



**Tremonton City Corporation  
Redevelopment Agency Meeting  
January 16, 2024  
5:30 p.m.  
102 South Tremont Street  
Tremonton, Utah**

**AGENDA**

1. Approval of agenda
2. Approval of minutes – October 3, 2023
3. New Business
  - a. Discussion and consideration of adopting Resolution No. RDA 24-01 committing funds to the Northern Utah Neighborhood Improvement Program (NUNIP) Grant, Phase 7, facilitated by Neighborhood Nonprofit Housing Corporation
  - b. Discussion and consideration of adopting Resolution No. RDA 24-02 approving amendments to the moderate-income housing strategies contained in the Tremonton City & Tremonton City RDA 2022 Moderate Income Housing Plan
4. Public Hearing
  - a. Regarding the Autoliv Solar Community Reinvestment Project Area #1 Plan and Budget.
5. New Business (Continued)
  - c. Discussion and consideration of approving Resolution No. RDA 24-03 adopting the Autoliv Solar Community Reinvestment Project Area #1 Plan.
  - d. Discussion and consideration of adopting Resolution No. RDA 24-04 adopting the Autoliv Solar Community Reinvestment Project Area #1 Budget.
  - e. Discussion and consideration of adopting Resolution No. RDA 24-05 approving an interlocal cooperation agreement with Tremonton City regarding the Autoliv Solar Community Reinvestment Project Area #1.
  - f. Discussion and consideration of adopting Resolution No. RDA 24-06 approving an interlocal cooperation agreement with the Box Elder County School District regarding the Autoliv Solar Community Reinvestment Project Area #1.
6. Adjournment

*Persons with disabilities needing special assistance to participate in this meeting should contact Linsey Nessen no later than 48 hours before the meeting.*

*Anchor location for Electronic Meeting by Telephone Device. With the adoption of Ordinance No. 13-04, the Board may participate per Electronic Meeting Rules. Those eligible to request participation by electronic means should contact Linsey Nessen, City Recorder, no later than 48 hours before the meeting to make arrangements.*

**Notice was posted January 12, 2024 a date not less than 24 hours prior to the date and time of the meeting and remained so posted until after the said meeting. A copy of the agenda was delivered to the Leader (Newspaper) on January 12, 2024.**

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Linsey Nessen, City Recorder



**Draft Minutes**

**TREMONTON CITY CORPORATION  
REDEVELOPMENT AGENCY  
OCTOBER 3, 2023**

Board Members Present:  
Lyle Holmgren, Chairman  
Connie Archibald, Board Member  
Wes Estep, Board Member  
Bret Rohde, Board Member  
Rick Seamons, Board Member  
Lyle Vance, Board Member  
Shawn Warnke, Executive Director  
Linsey Nessen, Executive Secretary

Chairman Holmgren called the Tremonton Redevelopment Agency Meeting to order at 6:00 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Chairman Holmgren, Board Members Archibald, Estep, Rohde, Seamons, and Vance, Executive Director Warnke, and Executive Secretary Nessen. Also in attendance were Assistant City Manager Marc Christensen, Public Works Director Paul Fulgham, Downtown Manager Sara Mohrman and Fire Chief Brady Hansen (arrived at 6:14 p.m.)

- 1. Approval of agenda:

**Motion by Board Member Archibald to approve the October 3, 2023 agenda.** Motion seconded by Board Member Estep. Vote: Board Member Archibald - aye, Board Member Estep - aye, Board Member Rohde - aye, Board Member Seamons - aye, Board Member Vance - aye. Motion approved.

- 2. Approval of minutes – August 29, 2023

**Motion by Board Member Seamons to approve the minutes of August 29, 2023.** Motion seconded by Board Member Vance. Vote: Board Member Archibald - aye, Board Member Estep - aye, Board Member Rohde - aye, Board Member Seamons - aye, Board Member Vance - aye. Motion approved.

- 3. Presentation

- a. Autoliv Solar CRA – Cody Deeter

Mr. Deeter said I represent a group called Solar Farmers, who are developing the project for Autoliv. I would like to share with you the purpose for the project area and the incentives to help it move forward. This will create renewable energy for Autoliv and ensure the whole facility is here. The project will be built in two phases. This would be assessed as personal property opposed to real property. Putting this in a CRA would allow taxing entities to capture increment and gain new revenue as an incentive to the project. Of the revenue generated, 60% will go

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to the taxing entity and 40% will go to the solar company. This is an asset to Autoliv as it helps them reach their renewable goals. Manager Warnke had mentioned there was an interfund loan between the RDA and water fund and that loan was forgiven (\$368,000). Another option is using these funds to help pay for affordable housing programs. When you create a project area you hire someone to do that and we would take on the costs to create the project area and administer that. Over the 25-year project, \$2.49 million increment would be generated. Of that 40% (just under \$1 million) would go to the solar company, while \$1.4 million (60%) would go to the taxing entities. About \$50,000 would go to the County for assessment and collecting property taxes. This gives Tremonton \$413,000. That would be considered new revenue that you would not be received if it was not in a CRA.

Mr. Deeter said the resolution would outline the boundaries for the project and authorize the RDA to draft a project plan and budget and a description on how the increment would be used. If interested, we would inform the other taxing entities of this opportunity and invite them to participate. We would also review the budget with City staff and provide notice to the taxing entities and Autoliv. A public hearing would be held and then we would enter into an inter-local agreement with all the taxing entities.

Executive Director Warnke clarified, we had the 10th North Project Area for water and sewer infrastructure back in the 90s. The creation of this project included Autoliv, T&M Manufacturing and IPG. This helped us create infrastructure to attract those businesses. The City loaned the RDA money to install the infrastructure and was going to pay that back with tax increment. The RDA paid a portion of that back, but then was no longer collecting tax increment. The remaining balance was \$368,000 and the City had no choice but to forgive that loan. Board Member Vance said so over a 25-year period Tremonton is going to get \$413,000 and that is where the funds will come to pay this back. Executive Director Warnke said yes, we would have the RDA make good on that loan and that would be the funding source.

The Council also discussed the boundary of this project area, which is 55 acres in Tremonton, with some additional land in Garland. They would hold the public hearing sometime around December.

- b. A review of the Tremonton City Main Street Manager after one year – Sara Mohrman

Downtown Manager Mohrman presented what she has accomplished for Main Street in her first year. The biggest thing with Main Street has been the Farmer's Market. In our second year we started the season with about 40% of our vendors being consumable goods. Our goal was to have a minimum of 50% of our vendors being that category. Starting that strong in our second year was encouraging. About 40% of our vendors this season paid for all six months. This made our

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planning a lot easier. We consistently had 35 to 40 vendors in Midland Square, as well as two to three food trucks each month. We also had a waitlist to ensure the square was full. We had several volunteers, including Heather and Joel Russell who are new in town. She works for a company called Care About Child Care and offered to run our kids' activities. They participated in all of them and helped with setup, too. In talking to our downtown businesses, we have seen an increase in foot traffic on those weekends.

Downtown Manager Mohrman said we had new events and program this year, too. In February we had a Mardi Gras celebration. This is from my background and I wanted to bring that here since there is not much happening in the winter. We held a scavenger hunt, craft, and a king cake contest. We also started the second Friday Stroll. A lot of our businesses downtown were struggling with getting foot traffic and their sales were down. The second Friday stroll came out of that. Businesses who participate stay open later and have a special or put out treats to entice people to come out. They are given a punch card and a map so they can visit each store. No purchase is necessary they just show up. Each of the businesses that participate donate items and we create a basket for one winner. Five businesses currently participate and we hope that will grow.

Downtown Manager Mohrman said going forward we are starting a local business group. We are looking for businesses that are active in participating in things the City is doing. They would learn from one another—get ideas or advice. This is an opportunity to collaborate with each other. I am a firm believer that a rising tide raises old ships. We want to get our businesses to work together and share customers in our community. The Box Elder County Chamber of Commerce is willing to work with us and do some trainings. We are going to continue with existing events. I assisted with the Holiday Extravaganza, which is a huge event. We will be moving that to Shuman Park this year so we have more room. I also helped with the Chalk Affair event and Hay Days. I was in charge of all our vendors. This year we had 60, which is a new record. I also worked with a lot of City employees on grants. We received a TTAB grant for \$40,000. That was prior to me coming on and that goes toward our wayfinding sign project. We also received a TTAB Quick Grant. That is the first one I worked on and that went toward our Christmas lights. I also helped with a Rural Communities Opportunity grant (\$405,000) to renovate Midland Square. We received the Implementation Grant of \$25,000 to help with the wayfinding project, as well. Another TTAB grant for \$20,000 paid for the new branded benches and bike racks. We applied for the T-Mobile grant (\$50,000) that would help with wayfinding and we should hear back in a month.

Downtown Manager Mohrman said we have new businesses downtown and the new mural of Chief Sagwitch was completed. Developers took down the front façade on the building with the Candy Bomber mural. They have a long way to go, but it looks better than what we had before. The Jays sign renovation and update is done. Also, the grain elevator turned into a functional retail space and it

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looks better. There has been media promotion of downtown. In December I met with Logan’s downtown manager and discussed how we are the same and different, and how we could work together. Our events have also been promoted on social media. Our goal is to continue what we have been doing and to build on that going forward. Our shop local holiday passport is coming up. I will participate in the Midland Square renovation project as well. We hope we can start removing signs on Main Street that are broken and outdated. We are working on a page on the website that would highlight downtown and show what we have to offer. We may also start up the Spring Sidewalk Sale again. I am working with Rocky Mountain Power to get streetlights on Main Street. Board Member Vance said we appreciate all you are doing—it is making a difference. Mayor Holmgren said thank you, we appreciate everything you have done.

4. New Business

- a. Discussion and consideration of adopting Resolution No. 23-13 amending a professional services agreement with Sara Mohrman filling the duties of Main Street Manager

Assistant City Manager Christensen said we started this last year and part of it was to give an annual review. The only amendment to this is taking her initial term of compensation and adding the cost-of-living adjustment (COLA) that we give to every other City employee.

**Motion by Board Member Vance to adopt the resolution.** Motion seconded by Board Member Archibald. Roll Call Vote: Board Member Archibald - aye, Board Member Estep - aye, Board Member Rohde - aye, Board Member Seamons - aye, Board Member Vance - aye. Motion approved.

- b. Discussion and consideration of adopting Resolution No. 23-14 initiating the process of adopting a community reinvestment project area plan by designating a survey area known as the “Autoliv Solar CRA Survey Area #1

**Motion by Board Member Estep to adopt the resolution.** Motion seconded by Board Member Archibald. Roll Call Vote: Board Member Archibald - aye, Board Member Estep - aye, Board Member Rohde - aye, Board Member Seamons - aye, Board Member Vance - aye. Motion approved.

5. Adjournment

**Motion by Board Member Archibald to adjourn the meeting.** Motion seconded by Board Member Seamons. Vote: Board Member Archibald - aye, Board Member Estep - aye, Board Member Rohde - aye, Board Member Seamons - aye, Board Member Vance - aye. Motion approved.

The meeting adjourned at 6:41 p.m.

