

Effective 5/10/2016

17C-5-405 Conditions on board determination of blight -- Conditions of blight caused by a participant.

- (1) A board may not make a finding of blight in a resolution under Subsection 17C-5-402(2)(c)(ii) unless the board finds that:
 - (a)
 - (i) the survey area consists predominantly of nongreenfield parcels;
 - (ii) the survey area is currently zoned for urban purposes and generally served by utilities;
 - (iii) at least 50% of the parcels within the survey area contain nonagricultural or nonaccessory buildings or improvements used or intended for residential, commercial, industrial, or other urban purposes;
 - (iv) the present condition or use of the survey area substantially impairs the sound growth of the community, delays the provision of housing accommodations, constitutes an economic liability, or is detrimental to the public health, safety, or welfare, as shown by the existence within the survey area of at least four of the following factors:
 - (A) although sometimes interspersed with well maintained buildings and infrastructure, substantial physical dilapidation, deterioration, or defective construction of buildings or infrastructure, or significant noncompliance with current building code, safety code, health code, or fire code requirements or local ordinances;
 - (B) unsanitary or unsafe conditions in the survey area that threaten the health, safety, or welfare of the community;
 - (C) environmental hazards, as defined in state or federal law, which 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 - (E) abandoned or outdated facilities that pose a threat to public health, safety, or welfare;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 survey 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 survey 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 within the survey area; or
 - (b) the survey area includes some or all of a superfund site, inactive industrial site, or inactive airport site.
- (2) A single parcel comprising 10% or more of the acreage within the survey area may not be counted as satisfying the requirement described in Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of the parcel is occupied by buildings or improvements.
- (3)
 - (a) Except as provided in Subsection (3)(b), for purposes of Subsection (1), if a participant or proposed participant involved in the project area development has caused a condition listed in Subsection (1)(a)(iv) within the survey 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 later becomes a participant.

Enacted by Chapter 350, 2016 General Session

