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ERIN CANFIELD, COUNTY RECORDER
BOONE IOWA

Ordinance #162: Revitalization Plan

Recorder's Cover Sheet

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ORDINANCE NO. 162

REVITALIZATION PLAN ORDINANCE

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9.01 TITLE. This chapter shall be titled the Revitalization Plan Ordinance of Boone, County Iowa, and part of its purpose is the adoption and enabling of the Urban to Rural Corridor Revitalization Plan.

9.02 ADOPTION OF PLAN. The Urban to Rural Corridor Revitalization Plan, a copy of which is on file in the office of the Boone County Auditor, and by this reference made a part hereof, is adopted for the purpose of outlining policies, procedures, or other requirements whereby the area designated herein can be revitalized, and the potential for commercial and industrial growth can be enhanced in accordance with the current comprehensive plan of the County of Boone, as may be amended, and pursuant to the provisions of Chapter 404 of the Code of Iowa.

9.03 OBJECTIVES OF PLAN. The objectives of this Ordinance and corresponding Urban to Rural Corridor Revitalization Plan are to encourage the development, redevelopment and improvement of commercial and industrial growth areas per the Boone County Comprehensive Plan and Future Land Use Map, or for other such areas as deemed appropriate by the Board of Supervisors, to use available funding programs in conjunction with tax exemptions to further enhance the growth and welfare of Boone County, and to stimulate and improve the business climate in Boone County.

9.04 DESCRIPTION OF REVITALIZATION AREA. The area designated for this Ordinance is designated as the entire area of Boone County, Iowa, lying outside the boundaries of all cities. (For visual depiction and legal description of revitalization area see Boone County Future Land Use Map in the Boone County Comprehensive Plan, by reference incorporated herein.)

9.05 ZONING. The land falling within the revitalization area is zoned according to the zoning ordinance of Boone County, Iowa. References herein to certain zoning classifications are made with reference to and controlled by such ordinances which may be amended from time to time. It is assumed that much of the land lying within the revitalization area will remain used as agricultural property until such time as it is developed. It is the purpose of this Chapter to encourage and promote commercial and industrial growth.

9.06 TYPE OF CONSTRUCTION. The purpose of this Ordinance is for the addition to existing buildings, as well as the construction of new commercial and industrial facilities, or any other purposes which may be stated in the Urban to Rural Corridor Revitalization Plan. Provided, however, that nothing in this Chapter shall be deemed to provide an exemption from taxation for valuation added through the installation of public improvements, such as streets, sewers, water, and other improvements to land or use by the public.

9.07 URBAN TO RURAL CORRIDOR REVITALIZATION PLAN. The Urban to Rural Corridor Revitalization Plan is adopted to further the purposes of this Ordinance and may from time to time be amended. The Urban to Rural Corridor Revitalization Plan shall include at least the following:

- a. Qualifications for eligibility under this Ordinance.
- b. Improvements and minimum valuations, providing for the minimum valuations and exemption schedules of qualified real estate.
- c. Application requirements and the processes for making application for benefit under this Ordinance.

9.08 INDIVIDUAL REVITALIZATION TAX EXEMPTION PLANS AND

APPLICATIONS. For any property owner or other individual seeking the benefit or relief outlined in this Chapter, the property owner or other individual shall propose a plan to the Board of Supervisors, to be known as Individual Revitalization Tax Exemption Plan ("IRTEP" herein), along with application for approval. The proposed Individual Revitalization Tax Exemption Plan shall include the following:

- a. A legal description of the real estate forming the boundaries of the proposed area along with a map depicting the existing parcels of real estate.
- b. The existing assessed valuation of the real estate in the proposed area, listing the land and building values separately.
- c. A list of names and addresses of the owners of record of real estate within the area.
- d. The existing zoning classifications and district boundaries and the existing and proposed land uses within the area.
- e. Any proposals for improving or expanding County services within the area including but not limited to transportation facilities, sewage, garbage collection, street maintenance, park facilities and police and fire protection.
- f. Statements of the following:
 - a. A statement specifying whether the revitalization is applicable to none, some, or all of the property assessed as residential, agricultural, commercial, or industrial property within the designated area or a combination thereof and whether the revitalization is for rehabilitation and additions to existing buildings or new

construction or both. If revitalization is made applicable only to some property within an assessment classification, the definition of that subset of eligible property must be by uniform criteria which further some planning objective identified in the plan.

