

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 110

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

RELATING TO URBAN RENEWAL; AMENDING SECTION 50-2008, IDAHO CODE, TO PROVIDE FOR A PUBLIC HEARING, TO REVISE PROVISIONS RELATING TO A PUBLIC HEARING ON THE URBAN RENEWAL PROJECT AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 50-2008, Idaho Code, be, and the same is hereby amended to read as follows:

50-2008. PREPARATION AND APPROVAL OF PLAN FOR URBAN RENEWAL PROJECT. (a) An urban renewal project for an urban renewal area shall not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or a deteriorating area or a combination thereof and designated such area as appropriate for an urban renewal project. Prior to such determination and prior to the adoption of any such resolution, the local governing body shall hold a public hearing relating to the plan for the urban renewal project contemplated by the local governing body. Notice of such public hearing shall be made in a manner consistent with that provided for public notice in subsection (c) of this section. Following such public hearing and after taking full account of all public testimony, written or oral, provided at such hearing, the local governing body may proceed to either make or not make the determination by resolution provided for in this subsection.

(b) An urban renewal agency may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to an urban renewal agency. Prior to its approval of an urban renewal project, the local governing body shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to the local governing body within thirty (30) days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission, or if no recommendations are received within said 30 days, then without such recommendations, the local governing body may proceed with the hearing on the proposed urban renewal project prescribed by subsection (c) hereof of this section.

(c) Following the adoption of a resolution provided for in subsection (a) of this section, tThe local governing body shall hold a public hearing on an the urban renewal project, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration.

1 (d) Following such hearing, the local governing body may approve an ur-  
2 ban renewal project and the plan therefor if it finds that (1) a feasible  
3 method exists for the location of families who will be displaced from the ur-  
4 ban renewal area in decent, safe and sanitary dwelling accommodations within  
5 their means and without undue hardship to such families; (2) the urban re-  
6 newal plan conforms to the general plan of the municipality as a whole; (3)  
7 the urban renewal plan gives due consideration to the provision of adequate  
8 park and recreational areas and facilities that may be desirable for neigh-  
9 borhood improvement, with special consideration for the health, safety and  
10 welfare of children residing in the general vicinity of the site covered by  
11 the plan; and (4) the urban renewal plan will afford maximum opportunity,  
12 consistent with the sound needs of the municipality as a whole, for the reha-  
13 bilitation or redevelopment of the urban renewal area by private enterprise:  
14 Provided, that if the urban renewal area consists of an area of open land to  
15 be acquired by the urban renewal agency, such area shall not be so acquired  
16 unless (1) if it is to be developed for residential uses, the local governing  
17 body shall determine that a shortage of housing of sound standards and design  
18 which is decent, safe and sanitary exists in the municipality; that the need  
19 for housing accommodations has been or will be increased as a result of the  
20 clearance of slums in other areas; that the conditions of blight in the area  
21 and the shortage of decent, safe and sanitary housing cause or contribute to  
22 an increase in and spread of disease and crime and constitute a menace to the  
23 public health, safety, morals, or welfare; and that the acquisition of the  
24 area for residential uses is an integral part of and essential to the pro-  
25 gram of the municipality, or (2) if it is to be developed for nonresidential  
26 uses, the local governing body shall determine that such nonresidential uses  
27 are necessary and appropriate to facilitate the proper growth and develop-  
28 ment of the community in accordance with sound planning standards and local  
29 community objectives, which acquisition may require the exercise of govern-  
30 mental action, as provided in this act, because of defective or unusual con-  
31 ditions of title, diversity of ownership, tax delinquency, improper subdivi-  
32 sions, outmoded street patterns, deterioration of site, economic disuse,  
33 unsuitable topography or faulty lot layouts, the need for the correlation of  
34 the area with other areas of a municipality by streets and modern traffic re-  
35 quirements, or any combination of such factors or other conditions which re-  
36 tard development of the area.

37 (e) An urban renewal plan may be modified at any time: Provided that  
38 if modified after the lease or sale by the urban renewal agency of real prop-  
39 erty in the urban renewal project area, such modification may be conditioned  
40 upon such approval of the owner, lessee or successor in interest as the urban  
41 renewal agency may deem advisable and in any event shall be subject to such  
42 rights at law or in equity as a lessee or purchaser, or his successor or suc-  
43 cessors in interest, may be entitled to assert.

44 (f) Upon the approval by the local governing body of an urban renewal  
45 plan or of any modification thereof, such plan or modification shall be  
46 deemed to be in full force and effect for the respective urban renewal area,  
47 and the urban renewal agency may then cause such plan or modification to be  
48 carried out in accordance with its terms.

49 (g) Notwithstanding any other provisions of this act, where the local  
50 governing body certifies that an area is in need of redevelopment or reha-

1   bilitation as a result of a flood, fire, hurricane, earthquake, storm, or  
2   other catastrophe respecting which the governor of the state has certified  
3   the need for disaster assistance under ~~Public Law 875, Eighty-first Congress~~  
4   42 U.S.C. section 5121, or other federal law, the local governing body may  
5   approve an urban renewal plan and an urban renewal project with respect to  
6   such area without regard to the provisions of subsection (d) of this section  
7   and the provisions of this section requiring a general plan for the munici-  
8   pality and a public hearing on the urban renewal project.