

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
City Council Meeting

July 6, 2021

4:30 p.m. Closed Executive Session
5:30 p.m. Work Meeting
7:00 p.m. Regular Meeting

TIME AND ORDER OF ITEMS ARE APPROXIMATE AND MAY BE CHANGED AS TIME PERMITS

I. CLOSED EXECUTIVE SESSION-4:30 P.M.

1. Imminent or Ongoing Litigation

II. WORK MEETING-5:30 P.M.

1. Discussion Regarding General Annexation or Master Development Agreement (MDA) Terms for Pending Annexations (Brower) – 30 min
2. Discussion of Ordinance 2021-21 to Amend the Annexation Policy Plan (Kohler) - 30 min
3. Review of Muirfield Expansion Plan and Funding from Wasatch Open Lands Board (Brower) - 20 min

III. REGULAR MEETING-7:00 P.M.

1. Call to Order
2. Pledge of Allegiance (Council Member Hardman)
3. Prayer/Thought by Invitation (Default: Council Member Johnston)

IV. CONFLICT OF INTEREST DISCLOSURE:

V. CONSENT AGENDA:

1. Approval of June 1, 2021 City Council Meeting Minutes, June 15, 2021 City Council Meeting Minutes, and June 17, 2021 City Council Emergency Meeting Minutes (Cooke)
2. Consider Approval of Ordinance 2021-15 Amending Section 18.08.180 Dwellings (Baron)
3. Consider Approval of Ordinance 2021-07 Accessory Dwelling Units (Kohler)
4. Consider Approval of Heber City Street Striping Contract (Mumford)
5. Consider Approval of Crack Seal Bid Award (Funk)
6. Consider Approval of Contract Award for Pressurized Irrigation Retrofit Project (Funk)

VI. PUBLIC COMMENTS:

VII. ACTION ITEMS:

RECESS AS HEBER CITY COUNCIL
CONVENE AS HEBER CITY COMMUNITY REINVESTMENT AGENCY (CRA) BOARD

1. Public Hearing Regarding the Draft Project Area Plan and Project Area Budget for the Heber City Downtown Community Reinvestment Project Area (Brower)
2. Consider Approval of Agency Resolution 2021-06 Adopting the Project Area Plan for the Heber City Downtown Community Reinvestment Project Area (Brower) - 30 min
3. Consider Approval of Agency Resolution 2021-07 Adopting the Project Area Budget for the Heber City Downtown Community Reinvestment Project Area (Brower) - 30 min
4. Consider Approval of Agency Resolution 2021-08 Approving an Interlocal Agreement Between the Community Reinvestment Agency and Heber City (Brower)

ADJOURN AS HEBER CITY CRA BOARD
RECONVENE AS HEBER CITY COUNCIL

5. Consider Approval of City Ordinance 2021-28 Adopting the Project Area Plan for the Heber City Downtown Community Reinvestment Project Area (Brower) - 5 min
6. Consider Approval of City Resolution 2021-11 Approving an Interlocal Agreement with the Heber City Community Reinvestment Agency for the Heber City Downtown Community Reinvestment Project Area (Brower)
7. Public Hearing to Consider Approval of Ordinance 2021-23 for Proposed Development Agreement of Storage Development Located at 600 West 100 South (Kohler)
8. Consider Approval of Resolution 2021-09 to Adopt a City-Wide Pubic Improvement District (PID) Policy (Brower) - 30 min
9. Consideration to Approve Ordinance 2021-20 for a Zone Change Agreement with the Garden Apartments Formerly Rocky Mountain Care Facility Property Located at 160 West 500 North (Kohler) - 30 min
10. Consider Final Plat Approval for Coyote Ridge Phase 2-5 (Vlasic) - 15 min
11. Approve Request for Subdivision Final for Old Mill Village Located at 2211 South Highway 40 (Vlasic) - 30 min
12. Consideration to Adopt Ordinance 2021-21 Amending the Annexation Policy Plan (Kohler) - 10 min
13. Consider Adoption of Ordinance 2021-16 Establishing a City-Wide Air Quality Policy (Franco) - 5 min
14. Consider Approval of Temporary Ordinance 2021-27 Shipping Containers in Commercial Areas (Kohler) - 30 min

Ordinance 2006-05 allows Heber City Council Members to participate in meetings via telecommunications media.

In accordance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Trina Cooke at the Heber City Offices 435.657.7886 at least eight hours prior to the meeting.

Posted on June 30, 2021, in the Heber City Municipal Building located at 75 North Main, the Heber City Website at www.ci.heber.ut.us, and on the Utah Public Notice Website at <http://pmn.utah.gov>. Notice provided to the Wasatch Wave.

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HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
City Council Meeting

July 6, 2021

4:30 p.m. Closed Executive Session
5:30 p.m. Work Meeting
7:00 p.m. Regular Meeting

TIME AND ORDER OF ITEMS ARE APPROXIMATE AND MAY BE CHANGED AS TIME PERMITS

I. CLOSED EXECUTIVE SESSION-4:30 P.M.

1. Imminent or Ongoing Litigation

II. WORK MEETING-5:30 P.M.

1. Discussion Regarding General Annexation or Master Development Agreement (MDA) Terms for Pending Annexations (Brower) – 30 min
2. Discussion of Ordinance 2021-21 to Amend the Annexation Policy Plan (Kohler) - 30 min
3. Review of Muirfield Expansion Plan and Funding from Wasatch Open Lands Board (Brower) - 20 min

III. REGULAR MEETING-7:00 P.M.

1. Call to Order
2. Pledge of Allegiance (Council Member Hardman)
3. Prayer/Thought by Invitation (Default: Council Member Johnston)

IV. CONFLICT OF INTEREST DISCLOSURE:

V. CONSENT AGENDA:

1. Approval of June 1, 2021 City Council Meeting Minutes, June 15, 2021 City Council Meeting Minutes, and June 17, 2021 City Council Emergency Meeting Minutes (Cooke)
2. Consider Approval of Ordinance 2021-15 Amending Section 18.08.180 Dwellings (Baron)
3. Consider Approval of Ordinance 2021-07 Accessory Dwelling Units (Kohler)
4. Consider Approval of Heber City Street Striping Contract (Mumford)
5. Consider Approval of Crack Seal Bid Award (Funk)
6. Consider Approval of Contract Award for Pressurized Irrigation Retrofit Project (Funk)

VI. PUBLIC COMMENTS:

VII. ACTION ITEMS:

RECESS AS HEBER CITY COUNCIL
CONVENE AS HEBER CITY COMMUNITY REINVESTMENT AGENCY (CRA) BOARD

1. Public Hearing Regarding the Draft Project Area Plan and Project Area Budget for the Heber City Downtown Community Reinvestment Project Area (Brower)
2. Consider Approval of Agency Resolution 2021-06 Adopting the Project Area Plan for the Heber City Downtown Community Reinvestment Project Area (Brower) - 30 min
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ADJOURN AS HEBER CITY CRA BOARD
RECONVENE AS HEBER CITY COUNCIL

5. Consider Approval of City Ordinance 2021-28 Adopting the Project Area Plan for the Heber City Downtown Community Reinvestment Project Area (Brower) - 5 min
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9. Consideration to Approve Ordinance 2021-20 for a Zone Change Agreement with the Garden Apartments Formerly Rocky Mountain Care Facility Property Located at 160 West 500 North (Kohler) - 30 min
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HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
City Council Meeting

July 6, 2021

4:30 p.m. Closed Executive Session
5:30 p.m. Work Meeting
7:00 p.m. Regular Meeting

TIME AND ORDER OF ITEMS ARE APPROXIMATE AND MAY BE CHANGED AS TIME PERMITS

I. CLOSED EXECUTIVE SESSION-4:30 P.M.

1. Imminent or Ongoing Litigation

II. WORK MEETING-5:30 P.M.

1. Discussion Regarding General Annexation or Master Development Agreement (MDA) Terms for Pending Annexations (Brower) – 30 min
2. Discussion of Ordinance 2021-21 to Amend the Annexation Policy Plan (Kohler) - 30 min
3. Review of Muirfield Expansion Plan and Funding from Wasatch Open Lands Board (Brower) - 20 min

III. REGULAR MEETING-7:00 P.M.

1. Call to Order
2. Pledge of Allegiance (Council Member Hardman)
3. Prayer/Thought by Invitation (Default: Council Member Johnston)

IV. CONFLICT OF INTEREST DISCLOSURE:

V. CONSENT AGENDA:

1. Approval of June 1, 2021 City Council Meeting Minutes, June 15, 2021 City Council Meeting Minutes, and June 17, 2021 City Council Emergency Meeting Minutes (Cooke)
2. Consider Approval of Ordinance 2021-15 Amending Section 18.08.180 Dwellings (Baron)
3. Consider Approval of Ordinance 2021-07 Accessory Dwelling Units (Kohler)
4. Consider Approval of Heber City Street Striping Contract (Mumford)
5. Consider Approval of Crack Seal Bid Award (Funk)
6. Consider Approval of Contract Award for Pressurized Irrigation Retrofit Project (Funk)

VI. PUBLIC COMMENTS:

VII. ACTION ITEMS:

RECESS AS HEBER CITY COUNCIL
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1. Public Hearing Regarding the Draft Project Area Plan and Project Area Budget for the Heber City Downtown Community Reinvestment Project Area (Brower)
2. Consider Approval of Agency Resolution 2021-06 Adopting the Project Area Plan for the Heber City Downtown Community Reinvestment Project Area (Brower) - 30 min
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ADJOURN AS HEBER CITY CRA BOARD
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ADJOURN AS HEBER CITY CRA BOARD
RECONVENE AS HEBER CITY COUNCIL

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HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
City Council Meeting

July 6, 2021

4:30 p.m. Closed Executive Session
5:30 p.m. Work Meeting
7:00 p.m. Regular Meeting

TIME AND ORDER OF ITEMS ARE APPROXIMATE AND MAY BE CHANGED AS TIME PERMITS

I. CLOSED EXECUTIVE SESSION-4:30 P.M.

1. Imminent or Ongoing Litigation

II. WORK MEETING-5:30 P.M.

1. Discussion Regarding General Annexation or Master Development Agreement (MDA) Terms for Pending Annexations (Brower) – 30 min
2. Discussion of Ordinance 2021-21 to Amend the Annexation Policy Plan (Kohler) - 30 min
3. Review of Muirfield Expansion Plan and Funding from Wasatch Open Lands Board (Brower) - 20 min

III. REGULAR MEETING-7:00 P.M.

1. Call to Order
2. Pledge of Allegiance (Council Member Hardman)
3. Prayer/Thought by Invitation (Default: Council Member Johnston)

IV. CONFLICT OF INTEREST DISCLOSURE:

V. CONSENT AGENDA:

1. Approval of June 1, 2021 City Council Meeting Minutes, June 15, 2021 City Council Meeting Minutes, and June 17, 2021 City Council Emergency Meeting Minutes (Cooke)
2. Consider Approval of Ordinance 2021-15 Amending Section 18.08.180 Dwellings (Baron)
3. Consider Approval of Ordinance 2021-07 Accessory Dwelling Units (Kohler)
4. Consider Approval of Heber City Street Striping Contract (Mumford)
5. Consider Approval of Crack Seal Bid Award (Funk)
6. Consider Approval of Contract Award for Pressurized Irrigation Retrofit Project (Funk)

VI. PUBLIC COMMENTS:

VII. ACTION ITEMS:

RECESS AS HEBER CITY COUNCIL
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VI. PUBLIC COMMENTS:

VII. ACTION ITEMS:

RECESS AS HEBER CITY COUNCIL
CONVENE AS HEBER CITY COMMUNITY REINVESTMENT AGENCY (CRA) BOARD

1. Public Hearing Regarding the Draft Project Area Plan and Project Area Budget for the Heber City Downtown Community Reinvestment Project Area (Brower)
2. Consider Approval of Agency Resolution 2021-06 Adopting the Project Area Plan for the Heber City Downtown Community Reinvestment Project Area (Brower) - 30 min
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ADJOURN AS HEBER CITY CRA BOARD
RECONVENE AS HEBER CITY COUNCIL

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HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
City Council Meeting

July 6, 2021

4:30 p.m. Closed Executive Session
5:30 p.m. Work Meeting
7:00 p.m. Regular Meeting

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1. Call to Order
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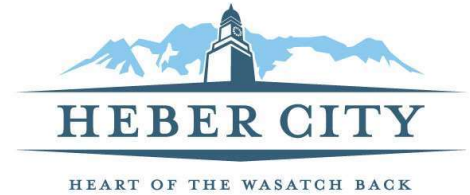
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TAB 2

Community Reinvestment Agency Staff Report



MEETING DATE: July 6, 2021

SUBJECT: Resolution 2021-06 – Adopting the Project Area Plan for the Downtown CRA

RESPONSIBLE: Matthew Brower

DEPARTMENT: City Manager's Office

STRATEGIC RELEVANCE: Economic Development; Creation of CRA Remains Council's Top Policy Priority in 2021

SUMMARY

The Heber City Council recently established as its top policy priority the creation of a redevelopment plan to revitalize the physical, economic and social fabric of Heber's historic downtown.

The Heber City Community Reinvestment Agency has been created by Heber City and the Agency previously adopted a resolution identifying an area for study for the possible creation of a new community reinvestment project area (or "CRA").

This Resolution is the adoption of the project area plan for the new Downtown CRA. This action, along with the corresponding ordinance to be approved by the Heber City Council, approves the creation of the new Downtown CRA. The Downtown CRA is formally created shortly thereafter upon the accomplishment of a handful of post-adoption tasks by Agency staff and legal counsel.

The public hearing on this action allows the Agency to receive public input on the proposed project area plan.

RECOMMENDATION

Adopt Resolution 2021-06 approving and adopting the Community Reinvestment Project Area Plan for the Heber City Downtown Community Reinvestment Project Area.

BACKGROUND

For decades, Heber's historic downtown has languished in the absence of a long-term vision and limited private and public investment. Today, Heber's historic downtown provides few retail opportunities and little incentive for residents and visitors to visit, shop, and support. More recently, a new City Council, the adoption of a new general plan via the City's Envision Heber 2050 initiative, and UDOT's efforts to investigate and possibly build a new by-pass road around the historic downtown, have crystalized renewed interest in Heber's downtown and transitioning

it into a world-class destination. Projected growth in Wasatch County and Summit County position Heber’s downtown for significant growth in commerce, investment, and tourism related opportunities.

Utah state legislation (Utah Code Title 17C – Limited Purpose Local Government Entities - Community Reinvestment Agency Act, or the “Act”) grants certain powers to a community reinvestment agency (which is still often referred to simply as a “redevelopment agency”) beyond those granted to a county or municipality. The redevelopment agency—with certain limited exceptions—can only exercise these powers within a Community Reinvestment Area (or “CRA” or simply a “project area”).

To create a CRA, a redevelopment agency must first adopt a survey resolution identifying the area for study. After the proposed project area boundaries are established, the Agency prepares a project area plan, the contents of which are dictated by the Act. The project area plan describes a number of attributes of the project area and the surrounding areas. The project area plan also describes the Agency’s goals and vision for the project area (note that the degree of specificity in a project area plan can vary greatly depending on the project area).

