



# LAKE CITY Development

C O R P O R A T I O N

## Lake District Urban Renewal Project Plan 2008 Redline

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SECOND AMENDED AND RESTATED

MIDTOWN-NORTHWEST BOULEVARD  
DOWNTOWN URBAN RENEWAL PLAN

COEUR D'ALENE URBAN RENEWAL AGENCY  
(also known as the Lake City Development Corporation)  
CITY OF COEUR D'ALENE, IDAHO

NOW REFERRED TO AS THE  
LAKE DISTRICT  
URBAN RENEWAL PROJECT PLAN

Ordinance No. 2842  
Adopted December 16<sup>th</sup>, 1997  
Effective December 24<sup>th</sup>, 1997

Amended and Restated Plan  
Ordinance No. 3154  
Adopted November 18<sup>th</sup>, 2003  
Effective November 26<sup>th</sup>, 2003

Second Amended and Restated Plan  
Ordinance No. \_\_\_\_  
Adopted \_\_\_\_, 2008  
Effective \_\_\_\_, 2008

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**SECOND AMENDED AND RESTATED  
URBAN RENEWAL PLAN FOR THE  
MIDTOWN NORTHWEST BOULEVARD DOWNTOWN AREA  
COEUR D'ALENE URBAN RENEWAL AGENCY**

**PART 1  
INTRODUCTION**

**SECTION 1      INTRODUCTION**

**A.      Overview of This Second Amended and Restated Urban Renewal Plan**

This is the 2008 update to the 2003 Amended and Restated Urban Renewal Plan to be referred to as the Lake District Urban Renewal Project Plan (the “Second Amended and Restated Plan” herein)<sup>1</sup> for the Midtown, Downtown, and Northwest Boulevard Urban Renewal now referred to as Lake District project (the “Second Amended and Restated Project”) in the city of Coeur d’Alene (the “City”). This Second Amended and Restated Plan consists of the text and the following attachments:

Description of the Second Amended and Restated Project Area and Revenue Allocation Area Boundaries (Attachment “1”);

Second Amended and Restated Project Area-Revenue Allocation Area Boundary Map (Attachment “2”);

Private Properties Which May Be Acquired by Lake City Development Project (Attachment “3”);

Map Depicting Expected Land Uses and Current Zoning Within Revenue Allocation Area and the Second Amended and Restated Project Area (Attachment “4”);

Economic Feasibility Study for the Lake District Urban Renewal Area (Attachment “5”).

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<sup>1</sup>This 2008 update to the 2003 Amended and Restated Plan is organized in a manner which shows new text redlined and text deleted as crossed out from the 2003 Amended and Restated Plan. Many of the tables and exhibits from the original 1997 Plan or the 2003 Amended and Restated Plan are not repeated in this Second Amended and Restated Plan for ease of review and analysis. Additionally, much of the 1997 financial information and improvement list has been replaced or superseded. The original work for the 1997 Plan is available through LCDC or the City of Coeur d’Alene.

The term “Project” is used herein to describe the overall activities defined in this [Second Amended and Restated Plan](#). Such activities include both private and public development of property within the Urban Renewal Area. The term “Project” refers to the specific activity or development identified in this [Second Amended and Restated Plan](#) and included in Part 5 hereof. [The term “Project” is not meant to refer to a specific activity or development scheme. Reference is specifically made to Idaho Code Section 50-2018\(1\) for the various activities contemplated by the term “Project.”](#)

In 1997 an urban renewal plan (hereinafter the “1997 Plan”) was prepared at the direction of the Coeur d’Alene Urban Renewal Agency, aka Lake City Development Corporation (the “LCDC”) and utilizes information gathered over a period of months from hotel and telephone surveys, from business owners, the citizens of Kootenai County, the Lake City Coalition, from economic advisor, HyettPalma, and employee and customer focus groups. The 1997 Plan was reviewed and recommended by the LCDC, pursuant to the State of Idaho Urban Renewal Law, Chapter 20, Title 50, Idaho Code (the “Law”), the Local Economic Development Act, Chapter 29, Title 50, Idaho Code (the “Act”), the Idaho Constitution, and all applicable local laws and ordinances.

[In 2003, the original 1997 Plan was amended to extend the original term of the Lake District Project from 15 to 24 years, update the financial information, and include several statutory changes since 1997.](#)

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This [2008 update to the 2003 Amended and Restated Plan](#) provides the LCDC with powers, duties, and obligations to implement and further the program generally formulated in this [Second Amended and Restated Plan](#) for the redevelopment, rehabilitation, and revitalization of the area within the boundaries of the [Second Amended and Restated Project](#) (the “[Second Amended and Restated Project Area](#)”). [This 2008 update amends the boundaries of the urban renewal project area to include an area referred to as the Sorenson Magnet School, Winton School, and Winton Park Sites \(the 2007 Eligible Area\) as identified in that certain urban renewal eligibility report prepared by Harlan W. Mann, consultant \(the 2007 Report\), accepted by the LCDC Board by adoption of LCDC Resolution No. 8-01 on October 17, 2007, and approved by the Coeur d’Alene City Council by adoption of the City Council Resolution No. 07-070 on November 20, 2007. The 2008 update again provides updated financial information and additional statutory changes.](#) The LCDC retains all powers allowed by the Law and Act. Because of the long-term nature of this [Second Amended and Restated Plan](#) and the need to retain in the LCDC flexibility to respond to market and economic conditions, property owner and developer interests, and opportunities from time to time presented for redevelopment, this [Second Amended and Restated Plan](#) does not present a precise plan or establish specific projects for the redevelopment, rehabilitation, and revitalization of any area within the [Second Amended and Restated Project Area](#), nor does this [Second Amended and Restated Plan](#) present specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the [Second Amended and Restated Projected Area](#). Instead, this [Second Amended and Restated 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 LCDC to fashion, develop, and proceed with such specific plans, projects, and solutions.

Implementation of this [Second](#) Amended and Restated 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 such as City Hall, or plazas which, in turn, create an attractive setting for adjacent private investment.

The proposed development and redevelopment of the [Second](#) Amended and Restated Project Area as described in this [Second](#) Amended and Restated Plan conforms to the Coeur d'Alene Comprehensive Plan ~~2008~~<sup>1995</sup> (hereafter, the "Comprehensive Plan") adopted by the City Council on ~~January 15, 2008, February 7, 1996~~ pursuant to ~~Ordinance No. 2674~~ [Resolution No. 08-005](#) which includes and incorporates certain appendices; pursuant to Ordinance 1514 - the 1993 Bikeways Plan (for orderly development of a bikeway system within Coeur d'Alene, and pursuant to Ordinance 2242 - the Coeur d'Alene Comprehensive Transportation Plan all of which are incorporated herein by reference as if set forth fully.

The attachments generally describe the overall Amended and Restated Project. Because of the changing nature of the [Second](#) Amended and Restated Project Area, these documents, by necessity, must be dynamic and flexible. The LCDC anticipates that these documents will be modified as circumstances warrant. All modifications shall be made in accordance with Section 50-2008(c) of the Idaho Code. No modification will be deemed effective if it is in conflict with this [Second](#) Amended and Restated Plan. These documents are purposely flexible. Prior to the adoption of any proposed modification to these documents, the LCDC 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 LCDC shall consider any such comments and determine whether to adopt the modification. The planning documents apply to redevelopment activity within the [Second](#) Amended and Restated Project Area as described herein. In the event of any conflict between this [Second](#) Amended and Restated Plan and the appended documents, the provisions of this [Second](#) Amended and Restated Plan shall control.

This [Second](#) Amended and Restated Plan provides the LCDC with powers, duties and obligations to implement and further the program generally formulated in this [Second](#) Amended and Restated Plan for the redevelopment, rehabilitation, economic enhancement, and revitalization of the [Second](#) Amended and Restated Project Area. The LCDC retains all powers allowed by law. The LCDC will encourage projects with those activities which comply with the Law and the Act and meet the overall objectives of this [Second](#) Amended and Restated Plan.

The major goals of this [Second](#) Amended and Restated Plan are:

1. The assembly of land into parcels suitable for efficient, integrated development;

2. The planning, design, and development of undeveloped areas which are stagnant or inefficiently utilized;
3. The strengthening of the economic base of the [Second](#) Amended and Restated Project Area and the community by the installation of needed site improvements to stimulate new commercial expansion, employment, and economic growth;
4. The provision of adequate land for parks and open spaces, pedestrian walkways, and parking facilities;
5. 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 Amended and Restated Project;
6. The encouragement of funding of Arts programs;
7. The elimination of environmental deficiencies in the [Second](#) Amended and Restated Project Area, including, among others, obsolete and aged building types, substandard streets or rights-of-way, inadequate and deteriorated public facilities and improvements;
8. The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Revenue Allocation Area and the [Second](#) Amended and Restated Project Area as a whole, and benefiting the various taxing districts in which the Urban Renewal Area is located;
9. The provision and improvement of streets, rights-of-way, and other public infrastructure and public facilities [including improvements to the Sorenson and Winton Schools and Winton Park](#) in the [Second](#) Amended and Restated Project Area;
10. The enhancement and improvement of transportation for vehicles, bicycles, and pedestrians in the Area;
11. The improvement of aesthetics in the Area; and
12. The accomplishment of all other things necessary and appropriate to arrest the impairment of sound growth, decay and deterioration.