- b. A statement that the revitalization area shall include only property which will be used as industrial property, commercial property, or residential property.
- c. A statement that the tax exemption being sought to commercial property or residential property which is not located within the limits of a city.
- g. The provisions that have been made for the relocation of persons, including families, business concerns and others, whom the applicant anticipates will be displaced as a result of improvements to be made in the designated area.
- h. A statement of the tax exemption schedule being applied, and that such tax exemption schedule is in accordance with Iowa Code Chapter 404.2. Along with a statement that the tax schedules used shall only be applicable to property of the type for which the revitalization area is zoned at the time the County designates the area a revitalization area.
- i. A statement of the percent increase in actual value which shall not be less than fifteen percent.
- j. A disclosure whether the property is residential or not. If it is a residential improvement, there shall be a description of any federal, state or private grant or loan program likely to be a source of funding for the area along with a description of any grant or loan program which the county has or will have as a source of funding for that area for residential improvements.

9.09 ASSESSMENT AGREEMENT

Any commercial property obtaining any benefit or relief of this Chapter or of the Urban to Rural Corridor Revitalization Plan shall enter into an Assessment Agreement as provided by Iowa Code Chapter 404.3C and as detailed in Section 6 of the Urban to Rural Corridor Revitalization Plan.

9.10 HEARING, RESOLUTION, AND PRIOR APPROVAL

The Individual Revitalization Tax Exemption Plan will then be considered by the Board of Supervisors only after a scheduled public hearing and notification of all owners of record located within the proposed area of the Individual Revitalization Tax Exemption Plan. In addition to notice by publication, notification shall be given to all owners of record located within the proposed area of the Individual Revitalization Tax Exemption Plan pursuant to Iowa Code Chapter 404.2(3).

The Board of Supervisors may make a case-by-case determination on each IRTEP and take into consideration if the particular IRTEP is in conformance with this Ordinance, the County Comprehensive Plan, or the Urban to Rural Revitalization Plan, or any other factor bearing on approval. Each application and IRTEP approval shall be done by resolution. Such prior approval shall not entitle the owner to exemption from taxation until the improvements have been completed and found to be qualified real estate.

9.11 TIME LIMIT - PRIOR APPROVAL. All prior approval of IRTEPs under this Ordinance or the Urban to Rural Corridor Revitalization Plan, approved by the County shall remain in effect until one (1) calendar year from and after the date of said resolution approving the application. If improvements are not in place by that date, prior approval is null and void. For any IRTEP which becomes null and void, the property owner or other person must make subsequent application under this Ordinance.

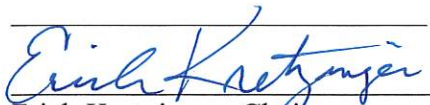
9.12 DURATION. The Revitalization Area described herein shall be eligible for tax exemption under the Urban to Rural Corridor Revitalization Plan for a period beginning on the effective date of the Ordinance codified in this Chapter, and it shall remain in effect thereafter until such time as the County believes that the desired level of revitalization has been attained, or that economic conditions are such that the continuation of the revitalization plan would cease to be a benefit to the County and the County institutes action to repeal the Urban Revitalization Ordinance, as is provided in Iowa Code Section 404.7.

9.13 SEVERABILITY. If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.


First Introduction: 9.4.24

Second Meeting: 9.11.24

Passed and Approved by the Boone County Board of Supervisors, on 9.11.24.



Erich Kretzinger, Chairman
Boone County Board of Supervisors

Attest: 

Diane Patrick, or designee
County Auditor



Urban to Rural Corridor Revitalization Plan

Article 1. Purpose and Intent

Section 1.01 Passage of Enacting Ordinance

On the 11th day of September, 2024, the Boone County Board of Supervisors passed an ordinance as required by the Code of Iowa §404.1. The purpose of the ordinance is to create an Urban Revitalization Plan in order to allow for the use of incentives and tools in Chapter 404, Code of Iowa, 2023.¹ The Revitalization Plan Ordinance is Ordinance No. 162 in the Boone County Ordinance, referred to herein as “the Ordinance.”

Section 1.02 Intent

It is the intent of the Boone County Board of Supervisors to establish an Urban Revitalization Plan, to be known as the Urban to Rural Corridor Revitalization Plan, in accordance with the provisions established in Chapter 404, Code of Iowa, 2023. This document is intended to be the plan used for development, redevelopment, improvement or rehabilitation in concurrence with the Ordinance, Boone County Comprehensive Plan and Future Land Use Map. This plan will exercise various incentives and programs conferred in Chapter 404, Code of Iowa 2023.

Section 1.03 Plan Objectives

The objectives of this plan were developed in coordination with the Boone County Comprehensive Plan and policy objectives by the Boone County Board of Supervisors.

