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The Better Beehive Files

OCTOBER 2022



**filling in the**  
**BLANKS**

**How Utah Communities Can Deploy Infill  
Development to Advance Quality of Life**



# FILLING IN THE BLANKS

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## Research Report 806



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## INTRODUCTION

Utah continues to experience rapid population growth from both natural increase and in-migration. In the face of this growth, policymakers, civic leaders and developers must strive intently to preserve the quality of life that has made Utah such an attractive place to live. Well-executed infill development can play a major role in those efforts.

In 2019, the Utah Foundation published a broad-ranging report called *Building a Better Beehive: Land Use Decision Making, Fiscal Sustainability and Quality of Life in Utah*.<sup>1</sup> The report identified five strategic categories to confront the challenges of growth:

- Promoting efficient land use.
- Expanding transportation options.
- Preserving green spaces and natural assets.
- Preserving and improving community character.
- Avoiding undue taxpayer subsidy of new growth.



### KEY FINDINGS OF THIS REPORT

- Multiple factors are now converging in Utah to make infill more imperative, including rapid growth, rising housing costs and changing residential preferences.
- Infill development – particularly multifamily housing – comprises an increasing proportion of new residential development along the Wasatch Front.
- Infill development can offer a variety of benefits to local communities, including: an expanded housing supply; more attractive city and town centers; more efficient use of land; a strengthened local tax base; efficient delivery of public services and infrastructure; and improvements to overall quality of life.
- Communities looking to promote infill must wrestle with major obstacles, such as zoning, site issues, citizen opposition, cost uncertainties and ownership issues.
- Local governments can attract infill investors by taking an inventory of potential sites and making key information on them publicly available.
- Clear, comprehensive and user-friendly information on the development approval process is critical. Local governments may also consider creating a “fast-track” approval process for infill projects at targeted sites or in targeted redevelopment zones.
- To measure success in promoting infill, local governments can formally target particular zones or sites, then deploy strategies and actions to those locations accordingly. Local governments can prioritize such target locations based on fixed strategic criteria and share the priority areas widely with the public.
- There are multiple means of recalibrating land-use requirements to encourage infill, including rezoning targeted areas, creating overlay zones and employing form-based codes.
- Existing surface parking lots are often prime opportunity sites for infill. But parking rules on the books may prevent infill development from meeting economies of scale for investors. It is important for local policymakers to take a hard look at whether existing parking requirements are overly aggressive.
- Investing in infrastructure upgrades and streetscape enhancements at targeted opportunity sites can support the strategic focus of an infill program and attract private investment. Limiting the use of tax increment financing for such upgrades to public assets can reduce the dangers inherent in using public dollars to support private developments.
- Main street programs, public art, neighborhood rebranding campaigns and events can help to create new interest and investment in target infill areas.
- Local governments can leverage federal support through mechanisms such as Opportunity Zones, the New Markets Tax Credit program and the EPA Brownfield Program.
- As part of an infill strategy, it is important to identify sites near mass transit lines, so that new developments can capitalize on these existing investments. The Station Area Plan process offers the promise of community-based transit-oriented development planning.

The discussions contained within these five categories are meant to help local governments plan for growth in a way that secures fiscal sustainability and promotes a high quality of life. Infill development is a valuable tool in addressing these strategic areas, either directly or indirectly. As the *Better Beehive* report stated, “Encouraging infill development ... can help to efficiently accommodate growth while preserving and enhancing the character of a place and improving the tax base.”

This report describes the infill trends in Utah, the potential benefits from additional infill, obstacles standing in the way, and possible policy options to deploy in supporting infill development.

## BACKGROUND

Infill development can be defined as new development sited on vacant or underutilized land within existing communities, typically enclosed by other types of development.<sup>2</sup> In communities across the country, infill development has long been a focus of urban planners, transportation officials, regional councils of government, elected officials, and others interested in economic vitality and quality of life.

Attracting more residents and businesses to infill locations can improve walkability and community character. It can open the way for housing opportunities. It can boost economic activity and tax revenues for cities. And under some circumstances, the developer of an infill site may save money by making use of existing infrastructure (assuming it has the capacity to support the redevelopment).

Despite a wave of redevelopment in recent years, Utah’s downtowns and main street areas contain sites that remain vacant, are underutilized or are used only for surface parking. Many of these areas are ripe for infill. In addition, older suburban sites may need redevelopment.

In recent years, infill has become especially important in Utah because of the convergence of multiple factors and goals, including:

- An interest in building the tax base and ensuring more cost-effective provision of public services.
- An increased desire among certain segments of the population to live in amenity-rich city centers.
- The need to use land more efficiently as the Wasatch Front gets “built out.”
- A desire among urban and suburban policymakers to improve livability and community character.
- The need to expand the housing supply.

In addition, there is a growing desire among policymakers and the public to understand what real estate assets are owned by governments and manage them more strategically. Existing legislative mandates in Utah for integrated land use, transportation and housing planning provide further impetus for infill strategies.

Vacant or underutilized land – from “missing tooth” sites in historic downtowns to oversized surface parking lots in the suburbs – can be redeveloped to supply ame-

**As the Better Beehive report stated, “Encouraging infill development ... can help to efficiently accommodate growth while preserving and enhancing the character of a place and improving the tax base.”**

nities that nearby residents desire. And inward focus through infill development may help the bigger picture by relieving pressure on development at the suburban fringe.

Communities can accomplish such infill with an eye toward the creation of new housing opportunities. For instance, “missing-middle housing” encompasses a variety of multi-unit housing buildings that are house-scale, facilitate neighborhood walkability, accommodate changing demographics and preferences, and are available to people with a range of incomes. A multi-part Utah Foundation study recently explored middle housing in detail.<sup>3</sup> Executing middle housing and (depending on the location) larger-scale multi-family through infill development can expand housing options without sparking significant neighborhood opposition.<sup>4</sup> However, engaging design and high-quality development are essential for success.

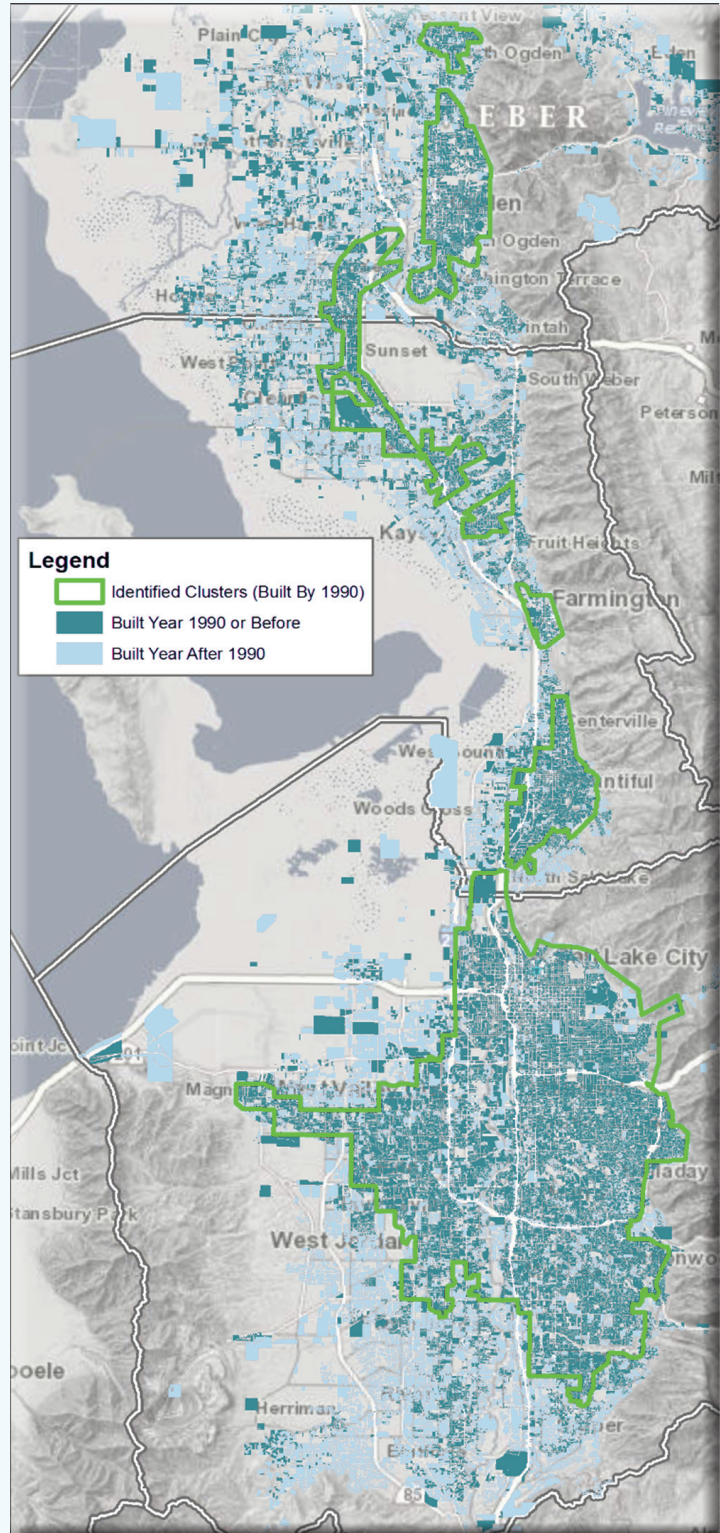
### THE STATE OF INFILL: WASATCH FRONT

To better understand recent infill development trends, the Utah Foundation worked with the Wasatch Front Regional Council (WFRC), which provides regional planning guidance, transportation programming and other assistance to local governments in Box Elder, Davis, Morgan, Salt Lake, Tooele and Weber counties. WFRC compiled a detailed database of property information sourced from across assessors’ offices in three of Utah’s four most populous counties (Weber, Davis and Salt Lake). WFRC’s database includes GIS location data, building and lot sizes, the year built, assessed valuations, types of property (such as residential, office and retail), proximity to transportation amenities like rail stations and freeway exits, and other data useful in understanding the current built environment and possibilities for future development. The data contain useful information through 2018 for residential properties and 2017 for office, retail, and other types. The database includes the built year, building type, and building size on record for each property, forming a reasonable proxy for development activity over time.

