

Instrument # 5767

MINIDOKA COUNTY, IDAHO
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Ex-Officio Recorder Deputy

ORDINANCE NO. 2024-687

REC'D MAY 30 2024

AN ORDINANCE OF THE CITY OF HEYBURN, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE INH-HEYBURN DISTRICT 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 ("City Council") of Heyburn, Idaho ("City"), respectively, on or about July 14, 2010, adopted and approved Resolution No. 2010-6 creating the Heyburn 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, on October 26, 2011, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the Northwest Heyburn Industrial Urban Renewal Project (the "NW Heyburn Industrial Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 541 on October 26, 2011, approving the NW Heyburn Industrial Plan and making certain findings;

WHEREAS, the City Council, on November 14, 2018, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the 208 Business Park Urban Renewal Project (the "208 Business Park Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance 2018-604 on November 28, 2018, approving the 208 Business Park Plan and making certain findings;

WHEREAS, the City Council, on December 12, 2018, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the Boulevard Urban Renewal Project (the "Boulevard Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance 2018-605 on December 12, 2018, approving the Boulevard Plan and making certain findings;

WHEREAS, the City Council, on November 13, 2019, after notice duly published, conducted a public hearing on the First Amendment to the Urban Renewal Plan for the Boulevard Urban Renewal Project (the "Amended Boulevard Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No.

2019-619 on November 13, 2019, approving the Amended Boulevard Plan and making certain findings;

WHEREAS, the above referenced urban renewal plans are collectively referred to as the Existing Urban Renewal Plans and their corresponding project areas are collectively referred to as the Existing Project Areas;

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, based on inquiries and information presented by certain interested parties and property owners, the Agency commenced certain discussions concerning examination of an additional area within the City as appropriate for an urban renewal project;

WHEREAS, On April 27, 2022, the Agency authorized Brent J. Tolman, Outwest Enterprises, LLC, dba Outwest Policy Advisors, to commence an eligibility study and preparation of an eligibility report of an area generally located between 425 W. and 300 W. and between 350 S. and 450 S., more generally described as within a one mile +/- radius of exit 211 intersection of Interstate 84 and Highway 24 in Heyburn (the "INH -Heyburn Study Area"). The INH-Heyburn Study Area contained parcels located within the City limits as well as parcels located outside the City limits and within unincorporated Minidoka County, however the Minidoka County parcels were ultimately not included in the Project Area, as defined below.

WHEREAS, the Agency has obtained the INH-Heyburn Urban Renewal Eligibility Report for the INH-Heyburn Study Area, dated March 2023 (the "Report"), a copy of which is attached hereto as **Exhibit A**, which examined the INH-Heyburn Study Area for the purpose of determining whether such area was a deteriorating area and/or a deteriorated area as defined by Idaho Code §§ 50-2018(9) and 50-2903(8);

WHEREAS, pursuant to Idaho Code §§ 50-2018(9) and 50-2903(8), which define "deteriorating area" and "deteriorated area," many of the qualifying conditions necessary to be present in such an area are found in the INH-Heyburn Study Area, including:

- a. predominance of defective or inadequate street layout;
- b. faulty lot layout in relation to size, adequacy, accessibility, or usefulness/obsolete platting;
- c. insanitary or unsafe conditions;
- d. deterioration of site or other improvements;
- e. diversity of ownership; and
- e. the existence of conditions which endanger life or property by fire and other causes;

WHEREAS, the INH-Heyburn Study Area is predominantly open land;

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. *See* Idaho Code § 50-2903(8)(c);

WHEREAS, Idaho Code §§ 50-2018(9), 50-2903(8), and 50-2008(d) list the additional conditions applicable to open land or open areas, including land areas to be acquired by the Agency, which are the same or similar to the conditions set forth above;

WHEREAS, the Report addresses the necessary findings related to including open land within any urban renewal area as defined in Idaho Code §§ 50-2018(9), 50-2903(8)(c), and 50-2008(d);

WHEREAS, the effects of the listed conditions cited in the Report result in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare in its present condition or use;

WHEREAS, the Agency, on March 13, 2023, adopted Resolution No. 2023-2, accepting the Report and authorizing the Chairman of the Agency or his designee to transmit the Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct the Agency to prepare an urban renewal plan for the INH-Heyburn Study Area, which urban renewal plan may include a revenue allocation provision as allowed by the Act;

WHEREAS, the City Council, by Resolution No. 2023-5, dated May 10, 2023, declared the Study Area described in the Report to be a deteriorated area or a deteriorating area, or a combination thereof, as defined by Chapters 20 and 29 of Title 50, Idaho Code, as amended, that such Study 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, under the Law and Act, Idaho Code Sections 50-2903(8)(f) and 50-2018(8) and (9), the definition of a deteriorating area and a deteriorated area shall not apply to any agricultural operation as defined in Section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation except for an agricultural operation that has not been used for

three (3) consecutive years;

WHEREAS, the Study Areas includes parcels subject to such consent and any necessary consents have been obtained;

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 Agency;

WHEREAS, pursuant to the Law and the Act, as amended, the Agency and its consultants prepared the Urban Renewal Plan for the INH District Urban Renewal Project (the "INH District Plan"), as set forth in Exhibit 3 attached hereto, and the corresponding urban renewal/revenue allocation area referred to as the INH District project area (the "INH District Project Area," the "Project Area," or "Revenue Allocation Area"), to develop and/or redevelop a portion of the City, pursuant to the Law and the Act, as amended;

WHEREAS, the INH District Project Area is shown on the "Boundary Map of the INH District Urban Renewal Project Area and Revenue Allocation Area" and described in the "Legal Description of the INH District Urban Renewal Project Area and Revenue Allocation Area," which are attached to the INH District Plan as Attachments 1 and 2 respectively;

WHEREAS, the Act authorizes Agency to adopt revenue allocation financing provisions as part of an urban renewal plan;

