ORDINANCE NO. 957

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUHL, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE EAST BUHL INDUSTRIAL 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; WAIVING THE READING RULES; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of Buhl, Idaho ("City"), respectively, on or about September 11, 2000, adopted and approved Resolution No. 250 creating the Urban Renewal Agency of Buhl (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, as amended, Chapter 20, Title 50, Idaho Code as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

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 50-2906, 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, the City Council of the city of Buhl, Idaho (the "City"), after notice duly published, conducted a public hearing on the McCollum Addition and Adjacent Areas Urban Renewal Plan (the "McCollum Addition Plan") to redevelop a portion of the City, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City adopted its Ordinance No. 871 on December 11, 2000, approving the McCollum Addition Plan and making certain findings;

WHEREAS, based on inquiries and information presented by certain interested parties and property owners, it has become apparent that additional property adjacent to current city limits may be deteriorating or deteriorated and should be examined as to whether such an area is eligible for urban renewal planning purposes;

WHEREAS, such property has been annexed to the City by virtue of the approval of City Ordinance No. 956 on November 14, 2011, effective upon publication, which occurred on November 23, 2011;

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

WHEREAS, in late 2010, the Agency authorized the commencement of an eligibility study and preparation of an eligibility report of the Site and surrounding properties;

WHEREAS, the Agency, retained Harlan W. Mann, Real Estate Consultant ("Consultant"), to study the area in question and to prepare an eligibility report (the "Eligibility Report"), which would examine the designated urban renewal area for the purpose of determining whether such area is a deteriorating or deteriorated area as defined by Idaho Code, Sections 50-2018(9) and 50-2903(8)(b);

WHEREAS, the Agency, on February 7, 2011, adopted Resolution No. 11-01 accepting the Eligibility Report for the East Buhl Industrial Area, dated December 17, 2010;

WHEREAS, the Buhl City Council, by way of Council resolution on February 14, 2011, accepted the Eligibility Report for the area by adoption of City Council Resolution No. 352;

WHEREAS, the Mayor and Council considered the steps set forth by the Act and Law, accepting the Report finding the area set forth in the Report to be "deteriorated" or "deteriorating" areas as defined by Idaho Code Sections 50-2018(9), and 50-2903(8)(b) declaring each area as an urban renewal area, making additional findings regarding the characteristics of the areas, making the necessary findings as required by Idaho Code Section 50-2008(a) and authorizing the Agency to prepare an urban renewal plan;

WHEREAS, the Legislature of the state of Idaho has enacted the Act, authorizing certain urban renewal agencies, including the Urban Renewal Agency of Buhl, to adopt revenue allocation financing provisions as part of their urban renewal plans;

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, Agency and its consultants have undertaken the planning process during 2011;

WHEREAS, the Agency has prepared a proposed Urban Renewal Plan for the East Buhl Industrial Urban Renewal Project (the "Plan") and the urban renewal area referred to as the East Buhl Industrial Project Area ("Project Area") for the areas designated as eligible for urban renewal planning;

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

WHEREAS, the Board considered all comment and information submitted to the Agency
during several Board meetings during 2011 and the Board meeting held on October 26, 2011;

WHEREAS, on October 26, 2011, the Agency Board passed Resolution No. 11-04 proposing and recommending the approval of the Plan;

WHEREAS, the Agency has, by letter of transmittal dated November 1, 2011, submitted the Plan to the Mayor and City Council of Buhl;

WHEREAS, the Mayor and City Clerk have taken the necessary action to process the Plan;

WHEREAS, at a special meeting held November 17, 2011, the Buhl Planning and Zoning Commission and members of the Agency considered the Plan, and the Planning and Zoning Commission found that the Plan is in all respects in conformity with the Comprehensive Land Use Plan for the city of Buhl, as amended; a copy of the Resolution [letter to the Mayor from the Planning and Zoning Commission] and excerpt of minutes setting forth the Planning and Zoning Commission’s findings are attached hereto as Exhibit 1;

WHEREAS, notice of the public hearing of the Plan was caused to be published by the Buhl City Clerk of Buhl, Idaho, in the Buhl Herald on November 9, November 30 and December 7, 2011, a copy of said notice being attached hereto as Exhibit 2;

WHEREAS, as of November 8, 2011, the Plan was submitted to the affected taxing entities, available to the public, and under consideration by the City Council;

WHEREAS, since the Plan was submitted to the Mayor and City Council on November 1, 2011, and distributed to the several taxing entities on November 8, 2011, it has come to light that the Project Area does include property that has been used for agricultural purposes within the last three years;

WHEREAS, Agency has prepared and attached hereto as Exhibit 4, a Change Sheet indicating the changes made to the originally proposed Plan;

WHEREAS, the City Council during its regular meeting of December 12, 2011, held such public hearing;

WHEREAS, as required by Idaho Code Sections 50-2905 and 50-2906, the Plan contains the following information which was made available to the general public and all taxing districts at least thirty (30) days prior to the December 12, 2011, regular meeting of the City Council: (1) 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) 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 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; and (8) a description
of the disposition or retention of any assets of the agency upon the termination date;

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

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

WHEREAS, it is necessary and in the best interest of the citizens of Buhl, Idaho, to adopt
the Plan, including revenue allocation financing provisions since revenue allocation will help
finance urban renewal projects to be completed in accordance with the Plan (as now or hereafter
amended), in order to: encourage private development in the urban renewal area; prevent and
arrest decay of Buhl, Idaho, due to the inability of existing financing methods to provide needed
public improvements; encourage taxing districts to cooperate in the allocation of future tax
revenues arising in the urban renewal area in order to facilitate the long-term growth of their
common tax base; encourage private investment within Buhl, Idaho; and to further the public
purposes of the Agency;

WHEREAS, the City Council finds that the equalized assessed valuation of the taxable
property in the revenue allocation area described in Attachments 1 and 2 of the Plan is likely to
increase as a result of initiation of urban renewal projects in accordance with the 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) the urban renewal plan should conform to the general plan of the municipality
as a whole; (3) the urban renewal plan should 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) the urban renewal plan should 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

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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;

WHEREAS, the overall base assessment roll for the revenue allocation area and the base assessment roll as adjusted for the McCollum Addition Project Area cannot exceed ten percent (10%) of the Base Assessment Value of the City;

WHEREAS, the proposed Project Area has been used for agricultural operations within the last three (3) years;

WHEREAS, the Agency has contacted the property owner, and the Agency and property owner have entered into a Memorandum of Understanding requesting inclusion within the proposed Project Area, and the property owner has submitted a request for annexation to include this property within the Buhl city limits;

WHEREAS, the City at its regular meeting held on December 12, 2011, considered the Plan as proposed and made certain comprehensive findings.

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

SECTION 1: It is hereby found and determined that:

(a) The Project Area as defined in the Plan is a deteriorated 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, 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.

(c) There continues to be a need for the Agency to function in the City.

(d) The Plan conforms to the Comprehensive Land Use Plan for the city of Buhl, as amended.

(e) The Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the land use components of the 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

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vicinity of the urban renewal area covered by the Plan.

(f) The Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation and redevelopment of the urban renewal area by private enterprises.

(g) The Plan provides a feasible method for relocation of any displaced families residing within the urban renewal area.

(h) The Project Area and Revenue Allocation Area may contain certain open land, but 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 both residential and nonresidential uses. Provided, however, that if portions of the Project Area and Revenue Allocation Area are deemed “open land” the criteria set forth in the Law and Act have been met.

(i) The 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 the Comprehensive Land Use Plan for the city of Buhl, 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.

(j) The base assessment roll of the Project Area and the McCollum Addition Project Area does not exceed ten percent (10%) of the assessed value of the City.

(k) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code Section 50-2018(9), does include agricultural operations or forest land which has been used within the past three (3) consecutive years, but consent to be included within the Project Area has been obtained from the property owner.

SECTION 2: The City Council finds that the Project Area and Revenue Allocation Area may 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. Provided, however, the City Council finds that if portions of the Project Area and Revenue Allocation Area are deemed “open land,” the criteria set forth in the Law and Act has been met.

SECTION 3: The City Council finds that the Plan meets the sound needs of the City 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 Land Use Plan for the city of Buhl, 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.

SECTION 4: The Plan, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachment, be, and the same hereby is, 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 December 12, 2011, hearing, and incorporate changes or modifications, if any.

SECTION 5: No direct or collateral action challenging the Plan shall be brought prior to the effective date of this Ordinance or after the lapse of thirty (30) days from and after the effective date of this Ordinance adopting the Plan.

SECTION 6: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Tax Assessor of Twin Falls County and to the City of Buhl, Joint School District No. 412, Twin Falls County Ambulance, Buhl Highway District, West End Cemetery District, College of Southern Idaho, Twin Falls Mosquito Abatement 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: The City Council hereby finds and declares 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: 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 Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 9: So long as any Agency bonds are outstanding, the City Council shall not exercise its power under Idaho Code Section 50-2006 to designate itself as the Agency Board.

SECTION 10: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2011, to the extent permitted by the Act.

SECTION 11: 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 12: One-half, plus one of the City Council members finding good cause, the City Council hereby dispenses with the rule that this Ordinance be read on three different days, and have hereby adopted this Ordinance, having considered it at one reading.

SECTION 13: The Summary of this Ordinance, a copy of which is attached hereto as
Exhibit 4, is hereby approved.

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

SECTION 15: SAVINGS CLAUSE: This ordinance does not affect an action or proceeding commenced or right accrued before this ordinance takes effect.

PASSED by the City Council of the city of Buhl, Idaho, on this 12th day of December 2011.
APPROVED by the Mayor of the city of Buhl, Idaho, on this 12th day of December 2011.

