

**WEST SELTICE II  
Urban Renewal District**

**District Documents**

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## W. SELTICE II URBAN RENEWAL DISTRICT

District Created	2005
Term - # of years	15
Termination Date	2020
Proponent	Greenstone Corporation
Base Assessed Value	\$1,719,589
Size in Acres	330

# **West Seltice II District**

## **Table of Contents**

### **Plan**

Section 100	Introduction
Section 101	General Procedures of the Agency
Section 102	Provisions Necessary to Meet State & Local Requirements
Section 103	History & Current Conditions
Section 104	Purpose of Activities
Section 200	Descriptions of Project Area & Expanded Project Area
Section 300	Proposed Redevelopment Actions
Section 301	General
Section 302	Urban Renewal Plan Objectives
Section 303	Participation Opportunities & Agreements
Section 304	Cooperation with Public Bodies
Section 305	Property Acquisition
Section 306	Property Management
Section 307	Relocation of Persons, Business Concerns and Others Displaced by the Project
Section 308	Demolition, Clearance and Building Site Preparation
Section 309	Property Disposition and Development
Section 310	Personal Property Disposition
Section 311	Rehabilitation and Conservation
Section 312	Participation with Private or Public Development
Section 313	Conforming Owners
Section 314	Art Funding

- Section 400 Uses Permitted in the Project Area
- Section 401 Redevelopment Plan Map & Development Strategy
- Section 402 Designated Land Uses
- Section 403 Other Land Uses
- Section 404 General Controls and Limitations
- Section 405 Design for Development
- Section 500 Methods of Financing the Project
- Section 501 General Description of the Proposed Financing Method
- Section 502 Revenue Bond Funds
- Section 503 Other Loans and Grants
- Section 504 Revenue Allocation Financing Provisions
- Section 600 Actions by the City
- Section 700 Enforcement
- Section 800 Duration of the Plan
- Section 900 Procedure for Amendment
- Section 1000 Severability
- Section 1100 Annual Report
- Exhibit A** Legal Description
- Exhibit B** Phasing Maps
- Exhibit C** Budgets
- Exhibit D** Feasibility Study

## West Seltice II Redevelopment Plan

As written by the Post Falls Urban Renewal Agency

August 11, 2005

Draft #3

### Section 100: Introduction

This West Seltice II Redevelopment Plan (the "Plan") is for the West Seltice II Plan Area (the "Project") in the City of Post Falls (the "City"), County of Kootenai, State of Idaho. This plan consists of the text contained herein and the following attachments:

- Description of the Project Area, Expected Land Uses and Revenue Allocation Area Boundaries under current consideration (**Attachments 1 & 2**);
- Map Depicting Current Zoning Within Revenue Allocation Area & Project Area (**Attachment 3**);
- Economic Feasibility Study for the West Seltice II Urban Renewal Area (**Attachment EFS 1**)
- Legal description of Revenue Allocation Area (**Attachment L1, still pending**);
- Included for historical reference are copies of the Original and Amended West Seltice Project Area and Revenue Allocation Area Boundaries (Attachments pending). Also included are the Original and Amended economic feasibility studies previously undertaken (Attachments pending). The original West Seltice Plan was adopted by the Post Falls City Council by Ordinance 693 on December 22, 1992 and was corrected on November 15, 1994 by Ordinance 788. The original Plan was closed in July, 2001 via Ordinance 982, with excess funds rebated to the taxing districts in 2002.

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

This Plan was prepared by consultants & staff of the Post Falls Urban Renewal Agency (PF URA, the "Agency"). The plan was reviewed and recommended by the PF URA Commission members, pursuant to the State of Idaho Urban Renewal Law, Chapter 20, Title 50, Idaho Code (the "Law"); the Local Economic Development Act, Chapter 20, Title 50, Idaho Code (the "Act"); and all applicable local laws and ordinances. The proposed redevelopment of the Project Area as described in this Plan conforms to the Comprehensive Plan of the City of Post Falls, as adopted by the City Council.

The PF URA 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. 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.

Prior to the adoption of any planning document or proposed modification to any planning document, the PF URA 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 PF URA Commission shall consider any such comments and determine whether to adopt the modification. The planning documents apply to redevelopment activity within the Project Area as described herein.

In the event of any conflict between this Plan and the appended documents, the provisions of this Plan shall control. The PF URA intends to rely heavily on any applicable City design standards which may cover all or part of the Project Area.

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

Implementation of this Plan will require public co-investment to help stimulate desired private development. Typically, the public will fund enhanced public facilities like streets, sidewalks, parking facilities, parks, public buildings, or plazas which, in turn, create an attractive setting for adjacent private investment.

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 purposes of the Law and Act that will be attained through and with the major goals of this Plan are:

- a) the elimination of environmental deficiencies in the Project Area, including, among others, inadequate public improvements and facilities;
- b) the assembly of land into parcels suitable for modern development with appropriate setbacks, parking, pedestrian safety, and vehicular circulation in the Project Area;
- c) the re-planning, redesign, and development of undeveloped and underdeveloped areas which are stagnant or improperly utilized;
- d) the strengthening of the economic base of the Project Area and the community by the installation of needed public improvements and facilities to stimulate new commercial expansion, employment, and economic growth and enhance the variety of available residential housing options;
- e) 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;
- f) the strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Revenue

- Allocation Area and the Project Area as a whole, and benefiting the various taxing districts in which the Project Area is located; and
- g) the creating of public spaces, parks, trails and bike paths, and the like.

### Section 101: General Procedures of the Agency

The Post Falls URA is a public body, corporate and politic, as defined and described under the Law and the Act. The PF URA is also governed by its bylaws as authorized by the Law and adopted by the Agency. Under the Law, the PF URA 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 Idaho Code Section 50-341.

Generally, the PF URA 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 Commission of such policy or procedure, duly noticed upon the PF URA meeting agenda and considered by the PF URA at an open public meeting and adopted by a majority of the members present, constituting a quorum, unless any provision herein provides otherwise.

### Section 102: Provisions Necessary to Meet State & Local Requirements

Section 102.1: Conformance with State of Idaho Urban Renewal Law of 1965, amended

The laws of the State of Idaho allow for an urban renewal plan to be submitted by any interested person or entity in an area certified as an Urban Renewal Area by the Post Falls City Council. The original Project Area was determined by the Post Falls City Council to be deteriorated or deteriorating by Resolution 92-28 on September 15, 1992. The subject of this Plan is a slightly expanded Project Area, with the additional acreage declared deteriorated by the Post Falls City Council on September 15, 2005 via Resolution 2005-03.

In accordance with the Idaho Urban Renewal Law of 1965, this Plan was submitted to the Planning and Zoning Commission of the City of Post Falls. After consideration of the Plan, the Commission filed its recommendation with the City Council stating that the original Plan and its Amended Version are both in conformity with the Comprehensive Plan of the City of Post Falls.

### Section 103: History & Current Conditions

The West Seltice II Project Area is deteriorated because of the presence of various conditions, most of which are related to public infrastructure. Whether the infrastructure is older and needs to be replaced or upgraded, or it is grossly inadequate to serve planned new development, the result is the same; existing development is often discouraged from upgrading and expanding, and new development is often slowed or thwarted because of the lack of necessary public infrastructure.

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, also known as tax increment 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 development in the Project Area may also generate new jobs in Post Falls that would, in turn, benefit area residents and businesses.