Prior to adopting the project area plan, the Agency must hold a public hearing to allow all interested parties to comment on the draft plan and whether it should be adopted, amended, or rejected. Notice of this hearing is mailed to each property owner within the proposed project area and to a variety of government entities at least 30 days in advance of the hearing, all as required by the Act. Notice of the hearing is also provided on the public notice website and on the City’s website.

After the public hearing, the Agency can then adopt the project area plan. The Agency can also make changes to the draft plan based on input received at the public hearing and then adopt the plan at a later meeting. An additional hearing is not necessary unless the changes to the project area plan include adding new parcels to the proposed project area.

The Agency’s adoption of the project area plan is followed by a City ordinance adopting the plan. The project area is officially created once the Agency takes a handful of post-adoption steps as required by the Act. These actions will be handled by Agency legal counsel.

Upon the creation of the project area for the Downtown CRA, the Agency can engage in redevelopment activities within the project area and implement the project area plan. Aside from the geographic boundaries of the project area, much of the project area plan is forward-looking and the eventual reality may not match the Agency’s expectations at the time the plan was adopted.

The Agency Board (consisting of the Heber City Council) is in charge of the Agency and bears ultimate responsibility for administration of the CRA. Agreements and other significant decisions will come to the Agency Board for approval.

DISCUSSION

Resolution No. 2021-06 is the Agency Board’s approval of the project area plan for the Heber City Downtown Community Reinvestment Project Area. Upon the Agency’s approval, the Plan goes to the Heber City Council for approval by ordinance.

The Resolution itself includes findings by the Agency as required by Utah Code § 17C-5-108. The language in the Resolution is intended to be very broad so as to meet the statutory requirements without implying any limitations to the Agency's powers to administer of the Project Area. Most of this language closely tracks language in the Act. The resolution contains sections as follows:

Section 1: Legal Description. Establishes the boundaries of the Project Area. The actual description is included with the Plan that is attached to the Resolution.

Section 2: The Agency's Purposes and Intent with Respect to the Project Area. Describes, in general terms, the Agency's goals for the Project Area.

Section 3: Designation, Adoption, and Incorporation of the Plan. States that the draft Project Area Plan is adopted as the official plan for the Project Area.

Section 4: Required Findings. Makes the findings as required by the Act.

Section 5: Submission of the Official Plan to the Heber City Council for Adoption by Ordinance. Formally submits the Plan to the Heber City Council for approval.

Section 6: Recording and Transmittal. Describes the post-adoption steps to be taken by the Agency.

Section 7: Execution of the Plan. Provides formal authorization for the Agency to carry out the Plan.

Section 8: Directions to Agency Staff. Provides guidance to the Agency as to carrying out the Plan. Note that major decisions nonetheless come to the Agency Board for approval.

Section 9: Effective Date. Provides for immediate effectiveness of the Resolution.

FISCAL IMPACT

There is no fiscal impact associated with the adoption of Resolution 2021-06.

ALTERNATIVES

Table this Resolution for consideration at a later meeting.

POTENTIAL MOTIONS "I move to approve Agency Resolution 2021-06 adopting the project area plan for the Heber City Downtown Community Reinvestment Project Area"

CONTRACT ACCOUNTABILITY

Department: City Manager's Office

Staff Member: Matthew Brower

EXHIBITS

A: AGENCY RESOLUTION 2021-06 - A RESOLUTION APPROVING AND ADOPTING THE COMMUNITY REINVESTMENT PROJECT AREA PLAN FOR THE HEBER CITY DOWNTOWN COMMUNITY REINVESTMENT PROJECT AREA.

HEBER CITY COMMUNITY REINVESTMENT AGENCY

RESOLUTION NO. 2021-06

A RESOLUTION APPROVING AND ADOPTING THE COMMUNITY REINVESTMENT PROJECT AREA PLAN FOR THE HEBER CITY DOWNTOWN COMMUNITY REINVESTMENT PROJECT AREA.

WHEREAS, pursuant to the provisions of the Utah Limited Purpose Local Government Entities - Community Reinvestment Agency Act (the “**Act**”), specifically Utah Code Annotated (“**UCA**”) § 17C-5, the Heber City Community Reinvestment Agency (the “**Agency**”) adopted a resolution designating a survey area, which was to become the Heber City Downtown Community Reinvestment Project Area (“**Project Area**”), and calling for the preparation of a project area plan and budget; and

WHEREAS, the draft Project Area Plan (the “**Draft Plan**”), having been prepared for the Project Area pursuant to UCA § 17C-5-105, the Agency held, on July 6, 2021 a duly noticed public hearing pursuant to UCA § 17C-5-104 to allow public comment on the Draft Plan and whether it should be revised, approved, or rejected; and to receive all written and hear all oral objections to the Draft Plan; and

WHEREAS, having received and heard all commentary on and objections, orally and in writing, to the Draft Plan submitted for its consideration, the Agency has passed upon such objections as it has received and has made such modifications, amendments, and/or emendations to the Draft Plan as it deems appropriate, if any; and

WHEREAS, the Agency has made relevant findings concerning the amount of opposition, if any, to the Draft Plan by owners of real property within the Project Area.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE HEBER CITY COMMUNITY REINVESTMENT AGENCY AS FOLLOWS:

1. Legal Description.

The boundaries of the Project Area are described in the Project Area Plan, attached hereto as **Exhibit A**.

2. The Agency's Purposes and Intent with Respect to the Project Area.

The purposes and intent of the Agency with respect to the Project Area are as follows:

2.1. To satisfy the purposes of the Act, as defined therein, by promoting, creating, and/or retaining jobs through the planning, design, development, construction, rehabilitation, or business relocation within the Project Area, as well as the provision of office, industrial, manufacturing, warehousing, distribution, parking, public, or other facilities, or other improvements that benefit the state or a community;

2.2. to increase the City's tax base as well as its commercial front so as to improve both opportunity and quality of life for all of its citizens;

2.3. to promote, encourage, and bring to fruition, the development within the Project Area of a commercial development comprised of up-scale, reputable commercial concerns;

2.4. to stimulate the economy within the Project Area and in the surrounding area;

2.5. to provide for the installation of needed infrastructure, if and as necessary, for development within the Project Area;

2.6. to take any or all additional steps which may be appropriate or necessary to promote or further the aim of improving the Project Area (and, indirectly, of surrounding areas).

3. Designation, Adoption, and Incorporation of the Plan.

The Draft Plan for the Project Area (attached as **Exhibit A**) is hereby designated the *Official Plan for the Heber City Downtown Community Reinvestment Project Area* (the "**Official Plan**"), and is incorporated herein by this reference.

The Agency hereby officially approves and adopts the Official Plan for the Heber City Downtown Community Reinvestment Project Area.

4. Required Findings.

4.1. A need exists to effectuate a public purpose; to wit, the exercise of the statutorily enacted community reinvestment mechanism for the benefit of the citizens of Heber City.

4.2. Benefit to the public shall accrue from the execution of the Official Plan, as each project undertaken thereunder shall be subject to the analysis described in Utah Code § 17C-5-105(2).

4.3. The adoption and carrying out of the Official Plan are economically sound and feasible.

4.4. The Official Plan conforms to the City's General Plan.

4.5. Carrying out the Official Plan will promote the public peace, health, safety, and welfare of Heber City and its residents.

5. Submission of the Official Plan to the Heber City Council for Adoption by Ordinance.

5.1. Pursuant to Utah Code §§ 17C-5-104 & -109, the Agency Board hereby submits the Official Plan to the Heber City Council for review and adoption.

6. Recording and Transmittal.

6.1. Pursuant to Utah Code § 17C-5-111, Agency Staff are hereby directed and authorized to take the following actions within 30 days after adoption of the Official Plan by the Heber City Council:

a. to record with the Wasatch County Recorder a document containing a description of the land within the Project Area, a statement that the Official Plan for the Project Area has been adopted; and the date of its adoption by the Heber City Council; and

b. to transmit a copy of the description of the land within the Project Area, a copy of the City ordinance adopting the Official Plan, and a map indicating the boundaries of the Project Area to each of the following: (i) the auditor and assessor of the county in which the Project Area is located; (ii) the officer or officers performing the function of auditor or assessor for each taxing entity, if any, that does not use the county assessment roll or collect its taxes through the county; (iii) the legislative body or governing board of each taxing entity; (iv) the State Tax Commission; and (v) the State Board of Education.

7. Execution of the Plan.

7.1. Following adoption of the Official Plan by the Heber City Council, the Agency shall proceed to carry out the Plan.

8. Directions to Agency Staff.

8.1. The Agency staff are hereby directed and authorized to take all such actions as necessary to effectuate the purposes and aims of this resolution.

9. Effective Date

9.1. This Resolution shall take effect upon its adoption.

APPROVED AND ADOPTED on the 6th day of July, 2021.

	AYE	NAY	ABSENT	ABSTAIN
Heidi Franco	_____	_____	_____	_____
Wayne Hardman	_____	_____	_____	_____
Mike Johnston	_____	_____	_____	_____
Rachel Kahler	_____	_____	_____	_____
Ryan Stack	_____	_____	_____	_____

**HEBER CITY COMMUNITY
REINVESTMENT AGENCY**

Kelleen Potter, Chair

ATTEST:

Trina Cooke, Secretary

EXHIBIT A

Heber City Downtown Community Reinvestment Project Area Plan

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DRAFT

DOWNTOWN HEBER CRA, HEBER CITY, UTAH

The Agency, following thorough consideration of the needs and desires of Heber City and its residents, as well as the need and capacity for redevelopment and new development, has carefully crafted this Project Area Plan (“Plan”) for the Downtown, Heber City, Utah, Community Reinvestment Project Area (“Project Area”).

In accordance with the terms of this Plan, the Agency will promote and provide for a variety of use types, public improvements, infrastructure, redevelopment, and new development in an area primarily located around Main Street (Highway 189). The Project Area includes approximately 613.8 acres, with the majority of the study area currently developed with residential, retail, or civic-related uses.

The proposed project area has been designated through careful guidance from the “Envision Heber 2050” work that was recently completed. This General Plan update included significant public outreach and close communication with Heber City officials to understand the vision of the community. In part, the proposed Community Reinvestment Area (CRA) is intended to help carry out the vision. In particular, the “Envision Heber 2050” plan includes the following guidelines:

- Preserve the open lands that surround Heber
- Create friendly neighborhoods and centers that focus homes, jobs, shopping, and recreation into places where Heber residents and others can gather and interact regularly
- Enhance and strengthen downtown – the heart of the Heber community
- Grow, promote, and diversify recreational opportunities

In addition to these central guidelines contained in the previous visioning efforts, the city intends to further foster some of the following development framework:

- Encourage housing variety that results in an increase of attainable residences for those making near or less than the area median income
- Provide housing options, both “for sale” and “for rent,” for employees in industries such as education, government, etc.
- Create opportunities for sustainable and environmentally conscious developments

Through the aforementioned planning efforts, Heber recognizes near term growth pressures and the impact that these may have on quality of life characteristics. Current population is anticipated to double by 2050, and median housing prices have increased at a rate that is significantly more rapid than the rate of growth for median incomes. Due to changing population and affordability characteristics, residents of the area have increasingly become more focused on quality of life issues.

Heber’s downtown is well known for its desirable architecture and variety of retail and hospitality services. Most buildings along Main Street are fairly old in terms of original construction date, and some buildings show signs of depreciation. The downtown core presents the economic engine for Heber City, and, largely for all of Wasatch County. A significant amount of the area’s employment is found within the proposed

project area. Consequently, the downtown represents a notable source of quality of life characteristics for residents of Heber City.

It is the purpose of this Plan to clearly set forth the aims and objectives of this proposed CRA, its scope, its mechanism, and its value to the residents, businesses and property owners of the City and County. The Project is undertaken as a community reinvestment project pursuant to the provisions of the Act.

1. RECITALS OF PRECONDITIONS FOR DESIGNATING A COMMUNITY DEVELOPMENT PROJECT AREA

- a) Pursuant to the provisions of §17C-5-103 et seq. of the Limited Purpose Local Government Entities Community Development and Renewal Agencies Act, the governing body of the Redevelopment Agency of Heber City authorized the preparation of a draft community reinvestment project area plan; and
- b) Pursuant to the provisions of §17C-5-104(1)(a) and (b) of the Act, the City has a planning commission and general plan as required by law; and
- c) Pursuant to the provisions of §17C-5-104(3)(e) of the Act, the Agency has conducted one or more public hearings for the purpose of informing the public about the proposed Project Area, allowing public comment on the draft Project Area Plan and whether the Plan should be revised, approved or rejected; and
- d) Pursuant to the provisions of §17C-5-104(3)(b) and (d) of the Act, the Agency made a draft Project Area Plan available to the public at the Agency's offices during normal business hours, provided notice of the Plan hearing and will hold a public hearing on the draft Plan on _____ 2021.

2. DEFINITIONS

As used in this Community Development Project Area Plan:

1. The term "**Act**" shall mean and include the Limited Purpose Local Government Entities – Community Development and Renewal Agencies Act in Title 17C, Chapters 1 through 5, Utah Code Annotated 1953, as amended, or such other amendments as shall from time to time be enacted or any successor or replacement law or act.
2. The term "**Agency**" shall mean the Community Development Renewal Agency of Heber City, a separate body corporate and politic.
3. The term "**Affordable Housing**" shall mean housing affordable to persons making 80 percent or less of the Area Median Income (AMI).

4. The term "**base taxable value**" shall mean the base taxable value of the property within the Project Area from which tax increment will be collected, as shown upon the assessment roll last equalized, before: (A) the date the Project Area Plan is adopted by the City legislative body; and (B) the date the Agency adopts the first Project Area Budget.
5. The term "**City**" shall mean Heber City, Utah.
6. The term "**community**" shall mean the community of Heber City, Utah.
7. The term "**community reinvestment**" shall mean development activities within the community, including the encouragement, promotion, or provision of development.
8. The term "**developer**" shall mean the entities potentially investing in the development in the area.
9. The term "**Plan Hearing**" means the public hearing on the draft Project Area Plan required under Subsection 17C-5-104 of the Act.
10. The term "**planning commission**" shall mean the planning commission of the City.
11. The term "**Project Area**" or "**Downtown Community Reinvestment Project Area**" shall mean the geographic area described in this Project Area Plan or Draft Project Area Plan where the community reinvestment set forth in this Project Area Plan or Draft Project Area Plan takes place or is proposed to take place.
12. The term "**Project Area Budget**" shall mean a budget setting forth:
 - a. the anticipated costs, including administrative costs, of implementing the Downtown Community Reinvestment Project Area Plan; and
 - b. the tax increment, sales tax, and other revenue the Agency anticipates to fund the project.
13. The term "**Project Area Map**" is the area depicted in Appendix A.
14. The term "**Project Area Plan**" or "**Plan**" shall mean a project area plan adopted pursuant to the Act to guide and control community reinvestment activity within the Project Area.
15. The term "**Downtown Community Reinvestment Project Area Plan**" or "**Plan**" shall mean a project area plan and project area map adopted pursuant to the Act to guide and control community reinvestment activities within a project area.
16. The terms "**tax**," "**taxes**," "**property tax**" or "**property taxes**" include privilege tax and each levy on an ad valorem basis on tangible or intangible personal or real property.
17. The term "**taxing entity**" shall mean a public entity that levies a tax on property within the Project Area.