Mayor Tom McCauley

ATTEST:

Robyn Ellinga, City Clerk
Exhibit 1

RECOMMENDATION FINDING THE URBAN RENEWAL PLAN FOR THE EAST BUHL INDUSTRIAL URBAN RENEWAL PROJECT IN CONFORMITY WITH COMPREHENSIVE PLAN
November 1, 2011

Mayor Tom McCauley
City of Buhl
203 Broadway North
Buhl, ID 83316

RE: Proposed Urban Renewal Plan for the
East Buhl Industrial Urban Renewal Project

Dear Mayor McCauley:

In compliance with the Idaho Urban Renewal Law of 1965, as amended, (the “Law”) and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code (the “Act”), I am providing you with a copy of the Urban Renewal Plan for the East Buhl Industrial Urban Renewal Project ("Plan"), adopted by the Buhl Urban Renewal Agency ("Agency") on October 26, 2011, pursuant to Agency Resolution No. 11-04, a copy of which is also enclosed. Under the provisions of the Law and the Act, a public hearing must be held by the City Council prior to final reading of the ordinance adopting the Plan. I am herewith requesting that you schedule the readings and the public hearing before the City Council in conformance with the City’s approval process. I understand the public hearing will be scheduled for Monday, December 12, 2011, at 7:00 p.m.

I have also requested that the City Clerk publish notice of the public hearing and transmit the proposed Plan and Agency resolutions adopting the Plan to the governing bodies of each taxing district affected by the revenue allocation financing provisions contained in the Plan. These taxing entities will have received the referenced information no later than at least 30 days prior to the proposed hearing date, as required by the statute, and publication of the notice in the Buhl Herald no later than 30 days prior to the public hearing date.

The Plan must also be reviewed by the Planning & Zoning Commission within this same time frame. The Commission will need to make a finding concerning compliance with the City’s Comprehensive Plan, as amended, and forward that finding to the City prior to December 12, 2011.

I understand a work session with the City Council has been scheduled for Monday, November 14, 2011, at 7:00 p.m. at the Buhl City Hall. Agency Board members and Agency consultants will be available at that meeting.
Thank you for your cooperation in this matter. If you have any questions please do not hesitate to contact me.

Very truly yours,

BUHL URBAN RENEWAL AGENCY

Chair, Barbara Gietzen

cc: Ryan P. Armbruster
Exhibit 2

NOTICE PUBLISHED IN THE _BUHL HERALD_
NOTICE OF REGULAR MEETING AND PUBLIC HEARING BY THE
CITY COUNCIL OF THE CITY OF BUHL
TO CONSIDER THE
URBAN RENEWAL PLAN FOR THE
EAST BUHL INDUSTRIAL URBAN RENEWAL PROJECT
OF THE BUHL URBAN RENEWAL AGENCY
OF THE CITY OF BUHL

NOTICE IS HEREBY GIVEN that the City Council of the city of Buhl will hold during
its regular meeting, a public hearing at the Buhl City Hall, 203 Broadway North, Buhl, Idaho,
83316 on Monday, December 12, 2011, at 7:00 o’clock p.m., to consider the Urban Renewal
Plan for the East Buhl Industrial Urban Renewal Project (“Plan”) of the Buhl Urban Renewal
Agency (“Agency”). The boundaries of the Plan Area are hereinafter described. The boundaries
include both urban renewal and revenue allocation areas. The Plan proposes that the Agency
undertake urban renewal projects pursuant to the Idaho Urban Renewal Law of 1965 as
amended. The Plan proposes to create an urban renewal area commonly referred to as the East
Buhl Industrial Urban Renewal Project Area. 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, 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, 2011, to be allocated to the Agency for urban renewal purposes.
The boundaries of the revenue allocation area are co-terminus with the urban renewal area. The
Agency has adopted and recommended approval of the Plan. The City Council will also be
considering a final reading of an Ordinance to adopt the Plan.

The general scope and objectives of the Plan are:

1. The elimination of environmental deficiencies in the Project Area, including,
among others, deteriorated and inadequate public improvements including certain
streets and improvements; improvements to public utilities including water and
sewer improvements, fire protection systems, railroad spurs and crossings (as
allowed by law); other 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 certain site work,
including rock removal;

2. The assembly of land into parcels suitable for modern, integrated development
with improved pedestrian and vehicular circulation in the Project Area;

3. The replanning, redesign, and development of undeveloped or underdeveloped
areas which are stagnant or improperly utilized because of excessive rock, limited
traffic access, underserved utilities, and other site conditions;

4. The strengthening of the economic base of the Project Area and the community
by the installation of needed site improvements to stimulate new private
development providing, employment, and economic growth;

5. The provision of adequate land for street rights-of-way;
6. The reconstruction and improvement of a major street corridor to allow traffic flows to move through the development along with the accompanying utility connections, through the Project Area;

7. The provision of public service utilities such as water system improvements, main sewer system improvements (which may be located outside the Project Area), and certain pretreatment improvements within the Project Area;

8. 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, 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;

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

10. 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 Buhl and the Comprehensive Land Use Plan for the city of Buhl, as amended, as adopted by the City Council. 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 Urban Renewal Area.

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

An area consisting of a single 37.978-acre parcel at the eastern edge of the current Buhl city limits bounded by 4150 North Road on the north and the Eastern Idaho Railroad tracks on the south. The rights-of-way for the street and railroad total approximately 2.84 acres for an overall total Project Area of 40.818 acres, and as more particularly described as follows:

Township 9 South, Range 15 East, Boise Meridian, Twin Falls County, Idaho

Section 31: A parcel of land located in a portion of the South ½ of said section, being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 31; said point lies North 00°37’00” West 2650.91 feet from the Southwest corner of said section; THENCE South 89°55’07” East 1402.91 feet along the north boundary of the South ½ of Section 31 to the TRUE POINT OF BEGINNING:
THENCE continuing South 89°55'07" East 1359.97 feet along said north boundary; 
THENCE South 00°48'07" East 1452.82 feet to a point on the northerly boundary of the railroad 
right-of-way; 
THENCE North 83°49'17" West 911.33 feet along said right-of-way; 
THENCE North 17°36'07" West 74.69 feet; 
THENCE North 83°44'46" West 124.64 feet; 
THENCE North 06°15'14" East 281.86 feet; 
THENCE North 17°36'07" West 292.38 feet; 
THENCE North 84°46'39" West 263.75 feet; 
THENCE North 00°37'00" West 688.92 feet to the TRUE POINT OF BEGINNING 

Parcel contains 38.40 acres more or less 

The project area is also depicted in the map; also available at Buhl City Hall. 

Copies of the proposed Plan are on file for public inspection and copying for the cost of 
duplication at the office of the City Clerk, Buhl City Hall, 203 Broadway North, Buhl, Idaho, 
83316, between the hours of 7:00 o'clock a.m. and 6:00 o'clock p.m., Monday through Thursday, 
exclusive of holidays.
The hearing will be held in a handicapped accessible facility. All information presented in the hearing shall also be available upon advance request in a form usable by persons with hearing or visual impairments, individuals with other disabilities may receive assistance by contacting the City 24 hours prior to the hearing.

At the time and place noted above, all persons interested in the above matters may appear and be heard. Written comments will also be accepted. Comments should be directed to the Buhl City Clerk. Written comments should be submitted prior to the hearing date.

DATED this 9th day of November, 2011.

Robyn Filiaga, City Clerk

(2 publication dates: November 9, 30 and December 7, 2011.)
Exhibit 3

URBAN RENEWAL PLAN FOR THE
EAST BUHL INDUSTRIAL URBAN RENEWAL PROJECT
URBAN RENEWAL PLAN FOR THE
EAST BUHL INDUSTRIAL URBAN RENEWAL PROJECT

BUHL URBAN RENEWAL AGENCY
CITY OF BUHL, IDAHO

Ordinance No. 957
Adopted December 12, 2011
Effective December 21, 2011
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INTRODUCTION

This is the Urban Renewal Plan (the “Plan”) for the East Buhl Industrial Urban Renewal Project (the “Project”) in the city of Buhl (the “City”), state of Idaho, and consists of the text contained herein and the following attachments:

Map of the Urban Renewal Project Area and Revenue Allocation Area Map (Attachment 1),

The Description of the Urban Renewal Project Area Boundaries and Revenue Allocation Area (Attachment 2),

Private Properties Which May be Acquired by Agency (Limited to Public Improvements and Facilities) (Attachment 3),

Map Depicting Expected Land Uses and Current Zoning within Project Area (Attachment 4),

Statement of Proposed Public Improvements, Costs, Revenues, Tax Impacts and Financing Methods (Attachment 5),

Net Estimated Taxable Value of New Private Development in East Buhl Industrial Urban Renewal Project (Attachment 5A),

Estimated Annual Tax Revenue Allocation in East Buhl Industrial Urban Renewal Project (Attachment 5B), and

Estimated Annual Revenues and Costs in East Buhl Industrial Urban Renewal Project (Attachment 5C).

The term “Project” is used herein to describe the overall activities defined in this Plan and conforms with the statutory definition of an urban renewal project. Reference is specifically made to Idaho Code Section 50-2018(10) for the various activities contemplated by the term “Project.” Such activities include both private and public development of property within the urban renewal area. The term “Project” is not meant to refer to a specific activity or development scheme. The East Buhl Industrial Project Area is also referred to as the Project Area.
This Plan was prepared by the Board of Commissioners, consultants, and staff of the Buhl Urban Renewal Agency (the “Agency”) 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.