#### Section 104: Purpose of Activities

The description of activities, public improvements, and the estimated costs of those items are intended to create an outside limit of the PF URA's activity. The PF URA 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 PF URA intends to discuss and negotiate with any party, owner or developer who seeks PF URA assistance. During such negotiation, the PF URA will determine, on an individual basis, the eligibility of the activities sought for PF URA funding, and the amount the Agency may fund by way of percentage or other criteria. The PF URA will also take into account the amount of revenue allocation proceeds (increment) estimated to be generated from the developer's activities. The PF URA also reserves the right to establish by way of policy its funding percentage or participation, which would apply to all parties, owners and developers.

The activities listed in **Attachment C1** are segregated by activity type, amounts funded, and by year of funding, with earlier years reflecting the more important activities. As required by the Law and Act, the PF URA will adopt more specific budgets annually. PF URA 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.

#### Section 200: Descriptions of Project Area & Expanded Project Area

The boundaries of the West Seltice II Project Area and of the Expanded Revenue Allocation Area are described in **Attachment 1 and Attachment L1**, which are attached hereto and incorporated herein by reference, and are shown on the West Seltice II Project Area and Revenue Allocation Area Boundary Map, attached hereto as **Attachment 1** and incorporated herein by reference.

#### Section 300: Proposed Redevelopment Actions

##### Section 301: General

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

1. the acquisition of certain real property

2. the demolition or removal of certain buildings and improvements for public rights-of-way for streets, utilities, walkways, and other improvements, to eliminate unhealthful, unsanitary, or unsafe conditions, improve 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 Project Area;
4. the provision for relocation assistance to displaced Project occupants, if any is needed, as required by law;
5. the installation, construction, widening, alignment or reconstruction of streets, redesigning of intersections, improving signalization and pedestrian access;
6. improving utilities including water and sewer systems, electrical distribution and transmission lines in underground configuration if needed to encourage new developments, parking facilities, and other public improvements, including, but not limited to, irrigation and drainage laterals and ditches, storm drain systems, walkways, street lighting, parks and public open spaces, and improvements to railroad tracks and property;
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, the City and the PF URA;
10. the preparation and assembly of adequate sites for development & construction of facilities for commercial, mixed-use residential, office, appropriate retail and other ancillary uses;
11. to the extent allowed by law, lend or invest federal funds to facilitate redevelopment;
12. the construction of foundations, platforms, and other like structural forms necessary as sites for buildings to be used for mixed use commercial 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 PF URA is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by law. Primarily, the PF URA intends to provide traffic improvements and to encourage development of mixed-use projects consisting of residential, office, and supporting commercial and retail.

### Section 302: Urban Renewal Plan Objectives

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

The Project Area under current consideration consists of approximately 248 acres, with boundaries along McGuire Road on the West, a jagged line along 16<sup>th</sup> Avenue to the North, Montrose Avenue to the Northeast, Chase Road on the East, and Seltice Way on the South.

Conditions still relevant show a history of a slow-growing tax base primarily attributed to lack of or deteriorating public improvements, inadequate facilities such as sewer; sub-standard traffic and road conditions, including lack of pedestrian walkways and bike paths, resulting in congestion and compromised safety; undeveloped and underdeveloped properties; anticipated change from industrial to commercial, retail and mixed uses; and other deteriorating factors.

Accordingly, the Plan under current consideration for the Project Area is a proposal for public improvements and facilities to: provide an improved environment for new commercial and mixed-use developments; eliminate unsafe conditions; assist potential owner participation and other developers to create appropriate development sites through parcelization of existing larger parcels and, where necessary, through acquisition, demolition, and disposition activities; improve transit opportunities throughout the Project Area; and otherwise prevent the extension of blight and deterioration and reverse the deteriorating action of the area.

PF URA may participate in the cost of removal of extraordinary site conditions. Any streets or other rights-of-way to be vacated or relocated will create additional building area for mixed-uses or public use. Any such vacations or relocations must be requested from the City of Post Falls or other agency having jurisdiction over the particular public right-of-way.

Acquisition of any interest in real property may be utilized by the PF URA when and if necessary to promote redevelopment in accordance with the objectives of the Plan. A further objective of the Plan is to provide for the acquisition of property to be used for public facilities. Off-street parking facilities may be developed to serve new commercial uses within the Project Area.

Over the life of the Plan, land use in the Project Area will be modified to the extent that buildings currently vacant and land underdeveloped may be converted to mixed-use commercial, public and private parking, and public/semi-public uses.

The provisions of this Plan are applicable to all public and private property in the Project Area. The provisions of the Plan shall be interpreted and applied as objectives and goals, recognizing the need for flexibility in interpretation and implementation, while at the same time not in any way abdicating the rights and privileges of the property owners which are vested in the present and future zoning classifications of the properties. All development under an owner participation agreement shall conform to those standards specified in Section 303.1 of this Plan.

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

1. Initiate simultaneous projects designed to revitalize the Project Area. From sidewalk improvements to significant new development, the PF URA plans to play a key role in creating the necessary momentum.
2. Develop new Mixed-Use projects to attract, encourage and assist the development of new businesses within the Project Area.
3. Pursue development across all land-use sectors simultaneously.
4. Secure certain public open space in critical areas. This public open space will greatly increase property values adjacent to it and greatly contribute to a new sense of place ("placemaking").

Without direct public intervention, much of the Project Area could conceivably remain unchanged for the next several years, as it has in the past. Success will come through numerous public-private partnerships; no single developer will "save the day". The Plan creates the necessary flexible framework for the Project Area to capture a share

of Post Falls' growing population and economy.

### Section 303: Participation Opportunities & Agreements

#### Section 303.1: Participation Agreements

PF URA 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 PF URA acquisition subject to entering into an owner participation agreement.

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

- (a) Executed owner participation agreements meet the conditions described below
- (b) Any such property within the Project Area shall be required to conform to all applicable provisions, requirements, and regulations of this Plan. Upon completion of any rehabilitation or new development, 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 which 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 Project Area shall be rehabilitated in conformity with all applicable codes and ordinances of the City of Post Falls
- (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 Post Falls.

In such participation agreements, participants who retain real property shall be required to join in the recordation of such documents as may be necessary to make the provisions of this Plan applicable to their properties, whether or not a participant enters into a participation agreement with the PF URA. The provisions of this Plan are applicable to all public and private property in the Project Area.

In the event a participant fails or refuses to rehabilitate, develop, use, and maintain its real property pursuant to this Plan and a participation agreement, the real property or any interest therein may be acquired by the PF URA 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:

1. Encouraging property owners or tenants to revitalize deteriorating areas of their parcels and to incorporate elements of the Plan.
2. Subject to the limitations of the Law and the Act, providing incentives to existing property owners or tenants to encourage continued utilization and expansion of existing permitted uses to prevent properties from falling into disuse, a proliferation of vacant and deteriorated parcels.
3. Allowing existing nonconforming uses to continue in accordance with City regulations and to accommodate improvements and expansions allowed by City regulations.

4. Subject to the limitations of the Act, providing incentives to improve nonconforming properties so they implement the design guidelines recommended by this Plan to the extent possible and to encourage an orderly transition from nonconforming to conforming uses over the planning horizon.

#### Section 304: Cooperation with Public Bodies

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The PF URA 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 PF URA 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 PF URA is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures, or other improvements within the Project Area.

The PF URA specifically intends to cooperate to the extent allowable by law with the City of Post Falls, Kootenai County, and the State of Idaho for the construction and reconstruction of public improvements and facilities, including water and sewer systems and improvements to major streets. Specifically, the PF URA intends to address traffic issues in the urban renewal area with the City. The Agency seeks to provide input, guidance, and financial assistance, if available, to improve traffic flow, roadway/access improvements, streetscapes, and related traffic issues. The Agency also intends to cooperate with local transit authorities to improve transit and other transportation opportunities in the Urban Renewal Area.