18. The term "**Tax Increment**" shall mean the difference between the amount of property tax revenues generated each tax year by all Taxing Entities from the area designated in the Project Area Plan from which Tax Increment is to be collected, using the current assessed value of the property and the amount of property tax revenues that would be or were generated from that same area using the Base Taxable Value of the property.
19. All other terms shall have the same meaning set forth in the Act unless the context clearly indicates otherwise.

3. PROJECT AREA BOUNDARIES [17C-5-105(1)(A)]

The Project Area consists of approximately 613.8 acres located primarily along Main Street (Highway 189) through a central portion of Heber City. It largely begins near the southern entrance to the city, extends onto both sides of Main Street, and continues to near the municipal boundary ending to the north. Roughly three blocks along both east and west of Main Street are included in the project area, as these blocks have direct influence to and from Main Street and are largely considered part of the downtown core. Area west of Main Street, extending to a passenger rail system, is additional included in the proposed project area. Project area boundaries depicted on the Project Area map are included in Appendix A, with a legal description of the parcels in the Project Area included in Appendix B.

4. GENERAL STATEMENT OF LAND USES, LAYOUT OF PRINCIPAL STREETS, POPULATION DENSITIES, BUILDING INTENSITIES AND HOW THEY WILL BE AFFECTED BY THE PROJECT AREA DEVELOPMENT [17C-5-105]

A. LAND USES IN THE PROJECT AREA

The existing land uses in the Project Area include primarily developed land, with residential and commercial dispersed throughout. Uses range from typical retail stores to offices, with single-family and multi-family homes, as well as hotels, entertainment, and some limited manufacturing, storage, and light industrial uses.

Land uses will be affected as currently vacant or underutilized land is developed in accordance with this Plan. This will change existing vacant land to commercial and residential uses. Other existing uses may experience use type changes as valuations and opportunities for incentives influence highest and best use considerations.

B. POPULATION DENSITIES IN THE PROJECT AREA

There are a significant number of residential uses within the project area, including single-family homes, townhomes, and apartments, of varying densities. Some proposed development in the project area may increase the number of homes, although specific densities are currently not known. Additionally, redevelopment of existing parcels may result in varied densities.

C. BUILDING INTENSITIES IN THE PROJECT AREA

The Project Area currently has a significant amount of commercial space located throughout the downtown. Current proposals for downtown, although still uncertain, suggest the possible addition of more retail and commercial uses. This plan ultimately believes that a moderate amount of new commercial and residential space could be introduced to the area, particularly if the downtown core becomes a focus of investment dollars.

5. STANDARDS THAT WILL GUIDE THE PROJECT AREA DEVELOPMENT [17C-5-105]

A. GENERAL DESIGN OBJECTIVES

Development within the Project Area will be held to high quality design and construction standards and will be subject to: (1) appropriate elements of the City's General Plan; (2) applicable City building codes and ordinances; (3) Planning Commission review and recommendation; (4) the City's land use code; and (5) development agreements that include design guidelines.

Owners and developers will be allowed flexibility in the development of land located within the Project Area and are expected to obtain quality design and development. Development contemplated in the area shall be of a design and shall use materials that are in harmony with adjoining areas and subject to design review and approval by the City. It is contemplated that these design objectives will be addressed in development agreements with prospective developers specifically addressing these points.

Coordinated and attractive landscaping shall also be provided as appropriate for the character of the Project Area. Materials and design paving, retaining walls, fences, curbs, benches, and other items should be addressed in the design guidelines.

Parking areas shall be designed with careful regard to orderly arrangement, topography, relationship to view, ease of access, and as an integral part of the overall area function. Parking, and potentially shared parking agreements or new parking alignments for portions of the downtown area, will be a key consideration for redevelopment and new development.

All development will be accompanied by site plans, development data, and other appropriate material clearly describing the development, including land coverage, setbacks, heights, and any other data required by the City's land use code, the applicable zoning designations, development agreement, or as requested by the City or the Agency.

The general standards that will guide development are those found in the "Envision Heber 2050" plan. These include:

- Preserve the open lands that surround Heber
- Create friendly neighborhoods and centers that focus homes, jobs, shopping, and recreation into places where Heber residents and others can gather and interact regularly
- Enhance and strengthen downtown – the heart of the Heber community
- Grow, promote, and diversity recreational opportunities

Additional consideration may be made for the following criteria:

1. Provide for the strengthening of the tax base and economic health of the entire community and the State of Utah.
2. Implement the tax increment financing provisions of the Act, which are incorporated herein by reference and made a part of this Plan.
3. Encourage economic use of new construction, redevelopment, or continued usage of existing properties located within the Project Area.
4. Promote and market the Project Area for project area development that would be complementary to existing businesses that would enhance the economic base of the City through diversification.
5. Provide for compatible relationships among land uses and quality standards for development, such that the area functions as a unified and viable center of community activity for the City.
6. Remove any impediments to land disposition and development through assembly of land into reasonably sized and shaped parcels served by adequate public utilities and infrastructure improvements.
7. Achieve an environment that reflects an appropriate level of concern for architectural, landscape and design principles, developed through encouragement, guidance, appropriate controls, and financial and professional assistance to owner participants and developers.
8. Provide for construction of public streets, utilities, curbs and sidewalks, other public rights-of-way, street lights, landscaped areas, public parking, water utilities, sewer utilities, storm drainage, open space, and other public improvements.
9. Provide public streets and road access to the area to facilitate better traffic circulation and reduce traffic hazards by assisting in the street alignments.

B. TECHNIQUES TO ACHIEVE THE PROJECT AREA DEVELOPMENT PLAN OBJECTIVES

Activities contemplated in carrying out the Plan in the Project Area may include the acquisition and development of properties in the Project Area.

Parcels of real property located in the Project Area may be acquired by purchase, but may not be acquired by condemnation, unless from an Agency board member or officer with their consent [§17C-1-206 (1) and (2)(b)].

C. PROPERTY ACQUISITION, DISPOSITION AND DEVELOPMENT

The objectives of this Plan are to be accomplished by various means including but not limited to the following:

1. ACQUISITION OF REAL PROPERTY

The Agency may acquire, but is not required to acquire, real property located in the Project Area. The Agency may acquire property by negotiation, gift, devise, exchange, purchase, or other lawful method, but not by eminent domain (condemnation) unless from an Agency board member or officer with their consent. The Agency is authorized to acquire any other interest in real property less than fee title such as leasehold interests, easements, rights of way, etc. by negotiation, gift, devise, exchange, purchase or other lawful method, but not by eminent domain (condemnation) unless from an Agency board member or officer with their consent [§17C-1-206 (1) and (2)(b)].

2. COOPERATION WITH THE COMMUNITY AND PUBLIC ENTITIES

The community and certain public entities are authorized by state law, with or without consideration, to assist and cooperate in the planning, undertaking, construction, or operation of projects within this Project Area. The Agency may seek the aid and cooperation of such public entities in order to accomplish the purposes of project area development and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by a public entity without the consent of the public entity. The Agency, however, will seek the cooperation of all public entities that own or intend to acquire property in the Project Area. To the extent allowed by law, the Agency shall impose on all public entities owning real property in the Project Area the planning and design controls contained in this Plan to the end that uses and any future development by public entities will conform to the requirements of this Plan.

3. PROPERTY MANAGEMENT

During such time that property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for project area development.

4. PROPERTY DISPOSITION AND DEVELOPMENT

The Agency is also authorized, by lawful means, to provide for and promote project area development of the Project Area as described below.

While there are currently a significant number of buildings or structures in the Project Area and it is relatively unlikely that there will ever be a need to demolish and clear a notable number of buildings or structures in the Area, the Agency is authorized to demolish and clear buildings, structures, and other improvements from any real property in the Project Area, should such a need occur, to carry out the purposes of this Plan. The Agency is authorized to install and construct or to cause to be installed and constructed the public improvements, public facilities, and public utilities, within the Project Area, not prohibited by law which are necessary or desirable to carry out this Plan, as well as publicly-owned improvements and infrastructure outside the Project Area that are of benefit to the Project Area. The Agency is authorized to prepare or cause to be prepared as building sites any real property in the Project

Area. The Agency is also authorized to rehabilitate or to cause to be rehabilitated any building or structure in the Project Area should such a need occur in the future. The Agency is also authorized to advise, encourage, and assist in the rehabilitation of property in the Project Area not owned by the Agency should such a need occur in the future.

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property. The Agency is authorized to dispose of real property by leases or sales by negotiation with or without public bidding. All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in this Plan. Real property may be conveyed by the Agency to the City or any other public entity without charge. The Agency shall reserve such controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that development is carried out pursuant to this Plan. All purchasers or lessees of property from the Agency shall be made obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

To the maximum possible extent, the objectives of this Plan are to be accomplished through Agency encouragement of, and assistance to, private enterprise in carrying out development activities. To provide adequate safeguards to ensure that the provisions of this Plan will be carried out, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this Plan by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the City ordinances, conditional use permits, or other means. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the Office of the County Recorder. The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provision necessary or desirable to carry out this Plan.

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct any building, facility, structure, or other improvement either within or outside the Project Area for itself or for any public entity to the extent that such improvement would be of benefit to the Project Area. During the period of development in the Project Area, the Agency shall require that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with development documents and time schedules. Plans for development by owners or developers shall be submitted to the City for review and approval. All project area development must conform to this Plan and all applicable federal, state, and local laws.

For the purpose of this Plan, the Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber, and otherwise dispose of personal property.

D. APPROVALS

The City shall approve the design of all development within the Project Area to ensure that development therein is consistent with this Plan.

6. HOW THE PROJECT AREA DEVELOPMENT WILL FURTHER PURPOSES OF THIS TITLE [17C-5-105(d)]

It is the intent of the Agency, with the assistance and participation of private owners, to facilitate new development or redevelopment within the Project Area that includes the objectives previously stated that are a key part of “Envision Heber 2050.” The proposed project area will additionally provide for the encouragement, promotion, or provision of continued mixed-use development in the community. Further, the Project will strengthen the tax base of the community, will accomplish community development objectives and create a well-planned and vibrant downtown core. The Project Area Plan will further the purposes of the Act by accomplishing the following items:

A. ESTABLISHMENT OF NEW BUSINESS

The project area includes the potential for notable commercial development which will benefit the State and the City through increased job creation, increased sales tax base, and increased income taxes paid.

B. CREATION OF NEW JOBS

The project area includes the potential for new businesses and related jobs. It is anticipated that new jobs will be encouraged at income levels above the area median income indicator.

C. PUBLIC INFRASTRUCTURE IMPROVEMENTS

The construction of the public infrastructure improvements necessary to the area will support a variety of development and will provide for future development in surrounding areas. Infrastructure is an important element of economic development and areas that lack good infrastructure are not able to be competitive in attracting good-quality businesses to locate in their community.

The development of the Project Area and the associated public infrastructure improvements will also: (a) make the land within the Project Area more desirable and potentially more accessible to and from other parts of the City; and (b) allow existing infrastructure to be extended and connected to other infrastructure and thereby used more efficiently. Thus, the components of the Project provided in this Plan will encourage, promote and provide for community development within the Project Area and the City generally for years to come.

D. PROVISION OF ESSENTIAL SERVICES

Potential redevelopment or new development will most likely provide essential services to existing and possible new housing units for the Project Area. Commercial development will also likely include office spaces which may offer a variety of medical and dental services as well as professional office uses.

7. THE PLAN IS CONSISTENT WITH AND WILL CONFORM TO THE COMMUNITY'S GENERAL PLAN [17C-5-105(1)(E)]

This Plan is consistent with the City's General Plan. New development or redevelopment will diversify and strengthen the City by adding updated or new uses to the community.

Further, development of this area will provide a strong tax base that will enable the City to expand and provide additional services.

8. IF APPLICABLE, DESCRIBE HOW THE PROJECT AREA WILL REDUCE OR ELIMINATE DEVELOPMENT IMPEDIMENTS [17C-5-105(1)(F)]

While some portions of the study area may have development impediments (largely due to age), these are relatively minimal and not overly applicable to the project area plan.

9. DESCRIPTION OF ANY SPECIFIC PROJECT OR PROJECTS THAT ARE THE OBJECT OF THE PROPOSED COMMUNITY REINVESTMENT [17C-5-105(1)(G)]

The Project Area is intended to accomplish a larger vision of the downtown and Heber City, and is not intended for any specific development. It is assumed that multiple parts of the study area will support new development or redevelopment, resulting in new residential units, retail offerings, commercial uses (office, flex office, manufacturing), and possible hospitality and entertainment options.

New development projects will likely include construction and installation of public infrastructure improvements, some of which may have the capacity to serve areas outside of the Project Area.

10. HOW PARTICIPANTS WILL BE SELECTED [17C-5-105(1)(H)]

A. SELECTION OF PRIVATE DEVELOPERS

The Agency contemplates that owners of real property within the Project Area may take advantage of the opportunity to develop their property, redevelop, maintain, or sell their property to developers for the development of facilities within the Project Area. In the event that owners do not wish to participate in the development in compliance with the Plan, or in a manner acceptable to the Agency, or are unable or unwilling to appropriately participate, the Agency reserves the right pursuant to the provisions of the Act to acquire parcels, to encourage other owners to acquire other property within the Project Area, or to select non-owner developers by private negotiation, public advertisement, bidding or the solicitation of written proposals, or a combination of one or more of the above methods. It is assumed that a moderate number properties in the area will not be the subject of new development or significant redevelopment but will ultimately benefit from the goals and implementation of the plan.

B. IDENTIFICATION OF DEVELOPERS WHO ARE CURRENTLY INVOLVED IN THE PROPOSED COMMUNITY REINVESTMENT AREA

There are no developers who are currently pursuing the use of tax increment financing in the proposed Community Reinvestment Area. Development guidelines and agreements regarding the use and payment of tax increment will be set forth in Development Agreement or other agreements between the Agency and any development teams.

1. QUALIFIED OWNERS

Any person wishing to become a developer will be required to own or have the right to purchase a part of the Project Area.

2. OTHER PARTIES

If there are no owners in the Project Area who possesses the skill, experience and financial resources necessary to become a developer in the Project Area or are able to become a developer to part of the Project Area, the Agency may identify other qualified persons who may be interested in developing part of the Project Area. Potential developers may be identified by one or more of the following processes: (1) public solicitation, (2) requests for proposals (RFP), (3) requests for bids (RFB), (4) private negotiation, or (5) some other method of identification approved by the Agency.

3. OWNER PARTICIPATION AGREEMENTS

The Agency has not entered into nor does it intend to enter into any owner participation agreements or agreements with developers to develop parts of the Project Area until after the Agency and the City decide whether or not to adopt this Plan for the Project Area.

11. REASONS FOR THE SELECTION OF THE COMMUNITY REINVESTMENT PROJECT AREA [17C-5-105(1)(i)]

The Project Area was selected by the Agency as having a significant impact to the community and a near-term ability to strengthen Heber City and Wasatch County by allowing for appropriate redevelopment or new development of commercial space, residential housing, and public infrastructure that may support future development anticipated for Heber City and provide for development in surrounding areas.

Specific boundaries of the Project Area were arrived at by the Agency after a review of the area by members of the Agency, City staff, economic development consultants, and other technical and legal consultants. Planned treatment of this area is intended to stimulate development to the degree necessary for sound long-term growth in the Project Area and to encourage the development of real property located within the Project Area. Finally, the Project Area is a key element in the City's General Plan.

