

## Chapter 12

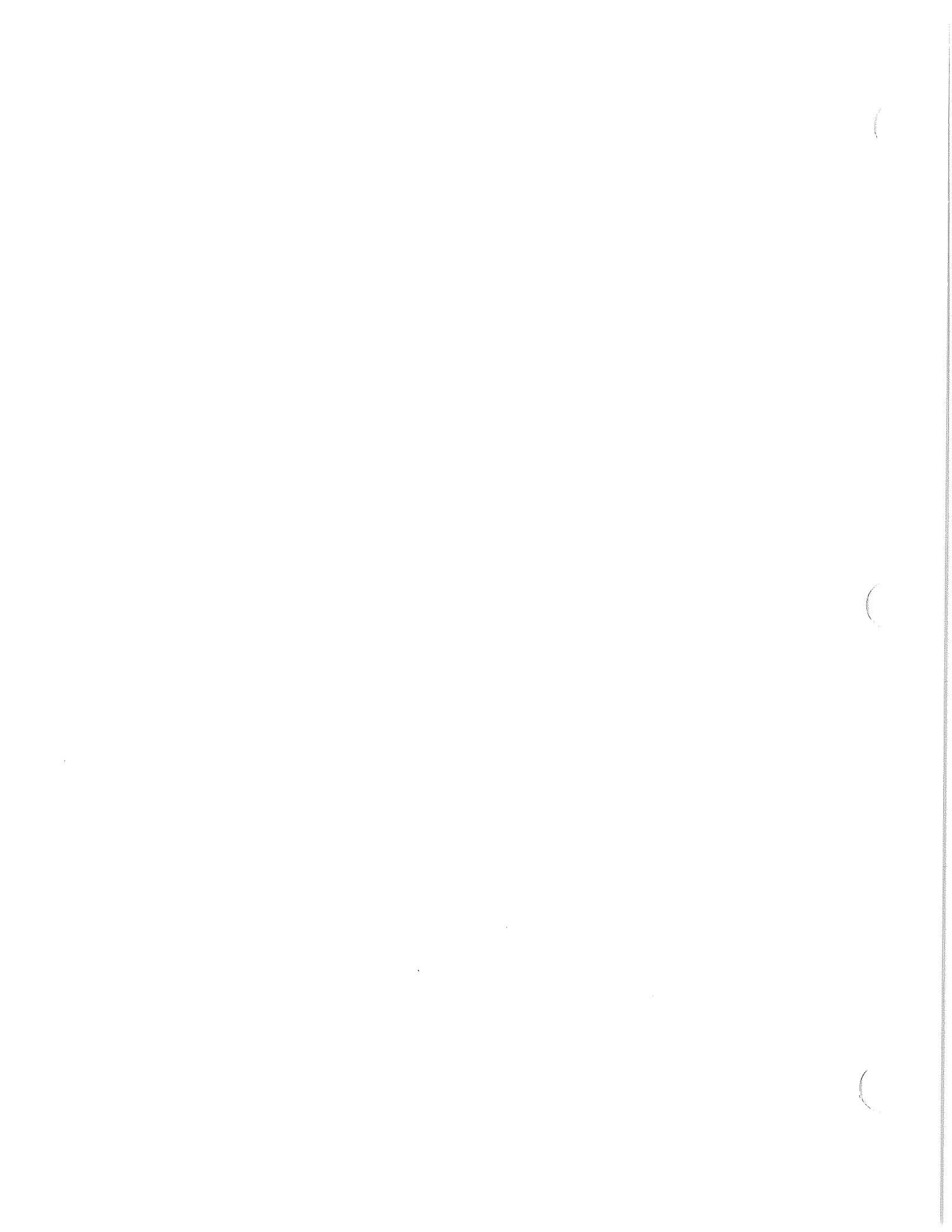
### COMMUNITY DEVELOPMENT

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## ARTICLE I. IN GENERAL

Secs. 12-1—12-18. Reserved.

## ARTICLE II. URBAN RENEWAL AREA\*

## Sec. 12-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Act* means MCA title 7, chapter 15, parts 42 (MCA 7-15-4201 et seq.) and 43 (MCA 7-15-4301 et seq.).

*Actual taxable value* means the taxable value of taxable property at any time, as calculated from the assessment roll last equalized.

*Base taxable value* means the actual taxable value of all taxable property within an urban renewal area prior to the effective date of a tax increment financing provision. This value may be adjusted as provided in MCA 7-15-4287 or 7-15-4293.

*Incremental taxable value* means the amount, if any, by which the actual taxable value at any time exceeds the base taxable value of all property within an urban renewal area.

*Tax increment* means the collections realized from extending the tax levies, expressed in mills, of all taxing bodies which the urban renewal area or a part thereof is located, against the incremental taxable value.

*Tax increment provision* means a provision for the segregation and application of tax increments as authorized by MCA 7-15-4282—7-15-4299.

*Taxes* mean all taxes levied by a taxing body against property on an ad valorem basis.

*Urban renewal area* means a blighted area that the local town council designates as appropriate for an urban renewal project or projects.

