

1 **LOCAL ECONOMIC DEVELOPMENT AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: V. Lowry Snow**

5 Senate Sponsor: Ralph Okerlund

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to community development and renewal agencies.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ defines "tax increment incentive";

13 ▶ provides that community development project area plans are not subject to certain

14 notice and public hearing requirements, if certain requirements are met, including

15 that:

16 • the community development and renewal agency and each taxing entity and

17 public entity that will be affected by the tax increment incentive enter into an

18 interlocal agreement; and

19 • an industry or business entity receives a tax increment incentive only on a

20 postperformance basis.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **17C-4-108**, as enacted by Laws of Utah 2006, Chapter 359

28 ENACTS:

29 **17C-4-109**, Utah Code Annotated 1953

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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17C-4-108** is amended to read:

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

(1) Except as provided in Subsection (2) 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.

(2) (a) Notwithstanding Subsection (1), an adopted project area plan may be amended without complying with the notice and public hearing requirements of this part if the proposed amendment:

(i) makes a minor adjustment in the legal 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 (2)(b), removes a parcel of real property from a project area because the agency determines that inclusion of the parcel is no longer necessary or desirable to the project area.

(b) An amendment removing a parcel of real property from a community development project area under Subsection (2)(a)(ii) may not be made without the consent of the record property owner of the parcel being removed.

(3) (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.

Section 2. Section **17C-4-109** is enacted to read:

58 **17C-4-109. Expedited community development project area plan.**

59 (1) As used in this section, "tax increment incentive" means the portion of tax
60 increment awarded to an industry or business.

61 (2) A community development project area plan may be adopted or amended without
62 complying with the notice and public hearing requirements of this part and Section [17C-4-402](#),
63 if the following requirements are met:

64 (a) the agency determines by resolution adopted in an open and public meeting the
65 need to create or amend a project area plan on an expedited basis, which resolution shall
66 include a description of why expedited action is needed;

67 (b) a public hearing on the amendment or adoption of the project area plan is held by
68 the agency;

69 (c) notice of the public hearing is published at least 14 days before the public hearing
70 on:

71 (i) the website of the community that created the agency; and

72 (ii) the Utah Public Notice Website created in Section [63F-1-701](#);

73 (d) written consent to the amendment or adoption of the project area plan is given by
74 all record property owners within the existing or proposed project area;

75 (e) each taxing entity and public entity that will be affected by the tax increment
76 incentive enter into or amend an interlocal agreement in accordance with Title 11, Chapter 13,
77 Interlocal Cooperation Act, and Sections [17C-4-201](#), [17C-4-203](#), and [17C-4-204](#);

78 (f) the primary market for the goods or services that will be created by the industry or
79 business entity that will receive a tax increment incentive from the amendment or adoption of
80 the project area plan is outside of the state;

81 (g) the industry or business entity that will receive a tax increment incentive from the
82 amendment or adoption of the project area plan is not primarily engaged in retail trade; and

83 (h) a tax increment incentive is only provided to an industry or business entity:

84 (i) on a postperformance basis as described in Subsection (3); and

85 (ii) on an annual basis after the tax increment is received by the agency.

86 (3) An industry or business entity may only receive a tax increment incentive under this
87 section after entering into an agreement with the agency that sets postperformance targets that
88 shall be met before the industry or business entity may receive the tax increment incentive,
89 including annual targets for:

- 90 (a) capital investment in the project area;
- 91 (b) the increase in the taxable value of the project area;
- 92 (c) the number of new jobs created in the project area;
- 93 (d) the average wages of the jobs created, which shall be at least 110% of the
94 prevailing wage of the county where the project area is located; and
- 95 (e) the amount of local vendor opportunity generated by the industry or business entity.