

Part 4 Project Area Plan and Budget

63H-1-401 Preparation of project area plan -- Required contents of project area plan.

- (1)
 - (a) The authority board shall adopt a project area plan as provided in this part.
 - (b) In order to adopt a project area plan, the authority board shall:
 - (i) prepare a draft project area plan;
 - (ii) give notice as required under Subsection 63H-1-402(2);
 - (iii) hold at least one public meeting, as required under Subsection 63H-1-402(1); and
 - (iv) after holding at least one public meeting and subject to Subsection (1)(c), adopt the draft project area plan as the project area plan.
 - (c) Before adopting a draft project area plan as the project area plan, the authority board may make modifications to the draft project area plan that the board considers necessary or appropriate.
 - (d)
 - (i) A lease or development agreement that the authority enters before the creation of a project area shall provide that the board is not required to create a project area.
 - (ii) An authority may not be required to pay any amount or incur any loss or penalty for the board's failure to create a project area.
- (2) Each project area plan and draft project area plan shall contain:
 - (a) a legal description of the boundary of the project area that is the subject of the project area plan;
 - (b) the authority's purposes and intent with respect to the project area; and
 - (c) the board's findings and determination that:
 - (i) there is a need to effectuate a public purpose;
 - (ii) there is a public benefit to the proposed development project;
 - (iii) it is economically sound and feasible to adopt and carry out the project area plan; and
 - (iv) carrying out the project area plan will promote the public peace, health, safety, and welfare of the community in which the project area is located.
- (3) A project area described in a project area plan:
 - (a) shall include military land; and
 - (b) may include public or private land, whether or not it is contiguous to military land, if:
 - (i) the legislative body of the county in which the public or private land is located, if the public land or private land is located in an unincorporated county, passes a resolution consenting to the inclusion of the land in the project area;
 - (ii) the legislative body of an included municipality passes a resolution consenting to the inclusion of the land in the project area; and
 - (iii) the owner of the public or private land consents to the inclusion of the land in the project area.

Amended by Chapter 80, 2012 General Session

63H-1-402 Public meeting to consider and discuss draft project area plan -- Notice -- Adoption of plan.

- (1) The authority board shall hold at least one public meeting to consider and discuss the draft project area plan.

- (2) At least 10 days before holding a public meeting under Subsection (1), the authority board shall give notice of the public meeting to:
 - (a) a taxing entity; and
 - (b) a municipality that is located within one-half mile of the proposed project area.
- (3) Following consideration and discussion of the project area plan, the board may adopt the draft project area plan as the project area plan.

Amended by Chapter 9, 2010 General Session

63H-1-403 Notice of project area plan adoption -- Effective date of plan -- Contesting the formation of the plan.

- (1) Upon the board's adoption of a project area plan, the board shall provide notice as provided in Subsection (1)(b) by publishing or causing to be published legal notice:
 - (a) in a newspaper of general circulation within or near the project area; and
 - (b) as required by Section 45-1-101.
- (2) Each notice under Subsection (1) shall include:
 - (a) the board resolution adopting the project area plan or a summary of the resolution; and
 - (b) a statement that the project area plan is available for general public inspection and the hours for inspection.
- (3) The project area plan shall become effective on the date of publication of the notice.
- (4) The authority shall make the adopted project area plan available to the general public at its offices during normal business hours.
- (5) Within 10 days after the day on which a project area plan is adopted that establishes a project area, or after an amendment to a project area plan is adopted under which the boundary of a project area is modified, the authority shall send notice of the establishment or modification of the project area and an accurate map or plat of the project area to:
 - (a) the State Tax Commission;
 - (b) the Automated Geographic Reference Center created in Section 63F-1-506; and
 - (c) the assessor and recorder of each county where the project area is located.

Amended by Chapter 362, 2013 General Session

63H-1-403.5 Amendment to a project area plan.

- (1) The authority may amend a project area plan by following the same procedure under this part as applies to the adoption of a project area plan.
- (2) The provisions of this part apply to the authority's adoption of an amendment to a project area plan to the same extent as they apply to the adoption of a project area plan.

Enacted by Chapter 120, 2008 General Session

63H-1-405 Project area budget.

- (1) Before the authority may receive or use the property tax allocation, the authority board shall prepare and adopt a project area budget.
- (2) The authority board may amend an adopted project area budget as and when the authority board considers it appropriate.

Amended by Chapter 377, 2015 General Session