For the analysis, WFRC defined infill development as new construction activity occurring in identified infill areas. The infill areas were determined by assembling larger contiguous areas wherein 75% or more of the developable property area had a built year in the database of 1990 or earlier. Conversely, greenfield construction development, for this analysis, con-

### Infill areas span Weber, Davis and Salt Lake counties.

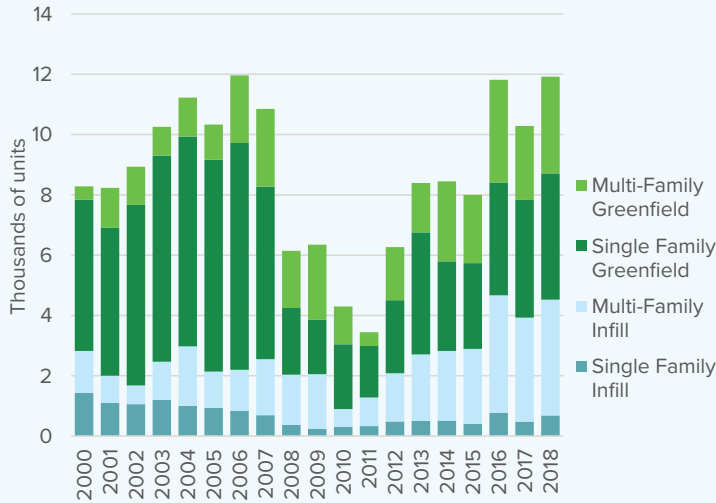
Figure 1: Identified Infill Areas



Source: Wasatch Front Regional Council.

**Multi-family infill comprises a growing share of new dwelling units.**

**Figure 2: New Dwelling Units Built by Year, 2000-2018 Salt Lake, Davis & Weber Counties**



Source: Utah Foundation analysis of data compiled by the Wasatch Front Regional Council.

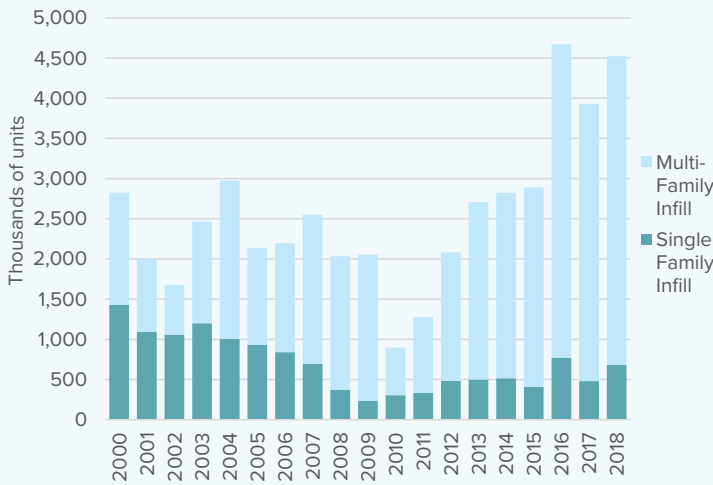
sists of new construction activity outside of the infill areas defined across this three-county region.

The data show a clear trend in recent years of increasing residential infill development from multifamily housing, which includes apartment complexes, condominiums, townhouses and small multiplexes. (See Figure 2.)

The dip in construction during the Great Recession is clear, and while the production of new housing units returned to the pre-recession peak, the mix of types changed. Developers are building far fewer single-family homes, and those are overwhelmingly concentrated in greenfield areas. Multi-family units became the majority of new housing units, and more than half of them have been built in infill locations in the past decade.

**Multi-family types now dominate infill housing.**

**Figure 3: New Dwelling Units Built in Infill Locations by Year, 2000-2018, Salt Lake, Davis & Weber Counties**



Source: Utah Foundation analysis of data compiled by the Wasatch Front Regional Council.

Looking solely at infill developments, infill multi-family development began proceeding at a rapid pace since hitting bottom in 2010. (See Figure 3.) Single-family home building in infill locations has remained low since the Great Recession, and as the Wasatch Front region becomes more built out overall, there are fewer tracts of available land for single-family homebuilding within these infill locations.

The vast majority of the infill across the three counties is located in Salt Lake County (about 85% of the total), where some of these trends are more pronounced. Salt Lake, of course, is also by far the most populous of the counties. The number of dwelling units built each year surpassed the pre-recession peak in 2016 and has remained elevated. Even with this pace of building, housing supply has not kept up with population growth as the region has become a magnet for jobs and in-migration.<sup>5</sup> Some of this increase

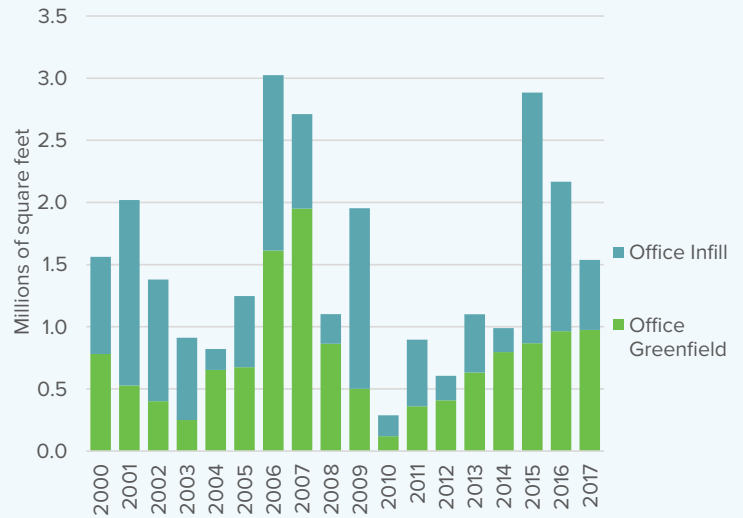
in building is catching up with pent-up demand from the Great Recession, when the number of households continued to grow but new housing units were not arising at a sufficient pace.

While a clear trend of increasing infill development is apparent on a regional basis with multifamily housing, there is no clear trend with office and retail development in the state's most populous county. Figures 4 and 5 show square footage of office and retail development in Salt Lake County. While new office space has grown in recent years, much of it has been in greenfield areas, with some occasional – but significant – additions in infill areas. Retail development, on the other hand, is slower overall than in the early 2000s, with a fairly flat trend since 2012. This is probably due in part to the annual double-digit growth of Internet sales during the last decade.<sup>6</sup>

While the office and retail trends have been erratic, the trends in residential development have unfolded more predictably: As open land becomes scarcer along the Wasatch Front, denser infill development is on the rise. These developments are typically apartment complexes, condominiums and other multi-family projects. The constrained supply of housing in recent years also creates a natural market incentive for construction of rental apartments and smaller owner-occupied units. Possible changes in preferences of younger adults with regard to housing size and debt after the Great Recession also play into the growth of apartment buildings in recent years.<sup>7</sup> With the constrained geography of the Wasatch Front and pace of build-out, the pressure to redevelop vacant or underutilized infill sites seems likely to remain strong, and possibly intensify.

**Salt Lake County office infill development has fluctuated significantly.**

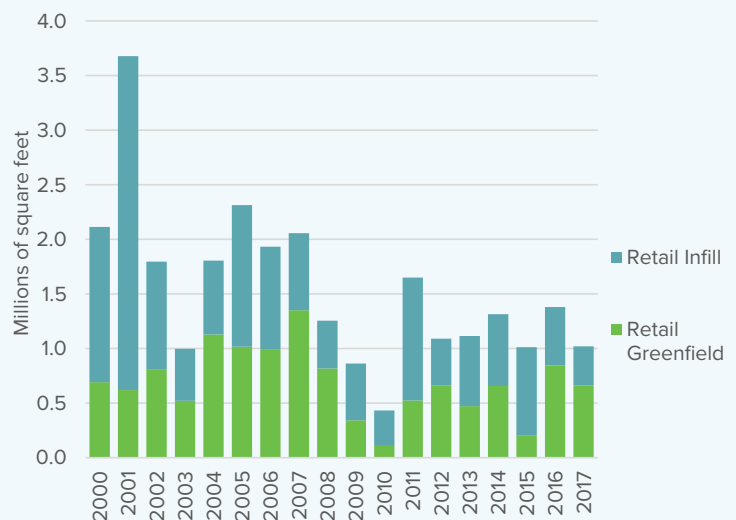
**Figure 4: Office Greenfield & Infill Development, New Buildings, in Square Feet, Salt Lake County**



Source: Utah Foundation analysis of data compiled by the Wasatch Front Regional Council.

**Salt Lake County retail infill was more robust in the early years of the millennium.**

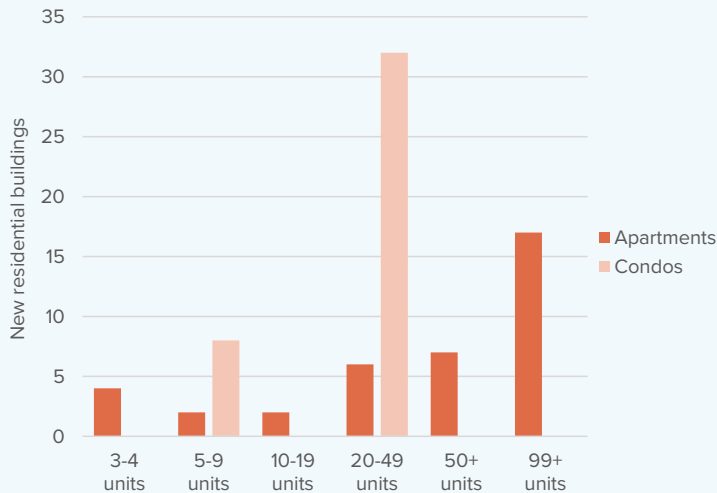
**Figure 5: Retail Greenfield & Infill Development, New Buildings, in Square Feet, Salt Lake County**



Source: Utah Foundation analysis of data compiled by the Wasatch Front Regional Council.

