

**THE SECOND AMENDED AND RESTATED CITY OF
MOSCOW, IDAHO RESEARCH AND TECHNOLOGY PARK
URBAN RENEWAL/COMPETITIVELY DISADVANTAGED
BORDER COMMUNITY AREA PLAN
2005**

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**THE SECOND AMENDED AND RESTATED CITY OF MOSCOW
RESEARCH AND TECHNOLOGY PARK
URBAN RENEWAL/COMPETITIVELY DISADVANTAGED BORDER
COMMUNITY AREA PLAN**

SECTION 1: INTRODUCTION

The City of Moscow is located in Northern Idaho and within Latah County. The City boundary is adjacent to the Idaho-Washington State border and about 8 miles from Pullman, Washington. Both Moscow and Pullman are the homes of two significant universities, the University of Idaho and Washington State University, respectively. The economies of both communities are based on those educational institutions and the surrounding agricultural industries.

Economic growth in both communities has been tied to the universities. Both communities have developed Research and Technology Parks to foster and accommodate the growth resulting from university-related business development. However, growth in Pullman has also been enhanced by several distinctive advantages regarding the creation of ports, property tax advantages, and lower business and personal costs.

The City of Moscow and the University of Idaho desire to make use of the success of the business incubator and provide additional space for the growth and development of new companies. These companies will provide employment, investment and tax revenue generation capability to maintain and improve the economy and community of Moscow. However, to accommodate and foster this new growth, it is necessary to provide public infrastructure of water, sewer, streets and parks within the project area. Without these public improvements, the project will not go forward and new growth and business development will occur in a more suitable location; likely to be Pullman, Washington. These improvements are necessary to accommodate the growth and development of new jobs and our economy.

The City of Moscow has caused two studies to be performed to measure Moscow's economic disadvantages and blighted area needs. An economic feasibility study has also been prepared which includes a fiscal impact statement showing the impact of a "revenue allocation area" on the City and all other affected taxing entities (see Appendix D). It is the intention of the City Council that much of the cost of effecting the Research and Technology Park Urban Renewal/Competitively Disadvantaged Border Community Area Plan (hereafter, "Research Park Plan") be funded by revenue allocation financing with bonds or other obligations. It is the expectation that all bonds or other obligations incurred will be paid off and the property will be returned to the tax rolls at full market value by the end of the Research Park Plan term.

This Research Park Plan establishes a program to mitigate some of the disadvantages identified and to improve the capability of providing new jobs in Moscow. It also describes the project, the project area and the improvements resulting therefrom. The Research Park Plan also outlines the powers, duties and obligations of the City of Moscow Urban Renewal Agency (hereafter, "Agency") and demonstrates how that project will be funded. In the event of a conflict between this Research Park Plan and any of the appendices supplementary to it, the provisions of this Research Park Plan control.

SECTION 2: PURPOSE AND GOALS

The purpose and major goals of the Research Park Plan are as follows:

1. To stimulate commercial and industrial development within the project area;
2. Enhance the-expansion potential for all commercial and industrial sites within the Revenue Allocation Area;
3. Enhance the public infrastructure and amenities within the project area;
4. Enhance and improve access routes to the City's commercial and industrial areas;
5. Increase the development of housing facilities in areas surrounding the project area; and
6. Improve and make more attractive one of the entrances to the City.
7. The elimination of environmental deficiencies in the Project Area, including, among others, obsolete and aged building types, substandard streets, and deteriorated and inadequate public improvements; including certain streets, improvements to public utilities, removal, burying, or relocation of overhead utilities, and roadways.
8. The re-planning, redesign, and development of undeveloped or underdeveloped areas which are stagnant or improperly utilized because of fragmented ownerships, and other site conditions.
9. The clean-up and redevelopment of properties adjacent to Highway 8 right-of-way.
10. The provision of adequate land for parks, open spaces, street rights-of-way, public parking facilities, and storm drain/retention ponds with inter-connecting paths and landscape areas.
11. The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Revenue Allocation Area and the Project Area as a whole, and benefiting the various taxing districts in which the Urban Renewal Area is located.
12. Acquisition of certain properties for private redevelopment.

SECTION 3: CONFORMANCE WITH STATE AND LOCAL REQUIREMENTS

The Agency is a public body, corporate and politic, as defined and described under Idaho Code Title 50, Chapter 20 (hereinafter "the Law") and Idaho Code Title 50,

Chapter 29 (hereinafter “the Act”). The Agency is also governed by its bylaws as authorized by the Law and adopted by the Agency. Under the Law, the Agency is governed by the Idaho open meeting law, the Public Records Act, the Ethics in Government Act, financial reporting requirements, and the competitive bidding requirements under Idaho Code Section 50-341.

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

The proposed redevelopment as described in the original Research Park Plan conforms to the Comprehensive Plan for the City of Moscow as adopted by the City Council on October 7, 1985, Resolution 85-15. This First Amended and Restated Research Park Plan was reviewed by the City of Moscow Planning and Zoning Commission and was found to be in conformity with the City of Moscow Comprehensive Plan.

