

**SALT LAKE COUNTY COUNTYWIDE POLICY:
COUNTY PARTICIPATION IN TAX INCREMENT FINANCED PROJECT AREAS
(2018)**

1155

**SALT LAKE COUNTY
COUNTYWIDE POLICY AND PROCEDURES
ON**

COMMUNITY DEVELOPMENT AREAS

Purpose –

The purpose of this ~~Policy~~ policy is to establish procedures and guidelines for Salt Lake County (“County’s (the “County”) participation in ~~Community Development Areas (“CDA”) tax increment financed project areas established under Utah Code Title 17C, by redevelopment agencies within incorporated and unincorporated areas of the County. Salt Lake County (hereinafter “Project Areas”).~~

Salt Lake County is the most populous county in the State of Utah. As such, decisions made by the County have a significant impact on the continued prosperity of the State. The County’s responsible use of scarce public resources—specifically the use of ~~CDA~~ Project Area funds—should be focused on encouraging economic development, fostering healthy communities, and supporting environmentally and economically sustainable regional development to ensure a thriving metropolitan economy with a small town feel. The County supports collaborative community-led efforts to effectively manage commercial and residential development and redevelopment to meet the robust growth anticipated in our valley. The County’s participation in supporting ~~CDA projects~~ Project Areas shall be based in part on the proposal’s linkage to various long-term sustainable growth strategies and plans, which shall include application of the Wasatch Choice for 2040¹ 2050² principles and toolbox, Foothill/Canyons and Overlay objectives, Blueprint Jordan River guidelines and nexus to the regional transportation plan.³ plans developed in collaboration with and adopted by local stakeholders, and Salt Lake County ordinances. Additionally, Salt Lake County’s participation in ~~CDA projects~~ Project Areas will be guided by the policy directives of other regional planning efforts such as the Foothill Canyons Overlay Zone (FCOZ) or Blueprint Jordan River, which have been formally endorsed and/or adopted by Salt Lake County via resolution, policy, or ordinance.

The County’s participation in a ~~CDA~~ Project Area will include a negotiation process that will define the terms of the County’s involvement. Guidelines to assist this process have been created to educate requesting agencies, guide the negotiation process, and allow the public to be informed. In certain cases, an application (“~~CDA~~ Project Area Participation Request”) may have unique characteristics that do not fully conform to the guidelines, yet have significant community impact. In this case, the County reserves the right to participate at or above the stated participation rates outlined in the policy. Conversely, there may be a project that meets the guidelines, but the County does not believe serves a significant community benefit. In this case, the County reserves the right not to participate. Project Area proposals that contain a majority of Favorable Project Area Considerations listed below and provide significant community benefit will

¹ <http://envisionutah.org/wasatch-choice-2040>

² http://www.wfrc.org/new_wfrc/index.php/plans/regional-transportation-plan/

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SALT LAKE COUNTY COUNTYWIDE POLICY:
COUNTY PARTICIPATION IN TAX INCREMENT FINANCED PROJECT AREAS
(2018)

receive the most favorable terms.

This policy shall be administered in accordance with the requirements and limitations of federal, state, and local law ~~(, including Utah Code, Title 17C, Chapter 4).~~ Meeting policy guideline criteria does not guarantee the award of County tax increment. ~~Per Title 17C of the Utah Code Ann. §17C-4-201(2), for most Project Areas,~~ the County's consent shall ~~only~~ be expressed in the form of an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act, between the County and the redevelopment agency. Further, the County will entertain proposals by any participating taxing entity to administer the payment, reporting, and other processes that they are required to perform as part of an approved ~~CDA. Approval~~ Project Area. ~~The County's agreement to participate or denial of not participate in one project~~ Project Area is not intended to set precedent for ~~approval or denial of~~ the County's participation in another ~~project~~ Project Area.

* <http://envisionutah.org/wasatch-choice-2050>

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SALT LAKE COUNTY COUNTYWIDE POLICY:
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(2018)

Reference –

Utah Code, Title 17C, Chapter 4

1.0 Policy

1.1 It is the policy of Salt Lake County to provide a standardized procedure to process, review, and make recommendations on all ~~CDA~~ Project Area Participation Requests.

1.2 ~~As community development projects~~ Project Areas and tax increment financing are complex, the County may take up to 90 days ~~or more~~ following receipt of all requested documents to ~~effectively analyze the proposed CDA project~~ respond to Project Area Participation Requests. For this reason, the ~~County encourages the agency is encouraged to~~ contact the County early in the process.

