



ORDINANCE NO. 1349

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY IDAHO, APPROVING THE POST FALLS TECHNOLOGY DISTRICT URBAN RENEWAL PLAN, WHICH INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO KOOTENAI COUNTY AND STATE OFFICIALS; REPEALING CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE BY SUMMARY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Post Falls, Kootenai County, Idaho (the "City"), is a duly incorporated and existing City organized and operating under the laws of the State of Idaho, and as such is authorized by the Idaho Code, Title 50, Chapter 20 and 29, to adopt urban renewal plans, to adopt deteriorated area declarations, to adopt revenue allocation areas, and to provide improvements and betterment within an urban renewal area, as designated by the Plan; and

WHEREAS, the Post Falls City Council found, in Resolution No. 2002-13, that an area of deterioration exists in east Post Falls; and

WHEREAS, the City Council again found, in Resolution 2005-06, that an additional area of deterioration exists in east Post Falls and that the area is a competitively disadvantaged border community area; and

WHEREAS, the Post Falls Urban Renewal Agency adopted Resolution 2018-03 on June 12, 2018 recommending that the City of Post Falls declare additional areas in east Post Falls to be deteriorated/deteriorating pursuant to the Idaho Urban Renewal Law and Local Economic Development Act; and

WHEREAS, based on the request of the Post Falls Urban Renewal Agency and the eligibility report submitted by JUB Engineers the City Council found, in Resolution 18-08, that additional areas in east Post Falls are deteriorated and that the area is a competitively disadvantaged border community area; and

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the county declaring the need for an urban renewal plan for the proposed area; and

WHEREAS, The Kootenai County Board of Commissioners adopted Resolution 2018-66 finding a need for inclusion of certain properties located outside city limits within the Plan area; and

WHEREAS, on August 7<sup>th</sup>, 2018, the Post Falls Urban Renewal Agency made certain findings and adopted the Post Falls Technology District Urban Renewal Plan (the “Plan”) by Resolution 2018-05; and

WHEREAS, the area of the Plan lies within the areas declared by the City to be deteriorated and/or a competitively disadvantaged border community area; and

WHEREAS, the Planning and Zoning Commission of the City of Post Falls reviewed the Plan at their duly noticed public meeting on August 14, 2018 and adopted its Resolution 18-02 finding the Plan, in all respects, conforms with the 2010 City of Post Falls Comprehensive Plan, which is the general plan for the development of the City and forwarded its findings to the City Council; and

WHEREAS, as of October 1, 2018 the Plan was submitted to the affected taxing entities, available to the public, and under consideration by the Post Falls City Council; and

WHEREAS, an agreement on administration of a revenue allocation financing provision extending beyond the municipal boundary of the City has been negotiated with the Kootenai County Board of County Commissioners and the Post Falls Urban Renewal Agency, specifically the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906, and that the Agreement has been formalized by a transfer of power ordinance adopted by the Kootenai County Board of County Commissioners. A copy of the transfer of power ordinance, Kootenai County Ordinance No. 530, is attached hereto as Exhibit 1; and

WHEREAS, the Post Falls Urban Renewal Agency City Council during its regular meeting of October 9, 2018 approved the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906; and

WHEREAS, as required by Idaho Code sections 50-2905 and 50-2906, the Plan contains the following information which was made available to the general public and all taxing districts thirty (30) days prior to the public hearing on October 16, 2018, the regular meeting of the City Council, but no more than sixty (60) days prior to the date set for final reading of the ordinance: (1) a statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality; (2) a statement listing the kind, number, and location of all proposed public works or improvements within the revenue allocation area; (3) an economic feasibility study; (4) a detailed list of estimated project costs; (5) a fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds, notes and/or other obligations are repaid, upon all taxing districts levying taxes upon property in the revenue allocation area; (6) a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred; (7) a termination date for the plan and the revenue allocation area as provided for in section 50-

2903(20), Idaho Code. In determining the termination date, the plan shall recognize that the agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the urban renewal plan; and (8) a description of the disposition or retention of any assets of the agency upon the termination date. Provided however, nothing herein shall prevent the agency from retaining assets or revenues generated from such assets as long as the agency shall have resources other than revenue allocation funds to operate and manage such assets; and

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

WHEREAS, it is necessary and in the best interest of the citizens of the City to adopt the Plan, including revenue allocation financing provisions, since revenue allocation will help finance urban renewal projects to be completed in accordance with the Plan (as now or hereafter amended), in order to: encourage private development in the urban renewal area; prevent and arrest decay of the City due to the inability of existing financing methods to provide needed public improvements; encourage taxing districts to cooperate in the allocation of future tax revenues arising in the urban renewal area in order to facilitate the long-term growth of their common tax base; encourage private investment within the City; and to further the public purposes of the Agency; and

