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Index to: ORDINANCE

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CITY OF BURLEY

SUMMARY OF ORDINANCE NO. 1410

Please note that definitions of capitalized terms used in this summary such as "Project Area," "Tenth Burley Plan," "Agency," "Law" and "Act" are provided in the Summary of Tenth Burley Plan set forth below.

AN ORDINANCE OF THE CITY OF BURLEY, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE TENTH BURLEY 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; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1: It is hereby found and determined that:

- (a) The Project Area, as defined in the Tenth Burley 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 Tenth Burley Plan are necessary in the interests of public health, safety, and welfare of the residents of the City.
- (c) There continues to be a need for the Agency to function in the City.
- (d) The Tenth Burley Plan conforms to the City of Burley Comprehensive Plan.
- (e) The Tenth Burley 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 Tenth Burley Plan and the need for overall public improvements), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area covered by the Tenth Burley Plan.
- (f) The Tenth Burley 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) Pursuant to Idaho Code §§ 50-2007(h) and 50-2008(d)(1), the Tenth Burley Plan

provides a feasible method for relocation obligations of any displaced families residing within the Project Area and there is not anticipated to be any activity by the Agency that would result in relocation.

- (h) The collective base assessment rolls for the revenue allocation areas undertaken by the Agency do not exceed ten percent (10%) of the assessed value of the City.
- (i) The Tenth Burley Plan includes the requirements set out in Idaho Code § 50-2905 with specificity.
- (j) The Tenth Burley Plan is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.
- (k) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code §§ 50-2018(9) and 50-2903(8)(f), does not include any agricultural operation for which the Agency has not received a written consent, or has not been used for agricultural purposes for three (3) consecutive years.
- (l) The portion of the Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the 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 2: The Council finds that the Project Area has a substantial portion of open land, that the Agency does not intend to acquire any open land on any widespread basis, and that the Project Area is planned to be redeveloped in a manner that will include industrial, commercial, retail, and residential uses. Provided, however, the Council finds that for the portions of the Project Area deemed to be "open land," the criteria set forth in the Law and Act have been met.

SECTION 3: The Council finds that the Tenth Burley Plan meets the sound needs of the City and will provide opportunities in an area that does not now contain such opportunities, and nonresidential uses are necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of City of Burley 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 Tenth Burley 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 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 28, 2023, hearing and incorporate changes or modifications, if any.

SECTION 5: No direct or collateral action challenging the Tenth Burley 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 Tenth Burley 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 Cassia County and to the appropriate officials of the City of Burley, Cassia County, Cassia Joint School District #151, the Burley Highway District, Flood District 16, and the Oregon Trail Recreation 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 Project Area.

SECTION 7: The Council hereby finds and declares that the Revenue Allocation Area as defined in the Tenth Burley Plan, the equalized assessed valuation of which the Council hereby determines is in and is part of the Tenth Burley Plan, is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Tenth Burley Plan.

SECTION 8: The Council hereby approves and adopts the following statement policy relating to the appointment of Council members as members of the Agency's Board of Commissioners: If any 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 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 Tenth Burley Plan, the Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 9: So long as any Agency bonds, notes or other obligations are outstanding, the Council will not exercise its power under Idaho Code § 50-2006 to designate itself as the Agency Board.

SECTION 10: So long as any Agency bonds, notes or other obligations are outstanding, the Council will not modify the Tenth Burley Plan in a manner that would result in a reset of the base assessment value to current value in the year modification occurs as further set forth in the Act.

SECTION 11: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2023, to the extent permitted by the Act.

SECTION 12: 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 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 Burley, Idaho, on this 28th day of December 2023.

APPROVED by the Mayor of the City of Burley, Idaho, on this 28th day of December 2023.

EXHIBITS TO THE ORDINANCE

- Exhibit 1 A Resolution of the Planning and Zoning Commission for the City of Burley, Idaho, finding conformity of the Urban Renewal Plan for the Tenth Burley Urban Renewal Project Area with the City of Burley's Comprehensive Plan
- Exhibit 2 Notice of hearing published in the *Times News*
- Exhibit 3 Urban Renewal Plan for the Tenth Burley Urban Renewal Project
- Exhibit 4 Ordinance Summary

SUMMARY OF TENTH BURLEY PLAN

The Urban Renewal Plan for the Tenth Burley Urban Renewal Project ("Tenth Burley Plan") was prepared by the urban renewal agency of the city of Burley, the Burley Urban Renewal Agency ("Agency") pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the "Law"), the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"), and all applicable laws and ordinances and was approved by the Agency. The Tenth Burley Plan provides for the Agency to undertake urban renewal projects pursuant to the Law and the Act. The Tenth Burley Plan contains a revenue allocation financing provision pursuant to the Act 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, 2023, to be allocated to the Agency for the urban renewal purposes.