Objectives:

- Encourage the development, redevelopment and improvement of commercial and industrial growth areas per the Boone County Comprehensive Plan and Future Land Use Map.
- Use available funding programs in conjunction with tax abatement to further enhance the growth and welfare of Boone County.
- Stimulate and improve the business climate in Boone County.
- Encourage the development of areas specifically along the paved county roadways within Boone County.

This plan shall outline the incentives which will be made available to property owners of eligible real estate. Eligibility is determined by those requirements set forth in Chapter 404, Code of Iowa, 2023, and those additional requirements set forth by the Boone County Board of Supervisors, in the Revitalization Plan Ordinance, and this plan.

¹ Chapter 404.2(1), Code of Iowa 2023

Urban to Rural Corridor Revitalization Plan

Article 2. Property Information for the Urban to Rural Corridor Revitalization Plan

Section 2.01 Revitalization Area

The boundaries of the revitalization area shall be in accordance with projected growth according to the Boone County Future Land Use Map as part of the Boone County Comprehensive Plan. Individual Revitalization Tax Exemption Plans (“IRTEP” herein) will be proposed to the Board of Supervisors in accordance with Section 9.08 of the Ordinance. Such IRTEPs will be considered by the Board and be approved by resolutions if meeting the criteria outlined in this Plan, the Ordinance, and as otherwise deemed appropriate, necessary, and reasonable by the Board of Supervisors.

Only those areas adjacent to or immediately along paved roadways within the revitalization area will be considered for approval.

Section 2.02 Descriptive Listings of real Estate

Each IRTEP under this plan shall conform to the requirements of Section 9.08 of the Ordinance and shall contain a list inclusive of all real estate parcels which exist in the Urban Revitalization Area (hereinafter referred to as “Area”). Information shall be provided for each real estate parcel located in the boundary Area which will contain, at a minimum, information concerning the existing assessed valuation of the real estate by separating the valuation of land and improvements, along with the names and addresses of the last owners of record. ²

Section 2.03 Zoning Classifications and District Boundaries

Boone County has adopted a Zoning Ordinance. IRTEPs shall include descriptions of the zoning classifications and a zoning map depicting said districts.³ Tax Schedules set forth in the IRTEPs shall only be applicable to property of the type for which the revitalization area is zoned at the time the County designates the area a revitalization area.⁴

Section 2.04 Existing Land Uses and Proposed Land Uses

² Chapter 404.2 (2)(b,c), Code of Iowa 2023

³ Chapter 404.2 (2)9d), Code of Iowa, 2023

⁴ Chapter 404.2 (2)(h), Code of Iowa, 2023

Urban to Rural Corridor Revitalization Plan

The primary purpose of the Urban to Rural Corridor Revitalization Plan is for commercial and industrial use. The Comprehensive Plan Future Land Use Map is the foundation by which Urban Revitalization Projects will be located. Each individual IRTEP shall reference the Future Land Use Map and identify how the project complies with the Comprehensive Plan and Map.⁵

Article 3. Proposed Public Service Improvements

Section 3.01 Public Services

Boone County will strive to encourage development in a manner that minimizes costs associated with public improvements. If public services are a necessary component of an Urban Revitalization Area, the IRTEP shall address the public services and method by which improvements will be made.⁶

Article 4. Qualified Real Estate Requirements

Section 4.01 Purpose

Boone County will review each request for economic development incentives on a case by case basis. The ability to approve or deny requests will generally follow the guidelines of the Iowa Code, the Ordinance, and this plan. However, it is difficult for all scenarios to be foreseen in one plan. The general goal is to promote the general health, safety, and welfare of the citizens of Boone County. Any request may be denied, regardless of any other qualifications.

Section 4.02 Qualified Real Estate

As used in this plan. “Qualified Real Estate” means real property, which is located in the designated revitalization area per the applicable IRTEP and resolution adopting that IRTEP, to which improvements have been added during the time the area was so designated a revitalization area, which have increased the actual value by at least the percentage / amount indicated in Table 4.03-1 below.