The proposed redevelopment of the Project Area as described in this Plan conforms to the Comprehensive Land Use Plan for the city of Buhl, as amended (the “Comprehensive Plan”), adopted by the City Council (the “City Council”).

The Agency may create several planning documents that generally describe the overall Project and identify certain specific public and private capital improvement projects. Because of the changing nature of the Project, these documents, by necessity, must be dynamic and flexible. The Agency anticipates that these documents will be modified as circumstances warrant. Any modification, however, shall not be deemed as an amendment of this Plan. No modification will be deemed effective if it is in conflict with this Plan. The planning documents are purposely flexible and do not constitute specific portions of the Plan. Provided, however, prior to the adoption of any planning document or proposed modification to any planning document, the Agency shall notify the City and publish a public notice of such proposed modification at least thirty (30) days prior to the consideration of such proposed modification, thus providing the City and any other interested person or entity an opportunity to comment on said proposed modification. The Board of Commissioners of the Agency (the “Board”) shall consider any such comments and determine whether to adopt the modification. The planning documents apply to redevelopment activity within the Project Area as described herein. In the event of any conflict between this Plan and the appended documents, the provisions of this Plan shall control. The Agency intends to rely heavily on any applicable City design standards which may cover all or part of the Project Area.

This Plan provides the Agency with powers, duties, and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation, and revitalization of the area within the boundaries of the Project Area. The Agency retains all powers allowed by the Law and Act. Because of the long-term nature of this Plan, and the need to retain in the Agency flexibility to respond to market and economic conditions, property owner and developer interests, and opportunities from time to time presented for redevelopment, this Plan does not present a precise plan or establish specific projects for the redevelopment, rehabilitation, and revitalization of any area within the Project Area, nor does this Plan present specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the Project Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects will be established, and specific solutions will be proposed, and by which tools are provided to the Agency to fashion, develop, and proceed with such specific plans, projects, and solutions.

Implementation of this Plan will require public co-investment to help stimulate desired private development. 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 industrial, office, and commercial facilities.

The particular projects or redevelopment projects by private entities described herein are not intended to be an exclusive or exhaustive list of potential redevelopment activity. 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 redevelopment of the Project Area.

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

a. The elimination of environmental deficiencies in the Project Area, including, among others, deteriorated and inadequate public improvements including certain streets and improvements; improvements to public utilities including water and sewer improvements, fire protection systems, railroad spurs and crossings (as allowed by law); other 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 certain site work, including rock removal;

b. The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area;

c. The replanning, redesign, and development of undeveloped or underdeveloped areas which are stagnant or improperly utilized because of excessive rock, 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 site improvements to stimulate new private development providing, employment, and economic growth;

e. The provision of adequate land for street rights-of-way;

f. The reconstruction and improvement of a major street corridor to allow traffic flows to move through the development along with the accompanying utility connections, through the Project Area;

g. The provision of public service utilities such as water system improvements, main sewer system improvements (which may be located outside the Project Area), and certain pretreatment improvements within the Project Area;

h. 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, 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 Revenue Allocation Area and 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, financial reporting requirements, and the competitive bidding requirements under Chapter 28, Title 67, Idaho Code.

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 modify, change, or adopt certain 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 Board members present, constituting a quorum, unless any bylaw, provision of law, or provision herein provides otherwise.

102 Provisions Necessary to Meet State and Local Requirements

102.1 Conformance with the Idaho Urban Renewal Law of 1965, as Amended

a. The laws of the state of Idaho require that an urban renewal plan be prepared by the Agency for an area certified as an urban renewal area by the City Council. The Project Area was certified by the City Council by Resolution No. 352 on February 14, 2011.

b. With the adoption of Resolution No. 352, the City Council found the Project Area a deteriorated and deteriorating area existing in the City as defined by the Law and Act, and authorized the preparation of an urban renewal plan.
c. 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 stating that this Plan is in conformity with the Comprehensive Plan, city of Buhl.

d. 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 a newspaper having general circulation. The City Council adopted this Plan on December 12, 2011, 2011, by Ordinance No. 957.

103 History and Current Conditions of the Area

The Plan will include the development of industrial property and adjacent land. Part of the property is underdeveloped and is not being used to its highest and best use due to inadequate utility infrastructure needed for a larger development and difficult site conditions, including excessive lava rock.

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 problems in this area. Revenue allocation financing should help to improve the situation. In effect, property taxes generated by new developments within the area may be used by the City’s urban renewal 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

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. The Agency reserves the right to change amounts from one category to another, as long as the overall total amount estimated is not substantially exceeded. The items and amounts are not intended to relate to any one particular development, developer, or owner. Rather, the Agency intends to discuss and negotiate with any owner or developer who seeks Agency assistance. During such negotiation, the Agency will determine, on an individual basis, the eligibility of the activities sought for Agency funding, the amount the Agency may fund by 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 acquisition, 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. In some respects the activities listed in Attachment 5 are concepts which will be determined or prioritized as the overall Project Area develops.

The Agency reserves the right to prioritize the projects described in this Plan. The Agency also reserves the right to retain its flexibility in funding the various activities. The Agency also reserves its discretion and flexibility in deciding which improvements should be funded and what level, whether using its own funds or funds generated by other sources.

The activities listed in Attachment 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.

105 Open Land Criteria

Such open land areas may be acquired by the Agency and developed for nonresidential uses if such acquisition is needed to solve various problems, associated with the land or the public infrastructure, that have retarded its development. These problems 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 Section 50-2903(8)(b) definition of deteriorated area. The problems that are 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.”

Such areas qualify if any of the standard 50-2018(9) and 50-2903(8)(b) characteristics apply. Such areas also qualify if any of the problems listed only in 50-2008(d)(4)(2) apply. Clearly, lack of water and sewer facilities, site conditions, a nonexistent street system, and lack of fire protection, electrical distribution facilities, and railroad spurs are all conditions which retard development of the area.

106 Agricultural Land Consent

In 2006, the Idaho Legislature approved amendments to certain definitions of the Law to not allow the inclusion of property within the definition of a deteriorating area, which has been used for agricultural operation within the past three years without the consent of the owner of the agricultural operation. If such property is not within a deteriorating area, then by definition the property would not be included within an urban renewal area. The Agency has obtained the consent of the property owner concerning the property within the Project Area that has been used for agricultural operation within the last three years by virtue of entering into a Memorandum of Understanding with the property owner and the property owner submitting a request for annexation.
200 DESCRIPTION OF PROJECT AREA

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

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:

a. The acquisition of certain real property (if needed);

b. The demolition or removal of certain buildings and improvements for public rights-of-way for streets, utilities, walkways, and other improvements, for public facility building sites, to eliminate unhealthful, unsanitary, or unsafe conditions, enhance density, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of blight or deterioration;

c. The provision for participation by property owners within the Project Area to achieve the objectives of this Plan;

d. The management of any property acquired by and under the ownership and control of the Agency;

e. The provision for relocation assistance to displaced Project occupants, as required by law;

f. The installation, construction, or reconstruction of streets, railroad spurs (as allowed by law) utilities, including electrical distribution and transmission lines in underground configuration, if needed to encourage new developments, fiber optic or other communication systems, parking facilities, and other public improvements, including, but not limited to, irrigation and drainage laterals and ditches, canal crossings, storm drain systems, water and sewer improvements, fire protection systems, and other public improvements;

g. The disposition of property for uses in accordance with this Plan;
h. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;

i. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;

j. The preparation and assembly of adequate sites for the development and construction of facilities for industrial, commercial, retail, and governmental use, including removal of excessive lava rock;

k. To the extent allowed by law, lend or invest federal funds to facilitate redevelopment; and

l. The construction of foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights, sites for buildings to be used for residential, commercial, industrial, and other uses contemplated by the Plan, and to provide utilities to the development site.

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.

302 Urban Renewal Plan Objectives

Urban renewal action is necessary in the Project Area to combat problems of physical deterioration or deteriorating conditions.

The Project Area and Revenue Allocation Area consist of a single 37.978-acre parcel at the eastern edge of the current Buhl city limits bounded by 4150 North Road on the north and the Eastern Idaho Railroad tracks on the south. The rights-of-way for the street and railroad total approximately 2.84 acres for an overall total Project Area of 40.818 acres. The area has a history of a slow-growing tax base primarily attributed to undeveloped areas, lack of modern public improvements, and lack of infrastructure.

This environment contrasts sharply with the growing economic and cultural strength of the City and the Twin Falls County region. The reconstruction of an access street and construction of new utility services will aid, assist, and enhance traffic flow and provide more adequate utility service to the property to enhance the overall development of said property.

Hence, the Plan for the Project Area is a proposal for street and utility improvements to provide an improved environment for new industrial facilities, eliminate unsafe conditions, and to otherwise prevent the extension of deterioration and reverse the deteriorating action of the area.
Air rights and subterranean rights may be disposed of for any permitted use within the Project Area boundaries.

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 to facilitate adequate vehicular and pedestrian circulation.

Agency participation in the cost of removal of extraordinary site conditions such as topographical land variance and lava rock removal.

A further objective of the Plan is to provide for the acquisition and clearance of property to be used for other public facilities.

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

b. Develop new industrial facilities opportunities.

Without direct public intervention, much of the Project Area could conceivably remain unchanged for the next several years. It is anticipated success will come through at least one public-private partnership. The Plan creates the necessary flexible framework for the Project Area to support the City’s growing industrial economy through expansion of one of its major industries.

303 Participation Opportunities and Agreement

303.1 Participation Agreements

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

Each structure and building in the Project Area to be rehabilitated or 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 through an executed owner participation agreement to meet conditions described below.

a. Any such property within the Project 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 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 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.

d. Any new construction shall also conform to all applicable codes and ordinances of the City.

