

## ORDINANCE NO. 442

RECORDED

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, AND APPROVING THE MIDDLETON DOWNTOWN URBAN RENEWAL PLAN FOR THE DOWNTOWN 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; PROVIDING A REPEALER CLAUSE; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

2008 DEC 19 PM 3 43  
WILLIAM H. HAST  
CANYON CITY RECORDER  
BY *[Signature]*

REQUEST *City of Middleton*  
TYPE *Ordinance* FEE *2*

WHEREAS, on or about the 5th day of September 2006, by Council Resolution No. 233-06, the Council and Mayor of Middleton created an urban renewal agency, the Middleton Urban Renewal Agency (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, being Idaho Code, Title 50, Chapter 20, as amended (the "Law"), and the Local Economic Development Act, the same being Idaho Code, Title 50, Chapter 29, as amended (the "Act"), upon making the findings of necessity required for creating said Urban Renewal 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 of Middleton ("City") authorized the preparation of an eligibility report by Sage Community Resources ("Consultant"), to consider an area bounded generally by west of Fourth Avenue to Main Street and the railroad right-of-way on the east, 1st Street North on the north, and Arbor Drive, Boise Street on the south;

WHEREAS, the *City of Middleton Area Urban Renewal Eligibility Report*, dated June 4, 2007 (the "June 2007 Report"), examined 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 City, on June 5, 2007, adopted Resolution No. 238-07 accepting the June 2007 Report;

WHEREAS, the Mayor and Council considered the steps set forth by the Act and Law, accepting the June 2007 Report finding the area set forth in the June 2007 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 Middleton, 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 consultants have undertaken the planning process during 2007 and 2008;

WHEREAS, the Agency has prepared a proposed Middleton Downtown Urban Renewal Plan for the Downtown Urban Renewal Project (the "Plan") and the urban renewal area referred to as the "Downtown Urban Renewal 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 and public information session held on October 21, 2008;

WHEREAS, on October 21, 2008, the Agency Board passed Resolution No. 3-08 proposing and recommending the approval of the Middleton Downtown Urban Renewal Plan;

WHEREAS, the Agency has, by letter of transmittal dated October 29, 2008, submitted the Plan to the Mayor and City Council of Middleton;

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

WHEREAS, at its regular meeting held November 17, 2008, the Middleton 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 Plan; a copy of the motion made by 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 Middleton City Clerk of Middleton, Idaho, in the *Idaho Press Tribune* on November 3, and 17, 2008, a copy of said notice being attached hereto as Exhibit 2;

WHEREAS, as of October 29, 2008, the Plan was submitted to the affected taxing entities, available to the public, and under consideration by the City Council;

WHEREAS, the City Council of the City of Middleton conducted a work session on November 19, 2008, to review and discuss the Plan;

WHEREAS, the City Council during its regular meeting of December 3, 2008, 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 3, 2008, regular meeting of the City Council: (1) the kind, number, and location of all proposed public works or improvements within the revenue allocation area; (2) an economic feasibility study; (3) a detailed list of estimated project costs; (4) 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; and (5) a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred;

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 Middleton, 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 Middleton, 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 Middleton, 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 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 cannot exceed ten percent (10%) of the Base Assessment Value of the City of Middleton;

WHEREAS, the City at its regular meeting held on December 3, 2008, considered the Plan as proposed and made certain comprehensive findings.

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

SECTION 1: It is hereby found and determined that:

(a) The Downtown Urban Renewal 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 of Middleton.

(c) There continues to be a need for the Middleton Urban Renewal Agency ("Agency") to function in the City of Middleton.

(d) The Plan conforms to the Comprehensive Plan of the City of Middleton.

(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 mixed use components of the Plan, the need for overall public improvements, and the proposed public open space), 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 collective base assessment roll of the Downtown Urban Renewal Project Area does not exceed ten percent (10%) of the assessed value of the City of Middleton.

SECTION 2: The City Council finds that the Downtown Urban Renewal Project Area and Revenue Allocation Area do not consist of predominantly open land, that the Agency does not intend to acquire any open land on any widespread basis, and that the Downtown Urban Renewal Project Area is planned to be redeveloped in a manner that will include both residential and nonresidential uses. Provided, however, the City Council finds that if portions of the Downtown Urban Renewal 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 one of the Plan objectives to increase the mixed use development opportunity to include housing does meet the sound needs of the City and will provide residential opportunities in an area that does not now contain such residential opportunities, and the portion of the Downtown Urban Renewal 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 Middleton Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

SECTION 4: The 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 3, 2008, 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 Canyon County and to the appropriate officials of Greater Middleton Recreation, Middleton Ambulance District, City of Middleton, Canyon County Highway District #4, Middleton Fire District, Middleton Cemetery District, Middleton School District #134, College of Western Idaho, Flood Control District No. 10, Canyon County, and 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, 2008, 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.

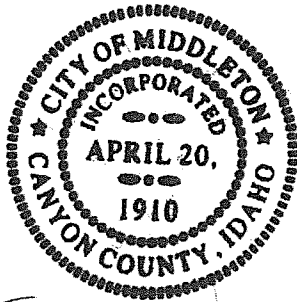
SECTION 13: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

SECTION 14: All ordinances, resolutions, orders or parts thereof in conflict herewith, Ordinance #441 are hereby repealed, rescinded and annulled.

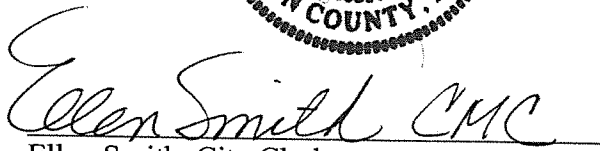
SECTION 15: SAVINGS CLAUSE: This ordinance does not affect an action or proceeding commenced or right accrued before this ordinance takes effect.

PASSED by the City Council of the City of Middleton, Idaho, on this 17th day of December, 2008.

APPROVED by the Mayor of the City of Middleton, Idaho, on this 17<sup>th</sup> day of December, 2008.



ATTEST:

  
Ellen Smith, City Clerk

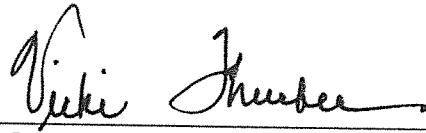
  
\_\_\_\_\_  
Mayor Vicki Thurber

Exhibit 1

RECOMMENDATION FINDING THE MIDDLETON URBAN  
RENEWAL AGENCY PLAN  
IN CONFORMITY WITH COMPREHENSIVE PLAN



**Urban Renewal: Ryan Armbruster gave a staff report of the legal criteria for adopting a Urban Renewal Plan.** A presentation for the Urban Renewal Plan was presented to the Planning and Zoning Commission. Ryan Armbruster, attorney with Elam & Burke gave a staff report on the URD committee and how long they have been working on this plan. Statute states that URD plan must be presented to the Planning and Zoning Commission for a finding that the plan is in conformance with the Comprehensive Plan funds can be spent on public not private improvements within the approved district. A PowerPoint presentation was shown to the audience it went through the area designated as the URD district, the components of the plan, the budget of the plan for a period of 24 years O'Meara asked why it doesn't list inside, the members of the committee members. Grey asked if the district was going to encourage the existing property owners with financial incentives to update their businesses hopefully to the vision that the URD has in mind. Armbruster-incentives in the sense, that we will try and encourage them to redevelop their own properties to the extent that there are some needed improvements like sidewalks, streetscape within the right of way. There would be no direct financial participation with the developer/owner regarding their private building or private property. We will work closely with developers to use public funds to encourage them to develop. He used a Meridian project as an example. The commission will make a motion to recommend to the Council the conformity to the comprehensive plan. The Council will be holding a public hearing on December 3. It was **moved** by Commissioner O'Meara, **seconded** by McWhorter that we move forward with a recommendation to Council for approval that the Downtown Urban Renewal Plan conforms with the general land use plan for the City of Middleton's Comprehensive Plan for the development of the Municipality as a whole and this action and motion by the commission be entered into the minutes and forwarded onto the City Council as the commissions as a written recommendation for approval and adoption of the Urban Renewal Plan. 7:51:54 PM

**Yes:** Commissioner Cada, Commissioner McWhorter, Commissioner O'Meara, Commissioner Grey and Commissioner Golden

**No:** None

**Abstained:** None

**Absent:** Commissioner Tabb

Motion passed unanimously.

# Exhibit 2

## NOTICE PUBLISHED IN THE IDAHO PRESS TRIBUNE

### CITY OF MIDDLETON SUMMARY OF ORDINANCE NO. 442

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, APPROVING THE MIDDLETON DOWNTOWN URBAN RENEWAL PLAN FOR THE DOWNTOWN 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 ORDERED BY THE MAYOR AND COUNCIL OF THE CITY OF MIDDLETON:

SECTION 1: It is hereby found and determined that:

(a) The Downtown Urban Renewal 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 of Middleton.

(c) There continues to be a need for the Middleton Urban Renewal Agency ("Agency") to function in the City of Middleton.

(d) The Plan conforms to the Comprehensive Plan of the City of Middleton.

(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 mixed use components of the Plan, the need for overall public improvement 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 landowners residing within the urban renewal area.

(h) The collective base assessment roll of the Downtown Urban Renewal Project Area does not exceed ten percent (10%) of the assessed value of the City of Middleton.

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SECTION 5: No direct or collateral action challenging the Plan shall be brought prior to the effective date of the 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 Canyon County, Idaho, the appropriate Districts of Greater Middleton Recreation, Middleton Ambulance District, City of Middleton, Canyon County Highway District #4, Middleton Fire District, Middleton Cemetery District, Middleton School District #134, College of Western Idaho, Flood Control District #10, Canyon County, and 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 of 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, 2008, 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 Middleton, Idaho, on this 17th day of December 2008.

APPROVED by the Mayor of the City of Middleton, Idaho, on this 17th day of December 2008.

### EXHIBITS TO THE ORDINANCE

Exhibit 1  
Recommendation Finding the Plan in Conformity With Comprehensive Plan

Exhibit 2  
Notice Published in Idaho Press Tribune

Exhibit 3  
Middleton Downtown Urban Renewal Plan

Exhibit 4  
Ordinance Summary

### SUMMARY OF PLAN

The Middleton Downtown Urban Renewal Plan ("Plan") was prepared by the urban renewal agency of the City of Middleton, the Middleton 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 increase in equalized assessed valuation in excess of the equalized assessed valuation as shown on the original base assessment roll as of January 1, 2008, to be allocated to the Agency for the urban renewal purposes.

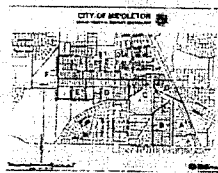
The general scope and objectives of the Plan are:

- the elimination of environmental deficiencies in the Project Area, including, among others, obsolete and aged building types, and inadequate public improvements and facilities, including certain streets, improvements to public utilities, and removal, burying, or relocation of overhead utilities;
- the assembly of land into parcels suitable for modern, integrated development with parking and improved pedestrian and vehicular circulation in the Project Area;
- the replanning, redesign, and development of undeveloped and underdeveloped areas which are stagnant or improperly utilized because of fragmented ownership and other site conditions;
- the cleanup and redevelopment of properties adjacent to State Highway 44;
- the redevelopment of properties;
- the strengthening of the economic base of the Project Area and the community by the installation of needed public improvements, infrastructure and facilities to stimulate new commercial expansion, employment, and economic growth;
- the establishment and implementation of performance standards to assure design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area;
- 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 Project Area is located;
- the creation of public spaces, gateway entries, public art, and the like;
- the provision of civic buildings or community facilities owned or occupied by other public entities including the City of Middleton;
- the provision of adequate land for open space and street rights-of-way;
- the construction and improvement of major street corridors to allow traffic flows to move through the development improvements to Highway 44 (at the intersection of the accompanying utility connections through the Project Area); and
- fund the necessary public infrastructure to accommodate both public and private development.

Any such land uses as described in the Plan will be in conformity with the Comprehensive Plan of Middleton, Idaho. 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 Project Area boundaries herein referred to are as follows:

The Project Area consists of approximately sixty-five (65) acres generally shown on Attachment 1, and as specifically described in Attachment 2, both attached and incorporated herein by reference.



Land in the S1/2 of Section 6 and the N1/2 of Section 7, all in Township 4 North, Range 2 West, Boise Meridian, in the City of Middleton, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the quarter corner common to said Sections 6 & 7, at the intersection of Hawthorn Drive and Main Street (State Highway 44);  
thence S89°41'00"W 469.97 feet;  
thence S89°41'00"W 817.60 feet to the east line of Fourth Avenue West;  
thence along said east line N01°24'51"E 763.66 feet;  
thence S40°37'45"W 564.30 feet;  
thence S01°02'22"W 109.32 feet to the south line of said Main Street (State Highway 44);  
thence along said south line N89°38'35"E 612.91 feet to the east line of said Fourth Avenue West;  
thence along said east line S00°18'07"W 238.28 feet;  
thence S89°16'48"E 335.01 feet;  
thence S89°42'48"E 487.24 feet;  
thence S00°14'24"W 118.13 feet to the north line of Arbor Drive;  
thence along the north line of Arbor Drive N66°34'34"E 163.55 feet to the west line of First Avenue West;  
thence S72°30'04"E 52.19 feet to the east line of First Avenue West;  
thence continuing along the north line of said Arbor Drive

thence leaving said north line S89°44'20"E 491.70 feet to the east line of First Avenue East;  
thence along said east line S00°51'43"W 272.69 feet;  
thence S89°44'20"E 130.00 feet;  
thence S00°51'43"W 50.00 feet;  
thence S89°38'51"E 414.90 feet to the centerline of Dewey Ave;  
thence along said centerline S00°12'16"W 691.11 feet to the centerline of Boise Street;  
thence along said centerline of Boise Street S89°35'16"E 470.00 feet to the east line of Middleton Road;  
thence along said east line N00°35'36"E 230.01 feet;  
thence S89°02'08"E 340.23 feet;  
thence N11°23'20"W 38.62 feet;  
thence S89°33'51"E 626.44 feet, to the east right-of-way line of the abandoned Oregon Short Line Railroad;  
thence along said east right-of-way line S23°02'02"W 1351.51 feet;  
thence S89°37'30"W 163.68 feet;  
thence N24°11'14"W 148.84 feet to the south line of First Street North;  
thence along said south line N89°44'26"W 401.55 feet;  
thence S00°14'17"W 145.50 feet;  
thence N89°44'21"W 738.52 feet to the POINT OF BEGINNING.

The area contained within the above description is 61.826 Acres, more or less.

The basis of bearing for this description being the Canyon County GIS database.

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 City 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 3 discuss revenue allocation financing and show how such financing would work in the Project Area in the future if certain new private developments occur as estimated. Section 509 provides for a specific rebate of a portion of the revenue allocation to Middleton School District No. 134.

Increases in assessed valuation of real and personal property in the Project Area that occur after January 1, 2008, will generate revenue for the Agency to pay project costs. Project costs include street improvements, parking facilities, 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: Greater Middleton Recreation, Middleton Ambulance District, City of Middleton, Canyon County Highway District #4, Middleton Fire District, Middleton Cemetery District, Middleton School District #134, College of Western Idaho, Flood Control District No. 10, Canyon County, and 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 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 Middleton. 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-four (24) 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 Project Area and Revenue Allocation Area Boundary Map and Middleton Comprehensive Plan Land Use Classifications
- Attachment 2 Description of Project Area and Revenue Allocation Area
- Attachment 3 Properties Which May Be Acquired by Agency (limited to public improvements and facilities)
- Attachment 4 Map Depicting Current Zoning within Revenue Allocation Area and Project Area
- Attachment 5 Statement of Proposed Public Improvements, Costs, Revenue, Tax Impacts, and Financing Methods
- Attachment 5A Estimated Improvement Costs Within Downtown Middleton Project Area
- Attachment 5B Feasibility Study: Revenues and Expenditures Downtown Middleton Project Area
- Attachment 6 Master Design Plan for Downtown Middleton Project Area

The full text of Ordinance 442 is available at the offices of the City Clerk located at Middleton City Hall, 6 N. Dewey Avenue, Middleton, Idaho, 83644.

This summary is approved by the Middleton City Council at its meeting of December 17, 2008.

Vicki Thuber, Mayor  
Attest: Eden Smith, City Clerk

I, Paul Flizer, City Attorney for the City of Middleton, Idaho, hereby declare and certify that in my capacity as City Attorney of the City of Middleton, 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 this Summary of Ordinance, provides adequate notice to the public of the contents, including the exhibits, of Ordinance No. 442.

DATED this 17th day of December, 2008.  
Paul Flizer, City Attorney,  
Middleton, Idaho

Dec 18, 2008

CC559979

ORDIN  
M:ADOCU

**EXHIBIT 3**

**MIDDLETON DOWNTOWN  
URBAN RENEWAL PLAN  
CITY OF MIDDLETON  
URBAN RENEWAL PROJECT**

Ordinance No. 442

Adopted 12-17-08

Effective 12-18-08

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| Attachment 6 | Master Design Plan for Downtown Middleton Project Area  |

## **DOWNTOWN MIDDLETON URBAN RENEWAL PLAN**

### **I. [§ 100] INTRODUCTION**

This the Downtown Middleton Urban Renewal Plan (the "Plan") for the Downtown Middleton Area (the "Project Area" or "Downtown Middleton Project Area") Urban Renewal Project (the "Project") within the City of Middleton (the "City"), County of Canyon, State of Idaho, and consists of the text contained herein and the following attachments:

Project Area and Revenue Allocation Area Boundary Map and Middleton Comprehensive Plan Land Use Classifications (Attachment 1);

Description of the Project Area and Revenue Allocation Area (Attachment 2);

Private Properties Which May Be Acquired by Agency (Attachment 3) (limited to public improvements and facilities);

Map Depicting Current Zoning Within Revenue Allocation Area and Project Area (Attachment 4);

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

Estimated Improvement Costs Within Downtown Middleton Project Area (Attachment 5A);

Feasibility Study: Revenues and Expenditures Downtown Middleton Project Area (Attachment 5B); and

Master Design Plan for Downtown Middleton Project Area (Attachment 6).