*Urban renewal district* means an established urban renewal area.

*Urban renewal plan* means a plan for an urban renewal area/district adopted by the town council in accordance with the provisions of this article, and in conformance with the town growth policy, which describes potential projects or programs.

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\*State law reference—Montana Urban Renewal Law, MCA 7-15-4201 et seq.

*Urban renewal project or program* means undertakings or activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of blight, and may involve redevelopment in an urban renewal area, rehabilitation or conservation in an urban renewal area, or any combination or part of redevelopment, rehabilitation, or conservation in accordance with an urban renewal plan. An urban renewal project may not include using property that was condemned pursuant to MCA title 70, chapter 30 (MCA 70-30-101 et seq.), for anything other than a public use.

*Whitehall Urban Renewal District* means the urban renewal area/district established by this article, consisting of a continuous area within an accurately described boundary, zoned in accordance and planned in conformance with the town growth policy, and found to be a blighted area.

(Ord. No. 03-01-05, § 1, 12-12-2013)

State law reference—Definitions, MCA 7-15-4206.

#### **Sec. 12-20. Findings.**

Based on representations made to the town council to date, and taking into consideration all comments received, including those made at a public hearing duly held on October 15, 2013, after proper legal notice was given, the town council does hereby make the following findings, determinations and declarations regarding the Whitehall Urban Renewal District, which is hereinafter referred to as "the district":

- (1) Following an analysis of conditions within the district, the town council directed that a statement of blight be prepared to present information about conditions within the district.
- (2) A resolution of necessity adopted by the town council on June 12, 2012, found that the district was blighted in accordance with the Montana Urban Renewal Law, noting that at least three conditions of blight were present in the district per the Statement of Blight.
- (3) The district includes all the real property in the town within an area that is generally bounded on the west by the town limit, on the east by the town limit at Whitetail Creek, on the north by Commercial Way to Division Street and thereafter by East 1st Street and on the south by Sugar Beet Row. The legal description and map of the district are attached to Ordinance No. 03-01-05, as Exhibit "B."
  - a. The property to be included in the district consists of a continuous area with an accurately described boundary.

- b. The district includes more than 390 separate parcels, more than large enough to afford maximum opportunity, consistent with the sound needs of the town as a whole, for the rehabilitation or redevelopment of the urban renewal area by the private sector.
  - c. The property to be included in the district does not contain property included within an existing urban renewal area district or targeted economic development district.
- (4) The town growth policy was adopted in December 2009 and amended in 2011.
- (5) A plan for the district prepared in accordance with the Montana Urban Renewal Law, the "Whitehall Urban Renewal Plan," is attached to Ordinance No. 03-01-05 as Exhibit "C," which:
- a. Describes the opportunity to foster economic vitality in the town through the redevelopment and revitalization of its downtown and surrounding areas.
  - b. Enhances opportunities for private investment in order to generate jobs and new taxable value for the community.
  - c. Addresses blight through investment in public infrastructure and programs that enhance the quality of life for the citizens.
  - d. Authorizes the use of tax increment financing in support of making rehabilitation and redevelopment improvements. As revenues permit, the town may issue tax increment financing bonds in support of these activities.
- (6) The town urban renewal plan was submitted to the town planning board for review, and on May 28, 2013, said board executed a resolution that found the proposed urban renewal plan to be in conformity with the town growth policy and found the urban renewal area to be zoned for uses in accordance with the town growth policy.
- (7) A notice of a public hearing in substantially the form presented in, and attached to Ordinance No. 03-01-05 as Exhibit "A" was published on October 2 and 9, 2013.
- (8) A notice of a public hearing was mailed by certified mail to all property owners in the district based on a list of the geocodes for all real property, the assessor codes for all personal property, and a description of all centrally assessed property located within the TIFD at the time of its creation.

(Ord. No. 03-01-05, § 2, 12-12-2013)

**State law reference**—Resolution of necessity, MCA 7-15-2580.

**Sec. 12-21. Establishment of the district.**

The Whitehall Urban Renewal District is hereby established.  
(Ord. No. 03-01-05, § 3, 12-12-2013)

**Sec. 12-22. District plan.**

The Whitehall Urban Renewal Plan, attached to Ordinance No. 03-01-05 as Exhibit "C," is hereby adopted.  
(Ord. No. 03-01-05, § 4, 12-12-2013)

**Sec. 12-23. Base year.**

For the purpose of calculating the incremental taxable value for each year of the life of the district, the base taxable value shall be calculated as the taxable value of all real and personal property within the district, as of January 1, 2013.  
(Ord. No. 03-01-05, § 5, 12-12-2013)

**Sec. 12-24. Tax increment provision.**

The county is hereby authorized to segregate, as received, the tax increment derived in the district, and use and deposit such increment into the district fund for use as authorized by the Act and as authorized herein or by the town council from time to time.  
(Ord. No. 03-01-05, § 6, 12-12-2013)

**Sec. 12-25. Costs that may be paid from tax increments.**

The tax increments received from the district may be used to directly pay costs of approved urban renewal projects, or to pay debt service on bonds issued to finance urban renewal projects as defined under the Montana Urban Renewal Law, as may from time to time be approved by the town council. The town council hereby authorizes the use of tax increments in the district to be used to pay debt service on internal and bank financed loans issued to finance all or a portion of the costs of eligible improvements in compliance with the Montana Urban Renewal Law and subject to any limitations imposed by the state Constitution.  
(Ord. No. 03-01-05, § 7, 12-12-2013)

**Sec. 12-26. Term of the tax increment financing provision.**

(a) The tax increment financing provision of the district will terminate in accordance with state law.

