1. **Purpose**

To establish application requirements, review criteria, and an approval process when creating a public infrastructure district (“PID”) as allowed under the Utah Public Infrastructure District Act (“Act”).

1. **Policy**

It is the policy of Weber County (“County”) to provide a standard procedure to process, review, and consider a request to create a PID. Any proposed PID will be considered in relation to the best interests of the County. If through the review process a PID is determined to be the most appropriate financing and governance mechanism, the requirements provided herein shall apply. The creation of a PID is subject to the sole discretion of the County. Compliance with this policy shall not obligate the County to approve the formation of a PID.

1. **Procedures**
2. **Petition and Letter of Intent**
   1. A petition to create a PID shall be submitted to the Weber County Clerk/Auditor’s Office.
   2. A petition shall contain evidence of consent to the creation of a PID and for the issuance of debt in an amount sufficient to finance the proposed infrastructure by 100% of surface property owners and registered voters within the proposed PID boundary.
   3. Each petition shall include a letter of intent to create a PID that contains the following information in summary form:
      1. A descriptionand map of the proposed PID boundary;
      2. Currently expected development scenario;
      3. General description of phasing of construction based on development projections;
      4. Summary of needed infrastructure, services, and facilities;
      5. Regional and local infrastructure the proposed PID will provide;
      6. Estimated construction costs for the infrastructure;
      7. Proposed timeline for PID creation and development completion; and
      8. Sample plan of finance depicting the possible sources and uses of funds for the PID.

* 1. A complete petition will be certified in accordance with Utah Code § 17B-1-209, with a copy being submitted to the Office of the Lieutenant Governor.
  2. A separate petition is required for each proposed PID.
  3. Petitioners may request an informal meeting with the County to discuss alternative financing concepts in order to assist them in making a determination to file a formal application to create a PID.

1. **Application**
   1. An application to create a PID shall be submitted on a form provided by the County and contain the following information:
      1. A brief narrative that describes the proposed development, identifies a need for public financing that cannot be filled elsewhere in the private market, and how the creation of a PID will benefit future landowners and County residents generally;
      2. Vicinity map, including legal descriptions showing the proposed PID boundary, section lines, and existing and proposed roads;
      3. Site plan showing current improvements, proposed improvements, and any development currently built or planned to be built within the PID;

* + 1. An infrastructure plan, which shall include:
       1. Itemization and description of all needed infrastructure (both regional and local) and facilities within the PID boundary;
       2. Preliminary engineering or architectural surveys showing how the proposed infrastructure is to be built;
       3. Complete description of any facilities to be constructed;

* + - 1. Cost estimates for all facilities and improvements;
      2. General description of construction phasing based on development projections;
      3. List of all public entities that will receive infrastructure financed through the proposed PID; and
      4. If the proposed PID boundary overlaps with another PID, an explanation of the relationship between the entities and an outline of any plans to utilize an inclusion area or multi-district structuring.
    1. Long term operational and financing plan, which, at a minimum, shall include:
       1. An estimate of the population and valuation for assessment of the proposed PID, taking into account the time horizon for the proposed debt;
       2. Proforma financial overview of total costs and total revenues from all revenue sources;
       3. An example plan of finance showing a proposal of how the proposed financing might take place, recognizing that the actual financing terms and structure will be approved by the board of trustees of the PID (the “Board”) within the parameters of the governing document;
       4. Anticipated maximum or fixed maximum mill levy required to meet debt service of the PID;
       5. Analysis of proposed mill levies in light of outstanding debt and mill levies of other taxing entities affecting the area;
       6. Comparison of the mill levies of similar taxing entities in the area;
       7. Proposed operating budgets for the PID’s first three years of existence;
       8. Any other forms of public financing and assistance being sought, including assessment areas and tax increment financing;
       9. The maximum debt proposed to be incurred by the PID;
       10. A description of the scheduling and phasing of capital improvements and their relationship to the financial stability of the PID;
       11. If the financial plan identifies any contributions by the developer to the PID, any agreement or proposed agreement between the developer and the proposed PID explaining the developer’s financial participation shall be included;
       12. A list of items that will be purchased or leased by the PID from the developer/applicant (e.g. land, rights of way, water rights, etc.); and
       13. Plans to mitigate any shortfalls in the PID’s ability to meet financial obligations.
    2. A description of the proposed administrative structure of the PID demonstrating the ability of the PID to meet the administrative requirements found in the Fiscal Procedures for Local Districts Part of the Utah Code Title for Limited Purpose Local Government Entities - Local Districts;
    3. Existing or pending financial difficulties (insolvency, bankruptcy, lawsuits, significant contract disputes, foreclosure proceedings, etc.) of the applicant/developer and any of its related businesses including subsidiaries, partnerships, and/or affiliates;
    4. Background information on the developer/applicant and financial relationships between property owners, developer/applicant and the PID;
    5. Any other information as may reasonably be requested by the County (this may include, for example, personal and/or corporate Internal Revenue Service filings and audited financial statements).
  1. An applicant may request the formation of multiple PIDs for the same development by following the requirements outlined herein for each PID requested. The County may place a combined maximum tax rate limit for an area included in multiple PIDs that is lower than the sum of the limit on each individual PID.