All such agreements will address phasing issues, justification and eligibility of project costs, and achievement of the objectives of the Plan. Agency shall retain its discretion in the funding level of its participation.

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 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 established businesses to revitalize deteriorating areas of their parcels to accelerate the enhancement of the street environment in the Plan area.

b. Subject to the limitations of the Law and the Act, providing incentives to existing business owners to encourage continued utilization and expansion of existing permitted uses to prevent properties from falling into disuse, a proliferation of vacant and deteriorated parcels and a reduction in area employment.

c. Allowing existing nonconforming uses to continue in accordance with City regulations and to accommodate improvements and expansions allowed by City regulations.

d. Subject to the limitations of the 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 over the next twenty (20) years.

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 insure 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.

The Agency specifically intends to cooperate to the extent allowable with the City for the construction of street and utility 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, has funded certain improvements such as water and sewer facilities, 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 roads within the Project Area and with the public bodies responsible for water and sewer improvements. The Agency also intends to cooperate and seek available assistance from state and federal sources for economic development.

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.

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, 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 shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performed under the agreement.

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 or for the assembly of properties for the redevelopment of those properties to achieve the objectives of 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 and any ability to engage in certain demonstration projects and other major objectives outlined in this Plan and to assemble certain critical or strategic parcels to dispose to the private sector to assist in the redevelopment of the Project Area.

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.
The Agency is authorized by this Plan to acquire the properties identified in Attachment 3 hereto. Otherwise, Agency acquisition of any other real property shall be accomplished only following a formal amendment to this Plan that will include an exhibit identifying the property to be acquired.

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 by the Agency to acquire real property in the Project Area, 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 not identified any particular parcel for acquisition for the construction of public improvements. These activities are generally described in Attachment 3. The Agency may also acquire property for the purpose of developing public parking facilities, providing public open space, providing public utilities, and enhancing the opportunity for other uses. At the present time, the Agency cannot specifically identify which parcels may be necessary for acquisition. The Agency reserves the right to determine which properties, if any, should be acquired. Generally, the Agency will invoke its acquisition authority only for the elimination or mitigation of deteriorated or deteriorating buildings, structures, or properties in order to enhance public open space in the Project Area or to assist or participate in site reclamation, remediation, or elimination of blighted or deteriorated areas, and then only by voluntary means. However, the Agency’s authority to invoke eminent domain to acquire real property for disposition to private parties for economic development is limited by Idaho Code § 7-701A.

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 purposes of this Plan, acquisition of certain permanent fixtures or improvements upon real property shall be governed by this section. The Agency retains the right to purchase those fixtures or improvements (including buildings) for the purpose of eliminating certain deteriorated or deteriorating structures to facilitate the redevelopment the real property upon which the buildings and structures are located. Such acquisition shall be based upon appraised value of the structures and negotiation with the owner of the structures. The Agency shall take into account, before committing to such acquisition, any environmental or other liability present or potentially present in such structures. In the event, the Agency determines to acquire such property; it shall do so upon the successful negotiation of an owner participation agreement in compliance with the terms of Section 303.1 of this Plan. In addition, such owner shall commit to the redevelopment of the real property and to maintain the real property in a safe and clean manner. The Agency shall acquire such property by way of any acceptable conveyance.
306  Property Management

During such time such 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.

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. The Agency may also undertake relocation activities for those not entitled to benefit under federal law, as the Agency may deem appropriate for which funds are available. The Agency’s activities should not result in the displacement of families within the area. In the event the Agency’s activities result in displacement, the Agency shall compensate such residents by providing reasonable moving expenses into decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families. The Agency will not participate in any private redevelopment activity which will result in displacement of families unless a method exists for the relocation of displaced families in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families. For any other activity, the Agency will comply with the provisions of the Law regarding relocation.

The Agency reserves the right to extend benefits for relocation to those not otherwise entitled to relocation benefits as a matter of state law under the Act or the Law. The Agency may determine to use as a reference the relocation benefits and guidelines promulgated by the federal government, the state government, or local government, including the State Department of Transportation. The intent of this section is to allow the Agency sufficient flexibility to award relocation benefits on some rational basis, or by payment of some lump sum per case basis. The Agency may also consider the analysis of replacement value for the compensation awarded to either owner occupants or businesses displaced by the Agency to achieve the objectives of this Plan. The Agency may adopt relocation guidelines which would define the extent of relocation assistance in non-federally-assisted projects and which relocation assistance to the greatest extent feasible would be uniform. The Agency shall also coordinate with the various local, state, or federal agencies concerning relocation assistance.

For displacement of families, 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. If such a program is considered, it shall be adopted by resolution of the Agency Board.
Demolition, Clearance, and Building and Site Preparation

308.1 Demolition and Clearance

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

308.2 Preparation of Building Sites

The Agency is authorized (but not required) to prepare, or cause to be prepared, as building sites any real property in the Project Area owned by the Agency, including rock removal and site preparation. In connection therewith, the Agency may cause, provide for, or undertake the installation or construction of streets, utilities, and other public improvements necessary to carry out this Plan. The Agency is also authorized (but not required) to construct foundations, platforms, and other structural forms necessary for the provision or utilization of air rights sites for buildings to be used for industrial, commercial, private, public, and other uses provided in this Plan. To the extent allowed by the Law and Act, the Agency may assist in the preparation of building sites by way of reclamation, remediation, or elimination of deteriorated conditions. The Agency is also authorized (but not required) to purchase certain site or building improvements for purpose of site preparation and development.

309 Property Disposition and Development

309.1 Real Property Disposition and Development

309.1.1 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. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated lease, sale, or transfer without public bidding.

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

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

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.

The land and/or air rights and subterranean rights acquired by the Agency will be disposed of subject to an agreement between the Agency and the Developers. 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 Agency.

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 agreement.

That the Developers, their successors, and assigns agree:

a. That a plan and time schedule for the proposed development shall be submitted to 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 there will be no discrimination against any person or group of persons because of disability/handicap, age, race, sex, creed, color, national origin, disability, 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 erected, or to be erected thereon, therein conveyed. The above provision will be perpetual and will be appended to the land disposed of within the Project Area by the Agency.

e. 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.

f. All new construction shall have a minimum estimated life of no less than twenty (20) years.

g. 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.

h. That the Agency receives adequate assurance acceptable to the Agency to ensure performance under the contract for sale.

i. 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.

j. All disposition and development documents shall be governed by the provisions of Section 408 and 412 of this Plan.

The Agency also reserves the right to determine the extent of its participation based upon the achievements of the objectives of this Plan.

309.1.3 Development by the Agency

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct any publicly-owned building, facility, structure, or other improvement within the Project Area for itself or for any public body or entity, which buildings, facilities, structures, or other improvements are or would be of benefit to the Project Area. Specifically,
the Agency may pay for, install, or construct the buildings, facilities, structures, and other improvements identified in Attachment 5, attached hereto and incorporated herein by reference, and may acquire or pay for the land required therefore.

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, 50-2018, and 50-2903(9), (13), and (14), the Agency is authorized to install and construct, or to cause to be installed and constructed, within the Project Area for itself or for any public body or entity, public improvements and public facilities, including, but not limited to, the following: (1) utilities; (2) telecommunications (including fiber-optic) facilities; (3) parks, plazas, and pedestrian paths; (4) landscaped areas; (5) street improvements; (6) sanitary sewers; (7) flood control facilities and storm drains; (8) water mains; (9) canal crossings; (10) fire prevention; (11) railroad spurs and crossings (as allowed by law); and (12) other public infrastructure.

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

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

309.1.4 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. All development in the Project Area must conform to those standards specified in Sections 408 and 412, infra.

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.
311  **Rehabilitation and Conservation**

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

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

312  **Participation with Private Development or Public Development**

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 Idaho Community Development Block Grant Program ("ICDBG"), 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 Section 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision 2(b) of Section 50-2908 of the Local Economic Development Act and Section 504 to this Plan or out of any other available funds.

313  **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.

400 USES PERMITTED IN THE PROJECT AREA

401 Redevelopment Plan Map and Development Strategy

The Urban Renewal Project Area Map, the Revenue Allocation Map, and the Description of the Urban Renewal Project Area Boundaries, attached hereto as Attachments 1 and 2, incorporated by reference, describe the proposed land uses to be permitted in the Project Area for all land—public and private. The proposed land uses and permitted land uses are described in Attachment 4.

402 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 Comprehensive Plan, including the future land use map and zoning classifications. For the most part, the Project Area is proposed as industrial and commercial development. Provided, however, nothing herein within this Plan shall be deemed to be granting any particular right to zoning classification or use.

403 Other Land Uses

404 Public Rights-of-Way

The major public street within the Project Area is 4150 North Road, which upon annexation to the city of Buhl, shall be referred to as Elm Street.

Additional improvements to existing streets (including 4150 North Road) and easements may be created, improved, or extended in the Project Area as need for development. Existing streets, easements, and irrigation or drainage laterals or ditches may be abandoned, closed, or modified as necessary for proper development of the Project, 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 changes in the existing 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

c. The potential need to serve not only the Project Area and new or existing developments, but to also serve areas outside the Project 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.

405 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, including park and recreational facilities; educational, fraternal, employee; philanthropic and charitable institutions; utilities; governmental facilities; railroad rights-of-way and equipment; and facilities of other similar associations or organizations. 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 Project Area.

406 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.

407 General Controls and Limitations

All real property in the Project 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.

407.1 Construction

All construction in the Project Area shall comply with all applicable state and local laws and codes in effect from time to time. 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.

