

**FIRST AMENDMENT TO THE  
SOUTHEAST INDUSTRIAL  
URBAN RENEWAL PLAN  
CITY OF JEROME**

**Ordinance No. 986  
Adopted December 6, 2005  
Effective December 22, 2005**

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**FIRST AMENDMENT TO THE  
URBAN RENEWAL PLAN FOR THE  
SOUTHEAST INDUSTRIAL AREA  
JEROME URBAN RENEWAL AGENCY**

**I. [§100] INTRODUCTION**

This is the First Amendment to the Urban Renewal Plan (the “Plan”)<sup>1</sup> for the Southeast Industrial Project (the “Project”) in the City of Jerome (the “City”), County of Jerome, State of Idaho, which amendment seeks to eliminate certain real property located within the boundaries of the original urban renewal area, but outside of the revenue allocation area, and consists of the text contained herein and:

The Amended Urban Renewal Project Area and Revenue Allocation Area Boundary Map (Attachment 1),

The Description of the Amended Project Area and Revenue Allocation Area (Attachment 2),

The Private Properties Which May be Acquired by Agency (Attachment 3),

The Amended Map Depicting Expected Land Uses and Current Zoning Within Revenue Allocation Area and Amended Project Area (Attachment 4),

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

Net Value of Private Development in Jerome Revenue Allocation Area (Attachment 5A),

Annual Tax Revenue Allocation (Attachment 5B), and

Estimated Annual Revenues and Costs (Attachment 5C).

The term “Project” is used herein to describe the overall activities defined in this Plan and conforms with the statutory definition of urban renewal project. Reference is specifically made to Idaho Code Sections 50-2018(10) and 50-2903(13) for the various activities contemplated by the term “Project.” Such activities include both private and public development of property within the urban renewal area. The term “Project” is not meant to refer to a specific activity or development scheme. The amended Southeast Industrial Project Area is also referred to as the Amended Project Area. By virtue of this First Amendment to the Plan, the urban

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<sup>1</sup> The First Amendment to the Urban Renewal Plan for the Southeast Industrial Project is organized in a manner to highlight changes from the original plan. New text will be underlined and deleted text will be crossed out.

renewal area and the revenue allocation area will be coterminous. Because of the limited nature of the First Amendment to the Plan, few of the Plan provisions have been updated or modified except to update statutory citations and references.

This Plan was prepared by the Board of Commissioners, consultants, and staff of the Jerome Urban Renewal Agency (the “Agency”) and reviewed and recommended by the Agency pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the “Law”), the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the “Act”), and all applicable local laws and ordinances.

The proposed redevelopment of the Amended Project Area as described in this Plan conforms to the 2005 Jerome City Comprehensive Plan City of Jerome, as amended.

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

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

Implementation of this Plan will require public co-investment to help stimulate desired private development. Typically, the public will participate in funding public improvements like utilities, streets, and railroad spurs which, in turn, create an attractive setting for adjacent private investment for industrial, office, and commercial facilities. This public-private relationship was instrumental in the successful redevelopment of an adjacent project area known as the South Lincoln Urban Renewal Area in Jerome first adopted in 1998, with amendments in 1999, 2000, and 2003. Due to the success of the South Lincoln Urban Renewal Area, that project area was able to close twelve years early and was terminated in 2012.

The particular projects or redevelopment projects by private entities described herein are not intended to be an exclusive or exhaustive list of potential redevelopment activity. Allowed projects are those activities which comply with the Law and the Act and meet the overall objectives of this Plan.

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

The elimination of environmental deficiencies in the Amended Project Area, including, among others, obsolete and aged building types, substandard streets, and deteriorated and inadequate public improvements, including certain streets, improvements and extensions to connect major traffic corridors, improvements to public utilities including water and sewer improvements, fire protection systems, railroad crossings, switches and extensions other public improvements, removal, burying, or relocation of overhead utilities, and improvement of irrigation and drainage ditches and laterals;

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

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

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

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

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

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

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

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

**A. [§101] General Procedures of the Agency**

The Agency is a public body, corporate and politic, as defined and described under the Law and the Act. The Agency is also governed by its bylaws as authorized by the Law and adopted by the Agency. Under the Law, the Agency is governed by the Idaho open meeting law, the Public Records Act, the Ethics in Government Act, financial reporting requirements, and the competitive bidding requirements under Chapter 28, Title 67, Idaho Code.

Generally, the Agency shall conduct all meetings in open session and allow meaningful public input as mandated by the issue considered or by any statutory or regulatory provision. Whenever in this Plan it is stated that the Agency may modify, change, or adopt certain policy statements or contents of this Plan not requiring a formal amendment to the Plan as required by the Law or the Act, it shall be deemed to mean a consideration by the Board of such policy or procedure, duly noticed upon the Agency meeting agenda and considered by the Agency at an open public meeting and adopted by a majority of the members present, constituting a quorum, unless any provision herein provides otherwise.

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

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

- a. The laws of the State of Idaho require that an urban renewal plan be prepared for an area certified as an urban renewal area by the Jerome City Council. The original project area was certified by the City Council by Resolution No. 14-05 on May 17, 2005.
- b. With the adoption of Resolution No. 14-05, the City Council found the original project area a deteriorated and deteriorating area existing in the City as defined by the Law and Act, and authorized the preparation of an urban renewal plan.
- c. In accordance with the Law, this Plan was submitted to the Planning Commission of the City of Jerome. After consideration of the Plan, the Commission filed a

resolution with the City Council stating that the original Plan was in conformity with the Comprehensive Plan, City of Jerome.

- d. Pursuant to the Law and the Act, the City Council having published due notice thereof, a public hearing was held on the original Plan. Notice of the hearing was duly published in a newspaper having general circulation. The City Council adopted the original Plan on December 6, 2005, by Ordinance No. 986.
- e. This First Amendment to the Plan eliminates certain real property that was within the urban renewal area, but outside of the revenue allocation area. This property is sometimes referred to as the “Unfunded Area.” This same property was found to be deteriorated and/or deteriorating and eligible to be included in a new urban renewal project area, specifically, the Area 4 Urban Renewal Project, which is under consideration by the Jerome City Council.
- f. In accordance with the Law, this First Amendment to the Plan was submitted to the Planning Commission of the City of Jerome. After consideration of the First Amendment to the Plan, the Commission filed a resolution with the City Council stating that this First Amendment to the Plan was in conformity with the Comprehensive Plan, City of Jerome.
- g. Pursuant to the Law and the Act, the City Council having published due notice thereof, a public hearing was held on this First Amendment to the Plan. Notice of the hearing was duly published in a newspaper having general circulation. The City Council adopted this First Amendment to the Plan on \_\_\_\_\_, 2014, by Ordinance No. \_\_\_\_\_.