12. DESCRIPTION OF THE PHYSICAL, SOCIAL AND ECONOMIC CONDITIONS EXISTING IN THE AREA [17C-5-105(1)(j)]

A. PHYSICAL CONDITIONS

The Project Area consists of approximately 613.8 acres of land as shown on the Project Area map located in the Addenda.

B. SOCIAL CONDITIONS

There are currently a significant number of buildings of nearly all use types within the Project Area. No unusual social conditions were found to exist. The Project Area Plan may help to further bring consumers and visitors from across the area to the Project Area for shopping, lodging, living, and employment.

C. ECONOMIC CONDITIONS

The study area currently generates a significant amount of taxable values from its variety of uses. Overall, as of the most recent tax year, the project year had a base taxable value of roughly \$271,000,000.

13. FINANCIAL ASSISTANCE ANTICIPATED TO BE OFFERED TO A PARTICIPANT [17C-5-105(1)(k)]

The Agency intends to negotiate and enter into one or more inter-local agreements with Wasatch County School District, Wasatch County, and Heber City to secure receipt of a portion of the property tax increment generated within the Project Area that would otherwise be paid to those taxing entities. Collectively, those tax revenues may be used to for the reasons already outlined. Subject to the provisions of the Act, the Agency may agree to pay for eligible development costs and other items from such tax revenues for any period of time the Agency and the taxing entities may deem appropriate under the circumstances.

Detailed tax increment information is provided in Appendix C in the Project Area Budget that is attached to this Plan and made a part thereof.

Additionally, the following consider key criteria for a development to qualify for tax increment, including necessary metrics that should be used to clearly show the public benefits of a project. Possible guidelines for tax increment are shown below, but are not limited to the following:

- Furthering of the Heber vision – preserving lands, creating friendly neighborhoods, promoting recreational opportunities
- Job creation/Business creation
 - Creation of *new* jobs (not just relocated jobs from elsewhere in the area)

- New jobs in key sectors deemed important to Heber City's appeal
- Physical space for startup incubators
 - Overhead support
- Attainable housing
 - Development of housing variety with an emphasis on essential workers, particularly providing a variety of pricing and design to appeal to a percentage of the population that includes educators, civic employees, etc.
 - Attainable housing with amenities that result in high quality of life characteristics
 - Subsidized housing based on income
- Diversified Sales Tax Base
 - Key retail types that encourage complementary uses
 - Retailers that attract consumers as destination locations
 - Hospitality and entertainment uses with potential of secondary spending throughout the city
- Building Improvements
 - Façade improvements
 - Facilitate new uses in existing buildings, such as kitchen installations
 - Building expansion
- Downtown Improvements
 - Alleviation of parking constraints
 - Landscaping improvements
 - Walkability improvements

KEY METRICS TO BE CONSIDERED TO QUALIFY FOR TAX INCREMENT

- Number of jobs created and in what sectors
 - Likely income levels of new jobs and comparison to area median income
- Number of housing units with proposed pricing
 - Comparison of area incomes to proposed housing prices to show qualification levels
- Sales tax generation – amount of retail space, likely retailers/retail types, likely sales per square foot generation ability
 - Amount of new sales tax to city and county
- Transient Room Taxes intended to be received by city and county
- Current taxes generated by property
 - Likely new taxes to be generated by proposed development to all taxing entities

- Additional fiscal benefits that may be generated by the project (population distribution, municipal energy fees, Class B/C road funds, residential online sales tax, etc.)
- Additional community benefits beyond fiscal analysis (i.e., trail miles per capita, open space per residence/per capita, etc.)

14. RESULTS OF THE PUBLIC BENEFIT ANALYSIS [17C-5-105(1)(L)]

Section 1 – The Benefit of Any Financial Assistance or Other Public Subsidy Proposed to be Provided by the Agency:

A. AN EVALUATION OF THE REASONABLENESS OF THE COSTS OF THE PROPOSED PROJECT AREA DEVELOPMENT

The preliminary cost estimates for downtown improvements include expenses for roadways, parking improvements, public open space areas, façade programs, etc., and appear to be reasonable given current and anticipated market conditions.

B. EFFORTS TO MAXIMIZE PRIVATE INVESTMENT

The City has made efforts to maximize private investment in the area. The City has pursued a development pattern that will attract desirable tenants and will bring a strong tax base to the City. The City anticipates that this project area focus will create new jobs. The wages paid for these jobs will then be re-spent, by the private sector, in the local and regional economies that will bring benefits to private businesses in the area.

It is likely that redevelopment and new development will significantly increase taxable values from the current taxable value of nearly \$271,900,000, to an anticipated \$540 million near the end of the CRA. The Project Area is currently generating roughly \$3.5 million in property tax revenues; it is projected to generate roughly \$7.5 million per year at the end of 20 years. Developers will also likely be paying for improvements to various public infrastructure needs.

C. RATIONALE FOR USE OF PROJECT AREA FUNDS

This represents a large area with redevelopment and new development potential. The cost of providing expanded and necessary roads and utilities to the Project Area is likely prohibitive when considered against the level of values that can be achieved in this part of Utah. Therefore, in order to enhance this area and uplift the desirability of the downtown core, the Agency is proactively seeking to create a Project Area, with the use of tax increment, so that development and new development can be considered.

D. ESTIMATE OF TOTAL PROJECT AREA FUNDS AND LENGTH OF TIME OF PROJECT AREA

Project area funds will be disbursed to the Agency for a period of 20 years and are anticipated to be approximately \$36 million over the 20-year period, with a net present value of near \$26.8 million. A year-by-year analysis of funds disbursed to the Agency is provided in Appendix E.

Section 2 – The Anticipated Public Benefit Derived from the Proposed Project Area Development

A. BENEFICIAL INFLUENCES ON THE COMMUNITY'S TAX BASE

The property tax base of the taxing entities should increase by approximately \$250 million from the various investments in real property (land and buildings) alone. In addition, the personal property tax base of the taxing entities will be increased, but will vary depending on the type of equipment located in the Project Area as well as individual depreciation schedules.

In addition to tax revenues, the project will generate other revenues including sales tax, Class B/C Road Funds, business license fees, charges for services, and one-time fees such as building permits and impact fees.

B. ASSOCIATED BUSINESS AND ECONOMIC ACTIVITY STIMULATED BY THE DEVELOPMENT

Other business and economic activity likely to be stimulated includes business, employee and construction expenditures. There are significant opportunities for increased economic development and tax generating development that can occur within the immediate sphere of influence of the Project Area that otherwise may not occur in a timely basis or at the same level of increased development and private investment.

1. BUSINESS AND EMPLOYEE EXPENDITURES

It is anticipated that employees and business owners in the Project Area will directly or indirectly purchase local goods and services related to their operations from local or regional suppliers. These purchases will likely increase employment opportunities in the related areas of business equipment, furniture and furnishings, business supplies, computer equipment, communication, security, transportation and delivery services, maintenance, repair and janitorial services, packaging supplies, office and printing services, transportation and delivery services.

A summary of benefits is as follows:

- Provide an increase in direct purchases in the City.
- Provide economic diversification within the City and Wasatch County.
- Encourage economic development in order for a public or private employer to create additional jobs in the community.
- Complement existing businesses and industries located within the City by providing new employees who may live and shop and pay taxes in the City and the region.
- Another benefit will be the expenditure of income by employees filling the new positions. The types of expenditures by employees in the area will likely include convenience shopping for personal and household goods, lunches at area restaurants, convenience purchases and personal services (haircuts, banking, dry cleaning, etc.) The employees will not make all of their convenience or personal services purchases near their workplace, and each employee's purchasing patterns will be different. However, it is reasonable to assume that a percentage of

these annual purchases will occur within close proximity to the workplace (assuming the services are available).

2. CONSTRUCTION EXPENDITURES

Economic activity associated with the development will include construction activity. Construction costs for labor and materials will likely be notable. This will create a moderate number of construction jobs. Construction supplies are also anticipated to create significant sales tax revenues for the State, County and City.

C. ADOPTION OF THE PLAN IS NECESSARY AND APPROPRIATE TO UNDERTAKE THE PROJECT AREA PLAN

Adoption of the Plan is necessary and appropriate to undertake the Project Area Plan because: 1) The Plan conforms with and furthers the City's General Plan; and 2) private investment will increase the tax base by approximately \$200 million which will provide increased tax revenues to all taxing entities.

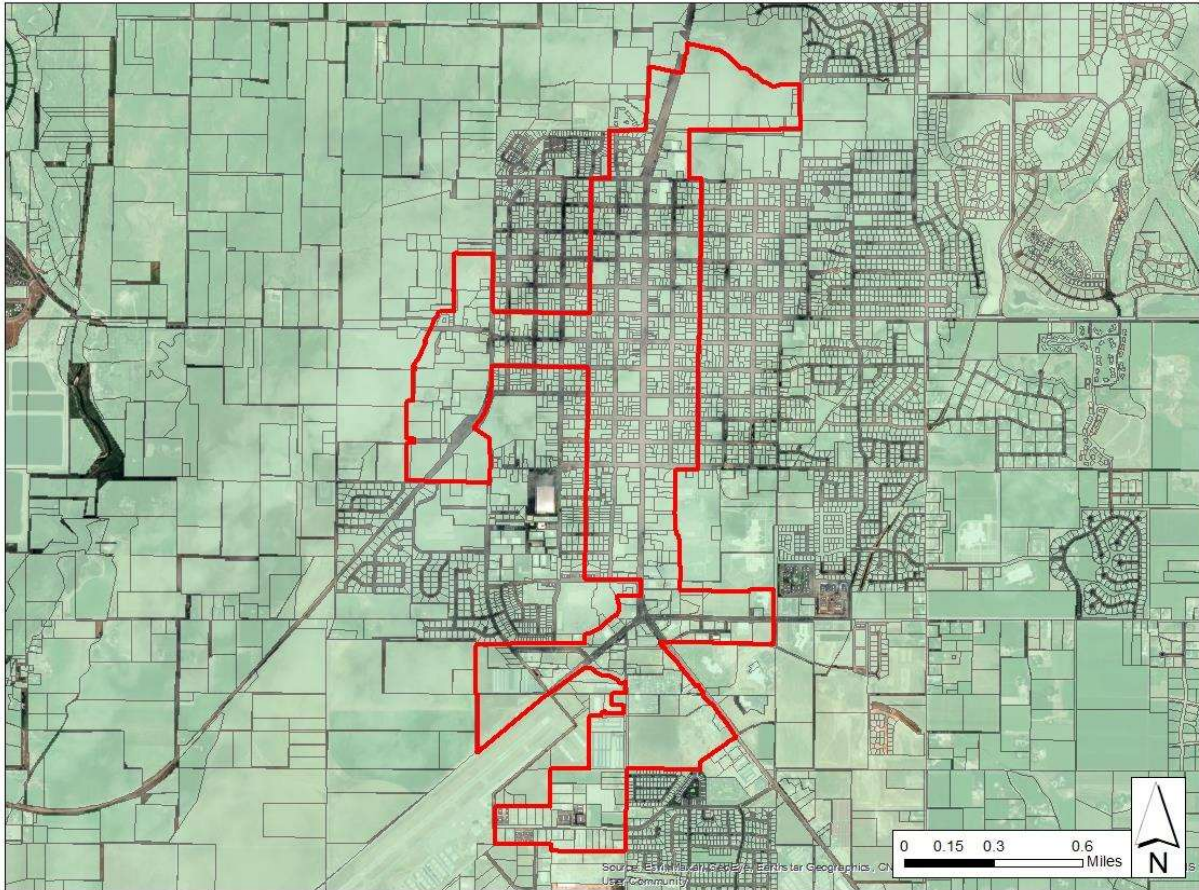
15. IF APPLICABLE, STATE THAT THE AGENCY SHALL COMPLY WITH SECTION 9-8-404 [17C-5-105(1)(M)]

Not applicable.

16. STATE WHETHER THE PLAN IS SUBJECT TO A TAXING ENTITY COMMITTEE OR AN INTERLOCAL AGREEMENT [17C-5-105(1)(N)]

This Plan is subject to Interlocal Agreements.

APPENDIX A: PROJECT AREA MAP



APPENDIX B: LEGAL DESCRIPTION AND PARCEL LIST

APPENDIX C: PROJECT AREA BUDGET

The following narrative has been prepared in accordance with Utah Code §17C-5-303 for an Agency that receives tax increment.

1(A). THE BASE TAXABLE VALUE [17C-5-303(1)(A)]

The base taxable value is the year 2020 value of \$271,862,421.

1(B). PROJECTED AMOUNT OF TAX INCREMENT TO BE GENERATED WITHIN THE PROJECT AREA [17C-5-303(1)(B)]

The projected amount of tax increment to be generated within the Project Area over 20 years is \$36,213,646.

INCREMENTAL PROPERTY TAX REVENUES FOR 20 YEARS

Incremental Tax Revenues - 100%	Full	Discounted
Wasatch County	\$7,871,740	\$5,826,640
Wasatch County School District	\$31,042,557	\$22,977,614
Heber City	\$3,689,992	\$2,731,322
Wasatch County Fire Protection Special Services	\$2,586,273	\$1,914,352
Wasatch County Special Service District	\$998,083	\$738,778
Central Utah Water Conservancy District	\$1,457,055	\$1,078,508
TOTAL	\$47,645,699	\$35,267,214

*Net Present Value is calculated at a rate of 2.5%

1(C). PROJECT AREA FUNDS COLLECTION PERIOD [17C-5-303(1)(C)]

The collection period is 20 years.

1(D). PROJECTED AMOUNT OF TAX INCREMENT TO BE PAID TO OTHER TAXING ENTITIES [17C-5-303(1)(D)]

Incremental Tax Revenues to Taxing Entities	Full	Discounted
Wasatch County	\$1,180,761	\$873,996
Wasatch County School District	\$4,656,384	\$3,446,642
Heber City	\$553,499	\$409,698
Wasatch County Fire Protection Special Services	\$2,586,273	\$1,914,352
Wasatch County Special Service District	\$998,083	\$738,778
Central Utah Water Conservancy District	\$1,457,055	\$1,078,508

TOTAL	\$11,432,054	\$8,461,974
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1(E). IF THE AREA FROM WHICH TAX INCREMENT IS COLLECTED IS LESS THAN THE ENTIRE PROJECT AREA [17C-5-303(1)(E)]

Not applicable.

1(F). THE PERCENTAGE OF TAX INCREMENT THE AGENCY IS AUTHORIZED TO RECEIVE [17C-5-303(1)(F)]

The Agency is authorized to receive 85 percent of the tax increment for a period of 20 years from participating taxing entities.

1(G). THE MAXIMUM CUMULATIVE DOLLAR AMOUNT OF TAX INCREMENT THE AGENCY IS AUTHORIZED TO RECEIVE FROM THE PROJECT AREA [17C-5-303(1)(G)]

The maximum dollar amount the Agency is authorized to receive is roughly \$36.2 million. Note that out of this amount, the Agency will have administrative expense and housing payments, leaving approximately \$30.8 million for the infrastructure projects over a 20-year period.

2. IF THE AGENCY RECEIVES SALES AND USE TAX REVENUE [17C-5-303(2)(A) AND (B)]

Not applicable.