**Draft Minutes**

The undersigned duly acting and appointed Executive Secretary for Tremonton City Corporation Redevelopment Agency hereby certifies that the foregoing is a true and correct copy of the minutes for the RDA Meeting held on the above referenced date. Minutes were prepared by Jessica Tanner.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Linsey Nessen, Executive Secretary

## **RESOLUTION NO. RDA 24-01**

### **A RESOLUTION OF THE TREMONTON REDEVELOPMENT AGENCY COMMITTING FUNDS TO THE NORTHERN UTAH NEIGHBORHOOD IMPROVEMENT PROGRAM GRANT, PHASE 7, FACILITATED BY NEIGHBORHOOD NONPROFIT HOUSING CORPORATION**

**WHEREAS**, in the past, Neighborhood Nonprofit Housing Corporation implemented a program referred to as the Northern Utah Neighborhood Improvement Project (NUNIP) that makes home improvements to houses that are owned by low to moderate-income individuals in northern Utah; and

**WHEREAS**, previous phases of the NUNIP facilitated in Tremonton City by Neighborhood Nonprofit Housing Corporation improved or will improve approximately 80 homes of individuals and families that are low to moderate-income; and

**WHEREAS**, the Tremonton City RDA has deemed this program a success and has appreciated the partnership with Neighborhood Nonprofit Housing Corporation and other partners for facilitating the NUNIP in Tremonton City; and

**WHEREAS**, the Tremonton City RDA desires to see the ongoing improvements of homes owned by low to moderate-income homeowners; and

**WHEREAS**, the Neighborhood Nonprofit Housing Corporation submitted a grant application to the Federal Home Loan Bank of Des Moines (FHLB Des Moines) on behalf of the Tremonton City RDA, Brigham City RDA, and Logan City RDA to assist with funding the Northern Utah Neighborhood Improvement Project (NUNIP), Phase 7; and

**WHEREAS**, there were 137 applications submitted to FHLB Des Moines requesting \$107 million submitted, with 60 of those being approved for \$46,855,590. NUNIP was notified on December 8, 2023, that it had been awarded funds; and

**WHEREAS**, the FHLB Des Moines approved Neighborhood Nonprofit Housing Corporation submitted a grant application for NUNIP, Phase 7 for \$595,000; and

**WHEREAS**, as part of the FHLB Des Moines grant approval, Neighborhood Nonprofit Housing Corporation is requesting from Tremonton City RDA approval for \$20,400 (\$2,040/home) to increase the amount of money available for the NUNIP, Phase 7; and

**WHEREAS**, each home selected in the NUNIP, Phase 7 will receive up to \$17,000, which can be used for various rehabilitation projects such as new roof, windows, or siding; and

**WHEREAS**, similar to past phases of the NUNIP, trust deeds will be recorded with a mandated 5-year complete forgiveness of Tremonton City contribution. Otherwise, the low to moderate-income families that sell their homes before five years will be required to pay back a

prorated portion of the NUNIP funds invested into their homes. All FHLB Des Moines funds are a grant without need for a trust deed; and

**WHEREAS**, Utah Code 17C-1-411 (1) (b) (ii) allows for the Tremonton City RDA to increase, improve, or preserve the affordable housing supply within the boundary of the agency; and

**WHEREAS**, in the past, the Tremonton City’s RDA, through the adoption of RDA Resolution No. RDA 13-04, 16-01, 17-01, 20-01, and 22-01 committed housing funds generated by the West Liberty Foods EDA Project Area towards the previously implemented phases of the NUNIP.

**NOW, THEREFORE, BE IT RESOLVED** that the Tremonton City RDA contributes \$20,400 of housing funds generated by the West Liberty Foods EDA Project Area to match the grant funds from FHLB Des Moines for the Northern Utah Neighborhood Improvement Project (NUNIP), Phase 7.

**FURTHER, BE IT RESOLVED** that the Tremonton City RDA’s contribution of \$20,400 is subject to Neighborhood Nonprofit Housing Corporation being responsible for all financial and administrative responsibilities associated with the grant. The Tremonton City RDA authorizes the RDA staff and Neighborhood Nonprofit Housing Corporation staff to finalize administrative details pertaining to the NUNIP, Phase 7.

**LASTLY, BE IT RESOLVED** that the Tremonton City RDA contribution of \$20,400 is subject to Neighborhood Nonprofit Housing Corporation preparing and delivering to the Tremonton City RDA a report showing the funded projects at the completion of NUNIP, Phase 7.

Adopted and passed by the Tremonton City RDA on January 16, 2024.

TREMONTON REDEVELOPMENT  
AGENCY

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Lyle Holmgren, Chairman

ATTEST:

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Linsey Nessen, Executive Secretary

## RESOLUTION RDA NO. 24-02

### A RESOLUTION OF TREMONTON CITY RDA APPROVING AMENDMENTS TO THE MODERATE INCOME HOUSING STRATEGIES CONTAINED IN THE TREMONTON CITY & TREMONTON CITY RDA 2022 MODERATE INCOME HOUSING PLAN AS AN ELEMENT OF THE TREMONTON CITY GENERAL PLAN

**WHEREAS**, the Tremonton City Council and Tremonton City Redevelopment Agency are committed to facilitating a variety of housing options for the existing and future citizens of the City, which includes housing options that are affordable for low to moderate-income individuals and families; and

**WHEREAS**, Moderate Income Housing means housing occupied or reserved for occupancy by households with a gross household income of less than eighty percent (80%) of the Area Median Income (AMI) of the rural statistical area for households of the same size; and

**WHEREAS**, eighty percent (80%) of the Area Median Income (AMI) for Tremonton City, Box Elder County in 2022 is estimated to be \$59,700 per household (based upon a three-person household); and

**WHEREAS**, the State of Utah Legislature is also committed to facilitating affordable housing options for the citizens of Utah and, to this end, has statutory requirements contained in Utah Code 10-9a-403 require cities to adopt Moderate Income Housing Plans as an element of the City's General Plan; and

**WHEREAS**, as part of creating a Moderate Income Housing Plan as an element of the City's General Plan, the City is required to select three Strategies contained in Utah Code 10-9a-403(2)(b)(i); and

**WHEREAS**, Utah Code 10-9a-408 requires that the City report on its progress in implementing its Moderate Income Housing Strategies contained in the *Tremonton City & Tremonton City Redevelopment Agency 2022 Moderate Income Housing Plan* to the Housing and Community Development Division of the Department of Workforce Services (hereafter "Division"); and

**WHEREAS**, as part of *Tremonton City & Tremonton City Redevelopment Agency 2022 Moderate Income Housing Plan* the City has selected the following three Strategies as required by Utah Code 10-9a-403(2)(b)(i); and

- Strategy B: Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate-income housing.
- Strategy E: Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.



- Strategy N: Implement a mortgage assistance program for employees of the county/municipality, an employer that provides contracted services for the county/to the municipality, or any other public employer that operates within the county/municipality.

**WHEREAS**, on December 5, 2023, the City Council adopted Ordinance No. 23-09, creating Accessory Dwelling Unit regulations by adopting Chapter 1.21 Accessory Dwelling Units of the Tremonton City Land Use Code and has completed Strategy E; and

**WHEREAS**, in preparing the required annual report for August 1, 2023, City staff has identified that some of the City's selected implementation Strategies contained in the 2022 Moderate Income Housing Plan are beyond the City's ability to implement independently, require the City to find capable and willing partners; and

**WHEREAS**, finding willing and capable partners is a barrier to implementing some of the City's selected moderate-income housing Strategies; and

**WHEREAS**, regardless of the identified barriers, Utah Code requires that the Division decide if Tremonton City complies with Utah Code and the City's Moderate Income Housing Plan; and

**WHEREAS**, if the Division, after reviewing Tremonton's annual report, determines that the report does not comply with Utah Code or the City's Moderate Income Housing Plan, the Division shall send a notice of noncompliance to the City Council along with a period to cure the noncompliance; and

**WHEREAS**, beginning in 2024, Utah Code requires Tremonton City to pay a fee to the Olene Walker Housing Loan Fund of \$250 per day and in 2025, a fee of \$500 per day in a consecutive year, beginning the day after the day by which the cure was required to occur as described in the notice of noncompliance sent to the City Council; and

**WHEREAS**, to ensure that the City may avoid paying fees to the Olene Walker Housing Fund, it is necessary for the City to amend its Moderate Income Housing Plan to select other strategies for the City to make progress toward implementation and remain in compliance with Utah Code; and

**WHEREAS**, the Planning Commission posted notice of a public hearing regarding the amending the Strategies contained in the *Tremonton City & Tremonton City RDA 2022 Moderate Income Housing Plan* Moderate Income Housing Plan and conducted a public hearing on January 9, 2024, to take public input regarding the same; and

**WHEREAS**, the Planning Commission has considered all written and oral statements made at the public hearing objecting to or supporting to amend the Strategies contained in the *Tremonton City & Tremonton City RDA 2022 Moderate Income Housing Plan* and recommends that the RDA adopt the said plan as proposed; and

**WHEREAS**, the RDA has reviewed the final recommendation from the Planning Commission to amend the Strategies contained in the *Tremonton City & Tremonton City RDA 2022 Moderate Income Housing Plan*.

**NOW THEREFORE BE IT RESOLVED** that the Tremonton City RDA hereby adopts Resolution RDA 24-02 amending the Strategies contained in the *Tremonton City & Tremonton City RDA 2022 Moderate Income Housing Plan* as attached in Exhibit “A” as part of the City’s General Plan.

**FURTHER, BE IT RESOLVED** that an electronic copy of the amended *Tremonton City & Tremonton City RDA 2022 Moderate Income Housing Plan* is hereby ordered to be filed with the Bear River Association of Governments and the Housing and Community Development Division of the Utah Department of Workforce Services and posted on the Tremonton City website.

If any of the sections, sentences, clauses, or provisions of this Resolution shall, for any reason, be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

Adopted and passed by the Tremonton City RDA this 16<sup>th</sup> day of January 2024.

REDEVELOPMENT AGENCY

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By: Lyle Holmgren, Mayor

ATTEST:

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Linsey Nessen, Executive Secretary

## EXHIBIT “A”

# Update to Moderate Income Housing Strategies

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In 2024, Tremonton City has elected to revise the moderate-income housing strategies selected from Utah code 10-9a-403(2)(a)(iii), to create a more responsive plan for current needs. From the strategies selected in 2022, Strategy E was completed with the adoption of an Accessory Dwelling Ordinance in December 2023. Strategies B and N failed to make significant progress, largely due to the reliance on third parties for these strategies to be fulfilled. As such, the City has selected this new list of strategies to replace those selected in 2022, including specific measures and benchmarks for implementation, as follows:

Strategy C: Demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing.

The Tremonton Redevelopment Agency (RDA) has historically partnered with Neighborhood Housing Solutions, a nonprofit, to administer the Northern Utah Neighborhood Improvement Project (NUNIP) that makes improvements to homes owned by low to moderate-income individuals. The City desires to see ongoing improvements of these homes owned by moderate income households, and the RDA contributed \$50,000 in Phase 6 and will contribute \$20,400 in Phase 7 to match federal grants as part of the program. As part of the NUNIP, each home selected for improvement will receive up to \$15,000 in Phase 6 and up to \$17,000 in Phase 7, to be used for various rehabilitation projects including roofing, windows, and siding.

### Implementation Measures:

- Contribute matching grant money from the Tremonton RDA to fund Phase 6 of the neighborhood improvement program (NUNIP). (Completed in May 2023, Tremonton City RDA adopted Resolution No. RDA 23-06 authorizing use of RDA funds for Phase 6)
- Contribute matching grant money from the Tremonton RDA to fund Phase 7 of the neighborhood improvement program (NUNIP). (Anticipated completion: February 2024)
- Submit annual report to the Housing and Community Development Division of the Department of Workforce Services regarding the status of this strategy (Completed: before August 1<sup>st</sup>, with Landmark Design assisting with the implementation of this measure).
- The Tremonton City RDA will receive a report from Neighborhood Nonprofit Housing Corporation (NNHC) on completed projects at the finish of each phase (Anticipated completion: July 2024 for Phase 6 and July 2025 for Phase 7).
- Tremonton City shall evaluate the implementation measures for this strategy and shall make adjustments as needed and permitted by Utah Code 10-9a-403(2)(c)(ii)(B). (Annually

between July 1<sup>st</sup> and October 1<sup>st</sup> starting in 2025 with Landmark Design assisting with this evaluation).

Strategy L: Reduce, waive, or eliminate impact fees related to moderate income housing.

To promote the construction of moderate-income housing, the City desires to further incentivize the construction of these housing units by eliminating impact fees related to moderate-income housing. This will be accomplished by the use of Tremonton Redevelopment Agency (RDA) funds which are restricted for moderate-income housing to pay for impact fees on a building permit-by-building permit basis.