The laws of the State of Idaho require that a Plan be prepared by the Agency for an area certified as a Competitively Disadvantaged Border Community Area by the City Council. The Competitively Disadvantaged Border Community Area and the original Research Park Plan was established by City Council Ordinance No. 96-12, which was passed on July 1, 1996.

By City Council Resolution dated November 6, 1995, the Council and Mayor appointed the members of the Agency. The Agency was also authorized to confirm the finding of the City of Moscow's qualification as a competitively disadvantaged area as set forth under the Act. By the submittal of the original Research Park Plan, the Agency recommended that the City Council find and declare the City of Moscow as a competitively disadvantaged area as qualified by the Act, and approve the use of revenue allocation financing for the public improvements associated with the Research and Technology Park. The City did find and declare the City of Moscow as a competitively disadvantaged area as qualified by the Act, and approved the use of revenue allocation financing for the public improvements associated with the Research and Technology Park.

The City of Moscow will continue to conduct and administer its programs in conformance with Title VII of the Civil Rights Act of 1964 and the Fair Housing Act, and will affirmatively further fair housing, (Title VIII of the Civil Rights Act of 1968); and

City of Moscow has adopted and will continue to enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any

individuals engaged in nonviolent civil rights demonstrations; and has adopted and implemented a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction, in accordance with Section 104(1) of the Title I of the Housing and Community Development Act of 1974, as amended.

SECTION 4: POSSIBLE UNDERTAKINGS AND ACTIVITIES.

Any “Project” undertaken by the Agency may include undertakings and activities of a municipality in an urban renewal area for the elimination of deteriorated or deteriorating areas, and for the prevention of the development or spread of slums and blight, achieving the objectives of overcoming the City’s competitive disadvantage status in compliance with the Law and the Act, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:

1. acquisition of a deteriorated area or a deteriorating area or portion thereof;
2. demolition and removal of buildings and improvements;
3. installation, construction, or reconstruction of streets, utilities, parks, playgrounds, off-street parking facilities, public facilities or buildings and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this chapter in accordance with the urban renewal plan;
4. disposition of any property acquired in the urban renewal area, including sale, initial leasing or retention by the agency itself, at its fair value for uses in accordance with the urban renewal plan except for disposition of property to another public body;
5. carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
6. acquisition of real property in the urban renewal area which, under the urban renewal plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property;
7. acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or to prevent the spread of blight or deterioration, or to provide land for needed public facilities;
8. acquisition of any other real property in the urban renewal area to facilitate the growth and development of the community in accordance with sound planning standards to hold, improve, renovate or rehabilitate real property and facilities or where such acquisition will facilitate the long-term growth of the tax base and encourage investment to accomplish the purposes for which the City of Moscow passed its Disadvantaged Border Community Ordinance;

9. lending or investing federal funds;
10. construction of foundations, platforms and other like structural forms; and
11. any other undertaking and activity provided by law.

SECTION 5: HISTORY AND CURRENT CONDITIONS OF THE AREA

Since the adoption of the City of Moscow Research and Technology Park Urban Renewal/Competitively Disadvantaged Border Community Area Plan in 1996, the Moscow Urban Renewal Agency has invested over six hundred fifty thousand dollars (\$650,000) in public improvements consisting of, *inter alia*, Alturas Drive, Alturas Parkway and all public infrastructure contained within the public right-of-way in such streets, i.e., water and sewer transmission lines, storm sewer, sidewalks, and other public improvements. Additionally, the Agency has caused to be constructed Alturas Park, which is a public recreational facility located in the Project Area. Within the Project Area private development, including increases in assessments has totaled two million six hundred fifty six thousand ninety six dollars (\$2,656,096). Within the Revenue Allocation Area, private development (including the Project Area), including increases in assessments has totaled seven million seven hundred eighty four thousand two hundred fifty one dollars (\$7,784,251). The objectives of the Plan remain to be achieved, including:

1. Stimulate commercial and industrial development within the Project Area;
2. Enhance the expansion potential for all commercial and industrial sites within the Revenue Allocation Area;
3. Enhance the public infrastructure and amenities within the Project Area;
4. Enhance and improve access route to the City's commercial and industrial areas;
5. Increase the development and housing facilities in areas surrounding the Project Area; and
6. Improve and make more attractive one of the entrances to the City.

The First Amended and Restated Plan provides the authority of the Agency to use its revenue allocation funds within the Research and Technology Park, Phase 2. No modifications were proposed to the description or geographic area of the Revenue Allocation Area as described in the 1996 Plan. However, the 1996 Plan limited use of Agency funds to the Phase 1 area of the Research and Technology Park. This amendment will allow the Agency to fund improvements within the Phase 2 area. This amendment also updates the financial plan of the Agency and incorporates certain amendments to the Law and Act which have been adopted since 1996.

This Second Amended and Restated Plan provides the authority for the Agency to utilize revenue allocation funds for the acquisition of property within the Research and Technology Park and for the private redevelopment of those properties. No other major modifications are proposed with this Second Amended and Restated Plan. The financial plan of the Agency has been updated.

SECTION 6: DESCRIPTION OF THE PROJECT AREA

The legal description of the Project Area is described in Appendix A1 and A2. The boundaries are also depicted in the “Proposed Revenue Allocation Financing District Boundaries” map which is attached as Appendix A3.

