

**41. Urban Renewal Plans.** ORS 457.010(1) broadly defines “blighted area” to include unproductive land, potentially including vacant, unimproved land. *Friends of Urban Renewal v. City of Portland*, 58 Or LUBA 148 (2009).

**41. Urban Renewal Plans.** The apparent purpose of ORS 457.085(2)(j), which requires that for an urban renewal plan that includes a public building, the urban renewal plan must explain how the building serves or benefits the urban renewal area, is to ensure that cities do not fund public buildings with urban renewal revenues unless those buildings benefit or serve the privately owned portions of the urban renewal area. That purpose is not served by a public building that benefits only the publicly owned property on which the building is located. *Friends of Urban Renewal v. City of Portland*, 58 Or LUBA 148 (2009).

**41. Urban Renewal Plans.** Even if it is permissible under ORS Chapter 457 to create an urban renewal area and later add a geographically noncontiguous addition to the original renewal area, where the addition consists entirely of a publicly owned parcel on which a public building is proposed, ORS 457.085(2)(j) requires a finding supported by substantial evidence that the public building serves or benefits at least some portion of the original urban renewal area. *Friends of Urban Renewal v. City of Portland*, 58 Or LUBA 148 (2009).

**41. Urban Renewal Plans.** Substantial evidence does not support a city’s finding that constructing a new elementary school on a parcel 10 miles from the original urban renewal area will benefit or serve that original urban renewal area, where there is no evidence that the school would serve any current or displaced residents of the renewal area. *Friends of Urban Renewal v. City of Portland*, 58 Or LUBA 148 (2009).

**41. Urban Renewal Plans.** ORS Chapter 457 authorizes cities to use urban renewal revenue to fund construction of public buildings, as long as such buildings benefit or serve the urban renewal area. However, the statute does not require that the public buildings increase economic productivity or increase tax revenues. *Friends of Urban Renewal v. City of Portland*, 58 Or LUBA 148 (2009).

**41. Urban Renewal Plans.** The ORS 457.085(1) requirement that an urban renewal agency provide for public involvement in all stages in the development of an urban renewal plan is not violated when a city council adopts a resolution directing the urban renewal agency to develop a proposed urban renewal plan amendment. That the city council initiated the urban renewal process and ultimately approved the amended plan prepared by the urban renewal agency after a public process does not demonstrate that the city council prejudged the merits or were biased. *Friends of Urban Renewal v. City of Portland*, 58 Or LUBA 148 (2009).

**41. Urban Renewal Plans.** There is no requirement under ORS 457.095(1) that every single property in a proposed urban renewal area be blighted; it is the area as a whole that must be blighted in one or more of the ways described in ORS 457.010(1). *Abeel v. City of Portland*, 58 Or LUBA 247 (2009).

**41. Urban Renewal Plans.** In substantially amending an existing urban renewal area, a local government may be required under some circumstances to demonstrate that the newly proposed

urban renewal area, as a whole, is blighted in one of the ways described in ORS 457.010(1). *Abeel v. City of Portland*, 58 Or LUBA 247 (2009).

**41. Urban Renewal Plans.** A local government may not automatically rely on its original findings of blight where 10 years have passed since the original urban renewal area plan was adopted and there is no dispute that significant changes within the original plan boundary have occurred during that time period. *Abeel v. City of Portland*, 58 Or LUBA 247 (2009).

**41. Urban Renewal Plans.** ORS 457.010(1)(a) requires a conclusion that identified buildings or structures are either “unfit” for their intended purpose or “unsafe to occupy” for those purposes because of the existence of one or more of the listed conditions. That explicit causal element means that the mere existence of one or more conditions listed in ORS 457.010(a)(A) through (E) is not sufficient, in itself, to demonstrate that the area including such buildings is blighted. *Abeel v. City of Portland*, 58 Or LUBA 247 (2009).

**41. Urban Renewal Plans.** Where a single-story building on a parcel proposed to be added to an urban renewal area could be redeveloped with a six-story building under current regulations, findings that the property is underutilized are sufficient to explain why that constitutes blight under ORS 457.010(1)(h). *Abeel v. City of Portland*, 58 Or LUBA 247 (2009).

**41. Urban Renewal Plans.** ORS 457.020 is the declaration of necessity and purpose for the urban renewal statutes and does not provide specific approval criteria or requirements for urban renewal plans or amendments to those plans. *Abeel v. City of Portland*, 58 Or LUBA 247 (2009).

