

Superseded 5/10/2016

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(1) the agency shall:
 - (i) unless a finding of blight is based on a finding made under Subsection 17C-2-303(1)(b) relating to an inactive industrial site or inactive airport site:
 - (A) cause a blight study to be conducted within the survey area as provided in Section 17C-2-301;
 - (B) provide notice of a blight hearing as required under Part 5, Urban Renewal Notice Requirements; and
 - (C) hold a blight hearing as provided in Section 17C-2-302;
 - (ii) after the blight hearing has been held or, if no blight hearing is required under Subsection (1) (a)(i), after adopting a resolution under Subsection 17C-2-101(1), hold a board meeting at which the board shall:
 - (A) consider:
 - (I) the issue of blight and the evidence and information relating to the existence or nonexistence of blight; and
 - (II) whether adoption of one or more urban renewal project area plans should be pursued; and
 - (B) by resolution:
 - (I) make a finding regarding the existence of blight 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 draft project area plan for each project area;
 - (iii) prepare a draft of a project area plan and conduct any examination, investigation, and negotiation regarding the project area plan that the agency considers appropriate;
 - (iv) make the draft project area plan available to the public at the agency's offices during normal business hours;
 - (v) provide notice of the plan hearing as provided in Sections 17C-2-502 and 17C-2-504;
 - (vi) hold a public hearing on the draft project area plan and, at that public hearing:
 - (A) allow public comment on:
 - (I) the draft project area plan; and
 - (II) whether the draft project area plan should be revised, approved, or rejected; and
 - (B) receive all written and hear all oral objections to the draft 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 draft 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 draft project area plan and evidence and testimony for and against adoption of the draft project area plan; and
 - (B) whether to revise, approve, or reject the draft project area plan;
 - (x) approve the draft 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 finding under Subsection (1)(a)(ii)(B) that blight exists in the proposed urban renewal project area, the agency may not adopt the project area plan until the taxing entity committee approves the finding of blight.
- (ii)
 - (A) A taxing entity committee may not disapprove an agency's finding of blight unless the committee demonstrates that the conditions the agency found to exist in the urban renewal project area that support the agency's finding of blight under Section 17C-2-303:
 - (I) do not exist; or
 - (II) do not constitute blight.
 - (B)
 - (I) If the taxing entity committee questions or disputes the existence of some or all of the blight conditions that the agency found to exist in the urban renewal project area or that those conditions constitute blight, 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 blight conditions.
 - (II) The agency shall pay the fees and expenses of each consultant hired under Subsection (1)(b)(ii)(B)(I).
 - (III) The findings 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 city or town, 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), an agency board may not approve a project area plan more than one year after adoption of a resolution making a finding of blight 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 draft 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-2-502 and 17C-2-504.
 - (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a draft 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 draft 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.