The Project Area has been determined by the Moscow City Council to be within the area described as being a “Competitively Disadvantaged Border Community Area” as defined by Section 50-2903, Idaho Code, due, primarily, to the following reasons:

- Relatively high property taxes (which adversely impact both businesses and residents);
- The disparity in food costs (due to sales tax variations) which results in Idaho shoppers traveling across the border to Washington for major food purchases;
- Higher business expenses due to the corporate and personal income tax methods used in Idaho. This is applicable to most businesses including drug stores, hotels, real estate developments, manufacturing companies and general merchandise stores, but is particularly impactful on wholesale distribution businesses with out of State sales; and
- Higher personal taxes due to the State income tax and higher local property taxes.

The specific Project Area has also been determined to lack adequate infrastructure to accommodate new industrial development. Streets, water, and sewer are non-existent in locations which can be developed for industrial purposes. Also, existing infrastructure improvements are needed to foster additional commercial growth within the Project Area.

The term "Project" is used herein to describe the overall activities defined in this, the amended Research Park Plan. Reference is specifically made to Idaho Code Section 50-2018(j) for the various activities contemplated by the term “Project.” Such activities include both private and public development of property within the Project. The term “Project” is not meant to refer to any specific activity or development scheme.

SECTION 7: REDEVELOPMENT ACTIONS

The Agency proposes to mitigate the competitive disadvantages in the Project Area through the following:

- Installation and construction of water, sewer and streets in the project area;
- Development of a public park;

- Issuance of bonds or other debt in order to finance all or any part of the project;
- Acquisition of property for redevelopment.

In the accomplishment of these purposes and activities, and in the implementation and furtherance of this, the Second Amended and Restated Research Park Plan, the Agency is authorized to use all power provided in the Second Amended and Restated Research Park Plan and all powers now or hereafter permitted by law.

SECTION 8: PROPERTY ACQUISITION, RELOCATION, AND DISPOSITION

As specifically authorized herein, the Agency may acquire, but is not required to acquire, real property located within the Project Area the Agency has deemed necessary for or in connection with the Project and related activities, in order to facilitate the long-term growth of the tax base and encourage investment, to accomplish the purposes for which the City of Moscow passed its disadvantaged border community ordinance, for the following purposes appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards, to hold, improve, renovate or rehabilitate real property and facilities or where it is determined that the property is needed for construction of public improvements and as otherwise allowed by law. Such acquisition shall be by any means authorized by law (including, but not limited to, the Idaho Urban Renewal Law, the Local Economic Development Law, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, all as amended, as applicable). The Agency is authorized to acquire either the entire fee or any other interest in real property less than fee, including structures and fixtures upon the real property.

The Agency is authorized by this, the Second Amended and Restated Research Park Plan to acquire properties within the Research Park for the purposes of holding, improving, marketing and selling for redevelopment, in addition to acquiring properties for the purpose of gaining easements for utilities, streets, public rights of way and park sites. Such acquisitions are contemplated by sale of the properties by the owners thereof to the Agency for such purposes, or dedication of the same.

The Agency hereby authorizes the purchase of real property within the Project Area for the total purchase price of Seven Hundred Thousand Dollars (\$700,000) in order to accomplish the goals of the Plan. Additional real property purchases may be authorized by the Agency in accordance with law.

In order to achieve overall objectives established by the Agency in the disposition of property, the Agency contemplates that the disposition process will follow those processes contained in Idaho Code § 50-2011, as amended. The Agency may sell, lease or otherwise transfer real property acquired by it for an Urban Renewal project or any interest therein and may enter into contracts with respect to those properties for residential, recreational, commercial, industrial, educational or other uses or for public

use, or the Agency may retain the property or interest for public use in accordance with an approved plan subject to any covenants, conditions and restrictions including covenants running with the land, as the Agency may deem to be necessary or desirable in order to assist the prevention of development or the spread of future slum or blighted areas or which would otherwise carry out the purposes of the Act and/or Law, as applicable. Such disposition may only occur after the purchasers or lessees and their successors and assigns agree to devote such real property only to the use as specified in the Plan and only after they agree to be obligated to comply with any other requirements the Agency may determine to be in the public interest.

If the Agency determines that the disposition of real property in a Plan Area is to be disposed to private persons, such disposition shall be pursuant to reasonable, competitive bidding procedures and public notice prescribed in Idaho Code § 50-2011(b), as amended. The Agency may dispose property to private persons as long as such disposition promotes the purposes and goals described in SECTION 2 herein or is reasonably expected to enhance the property adjacent to a Project Area or is generally expected to increase the economic viability of a plan project and will not adversely affect a plan or project and is deemed by the Agency to be in the best interest of the Agency. The properties proposed for acquisition are described in Appendix AA as attached hereto.

If the Agency receives federal funds for real estate acquisition and relocation, the Agency shall comply with 24 C.F.R. Part 42, implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The Agency may also undertake relocation activities for those not entitled to benefit under federal law as the Agency may deem appropriate for which funds are available. In the event the Agency's activities directly result in the displacement of families within the area, the Agency shall relocate such displaced families into decent, safe, and sanitary dwelling accommodations without undue hardship to such families. For any other activity, the Agency will comply with the provisions of the Idaho Urban Renewal Law regarding relocation.