By adoption of LCDC Resolution 03-07 on April 16, 2003, LCDC formally adopted the LCDC Lake District Strategic Plan (the "Strategic Plan"), which is incorporated herein by reference and will guide the implementation of this [Second](#) Amended and Restated Plan. As a  
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result of the conclusions set forth in the Strategic Plan, LCDC determined certain modifications to the 1997 Plan were necessary, including an extension of the term of the 1997 Plan to the 24-year term allowed by the Law and Act. Also per the Strategic Plan, LCDC determined that certain modifications to the 2003 Amended and Restated Lake District Plan were necessary, including the modification of the Lake District Boundary to include School District 271's Sorenson and Winton elementary schools sites, and the City of Coeur d'Alene's Winton Park.

#### **B. General Procedures of the LCDC**

LCDC is a public body, corporate and politic, as defined and described under the Law and the Act. The LCDC is also governed by its bylaws authorized by the Law and adopted by LCDC. Under the Law, LCDC is governed by the Idaho open meeting law, the Public Records Act, the Ethics in Government Act, financial reporting requirements under Idaho Code Section 67-450(B), and the competitive bidding requirements under Chapter 28, Title 67, Idaho Code Section 50-341.

Generally, LCDC 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 Second Amended and Restated Plan it is stated that LCDC may modify, change, or adopt certain policy statements or contents of this Second Amended and Restated Plan not requiring a formal amendment to this Second Amended and Restated Plan as required by the Law or the Act, it shall be deemed to mean a consideration by the LCDC board of such policy or procedure, duly noticed upon the LCDC meeting agenda and considered by the LCDC at an open public meeting and adopted by a majority of the members present, constituting a quorum, unless any provision herein provides otherwise.

#### **SECTION 2 CONFORMANCE WITH STATE AND LOCAL REQUIREMENTS**

In 1994, the Local Economic Development Act was amended to provide a new definition of properties and projects which could be considered under the authority of the Act. The Act also relies on the Urban Renewal Law, and it is the interplay between the two that empowers cities to use revenue allocation financing as a means of making improvements. The Act brings the benefits of the Urban Renewal Law to cities that experience a disadvantage in attracting business and commerce. The new definition provides that in border communities where areas of forty (40) acres or more can be determined to be "competitively economically disadvantaged," an Urban Renewal Agency may designate the area as competitively disadvantaged and use a revenue allocation area to provide financing through the use of revenue allocation financing for public improvements which would enhance the area and thereby bring more commerce and business growth into the area and the community. The City of Coeur d'Alene determined on August 5, 1997 pursuant to Resolution 97-151 as amended by 97-162, 97-167, and 98-016, that the 1997 Project Area was a competitively economically disadvantaged area. Facts supporting this determination are set forth in a study conducted by Business Planning Consultants, Inc. (July, 1997).

In addition, pursuant to Resolution 97-151 as amended, the City Council determined pursuant to the Urban Renewal Law that one or more areas of deterioration exist as defined by Idaho Code 50-2018 (h8) and (i9) and 50-2903 (78). Pursuant to Resolution 97-151, the City of Coeur d'Alene, as authorized by the Law, created the LCDC .

In accordance with the Law, the 1997 Plan was forwarded by the LCDC to the Planning Commission of the City of Coeur d'Alene as required pursuant to Idaho Code 50-2008(b). After review of the 1997 Plan, the Commission filed a recommendation with the City Council stating that the 1997 Plan was in conformity with the Comprehensive Plan of the City of Coeur d'Alene. Said recommendation was made on November 12, 1997 and is incorporated herein by this reference.

Pursuant to the Idaho Urban Renewal Law of 1965, the City Council thereafter published due notice and held a public hearing on the 1997 Plan on December 16, 1997. The City Council thereafter adopted the 1997 Plan on December 24, 1997 pursuant to Ordinance No. 2842 after making the requisite findings pursuant to Idaho Code 50-2008(d) all of which incorporated herein by this reference. Pursuant to the Law, the City Council, having published due notice thereof, held a public hearing on the 2003 Amended and Restated Plan. Notice of the hearing was duly published in a newspaper having general circulation. The City Council adopted the 2003 Amended and Restated Plan on November 18<sup>th</sup>, 2003, pursuant to Ordinance No. 3154.

As referenced earlier, both the LCDC and City Council have taken the appropriate action to add the 2007 Eligible Area as part of the Second Amended and Restated Project Area.

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Pursuant to the Law, the City Council, having published due notice thereof, held a public hearing on this 2008 update of the 2003 Amended and Restated Plan. Notice of the hearing was duly published in a newspaper having general circulation. The City Council adopted the 2008 update of the 2003 Amended and Restated Plan on \_\_\_\_\_, 2008, pursuant to Ordinance No. \_\_\_\_.

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### **SECTION 3 HISTORY AND CURRENT CONDITIONS OF THE AREA**

Since the adoption of the 1997 Plan, the LCDC has invested approximately \$~~224.14~~ 13 million in public value creation efforts (e.g. public/private partnership funding, strategic property investment, strategic planning studies). ~~consisting, inter alia, of~~ A description of the activities of LCDC is set forth in Attachment 5 to this Second Amended and Restated Plan.

	<u>Year</u>	<u>Approx. \$</u>
<u>Strategic Planning (e.g. Walker-Macy, Lake District Strategic Plan, Workforce Housing Study)</u>	<u>1999</u> <u>2003</u>	<u>2299,000</u>
<u>Blighted Building Demolition</u>	<u>2003</u>	<u>29,000</u>
<u>LCDC Web Site Development</u>	<u>2003</u>	<u>2,000</u>
<u>Downtown Facade Restoration Program</u>	<u>2003</u>	<u>15,000</u>

<del>• Downtown Associations Grants (facade &amp; flower basket programse.g. Events Program)</del>	<del>1998, 2003</del>	<del>17??,000</del>
<del>• Staffing (Executive Director, shared Grant Writer)</del>	<del>2001, 2003</del>	<del>159???,000</del>
<del>• Participation Agreements (Riverstone, McEuen Terrace)</del>	<del>2001, 2002</del>	<del>1,843,000</del>
<del>• City Projects (public parking, moorage docks)</del>	<del>2000, 2001</del>	<del>33,000</del>
<del>• Prairie Trail</del>	<del>1998+</del>	<del>2,500,000</del>
<del>• Public Art Support via LCDC Contributions</del>		<del>228,000</del>
<del>• Strategic Property Options/Acquisitions</del>	<del>1998+</del>	<del>1,682,???,000</del>

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~~and other public improvements.~~ Additionally, as of December ~~2002~~2007, the private development tax increment valuation in the Lake District ~~(as reflected in tax increment revenues)~~ ~~has~~-totalled approximately \$~~49~~268 million, which includes the initial phases of the Riverstone & Belle Rive projects and the completion of the McEuen Terrace mixed-use developments. The objectives of the 1997 Plan remain to be achieved. In addition, enhanced public value creation opportunities have been identified by the 2003 Lake District Strategic Plan—a blueprint for development for the Lake District. Several of those identified opportunities are listed below:

- Viable Higher Education facilities as a core community value creation driver~~Corridor~~
- Implementation of McEuen Field Conceptual Plan
- Downtown Parking Rationalization
- Structured Parking
- Downtown Library
- Garden Avenue Corridor Redevelopment
- Midtown Re-vitalization
- Urban Housing (including workforce housing)
- Enhanced Downtown Class A Office Space
- Human Rights Education Institute
- Performing Arts Center

More complete details of the developments and improvements are described in Attachment 5 to this Second Amended and Restated Plan. In addition, in 2007, the LCDC Board established the following long-term strategic goals for the Lake District:

• **Education:**

- Facilitate the creation of the **Education Corridor** in partnership with the City, [University of Idaho \(UI\)](#), [North Idaho College \(NIC\)](#), [Lewis and Clark State College \(LCSC\)](#), [Fort Ground Neighborhood](#), and other community stakeholders.

  - Including an LCDC partnership effort to implement the “**Four Corners**” plan (area of Government Way, NW Blvd. & Mullan).

- Help to support the success of the downtown neighborhood-oriented **Sorenson Magnet School** by providing funding for building ADA improvements.
- Help to support the long-term viability of **Winton Elementary School**.

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• **Workforce Housing:**

- LCDC will play a key support role in helping the city achieve its vision for workforce housing in the community.

  - **Midtown:** LCDC / ~~IHFA~~ [Idaho Housing & Finance Association \(IHFA\)](#) workforce housing project.

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• **Public Space: Create New & Enhance Existing Public Space:**

- Continued support of the [Coeur d’Alene Public Library](#) partnership involving a \$250,000 pledge for capital costs (coupled with an existing \$900,000 contribution for library site acquisition).
- Partnership funding for the **Kroc Community Center**; \$500,000 pledge towards long-term public improvements.
- Help to implement the City Council approved **McEuen Field plan**.
  - Part of the plan is to locate new public space for the relocation of the American Legion ball field.
- Continue LCDC partnership with the [North Idaho Centennial Trail Foundation](#) on developing the “**Prairie Trail**” bike/pedestrian trail.
- LCDC will continue efforts to secure long-term public access to the lake and river waterfronts (e.g. **Mill River (Johnson) Park**).
- **Winton Park** – partner with City to define the park’s long-term community role.