The PF URA, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies that own or intend to acquire property in the Project Area. Any public body that owns or leases property in the Project Area will be afforded all the privileges of an owner participant if such public body is willing to enter into a participation agreement with the Agency. All plans for development of property in the Project Area by a public body shall comply with the provisions of this Plan.

#### Section 305: Property Acquisition

##### Section 305.1: Real Property

Only as specifically authorized herein, the PF URA may acquire, but is not required to acquire, any real property located in the Project Area where it is determined that the property is needed for construction of public improvements required to eliminate or mitigate the deteriorated or deteriorating conditions, and as otherwise allowed by law. The acquisition shall be by any means authorized by law (including, but not limited to, the Idaho Urban Renewal Law, the Local Economic Development Law, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970). The PF URA 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, any ability to engage in certain demonstration projects, and other major objectives outlined in this Plan, and to assemble certain critical or strategic parcels to dispose to the private sector to assist in the PF URA to acquire real property in the 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;
- (d) the site or portion thereof is necessary for public improvements; or
- (e) the parcel is a critical or strategic parcel as described above.

The purpose of this section is to allow the PF URA to use its eminent domain authority to acquire properties necessary for the construction of public improvements or for acquisition of those sites that are deteriorated or deteriorating as described above or are strategically or critically necessary for redevelopment.

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(1). The PF URA may identify parcels for acquisition for the construction of public improvements if such parcels are contained in an Attachment to this Plan. The Agency may also acquire property for the purpose of developing public parking facilities, public open space, and to enhance the opportunity for other uses.

At the present time, the Agency cannot specifically identify which parcels may be necessary for acquisition for the parking facilities or for site assembly for private development. The PF URA reserves the right to determine which properties, if any, should be acquired. Generally, the Agency will invoke its acquisition authority only for the elimination or mitigation of deteriorated or deteriorating buildings, structures, or properties in order to enhance public open space in the Project Area or assist or participate in site reclamation, remediation, or elimination

of blighted or deteriorated areas.

#### Section 305.2: Personal Property

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan and where allowed by law, the PF URA is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain. For purposes of this Plan, acquisition of certain permanent fixtures or improvements upon real property shall be governed by this section.

The PF URA retains the right to purchase those fixtures or improvements (including buildings) for the purpose of eliminating certain deteriorated or deteriorating structures to facilitate the redevelopment of 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 PF URA determines to acquire such property, it shall do so upon the successful negotiation of an owner participation agreement in compliance with the terms of Section 303.1 of this Plan. In addition, such owner shall commit to the redevelopment of the real property and to maintain the real property in a safe and clean manner. The Agency shall acquire such property by way of any acceptable conveyance.

#### Section 306: Property Management

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

#### Section 307: Relocation of Persons (including Individuals and Families), Business Concerns, and Others Displaced by the Project

If the PF URA 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 and 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 direct activities result in displacement, the PF URA 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. For any other activity, the Agency will comply with the provisions of the Idaho Urban Renewal Law regarding relocation.

The PF URA 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 or may not determine to use as a reference the relocation benefits and guidelines promulgated by the federal government, the state government or local government.

The intent of this section is to allow the PF URA 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 PF URA may adopt relocation guidelines which would define the extent of relocation assistance in non-federally-assisted projects and which relocation assistance to the 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 PF URA shall also comply with all applicable state laws concerning relocation benefits.

### Section 308: Demolition, Clearance, and Building Site Preparation

#### Section 308.1: Demolition and Clearance

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

#### Section 308.2: Preparation of Building Sites

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

### Section 309: Property Disposition and Development

#### Section 309.1: Real Property Disposition and Development

##### Section 309.1 (A): General

For the purposes of this Plan, the PF URA 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 and as otherwise allowed by law. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated lease, sale, or transfer without public bidding.

All purchasers or lessees of property acquired from the PF URA 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.

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

#### Section 309.1 (B): 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 PF URA, as well as all property subject to participation agreements, is subject to the provisions of this Plan.

The PF URA 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 PF URA, such documents, or portions thereof, shall be recorded in the office of the Recorder of Kootenai County.

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

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

The developers and their successors and assigns agree:

- a) a plan and time schedule for the proposed development shall be submitted to the PF URA.
- b) the purchase or lease of the land, subterranean rights, and/or air rights is for the purpose of redevelopment and not for speculation.
- c) the building of improvements will be commenced and completed as jointly scheduled and determined by the Agency and the developer(s).

- d) there will be no discrimination against any person or group of persons because of handicap, age, race, sex, creed, color, national origin 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 or 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, sub-lessees, or vendees in the premises or any improvements therein conveyed. The above provision will be perpetual and will be appended to the land disposed of within the Urban Renewal Project Area by the PF URA.
- e) the site and construction plans will be submitted to the PF URA for review as to conformity with the provisions and purposes of this Plan.
- f) At the discretion of the Agency, a bond or other surety will be provided acceptable to the PF URA to ensure performance under the contract of the sale.
- g) Rehabilitation of any existing structure must assure that the structure is safe and sound in all physical aspects and be refurbished and altered to bring the property to an upgraded marketable condition which will continue throughout an estimated useful life for a minimum of twenty (20) years.
- h) All such buildings or portions of the buildings which are to remain within the Project Area shall be reconstructed in conformity with all applicable codes and ordinances of the City of Post Falls or Kootenai County, if applicable.
- i) All new construction shall have a minimum estimated life of no less than twenty (20) years
- j) All disposition and development documents and owner participation agreements shall be governed by the provisions of Section 405.2 of this Plan.
- k) All such buildings or portions of the buildings which are to remain within the Project Area shall be reconstructed in conformity with all applicable codes and ordinances of the City of Post Falls or Kootenai County, if applicable. All disposition and development documents shall be governed by the provisions of Section 420 of this Plan.

#### Section 309.1 ( C ) Development by the Post Falls URA

To the extent now or hereafter permitted by the Law or Act, the PF URA is authorized to pay for, develop, or construct any publicly-owned building, facility, structure, or other improvement within the Project Area for itself or for any public body or entity, which buildings, facilities, structures, or other improvements are or would be of benefit to the Project Area. Specifically, the Agency may pay for, install, or construct the buildings, facilities, structures, and other improvements identified in **Attachment C1**, attached hereto and incorporated herein by reference, and may acquire or pay for the land required therefore.

The PF URA may also prepare properties for development by renovation or other means as allowed by the Law or Act. The Agency may also as allowed by the Law or Act assist in the development of private projects.

In addition to the public improvements authorized under Idaho Code Section 50-2007, the Agency is authorized to install and construct, or to cause to be installed and constructed, within the Project Area or outside the Project Area, for improvements or facilities that are needed to support new development in the Project Area, for itself or for any public body or entity, public improvements and public facilities, including, but not limited to, the following: (1) utilities; (2) pedestrian paths; (3) traffic signals; (4) landscaped areas;

(5) street improvements, including new access roads and streets; (6) sanitary sewers; (7) flood control facilities and storm drains; (8) water mains, pumps, and reservoirs; (9) parks and recreation facilities; (10) improved railroad property use; and (11) civic plazas or the like.

Any public facility ultimately owned by the PF URA 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.

Where appropriate, the Agency seeks to coordinate special streets, parks, and urban open spaces within the Project Area.