Generally, the Agency 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 Plan, or for the assembly of properties for the redevelopment of those properties to achieve the objectives of this Plan. Such properties may include properties owned by private parties or public entities. This Plan does not anticipate the Agency'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 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 Plan for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area which cannot be acquired by gift, devise, exchange, purchase, or any other lawful method.

The purpose of this section is to allow the Agency to use its eminent domain authority to acquire properties necessary for the construction of public improvements, for acquisition of those sites that are deteriorated or deteriorating as described above, or for assembly of parcels for greater development.

Under the provisions of the Act, the Urban Renewal 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(l). The Agency has identified a project for the construction of public improvements. Those improvements are contained within Appendix B. The Agency reserves the right to determine the specific location.

SECTION 9:

A. Land Uses Permitted In The Project Area

1. Comprehensive And Urban Renewal/Competitive Disadvantage Plans

The primary objectives for the Agency are to improve the quality of life, bring economic vitality and improve the aesthetics of the City of Moscow. The Comprehensive Plan establishes growth controls and designates appropriate uses for specific parcels of land within the City of Moscow. This, the Second Amended and Restated Research Park Plan seeks to accomplish the objectives of the Agency while conforming to the requirements of the Comprehensive Plan.

2. Designated Land Uses Of The Comprehensive Plan

The Second Amended and Restated Research Park Plan is consistent with the Generalized Land Use Map of the City of Moscow Comprehensive Plan. If the necessary resources are available, the Agency will assist any project which desires support, but that project must be consistent with this, the Second Amended and Restated Research Park Plan and the comprehensive plan of the City. The following is a list of the land uses in the Second Amended and Restated Research Park Plan Area as they are described in the comprehensive plan. All proposed uses must comply with the appropriate land use designation in which it will be located.

3. Extensive Commercial

Extensive commercial areas are motor vehicle oriented businesses and businesses requiring a large amount of land area in relation to the productive floor area. Land for this use is located along primary arterial streets where there will be little interruption of local circulation patterns. Parcels buffered from residential land uses by natural features, major streets, certain

institutional uses and similar manmade divisions are appropriate for this use. Additional limited areas of extensive commercial land may be needed at interchanges of Highway 8 and 95 bypasses of the City, but their designation should be delayed until the alignment for these arterial roads is firmly established to avoid scattered commercial development.

4. **Public**

Public uses in the project area include the cemetery and the future park. These areas are designated for public purposes and are under the management of public entities.

5. **Public Land Uses; Public Rights Of Way**

Except for improvements previously constructed and developed by the Agency, street infrastructure on the project site is non-existent. Development plans for the project will designate public rights of way consistent with the requirements of the Comprehensive Plan and the Zoning Ordinance and all construction will be completed in conformance with acceptable standards.

6. **Interim Uses**

There may be a need for temporary use of vacant properties and/or structures within the Project Area. If these uses are to be supported and/or assisted by the Agency, they shall be compatible with the current zoning and land use designations of the comprehensive plan.

7. **Non-Conforming Uses**

Uses which do not conform to the amended Research Park Plan and/or the City of Moscow Comprehensive Plan are not eligible for support or assistance from the Agency.

8. **Parks**

Alturas Park, completed as a part of Phase 1, is an important component to the attraction of commercial and industrial uses to the Project Area and its surrounds. Development of this use is compatible with the current zoning and land use designations of the comprehensive plan. The Park has enhanced the Project Area and is utilized by patrons and citizens at large.

9. **General Controls And Limitations Construction**

All construction will be required to meet all applicable city and State specifications. In addition, each project must meet any requirements made by the Agency as a condition for assistance. Such requirements may be in

the form of additional performance and development standards. Construction may be by the Agency independently, or in conjunction with any other public agency.

10. Parking And Loading

Where possible public parking facilities may be provided in order to accommodate a portion of any required on site parking provisions as may be required by city ordinances. Public parking facilities may never be used for loading and/or unloading of any commodities or goods.

11. Open Spaces, Landscaping And Streetscaping

The developer shall provide and maintain landscaping within the public right-of-way adjacent to the site, within the setback areas, parking lot and all undeveloped portions of the project site. Landscaping plans shall be prepared by a professional landscape architect. The developer shall submit to the Agency and City for their approval preliminary and final landscape plans. Outdoor storage of materials or equipment is prohibited excepting behind walls or landscaped enclosures which fully screens materials and equipment from the general public and from adjacent property owners view. If requested by the developer, the Agency may provide specific streetscaping improvements but the developer would be responsible for maintaining any streetscaping provided by this arrangement.

12. Signs

Signs shall be limited in size, subdued and otherwise designed to contribute positively to the environment. Signs identifying the building use and tenant are permitted, but their height, size, location, color, lighting and design will be subject to the Agency and City approval. Animated signs or signs which extend above the roof parapet are prohibited. One free standing sign on each parcel of land may be permitted at a location acceptable to the Agency and the developer and approved by the City. The developer shall submit a comprehensive sign program to the Agency and the City Planning and Zoning Commission.