The term "Project" is used herein to describe the overall activities defined in this Plan and conforms with the statutory definition of "urban renewal project." Reference is specifically made to Idaho Code Section 50-2018(10) for the various activities contemplated by Project Area. 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.

This Plan was prepared by the Board of Commissioners, consultants, and staff of the Middleton Urban Renewal Agency (the "Agency"), and was reviewed and recommended by the Agency pursuant to the State of Idaho Urban Renewal Law, 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 Middleton Comprehensive Plan (the "Comprehensive Plan"), as amended, adopted by the City Council of the City of Middleton ("City Council").

The Agency may create several planning documents generally describing the overall Project and may 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 Directors of the Agency (the "Board") shall consider any such comments and determine whether to adopt the planning documents or any 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 area within the boundaries 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 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 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 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 facilities



like utilities, streets, sidewalks, parking facilities, parks, or plazas which, in turn, create an attractive setting for adjacent private investment in office, retail, residential (housing or hotels), entertainment facilities, and light industrial uses.

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. This public-private relationship is crucial in the successful redevelopment of the Downtown Middleton Project Area.

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

- (a) the elimination of environmental deficiencies in the Project Area, including, among others, obsolete and aged building types, substandard streets, and deteriorated and inadequate public improvements, including certain streets, improvements to public utilities, removal, burying, or relocation of overhead utilities;
- (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 and underdeveloped areas which are stagnant or improperly utilized because of fragmented ownerships and other site conditions;
- (d) the clean-up and redevelopment of properties adjacent to State Highway 44;
- (e) the redevelopment of properties;
- (f) the strengthening of the economic base of the Project Area and the community by the installation of needed site and public improvements and infrastructure to stimulate new commercial expansion, employment, and economic growth;
- (g) the provision of adequate land for parks, open spaces, street rights-of-way, storm drain/retention facilities, and paths and landscape areas;
- (h) the provision of civic buildings or community facilities owned or occupied by public entities including the City of Middleton;
- (i) the establishment and implementation of performance criteria to assure high site design standards, environmental quality, and other design

elements which provide unity and integrity to the entire Project, including commitment of funds for planning studies;

- (j) the strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Revenue Allocation Area, as shown on Attachment 1 and described in Attachment 2 hereto, and the Project Area as a whole and benefiting the various taxing districts in the Project Area; and
- (k) the funding of necessary public infrastructure to accommodate both public and private development.

A.      **[§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 under Idaho Code Section 67-450B, and the competitive bidding requirements under Chapter 28, Title 67.

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 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 provision herein provides otherwise.

B.      **[§102]      Provisions Necessary to Meet State and Local Requirements**

1.      **[§103]      Conformance With State of Idaho Urban Renewal Law of 1965, as Amended**

The laws of the State of Idaho require an Urban Renewal Plan be submitted by any interested person or entity in an area certified as an urban renewal area by the Middleton City Council. On September 5, 2006, the City Council adopted Resolution 223-06 declaring a need for an urban renewal agency and authorizing the appointment of Commissioners. On that same date, the City Council adopted Resolution 224-06, which generally established a redevelopment project area. On June 5, 2007, the City Council adopted Resolution 238-07 accepting the eligibility report for the Downtown Middleton Project Area.

With the adoption of Resolution 238-07, the City Council found the Downtown Middleton Project Area a deteriorated and deteriorating area existing in Middleton as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, and authorized the preparation of an urban renewal plan.

In accordance with the Idaho Urban Renewal Law of 1965, this Plan was submitted to the Planning Commission of the City of Middleton. After consideration of the Plan, the Commission filed a resolution with the City Council stating this Plan is in conformity with the City of Middleton Comprehensive Plan, Middleton 2010.

Pursuant to the Law and the Act, the City Council having published due notice thereof, a public hearing was held on this Plan. Notice of the hearing was duly published in the *Idaho Press Tribune*, a newspaper having general circulation. The City Council adopted the Downtown Middleton Urban Renewal Plan on \_\_\_\_\_, by Ordinance No. \_\_\_\_\_.

**C.      [§104]      History and Current Conditions of the Area**

The Downtown Middleton Project Area is largely an older part of Middleton. A significant portion of the area is underdeveloped. Several public streets and State Highway 44 traverse through this Project Area. It is served by several public streets, some constructed without curb, gutter, and appropriate drainage. Water and sewer are available but require upgrades or improvements.

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 Revenue Allocation 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. Additionally, orderly development of the urban renewal area may enhance the downtown central district and provide infrastructure for that activity, along with improving the gateway to the City of Middleton.

**D.      [§105]      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 and the amount the Agency may fund by way of percentage or other criteria. 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 applying to all developers and owners.

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. The Agency reserves the right to change priorities within this Plan. The Agency reserves the right to retain its flexibility in funding the various activities. As required by the Law and the Act, the Agency will adopt more specific budgets annually.

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 at what level, whether using its own funds or funds generated by other sources.

**E.        [§106]        Downtown Middleton Project Area**

In April 2007, the City commissioned an eligibility report to determine whether the Downtown Middleton Project Area is eligible and appropriate for urban renewal planning under the Law and the Act. The report was prompted by interest from certain property owners, city officials, state officials, and others. The eligibility report dated June 4, 2007 (the "Report"), was received by the City Council on June 5, 2007. After receipt of the Report, the Agency and its consultants, with input from other interested parties and entities, determined an urban renewal plan should be prepared.

The Project Area is now referred to as the "Downtown Middleton Project Area." This area has lacked an appreciable value increase with a few exceptions. The objective of this Plan is to provide urban renewal and revenue allocation tools to enhance this area through improving the street system, and utility infrastructure, and other public amenities.

The Agency retains all powers allowed by the Law and the Act. Because of the long-term nature of the Downtown Middleton Urban Renewal 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 rigid or inflexible list of projects for the redevelopment, rehabilitation, and revitalization of any area within the Downtown Middleton Project Area, nor does the Downtown Middleton Urban Renewal Plan present rigid or inflexible proposals in an attempt to solve or alleviate the concerns and problems of the community

relating to the Downtown Middleton Project Area. Instead, the Downtown Middleton Urban Renewal 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. In particular, the Downtown Middleton Urban Renewal Plan attempts to respond to the challenges created by commercial and anticipated residential development along the major streets and elsewhere in the area. Implementation of the Downtown Middleton Urban Renewal Plan will require public co-investment to help stimulate desired private development. Typically, the public will fund enhanced public facilities like streets, sidewalks, parking facilities, parks, walking paths, public buildings, or plazas which, in turn, create an attractive setting for adjacent private investment.

The Downtown Middleton Urban Renewal Plan provides the Agency with powers, duties, and obligations to implement this Plan for the redevelopment, rehabilitation, economic enhancement, and revitalization of the Project Area. The Agency retains all powers allowed by law. The Agency will encourage projects with those activities which comply with the Law and the Act and meet the overall objectives of the Downtown Middleton Urban Renewal Plan.

F.        [§107]        [Reserved]

G.        [§108]        [Reserved]

## II.        [§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.

## III.        [§300]        PROPOSED REDEVELOPMENT ACTIONS

A.        [§301]        General

The Agency proposes to eliminate and prevent the spread of deterioration in the Project Area by:

- (a)        acquisition of certain real property;

- (b) 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, insanitary, or unsafe conditions, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deterioration or deteriorating conditions;
- (c) provision for participation by property owners within the Project Area;
- (d) management of any property acquired by and under the ownership and control of the Agency;
- (e) provision for relocation assistance to displaced Project occupants, as required by law;
- (f) installation, construction, or reconstruction of streets, 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; storm drain systems; retention ponds; landscaped areas; paths and walkways; improvements to Highway 44 (Main Street) and other city streets; streetscape; and landscaping;
- (g) disposition of property for uses in accordance with this Plan;
- (h) redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- (i) rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- (j) preparation and assembly of adequate sites for the development and construction of facilities for commercial, retail, entertainment, lodging, residential, and governmental use;
- (k) to the extent allowed by law, lending or investing federal funds to facilitate redevelopment; and
- (l) 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 Project 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. The Agency intends to encourage development of a mixed-use project consisting of residential, office, and supporting commercial and retail. For purposes of this Plan, the reference to "mixed-use" development shall mean this objective.

**B.        [§302]        Urban Renewal Plan Objectives**

Urban Renewal action is necessary in the Project Area to combat problems of physical deterioration and economic underdevelopment from, generally, west of Fourth Avenue to Main Street and the railroad right-of-way on the east, 1st Street North on the north, and Arbor Drive, Boise Street on the south.

The area has a history of a slow-growing tax base primarily attributed to inadequate street and utility improvements, inadequate public park areas, undeveloped properties, and other deteriorating areas.

This environment contrasts sharply with the growing economic and cultural strength of Middleton and the Canyon County region.

Hence, the Urban Renewal Plan for the Project Area is a proposal for major street, storm drain, and open space improvements to provide an improved environment for new and rehabilitated residential, retail, lodging, and commercial facilities; to eliminate unsafe conditions; and to otherwise prevent the extension of deterioration and reverse the deteriorating action of the area.

The streets to be vacated or relocated will create additional buildable area for retail, commercial, office, or public use. Vacations or relocations must be requested from the City of Middleton or any agency having jurisdiction over the particular public right-of-way.

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 Middleton Urban Renewal Agency when and if necessary to promote redevelopment in accordance with the objectives of the Plan.

Temporary project improvement shall be provided to facilitate adequate vehicular and pedestrian circulation.

Agency may act to improve transportation opportunity through the Project Area. A further objective of the Urban Renewal Plan is to provide for the acquisition and

clearance of property to be used for other public facilities. Over the life of the Plan, land use in the Project Area will be modified to the extent that buildings currently vacant and land underdeveloped will be converted to residential, lodging, commercial, retail, office, parks and paths, parking, and public/semi-public uses.

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 304 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 sidewalk improvements to significant new development, the Agency plans a key role in creating the necessary momentum to get and keep things going.
- (b) Secure significant public open space. This open space will greatly increase property values adjacent to it and greatly contribute to a new sense of place.
- (c) Develop and encourage new commercial opportunities, develop support facilities such as restaurants, and encourage new uses in the Project Area.
- (d) Pursue development across all land-use sectors simultaneously.

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 numerous public-private partnerships. The Plan creates the necessary flexible framework for the Project Area to capture a share of Middleton's growing population and economy.

C.      [§303]      **Participation Opportunities And Agreement**

1.      [§304]      **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, applicable zoning ordinance, and any framework master plan. 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 of Middleton or County of Canyon, as the case may be.
- (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 of Middleton or County of Canyon, as the case may be.

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 307 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) Encourage property owners or tenants to revitalize deteriorating areas of their parcels and to incorporate elements of the Plan such as street trees and sidewalk treatments to accelerate the enhancement of the street environment in the Project Area.
- (b) Subject to the limitations of the Law and the Act, provide 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.
- (c) Allow 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, provide incentives to improve nonconforming properties so they implement the design guidelines contained in this Plan to the extent possible and encourage an orderly transition from nonconforming to conforming uses over the planning horizon.

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

**D.      [§305]      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 Plan. 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 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.

The Agency may impose on all public bodies the planning and design controls contained in this Plan to ensure 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, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies owning or intending to acquire property in the Project Area. Any public body owning or leasing property in the Project Area will be afforded

all the privileges of an owner participant if such public body is willing to enter into a participation agreement with the Agency. All plans for development of property in the Project Area by a public body shall comply with the provisions of this Plan, in the event the Agency is providing any financial assistance.

The Agency specifically intends to cooperate to the extent allowable with the City of Middleton for the improvement of Main Street, North and South Dewey Avenue, and South Middleton Road. The Agency intends to cooperate with the Idaho Transportation Department on improvements related to State of Idaho projects including additional improvements to Highway 44 and/or the realignment of Highway 44.

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 304 of this Plan.

**E.        [§306]        Property Acquisition**

**1.   [§307]   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 without an express amendment to this Plan, properly approved by the City Council.

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, 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 House Bill 555 adopted by the 58<sup>th</sup> Idaho Legislature, Second Session, 2006, Session Law Chapter 96, codified at Idaho Code § 7-701A.

## **2. §308 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 deteriorated 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 304 of this Plan. In addition, such owner shall commit to the redeployment 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.

F. [§309] 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.

G. [§310] 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 Idaho Urban Renewal 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 on a 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.

H.        [§311]        **Demolition, Clearance, and Building and Site Preparation**

1. [§312]        **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.

2. [§313]        **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. In connection therewith, the Agency may cause, provide for, or undertake the installation or construction of streets, utilities, parks, playgrounds, parking facilities, 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 purposes of site preparation and development.

I.        [§314]        **Property Disposition and Development**

1. [§315]        **Real Property Disposition and Development**

a.        [§316]        **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.

b. **[§317] 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 Canyon 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, disability, age, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, 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 Middleton Urban Renewal 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 Middleton Urban Renewal 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 may be included in the agreement.

The developers, their successors, and assigns agree:

- (a) A plan and time schedule for the proposed development shall be submitted to the Middleton Urban Renewal Agency.
- (b) 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) The building of improvements will be commenced and completed as jointly scheduled and determined by the Middleton Urban Renewal Agency and the developer(s).
- (d) There will be no discrimination against any person or group of persons because of 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 or any person claiming under or through the developer 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 Urban Renewal Project Area by the Middleton Urban Renewal Agency.
- (e) The site and construction plans will be submitted to the Agency for review as to conformity with the provisions and purposes of this Urban Renewal Plan.
- (f) At the discretion of the Agency, a bond or other surety will be provided that is acceptable to the Agency to ensure performance under the contract of the sale.
- (g) 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) All new construction shall have a minimum estimated life of no less than twenty (20) years.
- (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 of Middleton.
- (j) All disposition and development documents shall be governed by the provisions of Section 420 of this Plan.

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



**c. [§318] 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 therefor.

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, pedestrian bridges, and pedestrian paths; (4) landscaped areas; (5) street improvements; (6) sanitary sewers; (7) storm drains; (8) water mains; (9) civic center or other public building; (10) police and fire facilities; (11) transit/transportation facilities, vehicles, and infrastructure; and (12) streetscape and landscape.

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.

**d. [§319] 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 Section 421, *infra*.

## **2. [§320] 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.

### **J. [§321] 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. The Agency is also authorized to acquire, restore, rehabilitate, move, and conserve buildings of historic or architectural significance.

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.

### **K. [§322] Participation With Private Development or Public Development**

Under the Idaho Urban Renewal Law the Agency has the authority to lend or invest funds obtained from the federal government for the purposes of the Law if allowable under federal laws or regulations. The federal funds that may be available to the Agency are governed by regulations promulgated by the Department of Housing and Urban Development for the Community Development Block Grant Program, as administered by the State of Idaho (ICDBG), the Economic Development Administration, the Small Business Administration, or other federal agencies. The Feasibility Study, Attachment 5B, assumes the successful award of ICDBG grants. 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 of support, for any other activity necessary or appropriate to carry out an economic development project.

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

**L.        [§323]        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.

**IV.    [§400]    USES PERMITTED IN THE PROJECT AREA**

**A.        [§401]        Redevelopment Plan Map and Development Strategy**

The Project Area and Revenue Allocation Area Boundary Map and Description of the Project Area and Revenue Allocation Area (including the Revenue Allocation Area referred to herein), attached hereto as Attachment 1 and Attachment 2, describe the location of the Project Area boundaries. The proposed land uses currently zoned for the Project Area are described in Attachment 2 and Attachment 4.

**B.        [§402]        Designated Land Uses**

The Agency intends to rely upon the overall land use designations and zoning classifications of the City of Middleton, as depicted on Attachment 2 and Attachment 4 and as set forth in the City of Middleton Comprehensive Plan, including the future land use map and zoning classifications. For the most part, the Project Area is proposed as mixed use of residential and commercial development. Provided, however, nothing herein within this Plan shall be deemed to be granting any particular right to zoning classification or use.

**C.        [§403]        Other Land Uses**

**1.    [§404]    Public Rights-of-Way**

The major public streets within the Project Area include Main Street, South Middleton Road, State Highway 44, and North and South Dewey Avenue.

Additional public streets or improvements to existing streets, alleys, and easements may be created, improved, or extended in the Project Area as need for proper development. Existing streets, alleys, 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 of

Middleton 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 pedestrian and vehicular access, transit facilities, 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 also to serve areas outside the Project Area by providing convenient and efficient vehicular access and movement.

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

## **2. [§405] Other Public, Semi-Public, Institutional, and Nonprofit**

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, religious, and charitable institutions; utilities; governmental facilities; 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. 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.

## **3. [§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 not in conformity with the uses permitted in this Plan. However, any interim use must comply with applicable Middleton City Code.

**D.        [§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.

**1. [§408]        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.

**2. [§409]        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, be attractive in appearance, and not be detrimental to the surrounding uses.

**3. [§410]        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.

**4. [§411]        Open Spaces, Landscaping, Light, Air, and Privacy**

The approximate amount of open space to be provided in the Project Area is the total of all areas which will be in the public rights-of-way, the public ground, the space around buildings, and all other outdoor areas not permitted to be covered by buildings. Landscaping shall be developed in the Project Area to ensure optimum use of living plant material.

**5. [§412]        Signs**

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

**6. [§413] Utilities**

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

**7. [§414] 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.

**8. [§415] 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.

**9. [§416] Subdivision of Parcels**

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

**10. [§417] 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 this public peace, health, safety, or welfare and to assure compliance with the purposes of this Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under the City of Middleton codes and ordinances.

**E.        [§418]        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 of Middleton'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* 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 toward 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 ordinances.

Attachment 6 depicts an overall design vision for the Downtown Project Area (the "Downtown Concept"). The Agency intends to encourage redevelopment of the Downtown Project Area in a manner that will achieve the vision and design depicted on Attachment 6. In any owner participation agreement or disposition and development agreement, the Agency will use its best efforts to require the developer to comply with the Downtown Concept. For projects which the Agency provides funding in whole or in part, the Agency intends to comply with the Downtown Concept.