## The downtown Salt Lake City area has seen significant large-scale residential development.

**Figure 6: Apartments and Condos Built from 2014 to 2019 Within a Two-Mile Radius of the Salt Lake City CBD**



Source: Downtown Alliance and CBRE.

Despite these market forces, there remain underutilized parcels within core urban areas. A 2020 report by real estate brokerage CBRE and the Downtown Alliance found that there are “260 underutilized acres” in Salt Lake City alone.<sup>8</sup> The report also shows significant growth in new apartments and condominiums within two miles of Salt Lake City’s central business district. (See Figure 6.) The Downtown Alliance reports that the residential population within its boundaries is set to double once several infill projects currently underway come to fruition.

### THE BENEFITS OF INFILL

This report has already touched on potential benefits of infill development. This section explores the benefits in depth. These include an expanded housing supply; attractive city and town centers; efficient land use; a stronger local tax base; more efficient delivery of services and infrastructure; and overall quality of life improvements.

#### Expanded Housing Supply

Supply and demand drives housing markets. Utah has recently gotten a taste of the problems that have for years bedeviled California: Rising


demand and inadequate supply exacerbate affordability challenges. As noted in the Utah Foundation’s recent *Is the Middle Missing?*<sup>9</sup> study, the state has gained about 160,000 households since 2009 and only 115,000 new housing units, leaving a shortfall of 45,000 housing units. This has contributed to soaring costs around the state. In fact, 90% of Utah Foundation survey respondents have expressed concern about housing costs, and the Utah Foundation’s 2022 Community Quality of Life Index shows that housing affordability is driving a decrease in the quality of life.<sup>10</sup>

Rapid population growth is expected to continue, bringing with it the demand for additional housing. A considerable proportion of the new supply will have to come from infill development. This infill can be targeted to meet workforce housing needs, including meeting the needs of police, fire and teachers. Infill development can also be targeted to meet senior housing needs.

Constrained by mountains and water, sizable portions of the Wasatch Front are “built out,” meaning that the opportunities for greenfield development are drying up. Supplying more housing in many communities will mean looking inward. In Salt Lake City, for instance, the 2020 State of Downtown report notes that high rent prices due to demand and low vacancy rates suggests that the city’s downtown must continue to encourage residential development. It cites a 2020 survey finding that one-in-five Utahns is interested in living downtown.<sup>11</sup>

On the other hand, the advent of widescale telework opens the possibility of living farther afield from urban cores. Recent Utah Foundation research found that some employees see telework arrangements as a means of obtaining more affordable housing in less dense or even rural surroundings.<sup>12</sup> While this may translate into further sprawl at the suburban fringe, telework also opens the opportunity for lower-cost live-work-play communities in main street areas in Utah towns that would not otherwise have the employment base to sustain them. This can translate into infill development in smaller towns, which in some cases need revitalization. For instance, Tremonton City in Box





The Lofts at River's Edge in Provo will occupy a former shopping center site.

Elder County has used infill strategies to bring housing to its historic core. (We discuss the strategies that Tremonton has employed later in this report.)

In between city downtowns and small-town main street areas, the suburbs offer significant opportunities for infill housing. Numerous suburban shopping centers in Utah are underutilized as low-rise commercial with an overabundance of parking; some could accommodate mixed-use redevelopment that brings a residential component. A growing chorus has suggested converting shopping malls with high vacancy rates to mixed residential developments.<sup>13</sup> In Provo, for instance, the old Plum Tree strip mall is undergoing a conversion to become “River’s Edge on University.” The development will include hundreds of housing units alongside tens of thousands of square feet of office and retail space.<sup>14</sup>

### Attractive City and Town Centers

Infill development can contribute to vibrant city centers that attract residents and businesses. With a sufficiently robust residential component, infill development can support a variety of transportation options and amenities that boost quality of life. Infill can increase the population of an area, making neighborhood-level grocery stores and other businesses more viable. If executed with sensitive design, it can also improve neighborhood aesthetics. And if supported by public and private recreational and entertainment amenities, infill development can be a vital component in bringing community vitality and creating attractive live-work-play environments.<sup>15</sup>

In the suburbs, infill as a tool to create attractive town centers will less frequently build from existing character. Rather, suburbs will have to employ placemaking strategies. The 2019 Utah Foundation report, *Building a Better Beehive*, provides numerous schematics, renderings and photos of such placemaking efforts across Utah.<sup>16</sup>

### Efficient Use of Land

Because it involves building within the existing urbanized arena, infill development can help to forestall the development of greenfield areas, preserving agricultural land and open spaces. Implicit in infill is the notion of greater land-use efficiency. This is particularly true in downtown and main street infill projects, which tend to have higher densities for commercial and residential structures.

At suburban sites, the development might be less compact, but there are significant opportunities for more efficient land use. Strip shopping center sites are a prime example. The most common model is a single-story array of retail outlets fronted by a sea of parking that may never be full. They offer both the potential to build out horizontally in place of surface parking and vertically beyond a single story. They are often sited on



The Champs-Élysées in Paris.

busy, multilane streets that have the capacity to manage more activity at the location. Furthermore, building at a higher scale with a lower setback to the street will tend to improve the aesthetics. The grandeur of the Champs Élysées in Paris, for instance, derives not just from the fact that the boulevard is wide, but that it is bounded by structures that are scaled high enough to prevent a wasteland effect.<sup>17</sup> (Pedestrian-friendly infrastructure and landscaping are also critical, and will be discussed later in this report.) Due to historic development patterns, Utah cities have more than their share of wide roadways, some of which – like portions of State Street and Redwood Road in Salt Lake County – could benefit from new infill development.

It should be noted that infill sites can also be set aside in whole or part as open space, gathering spaces, parks or other public spaces in areas in need of such amenities. The Utah Foundation will explore these options in depth in a future report.

### **A Strengthened Local Tax Base**

Infill development can help increase local tax revenue potential. Relative to its potential as a property tax generator, a vacant or underutilized site stands at the bottom end of the spectrum. Enhanced development of that site will not only yield new property tax revenues, it may also yield new sales tax revenues, either at the site from retail or due to the purchasing power of those living or working in the new structure.

In the 2019 report, *Building a Better Beehive*, the Utah Foundation worked with the Wasatch Front Regional Council to produce a series of maps showing the property tax impacts of divergent land-use choices. The analysis included urban and suburban areas from Ogden to Provo. We found that traditional main street and downtown properties can have far higher property values per square foot than standard suburban retail areas. Comparison properties in various Utah cities demonstrated a mixed-use property delivered \$375 in property tax revenue per square foot, compared to \$37 for a big-box store.<sup>18</sup>

To some extent, this is a matter of greater land-use efficiency. If 90% of a 20,000-square-foot site is covered by four-story commercial buildings, it will have more taxable value than if 30% of that same site were covered by a one-story retail strip. However, a mix of uses and the draw of the retail come into play when considering the total taxable value. For instance, an all-residential complex will produce far less for a city than a destination

sporting goods store with a large sales tax yield at the same site. So while the latter option may be a less efficient use of the land, it may be more advantageous from a revenue standpoint. When considering infill options at a specific site, the mixes of uses and the economic ripple effects become important matters for analysis from a tax revenue standpoint. Of course, these concerns must be weighed alongside other priorities, such as the potential of a project to expand housing supply or to enhance community character. It is critical that when infill is proposed in existing neighborhoods, it is built to enhance the character of the existing neighborhood and not solely to increase density.

### **Efficient Delivery of Public Services and Infrastructure**

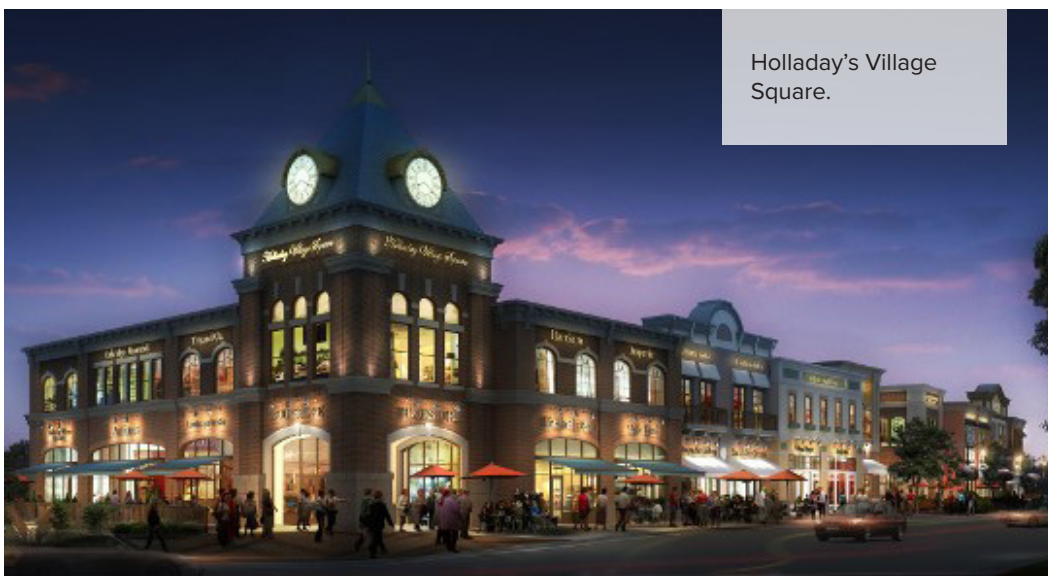
Providing infrastructure – everything from water and sewer lines to public education – may also be less expensive with infill development. If existing infrastructure is in decent shape and has sufficient capacity, infill development taps into underutilized capacity. But if infrastructure needs to be rebuilt or expanded, the associated costs in terms of time, money, logistics and uncertainty can hamper infill projects. It should be noted, moreover, that new residents and commerce can generate new demands on public services, so the net impact of infill on tax base sufficiency is not always clear. That said, simply replacing long vacant or removed buildings – the “missing teeth” in a downtown or main street block – will tend to place a smaller burden on cities than building and maintaining infrastructure and services ever farther afield.

