

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

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies community development and renewal agency provisions.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ enacts a definition of "inactive airport site" for purposes of a community
- 14 development and renewal agency project;
- 15 ▶ modifies definitions;
- 16 ▶ modifies blight study provisions to include a finding relating to an inactive airport
- 17 site;
- 18 ▶ includes an inactive airport site among the sites regarding which the other factors of
- 19 blight do not need to be found; and
- 20 ▶ provides that the mayor of a municipality operating under a council-mayor form of
- 21 government serves as the executive director of an agency created by that
- 22 municipality and exercises the executive powers of the agency.

23 **Monies Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 This bill coordinates with S.B. 20, Municipal Government Amendments, by technically

27 merging amendments.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 17C-1-102, as last amended by Laws of Utah 2007, Chapters 329 and 364

31 17C-1-203, as renumbered and amended by Laws of Utah 2006, Chapter 359

32 17C-2-102, as last amended by Laws of Utah 2007, Chapter 364

33 17C-2-301, as last amended by Laws of Utah 2007, Chapter 364

34 17C-2-303, as last amended by Laws of Utah 2007, Chapter 364



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

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

38 **17C-1-102. Definitions.**

39 As used in this title:

40 (1) "Adjusted tax increment" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

64 (ii) if no taxing entity committee approval is required for the project area budget, the

65 later of:

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

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

68 (c) for a project on an inactive industrial site, a year after the date on which the inactive

69 industrial site is sold for remediation and development~~[-]; or~~

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

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

72 and

73 (ii) the date on which the airport that had been operated on the inactive airport site

74 ceased operations.

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

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

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

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

84 (11) "Board" means the governing body of an agency, as provided in Section
85 17C-1-203.

86 (12) "Budget hearing" means the public hearing on a draft project area budget required
87 under Subsection 17C-2-201(2)(d) for an urban renewal project area budget or Subsection
88 17C-3-201(2)(d) for an economic development project area budget.

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

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

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

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

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

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

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

104 (a) for a city or town, comparing the percentage of all housing units within the city or
105 town that are publicly subsidized income targeted housing units to the percentage of all housing
106 units within the whole county that are publicly subsidized income targeted housing units; or

107 (b) for the unincorporated part of a county, comparing the percentage of all housing
108 units within the unincorporated county that are publicly subsidized income targeted housing
109 units to the percentage of all housing units within the whole county that are publicly subsidized
110 income targeted housing units.

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

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

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

119 [~~(20)~~] (21) "Housing funds" means the funds allocated in an urban renewal project area
120 budget under Section 17C-2-203 for the purposes provided in Subsection 17C-1-412(1).

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

122 (i) consists of at least 100 acres;

123 (ii) is occupied by an airport that:

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

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

126 (iii) requires remediation because:

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

128 (B) the site lacks sufficient public infrastructure and facilities, including public roads,
129 electric service, water system, and sewer system, needed to support development of the site.

130 (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land
131 described in Subsection (22)(a).

132 [~~(21)~~] (23) (a) "Inactive industrial site" means land that:

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

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

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

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

141 [~~(B) solid waste;]~~

142 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land
143 described in Subsection [~~(21)~~] (23)(a).

144 [~~(22)~~] (24) "Income targeted housing" means housing to be owned or occupied by a
145 family whose annual income is at or below 80% of the median annual income for the county in
146 which the housing is located.

147 [~~(23)~~] (25) "Incremental value" means a figure derived by multiplying the marginal
148 value of the property located within an urban renewal project area on which tax increment is
149 collected by a number that represents the percentage of adjusted tax increment from that project
150 area that is paid to the agency.

151 [~~(24)~~] (26) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
152 established under Title 9, Chapter 4, Part 7, Olene Walker Housing Loan Fund.

153 [~~(25)~~] (27) "Marginal value" means the difference between actual taxable value and
154 base taxable value.

155 [~~(26)~~] (28) "Military installation project area" means a project area or a portion of a
156 project area located within a federal military installation ordered closed by the federal Defense
157 Base Realignment and Closure Commission.

158 [~~(27)~~] (29) "Plan hearing" means the public hearing on a draft project area plan required
159 under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan, Subsection
160 17C-3-102(1)(d) for an economic development project area plan, and Subsection
161 17C-4-102(1)(d) for a community development project area plan.

162 [~~(28)~~] (30) "Post-June 30, 1993 project area plan" means a project area plan adopted on
163 or after July 1, 1993, whether or not amended subsequent to its adoption.

164 [~~(29)~~] (31) "Pre-July 1, 1993 project area plan" means a project area plan adopted
165 before July 1, 1993, whether or not amended subsequent to its adoption.

166 [~~(30)~~] (32) "Private," with respect to real property, means:

167 (a) not owned by the United States or any agency of the federal government, a public
168 entity, or any other governmental entity; and

169 (b) not dedicated to public use.