1. **Application Review**
   1. This section is intended to identify criteria that are consistent with the County’s public policy goals when reviewing a request to form a PID.
2. Applications shall be initially reviewed by a committee that advises the County Commission and other policy-makers. The committee shall have no set membership, but may be comprised of individuals representing the County’s community, economic, financial, and legal interests. The committee shall be tasked with reviewing the application for completeness and consistency with the Act, this policy, and other applicable state statutes and county ordinances. The committee will review the application utilizing criteria from this policy as a guideline to determine whether or not to direct the applicant to proceed with preparation of a draft governing document after County Commission review.
3. After review of the application is complete, the committee will report its findings to the County Commission for consideration. The County’s discretion to issue an initiating resolution to proceed with a governing document is neither limited to the review criteria indicated in this policy, nor does compliance with all of the criteria outlined in this policy obligate the County to issue an initiating resolution.

1. A PID should not include land that is already included within the boundaries of another PID without an express provision allowing it in an adopted governing document. In such cases, the relationship with the existing or proposed PID must be addressed in the governing document, including any inclusion area concept and how ultimate boundaries will be determined.
2. The proposed PID will provide system improvements for one or more of the following infrastructure types: roads, water, sewer, storm water, fire protection, parks, and trails.
3. A proposed PID planning to levy more than 5 mills of tax for repayment of limited tax bonds will not be considered without sufficient justification as to why additional mills are necessary and reasonable for the development.
4. A PID will not be considered unless the proposed development is expected to exceed $10,000,000 in total public infrastructure costs.
5. Formation of a PID is expected to provide a significant public benefit consistent with the County’s policy goals. An applicant must successfully demonstrate a direct public benefit resulting from the creation of a PID, which may include:
   * 1. The proposed PID is in compliance with the County’s master plans or any regional plan governing the area;
     2. Provision of and/or contribution to needed regional and sub-regional infrastructure;
     3. Substantial design including multimodal transportation, water conserving landscape design, thoughtful development phasing, green building design, and formation of and participation in transportation management programs;
     4. Mixed-use development that includes a variety of housing types and prices, a range of employment opportunities, retail and consumer services, and civic amenities;
     5. High quality site and building design, including street connectivity, multimodal street design, durable construction materials, and pedestrian-friendly building design;
     6. Improvements that are designed to provide infrastructure for services to the community (inside and outside of the PID) at large and that are not merely a part of the development of any particular subdivision or commercial site plan; and
     7. The creation of the proposed PID will be in the best interests of the area proposed to be included.
6. The existing infrastructure in the area to be served by the proposed PID is inadequate for present and projected needs.
7. The proposed PID is capable of providing economical and sufficient infrastructure to the area within its proposed boundaries.
8. The area to be included in the PID has, or will have, the financial ability to discharge the proposed debt on a reasonable basis based on the proposed plan of finance.
9. Adequate infrastructure is not, or will not be, available to the area through the County or other existing district or municipal corporation within a reasonable time and on a basis that is comparable to similar areas or developments.
10. **Governing Document**
    1. If the concept for the PID as contained in the application is approved and an initiating resolution is passed, the applicant shall submit a draft governing document to the County.
    2. The governing document memorializes the understandings between the PID and the County.
    3. The governing document will be reviewed by the same committee that reviewed the PID application for compliance with the requirements set forth in the Act, this policy, and any applicable state statute and local ordinance.

