

17C-1-102. Definitions.

As used in this title:

27	(1) "Adjusted tax increment" means:
28	(a) for tax increment under a pre-July 1, 1993, project area plan, tax increment under
29	Section 17C-1-403, excluding tax increment under Subsection 17C-1-403(3); and
30	(b) for tax increment under a post-June 30, 1993, project area plan, tax increment under
31	Section 17C-1-404, excluding tax increment under Section 17C-1-406.
32	(2) "Affordable housing" means housing to be owned or occupied by persons and
33	families of low or moderate income, as determined by resolution of the agency.
34	(3) "Agency" or "community development and renewal agency" means a separate body
35	corporate and politic, created under Section 17C-1-201 or as a redevelopment agency under
36	previous law, that is a political subdivision of the state, that is created to undertake or promote
37	urban renewal, economic development, or community development, or any combination of
38	them, as provided in this title, and whose geographic boundaries are coterminous with:
39	(a) for an agency created by a county, the unincorporated area of the county; and
40	(b) for an agency created by a city or town, the boundaries of the city or town.
41	(4) "Annual income" has the meaning as defined under regulations of the United States
42	Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as amended or as
43	superseded by replacement regulations.
14	(5) "Assessment roll" has the meaning as defined in Section 59-2-102.
45	(6) "Base taxable value" means:
46	(a) unless otherwise designated by the taxing entity committee in accordance with
47	Subsection 17C-1-402(4)(b)(ix), for an urban renewal or economic development project area,
48	the taxable value of the property within a project area from which tax increment will be
<b>1</b> 9	collected, as shown upon the assessment roll last equalized before:
50	(i) for a pre-July 1, 1993, project area plan, the effective date of the project area plan;
51	(ii) for a post-June 30, 1993, project area plan:
52	(A) the date of the taxing entity committee's approval of the first project area budget;
53	or
54	(B) if no taxing entity committee approval is required for the project area budget, the
55	later of:
56	(I) the date the project area plan is adopted by the community legislative body; and

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57	$\Pi$	the date the	agency	adopts the	e first	project	area	budget:

- (iii) for a project on an inactive industrial site, a year after the date on which the inactive industrial site is sold for remediation and development; or
  - (iv) for a project on an inactive airport site, a year after the later of:
- (A) the date on which the inactive airport site is sold for remediation and development; and
- (B) the date on which the airport that had been operated on the inactive airport site ceased operations; and
- (b) for a community development project area, the agreed value specified in a resolution or interlocal agreement under Subsection 17C-4-201(2).
- (7) "Basic levy" means the portion of a school district's tax levy constituting the minimum basic levy under Section 59-2-902.
- (8) "Blight" or "blighted" means the condition of an area that meets the requirements of Subsection 17C-2-303(1).
  - (9) "Blight hearing" means a public hearing under Subsection 17C-2-102(1)(a)(i)(C) and Section 17C-2-302 regarding the existence or nonexistence of blight within the proposed urban renewal project area.
  - (10) "Blight study" means a study to determine the existence or nonexistence of blight within a survey area as provided in Section 17C-2-301.
  - (11) "Board" means the governing body of an agency, as provided in Section 17C-1-203.
  - (12) "Budget hearing" means the public hearing on a draft project area budget required under Subsection 17C-2-201(2)(d) for an urban renewal project area budget or Subsection 17C-3-201(2)(d) for an economic development 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 urban renewal project areas, except project areas that contain some or all of a military installation or inactive industrial site, within the agency's boundaries under adopted project area plans and adopted project area budgets at the time that a project area budget for a new urban

88 renewal project area is being considered.

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- 89 (15) "Community" means a county, city, or town.
  - (16) "Community development" means development activities within a community, including the encouragement, promotion, or provision of development.
  - (17) "Contest" means to file a written complaint in the district court of the county in which the person filing the complaint resides.
  - (18) "Economic development" means to promote the creation or retention of public or private jobs within the state through:
  - (a) planning, design, development, construction, rehabilitation, business relocation, or any combination of these, within a community; and
  - (b) the provision of office, industrial, manufacturing, warehousing, distribution, parking, public, or other facilities, or other improvements that benefit the state or a community.
    - (19) "Fair share ratio" means the ratio derived by:
  - (a) for a city or town, comparing the percentage of all housing units within the city or town 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; 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.
  - (20) "Family" has the meaning as defined under 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.
    - (21) "Greenfield" means land not developed beyond agricultural or forestry use.
  - (22) "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.
- 117 (23) "Housing funds" means the funds allocated in an urban renewal project area 118 budget under Section 17C-2-203 for the purposes provided in Subsection 17C-1-412(1).