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

#### Section 309.1 (D) Development Plans

All development plans, whether public or private, prepared pursuant to disposition and development or owner participation agreements shall be submitted to the PF URA for review. All development in the Project Area must conform to those standards specified in Section 404, *infra*.

#### Section 310: Personal Property Disposition

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

#### Section 311: Rehabilitation and Conservation

The PF URA is authorized to rehabilitate, renovate, and conserve or to cause to be rehabilitated, renovated, and conserved, any building or structure in the Project Area owned by the PF URA for preparation of redevelopment and disposition. The PF URA is also authorized and directed to advise, encourage, and assist in the rehabilitation and conservation of property in the Project Area not owned by the Agency. The Agency is authorized, though not required, to acquire, restore, rehabilitate, move, and conserve buildings of historic or architectural significance.

#### Section 312: Participation with Private or Public Development

Under the Idaho Urban Renewal Law, the PF URA has the authority to lend or invest funds obtained from the federal government for the purposes of the Law if allowable under federal laws or regulations. The federal funds that may be available to the Agency are governed by regulations promulgated by the Department of Housing and Urban Development for the

Community Development Block Grant Program and other applicable federal programs. Under those regulations, the Agency may participate with the private sector in the development and financing of those private projects which will attain certain federal objectives.

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

The PF URA 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 PF URA as described in Idaho Code Section 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision (2)(b) of Section 50-2908 of the Act and Section 504 of this Plan, or out of any other available funds.

#### Section 313: Conforming Owners

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

#### Section 314: Art Funding

The PF URA will consider funding public art which adds value to the community, through joint ventures with private developers and in cooperation with the City of Post Falls.

#### Section 400: Uses Permitted in the Project Area

##### Section 401: Redevelopment Plan Map & Development Strategy

The Description of the Project Area and Revenue Allocation Area Boundary under current consideration are attached hereto as **Attachments 1 & 2 and Attachment L1** and incorporated by reference. They describe the location of the Project Area boundaries. The proposed land uses to be permitted in the Project Area for all land, public and private, are depicted in **Attachments 1 & 2**.

##### Section 402: Designated Land Uses

PF URA intends to rely upon the overall land use designations and zoning requirements of the City of Post Falls and, where applicable, Kootenai County.

##### Section 402.1: Commercial Uses

The areas designated in **Attachments 1, 2 & 3** for commercial uses shall be for commercial uses as set forth and described in the City of Post Falls Zoning Ordinance.

## Section 402.2: Residential Uses

The areas designated in **Attachments 1, 2 & 3** for residential uses shall be for the residential uses as set forth and described in the Zoning Ordinance for the City of Post Falls.

## Section 403: Other Land Uses

### Section 403.1: Public Rights-of-Way

The major public streets within the Project Area include McGuire Road, Chase Road, Seltice Way and other major rights-of-way which may be developed in the Project Area. Additional public streets, alleys, and easements may be created in the Project Area as needed for proper development. Existing streets, alleys and easements may be abandoned, closed, expanded, or modified as necessary for proper development of the Project in conjunction with any applicable policies and standards of the City or Idaho Department of Transportation as may be applicable regarding changes to dedicated rights-of-way.

Any changes in the existing interior or exterior street layout shall be in accordance with the objectives of this Plan and the design standards of the City of Post Falls or the Idaho Department of Transportation, as may be applicable; shall be effectuated in the manner prescribed by state and local law, and shall be guided by the following criteria:

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

### Section 403.2: Other Public, Semi-Public, Institutional and Nonprofit Uses

The PF URA is also authorized to permit the maintenance, establishment, or enlargement of public, semi-public, institutional, or nonprofit uses. All such uses shall, to the extent possible, conform to the provisions of this Plan applicable to the uses in the specific area involved. The Agency may impose such other reasonable requirements and/or restrictions as may be necessary to protect the development and use of the Project Area.

### Section 403.3: Interim Uses

Pending the ultimate development of land by developers and participants, the PF URA is authorized to use or permit the use of any land in the Project Area for interim uses that are not in conformity with the uses permitted in this Plan. However, any interim use must comply with applicable City of Post Falls Code.

### Section 404: General Controls and Limitations

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

#### Section 404.1: Construction

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

#### Section 404.2: Rehabilitation and Retention of Properties

Any existing structure within the Project Area subject to either a disposition and development agreement or owner participation agreement approved by the PF URA 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.

#### Section 404.3: Limitation on Type, Size and Height of Building

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.

#### Section 404.4: Open Spaces, Landscaping, Light, Air and Privacy

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

#### Section 404.5: Signs

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

#### Section 404.6: Utilities

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

#### Section 404.7: Incompatible Uses

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

#### Section 404.8: Nondiscrimination and Nonsegregation

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

#### Section 404.9: Subdivision of Parcels

Any parcel in the Project Area shall be subdivided only in compliance with the City of Post Falls Subdivision Ordinance.

#### Section 404.10: Minor Variations

Under exceptional circumstances, the PF URA 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, without amendment of this Plan. In permitting any such variation, the PF URA 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.

#### Section 404.11: 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.

#### Section 404.12: 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.

#### Section 405: Design for Development

##### Section 405.1: Design Guidelines for Development

Within the limits, restrictions, and controls established in this Plan and to the extent allowed by law, the PF URA is authorized to establish heights of buildings, land coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project Area. PF URA intends to rely on City standards including any particular standards which the City may impose over urban renewal project areas. Any development must also comply with the City of Post Falls Zoning Ordinance regarding heights, setbacks, and other like standards.

In the case of property which is the subject of a disposition and development or owner participation agreement with the PF URA, 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 PF URA. One of the objectives of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design and other amenities to enhance the aesthetic quality of the Project Area. The PF URA shall not approve any plans that do not comply with this Plan.

In the event the PF URA adopts design standards or controls, those provisions will thereafter apply to each site or portion thereof in the Project Area. Those controls and standards will be implemented through the provisions of any disposition and development agreement or owner participation agreement or by appropriate covenants appended to the land and instruments of conveyance executed pursuant thereto. These controls are in addition to any standards and provisions of any applicable City building or zoning ordinances; provided, however, each and every development shall comply with all applicable City zoning and building ordinances. Absent the PF URA developing and promulgating specific design standards or controls, the Agency shall review all projects by applying and/or deferring to the usual approval process imposed by the City.

##### Section 405.2: 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 as imposed shall be achieved to the

greatest extent feasible, though the PF URA retains the authority to grant minor variations under Section 404.10 of this Plan and subject to a negotiated agreement between the Agency and the developer or property owner.

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

### Section 500: Methods of Financing the Project

#### Section 501: General Description of the Proposed Financing Method

The PF URA is authorized to finance this Project with financial assistance from the City, State of Idaho, federal government, interest income, PF URA bonds, donations, loans from private financial institutions, the lease or sale of PF URA-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 funds available to the PF URA. 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 PF URA in carrying out this Project.

#### Section 502: Revenue Bond Funds

As allowed by law and subject to such restrictions as are imposed by law, the PF URA 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 PF URA, nor any persons executing the bonds shall be liable on the bonds by reason of their issuance.

#### Section 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 PF URA nor any persons executing such loans or grants shall be liable on the loans or grants by reason of their issuance.

## Section 504: Revenue Allocation Financing Provisions

The PF URA hereby adopts revenue allocation financing provisions as authorized by the Act, Chapter 29, Title 50, Idaho Code, effective retroactively to January 1, 2003. These revenue allocation provisions shall apply to all taxing districts in which the Revenue Allocation Area is located and described on **Attachments 1 & 2** and **Attachment L1** to this Plan. The PF URA shall take all actions necessary or convenient to implement these revenue allocation financing provisions. The PF URA specifically finds that the equalized assessed valuation of property within the Revenue Allocation Area is likely to increase as a result of the initiation of the Urban Renewal Project.