170 [~~(31)~~] (33) "Project area" means the geographic area described in a project area plan or
171 draft project area plan where the urban renewal, economic development, or community
172 development, as the case may be, set forth in the project area plan or draft project area plan
173 takes place or is proposed to take place.

174 [~~(32)~~] (34) "Project area budget" means a multiyear projection of annual or cumulative
175 revenues and expenses and other fiscal matters pertaining to a urban renewal or economic
176 development project area that includes:

- 177 (a) the base taxable value of property in the project area;
- 178 (b) the projected tax increment expected to be generated within the project area;
- 179 (c) the amount of tax increment expected to be shared with other taxing entities;
- 180 (d) the amount of tax increment expected to be used to implement the project area plan,
181 including the estimated amount of tax increment to be used for land acquisition, public
182 improvements, infrastructure improvements, and loans, grants, or other incentives to private and
183 public entities;
- 184 (e) the tax increment expected to be used to cover the cost of administering the project
185 area plan;
- 186 (f) if the area from which tax increment is to be collected is less than the entire project
187 area:
 - 188 (i) the tax identification numbers of the parcels from which tax increment will be
189 collected; or
 - 190 (ii) a legal description of the portion of the project area from which tax increment will
191 be collected; and
- 192 (g) for property that the agency owns and expects to sell, the expected total cost of the
193 property to the agency and the expected selling price.

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

198 development activities within a project area.

199 ~~[(34)]~~ (36) "Property tax" includes privilege tax and each levy on an ad valorem basis
200 on tangible or intangible personal or real property.

201 ~~[(35)]~~ (37) "Public entity" means:

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

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

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

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

215 ~~[(38)]~~ (40) "Superfund site":

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

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

221 ~~[(39)]~~ (41) "Survey area" means an area designated by a survey area resolution for
222 study to determine whether one or more urban renewal projects within the area are feasible.

223 ~~[(40)]~~ (42) "Survey area resolution" means a resolution adopted by the agency board
224 under Subsection 17C-2-101(1)(a) designating a survey area.

225 ~~[(41)]~~ (43) "Taxable value" means the value of property as shown on the last equalized

226 assessment roll as certified by the county assessor.

227 ~~[(42)]~~ (44) (a) "Tax increment" means, except as provided in Subsection ~~[(42)]~~ (44)(b),
228 the difference between:

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

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

234 (b) "Tax increment" does not include taxes levied and collected under Section
235 59-2-906.1 on or after January 1, 1994 upon the taxable property in the project area unless:

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

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

240 ~~[(43)]~~ (45) "Taxing entity" means a public entity that levies a tax on property within a
241 community.

242 ~~[(44)]~~ (46) "Taxing entity committee" means a committee representing the interests of
243 taxing entities, created as provided in Section 17C-1-402.

244 ~~[(45)]~~ (47) "Unincorporated" means not within a city or town.

245 ~~[(46)]~~ (48) (a) "Urban renewal" means the development activities under a project area
246 plan within an urban renewal project area, including:

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

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

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

253 (iv) providing open space, including streets and other public grounds and space around

254 buildings;

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

256 and

257 (vi) providing improvements of public or private recreation areas and other public

258 grounds.

259 (b) "Urban renewal" means "redevelopment," as defined under the law in effect before

260 May 1, 2006, if the context requires.

261 Section 2. Section **17C-1-203** is amended to read:

262 **17C-1-203. Agency board -- Quorum.**

263 (1) The governing body of an agency is a board consisting of the current members of
264 the legislative body of the community that created the agency.

265 (2) A majority of board members constitutes a quorum for the transaction of agency
266 business.

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

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

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

273 (b) exercises the executive powers of the agency.

274 Section 3. Section **17C-2-102** is amended to read:

275 **17C-2-102. Process for adopting urban renewal project area plan -- Prerequisites**
276 **-- Restrictions.**

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

279 (i) unless a finding of blight is based on a finding made under Subsection

280 17C-2-303(1)(b) relating to an inactive industrial site or inactive airport site:

281 (A) cause a blight study to be conducted within the survey area as provided in Section

282 17C-2-301;

283 (B) provide notice of a blight hearing as required under Part 5, Urban Renewal Notice

284 Requirements; and

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

286 (ii) after the blight hearing has been held or, if no blight hearing is required under

287 Subsection (1)(a)(i), after adopting a resolution under Subsection 17C-2-101(1), hold a board

288 meeting at which the board shall:

289 (A) consider:

290 (I) the issue of blight and the evidence and information relating to the existence or

291 nonexistence of blight; and

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

293 pursued; and

294 (B) by resolution:

295 (I) make a finding regarding the existence of blight in the proposed urban renewal