Section 4.03 Improvements and Minimum Valuations

Qualified real estate shall have a tax classification of commercial or industrial which included new construction, additions to existing building or new construction. Qualified real estate must meet the following criteria:⁷

Table 4.03-1 Valuation Criteria

Tax Classification	Minimum Valuation Increase (based on assessment)	Abatement Schedule Qualification
Commercial	750,000	Five Year Abatement Schedule
Commercial	\$ 1,500,000	Ten Year Abatement Schedule

⁵ Chapter 404.2 (2)(d), Code of Iowa, 2023

⁶ Chapter 404.2 (2)(e), Code of Iowa, 2023

⁷ Chapter 404.2 2(f), Code of Iowa, 2023

Urban to Rural Corridor Revitalization Plan

New Commercial with a value of \$5,100,000 or greater	15 % increase ⁸	Ten Year Abatement Schedule
Industrial	Less than \$ 1,500,000	Five Year Abatement Schedule – See Tax Credit Ordinance 4 ⁹
Industrial	\$ 1,500,000	Ten Year Abatement Schedule
Industrial New Industrial with a value of \$5,100,000 or greater	15% Increase ¹⁰	Ten Year Abatement Schedule

Section 4.04 Minimum Valuation

The “Minimum Valuation” shall be the minimum amount of actual value added by the improvements as of the first year for which the exemption was received to qualify for the corresponding abatement schedule. When the actual dollar amount and the percentage of actual value are different, the larger of the two shall apply as the minimum valuation needed for the corresponding abatement schedule. See example below:

Table 4.04-1 Sample Qualifying Real Estate

	Pre-existing Valuation	Valuation after Improvements	% Change	\$ Change	Appropriate Abatement Schedule
Commercial Business	1,125,000	1,879,000	67%	754,000	Five Year Abatement
Industrial Business	3,000,000	3,330,000	11%	330,000	Five Year Abatement ¹¹
Commercial Business	5,100,000	5,865,000	15%	765,000	Ten Year Abatement
Commercial Business	7,200,000	7,848,000	9% ¹²	648,000	Does Not Qualify
Industrial Business	150,000	1,650,000	1,000%	1,500,000	Ten Year Abatement

Section 4.05 Prohibited Locations of Urban Revitalization Areas

Under this plan, Boone County will not provide any incentives or other tools to projects having a location within corporate limits of any city.¹³

⁸ Chapter 404.3 8, Code of Iowa, 2023

⁹ Boone County Industrial Property Tax Credit Ordinance No. 4

¹⁰ Chapter 404.3 8, Code of Iowa 2023

¹¹ Boone County Industrial Property Tax Credit Ordinance No. 4

¹² Does not meet minimum threshold of 10% set forth by Chapter 404.3 of the Code of Iowa, 2023

¹³ Chapter 404.2 2(f), Code of Iowa, 2023

Urban to Rural Corridor Revitalization Plan

Article 5. Tax Exemption Schedule Options

Section 5.01 Tax Exemption Schedules

All qualified real estate is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of five or ten years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:¹⁴

(a) Five Year Schedule

- I. For the first year, seventy-five percent.
- II. For the second year, Sixty percent.
- III. For the third year, forty-five percent.
- IV. For the fourth year, thirty percent.
- V. For the fifth year, fifteen percent.

(b) Ten Year Schedule

- I. For the first year, eighty percent.
- II. For the second year, seventy percent.
- III. For the third year, sixty percent.
- IV. For the fourth year, fifty percent.
- V. For the fifth year, forty percent.
- VI. For the sixth year, forty percent.
- VII. For the seventh year, thirty percent.
- VIII. For the eighth year, thirty percent
- IX. For the Ninth year, twenty percent.
- X. For the tenth year, twenty percent.

¹⁴ Chapter 404.3 2(a-j), Code of Iowa 2023

Urban to Rural Corridor Revitalization Plan

Section 5.02 Owners Option

The owners of qualified real estate eligible for the exemption provided in this plan shall elect to take the applicable exemption. Once the election has been made and the exemption granted, the owner is not permitted to change the method of exemption.¹⁵

Article 6. Application and Approval of Eligibility

Section 6.01 Application filed.

An IRTEP in compliance with section 9.08 of the Ordinance shall be filed for each new exemption claimed. Application shall be filed by the property owner for an exemption to be claimed with the Boone County Assessor by February 1 of the assessment year for which the exemption is first claimed, but in no instance later than the year in which all improvements included in the project are first assessed for taxation, or the following two assessment years, in which case the exemption is allowed for the total number of years in the exemption schedule. However, upon the request of the owner at any time, the Board of Supervisors may provide by resolution that the owner may file an application by February 1 of any other assessment year selected by the Board, in which case the exemption is allowed for the number of years remaining in the exemption schedule.¹⁶

Section 6.02 Contents of Application

The application shall contain all of the information as outlined in section 9.08 of the Ordinance and such other information which may be required by Iowa Code 404

Section 6.03 Board of Supervisor's Approval Required

The Board of Supervisors shall approve the application, subject to the review by the County Assessor, if the project:

- a) Is in a conformance with the Ordinance and this plan;
- b) Is located in the designated revitalization area (Current Comprehensive Land Use Plan Map);
- c) Improvements were made during the time the area was so designated a revitalization area.

