

Part 3
Blight Determination in Urban Renewal Project Areas

17C-2-301 Blight study -- Requirements -- Deadline.

- (1) Each blight study required under Subsection 17C-2-102(1)(a)(i)(A) shall:
 - (a) undertake a parcel by parcel survey of the survey area;
 - (b) provide data so the board and taxing entity committee may determine:
 - (i) whether the conditions described in Subsection 17C-2-303(1):
 - (A) exist in part or all of the survey area; and
 - (B) qualify an area within the survey area as a project area; and
 - (ii) whether the survey area contains all or part of a superfund site, an inactive industrial site, or inactive airport site;
 - (c) include a written report setting forth:
 - (i) the conclusions reached;
 - (ii) any recommended area within the survey area qualifying as a project area; and
 - (iii) any other information requested by the agency to determine whether an urban renewal project area is feasible; and
 - (d) be completed within one year after the adoption of the survey area resolution.
- (2)
 - (a) If a blight study is not completed within one year after the adoption of the resolution under Subsection 17C-2-101(1) designating a survey area, the agency may not approve an urban renewal project area plan based on that blight study unless it first adopts a new resolution under Subsection 17C-2-101(1).
 - (b) A new resolution under Subsection (2)(a) shall in all respects be considered to be a resolution under Subsection 17C-2-101(1) adopted for the first time, except that any actions taken toward completing a blight study under the resolution that the new resolution replaces shall be considered to have been taken under the new resolution.

Amended by Chapter 125, 2008 General Session

17C-2-302 Blight hearing -- Owners may review evidence of blight.

- (1) In each hearing required under Subsection 17C-2-102(1)(a)(i)(C), the agency shall:
 - (a) permit all evidence of the existence or nonexistence of blight within the proposed urban renewal project area to be presented; and
 - (b) permit each record owner of property located within the proposed urban renewal project area or the record property owner's representative the opportunity to:
 - (i) examine and cross-examine witnesses providing evidence of the existence or nonexistence of blight; and
 - (ii) present evidence and testimony, including expert testimony, concerning the existence or nonexistence of blight.
- (2) The agency shall allow record owners of property located within a proposed urban renewal project area the opportunity, for at least 30 days before the hearing, to review the evidence of blight compiled by the agency or by the person or firm conducting the blight study for the agency, including any expert report.

Amended by Chapter 364, 2007 General Session

17C-2-303 Conditions on board determination of blight -- Conditions of blight caused by the participant.

- (1) A board may not make a finding of blight in a resolution under Subsection 17C-2-102(1)(a)(ii) (B) unless the board finds that:
 - (a)
 - (i) the proposed project area consists predominantly of nongreenfield parcels;
 - (ii) the proposed project area is currently zoned for urban purposes and generally served by utilities;
 - (iii) at least 50% of the parcels within the proposed project area contain nonagricultural or nonaccessory buildings or improvements used or intended for residential, commercial, industrial, or other urban purposes, or any combination of those uses;
 - (iv) the present condition or use of the proposed project area substantially impairs the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic liability or is detrimental to the public health, safety, or welfare, as shown by the existence within the proposed project area of at least four of the following factors:
 - (A) one of the following, although sometimes interspersed with well maintained buildings and infrastructure:
 - (I) substantial physical dilapidation, deterioration, or defective construction of buildings or infrastructure; or
 - (II) significant noncompliance with current building code, safety code, health code, or fire code requirements or local ordinances;
 - (B) unsanitary or unsafe conditions in the proposed project area that threaten the health, safety, or welfare of the community;
 - (C) environmental hazards, as defined in state or federal law, that require remediation as a condition for current or future use and development;
 - (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for urban use and served by utilities;
 - (E) abandoned or outdated facilities that pose a threat to public health, safety, or welfare;
 - (F) criminal activity in the project area, higher than that of comparable nonblighted areas in the municipality or county; and
 - (G) defective or unusual conditions of title rendering the title nonmarketable; and
 - (v)
 - (A) at least 50% of the privately-owned parcels within the proposed project area are affected by at least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv); and
 - (B) the affected parcels comprise at least 66% of the privately-owned acreage of the proposed project area; or
 - (b) the proposed project area includes some or all of a superfund site, inactive industrial site, or inactive airport site.
 - (2) No single parcel comprising 10% or more of the acreage of the proposed project area may be counted as satisfying Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of that parcel is occupied by buildings or improvements.
 - (3)
 - (a) For purposes of Subsection (1), if a participant involved in the project area development has caused a condition listed in Subsection (1)(a)(iv) within the proposed project area, that condition may not be used in the determination of blight.
 - (b) Subsection (3)(a) does not apply to a condition that was caused by an owner or tenant who becomes a participant.

Amended by Chapter 350, 2016 General Session

17C-2-304 Challenging a finding of blight -- Time limit -- De novo review.

- (1) If the board makes a finding of blight under Subsection 17C-2-102(1)(a)(ii)(B) and that finding is approved by resolution adopted by the taxing entity committee, a record owner of property located within the proposed urban renewal project area may challenge the finding by filing an action with the district court for the county in which the property is located.
- (2) Each challenge under Subsection (1) shall be filed within 30 days after the taxing entity committee approves the board's finding of blight.
- (3) In each action under this section, the district court shall review the finding of blight under the standards of review provided in Subsection 10-9a-801(3).

Amended by Chapter 364, 2007 General Session