407.2 Rehabilitation and Retention of Properties

Any existing structure within the Project 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.

407.3 Limitation on Type, Size, and Height of Buildings

Except as set forth in other sections of this Plan, the type, size, and height of buildings shall be as limited by applicable federal, state, and local statutes, ordinances, and regulations.

407.4 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 laws and ordinances.

407.5 Signs

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

407.6 Utilities

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

407.7 Incompatible Uses

No use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors which would be incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area.

407.8 Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based upon race, color, creed, religion, sex, age, marital status, disability/handicap, national origin, or ancestry permitted in the sale, lease sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area.
407.9 **Subdivision of Parcels**

Any parcel in the Project Area shall be subdivided only in compliance with the City subdivision ordinance.

407.10 **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.

No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public peace, health, safety, or welfare and to assure compliance with the purposes of the Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under City codes and ordinances.

408 **Design for Development**

Within the limits, restrictions, and controls established in this Plan, the Agency is authorized to establish heights of buildings, land coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project Area. Any development must also comply with the City’s zoning ordinance regarding heights, setbacks, and other like standards.

In the case of property which is the subject of a disposition and development or participation agreement with the Agency, no new improvement shall be constructed, and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated, except in accordance with this Plan. Under those agreements the architectural, landscape, and site plans shall be submitted to the Agency and approved in writing by the Agency. One of the objectives
of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design, open space, and other amenities to enhance the aesthetic quality of the Project Area. The Agency shall not approve any plans that do not comply with this Plan. The Agency reserves the right to impose such design standards on an ad hoc, case by case basis through the approval process of the owner participation agreement or disposition and development agreement. Any change to such approved design must be consented to by the Agency and such consent may be conditioned upon reduction of Agency’s financial participation towards the Project.

In the event the Agency adopts design standards or controls, those provisions will thereafter apply to each site or portion thereof in the Project Area. Those controls and standards will be implemented through the provisions of any disposition and development agreement or owner participation agreement or by appropriate covenants appended to the land and instruments of conveyance executed pursuant thereto. These controls are in addition to any standards 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 ordinance.

409 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.

410 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.

411 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 Area. The owner of such a property must be willing to enter into a 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 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 Ordinances.
Under an owner participation agreement or a disposition and development 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 Section 407.10 of this Plan and subject to a negotiated agreement between the Agency and the developer or property owner.

Under those agreements, the architectural, landscape, and site plans shall be submitted to the Agency and approved in writing by the Agency. In such agreements, the Agency may impose additional design controls. One of the objectives of this Plan is to create an attractive pedestrian environment in the Project Area. Therefore, such plans shall give consideration to good design and amenities to enhance the aesthetic quality of the Project Area. These additional design standards or controls will be implemented through the provisions of any disposition and development agreement or owner participation agreement or by appropriate covenants appended to the land and instruments of conveyance executed pursuant thereto. These controls are in addition to any standard and provisions of any applicable City building or zoning ordinances; provided, however, each and every development shall comply with all applicable City zoning and building ordinances.

METHODS OF FINANCING THE PROJECT

General Description of the Proposed Financing Method

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

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

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

Revenue Bond Funds

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

Any other loans, grants, guarantees, or financial assistance from the United States, the state of Idaho, including ICDBG funds, or any other public or private source will be utilized if available. The Agency may consider funding sources through Local Improvement Districts as authorized by state law. Neither the members of the Agency nor any persons executing such loans or grants shall be liable on the loans or grants by reason of their issuance.

The Agency also intends to seek appropriate private contributions, where applicable, to assist in the funding of the activities described herein.

504 Revenue Allocation Financing Provisions

The Agency hereby adopts revenue allocation financing provisions as authorized by Act, effective retroactively to January 1, 2011. These revenue allocation provisions shall apply to all taxing districts which are located in or overlap the Revenue Allocation Area 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 or to pledge all or any portion of such revenues to the repayment of any moneys borrowed, indebtedness incurred, or bonds issued by the Agency to finance or to refinance the Project Costs (as defined in Idaho Code Section 50-2903(14)) of one or more urban renewal projects.

Upon enactment of an ordinance by the governing body of the City finally adopting these revenue allocation financing provisions and defining the Revenue Allocation Area described herein as part of the Plan, there shall hereby be created a special fund of the Agency into which the County Treasurer shall deposit allocated revenues as provided in Idaho Code Section 50-2908. The Agency shall use such funds solely in accordance with Idaho Code Section 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, an economic feasibility study, estimated project costs, fiscal impact upon other taxing districts, and methods of financing project costs required by Idaho Code Section 50-2905 is included in Attachment 5 to this Plan. This statement necessarily incorporates estimates and projections based on the Agency’s present knowledge and expectations. The Agency is hereby authorized to modify the presently anticipated urban renewal projects and use of revenue allocation financing of the related Project.
Costs if the Board deems such modification necessary or convenient to effectuate the general objectives of the Plan.

The Agency may also appropriate funds consisting of revenue allocation proceeds on an annual basis without the issuance of bonds. The Agency has also provided for obtaining advances or loans from the Agency’s other revenue allocation area (McCollum Addition) 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 the improvements identified in Attachment 5 are completed or until any obligation to any other public entity, the McCollum Addition, or private entity are fulfilled. Attachment 5 incorporates estimates and projections based on the Agency’s present knowledge and expectations concerning the length of time to complete the improvements. The activity may take longer depending on the significance and timeliness of development. Alternatively, the activity may be completed earlier if revenue allocation proceeds are greater or the Agency obtains additional funds.

The 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.

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

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.

504.1 Economic Feasibility Study

Attachments 5, 5A, 5B, and 5C constitute the Economic Feasibility Study (“Study”) for the urban renewal area prepared by Harlan W. Mann, Community Development Consultant and Scott Bybee, City Engineer. The Study constitutes the financial analysis required by the Act and is based upon existing information from the Agency and City. Projections are based upon input from the Agency, property owners, developers, and others.
504.2 Assumptions and Conditions/Economic Feasibility Statement

The information contained in Attachment 5 assumes certain completed and projected actions. Under the provisions of the Act, the revenue allocation shall continue until the debt or other obligations or other project activity is completed or satisfied. All debt is projected to be repaid no later than the duration period of the Plan. The total amount of bonded 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 the bond sale documents or 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 attachments incorporate estimates and projections based on the Agency’s present knowledge and expectations. The Agency may modify the project if the Board deems such modifications necessary to effectuate the Plan. The Plan proposes certain public improvements, including utility and street improvements, 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 through public sources or discussions with property owners, developers, 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 and assumed tax levy rates.

House Bill 1 adopted by the 58th Idaho Legislature convening in Special Session in August 2006 (codified at Idaho Code Section 33-802) repealed the operation and maintenance property tax levy imposed by school districts. House Bill 1 also repealed Idaho Code Section 50-2908(2)(a)(iii) which required certain revenue allocation funds to be disbursed to school districts. The financial analysis set forth in Attachment 5B has taken into account the provisions of Idaho Code § 33-802.
504.3 **Ten Percent Limitation**

Under the Act, the base assessed valuation for all revenue allocation areas cannot exceed 10% of the current assessed valuation for the entire City. The base assessment roll, including utilities and less any homeowner’s exemption, for the Project Area as of January 1, 2011, is $83,356. The total assessed value for the City as of January 1, 2011, less homeowner’s exemptions, is $135,976,720. Therefore, the 10% limit is $13,597,672. The estimated adjusted base value for the existing McCollum Addition Urban Renewal Plan, approved in 2000, is $6,186,459. The base values for the two revenue allocation areas total $6,269,815, which is well under the allowable limit. The base assessment roll for both revenue allocation areas does not exceed ten percent (10%) of the assessed value for the City.

504.4 **Financial Limitation**

The Study identifies several capital improvement projects. Use of any particular financing source for any particular purpose is not assured or identified. Use of the funding source shall be conditioned on any limiting authority. If revenue allocation funds are unavailable, then the Agency will need to use a different funding source for that improvement.

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 and bonds, annual revenue allocations, developer contributions, city contributions, 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 relate 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 several note issues through a bank loan, developer contributions, and the advance from the Agency’s other revenue allocation area, the McCollum Addition. 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. Should the development take place as projected, indebtedness would be extinguished earlier, dependent upon the note documents and legal obligations therein. 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 bonds may continue for their full term.

The proposed timing for the public improvements may very well have to be modified depending upon the availability of some of the funds and the Agency’s ability to sell an initial issue of notes or bonds.

Attachment 5C lists those public improvements which Agency intends to construct through the term of the Plan. Attachment 5C also shows certain improvements to be constructed by private developers or private owners in conjunction with the public improvements through developer contributions. The costs of improvements are estimates only. 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 improvement, any particular cost, or any particular order of construction. The Agency reserves its discretion and flexibility in deciding which improvements are more critical for redevelopment, and the Agency intends to coordinate its public improvements with associated development by private developers/owners. 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 Attachment 5C first, in conjunction with industrial private development generating the increment as identified in Attachment 5A.

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.