Sections 100 through 105 of the plan provide information concerning general procedures of the Agency, required procedures of the Law and the Act, history of the current conditions of the area, the purpose of the proposed activities of the Agency, and criteria for acquiring open lands.

The general scope and objectives of the Tenth Burley Plan are:

- a. The acquisition of real property (if needed) for right-of-way improvements, pedestrian facilities, and to encourage development opportunities consistent with the Plan, including, but not limited to, future disposition to qualified developers;
- b. The demolition or removal of certain buildings and improvements for public rights-of-way for streets, utilities, walkways, and other improvements; for public facility building sites; to eliminate unhealthful, unsanitary, or unsafe conditions; enhance density; eliminate obsolete or other uses detrimental to the public welfare; or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;
- c. The provision for participation by the property owner in projects within the Project Area to achieve the objectives of this Plan;
- d. The management of any property acquired by and under the ownership and control of the Agency;
- e. The installation, construction, or reconstruction of streets and utilities, including removal, burying, or relocation of overhead utilities; extension of electrical distribution lines and transformers; improvement of irrigation and drainage ditches and laterals; addition of fiber optic lines or other communication systems; and improvement of storm drainage facilities, and other public improvements, including, but not limited to, water and sewer improvements, fire protection systems, roadways, curbs, gutters, and streetscapes, which for purposes of this Plan, the term streetscapes includes sidewalks, lighting, landscaping, and similar amenities between the curb and right-of-way line; and other public improvements, including public or other community facilities or buildings owned or occupied by other public agencies that may be deemed appropriate by the Agency Board;
- f. The disposition of real property through a competitive process in accordance with this Plan, Idaho law, including Idaho Code § 50-2011, and any disposition policies adopted by the Agency;
- g. The development of land by private enterprise or public agencies for uses in accordance with this Plan;
- h. The preparation and assembly of adequate sites for the development and construction of facilities for industrial, commercial, and governmental use;
- i. To the extent allowed by law, lend or invest federal funds to facilitate redevelopment;
- j. The environmental assessment and remediation of brownfield sites or sites where environmental conditions detrimental to redevelopment exist;

- k. The construction of storm water management infrastructure to support compliance with federal and local regulations for storm water discharge and to support private development;
- l. In collaboration with property owners and other stakeholders, working with the City to amend zoning regulations (if necessary) and standards and guidelines for the design of streetscapes, open space, and other like public spaces applicable to the Project Area as needed to support implementation of this Plan;
- m. The enhancement, construction, and possible realignment of streets, pathways, sidewalks, and related streetscape amenities, and adding appropriate traffic control devices;
- n. The provision of financial and other assistance to encourage and attract business enterprise, including, but not limited to, start-ups and microbusiness, mid-sized companies, and large-scale corporations;
- o. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources.

Any such land uses as described in the Tenth Burley Plan will be in conformance with zoning for the City of Burley and the City of Burley Comprehensive Plan, as adopted by the Council. Land made available will be developed by private enterprises or public agencies as authorized by law. The Tenth Burley Plan identifies various public and private improvements which may be made within the Project Area.

Section 200 is a description of the Project Area.

The Project Area herein referred to is located generally as follows:

An area consisting of approximately 4.62 +/- acres of land located within Cassia County tax parcel RP10S23E198251, having a street address of 1033 Idaho Ave, Burley, ID 83318, and as more particularly described as follows:

CITY OF BURLEY URBAN RENEWAL - REVENUE ALLOCATION AREA #10

L E G A L D E S C R I P T I O N

Part of Section 19 in Township 10 South, Range 23 East of the Boise Meridian, Cassia County, State of Idaho.

