codes as they currently exist and as they may be amended from time to time.

URBAN RENEWAL PLAN FOR THE
REVENUE ALLOCATION AREA OF
THE KETCHUM URBAN RENEWAL AGENCY

SECTION 100 INTRODUCTION

This is the Urban Renewal Plan (the "Plan") for the Ketchum Urban Renewal Area Projects within the City of Ketchum, Idaho (the "City"), and consists of the text contained herein, information necessary to satisfy the requirements of Idaho Code Sections 50-2001 *et seq.* and 50-2901 *et seq.* generally and Idaho Code Sections 50-2008 and 50-2905 specifically, a revenue allocation financing provision, attachments 1 through 8 which are attached hereto and are all hereby incorporated herein by reference as an integral part of this Agreement, a description of the Revenue Allocation Area Boundaries (Attachment 1), the map of the Revenue Allocation Area (Attachment 2), the Map Depicting Expected Land Uses and Current Zoning within Revenue Allocation Area and (Attachment 3), the Introduction to (Attachment 4), the Public Improvements Within the Revenue Allocation Area (Attachment 4.1), the Economic Feasibility Study (Attachment 4.2), the Detailed List of Estimated Project Costs (Attachment 4.3), the Fiscal Impact Analysis within the Revenue Allocation Area (Attachment 4.4), the Methods of Financing all Estimated Projects (Attachment 4.5), the Termination Dates (Attachment 4.6) and the Disposition or Retention of Assets (Attachment 4.7).

The term "Plan" is used herein to describe the overall activities defined in this Plan and conforms to the several definitions of urban renewal plan found in the Idaho Code. Reference is specifically made to Idaho Code Sections 50-2008, 50-2009, 50-2018(j), 50-2903(12) and 50-2905 for the various activities contemplated by the term "Plan." Such activities include both private and public development of property within the Revenue Allocation Area.

The term "Project" is used herein to describe the overall activities defined in this Plan and conforms with the statutory definitions of urban renewal project. Reference is specifically made to Idaho Code Section 50-2018 for the various activities contemplated by the term "Project." Such activities include both private and public development of property within the Revenue Allocation Area including without limitation the projects described in Attachment No. 4, those portions of the City of Ketchum Capital Improvements Plan as it presently exists and as it may be amended from time to time which are consistent with the provisions and intent of this Plan, and any other projects consistent with the provisions and intent of this Plan. The projects listed above and as they are more specifically detailed in this Plan and the Attachments hereto are collectively described as the "Projects".

This Plan was prepared for the Agency and reviewed and recommended by the Agency, pursuant to the State of Idaho Urban Renewal Law (Chapter 20, Title 50, Idaho Code), (the "Law"), the Local Economic Development Act (Chapter 29, Title 50, Idaho Code), (the "Act"), the Idaho Constitution, and all applicable local laws and ordinances. All development and Projects described in this Plan conform to the Ketchum Comprehensive Plan, the Ketchum Capital Improvements Plan and the Downtown Ketchum Master Plan, all of which are hereby incorporated herein by this reference as they presently exist and as they may be amended from time to time.

This Plan provides the Agency with powers, duties and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation and revitalization of the Revenue Allocation Area. The Agency retains all powers allowed by law except that the power of eminent domain granted in Idaho Code Section 50-2007(c), shall not be used except as authorized by the City Council of the City of Ketchum, Idaho and as further expressly limited by applicable state and federal law. Because of the long-term nature of this Plan, and the need to retain in the Agency flexibility

to respond to market and economic conditions, property owner and developer interests and opportunities from time to time presented for redevelopment, this Plan does not present all of the elements of a precise plan or establish all of the specific projects for the redevelopment, rehabilitation and revitalization of the Revenue Allocation Area, nor does this Plan present all of the specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the Revenue Allocation Area. Instead, this Plan presents a process and a basic framework within which specific plans will be further developed and presented, specific projects will be further developed and established and specific solutions will be proposed and by which tools are provided to the Agency to fashion, develop and proceed with such specific plans, projects and solutions.

The purpose of the Urban Renewal Law will be attained through the implementation of the Plan. The master goals of this Plan are:

The elimination of environmental deficiencies in the Revenue Allocation Area, including, among others, obsolete and aged building types, substandard streets or rights-of-way, and inadequate and deteriorated public improvements and facilities.

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

The revitalization, redesign and development of undeveloped areas which are stagnant or improperly utilized especially through the creation of affordable workforce housing, a central town plaza and parking lots and structures.