WHEREAS, the Post Falls City Council finds that the equalized assessed valuation of the taxable property in the Post Falls Technology District Revenue Allocation Area is likely to increase, and continue to increase, as a result of initiation and continuation of urban renewal projects in accordance with the Plan; and

WHEREAS, the collective base assessment roll for the revenue allocation areas under the existing Project Areas and the Plan cannot exceed ten percent (10%) of the assessed value of the City;

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

WHEREAS, notice of the public hearing on the Plan was caused to be published by the City Clerk in the *Coeur d'Alene/Post Falls Press* on September 12, 2018, a copy of said notice is attached hereto as Exhibit 3; and

WHEREAS, the Post Falls City Council during its regular meeting of October 16, 2018, held a public hearing and made certain findings.

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

**SECTION 1:** It is hereby found and determined that:

- (a) The Post Falls Technology District Urban Renewal Project Area as defined in the Plan is a deteriorated or a deteriorating area as defined in the Law and the Act and qualifies as an eligible urban renewal area.
- (b) The rehabilitation, conservation, and redevelopment of the urban renewal area pursuant to the Plan are necessary in the interests of public health, safety, and welfare of the residents of the City.
- (c) There continues to be a need for the Post Falls Urban Renewal Agency to function in the City.
- (d) The Plan conforms to the 2010 City of Post Falls Comprehensive Plan.
- (e) The Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the mixed-use components of the Plan and the need for overall public improvements), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area covered by the Plan.
- (f) The Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation and redevelopment of the urban renewal area by private enterprises.
- (g) The Plan provides a feasible method for relocation of any displaced families residing within the Plan Project Area.
- (h) The collective base assessment roll for the existing revenue allocation areas and the new Plan do not exceed ten percent (10%) of the assessed value of the City.
- (i) The Plan includes the requirements set out in Idaho Code § 50-2905.
- (j) The Plan is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.

- (k) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code section 50-2018(9), does not include any agricultural operation for which the Agency has not received a written consent, or has not been used for agricultural purposes for three (3) consecutive years.

**SECTION 2:** The Post Falls City Council finds that the Post Falls Technology District Project Area consists of predominantly open land, that the Agency does not intend to acquire any open land on any widespread basis, and that the Plan Project Area is planned to be redeveloped in a manner that will include nonresidential uses. Provided, however, the Post Falls City Council finds that if portions of the Plan Project Area are deemed “open land,” the criteria set forth in the Idaho Code Title 50, Chapters 20 and 29 has been met.

**SECTION 3:** The Post Falls City Council finds that the Plan meets the sound needs of the City and will provide opportunities in an area that does not now contain such opportunities, and nonresidential uses are necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the 2010 City of Post Falls Comprehensive Plan, as may be amended to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

**SECTION 4:** The Plan, a copy of which is attached hereto and marked as Exhibit 4 and made a part hereof by attachment, be, and the same hereby is, approved. As directed by the Post Falls City Council, the City Clerk and/or the Post Falls Urban Renewal Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the October 16, 2018 hearing, and incorporate changes or modifications, if any.

**SECTION 5:** Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the Kootenai County Auditor, Kootenai County Tax Assessor and Kootenai County Board of Commissioners and to the appropriate officials of the Post Falls School District No. 273, Kootenai County Fire and Rescue, Kootenai County EMS, Kootenai Hospital District, North Idaho College, Post Falls Highway District, Community Library Network and the Idaho State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the Post Falls Technology District Revenue Allocation Area, and a map or plat indicating the boundaries of the Post Falls Technology District Revenue Allocation Area.

**SECTION 6:** The Post Falls City Council hereby finds and declares that the equalized assessed valuation of the Post Falls Technology District 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 7.** All provisions of the current Post Falls Municipal Code or ordinances of the City of Post Falls and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

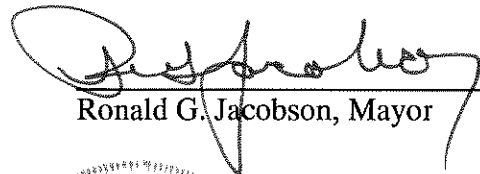
**SECTION 8.** Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Post Falls City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

**SECTION 9.** The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

**SECTION 10.** After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Post Falls, and upon such publication shall be in full force and effect.

*Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Post Falls at a regular session of the City Council on 10/16, 2018.*

APPROVED, ADOPTED and SIGNED this 16th day of October, 2018.