WHEREAS, the INH District Plan contains revenue allocation financing provisions as allowed by the Act;

WHEREAS, as required by the Law and the Act, the Agency has reviewed the information within the INH District Plan concerning the use of revenue allocation funds and considered the INH District Plan at its meeting on November 13, 2023;

WHEREAS, on November 13, 2023, the Agency Board passed Resolution No. 2023-2 proposing and recommending the approval of the INH District Plan;

WHEREAS, the Agency submitted the INH District Plan to the Mayor and City Council;

WHEREAS, the Mayor and City Clerk have taken the necessary action in good faith to process the INH District Plan consistent with the requirements set forth in Idaho Code Sections 50-2906 and 50-2008;

WHEREAS, pursuant to the Law, at a meeting held on March 19, 2024, the Heyburn Planning and Zoning Commission considered the INH District Plan and found by way of recommendation that the INH District Plan is in all respects in conformity with the City of Heyburn Comprehensive Plan, as may be amended (the "Comprehensive Plan") and forwarded its findings to the City Council, a copy of which is attached hereto as Exhibit 1;

WHEREAS, the notice of public hearing of the INH District Plan was caused to be published by the Heyburn City Clerk in the *Times News* on March 7, 2024 and March 28, 2024 a

copy of said notice is attached hereto as Exhibit 2;

WHEREAS, as of March 9, 2024, the INH District Plan was submitted to the affected taxing entities, made available to the public, and is under consideration by the City Council;

WHEREAS, the City Council during its regular meeting of April 10, 2024, held such public hearing on the INH District Plan as noticed;

WHEREAS, as required by Idaho Code sections 50-2905 and 50-2906, the INH District Plan contains the following information with specificity which was made available to the general public and all affected taxing districts prior to the public hearing on April 10, 2024, the regular meeting of the City Council, at least thirty (30) days but no more than sixty (60) days prior to the date set forth 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 INH District Plan authorizes certain projects to be financed by owner/developer participation agreements and proceeds from revenue allocation. Revenue allocation bonds or loans are permissible;

WHEREAS, appropriate notice of the INH District Plan and revenue allocation provision contained therein has been given to the affected 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 INH District Plan and to adopt, as part of the INH District Plan, revenue allocation financing provisions that will help finance urban renewal projects to be completed in accordance with the INH District 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 INH District Project 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 City Council finds that the equalized assessed valuation of the taxable property in the revenue allocation area as shown and described in Attachments 1 and 2 of the INH District Plan is likely to increase, and continue to increase, as a result of initiation and continuation of urban renewal projects in accordance with the INH District 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 boundaries of the INH District Project Area overlap the boundaries of the Minidoka Highway District; however, the City has responsibility for the maintenance of roads or highways within the City limits, and within the INH District Project Area, and therefore, the allocation of taxes shall be governed by Idaho Code Sections 50-2908(2)(a)(ii), (b) for the INH District Project Area;

WHEREAS, the Agency obtained written consent concerning certain property owners within the INH District Project Area, which may have been deemed an agricultural operation, as stated above. A true and correct copy of the agricultural operation consents are included as Attachment 6 to the INH District East Plan;

WHEREAS, the base assessment roll of the INH District Project Area, together with the

base assessment roll values of the Existing Project Areas, cannot exceed ten percent (10%) of the current assessed values of all the taxable property in the City;

WHEREAS, it is necessary, and in the best interests of the citizens of the City to adopt the INH District Plan;

WHEREAS, the City Council at its regular meeting held on April 10, 2024, considered the INH District Plan as proposed and made certain comprehensive findings.

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

SECTION 1: It is hereby found and determined that:

- (a) The INH District Project Area, as defined in the INH District 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 INH District 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 INH District Plan conforms to the City of Heyburn Comprehensive Plan.
- (e) The INH District 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 INH District 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 INH District Plan.
- (f) The INH District 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 INH District Plan provides a feasible method for relocation obligations of any displaced families residing within the INH District 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 under the Existing Project Areas and the INH District Project Area do not exceed ten percent (10%) of the assessed values of all the taxable property in the City.
- (i) The INH District Plan includes the requirements set out in Idaho Code § 50-2905

with specificity.

- (j) The INH District 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 City Council finds that the INH District Project Area is predominantly open land, that the Agency may acquire any open land within the INH District Area, and that the INH District Project Area is planned to be redeveloped in a manner that may primarily include nonresidential uses. Provided, however, the City Council finds that for the portions of the INH District Project Area deemed to be "open land," the criteria set forth in the Law and Act have been met.

SECTION 3: The City Council finds that the portion of the INH District 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 City's 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 INH District 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 April 10, 2024, hearing and incorporate changes or modifications, if any.

SECTION 5: The boundaries of the INH District Project Area are adjacent to the boundaries of the Minidoka Highway District, however the City has, or will have, the responsibility for the maintenance of roads and highways in and around the INH District Project Area. Therefore, pursuant to Idaho Code Section 50-2908(2)(a)(iv) the revenues from the Heyburn Highway District levies will be allocated to the Agency without the need of a further agreement.

SECTION 6: No direct or collateral action challenging the INH District 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 INH District Plan.

SECTION 7: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Tax Assessor of Minidoka County and to the appropriate officials of Minidoka County Board of County Commissioners, City of Heyburn, Minidoka School District No. 331, Heyburn Cemetery District No. 3, Minidoka County Fire, Minidoka Highway 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 INH District Project Area.

SECTION 8: The City Council hereby finds and declares that the Revenue Allocation Area as defined in the INH District Plan, the equalized assessed valuation of which the City Council hereby determines is in and is part of the INH District Plan, is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the INH District Plan.

SECTION 9: 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 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 INH District, the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 10: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not exercise its power under Idaho Code § 50-2006 to designate itself as the Agency Board.