Commencing at the Southwest Corner of Section 19 in T.10 S., R.23 E., B.M. said corner marked by a $\frac{5}{8}$ " rebar with 3" aluminum cap; Thence North 00 degrees 07 minutes 19 seconds West along the west line of Section 19 for a distance of 1015.02 feet to the northerly right of way of the Eastern Idaho Railroad; Thence North 73 degrees 45 minutes 12 seconds East along said right of way for a distance of 863.50 feet to the south line of Gov't Lot 3; Thence South 85 degrees 39 minutes 33 seconds East along said Gov't lot line for a distance of 142.07 feet to the northerly right of way of the Eastern Idaho Railroad; Thence North 73 degrees 44 minutes 53 seconds East along said right of way for a distance of 387.08 feet to the Point of Beginning;

THENCE North 16 degrees 17 minutes 11 seconds West for a distance of 448.25 feet;

THENCE South 73 degrees 38 minutes 31 seconds West for a distance of 162.67 feet;

THENCE North 16 degrees 15 minutes 42 seconds West for a distance of 184.52 feet;

THENCE North 78 degrees 07 minutes 30 seconds East for a distance of 126.67 feet;

THENCE North 14 degrees 49 minutes 39 seconds West for a distance of 62.50 feet;

THENCE North 78 degrees 47 minutes 17 seconds East for a distance of 305.08 feet;

THENCE along a non-tangent curve to the left for a distance of 92.73 feet, said curve having a radius of 50.00 feet, a delta angle of 106 degrees 15 minutes 37 seconds, and a long chord bearing of North 78 degrees 47 minutes 17 seconds East for a distance of 80.00 feet;

THENCE South 00 degrees 06 minutes 58 seconds East for a distance of 678.17 feet to the northerly right of way of the Eastern Idaho Railroad;

THENCE South 73 degrees 44 minutes 53 seconds West along said right of way for a distance of 160.00 feet to the Point of Beginning.

Said property contains 4.62 acres more or less.

Sections 300 through 313 discuss the proposed redevelopment actions and objectives, participation opportunities and agreements, cooperation with public bodies, property acquisition standards and requirements, property management, relocation, demolition, property disposition, development plans and conforming owners.

Sections 400 through 409 discuss the uses permitted in the Project Area.

Section 401 discusses the type of land uses authorized in the Project Area.

Section 406 describes design guidelines for development.

Section 500 through 504 discuss the methods of financing the Project. The Tenth Burley Plan also contains a major section on financing. Among other sources, the Tenth Burley Plan will utilize revenue allocation financing, authorized by the Act. This statute was approved in 1988 by the Idaho Legislature. Section 502 and Attachment 5 discuss revenue allocation financing and show how such financing has worked and would work in the Project Area in the future if certain new private developments occur as estimated.

Increases in assessed valuation of real and personal property in the Project Area that occur after January 1, 2023, will generate revenue for the Agency to pay project costs. Project costs include street improvements, environmental remediation, 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 City of Burley, Cassia County, Cassia Joint School District #151, the Burley Highway District, Flood District 16, and the Oregon Trail Recreation District to finance their operations. The Tenth Burley 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 Tenth Burley 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 projects and to also fund the additional described activities.

The Tenth Burley Plan follows the underlying zoning classifications of the city of Burley.

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

The duration of the Tenth Burley Plan is for twenty (20) years. A termination process is described in Section 800 of the Tenth Burley Plan. Section 900 provides a procedure for amendment or modification. Section 1000 provides for severability. Section 1100 provides that the Agency is required to prepare an annual report each year describing its activities during the previous year.

ATTACHMENTS TO THE TENTH BURLEY PLAN

Attachment 1	Boundary Map of Tenth Burley Urban Renewal Project Area and Revenue Allocation Area
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- Attachment 2 Legal Description of Tenth Burley Urban Renewal Project Area and Revenue Allocation Area
- Attachment 3 Properties Which May be Acquired by the Agency
- Attachment 4 Map Depicting Expected Land Uses and Current Zoning Map of the Project Area
- Attachment 5 Economic Feasibility Study

The full text of the Ordinance 1410 is available at the offices of the City Clerk, 1401 Overland Ave, Burley, Idaho 83318.

This summary is approved by the Burley City Council at its meeting of December 28, 2023.