**F.        [§419]        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.

**G.        [§420]        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.

**H.        [§421]        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 Middleton City Code.

**I.        [§422]        Design Guidelines for Development Under a Disposition and Development Agreement or Owner Participation Agreement**

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 417 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.

Generally, the overall design vision is as shown on Attachment 6 to this Plan.

**V. [§500] METHODS OF FINANCING THE PROJECT**

**A. [§501] General Description of the Proposed Financing Method**

The Agency is authorized to finance this Project with financial assistance from the City, Canyon County, 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 principal and interest on such advances, funds, and indebtedness may be paid from any other 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.

The Agency may also provide certain grants or loans to property owners, business owners, or others as may be allowed by law.

**B. [§502] 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.

**C. [§503] Other Loans, Grants, and Developer Contributions**

Any other loans, grants, guarantees, or financial assistance from the United States, the State of Idaho, or any other public or private source will be utilized if available. The Agency intends to consider funding sources through Local Improvement Districts and/or Business 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 Feasibility Study, Attachment 5B, has assumed the successful award of various grants.

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

**D.        [§504]        Revenue Allocation Financing Provisions**

The Agency hereby adopts revenue allocation financing provisions as authorized by the Act, effective retroactively to January 1, 2008. These revenue allocation provisions shall apply to all taxing districts located within the Revenue Allocation Area described in Attachment 2 to this Plan. The Agency shall take all actions necessary or convenient to implement these revenue allocation provisions. The Agency specifically finds that the equalized assessed valuation of the property within the Revenue Allocation Area is likely to increase as a result of the initiation of the Urban Renewal 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 of Middleton, Idaho, 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 of the Agency 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 debt. The Agency has also provided for obtaining advances or loans from the City, other public entities, or private entities 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 completely constructed or until any obligation to the City or other public entity or private entity are fulfilled. Attachment 5B 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 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.

The assumptions concerning revenue allocation proceeds are based upon certain assessed value increases and assumed tax levy rates.

House Bill 1 adopted by the 58<sup>th</sup> Idaho Legislature convening in Special Session in August 2006 repeals 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 House Bill 1, Idaho Code § 33-802.

#### **1. [§505] Economic Feasibility Study**

Attachments 5A and 5B consist of the Economic Feasibility Study ("Study") for the Urban Renewal Area prepared by Jim Gruber, Finance Director, Sage Community Resources, and Holladay Engineering. The Study constitutes the financial analysis required by the Act and is based upon existing information from the City, Agency, and Canyon County. Projections are based upon input from the Agency, property owners, developers, and others.

## **2. [§506] Assumptions and Conditions/Economic Feasibility Statement**

The information contained in Attachment 5B assumes certain completed and projected actions. Under the provisions of the Act, the revenue allocation shall continue until the debt or other obligations or the project activity is completed or is satisfied. All debt and activity are projected to be completed or repaid no later than the duration period of the Plan. The total amount of bonded indebtedness or loans and the amount of revenue generated by revenue allocation is 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 debt 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 the debt and the Project may continue for their full term.

The Urban Renewal 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, property acquisition, parking facilities, relocation costs, and greenbelt 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 below, 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.

## **3. [§507] Ten Percent Limitation**

Under the Act the base assessed valuation for all revenue allocation areas cannot exceed gross/net ten percent (10%) of the current assessed valuation for the entire City. The adjusted base assessment roll, including utilities and less any homeowner's exemption, for the revenue allocation area as of January 1, 2008, is an estimated \$10,452,800.<sup>1</sup> The total assessed value for the City of Middleton as of January 1, 2008,

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<sup>1</sup> Final assessed values for Tax Year 2008 will not be available until late October 2008. These estimates have used 2007 values with modification for 2008 premised upon certain information available to the Agency.

less homeowners' exemptions is an estimated \$260,493,691. The base assessment roll for the Revenue Allocation Area does not exceed ten percent (10%) of the assessed value for the City of Middleton.

#### **4. [§508] 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. The Study has assumed projected new development from 2009 through 2014, premised upon planned or commenced projects consisting primarily of several commercial projects and a residential subdivision. No additional increases have been programmed from 2014 through 2032. 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 throughout the term of the Project. Multiple financing sources including proposed revenue allocation notes and bonds, annual revenue allocations, developer 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 the Project is feasible.

Attachment 5A lists those public improvements which Agency intends to construct through the term of the Plan. Attachment 5A also shows certain improvements to be constructed by private developers or private owners in conjunction with the public improvements. 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 Area A in Attachment 5A first, in conjunction with a commercial private development

generating the increment as identified in Attachment 5B. Next in expected priority is Area C in conjunction with a commercial redevelopment of an existing retail center, which will create a significant open area, new streetscape, and other public improvements.

Depending on the availability of funds, the Agency will then examine the possibility of funding the improvement listed in Area D, then Area B, then Area E, and then Area F.

The Agency reserves the right to do a portion of the public improvements in each area, redeploying funds for use in the other areas.

The information contained in the Study assumes certain projected actions. First, the Agency has projected several bank loans, debt obligations, or note issues. The debt term will be finally determined by the marketability of the notes. 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 all of the development take place as projected, indebtedness would be extinguished earlier, dependent upon the 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 obligation 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.

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

#### **5. [§509] Rebate of Revenue Allocation Funds and School District Rebate**

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. The School District rebate is as described in the next paragraph. 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. All other taxing entities shall first receive any such rebate before such rebate shall be disbursed to the City.

As a result of House Bill 470, as more particularly described below, the Agency will not receive taxes generated from supplemental levies, plant facilities levies, or general obligation bond levies approved by the patrons/voters of Middleton School District 134 after January 1, 2008. However, the Agency will receive taxes generated from those levies approved by patrons/voters for plant facility levies and general obligation bond levies approved prior to January 1, 2008. Middleton School District has a remaining plant facility levy which runs through 2011 and a general obligation bond which runs through 2018. The financial feasibility study, Attachment 5B has taken those levies into account.

Under House Bill 470, the Agency remains entitled to those levies imposed by Middleton School District for (among others), the tort levy, and emergency levy. The emergency levy is imposed by the District based upon school enrollment and statutory authority, with a levy cap of .0006. In those years where the cap of .0006 is imposed, the District cannot modify the levy to reflect the revenues not received from the incremental assessed value within the Downtown Project Area. In those years when the statutory maximum is not reached, the District can modify the levy rate to reflect the revenues not received from the incremental assessed value within the Downtown Project Area.

In recognition of the statutory levy rate maximum and the impact of House Bill 470, the Plan imposes the obligation of the Agency to rebate to the District the emergency levy rate of .0006 if the emergency levy is imposed. In those years when the emergency levy rate does not reach the statutory cap, then the Agency will receive those taxes generated by that levy rate. Because of the annual decision by the District as to the imposition of the emergency levy, the financial feasibility study in Attachment 5B has not taken the emergency levy into account in any way.

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.

#### **6. [§510] Participation With Local Improvement Districts and Business 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.

Under the Business Improvement District Code (BID), Chapter 26, Title 50, Idaho Code, the City has the authority to establish business improvement districts for the acquisition, construction, and maintenance of parking facilities, promotion of public events, general promotion of retail trade in the district, and physical improvement and decoration of any public space in the district. To the extent allowed by the Law and Act, the Agency reserves the authority to participate in the funding of the business improvement district activities. The participation may include either direct funding to reduce the overall cost of the BID or to participate as an assessed entity, should the Agency own any property subject to assessment.

**7. [§511] Issuance of Debt, Debt Limitation, and Current Obligations**

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.

**8. [§512] 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. Since the passage of House Bill 156 in 1995, now codified in Section 63-802, Idaho Code, 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 House Bill 79 (2007), codified as Idaho Code § 63-301A, 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. House Bill 79 became effective retroactively to January 1, 2007, upon Governor Otter's signature on March 21, 2007. 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. 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 2008, those districts and rates are as follows

Taxing Districts Levies:

Greater Middleton Rec	0.0004214510
Ambulance District	0.0001755980
City of Middleton	0.0037027390
Canyon Hwy #4 in Middleton	0.0011015510
Middleton Fire	0.0008020970
Middleton Cemetery	0.0000356780
Middleton School Dist #134	0.0031750010

Flood Control District #10	0.0000798220
Canyon County	0.0039287980
College of Western Idaho	0.0001123950
<hr/> TOTAL LEVY	<hr/> 0.0135351300

As of the date of the consideration of this Plan, the Project Area may be added to the Canyon County Mosquito Abatement District which will also impose a levy.

One 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 reduction in the levy rate, by keeping the levy rate constant from 2008, except for the reduction of the School District levy rate by virtue of the expiration of the previously (prior to January 1, 2008) voter-approved plant facilities levy and bond levy. 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 provides 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, Middleton will not receive revenue allocation funds which would have been generated by imposing that levy on the assessed valuation within the Downtown Middleton Project Area. The Study which is attached as Attachment 5 has taken this new statute into account. The levy rate for School District No. 271 shown above is the aggregate levy rate for the school district as of 2007. The Study has assumed the impact of House Bill 470 and reduced the school district levy rate accordingly.

#### **9. [§513] 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, federal and state funds, foundation funds, grants, and City of Middleton participation. Agency participation shall be determined by the amount of revenue allocation funds generated.

#### **10. [§514] 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 Urban Renewal 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 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 24-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.

**11. [§515] [Reserved]**

**12. [§516] [Reserved]**

**VI. [§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) enforcement building code;
- (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) institution and completion of proceedings necessary for the establishment of a LID under Chapter 17, Title 50, Idaho Code, or a BID under Chapter 26, Title 50, Idaho Code;
- (h) undertaking and completion of any other proceedings necessary to carry out the Project;
- (i) administration of Community Development Block Grant funds that may be made available for this Project;
- (j) formation of 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) waiver of any hookup or installation fee for sewer, water, or other utility services for any facility owned by any public agency, including the Agency;
- (m) joint funding of certain public improvements and coordination with the City's art programs; and
- (n) use of City labor, services, and materials for construction of the public improvements listed in the Plan.

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

**A.      [§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.

**VII.   [§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.

#### **VIII. [§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-four (24) years from the date of adoption of the Plan by the City Council in 2008, which period shall expire on December 31, 2032, except for any revenue allocation proceeds received in calendar year 2033.

This Plan shall terminate no later than December 31, 2032, except for revenues which may be received in 2033. Either on January 1, 2032, or earlier if the Agency determines an earlier termination date, the following shall apply:

- (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 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 Urban Renewal Plan.
- (c) For the fiscal year that immediately predates 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 Urban Renewal 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 of Middleton.

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. The Agency may retain ownership of any parking facilities which may be constructed in the Project Area, as parking revenues may be sufficient to provide the resources necessary for the Agency to retain those 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 of Middleton, depending on the nature of the asset.

Upon termination of the revenue allocation authority of the Urban Renewal 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 of Middleton.

## **IX. [§900] PROCEDURE FOR AMENDMENT**

The Urban Renewal Plan may be further modified at any time by the Middleton Urban Renewal 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 the developer's/developers' 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.

**X. [§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, 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.

**XI. [§1100] ANNUAL REPORT**

Under the Idaho Urban Renewal Law, the Agency is required to file with the City, on or before March 31 of each year, a report of the Agency's activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such calendar year.

**XII. [§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.

Date: 10/7/2008  
 Urban Renewal Project Probable Cost  
 Reference No.: MD 016007

**City of Middleton**



**1. Section A**

DESCRIPTION OF WORK	UNIT	QUANTITY	PROBABLE COST	
			UNIT PRICE	TOTAL COST
Mobilization & De-Mobilization	L.S.	1	\$10,000.00	\$10,000.00
Excavation & Disposal of Material	L.S.	1	\$13,000.00	\$13,000.00
Asphalt Paving	S.Y.	290	\$7.50	\$2,175.00
Vertical Curb and Gutter	L.F.	1,300	\$14.00	\$18,200.00
Sidewalk	L.F.	1,300	\$15.00	\$19,500.00
Driveway Approaches	EA.	8	\$800.00	\$6,400.00
Pedestrian Ramps	EA.	3	\$1,000.00	\$3,000.00
Type I Catch Basins	EA.	2	\$1,200.00	\$2,400.00
Benches	EA.	9	\$1,200.00	\$10,800.00
Trees	EA.	26	\$1,250.00	\$32,500.00
Ped Crossing Paver	S.F.	540	\$12.00	\$6,480.00
Street Lights Including Electrical Works	EA.	6	\$6,600.00	\$39,600.00
Utility Works	L.S.	1	\$1,000.00	\$1,000.00
Traffic Control	L.S.	1	\$7,000.00	\$7,000.00
Construction Costs				\$172,055.00
Contingency				\$25,808.25
Design/Construction Engineering				\$49,465.81
Legal				\$9,893.16
Interim Financing				\$1,978.63
URD Engineering/Administration				\$5,935.90
<b>TOTAL SECTION COSTS</b>				<b>\$265,136.76</b>

**2. Section B**

DESCRIPTION OF WORK	UNIT	QUANTITY	PROBABLE COST	
			UNIT PRICE	TOTAL COST
Mobilization & De-Mobilization	L.S.	1	\$20,000.00	\$20,000.00
Excavation & Disposal of Material	L.S.	1	\$23,000.00	\$23,000.00
Asphalt Paving	S.Y.	515	\$7.50	\$3,862.50
Vertical Curb and Gutter	L.F.	2,320	\$14.00	\$32,480.00
Sidewalk	L.F.	2,320	\$15.00	\$34,800.00
Driveway Approaches	EA.	20	\$800.00	\$16,000.00
Pedestrian Ramps	EA.	6	\$1,000.00	\$6,000.00
Type I Catch Basins	EA.	4	\$1,200.00	\$4,800.00
Benches	EA.	15	\$1,200.00	\$18,000.00
Trees	EA.	46	\$1,250.00	\$57,500.00
Ped Crossing Paver	S.F.	1,440	\$12.00	\$17,280.00
Street Lights Including Electrical Works	EA.	6	\$6,600.00	\$39,600.00
Utility Works	L.S.	1	\$1,000.00	\$1,000.00
Traffic Control	L.S.	1	\$7,000.00	\$7,000.00
Construction Costs				\$281,322.50
Contingency				\$42,198.38
Design/Construction Engineering				\$80,880.22
Legal				\$16,176.04
Interim Financing				\$3,235.21
URD Engineering/Administration				\$9,705.63
<b>TOTAL SECTION COSTS</b>				<b>\$433,517.97</b>



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3. Section C

DESCRIPTION OF WORK	UNIT	QUANTITY	PROBABLE COST	
			UNIT PRICE	TOTAL COST
Mobilization & De-Mobilization	L.S.	1	\$30,000.00	\$30,000.00
Excavation & Disposal of Material	L.S.	1	\$36,000.00	\$36,000.00
Pit Run Gravel Subbase	S.Y.	1,111	\$6.50	\$7,221.50
3/4" Minus Aggregate Base	S.Y.	1,111	\$3.00	\$3,333.00
Asphalt Paving	S.Y.	1,911	\$7.50	\$14,332.50
Vertical Curb and Gutter	L.F.	3,600	\$14.00	\$50,400.00
Sidewalk	L.F.	3,600	\$15.00	\$54,000.00
Driveway Approaches	EA.	24	\$800.00	\$19,200.00
Pedestrian Ramps	EA.	6	\$1,000.00	\$6,000.00
Type I Catch Basins	EA.	6	\$1,200.00	\$7,200.00
Benches	EA.	24	\$1,200.00	\$28,800.00
Trees	EA.	72	\$1,250.00	\$90,000.00
Ped Crossing Paver	S.F.	1,080	\$12.00	\$12,960.00
Street Lights Including Electrical Works	EA.	12	\$6,600.00	\$79,200.00
Utility Works	L.S.	1	\$1,000.00	\$1,000.00
Traffic Control	L.S.	1	\$7,000.00	\$7,000.00
Construction Costs				\$446,647.00
Contingency				\$66,997.05
Design/Construction Engineering				\$128,411.01
Legal				\$25,682.20
Interim Financing				\$5,136.44
URD Engineering/Administration				\$15,409.32
<b>TOTAL SECTION COSTS</b>				<b>\$688,283.03</b>

4. Section D

DESCRIPTION OF WORK	UNIT	QUANTITY	PROBABLE COST	
			UNIT PRICE	TOTAL COST
Mobilization & De-Mobilization	L.S.	1	\$25,000.00	\$25,000.00
Excavation & Disposal of Material	L.S.	1	\$30,000.00	\$30,000.00
Pit Run Gravel Subbase	S.Y.	3,333	\$6.50	\$21,664.50
3/4" Minus Aggregate Base	S.Y.	3,333	\$3.00	\$9,999.00
Asphalt Paving	S.Y.	4,010	\$7.50	\$30,075.00
Vertical Curb and Gutter	L.F.	3,040	\$14.00	\$42,560.00
Sidewalk	L.F.	3,040	\$15.00	\$45,600.00
Driveway Approaches	EA.	28	\$800.00	\$22,400.00
Pedestrian Ramps	EA.	7	\$1,000.00	\$7,000.00
12" Storm Drainage Pipe	L.F.	950	\$50.00	\$47,500.00
Type I Catch Basins	EA.	8	\$1,200.00	\$9,600.00
Benches	EA.	20	\$1,200.00	\$24,000.00
Trees	EA.	61	\$1,250.00	\$76,250.00
Ped Crossing Paver	S.F.	1,080	\$12.00	\$12,960.00
Street Lights Including Electrical Works	EA.	7	\$6,600.00	\$46,200.00
Utility Works	L.S.	1	\$1,000.00	\$1,000.00
Traffic Control	L.S.	1	\$7,000.00	\$7,000.00
Construction Costs				\$458,808.50
Contingency				\$68,821.28
Design/Construction Engineering				\$131,907.44
Legal				\$26,381.49
Interim Financing				\$5,276.30
URD Engineering/Administration				\$15,828.89
<b>TOTAL SECTION COSTS</b>				<b>\$707,023.90</b>



