



REDEVELOPMENT AGENCY

MEMBERS:

LEANNE HUFF
COREY THOMAS
SHARLA BYNUM
NICK MITCHELL
PAUL SANCHEZ
NATALIE PINKNEY
CLARISSA WILLIAMS

EXECUTIVE DIRECTOR

CHERIE WOOD

220 E MORRIS AVE
SUITE 200
SOUTH SALT LAKE
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**City of South Salt Lake Redevelopment Agency
AGENDA**

Public notice is hereby given that the City of South Salt Lake Redevelopment Agency will hold a meeting on **Wednesday, March 27, 2024**, in the City Council Chambers, 220 East Morris Avenue, Suite 200, commencing at **6:45 p.m.**, or as soon thereafter as possible.

To watch the meeting live click the link below to join:

<https://zoom.us/j/93438486912>

Watch recorded City Council meetings at: youtube.com/@SouthSaltLakeCity

Conducting: LeAnne Huff, RDA Chair

Opening Ceremonies

- 1. Roll Call

No Action Comments

- 1. Bills, Claims, and Communications
- 2. Report of the Executive Director

Approval of Minutes

March 13th, RDA Meeting

Unfinished Business

- | | |
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| 1. A Resolution of the Redevelopment Agency of South Salt Lake Authorizing the Executive Director to Execute a Purchase and Sale Agreement for Property Located at 2280 South State Street | Jonathan Weidenhamer |
| 2. A Resolution of the Redevelopment Agency of South Salt Lake Authorizing the Executive Director to Enter Into a Participation Agreement with Blaser Ventures | Jonathan Weidenhamer |
| 3. A Resolution of the Redevelopment Agency of South Salt Lake Amending the Budget for Fiscal Year July 1, 2023, Through June 30, 2024 | Jonathan Weidenhamer |
| 4. A Resolution of the Redevelopment Agency of South Salt Lake Adopting an Official Plan for the Central 15 CRA | Jonathan Weidenhamer |
| 5. A Resolution of the Redevelopment Agency of South Salt Lake Adopting the Project Area Budget for the Central 15 CRA | Jonathan Weidenhamer |
| 6. A Resolution of the Redevelopment Agency of South Salt Lake Authorizing the Execution of an Interlocal Cooperation Agreement with the City of | Jonathan Weidenhamer |

South Salt Lake Regarding Tax Increment Funding in
the Central 15 CRA Project Area

7. A Resolution of the Redevelopment Agency
of South Salt Lake Authorizing the Execution
of an Interlocal Cooperation Agreement with
the City of South Salt Lake Regarding a Loan for
Property Acquisition

Jonathan Weidenhamer

Motion for Closed Meeting

Adjourn

Posted March 22, 2024

Those needing auxiliary communicative aids or other services for this meeting should contact Ariel Andrus at 801-483-6019, giving at least 24 hours' notice.

In accordance with State Statute and RDA Board policy, one or more Board Members may be participating electronically.

Have a question or concern? Call the connect line 801-464-6757 or email connect@sslc.gov

MOTION: Clarissa Williams
SECOND: Sharla Bynum

Voice Vote:

Bynum: Yes
Huff: Yes
Mitchell: Absent
Pinkney: Absent
Thomas: Yes
Williams: Yes
Sanchez: Absent

Unfinished Business

- 1. A Resolution of the Redevelopment Agency of South Salt Lake Authorizing the Executive Director to Execute a Purchase and Sale Agreement for Property Located at 2280 South State Street.**

Community and Economic Development Director, Jonathan Weidenhamer, reminded everyone that all the items on this agenda were discussed in length at the March 13th meetings.

He provided a brief overview of the Resolution and what its proposed action entails, which is to allow the Executive Director of the RDA to purchase property at 2280 South State Street.

The property is 5.5 acres, and the agreement would have the City purchase it at \$65/square foot. The earnest money went hard (turned non-refundable) on March 14th, and the RDA intends to close the deal on April 8th.

Director Bynum made a motion to approve the Resolution.

MOTION: Sharla Bynum
SECOND: Corey Thomas

Roll Call Vote:

Bynum: Yes
Huff: Yes
Mitchell: Absent
Pinkney: Absent
Thomas: Yes
Williams: Yes
Sanchez: Absent

- 2. A Resolution of the Redevelopment Agency of South Salt Lake Authorizing the Executive Director to Enter Into a Participation Agreement with Blaser Ventures.**

Community and Economic Development Director, Jonathan Weidenhamer, informed the RDA Board that as they are still working on the participation agreement with Blaser Ventures

pending the purchase and sale of the property, this item will be ready for a future meeting.

Director Bynum made a motion to move this item as Unfinished Business to a future meeting.

MOTION: Sharla Bynum

SECOND: Clarissa Williams

Roll Call Vote:

Bynum: Yes
Huff: Yes
Mitchell: Absent
Pinkney: Absent
Thomas: Yes
Williams: Yes
Sanchez: Absent

3. A Resolution of the Redevelopment Agency of South Salt Lake Amending the Budget for Fiscal Year July 1, 2023, Through June 30, 2024.

Finance Director, Crystal Makin, provided a brief overview of the Resolution and what its action entails.

This amendment to the RDA budget will go hand in hand with an amendment to the City's General Fund that will allow for a short-term loan of \$15,750,000 for the purpose of purchasing the property on 2280 South State Street.

The budget amendment also reflects the sale of the property to Blaser Ventures for \$17,000,000. Once the sale to Blaser Ventures is complete, the RDA will return the funds to the City's General Fund.

Director Williams made a motion to approve the Resolution.

MOTION: Clarissa Williams

SECOND: Corey Thomas

Roll Call Vote:

Bynum: Yes
Huff: Yes
Mitchell: Absent
Pinkney: Absent
Thomas: Yes
Williams: Yes
Sanchez: Absent

4. A Resolution of the Redevelopment Agency of South Salt Lake Adopting an Official Plan for the Central 15 CRA.

Community and Economic Development Director, Jonathan Weidenhamer, reminded everyone that all the items on this agenda were discussed in length at the March 13th meetings.

He provided a brief overview of the Resolution and what its proposed action entails, which is to adopt the plan for the Central 15 CRA.

Items 4, 5, and 6 all reference the creation of the Central 15 Community Reinvestment Area. The exhibit that has been provided for items 4-6 shows the plan and budget for the Central 15 CRA. There are also corresponding items in the City Council agenda that go hand in hand with these, as it involves city funds to develop RDA projects.

Director Thomas said that she would be excluding herself from voting for items 4-6 due to a possible conflict of interest regarding her current employment and its connection to the project.

Director Williams made a motion to approve the Resolution.

MOTION: Clarissa Williams

SECOND: Sharla Bynum

Roll Call Vote:

Bynum:	Yes
Huff:	Yes
Mitchell:	Absent
Pinkney:	Absent
Thomas:	Abstain
Williams:	Yes
Sanchez:	Absent

5. A Resolution of the Redevelopment Agency of South Salt Lake Adopting the Project Area Budget for the Central 15 CRA.

Community and Economic Development Director, Jonathan Weidenhamer, reminded everyone that all of the items on this agenda were discussed in length at the March 13th meetings.

He provided a brief overview of the Resolution and what its proposed action entails, which is to adopt the budget for the Central 15 CRA.

Items 4, 5, and 6 all reference the creation of the Central 15 Community Reinvestment Area. The exhibit that has been provided for items 4-6 shows the plan and budget for the Central 15 CRA. There are also corresponding items in the City Council agenda that go hand in hand with these, as it involves city funds to develop RDA projects.

Director Thomas said that she would be excluding herself from voting for items 4-6 due to a possible conflict of interest regarding her current employment and its connection to the project.

Director Bynum made a motion to approve the Resolution.

MOTION: Sharla Bynum
SECOND: Clarissa Williams

Roll Call Vote:

Bynum: Yes
Huff: Yes
Mitchell: Absent
Pinkney: Absent
Thomas: Abstain
Williams: Yes
Sanchez: Absent

6. A Resolution of the Redevelopment Agency of South Salt Lake Authorizing the Execution of an Interlocal Cooperation Agreement with the City of South Salt Lake Regarding Tax Increment Funding in the Central 15 CRA Project Area.

Community and Economic Development Director, Jonathan Weidenhamer, reminded everyone that all of the items on this agenda were discussed in length at the March 13th meetings.

He provided a brief overview of the Resolution and what its proposed action entails, which is an interlocal agreement that shows the City allowing the RDA to use property tax funding for the Central 15 CRA.

Items 4, 5, and 6 all reference the creation of the Central 15 Community Reinvestment Area. The exhibit that has been provided for items 4-6 shows the plan and budget for the Central 15 CRA. There are also corresponding items in the City Council agenda that go hand in hand with these, as it involves city funds to develop RDA projects.

Director Thomas said that she would be excluding herself from voting for items 4-6 due to a possible conflict of interest regarding her current employment and its connection to the project.

Director Williams made a motion to approve the Resolution.

MOTION: Clarissa Williams
SECOND: Sharla Bynum

Roll Call Vote:

Bynum: Yes
Huff: Yes
Mitchell: Absent
Pinkney: Absent
Thomas: Abstain
Williams: Yes
Sanchez: Absent

7. A Resolution of the Redevelopment Agency of South Salt Lake Authorizing the Execution of an Interlocal Cooperation Agreement with the City of South Salt Lake Regarding a Loan for Property Acquisition.

Community and Economic Development Director, Jonathan Weidenhamer, reminded everyone that all of the items on this agenda were discussed in length at the March 13th meetings.

He provided a brief overview of the Resolution and what its proposed action entails, which goes back to the purchase of the property at 2280 South State Street. The interlocal agreement is to reflect the budget amendment, should final action reflect approval, in accordance with state statute.

Director Williams made a motion to approve the Resolution.

MOTION: Clarissa Williams

SECOND: Corey Thomas

Roll Call Vote:

Bynum:	Yes
Huff:	Yes
Mitchell:	Absent
Pinkney:	Absent
Thomas:	Yes
Williams:	Yes
Sanchez:	Absent

Director Bynum made a motion to adjourn.

MOTION: Sharla Bynum

SECOND: Clarissa Williams

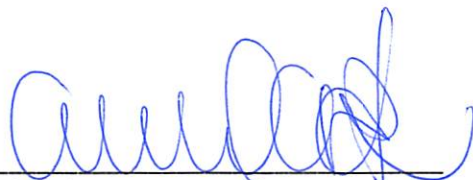
Voice Vote:

Bynum:	Yes
Huff:	Yes
Mitchell:	Absent
Pinkney:	Absent
Thomas:	Yes
Williams:	Yes
Sanchez:	Absent

The meeting adjourned at 6:54 p.m.



LeAnne Huff, RDA Chair



Ariel Andrus, RDA Secretary

RESOLUTION NO. R2024- 1

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF SOUTH SALT LAKE AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PURCHASE AND SALE AGREEMENT FOR PROPERTY LOCATED AT 2280 SOUTH STATE STREET.

WHEREAS, the Redevelopment Agency of South Salt Lake (the “Agency”) was created by the South Salt Lake City Council (the “Council”) to transact the business and exercise all the powers provided for by Title 17C of the Utah Code, “Limited Purpose Local Government Entities—Community Reinvestment Agency Act” (the “RDA Act”); and

WHEREAS, Utah Code 17C-1-202(1)(c) authorizes the Agency to buy, obtain an option upon, acquire by gift, or otherwise acquire any interest in real or personal property; and

WHEREAS, the Agency intends to purchase the property located at approximately 2280 South State Street in the City of South Salt Lake (the “Property”) in order to spur development on that property in a manner consistent with its goals of increasing affordable housing while also improving the character, use, convenience, and aesthetics of the property and the City; and

WHEREAS, the Agency now desires to enter into a Purchase and Sale agreement in order to purchase the Property, as more fully described in the Purchase and Sale Agreement attached as “Exhibit A,” and incorporated herein by this reference;

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF SOUTH SALT LAKE:

1. The Agency authorizes the Executive Director to execute a purchase and sale agreement as more fully described in Exhibit A.
2. Agency staff are authorized and directed to carry out all administrative aspects of the purchase and sale agreement.
3. This resolution shall take effect upon the approval of the Agency governing body.

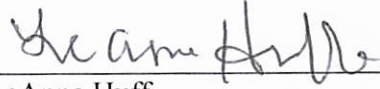
(signatures appear on next page)

The effective date of the Agreement shall be the date as indicated in the Agreement.

(signatures appear on separate page)

APPROVED AND ADOPTED by the South Salt Lake City Council, South Salt Lake, Utah, on this 27th day of March, 2024.

BY THE CITY COUNCIL:



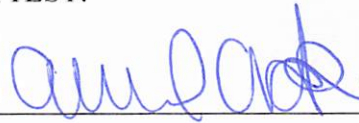
LeAnne Huff
RDA Chair

City Council Vote as Recorded:

Bynum	<u>yes</u>
Huff	<u>yes</u>
Mitchell	<u>absent</u>
Pinkney	<u>absent</u>
Sanchez	<u>absent</u>
Thomas	<u>yes</u>
Williams	<u>yes</u>



ATTEST:



Ariel Andrus
RDA Secretary

EXHIBIT A

Purchase and Sale Agreement

PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT (this "Agreement"), dated as of January 8, 2024 (the "Effective Date"), is made by and between EP INVESTMENTS III, LLC, a Delaware limited liability company ("Seller"), and the REDEVELOPMENT AGENCY OF SOUTH SALT LAKE ("Purchaser").

WHEREAS, Seller is the owner of the Property (as defined below); and

WHEREAS, Purchaser desires to purchase the Property and Seller is willing to sell the Property to Purchaser pursuant to this Agreement.

NOW, THEREFORE, in consideration of the foregoing, of the covenants, promises and undertakings set forth herein, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Seller and Purchaser agree as follows:

1. The Property.

1.1 Description. Subject to the terms and conditions of this Agreement, and for the consideration herein set forth, Seller agrees to sell and transfer, and Purchaser agrees to purchase and acquire, all of Seller's right, title, and interest in and to the following (collectively, the "Property"), but excluding the Excluded Property (as defined below):

(a) Certain land (the "Land") located in South Salt Lake City, Utah, and more specifically described in Exhibit A attached hereto, together with all improvements located thereon;

(b) All easements, hereditaments, and appurtenances belonging to or inuring to the benefit of Seller and pertaining to the Land, if any; and

(c) All transferable consents, authorizations, variances or waivers, licenses, permits and approvals from any governmental or quasi-governmental agency, department, board, commission, bureau or other entity or instrumentality solely with respect to the Land (collectively, the "Approvals").

The Property shall not include, and Purchaser shall not utilize any of the following (collectively, the "Excluded Property"): (i) the names "EP Investments," "Alliance," "Broadstone," or "Holden" or the logo containing any such name or any reference thereto or derivative thereof; and (ii) any Approvals that relate to or affect the Property but which are not assignable or transferable. The terms of the foregoing sentence shall survive Closing.

1.2 "As-Is" Purchase. THE PROPERTY IS BEING SOLD IN AN "AS IS, WHERE IS" CONDITION AND "WITH ALL FAULTS" AS OF THE DATE OF THIS AGREEMENT AND OF CLOSING. EXCEPT AS EXPRESSLY SET FORTH IN SECTION 5.1 OF THIS AGREEMENT OR THE SPECIAL WARRANTY OF TITLE SET FORTH IN THE DEED EXECUTED BY SELLER AND DELIVERED AT CLOSING, NO REPRESENTATIONS OR WARRANTIES HAVE BEEN MADE OR ARE MADE AND NO RESPONSIBILITY HAS BEEN OR IS ASSUMED BY SELLER OR BY ANY PARTNER,

OFFICER, PERSON, FIRM, AGENT OR REPRESENTATIVE ACTING OR PURPORTING TO ACT ON BEHALF OF SELLER AS TO (I) THE CONDITION OR STATE OF REPAIR OF THE PROPERTY; (II) THE COMPLIANCE OR NON-COMPLIANCE OF THE PROPERTY WITH ANY APPLICABLE LAWS, REGULATIONS OR ORDINANCES (INCLUDING, WITHOUT LIMITATION, ANY APPLICABLE ZONING, BUILDING OR DEVELOPMENT CODES); (III) THE VALUE, EXPENSE OF OPERATION, OR INCOME POTENTIAL OF THE PROPERTY; (IV) THE CREDIT-WORTHINESS OF ANY VENDOR OR OTHER PERSON OR ENTITY; (V) ANY OTHER FACT OR CONDITION WHICH HAS OR MIGHT AFFECT THE PROPERTY OR THE CONDITION, STATE OF REPAIR, COMPLIANCE, VALUE, EXPENSE OF OPERATION OR INCOME POTENTIAL OF THE PROPERTY OR ANY PORTION THEREOF; (VI) WHETHER THE PROPERTY CONTAINS ASBESTOS OR HARMFUL OR TOXIC SUBSTANCES OR PERTAINING TO THE EXTENT, LOCATION OR NATURE OF SAME; OR (VII) THE MERCHANTABILITY, HABITABILITY, QUANTITY, QUALITY OF THE PROPERTY OR ITS SUITABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE OR USE. THE PARTIES AGREE THAT ALL UNDERSTANDINGS AND AGREEMENTS HERETOFORE MADE BETWEEN THEM OR THEIR RESPECTIVE AGENTS OR REPRESENTATIVES ARE MERGED IN THIS AGREEMENT AND THE EXHIBITS HERETO ANNEXED, WHICH ALONE FULLY AND COMPLETELY EXPRESS THEIR AGREEMENT, AND THAT THIS AGREEMENT HAS BEEN ENTERED INTO AFTER FULL INVESTIGATION, OR WITH THE PARTIES SATISFIED WITH THE OPPORTUNITY AFFORDED FOR FULL INVESTIGATION, NEITHER PARTY RELYING UPON ANY STATEMENT OR REPRESENTATION BY THE OTHER UNLESS SUCH STATEMENT OR REPRESENTATION IS SPECIFICALLY EMBODIED IN THIS AGREEMENT OR THE EXHIBITS ANNEXED HERETO. TO THE EXTENT THAT SELLER HAS PROVIDED TO PURCHASER ANY SURVEYS, TITLE COMMITMENTS, INSPECTION, ENGINEERING OR ENVIRONMENTAL REPORTS (INCLUDING REPORTS CONCERNING ASBESTOS OR HARMFUL OR TOXIC SUBSTANCES, OR ANY OTHER MATERIALS, INFORMATION OR DATA IN CONNECTION WITH PURCHASER'S INSPECTION OF THE PROPERTY), SELLER MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE ACCURACY OR COMPLETENESS, METHODOLOGY OF PREPARATION OR OTHERWISE CONCERNING THE CONTENTS OF SUCH REPORTS, MATERIALS, INFORMATION AND DATA. PURCHASER ACKNOWLEDGES THAT ANY SUCH REPORTS, MATERIALS, INFORMATION AND DATA MADE AVAILABLE TO PURCHASER ARE MADE AVAILABLE AS A CONVENIENCE AND AN ACCOMMODATION ONLY, AND THAT SELLER HAS REQUESTED PURCHASER TO INSPECT FULLY THE PROPERTY AND INVESTIGATE ALL MATTERS RELEVANT THERETO AND TO RELY SOLELY UPON THE RESULTS OF PURCHASER'S OWN INSPECTIONS OR OTHER INFORMATION OBTAINED OR OTHERWISE AVAILABLE TO PURCHASER, RATHER THAN ANY INFORMATION THAT MAY HAVE BEEN PROVIDED (OR HAVE BEEN MADE AVAILABLE FOR DOWNLOAD ELECTRONICALLY) BY SELLER TO PURCHASER.

EXCEPT FOR THE REPRESENTATIONS AND WARRANTIES EXPRESSLY SET FORTH IN SECTION 5.1 OF THIS AGREEMENT OR THE SPECIAL WARRANTY OF TITLE SET FORTH IN THE DEED EXECUTED BY SELLER AND DELIVERED AT CLOSING, PURCHASER WAIVES AND RELEASES SELLER FROM ANY PRESENT OR FUTURE CLAIMS ARISING FROM OR RELATING TO THE CONDITION, OPERATION OR

ECONOMIC PERFORMANCE OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE PRESENCE OR ALLEGED PRESENCE OF ASBESTOS OR HARMFUL OR TOXIC SUBSTANCES IN, ON, UNDER OR ABOUT THE PROPERTY INCLUDING, WITHOUT LIMITATION, ANY CLAIMS UNDER OR ON ACCOUNT OF (I) THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT OF 1980, AS THE SAME MAY HAVE BEEN OR MAY BE AMENDED FROM TIME TO TIME, AND SIMILAR STATE STATUTES, AND ANY REGULATIONS PROMULGATED THEREUNDER; (II) ANY OTHER FEDERAL, STATE OR LOCAL LAW, ORDINANCE, RULE OR REGULATION, NOW OR HEREAFTER IN EFFECT, THAT DEALS WITH OR OTHERWISE IN ANY MANNER RELATES TO, ENVIRONMENTAL MATTERS OF ANY KIND; OR (III) THE COMMON LAW (COLLECTIVELY, "ENVIRONMENTAL LIABILITIES").

NOTWITHSTANDING ANYTHING CONTAINED HEREIN TO THE CONTRARY, BUT SUBJECT TO THE CLAIMS PERIOD AND LIABILITY CAP (AS EACH IS DEFINED BELOW), SELLER SHALL NOT BE RELEASED OR DISCHARGED FROM LIABILITY TO THE EXTENT SUCH LIABILITY ARISES OUT OF (I) A BREACH BY SELLER OF ANY REPRESENTATION OR WARRANTY OF SELLER EXPRESSLY SET FORTH IN SECTION 5.1 OF THIS AGREEMENT OR THE SPECIAL WARRANTY OF TITLE SET FORTH IN THE DEED EXECUTED BY SELLER AND DELIVERED AT CLOSING, (II) SELLER'S BREACH OF ANY OTHER COVENANT MADE BY SELLER IN THIS AGREEMENT THAT BY THE EXPRESS TERMS OF THIS AGREEMENT SURVIVES CLOSING, AND/OR (III) ANY THIRD PARTY TORT CLAIMS WHICH FIRST AROSE IN THE PERIOD OF SELLER'S OWNERSHIP OF THE PROPERTY AND PERTAIN TO THE ENVIRONMENTAL LIABILITIES.

THE TERMS AND PROVISIONS OF THIS SECTION SHALL SURVIVE CLOSING HEREUNDER.

1.3 Agreement to Convey. Seller agrees to convey, and Purchaser agrees to accept, title to the Land by special warranty deed subject only to the Permitted Encumbrances as defined in Section 3.3.

2. Price and Payment.

2.1 Purchase Price. The purchase price for the Property (the "Purchase Price") is \$15,629,315.00.

2.2 Payment. Payment of the Purchase Price is to be made in cash as follows:

(a) Within five (5) Business Days after the Effective Date, Purchaser shall deliver to the Title Company (as defined below) an earnest money deposit in the amount of \$250,000.00 (the "Deposit") to be held as escrow agent in accordance with the terms and provisions of this Agreement. If Purchaser delivers a Termination Notice (as defined below) to Seller prior to the expiration of the Due Diligence Period, the Title Company shall promptly return the Deposit to Purchaser. If Purchaser does not deliver a Termination Notice to Seller prior to the expiration of the Due Diligence Period, the

Deposit shall be non-refundable to Purchaser, except as otherwise expressly set forth herein.

(b) The Deposit shall be applied to the Purchase Price if the Closing occurs. In the event that the Closing does not occur by the Closing Date, the Deposit shall be disbursed as provided herein. If Purchaser fails to deliver the Deposit to the Title Company within five (5) Business Days of the Effective Date as set forth in Section 2.2(a) above, this Agreement shall, at Seller's election, terminate.

(c) The Deposit will be placed with and held in escrow by Silverleaf Title Insurance Company, Attention: Heather Paterakis, Telephone: 801-456-9944, Email: heather@silverleaftitle.com (the "Title Company") in a segregated "money market" account pursuant to the terms and provisions of this Agreement.

(d) Notwithstanding anything in this Agreement to the contrary, \$100.00 (the "Independent Contract Consideration") of the Deposit is delivered to the Title Company for delivery by the Title Company to Seller as "Independent Contract Consideration," and the Deposit is reduced by the amount of the Independent Contract Consideration so delivered to Seller, which amount has been bargained for and agreed to as consideration for Seller's execution and delivery of this Agreement. The Independent Contract Consideration is non-refundable and in addition to any other payment or deposit required by this Agreement, and Seller shall retain the Independent Contract Consideration notwithstanding any other provision of this Agreement to the contrary.

(e) At Closing, Purchaser shall pay Seller the Purchase Price, inclusive of the Deposit and subject to adjustment for the prorations as provided herein, to a bank account designated by Seller via wire transfer in immediately available funds.

(f) The parties acknowledge that the Title Company is acting solely as a stakeholder at their request and for their convenience, that the Title Company shall not be deemed to be the agent of either of the parties, and that the Title Company shall not be liable to either of the parties for any action or omission on its part taken or made in good faith, and not in disregard of this Agreement, but shall be liable for its negligent acts and for any loss, cost or expense incurred by Seller or Purchaser resulting from the Title Company's mistake of law respecting the Title Company's scope or nature of its duties. Seller and Purchaser shall jointly and severally indemnify and hold the Title Company harmless from and against all losses incurred in connection with the performance of the Title Company's duties hereunder, except with respect to actions or omissions taken or made by the Title Company in bad faith, in disregard of this Agreement or involving negligence on the part of the Title Company.

2.3 Closing. Payment of the Purchase Price and the closing hereunder (the "Closing") will take place pursuant to an escrow closing that shall be consummated on the date that is thirty (30) days after the expiration of the Due Diligence Period (the "Closing Date") at the offices of the Title Company, or at such other time and place as may be agreed upon in writing by Seller and Purchaser.

3. Inspections and Approvals.

3.1 Inspections.

(a) From the Effective Date until 5:00 p.m. Mountain Time on the 60th day thereafter (the “Due Diligence Period”), Seller agrees to allow Purchaser and Purchaser’s engineers, architects, employees, agents and representatives reasonable access during normal business hours to the Property. Such access shall be solely for the purpose of inspecting the physical condition of the Property and conducting non-intrusive physical and environmental tests and inspections of the Property. Notwithstanding anything to the contrary herein, Seller shall not be required to provide, copy or make available to Purchaser any internal memoranda, appraisals, valuation reports and similar information, or any information covered by the attorney-client privilege. PURCHASER SHALL NOT CONDUCT OR ALLOW ANY PHYSICALLY INTRUSIVE TESTING OF, ON OR UNDER THE LAND WITHOUT FIRST OBTAINING SELLER’S WRITTEN CONSENT AS TO THE TIMING AND SCOPE OF WORK TO BE PERFORMED, WHICH CONSENT MAY BE WITHHELD IN SELLER’S SOLE AND ABSOLUTE DISCRETION.

(b) Purchaser agrees that, in making any inspections of, or conducting any testing of, on or under, the Property, Purchaser and each Purchaser Representative entering onto the Property shall each carry (i) not less than \$2,000,000 comprehensive general liability insurance and (i) umbrella liability insurance in excess of the comprehensive general liability insurance with limits of not less than \$4,000,000 per occurrence/\$4,000,000 aggregate, insuring all activity and conduct of Purchaser and such Purchaser Representative while exercising such right of access. Purchaser represents and warrants that it carries not less than the coverage set forth in this Section 3.1(b) with contractual liability endorsement which insures Purchaser’s indemnity obligations hereunder, and, upon request of Seller, will provide Seller with written evidence of same.

(c) Purchaser agrees that in exercising its right of access hereunder, Purchaser shall at all times comply with, and shall be subject to all laws and regulations of all applicable governmental authorities. Purchaser shall give Seller reasonable prior notice of its intention to conduct any inspections or tests, so that Seller shall have a reasonable opportunity to have a representative present during any such inspection or test, and Seller expressly reserves the right to have such a representative present. Purchaser agrees to reasonably cooperate with any reasonable request by Seller in connection with the timing of any such inspection or test.

(d) Within fifteen (15) days of the Effective Date, Seller shall make available to Purchaser, to the extent in Seller’s possession or control, copies of, or access to, the following: (i) an ALTA land title survey of the Land (the “Survey”); (ii) copies of any environmental, soils, topography, utility, traffic, engineering, geotechnical or other third party reports pertaining to the Property; (iii) copies of any private or public agreements, easements, restrictions or other encumbrances affecting the Property; and (v) copies of any other non-proprietary third party reports in Seller’s possession or under Seller’s control relating to the Property that are reasonably requested by Purchaser. Seller

makes no representations or warranties as to the truth, accuracy or completeness of any materials, data or other information supplied to Purchaser in connection with Purchaser's inspection of the Property (*e.g.*, that such materials are complete, accurate or the final version thereof, or that such materials are all of such materials as are in Seller's possession). It is the parties' express understanding and agreement that such materials are provided only for Purchaser's convenience in making its own examination and determination prior to the expiration of the Due Diligence Period as to whether Purchaser wishes to purchase the Property, and, in doing so, Purchaser shall rely exclusively on its own independent investigation and evaluation of every aspect of the Property and not on any materials supplied by Seller. Purchaser expressly disclaims any intent to rely on any such materials provided to it by Seller in connection with its inspection and agrees that it shall rely solely on its own independently developed or verified information. If Seller fails to provide any of such materials, Seller shall not be in breach or default of this Agreement and Purchaser's sole remedy with respect thereto shall be to terminate this Agreement prior to the expiration of the Due Diligence Period.

(e) Unless Seller specifically and expressly otherwise agrees in writing (and subject to Purchaser's obligations under GRAMA, as defined below), Purchaser agrees that (i) the results of all inspections, tests, analyses, studies and similar reports relating to the Property prepared by or for Purchaser utilizing any information acquired in whole or in part through the exercise of Purchaser's inspection rights; and (ii) all information (the "Proprietary Information") regarding the Property of whatsoever nature made available to Purchaser or any Purchaser Representative by Seller or Seller's agents or representatives is confidential and shall not be disclosed to any other person except those assisting Purchaser with the transaction and/or the development of the Property after Closing, and then only upon Purchaser making such person aware of the confidentiality restriction and procuring such person's agreement to be bound thereby. Subject to Purchaser's obligations under GRAMA, Purchaser agrees not to use or allow to be used any such information for any purpose other than to determine whether to proceed with the contemplated purchase. Further, if the purchase and sale contemplated hereby fails to close for any reason whatsoever, Purchaser agrees to return to Seller, or cause to be returned to Seller, all Proprietary Information made available to Purchaser or any Purchaser Representative by Seller or Seller's agents or representatives.

(f) Seller recognizes that all documents provided or obtained by Purchaser as part of its due diligence investigations of the Property or otherwise in connection with this Agreement are subject to the Government Records Access and Management Act (GRAMA), Utah Code Ann. § 63G-2-101 *et seq.*, and that records are presumed public unless appropriately classified as protected, private, or controlled. All of the Proprietary Information shall be deemed classified as protected, private or controlled and, to the extent permitted by law, shall not be disclosed to the public by Purchaser prior to Closing without the written consent of Seller or if ordered by a court of competent jurisdiction. If the purchase and sale contemplated hereby fails to close for any reason whatsoever, Purchaser agrees to provide to Seller, or cause to be provided to Seller, copies of all inspections, tests, analyses, studies and similar reports relating to the Property obtained by Purchaser as part of its due diligence investigations, subject to Seller's

reimbursement to Purchaser of its actual costs and expenses, at Purchaser's standard rates, in producing such copies for Seller.

(g) Purchaser shall, at its sole cost and expense, promptly restore any physical damage or alteration of the physical condition of the Property which results from any inspections or testing conducted by or on behalf of Purchaser. All inspections and testing shall be conducted at Purchaser's sole cost and expense and in strict accordance with all requirements of applicable law.

(h) PURCHASER AGREES (WHICH AGREEMENT SHALL SURVIVE CLOSING OR TERMINATION OF THIS AGREEMENT) TO INDEMNIFY, DEFEND, AND HOLD SELLER FREE AND HARMLESS FROM ANY LOSS, INJURY, DAMAGE, CLAIM, LIEN, COST OR EXPENSE, INCLUDING ATTORNEYS' FEES AND COSTS, ARISING OUT OF PURCHASER'S EXERCISE OF ITS RIGHTS OF INSPECTION OR ARISING OUT OF A BREACH OF THE FOREGOING AGREEMENTS BY PURCHASER IN CONNECTION WITH THE INSPECTION AND TESTING OF THE PROPERTY; PROVIDED, HOWEVER, IN NO EVENT SHALL THE FOREGOING INDEMNITY (I) APPLY TO THE MERE DISCOVERY OF ANY PRE-EXISTING CONDITIONS (EXCEPT TO THE EXTENT PURCHASER'S ACTIONS EXACERBATE ANY SUCH PRE-EXISTING CONDITION), (II) APPLY TO ANY COST, LOSS, LIABILITY, DAMAGE AND/OR EXPENSE ARISING FROM ANY ACT OR OMISSION OF SELLER, OR (III) COVER ANY PUNITIVE, SPECIAL, CONSEQUENTIAL, SPECULATIVE OR EXEMPLARY DAMAGES OR COSTS OF ANY KIND OTHER THAN THOSE SOUGHT AS DAMAGES BY A THIRD PARTY AGAINST SELLER.

(i) The term and provisions of this Section 3.1 shall survive the closing hereunder and/or any termination of this Agreement; provided, however, that the provisions of Sections 3.1(e) and 3.1(f) shall not survive Closing.

3.2 Title and Survey. Seller will request that the Title Company deliver to Purchaser and Seller, at Seller's costs and expense, within five (5) days following the Effective Date, a commitment for title insurance issued by the Title Company for a standard ALTA Owner's Title Insurance Policy with respect to Seller's interest in the Land and appurtenances (the "Title Commitment"), together with copies of all documents and instruments referred to as exceptions to title in the Title Commitment. Purchaser shall have until fifteen (15) days prior to the expiration of the Due Diligence Period to provide written notice to Seller of any matters shown by the Title Commitment or the updated Survey which are not satisfactory to Purchaser, which notice (the "Title Notice") must specify the reason such matter(s) are not satisfactory and the curative steps necessary to remove the basis for Purchaser's disapproval. The parties shall then have until the expiration of the Due Diligence Period to make such arrangements or take such steps as they shall mutually agree to satisfy Purchaser's objection(s); provided, however, except as otherwise provided herein, Seller shall have no obligation whatsoever to expend or agree to expend any funds, to undertake or agree to undertake any obligations or otherwise to cure or agree to cure any title or survey objections, and Seller shall not be deemed to have any obligation to cure unless Seller expressly undertakes such an obligation by a written notice to or written agreement with Purchaser given or entered into on or prior to the expiration of the Due Diligence Period and which

recites that it is in response to a Title Notice. Notwithstanding the foregoing, all exceptions to title shown on the Title Commitment or otherwise arising prior to the Closing which evidence (i) mortgages or deeds of trust encumbering Seller's fee interest in the Property; (ii) judgment liens evidencing non-appealable judgments rendered against Seller and encumbering Seller's fee interest in the Property; or (iii) mechanic's or materialmen's liens encumbering Seller's fee interest in the Property and arising from any work performed or materials furnished for or on behalf of Seller (items (i), (ii), and (iii) above collectively referred to as "Lien Exceptions"), shall, in each instance, be deemed objected to without any notice by Purchaser and cured by Seller at or prior to Closing. All matters shown on the Title Commitment and/or the Survey with respect to which Purchaser fails to give a Title Notice on or before the last date for so doing, or with respect to which a timely Title Notice is given but Seller fails to undertake an express obligation to cure as provided above, shall be deemed to be approved by Purchaser and "Permitted Encumbrances" as provided in Section 3.4 hereof, subject, however, to Purchaser's termination right provided in Section 3.4 hereof.

3.3 Permitted Encumbrances. Unless Purchaser terminates this Agreement pursuant to Section 3.4 hereof following its opportunity fully to inspect the Property, the state of title thereto and all other matters relating to the Property, including its feasibility for Purchaser's intended use and its suitability as an investment, Purchaser shall be deemed to have approved and to have agreed to purchase the Property subject to the following:

(a) Those exceptions to title shown in the Title Commitment or matters shown on the Survey which Purchaser has approved or is deemed to have approved pursuant to Section 3.2 hereof; and

(b) The lien of non-delinquent real and personal property taxes and assessments.

All of the foregoing are referred to herein collectively as "Permitted Encumbrances."

3.4 Purchaser's Right to Terminate Prior to the Expiration of the Due Diligence Period. Purchaser shall have the right, for any reason or no reason, by giving Seller written notice (the "Termination Notice") on or before the expiration of the Due Diligence Period to terminate its obligation to purchase the Property. If the Termination Notice is timely given, the Title Company shall return the Deposit to Purchaser, less the Independent Contract Consideration which shall be delivered to Seller, and neither party shall have any further liability hereunder except for the obligations of Purchaser which expressly survive the termination of this Agreement. If Purchaser fails, for any or no reason, to timely deliver the Termination Notice, Purchaser will be deemed to have elected to waive Purchaser's right to terminate under this Section 3.4.

4. Covenants. Until Closing, Seller shall not, without the prior written consent of Purchaser, which may be granted or withheld in Purchaser's sole discretion, (i) grant a lien, pledge, encumbrance, security interest, option, right of first refusal, charge, license, right of way, dedication or easement against or across the Property which will not be released or removed prior

to Closing or (ii) enter into any written or oral lease or maintenance, management or service contract for the Property.

5. Representations and Warranties.

5.1 By Seller. Seller represents and warrants to Purchaser that:

(a) Seller is a limited liability company duly organized, validly existing, and in good standing under the laws of the State of its formation and is authorized to do business in the State in which the Land is located.

(b) The person signing this Agreement on behalf of Seller has the full right, power, and authority to enter into this Agreement on behalf of Seller, without the joinder of any other person. The person signing any Seller Closing Documents on behalf of Seller shall have the full right, power and authority to execute Seller Closing Documents on behalf of Seller, without the joinder of any other person.

(c) This Agreement has been duly and validly approved by all necessary action on the part of Seller, has been duly executed and delivered by Seller and constitutes a valid and binding obligation of Seller, enforceable against it in accordance with its terms, except as may be limited by bankruptcy, insolvency, reorganization, moratorium, or other similar laws relating to creditor's rights generally or by equitable principles (whether considered in an action at law or in equity) and other customary limitations on enforceability.

(d) Seller's execution and delivery of this Agreement and the consummation or the compliance herewith of the transaction contemplated hereby will not: (i) result in any breach of any of the terms or conditions of, or constitute a default under, the certificate of formation of Seller, or any material contract by which the Seller is bound; (ii) result in any violation of any governmental, law, rule, regulation, judgment, writ, degree, injunction or order applicable to the Property; (iii) require notice to or the consent, authorization, approval, or order of any person or governmental authority (except as may be required by a governmental authority as noted in this Agreement) or (iv) result in the creation or imposition of any lien, charge or encumbrance upon its property pursuant to any such agreement or instrument, except to the extent otherwise disclosed in this Agreement.

(e) Seller is not a "foreign person" within the meaning of Section 1445 of the Internal Revenue Code of 1986, as amended.

(f) There is no action, suit, litigation or proceeding to which Seller is a party the outcome of which could materially adversely affect the Property pending or being prosecuted, or to Seller's knowledge, threatened, in any court or before any federal, state, county or municipal department, commission, bureau, agency or other governmental instrumentality, other than tax contests, if any.

(g) Seller has received no correspondence or other written information to indicate that there is any pending or threatened violation of law or environmental proceeding against the Property or any portion thereof.

(h) Seller has good and marketable fee simple title to the Property, and other than the rights of Purchaser pursuant to this Agreement, there are no outstanding options, rights of first offer or rights of first refusal to purchase such Property or any portion thereof or interest therein. To Seller's knowledge, there are no unrecorded easements, leases, licenses or other documents affecting the use, occupancy or ownership of the Property.

(i) As of the Effective Date and except for matters of record, there are no service contracts, management contracts, or other agreements (whether written or oral) with respect to the Property that will be binding on Purchaser after the Closing.

(j) Neither Seller nor, to Seller's knowledge, any affiliate of Seller is acting, directly or indirectly, for or on behalf of, is a Prohibited Person, and Seller is not engaging in this transaction, directly or indirectly, on behalf of, or instigating or facilitating this transaction, directly or indirectly, on behalf of a Prohibited Person. Seller is not engaging in this transaction, directly or indirectly, in violation of any laws relating to drug trafficking, money laundering or predicate crimes to money laundering. As used herein, a "Prohibited Person" shall mean any person, group, entity or nation that is named by any Executive Order or the United States Treasury Department as a terrorist, "Specially Designated National and Blocked Person," or is otherwise a banned or blocked person, group, entity or nation pursuant to any law that is enforced or administered by the Office of Foreign Assets Control.

(k) Seller has not (i) made a general assignment for the benefit of its creditors, (ii) admitted in writing its inability to pay its debts as they mature, (iii) had an attachment, execution or other judicial seizure of any property interest which remains in effect, or (iv) taken, failed to take or submitted to any action indicating a general inability to meet its financial obligations as they accrue. There is no case, proceeding or other action pending seeking the reorganization, arrangement, adjustment, liquidation, dissolution or re-composition of Seller or any of its debts under any law relating to bankruptcy, insolvency, reorganization or relief of debtors, seeking appointment of a receiver, trustee, custodian or other similar official for any of them or for all or any substantial part of its or their property

(l) Each of the representations and warranties of Seller contained in Section 5.1: (i) is made as of the Effective Date; (ii) will be deemed to be remade by Seller, and to be true in all material respects, as of Closing, subject to other matters expressly permitted in this Agreement or otherwise specifically approved in writing by Purchaser, but with respect to Section 5.1(g), excluding any correspondence or other written information from Seller; and (iii) will survive for a period of nine (9) months after the Closing (the "Claims Period"). Any claim that Purchaser may have at any time against Seller for a breach of any such representation or warranty, whether known or unknown, which is not specifically asserted by the commencement and service of a lawsuit in a court

of competent jurisdiction before the expiration of the Claims Period will not be valid or effective, and Seller will have no liability with respect thereto. Notwithstanding anything to the contrary contained herein (except with respect to Sections 5.3 and 12.9), with respect to any lawsuit filed after Closing but before the end of the Claims Period, in no event will Seller have any liability to Purchaser for a breach of any covenant, representation or warranty under this Agreement or any Closing documents executed pursuant hereto in excess of \$750,000.00 (the "Liability Cap"). In furtherance of the foregoing, Seller hereby covenants to maintain liquid assets in an amount no less than the Liquidity Cap at all times during the Claims Period and shall provide reasonable documentation of the same to Buyer upon Buyer's written request therefor. The provisions of this Section 5.1(l) shall survive Closing.

(m) As used in this Section 5.1 and elsewhere in this Agreement, the phrase "to Seller's knowledge" or phrases of similar import mean and are limited to the actual current knowledge of the Designated Seller Representatives (as defined below), without any independent investigation or inquiry having been made, and not to any constructive knowledge of the Designated Seller Representatives or of Seller or any investment advisor to Seller, any entity that is a partner in such investment advisor, or any affiliates of any thereof, or to any officer, agent, representative, or employee of Seller or such investment advisor, any such constituent partner, or any such affiliate. Seller, during the term of this Agreement, agrees to notify Purchaser in writing promptly in the event Seller obtains actual knowledge of any change affecting any such representations or warranties. As used herein, the term "Designated Seller Representatives" shall mean Mitch Pierce, Michael Maledon and Nick Chapman. Purchaser acknowledges that the Designated Seller Representatives are named solely for the purpose of defining the scope of Seller's knowledge and not for the purpose of imposing any liability on or creating any duties running from either of the Designated Seller Representatives to Purchaser and Purchaser agrees that no Designated Seller Representative shall have any liability under this Agreement or in connection with the transactions contemplated hereby.

5.2 By Purchaser. Purchaser represents and warrants to Seller that:

(a) Purchaser is the Redevelopment Agency of the City of South Salt Lake created under in accordance with Utah Code Ann. Title 17C, and is duly formed, validly existing and in good standing and qualified to do business under the laws of the State of Utah.

(b) The person signing this Agreement on behalf of Purchaser has the full right, power, and authority to enter into this Agreement on behalf of Purchaser, without the joinder of any other person.

(c) Upon obtaining the approval of the Board of Directors of the South Salt Lake Redevelopment Agency, this Agreement will have been duly and validly approved by all necessary action on the part of Purchaser and will constitute a valid and binding obligation of Purchaser, enforceable against it in accordance with its terms, except as may be limited by bankruptcy, insolvency, reorganization, moratorium, or other similar

laws relating to creditor's rights generally or by equitable principles (whether considered in an action at law or in equity) and other customary limitations on enforceability.

(d) The representations and warranties of Purchaser contained in this Section 5.2 shall survive the Closing or any termination of this Agreement. Notwithstanding anything herein to the contrary, any breach by Purchaser of any of the foregoing representations or warranties contained in this Section 5.2 shall constitute a default by Purchaser hereunder, and Seller may thereupon, at its option, terminate this Agreement by giving written notice thereof, in which event the Deposit shall be retained by Seller as liquidated damages, and neither Purchaser nor Seller shall have any further rights or liabilities under this Agreement, except as otherwise provided herein.

5.3 Broker. Seller and Purchaser each represents to the other that it has had no dealings, negotiations, or consultations with any broker, representative, employee, agent or other intermediary in connection with the Agreement or the sale of the Property except CooperWynn Real Estate ("Broker"). Seller and Purchaser agree that each will indemnify, defend and hold the other free and harmless from the claims of any broker(s), representative(s), employee(s), agent(s) or other intermediary(ies) claiming to have represented Seller or Purchaser, respectively, or otherwise to be entitled to compensation in connection with this Agreement or in connection with the sale of the Property, other than Broker. Broker will be compensated by Purchaser pursuant to the terms of a separate agreement between Purchaser and Broker. The terms and provisions of this Section 5.3 shall survive Closing hereunder and/or the termination of this Agreement.

6. Costs and Prorations.

6.1 Closing Costs. Except as expressly provided in this Agreement, each party shall bear its own costs and expenses (including attorneys' fees) in connection with its negotiation, due diligence investigation and conduct of the transactions contemplated by this Agreement. The escrow fee of the Title Company shall be shared equally by Purchaser and Seller. Seller shall pay the costs of a standard ALTA owner's policy of title insurance for the Property in the amount of the Purchase Price, the cost of any transfer taxes required in connection with the transfer of the Property, and any costs associated with the removal of any matter that Seller is obligated or has agreed to remove pursuant to Section 3.2. Purchaser shall pay any additional premiums charged by the Title Company for an extended ALTA coverage owner's policy of title insurance for the Property and for any endorsements requested by Purchaser and any mortgagee policy obtained by Purchaser. All other costs associated with the closing of the Transaction shall be borne by the parties in accordance with custom in Salt Lake County, Utah, as determined by the Title Company, unless otherwise specified in this Agreement.

6.2 Prorations. All real and personal property taxes for the Property for the current calendar year and all charges for fuel, water, sewer, electricity, gas and other utility services furnished to the Property (as applicable, and for which the parties may elect to prorate outside of escrow) shall be prorated on and as of the Closing Date. All utility deposits, if any, paid by Seller shall be refunded to Seller at the Close of Escrow. To the extent that information required for any prorations or adjustments is not available on the Closing Date, Seller and Purchaser within ninety (90) days after the Closing Date, shall determine and effect such prorations and adjustments.

6.3 Survival. The terms and provisions of this Section 6 shall survive Closing hereunder.

7. Condemnation.

7.1 Material Event. If, prior to Closing, a material portion of the Property is taken under power of eminent domain, Purchaser may elect to terminate this Agreement by giving written notice of its election to Seller within ten (10) days after receiving notice of such taking. If Purchaser does not give such written notice within such 10-day period, this transaction shall be consummated on the date and at the Purchase Price provided for in Section 2, and Seller will assign to Purchaser Seller's portion of any condemnation award up to the amount of the Purchase Price. For purposes of this Section 7, a taking shall be deemed material if it results in the permanent loss of use of 5% or more of the square footage of the Property or adversely affects the access to the Property.

7.2 Immaterial Taking. Except upon the occurrence of a material taking as set forth in Section 7.1 above, Purchaser shall close this transaction on the date and at the Purchase Price agreed upon in Section 2, and Seller will assign to Purchaser Seller's portion of any condemnation award up to the amount of the Purchase Price.

7.3 Termination and Return of Deposit. If Purchaser elects to terminate this Agreement pursuant to this Section 7, and if Purchaser is not, on the date of such election, in default under the Agreement, each of Seller and the Title Company shall return the Deposit held by such person to Purchaser, less the Independent Contract Consideration which shall be delivered to Seller, and neither party shall have any further liability hereunder except for the obligations of Purchaser which expressly survive the termination of this Agreement.

8. Notices. All notices or other communications hereunder shall be in writing and shall be deemed duly given if addressed and delivered to the respective parties' addresses, as set forth below: (i) in person; (ii) by Federal Express or similar overnight courier service; or (iii) mailed by certified or registered mail, return receipt requested, postage prepaid; or (iv) by electronic mail transmission, sent to the intended addressee at the address set forth below, or to such other address or to the attention of such other person as the addressee shall have designated by written notice sent in accordance herewith. Such notices shall be deemed to have been given upon the earlier of receipt or refusal to accept delivery, or if sent by overnight courier service, the next business day after depositing with such overnight courier service, or, if mailed by certified or registered mail, three days after such mailing, or, in the case of an email transmission, as of the date of the email transmission, provided that an original of such email is also sent to the intended addressee by means described in clauses (i), (ii) or (iii) above. Seller and Purchaser may from time to time by written notice to the other designate another address for receipt of future notices.

If to Seller:

EP Investments III, LLC
2425 E. Camelback Road, Suite 1155
Phoenix, Arizona 85016
Attention: Mitch Pierce
Email: piercem@pierceag.com

with a copy to: Dentons US LLP
2000 McKinney Avenue, Suite 1900
Dallas, Texas 75201
Attention: Toni Weinstein
Email: toni.weinstein@dentons.com

If to Purchaser: Redevelopment Agency of South Salt Lake
220 East Morris Avenue
South Salt Lake City, Utah 84115
Attention: City Attorney
Email: jcollins@sslc.gov

With a copy to: Holland & Hart LLP
222 South Main Street, Suite 2200
Salt Lake City, Utah 84101
Attention: Adrienne Bell
Email: ajbell@hollandhart.com

9. Closing and Escrow.

9.1 Escrow Instructions. Upon execution of this Agreement, the parties shall deliver an executed counterpart of this Agreement to the Title Company to serve as the instructions to the Title Company as the escrow holder for consummation of the transaction contemplated herein. Seller and Purchaser agree to execute such additional and supplementary escrow instructions as may be appropriate to enable the Title Company to comply with the terms of this Agreement; provided, however, that in the event of any conflict between the provisions of this Agreement and any supplementary escrow instructions, the terms of the Agreement shall prevail.

9.2 Seller's Deliveries. Seller shall deliver at the Closing the following original documents, each executed and, if required, acknowledged (collectively, "Seller Closing Documents"):

(a) A special warranty deed to the Land, in the form attached hereto as Exhibit B (the "Deed"), subject only to the Permitted Encumbrances and other matters subsequently approved by Purchaser or Purchaser's counsel;

(b) An FIRPTA affidavit in the form attached hereto as Exhibit C;

(c) An owner's affidavit or similar instrument substantially in the form attached hereto as Exhibit D;

(d) An IRS Form 1099-S; and

(e) Such disclosures and reports as are required from sellers pursuant to applicable state and local law in connection with the conveyance of real property.

9.3 Purchaser's Deliveries. At the Closing, Purchaser shall (i) pay Seller the Purchase Price; and (ii) execute and deliver such disclosures and reports as are required from

purchasers pursuant to applicable state and local law in connection with the conveyance of real property.

9.4 Possession. Purchaser shall be entitled to possession of the Property upon conclusion of the Closing.

9.5 Insurance. Seller shall terminate its policies of insurance as of noon on the date of Closing, and Purchaser shall be responsible for obtaining its own insurance thereafter.

10. Purchaser's Conditions to Closing.

10.1 Conditions. Purchaser's obligation to close the transactions contemplated by this Agreement is conditioned on all of the following, any or all of which may be waived by Purchaser in writing, at its sole option (collectively, "Purchaser's Conditions"):

(a) All representations and warranties made by Seller in Section 5.1 of this Agreement shall be true and correct in all material respects on and as of the Closing Date, as if made on and as of such date (except with respect to any such representations and warranties made only as of a specified date).

(b) Seller shall have delivered all of the Seller Closing Documents.

(c) The Title Company shall be irrevocably and unconditionally committed to issue ALTA owner's policy of title insurance with extended coverage effective as of the date of recording of the Deed, with liability in the amount of the Purchase Price, showing title vested in Purchaser and subject only to the Permitted Encumbrances, together with such endorsements requested by Purchaser (the "Title Policy"). If, prior to Closing, Seller discloses to Purchaser or Purchaser discovers that title to the Property is subject to defects, limitations or encumbrances other than (i) the Permitted Encumbrances; or (ii) any matter caused by Purchaser or any person or entity claiming by, through or under Purchaser, then Purchaser shall promptly give Seller written notice of its objection thereto. Such written notice shall specify such title defect in reasonable detail and notify Seller that the Agreement may be terminated if such title defect is not removed, bonded or insured-over in a commercially reasonable manner acceptable to Purchaser, in its sole discretion, prior to the Closing Date. In such event, Seller may elect to postpone the Closing for thirty (30) days and attempt to cure such objection. The parties acknowledge and agree that Seller shall have no obligation to cure any such objection, unless such objection constitutes a Lien Exception as set out in Section 3.2.

(d) There has been no material adverse change to the physical or environmental condition of the Property after the Due Diligence Period and prior to the Closing Date (except for any condemnation matters, which shall be governed by Section 7 of this Agreement).

(e) The Board of Directors of the South Salt Lake Redevelopment Agency has approved, by resolution, the purchase of the Property pursuant to the terms of this Agreement; provided that such approval shall be obtained no later than ten (10) days following the expiration of the Due Diligence Period (the "Outside Approval Date").

10.2 Failure of a Condition. In the event that the Purchaser's Condition set forth in Section 10.1(a) has not been satisfied prior to the Closing Date as a result of any said representations and warranties not being correct in all material respects at the time the same is made or as of Closing, and Seller had actual knowledge of such inaccuracy when the representation or warranty was made, or, by its default hereunder caused the representation or warranty to be inaccurate when remade at Closing, Purchaser may, after the expiration of the cure period, if any, provided under Section 12.6 hereof, either (i) exercise its remedies under Section 11.2, (ii) terminate this Agreement, (iii) extend the Closing for a period of thirty (30) days upon written notice to Seller and Title Company to allow for such condition to be satisfied, or (iv) waive the breach and its rights under clauses (i) through (iii) and proceed to Closing, by notice to Seller given within ten (10) days after expiration of the cure period. In the event that Purchaser's Condition set forth in Section 10.1(e) has not been satisfied prior to the Outside Approval Date, then Purchaser may: (y) waive, in writing, such condition and proceed to Closing; or (z) terminate this Agreement no later than the Outside Approval Date. In the event that any of Purchaser's Conditions set forth in Section 10.1(b) through 10.1(d) has not been satisfied prior to the Closing Date, subject to any applicable notice and cure periods and provided any such failure is not the result of a default hereunder by Purchaser, then in addition to any other remedies provided for in this Agreement, Purchaser may: (A) waive, in writing, each or any of the conditions and proceed to Closing; (B) extend the Closing for a period of thirty (30) days upon written notice to Seller and Title Company to allow for such condition to be satisfied; or (C) terminate this Agreement. In the event of a termination pursuant to this Section 10.2, Title Company shall return the Deposit to Purchaser, less the Independent Contract Consideration, which shall be delivered to Seller, and provided that Purchaser and Seller shall not be in default hereunder, and neither party shall have any liability to the other except for those obligations of Purchaser which expressly survive the termination of this Agreement. Notwithstanding the foregoing, if the failure of any Purchaser's Condition is the result of a default by Seller hereunder, the terms of Section 11.2 shall apply.

11. Default.

11.1 PURCHASER DEFAULT. IF PURCHASER BREACHES OR DEFAULTS UNDER THIS AGREEMENT AND THE BREACH OR DEFAULT CONTINUES BEYOND THE EXPIRATION OF THE CURE PERIOD, IF ANY, PROVIDED IN SECTION 12.6 HEREOF, SELLER SHALL ELECT AS ITS SOLE REMEDY HEREUNDER TO (A) TERMINATE THIS AGREEMENT WHEREIN THE DEPOSIT SHALL BE DELIVERED TO AND RETAINED BY SELLER AS LIQUIDATED DAMAGES, AND BOTH PARTIES SHALL BE RELIEVED OF AND RELEASED FROM ANY FURTHER LIABILITY HEREUNDER EXCEPT FOR THE OBLIGATIONS OF PURCHASER WHICH EXPRESSLY SURVIVE THE TERMINATION OF THIS AGREEMENT AND THE PAYMENT OF LEGAL FEES IN CONNECTION WITH ANY ENFORCEMENT OF SUCH SURVIVING OBLIGATIONS PURSUANT TO SECTION 12.9 HEREOF; OR (B) WAIVE THE DEFAULT, PRIOR TO OR AT THE CLOSING, AND PROCEED TO CLOSE THE TRANSACTION CONTEMPLATED HEREBY IN ACCORDANCE WITH THE REMAINING TERMS HEREOF. SELLER AND PURCHASER AGREE THAT THE DEPOSIT IS A FAIR AND REASONABLE AMOUNT TO BE RETAINED BY SELLER AS AGREED AND LIQUIDATED DAMAGES IN LIGHT OF SELLER'S REMOVAL OF THE PROPERTY FROM THE MARKET AND THE COSTS INCURRED BY SELLER AND SHALL NOT CONSTITUTE A PENALTY OR A FORFEITURE. NOTWITHSTANDING THE

FOREGOING, ANY CONFLICT BETWEEN THE PROVISIONS OF THIS SECTION AND SECTION 10.2 WITH REGARD TO A BREACH OF SELLER'S REPRESENTATIONS OR WARRANTIES SHALL BE RESOLVED BY THE PROVISIONS OF SECTION 10.2.

11.2 SELLER DEFAULT. IF SELLER REFUSES OR FAILS TO CONVEY THE PROPERTY AS HEREIN PROVIDED FOR ANY REASON OTHER THAN (I) A UNCURED DEFAULT BY PURCHASER FOLLOWING THE EXPIRATION OF THE CURE PERIOD, IF ANY, PROVIDED UNDER SECTION 12.6 HEREOF, (II) THE EXISTENCE OF A PENDING DEFAULT (AS DEFINED IN AND CONTEMPLATED BY SECTION 12.6), (III) THE FAILURE OF A TITLE CONDITION AS PROVIDED IN SECTION 10.1(c) OR (IV) ANY OTHER PROVISION OF THIS AGREEMENT WHICH PERMITS SELLER TO TERMINATE THIS AGREEMENT OR OTHERWISE RELIEVES SELLER OF THE OBLIGATION TO CONVEY THE PROPERTY, PURCHASER SHALL ELECT AS ITS SOLE REMEDY HEREUNDER TO (A) TERMINATE THE AGREEMENT AND RECOVER THE DEPOSIT, LESS THE INDEPENDENT CONTRACT CONSIDERATION, WHICH SHALL BE PAID TO SELLER AND SELLER SHALL REIMBURSE PURCHASER ITS ACTUAL, OUT-OF-POCKET THIRD PARTY COSTS AND EXPENSES INCURRED IN CONNECTION WITH ITS DUE DILIGENCE INVESTIGATIONS IN AN AMOUNT NOT TO EXCEED AN AGGREGATE OF \$50,000; (B) SEEK SPECIFIC PERFORMANCE OF SELLER'S OBLIGATION TO EXECUTE AND DELIVER THE DEED REQUIRED TO CONVEY THE PROPERTY TO PURCHASER (BUT NOT TO ENFORCE ANY OTHER OBLIGATION UNDER THIS AGREEMENT) BUT IN THE EVENT THAT THE REMEDY OF SPECIFIC PERFORMANCE IS UNAVAILABLE TO PURCHASER DUE TO SELLER'S ACTS, PURCHASER SHALL BE ENTITLED TO PURSUE AN ACTION FOR RECOVERY OF PURCHASER'S DAMAGES RESULTING FROM SELLER'S BREACH OF ITS OBLIGATIONS UNDER THIS AGREEMENT; OR (C) WAIVE THE DEFAULT, PRIOR TO OR AT THE CLOSING, AND PROCEED TO CLOSE THE TRANSACTION CONTEMPLATED HEREBY IN ACCORDANCE WITH THE REMAINING TERMS HEREOF. NOTWITHSTANDING THE FOREGOING, ANY CONFLICT BETWEEN THE PROVISIONS OF THIS SECTION AND SECTION 5.1(l) WITH REGARD TO A BREACH OF SELLER'S REPRESENTATIONS OR WARRANTIES SHALL BE RESOLVED BY THE PROVISIONS OF SECTION 5.1(l). As a condition precedent to Purchaser exercising any right to bring an action for specific performance as the result of Seller's default hereunder, Purchaser must commence such action within sixty (60) days after the occurrence of such default. Purchaser agrees that its failure timely to commence such an action for specific performance within such sixty (60) day period shall be deemed a waiver by it of its right to commence such an action. UNLESS PURCHASER IN GOOD FAITH EITHER (1) DISPUTES AN ALLEGATION OF PURCHASER'S DEFAULT AND PROMPTLY FILES SUIT FOR DECLARATORY JUDGMENT OR (2) ALLEGES A SELLER DEFAULT THAT CONTINUES AFTER THE NOTICE AND CURE PERIOD SET FORTH IN SECTION 12.6 AND TIMELY FILES SUIT FOR SPECIFIC PERFORMANCE AND THE ACTION IS PENDING, PURCHASER MAY NOT PLACE A *LIS PENDENS* AGAINST ALL OR ANY PORTION OF THE PROPERTY, AND PURCHASER HEREBY WAIVES AND RELEASES ANY RIGHT IT MAY HAVE UNDER APPLICABLE LAW TO FILE ANY *LIS PENDENS*, EXCEPT AS SET FORTH HEREIN. IN NO EVENT OR CIRCUMSTANCE SHALL PURCHASER BE ENTITLED TO ANY CONSEQUENTIAL OR PUNITIVE DAMAGES. PURCHASER'S REMEDIES SHALL BE LIMITED TO THOSE DESCRIBED IN THIS SECTION 11.2. THE PROVISIONS OF THIS

SECTION 11.2 SHALL SURVIVE THE CLOSING OR ANY TERMINATION OF THIS AGREEMENT.

11.3 Limited Liability. PURCHASER AGREES THAT SELLER SHALL NOT BE LIABLE TO PURCHASER UNDER ANY CIRCUMSTANCES FOR ANY SPECIAL, CONSEQUENTIAL, OR PUNITIVE DAMAGES WHATSOEVER, WHETHER IN CONTRACT, TORT (INCLUDING NEGLIGENCE AND STRICT LIABILITY), OR ANY OTHER LEGAL OR EQUITABLE PRINCIPLE, THEORY, OR CAUSE OF ACTION ARISING OUT OF OR RELATED IN ANY WAY TO ANY CLAIM, INCLUDING, BUT NOT LIMITED TO, ANY CLAIMS UNDER THIS AGREEMENT OR CONCERNING THE CONDITION OF THE PROPERTY. All claims, demands, liabilities, or causes of action (whether in contract or in tort, in law or in equity, or granted by statute) that may be asserted by Purchaser or any of its members, directors, officers, employees, advisors, agents, attorneys, or their respective successors and assigns (each, a "Purchaser Party" and collectively, the "Purchaser Parties") arising from, related to or in connection with this Agreement, or the negotiation, execution, or performance of this Agreement, may be made only against Seller. No present or future partner, member, director, officer, shareholder, employee, advisor, affiliate, agent, attorney, property manager, or asset manager of or in Seller or any person or entity holding a direct or indirect interest in any of the foregoing (each, a "Seller Party" and collectively, the "Seller Parties") shall have any direct or indirect personal liability arising from, related to or in connection with this Agreement or the negotiation, execution, or performance thereof, and to the maximum extent permitted by law, Purchaser hereby waives any and all such personal liability against any and all Seller Parties. Purchaser, on behalf of itself and the Purchaser Parties, agrees that it shall look solely to Seller's interest in the Property (or the proceeds therefrom) for the payment of any claim or for any performance under this Agreement. The limitations on liability contained in this Section are in addition to, and not in limitation of, any limitation on liability applicable to Seller and the Seller Parties provided in any other provision of this Agreement or by law or by any other contract, agreement or instrument. Without limiting the foregoing, to the maximum extent permitted by law, Purchaser, on behalf of itself and the other Purchaser Parties, (a) hereby waives and releases any and all rights, claims, demands, or causes of action that may otherwise be available at law or in equity, or granted by statute, to avoid or disregard the entity form of Seller or otherwise impose liability of Seller on any Seller Party, whether granted by statute or based on theories of equity, agency, control, instrumentality, alter ego, domination, sham, single business enterprise, piercing the veil, unfairness, undercapitalization, or otherwise; and (b) disclaims any reliance upon any Seller Party with respect to the performance of this Agreement or any representation or warranty made in, in connection with, or as an inducement to this Agreement. All documents executed by Seller in connection with the transaction contemplated hereby shall be deemed to contain (even if not expressly stated) the foregoing exculpation. THE TERMS AND PROVISIONS OF THIS SECTION SHALL SURVIVE CLOSING.

11.4 Waiver of Trial by Jury. The respective parties hereto shall and hereby do waive trial by jury in any action, proceeding or counterclaim brought by either of the parties hereto against the other on any matters whatsoever arising out of or in any way connected with this Agreement, or for the enforcement of any remedy under any statute, emergency or otherwise.

12. Miscellaneous.

12.1 Entire Agreement. This Agreement, together with the Exhibits attached hereto, all of which are incorporated by reference, is the entire agreement between the parties with respect to the subject matter hereof, and no alteration, modification or interpretation hereof shall be binding unless in writing and signed by both parties.

12.2 Severability. If any provision of this Agreement or application to any party or circumstances shall be determined by any court of competent jurisdiction to be invalid and unenforceable to any extent, the remainder of this Agreement or the application of such provision to such person or circumstances, other than those as to which it is so determined invalid or unenforceable, shall not be affected thereby, and each provision hereof shall be valid and shall be enforced to the fullest extent permitted by law.

12.3 Applicable Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Utah.

12.4 Assignability. Purchaser may assign this Agreement without the need to obtain Seller's consent, provided that Purchaser shall provide written notice to Seller of any such assignment. Notwithstanding the foregoing, Purchaser agrees that it shall remain fully liable for the performance of all obligations of the "Purchaser" under this Agreement, to the extent such obligations are not performed by such assignee.

12.5 Successors Bound. This Agreement shall be binding upon and inure to the benefit of Purchaser and Seller and their respective successors and permitted assigns.

12.6 Breach. Should either party be in breach of or default under or otherwise fail to comply with any of the terms of this Agreement, the complying party shall have the option to cancel this Agreement upon twenty (20) days written notice to the other party and such other party's failure to cure such breach within such 20-day period. The date of Closing shall be extended to the extent necessary to afford the defaulting party the full 20-day period within which to cure such breach, default or failure; provided, however, that the failure or refusal by a party to perform on the scheduled date of Closing (except in respect of a Pending Default by the other party) shall be deemed to be an immediate default without the necessity of notice or opportunity to cure; and provided further, that if the date of Closing shall have been once extended as a result of default by a party, such party shall not be entitled to any further notice or cure rights with respect to that or any other default. For purposes of this Section 12.6, a "Pending Default" shall be a default for which (i) written notice was given by the non-defaulting party prior to the Closing, and (ii) the cure period extends beyond the scheduled date of Closing.

12.7 No Public Disclosure. Neither Seller nor Purchaser will release or cause or permit to be released any press notices, or publicity (oral or written) or advertising promotion relating to, or otherwise announce or disclose or cause or permit to be announced or disclosed, in any manner whatsoever, the terms, conditions or substance of this Agreement without first obtaining the written consent of the other party, except to the extent Purchaser is required to make such disclosures under Utah law as a governmental entity. The foregoing shall not preclude either party from discussing the substance or any relevant details of such transactions with any of its

attorneys, accountants, professional consultants, lenders, partners, investors, or any prospective lender, partner or investor, as the case may be, or prevent either party hereto from complying with laws, rules, regulations and court orders, including without limitation, governmental regulatory, disclosure, tax and reporting requirements. Purchaser and Seller may disclose this transaction or any aspect or information related to this transaction or disclosure or other notice as its attorneys deem is reasonably necessary to comply with applicable law. In addition to any other remedies available to a party, each party shall have the right to seek equitable relief, including without limitation, injunctive relief or specific performance, against the other party in order to enforce the provisions of this Section 12.7.

12.8 Captions. The captions in this Agreement are inserted only as a matter of convenience and for reference and in no way define, limit or describe the scope of this Agreement or the scope or content of any of its provisions.

12.9 Attorneys' Fees. In the event of any litigation arising out of this Agreement, the substantially prevailing party shall be entitled to reasonable attorneys' fees and costs.

12.10 No Partnership. Nothing contained in this Agreement shall be construed to create a partnership or joint venture between the parties or their successors in interest.

12.11 Time of Essence. Time is of the essence in this Agreement.

12.12 Time Periods. Any reference in this Agreement to the time for the performance of obligations or elapsed time shall mean consecutive calendar days, months, or years, as applicable. In the event the time for performance of any obligation hereunder expires on a day that is not a Business Day, the time for performance shall be extended to the next Business Day. As used herein, the term "Business Day" shall mean any day of the week other than (i) Saturday and Sunday, or (ii) a day on which banking institutions in the city in which the Land is located are obligated or authorized by law or executive action to be closed to the transaction of normal banking business.

12.13 Counterparts. This Agreement may be executed and delivered in any number of counterparts, each of which so executed and delivered shall be deemed to be an original and all of which shall constitute one and the same instrument. To facilitate execution of this Agreement, the parties may execute and exchange by email counterparts of the signature pages.

12.14 Recordation. Neither this Agreement nor any memorandum or short form hereof shall be recorded or filed in any public land or other public records of any jurisdiction, by either party and any attempt to do so may be treated by the other party as a breach of this Agreement.

12.15 Proper Execution. The submission by Seller to Purchaser of this Agreement in unsigned form shall be deemed to be a submission solely for Purchaser's consideration and not for acceptance and execution. Such submission shall have no binding force and effect, shall not constitute an option, and shall not confer any rights upon Purchaser or impose any obligations upon Seller irrespective of any reliance thereon, change of position or partial performance. The submission by Seller of this Agreement for execution by Purchaser and the actual execution and delivery thereof by Purchaser to Seller shall, together with the Deposit, similarly have no binding

force and effect on Seller unless and until Seller shall have executed this Agreement and a fully executed counterpart thereof, together with the Deposit, shall have been delivered to the Title Company.

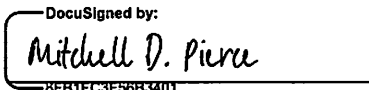
12.16 Governmental Immunity Act. Any indemnification obligations of Purchaser hereunder shall be subject to the rights, limitations, and defenses available to Purchaser as a governmental entity under the Governmental Immunity Act of Utah, Utah Code Ann., Section 63G-7-101 et seq., as amended.

[The balance of this page has intentionally been left blank. Signature pages follow.]

IN WITNESS WHEREOF, Purchaser and Seller have executed this Agreement on the date set forth below, effective as of the Effective Date.


SELLER:

EP INVESTMENTS III, LLC, a Delaware limited liability company

By:  DocuSigned by:
Mitchell D. Pierce
8FB1FC3F56B3401
Name: Mitchell D. Pierce
Title: President

PURCHASER:

REDEVELOPMENT AGENCY OF SOUTH SALT LAKE

By:  DocuSigned by:
Cherie Wood
A7A4FA6839384CD
Name: Cherie Wood
Title: Executive Director

An original, fully executed copy of this Agreement, along with the Deposit in the amount of \$250,000, has been received by the Title Company on this ____ day of January, 2024, and by execution hereof the Title Company hereby covenants and agrees to be bound by the terms of this Agreement.

TITLE COMPANY:

SILVERLEAF TITLE INSURANCE COMPANY

By: _____
Name:
Title:

EXHIBIT A

LEGAL DESCRIPTION

That certain real property located in the City of South Salt Lake, Utah, more particularly described as follows:

Beginning at a point which lies South 89°52'00" West 33.00 feet from the Northeast corner of Lot 12, Block 40, Ten Acre Plat "A", Big Field Survey as recorded in the Salt Lake County, Utah Recorder's office, (said point of beginning also lies on the West line of State Street) and running thence South 00°05'00" West 419.92 feet along said West line to the North line of Haven Lane (also known as Haven Avenue in some instruments of record); thence South 89°52'00" West 511.50 feet along said North line; thence North 00°03'34" East 164.40 feet; thence North 89°52'00" East 17.09 feet; thence North 00°03'34" East 99.75 feet, more or less; thence South 89°52'00" West 193.00 feet to the East line of Main Street; thence North 00°03'06" East 155.75 feet along said East line, more or less, to the South line of the Denver and Rio Grande Western Railroad; thence North 89°52'00" East 687.61 feet to the point of beginning.

TAX ID number 16-19-151-013

EXHIBIT B
FORM OF DEED

WHEN RECORDED, RETURN TO
AND SEND TAX NOTICES TO:

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, dated effective as of _____, is executed by EP INVESTMENTS III, LLC, a Delaware limited liability company, whose address is 2425 E. Camelback Road, Suite 1155, Phoenix, Arizona 85016 (the "**Grantor**"), in favor of _____, a _____, whose address is _____ ("**Grantee**").

WITNESSETH:

FOR good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby CONVEYS AND WARRANTS to Grantee, warranting title against persons claiming by, through or under Grantor, but not otherwise, the real property located in Salt Lake County, Utah and more particularly described on Exhibit A attached hereto and made a part hereof (the "**Real Property**"), together with all improvements located thereon and all appurtenances thereto.

SUBJECT ONLY TO the matters set forth in Exhibit B attached hereto and made a part hereof (the "**Permitted Encumbrances**").

This Special Warranty Deed may be executed in counterparts.

[SIGNATURE PAGE IMMEDIATELY FOLLOWS]

EXHIBIT A TO SPECIAL WARRANTY DEED

Legal Description of Real Property

That certain real property located in the City of South Salt Lake, Utah, more particularly described as follows:

Beginning at a point which lies South 89°52'00" West 33.00 feet from the Northeast corner of Lot 12, Block 40, Ten Acre Plat "A", Big Field Survey as recorded in the Salt Lake County, Utah Recorder's office, (said point of beginning also lies on the West line of State Street) and running thence South 00°05'00" West 419.92 feet along said West line to the North line of Haven Lane (also known as Haven Avenue in some instruments of record); thence South 89°52'00" West 511.50 feet along said North line; thence North 00°03'34" East 164.40 feet; thence North 89°52'00" East 17.09 feet; thence North 00°03'34" East 99.75 feet, more or less; thence South 89°52'00" West 193.00 feet to the East line of Main Street; thence North 00°03'06" East 155.75 feet along said East line, more or less, to the South line of the Denver and Rio Grande Western Railroad; thence North 89°52'00" East 687.61 feet to the point of beginning.

TAX ID number 16-19-151-013

EXHIBIT B TO SPECIAL WARRANTY DEED

Permitted Encumbrances

EXHIBIT C

FIRPTA AFFIDAVIT

Section 1445 of the Internal Revenue Code provides that a transferee of a United States real property interest must withhold tax if the transferor is a foreign person. For U.S. tax purposes (including Section 1445), the owner of a disregarded entity (which has legal title to a U.S. real property interest under local law) will be the transferor of the property and not the disregarded entity. To inform the transferee that withholding of tax is not required upon the disposition of a United States real property interest by EP INVESTMENTS III, LLC, a Delaware limited liability company ("Seller"), Seller hereby certifies the following:

1. Seller is not a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations); and
2. Seller is not a disregarded entity as defined in §1.1445-2(b)(2)(iii) of the Internal Revenue Code; and
3. Seller's U.S. employer taxpayer identification number is _____; and
4. Seller's office address is 2425 E. Camelback Road, Suite 1155, Phoenix, Arizona 85016.

Seller understands that this certification may be disclosed to the Internal Revenue Service by transferee and that any false statement contained herein could be punished by fine, imprisonment, or both.

Dated: _____

EP INVESTMENTS III, LLC, a Delaware limited liability company

By: _____
Name:
Title:

EXHIBIT D

FORM OF FORM OF TITLE CERTIFICATE

Silverleaf Title Insurance Company

Attn: _____

Re: EP Investments III, LLC (“Seller”); Silverleaf Title Company Escrow No. _____
(the “Escrow”) pertaining to the property described on Exhibit A attached hereto (the
“Property”)

Ladies and Gentlemen:

To Seller’s knowledge as of the date hereof:

1. Other than ongoing landscaping, repair and/or incidental maintenance work in connection with typical operations of the Property, Seller has not contracted for work on the Property or materials to be delivered to the Property within the last 120 days from the date hereof which remains unpaid.
2. There are no unrecorded leases affecting the Property.
3. Seller is not the subject of a filed voluntary or involuntary petition in bankruptcy under the Federal Bankruptcy Code.
4. Seller, at present, and for a period of 95 days past, has caused no construction, erection, alteration or repairs of any structures or improvements on the premises above cited to be done, nor has contracted for any material to be delivered to the premises for which charges therefore remain unpaid.
5. Except as shown in the Commitment issued _____, 2023 at __ a.m./p.m. or as provided in the purchase documents with respect to the Escrow, Seller has not recorded any document that would affect title to the Property. Seller has not caused or permitted any other unrecorded lien or encumbrance with respect to the Property.
6. That this affidavit is given for the purpose of inducing _____ and/or its agent to issue its policies of title insurance which may provide coverage as to the matters listed above. Seller acknowledges that it has read the foregoing and fully understand the legal aspects of any misrepresentation and/or untrue statements made herein and indemnifies and holds harmless _____ against liability occasioned by reason of reliance upon the statements made herein.

This instrument will survive for six months from the date hereof and upon the expiration of such six-month period, shall terminate and be of no further force or effect and no claim may be made hereunder except with respect for matters that arose during such six-month period.

Very truly yours,

EP INVESTMENTS III, a Delaware limited
liability company

By: _____
Name:
Title:

FIRST AMENDMENT TO PURCHASE AND SALE AGREEMENT

THIS FIRST AMENDMENT TO PURCHASE AND SALE AGREEMENT (this “Amendment”) is made as of March __, 2024 by and between EP INVESTMENTS III, LLC, a Delaware limited liability company (“Seller”), and the REDEVELOPMENT AGENCY OF SOUTH SALT LAKE (“Purchaser”).

WHEREAS, Purchaser and Seller have entered into that certain Purchase and Sale Agreement, dated as of January 8, 2024 (the “Agreement”); and

WHEREAS, Purchaser and Seller have agreed to amend the Agreement upon the terms and conditions set forth in this Amendment.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Purchaser and Seller hereby agree as follows:

1. Due Diligence Period. The first sentence of Section 3.1(a) of the Agreement is amended by deleting the reference to “the 60th day thereafter” and replacing it with “March 14, 2024.”
2. Closing Date. Section 2.3 of the Agreement is amended by deleting “the date that is thirty (30) days after the expiration of the Due Diligence Period” and replacing it with “April 8, 2024.”
3. Full Force and Effect. The Agreement is and shall remain in full force and effect, binding on the parties and unmodified except as expressly provided herein.
4. Defined Terms. Capitalized terms used in this Amendment and not otherwise defined herein shall have the meaning assigned to such terms in the Agreement.
5. Counterparts. This Amendment may be executed and delivered in any number of counterparts, each of which so executed and delivered shall be deemed to be an original and all of which shall constitute one and the same instrument. To facilitate execution of this Amendment, the parties may execute and exchange by email counterparts of the signature pages.

[signature pages follow]

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first written above.

SELLER:

EP INVESTMENTS III, LLC, a Delaware limited liability company

By: _____

Name:

Title:

PURCHASER:

REDEVELOPMENT AGENCY OF SOUTH SALT LAKE

By: Cherie Wood

Name: Cherie Wood

Title: Executive Director

RESOLUTION NO. R2024-_____

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF SOUTH SALT LAKE AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A PARTICIPATION AGREEMENT WITH BLASER VENTURES.

WHEREAS, the Redevelopment Agency of South Salt Lake (the “Agency”) was created by the South Salt Lake City Council (the “Council”) to transact the business and exercise all the powers provided for by Title 17C of the Utah Code, “Limited Purpose Local Government Entities—Community Reinvestment Agency Act” (the “RDA Act”); and

WHEREAS, Utah Code 17C-1-102(41) defines a Participation Agreement as a written agreement between a person and an agency that: a) includes a description of: i) the project area development that that person will undertake; ii) the amount of project area funds the person may receive; and iii) the terms and conditions under which the person may receive project area funds; and b) is approved by resolution of the board; and

WHEREAS, Utah Code 17C-1-202(1)(d) authorizes the Agency to use Agency funds to pay for, including financing or refinancing, all or part of: an incentive or other consideration paid to a participant under a participation agreement; and

WHEREAS, the Agency has purchased or is in the process of purchasing the property located at approximately 2280 South State Street in the City of South Salt Lake (the “Property”) in order to spur development in a manner consistent with the goals of the Market Station Urban Renewal Project Area Plan and the Agency’s additional goals of increasing affordable housing while also improving the character, use, convenience, and aesthetics of the Property and the City; and

WHEREAS, the Agency is negotiating the conveyance of the Property to [_____] (the “Developer”), which is the named counterparty to the Participation Agreement.

WHEREAS, the Agency now desires to enter into a Participation Agreement in accordance with the RDA Act in substantially the same form as and as further described in Exhibit A, which is attached to this resolution and incorporate herein by this reference;

NOW, THEREFORE, BE IT RESOLVED, by the Redevelopment Agency of South Salt Lake:

1. The Agency approves the Participation Agreement, in substantially the same form as the Participation Agreement attached in Exhibit A subject to minor technical corrections as needed, subject to the conveyance of the Property to the Developer.
2. The Board of the Agency authorizes the Executive Director of the Agency to permit any technical corrections to the Participation Agreement and to execute the Participation Agreement upon the conveyance of the Property to the Developer.
3. This resolution shall take effect immediately upon the approval of the Agency governing body.

(signatures appear on next page)

DATED this ____ day of _____ 2024.

BY THE REDEVELOPMENT AGENCY:

LeAnne Huff, RDA Chair

RDA Board Vote as Recorded:

Bynum: _____

Williams: _____

Huff: _____

Mitchell: _____

Pinkney: _____

Sanchez: _____

Thomas: _____

ATTEST:

Ariel Andrus, RDA Secretary

EXHIBIT A

Participation Agreement

RESOLUTION NO. R2024-2

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF SOUTH SALT LAKE AMENDING THE BUDGET FOR FISCAL YEAR JULY 1, 2023, THROUGH JUNE 30, 2024

WHEREAS, the Redevelopment Agency of South Salt Lake (the “Agency”) is a Community Reinvestment Agency as defined in Utah Code Annotated Section 17C-1-102(4);

WHEREAS, Utah Code Annotated Section 17C-1-601.5 requires Redevelopment Agencies to prepare and adopt annual budgets for each fiscal year;

WHEREAS, the Board of the Redevelopment Agency of South Salt Lake (the “Board”) met in regular session on June 14, 2023, held a duly noticed public hearing as prescribed by Utah Code 17C-1-601.5 and adopted a final budget for the fiscal year beginning July 1, 2023, and ending June 30, 2024; and

WHEREAS, the Agency met on March 13, 2024, and again on March 27, 2024, to consider an amendment to the Agency budget to purchase property located at 2280 South State Street in order to redevelop that property; and

WHEREAS, the Agency has published the necessary notice, held the public hearing required, and has duly and fully considered the proposed budget and all items therein.

NOW THEREFORE, BE IT RESOLVED, by the Redevelopment Agency of the City of South Salt Lake as follows:

SECTION I: The budget attached hereto, and incorporated herein by this reference, is hereby adopted for the corporate purposes and objects of the Agency for the fiscal year commencing July 1, 2022, and ending June 30, 2023, and is hereby adopted as the “Budget of the Redevelopment Agency of South Salt Lake City, Utah for the Fiscal Year 2022-2023” (the “Budget”).

SECTION II: Pursuant to Utah Code Ann. 17C-1-601.5(6), a copy of the Budget shall be filed with the Salt Lake County Auditor, the State Tax Commission, the State Auditor, the State Board of Education, and each taxing entity from which the agency receives project area funds in accordance with the law.

SECTION III Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION IV. Effective Date. This resolution shall become effective upon signature and subsequent publication.

DATED this 27th day of March 2024.

BY THE REDEVELOPMENT AGENCY:

LeAnne Huff
LeAnne Huff, RDA Chair

RDA Board Vote as Recorded:

- Bynum: yes
- Williams: yes
- Huff: yes
- Mitchell: ABSENT
- Pinkney: ABSENT
- Sanchez: ABSENT
- Thomas: yes



ATTEST:
Ariel Andrus
Ariel Andrus, RDA Secretary

**Budget of the Redevelopment Agency of the City of South Salt Lake for the Fiscal Year 2023-
2024 as amended**

**FY 2024 Budget
Proposed Budget Amendments - March 2024**

Redevelopment Agency Fund

Date	Description	Acct No	Uses:	Sources:	NOTES:
April 8, 2024	Transfer to/from General Fund Land and Rights-of-Way	71-3850-000 71-80-711-00	\$ 15,750,000.00	\$ 15,750,000.00	Short Term Advance from General Fund for the purchase of property located at 2280 South State Street
<hr/>					
April 30, 2024	Sale of Fixed Assets Appropriation to/from Fund Balance	10-3640-000 71-3890-000	\$ 17,000,000.00	\$ 17,000,000.00	Sale of property located at 2280 South State Street
April 30, 2024	Transfer to/from General Fund Land and Rights-of-Way	10-3890-000 71-80-711-00	\$ 15,750,000.00	\$ 15,750,000.00	Return of Advanced funds from RDA subsequent to sale of property located at 2280 South State Street

***Dates subject to change. Subject to close process for purchase and sale.

RESOLUTION NO. R2024 3

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF SOUTH SALT LAKE
ADOPTING AN OFFICIAL PLAN FOR THE CENTRAL 15 CRA.

WHEREAS, the Redevelopment Agency of South Salt Lake (the "Agency") was created to transact the business and exercise the powers provided for in the current Limited Purpose Local Government Entities - Community Reinvestment Agency Act, Title 17C of the Utah Code Ann. 1953, as amended (the "Act"); and

WHEREAS, the City of South Salt Lake (the "City") has a planning commission and has adopted a general plan pursuant to applicable law; and

WHEREAS, the Agency, by Resolution, has authorized the preparation of a draft project area plan as provided in the Act; and

WHEREAS, pursuant to the Act, the Agency has (a) prepared a draft Central 15 CRA Plan (the "Project Area Plan" or "Plan") and (b) made the draft Project Area Plan available to the public at the Agency's offices during normal business hours; and

WHEREAS, the Agency provided notice of the public hearing in substantial compliance with the Act; and

WHEREAS, on March 27, 2024, the Agency held a public hearing on the draft Project Area Plan and at that Plan hearing (a) allowed public comment on the draft Project Area Plan and whether the draft Project Area Plan should be revised, approved or rejected, and (b) received all written and heard all oral objections to the draft Project Area Plan; and

WHEREAS, on March 27, 2024, after holding the public hearing, the Agency considered the oral and written objections to the draft Project Area Plan, and whether to revise, approve or reject the draft Project Area Plan;

WHEREAS, less than one year has passed since the date of the public hearing.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Redevelopment Agency of South Salt Lake:

Section I. Adoption of Project Area Plan. It has become necessary and desirable to adopt the draft Project Area Plan as the official Project Area Plan for the Project Area. The draft Project Area Plan, in the form attached hereto as **Exhibit C** and incorporated by this reference, together with any changes to the draft Project Area Plan as may be indicated in the minutes of this meeting (if any), is hereby designated and adopted as the official plan for the Project Area. The Agency shall submit the Project Area Plan, together with a copy of this Resolution, to the City Council requesting that the Project Area Plan be adopted by ordinance of the legislative body of the City in accordance with the provisions of the Act. All comments and objections to the draft Project Area Plan (if any) have been considered and are, unless otherwise provided in the minutes of this meeting (if at all), passed upon.

Section 2. Legal Description of the Project Area Boundaries. The legal description of the boundaries of the Project Area covered by the Project Area Plan is attached hereto and incorporated herein as **Exhibit A**. A map of the Project Area is attached and incorporated herein as **Exhibit B**.

Section 3. Agency's Purposes and Intent. The Agency's purposes and intent with respect to the Project Area are set forth in the Project Area Plan, and include the following:

- A. To encourage and accomplish appropriate private development and community reinvestment activities within the Project Area.
- B. To provide for redevelopment infrastructure improvements within or to serve the Project Area.
- C. To provide for the strengthening of the tax base and economic health of the community.

Section 4. Project Area Plan Incorporated by Reference. The Project Area Plan, together with supporting documents, in the form attached as **Exhibit C**, together with any changes to the draft Project Area Plan as may be indicated in the minutes of this meeting (if any), is hereby incorporated herein by reference, and made a part of this Resolution. Copies of the Project Area Plan shall be filed and maintained in the office of the Agency and the City Recorder for public inspection.

Section 5. Agency Board Findings. The Agency Board hereby determines and finds that the Project Area Plan:

- A. Serves a public purpose by, among other things, encouraging and accomplishing appropriate community reinvestment activities within the Project Area;
- B. Produces a public benefit in the form of, among other things, increased development activity within the boundaries of the Agency, including in particular within the Project Area, that is desirable and will enhance the tax base of all taxing entities within the Project Area, as demonstrated by the analysis provided in the Project Area Plan;
- C. Is economically sound and feasible; in that the revenue needed for the implementation of the Project Area Plan will come from incremental property taxes generated by new private development within the Project Area, all as further shown and supported by the analysis contained in the Project Area Plan;
- D. Conforms to the City's general plan in that, among other things, the Project Area Plan provides that all development in the Project Area is to be in accordance with the City's zoning ordinances and requirements, and the development activities contemplated by the Project Area Plan are in harmony with the City's general plan; and
- E. Promotes the public peace, health, safety and welfare of the City.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption, and pursuant to the provisions of the Act, the Project Area Plan shall become effective upon adoption by Ordinance of the legislative body of the City.

DATED this 27th day of March 2024.

BY THE REDEVELOPMENT AGENCY:

LeAnne Huff
LeAnne Huff, RDA Chair

RDA Board Vote as Recorded:

Bynum:	<u>yes</u>
Williams:	<u>yes</u>
Huff:	<u>yes</u>
Mitchell:	<u>ABSENT</u>
Pinkney:	<u>ABSENT</u>
Sanchez:	<u>ABSENT</u>
Thomas:	<u>Abstain</u>

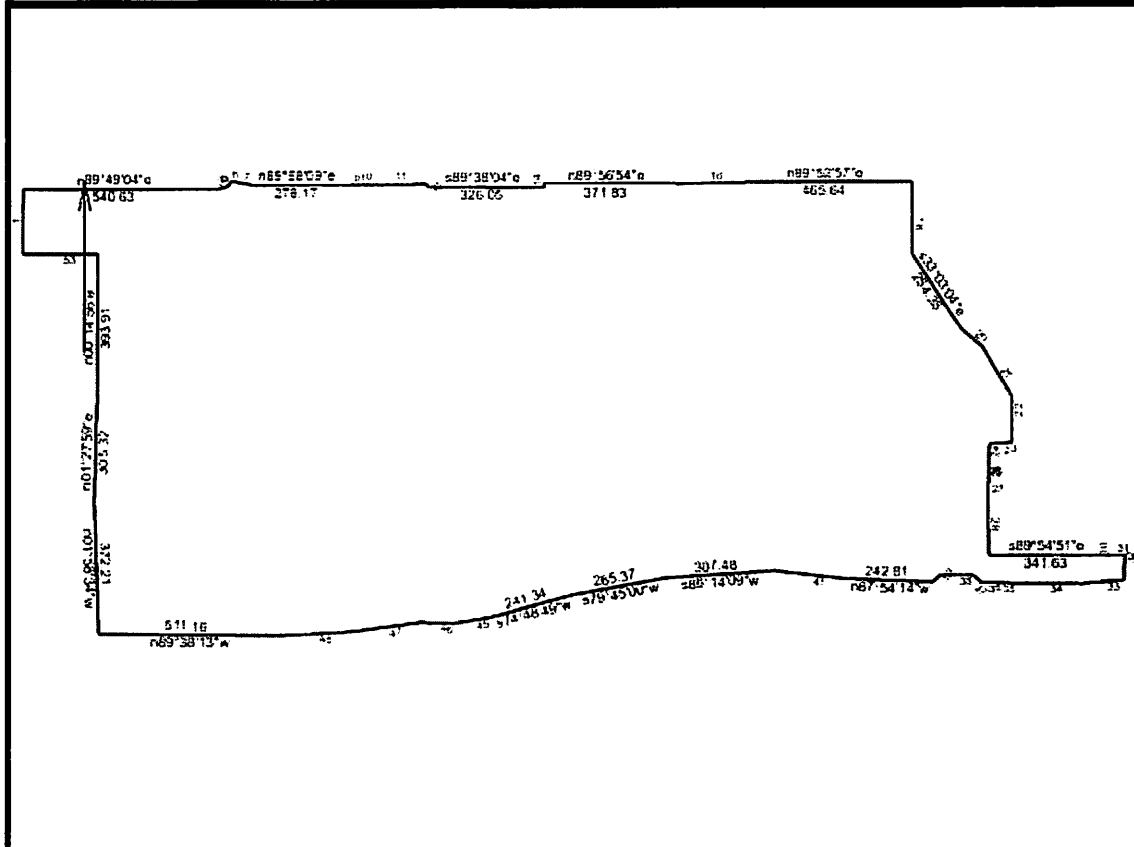


ATTEST:

Ariel Andrus
Ariel Andrus, RDA Secretary

EXHIBIT A – LEGAL DESCRIPTION OF THE PROJECT AREA

The following is the metes and bounds description of the property. This description is provided to meet the requirements for divided parcels in Utah Code 17C-1-414.



Lots 1 & 2, Parcels A & B		2/9/2024
Scale: 1 inch= 398 feet	File:	
Fract 1: 67.9392 Acres, Closure: n62.0043w 0.02 R. (1/504763), Perimeter=8558 ft.		
01 n00.0140e 179.31 02 n89.4904e 540.63 03 n63.6617e 20.04 04 n67.3028e 20.02 05 n27.1655e 12.15 06 s88.2843e 9.79 07 s60.5133e 48.66 08 n89.5809e 278.17 09 s84.1854e 14.65 10 n88.5118e 24.81 11 n89.5217e 173.82 12 s38.2041e 9.16 13 s89.3804e 326.05 14 n01.3714e 10.25 15 n89.5854e 371.83 16 n68.3916e 198.15 17 n89.5257e 466.64 18 s00.0941e 203.19 19 s33.0304e 254.35 20 s49.2210e 77.66 21 s30.2228e 160.35 22 s00.0053w 127.74 23 s84.5811w 62.42 24 s00.4732w 96.51 25 s87.4424e 2.5 26 s02.2830w 10.98 27 s87.3510w 4.96 28 s01.0639e 204.56 29 s89.5451e 341.63	30 n00.0758e 0.48 31 s88.5807e 38.39 32 s00.0758w 69.52 33 s84.5521w 114.99 34 n89.3056w 206.6 35 n88.4930w 57.98 36 s88.1633w 20.92 37 n49.4726w 29.88 38 n89.0940w 94.91 39 s42.4452w 26.31 40 n87.5414w 242.81 41 n83.3553w 205.69 42 s88.1409w 307.48 43 s78.4500w 265.37 44 s74.4849w 241.34 45 s80.3218w 99.97 46 n88.5908w 99.58 47 s82.0933w 185.21 48 s86.4149w 195.75 49 n89.3813w 511.16 50 n01.5834w 372.21 51 n01.2759e 305.32 52 n00.1456e 383.91 53 n89.4149w 212.79	

Lots 1 & 2, Parcels A & B Description

A parcel of land being part of Lot 101, Central Valley Water Subdivision recorded July 2, 2009 as Entry No. 10745640 in Book 2009 of Plats, at Page 89 and part of three (3) entire tracts described in that Special Warranty Deed recorded April 26, 1989 as Entry No. 4763126 and that Warranty Deed recorded January 2, 1980 as Entry No. 3384130 in Book 5917, at Page 647 in the Office of the Salt Lake County Recorder. Said parcel of land is located in the Southeast Quarter of Section 26 and the Southwest Quarter of Section 25, Township 2 South, Range 1 West, Salt Lake Base and Meridian and is described as follows:

Beginning at the intersection of the easterly right-of-way line of 900 West Street and an existing chain link fence, which is 561.79 feet N. 00°01'40" E. along the monument line of 900 West Street and 40.00 feet East from a street monument at the intersection of 900 West Street and 3265 South Street, said point also being 2105.17 feet North and 865.66 feet East from the South Quarter Corner of said Section 26; thence N. 00°01'40" E. (R=N 0°03'14" E) 179.31 feet along said easterly right-of-way line of 900 West Street to a westerly extension of and existing chain link fence; thence to and along an existing chain link fence the following fourteen (14) courses: 1) N. 89°49'04" E. 540.63 feet; 2) N. 83°56'17" E. 20.04 feet; 3) N. 67°30'28" E. 20.02 feet; 4) N. 27°16'55" E. 12.15 feet; 5) S. 88°28'43" E. 9.79 feet; 6) S. 80°51'33" E. 48.66 feet; 7) N. 89°58'09" E. 278.17 feet; 8) S. 84°16'54" E. 14.65 feet; 9) N. 86°51'18" E. 24.61 feet; 10) N. 89°52'17" E. 173.82 feet; 11) S. 36°20'41" E. 9.16 feet; 12) S. 89°38'04" E. 326.05 feet; 13) N. 01°37'14" E. 10.25 feet; 14) N. 89°56'54" E. 371.83 feet; thence N. 88°39'16" E 198.15 feet

to an existing concrete wall; thence N. 89°52'57" E. 465.64 feet along said concrete wall to the easterly line of said Lot 101, Central Valley Water Subdivision; thence along said Lot 101 the following fourteen (14) courses: 1) S. 00°09'41" E. (R=S00°07'51"E) 203.19 feet; 2) S. 33°03'04" E. (R=S33°01'14"E) 254.35 feet; 3) S. 49°22'10" E. (R=S49°20'20"E) 77.66 feet; 4) S. 30°22'28" E. (R=S30°20'38"E) 160.35 feet; 5) S. 00°00'53" W. (R=S00°02'43"W) 127.74 feet; 6) S. 84°58'11" W. (R=S85°00'01"W) 62.42 feet; 7) S. 00°47'32" W. (R=S00°49'22"W) 96.51 feet; 8) S. 87°44'24" E. (R=S87°42'34"E) 2.50 feet; 9) S. 02°28'30" W. (R=S02°30'20"W) 10.98 feet; 10) S. 87°35'10" W. (R=S87°37'00"W) 4.96 feet; 11) S. 01°06'39" E. (R=S01°04'49"E) 204.56 feet; 12) S. 89°54'51" E. (R=S89°53'01"E) 341.63 feet; 13) N. 00°07'58" E. (R=S00°09'48"E) 0.48 feet; 14) S. 89°59'07" E. (R=S89°57'17"E) 38.39 feet to the northwesterly

corner of a parcel of land described as "Parcel No. 1:C" having Project No. SW 11-0007 in that Special Warranty Deed recorded April 27, 2011 as Entry No. 11173107 in Book 9920, at Page 6692 in the Office of said Recorder; thence S. 00°07'58" W. (R=N. 00°09'48" E.) 69.52 feet to a southerly line of said Lot 101, Central Valley Water Subdivision; thence S. 84°55'21" W. (R=S84°57'11"W) 114.99 feet along said southerly line of Lot 101; thence N. 89°30'56" W. 206.60 feet to said southerly line of said Lot 101; thence along said Lot 101 the following two (2) courses: 1) N. 86°49'30" W. 57.98 feet; 2) S. 88°16'33" W. 20.92 feet; thence N. 49°47'26" W. 29.86 feet; thence N. 89°09'40" W. 94.91 feet; thence S. 42°44'52" W. 26.31 feet to said

Southerly line of Lot 101; thence along said southerly line of Lot 101 the following three (3)

courses: 1) N. 87°54'14" W. (R=N87°52'24"W) 242.81 feet; 2) N. 83°35'53" W. (R=N83°34'03"W) 205.69 feet; 3) S. 86°14'09" W. 307.48 feet (R=S86°15'59"W 308.54); thence along the southerly boundary line of said entire tract the following seven (7) courses: 1) S. 79°45'00" W. 265.37 feet (R=South 79°48'36" West 262.62 ft); 2) S. 74°48'49" W. (R=North 74°53'13" West 241.2 ft) 241.34 feet; 3) S. 80°32'18" W. 99.97 feet (R=South 80°35'51" West 100 ft); 4) N. 88°59'08" W. 99.58 feet (R=North 88°52'35" West 99.54 ft); 5) S. 82°09'33" W. 195.21 feet (R=South 83°12'45" West 195 ft); 6) S. 86°41'49" W. (R=South 86°50'27" West 195.77 ft) 195.75 feet; 7) N. 89°38'13" W. (R=S 89°50' E) 511.16 feet; thence N. 01°58'34" W. (R=N 1°57' W) 372.21 feet along a westerly boundary line of said entire tract; thence N. 01°27'59" E. 305.32 feet; thence N. 00°14'56" E. 393.91 feet; thence N. 89°41'49" W. 212.79 feet to the **Point of Beginning**.

The above-described parcel of land contains 2,959,425 sq. ft. or 67.939 acres, more or less.

EXHIBIT B – MAP OF THE PROJECT AREA



EXHIBIT C: PROJECT AREA PLAN

CENTRAL 15 CRA

Proposed Community Reinvestment Project Area Plan & Budget

South Salt Lake City Redevelopment Agency

Dated: February 2024



Prepared by: EFG Consulting

Introduction

On October 25, 2023, the South Salt Lake City Redevelopment Agency (“Agency”) approved Resolution Number RDA 2023-04 (the “Survey Resolution”) to initiate the process of adopting a Community Reinvestment Project Area (“CRA”) to be known as the Central 15 Project Area (“Project Area”) including the drafting of a proposed project area plan (“Plan”) and proposed project area budget (“Budget”).

The Proposed Project Area will be located on the current Golf the Round site located west of I-15 and north of 3300 South. The Project Area will consist of over 1 million square feet of flex industrial space on approximately 71 acres of land ground-leased by Central Valley Water Reclamation Facility (“CVWRF”).

The Agency is requesting tax increment at a 60 percent participation rate over a period of 20 years from participating taxing entities. The current base year value is \$1,052,900, which generates \$10,633 in tax revenue annually. At the end of 20 years, the area is expected to be valued at \$234,469,649 (assuming an assessed value growth rate of two percent annually after the project is constructed). This will generate \$2,344,931 in tax revenue annually.

Over the 20-year period of the CRA, the Agency expects to collect \$21,974,089 with \$16,483,643 passed through to the various taxing entities. The agency expects to use this tax increment as follows:

Uses of Tax Increment Funds		Totals Over 20-Yr Period	NPV at 5% Discount Rate
Agency Administration and Operations	3%	\$659,223	\$393,995
CRA Housing	10%	2,197,409	1,313,315
Redevelopment Activities	87%	19,117,457	11,425,842
Total Uses		\$21,974,089	\$13,133,151

Dakota Pacific Real Estate (“DPRE”) is seeking tax increment financing to develop this industrial space and will ground lease the area from CVWRF for a period of 60 years. Currently there are various impediments that prevent this site from being a market rate development, including: site remediation, significant infrastructure costs, and market conditions. DPRE is seeking approximately \$11.4 million (PV) in tax increment over a 20-year period and either capitalized through the issuance of a bond or through periodic payments to develop the area.

Chapter 1: Project Area Plan

The purpose of this Plan is to provide information regarding the Project Area including current conditions, how future development will be undertaken, how that development will impact the Project Area and surrounding communities, proposed uses of tax increment, and other related matters required in the Community Reinvestment Agency Act (“Act”).

Boundary Description and Map

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 1) Includes a boundary description and a map of the community reinvestment project area (17C-5-105(1))

The Proposed Project Area will be located on the current Golf the Round site located west of I-15 and north of 3300 South. The Project Area consists of approximately 71 acres of land ground-leased by Central Valley Water Reclamation Facility (“CVWRF”). The Project Area is depicted in Figure 1 as the Central 15 Commerce Center and highlighted in blue. The Project Area divides three parcels. In accordance with 17C-1-414, Appendix A includes the metes and bounds description for the property within the Project Area.



Figure 1: Project Area Map

Land Uses

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 2) Contains a general statement of the existing land uses, layout of principal streets, population densities, and building intensities of the community reinvestment project area and how each will be affected by project area development. (17C-5-105(2))

Existing Land Uses

The parcels in the Project Area are currently owned by CVWRF. CVWRF intends to hold ownership of the parcels to use as a contingency for future expansion of operations and to buffer the public from effluent associated with the sewer treatment processes. They currently ground-lease the property to an operator of a 9-hole golf course and driving range but make very little revenue from this lease.

Layout of Principal Streets

The Project Area is located at approximately 600 West 3300 South in South Salt Lake, Utah. It is within a block of the 3300 South I-15 interchange to the east of the Project Area and borders 900 West on the west of the Project Area. Since 3300 South is a UDOT road, UDOT requires a west bound deceleration lane, a west bound acceleration lane, an east bound left-turn lane, and a 4th signal be added to the intersection in order to provide access to the Site at 700 West.

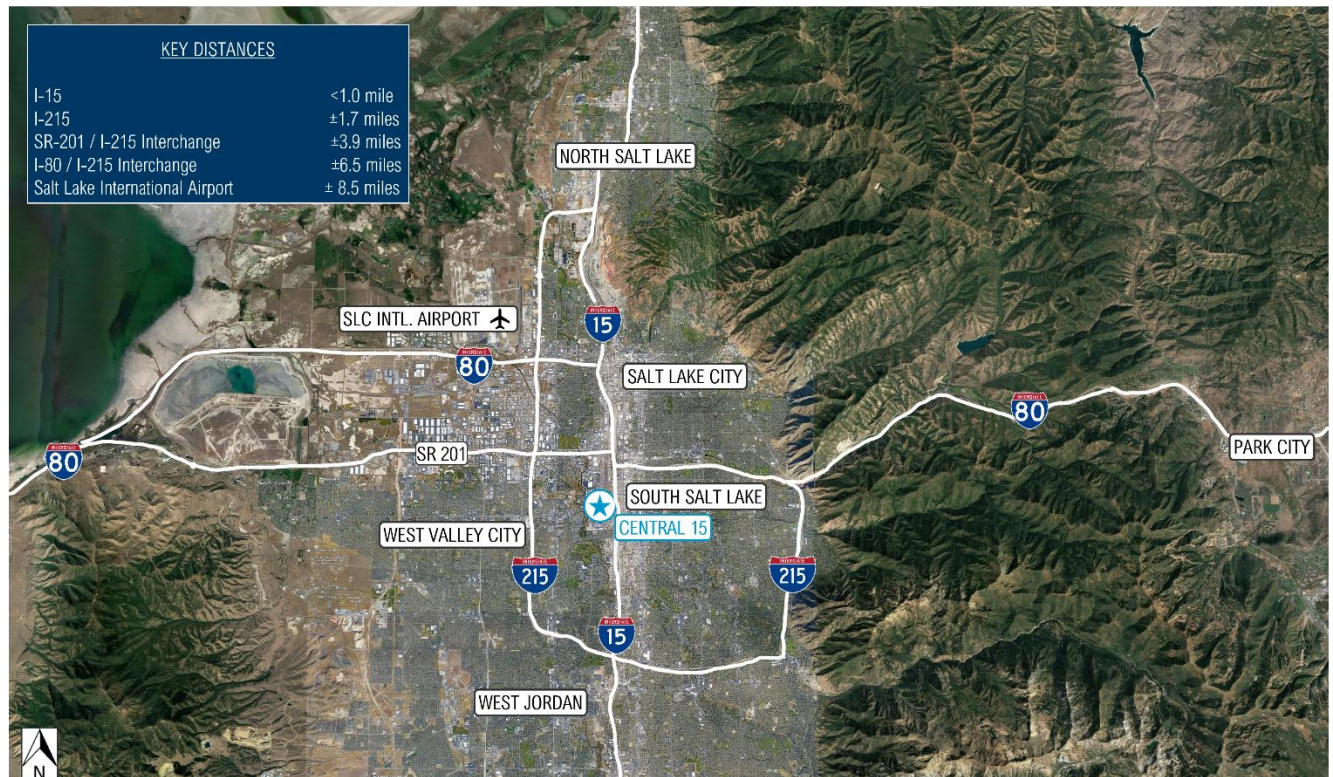


Figure 2: Regional Map



Figure 3: Neighborhood Map

Population Densities

The Project Area has no meaningful fulltime permanent population density. Day time population will increase with development of this Project Area as it is expected to be developed into flex industrial space.

Building Intensities

The existing golf course has several structures such as a two-story driving range platform, two office buildings, and a pro-shop building. In order to accommodate future site development, these structures would be demolished and replaced with four structures totaling approximately 1 million square feet of flex industrial space.

Development Guidance Standards

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 3) States the standards that will guide project area development) 17C-5-105(3))

Any future development will be in compliance with the current zoning for the area including the City's general plan guidelines and Strategic Plan. Any development will be compatible with the surrounding uses.

Project Furthers Purpose of CRA Statute

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 4) Shows how project area development will further purposes of this title (17C-5-105(4))

The parcels included in the Project Area are all under-utilized parcels. CVWRF currently ground leases the property to an operator of a 9-hole golf course and driving range but makes very little revenue from this lease. CVWRF has sought a more productive use of the Project Area to help increase revenue and offset wastewater treatment costs to the public. In addition, the Project Area only provides \$10,633 of tax revenue to taxing entities on an annual basis. Any tax increment used will move the property to its highest and best use, generating additional revenue for CVWRF and additional tax revenue for taxing entities.

Consistency with City's General Plan

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 5) Is consistent with the general plan of the community in which the community reinvestment project area is located and shows that project area development will conform to the community's general plan (17C-5-105(5))

The Project Area will comply with the City's current general plan specifically the section titled "Future Land Use Map & Descriptions" on pages 26-28. The general plan identifies this area as a "catalyst area" meaning that it is "appropriate for transformation from current development patterns and that investment from public sources may be appropriate to leverage private investment in the area."

Eliminate or Reduce Development Impediments

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 6) If applicable, describes how project area development will eliminate or reduce a development impediment in the community reinvestment project area (17C-5-105(6))

The following impediments hamper economic development of this Project Area:

- 1) The Site is a former uranium mill facility which underwent clean-up in the 1980's and the 1990's. There are extraordinary costs to develop the site due to its environmental history, residual radioactive materials, structurally sub-optimal soils imported during clean-up, and regulatory long-term management requirements.
- 2) Several regional sewer and stormwater utilities converge at and cross the Site that need to be relocated to accommodate an efficient site plan.
- 3) Significant off-site improvements such as an acceleration lane, (2) deceleration lanes, median modifications with a left turn lane, and a 4th leg added to an existing 3-way signalized intersection are required to provide functional access to the site.
- 4) Macro-economic and financial conditions have shifted immensely negative since the terms between CVWRF and DPRE were negotiated. Construction loan interest rates have gone up over 275%, the

amount of non-recourse leverage offered by lenders has dropped 30%, banks have pulled back from construction loan lending altogether while local and regional banks are experiencing liquidity problems, minimum return thresholds to attract joint-venture equity have jumped by 50%, and joint-venture equity is requiring much higher returns for projects on ground leases, particularly in the current economic environment.

The CRA will provide funds to reduce or eliminate these development impediments.

Specific Project Development

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 7) Describes any specific project area development that is the object of the community reinvestment project area plan (17C-5-105(7))

The CRA will provide tax increment financing to DPRE to develop the Project Area. DPRE plans to develop four Class A bulk distribution, warehouse, and manufacturing buildings totaling approximately one million square feet over approximately 71 acres in three phases. DPRE is contemplating a phased approach to construction. Construction is assumed to commence on Building A in the first half of 2024, pending approval of this tax increment financing request, with a construction period of 14 months inclusive of master plan site work and off-sites. Building B will commence after the start of Building A with a construction period of 12 months and final completion date of Late 2025. Buildings C and D will begin construction in early 2026 with a construction period of 12 months. The underwriting assumes that all buildings have 4 tenants each, ranging from 50K SF for Buildings B, C and D to 100K SF for Building A. However, the buildings will be designed to accommodate up to 6 tenants in each building to be able to accommodate smaller demisable increments.

How the Agency will Select Participants

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 8) If applicable, explains how the agency plans to select a participant (17C-5-105(8))

The Agency plans to select DPRE to develop the Project Area. DPRE has worked closely with South Salt Lake (“SSL”) since 2019 while DPRE was in the process of assembling historically industrial parcels in SSL’s City Center for redevelopment into a master-planned mixed-use commercial and residential development. SSL and DPRE were in search of alternative sites within the SSL city-limits to develop a modern industrial park and retain an industrial employment base that would be displaced by the South City redevelopment. Development by DPRE within the Project Area would accomplish this goal.

Reasons for Selecting this Project Area

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 9) States each reason the agency selected the community reinvestment project area (17C-5-105(9))

The parcels in the Project Area are currently underutilized and used as a golf course. With the development of the SSL City Center, the City is also in need of additional industrial space. The development of the Project Area as industrial warehouse space will move the property to its highest and best use, generating additional revenue for CVWRF and additional tax revenue for taxing entities.

Physical, Social and Economic Conditions in Project Area

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 10) Describes the physical, social, and economic conditions that exist in the community reinvestment project area (17C-5-105(10))

The parcels included in the Project Area are owned by CVWRF and are currently ground-leased to an operator of a 9-hole golf course and driving range.

Financial Assistance to Participant

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 11) Describes each type of financial assistance that the agency anticipates offering a participant (17C-5-105(11))

Tax increment will be utilized to assist DPRE in the development of the Project Area. Tax increment will either be capitalized through the issuance of a bond or through periodic payments. Tax increment will be used to:

- 1) Assist with the extraordinary costs to develop the site due to its environmental history, residual radioactive materials, structurally sub-optimal soils imported during clean-up, and regulatory long-term management requirements;
- 2) Relocate several regional sewer and stormwater utilities that converge at and cross the Site to accommodate an efficient site plan;
- 3) Assist with the cost of significant off-site improvements such as an acceleration lane, (2) deceleration lanes, median modifications with a left turn lane, and a 4th leg added to an existing 3-way signalized intersection that are required to provide functional access to the site; and
- 4) Incentivize DPRE to develop the site with the current negative Macro-economic and financial conditions.

The following structure will be utilized when providing tax increment to participants.

TYPE OF DEVELOPMENT	TAX INCREMENT RATE (UP TO)	TAX INCREMENT RATE (UP TO)
Industrial	60%	20 Years

Public Benefits Analysis

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 12) Includes an analysis or description of the anticipated public benefit resulting from project area development, including benefits to the community's economic activity and tax base (17C-5-105(12))

Economic Activity

The purpose of the CRA is to develop over 1 million square feet of flex and industrial space that will provide additional tax revenue to taxing entities as well as additional jobs. At buildout, job growth is estimated to be between 400 and 815 new jobs.

Tax Base

The primary increase in tax revenue generated from the Project Area will be in property taxes. As described herein, development within the Project Area once completed could generate approximately \$1.9 million annually to the tax rolls of the various entities which levy a tax in the Project Area. This value could generate \$45 million in new property tax over a 20-year period. The Agency anticipates needing 60 percent of the participation entities' revenue to assist DPRE in the development of the Project Area and administering the Project Area. The remaining revenue would flow to taxing entities. The pass-through revenue for taxing entities would amount to \$23 million over 20 years. Without development of the Project Area, taxing entities expect to receive approximately \$269k of total tax revenues generated over 20 years.

Historic Buildings

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 13) If applicable, states that the agency shall comply with Section 9-8a-404 as required under Section 17C-5-106 (17C-5-105(13)):
 - a. Any agency shall comply with Section 9-8a-404 as though the agency is a state agency if:
 - i. Any of the existing buildings or uses in a community reinvestment project area are included in, or eligible for inclusion in, the National Register of Historic Places or the State Register; and
 - ii. The agency spends agency funds on the demolition or rehabilitation of existing buildings described above.

No existing buildings within the Project Area are included or are eligible for inclusion in the National Register of Historic Places or the State Register.

CRAs Prior to 2019

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 14) For a community reinvestment project area plan that an agency adopted before May 14, 2019, states whether the community reinvestment project area plan or proposed community

reinvestment property area plan is subject to a taxing entity committee or an interlocal agreement (17C-5-105(15))

This section does not apply since the CRA is proposed to be adopted in 2024.

Other Information

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 15) Includes other information that the agency determines to be necessary or advisable.

Chapter 2: Project Area Budget

The purpose of the Budget is to describe and outline the financial resources necessary to enact the Plan in accordance with 17C-5-303. The Project Area is governed by Interlocal Agreements as outlined in the Act (17C-5-202(1)(a)).

Sources of Funds

Base Taxable Value

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - a. The base taxable value (17C-5-303(1a))

The base taxable value for the Project Area is the 2023 taxable value which is estimated at \$1,147,400.

Tax Increment Projection

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - b. The projected amount of tax increment to be generated within the community reinvestments project area (17C-5-303(1b))

As described in the Plan and herein, the Project Area will generate approximately \$45m of tax increment over 20 years as shown in the table below.

REVENUE TO TAXING ENTITIES	TOTAL (OVER 20 YEARS)	NPV (5% DISCOUNT RATE)
Salt Lake County	5,360,472	3,203,768
Multicounty Assessing & Collecting Levy	57,681	34,474
County Assessing & Collecting Levy	596,035	356,230
Salt Lake County Library	1,834,250	1,096,268
Granite School District	24,429,754	14,600,817
South Salt Lake City	9,155,870	5,472,146
South Salt Lake Valley Mosquito Abatement District	34,608	20,684
Jordan Valley Water Conservancy District	1,311,278	783,705
Mt. Olympus Improvement District	707,552	422,879
Central Utah Water Conservancy District	1,538,155	919,302
Total	45,025,656	26,910,274

The Agency will collect tax increment according to the schedule in the table below. Utilizing this schedule the Agency anticipates collecting approximately \$21.9m over 20 years. The remainder of the tax increment will be passed through to the taxing entities.

REVENUE TO TAXING ENTITIES	PARTICIPATION RATE	LENGTH	TOTAL (OVER 20 YEARS)	NPV (5% DISCOUNT RATE)
Salt Lake County	60%	20 Years	3,216,283	1,922,261
Granite School District*	60%	20 Years	11,109,3270	6,639,660
South Salt Lake City	60%	20 Years	5,493,522	3,283,288
South Salt Lake Valley Mosquito Abatement District	60%	20 Years	20,765	12,411
Jordan Valley Water Conservancy District	60%	20 Years	786,766	470,223
Mt. Olympus Improvement District	60%	20 Years	424,530	253,727
Central Utah Water Conservancy District	60%	20 Years	922,893	551,581
Total			21,974,089	13,133,151
*excludes State Basic Levy & Charter School Levy				

Collection Period

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - c. Each project area funds collection period (17C-5-303(1c))

The Agency will collect tax increment from the Project Area over a 20-year period.

Tax Increment Paid to Other Entities

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - d. If applicable, the projected amount of tax increment to be paid to other taxing entities in accordance with Section 17C-1-410 (17C-5-303(1d))

All tax increment not paid to the Agency will pass through to each taxing entity. The table below provides an estimate of the total tax increment that will pass through to each entity. No property tax increment will be paid to any other taxing entity than those listed below.

REVENUE TO TAXING ENTITIES	TOTAL	NPV
Salt Lake County	2,144,189	1,281,507
Multicounty Assessing & Collecting Levy	57,681	34,474
County Assessing & Collecting Levy	596,035	356,230
Salt Lake County Library	1,834,250	1,096,268
Granite School District	13,320,426	7,961,157
South Salt Lake City	3,662,348	2,188,859
South Salt Lake Valley Mosquito Abatement District	13,843	8,274
Jordan Valley Water Conservancy District	524,511	313,482
Mt. Olympus Improvement District	283,021	169,152
Central Utah Water Conservancy District	615,262	367,721
Total	23,051,567	13,777,123

Collection Area

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - e. If the area from which the tax increment is collected is less than the entire community reinvestment project area: (17C-5-303(1e))
 - i. A boundary description of the portion or portions of the community reinvestment project area from which the agency receives tax increment; and
 - ii. For each portion described in Subsection (1)(e)(i), the period of time during which tax increment is collected,

The collection area is the same as the Project Area.

Participation Rates

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - f. The percentage of tax increment the agency is authorized to receive from the community reinvestment project area (17C-5-303(1f))

The Agency is requesting that all taxing entities except for the Salt Lake County Library participate at 60% for up to 20 years. The two assessing and collecting levies are excluded per statute. Granite School District's levy is reduced by the State Basic School Levy and the UT Charter School-Granite levy.

Maximum Collection Amounts

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - g. The maximum cumulative dollar amount of tax increment the agency is authorized to receive from the community reinvestment project area; (17C-5-303(1g))

The Project Area will be capped at \$22,000,000. When this cap is reached, tax increment will cease to flow to the Agency.

Sales and Use Tax Revenue

A community reinvestment project area budget shall include:

- 2) If the agency receives sales and use tax revenue: (17C-5-303(2))
 - a. The percentage and total amount of sales and use tax revenue to be paid to the agency; and
 - b. Each project area funds collection period.

The Agency will not receive sales and use tax revenue.

Uses of Funds

A community reinvestment project area budget shall include:

- 3) The amount of project area plan funds the agency will use to implement the community reinvestment project area plan, including the estimated amount of project area funds that

will be used for land acquisition, public improvements, infrastructure improvements, or any loans, grants, or other incentives to private or public entities (17C-5-303(3))

The Agency will use the funds collected to administer the Project Area and fulfill the Moderate-Income Housing Plan found in the City’s General Plan. The Agency will also use the funds collected from the Project Area to incentivize DPRE to develop the area. DPRE is expected to use these funds to:

- Assist with the extraordinary costs to develop the site due to its environmental history, residual radioactive materials, structurally sub-optimal soils imported during clean-up, and regulatory long-term management requirements;
- Relocate several regional sewer and stormwater utilities that converge at and cross the Site to accommodate an efficient site plan; and
- Assist with the cost of significant off-site improvements such as an acceleration lane, (2) deceleration lanes, median modifications with a left turn lane, and a 4th leg added to an existing 3-way signalized intersection that are required to provide functional access to the site.

CRA BUDGET	USAGE	TOTAL	NPV
Agency Administration and Operations	3%	659,223	393,995
CRA Housing	10%	2,197,409	1,313,315
Redevelopment Activities	87%	19,117,457	11,425,842
Total		21,974,089	13,133,151

Agency’s Combined Incremental Value

A community reinvestment project area budget shall include:

- 4) The agency’s combined incremental value (17C-5-303(4))

The Agency currently has three active project areas.