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• **Job Creation / Job Retention:**

- Continue partnership efforts to facilitate job creation and job retention in both districts.

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• **Public Parking:**

- LCDC, in partnership with the City and the [Downtown Association](#), will help to rationalize and plan for a downtown mixed use structured parking garage facility.

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• **Midtown Redevelopment:**

- LCDC will partner with the City, Midtown property owners, and Midtown businesses to help redevelop the Midtown core (4<sup>th</sup> street south of Harrison) via a place making initiative.

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## **SECTION 4**      **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 LCDC’s activity. The LCDC reserves the right to change amounts from one category to another, as long as the overall total amount estimated is

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not substantially exceeded. The items and amounts are not intended to relate to any one particular development, developer, or owner. Rather, the LCDC intends to discuss and negotiate with any owner or developer who seeks LCDC assistance. During such negotiation, the LCDC will determine, on an individual basis, the eligibility of the activities sought for LCDC funding, the amount the LCDC may fund by way of percentage or other criteria. The LCDC will also take into account the amount of revenue allocation proceeds estimated to be generated from the developer's activities. The LCDC also reserves the right to establish, by way of policy, its funding percentage or participation, which would apply to all developers and owners.

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

~~Throughout this Second Amended and Restated Plan there are references to LCDC activities, LCDC funding, and the acquisition, development, and contribution of public improvements. Such references do not necessarily constitute a full, final, and formal commitment by the LCDC but rather grant to the LCDC the discretion to participate as stated subject to achieving the objectives of this Second Amended and Restated Plan and provided such activity is deemed eligible under the Law and the Act.~~

~~The LCDC reserves the right to prioritize the projects described in this Second Amended and Restated Plan. The LCDC also reserves the right to retain its flexibility in funding the various activities. The LCDC also reserves its discretion and flexibility in deciding which improvements should be funded and at what level, whether using its own funds or funds generated by other sources.~~

## **PART 2**

### **DESCRIPTION OF THE SECOND AMENDED AND RESTATED PROJECT AREA**

The boundaries of the 2008 update to the 2003 Amended and Restated Project Area and of the Revenue Allocation Area are described in Attachment "1", which is attached hereto and incorporated herein by reference, and are shown on the Second Amended and Restated Project Area and Revenue Allocation Area Boundary Map attached hereto as Attachment "2" and incorporated herein by reference. ~~Addition of two new geographic areas are~~~~No new area has been~~ proposed by this Second Amended and Restated Plan, commonly referred to as the Sorenson Magnet School Site and the Winton Park/Winton School Site.

For purposes of boundary descriptions and use of proceeds for payment of improvements, the boundary shall be deemed to extend to the outer boundary of rights-of-way.

## **PART 3**

### **PROPOSED REDEVELOPMENT ACTIONS**

**SECTION 1**      **GENERAL**

The LCDC proposes to eliminate and prevent the impairment of sound growth, decay and deterioration in the [Second](#) Amended and Restated Project Area by encouraging and/or undertaking some or all of the following actions as set forth in Part 5 hereof.

1. The acquisition of certain real property;
2. The demolition or removal of certain buildings and improvements;
3. The participation by persons or entities engaged in business or holding interests in property within the [Second](#) Amended and Restated Project Area;
4. The management of any property acquired by and under the ownership and control of the LCDC;
5. The provision for relocation assistance to displaced Amended and Restated Project occupants if required by law and/or if deemed necessary by the LCDC;
6. The installation, construction, or reconstruction of streets, curb and gutter, sidewalks, streetscapes, design standards, utilities, parking facilities, recreation and park amenities, art, and other public improvements including but not limited to the operation and management of such facilities and the design and engineering of such facilities in conformance with the Law, the Act, and [this Second](#) Amended and Restated Plan;
7. The disposition of property for uses in accordance with the Law, the Act, and this [Second](#) Amended and Restated Plan and commitment by those who are conveyed such property to redevelop the property in accordance with this [Second](#) Amended and Restated Plan;
8. The development and redevelopment of land by private enterprise or public agencies for uses in accordance with this [Second](#) Amended and Restated Plan;
9. The assembly of adequate sites for the development and construction of residential and commercial facilities and recreational opportunities;
10. To the extent allowed by law, the lending or investing of federal funds to facilitate redevelopment;
11. The construction of foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights and sites for buildings to be used for residential, commercial, and other uses

contemplated by the [Second](#) Amended and Restated Plan and to provide utilities to the development site as authorized by Idaho Code Section 50-2007(j);

12. Encourage/secure entertainment activities in applicable sites within the Urban Renewal Area; and
13. All other action described in Part 1 of this [Second](#) Amended and Restated Plan.

In the accomplishment of these purposes and activities and in the implementation and furtherance of this [Second](#) Amended and Restated Plan, the LCDC is authorized to use all the powers provided in this [Second](#) Amended and Restated Plan and all the powers now or hereafter permitted by law.

## **SECTION 2**      **URBAN RENEWAL PLAN OBJECTIVES**

Urban renewal action is necessary in the [Second](#) Amended and Restated Project Area to combat problems of deterioration and economic obsolescence as previously set forth in the 1997 Plan/[2003 Plan](#) and described in the Strategic Plan. Following the formation of the LCDC in 1997, various areas of deterioration have been remedied by LCDC joint public / private partnership action in all three areas of the Lake District: Midtown, Downtown, and Northwest Boulevard. However, numerous opportunities still exist for improving the economic viability of the Lake District.

Hence, the Urban Renewal Plan for the [Second](#) Amended and Restated Project Area is a proposal for public improvements, to provide an improved environment for new retail, residential, [educational](#), [public park](#) and commercial developments, to eliminate unsafe conditions, to assist potential owners and developers to assemble appropriate development sites where necessary through acquisition, demolition and disposition activities, and to otherwise prevent the extension of deterioration and reverse the deteriorating action of the area.

A further objective of the Urban Renewal Plan is to provide for the acquisition and clearance of some properties for other public facilities. Off-street parking and loading facilities may be developed to serve the [Second](#) Amended and Restated Project Area. Streets or alleyways may be vacated or relocated to create build able areas for residential, retail, commercial, office, or public use. Any such vacations or relocations must be requested from the city of Coeur d'Alene or other agency having jurisdiction over the particular public right-of-way. Air rights and subterranean rights may be disposed of for any permitted use within the [Second](#) Amended and Restated Project Area boundaries as provided by law. Temporary project improvements may be provided to facilitate adequate vehicular and pedestrian circulation. Land uses in the [Second](#) Amended and Restated Project Area may be modified. Buildings currently vacant and land now devoted to scattered surface parking and other uses may be converted to residential, commercial, recreational, public and private parking, and public/semi-public uses.

Less than fee acquisition may be utilized by the LCDC when and if necessary to promote redevelopment in accordance with the objectives of the [Second](#) Amended and Restated Plan.

In coordination with the Idaho State Historical Society, consideration will be given to the preservation of structures of historic and architectural value within, or the moving of said structures outside, the [Second](#) Amended and Restated Project Area boundaries where applicable.

The provisions of this [Second](#) Amended and Restated Plan are applicable to all public and private property in the [Second](#) Amended and Restated Project Area. The provisions 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 Part 3, Section 3 of this [Second](#) Amended and Restated Plan.

### **SECTION 3            PARTICIPATION OPPORTUNITIES AND AGREEMENT**

#### **A.    Participation Agreements**

The LCDC shall enter into owner participation agreements with any existing or future owners of property, in the event the property owner seeks and/or receives assistance from the LCDC in the redevelopment of the property, and the LCDC determines such participation is in the best interests of the LCDC and the public. In that event, the LCDC may allow for an existing or future owner of property to remove his property and/or structure from future LCDC acquisition subject to entering into an owner participation agreement.

Each structure and/or property in the [Second](#) Amended and Restated Project Area to be rehabilitated, constructed, or developed as a condition of the owner participation agreement between the LCDC and the owner pursuant to this [Second](#) Amended and Restated Plan will be considered to be satisfactorily rehabilitated, constructed, and developed and the LCDC will so certify, if the following standards are met:

(1) Any such property within the [Second](#) Amended and Restated Project shall be required to conform to applicable provisions, requirements, and regulations of this [Second](#) Amended and Restated Plan. The owner participation agreement may require as a condition of financial participation by the LCDC a commitment by the property owner to meet the greater objectives of the Comprehensive Plan, the Sherman Avenue Corridor Plan, the HyettPalma Plan, the Walker-Macy Plan, the LCDC Lake District Strategic Plan, applicable zoning ordinances, and subdivision ordinances. Upon completion of any improvement, 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.

(2) All such buildings or portions of buildings which are to remain within the [Second](#) Amended and Restated Project Area shall be rehabilitated in conformity with applicable codes and ordinances of the city of Coeur d'Alene.

(3) Any new construction shall also conform to all applicable provisions, requirements, and regulations of this [Second](#) Amended and Restated Plan and applicable codes and ordinances of the city of Coeur d'Alene.

(4) Any renovation of existing historic structures may seek appropriate waivers of the city building code.

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 [Second](#) Amended and Restated Plan applicable to their properties.