3. AMOUNT OF PROJECT AREA FUNDS THE AGENCY WILL USE TO IMPLEMENT THE PROJECT AREA [17C-5-303(3)]

The Agency estimates that its funds will be used as follows but reserves the right to maintain flexibility with the funds and not to adhere strictly to line item amounts shown in the table below. All Agency funds will be used for infrastructure, administrative or economic development purposes within the Project Area. Administrative funds have been calculated based on 5.0 percent of Agency tax increment receipts annually. In addition, ten percent of Agency receipts have been set aside for housing projects. Housing funds do not need to be spent within the Project Area. The remaining funds are allocated primarily for possible improvements as follows:

- Roadway improvements, including parking realignment, road expansion, road realignment, sidewalk expansion/realignment, etc.

- Intersection realignment and associated improvements
- Creation of public open space amenities
- Possible installation of fiber optic networks
- Facilitation of façade grant and loan programs

4. THE AGENCY'S COMBINED INCREMENTAL VALUE [17C-5-303(4)]

The total incremental value in the Project Area is estimated at \$306 million at buildout. The City has no other project areas in place.

5. THE AMOUNT OF PROJECT AREA FUNDS THAT WILL BE USED TO COVER THE COST OF ADMINISTERING THE PROJECT AREA [17C-5-303(5)]

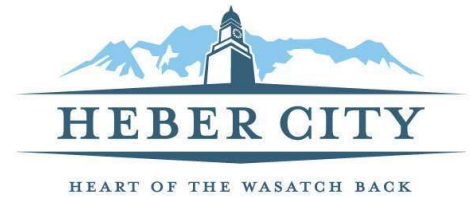
The Agency is requesting that 5.0 percent of revenues received be set aside for administrative purposes. The projected total amount of administrative cost over the 20-year timeframe is \$1.8 million.

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)]

Not applicable.

TAB 3

Community Reinvestment Agency Staff Report



MEETING DATE: July 6, 2021

SUBJECT: Resolution 2021-07 – Adopting the Project Area Budget for the Downtown CRA

RESPONSIBLE: Matthew Brower

DEPARTMENT: City Manager's Office

STRATEGIC RELEVANCE: Economic Development; Creation of CRA Remains Council's Top Policy Priority in 2021

SUMMARY

The Heber City Council recently established as its top policy priority the creation of a redevelopment plan to revitalize the physical, economic and social fabric of Heber's historic downtown.

The Heber City Community Reinvestment Agency has been created by Heber City and the Agency has previously adopted a resolution identifying a area for study for the possible creation of a new community reinvestment project area (or "CRA").

This Resolution is the adoption of the project area budget for the new Downtown CRA. The project area budget is essentially the Agency's financial projections for development within the Downtown CRA

The public hearing on this action allows the Agency to receive public input on the proposed project area budget.

RECOMMENDATION

Adopt Resolution 2021-07 approving and adopting the Community Reinvestment Project Area Budget for the Heber City Downtown Community Reinvestment Project Area.

BACKGROUND

A project area budget is required for every community reinvestment project area created under Utah Code Title 17C – Limited Purpose Local Government Entities - Community Reinvestment Agency Act (the "Act"). In a CRA in which the redevelopment agency has no eminent domain power (such as this Downtown CRA), the project area budget is primarily financial projections based on the Agency's current expectations for future development within the project area. In this case, the project area budget does not govern the sharing of tax increment with the redevelopment agency as that is handled through interlocal agreements between the agency and the taxing entities.

However, for project areas in which a redevelopment agency is seeking the limited eminent domain power authorized under the Act, the project area budget *does* control the flow of tax increment generated within the project area. In such a case, the project area budget must be approved by a “taxing entity committee” made up of representatives of the various taxing entities.

Note that a “project area budget” is entirely different from the annual budget for the Agency (or the City). Whereas the annual budget deals with overall finances of the Agency, the project area budget deals solely with a particular project area and the content of the project area budget is dictated by the Act.

The project area budget must contain certain information as required by Utah Code § 17C-5-303, summarized below:

1. Base taxable value of property within the project area
2. Projected amount of tax increment generated
3. Term during which the agency will collect tax increment
4. Area from which tax increment will be collected
5. Percentage of tax increment the agency will receive
6. Details of sales tax increment collected by the agency, if any
7. Details of the use of collected tax increment, to the extent known
8. Amount of tax increment that will be used to fund agency overhead/operation
9. Details of any property owned by the agency

Most of these details are also incorporated into the interlocal agreements with the taxing entities (base value, years, percentages, etc.). The future projections as to the amount of tax increment to be generated will likely significantly differ from reality, especially over the long term.

Prior to adopting the project area budget, the Agency must hold a public hearing to allow all interested parties to comment on the draft budget and whether it should be adopted, amended, or rejected. Notice of this hearing is mailed to each property owner within the proposed project area and to a variety of government entities at least 30 days in advance of the hearing, all as required by the Act. Notice of the hearing is also provided on the public notice website and on the City’s website. This hearing will be combined with the hearing on the project area plan for the Downtown CRA.

After the public hearing, the Agency can then adopt the project area budget. The Agency can also make changes to the draft budget based on input received at the public hearing and then adopt the budget at a later meeting.

Unlike the project area plan, the budget does not go to the Heber City Council for approval. The City will, however, decide whether to approve the interlocal agreement with the Agency, the anticipated details of which are reflected in the project area budget.

The various taxing entities must consent to the project area budget; this consent is included in the draft interlocal agreements with taxing entities so as to reduce the administrative burden of complying with the Act’s requirements.

DISCUSSION

Resolution No. 2021-07 is the Agency Board's approval of the project area budget for the Heber City Downtown Community Reinvestment Project Area.

The resolution itself is fairly simple as the Act does not require that the Agency make specific findings relating to the budget. The resolution contains sections as follows:

Section 1: Acknowledgement that the Agency has received all comments on the draft budget.

Section 2: Formal adoption of the project area budget for the Downtown CRA.

Section 3: Authorization for the Agency to take required post-adoption steps.

Section 4: Provides for immediate effectiveness of the Resolution.

FISCAL IMPACT

There is no fiscal impact associated with the adoption of Resolution 2021-07.

ALTERNATIVES

Table this Resolution for consideration at a later meeting.

POTENTIAL MOTIONS "I move to approve Agency Resolution 2021-07 adopting the project area budget for the Heber City Downtown Community Reinvestment Project Area"

CONTRACT ACCOUNTABILITY

Department: City Manager's Office

Staff Member: Matthew Brower

EXHIBITS

A: AGENCY RESOLUTION 2021-06 - A RESOLUTION APPROVING AND ADOPTING THE COMMUNITY REINVESTMENT PROJECT AREA BUDGET FOR THE HEBER CITY DOWNTOWN COMMUNITY REINVESTMENT PROJECT AREA.

HEBER CITY COMMUNITY REINVESTMENT AGENCY

RESOLUTION NO. 2021-07

A RESOLUTION APPROVING AND ADOPTING THE COMMUNITY REINVESTMENT PROJECT AREA BUDGET FOR THE HEBER CITY DOWNTOWN COMMUNITY REINVESTMENT PROJECT AREA.

WHEREAS, pursuant to the provisions of the Utah Limited Purpose Local Government Entities - Community Reinvestment Agency Act (the “**Act**”), specifically Utah Code Annotated (“UCA”) § 17C-5, the Heber City Community Reinvestment Agency (the “**Agency**”) adopted a resolution designating a survey area, which was to become the Heber City Downtown Community Reinvestment Project Area (“**Project Area**”), and calling for the preparation of a project area plan and budget; and

WHEREAS, pursuant to the provisions of the Utah Community Reinvestment Agency Act (the “**Act**”), specifically Utah Code Annotated (“UCA”) § 17C-5, on July 1, 2021 the Agency approved the Community Reinvestment Project Area Plan for the Project Area after holding a duly-noticed public hearing; and

WHEREAS, the Agency has prepared a Project Area Budget (the “**Budget**”) for the Project Area as required by the Act; and

WHEREAS, the Budget having been prepared for the Project Area pursuant to the Act, the Agency made the Budget publicly available and provided notice of the budget hearing as required by the Act; and

WHEREAS, the Agency held, on July 1, 2021 a duly-noticed public hearing pursuant to UCA § 17C-5-302 to allow public comment on the Budget and whether it should be revised, approved, or rejected, and to receive all written and hear all oral objections to the Budget; and

WHEREAS, having received and heard all commentary on and objections to the Budget submitted for its consideration, the Agency has passed upon such objections as it has received and has made such modifications, amendments, and/or emendations to the Budget as it deems appropriate, if any; and

WHEREAS, pursuant to UCA § 17C-5-304, the Budget remains subject to approval by the entities that levy taxes within the Project Area that enter into interlocal agreements with the Agency for the Project Area before the Agency may collect project area funds from the Project Area; and

WHEREAS the Agency now desires to formally adopt the Budget as the official budget for the Project Area.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE HEBER CITY COMMUNITY REINVESTMENT AGENCY AS FOLLOWS:

1. The Agency has received all comments and objections to the draft Budget.
2. The Budget attached hereto as **Exhibit A** is hereby adopted as the official budget for the Heber City Downtown Community Reinvestment Project Area.
3. Agency staff are hereby authorized to take all actions necessary, including those actions required by UCA § 17C-5-305, to carry out the purposes of this resolution.
4. This resolution shall be effective upon adoption.

APPROVED AND ADOPTED on the 6th day of July, 2021.

**HEBER CITY COMMUNITY
REINVESTMENT AGENCY**

Kelleen Potter, Chair

ATTEST:

Trina Cooke, Secretary

EXHIBIT A

Heber City Downtown Community Reinvestment Project Area Budget

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DRAFT

DOWNTOWN HEBER CRA, HEBER CITY, UTAH

The Agency, following thorough consideration of the needs and desires of Heber City and its residents, as well as the need and capacity for redevelopment and new development, has carefully crafted this Project Area Plan (“Plan”) for the Downtown, Heber City, Utah, Community Reinvestment Project Area (“Project Area”).

In accordance with the terms of this Plan, the Agency will promote and provide for a variety of use types, public improvements, infrastructure, redevelopment, and new development in an area primarily located around Main Street (Highway 189). The Project Area includes approximately 613.8 acres, with the majority of the study area currently developed with residential, retail, or civic-related uses.

The proposed project area has been designated through careful guidance from the “Envision Heber 2050” work that was recently completed. This General Plan update included significant public outreach and close communication with Heber City officials to understand the vision of the community. In part, the proposed Community Reinvestment Area (CRA) is intended to help carry out the vision. In particular, the “Envision Heber 2050” plan includes the following guidelines:

- Preserve the open lands that surround Heber
- Create friendly neighborhoods and centers that focus homes, jobs, shopping, and recreation into places where Heber residents and others can gather and interact regularly
- Enhance and strengthen downtown – the heart of the Heber community
- Grow, promote, and diversify recreational opportunities

In addition to these central guidelines contained in the previous visioning efforts, the city intends to further foster some of the following development framework:

- Encourage housing variety that results in an increase of attainable residences for those making near or less than the area median income
- Provide housing options, both “for sale” and “for rent,” for employees in industries such as education, government, etc.
- Create opportunities for sustainable and environmentally conscious developments

Through the aforementioned planning efforts, Heber recognizes near term growth pressures and the impact that these may have on quality of life characteristics. Current population is anticipated to double by 2050, and median housing prices have increased at a rate that is significantly more rapid than the rate of growth for median incomes. Due to changing population and affordability characteristics, residents of the area have increasingly become more focused on quality of life issues.

Heber’s downtown is well known for its desirable architecture and variety of retail and hospitality services. Most buildings along Main Street are fairly old in terms of original construction date, and some buildings show signs of depreciation. The downtown core presents the economic engine for Heber City, and, largely for all of Wasatch County. A significant amount of the area’s employment is found within the proposed

project area. Consequently, the downtown represents a notable source of quality of life characteristics for residents of Heber City.

It is the purpose of this Plan to clearly set forth the aims and objectives of this proposed CRA, its scope, its mechanism, and its value to the residents, businesses and property owners of the City and County. The Project is undertaken as a community reinvestment project pursuant to the provisions of the Act.

1. RECITALS OF PRECONDITIONS FOR DESIGNATING A COMMUNITY DEVELOPMENT PROJECT AREA

- a) Pursuant to the provisions of §17C-5-103 et seq. of the Limited Purpose Local Government Entities Community Development and Renewal Agencies Act, the governing body of the Redevelopment Agency of Heber City authorized the preparation of a draft community reinvestment project area plan; and
- b) Pursuant to the provisions of §17C-5-104(1)(a) and (b) of the Act, the City has a planning commission and general plan as required by law; and
- c) Pursuant to the provisions of §17C-5-104(3)(e) of the Act, the Agency has conducted one or more public hearings for the purpose of informing the public about the proposed Project Area, allowing public comment on the draft Project Area Plan and whether the Plan should be revised, approved or rejected; and
- d) Pursuant to the provisions of §17C-5-104(3)(b) and (d) of the Act, the Agency made a draft Project Area Plan available to the public at the Agency's offices during normal business hours, provided notice of the Plan hearing and will hold a public hearing on the draft Plan on _____ 2021.

2. DEFINITIONS

As used in this Community Development Project Area Plan:

1. The term "**Act**" shall mean and include the Limited Purpose Local Government Entities – Community Development and Renewal Agencies Act in Title 17C, Chapters 1 through 5, Utah Code Annotated 1953, as amended, or such other amendments as shall from time to time be enacted or any successor or replacement law or act.
2. The term "**Agency**" shall mean the Community Development Renewal Agency of Heber City, a separate body corporate and politic.
3. The term "**Affordable Housing**" shall mean housing affordable to persons making 80 percent or less of the Area Median Income (AMI).

4. The term "**base taxable value**" shall mean the base taxable value of the property within the Project Area from which tax increment will be collected, as shown upon the assessment roll last equalized, before: (A) the date the Project Area Plan is adopted by the City legislative body; and (B) the date the Agency adopts the first Project Area Budget.
5. The term "**City**" shall mean Heber City, Utah.
6. The term "**community**" shall mean the community of Heber City, Utah.
7. The term "**community reinvestment**" shall mean development activities within the community, including the encouragement, promotion, or provision of development.
8. The term "**developer**" shall mean the entities potentially investing in the development in the area.
9. The term "**Plan Hearing**" means the public hearing on the draft Project Area Plan required under Subsection 17C-5-104 of the Act.
10. The term "**planning commission**" shall mean the planning commission of the City.
11. The term "**Project Area**" or "**Downtown Community Reinvestment Project Area**" shall mean the geographic area described in this Project Area Plan or Draft Project Area Plan where the community reinvestment set forth in this Project Area Plan or Draft Project Area Plan takes place or is proposed to take place.
12. The term "**Project Area Budget**" shall mean a budget setting forth:
 - a. the anticipated costs, including administrative costs, of implementing the Downtown Community Reinvestment Project Area Plan; and
 - b. the tax increment, sales tax, and other revenue the Agency anticipates to fund the project.
13. The term "**Project Area Map**" is the area depicted in Appendix A.
14. The term "**Project Area Plan**" or "**Plan**" shall mean a project area plan adopted pursuant to the Act to guide and control community reinvestment activity within the Project Area.
15. The term "**Downtown Community Reinvestment Project Area Plan**" or "**Plan**" shall mean a project area plan and project area map adopted pursuant to the Act to guide and control community reinvestment activities within a project area.
16. The terms "**tax**," "**taxes**," "**property tax**" or "**property taxes**" include privilege tax and each levy on an ad valorem basis on tangible or intangible personal or real property.
17. The term "**taxing entity**" shall mean a public entity that levies a tax on property within the Project Area.