PROJECT AREA	2023 END YEAR VALUE
Streetcar CDA	120,213,710
Market Station URA	33,978,727
3900 South CDA	10,709,319
Total	164,901,756

Administrative Costs

A community reinvestment project area budget shall include:

- 5) The amount of project area funds that will be used to cover the cost of administering the community reinvestment project area plan (17C-5-303(5))

The Agency plans to collect three percent of the tax increment funds to administer the Project Area. This amounts to \$659,223 over the course of 20 years.

Property Owned

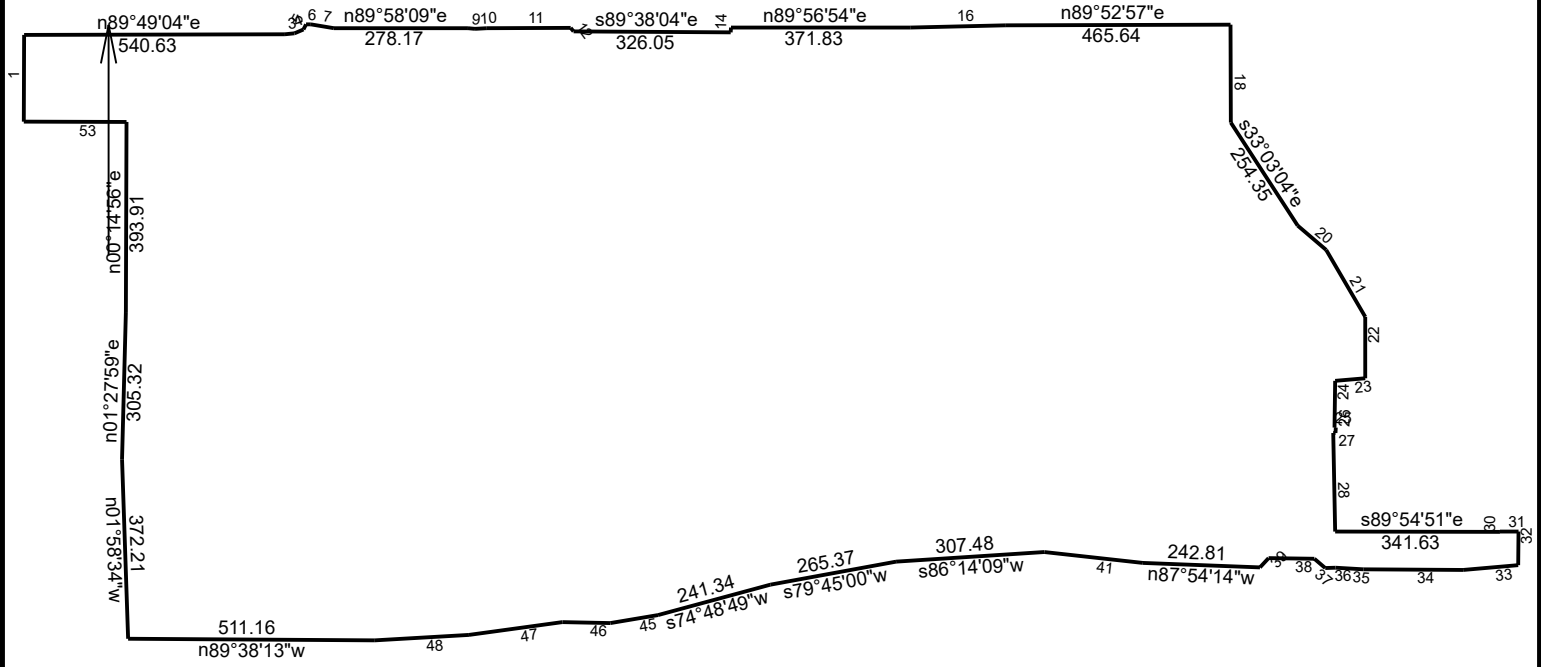
A community reinvestment project area budget shall include:

- 6) For property that the agency owns and expects to sell, the expected total cost of the property to the agency and the expected sale price. (17C-5-303(6))

The Agency does not currently own property in this Project Area.

Appendix A – Property Description

The following is the metes and bounds description of the property. This description is provided to meet the requirements for divided parcels in Utah Code 17C-1-414.



Lots 1 & 2, Parcels A & B

2/9/2024

Scale: 1 inch= 398 feet

File:

Tract 1: 67.9392 Acres, Closure: n62.0043w 0.02 ft. (1/504763), Perimeter=8558 ft.

01 n00.0140e 179.31	30 n00.0758e 0.48
02 n89.4904e 540.63	31 s89.5907e 38.39
03 n83.5617e 20.04	32 s00.0758w 69.52
04 n67.3028e 20.02	33 s84.5521w 114.99
05 n27.1655e 12.15	34 n89.3056w 206.6
06 s88.2843e 9.79	35 n86.4930w 57.98
07 s80.5133e 48.66	36 s88.1633w 20.92
08 n89.5809e 278.17	37 n49.4726w 29.86
09 s84.1654e 14.65	38 n89.0940w 94.91
10 n86.5118e 24.61	39 s42.4452w 26.31
11 n89.5217e 173.82	40 n87.5414w 242.81
12 s36.2041e 9.16	41 n83.3553w 205.69
13 s89.3804e 326.05	42 s86.1409w 307.48
14 n01.3714e 10.25	43 s79.4500w 265.37
15 n89.5654e 371.83	44 s74.4849w 241.34
16 n88.3916e 198.15	45 s80.3218w 99.97
17 n89.5257e 465.64	46 n88.5908w 99.58
18 s00.0941e 203.19	47 s82.0933w 195.21
19 s33.0304e 254.35	48 s86.4149w 195.75
20 s49.2210e 77.66	49 n89.3813w 511.16
21 s30.2228e 160.35	50 n01.5834w 372.21
22 s00.0053w 127.74	51 n01.2759e 305.32
23 s84.5811w 62.42	52 n00.1456e 393.91
24 s00.4732w 96.51	53 n89.4149w 212.79
25 s87.4424e 2.5	
26 s02.2830w 10.98	
27 s87.3510w 4.96	
28 s01.0639e 204.56	
29 s89.5451e 341.63	

Lots 1 & 2, Parcels A & B Description

A parcel of land being part of Lot 101, Central Valley Water Subdivision recorded July 2, 2009 as Entry No. 10745640 in Book 2009 of Plats, at Page 89 and part of three (3) entire tracts described in that Special Warranty Deed recorded April 26, 1989 as Entry No. 4763126 and that Warranty Deed recorded January 2, 1980 as Entry No. 3384130 in Book 5917, at Page 647 in the Office of the Salt Lake County Recorder. Said parcel of land is located in the Southeast Quarter of Section 26 and the Southwest Quarter of Section 25, Township 2 South, Range 1 West, Salt Lake Base and Meridian and is described as follows:

Beginning at the intersection of the easterly right-of-way line of 900 West Street and an existing chain link fence, which is 561.79 feet N. 00°01'40" E. along the monument line of 900 West Street and 40.00 feet East from a street monument at the intersection of 900 West Street and 3265 South Street, said point also being 2105.17 feet North and 865.66 feet East from the South Quarter Corner of said Section 26; thence N. 00°01'40" E. (R=N 0°03'14" E) 179.31 feet along said easterly right-of-way line of 900 West Street to a westerly extension of and existing chain link fence; thence to and along an existing chain link fence the following fourteen (14) courses: 1) N. 89°49'04" E. 540.63 feet; 2) N. 83°56'17" E. 20.04 feet; 3) N. 67°30'28" E. 20.02 feet; 4) N. 27°16'55" E. 12.15 feet; 5) S. 88°28'43" E. 9.79 feet; 6) S. 80°51'33" E. 48.66 feet; 7) N. 89°58'09" E. 278.17 feet; 8) S. 84°16'54" E. 14.65 feet; 9) N. 86°51'18" E. 24.61 feet; 10) N. 89°52'17" E. 173.82 feet; 11) S. 36°20'41" E. 9.16 feet; 12) S. 89°38'04" E. 326.05 feet; 13) N. 01°37'14" E. 10.25 feet; 14) N. 89°56'54" E. 371.83 feet; thence N. 88°39'16" E 198.15 feet to an existing concrete wall; thence N. 89°52'57" E. 465.64 feet along said concrete wall to the easterly line of said Lot 101, Central Valley Water Subdivision; thence along said Lot 101 the following fourteen (14) courses: 1) S. 00°09'41" E. (R=S00°07'51"E) 203.19 feet; 2) S. 33°03'04" E. (R=S33°01'14"E) 254.35 feet; 3) S. 49°22'10" E. (R=S49°20'20"E) 77.66 feet; 4) S. 30°22'28" E. (R=S30°20'38"E) 160.35 feet; 5) S. 00°00'53" W. (R=S00°02'43"W) 127.74 feet; 6) S. 84°58'11" W. (R=S85°00'01"W) 62.42 feet; 7) S. 00°47'32" W. (R=S00°49'22"W) 96.51 feet; 8) S. 87°44'24" E. (R=S87°42'34"E) 2.50 feet; 9) S. 02°28'30" W. (R=S02°30'20"W) 10.98 feet; 10) S. 87°35'10" W. (R=S87°37'00"W) 4.96 feet; 11) S. 01°06'39" E. (R=S01°04'49"E) 204.56 feet; 12) S. 89°54'51" E. (R=S89°53'01"E) 341.63 feet; 13) N. 00°07'58" E. (R=S00°09'48"E) 0.48 feet; 14) S. 89°59'07" E. (R=S89°57'17"E) 38.39 feet to the northwesterly corner of a parcel of land described as "Parcel No. 1:C" having Project No. SW 11-0007 in that Special Warranty Deed recorded April 27, 2011 as Entry No. 11173107 in Book 9920, at Page 6692 in the Office of said Recorder; thence S. 00°07'58" W. (R=N. 00°09'48" E.) 69.52 feet to a southerly line of said Lot 101, Central Valley Water Subdivision; thence S. 84°55'21" W. (R=S84°57'11"W) 114.99 feet along said southerly line of Lot 101; thence N. 89°30'56" W. 206.60 feet to said southerly line of said Lot 101; thence along said Lot 101 the following two (2) courses: 1) N. 86°49'30" W. 57.98 feet; 2) S. 88°16'33" W. 20.92 feet; thence N. 49°47'26" W. 29.86 feet; thence N. 89°09'40" W. 94.91 feet; thence S. 42°44'52" W. 26.31 feet to said

Southerly line of Lot 101; thence along said southerly line of Lot 101 the following three (3) courses: 1) N. 87°54'14" W. (R=N87°52'24"W) 242.81 feet; 2) N. 83°35'53" W. (R=N83°34'03"W) 205.69 feet; 3) S. 86°14'09" W. 307.48 feet (R=S86°15'59"W 308.54); thence along the southerly boundary line of said entire tract the following seven (7) courses: 1) S. 79°45'00" W. 265.37 feet (R=South 79°48'36" West 262.62 ft); 2) S. 74°48'49" W. (R=North 74°53'13" West 241.2 ft) 241.34 feet; 3) S. 80°32'18" W. 99.97 feet (R=South 80°35'51" West 100 ft); 4) N. 88°59'08" W. 99.58 feet (R=North 88°52'35" West 99.54 ft); 5) S. 82°09'33" W. 195.21 feet (R=South 83°12'45" West 195 ft); 6) S. 86°41'49" W. (R=South 86°50'27" West 195.77 ft) 195.75 feet; 7) N. 89°38'13" W. (R=S 89°50' E) 511.16 feet; thence N. 01°58'34" W. (R=N 1°57' W) 372.21 feet along a westerly boundary line of said entire tract; thence N. 01°27'59" E. 305.32 feet; thence N. 00°14'56" E. 393.91 feet; thence N. 89°41'49" W. 212.79 feet to the **Point of Beginning**.

The above-described parcel of land contains 2,959,425 sq. ft. or 67.939 acres, more or less.

Appendix B – Budget and Financial Calculations

Redevelopment Agency of South Salt Lake

Central Valley Property TIF Analysis
Tax Increment Analysis

ASSUMPTIONS:	
Discount Rate	5.0%
Assessed Value Growth Rate	2.0%
Base Year Value	\$1,147,400

PROPERTY TAX ANALYSIS:	Payment Year	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	TOTALS	NPV	
	Tax Year	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045			2046
	Final CO Year	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044			
Cumulative Taxable Value	Year	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20			
Flex Space Development																								
Building A		\$59,779,980	\$60,975,580	\$62,195,091	\$63,438,993	\$64,707,773	\$66,001,928	\$67,321,967	\$68,668,406	\$70,041,774	\$71,442,610	\$72,871,462	\$74,328,891	\$75,815,469	\$77,331,778	\$78,878,414	\$80,455,982	\$82,065,102	\$83,706,404	\$85,380,532	\$87,088,143			
Building B		\$35,962,714	\$36,681,968	\$37,415,608	\$38,163,920	\$38,927,198	\$39,705,742	\$40,499,857	\$41,309,854	\$42,136,051	\$42,978,772	\$43,838,348	\$44,715,115	\$45,609,417	\$46,521,605	\$47,452,037	\$48,401,078	\$49,369,100	\$50,356,482	\$51,363,611	\$52,390,884			
Building C		-	\$32,443,078	\$33,091,940	\$33,753,778	\$34,428,854	\$35,117,431	\$35,819,780	\$36,536,175	\$37,266,899	\$38,012,237	\$38,772,481	\$39,547,931	\$40,338,890	\$41,145,667	\$41,968,581	\$42,807,952	\$43,664,111	\$44,537,394	\$45,428,142	\$46,336,704			
Building D			\$34,065,497	\$34,746,807	\$35,441,743	\$36,150,578	\$36,873,589	\$37,611,061	\$38,363,283	\$39,130,548	\$39,913,159	\$40,711,422	\$41,525,651	\$42,356,164	\$43,203,287	\$44,067,353	\$44,948,700	\$45,847,674	\$46,764,627	\$47,699,920	\$48,653,918			
Total Assessed Value:		\$95,742,694	\$164,166,123	\$167,449,445	\$170,798,434	\$174,214,403	\$177,698,691	\$181,252,665	\$184,877,718	\$188,575,272	\$192,346,778	\$196,193,713	\$200,117,588	\$204,119,939	\$208,202,338	\$212,366,385	\$216,613,713	\$220,945,987	\$225,364,907	\$229,872,205	\$234,469,649			
TOTAL TAXABLE VALUE:		\$95,742,694	\$164,166,123	\$167,449,445	\$170,798,434	\$174,214,403	\$177,698,691	\$181,252,665	\$184,877,718	\$188,575,272	\$192,346,778	\$196,193,713	\$200,117,588	\$204,119,939	\$208,202,338	\$212,366,385	\$216,613,713	\$220,945,987	\$225,364,907	\$229,872,205	\$234,469,649			
TAX RATE & INCREMENT ANALYSIS:	2023 Rates																							
Salt Lake County	0.001394	136,465	228,848	233,425	238,093	242,855	247,712	252,666	257,720	262,874	268,131	273,494	278,964	284,543	290,234	296,039	301,960	307,999	314,159	320,442	326,851	5,360,472	3,203,768	
Granite School District	0.004815	461,001	790,460	822,394	856,269	892,842	931,173	971,278	1,012,167	1,053,957	1,096,661	1,140,298	1,184,887	1,230,449	1,277,004	1,324,581	1,373,200	1,421,881	1,471,634	1,521,469	1,572,387	18,515,546	11,066,100	
South Salt Lake City	0.002381	227,963	390,880	398,697	406,671	414,804	423,101	431,563	440,194	448,998	457,788	466,737	475,740	484,900	494,220	503,704	513,357	523,183	533,186	543,369	553,734	9,155,870	5,472,146	
South Salt Lake Valley Mosquito Abatement District	0.000009	862	1,477	1,507	1,537	1,568	1,599	1,631	1,664	1,697	1,731	1,766	1,801	1,837	1,874	1,911	1,950	1,989	2,028	2,069	2,110	34,608	20,684	
Jordan Valley Water Conservancy District	0.000341	32,648	55,981	57,100	58,242	59,407	60,595	61,807	63,043	64,304	65,590	66,902	68,240	69,605	70,997	72,417	73,865	75,343	76,849	78,386	79,954	1,311,278	783,705	
Mt. Olympus Improvement District	0.000184	17,617	30,207	30,811	31,427	32,055	32,697	33,356	34,018	34,698	35,392	36,100	36,822	37,558	38,309	39,075	39,857	40,654	41,467	42,296	43,142	707,552	422,879	
Central Utah Water Conservancy District	0.000400	38,297	65,666	66,886	68,119	69,366	70,627	71,902	73,191	74,494	75,811	77,142	78,488	79,848	81,221	82,608	84,009	85,425	86,847	88,274	89,712	1,538,155	919,302	
TOTAL INCREMENTAL TAX REVENUE:	0.009524	911,853	1,563,518	1,594,789	1,626,684	1,659,218	1,692,402	1,726,250	1,760,775	1,795,991	1,831,911	1,868,549	1,905,920	1,944,038	1,982,919	2,022,577	2,063,029	2,104,290	2,146,375	2,189,303	2,233,089	36,623,481	21,888,586	
PROJECT AREA BUDGET		2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046			
Sources of Funds:		2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	TOTALS	NPV
<i>Property Tax Participation Rate for Budget</i>																								
Salt Lake County		60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Granite School District		60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
South Salt Lake City		60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
South Salt Lake Valley Mosquito Abatement District		60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Jordan Valley Water Conservancy District		60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Mt. Olympus Improvement District		60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Central Utah Water Conservancy District		60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
<i>Property Tax Increment for Budget</i>																								
Salt Lake County		\$80,079	\$137,309	\$140,055	\$142,856	\$145,713	\$148,627	\$151,600	\$154,632	\$157,724	\$160,879	\$164,096	\$167,378	\$170,726	\$174,140	\$177,623	\$181,176	\$184,799	\$188,495	\$192,265	\$196,110	\$196,110	\$3,216,283	\$1,922,261
Granite School District		\$276,601	\$474,276	\$483,761	\$493,437	\$503,305	\$513,372	\$523,639	\$534,112	\$544,794	\$555,690	\$566,804	\$578,140	\$589,703	\$601,497	\$613,526	\$625,797	\$638,313	\$651,079	\$664,101	\$677,383	\$677,383	\$11,109,328	\$6,639,660
South Salt Lake City		\$136,778	\$234,528	\$239,218	\$244,003	\$248,883	\$253,860	\$258,938	\$264,116	\$269,399	\$274,787	\$280,282	\$285,888	\$291,602	\$297,438	\$303,387	\$309,454	\$315,643	\$321,956	\$328,395	\$334,963	\$334,963	\$5,493,522	\$3,283,288
South Salt Lake Valley Mosquito Abatement District		\$517	\$886	\$904	\$922	\$941	\$960	\$979	\$998	\$1,018	\$1,039	\$1,059	\$1,081	\$1,102	\$1,124	\$1,147	\$1,171	\$1,193	\$1,217	\$1,241	\$1,266	\$1,266	\$20,765	\$12,411
Jordan Valley Water Conservancy District		\$19,589	\$33,588	\$34,260	\$34,945	\$35,644	\$36,357	\$37,084	\$37,826	\$38,583	\$39,354	\$40,141	\$40,944	\$41,763	\$42,598	\$43,450	\$44,319	\$45,206	\$46,110	\$47,032	\$47,972	\$47,972	\$786,767	\$470,223
Mt. Olympus Improvement District		\$10,570	\$18,124	\$18,486	\$18,856	\$19,233	\$19,618	\$20,010	\$20,411	\$20,819	\$21,235	\$21,660	\$22,093	\$22,535	\$22,986	\$23,445	\$23,914	\$24,392	\$24,880	\$25,378	\$25,885	\$25,885	\$424,531	\$253,727
Central Utah Water Conservancy District		\$22,978	\$39,400	\$40,188	\$40,992	\$41,811	\$42,648	\$43,501	\$44,371	\$45,258	\$46,163	\$47,086	\$48,028	\$48,989	\$49,969	\$50,968	\$51,987	\$53,027	\$54,088	\$55,169	\$56,273	\$56,273	\$922,893	\$551,581
Total Property Tax Increment for Budget:		\$547,112	\$938,111	\$956,873	\$976,011	\$995,531	\$1,015,441	\$1,035,750	\$1,056,465	\$1,077,595	\$1,099,146	\$1,121,129	\$1,143,552	\$1,166,423	\$1,189,751	\$1,213,546	\$1,237,817	\$1,262,574	\$1,287,825	\$1,313,582	\$1,339,853	\$1,339,853	\$21,974,089	\$13,133,151
Uses of Tax Increment Funds:		2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	TOTALS	NPV	
Agency Administration and Operations	3.0%	\$16,413	\$28,143	\$28,706	\$29,280	\$29,866	\$30,463	\$31,073	\$31,694	\$32,328	\$32,974	\$33,634	\$34,307	\$34,993	\$35,693	\$36,406	\$37,135	\$37,877	\$38,633	\$39,407	\$40,196	\$659,223	\$393,995	
CRA Housing	10.0%	\$54,711	\$93,811	\$95,687	\$97,601	\$99,553	\$101,544	\$103,575	\$105,647	\$107,759	\$109,915	\$112,113	\$114,355	\$116,642	\$118,975	\$121,355	\$123,782	\$126,257	\$128,783	\$131,358	\$133,985	\$133,985	\$2,197,409	\$1,313,315
Redevelopment Activities	87.0%	\$475,987																						

Redevelopment Agency of South Salt Lake

Central Valley Property TIF Analysis

Tax Increment Analysis

SHOWS ALL TAXING ENTITIES AT FULL RATE TO SHOW FULL TAX GENERATION BENEFIT

ASSUMPTIONS:	
Discount Rate	5.0%
Assessed Value Growth Rate	2.0%
Base Year Value	\$1,147,400

PROPERTY TAX ANALYSIS:	Payment Year		2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	TOTALS	NPV
	Tax Year	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046		
	Final CO Year	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045		
Cumulative Taxable Value																								
Flex Space Development																								
Building A		\$59,779,980	\$60,975,580	\$62,195,091	\$63,438,993	\$64,707,773	\$66,001,928	\$67,321,967	\$68,668,406	\$70,041,774	\$71,442,610	\$72,871,462	\$74,328,891	\$75,815,469	\$77,331,778	\$78,878,414	\$80,455,982	\$82,065,102	\$83,706,404	\$85,380,532	\$87,088,143			
Building B		\$35,962,714	\$36,681,968	\$37,415,608	\$38,163,920	\$38,927,198	\$39,705,742	\$40,499,857	\$41,309,854	\$42,136,051	\$42,978,772	\$43,838,348	\$44,715,115	\$45,609,417	\$46,521,605	\$47,452,037	\$48,401,078	\$49,369,100	\$50,356,482	\$51,363,611	\$52,390,884			
Building C		-	\$32,443,078	\$33,091,940	\$33,753,778	\$34,428,854	\$35,117,431	\$35,819,780	\$36,536,175	\$37,266,899	\$38,012,237	\$38,772,481	\$39,547,931	\$40,338,890	\$41,145,667	\$41,968,581	\$42,807,952	\$43,664,111	\$44,537,394	\$45,428,142	\$46,336,704			
Building D		-	\$34,065,497	\$34,746,807	\$35,441,743	\$36,150,578	\$36,873,589	\$37,611,061	\$38,363,283	\$39,130,548	\$39,913,159	\$40,711,422	\$41,525,651	\$42,356,164	\$43,203,287	\$44,067,353	\$44,948,700	\$45,846,627	\$46,766,627	\$47,709,920	\$48,653,918			
Total Assessed Value:		\$95,742,694	\$164,166,123	\$167,449,445	\$170,798,434	\$174,214,403	\$177,698,691	\$181,252,665	\$184,877,718	\$188,575,272	\$192,346,778	\$196,193,713	\$200,117,588	\$204,119,939	\$208,202,338	\$212,366,385	\$216,613,713	\$220,945,987	\$225,364,907	\$229,872,205	\$234,469,649			
TOTAL TAXABLE VALUE:		\$95,742,694	\$164,166,123	\$167,449,445	\$170,798,434	\$174,214,403	\$177,698,691	\$181,252,665	\$184,877,718	\$188,575,272	\$192,346,778	\$196,193,713	\$200,117,588	\$204,119,939	\$208,202,338	\$212,366,385	\$216,613,713	\$220,945,987	\$225,364,907	\$229,872,205	\$234,469,649			
TAX RATE & INCREMENT ANALYSIS:	2023 Rates																							
Salt Lake County	0.001394	133,465	228,848	233,425	238,093	242,855	247,712	252,666	257,720	262,874	268,131	273,494	278,964	284,543	290,234	296,039	301,960	307,999	314,159	320,442	326,851	5,360,472	3,203,768	
Multicounty Assessing & Collecting Levy	0.000015	1,436	2,462	2,512	2,562	2,613	2,665	2,719	2,773	2,829	2,885	2,943	3,002	3,062	3,123	3,185	3,249	3,314	3,380	3,448	3,517	57,681	34,474	
County Assessing & Collecting Levy	0.000155	14,840	25,446	25,955	26,474	27,003	27,543	28,094	28,656	29,229	29,814	30,410	31,018	31,639	32,271	32,917	33,575	34,247	34,932	35,630	36,343	596,035	356,230	
Salt Lake County Library	0.000477	45,669	78,307	79,873	81,471	83,100	84,762	86,458	88,187	89,950	91,749	93,584	95,456	97,365	99,313	101,299	103,325	105,391	107,499	109,649	111,842	1,834,250	1,096,268	
Granite School District	0.004815	461,001	790,460	806,269	822,394	838,842	855,619	872,732	890,186	907,990	926,150	944,673	963,566	982,838	1,002,494	1,022,544	1,042,995	1,063,855	1,085,132	1,106,835	1,128,971	18,515,546	11,066,100	
State Basic School Levy	0.001406	134,614	230,818	235,434	240,143	244,945	249,844	254,841	259,938	265,137	270,440	275,848	281,365	286,993	292,732	298,587	304,559	310,650	316,863	323,200	329,664	5,406,616	3,231,347	
UT Charter School - Granite	0.000132	12,638	21,670	22,103	22,545	22,996	23,456	23,925	24,404	24,892	25,390	25,898	26,416	26,944	27,483	28,032	28,591	29,160	29,748	30,347	30,956	507,591	303,370	
South Salt Lake City	0.002381	227,963	390,880	398,697	406,671	414,804	423,101	431,567	440,194	448,988	457,978	467,137	476,480	486,010	495,730	505,644	515,757	526,072	536,594	547,326	558,272	9,155,870	5,472,146	
South Salt Lake Valley Mosquito Abatement District	0.000009	862	1,477	1,507	1,537	1,568	1,599	1,631	1,664	1,697	1,731	1,766	1,801	1,837	1,874	1,911	1,950	1,989	2,028	2,069	2,110	34,608	20,684	
Jordan Valley Water Conservancy District	0.000341	32,648	55,981	57,100	58,242	59,407	60,595	61,807	63,043	64,304	65,590	66,902	68,240	69,605	70,997	72,417	73,865	75,343	76,849	78,386	79,954	1,311,278	783,705	
Mt. Olympus Improvement District	0.000184	17,617	30,207	30,811	31,427	32,055	32,697	33,354	34,026	34,713	35,416	36,135	36,869	37,618	38,382	39,161	39,955	40,765	41,591	42,434	43,294	707,552	422,879	
Central Utah Water Conservancy District	0.000400	38,297	65,666	66,980	68,319	69,686	71,079	72,501	73,951	75,430	76,939	78,477	80,047	81,648	83,281	84,947	86,645	88,376	90,141	91,949	93,788	1,538,155	919,302	
TOTAL INCREMENTAL TAX REVENUE:	0.011709	1,121,051	1,922,221	1,960,666	1,999,879	2,039,876	2,080,674	2,122,287	2,164,733	2,208,028	2,252,188	2,297,232	2,343,177	2,390,040	2,437,841	2,486,598	2,536,330	2,587,057	2,638,798	2,691,574	2,745,405	45,025,656	26,910,274	
PROJECT AREA BUDGET		2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046			
Sources of Funds:		2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	TOTALS	NPV
Property Tax Participation Rate for Budget																								
Salt Lake County	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Salt Lake County Library	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Granite School District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
South Salt Lake City	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
South Salt Lake Valley Mosquito Abatement District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Jordan Valley Water Conservancy District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Mt. Olympus Improvement District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Central Utah Water Conservancy District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Property Tax Increment for Budget																								
Salt Lake County		\$80,079	\$137,309	\$140,055	\$142,856	\$145,713	\$148,627	\$151,600	\$154,632	\$157,724	\$160,879	\$164,096	\$167,378	\$170,726	\$174,140	\$177,623	\$181,176	\$184,799	\$188,495	\$192,265	\$196,110	\$3,216,283	\$1,922,261	
Salt Lake County Library		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$	-	
Granite School District		\$276,601	\$474,276	\$483,761	\$493,437	\$503,305	\$513,372	\$523,639	\$534,112	\$544,794	\$556,690	\$568,804	\$578,140	\$589,703	\$601,497	\$613,526	\$625,797	\$638,313	\$651,079	\$664,101	\$677,383	\$11,109,328	\$6,639,660	
South Salt Lake City		\$136,778	\$234,528	\$239,218	\$244,003	\$248,883	\$253,860	\$258,938	\$264,116	\$269,399	\$274,787	\$280,282	\$285,888	\$291,606	\$297,438	\$303,387	\$309,454	\$315,643	\$321,956	\$328,395	\$334,963	\$5,493,522	\$3,283,288	
South Salt Lake Valley Mosquito Abatement District		\$517	\$886	\$922	\$941	\$960	\$979	\$998	\$1,018	\$1,039	\$1,059	\$1,081	\$1,102	\$1,124	\$1,147	\$1,171	\$1,193	\$1,217	\$1,241	\$1,266	\$1,291	\$20,765	\$12,411	
Jordan Valley Water Conservancy District		\$19,589	\$33,588	\$34,260	\$34,945	\$35,644	\$36,357	\$37,084	\$37,826	\$38,583	\$39,354	\$40,141	\$40,944	\$41,763	\$42,598	\$43,450	\$44,319	\$45,206	\$46,110	\$47,032	\$47,972	\$786,767	\$470,223	
Mt. Olympus Improvement District		\$10,570	\$18,124	\$18,486	\$18,856	\$19,233	\$19,618	\$20,010	\$20,411	\$20,819	\$21,235	\$21,660	\$22,093	\$22,535	\$22,986	\$23,445	\$23,914	\$24,392	\$24,880	\$25,378	\$25,886	\$424,531	\$253,727	
Central Utah Water Conservancy District		\$22,978	\$39,400	\$40,188																				

Appendix C – CRA Code – February 2024

Effective 5/10/2016

**Title 17C. Limited Purpose Local Government
Entities - Community Reinvestment Agency Act**

**Chapter 1
Agency Operations**

**Part 1
General Provisions**

17C-1-101 Title.

- (1) This title is known as the "Limited Purpose Local Government Entities - Community Reinvestment Agency Act."
- (2) This chapter is known as "Agency Operations."
- (3) This part is known as "General Provisions."

Amended by Chapter 350, 2016 General Session

17C-1-102 Definitions.

As used in this title:

- (1) "Active project area" means a project area that has not been dissolved in accordance with Section 17C-1-702.
- (2) "Adjusted tax increment" means the percentage of tax increment, if less than 100%, that an agency is authorized to receive:
 - (a) for a pre-July 1, 1993, project area plan, under Section 17C-1-403, excluding tax increment under Subsection 17C-1-403(3);
 - (b) for a post-June 30, 1993, project area plan, under Section 17C-1-404, excluding tax increment under Section 17C-1-406;
 - (c) under a project area budget approved by a taxing entity committee; or
 - (d) under an interlocal agreement that authorizes the agency to receive a taxing entity's tax increment.
- (3) "Affordable housing" means housing owned or occupied by a low or moderate income family, as determined by resolution of the agency.
- (4) "Agency" or "community reinvestment agency" means a separate body corporate and politic, created under Section 17C-1-201.5 or as a redevelopment agency or community development and renewal agency under previous law:
 - (a) that is a political subdivision of the state;
 - (b) that is created to undertake or promote project area development as provided in this title; and
 - (c) whose geographic boundaries are coterminous with:
 - (i) for an agency created by a county, the unincorporated area of the county; and
 - (ii) for an agency created by a municipality, the boundaries of the municipality.
- (5) "Agency funds" means money that an agency collects or receives for agency operations, implementing a project area plan or an implementation plan as defined in Section 17C-1-1001, or other agency purposes, including:
 - (a) project area funds;

- (b) income, proceeds, revenue, or property derived from or held in connection with the agency's undertaking and implementation of project area development or agency-wide project development as defined in Section 17C-1-1001;
 - (c) a contribution, loan, grant, or other financial assistance from any public or private source;
 - (d) project area incremental revenue as defined in Section 17C-1-1001; or
 - (e) property tax revenue as defined in Section 17C-1-1001.
- (6) "Annual income" means the same as that term is defined in regulations of the United States Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as amended or as superseded by replacement regulations.
- (7) "Assessment roll" means the same as that term is defined in Section 59-2-102.
- (8) "Base taxable value" means, unless otherwise adjusted in accordance with provisions of this title, a property's taxable value as shown upon the assessment roll last equalized during the base year.
- (9) "Base year" means, except as provided in Subsection 17C-1-402(4)(c), the year during which the assessment roll is last equalized:
- (a) for a pre-July 1, 1993, urban renewal or economic development project area plan, before the project area plan's effective date;
 - (b) for a post-June 30, 1993, urban renewal or economic development project area plan, or a community reinvestment project area plan that is subject to a taxing entity committee:
 - (i) before the date on which the taxing entity committee approves the project area budget; or
 - (ii) if taxing entity committee approval is not required for the project area budget, before the date on which the community legislative body adopts the project area plan;
 - (c) for a project on an inactive airport site, after the later of:
 - (i) the date on which the inactive airport site is sold for remediation and development; or
 - (ii) the date on which the airport that operated on the inactive airport site ceased operations; or
 - (d) for a community development project area plan or a community reinvestment project area plan that is subject to an interlocal agreement, as described in the interlocal agreement.
- (10) "Basic levy" means the portion of a school district's tax levy constituting the minimum basic levy under Section 59-2-902.
- (11) "Board" means the governing body of an agency, as described in Section 17C-1-203.
- (12) "Budget hearing" means the public hearing on a proposed project area budget required under Subsection 17C-2-201(2)(d) for an urban renewal project area budget, Subsection 17C-3-201(2)(d) for an economic development project area budget, or Subsection 17C-5-302(2)(e) for a community reinvestment project area budget.
- (13) "Closed military base" means land within a former military base that the Defense Base Closure and Realignment Commission has voted to close or realign when that action has been sustained by the president of the United States and Congress.
- (14) "Combined incremental value" means the combined total of all incremental values from all project areas, except project areas that contain some or all of a military installation or inactive industrial site, within the agency's boundaries under project area plans and project area budgets at the time that a project area budget for a new project area is being considered.
- (15) "Community" means a county or municipality.
- (16) "Community development project area plan" means a project area plan adopted under Chapter 4, Part 1, Community Development Project Area Plan.
- (17) "Community legislative body" means the legislative body of the community that created the agency.
- (18) "Community reinvestment project area plan" means a project area plan adopted under Chapter 5, Part 1, Community Reinvestment Project Area Plan.

- (19) "Contest" means to file a written complaint in the district court of the county in which the agency is located.
- (20) "Development impediment" means a condition of an area that meets the requirements described in Section 17C-2-303 for an urban renewal project area or Section 17C-5-405 for a community reinvestment project area.
- (21) "Development impediment hearing" means a public hearing regarding whether a development impediment exists within a proposed:
 - (a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section 17C-2-302; or
 - (b) community reinvestment project area under Section 17C-5-404.
- (22) "Development impediment study" means a study to determine whether a development impediment exists within a survey area as described in Section 17C-2-301 for an urban renewal project area or Section 17C-5-403 for a community reinvestment project area.
- (23) "Economic development project area plan" means a project area plan adopted under Chapter 3, Part 1, Economic Development Project Area Plan.
- (24) "Fair share ratio" means the ratio derived by:
 - (a) for a municipality, comparing the percentage of all housing units within the municipality that are publicly subsidized income targeted housing units to the percentage of all housing units within the county in which the municipality is located that are publicly subsidized income targeted housing units; or
 - (b) for the unincorporated part of a county, comparing the percentage of all housing units within the unincorporated county that are publicly subsidized income targeted housing units to the percentage of all housing units within the whole county that are publicly subsidized income targeted housing units.
- (25) "Family" means the same as that term is defined in regulations of the United States Department of Housing and Urban Development, 24 C.F.R. Section 5.403, as amended or as superseded by replacement regulations.
- (26) "Greenfield" means land not developed beyond agricultural, range, or forestry use.
- (27) "Hazardous waste" means any substance defined, regulated, or listed as a hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant, or toxic substance, or identified as hazardous to human health or the environment, under state or federal law or regulation.
- (28) "Housing allocation" means project area funds allocated for housing under Section 17C-2-203, 17C-3-202, or 17C-5-307 for the purposes described in Section 17C-1-412.
- (29) "Housing fund" means a fund created by an agency for purposes described in Section 17C-1-411 or 17C-1-412 that is comprised of:
 - (a) project area funds, project area incremental revenue as defined in Section 17C-1-1001, or property tax revenue as defined in Section 17C-1-1001 allocated for the purposes described in Section 17C-1-411; or
 - (b) an agency's housing allocation.
- (30)
 - (a) "Inactive airport site" means land that:
 - (i) consists of at least 100 acres;
 - (ii) is occupied by an airport:
 - (A)
 - (I) that is no longer in operation as an airport; or
 - (II)
 - (Aa) that is scheduled to be decommissioned; and

- (Bb) for which a replacement commercial service airport is under construction; and
 - (B) that is owned or was formerly owned and operated by a public entity; and
 - (iii) requires remediation because:
 - (A) of the presence of hazardous waste or solid waste; or
 - (B) the site lacks sufficient public infrastructure and facilities, including public roads, electric service, water system, and sewer system, needed to support development of the site.
 - (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land described in Subsection (30)(a).
- (31)
- (a) "Inactive industrial site" means land that:
 - (i) consists of at least 1,000 acres;
 - (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial facility; and
 - (iii) requires remediation because of the presence of hazardous waste or solid waste.
 - (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land described in Subsection (31)(a).
- (32) "Income targeted housing" means housing that is owned or occupied by a family whose annual income is at or below 80% of the median annual income for a family within the county in which the housing is located.
- (33) "Incremental value" means a figure derived by multiplying the marginal value of the property located within a project area on which tax increment is collected by a number that represents the adjusted tax increment from that project area that is paid to the agency.
- (34) "Loan fund board" means the Olene Walker Housing Loan Fund Board, established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.
- (35)
- (a) " Local government building" means a building owned and operated by a community for the primary purpose of providing one or more primary community functions, including:
 - (i) a fire station;
 - (ii) a police station;
 - (iii) a city hall; or
 - (iv) a court or other judicial building.
 - (b) " Local government building" does not include a building the primary purpose of which is cultural or recreational in nature.
- (36) "Major transit investment corridor" means the same as that term is defined in Section 10-9a-103.
- (37) "Marginal value" means the difference between actual taxable value and base taxable value.
- (38) "Military installation project area" means a project area or a portion of a project area located within a federal military installation ordered closed by the federal Defense Base Realignment and Closure Commission.
- (39) "Municipality" means a city, town, or metro township as defined in Section 10-2a-403.
- (40) "Participant" means one or more persons that enter into a participation agreement with an agency.
- (41) "Participation agreement" means a written agreement between a person and an agency that:
 - (a) includes a description of:
 - (i) the project area development that the person will undertake;
 - (ii) the amount of project area funds the person may receive; and
 - (iii) the terms and conditions under which the person may receive project area funds; and
 - (b) is approved by resolution of the board.

- (42) "Plan hearing" means the public hearing on a proposed project area plan required under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan, Subsection 17C-3-102(1)(d) for an economic development project area plan, Subsection 17C-4-102(1)(d) for a community development project area plan, or Subsection 17C-5-104(3)(e) for a community reinvestment project area plan.
- (43) "Post-June 30, 1993, project area plan" means a project area plan adopted on or after July 1, 1993, and before May 10, 2016, whether or not amended subsequent to the project area plan's adoption.
- (44) "Pre-July 1, 1993, project area plan" means a project area plan adopted before July 1, 1993, whether or not amended subsequent to the project area plan's adoption.
- (45) "Private," with respect to real property, means property not owned by a public entity or any other governmental entity.
- (46) "Project area" means the geographic area described in a project area plan within which the project area development described in the project area plan takes place or is proposed to take place.
- (47) "Project area budget" means a multiyear projection of annual or cumulative revenues and expenses and other fiscal matters pertaining to a project area prepared in accordance with:
 - (a) for an urban renewal project area, Section 17C-2-201;
 - (b) for an economic development project area, Section 17C-3-201;
 - (c) for a community development project area, Section 17C-4-204; or
 - (d) for a community reinvestment project area, Section 17C-5-302.
- (48) "Project area development" means activity within a project area that, as determined by the board, encourages, promotes, or provides development or redevelopment for the purpose of implementing a project area plan, including:
 - (a) promoting, creating, or retaining public or private jobs within the state or a community;
 - (b) providing office, manufacturing, warehousing, distribution, parking, or other facilities or improvements;
 - (c) planning, designing, demolishing, clearing, constructing, rehabilitating, or remediating environmental issues;
 - (d) providing residential, commercial, industrial, public, or other structures or spaces, including recreational and other facilities incidental or appurtenant to the structures or spaces;
 - (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating existing structures;
 - (f) providing open space, including streets or other public grounds or space around buildings;
 - (g) providing public or private buildings, infrastructure, structures, or improvements;
 - (h) relocating a business;
 - (i) improving public or private recreation areas or other public grounds;
 - (j) eliminating a development impediment or the causes of a development impediment;
 - (k) redevelopment as defined under the law in effect before May 1, 2006; or
 - (l) any activity described in this Subsection (48) outside of a project area that the board determines to be a benefit to the project area.
- (49) "Project area funds" means tax increment or sales and use tax revenue that an agency receives under a project area budget adopted by a taxing entity committee or an interlocal agreement.
- (50) "Project area funds collection period" means the period of time that:
 - (a) begins the day on which the first payment of project area funds is distributed to an agency under a project area budget approved by a taxing entity committee or an interlocal agreement; and

- (b) ends the day on which the last payment of project area funds is distributed to an agency under a project area budget approved by a taxing entity committee or an interlocal agreement.
- (51) "Project area plan" means an urban renewal project area plan, an economic development project area plan, a community development project area plan, or a community reinvestment project area plan that, after the project area plan's effective date, guides and controls the project area development.
- (52)
 - (a) "Property tax" means each levy on an ad valorem basis on tangible or intangible personal or real property.
 - (b) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4, Privilege Tax.
- (53) "Public entity" means:
 - (a) the United States, including an agency of the United States;
 - (b) the state, including any of the state's departments or agencies; or
 - (c) a political subdivision of the state, including a county, municipality, school district, special district, special service district, community reinvestment agency, or interlocal cooperation entity.
- (54) "Publicly owned infrastructure and improvements" means water, sewer, storm drainage, electrical, natural gas, telecommunication, or other similar systems and lines, streets, roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation facilities, or other facilities, infrastructure, and improvements benefitting the public and to be publicly owned or publicly maintained or operated.
- (55) "Record property owner" or "record owner of property" means the owner of real property, as shown on the records of the county in which the property is located, to whom the property's tax notice is sent.
- (56) "Sales and use tax revenue" means revenue that is:
 - (a) generated from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act; and
 - (b) distributed to a taxing entity in accordance with Sections 59-12-204 and 59-12-205.
- (57) "Superfund site":
 - (a) means an area included in the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and
 - (b) includes an area formerly included in the National Priorities List, as described in Subsection (57)(a), but removed from the list following remediation that leaves on site the waste that caused the area to be included in the National Priorities List.
- (58) "Survey area" means a geographic area designated for study by a survey area resolution to determine whether:
 - (a) one or more project areas within the survey area are feasible; or
 - (b) a development impediment exists within the survey area.
- (59) "Survey area resolution" means a resolution adopted by a board that designates a survey area.
- (60) "Taxable value" means:
 - (a) the taxable value of all real property a county assessor assesses in accordance with Title 59, Chapter 2, Part 3, County Assessment, for the current year;
 - (b) the taxable value of all real and personal property the commission assesses in accordance with Title 59, Chapter 2, Part 2, Assessment of Property, for the current year; and
 - (c) the year end taxable value of all personal property a county assessor assesses in accordance with Title 59, Chapter 2, Part 3, County Assessment, contained on the prior year's tax rolls of the taxing entity.

(61)

(a) "Tax increment" means the difference between:

- (i) the amount of property tax revenue generated each tax year by a taxing entity from the area within a project area designated in the project area plan as the area from which tax increment is to be collected, using the current assessed value of the property and each taxing entity's current certified tax rate as defined in Section 59-2-924; and
- (ii) the amount of property tax revenue that would be generated from that same area using the base taxable value of the property and each taxing entity's current certified tax rate as defined in Section 59-2-924.

(b) "Tax increment" does not include taxes levied and collected under Section 59-2-1602 on or after January 1, 1994, upon the taxable property in the project area unless:

- (i) the project area plan was adopted before May 4, 1993, whether or not the project area plan was subsequently amended; and
- (ii) the taxes were pledged to support bond indebtedness or other contractual obligations of the agency.

(62) "Taxing entity" means a public entity that:

- (a) levies a tax on property located within a project area; or
- (b) imposes a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

(63) "Taxing entity committee" means a committee representing the interests of taxing entities, created in accordance with Section 17C-1-402.

(64) "Unincorporated" means not within a municipality.

(65) "Urban renewal project area plan" means a project area plan adopted under Chapter 2, Part 1, Urban Renewal Project Area Plan.

Amended by Chapter 15, 2023 General Session

17C-1-102.5 Project area created on or after May 10, 2016.

Beginning on May 10, 2016, an agency:

- (1) may create a community reinvestment project area under Chapter 5, Community Reinvestment;
- (2) except as provided in Subsection (3), may not create:
 - (a) an urban renewal project area under Chapter 2, Urban Renewal;
 - (b) an economic development project area under Chapter 3, Economic Development; or
 - (c) a community development project area under Chapter 4, Community Development; and
- (3) may create an urban renewal project area, an economic development project area, or a community development project area if:
 - (a) before April 1, 2016, the agency adopts a resolution in accordance with:
 - (i) Section 17C-2-101.5 for an urban renewal project area;
 - (ii) Section 17C-3-101.5 for an economic development project area; or
 - (iii) Section 17C-4-101.5 for a community development project area; and
 - (b) the urban renewal project area, economic development project area, or community development project area is effective before September 1, 2016.

Enacted by Chapter 350, 2016 General Session

17C-1-103 Limitations on applicability of title -- Amendment of previously adopted project area plan.

- (1) Except where expressly provided, nothing in this title may be construed to:

- (a) impose a requirement or obligation on an agency, with respect to a project area plan adopted or an agency action taken, that was not imposed by the law in effect at the time the project area plan was adopted or the action taken;
 - (b) prohibit an agency from taking an action that:
 - (i) was allowed by the law in effect immediately before an applicable amendment to this title;
 - (ii) is permitted or required under the project area plan adopted before the amendment; and
 - (iii) is not explicitly prohibited under this title;
 - (c) revive any right to challenge any action of the agency that had already expired; or
 - (d) require a project area plan to contain a provision that was not required by the law in effect at the time the project area plan was adopted.
- (2)
- (a) A project area plan adopted before an amendment to this title becomes effective may be amended as provided in this title.
 - (b) Unless explicitly prohibited by this title, an amendment under Subsection (2)(a) may include a provision that is allowed under this title but that was not required or allowed by the law in effect before the applicable amendment.
- (3) Except as expressly provided in this title, this title applies to all project areas, regardless of when the project area was created.

Amended by Chapter 480, 2019 General Session

17C-1-104 Actions not subject to land use laws.

- (1) An action taken under this title is not subject to Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act or Title 17, Chapter 27a, County Land Use, Development, and Management Act.
- (2) An ordinance or resolution adopted under this title is not a land use regulation as defined in Sections 10-9a-103 and 17-27a-103.

Amended by Chapter 84, 2017 General Session

Part 2
Agency Creation, Powers, and Board

17C-1-201.1 Title.

This part is known as "Agency Creation, Powers, and Board."

Enacted by Chapter 350, 2016 General Session

17C-1-201.5 Creation of agency -- Name change.

- (1) A community legislative body may, by ordinance, create a community reinvestment agency.
- (2)
 - (a) The community legislative body shall:
 - (i) after adopting an ordinance under Subsection (1), file with the lieutenant governor a copy of a notice, subject to Subsection (2)(b), of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

- (ii) upon the lieutenant governor's issuance of a certificate of creation under Section 67-1a-6.5, submit to the recorder of the county in which the agency is located:
 - (A) the original notice of an impending boundary action;
 - (B) the original certificate of creation; and
 - (C) a certified copy of the ordinance approving the creation of the community reinvestment agency.
 - (b) The notice required under Subsection (2)(a)(i) shall state that the agency's boundaries are, and shall always be, coterminous with the boundaries of the community that created the agency.
 - (c) Upon the lieutenant governor's issuance of the certificate of creation under Section 67-1a-6.5, the agency is created and incorporated.
 - (d) Until the documents listed in Subsection (2)(a)(ii) are recorded in the office of the recorder of the county in which the agency is located, an agency may not receive or spend agency funds.
- (3)
- (a) An agency may change the agency's name by:
 - (i) adopting a resolution approving a name change; and
 - (ii) filing with the lieutenant governor a copy of a notice of an impending name change, as defined in Section 67-1a-6.7, that meets the requirements of Subsection 67-1a-6.7(3).
 - (b)
 - (i) Upon the lieutenant governor's issuance of a certificate of name change under Section 67-1a-6.7, the agency shall file with the recorder of the county in which the agency is located:
 - (A) the original notice of an impending name change;
 - (B) the original certificate of name change; and
 - (C) a certified copy of the resolution approving a name change.
 - (ii) Until the documents listed in Subsection (3)(b)(i) are recorded in the office of the county recorder, the agency may not operate under the new name.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-202 Agency powers.

- (1) An agency may:
 - (a) sue and be sued;
 - (b) enter into contracts generally;
 - (c) buy, obtain an option upon, acquire by gift, or otherwise acquire any interest in real or personal property;
 - (d) hold, sell, convey, grant, gift, or otherwise dispose of any interest in real or personal property;
 - (e) own, hold, maintain, utilize, manage, or operate real or personal property, which may include the use of agency funds or the collection of revenue;
 - (f) enter into a lease agreement on real or personal property, either as lessee or lessor;
 - (g) provide for project area development as provided in this title;
 - (h) receive and use agency funds as provided in this title;
 - (i) if disposing of or leasing land, retain controls or establish restrictions and covenants running with the land consistent with the project area plan;
 - (j) accept financial or other assistance from any public or private source for the agency's activities, powers, and duties, and expend any funds the agency receives for any purpose described in this title;

- (k) borrow money or accept financial or other assistance from a public entity or any other source for any of the purposes of this title and comply with any conditions of any loan or assistance;
 - (l) issue bonds to finance the undertaking of any project area development or for any of the agency's other purposes, including:
 - (i) reimbursing an advance made by the agency or by a public entity to the agency;
 - (ii) refunding bonds to pay or retire bonds previously issued by the agency; and
 - (iii) refunding bonds to pay or retire bonds previously issued by the community that created the agency for expenses associated with project area development;
 - (m) pay an impact fee, exaction, or other fee imposed by a community in connection with land development;
 - (n) subject to Part 10, Agency Taxing Authority, levy a property tax; or
 - (o) transact other business and exercise all other powers described in this title.
- (2) The establishment of controls or restrictions and covenants under Subsection (1)(i) is a public purpose.
- (3) An agency may acquire real property under Subsection (1)(c) that is outside a project area only if the board determines that the property will benefit a project area.
- (4) An agency is not subject to Section 10-8-2 or 17-50-312.

Amended by Chapter 214, 2021 General Session

17C-1-203 Agency board -- Quorum.

- (1) The governing body of an agency is a board consisting of the current members of the community legislative body.
- (2) A majority of board members constitutes a quorum for the transaction of agency business.
- (3) A board may not adopt a resolution, pass a motion, or take any other official board action without the concurrence of at least a majority of the board members present at a meeting at which a quorum is present.
- (4)
 - (a) The mayor or the mayor's designee of a municipality operating under a council-mayor form of government, as defined in Section 10-3b-102:
 - (i) serves as the executive director of an agency created by the municipality; and
 - (ii) exercises the agency's executive powers.
 - (b) The county executive or the county executive's designee of a county operating under a county executive-council form of government, as described in Section 17-52a-203:
 - (i) serves as the executive director of an agency created by the county; and
 - (ii) exercises the agency's executive powers.

Amended by Chapter 68, 2018 General Session

17C-1-204 Project area development by an adjoining agency -- Requirements.

- (1)
 - (a) A community, regardless of whether the community has created an agency, may enter into an interlocal agreement with an agency located in the same or an abutting county that authorizes the agency to exercise all the powers granted to an agency under this title within all or a portion of the community.
 - (b) The agency and the community shall adopt an interlocal agreement described in Subsection (1)(a) by resolution.
- (2) If an agency and a community enter into an interlocal agreement under Subsection (1):

- (a) the agency may act in all respects as if a project area within the community were within the agency's boundaries;
 - (b) the board has all the rights, powers, and privileges with respect to a project area within the community as if the project area were within the agency's boundaries;
 - (c) the agency may be paid project area funds to the same extent as if a project area within the community were within the agency's boundaries; and
 - (d) the community legislative body shall adopt, by ordinance, each project area plan within the community approved by the agency.
- (3) If an agency's project area abuts another agency's project area, the agencies may coordinate with each other in order to assist and cooperate in the planning, undertaking, construction, or operation of project area development located within each agency's project area.
- (4)
- (a) As used in this Subsection (4):
 - (i) "County agency" means an agency that is created by a county.
 - (ii) "Industrial property" means private real property:
 - (A) over half of which is located within the boundary of a town, as defined in Section 10-1-104; and
 - (B) comprises some or all of an inactive industrial site.
 - (iii) "Perimeter portion" means the portion of an inactive industrial site that is:
 - (A) part of the inactive industrial site because the site lies within the perimeter described in Section 17C-1-102; and
 - (B) located within the boundary of a city, as defined in Section 10-1-104.
 - (b)
 - (i) Subject to Subsection (4)(b)(ii), a county agency may undertake project area development on industrial property if the record property owner of the industrial property submits a written request to the county agency to do so.
 - (ii) A county agency may not include a perimeter portion within a project area without the approval of the city in which the perimeter portion is located.
 - (c) If a county agency undertakes project area development on industrial property:
 - (i) the county agency may act in all respects as if the project area that includes the industrial property were within the county agency's boundary;
 - (ii) the board of the county agency has each right, power, and privilege with respect to the project area as if the project area were within the county agency's boundary; and
 - (iii) the county agency may be paid project area funds to the same extent as if the project area were within the county agency's boundary.
 - (d) A project area plan for a project on industrial property that is approved by the county agency shall be adopted by ordinance of the legislative body of the county in which the project area is located.

Amended by Chapter 366, 2018 General Session

17C-1-205 Transfer of project area from one community to another.

- (1) As used in this section:
- (a) "New agency" means the agency created by the new community.
 - (b) "New community" means the community in which the relocated project area is located after the change in community boundaries takes place.
 - (c) "Original agency" means the agency created by the original community.

- (d) "Original community" means the community that adopted the project area plan that created the project area that has been relocated.
- (e) "Relocated" means that a project area under a project area plan adopted by the original community has ceased to be located within that community and has become part of a new community because of a change in community boundaries through:
 - (i) a county or municipal annexation;
 - (ii) the creation of a new county;
 - (iii) a municipal incorporation, consolidation, dissolution, or boundary adjustment; or
 - (iv) any other action resulting in a change in community boundaries.
- (2) A relocated project area shall, for purposes of this title, be considered to remain in the original community until the original agency and the new agency enter into an interlocal agreement, adopted by resolution of the original agency's and the new agency's board, that authorizes the original agency to transfer or assign to the new agency the original agency's real property, rights, indebtedness, obligations, tax increment, or other assets and liabilities resulting from the relocated project area.

Amended by Chapter 350, 2016 General Session

17C-1-207 Public entities may assist with project area development -- Notice requirements.

- (1) In order to assist and cooperate in the planning, undertaking, construction, or operation of project area development within an area in which the public entity is authorized to act, a public entity may:
 - (a)
 - (i) provide or cause to be furnished:
 - (A) parks, playgrounds, or other recreational facilities;
 - (B) community, educational, water, sewer, or drainage facilities; or
 - (C) any other works which the public entity is otherwise empowered to undertake;
 - (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks, or other places;
 - (iii) in any part of the project area:
 - (A)
 - (I) plan or replan any property within the project area;
 - (II) plat or replat any property within the project area;
 - (III) vacate a plat;
 - (IV) amend a plat; or
 - (V) zone or rezone any property within the project area; and
 - (B) make any legal exceptions from building regulations and ordinances;
 - (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the rights of any holder of the bonds;
 - (v) notwithstanding any law to the contrary, enter into an agreement for a period of time with another public entity concerning action to be taken pursuant to any of the powers granted in this title;
 - (vi) do anything necessary to aid or cooperate in the planning or implementation of the project area development;
 - (vii) in connection with the project area plan, become obligated to the extent authorized and funds have been made available to make required improvements or construct required structures; and

- (viii) lend, grant, or contribute funds to an agency for project area development or proposed project area development, including assigning revenue or taxes in support of an agency bond or obligation; and
- (b) for less than fair market value or for no consideration, and subject to Subsection (3):
 - (i) purchase or otherwise acquire property from an agency;
 - (ii) lease property from an agency;
 - (iii) sell, grant, convey, donate, or otherwise dispose of the public entity's property to an agency;
or
 - (iv) lease the public entity's property to an agency.
- (2) The following are not subject to Section 10-8-2, 17-50-312, or 17-50-303:
 - (a) project area development assistance that a public entity provides under this section; or
 - (b) a transfer of funds or property from an agency to a public entity.
- (3) A public entity may provide assistance described in Subsection (1)(b) no sooner than 15 days after the day on which the public entity completes the requirements for publishing notice of the assistance for the public entity's jurisdiction, as a class A notice under Section 63G-30-102, for at least 15 days.

Amended by Chapter 435, 2023 General Session

17C-1-208 Agency funds.

- (1) Agency funds shall be accounted for separately from the funds of the community that created the agency.
- (2) An agency may accumulate retained earnings or fund balances, as appropriate, in any fund.

Amended by Chapter 350, 2016 General Session

17C-1-209 Agency records.

An agency shall maintain the agency's minutes, resolutions, and other records separate from those of the community that created the agency.

Enacted by Chapter 350, 2016 General Session

**Part 3
Agency Property**

17C-1-301.1 Title.

This part is known as "Agency Property."

Enacted by Chapter 350, 2016 General Session

17C-1-301.5 Agency property exempt from taxation -- Exception.

- (1) Agency property acquired or held for purposes of this title is public property used for essential public and governmental purposes and, subject to Subsection (2), is exempt from taxation by a taxing entity.
- (2) The exemption in Subsection (1) does not apply to property that the agency leases to a lessee unless the lessee is entitled to a tax exemption with respect to the property.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-302 Agency property exempt from levy and execution sale -- Judgment against community or agency.

- (1)
 - (a)
 - (i) All agency property, including funds the agency owns or holds for purposes of this title, is exempt from levy and execution sale, and no execution or judicial process may issue against the property.
 - (ii) A judgment against an agency may not be a charge or lien upon agency property.
 - (b) Subsection (1)(a) does not apply to or limit the right of an obligee to pursue any remedy for the enforcement of any pledge or lien given by an agency on the agency's funds or revenues.
- (2) A judgment against the community that created the agency may not be a charge or lien upon agency property.
- (3) A judgment against an agency may not be a charge or lien upon property of the community that created the agency.

Amended by Chapter 350, 2016 General Session

**Part 4
Project Area Funds**

17C-1-401.1 Title.

This part is known as "Project Area Funds."

Enacted by Chapter 350, 2016 General Session

17C-1-401.5 Agency receipt and use of project area funds -- Distribution of project area funds.

- (1) An agency may receive and use project area funds in accordance with this title.
- (2)
 - (a) A county that collects property tax on property located within a project area shall, in accordance with Section 59-2-1365, distribute to an agency any tax increment that the agency is authorized to receive.
 - (b) Tax increment distributed to an agency in accordance with Subsection (2)(a) is not revenue of the taxing entity.
- (3)
 - (a) The project area funds collection period shall be measured:
 - (i) for a pre-July 1, 1993, project area plan, from the first tax year regarding which the agency accepts tax increment from the project area;
 - (ii) for a post-June 30, 1993, urban renewal or economic development project area plan:
 - (A) with respect to tax increment, from the first tax year for which the agency receives tax increment under the project area budget; or

- (B) with respect to sales and use tax revenue, as indicated in the interlocal agreement between the agency and the taxing entity that authorizes the agency to receive all or a portion of the taxing entity's sales and use tax revenue;
- (iii) for a community development project area plan, as indicated in the resolution or interlocal agreement of a taxing entity that authorizes the agency to receive the taxing entity's project area funds;
- (iv) for a community reinvestment project area plan that is subject to a taxing entity committee:
 - (A) with respect to tax increment, from the first tax year for which the agency receives tax increment under the project area budget; or
 - (B) with respect to sales and use tax revenue, in accordance with the interlocal agreement between the agency and the taxing entity that authorizes the agency to receive all or a portion of the taxing entity's sales and use tax revenue; or
- (v) for a community reinvestment project area plan that is subject to an interlocal agreement, in accordance with the interlocal agreement between the agency and the taxing entity that authorizes the agency to receive the taxing entity's project area funds.
- (b) Unless otherwise provided in a project area budget that is approved by a taxing entity committee, or in an interlocal agreement adopted by a taxing entity, tax increment may not be paid to an agency for a tax year before the tax year following:
 - (i) for an urban renewal project area plan, an economic development project area plan, or a community reinvestment project area plan that is subject to a taxing entity committee, the effective date of the project area plan; and
 - (ii) for a community development project area plan or a community reinvestment project area plan that is subject to an interlocal agreement, the effective date of the interlocal agreement that authorizes the agency to receive tax increment.
- (4) With respect to a community development project area plan or a community reinvestment project area plan that is subject to an interlocal agreement:
 - (a) a taxing entity may, through interlocal agreement, authorize an agency to be paid any or all of the taxing entity's project area funds for any period of time; and
 - (b) the interlocal agreement authorizing the agency to be paid project area funds shall specify:
 - (i) the base taxable value of the project area; and
 - (ii) the method of calculating the amount of project area funds to be paid to the agency.
- (5)
 - (a)
 - (i) The boundaries of one project area may overlap and include the boundaries of another project area.
 - (ii) If a taxing entity committee is required to approve the project area budget of an overlapping project area described in Subsection (5)(a)(i), the agency shall, before the first meeting of the taxing entity committee at which the project area budget will be considered, inform each taxing entity of the location of the overlapping boundaries.
 - (b)
 - (i) Before an agency may receive tax increment from the newly created overlapping portion of a project area, the agency shall inform the county auditor regarding the respective amount of tax increment that the agency is authorized to receive from the overlapping portion of each of the project areas.
 - (ii) The combined amount of tax increment described in Subsection (5)(b)(i) may not exceed 100% of the tax increment generated from a property located within the overlapping boundaries.

- (c) Nothing in this Subsection (5) gives an agency a right to receive project area funds that the agency is not otherwise authorized to receive under this title.
- (d) The collection of project area funds from an overlapping project area described in Subsection (5)(a) does not affect an agency's use of project area funds within the other overlapping project area.
- (6) With the written consent of a taxing entity, an agency may be paid tax increment, from the taxing entity's property tax revenue only, in a higher percentage or for a longer period of time, or both, than otherwise authorized under this title.
- (7) Subject to Section 17C-1-407, an agency is authorized to receive tax increment as described in:
 - (a) for a pre-July 1, 1993, project area plan, Section 17C-1-403;
 - (b) for a post-June 30, 1993, project area plan:
 - (i) Section 17C-1-404 under a project area budget adopted by the agency in accordance with this title;
 - (ii) a project area budget approved by the taxing entity committee and adopted by the agency in accordance with this title; or
 - (iii) Section 17C-1-406;
 - (c) a resolution or interlocal agreement entered into under Section 17C-2-207, 17C-3-206, 17C-4-201, or 17C-4-202;
 - (d) for a community reinvestment project area plan that is subject to a taxing entity committee, a project area budget approved by the taxing entity committee and adopted by the agency in accordance with this title; or
 - (e) for a community reinvestment project area plan that is subject to an interlocal agreement, an interlocal agreement entered into under Section 17C-5-204.

Amended by Chapter 364, 2018 General Session

17C-1-402 Taxing entity committee.

- (1) The provisions of this section apply to a taxing entity committee that is created by an agency for:
 - (a) a post-June 30, 1993, urban renewal project area plan or economic development project area plan;
 - (b) any other project area plan adopted before May 10, 2016, for which the agency created a taxing entity committee; and
 - (c) a community reinvestment project area plan adopted before May 14, 2019, that is subject to a taxing entity committee.
- (2)
 - (a)
 - (i) Each taxing entity committee shall be composed of:
 - (A) two school district representatives appointed in accordance with Subsection (2)(a)(ii);
 - (B)
 - (I) in a county of the second, third, fourth, fifth, or sixth class, two representatives appointed by resolution of the legislative body of the county in which the agency is located; or
 - (II) in a county of the first class, one representative appointed by the county executive and one representative appointed by the legislative body of the county in which the agency is located;
 - (C) if the agency is created by a municipality, two representatives appointed by resolution of the legislative body of the municipality;

- (D) one representative appointed by the State Board of Education; and
 - (E) one representative selected by majority vote of the legislative bodies or governing boards of all other taxing entities that levy a tax on property within the agency's boundaries, to represent the interests of those taxing entities on the taxing entity committee.
- (ii)
 - (A) If the agency boundaries include only one school district, that school district shall appoint the two school district representatives under Subsection (2)(a)(i)(A).
 - (B) If the agency boundaries include more than one school district, those school districts shall jointly appoint the two school district representatives under Subsection (2)(a)(i)(A).
- (b)
 - (i) Each taxing entity committee representative described in Subsection (2)(a) shall be appointed within 30 days after the day on which the agency provides notice of the creation of the taxing entity committee.
 - (ii) If a representative is not appointed within the time required under Subsection (2)(b)(i), the board may appoint an individual to serve on the taxing entity committee in the place of the missing representative until that representative is appointed.
- (c)
 - (i) A taxing entity committee representative may be appointed for a set term or period of time, as determined by the appointing authority under Subsection (2)(a)(i).
 - (ii) Each taxing entity committee representative shall serve until a successor is appointed and qualified.
- (d)
 - (i) Upon the appointment of each representative under Subsection (2)(a)(i), whether an initial appointment or an appointment to replace an already serving representative, the appointing authority shall:
 - (A) notify the agency in writing of the name and address of the newly appointed representative; and
 - (B) provide the agency a copy of the resolution making the appointment or, if the appointment is not made by resolution, other evidence of the appointment.
 - (ii) Each appointing authority of a taxing entity committee representative under Subsection (2)(a)(i) shall notify the agency in writing of any change of address of a representative appointed by that appointing authority.
- (3) At a taxing entity committee's first meeting, the taxing entity committee shall adopt an organizing resolution that:
 - (a) designates a chair and a secretary of the taxing entity committee; and
 - (b) if the taxing entity committee considers it appropriate, governs the use of electronic meetings under Section 52-4-207.
- (4)
 - (a) A taxing entity committee represents all taxing entities regarding:
 - (i) an urban renewal project area plan;
 - (ii) an economic development project area plan; or
 - (iii) a community reinvestment project area plan that is subject to a taxing entity committee.
 - (b) A taxing entity committee may:
 - (i) cast votes that are binding on all taxing entities;
 - (ii) negotiate with the agency concerning a proposed project area plan;
 - (iii) approve or disapprove:
 - (A) an urban renewal project area budget as described in Section 17C-2-204;
 - (B) an economic development project area budget as described in Section 17C-3-203; or

- (C) for a community reinvestment project area plan that is subject to a taxing entity committee, a community reinvestment project area budget as described in Section 17C-5-302;
 - (iv) approve or disapprove an amendment to a project area budget as described in Section 17C-2-206, 17C-3-205, or 17C-5-306;
 - (v) approve an exception to the limits on the value and size of a project area imposed under this title;
 - (vi) approve:
 - (A) an exception to the percentage of tax increment to be paid to the agency;
 - (B) except for a project area funds collection period that is approved by an interlocal agreement, each project area funds collection period; and
 - (C) an exception to the requirement for an urban renewal project area budget, an economic development project area budget, or a community reinvestment project area budget to include a maximum cumulative dollar amount of tax increment that the agency may receive;
 - (vii) approve the use of tax increment for publicly owned infrastructure and improvements outside of a project area that the agency and community legislative body determine to be of benefit to the project area, as described in Subsection 17C-1-409(1)(a)(iii)(E);
 - (viii) waive the restrictions described in Subsection 17C-2-202(1);
 - (ix) subject to Subsection (4)(c), designate the base taxable value for a project area budget; and
 - (x) give other taxing entity committee approval or consent required or allowed under this title.
- (c)
- (i) Except as provided in Subsection (4)(c)(ii), the base year may not be a year that is earlier than five years before the beginning of a project area funds collection period.
 - (ii) The taxing entity committee may approve a base year that is earlier than the year described in Subsection (4)(c)(i).
- (5) A quorum of a taxing entity committee consists of:
- (a) if the project area is located within a municipality, five members; or
 - (b) if the project area is not located within a municipality, four members.
- (6) Taxing entity committee approval, consent, or other action requires:
- (a) the affirmative vote of a majority of all members present at a taxing entity committee meeting:
 - (i) at which a quorum is present; and
 - (ii) considering an action relating to a project area budget for, or approval of a development impediment determination within, a project area or proposed project area that contains:
 - (A) an inactive industrial site;
 - (B) an inactive airport site; or
 - (C) a closed military base; or
 - (b) for any other action not described in Subsection (6)(a)(ii), the affirmative vote of two-thirds of all members present at a taxing entity committee meeting at which a quorum is present.
- (7)
- (a) An agency may call a meeting of the taxing entity committee by sending written notice to the members of the taxing entity committee at least 10 days before the date of the meeting.
 - (b) Each notice under Subsection (7)(a) shall be accompanied by:
 - (i) the proposed agenda for the taxing entity committee meeting; and
 - (ii) if not previously provided and if the documents exist and are to be considered at the meeting:
 - (A) the project area plan or proposed project area plan;

- (B) the project area budget or proposed project area budget;
 - (C) the analysis required under Subsection 17C-2-103(2), 17C-3-103(2), or 17C-5-105(12);
 - (D) the development impediment study;
 - (E) the agency's resolution making a development impediment determination under Subsection 17C-2-102(1)(a)(ii)(B) or 17C-5-402(2)(c)(ii); and
 - (F) other documents to be considered by the taxing entity committee at the meeting.
- (c)
- (i) An agency may not schedule a taxing entity committee meeting on a day on which the Legislature is in session.
 - (ii) Notwithstanding Subsection (7)(c)(i), a taxing entity committee may, by unanimous consent, waive the scheduling restriction described in Subsection (7)(c)(i).
- (8)
- (a) A taxing entity committee may not vote on a proposed project area budget or proposed amendment to a project area budget at the first meeting at which the proposed project area budget or amendment is considered unless all members of the taxing entity committee present at the meeting consent.
 - (b) A second taxing entity committee meeting to consider a proposed project area budget or a proposed amendment to a project area budget may not be held within 14 days after the first meeting unless all members of the taxing entity committee present at the first meeting consent.
- (9) Each taxing entity committee shall be governed by Title 52, Chapter 4, Open and Public Meetings Act.
- (10) A taxing entity committee's records shall be:
- (a) considered the records of the agency that created the taxing entity committee; and
 - (b) maintained by the agency in accordance with Section 17C-1-209.
- (11) Each time a school district representative or a representative of the State Board of Education votes as a member of a taxing entity committee to allow an agency to receive tax increment, to increase the amount of tax increment the agency receives, or to extend a project area funds collection period, that representative shall, within 45 days after the vote, provide to the representative's respective school board an explanation in writing of the representative's vote and the reasons for the vote.
- (12)
- (a) The auditor of each county in which an agency is located shall provide a written report to the taxing entity committee stating, with respect to property within each project area:
 - (i) the base taxable value, as adjusted by any adjustments under Section 17C-1-408; and
 - (ii) the assessed value.
 - (b) With respect to the information required under Subsection (12)(a), the auditor shall provide:
 - (i) actual amounts for each year from the adoption of the project area plan to the time of the report; and
 - (ii) estimated amounts for each year beginning the year after the time of the report and ending the time that each project area funds collection period ends.
 - (c) The auditor of the county in which the agency is located shall provide a report under this Subsection (12):
 - (i) at least annually; and
 - (ii) upon request of the taxing entity committee, before a taxing entity committee meeting at which the committee considers whether to allow the agency to receive tax increment, to increase the amount of tax increment that the agency receives, or to extend a project area funds collection period.

(13) This section does not apply to:

- (a) a community development project area plan; or
- (b) a community reinvestment project area plan that is subject to an interlocal agreement.

(14)

- (a) A taxing entity committee resolution approving a development impediment determination, approving a project area budget, or approving an amendment to a project area budget:
 - (i) is final; and
 - (ii) is not subject to repeal, amendment, or reconsideration unless the agency first consents by resolution to the proposed repeal, amendment, or reconsideration.
- (b) The provisions of Subsection (14)(a) apply regardless of when the resolution is adopted.

Amended by Chapter 214, 2021 General Session

17C-1-403 Tax increment under a pre-July 1, 1993, project area plan.

(1) Notwithstanding any other provision of law, this section applies retroactively to tax increment under all pre-July 1, 1993, project area plans, regardless of when the applicable project area was created or the applicable project area plan was adopted.

(2)

(a) Beginning with the first tax year after April 1, 1983, for which an agency accepts tax increment, an agency is authorized to receive:

(i)

- (A) for the first through the fifth tax years, 100% of tax increment;
- (B) for the sixth through the tenth tax years, 80% of tax increment;
- (C) for the eleventh through the fifteenth tax years, 75% of tax increment;
- (D) for the sixteenth through the twentieth tax years, 70% of tax increment; and
- (E) for the twenty-first through the twenty-fifth tax years, 60% of tax increment; or

(ii) for an agency that has caused a taxing entity committee to be created under Subsection 17C-1-402(1)(a), any percentage of tax increment up to 100% and for any length of time that the taxing entity committee approves.

(b) Notwithstanding any other provision of this section:

(i) an agency is authorized to receive 100% of tax increment from a project area for 32 years after April 1, 1983, to pay principal and interest on agency indebtedness incurred before April 1, 1983, even though the size of the project area from which tax increment is paid to the agency exceeds 100 acres of privately owned property under a project area plan adopted on or before April 1, 1983; and

(ii) for up to 32 years after April 1, 1983, an agency debt incurred before April 1, 1983, may be refinanced and paid from 100% of tax increment if the principal amount of the debt is not increased in the refinancing.

(3)

(a) For purposes of this Subsection (3):

(i) "Additional tax increment" means the difference between 100% of tax increment for a tax year and the amount of tax increment an agency is paid for that tax year under the percentages and time periods specified in Subsection (2)(a).

(ii) "Pledged" means a commitment by a board or a community legislative body to pay the costs of bond indebtedness, an interfund loan, a reimbursement, or other contractual obligation of the board or the community legislative body related to a convention center or sports complex described in Subsection (3)(b).

- (b) Notwithstanding the tax increment percentages and time periods in Subsection (2)(a), an agency is authorized to receive additional tax increment for a period ending 32 years after the first tax year after April 1, 1983, for which the agency receives tax increment from the project area if:
 - (i)
 - (A) the additional tax increment is used solely to pay all or part of the value of the land for and the cost of the installation and construction of a publicly or privately owned convention center or sports complex or any building, facility, structure, or other improvement related to the convention center or sports complex, including parking and infrastructure improvements;
 - (B) construction of the convention center or sports complex or related building, facility, structure, or other improvement is commenced on or before June 30, 2002;
 - (C) the additional tax increment is pledged to pay all or part of the value of the land for and the cost of the installation and construction of the convention center or sports complex or related building, facility, structure, or other improvement; and
 - (D) the board and the community legislative body have determined by resolution that the convention center or sports complex is:
 - (I) within and a benefit to a project area;
 - (II) not within but still a benefit to a project area; or
 - (III) within a project area in which substantially all of the land is publicly owned and a benefit to the community; or
 - (ii)
 - (A) the additional tax increment is used to pay some or all of the cost of the land for and installation and construction of a recreational facility, as defined in Section 59-12-702, or a cultural facility, including parking and infrastructure improvements related to the recreational or cultural facility, whether or not the facility is located within a project area;
 - (B) construction of the recreational or cultural facility is commenced on or before December 31, 2005; and
 - (C) the additional tax increment is pledged on or before July 1, 2005, to pay all or part of the cost of the land for and the installation and construction of the recreational or cultural facility, including parking and infrastructure improvements related to the recreational or cultural facility.
- (c) Notwithstanding Subsection (3)(b)(ii), a school district may not, without the school district's consent, be paid less tax increment because of application of Subsection (3)(b)(ii) than it would have been paid without that subsection.
- (4) Notwithstanding any other provision of this section, an agency may use tax increment received under Subsection (2) for any of the uses indicated in Subsection (3).

Amended by Chapter 364, 2018 General Session

17C-1-404 Tax increment under a post-June 30, 1993, project area plan.

- (1) This section applies to tax increment under a post-June 30, 1993, project area plan adopted before May 1, 2006, only.
- (2) A board may provide in the project area budget for the agency to be paid:
 - (a) if 20% of the project area budget is allocated for housing under Section 17C-2-203:
 - (i) 100% of annual tax increment for 15 years;
 - (ii) 75% of annual tax increment for 24 years; or

- (iii) if approved by the taxing entity committee, any percentage of tax increment up to 100%, or any specified dollar amount, for any period of time; or
- (b) if 20% of the project area budget is not allocated for housing under Section 17C-2-203:
 - (i) 100% of annual tax increment for 12 years;
 - (ii) 75% of annual tax increment for 20 years; or
 - (iii) if approved by the taxing entity committee, any percentage of tax increment up to 100%, or any specified dollar amount, for any period of time.

Amended by Chapter 350, 2016 General Session

17C-1-405 Tax increment under a project area plan adopted on or after May 1, 2006.

- (1) This section applies to tax increment under a project area plan adopted on or after May 1, 2006, and before May 10, 2016.
- (2) Subject to the approval of the taxing entity committee, a board may provide in the urban renewal or economic development project area budget for the agency to be paid:
 - (a) for an urban renewal project area plan that proposes development of an inactive industrial site or inactive airport site, at least 60% of tax increment for at least 20 years; or
 - (b) for each other project, any percentage of tax increment up to 100% or any specified dollar amount of tax increment for any period of time.
- (3) A resolution or interlocal agreement relating to an agency's use of tax increment for a community development project area plan may provide for the agency to be paid any percentage of tax increment up to 100% or any specified dollar amount of tax increment for any period of time.

Amended by Chapter 350, 2016 General Session

17C-1-406 Additional tax increment under certain post-June 30, 1993, project area plans.

- (1) This section applies to a post-June 30, 1993, project area plan adopted before May 1, 2006.
- (2) An agency may, without the approval of the taxing entity committee, elect to be paid 100% of annual tax increment for each year beyond the periods specified in Subsection 17C-1-404(2) to a maximum of 25 years, including the years the agency is paid tax increment under Subsection 17C-1-404(2), if:
 - (a) for an agency in a city in which is located all or a portion of an interchange on I-15 or that would directly benefit from an interchange on I-15:
 - (i) the tax increment paid to the agency during the additional years is used to pay some or all of the cost of the installation, construction, or reconstruction of:
 - (A) an interchange on I-15, whether or not the interchange is located within a project area; or
 - (B) frontage and other roads connecting to the interchange, as determined by the Department of Transportation created under Section 72-1-201 and the Transportation Commission created under Section 72-1-301, whether or not the frontage or other road is located within a project area; and
 - (ii) the installation, construction, or reconstruction of the interchange or frontage and other roads has begun on or before June 30, 2002; or
 - (b) for an agency in a city of the first or second class:
 - (i) the tax increment paid to the agency during the additional years is used to pay some or all of the cost of the land for and installation and construction of a recreational facility, as defined in Section 59-12-702, or a cultural facility, including parking and infrastructure improvements

- related to the recreational or cultural facility, whether or not the facility is located within a project area; and
- (ii) the installation or construction of the recreational or cultural facility has begun on or before June 30, 2002.
- (3) Notwithstanding any other provision of this section, an agency may use tax increment received under Subsection 17C-1-404(2) for any of the uses indicated in this section.
- (4) Notwithstanding Subsection (2), a school district may not, without the school district's consent, receive less tax increment because of application of Subsection (2) than it would have received without that subsection.

Amended by Chapter 350, 2016 General Session

17C-1-407 Limitations on tax increment.

- (1)
 - (a) If the development of retail sales of goods is the primary objective of an urban renewal project area, tax increment from the urban renewal project area may not be paid to or used by an agency unless the agency makes a development impediment determination under Chapter 2, Part 3, Development Impediment Determination in Urban Renewal Project Areas.
 - (b) Except as provided in Section 11-41-103, development of retail sales of goods does not disqualify an agency from receiving tax increment.
 - (c) After July 1, 2005, an agency may not receive or use tax increment generated from the value of property within an economic development project area that is attributable to the development of retail sales of goods, unless the tax increment was previously pledged to pay for bonds or other contractual obligations of the agency.
- (2)
 - (a) For the purpose of this Subsection (2):
 - (i) "Final tax rate" means the rate used to determine the amount of taxes a taxing entity levies as described in the notice to a taxpayer under Subsection 59-2-1317(2).
 - (ii) "Increased tax revenue" means tax revenue attributable to a tax rate increase.
 - (iii) "Tax rate increase" means the amount calculated by subtracting a taxing entity's certified rate, as defined in Section 59-2-924, from the taxing entity's final tax rate.
 - (b) Except as provided in Subsection (2)(c), for a year in which a taxing entity imposes a final tax rate higher than the certified tax rate, a county shall not pay an agency any portion of a taxing entity's increased tax revenue.
 - (c) Notwithstanding Subsection (2)(b), a county may pay all or a portion of a taxing entity's increased tax revenue to an agency if, at the time of the project area budget approval, the taxing entity committee or each taxing entity that is a party to an agreement under Section 17C-4-201 or 17C-5-204 consents to pay the agency the increased tax revenue.
 - (d) If the taxing entity committee or each tax entity that is a party to an agreement under Section 17C-4-201 or 17C-5-204 does not consent to payment of the increased tax revenue to the agency under Subsection (2)(c), the county shall distribute to the taxing entity the increased tax revenue in the same manner as other property tax revenue.
 - (e) Notwithstanding any other provision of this section, if, before tax year 2013, increased tax revenue is paid to an agency without the consent of the taxing entity committee or each taxing entity that is a party to an agreement under Section 17C-4-201 or 17C-5-204, and notwithstanding the law at the time that the tax revenue was collected or increased:

- (i) the State Tax Commission, the county as the collector of the taxes, a taxing entity, or any other person or entity may not recover, directly or indirectly, the increased tax revenue from the agency by adjustment of a tax rate used to calculate tax increment or otherwise;
 - (ii) the county is not liable to a taxing entity or any other person or entity for the increased tax revenue that was paid to the agency; and
 - (iii) tax increment, including the increased tax revenue, shall continue to be paid to the agency subject to the same number of tax years, percentage of tax increment, and cumulative dollar amount of tax increment as approved in the project area budget and previously paid to the agency.
- (f) An adjustment may not be made to incremental value under Section 59-2-924 for increased tax revenue not paid to an agency under this section.
- (3) Except as the taxing entity committee otherwise agrees, an agency may not receive tax increment under an urban renewal or economic development project area budget adopted on or after March 30, 2009:
- (a) that exceeds the percentage of tax increment or cumulative dollar amount of tax increment specified in the project area budget; or
 - (b) for more tax years than specified in the project area budget.

Amended by Chapter 307, 2022 General Session

17C-1-408 Base taxable value to be adjusted to reflect other changes.

- (1)
- (a)
 - (i) As used in this Subsection (1), "qualifying decrease" means:
 - (A) a decrease of more than 20% from the previous tax year's levy; or
 - (B) a cumulative decrease over a consecutive five-year period of more than 100% from the levy in effect at the beginning of the five-year period.
 - (ii) The year in which a qualifying decrease under Subsection (1)(a)(i)(B) occurs is the fifth year of the five-year period.
 - (b) If there is a qualifying decrease in the minimum basic school levy under Section 59-2-902 that would result in a reduction of the amount of tax increment to be paid to an agency:
 - (i) the base taxable value shall be reduced in the year of the qualifying decrease to the extent necessary, even if below zero, to provide the agency with approximately the same amount of tax increment that would have been paid to the agency each year had the qualifying decrease not occurred; and
 - (ii) the amount of tax increment paid to the agency each year for the payment of bonds and indebtedness may not be less than what would have been paid to the agency if there had been no qualifying decrease.
- (2)
- (a) The base taxable value to be used in determining tax increment shall be:
 - (i) increased or decreased by the amount of an increase or decrease that results from:
 - (A) a statute enacted by the Legislature or by the people through an initiative;
 - (B) a judicial decision;
 - (C) an order from the State Tax Commission to a county to adjust or factor the county's assessment rate under Subsection 59-2-704(2);
 - (D) a change in exemption provided in Utah Constitution Article XIII, Section 2, or Section 59-2-103; or

- (E) an increase or decrease in the percentage of fair market value, as defined under Section 59-2-102; and
- (ii) reduced for any year to the extent necessary, even if below zero, to provide an agency with approximately the same amount of money the agency would have received without a reduction in the county's certified tax rate if:
 - (A) in that year there is a decrease in the county's certified tax rate under Subsection 59-2-924.2(2) or (3)(a);
 - (B) the amount of the decrease is more than 20% of the county's certified tax rate of the previous year; and
 - (C) the decrease would result in a reduction of the amount of tax increment to be paid to the agency.
- (b) Notwithstanding an increase or decrease under Subsection (2)(a), the amount of tax increment paid to an agency each year for payment of bonds or other indebtedness may not be less than would have been paid to the agency each year if there had been no increase or decrease under Subsection (2)(a).

Amended by Chapter 350, 2016 General Session

17C-1-409 Allowable uses of agency funds.

- (1)
 - (a) An agency may use agency funds:
 - (i) for any purpose authorized under this title;
 - (ii) for administrative, overhead, legal, or other operating expenses of the agency, including consultant fees and expenses under Subsection 17C-2-102(1)(b)(ii)(B) or funding for a business resource center;
 - (iii) subject to Section 11-41-103, to pay for, including financing or refinancing, all or part of:
 - (A) project area development in a project area, including environmental remediation activities occurring before or after adoption of the project area plan;
 - (B) housing-related expenditures, projects, or programs as described in Section 17C-1-411 or 17C-1-412;
 - (C) an incentive or other consideration paid to a participant under a participation agreement;
 - (D) subject to Subsections (1)(c) and (4), the value of the land for and the cost of the installation and construction of any publicly owned building, facility, structure, landscaping, or other improvement within the project area from which the project area funds are collected; or
 - (E) the cost of the installation of publicly owned infrastructure and improvements outside the project area from which the project area funds are collected if the board and the community legislative body determine by resolution that the publicly owned infrastructure and improvements benefit the project area;
 - (iv) in an urban renewal project area that includes some or all of an inactive industrial site and subject to Subsection (1)(e), to reimburse the Department of Transportation created under Section 72-1-201, or a public transit district created under Title 17B, Chapter 2a, Part 8, Public Transit District Act, for the cost of:
 - (A) construction of a public road, bridge, or overpass;
 - (B) relocation of a railroad track within the urban renewal project area; or
 - (C) relocation of a railroad facility within the urban renewal project area;
 - (v) subject to Subsection (5), to transfer funds to a community that created the agency; or

- (vi) subject to Subsection (1)(f), for agency-wide project development under Part 10, Agency Taxing Authority.
- (b) The determination of the board and the community legislative body under Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.
- (c) An agency may not use project area funds received from a taxing entity for the purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal project area plan, an economic development project area plan, or a community reinvestment project area plan without the community legislative body's consent.
- (d)
 - (i) Subject to Subsection (1)(d)(ii), an agency may loan project area funds from a project area fund to another project area fund if:
 - (A) the board approves; and
 - (B) the community legislative body approves.
 - (ii) An agency may not loan project area funds under Subsection (1)(d)(i) unless the projections for agency funds are sufficient to repay the loan amount.
 - (iii) A loan described in Subsection (1)(d) is not subject to Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties, or Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts.
- (e) Before an agency may pay any tax increment or sales tax revenue under Subsection (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the reimbursement with:
 - (i) the Department of Transportation; or
 - (ii) a public transit district.
- (f) Before an agency may use project area funds for agency-wide project development, as defined in Section 17C-1-1001, the agency shall obtain the consent of the taxing entity committee or each taxing entity party to an interlocal agreement with the agency.
- (2)
 - (a) Sales and use tax revenue that an agency receives from a taxing entity is not subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Retail Facility Incentive Payments Act.
 - (b) An agency may use sales and use tax revenue that the agency receives under an interlocal agreement under Section 17C-4-201 or 17C-5-204 for the uses authorized in the interlocal agreement.
- (3)
 - (a) An agency may contract with the community that created the agency or another public entity to use agency funds to reimburse the cost of items authorized by this title to be paid by the agency that are paid by the community or other public entity.
 - (b) If land is acquired or the cost of an improvement is paid by another public entity and the land or improvement is leased to the community, an agency may contract with and make reimbursement from agency funds to the community.
- (4) Notwithstanding any other provision of this title, an agency may not use project area funds, project area incremental revenue as defined in Section 17C-1-1001, or property tax revenue as defined in Section 17C-1-1001, to construct a local government building unless the taxing entity committee or each taxing entity party to an interlocal agreement with the agency consents.
- (5) For the purpose of offsetting the community's annual local contribution to the Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in a calendar year

to a community under Subsections (1)(a)(v), 17C-1-411(1)(d), and 17C-1-412(1)(a)(x) may not exceed the community's annual local contribution as defined in Subsection 59-12-205(4).

Amended by Chapter 15, 2023 General Session
Amended by Chapter 471, 2023 General Session
Amended by Chapter 492, 2023 General Session

17C-1-410 Agency may make payments to other taxing entities.

- (1) Subject to Subsection (3), an agency may grant agency funds to a taxing entity to offset some or all of the tax revenue that the taxing entity did not receive because of tax increment paid to the agency.
- (2)
 - (a) Subject to Subsection (3), an agency may use agency funds to pay to a school district an amount of money that the agency determines to be appropriate to alleviate a financial burden or detriment borne by the school district because of the project area development.
 - (b) Each agency that agrees to pay money to a school district under Subsection (2)(a) shall provide a copy of the agreement to the State Board of Education.
- (3)
 - (a) If an agency intends to pay agency funds to one or more taxing entities under Subsection (1) or (2) but does not intend to pay funds to all taxing entities in proportionally equal amounts, the agency shall provide written notice to each taxing entity of the agency's intent.
 - (b)
 - (i) A taxing entity that receives notice under Subsection (3)(a) may elect not to have the taxing entity's tax increment collected and used to pay funds to other taxing entities under this section.
 - (ii) Each election under Subsection (3)(b)(i) shall be:
 - (A) in writing; and
 - (B) delivered to the agency within 30 days after the taxing entity's receipt of the notice under Subsection (3)(a).
 - (c) If a taxing entity makes an election under Subsection (3)(b), the portion of the taxing entity's tax increment that would have been used by the agency to pay funds under this section to one or more other taxing entities may not be collected by the agency.

Amended by Chapter 350, 2016 General Session

17C-1-411 Use of project area funds for housing-related improvements and for relocating mobile home park residents -- Funds to be held in separate accounts.

- (1) An agency may use project area funds:
 - (a) to pay all or part of the value of the land for and the cost of installation, construction, or rehabilitation of any housing-related building, facility, structure, or other housing improvement, including infrastructure improvements related to housing, located in any project area within the agency's boundaries;
 - (b) outside of a project area for the purpose of:
 - (i) replacing housing units lost by project area development; or
 - (ii) increasing, improving, or preserving the affordable housing supply within the boundary of the agency;
 - (c) for relocating mobile home park residents displaced by project area development, whether inside or outside a project area; or

- (d) subject to Subsection (4), to transfer funds to a community that created the agency.
- (2)
- (a) Each agency shall create a housing fund and separately account for project area funds allocated under this section.
 - (b) Interest earned by the housing fund described in Subsection (2)(a), and any payments or repayments made to the agency for loans, advances, or grants of any kind from the housing fund, shall accrue to the housing fund.
 - (c) An agency that designates a housing fund under this section shall use the housing fund for the purposes set forth in this section or Section 17C-1-412.
- (3) An agency may lend, grant, or contribute funds from the housing fund to a person, public entity, housing authority, private entity or business, or nonprofit corporation for affordable housing or homeless assistance.
- (4) For the purpose of offsetting the community's annual local contribution to the Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in a calendar year to a community under Subsections (1)(d), 17C-1-409(1)(a)(v), and 17C-1-412(1)(a)(x) may not exceed the community's annual local contribution as defined in Subsection 59-12-205(4).

Amended by Chapter 471, 2023 General Session

Amended by Chapter 492, 2023 General Session

17C-1-412 Use of housing allocation -- Separate accounting required -- Issuance of bonds for housing -- Action to compel agency to provide housing allocation.

- (1)
- (a) An agency shall use the agency's housing allocation to:
 - (i) pay part or all of the cost of land or construction of income targeted housing within the boundary of the agency, if practicable in a mixed income development or area;
 - (ii) pay part or all of the cost of rehabilitation of income targeted housing within the boundary of the agency;
 - (iii) lend, grant, or contribute money to a person, public entity, housing authority, private entity or business, or nonprofit corporation for income targeted housing within the boundary of the agency;
 - (iv) plan or otherwise promote income targeted housing within the boundary of the agency;
 - (v) pay part or all of the cost of land or installation, construction, or rehabilitation of any building, facility, structure, or other housing improvement, including infrastructure improvements, related to housing located in a project area where a board has determined that a development impediment exists;
 - (vi) replace housing units lost as a result of the project area development;
 - (vii) make payments on or establish a reserve fund for bonds:
 - (A) issued by the agency, the community, or the housing authority that provides income targeted housing within the community; and
 - (B) all or part of the proceeds of which are used within the community for the purposes stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi);
 - (viii) if the community's fair share ratio at the time of the first adoption of the project area budget is at least 1.1 to 1.0, make payments on bonds:
 - (A) that were previously issued by the agency, the community, or the housing authority that provides income targeted housing within the community; and
 - (B) all or part of the proceeds of which were used within the community for the purposes stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi);

- (ix) relocate mobile home park residents displaced by project area development;
- (x) subject to Subsection (7), transfer funds to a community that created the agency; or
- (xi) pay for or make a contribution toward the acquisition, construction, or rehabilitation of housing that:
 - (A) is located in the same county as the agency;
 - (B) is owned in whole or in part by, or is dedicated to supporting, a public nonprofit college or university; and
 - (C) only students of the relevant college or university, including the students' immediate families, occupy.
- (b) As an alternative to the requirements of Subsection (1)(a), an agency may pay all or any portion of the agency's housing allocation to:
 - (i) the community for use as described in Subsection (1)(a);
 - (ii) a housing authority that provides income targeted housing within the community for use in providing income targeted housing within the community;
 - (iii) a housing authority established by the county in which the agency is located for providing:
 - (A) income targeted housing within the county;
 - (B) permanent housing, permanent supportive housing, or a transitional facility, as defined in Section 35A-5-302, within the county; or
 - (C) homeless assistance within the county;
 - (iv) the Olene Walker Housing Loan Fund, established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund, for use in providing income targeted housing within the community;
 - (v) pay for or make a contribution toward the acquisition, construction, or rehabilitation of income targeted housing that is outside of the community if the housing is located along or near a major transit investment corridor that services the community and the related project has been approved by the community in which the housing is or will be located; or
 - (vi) pay for or make a contribution toward the expansion of child care facilities within the boundary of the agency, provided that any recipient of funds from the agency's housing allocation reports annually to the agency on how the funds were used.
- (2)
 - (a) An agency may combine all or any portion of the agency's housing allocation with all or any portion of one or more additional agency's housing allocations if the agencies execute an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.
 - (b) An agency that has entered into an interlocal agreement as described in Subsection (2)(a), meets the requirements of Subsection (1)(a) or (1)(b) if the use of the housing allocation meets the requirements for at least one agency that is a party to the interlocal agreement.
- (3) The agency shall create a housing fund and separately account for the agency's housing allocation, together with all interest earned by the housing allocation and all payments or repayments for loans, advances, or grants from the housing allocation.
- (4) An agency may:
 - (a) issue bonds to finance a housing-related project under this section, including the payment of principal and interest upon advances for surveys and plans or preliminary loans; and
 - (b) issue refunding bonds for the payment or retirement of bonds under Subsection (4)(a) previously issued by the agency.
- (5)
 - (a) Except as provided in Subsection (5)(b), an agency shall allocate money to the housing fund each year in which the agency receives sufficient tax increment to make a housing allocation required by the project area budget.

- (b) Subsection (5)(a) does not apply in a year in which tax increment is insufficient.
- (6)
- (a) Except as provided in Subsection (5)(b), if an agency fails to provide a housing allocation in accordance with the project area budget and the housing plan adopted under Subsection 17C-2-204(2), the loan fund board may bring legal action to compel the agency to provide the housing allocation.
 - (b) In an action under Subsection (6)(a), the court:
 - (i) shall award the loan fund board reasonable attorney fees, unless the court finds that the action was frivolous; and
 - (ii) may not award the agency the agency's attorney fees, unless the court finds that the action was frivolous.
- (7) For the purpose of offsetting the community's annual local contribution to the Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in a calendar year to a community under Subsections (1)(a)(x), 17C-1-409(1)(a)(v), and 17C-1-411(1)(d) may not exceed the community's annual local contribution as defined in Subsection 59-12-205(4).

Amended by Chapter 471, 2023 General Session
Amended by Chapter 492, 2023 General Session

17C-1-413 Base taxable value for new tax.

For purposes of calculating tax increment with respect to a tax that a taxing entity levies for the first time after the effective date of a project area plan, the base taxable value shall be used, subject to any adjustments under Section 17C-1-408.

Amended by Chapter 350, 2016 General Session

17C-1-414 Project area boundaries that divide a tax parcel -- Deletion of parcel from tax increment calculation.

- (1) If the boundaries of a project area, as described in the project area plan, include part of a tax parcel and exclude part of the same tax parcel, the agency shall provide the assessor of the county in which the project area is located a metes and bounds description of the part of the tax parcel included within the project area boundaries.
- (2) If an agency fails to comply with the requirement of Subsection (1), the assessor of the county in which the tax parcel is located may exclude that parcel from the project area for purposes of calculating tax increment to be paid to the agency until the agency complies with the requirement of Subsection (1).

Enacted by Chapter 359, 2006 General Session

17C-1-415 Obligations of agencies that use tax increment to pay for communication infrastructure or facility.

An agency that uses tax increment on or after March 30, 2009 to pay for communication infrastructure or a communication facility:

- (1) may not make or grant any undue or unreasonable preference or advantage to a provider of communication service with respect to the communication infrastructure or communication facility for which the tax increment is used; and

- (2) shall allow the communication infrastructure and facilities for which tax increment is used to be used by any other provider of communication service on a fair, equitable, and nondiscriminatory basis.

Enacted by Chapter 387, 2009 General Session

17C-1-416 Extension of collection period for project areas impacted by COVID-19 emergency -- Requirements -- Limitations.

(1) For purposes of this section:

- (a) "COVID-19 emergency" means the same as that term is defined in Section 53-2c-102.
- (b) "Extension period" means the period of an impacted project area's project area funds collection period that is the result of an extension under this section.
- (c) "Impacted project area" means a project area:
 - (i) from which an agency expects to receive tax increment;
 - (ii) that is subject to a project area funds collection period;
 - (iii) that is subject to a project area plan that was adopted on or before December 31, 2019; and
 - (iv) in which the agency determines the conditions resulting from the COVID-19 emergency will likely:
 - (A) delay the agency's implementation of the project area plan; or
 - (B) cause the agency to receive an amount of tax increment from the project area that is less than the amount of tax increment the agency expected the agency would receive from the project area.
- (d) "Tax increment" includes additional tax increment as that term is defined in Section 17C-1-403.

- (2)
 - (a) Subject to Subsection (3), an agency may extend the project area funds collection period of an impacted project area for a period not to exceed two years from the day on which the project area funds collection period ends if:
 - (i) the board adopts a resolution on or before December 31, 2021, describing:
 - (A) the conditions resulting from the COVID-19 emergency that the board determines will likely delay the implementation of the project area plan or reduce the amount of tax increment that the agency receives from the impacted project area;
 - (B) why an extension of the project area funds collection period is needed; and
 - (C) the date on which the extension period will end; and
 - (ii) no later than November 1 of the year immediately preceding the year in which the project area funds collection period, not including any extension under this section, ends, the agency mails or electronically submits a copy of the resolution described in Subsection (2)(a)(i) to:
 - (A) the State Tax Commission;
 - (B) the State Board of Education;
 - (C) the state auditor;
 - (D) the auditor of the county in which the impacted project area is located; and
 - (E) each taxing entity affected by the agency's collection of tax increment from the impacted project area.
 - (b) Notwithstanding any other provision of law, an agency is not required to obtain taxing entity or taxing entity committee approval to extend a project area funds collection period under this section.

- (c) An extension of a project area funds collection period under this section takes effect on the day on which the agency mails or electronically submits a copy of the resolution described in Subsection (2)(a)(i) to each entity specified in Subsection (2)(a)(ii).
- (3)
 - (a) This section does not allow an agency to change:
 - (i) the amount or percentage of tax increment that the agency is authorized to receive from the impacted project area in the final two years of the project area funds collection period; or
 - (ii) the cumulative dollar amount of tax increment that the agency is authorized to receive from the impacted project area, if the agency's receipt of tax increment is limited to a maximum cumulative dollar amount.
 - (b) An agency that extends a project area funds collection period under this section shall use any tax increment received during the extension period in the same manner as provided in:
 - (i) the project area plan; and
 - (ii)
 - (A) the project area budget; or
 - (B) the resolution or interlocal agreement authorizing the agency to receive tax increment from the impacted project area.
 - (c)
 - (i) An extension of a project area funds collection period under this section does not automatically extend the payment of tax increment under a previously approved participation agreement for the extension period, regardless of any contrary term in the participation agreement.
 - (ii) An agency that extends a project area funds collection period under this section may only extend the payment of tax increment under a previously approved participation agreement for the extension period by:
 - (A) amending the previously approved participation agreement; or
 - (B) entering into a new participation agreement.
 - (d) Nothing in this section limits the right of an agency to extend the agency's collection of tax increment as otherwise provided in this title.

Enacted by Chapter 11, 2020 Special Session 6

Part 5 Agency Bonds

17C-1-501.1 Title.

This part is known as "Agency Bonds."

Enacted by Chapter 350, 2016 General Session

17C-1-501.5 Resolution authorizing issuance of agency bonds -- Characteristics of bonds.

- (1) An agency may not issue a bond under this part unless the board first adopts a resolution authorizing the bond issuance.
- (2)
 - (a) As provided in the agency resolution authorizing the issuance of a bond under this part or the trust indenture under which the bond is issued, a bond issued under this part may be issued

in one or more series and may be sold at public or private sale and in the manner provided in the resolution or indenture.

- (b) A bond issued by an agency under this part shall bear the date, be payable at the time, bear interest at the rate, be in the denomination and in the form, carry the conversion or registration privileges, have the rank or priority, be executed in the manner, be subject to the terms of redemption or tender, with or without premium, be payable in the medium of payment and at the place, and have other characteristics as provided in the agency resolution authorizing the bond issuance or the trust indenture under which the bond is issued.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-502 Sources from which bonds may be made payable -- Agency powers regarding bonds.

- (1) An agency may pay the principal and interest on a bond issued by the agency from:
 - (a) the income and revenues of the project area development financed with the proceeds of the bond;
 - (b) the income and revenue of certain designated project area development regardless of whether the project area development is financed in whole or in part with the proceeds of the bond;
 - (c) the income, proceeds, revenue, property, or agency funds derived from or held in connection with the agency's undertaking and implementation of project area development;
 - (d) project area funds;
 - (e) agency revenues generally;
 - (f) a contribution, loan, grant, or other financial assistance from a public entity in aid of project area development, including the assignment of revenue or taxes in support of an agency bond;
 - (g) project area incremental revenue or property tax revenue as those terms are defined in Section 17C-1-1001; or
 - (h) funds derived from any combination of the methods listed in Subsections (1)(a) through (g).
- (2) In connection with the issuance of an agency bond, an agency may:
 - (a) pledge all or any part of the agency's gross or net rents, fees, or revenues to which the agency's right then exists or may thereafter come into existence;
 - (b) encumber by mortgage, deed of trust, or otherwise all or any part of the agency's real or personal property, then owned or thereafter acquired; and
 - (c) make the covenants and take the action that:
 - (i) may be necessary, convenient, or desirable to secure the bond; or
 - (ii) except as otherwise provided in this chapter, will tend to make the bond more marketable, even though such covenants or actions are not specifically enumerated in this chapter.

Amended by Chapter 214, 2021 General Session

17C-1-503 Signature of officer who leaves office.

If an agency officer whose signature appears on a bond issued under this part leaves office before delivery of the bond, the signature shall continue to be valid as if the official had remained in office until delivery of the bond.

Renumbered and Amended by Chapter 359, 2006 General Session

**17C-1-504 Contesting the legality of resolution authorizing bonds -- Time limit --
Presumption.**

- (1) Any person may contest the legality of the resolution authorizing issuance of the bond or any provisions for the security and payment of the bond for a period of 30 days after:
 - (a) publication of the resolution authorizing the bond; or
 - (b) publication of a notice of bond containing substantially the items required under Subsection 11-14-316(2).
- (2) After the 30-day period described in Subsection (1), no person may bring a lawsuit or other proceeding contesting the regularity, formality, or legality of the bond for any reason.
- (3) In a lawsuit or other proceeding involving the question of whether a bond issued under this part is valid or enforceable or involving the security for a bond, if a bond recites that the agency issued the bond in connection with project area development:
 - (a) the bond shall be conclusively presumed to have been issued for that purpose; and
 - (b) the project area plan and project area shall be conclusively presumed to have been properly formed, adopted, planned, located, and implemented in accordance with this title.

Amended by Chapter 350, 2016 General Session

17C-1-505 Authority to purchase agency bonds.

- (1) Any person, firm, corporation, association, political subdivision of the state, or other entity or public or private officer may purchase a bond issued by an agency under this part with funds owned or controlled by the purchaser.
- (2) Nothing in this section may be construed to relieve a purchaser of an agency bond of any duty to exercise reasonable care in selecting securities.

Amended by Chapter 350, 2016 General Session

17C-1-506 Those executing bonds not personally liable -- Limitation of obligations under bonds -- Negotiability.

- (1) A member of a board or other person executing an agency bond is not liable personally on the bond.
- (2)
 - (a) A bond issued by an agency is not a general obligation or liability of the community, the state, or any of the state's political subdivisions and does not constitute a charge against their general credit or taxing powers.
 - (b) A bond issued by an agency is not payable out of any funds or properties other than those of the agency.
 - (c) The community, the state, and the state's political subdivisions may not be liable on a bond issued by an agency.
 - (d) A bond issued by an agency does not constitute indebtedness within the meaning of any constitutional or statutory debt limitation.
- (3) A bond issued by an agency under this part is fully negotiable.

Amended by Chapter 350, 2016 General Session

17C-1-507 Obligee rights -- Board may confer other rights.

- (1) In addition to all other rights that are conferred on an obligee of a bond issued by an agency under this part and subject to contractual restrictions binding on the obligee, an obligee may:

- (a) by mandamus, suit, action, or other proceeding, compel an agency and the agency's board, officers, agents, or employees to perform every term, provision, and covenant contained in any contract of the agency with or for the benefit of the obligee, and require the agency to carry out the covenants and agreements of the agency and to fulfill all duties imposed on the agency by this part; and
 - (b) by suit, action, or other proceeding, enjoin any acts or things that may be unlawful or violate the rights of the obligee.
- (2)
- (a) In a board resolution authorizing the issuance of a bond or in a trust indenture, mortgage, lease, or other contract, a board may confer upon an obligee holding or representing a specified amount in bonds, the rights described in Subsection (2)(b), to accrue upon the happening of an event or default prescribed in the resolution, indenture, mortgage, lease, or other contract, and to be exercised by suit, action, or proceeding in any court of competent jurisdiction.
 - (b)
 - (i) The rights that the board may confer under Subsection (2)(a) are the rights to:
 - (A) cause possession of all or part of the project area development to be surrendered to an obligee;
 - (B) obtain the appointment of a receiver of all or part of an agency's project area development and of the rents and profits from the project area development; and
 - (C) require the agency and the board and employees to account as if the agency and the board and employees were the trustees of an express trust.
 - (ii) If a receiver is appointed through the exercise of a right granted under Subsection (2)(b)(i) (B), the receiver:
 - (A) may enter and take possession of the project area development or any part of the project area development, operate and maintain the project area development, and collect and receive all fees, rents, revenues, or other charges arising from the project area development after the receiver's appointment; and
 - (B) shall keep money collected as receiver for the agency in a separate account and apply the money pursuant to the agency obligations as the court directs.

Amended by Chapter 350, 2016 General Session

17C-1-508 Bonds exempt from taxes -- Agency may purchase an agency's own bonds.

- (1) A bond issued by an agency under this part is issued for an essential public and governmental purpose and is, together with interest on the bond and income from it, exempt from all state taxes except the corporate franchise tax.
- (2) An agency may purchase the agency's own bonds at a price that the board determines.
- (3) Nothing in this section may be construed to limit the right of an obligee to pursue a remedy for the enforcement of a pledge or lien given under this part by an agency on the agency's rents, fees, grants, properties, or revenues.

Amended by Chapter 350, 2016 General Session

Part 6
Agency Annual Report, Budget, and Audit Requirements

17C-1-601.1 Title.

This part is known as "Agency Annual Report, Budget, and Audit Requirements."

Enacted by Chapter 350, 2016 General Session

17C-1-601.5 Annual agency budget -- Fiscal year -- Public hearing required -- Notice -- Auditor forms -- Requirement to file form.

- (1) Each agency shall prepare an annual budget of the agency's revenues and expenditures for each fiscal year.
- (2) The board shall adopt each agency budget:
 - (a) for an agency created by a municipality, before June 30; or
 - (b) for an agency created by a county, before December 15.
- (3) The agency's fiscal year shall be the same as the fiscal year of the community that created the agency.
- (4)
 - (a) Before adopting an annual budget, each board shall hold a public hearing on the annual budget.
 - (b) Each agency shall provide notice of the public hearing on the annual budget for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for at least one week before the day of the public hearing.
 - (c) Each agency shall make the annual budget available for public inspection at least three days before the date of the public hearing.
- (5) The state auditor shall prescribe the budget forms and the categories to be contained in each annual budget, including:
 - (a) revenues and expenditures for the budget year;
 - (b) legal fees; and
 - (c) administrative costs, including rent, supplies, and other materials, and salaries of agency personnel.
- (6)
 - (a) Within 90 days after adopting an annual budget, each board shall file a copy of the annual budget with the auditor of the county in which the agency is located, the State Tax Commission, the state auditor, the State Board of Education, and each taxing entity from which the agency receives project area funds.
 - (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the state as a taxing entity is met if the agency files a copy with the State Tax Commission and the state auditor.

Amended by Chapter 435, 2023 General Session

17C-1-602 Amending the agency annual budget.

- (1) A board may by resolution amend an annual budget.
- (2) An amendment to an annual budget that would increase the total expenditures may be made only after a public hearing is held in accordance with Subsection 17C-1-601.5(4).
- (3) An agency may not make expenditures in excess of the total expenditures established in the annual budget as the annual budget is adopted or amended.

Amended by Chapter 350, 2016 General Session

17C-1-603 Reporting requirements -- Governor's Office of Economic Opportunity to maintain a database.

- (1) On or before June 1, 2022, the Governor's Office of Economic Opportunity shall:
 - (a) create a database to track information for each agency located within the state; and
 - (b) make the database publicly accessible from the office's website.
- (2)
 - (a) The Governor's Office of Economic Opportunity may:
 - (i) contract with a third party to create and maintain the database described in Subsection (1); and
 - (ii) charge a fee for a county, city, or agency to provide information to the database described in Subsection (1).
 - (b) The Governor's Office of Economic Opportunity shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a fee schedule for the fee described in Subsection (2)(a)(ii).
- (3) Beginning in 2022, on or before June 30 of each calendar year, an agency shall, for each active project area for which the project area funds collection period has not expired, provide to the database described in Subsection (1) the following information:
 - (a) an assessment of the change in marginal value, including:
 - (i) the base year;
 - (ii) the base taxable value;
 - (iii) the prior year's assessed value;
 - (iv) the estimated current assessed value;
 - (v) the percentage change in marginal value; and
 - (vi) a narrative description of the relative growth in assessed value;
 - (b) the amount of project area funds the agency received for each year of the project area funds collection period, including:
 - (i) a comparison of the actual project area funds received for each year to the amount of project area funds forecasted for each year when the project area was created, if available;
 - (ii)
 - (A) the agency's historical receipts of project area funds, including the tax year for which the agency first received project area funds from the project area; or
 - (B) if the agency has not yet received project area funds from the project area, the year in which the agency expects each project area funds collection period to begin;
 - (iii) a list of each taxing entity that levies or imposes a tax within the project area and a description of the benefits that each taxing entity receives from the project area; and
 - (iv) the amount paid to other taxing entities under Section 17C-1-410, if applicable;
 - (c) a description of current and anticipated project area development, including:
 - (i) a narrative of any significant project area development, including infrastructure development, site development, participation agreements, or vertical construction; and
 - (ii) other details of development within the project area, including:
 - (A) the total developed acreage;
 - (B) the total undeveloped acreage;
 - (C) the percentage of residential development; and
 - (D) the total number of housing units authorized, if applicable;
 - (d) the project area budget, if applicable, or other project area funds analyses, including:
 - (i) each project area funds collection period, including:
 - (A) the start and end date of the project area funds collection period; and

- (B) the number of years remaining in each project area funds collection period;
 - (ii) the amount of project area funds the agency is authorized to receive from the project area cumulatively and from each taxing entity, including:
 - (A) the total dollar amount; and
 - (B) the percentage of the total amount of project area funds generated within the project area;
 - (iii) the remaining amount of project area funds the agency is authorized to receive from the project area cumulatively and from each taxing entity; and
 - (iv) the amount of project area funds the agency is authorized to use to pay for the agency's administrative costs, as described in Subsection 17C-1-409(1), including:
 - (A) the total dollar amount; and
 - (B) the percentage of the total amount of all project area funds;
 - (e) the estimated amount of project area funds that the agency is authorized to receive from the project area for the current calendar year;
 - (f) the estimated amount of project area funds to be paid to the agency for the next calendar year;
 - (g) a map of the project area; and
 - (h) any other relevant information the agency elects to provide.
- (4) Any information an agency submits in accordance with this section:
- (a) is for informational purposes only; and
 - (b) does not alter the amount of project area funds that an agency is authorized to receive from a project area.
- (5) The provisions of this section apply regardless of when the agency or project area is created.
- (6) On or before September 1 of each year, the Governor's Office of Economic Opportunity shall prepare and submit an annual written report to the Political Subdivisions Interim Committee that identifies:
- (a) the agencies that complied with the reporting requirements of this section during the preceding reporting period; and
 - (b) any agencies that failed to comply with the reporting requirements of this section during the preceding reporting period.

Amended by Chapter 499, 2023 General Session

17C-1-604 Audit requirements.

Each agency shall comply with the audit requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

Renumbered and Amended by Chapter 359, 2006 General Session

17C-1-605 Audit report.

- (1) Each agency required to be audited under Section 17C-1-604 shall, within 180 days after the end of the agency's fiscal year, file a copy of the audit report with the county auditor, the State Tax Commission, the State Board of Education, and each taxing entity from which the agency receives tax increment.
- (2) Each audit report under Subsection (1) shall include:
 - (a) the tax increment collected by the agency for each project area;
 - (b) the amount of tax increment paid to each taxing entity under Section 17C-1-410;
 - (c) the outstanding principal amount of bonds issued or other loans incurred to finance the costs associated with the agency's project areas;

- (d) the amount of property tax revenue generated under Part 10, Agency Taxing Authority; and
- (e) the actual amount expended for:
 - (i) acquisition of property;
 - (ii) site improvements or site preparation costs;
 - (iii) installation of public utilities or other public improvements; and
 - (iv) administrative costs of the agency.

Amended by Chapter 214, 2021 General Session

17C-1-606 County auditor report on project areas.

- (1)
 - (a) On or before March 31 of each year, the auditor of each county in which an agency is located shall prepare a report on the project areas within each agency.
 - (b) The county auditor shall send a copy of each report under Subsection (1)(a) to the agency that is the subject of the report, the State Tax Commission, the State Board of Education, and each taxing entity from which the agency receives tax increment.
- (2) Each report under Subsection (1)(a) shall report:
 - (a) the total assessed property value within each project area for the previous tax year;
 - (b) the base taxable value of each project area for the previous tax year;
 - (c) the tax increment available to be paid to the agency for the previous tax year;
 - (d) the tax increment requested by the agency for the previous tax year; and
 - (e) the tax increment paid to the agency for the previous tax year.
- (3) Within 30 days after a request by an agency, the State Tax Commission, the State Board of Education, or any taxing entity from which the agency receives tax increment, the county auditor or the county assessor shall provide access to:
 - (a) the county auditor's method and calculations used to make adjustments under Section 17C-1-408;
 - (b) the unequalized assessed valuation of an existing or proposed project area, or any parcel or parcels within an existing or proposed project area, if the equalized assessed valuation has not yet been determined for that year;
 - (c) the most recent equalized assessed valuation of an existing or proposed project area or any parcel or parcels within an existing or proposed project area; and
 - (d) the tax rate of each taxing entity adopted as of November 1 for the previous tax year.
- (4) Each report described in Subsection (1)(a) shall include:
 - (a) sufficient detail regarding the calculations performed by a county auditor so that an agency or other interested party could repeat and verify the calculations; and
 - (b) a detailed explanation of any adjustments made to the base taxable value of each project area.

Amended by Chapter 350, 2016 General Session

17C-1-607 State Tax Commission and county assessor required to account for new growth.

Upon the expiration of a project area funds collection period, the State Tax Commission and the assessor of each county in which a project area is located shall count as new growth the assessed value of property with respect to which the taxing entity is receiving taxes or increased taxes for the first time.

Amended by Chapter 350, 2016 General Session

17C-1-608 Registration as a limited purpose entity.

- (1) Each community reinvestment agency shall register and maintain the community reinvestment agency's registration as a limited purpose entity, in accordance with Section 67-1a-15.
- (2) A community reinvestment agency that fails to comply with Subsection (1) or Section 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.

Enacted by Chapter 256, 2018 General Session

17C-1-609 Agency reporting limitations.

Except as required under this title, an agency is not required to submit to a public entity information or a report related to the agency's operations or project areas.

Enacted by Chapter 333, 2019 General Session

Part 7
Agency and Project Area Dissolution

17C-1-701.1 Title.

This part is known as "Agency and Project Area Dissolution."

Enacted by Chapter 350, 2016 General Session

17C-1-701.5 Agency dissolution -- Restrictions -- Notice -- Recording requirements -- Agency records -- Dissolution expenses.

- (1)
 - (a) Subject to Subsection (1)(b), the community legislative body may, by ordinance, dissolve an agency.
 - (b) A community legislative body may adopt an ordinance described in Subsection (1)(a) only if the agency has no outstanding bonded indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual obligations with a person other than the community.
- (2)
 - (a) The community legislative body shall:
 - (i) within 10 days after adopting an ordinance described in Subsection (1), file with the lieutenant governor a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 - (ii) upon the lieutenant governor's issuance of a certificate of dissolution under Section 67-1a-6.5, submit to the recorder of the county in which the agency is located:
 - (A) the original notice of an impending boundary action;
 - (B) the original certificate of dissolution; and
 - (C) a certified copy of the ordinance that dissolves the agency.
 - (b) Upon the lieutenant governor's issuance of the certificate of dissolution under Section 67-1a-6.5, the agency is dissolved.
 - (c) Within 10 days after receiving the certificate of dissolution from the lieutenant governor under Section 67-1a-6.5, the community legislative body shall send a copy of the certificate of

dissolution and the ordinance adopted under Subsection (1) to the State Board of Education, and each taxing entity.

- (d) The community legislative body shall post a notice of dissolution for the community, as a class A notice under Section 63G-30-102, for at least 10 days.
- (3) The books, documents, records, papers, and seal of each dissolved agency shall be deposited for safekeeping and reference with the recorder of the community that dissolved the agency.
- (4) The agency shall pay all expenses of the dissolution.

Amended by Chapter 435, 2023 General Session

17C-1-702 Project area dissolution.

- (1) Regardless of when a project area funds collection period ends, the project area remains in existence until:
 - (a) the agency adopts a resolution dissolving the project area; and
 - (b) the community legislative body adopts an ordinance dissolving the project area.
- (2) The ordinance described in Subsection (1)(b) shall include:
 - (a) the name of the project area; and
 - (b) a project area map or boundary description.
- (3) Within 30 days after the day on which the community legislative body adopts an ordinance described in Subsection (1)(b), the community legislative body shall:
 - (a) submit a copy of the ordinance to the county recorder of the county in which the dissolved project area is located; and
 - (b) mail or electronically submit a copy of the ordinance to the county auditor, the State Tax Commission, the State Board of Education, and each taxing entity that levies or imposes a tax on property within the dissolved project area.

Enacted by Chapter 350, 2016 General Session

Part 8
Hearing and Notice Requirements

17C-1-801 Title.

This part is known as "Hearing and Notice Requirements."

Enacted by Chapter 350, 2016 General Session

17C-1-802 Combining hearings.

A board may combine any combination of a development impediment hearing, a plan hearing, and a budget hearing.

Amended by Chapter 376, 2019 General Session

17C-1-803 Continuing a hearing.

Subject to Section 17C-1-804, the board may continue:

- (1) a development impediment hearing;
- (2) a plan hearing;

- (3) a budget hearing; or
- (4) a combined hearing under Section 17C-1-802.

Amended by Chapter 376, 2019 General Session

17C-1-804 Notice required for continued hearing.

The board shall give notice of a hearing continued under Section 17C-1-803 by announcing at the hearing:

- (1) the date, time, and place the hearing will be resumed; or
- (2)
 - (a) that the hearing is being continued to a later time; and
 - (b) that the board will cause a notice of the continued hearing to be published for the community, as a class A notice under Section 63G-30-102, for at least seven days before the day on which the hearing is scheduled to resume.

Amended by Chapter 435, 2023 General Session

17C-1-805 Agency to provide notice of hearings.