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

The Southeast Industrial Plan will include the development of excess industrial property and adjacent agricultural land. The majority of the property is currently being used for agricultural purposes. The property is underdeveloped and is not being used to its highest and best use due to the limited traffic access along with the inadequate utility infrastructure needed for a larger development.

The preparation and approval of an urban renewal plan, including a revenue allocation financing provision, gives the City additional resources to solve the public infrastructure problems in this area. Revenue allocation financing should help to improve the situation. In effect, property taxes generated by new developments within the area may be used by the City’s urban renewal agency to finance a variety of needed public improvements and facilities. Finally, some of the new developments may also generate new jobs in the community that would, in turn, benefit area residents.

Throughout 2013 and 2014, the Agency analyzed the need for a separate urban renewal plan for the Unfunded Area. As the Unfunded Area is within the boundaries of the original urban renewal area, but outside of the boundaries of the revenue allocation area, the ability to use tax increment funds to stimulate growth and development of the Unfunded Area is limited. As a result, this First Amendment to the Plan recommends eliminating the Unfunded Area from this Plan and the original urban renewal plan area.

**D.    [§105]            Purpose of Activities**

The description of activities, public improvements, and the estimated costs of those items are intended to create an outside limit of the Agency’s activity. The Agency reserves the right to change amounts from one category to another, as long as the overall total amount estimated is not substantially exceeded. The items and amounts are not intended to relate to any one particular development, developer, or owner. Rather, the Agency intends to discuss and negotiate with any owner or developer who seeks Agency assistance. During such negotiation, the Agency will determine, on an individual basis, the eligibility of the activities sought for Agency funding, the amount the Agency may fund by way of percentage or other criteria including the need for such assistance. The Agency will also take into account the amount of revenue allocation proceeds estimated to be generated from the developer’s activities. The Agency also reserves the right to establish by way of policy, its funding percentage or participation, which would apply to all developers and owners.

The Agency also reserves its discretion and flexibility in deciding which improvements should be funded and at what level, whether using its own funds or funds generated by other sources.

The activities listed in Attachment 5 are also prioritized by way of importance to the Agency by the amounts funded, and by year of funding, with earlier years reflecting the more important activities, achievement of higher objectives, long term goals, and commitments. As required by the Law and Act, the Agency will adopt more specific budgets annually. The Agency reserves the right to prioritize the several projects described in this Plan. The Agency reserves the right to retain its flexibility in funding the various activities.

**E.    [§106] Open Land Criteria**

Such open land areas may be acquired by the Agency and developed for nonresidential uses if such acquisition is needed to solve various problems, associated with the land or the public infrastructure, that have retarded its development. These problems include defective or usual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, and faulty lot layout, all of which are included in one form or another in the Section 50-2903(8)(b) definition of deteriorated area. The problems that are listed only in Section 50-2008(d)(4)(2) (the open land section) include economic disuse, unsuitable topography, and “the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.”

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

## **II. [§200] DESCRIPTION OF AMENDED PROJECT AREA**

The boundaries of the Amended Project Area and of the Revenue Allocation Area are shown on the “Amended Urban Renewal Project Area and Revenue Allocation Area Boundary Map,” attached hereto as Attachment 1 and incorporated herein by reference, and are described in Attachment 2, which is attached hereto and incorporated herein by reference. The Amended Project Area is modified to eliminate that certain Unfunded Area, which area is intended to be included in a proposed new plan area.

For purposes of boundary descriptions and use of proceeds for payment of improvements, the boundary shall be deemed to extend to the outer boundary of rights-of-way, including the railroad right-of-way, as may be applicable and as may be integrated with the proposed Area 4 urban renewal project area.

## **III. [§300] PROPOSED REDEVELOPMENT ACTIONS**

### **A. [§301] General**

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

1. The acquisition of certain real property (if needed);
2. The demolition or removal of certain buildings and improvements for public rights-of-way for streets, utilities, walkways, and other improvements, for public facility building sites, to eliminate unhealthful, unsanitary, or unsafe conditions, enhance density, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of blight or deterioration;
3. The provision for participation by property owners within the Amended Project Area to achieve the objectives of this Plan;
4. The management of any property acquired by and under the ownership and control of the Agency;

5. The provision for relocation assistance to displaced Amended Project Area occupants, as required by law;
6. The installation, construction, or reconstruction of streets, utilities, including electrical distribution and transmission lines in underground configuration, if needed to encourage new developments, fiber optic or other communication systems, parking facilities, and other public improvements, including, but not limited to, irrigation and drainage laterals and ditches, canal crossings, storm drain systems, water and sewer improvements, fire protection systems, railroad crossings, switches and extensions, and other public improvements;
7. The disposition of property for uses in accordance with this Plan;
8. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
9. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
10. The preparation and assembly of adequate sites for the development and construction of facilities for commercial, retail, and governmental use;
11. To the extent allowed by law, lend or invest federal funds to facilitate redevelopment; and
12. The construction of foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights, sites for buildings to be used for residential, commercial, industrial, and other uses contemplated by the Plan, and to provide utilities to the development site.

In the accomplishment of these purposes and activities and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by law.

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

Urban renewal action is necessary in the Amended Project Area to combat problems of physical blight.

The Amended Project Area consists of approximately 140 acres as more fully depicted and described on Attachments 1 and 2. The area has a history of a slow-growing tax base primarily attributed to: undeveloped areas and lack of modern public improvements.

This environment contrasts sharply with the growing economic and cultural strength of the City of Jerome, Jerome County region. The construction of connecting utilities and streets

will aid, assist, and enhance traffic flow and provide more adequate utility service to the property to enhance the overall development of said property.

Hence, the Plan for the Amended Project Area is a proposal for street, utilities, and railroad spur improvements to provide an improved environment for new commercial and industrial facilities, eliminate unsafe conditions, and to otherwise prevent the extension of blight and deterioration and reverse the deteriorating action of the area.

Air rights and subterranean rights may be disposed of for any permitted use within the Amended Project Area boundaries.

Less than fee acquisition may be utilized by the Agency when and if necessary to promote redevelopment in accordance with the objectives of the Plan.

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

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

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

The provisions of this Plan are applicable to all public and private property in the Amended Project Area. The provisions of the Plan shall be interpreted and applied as objectives and goals, recognizing the need for flexibility in interpretation and implementation, while at the same time not in any way abdicating the rights and privileges of the property owners which are vested in the present and future zoning classifications of the properties. All development under an owner participation agreement shall conform to those standards specified in Section 304 of this Plan.

This Plan must be practical in order to succeed. Particular attention has been paid to how it can be implemented, given the changing nature of market conditions. Transforming the Amended Project Area into a vital, thriving part of the community requires an assertive strategy. The following list represents the key elements of that effort.