The strengthening of the economic base of the Revenue Allocation Area and the community by the installation of needed site improvements and public facilities to stimulate new commercial expansion, employment and economic growth especially through the creation of affordable workforce housing.

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

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

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

The opportunity of providing affordable housing within the Revenue Allocation Area.

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

The Agency shall undertake the Projects in furtherance of said goals in order to eliminate deteriorated or deteriorating areas, to eliminate the development or spread of slums and blight and for purposes of rehabilitation and conservation in the Revenue Allocation Area. Said objectives are consistent with Section 50-2903(11) of the Act.

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

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

This Plan and the Attachments hereto contain planning information that generally identifies the various activities of the Agency and that identifies certain specific Projects. Because of the changing nature of the Projects, this Plan and the Attachments hereto, by necessity, must be dynamic and flexible. The Agency anticipates that the information contained herein will be updated as conditions change and as the quality of information available to the Agency improves. Any such updates shall not be deemed to be modifications or amendments to this Plan, including without limitation, modifications as referenced in Idaho Code Section 50-2903(4). The Attachments are purposely flexible and, although incorporated in this Plan, are severable here from. In the event of any conflict between this Plan and any of the Attachments hereto, the terms and conditions of this Plan shall control.

SECTION 100.1 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. As a public body, the Agency is governed by all of the statutory provisions of the Idaho Code applicable to public entities, including, but not limited to, the Idaho Open Meeting Law.

Generally, 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. Whenever in this Plan it is stated that the Agency may update certain information, policy statements or contents of this Plan not requiring a formal amendment to the Plan as required by the Law or the Act, it shall be deemed to mean a consideration by the Board of such policy or procedure, duly noticed upon the Agency meeting agenda and considered by the Agency at an open public meeting and adopted by a majority of the members present, constituting a quorum, unless any provision herein provides otherwise.

SECTION 101 Provisions Necessary to Meet State and Local Requirements

SECTION 101.1 Conformance With State of Idaho Urban Renewal Law of 1965, as Amended

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

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

SECTION 200 DESCRIPTION OF REVENUE ALLOCATION AREA

The boundaries of the Revenue Allocation Area are described in Attachment 1, which is attached hereto and incorporated herein by reference, and are shown on the "Revenue Allocation Area Boundary Map", attached hereto as Attachment 2 and incorporated herein by reference.

SECTION 300 PROPOSED REDEVELOPMENT ACTIONS

SECTION 301 General

The Agency proposes to eliminate and prevent the spread of blight and deterioration in the Revenue Allocation Area by:

- a. The provision for participation by property owners within the Revenue Allocation Area;
- b. The installation, construction, or reconstruction of streets, utilities, and other public improvements and the operation and management of such facilities in conformance with the Law and Act;
- c. The assembly of adequate sites for the development and construction of commercial, light manufacturing, or residential facilities;
- d. The acquisition of certain real property
- e. The demolition or removal of certain buildings and improvements;
- f. The management of any property acquired by and under the ownership and control of the Agency;
- 9. The provision for relocation assistance to displaced Project occupants, as required by law;
- h. The disposition of property for uses in accordance with this Plan;
- i. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan; and
- ii. To the extent allowed by law, the lending or investing of funds from any source to facilitate redevelopment.

In the accomplishment of these purposes and activities and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by law. The Agency hereby determines that all of the foregoing activities are necessary to effectively carry out the objectives of this Plan in the Revenue Allocation Area.

SECTION 302 Urban Renewal Plan Objectives

Urban Renewal action is necessary in the Revenue Allocation Area to combat problems of deterioration and economic underdevelopment. The area has a history of a lack of affordable housing, underdevelopment, inadequate parking, inadequate way finding, a dangerous pedestrian environment, economic underdevelopment and other deteriorating factors.

Hence, the Urban Renewal Plan for the Revenue Allocation Area is a proposal for public improvements and facilities necessary to provide affordable workforce housing, parking and parking structures, street and sidewalk improvements, an improved environment for economic development including a central town plaza, the elimination of unsanitary and unsafe conditions, potential owner and private-party developers to assemble appropriate development sites where necessary through acquisition, demolition and disposition activities, and prevention of the extension of blight and deterioration and reversal of the deteriorating-action of the area.

SECTION 303 Participation Opportunities and Agreement

SECTION 303.1 Participation Agreements

The Agency may enter into an owner participation agreement with any existing or future owner of property in the Revenue Allocation Area, in the event the property owner seeks and/or receives assistance from the Agency in the redevelopment of the property.