13. Vehicular Access

The placement of vehicular driveways shall be coordinated with the needs of proper street traffic flow. In the interest of minimizing traffic congestion, the Agency will control the number and location of curb breaks and signage for access to the site for off street parking and truck loading. All access driveways shall require written approval of the Agency.

14. Loading

Loading spaces shall be located in such a manner as to avoid interference with the public use of sidewalks and streets and shall be constructed in such a manner that storm and surface water will not drain across public sidewalks. Loading spaces visible from the street and other public areas shall be designed to prevent an unsightly or barren appearance. All loading spaces shall be located in a manner which is sensitive to impacts being imposed upon adjacent uses and properties.

B. Development Design, Participation Agreements And Development By The Agency

The provisions of this, the Second Amended and Restated Research Park Plan are applicable to all public and private property in the Project Area. The provisions of the Second Amended and Restated Research Park Plan 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 set forth below.

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

Each structure and building in the Project Area to be rehabilitated or to be constructed as a condition of the owner participation agreement between the Agency and the owner pursuant to this, the Second Amended and Restated Research Park Plan will be considered to be satisfactorily rehabilitated and constructed, and the Agency will so certify, if the rehabilitated or new structure meets the following standards:

1. Executed owner participation agreement to meet conditions described below.
2. Any such property within the Project shall be required to conform to all applicable provisions, requirements, and regulations of this, the Second Amended and Restated Research Park Plan. The owner participation agreement may require as a condition of financial participation by the Agency a commitment by the property owner to meet the greater objectives of the land use elements imposed by the Agency. Upon completion of any rehabilitation 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.

3. All such buildings or portions of buildings which are to remain within the project Area shall be rehabilitated in conformity with all applicable codes and ordinances of the City of Moscow, including any mandated federal authority.
4. Any new construction shall also conform to all applicable provisions, requirements, and regulations of this, the Second Amended and Restated Research Park Plan.
5. Any new construction shall also conform to all applicable codes and ordinances of the City of Moscow.

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, the Second Amended and Restated Research Park Plan applicable to their properties.

In the event a participant under a participation agreement fails or refuses to rehabilitate, develop, use, and maintain its real property pursuant to this, the Second Amended and Restated Research Park Plan and a participation agreement, the real property or any interest therein may be acquired by the Agency and sold or leased for rehabilitation or development in accordance with this Research Park Plan.

No new improvement shall be constructed, and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated except in accordance with this Research Park Plan. The provisions of this, the Second Amended and Restated Research Park Plan are applicable to all public and private property in the Project Area recognizing the need for flexibility in interpretation and implementation of the Second Amended and Restated Research Park Plan and the Urban Design Plan design guidelines and the ability of the Agency to grant variations as allowed by Section 13 of this Research Park Plan.

All development under this section shall also comply with all applicable City zoning and building ordinances.

Under an owner participation agreement the Agency may impose additional design guidelines and land use elements subject to a negotiated agreement between the Agency and the developer or property owner.

Under those agreements, the architectural, landscape, and site plans shall be submitted to the Agency and approved in writing by the Agency. In such agreements, the Agency may impose additional design controls. One of the

objectives of this, the Second Amended and Restated Research Park Plan is to create an attractive environment in the Project Area. Therefore, such plans shall give consideration to good design and amenities to enhance the aesthetic quality of the Project Area. These additional design standards or controls will be implemented through the provisions of any 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 building or zoning ordinances; provided, however, each and every development shall comply with all applicable City zoning and building ordinances.

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct any publicly-owned building, facility, structure, or other improvement within the 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 Project Area. Specifically, the Agency may pay for, install, or construct the buildings, facilities, structures, and other improvements identified in Attachment B, attached hereto and incorporated herein by reference, and may acquire or pay for the land required therefor.

The Agency may also prepare properties for development by renovation or other means as allowed by law. The Agency may also, as allowed by law, assist in the development of private projects.

In addition to the public improvements authorized under Idaho Code Section 50-2007, 50-2018(j), and 50-2903(9), (13), and (14), the Agency is authorized to install and construct, or to cause to be installed and constructed, within the 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) telecommunications (including fiber-optic) facilities; (3) parks and pedestrian paths; (4) landscaped areas; (5) street improvements; (6) sanitary sewers; (7) flood control facilities and storm drains; (8) water mains.

Any public facility ultimately owned by the Agency 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.

The Agency seeks to coordinate special streets, parks, and urban open spaces within the Project Area. A network of well-developed pedestrian environments, landscaped front yards and proposed new urban open spaces contribute to the public realm. A series of intersections where one enters or leaves the Project Area serve as potential nodes for enhanced design treatment. When completed, the framework of civic places and corridors will extend the amenities of the core to the Project Area. Open spaces may include a water feature that would enrich the space in each season, perhaps providing skating in winter, sound and movement

in warmer weather, and light at night. The open space may have a family of furnishings that is compatible with other street furnishings. Ample seating would be provided along any promenade. Enhanced lighting would be provided for safety. This open space would be programmed, designed, and promoted to accommodate active day, night and seasonal uses.

The Agency may enter into contracts, leases, and agreement with the City or other public body or private entity pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code Section 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision (2)(b) of Section 50-2908 of the Local Economic Development Act and Section 13 to this, the Second Amended and Restated Research Park Plan or out of any other available funds.

