

Effective 5/10/2016

17C-4-102 Process for adopting a community development project area plan -- Prerequisites -- Restrictions.

- (1) In order to adopt a community development project area plan, after adopting a resolution under Subsection 17C-4-101.5(1) the agency shall:
 - (a) prepare a proposed community development project area plan and conduct any examination, investigation, and negotiation regarding the project area plan that the agency considers appropriate;
 - (b) make the proposed project area plan available to the public at the agency's offices during normal business hours;
 - (c) provide notice of the plan hearing as described in Chapter 1, Part 8, Hearing and Notice Requirements;
 - (d) hold a public hearing on the proposed project area plan and, at that public hearing:
 - (i) allow public comment on:
 - (A) the proposed project area plan; and
 - (B) whether the proposed project area plan should be revised, approved, or rejected; and
 - (ii) receive all written and hear all oral objections to the proposed project area plan;
 - (e) after holding the plan hearing, at the same meeting or at one or more subsequent meetings consider:
 - (i) the oral and written objections to the proposed project area plan and evidence and testimony for or against adoption of the proposed project area plan; and
 - (ii) whether to revise, approve, or reject the proposed project area plan;
 - (f) approve the proposed project area plan, with or without revisions, as the project area plan by a resolution that complies with Section 17C-4-104; and
 - (g) submit the project area plan to the community legislative body for adoption.
- (2) An agency may not propose a community development 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 municipality, 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) Except as provided in Subsection (3)(b), a proposed project area plan may not be modified to add a parcel 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 Chapter 1, Part 8, Hearing and Notice Requirements.
 - (b) The notice and hearing requirements under Subsection (3)(a) do not apply to a proposed project area plan being modified to add a parcel to the proposed project area if:
 - (i) the parcel is contiguous to one or more parcels already included in the proposed project area under the proposed project area plan; and
 - (ii) the record owner of the property consents to adding the parcel to the proposed project area.

Amended by Chapter 350, 2016 General Session