

LINCOLN COUNTY ORDINANCE NO.: 2018-01

AN ORDINANCE TO PROVIDE FOR PROPERTY TAX EXEMPTIONS FOR NON-RETAIL COMMERCIAL AND INDUSTRIAL DEVELOPMENT PURSUANT TO IDAHO CODE § 63-602NN; REPEALING PREVIOUS ORDINANCE AND RESOLUTIONS IN CONFLICT HEREWITH; AND, PROVIDING THE EFFECTIVE DATE THEREFORE.

WHEREAS, in 2017, the Idaho legislator passed Idaho Code § 63-602NN providing property tax exemptions for certain business properties.

WHEREAS, Lincoln County desires to provide reasonable provision for non-retail commercial and industrial development while providing adequate health, safety and general welfare protections of Lincoln County residents. It is appropriate and necessary to adopt reasonable requirement for plant investment to be eligible to receive the Property Tax Exemption pursuant to this statute.

WHEREAS, this ordinance is not intended to and shall not be deemed to constitute a guarantee to the taxpayer of the property tax exemption.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, IDAHO, AS FOLLOWS:

Section 1. Plant Investments.

Any taxpayer may apply for property tax exemptions for new and existing project sites that have not been placed upon the tax rolls previously, provided there is a plant investment that meets all the incentive criteria set forth by Lincoln County and pursuant to Idaho Code § 63-602NN, as follows:

- A. New plant investment not less than \$500,000.00, at all project sites within Lincoln County for which the exemption shall apply of a property type or geographical area within Lincoln County, Idaho. Plant investment does not include the investment in land or any infrastructure.
 1. The property tax exemption may be granted for five (5) years as follows:
 1. 90% deduction for year one (1);
 2. 80% deduction for year two (2);
 3. 60% deduction for year three (3);
 4. 40% deduction for year four (4);
 5. 20% deduction for year five (5);
 6. After year five (5) and thereafter, the plant investment will be 100% taxed.

- B. New plant investment that meets all tax incentive criteria as defined in Idaho Code § 63-602NN(2)-(5), *et seq.*
- C. The Lincoln County Assessor's Office will perform an annual inspection of the business to ensure continuing compliance with these criteria. If at any time the criteria are not being maintained, this incentive can be unilaterally withdrawn at any time by the Lincoln County Commissioners.
- D. This section may change based on what requirements the Lincoln County Board of Commissioners desires to set for Lincoln County.

Section 2. Severability.

If, within the project period, the use or nature of the defined project or investment in the new plant changes such that the project would no longer qualify for the tax exemption, the Lincoln County Board of Commissioners may unilaterally terminate the agreement and withdraw the tax exemption.

Section 3. Notification and Public Hearing.

Before granting an exemption pursuant to this Ordinance, the Lincoln County Board of Commissioners shall hold a public meeting on the exemption. The applicant shall be required to pay all fees and costs to hold this hearing and for all publication costs. The Board shall provide notification as follows:

- A. A summary of the application under consideration; and,
- B. Written notice of the time, date and location of the public meeting, and an invitation to participate in the meeting to all affected taxing districts, urban renewal agencies and the Idaho Department of Commerce at least five (5) days before the meeting; and,
- C. The Lincoln County Commissioners have the sole right to deny any request based upon no economic growth and the criteria as defined in Idaho Code § 63-602NN(2)-(5), *et seq.*; and,
- D. This ordinance is not intended to and shall not be deemed to constitute a guarantee to the taxpayer of the property tax exemption.

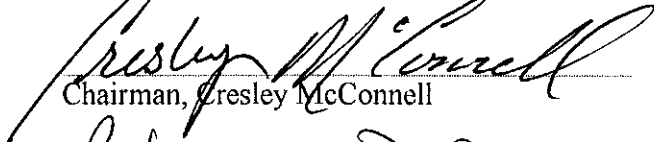
Section 4. Repealer and Effective Date.

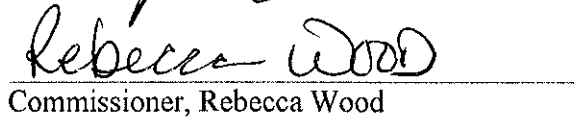
- A. All previous ordinances and resolutions relating to the matters described herein are hereby revoked and repealed.
- B. This Ordinance shall be in full force and effect after its passage and approval according to law.

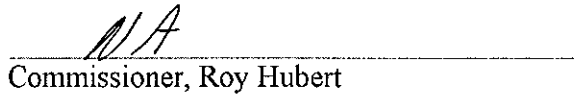
C. This Ordinance shall remain in effect during the entire tax year in which it was first adopted. The Lincoln County Board of Commissioners reserves the right to establish different investment requirements in future years by ordinance; however, any exemption granted under minimum investment criteria established by this ordinance will be retained for the duration of the exemption period granted.

PASSED ____ DAY OF _____, 2018

LINCOLN COUNTY, IDAHO
BOARD OF COUNTY COMMISSIONERS


Chairman, Presley McConnell


Commissioner, Rebecca Wood


Commissioner, Roy Hubert

ATTEST:


Clerk, Brenda Farnworth