Each structure and building in the Revenue Allocation Area to be rehabilitated or new projects 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 following standards:

- a. Executed owner participation agreement to meet conditions described below.
- b. Any such property within the Revenue Allocation Area shall be required to conform to all applicable provisions, requirements, and regulations of this Plan. Upon completion of any rehabilitation or new development, 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 which will continue throughout an estimated useful life for a minimum of twenty (20) years.
- c. All such buildings or portions of buildings which are to remain within the Revenue Allocation Area shall be rehabilitated in conformity with all applicable codes and ordinances of the City of Ketchum.
- d. Any new construction shall also conform to all applicable provisions, requirements, and regulations of this Plan.
- e. Any new construction shall also conform to all applicable codes and ordinances of the City of Ketchum as they now exist and as they may be amended from time to time.

In such 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 Revenue Allocation 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 Agency is hereby empowered to pursue all legal and equitable remedies available to it to enforce the terms and conditions of such participation agreements including, without limitation, specific performance.

SECTION 304 Cooperation with Public Bodies

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of the Projects. 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 may impose on all public bodies the planning and design controls contained in this Plan to insure that present uses and any future development by public bodies will conform to the requirements of this Plan. The Agency is authorized to assist any public entity in paying the costs of the acquisition, maintenance and development of land, buildings, facilities, structures, or other improvements within the Revenue Allocation Area.

The Agency specifically intends to cooperate to the extent allowable by law with the City of Ketchum in the acquisition of property and the construction of public improvements.

SECTION 305 Property Acquisition

SECTION 305.1 Real Property

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

The Agency is authorized by this Plan to acquire properties. Agency acquisition of any real property shall be accomplished only if such acquisition shall be consistent with the provisions and intent of this Plan. Such acquisition of properties shall not constitute plan amendments or modifications, including without limitation, modifications pursuant to Idaho Code Section 50-2903(4).

It is in the public interest and is 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 subject to applicable state and federal law by the Agency to acquire real property in the Revenue Allocation Area which cannot be acquired by gift, devise, exchange, purchase, or any other lawful method.

SECTION 305.2 Personal Property

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, and where allowed by law the Agency is authorized to acquire personal property in the Revenue Allocation Area by any lawful means, including eminent domain subject to applicable state and federal law.

SECTION 306 Property Management

During such time such property, if any, in the Revenue Allocation 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.

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

The Agency does not intend to displace people or businesses through its actions. In the event that the Agency's actions cause such displacement, the Agency shall comply with all state and federal laws, rules and regulations governing the relocation of people and businesses. The Agency may also undertake relocation activities for those not entitled to benefit under such state or federal law as the Agency may deem appropriate for which funds are available. In the event the Agency's activities directly result in the displacement of families within the area, the Agency shall provide reasonable relocation assistance to such displaced families.

SECTION 308 Demolition, Clearance, and Building Site Preparation

SECTION 308.1 Demolition and Clearance

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

SECTION 308.2 Preparation of Building Sites

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

SECTION 309 Property Disposition and Development

SECTION 309.1 Real Property Disposition and Development

SECTION 309.1 (a) General

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

All purchasers or lessees of property acquired from the Agency shall be obligated to use the property for the purposes designated in the subject deed, lease or other agreements and documents, , and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

SECTION 309.1 (b) Disposition and Development Documents

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

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

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

All property in the Revenue Allocation Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, religion, sex, age, handicap, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Revenue Allocation 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 Revenue Allocation Area shall contain such nondiscrimination and non-segregation clauses as required by law. The Developers (including owner/participants) will be required by the contractual agreement to observe the Land Use and Building Requirements provision of this Plan and to submit a Redevelopment Schedule satisfactory to the Agency. Schedule revisions will be made only at the option of the Ketchum Urban Renewal Agency.

In addition, the following requirements and obligations shall be included in the agreement:

That the Developers, their successors and assigns agree:

- (1) That a plan and time schedule for the proposed development shall be submitted to the Agency.
- (2) 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.
- (3) That the building of improvements will be commenced and completed as jointly scheduled and determined by the Agency and the Developer(s).
- (4) That there will be no discrimination against any person or group of persons because of handicap, age, race, sex, creed, color, national origin or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises or any improvements erected or to be erected thereon, therein conveyed nor will the Developer himself or any person claiming under or through him establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of tenants, lessees, sublessees, or vendees in the premises or any improvements therein conveyed. The above provision will be perpetual and will be appended to the land disposed of within the Revenue Allocation Area by the Agency.