In the event a participant under a participation agreement fails or refuses to rehabilitate, develop, use, and maintain its property pursuant to this [Second](#) Amended and Restated Plan and participation agreement, among other means of enforcing the participation agreement, the property or any interest therein may be acquired by the LCDC and sold or leased for rehabilitation or development in accordance with this [Second](#) Amended and Restated Plan.

Any assistance provided by the LCDC to businesses and/or owners in the Business Improvement District and surrounding area may require additional terms in the form of a participation agreement to include but not be limited to the requirement that the business/owner participate in a fair share of local improvement district improvements where applicable, that common hours/days of the week with other businesses/owners be established, that public parking will be made available to customers before employees, and that a widely distributed newsletter continue regarding the Downtown Business Association activities.

#### **B. Subdivision Deviation and Impact Fee Consideration**

A developer may request a deviation from the City's subdivision requirements pursuant to Municipal Code 16.32.

For any development covered by an owner participation agreement or disposition and development agreement (as discussed in Part 3, Section 8), the LCDC shall have the authority, but not the obligation to cooperate with the developer to apply for a credit or reimbursement of any impact fee, or for any refund of said fee assessed by any other governmental entity. The LCDC shall also have the authority, but not the obligation, to consider the payment of all or part of such impact fees from revenue allocation proceeds to the extent allowed by law.

#### **C. 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 [Second](#) Amended  
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and Restated Project. The LCDC shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this [Second](#) Amended and Restated Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The LCDC may impose on all public bodies [as defined by Idaho Code 50-2018(e3)] as allowed by law the provisions and controls contained in this [Second](#) Amended and Restated Plan to ensure that present uses and any future development by public bodies within the [Second](#) Amended and Restated Project Area will conform to the requirements of this [Second](#) Amended and Restated Plan. The LCDC is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures, or other improvements within the [Second](#) Amended and Restated Project Area to the extent that said land, buildings, facilities, structures or other improvements provide benefit to the [Second](#) Amended and Restated Project Area.

The LCDC specifically intends to cooperate to the extent allowable by law with (1) the city of Coeur d'Alene for the (a) acquisition of property, ~~and (b)~~ the construction of public improvements and public buildings, and (c) public park improvements; and (2) with School District 271 on public/capital improvements to the Sorenson and Winton school sites and buildings. In the event the LCDC is participating in the public development by way of financial incentive or otherwise, the public body may be required to enter into a participation agreement with the LCDC and then shall be bound by ~~the~~s [Second](#) Amended and Restated Plan and other land use elements.

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The LCDC, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The LCDC, however, will seek the cooperation of all public bodies which own or intend to acquire property in the [Second](#) Amended and Restated Project Area. Any public body which owns or leases property in the [Second](#) Amended and Restated 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 LCDC. All plans for development of property in the [Second](#) Amended and Restated Project Area by a public body shall comply with the provisions of this [Second](#) Amended and Restated Plan.

## **SECTION 4**            **PROPERTY ACQUISITION**

### **A.    Real Property**

Only as specifically authorized herein, the LCDC may acquire, but is not required to acquire, real property located in the [Second](#) Amended and Restated Project Area where it is determined that the property is needed for construction of public improvements 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 Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970). The LCDC 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 identified in Attachment "3".

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

It is in the public interest, necessary to eliminate the conditions requiring redevelopment, and necessary in order to execute this [Second](#) Amended and Restated Plan to employ the power of eminent domain by the LCDC to acquire real property in the [Second](#) Amended and Restated Project Area which cannot be acquired by gift, devise, exchange, purchase, or any other lawful method.

The LCDC shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performed under the agreement. The LCDC is authorized to acquire structures without acquiring the land upon which those structures are located. The LCDC is authorized to acquire either the entire fee or any other interest in real property less than a fee.

Generally, the LCDC 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 [Second](#) Amended and Restated Plan or for the assembly of properties for the redevelopment of those properties to achieve the objectives of this [Second](#) Amended and Restated Plan. Such properties may include properties owned by private parties or public entities. This [Second](#) Amended and Restated Plan does not anticipate the LCDC's widespread use of its resources for property acquisition, except for the construction of public improvements and any ability to engage in certain demonstration projects, such as enhancement opportunities and other major objectives outlined in this [Second](#) Amended and Restated Plan and entries to the City and in limited circumstances for assembly of properties for enhanced redevelopment.

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

The LCDC 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; or (c) it is necessary to impose upon such property any of the controls, limitations, restrictions, and requirements of this [Second](#) Amended and Restated Plan and the owner fails or refuses to execute a participation agreement in accordance with the provisions of this [Second](#) Amended and Restated Plan.

The LCDC is authorized, but not required however, to acquire public property transferred to private ownership before redevelopment of the [Second](#) Amended and Restated Project Area is completed, unless the LCDC and the private owner enter into a participation agreement and the owner completes his responsibilities under the participation agreement.

The purpose of this section is to allow the LCDC to use its eminent domain authority to acquire properties necessary for the construction of public improvements or for site assembly to aid in the redevelopment or development of the development site. The LCDC intends to only acquire those sites which are either undeveloped, underdeveloped, or properties which are deteriorated or deteriorating as defined by the Law and the Act. Such property may not be subject to acquisition if the property owner or the property owners' assign enters into an owner participation agreement with the LCDC for the redevelopment or development of the site.

Under the provisions of the Act, this [Second](#) Amended and Restated Plan "shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area" Idaho Code § 50-2018 (12). The LCDC may also acquire property for the purpose of developing public parking facilities, developing public open space, and enhancing the opportunity for other uses. At the present time, the LCDC ~~has not~~ ~~cannot~~ specifically identified ~~all~~ ~~which~~ parcels ~~that~~ may be necessary for acquisition for ~~the~~ parking facilities or for site assembly for private development. The LCDC reserves the right to determine which properties, if any, should be acquired. Generally the LCDC will invoke its acquisition authority only for the elimination or mitigation of deteriorated or deteriorating buildings, structures, or properties in order to enhance the [Second](#) Amended and Restated Project Area, and assist or participate in site reclamation, remediation, or elimination of blighted or deteriorated areas. A description of the general categories of property acquisition is set forth in Attachment "3."

[The LCDC's authority to invoke eminent domain to acquire real property for disposition to private parties for economic development is limited by House Bill 555 adopted by the 58<sup>th</sup> Idaho Legislature, Second Session, 2006, Session Laws Chapter 96, codified at Idaho Code Section 7-701A.](#)

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#### **B. Personal Property**

Generally, personal property shall not be acquired. However, where necessary in the execution of this [Second](#) Amended and Restated Plan and where allowed by law, the LCDC is authorized to acquire personal property in the [Second](#) Amended and Restated Project Area by any lawful means, including eminent domain. For purposes of this [Second](#) Amended and Restated Plan, acquisition of certain permanent fixtures or improvements upon real property shall be governed by this section. The LCDC 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 ~~fair market appraised~~ value of the structures and negotiation with the owner of the structures. The LCDC 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 LCDC 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 3A of Part 3 of this [Second](#) Amended and Restated 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 LCDC shall acquire such property by way of any acceptable conveyance.

#### **SECTION 5**                    **PROPERTY MANAGEMENT**

During such time such property, if any, in the [Second](#) Amended and Restated Project Area is owned by the LCDC, such property shall be under the management and control of the LCDC. Such property may be rented or leased by the LCDC pending its disposition for redevelopment, and such rental or lease shall be pursuant to such polices as the LCDC may adopt.

#### **SECTION 6**                    **RELOCATION OF PERSONS (INCLUDING INDIVIDUALS AND FAMILIES), BUSINESS CONCERNS, AND OTHERS DISPLACED BY THE PROJECT**

If the LCDC receives federal funds for real estate acquisition and relocation, the LCDC shall comply with 24 C.F.R. Part 42, implementing the Uniform Relocation Assistance and Real Property Acquisition Polices Act of 1970, as amended. The LCDC may also undertake relocation activities for those not entitled to benefit under federal law as the LCDC may deem appropriate for which funds are available. Persons leasing property held for redevelopment (i.e. those tenants who commence tenancy after acquisition by the LCDC) shall not be eligible for relocation benefits. In the event the LCDC activities directly result in the displacement of families within the Area, the LCDC shall relocate such displaced families into decent, safe, and sanitary dwelling accommodations without undue hardship to such families as required by law. For any other activity, the LCDC will comply with the provisions of the Law regarding relocation.

The LCDC 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 LCDC may determine to use as a reference the relocation benefits and guidelines promulgated by the federal government, the state government, or local government, including the State Department of Transportation and Highway Districts. The intent of this section is to allow the LCDC sufficient flexibility to award relocation benefits on a rational basis, and/or by payment of some lump sum per case basis. The LCDC may also consider the analysis or replacement value for the compensation awarded to either owner occupants or businesses displaced by the LCDC to achieve the objectives of this [Second](#) Amended and Restated Plan. The LCDC may adopt relocation guidelines which would define the extent of relocation assistance in non-federally assisted projects and which relocation assistance to the greatest extent feasible would be uniform.

For displacement of families, the LCDC shall comply with, at a minimum, the standards set forth in the Law. [LCDC shall also comply with all applicable state laws concerning](#)

[relocation benefits. If such a program is considered, it shall be adopted by resolution by the LCDC Board.](#)

**SECTION 7**            **DEMOLITION, CLEARANCE, AND BUILDING SITE PREPARATION**

**A.     Demolition and Clearance**

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

**B.     Preparation of Building Sites**

The LCDC is authorized (but not required) to prepare, or cause to be prepared, as building sites any real property in the [Second](#) Amended and Restated Project Area owned by the LCDC. In connection therewith, the LCDC may cause, provide for, or undertake the installation or construction of streets, utilities, parks, pedestrian walkways, parking facilities, drainage facilities, and other public improvements necessary to carry out this [Second](#) Amended and Restated Plan.