Any disposition of Agency property for redevelopment will require the same obligations as under an owner participation agreement.

SECTION 10: PUBLIC LAND USE

A. Rights-Of-Way

The major public streets within the project area are Blaine Street, Highway 8, Mountain View Drive and unnamed access streets on the project site. Any changes in the existing layout of public right-of-way shall be in accordance with the objectives of this, the Second Amended and Restated Research Park Plan and the City's design standards. Such changes shall be effected in the manner prescribed by State and local law and shall be guided by the following criteria:

1. A balancing of the needs of proposed and potential new developments for adequate pedestrian and vehicular access, vehicular parking and delivery facilities with the similar needs of any existing developments permitted to remain. Such balancing shall take into consideration the rights of existing owners and tenants;
2. The requirements related to such factors as topography, traffic safety and esthetics;
3. The potential need to serve not only the project area and new or existing developments, but also areas outside the project by providing convenient and efficient vehicular, pedestrian, and bike access and movement; and
4. The public rights of way may be used for vehicular and/or bicycle and/or pedestrian traffic, as well as for public improvements, landscaping, public and private utilities, and activities typically found in urban areas.

B. Other Public, Institutional And Non-Profit Uses

The Agency is also authorized to permit the maintenance, establishment or enlargement of public, institutional, or non-profit uses, including park and recreational facilities; educational and fraternal facilities; philanthropic, religious and charitable institutions; utilities; government facilities; and facilities of other organizations or associations consistent with normal uses in a commercial or industrial project area.

General Controls And Limitations

All real property in the Project Area, under the provisions of either a disposition and development agreement or owner participation agreement, is made subject to the controls and requirements of this Plan. No such real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of this Plan.

SECTION 11: CONSTRUCTION

All construction in the project area shall comply with all applicable State and local laws and codes in effect from time to time. In addition to applicable codes, ordinances or other requirements governing development in the project area, additional specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the project area in the event of a disposition development agreement or owner participation agreement. Construction may be completed by the Agency independently, or in concert with the City, Latah County, the Latah County Free Library, the North Latah Highway District, the Moscow Cemetery District, School District 281, the University of Idaho or the State of Idaho.

SECTION 12: OPEN SPACE LANDSCAPING, LIGHT, AIR AND PRIVACY

Provisions for open space, landscaping, light, air and privacy shall be governed by applicable laws and ordinances and such additional restrictions which may be legally imposed by the Agency.

SECTION 13: METHODS OF FINANCING THE PROJECT

The Agency is authorized to finance this Project with financial assistance from the City, State of Idaho, federal government, interest income, Agency bonds, donations, loans from private financial institutions, the lease or sale of Agency-owned property, public parking revenue, revenue allocation funds as allowed by the Act, or any other available source, public or private, including assistance from any taxing district or any public entity.

The Agency is also authorized to obtain advances, borrow funds, and create indebtedness in carrying out this, the Second Amended and Restated Research Park

Plan. The principal and interest on such advances, funds, and indebtedness may be paid from any other funds available to the Agency. 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 Agency in carrying out this Project.

As allowed by law and subject to such restrictions as are imposed by law, the Agency 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 Project. Neither the members of the Agency, nor any persons executing the bonds shall be liable on the bonds by reason of their issuance.

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.

The Agency hereby adopts revenue allocation financing provisions as authorized by Title 50, Chapter 29, Idaho Code (the "Act"), effective retroactively to January 1, 1996. These revenue allocation provisions shall apply to all taxing districts in which the Revenue Allocation Area is located and described on attachments to this, the Second Amended and Restated Research Park Plan. The Agency shall take all actions necessary or convenient to implement these revenue allocation financing provisions. The Agency 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/Competitive Disadvantage Project.

The Agency, acting by one or more resolutions adopted by its Board of Commissioners, is hereby authorized to apply all or any portion of the revenues allocated to the Agency 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 Agency to finance or to refinance the Project Costs (as defined in Idaho Code Section 50-2903[14]) of one or more Urban Renewal/Competitive Disadvantage projects.

Upon enactment of an ordinance by the governing body of the City of Moscow, Idaho, finally adopting these revenue allocation financing provisions and defining the Revenue Allocation Area described herein as part of the Second Amended and Restated Research Park Plan, there shall hereby be created a special fund of the Agency into which the County Treasurer shall deposit allocated revenues as provided in Idaho Code Section 50-2908. The Agency 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/Competitive Disadvantage projects as the Agency 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, methods of

financing project costs, termination date, and disposition or retention of agency assets upon the termination date required by Idaho Code Section 59-2905 is included in the feasibility study to this, the Second Amended and Restated Research Park Plan. This study necessarily incorporates estimates and projections based on the Agency's present knowledge and expectations. The Agency is hereby authorized to modify the presently anticipated Urban Renewal/Competitive Disadvantage projects and use of revenue allocation financing of the related Project Costs if the Board of Commissioners of the Agency deems such modification necessary or convenient to effectuate the general objectives of the Second Amended and Restated Research Park Plan.