Mayor Steve Ormond

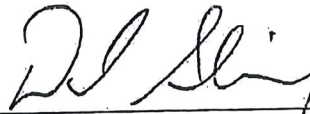
ATTEST:



Tracy Bustos, City Clerk

I, David Shirley, City Attorney for the city of Burley, Idaho, hereby declare and certify that in my capacity as City Attorney of the city of Burley, 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. 1410

DATED this 28 day of December 2023



David Shirley, City Attorney
Burley, Idaho

ORDINANCE NO. 1410

AN ORDINANCE OF THE CITY OF BURLEY , IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE TENTH BURLEY 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; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of Burley , Idaho ("City"), respectively, on or about September 8, 1998, adopted and approved Resolution No. 10-98 creating the Burley Urban Renewal Agency (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, as amended, Chapter 20, Title 50, Idaho Code as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, the City Council for the City of Burley, Idaho ("City"), on December 21, 1998, after notice duly published, conducted a public hearing on the Burley Urban Renewal Project Urban Renewal Plan (the "Plan"); and

WHEREAS, following said public hearing, the City Council adopted its Ordinance 1115 on December 23, 1998, approving the Plan and making certain findings; and

WHEREAS, on December 13, 1999 the Burley City Council and the Mayor of the City of Burley passed and approved Ordinance 1135 amending the Plan; and

WHEREAS, on December 7, 2006 The Burley Development Authority approved and adopted a Second Modification to the Amended Plan; and

WHEREAS, on December 26, 2006 the Burley City Council and the Mayor of the City of Burley approved Ordinances 1206 and 1207 adopting a Second Modification to the Amended Plan; and

WHEREAS, on November 8, 2017 the Burley City Council and Mayor of the City of Burley approved Ordinance 1345 adopting a Third Modification to the Amended Plan; and

WHEREAS, on December 6, 2022 The Burley City council and Mayor of the City of Burley approved ordinance 1401 adopting the Eight Urban Renewal Plan; and

WHEREAS, pursuant to Idaho Code § 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, an urban renewal plan shall (a) conform to the general plan for the municipality as a whole, except as provided in § 50-2008(g), Idaho Code; and (b) 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, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions;

WHEREAS, Idaho Code § 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 Council, on November 21, 2023, adopted Resolution No. 17-23 accepting the Report and declared the Tenth Burley Area described in the Report to be a deteriorated or deteriorating area as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, that such area is appropriate for an urban renewal project and directed the Agency to commence preparation of an urban renewal plan for the area designated;

WHEREAS, the Act authorizes urban renewal agencies 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, the Agency and its consultants have undertaken the planning process during 2023;

WHEREAS, the Agency prepared a proposed Urban Renewal Plan for the Tenth Burley Urban Renewal Project (the "Tenth Burley Plan") and the urban renewal area referred to as the Tenth Burley Project Area ("Project Area" or "Revenue Allocation Area") for the area designated as eligible for urban renewal planning;

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

WHEREAS, the Agency Board considered all comment and information submitted to the Agency during several earlier Board meetings and the Board meeting held on November 20, 2023

WHEREAS, on November 20, 2023, the Agency Board passed Resolution No. 2023-15 proposing and recommending the approval of the Tenth Burley Plan;

WHEREAS, the Agency submitted the Tenth Burley Plan to the Mayor and City;

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

Tenth Burley Plan;

WHEREAS, pursuant to the Law, on December 20, 2023, the City of Burley Planning and Zoning Commission considered the Tenth Burley Plan and its conformity with the City of Burley Comprehensive Plan and forwarded its findings to the Council, a copy of which is attached hereto as Exhibit 1;

WHEREAS, notice of the public hearing of the Tenth Burley Plan was caused to be published by the City Clerk of Burley, Idaho, in its official newspaper the *Times News*, on November 25 and December 12, 2023, a copy of said notice being attached hereto as Exhibit 2;

WHEREAS, as of November 24, 2023, the Tenth Burley Plan was submitted to the affected taxing entities, available to the public, and under consideration by the Council;

WHEREAS, the City Council, during its special meeting of December 28, 2023, held the public hearing as noticed;

WHEREAS, as required by Idaho Code §§ 50-2905 and 50-2906, the Tenth Burley Plan contains the following information with specificity which was made available to the general public and all taxing districts prior to the public hearing on December 28, 2023, the regular meeting of the Council, at least thirty (30) days but no more than sixty (60) days prior to the date set for final reading of the ordinance: (1) a statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality; (2) the kind, number, and location of all proposed public works or improvements within the revenue allocation area; (3) an economic feasibility study; (4) a detailed list of estimated project costs; (5) a fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds, notes and/or other obligations are repaid, upon all taxing districts levying taxes upon property in the revenue allocation area; (6) a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred; (7) a termination date for the plan and the revenue allocation area, as provided for in section 50-2903(20), Idaho Code. 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; and (8) a description of the disposition or retention of any assets of the agency upon the termination date. Provided however, nothing herein shall prevent the agency from retaining assets or revenues generated from such assets as long as the agency shall have resources other than revenue allocation funds to operate and manage such assets;

