

Conditions of Blight - 15th Street Corridor

City of Cheyenne

Exhibit A: Produced to support Resolution Determining Blight



Produced March 2022
Planning and Development Department
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Introduction

The State of Wyoming authorizes communities to create Urban Renewal Authorities and summarizes the Urban Renewal Powers in *Wyoming Stat. § 15-9-101 through § 15-9-137*. The powers authorized in the Wyoming Urban Renewal Code allow municipalities to declare areas as blighted and use tools, such as tax increment financing, to reinvest in these blighted areas. The City of Cheyenne established an Urban Renewal Authority (URA) in June of 2021 through an amendment to City Code outlining the duties and abilities of the URA and an initiative resolution determining blight, fulfilling *Wyoming Stat. § 15-9-106*. The creation of the URA led to the Hitching Post Plan and Project Area being adopted and the commencement of the first Urban Renewal Project in the City of Cheyenne in several decades. The success of this Project has spurred interest in utilizing Urban Renewal in more areas of the community. However, in order for an area to be eligible to be an Urban Renewal Project, it must be determined blighted or slummed per *Wyoming Stat. § 15-9-107*. This expanded blight study of the 15th Street Corridor serves to overview and establish that the area is eligible for Urban Renewal Projects. The study will outline requirements as defined in State Statutes, overview the methodology for determining blight, overview the 15th Street Corridor and locations where blight has been identified, and draw conclusions that the rehabilitation of the blighted areas is within the best interests of the community. It is important to note that Urban Renewal Projects may occur in more areas than those identified in this study and this study and resolution do not define a specific Urban Renewal Project or Plan.



Wyoming State Statutes

The State of Wyoming authorizes communities to create Urban Renewal Authorities and utilize the power of the authority in *Wyoming Stat. § 15-9-101 through § 15-9-137*. However, the sections relevant to the blight study expansion include *WY Stat. § 15-9-103 and WY Stat. § 15-9-107*. *WY Stat. § 15-9-107* explains:

An urban renewal project for an urban renewal area shall not be planned or initiated unless the governing body, by resolution, has determined the area to be a slum area or a blighted area or a combination thereof and designated it as appropriate for an urban renewal project. A municipality shall not acquire real property for any urban renewal project unless the local governing body has approved the urban renewal project in accordance with W.S. 15-9-110.
- *WY Stat. § 15-9-107*

To aid in determining what constitutes a slum or blighted area, *WY Stat. § 15-9-103* contains the definition of “blighted area” and “slum area”. Specifically, the section describes a blighted area as:

(iii) “Blighted area” means an area which by reason of the presence of a substantial number of slums, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessments, delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of those factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use. However, if

the blighted area consists of open land, the conditions contained in W.S. 15-9-110(b) apply and any disaster area referred to in W.S. 15-9-112 constitutes a “blighted area”;
- *WY Stat. § 15-9-103*

And goes on to define a slum area as:

(xvi) “Slum area” means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of those factors is conducive to ill health and is detrimental to the public safety, morals or welfare;
- *WY Stat. § 15-9-103*

This study uses the definitions to support the findings that *WY Stat. § 15-9-107* requires. The remainder of the Wyoming Urban Renewal Code details the powers permitted by the Urban Renewal Authority and do not maintain substantial relevance to the resolution determining blight; however, staff recommends the Governing Body familiarize themselves with these statutes.

Methodology

To identify blight areas and slum areas in the community, staff created a survey with the nine (9) conditions of blight identified in the definitions section of the Wyoming Urban Renewal Code. Staff did not utilize the conditions of slum areas as they were similar to those of blight. Staff extrapolated nine distinct characteristics of blight as defined in *WY Stat. § 15-9-103(iii)*. The nine conditions with one option of "Other" include:

- Deteriorated or Deteriorating Structures
- Predominance of Defective or Inadequate Street Layout
- Faulty Lot Layout in Relation to Size, Accessibility or Usefulness
- Unsanitary or Unsafe Conditions
- Deterioration of Site or Other Improvements
- Diversity of Ownership, Tax or Other Special Assessments
- Delinquency Exceeding the Fair Value of the Land
- Defective or Unusual Conditions of Title
- The Existence of Conditions which Endanger Life or Property by Fire and other causes
- Other

The other option pertained to the section of the definition that stated, "*or any combination of those factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use,*" (*WY Stat. § 15-9-103(iii)*). After listing the conditions, the survey had the option for staff to use a check box for each condition that existed and to provide a description of indicators that were used to conclude that the condition was present. The end of the survey allowed staff to provide notes for anything of importance. Unlike other neighboring states, notably Colorado, the Wyoming Urban Renewal Code does not

establish a threshold for the number of blight conditions that must be found to qualify an area for Urban Renewal. Based on this, if any one of the nine conditions are identified on the site, it is sufficient to determine the area as blighted.