2.0 ~~CDA~~ Project Area Considerations

2.1 Primary Favorable ~~CDA~~ Project Area Considerations

~~CDA projects~~ Tax increment financed projects (hereinafter “Projects”) within Project Areas meeting the following criteria will be viewed favorably by the County:

2.1.1 Projects that would not happen in a reasonable timeframe, or at the proposed amenity level, “but for” the creation of the ~~CDA~~ Project Area and the use of tax increment financing.

2.1.2 Projects that are transit-supported, ~~mixed use developments with oriented development (TOD) projects.~~

2.1.3 Projects that will create “new incremental jobs” that are “high paying jobs” within Salt Lake County, as such terms are defined in Section 63N-2-103 of the Utah Code.

~~2.1.22.1.4~~ Projects that include a significant employment potential, amount of capital investment or capital density within a small geographic footprint—for instance, from taxable personal property or equipment (such as robotic machinery, electronic equipment, computing devices, etc.)—without substantially increasing the cost of services provided by the County or other taxing entities.

~~2.1.32.1.5~~ Projects that are located in a strategic growth area as defined in the Wasatch Choice for 2040 and/or the 2050 plan, regional transportation plan plans developed in collaboration with and adopted by local stakeholders, and Salt Lake County ordinances.

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SALT LAKE COUNTY COUNTYWIDE POLICY:
COUNTY PARTICIPATION IN TAX INCREMENT FINANCED PROJECT AREAS
(2018)

2.1.42.1.6 Projects that will complement regionally significant community planning efforts, such as, but not limited to, Foothill Canyons Overlay Zone (FCOZ), Blueprint Jordan River, etc.

Projects

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**SALT LAKE COUNTY COUNTYWIDE POLICY:
COUNTY PARTICIPATION IN TAX INCREMENT FINANCED PROJECT AREAS
(2018)**

2.1.52.1.7 Project Areas for which the County's tax increment participation period is limited to 20 years or less.

2.1.62.1.8 ProjectsProject Areas for which the County's tax increment participation rate is limited to 75% or less.

2.1.8.1 Notwithstanding Subsection 2.1.8, above, for projects that meet the criteria outlined in Subsection 2.1.4 and are at least \$100 million in both total capital investment and taxable value, the tax increment participation rate limit under Section 2.1.8 may exclude up to all available tax increment generated from personal property.

2.1.72.1.9 Project Areas for which the County's cumulative tax increment contribution to the agency is capped at a specified dollar amount.

2.1.82.1.10 Projects for which the County's tax increment dollars will be used primarily to pay for or reimburse the cost of "public infrastructure and improvements," as defined by Utah Code § 17C-1-102(41), environmental remediation, and/or site preparation.

2.1.92.1.11 ProjectsProject Areas for which the local jurisdiction^{3,1} is participating in the proposed project at a rate of at least \$1 for every \$1 contributed by the County from all sources, inclusive of any County Library contributions, either upfront or over the life of the proposed County contribution. The local jurisdiction can demonstrate that it is contributing other resources in addition to CDA Project Area funds proceeds and infrastructure, the value of which is equal to or greater than the prescribed ratio of participation.

2.1.12 Project Areas that are confined to a reasonably sized geographic footprint for the project's intended and defined purpose, and do not include excess land for yet-to-be defined future projects or project expansion.

2.2 Additional Favorable CDA Project Area Considerations

CDA projectsProject Areas and Projects meeting the following additional criteria may be viewed favorably by the County:

2.2.1 Projects that will create long term, high paying jobs.

2.2.22.2.1 ProjectsProject Areas for which the proposed tax increment collection period is triggered on a specified date or upon achieving a specified dollar

³-"Local jurisdiction" includes a City's CDA participation plus any contribution from all other taxing entities (i.e., mosquito abatement district, water district, fire service area, law enforcement area, etc.) except for school district participation which is not included in the \$1:\$1 ratio calculation.

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SALT LAKE COUNTY COUNTYWIDE POLICY:
COUNTY PARTICIPATION IN TAX INCREMENT FINANCED PROJECT AREAS
(2018)

amount of capital investment within the ~~project area~~Project Area.

Projects

¹ “Local jurisdiction” includes a City’s Project Area participation plus any contribution from all other taxing entities (i.e., mosquito abatement district, water district, fire service area, law enforcement area, etc.) except for school district participation which is not included in the \$1:\$1 ratio calculation.

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SALT LAKE COUNTY COUNTYWIDE POLICY:
COUNTY PARTICIPATION IN TAX INCREMENT FINANCED PROJECT AREAS
(2018)

dwellings.