Implementation Measures:

- Create and adopt an RDA resolution wherein the RDA pledges funds restricted for moderate income housing to pay the City's impact fees for moderate-income housing. (Anticipated completion: July 1<sup>st</sup> 2024, with the RDA Attorney being tasked with drafting the RDA Resolution).
- Submit annual report to the Housing and Community Development Division of the Department of Workforce Services regarding the status of this strategy (Completed: before August 1<sup>st</sup>, with Landmark Design assisting with the implementation of this measure)
- Tremonton City shall evaluate the implementation measures for this strategy and shall make adjustments as needed and permitted by Utah Code Utah Code 10-9a-403(2)(c)(ii)(B). (Annually between July 1<sup>st</sup> and October 1<sup>st</sup> starting 2025, with Landmark Design assisting with this evaluation).

Strategy R: Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit.

Tremonton City recently adopted a new ordinance regulating Accessory Dwelling Units (ADU) in December 2023. While this ordinance does not require impact fees for internal ADUs, they are required for attached and detached ADUs. To further promote ADU construction in the City by removing barriers to entry, the City proposes to amend the ADU ordinance to eliminate these required impact fees, paying for them instead with Tremonton Redevelopment Agency (RDA) funds that are restricted for moderate income projects.

Implementation Measures:

- Create and adopt an RDA resolution wherein the RDA pledges funds restricted for moderate income housing to pay the City's impact fees for accessory dwelling units. (Anticipated completion: July 1<sup>st</sup>, 2024, with the RDA Attorney being tasked with drafting the RDA Resolution).

- Submit annual report to the Housing and Community Development Division of the Department of Workforce Services regarding the status of this strategy (Completed: before August 1<sup>st</sup>, with Landmark Design assisting with the implementation of this measure)
- Tremonton City shall evaluate the implementation measures for this strategy and shall make adjustments as needed and permitted by Utah Code Utah Code 10-9a-403(2)(c)(ii)(B). (Annually between July 1<sup>st</sup> and October 1<sup>st</sup> starting 2025, with Landmark Design assisting with facilitating this evaluation).

# Strategies for Further Exploration

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In addition to the selected strategies described previously, Tremonton City has identified a shortlist of other strategies from Utah Code 10-9a-403(2)(a)(iii), which may be well-suited for consideration for formal addition in future updates to this plan.

Strategy B: Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate-income housing.

Unlike most cities on the Wasatch Front, which are approaching build-out, Tremonton still has a significant amount of open land that may be utilized for residential construction, either within current City boundaries or the declared annexation area. To assist in the creation of moderate-income housing, the City could extend utilities to these undeveloped areas as an incentive for developers to construct moderate-income housing. In return, developers would be expected to set aside a minimum of 10percent of new units as moderate-income housing.

Strategy B was originally adopted as an official strategy in the *Tremonton City & Tremonton City RDA 2022 Moderate Income Housing Plan*, but was removed due to difficulty in implementation coordinating with third parties. Tremonton City would like to continue to explore this housing strategy and look for moderate income housing projects to help facilitate with the expansion of infrastructure.

Strategy D: Identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate-income housing.

Tremonton City has continued to see measured growth in construction of new housing within the city in the recent past. However, as recent inflation has continued to increase the costs of construction materials and labor, keeping housing prices obtainable for moderate income households continues to be a challenge. The City has seen a recent decline in the number of building permit applications and desires to do its part to keep housing affordable to moderate-income residents. To this end, the City has identified a few currently required fees for new development applications collected as revenue in the City's General Fund which may be waived or paid to the City's General Fund through the use of the Tremonton Redevelopment Agency (RDA) funds that are restricted for moderate-income housing projects. These include development review fees related to permits and applications, as well as fees-in-lieu for street improvements or other exactions. In creating a resolution that would waive such fees, the expectation would be that at least 10-percent of constructed housing meet moderate-income requirements.

Strategy I: Amend land use regulations to allow for single room occupancy developments.

Tremonton City recently approved the conversion of a former nursing home in its Downtown area (Central Development Zone) to become a single-room occupancy (SRO) development. More specifically, the Bear River Manor has approximately thirty (30) SRO units at affordable rental rates and has been generally considered to be a success. SRO is a form of housing that is typically aimed at residents with low or moderate incomes or single adults who prefer a minimalist lifestyle. SRO units are rented out as permanent residences and/or primary residences to individuals within a multi-tenant building where tenants share a kitchen, toilets, or bathrooms. Typical SRO units range anywhere from 80 to 500 sq ft. In some instances, contemporary units may have a small refrigerator, microwave, or sink.

The SRO housing type may be of special benefit to Tremonton residents in a life transition, and is particularly suited to the Downtown area as part of creating a walkable self-supporting neighborhood. For these reasons, the zoning for the Downtown area is proposed to be amended to expand the opportunity for single-room occupancy developments.

Strategy M: Demonstrate creation of, or participation in, a community land trust program for moderate income housing.

The organization of a community land trust program in Tremonton could have the potential to create moderate-income housing in perpetuity by establishing a nonprofit corporation charged with the acquisition, construction, and maintenance of affordable housing property. As a separate entity from the City, the challenges in creating such a program include the legal creation of the entity and provisions for ongoing funding. The City might look to other successful programs as examples and consider whether a similar program would be worth implementing.

Strategy N: Implement a mortgage assistance program for employees of the county/municipality, an employer that provides contracted services for the county/to the municipality, or any other public employer that operates within the county/municipality.

The City values the role of essential public employees, including firefighters, police officers, teachers, public work employees, administrative staff, and others. To assist with essential public employee recruitment and retention, a mortgage assistance program will be developed to help qualifying moderate-income public employees to secure housing in Tremonton. This program would 1) give priority to public employees seeking a first-time home buyer loan through the local housing authority and 2) task the City's R.D.A. to construct and/or support the construction of moderate-income housing units specifically reserved for purchase by public employees. Employees would be eligible to participate in a waitlist/lottery process to receive prioritization for purchasing these housing units.

These units would be deed-restricted, returning equity gained from the sale back to the City's R.D.A. with earmarks on developing additional moderate-income units for other qualifying public employees.

Strategy N was adopted as an official strategy in the *Tremontion City & Tremontion City RDA 2022 Moderate Income Housing Plan*. The City has had ongoing discussions with Neighborhood Nonprofit Housing Corporation (NNHC) to create and manage a mortgage assistance program on behalf of the City. NNHC had made some progress on drafting the documents necessary to create the program, but has not completed the work necessary to implement this program. Tremontion City has decided to select another housing strategy that it can work on independently but will continue to work with NNHC to bring this program to fruition.

Strategy W: Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.

Tremontion City has the opportunity for residential infill within existing neighborhoods that may help meet future goals for moderate-income housing. However, in order to become a reality, these infill projects will likely need to be multi-family residential dwellings. This strategy represents an opportunity to establish "missing middle" housing in established neighborhoods while being sensitive to neighborhood character. In potentially amending zoning ordinances to allow for such development, model aspirational multi-family housing building plans and/or development standards might be introduced as part of the amendment to guide the creation of desirable outcomes for these infill developments. The City could also potentially use RDA funds to assist in the creation of a model catalytic project.

Strategy X: Demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing.

Significant future growth is anticipated in Tremontion in the coming years, adding new neighborhoods through large-scale residential development. In an effort to distribute affordable housing throughout the City equitably, this strategy would aim to set aside moderate-income housing units in larger greenfield developments. With the use of this strategy, new developments larger than a certain number of acres and/or a certain number of units would be required to dedicate a minimum of 10-percent of their development to a community trust for affordable housing, or to pay a fee-in-lieu to the same authority.



**RESOLUTION RDA NO. 24-03**

**A RESOLUTION OF THE TREMONTON CITY REDEVELOPMENT AGENCY  
ADOPTING THE AUTOLIV SOLAR COMMUNITY REINVESTMENT PROJECT  
AREA #1 PLAN**

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

**WHEREAS**, Tremonton City (the "City") has a planning commission and has adopted a general plan pursuant to applicable law; and

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

**WHEREAS**, pursuant to the Act, the Agency has (a) prepared a draft Autoliv Solar Community Reinvestment Project Area #1 Plan (the "Project Area Plan" or "Plan") and (b) made the draft Project Area Plan available to the public at the Agency's offices during normal business hours; and

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE TREMONTON CITY REDEVELOPMENT AGENCY:**

**Section 1. Adoption of Project Area Plan.** It has become necessary and desirable to adopt the draft Project Area Plan as the official Project Area Plan for the Project Area. The draft Project Area Plan, in the form attached hereto as **Exhibit C**, and together with any changes to the draft Project Area Plan as may be indicated in the minutes of this meeting (if any), is hereby designated and adopted as the official plan for the Project Area. The Agency shall submit the Project Area Plan, together with a copy of this Resolution, to the City Council requesting that the Project Area Plan be adopted by ordinance of the legislative body of the City in accordance with the provisions of the Act.

All comments and objections to the draft Project Area Plan (if any) have been considered and are, unless otherwise provided in the minutes of this meeting (if at all), passed upon.

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

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

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

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

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

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

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

**IN WITNESS WHEREOF**, the Governing Board of the Tremonton City Redevelopment Agency has approved, passed and adopted this Resolution this January 16, 2024.

REDEVELOPMENT AGENCY

\_\_\_\_\_  
By: Lyle Holmgren, Mayor

ATTEST:

\_\_\_\_\_  
Linsey Nessen, Executive Secretary

## EXHIBIT A – LEGAL DESCRIPTION OF THE PROJECT AREA

The proposed project area consists of parcel 06-061-0012 located at 1360 N. 1000 W. Tremonton, UT 84337. A condensed legal description of the proposed project area is: N/2 OF SW/4 OF SEC 34, TWP 12N, R 3W, SLM. LESS ROAD

# EXHIBIT B – MAP OF THE PROJECT AREA



EXHIBIT C: PROJECT AREA PLAN

# Autoliv Solar CRA #1

Community Reinvestment Project Area Plan & Budget

Tremonton City Redevelopment Agency

Dated: December 2023



Prepared by: EFG Consulting

## Introduction

On October 3, 2023, the Tremonton City Redevelopment Agency ("Agency") approved Resolution 23-14 (the "Survey Resolution") to initiate the process of adopting a Community Reinvestment Project Area ("CRA") to be known as the Autoliv Solar #1 Project Area ("Project Area") including the drafting of a proposed project area plan ("Plan") and proposed project area budget ("Budget").

The Project Area is located at 1360 N. 1000 W. Tremonton, UT 84337 on parcel 06-061-0012, which is 79 acres in size. The Project Area will consist of the installation of \$17.5 million dollars of solar infrastructure.

The Agency is requesting a net 40 percent participation rate for tax increment over a period of 25 years from participating taxing entities. The Agency will request 100 percent of the tax increment but will rebate 60% back to the participating taxing entities and 40 percent back to Autoliv Solar Owner. Since the improvements to be constructed in the Project Area, which are the subject of this CRA will consist of personal property (solar infrastructure) there is no current base year value.

Over the 25-year period of the CRA, the Agency expects to collect approximately \$2.3 million (100 percent of tax increment), with \$1.3 million (60 percent of tax increment) passed through to the various participating taxing entities and \$0.9 million (40 percent of increment) passed through to Autoliv Solar Owners. More specifically, the Autoliv Solar Owners will receive tax increment as follows:

Uses of Tax Increment Funds	Tax Increment Rate (Up To)	Totals Over 25-Yr Period	NPV at a 5% Discount Rate
Incentive to Autoliv Solar Owner (Solar Farmers)	40%	\$892,090	\$604,402
<b>Total Uses</b>		<b>\$892,090</b>	<b>\$604,402</b>

Autoliv is the world's largest automotive safety supplier, with operations in 27 countries and 14 Tech Centers. Autoliv currently owns a manufacturing facility in the Project Area and desires Solar Farmers (Autoliv Solar Owner) to construct a solar photovoltaic generation system on its property to provide power to their manufacturing facility and assist in achieving their goal of net zero emissions by 2030. More specifically, Solar Farmers will own the solar photovoltaic generation system and lease the solar infrastructure to Autoliv.