- (5) That the site and construction plans will be submitted to the Agency for review as to conformity with the provisions and purposes of this Urban Renewal Plan.
- (6) That at the discretion of the Agency a bond or other surety will be provided acceptable to the Agency to ensure performance under the contract of the sale.
- (7) That rehabilitation of any existing structure, other than temporary structures, 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.
- (8) All such buildings or portions of the buildings which are to remain within the Revenue Allocation Area shall be reconstructed in conformity with all applicable codes and ordinances of the City of Ketchum as they presently exist and as the same may be modified from time to time.
- (9) All new construction of a permanent nature shall have a minimum estimated life of no less than twenty (20) years. This restriction shall not apply to new construction of a temporary or interim nature.
- (10) All disposition and development documents and owner participation agreements shall be governed by the provisions of this Plan.

SECTION 309.1 (c) Development by the Agency

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

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

In addition to the public improvements authorized under Idaho Code Section 50-2007, the Agency is authorized to install and construct, or to cause to be installed and constructed, within the Revenue Allocation Area for itself or for any public body or entity, or to purchase, or to pay for, public improvements and public facilities, including, but not limited to, the following: (1) affordable workforce housing; (2) parking facilities and structures; (3) a central town plaza; (4) landscaped areas; (5) street improvements; (6) sanitary sewers; (7) flood control facilities and storm drains; (8) water mains; (9) utilities; (10) pedestrian paths and malls; (11) signals and signage; (12) sidewalks; (13) alleys; (14) public transit conveyances and facilities; (15) geothermal; (16) wi-fi and other communications infrastructure; (17) bicycle facilities; (18) public art; (19) street maintenance equipment; (20) snow removal equipment; and (21) restoration and preservation of historical artifacts and properties.

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

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

SECTION 309.1 (d) Development Plans

All development plans (whether public or private) prepared, pursuant to disposition and development or owner participation agreements, shall be submitted to the Agency for approval and architectural review through the City Building Department. All development in the Revenue Allocation Area must conform to those standards specified in Section 404, infra.

SECTION 310 PERSONAL PROPERTY DISPOSITION

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

SECTION 311 REHABILITATION AND CONSERVATION

The Agency is authorized to rehabilitate, renovate, and conserve, or to cause to be rehabilitated, renovated, and conserved, any building or structure in the Revenue Allocation Area owned by the Agency for preparation of redevelopment and disposition. The Agency is also authorized and directed to advise, encourage, and assist in the rehabilitation and conservation of property in the Revenue Allocation Area not owned by the Agency.

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

SECTION 312 PARTICIPATION WITH PRIVATE OR PUBLIC DEVELOPMENT

Under the Idaho Urban Renewal Law, the Agency has the authority to lend or invest funds obtained from the state or federal government or any other source for the purposes of the Urban Renewal law if allowable under applicable laws or regulations.

Under those regulations the agency may participate with the private sector in the development and financing of those private projects which will attain the objectives of the Agency or this Plan.

The Agency may, therefore, use any such funds for the provision of assistance to private, for-profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms of support, for any other activity necessary or appropriate to carry out an economic development project.

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

The Agency may enter into contracts, leases, and agreements with the City of Ketchum, or any other public body or private entity, pursuant to this section, and the obligation of the Agency under such

contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code Section 50-2909 which may be made payable out of the taxes levied in the Revenue Allocation Area and allocated to the Agency under subdivision (2)(b) of Section 50-2908 of the Act and Section 504 of this Plan or out of any other available funds.

SECTION 400 USES PERMITTED IN THE REVENUE ALLOCATION AREA

SECTION 401 Redevelopment Plan Map and Development Strategy

The Description of the Revenue Allocation Area and the Revenue Allocation Area Boundary Map, attached hereto as Attachments 1 and 2 and incorporated by reference, describe the location of the Revenue Allocation Area Boundaries. The proposed land uses to be permitted in the Revenue Allocation Area for all land -public and private - shall be any use allowed under the applicable City of Ketchum Subdivision and Zoning Ordinances as they currently exist and as the same may be amended from time to time.

SECTION 402 Designated Land Uses

SECTION 402.1 Commercial Uses

The areas designated in Attachment 4 for area business and central district business uses shall be used for the commercial uses set forth and described in the Ketchum City Zoning Ordinance as it presently exists and as it may be amended from time to time.