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

WHEREAS, appropriate notice of the Tenth Burley Plan and revenue allocation provision contained therein has been given to the taxing districts and to the public as required by Idaho Code §§ 50-2008 and 50-2906;

WHEREAS, it is necessary and in the best interest of the citizens of the City, to adopt the Tenth Burley Plan, including revenue allocation financing provisions since revenue allocation

will help finance urban renewal projects to be completed in accordance with the Tenth Burley Plan, in order to: encourage private development in the urban renewal area; prevent and arrest decay of the City 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 the City; and to further the public purposes of the Agency;

WHEREAS, the Council finds that the equalized assessed valuation of the taxable property in the Project Area is likely to increase, and continue to increase, as a result of initiation and continuation of urban renewal projects in accordance with the Tenth Burley 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) conform to the general plan of the municipality as a whole; (3) 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) 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, under the Act, a deteriorated area includes any area which is predominantly open and which, because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area, or substantially impairs or arrests the sound growth of a municipality;

WHEREAS, under the Law and the Act (specifically §§ 50-2018(9) and 50-2903(8)(f)), a deteriorating area may not include an agricultural operation, as defined in Idaho Code § 22-4502(1), absent the consent of the owner of the agricultural operation except for an agricultural operation that has not been used for three (3) consecutive years;

WHEREAS, the Project Area does not include parcels subject to such consent;

WHEREAS, simultaneous with the creation of the Tenth Burley Plan, the Agency has embarked on an urban renewal project referred to as the Tenth Burley Urban Renewal Project;

WHEREAS, the collective base assessment rolls for the revenue allocation areas undertaken by the Agency cannot exceed ten percent (10%) of the assessed value of the City;

WHEREAS, the Council at its special meeting held on December 28, 2023, considered the Tenth Burley Urban Renewal Plan, as proposed, and made certain comprehensive findings.

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

SECTION 1: It is hereby found and determined that:

- (a) The Project Area, as defined in the Tenth Burley Urban Renewal 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 Tenth Burley Urban Renewal Plan are necessary in the interests of public health, safety, and welfare of the residents of the City.
- (c) There continues to be a need for the Agency to function in the City.
- (d) The Tenth Burley Urban Renewal Plan conforms to the City of Burley Comprehensive Plan and the general plan of the municipality as a whole.
- (e) The Tenth Burley Urban Renewal 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 Tenth Burley Urban Renewal Plan and the need for overall public improvements), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area covered by the Tenth Burley Plan.
- (f) The Tenth Burley Urban Renewal 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) Pursuant to Idaho Code §§ 50-2007(h) and 50-2008(d)(1), the Tenth Burley

Urban Renewal Plan provides a feasible method for relocation obligations of any displaced families residing within the Project Area and there is not anticipated to be any activity by the Agency that would result in relocation.

- (h) The collective base assessment rolls for the revenue allocation areas undertaken by the Agency do not exceed ten percent (10%) of the assessed value of the City.
- (i) The Tenth Burley Urban Renewal Plan includes the requirements set out in Idaho Code § 50-2905 with specificity.
- (j) The Tenth Burley Urban Renewal Plan is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.
- (k) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code §§ 50-2018(9) and 50-2903(8)(f), does not include any agricultural operation for which the Agency has not received a written consent, or has not been used for agricultural purposes for three (3) consecutive years.
- (l) The portion of the Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the 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 2: The Council finds that the Project Area has a portion of open land, that the Agency may acquire any open land within the Project Area which it may deem necessary for or in connection with the Urban Renewal Plan or related activities, and that the Project Area is planned to be redeveloped in a manner that will include industrial uses. The Council finds that for the portions of the Project Area deemed to be "open land," the criteria set forth in the Law and Act have been met.

SECTION 3: The Council finds that the Tenth Burley Urban Renewal Plan meets the sound needs of the City and will provide opportunities in an area that does not now contain such opportunities, and nonresidential uses are necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of City of Burley 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 Tenth Burley Urban Renewal 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 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 28, 2023, hearing and incorporate changes or modifications, if any.