The high cost of solar panels is an impediment to Autoliv's goal of net zero emissions by 2030. Tax increment will make the project financially feasible for Solar Farmers to install the solar panels and lease the power to Autoliv. Installation of the solar panels will also provide additional personal property tax increment to Box Elder County, Box Elder County School District, and Tremonton City (the participating taxing entities). Tax increment will received by the Agency only apply to personal property (solar infrastructure) constructed in the Project Area.



# Chapter 1: Project Area Plan

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

## Boundary Description and Map

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

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

The Project Area is located at 1360 N. 1000 W. Tremonton, UT 84337, on parcel 06-061-0012 which is 79 acres in size. The Project Area is depicted in Figure 1 and highlighted in blue. Appendix A includes the legal description for the one parcel of property that comprises the Project Area.

Figure 1: Project Area Map



## Land Uses

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

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

## Existing Land Uses

The property within the Project Area is currently owned by Autoliv and is used as a manufacturing facility. Solar Farmers will install solar panels on the parcel, but the primary existing land use of manufacturing will remain the same.

## Layout of Principal Streets

The Project Area is located at approximately 1360 N. 1000 W in Tremonton. There are no public roads in the Project Area, only private roads owned by Autoliv. Roads will not be affected by the proposed development.

## Population Densities

The Project Area has no meaningful full-time permanent population density. The daytime population densities in the Project Area will not increase with the addition of solar panels to the property.

## Building Intensities

Autoliv owns a manufacturing facility within the Project Area. No additional buildings will be constructed as part of installing solar panels in the Project Area development.

## Development Guidance Standards

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

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

The addition of solar panels to the Project Area will be in compliance with the current zoning for the area, including the City's general plan guidelines and Strategic Plan.

## Project Furthers Purpose of CRA Statute

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

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

Currently, Autoliv owns all the real property within in the Project Area. The creation of the Project Area will allow for sufficient funding for Autoliv to have Solar Farmers install solar panels on the property and lease power to Autoliv and assist them in achieving their goal of net zero emissions by 2030. Without tax increment, the solar panels will be cost-prohibitive. The tax increment will also generate additional personal property tax

revenue for Box Elder County, Box Elder County School District, and Tremonton City during the term of the CRA.

### **Consistency with City’s General Plan**

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

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

The Project Area will comply with the City’s current general plan. No additional development will be completed in the Project Area, only personal property will be added.

### **Eliminate or Reduce Development Impediments**

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

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

Currently the cost of solar panels is an impediment for Autoliv in achieving their goal of net zero emissions by 2030. The CRA will provide tax increment funds to reduce or eliminate this financial impediment to mitigate the high cost solar panels. It will also provide additional personal property tax revenue to the participating taxing entities.

### **Specific Project Development**

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

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

Autoliv currently owns a manufacturing facility in the Project Area and desires Solar Farmers to construct solar panels on its property. The high cost of solar panels is an impediment for Autoliv. Tax increment will make the project financially feasible for Solar Farmers to install the panels and lease the power to Autoliv.

### **How the Agency will Select Participants**

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

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

The Agency plans to provide 40 percent of the tax increment generated within the Project Area to Solar Farmers to mitigate the high cost of solar panels. Tax increment will make the project financially feasible for Solar Farmers to install the panels and lease the power to Autoliv.



### Reasons for Selecting this Project Area

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

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

The high cost of solar panels is an impediment for Autoliv to reach its goal of being net zero emissions by 2030. Tax increment will make the project financially feasible for Solar Farmers to install the panels and lease the power to Autoliv. It will also provide additional personal property tax revenue to the applicable taxing entities.

### Physical, Social, and Economic Conditions in the Project Area

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

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

The property included in the Project Area is comprised of 79 acres which are owned by Autoliv. Approximately 15 acres of the 79 acres is being used a manufacturing facility, the remaining 64 acres are undeveloped and being leased for agricultural production. This undeveloped property that surrounds Autoliv's manufacturing facility will now be developed with solar panels.

### Financial Assistance to Participant

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

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

Tax increment will be utilized to assist Solar Farmers with the installation cost of the solar panels, and ultimately assist Autoliv in achieving its goal of being net zero emission by 2030. The following terms will be utilized in providing tax increment to Solar Farmers.

TYPE OF DEVELOPMENT	TAX INCREMENT RATE (UP TO)	TAX INCREMENT RATE (UP TO)
Personal Property	40%	25 Years

### Public Benefits Analysis

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

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

### Economic Activity

The purpose of the CRA is to assist Solar Farmers with mitigating the cost of installing solar panels and leasing the power to Autoliv. This will provide Autoliv the opportunity to meet its goal of net zero emissions by 2030 but not provide any substantial ongoing benefit to the community's economic activity.

### Tax Base

The increase in tax revenue generated from the Project Area will be in personal property taxes. As described herein, development within the Project Area, once completed, could generate approximately \$2.3 million in new personal property tax revenue to Box Elder County, Box Elder County School District, and Tremonton City over a 25-year period. The Agency anticipates needing 40 percent of this revenue to assist Solar Farmers in the installation of solar panels in the Project Area during this 25-year period. The Agency will return the remaining tax increment, being 60 percent to the taxing entities. The tax increment distributed to the taxing entities will amount to \$1.3 million over 25 years. Without the development of the Project Area, taxing entities expect to receive no new personal property tax revenues from the Project Area.

## **Historic Buildings**

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

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

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

## **CRAs Prior to 2019**

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

- 14) For a community reinvestment project area plan that an agency adopted before May 14, 2019, states whether the community reinvestment project area plan or proposed community reinvestment property area plan is subject to a taxing entity committee or an interlocal agreement (17C-5-105(15))

This section does not apply since the CRA is proposed to be adopted in 2023 or 2024.

## **Other Information**

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

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



The Agency has determined that no other information is necessary or advisable to be included in this Project Area Plan and Budget.

## Chapter 2: Project Area Budget

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

### Sources of Funds

#### Base Taxable Value

A community reinvestment project area budget shall include:

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

Since the improvements, to be constructed in the Project Area, which are the subject of this CRA will consist of personal property (solar infrastructure) there is no current base year value. Tax Increment Projection

A community reinvestment project area budget shall include:

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

As described in the Plan and herein, the Agency will collect 100 percent of the tax increment according to the schedule in the table below. Utilizing this schedule, the Agency anticipates collecting approximately \$2.3 million over 25 years.

REVENUE TO RDA	TAX INCREMENT RATE (UP TO)	LENGTH	TOTAL (OVER 25 YEARS)	NPV (5% DISCOUNT RATE)
Autoliv Solar CRA #1	100%	25	\$2,277,008	\$1,526,274

#### Collection Period

A community reinvestment project area budget shall include:

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

The Agency will collect tax increment from the Project Area over a 25-year period.

#### Tax Increment Paid to Other Entities

A community reinvestment project area budget shall include:

- 1) If the agency receives tax increment;

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

The Agency will receive 100 percent of the tax increment and will return 60 percent of the tax increment received to the participating taxing entities. The remaining 40 percent of the tax increment will be provided to Solar Farmers. The table below provides an estimate of the total tax increment that will be returned to each taxing entity. No property tax increment will be paid to any other taxing entity than those listed below.

REVENUE TO PARTICIPATING TAXING ENTITIES	TAX INCREMENT RATE (UP TO)	LENGTH	TOTAL	NPV
Box Elder County	60%	25 Years	\$163,243	\$109,421
Box Elder County School District	60%	25 Years	761,616	520,165
Tremonton City	60%	25 Years	413,276	277,018
<b>Total</b>			<b>\$1,338,135</b>	<b>\$906,604</b>

Collection Area

A community reinvestment project area budget shall include:

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

The collection area is the same as the Project Area.

Participation Rates

A community reinvestment project area budget shall include:

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

The Agency is requesting that Box Elder County, Box Elder County School District, and Tremonton City participate up to 40% for up to 25 years.

Maximum Collection Amounts

A community reinvestment project area budget shall include:

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

There will be no capped amounts. Tax increment received by the Agency will be governed by participation rate and time only.

### Sales and Use Tax Revenue

A community reinvestment project area budget shall include:

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

The Agency will not receive sales and use tax revenue.

### Uses of Funds

A community reinvestment project area budget shall include:

- 3) The amount of project area plan funds the agency will use to implement the community reinvestment project area plan, including the estimated amount of project area funds that will be used for land acquisition, public improvements, infrastructure improvements, or any loans, grants, or other incentives to private or public entities (17C-5-303(3))

The Agency will use the funds collected from the Project Area to assist Solar Farmers with the installation cost of the solar panels.

CRA BUDGET	TAX INCREMENT RATE (Up To)	TOTAL	NPV
Solar Incentive to Autoliv Solar Owner (Solar Farmers)	40%	\$892,090	\$604,402
Total		\$892,090	\$604,402

### Agency’s Combined Incremental Value

A community reinvestment project area budget shall include:

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

The Agency currently has one active project area, being the Tremont Center Community Development Project Area.

PROJECT AREA	2022 END-YEAR VALUE
Tremont Center Community Development Project Area	\$17,862,138.00
Total	\$17,862,138.00

### Administrative Costs

A community reinvestment project area budget shall include:

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



No tax increment funds will be used to administer the CRA so long as Solar Farmers provides for the administration of the Project Area, under the direction and approval of the Agency. If Solar Farmers fail to provide sufficient administration of the Project Area, as solely determined by the Agency, the Agency shall only remit 35 percent of the tax increment to Solar Farmers and will retain 5 percent that would otherwise be due to Solar Farmers for the administration of the Project Area.

### Property Owned

A community reinvestment project area budget shall include:

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

The Agency currently owns 3.52 acres of property within Tremonton City. This property is not related in any way to this proposed project area.

## Appendix A – Property Description

Legal: N/2 OF SW/4 OF SEC 34, TWP 12N, R 3W, SLM. LESS ROAD.

All of parcel number 06-061-0012. 79 acres

## Appendix B – Budget and Financial Calculations

# Tremonton City Redevelopment Agency

Autoliv Solar Community Reinvestment Project Area, 2024

Budget Summary

<b>Sources of Funds</b>			
Total Tax Increment Generation	Participation Rate	Total	NPV
Box Elder County	40.0%	272,071	182,369
Box Elder County School District	40.0%	1,316,144	882,208
Tremonton City	40.0%	688,793	461,697
Box Elder County Mosquito Abatement District	0.0%	40,584	27,203
Garland Cemetery Maintenance District	0.0%	23,579	15,805
Bear River Water Conservancy District	0.0%	53,281	35,714
<b>Total Tax Increment Rate</b>		<b>2,448,413</b>	<b>1,641,166</b>

<b>Uses of Funds</b>		
Tax Increment to Taxing Entities	Total	NPV
Box Elder County	163,243	109,421
Box Elder County School District	761,616	520,165
Tremonton City	413,276	277,018
Box Elder County Mosquito Abatement District	40,584	27,203
Garland Cemetery Maintenance District	23,579	15,805
Bear River Water Conservancy District	53,281	35,714
<b>Total Tax Increment to Taxing Entities</b>	<b>1,455,579</b>	<b>985,326</b>

CRA Uses of Tax Increment	Total	NPV
Solar Incentive to Autoliv Solar Owner	892,090	604,402
<b>Total Uses of CRA Funds</b>	<b>892,090</b>	<b>604,402</b>

Discount Rate	5.00%
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## Appendix C – CRA Code – November 2023

**Effective 5/10/2016**

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

**Chapter 1  
Agency Operations**

**Part 1  
General Provisions**

**17C-1-101 Title.**

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

Amended by Chapter 350, 2016 General Session

**17C-1-102 Definitions.**

As used in this title:

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

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



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

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

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

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

- (61)
- (a) "Tax increment" means the difference between:
    - (i) the amount of property tax revenue generated each tax year by a taxing entity from the area within a project area designated in the project area plan as the area from which tax increment is to be collected, using the current assessed value of the property and each taxing entity's current certified tax rate as defined in Section 59-2-924; and
    - (ii) the amount of property tax revenue that would be generated from that same area using the base taxable value of the property and each taxing entity's current certified tax rate as defined in Section 59-2-924.
  - (b) "Tax increment" does not include taxes levied and collected under Section 59-2-1602 on or after January 1, 1994, upon the taxable property in the project area unless:
    - (i) the project area plan was adopted before May 4, 1993, whether or not the project area plan was subsequently amended; and
    - (ii) the taxes were pledged to support bond indebtedness or other contractual obligations of the agency.
- (62) "Taxing entity" means a public entity that:
- (a) levies a tax on property located within a project area; or
  - (b) imposes a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.
- (63) "Taxing entity committee" means a committee representing the interests of taxing entities, created in accordance with Section 17C-1-402.
- (64) "Unincorporated" means not within a municipality.
- (65) "Urban renewal project area plan" means a project area plan adopted under Chapter 2, Part 1, Urban Renewal Project Area Plan.