### **Overall Quality of Life**

The benefits of infill development relate closely to findings from the Utah Foundation’s quality of life surveys. The 2022 Utah Foundation Community Quality of Life report, for instance, concluded that the areas of greatest possible impact to improve community quality of life are the following:

1. Promote production of quality, affordable housing and explore other ways to reduce the cost of living.
2. Invest in the built environment and enhancing land use policies to promote attractive, high-quality developments and streetscapes that are pedestrian friendly and include key amenities.
3. Build on policies and programs aimed at improving air quality.
4. Invest in transportation and transit infrastructure and programs to reduce traffic and improve the quality of roads and highways.<sup>19</sup>

The first two of these objectives can be significantly advanced by infill development.



Holladay's Village Square.

## OBSTACLES TO INFILL

Given the benefits of infill, why are communities resistant to more of it? This has to do with current zoning practices, opposition from residents, uncertainty around infill and its costs, and questions of land ownership. The following discussion examines these obstacles in detail.

### Zoning

Zoning requirements or rezoning efforts are often central to the success or failure of infill proposals. To make a project feasible, developers may need to request changes to the underlying zoning or ask for conditional use approval. These processes involve time, money and the risk of failure.

Zoning may accurately reflect underlying citizen concerns on, say, parking requirements or height limitations. But the zoning code may also contain outdated requirements and get in the way unintentionally, without serving as a reflection of current community concerns. These requirements often exist because they were meant to address greenfield development, not the redevelopment of existing urbanized areas.<sup>20</sup>

But sometimes zoning rules can simply be a mistake, as was the case with the area in Salt Lake City around the TRAX line on 400 South leading toward the University of Utah. The area was designated a Transit Corridor zone in 2002. One observer told the Utah Foundation that, until a code rewrite about a decade later, there was more development outside the zone than inside it because restrictions in the code accidentally made it unattractive to developers.

Of course, zoning exists for a reason. Sometimes land use decision makers deny exceptions because a proposed development is simply not compatible with the surrounding area.

### Citizen Opposition

When it comes to infill development, people in the immediate neighborhood are likely to have opinions about what currently exists in that location – even if only a parking lot – and what (if anything) should replace it. Clashes can result around issues such as density, neighborhood character, historic preservation, affordable housing and parking availability. Residents view some infill proposals as a means of creating high-density development for its own sake, heedless of the existing neighborhood or the broader community.

As a downtown example, consider the Utah Theater<sup>21</sup> on main street in Salt Lake City. Built in the late 1910s, it underwent a major renovation in the 1960s and closed to the public in 1992. In 2010, the Salt Lake City Redevelopment Agency purchased it, but failed to find ways to preserve the theater. In 2019, the agency sold the theater and adjacent property to Hines Development as part of an agreement that requires Hines to build a new structure with affordable housing units, but incorporating historic elements of the theater, a downtown park and public art. Preservationists launched a lawsuit relating to this agreement, but it was dismissed in September 2021, apparently clearing the way for the new development.

As a suburban example, consider the 57-acre site of the former Cottonwood Mall in Holladay. Developers originally proposed what the *Salt Lake Tribune* called “a massive housing, office tower and retail development ... including a 775-unit high-rise apartment complex and 210 single-family homes.”<sup>22</sup> Existing residents who opposed the

**Zoning exists for a reason. Sometimes land use decision makers deny exceptions because a proposed development is simply not compatible with the surrounding area.**

project put a citizen’s initiative on the 2018 ballot, resulting in a 57% to 43% vote against the project. City officials have since approved an alternative project, with less density, that works within the existing zoning rules.<sup>23</sup>

The Wasatch Front Regional Council has published a series of “Local Progress Case Studies”<sup>24</sup> that feature discussions of competing priorities. One success story is the Fairbourne development in West Valley City, where neighborhood concerns were addressed in part by adding a buffer of townhomes between single-family homes and new apartment buildings. Another example was North Ogden, which created a General Plan Steering Committee composed of residents and business owners that worked with the planning commission and ended up overcoming some initial hesitancy about increased density.

Concerns about growth increasingly drive opposition. Utah had the fastest population growth in the nation during the 2010s (an 18.4% increase<sup>25</sup> and was in the top five states during the previous two decades as well (23.4% in the 2000s, 29.6% in the 1990s). There are pluses and minuses to rapid growth, but recent Utah Foundation surveys show that many Utah residents have concerns about growth.<sup>26</sup>

Envision Utah has found similar concerns. Polling over time has asked respondents whether their own opinion was closest to a hypothetical pro-growth “Mr. Smith” or a hypothetical anti-growth “Mr. Jones.”<sup>27</sup> In 2021, the proportion of respondents that align with anti-growth Jones for the first time surpassed those that align with Smith. (See Figure 7.) A second polling question simply asked whether growth would make things better or worse. Respondents are more likely to suggest that it would make things worse.

Neighbors often express concern about bearing the costs of negative impacts from new development, such as additional traffic, safety considerations or having single-family homes in the shadow of larger developments.<sup>28</sup>

### Uncertainty and Cost Challenges

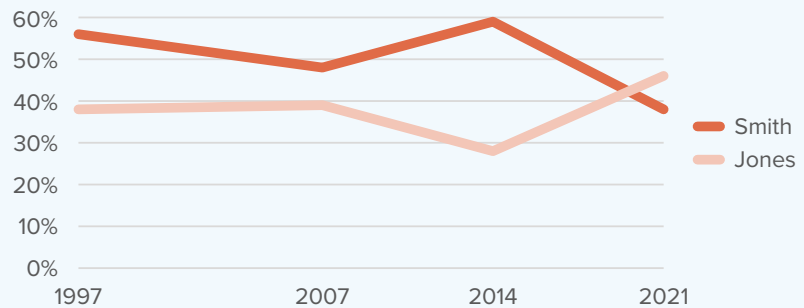
Infill projects face many potential obstacles, any one of which can delay, derail or kill a project. These can increase soft costs associated with a project, such as land-use permitting processes, fees and delays – often without any guarantee that the efforts will be fruitful.<sup>29</sup>

Site remediation is a key uncertainty in infill development. The challenges can range from environmental and health issues to site challenges to demolition concerns. The concerns may pertain to an existing structure on site, such as an old building with lead paint or asbestos. Or it may pertain to underlying land, such as a former gas station, dry cleaner or other brownfield contamination.

Furthermore, existing infrastructure might require renewal or expansion. In principle, the presence of existing infrastructure (such as electricity, water and sewer) should be a benefit to infill development. In practice, the existing infrastructure may be inadequate to meet additional demand. In such cases, the presence of existing infrastructure can become a negative, with upgrades requiring even more time and money compared to

## Anti-growth attitudes have recently surpassed pro-growth.

Figure 7: Envision Utah Polling on Pro- and Anti-Growth Sentiment



Source: Envision Utah.

Note: “Smith believes that growth in Utah has and will continue to bring many benefits and advantages to the state. Smith believes that growth should be strongly encouraged and fostered. Jones believes that growth in the state has and will continue to jeopardize the quality of life for Utah residents. Jones believes that growth should be strictly managed or limited.”

providing the same sort of infrastructure in greenfield development. As a result, developers may turn their attention elsewhere, rather than face the challenge of bringing the site up to standards.<sup>30</sup>

One recent analysis compared costs at three development sites, one greenfield and two infill. The infrastructure costs at one of the infill sites roughly matched those at the greenfield site, suggesting that the pre-existing infrastructure at the infill site needed significant and costly improvements. The infrastructure costs at the other infill site were much lower, about one-third of the costs at the other sites, indicating that existing infrastructure that was well-matched to the new development.<sup>31</sup> This highlights the importance of a site-specific analysis to determine the capacity of existing infrastructure to handle infill projects.

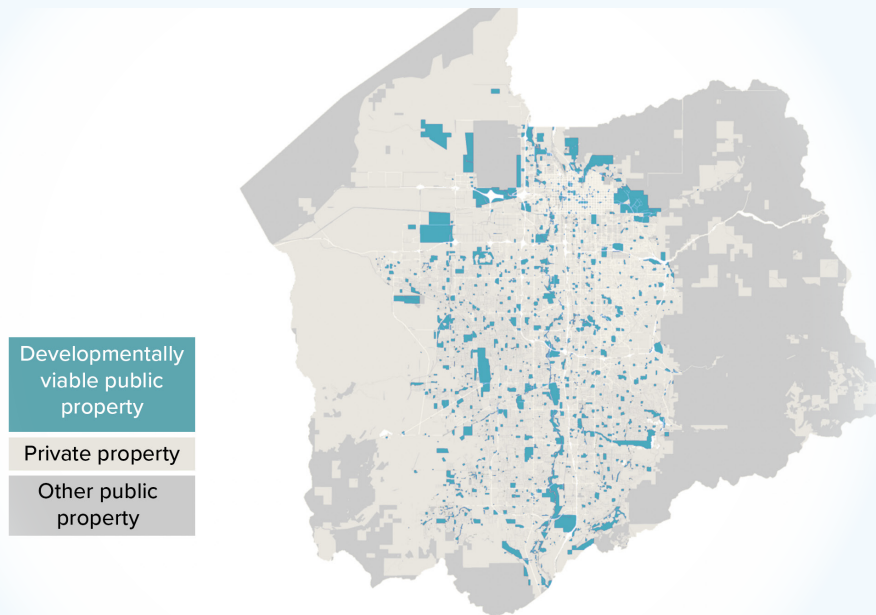
### Ownership Issues

Infill development can be hampered by such basic challenges as identifying existing property owners' names and contact information. Government owners may not even know what properties they themselves own. And even if the owner is readily identifiable, there may be no willingness to sell.