  
\_\_\_\_\_  
Ronald G. Jacobson, Mayor

ATTEST:

  
\_\_\_\_\_  
Shannon Howard, City Clerk

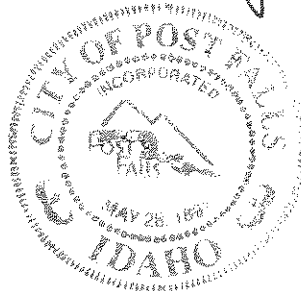
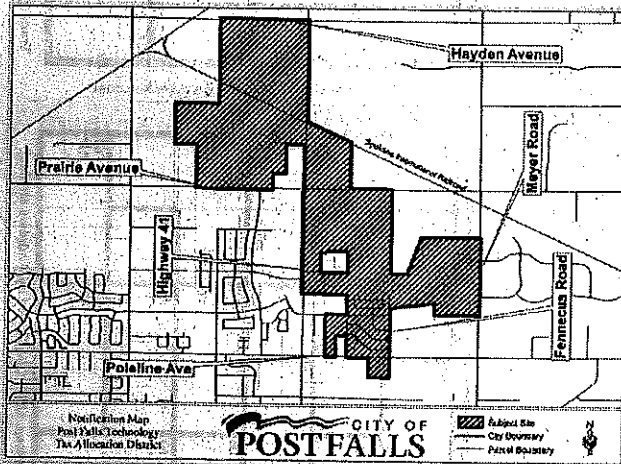


exhibit 3

### NOTICE OF PUBLIC HEARING

Notice is hereby given that on October 16, 2018 the Post Falls City Council will hold a public hearing, pursuant to I.C. 50-2008(c) and I.C. 50-2906, beginning at 6:00 p.m. in the Post Falls City Council Chambers, 408 N. Spokane Street, Post Falls, Idaho, to consider adoption of the Post Falls Technology District Urban Renewal Plan and Revenue Allocation Area depicted below, and available for review at City Hall by contacting Shannon Howard, City Clerk at 208) 457-3328.

#### MAP:



The general scope of the Plan is to stimulate the development of a High Tech Industrial Park in the northeast portion of the City of Post Falls, enhance this potential site for commercial development and expansion, create and expand public infrastructure and public facilities within the entire Urban Renewal District, enhance and improve transportation routes and collector streets within the District to enhance future development, strengthen the District and enhance related commercial development and support within the Project Area, and to provide commercial and recreational facilities for the residents of Post Falls and visitors.

The Post Falls Technology District Urban Renewal Plan and competitively disadvantaged border community area contains a revenue allocation provision that will cause property taxes resulting from any increases in equalized assessed valuation in excess of the equalized assessed valuation as shown on the base assessment roll to be allocated to the agency for urban renewal and competitively disadvantaged border community area purposes. An agreement on administration of a revenue allocation financing provision extending beyond the municipal boundary of the authorized municipality has been negotiated with the cooperating county having extraterritorial power and that the agreement will be formalized by a transfer of power ordinance adopted by that county.

The City Council will also be considering the first through third readings of an Ordinance adopting the Post Falls Technology Urban Renewal Plan. At the hearing date, time and place noted above, all persons interested in the above matters may appear and be heard. Written comments will also be accepted. Comments should be direct to the Post Falls City Clerk. Written Comments should be submitted prior to the hearing date.

The hearing will be held in a handicapped accessible facility. All information presented in the hearing will also be available upon advance request in a form usable by persons with hearing or visual impairments, individuals with other disabilities may receive assistance by contacting the city 24 hours prior to the hearing.

CDA LEGAL 297

AD# 225882

SEPTEMBER 12, 2018

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,  
County of Kootenai, } ss.

Ashley Kinzer being first duly sworn  
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

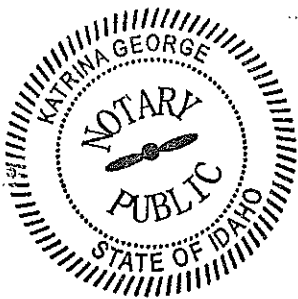
2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Wednesday issue of said newspaper for 1 consecutive week commencing on the 12 day of September 2016, and ending on the 12 day of September 2016, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Ashley Kinzer. On this 12 day of September in the year of 2016, before me, a Notary Public, personally appeared Ashley Kinzer, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Katrina George  
Notary Public for the State of Idaho,  
residing at Coeur d'Alene, Idaho.



MY COMMISSION EXPIRES 8/29/23

Ad Type  
0000225882-01 ID Legal

External Ad Number

Ad Size  
3 X 59 li

Color

WYSIWYG Content