

1 **COMMUNITY DEVELOPMENT AND RENEWAL**

2 **AMENDMENTS**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Curtis S. Bramble**

6 House Sponsor: Stephen H. Urquhart

7

LONG TITLE

8 **General Description:**

9 This bill modifies community development and renewal agency provisions.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ enacts a definition of "inactive airport site" for purposes of a community
13 development and renewal agency project;

14 ▶ modifies definitions;

15 ▶ modifies blight study provisions to include a finding relating to an inactive airport
16 site; ~~H→ [and] ←H~~

17 ▶ includes an inactive airport site among the sites regarding which the other factors of
18 blight do not need to be found ~~H→ [-] ; and~~

19 ▶ provides that the mayor of a municipality operating under a council-mayor form of
20 government serves as the executive director of an agency created by that municipality and
21 exercises the executive powers of the agency. ~~←H~~

22 **Monies Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 ~~H→ [None]~~ This bill coordinates with S.B. 20, Municipal Government Amendments, by
26 technically merging amendments. ~~←H~~

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **17C-1-102**, as last amended by Laws of Utah 2007, Chapters 329 and 364

30 **17C-2-102**, as last amended by Laws of Utah 2007, Chapter 364

31 ~~H→~~ **17C-1-203**, as renumbered and amended by Laws of Utah 2006, Chapter 359 ~~←H~~



28 17C-2-301, as last amended by Laws of Utah 2007, Chapter 364

29 17C-2-303, as last amended by Laws of Utah 2007, Chapter 364



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section 17C-1-102 is amended to read:

33 **17C-1-102. Definitions.**

34 As used in this title:

35 (1) "Adjusted tax increment" means:

36 (a) for tax increment under a pre-July 1, 1993 project area plan, tax increment under
37 Section 17C-1-403, excluding tax increment under Subsection 17C-1-403(3); and

38 (b) for tax increment under a post-June 30, 1993 project area plan, tax increment under
39 Section 17C-1-404, excluding tax increment under Section 17C-1-406.

40 (2) "Affordable housing" means housing to be owned or occupied by persons and
41 families of low or moderate income, as determined by resolution of the agency.

42 (3) "Agency" or "community development and renewal agency" means a separate body
43 corporate and politic, created under Section 17C-1-201 or as a redevelopment agency under
44 previous law, that is a political subdivision of the state, that is created to undertake or promote
45 urban renewal, economic development, or community development, or any combination of
46 them, as provided in this title, and whose geographic boundaries are coterminous with:

47 (a) for an agency created by a county, the unincorporated area of the county; and

48 (b) for an agency created by a city or town, the boundaries of the city or town.

49 (4) "Annual income" has the meaning as defined under regulations of the U.S.

50 Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as amended or as
51 superseded by replacement regulations.

52 (5) "Assessment roll" has the meaning as defined in Section 59-2-102.

53 (6) "Base taxable value" means the taxable value of the property within a project area
54 from which tax increment will be collected, as shown upon the assessment roll last equalized
55 before:

56 (a) for a pre-July 1, 1993 project area plan, the effective date of the project area plan;

57 (b) for a post-June 30, 1993 project area plan:

58 (i) the date of the taxing entity committee's approval of the first project area budget; or

59 (ii) if no taxing entity committee approval is required for the project area budget, the
60 later of:

61 (A) the date the project area plan is adopted by the community legislative body; and

62 (B) the date the agency adopts the first project area budget; ~~or~~

63 (c) for a project on an inactive industrial site, a year after the date on which the inactive
64 industrial site is sold for remediation and development~~[-]; or~~

65 (d) for a project on an inactive airport site, a year after the later of:

66 (i) the date on which the inactive airport site is sold for remediation and development;

67 and

68 (ii) the date on which the airport that had been operated on the inactive airport site
69 ceased operations.

70 (7) "Basic levy" means the portion of a school district's tax levy constituting the
71 minimum basic levy under Section 59-2-902.

72 (8) "Blight" or "blighted" means the condition of an area that meets the requirements of
73 Subsection 17C-2-303(1).

74 (9) "Blight hearing" means a public hearing under Subsection 17C-2-102(1)(a)(i)(C)
75 and Section 17C-2-302 regarding the existence or nonexistence of blight within the proposed
76 urban renewal project area.

77 (10) "Blight study" means a study to determine the existence or nonexistence of blight
78 within a survey area as provided in Section 17C-2-301.