18. The term "**Tax Increment**" shall mean the difference between the amount of property tax revenues generated each tax year by all Taxing Entities from the area designated in the Project Area Plan from which Tax Increment is to be collected, using the current assessed value of the property and the amount of property tax revenues that would be or were generated from that same area using the Base Taxable Value of the property.
19. All other terms shall have the same meaning set forth in the Act unless the context clearly indicates otherwise.

3. PROJECT AREA BOUNDARIES [17C-5-105(1)(A)]

The Project Area consists of approximately 613.8 acres located primarily along Main Street (Highway 189) through a central portion of Heber City. It largely begins near the southern entrance to the city, extends onto both sides of Main Street, and continues to near the municipal boundary ending to the north. Roughly three blocks along both east and west of Main Street are included in the project area, as these blocks have direct influence to and from Main Street and are largely considered part of the downtown core. Area west of Main Street, extending to a passenger rail system, is additional included in the proposed project area. Project area boundaries depicted on the Project Area map are included in Appendix A, with a legal description of the parcels in the Project Area included in Appendix B.

4. GENERAL STATEMENT OF LAND USES, LAYOUT OF PRINCIPAL STREETS, POPULATION DENSITIES, BUILDING INTENSITIES AND HOW THEY WILL BE AFFECTED BY THE PROJECT AREA DEVELOPMENT [17C-5-105]

A. LAND USES IN THE PROJECT AREA

The existing land uses in the Project Area include primarily developed land, with residential and commercial dispersed throughout. Uses range from typical retail stores to offices, with single-family and multi-family homes, as well as hotels, entertainment, and some limited manufacturing, storage, and light industrial uses.

Land uses will be affected as currently vacant or underutilized land is developed in accordance with this Plan. This will change existing vacant land to commercial and residential uses. Other existing uses may experience use type changes as valuations and opportunities for incentives influence highest and best use considerations.

B. POPULATION DENSITIES IN THE PROJECT AREA

There are a significant number of residential uses within the project area, including single-family homes, townhomes, and apartments, of varying densities. Some proposed development in the project area may increase the number of homes, although specific densities are currently not known. Additionally, redevelopment of existing parcels may result in varied densities.

C. BUILDING INTENSITIES IN THE PROJECT AREA

The Project Area currently has a significant amount of commercial space located throughout the downtown. Current proposals for downtown, although still uncertain, suggest the possible addition of more retail and commercial uses. This plan ultimately believes that a moderate amount of new commercial and residential space could be introduced to the area, particularly if the downtown core becomes a focus of investment dollars.

5. STANDARDS THAT WILL GUIDE THE PROJECT AREA DEVELOPMENT [17C-5-105]

A. GENERAL DESIGN OBJECTIVES

Development within the Project Area will be held to high quality design and construction standards and will be subject to: (1) appropriate elements of the City's General Plan; (2) applicable City building codes and ordinances; (3) Planning Commission review and recommendation; (4) the City's land use code; and (5) development agreements that include design guidelines.

Owners and developers will be allowed flexibility in the development of land located within the Project Area and are expected to obtain quality design and development. Development contemplated in the area shall be of a design and shall use materials that are in harmony with adjoining areas and subject to design review and approval by the City. It is contemplated that these design objectives will be addressed in development agreements with prospective developers specifically addressing these points.

Coordinated and attractive landscaping shall also be provided as appropriate for the character of the Project Area. Materials and design paving, retaining walls, fences, curbs, benches, and other items should be addressed in the design guidelines.

Parking areas shall be designed with careful regard to orderly arrangement, topography, relationship to view, ease of access, and as an integral part of the overall area function. Parking, and potentially shared parking agreements or new parking alignments for portions of the downtown area, will be a key consideration for redevelopment and new development.

All development will be accompanied by site plans, development data, and other appropriate material clearly describing the development, including land coverage, setbacks, heights, and any other data required by the City's land use code, the applicable zoning designations, development agreement, or as requested by the City or the Agency.

The general standards that will guide development are those found in the "Envision Heber 2050" plan. These include:

- Preserve the open lands that surround Heber
- Create friendly neighborhoods and centers that focus homes, jobs, shopping, and recreation into places where Heber residents and others can gather and interact regularly
- Enhance and strengthen downtown – the heart of the Heber community
- Grow, promote, and diversity recreational opportunities

Additional consideration may be made for the following criteria:

1. Provide for the strengthening of the tax base and economic health of the entire community and the State of Utah.
2. Implement the tax increment financing provisions of the Act, which are incorporated herein by reference and made a part of this Plan.
3. Encourage economic use of new construction, redevelopment, or continued usage of existing properties located within the Project Area.
4. Promote and market the Project Area for project area development that would be complementary to existing businesses that would enhance the economic base of the City through diversification.
5. Provide for compatible relationships among land uses and quality standards for development, such that the area functions as a unified and viable center of community activity for the City.
6. Remove any impediments to land disposition and development through assembly of land into reasonably sized and shaped parcels served by adequate public utilities and infrastructure improvements.
7. Achieve an environment that reflects an appropriate level of concern for architectural, landscape and design principles, developed through encouragement, guidance, appropriate controls, and financial and professional assistance to owner participants and developers.
8. Provide for construction of public streets, utilities, curbs and sidewalks, other public rights-of-way, street lights, landscaped areas, public parking, water utilities, sewer utilities, storm drainage, open space, and other public improvements.
9. Provide public streets and road access to the area to facilitate better traffic circulation and reduce traffic hazards by assisting in the street alignments.

B. TECHNIQUES TO ACHIEVE THE PROJECT AREA DEVELOPMENT PLAN OBJECTIVES

Activities contemplated in carrying out the Plan in the Project Area may include the acquisition and development of properties in the Project Area.

Parcels of real property located in the Project Area may be acquired by purchase, but may not be acquired by condemnation, unless from an Agency board member or officer with their consent [§17C-1-206 (1) and (2)(b)].

C. PROPERTY ACQUISITION, DISPOSITION AND DEVELOPMENT

The objectives of this Plan are to be accomplished by various means including but not limited to the following:

1. ACQUISITION OF REAL PROPERTY

The Agency may acquire, but is not required to acquire, real property located in the Project Area. The Agency may acquire property by negotiation, gift, devise, exchange, purchase, or other lawful method, but not by eminent domain (condemnation) unless from an Agency board member or officer with their consent. The Agency is authorized to acquire any other interest in real property less than fee title such as leasehold interests, easements, rights of way, etc. by negotiation, gift, devise, exchange, purchase or other lawful method, but not by eminent domain (condemnation) unless from an Agency board member or officer with their consent [§17C-1-206 (1) and (2)(b)].

2. COOPERATION WITH THE COMMUNITY AND PUBLIC ENTITIES

The community and certain public entities are authorized by state law, with or without consideration, to assist and cooperate in the planning, undertaking, construction, or operation of projects within this Project Area. The Agency may seek the aid and cooperation of such public entities in order to accomplish the purposes of project area development and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by a public entity without the consent of the public entity. The Agency, however, will seek the cooperation of all public entities that own or intend to acquire property in the Project Area. To the extent allowed by law, the Agency shall impose on all public entities owning real property in the Project Area the planning and design controls contained in this Plan to the end that uses and any future development by public entities will conform to the requirements of this Plan.

3. PROPERTY MANAGEMENT

During such time that property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for project area development.

4. PROPERTY DISPOSITION AND DEVELOPMENT

The Agency is also authorized, by lawful means, to provide for and promote project area development of the Project Area as described below.

While there are currently a significant number of buildings or structures in the Project Area and it is relatively unlikely that there will ever be a need to demolish and clear a notable number of buildings or structures in the Area, the Agency is authorized to demolish and clear buildings, structures, and other improvements from any real property in the Project Area, should such a need occur, to carry out the purposes of this Plan. The Agency is authorized to install and construct or to cause to be installed and constructed the public improvements, public facilities, and public utilities, within the Project Area, not prohibited by law which are necessary or desirable to carry out this Plan, as well as publicly-owned improvements and infrastructure outside the Project Area that are of benefit to the Project Area. The Agency is authorized to prepare or cause to be prepared as building sites any real property in the Project

Area. The Agency is also authorized to rehabilitate or to cause to be rehabilitated any building or structure in the Project Area should such a need occur in the future. The Agency is also authorized to advise, encourage, and assist in the rehabilitation of property in the Project Area not owned by the Agency should such a need occur in the future.

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property. The Agency is authorized to dispose of real property by leases or sales by negotiation with or without public bidding. All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in this Plan. Real property may be conveyed by the Agency to the City or any other public entity without charge. The Agency shall reserve such controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that development is carried out pursuant to this Plan. All purchasers or lessees of property from the Agency shall be made obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

To the maximum possible extent, the objectives of this Plan are to be accomplished through Agency encouragement of, and assistance to, private enterprise in carrying out development activities. To provide adequate safeguards to ensure that the provisions of this Plan will be carried out, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this Plan by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the City ordinances, conditional use permits, or other means. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the Office of the County Recorder. The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provision necessary or desirable to carry out this Plan.

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct any building, facility, structure, or other improvement either within or outside the Project Area for itself or for any public entity to the extent that such improvement would be of benefit to the Project Area. During the period of development in the Project Area, the Agency shall require that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with development documents and time schedules. Plans for development by owners or developers shall be submitted to the City for review and approval. All project area development must conform to this Plan and all applicable federal, state, and local laws.

For the purpose of this Plan, the Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber, and otherwise dispose of personal property.

D. APPROVALS

The City shall approve the design of all development within the Project Area to ensure that development therein is consistent with this Plan.

6. HOW THE PROJECT AREA DEVELOPMENT WILL FURTHER PURPOSES OF THIS TITLE [17C-5-105(d)]

It is the intent of the Agency, with the assistance and participation of private owners, to facilitate new development or redevelopment within the Project Area that includes the objectives previously stated that are a key part of “Envision Heber 2050.” The proposed project area will additionally provide for the encouragement, promotion, or provision of continued mixed-use development in the community. Further, the Project will strengthen the tax base of the community, will accomplish community development objectives and create a well-planned and vibrant downtown core. The Project Area Plan will further the purposes of the Act by accomplishing the following items:

A. ESTABLISHMENT OF NEW BUSINESS

The project area includes the potential for notable commercial development which will benefit the State and the City through increased job creation, increased sales tax base, and increased income taxes paid.

B. CREATION OF NEW JOBS

The project area includes the potential for new businesses and related jobs. It is anticipated that new jobs will be encouraged at income levels above the area median income indicator.

C. PUBLIC INFRASTRUCTURE IMPROVEMENTS

The construction of the public infrastructure improvements necessary to the area will support a variety of development and will provide for future development in surrounding areas. Infrastructure is an important element of economic development and areas that lack good infrastructure are not able to be competitive in attracting good-quality businesses to locate in their community.

The development of the Project Area and the associated public infrastructure improvements will also: (a) make the land within the Project Area more desirable and potentially more accessible to and from other parts of the City; and (b) allow existing infrastructure to be extended and connected to other infrastructure and thereby used more efficiently. Thus, the components of the Project provided in this Plan will encourage, promote and provide for community development within the Project Area and the City generally for years to come.

D. PROVISION OF ESSENTIAL SERVICES

Potential redevelopment or new development will most likely provide essential services to existing and possible new housing units for the Project Area. Commercial development will also likely include office spaces which may offer a variety of medical and dental services as well as professional office uses.

7. THE PLAN IS CONSISTENT WITH AND WILL CONFORM TO THE COMMUNITY'S GENERAL PLAN [17C-5-105(1)(E)]

This Plan is consistent with the City's General Plan. New development or redevelopment will diversify and strengthen the City by adding updated or new uses to the community.

Further, development of this area will provide a strong tax base that will enable the City to expand and provide additional services.

8. IF APPLICABLE, DESCRIBE HOW THE PROJECT AREA WILL REDUCE OR ELIMINATE DEVELOPMENT IMPEDIMENTS [17C-5-105(1)(F)]

While some portions of the study area may have development impediments (largely due to age), these are relatively minimal and not overly applicable to the project area plan.

9. DESCRIPTION OF ANY SPECIFIC PROJECT OR PROJECTS THAT ARE THE OBJECT OF THE PROPOSED COMMUNITY REINVESTMENT [17C-5-105(1)(G)]

The Project Area is intended to accomplish a larger vision of the downtown and Heber City, and is not intended for any specific development. It is assumed that multiple parts of the study area will support new development or redevelopment, resulting in new residential units, retail offerings, commercial uses (office, flex office, manufacturing), and possible hospitality and entertainment options.

New development projects will likely include construction and installation of public infrastructure improvements, some of which may have the capacity to serve areas outside of the Project Area.

10. HOW PARTICIPANTS WILL BE SELECTED [17C-5-105(1)(H)]

A. SELECTION OF PRIVATE DEVELOPERS

The Agency contemplates that owners of real property within the Project Area may take advantage of the opportunity to develop their property, redevelop, maintain, or sell their property to developers for the development of facilities within the Project Area. In the event that owners do not wish to participate in the development in compliance with the Plan, or in a manner acceptable to the Agency, or are unable or unwilling to appropriately participate, the Agency reserves the right pursuant to the provisions of the Act to acquire parcels, to encourage other owners to acquire other property within the Project Area, or to select non-owner developers by private negotiation, public advertisement, bidding or the solicitation of written proposals, or a combination of one or more of the above methods. It is assumed that a moderate number properties in the area will not be the subject of new development or significant redevelopment but will ultimately benefit from the goals and implementation of the plan.

B. IDENTIFICATION OF DEVELOPERS WHO ARE CURRENTLY INVOLVED IN THE PROPOSED COMMUNITY REINVESTMENT AREA

There are no developers who are currently pursuing the use of tax increment financing in the proposed Community Reinvestment Area. Development guidelines and agreements regarding the use and payment of tax increment will be set forth in Development Agreement or other agreements between the Agency and any development teams.

1. QUALIFIED OWNERS

Any person wishing to become a developer will be required to own or have the right to purchase a part of the Project Area.

2. OTHER PARTIES

If there are no owners in the Project Area who possesses the skill, experience and financial resources necessary to become a developer in the Project Area or are able to become a developer to part of the Project Area, the Agency may identify other qualified persons who may be interested in developing part of the Project Area. Potential developers may be identified by one or more of the following processes: (1) public solicitation, (2) requests for proposals (RFP), (3) requests for bids (RFB), (4) private negotiation, or (5) some other method of identification approved by the Agency.

3. OWNER PARTICIPATION AGREEMENTS

The Agency has not entered into nor does it intend to enter into any owner participation agreements or agreements with developers to develop parts of the Project Area until after the Agency and the City decide whether or not to adopt this Plan for the Project Area.

11. REASONS FOR THE SELECTION OF THE COMMUNITY REINVESTMENT PROJECT AREA [17C-5-105(1)(i)]

The Project Area was selected by the Agency as having a significant impact to the community and a near-term ability to strengthen Heber City and Wasatch County by allowing for appropriate redevelopment or new development of commercial space, residential housing, and public infrastructure that may support future development anticipated for Heber City and provide for development in surrounding areas.

