

***Superseded 5/10/2016***

**17C-3-102 Process for adopting an economic development project area plan -- Prerequisites -- Restrictions.**

- (1) In order to adopt an economic development project area plan, after adopting a resolution under Subsection 17C-3-101(1) the agency shall:
  - (a) prepare a draft of an economic development project area plan and conduct any examination, investigation, and negotiation regarding the project area plan that the agency considers appropriate;
  - (b) make the draft project area plan available to the public at the agency's offices during normal business hours;
  - (c) provide notice of the plan hearing as provided in Part 4, Economic Development Notice Requirements;
  - (d) hold a public hearing on the draft project area plan and, at that public hearing:
    - (i) allow public comment on:
      - (A) the draft project area plan; and
      - (B) whether the draft project area plan should be revised, approved, or rejected; and
    - (ii) receive all written and hear all oral objections to the draft project area plan;
  - (e) 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;
  - (f) after holding the plan hearing, at the same meeting or at a subsequent meeting consider:
    - (i) the oral and written objections to the draft project area plan and evidence and testimony for or against adoption of the draft project area plan; and
    - (ii) whether to revise, approve, or reject the draft project area plan;
  - (g) approve the draft project area plan, with or without revisions, as the project area plan by a resolution that complies with Section 17C-3-105; and
  - (h) submit the project area plan to the community legislative body for adoption.
- (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) An agency board may not approve a project area plan more than one year after the date of the plan hearing.
- (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 Part 4, Economic Development Notice Requirements.
  - (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; and
    - (ii) the record owner of the property consents to adding the real property to the proposed project area.