The LCDC is 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 residential, commercial, private, public, and other uses provided in this [Second](#) Amended and Restated Plan. To the extent allowed by the Law and Act, LCDC may assist in the preparation of building sites by way of reclamation, remediation, or elimination of blighted, or deteriorated conditions.

**SECTION 8**            **REAL PROPERTY DISPOSITION AND DEVELOPMENT**

**A.     General**

For the purpose of this [Second](#) Amended and Restated Plan, the LCDC 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 LCDC is authorized to dispose of real property by negotiated lease, sale, or transfer without public bidding.

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

bodies acquiring property through the LCDC shall enter into a disposition and development agreement with the LCDC.

All purchasers or lessees of property acquired from the LCDC shall be obligated to use the property according to the disposition and development agreement and for the purposes designated in this [Second](#) Amended and Restated Plan, to begin and complete development of the property within a period of time which the LCDC fixes as reasonable, and to comply with other conditions which the LCDC deems necessary to carry out the purposes of this [Second](#) Amended and Restated Plan.

**B. Disposition and Development Documents**

To provide adequate safeguards to ensure that the provisions of this [Second](#) Amended and Restated Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the LCDC, as well as all property subject to participation agreements, is subject to the provisions of this [Second](#) Amended and Restated Plan. The LCDC 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 [Second](#) Amended and Restated Plan.

Leases, deeds, contracts, agreements, and declarations of restrictions of the LCDC may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitude, or any other provisions necessary to carry out this [Second](#) Amended and Restated Plan. Where appropriate, as determined by the LCDC, such documents, or portions thereof, shall be recorded in the office of the Recorder of Kootenai County.

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

The land and/or air rights and subterranean rights acquired by the LCDC shall be disposed of subject to an agreement between the LCDC and the Developers. The Developers (including owner/participants) will be required by the contractual agreement to observe provisions of this [Second](#) Amended and Restated Plan and to submit a redevelopment schedule satisfactory to the LCDC. Schedule revisions will be made only at the option of the LCDC.

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

It may be included that the developers, their successors, and assigns agree:

1. That a plan and time schedule for the proposed development shall be submitted to the LCDC;
2. That the purchase or lease of the land and/or subterranean rights and/or air rights is for the purpose of redevelopment;
3. That the construction of the building or improvements will be commenced and completed as jointly scheduled and determined by the LCDC and the developer(s);
4. That there will be no discrimination against any person or group of persons because of age, race, handicap/disability, 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, therein conveyed nor will the Developer himself or any person claiming under or through him establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of tenants, lessees, sublessees, or vendees in the premises or any improvements therein conveyed. The above provision may be perpetual and will be appended to the land disposed of within the Second Urban Renewal Amended and Restated Project Area by the LCDC;
5. That the site and construction plans will be submitted to the LCDC for review as to conformity with the provisions and purposes of this Second Amended and Restated Plan and for design review purposes if applicable;
6. That at the discretion of the LCDC, a bond or other surety will be provided acceptable to the LCDC to ensure performance;
7. That rehabilitation of any existing structure must assure that the structure is safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition which will continue throughout an estimated useful life for a minimum of twenty (20) years; ~~and~~
8. ~~8.~~ All such buildings or portions of the buildings which are to remain within the Second Amended and Restated Project Area shall be reconstructed in conformity with all applicable federal, state, and local codes and ordinances;
9. All new construction shall have a minimum estimated life of no less than twenty (20) years; and

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8.10. All disposition and development documents and other participation agreements shall be governed by the provisions of Section 5 of this Second Amended and Restated Agreement.

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**C. Development by the LCDC**

To the extent now or hereafter permitted by law, the LCDC is authorized to pay for, develop, or construct any publicly owned building, facility, structure, or other improvement within the Second Amended and Restated 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 Second Amended and Restated Project Area. Specifically, the LCDC may pay for, install, or construct the buildings, facilities, structures, and other improvements identified in Attachment "5" of this Second Amended and Restated Plan and may acquire or pay for the land required therefore.

The LCDC may also prepare properties for development by renovation or other means as allowed by the Law and Act. The LCDC may also, as allowed by the Law and Act, assist in the development of private projects.

Any public facility ultimately owned by the LCDC 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.

In addition to the public improvements authorized under Idaho Code Section 50-2007, the LCDC is authorized to install and construct, or to cause to be installed and constructed, within the Second Amended and Restated Project Area or outside the Second Amended and Restated Project Area for improvements or facilities that are needed to support new development in the Second Amended and Restated 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 centers, city hall, or the like; and (12) improvements to the Sorenson and Winton school sites and buildings.

Any public facility ultimately owned by the LCDC 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 LCDC seeks to coordinate special streets, parks, and urban open spaces within the Second Amended and Restated Project Area.

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

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#### **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 LCDC for approval. All development in the Second Amended and Restated Project Area must conform to those standards specified in Part 4 of this Second Amended and Restated Plan.

### **SECTION 9 PERSONAL PROPERTY DISPOSITION**

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

### **SECTION 10 REHABILITATION AND CONSERVATION**

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

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

### **SECTION 11 PARTICIPATION WITH PRIVATE OR PUBLIC DEVELOPMENT**

Under the Law, the LCDC has the authority to lend or invest funds obtained from the federal government for the purposes of the Urban Renewal Law as allowed under federal laws or regulations. Under those regulations, the LCDC may participate with the private sector in the development and financing of those private projects which will attain certain federal objectives. The federal funds that may be available to the LCDC are governed by regulations promulgated

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by the Department of Housing and Urban Development for the Community Development Block Grant Program and other applicable federal programs.

The LCDC may use 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, for any other activity necessary or appropriate to carry out an economic development project.

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

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

#### **SECTION 12**            **CONFORMING OWNERS**

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

#### **SECTION 13**            **ARTS FUNDING**

The LCDC encourages public art and performing arts through joint ventures with private developers and in cooperation with the City of Coeur d'Alene Public Arts Commission.

### **PART 4**

#### **USES PERMITTED IN THE [SECOND](#) AMENDED AND RESTATED PROJECT AREA**

#### **SECTION 1**            **REDEVELOPMENT PLAN MAP AND DEVELOPMENT STRATEGY**

Attachment "1" describes the [Second](#) Amended and Restated Project Area and Revenue Allocation Area. Any proposed land uses must conform to the Comprehensive Plan. If a proposed land use is not consistent with the Comprehensive Plan, the LCDC shall assure that an application for amendment to the Comprehensive Plan and/or zoning ordinances is completed. Authority for changes to the Comprehensive Plan shall remain the responsibility of the city of Coeur d'Alene Planning Commission and the City Council.

## **SECTION 2**      **DESIGNATED LAND USES/LAND USE CLASSIFICATIONS**

The current land use classifications for the [Second](#) Amended and Restated Project Area are as shown and depicted in Attachment “4” incorporated herein. The LCDC also recognizes those land uses permitted by special use permits, planned unit developments, and limited planned unit developments under each zoning classification, subject to the conditions imposed by the city of Coeur d’Alene pursuant to the process for each.

## **SECTION 3**      **OTHER LAND USES**

### **A. Public Rights-of-Way**

Additional public streets, alleys, and easements may be created in the [Second](#) Amended and Restated Project Area as needed for property development. Existing streets, alleys and easements may be abandoned, closed, expanded or modified as necessary for property development of the [Second](#) Amended and Restated Project, if approved by the City Council and Planning Commission where applicable and in accordance with any applicable policies and standards of the city of Coeur d’Alene and respective highway districts 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 [Second](#) Amended and Restated Plan and the design standards of the city of Coeur d’Alene and respective highway districts where applicable or Idaho Department of Transportation as may be applicable 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 LCDC 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 [Second](#) Amended and Restated Project Area and new or existing developments but also to serve areas outside the [Second](#) Amended and Restated Project Area by providing convenient and efficient vehicular access and movement.

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

**B. Other Public, Semi-Public, Institutional and Nonprofit Uses**

The LCDC 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 [Second](#) Amended and Restated Plan applicable to the uses in the specific area involved and shall conform to the city zoning ordinances unless an amendment is requested and approved by the Planning Commission and City Council. The LCDC may impose such other reasonable requirements and restrictions as may be necessary to protect the development and use of the [Second](#) Amended and Restated Project Area.

**C. Interim Uses**

Pending the ultimate development of land by developers and participants, the LCDC is authorized to use or permit the use of any land in the [Second](#) Amended and Restated Project Area for interim uses that are not in conformity with the uses permitted in the [Second](#) Amended and Restated Plan. However, any interim use must comply with applicable city codes including but not limited to zoning ordinances and must have a specific expiration date.

**D. Nonconforming Uses**

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

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

All nonconforming uses shall also comply with the city code.

**SECTION 4            GENERAL CONTROLS AND LIMITATIONS**

All real property in the [Second](#) Amended and Restated Project Area is subject to the controls and requirements of this [Second](#) Amended and Restated Plan. No such real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this [Second](#) Amended and Restated Plan, except in conformance with the provisions of this [Second](#) Amended and Restated Plan.