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5. Section E

DESCRIPTION OF WORK	UNIT	QUANTITY	PROBABLE COST	
			UNIT PRICE	TOTAL COST
Mobilization & De-Mobilization	L.S.	1	\$20,000.00	\$20,000.00
Excavation & Disposal of Material	L.S.	1	\$25,000.00	\$25,000.00
Pit Run Gravel Subbase	S.Y.	1,000	\$6.50	\$6,500.00
3/4" Minus Aggregate Base	S.Y.	1,000	\$3.00	\$3,000.00
Asphalt Paving	S.Y.	1,526	\$7.50	\$11,445.00
Vertical Curb and Gutter	L.F.	2,370	\$14.00	\$33,180.00
Sidewalk	L.F.	2,370	\$15.00	\$35,550.00
Driveway Approaches	EA.	20	\$800.00	\$16,000.00
Pedestrian Ramps	EA.	7	\$1,000.00	\$7,000.00
12" Storm Drainage Pipe	L.F.	680	\$50.00	\$34,000.00
Type I Catch Basins	EA.	7	\$1,200.00	\$8,400.00
Benches	EA.	16	\$1,200.00	\$19,200.00
Trees	EA.	47	\$1,250.00	\$58,750.00
Ped Crossing Paver	S.F.	1,080	\$12.00	\$12,960.00
Street Lights Including Electrical Works	EA.	6	\$6,600.00	\$39,600.00
Utility Works	L.S.	1	\$1,000.00	\$1,000.00
Traffic Control	L.S.	1	\$7,000.00	\$7,000.00
Construction Costs				\$338,585.00
Contingency				\$50,787.75
Design/Construction Engineering				\$97,343.19
Legal				\$19,468.64
Interim Financing				\$3,893.73
URD Engineering/Administration				\$11,681.18
<b>TOTAL SECTION COSTS</b>				<b>\$521,759.49</b>

6. Section F

DESCRIPTION OF WORK	UNIT	QUANTITY	PROBABLE COST	
			UNIT PRICE	TOTAL COST
Mobilization & De-Mobilization	L.S.	1	\$10,000.00	\$10,000.00
Excavation & Disposal of Material	L.S.	1	\$15,000.00	\$15,000.00
Pit Run Gravel Subbase	S.Y.	2,778	\$6.50	\$18,057.00
3/4" Minus Aggregate Base	S.Y.	2,778	\$3.00	\$8,334.00
Asphalt Paving	S.Y.	3,134	\$7.50	\$23,505.00
Vertical Curb and Gutter	L.F.	1,600	\$14.00	\$22,400.00
Sidewalk	L.F.	1,600	\$15.00	\$24,000.00
Driveway Approaches	EA.	10	\$800.00	\$8,000.00
Pedestrian Ramps	EA.	1	\$1,000.00	\$1,000.00
12" Storm Drainage Pipe	L.F.	600	\$50.00	\$30,000.00
Type I Catch Basins	EA.	2	\$1,200.00	\$2,400.00
Benches	EA.	10	\$1,200.00	\$12,000.00
Trees	EA.	32	\$1,250.00	\$40,000.00
Ped Crossing Paver	S.F.	360	\$12.00	\$4,320.00
Street Lights Including Electrical Works	EA.	5	\$6,600.00	\$33,000.00
Utility Works	L.S.	1	\$1,000.00	\$1,000.00
Traffic Control	L.S.	1	\$7,000.00	\$7,000.00
Construction Costs				\$260,016.00
Contingency				\$39,002.40
Design/Construction Engineering				\$74,754.60
Legal				\$14,950.92
Interim Financing				\$2,990.18
URD Engineering/Administration				\$8,970.55
<b>TOTAL SECTION COSTS</b>				<b>\$400,684.66</b>



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**7. Section G**

DESCRIPTION OF WORK	UNIT	QUANTITY	PROBABLE COST	
			UNIT PRICE	TOTAL COST
Mobilization & De-Mobilization	L.S.	1	\$5,000.00	\$5,000.00
Excavation & Disposal of Material	L.S.	1	\$5,000.00	\$5,000.00
Asphalt Paving	S.Y.	133	\$7.50	\$997.50
Vertical Curb and Gutter	L.F.	400	\$14.00	\$5,600.00
Sidewalk	L.F.	400	\$15.00	\$6,000.00
Driveway Approaches	EA.	8	\$800.00	\$6,400.00
Pedestrian Ramps	EA.	2	\$1,000.00	\$2,000.00
Type I Catch Basins	EA.	1	\$1,200.00	\$1,200.00
Benches	EA.	2	\$1,200.00	\$2,400.00
Trees	EA.	8	\$1,250.00	\$10,000.00
Ped Crossing Paver	S.F.	180	\$12.00	\$2,160.00
Street Lights Including Electrical Works	EA.	3	\$6,600.00	\$19,800.00
Utility Works	L.S.	1	\$1,000.00	\$1,000.00
Traffic Control	L.S.	1	\$7,000.00	\$7,000.00
Construction Costs				\$74,557.50
Contingency				\$11,183.63
Design/Construction Engineering				\$21,435.28
Legal				\$4,287.06
Interim Financing				\$857.41
URD Engineering/Administration				\$2,572.23
<b>TOTAL SECTION COSTS</b>				<b>\$114,893.11</b>



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## **Attachment 5**

### **Statement of Proposed Public Improvements, Costs, Revenues, Tax Impacts, and Financing Methods**

#### **Introduction**

Expenditure of funds for projects is anticipated through 2032 with the Project as a whole terminating the following year.

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 5B. Attachment 5C 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 Agency's Board deems such modification necessary or convenient to effectuate the general objectives of the Plan. Any future modification will affect the estimate.

Attachment 5B depicts estimated tax assessments through 2032, anticipated increases in tax assessments through the development process, and increases as described in Section 508 of this Plan. Section 512 also addresses the impact on taxing districts and the levy rate.

Attachment 5B 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 Attachments 5A and 5B assumes certain completed and projected actions. Under the provisions of the Act, the revenue allocation shall continue until any indebtedness is satisfied or the Project activity is completed. All activity is projected to be repaid no later than the duration period of the Plan. Second, the total amount of any obligation and the amount of revenue generated by revenue allocation is dependent upon the extent and timing of private development. Attachment 5B projects expenditures from 2008 through 2032.

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 Agency's Board deems such modifications necessary to effectuate the Plan. The Plan proposes certain public improvements, including utility improvements, streetscapes, street improvements, property acquisition, water and sewer improvements, and public facilities, which will facilitate development in the Revenue Allocation Area.

## **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 loans, annual revenue allocations, and developer contributions, 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 the funds anticipated.

Attachment 5A, Estimated Improvement Costs Within Downtown Middleton Project Area, lists estimated increases in tax new improvements to be constructed.

Attachment 5B, Estimated Annual Future Revenue Allocations, Downtown Middleton Project Area shows the estimated revenue allocation funds through 2032, dependent upon assumptions of the annual levy rates and the expenditures.

## **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 shall 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 complete the projects. Short-term notes or loans from local lenders or others are a means of providing the bridge financing necessary to begin development work. The Agency

may borrow other funds from other sources as needed and authorized under the Urban Renewal Plan.

**Local Improvement Districts (LIDs)**—This financing mechanism is used to fund capital improvements and distribute the cost among a number of property owners. Cities and highway districts often use LIDs for local street and sewer projects. A series of 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**—The SBA 504 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 use Idaho Community Development Block Grant funding for eligible activities and as awarded. Such application must meet certain eligibility objectives. The grant is constrained to a specific list of eligible activities. However, Community Development Block Grant funding is assumed to provide 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 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 Urban Renewal 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.

**FEASIBILITY STUDY - The Urban Renewal Agency of the City of Middleton, Idaho, an Independent public body, corporate and politic**  
**Modification 10-10-2008**

(PAGE 1 OF 5)

**REVENUES:**

	2008	2009	2010	2011	2012	2013
	(2008 Development)					
Levy			\$	\$	\$	\$
100.0%			2,106,560	2,500,000	1,000,000	1,000,000
Commercial/Retail			\$	\$	\$	\$
Residential			200,000	200,000	200,000	200,000
<b>Taxing Districts Levies:</b>						
Greater Middleton Rec	0.0004214510	0.0004214510	0.0004214510	0.0004214510	0.0004214510	0.0004214510
Ambulance District	0.0001755980	0.0001755980	0.0001755980	0.0001755980	0.0001755980	0.0001755980
City of Middleton	0.0037027390	0.0037027390	0.0037027390	0.0037027390	0.0037027390	0.0037027390
Canyon HWY #4 In Middleton	0.0011015510	0.0011015510	0.0011015510	0.0011015510	0.0011015510	0.0011015510
Middleton Fire	0.0008020970	0.0008020970	0.0008020970	0.0008020970	0.0008020970	0.0008020970
Middleton Cemetery	0.0000356780	0.0000356780	0.0000356780	0.0000356780	0.0000356780	0.0000356780
Middleton School Dist #134	0.0031750010	0.0031750010	0.0031750010	0.0031750010	0.0031750010	0.0031750010
College of Western Idaho	0.0001123950	0.0001123950	0.0001123950	0.0001123950	0.0001123950	0.0001123950
Flood Control District #10	0.0000798220	0.0000798220	0.0000798220	0.0000798220	0.0000798220	0.0000798220
Canyon County	0.0039287980	0.0039287980	0.0039287980	0.0039287980	0.0039287980	0.0039287980
<b>TOTAL LEVY</b>	<b>0.0136361300</b>	<b>0.0136361300</b>	<b>0.0136361300</b>	<b>0.0132581170</b>	<b>0.0132581170</b>	<b>0.0132581170</b>
Less: Open						
Levy to Middleton URD	0.0135351300	0.0135351300	0.0135351300	0.0132581170	0.0132581170	0.0132581170
<b>Base Market Value</b>	<b>\$ 10,452,800</b>	<b>\$ 10,452,800</b>	<b>\$ 10,452,800</b>	<b>\$ 12,759,360</b>	<b>\$ 15,459,360</b>	<b>\$ 16,659,360</b>
Increase from 2008 Base Year	-	-	2,308,560	2,700,000	1,200,000	1,200,000
<b>Total Market Value</b>	<b>\$ 10,452,800</b>	<b>\$ 10,452,800</b>	<b>\$ 12,769,360</b>	<b>\$ 15,459,360</b>	<b>\$ 16,659,360</b>	<b>\$ 17,859,360</b>
<b>Commercial/Retail Revenues</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 28,513</b>	<b>\$ 61,659</b>	<b>\$ 74,917</b>	<b>\$ 88,175</b>
<b>Residential</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,707</b>	<b>\$ 5,359</b>	<b>\$ 8,010</b>	<b>\$ 10,662</b>
<b>Grant Funding/Loan Funding</b>	<b>\$ -</b>	<b>\$ 520,000</b>	<b>\$ -</b>	<b>\$ 425,000</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL REVENUES</b>	<b>\$ -</b>	<b>\$ 520,000</b>	<b>\$ 31,220</b>	<b>\$ 492,017</b>	<b>\$ 82,927</b>	<b>\$ 98,837</b>
<b>EXPENDITURES:</b>						
<b>Loan Amount #1</b>						
Interest Rate	6.4%	6.400%	6.400%	6.400%	6.400%	6.400%
Term in Years	20	20	20	20	20	20
Debt Service Margin	10%	10%	10%	10%	10%	10%
Present Value Discount	3%	3%	3%	3%	3%	3%
<b>Debt Service:</b>						
Payment	\$ -	\$ -	\$ -	\$ 37,725	\$ 37,725	\$ 37,725
Debt Service Margin	-	-	-	3,772	3,772	3,772
Present Value Discount	-	-	-	2,011	2,488	2,965
<b>Total Loan Costs</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 43,507</b>	<b>\$ 43,984</b>	<b>\$ 44,462</b>
<b>Loan Amount #2</b>						
Interest Rate	6.4%	6.400%	6.400%	6.400%	6.400%	6.400%
Term in Years	20	20	20	20	20	20
Debt Service Margin	10%	10%	10%	10%	10%	10%
Present Value Discount	3%	3%	3%	3%	3%	3%
<b>Debt Service:</b>						
Payment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Debt Service Margin	-	-	-	-	-	-
Present Value Discount	-	-	-	-	-	-
<b>Total Loan Costs</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Operating/Administration/Grant</b>	<b>20,000</b>	<b>505,000</b>	<b>15,000</b>	<b>435,000</b>	<b>15,000</b>	<b>5,000</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 20,000</b>	<b>\$ 505,000</b>	<b>\$ 15,000</b>	<b>\$ 478,507</b>	<b>\$ 58,984</b>	<b>\$ 49,462</b>
<b>Surplus (Shortfall)</b>	<b>\$ (20,000)</b>	<b>\$ 15,000</b>	<b>\$ 16,220</b>	<b>\$ 13,510</b>	<b>\$ 23,943</b>	<b>\$ 49,375</b>
<b>Beginning Fund Balance</b>	<b>-</b>	<b>(20,000)</b>	<b>(5,000)</b>	<b>11,220</b>	<b>24,730</b>	<b>48,673</b>
<b>Ending Fund Balance</b>	<b>\$ (20,000)</b>	<b>\$ (5,000)</b>	<b>\$ 11,220</b>	<b>\$ 24,730</b>	<b>\$ 48,673</b>	<b>\$ 98,048</b>

**2007 Assessed Values**

Commercial	Residential	Levy Weight Adj.
43,430	134,500	2010 1
45,500	57,000	2011 1
131,340	97,800	2012 1
60,700	116,500	2013 1
61,020	45,500	2014 1
42,200	140,200	2015 1
19,940	43,000	2016 1
57,310	38,000	2017 1
94,000	130,200	2018 1
41,570	121,100	2019 1
46,080	83,200	2020 1
212,700	103,200	2021 1
53,910	109,700	2022 1
61,100	112,100	2023 1
143,700	111,000	2024 1
48,340	99,700	2025 1
51,680	132,500	2026 1
71,410	78,700	2027 1
249,360	109,900	2028 1
21,170	104,500	2029 1

1,827,700	81,300	2030	1
166,480	135,200	2031	1
46,700	56,000	2032	1
56,300	150,100	2033	1
49,100	105,700	2034	1
95,800	93,200		
225,400	152,200		
120,530	26,500		
409,160	8,500		
50,210	6,000		
44,320	205,200		
21,320	123,940		
115,470	5,000		
99,080	121,100		
122,770			
73,300			
26,500			
55,620			
21,040			
54,790			
45,350			
290,250			
122,770			
112,520			
18,360			
848,780			
57,900			
23,380			
455,200			
7,213,560	3,239,240		



**FEASIBILITY STUDY - The Urban Renewal Agency of the City of Middleton, Idaho, an Independent public body, corporate and politic**

(Continued)

(PAGE 2 OF 6)

	2014		2015		2016		2017		2018
<b>REVENUES:</b>									
Commercial/Retail	\$ 276,400	\$	\$ 276,400	\$	\$ 276,400	\$	\$ 276,400	\$	\$ 276,400
Residential	\$ 56,784	\$	\$ 56,784	\$	\$ 56,784	\$	\$ 56,784	\$	\$ 56,784
Taxing Districts Levies:									
Greater Middleton Rec	0.0004214510		0.0004214510		0.0004214510		0.0004214510		0.0004214510
Ambulance District	0.0001755980		0.0001755980		0.0001755980		0.0001755980		0.0001755980
City of Middleton	0.0037027390		0.0037027390		0.0037027390		0.0037027390		0.0037027390
Canyon HWY #4 In Middleton	0.0011015510		0.0011015510		0.0011015510		0.0011015510		0.0011015510
Middleton Fire	0.0008020970		0.0008020970		0.0008020970		0.0008020970		0.0008020970
Middleton Cemetery	0.0000356780		0.0000356780		0.0000356780		0.0000356780		0.0000356780
Middleton School Dist #134	0.0028979880		0.0028979880		0.0028979880		0.0028979880		0.0028979880
College of Western Idaho	0.0001123950		0.0001123950		0.0001123950		0.0001123950		0.0001123950
Flood Control District #10	0.0000798220		0.0000798220		0.0000798220		0.0000798220		0.0000798220
Canyon County	0.0039287980		0.0039287980		0.0039287980		0.0039287980		0.0039287980
<b>TOTAL LEVY</b>	<b>0.0132581170</b>		<b>0.0132581170</b>		<b>0.0132581170</b>		<b>0.0132581170</b>		<b>0.0132581170</b>
Less: Open									
Levy to Middleton URD	0.0132581170		0.0132581170		0.0132581170		0.0132581170		0.0132581170
Base Market Value	\$ 17,859,360	\$	\$ 18,192,544	\$	\$ 18,525,728	\$	\$ 18,858,912	\$	\$ 19,192,096
Increase from 2008 Base Year	333,184		333,184		333,184		333,184		333,184
<b>Total Market Value</b>	<b>\$ 18,192,544</b>	<b>\$</b>	<b>\$ 18,525,728</b>	<b>\$</b>	<b>\$ 18,858,912</b>	<b>\$</b>	<b>\$ 19,192,096</b>	<b>\$</b>	<b>\$ 19,525,280</b>
Commercial/Retail Revenues	\$ 91,840	\$	\$ 95,504	\$	\$ 99,168	\$	\$ 102,833	\$	\$ 106,498
Residential	11,415		12,168		12,920		13,673		14,426
Grant Funding/Loan Funding	900,000								
<b>TOTAL REVENUES</b>	<b>\$ 1,003,264</b>	<b>\$</b>	<b>\$ 107,671</b>	<b>\$</b>	<b>\$ 112,088</b>	<b>\$</b>	<b>\$ 116,505</b>	<b>\$</b>	<b>\$ 120,922</b>
<b>EXPENDITURES:</b>									
Loan Amount #1	\$ 425,000	\$	\$ 425,000	\$	\$ 425,000	\$	\$ 425,000	\$	\$ 425,000
Interest Rate	6.400%		6.400%		6.400%		6.400%		6.400%
Term in Years	20		20		20		20		20
Debt Service Margin	10%		10%		10%		10%		10%
Present Value Discount	3%		3%		3%		3%		3%
Debt Service:									
Payment	\$ 37,725	\$	\$ 37,725	\$	\$ 37,725	\$	\$ 37,725	\$	\$ 37,725
Debt Service Margin	3,772		3,772		3,772		3,772		3,772
Present Value Discount	3,098		3,230		3,363		3,495		3,628
<b>Total Loan Costs</b>	<b>\$ 44,594</b>	<b>\$</b>	<b>\$ 44,727</b>	<b>\$</b>	<b>\$ 44,859</b>	<b>\$</b>	<b>\$ 44,992</b>	<b>\$</b>	<b>\$ 45,124</b>
Loan Amount #2	\$ 400,000	\$	\$ 400,000	\$	\$ 400,000	\$	\$ 400,000	\$	\$ 400,000
Interest Rate	6.400%		6.400%		6.400%		6.400%		6.400%
Term in Years	20		20		20		20		20
Debt Service Margin	10%		10%		10%		10%		10%
Present Value Discount	3%		3%		3%		3%		3%
Debt Service:									
Payment	\$ 35,505	\$	\$ 35,505	\$	\$ 35,505	\$	\$ 35,505	\$	\$ 35,505
Debt Service Margin	3,551		3,551		3,551		3,551		3,551
Present Value Discount	3,098		3,230		3,363		3,495		3,628
<b>Total Loan Costs</b>	<b>\$ 42,154</b>	<b>\$</b>	<b>\$ 42,267</b>	<b>\$</b>	<b>\$ 42,419</b>	<b>\$</b>	<b>\$ 42,552</b>	<b>\$</b>	<b>\$ 42,684</b>
Operating/Administration/Grant	606,000		6,000		6,000		6,000		6,000
<b>TOTAL EXPENDITURES</b>	<b>\$ 992,748</b>	<b>\$</b>	<b>\$ 93,013</b>	<b>\$</b>	<b>\$ 93,278</b>	<b>\$</b>	<b>\$ 93,543</b>	<b>\$</b>	<b>\$ 93,808</b>
Surplus (Shortfall)	\$ 10,506	\$	\$ 14,658	\$	\$ 18,810	\$	\$ 22,962	\$	\$ 27,114
Beginning Fund Balance	98,048		108,554		123,211		142,021		164,983
<b>Ending Fund Balance</b>	<b>\$ 108,554</b>	<b>\$</b>	<b>\$ 123,211</b>	<b>\$</b>	<b>\$ 142,021</b>	<b>\$</b>	<b>\$ 164,983</b>	<b>\$</b>	<b>\$ 192,096</b>