The PF URA, acting by one or more properly adopted motions, policies or resolutions adopted by its board of commissioners, is hereby authorized to apply all or any portion of the revenues allocated to the PF URA 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 PF URA to finance or to refinance the Project costs (as defined in Idaho Code Section 50-2903(13)) 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 PF URA into which the County Treasurer shall deposit allocated revenues as provided in Idaho Code Section 502908. The PF URA 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 motion, policy or resolution of its board of commissioners.

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 C1** and **Attachment EFS 1** to this Plan. This statement necessarily incorporates estimates and projections based on the PF URA'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 commissioners of the Agency deems such modification necessary or convenient to effectuate the general objectives of the Plan.

The PF URA has also provided for expenditure of revenue allocation proceeds on an annual basis without the issuance of bonds. The PF URA has also provided for obtaining advances or loans from the City, private entities, or other sources in order to immediately commence construction of certain of the public improvements. Revenues will continue to be allocated to the PF URA until the improvements identified in **Attachment C1** are completely constructed or until any obligation to the City or other public entity or private entity are fulfilled.

**Attachment C1** incorporates estimates and projections based on the PF URA'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 PF URA 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 PF URA to finance or refinance the Project in whole or in part, as well as payment for costs incurred for activities of the Project.

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

#### Section 504.1: Economic Feasibility Study

**Attachment EFS 1** consists of the economic feasibility study for the West Seltice II Urban Renewal Area under current consideration, which was prepared by Business Planning Associates. The feasibility study constitutes the financial analysis required by the Act. Additional analyses may be undertaken by the Agency at its discretion.

#### Section 504.2: Assumptions and Conditions/Economic Feasibility Statements

The current information contained in **Attachment EFS 1** assumes certain completed and projected actions. Under the provisions of the Act, the revenue allocation shall continue until any 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 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 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 those obligations may continue for their full term.

The Plan and attachments under current consideration incorporate estimates and projections based on the PF URA's present knowledge and expectations. The PF URA may modify the Project if the Board of Commissioners deems such modifications necessary to effectuate the Plan. The Plan proposes certain public improvements, including utility improvements, streetscapes, street improvements, property acquisition, and relocation costs, which will facilitate development in the Revenue Allocation Area.

#### Section 504.3: 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, not including utilities and less any homeowner's exemption, for the West Seltice II District Revenue Allocation Area under current consideration is \$ \_\_\_\_\_.

The total assessed value for the City of Post Falls as of January 1, 2005, less homeowner's exemptions, is \$ \_\_\_\_\_. The base assessment roll, not including utilities and less any homeowner's exemptions for all other PF URA District Revenue Allocation Areas as of **May 2, 2005, was \$53,828,545**. The combined base assessment roll for all PF URA Revenue Allocation Areas does not exceed ten percent (10%) of the assessed value for the City of Post Falls.

#### Section 504.4: Financial Limitation

The Studies identify 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 PF URA may consider participation with owners or developers for facade improvements, partial contribution by the PF URA, or encouraging certain demonstration projects such as affordable housing 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 PF URA will need to use a different funding source for that improvement, including grant funds. The feasibility studies have examined the potential of grant funding.

The amount of funds available to the PF URA from revenue allocation financing is directly related to the assessed value of new improvements within the Revenue Allocation Area. Under the Act, the PF URA is allowed the revenue allocation generated from inflationary increases and new development value. The feasibility studies have assumed certain annual increases over the term of the Plan based on historical analysis and other circumstances.

Various estimates and projections constitute 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, and other funds are shown. The feasibility studies identify the kind, number, and location of all proposed public works or improvements, a detailed list of estimated project costs, a description of the methods of financing illustrating project costs, and the time when related costs or monetary obligations are to be incurred. (See Idaho Code § 50-2905.) Based on these funding sources, the conclusion is that the Project is feasible.

The information contained in the feasibility studies assumes certain projected actions. First, the PF URA has projected the possibility of bond terms and note issues. Should this or a similar financing mechanism be considered, 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 PF URA'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.

#### Section 504.5: Rebate of Revenue Allocation Funds

In any year during which the PF URA 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 EFS 1** of this Plan any revenue allocation funds not previously pledged or committed for the purposes identified in the Plan. Under the Act, the PF URA must first apply all such revenues for the payment of the Agency's administrative fees, repayment of principal and interest on any moneys borrowed, indebtedness incurred, or bonds issued by the PF URA, projected costs of the urban renewal project identified, and maintain any required reserve for payments of such obligation or indebtedness. Only to the extent revenues of the PF URA exceed these obligations shall the Agency consider any rebate or return of revenue allocation funds to the other taxing entities. The Agency shall rebate such funds in a manner that corresponds to each taxing entity's relative share of the revenue allocation proceeds or on the basis of extraordinary service requirements generated by the Project. All other taxing entities shall first receive any such rebate before such rebate shall be disbursed to the City.

**Attachment EFS 1** describes the PF URA'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 PF URA 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 PF URA. Therefore, on an annual basis, the PF URA will consider the rebate of funds, which funds may not be revenue allocation funds, but other funds available to the PF URA.

#### Section 504.6: Participation with Local Improvement Districts

Under the Idaho Local Improvement District Code, Chapter 17, Title 50, Idaho Code, the City has the authority to establish local improvement districts for various public facilities, including, but not limited to, streets, curbs, gutters, sidewalks, storm drains, landscaping, and other like facilities. To the extent allowed by the Law and the Act, the PF URA 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.

#### Section 504.7: Issuance of Debt and Debt Limitation

Any debt incurred by the PF URA 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.

#### Section 504.8: Impact on Other Taxing Districts and Levy Rate

A specific delineation of tax dollars generated by revenue allocation upon each taxing district has not been prepared. The overall impact of the revenue allocation project is shown in the Study. Since the passage of House Bill 156 in 1995, 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 House Bill 156. 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.

Additionally, the Study has utilized a 2005 tax levy rate, from which the applicable school district credit will be deducted, and imposed a .001 annual reduction levy throughout the term of the Plan. 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. If the overall levy rate is less than as assumed, the PF URA shall receive fewer funds from revenue allocation.

#### Section 504.9: Lease Revenue Bonds

One other potential use of financing is lease revenue bonds from the user of a public facility. For example, a lease base revenue bond may be a way to finance certain public buildings without the use or obligation of revenue allocation proceeds.

#### Section 600: Actions by the City

The City shall aid and cooperate with the PF URA 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 property, rights-of-way, or public utilities within or affecting the Project Area;
- (b) revision of zoning, if necessary, within the Project Area to permit the land uses and development authorized by this Plan;
- (c) imposition, wherever necessary, by conditional use permits or other means of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use;
- (d) provision for administrative enforcement of this Plan by the City after development, wherein the City and the PF URA may develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan;
- (e) building code enforcement;
- (f) performance of the above actions and of all other functions and services relating to public peace, health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays;
- (g) institutional and completion of proceedings necessary for the establishment of a LID 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 and other state and federal grant funds that may be made available for the Project;
- (j) appropriate agreements with the PF URA for administration, supporting services, funding sources, and the like;

- (k) 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 PF URA;
- (l) the imposition, whenever necessary (by conditional use permits or other means as appropriate) of controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.

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

#### Section 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 PF URA and/or the City, as per adopted procedures and policies.