- (1) Each agency shall provide notice, in accordance with this part, of each:
 - (a) development impediment hearing;
 - (b) plan hearing; or
 - (c) budget hearing.
- (2) The notice required under Subsection (1) may be combined with the notice required for any of the other hearings if the hearings are combined under Section 17C-1-802.

Amended by Chapter 376, 2019 General Session

17C-1-806 Requirements for notice provided by agency.

- (1) The notice required by Section 17C-1-805 shall be given by:
 - (a) publishing notice for the county, as a class A notice under Section 63G-30-102, for at least 14 days before the day on which the hearing is held; and
 - (b) at least 30 days before the hearing, mailing notice to:
 - (i) each record owner of property located within the project area or proposed project area;
 - (ii) the State Tax Commission;
 - (iii) the assessor and auditor of the county in which the project area or proposed project area is located; and
 - (iv)
 - (A) if a project area is subject to a taxing entity committee, each member of the taxing entity committee and the State Board of Education; or
 - (B) if a project area is not subject to a taxing entity committee, the legislative body or governing board of each taxing entity within the boundaries of the project area or proposed project area.
- (2) The mailing of the notice to record property owners required under Subsection (1)(b)(i) shall be conclusively considered to have been properly completed if:
 - (a) the agency mails the notice to the property owners as shown in the records, including an electronic database, of the county recorder's office and at the addresses shown in those records; and

- (b) the county recorder's office records used by the agency in identifying owners to whom the notice is mailed and their addresses were obtained or accessed from the county recorder's office no earlier than 30 days before the mailing.
- (3) The agency shall include in each notice required under Section 17C-1-805:
 - (a)
 - (i) a boundary description of the project area or proposed project area; or
 - (ii)
 - (A) a mailing address or telephone number where a person may request that a copy of the boundary description be sent at no cost to the person by mail, email, or facsimile transmission; and
 - (B) if the agency or community has an Internet website, an Internet address where a person may gain access to an electronic, printable copy of the boundary description and other related information;
 - (b) a map of the boundaries of the project area or proposed project area;
 - (c) an explanation of the purpose of the hearing; and
 - (d) a statement of the date, time, and location of the hearing.
- (4) The agency shall include in each notice under Subsection (1)(b):
 - (a) a statement that property tax revenue resulting from an increase in valuation of property within the project area or proposed project area will be paid to the agency for project area development rather than to the taxing entity to which the tax revenue would otherwise have been paid if:
 - (i)
 - (A) the taxing entity committee consents to the project area budget; or
 - (B) one or more taxing entities agree to share property tax revenue under an interlocal agreement; and
 - (ii) the project area plan provides for the agency to receive tax increment; and
 - (b) an invitation to the recipient of the notice to submit to the agency comments concerning the subject matter of the hearing before the date of the hearing.
- (5) An agency may include in a notice under Subsection (1) any other information the agency considers necessary or advisable, including the public purpose achieved by the project area development and any future tax benefits expected to result from the project area development.

Amended by Chapter 435, 2023 General Session

17C-1-807 Additional requirements for notice of a development impediment hearing.

- Each notice under Section 17C-1-806 for a development impediment hearing shall also include:
- (1) a statement that:
 - (a) a project area is being proposed;
 - (b) the proposed project area may be determined to have a development impediment;
 - (c) the record owner of property within the proposed project area has the right to present evidence at the development impediment hearing contesting the existence of a development impediment;
 - (d) except for a hearing continued under Section 17C-1-803, the agency will notify the record owner of property referred to in Subsection 17C-1-806(1)(b)(i) of each additional public hearing held by the agency concerning the proposed project area before the adoption of the project area plan; and

- (e) a person contesting the existence of a development impediment in the proposed project area may appear before the board and show cause why the proposed project area should not be designated as a project area; and
- (2) if the agency anticipates acquiring property in an urban renewal project area or a community reinvestment project area by eminent domain, a clear and plain statement that:
 - (a) the project area plan may require the agency to use eminent domain; and
 - (b) the proposed use of eminent domain will be discussed at the development impediment hearing.

Amended by Chapter 376, 2019 General Session

17C-1-808 Additional requirements for notice of a plan hearing.

Each notice under Section 17C-1-806 of a plan hearing shall also include:

- (1) a statement that any person objecting to the proposed project area plan or contesting the regularity of any of the proceedings to adopt the proposed project area plan may appear before the board at the hearing to show cause why the proposed project area plan should not be adopted; and
- (2) a statement that the proposed project area plan is available for inspection at the agency offices.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-809 Additional requirements for notice of a budget hearing.

Each notice under Section 17C-1-806 of a budget hearing shall contain:

- (1) the following statement:

"The (name of agency) has requested \$_____ in property tax revenues that will be generated by development within the (name of project area) to fund a portion of project costs within the (name of project area). These property tax revenues will be used for the following: (list major budget categories and amounts). These property taxes will be taxes levied by the following governmental entities, and, assuming current tax rates, the taxes paid to the agency for this project area from each taxing entity will be as follows: (list each taxing entity levying taxes and the amount of total taxes that would be paid from each taxing entity). All of the property taxes to be paid to the agency for the development in the project area are taxes that will be generated only if the project area is developed.

All concerned citizens are invited to attend the project area budget hearing scheduled for (date, time, and place of hearing). A copy of the (name of project area) project area budget is available at the offices of (name of agency and office address)."; and

- (2) other information that the agency considers appropriate.

Renumbered and Amended by Chapter 350, 2016 General Session

**Part 9
Eminent Domain**

17C-1-901 Title.

This part is known as "Eminent Domain."

Enacted by Chapter 350, 2016 General Session

17C-1-902 Use of eminent domain -- Conditions.

- (1) Except as provided in Subsection (2), an agency may not use eminent domain to acquire property.
- (2) Subject to the provisions of this part, an agency may, in accordance with Title 78B, Chapter 6, Part 5, Eminent Domain, use eminent domain to acquire an interest in property:
 - (a) within an urban renewal project area if:
 - (i) the board makes a development impediment determination under Chapter 2, Part 3, Development Impediment Determination in Urban Renewal Project Areas; and
 - (ii) the urban renewal project area plan provides for the use of eminent domain;
 - (b) that is owned by an agency board member or officer and located within a project area, if the board member or officer consents;
 - (c) within a community reinvestment project area if:
 - (i) the board makes a development impediment determination under Chapter 5, Part 4, Development Impediment Determination in a Community Reinvestment Project Area;
 - (ii)
 - (A) the original community reinvestment project area plan provides for the use of eminent domain; or
 - (B) the community reinvestment project area plan is amended in accordance with Subsection 17C-5-112(4); and
 - (iii) the agency creates a taxing entity committee in accordance with Section 17C-1-402;
 - (d) that:
 - (i) is owned by a participant or a property owner that is entitled to receive tax increment or other assistance from the agency;
 - (ii) is within a project area, regardless of when the project area is created, for which the board made a development impediment determination under Chapter 2, Part 3, Development Impediment Determination in Urban Renewal Project Areas, or Chapter 5, Part 4, Development Impediment Determination in a Community Reinvestment Project Area; and
 - (iii)
 - (A) the participant or property owner described in Subsection (2)(d)(i) fails to develop or improve in accordance with the participation agreement or the project area plan; or
 - (B) for a period of 36 months does not generate the amount of tax increment that the agency projected to receive under the project area budget; or
 - (e) if a property owner requests in writing that the agency exercise eminent domain to acquire the property owner's property within a project area.
- (3) An agency shall, in accordance with the provisions of this part, commence the acquisition of property described in Subsections (2)(a) through (c) by adopting a resolution authorizing eminent domain within five years after the day on which the project area plan is effective.

Amended by Chapter 376, 2019 General Session

17C-1-903 Prerequisites to the acquisition of property by eminent domain -- Civil action authorized -- Record of good faith negotiations to be retained.

- (1) Before an agency may initiate an action in district court to acquire property by eminent domain, the agency shall:
 - (a) negotiate in good faith with the affected record property owner;
 - (b) provide to each affected record property owner a written declaration that includes:

- (i) an explanation of the eminent domain process and the reasons for using it, including:
 - (A) the need for the agency to obtain an independent appraisal that indicates the fair market value of the property and how the fair market value was determined;
 - (B) a statement that the agency may adopt a resolution authorizing the agency to make an offer to the record property owner to purchase the property for the fair market value amount determined by the appraiser and that, if the offer is rejected, the agency has the right to acquire the property through an eminent domain proceeding; and
 - (C) a statement that the agency will prepare an offer that will include the price the agency is offering for the property, an explanation of how the agency determined the price being offered, the legal description of the property, conditions of the offer, and the time at which the offer will expire;
 - (ii) an explanation of the record property owner's relocation rights under Title 57, Chapter 12, Utah Relocation Assistance Act, and how to receive relocation assistance; and
 - (iii) a statement that the owner has the right to receive just compensation and an explanation of how to obtain it; and
- (c) provide to the affected record property owner or the owner's designated representative a notice that is printed in a type size of at least ten-point type that contains:
- (i) a description of the property to be acquired;
 - (ii) the name of the agency acquiring the property and the agency's contact person and telephone number; and
 - (iii) a copy of Title 57, Chapter 12, Utah Relocation Assistance Act.
- (2) A person may bring a civil action against an agency for a violation of Subsection (1)(b) that results in damage to that person.
- (3) Each agency shall keep a record and evidence of the good faith negotiations required under Subsection (1)(a) and retain the record and evidence as provided in:
- (a) Title 63G, Chapter 2, Government Records Access and Management Act; or
 - (b) an ordinance or policy that the agency had adopted under Section 63G-2-701.
- (4) A record property owner whose property is being taken by an agency through the exercise of eminent domain may elect to receive for the real property being taken:
- (a) fair market value; or
 - (b) replacement property under Section 57-12-7.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-904 Acquiring single family owner occupied residential property or commercial property -- Acquiring property already devoted to a public use -- Relocation assistance requirement.

- (1) As used in this section:
- (a) "Commercial property" means real property used, in whole or in part, by the owner or possessor of the property for a commercial, industrial, retail, or other business purpose, regardless of the identity of the property owner.
 - (b) "Owner occupied property" means private real property that is:
 - (i) used for a single-family residential or commercial purpose; and
 - (ii) occupied by the owner of the property.
 - (c) "Relevant area" means:
 - (i) except as provided in Subsection (1)(c)(ii), the project area; or
 - (ii)

- (A) the area included within a phase of a project under a project area plan if the phase and the area included within the phase are described in the project area plan; or
 - (B) the parcel or parcels that are the subject of a community reinvestment project area plan amendment under Subsection 17C-5-112(4).
- (2) An agency may not initiate an action in district court to acquire by eminent domain a residential owner occupied property unless:
- (a)
 - (i) a written petition requesting the agency to use eminent domain to acquire the property is submitted by the owners of at least 80% of the residential owner occupied property within the relevant area representing at least 70% of the value of residential owner occupied property within the relevant area; or
 - (ii) a written petition of 90% of the owners of real property, including property owned by the agency or a public entity within the project area, is submitted to the agency, requesting the use of eminent domain to acquire the property; and
 - (b) at least two-thirds of all board members vote in favor of using eminent domain to acquire the property.
- (3) An agency may not initiate an action in district court to acquire commercial owner occupied property by eminent domain unless:
- (a) a written petition requesting the agency to use eminent domain to acquire the property is submitted by the owners of at least 75% of the commercial property within the relevant area representing at least 60% of the value of commercial property within the relevant area; and
 - (b) at least two-thirds of all board members vote in favor of using eminent domain to acquire the property.
- (4) For purposes of this section an owner is considered to have signed a petition if:
- (a) owners representing a majority ownership interest in the property sign the petition; or
 - (b) if the property is owned by joint tenants or tenants by the entirety, 50% of the number of owners of the property sign the petition.
- (5) An agency may not acquire by eminent domain any real property on which an existing building is to be continued on the building's present site and in the building's present form and use unless:
- (a) the building requires structural alteration, improvement, modernization, or rehabilitation;
 - (b) the site or lot on which the building is situated requires modification in size, shape, or use; or
 - (c)
 - (i) it is necessary to impose upon the property a standard, restriction, or control of the project area plan; and
 - (ii) the owner fails or refuses to agree to participate in the project area plan.
- (6) An agency may not acquire by eminent domain property that is owned by a public entity.
- (7) An agency that acquires property by eminent domain shall comply with Title 57, Chapter 12, Utah Relocation Assistance Act.

Amended by Chapter 456, 2017 General Session

17C-1-905 Court award for court costs and attorney fees, relocation expenses, and damage to fixtures or personal property.

In an eminent domain action under this part, the court may award:

- (1) costs and reasonable attorney fees to the condemnee if the amount of the court or jury award for the property exceeds the amount offered by the agency;

- (2) a reasonable sum, as determined by the court or jury, as compensation for any costs or expenses relating to relocating:
 - (a) an owner who occupied the acquired property;
 - (b) a party conducting a business on the acquired property; or
 - (c) a person displaced from the property, as permitted by Title 57, Chapter 12, Utah Relocation Assistance Act; and
- (3) an amount to compensate for any fixtures or personal property that is:
 - (a) owned by the owner of the acquired property or by a person conducting a business on the acquired property; and
 - (b) damaged as a result of the acquisition or relocation.

Renumbered and Amended by Chapter 350, 2016 General Session

Part 10

Agency Taxing Authority

17C-1-1001 Definitions.

As used in this part:

- (1)
 - (a) "Agency-wide project development" means activity within the agency's boundaries that, as determined by the board, encourages, promotes, or provides development or redevelopment for the purpose of achieving the results described in an implementation plan, including affordable housing.
 - (b) "Agency-wide project development" does not include project area development under a project area plan.
- (2) "Certified tax rate" means the same as that term is defined in Section 59-2-924.
- (3) "Cooperative development project" means project area development with impacts that extend beyond an agency's geographic boundaries to the benefit of two or more communities.
- (4) "Economic development project" means project area development for the purpose of:
 - (a) creating, developing, attracting, and retaining business;
 - (b) creating or preserving jobs;
 - (c) stimulating business and economic activity; or
 - (d) providing a local incentive as required by the Governor's Office of Economic Opportunity under Title 63N, Economic Opportunity Act.
- (5) "Eligible taxing entity" means a taxing entity that:
 - (a) is a municipality, a county, or a school district; and
 - (b) contains an agency partially or completely within the taxing entity's geographic boundaries.
- (6) "Implementation plan" means a plan adopted in accordance with Section 17C-1-1004 that:
 - (a) describes how the agency uses property tax revenue; and
 - (b) guides and controls agency-wide project development.
- (7) "Project area incremental revenue" means the amount of revenue generated by the incremental value that a taxing entity receives after a project area funds collection period ends.
- (8) "Property tax revenue" means the amount of revenue generated by an agency from the property within the agency using the current taxable value of the property and the agency's certified tax rate.

Enacted by Chapter 214, 2021 General Session

17C-1-1002 Transferring project area incremental revenue -- Agency may levy a property tax.

- (1) An agency and an eligible taxing entity may enter into an interlocal agreement for the purpose of transferring all or a portion of the eligible taxing entity's project area incremental revenue.
- (2) An agency shall ensure that an interlocal agreement described in Subsection (1):
 - (a) identifies each project area that is subject to the interlocal agreement;
 - (b) is adopted by the board and the taxing entity in accordance with Section 17C-1-1003;
 - (c) for each project area:
 - (i) states the amount of project area incremental revenue that the eligible taxing entity agrees to transfer to the agency;
 - (ii) states the year in which the eligible taxing entity will transfer the amount described in Subsection (2)(c)(i); and
 - (iii) for the year described in Subsection (2)(c)(ii), requires the agency to add the project area incremental revenue transferred in the agency's budget;
 - (d) includes a copy of the implementation plan described in Section 17C-1-1004;
 - (e) requires the agency to dissolve, in accordance with Section 17C-1-702, any project area:
 - (i) that is subject to the interlocal agreement; and
 - (ii) for which the project area funds collection period will expire; and
 - (f) is filed with the county auditor, the State Tax Commission, and the eligible taxing entity.
- (3) If an agency and an eligible taxing entity enter into an interlocal agreement under this section:
 - (a) subject to Subsection (4) and Section 17C-1-1004, the agency may levy a property tax on taxable property within the agency's geographic boundaries; and
 - (b) except as provided in Subsection (5), the agency may not:
 - (i) create a new community reinvestment project area within the taxing entity's geographic boundaries; or
 - (ii) amend a project area plan or budget if the amendment:
 - (A) enlarges the project area from which tax increment is collected;
 - (B) permits the agency to receive a greater amount of tax increment; or
 - (C) extends the project area funds collection period.
- (4)
 - (a) An agency may levy a property tax for a fiscal year that:
 - (i) is after the year in which the agency receives project area incremental revenue; and
 - (ii) begins on or after the January 1 on which the agency has authority to impose a property tax under this section.
 - (b) An agency board shall calculate the agency's certified tax rate in accordance with Section 59-2-924.
 - (c) An agency may levy a property tax rate that exceeds the agency's certified rate only if the agency complies with Sections 59-2-919 through 59-2-923.
- (5) For a cooperative development project or an economic development project, an agency may, in accordance with Chapter 5, Community Reinvestment:
 - (a) create a new community reinvestment project area; or
 - (b) amend a community reinvestment project area plan or budget.

Enacted by Chapter 214, 2021 General Session

17C-1-1003 Interlocal agreement -- Notice requirements -- Effective date.

- (1) An agency that enters into an interlocal agreement under Section 17C-1-1002 shall:
 - (a) adopt the interlocal agreement at an open and public meeting; and
 - (b) provide a notice, in accordance with Subsections (2) and (3), titled "Authorization to Levy a Property Tax."
- (2) Upon the execution of an interlocal agreement, the agency shall provide, subject to Subsection (3), notice of the execution by publishing the notice for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for at least 14 days.
- (3) A notice described in Subsection (2) shall include:
 - (a) a summary of the interlocal agreement; and
 - (b) a statement that the interlocal agreement:
 - (i) is available for public inspection and the place and the hours for inspection; and
 - (ii) authorizes the agency to:
 - (A) receive all or a portion of a taxing entity's project area incremental revenue; and
 - (B) levy a property tax on taxable property within the agency's boundaries.
- (4) An interlocal agreement described in Section 17C-1-1002 is effective the day on which the notice is published or posted in accordance with Subsections (2) and (3).
- (5) An eligible taxing entity that enters into an interlocal agreement under Section 17C-1-1002 shall make a copy of the interlocal agreement available to the public for inspecting and copying at the eligible taxing entity's office during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-1-1004 Plan hearing -- Implementation plan -- Use of an agency's property tax revenue -- Eminent domain.

- (1) Before an agency may levy a property tax, an agency board shall hold a plan hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements, to:
 - (a) adopt an implementation plan that:
 - (i) contains a boundary description and a map of the geographic area within which the agency will use the agency's property tax revenue;
 - (ii) contains a general description of the existing land uses, zoning, infrastructure conditions, population densities, and demographics of the area described in Subsection (1)(b)(i);
 - (iii) describes the physical, social, and economic conditions that exist in the area described in Subsection (1)(b)(i);
 - (iv) describes the goals and strategies that will guide the agency's use of property tax revenue;
 - (v) shows how agency-wide project development will further the purposes of this title;
 - (vi) is consistent with the general plan of the community that created the agency and shows that agency-wide project development will conform to the community's general plan;
 - (vii) generally describes the type of financial assistance and tools that the agency anticipates providing to participants;
 - (viii) includes an analysis or description of the anticipated public benefits resulting from agency-wide project development, including benefits to economic activity and taxing entities' tax bases;
 - (ix) includes any identified geographic target areas within which the agency will focus investment; and
 - (x) includes other information that the agency determines to be necessary or advisable;
 - (b) inform the public about:
 - (i) the amount of revenue that the agency will receive as property tax revenue that a participating taxing entity would have otherwise received;

- (ii) the property tax rate that the agency will levy;
 - (iii) any changes to the use of revenue; and
 - (iv) how the agency will be using property tax revenue under the implementation plan; and
 - (c) allow individuals present at the plan hearing to comment on the proposed property tax.
- (2) An agency that levies a property tax under this part shall allocate an amount of property tax revenue for housing:
- (a) in an amount that is the same as the agency's housing allocation under Section 17C-5-307 before entering into an interlocal agreement under Section 17C-1-1002; and
 - (b) for a period of time that is the same as the agency's project area funds collection period before entering into an interlocal agreement under Section 17C-1-1002.
- (3)
- (a) Except as provided in Subsection (3)(b), an agency that levies a property tax under this part may not use eminent domain to acquire property for agency-wide project development.
 - (b) An agency that levies a property tax under this part may use eminent domain for an urban renewal project area or a community reinvestment project area in accordance with Part 9, Eminent Domain.

Enacted by Chapter 214, 2021 General Session

17C-1-1005 Agency property tax levy -- Budget -- Accounting for property tax revenue.

- (1)
- (a) Each agency that levies and collects property tax under this part shall levy and collect the property tax in accordance with Title 59, Chapter 2, Property Tax Act.
 - (b) Except as provided in Subsection (1)(c), an agency, at a regular meeting or special meeting called for that purpose, shall, by resolution, set the property tax rate by the date described in Section 59-2-912.
 - (c) An agency may set the rate described in Subsection (1)(b) at an appropriate later date in accordance with Sections 59-2-919 through 59-2-923.
- (2)
- (a) An agency shall include in the agency's budget any project area incremental revenue transferred by an eligible taxing entity under this part.
 - (b) The amount of project area incremental revenue described in Subsection (2)(a) plus the ad valorem property tax revenue that the agency budgeted for the prior year shall constitute the basis for determining the property tax levy that the agency sets for the corresponding tax year.
- (3)
- (a) An agency shall create a property tax revenue fund and separately account for property tax revenue generated under this part.
 - (b) An agency shall include revenue and expenditures of the property tax revenue fund described in Subsection (3)(a) in the annual budget adopted in accordance with Section 17C-1-601.5.

Enacted by Chapter 214, 2021 General Session

**Chapter 2
Urban Renewal**

Part 1

Urban Renewal Project Area Plan

17C-2-101.1 Title.

This chapter is known as "Urban Renewal."

Enacted by Chapter 350, 2016 General Session

17C-2-101.2 Applicability of chapter.

This chapter applies to an urban renewal project area that is effective:

- (1) before May 10, 2016; or
- (2) before September 1, 2016, if an agency adopted a resolution in accordance with Section 17C-2-101.5 before April 1, 2016.

Enacted by Chapter 350, 2016 General Session

17C-2-101.5 Resolution designating survey area -- Request to adopt resolution.

- (1) A board may begin the process of adopting an urban renewal project area plan by adopting a resolution that:
 - (a) designates an area located within the agency's boundaries as a survey area;
 - (b) contains a statement that the survey area requires study to determine whether:
 - (i) one or more urban renewal project areas within the survey area are feasible; and
 - (ii) a development impediment exists within the survey area; and
 - (c) contains a boundary description or map of the survey area.
- (2)
 - (a) Any person or any group, association, corporation, or other entity may submit a written request to the board to adopt a resolution under Subsection (1).
 - (b) A request under Subsection (2)(a) may include plans showing the project area development proposed for an area within the agency's boundaries.
 - (c) The board may, in the board's sole discretion, grant or deny a request under Subsection (2)
 - (a).

Amended by Chapter 376, 2019 General Session

17C-2-102 Process for adopting urban renewal project area plan -- Prerequisites -- Restrictions.

- (1)
 - (a) In order to adopt an urban renewal project area plan, after adopting a resolution under Subsection 17C-2-101.5(1) the agency shall:
 - (i) unless a development impediment determination is based on a determination made under Subsection 17C-2-303(1)(b) relating to an inactive industrial site or inactive airport site:
 - (A) cause a development impediment study to be conducted within the survey area as provided in Section 17C-2-301;
 - (B) provide notice of a development impediment hearing as required under Chapter 1, Part 8, Hearing and Notice Requirements; and
 - (C) hold a development impediment hearing as described in Section 17C-2-302;

- (ii) after the development impediment hearing has been held or, if no development impediment hearing is required under Subsection (1)(a)(i), after adopting a resolution under Subsection 17C-2-101.5(1), hold a board meeting at which the board shall:
 - (A) consider:
 - (I) the evidence and information relating to the existence or nonexistence of a development impediment; and
 - (II) whether adoption of one or more urban renewal project area plans should be pursued; and
 - (B) by resolution:
 - (I) make a determination regarding the existence of a development impediment in the proposed urban renewal project area;
 - (II) select one or more project areas comprising part or all of the survey area; and
 - (III) authorize the preparation of a proposed project area plan for each project area;
 - (iii) prepare a proposed project area plan and conduct any examination, investigation, and negotiation regarding the project area plan that the agency considers appropriate;
 - (iv) make the proposed project area plan available to the public at the agency's offices during normal business hours;
 - (v) provide notice of the plan hearing in accordance with Sections 17C-1-806 and 17C-1-808;
 - (vi) hold a plan hearing on the proposed project area plan and, at the plan hearing:
 - (A) allow public comment on:
 - (I) the proposed project area plan; and
 - (II) whether the proposed project area plan should be revised, approved, or rejected; and
 - (B) receive all written and hear all oral objections to the proposed project area plan;
 - (vii) before holding the plan hearing, provide an opportunity for the State Board of Education and each taxing entity that levies a tax on property within the proposed project area to consult with the agency regarding the proposed project area plan;
 - (viii) if applicable, hold the election required under Subsection 17C-2-105(3);
 - (ix) after holding the plan hearing, at the same meeting or at a subsequent meeting consider:
 - (A) the oral and written objections to the proposed project area plan and evidence and testimony for and against adoption of the proposed project area plan; and
 - (B) whether to revise, approve, or reject the proposed project area plan;
 - (x) approve the proposed project area plan, with or without revisions, as the project area plan by a resolution that complies with Section 17C-2-106; and
 - (xi) submit the project area plan to the community legislative body for adoption.
- (b)
- (i) If an agency makes a determination under Subsection (1)(a)(ii)(B) that a development impediment exists in the proposed urban renewal project area, the agency may not adopt the project area plan until the taxing entity committee approves the development impediment determination.
 - (ii)
 - (A) A taxing entity committee may not disapprove an agency's development impediment determination unless the committee demonstrates that the conditions the agency found to exist in the urban renewal project area that support the agency's development impediment determination under Section 17C-2-303:
 - (I) do not exist; or
 - (II) do not constitute a development impediment.
 - (B)

- (I) If the taxing entity committee questions or disputes the existence of some or all of the development impediment conditions that the agency determined to exist in the urban renewal project area or that those conditions constitute a development impediment, the taxing entity committee may hire a consultant, mutually agreed upon by the taxing entity committee and the agency, with the necessary expertise to assist the taxing entity committee to make a determination as to the existence of the questioned or disputed development impediment conditions.
 - (II) The agency shall pay the fees and expenses of each consultant hired under Subsection (1)(b)(ii)(B)(I).
 - (III) The determination of a consultant under this Subsection (1)(b)(ii)(B) shall be binding on the taxing entity committee and the agency.
- (2) An agency may not propose a project area plan under Subsection (1) unless the community in which the proposed project area is located:
- (a) has a planning commission; and
 - (b) has adopted a general plan under:
 - (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or
 - (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
- (3)
- (a) Subject to Subsection (3)(b), a board may not approve a project area plan more than one year after adoption of a resolution making a development impediment determination under Subsection (1)(a)(ii)(B).
 - (b) If a project area plan is submitted to an election under Subsection 17C-2-105(3), the time between the plan hearing and the date of the election does not count for purposes of calculating the year period under Subsection (3)(a).
- (4)
- (a) Except as provided in Subsection (4)(b), a proposed project area plan may not be modified to add real property to the proposed project area unless the board holds a plan hearing to consider the addition and gives notice of the plan hearing as required under Sections 17C-1-806 and 17C-1-808.
 - (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a proposed project area plan being modified to add real property to the proposed project area if:
 - (i) the property is contiguous to the property already included in the proposed project area under the proposed project area plan;
 - (ii) the record owner of the property consents to adding the real property to the proposed project area; and
 - (iii) the property is located within the survey area.

Amended by Chapter 376, 2019 General Session

17C-2-103 Urban renewal project area plan requirements.

- (1) An agency shall ensure that each urban renewal project area plan and proposed project area plan:
- (a) describes the boundaries of the project area, subject to Section 17C-1-414, if applicable;
 - (b) contains a general statement of the land uses, layout of principal streets, population densities, and building intensities of the project area and how they will be affected by the project area development;
 - (c) states the standards that will guide the project area development;
 - (d) shows how the purposes of this title will be attained by the project area development;

- (e) is consistent with the general plan of the community in which the project area is located and show that the project area development will conform to the community's general plan;
 - (f) describes how the project area development will reduce or eliminate a development impediment in the project area;
 - (g) describes any specific project or projects that are the object of the proposed project area development;
 - (h) identifies how a participant will be selected to undertake the project area development and identify each participant currently involved in the project area development;
 - (i) states the reasons for the selection of the project area;
 - (j) describes the physical, social, and economic conditions existing in the project area;
 - (k) describes any tax incentives offered private entities for facilities located in the project area;
 - (l) includes the analysis described in Subsection (2);
 - (m) if any of the existing buildings or uses in the project area are included in or eligible for inclusion in the National Register of Historic Places or the State Register, states that the agency shall comply with Section 9-8a-404 as though the agency were a state agency; and
 - (n) includes other information that the agency determines to be necessary or advisable.
- (2) An agency shall ensure that each analysis under Subsection (1)(l) considers:
- (a) the benefit of any financial assistance or other public subsidy proposed to be provided by the agency, including:
 - (i) an evaluation of the reasonableness of the costs of the project area development;
 - (ii) efforts the agency or participant has made or will make to maximize private investment;
 - (iii) the rationale for use of tax increment, including an analysis of whether the proposed project area development might reasonably be expected to occur in the foreseeable future solely through private investment; and
 - (iv) an estimate of the total amount of tax increment that will be expended in undertaking project area development and the project area funds collection period; and
 - (b) the anticipated public benefit to be derived from the project area development, including:
 - (i) the beneficial influences upon the tax base of the community;
 - (ii) the associated business and economic activity likely to be stimulated; and
 - (iii) whether adoption of the project area plan is necessary and appropriate to reduce or eliminate a development impediment.

Amended by Chapter 160, 2023 General Session

17C-2-104 Existing and historic buildings and uses in an urban renewal project area.

If any of the existing buildings or uses in an urban renewal project area are included in or eligible for inclusion in the National Register of Historic Places or the State Register, the agency shall comply with Section 9-8a-404 as though the agency were a state agency.

Amended by Chapter 160, 2023 General Session

17C-2-105 Objections to urban renewal project area plan -- Owners' alternative project area plan -- Election if 40% of property owners object.

- (1) At any time before the plan hearing, any person may file with the agency a written statement of objections to the proposed urban renewal project area plan.
- (2) If the record owners of property of a majority of the private real property included within the proposed urban renewal project area file a written petition before or at the plan hearing,

proposing an alternative project area plan, the agency shall consider that proposed plan in conjunction with the project area plan proposed by the agency.

- (3)
- (a) If the record property owners of at least 40% of the private land area within the most recently proposed urban renewal project area object in writing to the proposed project area plan before or at the plan hearing, or object orally at the plan hearing, and do not withdraw their objections, an agency may not approve the project area plan until approved by voters within the boundaries of the agency in which the proposed project area is located at an election as provided in Subsection (3)(b).
 - (b)
 - (i) Except as provided in this section, each election required under Subsection (3)(a) shall comply with Title 20A, Election Code.
 - (ii) An election under Subsection (3)(a) may be held on the same day and with the same election officials as an election held by the community in which the proposed project area is located.
 - (iii) If a majority of those voting on the proposed project area plan vote in favor of it, the project area plan shall be considered approved and the agency shall confirm the approval by resolution.
 - (4) If the record property owners of 2/3 of the private land area within the proposed project area object in writing to the proposed project area plan before or at the plan hearing and do not withdraw their objections, the project area plan may not be adopted and the agency may not reconsider the project area plan for three years.

Amended by Chapter 350, 2016 General Session

17C-2-106 Board resolution approving urban renewal project area plan -- Requirements.

A board shall ensure that each resolution approving a proposed urban renewal project area plan as the project area plan under Subsection 17C-2-102(1)(a)(x) contains:

- (1) a boundary description of the boundaries of the project area that is the subject of the project area plan;
- (2) the agency's purposes and intent with respect to the project area;
- (3) the project area plan incorporated by reference;
- (4) a statement that the board previously made a development impediment determination within the project area and the date of the board's determination; and
- (5) the board findings and determinations that:
 - (a) there is a need to effectuate a public purpose;
 - (b) there is a public benefit under the analysis described in Subsection 17C-2-103(2);
 - (c) it is economically sound and feasible to adopt and carry out the project area plan;
 - (d) the project area plan conforms to the community's general plan; and
 - (e) carrying out the project area plan will promote the public peace, health, safety, and welfare of the community in which the project area is located.

Amended by Chapter 376, 2019 General Session

17C-2-107 Urban renewal project area plan to be adopted by community legislative body.

- (1) An urban renewal project area plan approved by board resolution under Section 17C-2-106 may not take effect until:

- (a) it has been adopted by ordinance of the legislative body of the community that created the agency; and
 - (b) notice under Section 17C-2-108 is provided.
- (2) Each ordinance under Subsection (1) shall:
- (a) be adopted by the community legislative body after the board's approval of a resolution under Section 17C-2-106; and
 - (b) designate the approved project area plan as the official urban renewal plan of the project area.

Renumbered and Amended by Chapter 359, 2006 General Session

17C-2-108 Notice of urban renewal project area plan adoption -- Effective date of plan -- Contesting the formation of the plan.

- (1)
- (a) Upon the community legislative body's adoption of an urban renewal project area plan, or an amendment to a project area plan under Section 17C-2-110, the community legislative body shall provide notice as provided in Subsection (1)(b) by publishing notice for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for at least 30 days.
 - (b) Each notice under Subsection (1)(a) shall:
 - (i) set forth the community legislative body's ordinance adopting the project area plan or a summary of the ordinance; and
 - (ii) include a statement that the project area plan is available for general public inspection and the hours for inspection.
- (2) The project area plan shall become effective at the end of the 30-day period described in Subsection (1)(a).
- (3)
- (a) For a period of 30 days after the effective date of the project area plan under Subsection (2), any person may contest the project area plan or the procedure used to adopt the project area plan if the plan or procedure fails to comply with applicable statutory requirements.
 - (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest the project area plan or procedure used to adopt the project area plan for any cause.
- (4) Upon adoption of the project area plan by the community legislative body, the agency may carry out the project area plan.
- (5) Each agency shall make the project area plan available to the general public at the agency's office during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-2-109 Agency required to transmit and record documents after adoption of an urban renewal project area plan.

Within 30 days after the community legislative body adopts, under Section 17C-2-107, an urban renewal project area plan, the agency shall:

- (1) record with the recorder of the county in which the project area is located a document containing:
- (a) a description of the land within the project area;
 - (b) a statement that the project area plan for the project area has been adopted; and
 - (c) the date of adoption;

- (2) transmit a copy of the description of the land within the project area and an accurate map or plat indicating the boundaries of the project area to the Utah Geospatial Resource Center created under Section 63A-16-505; and
- (3) for a project area plan that provides for the agency to receive tax increment, transmit a copy of the description of the land within the project area, a copy of the community legislative body ordinance adopting the project area plan, and a map or plat indicating the boundaries of the project area to:
 - (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any part of the project area is located;
 - (b) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;
 - (c) the legislative body or governing board of each taxing entity;
 - (d) the State Tax Commission; and
 - (e) the State Board of Education.

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

17C-2-110 Amending an urban renewal project area plan.

- (1) Except as provided in Section 17C-1-1002, an agency may amend an urban renewal project area plan as provided in this section.
- (2) If an agency proposes to amend an urban renewal project area plan to enlarge the project area:
 - (a) subject to Subsection (2)(e), the requirements under this part that apply to adopting a project area plan apply equally to the proposed amendment as if it were a proposed project area plan;
 - (b) for a pre-July 1, 1993, project area plan, the base year for the new area added to the project area shall be determined under Subsection 17C-1-102(9) using the effective date of the amended project area plan;
 - (c) for a post-June 30, 1993, project area plan:
 - (i) the base year for the new area added to the project area shall be determined under Subsection 17C-1-102(9) using the date of the taxing entity committee's consent referred to in Subsection (2)(c)(ii); and
 - (ii) the agency shall obtain the consent of the taxing entity committee before the agency may collect tax increment from the area added to the project area by the amendment;
 - (d) the agency shall make a determination regarding the existence of a development impediment in the area proposed to be added to the project area by following the procedure set forth in Chapter 2, Part 3, Development Impediment Determination in Urban Renewal Project Areas; and
 - (e) the agency need not make a development impediment determination in the project area as described in the original project area plan, if the agency made a development impediment determination regarding that project area in connection with adoption of the original project area plan.
- (3) If a proposed amendment does not propose to enlarge an urban renewal project area, a board may adopt a resolution approving an amendment to a project area plan after:
 - (a) the agency gives notice, as provided in Section 17C-1-806, of the proposed amendment and of the public hearing required by Subsection (3)(b);

- (b) the board holds a public hearing on the proposed amendment that meets the requirements of a plan hearing;
 - (c) the agency obtains the taxing entity committee's consent to the amendment, if the amendment proposes:
 - (i) to enlarge the area within the project area from which tax increment is collected;
 - (ii) to permit the agency to receive a greater percentage of tax increment or to extend the project area funds collection period, or both, than allowed under the adopted project area plan; or
 - (iii) for an amendment to a project area plan that was adopted before April 1, 1983, to expand the area from which tax increment is collected to exceed 100 acres of private property; and
 - (d) the agency obtains the consent of the legislative body or governing board of each taxing entity affected, if the amendment proposes to permit the agency to receive, from less than all taxing entities, a greater percentage of tax increment or to extend the project area funds collection period, or both, than allowed under the adopted project area plan.
- (4)
- (a) An agency may amend an urban renewal project area plan without complying with the notice and public hearing requirements of Subsections (3)(a) and (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:
 - (i) makes a minor adjustment in the boundary description of a project area boundary requested by a county assessor or county auditor to avoid inconsistent property boundary lines; or
 - (ii) subject to Subsection (4)(b), removes one or more parcels from a project area because the agency determines that each parcel removed is:
 - (A) tax exempt;
 - (B) without a development impediment; or
 - (C) no longer necessary or desirable to the project area.
 - (b) An agency may make an amendment removing one or more parcels from a project area under Subsection (4)(a)(ii) without the consent of the record property owner of each parcel being removed.
- (5)
- (a) An amendment approved by board resolution under this section may not take effect until adopted by ordinance of the legislative body of the community in which the project area that is the subject of the project area plan being amended is located.
 - (b) Upon a community legislative body passing an ordinance adopting an amendment to a project area plan, the agency whose project area plan was amended shall comply with the requirements of Sections 17C-2-108 and 17C-2-109 to the same extent as if the amendment were a project area plan.
- (6)
- (a) Within 30 days after the day on which an amendment to a project area plan becomes effective, a person may contest the amendment to the project area plan or the procedure used to adopt the amendment to the project area plan if the amendment or procedure fails to comply with a provision of this title.
 - (b) After the 30-day period described in Subsection (6)(a) expires, a person may not contest the amendment to the project area plan or procedure used to adopt the amendment to the project area plan for any cause.

Amended by Chapter 214, 2021 General Session

Part 2
Urban Renewal Project Area Budget

17C-2-201 Project area budget -- Requirements for adopting -- Contesting the budget or procedure -- Time limit.

- (1)
- (a) If an agency anticipates funding all or a portion of a post-June 30, 1993 urban renewal project area plan with tax increment, the agency shall, subject to Section 17C-2-202, adopt a project area budget as provided in this part.
 - (b) An urban renewal project area budget adopted on or after March 30, 2009 shall specify:
 - (i) for a project area budget adopted on or after March 30, 2009:
 - (A) the project area funds collection period; and
 - (B) the percentage of tax increment the agency is authorized to receive from the project area under the project area budget; and
 - (ii) for a project area budget adopted on or after March 30, 2013, unless approval is obtained under Subsection 17C-1-402(4)(b)(vi)(C), the maximum cumulative dollar amount of tax increment that the agency may receive from the project area under the project area budget.
- (2) To adopt an urban renewal project area budget, the agency shall:
- (a) prepare a proposed project area budget;
 - (b) make a copy of the proposed project area budget available to the public at the agency's offices during normal business hours;
 - (c) provide notice of the budget hearing as required by Chapter 1, Part 8, Hearing and Notice Requirements;
 - (d) hold a public hearing on the proposed project area budget and, at that public hearing, allow public comment on:
 - (i) the proposed project area budget; and
 - (ii) whether the proposed project area budget should be revised, adopted, or rejected;
 - (e)
 - (i) if required under Subsection 17C-2-204(1), obtain the approval of the taxing entity committee on the proposed project area budget or a revised version of the proposed project area budget; or
 - (ii) if applicable, comply with the requirements of Subsection 17C-2-204(2);
 - (f) if approval of the taxing entity committee is required under Subsection (2)(e)(i), obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the taxing entity committee followed the appropriate procedures to approve the project area budget; and
 - (g) after the budget hearing, hold a board meeting in the same meeting as the public hearing or in a subsequent meeting to:
 - (i) consider comments made and information presented at the public hearing relating to the proposed project area budget; and
 - (ii) adopt by resolution the proposed project area budget, with any revisions, as the project area budget.
- (3)
- (a) For a period of 30 days after the agency's adoption of the project area budget under Subsection (2)(g), any person may contest the project area budget or the procedure used to adopt the project area budget if the budget or procedure fails to comply with applicable statutory requirements.

- (b) After the 30-day period under Subsection (3)(a) expires, a person, may not contest:
 - (i) the project area budget or procedure used by either the taxing entity committee or the agency to approve and adopt the project area budget;
 - (ii) a distribution of tax increment to the agency under the project area budget; or
 - (iii) the agency's use of tax increment under the project area budget.

Amended by Chapter 350, 2016 General Session

17C-2-202 Combined incremental value -- Restriction against adopting an urban renewal project area budget -- Taxing entity committee may waive restriction.

- (1) Except as provided in Subsection (2), an agency may not adopt an urban renewal project area budget if, at the time the urban renewal project area budget is being considered, the combined incremental value for the agency exceeds 10% of the total taxable value of property within the agency's boundaries in the year that the urban renewal project area budget is being considered.
- (2)
 - (a) A taxing entity committee may waive the restrictions imposed by Subsection (1).
 - (b) Subsection (1) does not apply to an urban renewal project area budget if the agency's development impediment determination in the project area to which the budget relates is based on a determination under Subsection 17C-2-303(1)(b).

Amended by Chapter 376, 2019 General Session

17C-2-203 Part of tax increment funds in urban renewal project area budget to be used for housing -- Waiver of requirement.

- (1)
 - (a) Except as provided in Subsections (1)(b) and (c), each urban renewal project area budget adopted on or after May 1, 2000, that provides for more than \$100,000 of annual tax increment to be paid to the agency shall allocate at least 20% of the tax increment for housing as provided in Section 17C-1-412.
 - (b) The 20% requirement of Subsection (1)(a) may be waived in part or whole by the taxing entity committee if the taxing entity committee determines that 20% of tax increment is more than is needed to address the community's need for income targeted housing.
 - (c) An agency is not subject to the 20% requirement described in Subsection (1)(a) if:
 - (i) an inactive industrial site is located within an urban renewal project area; and
 - (ii) the inactive industrial site's remediation costs are estimated to exceed 20% of the project area funds under the urban renewal project area budget.
- (2) An urban renewal project area budget not required under Subsection (1)(a) to allocate tax increment for housing may allocate 20% of tax increment received by the agency over the life of the project area for housing as provided in Section 17C-1-412 if the project area budget is under a project area plan that is adopted on or after July 1, 1998.

Amended by Chapter 350, 2016 General Session

17C-2-204 Consent of taxing entity committee required for urban renewal project area budget -- Exception.

- (1)

- (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each agency shall obtain the consent of the taxing entity committee for each urban renewal project area budget under a post-June 30, 1993 project area plan before the agency may receive any tax increment from the urban renewal project area.
 - (b) For an urban renewal project area budget adopted from July 1, 1998 through May 1, 2000 that allocates 20% or more of the tax increment for housing as provided in Section 17C-1-412, an agency:
 - (i) need not obtain the consent of the taxing entity committee for the project area budget; and
 - (ii) may not receive any tax increment from all or part of the project area until after:
 - (A) the loan fund board has certified the project area budget as complying with the requirements of Section 17C-1-412; and
 - (B) the board has approved and adopted the project area budget by a two-thirds vote.
- (2)
- (a) Before a taxing entity committee may consent to an urban renewal project area budget adopted on or after May 1, 2000 that is required under Subsection 17C-2-203(1)(a) to allocate 20% of tax increment for housing, the agency shall:
 - (i) adopt a housing plan showing the uses for the housing funds; and
 - (ii) provide a copy of the housing plan to the taxing entity committee and the loan fund board.
 - (b) If an agency amends a housing plan prepared under Subsection (2)(a), the agency shall provide a copy of the amendment to the taxing entity committee and the loan fund board.

Amended by Chapter 350, 2016 General Session

17C-2-205 Filing a copy of the urban renewal project area budget.

Each agency adopting an urban renewal project area budget shall:

- (1) within 30 days after adopting the project area budget, file a copy of the project area budget with the auditor of the county in which the project area is located, the State Tax Commission, the state auditor, the State Board of Education, and each taxing entity affected by the agency's collection of tax increment under the project area budget; and
- (2) if the project area budget allocates tax increment for housing under Section 17C-1-412, file a copy of the project area budget with the loan fund board.

Renumbered and Amended by Chapter 359, 2006 General Session

17C-2-206 Amending an urban renewal project area budget.

- (1) Except as provided in Section 17C-1-1002, an agency may by resolution amend an urban renewal project area budget as provided in this section.
- (2) To amend an adopted urban renewal project area budget, the agency shall:
 - (a) advertise and hold one public hearing on the proposed amendment as provided in Subsection (3);
 - (b) if approval of the taxing entity committee was required for adoption of the original project area budget, obtain the approval of the taxing entity committee to the same extent that the agency was required to obtain the consent of the taxing entity committee for the project area budget as originally adopted;
 - (c) if approval of the taxing entity committee is required under Subsection (2)(b), obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the taxing entity committee followed the appropriate procedures to approve the project area budget; and
 - (d) adopt a resolution amending the project area budget.

- (3) The public hearing required under Subsection (2)(a) shall be conducted according to the procedures and requirements of Subsections 17C-2-201(2)(c) and (d), except that if the amended project area budget proposes that the agency be paid a greater proportion of tax increment from a project area than was to be paid under the previous project area budget, the notice shall state the percentage paid under the previous project area budget and the percentage proposed under the amended project area budget.
- (4) If the removal of a parcel under Subsection 17C-2-110(4)(a)(ii) reduces the base taxable value of the project area, an agency may amend the project area budget to conform with the new base taxable value without:
 - (a) complying with Subsections (2)(a) and (3); and
 - (b) if applicable, obtaining taxing entity committee approval described in Subsection (2)(b).
- (5) If a proposed amendment is not adopted, the agency shall continue to operate under the previously adopted project area budget without the proposed amendment.
- (6)
 - (a) A person may contest the agency's adoption of a budget amendment within 30 days after the day on which the agency adopts the amendment.
 - (b) A person who fails to contest a budget amendment under Subsection (6)(a):
 - (i) forfeits any claim against an agency's adoption of the amendment; and
 - (ii) may not contest:
 - (A) a distribution of tax increment to the agency under the budget amendment; or
 - (B) an agency's use of a tax increment under the budget amendment.

Amended by Chapter 214, 2021 General Session

17C-2-207 Extending collection of tax increment in an urban renewal project area budget.

- (1) An extension approved by a taxing entity or taxing entity committee before May 10, 2011, is not subject to this section.
- (2)
 - (a) Except as provided in Section 17C-1-1002, an agency's collection of tax increment under an urban renewal project area budget may be extended by:
 - (i) following the project area budget amendment procedures outlined in Section 17C-2-206; or
 - (ii) following the procedures outlined in this section.
 - (b) The base taxable value for an urban renewal project area budget may not be altered as a result of an extension under this section unless otherwise expressly provided for in an interlocal agreement adopted in accordance with Subsection (3)(a).
- (3) Except as provided in Subsection (4), to extend under this section the project area funds collection period under a previously approved project area budget, the agency shall:
 - (a) obtain the approval of the taxing entity through an interlocal agreement;
 - (b)
 - (i) hold a public hearing on the proposed extension in accordance with Subsection 17C-2-201(2)(d) in the same manner as required for a proposed project area budget; and
 - (ii) provide notice of the hearing:
 - (A) as required by Chapter 1, Part 8, Hearing and Notice Requirements; and
 - (B) including the proposed project area budget's extension period; and
 - (c) after obtaining the taxing entity's approval in accordance with Subsection (3)(a), at or after the public hearing, adopt a resolution approving the extension.
- (4)

- (a) Subject to Subsection (4)(b), to extend under this section the project area funds collection period under a previously approved project area budget for a project area that includes an inactive industrial site, the agency shall:
 - (i) hold a public hearing on the proposed extension in accordance with Subsection 17C-2-201(2)(d) in the same manner as required for a proposed project area budget;
 - (ii) provide notice of the hearing as required by Chapter 1, Part 8, Hearing and Notice Requirements, including notice of the proposed project area budget's extension period; and
 - (iii) at or after the public hearing, adopt a resolution approving the extension.
- (b) An extension under Subsection (4)(a) may not extend the length of time that tax increment is collected from any single tax parcel.
- (5) After the project area funds collection period expires, an agency may continue to receive project area funds from those taxing entities that agree to an extension through an interlocal agreement in accordance with Subsection (3)(a) or through the process described in Subsection (4).
- (6)
 - (a) A person may contest the agency's adoption of an extension within 30 days after the day on which the agency adopts the resolution providing for the extension.
 - (b) A person that fails to contest an extension under Subsection (6)(a):
 - (i) shall forfeit any claim against the agency's adoption of the extension; and
 - (ii) may not contest:
 - (A) a distribution of tax increment to the agency under the budget, as extended; or
 - (B) an agency's use of tax increment under the budget, as extended.

Amended by Chapter 214, 2021 General Session

Part 3

Development Impediment Determination in Urban Renewal Project Areas

17C-2-301 Development impediment study -- Requirements -- Deadline.

- (1) An agency shall ensure that each development impediment study required under Subsection 17C-2-102(1)(a)(i)(A):
 - (a) undertakes a parcel by parcel survey of the survey area;
 - (b) provides data so the board and taxing entity committee may determine:
 - (i) whether the conditions described in Subsection 17C-2-303(1):
 - (A) exist in part or all of the survey area; and
 - (B) qualify an area within the survey area as a project area; and
 - (ii) whether the survey area contains all or part of a superfund site, an inactive industrial site, or inactive airport site;
 - (c) includes a written report setting forth:
 - (i) the conclusions reached;
 - (ii) any recommended area within the survey area qualifying as a project area; and
 - (iii) any other information requested by the agency to determine whether an urban renewal project area is feasible; and
 - (d) is completed within one year after the adoption of the survey area resolution.
- (2)

- (a) If a development impediment study is not completed within one year after the adoption of the resolution under Subsection 17C-2-101.5(1) designating a survey area, the agency may not approve an urban renewal project area plan based on that development impediment study unless the agency first adopts a new resolution under Subsection 17C-2-101.5(1).
- (b) A new resolution under Subsection (2)(a) shall in all respects be considered to be a resolution under Subsection 17C-2-101.5(1) adopted for the first time, except that any actions taken toward completing a development impediment study under the resolution that the new resolution replaces shall be considered to have been taken under the new resolution.

Amended by Chapter 376, 2019 General Session

17C-2-302 Development impediment hearing -- Owners may review evidence of a development impediment.

- (1) In each hearing required under Subsection 17C-2-102(1)(a)(i)(C), the agency shall:
 - (a) permit all evidence of the existence or nonexistence of a development impediment within the proposed urban renewal project area to be presented; and
 - (b) permit each record owner of property located within the proposed urban renewal project area or the record property owner's representative the opportunity to:
 - (i) examine and cross-examine witnesses providing evidence of the existence or nonexistence of a development impediment; and
 - (ii) present evidence and testimony, including expert testimony, concerning the existence or nonexistence of a development impediment.
- (2) The agency shall allow record owners of property located within a proposed urban renewal project area the opportunity, for at least 30 days before the hearing, to review the evidence of a development impediment compiled by the agency or by the person or firm conducting the development impediment study for the agency, including any expert report.

Amended by Chapter 376, 2019 General Session

17C-2-303 Conditions on board determination of a development impediment -- Conditions of a development impediment caused by the participant.

- (1) A board may not make a development impediment determination in a resolution under Subsection 17C-2-102(1)(a)(ii)(B) unless the board finds that:
 - (a)
 - (i) the proposed project area consists predominantly of nongreenfield parcels;
 - (ii) the proposed project area is currently zoned for urban purposes and generally served by utilities;
 - (iii) at least 50% of the parcels within the proposed project area contain nonagricultural or nonaccessory buildings or improvements used or intended for residential, commercial, industrial, or other urban purposes, or any combination of those uses;
 - (iv) the present condition or use of the proposed project area substantially impairs the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic liability or is detrimental to the public health, safety, or welfare, as shown by the existence within the proposed project area of at least four of the following factors:
 - (A) one of the following, although sometimes interspersed with well maintained buildings and infrastructure:
 - (l) substantial physical dilapidation, deterioration, or defective construction of buildings or infrastructure; or

- (II) significant noncompliance with current building code, safety code, health code, or fire code requirements or local ordinances;
 - (B) unsanitary or unsafe conditions in the proposed project area that threaten the health, safety, or welfare of the community;
 - (C) environmental hazards, as defined in state or federal law, that require remediation as a condition for current or future use and development;
 - (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for urban use and served by utilities;
 - (E) abandoned or outdated facilities that pose a threat to public health, safety, or welfare;
 - (F) criminal activity in the project area, higher than that of comparable areas in the municipality or county that are without a development impediment; and
 - (G) defective or unusual conditions of title rendering the title nonmarketable; and
- (v)
- (A) at least 50% of the privately-owned parcels within the proposed project area are affected by at least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv); and
 - (B) the affected parcels comprise at least 66% of the privately-owned acreage of the proposed project area; or
- (b) the proposed project area includes some or all of a superfund site, inactive industrial site, or inactive airport site.
- (2) No single parcel comprising 10% or more of the acreage of the proposed project area may be counted as satisfying Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of that parcel is occupied by buildings or improvements.
- (3)
- (a) For purposes of Subsection (1), if a participant involved in the project area development has caused a condition listed in Subsection (1)(a)(iv) within the proposed project area, that condition may not be used in the determination of a development impediment.
 - (b) Subsection (3)(a) does not apply to a condition that was caused by an owner or tenant who becomes a participant.

Amended by Chapter 376, 2019 General Session

17C-2-304 Challenging a development impediment determination -- Time limit -- De novo review.

- (1) If the board makes a development impediment determination under Subsection 17C-2-102(1)(a)(ii)(B) and that determination is approved by resolution adopted by the taxing entity committee, a record owner of property located within the proposed urban renewal project area may challenge the determination by filing an action with the district court for the county in which the property is located.
- (2) A person shall file a challenge under Subsection (1) within 30 days after the taxing entity committee approves the board's development impediment determination.
- (3) In each action under this section, the district court shall review the development impediment determination under the standards of review provided in Subsection 10-9a-801(3).

Amended by Chapter 376, 2019 General Session

Chapter 3 Economic Development

Part 1 Economic Development Project Area Plan

17C-3-101.1 Title.

This chapter is known as "Economic Development."

Enacted by Chapter 350, 2016 General Session

17C-3-101.2 Applicability of chapter.

This chapter applies to an economic development project area that is effective:

- (1) before May 10, 2016; or
- (2) before September 1, 2016, if an agency adopted a resolution in accordance with Section 17C-3-101.5 before April 1, 2016.

Enacted by Chapter 350, 2016 General Session

17C-3-101.5 Resolution authorizing the preparation of a proposed economic development project area plan -- Request to adopt resolution.

- (1) A board may begin the process of adopting an economic development project area plan by adopting a resolution that authorizes the preparation of a proposed project area plan.
- (2)
 - (a) Any person or any group, association, corporation, or other entity may submit a written request to the board to adopt a resolution under Subsection (1).
 - (b) A request under Subsection (2)(a) may include plans showing the project area development proposed for an area within the agency's boundaries.
 - (c) The board may, in the board's sole discretion, grant or deny a request under Subsection (2)(a).

Renumbered and Amended by Chapter 350, 2016 General Session

17C-3-102 Process for adopting an economic development project area plan -- Prerequisites -- Restrictions.

- (1) In order to adopt an economic development project area plan, after adopting a resolution under Subsection 17C-3-101.5(1) the agency shall:
 - (a) prepare a proposed economic development project area plan and conduct any examination, investigation, and negotiation regarding the project area plan that the agency considers appropriate;
 - (b) make the proposed project area plan available to the public at the agency's offices during normal business hours;
 - (c) provide notice of the plan hearing as provided in Chapter 1, Part 8, Hearing and Notice Requirements;
 - (d) hold a public hearing on the proposed project area plan and, at that public hearing:
 - (i) allow public comment on:
 - (A) the proposed project area plan; and

- (B) whether the proposed project area plan should be revised, approved, or rejected; and
 - (ii) receive all written and hear all oral objections to the proposed project area plan;
 - (e) before holding the plan hearing, provide an opportunity for the State Board of Education and each taxing entity within the proposed project area to consult with the agency regarding the proposed project area plan;
 - (f) after holding the plan hearing, at the same meeting or at a subsequent meeting consider:
 - (i) the oral and written objections to the proposed project area plan and evidence and testimony for or against adoption of the proposed project area plan; and
 - (ii) whether to revise, approve, or reject the proposed project area plan;
 - (g) approve the proposed project area plan, with or without revisions, as the project area plan by a resolution that complies with Section 17C-3-105; and
 - (h) submit the project area plan to the community legislative body for adoption.
- (2) An agency may not propose a project area plan under Subsection (1) unless the community in which the proposed project area is located:
- (a) has a planning commission; and
 - (b) has adopted a general plan under:
 - (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or
 - (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
- (3) A board may not approve a project area plan more than one year after the date of the plan hearing.
- (4)
- (a) Except as provided in Subsection (4)(b), a proposed project area plan may not be modified to add one or more parcels to the proposed project area unless the board holds a plan hearing to consider the addition and gives notice of the plan hearing as required under Chapter 1, Part 8, Hearing and Notice Requirements.
 - (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a proposed project area plan being modified to add one or more parcels to the proposed project area if:
 - (i) the parcel is contiguous to the parcels already included in the proposed project area under the proposed project area plan; and
 - (ii) the record owner of the property consents to adding the parcel to the proposed project area.

Amended by Chapter 350, 2016 General Session

17C-3-103 Economic development project area plan requirements.

- (1) Each economic development project area plan and proposed project area plan shall:
- (a) describe the boundaries of the project area, subject to Section 17C-1-414, if applicable;
 - (b) contain a general statement of the land uses, layout of principal streets, population densities, and building intensities of the project area and how they will be affected by the project area development;
 - (c) state the standards that will guide the project area development;
 - (d) show how the purposes of this title will be attained by the project area development;
 - (e) be consistent with the general plan of the community in which the project area is located and show that the project area development will conform to the community's general plan;
 - (f) describe how the project area development will create additional jobs;
 - (g) describe any specific project or projects that are the object of the proposed project area development;
 - (h) identify how a participant will be selected to undertake the project area development and identify each participant currently involved in the project area development;

- (i) state the reasons for the selection of the project area;
 - (j) describe the physical, social, and economic conditions existing in the project area;
 - (k) describe any tax incentives offered private entities for facilities located in the project area;
 - (l) include an analysis, as provided in Subsection (2), of whether adoption of the project area plan is beneficial under a benefit analysis;
 - (m) if any of the existing buildings or uses in the project area are included in or eligible for inclusion in the National Register of Historic Places or the State Register, state that the agency shall comply with Subsection 9-8a-404(1) as though the agency were a state agency; and
 - (n) include other information that the agency determines to be necessary or advisable.
- (2) Each analysis under Subsection (1)(l) shall consider:
- (a) the benefit of any financial assistance or other public subsidy proposed to be provided by the agency, including:
 - (i) an evaluation of the reasonableness of the costs of project area development;
 - (ii) efforts the agency or participant has made or will make to maximize private investment;
 - (iii) the rationale for use of tax increment, including an analysis of whether the proposed project area development might reasonably be expected to occur in the foreseeable future solely through private investment; and
 - (iv) an estimate of the total amount of tax increment that will be expended in undertaking project area development and the length of time for which it will be expended; and
 - (b) the anticipated public benefit to be derived from the project area development, including:
 - (i) the beneficial influences upon the tax base of the community;
 - (ii) the associated business and economic activity likely to be stimulated; and
 - (iii) the number of jobs or employment anticipated to be generated or preserved.

Amended by Chapter 160, 2023 General Session

17C-3-104 Existing and historic buildings and uses in an economic development project area.

If any of the existing buildings or uses in an economic development project area are included in or eligible for inclusion in the National Register of Historic Places or the State Register, the agency shall comply with Subsection 9-8a-404(1) as though the agency were a state agency.

Amended by Chapter 160, 2023 General Session

17C-3-105 Board resolution approving an economic development project area plan -- Requirements.

Each board resolution approving a proposed economic development project area plan as the project area plan under Subsection 17C-3-102(1)(g) shall contain:

- (1) a boundary description of the boundaries of the project area that is the subject of the project area plan;
- (2) the agency's purposes and intent with respect to the project area;
- (3) the project area plan incorporated by reference; and
- (4) the board findings and determinations that:
 - (a) there is a need to effectuate a public purpose;
 - (b) there is a public benefit under the analysis described in Subsection 17C-3-103(2);
 - (c) it is economically sound and feasible to adopt and carry out the project area plan;
 - (d) the project area plan conforms to the community's general plan; and

- (e) carrying out the project area plan will promote the public peace, health, safety, and welfare of the community in which the project area is located.

Amended by Chapter 350, 2016 General Session

17C-3-106 Economic development project area plan to be adopted by community legislative body.

- (1) An economic development project area plan approved by board resolution under Subsection 17C-3-102(1)(g) may not take effect until it has been adopted by ordinance of the legislative body of the community that created the agency and notice under Section 17C-3-107 is provided.
- (2) Each ordinance under Subsection (1) shall:
 - (a) be adopted by the community legislative body after the board's approval of a resolution under Subsection 17C-3-102(1)(g); and
 - (b) designate the approved project area plan as the official economic development plan of the project area.

Enacted by Chapter 359, 2006 General Session

17C-3-107 Notice of economic development project area plan adoption -- Effective date of plan -- Contesting the formation of the plan.

- (1)
 - (a) Upon the community legislative body's adoption of an economic development project area plan, or an amendment to the project area plan under Section 17C-3-109 that requires notice, the legislative body shall provide notice as provided in Subsection (1)(b) by publishing notice for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for at least 30 days.
 - (b) Each notice under Subsection (1)(a) shall:
 - (i) set forth the community legislative body's ordinance adopting the project area plan or a summary of the ordinance; and
 - (ii) include a statement that the project area plan is available for public inspection and the hours for inspection.
- (2) The project area plan shall become effective at the end of the 30-day period described in Subsection (1)(a).
- (3)
 - (a) For a period of 30 days after the effective date of the project area plan under Subsection (2), any person may contest the project area plan or the procedure used to adopt the project area plan if the plan or procedure fails to comply with applicable statutory requirements.
 - (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest the project area plan or procedure used to adopt the project area plan for any cause.
- (4) Upon adoption of the economic development project area plan by the community legislative body, the agency may implement the project area plan.
- (5) Each agency shall make the economic development project area plan available to the general public at the agency's office during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-3-108 Agency required to transmit and record documents after adoption of economic development project area plan.

Within 30 days after the community legislative body adopts, under Section 17C-3-106, an economic development project area plan, the agency shall:

- (1) record with the recorder of the county in which the economic development project area is located a document containing:
 - (a) a description of the land within the project area;
 - (b) a statement that the project area plan for the project area has been adopted; and
 - (c) the date of adoption;
- (2) transmit a copy of the description of the land within the project area and an accurate map or plat indicating the boundaries of the project area to the Utah Geospatial Resource Center created under Section 63A-16-505; and
- (3) for a project area plan that provides for the agency to receive tax increment, transmit a copy of the description of the land within the project area, a copy of the community legislative body ordinance adopting the project area plan, and a map or plat indicating the boundaries of the project area to:
 - (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any part of the project area is located;
 - (b) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;
 - (c) the legislative body or governing board of each taxing entity;
 - (d) the State Tax Commission; and
 - (e) the State Board of Education.

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

17C-3-109 Amending an economic development project area plan.

- (1) Except as provided in Section 17C-1-1002, an agency may amend an economic development project area plan as provided in this section.
- (2) If an agency proposes to amend an economic development project area plan to enlarge the project area:
 - (a) the requirements under this part that apply to adopting a project area plan apply equally to the proposed amendment as if it were a proposed project area plan;
 - (b) the base year for the new area added to the project area shall be determined under Subsection 17C-1-102(9) using the date of the taxing entity committee's consent referred to in Subsection (2)(c); and
 - (c) the agency shall obtain the consent of the taxing entity committee before the agency may collect tax increment from the area added to the project area by the amendment.
- (3) If a proposed amendment does not propose to enlarge an economic development project area, a board may adopt a resolution approving an amendment to an economic development project area plan after:
 - (a) the agency gives notice, as provided in Chapter 1, Part 8, Hearing and Notice Requirements, of the proposed amendment and of the public hearing required by Subsection (3)(b);
 - (b) the board holds a public hearing on the proposed amendment that meets the requirements of a plan hearing;

- (c) the agency obtains the taxing entity committee's consent to the amendment, if the amendment proposes:
 - (i) to enlarge the area within the project area from which tax increment is received; or
 - (ii) to permit the agency to receive a greater percentage of tax increment or to extend the project area funds collection period under the economic development project area plan; and
 - (d) the agency obtains the consent of the legislative body or governing board of each taxing entity affected, if the amendment proposes to permit the agency to receive, from less than all taxing entities, a greater percentage of tax increment or to extend the project area funds collection period, or both, than allowed under the economic development project area plan.
- (4)
- (a) An economic development project area plan may be amended without complying with the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:
 - (i) makes a minor adjustment in the boundary description of a project area boundary requested by a county assessor or county auditor to avoid inconsistent property boundary lines; or
 - (ii) subject to Subsection (4)(b), removes one or more parcels from a project area because the agency determines that each parcel removed is:
 - (A) tax exempt; or
 - (B) no longer necessary or desirable to the project area.
 - (b) An amendment removing one or more parcels from a project area under Subsection (4)(a) may be made without the consent of the record property owner of each parcel being removed.
- (5)
- (a) An amendment approved by board resolution under this section may not take effect until adopted by ordinance of the legislative body of the community in which the project area that is the subject of the project area plan being amended is located.
 - (b) Upon a community legislative body passing an ordinance adopting an amendment to a project area plan, the agency whose project area plan was amended shall comply with the requirements of Sections 17C-3-107 and 17C-3-108 to the same extent as if the amendment were a project area plan.
- (6)
- (a) Within 30 days after the day on which an amendment to a project area plan becomes effective, a person may contest the amendment to the project area plan or the procedure used to adopt the amendment to the project area plan if the amendment or procedure fails to comply with a provision of this title.
 - (b) After the 30-day period described in Subsection (6)(a) expires, a person may not contest the amendment to the project area plan or procedure used to adopt the amendment to the project area plan for any cause.

Amended by Chapter 214, 2021 General Session

Part 2

Economic Development Project Area Budget

17C-3-201 Economic development project area budget -- Requirements for adopting -- Contesting the budget or procedure -- Time limit.

(1)

- (a) If an agency anticipates funding all or a portion of a post-June 30, 1993 economic development project area plan with tax increment, the agency shall, subject to Section 17C-3-202, adopt a project area budget as provided in this part.
 - (b) An economic development project area budget adopted on or after March 30, 2009 shall specify:
 - (i) for a project area budget adopted on or after March 30, 2009:
 - (A) the project area funds collection period; and
 - (B) the percentage of tax increment the agency is authorized to receive from the project area under the project area budget; and
 - (ii) for a project area budget adopted on or after March 30, 2013, unless approval is obtained under Subsection 17C-1-402(4)(b)(vi)(C), the maximum cumulative dollar amount of tax increment that the agency may receive from the project area under the project area budget.
- (2) To adopt an economic development project area budget, the agency shall:
- (a) prepare a proposed economic development project area budget;
 - (b) make a copy of the proposed project area budget available to the public at the agency's offices during normal business hours;
 - (c) provide notice of the budget hearing as required by Chapter 1, Part 8, Hearing and Notice Requirements;
 - (d) hold a public hearing on the proposed project area budget and, at that public hearing, allow public comment on:
 - (i) the proposed project area budget; and
 - (ii) whether the proposed project area budget should be revised, adopted, or rejected;
 - (e)
 - (i) if required under Subsection 17C-3-203(1), obtain the approval of the taxing entity committee on the proposed project area budget or a revised version of the proposed project area budget; or
 - (ii) if applicable, comply with the requirements of Subsection 17C-3-203(2);
 - (f) if approval of the taxing entity committee is required under Subsection (2)(e)(i), obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the taxing entity committee followed the appropriate procedures to approve the project area budget; and
 - (g) after the budget hearing, hold a board meeting in the same meeting as the public hearing or in a subsequent meeting to:
 - (i) consider comments made and information presented at the public hearing relating to the proposed project area budget; and
 - (ii) adopt by resolution the proposed project area budget, with any revisions, as the project area budget.
- (3)
- (a) For a period of 30 days after the agency's adoption of the project area budget under Subsection (2)(g), any person may contest the project area budget or the procedure used to adopt the project area budget if the budget or procedure fails to comply with applicable statutory requirements.
 - (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest:
 - (i) the project area budget or procedure used by either the taxing entity committee or the agency to approve and adopt the project area budget;
 - (ii) a distribution of tax increment to the agency under the project area budget; or
 - (iii) the agency's use of tax increment under the project area budget.

Amended by Chapter 350, 2016 General Session

17C-3-202 Part of tax increment funds in an economic development project area budget to be used for housing -- Waiver of requirement.

- (1) This section applies only to an economic development project area budget adopted on or after May 1, 2000, but before March 30, 2009.
- (2)
 - (a) Except as provided in Subsection (2)(b), each economic development project area budget adopted on or after May 1, 2000 but before March 30, 2009 that provides for more than \$100,000 of annual tax increment to be paid to the agency shall allocate at least 20% of the tax increment for housing as provided in Section 17C-1-412.
 - (b) The 20% requirement of Subsection (2)(a) may be waived:
 - (i) in part or whole by the mutual consent of the loan fund board and the taxing entity committee if they determine that 20% of tax increment is more than is needed to address the community's need for income targeted housing; or
 - (ii) in fifth and sixth class counties, by the taxing entity committee for economic development project area budgets adopted on or after May 1, 2002 but before March 30, 2009, if the economic development project area consists of an area without housing units.
- (3) An economic development project area budget not required under Subsection (2)(a) to allocate tax increment for housing may allocate 20% of tax increment payable to the agency over the life of the project area for housing as provided in Section 17C-1-412 if the project area budget is under a project area plan that is adopted on or after July 1, 1998.

Amended by Chapter 387, 2009 General Session

17C-3-203 Consent of taxing entity committee required for economic development project area budget -- Exception.

- (1)
 - (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each agency shall obtain the consent of the taxing entity committee for each economic development project area budget under a post-June 30, 1993 economic development project area plan before the agency may collect any tax increment from the project area.
 - (b) For an economic development project area budget adopted from July 1, 1998 through May 1, 2000 that allocates 20% or more of the tax increment for housing as provided in Section 17C-1-412, an agency:
 - (i) need not obtain the consent of the taxing entity committee for the project area budget; and
 - (ii) may not receive any tax increment from all or part of the project area until after:
 - (A) the loan fund board has certified the project area budget as complying with the requirements of Section 17C-1-412; and
 - (B) the board has approved and adopted the project area budget by a two-thirds vote.
- (2)
 - (a) Before a taxing entity committee may consent to an economic development project area budget adopted on or after May 1, 2000 that allocates 20% of tax increment for housing under Subsection 17C-3-202(2)(a) or (3), the agency shall:
 - (i) adopt a housing plan showing the uses for the housing funds; and
 - (ii) provide a copy of the housing plan to the taxing entity committee and the loan fund board.
 - (b) If an agency amends a housing plan prepared under Subsection (2)(a), the agency shall provide a copy of the amendment to the taxing entity committee and the loan fund board.

Amended by Chapter 350, 2016 General Session

17C-3-204 Filing a copy of the economic development project area budget.

Each agency adopting an economic development project area budget shall:

- (1) within 30 days after adopting the project area budget, file a copy of the project area budget with the auditor of the county in which the project area is located, the State Tax Commission, the state auditor, the State Board of Education, and each taxing entity affected by the agency's collection of tax increment under the project area budget; and
- (2) if the project area budget allocates tax increment for housing under Section 17C-1-412, file a copy of the project area budget with the loan fund board.

Enacted by Chapter 359, 2006 General Session

17C-3-205 Amending an economic development project area budget.

- (1) Except as provided in Section 17C-1-1002, an agency may by resolution amend an economic development project area budget as provided in this section.
- (2) To amend an adopted economic development project area budget, the agency shall:
 - (a) advertise and hold one public hearing on the proposed amendment as provided in Subsection (3);
 - (b) if approval of the taxing entity committee was required for adoption of the original project area budget, obtain the approval of the taxing entity committee to the same extent that the agency was required to obtain the consent of the taxing entity committee for the project area budget as originally adopted;
 - (c) if approval of the taxing entity committee is required under Subsection (2)(b), obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the taxing entity committee followed the appropriate procedures to approve the project area budget; and
 - (d) adopt a resolution amending the project area budget.
- (3) The public hearing required under Subsection (2)(a) shall be conducted according to the procedures and requirements of Section 17C-3-201, except that if the amended project area budget proposes that the agency be paid a greater proportion of tax increment from a project area than was to be paid under the previous project area budget, the notice shall state the percentage paid under the previous project area budget and the percentage proposed under the amended project area budget.
- (4) If the removal of a parcel under Subsection 17C-3-109(4)(a)(ii) reduces the base taxable value of the project area, an agency may amend the project area budget to conform with the new base taxable value without:
 - (a) complying with Subsections (2)(a) and (3); and
 - (b) if applicable, obtaining taxing entity committee approval described in Subsection (2)(b).
- (5) If a proposed amendment is not adopted, the agency shall continue to operate under the previously adopted economic development project area budget without the proposed amendment.
- (6)
 - (a) A person may contest the agency's adoption of a budget amendment within 30 days after the day on which the agency adopts the amendment.
 - (b) A person that fails to contest a budget amendment under Subsection (6)(a):
 - (i) forfeits any claim against an agency's adoption of the amendment; and
 - (ii) may not contest:

- (A) a distribution of tax increment to the agency under the budget amendment; or
- (B) an agency's use of a tax increment under a budget amendment.

Amended by Chapter 214, 2021 General Session

17C-3-206 Extending collection of tax increment under an economic development project area budget.

- (1) An amendment or extension approved by a taxing entity or taxing entity committee before May 10, 2011, is not subject to this section.
- (2)
 - (a) Except as provided in Section 17C-1-1002, an agency's collection of tax increment under an adopted economic development project area budget may be extended by:
 - (i) following the project area budget amendment procedures outlined in Section 17C-3-205; or
 - (ii) following the procedures outlined in this section.
 - (b) The base taxable value for an urban renewal project area budget may not be altered as a result of an extension under this section unless otherwise expressly provided for in an interlocal agreement adopted in accordance with Subsection (3)(a).
- (3) To extend under this section the agency's collection of tax increment from a taxing entity under a previously approved project area budget, the agency shall:
 - (a) obtain the approval of the taxing entity through an interlocal agreement;
 - (b)
 - (i) hold a public hearing on the proposed extension in accordance with Subsection 17C-2-201(2)(d) in the same manner as required for a proposed project area budget; and
 - (ii) provide notice of the hearing:
 - (A) as required by Chapter 1, Part 8, Hearing and Notice Requirements; and
 - (B) including the proposed period of extension of the project area budget; and
 - (c) after obtaining the approval of the taxing entity in accordance with Subsection (3)(a), at or after the public hearing, adopt a resolution approving the extension.
- (4) After the expiration of a project area budget, an agency may continue to receive tax increment from those taxing entities that have agreed to an extension through an interlocal agreement in accordance with Subsection (3)(a).
- (5)
 - (a) A person may contest the agency's adoption of a budget extension within 30 days after the day on which the agency adopts the resolution providing for the extension.
 - (b) A person that fails to contest a budget extension under Subsection (5)(a):
 - (i) shall forfeit any claim against the agency's adoption of the extension; and
 - (ii) may not contest:
 - (A) a distribution of tax increment to the agency under the budget, as extended; or
 - (B) an agency's use of tax increment under the budget, as extended.

Amended by Chapter 214, 2021 General Session

**Chapter 4
Community Development**

Part 1
Community Development Project Area Plan

17C-4-101.1 Title.

This chapter is known as "Community Development."

Enacted by Chapter 350, 2016 General Session

17C-4-101.2 Applicability of chapter.

This chapter applies to a community development project area that is effective:

- (1) before May 10, 2016; or
- (2) before September 1, 2016, if an agency adopted a resolution in accordance with Section 17C-4-101.5 before April 1, 2016.

Enacted by Chapter 350, 2016 General Session

17C-4-101.5 Resolution authorizing the preparation of a community development proposed project area plan -- Request to adopt resolution.

- (1) A board may begin the process of adopting a community development project area plan by adopting a resolution that authorizes the preparation of a proposed community development project area plan.
- (2)
 - (a) Any person or any group, association, corporation, or other entity may submit a written request to the board to adopt a resolution under Subsection (1).
 - (b) A request under Subsection (2)(a) may include plans showing the project area development proposed for an area within the agency's boundaries.
 - (c) The board may, in the board's sole discretion, grant or deny a request under Subsection (2) (a).

Renumbered and Amended by Chapter 350, 2016 General Session

17C-4-102 Process for adopting a community development project area plan -- Prerequisites -- Restrictions.

- (1) In order to adopt a community development project area plan, after adopting a resolution under Subsection 17C-4-101.5(1) the agency shall:
 - (a) prepare a proposed community development project area plan and conduct any examination, investigation, and negotiation regarding the project area plan that the agency considers appropriate;
 - (b) make the proposed project area plan available to the public at the agency's offices during normal business hours;
 - (c) provide notice of the plan hearing as described in Chapter 1, Part 8, Hearing and Notice Requirements;
 - (d) hold a public hearing on the proposed project area plan and, at that public hearing:
 - (i) allow public comment on:
 - (A) the proposed project area plan; and
 - (B) whether the proposed project area plan should be revised, approved, or rejected; and
 - (ii) receive all written and hear all oral objections to the proposed project area plan;

- (e) after holding the plan hearing, at the same meeting or at one or more subsequent meetings consider:
 - (i) the oral and written objections to the proposed project area plan and evidence and testimony for or against adoption of the proposed project area plan; and
 - (ii) whether to revise, approve, or reject the proposed project area plan;
 - (f) approve the proposed project area plan, with or without revisions, as the project area plan by a resolution that complies with Section 17C-4-104; and
 - (g) submit the project area plan to the community legislative body for adoption.
- (2) An agency may not propose a community development project area plan under Subsection (1) unless the community in which the proposed project area is located:
- (a) has a planning commission; and
 - (b) has adopted a general plan under:
 - (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or
 - (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
- (3)
- (a) Except as provided in Subsection (3)(b), a proposed project area plan may not be modified to add a parcel to the proposed project area unless the board holds a plan hearing to consider the addition and gives notice of the plan hearing as required under Chapter 1, Part 8, Hearing and Notice Requirements.
 - (b) The notice and hearing requirements under Subsection (3)(a) do not apply to a proposed project area plan being modified to add a parcel to the proposed project area if:
 - (i) the parcel is contiguous to one or more parcels already included in the proposed project area under the proposed project area plan; and
 - (ii) the record owner of the property consents to adding the parcel to the proposed project area.

Amended by Chapter 350, 2016 General Session

17C-4-103 Community development project area plan requirements.

Each community development project area plan and proposed project area plan shall:

- (1) describe the boundaries of the project area, subject to Section 17C-1-414, if applicable;
- (2) contain a general statement of the land uses, layout of principal streets, population densities, and building intensities of the project area and how they will be affected by the community development;
- (3) state the standards that will guide the project area development;
- (4) show how the purposes of this title will be attained by the project area development;
- (5) be consistent with the general plan of the community in which the project area is located and show that the project area development will conform to the community's general plan;
- (6) describe any specific project or projects that are the object of the proposed project area development;
- (7) identify how a participant will be selected to undertake the project area development and identify each participant currently involved in the project area development;
- (8) state the reasons for the selection of the project area;
- (9) describe the physical, social, and economic conditions existing in the project area;
- (10) describe any tax incentives offered private entities for facilities located in the project area;
- (11) include an analysis or description of the anticipated public benefit to be derived from the project area development, including:
 - (a) the beneficial influences upon the tax base of the community; and
 - (b) the associated business and economic activity likely to be stimulated; and

(12) include other information that the agency determines to be necessary or advisable.

Amended by Chapter 350, 2016 General Session

17C-4-104 Board resolution approving a community development project area plan -- Requirements.

Each board resolution approving a proposed community development project area plan as the project area plan under Subsection 17C-4-102(1)(f) shall contain:

- (1) a boundary description of the boundaries of the project area that is the subject of the project area plan;
- (2) the agency's purposes and intent with respect to the project area;
- (3) the project area plan incorporated by reference; and
- (4) the board findings and determinations that adoption of the community development project area plan will:
 - (a) satisfy a public purpose;
 - (b) provide a public benefit as shown by the analysis described in Subsection 17C-4-103(11);
 - (c) be economically sound and feasible;
 - (d) conform to the community's general plan; and
 - (e) promote the public peace, health, safety, and welfare of the community in which the project area is located.

Amended by Chapter 350, 2016 General Session

17C-4-105 Community development plan to be adopted by community legislative body.

- (1) A community development project area plan approved by board resolution under Section 17C-4-104 may not take effect until it has been adopted by ordinance of the legislative body of the community that created the agency and notice under Section 17C-4-106 is provided.
- (2) Each ordinance under Subsection (1) shall:
 - (a) be adopted by the community legislative body after the board's approval of a resolution under Section 17C-4-104; and
 - (b) designate the approved project area plan as the official community development plan of the project area.

Enacted by Chapter 359, 2006 General Session

17C-4-106 Notice of community development project area plan adoption -- Effective date of plan -- Contesting the formation of the plan.

- (1)
 - (a) Upon the community legislative body's adoption of a community development project area plan, the community legislative body shall provide notice as provided in Subsection (1)(b) by publishing notice for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for at least 30 days.
 - (b) Each notice under Subsection (1)(a) shall:
 - (i) set forth the community legislative body's ordinance adopting the community development project area plan or a summary of the ordinance; and
 - (ii) include a statement that the project area plan is available for general public inspection and the hours for inspection.

- (2) The community development project area plan shall become effective at the end of the 30-day period described in Subsection (1)(a).
- (3)
 - (a) For a period of 30 days after the effective date of the community development project area plan under Subsection (2), any person may contest the project area plan or the procedure used to adopt the project area plan if the plan or procedure fails to comply with applicable statutory requirements.
 - (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest the community development project area plan or procedure used to adopt the project area plan for any cause.
- (4) Upon adoption of the community development project area plan by the community legislative body, the agency may carry out the project area plan.
- (5) Each agency shall make the adopted project area plan available to the public at the agency's office during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-4-107 Agency required to transmit and record documents after adoption of community development project area plan.

Within 30 days after the community legislative body adopts, under Section 17C-4-105, a community development project area plan, the agency shall:

- (1) record with the recorder of the county in which the project area is located a document containing:
 - (a) a description of the land within the project area;
 - (b) a statement that the project area plan for the project area has been adopted; and
 - (c) the date of adoption;
- (2) transmit a copy of the description of the land within the project area and an accurate map or plat indicating the boundaries of the project area to the Utah Geospatial Resource Center created under Section 63A-16-505; and
- (3) for a project area plan that provides for the agency to receive tax increment, transmit a copy of the description of the land within the project area, a copy of the community legislative body ordinance adopting the project area plan, and a map or plat indicating the boundaries of the project area to:
 - (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any part of the project area is located;
 - (b) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;
 - (c) the legislative body or governing board of each taxing entity;
 - (d) the State Tax Commission; and
 - (e) the State Board of Education.

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

17C-4-108 Amending a community development project area plan.

- (1) Except as provided in Section 17C-1-1002, an agency may amend a community development project area plan as provided in this section.

- (2) Except as provided in Subsection (3) and Section 17C-4-109, the requirements under this part that apply to adopting a community development project area plan apply equally to a proposed amendment of a community development project area plan as though the amendment were a proposed project area plan.
- (3)
 - (a) Notwithstanding Subsection (2), a community development project area plan may be amended without complying with the requirements of Chapter 1, Part 8, Hearing and Notice Requirements, if the proposed amendment:
 - (i) makes a minor adjustment in the boundary description of a project area boundary requested by a county assessor or county auditor to avoid inconsistent property boundary lines; or
 - (ii) subject to Subsection (3)(b), removes one or more parcels from a project area because the agency determines that each parcel removed is:
 - (A) tax exempt; or
 - (B) no longer necessary or desirable to the project area.
 - (b) An amendment removing one or more parcels from a community development project area under Subsection (3)(a)(ii) may be made without the consent of the record property owner of each parcel being removed.
- (4)
 - (a) An amendment approved by board resolution under this section may not take effect until adopted by ordinance of the legislative body of the community in which the project area that is the subject of the project area plan being amended is located.
 - (b) Upon a community legislative body passing an ordinance adopting an amendment to a community development project area plan, the agency whose project area plan was amended shall comply with the requirements of Sections 17C-4-106 and 17C-4-107 to the same extent as if the amendment were a project area plan.
- (5)
 - (a) Within 30 days after the day on which an amendment to a project area plan becomes effective, a person may contest the amendment to the project area plan or the procedure used to adopt the amendment to the project area plan if the amendment or procedure fails to comply with a provision of this title.
 - (b) After the 30-day period described in Subsection (5)(a) expires, a person may not contest the amendment to the project area plan or procedure used to adopt the amendment to the project area plan for any cause.

Amended by Chapter 214, 2021 General Session

17C-4-109 Expedited community development project area plan -- Notice.

- (1) As used in this section, "tax increment incentive" means the portion of tax increment awarded to an industry or business.
- (2) A community development project area plan may be adopted or amended without complying with the notice and public hearing requirements of this part and Chapter 1, Part 8, Hearing and Notice Requirements, if the following requirements are met:
 - (a) the agency determines by resolution adopted in an open and public meeting the need to create or amend a project area plan on an expedited basis, which resolution shall include a description of why expedited action is needed;
 - (b) a public hearing on the amendment or adoption of the project area plan is held by the agency;

- (c) notice of the public hearing is published at least 14 days before the day of the public hearing for the community that created the agency, as a class A notice under Section 63G-30-102, for at least 14 days;
 - (d) written consent to the amendment or adoption of the project area plan is given by all record property owners within the existing or proposed project area;
 - (e) each taxing entity that will be affected by the tax increment incentive enters into or amends an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, and Sections 17C-4-201, 17C-4-203, and 17C-4-204;
 - (f) the primary market for the goods or services that will be created by the industry or business entity that will receive a tax increment incentive from the amendment or adoption of the project area plan is outside of the state;
 - (g) the industry or business entity that will receive a tax increment incentive from the amendment or adoption of the project area plan is not primarily engaged in retail trade; and
 - (h) a tax increment incentive is only provided to an industry or business entity:
 - (i) on a postperformance basis as described in Subsection (3); and
 - (ii) on an annual basis after the tax increment is received by the agency.
- (3) An industry or business entity may only receive a tax increment incentive under this section after entering into an agreement with the agency that sets postperformance targets that shall be met before the industry or business entity may receive the tax increment incentive, including annual targets for:
- (a) capital investment in the project area;
 - (b) the increase in the taxable value of the project area;
 - (c) the number of new jobs created in the project area;
 - (d) the average wages of the jobs created, which shall be at least 110% of the prevailing wage of the county where the project area is located; and
 - (e) the amount of local vendor opportunity generated by the industry or business entity.

Amended by Chapter 435, 2023 General Session

Part 2

Funds for Community Development Project from Other Entities

17C-4-201 Consent of a taxing entity to an agency receiving tax increment or sales tax funds for community development project.

- (1) An agency may negotiate with a taxing entity for the taxing entity's consent to the agency receiving the taxing entity's project area funds for the purpose of providing money to carry out a proposed or adopted community development project area plan.
- (2) The consent of a taxing entity under Subsection (1) may be expressed in:
 - (a) a resolution adopted by the taxing entity; or
 - (b) an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act, between the taxing entity and the agency.
- (3) Before an agency may use project area funds received under a resolution or interlocal agreement adopted for the purpose of providing money to implement a proposed or adopted community development project area plan, the agency shall:

- (a) obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the agency and the taxing entity have each followed all legal requirements relating to the adoption of the resolution or interlocal agreement, respectively; and
 - (b) provide a signed copy of the certification described in Subsection (3)(a) to the appropriate taxing entity.
- (4) A resolution adopted or interlocal agreement entered under Subsection (2) on or after March 30, 2009 shall specify:
- (a) if the resolution or interlocal agreement provides for the agency to be paid tax increment:
 - (i) the method of calculating the amount of the taxing entity's tax increment from the project area that will be paid to the agency, including the agreed base year and agreed base taxable value;
 - (ii) the project area funds collection period; and
 - (iii) the percentage of the taxing entity's tax increment or maximum cumulative dollar amount of the taxing entity's tax increment that the agency will be paid; and
 - (b) if the resolution or interlocal agreement provides for the agency to be paid a taxing entity's sales and use tax revenue:
 - (i) the method of calculating the amount of the taxing entity's sales and use tax revenue that the agency will be paid;
 - (ii) the project area funds collection period; and
 - (iii) the percentage of sales and use tax revenue or the maximum cumulative dollar amount of sales and use tax revenue that the agency will be paid.
- (5)
- (a) Unless the taxing entity otherwise agrees, an agency may not be paid a taxing entity's tax increment:
 - (i) that exceeds the percentage or maximum cumulative dollar amount of tax increment specified in the resolution or interlocal agreement under Subsection (2); or
 - (ii) for more tax years than specified in the resolution or interlocal agreement under Subsection (2).
 - (b) Unless the taxing entity otherwise agrees, an agency may not be paid a taxing entity's sales and use tax revenue:
 - (i) that exceeds the percentage or maximum cumulative dollar amount of sales and use tax revenue specified in the resolution or interlocal agreement under Subsection (2); or
 - (ii) for more tax years than specified in the resolution or interlocal agreement under Subsection (2).
- (6) A school district may consent to an agency receiving tax increment from the school district's basic levy only to the extent that the school district also consents to the agency receiving tax increment from the school district's local levy.
- (7)
- (a) A resolution or interlocal agreement under this section may be amended from time to time.
 - (b) Each amendment of a resolution or interlocal agreement shall be subject to and receive the benefits of the provisions of this part to the same extent as if the amendment were an original resolution or interlocal agreement.
- (8) A taxing entity's consent to an agency receiving funds under this section is not subject to the requirements of Section 10-8-2.
- (9)
- (a) For purposes of this Subsection (9), "successor taxing entity" means any taxing entity that:
 - (i) is created after the date of adoption of a resolution or execution of an interlocal agreement under this section; and

- (ii) levies a tax on any parcel of property located within the project area that is the subject of the resolution or the interlocal agreement described in Subsection (9)(a)(i).
- (b) A resolution or interlocal agreement executed by a taxing entity under this section may be enforced by or against any successor taxing entity.

Amended by Chapter 350, 2016 General Session

17C-4-202 Resolution or interlocal agreement to provide project area funds for the community development project area plan -- Notice -- Effective date of resolution or interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability of resolution or interlocal agreement.

- (1) The approval and adoption of each resolution or interlocal agreement under Subsection 17C-4-201(2) shall be in an open and public meeting.
- (2)
 - (a) Upon the adoption of a resolution or interlocal agreement under Section 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by publishing notice for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for 30 days.
 - (b) Each notice under Subsection (2)(a) shall:
 - (i) set forth a summary of the resolution or interlocal agreement; and
 - (ii) include a statement that the resolution or interlocal agreement is available for public inspection and the hours of inspection.
- (3) The resolution or interlocal agreement shall become effective at the end of the 30-day period described in Subsection (2)(a).
- (4)
 - (a) For a period of 30 days after the effective date of the resolution or interlocal agreement under Subsection (3), any person may contest the resolution or interlocal agreement or the procedure used to adopt the resolution or interlocal agreement if the resolution or interlocal agreement or procedure fails to comply with applicable statutory requirements.
 - (b) After the 30-day period under Subsection (4)(a) expires, a person may not contest:
 - (i) the resolution or interlocal agreement;
 - (ii) a distribution of tax increment to the agency under the resolution or interlocal agreement; or
 - (iii) the agency's use of project area funds under the resolution or interlocal agreement.
- (5) Each agency that is to receive project area funds under a resolution or interlocal agreement under Section 17C-4-201 and each taxing entity that approves a resolution or enters into an interlocal agreement under Section 17C-4-201 shall make the resolution or interlocal agreement, as the case may be, available at the taxing entity's offices to the public for inspection and copying during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-4-203 Requirement to file a copy of the resolution or interlocal agreement -- County payment of tax increment to the agency.

- (1) Each agency that is to receive funds under a resolution or interlocal agreement under Section 17C-4-201 shall, within 30 days after the effective date of the resolution or interlocal agreement, file a copy of it with:
 - (a) the State Tax Commission, the State Board of Education, and the state auditor; and

- (b) the auditor of the county in which the project area is located, if the resolution or interlocal agreement provides for the agency to receive tax increment from the taxing entity that adopted the resolution or entered into the interlocal agreement.
- (2) Each county that collects property tax on property within a community development project area shall, in the manner and at the time provided in Section 59-2-1365, pay and distribute to the agency the tax increment that the agency is authorized to receive under a resolution approved or an interlocal agreement adopted under Section 17C-4-201.

Amended by Chapter 350, 2016 General Session

17C-4-204 Adoption of a budget for a community development project area plan -- Amendment.

- (1) An agency may prepare and, by resolution adopted at a regular or special meeting of the board, adopt a community development project area budget setting forth:
 - (a) the anticipated costs, including administrative costs, of implementing the community development project area plan; and
 - (b) the tax increment, sales and use tax revenue, and other revenue the agency anticipates receiving to fund the project.
- (2) An agency may, by resolution adopted at a regular or special meeting of the board, amend a budget adopted under Subsection (1).
- (3) Each resolution to adopt or amend a budget under this section shall appear as an item on the agenda for the regular or special board meeting at which the resolution is adopted without additional required notice.
- (4) An agency is not required to obtain taxing entity or taxing entity committee approval to adopt or amend a community development project area budget.

Amended by Chapter 350, 2016 General Session

**Chapter 5
Community Reinvestment**

**Part 1
Community Reinvestment Project Area Plan**

17C-5-101 Title.

- (1) This chapter is known as "Community Reinvestment."
- (2) This part is known as "Community Reinvestment Project Area Plan."

Enacted by Chapter 350, 2016 General Session

17C-5-102 Applicability of chapter.

- This chapter applies to a community reinvestment project area that:
- (1) an agency created on or after May 10, 2016; and

- (2) an agency, that has entered into an interlocal agreement and levies a property tax under Chapter 1, Part 10, Agency Taxing Authority, created for a cooperative development project or an economic development project as those terms are defined in Section 17C-1-1001.

Amended by Chapter 214, 2021 General Session

17C-5-103 Initiating a community reinvestment project area plan.

- (1) Subject to Subsection (2), a board shall initiate the process of adopting a community reinvestment project area plan by adopting a survey area resolution that:
 - (a) designates a geographic area located within the agency's boundaries as a survey area;
 - (b) contains a description or map of the boundaries of the survey area;
 - (c) contains a statement that the survey area requires study to determine whether project area development is feasible within one or more proposed community reinvestment project areas within the survey area; and
 - (d) authorizes the agency to:
 - (i) prepare a proposed community reinvestment project area plan for each proposed community reinvestment project area; and
 - (ii) conduct any examination, investigation, or negotiation regarding the proposed community reinvestment project area that the agency considers appropriate.
- (2) If an agency anticipates using eminent domain to acquire property within the survey area, the resolution described in Subsection (1) shall include:
 - (a) a statement that the survey area requires study to determine whether a development impediment exists within the survey area; and
 - (b) authorization for the agency to conduct a development impediment study in accordance with Section 17C-5-403.

Amended by Chapter 376, 2019 General Session

17C-5-104 Process for adopting a community reinvestment project area plan -- Prerequisites -- Restrictions.

- (1) An agency may not propose a community reinvestment project area plan unless the community in which the proposed community reinvestment project area plan is located:
 - (a) has a planning commission; and
 - (b) has adopted a general plan under:
 - (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or
 - (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
- (2)
 - (a) Before an agency may adopt a proposed community reinvestment project area plan, the agency shall conduct a development impediment study and make a development impediment determination in accordance with Part 4, Development Impediment Determination in a Community Reinvestment Project Area, if the agency anticipates using eminent domain to acquire property within the proposed community reinvestment project area.
 - (b) If applicable, an agency may not approve a community reinvestment project area plan more than one year after the agency adopts a resolution making a development impediment determination under Section 17C-5-402.
- (3) To adopt a community reinvestment project area plan, an agency shall:
 - (a) prepare a proposed community reinvestment project area plan in accordance with Section 17C-5-105;

- (b) make the proposed community reinvestment project area plan available to the public at the agency's office during normal business hours for at least 30 days before the plan hearing described in Subsection (3)(e);
 - (c) before holding the plan hearing described in Subsection (3)(e), provide an opportunity for the State Board of Education and each taxing entity that levies or imposes a tax within the proposed community reinvestment project area to consult with the agency regarding the proposed community reinvestment project area plan;
 - (d) provide notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements;
 - (e) hold a plan hearing on the proposed community reinvestment project area plan and, at the plan hearing:
 - (i) allow public comment on:
 - (A) the proposed community reinvestment project area plan; and
 - (B) whether the agency should revise, approve, or reject the proposed community reinvestment project area plan; and
 - (ii) receive all written and oral objections to the proposed community reinvestment project area plan; and
 - (f) following the plan hearing described in Subsection (3)(e), or at a subsequent agency meeting:
 - (i) consider:
 - (A) the oral and written objections to the proposed community reinvestment project area plan and evidence and testimony for and against adoption of the proposed community reinvestment project area plan; and
 - (B) whether to revise, approve, or reject the proposed community reinvestment project area plan;
 - (ii) adopt a resolution in accordance with Section 17C-5-108 that approves the proposed community reinvestment project area plan, with or without revisions, as the community reinvestment project area plan; and
 - (iii) submit the community reinvestment project area plan to the community legislative body for adoption.
- (4)
- (a) Except as provided in Subsection (4)(b), an agency may not modify a proposed community reinvestment project area plan to add one or more parcels to the proposed community reinvestment project area unless the agency holds a plan hearing to consider the addition and gives notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements.
 - (b) The notice and hearing requirements described in Subsection (4)(a) do not apply to a proposed community reinvestment project area plan being modified to add one or more parcels to the proposed community reinvestment project area if:
 - (i) each parcel is contiguous to one or more parcels already included in the proposed community reinvestment project area under the proposed community reinvestment project area plan;
 - (ii) the record owner of each parcel consents to adding the parcel to the proposed community reinvestment project area; and
 - (iii) each parcel is located within the survey area.

Amended by Chapter 376, 2019 General Session

17C-5-105 Community reinvestment project area plan requirements.

An agency shall ensure that each community reinvestment project area plan and proposed community reinvestment project area plan:

- (1) subject to Section 17C-1-414, if applicable, includes a boundary description and a map of the community reinvestment project area;
- (2) contains a general statement of the existing land uses, layout of principal streets, population densities, and building intensities of the community reinvestment project area and how each will be affected by project area development;
- (3) states the standards that will guide project area development;
- (4) shows how project area development will further purposes of this title;
- (5) is consistent with the general plan of the community in which the community reinvestment project area is located and shows that project area development will conform to the community's general plan;
- (6) if applicable, describes how project area development will eliminate or reduce a development impediment in the community reinvestment project area;
- (7) describes any specific project area development that is the object of the community reinvestment project area plan;
- (8) if applicable, explains how the agency plans to select a participant;
- (9) states each reason the agency selected the community reinvestment project area;
- (10) describes the physical, social, and economic conditions that exist in the community reinvestment project area;
- (11) describes each type of financial assistance that the agency anticipates offering a participant;
- (12) includes an analysis or description of the anticipated public benefit resulting from project area development, including benefits to the community's economic activity and tax base;
- (13) if applicable, states that the agency shall comply with Section 9-8a-404 as required under Section 17C-5-106;
- (14) for a community reinvestment project area plan that an agency adopted before May 14, 2019, states whether the community reinvestment project area plan or proposed community reinvestment project area plan is subject to a taxing entity committee or an interlocal agreement; and
- (15) includes other information that the agency determines to be necessary or advisable.

Amended by Chapter 160, 2023 General Session

17C-5-106 Existing and historic buildings and uses in a community reinvestment project area.

An agency shall comply with Section 9-8a-404 as though the agency is a state agency if:

- (1) any of the existing buildings or uses in a community reinvestment project area are included in, or eligible for inclusion in, the National Register of Historic Places or the State Register; and
- (2) the agency spends agency funds on the demolition or rehabilitation of existing buildings described in Subsection (1).

Amended by Chapter 160, 2023 General Session

17C-5-107 Objections to a community reinvestment project area plan.

- (1) A person may object to a proposed community reinvestment project area plan:
 - (a) in writing at any time before or during a plan hearing; or
 - (b) orally during a plan hearing.

- (2) An agency may not approve a proposed community reinvestment project area plan if, after receiving public comment at a plan hearing in accordance with Subsection 17C-5-104(3)(e) (i), the record property owners of at least 51% of the private land area within the most recently proposed community reinvestment project area object to the proposed community reinvestment project area plan.

Enacted by Chapter 350, 2016 General Session

17C-5-108 Board resolution approving a community reinvestment project area plan -- Requirements.

A board shall ensure that a resolution approving a proposed community reinvestment area plan as the community reinvestment project area plan under Section 17C-5-104 contains:

- (1) a boundary description of the community reinvestment project area that is the subject of the community reinvestment project area plan;
- (2) the agency's purposes and intent with respect to the community reinvestment project area;
- (3) the proposed community reinvestment project area plan incorporated by reference;
- (4) the board findings and determinations that the proposed community reinvestment project area plan:
 - (a) serves a public purpose;
 - (b) produces a public benefit as demonstrated by the analysis described in Subsection 17C-5-105(12);
 - (c) is economically sound and feasible;
 - (d) conforms to the community's general plan; and
 - (e) promotes the public peace, health, safety, and welfare of the community in which the proposed community reinvestment project area is located; and
- (5) if the board made a development impediment determination under Section 17C-5-402, a statement that the board made a development impediment determination within the proposed community reinvestment project area and the date on which the board made the determination.

Amended by Chapter 376, 2019 General Session

17C-5-109 Community reinvestment project area plan to be adopted by community legislative body.

- (1) A proposed community reinvestment project area plan approved by board resolution under Section 17C-5-104 may not take effect until the community legislative body:
 - (a) by ordinance, adopts the proposed community reinvestment project area plan; and
 - (b) provides notice in accordance with Section 17C-5-110.
- (2) An ordinance described in Subsection (1)(a) shall designate the community reinvestment project area plan as the official plan of the community reinvestment project area.

Enacted by Chapter 350, 2016 General Session

17C-5-110 Notice of community reinvestment project area plan adoption -- Effective date of plan -- Contesting the formation of the plan.

- (1)
 - (a) Upon a community legislative body's adoption of a community reinvestment project area plan in accordance with Section 17C-5-109, or an amendment to a community reinvestment project area plan in accordance with Section 17C-5-112, the community legislative body

shall provide notice of the adoption or amendment in accordance with Subsection (1)(b) by publishing notice for the community, as a class A notice under Section 63G-30-102, for 30 days.

- (b) A notice described in Subsection (1)(a) shall include:
 - (i) a copy of the community legislative body's ordinance, or a summary of the ordinance, that adopts the community reinvestment project area plan; and
 - (ii) a statement that the community reinvestment project area plan is available for public inspection and the hours for inspection.
- (2) A community reinvestment project area plan is effective at the end of the 30-day period described in Subsection (1)(a).
- (3) A community reinvestment project area is considered created the day on which the community reinvestment project area plan becomes effective as described in Subsection (2).
- (4)
 - (a) Within 30 days after the day on which a community reinvestment project area plan is effective, a person may contest the community reinvestment project area plan or the procedure used to adopt the community reinvestment project area plan if the community reinvestment project area plan or the procedure fails to comply with a provision of this title.
 - (b) After the 30-day period described in Subsection (4)(a) expires, a person may not contest the community reinvestment project area plan or the procedure used to adopt the community reinvestment project area plan.
- (5) Upon adoption of a community reinvestment project area plan by the community legislative body, the agency may implement the community reinvestment project area plan.
- (6) The agency shall make the community reinvestment project area plan available to the public at the agency's office during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-5-111 Agency required to transmit and record documentation after adoption of community reinvestment project area plan.

Within 30 days after the day on which a community legislative body adopts a community reinvestment project area plan under Section 17C-5-109, the agency shall:

- (1) record with the recorder of the county in which the community reinvestment project area is located a document containing:
 - (a) the name of the community reinvestment project area;
 - (b) a boundary description of the community reinvestment project area; and
 - (c)
 - (i) a statement that the community legislative body adopted the community reinvestment project area plan; and
 - (ii) the day on which the community legislative body adopted the community reinvestment project area plan;
- (2) transmit a copy of a description of the land within the community reinvestment project area and an accurate map or plat indicating the boundaries of the community reinvestment project area to the Utah Geospatial Resource Center created in Section 63A-16-505; and
- (3) for a community reinvestment project area plan that provides for the agency to receive tax increment, transmit a copy of a description of the land within the community reinvestment project area, a copy of the community legislative body ordinance adopting the community reinvestment project area plan, and an accurate map or plat indicating the boundaries of the community reinvestment project area to:

- (a) the auditor, recorder, county or district attorney, surveyor, and assessor of each county in which any part of the community reinvestment project area is located;
- (b) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;
- (c) the legislative body or governing board of each taxing entity;
- (d) the State Tax Commission; and
- (e) the State Board of Education.

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

17C-5-112 Amending a community reinvestment project area plan.

- (1) Except as provided in Section 17C-1-1002, an agency may amend a community reinvestment project area plan in accordance with this section.
- (2)
 - (a) If an amendment proposes to enlarge a community reinvestment project area's geographic area, the agency shall:
 - (i) comply with this part as though the agency were creating a community reinvestment project area;
 - (ii) if the agency anticipates receiving project area funds from the area proposed to be added to the community reinvestment project area, before the agency may collect project area funds:
 - (A) for a community reinvestment project area plan that is subject to a taxing entity committee, obtain approval to receive tax increment from the taxing entity committee; or
 - (B) for a community reinvestment project area plan that is subject to an interlocal agreement, obtain the approval of the taxing entity that is a party to the interlocal agreement; and
 - (iii) if the agency anticipates acquiring property in the area proposed to be added to the community reinvestment project area by eminent domain, follow the procedures described in Section 17C-5-402.
 - (b) The base year for the area proposed to be added to the community reinvestment project area shall be determined using the date of:
 - (i) the taxing entity committee's consent as described in Subsection (2)(a)(ii)(A); or
 - (ii) the taxing entity's consent as described in Subsection (2)(a)(ii)(B).
- (3) If an amendment does not propose to enlarge a community reinvestment project area's geographic area, the board may adopt a resolution approving the amendment after the agency:
 - (a) if the amendment does not propose to allow the agency to receive a greater amount of project area funds or to extend a project area funds collection period:
 - (i) gives notice in accordance with Section 17C-1-806; and
 - (ii) holds a public hearing on the proposed amendment that meets the requirements described in Subsection 17C-5-104(3); or
 - (b) if the amendment proposes to also allow the agency to receive a greater amount of project area funds or to extend a project area funds collection period:
 - (i) complies with Subsections (3)(a)(i) and (ii); and
 - (ii)
 - (A) for a community reinvestment project area plan that is subject to a taxing entity committee, obtains approval from the taxing entity committee; or

(B) for a community reinvestment project area plan that is subject to an interlocal agreement, obtains approval to receive project area funds from the taxing entity that is a party to the interlocal agreement.

- (4)
- (a) If a board has not made a determination under Part 4, Development Impediment Determination in a Community Reinvestment Project Area, but intends to use eminent domain within a community reinvestment project area, the agency may amend the community reinvestment project area plan in accordance with this Subsection (4).
 - (b) To amend a community reinvestment project area plan as described in Subsection (4)(a), an agency shall:
 - (i) adopt a survey area resolution that identifies each parcel that the agency intends to study to determine whether a development impediment exists;
 - (ii) in accordance with Part 4, Development Impediment Determination in a Community Reinvestment Project Area, conduct a development impediment study within the survey area and make a development impediment determination; and
 - (iii) obtain approval to amend the community reinvestment project area plan from each taxing entity that is a party to an interlocal agreement.
 - (c) Amending a community reinvestment project area plan as described in this Subsection (4) does not affect:
 - (i) the base year of the parcel or parcels that are the subject of an amendment under this Subsection (4); and
 - (ii) any interlocal agreement under which the agency is authorized to receive project area funds from the community reinvestment project area.
- (5) An agency may amend a community reinvestment project area plan without obtaining the consent of a taxing entity or a taxing entity committee and without providing notice or holding a public hearing if the amendment:
- (a) makes a minor adjustment in the community reinvestment project area boundary that is requested by a county assessor or county auditor to avoid inconsistent property boundary lines; or
 - (b) removes one or more parcels from a community reinvestment project area because the agency determines that each parcel is:
 - (i) tax exempt;
 - (ii) without a development impediment; or
 - (iii) no longer necessary or desirable to the project area.
- (6)
- (a) An amendment approved by board resolution under this section may not take effect until the community legislative body adopts an ordinance approving the amendment.
 - (b) Upon the community legislative body adopting an ordinance approving an amendment under Subsection (6)(a), the agency shall comply with the requirements described in Sections 17C-5-110 and 17C-5-111 as if the amendment were a community reinvestment project area plan.
- (7)
- (a) Within 30 days after the day on which an amendment to a project area plan becomes effective, a person may contest the amendment to the project area plan or the procedure used to adopt the amendment to the project area plan if the amendment or procedure fails to comply with a provision of this title.

- (b) After the 30-day period described in Subsection (7)(a) expires, a person may not contest the amendment to the project area plan or procedure used to adopt the amendment to the project area plan for any cause.

Amended by Chapter 214, 2021 General Session

17C-5-113 Expedited community reinvestment project area plan -- Hearing and notice requirements.

- (1) As used in this section:
 - (a) "Qualified business entity" means a business entity that:
 - (i) has a primary market for the qualified business entity's goods or services outside of the state; and
 - (ii) is not primarily engaged in retail sales.
 - (b) "Tax increment incentive" means the portion of an agency's tax increment that is paid to a qualified business entity for the purpose of implementing a community reinvestment project area plan.
- (2) An agency and a qualified business entity may, in accordance with Subsection (3), enter into an agreement that allows the qualified business entity to receive a tax increment incentive.
- (3) An agreement described in Subsection (2) shall set annual postperformance targets for:
 - (a) capital investment within the community reinvestment project area;
 - (b) the number of new jobs created within the community reinvestment project area;
 - (c) the average wage of the jobs described in Subsection (3)(b) that is at least 110% of the prevailing wage of the county within which the community reinvestment project area is located; and
 - (d) the amount of local vendor opportunity generated by the qualified business entity.
- (4) A qualified business entity may only receive a tax increment incentive:
 - (a) if the qualified business entity complies with the agreement described in Subsection (3);
 - (b) on a postperformance basis; and
 - (c) on an annual basis after the agency receives tax increment from a taxing entity.
- (5) An agency may create or amend a community reinvestment project area plan for the purpose of providing a tax increment incentive without complying with the requirements described in Chapter 1, Part 8, Hearing and Notice Requirements, if:
 - (a) the agency:
 - (i) holds a public hearing to consider the need to create or amend a community reinvestment project area plan on an expedited basis;
 - (ii) publishes notice for the community, as a class A notice under Section 63G-30-102, for at least 14 days before the day on which the public hearing described in Subsection (5)(a)(i) is held; and
 - (iii) at the hearing described in Subsection (5)(a)(i), adopts a resolution to create or amend the community reinvestment project area plan on an expedited basis;
 - (b) all record property owners within the existing or proposed community reinvestment project area plan give written consent; and
 - (c) each taxing entity affected by the tax increment incentive consents and enters into an interlocal agreement with the agency authorizing the agency to pay a tax increment incentive to the qualified business entity.

Amended by Chapter 435, 2023 General Session

Part 2

Community Reinvestment Project Area Funds

17C-5-201 Title.

This part is known as "Community Reinvestment Project Area Funds."

Enacted by Chapter 350, 2016 General Session

17C-5-202 Community reinvestment project area funding.

- (1)
 - (a) Beginning on May 14, 2019, and except as provided in Subsection (2), for the purpose of receiving project area funds for use within a community reinvestment project area, an agency shall negotiate and enter into an interlocal agreement with a taxing entity in accordance with Section 17C-5-204 to receive all or a portion of the taxing entity's tax increment or sales and use tax revenue in accordance with the interlocal agreement.
 - (b) If a community reinvestment project area is subject to an interlocal agreement under Subsection (1)(a) and the agency subsequently amends the community reinvestment project area plan as described in Subsection 17C-5-112(4), the agency shall continue to receive project area funds under the interlocal agreement.
- (2) Notwithstanding Subsection (1), an agency may receive tax increment in accordance with Section 17C-5-203 if the agency created a community reinvestment project area before May 14, 2019, that is subject to a taxing entity committee and provides for the use of eminent domain to acquire property within the community reinvestment project area.
- (3) An agency shall comply with Part 3, Community Reinvestment Project Area Budget, regardless of whether an agency enters into an interlocal agreement under Subsection (1) or receives tax increment under Subsection (2).

Amended by Chapter 376, 2019 General Session

17C-5-203 Community reinvestment project area subject to taxing entity committee -- Tax increment.

- (1) This section applies to a community reinvestment project area that an agency created before May 14, 2019, and that is subject to a taxing entity committee under Subsection 17C-5-202(2).
- (2) Subject to the taxing entity committee's approval of a community reinvestment project area budget under Section 17C-5-304, and for the purpose of implementing a community reinvestment project area plan, an agency may receive up to 100% of a taxing entity's tax increment, or any specified dollar amount of tax increment, for any period of time.
- (3) Notwithstanding Subsection (2), an agency that adopts a community reinvestment project area plan that is subject to a taxing entity committee may negotiate and enter into an interlocal agreement with a taxing entity and receive all or a portion of the taxing entity's sales and use tax revenue for any period of time.

Amended by Chapter 376, 2019 General Session

17C-5-204 Community reinvestment project area subject to interlocal agreement -- Consent of a taxing entity to an agency receiving project area funds.

- (1) As used in this section, "successor taxing entity" means a taxing entity that:
 - (a) is created after the day on which an interlocal agreement is executed to allow an agency to receive a taxing entity's project area funds; and
 - (b) levies or imposes a tax within the community reinvestment project area.
- (2) This section applies to a community reinvestment project area that is subject to an interlocal agreement under Subsection 17C-5-202(1)(a).
- (3) For the purpose of implementing a community reinvestment project area plan, an agency may negotiate with a taxing entity for all or a portion of the taxing entity's project area funds.
- (4) A taxing entity may agree to allow an agency to receive the taxing entity's project area funds by executing an interlocal agreement with the agency in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.
- (5) Before an agency may use project area funds received under an interlocal agreement described in Subsection (4), the agency shall:
 - (a) obtain a written certification, signed by an attorney licensed to practice law in the state, stating that the agency and the taxing entity have each followed all legal requirements relating to the adoption of the interlocal agreement; and
 - (b) provide a signed copy of the certification described in Subsection (5)(a) to the taxing entity.
- (6) An interlocal agreement described in Subsection (4) shall:
 - (a) if the interlocal agreement provides for the agency to receive tax increment, state:
 - (i) the method of calculating the amount of the taxing entity's tax increment from the community reinvestment project area that the agency receives, including the base year and base taxable value;
 - (ii) the project area funds collection period; and
 - (iii) the percentage of the taxing entity's tax increment or the maximum cumulative dollar amount of the taxing entity's tax increment that the agency receives;
 - (b) if the interlocal agreement provides for the agency to receive the taxing entity's sales and use tax revenue, state:
 - (i) the method of calculating the amount of the taxing entity's sales and use tax revenue that the agency receives;
 - (ii) the project area funds collection period; and
 - (iii) the percentage of sales and use tax revenue or the maximum cumulative dollar amount of sales and use tax revenue that the agency receives;
 - (c) include a copy of the community reinvestment project area budget; and
 - (d) prohibit a taxing entity from proportionately reducing the amount of project area funds the taxing entity consents to pay to an agency under this section by the amount of any direct expenditures the taxing entity makes within the project area for the benefit of the project area or the agency.
- (7) A school district may consent to allow an agency to receive tax increment from the school district's basic levy only to the extent that the school district also consents to allow the agency to receive tax increment from the school district's local levy.
- (8) The parties may amend an interlocal agreement under this section by mutual consent.
- (9) A taxing entity's consent to allow an agency to receive project area funds under this section is not subject to the requirements of Section 10-8-2.
- (10) An interlocal agreement executed by a taxing entity under this section may be enforced by or against any successor taxing entity.

Amended by Chapter 333, 2019 General Session

17C-5-205 Interlocal agreement to provide project area funds for the community reinvestment project area subject to interlocal agreement -- Notice -- Effective date of interlocal agreement -- Time to contest interlocal agreement -- Availability of interlocal agreement.

- (1) An agency shall:
 - (a) approve and adopt an interlocal agreement described in Section 17C-5-204 at an open and public meeting; and
 - (b) provide a notice of the meeting titled "Diversion of Property Tax for a Community Reinvestment Project Area."
- (2)
 - (a) Upon the execution of an interlocal agreement described in Section 17C-5-204, the agency shall provide notice of the execution by publishing the notice for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for 30 days.
 - (b) A notice described in Subsection (2)(a) shall include:
 - (i) a summary of the interlocal agreement; and
 - (ii) a statement that the interlocal agreement:
 - (A) is available for public inspection and the hours for inspection; and
 - (B) authorizes the agency to receive all or a portion of a taxing entity's tax increment or sales and use tax revenue.
- (3) An interlocal agreement described in Section 17C-5-204 is effective at the end of the 30-day period described in Subsection (2)(a).
- (4)
 - (a) Within 30 days after the day on which the interlocal agreement is effective, a person may contest the interlocal agreement or the procedure used to adopt the interlocal agreement if the interlocal agreement or procedure fails to comply with a provision of this title.
 - (b) After the 30-day period described in Subsection (4)(a) expires, a person may not contest:
 - (i) the interlocal agreement;
 - (ii) a distribution of tax increment to the agency under the interlocal agreement; or
 - (iii) the agency's use of project area funds under the interlocal agreement.
- (5) A taxing entity that enters into an interlocal agreement under Section 17C-5-204 shall make a copy of the interlocal agreement available to the public at the taxing entity's office for inspection and copying during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-5-206 Requirement to file a copy of the interlocal agreement -- County payment of tax increment.

- (1) An agency that receives project area funds under an interlocal agreement shall, within 30 days after the day on which the interlocal agreement is effective, file a copy of the interlocal agreement with:
 - (a) the State Tax Commission, the State Board of Education, and the state auditor; and
 - (b) the auditor of the county in which the community reinvestment project area is located, if the interlocal agreement authorizes the agency to receive tax increment.
- (2) A county that collects property tax on property within a community reinvestment project area that is subject to an interlocal agreement shall, in accordance with Section 59-2-1365, pay and distribute to the agency the tax increment that the agency is authorized to receive under the interlocal agreement.

Enacted by Chapter 350, 2016 General Session

Part 3
Community Reinvestment Project Area Budget

17C-5-301 Title.

This part is known as "Community Reinvestment Project Area Budget."

Enacted by Chapter 350, 2016 General Session

17C-5-302 Procedure for adopting a community reinvestment project area budget -- Contesting the budget -- Time limit.

- (1) An agency shall adopt a community reinvestment project area budget in accordance with this part.
- (2) To adopt a community reinvestment project area budget, an agency shall:
 - (a) prepare a proposed community reinvestment project area budget in accordance with Section 17C-5-303;
 - (b) obtain the consent of the taxing entity committee or taxing entity in accordance with Section 17C-5-304;
 - (c) make a copy of the proposed community reinvestment project area budget available to the public at the agency's office during normal business hours for at least 30 days before the budget hearing described in Subsection (2)(e);
 - (d) provide notice of the budget hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements;
 - (e) hold a budget hearing on the proposed community reinvestment project area budget and, at the budget hearing, allow public comment on:
 - (i) the proposed community reinvestment project area budget; and
 - (ii) whether the agency should revise, adopt, or reject the proposed community reinvestment project area budget; and
 - (f) after the budget hearing described in Subsection (2)(e), or at a subsequent meeting:
 - (i) consider the comments and information from the budget hearing relating to the proposed community reinvestment project area budget; and
 - (ii) reject or adopt by resolution the proposed community reinvestment project area budget, with any revisions, as the community reinvestment project area budget.
- (3)
 - (a) Within 30 days after the day on which the agency adopts a community reinvestment project area budget, a person may contest the community reinvestment project area budget or the procedure used to adopt the community reinvestment project area budget if the community reinvestment project area budget or procedure fails to comply with a provision of this title.
 - (b) After the 30-day period described in Subsection (3)(a) expires, a person may not contest:
 - (i) the community reinvestment project area budget or the procedure used by the taxing entity, the taxing entity committee, or the agency to adopt the community reinvestment project area budget;
 - (ii) a payment to the agency under the community reinvestment project area budget; or
 - (iii) the agency's use of project area funds under the community reinvestment project area budget.

Enacted by Chapter 350, 2016 General Session

17C-5-303 Community reinvestment project area budget -- Requirements.

A community reinvestment project area budget shall include:

- (1) if the agency receives tax increment:
 - (a) the base taxable value;
 - (b) the projected amount of tax increment to be generated within the community reinvestment project area;
 - (c) each project area funds collection period;
 - (d) if applicable, the projected amount of tax increment to be paid to other taxing entities in accordance with Section 17C-1-410;
 - (e) if the area from which tax increment is collected is less than the entire community reinvestment project area:
 - (i) a boundary description of the portion or portions of the community reinvestment project area from which the agency receives tax increment; and
 - (ii) for each portion described in Subsection (1)(e)(i), the period of time during which tax increment is collected;
 - (f) the percentage of tax increment the agency is authorized to receive from the community reinvestment project area; and
 - (g) the maximum cumulative dollar amount of tax increment the agency is authorized to receive from the community reinvestment project area;
- (2) if the agency receives sales and use tax revenue:
 - (a) the percentage and total amount of sales and use tax revenue to be paid to the agency; and
 - (b) each project area funds collection period;
- (3) the amount of project area funds the agency will use to implement the community reinvestment project area plan, including the estimated amount of project area funds that will be used for land acquisition, public improvements, infrastructure improvements, or any loans, grants, or other incentives to private or public entities;
- (4) the agency's combined incremental value;
- (5) the amount of project area funds that will be used to cover the cost of administering the community reinvestment project area plan; and
- (6) for property that the agency owns and expects to sell, the expected total cost of the property to the agency and the expected sale price.

