

CITY OF MERIDIAN

RESOLUTION NO. 21-2289

BY THE CITY COUNCIL:

**BERNT, BORTON, CAVENER,
HOAGLUN, PERREAULT, STRADER**

A RESOLUTION BY THE MAYOR AND THE COUNCIL OF THE CITY OF MERIDIAN, IDAHO, ACCEPTING THAT CERTAIN REPORT ON ELIGIBILITY FOR THE LINDER DISTRICT AREA AS AN URBAN RENEWAL AREA AND REVENUE ALLOCATION AREA AND JUSTIFICATION FOR DESIGNATING THE AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; DETERMINING THE AREA IDENTIFIED IN THE REPORT AND WITHIN THE CITY OR WITHIN THE CITY'S AREA OF OPERATION, TO BE A DETERIORATED AREA OR A DETERIORATING AREA, OR A COMBINATION THEREOF, AS DEFINED BY IDAHO CODE SECTIONS 50-2018(9) AND 50-2903(8); DIRECTING THE URBAN RENEWAL AGENCY OF MERIDIAN, IDAHO, ALSO KNOWN AS THE MERIDIAN DEVELOPMENT CORPORATION, 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 Meridian, Idaho (the "City"), found that deteriorating areas exist in the City, therefore, for the purposes of the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (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 Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act") upon making the findings of necessity required for creating the Urban Renewal Agency of the city of Meridian, Idaho, also known as the Meridian Development Corporation ("MDC");

WHEREAS, the Mayor has duly appointed the Board of Commissioners of MDC (the "MDC Board"), which appointment was confirmed by the City Council;

WHEREAS, on October 8, 2002, the City Council, after notice duly published, conducted a public hearing on the Meridian Revitalization Plan Urban Renewal Project, which is also referred to as the Downtown District (the "Downtown District Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 02-987 on December 3, 2002, approving the Downtown District Plan, making certain findings and establishing the Downtown District revenue allocation area (the "Downtown District Project Area");

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Ten Mile Road Urban Renewal Plan (the “Ten Mile Plan”). The public hearing was continued to June 21, 2016, for further testimony;

WHEREAS, following said public hearings, the City Council adopted its Ordinance No. 16-1695 on June 21, 2016, approving the Ten Mile Plan, making certain findings and establishing the Ten Mile revenue allocation area (the “Ten Mile Project Area”);

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the First Amendment to the Meridian Revitalization Plan Urban Renewal Project (the “First Amendment to the Downtown District Plan”);

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 20-1881 on June 9, 2020, approving the First Amendment to the Downtown District Plan deannexing certain parcels and making certain findings;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the Union District Urban Renewal Project (the “Union District Plan”);

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 20-1882 on June 9, 2020, approving the Union District Plan, making certain findings and establishing the Union District revenue allocation area (the “Union District Project Area”);

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Second Amendment to the Meridian Revitalization Plan Urban Renewal Project (the “Second Amendment to the Downtown District Plan”);

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 21-1933 on July 13, 2021, approving the Second Amendment to the Downtown District Plan deannexing certain parcels and making certain findings (collectively, the Downtown District Plan, and amendments thereto, are referred to as the “Existing Downtown District Plan,” and the Downtown District Project Area, and amendments thereto, are referred to as the “Existing Downtown District Project Area”)

WHEREAS, the Existing Downtown District Plan, the Ten Mile Plan, and the Union District Plan are collectively referred to as the “Existing Urban Renewal Plans” and their respective revenue allocation project areas are collectively referred to as the “Existing Project Areas;”

WHEREAS, it has become apparent that additional property, a portion of which is located within the City, and a portion of which is located within the City’s area of operation within unincorporated Ada County, may be deteriorating or deteriorated and should be examined as to whether such an area is eligible for an urban renewal project;

WHEREAS, in 2021, Kushlan | Associates commenced an eligibility study and preparation of an eligibility report for an area approximately 195 acres in size including properties and roadway, referred to as the Linder District Study Area, which is an area generally

bounded by Ten Mile Road on the west, Interstate 84 on the north, Overland Road on the south, and what would be an unimproved section of Linder Road on the east. Additionally, the Linder District Study Area includes three (3) parcels located west of Linder Road and north of I-84 (the “Study Area”);

WHEREAS, MDC obtained an eligibility report entitled Linder Urban Renewal District (Proposed) Eligibility Report, dated May 2021 (the “Report”), which examined the Study Area, which area also included real property located within unincorporated Ada County, 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(8), (9) and 50-2903(8);

WHEREAS, the Report, a copy of which is attached hereto as **Exhibit A**, found the existence of one or more of the statutory criteria for the area to be considered eligible for urban renewal activities;

WHEREAS, pursuant to Idaho Code Sections 50-2018(8), (9) and 50-2903(8), which define the qualifying conditions of a deteriorating area and a deteriorated area, several of the conditions necessary to be present in such an area are found in the Study Area, *i.e.*,

- a. age or obsolescence;
- b. the predominance of defective or inadequate street layout; and
- c. faulty lot layout in relation to size, adequacy, accessibility, or usefulness; obsolete platting;

WHEREAS, the Study Area contains open land or open area;

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 sought 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 or open areas, including open land areas to be acquired by MDC, which are the same or similar to the conditions set forth above;