**A. Construction**

All construction in the [Second](#) Amended and Restated Project Area shall comply with all applicable and local laws and codes in effect and as amended from time to time and all state laws adopted by the City. In addition to applicable codes, ordinances, or other requirements governing development in the [Second](#) Amended and Restated Project Area, additional specific performance and development standards may be adopted by the LCDC to control and direct redevelopment activities in the [Second](#) Amended and Restated Project Area.

**B. Rehabilitation and Retention of Properties**

Any existing structure or land within the [Second](#) Amended and Restated Project Area, subject to either a disposition and development agreement or owner participation agreement, approved by the LCDC 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.

**C. Limitation on Type, Size, Height of Building**

Except as set forth in other sections of this [Second](#) Amended and Restated Plan, the type, size and height of buildings shall be as limited by applicable federal, state and local statutes, ordinances, and regulations.

**D. Open Spaces, Landscaping, Light, Air and Privacy**

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

**E. Signs**

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

**F. Utilities**

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

**G. Subdivision of Parcels**

Any parcel in the [Second](#) Amended and Restated Project Area shall be subdivided only in compliance with the City Subdivision Ordinance.

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#### **H. 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 [Second](#) Amended and Restated Project Area.

#### **I. Nondiscrimination and Nonsegregation**

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

#### **J. Variations**

Under exceptional circumstances, the LCDC is authorized to permit a variation from the limits, restrictions, and controls established by this [Second](#) Amended and Restated Plan. In order to permit such variation, the LCDC must determine that:

1. the application of certain provisions of this [Second](#) Amended and Restated Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this [Second](#) Amended and Restated Plan; and
2. 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; and
3. permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and
4. permitting a variation will not be contrary to the objectives of this [Second](#) Amended and Restated Plan or the Comprehensive Plan.

No variations shall be granted which change a basic land use or which permit other than a minor departure from the provisions of this [Second](#) Amended and Restated Plan, without amendment of this [Second](#) Amended and Restated Plan. In permitting any such variation, the LCDC shall impose such conditions as are necessary to protect the public peace, health, safety, or welfare and to assure compliance with the purposes of this [Second](#) Amended and Restated Plan. Any variation permitted by the LCDC hereunder shall not supersede any other approval required under city codes and ordinances.

#### **K. Off-Street Loading**

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

**L. Off-Street Parking**

All new construction in the area shall provide off-street parking, or pay fees in lieu of, if applicable and as required by the city ordinances as they now exist or are hereafter amended and recognizing the economics of a shared parking arrangements.

**SECTION 5      DESIGN FOR DEVELOPMENT**

No new improvement shall be constructed, and no existing improvements shall be substantially modified, altered, repaired, or rehabilitated except in accordance with this [Second](#) Amended and Restated Plan. The provisions of this [Second](#) Amended and Restated Plan are applicable to all public and private property in the [Second](#) Amended and Restated Project Area recognizing the need for flexibility in interpretation and implementation of the [Second](#) Amended and Restated Plan and the ability of the LCDC to grant variations to the [Second](#) Amended and Restated Plan as allowed in subsection H above.

One of the objectives of this [Second](#) Amended and Restated Plan is to create an attractive pedestrian environment in the [Second](#) Amended and Restated Project Area. Therefore, developers shall give consideration to good design, and amenities to enhance the aesthetic quality of the [Second](#) Amended and Restated Project Area. Additional design standards or controls may be implemented through the provisions of any disposition and development agreement or owner participation agreement or by appropriate covenants appended to the land and instruments of conveyance executed pursuant thereto. These controls are in addition to any standard and provisions of any applicable City ordinances or building codes.

Within the limits, restrictions, and controls established in this [Second](#) Amended and Restated Plan and to the extent allowed by law, the LCDC 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 [Second](#) Amended and Restated Project Area. Any development must also comply with the City of Coeur d'Alene Zoning Ordinance regarding heights, setbacks, and other like standards and the Strategic Plan.

In the case of property which is the subject of a disposition and development or owner participation agreement with the LCDC, no new improvement shall be constructed and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated except in accordance with this [Second](#) Amended and Restated Plan. Under those agreements the architectural, landscape, and site plans shall be submitted to the LCDC and approved in writing by the LCDC. One of the objectives of this [Second](#) Amended and Restated Plan is to create an attractive and pleasant environment in the [Second](#) Amended and Restated Project Area.

Therefore, such plans shall give consideration to good design and other amenities to enhance the aesthetic quality of the [Second](#) Amended and Restated Project Area. The LCDC shall not approve any plans that do not comply with this [Second](#) Amended and Restated Plan.

In the event the LCDC adopts design standards or controls, those provisions will thereafter apply to each site or portion thereof in the [Second](#) Amended and Restated 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 LCDC developing and promulgating specific design standards or controls, the LCDC shall review all projects by applying and/or deferring to the usual approval process imposed by the City.

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 LCDC retains the authority to grant minor variations under Part 4, Section 4H of this [Second](#) Amended and Restated Plan and subject to a negotiated agreement between the LCDC and the developer or property owner.

Under those agreements, the architectural, landscape, and site plans shall be submitted to the LCDC and approved in writing by the LCDC. In such agreements, the LCDC may impose additional design controls. One of the objectives of this [Second](#) Amended and Restated Plan is to create an attractive environment in the [Second](#) Amended and Restated Project Area. Therefore, such plans shall give consideration to good design and amenities to enhance the aesthetic quality of the [Second](#) Amended and Restated 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.

## **PART 5 FINANCING PLAN**

### **SECTION 1      METHODS OF FINANCING THE [SECOND](#) AMENDED AND RESTATED PROJECT**

#### **A.      General Description of the Proposed Financing Method**

The LCDC is authorized to finance this [Second](#) Amended and Restated Project with financial assistance from the City, State of Idaho, federal government, interest income, LCDC bonds, donations, loans from private financial institutions, the lease or sale of LCDC-owned  
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property, or any other available source, public or private, including assistance from any taxing district or any public entity.

The LCDC is also authorized to obtain advances, borrow funds, and create indebtedness in carrying out this [Second](#) Amended and Restated Plan. The principal and interest on such advances, funds, and indebtedness may be paid from any funds available to the LCDC. 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 LCDC in carrying out this [Second](#) Amended and Restated Project.

**B. Revenue Bond Funds**

As allowed by law and subject to such restrictions as are imposed by law, the LCDC 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 [Second](#) Amended and Restated Project. Neither the members of the LCDC, nor any persons executing the bonds shall be liable on the bonds by reason of their issuance.

**C. 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 LCDC nor any persons executing such loans or grants shall be liable on the loans or grants by reason of their issuance.

**D. Revenue Allocation Financing Provisions**

The LCDC hereby adopts revenue allocation financing provisions as authorized by the Act, Chapter 29, Title 50, Idaho Code, effective retroactively to January 1, [1997, for the original 1997 area, and to January 1, 2008, for the 2007 Eligible Area](#). These revenue allocation provisions shall apply to all taxing districts in which the Revenue Allocation Area is located and described on Attachments “1 and 2” to this [Second](#) Amended and Restated Plan. The LCDC shall take all actions necessary or convenient to implement these revenue allocation financing provisions. The LCDC 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 LCDC, acting by one or more resolutions adopted by its board of directors, is hereby authorized to apply all or any portion of the revenues allocated to the LCDC 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 LCDC to  
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finance or to refinance the [Second](#) Amended and Restated Project costs (as defined in Idaho Code Section 50-2903(134)) 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~~ [Second](#) Amended and Restated Plan, there shall hereby be created a special fund of the LCDC into which the County Treasurer shall deposit allocated revenues as provided in Idaho Code Section 50-2908. The LCDC 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 LCDC may determine by resolution or resolutions of its board of directors.

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

The LCDC has also provided for expenditure of revenue allocation proceeds on an annual basis without the issuance of bonds ~~or other debt~~. The LCDC 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 LCDC until the improvements identified in Attachment "5" are completely ~~constructed or until any obligation to the City or other public entity or private entity are fulfilled~~. Attachment "5" incorporates estimates and projections based on the LCDC'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 LCDC 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 LCDC to finance or refinance the [Second](#) Amended and Restated Project in whole or in part, as well as payment for costs incurred for activities of the Project.

The LCDC is authorized to make such pledges as to specific advances, loans, and indebtedness as appropriate in carrying out the [Second](#) Amended and Restated Project.

[Under legislation adopted in 2000 by the 55<sup>th</sup> Idaho Legislature, 2<sup>nd</sup> Regular Session, effective July 1, 2000, Session Laws, Chapter 275, Idaho Code Section 50-2904\(2\), revenue](#)

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allocation authority is limited to twenty-four (24) years from the date the ordinance was passed by the City Council, except for those urban renewal plans which were adopted prior to 2000. 56<sup>th</sup> Idaho Legislature, 2<sup>nd</sup> Regular Session, Session Laws, Ch. 143. See Idaho Code § 50-2904(3). As authorized by the Coeur d'Alene City Council, the original 1997 urban renewal plan established its duration initially through December 31, 2012 (a period of fifteen (15) years). The 2003 amendment extended the duration for twenty-four (24) years from 1997, through 2021. The 2008 update does not extend the term of this Second Amended and Restated Plan.