Zions Bank and Intermountain Healthcare are leading a statewide initiative to help local public landowners – cities, school districts, counties, special districts and others – understand their real estate holdings and manage them more strategically. This initiative includes sponsoring a multi-faceted training and education program on public real estate asset inventories and management at the Utah League of Cities and Towns. Called “Your Land, Your Plan,” the program is not specific to infill and is not only about development of existing assets. It focuses on helping local governments and others to see the possibilities of generating ongoing revenues from the use of properties, creating community spaces for recreation or other properties, developing needed infrastructure, and other community benefits. The initiative highlights the fact that understanding ownership is a significant challenge to infill development.<sup>32</sup> Zions Bank cites a 2017-18 study of Salt Lake County estimating \$150 billion in publicly owned land in the county, of which more than \$10 billion could be viable for development. (See Figure 8.)

### Publicly owned property that may be viable for development is sprinkled across Salt Lake County.

Figure 8: Public Property in Salt Lake County Highlighting Parcels That May be Viable for Development



Source: Zions Bank.

Private owners, meanwhile, may be keeping viable infill land off the market for one reason or another. In some cases, they may be “land banking” a property by either keeping it fully dormant or using it as a parking lot that generates easy revenue while waiting for land prices to rise. In other cases, properties may get tangled in webs of family ownership problems.

## POLICY OPTIONS FOR PROMOTING INFILL

Policymakers have a variety of options at hand to open the way for infill development. These range from sharing information on infill opportunities to focusing planning efforts on areas in need of infill; from smoothing decision-making processes to easing regulatory burdens; and from making public investments to providing incentives. The following discussion explores these and other approaches to promoting infill.

### Connecting Developers with Infill Opportunities

Potential investors are more likely to engage in infill opportunities when potential infill sites when information on them is readily available.

Local governments can begin by taking a complete inventory of sites either owned by the local government or owned by another government entity. The next step would be to divide vacant or underutilized sites owned by the local government into at least three categories: those that should be used for a public purpose, those that should be placed into commerce without conditions and those that should be placed into commerce only if the project meets specified goals, perhaps through a request for proposals process. Vacant or underutilized properties owned by another government entity could be catalogued separately, with contact information for the relevant agency administrator. The information on potential infill development opportunities should be posted on the local government website and updated on a rolling basis.

Likewise, local governments can identify and catalogue vacant or underutilized parcels owned by private parties. This information should also appear on the local government website, with regular updates.<sup>33</sup> West Valley City, for instance, created an inventory of opportunity sites, with details on each, that it has found useful for connecting developers with opportunities.<sup>34</sup>

### Smoothing the Approval Process

Clear, comprehensive and user-friendly information on the approval process is also critical. The local government website should provide information clarifying, step-by-step, the process for successfully receiving full approval for a project. It should explain the relevant requirements in city, county, and state codes, ordinances and procedures. It should also elucidate environmental remediation issues, where relevant. Finally, the website should provide comprehensive information on any relevant local, state or federal programs to promote infill.

Local governments may consider embarking on a process of collaborating with developers and citizen groups to identify and remove superfluous delays in approval processes and impose reasonable deadlines for key approval decisions. Short of this, they may also consider a “fast-track” approval process for infill projects at targeted sites or in targeted redevelopment zones. Some communities have instituted expedited review for infill projects that meet established criteria, with specific targets for how much faster the process should be.<sup>35</sup> For instance, West Valley City provides developers with a fast-track approval at an additional cost, although the city’s fast-track process can also be deployed as a tool for economic development priorities.<sup>36</sup>



## POLICY OPTIONS FOR PROMOTING INFILL

- Connecting Developers with Infill Opportunities
- Smoothing the Approval Process
- Identifying Opportunity Sites
- Changing Land-Use Requirements
- Revisiting Parking Requirements
- Addressing Infrastructure Challenges
- Enhancing Streetscapes
- Enforcing Property Maintenance Codes
- Revisiting Building Codes
- Focusing on Main Street
- Deploying Events and Public Art
- Encouraging Brownfield Remediation
- Tapping into Federal Income Tax Incentives
- Deploying Local Tax Incentives – Carefully
- Capitalizing on Mass Transit



## Identifying Opportunity Sites

One way to measure success in promoting infill is for local governments to set goals for particular zones or sites, then target strategies and actions to those locations accordingly. This avoids a scattershot or kitchen-sink approach on the local government’s part. It also may grab the attention of developers who see the opportunity to tap into the local government’s intentions for the area and receive baked-in support for a suitable project.

Starting with inventories of vacant and underutilized sites discussed above, planners can set criteria for the types of sites most ripe for infill (or most in need of it, as the case may be). They may choose to focus on locations with an overabundance of surface parking, former industrial areas, transit-adjacent locations, blighted sections of town, areas with historic architectural strength but too many “missing teeth,” or vacant land just off main street areas. Once the areas have been identified – ideally with substantive citizen or neighborhood input – they should be prioritized.

Planners should include a small write-up on each opportunity site or opportunity area, along with a schematic, explaining to citizens and developers why the location made the list. It should include aspirations for the location, along with an honest assessment of challenges that the site poses so that developers can understand them upfront. It may even include planned public investments in the area and a discussion of potential inducements for developers.

To give developers assurance that the local government is serious about promoting redevelopment at the opportunity sites, planners and local councils may also seek to incorporate them into the local land-use plan.

## Changing Land-Use Requirements

**Zoning.** Zoning ordinances can limit infill in significant ways. Land use, density and design regulations can prohibit development – or allow it.<sup>37</sup>

During the last century, local zoning ordinances came into use in cities and towns nationwide with a focus on separating commercial, industrial and residential areas. Zoning quickly trended significantly toward the creation of single-family residential with automobile-oriented development patterns.<sup>38</sup> The low intensity of post-war development led to more sprawling development and the more rapid development of greenfield areas.

Developers told the Utah Foundation that some investors might be willing to seek a rezone for larger multi-million-dollar projects, but overcoming the obstacles for smaller infill projects at the neighborhood level is often not worth the effort. They would need to pursue exceptions through a conditional use approval or a rezone, which implies time and effort – and higher costs.

Local governments looking to promote infill may need to re-examine whether existing requirements are appropriate. For instance, overly conservative height limitations may pre-



1400 block of State Street, Salt Lake City, reimagined for the Utah Foundation by AMD Architecture.



vent developers from pursuing appropriate projects at a viable scale. A strict separation of uses may prevent developers from pursuing mixed-use projects. Single-family zoning may prevent small-multifamily infill (or larger multi-family infill) development, even if it is well-scaled to its surroundings. In these cases, a pragmatic reassessment – and ultimately rezoning – may be in order, assuming the change is compatible with the surrounding area.

**Overlay Zones.** Local governments may adopt overlay zones as an alternative to rezones. Overlays serve as special zones placed over existing zones in order to accomplish a specific set of goals for the designated area.<sup>39</sup> Common reasons for overlay zones are for floodplain management, to help preserve the historic character of neighborhoods or to provide bonus densities to meet various policy goals – including infill. Transit overlays seek to incentivize the increase of transit-oriented development along rail and bus corridors. These may also help to promote infill.

Another possible overlay zone is for infill in transitional areas. This type of overlay could allow mixed use or greater density adjacent to traditionally single-family zoned areas, particularly those near transit and retail, around main street areas or in downtowns.

For local governments that have pulled together a prioritized list of opportunity sites or target areas, the next step may be to see which among them would be appropriate for inclusion in overlay zones.

**Form-Based Codes.** Another approach to allow for infill is the deployment of form-based code in place of traditional use-based zoning.

Traditional zoning looks at use, often separating residences, retail and industrial areas. It suggests that each area should have a singular use – and secondarily may consider design and form. Form-based codes focus on design and form, letting market forces determine use.

A form-based code is a regulatory mechanism, not a mere guideline, adopted into city, town or county land-use ordinance. It seeks to foster predictable results in the streetscape by using physical form rather than separation of uses as the organizing principle for the code. For instance, instead of setting a zone for single-family development, or multifamily, or retail, a zone might be set for a size and type of desired infill with a set

Downtown Salt Lake City is seeing a flurry of large-scale infill projects.



of placemaking characteristics, in which single-family, multi-family or retail and offices could co-exist. Form-based codes emphasizes physical form to regulate and guide development and implement the vision for a place.<sup>40</sup> The desired infill building types could be included, with ranges for setbacks, heights, layouts and architectural variety.<sup>41</sup>

Form-based codes might also consider architectural standards, landscaping standards, signage and environmental standards, such as tree protection, storm water drainage and other regulations. It should be noted that these are not aesthetic or design preferences, but form requirements.

There is some danger with the subjectivity in form-based zoning. While traditional zoning is typically objective, the subjectivity inherent to form-based codes could result in developments that do not ensure good placemaking characteristics. However, being overly prescriptive could also be problematic in that it might hinder creativity and increase costs.<sup>42</sup>

Salt Lake City adopted its first form-based code in 2013 for the Central Ninth neighborhood using two zones, allowing for small-scale building in one area – up to two and one-half stories – and larger in another – up to four stories.<sup>43</sup> The code provides specific building requirements and a wide

variety of building uses, including images for clarification, as well as a host of design specifications such as entry requirements and signage. In part because TRAX light rail serves the area, there is no minimum parking requirement.

South Salt Lake adopted a form-based code in 2014 for the area along the east/west Utah Transit Authority streetcar track. It was based upon community input, visioning efforts and the Streetcar Master Plan as a placemaking effort to develop a shopping and entertainment destination.<sup>44</sup> The plan provides extensive details regarding types of streets, buildings and open space, as well as detailing placemaking around entries and signage.

A less successful effort to implement a form-based code occurred in North Ogden. Residents and elected officials found it to be hard to understand, and residents were hesitant to give up so much control over land-use decisions.<sup>45</sup>

A number of communities are enacting or exploring form-based code or hybrid approaches, including Eagle Mountain, Farmington, Farr West, Heber City, Magna,

North Logan, Ogden, Park City, Pleasant View, Provo, Salt Lake City, Salt Lake County (Meadowbrook), Sandy, Saratoga Springs, South Salt Lake, Springville and West Valley City, among others.