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119	(24) (a) "Inactive airport site" means land that:
120	(i) consists of at least 100 acres;
121	(ii) is occupied by an airport:
122	(A) (I) that is no longer in operation as an airport; or
123	(II) (Aa) that is scheduled to be decommissioned; and
124	(Bb) for which a replacement commercial service airport is under construction; and
125	(B) that is owned or was formerly owned and operated by a public entity; and
126	(iii) requires remediation because:
127	(A) of the presence of hazardous waste or solid waste; or
128	(B) the site lacks sufficient public infrastructure and facilities, including public roads,
129	electric service, water system, and sewer system, needed to support development of the site.
130	(b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land
131	described in Subsection (24)(a).
132	(25) (a) "Inactive industrial site" means land that:
133	(i) consists of at least 1,000 acres;
134	(ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial
135	facility; and
136	(iii) requires remediation because of the presence of hazardous waste or solid waste.
137	(b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land
138	described in Subsection (25)(a).
139	(26) "Income targeted housing" means housing to be owned or occupied by a family
140	whose annual income is at or below 80% of the median annual income for the county in which
141	the housing is located.
142	(27) "Incremental value" means a figure derived by multiplying the marginal value of
143	the property located within an urban renewal project area on which tax increment is collected
144	by a number that represents the percentage of adjusted tax increment from that project area that
145	is paid to the agency.
146	(28) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
147	established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.
148	(29) "Marginal value" means the difference between actual taxable value and base
149	taxable value.

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- 150 (30) "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 151 152 Realignment and Closure Commission. (31) (a) "Municipal building" means a building owned and operated by a municipality 153 154 for the purpose of providing one or more primary municipal functions, including: 155 (i) a fire station; 156 (ii) a police station; 157 (iii) a city hall: or 158 (iv) a court or other judicial building. (b) "Municipal building" does not include a building the primary purpose of which is 159 160 cultural or recreational in nature. 161 (32) "Plan hearing" means the public hearing on a draft project area plan required 162 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, and Subsection 163 164 17C-4-102(1)(d) for a community development project area plan. 165 (33) "Post-June 30, 1993, project area plan" means a project area plan adopted on or 166 after July 1, 1993, whether or not amended subsequent to its adoption. 167 (34) "Pre-July 1, 1993, project area plan" means a project area plan adopted before July 168 1, 1993, whether or not amended subsequent to its adoption. 169 (35) "Private," with respect to real property, means: 170 (a) not owned by the United States or any agency of the federal government, a public 171 entity, or any other governmental entity; and 172 (b) not dedicated to public use. 173 (36) "Project area" means the geographic area described in a project area plan or draft 174 project area plan where the urban renewal, economic development, or community
  - development, as the case may be, set forth in the project area plan or draft project area plan takes place or is proposed to take place. (37) "Project area budget" means a multiyear projection of annual or cumulative
  - revenues and expenses and other fiscal matters pertaining to a urban renewal or economic development project area that includes:
    - (a) the base taxable value of property in the project area;

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- (b) the projected tax increment expected to be generated within the project area;
- (c) the amount of tax increment expected to be shared with other taxing entities;
- (d) the amount of tax increment expected to be used to implement the project area plan, including the estimated amount of tax increment to be used for land acquisition, public improvements, infrastructure improvements, and loans, grants, or other incentives to private and public entities;
  - (e) the tax increment expected to be used to cover the cost of administering the project area plan;
  - (f) if the area from which tax increment is to be collected is less than the entire project area:
  - (i) the tax identification numbers of the parcels from which tax increment will be collected; or
- 193 (ii) a legal description of the portion of the project area from which tax increment will 194 be collected;
- 195 (g) for property that the agency owns and expects to sell, the expected total cost of the 196 property to the agency and the expected selling price; and
  - (h) (i) for an urban renewal project area, the information required under Subsection 17C-2-201(1)(b); and
  - (ii) for an economic development project area, the information required under Subsection 17C-3-201(1)(b).
  - (38) "Project area plan" means a written plan under Chapter 2, Part 1, Urban Renewal Project Area Plan, Chapter 3, Part 1, Economic Development Project Area Plan, or Chapter 4, Part 1, Community Development Project Area Plan, as the case may be, that, after its effective date, guides and controls the urban renewal, economic development, or community development activities within a project area.
  - (39) "Property tax" includes privilege tax and each levy on an ad valorem basis on tangible or intangible personal or real property.
    - (40) "Public entity" means:
    - (a) the state, including any of its departments or agencies; or
- 210 (b) a political subdivision of the state, including a county, city, town, school district, 211 local district, special service district, or interlocal cooperation entity.