Amended by Chapter 15, 2023 General Session

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

Beginning on May 10, 2016, an agency:

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

Enacted by Chapter 350, 2016 General Session

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

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

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

Amended by Chapter 480, 2019 General Session

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

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

Amended by Chapter 84, 2017 General Session

**Part 2**  
**Agency Creation, Powers, and Board**

**17C-1-201.1 Title.**

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

Enacted by Chapter 350, 2016 General Session

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

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

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

Renumbered and Amended by Chapter 350, 2016 General Session

**17C-1-202 Agency powers.**

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

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

Amended by Chapter 214, 2021 General Session

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

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

Amended by Chapter 68, 2018 General Session

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

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



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

Amended by Chapter 366, 2018 General Session

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

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

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

Amended by Chapter 350, 2016 General Session

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

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

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

Amended by Chapter 435, 2023 General Session

**17C-1-208 Agency funds.**

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

Amended by Chapter 350, 2016 General Session

**17C-1-209 Agency records.**

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

Enacted by Chapter 350, 2016 General Session

**Part 3  
Agency Property**

**17C-1-301.1 Title.**

This part is known as "Agency Property."

Enacted by Chapter 350, 2016 General Session

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

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

Renumbered and Amended by Chapter 350, 2016 General Session

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

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

Amended by Chapter 350, 2016 General Session

**Part 4  
Project Area Funds**

**17C-1-401.1 Title.**

This part is known as "Project Area Funds."

Enacted by Chapter 350, 2016 General Session

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

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

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

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

Amended by Chapter 364, 2018 General Session

**17C-1-402 Taxing entity committee.**

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

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

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



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

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

Amended by Chapter 214, 2021 General Session

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

- (1) Notwithstanding any other provision of law, this section applies retroactively to tax increment under all pre-July 1, 1993, project area plans, regardless of when the applicable project area was created or the applicable project area plan was adopted.
- (2)
  - (a) Beginning with the first tax year after April 1, 1983, for which an agency accepts tax increment, an agency is authorized to receive:
    - (i)
      - (A) for the first through the fifth tax years, 100% of tax increment;
      - (B) for the sixth through the tenth tax years, 80% of tax increment;
      - (C) for the eleventh through the fifteenth tax years, 75% of tax increment;
      - (D) for the sixteenth through the twentieth tax years, 70% of tax increment; and
      - (E) for the twenty-first through the twenty-fifth tax years, 60% of tax increment; or
    - (ii) for an agency that has caused a taxing entity committee to be created under Subsection 17C-1-402(1)(a), any percentage of tax increment up to 100% and for any length of time that the taxing entity committee approves.
  - (b) Notwithstanding any other provision of this section:
    - (i) an agency is authorized to receive 100% of tax increment from a project area for 32 years after April 1, 1983, to pay principal and interest on agency indebtedness incurred before April 1, 1983, even though the size of the project area from which tax increment is paid to the agency exceeds 100 acres of privately owned property under a project area plan adopted on or before April 1, 1983; and
    - (ii) for up to 32 years after April 1, 1983, an agency debt incurred before April 1, 1983, may be refinanced and paid from 100% of tax increment if the principal amount of the debt is not increased in the refinancing.
- (3)
  - (a) For purposes of this Subsection (3):
    - (i) "Additional tax increment" means the difference between 100% of tax increment for a tax year and the amount of tax increment an agency is paid for that tax year under the percentages and time periods specified in Subsection (2)(a).
    - (ii) "Pledged" means a commitment by a board or a community legislative body to pay the costs of bond indebtedness, an interfund loan, a reimbursement, or other contractual obligation of the board or the community legislative body related to a convention center or sports complex described in Subsection (3)(b).

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

Amended by Chapter 364, 2018 General Session

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

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

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

Amended by Chapter 350, 2016 General Session

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

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

Amended by Chapter 350, 2016 General Session

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

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

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

Amended by Chapter 350, 2016 General Session

**17C-1-407 Limitations on tax increment.**

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

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

Amended by Chapter 307, 2022 General Session

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

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

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

Amended by Chapter 350, 2016 General Session

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

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



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



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

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

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

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

Amended by Chapter 350, 2016 General Session

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

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

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

Amended by Chapter 471, 2023 General Session

Amended by Chapter 492, 2023 General Session

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

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

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

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

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

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

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

Amended by Chapter 350, 2016 General Session

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

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

Enacted by Chapter 359, 2006 General Session

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

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

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

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

Enacted by Chapter 387, 2009 General Session

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

- (1) For purposes of this section:
  - (a) "COVID-19 emergency" means the same as that term is defined in Section 53-2c-102.
  - (b) "Extension period" means the period of an impacted project area's project area funds collection period that is the result of an extension under this section.
  - (c) "Impacted project area" means a project area:
    - (i) from which an agency expects to receive tax increment;
    - (ii) that is subject to a project area funds collection period;
    - (iii) that is subject to a project area plan that was adopted on or before December 31, 2019; and
    - (iv) in which the agency determines the conditions resulting from the COVID-19 emergency will likely:
      - (A) delay the agency's implementation of the project area plan; or
      - (B) cause the agency to receive an amount of tax increment from the project area that is less than the amount of tax increment the agency expected the agency would receive from the project area.
  - (d) "Tax increment" includes additional tax increment as that term is defined in Section 17C-1-403.
- (2)
  - (a) Subject to Subsection (3), an agency may extend the project area funds collection period of an impacted project area for a period not to exceed two years from the day on which the project area funds collection period ends if:
    - (i) the board adopts a resolution on or before December 31, 2021, describing:
      - (A) the conditions resulting from the COVID-19 emergency that the board determines will likely delay the implementation of the project area plan or reduce the amount of tax increment that the agency receives from the impacted project area;
      - (B) why an extension of the project area funds collection period is needed; and
      - (C) the date on which the extension period will end; and
    - (ii) no later than November 1 of the year immediately preceding the year in which the project area funds collection period, not including any extension under this section, ends, the agency mails or electronically submits a copy of the resolution described in Subsection (2)(a)(i) to:
      - (A) the State Tax Commission;
      - (B) the State Board of Education;
      - (C) the state auditor;
      - (D) the auditor of the county in which the impacted project area is located; and
      - (E) each taxing entity affected by the agency's collection of tax increment from the impacted project area.
  - (b) Notwithstanding any other provision of law, an agency is not required to obtain taxing entity or taxing entity committee approval to extend a project area funds collection period under this section.

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

Enacted by Chapter 11, 2020 Special Session 6

## **Part 5 Agency Bonds**

### **17C-1-501.1 Title.**

This part is known as "Agency Bonds."

Enacted by Chapter 350, 2016 General Session

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

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

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

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

Renumbered and Amended by Chapter 350, 2016 General Session

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

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

Amended by Chapter 214, 2021 General Session

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

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

Renumbered and Amended by Chapter 359, 2006 General Session

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

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

Amended by Chapter 350, 2016 General Session

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

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

Amended by Chapter 350, 2016 General Session

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

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

Amended by Chapter 350, 2016 General Session

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

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



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

Amended by Chapter 350, 2016 General Session

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

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

Amended by Chapter 350, 2016 General Session

**Part 6**  
**Agency Annual Report, Budget, and Audit Requirements**

**17C-1-601.1 Title.**

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

Enacted by Chapter 350, 2016 General Session

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

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

Amended by Chapter 435, 2023 General Session

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

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

Amended by Chapter 350, 2016 General Session

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

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

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

Amended by Chapter 499, 2023 General Session

**17C-1-604 Audit requirements.**

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

Renumbered and Amended by Chapter 359, 2006 General Session

**17C-1-605 Audit report.**

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

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

Amended by Chapter 214, 2021 General Session

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

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

Amended by Chapter 350, 2016 General Session

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

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

Amended by Chapter 350, 2016 General Session

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

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

Enacted by Chapter 256, 2018 General Session

**17C-1-609 Agency reporting limitations.**

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

Enacted by Chapter 333, 2019 General Session

**Part 7  
Agency and Project Area Dissolution**

**17C-1-701.1 Title.**

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

Enacted by Chapter 350, 2016 General Session

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

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

- dissolution and the ordinance adopted under Subsection (1) to the State Board of Education, and each taxing entity.
- (d) The community legislative body shall post a notice of dissolution for the community, as a class A notice under Section 63G-30-102, for at least 10 days.
  - (3) The books, documents, records, papers, and seal of each dissolved agency shall be deposited for safekeeping and reference with the recorder of the community that dissolved the agency.
  - (4) The agency shall pay all expenses of the dissolution.

Amended by Chapter 435, 2023 General Session

**17C-1-702 Project area dissolution.**

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

Enacted by Chapter 350, 2016 General Session

**Part 8  
Hearing and Notice Requirements**

**17C-1-801 Title.**

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

Enacted by Chapter 350, 2016 General Session

**17C-1-802 Combining hearings.**

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

Amended by Chapter 376, 2019 General Session

**17C-1-803 Continuing a hearing.**

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

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

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

Amended by Chapter 376, 2019 General Session

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

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

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

Amended by Chapter 435, 2023 General Session

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

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

Amended by Chapter 376, 2019 General Session

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

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



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

Amended by Chapter 435, 2023 General Session

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

Each notice under Section 17C-1-806 for a development impediment hearing shall also include:

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

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

Amended by Chapter 376, 2019 General Session

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

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

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

Renumbered and Amended by Chapter 350, 2016 General Session

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

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

- (1) the following statement:

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

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

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

Renumbered and Amended by Chapter 350, 2016 General Session

**Part 9  
Eminent Domain**

**17C-1-901 Title.**

This part is known as "Eminent Domain."

Enacted by Chapter 350, 2016 General Session

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

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

Amended by Chapter 376, 2019 General Session

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

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

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

Renumbered and Amended by Chapter 350, 2016 General Session

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

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

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

Amended by Chapter 456, 2017 General Session

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

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

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

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

Renumbered and Amended by Chapter 350, 2016 General Session

## **Part 10 Agency Taxing Authority**

### **17C-1-1001 Definitions.**

As used in this part:

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

Enacted by Chapter 214, 2021 General Session

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

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

Enacted by Chapter 214, 2021 General Session

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

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

Amended by Chapter 435, 2023 General Session

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

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



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

Enacted by Chapter 214, 2021 General Session

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

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

Enacted by Chapter 214, 2021 General Session

**Chapter 2  
Urban Renewal**

**Part 1**  
**Urban Renewal Project Area Plan**

**17C-2-101.1 Title.**

This chapter is known as "Urban Renewal."