FEASIBILITY STUDY - The Urban Renewal Agency of the City of Middleton, Idaho, an independent public body, corporate and politic  
(Continued) (PAGE 3 OF 5)

	2019	2020	2021	2022	2023
<b>REVENUES:</b>					
Commercial/Retail	\$ 276,400	\$ 276,400	\$ 276,400	\$ 276,400	\$ 276,400
Residential	\$ 56,784	\$ 56,784	\$ 56,784	\$ 56,784	\$ 56,784
Taxing Districts Levies:					
Greater Middleton Rec	0.0004214510	0.0004214510	0.0004214510	0.0004214510	0.0004214510
Ambulance District	0.0001755980	0.0001755980	0.0001755980	0.0001755980	0.0001755980
City of Middleton	0.0037027390	0.0037027390	0.0037027390	0.0037027390	0.0037027390
Canyon HWY #4 In Middleton	0.0011015510	0.0011015510	0.0011015510	0.0011015510	0.0011015510
Middleton Fire	0.0008020970	0.0008020970	0.0008020970	0.0008020970	0.0008020970
Middleton Cemetery	0.0000356780	0.0000356780	0.0000356780	0.0000356780	0.0000356780
Middleton School Dist #134	0.0000000000	0.0000000000	0.0000000000	0.0000000000	0.0000000000
College of Western Idaho	0.0001123950	0.0001123950	0.0001123950	0.0001123950	0.0001123950
Flood Control District #10	0.0000798220	0.0000798220	0.0000798220	0.0000798220	0.0000798220
Canyon County	0.0039287980	0.0039287980	0.0039287980	0.0039287980	0.0039287980
TOTAL LEVY	0.0103601290	0.0103601290	0.0103601290	0.0103601290	0.0103601290
Less: Open					
Levy to Middleton URD	0.0103601290	0.0103601290	0.0103601290	0.0103601290	0.0103601290
Base Market Value	\$ 19,525,280	\$ 19,858,464	\$ 20,191,648	\$ 20,524,832	\$ 20,858,016
Increase from 2008 Base Year	333,184	333,184	333,184	333,184	333,184
Total Market Value	\$ 19,858,464	\$ 20,191,648	\$ 20,524,832	\$ 20,858,016	\$ 21,191,200
Commercial/Retail Revenues	\$ 109,361	\$ 112,225	\$ 115,088	\$ 117,952	\$ 120,816
Residential	15,014	15,603	16,191	16,779	17,368
Grant Funding/Loan Funding					
TOTAL REVENUES	\$ 124,374	\$ 127,826	\$ 131,278	\$ 134,730	\$ 138,182
<b>EXPENDITURES:</b>					
Loan Amount #1	\$ 425,000	\$ 425,000	\$ 425,000	\$ 425,000	\$ 425,000
Interest Rate	6.400%	6.400%	6.400%	6.400%	6.400%
Term in Years	20	20	20	20	20
Debt Service Margin	10%	10%	10%	10%	10%
Present Value Discount	3%	3%	3%	3%	3%
Debt Service:					
Payment	\$ 37,725	\$ 37,725	\$ 37,725	\$ 37,725	\$ 37,725
Debt Service Margin	3,772	3,772	3,772	3,772	3,772
Present Value Discount	3,731	3,835	3,938	4,042	4,145
Total Loan Costs	\$ 45,228	\$ 45,331	\$ 45,435	\$ 45,538	\$ 45,642
Loan Amount #2	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000
Interest Rate	6.400%	6.400%	6.400%	6.400%	6.400%
Term in Years	20	20	20	20	20
Debt Service Margin	10%	10%	10%	10%	10%
Present Value Discount	3%	3%	3%	3%	3%
Debt Service:					
Payment	\$ 35,505	\$ 35,505	\$ 35,505	\$ 35,505	\$ 35,505
Debt Service Margin	3,551	3,551	3,551	3,551	3,551
Present Value Discount	3,731	3,835	3,938	4,042	4,145
Total Loan Costs	\$ 42,788	\$ 42,891	\$ 42,995	\$ 43,098	\$ 43,202
Operating/Administration/Grant	7,000	7,000	7,000	7,000	7,000
TOTAL EXPENDITURES	\$ 95,015	\$ 95,223	\$ 95,430	\$ 95,637	\$ 95,844
Surplus (Shortfall)	\$ 29,359	\$ 32,603	\$ 35,848	\$ 39,093	\$ 42,338
Beginning Fund Balance	192,096	221,455	254,058	289,906	328,999
Ending Fund Balance	\$ 221,455	\$ 254,058	\$ 289,906	\$ 328,999	\$ 371,337

FEASIBILITY STUDY - The Urban Renewal Agency of the City of Middleton, Idaho, an independent public body, corporate and politic  
(Continued)

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	2024	2025	2026	2027	2028
<b>REVENUES:</b>					
Commercial/Retail	\$ 276,400	\$ 276,400	\$ 276,400	\$ 276,400	\$ 276,400
Residential	\$ 56,784	\$ 56,784	\$ 56,784	\$ 56,784	\$ 56,784
Taxing Districts Levies:					
Greater Middleton Rec	0.0004214510	0.0004214510	0.0004214510	0.0004214510	0.0004214510
Ambulance District	0.0001755980	0.0001755980	0.0001755980	0.0001755980	0.0001755980
City of Middleton	0.0037027390	0.0037027390	0.0037027390	0.0037027390	0.0037027390
Canyon HWY #4 in Middleton	0.0011015510	0.0011015510	0.0011015510	0.0011015510	0.0011015510
Middleton Fire	0.0008020970	0.0008020970	0.0008020970	0.0008020970	0.0008020970
Middleton Cemetery	0.0000356780	0.0000356780	0.0000356780	0.0000356780	0.0000356780
Middleton School Dist #134	0.0000000000	0.0000000000	0.0000000000	0.0000000000	0.0000000000
College of Western Idaho	0.0001123950	0.0001123950	0.0001123950	0.0001123950	0.0001123950
Flood Control District #10	0.0000798220	0.0000798220	0.0000798220	0.0000798220	0.0000798220
Canyon County	0.0039287980	0.0039287980	0.0039287980	0.0039287980	0.0039287980
TOTAL LEVY	0.0103601290	0.0103601290	0.0103601290	0.0103601290	0.0103601290
Less: Open					
Levy to Middleton URD	0.0103601290	0.0103601290	0.0103601290	0.0103601290	0.0103601290
Base Market Value	\$ 21,191,200	\$ 21,524,384	\$ 21,857,568	\$ 22,190,752	\$ 22,523,936
Increase from 2008 Base Year	333,184	333,184	333,184	333,184	333,184
Total Market Value	\$ 21,524,384	\$ 21,857,568	\$ 22,190,752	\$ 22,523,936	\$ 22,857,120
Commercial/Retail Revenues	\$ 123,679	\$ 126,543	\$ 128,406	\$ 132,270	\$ 135,133
Residential	17,956	18,544	19,132	19,721	20,309
Grant Funding/Loan Funding					
TOTAL REVENUES	\$ 141,634	\$ 145,086	\$ 148,538	\$ 151,990	\$ 155,442
<b>EXPENDITURES:</b>					
Loan Amount #1	\$ 425,000	\$ 425,000	\$ 425,000	\$ 425,000	\$ 425,000
Interest Rate	6.400%	6.400%	6.400%	6.400%	6.400%
Term in Years	20	20	20	20	20
Debt Service Margin	10%	10%	10%	10%	10%
Present Value Discount	3%	3%	3%	3%	3%
Debt Service:					
Payment	\$ 37,725	\$ 37,725	\$ 37,725	\$ 37,725	\$ 37,725
Debt Service Margin	3,772	3,772	3,772	3,772	3,772
Present Value Discount	4,249	4,353	4,456	4,560	4,663
Total Loan Costs	\$ 45,746	\$ 45,849	\$ 45,953	\$ 46,056	\$ 46,160
Loan Amount #2	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000
Interest Rate	6.400%	6.400%	6.400%	6.400%	6.400%
Term in Years	20	20	20	20	20
Debt Service Margin	10%	10%	10%	10%	10%
Present Value Discount	3%	3%	3%	3%	3%
Debt Service:					
Payment	\$ 35,505	\$ 35,505	\$ 35,505	\$ 35,505	\$ 35,505
Debt Service Margin	3,551	3,551	3,551	3,551	3,551
Present Value Discount	4,249	4,353	4,456	4,560	4,663
Total Loan Costs	\$ 43,306	\$ 43,409	\$ 43,513	\$ 43,616	\$ 43,720
Operating/Administration/Grant	8,000	8,000	8,000	8,000	8,000
TOTAL EXPENDITURES	\$ 97,061	\$ 97,258	\$ 97,465	\$ 97,672	\$ 97,880
Surplus (Shortfall)	\$ 44,583	\$ 47,828	\$ 51,073	\$ 54,318	\$ 57,562
Beginning Fund Balance	371,337	415,920	483,748	514,821	569,138
Ending Fund Balance	\$ 415,920	\$ 463,748	\$ 514,821	\$ 569,138	\$ 626,701

	2029	2030	2031	2032
<b>REVENUES:</b>				
Commercial/Retail	\$ 276,400	\$ 276,400	\$ 276,400	\$ 276,400
Residential	\$ 56,784	\$ 56,784	\$ 56,784	\$ 56,784
Taxing Districts Levie	0			
Greater Middleton Rec	0.0004214510	0.0004214510	0.0004214510	0.0004214510
Ambulance District	0.0001755980	0.0001755980	0.0001755980	0.0001755980
City of Middleton	0.0037027390	0.0037027390	0.0037027390	0.0037027390
Canyon HWY #4 In Middleton	0.0011015510	0.0011015510	0.0011015510	0.0011015510
Middleton Fire	0.0008020970	0.0008020970	0.0008020970	0.0008020970
Middleton Cemetery	0.0000356780	0.0000356780	0.0000356780	0.0000356780
Middleton School Dist #134	0.0000000000	0.0000000000	0.0000000000	0.0000000000
College of Western Idaho	0.0001123950	0.0001123950	0.0001123950	0.0001123950
Flood Control District #10	0.0000798220	0.0000798220	0.0000798220	0.0000798220
Canyon County	0.0039287980	0.0039287980	0.0039287980	0.0039287980
TOTAL LEVY	0.0103601290	0.0103601290	0.0103601290	0.0103601290
Less: Open				
Levy to Middleton URD	0.0103601290	0.0103601290	0.0103601290	0.0103601290
Base Market Value	\$ 22,857,120	\$ 23,190,304	\$ 23,523,488	\$ 23,856,672
Increase from 2008 Base Year	333,184	333,184	333,184	333,184
Total Market Value	\$ 23,190,304	\$ 23,523,488	\$ 23,856,672	\$ 24,189,856
Commercial/Retail Revenues	\$ 137,997	\$ 140,860	\$ 143,724	\$ 146,587
Residential	20,897	21,486	22,074	22,662
Grant Funding/Loan Funding				
TOTAL REVENUES	\$ 158,894	\$ 162,346	\$ 165,798	\$ 169,250
<b>EXPENDITURES:</b>				
Loan Amount #1	\$ 425,000	\$ 425,000	\$ -	\$ -
Interest Rate	6.400%	6.400%	6.400%	6.400%
Term in Years	20	20	20	20
Debt Service Margin	10%	10%	10%	10%
Present Value Discount	3%	3%	3%	3%
Debt Service:				
Payment	\$ 37,725	\$ 37,725	\$ -	\$ -
Debt Service Margin	3,772	3,772	-	-
Present Value Discount	4,767	4,870	-	-
Total Loan Costs	\$ 46,263	\$ 46,367	\$ -	\$ -
Loan Amount #2	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000
Interest Rate	6.400%	6.400%	6.400%	6.400%
Term in Years	20	20	20	20
Debt Service Margin	10%	10%	10%	10%
Present Value Discount	3%	3%	3%	3%
Debt Service:				
Payment	\$ 35,505	\$ 35,505	\$ 35,505	\$ 35,505
Debt Service Margin	3,551	3,551	3,551	3,551
Present Value Discount	4,767	4,870	4,974	5,078
Total Loan Costs	\$ 43,823	\$ 43,927	\$ 44,030	\$ 44,134
Operating/Administration/Grant	9,000	9,000	9,000	43,305
TOTAL EXPENDITURES	\$ 99,087	\$ 89,294	\$ 53,030	\$ 87,439
Surplus (Shortfall)	\$ 59,807	\$ 63,052	\$ 112,768	\$ 81,811
Beginning Fund Balance	626,701	686,508	749,560	862,328
Ending Fund Balance	\$ 686,508	\$ 749,560	\$ 862,328	\$ 944,139

Attachment 1

Project Area and Revenue Allocation Area Boundary Map  
and  
Middleton Comprehensive Plan Land Use Classifications

Att 1



Attachment 2

Description of Project Area and Revenue Allocation Area

[DRAFTING NOTE: LAYMAN'S DESCRIPTION.]

**CITY OF MIDDLETON  
PROPOSED URBAN RENEWAL DISTRICT BOUNDARY  
BOUNDARY DESCRIPTION**

Land in the S1/2 of Section 6 and the N1/2 of Section 7, all in Township 4 North, Range 2 West, Boise Meridian, in the City of Middleton, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the quarter corner common to said Sections 6 & 7, at the intersection of Hawthorn Drive and Main Street (State Highway 44);

thence N00°00'37"W 167.19 feet, to the **POINT OF BEGINNING**;

thence N89°41'00"W 489.97 feet;

thence N89°40'53"W 817.80 feet, to the east line of Fourth Avenue West;

thence along said east line, N01°24'51"E 751.66 feet;

thence S40°37'45"W 964.30 feet;

thence S01°06'42"W 246.32 feet, to the south line of said Main Street (State Highway 44);

thence along said south line, N89°38'35"E 612.91 feet, to the east line of said Fourth Avenue West;

thence along said east line, S00°19'07"W 239.28 feet;

thence S89°16'46"E 335.01 feet;

thence S89°40'42"E 487.28 feet;

thence S00°14'34"W 118.13 feet, to the north line of Arbor Drive;

thence along the north line of Arbor Drive, N66°44'34"E 163.55 feet, to the west line of First Avenue West;

thence N73°30'04"E 52.19 feet, to the east line of First Avenue West;

thence continuing along the north line of said Arbor Drive, N76°44'34"E 159.89 feet;

thence leaving said north line, S89°44'20"E 491.70 feet, to the east line of First Avenue East;

thence along said east line, S00°51'43"W 272.99 feet;

thence S89°44'26"E 130.00 feet;

thence S00°51'43"W 50.00 feet;

thence S89°38'51"E 414.90 feet, to the centerline of Dewey Avenue;



thence along said centerline, S00°12'16"W 691.11 feet, to the centerline of Boise Street;  
thence along said centerline of Boise Street, S89°35'16"E 470.00 feet, to the east line of Middleton Road;  
thence along said east line, N00°35'36"E 230.01 feet;  
thence S89°02'08"E 340.23 feet;  
thence N19°29'20"W 38.64 feet;  
thence S89°35'51"E 222.45 feet, to the east right-of-way line of the abandoned Oregon Short Line Railroad;  
thence along said east right-of-way line, N24°09'09"W 1351.51 feet;  
thence S89°37'30"W 163.68 feet;  
thence N24°11'14"W 148.84 feet, to the south line of First Street North;  
thence along said south line, N89°44'26"W 401.55 feet;  
thence S00°14'17"W 145.50 feet;  
thence N89°44'21"W 738.92 feet, to the **POINT OF BEGINNING**.