1. Initiate simultaneous projects designed to revitalize the Amended Project Area. From street and utility improvements to significant new development, the Agency plans a key role in creating the necessary momentum to get and keep things going.
2. Develop new commercial and industrial facilities opportunities.
3. Pursue development across all land-use sectors simultaneously.

Without direct public intervention, much of the Amended Project Area could conceivably remain unchanged for the next several years. It is anticipated success will come through several public-private partnerships. The Plan creates the necessary flexible framework for the Amended Project Area to capture a share of Jerome's growing industrial economy.

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

**1. [§304] Participation Agreements**

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

Each structure and building in the Amended Project Area to be rehabilitated or to be constructed as a condition of the owner participation agreement between the Agency and the owner pursuant to this Plan will be considered to be satisfactorily rehabilitated and constructed, and the Agency will so certify, if the rehabilitated or new structure meets the following standards:

- a. Executed owner participation agreement to meet conditions described below.
- b. Any such property within the Amended Project Area shall be required to conform to all applicable provisions, requirements, and regulations of this Plan. The owner participation agreement may require as a condition of financial participation by the Agency a commitment by the property owner to meet the greater objectives of the land use elements identified in the Comprehensive Plan, applicable zoning ordinance, and any Framework Master Plan. Upon completion of any rehabilitation each structure must be safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition that will continue throughout an estimated useful life for a minimum of twenty (20) years.
- c. All such buildings or portions of buildings which are to remain within the Amended Project Area shall be rehabilitated in conformity with all applicable codes and ordinances of the City of Jerome.
- d. Any new construction shall also conform to all applicable provisions, requirements, and regulations of this Plan.
- e. Any new construction shall also conform to all applicable codes and ordinances of the City of Jerome.

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

In such participation agreements, participants who retain real property shall be required to join in the recordation of such documents as may be necessary to make the provisions of this Plan applicable to their properties.

In the event a participant fails or refuses to rehabilitate, develop, use, and maintain its real property pursuant to this Plan and a participation agreement, the real property or any interest therein may be acquired by the Agency in accordance with Section 307 of this Plan and sold or leased for rehabilitation or development in accordance with this Plan.

Owner participation agreements may be used to implement the following objectives:

- a. Encouraging established businesses to revitalize deteriorating areas of their parcels to accelerate the enhancement of the street environment in the Plan area.
- b. Subject to the limitations of the Law and the Act, providing incentives to existing business owners to encourage continued utilization and expansion of existing permitted uses to prevent properties from falling into disuse, a proliferation of vacant and deteriorated parcels and a reduction in area employment.
- c. Allowing existing nonconforming uses to continue in accordance with City regulations and to accommodate improvements and expansions allowed by City regulations.
- d. Subject to the limitations of the Act, providing incentives to improve nonconforming properties so they implement the design guidelines contained in this Plan to the extent possible and to encourage an orderly transition from nonconforming to conforming uses over the planning horizon.

**D. [§305] Cooperation With Public Bodies**

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Amended Project Area. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency will seek the cooperation of all public bodies which own or intend to acquire property in the Amended Project Area. All plans for development of property in the Amended Project Area by a public body shall be subject to Agency approval, in the event the Agency is providing any financial assistance.

Subject to applicable authority, the Agency may impose on all public bodies the planning and design controls contained in this Plan to insure that present uses and any future development by public bodies will conform to the requirements of this Plan. The Agency is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures, or other improvements of the Amended Project Area.

The Agency specifically intends to cooperate to the extent allowable with the City of Jerome for the construction of street and utility improvements. The Agency shall also cooperate with the City of Jerome on various relocation, screening, or underground projects, the providing of fiber optic capability, and the funding of water and sewer improvements. To the extent any public entity, including the City of Jerome, has funded certain improvements such as water and sewer facilities, the Agency may reimburse those entities for those expenses. The Agency shall also cooperate with the Jerome Highway District in the improvement of 200 South and 100 East Roads along the original Project Area perimeter. The Agency also intends to cooperate and seek available assistance from state and federal sources for economic development.

In the event the Agency is participating in the public development by way of financial incentive or otherwise, the public body shall enter into a participation agreement with the Agency and then shall be bound by the Plan and other land use elements and shall conform to those standards specified in Section 304 of this Plan.

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

**1.    [§307]           Real Property**

Only as specifically authorized herein, the Agency may acquire, but is not required to acquire, real property located in the Amended Project Area where it is determined that the property is needed for public rights-of-way to construct certain street improvements by any means authorized by law, including, but not limited to, the Law, the Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee, including structures and fixtures upon the real property. Other property that the Agency may acquire for public improvements and facilities is identified in Attachment 3.

Agency acquisition of any real property to assist any developer or owner participant attempting to assemble land for development within the Amended Project Area, or to respond to an owner of property within the Amended Project Area who wishes to convey title of such property to the Agency by any voluntary legal means, including by gift, shall be accomplished by way of agreement without formal amendment to this Plan.

The Agency may acquire, but is not required to acquire, by gift, devise, exchange, purchase, eminent domain, or any other lawful method that property identified in Attachment 3. Such acquisition and subsequent disposition shall be made for development by the Agency or private developer to achieve those objectives set forth herein.

It is in the public interest and is necessary in order to eliminate the conditions requiring redevelopment and in order to execute this Plan for the power of eminent domain to be employed by the Agency to acquire real property in the Amended Project Area which cannot be acquired by gift, devise, exchange, purchase, or any other lawful method.

Only as specifically authorized herein, the Agency may acquire, but is not required to acquire, any real property located in the Amended Project Area where it is determined that the property is needed for construction of public improvement, should be acquired to eliminate or mitigate the deteriorated or deteriorating conditions, and as otherwise allowed by law. The acquisition shall be by any means authorized by law, including, but not limited to, the Law, the Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee, including structures and fixtures upon the real property, without acquiring the land upon which those structures and fixtures are located.

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

Generally, the Agency intends to acquire any real property through voluntary or consensual gift, devise, exchange, or purchase. Such acquisition of property may be for the development of the public improvements identified in this Plan, or for the assembly of properties for the redevelopment of those properties to achieve the objectives of this Plan. Such properties may include properties owned by private parties or public entities. This Plan does not anticipate the Agency's widespread use of its resources for property acquisition, except for the construction of public improvements and any ability to engage in certain demonstration projects, such as enhancement opportunities and other major objectives outlined in this Plan and entries to the City and in limited circumstances for assembly of properties for enhanced redevelopment.

It is in the public interest and is necessary in order to eliminate the conditions requiring redevelopment and in order to execute this Plan for the power of eminent domain to be employed by the Agency to acquire real property in the Amended Project Area which cannot be acquired by gift, devise, exchange, purchase, or any other lawful method.

The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner unless: (a) such building requires structural alteration, improvement, modernization, or rehabilitation; (b) the site or lot on which the building is situated requires modification in size, shape, or use; (c) it is necessary to impose upon such property any of the controls, limitations, restrictions, and requirements of this Plan and the owner fails or refuses to execute a participation agreement in accordance with the provisions of this Plan; or (d) the site or portion thereof is necessary for public improvements.