- 2.3.4 Projects that would merely cause a relocation of jobs or retail sales from one area in the County to another area in the County.

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SALT LAKE COUNTY COUNTYWIDE POLICY:
COUNTY PARTICIPATION IN TAX INCREMENT FINANCED PROJECT AREAS
(2018)

2.3.5 Projects that would involve development on sensitive land designated as open space, foothill, canyon, or other County-designated priority areas.

2.3.6 Projects that would not comply with the Blueprint Jordan River Criteria.

2.3.7 Projects that request a contribution of the County's sales tax revenues.

3.0 CDAProject Area Participation Request Timeline; Submission and Evaluation Process

Absent extenuating circumstances, the County staff will attempt to process/respond to all completed CDAProject Area Participation Requests within 90 days of receipt. The County and the agency submitting the CDAProject Area Participation Request shall adhere to the following procedures:

3.1 Step One. The agency shall provide written notice to the County's Municipal Economic Development Director indicating its intent to create a CDAProject Area, containing a short description of the proposed CDAProject Area, and requesting County participation. Following receipt of this written notice, the County Regional/Municipal Economic and Business Development Division Director shall direct the agency to submit a CDAProject Area Participation Request and may arrange a meeting with agency representatives to discuss the proposed CDAProject Area.

3.2 Step Two. The agency shall submit a completed CDAProject Area Participation Request. The Project Area Participation Request shall be submitted through the County's Public Project Area Database, or as otherwise directed by the Municipal Economic Development Director. A completed CDAProject Area Participation Request includes, but is not limited to, all of the following materials:

- CDAProject Area Participation Request Application
- Project Area Boundary Map; (GIS boundary map with supporting files)
- Detailed Narrative CDAProject Area Summary
- Final or Draft Project Area Plan (in compliance with Utah Code § 17C-4-103)
- Final or Draft Project Area Budget (setting forth the tax increment, administrative costs, project term, pass-through scenarios, sales tax, and other revenues)
- Itemized Listing of all Public and Private Funding Contributions toward the Project (both confirmed and proposed)
- Cost Breakdown of all Proposed Infrastructure and Improvements
- Final or Draft Public Notices (in compliance with Utah Code § 17C-4-202)
 - All Proposed or Adopted Agency and Municipal/Community Resolutions and Ordinances related to the CDAProject Area
- All Proposed or Executed Participation Agreements with other Taxing Entities
 - Benefit Analysis (if available)
- Schematic Land Use Plans (if available)
- Final or Draft Development Agreement (if applicable)

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SALT LAKE COUNTY COUNTYWIDE POLICY:
COUNTY PARTICIPATION IN TAX INCREMENT FINANCED PROJECT AREAS
(2018)

- ~~Final or Draft Community Benefit Agreement (if applicable)~~
- ~~Bond Documents/Agreements (if applicable)~~
- ~~Signed W-9 Forms~~
- ~~Agency Project Manager name and contact information~~
- ~~Signed 'But-For' Justification~~

3.3 Step Three. Following receipt of a completed ~~CDA~~Project Area Participation Request (including all of the materials listed in Section 3.2 above), the County Mayor shall conduct a due diligence review, negotiate the terms of an interlocal agreement with the agency (if applicable), and submit a written recommendation to the County Council indicating whether the County should participate in the proposed ~~CDA project~~Project Area and to what extent.

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SALT LAKE COUNTY COUNTYWIDE POLICY:
COUNTY PARTICIPATION IN TAX INCREMENT FINANCED PROJECT AREAS
(2018)

3.4 Step Four. Following receipt of a written recommendation from the County Mayor, the County Council shall review the Mayor's recommendation and ~~may~~ shall request a briefing at a Committee of the Whole Meeting, ~~at~~ at which time the County Council may provide additional guidance. If any incentives are being offered to private enterprise, or if any participation agreements have been entered into or will be entered into with private enterprise, this must be disclosed or known publicly at, or prior to, the briefing during the Committee of the Whole Meeting.

3.5 Step Five. After the Committee of the Whole Meeting ~~(if applicable)~~, the Mayor, or the ~~County~~ Director of the County's Department of Regional Transportation, Housing and Economic and Business Development Division Director, acting as the Mayor's designee for such matters, shall, consistent with the Mayor's recommendation and any guidance provided by the County Council ~~at the Committee of the Whole Meeting (if applicable)~~, negotiate ~~the any additional or modified~~ terms of an interlocal agreement with the agency, and work with the District Attorney's Office to draft ~~the a final~~ interlocal agreement consistent with the negotiated terms. ~~The County Mayor~~ The Director of the County's Department of Regional Transportation, Housing and Economic Development shall then review and approve the interlocal agreement and submit it to the County Council for final approval.