Enacted by Chapter 350, 2016 General Session

17C-5-304 Consent of each taxing entity or taxing entity committee required for community reinvestment project area budget.

Before an agency may collect any project area funds from a community reinvestment project area, the agency shall obtain consent for each community reinvestment project area budget from:

- (1) for a community reinvestment project area that is subject to an interlocal agreement, each taxing entity that is a party to an interlocal agreement; or
- (2) for a community reinvestment project area that is subject to a taxing entity committee, the taxing entity committee.

Enacted by Chapter 350, 2016 General Session

17C-5-305 Filing a copy of the community reinvestment project area budget.

Within 30 days after the day on which an agency adopts a community reinvestment project area budget, the agency shall file a copy of the community reinvestment project area budget with:

- (1) the State Tax Commission;
- (2) the State Board of Education;
- (3) the state auditor;
- (4) the auditor of the county in which the community reinvestment project area is located; and
- (5) each taxing entity affected by the agency's collection of project area funds under the community reinvestment project area budget.

Enacted by Chapter 350, 2016 General Session

17C-5-306 Amending a community reinvestment project area budget.

- (1) Except as provided in Section 17C-1-1002 and before a project area funds collection period ends, an agency may amend a community reinvestment project area budget in accordance with this section.
- (2) To amend a community reinvestment project area budget, an agency shall:
 - (a) provide notice and hold a public hearing on the proposed amendment in accordance with Chapter 1, Part 8, Hearing and Notice Requirements;
 - (b)
 - (i) if the community reinvestment project area budget required approval from a taxing entity committee, obtain the taxing entity committee's approval; or
 - (ii) if the community reinvestment project area budget required an interlocal agreement with a taxing entity, obtain approval from the taxing entity that is a party to the interlocal agreement; and
 - (c) at the public hearing described in Subsection (2)(a) or at a subsequent board meeting, by resolution, adopt the community reinvestment project area budget amendment.
- (3) If an agency proposes a community reinvestment project area budget amendment under which the agency is paid a greater proportion of tax increment from the community reinvestment project area than provided under the community reinvestment project area budget, the notice described in Subsection (2)(a) shall state:
 - (a) the percentage of tax increment paid under the community reinvestment project area budget; and
 - (b) the proposed percentage of tax increment paid under the community reinvestment project area budget amendment.
- (4)
 - (a) If an agency proposes a community reinvestment project area budget amendment that extends a project area funds collection period, before a taxing entity committee or taxing entity may provide the taxing entity committee's or taxing entity's approval described in Subsection (2)(b), the agency shall provide to the taxing entity committee or taxing entity:
 - (i) the reasons why the extension is required;
 - (ii) a description of the project area development for which project area funds received by the agency under the extension will be used;
 - (iii) a statement of whether the project area funds received by the agency under the extension will be used within an active project area or a proposed project area; and
 - (iv) a revised community reinvestment project area budget that includes:
 - (A) the annual and total amounts of project area funds that the agency receives under the extension; and

- (B) the number of years that are added to each project area funds collection period under the extension.
- (b) With respect to an amendment described in Subsection (4)(a), a taxing entity committee or taxing entity may consent to:
 - (i) allow an agency to use project area funds received under an extension within a different project area from which the project area funds are generated; or
 - (ii) alter the base taxable value in connection with a community reinvestment project area budget extension.
- (5) If an agency proposes a community reinvestment project area budget amendment that reduces the base taxable value of the project area due to the removal of a parcel under Subsection 17C-5-112(5)(b), an agency may amend a project area budget without:
 - (a) complying with Subsection (2)(a); and
 - (b) obtaining taxing entity committee or taxing entity approval described in Subsection (2)(b).
- (6)
 - (a) A person may contest an agency's adoption of a community reinvestment project area budget amendment within 30 days after the day on which the agency adopts the community reinvestment project area budget amendment.
 - (b) After the 30-day period described in Subsection (6)(a), a person may not contest:
 - (i) the agency's adoption of the community reinvestment project area budget amendment;
 - (ii) a payment to the agency under the community reinvestment project area budget amendment; or
 - (iii) the agency's use of project area funds received under the community reinvestment project area budget amendment.

Amended by Chapter 214, 2021 General Session

17C-5-307 Allocating project area funds for housing.

- (1) Except as provided in Subsection (4), an agency shall allocate the agency's project area funds for housing in accordance with this section.
- (2)
 - (a) For a community reinvestment project area that is subject to a taxing entity committee, an agency shall allocate at least 20% of the agency's annual tax increment for housing in accordance with Section 17C-1-412 if the community reinvestment project area budget provides for more than \$100,000 of annual tax increment to be distributed to the agency.
 - (b) The taxing entity committee may waive a portion of the allocation described in Subsection (2) (a) if:
 - (i) the taxing entity committee determines that 20% of the agency's annual tax increment is more than is needed to address the community's need for income targeted housing or homeless assistance; and
 - (ii) after the waiver, the agency's housing allocation is equal to at least 10% of the agency's annual tax increment.
- (3) For a community reinvestment project area that is subject to an interlocal agreement, an agency shall allocate at least 10% of the project area funds for housing in accordance with Section 17C-1-412 if the community reinvestment project area budget provides for more than \$100,000 of annual project area funds to be distributed to the agency.
- (4) An agency is not required to allocate the agency's community reinvestment project area funds for housing under this section if:

- (a) the agency and the county mutually agree in the interlocal agreement described in Subsection (3) that the agency will not make the allocation; and
- (b) the community reinvestment project area plan:
 - (i) provides solely for nonresidential project area development; and
 - (ii) provides for 60% of the jobs created within the project area to have an annual gross wage, not including healthcare or other paid or unpaid benefits, that is at least 125% of the average wage of the county in which the project area is located.

Amended by Chapter 333, 2019 General Session

Part 4

Development Impediment Determination in a Community Reinvestment Project Area

17C-5-401 Title.

This part is known as " Development Impediment Determination in a Community Reinvestment Project Area."

Amended by Chapter 376, 2019 General Session

17C-5-402 Development impediment determination in a community reinvestment project area -- Prerequisites -- Restrictions.

- (1) An agency shall comply with the provisions of this section before the agency may use eminent domain to acquire property under Chapter 1, Part 9, Eminent Domain.
- (2) An agency shall, after adopting a survey area resolution as described in Section 17C-5-103:
 - (a) cause a development impediment study to be conducted within the survey area in accordance with Section 17C-5-403;
 - (b) provide notice and hold a development impediment hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements; and
 - (c) after the development impediment hearing, at the same or at a subsequent meeting:
 - (i) consider the evidence and information relating to the existence or nonexistence of a development impediment; and
 - (ii) by resolution, make a determination regarding whether a development impediment exists in all or part of the survey area.

Amended by Chapter 376, 2019 General Session

17C-5-403 Development impediment study -- Requirements -- Deadline.

- (1) An agency shall ensure that a development impediment study:
 - (a) undertakes a parcel by parcel survey of the survey area;
 - (b) provides data so the board may determine:
 - (i) whether the conditions described in Section 17C-5-405:
 - (A) exist in part or all of the survey area; and
 - (B) meet the qualifications for a development impediment determination in all or part of the survey area; and
 - (ii) whether the survey area contains all or part of a superfund site;
 - (c) includes a written report that states:

- (i) the conclusions reached;
 - (ii) any area within the survey area that meets the statutory criteria of a development impediment under Section 17C-5-405; and
 - (iii) any other information requested by the agency to determine whether a development impediment exists within the survey area; and
- (d) is completed within one year after the day on which the survey area resolution is adopted.
- (2)
- (a) If a development impediment study is not completed within the time described in Subsection (1)(d), the agency may not approve a community reinvestment project area plan or an amendment to a community reinvestment project area plan under Subsection 17C-5-112(4) based on a development impediment study unless the agency first adopts a new resolution under Subsection 17C-5-103(1).
 - (b) A new resolution described in Subsection (2)(a) shall in all respects be considered to be a resolution under Subsection 17C-5-103(1) adopted for the first time, except that any actions taken toward completing a development impediment study under the resolution that the new resolution replaces shall be considered to have been taken under the new resolution.
- (3)
- (a) For the purpose of making a development impediment determination under Subsection 17C-5-402(2)(c)(ii), a development impediment study is valid for one year from the day on which the development impediment study is completed.
 - (b)
 - (i) Except as provided in Subsection (3)(b)(ii), an agency that makes a development impediment determination under a valid development impediment study and subsequently adopts a community reinvestment project area plan in accordance with Section 17C-5-104 may amend the community reinvestment project area plan without conducting a new development impediment study.
 - (ii) An agency shall conduct a supplemental development impediment study for the area proposed to be added to the community reinvestment project area if the agency proposes an amendment to a community reinvestment project area plan that:
 - (A) increases the community reinvestment project area's geographic boundary and the area proposed to be added was not included in the original development impediment study; and
 - (B) provides for the use of eminent domain within the area proposed to be added to the community reinvestment project area.

Amended by Chapter 376, 2019 General Session

17C-5-404 Development impediment hearing -- Owners may review evidence of a development impediment.

- (1) In a hearing required under Subsection 17C-5-402(2)(b), an agency shall:
- (a) permit all evidence of the existence or nonexistence of a development impediment within the survey area to be presented; and
 - (b) permit each record owner of property located within the survey area or the record property owner's representative the opportunity to:
 - (i) examine and cross-examine each witness that provides evidence of the existence or nonexistence of a development impediment; and
 - (ii) present evidence and testimony, including expert testimony, concerning the existence or nonexistence of a development impediment.

- (2) An agency shall allow each record owner of property located within a survey area the opportunity, for at least 30 days before the day on which the hearing takes place, to review the evidence of a development impediment compiled by the agency or by the person or firm conducting the development impediment study for the agency, including any expert report.

Amended by Chapter 376, 2019 General Session

17C-5-405 Conditions on a development impediment determination -- Conditions of a development impediment caused by a participant.

- (1) A board may not make a development impediment determination in a resolution under Subsection 17C-5-402(2)(c)(ii) unless the board finds that:
 - (a)
 - (i) the survey area consists predominantly of nongreenfield parcels;
 - (ii) the survey area is currently zoned for urban purposes and generally served by utilities;
 - (iii) at least 50% of the parcels within the survey area contain nonagricultural or nonaccessory buildings or improvements used or intended for residential, commercial, industrial, or other urban purposes;
 - (iv) the present condition or use of the survey area substantially impairs the sound growth of the community, delays the provision of housing accommodations, constitutes an economic liability, or is detrimental to the public health, safety, or welfare, as shown by the existence within the survey area of at least four of the following factors:
 - (A) although sometimes interspersed with well maintained buildings and infrastructure, substantial physical dilapidation, deterioration, or defective construction of buildings or infrastructure, or significant noncompliance with current building code, safety code, health code, or fire code requirements or local ordinances;
 - (B) unsanitary or unsafe conditions in the survey area that threaten the health, safety, or welfare of the community;
 - (C) environmental hazards, as defined in state or federal law, which require remediation as a condition for current or future use and development;
 - (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for urban use and served by utilities;
 - (E) abandoned or outdated facilities that pose a threat to public health, safety, or welfare;
 - (F) criminal activity in the survey area, higher than that of comparable areas in the municipality or county that are without a development impediment; and
 - (G) defective or unusual conditions of title rendering the title nonmarketable; and
 - (v)
 - (A) at least 50% of the privately owned parcels within the survey area are affected by at least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv); and
 - (B) the affected parcels comprise at least 66% of the privately owned acreage within the survey area; or
- (b) the survey area includes some or all of:
 - (i) a superfund site;
 - (ii) a site used for the disposal of solid waste or hazardous waste, as those terms are defined in Section 19-6-102;
 - (iii) an inactive industrial site; or
 - (iv) an inactive airport site.

- (2) A single parcel comprising 10% or more of the acreage within the survey area may not be counted as satisfying the requirement described in Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of the parcel is occupied by buildings or improvements.
- (3)
 - (a) Except as provided in Subsection (3)(b), for purposes of Subsection (1), if a participant or proposed participant involved in the project area development has caused a condition listed in Subsection (1)(a)(iv) within the survey area, that condition may not be used in the determination of a development impediment.
 - (b) Subsection (3)(a) does not apply to a condition that was caused by an owner or tenant who later becomes a participant.

Amended by Chapter 376, 2019 General Session

17C-5-406 Challenging a finding of development impediment determination -- Time limit -- Standards governing court review.

- (1) If a board makes a development impediment determination under Subsection 17C-5-402(2)(c)(ii), a record owner of property located within the survey area may challenge the determination by filing an action in the district court in the county in which the property is located no later than 30 days after the day on which the board makes the determination.
- (2) In an action under this section:
 - (a) the agency shall transmit to the district court the record of the agency's proceedings, including any minutes, findings, determinations, orders, or transcripts of the agency's proceedings;
 - (b) the district court shall review the development impediment determination under the standards of review provided in Subsection 10-9a-801(3); and
 - (c)
 - (i) if there is a record:
 - (A) the district court's review is limited to the record provided by the agency; and
 - (B) the district court may not accept or consider any evidence outside the record of the agency, unless the evidence was offered to the agency and the district court determines that the agency improperly excluded the evidence; or
 - (ii) if there is no record, the district court may call witnesses and take evidence.

Amended by Chapter 376, 2019 General Session

RESOLUTION NO. R2024 A

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF SOUTH SALT LAKE
ADOPTING THE PROJECT AREA BUDGET FOR THE CENTRAL 15 CRA.

WHEREAS, the Redevelopment Agency of South Salt Lake (the "Agency") was created to transact the business and exercise the powers provided for in the current Limited Purpose Local Government Entities - Community Reinvestment Agency Act, Title 17C of the Utah Code Ann. 1953, as amended (the "Act"); and

WHEREAS, the Agency has adopted by Resolution the Central 15 CRA Plan (the "Plan") for the Central 15 Community Reinvestment Project Area (the "Project Area"); and

WHEREAS, the Plan allows for the Agency to collect tax increment created within the Project Area to assist in the creation of jobs, to meet other goals and objectives as outlined in the Plan, to promote economic development, and provide a public benefit within the City of South Salt Lake (the "City"); and

WHEREAS, the Agency has prepared a Project Area Budget in accordance with the Act.

WHEREAS, the Agency provided notice of the public hearing in substantial compliance with the Act; and

WHEREAS, on March 27, 2024, the Agency held a public hearing on the draft Project Area Budget and at that hearing allowed public comment on the draft Project Area Budget and whether the draft Project Area Plan should be revised, approved or rejected; and

WHEREAS, after holding the public hearing, and at the same meeting, the Agency considered the oral and written objections to the draft Project Area Budget, and whether to revise, approve or reject the draft Project Area Budget.

NOW, THEREFORE BE IT RESOLVED, by the Governing Board of the Redevelopment Agency of South Salt Lake:

1. All comments and objections to the draft Project Area Budget (if any) have been considered and are, unless otherwise provided in the minutes of this meeting (if at all), passed upon.
2. The Project Area Budget attached hereto as **Exhibit A** and incorporated herein, is hereby approved and adopted effective immediately.
3. The Agency staff is authorized to finalize negotiations with the taxing entities that levy a certified rate in the Project Area, to participate with the Agency in the implementation and funding of the Budget in accordance with the Act.
4. This Resolution takes effect immediately.

DATED this 27th day of March 2024.

BY THE REDEVELOPMENT AGENCY:

Le Anne Huff

LeAnne Huff, RDA Chair

RDA Board Vote as Recorded:

Bynum: yes
Williams: yes
Huff: yes
Mitchell: Absent
Pinkney: Absent
Sanchez: Absent
Thomas: Abstain



ATTEST:

Ariel Andrus

Ariel Andrus, RDA Secretary

EXHIBIT A: PROJECT AREA BUDGET

CENTRAL 15 CRA

Proposed Community Reinvestment Project Area Plan & Budget

South Salt Lake City Redevelopment Agency

Dated: February 2024



Prepared by: EFG Consulting

Introduction

On October 25, 2023, the South Salt Lake City Redevelopment Agency (“Agency”) approved Resolution Number RDA 2023-04 (the “Survey Resolution”) to initiate the process of adopting a Community Reinvestment Project Area (“CRA”) to be known as the Central 15 Project Area (“Project Area”) including the drafting of a proposed project area plan (“Plan”) and proposed project area budget (“Budget”).

The Proposed Project Area will be located on the current Golf the Round site located west of I-15 and north of 3300 South. The Project Area will consist of over 1 million square feet of flex industrial space on approximately 71 acres of land ground-leased by Central Valley Water Reclamation Facility (“CVWRF”).

The Agency is requesting tax increment at a 60 percent participation rate over a period of 20 years from participating taxing entities. The current base year value is \$1,052,900, which generates \$10,633 in tax revenue annually. At the end of 20 years, the area is expected to be valued at \$234,469,649 (assuming an assessed value growth rate of two percent annually after the project is constructed). This will generate \$2,344,931 in tax revenue annually.

Over the 20-year period of the CRA, the Agency expects to collect \$21,974,089 with \$16,483,643 passed through to the various taxing entities. The agency expects to use this tax increment as follows:

Uses of Tax Increment Funds		Totals Over 20-Yr Period	NPV at 5% Discount Rate
Agency Administration and Operations	3%	\$659,223	\$393,995
CRA Housing	10%	2,197,409	1,313,315
Redevelopment Activities	87%	19,117,457	11,425,842
Total Uses		\$21,974,089	\$13,133,151

Dakota Pacific Real Estate (“DPRE”) is seeking tax increment financing to develop this industrial space and will ground lease the area from CVWRF for a period of 60 years. Currently there are various impediments that prevent this site from being a market rate development, including: site remediation, significant infrastructure costs, and market conditions. DPRE is seeking approximately \$11.4 million (PV) in tax increment over a 20-year period and either capitalized through the issuance of a bond or through periodic payments to develop the area.

Chapter 1: Project Area Plan

The purpose of this Plan is to provide information regarding the Project Area including current conditions, how future development will be undertaken, how that development will impact the Project Area and surrounding communities, proposed uses of tax increment, and other related matters required in the Community Reinvestment Agency Act (“Act”).

Boundary Description and Map

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 1) Includes a boundary description and a map of the community reinvestment project area (17C-5-105(1))

The Proposed Project Area will be located on the current Golf the Round site located west of I-15 and north of 3300 South. The Project Area consists of approximately 71 acres of land ground-leased by Central Valley Water Reclamation Facility (“CVWRF”). The Project Area is depicted in Figure 1 as the Central 15 Commerce Center and highlighted in blue. The Project Area divides three parcels. In accordance with 17C-1-414, Appendix A includes the metes and bounds description for the property within the Project Area.



Figure 1: Project Area Map

Land Uses

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 2) Contains a general statement of the existing land uses, layout of principal streets, population densities, and building intensities of the community reinvestment project area and how each will be affected by project area development. (17C-5-105(2))

Existing Land Uses

The parcels in the Project Area are currently owned by CVWRF. CVWRF intends to hold ownership of the parcels to use as a contingency for future expansion of operations and to buffer the public from effluent associated with the sewer treatment processes. They currently ground-lease the property to an operator of a 9-hole golf course and driving range but make very little revenue from this lease.

Layout of Principal Streets

The Project Area is located at approximately 600 West 3300 South in South Salt Lake, Utah. It is within a block of the 3300 South I-15 interchange to the east of the Project Area and borders 900 West on the west of the Project Area. Since 3300 South is a UDOT road, UDOT requires a west bound deceleration lane, a west bound acceleration lane, an east bound left-turn lane, and a 4th signal be added to the intersection in order to provide access to the Site at 700 West.

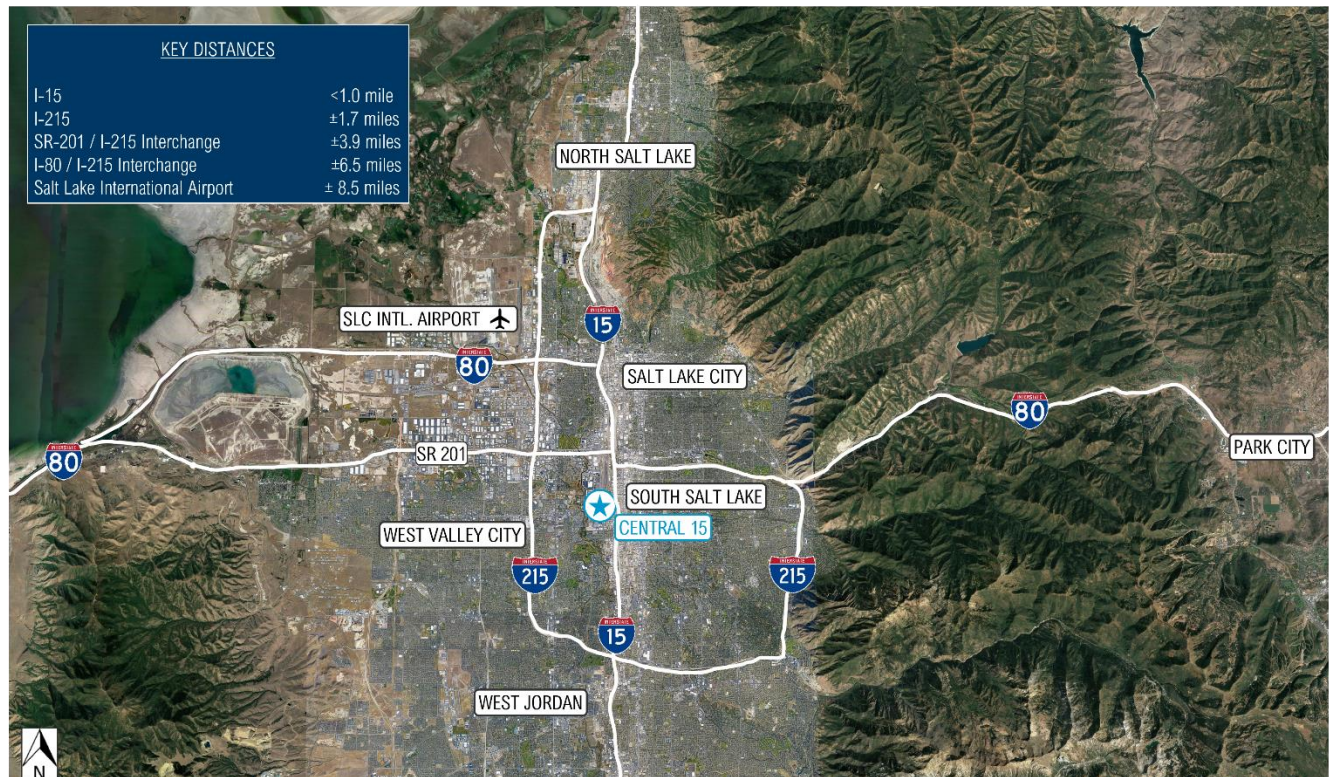


Figure 2: Regional Map



Figure 3: Neighborhood Map

Population Densities

The Project Area has no meaningful fulltime permanent population density. Day time population will increase with development of this Project Area as it is expected to be developed into flex industrial space.

Building Intensities

The existing golf course has several structures such as a two-story driving range platform, two office buildings, and a pro-shop building. In order to accommodate future site development, these structures would be demolished and replaced with four structures totaling approximately 1 million square feet of flex industrial space.

Development Guidance Standards

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 3) States the standards that will guide project area development) 17C-5-105(3))

Any future development will be in compliance with the current zoning for the area including the City's general plan guidelines and Strategic Plan. Any development will be compatible with the surrounding uses.

Project Furthers Purpose of CRA Statute

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 4) Shows how project area development will further purposes of this title (17C-5-105(4))

The parcels included in the Project Area are all under-utilized parcels. CVWRF currently ground leases the property to an operator of a 9-hole golf course and driving range but makes very little revenue from this lease. CVWRF has sought a more productive use of the Project Area to help increase revenue and offset wastewater treatment costs to the public. In addition, the Project Area only provides \$10,633 of tax revenue to taxing entities on an annual basis. Any tax increment used will move the property to its highest and best use, generating additional revenue for CVWRF and additional tax revenue for taxing entities.

Consistency with City's General Plan

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 5) Is consistent with the general plan of the community in which the community reinvestment project area is located and shows that project area development will conform to the community's general plan (17C-5-105(5))

The Project Area will comply with the City's current general plan specifically the section titled "Future Land Use Map & Descriptions" on pages 26-28. The general plan identifies this area as a "catalyst area" meaning that it is "appropriate for transformation from current development patterns and that investment from public sources may be appropriate to leverage private investment in the area."

Eliminate or Reduce Development Impediments

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 6) If applicable, describes how project area development will eliminate or reduce a development impediment in the community reinvestment project area (17C-5-105(6))

The following impediments hamper economic development of this Project Area:

- 1) The Site is a former uranium mill facility which underwent clean-up in the 1980's and the 1990's. There are extraordinary costs to develop the site due to its environmental history, residual radioactive materials, structurally sub-optimal soils imported during clean-up, and regulatory long-term management requirements.
- 2) Several regional sewer and stormwater utilities converge at and cross the Site that need to be relocated to accommodate an efficient site plan.
- 3) Significant off-site improvements such as an acceleration lane, (2) deceleration lanes, median modifications with a left turn lane, and a 4th leg added to an existing 3-way signalized intersection are required to provide functional access to the site.
- 4) Macro-economic and financial conditions have shifted immensely negative since the terms between CVWRF and DPRE were negotiated. Construction loan interest rates have gone up over 275%, the

amount of non-recourse leverage offered by lenders has dropped 30%, banks have pulled back from construction loan lending altogether while local and regional banks are experiencing liquidity problems, minimum return thresholds to attract joint-venture equity have jumped by 50%, and joint-venture equity is requiring much higher returns for projects on ground leases, particularly in the current economic environment.

The CRA will provide funds to reduce or eliminate these development impediments.

Specific Project Development

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 7) Describes any specific project area development that is the object of the community reinvestment project area plan (17C-5-105(7))

The CRA will provide tax increment financing to DPRE to develop the Project Area. DPRE plans to develop four Class A bulk distribution, warehouse, and manufacturing buildings totaling approximately one million square feet over approximately 71 acres in three phases. DPRE is contemplating a phased approach to construction. Construction is assumed to commence on Building A in the first half of 2024, pending approval of this tax increment financing request, with a construction period of 14 months inclusive of master plan site work and off-sites. Building B will commence after the start of Building A with a construction period of 12 months and final completion date of Late 2025. Buildings C and D will begin construction in early 2026 with a construction period of 12 months. The underwriting assumes that all buildings have 4 tenants each, ranging from 50K SF for Buildings B, C and D to 100K SF for Building A. However, the buildings will be designed to accommodate up to 6 tenants in each building to be able to accommodate smaller demisable increments.

How the Agency will Select Participants

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 8) If applicable, explains how the agency plans to select a participant (17C-5-105(8))

The Agency plans to select DPRE to develop the Project Area. DPRE has worked closely with South Salt Lake (“SSL”) since 2019 while DPRE was in the process of assembling historically industrial parcels in SSL’s City Center for redevelopment into a master-planned mixed-use commercial and residential development. SSL and DPRE were in search of alternative sites within the SSL city-limits to develop a modern industrial park and retain an industrial employment base that would be displaced by the South City redevelopment. Development by DPRE within the Project Area would accomplish this goal.

Reasons for Selecting this Project Area

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 9) States each reason the agency selected the community reinvestment project area (17C-5-105(9))

The parcels in the Project Area are currently underutilized and used as a golf course. With the development of the SSL City Center, the City is also in need of additional industrial space. The development of the Project Area as industrial warehouse space will move the property to its highest and best use, generating additional revenue for CVWRF and additional tax revenue for taxing entities.

Physical, Social and Economic Conditions in Project Area

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 10) Describes the physical, social, and economic conditions that exist in the community reinvestment project area (17C-5-105(10))

The parcels included in the Project Area are owned by CVWRF and are currently ground-leased to an operator of a 9-hole golf course and driving range.

Financial Assistance to Participant

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 11) Describes each type of financial assistance that the agency anticipates offering a participant (17C-5-105(11))

Tax increment will be utilized to assist DPRE in the development of the Project Area. Tax increment will either be capitalized through the issuance of a bond or through periodic payments. Tax increment will be used to:

- 1) Assist with the extraordinary costs to develop the site due to its environmental history, residual radioactive materials, structurally sub-optimal soils imported during clean-up, and regulatory long-term management requirements;
- 2) Relocate several regional sewer and stormwater utilities that converge at and cross the Site to accommodate an efficient site plan;
- 3) Assist with the cost of significant off-site improvements such as an acceleration lane, (2) deceleration lanes, median modifications with a left turn lane, and a 4th leg added to an existing 3-way signalized intersection that are required to provide functional access to the site; and
- 4) Incentivize DPRE to develop the site with the current negative Macro-economic and financial conditions.

The following structure will be utilized when providing tax increment to participants.

TYPE OF DEVELOPMENT	TAX INCREMENT RATE (UP TO)	TAX INCREMENT RATE (UP TO)
Industrial	60%	20 Years

Public Benefits Analysis

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 12) Includes an analysis or description of the anticipated public benefit resulting from project area development, including benefits to the community's economic activity and tax base (17C-5-105(12))

Economic Activity

The purpose of the CRA is to develop over 1 million square feet of flex and industrial space that will provide additional tax revenue to taxing entities as well as additional jobs. At buildout, job growth is estimated to be between 400 and 815 new jobs.

Tax Base

The primary increase in tax revenue generated from the Project Area will be in property taxes. As described herein, development within the Project Area once completed could generate approximately \$1.9 million annually to the tax rolls of the various entities which levy a tax in the Project Area. This value could generate \$45 million in new property tax over a 20-year period. The Agency anticipates needing 60 percent of the participation entities' revenue to assist DPRE in the development of the Project Area and administering the Project Area. The remaining revenue would flow to taxing entities. The pass-through revenue for taxing entities would amount to \$23 million over 20 years. Without development of the Project Area, taxing entities expect to receive approximately \$269k of total tax revenues generated over 20 years.

Historic Buildings

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 13) If applicable, states that the agency shall comply with Section 9-8a-404 as required under Section 17C-5-106 (17C-5-105(13)):
 - a. Any agency shall comply with Section 9-8a-404 as though the agency is a state agency if:
 - i. Any of the existing buildings or uses in a community reinvestment project area are included in, or eligible for inclusion in, the National Register of Historic Places or the State Register; and
 - ii. The agency spends agency funds on the demolition or rehabilitation of existing buildings described above.

No existing buildings within the Project Area are included or are eligible for inclusion in the National Register of Historic Places or the State Register.

CRAs Prior to 2019

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 14) For a community reinvestment project area plan that an agency adopted before May 14, 2019, states whether the community reinvestment project area plan or proposed community

reinvestment property area plan is subject to a taxing entity committee or an interlocal agreement (17C-5-105(15))

This section does not apply since the CRA is proposed to be adopted in 2024.

Other Information

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 15) Includes other information that the agency determines to be necessary or advisable.

Chapter 2: Project Area Budget

The purpose of the Budget is to describe and outline the financial resources necessary to enact the Plan in accordance with 17C-5-303. The Project Area is governed by Interlocal Agreements as outlined in the Act (17C-5-202(1)(a)).

Sources of Funds

Base Taxable Value

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - a. The base taxable value (17C-5-303(1a))

The base taxable value for the Project Area is the 2023 taxable value which is estimated at \$1,147,400.

Tax Increment Projection

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - b. The projected amount of tax increment to be generated within the community reinvestments project area (17C-5-303(1b))

As described in the Plan and herein, the Project Area will generate approximately \$45m of tax increment over 20 years as shown in the table below.

REVENUE TO TAXING ENTITIES	TOTAL (OVER 20 YEARS)	NPV (5% DISCOUNT RATE)
Salt Lake County	5,360,472	3,203,768
Multicounty Assessing & Collecting Levy	57,681	34,474
County Assessing & Collecting Levy	596,035	356,230
Salt Lake County Library	1,834,250	1,096,268
Granite School District	24,429,754	14,600,817
South Salt Lake City	9,155,870	5,472,146
South Salt Lake Valley Mosquito Abatement District	34,608	20,684
Jordan Valley Water Conservancy District	1,311,278	783,705
Mt. Olympus Improvement District	707,552	422,879
Central Utah Water Conservancy District	1,538,155	919,302
Total	45,025,656	26,910,274

The Agency will collect tax increment according to the schedule in the table below. Utilizing this schedule the Agency anticipates collecting approximately \$21.9m over 20 years. The remainder of the tax increment will be passed through to the taxing entities.

REVENUE TO TAXING ENTITIES	PARTICIPATION RATE	LENGTH	TOTAL (OVER 20 YEARS)	NPV (5% DISCOUNT RATE)
Salt Lake County	60%	20 Years	3,216,283	1,922,261
Granite School District*	60%	20 Years	11,109,3270	6,639,660
South Salt Lake City	60%	20 Years	5,493,522	3,283,288
South Salt Lake Valley Mosquito Abatement District	60%	20 Years	20,765	12,411
Jordan Valley Water Conservancy District	60%	20 Years	786,766	470,223
Mt. Olympus Improvement District	60%	20 Years	424,530	253,727
Central Utah Water Conservancy District	60%	20 Years	922,893	551,581
Total			21,974,089	13,133,151
*excludes State Basic Levy & Charter School Levy				

Collection Period

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - c. Each project area funds collection period (17C-5-303(1c))

The Agency will collect tax increment from the Project Area over a 20-year period.

Tax Increment Paid to Other Entities

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - d. If applicable, the projected amount of tax increment to be paid to other taxing entities in accordance with Section 17C-1-410 (17C-5-303(1d))

All tax increment not paid to the Agency will pass through to each taxing entity. The table below provides an estimate of the total tax increment that will pass through to each entity. No property tax increment will be paid to any other taxing entity than those listed below.

REVENUE TO TAXING ENTITIES	TOTAL	NPV
Salt Lake County	2,144,189	1,281,507
Multicounty Assessing & Collecting Levy	57,681	34,474
County Assessing & Collecting Levy	596,035	356,230
Salt Lake County Library	1,834,250	1,096,268
Granite School District	13,320,426	7,961,157
South Salt Lake City	3,662,348	2,188,859
South Salt Lake Valley Mosquito Abatement District	13,843	8,274
Jordan Valley Water Conservancy District	524,511	313,482
Mt. Olympus Improvement District	283,021	169,152
Central Utah Water Conservancy District	615,262	367,721
Total	23,051,567	13,777,123

Collection Area

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - e. If the area from which the tax increment is collected is less than the entire community reinvestment project area: (17C-5-303(1e))
 - i. A boundary description of the portion or portions of the community reinvestment project area from which the agency receives tax increment; and
 - ii. For each portion described in Subsection (1)(e)(i), the period of time during which tax increment is collected,

The collection area is the same as the Project Area.

Participation Rates

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - f. The percentage of tax increment the agency is authorized to receive from the community reinvestment project area (17C-5-303(1f))

The Agency is requesting that all taxing entities except for the Salt Lake County Library participate at 60% for up to 20 years. The two assessing and collecting levies are excluded per statute. Granite School District's levy is reduced by the State Basic School Levy and the UT Charter School-Granite levy.

Maximum Collection Amounts

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - g. The maximum cumulative dollar amount of tax increment the agency is authorized to receive from the community reinvestment project area; (17C-5-303(1g))

The Project Area will be capped at \$22,000,000. When this cap is reached, tax increment will cease to flow to the Agency.

Sales and Use Tax Revenue

A community reinvestment project area budget shall include:

- 2) If the agency receives sales and use tax revenue: (17C-5-303(2))
 - a. The percentage and total amount of sales and use tax revenue to be paid to the agency; and
 - b. Each project area funds collection period.

The Agency will not receive sales and use tax revenue.

Uses of Funds

A community reinvestment project area budget shall include:

- 3) The amount of project area plan funds the agency will use to implement the community reinvestment project area plan, including the estimated amount of project area funds that

will be used for land acquisition, public improvements, infrastructure improvements, or any loans, grants, or other incentives to private or public entities (17C-5-303(3))

The Agency will use the funds collected to administer the Project Area and fulfill the Moderate-Income Housing Plan found in the City’s General Plan. The Agency will also use the funds collected from the Project Area to incentivize DPRE to develop the area. DPRE is expected to use these funds to:

- Assist with the extraordinary costs to develop the site due to its environmental history, residual radioactive materials, structurally sub-optimal soils imported during clean-up, and regulatory long-term management requirements;
- Relocate several regional sewer and stormwater utilities that converge at and cross the Site to accommodate an efficient site plan; and
- Assist with the cost of significant off-site improvements such as an acceleration lane, (2) deceleration lanes, median modifications with a left turn lane, and a 4th leg added to an existing 3-way signalized intersection that are required to provide functional access to the site.

CRA BUDGET	USAGE	TOTAL	NPV
Agency Administration and Operations	3%	659,223	393,995
CRA Housing	10%	2,197,409	1,313,315
Redevelopment Activities	87%	19,117,457	11,425,842
Total		21,974,089	13,133,151

Agency’s Combined Incremental Value

A community reinvestment project area budget shall include:

- 4) The agency’s combined incremental value (17C-5-303(4))

The Agency currently has three active project areas.

PROJECT AREA	2023 END YEAR VALUE
Streetcar CDA	120,213,710
Market Station URA	33,978,727
3900 South CDA	10,709,319
Total	164,901,756

Administrative Costs

A community reinvestment project area budget shall include:

- 5) The amount of project area funds that will be used to cover the cost of administering the community reinvestment project area plan (17C-5-303(5))

The Agency plans to collect three percent of the tax increment funds to administer the Project Area. This amounts to \$659,223 over the course of 20 years.

Property Owned

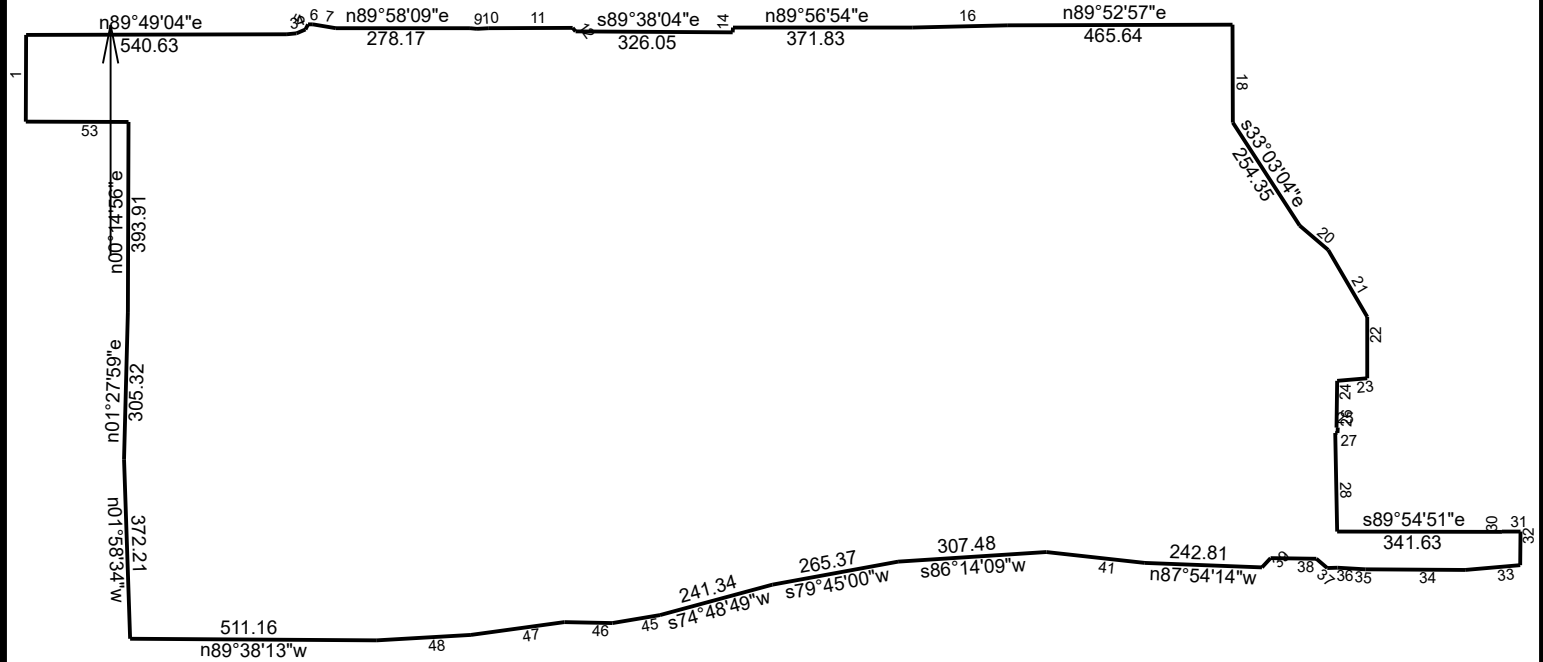
A community reinvestment project area budget shall include:

- 6) For property that the agency owns and expects to sell, the expected total cost of the property to the agency and the expected sale price. (17C-5-303(6))

The Agency does not currently own property in this Project Area.

Appendix A – Property Description

The following is the metes and bounds description of the property. This description is provided to meet the requirements for divided parcels in Utah Code 17C-1-414.



Lots 1 & 2, Parcels A & B

2/9/2024

Scale: 1 inch= 398 feet

File:

Tract 1: 67.9392 Acres, Closure: n62.0043w 0.02 ft. (1/504763), Perimeter=8558 ft.

01 n00.0140e 179.31	30 n00.0758e 0.48
02 n89.4904e 540.63	31 s89.5907e 38.39
03 n83.5617e 20.04	32 s00.0758w 69.52
04 n67.3028e 20.02	33 s84.5521w 114.99
05 n27.1655e 12.15	34 n89.3056w 206.6
06 s88.2843e 9.79	35 n86.4930w 57.98
07 s80.5133e 48.66	36 s88.1633w 20.92
08 n89.5809e 278.17	37 n49.4726w 29.86
09 s84.1654e 14.65	38 n89.0940w 94.91
10 n86.5118e 24.61	39 s42.4452w 26.31
11 n89.5217e 173.82	40 n87.5414w 242.81
12 s36.2041e 9.16	41 n83.3553w 205.69
13 s89.3804e 326.05	42 s86.1409w 307.48
14 n01.3714e 10.25	43 s79.4500w 265.37
15 n89.5654e 371.83	44 s74.4849w 241.34
16 n88.3916e 198.15	45 s80.3218w 99.97
17 n89.5257e 465.64	46 n88.5908w 99.58
18 s00.0941e 203.19	47 s82.0933w 195.21
19 s33.0304e 254.35	48 s86.4149w 195.75
20 s49.2210e 77.66	49 n89.3813w 511.16
21 s30.2228e 160.35	50 n01.5834w 372.21
22 s00.0053w 127.74	51 n01.2759e 305.32
23 s84.5811w 62.42	52 n00.1456e 393.91
24 s00.4732w 96.51	53 n89.4149w 212.79
25 s87.4424e 2.5	
26 s02.2830w 10.98	
27 s87.3510w 4.96	
28 s01.0639e 204.56	
29 s89.5451e 341.63	

Lots 1 & 2, Parcels A & B Description

A parcel of land being part of Lot 101, Central Valley Water Subdivision recorded July 2, 2009 as Entry No. 10745640 in Book 2009 of Plats, at Page 89 and part of three (3) entire tracts described in that Special Warranty Deed recorded April 26, 1989 as Entry No. 4763126 and that Warranty Deed recorded January 2, 1980 as Entry No. 3384130 in Book 5917, at Page 647 in the Office of the Salt Lake County Recorder. Said parcel of land is located in the Southeast Quarter of Section 26 and the Southwest Quarter of Section 25, Township 2 South, Range 1 West, Salt Lake Base and Meridian and is described as follows:

Beginning at the intersection of the easterly right-of-way line of 900 West Street and an existing chain link fence, which is 561.79 feet N. 00°01'40" E. along the monument line of 900 West Street and 40.00 feet East from a street monument at the intersection of 900 West Street and 3265 South Street, said point also being 2105.17 feet North and 865.66 feet East from the South Quarter Corner of said Section 26; thence N. 00°01'40" E. (R=N 0°03'14" E) 179.31 feet along said easterly right-of-way line of 900 West Street to a westerly extension of and existing chain link fence; thence to and along an existing chain link fence the following fourteen (14) courses: 1) N. 89°49'04" E. 540.63 feet; 2) N. 83°56'17" E. 20.04 feet; 3) N. 67°30'28" E. 20.02 feet; 4) N. 27°16'55" E. 12.15 feet; 5) S. 88°28'43" E. 9.79 feet; 6) S. 80°51'33" E. 48.66 feet; 7) N. 89°58'09" E. 278.17 feet; 8) S. 84°16'54" E. 14.65 feet; 9) N. 86°51'18" E. 24.61 feet; 10) N. 89°52'17" E. 173.82 feet; 11) S. 36°20'41" E. 9.16 feet; 12) S. 89°38'04" E. 326.05 feet; 13) N. 01°37'14" E. 10.25 feet; 14) N. 89°56'54" E. 371.83 feet; thence N. 88°39'16" E 198.15 feet to an existing concrete wall; thence N. 89°52'57" E. 465.64 feet along said concrete wall to the easterly line of said Lot 101, Central Valley Water Subdivision; thence along said Lot 101 the following fourteen (14) courses: 1) S. 00°09'41" E. (R=S00°07'51"E) 203.19 feet; 2) S. 33°03'04" E. (R=S33°01'14"E) 254.35 feet; 3) S. 49°22'10" E. (R=S49°20'20"E) 77.66 feet; 4) S. 30°22'28" E. (R=S30°20'38"E) 160.35 feet; 5) S. 00°00'53" W. (R=S00°02'43"W) 127.74 feet; 6) S. 84°58'11" W. (R=S85°00'01"W) 62.42 feet; 7) S. 00°47'32" W. (R=S00°49'22"W) 96.51 feet; 8) S. 87°44'24" E. (R=S87°42'34"E) 2.50 feet; 9) S. 02°28'30" W. (R=S02°30'20"W) 10.98 feet; 10) S. 87°35'10" W. (R=S87°37'00"W) 4.96 feet; 11) S. 01°06'39" E. (R=S01°04'49"E) 204.56 feet; 12) S. 89°54'51" E. (R=S89°53'01"E) 341.63 feet; 13) N. 00°07'58" E. (R=S00°09'48"E) 0.48 feet; 14) S. 89°59'07" E. (R=S89°57'17"E) 38.39 feet to the northwesterly corner of a parcel of land described as "Parcel No. 1:C" having Project No. SW 11-0007 in that Special Warranty Deed recorded April 27, 2011 as Entry No. 11173107 in Book 9920, at Page 6692 in the Office of said Recorder; thence S. 00°07'58" W. (R=N. 00°09'48" E.) 69.52 feet to a southerly line of said Lot 101, Central Valley Water Subdivision; thence S. 84°55'21" W. (R=S84°57'11"W) 114.99 feet along said southerly line of Lot 101; thence N. 89°30'56" W. 206.60 feet to said southerly line of said Lot 101; thence along said Lot 101 the following two (2) courses: 1) N. 86°49'30" W. 57.98 feet; 2) S. 88°16'33" W. 20.92 feet; thence N. 49°47'26" W. 29.86 feet; thence N. 89°09'40" W. 94.91 feet; thence S. 42°44'52" W. 26.31 feet to said

Southerly line of Lot 101; thence along said southerly line of Lot 101 the following three (3) courses: 1) N. 87°54'14" W. (R=N87°52'24"W) 242.81 feet; 2) N. 83°35'53" W. (R=N83°34'03"W) 205.69 feet; 3) S. 86°14'09" W. 307.48 feet (R=S86°15'59"W 308.54); thence along the southerly boundary line of said entire tract the following seven (7) courses: 1) S. 79°45'00" W. 265.37 feet (R=South 79°48'36" West 262.62 ft); 2) S. 74°48'49" W. (R=North 74°53'13" West 241.2 ft) 241.34 feet; 3) S. 80°32'18" W. 99.97 feet (R=South 80°35'51" West 100 ft); 4) N. 88°59'08" W. 99.58 feet (R=North 88°52'35" West 99.54 ft); 5) S. 82°09'33" W. 195.21 feet (R=South 83°12'45" West 195 ft); 6) S. 86°41'49" W. (R=South 86°50'27" West 195.77 ft) 195.75 feet; 7) N. 89°38'13" W. (R=S 89°50' E) 511.16 feet; thence N. 01°58'34" W. (R=N 1°57' W) 372.21 feet along a westerly boundary line of said entire tract; thence N. 01°27'59" E. 305.32 feet; thence N. 00°14'56" E. 393.91 feet; thence N. 89°41'49" W. 212.79 feet to the **Point of Beginning**.

The above-described parcel of land contains 2,959,425 sq. ft. or 67.939 acres, more or less.

Appendix B – Budget and Financial Calculations

Redevelopment Agency of South Salt Lake

Central Valley Property TIF Analysis
Tax Increment Analysis

ASSUMPTIONS:	
Discount Rate	5.0%
Assessed Value Growth Rate	2.0%
Base Year Value	\$1,147,400

PROPERTY TAX ANALYSIS:	Payment Year		2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	TOTALS	NPV	
	Tax Year	Final CO Year	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045			2046
Cumulative Taxable Value																									
Flex Space Development																									
Building A			\$59,779,980	\$60,975,580	\$62,195,091	\$63,438,993	\$64,707,773	\$66,001,928	\$67,321,967	\$68,668,406	\$70,041,774	\$71,442,610	\$72,871,462	\$74,328,891	\$75,815,469	\$77,331,778	\$78,878,414	\$80,455,982	\$82,065,102	\$83,706,404	\$85,380,532	\$87,088,143			
Building B			\$35,962,714	\$36,681,968	\$37,415,608	\$38,163,920	\$38,927,198	\$39,705,742	\$40,499,857	\$41,309,854	\$42,136,051	\$42,978,772	\$43,838,348	\$44,715,115	\$45,609,417	\$46,521,605	\$47,452,037	\$48,401,078	\$49,369,100	\$50,356,482	\$51,363,611	\$52,390,884			
Building C			-	\$32,443,078	\$33,091,940	\$33,753,778	\$34,428,854	\$35,117,431	\$35,819,780	\$36,536,175	\$37,266,899	\$38,012,237	\$38,772,481	\$39,547,931	\$40,338,890	\$41,145,667	\$41,968,581	\$42,807,952	\$43,664,111	\$44,537,394	\$45,428,142	\$46,336,704			
Building D				\$34,065,497	\$34,746,807	\$35,441,743	\$36,150,578	\$36,873,589	\$37,611,061	\$38,363,283	\$39,130,548	\$39,913,159	\$40,711,422	\$41,525,651	\$42,356,164	\$43,203,287	\$44,067,353	\$44,948,700	\$45,846,627	\$46,764,627	\$47,699,920	\$48,653,918			
Total Assessed Value:			\$95,742,694	\$164,166,123	\$167,449,445	\$170,798,434	\$174,214,403	\$177,698,691	\$181,252,665	\$184,877,718	\$188,575,272	\$192,346,778	\$196,193,713	\$200,117,588	\$204,119,939	\$208,202,338	\$212,366,385	\$216,613,713	\$220,945,987	\$225,364,907	\$229,872,205	\$234,469,649			
TOTAL TAXABLE VALUE:			\$95,742,694	\$164,166,123	\$167,449,445	\$170,798,434	\$174,214,403	\$177,698,691	\$181,252,665	\$184,877,718	\$188,575,272	\$192,346,778	\$196,193,713	\$200,117,588	\$204,119,939	\$208,202,338	\$212,366,385	\$216,613,713	\$220,945,987	\$225,364,907	\$229,872,205	\$234,469,649			
TAX RATE & INCREMENT ANALYSIS:		2023 Rates																					Totals	NPV	
Salt Lake County		0.001394	136,465	228,848	233,425	238,093	242,855	247,712	252,666	257,720	262,874	268,131	273,494	278,964	284,543	290,234	296,039	301,960	307,999	314,159	320,442	326,851	5,360,472	3,203,768	
Granite School District		0.004815	461,001	790,460	822,394	856,269	892,394	930,842	970,990	1,012,938	1,056,786	1,102,534	1,150,182	1,200,730	1,254,178	1,310,526	1,369,774	1,431,922	1,497,070	1,565,218	1,636,466	1,710,914	18,515,546	11,066,100	
South Salt Lake City		0.002381	227,963	390,880	398,697	406,671	414,804	423,101	431,563	440,194	448,998	457,978	467,137	476,480	486,010	495,730	505,644	515,757	526,072	536,594	547,326	558,272	9,155,870	5,472,146	
South Salt Lake Valley Mosquito Abatement District		0.000009	862	1,477	1,507	1,537	1,568	1,599	1,631	1,664	1,697	1,731	1,766	1,801	1,837	1,874	1,911	1,950	1,989	2,028	2,069	2,110	34,608	20,684	
Jordan Valley Water Conservancy District		0.000341	32,648	55,981	57,100	58,242	59,407	60,595	61,807	63,043	64,304	65,590	66,902	68,240	69,605	70,997	72,417	73,865	75,343	76,849	78,386	79,954	1,311,278	783,705	
Mt. Olympus Improvement District		0.000184	17,617	30,207	30,811	31,427	32,055	32,697	33,350	34,018	34,698	35,392	36,100	36,822	37,558	38,309	39,075	39,857	40,654	41,467	42,296	43,142	707,552	422,879	
Central Utah Water Conservancy District		0.000400	38,297	65,666	66,886	68,319	69,866	71,079	72,501	73,951	75,430	76,939	78,477	80,047	81,648	83,281	84,947	86,645	88,378	90,146	91,949	93,788	1,538,155	919,302	
TOTAL INCREMENTAL TAX REVENUE:		0.009524	911,853	1,563,518	1,594,789	1,626,684	1,659,218	1,692,402	1,726,250	1,760,775	1,795,991	1,831,911	1,868,549	1,905,920	1,944,038	1,982,919	2,022,577	2,063,029	2,104,290	2,146,375	2,189,303	2,233,089	36,623,481	21,888,586	
PROJECT AREA BUDGET			2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046			
Sources of Funds:			2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	TOTALS	NPV
<i>Property Tax Participation Rate for Budget</i>																									
Salt Lake County			60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Granite School District			60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
South Salt Lake City			60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
South Salt Lake Valley Mosquito Abatement District			60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Jordan Valley Water Conservancy District			60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Mt. Olympus Improvement District			60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Central Utah Water Conservancy District			60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
<i>Property Tax Increment for Budget</i>																									
Salt Lake County			\$80,079	\$137,309	\$140,055	\$142,856	\$145,713	\$148,627	\$151,600	\$154,632	\$157,724	\$160,879	\$164,096	\$167,378	\$170,726	\$174,140	\$177,623	\$181,176	\$184,799	\$188,495	\$192,265	\$196,110	\$3,216,283	\$1,922,261	
Granite School District			\$276,601	\$474,276	\$483,761	\$493,437	\$503,305	\$513,372	\$523,639	\$534,112	\$544,794	\$555,690	\$566,804	\$578,140	\$589,703	\$601,497	\$613,526	\$625,797	\$638,313	\$651,079	\$664,101	\$677,383	\$11,109,328	\$6,639,660	
South Salt Lake City			\$136,778	\$234,528	\$239,218	\$244,003	\$248,883	\$253,860	\$258,938	\$264,116	\$269,399	\$274,787	\$280,282	\$285,888	\$291,602	\$297,438	\$303,387	\$309,454	\$315,643	\$321,956	\$328,395	\$334,963	\$5,493,522	\$3,283,288	
South Salt Lake Valley Mosquito Abatement District			\$517	\$886	\$904	\$922	\$941	\$960	\$979	\$998	\$1,018	\$1,039	\$1,059	\$1,081	\$1,102	\$1,124	\$1,147	\$1,171	\$1,193	\$1,217	\$1,241	\$1,266	\$20,765	\$12,411	
Jordan Valley Water Conservancy District			\$19,589	\$33,588	\$34,260	\$34,945	\$35,644	\$36,357	\$37,084	\$37,826	\$38,583	\$39,354	\$40,141	\$40,944	\$41,763	\$42,598	\$43,450	\$44,319	\$45,206	\$46,110	\$47,032	\$47,972	\$786,767	\$470,223	
Mt. Olympus Improvement District			\$10,570	\$18,124	\$18,486	\$18,856	\$19,233	\$19,618	\$20,010	\$20,411	\$20,819	\$21,235	\$21,660	\$22,093	\$22,535	\$22,986	\$23,445	\$23,914	\$24,392	\$24,880	\$25,378	\$25,885	\$424,531	\$253,727	
Central Utah Water Conservancy District			\$22,978	\$39,400	\$40,188	\$40,992	\$41,811	\$42,648	\$43,501	\$44,371	\$45,258	\$46,163	\$47,086	\$48,028	\$48,989	\$49,969	\$50,968	\$51,987	\$53,027	\$54,088	\$55,169	\$56,273	\$922,893	\$551,581	
Total Property Tax Increment for Budget:			\$547,112	\$938,111	\$956,873	\$976,011	\$995,531	\$1,015,441	\$1,035,750	\$1,056,465	\$1,077,595	\$1,099,146	\$1,121,129	\$1,143,552	\$1,166,423	\$1,189,751	\$1,213,546	\$1,237,817	\$1,262,574	\$1,287,825	\$1,313,582	\$1,339,853	\$21,974,089	\$13,133,151	
Uses of Tax Increment Funds:			2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	TOTALS	NPV	
Agency Administration and Operations		3.0%	\$16,413	\$28,143	\$28,706	\$29,280	\$29,866	\$30,463	\$31,073	\$31,694	\$32,328	\$32,974	\$33,634	\$34,307	\$34,993	\$35,693	\$36,406	\$37,135	\$37,877	\$38,635	\$39,407	\$40,196	\$659,223	\$393,985	
CRA Housing		10.0%	\$54,711	\$93,811	\$95,687	\$97,601	\$99,553	\$101,544	\$103,575	\$105,647	\$107,759	\$109,915	\$112,113	\$114,355	\$116,642	\$118,975	\$121,355	\$123,782	\$126,257	\$128,783	\$131,358	\$133,985	\$2,197,409	\$1,313,315	
Redevelopment Activities		87.0%	\$475,987	\$816,156	\$832,480	\$849,129	\$866,112	\$883,434	\$901,103	\$919,125	\$937,507	\$956,257	\$975,383	\$994,890	\$1,014,788	\$1,035,084	\$1,055,785	\$1,076,901	\$1,098,439	\$1,120,408	\$1,142,816	\$1,165,672	\$19,117,457	\$11,425,842	
Total Uses			\$547,112	\$938,111	\$956,873	\$976,011	\$995,531	\$1,015,441	\$1,035,750	\$1,056,465															

Redevelopment Agency of South Salt Lake

Central Valley Property TIF Analysis

Tax Increment Analysis

SHOWS ALL TAXING ENTITIES AT FULL RATE TO SHOW FULL TAX GENERATION BENEFIT

ASSUMPTIONS:	
Discount Rate	5.0%
Assessed Value Growth Rate	2.0%
Base Year Value	\$1,147,400

PROPERTY TAX ANALYSIS:	Payment Year		2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	TOTALS	NPV
	Tax Year	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046		
	Final CO Year	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045		
Cumulative Taxable Value																								
Flex Space Development																								
Building A		\$59,779,980	\$60,975,580	\$62,195,091	\$63,438,993	\$64,707,773	\$66,001,928	\$67,321,967	\$68,668,406	\$70,041,774	\$71,442,610	\$72,871,462	\$74,328,891	\$75,815,469	\$77,331,778	\$78,878,414	\$80,455,982	\$82,065,102	\$83,706,404	\$85,380,532	\$87,088,143			
Building B		\$35,962,714	\$36,681,968	\$37,415,608	\$38,163,920	\$38,927,198	\$39,705,742	\$40,499,857	\$41,309,854	\$42,136,051	\$42,978,772	\$43,838,348	\$44,715,115	\$45,609,417	\$46,521,605	\$47,452,037	\$48,401,078	\$49,369,100	\$50,356,482	\$51,363,611	\$52,390,884			
Building C		-	\$32,443,078	\$33,091,940	\$33,753,778	\$34,428,854	\$35,117,431	\$35,819,780	\$36,536,175	\$37,266,899	\$38,012,237	\$38,772,481	\$39,547,931	\$40,338,890	\$41,145,667	\$41,968,581	\$42,807,952	\$43,664,111	\$44,537,394	\$45,428,142	\$46,336,704			
Building D		-	\$34,065,497	\$34,746,807	\$35,441,743	\$36,150,578	\$36,873,589	\$37,611,061	\$38,363,283	\$39,130,548	\$39,913,159	\$40,711,422	\$41,525,651	\$42,356,164	\$43,203,287	\$44,067,353	\$44,948,700	\$45,846,874	\$46,767,627	\$47,709,920	\$48,653,918			
Total Assessed Value:		\$95,742,694	\$164,166,123	\$167,449,445	\$170,798,434	\$174,214,403	\$177,698,691	\$181,252,665	\$184,877,718	\$188,575,272	\$192,346,778	\$196,193,713	\$200,117,588	\$204,119,939	\$208,202,338	\$212,366,385	\$216,613,713	\$220,945,987	\$225,364,907	\$229,872,205	\$234,469,649			
TOTAL TAXABLE VALUE:		\$95,742,694	\$164,166,123	\$167,449,445	\$170,798,434	\$174,214,403	\$177,698,691	\$181,252,665	\$184,877,718	\$188,575,272	\$192,346,778	\$196,193,713	\$200,117,588	\$204,119,939	\$208,202,338	\$212,366,385	\$216,613,713	\$220,945,987	\$225,364,907	\$229,872,205	\$234,469,649			
TAX RATE & INCREMENT ANALYSIS:	2023 Rates																							
Salt Lake County	0.001394	133,465	228,848	233,425	238,093	242,855	247,712	252,666	257,720	262,874	268,131	273,494	278,964	284,543	290,234	296,039	301,960	307,999	314,159	320,442	326,851	5,360,472	3,203,768	
Multicounty Assessing & Collecting Levy	0.000015	1,436	2,462	2,512	2,562	2,613	2,665	2,719	2,773	2,829	2,885	2,943	3,002	3,062	3,123	3,185	3,249	3,314	3,380	3,448	3,517	57,681	34,474	
County Assessing & Collecting Levy	0.000155	14,840	25,446	25,955	26,474	27,003	27,543	28,094	28,656	29,229	29,814	30,410	31,018	31,639	32,271	32,917	33,575	34,247	34,932	35,630	36,343	596,035	356,230	
Salt Lake County Library	0.000477	45,669	78,307	79,873	81,471	83,100	84,762	86,458	88,187	89,950	91,749	93,584	95,456	97,365	99,313	101,299	103,325	105,391	107,499	109,649	111,842	1,834,250	1,096,268	
Granite School District	0.004815	461,001	790,460	806,269	822,394	838,842	855,619	872,732	890,186	907,990	926,150	944,673	963,566	982,838	1,002,494	1,022,544	1,042,995	1,063,855	1,085,132	1,106,835	1,128,971	18,515,546	11,066,100	
State Basic School Levy	0.001406	134,614	230,818	235,434	240,143	244,945	249,844	254,841	259,938	265,137	270,440	275,848	281,365	286,993	292,732	298,587	304,559	310,650	316,863	323,200	329,664	5,406,616	3,231,347	
UT Charter School - Granite	0.000132	12,638	21,670	22,103	22,545	22,996	23,456	23,925	24,404	24,892	25,390	25,898	26,416	26,944	27,483	28,032	28,591	29,160	29,748	30,347	30,956	507,591	303,370	
South Salt Lake City	0.002381	227,963	390,880	398,697	406,671	414,804	423,101	431,567	440,194	448,988	457,978	467,137	476,480	486,010	495,730	505,644	515,757	526,072	536,594	547,326	558,272	9,155,870	5,472,146	
South Salt Lake Valley Mosquito Abatement District	0.000009	862	1,477	1,507	1,537	1,568	1,599	1,631	1,664	1,697	1,731	1,766	1,801	1,837	1,874	1,911	1,950	1,989	2,028	2,069	2,110	34,608	20,684	
Jordan Valley Water Conservancy District	0.000341	32,648	55,981	57,100	58,242	59,407	60,595	61,807	63,043	64,304	65,590	66,902	68,240	69,605	70,997	72,417	73,865	75,343	76,849	78,386	79,954	1,311,278	783,705	
Mt. Olympus Improvement District	0.000184	17,617	30,207	30,811	31,427	32,055	32,697	33,354	34,026	34,713	35,416	36,135	36,869	37,618	38,382	39,161	39,955	40,765	41,591	42,434	43,294	707,552	422,879	
Central Utah Water Conservancy District	0.000400	38,297	65,666	66,980	68,319	69,686	71,079	72,501	73,951	75,430	76,939	78,477	80,047	81,648	83,281	84,947	86,645	88,376	90,141	91,949	93,788	1,538,155	919,302	
TOTAL INCREMENTAL TAX REVENUE:	0.011709	1,121,051	1,922,221	1,960,666	1,999,879	2,039,876	2,080,674	2,122,287	2,164,733	2,208,028	2,252,188	2,297,232	2,343,177	2,390,040	2,437,841	2,486,598	2,536,330	2,587,057	2,638,798	2,691,574	2,745,405	45,025,656	26,910,274	
PROJECT AREA BUDGET		2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046			
Sources of Funds:		2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	TOTALS	NPV
Property Tax Participation Rate for Budget																								
Salt Lake County	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Salt Lake County Library	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Granite School District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
South Salt Lake City	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
South Salt Lake Valley Mosquito Abatement District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Jordan Valley Water Conservancy District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Mt. Olympus Improvement District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Central Utah Water Conservancy District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Property Tax Increment for Budget																								
Salt Lake County		\$80,079	\$137,309	\$140,055	\$142,856	\$145,713	\$148,627	\$151,600	\$154,632	\$157,724	\$160,879	\$164,096	\$167,378	\$170,726	\$174,140	\$177,623	\$181,176	\$184,799	\$188,495	\$192,265	\$196,110	\$3,216,283	\$1,922,261	
Salt Lake County Library		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$	-	
Granite School District		\$276,601	\$474,276	\$483,761	\$493,437	\$503,305	\$513,372	\$523,639	\$534,112	\$544,794	\$555,690	\$566,804	\$578,140	\$589,703	\$601,497	\$613,526	\$625,797	\$638,313	\$651,079	\$664,101	\$677,383	\$11,109,328	\$6,639,660	
South Salt Lake City		\$136,778	\$234,528	\$239,218	\$244,003	\$248,883	\$253,860	\$258,938	\$264,116	\$269,399	\$274,787	\$280,282	\$285,888	\$291,606	\$297,438	\$303,387	\$309,454	\$315,643	\$321,956	\$328,395	\$334,963	\$5,493,522	\$3,283,288	
South Salt Lake Valley Mosquito Abatement District		\$517	\$886	\$922	\$941	\$960	\$979	\$998	\$1,018	\$1,039	\$1,059	\$1,081	\$1,102	\$1,124	\$1,147	\$1,171	\$1,193	\$1,217	\$1,241	\$1,266	\$1,291	\$20,765	\$12,411	
Jordan Valley Water Conservancy District		\$19,589	\$33,588	\$34,260	\$34,945	\$35,644	\$36,357	\$37,084	\$37,826	\$38,583	\$39,354	\$40,141	\$40,944	\$41,763	\$42,598	\$43,450	\$44,319	\$45,206	\$46,110	\$47,032	\$47,972	\$786,767	\$470,223	
Mt. Olympus Improvement District		\$10,570	\$18,124	\$18,486	\$18,856	\$19,233	\$19,618	\$20,010	\$20,411	\$20,819	\$21,235	\$21,660	\$22,093	\$22,535	\$22,986	\$23,445	\$23,914	\$24,392	\$24,880	\$25,378	\$25,886	\$424,531	\$253,727	
Central Utah Water Conservancy District		\$22,978	\$39,400	\$40,188																				

Appendix C – CRA Code – February 2024

Effective 5/10/2016

**Title 17C. Limited Purpose Local Government
Entities - Community Reinvestment Agency Act**

**Chapter 1
Agency Operations**

**Part 1
General Provisions**

17C-1-101 Title.

- (1) This title is known as the "Limited Purpose Local Government Entities - Community Reinvestment Agency Act."
- (2) This chapter is known as "Agency Operations."
- (3) This part is known as "General Provisions."

Amended by Chapter 350, 2016 General Session

17C-1-102 Definitions.

As used in this title:

- (1) "Active project area" means a project area that has not been dissolved in accordance with Section 17C-1-702.
- (2) "Adjusted tax increment" means the percentage of tax increment, if less than 100%, that an agency is authorized to receive:
 - (a) for a pre-July 1, 1993, project area plan, under Section 17C-1-403, excluding tax increment under Subsection 17C-1-403(3);
 - (b) for a post-June 30, 1993, project area plan, under Section 17C-1-404, excluding tax increment under Section 17C-1-406;
 - (c) under a project area budget approved by a taxing entity committee; or
 - (d) under an interlocal agreement that authorizes the agency to receive a taxing entity's tax increment.
- (3) "Affordable housing" means housing owned or occupied by a low or moderate income family, as determined by resolution of the agency.
- (4) "Agency" or "community reinvestment agency" means a separate body corporate and politic, created under Section 17C-1-201.5 or as a redevelopment agency or community development and renewal agency under previous law:
 - (a) that is a political subdivision of the state;
 - (b) that is created to undertake or promote project area development as provided in this title; and
 - (c) whose geographic boundaries are coterminous with:
 - (i) for an agency created by a county, the unincorporated area of the county; and
 - (ii) for an agency created by a municipality, the boundaries of the municipality.
- (5) "Agency funds" means money that an agency collects or receives for agency operations, implementing a project area plan or an implementation plan as defined in Section 17C-1-1001, or other agency purposes, including:
 - (a) project area funds;

- (b) income, proceeds, revenue, or property derived from or held in connection with the agency's undertaking and implementation of project area development or agency-wide project development as defined in Section 17C-1-1001;
 - (c) a contribution, loan, grant, or other financial assistance from any public or private source;
 - (d) project area incremental revenue as defined in Section 17C-1-1001; or
 - (e) property tax revenue as defined in Section 17C-1-1001.
- (6) "Annual income" means the same as that term is defined in regulations of the United States Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as amended or as superseded by replacement regulations.
- (7) "Assessment roll" means the same as that term is defined in Section 59-2-102.
- (8) "Base taxable value" means, unless otherwise adjusted in accordance with provisions of this title, a property's taxable value as shown upon the assessment roll last equalized during the base year.
- (9) "Base year" means, except as provided in Subsection 17C-1-402(4)(c), the year during which the assessment roll is last equalized:
- (a) for a pre-July 1, 1993, urban renewal or economic development project area plan, before the project area plan's effective date;
 - (b) for a post-June 30, 1993, urban renewal or economic development project area plan, or a community reinvestment project area plan that is subject to a taxing entity committee:
 - (i) before the date on which the taxing entity committee approves the project area budget; or
 - (ii) if taxing entity committee approval is not required for the project area budget, before the date on which the community legislative body adopts the project area plan;
 - (c) for a project on an inactive airport site, after the later of:
 - (i) the date on which the inactive airport site is sold for remediation and development; or
 - (ii) the date on which the airport that operated on the inactive airport site ceased operations; or
 - (d) for a community development project area plan or a community reinvestment project area plan that is subject to an interlocal agreement, as described in the interlocal agreement.
- (10) "Basic levy" means the portion of a school district's tax levy constituting the minimum basic levy under Section 59-2-902.
- (11) "Board" means the governing body of an agency, as described in Section 17C-1-203.
- (12) "Budget hearing" means the public hearing on a proposed project area budget required under Subsection 17C-2-201(2)(d) for an urban renewal project area budget, Subsection 17C-3-201(2)(d) for an economic development project area budget, or Subsection 17C-5-302(2)(e) for a community reinvestment project area budget.
- (13) "Closed military base" means land within a former military base that the Defense Base Closure and Realignment Commission has voted to close or realign when that action has been sustained by the president of the United States and Congress.
- (14) "Combined incremental value" means the combined total of all incremental values from all project areas, except project areas that contain some or all of a military installation or inactive industrial site, within the agency's boundaries under project area plans and project area budgets at the time that a project area budget for a new project area is being considered.
- (15) "Community" means a county or municipality.
- (16) "Community development project area plan" means a project area plan adopted under Chapter 4, Part 1, Community Development Project Area Plan.
- (17) "Community legislative body" means the legislative body of the community that created the agency.
- (18) "Community reinvestment project area plan" means a project area plan adopted under Chapter 5, Part 1, Community Reinvestment Project Area Plan.

- (19) "Contest" means to file a written complaint in the district court of the county in which the agency is located.
- (20) "Development impediment" means a condition of an area that meets the requirements described in Section 17C-2-303 for an urban renewal project area or Section 17C-5-405 for a community reinvestment project area.
- (21) "Development impediment hearing" means a public hearing regarding whether a development impediment exists within a proposed:
 - (a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section 17C-2-302; or
 - (b) community reinvestment project area under Section 17C-5-404.
- (22) "Development impediment study" means a study to determine whether a development impediment exists within a survey area as described in Section 17C-2-301 for an urban renewal project area or Section 17C-5-403 for a community reinvestment project area.
- (23) "Economic development project area plan" means a project area plan adopted under Chapter 3, Part 1, Economic Development Project Area Plan.
- (24) "Fair share ratio" means the ratio derived by:
 - (a) for a municipality, comparing the percentage of all housing units within the municipality that are publicly subsidized income targeted housing units to the percentage of all housing units within the county in which the municipality is located that are publicly subsidized income targeted housing units; or
 - (b) for the unincorporated part of a county, comparing the percentage of all housing units within the unincorporated county that are publicly subsidized income targeted housing units to the percentage of all housing units within the whole county that are publicly subsidized income targeted housing units.
- (25) "Family" means the same as that term is defined in regulations of the United States Department of Housing and Urban Development, 24 C.F.R. Section 5.403, as amended or as superseded by replacement regulations.
- (26) "Greenfield" means land not developed beyond agricultural, range, or forestry use.
- (27) "Hazardous waste" means any substance defined, regulated, or listed as a hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant, or toxic substance, or identified as hazardous to human health or the environment, under state or federal law or regulation.
- (28) "Housing allocation" means project area funds allocated for housing under Section 17C-2-203, 17C-3-202, or 17C-5-307 for the purposes described in Section 17C-1-412.
- (29) "Housing fund" means a fund created by an agency for purposes described in Section 17C-1-411 or 17C-1-412 that is comprised of:
 - (a) project area funds, project area incremental revenue as defined in Section 17C-1-1001, or property tax revenue as defined in Section 17C-1-1001 allocated for the purposes described in Section 17C-1-411; or
 - (b) an agency's housing allocation.
- (30)
 - (a) "Inactive airport site" means land that:
 - (i) consists of at least 100 acres;
 - (ii) is occupied by an airport:
 - (A)
 - (I) that is no longer in operation as an airport; or
 - (II)
 - (Aa) that is scheduled to be decommissioned; and

- (Bb) for which a replacement commercial service airport is under construction; and
 - (B) that is owned or was formerly owned and operated by a public entity; and
 - (iii) requires remediation because:
 - (A) of the presence of hazardous waste or solid waste; or
 - (B) the site lacks sufficient public infrastructure and facilities, including public roads, electric service, water system, and sewer system, needed to support development of the site.
 - (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land described in Subsection (30)(a).
- (31)
- (a) "Inactive industrial site" means land that:
 - (i) consists of at least 1,000 acres;
 - (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial facility; and
 - (iii) requires remediation because of the presence of hazardous waste or solid waste.
 - (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land described in Subsection (31)(a).
- (32) "Income targeted housing" means housing that is owned or occupied by a family whose annual income is at or below 80% of the median annual income for a family within the county in which the housing is located.
- (33) "Incremental value" means a figure derived by multiplying the marginal value of the property located within a project area on which tax increment is collected by a number that represents the adjusted tax increment from that project area that is paid to the agency.
- (34) "Loan fund board" means the Olene Walker Housing Loan Fund Board, established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.
- (35)
- (a) " Local government building" means a building owned and operated by a community for the primary purpose of providing one or more primary community functions, including:
 - (i) a fire station;
 - (ii) a police station;
 - (iii) a city hall; or
 - (iv) a court or other judicial building.
 - (b) " Local government building" does not include a building the primary purpose of which is cultural or recreational in nature.
- (36) "Major transit investment corridor" means the same as that term is defined in Section 10-9a-103.
- (37) "Marginal value" means the difference between actual taxable value and base taxable value.
- (38) "Military installation project area" means a project area or a portion of a project area located within a federal military installation ordered closed by the federal Defense Base Realignment and Closure Commission.
- (39) "Municipality" means a city, town, or metro township as defined in Section 10-2a-403.
- (40) "Participant" means one or more persons that enter into a participation agreement with an agency.
- (41) "Participation agreement" means a written agreement between a person and an agency that:
 - (a) includes a description of:
 - (i) the project area development that the person will undertake;
 - (ii) the amount of project area funds the person may receive; and
 - (iii) the terms and conditions under which the person may receive project area funds; and
 - (b) is approved by resolution of the board.

- (42) "Plan hearing" means the public hearing on a proposed project area plan required under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan, Subsection 17C-3-102(1)(d) for an economic development project area plan, Subsection 17C-4-102(1)(d) for a community development project area plan, or Subsection 17C-5-104(3)(e) for a community reinvestment project area plan.
- (43) "Post-June 30, 1993, project area plan" means a project area plan adopted on or after July 1, 1993, and before May 10, 2016, whether or not amended subsequent to the project area plan's adoption.
- (44) "Pre-July 1, 1993, project area plan" means a project area plan adopted before July 1, 1993, whether or not amended subsequent to the project area plan's adoption.
- (45) "Private," with respect to real property, means property not owned by a public entity or any other governmental entity.
- (46) "Project area" means the geographic area described in a project area plan within which the project area development described in the project area plan takes place or is proposed to take place.
- (47) "Project area budget" means a multiyear projection of annual or cumulative revenues and expenses and other fiscal matters pertaining to a project area prepared in accordance with:
 - (a) for an urban renewal project area, Section 17C-2-201;
 - (b) for an economic development project area, Section 17C-3-201;
 - (c) for a community development project area, Section 17C-4-204; or
 - (d) for a community reinvestment project area, Section 17C-5-302.
- (48) "Project area development" means activity within a project area that, as determined by the board, encourages, promotes, or provides development or redevelopment for the purpose of implementing a project area plan, including:
 - (a) promoting, creating, or retaining public or private jobs within the state or a community;
 - (b) providing office, manufacturing, warehousing, distribution, parking, or other facilities or improvements;
 - (c) planning, designing, demolishing, clearing, constructing, rehabilitating, or remediating environmental issues;
 - (d) providing residential, commercial, industrial, public, or other structures or spaces, including recreational and other facilities incidental or appurtenant to the structures or spaces;
 - (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating existing structures;
 - (f) providing open space, including streets or other public grounds or space around buildings;
 - (g) providing public or private buildings, infrastructure, structures, or improvements;
 - (h) relocating a business;
 - (i) improving public or private recreation areas or other public grounds;
 - (j) eliminating a development impediment or the causes of a development impediment;
 - (k) redevelopment as defined under the law in effect before May 1, 2006; or
 - (l) any activity described in this Subsection (48) outside of a project area that the board determines to be a benefit to the project area.
- (49) "Project area funds" means tax increment or sales and use tax revenue that an agency receives under a project area budget adopted by a taxing entity committee or an interlocal agreement.
- (50) "Project area funds collection period" means the period of time that:
 - (a) begins the day on which the first payment of project area funds is distributed to an agency under a project area budget approved by a taxing entity committee or an interlocal agreement; and

- (b) ends the day on which the last payment of project area funds is distributed to an agency under a project area budget approved by a taxing entity committee or an interlocal agreement.
- (51) "Project area plan" means an urban renewal project area plan, an economic development project area plan, a community development project area plan, or a community reinvestment project area plan that, after the project area plan's effective date, guides and controls the project area development.
- (52)
 - (a) "Property tax" means each levy on an ad valorem basis on tangible or intangible personal or real property.
 - (b) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4, Privilege Tax.
- (53) "Public entity" means:
 - (a) the United States, including an agency of the United States;
 - (b) the state, including any of the state's departments or agencies; or
 - (c) a political subdivision of the state, including a county, municipality, school district, special district, special service district, community reinvestment agency, or interlocal cooperation entity.
- (54) "Publicly owned infrastructure and improvements" means water, sewer, storm drainage, electrical, natural gas, telecommunication, or other similar systems and lines, streets, roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation facilities, or other facilities, infrastructure, and improvements benefitting the public and to be publicly owned or publicly maintained or operated.
- (55) "Record property owner" or "record owner of property" means the owner of real property, as shown on the records of the county in which the property is located, to whom the property's tax notice is sent.
- (56) "Sales and use tax revenue" means revenue that is:
 - (a) generated from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act; and
 - (b) distributed to a taxing entity in accordance with Sections 59-12-204 and 59-12-205.
- (57) "Superfund site":
 - (a) means an area included in the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and
 - (b) includes an area formerly included in the National Priorities List, as described in Subsection (57)(a), but removed from the list following remediation that leaves on site the waste that caused the area to be included in the National Priorities List.
- (58) "Survey area" means a geographic area designated for study by a survey area resolution to determine whether:
 - (a) one or more project areas within the survey area are feasible; or
 - (b) a development impediment exists within the survey area.
- (59) "Survey area resolution" means a resolution adopted by a board that designates a survey area.
- (60) "Taxable value" means:
 - (a) the taxable value of all real property a county assessor assesses in accordance with Title 59, Chapter 2, Part 3, County Assessment, for the current year;
 - (b) the taxable value of all real and personal property the commission assesses in accordance with Title 59, Chapter 2, Part 2, Assessment of Property, for the current year; and
 - (c) the year end taxable value of all personal property a county assessor assesses in accordance with Title 59, Chapter 2, Part 3, County Assessment, contained on the prior year's tax rolls of the taxing entity.

(61)

(a) "Tax increment" means the difference between:

- (i) the amount of property tax revenue generated each tax year by a taxing entity from the area within a project area designated in the project area plan as the area from which tax increment is to be collected, using the current assessed value of the property and each taxing entity's current certified tax rate as defined in Section 59-2-924; and
- (ii) the amount of property tax revenue that would be generated from that same area using the base taxable value of the property and each taxing entity's current certified tax rate as defined in Section 59-2-924.

(b) "Tax increment" does not include taxes levied and collected under Section 59-2-1602 on or after January 1, 1994, upon the taxable property in the project area unless:

- (i) the project area plan was adopted before May 4, 1993, whether or not the project area plan was subsequently amended; and
- (ii) the taxes were pledged to support bond indebtedness or other contractual obligations of the agency.

(62) "Taxing entity" means a public entity that:

- (a) levies a tax on property located within a project area; or
- (b) imposes a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

(63) "Taxing entity committee" means a committee representing the interests of taxing entities, created in accordance with Section 17C-1-402.

(64) "Unincorporated" means not within a municipality.

(65) "Urban renewal project area plan" means a project area plan adopted under Chapter 2, Part 1, Urban Renewal Project Area Plan.

Amended by Chapter 15, 2023 General Session

17C-1-102.5 Project area created on or after May 10, 2016.

Beginning on May 10, 2016, an agency:

- (1) may create a community reinvestment project area under Chapter 5, Community Reinvestment;
- (2) except as provided in Subsection (3), may not create:
 - (a) an urban renewal project area under Chapter 2, Urban Renewal;
 - (b) an economic development project area under Chapter 3, Economic Development; or
 - (c) a community development project area under Chapter 4, Community Development; and
- (3) may create an urban renewal project area, an economic development project area, or a community development project area if:
 - (a) before April 1, 2016, the agency adopts a resolution in accordance with:
 - (i) Section 17C-2-101.5 for an urban renewal project area;
 - (ii) Section 17C-3-101.5 for an economic development project area; or
 - (iii) Section 17C-4-101.5 for a community development project area; and
 - (b) the urban renewal project area, economic development project area, or community development project area is effective before September 1, 2016.

Enacted by Chapter 350, 2016 General Session

17C-1-103 Limitations on applicability of title -- Amendment of previously adopted project area plan.

- (1) Except where expressly provided, nothing in this title may be construed to:

- (a) impose a requirement or obligation on an agency, with respect to a project area plan adopted or an agency action taken, that was not imposed by the law in effect at the time the project area plan was adopted or the action taken;
 - (b) prohibit an agency from taking an action that:
 - (i) was allowed by the law in effect immediately before an applicable amendment to this title;
 - (ii) is permitted or required under the project area plan adopted before the amendment; and
 - (iii) is not explicitly prohibited under this title;
 - (c) revive any right to challenge any action of the agency that had already expired; or
 - (d) require a project area plan to contain a provision that was not required by the law in effect at the time the project area plan was adopted.
- (2)
- (a) A project area plan adopted before an amendment to this title becomes effective may be amended as provided in this title.
 - (b) Unless explicitly prohibited by this title, an amendment under Subsection (2)(a) may include a provision that is allowed under this title but that was not required or allowed by the law in effect before the applicable amendment.
- (3) Except as expressly provided in this title, this title applies to all project areas, regardless of when the project area was created.

Amended by Chapter 480, 2019 General Session

17C-1-104 Actions not subject to land use laws.

- (1) An action taken under this title is not subject to Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act or Title 17, Chapter 27a, County Land Use, Development, and Management Act.
- (2) An ordinance or resolution adopted under this title is not a land use regulation as defined in Sections 10-9a-103 and 17-27a-103.

Amended by Chapter 84, 2017 General Session

Part 2
Agency Creation, Powers, and Board

17C-1-201.1 Title.

This part is known as "Agency Creation, Powers, and Board."

Enacted by Chapter 350, 2016 General Session

17C-1-201.5 Creation of agency -- Name change.

- (1) A community legislative body may, by ordinance, create a community reinvestment agency.
- (2)
 - (a) The community legislative body shall:
 - (i) after adopting an ordinance under Subsection (1), file with the lieutenant governor a copy of a notice, subject to Subsection (2)(b), of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

- (ii) upon the lieutenant governor's issuance of a certificate of creation under Section 67-1a-6.5, submit to the recorder of the county in which the agency is located:
 - (A) the original notice of an impending boundary action;
 - (B) the original certificate of creation; and
 - (C) a certified copy of the ordinance approving the creation of the community reinvestment agency.
 - (b) The notice required under Subsection (2)(a)(i) shall state that the agency's boundaries are, and shall always be, coterminous with the boundaries of the community that created the agency.
 - (c) Upon the lieutenant governor's issuance of the certificate of creation under Section 67-1a-6.5, the agency is created and incorporated.
 - (d) Until the documents listed in Subsection (2)(a)(ii) are recorded in the office of the recorder of the county in which the agency is located, an agency may not receive or spend agency funds.
- (3)
- (a) An agency may change the agency's name by:
 - (i) adopting a resolution approving a name change; and
 - (ii) filing with the lieutenant governor a copy of a notice of an impending name change, as defined in Section 67-1a-6.7, that meets the requirements of Subsection 67-1a-6.7(3).
 - (b)
 - (i) Upon the lieutenant governor's issuance of a certificate of name change under Section 67-1a-6.7, the agency shall file with the recorder of the county in which the agency is located:
 - (A) the original notice of an impending name change;
 - (B) the original certificate of name change; and
 - (C) a certified copy of the resolution approving a name change.
 - (ii) Until the documents listed in Subsection (3)(b)(i) are recorded in the office of the county recorder, the agency may not operate under the new name.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-202 Agency powers.

- (1) An agency may:
 - (a) sue and be sued;
 - (b) enter into contracts generally;
 - (c) buy, obtain an option upon, acquire by gift, or otherwise acquire any interest in real or personal property;
 - (d) hold, sell, convey, grant, gift, or otherwise dispose of any interest in real or personal property;
 - (e) own, hold, maintain, utilize, manage, or operate real or personal property, which may include the use of agency funds or the collection of revenue;
 - (f) enter into a lease agreement on real or personal property, either as lessee or lessor;
 - (g) provide for project area development as provided in this title;
 - (h) receive and use agency funds as provided in this title;
 - (i) if disposing of or leasing land, retain controls or establish restrictions and covenants running with the land consistent with the project area plan;
 - (j) accept financial or other assistance from any public or private source for the agency's activities, powers, and duties, and expend any funds the agency receives for any purpose described in this title;

- (k) borrow money or accept financial or other assistance from a public entity or any other source for any of the purposes of this title and comply with any conditions of any loan or assistance;
 - (l) issue bonds to finance the undertaking of any project area development or for any of the agency's other purposes, including:
 - (i) reimbursing an advance made by the agency or by a public entity to the agency;
 - (ii) refunding bonds to pay or retire bonds previously issued by the agency; and
 - (iii) refunding bonds to pay or retire bonds previously issued by the community that created the agency for expenses associated with project area development;
 - (m) pay an impact fee, exaction, or other fee imposed by a community in connection with land development;
 - (n) subject to Part 10, Agency Taxing Authority, levy a property tax; or
 - (o) transact other business and exercise all other powers described in this title.
- (2) The establishment of controls or restrictions and covenants under Subsection (1)(i) is a public purpose.
- (3) An agency may acquire real property under Subsection (1)(c) that is outside a project area only if the board determines that the property will benefit a project area.
- (4) An agency is not subject to Section 10-8-2 or 17-50-312.

Amended by Chapter 214, 2021 General Session

17C-1-203 Agency board -- Quorum.

- (1) The governing body of an agency is a board consisting of the current members of the community legislative body.
- (2) A majority of board members constitutes a quorum for the transaction of agency business.
- (3) A board may not adopt a resolution, pass a motion, or take any other official board action without the concurrence of at least a majority of the board members present at a meeting at which a quorum is present.
- (4)
 - (a) The mayor or the mayor's designee of a municipality operating under a council-mayor form of government, as defined in Section 10-3b-102:
 - (i) serves as the executive director of an agency created by the municipality; and
 - (ii) exercises the agency's executive powers.
 - (b) The county executive or the county executive's designee of a county operating under a county executive-council form of government, as described in Section 17-52a-203:
 - (i) serves as the executive director of an agency created by the county; and
 - (ii) exercises the agency's executive powers.

Amended by Chapter 68, 2018 General Session

17C-1-204 Project area development by an adjoining agency -- Requirements.

- (1)
 - (a) A community, regardless of whether the community has created an agency, may enter into an interlocal agreement with an agency located in the same or an abutting county that authorizes the agency to exercise all the powers granted to an agency under this title within all or a portion of the community.
 - (b) The agency and the community shall adopt an interlocal agreement described in Subsection (1)(a) by resolution.
- (2) If an agency and a community enter into an interlocal agreement under Subsection (1):

- (a) the agency may act in all respects as if a project area within the community were within the agency's boundaries;
 - (b) the board has all the rights, powers, and privileges with respect to a project area within the community as if the project area were within the agency's boundaries;
 - (c) the agency may be paid project area funds to the same extent as if a project area within the community were within the agency's boundaries; and
 - (d) the community legislative body shall adopt, by ordinance, each project area plan within the community approved by the agency.
- (3) If an agency's project area abuts another agency's project area, the agencies may coordinate with each other in order to assist and cooperate in the planning, undertaking, construction, or operation of project area development located within each agency's project area.
- (4)
- (a) As used in this Subsection (4):
 - (i) "County agency" means an agency that is created by a county.
 - (ii) "Industrial property" means private real property:
 - (A) over half of which is located within the boundary of a town, as defined in Section 10-1-104; and
 - (B) comprises some or all of an inactive industrial site.
 - (iii) "Perimeter portion" means the portion of an inactive industrial site that is:
 - (A) part of the inactive industrial site because the site lies within the perimeter described in Section 17C-1-102; and
 - (B) located within the boundary of a city, as defined in Section 10-1-104.
 - (b)
 - (i) Subject to Subsection (4)(b)(ii), a county agency may undertake project area development on industrial property if the record property owner of the industrial property submits a written request to the county agency to do so.
 - (ii) A county agency may not include a perimeter portion within a project area without the approval of the city in which the perimeter portion is located.
 - (c) If a county agency undertakes project area development on industrial property:
 - (i) the county agency may act in all respects as if the project area that includes the industrial property were within the county agency's boundary;
 - (ii) the board of the county agency has each right, power, and privilege with respect to the project area as if the project area were within the county agency's boundary; and
 - (iii) the county agency may be paid project area funds to the same extent as if the project area were within the county agency's boundary.
 - (d) A project area plan for a project on industrial property that is approved by the county agency shall be adopted by ordinance of the legislative body of the county in which the project area is located.

Amended by Chapter 366, 2018 General Session

17C-1-205 Transfer of project area from one community to another.

- (1) As used in this section:
- (a) "New agency" means the agency created by the new community.
 - (b) "New community" means the community in which the relocated project area is located after the change in community boundaries takes place.
 - (c) "Original agency" means the agency created by the original community.

- (d) "Original community" means the community that adopted the project area plan that created the project area that has been relocated.
 - (e) "Relocated" means that a project area under a project area plan adopted by the original community has ceased to be located within that community and has become part of a new community because of a change in community boundaries through:
 - (i) a county or municipal annexation;
 - (ii) the creation of a new county;
 - (iii) a municipal incorporation, consolidation, dissolution, or boundary adjustment; or
 - (iv) any other action resulting in a change in community boundaries.
- (2) A relocated project area shall, for purposes of this title, be considered to remain in the original community until the original agency and the new agency enter into an interlocal agreement, adopted by resolution of the original agency's and the new agency's board, that authorizes the original agency to transfer or assign to the new agency the original agency's real property, rights, indebtedness, obligations, tax increment, or other assets and liabilities resulting from the relocated project area.

Amended by Chapter 350, 2016 General Session

17C-1-207 Public entities may assist with project area development -- Notice requirements.

- (1) In order to assist and cooperate in the planning, undertaking, construction, or operation of project area development within an area in which the public entity is authorized to act, a public entity may:
- (a)
 - (i) provide or cause to be furnished:
 - (A) parks, playgrounds, or other recreational facilities;
 - (B) community, educational, water, sewer, or drainage facilities; or
 - (C) any other works which the public entity is otherwise empowered to undertake;
 - (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks, or other places;
 - (iii) in any part of the project area:
 - (A)
 - (I) plan or replan any property within the project area;
 - (II) plat or replat any property within the project area;
 - (III) vacate a plat;
 - (IV) amend a plat; or
 - (V) zone or rezone any property within the project area; and
 - (B) make any legal exceptions from building regulations and ordinances;
 - (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the rights of any holder of the bonds;
 - (v) notwithstanding any law to the contrary, enter into an agreement for a period of time with another public entity concerning action to be taken pursuant to any of the powers granted in this title;
 - (vi) do anything necessary to aid or cooperate in the planning or implementation of the project area development;
 - (vii) in connection with the project area plan, become obligated to the extent authorized and funds have been made available to make required improvements or construct required structures; and

- (viii) lend, grant, or contribute funds to an agency for project area development or proposed project area development, including assigning revenue or taxes in support of an agency bond or obligation; and
- (b) for less than fair market value or for no consideration, and subject to Subsection (3):
 - (i) purchase or otherwise acquire property from an agency;
 - (ii) lease property from an agency;
 - (iii) sell, grant, convey, donate, or otherwise dispose of the public entity's property to an agency;
or
 - (iv) lease the public entity's property to an agency.
- (2) The following are not subject to Section 10-8-2, 17-50-312, or 17-50-303:
 - (a) project area development assistance that a public entity provides under this section; or
 - (b) a transfer of funds or property from an agency to a public entity.
- (3) A public entity may provide assistance described in Subsection (1)(b) no sooner than 15 days after the day on which the public entity completes the requirements for publishing notice of the assistance for the public entity's jurisdiction, as a class A notice under Section 63G-30-102, for at least 15 days.

Amended by Chapter 435, 2023 General Session

17C-1-208 Agency funds.

- (1) Agency funds shall be accounted for separately from the funds of the community that created the agency.
- (2) An agency may accumulate retained earnings or fund balances, as appropriate, in any fund.

Amended by Chapter 350, 2016 General Session

17C-1-209 Agency records.

An agency shall maintain the agency's minutes, resolutions, and other records separate from those of the community that created the agency.

Enacted by Chapter 350, 2016 General Session

**Part 3
Agency Property**

17C-1-301.1 Title.

This part is known as "Agency Property."

Enacted by Chapter 350, 2016 General Session

17C-1-301.5 Agency property exempt from taxation -- Exception.

- (1) Agency property acquired or held for purposes of this title is public property used for essential public and governmental purposes and, subject to Subsection (2), is exempt from taxation by a taxing entity.
- (2) The exemption in Subsection (1) does not apply to property that the agency leases to a lessee unless the lessee is entitled to a tax exemption with respect to the property.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-302 Agency property exempt from levy and execution sale -- Judgment against community or agency.

- (1)
 - (a)
 - (i) All agency property, including funds the agency owns or holds for purposes of this title, is exempt from levy and execution sale, and no execution or judicial process may issue against the property.
 - (ii) A judgment against an agency may not be a charge or lien upon agency property.
 - (b) Subsection (1)(a) does not apply to or limit the right of an obligee to pursue any remedy for the enforcement of any pledge or lien given by an agency on the agency's funds or revenues.
- (2) A judgment against the community that created the agency may not be a charge or lien upon agency property.
- (3) A judgment against an agency may not be a charge or lien upon property of the community that created the agency.

Amended by Chapter 350, 2016 General Session

**Part 4
Project Area Funds**

17C-1-401.1 Title.

This part is known as "Project Area Funds."

Enacted by Chapter 350, 2016 General Session

17C-1-401.5 Agency receipt and use of project area funds -- Distribution of project area funds.

- (1) An agency may receive and use project area funds in accordance with this title.
- (2)
 - (a) A county that collects property tax on property located within a project area shall, in accordance with Section 59-2-1365, distribute to an agency any tax increment that the agency is authorized to receive.
 - (b) Tax increment distributed to an agency in accordance with Subsection (2)(a) is not revenue of the taxing entity.
- (3)
 - (a) The project area funds collection period shall be measured:
 - (i) for a pre-July 1, 1993, project area plan, from the first tax year regarding which the agency accepts tax increment from the project area;
 - (ii) for a post-June 30, 1993, urban renewal or economic development project area plan:
 - (A) with respect to tax increment, from the first tax year for which the agency receives tax increment under the project area budget; or

- (B) with respect to sales and use tax revenue, as indicated in the interlocal agreement between the agency and the taxing entity that authorizes the agency to receive all or a portion of the taxing entity's sales and use tax revenue;
- (iii) for a community development project area plan, as indicated in the resolution or interlocal agreement of a taxing entity that authorizes the agency to receive the taxing entity's project area funds;
- (iv) for a community reinvestment project area plan that is subject to a taxing entity committee:
 - (A) with respect to tax increment, from the first tax year for which the agency receives tax increment under the project area budget; or
 - (B) with respect to sales and use tax revenue, in accordance with the interlocal agreement between the agency and the taxing entity that authorizes the agency to receive all or a portion of the taxing entity's sales and use tax revenue; or
- (v) for a community reinvestment project area plan that is subject to an interlocal agreement, in accordance with the interlocal agreement between the agency and the taxing entity that authorizes the agency to receive the taxing entity's project area funds.
- (b) Unless otherwise provided in a project area budget that is approved by a taxing entity committee, or in an interlocal agreement adopted by a taxing entity, tax increment may not be paid to an agency for a tax year before the tax year following:
 - (i) for an urban renewal project area plan, an economic development project area plan, or a community reinvestment project area plan that is subject to a taxing entity committee, the effective date of the project area plan; and
 - (ii) for a community development project area plan or a community reinvestment project area plan that is subject to an interlocal agreement, the effective date of the interlocal agreement that authorizes the agency to receive tax increment.
- (4) With respect to a community development project area plan or a community reinvestment project area plan that is subject to an interlocal agreement:
 - (a) a taxing entity may, through interlocal agreement, authorize an agency to be paid any or all of the taxing entity's project area funds for any period of time; and
 - (b) the interlocal agreement authorizing the agency to be paid project area funds shall specify:
 - (i) the base taxable value of the project area; and
 - (ii) the method of calculating the amount of project area funds to be paid to the agency.
- (5)
 - (a)
 - (i) The boundaries of one project area may overlap and include the boundaries of another project area.
 - (ii) If a taxing entity committee is required to approve the project area budget of an overlapping project area described in Subsection (5)(a)(i), the agency shall, before the first meeting of the taxing entity committee at which the project area budget will be considered, inform each taxing entity of the location of the overlapping boundaries.
 - (b)
 - (i) Before an agency may receive tax increment from the newly created overlapping portion of a project area, the agency shall inform the county auditor regarding the respective amount of tax increment that the agency is authorized to receive from the overlapping portion of each of the project areas.
 - (ii) The combined amount of tax increment described in Subsection (5)(b)(i) may not exceed 100% of the tax increment generated from a property located within the overlapping boundaries.

- (c) Nothing in this Subsection (5) gives an agency a right to receive project area funds that the agency is not otherwise authorized to receive under this title.
- (d) The collection of project area funds from an overlapping project area described in Subsection (5)(a) does not affect an agency's use of project area funds within the other overlapping project area.
- (6) With the written consent of a taxing entity, an agency may be paid tax increment, from the taxing entity's property tax revenue only, in a higher percentage or for a longer period of time, or both, than otherwise authorized under this title.
- (7) Subject to Section 17C-1-407, an agency is authorized to receive tax increment as described in:
 - (a) for a pre-July 1, 1993, project area plan, Section 17C-1-403;
 - (b) for a post-June 30, 1993, project area plan:
 - (i) Section 17C-1-404 under a project area budget adopted by the agency in accordance with this title;
 - (ii) a project area budget approved by the taxing entity committee and adopted by the agency in accordance with this title; or
 - (iii) Section 17C-1-406;
 - (c) a resolution or interlocal agreement entered into under Section 17C-2-207, 17C-3-206, 17C-4-201, or 17C-4-202;
 - (d) for a community reinvestment project area plan that is subject to a taxing entity committee, a project area budget approved by the taxing entity committee and adopted by the agency in accordance with this title; or
 - (e) for a community reinvestment project area plan that is subject to an interlocal agreement, an interlocal agreement entered into under Section 17C-5-204.

Amended by Chapter 364, 2018 General Session

17C-1-402 Taxing entity committee.

- (1) The provisions of this section apply to a taxing entity committee that is created by an agency for:
 - (a) a post-June 30, 1993, urban renewal project area plan or economic development project area plan;
 - (b) any other project area plan adopted before May 10, 2016, for which the agency created a taxing entity committee; and
 - (c) a community reinvestment project area plan adopted before May 14, 2019, that is subject to a taxing entity committee.
- (2)
 - (a)
 - (i) Each taxing entity committee shall be composed of:
 - (A) two school district representatives appointed in accordance with Subsection (2)(a)(ii);
 - (B)
 - (I) in a county of the second, third, fourth, fifth, or sixth class, two representatives appointed by resolution of the legislative body of the county in which the agency is located; or
 - (II) in a county of the first class, one representative appointed by the county executive and one representative appointed by the legislative body of the county in which the agency is located;
 - (C) if the agency is created by a municipality, two representatives appointed by resolution of the legislative body of the municipality;

- (D) one representative appointed by the State Board of Education; and
 - (E) one representative selected by majority vote of the legislative bodies or governing boards of all other taxing entities that levy a tax on property within the agency's boundaries, to represent the interests of those taxing entities on the taxing entity committee.
- (ii)
 - (A) If the agency boundaries include only one school district, that school district shall appoint the two school district representatives under Subsection (2)(a)(i)(A).
 - (B) If the agency boundaries include more than one school district, those school districts shall jointly appoint the two school district representatives under Subsection (2)(a)(i)(A).
- (b)
 - (i) Each taxing entity committee representative described in Subsection (2)(a) shall be appointed within 30 days after the day on which the agency provides notice of the creation of the taxing entity committee.
 - (ii) If a representative is not appointed within the time required under Subsection (2)(b)(i), the board may appoint an individual to serve on the taxing entity committee in the place of the missing representative until that representative is appointed.
- (c)
 - (i) A taxing entity committee representative may be appointed for a set term or period of time, as determined by the appointing authority under Subsection (2)(a)(i).
 - (ii) Each taxing entity committee representative shall serve until a successor is appointed and qualified.
- (d)
 - (i) Upon the appointment of each representative under Subsection (2)(a)(i), whether an initial appointment or an appointment to replace an already serving representative, the appointing authority shall:
 - (A) notify the agency in writing of the name and address of the newly appointed representative; and
 - (B) provide the agency a copy of the resolution making the appointment or, if the appointment is not made by resolution, other evidence of the appointment.
 - (ii) Each appointing authority of a taxing entity committee representative under Subsection (2)(a)(i) shall notify the agency in writing of any change of address of a representative appointed by that appointing authority.
- (3) At a taxing entity committee's first meeting, the taxing entity committee shall adopt an organizing resolution that:
 - (a) designates a chair and a secretary of the taxing entity committee; and
 - (b) if the taxing entity committee considers it appropriate, governs the use of electronic meetings under Section 52-4-207.
- (4)
 - (a) A taxing entity committee represents all taxing entities regarding:
 - (i) an urban renewal project area plan;
 - (ii) an economic development project area plan; or
 - (iii) a community reinvestment project area plan that is subject to a taxing entity committee.
 - (b) A taxing entity committee may:
 - (i) cast votes that are binding on all taxing entities;
 - (ii) negotiate with the agency concerning a proposed project area plan;
 - (iii) approve or disapprove:
 - (A) an urban renewal project area budget as described in Section 17C-2-204;
 - (B) an economic development project area budget as described in Section 17C-3-203; or

- (C) for a community reinvestment project area plan that is subject to a taxing entity committee, a community reinvestment project area budget as described in Section 17C-5-302;
 - (iv) approve or disapprove an amendment to a project area budget as described in Section 17C-2-206, 17C-3-205, or 17C-5-306;
 - (v) approve an exception to the limits on the value and size of a project area imposed under this title;
 - (vi) approve:
 - (A) an exception to the percentage of tax increment to be paid to the agency;
 - (B) except for a project area funds collection period that is approved by an interlocal agreement, each project area funds collection period; and
 - (C) an exception to the requirement for an urban renewal project area budget, an economic development project area budget, or a community reinvestment project area budget to include a maximum cumulative dollar amount of tax increment that the agency may receive;
 - (vii) approve the use of tax increment for publicly owned infrastructure and improvements outside of a project area that the agency and community legislative body determine to be of benefit to the project area, as described in Subsection 17C-1-409(1)(a)(iii)(E);
 - (viii) waive the restrictions described in Subsection 17C-2-202(1);
 - (ix) subject to Subsection (4)(c), designate the base taxable value for a project area budget; and
 - (x) give other taxing entity committee approval or consent required or allowed under this title.
- (c)
- (i) Except as provided in Subsection (4)(c)(ii), the base year may not be a year that is earlier than five years before the beginning of a project area funds collection period.
 - (ii) The taxing entity committee may approve a base year that is earlier than the year described in Subsection (4)(c)(i).
- (5) A quorum of a taxing entity committee consists of:
- (a) if the project area is located within a municipality, five members; or
 - (b) if the project area is not located within a municipality, four members.
- (6) Taxing entity committee approval, consent, or other action requires:
- (a) the affirmative vote of a majority of all members present at a taxing entity committee meeting:
 - (i) at which a quorum is present; and
 - (ii) considering an action relating to a project area budget for, or approval of a development impediment determination within, a project area or proposed project area that contains:
 - (A) an inactive industrial site;
 - (B) an inactive airport site; or
 - (C) a closed military base; or
 - (b) for any other action not described in Subsection (6)(a)(ii), the affirmative vote of two-thirds of all members present at a taxing entity committee meeting at which a quorum is present.
- (7)
- (a) An agency may call a meeting of the taxing entity committee by sending written notice to the members of the taxing entity committee at least 10 days before the date of the meeting.
 - (b) Each notice under Subsection (7)(a) shall be accompanied by:
 - (i) the proposed agenda for the taxing entity committee meeting; and
 - (ii) if not previously provided and if the documents exist and are to be considered at the meeting:
 - (A) the project area plan or proposed project area plan;

- (B) the project area budget or proposed project area budget;
 - (C) the analysis required under Subsection 17C-2-103(2), 17C-3-103(2), or 17C-5-105(12);
 - (D) the development impediment study;
 - (E) the agency's resolution making a development impediment determination under Subsection 17C-2-102(1)(a)(ii)(B) or 17C-5-402(2)(c)(ii); and
 - (F) other documents to be considered by the taxing entity committee at the meeting.
- (c)
- (i) An agency may not schedule a taxing entity committee meeting on a day on which the Legislature is in session.
 - (ii) Notwithstanding Subsection (7)(c)(i), a taxing entity committee may, by unanimous consent, waive the scheduling restriction described in Subsection (7)(c)(i).
- (8)
- (a) A taxing entity committee may not vote on a proposed project area budget or proposed amendment to a project area budget at the first meeting at which the proposed project area budget or amendment is considered unless all members of the taxing entity committee present at the meeting consent.
 - (b) A second taxing entity committee meeting to consider a proposed project area budget or a proposed amendment to a project area budget may not be held within 14 days after the first meeting unless all members of the taxing entity committee present at the first meeting consent.
- (9) Each taxing entity committee shall be governed by Title 52, Chapter 4, Open and Public Meetings Act.
- (10) A taxing entity committee's records shall be:
- (a) considered the records of the agency that created the taxing entity committee; and
 - (b) maintained by the agency in accordance with Section 17C-1-209.
- (11) Each time a school district representative or a representative of the State Board of Education votes as a member of a taxing entity committee to allow an agency to receive tax increment, to increase the amount of tax increment the agency receives, or to extend a project area funds collection period, that representative shall, within 45 days after the vote, provide to the representative's respective school board an explanation in writing of the representative's vote and the reasons for the vote.
- (12)
- (a) The auditor of each county in which an agency is located shall provide a written report to the taxing entity committee stating, with respect to property within each project area:
 - (i) the base taxable value, as adjusted by any adjustments under Section 17C-1-408; and
 - (ii) the assessed value.
 - (b) With respect to the information required under Subsection (12)(a), the auditor shall provide:
 - (i) actual amounts for each year from the adoption of the project area plan to the time of the report; and
 - (ii) estimated amounts for each year beginning the year after the time of the report and ending the time that each project area funds collection period ends.
 - (c) The auditor of the county in which the agency is located shall provide a report under this Subsection (12):
 - (i) at least annually; and
 - (ii) upon request of the taxing entity committee, before a taxing entity committee meeting at which the committee considers whether to allow the agency to receive tax increment, to increase the amount of tax increment that the agency receives, or to extend a project area funds collection period.

- (13) This section does not apply to:
 - (a) a community development project area plan; or
 - (b) a community reinvestment project area plan that is subject to an interlocal agreement.
- (14)
 - (a) A taxing entity committee resolution approving a development impediment determination, approving a project area budget, or approving an amendment to a project area budget:
 - (i) is final; and
 - (ii) is not subject to repeal, amendment, or reconsideration unless the agency first consents by resolution to the proposed repeal, amendment, or reconsideration.
 - (b) The provisions of Subsection (14)(a) apply regardless of when the resolution is adopted.

Amended by Chapter 214, 2021 General Session

17C-1-403 Tax increment under a pre-July 1, 1993, project area plan.

- (1) Notwithstanding any other provision of law, this section applies retroactively to tax increment under all pre-July 1, 1993, project area plans, regardless of when the applicable project area was created or the applicable project area plan was adopted.
- (2)
 - (a) Beginning with the first tax year after April 1, 1983, for which an agency accepts tax increment, an agency is authorized to receive:
 - (i)
 - (A) for the first through the fifth tax years, 100% of tax increment;
 - (B) for the sixth through the tenth tax years, 80% of tax increment;
 - (C) for the eleventh through the fifteenth tax years, 75% of tax increment;
 - (D) for the sixteenth through the twentieth tax years, 70% of tax increment; and
 - (E) for the twenty-first through the twenty-fifth tax years, 60% of tax increment;
 - (ii) for an agency that has caused a taxing entity committee to be created under Subsection 17C-1-402(1)(a), any percentage of tax increment up to 100% and for any length of time that the taxing entity committee approves.
 - (b) Notwithstanding any other provision of this section:
 - (i) an agency is authorized to receive 100% of tax increment from a project area for 32 years after April 1, 1983, to pay principal and interest on agency indebtedness incurred before April 1, 1983, even though the size of the project area from which tax increment is paid to the agency exceeds 100 acres of privately owned property under a project area plan adopted on or before April 1, 1983; and
 - (ii) for up to 32 years after April 1, 1983, an agency debt incurred before April 1, 1983, may be refinanced and paid from 100% of tax increment if the principal amount of the debt is not increased in the refinancing.
- (3)
 - (a) For purposes of this Subsection (3):
 - (i) "Additional tax increment" means the difference between 100% of tax increment for a tax year and the amount of tax increment an agency is paid for that tax year under the percentages and time periods specified in Subsection (2)(a).
 - (ii) "Pledged" means a commitment by a board or a community legislative body to pay the costs of bond indebtedness, an interfund loan, a reimbursement, or other contractual obligation of the board or the community legislative body related to a convention center or sports complex described in Subsection (3)(b).

- (b) Notwithstanding the tax increment percentages and time periods in Subsection (2)(a), an agency is authorized to receive additional tax increment for a period ending 32 years after the first tax year after April 1, 1983, for which the agency receives tax increment from the project area if:
 - (i)
 - (A) the additional tax increment is used solely to pay all or part of the value of the land for and the cost of the installation and construction of a publicly or privately owned convention center or sports complex or any building, facility, structure, or other improvement related to the convention center or sports complex, including parking and infrastructure improvements;
 - (B) construction of the convention center or sports complex or related building, facility, structure, or other improvement is commenced on or before June 30, 2002;
 - (C) the additional tax increment is pledged to pay all or part of the value of the land for and the cost of the installation and construction of the convention center or sports complex or related building, facility, structure, or other improvement; and
 - (D) the board and the community legislative body have determined by resolution that the convention center or sports complex is:
 - (I) within and a benefit to a project area;
 - (II) not within but still a benefit to a project area; or
 - (III) within a project area in which substantially all of the land is publicly owned and a benefit to the community; or
 - (ii)
 - (A) the additional tax increment is used to pay some or all of the cost of the land for and installation and construction of a recreational facility, as defined in Section 59-12-702, or a cultural facility, including parking and infrastructure improvements related to the recreational or cultural facility, whether or not the facility is located within a project area;
 - (B) construction of the recreational or cultural facility is commenced on or before December 31, 2005; and
 - (C) the additional tax increment is pledged on or before July 1, 2005, to pay all or part of the cost of the land for and the installation and construction of the recreational or cultural facility, including parking and infrastructure improvements related to the recreational or cultural facility.
- (c) Notwithstanding Subsection (3)(b)(ii), a school district may not, without the school district's consent, be paid less tax increment because of application of Subsection (3)(b)(ii) than it would have been paid without that subsection.
- (4) Notwithstanding any other provision of this section, an agency may use tax increment received under Subsection (2) for any of the uses indicated in Subsection (3).

Amended by Chapter 364, 2018 General Session

17C-1-404 Tax increment under a post-June 30, 1993, project area plan.

- (1) This section applies to tax increment under a post-June 30, 1993, project area plan adopted before May 1, 2006, only.
- (2) A board may provide in the project area budget for the agency to be paid:
 - (a) if 20% of the project area budget is allocated for housing under Section 17C-2-203:
 - (i) 100% of annual tax increment for 15 years;
 - (ii) 75% of annual tax increment for 24 years; or

- (iii) if approved by the taxing entity committee, any percentage of tax increment up to 100%, or any specified dollar amount, for any period of time; or
- (b) if 20% of the project area budget is not allocated for housing under Section 17C-2-203:
 - (i) 100% of annual tax increment for 12 years;
 - (ii) 75% of annual tax increment for 20 years; or
 - (iii) if approved by the taxing entity committee, any percentage of tax increment up to 100%, or any specified dollar amount, for any period of time.

Amended by Chapter 350, 2016 General Session

17C-1-405 Tax increment under a project area plan adopted on or after May 1, 2006.

- (1) This section applies to tax increment under a project area plan adopted on or after May 1, 2006, and before May 10, 2016.
- (2) Subject to the approval of the taxing entity committee, a board may provide in the urban renewal or economic development project area budget for the agency to be paid:
 - (a) for an urban renewal project area plan that proposes development of an inactive industrial site or inactive airport site, at least 60% of tax increment for at least 20 years; or
 - (b) for each other project, any percentage of tax increment up to 100% or any specified dollar amount of tax increment for any period of time.
- (3) A resolution or interlocal agreement relating to an agency's use of tax increment for a community development project area plan may provide for the agency to be paid any percentage of tax increment up to 100% or any specified dollar amount of tax increment for any period of time.

Amended by Chapter 350, 2016 General Session

17C-1-406 Additional tax increment under certain post-June 30, 1993, project area plans.

- (1) This section applies to a post-June 30, 1993, project area plan adopted before May 1, 2006.
- (2) An agency may, without the approval of the taxing entity committee, elect to be paid 100% of annual tax increment for each year beyond the periods specified in Subsection 17C-1-404(2) to a maximum of 25 years, including the years the agency is paid tax increment under Subsection 17C-1-404(2), if:
 - (a) for an agency in a city in which is located all or a portion of an interchange on I-15 or that would directly benefit from an interchange on I-15:
 - (i) the tax increment paid to the agency during the additional years is used to pay some or all of the cost of the installation, construction, or reconstruction of:
 - (A) an interchange on I-15, whether or not the interchange is located within a project area; or
 - (B) frontage and other roads connecting to the interchange, as determined by the Department of Transportation created under Section 72-1-201 and the Transportation Commission created under Section 72-1-301, whether or not the frontage or other road is located within a project area; and
 - (ii) the installation, construction, or reconstruction of the interchange or frontage and other roads has begun on or before June 30, 2002; or
 - (b) for an agency in a city of the first or second class:
 - (i) the tax increment paid to the agency during the additional years is used to pay some or all of the cost of the land for and installation and construction of a recreational facility, as defined in Section 59-12-702, or a cultural facility, including parking and infrastructure improvements

- related to the recreational or cultural facility, whether or not the facility is located within a project area; and
- (ii) the installation or construction of the recreational or cultural facility has begun on or before June 30, 2002.
- (3) Notwithstanding any other provision of this section, an agency may use tax increment received under Subsection 17C-1-404(2) for any of the uses indicated in this section.
- (4) Notwithstanding Subsection (2), a school district may not, without the school district's consent, receive less tax increment because of application of Subsection (2) than it would have received without that subsection.

Amended by Chapter 350, 2016 General Session

17C-1-407 Limitations on tax increment.

- (1)
 - (a) If the development of retail sales of goods is the primary objective of an urban renewal project area, tax increment from the urban renewal project area may not be paid to or used by an agency unless the agency makes a development impediment determination under Chapter 2, Part 3, Development Impediment Determination in Urban Renewal Project Areas.
 - (b) Except as provided in Section 11-41-103, development of retail sales of goods does not disqualify an agency from receiving tax increment.
 - (c) After July 1, 2005, an agency may not receive or use tax increment generated from the value of property within an economic development project area that is attributable to the development of retail sales of goods, unless the tax increment was previously pledged to pay for bonds or other contractual obligations of the agency.
- (2)
 - (a) For the purpose of this Subsection (2):
 - (i) "Final tax rate" means the rate used to determine the amount of taxes a taxing entity levies as described in the notice to a taxpayer under Subsection 59-2-1317(2).
 - (ii) "Increased tax revenue" means tax revenue attributable to a tax rate increase.
 - (iii) "Tax rate increase" means the amount calculated by subtracting a taxing entity's certified rate, as defined in Section 59-2-924, from the taxing entity's final tax rate.
 - (b) Except as provided in Subsection (2)(c), for a year in which a taxing entity imposes a final tax rate higher than the certified tax rate, a county shall not pay an agency any portion of a taxing entity's increased tax revenue.
 - (c) Notwithstanding Subsection (2)(b), a county may pay all or a portion of a taxing entity's increased tax revenue to an agency if, at the time of the project area budget approval, the taxing entity committee or each taxing entity that is a party to an agreement under Section 17C-4-201 or 17C-5-204 consents to pay the agency the increased tax revenue.
 - (d) If the taxing entity committee or each tax entity that is a party to an agreement under Section 17C-4-201 or 17C-5-204 does not consent to payment of the increased tax revenue to the agency under Subsection (2)(c), the county shall distribute to the taxing entity the increased tax revenue in the same manner as other property tax revenue.
 - (e) Notwithstanding any other provision of this section, if, before tax year 2013, increased tax revenue is paid to an agency without the consent of the taxing entity committee or each taxing entity that is a party to an agreement under Section 17C-4-201 or 17C-5-204, and notwithstanding the law at the time that the tax revenue was collected or increased:

- (i) the State Tax Commission, the county as the collector of the taxes, a taxing entity, or any other person or entity may not recover, directly or indirectly, the increased tax revenue from the agency by adjustment of a tax rate used to calculate tax increment or otherwise;
 - (ii) the county is not liable to a taxing entity or any other person or entity for the increased tax revenue that was paid to the agency; and
 - (iii) tax increment, including the increased tax revenue, shall continue to be paid to the agency subject to the same number of tax years, percentage of tax increment, and cumulative dollar amount of tax increment as approved in the project area budget and previously paid to the agency.
- (f) An adjustment may not be made to incremental value under Section 59-2-924 for increased tax revenue not paid to an agency under this section.
- (3) Except as the taxing entity committee otherwise agrees, an agency may not receive tax increment under an urban renewal or economic development project area budget adopted on or after March 30, 2009:
- (a) that exceeds the percentage of tax increment or cumulative dollar amount of tax increment specified in the project area budget; or
 - (b) for more tax years than specified in the project area budget.

Amended by Chapter 307, 2022 General Session

17C-1-408 Base taxable value to be adjusted to reflect other changes.

- (1)
- (a)
 - (i) As used in this Subsection (1), "qualifying decrease" means:
 - (A) a decrease of more than 20% from the previous tax year's levy; or
 - (B) a cumulative decrease over a consecutive five-year period of more than 100% from the levy in effect at the beginning of the five-year period.
 - (ii) The year in which a qualifying decrease under Subsection (1)(a)(i)(B) occurs is the fifth year of the five-year period.
 - (b) If there is a qualifying decrease in the minimum basic school levy under Section 59-2-902 that would result in a reduction of the amount of tax increment to be paid to an agency:
 - (i) the base taxable value shall be reduced in the year of the qualifying decrease to the extent necessary, even if below zero, to provide the agency with approximately the same amount of tax increment that would have been paid to the agency each year had the qualifying decrease not occurred; and
 - (ii) the amount of tax increment paid to the agency each year for the payment of bonds and indebtedness may not be less than what would have been paid to the agency if there had been no qualifying decrease.
- (2)
- (a) The base taxable value to be used in determining tax increment shall be:
 - (i) increased or decreased by the amount of an increase or decrease that results from:
 - (A) a statute enacted by the Legislature or by the people through an initiative;
 - (B) a judicial decision;
 - (C) an order from the State Tax Commission to a county to adjust or factor the county's assessment rate under Subsection 59-2-704(2);
 - (D) a change in exemption provided in Utah Constitution Article XIII, Section 2, or Section 59-2-103; or

- (E) an increase or decrease in the percentage of fair market value, as defined under Section 59-2-102; and
- (ii) reduced for any year to the extent necessary, even if below zero, to provide an agency with approximately the same amount of money the agency would have received without a reduction in the county's certified tax rate if:
 - (A) in that year there is a decrease in the county's certified tax rate under Subsection 59-2-924.2(2) or (3)(a);
 - (B) the amount of the decrease is more than 20% of the county's certified tax rate of the previous year; and
 - (C) the decrease would result in a reduction of the amount of tax increment to be paid to the agency.
- (b) Notwithstanding an increase or decrease under Subsection (2)(a), the amount of tax increment paid to an agency each year for payment of bonds or other indebtedness may not be less than would have been paid to the agency each year if there had been no increase or decrease under Subsection (2)(a).