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, 2024, 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.

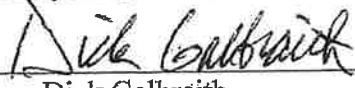
SECTION 13: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

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.

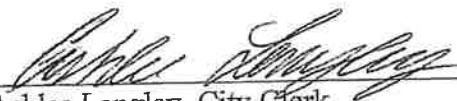
PASSED by the City Council of the City of Heyburn, Idaho, on this 10 day of April 2024.

APPROVED by the Mayor of the City of Heyburn, Idaho, on this 24 day of April 2024.



Mayor Dick Galbraith

ATTEST:



Ashlee Langley, City Clerk

Exhibit 4
CITY OF HEYBURN

SUMMARY OF ORDINANCE NO. 2024 – 687

AN ORDINANCE OF THE CITY OF HEYBURN, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE INH DISTRICT 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 HEYBURN:

SECTION 1: It is hereby found and determined that:

- (a) The INH District Project Area, as defined in the INH District 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 INH District 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 INH District Plan conforms to the City of Heyburn Comprehensive Plan.
- (e) The INH District 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 INH District 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 INH District Plan.
- (f) The INH District 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 INH District Plan provides a feasible method for relocation obligations of any displaced families residing within the INH District 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 under the Existing Project Areas and the INH District Project Area do not exceed ten percent (10%) of the assessed values of all the taxable property in the City.

(i) The INH District Plan includes the requirements set out in Idaho Code § 50-2905 with specificity.

(j) The INH District 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 City Council finds that the INH District Project Area is predominantly open land, that the Agency may acquire any open land within the INH District Area, and that the INH District Project Area is planned to be redeveloped in a manner that may primarily include nonresidential uses. Provided, however, the City Council finds that for the portions of the INH District Project Area deemed to be "open land," the criteria set forth in the Law and Act have been met.

SECTION 3: The City Council finds that the portion of the INH District 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 City's 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 INH District 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 April 10, 2024, hearing and incorporate changes or modifications, if any.

SECTION 5: The boundaries of the INH District Project Area are adjacent to the boundaries of the Heyburn Highway District, however the City has, or will have, the responsibility for the maintenance of roads and highways in and around the INH District Project Area. Therefore, pursuant to Idaho Code Section 50-2908(2)(a)(iv) the revenues from the Heyburn Highway District levies will be allocated to the Agency without the need of a further agreement.

SECTION 6: No direct or collateral action challenging the INH District 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 INH District Plan.

SECTION 7: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Tax Assessor of Minidoka County and to the appropriate officials of Minidoka County Board of County Commissioners, City of Heyburn, Minidoka School District No. 331, Heyburn Cemetery District No. 3, Minidoka County Fire, Minidoka Highway 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 INH District Project Area.

SECTION 8: The City Council hereby finds and declares that the Revenue Allocation Area as defined in the INH District Plan, the equalized assessed valuation of which the City Council hereby determines is in and is part of the INH District Plan, is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the INH District Plan.

SECTION 9: 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 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 INH District, the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 10: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not exercise its power under Idaho Code § 50-2006 to designate itself as the Agency Board.

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, 2024, 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.

EXHIBITS TO THE ORDINANCE

- Exhibit 1 A Recommendation of the Planning and Zoning Commission for the City of Heyburn, Idaho, Validating Conformity of the Urban Renewal Plan for the INH District Urban Renewal Project Area with the City of Heyburn's Comprehensive Plan
- Exhibit 2 Notice Published in the *Times News*
- Exhibit 3 Urban Renewal Plan for the INH District Urban Renewal Project
- Exhibit 4 Ordinance Summary

SUMMARY OF INH DISTRICT PLAN

The Urban Renewal Plan for the INH District Urban Renewal Project ("INH District Plan") was prepared by the urban renewal agency of the city of Heyburn, the Heyburn 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 INH District Plan provides for the Agency to undertake urban renewal projects pursuant to the Law and the Act. The INH District 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, 2024, to be allocated to the Agency for the urban renewal purposes.

The general scope and objectives of the INH District Plan are:

- a. The installation, construction, and/or reconstruction of storm water management infrastructure to support compliance with federal, state and local regulations for storm water discharge and to support private development;

- b. The provision for participation by property owners and developers within the Project Area to achieve the economic development objectives of this Plan;
- c. The installation, construction, and/or reconstruction of streets and related pedestrian facilities, intersection and access improvements and additional traffic signals;
- d. The installation, construction, and/or reconstruction of utilities (within and outside of the Project Area) including but not limited to improvements and upgrades to the water distribution system, booster system upgrades, water capacity improvements, water storage upgrades, sewer system improvements and upgrades, gravity interceptor, and improvements and upgrades to power and gas facilities.
- e. Extension of electrical distribution lines and transformers; addition of fiber optic lines or other communication systems; public parking facilities, and other public improvements, including but not limited to, 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 open spaces that may be deemed appropriate by the City Council;
- f. The acquisition of real property for public right-of-way improvements, pedestrian facilities, utility undergrounding and streetscape improvements to create development opportunities consistent with the Plan, including but not limited to future disposition to qualified developers and for qualified developments, including economic development;
- g. The disposition of real property through a competitive process in accordance with this Plan, Idaho law, including Idaho Code Section 50-2011, and any disposition policies adopted by the Agency;
- h. The demolition or removal of certain buildings and/or improvements for public rights-of-way, pedestrian facilities, utility undergrounding and streetscape improvements to encourage and enhance transportation and mobility options, decrease underutilized parcels, to eliminate unhealthful, unsanitary, or unsafe conditions, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;
- i. The management of any property acquired by and under the ownership and control of the Agency;
- j. The development or redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;

- k. The construction and financial support of infrastructure necessary for the provision of improved transit and alternative transportation;
- l. The provision of financial and other assistance to encourage and attract business enterprise including but not limited to start-ups and microbusinesses, mid-sized companies and large-scale corporations and industries;
- m. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- n. The preparation of sites, particularly related to basalt removal/remediation, for the development and construction of facilities for commercial, industrial and governmental use;
- o. To the extent allowed by law, lend or invest federal funds to facilitate development and/or redevelopment;
- p. The environmental assessment and remediation of brownfield sites, or sites where environmental conditions detrimental to development and/or redevelopment exist;
- q. 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 streetscape, and other like public spaces applicable to the Project Area as needed to support implementation of this Plan;
- r. 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; and
- s. Other related improvements to those set forth above as further set forth in Attachment 5.