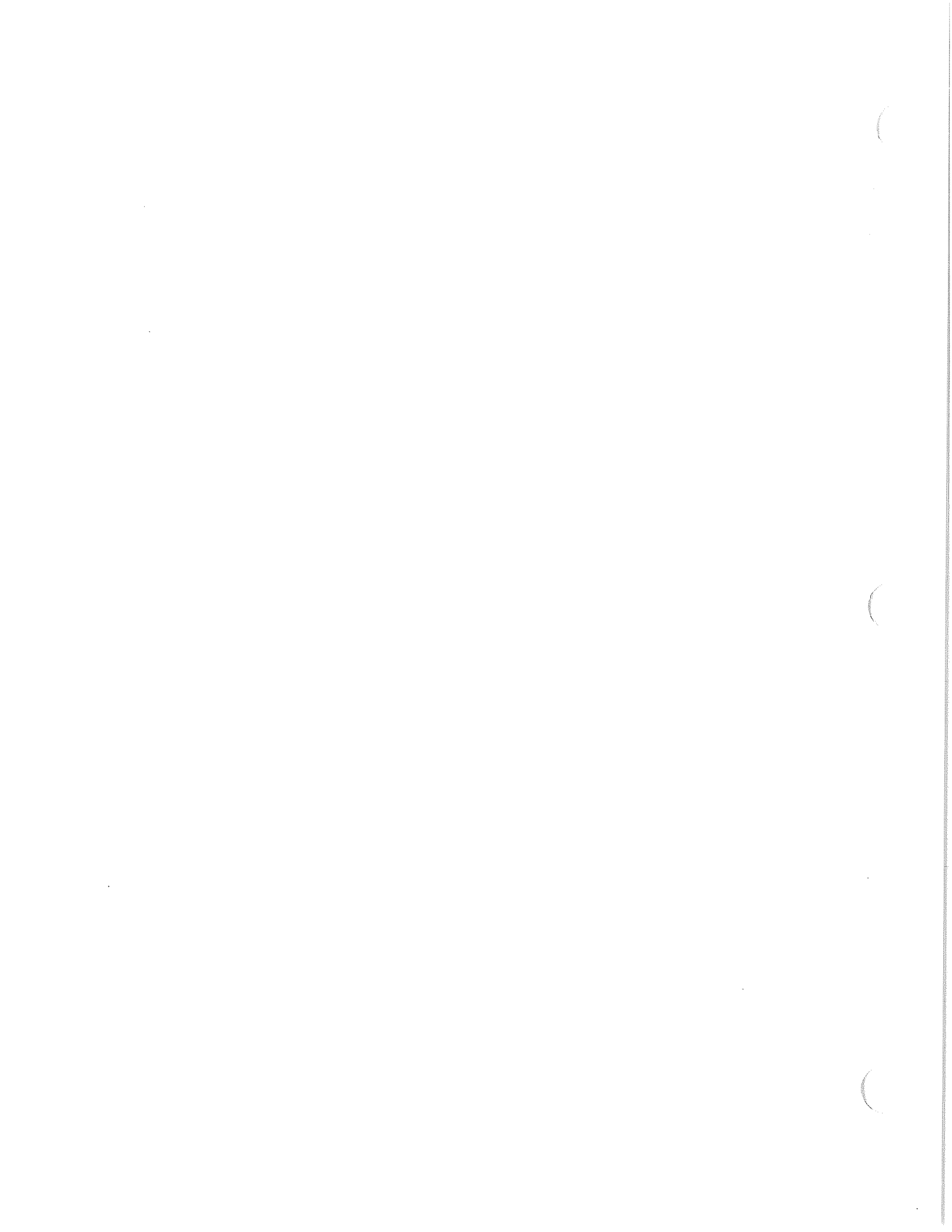
(b) After termination of the tax increment financing provision, all taxes shall continue to be levied upon the actual taxable value of the taxable property in the district, but shall be paid into funds of the taxing bodies levying taxes within the district.

(Ord. No. 03-01-05, § 8, 12-12-2013)

**Sec. 12-27. Effect of urban renewal project or program.**

The creation of an urban renewal project or program, or the approval of an urban renewal project or program, does not affect, abrogate or supersede any rules, ordinances, or regulations relating to zoning, building permits, or any other matters.

(Ord. No. 03-01-05, § 9, 12-12-2013)





Chapter 13

**RESERVED**