The Wasatch Front Regional Council has developed a form-based code tool to help municipalities establish form-based code ordinances.<sup>46</sup> The Form-Based Codes Institute (FCBI) has developed a wealth of material to evaluate and shape form-based code.<sup>47</sup>

Other flexible code types that may be useful for infill include mixed-use zones and historic preservation.<sup>48</sup> However, observers with whom the Utah Foundation spoke cautioned that mixed-use zones that require commercial can increase costs and create unusable space. One expert gave the example of a developer who was forced to include a commercial space that he knew was not leasable, so he moved it to the back of the building where he could minimize the negative impacts of the unusable space. Local planners should be careful to avoid economically distorting policies that result in such unintended outcomes. As to historic districts, it is critical to avoid becoming overly restrictive and stymying new infill projects that could enhance the historic tout ensemble. With that said, it would be naïve to pretend that there is no such thing as bad infill; urban landscapes nationwide are littered with poorly executed infill projects in historic districts.<sup>49</sup>

### Revisiting Parking Requirements

Existing parking – whether in downtowns, main street areas or at suburban sites – often offers prime opportunity sites for infill. Infill development that converts underutilized, inefficient surface parking lots (or other vacant or underutilized spaces) can improve walkability, improve streetscapes, bolster tax revenues, and expand options for housing, offices and retail. An underutilized parking lot may equate to lost revenues for local governments, as spaces that are sparsely filled with cars could otherwise be turned over to commerce under the right ownership and local regulations.

Unfortunately, the ownership is not always interested. In some cases, the owner may be effectively land-banking a site by using it for paid surface parking and deriving modest revenues but with low overhead. In other cases, a retailer might prefer an overabundance of parking to make shopping there more attractive to potential customers.

But in many cases, there may be an overabundance of parking simply because local land use laws require it, stymying infill that would enhance tax revenues, add amenities and improve local character. To avoid this scenario, local planners and policymakers must carefully examine parking requirements.

It is possible that developments need less parking than cities typically require. The Institute of Transportation Engineers (ITE) provides parking data to inform cities when determining their parking requirements. However, most cities have not updated their requirements based on the latest data from ITE. Perhaps more importantly, ITE data show peak parking demand, which most communities tend to translate into the minimum required. The result is that parking requirements are typically too high. The discrepancy between expected demand and required supply can be even more significant where parking demands tend to be low, namely in settings where people walk, bike or use transit to complete a significant percentage of trips.

Envision Utah points to a study suggesting that well-designed centers require much less parking than ITE recommends. Envision Utah also points to a report by the Met-

**in many cases, there may be an overabundance of parking simply because local land use laws require it, stymying infill that would enhance tax revenues, add amenities and improve local character.**

ropolitan Research Center at the University of Utah suggesting that ITE's estimates focus mainly on suburban areas (with limited transit and walkability) during peak demand (so most parking stays vacant most of the time). Envision Utah's assessment suggests that transit-oriented development tends to create far less parking and driving demand than do typical suburban areas, and half of ITE's trip estimates.<sup>50</sup> Further, a study of sites in Orem found that peak parking demand was less than 75% of supply at 7-of-10 sites studied.<sup>51</sup>

One example of converting an underutilized surface parking lot to a more economical purpose can be found in downtown Salt Lake City. The Birdie is a six-story mixed-use project. The structure will include retail space on the ground floor with 70 one- and two-bedroom apartments on the top five floors.

In short, existing parking – which often can function as dead space with low taxable value per square foot – may offer a blank slate for infill development. A worn-out shopping site can be transformed into a dynamic mixed-use town center. Looking ahead, it is important for local policymakers to take a hard look at their parking needs to discover whether the requirements suit actual needs and whether the payoffs in terms of driver convenience are worth the lost infill opportunities.<sup>52</sup>

### **Addressing Infrastructure Challenges**

In many cases, areas ripe for infill already have adequate infrastructure, allowing the public sector to keep new investments to a minimum while reaping the benefits of new infill. In fact, some areas may have an overabundance of capacity. For instance, low-slung development or even vacant sites may flank high-capacity roadways.

But it is critical to thoroughly understand and explain to potential developers the status of local infrastructure such as water and sewer lines. If existing infrastructure is in decent shape and is sufficient to accommodate additional demand, then it can save time and money and make a site more attractive to potential developers. If not, developers must be able to factor the cost and time challenges into their calculations.

One approach would be to focus infrastructure upgrades on certain opportunity sites. Local governments can carry this out through the normal capital improvements planning process, or by creating tax increment financing (TIF) mechanisms in anticipation of new development in targeted zones. (We discuss TIF in detail later in this report.) The goal would be to open the way for development or level the playing field on development costs by addressing sites in need of costly improvements.

On the other hand, a local government with an abundance of infill opportunities may choose to cull out from its priority list sites with major infrastructure challenges. Under this approach, priority would go to sites that require less infrastructure investment. In effect, the local government would be targeting the “low-hanging fruit” first, leaving challenging sites for a later day. Making this determination, of course, should take into account other factors. For instance, if a site has major infrastructure challenges, but is otherwise pivotal to economic development in an area, it may need to be prioritized anyway.

**One approach would be to focus infrastructure upgrades on certain opportunity sites.**



A mixed-use addition to Provo's historic Center Street.

## Enhancing Streetscapes

In some cases, an infill site may be challenging for redevelopment not because basic infrastructure lacks capacity, but because the poor aesthetics of the area convey stagnation and repel development. In addressing the aesthetics of privately held property, jurisdictions nationwide have used façade restoration programs in downtowns and along main streets as a means of encouraging property owners to improve the appearance of their properties. Nationally, façade restoration programs assist business owners with financial incentives to renovate their commercial storefronts.

Here in Utah, Logan City has created a façade grant program to enhance the charm of its historic downtown. Property owners within the designated downtown program boundaries may apply for a matching grant of up to 25% or \$35,000 of project costs – and, under special criteria, up to 50% of project costs.<sup>53</sup> To win approval, a project must adhere to local design review standards. The program encourages historic preservation and seeks to connect applicants with federal tax credits for historic restoration administered by the National Park Service.<sup>54</sup>

This raises a key point: Infill development does not necessarily mean building from the ground up; it often means reuse of existing structures. For instance, because the Main Street of Helper City has few vacant lots, infill development primarily means returning empty historic structures to commerce.<sup>55</sup>

Beyond that, the tools in the box for addressing privately owned property are limited to regulatory levers such as code enforcement. We discuss this further below.

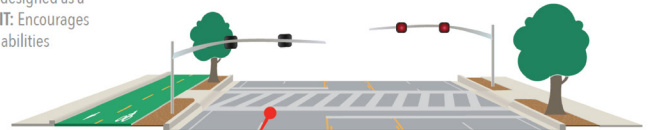
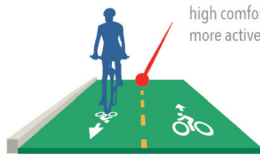
But as to public sector assets, local governments may have a significant range of motion.

Developers of various types – from office to retail to residential – often prefer to locate in attractive, pedestrian-friendly environments, driving significant economic impacts.<sup>56</sup> Creating walkability may require an array of pedestrian-friendly improvements, such as landscaping, traffic calming features, broader walkways, sidewalk bump-outs at intersections, medians, lighting upgrades and the reduction of curb-cuts for parking.

Returning to the earlier example of the Champs-Élysées in Paris, one case study identified the attributes that help to make it successful. They include: extra-wide sidewalks that provide adequate space for cafes with plentiful outdoor seating; a continuity of trees and lighting that scales down the expanse of the sidewalk; an alley of trees along the curb that buffers pedestrians from the automobile traffic; plantings, coverings and shade that enhance outdoor seating experiences; and sidewalk amenities like ornate street lamps and interesting sidewalk patterns that create visual interest.<sup>57</sup> But even along perhaps the



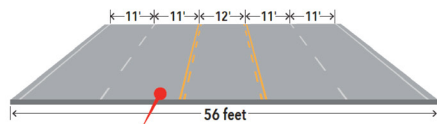
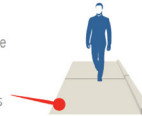
**2-WAY BIKEWAY** will be designed as a high comfort facility – **BENEFIT:** Encourages more active use for all ages & abilities



**MID-BLOCK CROSSWALKS** will be added in strategic locations  
**BENEFIT:** Provides better and safer access for bikes & pedestrians

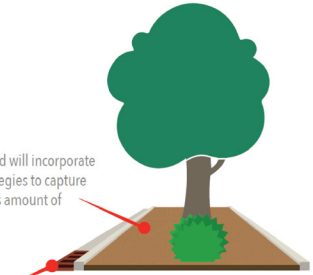
The reconstruction of 300 West is based on Salt Lake City's Complete Streets Ordinance.

