Westerly Creek Village Conditions Inventory and Environmental Assessment
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Section 1: Study Overview

Purpose
The *Westerly Creek Village Conditions Inventory and Environmental Assessment* ("Study") is an examination and analysis of various conditions found within a defined geographic area to determine if the area qualifies as “blighted” within the meaning of the Colorado Urban Renewal Law.

The Study is a necessary step if urban renewal, as defined and authorized by Colorado statutes, (see Section 2 and Section 3), is to be used as a tool by the City of Aurora and the Aurora Urban Renewal Authority to remedy and prevent conditions of blight. The findings and conclusions presented in this report are intended to assist the Aurora City Council in making a final determination as to whether the Study Area qualifies as blighted and, consequently, the feasibility and appropriateness of using urban renewal as a reinvestment tool.

To conduct the Study and prepare the Study report, the City of Aurora retained the services of Denver-based consulting firm Matrix Design Group. Matrix has experience in conducting blight studies for municipalities and agencies across Colorado, and has the ability to efficiently handle multiple aspects of the process, including the study itself, environmental assessments, and legal descriptions.

Methodology
The defined geographic area (“Study Area”) examined in this conditions inventory was determined by the City of Aurora and the Aurora Urban Renewal Authority, and lies entirely within Aurora’s municipal boundaries. A map depicting the boundaries of the Study Area is presented in Section 4 of this report as Exhibit 2: Study Area Map.

Data collection for conditions of blight (see Sections 2 and 3 for what constitutes conditions of blight) was accomplished through several means. For those blight conditions that could be identified by visual observation and by the use of maps and aerial photography, the consultant team conducted a
field survey of the Study Area in March 2012, and visited again in May 2012. For those blight conditions that are not observable in the field (such as traffic data, crime statistics, etc.), blight condition data was obtained from specific City of Aurora departments during the same time period.

Matrix did not conduct an active search for one blight factor identified in the Colorado Urban Renewal statute, ("G. Defective or unusual conditions of title rendering the title non-marketable"), due to the extensive time and cost that would be involved with researching property titles in such a large area. That does not mean, however, that defective or unusual title conditions do not exist in the Study Area.

The Study Area’s individual real property parcels were used as the primary units of observation during the data collection and field survey, in order to organize the blight data and prepare graphic illustrations of the findings.
Section 2: Colorado Urban Renewal Statutes and Blighted Areas

In the Colorado Urban Renewal Law, Colo. Rev. Stat. § 31-25-101 et seq. (the “Urban Renewal Law”), the legislature has declared that an area of blight “constitutes a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state in general and municipalities thereof; that the existence of such areas contributes substantially to the spread of disease and crime, constitutes an economic and social liability, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, aggravates traffic problems and impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of public policy and statewide concern…."

Under the Urban Renewal Law, the term “blighted area” describes an area with an array of urban problems, including health and social deficiencies, and physical deterioration. See Colo. Rev. Stat. § 31-25-103(2). Before remedial action can be taken, however, the Urban Renewal Law requires a finding by the appropriate governing body that an area such as the Study Area constitutes a blighted area. Colo. Rev. Stat. §31-25-107(1).

The blight finding is a legislative determination by the municipality’s governing body that, as a result of the presence of factors enumerated in the definition of “blighted area,” the area is a detriment to the health and vitality of the community requiring the use of the municipality’s urban renewal powers to correct those conditions or prevent their spread. In some cases, the factors enumerated in the definition are symptoms of decay, and in some instances, these factors are the cause of the problems. The definition requires the governing body to examine the factors and determine whether these factors indicate a deterioration that threatens the community as a whole.

For purposes of the Study, the definition of a blighted area is articulated in the Colorado Urban Renewal statute as follows:
“Blighted area” means an area that, in its present condition and use and, by reason of the presence of at least **four** of the following factors, substantially impairs or arrests the sound growth of the 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:

a. Slum, deteriorated, or deteriorating structures;
b. Predominance of defective or inadequate street layout;
c. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
d. Unsanitary or unsafe conditions;
e. Deterioration of site or other improvements;
f. Unusual topography or inadequate public improvements or utilities;
g. Defective or unusual conditions of title rendering the title non-marketable;
h. The existence of conditions that endanger life or property by fire or other causes;
i. Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;
j. Environmental contamination of buildings or property; or
k.5. The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements

In addition, paragraph (l.) states, “if there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, ‘blighted area’ also means an area that, in its present condition and use and, by reason of the presence of any **one** of the factors specified in paragraphs (a) to (k.5) of this subsection….”