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 PF URA or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

#### Section 800: Duration of This Plan

Except for the nondiscrimination and non-segregation 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 15 years from the date of adoption of the Plan under current consideration by the City Council in 2005, which period shall expire on December 31, 2020, except for any revenue allocation proceeds received in calendar year 2021.

This Plan shall terminate no later than 2020, except for revenues which may be received in 2021. Either on January 1, 2021, or if the PF URA 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 PF URA funded through revenue allocation proceeds shall be satisfied and the PF URA 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 PF URA 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 termination date, the PF URA 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 PF URA 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 PF URA 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 PF URA 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 PF URA owns or possesses any assets, the PF URA shall dispose of any remaining assets by granting or conveying or dedicating such assets to the City of Post Falls.

#### Section 900: Procedure for Amendment

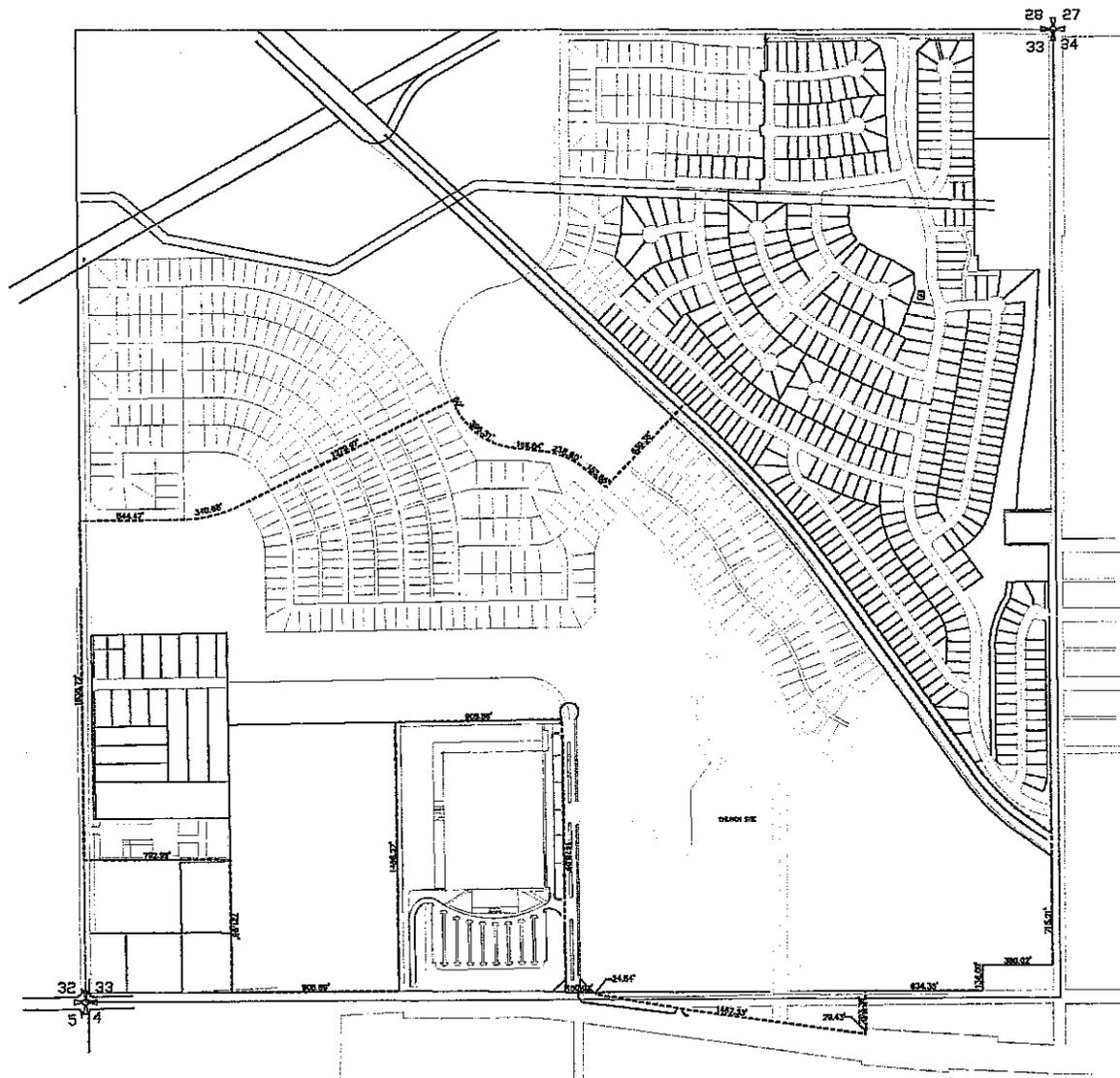
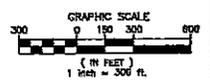
The Plan may be further modified at any time by the PF URA, provided that, if modified after disposition of real property in the Project Area or after execution of an owner participation agreement, the modifications must be consented to by the developer or developers or their successor or successors 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 Post Falls City Council in the same manner as the original Plan. Substantial changes for Post Falls 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.

#### Section 1000: Severability

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

#### Section 1100: Annual Report

Under the Law, the PF URA 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.



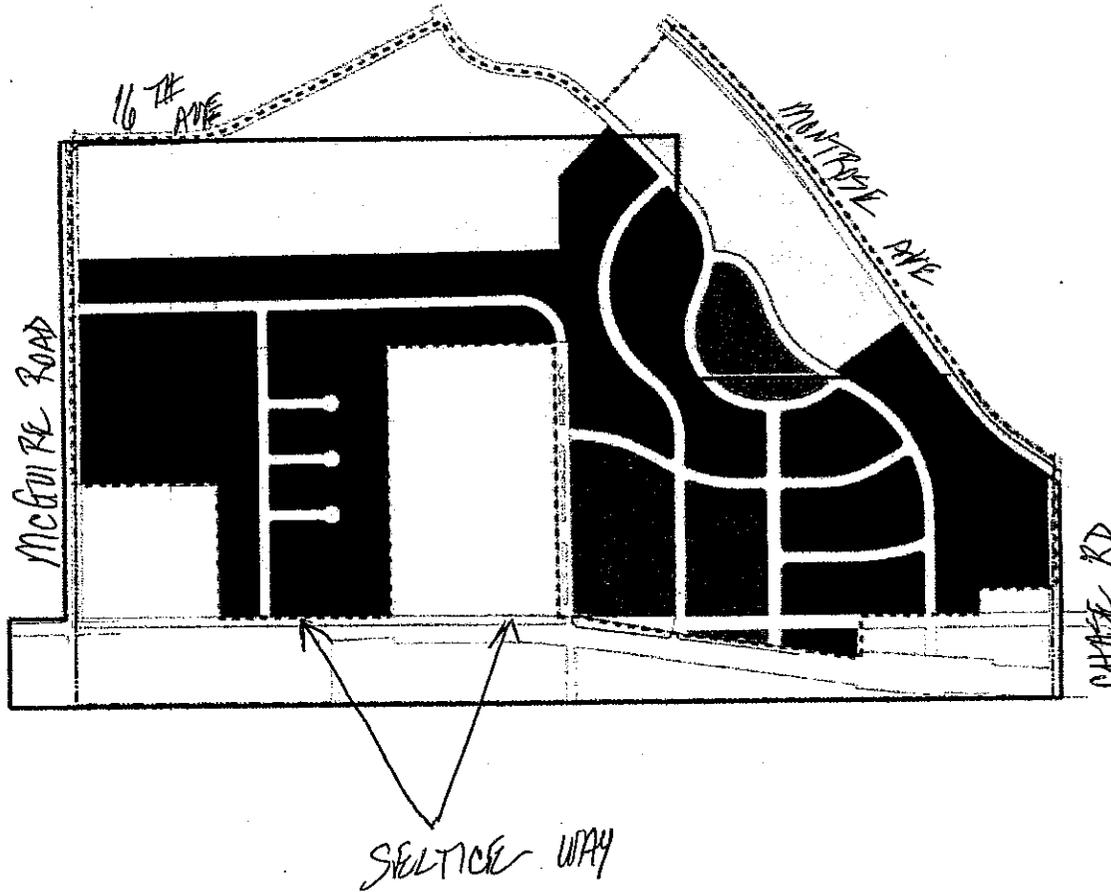
SITE PLAN FOR  
**WEST SELTICE II URBAN  
 RENEWAL DISTRICT**  
 LOCATED IN A PORTION OF SECTION 33,  
 T.51 N., R.5 W., BOISE MERIDIAN  
 POST FALLS, IDAHO  
 SHEET 1 OF 1