79 (11) "Board" means the governing body of an agency, as provided in Section
80 17C-1-203.

81 (12) "Budget hearing" means the public hearing on a draft project area budget required
82 under Subsection 17C-2-201(2)(d) for an urban renewal project area budget or Subsection
83 17C-3-201(2)(d) for an economic development project area budget.

84 (13) "Combined incremental value" means the combined total of all incremental values
85 from all urban renewal project areas, except project areas that contain some or all of a military
86 installation or inactive industrial site, within the agency's boundaries under adopted project area
87 plans and adopted project area budgets at the time that a project area budget for a new urban
88 renewal project area is being considered.

89 (14) "Community" means a county, city, or town.

90 (15) "Community development" means development activities within a community,
91 including the encouragement, promotion, or provision of development.

92 (16) "Economic development" means to promote the creation or retention of public or
93 private jobs within the state through:

94 (a) planning, design, development, construction, rehabilitation, business relocation, or
95 any combination of these, within a community; and

96 (b) the provision of office, industrial, manufacturing, warehousing, distribution,
97 parking, public, or other facilities, or other improvements that benefit the state or a community.

98 (17) "Fair share ratio" means the ratio derived by:

99 (a) for a city or town, comparing the percentage of all housing units within the city or
100 town that are publicly subsidized income targeted housing units to the percentage of all
101 housing units within the whole county that are publicly subsidized income targeted housing
102 units; or

103 (b) for the unincorporated part of a county, comparing the percentage of all housing
104 units within the unincorporated county that are publicly subsidized income targeted housing
105 units to the percentage of all housing units within the whole county that are publicly subsidized
106 income targeted housing units.

107 (18) "Family" has the meaning as defined under regulations of the U.S. Department of
108 Housing and Urban Development, 24 C.F.R. Section 5.403, as amended or as superseded by
109 replacement regulations.

110 (19) "Greenfield" means land not developed beyond agricultural or forestry use.

111 (20) "Hazardous waste" means any substance defined, regulated, or listed as a
112 hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant,
113 or toxic substance, or identified as hazardous to human health or the environment, under state
114 or federal law or regulation.

115 [~~20~~] (21) "Housing funds" means the funds allocated in an urban renewal project area
116 budget under Section 17C-2-203 for the purposes provided in Subsection 17C-1-412(1).

117 (22) (a) "Inactive airport site" means land that:

118 (i) consists of at least 100 acres;

119 (ii) is occupied by an airport that:

120 (A) is no longer in operation as an airport; and

121 (B) is owned or was formerly owned and operated by a public entity; and

122 (iii) requires remediation because:

123 (A) of the presence of hazardous waste or solid waste; or

124 (B) the site lacks sufficient public infrastructure and facilities, including public roads,

125 electric service, water system, and sewer system, needed to support development of the site.

126 (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land

127 described in Subsection (22)(a).

128 ~~[(21)]~~ (23) (a) "Inactive industrial site" means land that:

129 (i) consists of at least 1,000 acres;

130 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial
131 facility; and

132 (iii) requires remediation because of the presence of~~[-]~~ hazardous waste or solid waste.

133 ~~[(A) hazardous waste, defined as any substance defined, regulated, or listed as a
134 hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant,
135 or toxic substance, or identified as hazardous to human health or the environment under state
136 or federal law or regulation; or]~~

137 ~~[(B) solid waste.]~~

138 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land

139 described in Subsection ~~[(21)]~~ (23)(a).

140 ~~[(22)]~~ (24) "Income targeted housing" means housing to be owned or occupied by a
141 family whose annual income is at or below 80% of the median annual income for the county in
142 which the housing is located.

143 ~~[(23)]~~ (25) "Incremental value" means a figure derived by multiplying the marginal
144 value of the property located within an urban renewal project area on which tax increment is
145 collected by a number that represents the percentage of adjusted tax increment from that project
146 area that is paid to the agency.

147 ~~[(24)]~~ (26) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
148 established under Title 9, Chapter 4, Part 7, Olene Walker Housing Loan Fund.

149 ~~[(25)]~~ (27) "Marginal value" means the difference between actual taxable value and
150 base taxable value.

151 ~~[(26)]~~ (28) "Military installation project area" means a project area or a portion of a

152 project area located within a federal military installation ordered closed by the federal Defense
153 Base Realignment and Closure Commission.