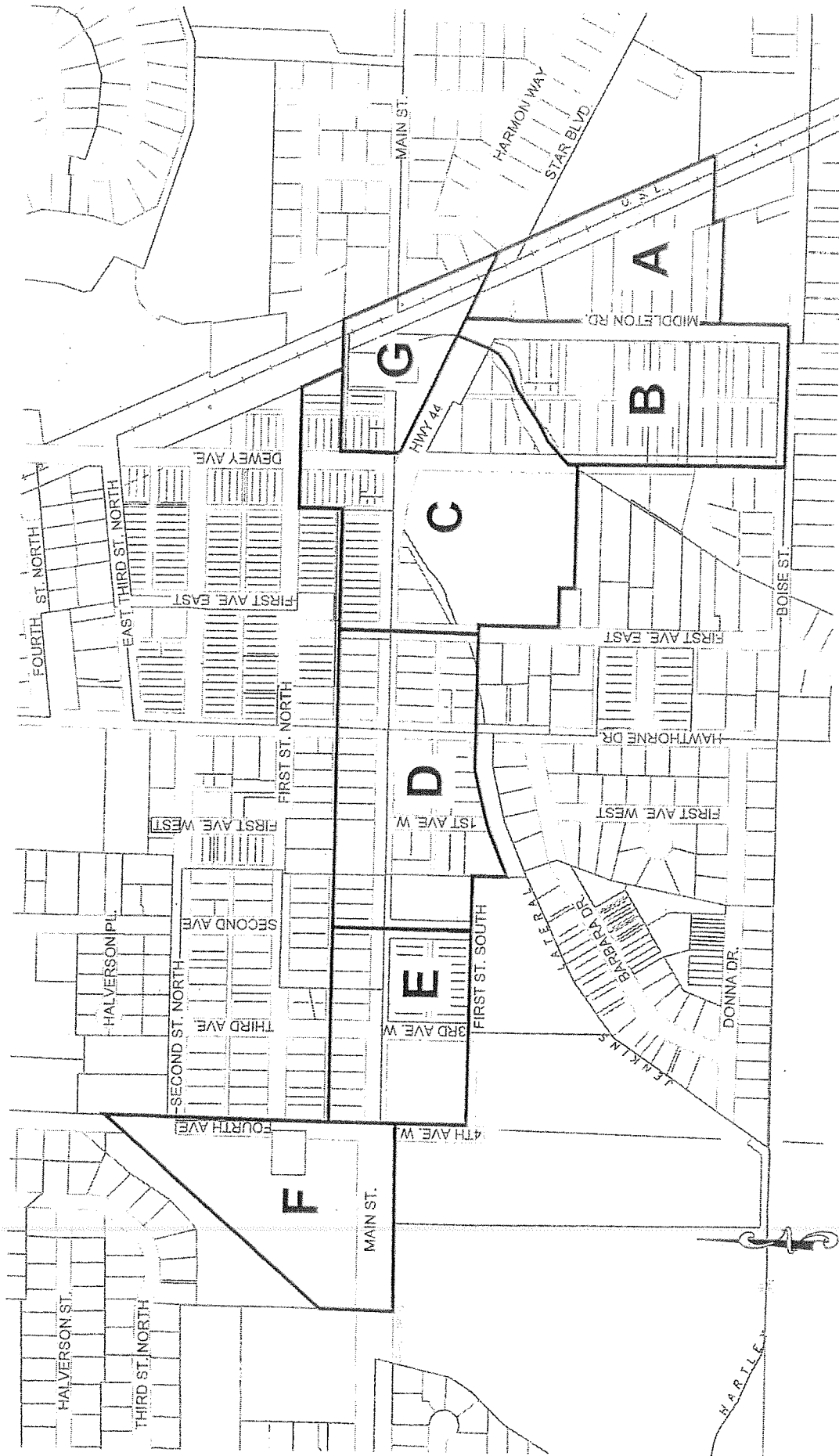
The area contained within the above description is 61.826 Acres, more or less.

The basis of bearing for this description being the Canyon County GIS database.

END OF THIS DESCRIPTION THAT CONTAINS 2 PAGES.

# CITY OF MIDDLETON

## URBAN RENEWAL DISTRICT SECTION MAP



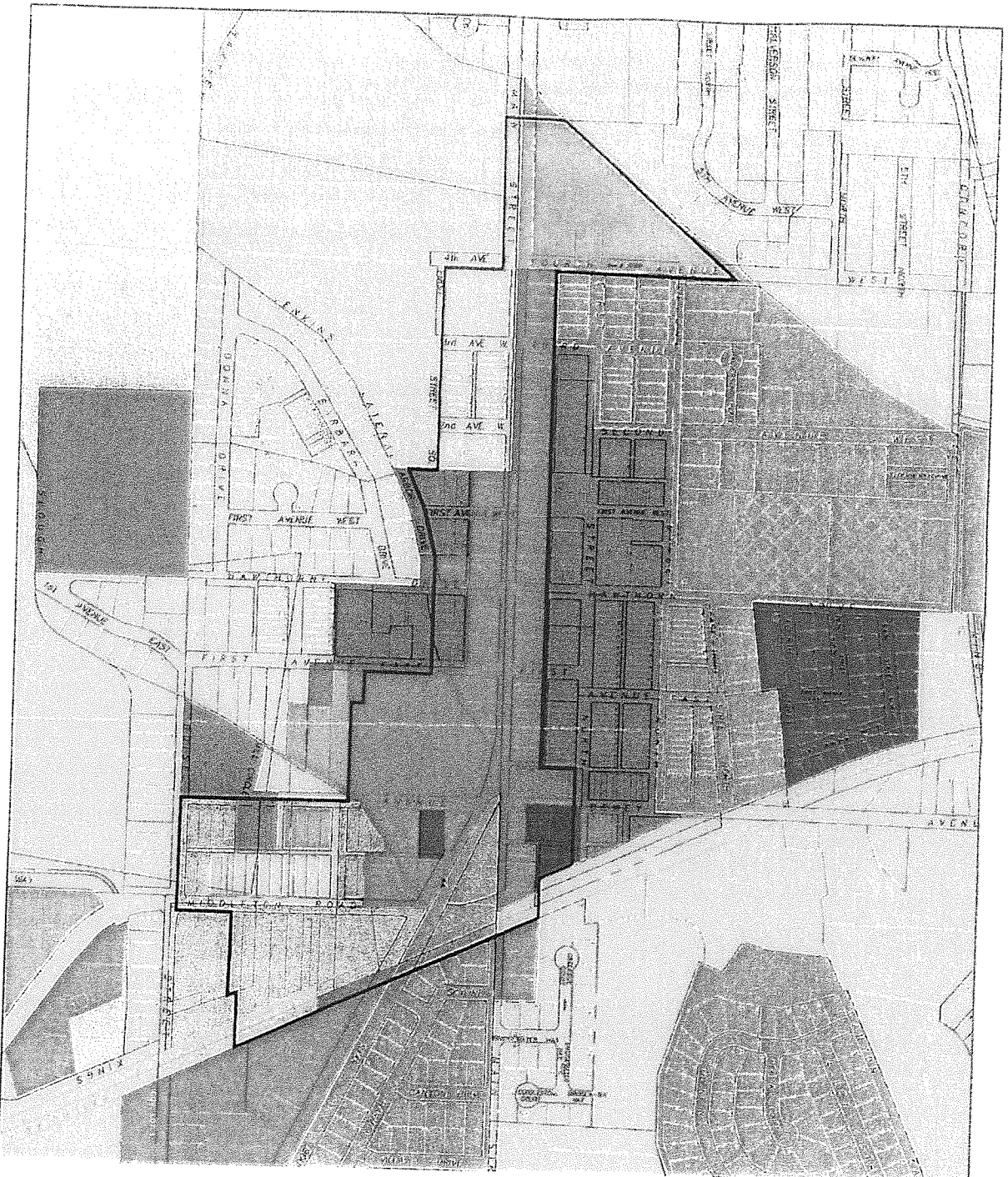
### Attachment 3

#### Private Properties Which May Be Acquired by Agency

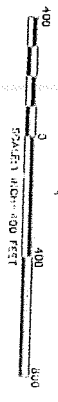
1. Property is intended to be acquired that is necessary for the extension or expansion of certain rights-of-way. No other particular properties have been identified for acquisition by the Agency. The Agency does not intend to purchase property for future development by private persons.
2. The Agency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



# CITY OF MIDDLETON CANYON COUNTY, IDAHO URBAN RENEWAL DISTRICT BOUNDARY & ZONE MAP



## LEGEND

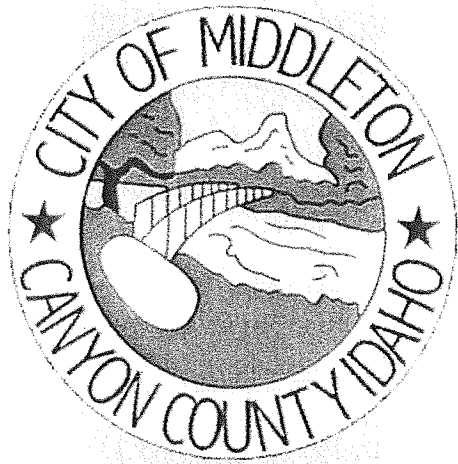
- URBAN RENEWAL BOUNDARY
- CITY LIMITS
- WATER WAY
- RAILROAD
- R-1 SINGLE-FAMILY RESIDENTIAL
- R-2 TWO-FAMILY RESIDENTIAL
- R-3 MULTIPLE-FAMILY RESIDENTIAL
- R-4 MULTIPLE-FAMILY HIGH DENSITY RES.
- R-5 RESIDENTIAL COMMERCIAL
- C-1 BUSINESS COMMERCIAL
- C-2 LIGHT INDUSTRIAL
- M-1 HEAVY INDUSTRIAL
- A-1 AGRICULTURAL - RESIDENTIAL
- M-2 MIXED USE

Adopted by the City Council of the City of Middleton, Idaho, on the 10th day of May, 1960.

Mayor, City of Middleton  
Attest: City Clerk  
Attest: City Clerk  
Attest: City Clerk

THE CITY OF MIDDLETON, IDAHO, is a city of the first class under the provisions of the Idaho Constitution and the laws of the State of Idaho. It is a city of the first class under the provisions of the Idaho Constitution and the laws of the State of Idaho. It is a city of the first class under the provisions of the Idaho Constitution and the laws of the State of Idaho.

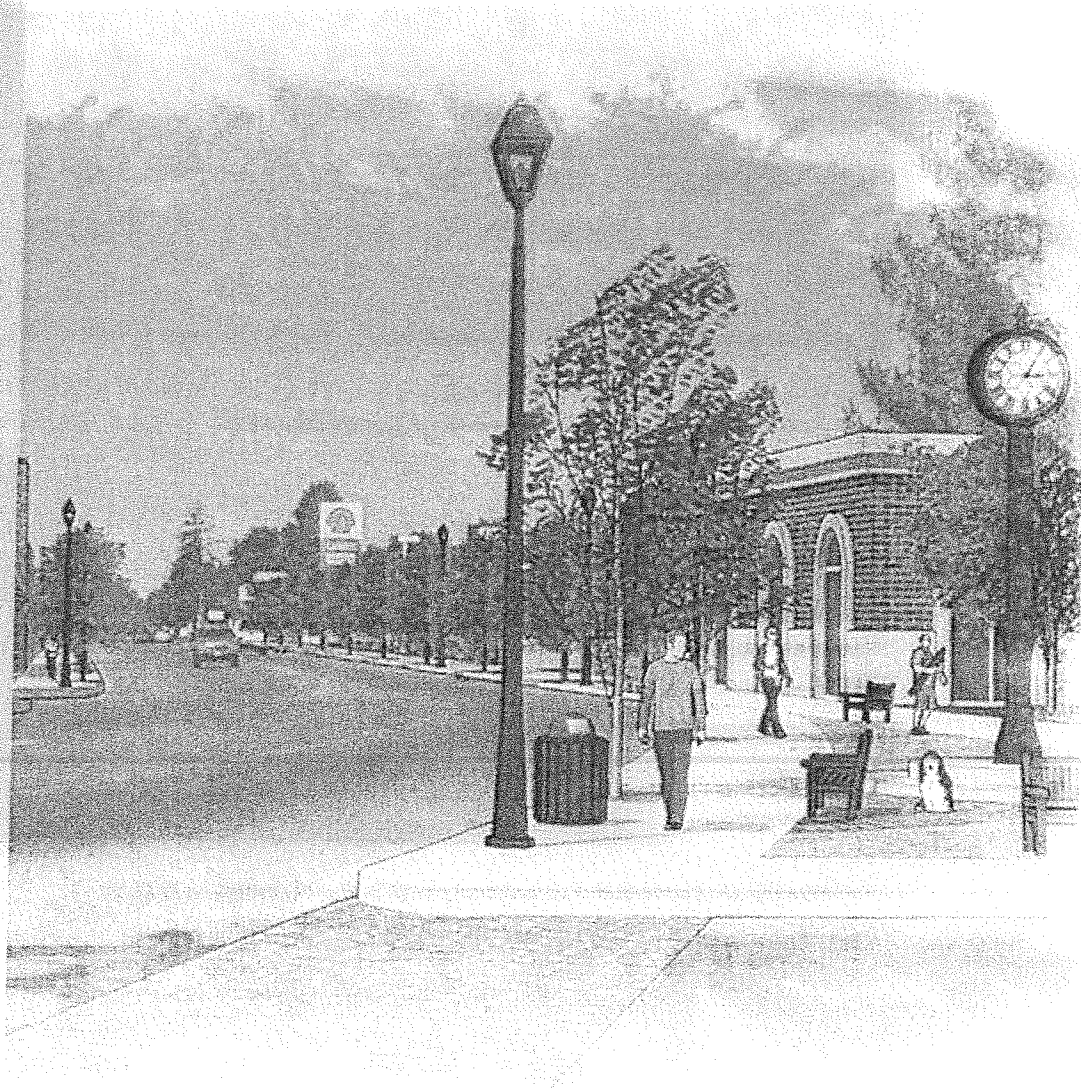
HOLLADAY ENGINEERING CO.  
1000 N. 10th St., Boise, Idaho 83702  
Phone 333-1111



# CITY OF MIDDLETON URBAN RENEWAL AGENCY

## VISION FOR DOWNTOWN MIDDLETON

July 28, 2008



jgt architecture



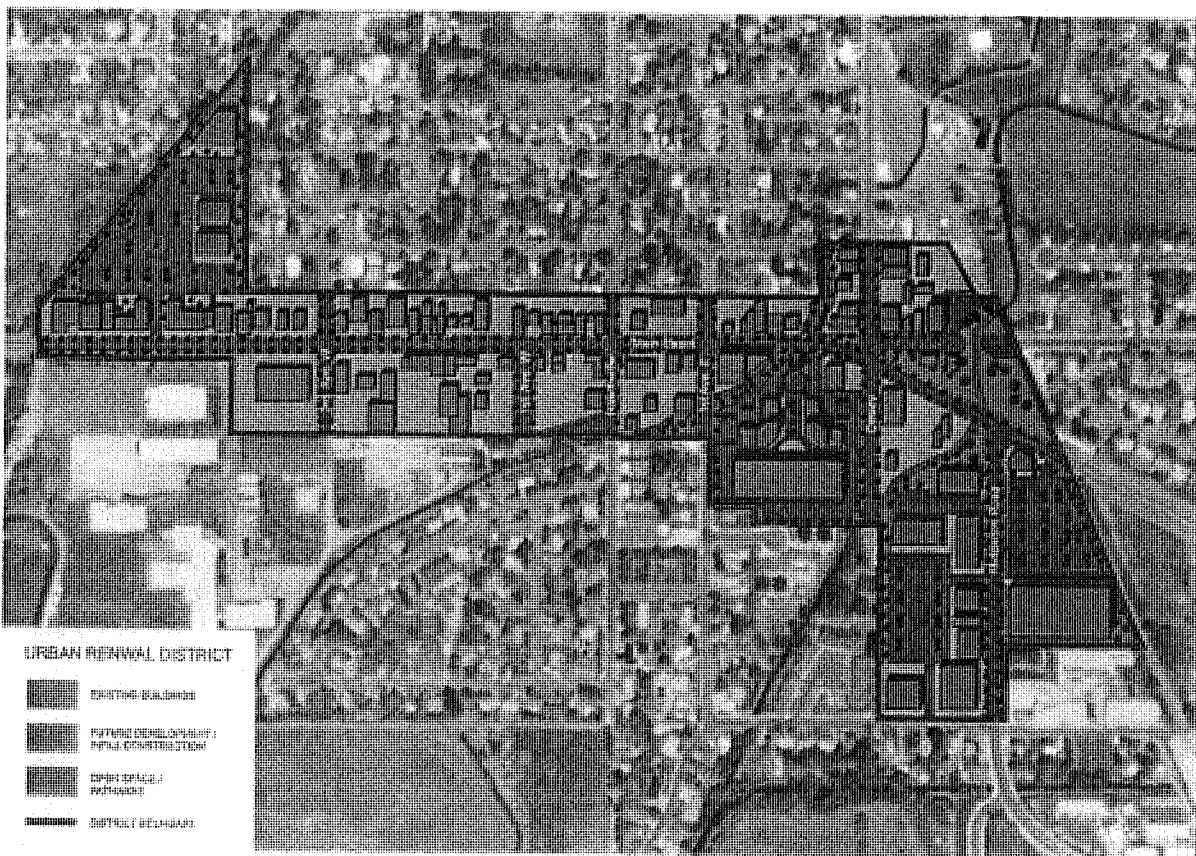


## CITY OF MIDDLETON URBAN RENEWAL AGENCY

### Background

On June 18, 2007, City of Middleton officials nominated members to an Urban Renewal Agency. The group has been tasked with exploring ideas to create a healthy and vibrant downtown city core. They have researched and discussed many concepts to establish a plan for future improvements to city infrastructure. The goals for the proposed improvements are two-fold: to promote economic growth in the downtown area, which will provide more jobs for the citizens of Middleton; and to create an aesthetically pleasing and pedestrian accessible downtown that will encourage citizens to shop, eat, and work in the downtown core.