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

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

between 425 W. and 300 W. and between 350 S. and 450 S., more generally described as within a one mile +/- radius of exit 211 intersection of Interstate 84 and Highway 24 in Heyburn, consisting of 370 acres +/-, and as more particularly

described as follows:

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO.

SECTION 10: A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE AND THE EAST HALF OF THE SOUTHEAST QUARTER;

SECTION 11: A PART OF THE NORTHWEST AND SOUTHWEST QUARTERS, THE SOUTH HALF OF THE NORTHEAST QUARTER AND A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER;

SECTION 14: A PART OF THE NORTHWEST QUARTER;

SECTION 15; A PART OF THE NORTH HALF OF THE NORTHEAST QUARTER AND A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER;

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 10 AND THE TRUE POINT OF BEGINNING.

THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER SOUTH 0°17'33" EAST 1321.98 FEET TO A 5/8" REBAR AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER;

THENCE ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER SOUTH 0°17'59" EAST 1322.05 FEET TO A 5/8" REBAR AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER;

THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER BEING THE CENTERLINE OF 21ST STREET NORTH 89°38'53" EAST 194.97 FEET;

THENCE SOUTH 0°13'34" EAST ALONG THE EXTENDED LINE OF THE EAST BOUNDARY OF BLOCK 178, 97.78 FEET TO THE NORTH RIGHT-OF-WAY OF THE EASTERN IDAHO RAILROAD;

THENCE ALONG SAID EASTERN IDAHO RAILROAD RIGHT-OF-WAY SOUTH 45°15'05" WEST 942.98 FEET TO THE CENTERLINE INTERSECTION WITH 19TH STREET;

THENCE ALONG THE CENTERLINE OF 19TH STREET SOUTH 89°41'23" WEST 1186.37 FEET TO A 1/2" REBAR AT THE INTERSECTION OF "I" STREET;

THENCE ALONG SAID CENTERLINE OF "I" STREET SOUTH $0^{\circ}16'39''$ EAST 379.90 FEET TO A $\frac{1}{2}$ " REBAR AT THE INTERSECTION WITH 18TH STREET;

THENCE NORTH $89^{\circ}42'06''$ EAST 1140.34 FEET TO A $\frac{5}{8}$ " REBAR AT THE CENTERLINE INTERSECTION WITH THE VACATED "F" STREET CENTERLINE;

THENCE CONTINUING ALONG THE CENTERLINE OF 18TH STREET NORTH $89^{\circ}42'17''$ EAST 380.07 FEET TO THE A $\frac{5}{8}$ " REBAR AT THE CENTERLINE INTERSECTION OF "E" STREET;

THENCE CONTINUING ALONG THE CENTERLINE OF 18TH STREET NORTH $89^{\circ}42'03''$ EAST 1459.48 FEET TO A $\frac{5}{8}$ " REBAR ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15;

THENCE ALONG SAID EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER SOUTH $0^{\circ}23'16''$ EAST 185.56 FEET TO A $\frac{1}{2}$ " REBAR AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14;

THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14 SOUTH $0^{\circ}23'24''$ EAST 308.91 FEET TO A $\frac{1}{2}$ " REBAR AT THE SOUTHWEST CORNER OF THE LANDS OF ALONZO;

THENCE ALONG THE SOUTH LINE OF THE LANDS OF ALONZO SOUTH $89^{\circ}38'39''$ EAST 1321.95 FEET TO A $\frac{1}{2}$ " REBAR ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;

THENCE ALONG SAID EAST LINE NORTH $0^{\circ}21'46''$ WEST 323.00 FEET TO A $\frac{5}{8}$ " REBAR AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;

THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER NORTH $89^{\circ}44'54''$ EAST 1322.09 FEET TO SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER;

THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER NORTH $0^{\circ}19'47''$ WEST 1324.49 FEET TO A $\frac{5}{8}$ " REBAR AT THE NORTH QUARTER CORNER OF SECTION 14;

THENCE ALONG THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER SOUTH $89^{\circ}45'24''$ WEST 325.50 FEET TO THE EAST LINE OF THE LANDS OF PETERSON;

THENCE ALONG SAID EAST LINE SOUTH $0^{\circ}04'35''$ WEST 313.79 FEET TO THE SOUTHEAST CORNER OF THE LANDS OF PETERSON;

THENCE ALONG SAID SOUTH LINE OF THE LANDS OF PETERSON AND HAMMETT SOUTH 89°45'24" WEST 277.64 FEET TO THE SOUTHWEST CORNER OF THE LANDS OF HAMMETT;

THENCE ALONG THE WEST LINE OF THE LANDS OF HAMMETT NORTH 0°04'35" EAST 313.79 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER;

THENCE ALONG THE NORTHLINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER SOUTH 89°45'24" WEST 201.28 FEET TO THE CENTERLINE OF THE D-15 DRAIN DITCH;

THENCE ALONG SAID DRAIN DITCH CENTERLINE SOUTH 45°30'00" WEST 722.34 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER;

THENCE CONTINUING ALONG SAID DRAIN DITCH CENTERLINE SOUTH 45°45'17" WEST 359.01 FEET;