154 ~~[(27)]~~ (29) "Plan hearing" means the public hearing on a draft project area plan
155 required under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan,
156 Subsection 17C-3-102(1)(d) for an economic development project area plan, and Subsection
157 17C-4-102(1)(d) for a community development project area plan.

158 ~~[(28)]~~ (30) "Post-June 30, 1993 project area plan" means a project area plan adopted on
159 or after July 1, 1993, whether or not amended subsequent to its adoption.

160 ~~[(29)]~~ (31) "Pre-July 1, 1993 project area plan" means a project area plan adopted
161 before July 1, 1993, whether or not amended subsequent to its adoption.

162 ~~[(30)]~~ (32) "Private," with respect to real property, means:

- 163 (a) not owned by the United States or any agency of the federal government, a public
164 entity, or any other governmental entity; and
- 165 (b) not dedicated to public use.

166 ~~[(31)]~~ (33) "Project area" means the geographic area described in a project area plan or
167 draft project area plan where the urban renewal, economic development, or community
168 development, as the case may be, set forth in the project area plan or draft project area plan
169 takes place or is proposed to take place.

170 ~~[(32)]~~ (34) "Project area budget" means a multiyear projection of annual or cumulative
171 revenues and expenses and other fiscal matters pertaining to a urban renewal or economic
172 development project area that includes:

- 173 (a) the base taxable value of property in the project area;
- 174 (b) the projected tax increment expected to be generated within the project area;
- 175 (c) the amount of tax increment expected to be shared with other taxing entities;
- 176 (d) the amount of tax increment expected to be used to implement the project area plan,
177 including the estimated amount of tax increment to be used for land acquisition, public
178 improvements, infrastructure improvements, and loans, grants, or other incentives to private
179 and public entities;
- 180 (e) the tax increment expected to be used to cover the cost of administering the project
181 area plan;
- 182 (f) if the area from which tax increment is to be collected is less than the entire project

183 area:

184 (i) the tax identification numbers of the parcels from which tax increment will be
185 collected; or

186 (ii) a legal description of the portion of the project area from which tax increment will
187 be collected; and

188 (g) for property that the agency owns and expects to sell, the expected total cost of the
189 property to the agency and the expected selling price.

190 [~~33~~] (35) "Project area plan" means a written plan under Chapter 2, Part 1, Urban
191 Renewal Project Area Plan, Chapter 3, Part 1, Economic Development Project Area Plan, or
192 Chapter 4, Part 1, Community Development Project Area Plan, as the case may be, that, after
193 its effective date, guides and controls the urban renewal, economic development, or community
194 development activities within a project area.

195 [~~34~~] (36) "Property tax" includes privilege tax and each levy on an ad valorem basis
196 on tangible or intangible personal or real property.

197 [~~35~~] (37) "Public entity" means:

198 (a) the state, including any of its departments or agencies; or

199 (b) a political subdivision of the state, including a county, city, town, school district,
200 local district, special service district, or interlocal cooperation entity.

201 [~~36~~] (38) "Publicly owned infrastructure and improvements" means water, sewer,
202 storm drainage, electrical, and other similar systems and lines, streets, roads, curb, gutter,
203 sidewalk, walkways, parking facilities, public transportation facilities, and other facilities,
204 infrastructure, and improvements benefitting the public and to be publicly owned or publicly
205 maintained or operated.

206 [~~37~~] (39) "Record property owner" or "record owner of property" means the owner of
207 real property as shown on the records of the recorder of the county in which the property is
208 located and includes a purchaser under a real estate contract if the contract is recorded in the
209 office of the recorder of the county in which the property is located or the purchaser gives
210 written notice of the real estate contract to the agency.

211 [~~38~~] (40) "Superfund site":

212 (a) means an area included in the National Priorities List under the Comprehensive
213 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

214 (b) includes an area formerly included in the National Priorities List, as described in
215 Subsection ~~[(38)]~~ (40)(a), but removed from the list following remediation that leaves on site
216 the waste that caused the area to be included in the National Priorities List.

217 ~~[(39)]~~ (41) "Survey area" means an area designated by a survey area resolution for
218 study to determine whether one or more urban renewal projects within the area are feasible.

219 ~~[(40)]~~ (42) "Survey area resolution" means a resolution adopted by the agency board
220 under Subsection 17C-2-101(1)(a) designating a survey area.

221 ~~[(41)]~~ (43) "Taxable value" means the value of property as shown on the last equalized
222 assessment roll as certified by the county assessor.