504.5 Rebate of Revenue Allocation Funds

In any year during which the Agency receives revenue allocation proceeds, the Agency, as allowed by law, is authorized (but not required) to return or rebate to the other taxing entities identified in Attachment 5 of this Plan any revenue allocation funds not previously pledged or committed for the purposes identified in the Plan. Under the Act, the Agency must first apply all such revenues for the payment of the projected costs of the urban renewal project identified and repayment of principal and interest on any moneys borrowed, indebtedness incurred, or bonds issued by the Agency and maintain any required reserve for payments of such obligation or indebtedness. Only to the extent revenues of the Agency exceed these obligations shall the Agency consider any rebate or return of revenue allocation funds to the other taxing entities. The Agency shall rebate such funds in a manner that corresponds to each taxing entity’s relative share of the revenue allocation proceeds or on the basis of extraordinary service requirements generated by the Project or particular circumstances which the Agency may determine. All other taxing entities shall first receive any such rebate before such rebate shall be disbursed to the City.
Attachment 5 describes the Agency’s financing plan for the Project. The Project will be financed, in part, through tax increment financing, using revenue allocation funds as allowed by the Act. The Agency anticipates that on an annual basis, tax increment, and other funds may be sufficient to satisfy the obligations incurred by the Agency, even though the entire amount of revenue allocation funds must be pledged for the term of any bonds or other debts incurred by the Agency. Therefore, on an annual basis, the Agency will consider the rebate of funds, which funds may not be revenue allocation funds, but other funds available to the Agency.

504.6 Participation with Local Improvement 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 LID or to participate as an assessed entity to finance the LID project.

504.7 Issuance of Debt and Debt Limitation

Any debt incurred by the Agency as allowed by the Law and Act shall be secured by revenues identified in the debt resolution or revenue allocation funds as allowed by the Act. All such debt shall be repaid within the duration of this Plan.

504.8 Impact on Other Taxing Districts and Levy Rate

A specific delineation of tax dollars generated by revenue allocation upon each taxing district has not been prepared. The overall impact of the revenue allocation project is shown in the Study. Pursuant to Idaho Code, Section 63-802, taxing entities are constrained in establishing levy rates by a function of the amount each budget of each taxing district can increase on an annual basis. The amounts set forth in the Study would constitute the amounts distributed to other taxing entities from the Revenue Allocation Area if there were no urban renewal project. Each individual district’s share of that amount would be determined by its particular levy rate as compared to the other districts in any given year. Therefore, the impact of revenue allocation is more of a product of the imposition of Section 63-802. In addition, without the revenue allocation district and its ability to pay for public improvements and public facilities, fewer substantial improvements within the Revenue Allocation Area would be expected in the next five to ten years, hence there would be lower increases in assessed valuation to be used by the taxing entities.

If the overall levy rate is less than assumed, the Agency will receive fewer funds from revenue allocation. 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 state code. The increment value is the difference between the base assessed value and current assessed value in any given year while the property is in a revenue allocation area. Under Section § 63-802, Idaho Code, 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 Section 63-802, Idaho Code.

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 property values in the urban renewal districts that are not subject to revenue allocation 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.

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 in the next five to ten years; hence, there would be lower increases in assessed valuation to be used by the other taxing entities. If the overall levy rate is less than as assumed, the Agency shall receive fewer funds from revenue allocation.

One result of Section 63-802, Idaho Code and Section 63-301A, Idaho Code is the likely reduction of the levy rate as assessed values increase for property within each taxing entity’s jurisdiction. If the overall levy rate is less than as assumed, the Agency shall receive fewer funds from revenue allocation. Section 63-301A, Idaho Code, 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 will no longer be available for inclusion by the taxing entities to increase their budgets. Less tax revenue will be available to those taxing entities. Upon termination of this Plan, the taxing entities will be able to include the accumulated new construction roll value in setting the following year’s budget. Generally, the impact on the taxing entities would be to determine the Agency’s projected revenue and disburse those funds in the same ratio as the respective levy rates in the Revenue Allocation Area of each taxing district. For Tax Year 2011, those districts and rates are as follows:

<table>
<thead>
<tr>
<th>Taxing Districts Levy Rates:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Twin Falls County</td>
<td>0.004190567</td>
</tr>
<tr>
<td>City of Buhl</td>
<td>0.008772649</td>
</tr>
<tr>
<td>Joint School District No. 412</td>
<td>0.000014894</td>
</tr>
<tr>
<td>Twin Falls County Ambulance</td>
<td>0.000115022</td>
</tr>
</tbody>
</table>
Buhl Highway District  0.001587032
West End Cemetery District  0.000120114
College of Southern Idaho  0.000904474
Twin Falls Mosquito Abatement District  0.000115022
TOTAL LEVY\(^1\)  0.015891441

As noted above, a result of Section 63-802, Idaho Code, is the likely reduction of the levy rate as assessed values increase for property within each taxing entity’s jurisdiction. The Study has made certain assumptions concerning the levy rate, by increasing the levy rate 1% from 2011 to 2012. The levy rate is estimated to stay level for 2013 and 2014 and to decrease 1% per year starting in 2015. If the overall levy rate is less than projected, the Agency shall receive fewer funds from revenue allocation.

The 2008 Idaho Legislature passed and Governor Otter signed House Bill 470 as amended in the Idaho Senate, which bill became effective retroactive to January 1, 2008 (Session Laws, Chapter 253). The bill amended Idaho Code Sections 50-2908, 63-803, and 63-811. In brief, the bill provided that an urban renewal agency shall not be 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 held after January 1, 2008, 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. Additionally, as this Plan has been adopted after January 1, 2008, any voter approved levy adopted prior to January 1, 2008, will not be available for use by the Agency. The Study which is attached as Attachment 5B has taken this new statute into account. The levy rates for School District No. 412 and the City shown above are the aggregate levy rates for the school district and City as of 2011 less voter approved levies. The Study has assumed the impact of House Bill 470.

505 Phasing and Other Fund Sources

The Agency anticipates funding only a portion of the entire cost of the public improvements shown on Attachment 5. Other sources of funds shall include developer contributions and City participation. Agency participation shall be determined by the amount of revenue allocation funds generated.

506 Lease Revenue, Parking Revenue, and Bonds

Under the Law, 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 may not be particularly noted in the

\(^{1}\) Net of School District and City bond levy rates.
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.

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 Section 50-2905(7) as those resources involve funds not related to revenue allocation funds.

600 ACTIONS BY THE CITY

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

a. Institution and completion of proceedings necessary for changes and improvements in private and publicly owned public utilities within or affecting the Project Area.

b. Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan.

c. Imposition wherever necessary (by conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.

d. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency may develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.

e. 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 accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.

g. Institutional 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 Idaho 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. Imposition, whenever necessary (by conditional use permits or other means as appropriate), of controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.

l. 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.

m. Joint funding of certain public improvements, including but not limited to improvements to sewer treatment facilities.

n. Use of public entity labor, services, and materials for construction of the public improvements listed in this Plan.

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

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.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.
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 date of adoption of the Plan by the City Council in 2011, which period shall expire on December 31, 2031, except for any revenue allocation proceeds received in calendar year 2032.

This Plan shall terminate no later than December 31, 2031, except for revenues which may be received in 2032. Either on January 1, 2031, or if the Agency determines an earlier terminate date:

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 Section 50-2908, Idaho Code, 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 Allocation Area; and the powers granted to the urban renewal agency under Section 50-2909, Idaho Code, 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 preceeds the terminate 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 Section 50-2909(4), Idaho Code. 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 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 Section 50-2909, Idaho Code, 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 Section 63-215, Idaho Code.

Upon termination of the revenue allocation authority of the Plan to the extent the Agency owns or possesses any assets, the Agency shall dispose of any remaining assets by granting or conveying or dedicating such assets to the City.

As allowed by Idaho Code Section 50-2905(7), the Agency may retain assets or revenues generated from such assets as loans; the Agency shall have resources other than revenue allocation funds to operate and manage such assets. Similarly, facilities which provide a least 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.

For those assets which do not provide such resources or revenues, the Agency will likely convey such assets to the City, depending on the nature of the asset.

Upon termination of the revenue allocation authority of the Plan, to the extent the Agency owns or possesses any assets, the Agency shall dispose of any remaining assets by granting or conveying or dedicating such assets to the City.

900 PROCEDURE FOR AMENDMENT

The Plan may be further modified at any time by the Agency provided that, if modified after disposition of real property in the Project Area, the modifications must be consented to by the Developer or Developers or his successor or successors of such real property whose interest is substantially affected by the proposed modification. Where the proposed modification will substantially change the Plan, the modifications must be approved by the City Council in the same manner as the original Plan. Substantial changes for City Council approval purposes shall be regarded as revisions in project boundaries, land uses permitted, land acquisition, and other changes which will violate the objectives of this Plan.

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

Under the, 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.

1101 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.
Attachment 1

Project Area and Revenue Allocation Area Boundary Map
Attachment 2

Description of Project Area and Revenue Allocation Area

An area consisting of approximately 40.818 acres at the eastern boundary of the City between the rights-of-way of 4150 North Road on the north and the Eastern Idaho Railroad tracks on the south, and as more particularly described as follows:

Township 9 South, Range 15 East, Boise Meridian, Twin Falls County, Idaho

Section 31: A parcel of land located in a portion of the South ½ of said section, being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 31; said point lies North 00°37’00” West 2650.91 feet from the Southwest corner of said section;
THENCE South 89°55’07” East 1402.91 feet along the north boundary of the South ½ of Section 31 to the TRUE POINT OF BEGINNING;
THENCE continuing South 89°55’07” East 1359.97 feet along said north boundary;
THENCE South 00°48’07” East 1452.82 feet to a point on the northerly boundary of the railroad right-of-way;
THENCE North 83°49’17” West 911.33 feet along said right-of-way;
THENCE North 17°36’07” West 74.69 feet;
THENCE North 83°44’46” West 124.64 feet;
THENCE North 06°15’14” East 281.86 feet;
THENCE North 17°36’07” West 292.38 feet;
THENCE North 84°46’39” West 263.75 feet;
THENCE North 00°37’00” West 688.92 feet to the TRUE POINT OF BEGINNING

Parcel contains 38.40 acres more or less
Attachment 3

Private Properties Which May Be Acquired by Agency

1. Property is intended to be acquired that is necessary for the extension or expansion of certain rights-of-way. No other particular properties have been identified for acquisition by the Agency. The Agency does not intend to purchase property for future development by private persons.