SECTION 5: No direct or collateral action challenging the Tenth Burley Urban Renewal 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 Tenth Burley 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 Cassia County and to the appropriate officials of Cassia County Board of County Commissioners, City of Burley, Cassia County Joint School District No. 151, Burley Highway District, Goose Creek Flood Control District 16, Oregon Trail Recreation 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 Project Area.

SECTION 7: The Council hereby finds and declares that the Revenue Allocation Area as defined in the Tenth Burley Urban Renewal Plan, the equalized assessed valuation of which the Council hereby determines is in and is part of the Tenth Burley Urban Renewal Plan, is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Tenth Burley Plan.

SECTION 8: The Council hereby approves and adopts the following statement policy relating to the appointment of Council members as members of the Agency's Board of Commissioners: If any 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 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 Tenth Burley Plan, the Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 9: So long as any Agency bonds, notes or other obligations are outstanding, the Council will not exercise its power under Idaho Code § 50-2006 to designate itself as the Agency Board.

SECTION 10: So long as any Agency bonds, notes or other obligations are outstanding, the Council will not modify the Tenth Burley Urban Renewal Plan in a manner that would result in a reset of the base assessment value to current value in the year modification occurs as further set forth in the Act.

SECTION 11: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2023, to the extent permitted by the Act.

SECTION 12: 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 13: The summary of this ordinance may be published if and when such

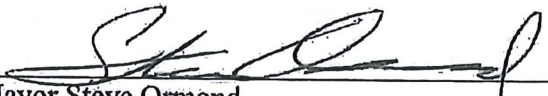
summary is approved by the City Council.,

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.

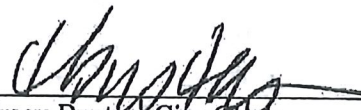
PASSED by the City Council of the City of Burley , Idaho, on this 28th day of December 2023.

APPROVED by the Mayor of the City of Burley , Idaho, on this 28th day of December 2023.



Mayor Steve Ormond

ATTEST:



Tracy Bustos, City Clerk

URBAN RENEWAL AGENCY OF THE CITY OF BURLEY, IDAHO also
known as the BURLEY DEVELOPMENT AUTHORITY Urban Renewal Plan for the
RAA 10 District Urban Renewal Project

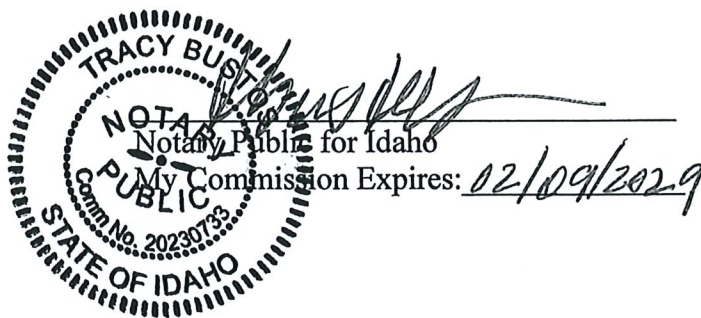
These documents are the boundary map and legal description for the Urban Renewal Project
Area and Revenue Allocation Area for the RAA 10 District Urban Renewal Project, Burley City
Council Ordinance No. 1410, adopted on December 28, 2023.


Tracy Bustos, City Clerk

STATE OF IDAHO)
) ss:
County of Cassia)

On this 28 day of December 2023, before me, the undersigned, a Notary
Public in and for the State of Idaho, personally appeared Tracy Bustos known or identified to me
to be the person whose name is subscribed to the within instrument and acknowledged to me
they executed the same.