WHEREAS, such additional conditions regarding open land or open areas are present and are found in the Study Area;

WHEREAS, the effects of the listed conditions cited in the Report result in economic underdevelopment of the area, substantially impair or arrest the sound growth of a municipality, constitute an economic or social liability, and are a menace to the public health, safety, morals, or welfare in their present condition or use;

WHEREAS, MDC, on May 26, 2021, adopted Resolution No. 21-024 (a copy of which is attached hereto as **Exhibit B** and incorporated herein by this reference, without attachments thereto) accepting the Report and authorizing the Chair, Vice-Chair, or Administrator of MDC 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 MDC to prepare an urban renewal plan for

the Study Area, which plan may include a revenue allocation provision as allowed by law;

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

WHEREAS, the Report includes a preliminary analysis concluding the base assessment roll value for the Study Area along with the base assessment rolls for the Existing Project Areas and any proposed revenue allocation areas or amendments thereto, do not exceed 10% of the current assessed valuation of all taxable property within the City;

WHEREAS, under the Law and Act, specifically Idaho Code Sections 50-2018(8), (9) and 50-2903(8)(f), the definition of a deteriorated area and a deteriorating area shall not apply to any agricultural operation, as defined in Idaho Code Section 22-4502(2), 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 Study Area includes parcel(s) subject to such consent;

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 Study Area includes certain real property located within the City's area of operation and within unincorporated Ada County;

WHEREAS, MDC submitted the MDC Resolution No. 21-024 and the Report to the Ada County Board of County Commissioners and the Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Study Area;

WHEREAS, on June 14, 2021, representatives of the City and the Agency presented the Report to the Ada County Commissioners requesting the Commissioners to consider adopting the findings concerning the proposed Linder District Area;

WHEREAS, the Commissioners did not take action at that time, and the Agency was directed to obtain the agricultural operation consents from the property owners located within unincorporated Ada County, which consents for agricultural operations have been obtained from the property owners south of Interstate 84;

WHEREAS, following transmittal to the Ada County Board of County Commissioners, and based on ongoing discussions, it appears the proposed project area will be smaller than the Study Area. Specifically, the parcels located north of Interstate 84 and west of Linder Road are included within the Study Area boundary; however, those parcels will not be included in any proposed urban renewal plan or project area boundary. A copy of the proposed project area map noting those eligible parcels that are not intended to be included in any future project area is attached hereto as **Exhibit C**;

WHEREAS, additional information was transmitted to the Ada County Board of County

Commissioners staff as requested;

WHEREAS, the Ada County Board of County Commissioners adopted MDC's findings concerning the proposed Study Area by adopting Resolution No. 2676 on September 30, 2021, which Resolution is attached hereto as **Exhibit D**, without 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 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; and

WHEREAS, it is desirable and in the best public interest that MDC prepare an urban renewal plan for a portion of the area identified as the Linder District Study Area in the Report located in the city of Meridian, and within the City's area of operation in unincorporated Ada County.

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

Section 1. That the City Council acknowledges acceptance and receipt of the Report.

Section 2. That the City Council finds and declares that the Linder District Study Area identified in the Report, attached hereto as **Exhibit A**, is a deteriorated area and/or a deteriorating area existing in the City and the City's area of operation, as defined in Title 50, Chapters 20 and 29, Idaho Code, as amended, and qualifies as an urban renewal project and justification exists for designating the area as appropriate for an urban renewal project.

Section 3. That the City Council finds and declares there is a need for MDC, an urban renewal agency, to function in accordance with the provisions of Title 50, Chapters 20 and 29, Idaho Code, as amended, within a designated area for the purpose of establishing an urban renewal plan.

Section 4. That the area identified as the Linder District Study Area in the Report includes certain properties within the City's area of operation and within unincorporated Ada County. The Ada County Board of County Commissioners has adopted a resolution finding the need for an urban renewal project for a portion of the proposed Linder District Study Area.

Section 5. That the Ada County Board of County Commissioners has limited the inclusion of parcels located within the City's area of operation and within unincorporated Ada County to be included in any proposed Linder District project area to those certain parcels south of Interstate 84, and therefore, the City Council directs the parcels north of Interstate 84 shall not be included in any proposed Linder District project area.

Section 6. That having made such designation, the City Council hereby directs MDC to commence preparation of an urban renewal plan for the Linder District Study Area described in the Report, excluding the parcels north of Interstate 84 and west of Linder Road, for consideration by the MDC Board and, if acceptable, final consideration by the City Council in compliance with Title 50, Chapters 20 and 29, Idaho Code, as amended.

Section 7. That City staff has obtained the necessary agricultural consents from the property owner(s).

Section 8. That in the event the parcels located within unincorporated Ada County are included in any proposed urban renewal plan or project area, the City Council will seek to obtain an agreement with Ada County, Idaho, as required by Idaho Code Section 50-2906(c).

Section 9. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED By the Council of the City of Meridian, Idaho, this 5th day of October, 2021.

APPROVED By the Mayor of the City of Meridian, Idaho, this 5th day of October, 2021.

APPROVED:

Robert E. Simison, Mayor

ATTEST:

Chris Johnson, City Clerk