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

Revenue allocation proceeds are deemed to be only a part of the proposed funding sources for the payment of public improvements and other project improvements. Additionally, project funding is proposed to be phased for the improvements, allowing various sources of funds to be accumulated for use.

House Bill 1 adopted by the 58<sup>th</sup> Idaho Legislature convening in Special Session in August 2006 repeals the operation and maintenance property tax levy imposed by school districts. House Bill 1 also repealed Idaho Code Section 50-2908(2)(a)(iii) which required certain revenue allocation funds to be disbursed to school districts. The financial analysis set forth in Attachment 5 has taken into account the provisions of House Bill 1. Idaho Code § 33-802.

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**E. Economic Feasibility Study**

Comment [EB1]:

Attachment "5" consists of the Economic Feasibility Study ("Study") for the Urban Renewal Area prepared by Keyser Marston Associates, Inc. The Study constitutes the financial analysis required by the Act.

**F. Assumptions and Conditions/Economic Feasibility Statement**

The information contained in Attachment "5" assumes certain completed and projected actions. Under the provisions of the Act, the revenue allocation shall continue until any bond debt or other obligation is satisfied. All debt is projected to be repaid no later than the duration period of ~~the~~ Second Amended and Restated 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 Study has assumed ~~an~~ appropriate escalation rates, annual growth rate of three percent (3%) along with particular projects estimated to add value to the Second Amended and Restated Project Area.

The [Second](#) Amended and Restated Plan and attachments incorporate estimates and projections based on the LCDC's present knowledge and expectations. The LCDC may modify the [Second](#) Amended and Restated Project if the Board of Commissioners deems such modifications necessary to effectuate the [Second](#) Amended and Restated Plan. The [Second](#) Amended and Restated 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.

#### **G. 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 River District Revenue Allocation Area as of January 1, 2003, is \$14,354,592. The total assessed value for the City of Coeur d'Alene as of January 1, 2003, less homeowner's exemptions, is ~~\$1,689,756,311~~ [\\$3,362,227,449](#). The base assessment roll, not including utilities and less any homeowner's exemptions for the Lake District Revenue Allocation Area as of January 1, 1997, was ~~\$107,616,340~~ [\\$164,174,173](#). [The additional Eligible Property is owned either by School District #271 or the City of Coeur d'Alene. Thus for these purposes the assessed value is deemed zero.](#) The combined base assessment roll for the Revenue Allocation Area does not exceed ten percent (10%) of the assessed value for the City of Coeur d'Alene.

#### **H. Financial Limitation**

The Study identifies several capital improvement projects. Use of any particular financing source for any particular purpose is not assured or identified. Use of the funding source shall be conditioned on any limiting authority. For example, the LCDC may consider participation with owners or developers for ~~public facade~~ improvements, partial contribution by the LCDC, or encouraging certain demonstration projects such as ~~workforce 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 LCDC will need to use a different funding source for that improvement, including grant funds. The Study has examined the potential of grant funding.

The amount of funds available to the LCDC from revenue allocation financing is directly related to the assessed value of new improvements within the Revenue Allocation Area. Under the Act, the LCDC is allowed the revenue allocation generated from inflationary increases and new development value. The Study has assumed certain annual increases over the term of the [Second](#) Amended and Restated Plan based on historical analysis and other circumstances.

The Study, with the various estimates and projections, constitutes an economic feasibility study. Costs and revenues are analyzed, and the analysis shows the need for public capital funds during the [Second](#) Amended and Restated Project. Multiple financing sources including

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proposed revenue allocation notes and bonds, annual revenue allocations, developer contributions, and other funds are shown. This Study identifies the kind, number, and location of all proposed public works or improvements, a detailed list of estimated project costs, a description of the methods of financing illustrating project costs, and the time when related costs or monetary obligations are to be incurred. See Idaho Code § 50-2905. Based on these funding sources, the conclusion is that the [Second](#) Amended and Restated Project is feasible.

The information contained in the Study assumes certain projected actions. First, the LCDC has projected several [debt obligations \(e.g. bond terms, ~~and~~ note issues\)](#). ~~Any~~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~~[is Second](#) Amended and Restated 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 ~~will~~would be extinguished ~~earlier~~, dependent upon ~~debt obligation~~[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 ~~debt obligations~~[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 LCDC's ability to [finance relevant debt obligations](#)~~sell an initial issue of notes or bonds~~.

~~The~~[is Second](#) Amended and Restated Plan has shown that the equalized valuation of the Revenue Allocation Area as defined in ~~the~~[is Second](#) Amended and Restated Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to ~~the~~[is Second](#) Amended and Restated Plan.

#### **I. Rebate of Revenue Allocation Funds**

In any year during which the LCDC receives revenue allocation proceeds, the LCDC, as allowed by law, is authorized (but not required) to return or rebate to the other taxing entities of this [Second](#) Amended and Restated Plan any revenue allocation funds not previously pledged or committed for the purposes identified in ~~the~~[is Second](#) Amended and Restated Plan. Under the Act, the LCDC must first apply all such revenues for the payment of the projected costs of the urban renewal project identified and repayment of principal and interest on any moneys borrowed, indebtedness incurred, or bonds issued by the LCDC and maintain any required reserve for payments of such obligation or indebtedness. Only to the extent revenues of the LCDC exceed these obligations shall the LCDC consider any rebate or return of revenue allocation funds to the other taxing entities. The LCDC 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 [Second](#) Amended and Restated Project. All other taxing entities shall first receive any such rebate before such rebate shall be disbursed to the City.

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

**J. 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 LCDC 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.

**K. Issuance of Debt and Debt Limitation**

Any debt incurred by the LCDC 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 Second Amended and Restated Plan.

**L. Impact on Other Taxing Districts and Levy Rate**

Comment [EB2]:

~~A specific delineation of tax dollars generated by revenue allocation upon each taxing district has not been prepared. However, one can determine the impact of the Amended and Restated Plan on individual taxing district by multiplying a taxing district’s specific levy rate by the increment yield in a particular year...(Ryan — is this the spot to include this verbiage?) .....~~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 (or put the verbiage here?). 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 2003<sup>7</sup> tax levy rate of ~~????~~ 1.70%, 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 LCDC shall receive fewer funds from revenue allocation.~~

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\_\_\_\_\_ A specific delineation of tax dollars generated by revenue allocation upon each taxing district has not been prepared. The overall impact of the revenue allocation project is shown in the Study. Since the passage of House Bill 156 in 1995 (now codified in Section 63-802, Idaho Code), taxing entities are constrained in establishing levy rates by a function of the amount each budget of each taxing district can increase on an annual basis. The amounts set forth in the Study would constitute the amounts distributed to other taxing entities from the Revenue Allocation Area if there were no urban renewal project. Each individual district's share of that amount would be determined by its particular levy rate as compared to the other districts in any given year. Therefore, the impact of revenue allocation is more of a product of the imposition of Section 63-802, Idaho Code. In addition, without the revenue allocation district and its ability to pay for public improvements and public facilities, fewer substantial improvements within the Revenue Allocation Area would be expected during the term of this Second Amended and Restated Plan; hence there would be lower increases in assessed valuation to be used by the taxing entities. If the overall levy rate is less than assumed, the LCDC will receive fewer funds from revenue allocation. The assessed value for each property in a Revenue Allocation Area consists of a base value and an increment value. The base value is the assessed value as of January 1 of the year in which a Revenue Allocation Area is approved by a municipality, with periodic adjustments allowed by Idaho State Code. The increment value is the difference between the base assessed value and current assessed value in any given year while the property is in a Revenue Allocation Area. Under Section 63-802, Idaho Code, taxing entities are constrained in establishing levy rates by the amount each budget of each taxing district can increase on an annual basis. Taxing entities submit proposed budgets to the County Board of Commissioners, which budgets are required to comply with the limitations set forth in Section 63-802, Idaho Code.

\_\_\_\_\_ The County Board of Commissioners calculates the levy rate required to produce the proposed budget amount for each taxing entity using the assessed values which are subject to each taxing entity's levy rate. Assessed values in urban renewal districts which are subject to revenue allocation (incremental values) are not included in this calculation. The combined levy rate for the taxing entities is applied to the incremental property values in the Revenue Allocation Area to determine the amount of property tax revenue which is allocated to an urban renewal agency. The property taxes generated by the property values in the urban renewal districts that are not subject to revenue allocation and by properties outside Revenue Allocation Areas are distributed to the other taxing entities. Properties in Revenue Allocation Areas are subject to the same levy rate as they would be outside a Revenue Allocation Area. The difference is how the revenue is distributed.