(Seal)



Instrument # 2024000008

BURLEY, CASSIA, IDAHO

1-3-2024 09:45:34 AM No. of Pages: 3

Recorded for : CITY OF BURLEY

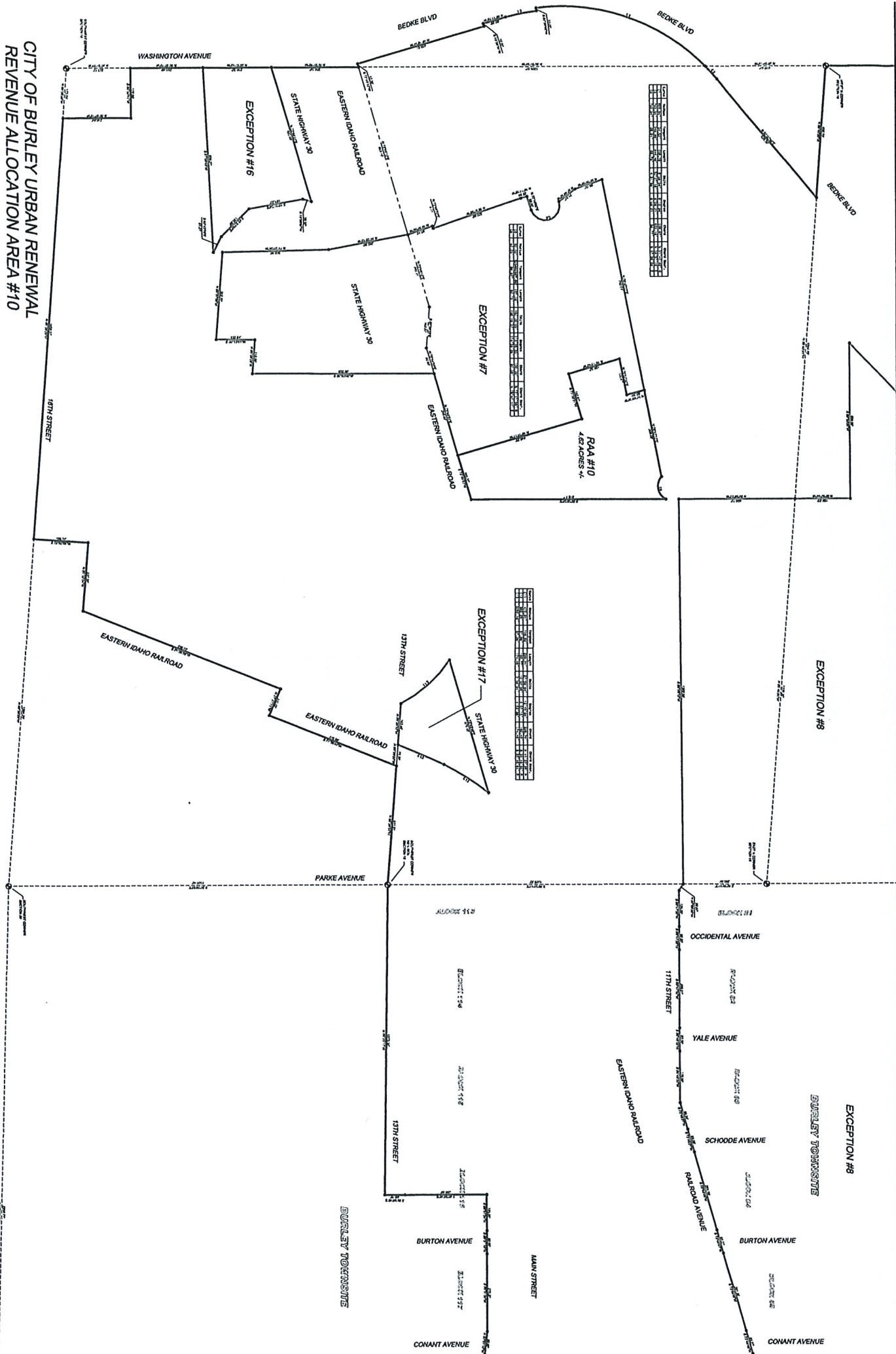
JOSEPH LARSEN

Ex-Officio Recorder Deputy

Index to: ORDINANCE

Fee: 0.00





CITY OF BURLEY URBAN RENEWAL - REVENUE ALLOCATION AREA #10

L E G A L D E S C R I P T I O N

Part of Section 19 in Township 10 South, Range 23 East of the Boise Meridian, Cassia County, State of Idaho.