223 ~~[(42)]~~ (44) (a) "Tax increment" means, except as provided in Subsection ~~[(42)]~~ (44)(b),
224 the difference between:

225 (i) the amount of property tax revenues generated each tax year by all taxing entities
226 from the area within a project area designated in the project area plan as the area from which
227 tax increment is to be collected, using the current assessed value of the property; and

228 (ii) the amount of property tax revenues that would be generated from that same area
229 using the base taxable value of the property.

230 (b) "Tax increment" does not include taxes levied and collected under Section
231 59-2-906.1 on or after January 1, 1994 upon the taxable property in the project area unless:

232 (i) the project area plan was adopted before May 4, 1993, whether or not the project
233 area plan was subsequently amended; and

234 (ii) the taxes were pledged to support bond indebtedness or other contractual
235 obligations of the agency.

236 ~~[(43)]~~ (45) "Taxing entity" means a public entity that levies a tax on property within a
237 community.

238 ~~[(44)]~~ (46) "Taxing entity committee" means a committee representing the interests of
239 taxing entities, created as provided in Section 17C-1-402.

240 ~~[(45)]~~ (47) "Unincorporated" means not within a city or town.

241 ~~[(46)]~~ (48) (a) "Urban renewal" means the development activities under a project area
242 plan within an urban renewal project area, including:

243 (i) planning, design, development, demolition, clearance, construction, rehabilitation,
244 environmental remediation, or any combination of these, of part or all of a project area;

245 (ii) the provision of residential, commercial, industrial, public, or other structures or
246 spaces, including recreational and other facilities incidental or appurtenant to them;

247 (iii) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating, or
248 any combination of these, existing structures in a project area;

249 (iv) providing open space, including streets and other public grounds and space around
250 buildings;

251 (v) providing public or private buildings, infrastructure, structures, and improvements;
252 and

253 (vi) providing improvements of public or private recreation areas and other public
254 grounds.

255 (b) "Urban renewal" means "redevelopment," as defined under the law in effect before
256 May 1, 2006, if the context requires.

257 Section 2. Section **17C-2-102** is amended to read:

258 **17C-2-102. Process for adopting urban renewal project area plan -- Prerequisites**
259 **-- Restrictions.**

260 (1) (a) In order to adopt an urban renewal project area plan, after adopting a resolution
261 under Subsection 17C-2-101(1) the agency shall:

262 (i) unless a finding of blight is based on a finding made under Subsection
263 17C-2-303(1)(b) relating to an inactive industrial site or inactive airport site:

264 (A) cause a blight study to be conducted within the survey area as provided in Section
265 17C-2-301;

266 (B) provide notice of a blight hearing as required under Part 5, Urban Renewal Notice
267 Requirements; and

268 (C) hold a blight hearing as provided in Section 17C-2-302;

269 (ii) after the blight hearing has been held or, if no blight hearing is required under
270 Subsection (1)(a)(i), after adopting a resolution under Subsection 17C-2-101(1), hold a board
271 meeting at which the board shall:

272 (A) consider:

273 (I) the issue of blight and the evidence and information relating to the existence or
274 nonexistence of blight; and

275 (II) whether adoption of one or more urban renewal project area plans should be

276 pursued; and
277 (B) by resolution:
278 (I) make a finding regarding the existence of blight in the proposed urban renewal
279 project area;
280 (II) select one or more project areas comprising part or all of the survey area; and
281 (III) authorize the preparation of a draft project area plan for each project area;
282 (iii) prepare a draft of a project area plan and conduct any examination, investigation,
283 and negotiation regarding the project area plan that the agency considers appropriate;
284 (iv) make the draft project area plan available to the public at the agency's offices
285 during normal business hours;
286 (v) provide notice of the plan hearing as provided in Sections 17C-2-502 and
287 17C-2-504;
288 (vi) hold a public hearing on the draft project area plan and, at that public hearing:
289 (A) allow public comment on:
290 (I) the draft project area plan; and
291 (II) whether the draft project area plan should be revised, approved, or rejected; and
292 (B) receive all written and hear all oral objections to the draft project area plan;
293 (vii) before holding the plan hearing, provide an opportunity for the State Board of
294 Education and each taxing entity that levies a tax on property within the proposed project area
295 to consult with the agency regarding the draft project area plan;
296 (viii) if applicable, hold the election required under Subsection 17C-2-105(3);
297 (ix) after holding the plan hearing, at the same meeting or at a subsequent meeting
298 consider:
299 (A) the oral and written objections to the draft project area plan and evidence and
300 testimony for and against adoption of the draft project area plan; and
301 (B) whether to revise, approve, or reject the draft project area plan;
302 (x) approve the draft project area plan, with or without revisions, as the project area
303 plan by a resolution that complies with Section 17C-2-106; and
304 (xi) submit the project area plan to the community legislative body for adoption.
305 (b) (i) If an agency makes a finding under Subsection (1)(a)(ii)(B) that blight exists in
306 the proposed urban renewal project area, the agency may not adopt the project area plan until

