

LEWIS COUNTY, IDAHO ORDINANCE NO. 2017-1

MINIMUM INVESTMENT AMOUNT NECESSARY TO QUALIFY FOR PLANT INVESTMENT PROPERTY TAX EXEMPTION UNDER IDAHO CODE § 63-602NN

AN ORDINANCE OF LEWIS COUNTY, A GOVERNMENTAL SUBDIVISION OF THE STATE OF IDAHO, ESTABLISHING THE MINIMUM INVESTMENT AMOUNT NECESSARY TO QUALIFY FOR THE TAX EXEMPTION AS SET FORTH IN IDAHO CODE SECTION 63-602NN FOR PLANT INVESTMENT; AND ESTABLISHING AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Idaho Code § 63-602NN sets out the requirements by which the Board of County Commissioners of Lewis County may grant a property tax exemption for plant investment; and

WHEREAS, the Idaho Legislature amended Idaho Code § 63-602NN through House Bill no. 235 to require counties to adopt an ordinance which establishes a minimum plant investment amount of not less than five hundred thousand dollars (\$500,000) at all project sites within the county as one of the requirements in order for plant investment to qualify for the exemption, effective July 1, 2017; and

WHEREAS, the Board of Commissioners of Lewis County finds that a minimum plant investment amount of \$500,000 would best stimulate economic development in Lewis County.

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEWIS COUNTY:

SECTION 1. MINIMUM INVESTMENT AMOUNT NECESSARY TO QUALIFY FOR THE TAX EXEMPTION.

1. Per Idaho Code § 63-602NN(2)(g), the minimum investment amount for plant investment at project sites within Lewis County, Idaho is set at a minimum threshold of five hundred thousand dollars (\$500,000.00); and
2. Those seeking a property tax exemption under Idaho Code § 63-602NN

must still meet the other requirements of that section in order to be granted the property tax exemption.

SECTION 2. PROJECT PLAN.

As part of the application process, prospective applicants should prepare a written project plan that addresses all requirements under Idaho Code 63-602NN. The project plan can be used during preliminary negotiations, and must be included as part of any application. A spreadsheet showing the nature and timing of investments and proposed exemptions should be part of the project plan.

SECTION 3. 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 Lewis Board of Commissioners may unilaterally terminate the agreement and withdraw the tax exemption.

SECTION 4. NOTIFICATION AND PUBLIC HEARINGS.

Before granting an exemption pursuant to this Ordinance, the Board of Commissioners shall hold a public meeting on the exemption. The Board shall provide notification as follows:

1. A summary of the application under consideration; and
2. 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) calendar days before the meeting.

SECTION 5. REPORTING FOLLOWING EXEMPTION.

Entities granted an exemption pursuant to this ordinance will be required to provide annual reporting to ensure compliance with the ordinance and terms of agreement with the County.

SECTION 6. ORDINANCE TERMINATION DATE.

This ordinance shall remain in effect during the entire tax year in which it was first adopted. The Lewis 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.

SECTION 7. EFFECTIVE DATE.

This ordinance shall take full force and effect after publication of a public notice in a newspaper of general circulation in Lewis County, as prescribed by law.

DATED this 11th day of December, 2017.

By: 


Greg Johnson, Chairman

By: 

Justin McLeod, Commissioner

By: 

Mike Ponozzo, Commissioner

ATTEST:


Alesia Winner, Lewis County Clerk