THENCE CONTINUING ALONG SAID DRAIN DITCH CENTERLINE SOUTH 72°50'54" WEST 171.92 FEET THE EAST BOUNDARY OF THE LANDS OF THE KEY BANK NATIONAL ASSOCIATION;

THENCE ALONG SAID LANDS OF THE KEY BANK NATIONAL ASSOCIATION NORTH 0°35'18" WEST 803.50 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER;

THENCE ALONG SAID NORTH LINE SOUTH 89°45'16" WEST 385.32 FEET TO THE EAST BOUNDARY OF THE LANDS OF UNDERDOG ENTERPRISES, LLC;

THENCE ALONG SAID EAST LINE OF THE LANDS OF UNDERDOG ENTERPRISES, LLC THE FOLLOWING COURSES:

NORTH 0°01'46" EAST 235.75 FEET;

NORTH 87°32'01" EAST 304.24 FEET;

NORTH 67°52'36" EAST 88.75 FEET;

NORTH 57°52'20" EAST 138.44 FEET;

NORTH 25°18'51" EAST 25.11 FEET;

NORTH 0°38'02" EAST 176.35 FEET;

NORTH 5°05'37" WEST 17.16 FEET;

SOUTH 80°31'21" WEST 25.34 FEET;

NORTH 0°07'47" WEST 343.74 FEET TO THE SOUTH LINE OF CENTENNIAL DRIVE;

THENCE ALONG SAID SOUTH LINE SOUTH 89°51'09" WEST 284.56 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT WITH RADIUS OF 296.41 FEET, LENGTH 234.66 FEET, TANGENT 123.87 FEET, DELTA 45°21'35", CHORD 228.58 FEET AND CHORD BEARING NORTH 67°28'03" WEST TO A POINT ON THE SOUTH RIGHT-OF-WAY OF HIGHWAY 30;

THENCE ALONG SAID HIGHWAY 30 THE FOLLOWING COURSES:

NORTH 45°04'19" EAST 57.35 FEET;

NORTH 51°29'21" EAST 585.85 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT WITH RADIUS OF 981.74 FEET, LENGTH 561.62 FEET, TANGENT 288.72 FEET, DELTA 32°46'36", CHORD 553.99 FEET, CHORD BEARING NORTH 67°47'05" EAST TO A POINT OF TANGENCY;

THENCE NORTH 84°10'23" EAST 1235.28 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE LEFT WITH RADIUS OF 1101.74 FEET, LENGTH 678.47 FEET, TANGENT 350.38 FEET, DELTA 35°17'02", CHORD 667.80 FEET AND CHORD BEARING NORTH 66°31'52" EAST TO A POINT OF TANGENCY;

THENCE NORTH 48°53'21" EAST 347.22 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT WITH RADIUS OF 1213.24 FEET, LENGTH 842.68 FEET, TANGENT 439.14 FEET; DELTA 39°47'45", CHORD 825.94 FEET AND CHORD BEARING NORTH 68°47'21" EAST TO A POINT OF TANGENCY;

THENCE NORTH 88°41'07" EAST 696.39 FEET;

THENCE LEAVING SAID SOUTH RIGHT-OF-WAY NORTH 0°17'25" WEST PARALLEL TO THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER 114.93 FEET TO THE NORTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 11;

THENCE NORTH 0°20'10" WEST 103.89 FEET TO THE NORTH RIGHT-OF-WAY OF INTERSTATE 84;

THENCE CONTINUING ALONG THE NORTH RIGHT-OF-WAY OF INTERSTATE 84

THE FOLLOWING COURSES:

SOUTH 89°44'50" WEST 886.77 FEET

NORTH 86°02'17" WEST 298.15 FEET;

NORTH 65°34'45" WEST 296.42 FEET;

NORTH 44°43'10" WEST 701.58 FEET;

NORTH 0°16'50" EAST 155.56 FEET;

NORTH 42°11'23" EAST 568.16 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER;

THENCE ALONG SAID NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE NORTH RIGHT-OF-WAY OF INTERSTATE HIGHWAY 84 SOUTH 89°45'01" WEST 893.84 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER;

THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER SOUTH 0°18'12" EAST 353.00 FEET TO THE NORTH INTERSTATE HIGHWAY 84 RIGHT-OF-WAY;

THENCE ALONG SAID HIGHWAY RIGHT-OF-WAY SOUTH 45°15'34" WEST 1168.18 FEET;

THENCE CONTINUING ALONG SAID HIGHWAY RIGHT-OF-WAY SOUTH 87°53'35" WEST 1808.00 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 11;

THENCE NORTH 0°15'40" WEST 6.95 FEET ALONG SAID RIGHT-OF-WAY;

THENCE CONTINUING ALONG SAID HIGHWAY RIGHT-OF-WAY SOUTH 89°45'54" WEST 70.11 FEET TO A POINT OF CURVATURE;

THENCE ALONG SAID HIGHWAY RIGHT-OF-WAY ALONG A CURVE TO THE LEFT WITH RADIUS OF 28,747.90 FEET, LENGTH 1247.47 FEET, TANGENT 623.83 FEET; DELTA 2°29'11"; CHORD 1247.37 FEET AND CHORD BEARING SOUTH 88°31'19" WEST TO THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10;

THENCE SOUTH 0°19'10" EAST ALONG SAID WEST LINE 76.07 FEET TO THE TRUE POINT OF BEGINNING.

THE URBAN RENEWAL CONTAINS 370.72 ACRES MORE OR LESS.

Section 100 includes an introduction, general procedures of the Agency, necessary procedures, the history and current conditions of the INH Project Area, as well as the purpose of activities, and open land criteria.

Section 200 references the boundaries of the INH Project Area.

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

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

Section 406 describes design guidelines for development.