The statute also states a separate requirement for the number of blight factors that must be present if private property is to be acquired by eminent domain. At § 31-25-105.5(5), paragraph (a.) states, “Blighted area’ shall have the same meaning as set forth in section 31-25-103 (2); except that, for purposes of this section only, ‘blighted area’ means an area that, in its present condition and use and, by reason of the presence of at least **five** of the factors specified in section 31-25-103 (2)(a) to (2)(l)….”
Thus, the state statutes require, depending on the circumstances, that a minimum of either one, four, or five blight factors be present for an area to be considered a “blighted area.”

A couple principles have been developed by Colorado courts to guide the determination of whether an area constitutes a blighted area under the Urban Renewal Law. First, the absence of widespread violation of building and health codes does not, by itself, preclude a finding of blight. According to the courts, “the definition of ‘blighted area’ contained in [the Urban Renewal Law] is broad and encompasses not only those areas containing properties so dilapidated as to justify condemnation as nuisances, but also envisions the prevention of deterioration.”

Second, the presence of one well-maintained building does not defeat a determination that an area constitutes a blighted area. Normally, a determination of blight is based upon an area “taken as a whole,” and not on a building-by-building, parcel-by-parcel, or block-by-block basis.

Based upon the conditions identified in the Study Area, this report makes a recommendation as to whether the Study Area qualifies as a blighted area. The actual determination itself remains the responsibility of the Aurora City Council.
Section 3: Conditions Indicative of the Presence of Blight

As discussed in Section 2, the Colorado Urban Renewal statute provides a list of 11 factors that, through their presence, may allow an area to be declared as blighted. This section elaborates on those 11 factors by describing some of the conditions that might be found within a Study Area that would indicate the presence of those factors.

Slum, Deteriorated, or Deteriorating Structures:
During the field reconnaissance of the Study Area, the general condition and level of deterioration of a building is evaluated. This examination is limited to a visual inspection of the building’s exterior condition and is not a detailed engineering or architectural analysis, nor does it include the building’s interior. The intent is to document obvious indications of disrepair and deterioration to the exterior of a structure found within the Study Area. Some of the exterior elements observed for signs of deterioration include:

- Primary elements (exterior walls, visible foundation, roof)
- Secondary elements (fascia/soffits, gutters/downspouts, windows/doors, façade finishes, loading docks, etc.)
- Ancillary structures (detached garages, storage buildings, etc.)

Predominance of Defective or Inadequate Street Layout:
The presence of this factor is determined through a combination of both field observation as well as an analysis of the existing transportation network and vehicular and pedestrian circulation patterns in the Study Area by persons with expertise in transportation planning and/or traffic engineering. These conditions include:

- Inadequate street or alley widths, cross-sections, or geometries
- Poor provisions or unsafe conditions for the flow of vehicular traffic
- Poor provisions or unsafe conditions for the flow of pedestrians
- Insufficient roadway capacity leading to unusual congestion of traffic
- Inadequate emergency vehicle access
- Poor vehicular/pedestrian access to buildings or sites
• Poor internal vehicular/pedestrian circulation
• Excessive curb cuts/driveways in commercial areas

These conditions can affect the adequacy or performance of the transportation system within the Study Area, creating a street layout that is defective or inadequate.

Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness:
This factor requires an analysis of the parcels within the Study Area as to their potential and usefulness as developable sites. Conditions indicative of the presence of this factor include:

• Lots that are long, narrow, or irregularly shaped
• Lots that are inadequate in size
• Lots with configurations that result in stagnant, misused, or unused land
• Lots with billboards that have active leases, making redevelopment more difficult

This analysis considers the shape, orientation, and size of undeveloped parcels within the Study Area and if these attributes would negatively impact the potential for development of the parcel. This evaluation is performed both through observation in the field and through an analysis of parcel boundary maps of the Study Area.

Unsanitary or Unsafe Conditions:
Conditions observed within the Study Area that qualify under this blight factor include:

• Floodplains or flood prone areas
• Inadequate storm drainage systems/evidence of standing water
• Poor fire protection facilities
• Above average incidences of public safety responses
• Inadequate sanitation or water systems
• Existence of contaminants or hazardous conditions or materials
• High or unusual crime statistics
• Open trash dumpsters
• Severely cracked, sloped, or uneven surfaces for pedestrians
• Illegal dumping
• Vagrants/vandalism/graffiti/gang activity
• Open ditches, holes, or trenches in pedestrian areas

These represent situations in which the safety of individuals, especially pedestrians and children, may be compromised due to environmental and physical conditions considered to be unsanitary or unsafe.