Staff completed the blight surveys for the 15th Street Corridor in March of 2022 to comply with the *WY Stat. § 15-9-107* provision of, "*[A]n urban renewal project for an urban renewal area shall not be planned or initiated unless the governing body, by resolution, has determined the area to be a slum area or a blighted area or a combination thereof and designated it as appropriate for an urban renewal project.*" Again, this study does not preclude other blighted areas from being surveyed in the future, rather serves to make the outlined area eligible for Urban Renewal Plans and Projects. The site was surveyed in March of 2022 by one staff member for consistency with the previously adopted Blight Study and the current draft of the Blight Study expansion.

Blight Surveys

This section of the report contains an overview of the blight survey as conducted in March of 2022. The blight categories present on site will be reviewed for the corridor, along with specific examples of the conditions that were witnessed at the time of the survey. The surveys and photos from the site visit are contained in Appendices A and B, respectively. Again, these areas are not designated as Urban Renewal projects through this process, rather they are illustrative of blight in the community and make the area eligible for Urban Renewal Projects.

Figure 1: 15th Street Corridor Study Area

— Study Area Boundaries

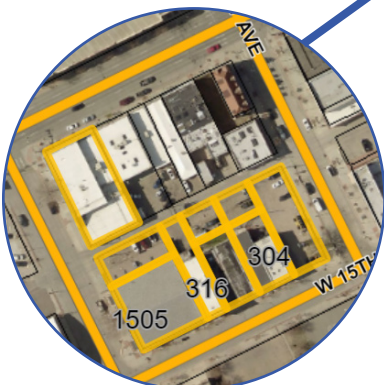
1. Deteriorated or Deteriorating Structures



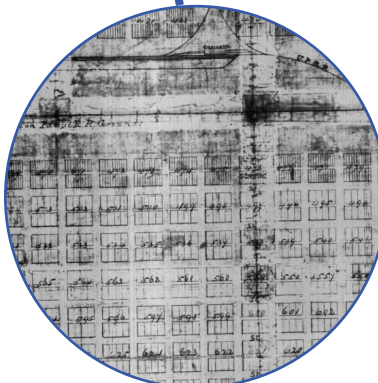
2. Unsanitary or Unsafe Conditions



3. Deterioration of Site or Other Improvements



4. Diversity of Ownership



5. Other - Poor Platting



6. The Existence of Conditions which Endanger Life or Property by Fire and other causes

15th Street Corridor

The 15th Street Corridor study area is shown in Figure 1. The study area includes the area from Bent Avenue to Thomes Avenue between Lincolnway and W. 15th Street, and then from Thomes Avenue to Capitol Avenue between the alley and W. 15th Street. The site contained six (6) of the nine (9) conditions of blight identified on the survey, demonstrating an area of blight in the community.

1. Deteriorated or Deteriorating Structures

The 15th Street study area contains several examples of deteriorated or deteriorating structures, as shown in the photo on the previous page. The study area exhibited several vacant historic buildings. The longer these buildings remain vacant, the more they will continue to deteriorate. The prevalence of vacant buildings as depicted in the supporting photographs in Appendix A fulfills this condition of blight.

2. Unsanitary or Unsafe Conditions

The 15th Street Corridor study area maintains unsanitary and unsafe conditions due to the proximity to the railroad. Environmental studies often yield the proximity to the railroad as possible evidence of environmental contamination. Additionally, the fact that the railroad is not fenced off could lead to unsafe conditions. The age of buildings in the area may indicate environmental contamination, namely asbestos and lead based paints.

3. Deterioration of Site or Other Improvements

Staff noted several conditions of deterioration of site improvements in the 15th Street Corridor study area. The deterioration included curb (Figure 1), gutter, sidewalk, and other improvements. The deterioration of site conditions is illustrative of blight in the study area.

4. Diversity of Ownership

The study area, like much of the downtown area, was platted under the Original City Plat of 1867. As the downtown grew and developed, many lots were sold off by dividing Original City lots through informal subdivision practices. The image in Figure 1 shows this as many of the irregular lots remain and have a large array of different owners. An Urban Renewal Plan could look to solidify existing ownership through a platting process under the Wyoming Urban Renewal Code.