The purpose of this section is to allow the Agency to use its eminent domain authority to acquire properties necessary for the construction of public improvements, for acquisition of those

sites that are deteriorated or deteriorating as described above, or for assembly of parcels for greater development.

Under the provisions of the Act, the urban renewal plan “shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area.” Idaho Code § 50-2018(12)(b). At the present time, the Agency cannot specifically identify which parcels may be necessary for acquisition for public improvements. The Agency reserves the right to determine which properties, if any, should be acquired.

**2. [§308] Personal Property**

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Amended Project Area by any lawful means, including eminent domain. For purposes of this Plan, acquisition of certain permanent fixtures or improvements upon real property shall be governed by this section. The Agency retains the right to purchase those fixtures or improvements (including buildings) for the purpose of eliminating certain deteriorated or deteriorated structures to facilitate the redevelopment the real property upon which the buildings and structures are located. Such acquisition shall be based upon appraised value of the structures and negotiation with the owner of the structures. The Agency shall take into account, before committing to such acquisition, any environmental or other liability present or potentially present in such structures. In the event, the Agency determines to acquire such property; it shall do so upon the successful negotiation of an owner participation agreement in compliance with the terms of Section 304 of this Plan. In addition, such owner shall commit to the redeployment of the real property and to maintain the real property in a safe and clean manner. The Agency shall acquire such property by way of any acceptable conveyance.

**F. [§309] Property Management**

During such time such property, if any, in the Amended Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

**G. [§310] Relocation of Persons (Including Individuals and Families), Business Concerns, and Others Displaced by the Project**

If the Agency receives federal funds for real estate acquisition and relocation, the Agency shall comply with 24 C.F.R. Part 42, implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The Agency may also undertake relocation activities for those not entitled to benefit under federal law, as the Agency may deem appropriate for which funds are available. The Agency’s activities should not result in the displacement of families within the area. In the event the Agency’s activities result in displacement, the Agency shall compensate such residents by providing reasonable moving

expenses into decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families. The Agency will not participate in any private redevelopment activity which will result in displacement of families unless a method exists for the relocation of displaced families in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families. For any other activity, the Agency will comply with the provisions of the Idaho Urban Renewal Law regarding relocation.

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

For displacement of families, the Agency shall comply with, at a minimum, the standards set forth in the Law. The Agency shall also comply with all applicable state laws concerning relocation benefits.

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

**1. [§312] Demolition and Clearance**

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

**2. [§313] Preparation of Building Sites**

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

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

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

a. **[§316] General**

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property under the reuse provisions set forth in Idaho Code Section 50-2011. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated lease, sale, or transfer without public bidding.

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

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

b. **[§317] Disposition and Development Documents**

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, is subject to the provisions of this Plan.

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that development is carried out pursuant to this Plan.

Leases, deeds, contracts, agreements, and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, shall be recorded in the office of the Recorder of Jerome County.

All property in the Amended Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, religion, sex, age, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, disability/handicap, tenure, or enjoyment of property in the Amended Project Area. All property sold, leased, conveyed, or subject to a participation agreement shall be expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Amended Project Area shall contain such nondiscrimination and nonsegregation clauses as required by law.

The land and/or air rights and subterranean rights acquired by the Agency will be disposed of subject to an agreement between the Agency and the developers. The developers (including owner/participants) will be required by the contractual agreement to observe the Land Use and Building Requirements provision of this Plan and to submit a redevelopment schedule satisfactory to the Agency. Schedule revisions will be made only at the option of the Agency.

As required by law or as determined in the Agency's discretion to be in the best interest of the Agency and the public, the following requirements and obligations shall be included in the agreement.

That the developers, their successors, and assigns agree:

- (1) That a plan and time schedule for the proposed development shall be submitted to the Agency.
- (2) That the purchase or lease of the land and/or subterranean rights and/or air rights is for the purpose of redevelopment and not for speculation.
- (3) That the building of improvements will be commenced and completed as jointly scheduled and determined by the Agency and the developer(s).
- (4) That there will be no discrimination against any person or group of persons because of disability/handicap, age, race, sex, creed, color, national origin, disability, or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises or any improvements erected or to be erected thereon, therein conveyed; nor will the developer himself or any person claiming under or through him establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of tenants, lessees, sublessees, or vendees in the premises or any improvements erected, or to be erected thereon, therein conveyed. The above provision will be perpetual and will be appended to the land disposed of within the Amended Project Area by the Agency.
- (5) That the site and construction plans will be submitted to the Agency for review as to conformity with the provisions and purposes of this Plan.
- (6) That consideration will be given to businesses in the Amended Project Area for lease or purchase of appropriate facilities.
- (7) That rehabilitation of any existing structure must assure that the structure is safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition which will continue throughout an estimated useful life for a minimum of twenty (20) years.

- (8) That the Agency receive adequate assurance acceptable to the Agency to ensure performance under the contract for sale.
- (9) All such buildings or portions of the buildings which are to remain within the Amended Project Area shall be reconstructed in conformity with all applicable codes and ordinances of the City of Jerome.
- (10) All disposition and development documents shall be governed by the provisions of Section 420 of this Plan.

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

**c.            [§318]            Development by the Agency**

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

The Agency may also prepare properties for development by renovation or other means as allowed by law. The Agency may also, as allowed by law, assist in the development of private projects.

In addition to the public improvements authorized under Idaho Code Section 50-2007, 50-2018, and 50-2903(9), (13), and (14), the Agency is authorized to install and construct, or to cause to be installed and constructed, within the Amended Project Area for itself or for any public body or entity, public improvements and public facilities, including, but not limited to, the following: (1) utilities; (2) telecommunications (including fiber-optic) facilities; (3) parks, plazas, and pedestrian paths; (4) landscaped areas; (5) street improvements; (6) sanitary sewers; (7) flood control facilities and storm drains; (8) water mains; (9) canal crossings; (10) fire prevention; (11) railroad crossings, switches, and extensions; and (12) other public infrastructure.

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

The Agency may enter into contracts, leases, and agreements with the City, or other public body or private entity, pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code Section 50-2909 which may be made payable out of the taxes levied in the Amended

Project Area and allocated to the Agency under subdivision (2)(b) of Section 50-2908 of the Act and Section 504 to this Plan or out of any other available funds.

**d.            [§319]            Development Plans**

All development plans (whether public or private) prepared, pursuant to disposition and development or owner participation agreements, shall be submitted to the Agency for approval and architectural review. All development in the Amended Project Area must conform to those standards specified in Section 421, infra.

**2.    [§320]            Personal Property Disposition**

For the purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property which is acquired by the Agency.