**41. Urban Renewal Plans.** Where a county adopts a resolution approving an urban renewal plan under ORS 457.105 and in approving the plan finds that the plan conforms to the county’s comprehensive plan, the resolution is a land use decision as defined in ORS 197.015(1)(a)(A). *Granada Land Co. v. City of Albany*, 56 Or LUBA 475 (2008).

**41. Urban Renewal Plans.** ORS 457.105 does not require a county to take action to approve or disapprove urban renewal plans that are located entirely within incorporated cities. *Granada Land Co. v. City of Albany*, 56 Or LUBA 475 (2008).

**41. Urban Renewal Plans.** ORS 457.085 and 457.095 require a local government to allow testimony on a revised draft of a proposed urban renewal plan. *Granada Land Co. v. City of Albany*, 56 Or LUBA 475 (2008).

**41. Urban Renewal Plans.** ORS 457.085(5) does not require a local government to re-notice affected taxing districts after a draft urban renewal plan that is initially provided to those taxing districts is revised. *Granada Land Co. v. City of Albany*, 56 Or LUBA 475 (2008).

**41. Urban Renewal Plans.** ORS 457.120(1) does not require a new notice to be mailed when a governing body considers revisions to a proposed urban renewal plan that has not yet been adopted. *Granada Land Co. v. City of Albany*, 56 Or LUBA 475 (2008).

**41. Urban Renewal Plans.** Findings adequate to demonstrate that an urban renewal plan “conforms to the comprehensive plan as a whole” pursuant to ORS 457.095(3) must at least (1)

set forth the applicable comprehensive plan provisions and (2) express the local government's judgment as to the relationship between the renewal plan and the pertinent plan provisions. While the phrase "as a whole" in ORS 457.095(3) may allow the local government to balance competing plan policies, it does not allow the local government to address only some policies it identifies as being applicable and, without explanation, fail to address others also identified as applicable. *Zimmerman v. Columbia County*, 40 Or LUBA 483 (2001).

**41. Urban Renewal Plans.** A comprehensive plan policy that the county restrict rural industrial development to uses that will not require improvements at public expense is not necessarily inconsistent with adoption of an urban renewal plan that will provide publicly funded improvements to support future rural industrial development, where the policy can be read in context to allow such improvements. In that circumstance, rather than interpret the policy in the first instance, LUBA will remand a decision approving the urban renewal plan to the county to explain why the urban renewal plan conforms to the policy. *Zimmerman v. Columbia County*, 40 Or LUBA 483 (2001).

**41. Urban Renewal Plans.** The assumptions underlying the county's revenue projections and its conclusion that an urban renewal plan is "feasible" under ORS 457.095(6) and 457.085(3)(g) must be supported by substantial evidence, *i.e.*, evidence a reasonable person would rely upon. The local government need not demonstrate that projected new development is presently committed and certain to occur. *Zimmerman v. Columbia County*, 40 Or LUBA 483 (2001).

**41. Urban Renewal Plans.** A reasonable person could conclude that revenue projections for an urban renewal plan are feasible for purposes of ORS 457.095(6) and 457.085(3)(g), where expert evidence in the record shows that the total debt can be retired if four new industrial developments locate in the industrial park improved under the renewal plan, that three new industrial developments have advanced plans to locate in the park, and that the park, once improved, is likely to attract at least one other new industrial development over the relevant time period. *Zimmerman v. Columbia County*, 40 Or LUBA 483 (2001).

**41. Urban Renewal Plans.** In adopting an amendment to an urban renewal plan, a city commits no error in relying on the report adopted two years earlier in support of the original urban renewal plan, where there have been only relatively minor changes in the urban renewal district since the urban renewal plan was originally adopted. *Holladay Investors, Ltd. v. City of Portland*, 22 Or LUBA 90 (1991).

**41. Urban Renewal Plans.** In amending its urban renewal plan, a city is not required to adopt a financial analysis for an unsubsidized headquarters hotel or find that an unsubsidized headquarters hotel is financially feasible under ORS 457.085(3)(g) and 457.095(6) where (1) the original urban renewal plan included a subsidized headquarters hotel as an authorized project, and (2) the amendment to the urban renewal plan does not presently withdraw authorization for a public subsidy for the headquarters hotel. *Holladay Investors, Ltd. v. City of Portland*, 22 Or LUBA 90 (1991).

**41. Urban Renewal Plans.** Where a property tax limitation constitutional amendment renders uncertain an urban renewal agency's authority to collect property taxes outside the constitutional limit, an urban renewal agency's conclusion that it has such authority is supported by substantial

evidence where that conclusion is based on an opinion of the state attorney general. *Holladay Investors, Ltd. v. City of Portland*, 22 Or LUBA 90 (1991).