

Superseded 5/10/2016

17C-3-109 Amending an economic development project area plan.

- (1) An adopted economic development project area plan may be amended as provided in this section.
- (2) If an agency proposes to amend an adopted economic development project area plan to enlarge the project area:
 - (a) the requirements under this part that apply to adopting a project area plan apply equally to the proposed amendment as if it were a proposed project area plan;
 - (b) the base year taxable value for the new area added to the project area shall be determined under Subsection 17C-1-102(6)(a)(ii) using the date of the taxing entity committee's consent referred to in Subsection (2)(c); and
 - (c) the agency shall obtain the consent of the taxing entity committee before the agency may collect tax increment from the area added to the project area by the amendment.
- (3) If a proposed amendment does not propose to enlarge an economic development project area, an agency board may adopt a resolution approving an amendment to an adopted project area plan after:
 - (a) the agency gives notice, as provided in Section 17C-3-402, of the proposed amendment and of the public hearing required by Subsection (3)(b);
 - (b) the agency board holds a public hearing on the proposed amendment that meets the requirements of a plan hearing;
 - (c) the agency obtains the taxing entity committee's consent to the amendment, if the amendment proposes:
 - (i) to enlarge the area within the project area from which tax increment is collected; or
 - (ii) to permit the agency to receive a greater percentage of tax increment or to receive tax increment for a longer period of time than allowed under the adopted project area plan; and
 - (d) the agency obtains the consent of the legislative body or governing board of each taxing entity affected, if the amendment proposes to permit the agency to receive, from less than all taxing entities, a greater percentage of tax increment or to receive tax increment for a longer period of time, or both, than allowed under the adopted project area plan.
- (4)
 - (a) An adopted project area plan may be amended without complying with the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:
 - (i) makes a minor adjustment in the legal description of a project area boundary requested by a county assessor or county auditor to avoid inconsistent property boundary lines; or
 - (ii) subject to Subsection (4)(b), removes a parcel of real property from a project area because the agency determines that inclusion of the parcel is no longer necessary or desirable to the project area.
 - (b) An amendment removing a parcel of real property from a project area under Subsection (4)
 - (a) may not be made without the consent of the record property owner of the parcel being removed.
- (5)
 - (a) An amendment approved by board resolution under this section may not take effect until adopted by ordinance of the legislative body of the community in which the project area that is the subject of the project area plan being amended is located.
 - (b) Upon a community legislative body passing an ordinance adopting an amendment to a project area plan, the agency whose project area plan was amended shall comply with the

requirements of Sections 17C-3-107 and 17C-3-108 to the same extent as if the amendment were a project area plan.