296 project area;

297 (II) select one or more project areas comprising part or all of the survey area; and

298 (III) authorize the preparation of a draft project area plan for each project area;

299 (iii) prepare a draft of a project area plan and conduct any examination, investigation,

300 and negotiation regarding the project area plan that the agency considers appropriate;

301 (iv) make the draft project area plan available to the public at the agency's offices during

302 normal business hours;

303 (v) provide notice of the plan hearing as provided in Sections 17C-2-502 and

304 17C-2-504;

305 (vi) hold a public hearing on the draft project area plan and, at that public hearing:

306 (A) allow public comment on:

307 (I) the draft project area plan; and

308 (II) whether the draft project area plan should be revised, approved, or rejected; and

309 (B) receive all written and hear all oral objections to the draft project area plan;

310 (vii) before holding the plan hearing, provide an opportunity for the State Board of
311 Education and each taxing entity that levies a tax on property within the proposed project area
312 to consult with the agency regarding the draft project area plan;

313 (viii) if applicable, hold the election required under Subsection 17C-2-105(3);

314 (ix) after holding the plan hearing, at the same meeting or at a subsequent meeting
315 consider:

316 (A) the oral and written objections to the draft project area plan and evidence and
317 testimony for and against adoption of the draft project area plan; and

318 (B) whether to revise, approve, or reject the draft project area plan;

319 (x) approve the draft project area plan, with or without revisions, as the project area
320 plan by a resolution that complies with Section 17C-2-106; and

321 (xi) submit the project area plan to the community legislative body for adoption.

322 (b) (i) If an agency makes a finding under Subsection (1)(a)(ii)(B) that blight exists in
323 the proposed urban renewal project area, the agency may not adopt the project area plan until
324 the taxing entity committee approves the finding of blight.

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

328 (I) do not exist; or

329 (II) do not constitute blight.

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

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

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

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

342 (a) has a planning commission; and

343 (b) has adopted a general plan under:

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

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

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

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

352 (4) (a) Except as provided in Subsection (4)(b), a draft project area plan may not be
353 modified to add real property to the proposed project area unless the board holds a plan hearing
354 to consider the addition and gives notice of the plan hearing as required under Sections
355 17C-2-502 and 17C-2-504.

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

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

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

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

363 Section 4. Section **17C-2-301** is amended to read:

364 **17C-2-301. Blight study -- Requirements -- Deadline.**

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

- 366 (a) undertake a parcel by parcel survey of the survey area;
- 367 (b) provide data so the board and taxing entity committee may determine:
- 368 (i) whether the conditions described in Subsection 17C-2-303(1):
- 369 (A) exist in part or all of the survey area; and
- 370 (B) qualify an area within the survey area as a project area; and
- 371 (ii) whether the survey area contains all or part of a superfund site ~~[or]~~, an inactive
- 372 industrial site, or inactive airport site;
- 373 (c) include a written report setting forth:
- 374 (i) the conclusions reached;
- 375 (ii) any recommended area within the survey area qualifying as a project area; and
- 376 (iii) any other information requested by the agency to determine whether an urban
- 377 renewal project area is feasible; and
- 378 (d) be completed within one year after the adoption of the survey area resolution.
- 379 (2) (a) If a blight study is not completed within one year after the adoption of the
- 380 resolution under Subsection 17C-2-101(1) designating a survey area, the agency may not
- 381 approve an urban renewal project area plan based on that blight study unless it first adopts a
- 382 new resolution under Subsection 17C-2-101(1).
- 383 (b) A new resolution under Subsection (2)(a) shall in all respects be considered to be a
- 384 resolution under Subsection 17C-2-101(1) adopted for the first time, except that any actions
- 385 taken toward completing a blight study under the resolution that the new resolution replaces
- 386 shall be considered to have been taken under the new resolution.
- 387 Section 5. Section **17C-2-303** is amended to read:
- 388 **17C-2-303. Conditions on board determination of blight -- Conditions of blight**
- 389 **caused by the developer.**
- 390 (1) An agency board may not make a finding of blight in a resolution under Subsection
- 391 17C-2-102(1)(a)(ii)(B) unless the board finds that:
- 392 (a) (i) the proposed project area consists predominantly of nongreenfield parcels;
- 393 (ii) the proposed project area is currently zoned for urban purposes and generally

394 served by utilities;

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

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

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

404 (I) substantial physical dilapidation, deterioration, or defective construction of buildings
405 or infrastructure; or

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

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

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

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

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

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

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

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

421 (B) the affected parcels comprise at least 66% of the acreage of the proposed project

422 area; or

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

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

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

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

433 Section 6. **Coordinating S.B. 294 with S.B. 20 -- Technically merging**
434 **amendments.**

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

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

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

442 (b) exercises the executive powers of the agency."