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 for the development of public improvements and public facilities.
Attachment 4

Map Depicting Expected Land Uses and Current Zoning Within Revenue Allocation Area and Project Area
Attachment 5

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

Introduction

Expenditure of funds for projects is anticipated through 2025.

Anticipated costs of the urban renewal project, revenue sources, estimated revenue allocations, and the amount of indebtedness required to complete the project are shown in Attachment 5. Attachment 5 necessarily incorporates estimates and projections based on the Agency's completed activities, present knowledge, and expectations. The Agency may modify the presently anticipated urban renewal projects and use of revenue allocation financing or the related project costs if the Board deems such modification necessary or convenient to effectuate the general objectives of the Plan. Any future modification will affect the estimate.

Attachment 5A also depicts estimated tax assessments through 2022 and anticipated tax assessments through the development process.

Attachment 5 also demonstrates the overall estimated impact of revenue allocation financing on all taxing districts in which the revenue allocation area is located. The impact on individual taxing districts would be determined by those districts' then-current levies and the projected addition of private investment within the Revenue Allocation Area.

The information contained in Attachment 5 assumes certain completed and projected actions. Under the provisions of the Act, the revenue allocation shall continue until any obligation is satisfied. All debt is projected to be repaid no later than the duration period of the Plan. Second, the total amount of bonded indebtedness and the amount of revenue generated by revenue allocation is dependent upon the extent and timing of private development. Attachment 5C projects expenditures from 2011 through 2025. Should all of the development take place as projected, bonded or other indebtedness could be extinguished earlier, dependent upon the bond sale documents or 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 bonds may continue for their full term.

The Plan and attachments incorporate estimates and projections based on the Agency's present knowledge and expectations. The Agency may modify the project if the Board deems such modifications necessary to effectuate the Plan. The Plan proposes certain public improvements, including utility improvements, streetscapes, street improvements, and other infrastructure cost, which will facilitate development in the Revenue Allocation Area.

Attachment 5 - 1
Economic Feasibility Statement

The attachments, with their various estimates and projections, constitute an economic feasibility study. Costs and revenues are analyzed, and the analysis shows the need from public capital funds during the project. Multiple financing sources including proposed revenue allocation notes and bonds, annual revenue allocations, developer contributions, grant funds, in-kind services, and other funds are shown. This attachment 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 proposed timing for the public improvements may very well have to be modified depending upon the availability of some of the funds and the Agency’s ability to sell an initial issue of notes or bonds, including a developer note.


Attachment 5B, Estimated Annual Tax Revenue Allocations, illustrates how the project’s new development would generate net revenue to the Agency.

Attachment 5C, Estimated Annual Revenues and Costs, shows the estimated sources and uses of funds through 2020.

The analysis has assumed certain changes in the levy rates as a result of current statutory provisions and projections.

Description of Public Financing Sources

Revenue Allocation—Revenue allocation financing (sometimes referred to as tax increment financing) applies the increase in property taxes within a defined area to public infrastructure improvements. The improvements are designed to enhance the private development potential, thus creating the additional assessed valuation. The process is initiated upon action of a municipality, whereupon the county assessor will establish the assessed valuation within the Revenue Allocation Area for a base year. The incremental revenue may be applied directly as it is received by the authorized redevelopment agency or, more commonly, applied as a long-term revenue stream for the issuance of bonds or other debt obligations. Once the Plan has been fully implemented and/or the bonds or debt obligations have been retired, the incremental revenue flows back to the appropriate taxing districts in the same proportion as the base revenue. Revenue Allocation has been available in Idaho since 1988 and is anticipated to be the major, and thus most essential, component for Plan financing.
Loans and Notes–Problematic with Revenue Allocation financing is the time delay from initiation of Plan implementation and establishment of the base assessment roll. Several years may elapse before the incremental tax revenue stream can adequately demonstrate the strength necessary to issue bonds. Short-term notes or loans issued by local lenders or others are a means of providing the bridge financing necessary to begin development work. Bond proceeds can then be used to “take out” the notes. The Agency may borrow other funds from other sources as needed and authorized under the Plan.

Local Improvement Districts (LIDs)–This financing mechanism is used to fund capital improvements and distribute the cost among a number of property owners. Counties and highway districts often use LIDs for local street and sewer projects. A series or ordinances are adopted to create the district, approve the assessment roll, and issue construction warrants and long-term bonds. The tax-exempt bonds are issued through bid or negotiated sale with revenue collection tied to the property tax system. Bond terms are usually ten years.

SBA 504 Program–This program uses the public sale of reduced interest debentures to write-down commercial loans for commercial and limited industrial projects.

Community Reinvestment–Local lenders are making funds available at below-market interest rates in order to meet their Community Reinvestment Act obligations.

Community Development Block Grant (CDBG)–In order to achieve the objectives set forth in this Plan, the City may submit an application from time to time for Idaho Community Development Block Grant funding. Such application must meet certain eligibility objectives. The grant is constrained to a specific list of eligible activities. However, Community Development Block Grant funding may be of some assistance in portions of the Agency’s funding objectives.

Developer Advances–Given the delayed flow of revenue under tax increment financing, developer advances may be a desirable approach to initiate development projects. The terms of the advance would be negotiable on a project-by-project basis, but possible uses could be master planning, project administrations, necessary legal work, and even preliminary public infrastructure work.

City or Agency Advances–City may provide advances or contributions for certain public improvements.

Conduit Financing–The Agency reserves the right to participate as a conduit financing vehicle for those projects described in this Plan, using lease or revenue proceeds, rather than revenue allocation proceeds.
Financing Conclusion

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.
<table>
<thead>
<tr>
<th>Year</th>
<th>Industrial</th>
<th>Year Total</th>
<th>Cumulative Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011-2012</td>
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1 Cumulative estimated increases of assessed value for land, improvements, personal property, and utilities above the base value in 2011.

2 Generally reflects value of construction completed in the first year indicated and assessed in the following year but can include occupancy roll (buildings) and subsequent missed roll (personal property) values for buildings completed in the following year.

3 Reflects the planned freezer/warehouse building estimated 100% completion by 12/31/11.

4 Reflects an estimated two percent per year depreciated value for personal property estimated at $1,350,000 starting in 2012 and running through the 20-year life of the project.

5 Assumes building value appreciation at one-half of one percent per year or $38,250 recorded with five-year review in 2016 at $191,000.

6 Assumes additional building value appreciation at $196,000 recorded in 2021 at the end of a second five-year review.

7 Assumes building value depreciation at one-half of one percent per year or $39,915 recorded with five-year review in 2026 at $1,200,000.
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¹ Estimated valuation to nearest (000) is based on cumulative net values from Attachment 5A, rounded.

² The tax levy rate applicable in the urban renewal area is estimated to increase one percent per year from 2011 for 2012, stay level for 2013 and 2014, and decrease one-half of one percent per year, starting in 2015. The 2012 levy rate is net of voter-approved bonds by the city of Buhl and School District No. 412. Because of HB 470, such voter-approved levy rates cannot be used to generate revenue for the Urban Renewal Agency.
## Attachment 5C
Estimated Annual Revenues and Costs (Figures Shown in 000)
East Buhl Industrial Area Urban Renewal Project
(10-25-11)

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1 Fiscal Year ending September 30 of year indicated.

2 Revenue Allocations: See Attachment 5B, rounded to the nearest thousand.

3 Agency loan from McCollum Addition Project, interest at 3% per year for water and sewer lines in 4150 North Road (becomes East Elm Street with annexation).

4 Utility and street improvements for East Elm Street. See attached Buhl URA – Roadway Reconstruction of East Elm Street.

5 Site work – rock removal, Idaho Power upgrade and extensions, and water line and exterior fire protection.

6 Any remaining funds at closeout will be returned to the taxing districts.
Exhibit 4

CHANGE SHEET FOR
URBAN RENEWAL PLAN FOR THE
EAST BUHL INDUSTRIAL URBAN RENEWAL PROJECT
1. Page 6, Section 106, Agricultural Land Consent

Section has been changed to indicate project area has been used for agricultural purposes within the last three years and consent from the property owner has been obtained.

The changed section is attached.

106 Agricultural Land Consent

In 2006, the Idaho Legislature approved amendments to certain definitions of the Law to not allow the inclusion of property within the definition of a deteriorating area, which has been used for agricultural operation within the past three years without the consent of the owner of the agricultural operation. If such property is not within a deteriorating area, then by definition the property would not be included within an urban renewal area. The Agency has obtained the consent of the property owner concerning the property within the Project Area that has been used for agricultural operation within the last three years by virtue of entering into a Memorandum of Understanding with the property owner and the property owner submitting a request for annexation.
Exhibit 5

SUMMARY OF ORDINANCE NO. 957
Exhibit 5
CITY OF BUHL

SUMMARY OF ORDINANCE NO. 957

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUHL, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE EAST BUHL INDUSTRIAL 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; WAIVING THE READING RULES; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BUHL:

SECTION 1: It is hereby found and determined that:

(a) The Project Area as defined in the Plan is a deteriorated 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, 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.

(c) There continues to be a need for the Agency to function in the City.

(d) The Plan conforms to the Comprehensive Land Use Plan for the city of Buhl, as amended.

(e) The Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the land use components of the 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 Plan.

(f) The Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation and redevelopment of the urban renewal area by private enterprises.