The main focus of the group at this time is to research methods for funding the infrastructure improvements in the city. A resolution approved on June 6, 2007 defined an Urban Renewal District - an area in which private development will be encouraged to create a strong tax base to help fund city improvements. State and Federal grant money is also anticipated to be good source of funding for city projects and the Agency is currently in the process of filing applications for various grants.



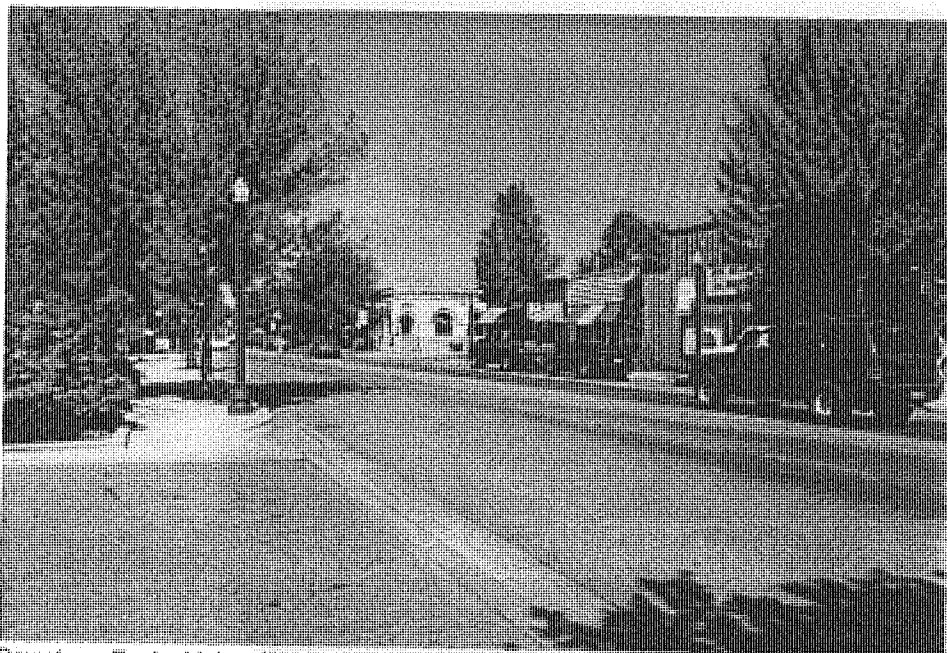
*Map showing URD boundary and potential city growth and revitalization projects.*



## CITY OF MIDDLETON URBAN RENEWAL AGENCY

### Proposed Improvements

The Urban Renewal Agency has researched other cities and towns in the Treasure Valley and across the country to determine some common features of a successful city where citizens feel comfortable spending their time. The following is a list of proposed improvements for downtown Middleton along with photographic examples of similar ideas in nearby cities in the area.



*Downtown Eagle, Idaho - Illustrating use of street trees, public sidewalks and decorative street lamps*

### **Street improvements**

A big part of most thriving towns is accessible pathways and street amenities. Providing Middleton with these amenities will be the primary focus for urban renewal spending in the early phases of the downtown revitalization. These improvements will include:

- Continuous accessible sidewalks – The vision for Main Street is to provide wide sidewalks that promote pedestrian connectivity between businesses, provide safe passage amongst vehicular traffic, and accommodate public amenities such as trees, benches, and trash cans.
- Street trees – Tree lined streets provide both an aesthetically beautiful feature to the skyline and a pedestrian shelter from the sun during warm months.
- Street Furniture – Benches, bike racks, and trash containers encourage activity in the downtown core by providing a place for people to rest and enjoy the atmosphere of the city.



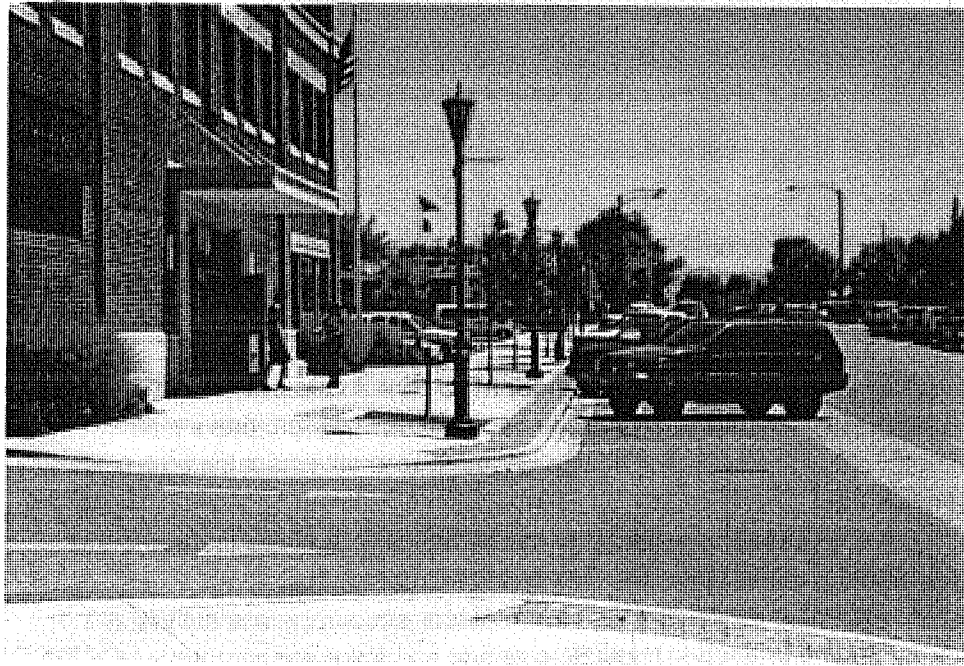


## CITY OF MIDDLETON URBAN RENEWAL AGENCY

- Lighting -- Decorative street lamps are also an element of aesthetic beauty, as well as a means to keep pedestrians safe at night.



*Downtown Nampa, Idaho - illustrating use of street trees, street furniture and patterned sidewalks*



*Downtown Meridian, Idaho -- newly constructed sidewalks, street trees and street lamps*



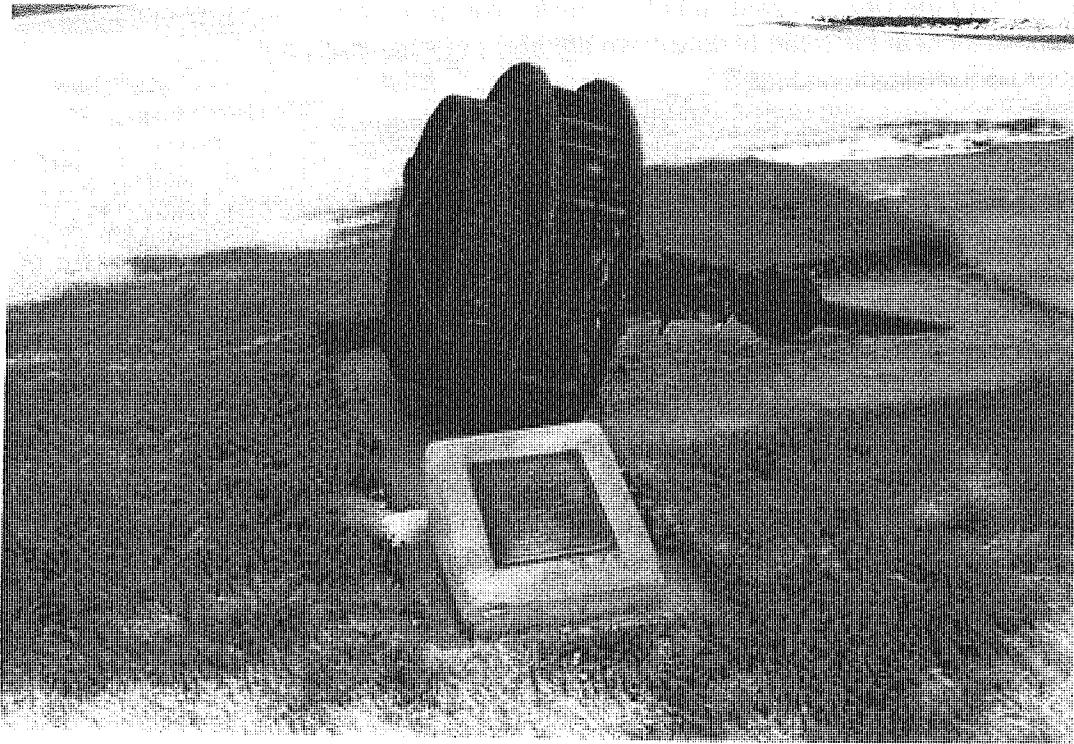
## CITY OF MIDDLETON URBAN RENEWAL AGENCY

### Underground Power

Middleton currently has a network of overhead power lines running through the heart of downtown, with particularly large power poles along Main Street. Although the power lines are functional and safe at this time, they tend to give a cluttered look to the skyline of the city. The Urban Renewal Agency is researching the feasibility of relocating the power lines to underground service and will implement the work into the long range plan for infrastructure improvements.

### Public Art

Art projects within the city's streetscape are a great way to add aesthetic beauty to the fabric of downtown. Art can tell a story about the city's heritage, act as a gateway monument, and express the ideals and creativity of the community. The Urban Renewal Agency will plan to include locations for several public art sites that will be integrated with the future street improvements.



*Existing example of a public art / heritage monument in Middleton, ID.*



## CITY OF MIDDLETON URBAN RENEWAL AGENCY

### **Design Standards**

An important part of future development in the city is establishing a set of guidelines for property owners to follow to meet the goals and objectives of the city's plan. The planning department will establish standards for design in the downtown core to ensure that property will be developed or remodeled in a fashion that improves the fabric of the city. Basic requirements such as; building placement at the street with parking in the rear, required window to wall ratio, and provision for a variety of materials may be ideas included in the design standards.

### **Property acquisition**

For a city to thrive it needs to have adequate public services. The city will continually analyze its inventory of public buildings and make proposals on upgrades as necessary to meet the intent of the downtown revitalization vision. The city will analyze property to acquire for uses such as parking, public open space, and expansion of current facilities. Such projects may include remodeling / rebuilding City Hall and/or the Library to better serve the public and update the aesthetics to reflect the vision. Creating both a small public plaza with a gateway monument and a public parking lot near the heart of downtown are also potential proposals for improvements using revitalization funding.

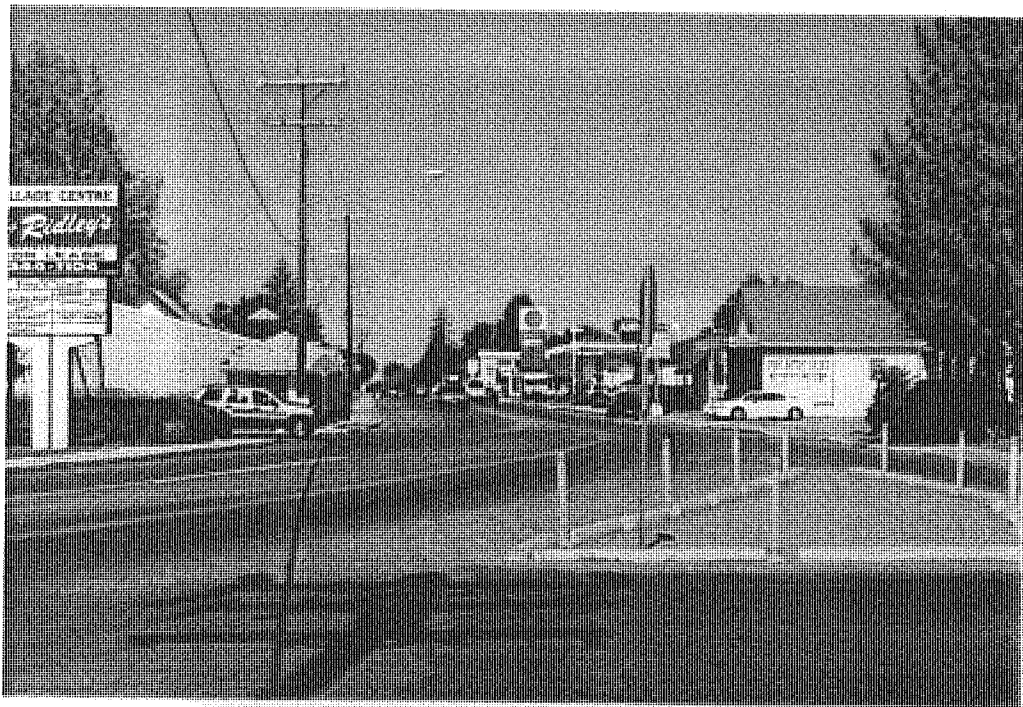
### **The Vision**

The Urban Renewal Agency hopes to combine all of these features into a city plan that will be implemented gradually as the agency receives funding. Property developers who are willing to develop their property with the vision in mind, will help the city achieve its goals, which will be a catalyst for further development and city improvements; ultimately contributing to the growth of the city and the health of the downtown business and retail atmosphere.

The following images portray a "before and after" scenario showing photographs of present day Middleton contrasted with renderings of how Middleton might look someday in the future. Notice how minor additions such as street trees and decorative lighting create a fresh, inviting atmosphere in the city. The Urban Renewal Agency is confident their vision will be realized in the near future resulting in a safe, thriving downtown core for the citizens and business owners of Middleton to enjoy.



## CITY OF MIDDLETON URBAN RENEWAL AGENCY



*View of present day Main Street Middleton, ID*



*Vision for future Main Street*



## CITY OF MIDDLETON URBAN RENEWAL AGENCY



*View of present day intersection of Main Street and Dewey Avenue – Middleton, ID*