* 1. Unless the County otherwise approves, a governing document shall be drafted based on a model governing document provided by the County. The applicant’s draft shall include a clean draft and a redline showing all changes from the model governing document.
  2. The final governing document will be forwarded to the County Commission by the committee for consideration and approval.

1. **Disclosure and Reporting Requirements**
   1. Disclosure of the existence of a PID to property owners and potential buyers within the PID is important and the following actions to be taken shall be included in the governing document:
      1. Within 30 days after the formation of the PID, the PID board shall record a notice with the County’s Recorder:
         1. Containing a description of the boundaries of the PID and inclusion area as applicable;
         2. Stating that a copy of the governing document is on file at the County;
         3. Stating that the PID may finance and repay infrastructure and other improvements through the levy of a property tax;
         4. Stating the maximum rate that the PID may levy; and
         5. If applicable, stating that the debt may convert to general obligation debt and outlining the provisions relating to conversion.
   2. Applicant, homebuilders, commercial developers, and commercial lessors, as applicable, shall be required to disclose the following information to initial resident homeowners, renters, commercial property owners, and/or commercial tenants:
   3. All of the information required under (1)(a) above; and
   4. A disclosure outlining the impact of any applicable property tax, in substantially the following form:

“Under the maximum property tax rate of the District, a primary residence valued at $[insert average anticipated residential property value] would have an **additional annual property tax of $\_\_\_\_\_** for the duration of the District’s Bonds. A business property valued at $[insert average anticipated commercial property value] would have an **additional annual property tax of $\_\_\_\_\_** for the duration of the District’s Bonds.”

* 1. Such disclosures shall be contained on a separate colored page of the applicable closing or lease documents and shall require a signature of such end user acknowledging the foregoing.
  2. The PID will make the following information readily available to the public and provide to the County upon request:
     1. Annual budget;
     2. Annual financial statements of the PID, audited if required by statute or bond covenant;
     3. Total debt authorized and total debt issued and presently planned debt issuances;
     4. Names and terms of board members and officers and progress towards milestones required for transition to elected board;
     5. Rules and regulations of the PID regarding bidding, conflict of interest, contracting, and other governance matters;
     6. List of current interlocal agreements;
     7. List of all current contracts for services or construction; and
     8. Official statements of current outstanding bonded indebtedness;
  3. The following shall be considered significant changes to the governing document, thereby requiring approval by the County:
     1. Exclusion or inclusion of property without governing document and statute required approvals;
     2. Change in the maximum mill levy;
     3. Consolidation with any other PID; and
     4. Change in the dissolution date.

1. **Fees**
   1. Applicants are required to bear the initial costs of creating the PID. An application will not be reviewed and no governing document will receive final approval until the fees described below are paid in full.
      1. Application: A set fee as prescribed in Weber County’s fee ordinance; and
      2. Other Expenses: In the event the costs of review exceed the application fee, the applicant for a PID shall reimburse all reasonable consultant, legal, and other fees and expenses incurred by the County. In addition, applicants shall reimburse the County for expenses related to creating a governing document and other such fees and expenses as may be necessary to interface with the PID. Payment shall be made within 30 days of receipt of an invoice for these additional fees and expenses. In lieu of invoicing for services, the County may require an applicant to deposit funds in escrow to be drawn upon as services are completed.
2. **Submittal Instructions**
   1. Petition: submit copies to the Weber County/Clerk Auditor’s Office at 2380 Washington Blvd. Suite 320, Ogden, Utah 84401.
   2. All other documents: Submit letters of intent, draft governing documents, and all other documents (with the required number of copies) to the Office of Economic Development at 2380 Washington Blvd. Suite 360, Ogden, Utah 84401.

DATED this 12th day of October, 2021.

BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY:

ATTEST:

James H. “Jim” Harvey, Chair

Ricky Hatch, CPA

Weber County Clerk/Auditor

Approved as to form and legality:

Christopher Crockett

Deputy County Attorney