Amended by Chapter 350, 2016 General Session

17C-1-409 Allowable uses of agency funds.

- (1)
 - (a) An agency may use agency funds:
 - (i) for any purpose authorized under this title;
 - (ii) for administrative, overhead, legal, or other operating expenses of the agency, including consultant fees and expenses under Subsection 17C-2-102(1)(b)(ii)(B) or funding for a business resource center;
 - (iii) subject to Section 11-41-103, to pay for, including financing or refinancing, all or part of:
 - (A) project area development in a project area, including environmental remediation activities occurring before or after adoption of the project area plan;
 - (B) housing-related expenditures, projects, or programs as described in Section 17C-1-411 or 17C-1-412;
 - (C) an incentive or other consideration paid to a participant under a participation agreement;
 - (D) subject to Subsections (1)(c) and (4), the value of the land for and the cost of the installation and construction of any publicly owned building, facility, structure, landscaping, or other improvement within the project area from which the project area funds are collected; or
 - (E) the cost of the installation of publicly owned infrastructure and improvements outside the project area from which the project area funds are collected if the board and the community legislative body determine by resolution that the publicly owned infrastructure and improvements benefit the project area;
 - (iv) in an urban renewal project area that includes some or all of an inactive industrial site and subject to Subsection (1)(e), to reimburse the Department of Transportation created under Section 72-1-201, or a public transit district created under Title 17B, Chapter 2a, Part 8, Public Transit District Act, for the cost of:
 - (A) construction of a public road, bridge, or overpass;
 - (B) relocation of a railroad track within the urban renewal project area; or
 - (C) relocation of a railroad facility within the urban renewal project area;
 - (v) subject to Subsection (5), to transfer funds to a community that created the agency; or

- (vi) subject to Subsection (1)(f), for agency-wide project development under Part 10, Agency Taxing Authority.
- (b) The determination of the board and the community legislative body under Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.
- (c) An agency may not use project area funds received from a taxing entity for the purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal project area plan, an economic development project area plan, or a community reinvestment project area plan without the community legislative body's consent.
- (d)
 - (i) Subject to Subsection (1)(d)(ii), an agency may loan project area funds from a project area fund to another project area fund if:
 - (A) the board approves; and
 - (B) the community legislative body approves.
 - (ii) An agency may not loan project area funds under Subsection (1)(d)(i) unless the projections for agency funds are sufficient to repay the loan amount.
 - (iii) A loan described in Subsection (1)(d) is not subject to Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties, or Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts.
- (e) Before an agency may pay any tax increment or sales tax revenue under Subsection (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the reimbursement with:
 - (i) the Department of Transportation; or
 - (ii) a public transit district.
- (f) Before an agency may use project area funds for agency-wide project development, as defined in Section 17C-1-1001, the agency shall obtain the consent of the taxing entity committee or each taxing entity party to an interlocal agreement with the agency.
- (2)
 - (a) Sales and use tax revenue that an agency receives from a taxing entity is not subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Retail Facility Incentive Payments Act.
 - (b) An agency may use sales and use tax revenue that the agency receives under an interlocal agreement under Section 17C-4-201 or 17C-5-204 for the uses authorized in the interlocal agreement.
- (3)
 - (a) An agency may contract with the community that created the agency or another public entity to use agency funds to reimburse the cost of items authorized by this title to be paid by the agency that are paid by the community or other public entity.
 - (b) If land is acquired or the cost of an improvement is paid by another public entity and the land or improvement is leased to the community, an agency may contract with and make reimbursement from agency funds to the community.
- (4) Notwithstanding any other provision of this title, an agency may not use project area funds, project area incremental revenue as defined in Section 17C-1-1001, or property tax revenue as defined in Section 17C-1-1001, to construct a local government building unless the taxing entity committee or each taxing entity party to an interlocal agreement with the agency consents.
- (5) For the purpose of offsetting the community's annual local contribution to the Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in a calendar year

to a community under Subsections (1)(a)(v), 17C-1-411(1)(d), and 17C-1-412(1)(a)(x) may not exceed the community's annual local contribution as defined in Subsection 59-12-205(4).

Amended by Chapter 15, 2023 General Session
Amended by Chapter 471, 2023 General Session
Amended by Chapter 492, 2023 General Session

17C-1-410 Agency may make payments to other taxing entities.

- (1) Subject to Subsection (3), an agency may grant agency funds to a taxing entity to offset some or all of the tax revenue that the taxing entity did not receive because of tax increment paid to the agency.
- (2)
 - (a) Subject to Subsection (3), an agency may use agency funds to pay to a school district an amount of money that the agency determines to be appropriate to alleviate a financial burden or detriment borne by the school district because of the project area development.
 - (b) Each agency that agrees to pay money to a school district under Subsection (2)(a) shall provide a copy of the agreement to the State Board of Education.
- (3)
 - (a) If an agency intends to pay agency funds to one or more taxing entities under Subsection (1) or (2) but does not intend to pay funds to all taxing entities in proportionally equal amounts, the agency shall provide written notice to each taxing entity of the agency's intent.
 - (b)
 - (i) A taxing entity that receives notice under Subsection (3)(a) may elect not to have the taxing entity's tax increment collected and used to pay funds to other taxing entities under this section.
 - (ii) Each election under Subsection (3)(b)(i) shall be:
 - (A) in writing; and
 - (B) delivered to the agency within 30 days after the taxing entity's receipt of the notice under Subsection (3)(a).
 - (c) If a taxing entity makes an election under Subsection (3)(b), the portion of the taxing entity's tax increment that would have been used by the agency to pay funds under this section to one or more other taxing entities may not be collected by the agency.

Amended by Chapter 350, 2016 General Session

17C-1-411 Use of project area funds for housing-related improvements and for relocating mobile home park residents -- Funds to be held in separate accounts.

- (1) An agency may use project area funds:
 - (a) to pay all or part of the value of the land for and the cost of installation, construction, or rehabilitation of any housing-related building, facility, structure, or other housing improvement, including infrastructure improvements related to housing, located in any project area within the agency's boundaries;
 - (b) outside of a project area for the purpose of:
 - (i) replacing housing units lost by project area development; or
 - (ii) increasing, improving, or preserving the affordable housing supply within the boundary of the agency;
 - (c) for relocating mobile home park residents displaced by project area development, whether inside or outside a project area; or

- (d) subject to Subsection (4), to transfer funds to a community that created the agency.
- (2)
- (a) Each agency shall create a housing fund and separately account for project area funds allocated under this section.
 - (b) Interest earned by the housing fund described in Subsection (2)(a), and any payments or repayments made to the agency for loans, advances, or grants of any kind from the housing fund, shall accrue to the housing fund.
 - (c) An agency that designates a housing fund under this section shall use the housing fund for the purposes set forth in this section or Section 17C-1-412.
- (3) An agency may lend, grant, or contribute funds from the housing fund to a person, public entity, housing authority, private entity or business, or nonprofit corporation for affordable housing or homeless assistance.
- (4) For the purpose of offsetting the community's annual local contribution to the Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in a calendar year to a community under Subsections (1)(d), 17C-1-409(1)(a)(v), and 17C-1-412(1)(a)(x) may not exceed the community's annual local contribution as defined in Subsection 59-12-205(4).

Amended by Chapter 471, 2023 General Session

Amended by Chapter 492, 2023 General Session

17C-1-412 Use of housing allocation -- Separate accounting required -- Issuance of bonds for housing -- Action to compel agency to provide housing allocation.

- (1)
- (a) An agency shall use the agency's housing allocation to:
 - (i) pay part or all of the cost of land or construction of income targeted housing within the boundary of the agency, if practicable in a mixed income development or area;
 - (ii) pay part or all of the cost of rehabilitation of income targeted housing within the boundary of the agency;
 - (iii) lend, grant, or contribute money to a person, public entity, housing authority, private entity or business, or nonprofit corporation for income targeted housing within the boundary of the agency;
 - (iv) plan or otherwise promote income targeted housing within the boundary of the agency;
 - (v) pay part or all of the cost of land or installation, construction, or rehabilitation of any building, facility, structure, or other housing improvement, including infrastructure improvements, related to housing located in a project area where a board has determined that a development impediment exists;
 - (vi) replace housing units lost as a result of the project area development;
 - (vii) make payments on or establish a reserve fund for bonds:
 - (A) issued by the agency, the community, or the housing authority that provides income targeted housing within the community; and
 - (B) all or part of the proceeds of which are used within the community for the purposes stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi);
 - (viii) if the community's fair share ratio at the time of the first adoption of the project area budget is at least 1.1 to 1.0, make payments on bonds:
 - (A) that were previously issued by the agency, the community, or the housing authority that provides income targeted housing within the community; and
 - (B) all or part of the proceeds of which were used within the community for the purposes stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi);

- (ix) relocate mobile home park residents displaced by project area development;
- (x) subject to Subsection (7), transfer funds to a community that created the agency; or
- (xi) pay for or make a contribution toward the acquisition, construction, or rehabilitation of housing that:
 - (A) is located in the same county as the agency;
 - (B) is owned in whole or in part by, or is dedicated to supporting, a public nonprofit college or university; and
 - (C) only students of the relevant college or university, including the students' immediate families, occupy.
- (b) As an alternative to the requirements of Subsection (1)(a), an agency may pay all or any portion of the agency's housing allocation to:
 - (i) the community for use as described in Subsection (1)(a);
 - (ii) a housing authority that provides income targeted housing within the community for use in providing income targeted housing within the community;
 - (iii) a housing authority established by the county in which the agency is located for providing:
 - (A) income targeted housing within the county;
 - (B) permanent housing, permanent supportive housing, or a transitional facility, as defined in Section 35A-5-302, within the county; or
 - (C) homeless assistance within the county;
 - (iv) the Olene Walker Housing Loan Fund, established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund, for use in providing income targeted housing within the community;
 - (v) pay for or make a contribution toward the acquisition, construction, or rehabilitation of income targeted housing that is outside of the community if the housing is located along or near a major transit investment corridor that services the community and the related project has been approved by the community in which the housing is or will be located; or
 - (vi) pay for or make a contribution toward the expansion of child care facilities within the boundary of the agency, provided that any recipient of funds from the agency's housing allocation reports annually to the agency on how the funds were used.
- (2)
 - (a) An agency may combine all or any portion of the agency's housing allocation with all or any portion of one or more additional agency's housing allocations if the agencies execute an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.
 - (b) An agency that has entered into an interlocal agreement as described in Subsection (2)(a), meets the requirements of Subsection (1)(a) or (1)(b) if the use of the housing allocation meets the requirements for at least one agency that is a party to the interlocal agreement.
- (3) The agency shall create a housing fund and separately account for the agency's housing allocation, together with all interest earned by the housing allocation and all payments or repayments for loans, advances, or grants from the housing allocation.
- (4) An agency may:
 - (a) issue bonds to finance a housing-related project under this section, including the payment of principal and interest upon advances for surveys and plans or preliminary loans; and
 - (b) issue refunding bonds for the payment or retirement of bonds under Subsection (4)(a) previously issued by the agency.
- (5)
 - (a) Except as provided in Subsection (5)(b), an agency shall allocate money to the housing fund each year in which the agency receives sufficient tax increment to make a housing allocation required by the project area budget.

- (b) Subsection (5)(a) does not apply in a year in which tax increment is insufficient.
- (6)
 - (a) Except as provided in Subsection (5)(b), if an agency fails to provide a housing allocation in accordance with the project area budget and the housing plan adopted under Subsection 17C-2-204(2), the loan fund board may bring legal action to compel the agency to provide the housing allocation.
 - (b) In an action under Subsection (6)(a), the court:
 - (i) shall award the loan fund board reasonable attorney fees, unless the court finds that the action was frivolous; and
 - (ii) may not award the agency the agency's attorney fees, unless the court finds that the action was frivolous.
- (7) For the purpose of offsetting the community's annual local contribution to the Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in a calendar year to a community under Subsections (1)(a)(x), 17C-1-409(1)(a)(v), and 17C-1-411(1)(d) may not exceed the community's annual local contribution as defined in Subsection 59-12-205(4).

Amended by Chapter 471, 2023 General Session
Amended by Chapter 492, 2023 General Session

17C-1-413 Base taxable value for new tax.

For purposes of calculating tax increment with respect to a tax that a taxing entity levies for the first time after the effective date of a project area plan, the base taxable value shall be used, subject to any adjustments under Section 17C-1-408.

Amended by Chapter 350, 2016 General Session

17C-1-414 Project area boundaries that divide a tax parcel -- Deletion of parcel from tax increment calculation.

- (1) If the boundaries of a project area, as described in the project area plan, include part of a tax parcel and exclude part of the same tax parcel, the agency shall provide the assessor of the county in which the project area is located a metes and bounds description of the part of the tax parcel included within the project area boundaries.
- (2) If an agency fails to comply with the requirement of Subsection (1), the assessor of the county in which the tax parcel is located may exclude that parcel from the project area for purposes of calculating tax increment to be paid to the agency until the agency complies with the requirement of Subsection (1).

Enacted by Chapter 359, 2006 General Session

17C-1-415 Obligations of agencies that use tax increment to pay for communication infrastructure or facility.

An agency that uses tax increment on or after March 30, 2009 to pay for communication infrastructure or a communication facility:

- (1) may not make or grant any undue or unreasonable preference or advantage to a provider of communication service with respect to the communication infrastructure or communication facility for which the tax increment is used; and

- (2) shall allow the communication infrastructure and facilities for which tax increment is used to be used by any other provider of communication service on a fair, equitable, and nondiscriminatory basis.

Enacted by Chapter 387, 2009 General Session

17C-1-416 Extension of collection period for project areas impacted by COVID-19 emergency -- Requirements -- Limitations.

(1) For purposes of this section:

- (a) "COVID-19 emergency" means the same as that term is defined in Section 53-2c-102.
- (b) "Extension period" means the period of an impacted project area's project area funds collection period that is the result of an extension under this section.
- (c) "Impacted project area" means a project area:
 - (i) from which an agency expects to receive tax increment;
 - (ii) that is subject to a project area funds collection period;
 - (iii) that is subject to a project area plan that was adopted on or before December 31, 2019; and
 - (iv) in which the agency determines the conditions resulting from the COVID-19 emergency will likely:
 - (A) delay the agency's implementation of the project area plan; or
 - (B) cause the agency to receive an amount of tax increment from the project area that is less than the amount of tax increment the agency expected the agency would receive from the project area.
- (d) "Tax increment" includes additional tax increment as that term is defined in Section 17C-1-403.

- (2)
 - (a) Subject to Subsection (3), an agency may extend the project area funds collection period of an impacted project area for a period not to exceed two years from the day on which the project area funds collection period ends if:
 - (i) the board adopts a resolution on or before December 31, 2021, describing:
 - (A) the conditions resulting from the COVID-19 emergency that the board determines will likely delay the implementation of the project area plan or reduce the amount of tax increment that the agency receives from the impacted project area;
 - (B) why an extension of the project area funds collection period is needed; and
 - (C) the date on which the extension period will end; and
 - (ii) no later than November 1 of the year immediately preceding the year in which the project area funds collection period, not including any extension under this section, ends, the agency mails or electronically submits a copy of the resolution described in Subsection (2)(a)(i) to:
 - (A) the State Tax Commission;
 - (B) the State Board of Education;
 - (C) the state auditor;
 - (D) the auditor of the county in which the impacted project area is located; and
 - (E) each taxing entity affected by the agency's collection of tax increment from the impacted project area.
 - (b) Notwithstanding any other provision of law, an agency is not required to obtain taxing entity or taxing entity committee approval to extend a project area funds collection period under this section.

- (c) An extension of a project area funds collection period under this section takes effect on the day on which the agency mails or electronically submits a copy of the resolution described in Subsection (2)(a)(i) to each entity specified in Subsection (2)(a)(ii).
- (3)
 - (a) This section does not allow an agency to change:
 - (i) the amount or percentage of tax increment that the agency is authorized to receive from the impacted project area in the final two years of the project area funds collection period; or
 - (ii) the cumulative dollar amount of tax increment that the agency is authorized to receive from the impacted project area, if the agency's receipt of tax increment is limited to a maximum cumulative dollar amount.
 - (b) An agency that extends a project area funds collection period under this section shall use any tax increment received during the extension period in the same manner as provided in:
 - (i) the project area plan; and
 - (ii)
 - (A) the project area budget; or
 - (B) the resolution or interlocal agreement authorizing the agency to receive tax increment from the impacted project area.
 - (c)
 - (i) An extension of a project area funds collection period under this section does not automatically extend the payment of tax increment under a previously approved participation agreement for the extension period, regardless of any contrary term in the participation agreement.
 - (ii) An agency that extends a project area funds collection period under this section may only extend the payment of tax increment under a previously approved participation agreement for the extension period by:
 - (A) amending the previously approved participation agreement; or
 - (B) entering into a new participation agreement.
 - (d) Nothing in this section limits the right of an agency to extend the agency's collection of tax increment as otherwise provided in this title.

Enacted by Chapter 11, 2020 Special Session 6

Part 5 Agency Bonds

17C-1-501.1 Title.

This part is known as "Agency Bonds."

Enacted by Chapter 350, 2016 General Session

17C-1-501.5 Resolution authorizing issuance of agency bonds -- Characteristics of bonds.

- (1) An agency may not issue a bond under this part unless the board first adopts a resolution authorizing the bond issuance.
- (2)
 - (a) As provided in the agency resolution authorizing the issuance of a bond under this part or the trust indenture under which the bond is issued, a bond issued under this part may be issued

in one or more series and may be sold at public or private sale and in the manner provided in the resolution or indenture.

- (b) A bond issued by an agency under this part shall bear the date, be payable at the time, bear interest at the rate, be in the denomination and in the form, carry the conversion or registration privileges, have the rank or priority, be executed in the manner, be subject to the terms of redemption or tender, with or without premium, be payable in the medium of payment and at the place, and have other characteristics as provided in the agency resolution authorizing the bond issuance or the trust indenture under which the bond is issued.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-502 Sources from which bonds may be made payable -- Agency powers regarding bonds.

- (1) An agency may pay the principal and interest on a bond issued by the agency from:
 - (a) the income and revenues of the project area development financed with the proceeds of the bond;
 - (b) the income and revenue of certain designated project area development regardless of whether the project area development is financed in whole or in part with the proceeds of the bond;
 - (c) the income, proceeds, revenue, property, or agency funds derived from or held in connection with the agency's undertaking and implementation of project area development;
 - (d) project area funds;
 - (e) agency revenues generally;
 - (f) a contribution, loan, grant, or other financial assistance from a public entity in aid of project area development, including the assignment of revenue or taxes in support of an agency bond;
 - (g) project area incremental revenue or property tax revenue as those terms are defined in Section 17C-1-1001; or
 - (h) funds derived from any combination of the methods listed in Subsections (1)(a) through (g).
- (2) In connection with the issuance of an agency bond, an agency may:
 - (a) pledge all or any part of the agency's gross or net rents, fees, or revenues to which the agency's right then exists or may thereafter come into existence;
 - (b) encumber by mortgage, deed of trust, or otherwise all or any part of the agency's real or personal property, then owned or thereafter acquired; and
 - (c) make the covenants and take the action that:
 - (i) may be necessary, convenient, or desirable to secure the bond; or
 - (ii) except as otherwise provided in this chapter, will tend to make the bond more marketable, even though such covenants or actions are not specifically enumerated in this chapter.

Amended by Chapter 214, 2021 General Session

17C-1-503 Signature of officer who leaves office.

If an agency officer whose signature appears on a bond issued under this part leaves office before delivery of the bond, the signature shall continue to be valid as if the official had remained in office until delivery of the bond.

Renumbered and Amended by Chapter 359, 2006 General Session

17C-1-504 Contesting the legality of resolution authorizing bonds -- Time limit -- Presumption.

- (1) Any person may contest the legality of the resolution authorizing issuance of the bond or any provisions for the security and payment of the bond for a period of 30 days after:
 - (a) publication of the resolution authorizing the bond; or
 - (b) publication of a notice of bond containing substantially the items required under Subsection 11-14-316(2).
- (2) After the 30-day period described in Subsection (1), no person may bring a lawsuit or other proceeding contesting the regularity, formality, or legality of the bond for any reason.
- (3) In a lawsuit or other proceeding involving the question of whether a bond issued under this part is valid or enforceable or involving the security for a bond, if a bond recites that the agency issued the bond in connection with project area development:
 - (a) the bond shall be conclusively presumed to have been issued for that purpose; and
 - (b) the project area plan and project area shall be conclusively presumed to have been properly formed, adopted, planned, located, and implemented in accordance with this title.

Amended by Chapter 350, 2016 General Session

17C-1-505 Authority to purchase agency bonds.

- (1) Any person, firm, corporation, association, political subdivision of the state, or other entity or public or private officer may purchase a bond issued by an agency under this part with funds owned or controlled by the purchaser.
- (2) Nothing in this section may be construed to relieve a purchaser of an agency bond of any duty to exercise reasonable care in selecting securities.

Amended by Chapter 350, 2016 General Session

17C-1-506 Those executing bonds not personally liable -- Limitation of obligations under bonds -- Negotiability.

- (1) A member of a board or other person executing an agency bond is not liable personally on the bond.
- (2)
 - (a) A bond issued by an agency is not a general obligation or liability of the community, the state, or any of the state's political subdivisions and does not constitute a charge against their general credit or taxing powers.
 - (b) A bond issued by an agency is not payable out of any funds or properties other than those of the agency.
 - (c) The community, the state, and the state's political subdivisions may not be liable on a bond issued by an agency.
 - (d) A bond issued by an agency does not constitute indebtedness within the meaning of any constitutional or statutory debt limitation.
- (3) A bond issued by an agency under this part is fully negotiable.

Amended by Chapter 350, 2016 General Session

17C-1-507 Obligee rights -- Board may confer other rights.

- (1) In addition to all other rights that are conferred on an obligee of a bond issued by an agency under this part and subject to contractual restrictions binding on the obligee, an obligee may:

- (a) by mandamus, suit, action, or other proceeding, compel an agency and the agency's board, officers, agents, or employees to perform every term, provision, and covenant contained in any contract of the agency with or for the benefit of the obligee, and require the agency to carry out the covenants and agreements of the agency and to fulfill all duties imposed on the agency by this part; and
 - (b) by suit, action, or other proceeding, enjoin any acts or things that may be unlawful or violate the rights of the obligee.
- (2)
- (a) In a board resolution authorizing the issuance of a bond or in a trust indenture, mortgage, lease, or other contract, a board may confer upon an obligee holding or representing a specified amount in bonds, the rights described in Subsection (2)(b), to accrue upon the happening of an event or default prescribed in the resolution, indenture, mortgage, lease, or other contract, and to be exercised by suit, action, or proceeding in any court of competent jurisdiction.
 - (b)
 - (i) The rights that the board may confer under Subsection (2)(a) are the rights to:
 - (A) cause possession of all or part of the project area development to be surrendered to an obligee;
 - (B) obtain the appointment of a receiver of all or part of an agency's project area development and of the rents and profits from the project area development; and
 - (C) require the agency and the board and employees to account as if the agency and the board and employees were the trustees of an express trust.
 - (ii) If a receiver is appointed through the exercise of a right granted under Subsection (2)(b)(i) (B), the receiver:
 - (A) may enter and take possession of the project area development or any part of the project area development, operate and maintain the project area development, and collect and receive all fees, rents, revenues, or other charges arising from the project area development after the receiver's appointment; and
 - (B) shall keep money collected as receiver for the agency in a separate account and apply the money pursuant to the agency obligations as the court directs.

Amended by Chapter 350, 2016 General Session

17C-1-508 Bonds exempt from taxes -- Agency may purchase an agency's own bonds.

- (1) A bond issued by an agency under this part is issued for an essential public and governmental purpose and is, together with interest on the bond and income from it, exempt from all state taxes except the corporate franchise tax.
- (2) An agency may purchase the agency's own bonds at a price that the board determines.
- (3) Nothing in this section may be construed to limit the right of an obligee to pursue a remedy for the enforcement of a pledge or lien given under this part by an agency on the agency's rents, fees, grants, properties, or revenues.

Amended by Chapter 350, 2016 General Session

Part 6
Agency Annual Report, Budget, and Audit Requirements

17C-1-601.1 Title.

This part is known as "Agency Annual Report, Budget, and Audit Requirements."

Enacted by Chapter 350, 2016 General Session

17C-1-601.5 Annual agency budget -- Fiscal year -- Public hearing required -- Notice -- Auditor forms -- Requirement to file form.

- (1) Each agency shall prepare an annual budget of the agency's revenues and expenditures for each fiscal year.
- (2) The board shall adopt each agency budget:
 - (a) for an agency created by a municipality, before June 30; or
 - (b) for an agency created by a county, before December 15.
- (3) The agency's fiscal year shall be the same as the fiscal year of the community that created the agency.
- (4)
 - (a) Before adopting an annual budget, each board shall hold a public hearing on the annual budget.
 - (b) Each agency shall provide notice of the public hearing on the annual budget for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for at least one week before the day of the public hearing.
 - (c) Each agency shall make the annual budget available for public inspection at least three days before the date of the public hearing.
- (5) The state auditor shall prescribe the budget forms and the categories to be contained in each annual budget, including:
 - (a) revenues and expenditures for the budget year;
 - (b) legal fees; and
 - (c) administrative costs, including rent, supplies, and other materials, and salaries of agency personnel.
- (6)
 - (a) Within 90 days after adopting an annual budget, each board shall file a copy of the annual budget with the auditor of the county in which the agency is located, the State Tax Commission, the state auditor, the State Board of Education, and each taxing entity from which the agency receives project area funds.
 - (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the state as a taxing entity is met if the agency files a copy with the State Tax Commission and the state auditor.

Amended by Chapter 435, 2023 General Session

17C-1-602 Amending the agency annual budget.

- (1) A board may by resolution amend an annual budget.
- (2) An amendment to an annual budget that would increase the total expenditures may be made only after a public hearing is held in accordance with Subsection 17C-1-601.5(4).
- (3) An agency may not make expenditures in excess of the total expenditures established in the annual budget as the annual budget is adopted or amended.

Amended by Chapter 350, 2016 General Session

17C-1-603 Reporting requirements -- Governor's Office of Economic Opportunity to maintain a database.

- (1) On or before June 1, 2022, the Governor's Office of Economic Opportunity shall:
 - (a) create a database to track information for each agency located within the state; and
 - (b) make the database publicly accessible from the office's website.
- (2)
 - (a) The Governor's Office of Economic Opportunity may:
 - (i) contract with a third party to create and maintain the database described in Subsection (1); and
 - (ii) charge a fee for a county, city, or agency to provide information to the database described in Subsection (1).
 - (b) The Governor's Office of Economic Opportunity shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a fee schedule for the fee described in Subsection (2)(a)(ii).
- (3) Beginning in 2022, on or before June 30 of each calendar year, an agency shall, for each active project area for which the project area funds collection period has not expired, provide to the database described in Subsection (1) the following information:
 - (a) an assessment of the change in marginal value, including:
 - (i) the base year;
 - (ii) the base taxable value;
 - (iii) the prior year's assessed value;
 - (iv) the estimated current assessed value;
 - (v) the percentage change in marginal value; and
 - (vi) a narrative description of the relative growth in assessed value;
 - (b) the amount of project area funds the agency received for each year of the project area funds collection period, including:
 - (i) a comparison of the actual project area funds received for each year to the amount of project area funds forecasted for each year when the project area was created, if available;
 - (ii)
 - (A) the agency's historical receipts of project area funds, including the tax year for which the agency first received project area funds from the project area; or
 - (B) if the agency has not yet received project area funds from the project area, the year in which the agency expects each project area funds collection period to begin;
 - (iii) a list of each taxing entity that levies or imposes a tax within the project area and a description of the benefits that each taxing entity receives from the project area; and
 - (iv) the amount paid to other taxing entities under Section 17C-1-410, if applicable;
 - (c) a description of current and anticipated project area development, including:
 - (i) a narrative of any significant project area development, including infrastructure development, site development, participation agreements, or vertical construction; and
 - (ii) other details of development within the project area, including:
 - (A) the total developed acreage;
 - (B) the total undeveloped acreage;
 - (C) the percentage of residential development; and
 - (D) the total number of housing units authorized, if applicable;
 - (d) the project area budget, if applicable, or other project area funds analyses, including:
 - (i) each project area funds collection period, including:
 - (A) the start and end date of the project area funds collection period; and

- (B) the number of years remaining in each project area funds collection period;
 - (ii) the amount of project area funds the agency is authorized to receive from the project area cumulatively and from each taxing entity, including:
 - (A) the total dollar amount; and
 - (B) the percentage of the total amount of project area funds generated within the project area;
 - (iii) the remaining amount of project area funds the agency is authorized to receive from the project area cumulatively and from each taxing entity; and
 - (iv) the amount of project area funds the agency is authorized to use to pay for the agency's administrative costs, as described in Subsection 17C-1-409(1), including:
 - (A) the total dollar amount; and
 - (B) the percentage of the total amount of all project area funds;
 - (e) the estimated amount of project area funds that the agency is authorized to receive from the project area for the current calendar year;
 - (f) the estimated amount of project area funds to be paid to the agency for the next calendar year;
 - (g) a map of the project area; and
 - (h) any other relevant information the agency elects to provide.
- (4) Any information an agency submits in accordance with this section:
- (a) is for informational purposes only; and
 - (b) does not alter the amount of project area funds that an agency is authorized to receive from a project area.
- (5) The provisions of this section apply regardless of when the agency or project area is created.
- (6) On or before September 1 of each year, the Governor's Office of Economic Opportunity shall prepare and submit an annual written report to the Political Subdivisions Interim Committee that identifies:
- (a) the agencies that complied with the reporting requirements of this section during the preceding reporting period; and
 - (b) any agencies that failed to comply with the reporting requirements of this section during the preceding reporting period.

Amended by Chapter 499, 2023 General Session

17C-1-604 Audit requirements.

Each agency shall comply with the audit requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

Renumbered and Amended by Chapter 359, 2006 General Session

17C-1-605 Audit report.

- (1) Each agency required to be audited under Section 17C-1-604 shall, within 180 days after the end of the agency's fiscal year, file a copy of the audit report with the county auditor, the State Tax Commission, the State Board of Education, and each taxing entity from which the agency receives tax increment.
- (2) Each audit report under Subsection (1) shall include:
 - (a) the tax increment collected by the agency for each project area;
 - (b) the amount of tax increment paid to each taxing entity under Section 17C-1-410;
 - (c) the outstanding principal amount of bonds issued or other loans incurred to finance the costs associated with the agency's project areas;

- (d) the amount of property tax revenue generated under Part 10, Agency Taxing Authority; and
- (e) the actual amount expended for:
 - (i) acquisition of property;
 - (ii) site improvements or site preparation costs;
 - (iii) installation of public utilities or other public improvements; and
 - (iv) administrative costs of the agency.

Amended by Chapter 214, 2021 General Session

17C-1-606 County auditor report on project areas.

- (1)
 - (a) On or before March 31 of each year, the auditor of each county in which an agency is located shall prepare a report on the project areas within each agency.
 - (b) The county auditor shall send a copy of each report under Subsection (1)(a) to the agency that is the subject of the report, the State Tax Commission, the State Board of Education, and each taxing entity from which the agency receives tax increment.
- (2) Each report under Subsection (1)(a) shall report:
 - (a) the total assessed property value within each project area for the previous tax year;
 - (b) the base taxable value of each project area for the previous tax year;
 - (c) the tax increment available to be paid to the agency for the previous tax year;
 - (d) the tax increment requested by the agency for the previous tax year; and
 - (e) the tax increment paid to the agency for the previous tax year.
- (3) Within 30 days after a request by an agency, the State Tax Commission, the State Board of Education, or any taxing entity from which the agency receives tax increment, the county auditor or the county assessor shall provide access to:
 - (a) the county auditor's method and calculations used to make adjustments under Section 17C-1-408;
 - (b) the unequalized assessed valuation of an existing or proposed project area, or any parcel or parcels within an existing or proposed project area, if the equalized assessed valuation has not yet been determined for that year;
 - (c) the most recent equalized assessed valuation of an existing or proposed project area or any parcel or parcels within an existing or proposed project area; and
 - (d) the tax rate of each taxing entity adopted as of November 1 for the previous tax year.
- (4) Each report described in Subsection (1)(a) shall include:
 - (a) sufficient detail regarding the calculations performed by a county auditor so that an agency or other interested party could repeat and verify the calculations; and
 - (b) a detailed explanation of any adjustments made to the base taxable value of each project area.

Amended by Chapter 350, 2016 General Session

17C-1-607 State Tax Commission and county assessor required to account for new growth.

Upon the expiration of a project area funds collection period, the State Tax Commission and the assessor of each county in which a project area is located shall count as new growth the assessed value of property with respect to which the taxing entity is receiving taxes or increased taxes for the first time.

Amended by Chapter 350, 2016 General Session

17C-1-608 Registration as a limited purpose entity.

- (1) Each community reinvestment agency shall register and maintain the community reinvestment agency's registration as a limited purpose entity, in accordance with Section 67-1a-15.
- (2) A community reinvestment agency that fails to comply with Subsection (1) or Section 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.

Enacted by Chapter 256, 2018 General Session

17C-1-609 Agency reporting limitations.

Except as required under this title, an agency is not required to submit to a public entity information or a report related to the agency's operations or project areas.

Enacted by Chapter 333, 2019 General Session

Part 7
Agency and Project Area Dissolution

17C-1-701.1 Title.

This part is known as "Agency and Project Area Dissolution."

Enacted by Chapter 350, 2016 General Session

17C-1-701.5 Agency dissolution -- Restrictions -- Notice -- Recording requirements -- Agency records -- Dissolution expenses.

- (1)
 - (a) Subject to Subsection (1)(b), the community legislative body may, by ordinance, dissolve an agency.
 - (b) A community legislative body may adopt an ordinance described in Subsection (1)(a) only if the agency has no outstanding bonded indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual obligations with a person other than the community.
- (2)
 - (a) The community legislative body shall:
 - (i) within 10 days after adopting an ordinance described in Subsection (1), file with the lieutenant governor a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 - (ii) upon the lieutenant governor's issuance of a certificate of dissolution under Section 67-1a-6.5, submit to the recorder of the county in which the agency is located:
 - (A) the original notice of an impending boundary action;
 - (B) the original certificate of dissolution; and
 - (C) a certified copy of the ordinance that dissolves the agency.
 - (b) Upon the lieutenant governor's issuance of the certificate of dissolution under Section 67-1a-6.5, the agency is dissolved.
 - (c) Within 10 days after receiving the certificate of dissolution from the lieutenant governor under Section 67-1a-6.5, the community legislative body shall send a copy of the certificate of

dissolution and the ordinance adopted under Subsection (1) to the State Board of Education, and each taxing entity.

- (d) The community legislative body shall post a notice of dissolution for the community, as a class A notice under Section 63G-30-102, for at least 10 days.
- (3) The books, documents, records, papers, and seal of each dissolved agency shall be deposited for safekeeping and reference with the recorder of the community that dissolved the agency.
- (4) The agency shall pay all expenses of the dissolution.

Amended by Chapter 435, 2023 General Session

17C-1-702 Project area dissolution.

- (1) Regardless of when a project area funds collection period ends, the project area remains in existence until:
 - (a) the agency adopts a resolution dissolving the project area; and
 - (b) the community legislative body adopts an ordinance dissolving the project area.
- (2) The ordinance described in Subsection (1)(b) shall include:
 - (a) the name of the project area; and
 - (b) a project area map or boundary description.
- (3) Within 30 days after the day on which the community legislative body adopts an ordinance described in Subsection (1)(b), the community legislative body shall:
 - (a) submit a copy of the ordinance to the county recorder of the county in which the dissolved project area is located; and
 - (b) mail or electronically submit a copy of the ordinance to the county auditor, the State Tax Commission, the State Board of Education, and each taxing entity that levies or imposes a tax on property within the dissolved project area.

Enacted by Chapter 350, 2016 General Session

Part 8
Hearing and Notice Requirements

17C-1-801 Title.

This part is known as "Hearing and Notice Requirements."

Enacted by Chapter 350, 2016 General Session

17C-1-802 Combining hearings.

A board may combine any combination of a development impediment hearing, a plan hearing, and a budget hearing.

Amended by Chapter 376, 2019 General Session

17C-1-803 Continuing a hearing.

Subject to Section 17C-1-804, the board may continue:

- (1) a development impediment hearing;
- (2) a plan hearing;

- (3) a budget hearing; or
- (4) a combined hearing under Section 17C-1-802.

Amended by Chapter 376, 2019 General Session

17C-1-804 Notice required for continued hearing.

The board shall give notice of a hearing continued under Section 17C-1-803 by announcing at the hearing:

- (1) the date, time, and place the hearing will be resumed; or
- (2)
 - (a) that the hearing is being continued to a later time; and
 - (b) that the board will cause a notice of the continued hearing to be published for the community, as a class A notice under Section 63G-30-102, for at least seven days before the day on which the hearing is scheduled to resume.

Amended by Chapter 435, 2023 General Session

17C-1-805 Agency to provide notice of hearings.

- (1) Each agency shall provide notice, in accordance with this part, of each:
 - (a) development impediment hearing;
 - (b) plan hearing; or
 - (c) budget hearing.
- (2) The notice required under Subsection (1) may be combined with the notice required for any of the other hearings if the hearings are combined under Section 17C-1-802.

Amended by Chapter 376, 2019 General Session

17C-1-806 Requirements for notice provided by agency.

- (1) The notice required by Section 17C-1-805 shall be given by:
 - (a) publishing notice for the county, as a class A notice under Section 63G-30-102, for at least 14 days before the day on which the hearing is held; and
 - (b) at least 30 days before the hearing, mailing notice to:
 - (i) each record owner of property located within the project area or proposed project area;
 - (ii) the State Tax Commission;
 - (iii) the assessor and auditor of the county in which the project area or proposed project area is located; and
 - (iv)
 - (A) if a project area is subject to a taxing entity committee, each member of the taxing entity committee and the State Board of Education; or
 - (B) if a project area is not subject to a taxing entity committee, the legislative body or governing board of each taxing entity within the boundaries of the project area or proposed project area.
- (2) The mailing of the notice to record property owners required under Subsection (1)(b)(i) shall be conclusively considered to have been properly completed if:
 - (a) the agency mails the notice to the property owners as shown in the records, including an electronic database, of the county recorder's office and at the addresses shown in those records; and

- (b) the county recorder's office records used by the agency in identifying owners to whom the notice is mailed and their addresses were obtained or accessed from the county recorder's office no earlier than 30 days before the mailing.
- (3) The agency shall include in each notice required under Section 17C-1-805:
 - (a)
 - (i) a boundary description of the project area or proposed project area; or
 - (ii)
 - (A) a mailing address or telephone number where a person may request that a copy of the boundary description be sent at no cost to the person by mail, email, or facsimile transmission; and
 - (B) if the agency or community has an Internet website, an Internet address where a person may gain access to an electronic, printable copy of the boundary description and other related information;
 - (b) a map of the boundaries of the project area or proposed project area;
 - (c) an explanation of the purpose of the hearing; and
 - (d) a statement of the date, time, and location of the hearing.
- (4) The agency shall include in each notice under Subsection (1)(b):
 - (a) a statement that property tax revenue resulting from an increase in valuation of property within the project area or proposed project area will be paid to the agency for project area development rather than to the taxing entity to which the tax revenue would otherwise have been paid if:
 - (i)
 - (A) the taxing entity committee consents to the project area budget; or
 - (B) one or more taxing entities agree to share property tax revenue under an interlocal agreement; and
 - (ii) the project area plan provides for the agency to receive tax increment; and
 - (b) an invitation to the recipient of the notice to submit to the agency comments concerning the subject matter of the hearing before the date of the hearing.
- (5) An agency may include in a notice under Subsection (1) any other information the agency considers necessary or advisable, including the public purpose achieved by the project area development and any future tax benefits expected to result from the project area development.

Amended by Chapter 435, 2023 General Session

17C-1-807 Additional requirements for notice of a development impediment hearing.

Each notice under Section 17C-1-806 for a development impediment hearing shall also include:

- (1) a statement that:
 - (a) a project area is being proposed;
 - (b) the proposed project area may be determined to have a development impediment;
 - (c) the record owner of property within the proposed project area has the right to present evidence at the development impediment hearing contesting the existence of a development impediment;
 - (d) except for a hearing continued under Section 17C-1-803, the agency will notify the record owner of property referred to in Subsection 17C-1-806(1)(b)(i) of each additional public hearing held by the agency concerning the proposed project area before the adoption of the project area plan; and

- (e) a person contesting the existence of a development impediment in the proposed project area may appear before the board and show cause why the proposed project area should not be designated as a project area; and
- (2) if the agency anticipates acquiring property in an urban renewal project area or a community reinvestment project area by eminent domain, a clear and plain statement that:
 - (a) the project area plan may require the agency to use eminent domain; and
 - (b) the proposed use of eminent domain will be discussed at the development impediment hearing.

Amended by Chapter 376, 2019 General Session

17C-1-808 Additional requirements for notice of a plan hearing.

Each notice under Section 17C-1-806 of a plan hearing shall also include:

- (1) a statement that any person objecting to the proposed project area plan or contesting the regularity of any of the proceedings to adopt the proposed project area plan may appear before the board at the hearing to show cause why the proposed project area plan should not be adopted; and
- (2) a statement that the proposed project area plan is available for inspection at the agency offices.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-809 Additional requirements for notice of a budget hearing.

Each notice under Section 17C-1-806 of a budget hearing shall contain:

- (1) the following statement:

"The (name of agency) has requested \$_____ in property tax revenues that will be generated by development within the (name of project area) to fund a portion of project costs within the (name of project area). These property tax revenues will be used for the following: (list major budget categories and amounts). These property taxes will be taxes levied by the following governmental entities, and, assuming current tax rates, the taxes paid to the agency for this project area from each taxing entity will be as follows: (list each taxing entity levying taxes and the amount of total taxes that would be paid from each taxing entity). All of the property taxes to be paid to the agency for the development in the project area are taxes that will be generated only if the project area is developed.

All concerned citizens are invited to attend the project area budget hearing scheduled for (date, time, and place of hearing). A copy of the (name of project area) project area budget is available at the offices of (name of agency and office address)."; and

- (2) other information that the agency considers appropriate.

Renumbered and Amended by Chapter 350, 2016 General Session

**Part 9
Eminent Domain**

17C-1-901 Title.

This part is known as "Eminent Domain."

Enacted by Chapter 350, 2016 General Session

17C-1-902 Use of eminent domain -- Conditions.

- (1) Except as provided in Subsection (2), an agency may not use eminent domain to acquire property.
- (2) Subject to the provisions of this part, an agency may, in accordance with Title 78B, Chapter 6, Part 5, Eminent Domain, use eminent domain to acquire an interest in property:
 - (a) within an urban renewal project area if:
 - (i) the board makes a development impediment determination under Chapter 2, Part 3, Development Impediment Determination in Urban Renewal Project Areas; and
 - (ii) the urban renewal project area plan provides for the use of eminent domain;
 - (b) that is owned by an agency board member or officer and located within a project area, if the board member or officer consents;
 - (c) within a community reinvestment project area if:
 - (i) the board makes a development impediment determination under Chapter 5, Part 4, Development Impediment Determination in a Community Reinvestment Project Area;
 - (ii)
 - (A) the original community reinvestment project area plan provides for the use of eminent domain; or
 - (B) the community reinvestment project area plan is amended in accordance with Subsection 17C-5-112(4); and
 - (iii) the agency creates a taxing entity committee in accordance with Section 17C-1-402;
 - (d) that:
 - (i) is owned by a participant or a property owner that is entitled to receive tax increment or other assistance from the agency;
 - (ii) is within a project area, regardless of when the project area is created, for which the board made a development impediment determination under Chapter 2, Part 3, Development Impediment Determination in Urban Renewal Project Areas, or Chapter 5, Part 4, Development Impediment Determination in a Community Reinvestment Project Area; and
 - (iii)
 - (A) the participant or property owner described in Subsection (2)(d)(i) fails to develop or improve in accordance with the participation agreement or the project area plan; or
 - (B) for a period of 36 months does not generate the amount of tax increment that the agency projected to receive under the project area budget; or
 - (e) if a property owner requests in writing that the agency exercise eminent domain to acquire the property owner's property within a project area.
- (3) An agency shall, in accordance with the provisions of this part, commence the acquisition of property described in Subsections (2)(a) through (c) by adopting a resolution authorizing eminent domain within five years after the day on which the project area plan is effective.

Amended by Chapter 376, 2019 General Session

17C-1-903 Prerequisites to the acquisition of property by eminent domain -- Civil action authorized -- Record of good faith negotiations to be retained.

- (1) Before an agency may initiate an action in district court to acquire property by eminent domain, the agency shall:
 - (a) negotiate in good faith with the affected record property owner;
 - (b) provide to each affected record property owner a written declaration that includes:

- (i) an explanation of the eminent domain process and the reasons for using it, including:
 - (A) the need for the agency to obtain an independent appraisal that indicates the fair market value of the property and how the fair market value was determined;
 - (B) a statement that the agency may adopt a resolution authorizing the agency to make an offer to the record property owner to purchase the property for the fair market value amount determined by the appraiser and that, if the offer is rejected, the agency has the right to acquire the property through an eminent domain proceeding; and
 - (C) a statement that the agency will prepare an offer that will include the price the agency is offering for the property, an explanation of how the agency determined the price being offered, the legal description of the property, conditions of the offer, and the time at which the offer will expire;
 - (ii) an explanation of the record property owner's relocation rights under Title 57, Chapter 12, Utah Relocation Assistance Act, and how to receive relocation assistance; and
 - (iii) a statement that the owner has the right to receive just compensation and an explanation of how to obtain it; and
- (c) provide to the affected record property owner or the owner's designated representative a notice that is printed in a type size of at least ten-point type that contains:
- (i) a description of the property to be acquired;
 - (ii) the name of the agency acquiring the property and the agency's contact person and telephone number; and
 - (iii) a copy of Title 57, Chapter 12, Utah Relocation Assistance Act.
- (2) A person may bring a civil action against an agency for a violation of Subsection (1)(b) that results in damage to that person.
- (3) Each agency shall keep a record and evidence of the good faith negotiations required under Subsection (1)(a) and retain the record and evidence as provided in:
- (a) Title 63G, Chapter 2, Government Records Access and Management Act; or
 - (b) an ordinance or policy that the agency had adopted under Section 63G-2-701.
- (4) A record property owner whose property is being taken by an agency through the exercise of eminent domain may elect to receive for the real property being taken:
- (a) fair market value; or
 - (b) replacement property under Section 57-12-7.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-904 Acquiring single family owner occupied residential property or commercial property -- Acquiring property already devoted to a public use -- Relocation assistance requirement.

- (1) As used in this section:
- (a) "Commercial property" means real property used, in whole or in part, by the owner or possessor of the property for a commercial, industrial, retail, or other business purpose, regardless of the identity of the property owner.
 - (b) "Owner occupied property" means private real property that is:
 - (i) used for a single-family residential or commercial purpose; and
 - (ii) occupied by the owner of the property.
 - (c) "Relevant area" means:
 - (i) except as provided in Subsection (1)(c)(ii), the project area; or
 - (ii)

- (A) the area included within a phase of a project under a project area plan if the phase and the area included within the phase are described in the project area plan; or
 - (B) the parcel or parcels that are the subject of a community reinvestment project area plan amendment under Subsection 17C-5-112(4).
- (2) An agency may not initiate an action in district court to acquire by eminent domain a residential owner occupied property unless:
- (a)
 - (i) a written petition requesting the agency to use eminent domain to acquire the property is submitted by the owners of at least 80% of the residential owner occupied property within the relevant area representing at least 70% of the value of residential owner occupied property within the relevant area; or
 - (ii) a written petition of 90% of the owners of real property, including property owned by the agency or a public entity within the project area, is submitted to the agency, requesting the use of eminent domain to acquire the property; and
 - (b) at least two-thirds of all board members vote in favor of using eminent domain to acquire the property.
- (3) An agency may not initiate an action in district court to acquire commercial owner occupied property by eminent domain unless:
- (a) a written petition requesting the agency to use eminent domain to acquire the property is submitted by the owners of at least 75% of the commercial property within the relevant area representing at least 60% of the value of commercial property within the relevant area; and
 - (b) at least two-thirds of all board members vote in favor of using eminent domain to acquire the property.
- (4) For purposes of this section an owner is considered to have signed a petition if:
- (a) owners representing a majority ownership interest in the property sign the petition; or
 - (b) if the property is owned by joint tenants or tenants by the entirety, 50% of the number of owners of the property sign the petition.
- (5) An agency may not acquire by eminent domain any real property on which an existing building is to be continued on the building's present site and in the building's present form and use unless:
- (a) the building requires structural alteration, improvement, modernization, or rehabilitation;
 - (b) the site or lot on which the building is situated requires modification in size, shape, or use; or
 - (c)
 - (i) it is necessary to impose upon the property a standard, restriction, or control of the project area plan; and
 - (ii) the owner fails or refuses to agree to participate in the project area plan.
- (6) An agency may not acquire by eminent domain property that is owned by a public entity.
- (7) An agency that acquires property by eminent domain shall comply with Title 57, Chapter 12, Utah Relocation Assistance Act.

Amended by Chapter 456, 2017 General Session

17C-1-905 Court award for court costs and attorney fees, relocation expenses, and damage to fixtures or personal property.

In an eminent domain action under this part, the court may award:

- (1) costs and reasonable attorney fees to the condemnee if the amount of the court or jury award for the property exceeds the amount offered by the agency;

- (2) a reasonable sum, as determined by the court or jury, as compensation for any costs or expenses relating to relocating:
 - (a) an owner who occupied the acquired property;
 - (b) a party conducting a business on the acquired property; or
 - (c) a person displaced from the property, as permitted by Title 57, Chapter 12, Utah Relocation Assistance Act; and
- (3) an amount to compensate for any fixtures or personal property that is:
 - (a) owned by the owner of the acquired property or by a person conducting a business on the acquired property; and
 - (b) damaged as a result of the acquisition or relocation.

Renumbered and Amended by Chapter 350, 2016 General Session

Part 10

Agency Taxing Authority

17C-1-1001 Definitions.

As used in this part:

- (1)
 - (a) "Agency-wide project development" means activity within the agency's boundaries that, as determined by the board, encourages, promotes, or provides development or redevelopment for the purpose of achieving the results described in an implementation plan, including affordable housing.
 - (b) "Agency-wide project development" does not include project area development under a project area plan.
- (2) "Certified tax rate" means the same as that term is defined in Section 59-2-924.
- (3) "Cooperative development project" means project area development with impacts that extend beyond an agency's geographic boundaries to the benefit of two or more communities.
- (4) "Economic development project" means project area development for the purpose of:
 - (a) creating, developing, attracting, and retaining business;
 - (b) creating or preserving jobs;
 - (c) stimulating business and economic activity; or
 - (d) providing a local incentive as required by the Governor's Office of Economic Opportunity under Title 63N, Economic Opportunity Act.
- (5) "Eligible taxing entity" means a taxing entity that:
 - (a) is a municipality, a county, or a school district; and
 - (b) contains an agency partially or completely within the taxing entity's geographic boundaries.
- (6) "Implementation plan" means a plan adopted in accordance with Section 17C-1-1004 that:
 - (a) describes how the agency uses property tax revenue; and
 - (b) guides and controls agency-wide project development.
- (7) "Project area incremental revenue" means the amount of revenue generated by the incremental value that a taxing entity receives after a project area funds collection period ends.
- (8) "Property tax revenue" means the amount of revenue generated by an agency from the property within the agency using the current taxable value of the property and the agency's certified tax rate.

Enacted by Chapter 214, 2021 General Session

17C-1-1002 Transferring project area incremental revenue -- Agency may levy a property tax.

- (1) An agency and an eligible taxing entity may enter into an interlocal agreement for the purpose of transferring all or a portion of the eligible taxing entity's project area incremental revenue.
- (2) An agency shall ensure that an interlocal agreement described in Subsection (1):
 - (a) identifies each project area that is subject to the interlocal agreement;
 - (b) is adopted by the board and the taxing entity in accordance with Section 17C-1-1003;
 - (c) for each project area:
 - (i) states the amount of project area incremental revenue that the eligible taxing entity agrees to transfer to the agency;
 - (ii) states the year in which the eligible taxing entity will transfer the amount described in Subsection (2)(c)(i); and
 - (iii) for the year described in Subsection (2)(c)(ii), requires the agency to add the project area incremental revenue transferred in the agency's budget;
 - (d) includes a copy of the implementation plan described in Section 17C-1-1004;
 - (e) requires the agency to dissolve, in accordance with Section 17C-1-702, any project area:
 - (i) that is subject to the interlocal agreement; and
 - (ii) for which the project area funds collection period will expire; and
 - (f) is filed with the county auditor, the State Tax Commission, and the eligible taxing entity.
- (3) If an agency and an eligible taxing entity enter into an interlocal agreement under this section:
 - (a) subject to Subsection (4) and Section 17C-1-1004, the agency may levy a property tax on taxable property within the agency's geographic boundaries; and
 - (b) except as provided in Subsection (5), the agency may not:
 - (i) create a new community reinvestment project area within the taxing entity's geographic boundaries; or
 - (ii) amend a project area plan or budget if the amendment:
 - (A) enlarges the project area from which tax increment is collected;
 - (B) permits the agency to receive a greater amount of tax increment; or
 - (C) extends the project area funds collection period.
- (4)
 - (a) An agency may levy a property tax for a fiscal year that:
 - (i) is after the year in which the agency receives project area incremental revenue; and
 - (ii) begins on or after the January 1 on which the agency has authority to impose a property tax under this section.
 - (b) An agency board shall calculate the agency's certified tax rate in accordance with Section 59-2-924.
 - (c) An agency may levy a property tax rate that exceeds the agency's certified rate only if the agency complies with Sections 59-2-919 through 59-2-923.
- (5) For a cooperative development project or an economic development project, an agency may, in accordance with Chapter 5, Community Reinvestment:
 - (a) create a new community reinvestment project area; or
 - (b) amend a community reinvestment project area plan or budget.

Enacted by Chapter 214, 2021 General Session

17C-1-1003 Interlocal agreement -- Notice requirements -- Effective date.

- (1) An agency that enters into an interlocal agreement under Section 17C-1-1002 shall:
 - (a) adopt the interlocal agreement at an open and public meeting; and
 - (b) provide a notice, in accordance with Subsections (2) and (3), titled "Authorization to Levy a Property Tax."
- (2) Upon the execution of an interlocal agreement, the agency shall provide, subject to Subsection (3), notice of the execution by publishing the notice for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for at least 14 days.
- (3) A notice described in Subsection (2) shall include:
 - (a) a summary of the interlocal agreement; and
 - (b) a statement that the interlocal agreement:
 - (i) is available for public inspection and the place and the hours for inspection; and
 - (ii) authorizes the agency to:
 - (A) receive all or a portion of a taxing entity's project area incremental revenue; and
 - (B) levy a property tax on taxable property within the agency's boundaries.
- (4) An interlocal agreement described in Section 17C-1-1002 is effective the day on which the notice is published or posted in accordance with Subsections (2) and (3).
- (5) An eligible taxing entity that enters into an interlocal agreement under Section 17C-1-1002 shall make a copy of the interlocal agreement available to the public for inspecting and copying at the eligible taxing entity's office during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-1-1004 Plan hearing -- Implementation plan -- Use of an agency's property tax revenue -- Eminent domain.

- (1) Before an agency may levy a property tax, an agency board shall hold a plan hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements, to:
 - (a) adopt an implementation plan that:
 - (i) contains a boundary description and a map of the geographic area within which the agency will use the agency's property tax revenue;
 - (ii) contains a general description of the existing land uses, zoning, infrastructure conditions, population densities, and demographics of the area described in Subsection (1)(b)(i);
 - (iii) describes the physical, social, and economic conditions that exist in the area described in Subsection (1)(b)(i);
 - (iv) describes the goals and strategies that will guide the agency's use of property tax revenue;
 - (v) shows how agency-wide project development will further the purposes of this title;
 - (vi) is consistent with the general plan of the community that created the agency and shows that agency-wide project development will conform to the community's general plan;
 - (vii) generally describes the type of financial assistance and tools that the agency anticipates providing to participants;
 - (viii) includes an analysis or description of the anticipated public benefits resulting from agency-wide project development, including benefits to economic activity and taxing entities' tax bases;
 - (ix) includes any identified geographic target areas within which the agency will focus investment; and
 - (x) includes other information that the agency determines to be necessary or advisable;
 - (b) inform the public about:
 - (i) the amount of revenue that the agency will receive as property tax revenue that a participating taxing entity would have otherwise received;

- (ii) the property tax rate that the agency will levy;
 - (iii) any changes to the use of revenue; and
 - (iv) how the agency will be using property tax revenue under the implementation plan; and
 - (c) allow individuals present at the plan hearing to comment on the proposed property tax.
- (2) An agency that levies a property tax under this part shall allocate an amount of property tax revenue for housing:
- (a) in an amount that is the same as the agency's housing allocation under Section 17C-5-307 before entering into an interlocal agreement under Section 17C-1-1002; and
 - (b) for a period of time that is the same as the agency's project area funds collection period before entering into an interlocal agreement under Section 17C-1-1002.
- (3)
- (a) Except as provided in Subsection (3)(b), an agency that levies a property tax under this part may not use eminent domain to acquire property for agency-wide project development.
 - (b) An agency that levies a property tax under this part may use eminent domain for an urban renewal project area or a community reinvestment project area in accordance with Part 9, Eminent Domain.

Enacted by Chapter 214, 2021 General Session

17C-1-1005 Agency property tax levy -- Budget -- Accounting for property tax revenue.

- (1)
- (a) Each agency that levies and collects property tax under this part shall levy and collect the property tax in accordance with Title 59, Chapter 2, Property Tax Act.
 - (b) Except as provided in Subsection (1)(c), an agency, at a regular meeting or special meeting called for that purpose, shall, by resolution, set the property tax rate by the date described in Section 59-2-912.
 - (c) An agency may set the rate described in Subsection (1)(b) at an appropriate later date in accordance with Sections 59-2-919 through 59-2-923.
- (2)
- (a) An agency shall include in the agency's budget any project area incremental revenue transferred by an eligible taxing entity under this part.
 - (b) The amount of project area incremental revenue described in Subsection (2)(a) plus the ad valorem property tax revenue that the agency budgeted for the prior year shall constitute the basis for determining the property tax levy that the agency sets for the corresponding tax year.
- (3)
- (a) An agency shall create a property tax revenue fund and separately account for property tax revenue generated under this part.
 - (b) An agency shall include revenue and expenditures of the property tax revenue fund described in Subsection (3)(a) in the annual budget adopted in accordance with Section 17C-1-601.5.

Enacted by Chapter 214, 2021 General Session

**Chapter 2
Urban Renewal**

Part 1 Urban Renewal Project Area Plan

17C-2-101.1 Title.

This chapter is known as "Urban Renewal."

Enacted by Chapter 350, 2016 General Session

17C-2-101.2 Applicability of chapter.

This chapter applies to an urban renewal project area that is effective:

- (1) before May 10, 2016; or
- (2) before September 1, 2016, if an agency adopted a resolution in accordance with Section 17C-2-101.5 before April 1, 2016.

Enacted by Chapter 350, 2016 General Session

17C-2-101.5 Resolution designating survey area -- Request to adopt resolution.

- (1) A board may begin the process of adopting an urban renewal project area plan by adopting a resolution that:
 - (a) designates an area located within the agency's boundaries as a survey area;
 - (b) contains a statement that the survey area requires study to determine whether:
 - (i) one or more urban renewal project areas within the survey area are feasible; and
 - (ii) a development impediment exists within the survey area; and
 - (c) contains a boundary description or map of the survey area.
- (2)
 - (a) Any person or any group, association, corporation, or other entity may submit a written request to the board to adopt a resolution under Subsection (1).
 - (b) A request under Subsection (2)(a) may include plans showing the project area development proposed for an area within the agency's boundaries.
 - (c) The board may, in the board's sole discretion, grant or deny a request under Subsection (2)
 - (a).

Amended by Chapter 376, 2019 General Session

17C-2-102 Process for adopting urban renewal project area plan -- Prerequisites -- Restrictions.

- (1)
 - (a) In order to adopt an urban renewal project area plan, after adopting a resolution under Subsection 17C-2-101.5(1) the agency shall:
 - (i) unless a development impediment determination is based on a determination made under Subsection 17C-2-303(1)(b) relating to an inactive industrial site or inactive airport site:
 - (A) cause a development impediment study to be conducted within the survey area as provided in Section 17C-2-301;
 - (B) provide notice of a development impediment hearing as required under Chapter 1, Part 8, Hearing and Notice Requirements; and
 - (C) hold a development impediment hearing as described in Section 17C-2-302;

- (ii) after the development impediment hearing has been held or, if no development impediment hearing is required under Subsection (1)(a)(i), after adopting a resolution under Subsection 17C-2-101.5(1), hold a board meeting at which the board shall:
 - (A) consider:
 - (I) the evidence and information relating to the existence or nonexistence of a development impediment; and
 - (II) whether adoption of one or more urban renewal project area plans should be pursued; and
 - (B) by resolution:
 - (I) make a determination regarding the existence of a development impediment in the proposed urban renewal project area;
 - (II) select one or more project areas comprising part or all of the survey area; and
 - (III) authorize the preparation of a proposed project area plan for each project area;
 - (iii) prepare a proposed project area plan and conduct any examination, investigation, and negotiation regarding the project area plan that the agency considers appropriate;
 - (iv) make the proposed project area plan available to the public at the agency's offices during normal business hours;
 - (v) provide notice of the plan hearing in accordance with Sections 17C-1-806 and 17C-1-808;
 - (vi) hold a plan hearing on the proposed project area plan and, at the plan hearing:
 - (A) allow public comment on:
 - (I) the proposed project area plan; and
 - (II) whether the proposed project area plan should be revised, approved, or rejected; and
 - (B) receive all written and hear all oral objections to the proposed project area plan;
 - (vii) before holding the plan hearing, provide an opportunity for the State Board of Education and each taxing entity that levies a tax on property within the proposed project area to consult with the agency regarding the proposed project area plan;
 - (viii) if applicable, hold the election required under Subsection 17C-2-105(3);
 - (ix) after holding the plan hearing, at the same meeting or at a subsequent meeting consider:
 - (A) the oral and written objections to the proposed project area plan and evidence and testimony for and against adoption of the proposed project area plan; and
 - (B) whether to revise, approve, or reject the proposed project area plan;
 - (x) approve the proposed project area plan, with or without revisions, as the project area plan by a resolution that complies with Section 17C-2-106; and
 - (xi) submit the project area plan to the community legislative body for adoption.
- (b)
- (i) If an agency makes a determination under Subsection (1)(a)(ii)(B) that a development impediment exists in the proposed urban renewal project area, the agency may not adopt the project area plan until the taxing entity committee approves the development impediment determination.
 - (ii)
 - (A) A taxing entity committee may not disapprove an agency's development impediment determination unless the committee demonstrates that the conditions the agency found to exist in the urban renewal project area that support the agency's development impediment determination under Section 17C-2-303:
 - (I) do not exist; or
 - (II) do not constitute a development impediment.
 - (B)

- (I) If the taxing entity committee questions or disputes the existence of some or all of the development impediment conditions that the agency determined to exist in the urban renewal project area or that those conditions constitute a development impediment, the taxing entity committee may hire a consultant, mutually agreed upon by the taxing entity committee and the agency, with the necessary expertise to assist the taxing entity committee to make a determination as to the existence of the questioned or disputed development impediment conditions.
 - (II) The agency shall pay the fees and expenses of each consultant hired under Subsection (1)(b)(ii)(B)(I).
 - (III) The determination of a consultant under this Subsection (1)(b)(ii)(B) shall be binding on the taxing entity committee and the agency.
- (2) An agency may not propose a project area plan under Subsection (1) unless the community in which the proposed project area is located:
- (a) has a planning commission; and
 - (b) has adopted a general plan under:
 - (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or
 - (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
- (3)
- (a) Subject to Subsection (3)(b), a board may not approve a project area plan more than one year after adoption of a resolution making a development impediment determination under Subsection (1)(a)(ii)(B).
 - (b) If a project area plan is submitted to an election under Subsection 17C-2-105(3), the time between the plan hearing and the date of the election does not count for purposes of calculating the year period under Subsection (3)(a).
- (4)
- (a) Except as provided in Subsection (4)(b), a proposed project area plan may not be modified to add real property to the proposed project area unless the board holds a plan hearing to consider the addition and gives notice of the plan hearing as required under Sections 17C-1-806 and 17C-1-808.
 - (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a proposed project area plan being modified to add real property to the proposed project area if:
 - (i) the property is contiguous to the property already included in the proposed project area under the proposed project area plan;
 - (ii) the record owner of the property consents to adding the real property to the proposed project area; and
 - (iii) the property is located within the survey area.

Amended by Chapter 376, 2019 General Session

17C-2-103 Urban renewal project area plan requirements.

- (1) An agency shall ensure that each urban renewal project area plan and proposed project area plan:
- (a) describes the boundaries of the project area, subject to Section 17C-1-414, if applicable;
 - (b) contains a general statement of the land uses, layout of principal streets, population densities, and building intensities of the project area and how they will be affected by the project area development;
 - (c) states the standards that will guide the project area development;
 - (d) shows how the purposes of this title will be attained by the project area development;

- (e) is consistent with the general plan of the community in which the project area is located and show that the project area development will conform to the community's general plan;
 - (f) describes how the project area development will reduce or eliminate a development impediment in the project area;
 - (g) describes any specific project or projects that are the object of the proposed project area development;
 - (h) identifies how a participant will be selected to undertake the project area development and identify each participant currently involved in the project area development;
 - (i) states the reasons for the selection of the project area;
 - (j) describes the physical, social, and economic conditions existing in the project area;
 - (k) describes any tax incentives offered private entities for facilities located in the project area;
 - (l) includes the analysis described in Subsection (2);
 - (m) if any of the existing buildings or uses in the project area are included in or eligible for inclusion in the National Register of Historic Places or the State Register, states that the agency shall comply with Section 9-8a-404 as though the agency were a state agency; and
 - (n) includes other information that the agency determines to be necessary or advisable.
- (2) An agency shall ensure that each analysis under Subsection (1)(l) considers:
- (a) the benefit of any financial assistance or other public subsidy proposed to be provided by the agency, including:
 - (i) an evaluation of the reasonableness of the costs of the project area development;
 - (ii) efforts the agency or participant has made or will make to maximize private investment;
 - (iii) the rationale for use of tax increment, including an analysis of whether the proposed project area development might reasonably be expected to occur in the foreseeable future solely through private investment; and
 - (iv) an estimate of the total amount of tax increment that will be expended in undertaking project area development and the project area funds collection period; and
 - (b) the anticipated public benefit to be derived from the project area development, including:
 - (i) the beneficial influences upon the tax base of the community;
 - (ii) the associated business and economic activity likely to be stimulated; and
 - (iii) whether adoption of the project area plan is necessary and appropriate to reduce or eliminate a development impediment.

Amended by Chapter 160, 2023 General Session

17C-2-104 Existing and historic buildings and uses in an urban renewal project area.

If any of the existing buildings or uses in an urban renewal project area are included in or eligible for inclusion in the National Register of Historic Places or the State Register, the agency shall comply with Section 9-8a-404 as though the agency were a state agency.

Amended by Chapter 160, 2023 General Session

17C-2-105 Objections to urban renewal project area plan -- Owners' alternative project area plan -- Election if 40% of property owners object.

- (1) At any time before the plan hearing, any person may file with the agency a written statement of objections to the proposed urban renewal project area plan.
- (2) If the record owners of property of a majority of the private real property included within the proposed urban renewal project area file a written petition before or at the plan hearing,

proposing an alternative project area plan, the agency shall consider that proposed plan in conjunction with the project area plan proposed by the agency.

- (3)
- (a) If the record property owners of at least 40% of the private land area within the most recently proposed urban renewal project area object in writing to the proposed project area plan before or at the plan hearing, or object orally at the plan hearing, and do not withdraw their objections, an agency may not approve the project area plan until approved by voters within the boundaries of the agency in which the proposed project area is located at an election as provided in Subsection (3)(b).
 - (b)
 - (i) Except as provided in this section, each election required under Subsection (3)(a) shall comply with Title 20A, Election Code.
 - (ii) An election under Subsection (3)(a) may be held on the same day and with the same election officials as an election held by the community in which the proposed project area is located.
 - (iii) If a majority of those voting on the proposed project area plan vote in favor of it, the project area plan shall be considered approved and the agency shall confirm the approval by resolution.
 - (4) If the record property owners of 2/3 of the private land area within the proposed project area object in writing to the proposed project area plan before or at the plan hearing and do not withdraw their objections, the project area plan may not be adopted and the agency may not reconsider the project area plan for three years.

Amended by Chapter 350, 2016 General Session

17C-2-106 Board resolution approving urban renewal project area plan -- Requirements.

A board shall ensure that each resolution approving a proposed urban renewal project area plan as the project area plan under Subsection 17C-2-102(1)(a)(x) contains:

- (1) a boundary description of the boundaries of the project area that is the subject of the project area plan;
- (2) the agency's purposes and intent with respect to the project area;
- (3) the project area plan incorporated by reference;
- (4) a statement that the board previously made a development impediment determination within the project area and the date of the board's determination; and
- (5) the board findings and determinations that:
 - (a) there is a need to effectuate a public purpose;
 - (b) there is a public benefit under the analysis described in Subsection 17C-2-103(2);
 - (c) it is economically sound and feasible to adopt and carry out the project area plan;
 - (d) the project area plan conforms to the community's general plan; and
 - (e) carrying out the project area plan will promote the public peace, health, safety, and welfare of the community in which the project area is located.

Amended by Chapter 376, 2019 General Session

17C-2-107 Urban renewal project area plan to be adopted by community legislative body.

- (1) An urban renewal project area plan approved by board resolution under Section 17C-2-106 may not take effect until:

- (a) it has been adopted by ordinance of the legislative body of the community that created the agency; and
 - (b) notice under Section 17C-2-108 is provided.
- (2) Each ordinance under Subsection (1) shall:
- (a) be adopted by the community legislative body after the board's approval of a resolution under Section 17C-2-106; and
 - (b) designate the approved project area plan as the official urban renewal plan of the project area.

Renumbered and Amended by Chapter 359, 2006 General Session

17C-2-108 Notice of urban renewal project area plan adoption -- Effective date of plan -- Contesting the formation of the plan.

- (1)
- (a) Upon the community legislative body's adoption of an urban renewal project area plan, or an amendment to a project area plan under Section 17C-2-110, the community legislative body shall provide notice as provided in Subsection (1)(b) by publishing notice for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for at least 30 days.
 - (b) Each notice under Subsection (1)(a) shall:
 - (i) set forth the community legislative body's ordinance adopting the project area plan or a summary of the ordinance; and
 - (ii) include a statement that the project area plan is available for general public inspection and the hours for inspection.
- (2) The project area plan shall become effective at the end of the 30-day period described in Subsection (1)(a).
- (3)
- (a) For a period of 30 days after the effective date of the project area plan under Subsection (2), any person may contest the project area plan or the procedure used to adopt the project area plan if the plan or procedure fails to comply with applicable statutory requirements.
 - (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest the project area plan or procedure used to adopt the project area plan for any cause.
- (4) Upon adoption of the project area plan by the community legislative body, the agency may carry out the project area plan.
- (5) Each agency shall make the project area plan available to the general public at the agency's office during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-2-109 Agency required to transmit and record documents after adoption of an urban renewal project area plan.

Within 30 days after the community legislative body adopts, under Section 17C-2-107, an urban renewal project area plan, the agency shall:

- (1) record with the recorder of the county in which the project area is located a document containing:
- (a) a description of the land within the project area;
 - (b) a statement that the project area plan for the project area has been adopted; and
 - (c) the date of adoption;

- (2) transmit a copy of the description of the land within the project area and an accurate map or plat indicating the boundaries of the project area to the Utah Geospatial Resource Center created under Section 63A-16-505; and
- (3) for a project area plan that provides for the agency to receive tax increment, transmit a copy of the description of the land within the project area, a copy of the community legislative body ordinance adopting the project area plan, and a map or plat indicating the boundaries of the project area to:
 - (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any part of the project area is located;
 - (b) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;
 - (c) the legislative body or governing board of each taxing entity;
 - (d) the State Tax Commission; and
 - (e) the State Board of Education.

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

17C-2-110 Amending an urban renewal project area plan.

- (1) Except as provided in Section 17C-1-1002, an agency may amend an urban renewal project area plan as provided in this section.
- (2) If an agency proposes to amend an urban renewal project area plan to enlarge the project area:
 - (a) subject to Subsection (2)(e), the requirements under this part that apply to adopting a project area plan apply equally to the proposed amendment as if it were a proposed project area plan;
 - (b) for a pre-July 1, 1993, project area plan, the base year for the new area added to the project area shall be determined under Subsection 17C-1-102(9) using the effective date of the amended project area plan;
 - (c) for a post-June 30, 1993, project area plan:
 - (i) the base year for the new area added to the project area shall be determined under Subsection 17C-1-102(9) using the date of the taxing entity committee's consent referred to in Subsection (2)(c)(ii); and
 - (ii) the agency shall obtain the consent of the taxing entity committee before the agency may collect tax increment from the area added to the project area by the amendment;
 - (d) the agency shall make a determination regarding the existence of a development impediment in the area proposed to be added to the project area by following the procedure set forth in Chapter 2, Part 3, Development Impediment Determination in Urban Renewal Project Areas; and
 - (e) the agency need not make a development impediment determination in the project area as described in the original project area plan, if the agency made a development impediment determination regarding that project area in connection with adoption of the original project area plan.
- (3) If a proposed amendment does not propose to enlarge an urban renewal project area, a board may adopt a resolution approving an amendment to a project area plan after:
 - (a) the agency gives notice, as provided in Section 17C-1-806, of the proposed amendment and of the public hearing required by Subsection (3)(b);

- (b) the board holds a public hearing on the proposed amendment that meets the requirements of a plan hearing;
 - (c) the agency obtains the taxing entity committee's consent to the amendment, if the amendment proposes:
 - (i) to enlarge the area within the project area from which tax increment is collected;
 - (ii) to permit the agency to receive a greater percentage of tax increment or to extend the project area funds collection period, or both, than allowed under the adopted project area plan; or
 - (iii) for an amendment to a project area plan that was adopted before April 1, 1983, to expand the area from which tax increment is collected to exceed 100 acres of private property; and
 - (d) the agency obtains the consent of the legislative body or governing board of each taxing entity affected, if the amendment proposes to permit the agency to receive, from less than all taxing entities, a greater percentage of tax increment or to extend the project area funds collection period, or both, than allowed under the adopted project area plan.
- (4)
- (a) An agency may amend an urban renewal project area plan without complying with the notice and public hearing requirements of Subsections (3)(a) and (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:
 - (i) makes a minor adjustment in the boundary description of a project area boundary requested by a county assessor or county auditor to avoid inconsistent property boundary lines; or
 - (ii) subject to Subsection (4)(b), removes one or more parcels from a project area because the agency determines that each parcel removed is:
 - (A) tax exempt;
 - (B) without a development impediment; or
 - (C) no longer necessary or desirable to the project area.
 - (b) An agency may make an amendment removing one or more parcels from a project area under Subsection (4)(a)(ii) without the consent of the record property owner of each parcel being removed.
- (5)
- (a) An amendment approved by board resolution under this section may not take effect until adopted by ordinance of the legislative body of the community in which the project area that is the subject of the project area plan being amended is located.
 - (b) Upon a community legislative body passing an ordinance adopting an amendment to a project area plan, the agency whose project area plan was amended shall comply with the requirements of Sections 17C-2-108 and 17C-2-109 to the same extent as if the amendment were a project area plan.
- (6)
- (a) Within 30 days after the day on which an amendment to a project area plan becomes effective, a person may contest the amendment to the project area plan or the procedure used to adopt the amendment to the project area plan if the amendment or procedure fails to comply with a provision of this title.
 - (b) After the 30-day period described in Subsection (6)(a) expires, a person may not contest the amendment to the project area plan or procedure used to adopt the amendment to the project area plan for any cause.

Amended by Chapter 214, 2021 General Session

Part 2

Urban Renewal Project Area Budget

17C-2-201 Project area budget -- Requirements for adopting -- Contesting the budget or procedure -- Time limit.

- (1)
 - (a) If an agency anticipates funding all or a portion of a post-June 30, 1993 urban renewal project area plan with tax increment, the agency shall, subject to Section 17C-2-202, adopt a project area budget as provided in this part.
 - (b) An urban renewal project area budget adopted on or after March 30, 2009 shall specify:
 - (i) for a project area budget adopted on or after March 30, 2009:
 - (A) the project area funds collection period; and
 - (B) the percentage of tax increment the agency is authorized to receive from the project area under the project area budget; and
 - (ii) for a project area budget adopted on or after March 30, 2013, unless approval is obtained under Subsection 17C-1-402(4)(b)(vi)(C), the maximum cumulative dollar amount of tax increment that the agency may receive from the project area under the project area budget.
- (2) To adopt an urban renewal project area budget, the agency shall:
 - (a) prepare a proposed project area budget;
 - (b) make a copy of the proposed project area budget available to the public at the agency's offices during normal business hours;
 - (c) provide notice of the budget hearing as required by Chapter 1, Part 8, Hearing and Notice Requirements;
 - (d) hold a public hearing on the proposed project area budget and, at that public hearing, allow public comment on:
 - (i) the proposed project area budget; and
 - (ii) whether the proposed project area budget should be revised, adopted, or rejected;
 - (e)
 - (i) if required under Subsection 17C-2-204(1), obtain the approval of the taxing entity committee on the proposed project area budget or a revised version of the proposed project area budget; or
 - (ii) if applicable, comply with the requirements of Subsection 17C-2-204(2);
 - (f) if approval of the taxing entity committee is required under Subsection (2)(e)(i), obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the taxing entity committee followed the appropriate procedures to approve the project area budget; and
 - (g) after the budget hearing, hold a board meeting in the same meeting as the public hearing or in a subsequent meeting to:
 - (i) consider comments made and information presented at the public hearing relating to the proposed project area budget; and
 - (ii) adopt by resolution the proposed project area budget, with any revisions, as the project area budget.
- (3)
 - (a) For a period of 30 days after the agency's adoption of the project area budget under Subsection (2)(g), any person may contest the project area budget or the procedure used to adopt the project area budget if the budget or procedure fails to comply with applicable statutory requirements.

- (b) After the 30-day period under Subsection (3)(a) expires, a person, may not contest:
 - (i) the project area budget or procedure used by either the taxing entity committee or the agency to approve and adopt the project area budget;
 - (ii) a distribution of tax increment to the agency under the project area budget; or
 - (iii) the agency's use of tax increment under the project area budget.

Amended by Chapter 350, 2016 General Session

17C-2-202 Combined incremental value -- Restriction against adopting an urban renewal project area budget -- Taxing entity committee may waive restriction.

- (1) Except as provided in Subsection (2), an agency may not adopt an urban renewal project area budget if, at the time the urban renewal project area budget is being considered, the combined incremental value for the agency exceeds 10% of the total taxable value of property within the agency's boundaries in the year that the urban renewal project area budget is being considered.
- (2)
 - (a) A taxing entity committee may waive the restrictions imposed by Subsection (1).
 - (b) Subsection (1) does not apply to an urban renewal project area budget if the agency's development impediment determination in the project area to which the budget relates is based on a determination under Subsection 17C-2-303(1)(b).

Amended by Chapter 376, 2019 General Session

17C-2-203 Part of tax increment funds in urban renewal project area budget to be used for housing -- Waiver of requirement.

- (1)
 - (a) Except as provided in Subsections (1)(b) and (c), each urban renewal project area budget adopted on or after May 1, 2000, that provides for more than \$100,000 of annual tax increment to be paid to the agency shall allocate at least 20% of the tax increment for housing as provided in Section 17C-1-412.
 - (b) The 20% requirement of Subsection (1)(a) may be waived in part or whole by the taxing entity committee if the taxing entity committee determines that 20% of tax increment is more than is needed to address the community's need for income targeted housing.
 - (c) An agency is not subject to the 20% requirement described in Subsection (1)(a) if:
 - (i) an inactive industrial site is located within an urban renewal project area; and
 - (ii) the inactive industrial site's remediation costs are estimated to exceed 20% of the project area funds under the urban renewal project area budget.
- (2) An urban renewal project area budget not required under Subsection (1)(a) to allocate tax increment for housing may allocate 20% of tax increment received by the agency over the life of the project area for housing as provided in Section 17C-1-412 if the project area budget is under a project area plan that is adopted on or after July 1, 1998.

Amended by Chapter 350, 2016 General Session

17C-2-204 Consent of taxing entity committee required for urban renewal project area budget -- Exception.

- (1)

- (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each agency shall obtain the consent of the taxing entity committee for each urban renewal project area budget under a post-June 30, 1993 project area plan before the agency may receive any tax increment from the urban renewal project area.
 - (b) For an urban renewal project area budget adopted from July 1, 1998 through May 1, 2000 that allocates 20% or more of the tax increment for housing as provided in Section 17C-1-412, an agency:
 - (i) need not obtain the consent of the taxing entity committee for the project area budget; and
 - (ii) may not receive any tax increment from all or part of the project area until after:
 - (A) the loan fund board has certified the project area budget as complying with the requirements of Section 17C-1-412; and
 - (B) the board has approved and adopted the project area budget by a two-thirds vote.
- (2)
- (a) Before a taxing entity committee may consent to an urban renewal project area budget adopted on or after May 1, 2000 that is required under Subsection 17C-2-203(1)(a) to allocate 20% of tax increment for housing, the agency shall:
 - (i) adopt a housing plan showing the uses for the housing funds; and
 - (ii) provide a copy of the housing plan to the taxing entity committee and the loan fund board.
 - (b) If an agency amends a housing plan prepared under Subsection (2)(a), the agency shall provide a copy of the amendment to the taxing entity committee and the loan fund board.

Amended by Chapter 350, 2016 General Session

17C-2-205 Filing a copy of the urban renewal project area budget.

Each agency adopting an urban renewal project area budget shall:

- (1) within 30 days after adopting the project area budget, file a copy of the project area budget with the auditor of the county in which the project area is located, the State Tax Commission, the state auditor, the State Board of Education, and each taxing entity affected by the agency's collection of tax increment under the project area budget; and
- (2) if the project area budget allocates tax increment for housing under Section 17C-1-412, file a copy of the project area budget with the loan fund board.

Renumbered and Amended by Chapter 359, 2006 General Session

17C-2-206 Amending an urban renewal project area budget.

- (1) Except as provided in Section 17C-1-1002, an agency may by resolution amend an urban renewal project area budget as provided in this section.
- (2) To amend an adopted urban renewal project area budget, the agency shall:
 - (a) advertise and hold one public hearing on the proposed amendment as provided in Subsection (3);
 - (b) if approval of the taxing entity committee was required for adoption of the original project area budget, obtain the approval of the taxing entity committee to the same extent that the agency was required to obtain the consent of the taxing entity committee for the project area budget as originally adopted;
 - (c) if approval of the taxing entity committee is required under Subsection (2)(b), obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the taxing entity committee followed the appropriate procedures to approve the project area budget; and
 - (d) adopt a resolution amending the project area budget.

- (3) The public hearing required under Subsection (2)(a) shall be conducted according to the procedures and requirements of Subsections 17C-2-201(2)(c) and (d), except that if the amended project area budget proposes that the agency be paid a greater proportion of tax increment from a project area than was to be paid under the previous project area budget, the notice shall state the percentage paid under the previous project area budget and the percentage proposed under the amended project area budget.
- (4) If the removal of a parcel under Subsection 17C-2-110(4)(a)(ii) reduces the base taxable value of the project area, an agency may amend the project area budget to conform with the new base taxable value without:
 - (a) complying with Subsections (2)(a) and (3); and
 - (b) if applicable, obtaining taxing entity committee approval described in Subsection (2)(b).
- (5) If a proposed amendment is not adopted, the agency shall continue to operate under the previously adopted project area budget without the proposed amendment.
- (6)
 - (a) A person may contest the agency's adoption of a budget amendment within 30 days after the day on which the agency adopts the amendment.
 - (b) A person who fails to contest a budget amendment under Subsection (6)(a):
 - (i) forfeits any claim against an agency's adoption of the amendment; and
 - (ii) may not contest:
 - (A) a distribution of tax increment to the agency under the budget amendment; or
 - (B) an agency's use of a tax increment under the budget amendment.

Amended by Chapter 214, 2021 General Session

17C-2-207 Extending collection of tax increment in an urban renewal project area budget.

- (1) An extension approved by a taxing entity or taxing entity committee before May 10, 2011, is not subject to this section.
- (2)
 - (a) Except as provided in Section 17C-1-1002, an agency's collection of tax increment under an urban renewal project area budget may be extended by:
 - (i) following the project area budget amendment procedures outlined in Section 17C-2-206; or
 - (ii) following the procedures outlined in this section.
 - (b) The base taxable value for an urban renewal project area budget may not be altered as a result of an extension under this section unless otherwise expressly provided for in an interlocal agreement adopted in accordance with Subsection (3)(a).
- (3) Except as provided in Subsection (4), to extend under this section the project area funds collection period under a previously approved project area budget, the agency shall:
 - (a) obtain the approval of the taxing entity through an interlocal agreement;
 - (b)
 - (i) hold a public hearing on the proposed extension in accordance with Subsection 17C-2-201(2)(d) in the same manner as required for a proposed project area budget; and
 - (ii) provide notice of the hearing:
 - (A) as required by Chapter 1, Part 8, Hearing and Notice Requirements; and
 - (B) including the proposed project area budget's extension period; and
 - (c) after obtaining the taxing entity's approval in accordance with Subsection (3)(a), at or after the public hearing, adopt a resolution approving the extension.
- (4)

- (a) Subject to Subsection (4)(b), to extend under this section the project area funds collection period under a previously approved project area budget for a project area that includes an inactive industrial site, the agency shall:
 - (i) hold a public hearing on the proposed extension in accordance with Subsection 17C-2-201(2)(d) in the same manner as required for a proposed project area budget;
 - (ii) provide notice of the hearing as required by Chapter 1, Part 8, Hearing and Notice Requirements, including notice of the proposed project area budget's extension period; and
 - (iii) at or after the public hearing, adopt a resolution approving the extension.
- (b) An extension under Subsection (4)(a) may not extend the length of time that tax increment is collected from any single tax parcel.
- (5) After the project area funds collection period expires, an agency may continue to receive project area funds from those taxing entities that agree to an extension through an interlocal agreement in accordance with Subsection (3)(a) or through the process described in Subsection (4).
- (6)
 - (a) A person may contest the agency's adoption of an extension within 30 days after the day on which the agency adopts the resolution providing for the extension.
 - (b) A person that fails to contest an extension under Subsection (6)(a):
 - (i) shall forfeit any claim against the agency's adoption of the extension; and
 - (ii) may not contest:
 - (A) a distribution of tax increment to the agency under the budget, as extended; or
 - (B) an agency's use of tax increment under the budget, as extended.

Amended by Chapter 214, 2021 General Session

Part 3

Development Impediment Determination in Urban Renewal Project Areas

17C-2-301 Development impediment study -- Requirements -- Deadline.

- (1) An agency shall ensure that each development impediment study required under Subsection 17C-2-102(1)(a)(i)(A):
 - (a) undertakes a parcel by parcel survey of the survey area;
 - (b) provides data so the board and taxing entity committee may determine:
 - (i) whether the conditions described in Subsection 17C-2-303(1):
 - (A) exist in part or all of the survey area; and
 - (B) qualify an area within the survey area as a project area; and
 - (ii) whether the survey area contains all or part of a superfund site, an inactive industrial site, or inactive airport site;
 - (c) includes a written report setting forth:
 - (i) the conclusions reached;
 - (ii) any recommended area within the survey area qualifying as a project area; and
 - (iii) any other information requested by the agency to determine whether an urban renewal project area is feasible; and
 - (d) is completed within one year after the adoption of the survey area resolution.
- (2)

- (a) If a development impediment study is not completed within one year after the adoption of the resolution under Subsection 17C-2-101.5(1) designating a survey area, the agency may not approve an urban renewal project area plan based on that development impediment study unless the agency first adopts a new resolution under Subsection 17C-2-101.5(1).
- (b) A new resolution under Subsection (2)(a) shall in all respects be considered to be a resolution under Subsection 17C-2-101.5(1) adopted for the first time, except that any actions taken toward completing a development impediment study under the resolution that the new resolution replaces shall be considered to have been taken under the new resolution.

Amended by Chapter 376, 2019 General Session

17C-2-302 Development impediment hearing -- Owners may review evidence of a development impediment.

- (1) In each hearing required under Subsection 17C-2-102(1)(a)(i)(C), the agency shall:
 - (a) permit all evidence of the existence or nonexistence of a development impediment within the proposed urban renewal project area to be presented; and
 - (b) permit each record owner of property located within the proposed urban renewal project area or the record property owner's representative the opportunity to:
 - (i) examine and cross-examine witnesses providing evidence of the existence or nonexistence of a development impediment; and
 - (ii) present evidence and testimony, including expert testimony, concerning the existence or nonexistence of a development impediment.
- (2) The agency shall allow record owners of property located within a proposed urban renewal project area the opportunity, for at least 30 days before the hearing, to review the evidence of a development impediment compiled by the agency or by the person or firm conducting the development impediment study for the agency, including any expert report.

Amended by Chapter 376, 2019 General Session

17C-2-303 Conditions on board determination of a development impediment -- Conditions of a development impediment caused by the participant.

- (1) A board may not make a development impediment determination in a resolution under Subsection 17C-2-102(1)(a)(ii)(B) unless the board finds that:
 - (a)
 - (i) the proposed project area consists predominantly of nongreenfield parcels;
 - (ii) the proposed project area is currently zoned for urban purposes and generally served by utilities;
 - (iii) at least 50% of the parcels within the proposed project area contain nonagricultural or nonaccessory buildings or improvements used or intended for residential, commercial, industrial, or other urban purposes, or any combination of those uses;
 - (iv) the present condition or use of the proposed project area substantially impairs the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic liability or is detrimental to the public health, safety, or welfare, as shown by the existence within the proposed project area of at least four of the following factors:
 - (A) one of the following, although sometimes interspersed with well maintained buildings and infrastructure:
 - (l) substantial physical dilapidation, deterioration, or defective construction of buildings or infrastructure; or

- (II) significant noncompliance with current building code, safety code, health code, or fire code requirements or local ordinances;
 - (B) unsanitary or unsafe conditions in the proposed project area that threaten the health, safety, or welfare of the community;
 - (C) environmental hazards, as defined in state or federal law, that require remediation as a condition for current or future use and development;
 - (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for urban use and served by utilities;
 - (E) abandoned or outdated facilities that pose a threat to public health, safety, or welfare;
 - (F) criminal activity in the project area, higher than that of comparable areas in the municipality or county that are without a development impediment; and
 - (G) defective or unusual conditions of title rendering the title nonmarketable; and
- (v)
- (A) at least 50% of the privately-owned parcels within the proposed project area are affected by at least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv); and
 - (B) the affected parcels comprise at least 66% of the privately-owned acreage of the proposed project area; or
- (b) the proposed project area includes some or all of a superfund site, inactive industrial site, or inactive airport site.
- (2) No single parcel comprising 10% or more of the acreage of the proposed project area may be counted as satisfying Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of that parcel is occupied by buildings or improvements.
- (3)
- (a) For purposes of Subsection (1), if a participant involved in the project area development has caused a condition listed in Subsection (1)(a)(iv) within the proposed project area, that condition may not be used in the determination of a development impediment.
 - (b) Subsection (3)(a) does not apply to a condition that was caused by an owner or tenant who becomes a participant.

Amended by Chapter 376, 2019 General Session

17C-2-304 Challenging a development impediment determination -- Time limit -- De novo review.

- (1) If the board makes a development impediment determination under Subsection 17C-2-102(1)(a)(ii)(B) and that determination is approved by resolution adopted by the taxing entity committee, a record owner of property located within the proposed urban renewal project area may challenge the determination by filing an action with the district court for the county in which the property is located.
- (2) A person shall file a challenge under Subsection (1) within 30 days after the taxing entity committee approves the board's development impediment determination.
- (3) In each action under this section, the district court shall review the development impediment determination under the standards of review provided in Subsection 10-9a-801(3).

Amended by Chapter 376, 2019 General Session

Chapter 3 Economic Development

Part 1 Economic Development Project Area Plan

17C-3-101.1 Title.

This chapter is known as "Economic Development."

Enacted by Chapter 350, 2016 General Session

17C-3-101.2 Applicability of chapter.

This chapter applies to an economic development project area that is effective:

- (1) before May 10, 2016; or
- (2) before September 1, 2016, if an agency adopted a resolution in accordance with Section 17C-3-101.5 before April 1, 2016.

Enacted by Chapter 350, 2016 General Session

17C-3-101.5 Resolution authorizing the preparation of a proposed economic development project area plan -- Request to adopt resolution.

- (1) A board may begin the process of adopting an economic development project area plan by adopting a resolution that authorizes the preparation of a proposed project area plan.
- (2)
 - (a) Any person or any group, association, corporation, or other entity may submit a written request to the board to adopt a resolution under Subsection (1).
 - (b) A request under Subsection (2)(a) may include plans showing the project area development proposed for an area within the agency's boundaries.
 - (c) The board may, in the board's sole discretion, grant or deny a request under Subsection (2)(a).

Renumbered and Amended by Chapter 350, 2016 General Session

17C-3-102 Process for adopting an economic development project area plan -- Prerequisites -- Restrictions.

- (1) In order to adopt an economic development project area plan, after adopting a resolution under Subsection 17C-3-101.5(1) the agency shall:
 - (a) prepare a proposed economic development project area plan and conduct any examination, investigation, and negotiation regarding the project area plan that the agency considers appropriate;
 - (b) make the proposed project area plan available to the public at the agency's offices during normal business hours;
 - (c) provide notice of the plan hearing as provided in Chapter 1, Part 8, Hearing and Notice Requirements;
 - (d) hold a public hearing on the proposed project area plan and, at that public hearing:
 - (i) allow public comment on:
 - (A) the proposed project area plan; and

- (B) whether the proposed project area plan should be revised, approved, or rejected; and
 - (ii) receive all written and hear all oral objections to the proposed project area plan;
 - (e) before holding the plan hearing, provide an opportunity for the State Board of Education and each taxing entity within the proposed project area to consult with the agency regarding the proposed project area plan;
 - (f) after holding the plan hearing, at the same meeting or at a subsequent meeting consider:
 - (i) the oral and written objections to the proposed project area plan and evidence and testimony for or against adoption of the proposed project area plan; and
 - (ii) whether to revise, approve, or reject the proposed project area plan;
 - (g) approve the proposed project area plan, with or without revisions, as the project area plan by a resolution that complies with Section 17C-3-105; and
 - (h) submit the project area plan to the community legislative body for adoption.
- (2) An agency may not propose a project area plan under Subsection (1) unless the community in which the proposed project area is located:
- (a) has a planning commission; and
 - (b) has adopted a general plan under:
 - (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or
 - (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
- (3) A board may not approve a project area plan more than one year after the date of the plan hearing.
- (4)
- (a) Except as provided in Subsection (4)(b), a proposed project area plan may not be modified to add one or more parcels to the proposed project area unless the board holds a plan hearing to consider the addition and gives notice of the plan hearing as required under Chapter 1, Part 8, Hearing and Notice Requirements.
 - (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a proposed project area plan being modified to add one or more parcels to the proposed project area if:
 - (i) the parcel is contiguous to the parcels already included in the proposed project area under the proposed project area plan; and
 - (ii) the record owner of the property consents to adding the parcel to the proposed project area.

Amended by Chapter 350, 2016 General Session

17C-3-103 Economic development project area plan requirements.

- (1) Each economic development project area plan and proposed project area plan shall:
- (a) describe the boundaries of the project area, subject to Section 17C-1-414, if applicable;
 - (b) contain a general statement of the land uses, layout of principal streets, population densities, and building intensities of the project area and how they will be affected by the project area development;
 - (c) state the standards that will guide the project area development;
 - (d) show how the purposes of this title will be attained by the project area development;
 - (e) be consistent with the general plan of the community in which the project area is located and show that the project area development will conform to the community's general plan;
 - (f) describe how the project area development will create additional jobs;
 - (g) describe any specific project or projects that are the object of the proposed project area development;
 - (h) identify how a participant will be selected to undertake the project area development and identify each participant currently involved in the project area development;

- (i) state the reasons for the selection of the project area;
 - (j) describe the physical, social, and economic conditions existing in the project area;
 - (k) describe any tax incentives offered private entities for facilities located in the project area;
 - (l) include an analysis, as provided in Subsection (2), of whether adoption of the project area plan is beneficial under a benefit analysis;
 - (m) if any of the existing buildings or uses in the project area are included in or eligible for inclusion in the National Register of Historic Places or the State Register, state that the agency shall comply with Subsection 9-8a-404(1) as though the agency were a state agency; and
 - (n) include other information that the agency determines to be necessary or advisable.
- (2) Each analysis under Subsection (1)(l) shall consider:
- (a) the benefit of any financial assistance or other public subsidy proposed to be provided by the agency, including:
 - (i) an evaluation of the reasonableness of the costs of project area development;
 - (ii) efforts the agency or participant has made or will make to maximize private investment;
 - (iii) the rationale for use of tax increment, including an analysis of whether the proposed project area development might reasonably be expected to occur in the foreseeable future solely through private investment; and
 - (iv) an estimate of the total amount of tax increment that will be expended in undertaking project area development and the length of time for which it will be expended; and
 - (b) the anticipated public benefit to be derived from the project area development, including:
 - (i) the beneficial influences upon the tax base of the community;
 - (ii) the associated business and economic activity likely to be stimulated; and
 - (iii) the number of jobs or employment anticipated to be generated or preserved.

Amended by Chapter 160, 2023 General Session

17C-3-104 Existing and historic buildings and uses in an economic development project area.

If any of the existing buildings or uses in an economic development project area are included in or eligible for inclusion in the National Register of Historic Places or the State Register, the agency shall comply with Subsection 9-8a-404(1) as though the agency were a state agency.

Amended by Chapter 160, 2023 General Session

17C-3-105 Board resolution approving an economic development project area plan -- Requirements.

Each board resolution approving a proposed economic development project area plan as the project area plan under Subsection 17C-3-102(1)(g) shall contain:

- (1) a boundary description of the boundaries of the project area that is the subject of the project area plan;
- (2) the agency's purposes and intent with respect to the project area;
- (3) the project area plan incorporated by reference; and
- (4) the board findings and determinations that:
 - (a) there is a need to effectuate a public purpose;
 - (b) there is a public benefit under the analysis described in Subsection 17C-3-103(2);
 - (c) it is economically sound and feasible to adopt and carry out the project area plan;
 - (d) the project area plan conforms to the community's general plan; and

- (e) carrying out the project area plan will promote the public peace, health, safety, and welfare of the community in which the project area is located.

Amended by Chapter 350, 2016 General Session

17C-3-106 Economic development project area plan to be adopted by community legislative body.

- (1) An economic development project area plan approved by board resolution under Subsection 17C-3-102(1)(g) may not take effect until it has been adopted by ordinance of the legislative body of the community that created the agency and notice under Section 17C-3-107 is provided.
- (2) Each ordinance under Subsection (1) shall:
 - (a) be adopted by the community legislative body after the board's approval of a resolution under Subsection 17C-3-102(1)(g); and
 - (b) designate the approved project area plan as the official economic development plan of the project area.

Enacted by Chapter 359, 2006 General Session

17C-3-107 Notice of economic development project area plan adoption -- Effective date of plan -- Contesting the formation of the plan.

- (1)
 - (a) Upon the community legislative body's adoption of an economic development project area plan, or an amendment to the project area plan under Section 17C-3-109 that requires notice, the legislative body shall provide notice as provided in Subsection (1)(b) by publishing notice for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for at least 30 days.
 - (b) Each notice under Subsection (1)(a) shall:
 - (i) set forth the community legislative body's ordinance adopting the project area plan or a summary of the ordinance; and
 - (ii) include a statement that the project area plan is available for public inspection and the hours for inspection.
- (2) The project area plan shall become effective at the end of the 30-day period described in Subsection (1)(a).
- (3)
 - (a) For a period of 30 days after the effective date of the project area plan under Subsection (2), any person may contest the project area plan or the procedure used to adopt the project area plan if the plan or procedure fails to comply with applicable statutory requirements.
 - (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest the project area plan or procedure used to adopt the project area plan for any cause.
- (4) Upon adoption of the economic development project area plan by the community legislative body, the agency may implement the project area plan.
- (5) Each agency shall make the economic development project area plan available to the general public at the agency's office during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-3-108 Agency required to transmit and record documents after adoption of economic development project area plan.

Within 30 days after the community legislative body adopts, under Section 17C-3-106, an economic development project area plan, the agency shall:

- (1) record with the recorder of the county in which the economic development project area is located a document containing:
 - (a) a description of the land within the project area;
 - (b) a statement that the project area plan for the project area has been adopted; and
 - (c) the date of adoption;
- (2) transmit a copy of the description of the land within the project area and an accurate map or plat indicating the boundaries of the project area to the Utah Geospatial Resource Center created under Section 63A-16-505; and
- (3) for a project area plan that provides for the agency to receive tax increment, transmit a copy of the description of the land within the project area, a copy of the community legislative body ordinance adopting the project area plan, and a map or plat indicating the boundaries of the project area to:
 - (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any part of the project area is located;
 - (b) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;
 - (c) the legislative body or governing board of each taxing entity;
 - (d) the State Tax Commission; and
 - (e) the State Board of Education.

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

17C-3-109 Amending an economic development project area plan.

- (1) Except as provided in Section 17C-1-1002, an agency may amend an economic development project area plan as provided in this section.
- (2) If an agency proposes to amend an economic development project area plan to enlarge the project area:
 - (a) the requirements under this part that apply to adopting a project area plan apply equally to the proposed amendment as if it were a proposed project area plan;
 - (b) the base year for the new area added to the project area shall be determined under Subsection 17C-1-102(9) using the date of the taxing entity committee's consent referred to in Subsection (2)(c); and
 - (c) the agency shall obtain the consent of the taxing entity committee before the agency may collect tax increment from the area added to the project area by the amendment.
- (3) If a proposed amendment does not propose to enlarge an economic development project area, a board may adopt a resolution approving an amendment to an economic development project area plan after:
 - (a) the agency gives notice, as provided in Chapter 1, Part 8, Hearing and Notice Requirements, of the proposed amendment and of the public hearing required by Subsection (3)(b);
 - (b) the board holds a public hearing on the proposed amendment that meets the requirements of a plan hearing;

- (c) the agency obtains the taxing entity committee's consent to the amendment, if the amendment proposes:
 - (i) to enlarge the area within the project area from which tax increment is received; or
 - (ii) to permit the agency to receive a greater percentage of tax increment or to extend the project area funds collection period under the economic development project area plan; and
 - (d) the agency obtains the consent of the legislative body or governing board of each taxing entity affected, if the amendment proposes to permit the agency to receive, from less than all taxing entities, a greater percentage of tax increment or to extend the project area funds collection period, or both, than allowed under the economic development project area plan.
- (4)
- (a) An economic development project area plan may be amended without complying with the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:
 - (i) makes a minor adjustment in the boundary description of a project area boundary requested by a county assessor or county auditor to avoid inconsistent property boundary lines; or
 - (ii) subject to Subsection (4)(b), removes one or more parcels from a project area because the agency determines that each parcel removed is:
 - (A) tax exempt; or
 - (B) no longer necessary or desirable to the project area.
 - (b) An amendment removing one or more parcels from a project area under Subsection (4)(a) may be made without the consent of the record property owner of each parcel being removed.
- (5)
- (a) An amendment approved by board resolution under this section may not take effect until adopted by ordinance of the legislative body of the community in which the project area that is the subject of the project area plan being amended is located.
 - (b) Upon a community legislative body passing an ordinance adopting an amendment to a project area plan, the agency whose project area plan was amended shall comply with the requirements of Sections 17C-3-107 and 17C-3-108 to the same extent as if the amendment were a project area plan.
- (6)
- (a) Within 30 days after the day on which an amendment to a project area plan becomes effective, a person may contest the amendment to the project area plan or the procedure used to adopt the amendment to the project area plan if the amendment or procedure fails to comply with a provision of this title.
 - (b) After the 30-day period described in Subsection (6)(a) expires, a person may not contest the amendment to the project area plan or procedure used to adopt the amendment to the project area plan for any cause.

Amended by Chapter 214, 2021 General Session

Part 2

Economic Development Project Area Budget

17C-3-201 Economic development project area budget -- Requirements for adopting -- Contesting the budget or procedure -- Time limit.

(1)

- (a) If an agency anticipates funding all or a portion of a post-June 30, 1993 economic development project area plan with tax increment, the agency shall, subject to Section 17C-3-202, adopt a project area budget as provided in this part.
 - (b) An economic development project area budget adopted on or after March 30, 2009 shall specify:
 - (i) for a project area budget adopted on or after March 30, 2009:
 - (A) the project area funds collection period; and
 - (B) the percentage of tax increment the agency is authorized to receive from the project area under the project area budget; and
 - (ii) for a project area budget adopted on or after March 30, 2013, unless approval is obtained under Subsection 17C-1-402(4)(b)(vi)(C), the maximum cumulative dollar amount of tax increment that the agency may receive from the project area under the project area budget.
- (2) To adopt an economic development project area budget, the agency shall:
- (a) prepare a proposed economic development project area budget;
 - (b) make a copy of the proposed project area budget available to the public at the agency's offices during normal business hours;
 - (c) provide notice of the budget hearing as required by Chapter 1, Part 8, Hearing and Notice Requirements;
 - (d) hold a public hearing on the proposed project area budget and, at that public hearing, allow public comment on:
 - (i) the proposed project area budget; and
 - (ii) whether the proposed project area budget should be revised, adopted, or rejected;
 - (e)
 - (i) if required under Subsection 17C-3-203(1), obtain the approval of the taxing entity committee on the proposed project area budget or a revised version of the proposed project area budget; or
 - (ii) if applicable, comply with the requirements of Subsection 17C-3-203(2);
 - (f) if approval of the taxing entity committee is required under Subsection (2)(e)(i), obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the taxing entity committee followed the appropriate procedures to approve the project area budget; and
 - (g) after the budget hearing, hold a board meeting in the same meeting as the public hearing or in a subsequent meeting to:
 - (i) consider comments made and information presented at the public hearing relating to the proposed project area budget; and
 - (ii) adopt by resolution the proposed project area budget, with any revisions, as the project area budget.
- (3)
- (a) For a period of 30 days after the agency's adoption of the project area budget under Subsection (2)(g), any person may contest the project area budget or the procedure used to adopt the project area budget if the budget or procedure fails to comply with applicable statutory requirements.
 - (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest:
 - (i) the project area budget or procedure used by either the taxing entity committee or the agency to approve and adopt the project area budget;
 - (ii) a distribution of tax increment to the agency under the project area budget; or
 - (iii) the agency's use of tax increment under the project area budget.

Amended by Chapter 350, 2016 General Session

17C-3-202 Part of tax increment funds in an economic development project area budget to be used for housing -- Waiver of requirement.

- (1) This section applies only to an economic development project area budget adopted on or after May 1, 2000, but before March 30, 2009.
- (2)
 - (a) Except as provided in Subsection (2)(b), each economic development project area budget adopted on or after May 1, 2000 but before March 30, 2009 that provides for more than \$100,000 of annual tax increment to be paid to the agency shall allocate at least 20% of the tax increment for housing as provided in Section 17C-1-412.
 - (b) The 20% requirement of Subsection (2)(a) may be waived:
 - (i) in part or whole by the mutual consent of the loan fund board and the taxing entity committee if they determine that 20% of tax increment is more than is needed to address the community's need for income targeted housing; or
 - (ii) in fifth and sixth class counties, by the taxing entity committee for economic development project area budgets adopted on or after May 1, 2002 but before March 30, 2009, if the economic development project area consists of an area without housing units.
- (3) An economic development project area budget not required under Subsection (2)(a) to allocate tax increment for housing may allocate 20% of tax increment payable to the agency over the life of the project area for housing as provided in Section 17C-1-412 if the project area budget is under a project area plan that is adopted on or after July 1, 1998.

Amended by Chapter 387, 2009 General Session

17C-3-203 Consent of taxing entity committee required for economic development project area budget -- Exception.

- (1)
 - (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each agency shall obtain the consent of the taxing entity committee for each economic development project area budget under a post-June 30, 1993 economic development project area plan before the agency may collect any tax increment from the project area.
 - (b) For an economic development project area budget adopted from July 1, 1998 through May 1, 2000 that allocates 20% or more of the tax increment for housing as provided in Section 17C-1-412, an agency:
 - (i) need not obtain the consent of the taxing entity committee for the project area budget; and
 - (ii) may not receive any tax increment from all or part of the project area until after:
 - (A) the loan fund board has certified the project area budget as complying with the requirements of Section 17C-1-412; and
 - (B) the board has approved and adopted the project area budget by a two-thirds vote.
- (2)
 - (a) Before a taxing entity committee may consent to an economic development project area budget adopted on or after May 1, 2000 that allocates 20% of tax increment for housing under Subsection 17C-3-202(2)(a) or (3), the agency shall:
 - (i) adopt a housing plan showing the uses for the housing funds; and
 - (ii) provide a copy of the housing plan to the taxing entity committee and the loan fund board.
 - (b) If an agency amends a housing plan prepared under Subsection (2)(a), the agency shall provide a copy of the amendment to the taxing entity committee and the loan fund board.

Amended by Chapter 350, 2016 General Session

17C-3-204 Filing a copy of the economic development project area budget.

Each agency adopting an economic development project area budget shall:

- (1) within 30 days after adopting the project area budget, file a copy of the project area budget with the auditor of the county in which the project area is located, the State Tax Commission, the state auditor, the State Board of Education, and each taxing entity affected by the agency's collection of tax increment under the project area budget; and
- (2) if the project area budget allocates tax increment for housing under Section 17C-1-412, file a copy of the project area budget with the loan fund board.

Enacted by Chapter 359, 2006 General Session

17C-3-205 Amending an economic development project area budget.

- (1) Except as provided in Section 17C-1-1002, an agency may by resolution amend an economic development project area budget as provided in this section.
- (2) To amend an adopted economic development project area budget, the agency shall:
 - (a) advertise and hold one public hearing on the proposed amendment as provided in Subsection (3);
 - (b) if approval of the taxing entity committee was required for adoption of the original project area budget, obtain the approval of the taxing entity committee to the same extent that the agency was required to obtain the consent of the taxing entity committee for the project area budget as originally adopted;
 - (c) if approval of the taxing entity committee is required under Subsection (2)(b), obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the taxing entity committee followed the appropriate procedures to approve the project area budget; and
 - (d) adopt a resolution amending the project area budget.
- (3) The public hearing required under Subsection (2)(a) shall be conducted according to the procedures and requirements of Section 17C-3-201, except that if the amended project area budget proposes that the agency be paid a greater proportion of tax increment from a project area than was to be paid under the previous project area budget, the notice shall state the percentage paid under the previous project area budget and the percentage proposed under the amended project area budget.
- (4) If the removal of a parcel under Subsection 17C-3-109(4)(a)(ii) reduces the base taxable value of the project area, an agency may amend the project area budget to conform with the new base taxable value without:
 - (a) complying with Subsections (2)(a) and (3); and
 - (b) if applicable, obtaining taxing entity committee approval described in Subsection (2)(b).
- (5) If a proposed amendment is not adopted, the agency shall continue to operate under the previously adopted economic development project area budget without the proposed amendment.
- (6)
 - (a) A person may contest the agency's adoption of a budget amendment within 30 days after the day on which the agency adopts the amendment.
 - (b) A person that fails to contest a budget amendment under Subsection (6)(a):
 - (i) forfeits any claim against an agency's adoption of the amendment; and
 - (ii) may not contest:

- (A) a distribution of tax increment to the agency under the budget amendment; or
- (B) an agency's use of a tax increment under a budget amendment.

Amended by Chapter 214, 2021 General Session

17C-3-206 Extending collection of tax increment under an economic development project area budget.

- (1) An amendment or extension approved by a taxing entity or taxing entity committee before May 10, 2011, is not subject to this section.
- (2)
 - (a) Except as provided in Section 17C-1-1002, an agency's collection of tax increment under an adopted economic development project area budget may be extended by:
 - (i) following the project area budget amendment procedures outlined in Section 17C-3-205; or
 - (ii) following the procedures outlined in this section.
 - (b) The base taxable value for an urban renewal project area budget may not be altered as a result of an extension under this section unless otherwise expressly provided for in an interlocal agreement adopted in accordance with Subsection (3)(a).
- (3) To extend under this section the agency's collection of tax increment from a taxing entity under a previously approved project area budget, the agency shall:
 - (a) obtain the approval of the taxing entity through an interlocal agreement;
 - (b)
 - (i) hold a public hearing on the proposed extension in accordance with Subsection 17C-2-201(2)(d) in the same manner as required for a proposed project area budget; and
 - (ii) provide notice of the hearing:
 - (A) as required by Chapter 1, Part 8, Hearing and Notice Requirements; and
 - (B) including the proposed period of extension of the project area budget; and
 - (c) after obtaining the approval of the taxing entity in accordance with Subsection (3)(a), at or after the public hearing, adopt a resolution approving the extension.
- (4) After the expiration of a project area budget, an agency may continue to receive tax increment from those taxing entities that have agreed to an extension through an interlocal agreement in accordance with Subsection (3)(a).
- (5)
 - (a) A person may contest the agency's adoption of a budget extension within 30 days after the day on which the agency adopts the resolution providing for the extension.
 - (b) A person that fails to contest a budget extension under Subsection (5)(a):
 - (i) shall forfeit any claim against the agency's adoption of the extension; and
 - (ii) may not contest:
 - (A) a distribution of tax increment to the agency under the budget, as extended; or
 - (B) an agency's use of tax increment under the budget, as extended.

Amended by Chapter 214, 2021 General Session

**Chapter 4
Community Development**

Part 1
Community Development Project Area Plan

17C-4-101.1 Title.

This chapter is known as "Community Development."

Enacted by Chapter 350, 2016 General Session

17C-4-101.2 Applicability of chapter.

This chapter applies to a community development project area that is effective:

- (1) before May 10, 2016; or
- (2) before September 1, 2016, if an agency adopted a resolution in accordance with Section 17C-4-101.5 before April 1, 2016.

Enacted by Chapter 350, 2016 General Session

17C-4-101.5 Resolution authorizing the preparation of a community development proposed project area plan -- Request to adopt resolution.

- (1) A board may begin the process of adopting a community development project area plan by adopting a resolution that authorizes the preparation of a proposed community development project area plan.
- (2)
 - (a) Any person or any group, association, corporation, or other entity may submit a written request to the board to adopt a resolution under Subsection (1).
 - (b) A request under Subsection (2)(a) may include plans showing the project area development proposed for an area within the agency's boundaries.
 - (c) The board may, in the board's sole discretion, grant or deny a request under Subsection (2)
 - (a).

Renumbered and Amended by Chapter 350, 2016 General Session

17C-4-102 Process for adopting a community development project area plan -- Prerequisites -- Restrictions.

- (1) In order to adopt a community development project area plan, after adopting a resolution under Subsection 17C-4-101.5(1) the agency shall:
 - (a) prepare a proposed community development project area plan and conduct any examination, investigation, and negotiation regarding the project area plan that the agency considers appropriate;
 - (b) make the proposed project area plan available to the public at the agency's offices during normal business hours;
 - (c) provide notice of the plan hearing as described in Chapter 1, Part 8, Hearing and Notice Requirements;
 - (d) hold a public hearing on the proposed project area plan and, at that public hearing:
 - (i) allow public comment on:
 - (A) the proposed project area plan; and
 - (B) whether the proposed project area plan should be revised, approved, or rejected; and
 - (ii) receive all written and hear all oral objections to the proposed project area plan;

- (e) after holding the plan hearing, at the same meeting or at one or more subsequent meetings consider:
 - (i) the oral and written objections to the proposed project area plan and evidence and testimony for or against adoption of the proposed project area plan; and
 - (ii) whether to revise, approve, or reject the proposed project area plan;
 - (f) approve the proposed project area plan, with or without revisions, as the project area plan by a resolution that complies with Section 17C-4-104; and
 - (g) submit the project area plan to the community legislative body for adoption.
- (2) An agency may not propose a community development project area plan under Subsection (1) unless the community in which the proposed project area is located:
- (a) has a planning commission; and
 - (b) has adopted a general plan under:
 - (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or
 - (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
- (3)
- (a) Except as provided in Subsection (3)(b), a proposed project area plan may not be modified to add a parcel to the proposed project area unless the board holds a plan hearing to consider the addition and gives notice of the plan hearing as required under Chapter 1, Part 8, Hearing and Notice Requirements.
 - (b) The notice and hearing requirements under Subsection (3)(a) do not apply to a proposed project area plan being modified to add a parcel to the proposed project area if:
 - (i) the parcel is contiguous to one or more parcels already included in the proposed project area under the proposed project area plan; and
 - (ii) the record owner of the property consents to adding the parcel to the proposed project area.

Amended by Chapter 350, 2016 General Session

17C-4-103 Community development project area plan requirements.

Each community development project area plan and proposed project area plan shall:

- (1) describe the boundaries of the project area, subject to Section 17C-1-414, if applicable;
- (2) contain a general statement of the land uses, layout of principal streets, population densities, and building intensities of the project area and how they will be affected by the community development;
- (3) state the standards that will guide the project area development;
- (4) show how the purposes of this title will be attained by the project area development;
- (5) be consistent with the general plan of the community in which the project area is located and show that the project area development will conform to the community's general plan;
- (6) describe any specific project or projects that are the object of the proposed project area development;
- (7) identify how a participant will be selected to undertake the project area development and identify each participant currently involved in the project area development;
- (8) state the reasons for the selection of the project area;
- (9) describe the physical, social, and economic conditions existing in the project area;
- (10) describe any tax incentives offered private entities for facilities located in the project area;
- (11) include an analysis or description of the anticipated public benefit to be derived from the project area development, including:
 - (a) the beneficial influences upon the tax base of the community; and
 - (b) the associated business and economic activity likely to be stimulated; and

(12) include other information that the agency determines to be necessary or advisable.

Amended by Chapter 350, 2016 General Session

17C-4-104 Board resolution approving a community development project area plan -- Requirements.

Each board resolution approving a proposed community development project area plan as the project area plan under Subsection 17C-4-102(1)(f) shall contain:

- (1) a boundary description of the boundaries of the project area that is the subject of the project area plan;
- (2) the agency's purposes and intent with respect to the project area;
- (3) the project area plan incorporated by reference; and
- (4) the board findings and determinations that adoption of the community development project area plan will:
 - (a) satisfy a public purpose;
 - (b) provide a public benefit as shown by the analysis described in Subsection 17C-4-103(11);
 - (c) be economically sound and feasible;
 - (d) conform to the community's general plan; and
 - (e) promote the public peace, health, safety, and welfare of the community in which the project area is located.

Amended by Chapter 350, 2016 General Session

17C-4-105 Community development plan to be adopted by community legislative body.

- (1) A community development project area plan approved by board resolution under Section 17C-4-104 may not take effect until it has been adopted by ordinance of the legislative body of the community that created the agency and notice under Section 17C-4-106 is provided.
- (2) Each ordinance under Subsection (1) shall:
 - (a) be adopted by the community legislative body after the board's approval of a resolution under Section 17C-4-104; and
 - (b) designate the approved project area plan as the official community development plan of the project area.

Enacted by Chapter 359, 2006 General Session

17C-4-106 Notice of community development project area plan adoption -- Effective date of plan -- Contesting the formation of the plan.

- (1)
 - (a) Upon the community legislative body's adoption of a community development project area plan, the community legislative body shall provide notice as provided in Subsection (1)(b) by publishing notice for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for at least 30 days.
 - (b) Each notice under Subsection (1)(a) shall:
 - (i) set forth the community legislative body's ordinance adopting the community development project area plan or a summary of the ordinance; and
 - (ii) include a statement that the project area plan is available for general public inspection and the hours for inspection.

- (2) The community development project area plan shall become effective at the end of the 30-day period described in Subsection (1)(a).
- (3)
 - (a) For a period of 30 days after the effective date of the community development project area plan under Subsection (2), any person may contest the project area plan or the procedure used to adopt the project area plan if the plan or procedure fails to comply with applicable statutory requirements.
 - (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest the community development project area plan or procedure used to adopt the project area plan for any cause.
- (4) Upon adoption of the community development project area plan by the community legislative body, the agency may carry out the project area plan.
- (5) Each agency shall make the adopted project area plan available to the public at the agency's office during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-4-107 Agency required to transmit and record documents after adoption of community development project area plan.

Within 30 days after the community legislative body adopts, under Section 17C-4-105, a community development project area plan, the agency shall:

- (1) record with the recorder of the county in which the project area is located a document containing:
 - (a) a description of the land within the project area;
 - (b) a statement that the project area plan for the project area has been adopted; and
 - (c) the date of adoption;
- (2) transmit a copy of the description of the land within the project area and an accurate map or plat indicating the boundaries of the project area to the Utah Geospatial Resource Center created under Section 63A-16-505; and
- (3) for a project area plan that provides for the agency to receive tax increment, transmit a copy of the description of the land within the project area, a copy of the community legislative body ordinance adopting the project area plan, and a map or plat indicating the boundaries of the project area to:
 - (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any part of the project area is located;
 - (b) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;
 - (c) the legislative body or governing board of each taxing entity;
 - (d) the State Tax Commission; and
 - (e) the State Board of Education.

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

17C-4-108 Amending a community development project area plan.

- (1) Except as provided in Section 17C-1-1002, an agency may amend a community development project area plan as provided in this section.