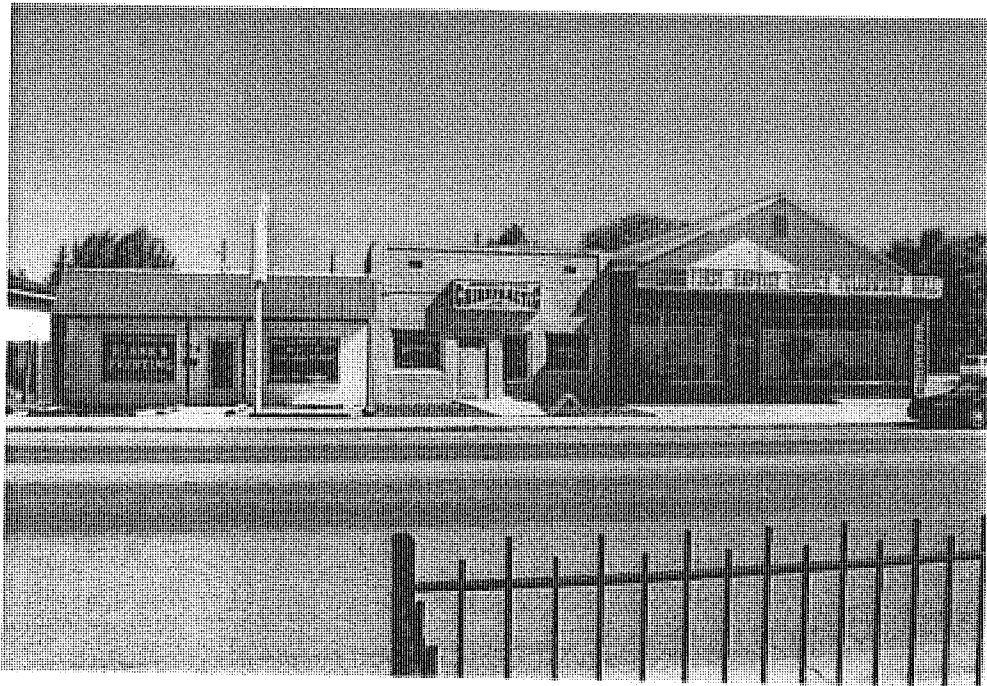


*Vision for future intersection of Main Street and Dewey Avenue – Middleton, ID*

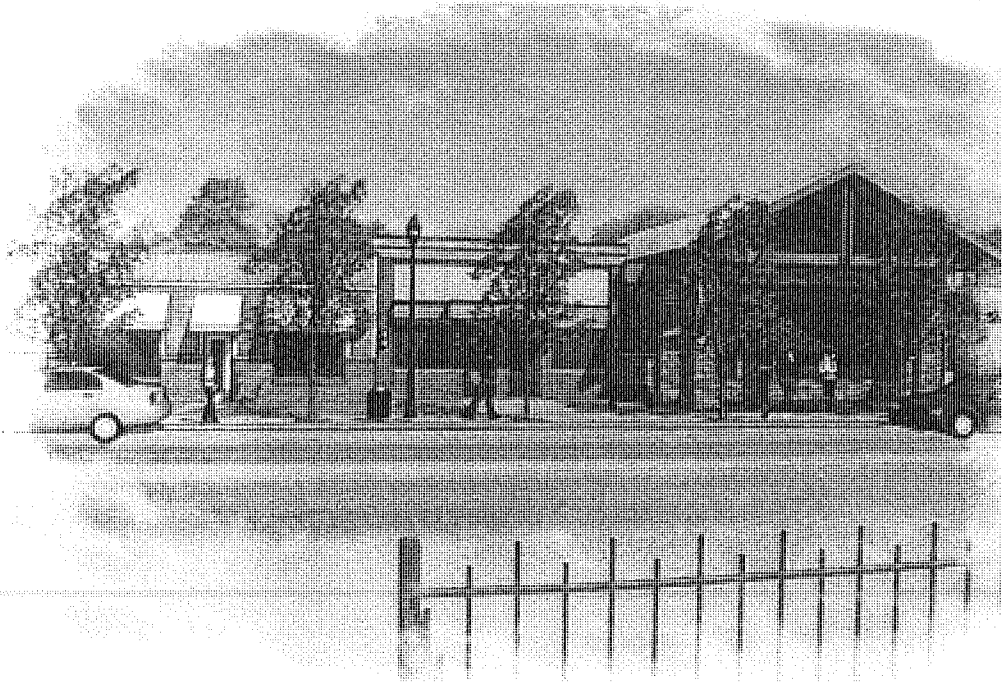




## CITY OF MIDDLETON URBAN RENEWAL AGENCY



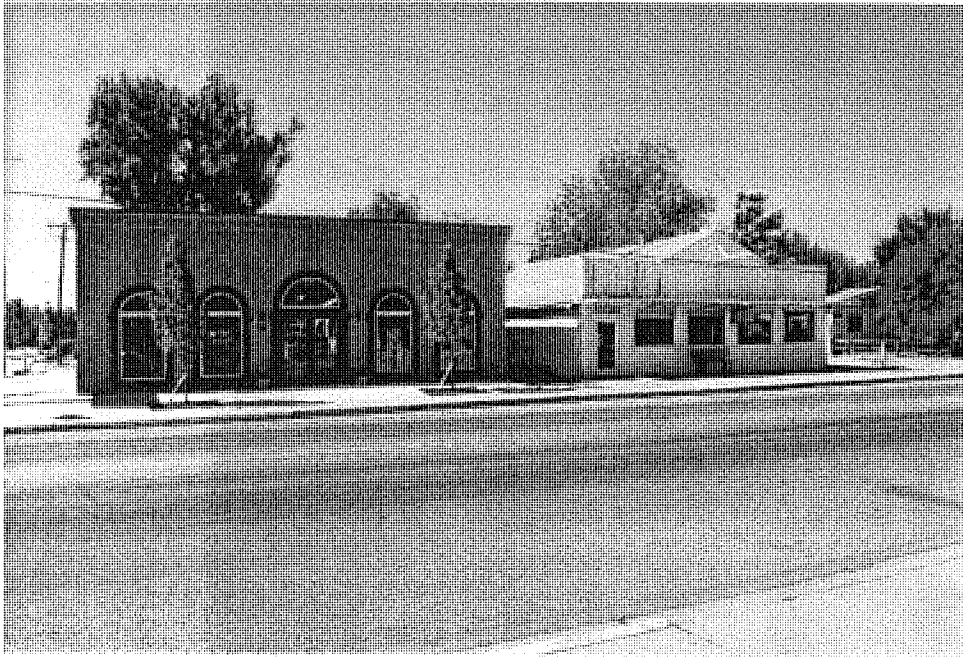
*View of typical present day MainStreet facades – Middleton, ID.*



*Vision for future Main Street façade aesthetic.*



## CITY OF MIDDLETON URBAN RENEWAL AGENCY



*Some examples of the vision exist in present day Middleton- the URA hopes to expand that vision to surrounding properties*



*Future Main Street showing completed vision on remainder of street.*

Exhibit 3

MIDDLETON DOWNTOWN URBAN RENEWAL PLAN

*Copy available at City Hall*



Exhibit 4  
CITY OF MIDDLETON

SUMMARY OF ORDINANCE NO. 442

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, APPROVING THE MIDDLETON DOWNTOWN URBAN RENEWAL PLAN FOR THE DOWNTOWN 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; PROVIDING A REPEALER CLAUSE; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

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

SECTION 1: It is hereby found and determined that:

- (a) The Downtown Urban Renewal 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 of Middleton.
- (c) There continues to be a need for the Middleton Urban Renewal Agency ("Agency") to function in the City of Middleton.
- (d) The Plan conforms to the Comprehensive Plan of the City of Middleton.
- (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 mixed use components of the Plan, the need for overall public improvements, and the proposed public open space), 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 collective base assessment roll of the Downtown Urban Renewal Project Area does not exceed ten percent (10%) of the assessed value of the City of Middleton.

SECTION 2: The City Council finds that the Downtown Urban Renewal Project Area and Revenue Allocation Area do not consist of predominantly open land, that the Agency does not intend to acquire any open land on any widespread basis, and that the Downtown Urban Renewal Project Area is planned to be redeveloped in a manner that will include both residential and nonresidential uses. Provided, however, the City Council finds that if portions of the Downtown Urban Renewal 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 one of the Plan objectives to increase the mixed use development opportunity to include housing does meet the sound needs of the City and will provide residential opportunities in an area that does not now contain such residential opportunities, and the portion of the Downtown Urban Renewal 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 Middleton Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

SECTION 4: The Plan, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachments, 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 3, 2008, 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 Canyon County and to the appropriate officials of Greater Middleton Recreation, Middleton Ambulance District, City of Middleton, Canyon County Highway District #4, Middleton Fire District, Middleton Cemetery District, Middleton School District #134, College of Western Idaho, Flood Control District No. 10, Canyon County, and 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, 2008, 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; including ordinance #441.

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 Middleton, Idaho, on this 17<sup>th</sup> day of December 2008.

APPROVED by the Mayor of the City of Middleton, Idaho, on this 17<sup>th</sup> day of December 2008.

## EXHIBITS TO THE ORDINANCE

- |           |   |
|-----------|---|
| Exhibit 1 | Recommendation Finding the Plan in Conformity With Comprehensive Plan |
| Exhibit 2 | Notice Published in <i>Idaho Press Tribune</i>                        |
| Exhibit 3 | Middleton Downtown Urban Renewal Plan                                 |
| Exhibit 4 | Ordinance Summary   |

## SUMMARY OF PLAN

The Middleton Downtown Urban Renewal Plan ("Plan") was prepared by the urban renewal agency of the City of Middleton, the Middleton 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, 2008, to be allocated to the Agency for the urban renewal purposes.

The general scope and objectives of the Plan are:

1. the elimination of environmental deficiencies in the Project Area, including, among others, obsolete and aged building types, and inadequate public improvements and facilities, including certain streets, improvements to public utilities, and removal, burying, or relocation of overhead utilities;
2. the assembly of land into parcels suitable for modern, integrated development with parking and improved pedestrian and vehicular circulation in the Project Area;
3. the replanning, redesign, and development of undeveloped and underdeveloped areas which are stagnant or improperly utilized because of fragmented ownership and other site conditions;
4. the cleanup and redevelopment of properties adjacent to State Highway 44;
5. the redevelopment of properties;
6. the strengthening of the economic base of the Project Area and the community by the installation of needed public improvements, infrastructure and facilities to stimulate new commercial expansion, employment, and economic growth;

7. the establishment and implementation of performance criteria to assure design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area;
8. 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 Project Area is located;
9. the creating of public spaces, gateway entries, public art, and the like;
10. the provision of civic buildings or community facilities owned or occupied by other public entities including the City of Middleton;
11. the provision of adequate land for open space and street rights-of-way;
12. the construction and improvement of major street corridors to allow traffic flows to move through the development improvements to Highway 44 (Main Street) along with the accompanying utility connections through the Project Area; and
13. fund the necessary public infrastructure to accommodate both public and private development.

Any such land uses as described in the Plan will be in conformance with the Comprehensive Plan of Middleton, Idaho. 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 Project Area boundaries herein referred to are as follows:

The Project Area consists of approximately sixty-two (62) acres generally shown on Attachment 1, and as specifically described in Attachment 2, both attached and incorporated herein by reference:

**Map of Urban Renewal Project Area and Revenue Allocation Area, and Description of Urban Renewal Project Area and Revenue Allocation Area:**

**[DRAFTING NOTE: INCLUDE MAP AND LEGAL DESCRIPTION USED IN NOTICE OF HEARING]**

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 City 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 would work in the Project Area in the future if certain new private developments occur as estimated. Section 509 provides for a specific rebate of a portion of the revenue allocation to Middleton School District No. 134.

Increases in assessed valuation of real and personal property in the Project Area that occur after January 1, 2008, will generate revenue for the Agency to pay project costs. Project costs include street improvements, parking facilities, 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, Greater Middleton Recreation, Middleton Ambulance District, City of Middleton, Canyon County Highway District #4, Middleton Fire District, Middleton Cemetery District, Middleton School District #134, College of Western Idaho, Flood Control District No. 10, Canyon County, and 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 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 Middleton. 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-four (24) 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.

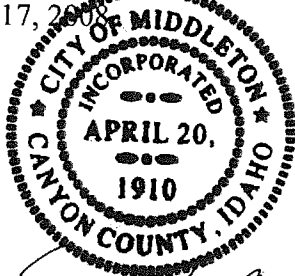
#### **ATTACHMENTS TO THE PLAN**

- |              |   |
|--------------|---|
| Attachment 1 | Project Area and Revenue Allocation Area Boundary Map and Middleton Comprehensive Plan Land Use Classifications |
| Attachment 2 | Description of Project Area and Revenue Allocation Area   |


- Attachment 3 Properties Which May Be Acquired by Agency  
(limited to public improvements and facilities)
- Attachment 4 Map Depicting Current Zoning within Revenue Allocation Area and  
Project Area
- Attachment 5 Statement of Proposed Public Improvements, Costs, Revenue, Tax  
Impacts, and Financing Methods
- Attachment 5A Estimated Improvement Costs Within Downtown Middleton Project Area
- Attachment 5B Feasibility Study: Revenues and Expenditures Downtown Middleton  
Project Area
- Attachment 6 Master Design Plan for Downtown Middleton Project Area


The full text of Ordinance 442 is available at the offices of the City Clerk located at Middleton City Hall, 6 N. Dewey Avenue, Middleton, Idaho, 83644.

This summary is approved by the Middleton City Council at its meeting of December 17, 2008.



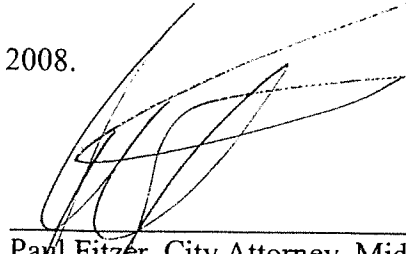
ATTEST:

  
Ellen Smith, City Clerk

  
Vicki Thurber, Mayor

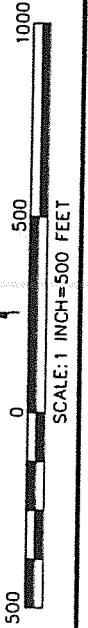
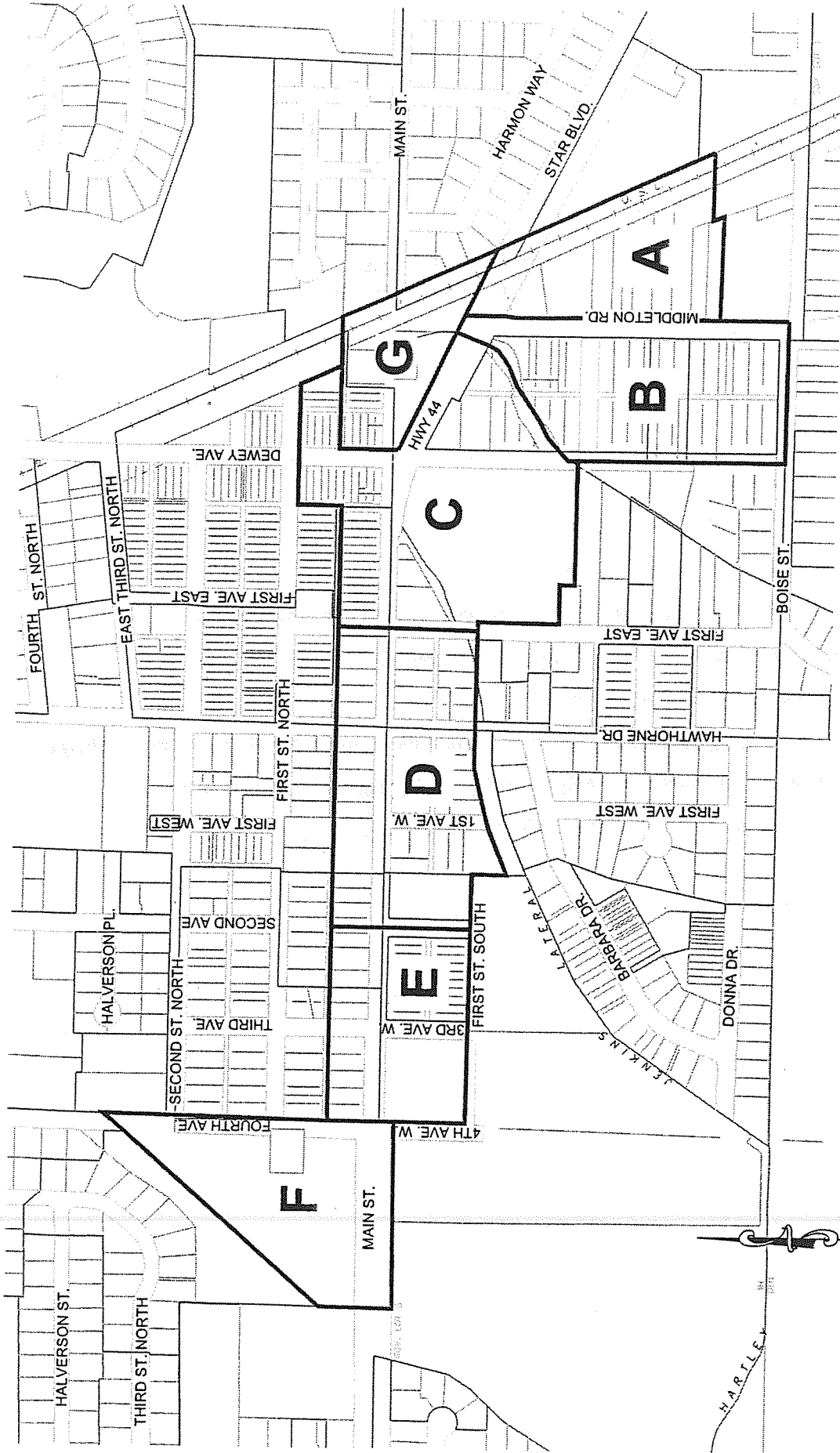
I, Paul Fitzer, City Attorney for the City of Middleton, Idaho, hereby declare and certify that in my capacity as City Attorney of the City of Middleton, pursuant to Idaho Code Section 50-901A(3) of the Idaho Code as amended, I have reviewed a copy of the above Summary of Ordinance, have found the same 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. 442.

DATED this 17<sup>th</sup> day of December, 2008.

  
Paul Fitzer, City Attorney, Middleton, Idaho

# CITY OF MIDDLETON

## URBAN RENEWAL DISTRICT SECTION MAP



**HOLLADAY  
ENGINEERING CO.**  
533 E. Winding Creek Dr., Suite 111 • Appleton, WI 54912  
G:\MID\040037\40037\_URD\_Boundary.dwg  
Revised December 2008



**CITY OF MIDDLETON**  
**PROPOSED URBAN RENEWAL DISTRICT BOUNDARY**  
**BOUNDARY DESCRIPTION**

Land in the S1/2 of Section 6 and the N1/2 of Section 7, all in Township 4 North, Range 2 West, Boise Meridian, in the City of Middleton, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the quarter corner common to said Sections 6 & 7, at the intersection of Hawthorn Drive and Main Street (State Highway 44);

thence N00°00'37"W 167.19 feet, to the **POINT OF BEGINNING**;

thence N89°41'00"W 489.97 feet;

thence N89°40'53"W 817.80 feet, to the east line of Fourth Avenue West;

thence along said east line, N01°24'51"E 751.66 feet;

thence S40°37'45"W 964.30 feet;

thence S01°06'42"W 246.32 feet, to the south line of said Main Street (State Highway 44);

thence along said south line, N89°38'35"E 612.91 feet, to the east line of said Fourth Avenue West;

thence along said east line, S00°19'07"W 239.28 feet;

thence S89°16'46"E 335.01 feet;

thence S89°40'42"E 487.28 feet;

thence S00°14'34"W 118.13 feet, to the north line of Arbor Drive;

thence along the north line of Arbor Drive, N66°44'34"E 163.55 feet, to the west line of First Avenue West;

thence N73°30'04"E 52.19 feet, to the east line of First Avenue West;

thence continuing along the north line of said Arbor Drive, N76°44'34"E 159.89 feet;

thence leaving said north line, S89°44'20"E 491.70 feet, to the east line of First Avenue East;

thence along said east line, S00°51'43"W 272.99 feet;

thence S89°44'26"E 130.00 feet;

thence S00°51'43"W 50.00 feet;

thence S89°38'51"E 414.90 feet, to the centerline of Dewey Avenue;

thence along said centerline, S00°12'16"W 691.11 feet, to the centerline of Boise Street;  
thence along said centerline of Boise Street, S89°35'16"E 470.00 feet, to the east line of Middleton Road;  
thence along said east line, N00°35'36"E 230.01 feet;  
thence S89°02'08"E 340.23 feet;  
thence N19°29'20"W 38.64 feet;  
thence S89°35'51"E 222.45 feet, to the east right-of-way line of the abandoned Oregon Short Line Railroad;  
thence along said east right-of-way line, N24°09'09"W 1351.51 feet;  
thence S89°37'30"W 163.68 feet;  
thence N24°11'14"W 148.84 feet, to the south line of First Street North;  
thence along said south line, N89°44'26"W 401.55 feet;  
thence S00°14'17"W 145.50 feet;  
thence N89°44'21"W 738.92 feet, to the **POINT OF BEGINNING**.

The area contained within the above description is 61.826 Acres, more or less.

The basis of bearing for this description being the Canyon County GIS database.

END OF THIS DESCRIPTION THAT CONTAINS 2 PAGES.