The Agency may also appropriate funds consisting of revenue allocation proceeds on an annual basis without the issuance of bonds. The Agency has also provided for obtaining advances or loans from the City or private entity in order to immediately commence construction of certain of the public improvements. Revenues will continue to be allocated to the Agency until the improvements identified are completely constructed or until any obligation to the City or other public entity or private entity is fulfilled. The feasibility study incorporates estimates and projections based on the Agency'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 Agency obtains additional funds.

Property tax revenue has been based upon modest increases in value on existing properties, without consideration of new major development. It is expected, however, that with the construction of the improvements identified, new development in Phase 2 will generate additional tax increment which could hasten the repayment of all Agency obligations.

The Agency intends to fund the estimated Two Hundred Ninety Thousand Four Hundred Sixty Eight Dollars (\$290,468) of public improvements through available Agency funds as shown in the attached Urban Renewal Agency Financial Analysis within Appendix D.2. Improvements would be constructed during 2005.

The Agency intends to fund the estimated Seven Hundred Thousand Dollars (\$700,000) of real property acquisition from the revenues generated from the revenue allocation financing currently in effect for the Project.

The Agency expects to repay the Series 2000B Revenue Allocation Bonds until 2015. After the completion of the public improvements in 2005, the Agency expects to expend funds on the modest administrative expenses for professional fees, administrative fees, audit fees, and insurance through January 2016.

The revenue allocation proceeds are hereby irrevocably pledged for the payment of the principal and interest on the advance of moneys 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 Agency to finance or refinance the Project in whole or in part.

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

Under the Local Economic Development Act, the base assessed valuation for all revenue allocation areas cannot exceed ten percent (10%) of the assessed valuation for the entire City. The base assessment roll for the Revenue Allocation Area under this, the Second Amended and Restated Research Park Plan is six million four hundred seventy eight thousand seven hundred twenty three dollars (\$6,478,723); the total assessed value for the City as of the date of adoption of the 1996 Plan was four hundred eighty million nine hundred thirty six thousand two hundred sixty eight dollars (\$480,936,268). The Revenue Allocation Area, as established in 1996, which included what is now Phase 1 and Phase 2 of the Research Park, had a base assessment rate of six million five hundred thousand dollars (\$6,500,000).

The application of revenue to area-wide improvements over an extensive term is not a precise exercise. A number of assumptions and allowances have been made in the preparation of quantities and costs and the exact location and timing of the improvements.

The feasibility study includes a specific delineation of tax dollars generated by the revenue allocation upon each taxing district. However, 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. Therefore, the actual 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 the site preparation costs, substantial improvement within the Revenue Allocation Area would be expected over a much longer period of time, hence there could be much smaller increases in assessed valuation to be used by the other taxing entities.

The financing description of the Second Amended and Restated Research Park Plan activities shows that the equalized assessed valuation of the Revenue Allocation Area is likely to increase as a result of the initiation and completion of Urban Renewal/Competitive Disadvantage projects pursuant to this, the Second Amended and Restated Research Park Plan. Further, since projected revenues exceed estimated costs, the conclusion is that the Project is economically feasible.

The estimated Project costs as shown on Appendix B are for the estimated Phase 2 costs only because Phase 1 Project improvements were completed by the Agency prior to adoption of this, the Second Amended and Restated Research Park Plan.

In any year during which the Agency receives revenue allocation proceeds, the Agency, as allowed by law, is authorized (but not required) to return or rebate to the other taxing

entities identified in the feasibility study any revenue allocation funds previously pledged or committed for the purposes identified in the Second Amended and Restated Research Park Plan. Under the Act, the Agency must first apply all such revenues for the payment of the projected costs of the Urban Renewal/Competitive Disadvantage project identified and repayment of principal and interest on any moneys borrowed, indebtedness incurred, or bonds issued by the Agency and maintain any required reserve for payments of such obligation or indebtedness. Only to the extent revenues of the Agency exceed these obligations shall the Agency consider any rebate or return of revenue allocation funds to the other taxing entities. The Agency shall rebate such funds in a manner that corresponds to each taxing entity's relative share of the revenue allocation proceeds.

The feasibility study describes the Agency's financing plan for the Project. The Project will be financed, in part, through tax increment financing, using revenue allocation funds as allowed by the Act. The Agency anticipates that on an annual basis, tax increment and other funds may be sufficient to satisfy the obligations incurred by the Agency, even though the entire amount of revenue allocation funds must be pledged for the term of any bonds or other debts incurred by the Agency. Therefore, on an annual basis, the Agency will consider the rebate of funds.

SECTION 14: ACTIONS BY THE CITY

The City shall aid and cooperate with the Agency in carrying out this, the Second Amended and Restated Research Park Plan and shall take all actions necessary to ensure the continued fulfillment of purposes of this, the Second Amended and Restated Research Park Plan and to prevent the recurrence or spread in the area of conditions causing blight. Actions by the City shall include, but are not limited to the following:

- A. Institution and completion of proceedings necessary for changes and improvements in private and publicly owned utilities within or affecting the project area;
- B. Revising of zoning or other standards (if necessary) within the project area to permit the development authorized by this, the Second Amended and Restated Research Park Plan.
- C. Imposition, wherever necessary, through the use of special use permits or other means of appropriate controls within the limits of this, the Second Amended and Restated Research Park Plan upon parcels in the project area to ensure their proper development and use;
- D. Provision for administrative enforcement of this, the Second Amended and Restated Research Park Plan by the City after development. The City and the Agency may develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the

project area throughout the duration of this, the Second Amended and Restated Research Park Plan.