The INH District Plan also contains a major section on financing. Among other sources, the INH District 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 INH District Project Area in the future if certain new private developments occur as estimated.

Increases in assessed valuation of real and personal property in the INH District Project Area that occur after January 1, 2024, 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, Minidoka County, City of Heyburn, Minidoka School District No. 331, Heyburn Cemetery District No. 3, Minidoka County Fire, and Minidoka Highway District to finance their operations. The INH District 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 INH District 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 INH District Plan follows the underlying zoning classifications of the city of Heyburn.

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

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

Sections 900-1200 include procedures for amendments, severability, reporting requirements and incorporation of attachments.

ATTACHMENTS TO THE IHN DISTRICT PLAN

Attachment 1	Boundary Map of the INH-Heyburn District Urban Renewal Project Area and Revenue Allocation Area
Attachment 2	Legal Description of the INH-Heyburn District 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
Attachment 6	Agricultural Operation Consents
Attachment 7	Heyburn City Council Resolution No. 2023-5 (Eligibility)

The full text of the Ordinance 2024-687 is available at the offices of the City Clerk, 941 18th Street, Heyburn, Idaho 83336.

This summary is approved by the Heyburn City Council at its meeting of April 24, 2024.



/s/ Dick Galbraith

Mayor Dick Galbraith

ATTEST:



/s/ Ashlee Langley

Ashlee Langley, City Clerk



REC'D MAY 30 2024

May 15, 2024

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

☐ Mail
☐ Email **If email, please
confirm receipt and follow up
telephonically

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

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GIS State Tax Commission
State Tax Commission
PO Box 36
Boise, ID 83722
gis@tax.idaho.gov

☐ Mail
☐ Email **If email, please
confirm receipt and follow up
telephonically

Attn: Tonya Page
Minidoka County Auditor

☐ Hand Delivery

Attn: Tonya Page
Minidoka County Recorder

☐ Hand Delivery

Attn: Janice West
Minidoka County Assessor

☐ Hand Delivery

RE: Urban Renewal Plan for The Boulevard Urban Renewal Project

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. Heyburn Ordinance No. 2024-687 and Summary of Ordinance No. 2024-687 (without exhibits or attachments) approving the Urban Renewal Plan for The INH-Heyburn Urban Renewal Project ("The INH Plan"), which plan contains a revenue allocation area. The City Council approved the Ordinance at its meeting on April 24, 2024. The Mayor signed the Ordinance on April 24, 2024. Publication of the Ordinance Summary in the *Times News* occurred on May 5, 2024.

2. A legal description of The INH Area and Revenue Allocation Area, which areas are coterminous.

3. A map showing the boundaries of The INH Plan Area and Revenue Allocation Area.

Please file these documents in your official records.

Please be advised that the contact person for the Heyburn Urban Renewal Agency is Brent Tolman, 225 S 30 W, Burley, Idaho, 83318, 208-431-7356 or brentj.tolman@gmail.com

Should you desire a copy of the entire the INH Plan and its attachments, copies can be obtained from Brent Tolman at heyburnidura@gmail.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ashlee Langley".

Ashlee Langley, City Clerk

Enclosures

cc: Chris James
Brent Tolman
Abbey Germaine

I, Paul Ross, City Attorney for the city of Heyburn, Idaho, hereby declare and certify that in my capacity as City Attorney of the city of Heyburn, 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. 2024-687.

DATED this 24th day of April 2024.



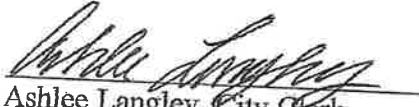
/s/ Paul Ross
Paul Ross, City Attorney
Heyburn, Idaho

4883-8086-6991, v. 2

REC'D MAY 30 2024

Heyburn Urban Renewal Agency
Urban Renewal Plan for the INH-Heyburn Urban Renewal Project

These documents are the plan map and legal description for the Urban Renewal Plan for the INH-Heyburn Urban Renewal Project Ordinance # 2024-687.


Ashlee Langley, City Clerk

Instrument # 576720
MINIDOKA COUNTY, RUPERT, IDAHO
5-15-2024 01:23:01 PM No. of Pages: 7
Recorded for : CITY OF HEYBURN
TONYA PAGE Fee: 0.00
Ex-Officio Recorder Deputy

STATE OF IDAHO)
) ss:
County of Minidoka)

On this 14th day of May, 2024, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Ashlee Langley 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)





Notary Public for Idaho
My Commission Expires: 8/24/28

INH HEYBURN URBAN RENEWAL PROJECT AREA
CITY OF HEYBURN, MNDOKA COUNTY, IDAHO
A PORTION OF SECTIONS 10, 11, 14 & 15
TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN,
MNDOKA COUNTY, IDAHO