307 the taxing entity committee approves the finding of blight.

308 (ii) (A) A taxing entity committee may not disapprove an agency's finding of blight
309 unless the committee demonstrates that the conditions the agency found to exist in the urban
310 renewal project area that support the agency's finding of blight under Section 17C-2-303:

311 (I) do not exist; or

312 (II) do not constitute blight.

313 (B) (I) If the taxing entity committee questions or disputes the existence of some or all
314 of the blight conditions that the agency found to exist in the urban renewal project area or that
315 those conditions constitute blight, the taxing entity committee may hire a consultant, mutually
316 agreed upon by the taxing entity committee and the agency, with the necessary expertise to
317 assist the taxing entity committee to make a determination as to the existence of the questioned
318 or disputed blight conditions.

319 (II) The agency shall pay the fees and expenses of each consultant hired under
320 Subsection (1)(b)(ii)(B)(I).

321 (III) The findings of a consultant under this Subsection (1)(b)(ii)(B) shall be binding on
322 the taxing entity committee and the agency.

323 (2) An agency may not propose a project area plan under Subsection (1) unless the
324 community in which the proposed project area is located:

325 (a) has a planning commission; and

326 (b) has adopted a general plan under:

327 (i) if the community is a city or town, Title 10, Chapter 9a, Part 4, General Plan; or

328 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.

329 (3) (a) Subject to Subsection (3)(b), an agency board may not approve a project area
330 plan more than one year after adoption of a resolution making a finding of blight under
331 Subsection (1)(a)(ii)(B).

332 (b) If a project area plan is submitted to an election under Subsection 17C-2-105(3),
333 the time between the plan hearing and the date of the election does not count for purposes of
334 calculating the year period under Subsection (3)(a).

335 (4) (a) Except as provided in Subsection (4)(b), a draft project area plan may not be
336 modified to add real property to the proposed project area unless the board holds a plan hearing
337 to consider the addition and gives notice of the plan hearing as required under Sections

338 17C-2-502 and 17C-2-504.

339 (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a draft
340 project area plan being modified to add real property to the proposed project area if:

341 (i) the property is contiguous to the property already included in the proposed project
342 area under the draft project area plan;

343 (ii) the record owner of the property consents to adding the real property to the
344 proposed project area; and

345 (iii) the property is located within the survey area.

345a **H→ Section 3. Section 17C-1-203 is amended to read:**

345b **17C-1-203. Agency board -- Quorum.**

345c **(1) The governing body of an agency is a board consisting of the current members of the**
345d **legislative body of the community that created the agency.**

345e **(2) A majority of board members constitutes a quorum for the transaction of agency business.**

345f **(3) An agency board may not adopt a resolution, pass a motion, or take any other official**
345g **board action without the concurrence of at least a majority of the board members present at a meeting**
345h **at which a quorum is present.**

345i **(4) The mayor of a municipality operating under a council-mayor form of government,**
345j **as described in Subsection 10-3-101(2):**

345k **(a) serves as the executive director of an agency created by the municipality; and**

345l **(b) exercises the executive powers of the agency. ←H**

346 Section **H→ [3] 4 ←H** . Section 17C-2-301 is amended to read:

347 **17C-2-301. Blight study -- Requirements -- Deadline.**

348 (1) Each blight study required under Subsection 17C-2-102(1)(a)(i)(A) shall:

349 (a) undertake a parcel by parcel survey of the survey area;

350 (b) provide data so the board and taxing entity committee may determine:

351 (i) whether the conditions described in Subsection 17C-2-303(1):

352 (A) exist in part or all of the survey area; and

353 (B) qualify an area within the survey area as a project area; and

354 (ii) whether the survey area contains all or part of a superfund site [or], an inactive
355 industrial site, or inactive airport site;

356 (c) include a written report setting forth:

357 (i) the conclusions reached;

358 (ii) any recommended area within the survey area qualifying as a project area; and

359 (iii) any other information requested by the agency to determine whether an urban

360 renewal project area is feasible; and

361 (d) be completed within one year after the adoption of the survey area resolution.