- (2) Except as provided in Subsection (3) and Section 17C-4-109, the requirements under this part that apply to adopting a community development project area plan apply equally to a proposed amendment of a community development project area plan as though the amendment were a proposed project area plan.
- (3)
 - (a) Notwithstanding Subsection (2), a community development project area plan may be amended without complying with the requirements of Chapter 1, Part 8, Hearing and Notice Requirements, if the proposed amendment:
 - (i) makes a minor adjustment in the boundary description of a project area boundary requested by a county assessor or county auditor to avoid inconsistent property boundary lines; or
 - (ii) subject to Subsection (3)(b), removes one or more parcels from a project area because the agency determines that each parcel removed is:
 - (A) tax exempt; or
 - (B) no longer necessary or desirable to the project area.
 - (b) An amendment removing one or more parcels from a community development project area under Subsection (3)(a)(ii) may be made without the consent of the record property owner of each parcel being removed.
- (4)
 - (a) An amendment approved by board resolution under this section may not take effect until adopted by ordinance of the legislative body of the community in which the project area that is the subject of the project area plan being amended is located.
 - (b) Upon a community legislative body passing an ordinance adopting an amendment to a community development project area plan, the agency whose project area plan was amended shall comply with the requirements of Sections 17C-4-106 and 17C-4-107 to the same extent as if the amendment were a project area plan.
- (5)
 - (a) Within 30 days after the day on which an amendment to a project area plan becomes effective, a person may contest the amendment to the project area plan or the procedure used to adopt the amendment to the project area plan if the amendment or procedure fails to comply with a provision of this title.
 - (b) After the 30-day period described in Subsection (5)(a) expires, a person may not contest the amendment to the project area plan or procedure used to adopt the amendment to the project area plan for any cause.

Amended by Chapter 214, 2021 General Session

17C-4-109 Expedited community development project area plan -- Notice.

- (1) As used in this section, "tax increment incentive" means the portion of tax increment awarded to an industry or business.
- (2) A community development project area plan may be adopted or amended without complying with the notice and public hearing requirements of this part and Chapter 1, Part 8, Hearing and Notice Requirements, if the following requirements are met:
 - (a) the agency determines by resolution adopted in an open and public meeting the need to create or amend a project area plan on an expedited basis, which resolution shall include a description of why expedited action is needed;
 - (b) a public hearing on the amendment or adoption of the project area plan is held by the agency;

- (c) notice of the public hearing is published at least 14 days before the day of the public hearing for the community that created the agency, as a class A notice under Section 63G-30-102, for at least 14 days;
 - (d) written consent to the amendment or adoption of the project area plan is given by all record property owners within the existing or proposed project area;
 - (e) each taxing entity that will be affected by the tax increment incentive enters into or amends an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, and Sections 17C-4-201, 17C-4-203, and 17C-4-204;
 - (f) the primary market for the goods or services that will be created by the industry or business entity that will receive a tax increment incentive from the amendment or adoption of the project area plan is outside of the state;
 - (g) the industry or business entity that will receive a tax increment incentive from the amendment or adoption of the project area plan is not primarily engaged in retail trade; and
 - (h) a tax increment incentive is only provided to an industry or business entity:
 - (i) on a postperformance basis as described in Subsection (3); and
 - (ii) on an annual basis after the tax increment is received by the agency.
- (3) An industry or business entity may only receive a tax increment incentive under this section after entering into an agreement with the agency that sets postperformance targets that shall be met before the industry or business entity may receive the tax increment incentive, including annual targets for:
- (a) capital investment in the project area;
 - (b) the increase in the taxable value of the project area;
 - (c) the number of new jobs created in the project area;
 - (d) the average wages of the jobs created, which shall be at least 110% of the prevailing wage of the county where the project area is located; and
 - (e) the amount of local vendor opportunity generated by the industry or business entity.

Amended by Chapter 435, 2023 General Session

Part 2

Funds for Community Development Project from Other Entities

17C-4-201 Consent of a taxing entity to an agency receiving tax increment or sales tax funds for community development project.

- (1) An agency may negotiate with a taxing entity for the taxing entity's consent to the agency receiving the taxing entity's project area funds for the purpose of providing money to carry out a proposed or adopted community development project area plan.
- (2) The consent of a taxing entity under Subsection (1) may be expressed in:
 - (a) a resolution adopted by the taxing entity; or
 - (b) an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act, between the taxing entity and the agency.
- (3) Before an agency may use project area funds received under a resolution or interlocal agreement adopted for the purpose of providing money to implement a proposed or adopted community development project area plan, the agency shall:

- (a) obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the agency and the taxing entity have each followed all legal requirements relating to the adoption of the resolution or interlocal agreement, respectively; and
 - (b) provide a signed copy of the certification described in Subsection (3)(a) to the appropriate taxing entity.
- (4) A resolution adopted or interlocal agreement entered under Subsection (2) on or after March 30, 2009 shall specify:
- (a) if the resolution or interlocal agreement provides for the agency to be paid tax increment:
 - (i) the method of calculating the amount of the taxing entity's tax increment from the project area that will be paid to the agency, including the agreed base year and agreed base taxable value;
 - (ii) the project area funds collection period; and
 - (iii) the percentage of the taxing entity's tax increment or maximum cumulative dollar amount of the taxing entity's tax increment that the agency will be paid; and
 - (b) if the resolution or interlocal agreement provides for the agency to be paid a taxing entity's sales and use tax revenue:
 - (i) the method of calculating the amount of the taxing entity's sales and use tax revenue that the agency will be paid;
 - (ii) the project area funds collection period; and
 - (iii) the percentage of sales and use tax revenue or the maximum cumulative dollar amount of sales and use tax revenue that the agency will be paid.
- (5)
- (a) Unless the taxing entity otherwise agrees, an agency may not be paid a taxing entity's tax increment:
 - (i) that exceeds the percentage or maximum cumulative dollar amount of tax increment specified in the resolution or interlocal agreement under Subsection (2); or
 - (ii) for more tax years than specified in the resolution or interlocal agreement under Subsection (2).
 - (b) Unless the taxing entity otherwise agrees, an agency may not be paid a taxing entity's sales and use tax revenue:
 - (i) that exceeds the percentage or maximum cumulative dollar amount of sales and use tax revenue specified in the resolution or interlocal agreement under Subsection (2); or
 - (ii) for more tax years than specified in the resolution or interlocal agreement under Subsection (2).
- (6) A school district may consent to an agency receiving tax increment from the school district's basic levy only to the extent that the school district also consents to the agency receiving tax increment from the school district's local levy.
- (7)
- (a) A resolution or interlocal agreement under this section may be amended from time to time.
 - (b) Each amendment of a resolution or interlocal agreement shall be subject to and receive the benefits of the provisions of this part to the same extent as if the amendment were an original resolution or interlocal agreement.
- (8) A taxing entity's consent to an agency receiving funds under this section is not subject to the requirements of Section 10-8-2.
- (9)
- (a) For purposes of this Subsection (9), "successor taxing entity" means any taxing entity that:
 - (i) is created after the date of adoption of a resolution or execution of an interlocal agreement under this section; and

- (ii) levies a tax on any parcel of property located within the project area that is the subject of the resolution or the interlocal agreement described in Subsection (9)(a)(i).
- (b) A resolution or interlocal agreement executed by a taxing entity under this section may be enforced by or against any successor taxing entity.

Amended by Chapter 350, 2016 General Session

17C-4-202 Resolution or interlocal agreement to provide project area funds for the community development project area plan -- Notice -- Effective date of resolution or interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability of resolution or interlocal agreement.

- (1) The approval and adoption of each resolution or interlocal agreement under Subsection 17C-4-201(2) shall be in an open and public meeting.
- (2)
 - (a) Upon the adoption of a resolution or interlocal agreement under Section 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by publishing notice for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for 30 days.
 - (b) Each notice under Subsection (2)(a) shall:
 - (i) set forth a summary of the resolution or interlocal agreement; and
 - (ii) include a statement that the resolution or interlocal agreement is available for public inspection and the hours of inspection.
- (3) The resolution or interlocal agreement shall become effective at the end of the 30-day period described in Subsection (2)(a).
- (4)
 - (a) For a period of 30 days after the effective date of the resolution or interlocal agreement under Subsection (3), any person may contest the resolution or interlocal agreement or the procedure used to adopt the resolution or interlocal agreement if the resolution or interlocal agreement or procedure fails to comply with applicable statutory requirements.
 - (b) After the 30-day period under Subsection (4)(a) expires, a person may not contest:
 - (i) the resolution or interlocal agreement;
 - (ii) a distribution of tax increment to the agency under the resolution or interlocal agreement; or
 - (iii) the agency's use of project area funds under the resolution or interlocal agreement.
- (5) Each agency that is to receive project area funds under a resolution or interlocal agreement under Section 17C-4-201 and each taxing entity that approves a resolution or enters into an interlocal agreement under Section 17C-4-201 shall make the resolution or interlocal agreement, as the case may be, available at the taxing entity's offices to the public for inspection and copying during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-4-203 Requirement to file a copy of the resolution or interlocal agreement -- County payment of tax increment to the agency.

- (1) Each agency that is to receive funds under a resolution or interlocal agreement under Section 17C-4-201 shall, within 30 days after the effective date of the resolution or interlocal agreement, file a copy of it with:
 - (a) the State Tax Commission, the State Board of Education, and the state auditor; and

- (b) the auditor of the county in which the project area is located, if the resolution or interlocal agreement provides for the agency to receive tax increment from the taxing entity that adopted the resolution or entered into the interlocal agreement.
- (2) Each county that collects property tax on property within a community development project area shall, in the manner and at the time provided in Section 59-2-1365, pay and distribute to the agency the tax increment that the agency is authorized to receive under a resolution approved or an interlocal agreement adopted under Section 17C-4-201.

Amended by Chapter 350, 2016 General Session

17C-4-204 Adoption of a budget for a community development project area plan -- Amendment.

- (1) An agency may prepare and, by resolution adopted at a regular or special meeting of the board, adopt a community development project area budget setting forth:
 - (a) the anticipated costs, including administrative costs, of implementing the community development project area plan; and
 - (b) the tax increment, sales and use tax revenue, and other revenue the agency anticipates receiving to fund the project.
- (2) An agency may, by resolution adopted at a regular or special meeting of the board, amend a budget adopted under Subsection (1).
- (3) Each resolution to adopt or amend a budget under this section shall appear as an item on the agenda for the regular or special board meeting at which the resolution is adopted without additional required notice.
- (4) An agency is not required to obtain taxing entity or taxing entity committee approval to adopt or amend a community development project area budget.

Amended by Chapter 350, 2016 General Session

**Chapter 5
Community Reinvestment**

**Part 1
Community Reinvestment Project Area Plan**

17C-5-101 Title.

- (1) This chapter is known as "Community Reinvestment."
- (2) This part is known as "Community Reinvestment Project Area Plan."

Enacted by Chapter 350, 2016 General Session

17C-5-102 Applicability of chapter.

- This chapter applies to a community reinvestment project area that:
- (1) an agency created on or after May 10, 2016; and

- (2) an agency, that has entered into an interlocal agreement and levies a property tax under Chapter 1, Part 10, Agency Taxing Authority, created for a cooperative development project or an economic development project as those terms are defined in Section 17C-1-1001.

Amended by Chapter 214, 2021 General Session

17C-5-103 Initiating a community reinvestment project area plan.

- (1) Subject to Subsection (2), a board shall initiate the process of adopting a community reinvestment project area plan by adopting a survey area resolution that:
 - (a) designates a geographic area located within the agency's boundaries as a survey area;
 - (b) contains a description or map of the boundaries of the survey area;
 - (c) contains a statement that the survey area requires study to determine whether project area development is feasible within one or more proposed community reinvestment project areas within the survey area; and
 - (d) authorizes the agency to:
 - (i) prepare a proposed community reinvestment project area plan for each proposed community reinvestment project area; and
 - (ii) conduct any examination, investigation, or negotiation regarding the proposed community reinvestment project area that the agency considers appropriate.
- (2) If an agency anticipates using eminent domain to acquire property within the survey area, the resolution described in Subsection (1) shall include:
 - (a) a statement that the survey area requires study to determine whether a development impediment exists within the survey area; and
 - (b) authorization for the agency to conduct a development impediment study in accordance with Section 17C-5-403.

Amended by Chapter 376, 2019 General Session

17C-5-104 Process for adopting a community reinvestment project area plan -- Prerequisites -- Restrictions.

- (1) An agency may not propose a community reinvestment project area plan unless the community in which the proposed community reinvestment project area plan is located:
 - (a) has a planning commission; and
 - (b) has adopted a general plan under:
 - (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or
 - (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
- (2)
 - (a) Before an agency may adopt a proposed community reinvestment project area plan, the agency shall conduct a development impediment study and make a development impediment determination in accordance with Part 4, Development Impediment Determination in a Community Reinvestment Project Area, if the agency anticipates using eminent domain to acquire property within the proposed community reinvestment project area.
 - (b) If applicable, an agency may not approve a community reinvestment project area plan more than one year after the agency adopts a resolution making a development impediment determination under Section 17C-5-402.
- (3) To adopt a community reinvestment project area plan, an agency shall:
 - (a) prepare a proposed community reinvestment project area plan in accordance with Section 17C-5-105;

- (b) make the proposed community reinvestment project area plan available to the public at the agency's office during normal business hours for at least 30 days before the plan hearing described in Subsection (3)(e);
 - (c) before holding the plan hearing described in Subsection (3)(e), provide an opportunity for the State Board of Education and each taxing entity that levies or imposes a tax within the proposed community reinvestment project area to consult with the agency regarding the proposed community reinvestment project area plan;
 - (d) provide notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements;
 - (e) hold a plan hearing on the proposed community reinvestment project area plan and, at the plan hearing:
 - (i) allow public comment on:
 - (A) the proposed community reinvestment project area plan; and
 - (B) whether the agency should revise, approve, or reject the proposed community reinvestment project area plan; and
 - (ii) receive all written and oral objections to the proposed community reinvestment project area plan; and
 - (f) following the plan hearing described in Subsection (3)(e), or at a subsequent agency meeting:
 - (i) consider:
 - (A) the oral and written objections to the proposed community reinvestment project area plan and evidence and testimony for and against adoption of the proposed community reinvestment project area plan; and
 - (B) whether to revise, approve, or reject the proposed community reinvestment project area plan;
 - (ii) adopt a resolution in accordance with Section 17C-5-108 that approves the proposed community reinvestment project area plan, with or without revisions, as the community reinvestment project area plan; and
 - (iii) submit the community reinvestment project area plan to the community legislative body for adoption.
- (4)
- (a) Except as provided in Subsection (4)(b), an agency may not modify a proposed community reinvestment project area plan to add one or more parcels to the proposed community reinvestment project area unless the agency holds a plan hearing to consider the addition and gives notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements.
 - (b) The notice and hearing requirements described in Subsection (4)(a) do not apply to a proposed community reinvestment project area plan being modified to add one or more parcels to the proposed community reinvestment project area if:
 - (i) each parcel is contiguous to one or more parcels already included in the proposed community reinvestment project area under the proposed community reinvestment project area plan;
 - (ii) the record owner of each parcel consents to adding the parcel to the proposed community reinvestment project area; and
 - (iii) each parcel is located within the survey area.

Amended by Chapter 376, 2019 General Session

17C-5-105 Community reinvestment project area plan requirements.

An agency shall ensure that each community reinvestment project area plan and proposed community reinvestment project area plan:

- (1) subject to Section 17C-1-414, if applicable, includes a boundary description and a map of the community reinvestment project area;
- (2) contains a general statement of the existing land uses, layout of principal streets, population densities, and building intensities of the community reinvestment project area and how each will be affected by project area development;
- (3) states the standards that will guide project area development;
- (4) shows how project area development will further purposes of this title;
- (5) is consistent with the general plan of the community in which the community reinvestment project area is located and shows that project area development will conform to the community's general plan;
- (6) if applicable, describes how project area development will eliminate or reduce a development impediment in the community reinvestment project area;
- (7) describes any specific project area development that is the object of the community reinvestment project area plan;
- (8) if applicable, explains how the agency plans to select a participant;
- (9) states each reason the agency selected the community reinvestment project area;
- (10) describes the physical, social, and economic conditions that exist in the community reinvestment project area;
- (11) describes each type of financial assistance that the agency anticipates offering a participant;
- (12) includes an analysis or description of the anticipated public benefit resulting from project area development, including benefits to the community's economic activity and tax base;
- (13) if applicable, states that the agency shall comply with Section 9-8a-404 as required under Section 17C-5-106;
- (14) for a community reinvestment project area plan that an agency adopted before May 14, 2019, states whether the community reinvestment project area plan or proposed community reinvestment project area plan is subject to a taxing entity committee or an interlocal agreement; and
- (15) includes other information that the agency determines to be necessary or advisable.

Amended by Chapter 160, 2023 General Session

17C-5-106 Existing and historic buildings and uses in a community reinvestment project area.

An agency shall comply with Section 9-8a-404 as though the agency is a state agency if:

- (1) any of the existing buildings or uses in a community reinvestment project area are included in, or eligible for inclusion in, the National Register of Historic Places or the State Register; and
- (2) the agency spends agency funds on the demolition or rehabilitation of existing buildings described in Subsection (1).

Amended by Chapter 160, 2023 General Session

17C-5-107 Objections to a community reinvestment project area plan.

- (1) A person may object to a proposed community reinvestment project area plan:
 - (a) in writing at any time before or during a plan hearing; or
 - (b) orally during a plan hearing.

- (2) An agency may not approve a proposed community reinvestment project area plan if, after receiving public comment at a plan hearing in accordance with Subsection 17C-5-104(3)(e) (i), the record property owners of at least 51% of the private land area within the most recently proposed community reinvestment project area object to the proposed community reinvestment project area plan.

Enacted by Chapter 350, 2016 General Session

17C-5-108 Board resolution approving a community reinvestment project area plan -- Requirements.

A board shall ensure that a resolution approving a proposed community reinvestment area plan as the community reinvestment project area plan under Section 17C-5-104 contains:

- (1) a boundary description of the community reinvestment project area that is the subject of the community reinvestment project area plan;
- (2) the agency's purposes and intent with respect to the community reinvestment project area;
- (3) the proposed community reinvestment project area plan incorporated by reference;
- (4) the board findings and determinations that the proposed community reinvestment project area plan:
 - (a) serves a public purpose;
 - (b) produces a public benefit as demonstrated by the analysis described in Subsection 17C-5-105(12);
 - (c) is economically sound and feasible;
 - (d) conforms to the community's general plan; and
 - (e) promotes the public peace, health, safety, and welfare of the community in which the proposed community reinvestment project area is located; and
- (5) if the board made a development impediment determination under Section 17C-5-402, a statement that the board made a development impediment determination within the proposed community reinvestment project area and the date on which the board made the determination.

Amended by Chapter 376, 2019 General Session

17C-5-109 Community reinvestment project area plan to be adopted by community legislative body.

- (1) A proposed community reinvestment project area plan approved by board resolution under Section 17C-5-104 may not take effect until the community legislative body:
 - (a) by ordinance, adopts the proposed community reinvestment project area plan; and
 - (b) provides notice in accordance with Section 17C-5-110.
- (2) An ordinance described in Subsection (1)(a) shall designate the community reinvestment project area plan as the official plan of the community reinvestment project area.

Enacted by Chapter 350, 2016 General Session

17C-5-110 Notice of community reinvestment project area plan adoption -- Effective date of plan -- Contesting the formation of the plan.

- (1)
 - (a) Upon a community legislative body's adoption of a community reinvestment project area plan in accordance with Section 17C-5-109, or an amendment to a community reinvestment project area plan in accordance with Section 17C-5-112, the community legislative body

shall provide notice of the adoption or amendment in accordance with Subsection (1)(b) by publishing notice for the community, as a class A notice under Section 63G-30-102, for 30 days.

- (b) A notice described in Subsection (1)(a) shall include:
 - (i) a copy of the community legislative body's ordinance, or a summary of the ordinance, that adopts the community reinvestment project area plan; and
 - (ii) a statement that the community reinvestment project area plan is available for public inspection and the hours for inspection.
- (2) A community reinvestment project area plan is effective at the end of the 30-day period described in Subsection (1)(a).
- (3) A community reinvestment project area is considered created the day on which the community reinvestment project area plan becomes effective as described in Subsection (2).
- (4)
 - (a) Within 30 days after the day on which a community reinvestment project area plan is effective, a person may contest the community reinvestment project area plan or the procedure used to adopt the community reinvestment project area plan if the community reinvestment project area plan or the procedure fails to comply with a provision of this title.
 - (b) After the 30-day period described in Subsection (4)(a) expires, a person may not contest the community reinvestment project area plan or the procedure used to adopt the community reinvestment project area plan.
- (5) Upon adoption of a community reinvestment project area plan by the community legislative body, the agency may implement the community reinvestment project area plan.
- (6) The agency shall make the community reinvestment project area plan available to the public at the agency's office during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-5-111 Agency required to transmit and record documentation after adoption of community reinvestment project area plan.

Within 30 days after the day on which a community legislative body adopts a community reinvestment project area plan under Section 17C-5-109, the agency shall:

- (1) record with the recorder of the county in which the community reinvestment project area is located a document containing:
 - (a) the name of the community reinvestment project area;
 - (b) a boundary description of the community reinvestment project area; and
 - (c)
 - (i) a statement that the community legislative body adopted the community reinvestment project area plan; and
 - (ii) the day on which the community legislative body adopted the community reinvestment project area plan;
- (2) transmit a copy of a description of the land within the community reinvestment project area and an accurate map or plat indicating the boundaries of the community reinvestment project area to the Utah Geospatial Resource Center created in Section 63A-16-505; and
- (3) for a community reinvestment project area plan that provides for the agency to receive tax increment, transmit a copy of a description of the land within the community reinvestment project area, a copy of the community legislative body ordinance adopting the community reinvestment project area plan, and an accurate map or plat indicating the boundaries of the community reinvestment project area to:

- (a) the auditor, recorder, county or district attorney, surveyor, and assessor of each county in which any part of the community reinvestment project area is located;
- (b) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;
- (c) the legislative body or governing board of each taxing entity;
- (d) the State Tax Commission; and
- (e) the State Board of Education.

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

17C-5-112 Amending a community reinvestment project area plan.

- (1) Except as provided in Section 17C-1-1002, an agency may amend a community reinvestment project area plan in accordance with this section.
- (2)
 - (a) If an amendment proposes to enlarge a community reinvestment project area's geographic area, the agency shall:
 - (i) comply with this part as though the agency were creating a community reinvestment project area;
 - (ii) if the agency anticipates receiving project area funds from the area proposed to be added to the community reinvestment project area, before the agency may collect project area funds:
 - (A) for a community reinvestment project area plan that is subject to a taxing entity committee, obtain approval to receive tax increment from the taxing entity committee; or
 - (B) for a community reinvestment project area plan that is subject to an interlocal agreement, obtain the approval of the taxing entity that is a party to the interlocal agreement; and
 - (iii) if the agency anticipates acquiring property in the area proposed to be added to the community reinvestment project area by eminent domain, follow the procedures described in Section 17C-5-402.
 - (b) The base year for the area proposed to be added to the community reinvestment project area shall be determined using the date of:
 - (i) the taxing entity committee's consent as described in Subsection (2)(a)(ii)(A); or
 - (ii) the taxing entity's consent as described in Subsection (2)(a)(ii)(B).
- (3) If an amendment does not propose to enlarge a community reinvestment project area's geographic area, the board may adopt a resolution approving the amendment after the agency:
 - (a) if the amendment does not propose to allow the agency to receive a greater amount of project area funds or to extend a project area funds collection period:
 - (i) gives notice in accordance with Section 17C-1-806; and
 - (ii) holds a public hearing on the proposed amendment that meets the requirements described in Subsection 17C-5-104(3); or
 - (b) if the amendment proposes to also allow the agency to receive a greater amount of project area funds or to extend a project area funds collection period:
 - (i) complies with Subsections (3)(a)(i) and (ii); and
 - (ii)
 - (A) for a community reinvestment project area plan that is subject to a taxing entity committee, obtains approval from the taxing entity committee; or

(B) for a community reinvestment project area plan that is subject to an interlocal agreement, obtains approval to receive project area funds from the taxing entity that is a party to the interlocal agreement.

- (4)
- (a) If a board has not made a determination under Part 4, Development Impediment Determination in a Community Reinvestment Project Area, but intends to use eminent domain within a community reinvestment project area, the agency may amend the community reinvestment project area plan in accordance with this Subsection (4).
 - (b) To amend a community reinvestment project area plan as described in Subsection (4)(a), an agency shall:
 - (i) adopt a survey area resolution that identifies each parcel that the agency intends to study to determine whether a development impediment exists;
 - (ii) in accordance with Part 4, Development Impediment Determination in a Community Reinvestment Project Area, conduct a development impediment study within the survey area and make a development impediment determination; and
 - (iii) obtain approval to amend the community reinvestment project area plan from each taxing entity that is a party to an interlocal agreement.
 - (c) Amending a community reinvestment project area plan as described in this Subsection (4) does not affect:
 - (i) the base year of the parcel or parcels that are the subject of an amendment under this Subsection (4); and
 - (ii) any interlocal agreement under which the agency is authorized to receive project area funds from the community reinvestment project area.
- (5) An agency may amend a community reinvestment project area plan without obtaining the consent of a taxing entity or a taxing entity committee and without providing notice or holding a public hearing if the amendment:
- (a) makes a minor adjustment in the community reinvestment project area boundary that is requested by a county assessor or county auditor to avoid inconsistent property boundary lines; or
 - (b) removes one or more parcels from a community reinvestment project area because the agency determines that each parcel is:
 - (i) tax exempt;
 - (ii) without a development impediment; or
 - (iii) no longer necessary or desirable to the project area.
- (6)
- (a) An amendment approved by board resolution under this section may not take effect until the community legislative body adopts an ordinance approving the amendment.
 - (b) Upon the community legislative body adopting an ordinance approving an amendment under Subsection (6)(a), the agency shall comply with the requirements described in Sections 17C-5-110 and 17C-5-111 as if the amendment were a community reinvestment project area plan.
- (7)
- (a) Within 30 days after the day on which an amendment to a project area plan becomes effective, a person may contest the amendment to the project area plan or the procedure used to adopt the amendment to the project area plan if the amendment or procedure fails to comply with a provision of this title.

- (b) After the 30-day period described in Subsection (7)(a) expires, a person may not contest the amendment to the project area plan or procedure used to adopt the amendment to the project area plan for any cause.

Amended by Chapter 214, 2021 General Session

17C-5-113 Expedited community reinvestment project area plan -- Hearing and notice requirements.

- (1) As used in this section:
 - (a) "Qualified business entity" means a business entity that:
 - (i) has a primary market for the qualified business entity's goods or services outside of the state; and
 - (ii) is not primarily engaged in retail sales.
 - (b) "Tax increment incentive" means the portion of an agency's tax increment that is paid to a qualified business entity for the purpose of implementing a community reinvestment project area plan.
- (2) An agency and a qualified business entity may, in accordance with Subsection (3), enter into an agreement that allows the qualified business entity to receive a tax increment incentive.
- (3) An agreement described in Subsection (2) shall set annual postperformance targets for:
 - (a) capital investment within the community reinvestment project area;
 - (b) the number of new jobs created within the community reinvestment project area;
 - (c) the average wage of the jobs described in Subsection (3)(b) that is at least 110% of the prevailing wage of the county within which the community reinvestment project area is located; and
 - (d) the amount of local vendor opportunity generated by the qualified business entity.
- (4) A qualified business entity may only receive a tax increment incentive:
 - (a) if the qualified business entity complies with the agreement described in Subsection (3);
 - (b) on a postperformance basis; and
 - (c) on an annual basis after the agency receives tax increment from a taxing entity.
- (5) An agency may create or amend a community reinvestment project area plan for the purpose of providing a tax increment incentive without complying with the requirements described in Chapter 1, Part 8, Hearing and Notice Requirements, if:
 - (a) the agency:
 - (i) holds a public hearing to consider the need to create or amend a community reinvestment project area plan on an expedited basis;
 - (ii) publishes notice for the community, as a class A notice under Section 63G-30-102, for at least 14 days before the day on which the public hearing described in Subsection (5)(a)(i) is held; and
 - (iii) at the hearing described in Subsection (5)(a)(i), adopts a resolution to create or amend the community reinvestment project area plan on an expedited basis;
 - (b) all record property owners within the existing or proposed community reinvestment project area plan give written consent; and
 - (c) each taxing entity affected by the tax increment incentive consents and enters into an interlocal agreement with the agency authorizing the agency to pay a tax increment incentive to the qualified business entity.

Amended by Chapter 435, 2023 General Session

Part 2

Community Reinvestment Project Area Funds

17C-5-201 Title.

This part is known as "Community Reinvestment Project Area Funds."

Enacted by Chapter 350, 2016 General Session

17C-5-202 Community reinvestment project area funding.

- (1)
 - (a) Beginning on May 14, 2019, and except as provided in Subsection (2), for the purpose of receiving project area funds for use within a community reinvestment project area, an agency shall negotiate and enter into an interlocal agreement with a taxing entity in accordance with Section 17C-5-204 to receive all or a portion of the taxing entity's tax increment or sales and use tax revenue in accordance with the interlocal agreement.
 - (b) If a community reinvestment project area is subject to an interlocal agreement under Subsection (1)(a) and the agency subsequently amends the community reinvestment project area plan as described in Subsection 17C-5-112(4), the agency shall continue to receive project area funds under the interlocal agreement.
- (2) Notwithstanding Subsection (1), an agency may receive tax increment in accordance with Section 17C-5-203 if the agency created a community reinvestment project area before May 14, 2019, that is subject to a taxing entity committee and provides for the use of eminent domain to acquire property within the community reinvestment project area.
- (3) An agency shall comply with Part 3, Community Reinvestment Project Area Budget, regardless of whether an agency enters into an interlocal agreement under Subsection (1) or receives tax increment under Subsection (2).

Amended by Chapter 376, 2019 General Session

17C-5-203 Community reinvestment project area subject to taxing entity committee -- Tax increment.

- (1) This section applies to a community reinvestment project area that an agency created before May 14, 2019, and that is subject to a taxing entity committee under Subsection 17C-5-202(2).
- (2) Subject to the taxing entity committee's approval of a community reinvestment project area budget under Section 17C-5-304, and for the purpose of implementing a community reinvestment project area plan, an agency may receive up to 100% of a taxing entity's tax increment, or any specified dollar amount of tax increment, for any period of time.
- (3) Notwithstanding Subsection (2), an agency that adopts a community reinvestment project area plan that is subject to a taxing entity committee may negotiate and enter into an interlocal agreement with a taxing entity and receive all or a portion of the taxing entity's sales and use tax revenue for any period of time.

Amended by Chapter 376, 2019 General Session

17C-5-204 Community reinvestment project area subject to interlocal agreement -- Consent of a taxing entity to an agency receiving project area funds.

- (1) As used in this section, "successor taxing entity" means a taxing entity that:
 - (a) is created after the day on which an interlocal agreement is executed to allow an agency to receive a taxing entity's project area funds; and
 - (b) levies or imposes a tax within the community reinvestment project area.
- (2) This section applies to a community reinvestment project area that is subject to an interlocal agreement under Subsection 17C-5-202(1)(a).
- (3) For the purpose of implementing a community reinvestment project area plan, an agency may negotiate with a taxing entity for all or a portion of the taxing entity's project area funds.
- (4) A taxing entity may agree to allow an agency to receive the taxing entity's project area funds by executing an interlocal agreement with the agency in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.
- (5) Before an agency may use project area funds received under an interlocal agreement described in Subsection (4), the agency shall:
 - (a) obtain a written certification, signed by an attorney licensed to practice law in the state, stating that the agency and the taxing entity have each followed all legal requirements relating to the adoption of the interlocal agreement; and
 - (b) provide a signed copy of the certification described in Subsection (5)(a) to the taxing entity.
- (6) An interlocal agreement described in Subsection (4) shall:
 - (a) if the interlocal agreement provides for the agency to receive tax increment, state:
 - (i) the method of calculating the amount of the taxing entity's tax increment from the community reinvestment project area that the agency receives, including the base year and base taxable value;
 - (ii) the project area funds collection period; and
 - (iii) the percentage of the taxing entity's tax increment or the maximum cumulative dollar amount of the taxing entity's tax increment that the agency receives;
 - (b) if the interlocal agreement provides for the agency to receive the taxing entity's sales and use tax revenue, state:
 - (i) the method of calculating the amount of the taxing entity's sales and use tax revenue that the agency receives;
 - (ii) the project area funds collection period; and
 - (iii) the percentage of sales and use tax revenue or the maximum cumulative dollar amount of sales and use tax revenue that the agency receives;
 - (c) include a copy of the community reinvestment project area budget; and
 - (d) prohibit a taxing entity from proportionately reducing the amount of project area funds the taxing entity consents to pay to an agency under this section by the amount of any direct expenditures the taxing entity makes within the project area for the benefit of the project area or the agency.
- (7) A school district may consent to allow an agency to receive tax increment from the school district's basic levy only to the extent that the school district also consents to allow the agency to receive tax increment from the school district's local levy.
- (8) The parties may amend an interlocal agreement under this section by mutual consent.
- (9) A taxing entity's consent to allow an agency to receive project area funds under this section is not subject to the requirements of Section 10-8-2.
- (10) An interlocal agreement executed by a taxing entity under this section may be enforced by or against any successor taxing entity.

Amended by Chapter 333, 2019 General Session

17C-5-205 Interlocal agreement to provide project area funds for the community reinvestment project area subject to interlocal agreement -- Notice -- Effective date of interlocal agreement -- Time to contest interlocal agreement -- Availability of interlocal agreement.

- (1) An agency shall:
 - (a) approve and adopt an interlocal agreement described in Section 17C-5-204 at an open and public meeting; and
 - (b) provide a notice of the meeting titled "Diversion of Property Tax for a Community Reinvestment Project Area."
- (2)
 - (a) Upon the execution of an interlocal agreement described in Section 17C-5-204, the agency shall provide notice of the execution by publishing the notice for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for 30 days.
 - (b) A notice described in Subsection (2)(a) shall include:
 - (i) a summary of the interlocal agreement; and
 - (ii) a statement that the interlocal agreement:
 - (A) is available for public inspection and the hours for inspection; and
 - (B) authorizes the agency to receive all or a portion of a taxing entity's tax increment or sales and use tax revenue.
- (3) An interlocal agreement described in Section 17C-5-204 is effective at the end of the 30-day period described in Subsection (2)(a).
- (4)
 - (a) Within 30 days after the day on which the interlocal agreement is effective, a person may contest the interlocal agreement or the procedure used to adopt the interlocal agreement if the interlocal agreement or procedure fails to comply with a provision of this title.
 - (b) After the 30-day period described in Subsection (4)(a) expires, a person may not contest:
 - (i) the interlocal agreement;
 - (ii) a distribution of tax increment to the agency under the interlocal agreement; or
 - (iii) the agency's use of project area funds under the interlocal agreement.
- (5) A taxing entity that enters into an interlocal agreement under Section 17C-5-204 shall make a copy of the interlocal agreement available to the public at the taxing entity's office for inspection and copying during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-5-206 Requirement to file a copy of the interlocal agreement -- County payment of tax increment.

- (1) An agency that receives project area funds under an interlocal agreement shall, within 30 days after the day on which the interlocal agreement is effective, file a copy of the interlocal agreement with:
 - (a) the State Tax Commission, the State Board of Education, and the state auditor; and
 - (b) the auditor of the county in which the community reinvestment project area is located, if the interlocal agreement authorizes the agency to receive tax increment.
- (2) A county that collects property tax on property within a community reinvestment project area that is subject to an interlocal agreement shall, in accordance with Section 59-2-1365, pay and distribute to the agency the tax increment that the agency is authorized to receive under the interlocal agreement.

Enacted by Chapter 350, 2016 General Session

Part 3
Community Reinvestment Project Area Budget

17C-5-301 Title.

This part is known as "Community Reinvestment Project Area Budget."

Enacted by Chapter 350, 2016 General Session

17C-5-302 Procedure for adopting a community reinvestment project area budget -- Contesting the budget -- Time limit.

- (1) An agency shall adopt a community reinvestment project area budget in accordance with this part.
- (2) To adopt a community reinvestment project area budget, an agency shall:
 - (a) prepare a proposed community reinvestment project area budget in accordance with Section 17C-5-303;
 - (b) obtain the consent of the taxing entity committee or taxing entity in accordance with Section 17C-5-304;
 - (c) make a copy of the proposed community reinvestment project area budget available to the public at the agency's office during normal business hours for at least 30 days before the budget hearing described in Subsection (2)(e);
 - (d) provide notice of the budget hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements;
 - (e) hold a budget hearing on the proposed community reinvestment project area budget and, at the budget hearing, allow public comment on:
 - (i) the proposed community reinvestment project area budget; and
 - (ii) whether the agency should revise, adopt, or reject the proposed community reinvestment project area budget; and
 - (f) after the budget hearing described in Subsection (2)(e), or at a subsequent meeting:
 - (i) consider the comments and information from the budget hearing relating to the proposed community reinvestment project area budget; and
 - (ii) reject or adopt by resolution the proposed community reinvestment project area budget, with any revisions, as the community reinvestment project area budget.
- (3)
 - (a) Within 30 days after the day on which the agency adopts a community reinvestment project area budget, a person may contest the community reinvestment project area budget or the procedure used to adopt the community reinvestment project area budget if the community reinvestment project area budget or procedure fails to comply with a provision of this title.
 - (b) After the 30-day period described in Subsection (3)(a) expires, a person may not contest:
 - (i) the community reinvestment project area budget or the procedure used by the taxing entity, the taxing entity committee, or the agency to adopt the community reinvestment project area budget;
 - (ii) a payment to the agency under the community reinvestment project area budget; or
 - (iii) the agency's use of project area funds under the community reinvestment project area budget.

Enacted by Chapter 350, 2016 General Session

17C-5-303 Community reinvestment project area budget -- Requirements.

A community reinvestment project area budget shall include:

- (1) if the agency receives tax increment:
 - (a) the base taxable value;
 - (b) the projected amount of tax increment to be generated within the community reinvestment project area;
 - (c) each project area funds collection period;
 - (d) if applicable, the projected amount of tax increment to be paid to other taxing entities in accordance with Section 17C-1-410;
 - (e) if the area from which tax increment is collected is less than the entire community reinvestment project area:
 - (i) a boundary description of the portion or portions of the community reinvestment project area from which the agency receives tax increment; and
 - (ii) for each portion described in Subsection (1)(e)(i), the period of time during which tax increment is collected;
 - (f) the percentage of tax increment the agency is authorized to receive from the community reinvestment project area; and
 - (g) the maximum cumulative dollar amount of tax increment the agency is authorized to receive from the community reinvestment project area;
- (2) if the agency receives sales and use tax revenue:
 - (a) the percentage and total amount of sales and use tax revenue to be paid to the agency; and
 - (b) each project area funds collection period;
- (3) the amount of project area funds the agency will use to implement the community reinvestment project area plan, including the estimated amount of project area funds that will be used for land acquisition, public improvements, infrastructure improvements, or any loans, grants, or other incentives to private or public entities;
- (4) the agency's combined incremental value;
- (5) the amount of project area funds that will be used to cover the cost of administering the community reinvestment project area plan; and
- (6) for property that the agency owns and expects to sell, the expected total cost of the property to the agency and the expected sale price.

Enacted by Chapter 350, 2016 General Session

17C-5-304 Consent of each taxing entity or taxing entity committee required for community reinvestment project area budget.

Before an agency may collect any project area funds from a community reinvestment project area, the agency shall obtain consent for each community reinvestment project area budget from:

- (1) for a community reinvestment project area that is subject to an interlocal agreement, each taxing entity that is a party to an interlocal agreement; or
- (2) for a community reinvestment project area that is subject to a taxing entity committee, the taxing entity committee.

Enacted by Chapter 350, 2016 General Session

17C-5-305 Filing a copy of the community reinvestment project area budget.

Within 30 days after the day on which an agency adopts a community reinvestment project area budget, the agency shall file a copy of the community reinvestment project area budget with:

- (1) the State Tax Commission;
- (2) the State Board of Education;
- (3) the state auditor;
- (4) the auditor of the county in which the community reinvestment project area is located; and
- (5) each taxing entity affected by the agency's collection of project area funds under the community reinvestment project area budget.

Enacted by Chapter 350, 2016 General Session

17C-5-306 Amending a community reinvestment project area budget.

- (1) Except as provided in Section 17C-1-1002 and before a project area funds collection period ends, an agency may amend a community reinvestment project area budget in accordance with this section.
- (2) To amend a community reinvestment project area budget, an agency shall:
 - (a) provide notice and hold a public hearing on the proposed amendment in accordance with Chapter 1, Part 8, Hearing and Notice Requirements;
 - (b)
 - (i) if the community reinvestment project area budget required approval from a taxing entity committee, obtain the taxing entity committee's approval; or
 - (ii) if the community reinvestment project area budget required an interlocal agreement with a taxing entity, obtain approval from the taxing entity that is a party to the interlocal agreement; and
 - (c) at the public hearing described in Subsection (2)(a) or at a subsequent board meeting, by resolution, adopt the community reinvestment project area budget amendment.
- (3) If an agency proposes a community reinvestment project area budget amendment under which the agency is paid a greater proportion of tax increment from the community reinvestment project area than provided under the community reinvestment project area budget, the notice described in Subsection (2)(a) shall state:
 - (a) the percentage of tax increment paid under the community reinvestment project area budget; and
 - (b) the proposed percentage of tax increment paid under the community reinvestment project area budget amendment.
- (4)
 - (a) If an agency proposes a community reinvestment project area budget amendment that extends a project area funds collection period, before a taxing entity committee or taxing entity may provide the taxing entity committee's or taxing entity's approval described in Subsection (2)(b), the agency shall provide to the taxing entity committee or taxing entity:
 - (i) the reasons why the extension is required;
 - (ii) a description of the project area development for which project area funds received by the agency under the extension will be used;
 - (iii) a statement of whether the project area funds received by the agency under the extension will be used within an active project area or a proposed project area; and
 - (iv) a revised community reinvestment project area budget that includes:
 - (A) the annual and total amounts of project area funds that the agency receives under the extension; and

- (B) the number of years that are added to each project area funds collection period under the extension.
- (b) With respect to an amendment described in Subsection (4)(a), a taxing entity committee or taxing entity may consent to:
 - (i) allow an agency to use project area funds received under an extension within a different project area from which the project area funds are generated; or
 - (ii) alter the base taxable value in connection with a community reinvestment project area budget extension.
- (5) If an agency proposes a community reinvestment project area budget amendment that reduces the base taxable value of the project area due to the removal of a parcel under Subsection 17C-5-112(5)(b), an agency may amend a project area budget without:
 - (a) complying with Subsection (2)(a); and
 - (b) obtaining taxing entity committee or taxing entity approval described in Subsection (2)(b).
- (6)
 - (a) A person may contest an agency's adoption of a community reinvestment project area budget amendment within 30 days after the day on which the agency adopts the community reinvestment project area budget amendment.
 - (b) After the 30-day period described in Subsection (6)(a), a person may not contest:
 - (i) the agency's adoption of the community reinvestment project area budget amendment;
 - (ii) a payment to the agency under the community reinvestment project area budget amendment; or
 - (iii) the agency's use of project area funds received under the community reinvestment project area budget amendment.

Amended by Chapter 214, 2021 General Session

17C-5-307 Allocating project area funds for housing.

- (1) Except as provided in Subsection (4), an agency shall allocate the agency's project area funds for housing in accordance with this section.
- (2)
 - (a) For a community reinvestment project area that is subject to a taxing entity committee, an agency shall allocate at least 20% of the agency's annual tax increment for housing in accordance with Section 17C-1-412 if the community reinvestment project area budget provides for more than \$100,000 of annual tax increment to be distributed to the agency.
 - (b) The taxing entity committee may waive a portion of the allocation described in Subsection (2) (a) if:
 - (i) the taxing entity committee determines that 20% of the agency's annual tax increment is more than is needed to address the community's need for income targeted housing or homeless assistance; and
 - (ii) after the waiver, the agency's housing allocation is equal to at least 10% of the agency's annual tax increment.
- (3) For a community reinvestment project area that is subject to an interlocal agreement, an agency shall allocate at least 10% of the project area funds for housing in accordance with Section 17C-1-412 if the community reinvestment project area budget provides for more than \$100,000 of annual project area funds to be distributed to the agency.
- (4) An agency is not required to allocate the agency's community reinvestment project area funds for housing under this section if:

- (a) the agency and the county mutually agree in the interlocal agreement described in Subsection (3) that the agency will not make the allocation; and
- (b) the community reinvestment project area plan:
 - (i) provides solely for nonresidential project area development; and
 - (ii) provides for 60% of the jobs created within the project area to have an annual gross wage, not including healthcare or other paid or unpaid benefits, that is at least 125% of the average wage of the county in which the project area is located.

Amended by Chapter 333, 2019 General Session

Part 4

Development Impediment Determination in a Community Reinvestment Project Area

17C-5-401 Title.

This part is known as " Development Impediment Determination in a Community Reinvestment Project Area."

Amended by Chapter 376, 2019 General Session

17C-5-402 Development impediment determination in a community reinvestment project area -- Prerequisites -- Restrictions.

- (1) An agency shall comply with the provisions of this section before the agency may use eminent domain to acquire property under Chapter 1, Part 9, Eminent Domain.
- (2) An agency shall, after adopting a survey area resolution as described in Section 17C-5-103:
 - (a) cause a development impediment study to be conducted within the survey area in accordance with Section 17C-5-403;
 - (b) provide notice and hold a development impediment hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements; and
 - (c) after the development impediment hearing, at the same or at a subsequent meeting:
 - (i) consider the evidence and information relating to the existence or nonexistence of a development impediment; and
 - (ii) by resolution, make a determination regarding whether a development impediment exists in all or part of the survey area.

Amended by Chapter 376, 2019 General Session

17C-5-403 Development impediment study -- Requirements -- Deadline.

- (1) An agency shall ensure that a development impediment study:
 - (a) undertakes a parcel by parcel survey of the survey area;
 - (b) provides data so the board may determine:
 - (i) whether the conditions described in Section 17C-5-405:
 - (A) exist in part or all of the survey area; and
 - (B) meet the qualifications for a development impediment determination in all or part of the survey area; and
 - (ii) whether the survey area contains all or part of a superfund site;
 - (c) includes a written report that states:

- (i) the conclusions reached;
 - (ii) any area within the survey area that meets the statutory criteria of a development impediment under Section 17C-5-405; and
 - (iii) any other information requested by the agency to determine whether a development impediment exists within the survey area; and
- (d) is completed within one year after the day on which the survey area resolution is adopted.
- (2)
- (a) If a development impediment study is not completed within the time described in Subsection (1)(d), the agency may not approve a community reinvestment project area plan or an amendment to a community reinvestment project area plan under Subsection 17C-5-112(4) based on a development impediment study unless the agency first adopts a new resolution under Subsection 17C-5-103(1).
 - (b) A new resolution described in Subsection (2)(a) shall in all respects be considered to be a resolution under Subsection 17C-5-103(1) adopted for the first time, except that any actions taken toward completing a development impediment study under the resolution that the new resolution replaces shall be considered to have been taken under the new resolution.
- (3)
- (a) For the purpose of making a development impediment determination under Subsection 17C-5-402(2)(c)(ii), a development impediment study is valid for one year from the day on which the development impediment study is completed.
 - (b)
 - (i) Except as provided in Subsection (3)(b)(ii), an agency that makes a development impediment determination under a valid development impediment study and subsequently adopts a community reinvestment project area plan in accordance with Section 17C-5-104 may amend the community reinvestment project area plan without conducting a new development impediment study.
 - (ii) An agency shall conduct a supplemental development impediment study for the area proposed to be added to the community reinvestment project area if the agency proposes an amendment to a community reinvestment project area plan that:
 - (A) increases the community reinvestment project area's geographic boundary and the area proposed to be added was not included in the original development impediment study; and
 - (B) provides for the use of eminent domain within the area proposed to be added to the community reinvestment project area.

Amended by Chapter 376, 2019 General Session

17C-5-404 Development impediment hearing -- Owners may review evidence of a development impediment.

- (1) In a hearing required under Subsection 17C-5-402(2)(b), an agency shall:
- (a) permit all evidence of the existence or nonexistence of a development impediment within the survey area to be presented; and
 - (b) permit each record owner of property located within the survey area or the record property owner's representative the opportunity to:
 - (i) examine and cross-examine each witness that provides evidence of the existence or nonexistence of a development impediment; and
 - (ii) present evidence and testimony, including expert testimony, concerning the existence or nonexistence of a development impediment.

- (2) An agency shall allow each record owner of property located within a survey area the opportunity, for at least 30 days before the day on which the hearing takes place, to review the evidence of a development impediment compiled by the agency or by the person or firm conducting the development impediment study for the agency, including any expert report.

Amended by Chapter 376, 2019 General Session

17C-5-405 Conditions on a development impediment determination -- Conditions of a development impediment caused by a participant.

- (1) A board may not make a development impediment determination in a resolution under Subsection 17C-5-402(2)(c)(ii) unless the board finds that:
 - (a)
 - (i) the survey area consists predominantly of nongreenfield parcels;
 - (ii) the survey area is currently zoned for urban purposes and generally served by utilities;
 - (iii) at least 50% of the parcels within the survey area contain nonagricultural or nonaccessory buildings or improvements used or intended for residential, commercial, industrial, or other urban purposes;
 - (iv) the present condition or use of the survey area substantially impairs the sound growth of the community, delays the provision of housing accommodations, constitutes an economic liability, or is detrimental to the public health, safety, or welfare, as shown by the existence within the survey area of at least four of the following factors:
 - (A) although sometimes interspersed with well maintained buildings and infrastructure, substantial physical dilapidation, deterioration, or defective construction of buildings or infrastructure, or significant noncompliance with current building code, safety code, health code, or fire code requirements or local ordinances;
 - (B) unsanitary or unsafe conditions in the survey area that threaten the health, safety, or welfare of the community;
 - (C) environmental hazards, as defined in state or federal law, which require remediation as a condition for current or future use and development;
 - (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for urban use and served by utilities;
 - (E) abandoned or outdated facilities that pose a threat to public health, safety, or welfare;
 - (F) criminal activity in the survey area, higher than that of comparable areas in the municipality or county that are without a development impediment; and
 - (G) defective or unusual conditions of title rendering the title nonmarketable; and
 - (v)
 - (A) at least 50% of the privately owned parcels within the survey area are affected by at least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv); and
 - (B) the affected parcels comprise at least 66% of the privately owned acreage within the survey area; or
 - (b) the survey area includes some or all of:
 - (i) a superfund site;
 - (ii) a site used for the disposal of solid waste or hazardous waste, as those terms are defined in Section 19-6-102;
 - (iii) an inactive industrial site; or
 - (iv) an inactive airport site.

- (2) A single parcel comprising 10% or more of the acreage within the survey area may not be counted as satisfying the requirement described in Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of the parcel is occupied by buildings or improvements.
- (3)
 - (a) Except as provided in Subsection (3)(b), for purposes of Subsection (1), if a participant or proposed participant involved in the project area development has caused a condition listed in Subsection (1)(a)(iv) within the survey area, that condition may not be used in the determination of a development impediment.
 - (b) Subsection (3)(a) does not apply to a condition that was caused by an owner or tenant who later becomes a participant.

Amended by Chapter 376, 2019 General Session

17C-5-406 Challenging a finding of development impediment determination -- Time limit -- Standards governing court review.

- (1) If a board makes a development impediment determination under Subsection 17C-5-402(2)(c)(ii), a record owner of property located within the survey area may challenge the determination by filing an action in the district court in the county in which the property is located no later than 30 days after the day on which the board makes the determination.
- (2) In an action under this section:
 - (a) the agency shall transmit to the district court the record of the agency's proceedings, including any minutes, findings, determinations, orders, or transcripts of the agency's proceedings;
 - (b) the district court shall review the development impediment determination under the standards of review provided in Subsection 10-9a-801(3); and
 - (c)
 - (i) if there is a record:
 - (A) the district court's review is limited to the record provided by the agency; and
 - (B) the district court may not accept or consider any evidence outside the record of the agency, unless the evidence was offered to the agency and the district court determines that the agency improperly excluded the evidence; or
 - (ii) if there is no record, the district court may call witnesses and take evidence.

Amended by Chapter 376, 2019 General Session

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF SOUTH SALT LAKE
AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT
WITH THE CITY OF SOUTH SALT LAKE REGARDING TAX INCREMENT FUNDING IN
THE CENTRAL 15 CRA PROJECT AREA.

WHEREAS, the Redevelopment Agency of South Salt Lake (the “Agency”) has been created to transact the business and exercise all of the powers provided for by Title 17C of the Utah Code Annotated, “Limited Purpose Local Government Entities — Community Reinvestment Agency Act” (the “Act”);

WHEREAS, the Agency, in furtherance of the purposes of the Act, designated the Central 15 CRA (the “Project Area”), adopted a Community Reinvestment Project Area Plan (the “Project Area Plan”) and adopted a Community Reinvestment Project Area Budget (the “Project Area Budget”) for that Project Area; and

WHEREAS, the Agency desires to enter into an Interlocal Cooperation Agreement with the City of South Salt Lake, substantially in the form attached hereto as **Exhibit A**, providing for the payment of real property tax increment funds within the Project Area to the Agency for a period of 20 years.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Board of the Redevelopment Agency of South Salt Lake:

1. The Agreement in substantially the form attached hereto as **Exhibit A** is hereby approved, and the Chair of the Board is authorized and directed to execute the same for and on behalf of the Agency. The Chair is authorized to approve any minor modifications, amendments, or revisions to the Agreement as may be in the Agency’s best interest and in harmony with the overall intent and purpose of the Agreement, and the Chair’s signature upon the final Agreement will constitute the Agency’s acceptance of all such minor modifications, amendments, or revisions.

2. The effective date of the Agreement shall be the date as indicated in the Agreement.

3. This resolution takes effect upon adoption.

(signatures appear on next page; remainder of page intentionally left blank)

DATED this 27th day of March 2024.

BY THE REDEVELOPMENT AGENCY:

LeAnne Huff
LeAnne Huff, RDA Chair

RDA Board Vote as Recorded:

Bynum:	<u>yes</u>
Williams:	<u>yes</u>
Huff:	<u>yes</u>
Mitchell:	<u>ABSENT</u>
Pinkney:	<u>ABSENT</u>
Sanchez:	<u>ABSENT</u>
Thomas:	<u>Abstain</u>



ATTEST:

Ariel Andrus
Ariel Andrus, RDA Secretary

Exhibit A
Form of Agreement

INTERLOCAL COOPERATION AGREEMENT

THIS INTERLOCAL COOPERATION AGREEMENT is made and entered into this 29th day March 2024, by and between the **REDEVELOPMENT AGENCY OF SOUTH SALT LAKE**, a community development and renewal agency and political subdivision of the State of Utah (the "Agency"), and **THE CITY OF SOUTH SALT LAKE**, a political subdivision of the State of Utah (the "City" or the "Taxing Entity"). The Agency and the Taxing Entity may also be referred to individually as a "Party" and collectively as the "Parties."

- A. WHEREAS, the Agency operates under the provisions the Community Development and Renewal Agencies Act, Title 17C of the Utah Code (the "Act"), and is authorized and empowered under the Act to undertake, among other things, various community development activities pursuant to the Act, including, among other things, assisting the City in development activities that are likely to advance the policies, goals and objectives of the City's general plan, contributing to capital improvements which substantially benefit the City, creating economic benefits to the City, and improving the public health, safety and welfare of its citizens; and
- B. WHEREAS, this Agreement is made pursuant to the provisions of the Act and the Interlocal Cooperation Act (Utah Code Title 11, Chapter 13 hereafter the "Cooperation Act"); and
- C. WHEREAS, the Agency has created the Central 15 CRA (the "Project Area"), through the adoption of the Central 15 CRA Project Area Plan (the "Project Area Plan"), located within the City, which Project Area is described in the Project Area Plan attached hereto as Exhibit "A" and incorporated herein by this reference; and
- D. WHEREAS, the Project Area contains a significant amount of vacant and underutilized parcels, which are anticipated to be developed, with encouragement and planning by the Agency, into commercial, warehouse, and mixed uses. The Agency has not entered into any participation or development agreements with developers but anticipates that prior to development of the Project Area, the City and the Agency may enter into one or more Development/Participation Agreements with one or more developers, which will provide certain terms and conditions upon which the Project Area will be developed using, in part, increased property taxes, referred to as "Tax Increment" as that term is defined in the Act, generated from the Project Area; and
- E. WHEREAS, as explained further in the Plan, the City and developers will incur significant costs and expenses to provide redevelopment infrastructure improvements, including assistance with demolition, construction, and other expenditures; and
- F. WHEREAS, historically, the Project Area has generated a total of \$11,040 per year in property taxes for the various taxing entities, including the City, Salt Lake County (the "County"), Salt Lake County Library (the "Library"), Granite School District (the "School District"), the South Salt Lake Valley Mosquito Abatement District; the Jordan Valley Water Conservancy District; the Mt. Olympus Improvement District; and the Central Utah Water Conservancy District (collectively, the "Taxing Entities"); and
- G. WHEREAS, upon full development as contemplated in the Project Area Plan, property taxes produced by the Project Area for the Taxing Entities collectively are projected to total approximately \$1,922,221 per year; and
- H. WHEREAS, the Agency has requested the Taxing Entities to participate in the promotion of development in the Project Area by agreeing to remit to the Agency for a specified period of time specified portions of the increased property tax which will be generated by the Project Area; and

I. WHEREAS, it is in the best interest of the citizens of the Taxing Entity for the Taxing Entity to remit such payments to the Agency in order to permit the Agency to leverage private development of the Project Area; and

J. WHEREAS, the Agency has retained EFG Consulting, an independent financial consulting firm with substantial experience regarding community development projects and tax increment funding across the State of Utah, to prepare the Project Area Plan and to provide a report regarding the need and justification for investment of Tax Increment revenues from and within the Project Area. A copy of the report is included in the Project Area Plan attached as Exhibit "A"; and

K. WHEREAS, the Agency has also created the Central 15 CRA Project Area Budget (the "Project Area Budget"), a copy of which is attached as Exhibit "A", which Project Area Budget outlines the anticipated generation, payment, and use of Tax Increment within the Project Area; and

L. WHEREAS, the parties desire to set forth in writing their agreements regarding the nature and timing of such assistance;

NOW, THEREFORE, in consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Additional Tax Revenue.** The City has determined that significant additional property tax revenue (*i.e.*, Tax Increment) will likely be generated by the development of the Project Area as described in further detail in the Project Area Plan and Project Area Budget. Each of the parties acknowledge, however, that the development activity required for the generation of the Tax Increment is not likely to occur within the foreseeable future or to the degree possible or desired without Tax Increment participation in order to induce and encourage such development activity.

2. **Offset of Development Costs and Expenses.** The Taxing Entity has determined that it is in the best interests of its citizens to pay specified portions of its portion of Tax Increment to the Agency in order for the Agency to offset costs and expenses which will be incurred by the Agency in the construction and installation of infrastructure improvements and other development related costs needed to serve the Project Area, to the extent permitted by the Act, as amended from time to time.

3. **Base Year and Base Year Value.** The base year, for purposes of calculation of the Base Taxable Value (as that term is defined in the Act), shall be 2023, meaning the Base Taxable Value shall, to the extent and in the manner defined by the Act, be equal to the equalized taxable value shown on the 2023 Salt Lake County assessment rolls for all property located within the Project Area (which is currently estimated to be \$1,147,400, but is subject to final adjustment and verification by the County and Agency).

4. **Agreement(s) with Developer(s).** The Agency is authorized to enter into one or more agreements with one or more developers which may provide for the payment of certain amounts of Tax Increment (to the extent such Tax Increment is actually paid to and received by the Agency from year to year) to the developer(s) conditional upon the developer(s)'s meeting of certain performance measures as outlined in said agreement. Such agreement shall be consistent with the terms and conditions of this Agreement, shall require as a condition of the payment to the Developer that the Developer, or its approved successors in title as owners of the Property, shall pay any and all taxes and assessments which shall be assessed against the Property in accordance with levies made by applicable municipal entities in accordance with the laws of the state of Utah applicable to such levies, and such other performance measures as the Agency may deem appropriate.

5. **Payment Terms.** The County is authorized and instructed to pay Tax Increment to the Agency annually, according to the following schedule (and the County will pay the remaining balance of the Tax Increment directly to the Taxing Entity annually): 60% for 20 years.

6. **Property Tax Increase.** This Agreement provides for the payment of the increase in real and personal property taxes collected from the Project Area by the County acting as the tax collection agency for the Taxing Entity. Real and personal property taxes which are the subject of this Agreement shall not include taxes collected from the Project Area by the County, acting in its capacity as the tax collection agency for the City, which are to be paid to or utilized by abatement districts, special service or improvement districts or other entities for which the County acts as the tax collection agency, nor shall it include any component of real property taxes retained by the County as payment for costs incurred in the collection of real property taxes for itself or other applicable agencies. It is expressly understood that the real property taxes which are the subject of this Agreement are only those real and personal property taxes actually collected by the County from the Project Area.

7. **No Independent Duty.** The Taxing Entity shall be responsible to remit to the Agency only Tax Increment actually received by the County. The Taxing Entity shall have no independent duty to pay any amount to the Agency other than the Tax Increment actually received by the Taxing Entity on an annual basis as described in Section 5 *above*.

8. **Authority to Bind.** Each individual executing this Agreement represents and warrants that such person is authorized to do so, and, that upon executing this Agreement, this Agreement shall be binding and enforceable in accordance with its terms upon the party for whom such person is acting.

9. **Further Documents and Acts.** Each of the parties hereto agrees to cooperate in good faith with the others, and to execute and deliver such further documents and perform such other acts as may be reasonably necessary or appropriate to consummate and carry into effect the transactions contemplated under this Agreement.

10. **Notices.** Any notice, request, demand, consent, approval, or other communication required or permitted hereunder or by law shall be validly given or made only if in writing and delivered to an officer or duly authorized representative of the other party in person or by Federal Express, private commercial delivery or courier service for next business day delivery, or by United States mail, duly certified or registered (return receipt requested), postage prepaid, and addressed to the party for whom intended, as follows:

If to the Taxing Entity:
South Salt Lake City
Attn: Mayor
220 East Morris Ave.
South Salt Lake, UT 84115

If to the Agency:
South Salt Lake City Redevelopment Agency
Attn: Executive Director
220 East Morris Ave.
South Salt Lake, UT 84115

Any party may from time to time, by written notice to the others as provided above, designate a different address which shall be substituted for that specified above. Notice sent by mail shall be deemed served or delivered seventy-two (72) hours after mailing. Notice by any other method shall be deemed served or delivered upon actual receipt at the address or facsimile number listed above. Delivery of courtesy copies noted above shall be as a courtesy only and failure of any party to give or receive a courtesy copy shall not be deemed to be a failure to provide notice otherwise properly delivered to a party to this Agreement.

11. **Entire Agreement.** This Agreement is the final expression of and contains the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior understandings with respect thereto. This Agreement may not be modified, changed, supplemented, or terminated; nor may any obligations hereunder be waived, except by written instrument signed by the party to be

charged or by its agent duly authorized in writing or as otherwise expressly permitted herein. This Agreement and its exhibits constitute the entire agreement between the parties hereto pertaining to the subject matter hereof, and the final, complete and exclusive expression of the terms and conditions thereof. All prior agreements, representations, negotiations and understandings of the parties hereto, oral or written, express or implied, are hereby superseded and merged herein.

12. **No Third Party Benefit.** The parties do not intend to confer any benefit hereunder on any person, firm or corporation other than the parties hereto. There are no intended third party beneficiaries to this Agreement.

13. **Construction.** Headings at the beginning of each paragraph and subparagraph are solely for the convenience of the parties and are not a part of the Agreement. Whenever required by the context of this Agreement, the singular shall include the plural and the masculine shall include the feminine and vice versa. Unless otherwise indicated, all references to paragraphs and subparagraphs are to this Agreement. In the event the date on which any of the parties is required to take any action under the terms of this Agreement is not a business day, the action shall be taken on the next succeeding business day.

14. **Partial Invalidity.** If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each such term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

15. **Amendments.** No addition to or modification of any provision contained in this Agreement shall be effective unless fully set forth in writing executed by each of the parties hereto.

16. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute but one and the same instrument.

17. **Waivers.** No waiver of any breach of any covenant or provision herein contained shall be deemed a waiver of any preceding or succeeding breach thereof or of any other covenant or provision herein contained. No extension of time for performance of any obligation or act shall be deemed an extension of the time for performance of any other obligation or act.

18. **Governing Law.** This Agreement and the exhibits attached hereto shall be governed by and construed under the laws of the State of Utah. In the event of any dispute hereunder, it is agreed that the sole and exclusive venue shall be in a court of competent jurisdiction in Salt Lake County, Utah, and the parties hereto agree to submit to the jurisdiction of such court.

19. **Declaration of Invalidity.** In the event that a court of competent jurisdiction declares that the County cannot pay and/or that the Agency cannot receive payments of the Tax Increment, declares that the Agency cannot pay the Tax Increment to developers, or takes any other action which has the effect of eliminating or reducing the payments of Tax Increment received by the Agency, the Agency's obligation to pay the Tax Increment to developers shall be reduced or eliminated accordingly, the Agency, and the County shall take such steps as are reasonably required to not permit the payment and/or receipt of the Tax Increment to be declared invalid.

20. **No Separate Legal Entity.** No separate legal entity is created by this Agreement.

21. **Duration.** This Agreement shall terminate after the final payment of Tax Increment to the Agency as described in Section 5 *above*.

22. **Assignment.** No party may assign its rights, duties, or obligations under this Agreement without the prior written consent first being obtained from all parties. Notwithstanding the foregoing,

such consent shall not be unreasonably withheld or delayed so long as the assignee thereof shall be reasonably expected to be able to perform the duties and obligations being assigned.

23. **Termination.** Upon any termination of this Agreement resulting from the uncured default of any party, the order of any court of competent jurisdiction or termination as a result of any legislative action requiring such termination, then any funds held by the Agency and for which the Agency shall not be required to disburse to developers in accordance with the agreements which govern such disbursement, then such funds shall be returned to the party originally remitting same to the Agency and upon such return this Agreement shall be deemed terminated and of no further force or effect.

24. **Interlocal Cooperation Act.** In satisfaction of the requirements of the Cooperation Act in connection with this Agreement, the Parties agree as follows:

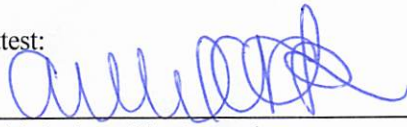
- a. This Agreement shall be authorized and adopted by resolution of the legislative body or governing board of each Party pursuant to and in accordance with the provisions of Section 11-13-202.5 of the Cooperation Act;
- b. This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party pursuant to and in accordance with the provisions of Section 11-13-202.5(3) of the Cooperation Act;
- c. A duly executed original counterpart of this Agreement shall be filed immediately with the keeper of records of each Party pursuant to Section 11-13-209 of the Cooperation Act;
- d. The Executive Director of the Agency is hereby designated the Administrator of the Agreement for all purposes of the Cooperation Act, pursuant to Section 11-13-207 of the Cooperation Act;
- e. Should a party to this Agreement desire to terminate this Agreement, in part or in whole, each party to the Agreement must adopt, by resolution, an amended Interlocal Cooperation Agreement stating the reasons for such termination. Any such amended Interlocal Cooperation Agreement must be in harmony with any development/participation agreement(s) entered into by the Agency as described in this Agreement.
- f. Immediately after execution of this Agreement by both Parties, the Agency shall, on behalf of both parties, cause to be published notice regarding this Agreement pursuant to Section 11-13-219 of the Cooperation Act, and on behalf of the Agency in accordance with Utah Code Annotated Section 17C-4-202.
- g. This Agreement will not take legal effect and the notice described in Paragraph 25.g., shall be issued until this Agreement (a) has been approved by each Party as required by Utah Code Section 11-13-202(2), (b) has been submitted to the attorney authorized to represent each Party for review as to proper form and compliance with law as required by Utah Code Section 11-13-203, and (c) has been filed with the keeper of records of each Party, as required by Utah Code Section 11-13-209.
- h. The term of this Agreement shall commence on the publication of the notice required by Utah Code Annotated §17C-4-202 of the Act and shall continue through the date on which all of the Entity's Share for the specified twenty-one (21) year period has been paid to the Agency as provided for herein or the Agency ceases to receive such Tax Increment pursuant to Section I.c., but in any event, unless amended, this Agreement shall terminate no later than the end of December 31, 2046. No other termination, in part or in whole, or this Agreement shall be made without the adoption, by resolution, of an amendment to this Agreement by all the Parties.

- i. The Parties agree that they do not, by this Agreement, create an interlocal entity or any separate entity.
- j. There is no financial or joint or cooperative undertaking and no budget shall be established or maintained.
- k. No real or personal property will be acquired, held or disposed of or used in conjunction with a joint or cooperative undertaking.

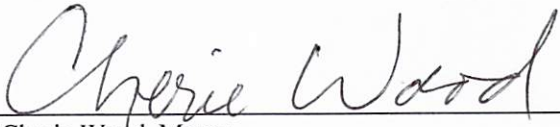
IN WITNESS WHEREOF, the parties have executed this Agreement on the day specified above.

City: CITY OF SOUTH SALT LAKE

Attest:

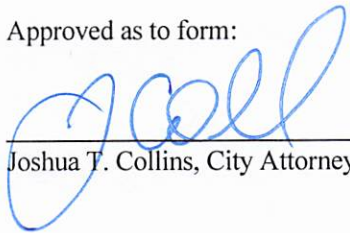


Ariel Andrus, City Recorder

By: 

Cherie Wood, Mayor

Approved as to form:



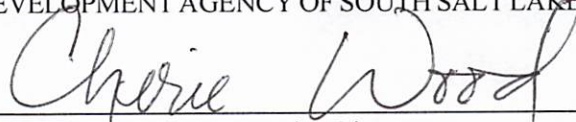
Joshua T. Collins, City Attorney

Agency: REDEVELOPMENT AGENCY OF SOUTH SALT LAKE

Attest:

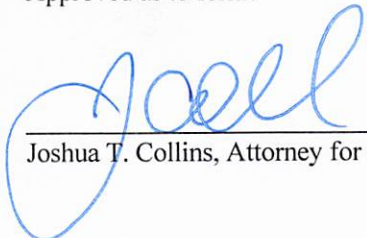


Ariel Andrus, Agency Secretary

By: 

Cherie Wood, RDA Executive Director

Approved as to form:



Joshua T. Collins, Attorney for Agency

EXHIBIT "A"
To
INTERLOCAL AGREEMENT
Project Area Plan & Project Area Budget

CENTRAL 15 CRA

Proposed Community Reinvestment Project Area Plan & Budget

South Salt Lake City Redevelopment Agency

Dated: February 2024



Prepared by: EFG Consulting

Introduction

On October 25, 2023, the South Salt Lake City Redevelopment Agency (“Agency”) approved Resolution Number RDA 2023-04 (the “Survey Resolution”) to initiate the process of adopting a Community Reinvestment Project Area (“CRA”) to be known as the Central 15 Project Area (“Project Area”) including the drafting of a proposed project area plan (“Plan”) and proposed project area budget (“Budget”).

The Proposed Project Area will be located on the current Golf the Round site located west of I-15 and north of 3300 South. The Project Area will consist of over 1 million square feet of flex industrial space on approximately 71 acres of land ground-leased by Central Valley Water Reclamation Facility (“CVWRF”).

The Agency is requesting tax increment at a 60 percent participation rate over a period of 20 years from participating taxing entities. The current base year value is \$1,052,900, which generates \$10,633 in tax revenue annually. At the end of 20 years, the area is expected to be valued at \$234,469,649 (assuming an assessed value growth rate of two percent annually after the project is constructed). This will generate \$2,344,931 in tax revenue annually.

Over the 20-year period of the CRA, the Agency expects to collect \$21,974,089 with \$16,483,643 passed through to the various taxing entities. The agency expects to use this tax increment as follows:

Uses of Tax Increment Funds		Totals Over 20-Yr Period	NPV at 5% Discount Rate
Agency Administration and Operations	3%	\$659,223	\$393,995
CRA Housing	10%	2,197,409	1,313,315
Redevelopment Activities	87%	19,117,457	11,425,842
Total Uses		\$21,974,089	\$13,133,151

Dakota Pacific Real Estate (“DPRE”) is seeking tax increment financing to develop this industrial space and will ground lease the area from CVWRF for a period of 60 years. Currently there are various impediments that prevent this site from being a market rate development, including: site remediation, significant infrastructure costs, and market conditions. DPRE is seeking approximately \$11.4 million (PV) in tax increment over a 20-year period and either capitalized through the issuance of a bond or through periodic payments to develop the area.

Chapter 1: Project Area Plan

The purpose of this Plan is to provide information regarding the Project Area including current conditions, how future development will be undertaken, how that development will impact the Project Area and surrounding communities, proposed uses of tax increment, and other related matters required in the Community Reinvestment Agency Act (“Act”).

Boundary Description and Map

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 1) Includes a boundary description and a map of the community reinvestment project area (17C-5-105(1))

The Proposed Project Area will be located on the current Golf the Round site located west of I-15 and north of 3300 South. The Project Area consists of approximately 71 acres of land ground-leased by Central Valley Water Reclamation Facility (“CVWRF”). The Project Area is depicted in Figure 1 as the Central 15 Commerce Center and highlighted in blue. The Project Area divides three parcels. In accordance with 17C-1-414, Appendix A includes the metes and bounds description for the property within the Project Area.



Figure 1: Project Area Map

Land Uses

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 2) Contains a general statement of the existing land uses, layout of principal streets, population densities, and building intensities of the community reinvestment project area and how each will be affected by project area development. (17C-5-105(2))

Existing Land Uses

The parcels in the Project Area are currently owned by CVWRF. CVWRF intends to hold ownership of the parcels to use as a contingency for future expansion of operations and to buffer the public from effluent associated with the sewer treatment processes. They currently ground-lease the property to an operator of a 9-hole golf course and driving range but make very little revenue from this lease.

Layout of Principal Streets

The Project Area is located at approximately 600 West 3300 South in South Salt Lake, Utah. It is within a block of the 3300 South I-15 interchange to the east of the Project Area and borders 900 West on the west of the Project Area. Since 3300 South is a UDOT road, UDOT requires a west bound deceleration lane, a west bound acceleration lane, an east bound left-turn lane, and a 4th signal be added to the intersection in order to provide access to the Site at 700 West.

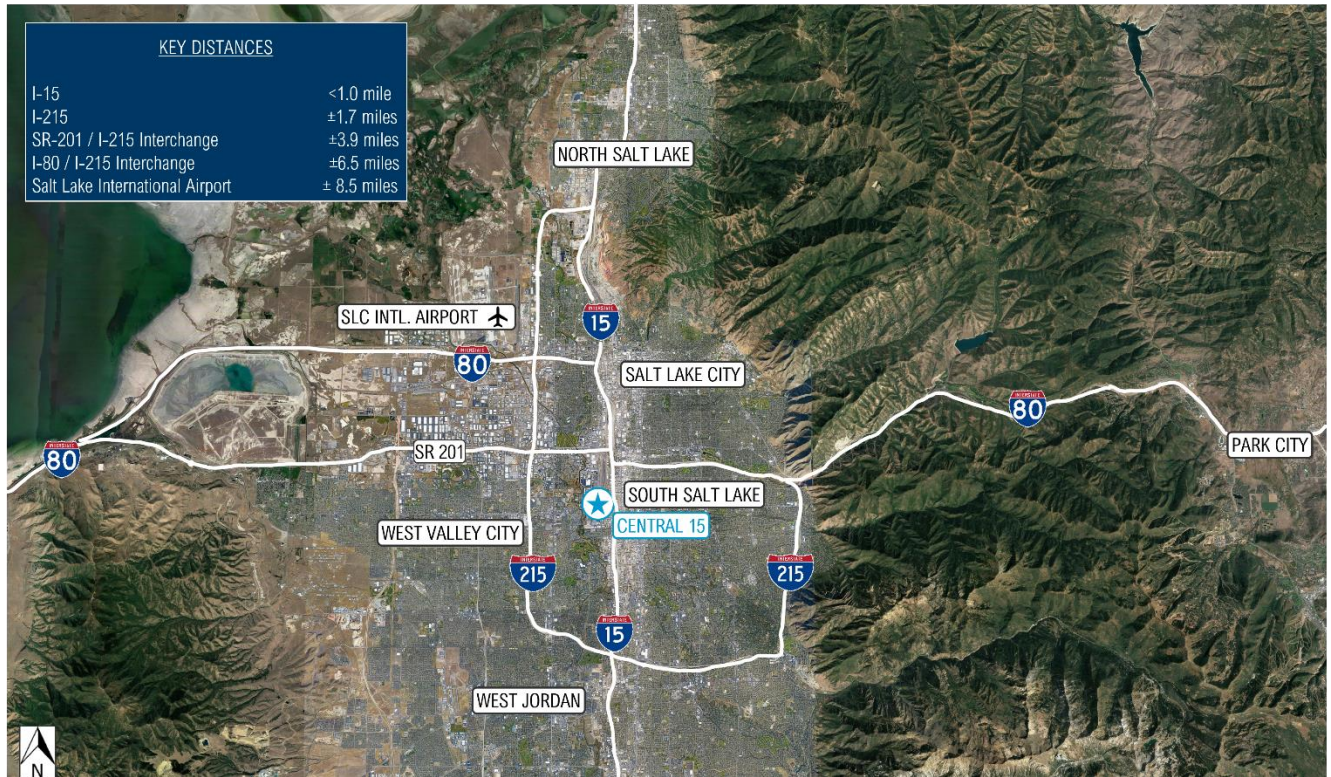


Figure 2: Regional Map



Figure 3: Neighborhood Map

Population Densities

The Project Area has no meaningful fulltime permanent population density. Day time population will increase with development of this Project Area as it is expected to be developed into flex industrial space.

Building Intensities

The existing golf course has several structures such as a two-story driving range platform, two office buildings, and a pro-shop building. In order to accommodate future site development, these structures would be demolished and replaced with four structures totaling approximately 1 million square feet of flex industrial space.

Development Guidance Standards

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 3) States the standards that will guide project area development) 17C-5-105(3))

Any future development will be in compliance with the current zoning for the area including the City's general plan guidelines and Strategic Plan. Any development will be compatible with the surrounding uses.

Project Furthers Purpose of CRA Statute

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 4) Shows how project area development will further purposes of this title (17C-5-105(4))

The parcels included in the Project Area are all under-utilized parcels. CVWRF currently ground leases the property to an operator of a 9-hole golf course and driving range but makes very little revenue from this lease. CVWRF has sought a more productive use of the Project Area to help increase revenue and offset wastewater treatment costs to the public. In addition, the Project Area only provides \$10,633 of tax revenue to taxing entities on an annual basis. Any tax increment used will move the property to its highest and best use, generating additional revenue for CVWRF and additional tax revenue for taxing entities.

Consistency with City's General Plan

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 5) Is consistent with the general plan of the community in which the community reinvestment project area is located and shows that project area development will conform to the community's general plan (17C-5-105(5))

The Project Area will comply with the City's current general plan specifically the section titled "Future Land Use Map & Descriptions" on pages 26-28. The general plan identifies this area as a "catalyst area" meaning that it is "appropriate for transformation from current development patterns and that investment from public sources may be appropriate to leverage private investment in the area."

Eliminate or Reduce Development Impediments

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 6) If applicable, describes how project area development will eliminate or reduce a development impediment in the community reinvestment project area (17C-5-105(6))

The following impediments hamper economic development of this Project Area:

- 1) The Site is a former uranium mill facility which underwent clean-up in the 1980's and the 1990's. There are extraordinary costs to develop the site due to its environmental history, residual radioactive materials, structurally sub-optimal soils imported during clean-up, and regulatory long-term management requirements.
- 2) Several regional sewer and stormwater utilities converge at and cross the Site that need to be relocated to accommodate an efficient site plan.
- 3) Significant off-site improvements such as an acceleration lane, (2) deceleration lanes, median modifications with a left turn lane, and a 4th leg added to an existing 3-way signalized intersection are required to provide functional access to the site.
- 4) Macro-economic and financial conditions have shifted immensely negative since the terms between CVWRF and DPRE were negotiated. Construction loan interest rates have gone up over 275%, the

amount of non-recourse leverage offered by lenders has dropped 30%, banks have pulled back from construction loan lending altogether while local and regional banks are experiencing liquidity problems, minimum return thresholds to attract joint-venture equity have jumped by 50%, and joint-venture equity is requiring much higher returns for projects on ground leases, particularly in the current economic environment.

The CRA will provide funds to reduce or eliminate these development impediments.

Specific Project Development

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 7) Describes any specific project area development that is the object of the community reinvestment project area plan (17C-5-105(7))

The CRA will provide tax increment financing to DPRE to develop the Project Area. DPRE plans to develop four Class A bulk distribution, warehouse, and manufacturing buildings totaling approximately one million square feet over approximately 71 acres in three phases. DPRE is contemplating a phased approach to construction. Construction is assumed to commence on Building A in the first half of 2024, pending approval of this tax increment financing request, with a construction period of 14 months inclusive of master plan site work and off-sites. Building B will commence after the start of Building A with a construction period of 12 months and final completion date of Late 2025. Buildings C and D will begin construction in early 2026 with a construction period of 12 months. The underwriting assumes that all buildings have 4 tenants each, ranging from 50K SF for Buildings B, C and D to 100K SF for Building A. However, the buildings will be designed to accommodate up to 6 tenants in each building to be able to accommodate smaller demisable increments.

How the Agency will Select Participants

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 8) If applicable, explains how the agency plans to select a participant (17C-5-105(8))

The Agency plans to select DPRE to develop the Project Area. DPRE has worked closely with South Salt Lake (“SSL”) since 2019 while DPRE was in the process of assembling historically industrial parcels in SSL’s City Center for redevelopment into a master-planned mixed-use commercial and residential development. SSL and DPRE were in search of alternative sites within the SSL city-limits to develop a modern industrial park and retain an industrial employment base that would be displaced by the South City redevelopment. Development by DPRE within the Project Area would accomplish this goal.

Reasons for Selecting this Project Area

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 9) States each reason the agency selected the community reinvestment project area (17C-5-105(9))

The parcels in the Project Area are currently underutilized and used as a golf course. With the development of the SSL City Center, the City is also in need of additional industrial space. The development of the Project Area as industrial warehouse space will move the property to its highest and best use, generating additional revenue for CVWRF and additional tax revenue for taxing entities.

Physical, Social and Economic Conditions in Project Area

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 10) Describes the physical, social, and economic conditions that exist in the community reinvestment project area (17C-5-105(10))

The parcels included in the Project Area are owned by CVWRF and are currently ground-leased to an operator of a 9-hole golf course and driving range.

Financial Assistance to Participant

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 11) Describes each type of financial assistance that the agency anticipates offering a participant (17C-5-105(11))

Tax increment will be utilized to assist DPRE in the development of the Project Area. Tax increment will either be capitalized through the issuance of a bond or through periodic payments. Tax increment will be used to:

- 1) Assist with the extraordinary costs to develop the site due to its environmental history, residual radioactive materials, structurally sub-optimal soils imported during clean-up, and regulatory long-term management requirements;
- 2) Relocate several regional sewer and stormwater utilities that converge at and cross the Site to accommodate an efficient site plan;
- 3) Assist with the cost of significant off-site improvements such as an acceleration lane, (2) deceleration lanes, median modifications with a left turn lane, and a 4th leg added to an existing 3-way signalized intersection that are required to provide functional access to the site; and
- 4) Incentivize DPRE to develop the site with the current negative Macro-economic and financial conditions.

The following structure will be utilized when providing tax increment to participants.

TYPE OF DEVELOPMENT	TAX INCREMENT RATE (UP TO)	TAX INCREMENT RATE (UP TO)
Industrial	60%	20 Years

Public Benefits Analysis

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 12) Includes an analysis or description of the anticipated public benefit resulting from project area development, including benefits to the community's economic activity and tax base (17C-5-105(12))

Economic Activity

The purpose of the CRA is to develop over 1 million square feet of flex and industrial space that will provide additional tax revenue to taxing entities as well as additional jobs. At buildout, job growth is estimated to be between 400 and 815 new jobs.

Tax Base

The primary increase in tax revenue generated from the Project Area will be in property taxes. As described herein, development within the Project Area once completed could generate approximately \$1.9 million annually to the tax rolls of the various entities which levy a tax in the Project Area. This value could generate \$45 million in new property tax over a 20-year period. The Agency anticipates needing 60 percent of the participation entities' revenue to assist DPRE in the development of the Project Area and administering the Project Area. The remaining revenue would flow to taxing entities. The pass-through revenue for taxing entities would amount to \$23 million over 20 years. Without development of the Project Area, taxing entities expect to receive approximately \$269k of total tax revenues generated over 20 years.

Historic Buildings

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 13) If applicable, states that the agency shall comply with Section 9-8a-404 as required under Section 17C-5-106 (17C-5-105(13)):
 - a. Any agency shall comply with Section 9-8a-404 as though the agency is a state agency if:
 - i. Any of the existing buildings or uses in a community reinvestment project area are included in, or eligible for inclusion in, the National Register of Historic Places or the State Register; and
 - ii. The agency spends agency funds on the demolition or rehabilitation of existing buildings described above.

No existing buildings within the Project Area are included or are eligible for inclusion in the National Register of Historic Places or the State Register.

CRAs Prior to 2019

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 14) For a community reinvestment project area plan that an agency adopted before May 14, 2019, states whether the community reinvestment project area plan or proposed community

reinvestment property area plan is subject to a taxing entity committee or an interlocal agreement (17C-5-105(15))

This section does not apply since the CRA is proposed to be adopted in 2024.

Other Information

An Agency shall ensure that each community reinvestment project area plan and proposed reinvestment project area plan:

- 15) Includes other information that the agency determines to be necessary or advisable.

Chapter 2: Project Area Budget

The purpose of the Budget is to describe and outline the financial resources necessary to enact the Plan in accordance with 17C-5-303. The Project Area is governed by Interlocal Agreements as outlined in the Act (17C-5-202(1)(a)).

Sources of Funds

Base Taxable Value

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - a. The base taxable value (17C-5-303(1a))

The base taxable value for the Project Area is the 2023 taxable value which is estimated at \$1,147,400.

Tax Increment Projection

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - b. The projected amount of tax increment to be generated within the community reinvestments project area (17C-5-303(1b))

As described in the Plan and herein, the Project Area will generate approximately \$45m of tax increment over 20 years as shown in the table below.

REVENUE TO TAXING ENTITIES	TOTAL (OVER 20 YEARS)	NPV (5% DISCOUNT RATE)
Salt Lake County	5,360,472	3,203,768
Multicounty Assessing & Collecting Levy	57,681	34,474
County Assessing & Collecting Levy	596,035	356,230
Salt Lake County Library	1,834,250	1,096,268
Granite School District	24,429,754	14,600,817
South Salt Lake City	9,155,870	5,472,146
South Salt Lake Valley Mosquito Abatement District	34,608	20,684
Jordan Valley Water Conservancy District	1,311,278	783,705
Mt. Olympus Improvement District	707,552	422,879
Central Utah Water Conservancy District	1,538,155	919,302
Total	45,025,656	26,910,274

The Agency will collect tax increment according to the schedule in the table below. Utilizing this schedule the Agency anticipates collecting approximately \$21.9m over 20 years. The remainder of the tax increment will be passed through to the taxing entities.

REVENUE TO TAXING ENTITIES	PARTICIPATION RATE	LENGTH	TOTAL (OVER 20 YEARS)	NPV (5% DISCOUNT RATE)
Salt Lake County	60%	20 Years	3,216,283	1,922,261
Granite School District*	60%	20 Years	11,109,3270	6,639,660
South Salt Lake City	60%	20 Years	5,493,522	3,283,288
South Salt Lake Valley Mosquito Abatement District	60%	20 Years	20,765	12,411
Jordan Valley Water Conservancy District	60%	20 Years	786,766	470,223
Mt. Olympus Improvement District	60%	20 Years	424,530	253,727
Central Utah Water Conservancy District	60%	20 Years	922,893	551,581
Total			21,974,089	13,133,151
*excludes State Basic Levy & Charter School Levy				

Collection Period

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - c. Each project area funds collection period (17C-5-303(1c))

The Agency will collect tax increment from the Project Area over a 20-year period.

Tax Increment Paid to Other Entities

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - d. If applicable, the projected amount of tax increment to be paid to other taxing entities in accordance with Section 17C-1-410 (17C-5-303(1d))

All tax increment not paid to the Agency will pass through to each taxing entity. The table below provides an estimate of the total tax increment that will pass through to each entity. No property tax increment will be paid to any other taxing entity than those listed below.

REVENUE TO TAXING ENTITIES	TOTAL	NPV
Salt Lake County	2,144,189	1,281,507
Multicounty Assessing & Collecting Levy	57,681	34,474
County Assessing & Collecting Levy	596,035	356,230
Salt Lake County Library	1,834,250	1,096,268
Granite School District	13,320,426	7,961,157
South Salt Lake City	3,662,348	2,188,859
South Salt Lake Valley Mosquito Abatement District	13,843	8,274
Jordan Valley Water Conservancy District	524,511	313,482
Mt. Olympus Improvement District	283,021	169,152
Central Utah Water Conservancy District	615,262	367,721
Total	23,051,567	13,777,123

Collection Area

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - e. If the area from which the tax increment is collected is less than the entire community reinvestment project area: (17C-5-303(1e))
 - i. A boundary description of the portion or portions of the community reinvestment project area from which the agency receives tax increment; and
 - ii. For each portion described in Subsection (1)(e)(i), the period of time during which tax increment is collected,

The collection area is the same as the Project Area.

Participation Rates

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - f. The percentage of tax increment the agency is authorized to receive from the community reinvestment project area (17C-5-303(1f))

The Agency is requesting that all taxing entities except for the Salt Lake County Library participate at 60% for up to 20 years. The two assessing and collecting levies are excluded per statute. Granite School District's levy is reduced by the State Basic School Levy and the UT Charter School-Granite levy.

Maximum Collection Amounts

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;
 - g. The maximum cumulative dollar amount of tax increment the agency is authorized to receive from the community reinvestment project area; (17C-5-303(1g))

The Project Area will be capped at \$22,000,000. When this cap is reached, tax increment will cease to flow to the Agency.

Sales and Use Tax Revenue

A community reinvestment project area budget shall include:

- 2) If the agency receives sales and use tax revenue: (17C-5-303(2))
 - a. The percentage and total amount of sales and use tax revenue to be paid to the agency; and
 - b. Each project area funds collection period.

The Agency will not receive sales and use tax revenue.

Uses of Funds

A community reinvestment project area budget shall include:

- 3) The amount of project area plan funds the agency will use to implement the community reinvestment project area plan, including the estimated amount of project area funds that

will be used for land acquisition, public improvements, infrastructure improvements, or any loans, grants, or other incentives to private or public entities (17C-5-303(3))

The Agency will use the funds collected to administer the Project Area and fulfill the Moderate-Income Housing Plan found in the City’s General Plan. The Agency will also use the funds collected from the Project Area to incentivize DPRE to develop the area. DPRE is expected to use these funds to:

- Assist with the extraordinary costs to develop the site due to its environmental history, residual radioactive materials, structurally sub-optimal soils imported during clean-up, and regulatory long-term management requirements;
- Relocate several regional sewer and stormwater utilities that converge at and cross the Site to accommodate an efficient site plan; and
- Assist with the cost of significant off-site improvements such as an acceleration lane, (2) deceleration lanes, median modifications with a left turn lane, and a 4th leg added to an existing 3-way signalized intersection that are required to provide functional access to the site.

CRA BUDGET	USAGE	TOTAL	NPV
Agency Administration and Operations	3%	659,223	393,995
CRA Housing	10%	2,197,409	1,313,315
Redevelopment Activities	87%	19,117,457	11,425,842
Total		21,974,089	13,133,151

Agency’s Combined Incremental Value

A community reinvestment project area budget shall include:

- 4) The agency’s combined incremental value (17C-5-303(4))

The Agency currently has three active project areas.

PROJECT AREA	2023 END YEAR VALUE
Streetcar CDA	120,213,710
Market Station URA	33,978,727
3900 South CDA	10,709,319
Total	164,901,756

Administrative Costs

A community reinvestment project area budget shall include:

- 5) The amount of project area funds that will be used to cover the cost of administering the community reinvestment project area plan (17C-5-303(5))

The Agency plans to collect three percent of the tax increment funds to administer the Project Area. This amounts to \$659,223 over the course of 20 years.

Property Owned

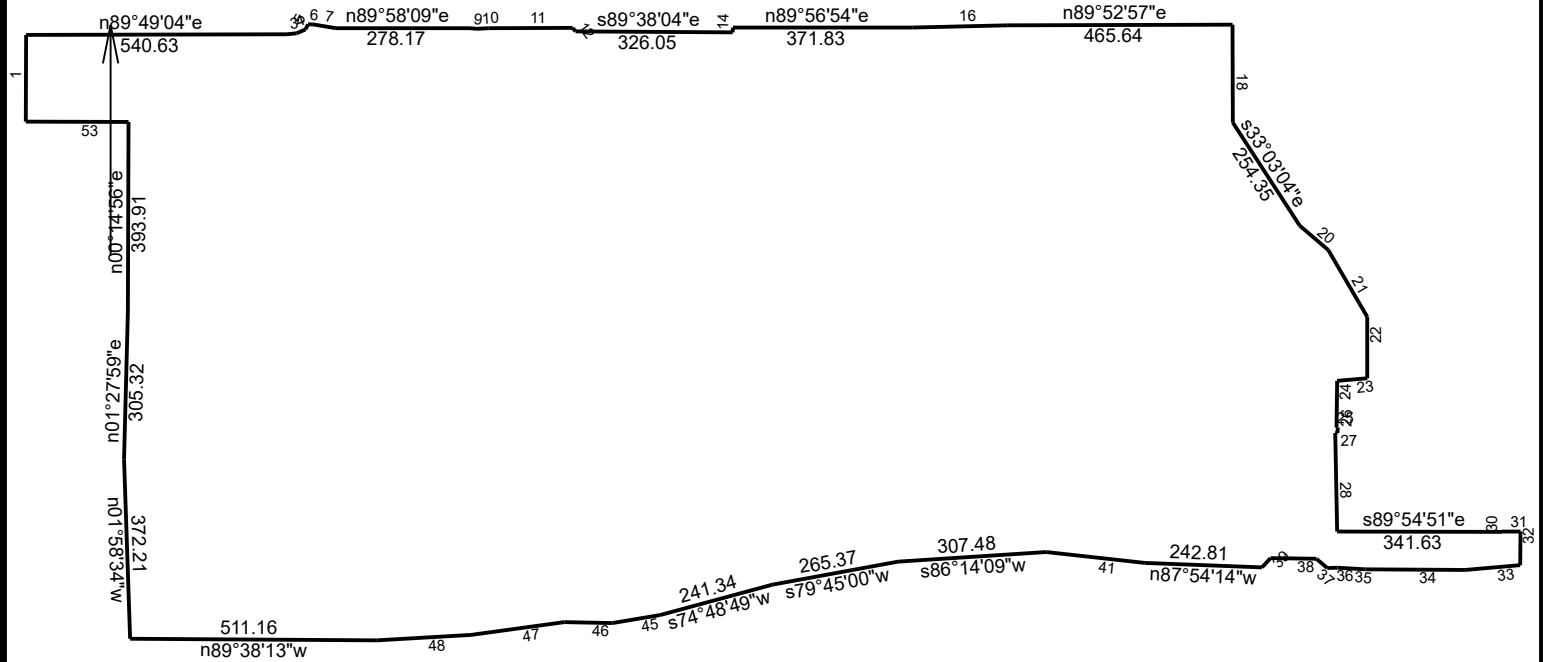
A community reinvestment project area budget shall include:

- 6) For property that the agency owns and expects to sell, the expected total cost of the property to the agency and the expected sale price. (17C-5-303(6))

The Agency does not currently own property in this Project Area.

Appendix A – Property Description

The following is the metes and bounds description of the property. This description is provided to meet the requirements for divided parcels in Utah Code 17C-1-414.



Lots 1 & 2, Parcels A & B

2/9/2024

Scale: 1 inch= 398 feet

File:

Tract 1: 67.9392 Acres, Closure: n62.0043w 0.02 ft. (1/504763), Perimeter=8558 ft.

01 n00.0140e 179.31	30 n00.0758e 0.48
02 n89.4904e 540.63	31 s89.5907e 38.39
03 n83.5617e 20.04	32 s00.0758w 69.52
04 n67.3028e 20.02	33 s84.5521w 114.99
05 n27.1655e 12.15	34 n89.3056w 206.6
06 s88.2843e 9.79	35 n86.4930w 57.98
07 s80.5133e 48.66	36 s88.1633w 20.92
08 n89.5809e 278.17	37 n49.4726w 29.86
09 s84.1654e 14.65	38 n89.0940w 94.91
10 n86.5118e 24.61	39 s42.4452w 26.31
11 n89.5217e 173.82	40 n87.5414w 242.81
12 s36.2041e 9.16	41 n83.3553w 205.69
13 s89.3804e 326.05	42 s86.1409w 307.48
14 n01.3714e 10.25	43 s79.4500w 265.37
15 n89.5654e 371.83	44 s74.4849w 241.34
16 n88.3916e 198.15	45 s80.3218w 99.97
17 n89.5257e 465.64	46 n88.5908w 99.58
18 s00.0941e 203.19	47 s82.0933w 195.21
19 s33.0304e 254.35	48 s86.4149w 195.75
20 s49.2210e 77.66	49 n89.3813w 511.16
21 s30.2228e 160.35	50 n01.5834w 372.21
22 s00.0053w 127.74	51 n01.2759e 305.32
23 s84.5811w 62.42	52 n00.1456e 393.91
24 s00.4732w 96.51	53 n89.4149w 212.79
25 s87.4424e 2.5	
26 s02.2830w 10.98	
27 s87.3510w 4.96	
28 s01.0639e 204.56	
29 s89.5451e 341.63	

Lots 1 & 2, Parcels A & B Description

A parcel of land being part of Lot 101, Central Valley Water Subdivision recorded July 2, 2009 as Entry No. 10745640 in Book 2009 of Plats, at Page 89 and part of three (3) entire tracts described in that Special Warranty Deed recorded April 26, 1989 as Entry No. 4763126 and that Warranty Deed recorded January 2, 1980 as Entry No. 3384130 in Book 5917, at Page 647 in the Office of the Salt Lake County Recorder. Said parcel of land is located in the Southeast Quarter of Section 26 and the Southwest Quarter of Section 25, Township 2 South, Range 1 West, Salt Lake Base and Meridian and is described as follows:

Beginning at the intersection of the easterly right-of-way line of 900 West Street and an existing chain link fence, which is 561.79 feet N. 00°01'40" E. along the monument line of 900 West Street and 40.00 feet East from a street monument at the intersection of 900 West Street and 3265 South Street, said point also being 2105.17 feet North and 865.66 feet East from the South Quarter Corner of said Section 26; thence N. 00°01'40" E. (R=N 0°03'14" E) 179.31 feet along said easterly right-of-way line of 900 West Street to a westerly extension of and existing chain link fence; thence to and along an existing chain link fence the following fourteen (14) courses: 1) N. 89°49'04" E. 540.63 feet; 2) N. 83°56'17" E. 20.04 feet; 3) N. 67°30'28" E. 20.02 feet; 4) N. 27°16'55" E. 12.15 feet; 5) S. 88°28'43" E. 9.79 feet; 6) S. 80°51'33" E. 48.66 feet; 7) N. 89°58'09" E. 278.17 feet; 8) S. 84°16'54" E. 14.65 feet; 9) N. 86°51'18" E. 24.61 feet; 10) N. 89°52'17" E. 173.82 feet; 11) S. 36°20'41" E. 9.16 feet; 12) S. 89°38'04" E. 326.05 feet; 13) N. 01°37'14" E. 10.25 feet; 14) N. 89°56'54" E. 371.83 feet; thence N. 88°39'16" E 198.15 feet to an existing concrete wall; thence N. 89°52'57" E. 465.64 feet along said concrete wall to the easterly line of said Lot 101, Central Valley Water Subdivision; thence along said Lot 101 the following fourteen (14) courses: 1) S. 00°09'41" E. (R=S00°07'51"E) 203.19 feet; 2) S. 33°03'04" E. (R=S33°01'14"E) 254.35 feet; 3) S. 49°22'10" E. (R=S49°20'20"E) 77.66 feet; 4) S. 30°22'28" E. (R=S30°20'38"E) 160.35 feet; 5) S. 00°00'53" W. (R=S00°02'43"W) 127.74 feet; 6) S. 84°58'11" W. (R=S85°00'01"W) 62.42 feet; 7) S. 00°47'32" W. (R=S00°49'22"W) 96.51 feet; 8) S. 87°44'24" E. (R=S87°42'34"E) 2.50 feet; 9) S. 02°28'30" W. (R=S02°30'20"W) 10.98 feet; 10) S. 87°35'10" W. (R=S87°37'00"W) 4.96 feet; 11) S. 01°06'39" E. (R=S01°04'49"E) 204.56 feet; 12) S. 89°54'51" E. (R=S89°53'01"E) 341.63 feet; 13) N. 00°07'58" E. (R=S00°09'48"E) 0.48 feet; 14) S. 89°59'07" E. (R=S89°57'17"E) 38.39 feet to the northwesterly corner of a parcel of land described as "Parcel No. 1:C" having Project No. SW 11-0007 in that Special Warranty Deed recorded April 27, 2011 as Entry No. 11173107 in Book 9920, at Page 6692 in the Office of said Recorder; thence S. 00°07'58" W. (R=N. 00°09'48" E.) 69.52 feet to a southerly line of said Lot 101, Central Valley Water Subdivision; thence S. 84°55'21" W. (R=S84°57'11"W) 114.99 feet along said southerly line of Lot 101; thence N. 89°30'56" W. 206.60 feet to said southerly line of said Lot 101; thence along said Lot 101 the following two (2) courses: 1) N. 86°49'30" W. 57.98 feet; 2) S. 88°16'33" W. 20.92 feet; thence N. 49°47'26" W. 29.86 feet; thence N. 89°09'40" W. 94.91 feet; thence S. 42°44'52" W. 26.31 feet to said

Southerly line of Lot 101; thence along said southerly line of Lot 101 the following three (3) courses: 1) N. 87°54'14" W. (R=N87°52'24"W) 242.81 feet; 2) N. 83°35'53" W. (R=N83°34'03"W) 205.69 feet; 3) S. 86°14'09" W. 307.48 feet (R=S86°15'59"W 308.54); thence along the southerly boundary line of said entire tract the following seven (7) courses: 1) S. 79°45'00" W. 265.37 feet (R=South 79°48'36" West 262.62 ft); 2) S. 74°48'49" W. (R=North 74°53'13" West 241.2 ft) 241.34 feet; 3) S. 80°32'18" W. 99.97 feet (R=South 80°35'51" West 100 ft); 4) N. 88°59'08" W. 99.58 feet (R=North 88°52'35" West 99.54 ft); 5) S. 82°09'33" W. 195.21 feet (R=South 83°12'45" West 195 ft); 6) S. 86°41'49" W. (R=South 86°50'27" West 195.77 ft) 195.75 feet; 7) N. 89°38'13" W. (R=S 89°50' E) 511.16 feet; thence N. 01°58'34" W. (R=N 1°57' W) 372.21 feet along a westerly boundary line of said entire tract; thence N. 01°27'59" E. 305.32 feet; thence N. 00°14'56" E. 393.91 feet; thence N. 89°41'49" W. 212.79 feet to the **Point of Beginning**.

The above-described parcel of land contains 2,959,425 sq. ft. or 67.939 acres, more or less.

Appendix B – Budget and Financial Calculations

Redevelopment Agency of South Salt Lake

Central Valley Property TIF Analysis
Tax Increment Analysis

ASSUMPTIONS:	
Discount Rate	5.0%
Assessed Value Growth Rate	2.0%
Base Year Value	\$1,147,400

PROPERTY TAX ANALYSIS:	Payment Year	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	TOTALS	NPV
	Tax Year	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045		
Cumulative Taxable Value	Final CO Year	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046
Flex Space Development	Year	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20		
Building A		\$59,779,980	\$60,975,580	\$62,195,091	\$63,438,993	\$64,707,773	\$66,001,928	\$67,321,967	\$68,668,406	\$70,041,774	\$71,442,610	\$72,871,462	\$74,328,891	\$75,815,469	\$77,331,778	\$78,878,414	\$80,455,982	\$82,065,102	\$83,706,404	\$85,380,532	\$87,088,143		
Building B		\$35,962,714	\$36,681,968	\$37,415,608	\$38,163,920	\$38,927,198	\$39,705,742	\$40,499,857	\$41,309,854	\$42,136,051	\$42,978,772	\$43,838,348	\$44,715,115	\$45,609,417	\$46,521,605	\$47,452,037	\$48,401,078	\$49,369,100	\$50,356,482	\$51,363,611	\$52,390,884		
Building C		-	\$32,443,078	\$33,091,940	\$33,753,778	\$34,428,854	\$35,117,431	\$35,819,780	\$36,536,175	\$37,266,899	\$38,012,237	\$38,772,481	\$39,547,931	\$40,338,890	\$41,145,667	\$41,968,581	\$42,807,952	\$43,664,111	\$44,537,394	\$45,428,142	\$46,336,704		
Building D		-	\$34,065,497	\$34,746,807	\$35,441,743	\$36,150,578	\$36,873,589	\$37,611,061	\$38,363,283	\$39,130,548	\$39,913,159	\$40,711,422	\$41,525,651	\$42,356,164	\$43,203,287	\$44,067,353	\$44,948,700	\$45,847,674	\$46,764,627	\$47,699,920	\$48,653,918		
Total Assessed Value:		\$95,742,694	\$164,166,123	\$167,449,445	\$170,798,434	\$174,214,403	\$177,698,691	\$181,252,665	\$184,877,718	\$188,575,272	\$192,346,778	\$196,193,713	\$200,117,588	\$204,119,939	\$208,202,338	\$212,366,385	\$216,613,713	\$220,945,987	\$225,364,907	\$229,872,205	\$234,469,649		
TOTAL TAXABLE VALUE:		\$95,742,694	\$164,166,123	\$167,449,445	\$170,798,434	\$174,214,403	\$177,698,691	\$181,252,665	\$184,877,718	\$188,575,272	\$192,346,778	\$196,193,713	\$200,117,588	\$204,119,939	\$208,202,338	\$212,366,385	\$216,613,713	\$220,945,987	\$225,364,907	\$229,872,205	\$234,469,649		
TAX RATE & INCREMENT ANALYSIS:	2023 Rates																					Totals	NPV
Salt Lake County	0.001394	133,465	228,848	233,425	238,093	242,855	247,712	252,666	257,720	262,874	268,131	273,494	278,964	284,543	290,234	296,039	301,960	307,999	314,159	320,442	326,851	5,360,472	3,203,768
Granite School District	0.004815	461,001	790,460	822,394	856,269	892,842	931,174	971,303	1,012,287	1,055,174	1,099,023	1,143,903	1,189,884	1,236,936	1,285,130	1,334,437	1,384,928	1,436,575	1,489,350	1,543,235	1,598,212	18,515,546	11,066,100
South Salt Lake City	0.002381	227,963	390,880	398,697	406,671	414,804	423,101	431,563	440,194	448,998	457,788	466,757	475,704	484,819	494,074	503,459	512,956	522,556	532,251	542,033	551,895	9,155,870	5,472,146
South Salt Lake Valley Mosquito Abatement District	0.000009	862	1,477	1,507	1,537	1,568	1,599	1,631	1,664	1,697	1,731	1,766	1,801	1,837	1,874	1,911	1,950	1,989	2,028	2,069	2,110	34,608	20,684
Jordan Valley Water Conservancy District	0.000341	32,648	55,981	57,100	58,242	59,407	60,595	61,807	63,043	64,304	65,590	66,902	68,240	69,605	70,997	72,417	73,865	75,343	76,849	78,386	79,954	1,311,278	783,705
Mt. Olympus Improvement District	0.000184	17,617	30,207	30,811	31,427	32,055	32,697	33,350	34,018	34,698	35,392	36,100	36,822	37,558	38,309	39,075	39,857	40,654	41,467	42,296	43,142	707,552	422,879
Central Utah Water Conservancy District	0.000400	38,297	65,666	66,886	68,119	69,366	70,627	71,902	73,191	74,494	75,812	77,145	78,493	79,855	81,231	82,621	84,024	85,441	86,872	88,318	89,779	1,538,155	919,302
TOTAL INCREMENTAL TAX REVENUE:	0.009524	911,853	1,563,518	1,594,789	1,626,684	1,659,218	1,692,402	1,726,250	1,760,775	1,795,991	1,831,911	1,868,549	1,905,920	1,944,038	1,982,919	2,022,577	2,063,029	2,104,290	2,146,375	2,189,303	2,233,089	36,623,481	21,888,586
PROJECT AREA BUDGET	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	TOTALS	NPV	
Sources of Funds:	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	TOTALS	NPV
<i>Property Tax Participation Rate for Budget</i>																							
Salt Lake County	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Granite School District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
South Salt Lake City	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
South Salt Lake Valley Mosquito Abatement District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Jordan Valley Water Conservancy District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Mt. Olympus Improvement District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Central Utah Water Conservancy District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
<i>Property Tax Increment for Budget</i>																							
Salt Lake County	\$80,079	\$137,309	\$140,055	\$142,856	\$145,713	\$148,627	\$151,600	\$154,632	\$157,724	\$160,879	\$164,096	\$167,378	\$170,726	\$174,140	\$177,623	\$181,176	\$184,799	\$188,495	\$192,265	\$196,110	\$199,925	\$3,216,283	\$1,922,261
Granite School District	\$276,601	\$474,276	\$483,761	\$493,437	\$503,305	\$513,372	\$523,639	\$534,112	\$544,794	\$555,690	\$566,804	\$578,140	\$589,703	\$601,497	\$613,526	\$625,797	\$638,313	\$651,079	\$664,101	\$677,383	\$690,925	\$11,109,328	\$6,639,660
South Salt Lake City	\$136,778	\$234,528	\$239,218	\$244,003	\$248,883	\$253,860	\$258,938	\$264,116	\$269,399	\$274,787	\$280,282	\$285,888	\$291,602	\$297,438	\$303,387	\$309,454	\$315,643	\$321,956	\$328,395	\$334,963	\$341,657	\$5,493,522	\$3,283,288
South Salt Lake Valley Mosquito Abatement District	\$517	\$886	\$904	\$922	\$941	\$960	\$979	\$998	\$1,018	\$1,039	\$1,059	\$1,081	\$1,102	\$1,124	\$1,147	\$1,171	\$1,193	\$1,217	\$1,241	\$1,266	\$1,291	\$20,765	\$12,411
Jordan Valley Water Conservancy District	\$19,589	\$33,588	\$34,260	\$34,945	\$35,644	\$36,357	\$37,084	\$37,826	\$38,583	\$39,354	\$40,141	\$40,944	\$41,763	\$42,598	\$43,450	\$44,319	\$45,206	\$46,110	\$47,032	\$47,972	\$48,928	\$786,767	\$470,223
Mt. Olympus Improvement District	\$10,570	\$18,124	\$18,486	\$18,856	\$19,233	\$19,618	\$20,010	\$20,411	\$20,819	\$21,235	\$21,660	\$22,093	\$22,535	\$22,986	\$23,445	\$23,914	\$24,392	\$24,880	\$25,378	\$25,885	\$26,401	\$424,531	\$253,727
Central Utah Water Conservancy District	\$22,978	\$39,400	\$40,188	\$40,992	\$41,811	\$42,648	\$43,501	\$44,371	\$45,258	\$46,163	\$47,086	\$48,028	\$48,989	\$49,969	\$50,968	\$51,987	\$53,027	\$54,088	\$55,169	\$56,273	\$57,403	\$922,893	\$551,581
Total Property Tax Increment for Budget:	\$547,112	\$938,111	\$956,873	\$976,011	\$995,531	\$1,015,441	\$1,035,750	\$1,056,465	\$1,077,595	\$1,099,146	\$1,121,129	\$1,143,552	\$1,166,423	\$1,189,751	\$1,213,546	\$1,237,817	\$1,262,574	\$1,287,825	\$1,313,582	\$1,339,853	\$1,366,647	\$21,974,089	\$13,133,151
Uses of Tax Increment Funds:	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	TOTALS	NPV	
Agency Administration and Operations	3.0%	\$16,413	\$28,143	\$28,706	\$29,280	\$29,866	\$30,463	\$31,073	\$31,694	\$32,328	\$32,974	\$33,634	\$34,307	\$34,993	\$35,693	\$36,406	\$37,135	\$37,877	\$38,633	\$39,407	\$40,196	\$659,223	\$393,995
CRA Housing	10.0%	\$54,711	\$93,811	\$95,687	\$97,601	\$99,553	\$101,544	\$103,575	\$105,647	\$107,759	\$109,915	\$112,113	\$114,355	\$116,642	\$118,975	\$121,355	\$123,782	\$126,257	\$128,783	\$131,358	\$133,985	\$2,197,409	\$1,313,315
Redevelopment Activities	87.0%	\$475,987	\$816,156	\$832,480	\$849,129	\$866,112	\$883,434	\$901,103	\$919,125	\$937,507	\$956,257	\$975,383	\$994,890	\$1,014,788	\$1,035,084	\$1,055,785	\$1,076,901	\$1,098,439	\$1,120,408	\$1,142,816	\$1,165,672	\$19,117,457	\$11,425,842
Total Uses		\$547,112	\$938,111	\$956,873	\$976,011	\$995,531	\$1,015,441	\$1,035,750	\$1,056,465	\$1,077,595	\$1,099,146	\$1,121,129	\$1,143,552	\$1,166,423	\$1,189,751 </								

Redevelopment Agency of South Salt Lake

Central Valley Property TIF Analysis

Tax Increment Analysis

SHOWS ALL TAXING ENTITIES AT FULL RATE TO SHOW FULL TAX GENERATION BENEFIT

ASSUMPTIONS:	
Discount Rate	5.0%
Assessed Value Growth Rate	2.0%
Base Year Value	\$1,147,400

PROPERTY TAX ANALYSIS:	Payment Year		2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	TOTALS	NPV
	Tax Year	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046		
	Final CO Year	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045		
Cumulative Taxable Value																								
Flex Space Development																								
Building A		\$59,779,980	\$60,975,580	\$62,195,091	\$63,438,993	\$64,707,773	\$66,001,928	\$67,321,967	\$68,668,406	\$70,041,774	\$71,442,610	\$72,871,462	\$74,328,891	\$75,815,469	\$77,331,778	\$78,878,414	\$80,455,982	\$82,065,102	\$83,706,404	\$85,380,532	\$87,088,143			
Building B		\$35,962,714	\$36,681,968	\$37,415,608	\$38,163,920	\$38,927,198	\$39,705,742	\$40,499,857	\$41,309,854	\$42,136,051	\$42,978,772	\$43,838,348	\$44,715,115	\$45,609,417	\$46,521,605	\$47,452,037	\$48,401,078	\$49,369,100	\$50,356,482	\$51,363,611	\$52,390,884			
Building C		-	\$32,443,078	\$33,091,940	\$33,753,778	\$34,428,854	\$35,117,431	\$35,819,780	\$36,536,175	\$37,266,899	\$38,012,237	\$38,772,481	\$39,547,931	\$40,338,890	\$41,145,667	\$41,968,581	\$42,807,952	\$43,664,111	\$44,537,394	\$45,428,142	\$46,336,704			
Building D		-	\$34,065,497	\$34,746,807	\$35,441,743	\$36,150,578	\$36,873,589	\$37,611,061	\$38,363,283	\$39,130,548	\$39,913,159	\$40,711,422	\$41,525,651	\$42,356,164	\$43,203,287	\$44,067,353	\$44,948,700	\$45,846,874	\$46,767,627	\$47,709,920	\$48,673,918			
Total Assessed Value:		\$95,742,694	\$164,166,123	\$167,449,445	\$170,798,434	\$174,214,403	\$177,698,691	\$181,252,665	\$184,877,718	\$188,575,272	\$192,346,778	\$196,193,713	\$200,117,588	\$204,119,939	\$208,202,338	\$212,366,385	\$216,613,713	\$220,945,987	\$225,364,907	\$229,872,205	\$234,469,649			
TOTAL TAXABLE VALUE:		\$95,742,694	\$164,166,123	\$167,449,445	\$170,798,434	\$174,214,403	\$177,698,691	\$181,252,665	\$184,877,718	\$188,575,272	\$192,346,778	\$196,193,713	\$200,117,588	\$204,119,939	\$208,202,338	\$212,366,385	\$216,613,713	\$220,945,987	\$225,364,907	\$229,872,205	\$234,469,649			
TAX RATE & INCREMENT ANALYSIS:	2023 Rates																							
Salt Lake County	0.001394	133,465	228,848	233,425	238,093	242,855	247,712	252,666	257,720	262,874	268,131	273,494	278,964	284,543	290,234	296,039	301,960	307,999	314,159	320,442	326,851	5,360,472	3,203,768	
Multicounty Assessing & Collecting Levy	0.000015	1,436	2,462	2,512	2,562	2,613	2,665	2,719	2,773	2,829	2,885	2,943	3,002	3,062	3,123	3,185	3,249	3,314	3,380	3,448	3,517	57,681	34,474	
County Assessing & Collecting Levy	0.000155	14,840	25,446	25,955	26,474	27,003	27,543	28,094	28,656	29,229	29,814	30,410	31,018	31,639	32,271	32,917	33,575	34,247	34,932	35,630	36,343	596,035	356,230	
Salt Lake County Library	0.000477	45,669	78,307	79,873	81,471	83,100	84,762	86,458	88,187	89,950	91,749	93,584	95,456	97,365	99,313	101,299	103,325	105,391	107,499	109,649	111,842	1,834,250	1,096,268	
Granite School District	0.004815	461,001	790,460	806,269	822,394	838,842	855,619	872,732	890,186	907,990	926,150	944,673	963,566	982,838	1,002,494	1,022,544	1,042,995	1,063,855	1,085,132	1,106,835	1,128,971	18,515,546	11,066,100	
State Basic School Levy	0.001406	134,614	230,818	235,434	240,143	244,945	249,844	254,841	259,938	265,137	270,440	275,848	281,365	286,993	292,732	298,587	304,559	310,650	316,863	323,200	329,664	5,406,616	3,231,347	
UT Charter School - Granite	0.000132	12,638	21,670	22,103	22,545	22,996	23,456	23,925	24,404	24,892	25,390	25,898	26,416	26,944	27,483	28,032	28,591	29,160	29,748	30,347	30,956	507,591	303,370	
South Salt Lake City	0.002381	227,963	390,880	398,697	406,671	414,804	423,101	431,567	440,194	448,988	457,978	467,137	476,480	486,010	495,730	505,644	515,757	526,072	536,594	547,326	558,272	9,155,870	5,472,146	
South Salt Lake Valley Mosquito Abatement District	0.000009	862	1,477	1,507	1,537	1,568	1,599	1,631	1,664	1,697	1,731	1,766	1,801	1,837	1,874	1,911	1,950	1,989	2,028	2,069	2,110	34,608	20,684	
Jordan Valley Water Conservancy District	0.000341	32,648	55,981	57,100	58,242	59,407	60,595	61,807	63,043	64,304	65,590	66,902	68,240	69,605	70,997	72,417	73,865	75,343	76,849	78,386	79,954	1,311,278	783,705	
Mt. Olympus Improvement District	0.000184	17,617	30,207	30,811	31,427	32,055	32,697	33,354	34,026	34,713	35,416	36,135	36,870	37,620	38,385	39,166	39,963	40,776	41,605	42,450	43,311	707,552	422,879	
Central Utah Water Conservancy District	0.000400	38,297	65,666	66,980	68,319	69,686	71,079	72,501	73,951	75,430	76,939	78,477	80,047	81,648	83,281	84,947	86,645	88,378	90,146	91,949	93,788	1,538,155	919,302	
TOTAL INCREMENTAL TAX REVENUE:	0.011709	1,121,051	1,922,221	1,960,666	1,999,879	2,039,876	2,080,674	2,122,287	2,164,733	2,208,028	2,252,188	2,297,232	2,343,177	2,390,040	2,437,841	2,486,598	2,536,330	2,587,057	2,638,798	2,691,574	2,745,405	45,025,656	26,910,274	
PROJECT AREA BUDGET		2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046			
Sources of Funds:		2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	TOTALS	NPV
Property Tax Participation Rate for Budget																								
Salt Lake County	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	
Salt Lake County Library	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Granite School District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	
South Salt Lake City	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	
South Salt Lake Valley Mosquito Abatement District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	
Jordan Valley Water Conservancy District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	
Mt. Olympus Improvement District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	
Central Utah Water Conservancy District	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	
Property Tax Increment for Budget																								
Salt Lake County		\$80,079	\$137,309	\$140,055	\$142,856	\$145,713	\$148,627	\$151,600	\$154,632	\$157,724	\$160,879	\$164,096	\$167,378	\$170,726	\$174,140	\$177,623	\$181,176	\$184,799	\$188,495	\$192,265	\$196,110	\$3,216,283	\$1,922,261	
Salt Lake County Library		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$	-	
Granite School District		\$276,601	\$474,276	\$483,761	\$493,437	\$503,305	\$513,372	\$523,639	\$534,112	\$544,794	\$555,690	\$566,804	\$578,140	\$589,703	\$601,497	\$613,526	\$625,797	\$638,313	\$651,079	\$664,101	\$677,383	\$11,109,328	\$6,639,660	
South Salt Lake City		\$136,778	\$234,528	\$239,218	\$244,003	\$248,883	\$253,860	\$258,938	\$264,116	\$269,399	\$274,787	\$280,282	\$285,888	\$291,606	\$297,438	\$303,387	\$309,454	\$315,643	\$321,956	\$328,395	\$334,963	\$5,493,522	\$3,283,288	
South Salt Lake Valley Mosquito Abatement District		\$517	\$886	\$922	\$941	\$960	\$979	\$998	\$1,018	\$1,039	\$1,059	\$1,081	\$1,102	\$1,124	\$1,147	\$1,171	\$1,193	\$1,217	\$1,241	\$1,266	\$1,291	\$20,765	\$12,411	
Jordan Valley Water Conservancy District		\$19,589	\$33,588	\$34,260	\$34,945	\$35,644	\$36,357	\$37,084	\$37,826	\$38,583	\$39,354	\$40,141	\$40,944	\$41,763	\$42,598	\$43,450	\$44,319	\$45,206	\$46,110	\$47,032	\$47,972	\$786,767	\$470,223	
Mt. Olympus Improvement District		\$10,570	\$18,124	\$18,486	\$18,856	\$19,233	\$19,618	\$20,010	\$20,411	\$20,819	\$21,235	\$21,660	\$22,093	\$22,535	\$22,986	\$23,445	\$23,914	\$24,392	\$24,880	\$25,378	\$25,886	\$424,531	\$253,727	
Central Utah Water Conservancy District		\$22,978	\$39,400	\$40,188	\$40,992	\$41,811	\$42,648	\$43,501	\$44,371	\$45,258	\$46,1													

Appendix C – CRA Code – February 2024

Effective 5/10/2016

**Title 17C. Limited Purpose Local Government
Entities - Community Reinvestment Agency Act**

**Chapter 1
Agency Operations**

**Part 1
General Provisions**

17C-1-101 Title.

- (1) This title is known as the "Limited Purpose Local Government Entities - Community Reinvestment Agency Act."
- (2) This chapter is known as "Agency Operations."
- (3) This part is known as "General Provisions."

Amended by Chapter 350, 2016 General Session

17C-1-102 Definitions.