NW 1/4

SEC 10

SEC 11

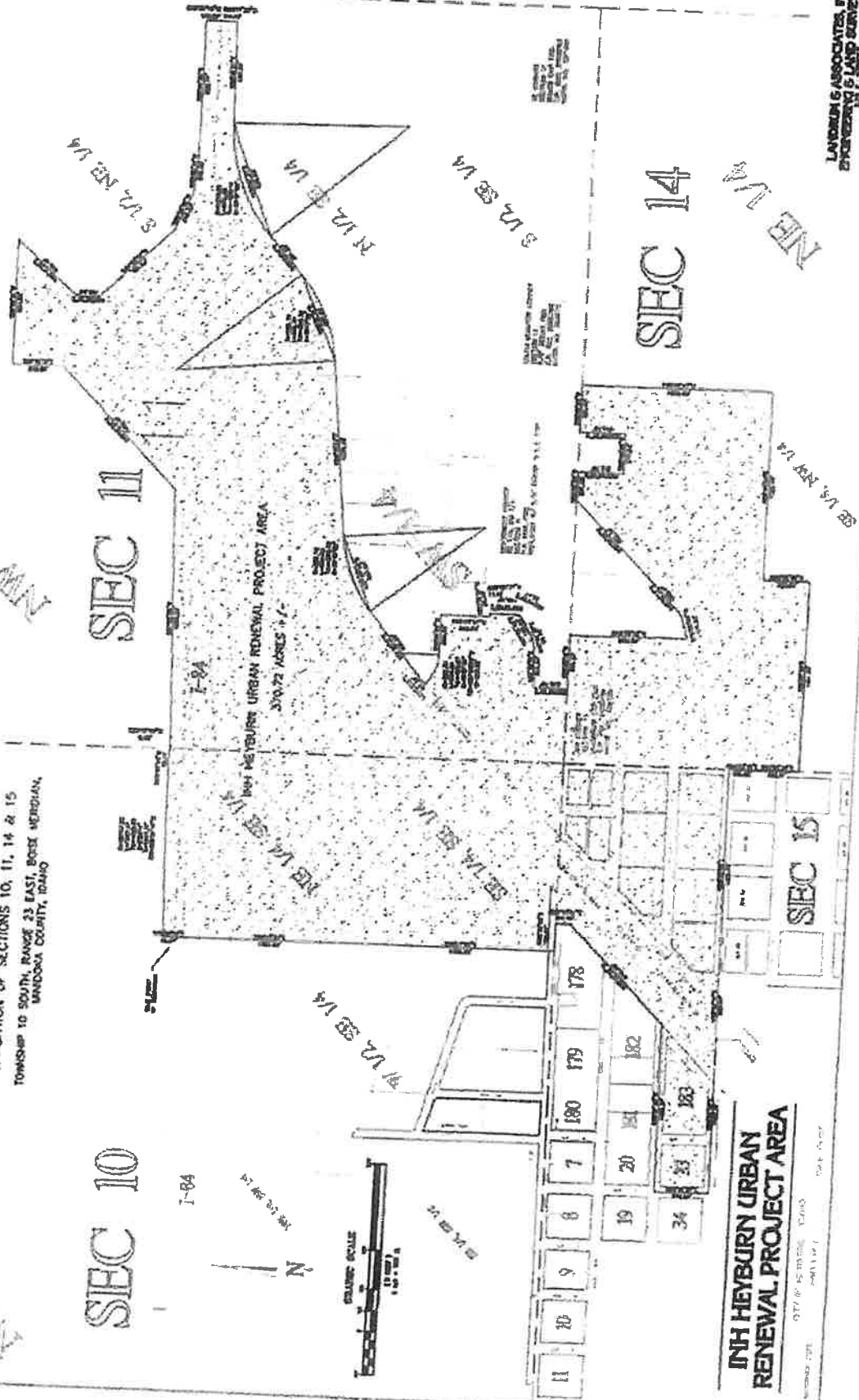
SEC 14

SEC 15

INH HEYBURN URBAN
RENEWAL PROJECT AREA

NOTED: SEE CITY OF HEYBURN, IDAHO FOR A COPY

LAYBURN & ASSOCIATES, P.C.
ENGINEERING & LAND SURVEYING
1001 W. 10TH ST., SUITE 100
BOISE, IDAHO 83702
PHONE: 336-1111



DATE:
PROJECT #:
CLIENT:

17NOV23
20-068-CITY OF HEYBURN URBAN RENEWAL AREA
CITY OF HEYBURN

THIS LEGAL DESCRIPTION DESCRIBES AN AREA OF LAND WITHIN THE CITY OF
HEYBURN TO BE DECLARED AN URBAN RENEWAL DISTRICT

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN, MINIDOKA COUNTY,
IDAHO.

SECTION 10:

A PART OF THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER AND THE AND THE EAST HALF
OF THE SOUTHEAST QUARTER;

SECTION 11:

A PART OF THE NORTHWEST AND SOUTHWEST
QUARTERS, THE SOUTH HALF OF THE NORTHEAST
QUARTER AND A PART OF THE NORTH HALF OF THE
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SECTION 15;

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OF THE NORTHWEST QUARTER;

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THENCE ALONG SAID EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER SOUTH 0°23'16" EAST 185.56 FEET TO A ½" REBAR AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14;

THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14 SOUTH 0°23'24" EAST 308.91 FEET TO A ½" REBAR AT THE SOUTHWEST CORNER OF THE LANDS OF ALONZO;

THENCE ALONG THE SOUTH LINE OF THE LANDS OF ALONZO SOUTH 89°38'39" EAST 1321.95 FEET TO A ½" REBAR ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;

THENCE ALONG SAID EAST LINE NORTH 0°21'46" WEST 323.00 FEET TO A 5/8" REBAR AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;

THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER NORTH 89°44'54" EAST 1322.09 FEET TO SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER;

THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER NORTH 0°19'47" WEST 1324.49 FEET TO A 5/8" REBAR AT THE NORTH QUARTER CORNER OF SECTION 14;

THENCE ALONG THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER SOUTH 89°45'24" WEST 325.50 FEET TO THE EAST LINE OF THE LANDS OF PETERSON;

THENCE ALONG SAID EAST LINE SOUTH 0°04'35" WEST 313.79 FEET TO THE SOUTHEAST CORNER OF THE LANDS OF PETERSON;

THENCE ALONG SAID SOUTH LINE OF THE LANDS OF PETERSON AND HAMMETT SOUTH 89°45'24" WEST 277.64 FEET TO THE SOUTHWEST CORNER OF THE LANDS OF HAMMETT;

THENCE ALONG THE WEST LINE OF THE LANDS OF HAMMETT NORTH 0°04'35" EAST 313.79 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER;

THENCE ALONG THE NORTHLINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER SOUTH 89°45'24" WEST 201.28 FEET TO THE CENTERLINE OF THE D-15 DRAIN DITCH;