Commencing at the Southwest Corner of Section 19 in T.10 S., R.23 E., B.M. said corner marked by a $\frac{5}{8}$ " rebar with 3" aluminum cap; Thence North 00 degrees 07 minutes 19 seconds West along the west line of Section 19 for a distance of 1015.02 feet to the northerly right of way of the Eastern Idaho Railroad; Thence North 73 degrees 45 minutes 12 seconds East along said right of way for a distance of 863.50 feet to the south line of Gov't Lot 3; Thence South 85 degrees 39 minutes 33 seconds East along said Gov't lot line for a distance of 142.07 feet to the northerly right of way of the Eastern Idaho Railroad; Thence North 73 degrees 44 minutes 53 seconds East along said right of way for a distance of 387.08 feet to the Point of Beginning;

THENCE North 16 degrees 17 minutes 11 seconds West for a distance of 448.25 feet;

THENCE South 73 degrees 38 minutes 31 seconds West for a distance of 162.67 feet;

THENCE North 16 degrees 15 minutes 42 seconds West for a distance of 184.52 feet;

THENCE North 78 degrees 07 minutes 30 seconds East for a distance of 126.67 feet;

THENCE North 14 degrees 49 minutes 39 seconds West for a distance of 62.50 feet;

THENCE North 78 degrees 47 minutes 17 seconds East for a distance of 305.08 feet;

THENCE along a non-tangent curve to the left for a distance of 92.73 feet, said curve having a radius of 50.00 feet, a delta angle of 106 degrees 15 minutes 37 seconds, and a long chord bearing of North 78 degrees 47 minutes 17 seconds East for a distance of 80.00 feet;

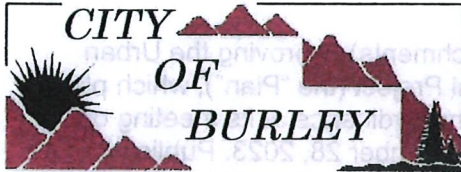
THENCE South 00 degrees 06 minutes 58 seconds East for a distance of 678.17 feet to the northerly right of way of the Eastern Idaho Railroad;

THENCE South 73 degrees 44 minutes 53 seconds West along said right of way for a distance of 160.00 feet to the Point of Beginning.

Said property contains 4.62 acres more or less.

PREPARED BY:
Desert West Land Surveys
2020 Overland Ave.
Burley, Idaho 83318





City of Burley
1401 Overland Ave
Burley ID, 83318
(208) 878-2224

January 3, 2023

Alan Dornfest
State Tax Commission
PO Box 36
Boise, ID 83722
Alan.dornfest@tax.idaho.gov

☐ Email **AND**
☐ Mail

Jacob King
State Tax Commission
PO Box 36
Boise, ID 83722
jacob.king@tax.idaho.gov

☒ Email **AND**
☒ Mail

Ben Seloske
State Tax Commission
PO Box 36
Boise, ID 83722
Ben.seloske@tax.idaho.gov
State Tax Commission

☐ Email **AND**
☐ Mail

Attn: Joseph Larsen
Cassia County Auditor
Cassia County Clerk/Recorder
1459 Overland Ave, RM101
Burley, ID 83318
cassiaclerk@cassia.gov

☐ Email **AND**
☐ Mail

Attn.: Martin Adams
Cassia County Assessor
203 East 15th St.
Burley, ID 83318
Madams@cassia.gov

☐ Email **AND**
☐ Mail

RE: **Urban Renewal Plan for Burley RAA 10 Urban Renewal Project**

Dear Sir or Madam:

As provided for under Idaho Code Sections 50-2907 and 63-215, and Rule 225 of the Property Tax Administrative Rules IDAPA 35.01.03.225.02, you are being provided copies of the following recorded documents for filing:

1. Ordinance No. 1410 (without exhibits or attachments) approving the Urban Renewal Plan for the Burley RAA 10 District Urban Renewal Project (the "Plan"), which plan contains a revenue allocation area. City Council approved the Ordinance at its meeting on December 28, 2023. The Mayor signed the Ordinance on December 28, 2023. Publication of the Ordinance in the *Times News* occurred on December 30, 2023. A copy of the published summary is also enclosed.

2. Recorded under separate cover:

- A. A legal description of the boundary of the revenue allocation area.
- B. A map showing the boundaries of the revenue allocation area.

Please file these documents in your official records.

Please be advised that the contact person for the Burley Development Authority is Mark Mitton 1401 Overland Ave Burley, Idaho 83318, 208.878.2204 mmittton@burleyidaho.org. The plan is also available on the city website at: <https://burleyidaho.org/198/Burley-Development-Authority>.

Sincerely,


Tracy Bustos, City Clerk

Enclosures

cc: Dave Shirley
Brent Tolman
Clay Handy