**J.    [§321]            Rehabilitation and Conservation**

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

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

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

Under the Law the Agency has the authority to lend or invest funds obtained from the federal government for the purposes of the urban renewal law if allowable under federal laws or regulations. The federal funds that may be available to the Agency are governed by regulations promulgated by the Department of Housing and Urban Development for the Community Development Block Grant Program, the Economic Development Administration, the Small Business Administration, or other federal agencies.

Under those regulations the Agency may participate with the private sector in the development and financing of those private projects that will attain certain federal objectives.

The Agency may, therefore, use the federal funds for the provision of assistance to private for-profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms to support, for any other activity necessary or appropriate to carry out an economic development project.

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

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

**L.    [§323]           Conforming Owners**

The Agency may, at the Agency’s sole and absolute discretion, determine that certain real property within the Amended Project Area presently meets the requirements of this Plan, and the owner of such property will be permitted to remain as a conforming owner without a participation agreement with the Agency, provided such owner continues to operate, use, and maintain the real property within the requirements of this Plan.

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

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

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

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

**1.    [§403]           Industrial Uses**

The areas shown in Attachment 4 for industrial uses shall be used for the industrial and manufacturing uses set forth and described in the City zoning ordinance.

**C.    [§404]           Other Land Uses**

**1.    [§405]           Public Rights-of-Way**

The major public streets within the Amended Project Area include, but are not limited to, 150 South Road, 100 East Road, Buchanan Road, and new rights-of-way to be established.

Additional public streets or improvements to existing streets, and easements may be created, improved, or extended in the Amended Project Area as need for development. Existing streets, alleys, easements, and irrigation or drainage laterals or ditches may be abandoned, closed, or modified as necessary for proper development of the Project, in conjunction with any applicable policies and standards of the City of Jerome regarding changes to dedicated rights-of-way, and appropriate irrigation or drainage districts regarding changes to laterals or ditches.

Any changes in the existing interior or exterior street layout shall be in accordance with the objectives of this Plan and the City's design standards; shall be effectuated in the manner prescribed by State and local law; and shall be guided by the following criteria:

- a. A balancing of the needs of proposed and potential new developments for adequate vehicular access, vehicular parking, and delivery loading docks with the similar needs of any existing developments permitted to remain. Such balancing shall take into consideration the rights of existing owners and tenants under the rules for owner and tenant participation adopted by the Agency for the Amended Project Area and any participation agreements executed thereunder;
- b. The requirements imposed by such factors as topography, traffic safety, and aesthetics; and
- c. The potential need to serve not only the Amended Project Area and new or existing developments, but to also serve areas outside the Amended Project Area by providing convenient and efficient vehicular access and movement.

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

## **2. [§406] Other Public, Semi-Public, Institutional, and Nonprofit Uses**

The Agency is also authorized to permit the maintenance, establishment, or enlargement of public, semi-public, institutional, or nonprofit uses, including park and recreational facilities; educational, fraternal, employee; philanthropic, and charitable institutions; utilities; governmental facilities; railroad rights-of-way and equipment; and facilities of other similar associations or organizations. All such uses shall, to the extent possible, conform to the provisions of this Plan applicable to the uses in the specific area involved. The Agency may impose such other reasonable requirements and/or restrictions as may be necessary to protect the development and use of the Amended Project Area.

## **3. [§407] Interim Uses**

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Amended Project Area for interim uses that

are not in conformity with the uses permitted in this Plan. However, any interim use must comply with applicable Jerome City Code.

**D. [§408] General Controls and Limitations**

All real property in the Amended Project Area, under the provisions of either a disposition and development agreement or owner participation agreement, is made subject to the controls and requirements of this Plan. No such real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of this Plan.

**1. [§409] Construction**

All construction in the Amended Project Area shall comply with all applicable state and local laws and codes in effect from time to time. In addition to applicable codes, ordinances, or other requirements governing development in the Amended Project Area, additional specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Amended Project Area in the event of a disposition and development agreement or owner participation agreement.

**2. [§410] Rehabilitation and Retention of Properties**

Any existing structure within the Amended Project Area, subject to either a disposition and development agreement or owner participation agreement, approved by the Agency for retention and rehabilitation, shall be repaired, altered, reconstructed, or rehabilitated in such a manner that it will be safe and sound in all physical respects and be attractive in appearance and not detrimental to the surrounding uses.

**3. [§411] Limitation on Type, Size, and Height of Buildings**

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

**4. [§412] Open Spaces, Landscaping, Light, Air, and Privacy**

The issues of open space, landscaping, light, air, and privacy shall be governed by applicable federal, state, and local laws and ordinances.

**5. [§413] Signs**

All signs shall conform to City sign ordinances as they now exist or are hereafter amended. Design of all proposed new signs shall be submitted to the Agency and/or City prior to installation for review and approval pursuant to the procedures of this Plan.

**6. [§414] Utilities**

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

**7. [§415] Incompatible Uses**

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

**8. [§416] Nondiscrimination and Nonsegregation**

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

**9. [§417] Subdivision of Parcels**

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

**10. [§418] Minor Variations**

Under exceptional circumstances, the Agency is authorized to permit a variation from the limits, restrictions, and controls established by this Plan. In order to permit such variation, the Agency must determine that:

- a. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Plan;
- b. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls;
- c. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and
- d. Permitting a variation will not be contrary to the objectives of this Plan.

No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect this public peace, health, safety, or welfare and to assure compliance with the purposes of this Plan. Any variation permitted by the

Agency hereunder shall not supersede any other approval required under City codes and ordinances.

**E.    [§419]            Design for Development**

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

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

In the event the Agency adopts design standards or controls, those provisions will thereafter apply to each site or portion thereof in the Amended Project Area. Those controls and standards will be implemented through the provisions of any disposition and development agreement or owner participation agreement or by appropriate covenants appended to the land and instruments of conveyance executed pursuant thereto. These controls are in addition to any standards and provisions of any applicable City building or zoning ordinances; provided, however, each and every development shall comply with all applicable City zoning and building ordinance.

**F.    [§420]            Off-Street Loading**

Any development and improvements shall provide for off-street loading as required by the City ordinances as they now exist or are hereafter amended.

**G.    [§421]            Off-Street Parking**

All new construction in the area shall provide off-street parking as required by the City ordinances as they now exist or are hereafter amended.

**H. [§422] Nonconforming Uses**

The Agency may permit an existing use to remain in an existing building and site usage in good condition, which use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Amended Project Area. The owner of such a property must be willing to enter into a participation agreement and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and use of the Amended Project Area.

The Agency may authorize additions, alterations, repairs, or other improvements in the Amended Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Amended Project Area where, in the determination of the Agency, such improvements would be compatible with surrounding Amended Project Area uses and development.

All nonconforming uses shall also comply with the Jerome City Code.