(g) The Plan provides a feasible method for relocation of any displaced families residing within the urban renewal area.

(h) The Project Area and Revenue Allocation Area may contain certain open land,
but 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 both residential and non-residential uses. Provided, however, that if portions of the Project Area and Revenue Allocation Area are deemed “open land” the criteria set forth in the Law and Act have been met.

(i) The 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 the Comprehensive Land Use Plan for the city of Buhl, 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.

(j) The base assessment roll of the Project Area and the McCollum Addition Project Area does not exceed ten percent (10%) of the assessed value of the City.

(k) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code Section 50-2018(9), does include agricultural operations or forest land which has been used within the past three (3) consecutive years, but consent to be included within the Project Area has been obtained from the property owner.

SECTION 2: The City Council finds that the Project Area and Revenue Allocation Area may 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. Provided, however, the City Council finds that if portions of the Project Area and Revenue Allocation Area are deemed “open land,” the criteria set forth in the Law and Act has been met.

SECTION 3: The City Council finds that the Plan meets the sound needs of the City 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 Land Use Plan for the city of Buhl, 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.

SECTION 4: The Plan, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachment, be, and the same hereby is, 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 December 12, 2011, hearing, and incorporate changes or modifications, if any.

SECTION 5: No direct or collateral action challenging the 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 Plan.

SECTION 6: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Tax Assessor of Twin Falls County and to the city of Buhl, Joint School District No. 412, Twin Falls County Ambulance, Buhl Highway District,
West End Cemetery District, College of Southern Idaho, Twin Falls Mosquito Abatement 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: The City Council hereby finds and declares 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: 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 Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 9: So long as any Agency bonds are outstanding, the City Council shall not exercise its power under Idaho Code Section 50-2006 to designate itself as the Agency Board.

SECTION 10: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2011, to the extent permitted by the Act.

SECTION 11: 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 12: One-half, plus one of the City Council members finding good cause, the City Council hereby dispenses with the rule that this Ordinance be read on three different days, and have hereby adopted this Ordinance, having considered it at one reading.

SECTION 13: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

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

SECTION 15: SAVINGS CLAUSE: This ordinance does not affect an action or proceeding commenced or right accrued before this ordinance takes effect.

PASSED by the City Council of the city of Buhl, Idaho, on this 12th day of December 2011.
APPROVED by the Mayor of the city of Buhl, Idaho, on this 12th day of December 2011.

EXHIBITS TO THE ORDINANCE

Exhibit 1  Recommendation Finding the Urban Renewal Plan for the East Buhl Industrial Urban Renewal Project In Conformity With Comprehensive Plan

Exhibit 2  Notice Published in the Buhl Herald.

Exhibit 3  Urban Renewal Plan for the East Buhl Industrial Urban Renewal Project

Exhibit 4  Change Sheet for the Urban Renewal Plan for the East Buhl Industrial Urban Renewal Project

Exhibit 5  Ordinance Summary

SUMMARY OF PLAN

The Urban Renewal Plan for the East Buhl Industrial Urban Renewal Project ("Plan") was prepared by the urban renewal agency of the city of Buhl, the Buhl Urban Renewal Agency ("Agency") pursuant to the state of Idaho Urban Renewal Law, the Local Economic Development Act, the Idaho Constitution, and all applicable laws and ordinances and was approved by the Agency. The Plan provides for the Agency to undertake urban renewal projects pursuant to the Idaho Urban Renewal Law of 1965 as amended. The Plan contains a revenue allocation financing provision pursuant to the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, that will cause property taxes resulting from any increases in equalized assessed valuation in excess of the equalized assessed valuation as shown on the original base assessment roll as of January 1, 2011, to be allocated to the Agency for the urban renewal purposes.

The general scope and objectives of the Plan are:

a. The elimination of environmental deficiencies in the Project Area, including, among others, deteriorated and inadequate public improvements including certain streets and improvements; improvements to public utilities including water and sewer improvements, fire protection systems, railroad spurs and crossings (as allowed by law); other 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 certain site work, including rock removal;

b. The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area;
c. The replanning, redesign, and development of undeveloped or underdeveloped areas which are stagnant or improperly utilized because of excessive rock, 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 site improvements to stimulate new private development providing, employment, and economic growth;

e. The provision of adequate land for street rights-of-way;

f. The reconstruction and improvement of a major street corridor to allow traffic flows to move through the development along with the accompanying utility connections, through the Project Area;

g. The provision of public service utilities such as water system improvements, main sewer system improvements (which may be located outside the Project Area), and certain pretreatment improvements within the Project Area;

h. 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, 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 Revenue Allocation Area and the Project Area as a whole and benefitting 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 Buhl and the Comprehensive Land Use Plan, as amended as adopted by the City Council. 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 Urban Renewal Area.

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

An area consisting of a single 37.978-acre parcel at the eastern edge of the current Buhl city limits bounded by 4150 North Road on the north and the Eastern Idaho Railroad tracks on the south. The rights-of-way for the street and railroad total approximately 2.84 acres for an overall total Project Area of 40.818 acres, and as more particularly described as follows:
Township 9 South, Range 15 East, Boise Meridian, Twin Falls County, Idaho

Section 31: A parcel of land located in a portion of the South ½ of said section, being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 31; said point lies North 00°37'00” West 2650.91 feet from the Southwest corner of said section;
THENCE South 89°55'07” East 1402.91 feet along the north boundary of the South ½ of Section 31 to the TRUE POINT OF BEGINNING;
THENCE continuing South 89°55'07” East 1359.97 feet along said north boundary;
THENCE South 00°48'07” East 1452.82 feet to a point on the northerly boundary of the railroad right-of-way;
THENCE North 83°49'17” West 911.33 feet along said right-of-way;
THENCE North 17°36'07” West 74.69 feet;
THENCE North 83°44'46” West 124.64 feet;
THENCE North 06°15'14” East 281.86 feet;
THENCE North 17°36'07” West 292.38 feet;
THENCE North 84°46'39” West 263.75 feet;
THENCE North 00°37'00” West 688.92 feet to the TRUE POINT OF BEGINNING

The project area is also depicted in the map below.
Sections 300 through 323 discuss the proposed redevelopment actions, participation opportunities and agreements, cooperation with public bodies, property acquisition standards and requirements, relocation, demolition, and property disposition.

Sections 402 through 404 discuss the type of land uses authorized in the Project Area and list other controls by referencing the applicable County ordinances.

Section 405 describes design guidelines for development.

The Plan also contains a major section on financing. Among other sources, the Plan will utilize revenue allocation financing, authorized by Chapter 20, Title 50, Idaho Code. This statute was approved in 1988 by the Idaho Legislature. Section 504 and Attachment 5 discuss revenue allocation financing and show how such financing has worked and would work in the Project Area in the future if certain new private developments occur as estimated.

Increases in assessed valuation of real and personal property in the Project Area that occur after January 1, 2011, will generate revenue for the Agency to pay project costs. Project costs include street improvements, site improvements, utility improvements, and other public improvement costs. The assessed valuation of real and personal property on the base assessment roll is still available for use by the other taxing districts, Twin Falls County, city of Buhl, Joint School District No. 412, Twin Falls County Ambulance, Buhl Highway District, West End Cemetery District, College of Southern Idaho, and Twin Falls Mosquito Abatement District to finance their operations. The Plan authorizes the Agency to sell revenue bonds to finance project costs and to use annual revenue allocations to pay the debt service.

The program outlined in the Plan emphasizes the installation of needed public improvements, street improvements, utility work, and other costs to encourage private development.

Attachment 5 describes in detail the cost and financing methods for complete repayment of the debt incurred used to finance the Project and to also fund the additional described activities.

No change in the land use designation or the potential uses in the area have been proposed. The Plan follows the underlying zoning classifications of the city of Buhl. Proposals for certain zone changes are made in the Plan.

Sections 600 and 700 describe cooperative activities by the Agency with the City.

The duration of the Plan is for twenty (20) years. A termination process is described in Section 800 of the Plan. The Agency is required to prepare an annual report each year describing its activities during the previous year.
ATTACHMENTS TO THE PLAN

Attachment 1  Map of the Urban Renewal Project Area and Revenue Allocation Area Map

Attachment 2  Description of the Urban Renewal Project Area Boundaries and Revenue Allocation Area

Attachment 3  Private Properties Which May be Acquired by Agency (Limited to Public Improvements and Facilities)

Attachment 4  Map Depicting Expected Land Uses and Current Zoning within Project Area

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

Attachment 5A  Net Estimated Taxable Value of New Private Development in East Buhl Industrial Urban Renewal Project

Attachment 5B  Estimated Annual Tax Revenue Allocation in East Buhl Industrial Urban Renewal Project

Attachment 5C  Estimated Annual Revenues and Costs in East Buhl Industrial Urban Renewal Project

The full text of Ordinance 957 is available at the offices of the City Clerk, Buhl City Hall, 203 Broadway North, Buhl, Idaho, 83316.

This summary is approved by the Buhl City Council at its meeting of December 12, 2011.

Mayor Tom McCauley

ATTEST:

Rhyn Filiaga, City Clerk
I, William Nungester, City Attorney for the city of Buhl, Idaho, hereby declare and certify that in my capacity as City Attorney of the city of Buhl, pursuant to Idaho Code Section 50-901A(3) of the Idaho Code as amended, I have reviewed a copy of the above Summary of Ordinance, have found the same to be true and complete, and said Summary of Ordinance provides adequate notice to the public of the contents, including the exhibits, of Ordinance No. 257.

DATED this 6th day of December 2011.

William Nungester, City Attorney, Buhl, Idaho