ATTACHMENT 1

# WEST SELTICE II URBAN RENEWAL DISTRICT

## OPTION #1

- MIXED-USE (Approx. 66 Acres)
- MIXED-USE/COMMERCIAL (Approx. 21 Acres)
- LIGHT INDUSTRIAL (Approx. 77 Acres)
- SINGLE FAMILY RESIDENTIAL (Approx. 77 Acres)
- PARKS/OPEN SPACE (Approx. 7 Acres)
- GREENSTONE PROPOSED URD
- TAX INCREMENT AREA
- WEST SELTICE URD



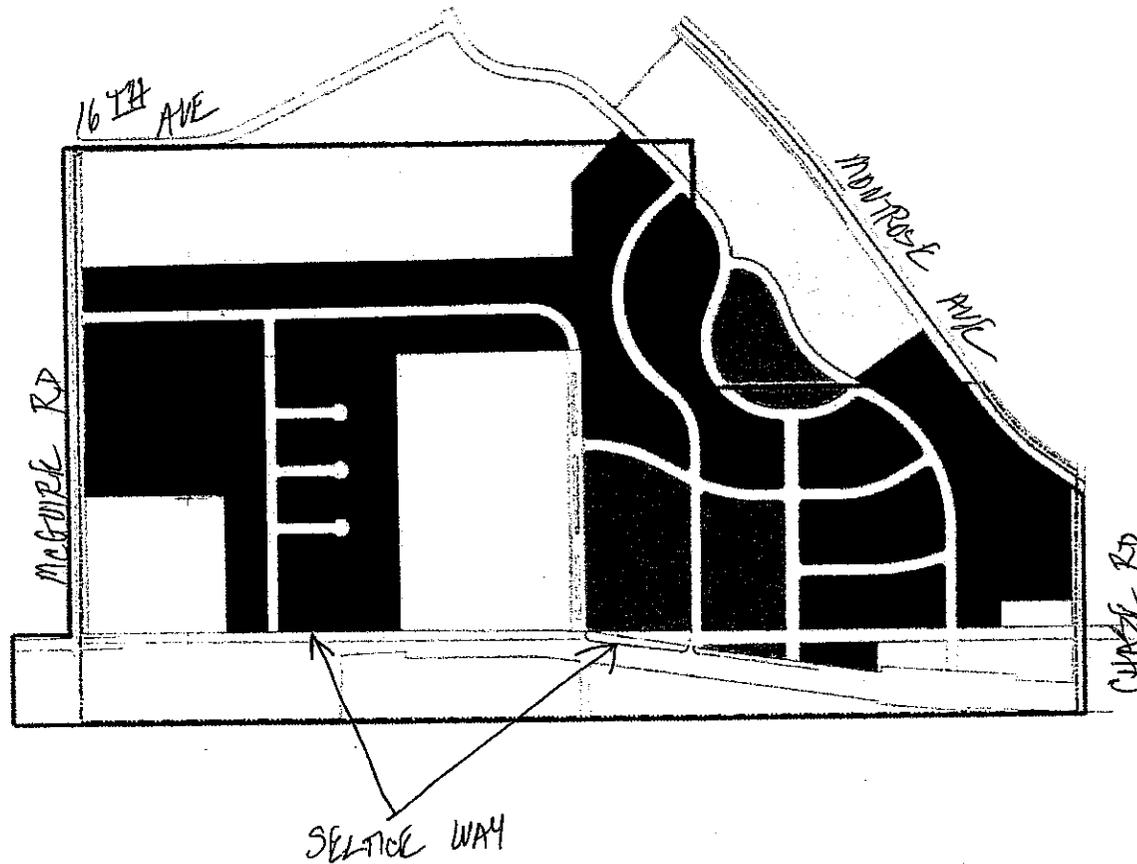
THESE MATERIALS REPRESENT CONCEPTUAL DESIGN AND PLANNING FOR  
MONTROSE AND MAY BE SUBJECT TO MODIFICATION OR CHANGE WITHOUT NOTICE.  
PREPARED ON JUNE 27, 2005

ATTACHMENT 2

# WEST SELTICE II URBAN RENEWAL DISTRICT

## OPTION #2

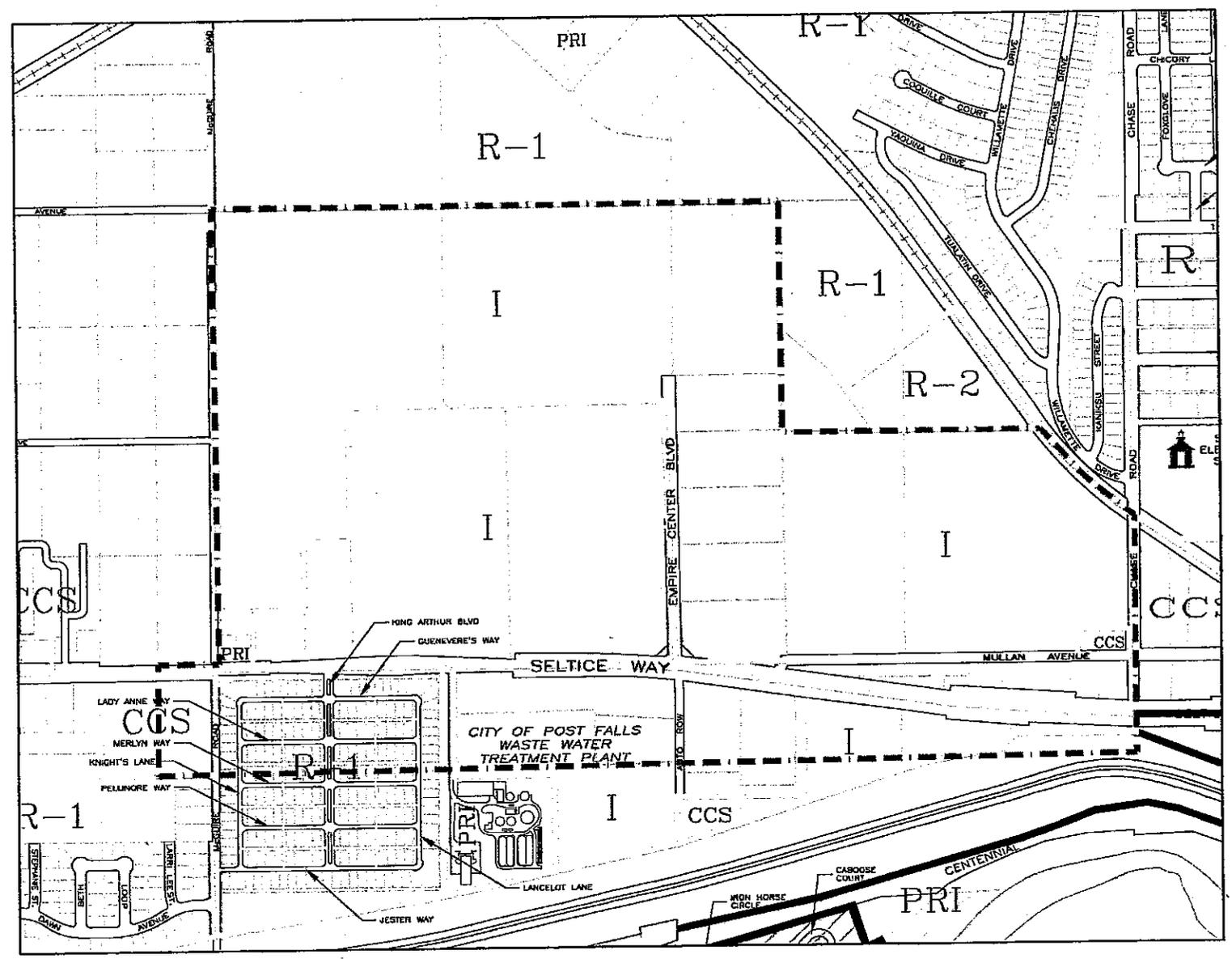
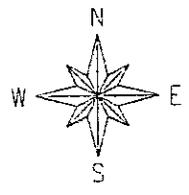
- MIXED-USE (Approx. 62 Acres)
- MIXED-USE/COMMERCIAL (Approx. 21 Acres)
- LIGHT INDUSTRIAL (Approx. 77 Acres)
- SINGLE FAMILY RESIDENTIAL (Approx. 34 Acres)
- PARKS/OPEN SPACE (Approx. 1.5 Acres)
- WEST SELTICE URD
- TAX INCREMENT AREA