THENCE ALONG SAID DRAIN DITCH CENTERLINE SOUTH 45°30'00" WEST 722.34 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER;

THENCE CONTINUING ALONG SAID DRAIN DITCH CENTERLINE SOUTH 45°45'17" WEST 359.01 FEET;

THENCE CONTINUING ALONG SAID DRAIN DITCH CENTERLINE SOUTH 72°50'54" WEST 171.92 FEET THE EAST BOUNDARY OF THE LANDS OF THE KEY BANK NATIONAL ASSOCIATION;

THENCE ALONG SAID LANDS OF THE KEY BANK NATIONAL ASSOCIATION NORTH 0°35'18" WEST 803.50 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER;

THENCE ALONG SAID NORTH LINE SOUTH 89°45'16" WEST 385.32 FEET TO THE EAST BOUNDARY OF THE LANDS OF UNDERDOG ENTERPRISES, LLC;

THENCE ALONG SAID EAST LINE OF THE LANDS OF UNDERDOG ENTERPRISES, LLC THE FOLLOWING COURSES:

NORTH 0°01'46" EAST 235.75 FEET;

NORTH 87°32'01" EAST 304.24 FEET;

NORTH 67°52'36" EAST 88.75 FEET;

NORTH 57°52'20" EAST 138.44 FEET;

NORTH 25°18'51" EAST 25.11 FEET;

NORTH 0°38'02" EAST 176.35 FEET;

NORTH 5°05'37" WEST 17.16 FEET;

SOUTH 80°31'21" WEST 25.34 FEET;

NORTH 0°07'47" WEST 343.74 FEET TO THE SOUTH LINE OF CENTENNIAL DRIVE;

THENCE ALONG SAID SOUTH LINE SOUTH 89°51'09" WEST 284.56 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT WITH RADIUS OF 296.41 FEET, LENGTH 234.66 FEET, TANGENT 123.87 FEET, DELTA 45°21'35", CHORD 228.58 FEET AND CHORD BEARING NORTH 67°28'03" WEST TO A POINT ON THE SOUTH RIGHT-OF-WAY OF HIGHWAY 30;

THENCE ALONG SAID HIGHWAY 30 THE FOLLOWING COURSES:

NORTH 45°04'19" EAST 57.35 FEET;

NORTH 51°29'21" EAST 585.85 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT WITH RADIUS OF 981.74 FEET, LENGTH 561.62 FEET, TANGENT 288.72 FEET, DELTA 32°46'36", CHORD 553.99 FEET, CHORD BEARING NORTH 67°47'05" EAST TO A POINT OF TANGENCY;

THENCE NORTH 84°10'23" EAST 1235.28 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE LEFT WITH RADIUS OF 1101.74 FEET, LENGTH 678.47 FEET, TANGENT 350.38 FEET, DELTA 35°17'02", CHORD 667.80 FEET AND CHORD BEARING NORTH 66°31'52" EAST TO A POINT OF TANGENCY;

THENCE NORTH 48°53'21" EAST 347.22 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT WITH RADIUS OF 1213.24 FEET, LENGTH 842.68 FEET, TANGENT 439.14 FEET; DELTA 39°47'45", CHORD 825.94 FEET AND CHORD BEARING NORTH 68°47'21" EAST TO A POINT OF TANGENCY;

THENCE NORTH 88°41'07" EAST 696.39 FEET;

THENCE LEAVING SAID SOUTH RIGHT-OF-WAY NORTH 0°17'25" WEST PARALLEL TO THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER 114.93 FEET TO THE NORTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 11;

THENCE NORTH 0°20'10" WEST 103.89 FEET TO THE NORTH RIGHT-OF-WAY OF INTERSTATE 84;

THENCE CONTINUING ALONG THE NORTH RIGHT-OF-WAY OF INTERSTATE 84 THE FOLLOWING COURSES:

SOUTH 89°44'50" WEST 886.77 FEET

NORTH 86°02'17" WEST 298.15 FEET;

NORTH 65°34'45" WEST 296.42 FEET;

NORTH 44°43'10" WEST 701.58 FEET;

NORTH 0°16'50" EAST 155.56 FEET;

NORTH 42°11'23" EAST 568.16 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER;

THENCE ALONG SAID NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE NORTH RIGHT-OF-WAY OF INTERSTATE HIGHWAY 84 SOUTH 89°45'01" WEST 893.84 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER;

THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER SOUTH 0°18'12" EAST 353.00 FEET TO THE NORTH INTERSTATE HIGHWAY 84 RIGHT-OF-WAY;

THENCE ALONG SAID HIGHWAY RIGHT-OF-WAY SOUTH 45°15'34" WEST 1168.18 FEET;

THENCE CONTINUING ALONG SAID HIGHWAY RIGHT-OF-WAY SOUTH 87°53'35" WEST 1808.00 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 11;

THENCE NORTH 0°15'40" WEST 6.95 FEET ALONG SAID RIGHT-OF-WAY;

THENCE CONTINUING ALONG SAID HIGHWAY RIGHT-OF-WAY SOUTH 89°45'54" WEST 70.11 FEET TO A POINT OF CURVATURE;

THENCE ALONG SAID HIGHWAY RIGHT-OF-WAY ALONG A CURVE TO THE LEFT WITH RADIUS OF 28,747.90 FEET, LENGTH 1247.47 FEET, TANGENT 623.83 FEET; DELTA 2°29'11", CHORD 1247.37 FEET AND CHORD BEARING SOUTH 88°31'19" WEST TO THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10;

THENCE SOUTH 0°19'10" EAST ALONG SAID WEST LINE 76.07 FEET TO THE TRUE POINT OF BEGINNING.

THE URBAN RENEWAL CONTAINS 370.72 ACRES MORE OR LESS.