Enacted by Chapter 350, 2016 General Session

**17C-2-101.2 Applicability of chapter.**

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

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

Enacted by Chapter 350, 2016 General Session

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

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

Amended by Chapter 376, 2019 General Session

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

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

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

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

Amended by Chapter 376, 2019 General Session

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

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

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

Amended by Chapter 160, 2023 General Session

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

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

Amended by Chapter 160, 2023 General Session

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

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

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

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

Amended by Chapter 350, 2016 General Session

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

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

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

Amended by Chapter 376, 2019 General Session

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

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

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

Renumbered and Amended by Chapter 359, 2006 General Session

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

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

Amended by Chapter 435, 2023 General Session

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

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

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

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

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

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

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



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

Amended by Chapter 214, 2021 General Session

**Part 2**  
**Urban Renewal Project Area Budget**

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

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

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

Amended by Chapter 350, 2016 General Session

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

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

Amended by Chapter 376, 2019 General Session

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

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

Amended by Chapter 350, 2016 General Session

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

- (1)

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

Amended by Chapter 350, 2016 General Session

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

Each agency adopting an urban renewal project area budget shall:

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

Renumbered and Amended by Chapter 359, 2006 General Session

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

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

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

Amended by Chapter 214, 2021 General Session

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

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

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

Amended by Chapter 214, 2021 General Session

### **Part 3**

#### **Development Impediment Determination in Urban Renewal Project Areas**

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

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

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

Amended by Chapter 376, 2019 General Session

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

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

Amended by Chapter 376, 2019 General Session

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

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

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

Amended by Chapter 376, 2019 General Session

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

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

Amended by Chapter 376, 2019 General Session



**Chapter 3  
Economic Development**

**Part 1  
Economic Development Project Area Plan**

**17C-3-101.1 Title.**

This chapter is known as "Economic Development."

Enacted by Chapter 350, 2016 General Session

**17C-3-101.2 Applicability of chapter.**

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

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

Enacted by Chapter 350, 2016 General Session

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

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

Renumbered and Amended by Chapter 350, 2016 General Session

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

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

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

Amended by Chapter 350, 2016 General Session

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

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

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

Amended by Chapter 160, 2023 General Session

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

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

Amended by Chapter 160, 2023 General Session

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

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

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

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

Amended by Chapter 350, 2016 General Session

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

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

Enacted by Chapter 359, 2006 General Session

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

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

Amended by Chapter 435, 2023 General Session

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

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

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

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

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

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

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

Amended by Chapter 214, 2021 General Session

## **Part 2 Economic Development Project Area Budget**

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

(1)

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

Amended by Chapter 350, 2016 General Session

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

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

Amended by Chapter 387, 2009 General Session

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

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



Amended by Chapter 350, 2016 General Session

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

Each agency adopting an economic development project area budget shall:

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

Enacted by Chapter 359, 2006 General Session

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

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

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

Amended by Chapter 214, 2021 General Session

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

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

Amended by Chapter 214, 2021 General Session

**Chapter 4  
Community Development**

**Part 1**  
**Community Development Project Area Plan**

**17C-4-101.1 Title.**

This chapter is known as "Community Development."

Enacted by Chapter 350, 2016 General Session

**17C-4-101.2 Applicability of chapter.**

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

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

Enacted by Chapter 350, 2016 General Session

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

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

Renumbered and Amended by Chapter 350, 2016 General Session

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

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

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

Amended by Chapter 350, 2016 General Session

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

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

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

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

Amended by Chapter 350, 2016 General Session

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

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

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

Amended by Chapter 350, 2016 General Session

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

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

Enacted by Chapter 359, 2006 General Session

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

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

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

Amended by Chapter 435, 2023 General Session

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

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

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

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

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

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

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

Amended by Chapter 214, 2021 General Session

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

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

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

Amended by Chapter 435, 2023 General Session

## **Part 2**

### **Funds for Community Development Project from Other Entities**

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

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



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

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

Amended by Chapter 350, 2016 General Session

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

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

Amended by Chapter 435, 2023 General Session

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

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

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

Amended by Chapter 350, 2016 General Session

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

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

Amended by Chapter 350, 2016 General Session

**Chapter 5  
Community Reinvestment**

**Part 1  
Community Reinvestment Project Area Plan**

**17C-5-101 Title.**

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

Enacted by Chapter 350, 2016 General Session

**17C-5-102 Applicability of chapter.**

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

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

Amended by Chapter 214, 2021 General Session

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

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

Amended by Chapter 376, 2019 General Session

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

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

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

Amended by Chapter 376, 2019 General Session

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

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

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

Amended by Chapter 160, 2023 General Session

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

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

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

Amended by Chapter 160, 2023 General Session

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

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

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

Enacted by Chapter 350, 2016 General Session

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

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

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

Amended by Chapter 376, 2019 General Session

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

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

Enacted by Chapter 350, 2016 General Session

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

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

- shall provide notice of the adoption or amendment in accordance with Subsection (1)(b) by publishing notice for the community, as a class A notice under Section 63G-30-102, for 30 days.
- (b) A notice described in Subsection (1)(a) shall include:
    - (i) a copy of the community legislative body's ordinance, or a summary of the ordinance, that adopts the community reinvestment project area plan; and
    - (ii) a statement that the community reinvestment project area plan is available for public inspection and the hours for inspection.
  - (2) A community reinvestment project area plan is effective at the end of the 30-day period described in Subsection (1)(a).
  - (3) A community reinvestment project area is considered created the day on which the community reinvestment project area plan becomes effective as described in Subsection (2).
  - (4)
    - (a) Within 30 days after the day on which a community reinvestment project area plan is effective, a person may contest the community reinvestment project area plan or the procedure used to adopt the community reinvestment project area plan if the community reinvestment project area plan or the procedure fails to comply with a provision of this title.
    - (b) After the 30-day period described in Subsection (4)(a) expires, a person may not contest the community reinvestment project area plan or the procedure used to adopt the community reinvestment project area plan.
  - (5) Upon adoption of a community reinvestment project area plan by the community legislative body, the agency may implement the community reinvestment project area plan.
  - (6) The agency shall make the community reinvestment project area plan available to the public at the agency's office during normal business hours.

Amended by Chapter 435, 2023 General Session

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

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

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



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

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

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

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

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

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

Amended by Chapter 214, 2021 General Session

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

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

Amended by Chapter 435, 2023 General Session

**Part 2**  
**Community Reinvestment Project Area Funds**

**17C-5-201 Title.**

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

Enacted by Chapter 350, 2016 General Session

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

(1)

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

Amended by Chapter 376, 2019 General Session

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

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

Amended by Chapter 376, 2019 General Session

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

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

Amended by Chapter 333, 2019 General Session

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

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

Amended by Chapter 435, 2023 General Session

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

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

Enacted by Chapter 350, 2016 General Session

**Part 3**  
**Community Reinvestment Project Area Budget**

**17C-5-301 Title.**

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

Enacted by Chapter 350, 2016 General Session

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

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

Enacted by Chapter 350, 2016 General Session

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

A community reinvestment project area budget shall include:

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

Enacted by Chapter 350, 2016 General Session

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

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

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

Enacted by Chapter 350, 2016 General Session



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

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

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

Enacted by Chapter 350, 2016 General Session

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

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

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

Amended by Chapter 214, 2021 General Session

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

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

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

Amended by Chapter 333, 2019 General Session

#### **Part 4**

#### **Development Impediment Determination in a Community Reinvestment Project Area**

##### **17C-5-401 Title.**

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

Amended by Chapter 376, 2019 General Session

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

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

Amended by Chapter 376, 2019 General Session

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

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

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

Amended by Chapter 376, 2019 General Session

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

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

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

Amended by Chapter 376, 2019 General Session

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

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

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

Amended by Chapter 376, 2019 General Session

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

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

Amended by Chapter 376, 2019 General Session

**RESOLUTION RDA NO. 24-04**

**A RESOLUTION OF THE TREMONTON CITY REDEVELOPMENT AGENCY  
ADOPTING THE AUTOLIV SOLAR COMMUNITY REINVESTMENT PROJECT  
AREA #1 BUDGET**

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

**WHEREAS**, the Agency has adopted by Resolution the Autoliv Solar Community Reinvestment Project Area #1 Plan (the "Plan") for the Autoliv Solar Community Reinvestment Project Area #1 (the "Project Area"); and

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

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE TREMONTON CITY REDEVELOPMENT AGENCY:**

1. All comments and objections to the draft Project Area Budget (if any) have been considered and are, unless otherwise provided in the minutes of this meeting (if at all), passed upon.

2. The Project Area Budget attached hereto as **Exhibit A** and incorporated herein, is hereby approved and adopted effective immediately.

3. The Agency staff is authorized to finalize negotiations with the taxing entities that levy a certified rate in the Project Area, to participate with the Agency in the implementation and funding of the Budget in accordance with the Act.

4. This Resolution takes effect immediately.

**IN WITNESS WHEREOF**, the Governing Board of the Tremonton City Redevelopment Agency has approved, passed and adopted this Resolution this January 16, 2024.

REDEVELOPMENT AGENCY

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By: Lyle Holmgren, Mayor

ATTEST:

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Linsey Nessen, Executive Secretary



## **EXHIBIT A: PROJECT AREA BUDGET**

## Appendix B – Budget and Financial Calculations

# Tremonton City Redevelopment Agency

Autoliv Solar Community Reinvestment Project Area, 2024

Budget Summary

<b>Sources of Funds</b>			
Total Tax Increment Generation	Participation Rate	Total	NPV
Box Elder County	40.0%	272,071	182,369
Box Elder County School District	40.0%	1,316,144	882,208
Tremonton City	40.0%	688,793	461,697
Box Elder County Mosquito Abatement District	0.0%	40,584	27,203
Garland Cemetery Maintenance District	0.0%	23,579	15,805
Bear River Water Conservancy District	0.0%	53,281	35,714
<b>Total Tax Increment Rate</b>		<b>2,448,413</b>	<b>1,641,166</b>

<b>Uses of Funds</b>		
Tax Increment to Taxing Entities	Total	NPV
Box Elder County	163,243	109,421
Box Elder County School District	761,616	520,165
Tremonton City	413,276	277,018
Box Elder County Mosquito Abatement District	40,584	27,203
Garland Cemetery Maintenance District	23,579	15,805
Bear River Water Conservancy District	53,281	35,714
<b>Total Tax Increment to Taxing Entities</b>	<b>1,455,579</b>	<b>985,326</b>

CRA Uses of Tax Increment	Total	NPV
Solar Incentive to Autoliv Solar Owner	892,090	604,402
<b>Total Uses of CRA Funds</b>	<b>892,090</b>	<b>604,402</b>

Discount Rate	5.00%
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Tremontion City Redevelopment Agency  
Autoliv Solar Community Reinvestment Project Area, 2024  
Budget Projections