¹⁷

¹⁵ Chapter 404.3 6, Code of Iowa 2023

¹⁶ Chapter 404.4, Code of Iowa 2023

¹⁷ Chapter 404.4, Code of Iowa, 2023

Urban to Rural Corridor Revitalization Plan

Section 6.04 Board of Supervisors Shall Forward Approved Applications

The Board of Supervisors shall cause to have forwarded the approved applications to the County Assessor by March 1 of each year, along with a statement indicating the exemption schedule.¹⁸

Section 6.05 Succeeding Year Applications Not Necessary

Applications for exemption for succeeding years on approved projects shall not be required.¹⁹

Section 6.06 Determination by County Assessor

The County Assessor shall review each first-year application by making a physical review of the property, to determine if the improvements made actually increased the actual valuation of the qualified real estate by the percentages / amounts established in Table 4.03-1 Valuation Criteria.²⁰

Section 6.07 Eligibility Determined

If the Assessor determines that the actual value of the real estate has been increased by at least the requisite percentage / amount, the Assessor shall proceed to determine the actual value of the property and certify the valuation determined pursuant to Article 6, to the County Auditor at the time of transmitting the assessment rolls.²¹

Section 6.08 New Structures

If a new structure is erected on land upon which no structure existed at the start of the new construction, the Assessor shall proceed to determine the actual value of the property and certify the valuation determined pursuant to Article 4, to the Auditor at the time of transmitting the assessment rolls.

Section 6.09 Notification by the Assessor

The Assessor shall notify the applicant of the determination, and the Assessor's decision may be appealed to the local Board of Review at the times specified in the Code of Iowa.²²

Section 6.10 Assessment Agreement

¹⁸ Chapter 404.4, Code of Iowa, 2023

¹⁹ Chapter 404.4, Code of Iowa, 2023

²⁰ Chapter 404.5, Code of Iowa 2023

²¹ Chapter 404.5, Code of Iowa, 2023

²² Chapter 441.37, Code of Iowa, 2023

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Commercial property shall not receive a tax exemption pursuant to this Plan or the Ordinance unless the county and the owner of the qualified real estate enter into a written assessment agreement specifying a minimum actual value until a specified termination date for the duration of the exemption period.²³

The Assessment Agreement shall be presented to the Assessor. The Assessor shall review the plans and specifications for the improvements to be made to the property and if the minimum actual value contained in the assessment agreement appears to be reasonable, the Assessor shall execute the following certification upon the agreement: “The undersigned assessor, being legally responsible for the assessment of the above described property upon completion of the improvements to be made on it, certifies that the actual value assigned to that land and improvements upon completion shall not be less than \$.....”

The assessment agreement with the certification of the Assessor and a copy of this subsection shall be filed in the office of the county recorder. Upon completion of the improvements, the Assessor shall value the property as required by law, except that the actual value shall not be less than the minimum actual value contained in the Assessment Agreement. This subsection does not prohibit the Assessor from assigning a higher actual value to the property or prohibit the owner from seeking administrative or legal remedies to reduce the actual value assigned except that the actual value shall not be reduced below the minimum actual value contained in the Assessment Agreement. An assessor, county auditor, board of review, director of revenue, or court of this state shall not reduce or order the reduction of the actual value below the minimum actual value in the Agreement during the term of the Agreement regardless of the actual value which may result from the incomplete construction of improvements, destruction or diminution by any cause, insured or uninsured, except in the case of acquisition or reacquisition of the property by a public entity. Recording of an Assessment Agreement complying with this subsection constitutes notice of the Assessment Agreement to a subsequent purchaser or encumbrancer of the land or any part of it, whether voluntary or involuntary, and is binding upon a subsequent purchaser or encumbrancer.

Section 6.11 Exemption Granted; Succeeding Years

After the tax exemption is granted, the County Assessor shall continue to grant the tax exemption, with periodic physical review by the Assessor, for the time period specified in the exemption schedule option elected by the property owner, and which was approved, without application for succeeding years of exemption schedule.²⁴

Article 7. Adoption

This document shall be adopted by resolution
Latest revision of this plan:
Plan adopted:

²³ Chapter 404.3C, Code of Iowa, 2023

²⁴ Chapter 404.5, Code of Iowa, 2023