**SIDEWALKS** will be 6'0" wide and extend the length of the project from 2100 S to 900 S  
**BENEFIT:** Fills in over 1,700 feet of missing sidewalk & provides better access for all abilities



**ROADWAY WIDTH** is reduced to 56 feet – **BENEFIT:** Reduces crossing distance for pedestrians at mid-block and intersection crosswalks by upwards of 25 feet which equates to about 6-8 fewer seconds in the roadway when crossing the street

**PARKSTRIP** will be added and will incorporate the latest in environmental strategies to capture storm water – **BENEFIT:** Reduces amount of water required for irrigation & naturally cleans runoff



**DRAINAGE** will be improved including storm drain inlets – **BENEFIT:** Prevents standing water in travel lanes protecting vehicles

world's most recognizable pedestrian-friendly boulevard, efforts are underway to make it more pedestrian-friendly through plantings and expanded sidewalks.<sup>58</sup>

Closer to home, Salt Lake City is in the process of rebuilding 300 West, a four-lane boulevard with high-intensity retail – but also numerous vacant and underutilized sites – near the very heart of the Salt Lake region. The changes include a two-way bike lane on the west side of the road, new sidewalks on each side from 900 South to 2100 South, mid-block crosswalks, medians, landscaped park strips and tree plantings. Among the goals of the project is to transform the area and advance economic development.<sup>59</sup>

Planners have recommended the concept of a “complete streets” approach as a means of encouraging infill development. The term “complete” refers to the idea that the street is safe for users of all transportation modes – drivers, cyclists, walkers and mass transit users. They suggest that complete streets attract development to opportunity sites by creating a more inviting pedestrian environment and reducing the need for investments in parking, among other benefits.<sup>60</sup>

### Enforcing Property Maintenance Codes

Private owners of fallow, unkempt or dangerous areas can be persuaded to remediate or sell their sites through the enforcement of health and safety codes or property maintenance codes. These codes are meant to protect the health, safety and welfare of the public. Code enforcement activity tends to focus on blighted buildings, trash and dumping, tall grass, graffiti, and abandoned cars.

The negative image an area takes on due to neglect by property owners can hold back infill development. The result may not only be depressed redevelopment prospects, but lower property values – and therefore lower tax revenues. Prioritizing opportunity sites or target areas for enhanced code enforcement can hit derelict property owners in the pocketbook, compelling them to take remedial action, sell the property or even forfeit it if fines go unpaid. In special cases, local governments might provide the property own-

ers with some form of financial assistance or forbearance on penalties to make repairs. But more often local governments take legal actions, such as imposing a tax lien for cleanup or slapping on fines for failure to address code violations.<sup>61</sup>

## Revisiting Building Codes

In some cases, building code requirements might make sense from a public safety standpoint, but are heavy-handed to the point of preventing redevelopment. As part of its aggressive redevelopment efforts, the Rust Belt city of Pittsburgh employed a review process to open the way for development stymied by certain building code provisions. For instance, fire code requirements as to street access and ingress/egress in blocks of buildings built adjacent to each other meant that the buildings would be practically unusable if redeveloped.<sup>62</sup> The process resulted in alternative fire safety measures that were far more practical and less costly than creating additional ingress/egress points.<sup>63</sup> While this particular problem is less likely to be as common in Utah, older downtowns and Main street areas may face similar challenges. In such cases, conducting a reassessment like Pittsburgh's could be beneficial.

## Focusing on Main Street

Within the Governor's Office of Economic Opportunity is a Main Street Program<sup>64</sup> affiliated with the nonprofit Main Street America. A program of the National Trust for Historic Preservation, it focuses on revitalizing downtown and main street areas in cities and towns across the country. Both Main Street America and Utah's affiliated Main Street Program focus not only on infill, redevelopment and economic development, but also on preserving local history, strengthening civic engagement, and creating meaningful community spaces.<sup>65</sup>

Resurrecting run-down main street and other downtown areas through infill-focused efforts can benefit a wide variety of stakeholders. Property and business owners may realize higher property values and stronger economic prospects. Local governments may see an expanded tax base. Local residents may enjoy new amenities and increased civic pride.

Main Street America recommends the creation of a "transformation strategy" that addresses the economic and other challenges that lead to vacant businesses or buildings is important.<sup>66</sup> There are a number of specific approaches to promoting infill development and restoration. For instance, local government can promote pop-up shops or



Helper is capitalizing on its historic Main Street.

flash stores in vacant buildings; these are short-term retail spaces that typically open in coordination with an event.<sup>67</sup> Allowing (or even providing for) on-street parking limits the need to tear down existing buildings for parking lots in main street areas. As previously discussed, it also makes for more efficient land use more efficient.<sup>68</sup> In addition, zoning changes such as allowing for a mix of uses may be critical to main street redevelopment. Also, as previously discussed, safety codes passed after the development of historic main streets may need retooling to make adaptive reuse possible.

Tremonton City in Box Elder County has been active in the main street transformation game, going as far as enlisting the American Institute of Architects to complete a main street revitalization plan for the city.<sup>69</sup> According to the Tremonton's city manager, infill has been an essential element in local revitalization efforts, with infill locations identified as "catalyst sites." Tremonton found the use of tax increment financing and an Opportunity Zone designation were important to opening the way for development; both mechanisms are discussed in detail later in this report.

### **Deploying Events and Public Art**

Bringing foot traffic through special events can help the general public and potential investors change their perspective on opportunity sites or target areas. For decades now, cities have used one-off events, such as fairs or festivals, or regular installations, such as farmers' markets, to get residents to revisit neglected areas. Some cities and redevelopment nonprofits have even organized housing tours to market and highlight areas in need of infill.<sup>70</sup>

A related perception-changing approach is to promote public art. The art project could be as simple as the restoration of historic signage, such as an old painted advertisement on a masonry wall that once housed the enterprise. It could be original artwork that highlights the history or culture of a neighborhood. Or it could simply be artwork on an otherwise blank wall or empty space that brings beauty or visual engagement to the streetscape.

Finally, through street signage, an authentic neighborhood nickname or other rebranding, area boosters can help to build a target area up in the public consciousness.<sup>71</sup> In Salt Lake County, for instance, the phrase "Sugar House" immediately triggers the image of a trendy neighborhood.

### **Encouraging Brownfield Remediation**

Encouraging brownfield redevelopment is another potential means of accommodating growth, enhancing community character and building the tax base. But brownfields are properties where redevelopment might be complicated and costly.

The EPA defines a brownfield site as "real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant."<sup>72</sup> Cleaning and redeveloping these properties can remove pollutants from the ground and water, reduce blighted areas, and take pressure off green and working lands.<sup>73</sup> It can also improve public health, increase property values, create jobs and leverage pre-existing infrastructure investments.<sup>74</sup> In some cases they may have already been remediated, perhaps with the assistance of the EPA's Superfund program,<sup>75</sup> but lingering perception issues hamper redevelopment. In some cases, the brownfields sites comprise large swath of suburban terrain, such as Midvale's Slag Superfund site.<sup>76</sup> In others, they may be located in small towns or rural communities, where an abandoned industrial site once served as a center of economic activity.<sup>77</sup>

**Bringing foot traffic through special events can help the general public and potential investors change their perspective on opportunity sites or target areas.**



Converting such sites can bring large infusions of new tax revenues from the sites themselves. They can also make positive economic ripples in the surrounding areas dragged down by the brownfield site.

Local governments can tap into the EPA’s Brownfields Program for grants and technical assistance to clean and promote the reuse of troubled sites. Funding includes grants to create local brownfield inventories, as well as for cleanup itself. There is also a revolving loan fund local governments can tap for cleanup.<sup>78</sup> The EPA also has a Land Revitalization Program that local governments can tap for help with reuse of formerly contaminated sites.<sup>79</sup>

### Tapping into Federal Income Tax Incentives

Local communities can tap into federal tax incentives through the Opportunity Zones or New Markets Tax Credit programs in areas that qualify for these programs.

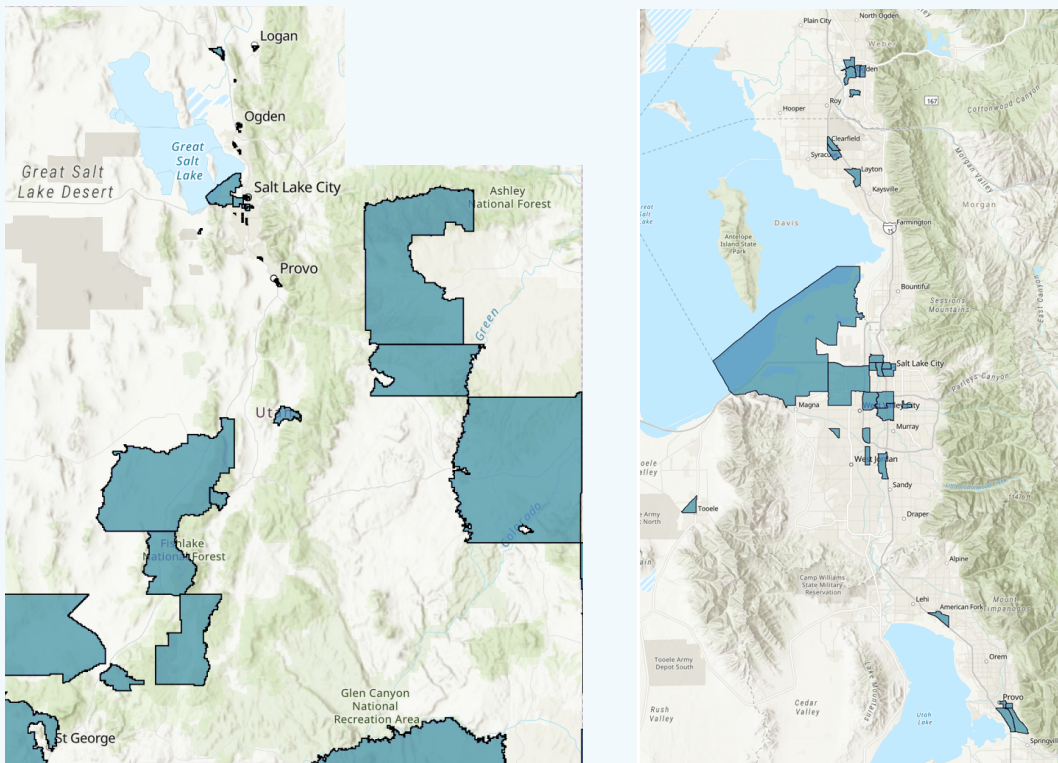
Opportunity Zones nationwide were created under the Tax Cut and Jobs Act of 2017. These zones are meant to spur job creation and development in economically distressed areas. Under the program, an investor can enjoy tax deferrals or reductions in capital gains tax. The related tax benefits increase the longer the investor holds the property.<sup>80</sup>

There are more than 40 designated Opportunity Zones in Utah that received an estimated \$290 million in investments through 2019.<sup>81</sup> More than half of these zones are along the Wasatch Front.<sup>82</sup> (See Figure 9.)