As used in this title:

- (1) "Active project area" means a project area that has not been dissolved in accordance with Section 17C-1-702.
- (2) "Adjusted tax increment" means the percentage of tax increment, if less than 100%, that an agency is authorized to receive:
 - (a) for a pre-July 1, 1993, project area plan, under Section 17C-1-403, excluding tax increment under Subsection 17C-1-403(3);
 - (b) for a post-June 30, 1993, project area plan, under Section 17C-1-404, excluding tax increment under Section 17C-1-406;
 - (c) under a project area budget approved by a taxing entity committee; or
 - (d) under an interlocal agreement that authorizes the agency to receive a taxing entity's tax increment.
- (3) "Affordable housing" means housing owned or occupied by a low or moderate income family, as determined by resolution of the agency.
- (4) "Agency" or "community reinvestment agency" means a separate body corporate and politic, created under Section 17C-1-201.5 or as a redevelopment agency or community development and renewal agency under previous law:
 - (a) that is a political subdivision of the state;
 - (b) that is created to undertake or promote project area development as provided in this title; and
 - (c) whose geographic boundaries are coterminous with:
 - (i) for an agency created by a county, the unincorporated area of the county; and
 - (ii) for an agency created by a municipality, the boundaries of the municipality.
- (5) "Agency funds" means money that an agency collects or receives for agency operations, implementing a project area plan or an implementation plan as defined in Section 17C-1-1001, or other agency purposes, including:
 - (a) project area funds;

- (b) income, proceeds, revenue, or property derived from or held in connection with the agency's undertaking and implementation of project area development or agency-wide project development as defined in Section 17C-1-1001;
 - (c) a contribution, loan, grant, or other financial assistance from any public or private source;
 - (d) project area incremental revenue as defined in Section 17C-1-1001; or
 - (e) property tax revenue as defined in Section 17C-1-1001.
- (6) "Annual income" means the same as that term is defined in regulations of the United States Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as amended or as superseded by replacement regulations.
- (7) "Assessment roll" means the same as that term is defined in Section 59-2-102.
- (8) "Base taxable value" means, unless otherwise adjusted in accordance with provisions of this title, a property's taxable value as shown upon the assessment roll last equalized during the base year.
- (9) "Base year" means, except as provided in Subsection 17C-1-402(4)(c), the year during which the assessment roll is last equalized:
- (a) for a pre-July 1, 1993, urban renewal or economic development project area plan, before the project area plan's effective date;
 - (b) for a post-June 30, 1993, urban renewal or economic development project area plan, or a community reinvestment project area plan that is subject to a taxing entity committee:
 - (i) before the date on which the taxing entity committee approves the project area budget; or
 - (ii) if taxing entity committee approval is not required for the project area budget, before the date on which the community legislative body adopts the project area plan;
 - (c) for a project on an inactive airport site, after the later of:
 - (i) the date on which the inactive airport site is sold for remediation and development; or
 - (ii) the date on which the airport that operated on the inactive airport site ceased operations; or
 - (d) for a community development project area plan or a community reinvestment project area plan that is subject to an interlocal agreement, as described in the interlocal agreement.
- (10) "Basic levy" means the portion of a school district's tax levy constituting the minimum basic levy under Section 59-2-902.
- (11) "Board" means the governing body of an agency, as described in Section 17C-1-203.
- (12) "Budget hearing" means the public hearing on a proposed project area budget required under Subsection 17C-2-201(2)(d) for an urban renewal project area budget, Subsection 17C-3-201(2)(d) for an economic development project area budget, or Subsection 17C-5-302(2)(e) for a community reinvestment project area budget.
- (13) "Closed military base" means land within a former military base that the Defense Base Closure and Realignment Commission has voted to close or realign when that action has been sustained by the president of the United States and Congress.
- (14) "Combined incremental value" means the combined total of all incremental values from all project areas, except project areas that contain some or all of a military installation or inactive industrial site, within the agency's boundaries under project area plans and project area budgets at the time that a project area budget for a new project area is being considered.
- (15) "Community" means a county or municipality.
- (16) "Community development project area plan" means a project area plan adopted under Chapter 4, Part 1, Community Development Project Area Plan.
- (17) "Community legislative body" means the legislative body of the community that created the agency.
- (18) "Community reinvestment project area plan" means a project area plan adopted under Chapter 5, Part 1, Community Reinvestment Project Area Plan.

- (19) "Contest" means to file a written complaint in the district court of the county in which the agency is located.
- (20) "Development impediment" means a condition of an area that meets the requirements described in Section 17C-2-303 for an urban renewal project area or Section 17C-5-405 for a community reinvestment project area.
- (21) "Development impediment hearing" means a public hearing regarding whether a development impediment exists within a proposed:
 - (a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section 17C-2-302; or
 - (b) community reinvestment project area under Section 17C-5-404.
- (22) "Development impediment study" means a study to determine whether a development impediment exists within a survey area as described in Section 17C-2-301 for an urban renewal project area or Section 17C-5-403 for a community reinvestment project area.
- (23) "Economic development project area plan" means a project area plan adopted under Chapter 3, Part 1, Economic Development Project Area Plan.
- (24) "Fair share ratio" means the ratio derived by:
 - (a) for a municipality, comparing the percentage of all housing units within the municipality that are publicly subsidized income targeted housing units to the percentage of all housing units within the county in which the municipality is located that are publicly subsidized income targeted housing units; or
 - (b) for the unincorporated part of a county, comparing the percentage of all housing units within the unincorporated county that are publicly subsidized income targeted housing units to the percentage of all housing units within the whole county that are publicly subsidized income targeted housing units.
- (25) "Family" means the same as that term is defined in regulations of the United States Department of Housing and Urban Development, 24 C.F.R. Section 5.403, as amended or as superseded by replacement regulations.
- (26) "Greenfield" means land not developed beyond agricultural, range, or forestry use.
- (27) "Hazardous waste" means any substance defined, regulated, or listed as a hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant, or toxic substance, or identified as hazardous to human health or the environment, under state or federal law or regulation.
- (28) "Housing allocation" means project area funds allocated for housing under Section 17C-2-203, 17C-3-202, or 17C-5-307 for the purposes described in Section 17C-1-412.
- (29) "Housing fund" means a fund created by an agency for purposes described in Section 17C-1-411 or 17C-1-412 that is comprised of:
 - (a) project area funds, project area incremental revenue as defined in Section 17C-1-1001, or property tax revenue as defined in Section 17C-1-1001 allocated for the purposes described in Section 17C-1-411; or
 - (b) an agency's housing allocation.
- (30)
 - (a) "Inactive airport site" means land that:
 - (i) consists of at least 100 acres;
 - (ii) is occupied by an airport:
 - (A)
 - (I) that is no longer in operation as an airport; or
 - (II)
 - (Aa) that is scheduled to be decommissioned; and

- (Bb) for which a replacement commercial service airport is under construction; and
 - (B) that is owned or was formerly owned and operated by a public entity; and
 - (iii) requires remediation because:
 - (A) of the presence of hazardous waste or solid waste; or
 - (B) the site lacks sufficient public infrastructure and facilities, including public roads, electric service, water system, and sewer system, needed to support development of the site.
 - (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land described in Subsection (30)(a).
- (31)
- (a) "Inactive industrial site" means land that:
 - (i) consists of at least 1,000 acres;
 - (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial facility; and
 - (iii) requires remediation because of the presence of hazardous waste or solid waste.
 - (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land described in Subsection (31)(a).
- (32) "Income targeted housing" means housing that is owned or occupied by a family whose annual income is at or below 80% of the median annual income for a family within the county in which the housing is located.
- (33) "Incremental value" means a figure derived by multiplying the marginal value of the property located within a project area on which tax increment is collected by a number that represents the adjusted tax increment from that project area that is paid to the agency.
- (34) "Loan fund board" means the Olene Walker Housing Loan Fund Board, established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.
- (35)
- (a) " Local government building" means a building owned and operated by a community for the primary purpose of providing one or more primary community functions, including:
 - (i) a fire station;
 - (ii) a police station;
 - (iii) a city hall; or
 - (iv) a court or other judicial building.
 - (b) " Local government building" does not include a building the primary purpose of which is cultural or recreational in nature.
- (36) "Major transit investment corridor" means the same as that term is defined in Section 10-9a-103.
- (37) "Marginal value" means the difference between actual taxable value and base taxable value.
- (38) "Military installation project area" means a project area or a portion of a project area located within a federal military installation ordered closed by the federal Defense Base Realignment and Closure Commission.
- (39) "Municipality" means a city, town, or metro township as defined in Section 10-2a-403.
- (40) "Participant" means one or more persons that enter into a participation agreement with an agency.
- (41) "Participation agreement" means a written agreement between a person and an agency that:
 - (a) includes a description of:
 - (i) the project area development that the person will undertake;
 - (ii) the amount of project area funds the person may receive; and
 - (iii) the terms and conditions under which the person may receive project area funds; and
 - (b) is approved by resolution of the board.

- (42) "Plan hearing" means the public hearing on a proposed project area plan required under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan, Subsection 17C-3-102(1)(d) for an economic development project area plan, Subsection 17C-4-102(1)(d) for a community development project area plan, or Subsection 17C-5-104(3)(e) for a community reinvestment project area plan.
- (43) "Post-June 30, 1993, project area plan" means a project area plan adopted on or after July 1, 1993, and before May 10, 2016, whether or not amended subsequent to the project area plan's adoption.
- (44) "Pre-July 1, 1993, project area plan" means a project area plan adopted before July 1, 1993, whether or not amended subsequent to the project area plan's adoption.
- (45) "Private," with respect to real property, means property not owned by a public entity or any other governmental entity.
- (46) "Project area" means the geographic area described in a project area plan within which the project area development described in the project area plan takes place or is proposed to take place.
- (47) "Project area budget" means a multiyear projection of annual or cumulative revenues and expenses and other fiscal matters pertaining to a project area prepared in accordance with:
 - (a) for an urban renewal project area, Section 17C-2-201;
 - (b) for an economic development project area, Section 17C-3-201;
 - (c) for a community development project area, Section 17C-4-204; or
 - (d) for a community reinvestment project area, Section 17C-5-302.
- (48) "Project area development" means activity within a project area that, as determined by the board, encourages, promotes, or provides development or redevelopment for the purpose of implementing a project area plan, including:
 - (a) promoting, creating, or retaining public or private jobs within the state or a community;
 - (b) providing office, manufacturing, warehousing, distribution, parking, or other facilities or improvements;
 - (c) planning, designing, demolishing, clearing, constructing, rehabilitating, or remediating environmental issues;
 - (d) providing residential, commercial, industrial, public, or other structures or spaces, including recreational and other facilities incidental or appurtenant to the structures or spaces;
 - (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating existing structures;
 - (f) providing open space, including streets or other public grounds or space around buildings;
 - (g) providing public or private buildings, infrastructure, structures, or improvements;
 - (h) relocating a business;
 - (i) improving public or private recreation areas or other public grounds;
 - (j) eliminating a development impediment or the causes of a development impediment;
 - (k) redevelopment as defined under the law in effect before May 1, 2006; or
 - (l) any activity described in this Subsection (48) outside of a project area that the board determines to be a benefit to the project area.
- (49) "Project area funds" means tax increment or sales and use tax revenue that an agency receives under a project area budget adopted by a taxing entity committee or an interlocal agreement.
- (50) "Project area funds collection period" means the period of time that:
 - (a) begins the day on which the first payment of project area funds is distributed to an agency under a project area budget approved by a taxing entity committee or an interlocal agreement; and

- (b) ends the day on which the last payment of project area funds is distributed to an agency under a project area budget approved by a taxing entity committee or an interlocal agreement.
- (51) "Project area plan" means an urban renewal project area plan, an economic development project area plan, a community development project area plan, or a community reinvestment project area plan that, after the project area plan's effective date, guides and controls the project area development.
- (52)
 - (a) "Property tax" means each levy on an ad valorem basis on tangible or intangible personal or real property.
 - (b) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4, Privilege Tax.
- (53) "Public entity" means:
 - (a) the United States, including an agency of the United States;
 - (b) the state, including any of the state's departments or agencies; or
 - (c) a political subdivision of the state, including a county, municipality, school district, special district, special service district, community reinvestment agency, or interlocal cooperation entity.
- (54) "Publicly owned infrastructure and improvements" means water, sewer, storm drainage, electrical, natural gas, telecommunication, or other similar systems and lines, streets, roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation facilities, or other facilities, infrastructure, and improvements benefitting the public and to be publicly owned or publicly maintained or operated.
- (55) "Record property owner" or "record owner of property" means the owner of real property, as shown on the records of the county in which the property is located, to whom the property's tax notice is sent.
- (56) "Sales and use tax revenue" means revenue that is:
 - (a) generated from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act; and
 - (b) distributed to a taxing entity in accordance with Sections 59-12-204 and 59-12-205.
- (57) "Superfund site":
 - (a) means an area included in the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and
 - (b) includes an area formerly included in the National Priorities List, as described in Subsection (57)(a), but removed from the list following remediation that leaves on site the waste that caused the area to be included in the National Priorities List.
- (58) "Survey area" means a geographic area designated for study by a survey area resolution to determine whether:
 - (a) one or more project areas within the survey area are feasible; or
 - (b) a development impediment exists within the survey area.
- (59) "Survey area resolution" means a resolution adopted by a board that designates a survey area.
- (60) "Taxable value" means:
 - (a) the taxable value of all real property a county assessor assesses in accordance with Title 59, Chapter 2, Part 3, County Assessment, for the current year;
 - (b) the taxable value of all real and personal property the commission assesses in accordance with Title 59, Chapter 2, Part 2, Assessment of Property, for the current year; and
 - (c) the year end taxable value of all personal property a county assessor assesses in accordance with Title 59, Chapter 2, Part 3, County Assessment, contained on the prior year's tax rolls of the taxing entity.

(61)

(a) "Tax increment" means the difference between:

- (i) the amount of property tax revenue generated each tax year by a taxing entity from the area within a project area designated in the project area plan as the area from which tax increment is to be collected, using the current assessed value of the property and each taxing entity's current certified tax rate as defined in Section 59-2-924; and
- (ii) the amount of property tax revenue that would be generated from that same area using the base taxable value of the property and each taxing entity's current certified tax rate as defined in Section 59-2-924.

(b) "Tax increment" does not include taxes levied and collected under Section 59-2-1602 on or after January 1, 1994, upon the taxable property in the project area unless:

- (i) the project area plan was adopted before May 4, 1993, whether or not the project area plan was subsequently amended; and
- (ii) the taxes were pledged to support bond indebtedness or other contractual obligations of the agency.

(62) "Taxing entity" means a public entity that:

- (a) levies a tax on property located within a project area; or
- (b) imposes a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

(63) "Taxing entity committee" means a committee representing the interests of taxing entities, created in accordance with Section 17C-1-402.

(64) "Unincorporated" means not within a municipality.

(65) "Urban renewal project area plan" means a project area plan adopted under Chapter 2, Part 1, Urban Renewal Project Area Plan.

Amended by Chapter 15, 2023 General Session

17C-1-102.5 Project area created on or after May 10, 2016.

Beginning on May 10, 2016, an agency:

- (1) may create a community reinvestment project area under Chapter 5, Community Reinvestment;
- (2) except as provided in Subsection (3), may not create:
 - (a) an urban renewal project area under Chapter 2, Urban Renewal;
 - (b) an economic development project area under Chapter 3, Economic Development; or
 - (c) a community development project area under Chapter 4, Community Development; and
- (3) may create an urban renewal project area, an economic development project area, or a community development project area if:
 - (a) before April 1, 2016, the agency adopts a resolution in accordance with:
 - (i) Section 17C-2-101.5 for an urban renewal project area;
 - (ii) Section 17C-3-101.5 for an economic development project area; or
 - (iii) Section 17C-4-101.5 for a community development project area; and
 - (b) the urban renewal project area, economic development project area, or community development project area is effective before September 1, 2016.

Enacted by Chapter 350, 2016 General Session

17C-1-103 Limitations on applicability of title -- Amendment of previously adopted project area plan.

- (1) Except where expressly provided, nothing in this title may be construed to:

- (a) impose a requirement or obligation on an agency, with respect to a project area plan adopted or an agency action taken, that was not imposed by the law in effect at the time the project area plan was adopted or the action taken;
 - (b) prohibit an agency from taking an action that:
 - (i) was allowed by the law in effect immediately before an applicable amendment to this title;
 - (ii) is permitted or required under the project area plan adopted before the amendment; and
 - (iii) is not explicitly prohibited under this title;
 - (c) revive any right to challenge any action of the agency that had already expired; or
 - (d) require a project area plan to contain a provision that was not required by the law in effect at the time the project area plan was adopted.
- (2)
- (a) A project area plan adopted before an amendment to this title becomes effective may be amended as provided in this title.
 - (b) Unless explicitly prohibited by this title, an amendment under Subsection (2)(a) may include a provision that is allowed under this title but that was not required or allowed by the law in effect before the applicable amendment.
- (3) Except as expressly provided in this title, this title applies to all project areas, regardless of when the project area was created.

Amended by Chapter 480, 2019 General Session

17C-1-104 Actions not subject to land use laws.

- (1) An action taken under this title is not subject to Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act or Title 17, Chapter 27a, County Land Use, Development, and Management Act.
- (2) An ordinance or resolution adopted under this title is not a land use regulation as defined in Sections 10-9a-103 and 17-27a-103.

Amended by Chapter 84, 2017 General Session

Part 2
Agency Creation, Powers, and Board

17C-1-201.1 Title.

This part is known as "Agency Creation, Powers, and Board."

Enacted by Chapter 350, 2016 General Session

17C-1-201.5 Creation of agency -- Name change.

- (1) A community legislative body may, by ordinance, create a community reinvestment agency.
- (2)
 - (a) The community legislative body shall:
 - (i) after adopting an ordinance under Subsection (1), file with the lieutenant governor a copy of a notice, subject to Subsection (2)(b), of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

- (ii) upon the lieutenant governor's issuance of a certificate of creation under Section 67-1a-6.5, submit to the recorder of the county in which the agency is located:
 - (A) the original notice of an impending boundary action;
 - (B) the original certificate of creation; and
 - (C) a certified copy of the ordinance approving the creation of the community reinvestment agency.
 - (b) The notice required under Subsection (2)(a)(i) shall state that the agency's boundaries are, and shall always be, coterminous with the boundaries of the community that created the agency.
 - (c) Upon the lieutenant governor's issuance of the certificate of creation under Section 67-1a-6.5, the agency is created and incorporated.
 - (d) Until the documents listed in Subsection (2)(a)(ii) are recorded in the office of the recorder of the county in which the agency is located, an agency may not receive or spend agency funds.
- (3)
- (a) An agency may change the agency's name by:
 - (i) adopting a resolution approving a name change; and
 - (ii) filing with the lieutenant governor a copy of a notice of an impending name change, as defined in Section 67-1a-6.7, that meets the requirements of Subsection 67-1a-6.7(3).
 - (b)
 - (i) Upon the lieutenant governor's issuance of a certificate of name change under Section 67-1a-6.7, the agency shall file with the recorder of the county in which the agency is located:
 - (A) the original notice of an impending name change;
 - (B) the original certificate of name change; and
 - (C) a certified copy of the resolution approving a name change.
 - (ii) Until the documents listed in Subsection (3)(b)(i) are recorded in the office of the county recorder, the agency may not operate under the new name.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-202 Agency powers.

- (1) An agency may:
- (a) sue and be sued;
 - (b) enter into contracts generally;
 - (c) buy, obtain an option upon, acquire by gift, or otherwise acquire any interest in real or personal property;
 - (d) hold, sell, convey, grant, gift, or otherwise dispose of any interest in real or personal property;
 - (e) own, hold, maintain, utilize, manage, or operate real or personal property, which may include the use of agency funds or the collection of revenue;
 - (f) enter into a lease agreement on real or personal property, either as lessee or lessor;
 - (g) provide for project area development as provided in this title;
 - (h) receive and use agency funds as provided in this title;
 - (i) if disposing of or leasing land, retain controls or establish restrictions and covenants running with the land consistent with the project area plan;
 - (j) accept financial or other assistance from any public or private source for the agency's activities, powers, and duties, and expend any funds the agency receives for any purpose described in this title;

- (k) borrow money or accept financial or other assistance from a public entity or any other source for any of the purposes of this title and comply with any conditions of any loan or assistance;
 - (l) issue bonds to finance the undertaking of any project area development or for any of the agency's other purposes, including:
 - (i) reimbursing an advance made by the agency or by a public entity to the agency;
 - (ii) refunding bonds to pay or retire bonds previously issued by the agency; and
 - (iii) refunding bonds to pay or retire bonds previously issued by the community that created the agency for expenses associated with project area development;
 - (m) pay an impact fee, exaction, or other fee imposed by a community in connection with land development;
 - (n) subject to Part 10, Agency Taxing Authority, levy a property tax; or
 - (o) transact other business and exercise all other powers described in this title.
- (2) The establishment of controls or restrictions and covenants under Subsection (1)(i) is a public purpose.
- (3) An agency may acquire real property under Subsection (1)(c) that is outside a project area only if the board determines that the property will benefit a project area.
- (4) An agency is not subject to Section 10-8-2 or 17-50-312.

Amended by Chapter 214, 2021 General Session

17C-1-203 Agency board -- Quorum.

- (1) The governing body of an agency is a board consisting of the current members of the community legislative body.
- (2) A majority of board members constitutes a quorum for the transaction of agency business.
- (3) A board may not adopt a resolution, pass a motion, or take any other official board action without the concurrence of at least a majority of the board members present at a meeting at which a quorum is present.
- (4)
 - (a) The mayor or the mayor's designee of a municipality operating under a council-mayor form of government, as defined in Section 10-3b-102:
 - (i) serves as the executive director of an agency created by the municipality; and
 - (ii) exercises the agency's executive powers.
 - (b) The county executive or the county executive's designee of a county operating under a county executive-council form of government, as described in Section 17-52a-203:
 - (i) serves as the executive director of an agency created by the county; and
 - (ii) exercises the agency's executive powers.

Amended by Chapter 68, 2018 General Session

17C-1-204 Project area development by an adjoining agency -- Requirements.

- (1)
 - (a) A community, regardless of whether the community has created an agency, may enter into an interlocal agreement with an agency located in the same or an abutting county that authorizes the agency to exercise all the powers granted to an agency under this title within all or a portion of the community.
 - (b) The agency and the community shall adopt an interlocal agreement described in Subsection (1)(a) by resolution.
- (2) If an agency and a community enter into an interlocal agreement under Subsection (1):

- (a) the agency may act in all respects as if a project area within the community were within the agency's boundaries;
 - (b) the board has all the rights, powers, and privileges with respect to a project area within the community as if the project area were within the agency's boundaries;
 - (c) the agency may be paid project area funds to the same extent as if a project area within the community were within the agency's boundaries; and
 - (d) the community legislative body shall adopt, by ordinance, each project area plan within the community approved by the agency.
- (3) If an agency's project area abuts another agency's project area, the agencies may coordinate with each other in order to assist and cooperate in the planning, undertaking, construction, or operation of project area development located within each agency's project area.
- (4)
- (a) As used in this Subsection (4):
 - (i) "County agency" means an agency that is created by a county.
 - (ii) "Industrial property" means private real property:
 - (A) over half of which is located within the boundary of a town, as defined in Section 10-1-104; and
 - (B) comprises some or all of an inactive industrial site.
 - (iii) "Perimeter portion" means the portion of an inactive industrial site that is:
 - (A) part of the inactive industrial site because the site lies within the perimeter described in Section 17C-1-102; and
 - (B) located within the boundary of a city, as defined in Section 10-1-104.
 - (b)
 - (i) Subject to Subsection (4)(b)(ii), a county agency may undertake project area development on industrial property if the record property owner of the industrial property submits a written request to the county agency to do so.
 - (ii) A county agency may not include a perimeter portion within a project area without the approval of the city in which the perimeter portion is located.
 - (c) If a county agency undertakes project area development on industrial property:
 - (i) the county agency may act in all respects as if the project area that includes the industrial property were within the county agency's boundary;
 - (ii) the board of the county agency has each right, power, and privilege with respect to the project area as if the project area were within the county agency's boundary; and
 - (iii) the county agency may be paid project area funds to the same extent as if the project area were within the county agency's boundary.
 - (d) A project area plan for a project on industrial property that is approved by the county agency shall be adopted by ordinance of the legislative body of the county in which the project area is located.

Amended by Chapter 366, 2018 General Session

17C-1-205 Transfer of project area from one community to another.

- (1) As used in this section:
- (a) "New agency" means the agency created by the new community.
 - (b) "New community" means the community in which the relocated project area is located after the change in community boundaries takes place.
 - (c) "Original agency" means the agency created by the original community.

- (d) "Original community" means the community that adopted the project area plan that created the project area that has been relocated.
- (e) "Relocated" means that a project area under a project area plan adopted by the original community has ceased to be located within that community and has become part of a new community because of a change in community boundaries through:
 - (i) a county or municipal annexation;
 - (ii) the creation of a new county;
 - (iii) a municipal incorporation, consolidation, dissolution, or boundary adjustment; or
 - (iv) any other action resulting in a change in community boundaries.
- (2) A relocated project area shall, for purposes of this title, be considered to remain in the original community until the original agency and the new agency enter into an interlocal agreement, adopted by resolution of the original agency's and the new agency's board, that authorizes the original agency to transfer or assign to the new agency the original agency's real property, rights, indebtedness, obligations, tax increment, or other assets and liabilities resulting from the relocated project area.

Amended by Chapter 350, 2016 General Session

17C-1-207 Public entities may assist with project area development -- Notice requirements.

- (1) In order to assist and cooperate in the planning, undertaking, construction, or operation of project area development within an area in which the public entity is authorized to act, a public entity may:
 - (a)
 - (i) provide or cause to be furnished:
 - (A) parks, playgrounds, or other recreational facilities;
 - (B) community, educational, water, sewer, or drainage facilities; or
 - (C) any other works which the public entity is otherwise empowered to undertake;
 - (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks, or other places;
 - (iii) in any part of the project area:
 - (A)
 - (I) plan or replan any property within the project area;
 - (II) plat or replat any property within the project area;
 - (III) vacate a plat;
 - (IV) amend a plat; or
 - (V) zone or rezone any property within the project area; and
 - (B) make any legal exceptions from building regulations and ordinances;
 - (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the rights of any holder of the bonds;
 - (v) notwithstanding any law to the contrary, enter into an agreement for a period of time with another public entity concerning action to be taken pursuant to any of the powers granted in this title;
 - (vi) do anything necessary to aid or cooperate in the planning or implementation of the project area development;
 - (vii) in connection with the project area plan, become obligated to the extent authorized and funds have been made available to make required improvements or construct required structures; and

- (viii) lend, grant, or contribute funds to an agency for project area development or proposed project area development, including assigning revenue or taxes in support of an agency bond or obligation; and
- (b) for less than fair market value or for no consideration, and subject to Subsection (3):
 - (i) purchase or otherwise acquire property from an agency;
 - (ii) lease property from an agency;
 - (iii) sell, grant, convey, donate, or otherwise dispose of the public entity's property to an agency;
or
 - (iv) lease the public entity's property to an agency.
- (2) The following are not subject to Section 10-8-2, 17-50-312, or 17-50-303:
 - (a) project area development assistance that a public entity provides under this section; or
 - (b) a transfer of funds or property from an agency to a public entity.
- (3) A public entity may provide assistance described in Subsection (1)(b) no sooner than 15 days after the day on which the public entity completes the requirements for publishing notice of the assistance for the public entity's jurisdiction, as a class A notice under Section 63G-30-102, for at least 15 days.

Amended by Chapter 435, 2023 General Session

17C-1-208 Agency funds.

- (1) Agency funds shall be accounted for separately from the funds of the community that created the agency.
- (2) An agency may accumulate retained earnings or fund balances, as appropriate, in any fund.

Amended by Chapter 350, 2016 General Session

17C-1-209 Agency records.

An agency shall maintain the agency's minutes, resolutions, and other records separate from those of the community that created the agency.

Enacted by Chapter 350, 2016 General Session

**Part 3
Agency Property**

17C-1-301.1 Title.

This part is known as "Agency Property."

Enacted by Chapter 350, 2016 General Session

17C-1-301.5 Agency property exempt from taxation -- Exception.

- (1) Agency property acquired or held for purposes of this title is public property used for essential public and governmental purposes and, subject to Subsection (2), is exempt from taxation by a taxing entity.
- (2) The exemption in Subsection (1) does not apply to property that the agency leases to a lessee unless the lessee is entitled to a tax exemption with respect to the property.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-302 Agency property exempt from levy and execution sale -- Judgment against community or agency.

- (1)
 - (a)
 - (i) All agency property, including funds the agency owns or holds for purposes of this title, is exempt from levy and execution sale, and no execution or judicial process may issue against the property.
 - (ii) A judgment against an agency may not be a charge or lien upon agency property.
 - (b) Subsection (1)(a) does not apply to or limit the right of an obligee to pursue any remedy for the enforcement of any pledge or lien given by an agency on the agency's funds or revenues.
- (2) A judgment against the community that created the agency may not be a charge or lien upon agency property.
- (3) A judgment against an agency may not be a charge or lien upon property of the community that created the agency.

Amended by Chapter 350, 2016 General Session

**Part 4
Project Area Funds**

17C-1-401.1 Title.

This part is known as "Project Area Funds."

Enacted by Chapter 350, 2016 General Session

17C-1-401.5 Agency receipt and use of project area funds -- Distribution of project area funds.

- (1) An agency may receive and use project area funds in accordance with this title.
- (2)
 - (a) A county that collects property tax on property located within a project area shall, in accordance with Section 59-2-1365, distribute to an agency any tax increment that the agency is authorized to receive.
 - (b) Tax increment distributed to an agency in accordance with Subsection (2)(a) is not revenue of the taxing entity.
- (3)
 - (a) The project area funds collection period shall be measured:
 - (i) for a pre-July 1, 1993, project area plan, from the first tax year regarding which the agency accepts tax increment from the project area;
 - (ii) for a post-June 30, 1993, urban renewal or economic development project area plan:
 - (A) with respect to tax increment, from the first tax year for which the agency receives tax increment under the project area budget; or

- (B) with respect to sales and use tax revenue, as indicated in the interlocal agreement between the agency and the taxing entity that authorizes the agency to receive all or a portion of the taxing entity's sales and use tax revenue;
- (iii) for a community development project area plan, as indicated in the resolution or interlocal agreement of a taxing entity that authorizes the agency to receive the taxing entity's project area funds;
- (iv) for a community reinvestment project area plan that is subject to a taxing entity committee:
 - (A) with respect to tax increment, from the first tax year for which the agency receives tax increment under the project area budget; or
 - (B) with respect to sales and use tax revenue, in accordance with the interlocal agreement between the agency and the taxing entity that authorizes the agency to receive all or a portion of the taxing entity's sales and use tax revenue; or
- (v) for a community reinvestment project area plan that is subject to an interlocal agreement, in accordance with the interlocal agreement between the agency and the taxing entity that authorizes the agency to receive the taxing entity's project area funds.
- (b) Unless otherwise provided in a project area budget that is approved by a taxing entity committee, or in an interlocal agreement adopted by a taxing entity, tax increment may not be paid to an agency for a tax year before the tax year following:
 - (i) for an urban renewal project area plan, an economic development project area plan, or a community reinvestment project area plan that is subject to a taxing entity committee, the effective date of the project area plan; and
 - (ii) for a community development project area plan or a community reinvestment project area plan that is subject to an interlocal agreement, the effective date of the interlocal agreement that authorizes the agency to receive tax increment.
- (4) With respect to a community development project area plan or a community reinvestment project area plan that is subject to an interlocal agreement:
 - (a) a taxing entity may, through interlocal agreement, authorize an agency to be paid any or all of the taxing entity's project area funds for any period of time; and
 - (b) the interlocal agreement authorizing the agency to be paid project area funds shall specify:
 - (i) the base taxable value of the project area; and
 - (ii) the method of calculating the amount of project area funds to be paid to the agency.
- (5)
 - (a)
 - (i) The boundaries of one project area may overlap and include the boundaries of another project area.
 - (ii) If a taxing entity committee is required to approve the project area budget of an overlapping project area described in Subsection (5)(a)(i), the agency shall, before the first meeting of the taxing entity committee at which the project area budget will be considered, inform each taxing entity of the location of the overlapping boundaries.
 - (b)
 - (i) Before an agency may receive tax increment from the newly created overlapping portion of a project area, the agency shall inform the county auditor regarding the respective amount of tax increment that the agency is authorized to receive from the overlapping portion of each of the project areas.
 - (ii) The combined amount of tax increment described in Subsection (5)(b)(i) may not exceed 100% of the tax increment generated from a property located within the overlapping boundaries.

- (c) Nothing in this Subsection (5) gives an agency a right to receive project area funds that the agency is not otherwise authorized to receive under this title.
- (d) The collection of project area funds from an overlapping project area described in Subsection (5)(a) does not affect an agency's use of project area funds within the other overlapping project area.
- (6) With the written consent of a taxing entity, an agency may be paid tax increment, from the taxing entity's property tax revenue only, in a higher percentage or for a longer period of time, or both, than otherwise authorized under this title.
- (7) Subject to Section 17C-1-407, an agency is authorized to receive tax increment as described in:
 - (a) for a pre-July 1, 1993, project area plan, Section 17C-1-403;
 - (b) for a post-June 30, 1993, project area plan:
 - (i) Section 17C-1-404 under a project area budget adopted by the agency in accordance with this title;
 - (ii) a project area budget approved by the taxing entity committee and adopted by the agency in accordance with this title; or
 - (iii) Section 17C-1-406;
 - (c) a resolution or interlocal agreement entered into under Section 17C-2-207, 17C-3-206, 17C-4-201, or 17C-4-202;
 - (d) for a community reinvestment project area plan that is subject to a taxing entity committee, a project area budget approved by the taxing entity committee and adopted by the agency in accordance with this title; or
 - (e) for a community reinvestment project area plan that is subject to an interlocal agreement, an interlocal agreement entered into under Section 17C-5-204.

Amended by Chapter 364, 2018 General Session

17C-1-402 Taxing entity committee.

- (1) The provisions of this section apply to a taxing entity committee that is created by an agency for:
 - (a) a post-June 30, 1993, urban renewal project area plan or economic development project area plan;
 - (b) any other project area plan adopted before May 10, 2016, for which the agency created a taxing entity committee; and
 - (c) a community reinvestment project area plan adopted before May 14, 2019, that is subject to a taxing entity committee.
- (2)
 - (a)
 - (i) Each taxing entity committee shall be composed of:
 - (A) two school district representatives appointed in accordance with Subsection (2)(a)(ii);
 - (B)
 - (I) in a county of the second, third, fourth, fifth, or sixth class, two representatives appointed by resolution of the legislative body of the county in which the agency is located; or
 - (II) in a county of the first class, one representative appointed by the county executive and one representative appointed by the legislative body of the county in which the agency is located;
 - (C) if the agency is created by a municipality, two representatives appointed by resolution of the legislative body of the municipality;

- (D) one representative appointed by the State Board of Education; and
 - (E) one representative selected by majority vote of the legislative bodies or governing boards of all other taxing entities that levy a tax on property within the agency's boundaries, to represent the interests of those taxing entities on the taxing entity committee.
- (ii)
 - (A) If the agency boundaries include only one school district, that school district shall appoint the two school district representatives under Subsection (2)(a)(i)(A).
 - (B) If the agency boundaries include more than one school district, those school districts shall jointly appoint the two school district representatives under Subsection (2)(a)(i)(A).
- (b)
 - (i) Each taxing entity committee representative described in Subsection (2)(a) shall be appointed within 30 days after the day on which the agency provides notice of the creation of the taxing entity committee.
 - (ii) If a representative is not appointed within the time required under Subsection (2)(b)(i), the board may appoint an individual to serve on the taxing entity committee in the place of the missing representative until that representative is appointed.
- (c)
 - (i) A taxing entity committee representative may be appointed for a set term or period of time, as determined by the appointing authority under Subsection (2)(a)(i).
 - (ii) Each taxing entity committee representative shall serve until a successor is appointed and qualified.
- (d)
 - (i) Upon the appointment of each representative under Subsection (2)(a)(i), whether an initial appointment or an appointment to replace an already serving representative, the appointing authority shall:
 - (A) notify the agency in writing of the name and address of the newly appointed representative; and
 - (B) provide the agency a copy of the resolution making the appointment or, if the appointment is not made by resolution, other evidence of the appointment.
 - (ii) Each appointing authority of a taxing entity committee representative under Subsection (2)(a)(i) shall notify the agency in writing of any change of address of a representative appointed by that appointing authority.
- (3) At a taxing entity committee's first meeting, the taxing entity committee shall adopt an organizing resolution that:
 - (a) designates a chair and a secretary of the taxing entity committee; and
 - (b) if the taxing entity committee considers it appropriate, governs the use of electronic meetings under Section 52-4-207.
- (4)
 - (a) A taxing entity committee represents all taxing entities regarding:
 - (i) an urban renewal project area plan;
 - (ii) an economic development project area plan; or
 - (iii) a community reinvestment project area plan that is subject to a taxing entity committee.
 - (b) A taxing entity committee may:
 - (i) cast votes that are binding on all taxing entities;
 - (ii) negotiate with the agency concerning a proposed project area plan;
 - (iii) approve or disapprove:
 - (A) an urban renewal project area budget as described in Section 17C-2-204;
 - (B) an economic development project area budget as described in Section 17C-3-203; or

- (C) for a community reinvestment project area plan that is subject to a taxing entity committee, a community reinvestment project area budget as described in Section 17C-5-302;
 - (iv) approve or disapprove an amendment to a project area budget as described in Section 17C-2-206, 17C-3-205, or 17C-5-306;
 - (v) approve an exception to the limits on the value and size of a project area imposed under this title;
 - (vi) approve:
 - (A) an exception to the percentage of tax increment to be paid to the agency;
 - (B) except for a project area funds collection period that is approved by an interlocal agreement, each project area funds collection period; and
 - (C) an exception to the requirement for an urban renewal project area budget, an economic development project area budget, or a community reinvestment project area budget to include a maximum cumulative dollar amount of tax increment that the agency may receive;
 - (vii) approve the use of tax increment for publicly owned infrastructure and improvements outside of a project area that the agency and community legislative body determine to be of benefit to the project area, as described in Subsection 17C-1-409(1)(a)(iii)(E);
 - (viii) waive the restrictions described in Subsection 17C-2-202(1);
 - (ix) subject to Subsection (4)(c), designate the base taxable value for a project area budget; and
 - (x) give other taxing entity committee approval or consent required or allowed under this title.
- (c)
- (i) Except as provided in Subsection (4)(c)(ii), the base year may not be a year that is earlier than five years before the beginning of a project area funds collection period.
 - (ii) The taxing entity committee may approve a base year that is earlier than the year described in Subsection (4)(c)(i).
- (5) A quorum of a taxing entity committee consists of:
- (a) if the project area is located within a municipality, five members; or
 - (b) if the project area is not located within a municipality, four members.
- (6) Taxing entity committee approval, consent, or other action requires:
- (a) the affirmative vote of a majority of all members present at a taxing entity committee meeting:
 - (i) at which a quorum is present; and
 - (ii) considering an action relating to a project area budget for, or approval of a development impediment determination within, a project area or proposed project area that contains:
 - (A) an inactive industrial site;
 - (B) an inactive airport site; or
 - (C) a closed military base; or
 - (b) for any other action not described in Subsection (6)(a)(ii), the affirmative vote of two-thirds of all members present at a taxing entity committee meeting at which a quorum is present.
- (7)
- (a) An agency may call a meeting of the taxing entity committee by sending written notice to the members of the taxing entity committee at least 10 days before the date of the meeting.
 - (b) Each notice under Subsection (7)(a) shall be accompanied by:
 - (i) the proposed agenda for the taxing entity committee meeting; and
 - (ii) if not previously provided and if the documents exist and are to be considered at the meeting:
 - (A) the project area plan or proposed project area plan;

- (B) the project area budget or proposed project area budget;
 - (C) the analysis required under Subsection 17C-2-103(2), 17C-3-103(2), or 17C-5-105(12);
 - (D) the development impediment study;
 - (E) the agency's resolution making a development impediment determination under Subsection 17C-2-102(1)(a)(ii)(B) or 17C-5-402(2)(c)(ii); and
 - (F) other documents to be considered by the taxing entity committee at the meeting.
- (c)
- (i) An agency may not schedule a taxing entity committee meeting on a day on which the Legislature is in session.
 - (ii) Notwithstanding Subsection (7)(c)(i), a taxing entity committee may, by unanimous consent, waive the scheduling restriction described in Subsection (7)(c)(i).
- (8)
- (a) A taxing entity committee may not vote on a proposed project area budget or proposed amendment to a project area budget at the first meeting at which the proposed project area budget or amendment is considered unless all members of the taxing entity committee present at the meeting consent.
 - (b) A second taxing entity committee meeting to consider a proposed project area budget or a proposed amendment to a project area budget may not be held within 14 days after the first meeting unless all members of the taxing entity committee present at the first meeting consent.
- (9) Each taxing entity committee shall be governed by Title 52, Chapter 4, Open and Public Meetings Act.
- (10) A taxing entity committee's records shall be:
- (a) considered the records of the agency that created the taxing entity committee; and
 - (b) maintained by the agency in accordance with Section 17C-1-209.
- (11) Each time a school district representative or a representative of the State Board of Education votes as a member of a taxing entity committee to allow an agency to receive tax increment, to increase the amount of tax increment the agency receives, or to extend a project area funds collection period, that representative shall, within 45 days after the vote, provide to the representative's respective school board an explanation in writing of the representative's vote and the reasons for the vote.
- (12)
- (a) The auditor of each county in which an agency is located shall provide a written report to the taxing entity committee stating, with respect to property within each project area:
 - (i) the base taxable value, as adjusted by any adjustments under Section 17C-1-408; and
 - (ii) the assessed value.
 - (b) With respect to the information required under Subsection (12)(a), the auditor shall provide:
 - (i) actual amounts for each year from the adoption of the project area plan to the time of the report; and
 - (ii) estimated amounts for each year beginning the year after the time of the report and ending the time that each project area funds collection period ends.
 - (c) The auditor of the county in which the agency is located shall provide a report under this Subsection (12):
 - (i) at least annually; and
 - (ii) upon request of the taxing entity committee, before a taxing entity committee meeting at which the committee considers whether to allow the agency to receive tax increment, to increase the amount of tax increment that the agency receives, or to extend a project area funds collection period.

- (13) This section does not apply to:
 - (a) a community development project area plan; or
 - (b) a community reinvestment project area plan that is subject to an interlocal agreement.
- (14)
 - (a) A taxing entity committee resolution approving a development impediment determination, approving a project area budget, or approving an amendment to a project area budget:
 - (i) is final; and
 - (ii) is not subject to repeal, amendment, or reconsideration unless the agency first consents by resolution to the proposed repeal, amendment, or reconsideration.
 - (b) The provisions of Subsection (14)(a) apply regardless of when the resolution is adopted.

Amended by Chapter 214, 2021 General Session

17C-1-403 Tax increment under a pre-July 1, 1993, project area plan.

- (1) Notwithstanding any other provision of law, this section applies retroactively to tax increment under all pre-July 1, 1993, project area plans, regardless of when the applicable project area was created or the applicable project area plan was adopted.
- (2)
 - (a) Beginning with the first tax year after April 1, 1983, for which an agency accepts tax increment, an agency is authorized to receive:
 - (i)
 - (A) for the first through the fifth tax years, 100% of tax increment;
 - (B) for the sixth through the tenth tax years, 80% of tax increment;
 - (C) for the eleventh through the fifteenth tax years, 75% of tax increment;
 - (D) for the sixteenth through the twentieth tax years, 70% of tax increment; and
 - (E) for the twenty-first through the twenty-fifth tax years, 60% of tax increment;
 - (ii) for an agency that has caused a taxing entity committee to be created under Subsection 17C-1-402(1)(a), any percentage of tax increment up to 100% and for any length of time that the taxing entity committee approves.
 - (b) Notwithstanding any other provision of this section:
 - (i) an agency is authorized to receive 100% of tax increment from a project area for 32 years after April 1, 1983, to pay principal and interest on agency indebtedness incurred before April 1, 1983, even though the size of the project area from which tax increment is paid to the agency exceeds 100 acres of privately owned property under a project area plan adopted on or before April 1, 1983; and
 - (ii) for up to 32 years after April 1, 1983, an agency debt incurred before April 1, 1983, may be refinanced and paid from 100% of tax increment if the principal amount of the debt is not increased in the refinancing.
- (3)
 - (a) For purposes of this Subsection (3):
 - (i) "Additional tax increment" means the difference between 100% of tax increment for a tax year and the amount of tax increment an agency is paid for that tax year under the percentages and time periods specified in Subsection (2)(a).
 - (ii) "Pledged" means a commitment by a board or a community legislative body to pay the costs of bond indebtedness, an interfund loan, a reimbursement, or other contractual obligation of the board or the community legislative body related to a convention center or sports complex described in Subsection (3)(b).

- (b) Notwithstanding the tax increment percentages and time periods in Subsection (2)(a), an agency is authorized to receive additional tax increment for a period ending 32 years after the first tax year after April 1, 1983, for which the agency receives tax increment from the project area if:
 - (i)
 - (A) the additional tax increment is used solely to pay all or part of the value of the land for and the cost of the installation and construction of a publicly or privately owned convention center or sports complex or any building, facility, structure, or other improvement related to the convention center or sports complex, including parking and infrastructure improvements;
 - (B) construction of the convention center or sports complex or related building, facility, structure, or other improvement is commenced on or before June 30, 2002;
 - (C) the additional tax increment is pledged to pay all or part of the value of the land for and the cost of the installation and construction of the convention center or sports complex or related building, facility, structure, or other improvement; and
 - (D) the board and the community legislative body have determined by resolution that the convention center or sports complex is:
 - (I) within and a benefit to a project area;
 - (II) not within but still a benefit to a project area; or
 - (III) within a project area in which substantially all of the land is publicly owned and a benefit to the community; or
 - (ii)
 - (A) the additional tax increment is used to pay some or all of the cost of the land for and installation and construction of a recreational facility, as defined in Section 59-12-702, or a cultural facility, including parking and infrastructure improvements related to the recreational or cultural facility, whether or not the facility is located within a project area;
 - (B) construction of the recreational or cultural facility is commenced on or before December 31, 2005; and
 - (C) the additional tax increment is pledged on or before July 1, 2005, to pay all or part of the cost of the land for and the installation and construction of the recreational or cultural facility, including parking and infrastructure improvements related to the recreational or cultural facility.
- (c) Notwithstanding Subsection (3)(b)(ii), a school district may not, without the school district's consent, be paid less tax increment because of application of Subsection (3)(b)(ii) than it would have been paid without that subsection.
- (4) Notwithstanding any other provision of this section, an agency may use tax increment received under Subsection (2) for any of the uses indicated in Subsection (3).

Amended by Chapter 364, 2018 General Session

17C-1-404 Tax increment under a post-June 30, 1993, project area plan.

- (1) This section applies to tax increment under a post-June 30, 1993, project area plan adopted before May 1, 2006, only.
- (2) A board may provide in the project area budget for the agency to be paid:
 - (a) if 20% of the project area budget is allocated for housing under Section 17C-2-203:
 - (i) 100% of annual tax increment for 15 years;
 - (ii) 75% of annual tax increment for 24 years; or

- (iii) if approved by the taxing entity committee, any percentage of tax increment up to 100%, or any specified dollar amount, for any period of time; or
- (b) if 20% of the project area budget is not allocated for housing under Section 17C-2-203:
 - (i) 100% of annual tax increment for 12 years;
 - (ii) 75% of annual tax increment for 20 years; or
 - (iii) if approved by the taxing entity committee, any percentage of tax increment up to 100%, or any specified dollar amount, for any period of time.

Amended by Chapter 350, 2016 General Session

17C-1-405 Tax increment under a project area plan adopted on or after May 1, 2006.

- (1) This section applies to tax increment under a project area plan adopted on or after May 1, 2006, and before May 10, 2016.
- (2) Subject to the approval of the taxing entity committee, a board may provide in the urban renewal or economic development project area budget for the agency to be paid:
 - (a) for an urban renewal project area plan that proposes development of an inactive industrial site or inactive airport site, at least 60% of tax increment for at least 20 years; or
 - (b) for each other project, any percentage of tax increment up to 100% or any specified dollar amount of tax increment for any period of time.
- (3) A resolution or interlocal agreement relating to an agency's use of tax increment for a community development project area plan may provide for the agency to be paid any percentage of tax increment up to 100% or any specified dollar amount of tax increment for any period of time.

Amended by Chapter 350, 2016 General Session

17C-1-406 Additional tax increment under certain post-June 30, 1993, project area plans.

- (1) This section applies to a post-June 30, 1993, project area plan adopted before May 1, 2006.
- (2) An agency may, without the approval of the taxing entity committee, elect to be paid 100% of annual tax increment for each year beyond the periods specified in Subsection 17C-1-404(2) to a maximum of 25 years, including the years the agency is paid tax increment under Subsection 17C-1-404(2), if:
 - (a) for an agency in a city in which is located all or a portion of an interchange on I-15 or that would directly benefit from an interchange on I-15:
 - (i) the tax increment paid to the agency during the additional years is used to pay some or all of the cost of the installation, construction, or reconstruction of:
 - (A) an interchange on I-15, whether or not the interchange is located within a project area; or
 - (B) frontage and other roads connecting to the interchange, as determined by the Department of Transportation created under Section 72-1-201 and the Transportation Commission created under Section 72-1-301, whether or not the frontage or other road is located within a project area; and
 - (ii) the installation, construction, or reconstruction of the interchange or frontage and other roads has begun on or before June 30, 2002; or
 - (b) for an agency in a city of the first or second class:
 - (i) the tax increment paid to the agency during the additional years is used to pay some or all of the cost of the land for and installation and construction of a recreational facility, as defined in Section 59-12-702, or a cultural facility, including parking and infrastructure improvements

- related to the recreational or cultural facility, whether or not the facility is located within a project area; and
- (ii) the installation or construction of the recreational or cultural facility has begun on or before June 30, 2002.
- (3) Notwithstanding any other provision of this section, an agency may use tax increment received under Subsection 17C-1-404(2) for any of the uses indicated in this section.
- (4) Notwithstanding Subsection (2), a school district may not, without the school district's consent, receive less tax increment because of application of Subsection (2) than it would have received without that subsection.

Amended by Chapter 350, 2016 General Session

17C-1-407 Limitations on tax increment.

- (1)
 - (a) If the development of retail sales of goods is the primary objective of an urban renewal project area, tax increment from the urban renewal project area may not be paid to or used by an agency unless the agency makes a development impediment determination under Chapter 2, Part 3, Development Impediment Determination in Urban Renewal Project Areas.
 - (b) Except as provided in Section 11-41-103, development of retail sales of goods does not disqualify an agency from receiving tax increment.
 - (c) After July 1, 2005, an agency may not receive or use tax increment generated from the value of property within an economic development project area that is attributable to the development of retail sales of goods, unless the tax increment was previously pledged to pay for bonds or other contractual obligations of the agency.
- (2)
 - (a) For the purpose of this Subsection (2):
 - (i) "Final tax rate" means the rate used to determine the amount of taxes a taxing entity levies as described in the notice to a taxpayer under Subsection 59-2-1317(2).
 - (ii) "Increased tax revenue" means tax revenue attributable to a tax rate increase.
 - (iii) "Tax rate increase" means the amount calculated by subtracting a taxing entity's certified rate, as defined in Section 59-2-924, from the taxing entity's final tax rate.
 - (b) Except as provided in Subsection (2)(c), for a year in which a taxing entity imposes a final tax rate higher than the certified tax rate, a county shall not pay an agency any portion of a taxing entity's increased tax revenue.
 - (c) Notwithstanding Subsection (2)(b), a county may pay all or a portion of a taxing entity's increased tax revenue to an agency if, at the time of the project area budget approval, the taxing entity committee or each taxing entity that is a party to an agreement under Section 17C-4-201 or 17C-5-204 consents to pay the agency the increased tax revenue.
 - (d) If the taxing entity committee or each tax entity that is a party to an agreement under Section 17C-4-201 or 17C-5-204 does not consent to payment of the increased tax revenue to the agency under Subsection (2)(c), the county shall distribute to the taxing entity the increased tax revenue in the same manner as other property tax revenue.
 - (e) Notwithstanding any other provision of this section, if, before tax year 2013, increased tax revenue is paid to an agency without the consent of the taxing entity committee or each taxing entity that is a party to an agreement under Section 17C-4-201 or 17C-5-204, and notwithstanding the law at the time that the tax revenue was collected or increased:

- (i) the State Tax Commission, the county as the collector of the taxes, a taxing entity, or any other person or entity may not recover, directly or indirectly, the increased tax revenue from the agency by adjustment of a tax rate used to calculate tax increment or otherwise;
 - (ii) the county is not liable to a taxing entity or any other person or entity for the increased tax revenue that was paid to the agency; and
 - (iii) tax increment, including the increased tax revenue, shall continue to be paid to the agency subject to the same number of tax years, percentage of tax increment, and cumulative dollar amount of tax increment as approved in the project area budget and previously paid to the agency.
- (f) An adjustment may not be made to incremental value under Section 59-2-924 for increased tax revenue not paid to an agency under this section.
- (3) Except as the taxing entity committee otherwise agrees, an agency may not receive tax increment under an urban renewal or economic development project area budget adopted on or after March 30, 2009:
- (a) that exceeds the percentage of tax increment or cumulative dollar amount of tax increment specified in the project area budget; or
 - (b) for more tax years than specified in the project area budget.

Amended by Chapter 307, 2022 General Session

17C-1-408 Base taxable value to be adjusted to reflect other changes.

- (1)
- (a)
 - (i) As used in this Subsection (1), "qualifying decrease" means:
 - (A) a decrease of more than 20% from the previous tax year's levy; or
 - (B) a cumulative decrease over a consecutive five-year period of more than 100% from the levy in effect at the beginning of the five-year period.
 - (ii) The year in which a qualifying decrease under Subsection (1)(a)(i)(B) occurs is the fifth year of the five-year period.
 - (b) If there is a qualifying decrease in the minimum basic school levy under Section 59-2-902 that would result in a reduction of the amount of tax increment to be paid to an agency:
 - (i) the base taxable value shall be reduced in the year of the qualifying decrease to the extent necessary, even if below zero, to provide the agency with approximately the same amount of tax increment that would have been paid to the agency each year had the qualifying decrease not occurred; and
 - (ii) the amount of tax increment paid to the agency each year for the payment of bonds and indebtedness may not be less than what would have been paid to the agency if there had been no qualifying decrease.
- (2)
- (a) The base taxable value to be used in determining tax increment shall be:
 - (i) increased or decreased by the amount of an increase or decrease that results from:
 - (A) a statute enacted by the Legislature or by the people through an initiative;
 - (B) a judicial decision;
 - (C) an order from the State Tax Commission to a county to adjust or factor the county's assessment rate under Subsection 59-2-704(2);
 - (D) a change in exemption provided in Utah Constitution Article XIII, Section 2, or Section 59-2-103; or

- (E) an increase or decrease in the percentage of fair market value, as defined under Section 59-2-102; and
- (ii) reduced for any year to the extent necessary, even if below zero, to provide an agency with approximately the same amount of money the agency would have received without a reduction in the county's certified tax rate if:
 - (A) in that year there is a decrease in the county's certified tax rate under Subsection 59-2-924.2(2) or (3)(a);
 - (B) the amount of the decrease is more than 20% of the county's certified tax rate of the previous year; and
 - (C) the decrease would result in a reduction of the amount of tax increment to be paid to the agency.
- (b) Notwithstanding an increase or decrease under Subsection (2)(a), the amount of tax increment paid to an agency each year for payment of bonds or other indebtedness may not be less than would have been paid to the agency each year if there had been no increase or decrease under Subsection (2)(a).

Amended by Chapter 350, 2016 General Session

17C-1-409 Allowable uses of agency funds.

- (1)
 - (a) An agency may use agency funds:
 - (i) for any purpose authorized under this title;
 - (ii) for administrative, overhead, legal, or other operating expenses of the agency, including consultant fees and expenses under Subsection 17C-2-102(1)(b)(ii)(B) or funding for a business resource center;
 - (iii) subject to Section 11-41-103, to pay for, including financing or refinancing, all or part of:
 - (A) project area development in a project area, including environmental remediation activities occurring before or after adoption of the project area plan;
 - (B) housing-related expenditures, projects, or programs as described in Section 17C-1-411 or 17C-1-412;
 - (C) an incentive or other consideration paid to a participant under a participation agreement;
 - (D) subject to Subsections (1)(c) and (4), the value of the land for and the cost of the installation and construction of any publicly owned building, facility, structure, landscaping, or other improvement within the project area from which the project area funds are collected; or
 - (E) the cost of the installation of publicly owned infrastructure and improvements outside the project area from which the project area funds are collected if the board and the community legislative body determine by resolution that the publicly owned infrastructure and improvements benefit the project area;
 - (iv) in an urban renewal project area that includes some or all of an inactive industrial site and subject to Subsection (1)(e), to reimburse the Department of Transportation created under Section 72-1-201, or a public transit district created under Title 17B, Chapter 2a, Part 8, Public Transit District Act, for the cost of:
 - (A) construction of a public road, bridge, or overpass;
 - (B) relocation of a railroad track within the urban renewal project area; or
 - (C) relocation of a railroad facility within the urban renewal project area;
 - (v) subject to Subsection (5), to transfer funds to a community that created the agency; or

- (vi) subject to Subsection (1)(f), for agency-wide project development under Part 10, Agency Taxing Authority.
- (b) The determination of the board and the community legislative body under Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.
- (c) An agency may not use project area funds received from a taxing entity for the purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal project area plan, an economic development project area plan, or a community reinvestment project area plan without the community legislative body's consent.
- (d)
 - (i) Subject to Subsection (1)(d)(ii), an agency may loan project area funds from a project area fund to another project area fund if:
 - (A) the board approves; and
 - (B) the community legislative body approves.
 - (ii) An agency may not loan project area funds under Subsection (1)(d)(i) unless the projections for agency funds are sufficient to repay the loan amount.
 - (iii) A loan described in Subsection (1)(d) is not subject to Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties, or Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts.
- (e) Before an agency may pay any tax increment or sales tax revenue under Subsection (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the reimbursement with:
 - (i) the Department of Transportation; or
 - (ii) a public transit district.
- (f) Before an agency may use project area funds for agency-wide project development, as defined in Section 17C-1-1001, the agency shall obtain the consent of the taxing entity committee or each taxing entity party to an interlocal agreement with the agency.
- (2)
 - (a) Sales and use tax revenue that an agency receives from a taxing entity is not subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Retail Facility Incentive Payments Act.
 - (b) An agency may use sales and use tax revenue that the agency receives under an interlocal agreement under Section 17C-4-201 or 17C-5-204 for the uses authorized in the interlocal agreement.
- (3)
 - (a) An agency may contract with the community that created the agency or another public entity to use agency funds to reimburse the cost of items authorized by this title to be paid by the agency that are paid by the community or other public entity.
 - (b) If land is acquired or the cost of an improvement is paid by another public entity and the land or improvement is leased to the community, an agency may contract with and make reimbursement from agency funds to the community.
- (4) Notwithstanding any other provision of this title, an agency may not use project area funds, project area incremental revenue as defined in Section 17C-1-1001, or property tax revenue as defined in Section 17C-1-1001, to construct a local government building unless the taxing entity committee or each taxing entity party to an interlocal agreement with the agency consents.
- (5) For the purpose of offsetting the community's annual local contribution to the Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in a calendar year

to a community under Subsections (1)(a)(v), 17C-1-411(1)(d), and 17C-1-412(1)(a)(x) may not exceed the community's annual local contribution as defined in Subsection 59-12-205(4).

Amended by Chapter 15, 2023 General Session
Amended by Chapter 471, 2023 General Session
Amended by Chapter 492, 2023 General Session

17C-1-410 Agency may make payments to other taxing entities.

- (1) Subject to Subsection (3), an agency may grant agency funds to a taxing entity to offset some or all of the tax revenue that the taxing entity did not receive because of tax increment paid to the agency.
- (2)
 - (a) Subject to Subsection (3), an agency may use agency funds to pay to a school district an amount of money that the agency determines to be appropriate to alleviate a financial burden or detriment borne by the school district because of the project area development.
 - (b) Each agency that agrees to pay money to a school district under Subsection (2)(a) shall provide a copy of the agreement to the State Board of Education.
- (3)
 - (a) If an agency intends to pay agency funds to one or more taxing entities under Subsection (1) or (2) but does not intend to pay funds to all taxing entities in proportionally equal amounts, the agency shall provide written notice to each taxing entity of the agency's intent.
 - (b)
 - (i) A taxing entity that receives notice under Subsection (3)(a) may elect not to have the taxing entity's tax increment collected and used to pay funds to other taxing entities under this section.
 - (ii) Each election under Subsection (3)(b)(i) shall be:
 - (A) in writing; and
 - (B) delivered to the agency within 30 days after the taxing entity's receipt of the notice under Subsection (3)(a).
 - (c) If a taxing entity makes an election under Subsection (3)(b), the portion of the taxing entity's tax increment that would have been used by the agency to pay funds under this section to one or more other taxing entities may not be collected by the agency.

Amended by Chapter 350, 2016 General Session

17C-1-411 Use of project area funds for housing-related improvements and for relocating mobile home park residents -- Funds to be held in separate accounts.

- (1) An agency may use project area funds:
 - (a) to pay all or part of the value of the land for and the cost of installation, construction, or rehabilitation of any housing-related building, facility, structure, or other housing improvement, including infrastructure improvements related to housing, located in any project area within the agency's boundaries;
 - (b) outside of a project area for the purpose of:
 - (i) replacing housing units lost by project area development; or
 - (ii) increasing, improving, or preserving the affordable housing supply within the boundary of the agency;
 - (c) for relocating mobile home park residents displaced by project area development, whether inside or outside a project area; or

- (d) subject to Subsection (4), to transfer funds to a community that created the agency.
- (2)
- (a) Each agency shall create a housing fund and separately account for project area funds allocated under this section.
 - (b) Interest earned by the housing fund described in Subsection (2)(a), and any payments or repayments made to the agency for loans, advances, or grants of any kind from the housing fund, shall accrue to the housing fund.
 - (c) An agency that designates a housing fund under this section shall use the housing fund for the purposes set forth in this section or Section 17C-1-412.
- (3) An agency may lend, grant, or contribute funds from the housing fund to a person, public entity, housing authority, private entity or business, or nonprofit corporation for affordable housing or homeless assistance.
- (4) For the purpose of offsetting the community's annual local contribution to the Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in a calendar year to a community under Subsections (1)(d), 17C-1-409(1)(a)(v), and 17C-1-412(1)(a)(x) may not exceed the community's annual local contribution as defined in Subsection 59-12-205(4).

Amended by Chapter 471, 2023 General Session

Amended by Chapter 492, 2023 General Session

17C-1-412 Use of housing allocation -- Separate accounting required -- Issuance of bonds for housing -- Action to compel agency to provide housing allocation.

- (1)
- (a) An agency shall use the agency's housing allocation to:
 - (i) pay part or all of the cost of land or construction of income targeted housing within the boundary of the agency, if practicable in a mixed income development or area;
 - (ii) pay part or all of the cost of rehabilitation of income targeted housing within the boundary of the agency;
 - (iii) lend, grant, or contribute money to a person, public entity, housing authority, private entity or business, or nonprofit corporation for income targeted housing within the boundary of the agency;
 - (iv) plan or otherwise promote income targeted housing within the boundary of the agency;
 - (v) pay part or all of the cost of land or installation, construction, or rehabilitation of any building, facility, structure, or other housing improvement, including infrastructure improvements, related to housing located in a project area where a board has determined that a development impediment exists;
 - (vi) replace housing units lost as a result of the project area development;
 - (vii) make payments on or establish a reserve fund for bonds:
 - (A) issued by the agency, the community, or the housing authority that provides income targeted housing within the community; and
 - (B) all or part of the proceeds of which are used within the community for the purposes stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi);
 - (viii) if the community's fair share ratio at the time of the first adoption of the project area budget is at least 1.1 to 1.0, make payments on bonds:
 - (A) that were previously issued by the agency, the community, or the housing authority that provides income targeted housing within the community; and
 - (B) all or part of the proceeds of which were used within the community for the purposes stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi);

- (ix) relocate mobile home park residents displaced by project area development;
- (x) subject to Subsection (7), transfer funds to a community that created the agency; or
- (xi) pay for or make a contribution toward the acquisition, construction, or rehabilitation of housing that:
 - (A) is located in the same county as the agency;
 - (B) is owned in whole or in part by, or is dedicated to supporting, a public nonprofit college or university; and
 - (C) only students of the relevant college or university, including the students' immediate families, occupy.
- (b) As an alternative to the requirements of Subsection (1)(a), an agency may pay all or any portion of the agency's housing allocation to:
 - (i) the community for use as described in Subsection (1)(a);
 - (ii) a housing authority that provides income targeted housing within the community for use in providing income targeted housing within the community;
 - (iii) a housing authority established by the county in which the agency is located for providing:
 - (A) income targeted housing within the county;
 - (B) permanent housing, permanent supportive housing, or a transitional facility, as defined in Section 35A-5-302, within the county; or
 - (C) homeless assistance within the county;
 - (iv) the Olene Walker Housing Loan Fund, established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund, for use in providing income targeted housing within the community;
 - (v) pay for or make a contribution toward the acquisition, construction, or rehabilitation of income targeted housing that is outside of the community if the housing is located along or near a major transit investment corridor that services the community and the related project has been approved by the community in which the housing is or will be located; or
 - (vi) pay for or make a contribution toward the expansion of child care facilities within the boundary of the agency, provided that any recipient of funds from the agency's housing allocation reports annually to the agency on how the funds were used.
- (2)
 - (a) An agency may combine all or any portion of the agency's housing allocation with all or any portion of one or more additional agency's housing allocations if the agencies execute an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.
 - (b) An agency that has entered into an interlocal agreement as described in Subsection (2)(a), meets the requirements of Subsection (1)(a) or (1)(b) if the use of the housing allocation meets the requirements for at least one agency that is a party to the interlocal agreement.
- (3) The agency shall create a housing fund and separately account for the agency's housing allocation, together with all interest earned by the housing allocation and all payments or repayments for loans, advances, or grants from the housing allocation.
- (4) An agency may:
 - (a) issue bonds to finance a housing-related project under this section, including the payment of principal and interest upon advances for surveys and plans or preliminary loans; and
 - (b) issue refunding bonds for the payment or retirement of bonds under Subsection (4)(a) previously issued by the agency.
- (5)
 - (a) Except as provided in Subsection (5)(b), an agency shall allocate money to the housing fund each year in which the agency receives sufficient tax increment to make a housing allocation required by the project area budget.

- (b) Subsection (5)(a) does not apply in a year in which tax increment is insufficient.
- (6)
- (a) Except as provided in Subsection (5)(b), if an agency fails to provide a housing allocation in accordance with the project area budget and the housing plan adopted under Subsection 17C-2-204(2), the loan fund board may bring legal action to compel the agency to provide the housing allocation.
 - (b) In an action under Subsection (6)(a), the court:
 - (i) shall award the loan fund board reasonable attorney fees, unless the court finds that the action was frivolous; and
 - (ii) may not award the agency the agency's attorney fees, unless the court finds that the action was frivolous.
- (7) For the purpose of offsetting the community's annual local contribution to the Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in a calendar year to a community under Subsections (1)(a)(x), 17C-1-409(1)(a)(v), and 17C-1-411(1)(d) may not exceed the community's annual local contribution as defined in Subsection 59-12-205(4).

Amended by Chapter 471, 2023 General Session
Amended by Chapter 492, 2023 General Session

17C-1-413 Base taxable value for new tax.

For purposes of calculating tax increment with respect to a tax that a taxing entity levies for the first time after the effective date of a project area plan, the base taxable value shall be used, subject to any adjustments under Section 17C-1-408.

Amended by Chapter 350, 2016 General Session

17C-1-414 Project area boundaries that divide a tax parcel -- Deletion of parcel from tax increment calculation.

- (1) If the boundaries of a project area, as described in the project area plan, include part of a tax parcel and exclude part of the same tax parcel, the agency shall provide the assessor of the county in which the project area is located a metes and bounds description of the part of the tax parcel included within the project area boundaries.
- (2) If an agency fails to comply with the requirement of Subsection (1), the assessor of the county in which the tax parcel is located may exclude that parcel from the project area for purposes of calculating tax increment to be paid to the agency until the agency complies with the requirement of Subsection (1).

Enacted by Chapter 359, 2006 General Session

17C-1-415 Obligations of agencies that use tax increment to pay for communication infrastructure or facility.

An agency that uses tax increment on or after March 30, 2009 to pay for communication infrastructure or a communication facility:

- (1) may not make or grant any undue or unreasonable preference or advantage to a provider of communication service with respect to the communication infrastructure or communication facility for which the tax increment is used; and

- (2) shall allow the communication infrastructure and facilities for which tax increment is used to be used by any other provider of communication service on a fair, equitable, and nondiscriminatory basis.

Enacted by Chapter 387, 2009 General Session

17C-1-416 Extension of collection period for project areas impacted by COVID-19 emergency -- Requirements -- Limitations.

(1) For purposes of this section:

- (a) "COVID-19 emergency" means the same as that term is defined in Section 53-2c-102.
- (b) "Extension period" means the period of an impacted project area's project area funds collection period that is the result of an extension under this section.
- (c) "Impacted project area" means a project area:
 - (i) from which an agency expects to receive tax increment;
 - (ii) that is subject to a project area funds collection period;
 - (iii) that is subject to a project area plan that was adopted on or before December 31, 2019; and
 - (iv) in which the agency determines the conditions resulting from the COVID-19 emergency will likely:
 - (A) delay the agency's implementation of the project area plan; or
 - (B) cause the agency to receive an amount of tax increment from the project area that is less than the amount of tax increment the agency expected the agency would receive from the project area.
- (d) "Tax increment" includes additional tax increment as that term is defined in Section 17C-1-403.

- (2)
 - (a) Subject to Subsection (3), an agency may extend the project area funds collection period of an impacted project area for a period not to exceed two years from the day on which the project area funds collection period ends if:
 - (i) the board adopts a resolution on or before December 31, 2021, describing:
 - (A) the conditions resulting from the COVID-19 emergency that the board determines will likely delay the implementation of the project area plan or reduce the amount of tax increment that the agency receives from the impacted project area;
 - (B) why an extension of the project area funds collection period is needed; and
 - (C) the date on which the extension period will end; and
 - (ii) no later than November 1 of the year immediately preceding the year in which the project area funds collection period, not including any extension under this section, ends, the agency mails or electronically submits a copy of the resolution described in Subsection (2)(a)(i) to:
 - (A) the State Tax Commission;
 - (B) the State Board of Education;
 - (C) the state auditor;
 - (D) the auditor of the county in which the impacted project area is located; and
 - (E) each taxing entity affected by the agency's collection of tax increment from the impacted project area.
 - (b) Notwithstanding any other provision of law, an agency is not required to obtain taxing entity or taxing entity committee approval to extend a project area funds collection period under this section.

- (c) An extension of a project area funds collection period under this section takes effect on the day on which the agency mails or electronically submits a copy of the resolution described in Subsection (2)(a)(i) to each entity specified in Subsection (2)(a)(ii).
- (3)
 - (a) This section does not allow an agency to change:
 - (i) the amount or percentage of tax increment that the agency is authorized to receive from the impacted project area in the final two years of the project area funds collection period; or
 - (ii) the cumulative dollar amount of tax increment that the agency is authorized to receive from the impacted project area, if the agency's receipt of tax increment is limited to a maximum cumulative dollar amount.
 - (b) An agency that extends a project area funds collection period under this section shall use any tax increment received during the extension period in the same manner as provided in:
 - (i) the project area plan; and
 - (ii)
 - (A) the project area budget; or
 - (B) the resolution or interlocal agreement authorizing the agency to receive tax increment from the impacted project area.
 - (c)
 - (i) An extension of a project area funds collection period under this section does not automatically extend the payment of tax increment under a previously approved participation agreement for the extension period, regardless of any contrary term in the participation agreement.
 - (ii) An agency that extends a project area funds collection period under this section may only extend the payment of tax increment under a previously approved participation agreement for the extension period by:
 - (A) amending the previously approved participation agreement; or
 - (B) entering into a new participation agreement.
 - (d) Nothing in this section limits the right of an agency to extend the agency's collection of tax increment as otherwise provided in this title.

Enacted by Chapter 11, 2020 Special Session 6

Part 5 Agency Bonds

17C-1-501.1 Title.

This part is known as "Agency Bonds."

Enacted by Chapter 350, 2016 General Session

17C-1-501.5 Resolution authorizing issuance of agency bonds -- Characteristics of bonds.

- (1) An agency may not issue a bond under this part unless the board first adopts a resolution authorizing the bond issuance.
- (2)
 - (a) As provided in the agency resolution authorizing the issuance of a bond under this part or the trust indenture under which the bond is issued, a bond issued under this part may be issued

in one or more series and may be sold at public or private sale and in the manner provided in the resolution or indenture.

- (b) A bond issued by an agency under this part shall bear the date, be payable at the time, bear interest at the rate, be in the denomination and in the form, carry the conversion or registration privileges, have the rank or priority, be executed in the manner, be subject to the terms of redemption or tender, with or without premium, be payable in the medium of payment and at the place, and have other characteristics as provided in the agency resolution authorizing the bond issuance or the trust indenture under which the bond is issued.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-502 Sources from which bonds may be made payable -- Agency powers regarding bonds.

- (1) An agency may pay the principal and interest on a bond issued by the agency from:
 - (a) the income and revenues of the project area development financed with the proceeds of the bond;
 - (b) the income and revenue of certain designated project area development regardless of whether the project area development is financed in whole or in part with the proceeds of the bond;
 - (c) the income, proceeds, revenue, property, or agency funds derived from or held in connection with the agency's undertaking and implementation of project area development;
 - (d) project area funds;
 - (e) agency revenues generally;
 - (f) a contribution, loan, grant, or other financial assistance from a public entity in aid of project area development, including the assignment of revenue or taxes in support of an agency bond;
 - (g) project area incremental revenue or property tax revenue as those terms are defined in Section 17C-1-1001; or
 - (h) funds derived from any combination of the methods listed in Subsections (1)(a) through (g).
- (2) In connection with the issuance of an agency bond, an agency may:
 - (a) pledge all or any part of the agency's gross or net rents, fees, or revenues to which the agency's right then exists or may thereafter come into existence;
 - (b) encumber by mortgage, deed of trust, or otherwise all or any part of the agency's real or personal property, then owned or thereafter acquired; and
 - (c) make the covenants and take the action that:
 - (i) may be necessary, convenient, or desirable to secure the bond; or
 - (ii) except as otherwise provided in this chapter, will tend to make the bond more marketable, even though such covenants or actions are not specifically enumerated in this chapter.

Amended by Chapter 214, 2021 General Session

17C-1-503 Signature of officer who leaves office.

If an agency officer whose signature appears on a bond issued under this part leaves office before delivery of the bond, the signature shall continue to be valid as if the official had remained in office until delivery of the bond.

Renumbered and Amended by Chapter 359, 2006 General Session

17C-1-504 Contesting the legality of resolution authorizing bonds -- Time limit -- Presumption.

- (1) Any person may contest the legality of the resolution authorizing issuance of the bond or any provisions for the security and payment of the bond for a period of 30 days after:
 - (a) publication of the resolution authorizing the bond; or
 - (b) publication of a notice of bond containing substantially the items required under Subsection 11-14-316(2).
- (2) After the 30-day period described in Subsection (1), no person may bring a lawsuit or other proceeding contesting the regularity, formality, or legality of the bond for any reason.
- (3) In a lawsuit or other proceeding involving the question of whether a bond issued under this part is valid or enforceable or involving the security for a bond, if a bond recites that the agency issued the bond in connection with project area development:
 - (a) the bond shall be conclusively presumed to have been issued for that purpose; and
 - (b) the project area plan and project area shall be conclusively presumed to have been properly formed, adopted, planned, located, and implemented in accordance with this title.

Amended by Chapter 350, 2016 General Session

17C-1-505 Authority to purchase agency bonds.

- (1) Any person, firm, corporation, association, political subdivision of the state, or other entity or public or private officer may purchase a bond issued by an agency under this part with funds owned or controlled by the purchaser.
- (2) Nothing in this section may be construed to relieve a purchaser of an agency bond of any duty to exercise reasonable care in selecting securities.

Amended by Chapter 350, 2016 General Session

17C-1-506 Those executing bonds not personally liable -- Limitation of obligations under bonds -- Negotiability.

- (1) A member of a board or other person executing an agency bond is not liable personally on the bond.
- (2)
 - (a) A bond issued by an agency is not a general obligation or liability of the community, the state, or any of the state's political subdivisions and does not constitute a charge against their general credit or taxing powers.
 - (b) A bond issued by an agency is not payable out of any funds or properties other than those of the agency.
 - (c) The community, the state, and the state's political subdivisions may not be liable on a bond issued by an agency.
 - (d) A bond issued by an agency does not constitute indebtedness within the meaning of any constitutional or statutory debt limitation.
- (3) A bond issued by an agency under this part is fully negotiable.

Amended by Chapter 350, 2016 General Session

17C-1-507 Obligee rights -- Board may confer other rights.

- (1) In addition to all other rights that are conferred on an obligee of a bond issued by an agency under this part and subject to contractual restrictions binding on the obligee, an obligee may:

- (a) by mandamus, suit, action, or other proceeding, compel an agency and the agency's board, officers, agents, or employees to perform every term, provision, and covenant contained in any contract of the agency with or for the benefit of the obligee, and require the agency to carry out the covenants and agreements of the agency and to fulfill all duties imposed on the agency by this part; and
 - (b) by suit, action, or other proceeding, enjoin any acts or things that may be unlawful or violate the rights of the obligee.
- (2)
- (a) In a board resolution authorizing the issuance of a bond or in a trust indenture, mortgage, lease, or other contract, a board may confer upon an obligee holding or representing a specified amount in bonds, the rights described in Subsection (2)(b), to accrue upon the happening of an event or default prescribed in the resolution, indenture, mortgage, lease, or other contract, and to be exercised by suit, action, or proceeding in any court of competent jurisdiction.
 - (b)
 - (i) The rights that the board may confer under Subsection (2)(a) are the rights to:
 - (A) cause possession of all or part of the project area development to be surrendered to an obligee;
 - (B) obtain the appointment of a receiver of all or part of an agency's project area development and of the rents and profits from the project area development; and
 - (C) require the agency and the board and employees to account as if the agency and the board and employees were the trustees of an express trust.
 - (ii) If a receiver is appointed through the exercise of a right granted under Subsection (2)(b)(i) (B), the receiver:
 - (A) may enter and take possession of the project area development or any part of the project area development, operate and maintain the project area development, and collect and receive all fees, rents, revenues, or other charges arising from the project area development after the receiver's appointment; and
 - (B) shall keep money collected as receiver for the agency in a separate account and apply the money pursuant to the agency obligations as the court directs.

Amended by Chapter 350, 2016 General Session

17C-1-508 Bonds exempt from taxes -- Agency may purchase an agency's own bonds.

- (1) A bond issued by an agency under this part is issued for an essential public and governmental purpose and is, together with interest on the bond and income from it, exempt from all state taxes except the corporate franchise tax.
- (2) An agency may purchase the agency's own bonds at a price that the board determines.
- (3) Nothing in this section may be construed to limit the right of an obligee to pursue a remedy for the enforcement of a pledge or lien given under this part by an agency on the agency's rents, fees, grants, properties, or revenues.

Amended by Chapter 350, 2016 General Session

Part 6
Agency Annual Report, Budget, and Audit Requirements

17C-1-601.1 Title.

This part is known as "Agency Annual Report, Budget, and Audit Requirements."

Enacted by Chapter 350, 2016 General Session

17C-1-601.5 Annual agency budget -- Fiscal year -- Public hearing required -- Notice -- Auditor forms -- Requirement to file form.

- (1) Each agency shall prepare an annual budget of the agency's revenues and expenditures for each fiscal year.
- (2) The board shall adopt each agency budget:
 - (a) for an agency created by a municipality, before June 30; or
 - (b) for an agency created by a county, before December 15.
- (3) The agency's fiscal year shall be the same as the fiscal year of the community that created the agency.
- (4)
 - (a) Before adopting an annual budget, each board shall hold a public hearing on the annual budget.
 - (b) Each agency shall provide notice of the public hearing on the annual budget for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for at least one week before the day of the public hearing.
 - (c) Each agency shall make the annual budget available for public inspection at least three days before the date of the public hearing.
- (5) The state auditor shall prescribe the budget forms and the categories to be contained in each annual budget, including:
 - (a) revenues and expenditures for the budget year;
 - (b) legal fees; and
 - (c) administrative costs, including rent, supplies, and other materials, and salaries of agency personnel.
- (6)
 - (a) Within 90 days after adopting an annual budget, each board shall file a copy of the annual budget with the auditor of the county in which the agency is located, the State Tax Commission, the state auditor, the State Board of Education, and each taxing entity from which the agency receives project area funds.
 - (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the state as a taxing entity is met if the agency files a copy with the State Tax Commission and the state auditor.

Amended by Chapter 435, 2023 General Session

17C-1-602 Amending the agency annual budget.

- (1) A board may by resolution amend an annual budget.
- (2) An amendment to an annual budget that would increase the total expenditures may be made only after a public hearing is held in accordance with Subsection 17C-1-601.5(4).
- (3) An agency may not make expenditures in excess of the total expenditures established in the annual budget as the annual budget is adopted or amended.

Amended by Chapter 350, 2016 General Session

17C-1-603 Reporting requirements -- Governor's Office of Economic Opportunity to maintain a database.

- (1) On or before June 1, 2022, the Governor's Office of Economic Opportunity shall:
 - (a) create a database to track information for each agency located within the state; and
 - (b) make the database publicly accessible from the office's website.
- (2)
 - (a) The Governor's Office of Economic Opportunity may:
 - (i) contract with a third party to create and maintain the database described in Subsection (1); and
 - (ii) charge a fee for a county, city, or agency to provide information to the database described in Subsection (1).
 - (b) The Governor's Office of Economic Opportunity shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a fee schedule for the fee described in Subsection (2)(a)(ii).
- (3) Beginning in 2022, on or before June 30 of each calendar year, an agency shall, for each active project area for which the project area funds collection period has not expired, provide to the database described in Subsection (1) the following information:
 - (a) an assessment of the change in marginal value, including:
 - (i) the base year;
 - (ii) the base taxable value;
 - (iii) the prior year's assessed value;
 - (iv) the estimated current assessed value;
 - (v) the percentage change in marginal value; and
 - (vi) a narrative description of the relative growth in assessed value;
 - (b) the amount of project area funds the agency received for each year of the project area funds collection period, including:
 - (i) a comparison of the actual project area funds received for each year to the amount of project area funds forecasted for each year when the project area was created, if available;
 - (ii)
 - (A) the agency's historical receipts of project area funds, including the tax year for which the agency first received project area funds from the project area; or
 - (B) if the agency has not yet received project area funds from the project area, the year in which the agency expects each project area funds collection period to begin;
 - (iii) a list of each taxing entity that levies or imposes a tax within the project area and a description of the benefits that each taxing entity receives from the project area; and
 - (iv) the amount paid to other taxing entities under Section 17C-1-410, if applicable;
 - (c) a description of current and anticipated project area development, including:
 - (i) a narrative of any significant project area development, including infrastructure development, site development, participation agreements, or vertical construction; and
 - (ii) other details of development within the project area, including:
 - (A) the total developed acreage;
 - (B) the total undeveloped acreage;
 - (C) the percentage of residential development; and
 - (D) the total number of housing units authorized, if applicable;
 - (d) the project area budget, if applicable, or other project area funds analyses, including:
 - (i) each project area funds collection period, including:
 - (A) the start and end date of the project area funds collection period; and

- (B) the number of years remaining in each project area funds collection period;
 - (ii) the amount of project area funds the agency is authorized to receive from the project area cumulatively and from each taxing entity, including:
 - (A) the total dollar amount; and
 - (B) the percentage of the total amount of project area funds generated within the project area;
 - (iii) the remaining amount of project area funds the agency is authorized to receive from the project area cumulatively and from each taxing entity; and
 - (iv) the amount of project area funds the agency is authorized to use to pay for the agency's administrative costs, as described in Subsection 17C-1-409(1), including:
 - (A) the total dollar amount; and
 - (B) the percentage of the total amount of all project area funds;
 - (e) the estimated amount of project area funds that the agency is authorized to receive from the project area for the current calendar year;
 - (f) the estimated amount of project area funds to be paid to the agency for the next calendar year;
 - (g) a map of the project area; and
 - (h) any other relevant information the agency elects to provide.
- (4) Any information an agency submits in accordance with this section:
- (a) is for informational purposes only; and
 - (b) does not alter the amount of project area funds that an agency is authorized to receive from a project area.
- (5) The provisions of this section apply regardless of when the agency or project area is created.
- (6) On or before September 1 of each year, the Governor's Office of Economic Opportunity shall prepare and submit an annual written report to the Political Subdivisions Interim Committee that identifies:
- (a) the agencies that complied with the reporting requirements of this section during the preceding reporting period; and
 - (b) any agencies that failed to comply with the reporting requirements of this section during the preceding reporting period.

Amended by Chapter 499, 2023 General Session

17C-1-604 Audit requirements.

Each agency shall comply with the audit requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

Renumbered and Amended by Chapter 359, 2006 General Session

17C-1-605 Audit report.

- (1) Each agency required to be audited under Section 17C-1-604 shall, within 180 days after the end of the agency's fiscal year, file a copy of the audit report with the county auditor, the State Tax Commission, the State Board of Education, and each taxing entity from which the agency receives tax increment.
- (2) Each audit report under Subsection (1) shall include:
 - (a) the tax increment collected by the agency for each project area;
 - (b) the amount of tax increment paid to each taxing entity under Section 17C-1-410;
 - (c) the outstanding principal amount of bonds issued or other loans incurred to finance the costs associated with the agency's project areas;

- (d) the amount of property tax revenue generated under Part 10, Agency Taxing Authority; and
- (e) the actual amount expended for:
 - (i) acquisition of property;
 - (ii) site improvements or site preparation costs;
 - (iii) installation of public utilities or other public improvements; and
 - (iv) administrative costs of the agency.

Amended by Chapter 214, 2021 General Session

17C-1-606 County auditor report on project areas.

- (1)
 - (a) On or before March 31 of each year, the auditor of each county in which an agency is located shall prepare a report on the project areas within each agency.
 - (b) The county auditor shall send a copy of each report under Subsection (1)(a) to the agency that is the subject of the report, the State Tax Commission, the State Board of Education, and each taxing entity from which the agency receives tax increment.
- (2) Each report under Subsection (1)(a) shall report:
 - (a) the total assessed property value within each project area for the previous tax year;
 - (b) the base taxable value of each project area for the previous tax year;
 - (c) the tax increment available to be paid to the agency for the previous tax year;
 - (d) the tax increment requested by the agency for the previous tax year; and
 - (e) the tax increment paid to the agency for the previous tax year.
- (3) Within 30 days after a request by an agency, the State Tax Commission, the State Board of Education, or any taxing entity from which the agency receives tax increment, the county auditor or the county assessor shall provide access to:
 - (a) the county auditor's method and calculations used to make adjustments under Section 17C-1-408;
 - (b) the unequalized assessed valuation of an existing or proposed project area, or any parcel or parcels within an existing or proposed project area, if the equalized assessed valuation has not yet been determined for that year;
 - (c) the most recent equalized assessed valuation of an existing or proposed project area or any parcel or parcels within an existing or proposed project area; and
 - (d) the tax rate of each taxing entity adopted as of November 1 for the previous tax year.
- (4) Each report described in Subsection (1)(a) shall include:
 - (a) sufficient detail regarding the calculations performed by a county auditor so that an agency or other interested party could repeat and verify the calculations; and
 - (b) a detailed explanation of any adjustments made to the base taxable value of each project area.

Amended by Chapter 350, 2016 General Session

17C-1-607 State Tax Commission and county assessor required to account for new growth.

Upon the expiration of a project area funds collection period, the State Tax Commission and the assessor of each county in which a project area is located shall count as new growth the assessed value of property with respect to which the taxing entity is receiving taxes or increased taxes for the first time.

Amended by Chapter 350, 2016 General Session

17C-1-608 Registration as a limited purpose entity.

- (1) Each community reinvestment agency shall register and maintain the community reinvestment agency's registration as a limited purpose entity, in accordance with Section 67-1a-15.
- (2) A community reinvestment agency that fails to comply with Subsection (1) or Section 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.

Enacted by Chapter 256, 2018 General Session

17C-1-609 Agency reporting limitations.

Except as required under this title, an agency is not required to submit to a public entity information or a report related to the agency's operations or project areas.

Enacted by Chapter 333, 2019 General Session

Part 7
Agency and Project Area Dissolution

17C-1-701.1 Title.

This part is known as "Agency and Project Area Dissolution."

Enacted by Chapter 350, 2016 General Session

17C-1-701.5 Agency dissolution -- Restrictions -- Notice -- Recording requirements -- Agency records -- Dissolution expenses.

- (1)
 - (a) Subject to Subsection (1)(b), the community legislative body may, by ordinance, dissolve an agency.
 - (b) A community legislative body may adopt an ordinance described in Subsection (1)(a) only if the agency has no outstanding bonded indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual obligations with a person other than the community.
- (2)
 - (a) The community legislative body shall:
 - (i) within 10 days after adopting an ordinance described in Subsection (1), file with the lieutenant governor a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 - (ii) upon the lieutenant governor's issuance of a certificate of dissolution under Section 67-1a-6.5, submit to the recorder of the county in which the agency is located:
 - (A) the original notice of an impending boundary action;
 - (B) the original certificate of dissolution; and
 - (C) a certified copy of the ordinance that dissolves the agency.
 - (b) Upon the lieutenant governor's issuance of the certificate of dissolution under Section 67-1a-6.5, the agency is dissolved.
 - (c) Within 10 days after receiving the certificate of dissolution from the lieutenant governor under Section 67-1a-6.5, the community legislative body shall send a copy of the certificate of

dissolution and the ordinance adopted under Subsection (1) to the State Board of Education, and each taxing entity.

- (d) The community legislative body shall post a notice of dissolution for the community, as a class A notice under Section 63G-30-102, for at least 10 days.
- (3) The books, documents, records, papers, and seal of each dissolved agency shall be deposited for safekeeping and reference with the recorder of the community that dissolved the agency.
- (4) The agency shall pay all expenses of the dissolution.

Amended by Chapter 435, 2023 General Session

17C-1-702 Project area dissolution.

- (1) Regardless of when a project area funds collection period ends, the project area remains in existence until:
 - (a) the agency adopts a resolution dissolving the project area; and
 - (b) the community legislative body adopts an ordinance dissolving the project area.
- (2) The ordinance described in Subsection (1)(b) shall include:
 - (a) the name of the project area; and
 - (b) a project area map or boundary description.
- (3) Within 30 days after the day on which the community legislative body adopts an ordinance described in Subsection (1)(b), the community legislative body shall:
 - (a) submit a copy of the ordinance to the county recorder of the county in which the dissolved project area is located; and
 - (b) mail or electronically submit a copy of the ordinance to the county auditor, the State Tax Commission, the State Board of Education, and each taxing entity that levies or imposes a tax on property within the dissolved project area.

Enacted by Chapter 350, 2016 General Session

Part 8
Hearing and Notice Requirements

17C-1-801 Title.

This part is known as "Hearing and Notice Requirements."

Enacted by Chapter 350, 2016 General Session

17C-1-802 Combining hearings.

A board may combine any combination of a development impediment hearing, a plan hearing, and a budget hearing.

Amended by Chapter 376, 2019 General Session

17C-1-803 Continuing a hearing.

Subject to Section 17C-1-804, the board may continue:

- (1) a development impediment hearing;
- (2) a plan hearing;

- (3) a budget hearing; or
- (4) a combined hearing under Section 17C-1-802.

Amended by Chapter 376, 2019 General Session

17C-1-804 Notice required for continued hearing.

The board shall give notice of a hearing continued under Section 17C-1-803 by announcing at the hearing:

- (1) the date, time, and place the hearing will be resumed; or
- (2)
 - (a) that the hearing is being continued to a later time; and
 - (b) that the board will cause a notice of the continued hearing to be published for the community, as a class A notice under Section 63G-30-102, for at least seven days before the day on which the hearing is scheduled to resume.

Amended by Chapter 435, 2023 General Session

17C-1-805 Agency to provide notice of hearings.

- (1) Each agency shall provide notice, in accordance with this part, of each:
 - (a) development impediment hearing;
 - (b) plan hearing; or
 - (c) budget hearing.
- (2) The notice required under Subsection (1) may be combined with the notice required for any of the other hearings if the hearings are combined under Section 17C-1-802.

Amended by Chapter 376, 2019 General Session

17C-1-806 Requirements for notice provided by agency.

- (1) The notice required by Section 17C-1-805 shall be given by:
 - (a) publishing notice for the county, as a class A notice under Section 63G-30-102, for at least 14 days before the day on which the hearing is held; and
 - (b) at least 30 days before the hearing, mailing notice to:
 - (i) each record owner of property located within the project area or proposed project area;
 - (ii) the State Tax Commission;
 - (iii) the assessor and auditor of the county in which the project area or proposed project area is located; and
 - (iv)
 - (A) if a project area is subject to a taxing entity committee, each member of the taxing entity committee and the State Board of Education; or
 - (B) if a project area is not subject to a taxing entity committee, the legislative body or governing board of each taxing entity within the boundaries of the project area or proposed project area.
- (2) The mailing of the notice to record property owners required under Subsection (1)(b)(i) shall be conclusively considered to have been properly completed if:
 - (a) the agency mails the notice to the property owners as shown in the records, including an electronic database, of the county recorder's office and at the addresses shown in those records; and

- (b) the county recorder's office records used by the agency in identifying owners to whom the notice is mailed and their addresses were obtained or accessed from the county recorder's office no earlier than 30 days before the mailing.
- (3) The agency shall include in each notice required under Section 17C-1-805:
 - (a)
 - (i) a boundary description of the project area or proposed project area; or
 - (ii)
 - (A) a mailing address or telephone number where a person may request that a copy of the boundary description be sent at no cost to the person by mail, email, or facsimile transmission; and
 - (B) if the agency or community has an Internet website, an Internet address where a person may gain access to an electronic, printable copy of the boundary description and other related information;
 - (b) a map of the boundaries of the project area or proposed project area;
 - (c) an explanation of the purpose of the hearing; and
 - (d) a statement of the date, time, and location of the hearing.
- (4) The agency shall include in each notice under Subsection (1)(b):
 - (a) a statement that property tax revenue resulting from an increase in valuation of property within the project area or proposed project area will be paid to the agency for project area development rather than to the taxing entity to which the tax revenue would otherwise have been paid if:
 - (i)
 - (A) the taxing entity committee consents to the project area budget; or
 - (B) one or more taxing entities agree to share property tax revenue under an interlocal agreement; and
 - (ii) the project area plan provides for the agency to receive tax increment; and
 - (b) an invitation to the recipient of the notice to submit to the agency comments concerning the subject matter of the hearing before the date of the hearing.
- (5) An agency may include in a notice under Subsection (1) any other information the agency considers necessary or advisable, including the public purpose achieved by the project area development and any future tax benefits expected to result from the project area development.

Amended by Chapter 435, 2023 General Session

17C-1-807 Additional requirements for notice of a development impediment hearing.

- Each notice under Section 17C-1-806 for a development impediment hearing shall also include:
- (1) a statement that:
 - (a) a project area is being proposed;
 - (b) the proposed project area may be determined to have a development impediment;
 - (c) the record owner of property within the proposed project area has the right to present evidence at the development impediment hearing contesting the existence of a development impediment;
 - (d) except for a hearing continued under Section 17C-1-803, the agency will notify the record owner of property referred to in Subsection 17C-1-806(1)(b)(i) of each additional public hearing held by the agency concerning the proposed project area before the adoption of the project area plan; and

- (e) a person contesting the existence of a development impediment in the proposed project area may appear before the board and show cause why the proposed project area should not be designated as a project area; and
- (2) if the agency anticipates acquiring property in an urban renewal project area or a community reinvestment project area by eminent domain, a clear and plain statement that:
 - (a) the project area plan may require the agency to use eminent domain; and
 - (b) the proposed use of eminent domain will be discussed at the development impediment hearing.

Amended by Chapter 376, 2019 General Session

17C-1-808 Additional requirements for notice of a plan hearing.

Each notice under Section 17C-1-806 of a plan hearing shall also include:

- (1) a statement that any person objecting to the proposed project area plan or contesting the regularity of any of the proceedings to adopt the proposed project area plan may appear before the board at the hearing to show cause why the proposed project area plan should not be adopted; and
- (2) a statement that the proposed project area plan is available for inspection at the agency offices.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-809 Additional requirements for notice of a budget hearing.

Each notice under Section 17C-1-806 of a budget hearing shall contain:

- (1) the following statement:

"The (name of agency) has requested \$_____ in property tax revenues that will be generated by development within the (name of project area) to fund a portion of project costs within the (name of project area). These property tax revenues will be used for the following: (list major budget categories and amounts). These property taxes will be taxes levied by the following governmental entities, and, assuming current tax rates, the taxes paid to the agency for this project area from each taxing entity will be as follows: (list each taxing entity levying taxes and the amount of total taxes that would be paid from each taxing entity). All of the property taxes to be paid to the agency for the development in the project area are taxes that will be generated only if the project area is developed.

All concerned citizens are invited to attend the project area budget hearing scheduled for (date, time, and place of hearing). A copy of the (name of project area) project area budget is available at the offices of (name of agency and office address)."; and

- (2) other information that the agency considers appropriate.

Renumbered and Amended by Chapter 350, 2016 General Session

**Part 9
Eminent Domain**

17C-1-901 Title.

This part is known as "Eminent Domain."

Enacted by Chapter 350, 2016 General Session

17C-1-902 Use of eminent domain -- Conditions.

- (1) Except as provided in Subsection (2), an agency may not use eminent domain to acquire property.
- (2) Subject to the provisions of this part, an agency may, in accordance with Title 78B, Chapter 6, Part 5, Eminent Domain, use eminent domain to acquire an interest in property:
 - (a) within an urban renewal project area if:
 - (i) the board makes a development impediment determination under Chapter 2, Part 3, Development Impediment Determination in Urban Renewal Project Areas; and
 - (ii) the urban renewal project area plan provides for the use of eminent domain;
 - (b) that is owned by an agency board member or officer and located within a project area, if the board member or officer consents;
 - (c) within a community reinvestment project area if:
 - (i) the board makes a development impediment determination under Chapter 5, Part 4, Development Impediment Determination in a Community Reinvestment Project Area;
 - (ii)
 - (A) the original community reinvestment project area plan provides for the use of eminent domain; or
 - (B) the community reinvestment project area plan is amended in accordance with Subsection 17C-5-112(4); and
 - (iii) the agency creates a taxing entity committee in accordance with Section 17C-1-402;
 - (d) that:
 - (i) is owned by a participant or a property owner that is entitled to receive tax increment or other assistance from the agency;
 - (ii) is within a project area, regardless of when the project area is created, for which the board made a development impediment determination under Chapter 2, Part 3, Development Impediment Determination in Urban Renewal Project Areas, or Chapter 5, Part 4, Development Impediment Determination in a Community Reinvestment Project Area; and
 - (iii)
 - (A) the participant or property owner described in Subsection (2)(d)(i) fails to develop or improve in accordance with the participation agreement or the project area plan; or
 - (B) for a period of 36 months does not generate the amount of tax increment that the agency projected to receive under the project area budget; or
 - (e) if a property owner requests in writing that the agency exercise eminent domain to acquire the property owner's property within a project area.
- (3) An agency shall, in accordance with the provisions of this part, commence the acquisition of property described in Subsections (2)(a) through (c) by adopting a resolution authorizing eminent domain within five years after the day on which the project area plan is effective.

Amended by Chapter 376, 2019 General Session

17C-1-903 Prerequisites to the acquisition of property by eminent domain -- Civil action authorized -- Record of good faith negotiations to be retained.

- (1) Before an agency may initiate an action in district court to acquire property by eminent domain, the agency shall:
 - (a) negotiate in good faith with the affected record property owner;
 - (b) provide to each affected record property owner a written declaration that includes:

- (i) an explanation of the eminent domain process and the reasons for using it, including:
 - (A) the need for the agency to obtain an independent appraisal that indicates the fair market value of the property and how the fair market value was determined;
 - (B) a statement that the agency may adopt a resolution authorizing the agency to make an offer to the record property owner to purchase the property for the fair market value amount determined by the appraiser and that, if the offer is rejected, the agency has the right to acquire the property through an eminent domain proceeding; and
 - (C) a statement that the agency will prepare an offer that will include the price the agency is offering for the property, an explanation of how the agency determined the price being offered, the legal description of the property, conditions of the offer, and the time at which the offer will expire;
 - (ii) an explanation of the record property owner's relocation rights under Title 57, Chapter 12, Utah Relocation Assistance Act, and how to receive relocation assistance; and
 - (iii) a statement that the owner has the right to receive just compensation and an explanation of how to obtain it; and
- (c) provide to the affected record property owner or the owner's designated representative a notice that is printed in a type size of at least ten-point type that contains:
- (i) a description of the property to be acquired;
 - (ii) the name of the agency acquiring the property and the agency's contact person and telephone number; and
 - (iii) a copy of Title 57, Chapter 12, Utah Relocation Assistance Act.
- (2) A person may bring a civil action against an agency for a violation of Subsection (1)(b) that results in damage to that person.
- (3) Each agency shall keep a record and evidence of the good faith negotiations required under Subsection (1)(a) and retain the record and evidence as provided in:
- (a) Title 63G, Chapter 2, Government Records Access and Management Act; or
 - (b) an ordinance or policy that the agency had adopted under Section 63G-2-701.
- (4) A record property owner whose property is being taken by an agency through the exercise of eminent domain may elect to receive for the real property being taken:
- (a) fair market value; or
 - (b) replacement property under Section 57-12-7.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-904 Acquiring single family owner occupied residential property or commercial property -- Acquiring property already devoted to a public use -- Relocation assistance requirement.

- (1) As used in this section:
- (a) "Commercial property" means real property used, in whole or in part, by the owner or possessor of the property for a commercial, industrial, retail, or other business purpose, regardless of the identity of the property owner.
 - (b) "Owner occupied property" means private real property that is:
 - (i) used for a single-family residential or commercial purpose; and
 - (ii) occupied by the owner of the property.
 - (c) "Relevant area" means:
 - (i) except as provided in Subsection (1)(c)(ii), the project area; or
 - (ii)

- (A) the area included within a phase of a project under a project area plan if the phase and the area included within the phase are described in the project area plan; or
 - (B) the parcel or parcels that are the subject of a community reinvestment project area plan amendment under Subsection 17C-5-112(4).
- (2) An agency may not initiate an action in district court to acquire by eminent domain a residential owner occupied property unless:
- (a)
 - (i) a written petition requesting the agency to use eminent domain to acquire the property is submitted by the owners of at least 80% of the residential owner occupied property within the relevant area representing at least 70% of the value of residential owner occupied property within the relevant area; or
 - (ii) a written petition of 90% of the owners of real property, including property owned by the agency or a public entity within the project area, is submitted to the agency, requesting the use of eminent domain to acquire the property; and
 - (b) at least two-thirds of all board members vote in favor of using eminent domain to acquire the property.
- (3) An agency may not initiate an action in district court to acquire commercial owner occupied property by eminent domain unless:
- (a) a written petition requesting the agency to use eminent domain to acquire the property is submitted by the owners of at least 75% of the commercial property within the relevant area representing at least 60% of the value of commercial property within the relevant area; and
 - (b) at least two-thirds of all board members vote in favor of using eminent domain to acquire the property.
- (4) For purposes of this section an owner is considered to have signed a petition if:
- (a) owners representing a majority ownership interest in the property sign the petition; or
 - (b) if the property is owned by joint tenants or tenants by the entirety, 50% of the number of owners of the property sign the petition.
- (5) An agency may not acquire by eminent domain any real property on which an existing building is to be continued on the building's present site and in the building's present form and use unless:
- (a) the building requires structural alteration, improvement, modernization, or rehabilitation;
 - (b) the site or lot on which the building is situated requires modification in size, shape, or use; or
 - (c)
 - (i) it is necessary to impose upon the property a standard, restriction, or control of the project area plan; and
 - (ii) the owner fails or refuses to agree to participate in the project area plan.
- (6) An agency may not acquire by eminent domain property that is owned by a public entity.
- (7) An agency that acquires property by eminent domain shall comply with Title 57, Chapter 12, Utah Relocation Assistance Act.

Amended by Chapter 456, 2017 General Session

17C-1-905 Court award for court costs and attorney fees, relocation expenses, and damage to fixtures or personal property.

In an eminent domain action under this part, the court may award:

- (1) costs and reasonable attorney fees to the condemnee if the amount of the court or jury award for the property exceeds the amount offered by the agency;

- (2) a reasonable sum, as determined by the court or jury, as compensation for any costs or expenses relating to relocating:
 - (a) an owner who occupied the acquired property;
 - (b) a party conducting a business on the acquired property; or
 - (c) a person displaced from the property, as permitted by Title 57, Chapter 12, Utah Relocation Assistance Act; and
- (3) an amount to compensate for any fixtures or personal property that is:
 - (a) owned by the owner of the acquired property or by a person conducting a business on the acquired property; and
 - (b) damaged as a result of the acquisition or relocation.

Renumbered and Amended by Chapter 350, 2016 General Session

Part 10

Agency Taxing Authority

17C-1-1001 Definitions.

As used in this part:

- (1)
 - (a) "Agency-wide project development" means activity within the agency's boundaries that, as determined by the board, encourages, promotes, or provides development or redevelopment for the purpose of achieving the results described in an implementation plan, including affordable housing.
 - (b) "Agency-wide project development" does not include project area development under a project area plan.
- (2) "Certified tax rate" means the same as that term is defined in Section 59-2-924.
- (3) "Cooperative development project" means project area development with impacts that extend beyond an agency's geographic boundaries to the benefit of two or more communities.
- (4) "Economic development project" means project area development for the purpose of:
 - (a) creating, developing, attracting, and retaining business;
 - (b) creating or preserving jobs;
 - (c) stimulating business and economic activity; or
 - (d) providing a local incentive as required by the Governor's Office of Economic Opportunity under Title 63N, Economic Opportunity Act.
- (5) "Eligible taxing entity" means a taxing entity that:
 - (a) is a municipality, a county, or a school district; and
 - (b) contains an agency partially or completely within the taxing entity's geographic boundaries.
- (6) "Implementation plan" means a plan adopted in accordance with Section 17C-1-1004 that:
 - (a) describes how the agency uses property tax revenue; and
 - (b) guides and controls agency-wide project development.
- (7) "Project area incremental revenue" means the amount of revenue generated by the incremental value that a taxing entity receives after a project area funds collection period ends.
- (8) "Property tax revenue" means the amount of revenue generated by an agency from the property within the agency using the current taxable value of the property and the agency's certified tax rate.

Enacted by Chapter 214, 2021 General Session

17C-1-1002 Transferring project area incremental revenue -- Agency may levy a property tax.

- (1) An agency and an eligible taxing entity may enter into an interlocal agreement for the purpose of transferring all or a portion of the eligible taxing entity's project area incremental revenue.
- (2) An agency shall ensure that an interlocal agreement described in Subsection (1):
 - (a) identifies each project area that is subject to the interlocal agreement;
 - (b) is adopted by the board and the taxing entity in accordance with Section 17C-1-1003;
 - (c) for each project area:
 - (i) states the amount of project area incremental revenue that the eligible taxing entity agrees to transfer to the agency;
 - (ii) states the year in which the eligible taxing entity will transfer the amount described in Subsection (2)(c)(i); and
 - (iii) for the year described in Subsection (2)(c)(ii), requires the agency to add the project area incremental revenue transferred in the agency's budget;
 - (d) includes a copy of the implementation plan described in Section 17C-1-1004;
 - (e) requires the agency to dissolve, in accordance with Section 17C-1-702, any project area:
 - (i) that is subject to the interlocal agreement; and
 - (ii) for which the project area funds collection period will expire; and
 - (f) is filed with the county auditor, the State Tax Commission, and the eligible taxing entity.
- (3) If an agency and an eligible taxing entity enter into an interlocal agreement under this section:
 - (a) subject to Subsection (4) and Section 17C-1-1004, the agency may levy a property tax on taxable property within the agency's geographic boundaries; and
 - (b) except as provided in Subsection (5), the agency may not:
 - (i) create a new community reinvestment project area within the taxing entity's geographic boundaries; or
 - (ii) amend a project area plan or budget if the amendment:
 - (A) enlarges the project area from which tax increment is collected;
 - (B) permits the agency to receive a greater amount of tax increment; or
 - (C) extends the project area funds collection period.
- (4)
 - (a) An agency may levy a property tax for a fiscal year that:
 - (i) is after the year in which the agency receives project area incremental revenue; and
 - (ii) begins on or after the January 1 on which the agency has authority to impose a property tax under this section.
 - (b) An agency board shall calculate the agency's certified tax rate in accordance with Section 59-2-924.
 - (c) An agency may levy a property tax rate that exceeds the agency's certified rate only if the agency complies with Sections 59-2-919 through 59-2-923.
- (5) For a cooperative development project or an economic development project, an agency may, in accordance with Chapter 5, Community Reinvestment:
 - (a) create a new community reinvestment project area; or
 - (b) amend a community reinvestment project area plan or budget.

Enacted by Chapter 214, 2021 General Session

17C-1-1003 Interlocal agreement -- Notice requirements -- Effective date.

- (1) An agency that enters into an interlocal agreement under Section 17C-1-1002 shall:
 - (a) adopt the interlocal agreement at an open and public meeting; and
 - (b) provide a notice, in accordance with Subsections (2) and (3), titled "Authorization to Levy a Property Tax."
- (2) Upon the execution of an interlocal agreement, the agency shall provide, subject to Subsection (3), notice of the execution by publishing the notice for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for at least 14 days.
- (3) A notice described in Subsection (2) shall include:
 - (a) a summary of the interlocal agreement; and
 - (b) a statement that the interlocal agreement:
 - (i) is available for public inspection and the place and the hours for inspection; and
 - (ii) authorizes the agency to:
 - (A) receive all or a portion of a taxing entity's project area incremental revenue; and
 - (B) levy a property tax on taxable property within the agency's boundaries.
- (4) An interlocal agreement described in Section 17C-1-1002 is effective the day on which the notice is published or posted in accordance with Subsections (2) and (3).
- (5) An eligible taxing entity that enters into an interlocal agreement under Section 17C-1-1002 shall make a copy of the interlocal agreement available to the public for inspecting and copying at the eligible taxing entity's office during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-1-1004 Plan hearing -- Implementation plan -- Use of an agency's property tax revenue -- Eminent domain.

- (1) Before an agency may levy a property tax, an agency board shall hold a plan hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements, to:
 - (a) adopt an implementation plan that:
 - (i) contains a boundary description and a map of the geographic area within which the agency will use the agency's property tax revenue;
 - (ii) contains a general description of the existing land uses, zoning, infrastructure conditions, population densities, and demographics of the area described in Subsection (1)(b)(i);
 - (iii) describes the physical, social, and economic conditions that exist in the area described in Subsection (1)(b)(i);
 - (iv) describes the goals and strategies that will guide the agency's use of property tax revenue;
 - (v) shows how agency-wide project development will further the purposes of this title;
 - (vi) is consistent with the general plan of the community that created the agency and shows that agency-wide project development will conform to the community's general plan;
 - (vii) generally describes the type of financial assistance and tools that the agency anticipates providing to participants;
 - (viii) includes an analysis or description of the anticipated public benefits resulting from agency-wide project development, including benefits to economic activity and taxing entities' tax bases;
 - (ix) includes any identified geographic target areas within which the agency will focus investment; and
 - (x) includes other information that the agency determines to be necessary or advisable;
 - (b) inform the public about:
 - (i) the amount of revenue that the agency will receive as property tax revenue that a participating taxing entity would have otherwise received;

- (ii) the property tax rate that the agency will levy;
 - (iii) any changes to the use of revenue; and
 - (iv) how the agency will be using property tax revenue under the implementation plan; and
 - (c) allow individuals present at the plan hearing to comment on the proposed property tax.
- (2) An agency that levies a property tax under this part shall allocate an amount of property tax revenue for housing:
- (a) in an amount that is the same as the agency's housing allocation under Section 17C-5-307 before entering into an interlocal agreement under Section 17C-1-1002; and
 - (b) for a period of time that is the same as the agency's project area funds collection period before entering into an interlocal agreement under Section 17C-1-1002.
- (3)
- (a) Except as provided in Subsection (3)(b), an agency that levies a property tax under this part may not use eminent domain to acquire property for agency-wide project development.
 - (b) An agency that levies a property tax under this part may use eminent domain for an urban renewal project area or a community reinvestment project area in accordance with Part 9, Eminent Domain.

Enacted by Chapter 214, 2021 General Session

17C-1-1005 Agency property tax levy -- Budget -- Accounting for property tax revenue.

- (1)
- (a) Each agency that levies and collects property tax under this part shall levy and collect the property tax in accordance with Title 59, Chapter 2, Property Tax Act.
 - (b) Except as provided in Subsection (1)(c), an agency, at a regular meeting or special meeting called for that purpose, shall, by resolution, set the property tax rate by the date described in Section 59-2-912.
 - (c) An agency may set the rate described in Subsection (1)(b) at an appropriate later date in accordance with Sections 59-2-919 through 59-2-923.
- (2)
- (a) An agency shall include in the agency's budget any project area incremental revenue transferred by an eligible taxing entity under this part.
 - (b) The amount of project area incremental revenue described in Subsection (2)(a) plus the ad valorem property tax revenue that the agency budgeted for the prior year shall constitute the basis for determining the property tax levy that the agency sets for the corresponding tax year.
- (3)
- (a) An agency shall create a property tax revenue fund and separately account for property tax revenue generated under this part.
 - (b) An agency shall include revenue and expenditures of the property tax revenue fund described in Subsection (3)(a) in the annual budget adopted in accordance with Section 17C-1-601.5.

Enacted by Chapter 214, 2021 General Session

**Chapter 2
Urban Renewal**

Part 1 Urban Renewal Project Area Plan

17C-2-101.1 Title.

This chapter is known as "Urban Renewal."

Enacted by Chapter 350, 2016 General Session

17C-2-101.2 Applicability of chapter.

This chapter applies to an urban renewal project area that is effective:

- (1) before May 10, 2016; or
- (2) before September 1, 2016, if an agency adopted a resolution in accordance with Section 17C-2-101.5 before April 1, 2016.

Enacted by Chapter 350, 2016 General Session

17C-2-101.5 Resolution designating survey area -- Request to adopt resolution.

- (1) A board may begin the process of adopting an urban renewal project area plan by adopting a resolution that:
 - (a) designates an area located within the agency's boundaries as a survey area;
 - (b) contains a statement that the survey area requires study to determine whether:
 - (i) one or more urban renewal project areas within the survey area are feasible; and
 - (ii) a development impediment exists within the survey area; and
 - (c) contains a boundary description or map of the survey area.
- (2)
 - (a) Any person or any group, association, corporation, or other entity may submit a written request to the board to adopt a resolution under Subsection (1).
 - (b) A request under Subsection (2)(a) may include plans showing the project area development proposed for an area within the agency's boundaries.
 - (c) The board may, in the board's sole discretion, grant or deny a request under Subsection (2)
 - (a).

Amended by Chapter 376, 2019 General Session

17C-2-102 Process for adopting urban renewal project area plan -- Prerequisites -- Restrictions.

- (1)
 - (a) In order to adopt an urban renewal project area plan, after adopting a resolution under Subsection 17C-2-101.5(1) the agency shall:
 - (i) unless a development impediment determination is based on a determination made under Subsection 17C-2-303(1)(b) relating to an inactive industrial site or inactive airport site:
 - (A) cause a development impediment study to be conducted within the survey area as provided in Section 17C-2-301;
 - (B) provide notice of a development impediment hearing as required under Chapter 1, Part 8, Hearing and Notice Requirements; and
 - (C) hold a development impediment hearing as described in Section 17C-2-302;

- (ii) after the development impediment hearing has been held or, if no development impediment hearing is required under Subsection (1)(a)(i), after adopting a resolution under Subsection 17C-2-101.5(1), hold a board meeting at which the board shall:
 - (A) consider:
 - (I) the evidence and information relating to the existence or nonexistence of a development impediment; and
 - (II) whether adoption of one or more urban renewal project area plans should be pursued; and
 - (B) by resolution:
 - (I) make a determination regarding the existence of a development impediment in the proposed urban renewal project area;
 - (II) select one or more project areas comprising part or all of the survey area; and
 - (III) authorize the preparation of a proposed project area plan for each project area;
 - (iii) prepare a proposed project area plan and conduct any examination, investigation, and negotiation regarding the project area plan that the agency considers appropriate;
 - (iv) make the proposed project area plan available to the public at the agency's offices during normal business hours;
 - (v) provide notice of the plan hearing in accordance with Sections 17C-1-806 and 17C-1-808;
 - (vi) hold a plan hearing on the proposed project area plan and, at the plan hearing:
 - (A) allow public comment on:
 - (I) the proposed project area plan; and
 - (II) whether the proposed project area plan should be revised, approved, or rejected; and
 - (B) receive all written and hear all oral objections to the proposed project area plan;
 - (vii) before holding the plan hearing, provide an opportunity for the State Board of Education and each taxing entity that levies a tax on property within the proposed project area to consult with the agency regarding the proposed project area plan;
 - (viii) if applicable, hold the election required under Subsection 17C-2-105(3);
 - (ix) after holding the plan hearing, at the same meeting or at a subsequent meeting consider:
 - (A) the oral and written objections to the proposed project area plan and evidence and testimony for and against adoption of the proposed project area plan; and
 - (B) whether to revise, approve, or reject the proposed project area plan;
 - (x) approve the proposed project area plan, with or without revisions, as the project area plan by a resolution that complies with Section 17C-2-106; and
 - (xi) submit the project area plan to the community legislative body for adoption.
- (b)
- (i) If an agency makes a determination under Subsection (1)(a)(ii)(B) that a development impediment exists in the proposed urban renewal project area, the agency may not adopt the project area plan until the taxing entity committee approves the development impediment determination.
 - (ii)
 - (A) A taxing entity committee may not disapprove an agency's development impediment determination unless the committee demonstrates that the conditions the agency found to exist in the urban renewal project area that support the agency's development impediment determination under Section 17C-2-303:
 - (I) do not exist; or
 - (II) do not constitute a development impediment.
 - (B)

- (I) If the taxing entity committee questions or disputes the existence of some or all of the development impediment conditions that the agency determined to exist in the urban renewal project area or that those conditions constitute a development impediment, the taxing entity committee may hire a consultant, mutually agreed upon by the taxing entity committee and the agency, with the necessary expertise to assist the taxing entity committee to make a determination as to the existence of the questioned or disputed development impediment conditions.
 - (II) The agency shall pay the fees and expenses of each consultant hired under Subsection (1)(b)(ii)(B)(I).
 - (III) The determination of a consultant under this Subsection (1)(b)(ii)(B) shall be binding on the taxing entity committee and the agency.
- (2) An agency may not propose a project area plan under Subsection (1) unless the community in which the proposed project area is located:
- (a) has a planning commission; and
 - (b) has adopted a general plan under:
 - (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or
 - (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
- (3)
- (a) Subject to Subsection (3)(b), a board may not approve a project area plan more than one year after adoption of a resolution making a development impediment determination under Subsection (1)(a)(ii)(B).
 - (b) If a project area plan is submitted to an election under Subsection 17C-2-105(3), the time between the plan hearing and the date of the election does not count for purposes of calculating the year period under Subsection (3)(a).
- (4)
- (a) Except as provided in Subsection (4)(b), a proposed project area plan may not be modified to add real property to the proposed project area unless the board holds a plan hearing to consider the addition and gives notice of the plan hearing as required under Sections 17C-1-806 and 17C-1-808.
 - (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a proposed project area plan being modified to add real property to the proposed project area if:
 - (i) the property is contiguous to the property already included in the proposed project area under the proposed project area plan;
 - (ii) the record owner of the property consents to adding the real property to the proposed project area; and
 - (iii) the property is located within the survey area.

Amended by Chapter 376, 2019 General Session

17C-2-103 Urban renewal project area plan requirements.

- (1) An agency shall ensure that each urban renewal project area plan and proposed project area plan:
- (a) describes the boundaries of the project area, subject to Section 17C-1-414, if applicable;
 - (b) contains a general statement of the land uses, layout of principal streets, population densities, and building intensities of the project area and how they will be affected by the project area development;
 - (c) states the standards that will guide the project area development;
 - (d) shows how the purposes of this title will be attained by the project area development;

- (e) is consistent with the general plan of the community in which the project area is located and show that the project area development will conform to the community's general plan;
 - (f) describes how the project area development will reduce or eliminate a development impediment in the project area;
 - (g) describes any specific project or projects that are the object of the proposed project area development;
 - (h) identifies how a participant will be selected to undertake the project area development and identify each participant currently involved in the project area development;
 - (i) states the reasons for the selection of the project area;
 - (j) describes the physical, social, and economic conditions existing in the project area;
 - (k) describes any tax incentives offered private entities for facilities located in the project area;
 - (l) includes the analysis described in Subsection (2);
 - (m) if any of the existing buildings or uses in the project area are included in or eligible for inclusion in the National Register of Historic Places or the State Register, states that the agency shall comply with Section 9-8a-404 as though the agency were a state agency; and
 - (n) includes other information that the agency determines to be necessary or advisable.
- (2) An agency shall ensure that each analysis under Subsection (1)(l) considers:
- (a) the benefit of any financial assistance or other public subsidy proposed to be provided by the agency, including:
 - (i) an evaluation of the reasonableness of the costs of the project area development;
 - (ii) efforts the agency or participant has made or will make to maximize private investment;
 - (iii) the rationale for use of tax increment, including an analysis of whether the proposed project area development might reasonably be expected to occur in the foreseeable future solely through private investment; and
 - (iv) an estimate of the total amount of tax increment that will be expended in undertaking project area development and the project area funds collection period; and
 - (b) the anticipated public benefit to be derived from the project area development, including:
 - (i) the beneficial influences upon the tax base of the community;
 - (ii) the associated business and economic activity likely to be stimulated; and
 - (iii) whether adoption of the project area plan is necessary and appropriate to reduce or eliminate a development impediment.

Amended by Chapter 160, 2023 General Session

17C-2-104 Existing and historic buildings and uses in an urban renewal project area.

If any of the existing buildings or uses in an urban renewal project area are included in or eligible for inclusion in the National Register of Historic Places or the State Register, the agency shall comply with Section 9-8a-404 as though the agency were a state agency.

Amended by Chapter 160, 2023 General Session

17C-2-105 Objections to urban renewal project area plan -- Owners' alternative project area plan -- Election if 40% of property owners object.

- (1) At any time before the plan hearing, any person may file with the agency a written statement of objections to the proposed urban renewal project area plan.
- (2) If the record owners of property of a majority of the private real property included within the proposed urban renewal project area file a written petition before or at the plan hearing,

proposing an alternative project area plan, the agency shall consider that proposed plan in conjunction with the project area plan proposed by the agency.