5. Other - Poor Platting

Closely related to the Diversity of Ownership criteria is a note by staff of the poor platting of the area. Again, the entirety of the study area falls under the Original City Plat of 1867, making deciphering lot lines, easements, and other plat characteristics difficult for staff. Furthermore, the railroad properties are not platted, leading to difficulties in telling the characteristics of the railroad property. The age and condition of the plat (Figure 1) shows this condition of blight.

6. The Existence of Conditions which Endanger Life or Property by Fire and Other Causes

The two main indicators of the site that meet these conditions include the age of the buildings yielding possible environmental contamination and the proximity to the railroad. In addition to these indicators, the autocentric nature of W. Lincolnway with minimal crossings endangers pedestrian safety.

Conclusions

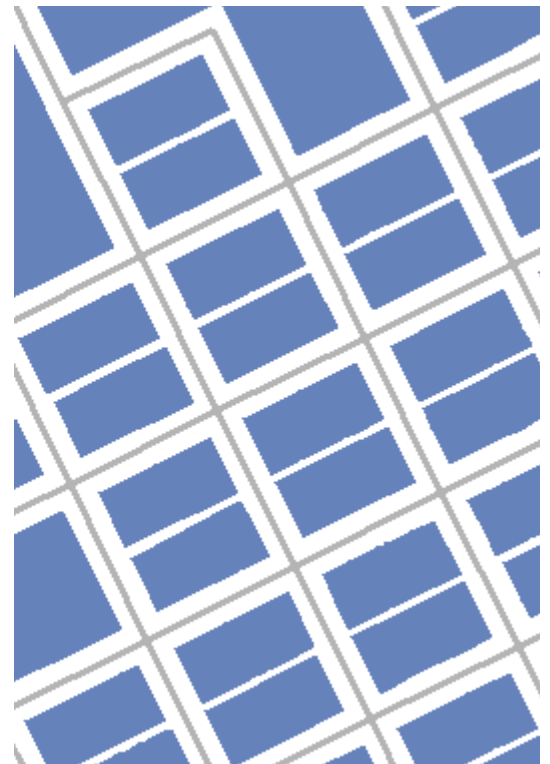
The blight study at the 15th Street Corridor location illustrates that the area contains conditions of blight and is eligible for Urban Renewal activities, therefore fulfilling *WY Stat. § 15-9-107*. The rehabilitation, conservation, redevelopment, or a combination thereof of the area is necessary in the interest of the public health, safety, morals, or welfare of the residents of the municipality for various reasons. The City of Cheyenne governing body has the ability to use the powers made available through the Wyoming Urban Renewal Code to remedy the conditions of blight, should the accompanying resolution of blight be adopted.

The location exemplifies the existence of blight in the community. The rehabilitation, conservation, or redevelopment of the study area would not only benefit the community, but is necessary for the health, safety, welfare, and morals of the community. The use of the Wyoming Urban Renewal Code can facilitate the redevelopment of the area through several of the tools enabled by the legislation, namely tax increment financing. Staff is satisfied the report meets and exceeds the mandate for the resolution to determine an area to be blighted by the governing body found in *WY Stat. § 15-9-107* and recommends approval of the resolution.

Conditions of Blight

Appendix A

Blight Studies



City of Cheyenne – Blight Survey



Location: 15th Street
 Completed by: Mark Christensen
 Date Surveyed: March 2022

Criteria:	Check if this exists on site:	Description of Conditions:
Deteriorated or Deteriorating Structures	✓	<ul style="list-style-type: none"> - Several vacant buildings - Historic building deteriorating
Predominance of Defective or Inadequate Street Layout	□	
Faulty Lot Layout in Relation to Size, Accessibility or Usefulness	□	
Unsanitary or Unsafe Conditions	✓	<ul style="list-style-type: none"> - Age of buildings may yield environmental contamination - Railroad contamination and unsafe conditions by tracks

Deterioration of Site or Other Improvements	✓	<ul style="list-style-type: none"> - Potholes - Crumbling curb, gutter, & sidewalk
Diversity of Ownership, Tax or Other Special Assessments	✓	<ul style="list-style-type: none"> - Lots divided and sold through informal subdivision processes
Delinquency Exceeding the Fair Value of the Land	□	
Defective or Unusual Conditions of Title	□	
The Existence of Conditions which Endanger Life or Property by Fire and other causes	✓	<ul style="list-style-type: none"> - Railroad and possible environmental contaminants

Other	✓	- Poor Platting Stemming from Original City Plat
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Notes: - None



Conditions of Blight

Appendix B

Blight Photos