CMA Payment Year	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	
	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	
Construction Year	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048
Tax Increment	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20	Year 21	Year 22	Year 23	Year 24	Year 25	
Real Property Value																										
Personal Property Value - Phase 1	5,819,667	5,760,283	5,641,514	5,463,361	5,403,977	5,344,392	5,166,439	4,810,133	4,394,443	4,097,321	3,503,677	3,444,293	3,206,735	2,791,065	2,375,374	1,959,684	1,543,993	1,068,918	534,459	534,459	534,459	534,459	534,459	534,459	534,459	534,459
Personal Property Value - Phase 2 (Tre)		11,731,209	11,611,303	11,372,090	11,012,972	10,893,266	10,773,559	10,414,441	9,696,203	8,858,260	8,259,729	7,062,667	6,942,960	6,464,136	5,626,192	4,788,249	3,950,305	3,112,362	2,154,712	1,077,356	1,077,356	1,077,356	1,077,356	1,077,356	1,077,356	1,077,356
Centrally Assessed Value																										
Total Value	5,819,667	17,491,492	17,253,017	16,835,452	16,416,949	16,237,658	15,939,999	15,224,574	14,090,646	12,955,781	11,763,406	10,506,960	10,149,716	9,255,201	8,001,566	6,747,932	5,494,298	4,181,280	2,689,171	1,611,815	1,611,815	1,611,815	1,611,815	1,611,815	1,611,815	
Base Year Value (2023)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Incremental Value	5,819,667	17,491,492	17,253,017	16,835,452	16,416,949	16,237,658	15,939,999	15,224,574	14,090,646	12,955,781	11,763,406	10,506,960	10,149,716	9,255,201	8,001,566	6,747,932	5,494,298	4,181,280	2,689,171	1,611,815	1,611,815	1,611,815	1,611,815	1,611,815	1,611,815	
Tremontion City Value	5,819,667	17,491,492	17,253,017	16,835,452	16,416,949	16,237,658	15,939,999	15,224,574	14,090,646	12,955,781	11,763,406	10,506,960	10,149,716	9,255,201	8,001,566	6,747,932	5,494,298	4,181,280	2,689,171	1,611,815	1,611,815	1,611,815	1,611,815	1,611,815	1,611,815	
Tax Rate																										
Box Elder County	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	0.001200	
Multicounty Assessing & Collecting	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	0.000015	
County Assessing & Collecting	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	0.000223	
Box Elder County School District	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	0.005805	
Tremontion City	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	0.003038	
Box Elder County Mosquito Abatement Distr	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	0.000179	
Garland Cemetery Maintenance District	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	0.000104	
Bear River Water Conservancy District	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	0.000235	
Total Tax Increment Rate	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	0.010799	
	0.818872118	0.929994																								
Total Tax Increment																										
Box Elder County	6,984	20,990	20,704	20,203	19,700	19,485	19,128	18,269	16,909	15,547	14,116	12,608	12,180	11,106	9,602	8,098	6,593	5,018	3,227	1,934	1,934	1,934	1,934	1,934	1,934	
Multicounty Assessing & Collecting	87	262	259	253	246	244	239	228	211	194	176	158	152	139	120	101	82	63	40	24	24	24	24	24	24	
County Assessing & Collecting	1,298	3,901	3,847	3,734	3,661	3,621	3,555	3,395	3,142	2,889	2,623	2,343	2,263	2,064	1,784	1,505	1,225	932	600	359	359	359	359	359	359	
Box Elder County School District	33,783	101,538	100,154	97,730	95,300	94,261	92,532	88,379	81,796	75,208	68,287	60,993	58,919	53,726	46,449	39,172	31,894	24,272	15,611	9,357	9,357	9,357	9,357	9,357	9,357	
Tremontion City	17,680	38,139	32,415	31,146	29,873	29,331	28,426	27,125	25,307	23,120	20,833	18,546	18,117	16,309	14,122	11,935	9,748	7,561	4,897	4,897	4,897	4,897	4,897	4,897	4,897	
Box Elder County Mosquito Abatement District	1,042	3,131	3,088	3,014	2,939	2,907	2,853	2,725	2,522	2,319	2,106	1,881	1,817	1,657	1,432	1,208	983	748	481	289	289	289	289	289	289	
Garland Cemetery Maintenance District	605	1,819	1,794	1,751	1,707	1,689	1,658	1,593	1,465	1,347	1,223	1,093	1,056	963	832	702	571	435	280	168	168	168	168	168	168	
Bear River Water Conservancy District	1,368	4,111	4,054	3,956	3,858	3,816	3,746	3,578	3,311	3,045	2,764	2,469	2,385	2,175	1,880	1,586	1,291	983	632	379	379	379	379	379	379	
Total Tax Increment Rate	62,847	188,891	186,315	181,806	177,287	175,333	172,136	164,410	152,165	139,909	127,033	113,465	109,607	99,947	86,409	72,871	59,333	45,154	29,040	17,406	17,406	17,406	17,406	17,406	17,406	
	2,448,413	\$1,641,166																								
Participation Rate																										
Box Elder County	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	
Multicounty Assessing & Collecting	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
County Assessing & Collecting	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Box Elder County School District	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	
Tremontion City	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	
Box Elder County Mosquito Abatement Distr	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Garland Cemetery Maintenance District	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Bear River Water Conservancy District	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Tax Increment to Taxing Entities	Percent																									
Box Elder County	10.5%	4,190	12,994	12,422	12,122	11,820	11,691	11,477	10,962	10,145	9,328	8,470	7,963	7,308	6,664	5,761	4,859	3,956	3,011	1,936	1,161	1,161	1,161	1,161	1,161	
Multicounty Assessing & Collecting	0.2%	87	262	259	253	246	244	239	228	211	194	176	158	152	139	120	101	82	63	40	24	24	24	24	24	
County Assessing & Collecting	3.2%	1,298	3,901	3,847	3,734	3,661	3,621	3,555	3,395	3,142	2,889	2,623	2,343	2,263	2,064	1,784	1,505	1,225	932	600	359	359	359	359	359	
Box Elder County School District	48.9%	20,270	60,923	60,092	58,638	57,180	56,556	55,519	53,027	49,078	45,125	40,972	36,596	33,351	32,236	27,869	23,503	19,137	14,763	9,366	5,614	5,614	5,614	5,614	5,614	
Tremontion City	26.6%	10,608	31,883	31,449	30,688	29,923	29,598	29,055	27,751	25,684	23,616	21,442	19,152	16,801	14,585	12,300	10,015	7,622	4,902							



**RESOLUTION RDA NO. 24-05**

**A RESOLUTION OF THE GOVERNING BOARD OF THE TREMONTON CITY REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH TREMONTON CITY REGARDING TAX INCREMENT FUNDING IN THE AUTOLIV SOLAR COMMUNITY REINVESTMENT PROJECT AREA #1.**

**WHEREAS** the Tremonton City Redevelopment Agency (the “Agency”) has been created to transact the business and exercise all of the powers provided for by Title 17C of the Utah Code Annotated, “Limited Purpose Local Government Entities — Community Reinvestment Agency Act” (the “Act”);

**WHEREAS**, the Agency, in furtherance of the purposes of the Act, designated the Autoliv Solar Community Reinvestment Project Area #1 (the “**Project Area**”), and the Agency adopted a Community Reinvestment Project Area Plan (the “**Project Area Plan**”) and Community Reinvestment Project Area Budget (the “**Project Area Budget**”) for that Project Area; and

**WHEREAS**, the Agency desires to enter into an Interlocal Cooperation Agreement with Tremonton City, substantially in the form attached hereto as **Exhibit A**, providing for the payment of personal property tax increment funds within the Project Area to the Agency for a period of 25 years, with a 60% annual rebate back to the City for each of those 25 years.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TREMONTON CITY REDEVELOPMENT AGENCY:**

**1.** The Agreement in substantially the form attached hereto as **Exhibit A** is hereby approved, and the Chair of the Board is authorized and directed to execute the same for and on behalf of the Agency. The Chair is authorized to approve any minor modifications, amendments, or revisions to the Agreement as may be in the Agency’s best interest and in harmony with the overall intent and purpose of the Agreement, and the Chair’s signature upon the final Agreement will constitute the Agency’s acceptance of all such minor modifications, amendments, or revisions.

**2.** This resolution takes effect upon adoption.

**THIS RESOLUTION IS APPROVED AND ADOPTED** this January 16, 2024.

REDEVELOPMENT AGENCY

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By: Lyle Holmgren, Mayor

ATTEST:

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Linsey Nessen, Executive Secretary

**Exhibit A**  
***Form of Agreement***

**Interlocal Cooperation Agreement**

THIS INTERLOCAL COOPERATION AGREEMENT (this “**Agreement**”) is entered effective as of January 16, 2024 (the “**Effective Date**”), by and between the **TREMONTON CITY REDEVELOPMENT AGENCY**, a Utah political subdivision (the “**Agency**”) and **TREMONTON CITY**, a Utah political subdivision (the “**City**”) (collectively, the “**Parties**”).

**A. WHEREAS**, the Agency was created and continues to operate under the provisions of the Limited Purpose Local Government Entities — Community Reinvestment Agency Act, Title 17C of the Utah Code, and/or its predecessor statutes (the “**Act**”); and

**B. WHEREAS** the Agency created the Autoliv Solar Community Reinvestment Project Area #1 (the “**Project Area**”);

**C. WHEREAS**, a legal description and a map of the Project Area is attached hereto as **Exhibit A**;

**D. WHEREAS**, the Agency has adopted an Autoliv Solar CRA Community Reinvestment Project Area #1 Plan (the “**Project Area Plan**”) and an Autoliv Solar CRA Community Reinvestment Project Area #1 Budget (the “**Project Area Budget**”) for that Project Area.

**E. WHEREAS**, pursuant to the Act and the Interlocal Cooperation Act, Title 11, Chapter 13 of the Utah Code (the “**Cooperation Act**”), the Agency and City desire to enter into this Agreement for the purpose of outlining the City’s consent to the Agency’s receipt of the City’s portion of tax increment generated from personal property assessments within the Project Area once designated by the Agency (the “**Personal Property Tax Increment**”).

**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 by each Party hereto, the Parties hereby agree as follows:

1. **Tax Increment.** The Agency shall be paid 100% of the City’s portion of the Personal Property Tax Increment generated within the Project Area, for a period of 25 consecutive years. The City authorizes and directs Box Elder County officials and personnel to pay directly to the Agency all such amounts due to the Agency. The Agency is authorized to begin collection of the Personal Property Tax Increment upon written notice to the appropriate officer(s) in Box Elder County prior to the beginning of the tax year for which the Agency desires to trigger the collection of such Personal Property Tax Increment. The base taxable value to be used for calculating the amount of Personal Property Tax Increment under this Agreement shall be the combined amount of the taxable value of personal property as of January 1, 2023. The Parties agree that the Agency may apply the Personal Property Tax Increment collected hereunder to encourage solar development activities within the Project Area as deemed



appropriate by the Agency and contemplated in the Project Area Plan and Project Area Budget, as deemed appropriate by the Agency to the extent authorized by the Act.

2. **Annual Rebate.** The Agency agrees to transfer to the City an annual rebate amount equal to 60% of the City's portion of the Personal Property Tax Increment received by the Agency no later than 90 days following the Agency's receipt of those funds from the County Treasurer.

3. **No Third-Party Beneficiary.** Nothing in this Agreement creates or may 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 as otherwise specifically provided herein, no person or entity is an intended third-party beneficiary under this Agreement.

4. **Interlocal Cooperation Act.** In satisfaction of the requirements of the Cooperation Act as relates to this Agreement, the Parties agree as follows:

a. This Agreement must 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 must 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 duly executed original counterpart of this Agreement must be filed immediately with the keeper of records of each Party pursuant to Section 11-13-209 of the Cooperation Act;

d. This Agreement does not create an interlocal entity. The director of the Agency is hereby designated the administrator for all purposes of this Agreement and the Cooperation Act, pursuant to Section 11-13-207 of the Cooperation Act;

e. The term of this Agreement will commence on the Effective Date and will remain in full force and effect until the first to occur of the following: (i) either Party terminates this Agreement by providing written notice to the other Party, or (ii) the date that is exactly 50 years after the Effective Date, or (iii) the date the final annual rebate under Section 2 has been paid by the Agency to the City.

f. Immediately after execution of this Agreement by both Parties, the Agency may publish a joint notice, regarding this Agreement pursuant to Section 11-13-219 of the Cooperation Act.

g. It is not anticipated that either party will acquire any new property in connection with this Agreement; however, the purchaser of any property acquired in connection with this Agreement will be entitled to keep such property upon the termination of this Agreement.

5. **Modification and Amendment.** Any modification of or amendment to any

provision contained herein will be effective only if the modification or amendment is in writing and signed by the Parties. Any oral representation or modification concerning this Agreement will be of no force or effect.

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

7. **Authorization.** Each of the Parties 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 by each such Party of this Agreement.

8. **Incorporation of Recitals and Exhibits.** Except to the extent they may conflict with any of the express provisions of the body of this Agreement, the recitals set forth above are hereby incorporated by reference as part of this Agreement. All exhibits and/or attachments hereto are incorporated herein.

9. **Immunity.** Both Parties are governmental entities under the Governmental Immunity Act of Utah, §§ 63G-7-101 *et seq.* (the “Immunity Act”). Neither Party waives any defenses or limits of liability available under the Immunity Act and other applicable law. Both Parties maintain all privileges, immunities, and other rights granted by the Immunity Act and all other applicable law.

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

**TREMONTON CITY REDEVELOPMENT AGENCY**

\_\_\_\_\_  
Name:

Title:

ATTEST:

\_\_\_\_\_  
Secretary

Attorney Review for Redevelopment Agency:

The undersigned, as counsel for the Tremonton City Redevelopment Agency, has reviewed the foregoing Interlocal Cooperation Agreement and finds it to be in proper form and in compliance with applicable state law.