In its Main Street infill efforts, Tremonton City reports that an Opportunity Zone has attracted more experienced and well-capitalized developers. For instance, Wasatch Devel-

### In recent years, Opportunity Zones have proliferated across Utah.

Figure 9: Opportunity Zones in Utah (left), highlighting those from Ogden to Provo (right).



Source: OpportunityDb.com.

opment used the opportunity zone to bridge the gap in anticipated shortfalls in estimated rental revenue, allowing them to create a more ambitious housing project for the market.<sup>83</sup>

The New Markets Tax Credit program also targets “economically distressed” communities. Under the program, individual and corporate investors receive a tax credit against their federal income tax in exchange for making equity investments in so-called Community Development Entities, which vary in type from banks to nonprofit organizations to governmental entities.<sup>84</sup> The credit can total up to 39% of the original investment; the investor claims it over a period of seven years.<sup>85</sup>

The program has existed since 2000 and has yielded \$630 million in investments in 82 projects in Utah, including the renovation of the historic Tribune building downtown and the Solar Gardens and Macaroni Flats mixed-use projects in Salt Lake City; the Shakespeare Theater in Cedar City; and Head Start facilities in South Salt Lake and Kearns.<sup>86</sup>

### **Deploying Local Tax Incentives – Carefully**

Infill sites often already have adequate infrastructure, allowing the public sector to keep new investments to a minimum. The improvements may ultimately pay for themselves by lifting property values in the target area. In some cases, however, the upfront costs may be prohibitively expensive for developers or politically difficult for local governments. In others, to attract development, local governments may need to make investments beyond traditional infrastructure to make streetscape enhancements. In either scenario, a mechanism known as tax increment financing (TIF) may be the answer.

Cities and counties in Utah often use TIF to pay for their economic development programs. TIF can be based on either property tax or sales tax revenues but using property tax revenues is more common.

Utah Title 17C allows counties or municipalities to create “community reinvestment agencies,” commonly called Redevelopment Agencies (RDAs).<sup>87</sup> There are about 100 RDAs in Utah, often focused on revitalizing neighborhoods and local business districts.<sup>88</sup> Redevelopment agencies receive much of their funding from TIF.

The Utah Foundation covered TIF in depth in a 2020 report, *Insights on Incentives: Optimizing Local Approaches to Tax Incentives in Utah*. The report found that Utah cities and counties are much more likely than their counterparts nationally to rely on TIF to fund their economic development goals. There are various reasons for this, but the report also highlighted the need for great care in deploying TIF. As the report put it:

“From the public’s perspective, the stakes here can become high, striking at the heart of citizen trust in government: There is the danger of an unnecessary transfer of public resources to a favored private party. Additional complications can arise because these agreements can last for a prolonged period, well after the policymakers who approved the decision have left office.”<sup>89</sup>

The study posited that, to best serve the public, the incentives should be used in a manner that is strategic, coordinated, effective, efficient and transparent. Broadly speaking, tax increment financing involves four steps:

1. Establishing a physical project area.
2. Analyzing the baseline level of taxes that the project area produces. Utah’s local economic development officials are more likely to rely on TIF than their peers nationally.
3. Earmarking (or dedicating) growth beyond the baseline (the increment in tax increment financing) to pay for the area’s economic development.
4. After a specified milestone is reached (such as a time period, a property valuation level or a dollar value contributed), the TIF is completed and the governments are able to use the full tax value of the project area as it sees fit.

Property TIF tends to stand on a more solid economic footing than sales TIF. With sales tax increments, it is more difficult to determine whether the additional sales from a new sporting goods store, for instance, truly creates new incremental revenue or just transfers sales from existing stores in the jurisdiction. Most states do not allow sales TIF.

However, many of the issues associated with TIF – above all, the danger of an unnecessary transfer of public tax dollars to private parties – can be significantly diminished by using TIF as originally intended. In the 1950s, TIF districts were invented as a means of capturing public dollars for public purposes in designated areas.<sup>90</sup> In other words, the new incremental revenue was not used to directly subsidize private development, but solely to pay for public assets. As a general principle, the TIF should not exceed the lifespan of those public asset improvements. With this approach, TIF funds can go solely toward the infrastructure upgrades or streetscape improvements needed to support infill development at opportunity sites or in target areas. See the Utah Foundation’s *Insights on Incentives* report for further guidance on the appropriate use of TIF.

In Tremonton City’s Main Street redevelopment efforts, one of the primary strategies was to create a redevelopment area for the purposes of capturing incremental tax revenue on a 40-acre infill site. The TIF was based on the increased taxable value from redeveloping vacant fields with low property value to developed sites with higher property value. Most of the tax increment is committed to reimbursing the developer for the infrastructure needed for the redevelopment.<sup>91</sup>

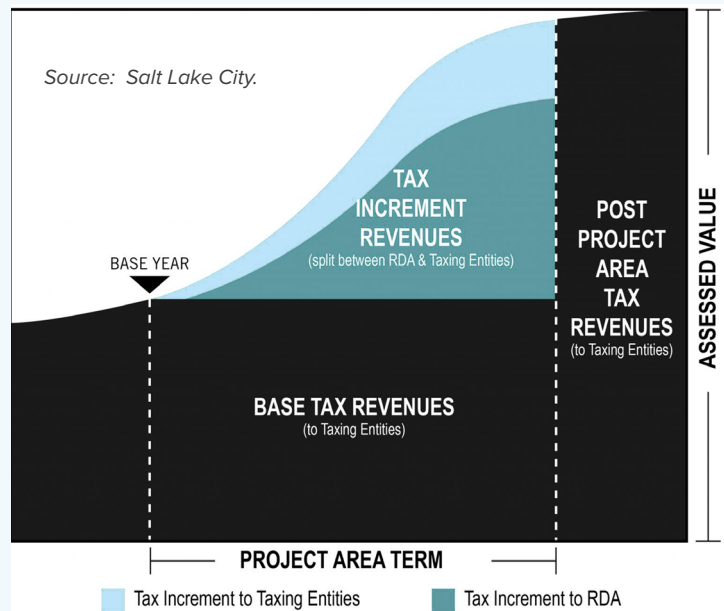
### Capitalizing on Mass Transit

In many instances, major transit lines run past vacant or underutilized sites that may offer prime opportunities for transit-oriented infill development. This may involve capitalizing on an existing station or planning a station within a broader venture that includes infill.

The Utah Transit Authority (UTA) uses the Station Area Plan process to execute just such development. The idea is to ensure that UTA projects do not proceed in isolation, but integrate with the aspirations of the local community. Station Area Plans build from existing local plans and policies, proceed with an analysis of the conditions in the station area, gather guidance from citizens and issue recommendations to guide development. The centerpiece of a Station Area Plan is the transit hub, with planning to emanate about a half mile around it. The planning team includes representatives from the UTA and the relevant local government, and may also include local housing experts, neighbors, landowners, business leaders and metropolitan planning officials. The intent is to produce a plan for adoption by the local government, where possible. The plan is meant to address housing needs, the community’s vision for the area and strategies for implementation.<sup>92</sup>

Typically, the tax revenues available for a TIF come only from the new revenue beyond the baseline year.

Figure 10: Tax Increment Financing



In Sandy, much of the new multifamily development is focused near mass transit.

## CONCLUSION

Multiple factors are now converging in Utah to make infill more imperative, including rapid growth, rising housing costs and changing residential preferences. Infill development – particularly multifamily – now comprises an increasing proportion of new residential development along the Wasatch Front.

Infill development can offer many benefits, including: an expanded housing supply; more attractive city and town centers; more efficient use of land; a strengthened local tax base; efficient delivery of public services and infrastructure; and improvements to overall quality of life. However, communities looking to promote infill must wrestle with zoning, citizen opposition, cost uncertainties and ownership issues.

In the face of such challenges, local governments should consider assembling a formal plan for attracting infill development. This must begin with the creation of a comprehensive inventory of potential sites, including key information on each site, such as ownership and known difficulties. Clear, comprehensive and user-friendly information on the development approval process is also critical. Local governments may consider creating a “fast-track” approval process for infill projects at targeted sites or in targeted redevelopment zones.

To measure success in promoting infill, local governments can formally target particular zones or sites, then aim strategies and actions at those locations accordingly. Such target locations should be prioritized based on fixed strategic criteria and shared with the public.

There are multiple means of recalibrating land-use requirements to encourage infill, including rezoning targeted areas, creating overlay zones and employing form-based codes. Surface parking lots are often prime opportunity sites for infill. But parking rules on the books may prevent infill development from meeting economies of scale for investors. It is important for local policymakers to take a hard look at whether existing parking requirements are overly aggressive.

Investing in infrastructure upgrades and pedestrian-friendly streetscape enhancements at targeted opportunity sites can support the strategic focus of an infill program and attract private investment. Tax increment financing offers an appealing means of attracting development, though it comes with risks to the public. Local governments can also leverage federal support through mechanisms such as Opportunity Zones, the New Markets Tax Credit program and the EPA Brownfield Program. Local governments may also find soft-touch means of drawing attention to targeted infill areas. Main street programs, public art, neighborhood rebranding campaigns and events can help to create new interest and investment.

As part of an infill strategy, it is important to identify sites near mass transit lines, so that new developments can capitalize on these existing investments. The Station Area Plan process offers the promise of community-based transit-oriented development planning.

Though Utah has experienced tremendous growth during the last few decades, the opportunities for high-quality infill development abound. They can be found in downtown cores, in small-town main street areas, and at suburban sites. With smart strategies and aggressive execution, our local communities can accommodate growth while expanding housing supply, enlivening our built environment, easing traffic pressures, preserving open spaces, strengthening local tax bases and improving quality of life. In a state that values efficiency, bringing vacant and underutilized spaces to life through infill development deserves thorough attention and sharp strategic focus.

**Though Utah has experienced tremendous growth during the last few decades, the opportunities for high-quality infill development abound.**

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