Additionally, the Study has taken the existing 2007 levy rate of .008185792 and imposed the relevant Coeur d'Alene school district 271 levy rate decrease as per HB470, keeping all other tax entity levy rates constant through the 2021 sunset date of the District. One result of Section 63-802 and House Bill 79 (2007), codified as Section 63-301A, Idaho Code, is the likely reduction of the levy rate as assessed values increase for property within each taxing entity's jurisdiction. House Bill 79, became effective retroactive to January 1, 2007, upon the Governor's signature on March 21, 2007. If the overall levy rate is less than as assumed, the LCDC shall receive fewer funds from revenue allocation. Section 63-301A, Idaho Code, prohibits taxing entities from including, as part of the new construction roll, the increased value related to new construction within the revenue allocation area until the revenue allocation authority is terminated. Any new construction within the Urban Renewal District will no longer be available for inclusion by the taxing entities to increase their budgets. Therefore, less tax revenue will be available to those taxing entities. Generally, the impact on the taxing entities would be to determine LCDC's projected revenue and disburse those funds in the same ratio as the respective levy rates of each taxing district. For Tax Year 2007, those districts and rates are as follows:

North Idaho College	0.000509932
Kootenai County	0.001963862
City of Coeur d' Alene	0.003988886
School District No. 271	0.001142669
County Ambulance EMS	0.000097363
Highway Districts (Eastside, Worley, Post Falls)	
	-0.000483080
Fire and Rescue	0.
TOTAL	0.008185792

The 2008 Idaho Legislature passed and Governor Otter signed House Bill 470 as amended in the Idaho Senate, which bill became effective retroactive to January 1, 2008 (Session Laws, Chapter 253). The bill amended Idaho Code Sections 50-2908, 63-803, and 63-811. In brief, the bill provides that an urban renewal agency shall not be entitled to revenue allocation proceeds from certain levy increases which are allowed by either specific statutory authorization or approved by an election of the qualified electors of the particular taxing district. Therefore, for any levy election held after January 1, 2008, LCDC will not receive revenue allocation funds which would have been generated by imposing that levy on the assessed valuation within the Lake District Project Area. The Study which is attached as Attachment 5 has taken this new statute into account. The levy rate for School District No. 271 shown above is the aggregate levy rate for the school district as of 2007. The Study has assumed the impact of House Bill 470 and reduced the school district levy rate accordingly.

**M. 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

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buildings. Under the Law, the LCDC is authorized to issue revenue bonds to finance certain public improvements identified in this Second Amended and Restated Plan. Under that type of financing, the public entity would pay the LCDC a lease payment annually which provides certain funds to the LCDC to retire the bond debt. Another variation of this type of financing is sometimes referred to as conduit financing, which provides a mechanism where the LCDC uses its bonding authority for the project, with the end user making payments to the LCDC to retire the bond debt. These sources of revenues are not related to revenue allocation funds and may not be particularly noted in the Study, because of the “pass through” aspects of the financing. Under the Act, the economic feasibility study focuses on the revenue allocation aspects of LCDC’s financial model.

These financing models typically are for a longer period of time than the 24-year period set forth in the Act. However, these financing models do not involve revenue allocation funds, but rather funds from the end users which provide a funding source for the LCDC to continue to own and operate the facility beyond the term of the Plan as allowed by Idaho Code Section 50-2905(7) as those resources involve funds not related to revenue allocation funds.

## **PART 6 MISCELLANEOUS**

### **SECTION 1            A.    **ACTION BY THE CITY****

The City will, to the extent authorized by law, assist and cooperate with the LCDC-in carrying out this Second Amended and Restated Plan and take all actions necessary to ensure the continued fulfillment of purposes of this Second Amended and Restated Plan. The Planning Commission and City Council will provide the final direction, with no guarantees attached to their final actions. Subject to the City’s usual procedures, actions by the City may include, but are not limited to, the following:

1.     Institution and completion of the proceedings necessary for changes and improvements in private and publicly owned utilities within or affecting the Second Amended and Restated Project.
2.     Institution and completion of the proceedings necessary for revisions of zoning or other standards (if necessary) within the Second Amended and Restated Project Area to permit the development authorized by this Second Amended and Restated Plan.
3.     Institution and completion of proceedings necessary to impose through the use of special use permits or other means of appropriate controls and conditions within the limits of this Second Amended and Restated Plan upon parcels in the Second Amended and Restated Project Area.
4.     Provision for administrative enforcement of this Second Amended and Restated Plan by the City after development. The City and the LCDC may

develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the [Second](#) Amended and Restated Project Area throughout the duration of this [Second](#) Amended and Restated Plan.

5. Performance of the above actions and all other functions and services relating to public health, safety, and physical development normally rendered in accordance with the schedule which will permit the redevelopment of the [Second](#) Amended and Restated Project Area to be commenced and carried to completion without unnecessary delays.
6. Institution and completion of proceedings necessary for the establishment of a local improvement district (LID).
7. The undertaking and completing of any other proceedings necessary to carry on the project.
8. Administration of grants that may be available for this project.
9. Appropriate agreements with the LCDC for administration, supporting services, funding sources, and the like.

The forgoing actions which may be taken by the City do not constitute any commitment of financial outlay by the City. Nor do they guarantee implementation. The Planning Commission and City Council will follow the usual procedures in reviewing recommendations of the LCDC.

## **B. MAINTENANCE**

The LCDC has not identified any commitment or obligation for long-term maintenance of the public improvements identified. The LCDC will need to address this issue with the appropriate entity, public or private, who has benefited from or is involved in the ongoing preservation of the public improvement.

## **SECTION 2 ENFORCEMENT**

The administration and enforcement of this [Second](#) Amended and Restated Plan, including the preparation and execution of any documents implementing this [Second](#) Amended and Restated Plan, shall be performed by the LCDC with the assistance of the City. ~~The provision of this Amended and Restated Plan or other documents entered into, pursuant to this Amended and Restated Plan, may be enforced by the LCDC, City, or other governmental entity which may have jurisdiction over the violation.~~

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**SECTION 3**                    **DURATION OF THEIS SECOND AMENDED AND RESTATED PLAN**

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this [Second Amended and Restated Plan](#) shall be effective, and the provisions of other documents formulated pursuant to this [Second Amended and Restated Plan](#) shall be effective for twenty-four (24) years from the date of adoption of the original Plan by the City Council in 1997 [and adoption of the 2003 Amended and Restated Plan](#), which period shall expire on December 31, 2021, except for any revenue allocation proceeds received in calendar year 2022.

This [Second](#) Amended and Restated Plan shall terminate no later than December 31, 2021, except for revenues which may be received in 2022. Either on January 1, 2021, or if the LCDC 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 LCDC funded through revenue allocation proceeds shall be satisfied and the LCDC 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, ~~theis~~ [Second](#) Amended and Restated Plan shall recognize that the LCDC 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 LCDC shall adopt and publish a budget specifically for the projected revenues and expenses of ~~theis~~ [Second](#) Amended and Restated 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 LCDC 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 LCDC shall adopt a resolution advising and notifying the local



| [Second](#) Amended and Restated Plan but not attached are incorporated by their reference as if set forth fully.

**SECTION 7**            **PROCEDURE FOR AMENDMENT**

|            This [Second](#) Amended and Restated Plan may be further modified at any time by the  
| LCDC, provided that, if modified after disposition of real property in the [Second](#) Amended and  
| Restated 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 this [Second](#) Amended and Restated Plan, the  
| modifications must be approved by the Coeur d'Alene City Council in the same manner as this  
| [Second](#) Amended and Restated Plan. Substantial changes for Coeur d'Alene 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 [Second](#) Amended and  
| Restated Plan.

**Attachment 1**

Description of the [Second](#) Amended and Restated Project Area and Revenue Allocation Area Boundaries

General Boundary Description

2003 Lake District Plan legal boundary, plus the addition of the following areas:

- Sorenson School block = area bounded by 9<sup>th</sup> & 10<sup>th</sup> Streets, and Coeur d’Alene & Indiana Avenues.
- Winton School Site and Winton Public Park = area bounded on the north by Lacrosse Avenue, on the east by Melrose Street, on the west by existing residential and commercial buildings, and on the south by the westerly off ramp of Highway 95.

[Note: Full Legal description of [Second](#) Amended and Restated Project Area available from Coeur d’Alene City Clerk office]

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**Attachment 2**

Second Amended and Restated Project Area–Revenue Allocation Area Boundary Map  
Illustrating Areas Added to the Lake District

**Attachment 3**

Private Properties Which May Be Acquired by LCDC

1. Downtown Structured Parking Initiative: Targeted Properties

- a. 4-309 Lakeside Avenue, Coeur d'Alene
- b. 214 3<sup>rd</sup> Street, Coeur d'Alene

2. Education Corridor Initiative: Targeted Properties

- a. DeArmond Mill Site, Northwest Boulevard, Coeur d'Alene

No other particular properties have been identified for acquisition by LCDC, except as may be required for the objectives of the Second Amended and Restated Plan.

- 2. The LCDC also reserves the right to acquire any additional right-of-way or access routes near or around existing or planned rights-of-way.
- 3. The LCDC reserves the right to acquire property needed to provide adequately sized sites for high priority projects such as public buildings, infrastructure, public parking facilities, transit and transportation facilities, etc. (the exact location, other than noted above, of which has not been determined).

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**Attachment 4**

Map Depicting Expected Land Uses and Current Zoning  
Within Revenue Allocation Area and [Second](#) Amended and Restated Project Area

[Map Depicting Expected Land Uses – See the LCDC Lake District Strategic Plan  
prepared by Zimmer Gunsul Frasca Partnership /  
Leland Consulting Group April 2003]

[Current Zoning – Contact City Clerk Office]

**Attachment 5**

Statement of Proposed Public Improvements, Costs, Revenues,  
Tax Impacts, Financing Methods, and Implementation Plan

| [Refer to [the 2008](#) Keyser-Marston Lake District Financial Feasibility Report]