362 (2) (a) If a blight study is not completed within one year after the adoption of the
363 resolution under Subsection 17C-2-101(1) designating a survey area, the agency may not
364 approve an urban renewal project area plan based on that blight study unless it first adopts a
365 new resolution under Subsection 17C-2-101(1).

366 (b) A new resolution under Subsection (2)(a) shall in all respects be considered to be a
367 resolution under Subsection 17C-2-101(1) adopted for the first time, except that any actions
368 taken toward completing a blight study under the resolution that the new resolution replaces

369 shall be considered to have been taken under the new resolution.

370 Section ~~H~~→ [4] 5 ←~~H~~ . Section 17C-2-303 is amended to read:

371 **17C-2-303. Conditions on board determination of blight -- Conditions of blight**
372 **caused by the developer.**

373 (1) An agency board may not make a finding of blight in a resolution under Subsection
374 17C-2-102(1)(a)(ii)(B) unless the board finds that:

375 (a) (i) the proposed project area consists predominantly of nongreenfield parcels;

376 (ii) the proposed project area is currently zoned for urban purposes and generally
377 served by utilities;

378 (iii) at least 50% of the parcels within the proposed project area contain nonagricultural
379 or nonaccessory buildings or improvements used or intended for residential, commercial,
380 industrial, or other urban purposes, or any combination of those uses;

381 (iv) the present condition or use of the proposed project area substantially impairs the
382 sound growth of the municipality, retards the provision of housing accommodations, or
383 constitutes an economic liability or is detrimental to the public health, safety, or welfare, as
384 shown by the existence within the proposed project area of at least four of the following
385 factors:

386 (A) one of the following, although sometimes interspersed with well maintained
387 buildings and infrastructure:

388 (I) substantial physical dilapidation, deterioration, or defective construction of
389 buildings or infrastructure; or

390 (II) significant noncompliance with current building code, safety code, health code, or
391 fire code requirements or local ordinances;

392 (B) unsanitary or unsafe conditions in the proposed project area that threaten the
393 health, safety, or welfare of the community;

394 (C) environmental hazards, as defined in state or federal law, that require remediation
395 as a condition for current or future use and development;

396 (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for
397 urban use and served by utilities;

398 (E) abandoned or outdated facilities that pose a threat to public health, safety, or
399 welfare;

400 (F) criminal activity in the project area, higher than that of comparable nonblighted
401 areas in the municipality or county; and

402 (G) defective or unusual conditions of title rendering the title nonmarketable; and

403 (v) (A) at least 50% of the parcels within the proposed project area are affected by at
404 least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv); and

405 (B) the affected parcels comprise at least 66% of the acreage of the proposed project
406 area; or

407 (b) the proposed project area includes some or all of a superfund site [~~or an~~], inactive
408 industrial site, or inactive airport site.

409 (2) No single parcel comprising 10% or more of the acreage of the proposed project
410 area may be counted as satisfying Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of
411 that parcel is occupied by buildings or improvements.

412 (3) (a) For purposes of Subsection (1), if a developer involved in the urban renewal
413 project has caused a condition listed in Subsection (1)(a)(iv) within the proposed project area,
414 that condition may not be used in the determination of blight.

415 (b) Subsection (3)(a) does not apply to a condition that was caused by an owner or
416 tenant who becomes a developer.

416a **H→ Section 6. Coordinating S.B. 294 with S.B. 20 -- Technically merging amendments.**

416b **If this S.B. 294 and S.B. 20, Municipal Government Amendments, both pass, it is the**
416c **intent of the Legislature that the Office of Legislative Research and General Counsel, in**
416d **preparing the Utah Code database for publication, modify Subsection 17C-1-203(4), as**
416e **amended in this bill, to read:**

416f **"(4) The mayor of a municipality operating under a council-mayor form of government, as**
416g **defined in Section 10-3b-102:**

416h **(a) serves as the executive director of an agency created by the municipality; and**

416i **(b) exercises the executive powers of the agency."** ←H

Legislative Review Note

as of 2-21-08 10:57 AM

Office of Legislative Research and General Counsel

S.B. 294 - Community Development and Renewal Amendments

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