**I. [§423] Design Guidelines for Development Under a Disposition and Development Agreement or Owner Participation Agreement**

Under an owner participation agreement or a disposition and development agreement the design guidelines and land use elements of the Plan shall be achieved to the greatest extent feasible, though the Agency retains the authority to grant minor variations under Section 418 of this Plan and subject to a negotiated agreement between the Agency and the developer or property owner.

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

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

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

The Agency is authorized to finance this Project with financial assistance from the City, State of Idaho, federal government, interest income, Agency bonds, donations, loans from

private financial institutions, the lease or sale of Agency-owned property, or any other available source, public or private, including assistance from any taxing district or any public entity.

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

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

**B. [§502] Revenue Bond Funds**

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

**C. [§503] Other Loans and Grants**

Any other loans, grants, guarantees, or financial assistance from the United States, the State of Idaho, or any other public or private source will be utilized if available. Neither the members of the Agency nor any persons executing such loans or grants shall be liable personally on the loans or grants by reason of their issuance.

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

The Agency hereby adopts revenue allocation financing provisions as authorized by the Act, effective retroactively to January 1, 2005. These revenue allocation provisions shall apply to all taxing districts in which the Revenue Allocation Area described on Attachments 1 and 2 to this Plan is located. The Agency shall take all actions necessary or convenient to implement these revenue allocation financing provisions. The Agency specifically finds that the equalized assessed valuation of property within the Revenue Allocation Area is likely to increase as a result of the activities under this Plan.

The Agency, acting by one or more resolutions adopted by its Board of Directors, is hereby authorized to apply all or any portion of the revenues allocated to the Agency pursuant to the Act to pay such costs as are incurred or to pledge all or any portion of such revenues to the repayment of any moneys borrowed, indebtedness incurred, or bonds issued by the Agency to finance or to refinance the project costs (as defined in Idaho Code Section 50-2903(14)) of one or more urban renewal projects.

Upon enactment of an ordinance by the governing body of the City finally adopting these revenue allocation financing provisions and defining the Revenue Allocation Area described herein as part of the Plan, there shall hereby be created a special fund of the Agency into which

the County Treasurer shall deposit allocated revenues as provided in Idaho Code Section 50-2908. The Agency shall use such funds solely in accordance with Idaho Code Section 50-2909 and solely for the purpose of providing funds to pay the project costs, including any incidental costs, of such urban renewal projects as the Agency may determine by resolution or resolutions of its Board of Directors.

A statement listing proposed public improvements and facilities, an economic feasibility study, estimated project costs, fiscal impact upon other taxing districts, and methods of financing project costs required by Idaho Code Section 50-2905 is included in Attachment 5 to this Plan. This statement necessarily incorporates estimates and projections based on the Agency's present knowledge and expectations. The Agency is hereby authorized to modify the presently anticipated urban renewal projects and use of revenue allocation financing of the related project costs if the Board of Directors of the Agency deems such modification necessary or convenient to effectuate the general objectives of the Plan.

The Agency may also provide for expenditure of revenue allocation proceeds on an annual basis without the issuance of bonds or incurring other debt. The Agency has also provided for obtaining advances or loans from the City or private entities in order to immediately commence construction of certain of the public improvements. Revenues will continue to be allocated to the Agency until the improvements identified in Attachment 5 are completely constructed or until any obligation to the City or other public entity or private entity are fulfilled. Attachment 5 incorporates estimates and projections based on the Agency's present knowledge and expectations concerning the length of time to complete the improvements. The activity may take longer depending on the significance and timeliness of development. Alternatively the activity may be completed earlier if revenue allocation proceeds are greater or the Agency obtains additional funds.

The revenue allocation proceeds are hereby irrevocably pledged for the payment of the principal and interest on the advance of monies or making of loans or the incurring of any indebtedness such as bonds, notes, and other obligations (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part, as well as payment for costs incurred for activities of the Project.

Under legislation adopted in 2000 by the 55<sup>th</sup> Idaho Legislature, 2<sup>nd</sup> Regular Session, effective July 1, 2000, Sess. Laws, Ch. 275, Idaho Code § 50-2904(2), revenue allocation authority was limited to twenty-four (24) years from the date the ordinance was passed by the City Council, except for those urban renewal plans which were adopted prior to 2000. 56<sup>th</sup> Idaho Legislature, 2<sup>nd</sup> Regular Session, Sess. Laws, Ch. 143. *See* Idaho Code § 50-2904(3). Under legislation adopted in 2011 by the 61<sup>st</sup> Idaho Legislature, 1<sup>st</sup> Regular Session, effective July 1, 2011, Sess. Laws, Ch. 317, revenue allocation authority is reduced to twenty (20) years, except for those plans approved prior to July 1, 2000, and prior to July 1, 2011. The original 2005 urban renewal plan established its duration through December 31, 2029. The elimination of the Unfunded Area from the original urban renewal area does not change the termination date.

The Agency is authorized to make such pledges as to specific advances, loans, and indebtedness as appropriate in carrying out the Project. Revenue allocation proceeds are deemed to be only a part of the proposed funding sources for the payment of public improvements and other project improvements. Additionally, project funding is proposed to be phased for the improvements, allowing various sources of funds to be accumulated for use.

House Bill 1 adopted by the 58<sup>th</sup> Idaho Legislature convening in Special Session in August 2006 repealed the operation and maintenance property tax levy imposed by school districts. House Bill 1 also repealed Idaho Code Section 50-2908(2)(a)(iii) which required certain revenue allocation funds to be disbursed to school districts. It is important to note, the financial analysis set forth in Attachment 5 did not take into account the provisions of House Bill 1. Idaho Code § 33-802.

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

**1. [§504A] Economic Feasibility Study**

Attachment 5 consists of the Economic Feasibility Study (“Study”) for the Amended Project Area. The Study constitutes the financial analysis required by the Act. No modifications to that study have been made as a result of this First Amendment to the Plan.<sup>2</sup>

**2. [§504B] Assumptions and Conditions/Economic Feasibility Statement**

The information contained in Attachment 5 assumes certain completed and projected actions. Under the provisions of the Act, the revenue allocation shall continue until the bond debt or other obligation is satisfied. All debt is projected to be repaid no later than the duration period of the Plan. The total amount of bonded indebtedness (and all other indebtedness) and the amount of revenue generated by revenue allocation is dependent upon the extent and timing of private development. Should all of the development take place as projected, bonded indebtedness could be extinguished earlier, dependent upon the bond sale documents or other legal obligations. Should private development take longer to materialize, or should the private development be substantially less than projected, then the amount of revenue generated will be substantially reduced and bonds may continue for their full term.