THESE DRAWINGS REPRESENT CONCEPTUAL DESIGN AND PLANNING FOR  
ADVISORY USE ONLY AND ARE SUBJECT TO MODIFICATION OR CHANGE WITHOUT NOTICE.  
PREPARED ON JUNE 27, 2005

- RESIDENTIAL DISTRICTS**
- R-1 SINGLE FAMILY RESIDENTIAL (LOW DENSITY: 1 TO 8 DWELLING UNITS PER ACRE)
  - R-2 MULTI-FAMILY RESIDENTIAL (MED. DENSITY: 1 TO 12 DWELLING UNITS PER ACRE)
  - R-3 APARTMENT, MULTI-FAMILY RESIDENTIAL (HIGH DENSITY: 1 TO 18 DWELLING UNITS PER ACRE)
  - R-1-S SINGLE FAMILY RESIDENTIAL SUBURBAN
- RMHP RESIDENTIAL MOBILE HOME PARK**
- COMMERCIAL DISTRICTS**
- CCS COMMUNITY COMMERCIAL DISTRICTS
  - LC LIMITED COMMERCIAL
- INDUSTRIAL DISTRICTS**
- HI HEAVY INDUSTRIAL
  - I INDUSTRIAL
- SPECIAL DISTRICTS**
- PRI PUBLIC RESERVE INSTITUTIONAL

--- URA BOUNDARY



ATTACHMENT 3

COMMUNITY DEVELOPMENT - ENGINEERING DIVISION  
 408 SPOKANE STREET, POST FALLS, IDAHO 83854  
 208-773-4235 - www.postfallsidaho.org



**West Seltice II, Urban Renewal District Zoning**

DWG No. 05-000 SCALE: 1/4" = 1/8" SHEET 1 of 1  
 FILE: West Seltice II Zoning Exhibit.dwg DATE: August 10, 2009

**Exhibit A**

**Legal Description**

## URBAN RENEWAL DISTRICT

AN URBAN RENEWAL DISTRICT DEFINED BY THE FOLLOWING DESCRIBED BOUNDARY.

A DISTRICT LOCATED IN THE SOUTH ONE HALF OF SECTION 33, ALL IN TOWNSHIP 51 NORTH, RANGE 5 WEST, B.M., IN THE CITY OF POST FALLS, COUNTY OF KOOTENAI, STATE OF IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, SAID CORNER BEING A PK, THENCE N00°21'21"W ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 772.43 FEET TO A POINT 30.00 FEET WEST AND PARELLEL TO THE EAST RIGHT OF WAY FOR MCGUIRE ROAD AND TRUE POINT OF BEGINNING OF THIS LEGAL DESCRIPTION; THENCE N00°21'21"W ALONG THE WEST LINE OF SAID SECTION A DISTANCE OF 1835.72 FEET; THENCE N89°40'50"E A DISTANCE OF 544.47 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 750.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 26°01'34" AN ARC DISTANCE OF 340.68 FEET AND SUBTENDEDED BY A CORD WHICH BEARS N76°40'03"E A DISTANCE OF 337.76 FEET; THENCE N63°39'16"E A DISTANCE OF 1279.97 FEET; THENCE S26°20'44"E A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 400.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 56°46'00" AN ARC DISTANCE OF 396.31 FEET AND SUBTENDEDED BY A CORD WHICH BEARS S54°43'44"E A DISTANCE OF 380.29 FEET; THENCE S83°06'44"E A DISTANCE OF 169.84 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 400.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 34°12'20" AN ARC DISTANCE OF 238.80 FEET AND SUBTENDEDED BY A CORD WHICH BEARS S66°00'34"E A DISTANCE OF 235.27 FEET; THENCE S48°04'11"E A DISTANCE 153.65 FEET; THENCE N43°21'08"E A DISTANCE OF 305.34 FEET TO A POINT ON THE NORTHERNLY BOUNDARY OF THE BURLINGTON NORTHERN RAIL ROAD RIGHT OF WAY; THENSE SOUTHEASTERLY ALONG SAID NORTH BOUNDARY TO THE WEST RIGHT OF WAY OF CHASE ROAD; THENCE ALONG THE FOLLOWING 15 COURSES:

- 1) THENCE S00°16'53"E A DISTANCE OF 715.21 FEET;
- 2) THENCE N89°51'57"W A DISTANCE OF 380.02 FEET;
- 3) THENCE S00°16'46"E A DISTANCE OF 136.00 FEET;
- 4) THENCE N89°51'57"W A DISTANCE OF 634.35 FEET;
- 5) THENCE S00°00'00"E A DISTANCE OF 203.38 FEET;
- 6) THENCE S08°54'38"W A DISTANCE OF 29.43 FEET;
- 7) THENCE N81°16'03"W A DISTANCE OF 1467.33 FEET;
- 8) THENCE N58°04'57"W A DISTANCE OF 24.84 FEET;
- 9) THENCE N89°51'57"W A DISTANCE OF 150.02 FEET;
- 10) THENCE N00°28'51"W A DISTANCE OF 1478.59 FEET;
- 11) THENCE S89°28'32"W A DISTANCE OF 905.56 FEET;
- 12) THENCE S00°34'21"E A DISTANCE OF 1456.27 FEET;
- 13) THENCE N89°57'46"W A DISTANCE OF 905.89 FEET;
- 14) THENCE N00°30'54"W A DISTANCE OF 721.98 FEET;
- 15) THENCE N89°51'57"W A DISTANCE OF 792.99 FEET TO THE WEST LINE OF SAID SECTION 33 AND THE TRUE POINT OF BEGINNING