Specific boundaries of the Project Area were arrived at by the Agency after a review of the area by members of the Agency, City staff, economic development consultants, and other technical and legal consultants. Planned treatment of this area is intended to stimulate development to the degree necessary for sound long-term growth in the Project Area and to encourage the development of real property located within the Project Area. Finally, the Project Area is a key element in the City's General Plan.

12. DESCRIPTION OF THE PHYSICAL, SOCIAL AND ECONOMIC CONDITIONS EXISTING IN THE AREA [17C-5-105(1)(j)]

A. PHYSICAL CONDITIONS

The Project Area consists of approximately 613.8 acres of land as shown on the Project Area map located in the Addenda.

B. SOCIAL CONDITIONS

There are currently a significant number of buildings of nearly all use types within the Project Area. No unusual social conditions were found to exist. The Project Area Plan may help to further bring consumers and visitors from across the area to the Project Area for shopping, lodging, living, and employment.

C. ECONOMIC CONDITIONS

The study area currently generates a significant amount of taxable values from its variety of uses. Overall, as of the most recent tax year, the project year had a base taxable value of roughly \$271,000,000.

13. FINANCIAL ASSISTANCE ANTICIPATED TO BE OFFERED TO A PARTICIPANT [17C-5-105(1)(k)]

The Agency intends to negotiate and enter into one or more inter-local agreements with Wasatch County School District, Wasatch County, and Heber City to secure receipt of a portion of the property tax increment generated within the Project Area that would otherwise be paid to those taxing entities. Collectively, those tax revenues may be used to for the reasons already outlined. Subject to the provisions of the Act, the Agency may agree to pay for eligible development costs and other items from such tax revenues for any period of time the Agency and the taxing entities may deem appropriate under the circumstances.

Detailed tax increment information is provided in Appendix C in the Project Area Budget that is attached to this Plan and made a part thereof.

Additionally, the following consider key criteria for a development to qualify for tax increment, including necessary metrics that should be used to clearly show the public benefits of a project. Possible guidelines for tax increment are shown below, but are not limited to the following:

- Furthering of the Heber vision – preserving lands, creating friendly neighborhoods, promoting recreational opportunities
- Job creation/Business creation
 - Creation of *new* jobs (not just relocated jobs from elsewhere in the area)

- New jobs in key sectors deemed important to Heber City's appeal
- Physical space for startup incubators
 - Overhead support
- Attainable housing
 - Development of housing variety with an emphasis on essential workers, particularly providing a variety of pricing and design to appeal to a percentage of the population that includes educators, civic employees, etc.
 - Attainable housing with amenities that result in high quality of life characteristics
 - Subsidized housing based on income
- Diversified Sales Tax Base
 - Key retail types that encourage complementary uses
 - Retailers that attract consumers as destination locations
 - Hospitality and entertainment uses with potential of secondary spending throughout the city
- Building Improvements
 - Façade improvements
 - Facilitate new uses in existing buildings, such as kitchen installations
 - Building expansion
- Downtown Improvements
 - Alleviation of parking constraints
 - Landscaping improvements
 - Walkability improvements

KEY METRICS TO BE CONSIDERED TO QUALIFY FOR TAX INCREMENT

- Number of jobs created and in what sectors
 - Likely income levels of new jobs and comparison to area median income
- Number of housing units with proposed pricing
 - Comparison of area incomes to proposed housing prices to show qualification levels
- Sales tax generation – amount of retail space, likely retailers/retail types, likely sales per square foot generation ability
 - Amount of new sales tax to city and county
- Transient Room Taxes intended to be received by city and county
- Current taxes generated by property
 - Likely new taxes to be generated by proposed development to all taxing entities

- Additional fiscal benefits that may be generated by the project (population distribution, municipal energy fees, Class B/C road funds, residential online sales tax, etc.)
- Additional community benefits beyond fiscal analysis (i.e., trail miles per capita, open space per residence/per capita, etc.)

14. RESULTS OF THE PUBLIC BENEFIT ANALYSIS [17C-5-105(1)(L)]

Section 1 – The Benefit of Any Financial Assistance or Other Public Subsidy Proposed to be Provided by the Agency:

A. AN EVALUATION OF THE REASONABLENESS OF THE COSTS OF THE PROPOSED PROJECT AREA DEVELOPMENT

The preliminary cost estimates for downtown improvements include expenses for roadways, parking improvements, public open space areas, façade programs, etc., and appear to be reasonable given current and anticipated market conditions.

B. EFFORTS TO MAXIMIZE PRIVATE INVESTMENT

The City has made efforts to maximize private investment in the area. The City has pursued a development pattern that will attract desirable tenants and will bring a strong tax base to the City. The City anticipates that this project area focus will create new jobs. The wages paid for these jobs will then be re-spent, by the private sector, in the local and regional economies that will bring benefits to private businesses in the area.

It is likely that redevelopment and new development will significantly increase taxable values from the current taxable value of nearly \$271,900,000, to an anticipated \$540 million near the end of the CRA. The Project Area is currently generating roughly \$3.5 million in property tax revenues; it is projected to generate roughly \$7.5 million per year at the end of 20 years. Developers will also likely be paying for improvements to various public infrastructure needs.

C. RATIONALE FOR USE OF PROJECT AREA FUNDS

This represents a large area with redevelopment and new development potential. The cost of providing expanded and necessary roads and utilities to the Project Area is likely prohibitive when considered against the level of values that can be achieved in this part of Utah. Therefore, in order to enhance this area and uplift the desirability of the downtown core, the Agency is proactively seeking to create a Project Area, with the use of tax increment, so that development and new development can be considered.

D. ESTIMATE OF TOTAL PROJECT AREA FUNDS AND LENGTH OF TIME OF PROJECT AREA

Project area funds will be disbursed to the Agency for a period of 20 years and are anticipated to be approximately \$36 million over the 20-year period, with a net present value of near \$26.8 million. A year-by-year analysis of funds disbursed to the Agency is provided in Appendix E.

Section 2 – The Anticipated Public Benefit Derived from the Proposed Project Area Development

A. BENEFICIAL INFLUENCES ON THE COMMUNITY'S TAX BASE

The property tax base of the taxing entities should increase by approximately \$250 million from the various investments in real property (land and buildings) alone. In addition, the personal property tax base of the taxing entities will be increased, but will vary depending on the type of equipment located in the Project Area as well as individual depreciation schedules.

In addition to tax revenues, the project will generate other revenues including sales tax, Class B/C Road Funds, business license fees, charges for services, and one-time fees such as building permits and impact fees.

B. ASSOCIATED BUSINESS AND ECONOMIC ACTIVITY STIMULATED BY THE DEVELOPMENT

Other business and economic activity likely to be stimulated includes business, employee and construction expenditures. There are significant opportunities for increased economic development and tax generating development that can occur within the immediate sphere of influence of the Project Area that otherwise may not occur in a timely basis or at the same level of increased development and private investment.

1. BUSINESS AND EMPLOYEE EXPENDITURES

It is anticipated that employees and business owners in the Project Area will directly or indirectly purchase local goods and services related to their operations from local or regional suppliers. These purchases will likely increase employment opportunities in the related areas of business equipment, furniture and furnishings, business supplies, computer equipment, communication, security, transportation and delivery services, maintenance, repair and janitorial services, packaging supplies, office and printing services, transportation and delivery services.

A summary of benefits is as follows:

- Provide an increase in direct purchases in the City.
- Provide economic diversification within the City and Wasatch County.
- Encourage economic development in order for a public or private employer to create additional jobs in the community.
- Complement existing businesses and industries located within the City by providing new employees who may live and shop and pay taxes in the City and the region.
- Another benefit will be the expenditure of income by employees filling the new positions. The types of expenditures by employees in the area will likely include convenience shopping for personal and household goods, lunches at area restaurants, convenience purchases and personal services (haircuts, banking, dry cleaning, etc.) The employees will not make all of their convenience or personal services purchases near their workplace, and each employee's purchasing patterns will be different. However, it is reasonable to assume that a percentage of

these annual purchases will occur within close proximity to the workplace (assuming the services are available).

2. CONSTRUCTION EXPENDITURES

Economic activity associated with the development will include construction activity. Construction costs for labor and materials will likely be notable. This will create a moderate number of construction jobs. Construction supplies are also anticipated to create significant sales tax revenues for the State, County and City.

C. ADOPTION OF THE PLAN IS NECESSARY AND APPROPRIATE TO UNDERTAKE THE PROJECT AREA PLAN

Adoption of the Plan is necessary and appropriate to undertake the Project Area Plan because: 1) The Plan conforms with and furthers the City's General Plan; and 2) private investment will increase the tax base by approximately \$200 million which will provide increased tax revenues to all taxing entities.

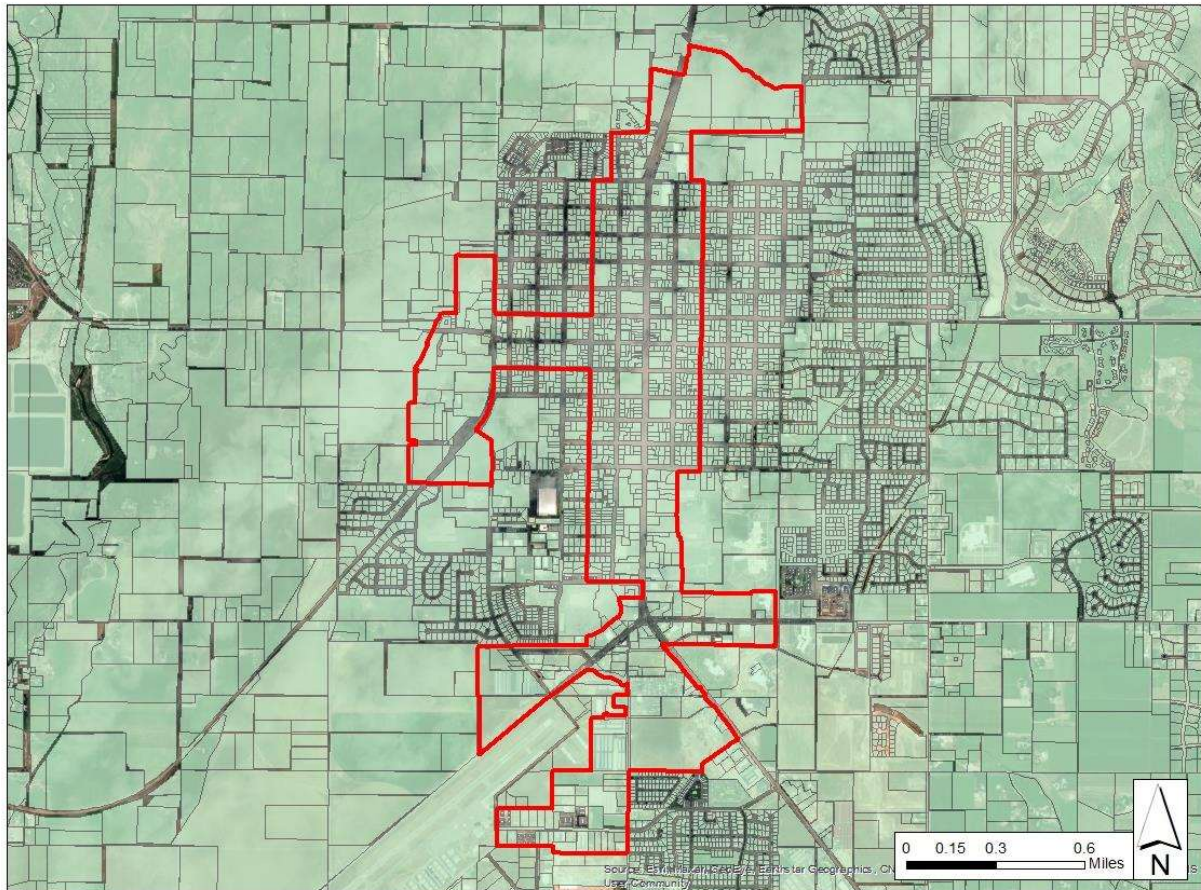
15. IF APPLICABLE, STATE THAT THE AGENCY SHALL COMPLY WITH SECTION 9-8-404 [17C-5-105(1)(M)]

Not applicable.

16. STATE WHETHER THE PLAN IS SUBJECT TO A TAXING ENTITY COMMITTEE OR AN INTERLOCAL AGREEMENT [17C-5-105(1)(N)]

This Plan is subject to Interlocal Agreements.

APPENDIX A: PROJECT AREA MAP



APPENDIX B: LEGAL DESCRIPTION AND PARCEL LIST

APPENDIX C: PROJECT AREA BUDGET

The following narrative has been prepared in accordance with Utah Code §17C-5-303 for an Agency that receives tax increment.

1(A). THE BASE TAXABLE VALUE [17C-5-303(1)(A)]

The base taxable value is the year 2020 value of \$271,862,421.

1(B). PROJECTED AMOUNT OF TAX INCREMENT TO BE GENERATED WITHIN THE PROJECT AREA [17C-5-303(1)(B)]

The projected amount of tax increment to be generated within the Project Area over 20 years is \$36,213,646.

INCREMENTAL PROPERTY TAX REVENUES FOR 20 YEARS

Incremental Tax Revenues - 100%	Full	Discounted
Wasatch County	\$7,871,740	\$5,826,640
Wasatch County School District	\$31,042,557	\$22,977,614
Heber City	\$3,689,992	\$2,731,322
Wasatch County Fire Protection Special Services	\$2,586,273	\$1,914,352
Wasatch County Special Service District	\$998,083	\$738,778
Central Utah Water Conservancy District	\$1,457,055	\$1,078,508
TOTAL	\$47,645,699	\$35,267,214

*Net Present Value is calculated at a rate of 2.5%

1(C). PROJECT AREA FUNDS COLLECTION PERIOD [17C-5-303(1)(C)]

The collection period is 20 years.

1(D). PROJECTED AMOUNT OF TAX INCREMENT TO BE PAID TO OTHER TAXING ENTITIES [17C-5-303(1)(D)]

Incremental Tax Revenues to Taxing Entities	Full	Discounted
Wasatch County	\$1,180,761	\$873,996
Wasatch County School District	\$4,656,384	\$3,446,642
Heber City	\$553,499	\$409,698
Wasatch County Fire Protection Special Services	\$2,586,273	\$1,914,352
Wasatch County Special Service District	\$998,083	\$738,778
Central Utah Water Conservancy District	\$1,457,055	\$1,078,508

TOTAL	\$11,432,054	\$8,461,974
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1(E). IF THE AREA FROM WHICH TAX INCREMENT IS COLLECTED IS LESS THAN THE ENTIRE PROJECT AREA [17C-5-303(1)(E)]

Not applicable.

1(F). THE PERCENTAGE OF TAX INCREMENT THE AGENCY IS AUTHORIZED TO RECEIVE [17C-5-303(1)(F)]

The Agency is authorized to receive 85 percent of the tax increment for a period of 20 years from participating taxing entities.

1(G). THE MAXIMUM CUMULATIVE DOLLAR AMOUNT OF TAX INCREMENT THE AGENCY IS AUTHORIZED TO RECEIVE FROM THE PROJECT AREA [17C-5-303(1)(G)]

The maximum dollar amount the Agency is authorized to receive is roughly \$36.2 million. Note that out of this amount, the Agency will have administrative expense and housing payments, leaving approximately \$30.8 million for the infrastructure projects over a 20-year period.