The Plan and attachments incorporate estimates and projections based on the Agency’s present knowledge and expectations. The Agency may modify the project if the Board of Commissioners deems such modifications necessary to effectuate the Plan. The Plan proposes

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<sup>2</sup> The Agency has previously issued its Revenue Allocation (Tax Increment) Bonds, Series 2008A in the principal amount of \$1,915,000 and Series 2008B in the principal amount of \$3,585,000 (collectively, the “Bonds”). The Bonds funded certain public improvements including improvements to 200 South Road, 100 East Road and another road identified as the South URA Road, along with waterlines, fire hydrants, curbs, gutters, sidewalks and paving. Debt service on the Bonds continues through April 1, 2027. The Agency has also identified certain other improvements which have been installed that may qualify for reimbursement.

certain public improvements, including utility and street improvements, property acquisition, and relocation costs, which will facilitate development in the Revenue Allocation Area.

### **3. [§504C] Ten Percent Limitation**

Under the Act the base assessed valuation for all revenue allocation areas cannot exceed gross/net ten percent (10%) of the current assessed valuation for the entire City. The base assessment roll, including utilities and less any homeowner's exemption, for the South Lincoln revenue allocation area as of January 1, 2005, was \$5,850,487, which base assessment roll includes those areas described as of January 1, 1998, 1999, and 2000, the base assessment roll dates deemed for the adoption of the original South Lincoln Urban Renewal Plan, the First Amended Urban Renewal Plan, and the Second Amended Urban Renewal Plan. (No additional Revenue Allocation Area was added by the Third Amended Urban Renewal Plan.)<sup>3</sup> The base assessment roll, not including utilities and less any homeowner's exemptions for the Southeast Industrial Area is \$1,165,704. The total assessed value for the City of Jerome as of January 1, 2005, less homeowner's exemptions, is \$220,738,405. The combined base assessment roll for both Revenue Allocation Areas does not exceed ten percent (10%) of the assessed value for the City of Jerome. Elimination of the Unfunded Area from the original urban renewal area will not change this analysis.

### **4. [§504D] Financial Limitation**

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

The amount of funds available to the Agency from revenue allocation financing is directly related to the assessed value of new improvements within the Revenue Allocation Area. Under the Act, the Agency is allowed the revenue allocation generated from inflationary increases and new development value. No inflationary increases have been assumed, but rather only the value of new development as those developments occur.

The Study, with the various estimates and projections, constitutes an economic feasibility study. Costs and revenues are analyzed, and the analysis shows the need for public capital funds during the project. Multiple financing sources including proposed revenue allocation notes and bonds, annual revenue allocations, developer contributions, developer loans (tax exempt and taxable), and other funds are shown. This Study identifies the kind, number, and location of all proposed public works or improvements, a detailed list of estimated project costs, a description of the methods of financing illustrating project costs, and the time when relate costs or monetary

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<sup>3</sup> The South Lincoln revenue allocation area, as amended, was terminated in 2012, which reduces the base assessment roll value and changes the calculation requiring that the base assessed valuation for all revenue allocation areas cannot exceed gross/net ten percent (10%) of the current assessed valuation for the entire City.

obligations are to be incurred. See Idaho Code § 50-2905. Based on these funding sources, the conclusion is that the project is feasible.

The information contained in the Study assumes certain projected actions. First, the Agency has projected several bond terms and note issues. The bond term will be finally determined by the marketability of the notes. Under the provisions of the Act, the revenue allocation may continue until the end of the Plan term. Second, the total amount of indebtedness and the amount of revenue generated by revenue allocation is dependent upon the extent and timing of private development. Should all of the development take place as projected, indebtedness would be extinguished earlier, dependent upon the bond sale documents and legal obligations therein. Should private development take longer to materialize or should the private development be substantially less than projected, then the amount of revenue generated will be substantially reduced and bonds may continue for their full term.

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

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

#### **5. [§504E] Rebate of Revenue Allocation Funds**

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

Attachment 5 describes the Agency's financing plan for the Project. The Project will be financed, in part, through tax increment financing, using revenue allocation funds as allowed by the Act. The Agency anticipates that on an annual basis, tax increment, and other funds may be sufficient to satisfy the obligations incurred by the Agency, even though the entire amount of revenue allocation funds must be pledged for the term of any bonds or other debts incurred by the Agency. Therefore, on an annual basis, the Agency will consider the rebate of funds, which funds may not be revenue allocation funds, but other funds available to the Agency.

The Agency also reserves the right to provide a tax increment rebate to any particular taxing entity which may be entitled to a levy rate increase by virtue of an approved levy election.

**6. [§504F] Participation With Local Improvement Districts**

Under the Idaho Local Improvement District Code, Chapter 17, Title 50, Idaho Code, the City has the authority to establish local improvement districts for various public facilities, including, but not limited to, streets, curbs, gutters, sidewalks, storm drains, landscaping, and other like facilities. To the extent allowed by the Law and the Act, the Agency reserves the authority to participate in the funding of local improvement district facilities. This participation may include either direct funding to reduce the overall cost of the LID or to participate as an assessed entity to finance the LID project.

**7. [§504G] Issuance of Debt and Debt Limitation**

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

**8. [§504H] Impact on Other Taxing Districts and Levy Rate**

A specific delineation of tax dollars generated by revenue allocation upon each taxing district has not been prepared. The overall impact of the revenue allocation project is shown in the Study. Since the passage of House Bill 156 in 1995 (now codified in Section 63-802, Idaho Code), taxing entities are constrained in establishing levy rates by a function of the amount each budget of each taxing district can increase on an annual basis. The amounts set forth in the Study would constitute the amounts distributed to other taxing entities from the Revenue Allocation Area if there were no urban renewal project. Each individual district's share of that amount would be determined by its particular levy rate as compared to the other districts in any given year. Therefore, the impact of revenue allocation is more of a product of the imposition of Section 63-802, Idaho Code. In addition, without the revenue allocation district and its ability to pay for public improvements and public facilities, fewer substantial improvements within the Revenue Allocation Area would be expected in the next five to ten years, hence there would be lower increases in assessed valuation to be used by the other taxing entities.

One result of House Bill 156 is the likely reduction of the levy rate as assessed values increase for property within each taxing entity's jurisdiction. The Study has taken the existing 2005 levy rate of 0.0208939 and has made certain assumptions concerning the reduction in the levy rate, by reduction of one percent (1%) per year through 2020. If the overall levy rate is less than projected, the Agency shall receive fewer funds from revenue allocation.

**E. [§505] Capital Improvement Contribution Policy**

The Agency does hereby establish and fix the following policy for the design, acquisition, and construction costs of the development of new streets or bridges or the extension of any existing street within the Amended Project Area as described and defined in the Plan.

**1. [§506] Developer/Owner Initiated Improvements**

The Agency recognizes the right and possible interest of developers/owners to initiate the construction of designated new streets in the Amended Project Area through:

- (a) One or more Local Improvement Districts (“LID”);
- (b) Private financing; or
- (c) Direct payment of construction costs.