- E. Preservation of historical sites shall have a high priority in achieving development objectives.
- F. 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 project area to be commenced and carried to completion without unnecessary delays.
- G. Institution and completion of proceedings necessary for the establishment of a Local Improvement District, or Districts, under Chapter 17, Title 50, Idaho Code;
- H. The undertaking and completing of any other proceedings necessary to carry out the project;
- I. Administration of community Development Block Grant and other State and Federal funds that may be available for this project; and
- J. Appropriate agreements with the Agency for administration, supporting services, funding sources, and the like.
- K. Imposition, whenever necessary (by conditional use permits or other means as appropriate), of controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.

SECTION 15: ENFORCEMENT

The administration and enforcement of this, the Second Amended and Restated Research Park Plan, including the preparation and execution of any documents implementing this, the Second Amended and Restated Research Park Plan, shall be performed by the Agency and/or the City.

The provision of this, the Second Amended and Restated Research Park Plan or other documents entered into pursuant to it may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions and any other remedies appropriate to the purposes of this, the Second Amended and Restated Research Park Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the project may be enforced by such owners.

Under exceptional circumstances, the Agency is authorized to permit a variation from the limits, restrictions, and controls established by this, the Second Amended and Restated Research Park Plan. In order to permit such variation, the Agency must determine that:

- A. The application of certain provisions of this, the Second Amended and Restated Research Park Plan would result in practical difficulties or unnecessary hardships inconsistent with its general purpose and intent;
- B. 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;
- C. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and
- D. Permitting a variation will not be contrary to the objectives of this, the Second Amended and Restated Research Park Plan or the Comprehensive Plan.

No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this, the Second Amended and Restated Research Park Plan, without amendment of this, the Second Amended and Restated Research Park Plan. In permitting any such variation, the Agency 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, the Second Amended and Restated Research Park Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under City Codes and ordinances.

SECTION 16: DURATION OF THE RESEARCH PARK PLAN

Except for the non-discrimination and non-segregation provisions, which shall run in perpetuity, the provisions of this, the Second Amended and Restated Research Park Plan shall be effective, and the provisions of other documents formulated pursuant to it, may be effective for a period of twenty years from the original date of adoption of this, the Second Amended and Restated Research Park Plan by the City Council. It is expected that revenue allocation financing shall be in effect for taxing years up to and including 2015

This Plan shall terminate no later than December 31, 2015, except for revenues which may be received in January 2016 or otherwise, if the Agency 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 an 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 Agency funded through revenue allocation proceeds shall be satisfied and the Agency 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, the Plan shall recognize that the Agency shall receive allocation of revenue 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 terminate date, the Agency shall adopt and publish a budget specifically for the projected revenues and expenses of the 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 Agency 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 Agency shall adopt a resolution advising and notifying the local governing body, the county auditor, and the State Tax Commission, recommending the adoption of an ordinance for termination of the revenue allocation area by December 31 of the current year, and declaring a surplus to be distributed as described in Section 50-2909, Idaho Code, should a surplus be determined to exist. The Agency shall cause the ordinance to be filed with the office of the Latah County recorder and the Idaho State Tax Commission as provided in Section 63-215, Idaho Code.

SECTION 17: PROCEDURES FOR AMENDMENT

The Second Amended and Restated Research Park Plan may be further modified at any time by the Moscow Agency, provided that the modification, if made after disposition of real property by the Agency in the project area, must be consented to by the developer or developers (or successor of interest) of such real property if their interest is substantially affected by the proposed modification. Where the proposed modification will substantially change the Second Amended and Restated Research Park Plan, the modifications must be approved by the Planning and Zoning Commission and/or the City Council in the same manner as the original plan. Substantial changes for Council approval proposes shall include revisions in the project boundaries, land uses permitted, land acquisition, and other changes which will violate or substantially alter the objectives of the Second Amended and Restated Research Park Plan.

SECTION 18: SEVERABILITY

If any one or more of the provisions contained in this, the Second Amended and Restated Research Park Plan to be performed on the part of the Agency shall be declared by any court of competent jurisdiction to be contrary to law, then such

provision or provisions shall be null and void and shall be deemed severed from the remaining provisions of this, the Second Amended and Restated Research Park Plan and in no way shall affect the validity of other provisions of this, the Second Amended and Restated Research Park Plan.

SECTION 19: PERFORMANCE REVIEW

Under the Idaho Urban Renewal Law, the Agency is required to file with the City, on or before March 31 of each year, a report of the Agency's activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such calendar year.

SECTION 20: CONCLUSION

Moscow faces a significant problem in keeping its locally developed businesses and industries within Moscow. There are many competitive disadvantages which result from location close to the Washington State border. As a result, and without local intervention, jobs and investment will be lost to other areas. This, the Second Amended and Restated Research Park Plan is designed to address these disadvantages and provide public services which will foster and enhance the economic development of Moscow.