2. IF THE AGENCY RECEIVES SALES AND USE TAX REVENUE [17C-5-303(2)(A) AND (B)]

Not applicable.

3. AMOUNT OF PROJECT AREA FUNDS THE AGENCY WILL USE TO IMPLEMENT THE PROJECT AREA [17C-5-303(3)]

The Agency estimates that its funds will be used as follows but reserves the right to maintain flexibility with the funds and not to adhere strictly to line item amounts shown in the table below. All Agency funds will be used for infrastructure, administrative or economic development purposes within the Project Area. Administrative funds have been calculated based on 5.0 percent of Agency tax increment receipts annually. In addition, ten percent of Agency receipts have been set aside for housing projects. Housing funds do not need to be spent within the Project Area. The remaining funds are allocated primarily for possible improvements as follows:

- Roadway improvements, including parking realignment, road expansion, road realignment, sidewalk expansion/realignment, etc.

- Intersection realignment and associated improvements
- Creation of public open space amenities
- Possible installation of fiber optic networks
- Facilitation of façade grant and loan programs

4. THE AGENCY'S COMBINED INCREMENTAL VALUE [17C-5-303(4)]

The total incremental value in the Project Area is estimated at \$306 million at buildout. The City has no other project areas in place.

5. THE AMOUNT OF PROJECT AREA FUNDS THAT WILL BE USED TO COVER THE COST OF ADMINISTERING THE PROJECT AREA [17C-5-303(5)]

The Agency is requesting that 5.0 percent of revenues received be set aside for administrative purposes. The projected total amount of administrative cost over the 20-year timeframe is \$1.8 million.

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)]

Not applicable.

TAB 4

HEBER CITY COMMUNITY REINVESTMENT AGENCY

RESOLUTION NO. 2021-08

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH HEBER CITY FOR THE HEBER CITY DOWNTOWN COMMUNITY REINVESTMENT PROJECT AREA

WHEREAS pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the “**Act**”), public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements for joint and cooperative actions, including the sharing of tax and other revenues; and

WHEREAS the Heber City Community Reinvestment Agency (the “**Agency**”) and Heber City, (the “**Taxing Entity**”) are “public agencies” for purposes of the Act; and

WHEREAS the Agency has adopted a Project Area Plan (the “**Plan**”) for the Heber City Downtown Community Reinvestment Project Area (the “**Project Area**”); and

WHEREAS after careful analysis and consideration of relevant information, the Agency desires to enter into an interlocal agreement with the Taxing Entity (the “**Interlocal Agreement**”) whereby the Taxing Entity consents to the Agency receiving for an extended period of time a portion of the tax increment produced by the Taxing Entity’s levy on real and personal property within the Project Area; and

WHEREAS Section 11-13-202.5 of the Act requires that certain interlocal agreements be approved by resolution of the legislative body of a public agency.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE HEBER CITY COMMUNITY REINVESTMENT AGENCY AS FOLLOWS:

1. The Interlocal Agreement with the Taxing Entity, substantially in the form attached hereto as **Exhibit A**, is approved and shall be executed by the Agency.

2. The Chair shall make such additions, changes, and emendations as the Chair deems necessary prior to the execution of the Interlocal Agreement, so long as such changes do not materially alter the terms of the Interlocal Agreement.

3. Pursuant to Section 11-13-202.5 of the Act, the Interlocal Agreement has been submitted, or will be submitted prior to execution, to legal counsel of the Agency for review and approval as to form and legality.

4. Pursuant to Section 11-13-209 of the Act and upon full execution of the Interlocal Agreement, a copy thereof shall be filed immediately with the keeper of records of the Agency.

5. The Interlocal Agreement shall be effective on the date of the notice required by Utah Code § 17C-5-205.

6. This Resolution shall take effect upon adoption.

APPROVED AND ADOPTED on the 6th day of July, 2021.

	AYE	NAY	ABSENT	ABSTAIN
Heidi Franco	_____	_____	_____	_____
Wayne Hardman	_____	_____	_____	_____
Mike Johnston	_____	_____	_____	_____
Rachel Kahler	_____	_____	_____	_____
Ryan Stack	_____	_____	_____	_____

**HEBER CITY COMMUNITY
REINVESTMENT AGENCY**

Kelleen Potter, Chair

ATTEST:

Trina Cooke, City Recorder

EXHIBIT A

HEBER CITY INTERLOCAL AGREEMENT

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**INTERLOCAL AGREEMENT by and between the HEBER CITY
COMMUNITY REINVESTMENT AGENCY and
HEBER CITY for the HEBER CITY DOWNTOWN COMMUNITY
REINVESTMENT PROJECT AREA**

THIS INTERLOCAL AGREEMENT is entered into as of the ____ day of _____, 2021, by and between the **HEBER CITY COMMUNITY REINVESTMENT AGENCY**, a political subdivision of the State of Utah (the “**Agency**”), and **HEBER CITY**, a political subdivision of the State of Utah (the “**Taxing Entity**”). The Agency and the Taxing Entity shall be referred to individually as a “**Party**” and collectively as the “**Parties**”.

A. WHEREAS the Agency was created pursuant to the provisions of, and continues to operate under, the Limited Purpose Local Government Entities – Community Reinvestment Agency Act, Title 17C of the Utah Code (the “**Act**”), and is authorized thereunder to conduct urban renewal, economic development, community development, and community reinvestment activities within Heber City, Utah, as contemplated by the Act; and

B. WHEREAS the Agency created the Heber City Downtown Community Reinvestment Project Area (the “**Project Area**”) and adopted a community reinvestment project area plan for the Project Area (the “**Project Area Plan**”) on _____, which is incorporated herein by this reference, which includes the legal description and a map of the Project Area, pursuant to which the Agency desires to encourage, promote and provide for desirable development within the Project Area; and

C. WHEREAS the Taxing Entity and the Agency have determined that it is in the best interests of the Taxing Entity to provide certain financial assistance through the use of Tax Increment (as defined below) in connection with the development of the Project Area as set forth in the Project Area Plan; and

D. WHEREAS the Agency anticipates providing a portion of the tax increment (as defined in Utah Code Annotated (“UCA”) § 17C-1-102(61) (hereinafter “**Tax Increment**”), created by development within the Project Area to encourage desirable development within the Project Area; and

E. WHEREAS UCA § 17C-5-204(3) authorizes the Taxing Entity to consent to the payment to the Agency of all or a portion of the Taxing Entity’s share of Tax Increment generated from the Project Area for the purposes set forth therein; and

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F. WHEREAS UCA § 11-13-215 further authorizes the Taxing Entity to share its tax and other revenues with the Agency; and

G. WHEREAS in order to facilitate development of the Project Area, the Taxing Entity desires to pay to the Agency a portion of the Taxing Entity's share of Tax Increment generated by development within the Project Area in accordance with the terms of this Agreement; and

H. WHEREAS the provisions of applicable Utah State law shall govern this Agreement, including the Act and the Interlocal Cooperation Act, Title 11 Chapter 13 of the UCA, as amended (the "**Cooperation Act**").

NOW, THEREFORE, in consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Taxing Entity's Consent.

a. Pursuant to Section 17C-5-204(4) of the Act and Section 11-13-215 of the Cooperation Act, the Taxing Entity hereby agrees and consents that the Agency shall be paid eighty percent (80%) of the Taxing Entity's share of the Tax Increment from the Project Area (the "**Taxing Entity's Share**") for up to twenty (20) consecutive years. The Agency may begin collecting increment, or "trigger" the collection of Tax Increment, upon written notice to the Taxing Entity and to Wasatch County. Regardless of the date for which the Agency begins collecting Tax Increment under this Agreement, the Agency shall not collect Tax Increment for any period beyond December 31, 2041. The date that the Agency begins collecting Tax Increment under this Agreement shall be on January 1 of the particular year. For the sake of illustration only, this subsection requires that the Agency begin collecting Tax Increment no later than January 1, 2022 in order to receive the full 20 years of Tax Increment contemplated by this Agreement.

b. The Taxing Entity's Share shall be used for the purposes set forth in the Act as reflected herein and in the Project Area Documents and shall be disbursed as specified herein. The calculation of annual Tax Increment shall be made using (a) the Taxing Entity's tax levy rate during the year for which Tax Increment is to be paid and (b) the base year value for purposes of calculating Tax Increment shall be the value of all taxable property within the Project Area as of January 1, 2021, which taxable value is subject to adjustment as required by law.

c. All centrally-assessed property existing within the Project Area as of the date of this Agreement, if any, shall be excluded from the calculation of Tax Increment under this Agreement. However, any new centrally assessed property constructed within the Project Area in connection with the Project shall be considered as new incremental value for purposes of calculating Tax Increment pursuant to this Agreement. The County is hereby authorized to make such

Commented [AL1]: Same difference. Jan 1, 2021 is the base value.

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calculations and estimates as may be reasonably necessary to accomplish such treatment as described in this subsection.

d. The Taxing Entity hereby authorizes and directs Wasatch County to pay directly to the Agency the Taxing Entity's Share in accordance with UCA § 17C-5-206 for the period described herein.

e. Of the amounts received by the Agency, the Agency may retain ten percent (10%) of the total Taxing Entity's Share each year to be used as described in UCA § 17C-5-307(3).

2. **Authorized Uses of Tax Increment.** The Parties agree that the Agency may apply the Taxing Entity's Share to the payment of any of the components of the development within the Project Area and related purposes, including but not limited to the cost and maintenance of public infrastructure and other improvements located within the Project Area, incentives to developers or participants within the project area, administrative, overhead, legal, and other operating expenses of the Agency, and any other purposes deemed appropriate by the Agency, all as authorized by the Act.

3. **Return of Tax Increment to the Taxing Entity.** If the Agency, in its sole discretion, is unable to utilize the full amount of the Taxing Entity's Share for the uses authorized in Section 2, above, then the Agency shall return to the Taxing Entity that portion of that Taxing Entity's Share that the Agency is unable to utilize.

4. **Consent to Project Area Budget.** As required by UCA § 17C-5-304, the Taxing Entity consents to the Project Area Budget adopted by the Agency for the Project Area.

5. **No Third-Party Beneficiary.** Nothing in this Agreement shall create or be read or interpreted to create any rights in or obligations in favor of any person or entity not a party to this Agreement. Except for the parties to this Agreement, no person or entity is an intended third-party beneficiary under this Agreement.

6. **Due Diligence.** Each of the Parties acknowledges for itself that it has performed its own review, investigation, and due diligence regarding the relevant facts upon which this Agreement is based, including representations of the Agency concerning the Project and the Project's benefits to the community and to the Parties, and each Party relies upon its own understanding of the relevant law and facts, information, and representations, after having completed its own due diligence and investigation.

7. **Interlocal Cooperation Act.** In satisfaction of the requirements of the Cooperation Act in connection with this Agreement, the Parties agree as follows:

Commented [AL2]: This is due to how centrally assessed property values are assigned by the Tax Commission. It's sort of a black box, but the end result is that each tax area gets assigned a value for CA property (in theory based on reality...but no necessarily so). When we create the project area, the county will create the project area as a new tax area and the tax commission will assign as CA property value to the new tax area. This is intended to make sure the CA property is treated as intended.

Commented [AL3]: Since the budget projects the Agency receiving more than \$100k of increment per year, this housing allocation is mandatory. The exception in -307(4) is a nonissue at this point based on what the plan contemplates so I removed that sentence.

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a. This Agreement shall be authorized and adopted by resolution of the legislative body 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 in behalf of each Party pursuant to and in accordance with the Section 11-13-202.5(3) of the Cooperation Act.

c. A copy of this executed 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 Chair of the Agency is hereby designated the administrator for all purposes of the Cooperation Act.

e. The term of this Agreement shall commence on the publication of the notice required by Section 17C-5-205 of the Act and shall continue through the date on which all of each Taxing Entity's Share has been paid to and disbursed by the Agency as provided herein.

f. Following the execution of this Agreement by all Parties, the Agency shall cause a notice regarding this Agreement to be published on behalf of all parties in accordance with Section 11-13-219 of the Cooperation Act and Section 17C-5-205 of the Act.

6. **Modification and Amendment.** Any modification of or amendment to any provision contained herein shall be effective only if the modification or amendment is in writing and signed by all Parties. Any oral representation or modification concerning this Agreement shall be of no force or effect.

7. **Further Assurance.** Each of the Parties hereto agrees to cooperate in good faith with the others, to execute and deliver such further documents, to adopt any resolutions, to take any other official action, and to perform such other acts as may be reasonably necessary or appropriate to consummate and carry into effect the transactions contemplated under this Agreement. Further, in the event of any question regarding the calculation or payment of amounts contemplated hereunder, the Parties shall cooperate in good faith to resolve such issue.

8. **Governing Law.** This Agreement shall be governed by, and construed and interpreted in accordance with, the laws of the State of Utah.

9. **Interpretation.** The terms "include," "includes," "including" when used herein shall be deemed in each case to be followed by the words "without limitation."

10. **Severability.** If any provision of this Agreement is held to be invalid or unenforceable by any court of competent jurisdiction or as a result of future legislative action, and if

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the rights or obligations of any Party hereto under this Agreement will not be materially and adversely affected thereby,

- a. such holding or action shall be strictly construed;
- b. such provision shall be fully severable;
- c. this Agreement shall be construed and enforced as if such provision had never comprised a part hereof;
- d. the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the invalid or unenforceable provision or by its severance from this Agreement; and
- e. in lieu of such illegal, invalid, or unenforceable provision, the Parties hereto shall use commercially reasonable efforts to negotiate in good faith a substitute, legal, valid, and enforceable provision that most nearly effects the Parties' intent in entering into this Agreement.

11. **Authorization.** Each of the Parties hereto represents and warrants to the other that the warranting Party has taken all steps, including the publication of public notice where necessary, in order to authorize the execution, delivery, and performance of this Agreement by each such Party.

12. **Time of the Essence.** Time is of the essence in the performance of this Agreement.

13. **Incorporation of Recitals.** The recitals set forth above are hereby incorporated by reference as part of this Agreement.

14. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement

15. **Incorporation of Exhibits.** Any exhibits to this Agreement are hereby incorporated by reference as part of this Agreement.

ENTERED into as of the day and year first above written.

[Remainder of page intentionally left blank; signature pages to follow]

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	AYE	NAY	ABSENT	ABSTAIN
Heidi Franco	_____	_____	_____	_____
Wayne Hardman	_____	_____	_____	_____
Mike Johnston	_____	_____	_____	_____
Rachel Kahler	_____	_____	_____	_____
Ryan Stack	_____	_____	_____	_____

Agency:

**HEBER CITY COMMUNITY
REINVESTMENT AGENCY**

By: _____
Kelleen Potter, Chair

Attest:

Trina Cooke, Secretary

Attorney Review of Interlocal Agreement:

The undersigned, an attorney licensed to practice in the State of Utah, has reviewed the foregoing Interlocal Agreement and finds it to be in proper form and in compliance with applicable state law.

Adam S. Long

[Signatures continue]

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[ADDITIONAL SIGNATURES TO INTERLOCAL AGREEMENT]

Taxing Entity:

HEBER CITY

By: _____
Kelleen Potter, Mayor

Attest:

Trina Cooke, City Recorder