3.6 Step Six. Upon receipt of the interlocal agreement ~~from the County Mayor~~, the County Council shall schedule a public hearing. ~~At the public hearing, the County Council shall take public comment.~~ Following the public hearing, the County Council shall either approve and adopt or deny and reject the proposed interlocal agreement in an open and public meeting. ~~If at the public meeting the County Council votes to approve and adopt the interlocal agreement, the County Council shall adopt a resolution authorizing the County Mayor to execute the interlocal agreement in substantially the form submitted.~~

3.7 Step Seven. Following adoption of a resolution authorizing the County Mayor to execute the interlocal agreement, the County Mayor (or authorized designee) shall execute the same.

4.0 Interlocal Agreements

4.1 The County shall enter into an interlocal agreement with the requesting agency for each approved ~~CDA project~~ Project Area. Absent extenuating circumstances, the interlocal agreement shall be in the form prescribed by the County.

4.2 The interlocal agreement shall not be amended unless authorized and approved by the County Council in an open and public meeting following a public hearing.

5.0 Annual Disclosure Reports

5.1.1 Each agency that receives tax increment from the County for a ~~CDA project~~ Project Area shall, for the duration of the ~~project~~ Project Area funds collection period: (a) submit a disclosure report to the County Council and County Mayor no later than

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SALT LAKE COUNTY COUNTYWIDE POLICY:
COUNTY PARTICIPATION IN TAX INCREMENT FINANCED PROJECT AREAS
(2018)

~~March~~ May 1st of each year for the previous calendar year; and (b) submit
information (such as the annual report

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5.1.2 All annual disclosure reports submitted under this section shall be posted on a conspicuous place on the County's public website or posted to the County's Public Project Area Database, as determined by County staff.

5.1.3.1 The name, street and mailing address, phone number, business license number (if applicable), and chief officer of each entity receiving County ~~Increment~~ tax increment.

5.1.3.3 The applicable expenses and eligible project uses of the County's tax increment.

5.1.3.5 ~~Completed~~ Annual itemized reporting of completed and planned development expenditures and related agreements, to be published on the County's Public Project Area Database.

5.1.3.6 Completed and planned affordable housing and other residential projects (if applicable).

5.1.3.7 Any new company relocations and/or expansions.

5.1.3.8 A certified reconciliation statement reflecting the actual amount of County tax increment disbursed over the prior year as compared to the amount of tax increment projected for that year in the original project budget.

5.1.3.9 An affidavit signed by the chief executive officer and chief financial officer of each entity receiving County tax increment certifying as to the accuracy of the information provided in the annual disclosure report.

~~5.2~~ 5.2 Any entity that fails to comply with the annual disclosure report obligations of this section may be subject to forfeiture of future County tax increment.

Approved and passed this day of , 2018

SALT LAKE COUNTY COUNTYWIDE POLICY:
COUNTY PARTICIPATION IN TAX INCREMENT FINANCED PROJECT AREAS
(2018)

6.1 The County shall have access at all reasonable times to the ~~project site~~ development agency and the project records of any entity receiving the County's tax increment, whether directly or indirectly, to monitor the project and verify compliance with the Project Agreements.

6.2 Any agency that fails to provide the County access to the project site at a reasonable time may be subject to forfeiture of future County increment.

~~7.0~~ **7.0 Administrative Fees:**

A negotiated portion of the County's tax increment may be used for administrative fees of the agency. However, all agencies requesting tax increment from the County ~~may be required to~~ shall provide a negotiated percentage of administrative fees to ~~the~~ Salt Lake County on an annual basis to help cover programmatic expenses, ~~such as~~ including, but not limited to, tax increment analysis, legal overhead, and project reporting costs.

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APPROVED AND PASSED THIS ~~30TH~~ DAY OF ~~JUNE, 2015~~, 2018.

SALT LAKE COUNTY COUNCIL

Richard Snelgrove

Aimee Winder-Newton, Chair

ATTEST:

Approved and passed this _____ day of _____, 2018

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SALT LAKE COUNTY COUNTYWIDE POLICY:
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Sherrie Swensen, County Clerk

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District Attorney

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/s/ Kelly W. Wright 08/17/2018 Deputy