\_\_\_\_\_  
Attorney for the Agency

*[Signatures continue on next page.]*

**TREMONTON CITY**

By: \_\_\_\_\_

Name:  
Title:

ATTEST:

\_\_\_\_\_  
Name:  
Title:

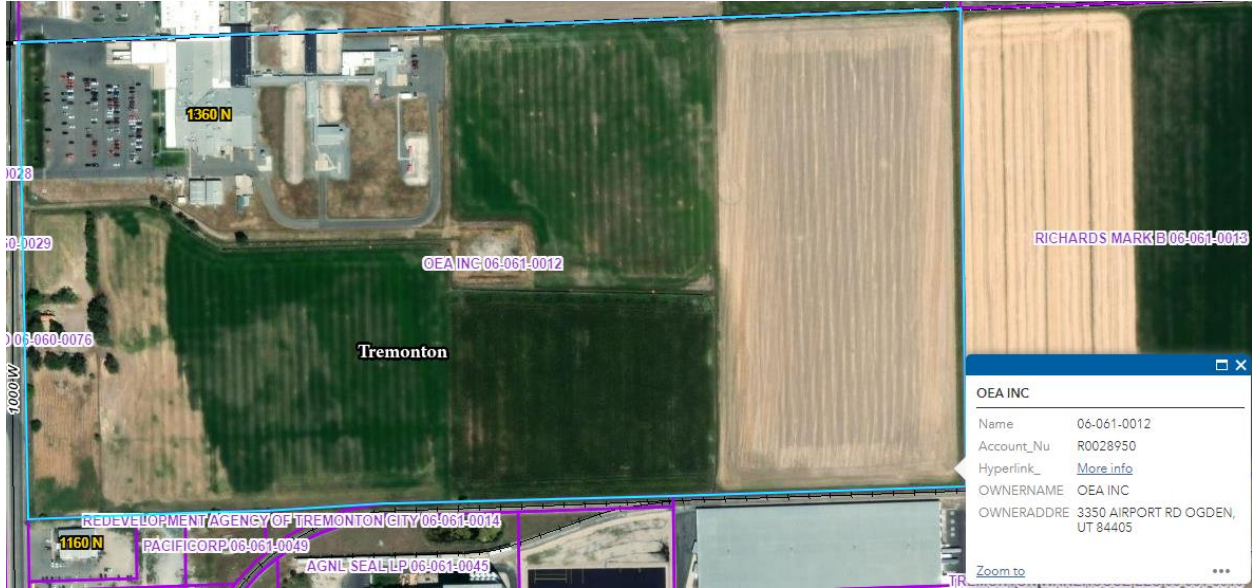
Attorney Review for City:

The undersigned, as attorney for Tremonton City, has reviewed the foregoing Interlocal Cooperation Agreement and finds it to be in proper form and in compliance with applicable state law.

\_\_\_\_\_  
City Attorney

## Exhibit A

The proposed project area consists of parcel 06-061-0012 located at 1360 N. 1000 W. Tremonton, UT 84337. A condensed legal description of the proposed project area is: N/2 OF SW/4 OF SEC 34, TWP 12N, R 3W, SLM. LESS ROAD, depicted as follows:



**RESOLUTION RDA NO. 24-06**

**A RESOLUTION OF THE GOVERNING BOARD OF THE TREMONTON CITY REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH THE BOX ELDER COUNTY SCHOOL DISTRICT REGARDING TAX INCREMENT FUNDING IN THE AUTOLIV SOLAR COMMUNITY REINVESTMENT PROJECT AREA #1.**

**WHEREAS** the Tremonton City Redevelopment Agency (the “Agency”) has been created to transact the business and exercise all of the powers provided for by Title 17C of the Utah Code Annotated, “Limited Purpose Local Government Entities — Community Reinvestment Agency Act” (the “Act”);

**WHEREAS**, the Agency, in furtherance of the purposes of the Act, designated the Autoliv Solar Community Reinvestment Project Area #1 (the “**Project Area**”), and the Agency adopted a Community Reinvestment Project Area Plan (the “**Project Area Plan**”) and Community Reinvestment Project Area Budget (the “**Project Area Budget**”) for that Project Area; and

**WHEREAS**, the Agency desires to enter into an Interlocal Cooperation Agreement with the Box Elder County School District, substantially in the form attached hereto as **Exhibit A**, providing for the payment of personal property tax increment funds within the Project Area to the Agency for a period of 25 years, with a 60% annual rebate back to the School District for each of those 25 years.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TREMONTON CITY REDEVELOPMENT AGENCY:**

1. The Agreement in substantially the form attached hereto as **Exhibit A** is hereby approved, and the Chair of the Board is authorized and directed to execute the same for and on behalf of the Agency. The Chair is authorized to approve any minor modifications, amendments, or revisions to the Agreement as may be in the Agency’s best interest and in harmony with the overall intent and purpose of the Agreement, and the Chair’s signature upon the final Agreement will constitute the Agency’s acceptance of all such minor modifications, amendments, or revisions.

2. This resolution takes effect upon adoption.

**THIS RESOLUTION IS APPROVED AND ADOPTED** this January 16, 2024.

REDEVELOPMENT AGENCY

\_\_\_\_\_  
By: Lyle Holmgren, Mayor

ATTEST:

---

Linsey Nessen, Executive Secretary

**Exhibit A**  
***Form of Agreement***

**Interlocal Cooperation Agreement**

THIS INTERLOCAL COOPERATION AGREEMENT (this “**Agreement**”) is entered effective as of November 8, 2023 (the “**Effective Date**”), by and between the **TREMONTON CITY REDEVELOPMENT AGENCY**, a Utah political subdivision (the “**Agency**”) and **BOX ELDER COUNTY SCHOOL DISTRICT**, a Utah political subdivision (the “**District**”) (collectively, the “**Parties**”).

**A. WHEREAS**, the Agency was created and continues to operate under the provisions of the Limited Purpose Local Government Entities — Community Reinvestment Agency Act, Title 17C of the Utah Code, and/or its predecessor statutes (the “**Act**”); and

**B. WHEREAS** the Agency designated the Autoliv Solar CRA Survey Area #1 (the “**Survey Area**”);

**C. WHEREAS**, a legal description and a map of the Survey Area is attached hereto as **Exhibit A**;

**D. WHEREAS**, the Agency anticipates designating an Autoliv Solar CRA Community Reinvestment Project Area within some or all of the Survey Area, and also anticipates adopting an Autoliv Solar CRA Community Reinvestment Project Area Plan (the “**Project Area Plan**”) and an Autoliv Solar CRA Community Reinvestment Project Area Budget (the “**Project Area Budget**”) for that Project Area.

**E. WHEREAS**, pursuant to the Act and the Interlocal Cooperation Act, Title 11, Chapter 13 of the Utah Code (the “**Cooperation Act**”), the Agency and District desire to enter into this Agreement for the purpose of outlining the District’s consent to the Agency’s receipt of the District’s portion of tax increment generated from personal property assessments within the Project Area once designated by the Agency (the “**Personal Property Tax Increment**”).

**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 by each Party hereto, the Parties hereby agree as follows:

1. **Adoption of Plan/Budget.** This Agreement is not effective unless and until the Agency creates a Project Area within some or all of the Survey Area, by the adoption of a Project Area Plan and Project Area Budget. The District is not required to approve the Project Area Plan or Project Area Budget after the same have been adopted by the Agency. Upon the adoption of this Agreement and a Project Area Plan and Project Area Budget for a Project Area within some or all of the Survey Area, this Agreement shall immediately and automatically become effective as of the Effective Date set forth above. The Agency shall provide notice to the District after the adoption by the Agency of a Project Area Plan and Project Area Budget for a Project Area within



some or all of the Survey Area

2. **Tax Increment.** The Agency shall be paid 100% of the District's portion of the Personal Property Tax Increment generated within the Project Area, for a period of 25 consecutive years. The District authorizes and directs Box Elder County officials and personnel to pay directly to the Agency all such amounts due to the Agency. The Agency is authorized to begin collection of the Personal Property Tax Increment upon written notice to the appropriate officer(s) in Box Elder County prior to the beginning of the tax year for which the Agency desires to trigger the collection of such Personal Property Tax Increment. The base taxable value to be used for calculating the amount of Personal Property Tax Increment under this Agreement shall be the combined amount of the taxable value of personal property as of January 1, 2023. The Parties agree that the Agency may apply the Personal Property Tax Increment collected hereunder to encourage solar development activities within the Project Area as deemed appropriate by the Agency and contemplated in the Project Area Plan and Project Area Budget, as deemed appropriate by the Agency to the extent authorized by the Act.

3. **Annual Rebate.** The Agency agrees to transfer to the District an annual rebate amount equal to 60% of the District's portion of the Personal Property Tax Increment received by the Agency no later than 90 days following the Agency's receipt of those funds from the County Treasurer.

4. **No Third-Party Beneficiary.** Nothing in this Agreement creates or may 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 as otherwise specifically provided herein, no person or entity is an intended third-party beneficiary under this Agreement.

5. **Interlocal Cooperation Act.** In satisfaction of the requirements of the Cooperation Act as relates to this Agreement, the Parties agree as follows:

a. This Agreement must 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 must 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 duly executed original counterpart of this Agreement must be filed immediately with the keeper of records of each Party pursuant to Section 11-13-209 of the Cooperation Act;

d. This Agreement does not create an interlocal entity. The director of the Agency is hereby designated the administrator for all purposes of this Agreement and the Cooperation Act, pursuant to Section 11-13-207 of the Cooperation Act;

e. The term of this Agreement will commence on the Effective Date and will remain in full force and effect until the first to occur of the following: (i) either Party

terminates this Agreement by providing written notice to the other Party, or (ii) the date that is exactly 50 years after the Effective Date, or (iii) the date the final annual rebate under Section 2 has been paid by the Agency to the District.

f. Immediately after execution of this Agreement by both Parties, the Agency may publish a joint notice, regarding this Agreement pursuant to Section 11-13-219 of the Cooperation Act.

g. It is not anticipated that either party will acquire any new property in connection with this Agreement; however, the purchaser of any property acquired in connection with this Agreement will be entitled to keep such property upon the termination of this Agreement.

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

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

8. **Authorization.** Each of the Parties 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 by each such Party of this Agreement.

9. **Incorporation of Recitals and Exhibits.** Except to the extent they may conflict with any of the express provisions of the body of this Agreement, the recitals set forth above are hereby incorporated by reference as part of this Agreement. All exhibits and/or attachments hereto are incorporated herein.

10. **Immunity.** Both Parties are governmental entities under the Governmental Immunity Act of Utah, §§ 63G-7-101 *et seq.* (the "Immunity Act"). Neither Party waives any defenses or limits of liability available under the Immunity Act and other applicable law. Both Parties maintain all privileges, immunities, and other rights granted by the Immunity Act and all other applicable law.

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

**TREMONTON CITY REDEVELOPMENT AGENCY**

\_\_\_\_\_  
Name:  
Title:

ATTEST:

\_\_\_\_\_  
Secretary

Attorney Review for Redevelopment Agency:

The undersigned, as counsel for the Tremonton City Redevelopment Agency, has reviewed the foregoing Interlocal Cooperation Agreement and finds it to be in proper form and in compliance with applicable state law.

\_\_\_\_\_  
Attorney for the Agency

*[Signatures continue on next page.]*

**BOX ELDER COUNTY SCHOOL  
DISTRICT**

By: \_\_\_\_\_

Name:  
Title:

ATTEST:

\_\_\_\_\_  
Name:  
Title:

Attorney Review for District:

The undersigned, as attorney for Box Elder County School District, has reviewed the foregoing Interlocal Cooperation Agreement and finds it to be in proper form and in compliance with applicable state law.

\_\_\_\_\_  
District Attorney

# Exhibit A

## Survey Area (all of parcel 06-061-0012)