Any LID would be established by the City of Jerome. Any of the three alternatives listed above would provide a means of financing necessary public improvements before the Agency would have the necessary funds to pay for such improvements. As an incentive for such developer/owner financed improvements, the Agency (subject to applicable legal authority) may repay the developer/owner for one hundred percent (100%) of its total assessment, including interest, from available annual revenue allocation funds generated by new developments on the developer/owner’s property included in the LID. If the improvements have been financed through private funding sources or paid directly by the Developer/Owner, the Agency may repay the developer/owner one hundred percent (100%) of the actual costs of construction. The Agency’s contribution under this paragraph shall be conditioned upon the developer having commenced construction (or a binding commitment to proceed issued by a recognized financial institution) to develop such property, thus generating additional revenue allocation funds. Any additional details concerning this policy will be specified in a resolution to be approved by the Agency complying with its normal approval process.

For purposes of this section, “available annual revenue allocation funds” shall mean those incremental tax (revenue allocation) revenues received by the Agency after all necessary payments have been made to:

- (a) Pay the interest and principal of the notes payable to any developer or any bonds, loans or note, or other obligations issued by the Agency;
- (b) Fund the administration fund;
- (c) Fund the developer fees; and
- (d) Fund any debt service reserve fund deposits.

**2. [§507] Variance**

The Agency reserves the right to grant minor variations from these standards under the guidelines established under Section 419 of this Plan.

**F. [§508] Phasing and Other Fund Sources**

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

**VI. [§600] ACTIONS BY THE CITY**

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

- (a) Institution and completion of proceedings necessary for changes and improvements in private and publicly owned public utilities within or affecting the Amended Project Area.
- (b) Revision of zoning (if necessary) within the Amended Project Area to permit the land uses and development authorized by this Plan.
- (c) Imposition wherever necessary (by conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Amended Project Area to ensure their proper development and use.
- (d) Provision for administrative enforcement of this Plan by the City after development. The City and the Agency may develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Amended Project Area throughout the duration of this Plan.
- (e) Building Code enforcement.
- (f) Performance of the above actions and of all other functions and services relating to public peace, health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Amended Project Area to be commenced and carried to completion without unnecessary delays.
- (g) Institutional and completion of proceedings necessary for the establishment of a local improvement district under Chapter 17, Title 50, Idaho Code.

- (h) The undertaking and completing of any other proceedings necessary to carry out the Project.
- (i) Administration of Community Development Block Grant funds that may be made available for this Project.
- (j) Appropriate agreements with the Agency for administration, supporting services, funding sources, and the like.
- (k) Imposition, whenever necessary (by conditional use permits or other means as appropriate), of controls within the limits of this Plan upon parcels in the Amended Project Area to ensure their proper development and use.
- (l) The waiver of any hookup or installation fee for sewer, water, or other utility services for any facility owned by any public agency, including the Agency facility.
- (m) Joint funding of certain public improvements, including but not limited to improvements to the main sewer treatment facility.
- (n) Use of City labor, services, and materials for construction of the public improvements listed in this Urban Renewal Plan.

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

## **VII. [§700] ENFORCEMENT**

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the City.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Amended Project Area may be enforced by such owners.

## **VIII. [§800] DURATION OF THIS PLAN, TERMINATION, AND ASSET REVIEW**

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents

formulated pursuant to this Plan shall be effective for twenty-four (24) years from the date of adoption of the original Plan by the City Council in 2005, which period shall expire on December 31, 2029, except for any revenue allocation proceeds received in calendar year 2030.

This plan shall terminate no later than December 31, 2029, except for revenues which may be received in 2030. Either on January 1, 2029, or if the Agency determines an earlier terminate date:

- (a) When the Revenue Allocation Area plan budget estimates that all financial obligations have been provided for, the principal of and interest on such moneys, indebtedness, and bonds have been paid in full or when deposits in the special fund or funds created under this chapter are sufficient to pay such principal and interest as they come due, and to fund reserves, if any, or any other obligations of the Agency funded through revenue allocation proceeds shall be satisfied and the Agency has determined no additional project costs need be funded through revenue allocation financing, the allocation of revenues under Section 50-2908, Idaho Code, shall thereupon cease; any moneys in such fund or funds in excess of the amount necessary to pay such principal and interest shall be distributed to the affected taxing districts in which the Revenue Allocation Area is located in the same manner and proportion as the most recent distribution to the affected taxing districts of the taxes on the taxable property located within the Revenue Allocation Area; and the powers granted to the urban renewal agency under Section 50-2909, Idaho Code, shall thereupon terminate.
- (b) In determining the termination date, the Plan shall recognize that the Agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the urban renewal plan.
- (c) For the fiscal year that immediately predates the terminate date, the Agency shall adopt and publish a budget specifically for the projected revenues and expenses of the Plan and make a determination as to whether the Revenue Allocation Area can be terminated before January 1 of the termination year pursuant to the terms of Section 50-2909(4), Idaho Code. In the event that the Agency determines that current tax year revenues are sufficient to cover all estimated expenses for the current year and all future years, by September 1, the Agency shall adopt a resolution advising and notifying the local governing body, the county auditor, and the State Tax Commission, recommending the adoption of an ordinance for termination of the Revenue Allocation Area by December 31 of the current year, and declaring a surplus to be distributed as described in Section 50-2909, Idaho Code, should a surplus be determined to exist. The Agency shall cause the ordinance to be filed with the office of the county recorder and the Idaho State Tax Commission as provided in Section 63-215, Idaho Code.

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

As allowed by Idaho Code Section 50-2905(8), the Agency may retain assets or revenues generated from such assets as loans the Agency shall have resources other than revenue allocation funds to operate and manage such assets.

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

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

**X. [§1000] SEVERABILITY**

If any one or more of the provisions contained in this Plan to be performed on the part of the Agency shall be declared by any court of competent jurisdiction to be contrary to law, then such provision or provisions shall be null and void and shall be deemed separable from the remaining provisions in this Plan and shall in no way affect the validity of the other provisions of this Plan.

**XI. [§1100] ANNUAL REPORT**

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

Attachment 1

Amended Urban Renewal Project Area and Revenue Allocation Area Boundary Map

## Attachment 2

Description of the Amended Project Area and Revenue Allocation Area

## Attachment 3

### Private Properties Which May Be Acquired by Agency

1. No particular properties have been identified for acquisition by the Agency, except as may be required for the objectives of the Plan.
2. The Agency reserves the right to acquire any additional right-of-way or access routes near or around existing or planned rights-of-way.
3. The Agency reserves the right to acquire property needed to encourage certain demonstration projects which achieve the objectives of the Plan (the exact location of which has not been determined).

Attachment 4

The Amended Map Depicting Expected Land Uses and Current Zoning  
Within Revenue Allocation Area and Amended Project Area

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