**Deterioration of Site or Other Improvements:**
The conditions that apply to this blight factor reflect the deterioration of various improvements made on a site other than building structures. These conditions may represent a lack of general maintenance at a site, the physical degradation of specific improvements, or an improvement that was poorly planned or constructed. Overall, the presence of these conditions can reduce a site’s usefulness and desirability and negatively affect nearby properties.

• Neglected properties or evidence of general site maintenance problems
• Deteriorated signage or lighting
• Deteriorated fences, walls, or gates
• Deterioration of on-site parking surfaces, curb & gutter, or sidewalks
• Poorly maintained landscaping or overgrown vegetation
• Poor parking lot/driveway layout
• Unpaved parking lot on commercial properties

**Unusual Topography or Inadequate Public Improvements or Utilities:**
The focus of this factor is on the presence of unusual topographical conditions that could make development prohibitive, such as steep slopes or poor load-bearing soils, as well as deficiencies in the public infrastructure system within the Study Area that could include:
• Steep slopes / rock outcroppings / poor load-bearing soils
• Deteriorated public infrastructure (street/alley pavement, curb, gutter, sidewalks, street lighting, storm drainage systems)
• Lack of public infrastructure (same as above)
• Presence of overhead utilities or billboards
• Inadequate fire protection facilities/hydrants
• Inadequate sanitation or water systems

**Defective or Unusual Conditions of Title Rendering the Title Non-Marketable:**
Certain properties can be difficult to market or redevelop if they have overly restrictive or prohibitive clauses in their deeds or titles, or if they involve an unusually complex or highly divided ownership arrangement. Examples include:

• Properties with covenants or other limiting clauses that significantly impair their ability to redevelop
• Properties with disputed or defective title
• Multiplicity of ownership making assemblages of land difficult or impossible

**Existence of Conditions that Endanger Life or Property by Fire and Other Causes:**
A finding of blight within this factor can result from the presence of the following conditions, which include both the deterioration of physical improvements that can lead to dangerous situations as well as the inability for emergency personnel or equipment to provide services to a site:

• Buildings or sites inaccessible to fire and emergency vehicles
• Blocked/poorly maintained fire and emergency access routes/frontages
• Insufficient fire and emergency vehicle turning radii
• Buildings or properties not in compliance with fire codes, building codes, or environmental regulations
Buildings that are Unsafe or Unhealthy for Persons to Live or Work In:
Some of the conditions that can contribute to this blight factor include:

- Buildings or properties not in compliance with fire codes, building codes, or environmental regulations
- Buildings with deteriorated elements that create unsafe conditions
- Buildings with inadequate or improperly installed utility components

Environmental Contamination of Buildings or Property:
This factor represents the presence of contamination in the soils, structures, water sources, or other locations within the Study Area.

- Presence of hazardous substances, liquids, or gasses

Existence of Factors Requiring High Levels of Municipal Services or Substantial Physical Underutilization or Vacancy of Sites, Buildings, or Other Improvements:

The physical conditions that would contribute to this blight factor include:

- Sites with a high incidence of fire, police, or emergency responses
- Sites adjacent to streets/alleys with a high incidence of traffic accidents
- Sites with a high incidence of code enforcement responses
- An undeveloped parcel in a generally urbanized area
- A parcel with a disproportionately small percentage of its total land area developed
- Vacant structures or vacant units in multi-unit structures
Section 4: Study Area Location, Definition, and Description

The Westerly Creek Village Study Area is located in northwest Aurora, near the Stapleton neighborhood. It is generally bounded by Westerly Creek on the west, E 26th Avenue on the north, Peoria Street on the east, and Montview Boulevard to the south; however, the Study Area deviates from these boundaries in places. For example, only the far western portion of the Study Area extends south to Montview Boulevard; the remainder of the Study Area is bounded on the south by E 25th Ave. The Study Area largely consists of a large industrial sites, retail sites, multifamily housing, and undeveloped land.

In total, the Study Area covers nearly 200 acres.