- (3)
- (a) If the record property owners of at least 40% of the private land area within the most recently proposed urban renewal project area object in writing to the proposed project area plan before or at the plan hearing, or object orally at the plan hearing, and do not withdraw their objections, an agency may not approve the project area plan until approved by voters within the boundaries of the agency in which the proposed project area is located at an election as provided in Subsection (3)(b).
 - (b)
 - (i) Except as provided in this section, each election required under Subsection (3)(a) shall comply with Title 20A, Election Code.
 - (ii) An election under Subsection (3)(a) may be held on the same day and with the same election officials as an election held by the community in which the proposed project area is located.
 - (iii) If a majority of those voting on the proposed project area plan vote in favor of it, the project area plan shall be considered approved and the agency shall confirm the approval by resolution.
 - (4) If the record property owners of 2/3 of the private land area within the proposed project area object in writing to the proposed project area plan before or at the plan hearing and do not withdraw their objections, the project area plan may not be adopted and the agency may not reconsider the project area plan for three years.

Amended by Chapter 350, 2016 General Session

17C-2-106 Board resolution approving urban renewal project area plan -- Requirements.

A board shall ensure that each resolution approving a proposed urban renewal project area plan as the project area plan under Subsection 17C-2-102(1)(a)(x) contains:

- (1) a boundary description of the boundaries of the project area that is the subject of the project area plan;
- (2) the agency's purposes and intent with respect to the project area;
- (3) the project area plan incorporated by reference;
- (4) a statement that the board previously made a development impediment determination within the project area and the date of the board's determination; and
- (5) the board findings and determinations that:
 - (a) there is a need to effectuate a public purpose;
 - (b) there is a public benefit under the analysis described in Subsection 17C-2-103(2);
 - (c) it is economically sound and feasible to adopt and carry out the project area plan;
 - (d) the project area plan conforms to the community's general plan; and
 - (e) carrying out the project area plan will promote the public peace, health, safety, and welfare of the community in which the project area is located.

Amended by Chapter 376, 2019 General Session

17C-2-107 Urban renewal project area plan to be adopted by community legislative body.

- (1) An urban renewal project area plan approved by board resolution under Section 17C-2-106 may not take effect until:

- (a) it has been adopted by ordinance of the legislative body of the community that created the agency; and
 - (b) notice under Section 17C-2-108 is provided.
- (2) Each ordinance under Subsection (1) shall:
- (a) be adopted by the community legislative body after the board's approval of a resolution under Section 17C-2-106; and
 - (b) designate the approved project area plan as the official urban renewal plan of the project area.

Renumbered and Amended by Chapter 359, 2006 General Session

17C-2-108 Notice of urban renewal project area plan adoption -- Effective date of plan -- Contesting the formation of the plan.

- (1)
- (a) Upon the community legislative body's adoption of an urban renewal project area plan, or an amendment to a project area plan under Section 17C-2-110, the community legislative body shall provide notice as provided in Subsection (1)(b) by publishing notice for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for at least 30 days.
 - (b) Each notice under Subsection (1)(a) shall:
 - (i) set forth the community legislative body's ordinance adopting the project area plan or a summary of the ordinance; and
 - (ii) include a statement that the project area plan is available for general public inspection and the hours for inspection.
- (2) The project area plan shall become effective at the end of the 30-day period described in Subsection (1)(a).
- (3)
- (a) For a period of 30 days after the effective date of the project area plan under Subsection (2), any person may contest the project area plan or the procedure used to adopt the project area plan if the plan or procedure fails to comply with applicable statutory requirements.
 - (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest the project area plan or procedure used to adopt the project area plan for any cause.
- (4) Upon adoption of the project area plan by the community legislative body, the agency may carry out the project area plan.
- (5) Each agency shall make the project area plan available to the general public at the agency's office during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-2-109 Agency required to transmit and record documents after adoption of an urban renewal project area plan.

Within 30 days after the community legislative body adopts, under Section 17C-2-107, an urban renewal project area plan, the agency shall:

- (1) record with the recorder of the county in which the project area is located a document containing:
- (a) a description of the land within the project area;
 - (b) a statement that the project area plan for the project area has been adopted; and
 - (c) the date of adoption;

- (2) transmit a copy of the description of the land within the project area and an accurate map or plat indicating the boundaries of the project area to the Utah Geospatial Resource Center created under Section 63A-16-505; and
- (3) for a project area plan that provides for the agency to receive tax increment, transmit a copy of the description of the land within the project area, a copy of the community legislative body ordinance adopting the project area plan, and a map or plat indicating the boundaries of the project area to:
 - (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any part of the project area is located;
 - (b) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;
 - (c) the legislative body or governing board of each taxing entity;
 - (d) the State Tax Commission; and
 - (e) the State Board of Education.

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

17C-2-110 Amending an urban renewal project area plan.

- (1) Except as provided in Section 17C-1-1002, an agency may amend an urban renewal project area plan as provided in this section.
- (2) If an agency proposes to amend an urban renewal project area plan to enlarge the project area:
 - (a) subject to Subsection (2)(e), the requirements under this part that apply to adopting a project area plan apply equally to the proposed amendment as if it were a proposed project area plan;
 - (b) for a pre-July 1, 1993, project area plan, the base year for the new area added to the project area shall be determined under Subsection 17C-1-102(9) using the effective date of the amended project area plan;
 - (c) for a post-June 30, 1993, project area plan:
 - (i) the base year for the new area added to the project area shall be determined under Subsection 17C-1-102(9) using the date of the taxing entity committee's consent referred to in Subsection (2)(c)(ii); and
 - (ii) the agency shall obtain the consent of the taxing entity committee before the agency may collect tax increment from the area added to the project area by the amendment;
 - (d) the agency shall make a determination regarding the existence of a development impediment in the area proposed to be added to the project area by following the procedure set forth in Chapter 2, Part 3, Development Impediment Determination in Urban Renewal Project Areas; and
 - (e) the agency need not make a development impediment determination in the project area as described in the original project area plan, if the agency made a development impediment determination regarding that project area in connection with adoption of the original project area plan.
- (3) If a proposed amendment does not propose to enlarge an urban renewal project area, a board may adopt a resolution approving an amendment to a project area plan after:
 - (a) the agency gives notice, as provided in Section 17C-1-806, of the proposed amendment and of the public hearing required by Subsection (3)(b);

- (b) the board holds a public hearing on the proposed amendment that meets the requirements of a plan hearing;
 - (c) the agency obtains the taxing entity committee's consent to the amendment, if the amendment proposes:
 - (i) to enlarge the area within the project area from which tax increment is collected;
 - (ii) to permit the agency to receive a greater percentage of tax increment or to extend the project area funds collection period, or both, than allowed under the adopted project area plan; or
 - (iii) for an amendment to a project area plan that was adopted before April 1, 1983, to expand the area from which tax increment is collected to exceed 100 acres of private property; and
 - (d) the agency obtains the consent of the legislative body or governing board of each taxing entity affected, if the amendment proposes to permit the agency to receive, from less than all taxing entities, a greater percentage of tax increment or to extend the project area funds collection period, or both, than allowed under the adopted project area plan.
- (4)
- (a) An agency may amend an urban renewal project area plan without complying with the notice and public hearing requirements of Subsections (3)(a) and (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:
 - (i) makes a minor adjustment in the boundary description of a project area boundary requested by a county assessor or county auditor to avoid inconsistent property boundary lines; or
 - (ii) subject to Subsection (4)(b), removes one or more parcels from a project area because the agency determines that each parcel removed is:
 - (A) tax exempt;
 - (B) without a development impediment; or
 - (C) no longer necessary or desirable to the project area.
 - (b) An agency may make an amendment removing one or more parcels from a project area under Subsection (4)(a)(ii) without the consent of the record property owner of each parcel being removed.
- (5)
- (a) An amendment approved by board resolution under this section may not take effect until adopted by ordinance of the legislative body of the community in which the project area that is the subject of the project area plan being amended is located.
 - (b) Upon a community legislative body passing an ordinance adopting an amendment to a project area plan, the agency whose project area plan was amended shall comply with the requirements of Sections 17C-2-108 and 17C-2-109 to the same extent as if the amendment were a project area plan.
- (6)
- (a) Within 30 days after the day on which an amendment to a project area plan becomes effective, a person may contest the amendment to the project area plan or the procedure used to adopt the amendment to the project area plan if the amendment or procedure fails to comply with a provision of this title.
 - (b) After the 30-day period described in Subsection (6)(a) expires, a person may not contest the amendment to the project area plan or procedure used to adopt the amendment to the project area plan for any cause.

Amended by Chapter 214, 2021 General Session

Part 2

Urban Renewal Project Area Budget

17C-2-201 Project area budget -- Requirements for adopting -- Contesting the budget or procedure -- Time limit.

- (1)
 - (a) If an agency anticipates funding all or a portion of a post-June 30, 1993 urban renewal project area plan with tax increment, the agency shall, subject to Section 17C-2-202, adopt a project area budget as provided in this part.
 - (b) An urban renewal project area budget adopted on or after March 30, 2009 shall specify:
 - (i) for a project area budget adopted on or after March 30, 2009:
 - (A) the project area funds collection period; and
 - (B) the percentage of tax increment the agency is authorized to receive from the project area under the project area budget; and
 - (ii) for a project area budget adopted on or after March 30, 2013, unless approval is obtained under Subsection 17C-1-402(4)(b)(vi)(C), the maximum cumulative dollar amount of tax increment that the agency may receive from the project area under the project area budget.
- (2) To adopt an urban renewal project area budget, the agency shall:
 - (a) prepare a proposed project area budget;
 - (b) make a copy of the proposed project area budget available to the public at the agency's offices during normal business hours;
 - (c) provide notice of the budget hearing as required by Chapter 1, Part 8, Hearing and Notice Requirements;
 - (d) hold a public hearing on the proposed project area budget and, at that public hearing, allow public comment on:
 - (i) the proposed project area budget; and
 - (ii) whether the proposed project area budget should be revised, adopted, or rejected;
 - (e)
 - (i) if required under Subsection 17C-2-204(1), obtain the approval of the taxing entity committee on the proposed project area budget or a revised version of the proposed project area budget; or
 - (ii) if applicable, comply with the requirements of Subsection 17C-2-204(2);
 - (f) if approval of the taxing entity committee is required under Subsection (2)(e)(i), obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the taxing entity committee followed the appropriate procedures to approve the project area budget; and
 - (g) after the budget hearing, hold a board meeting in the same meeting as the public hearing or in a subsequent meeting to:
 - (i) consider comments made and information presented at the public hearing relating to the proposed project area budget; and
 - (ii) adopt by resolution the proposed project area budget, with any revisions, as the project area budget.
- (3)
 - (a) For a period of 30 days after the agency's adoption of the project area budget under Subsection (2)(g), any person may contest the project area budget or the procedure used to adopt the project area budget if the budget or procedure fails to comply with applicable statutory requirements.

- (b) After the 30-day period under Subsection (3)(a) expires, a person, may not contest:
 - (i) the project area budget or procedure used by either the taxing entity committee or the agency to approve and adopt the project area budget;
 - (ii) a distribution of tax increment to the agency under the project area budget; or
 - (iii) the agency's use of tax increment under the project area budget.

Amended by Chapter 350, 2016 General Session

17C-2-202 Combined incremental value -- Restriction against adopting an urban renewal project area budget -- Taxing entity committee may waive restriction.

- (1) Except as provided in Subsection (2), an agency may not adopt an urban renewal project area budget if, at the time the urban renewal project area budget is being considered, the combined incremental value for the agency exceeds 10% of the total taxable value of property within the agency's boundaries in the year that the urban renewal project area budget is being considered.
- (2)
 - (a) A taxing entity committee may waive the restrictions imposed by Subsection (1).
 - (b) Subsection (1) does not apply to an urban renewal project area budget if the agency's development impediment determination in the project area to which the budget relates is based on a determination under Subsection 17C-2-303(1)(b).

Amended by Chapter 376, 2019 General Session

17C-2-203 Part of tax increment funds in urban renewal project area budget to be used for housing -- Waiver of requirement.

- (1)
 - (a) Except as provided in Subsections (1)(b) and (c), each urban renewal project area budget adopted on or after May 1, 2000, that provides for more than \$100,000 of annual tax increment to be paid to the agency shall allocate at least 20% of the tax increment for housing as provided in Section 17C-1-412.
 - (b) The 20% requirement of Subsection (1)(a) may be waived in part or whole by the taxing entity committee if the taxing entity committee determines that 20% of tax increment is more than is needed to address the community's need for income targeted housing.
 - (c) An agency is not subject to the 20% requirement described in Subsection (1)(a) if:
 - (i) an inactive industrial site is located within an urban renewal project area; and
 - (ii) the inactive industrial site's remediation costs are estimated to exceed 20% of the project area funds under the urban renewal project area budget.
- (2) An urban renewal project area budget not required under Subsection (1)(a) to allocate tax increment for housing may allocate 20% of tax increment received by the agency over the life of the project area for housing as provided in Section 17C-1-412 if the project area budget is under a project area plan that is adopted on or after July 1, 1998.

Amended by Chapter 350, 2016 General Session

17C-2-204 Consent of taxing entity committee required for urban renewal project area budget -- Exception.

- (1)

- (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each agency shall obtain the consent of the taxing entity committee for each urban renewal project area budget under a post-June 30, 1993 project area plan before the agency may receive any tax increment from the urban renewal project area.
 - (b) For an urban renewal project area budget adopted from July 1, 1998 through May 1, 2000 that allocates 20% or more of the tax increment for housing as provided in Section 17C-1-412, an agency:
 - (i) need not obtain the consent of the taxing entity committee for the project area budget; and
 - (ii) may not receive any tax increment from all or part of the project area until after:
 - (A) the loan fund board has certified the project area budget as complying with the requirements of Section 17C-1-412; and
 - (B) the board has approved and adopted the project area budget by a two-thirds vote.
- (2)
- (a) Before a taxing entity committee may consent to an urban renewal project area budget adopted on or after May 1, 2000 that is required under Subsection 17C-2-203(1)(a) to allocate 20% of tax increment for housing, the agency shall:
 - (i) adopt a housing plan showing the uses for the housing funds; and
 - (ii) provide a copy of the housing plan to the taxing entity committee and the loan fund board.
 - (b) If an agency amends a housing plan prepared under Subsection (2)(a), the agency shall provide a copy of the amendment to the taxing entity committee and the loan fund board.

Amended by Chapter 350, 2016 General Session

17C-2-205 Filing a copy of the urban renewal project area budget.

Each agency adopting an urban renewal project area budget shall:

- (1) within 30 days after adopting the project area budget, file a copy of the project area budget with the auditor of the county in which the project area is located, the State Tax Commission, the state auditor, the State Board of Education, and each taxing entity affected by the agency's collection of tax increment under the project area budget; and
- (2) if the project area budget allocates tax increment for housing under Section 17C-1-412, file a copy of the project area budget with the loan fund board.

Renumbered and Amended by Chapter 359, 2006 General Session

17C-2-206 Amending an urban renewal project area budget.

- (1) Except as provided in Section 17C-1-1002, an agency may by resolution amend an urban renewal project area budget as provided in this section.
- (2) To amend an adopted urban renewal project area budget, the agency shall:
 - (a) advertise and hold one public hearing on the proposed amendment as provided in Subsection (3);
 - (b) if approval of the taxing entity committee was required for adoption of the original project area budget, obtain the approval of the taxing entity committee to the same extent that the agency was required to obtain the consent of the taxing entity committee for the project area budget as originally adopted;
 - (c) if approval of the taxing entity committee is required under Subsection (2)(b), obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the taxing entity committee followed the appropriate procedures to approve the project area budget; and
 - (d) adopt a resolution amending the project area budget.

- (3) The public hearing required under Subsection (2)(a) shall be conducted according to the procedures and requirements of Subsections 17C-2-201(2)(c) and (d), except that if the amended project area budget proposes that the agency be paid a greater proportion of tax increment from a project area than was to be paid under the previous project area budget, the notice shall state the percentage paid under the previous project area budget and the percentage proposed under the amended project area budget.
- (4) If the removal of a parcel under Subsection 17C-2-110(4)(a)(ii) reduces the base taxable value of the project area, an agency may amend the project area budget to conform with the new base taxable value without:
 - (a) complying with Subsections (2)(a) and (3); and
 - (b) if applicable, obtaining taxing entity committee approval described in Subsection (2)(b).
- (5) If a proposed amendment is not adopted, the agency shall continue to operate under the previously adopted project area budget without the proposed amendment.
- (6)
 - (a) A person may contest the agency's adoption of a budget amendment within 30 days after the day on which the agency adopts the amendment.
 - (b) A person who fails to contest a budget amendment under Subsection (6)(a):
 - (i) forfeits any claim against an agency's adoption of the amendment; and
 - (ii) may not contest:
 - (A) a distribution of tax increment to the agency under the budget amendment; or
 - (B) an agency's use of a tax increment under the budget amendment.

Amended by Chapter 214, 2021 General Session

17C-2-207 Extending collection of tax increment in an urban renewal project area budget.

- (1) An extension approved by a taxing entity or taxing entity committee before May 10, 2011, is not subject to this section.
- (2)
 - (a) Except as provided in Section 17C-1-1002, an agency's collection of tax increment under an urban renewal project area budget may be extended by:
 - (i) following the project area budget amendment procedures outlined in Section 17C-2-206; or
 - (ii) following the procedures outlined in this section.
 - (b) The base taxable value for an urban renewal project area budget may not be altered as a result of an extension under this section unless otherwise expressly provided for in an interlocal agreement adopted in accordance with Subsection (3)(a).
- (3) Except as provided in Subsection (4), to extend under this section the project area funds collection period under a previously approved project area budget, the agency shall:
 - (a) obtain the approval of the taxing entity through an interlocal agreement;
 - (b)
 - (i) hold a public hearing on the proposed extension in accordance with Subsection 17C-2-201(2)(d) in the same manner as required for a proposed project area budget; and
 - (ii) provide notice of the hearing:
 - (A) as required by Chapter 1, Part 8, Hearing and Notice Requirements; and
 - (B) including the proposed project area budget's extension period; and
 - (c) after obtaining the taxing entity's approval in accordance with Subsection (3)(a), at or after the public hearing, adopt a resolution approving the extension.
- (4)

- (a) Subject to Subsection (4)(b), to extend under this section the project area funds collection period under a previously approved project area budget for a project area that includes an inactive industrial site, the agency shall:
 - (i) hold a public hearing on the proposed extension in accordance with Subsection 17C-2-201(2)(d) in the same manner as required for a proposed project area budget;
 - (ii) provide notice of the hearing as required by Chapter 1, Part 8, Hearing and Notice Requirements, including notice of the proposed project area budget's extension period; and
 - (iii) at or after the public hearing, adopt a resolution approving the extension.
- (b) An extension under Subsection (4)(a) may not extend the length of time that tax increment is collected from any single tax parcel.
- (5) After the project area funds collection period expires, an agency may continue to receive project area funds from those taxing entities that agree to an extension through an interlocal agreement in accordance with Subsection (3)(a) or through the process described in Subsection (4).
- (6)
 - (a) A person may contest the agency's adoption of an extension within 30 days after the day on which the agency adopts the resolution providing for the extension.
 - (b) A person that fails to contest an extension under Subsection (6)(a):
 - (i) shall forfeit any claim against the agency's adoption of the extension; and
 - (ii) may not contest:
 - (A) a distribution of tax increment to the agency under the budget, as extended; or
 - (B) an agency's use of tax increment under the budget, as extended.

Amended by Chapter 214, 2021 General Session

Part 3

Development Impediment Determination in Urban Renewal Project Areas

17C-2-301 Development impediment study -- Requirements -- Deadline.

- (1) An agency shall ensure that each development impediment study required under Subsection 17C-2-102(1)(a)(i)(A):
 - (a) undertakes a parcel by parcel survey of the survey area;
 - (b) provides data so the board and taxing entity committee may determine:
 - (i) whether the conditions described in Subsection 17C-2-303(1):
 - (A) exist in part or all of the survey area; and
 - (B) qualify an area within the survey area as a project area; and
 - (ii) whether the survey area contains all or part of a superfund site, an inactive industrial site, or inactive airport site;
 - (c) includes a written report setting forth:
 - (i) the conclusions reached;
 - (ii) any recommended area within the survey area qualifying as a project area; and
 - (iii) any other information requested by the agency to determine whether an urban renewal project area is feasible; and
 - (d) is completed within one year after the adoption of the survey area resolution.
- (2)

- (a) If a development impediment study is not completed within one year after the adoption of the resolution under Subsection 17C-2-101.5(1) designating a survey area, the agency may not approve an urban renewal project area plan based on that development impediment study unless the agency first adopts a new resolution under Subsection 17C-2-101.5(1).
- (b) A new resolution under Subsection (2)(a) shall in all respects be considered to be a resolution under Subsection 17C-2-101.5(1) adopted for the first time, except that any actions taken toward completing a development impediment study under the resolution that the new resolution replaces shall be considered to have been taken under the new resolution.

Amended by Chapter 376, 2019 General Session

17C-2-302 Development impediment hearing -- Owners may review evidence of a development impediment.

- (1) In each hearing required under Subsection 17C-2-102(1)(a)(i)(C), the agency shall:
 - (a) permit all evidence of the existence or nonexistence of a development impediment within the proposed urban renewal project area to be presented; and
 - (b) permit each record owner of property located within the proposed urban renewal project area or the record property owner's representative the opportunity to:
 - (i) examine and cross-examine witnesses providing evidence of the existence or nonexistence of a development impediment; and
 - (ii) present evidence and testimony, including expert testimony, concerning the existence or nonexistence of a development impediment.
- (2) The agency shall allow record owners of property located within a proposed urban renewal project area the opportunity, for at least 30 days before the hearing, to review the evidence of a development impediment compiled by the agency or by the person or firm conducting the development impediment study for the agency, including any expert report.

Amended by Chapter 376, 2019 General Session

17C-2-303 Conditions on board determination of a development impediment -- Conditions of a development impediment caused by the participant.

- (1) A board may not make a development impediment determination in a resolution under Subsection 17C-2-102(1)(a)(ii)(B) unless the board finds that:
 - (a)
 - (i) the proposed project area consists predominantly of nongreenfield parcels;
 - (ii) the proposed project area is currently zoned for urban purposes and generally served by utilities;
 - (iii) at least 50% of the parcels within the proposed project area contain nonagricultural or nonaccessory buildings or improvements used or intended for residential, commercial, industrial, or other urban purposes, or any combination of those uses;
 - (iv) the present condition or use of the proposed project area substantially impairs the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic liability or is detrimental to the public health, safety, or welfare, as shown by the existence within the proposed project area of at least four of the following factors:
 - (A) one of the following, although sometimes interspersed with well maintained buildings and infrastructure:
 - (l) substantial physical dilapidation, deterioration, or defective construction of buildings or infrastructure; or

- (II) significant noncompliance with current building code, safety code, health code, or fire code requirements or local ordinances;
 - (B) unsanitary or unsafe conditions in the proposed project area that threaten the health, safety, or welfare of the community;
 - (C) environmental hazards, as defined in state or federal law, that require remediation as a condition for current or future use and development;
 - (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for urban use and served by utilities;
 - (E) abandoned or outdated facilities that pose a threat to public health, safety, or welfare;
 - (F) criminal activity in the project area, higher than that of comparable areas in the municipality or county that are without a development impediment; and
 - (G) defective or unusual conditions of title rendering the title nonmarketable; and
- (v)
- (A) at least 50% of the privately-owned parcels within the proposed project area are affected by at least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv); and
 - (B) the affected parcels comprise at least 66% of the privately-owned acreage of the proposed project area; or
- (b) the proposed project area includes some or all of a superfund site, inactive industrial site, or inactive airport site.
- (2) No single parcel comprising 10% or more of the acreage of the proposed project area may be counted as satisfying Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of that parcel is occupied by buildings or improvements.
- (3)
- (a) For purposes of Subsection (1), if a participant involved in the project area development has caused a condition listed in Subsection (1)(a)(iv) within the proposed project area, that condition may not be used in the determination of a development impediment.
 - (b) Subsection (3)(a) does not apply to a condition that was caused by an owner or tenant who becomes a participant.

Amended by Chapter 376, 2019 General Session

17C-2-304 Challenging a development impediment determination -- Time limit -- De novo review.

- (1) If the board makes a development impediment determination under Subsection 17C-2-102(1)(a)(ii)(B) and that determination is approved by resolution adopted by the taxing entity committee, a record owner of property located within the proposed urban renewal project area may challenge the determination by filing an action with the district court for the county in which the property is located.
- (2) A person shall file a challenge under Subsection (1) within 30 days after the taxing entity committee approves the board's development impediment determination.
- (3) In each action under this section, the district court shall review the development impediment determination under the standards of review provided in Subsection 10-9a-801(3).

Amended by Chapter 376, 2019 General Session

Chapter 3 Economic Development

Part 1 Economic Development Project Area Plan

17C-3-101.1 Title.

This chapter is known as "Economic Development."

Enacted by Chapter 350, 2016 General Session

17C-3-101.2 Applicability of chapter.

This chapter applies to an economic development project area that is effective:

- (1) before May 10, 2016; or
- (2) before September 1, 2016, if an agency adopted a resolution in accordance with Section 17C-3-101.5 before April 1, 2016.

Enacted by Chapter 350, 2016 General Session

17C-3-101.5 Resolution authorizing the preparation of a proposed economic development project area plan -- Request to adopt resolution.

- (1) A board may begin the process of adopting an economic development project area plan by adopting a resolution that authorizes the preparation of a proposed project area plan.
- (2)
 - (a) Any person or any group, association, corporation, or other entity may submit a written request to the board to adopt a resolution under Subsection (1).
 - (b) A request under Subsection (2)(a) may include plans showing the project area development proposed for an area within the agency's boundaries.
 - (c) The board may, in the board's sole discretion, grant or deny a request under Subsection (2)(a).

Renumbered and Amended by Chapter 350, 2016 General Session

17C-3-102 Process for adopting an economic development project area plan -- Prerequisites -- Restrictions.

- (1) In order to adopt an economic development project area plan, after adopting a resolution under Subsection 17C-3-101.5(1) the agency shall:
 - (a) prepare a proposed economic development project area plan and conduct any examination, investigation, and negotiation regarding the project area plan that the agency considers appropriate;
 - (b) make the proposed project area plan available to the public at the agency's offices during normal business hours;
 - (c) provide notice of the plan hearing as provided in Chapter 1, Part 8, Hearing and Notice Requirements;
 - (d) hold a public hearing on the proposed project area plan and, at that public hearing:
 - (i) allow public comment on:
 - (A) the proposed project area plan; and

- (B) whether the proposed project area plan should be revised, approved, or rejected; and
 - (ii) receive all written and hear all oral objections to the proposed project area plan;
 - (e) before holding the plan hearing, provide an opportunity for the State Board of Education and each taxing entity within the proposed project area to consult with the agency regarding the proposed project area plan;
 - (f) after holding the plan hearing, at the same meeting or at a subsequent meeting consider:
 - (i) the oral and written objections to the proposed project area plan and evidence and testimony for or against adoption of the proposed project area plan; and
 - (ii) whether to revise, approve, or reject the proposed project area plan;
 - (g) approve the proposed project area plan, with or without revisions, as the project area plan by a resolution that complies with Section 17C-3-105; and
 - (h) submit the project area plan to the community legislative body for adoption.
- (2) An agency may not propose a project area plan under Subsection (1) unless the community in which the proposed project area is located:
- (a) has a planning commission; and
 - (b) has adopted a general plan under:
 - (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or
 - (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
- (3) A board may not approve a project area plan more than one year after the date of the plan hearing.
- (4)
- (a) Except as provided in Subsection (4)(b), a proposed project area plan may not be modified to add one or more parcels to the proposed project area unless the board holds a plan hearing to consider the addition and gives notice of the plan hearing as required under Chapter 1, Part 8, Hearing and Notice Requirements.
 - (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a proposed project area plan being modified to add one or more parcels to the proposed project area if:
 - (i) the parcel is contiguous to the parcels already included in the proposed project area under the proposed project area plan; and
 - (ii) the record owner of the property consents to adding the parcel to the proposed project area.

Amended by Chapter 350, 2016 General Session

17C-3-103 Economic development project area plan requirements.

- (1) Each economic development project area plan and proposed project area plan shall:
- (a) describe the boundaries of the project area, subject to Section 17C-1-414, if applicable;
 - (b) contain a general statement of the land uses, layout of principal streets, population densities, and building intensities of the project area and how they will be affected by the project area development;
 - (c) state the standards that will guide the project area development;
 - (d) show how the purposes of this title will be attained by the project area development;
 - (e) be consistent with the general plan of the community in which the project area is located and show that the project area development will conform to the community's general plan;
 - (f) describe how the project area development will create additional jobs;
 - (g) describe any specific project or projects that are the object of the proposed project area development;
 - (h) identify how a participant will be selected to undertake the project area development and identify each participant currently involved in the project area development;

- (i) state the reasons for the selection of the project area;
 - (j) describe the physical, social, and economic conditions existing in the project area;
 - (k) describe any tax incentives offered private entities for facilities located in the project area;
 - (l) include an analysis, as provided in Subsection (2), of whether adoption of the project area plan is beneficial under a benefit analysis;
 - (m) if any of the existing buildings or uses in the project area are included in or eligible for inclusion in the National Register of Historic Places or the State Register, state that the agency shall comply with Subsection 9-8a-404(1) as though the agency were a state agency; and
 - (n) include other information that the agency determines to be necessary or advisable.
- (2) Each analysis under Subsection (1)(l) shall consider:
- (a) the benefit of any financial assistance or other public subsidy proposed to be provided by the agency, including:
 - (i) an evaluation of the reasonableness of the costs of project area development;
 - (ii) efforts the agency or participant has made or will make to maximize private investment;
 - (iii) the rationale for use of tax increment, including an analysis of whether the proposed project area development might reasonably be expected to occur in the foreseeable future solely through private investment; and
 - (iv) an estimate of the total amount of tax increment that will be expended in undertaking project area development and the length of time for which it will be expended; and
 - (b) the anticipated public benefit to be derived from the project area development, including:
 - (i) the beneficial influences upon the tax base of the community;
 - (ii) the associated business and economic activity likely to be stimulated; and
 - (iii) the number of jobs or employment anticipated to be generated or preserved.

Amended by Chapter 160, 2023 General Session

17C-3-104 Existing and historic buildings and uses in an economic development project area.

If any of the existing buildings or uses in an economic development project area are included in or eligible for inclusion in the National Register of Historic Places or the State Register, the agency shall comply with Subsection 9-8a-404(1) as though the agency were a state agency.

Amended by Chapter 160, 2023 General Session

17C-3-105 Board resolution approving an economic development project area plan -- Requirements.

Each board resolution approving a proposed economic development project area plan as the project area plan under Subsection 17C-3-102(1)(g) shall contain:

- (1) a boundary description of the boundaries of the project area that is the subject of the project area plan;
- (2) the agency's purposes and intent with respect to the project area;
- (3) the project area plan incorporated by reference; and
- (4) the board findings and determinations that:
 - (a) there is a need to effectuate a public purpose;
 - (b) there is a public benefit under the analysis described in Subsection 17C-3-103(2);
 - (c) it is economically sound and feasible to adopt and carry out the project area plan;
 - (d) the project area plan conforms to the community's general plan; and

- (e) carrying out the project area plan will promote the public peace, health, safety, and welfare of the community in which the project area is located.

Amended by Chapter 350, 2016 General Session

17C-3-106 Economic development project area plan to be adopted by community legislative body.

- (1) An economic development project area plan approved by board resolution under Subsection 17C-3-102(1)(g) may not take effect until it has been adopted by ordinance of the legislative body of the community that created the agency and notice under Section 17C-3-107 is provided.
- (2) Each ordinance under Subsection (1) shall:
 - (a) be adopted by the community legislative body after the board's approval of a resolution under Subsection 17C-3-102(1)(g); and
 - (b) designate the approved project area plan as the official economic development plan of the project area.

Enacted by Chapter 359, 2006 General Session

17C-3-107 Notice of economic development project area plan adoption -- Effective date of plan -- Contesting the formation of the plan.

- (1)
 - (a) Upon the community legislative body's adoption of an economic development project area plan, or an amendment to the project area plan under Section 17C-3-109 that requires notice, the legislative body shall provide notice as provided in Subsection (1)(b) by publishing notice for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for at least 30 days.
 - (b) Each notice under Subsection (1)(a) shall:
 - (i) set forth the community legislative body's ordinance adopting the project area plan or a summary of the ordinance; and
 - (ii) include a statement that the project area plan is available for public inspection and the hours for inspection.
- (2) The project area plan shall become effective at the end of the 30-day period described in Subsection (1)(a).
- (3)
 - (a) For a period of 30 days after the effective date of the project area plan under Subsection (2), any person may contest the project area plan or the procedure used to adopt the project area plan if the plan or procedure fails to comply with applicable statutory requirements.
 - (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest the project area plan or procedure used to adopt the project area plan for any cause.
- (4) Upon adoption of the economic development project area plan by the community legislative body, the agency may implement the project area plan.
- (5) Each agency shall make the economic development project area plan available to the general public at the agency's office during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-3-108 Agency required to transmit and record documents after adoption of economic development project area plan.

Within 30 days after the community legislative body adopts, under Section 17C-3-106, an economic development project area plan, the agency shall:

- (1) record with the recorder of the county in which the economic development project area is located a document containing:
 - (a) a description of the land within the project area;
 - (b) a statement that the project area plan for the project area has been adopted; and
 - (c) the date of adoption;
- (2) transmit a copy of the description of the land within the project area and an accurate map or plat indicating the boundaries of the project area to the Utah Geospatial Resource Center created under Section 63A-16-505; and
- (3) for a project area plan that provides for the agency to receive tax increment, transmit a copy of the description of the land within the project area, a copy of the community legislative body ordinance adopting the project area plan, and a map or plat indicating the boundaries of the project area to:
 - (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any part of the project area is located;
 - (b) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;
 - (c) the legislative body or governing board of each taxing entity;
 - (d) the State Tax Commission; and
 - (e) the State Board of Education.

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

17C-3-109 Amending an economic development project area plan.

- (1) Except as provided in Section 17C-1-1002, an agency may amend an economic development project area plan as provided in this section.
- (2) If an agency proposes to amend an economic development project area plan to enlarge the project area:
 - (a) the requirements under this part that apply to adopting a project area plan apply equally to the proposed amendment as if it were a proposed project area plan;
 - (b) the base year for the new area added to the project area shall be determined under Subsection 17C-1-102(9) using the date of the taxing entity committee's consent referred to in Subsection (2)(c); and
 - (c) the agency shall obtain the consent of the taxing entity committee before the agency may collect tax increment from the area added to the project area by the amendment.
- (3) If a proposed amendment does not propose to enlarge an economic development project area, a board may adopt a resolution approving an amendment to an economic development project area plan after:
 - (a) the agency gives notice, as provided in Chapter 1, Part 8, Hearing and Notice Requirements, of the proposed amendment and of the public hearing required by Subsection (3)(b);
 - (b) the board holds a public hearing on the proposed amendment that meets the requirements of a plan hearing;

- (c) the agency obtains the taxing entity committee's consent to the amendment, if the amendment proposes:
 - (i) to enlarge the area within the project area from which tax increment is received; or
 - (ii) to permit the agency to receive a greater percentage of tax increment or to extend the project area funds collection period under the economic development project area plan; and
 - (d) the agency obtains the consent of the legislative body or governing board of each taxing entity affected, if the amendment proposes to permit the agency to receive, from less than all taxing entities, a greater percentage of tax increment or to extend the project area funds collection period, or both, than allowed under the economic development project area plan.
- (4)
- (a) An economic development project area plan may be amended without complying with the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:
 - (i) makes a minor adjustment in the boundary description of a project area boundary requested by a county assessor or county auditor to avoid inconsistent property boundary lines; or
 - (ii) subject to Subsection (4)(b), removes one or more parcels from a project area because the agency determines that each parcel removed is:
 - (A) tax exempt; or
 - (B) no longer necessary or desirable to the project area.
 - (b) An amendment removing one or more parcels from a project area under Subsection (4)(a) may be made without the consent of the record property owner of each parcel being removed.
- (5)
- (a) An amendment approved by board resolution under this section may not take effect until adopted by ordinance of the legislative body of the community in which the project area that is the subject of the project area plan being amended is located.
 - (b) Upon a community legislative body passing an ordinance adopting an amendment to a project area plan, the agency whose project area plan was amended shall comply with the requirements of Sections 17C-3-107 and 17C-3-108 to the same extent as if the amendment were a project area plan.
- (6)
- (a) Within 30 days after the day on which an amendment to a project area plan becomes effective, a person may contest the amendment to the project area plan or the procedure used to adopt the amendment to the project area plan if the amendment or procedure fails to comply with a provision of this title.
 - (b) After the 30-day period described in Subsection (6)(a) expires, a person may not contest the amendment to the project area plan or procedure used to adopt the amendment to the project area plan for any cause.

Amended by Chapter 214, 2021 General Session

Part 2

Economic Development Project Area Budget

17C-3-201 Economic development project area budget -- Requirements for adopting -- Contesting the budget or procedure -- Time limit.

(1)

- (a) If an agency anticipates funding all or a portion of a post-June 30, 1993 economic development project area plan with tax increment, the agency shall, subject to Section 17C-3-202, adopt a project area budget as provided in this part.
 - (b) An economic development project area budget adopted on or after March 30, 2009 shall specify:
 - (i) for a project area budget adopted on or after March 30, 2009:
 - (A) the project area funds collection period; and
 - (B) the percentage of tax increment the agency is authorized to receive from the project area under the project area budget; and
 - (ii) for a project area budget adopted on or after March 30, 2013, unless approval is obtained under Subsection 17C-1-402(4)(b)(vi)(C), the maximum cumulative dollar amount of tax increment that the agency may receive from the project area under the project area budget.
- (2) To adopt an economic development project area budget, the agency shall:
- (a) prepare a proposed economic development project area budget;
 - (b) make a copy of the proposed project area budget available to the public at the agency's offices during normal business hours;
 - (c) provide notice of the budget hearing as required by Chapter 1, Part 8, Hearing and Notice Requirements;
 - (d) hold a public hearing on the proposed project area budget and, at that public hearing, allow public comment on:
 - (i) the proposed project area budget; and
 - (ii) whether the proposed project area budget should be revised, adopted, or rejected;
 - (e)
 - (i) if required under Subsection 17C-3-203(1), obtain the approval of the taxing entity committee on the proposed project area budget or a revised version of the proposed project area budget; or
 - (ii) if applicable, comply with the requirements of Subsection 17C-3-203(2);
 - (f) if approval of the taxing entity committee is required under Subsection (2)(e)(i), obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the taxing entity committee followed the appropriate procedures to approve the project area budget; and
 - (g) after the budget hearing, hold a board meeting in the same meeting as the public hearing or in a subsequent meeting to:
 - (i) consider comments made and information presented at the public hearing relating to the proposed project area budget; and
 - (ii) adopt by resolution the proposed project area budget, with any revisions, as the project area budget.
- (3)
- (a) For a period of 30 days after the agency's adoption of the project area budget under Subsection (2)(g), any person may contest the project area budget or the procedure used to adopt the project area budget if the budget or procedure fails to comply with applicable statutory requirements.
 - (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest:
 - (i) the project area budget or procedure used by either the taxing entity committee or the agency to approve and adopt the project area budget;
 - (ii) a distribution of tax increment to the agency under the project area budget; or
 - (iii) the agency's use of tax increment under the project area budget.

Amended by Chapter 350, 2016 General Session

17C-3-202 Part of tax increment funds in an economic development project area budget to be used for housing -- Waiver of requirement.

- (1) This section applies only to an economic development project area budget adopted on or after May 1, 2000, but before March 30, 2009.
- (2)
 - (a) Except as provided in Subsection (2)(b), each economic development project area budget adopted on or after May 1, 2000 but before March 30, 2009 that provides for more than \$100,000 of annual tax increment to be paid to the agency shall allocate at least 20% of the tax increment for housing as provided in Section 17C-1-412.
 - (b) The 20% requirement of Subsection (2)(a) may be waived:
 - (i) in part or whole by the mutual consent of the loan fund board and the taxing entity committee if they determine that 20% of tax increment is more than is needed to address the community's need for income targeted housing; or
 - (ii) in fifth and sixth class counties, by the taxing entity committee for economic development project area budgets adopted on or after May 1, 2002 but before March 30, 2009, if the economic development project area consists of an area without housing units.
- (3) An economic development project area budget not required under Subsection (2)(a) to allocate tax increment for housing may allocate 20% of tax increment payable to the agency over the life of the project area for housing as provided in Section 17C-1-412 if the project area budget is under a project area plan that is adopted on or after July 1, 1998.

Amended by Chapter 387, 2009 General Session

17C-3-203 Consent of taxing entity committee required for economic development project area budget -- Exception.

- (1)
 - (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each agency shall obtain the consent of the taxing entity committee for each economic development project area budget under a post-June 30, 1993 economic development project area plan before the agency may collect any tax increment from the project area.
 - (b) For an economic development project area budget adopted from July 1, 1998 through May 1, 2000 that allocates 20% or more of the tax increment for housing as provided in Section 17C-1-412, an agency:
 - (i) need not obtain the consent of the taxing entity committee for the project area budget; and
 - (ii) may not receive any tax increment from all or part of the project area until after:
 - (A) the loan fund board has certified the project area budget as complying with the requirements of Section 17C-1-412; and
 - (B) the board has approved and adopted the project area budget by a two-thirds vote.
- (2)
 - (a) Before a taxing entity committee may consent to an economic development project area budget adopted on or after May 1, 2000 that allocates 20% of tax increment for housing under Subsection 17C-3-202(2)(a) or (3), the agency shall:
 - (i) adopt a housing plan showing the uses for the housing funds; and
 - (ii) provide a copy of the housing plan to the taxing entity committee and the loan fund board.
 - (b) If an agency amends a housing plan prepared under Subsection (2)(a), the agency shall provide a copy of the amendment to the taxing entity committee and the loan fund board.

Amended by Chapter 350, 2016 General Session

17C-3-204 Filing a copy of the economic development project area budget.

Each agency adopting an economic development project area budget shall:

- (1) within 30 days after adopting the project area budget, file a copy of the project area budget with the auditor of the county in which the project area is located, the State Tax Commission, the state auditor, the State Board of Education, and each taxing entity affected by the agency's collection of tax increment under the project area budget; and
- (2) if the project area budget allocates tax increment for housing under Section 17C-1-412, file a copy of the project area budget with the loan fund board.

Enacted by Chapter 359, 2006 General Session

17C-3-205 Amending an economic development project area budget.

- (1) Except as provided in Section 17C-1-1002, an agency may by resolution amend an economic development project area budget as provided in this section.
- (2) To amend an adopted economic development project area budget, the agency shall:
 - (a) advertise and hold one public hearing on the proposed amendment as provided in Subsection (3);
 - (b) if approval of the taxing entity committee was required for adoption of the original project area budget, obtain the approval of the taxing entity committee to the same extent that the agency was required to obtain the consent of the taxing entity committee for the project area budget as originally adopted;
 - (c) if approval of the taxing entity committee is required under Subsection (2)(b), obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the taxing entity committee followed the appropriate procedures to approve the project area budget; and
 - (d) adopt a resolution amending the project area budget.
- (3) The public hearing required under Subsection (2)(a) shall be conducted according to the procedures and requirements of Section 17C-3-201, except that if the amended project area budget proposes that the agency be paid a greater proportion of tax increment from a project area than was to be paid under the previous project area budget, the notice shall state the percentage paid under the previous project area budget and the percentage proposed under the amended project area budget.
- (4) If the removal of a parcel under Subsection 17C-3-109(4)(a)(ii) reduces the base taxable value of the project area, an agency may amend the project area budget to conform with the new base taxable value without:
 - (a) complying with Subsections (2)(a) and (3); and
 - (b) if applicable, obtaining taxing entity committee approval described in Subsection (2)(b).
- (5) If a proposed amendment is not adopted, the agency shall continue to operate under the previously adopted economic development project area budget without the proposed amendment.
- (6)
 - (a) A person may contest the agency's adoption of a budget amendment within 30 days after the day on which the agency adopts the amendment.
 - (b) A person that fails to contest a budget amendment under Subsection (6)(a):
 - (i) forfeits any claim against an agency's adoption of the amendment; and
 - (ii) may not contest:

- (A) a distribution of tax increment to the agency under the budget amendment; or
- (B) an agency's use of a tax increment under a budget amendment.

Amended by Chapter 214, 2021 General Session

17C-3-206 Extending collection of tax increment under an economic development project area budget.

- (1) An amendment or extension approved by a taxing entity or taxing entity committee before May 10, 2011, is not subject to this section.
- (2)
 - (a) Except as provided in Section 17C-1-1002, an agency's collection of tax increment under an adopted economic development project area budget may be extended by:
 - (i) following the project area budget amendment procedures outlined in Section 17C-3-205; or
 - (ii) following the procedures outlined in this section.
 - (b) The base taxable value for an urban renewal project area budget may not be altered as a result of an extension under this section unless otherwise expressly provided for in an interlocal agreement adopted in accordance with Subsection (3)(a).
- (3) To extend under this section the agency's collection of tax increment from a taxing entity under a previously approved project area budget, the agency shall:
 - (a) obtain the approval of the taxing entity through an interlocal agreement;
 - (b)
 - (i) hold a public hearing on the proposed extension in accordance with Subsection 17C-2-201(2)(d) in the same manner as required for a proposed project area budget; and
 - (ii) provide notice of the hearing:
 - (A) as required by Chapter 1, Part 8, Hearing and Notice Requirements; and
 - (B) including the proposed period of extension of the project area budget; and
 - (c) after obtaining the approval of the taxing entity in accordance with Subsection (3)(a), at or after the public hearing, adopt a resolution approving the extension.
- (4) After the expiration of a project area budget, an agency may continue to receive tax increment from those taxing entities that have agreed to an extension through an interlocal agreement in accordance with Subsection (3)(a).
- (5)
 - (a) A person may contest the agency's adoption of a budget extension within 30 days after the day on which the agency adopts the resolution providing for the extension.
 - (b) A person that fails to contest a budget extension under Subsection (5)(a):
 - (i) shall forfeit any claim against the agency's adoption of the extension; and
 - (ii) may not contest:
 - (A) a distribution of tax increment to the agency under the budget, as extended; or
 - (B) an agency's use of tax increment under the budget, as extended.

Amended by Chapter 214, 2021 General Session

**Chapter 4
Community Development**

Part 1
Community Development Project Area Plan

17C-4-101.1 Title.

This chapter is known as "Community Development."

Enacted by Chapter 350, 2016 General Session

17C-4-101.2 Applicability of chapter.

This chapter applies to a community development project area that is effective:

- (1) before May 10, 2016; or
- (2) before September 1, 2016, if an agency adopted a resolution in accordance with Section 17C-4-101.5 before April 1, 2016.

Enacted by Chapter 350, 2016 General Session

17C-4-101.5 Resolution authorizing the preparation of a community development proposed project area plan -- Request to adopt resolution.

- (1) A board may begin the process of adopting a community development project area plan by adopting a resolution that authorizes the preparation of a proposed community development project area plan.
- (2)
 - (a) Any person or any group, association, corporation, or other entity may submit a written request to the board to adopt a resolution under Subsection (1).
 - (b) A request under Subsection (2)(a) may include plans showing the project area development proposed for an area within the agency's boundaries.
 - (c) The board may, in the board's sole discretion, grant or deny a request under Subsection (2)
 - (a).

Renumbered and Amended by Chapter 350, 2016 General Session

17C-4-102 Process for adopting a community development project area plan -- Prerequisites -- Restrictions.

- (1) In order to adopt a community development project area plan, after adopting a resolution under Subsection 17C-4-101.5(1) the agency shall:
 - (a) prepare a proposed community development project area plan and conduct any examination, investigation, and negotiation regarding the project area plan that the agency considers appropriate;
 - (b) make the proposed project area plan available to the public at the agency's offices during normal business hours;
 - (c) provide notice of the plan hearing as described in Chapter 1, Part 8, Hearing and Notice Requirements;
 - (d) hold a public hearing on the proposed project area plan and, at that public hearing:
 - (i) allow public comment on:
 - (A) the proposed project area plan; and
 - (B) whether the proposed project area plan should be revised, approved, or rejected; and
 - (ii) receive all written and hear all oral objections to the proposed project area plan;

- (e) after holding the plan hearing, at the same meeting or at one or more subsequent meetings consider:
 - (i) the oral and written objections to the proposed project area plan and evidence and testimony for or against adoption of the proposed project area plan; and
 - (ii) whether to revise, approve, or reject the proposed project area plan;
 - (f) approve the proposed project area plan, with or without revisions, as the project area plan by a resolution that complies with Section 17C-4-104; and
 - (g) submit the project area plan to the community legislative body for adoption.
- (2) An agency may not propose a community development project area plan under Subsection (1) unless the community in which the proposed project area is located:
- (a) has a planning commission; and
 - (b) has adopted a general plan under:
 - (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or
 - (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
- (3)
- (a) Except as provided in Subsection (3)(b), a proposed project area plan may not be modified to add a parcel to the proposed project area unless the board holds a plan hearing to consider the addition and gives notice of the plan hearing as required under Chapter 1, Part 8, Hearing and Notice Requirements.
 - (b) The notice and hearing requirements under Subsection (3)(a) do not apply to a proposed project area plan being modified to add a parcel to the proposed project area if:
 - (i) the parcel is contiguous to one or more parcels already included in the proposed project area under the proposed project area plan; and
 - (ii) the record owner of the property consents to adding the parcel to the proposed project area.

Amended by Chapter 350, 2016 General Session

17C-4-103 Community development project area plan requirements.

Each community development project area plan and proposed project area plan shall:

- (1) describe the boundaries of the project area, subject to Section 17C-1-414, if applicable;
- (2) contain a general statement of the land uses, layout of principal streets, population densities, and building intensities of the project area and how they will be affected by the community development;
- (3) state the standards that will guide the project area development;
- (4) show how the purposes of this title will be attained by the project area development;
- (5) be consistent with the general plan of the community in which the project area is located and show that the project area development will conform to the community's general plan;
- (6) describe any specific project or projects that are the object of the proposed project area development;
- (7) identify how a participant will be selected to undertake the project area development and identify each participant currently involved in the project area development;
- (8) state the reasons for the selection of the project area;
- (9) describe the physical, social, and economic conditions existing in the project area;
- (10) describe any tax incentives offered private entities for facilities located in the project area;
- (11) include an analysis or description of the anticipated public benefit to be derived from the project area development, including:
 - (a) the beneficial influences upon the tax base of the community; and
 - (b) the associated business and economic activity likely to be stimulated; and

(12) include other information that the agency determines to be necessary or advisable.

Amended by Chapter 350, 2016 General Session

17C-4-104 Board resolution approving a community development project area plan -- Requirements.

Each board resolution approving a proposed community development project area plan as the project area plan under Subsection 17C-4-102(1)(f) shall contain:

- (1) a boundary description of the boundaries of the project area that is the subject of the project area plan;
- (2) the agency's purposes and intent with respect to the project area;
- (3) the project area plan incorporated by reference; and
- (4) the board findings and determinations that adoption of the community development project area plan will:
 - (a) satisfy a public purpose;
 - (b) provide a public benefit as shown by the analysis described in Subsection 17C-4-103(11);
 - (c) be economically sound and feasible;
 - (d) conform to the community's general plan; and
 - (e) promote the public peace, health, safety, and welfare of the community in which the project area is located.

Amended by Chapter 350, 2016 General Session

17C-4-105 Community development plan to be adopted by community legislative body.

- (1) A community development project area plan approved by board resolution under Section 17C-4-104 may not take effect until it has been adopted by ordinance of the legislative body of the community that created the agency and notice under Section 17C-4-106 is provided.
- (2) Each ordinance under Subsection (1) shall:
 - (a) be adopted by the community legislative body after the board's approval of a resolution under Section 17C-4-104; and
 - (b) designate the approved project area plan as the official community development plan of the project area.

Enacted by Chapter 359, 2006 General Session

17C-4-106 Notice of community development project area plan adoption -- Effective date of plan -- Contesting the formation of the plan.

- (1)
 - (a) Upon the community legislative body's adoption of a community development project area plan, the community legislative body shall provide notice as provided in Subsection (1)(b) by publishing notice for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for at least 30 days.
 - (b) Each notice under Subsection (1)(a) shall:
 - (i) set forth the community legislative body's ordinance adopting the community development project area plan or a summary of the ordinance; and
 - (ii) include a statement that the project area plan is available for general public inspection and the hours for inspection.

- (2) The community development project area plan shall become effective at the end of the 30-day period described in Subsection (1)(a).
- (3)
 - (a) For a period of 30 days after the effective date of the community development project area plan under Subsection (2), any person may contest the project area plan or the procedure used to adopt the project area plan if the plan or procedure fails to comply with applicable statutory requirements.
 - (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest the community development project area plan or procedure used to adopt the project area plan for any cause.
- (4) Upon adoption of the community development project area plan by the community legislative body, the agency may carry out the project area plan.
- (5) Each agency shall make the adopted project area plan available to the public at the agency's office during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-4-107 Agency required to transmit and record documents after adoption of community development project area plan.

Within 30 days after the community legislative body adopts, under Section 17C-4-105, a community development project area plan, the agency shall:

- (1) record with the recorder of the county in which the project area is located a document containing:
 - (a) a description of the land within the project area;
 - (b) a statement that the project area plan for the project area has been adopted; and
 - (c) the date of adoption;
- (2) transmit a copy of the description of the land within the project area and an accurate map or plat indicating the boundaries of the project area to the Utah Geospatial Resource Center created under Section 63A-16-505; and
- (3) for a project area plan that provides for the agency to receive tax increment, transmit a copy of the description of the land within the project area, a copy of the community legislative body ordinance adopting the project area plan, and a map or plat indicating the boundaries of the project area to:
 - (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any part of the project area is located;
 - (b) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;
 - (c) the legislative body or governing board of each taxing entity;
 - (d) the State Tax Commission; and
 - (e) the State Board of Education.

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

17C-4-108 Amending a community development project area plan.

- (1) Except as provided in Section 17C-1-1002, an agency may amend a community development project area plan as provided in this section.

- (2) Except as provided in Subsection (3) and Section 17C-4-109, the requirements under this part that apply to adopting a community development project area plan apply equally to a proposed amendment of a community development project area plan as though the amendment were a proposed project area plan.
- (3)
 - (a) Notwithstanding Subsection (2), a community development project area plan may be amended without complying with the requirements of Chapter 1, Part 8, Hearing and Notice Requirements, if the proposed amendment:
 - (i) makes a minor adjustment in the boundary description of a project area boundary requested by a county assessor or county auditor to avoid inconsistent property boundary lines; or
 - (ii) subject to Subsection (3)(b), removes one or more parcels from a project area because the agency determines that each parcel removed is:
 - (A) tax exempt; or
 - (B) no longer necessary or desirable to the project area.
 - (b) An amendment removing one or more parcels from a community development project area under Subsection (3)(a)(ii) may be made without the consent of the record property owner of each parcel being removed.
- (4)
 - (a) An amendment approved by board resolution under this section may not take effect until adopted by ordinance of the legislative body of the community in which the project area that is the subject of the project area plan being amended is located.
 - (b) Upon a community legislative body passing an ordinance adopting an amendment to a community development project area plan, the agency whose project area plan was amended shall comply with the requirements of Sections 17C-4-106 and 17C-4-107 to the same extent as if the amendment were a project area plan.
- (5)
 - (a) Within 30 days after the day on which an amendment to a project area plan becomes effective, a person may contest the amendment to the project area plan or the procedure used to adopt the amendment to the project area plan if the amendment or procedure fails to comply with a provision of this title.
 - (b) After the 30-day period described in Subsection (5)(a) expires, a person may not contest the amendment to the project area plan or procedure used to adopt the amendment to the project area plan for any cause.

Amended by Chapter 214, 2021 General Session

17C-4-109 Expedited community development project area plan -- Notice.

- (1) As used in this section, "tax increment incentive" means the portion of tax increment awarded to an industry or business.
- (2) A community development project area plan may be adopted or amended without complying with the notice and public hearing requirements of this part and Chapter 1, Part 8, Hearing and Notice Requirements, if the following requirements are met:
 - (a) the agency determines by resolution adopted in an open and public meeting the need to create or amend a project area plan on an expedited basis, which resolution shall include a description of why expedited action is needed;
 - (b) a public hearing on the amendment or adoption of the project area plan is held by the agency;

- (c) notice of the public hearing is published at least 14 days before the day of the public hearing for the community that created the agency, as a class A notice under Section 63G-30-102, for at least 14 days;
 - (d) written consent to the amendment or adoption of the project area plan is given by all record property owners within the existing or proposed project area;
 - (e) each taxing entity that will be affected by the tax increment incentive enters into or amends an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, and Sections 17C-4-201, 17C-4-203, and 17C-4-204;
 - (f) the primary market for the goods or services that will be created by the industry or business entity that will receive a tax increment incentive from the amendment or adoption of the project area plan is outside of the state;
 - (g) the industry or business entity that will receive a tax increment incentive from the amendment or adoption of the project area plan is not primarily engaged in retail trade; and
 - (h) a tax increment incentive is only provided to an industry or business entity:
 - (i) on a postperformance basis as described in Subsection (3); and
 - (ii) on an annual basis after the tax increment is received by the agency.
- (3) An industry or business entity may only receive a tax increment incentive under this section after entering into an agreement with the agency that sets postperformance targets that shall be met before the industry or business entity may receive the tax increment incentive, including annual targets for:
- (a) capital investment in the project area;
 - (b) the increase in the taxable value of the project area;
 - (c) the number of new jobs created in the project area;
 - (d) the average wages of the jobs created, which shall be at least 110% of the prevailing wage of the county where the project area is located; and
 - (e) the amount of local vendor opportunity generated by the industry or business entity.

Amended by Chapter 435, 2023 General Session

Part 2

Funds for Community Development Project from Other Entities

17C-4-201 Consent of a taxing entity to an agency receiving tax increment or sales tax funds for community development project.

- (1) An agency may negotiate with a taxing entity for the taxing entity's consent to the agency receiving the taxing entity's project area funds for the purpose of providing money to carry out a proposed or adopted community development project area plan.
- (2) The consent of a taxing entity under Subsection (1) may be expressed in:
 - (a) a resolution adopted by the taxing entity; or
 - (b) an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act, between the taxing entity and the agency.
- (3) Before an agency may use project area funds received under a resolution or interlocal agreement adopted for the purpose of providing money to implement a proposed or adopted community development project area plan, the agency shall:

- (a) obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the agency and the taxing entity have each followed all legal requirements relating to the adoption of the resolution or interlocal agreement, respectively; and
 - (b) provide a signed copy of the certification described in Subsection (3)(a) to the appropriate taxing entity.
- (4) A resolution adopted or interlocal agreement entered under Subsection (2) on or after March 30, 2009 shall specify:
- (a) if the resolution or interlocal agreement provides for the agency to be paid tax increment:
 - (i) the method of calculating the amount of the taxing entity's tax increment from the project area that will be paid to the agency, including the agreed base year and agreed base taxable value;
 - (ii) the project area funds collection period; and
 - (iii) the percentage of the taxing entity's tax increment or maximum cumulative dollar amount of the taxing entity's tax increment that the agency will be paid; and
 - (b) if the resolution or interlocal agreement provides for the agency to be paid a taxing entity's sales and use tax revenue:
 - (i) the method of calculating the amount of the taxing entity's sales and use tax revenue that the agency will be paid;
 - (ii) the project area funds collection period; and
 - (iii) the percentage of sales and use tax revenue or the maximum cumulative dollar amount of sales and use tax revenue that the agency will be paid.
- (5)
- (a) Unless the taxing entity otherwise agrees, an agency may not be paid a taxing entity's tax increment:
 - (i) that exceeds the percentage or maximum cumulative dollar amount of tax increment specified in the resolution or interlocal agreement under Subsection (2); or
 - (ii) for more tax years than specified in the resolution or interlocal agreement under Subsection (2).
 - (b) Unless the taxing entity otherwise agrees, an agency may not be paid a taxing entity's sales and use tax revenue:
 - (i) that exceeds the percentage or maximum cumulative dollar amount of sales and use tax revenue specified in the resolution or interlocal agreement under Subsection (2); or
 - (ii) for more tax years than specified in the resolution or interlocal agreement under Subsection (2).
- (6) A school district may consent to an agency receiving tax increment from the school district's basic levy only to the extent that the school district also consents to the agency receiving tax increment from the school district's local levy.
- (7)
- (a) A resolution or interlocal agreement under this section may be amended from time to time.
 - (b) Each amendment of a resolution or interlocal agreement shall be subject to and receive the benefits of the provisions of this part to the same extent as if the amendment were an original resolution or interlocal agreement.
- (8) A taxing entity's consent to an agency receiving funds under this section is not subject to the requirements of Section 10-8-2.
- (9)
- (a) For purposes of this Subsection (9), "successor taxing entity" means any taxing entity that:
 - (i) is created after the date of adoption of a resolution or execution of an interlocal agreement under this section; and

- (ii) levies a tax on any parcel of property located within the project area that is the subject of the resolution or the interlocal agreement described in Subsection (9)(a)(i).
- (b) A resolution or interlocal agreement executed by a taxing entity under this section may be enforced by or against any successor taxing entity.

Amended by Chapter 350, 2016 General Session

17C-4-202 Resolution or interlocal agreement to provide project area funds for the community development project area plan -- Notice -- Effective date of resolution or interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability of resolution or interlocal agreement.

- (1) The approval and adoption of each resolution or interlocal agreement under Subsection 17C-4-201(2) shall be in an open and public meeting.
- (2)
 - (a) Upon the adoption of a resolution or interlocal agreement under Section 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by publishing notice for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for 30 days.
 - (b) Each notice under Subsection (2)(a) shall:
 - (i) set forth a summary of the resolution or interlocal agreement; and
 - (ii) include a statement that the resolution or interlocal agreement is available for public inspection and the hours of inspection.
- (3) The resolution or interlocal agreement shall become effective at the end of the 30-day period described in Subsection (2)(a).
- (4)
 - (a) For a period of 30 days after the effective date of the resolution or interlocal agreement under Subsection (3), any person may contest the resolution or interlocal agreement or the procedure used to adopt the resolution or interlocal agreement if the resolution or interlocal agreement or procedure fails to comply with applicable statutory requirements.
 - (b) After the 30-day period under Subsection (4)(a) expires, a person may not contest:
 - (i) the resolution or interlocal agreement;
 - (ii) a distribution of tax increment to the agency under the resolution or interlocal agreement; or
 - (iii) the agency's use of project area funds under the resolution or interlocal agreement.
- (5) Each agency that is to receive project area funds under a resolution or interlocal agreement under Section 17C-4-201 and each taxing entity that approves a resolution or enters into an interlocal agreement under Section 17C-4-201 shall make the resolution or interlocal agreement, as the case may be, available at the taxing entity's offices to the public for inspection and copying during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-4-203 Requirement to file a copy of the resolution or interlocal agreement -- County payment of tax increment to the agency.

- (1) Each agency that is to receive funds under a resolution or interlocal agreement under Section 17C-4-201 shall, within 30 days after the effective date of the resolution or interlocal agreement, file a copy of it with:
 - (a) the State Tax Commission, the State Board of Education, and the state auditor; and

- (b) the auditor of the county in which the project area is located, if the resolution or interlocal agreement provides for the agency to receive tax increment from the taxing entity that adopted the resolution or entered into the interlocal agreement.
- (2) Each county that collects property tax on property within a community development project area shall, in the manner and at the time provided in Section 59-2-1365, pay and distribute to the agency the tax increment that the agency is authorized to receive under a resolution approved or an interlocal agreement adopted under Section 17C-4-201.

Amended by Chapter 350, 2016 General Session

17C-4-204 Adoption of a budget for a community development project area plan -- Amendment.

- (1) An agency may prepare and, by resolution adopted at a regular or special meeting of the board, adopt a community development project area budget setting forth:
 - (a) the anticipated costs, including administrative costs, of implementing the community development project area plan; and
 - (b) the tax increment, sales and use tax revenue, and other revenue the agency anticipates receiving to fund the project.
- (2) An agency may, by resolution adopted at a regular or special meeting of the board, amend a budget adopted under Subsection (1).
- (3) Each resolution to adopt or amend a budget under this section shall appear as an item on the agenda for the regular or special board meeting at which the resolution is adopted without additional required notice.
- (4) An agency is not required to obtain taxing entity or taxing entity committee approval to adopt or amend a community development project area budget.

Amended by Chapter 350, 2016 General Session

**Chapter 5
Community Reinvestment**

**Part 1
Community Reinvestment Project Area Plan**

17C-5-101 Title.

- (1) This chapter is known as "Community Reinvestment."
- (2) This part is known as "Community Reinvestment Project Area Plan."

Enacted by Chapter 350, 2016 General Session

17C-5-102 Applicability of chapter.

- This chapter applies to a community reinvestment project area that:
- (1) an agency created on or after May 10, 2016; and

- (2) an agency, that has entered into an interlocal agreement and levies a property tax under Chapter 1, Part 10, Agency Taxing Authority, created for a cooperative development project or an economic development project as those terms are defined in Section 17C-1-1001.

Amended by Chapter 214, 2021 General Session

17C-5-103 Initiating a community reinvestment project area plan.

- (1) Subject to Subsection (2), a board shall initiate the process of adopting a community reinvestment project area plan by adopting a survey area resolution that:
 - (a) designates a geographic area located within the agency's boundaries as a survey area;
 - (b) contains a description or map of the boundaries of the survey area;
 - (c) contains a statement that the survey area requires study to determine whether project area development is feasible within one or more proposed community reinvestment project areas within the survey area; and
 - (d) authorizes the agency to:
 - (i) prepare a proposed community reinvestment project area plan for each proposed community reinvestment project area; and
 - (ii) conduct any examination, investigation, or negotiation regarding the proposed community reinvestment project area that the agency considers appropriate.
- (2) If an agency anticipates using eminent domain to acquire property within the survey area, the resolution described in Subsection (1) shall include:
 - (a) a statement that the survey area requires study to determine whether a development impediment exists within the survey area; and
 - (b) authorization for the agency to conduct a development impediment study in accordance with Section 17C-5-403.

Amended by Chapter 376, 2019 General Session

17C-5-104 Process for adopting a community reinvestment project area plan -- Prerequisites -- Restrictions.

- (1) An agency may not propose a community reinvestment project area plan unless the community in which the proposed community reinvestment project area plan is located:
 - (a) has a planning commission; and
 - (b) has adopted a general plan under:
 - (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or
 - (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
- (2)
 - (a) Before an agency may adopt a proposed community reinvestment project area plan, the agency shall conduct a development impediment study and make a development impediment determination in accordance with Part 4, Development Impediment Determination in a Community Reinvestment Project Area, if the agency anticipates using eminent domain to acquire property within the proposed community reinvestment project area.
 - (b) If applicable, an agency may not approve a community reinvestment project area plan more than one year after the agency adopts a resolution making a development impediment determination under Section 17C-5-402.
- (3) To adopt a community reinvestment project area plan, an agency shall:
 - (a) prepare a proposed community reinvestment project area plan in accordance with Section 17C-5-105;

- (b) make the proposed community reinvestment project area plan available to the public at the agency's office during normal business hours for at least 30 days before the plan hearing described in Subsection (3)(e);
 - (c) before holding the plan hearing described in Subsection (3)(e), provide an opportunity for the State Board of Education and each taxing entity that levies or imposes a tax within the proposed community reinvestment project area to consult with the agency regarding the proposed community reinvestment project area plan;
 - (d) provide notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements;
 - (e) hold a plan hearing on the proposed community reinvestment project area plan and, at the plan hearing:
 - (i) allow public comment on:
 - (A) the proposed community reinvestment project area plan; and
 - (B) whether the agency should revise, approve, or reject the proposed community reinvestment project area plan; and
 - (ii) receive all written and oral objections to the proposed community reinvestment project area plan; and
 - (f) following the plan hearing described in Subsection (3)(e), or at a subsequent agency meeting:
 - (i) consider:
 - (A) the oral and written objections to the proposed community reinvestment project area plan and evidence and testimony for and against adoption of the proposed community reinvestment project area plan; and
 - (B) whether to revise, approve, or reject the proposed community reinvestment project area plan;
 - (ii) adopt a resolution in accordance with Section 17C-5-108 that approves the proposed community reinvestment project area plan, with or without revisions, as the community reinvestment project area plan; and
 - (iii) submit the community reinvestment project area plan to the community legislative body for adoption.
- (4)
- (a) Except as provided in Subsection (4)(b), an agency may not modify a proposed community reinvestment project area plan to add one or more parcels to the proposed community reinvestment project area unless the agency holds a plan hearing to consider the addition and gives notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements.
 - (b) The notice and hearing requirements described in Subsection (4)(a) do not apply to a proposed community reinvestment project area plan being modified to add one or more parcels to the proposed community reinvestment project area if:
 - (i) each parcel is contiguous to one or more parcels already included in the proposed community reinvestment project area under the proposed community reinvestment project area plan;
 - (ii) the record owner of each parcel consents to adding the parcel to the proposed community reinvestment project area; and
 - (iii) each parcel is located within the survey area.

Amended by Chapter 376, 2019 General Session

17C-5-105 Community reinvestment project area plan requirements.

An agency shall ensure that each community reinvestment project area plan and proposed community reinvestment project area plan:

- (1) subject to Section 17C-1-414, if applicable, includes a boundary description and a map of the community reinvestment project area;
- (2) contains a general statement of the existing land uses, layout of principal streets, population densities, and building intensities of the community reinvestment project area and how each will be affected by project area development;
- (3) states the standards that will guide project area development;
- (4) shows how project area development will further purposes of this title;
- (5) is consistent with the general plan of the community in which the community reinvestment project area is located and shows that project area development will conform to the community's general plan;
- (6) if applicable, describes how project area development will eliminate or reduce a development impediment in the community reinvestment project area;
- (7) describes any specific project area development that is the object of the community reinvestment project area plan;
- (8) if applicable, explains how the agency plans to select a participant;
- (9) states each reason the agency selected the community reinvestment project area;
- (10) describes the physical, social, and economic conditions that exist in the community reinvestment project area;
- (11) describes each type of financial assistance that the agency anticipates offering a participant;
- (12) includes an analysis or description of the anticipated public benefit resulting from project area development, including benefits to the community's economic activity and tax base;
- (13) if applicable, states that the agency shall comply with Section 9-8a-404 as required under Section 17C-5-106;
- (14) for a community reinvestment project area plan that an agency adopted before May 14, 2019, states whether the community reinvestment project area plan or proposed community reinvestment project area plan is subject to a taxing entity committee or an interlocal agreement; and
- (15) includes other information that the agency determines to be necessary or advisable.

Amended by Chapter 160, 2023 General Session

17C-5-106 Existing and historic buildings and uses in a community reinvestment project area.

An agency shall comply with Section 9-8a-404 as though the agency is a state agency if:

- (1) any of the existing buildings or uses in a community reinvestment project area are included in, or eligible for inclusion in, the National Register of Historic Places or the State Register; and
- (2) the agency spends agency funds on the demolition or rehabilitation of existing buildings described in Subsection (1).

Amended by Chapter 160, 2023 General Session

17C-5-107 Objections to a community reinvestment project area plan.

- (1) A person may object to a proposed community reinvestment project area plan:
 - (a) in writing at any time before or during a plan hearing; or
 - (b) orally during a plan hearing.

- (2) An agency may not approve a proposed community reinvestment project area plan if, after receiving public comment at a plan hearing in accordance with Subsection 17C-5-104(3)(e) (i), the record property owners of at least 51% of the private land area within the most recently proposed community reinvestment project area object to the proposed community reinvestment project area plan.

Enacted by Chapter 350, 2016 General Session

17C-5-108 Board resolution approving a community reinvestment project area plan -- Requirements.

A board shall ensure that a resolution approving a proposed community reinvestment area plan as the community reinvestment project area plan under Section 17C-5-104 contains:

- (1) a boundary description of the community reinvestment project area that is the subject of the community reinvestment project area plan;
- (2) the agency's purposes and intent with respect to the community reinvestment project area;
- (3) the proposed community reinvestment project area plan incorporated by reference;
- (4) the board findings and determinations that the proposed community reinvestment project area plan:
 - (a) serves a public purpose;
 - (b) produces a public benefit as demonstrated by the analysis described in Subsection 17C-5-105(12);
 - (c) is economically sound and feasible;
 - (d) conforms to the community's general plan; and
 - (e) promotes the public peace, health, safety, and welfare of the community in which the proposed community reinvestment project area is located; and
- (5) if the board made a development impediment determination under Section 17C-5-402, a statement that the board made a development impediment determination within the proposed community reinvestment project area and the date on which the board made the determination.

Amended by Chapter 376, 2019 General Session

17C-5-109 Community reinvestment project area plan to be adopted by community legislative body.

- (1) A proposed community reinvestment project area plan approved by board resolution under Section 17C-5-104 may not take effect until the community legislative body:
 - (a) by ordinance, adopts the proposed community reinvestment project area plan; and
 - (b) provides notice in accordance with Section 17C-5-110.
- (2) An ordinance described in Subsection (1)(a) shall designate the community reinvestment project area plan as the official plan of the community reinvestment project area.

Enacted by Chapter 350, 2016 General Session

17C-5-110 Notice of community reinvestment project area plan adoption -- Effective date of plan -- Contesting the formation of the plan.

- (1)
 - (a) Upon a community legislative body's adoption of a community reinvestment project area plan in accordance with Section 17C-5-109, or an amendment to a community reinvestment project area plan in accordance with Section 17C-5-112, the community legislative body

shall provide notice of the adoption or amendment in accordance with Subsection (1)(b) by publishing notice for the community, as a class A notice under Section 63G-30-102, for 30 days.

- (b) A notice described in Subsection (1)(a) shall include:
 - (i) a copy of the community legislative body's ordinance, or a summary of the ordinance, that adopts the community reinvestment project area plan; and
 - (ii) a statement that the community reinvestment project area plan is available for public inspection and the hours for inspection.
- (2) A community reinvestment project area plan is effective at the end of the 30-day period described in Subsection (1)(a).
- (3) A community reinvestment project area is considered created the day on which the community reinvestment project area plan becomes effective as described in Subsection (2).
- (4)
 - (a) Within 30 days after the day on which a community reinvestment project area plan is effective, a person may contest the community reinvestment project area plan or the procedure used to adopt the community reinvestment project area plan if the community reinvestment project area plan or the procedure fails to comply with a provision of this title.
 - (b) After the 30-day period described in Subsection (4)(a) expires, a person may not contest the community reinvestment project area plan or the procedure used to adopt the community reinvestment project area plan.
- (5) Upon adoption of a community reinvestment project area plan by the community legislative body, the agency may implement the community reinvestment project area plan.
- (6) The agency shall make the community reinvestment project area plan available to the public at the agency's office during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-5-111 Agency required to transmit and record documentation after adoption of community reinvestment project area plan.

Within 30 days after the day on which a community legislative body adopts a community reinvestment project area plan under Section 17C-5-109, the agency shall:

- (1) record with the recorder of the county in which the community reinvestment project area is located a document containing:
 - (a) the name of the community reinvestment project area;
 - (b) a boundary description of the community reinvestment project area; and
 - (c)
 - (i) a statement that the community legislative body adopted the community reinvestment project area plan; and
 - (ii) the day on which the community legislative body adopted the community reinvestment project area plan;
- (2) transmit a copy of a description of the land within the community reinvestment project area and an accurate map or plat indicating the boundaries of the community reinvestment project area to the Utah Geospatial Resource Center created in Section 63A-16-505; and
- (3) for a community reinvestment project area plan that provides for the agency to receive tax increment, transmit a copy of a description of the land within the community reinvestment project area, a copy of the community legislative body ordinance adopting the community reinvestment project area plan, and an accurate map or plat indicating the boundaries of the community reinvestment project area to:

- (a) the auditor, recorder, county or district attorney, surveyor, and assessor of each county in which any part of the community reinvestment project area is located;
- (b) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;
- (c) the legislative body or governing board of each taxing entity;
- (d) the State Tax Commission; and
- (e) the State Board of Education.

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

17C-5-112 Amending a community reinvestment project area plan.

- (1) Except as provided in Section 17C-1-1002, an agency may amend a community reinvestment project area plan in accordance with this section.
- (2)
 - (a) If an amendment proposes to enlarge a community reinvestment project area's geographic area, the agency shall:
 - (i) comply with this part as though the agency were creating a community reinvestment project area;
 - (ii) if the agency anticipates receiving project area funds from the area proposed to be added to the community reinvestment project area, before the agency may collect project area funds:
 - (A) for a community reinvestment project area plan that is subject to a taxing entity committee, obtain approval to receive tax increment from the taxing entity committee; or
 - (B) for a community reinvestment project area plan that is subject to an interlocal agreement, obtain the approval of the taxing entity that is a party to the interlocal agreement; and
 - (iii) if the agency anticipates acquiring property in the area proposed to be added to the community reinvestment project area by eminent domain, follow the procedures described in Section 17C-5-402.
 - (b) The base year for the area proposed to be added to the community reinvestment project area shall be determined using the date of:
 - (i) the taxing entity committee's consent as described in Subsection (2)(a)(ii)(A); or
 - (ii) the taxing entity's consent as described in Subsection (2)(a)(ii)(B).
- (3) If an amendment does not propose to enlarge a community reinvestment project area's geographic area, the board may adopt a resolution approving the amendment after the agency:
 - (a) if the amendment does not propose to allow the agency to receive a greater amount of project area funds or to extend a project area funds collection period:
 - (i) gives notice in accordance with Section 17C-1-806; and
 - (ii) holds a public hearing on the proposed amendment that meets the requirements described in Subsection 17C-5-104(3); or
 - (b) if the amendment proposes to also allow the agency to receive a greater amount of project area funds or to extend a project area funds collection period:
 - (i) complies with Subsections (3)(a)(i) and (ii); and
 - (ii)
 - (A) for a community reinvestment project area plan that is subject to a taxing entity committee, obtains approval from the taxing entity committee; or

(B) for a community reinvestment project area plan that is subject to an interlocal agreement, obtains approval to receive project area funds from the taxing entity that is a party to the interlocal agreement.

- (4)
- (a) If a board has not made a determination under Part 4, Development Impediment Determination in a Community Reinvestment Project Area, but intends to use eminent domain within a community reinvestment project area, the agency may amend the community reinvestment project area plan in accordance with this Subsection (4).
 - (b) To amend a community reinvestment project area plan as described in Subsection (4)(a), an agency shall:
 - (i) adopt a survey area resolution that identifies each parcel that the agency intends to study to determine whether a development impediment exists;
 - (ii) in accordance with Part 4, Development Impediment Determination in a Community Reinvestment Project Area, conduct a development impediment study within the survey area and make a development impediment determination; and
 - (iii) obtain approval to amend the community reinvestment project area plan from each taxing entity that is a party to an interlocal agreement.
 - (c) Amending a community reinvestment project area plan as described in this Subsection (4) does not affect:
 - (i) the base year of the parcel or parcels that are the subject of an amendment under this Subsection (4); and
 - (ii) any interlocal agreement under which the agency is authorized to receive project area funds from the community reinvestment project area.
- (5) An agency may amend a community reinvestment project area plan without obtaining the consent of a taxing entity or a taxing entity committee and without providing notice or holding a public hearing if the amendment:
- (a) makes a minor adjustment in the community reinvestment project area boundary that is requested by a county assessor or county auditor to avoid inconsistent property boundary lines; or
 - (b) removes one or more parcels from a community reinvestment project area because the agency determines that each parcel is:
 - (i) tax exempt;
 - (ii) without a development impediment; or
 - (iii) no longer necessary or desirable to the project area.
- (6)
- (a) An amendment approved by board resolution under this section may not take effect until the community legislative body adopts an ordinance approving the amendment.
 - (b) Upon the community legislative body adopting an ordinance approving an amendment under Subsection (6)(a), the agency shall comply with the requirements described in Sections 17C-5-110 and 17C-5-111 as if the amendment were a community reinvestment project area plan.
- (7)
- (a) Within 30 days after the day on which an amendment to a project area plan becomes effective, a person may contest the amendment to the project area plan or the procedure used to adopt the amendment to the project area plan if the amendment or procedure fails to comply with a provision of this title.

- (b) After the 30-day period described in Subsection (7)(a) expires, a person may not contest the amendment to the project area plan or procedure used to adopt the amendment to the project area plan for any cause.

Amended by Chapter 214, 2021 General Session

17C-5-113 Expedited community reinvestment project area plan -- Hearing and notice requirements.

- (1) As used in this section:
 - (a) "Qualified business entity" means a business entity that:
 - (i) has a primary market for the qualified business entity's goods or services outside of the state; and
 - (ii) is not primarily engaged in retail sales.
 - (b) "Tax increment incentive" means the portion of an agency's tax increment that is paid to a qualified business entity for the purpose of implementing a community reinvestment project area plan.
- (2) An agency and a qualified business entity may, in accordance with Subsection (3), enter into an agreement that allows the qualified business entity to receive a tax increment incentive.
- (3) An agreement described in Subsection (2) shall set annual postperformance targets for:
 - (a) capital investment within the community reinvestment project area;
 - (b) the number of new jobs created within the community reinvestment project area;
 - (c) the average wage of the jobs described in Subsection (3)(b) that is at least 110% of the prevailing wage of the county within which the community reinvestment project area is located; and
 - (d) the amount of local vendor opportunity generated by the qualified business entity.
- (4) A qualified business entity may only receive a tax increment incentive:
 - (a) if the qualified business entity complies with the agreement described in Subsection (3);
 - (b) on a postperformance basis; and
 - (c) on an annual basis after the agency receives tax increment from a taxing entity.
- (5) An agency may create or amend a community reinvestment project area plan for the purpose of providing a tax increment incentive without complying with the requirements described in Chapter 1, Part 8, Hearing and Notice Requirements, if:
 - (a) the agency:
 - (i) holds a public hearing to consider the need to create or amend a community reinvestment project area plan on an expedited basis;
 - (ii) publishes notice for the community, as a class A notice under Section 63G-30-102, for at least 14 days before the day on which the public hearing described in Subsection (5)(a)(i) is held; and
 - (iii) at the hearing described in Subsection (5)(a)(i), adopts a resolution to create or amend the community reinvestment project area plan on an expedited basis;
 - (b) all record property owners within the existing or proposed community reinvestment project area plan give written consent; and
 - (c) each taxing entity affected by the tax increment incentive consents and enters into an interlocal agreement with the agency authorizing the agency to pay a tax increment incentive to the qualified business entity.

Amended by Chapter 435, 2023 General Session

Part 2

Community Reinvestment Project Area Funds

17C-5-201 Title.

This part is known as "Community Reinvestment Project Area Funds."

Enacted by Chapter 350, 2016 General Session

17C-5-202 Community reinvestment project area funding.

- (1)
 - (a) Beginning on May 14, 2019, and except as provided in Subsection (2), for the purpose of receiving project area funds for use within a community reinvestment project area, an agency shall negotiate and enter into an interlocal agreement with a taxing entity in accordance with Section 17C-5-204 to receive all or a portion of the taxing entity's tax increment or sales and use tax revenue in accordance with the interlocal agreement.
 - (b) If a community reinvestment project area is subject to an interlocal agreement under Subsection (1)(a) and the agency subsequently amends the community reinvestment project area plan as described in Subsection 17C-5-112(4), the agency shall continue to receive project area funds under the interlocal agreement.
- (2) Notwithstanding Subsection (1), an agency may receive tax increment in accordance with Section 17C-5-203 if the agency created a community reinvestment project area before May 14, 2019, that is subject to a taxing entity committee and provides for the use of eminent domain to acquire property within the community reinvestment project area.
- (3) An agency shall comply with Part 3, Community Reinvestment Project Area Budget, regardless of whether an agency enters into an interlocal agreement under Subsection (1) or receives tax increment under Subsection (2).

Amended by Chapter 376, 2019 General Session

17C-5-203 Community reinvestment project area subject to taxing entity committee -- Tax increment.

- (1) This section applies to a community reinvestment project area that an agency created before May 14, 2019, and that is subject to a taxing entity committee under Subsection 17C-5-202(2).
- (2) Subject to the taxing entity committee's approval of a community reinvestment project area budget under Section 17C-5-304, and for the purpose of implementing a community reinvestment project area plan, an agency may receive up to 100% of a taxing entity's tax increment, or any specified dollar amount of tax increment, for any period of time.
- (3) Notwithstanding Subsection (2), an agency that adopts a community reinvestment project area plan that is subject to a taxing entity committee may negotiate and enter into an interlocal agreement with a taxing entity and receive all or a portion of the taxing entity's sales and use tax revenue for any period of time.

Amended by Chapter 376, 2019 General Session

17C-5-204 Community reinvestment project area subject to interlocal agreement -- Consent of a taxing entity to an agency receiving project area funds.

- (1) As used in this section, "successor taxing entity" means a taxing entity that:
 - (a) is created after the day on which an interlocal agreement is executed to allow an agency to receive a taxing entity's project area funds; and
 - (b) levies or imposes a tax within the community reinvestment project area.
- (2) This section applies to a community reinvestment project area that is subject to an interlocal agreement under Subsection 17C-5-202(1)(a).
- (3) For the purpose of implementing a community reinvestment project area plan, an agency may negotiate with a taxing entity for all or a portion of the taxing entity's project area funds.
- (4) A taxing entity may agree to allow an agency to receive the taxing entity's project area funds by executing an interlocal agreement with the agency in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.
- (5) Before an agency may use project area funds received under an interlocal agreement described in Subsection (4), the agency shall:
 - (a) obtain a written certification, signed by an attorney licensed to practice law in the state, stating that the agency and the taxing entity have each followed all legal requirements relating to the adoption of the interlocal agreement; and
 - (b) provide a signed copy of the certification described in Subsection (5)(a) to the taxing entity.
- (6) An interlocal agreement described in Subsection (4) shall:
 - (a) if the interlocal agreement provides for the agency to receive tax increment, state:
 - (i) the method of calculating the amount of the taxing entity's tax increment from the community reinvestment project area that the agency receives, including the base year and base taxable value;
 - (ii) the project area funds collection period; and
 - (iii) the percentage of the taxing entity's tax increment or the maximum cumulative dollar amount of the taxing entity's tax increment that the agency receives;
 - (b) if the interlocal agreement provides for the agency to receive the taxing entity's sales and use tax revenue, state:
 - (i) the method of calculating the amount of the taxing entity's sales and use tax revenue that the agency receives;
 - (ii) the project area funds collection period; and
 - (iii) the percentage of sales and use tax revenue or the maximum cumulative dollar amount of sales and use tax revenue that the agency receives;
 - (c) include a copy of the community reinvestment project area budget; and
 - (d) prohibit a taxing entity from proportionately reducing the amount of project area funds the taxing entity consents to pay to an agency under this section by the amount of any direct expenditures the taxing entity makes within the project area for the benefit of the project area or the agency.
- (7) A school district may consent to allow an agency to receive tax increment from the school district's basic levy only to the extent that the school district also consents to allow the agency to receive tax increment from the school district's local levy.
- (8) The parties may amend an interlocal agreement under this section by mutual consent.
- (9) A taxing entity's consent to allow an agency to receive project area funds under this section is not subject to the requirements of Section 10-8-2.
- (10) An interlocal agreement executed by a taxing entity under this section may be enforced by or against any successor taxing entity.

Amended by Chapter 333, 2019 General Session

17C-5-205 Interlocal agreement to provide project area funds for the community reinvestment project area subject to interlocal agreement -- Notice -- Effective date of interlocal agreement -- Time to contest interlocal agreement -- Availability of interlocal agreement.

- (1) An agency shall:
 - (a) approve and adopt an interlocal agreement described in Section 17C-5-204 at an open and public meeting; and
 - (b) provide a notice of the meeting titled "Diversion of Property Tax for a Community Reinvestment Project Area."
- (2)
 - (a) Upon the execution of an interlocal agreement described in Section 17C-5-204, the agency shall provide notice of the execution by publishing the notice for the agency's jurisdiction, as a class A notice under Section 63G-30-102, for 30 days.
 - (b) A notice described in Subsection (2)(a) shall include:
 - (i) a summary of the interlocal agreement; and
 - (ii) a statement that the interlocal agreement:
 - (A) is available for public inspection and the hours for inspection; and
 - (B) authorizes the agency to receive all or a portion of a taxing entity's tax increment or sales and use tax revenue.
- (3) An interlocal agreement described in Section 17C-5-204 is effective at the end of the 30-day period described in Subsection (2)(a).
- (4)
 - (a) Within 30 days after the day on which the interlocal agreement is effective, a person may contest the interlocal agreement or the procedure used to adopt the interlocal agreement if the interlocal agreement or procedure fails to comply with a provision of this title.
 - (b) After the 30-day period described in Subsection (4)(a) expires, a person may not contest:
 - (i) the interlocal agreement;
 - (ii) a distribution of tax increment to the agency under the interlocal agreement; or
 - (iii) the agency's use of project area funds under the interlocal agreement.
- (5) A taxing entity that enters into an interlocal agreement under Section 17C-5-204 shall make a copy of the interlocal agreement available to the public at the taxing entity's office for inspection and copying during normal business hours.

Amended by Chapter 435, 2023 General Session

17C-5-206 Requirement to file a copy of the interlocal agreement -- County payment of tax increment.

- (1) An agency that receives project area funds under an interlocal agreement shall, within 30 days after the day on which the interlocal agreement is effective, file a copy of the interlocal agreement with:
 - (a) the State Tax Commission, the State Board of Education, and the state auditor; and
 - (b) the auditor of the county in which the community reinvestment project area is located, if the interlocal agreement authorizes the agency to receive tax increment.
- (2) A county that collects property tax on property within a community reinvestment project area that is subject to an interlocal agreement shall, in accordance with Section 59-2-1365, pay and distribute to the agency the tax increment that the agency is authorized to receive under the interlocal agreement.

Enacted by Chapter 350, 2016 General Session

Part 3
Community Reinvestment Project Area Budget

17C-5-301 Title.

This part is known as "Community Reinvestment Project Area Budget."

Enacted by Chapter 350, 2016 General Session

**17C-5-302 Procedure for adopting a community reinvestment project area budget --
Contesting the budget -- Time limit.**

- (1) An agency shall adopt a community reinvestment project area budget in accordance with this part.
- (2) To adopt a community reinvestment project area budget, an agency shall:
 - (a) prepare a proposed community reinvestment project area budget in accordance with Section 17C-5-303;
 - (b) obtain the consent of the taxing entity committee or taxing entity in accordance with Section 17C-5-304;
 - (c) make a copy of the proposed community reinvestment project area budget available to the public at the agency's office during normal business hours for at least 30 days before the budget hearing described in Subsection (2)(e);
 - (d) provide notice of the budget hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements;
 - (e) hold a budget hearing on the proposed community reinvestment project area budget and, at the budget hearing, allow public comment on:
 - (i) the proposed community reinvestment project area budget; and
 - (ii) whether the agency should revise, adopt, or reject the proposed community reinvestment project area budget; and
 - (f) after the budget hearing described in Subsection (2)(e), or at a subsequent meeting:
 - (i) consider the comments and information from the budget hearing relating to the proposed community reinvestment project area budget; and
 - (ii) reject or adopt by resolution the proposed community reinvestment project area budget, with any revisions, as the community reinvestment project area budget.
- (3)
 - (a) Within 30 days after the day on which the agency adopts a community reinvestment project area budget, a person may contest the community reinvestment project area budget or the procedure used to adopt the community reinvestment project area budget if the community reinvestment project area budget or procedure fails to comply with a provision of this title.
 - (b) After the 30-day period described in Subsection (3)(a) expires, a person may not contest:
 - (i) the community reinvestment project area budget or the procedure used by the taxing entity, the taxing entity committee, or the agency to adopt the community reinvestment project area budget;
 - (ii) a payment to the agency under the community reinvestment project area budget; or
 - (iii) the agency's use of project area funds under the community reinvestment project area budget.

Enacted by Chapter 350, 2016 General Session

17C-5-303 Community reinvestment project area budget -- Requirements.

A community reinvestment project area budget shall include:

- (1) if the agency receives tax increment:
 - (a) the base taxable value;
 - (b) the projected amount of tax increment to be generated within the community reinvestment project area;
 - (c) each project area funds collection period;
 - (d) if applicable, the projected amount of tax increment to be paid to other taxing entities in accordance with Section 17C-1-410;
 - (e) if the area from which tax increment is collected is less than the entire community reinvestment project area:
 - (i) a boundary description of the portion or portions of the community reinvestment project area from which the agency receives tax increment; and
 - (ii) for each portion described in Subsection (1)(e)(i), the period of time during which tax increment is collected;
 - (f) the percentage of tax increment the agency is authorized to receive from the community reinvestment project area; and
 - (g) the maximum cumulative dollar amount of tax increment the agency is authorized to receive from the community reinvestment project area;
- (2) if the agency receives sales and use tax revenue:
 - (a) the percentage and total amount of sales and use tax revenue to be paid to the agency; and
 - (b) each project area funds collection period;
- (3) the amount of project area funds the agency will use to implement the community reinvestment project area plan, including the estimated amount of project area funds that will be used for land acquisition, public improvements, infrastructure improvements, or any loans, grants, or other incentives to private or public entities;
- (4) the agency's combined incremental value;
- (5) the amount of project area funds that will be used to cover the cost of administering the community reinvestment project area plan; and
- (6) for property that the agency owns and expects to sell, the expected total cost of the property to the agency and the expected sale price.

Enacted by Chapter 350, 2016 General Session

17C-5-304 Consent of each taxing entity or taxing entity committee required for community reinvestment project area budget.

Before an agency may collect any project area funds from a community reinvestment project area, the agency shall obtain consent for each community reinvestment project area budget from:

- (1) for a community reinvestment project area that is subject to an interlocal agreement, each taxing entity that is a party to an interlocal agreement; or
- (2) for a community reinvestment project area that is subject to a taxing entity committee, the taxing entity committee.

Enacted by Chapter 350, 2016 General Session

17C-5-305 Filing a copy of the community reinvestment project area budget.

Within 30 days after the day on which an agency adopts a community reinvestment project area budget, the agency shall file a copy of the community reinvestment project area budget with:

- (1) the State Tax Commission;
- (2) the State Board of Education;
- (3) the state auditor;
- (4) the auditor of the county in which the community reinvestment project area is located; and
- (5) each taxing entity affected by the agency's collection of project area funds under the community reinvestment project area budget.

Enacted by Chapter 350, 2016 General Session

17C-5-306 Amending a community reinvestment project area budget.

- (1) Except as provided in Section 17C-1-1002 and before a project area funds collection period ends, an agency may amend a community reinvestment project area budget in accordance with this section.
- (2) To amend a community reinvestment project area budget, an agency shall:
 - (a) provide notice and hold a public hearing on the proposed amendment in accordance with Chapter 1, Part 8, Hearing and Notice Requirements;
 - (b)
 - (i) if the community reinvestment project area budget required approval from a taxing entity committee, obtain the taxing entity committee's approval; or
 - (ii) if the community reinvestment project area budget required an interlocal agreement with a taxing entity, obtain approval from the taxing entity that is a party to the interlocal agreement; and
 - (c) at the public hearing described in Subsection (2)(a) or at a subsequent board meeting, by resolution, adopt the community reinvestment project area budget amendment.
- (3) If an agency proposes a community reinvestment project area budget amendment under which the agency is paid a greater proportion of tax increment from the community reinvestment project area than provided under the community reinvestment project area budget, the notice described in Subsection (2)(a) shall state:
 - (a) the percentage of tax increment paid under the community reinvestment project area budget; and
 - (b) the proposed percentage of tax increment paid under the community reinvestment project area budget amendment.
- (4)
 - (a) If an agency proposes a community reinvestment project area budget amendment that extends a project area funds collection period, before a taxing entity committee or taxing entity may provide the taxing entity committee's or taxing entity's approval described in Subsection (2)(b), the agency shall provide to the taxing entity committee or taxing entity:
 - (i) the reasons why the extension is required;
 - (ii) a description of the project area development for which project area funds received by the agency under the extension will be used;
 - (iii) a statement of whether the project area funds received by the agency under the extension will be used within an active project area or a proposed project area; and
 - (iv) a revised community reinvestment project area budget that includes:
 - (A) the annual and total amounts of project area funds that the agency receives under the extension; and

- (B) the number of years that are added to each project area funds collection period under the extension.
- (b) With respect to an amendment described in Subsection (4)(a), a taxing entity committee or taxing entity may consent to:
 - (i) allow an agency to use project area funds received under an extension within a different project area from which the project area funds are generated; or
 - (ii) alter the base taxable value in connection with a community reinvestment project area budget extension.
- (5) If an agency proposes a community reinvestment project area budget amendment that reduces the base taxable value of the project area due to the removal of a parcel under Subsection 17C-5-112(5)(b), an agency may amend a project area budget without:
 - (a) complying with Subsection (2)(a); and
 - (b) obtaining taxing entity committee or taxing entity approval described in Subsection (2)(b).
- (6)
 - (a) A person may contest an agency's adoption of a community reinvestment project area budget amendment within 30 days after the day on which the agency adopts the community reinvestment project area budget amendment.
 - (b) After the 30-day period described in Subsection (6)(a), a person may not contest:
 - (i) the agency's adoption of the community reinvestment project area budget amendment;
 - (ii) a payment to the agency under the community reinvestment project area budget amendment; or
 - (iii) the agency's use of project area funds received under the community reinvestment project area budget amendment.

Amended by Chapter 214, 2021 General Session

17C-5-307 Allocating project area funds for housing.

- (1) Except as provided in Subsection (4), an agency shall allocate the agency's project area funds for housing in accordance with this section.
- (2)
 - (a) For a community reinvestment project area that is subject to a taxing entity committee, an agency shall allocate at least 20% of the agency's annual tax increment for housing in accordance with Section 17C-1-412 if the community reinvestment project area budget provides for more than \$100,000 of annual tax increment to be distributed to the agency.
 - (b) The taxing entity committee may waive a portion of the allocation described in Subsection (2) (a) if:
 - (i) the taxing entity committee determines that 20% of the agency's annual tax increment is more than is needed to address the community's need for income targeted housing or homeless assistance; and
 - (ii) after the waiver, the agency's housing allocation is equal to at least 10% of the agency's annual tax increment.
- (3) For a community reinvestment project area that is subject to an interlocal agreement, an agency shall allocate at least 10% of the project area funds for housing in accordance with Section 17C-1-412 if the community reinvestment project area budget provides for more than \$100,000 of annual project area funds to be distributed to the agency.
- (4) An agency is not required to allocate the agency's community reinvestment project area funds for housing under this section if:

- (a) the agency and the county mutually agree in the interlocal agreement described in Subsection (3) that the agency will not make the allocation; and
- (b) the community reinvestment project area plan:
 - (i) provides solely for nonresidential project area development; and
 - (ii) provides for 60% of the jobs created within the project area to have an annual gross wage, not including healthcare or other paid or unpaid benefits, that is at least 125% of the average wage of the county in which the project area is located.

Amended by Chapter 333, 2019 General Session

Part 4

Development Impediment Determination in a Community Reinvestment Project Area

17C-5-401 Title.

This part is known as " Development Impediment Determination in a Community Reinvestment Project Area."

Amended by Chapter 376, 2019 General Session

17C-5-402 Development impediment determination in a community reinvestment project area -- Prerequisites -- Restrictions.

- (1) An agency shall comply with the provisions of this section before the agency may use eminent domain to acquire property under Chapter 1, Part 9, Eminent Domain.
- (2) An agency shall, after adopting a survey area resolution as described in Section 17C-5-103:
 - (a) cause a development impediment study to be conducted within the survey area in accordance with Section 17C-5-403;
 - (b) provide notice and hold a development impediment hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements; and
 - (c) after the development impediment hearing, at the same or at a subsequent meeting:
 - (i) consider the evidence and information relating to the existence or nonexistence of a development impediment; and
 - (ii) by resolution, make a determination regarding whether a development impediment exists in all or part of the survey area.

Amended by Chapter 376, 2019 General Session

17C-5-403 Development impediment study -- Requirements -- Deadline.

- (1) An agency shall ensure that a development impediment study:
 - (a) undertakes a parcel by parcel survey of the survey area;
 - (b) provides data so the board may determine:
 - (i) whether the conditions described in Section 17C-5-405:
 - (A) exist in part or all of the survey area; and
 - (B) meet the qualifications for a development impediment determination in all or part of the survey area; and
 - (ii) whether the survey area contains all or part of a superfund site;
 - (c) includes a written report that states:

- (i) the conclusions reached;
 - (ii) any area within the survey area that meets the statutory criteria of a development impediment under Section 17C-5-405; and
 - (iii) any other information requested by the agency to determine whether a development impediment exists within the survey area; and
- (d) is completed within one year after the day on which the survey area resolution is adopted.
- (2)
- (a) If a development impediment study is not completed within the time described in Subsection (1)(d), the agency may not approve a community reinvestment project area plan or an amendment to a community reinvestment project area plan under Subsection 17C-5-112(4) based on a development impediment study unless the agency first adopts a new resolution under Subsection 17C-5-103(1).
 - (b) A new resolution described in Subsection (2)(a) shall in all respects be considered to be a resolution under Subsection 17C-5-103(1) adopted for the first time, except that any actions taken toward completing a development impediment study under the resolution that the new resolution replaces shall be considered to have been taken under the new resolution.
- (3)
- (a) For the purpose of making a development impediment determination under Subsection 17C-5-402(2)(c)(ii), a development impediment study is valid for one year from the day on which the development impediment study is completed.
 - (b)
 - (i) Except as provided in Subsection (3)(b)(ii), an agency that makes a development impediment determination under a valid development impediment study and subsequently adopts a community reinvestment project area plan in accordance with Section 17C-5-104 may amend the community reinvestment project area plan without conducting a new development impediment study.
 - (ii) An agency shall conduct a supplemental development impediment study for the area proposed to be added to the community reinvestment project area if the agency proposes an amendment to a community reinvestment project area plan that:
 - (A) increases the community reinvestment project area's geographic boundary and the area proposed to be added was not included in the original development impediment study; and
 - (B) provides for the use of eminent domain within the area proposed to be added to the community reinvestment project area.

Amended by Chapter 376, 2019 General Session

17C-5-404 Development impediment hearing -- Owners may review evidence of a development impediment.

- (1) In a hearing required under Subsection 17C-5-402(2)(b), an agency shall:
- (a) permit all evidence of the existence or nonexistence of a development impediment within the survey area to be presented; and
 - (b) permit each record owner of property located within the survey area or the record property owner's representative the opportunity to:
 - (i) examine and cross-examine each witness that provides evidence of the existence or nonexistence of a development impediment; and
 - (ii) present evidence and testimony, including expert testimony, concerning the existence or nonexistence of a development impediment.

- (2) An agency shall allow each record owner of property located within a survey area the opportunity, for at least 30 days before the day on which the hearing takes place, to review the evidence of a development impediment compiled by the agency or by the person or firm conducting the development impediment study for the agency, including any expert report.

Amended by Chapter 376, 2019 General Session

17C-5-405 Conditions on a development impediment determination -- Conditions of a development impediment caused by a participant.

- (1) A board may not make a development impediment determination in a resolution under Subsection 17C-5-402(2)(c)(ii) unless the board finds that:
 - (a)
 - (i) the survey area consists predominantly of nongreenfield parcels;
 - (ii) the survey area is currently zoned for urban purposes and generally served by utilities;
 - (iii) at least 50% of the parcels within the survey area contain nonagricultural or nonaccessory buildings or improvements used or intended for residential, commercial, industrial, or other urban purposes;
 - (iv) the present condition or use of the survey area substantially impairs the sound growth of the community, delays the provision of housing accommodations, constitutes an economic liability, or is detrimental to the public health, safety, or welfare, as shown by the existence within the survey area of at least four of the following factors:
 - (A) although sometimes interspersed with well maintained buildings and infrastructure, substantial physical dilapidation, deterioration, or defective construction of buildings or infrastructure, or significant noncompliance with current building code, safety code, health code, or fire code requirements or local ordinances;
 - (B) unsanitary or unsafe conditions in the survey area that threaten the health, safety, or welfare of the community;
 - (C) environmental hazards, as defined in state or federal law, which require remediation as a condition for current or future use and development;
 - (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for urban use and served by utilities;
 - (E) abandoned or outdated facilities that pose a threat to public health, safety, or welfare;
 - (F) criminal activity in the survey area, higher than that of comparable areas in the municipality or county that are without a development impediment; and
 - (G) defective or unusual conditions of title rendering the title nonmarketable; and
 - (v)
 - (A) at least 50% of the privately owned parcels within the survey area are affected by at least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv); and
 - (B) the affected parcels comprise at least 66% of the privately owned acreage within the survey area; or
 - (b) the survey area includes some or all of:
 - (i) a superfund site;
 - (ii) a site used for the disposal of solid waste or hazardous waste, as those terms are defined in Section 19-6-102;
 - (iii) an inactive industrial site; or
 - (iv) an inactive airport site.

- (2) A single parcel comprising 10% or more of the acreage within the survey area may not be counted as satisfying the requirement described in Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of the parcel is occupied by buildings or improvements.
- (3)
 - (a) Except as provided in Subsection (3)(b), for purposes of Subsection (1), if a participant or proposed participant involved in the project area development has caused a condition listed in Subsection (1)(a)(iv) within the survey area, that condition may not be used in the determination of a development impediment.
 - (b) Subsection (3)(a) does not apply to a condition that was caused by an owner or tenant who later becomes a participant.

Amended by Chapter 376, 2019 General Session

17C-5-406 Challenging a finding of development impediment determination -- Time limit -- Standards governing court review.

- (1) If a board makes a development impediment determination under Subsection 17C-5-402(2)(c)(ii), a record owner of property located within the survey area may challenge the determination by filing an action in the district court in the county in which the property is located no later than 30 days after the day on which the board makes the determination.
- (2) In an action under this section:
 - (a) the agency shall transmit to the district court the record of the agency's proceedings, including any minutes, findings, determinations, orders, or transcripts of the agency's proceedings;
 - (b) the district court shall review the development impediment determination under the standards of review provided in Subsection 10-9a-801(3); and
 - (c)
 - (i) if there is a record:
 - (A) the district court's review is limited to the record provided by the agency; and
 - (B) the district court may not accept or consider any evidence outside the record of the agency, unless the evidence was offered to the agency and the district court determines that the agency improperly excluded the evidence; or
 - (ii) if there is no record, the district court may call witnesses and take evidence.

Amended by Chapter 376, 2019 General Session

RESOLUTION NO. R2024 6

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF SOUTH SALT LAKE
AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT
WITH THE CITY OF SOUTH SALT LAKE REGARDING A LOAN FOR PROPERTY
ACQUISITION.

WHEREAS, the Redevelopment Agency of South Salt Lake (the “Agency”) has been created to transact the business and exercise all of the powers provided for by Title 17C of the Utah Code Annotated, Limited Purpose Local Government Entities — Community Reinvestment Agency Act (the “Act”);

WHEREAS, the Agency, in furtherance of the purposes of the Act, has authorized the Agency’s Executive Director to enter into a purchase and sale agreement to purchase the property located at 2280 South State Street in South Salt Lake (the “Property”); and

WHEREAS, in order to finance the purchase of the Property, the Agency has requested, and the City has agreed to provide, funds as detailed further in the Interlocal Cooperation Agreement (the “Agreement”) attached as Exhibit A and incorporated herein by this reference, for the purchase of the Property; and

WHEREAS, Utah Code 17C-1-207(1)(a)(viii) states in relevant part that in order to assist and cooperate in the planning, undertaking, construction, or operation of project area development within in area in which the public entity is authorized to act, a public entity may lend, grant, or contribute funds to an agency for project area development or proposed project area development, including assigning revenue or taxes in support of an agency bond or obligation; and

WHEREAS, the Property is located in the Agency’s Market Station Project Area; and

WHEREAS, the Agency and the City desire now to enter into an Interlocal Cooperation Agreement, substantially in the form attached hereto as Exhibit A, providing for a loan from the City to the Agency for acquisition of the Property as further detailed in the attachment.

NOW, THEREFORE, BE IT RESOLVED, by the Redevelopment Agency of South Salt Lake:

1. The Agreement in substantially the form attached hereto as **Exhibit A** is hereby approved, and the Chair of the Board is authorized and directed to execute the same for and on behalf of the Agency. The Chair is authorized to approve any minor modifications, amendments, or revisions to the Agreement as may be in the Agency’s best interest and in harmony with the overall intent and purpose of the Agreement, and the Chair’s signature upon the final Agreement will constitute the Agency’s acceptance of all such minor modifications, amendments, or revisions.
2. The effective date of the Agreement shall be the date as indicated in the Agreement.
3. This resolution takes effect upon adoption.

(signatures appear on next page; remainder of page intentionally left blank)

DATED this 27th day of March 2024.

BY THE REDEVELOPMENT AGENCY:

LeAnne Huff
LeAnne Huff, RDA Chair

RDA Board Vote as Recorded:

Bynum:	<u>yes</u>
Williams:	<u>yes</u>
Huff:	<u>yes</u>
Mitchell:	<u>ABSENT</u>
Pinkney:	<u>ABSENT</u>
Sanchez:	<u>ABSENT</u>
Thomas:	<u>yes</u>



ATTEST:

Ariel Andrus
Ariel Andrus, RDA Secretary

Exhibit A
Form of Agreement

INTERLOCAL COOPERATION AGREEMENT

THIS INTERLOCAL COOPERATION AGREEMENT is made and entered into this 29th day March 2024, by and between the **REDEVELOPMENT AGENCY OF SOUTH SALT LAKE**, a community development and renewal agency and political subdivision of the State of Utah (the “Agency”), and **THE CITY OF SOUTH SALT LAKE**, a political subdivision of the State of Utah (the “City”). The Agency and the City may also be referred to individually as a “Party” and collectively as the “Parties.”

WHEREAS, the Redevelopment Agency of South Salt Lake (the “Agency”) has been created to transact business and exercise all of the powers provided for by Title 17C of the Utah Code Annotated, Limited Purpose Local Government Entities — Community Reinvestment Agency Act (the “Act”)

WHEREAS, the Agency is authorized and empowered under the Act to undertake various community development activities pursuant to the Act, including, among other things, assisting the City in development activities that are likely to advance the policies, goals and objectives of the City’s general plan, contributing to capital improvements which substantially benefit the City, creating economic benefits to the City, and improving the public health, safety and welfare of its citizens; and

WHEREAS, the Agency, in furtherance of the purposes of the Act, has authorized the Agency’s Executive Director to enter into a purchase and sale agreement to purchase the property located at 2280 South State Street in South Salt Lake (the “Property”); and

WHEREAS, in order to finance the purchase of the Property, the Agency has requested, and the City has agreed to provide funds as detailed further below; and

WHEREAS, Utah Code 17C-1-207(1)(a)(viii) states in relevant part that in order to assist and cooperate in the planning, undertaking, construction, or operation of project area development within an area in which the public entity is authorized to act, a public entity may lend, grant, or contribute funds to an agency for project area development or proposed project area development, including assigning revenue or taxes in support of an agency bond or obligation; and

WHEREAS, the Property is located in the Agency’s Market Station Project Area; and

WHEREAS, this Agreement is made pursuant to the provisions of the Act and the Interlocal Cooperation Act (Utah Code Title 11, Chapter 13 hereafter the “Cooperation Act”); and

WHEREAS, the parties desire to set forth in writing their agreements regarding the nature and timing of such assistance;

NOW, THEREFORE, in consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Scope.** The City has determined that acquisition of the Property is in the best interests of the City in order to further the purposes of the Act. In order to effectuate the purchase of the Property the Agency has determined funding from the City is required in the amount of \$15,750,00.00 (the Loan Amount” or the “Amount”). The City has agreed and the South Salt Lake City Council has approved the transfer of the Loan Amount through resolution, which is attached as Exhibit A and incorporated herein by this reference. The Loan Amount shall only be used by the Agency to effectuate the purchase and disposition of the Property.
2. **Term.** The Agency shall receive a one-time payment of the Loan Amount. The Loan Amount shall be repaid to the City upon the Agency’s disposal of the Property through sale to another entity. The Agency shall repay the Loan Amount to the City at the time of settlement of the sale of the Property, at which time this Agreement shall automatically terminate.

3. **Agreement(s) with Developer(s).** The Agency is authorized to enter into one or more agreements with one or more developers in order to dispose of the Property. Such agreement shall be consistent with the terms and conditions of this Agreement, shall require as a condition of the payment to the Developer that the Developer, or its approved successors in title as owners of the Property, shall pay any and all taxes and assessments which shall be assessed against the Property in accordance with levies made by applicable municipal entities in accordance with the laws of the state of Utah applicable to such levies, and such other performance measures as the Agency may deem appropriate.

4. **Authority to Bind.** Each individual executing this Agreement represents and warrants that such person is authorized to do so, and, that upon executing this Agreement, this Agreement shall be binding and enforceable in accordance with its terms upon the party for whom such person is acting.

5. **Further Documents and Acts.** Each of the parties hereto agrees to cooperate in good faith with the others, and to execute and deliver such further documents and perform such other acts as may be reasonably necessary or appropriate to consummate and carry into effect the transactions contemplated under this Agreement.

6. **Notices.** Any notice, request, demand, consent, approval, or other communication required or permitted hereunder or by law shall be validly given or made only if in writing and delivered to an officer or duly authorized representative of the other party in person or by Federal Express, private commercial delivery or courier service for next business day delivery, or by United States mail, duly certified or registered (return receipt requested), postage prepaid, and addressed to the party for whom intended, as follows:

If to the City:
South Salt Lake City
Attn: Mayor
220 East Morris Ave.
South Salt Lake, UT 84115

If to the Agency:
South Salt Lake City Redevelopment Agency
Attn: Executive Director
220 East Morris Ave.
South Salt Lake, UT 84115

Any party may from time to time, by written notice to the others as provided above, designate a different address which shall be substituted for that specified above. Notice sent by mail shall be deemed served or delivered seventy-two (72) hours after mailing. Notice by any other method shall be deemed served or delivered upon actual receipt at the address listed above. Delivery of courtesy copies noted above shall be as a courtesy only and failure of any party to give or receive a courtesy copy shall not be deemed to be a failure to provide notice otherwise properly delivered- to a party to this Agreement.

7. **Entire Agreement.** This Agreement is the final expression of and contains the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior understandings with respect thereto. This Agreement may not be modified, changed, supplemented, or terminated; nor may any obligations hereunder be waived, except by written instrument signed by the party to be charged or by its agent duly authorized in writing or as otherwise expressly permitted herein. This Agreement and its exhibits constitute the entire agreement between the parties hereto pertaining to the subject matter hereof, and the final, complete and exclusive expression of the terms and conditions thereof. All prior agreements, representations, negotiations and understandings of the parties hereto, oral or written, express or implied, are hereby superseded and merged herein.

8. **No Third Party Benefit.** The parties do not intend to confer any benefit hereunder on any person, firm or corporation other than the parties hereto. There are no intended third party beneficiaries to this Agreement.

9. **Construction.** Headings at the beginning of each paragraph and subparagraph are solely for the convenience of the parties and are not a part of the Agreement. Whenever required by the context of this Agreement, the singular shall include the plural and the masculine shall include the feminine and vice versa. Unless otherwise indicated, all references to paragraphs and subparagraphs are to this Agreement. In the event the date on which any of the parties is required to take any action under the terms of this Agreement is not a business day, the action shall be taken on the next succeeding business day.

10. **Partial Invalidity.** If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each such term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

11. **Amendments.** No addition to or modification of any provision contained in this Agreement shall be effective unless fully set forth in writing executed by each of the parties hereto.

12. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute but one and the same instrument.

13. **Waivers.** No waiver of any breach of any covenant or provision herein contained shall be deemed a waiver of any preceding or succeeding breach thereof or of any other covenant or provision herein contained. No extension of time for performance of any obligation or act shall be deemed an extension of the time for performance of any other obligation or act.

14. **Governing Law.** This Agreement and the exhibits attached hereto shall be governed by and construed under the laws of the State of Utah. In the event of any dispute hereunder, it is agreed that the sole and exclusive venue shall be in a court of competent jurisdiction in Salt Lake County, Utah, and the parties hereto agree to submit to the jurisdiction of such court.

15. **Declaration of Invalidity.** In the event that a court of competent jurisdiction declares that the County cannot pay and/or that the Agency cannot receive payments of the Tax Increment, declares that the Agency cannot pay the Tax Increment to developers, or takes any other action which has the effect of eliminating or reducing the payments of Tax Increment received by the Agency, the Agency's obligation to pay the Tax Increment to developers shall be reduced or eliminated accordingly, the Agency, and the County shall take such steps as are reasonably required to not permit the payment and/or receipt of the Tax Increment to be declared invalid.

16. **No Separate Legal Entity.** No separate legal entity is created by this Agreement.

17. **Assignment.** No party may assign its rights, duties, or obligations under this Agreement without the prior written consent first being obtained from all parties. Notwithstanding the foregoing, such consent shall not be unreasonably withheld or delayed so long as the assignee thereof shall be reasonably expected to be able to perform the duties and obligations being assigned.

18. **Interlocal Cooperation Act.** In satisfaction of the requirements of the Cooperation Act in connection with this Agreement, the Parties agree as follows:


- a. This Agreement shall be authorized and adopted by resolution of the legislative body or governing board of each Party pursuant to and in accordance with the provisions of Section 11-13-202.5 of the Cooperation Act;

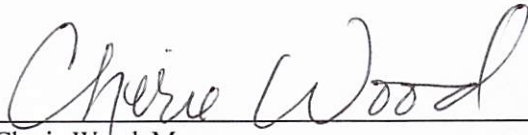
- b.** This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party pursuant to and in accordance with the provisions of Section 11-13-202.5(3) of the Cooperation Act;
- c.** A duly executed original counterpart of this Agreement shall be filed immediately with the keeper of records of each Party pursuant to Section 11-13-209 of the Cooperation Act;
- d.** The Executive Director of the Agency is hereby designated the Administrator of the Agreement for all purposes of the Cooperation Act, pursuant to Section 11-13-207 of the Cooperation Act;
- e.** Should a party to this Agreement desire to terminate this Agreement, in part or in whole, each party to the Agreement must adopt, by resolution, an amended Interlocal Cooperation Agreement stating the reasons for such termination. Any such amended Interlocal Cooperation Agreement must be in harmony with any development/participation agreement(s) entered into by the Agency as described in this Agreement.
- f.** Immediately after execution of this Agreement by both Parties, the Agency shall, on behalf of both parties, cause to be published notice regarding this Agreement pursuant to Section 11-13-219 of the Cooperation Act, and on behalf of the Agency in accordance with Utah Code Annotated Section 17C-4-202.
- g.** This Agreement will not take legal effect and the notice described in Paragraph 25.g., shall be issued until this Agreement (a) has been approved by each Party as required by Utah Code Section 11-13-202(2), (b) has been submitted to the attorney authorized to represent each Party for review as to proper form and compliance with law as required by Utah Code Section 11-13-203, and (c) has been filed with the keeper of records of each Party, as required by Utah Code Section 11-13-209.
- h.** The term of this Agreement shall commence on the publication of the notice required by Utah Code Annotated §17C-4-202 of the Act and shall continue through the date on which all of the Entity's Share for the specified twenty-one (21) year period has been paid to the Agency as provided for herein or the Agency ceases to receive such Tax Increment pursuant to Section l.c., but in any event, unless amended, this Agreement shall terminate no later than the end of December 31, 2046. No other termination, in part or in whole, or this Agreement shall be made without the adoption, by resolution, of an amendment to this Agreement by all the Parties.
- i.** The Parties agree that they do not, by this Agreement, create an interlocal entity or any separate entity.
- j.** There is no financial or joint or cooperative undertaking and no budget shall be established or maintained.
- k.** No real or personal property will be acquired, held or disposed of or used in conjunction with a joint or cooperative undertaking.
- l.** The effective date shall be the date this Agreement is fully executed.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day specified above.

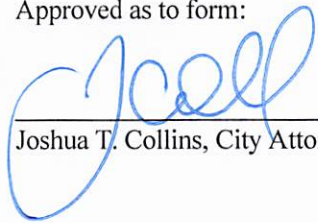
City: CITY OF SOUTH SALT LAKE

Attest:


Ariel Andrus, City Recorder

By: 
Cherie Wood, Mayor

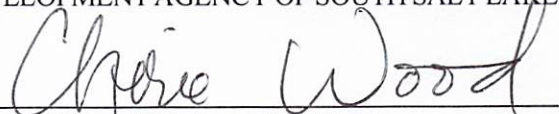
Approved as to form:


Joshua T. Collins, City Attorney

Agency: REDEVELOPMENT AGENCY OF SOUTH SALT LAKE

Attest:


Ariel Andrus, Agency Secretary

By: 
Cherie Wood, RDA Executive Director

Approved as to form:

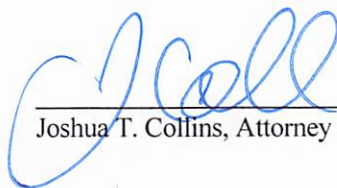

Joshua T. Collins, Attorney for Agency

EXHIBIT "A"
To
INTERLOCAL AGREEMENT

South Salt Lake City Council Resolution Authorizing Loan to Agency

RESOLUTION NO. R 2024 7

A RESOLUTION OF THE SOUTH SALT LAKE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH THE REDEVELOPMENT AGENCY OF SOUTH SALT LAKE REGARDING A LOAN FOR PROPERTY ACQUISITION.

WHEREAS, the Redevelopment Agency of South Salt Lake (the “Agency”) has been created to transact the business and exercise all of the powers provided for by Title 17C of the Utah Code Annotated, Limited Purpose Local Government Entities — Community Reinvestment Agency Act (the “Act”);

WHEREAS, the Agency, in furtherance of the purposes of the Act, has authorized the Agency’s Executive Director to enter into a purchase and sale agreement to purchase the property located at 2280 South State Street in South Salt Lake (the “Property”); and

WHEREAS, in order to finance the purchase of the Property, the Agency has requested, and the City has agreed to provide, funds as detailed further in the Interlocal Cooperation Agreement (the “Agreement”) attached as Exhibit A and incorporated herein by this reference, for the purchase of the Property; and

WHEREAS, Utah Code 17C-1-207(1)(a)(viii) states in relevant part that in order to assist and cooperate in the planning, undertaking, construction, or operation of project area development within in area in which the public entity is authorized to act, a public entity may lend, grant, or contribute funds to an agency for project area development or proposed project area development, including assigning revenue or taxes in support of an agency bond or obligation; and

WHEREAS, the Property is located in the Agency’s Market Station Project Area; and

WHEREAS, the City and the Agency desire now to enter into an Interlocal Cooperation Agreement, substantially in the form attached hereto as Exhibit A, providing for a loan from the City to the Agency for acquisition of the Property as further detailed in the attachment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of South Salt Lake as follows:

1. The Agreement in substantially the form attached hereto as **Exhibit A** is hereby approved, and the Mayor is authorized and directed to execute the same for and on behalf of the City. The Mayor is authorized to approve any minor modifications, amendments, or revisions to the Agreement as may be in the City’s best interest and in harmony with the overall intent and purpose of the Agreement, and the Mayor’s signature upon the final Agreement will constitute the City Council’s acceptance of all such minor modifications, amendments, or revisions.
2. The effective date of the Agreement shall be the date as indicated in the Agreement.
3. This resolution immediately takes effect upon adoption.

APPROVED AND ADOPTED by the City Council of the City of South Salt Lake, Utah, on this 27th day of March, 2024.

BY THE CITY COUNCIL:

Sharla Bynum
Sharla Bynum, Council Chair

City Council Vote as Recorded:

Huff:	<u>YES</u>
Thomas:	<u>YES</u>
Bynum:	<u>YES</u>
Mitchell:	<u>ABSENT</u>
Sanchez:	<u>ABSENT</u>
Pinkney:	<u>ABSENT</u>
Williams:	<u>YES</u>



ATTEST:

Ariel Andrus
Ariel Andrus, City Recorder