SECTION 402.2 Residential Uses

The areas designated in Attachment 4 for residential uses shall be used for the residential uses set forth and described in the Ketchum City Zoning Ordinance as it presently exists and as it may be amended from time to time.

SECTION 403 Other Land Uses

SECTION 403.1 Public Rights-of-Way

In addition to the anticipated improvements by the Agency in the public rights-of-way as discussed in this Plan, the public rights-of-way are used to link the various Projects within the Revenue Allocation Area to each other.

Additional public streets, alleys, and easements may be created in the Revenue Allocation Area as need for proper development. Existing streets, alleys and easements may be abandoned, closed, expanded or modified as necessary for proper development of the Project, in conjunction with any applicable policies and standards of the City of Ketchum regarding changes to dedicated rights-of-way.

SECTION 403.2 Other Public, Semi-Public, Institutional, and Nonprofit Uses

The Agency is also authorized to permit the maintenance, establishment or enlargement of public, semi-public, institutional, or nonprofit uses. All such uses shall, to the extent possible, conform to the provisions of this Plan applicable to the uses in the specific area involved. The Agency may impose such other reasonable requirements and/or restrictions as may be necessary to protect the development and use of the Revenue Allocation Area.

SECTION 403.3 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 Revenue Allocation Area for interim uses that are not in conformity with the uses permitted in this Plan. However, any interim use must comply with applicable Ketchum City Code as it presently exists and as it may be amended from time to time.

SECTION 404 General Controls and Limitations

All real property in the Revenue Allocation Area, under the provisions of either a disposition and development agreement or 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.

SECTION 404.1 Construction

All construction in the Revenue Allocation Area shall comply with all applicable state and local laws and codes in effect presently and as the same may be amended from time to time. In addition to applicable codes, ordinances, or other requirements governing development in the Revenue Allocation Area, additional specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Revenue Allocation Area in the event of a disposition and development agreement or owner participation agreement.

SECTION 404.2 Rehabilitation and Retention of Properties

Any existing structure within the Revenue Allocation Area, subject to either a disposition and development agreement or owner participation agreement, approved by the Agency for retention and rehabilitation, shall be repaired, altered, reconstructed, or rehabilitated in such a manner that it will be safe and sound in all physical respects and be attractive in appearance and not detrimental to the surrounding uses.

SECTION 404.3 Limitation on Type, Size, Height of Building

The type, size and height of buildings shall be as limited by applicable federal, state and local statutes, ordinances, and regulations.

SECTION 404.4 Open Spaces, Landscaping, Light, Air and Privacy

The issues of open space, landscaping, light, air and privacy shall be governed by applicable federal, state and local ordinances.

SECTION 404.5 Signs

All signs shall conform to City sign ordinances as they now exist or are hereafter amended.

SECTION 404.6 Utilities

The Agency shall require that all utilities be placed underground whenever physically and economically feasible.

SECTION 404.7 Incompatible Uses

No use or structure which would be incompatible with the surrounding areas or structures because such use or structure would constitute a common law nuisance shall be permitted in any part of the Revenue Allocation Area.

SECTION 404.8 Non-discrimination and Non-segregation

There shall be no discrimination or segregation based upon race, color, creed, religion, sex, marital status, national origin, handicap, or ancestry permitted in the sale, lease sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Revenue Allocation Area.

SECTION 404.9 Subdivision of Parcels

Any parcel in the Revenue Allocation Area shall be subdivided only in compliance with the City Subdivision Ordinance as it presently exists and as it may be amended from time to time.

SECTION 404.10 Minor Variations

Under exceptional circumstances, the Agency is authorized to permit a variation from the limits, restrictions, and controls established by this Plan. In order to permit such variation, the Agency must determine that:

- a. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Plan;
- b. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls;
- c. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and
- d. Permitting a variation will not be contrary to the objectives of this Plan.

In permitting any such variation, the Agency shall impose such conditions as are necessary to protect this public peace, health, safety, or welfare and to assure compliance with the purposes of this Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under City codes and ordinances.

SECTION 404.11 Off-Street Loading

Any development and improvements shall provide for off-street loading as required by the City ordinances as they now exist or are hereafter amended.

SECTION 404.12 Off-Street Parking

All new construction in the area shall provide off-street parking as required by the City ordinances as they now exist or are hereafter amended.

SECTION 405 Design for Development