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212	(41) "Publicly owned infrastructure and improvements" means water, sewer, storm
213	drainage, electrical, and other similar systems and lines, streets, roads, curb, gutter, sidewalk,
214	walkways, parking facilities, public transportation facilities, and other facilities, infrastructure,
215	and improvements benefitting the public and to be publicly owned or publicly maintained or
216	operated.
217	(42) "Record property owner" or "record owner of property" means the owner of real
218	property as shown on the records of the recorder of the county in which the property is located
219	and includes a purchaser under a real estate contract if the contract is recorded in the office of
220	the recorder of the county in which the property is located or the purchaser gives written notice
221	of the real estate contract to the agency.
222	(43) "Superfund site":
223	(a) means an area included in the National Priorities List under the Comprehensive
224	Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and
225	(b) includes an area formerly included in the National Priorities List, as described in
226	Subsection (43)(a), but removed from the list following remediation that leaves on site the
227	waste that caused the area to be included in the National Priorities List.
228	(44) "Survey area" means an area designated by a survey area resolution for study to
229	determine whether one or more urban renewal projects within the area are feasible.
230	(45) "Survey area resolution" means a resolution adopted by the agency board under
231	Subsection 17C-2-101(1)(a) designating a survey area.
232	(46) "Taxable value" means the value of property as shown on the last equalized
233	assessment roll as certified by the county assessor.
234	(47) (a) ["Tax] Except as provided in Subsection (47)(b), $\hat{H} \rightarrow \underline{"} \leftarrow \hat{H}$ tax increment"
234a	means[ <del>,</del>
235	except as provided in Subsection (47)(b),] the difference between:
236	(i) the amount of property tax revenues generated each tax year by all taxing entities
237	from the area within a project area designated in the project area plan as the area from which
238	tax increment is to be collected[;]:
239	(A) using the current assessed value of the property; and
240	(B) that are paid to the agency from funds from all of the tax levies used in establishing
241	the certified tax rate in accordance with Section 59-2-924 of the taxing entity within which the

agency is located, including funds that are restricted for a particular use by statute

May 1, 2006, if the context requires.

243	• are obligated for the repayment of bonded indebtedness] to the extent bond covenants are not
243a	<u>impaired</u> ←Ĥ ; and
244	(ii) the amount of property tax revenues that would be generated from that same area
245	using the base taxable value of the property.
246	(b) "Tax increment" does not include taxes levied and collected under Section
247	59-2-1602 on or after January 1, 1994, upon the taxable property in the project area unless:
248	(i) the project area plan was adopted before May 4, 1993, whether or not the project
249	area plan was subsequently amended; and
250	(ii) the taxes were pledged to support bond indebtedness or other contractual
251	obligations of the agency.
252	(48) "Taxing entity" means a public entity that levies a tax on a parcel or parcels of
253	property located within a community.
254	(49) "Taxing entity committee" means a committee representing the interests of taxing
255	entities, created as provided in Section 17C-1-402.
256	(50) "Unincorporated" means not within a city or town.
257	(51) (a) "Urban renewal" means the development activities under a project area plan
258	within an urban renewal project area, including:
259	(i) planning, design, development, demolition, clearance, construction, rehabilitation,
260	environmental remediation, or any combination of these, of part or all of a project area;
261	(ii) the provision of residential, commercial, industrial, public, or other structures or
262	spaces, including recreational and other facilities incidental or appurtenant to them;
263	(iii) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating, or
264	any combination of these, existing structures in a project area;
265	(iv) providing open space, including streets and other public grounds and space around
266	buildings;
267	(v) providing public or private buildings, infrastructure, structures, and improvements;
268	and
269	(vi) providing improvements of public or private recreation areas and other public
270	grounds.

(b) "Urban renewal" means "redevelopment," as defined under the law in effect before