Exhibit 1: Study Area Context, shows the location of the Study Area within the context of the City of Aurora and the surrounding Metropolitan Area. Exhibit 2: Study Area Map visually depicts the layout and configuration of the Study Area and roads in the surrounding area.
Exhibit 1: Study Area Context
Exhibit 2: Study Area Map
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Section 5: Study Findings

The overall findings of the Westerly Creek Village Conditions Inventory and Environmental Assessment are presented below in a format that mirrors the list of factors and conditions of blight discussed in Section 3.

**Slum, Deteriorated, or Deteriorating Structures**

Some structures in the Westerly Creek Village Study Area were visibly deteriorated from vantage points on public rights-of-way or publicly accessible areas. Many of the deteriorated buildings were retail structures that were vacant.

Common forms of blight found in this category included broken windows and doors, deteriorated exterior finishes, and issues with roofs, gutters, and fascia/soffits.

Because of the number and frequency of blight findings related to deteriorated structures, this blight factor is considered to be present in the Study Area.

*This structure was found to have deteriorated finishes and boarded windows and doors*
This building had all of its windows boarded up

This retail building had deteriorated fascia
This building exhibits deteriorated finishes and boarded doors.

This entrance had broken glass that needed repair.
This building had deteriorated gutters and downspouts

Another structure with boarded windows
Predominance of Defective or Inadequate Street Layout

The street layout in the Study Area was found to be generally adequate. While some of the larger parcels on the western portion of the study area will likely need additional internal circulation when redeveloped, street geometry and access was not problematic.

Additional connections between 25th and 26th Avenue need to be made to provide adequate north/south circulation in the Study Area, but these improvements will be made with the development of Stapleton Aurora.

No finding of this blight factor was found in the Study Area.
Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness

This factor is assessed by considering issues with lot configuration that have the ability to impact redevelopment. Specifically, lots are analyzed for the following three characteristics:

- Undeveloped lots that are too small to be redeveloped under current zoning law without assemblage
- Lots that are inaccessible from the public right of way or an easement accessing the public right of way
- Lots with billboards due to extra difficulty developing parcels with active billboard leases

Lots that were found to be too small to be redeveloped (less than ~25’ x 125’) were already developed, and usually were condominium units in multi-unit retail or commercial structures.

While there were a few potential accessibility issues found in the Study Area, they were limited. One parcel could only be accessed through the parking lot of a large retail parcel, but it is unlikely to be redeveloped as it sits along Westerly Creek in a flood-prone area.

Another parcel in the northern portion of the study area could not be accessed from 25th Avenue, the nearest public right-of-way. However, the parcel could become accessible from the extension of Dallas Street northward beyond 25th Avenue.

No active billboard leases were found.

No finding of Faulty Lot Layout was made within the Study Area.
**Unsanitary or Unsafe Conditions**

While there were a few issues with trash and site maintenance in the Study Area, they did not rise to the level required to consider any part of the Area “unsafe”.

Likewise, while the Study Area has a record of police calls that are elevated relative to the averages for the the rest of Aurora, crime in the area did not rise to the levels required to be considered “unsafe”.

No finding of this blight factor has been found.
Deterioration of Site or Other Improvements

The most common occurrence of blight in this category were sites with overgrown weeds, deteriorated interior sidewalks, fences, lighting, signs, or evidence of general maintenance deficiencies. Deteriorated parking lot surfaces were also found.

Numerous properties in the Study Area had code violations relating to property maintenance, including overgrown weeds and debris.
Another deteriorated parking surface

One abandoned property had plenty of prairie dogs
Unusual Topography or Inadequate Public Improvements or Utilities

Findings of this blight category were related to the deterioration of public improvements such as sidewalks along the public rights-of-way or utility systems in the area. In certain areas, sidewalks were deteriorated or missing, despite the reasonable expectation of pedestrian foot traffic.

According to a memorandum provided by the Aurora Public Works Department, streets in the Study Area were constructed according to old standards, which provide for narrow, 3’ sidewalks. In many areas, curb and gutter were partially or completely missing (see Exhibit 3). Large portions of the public rights of way would likely need infrastructure upgrades to support redevelopment in the area and provide safety for pedestrian traffic.

Data from public works also reveals a few drainage issues in the area that will need to be mitigated. The box culvert where Westerly Creek crosses Montview Blvd only has a 10-yr capacity and needs to be upgraded to prevent possible flooding along properties in the western portion of the Study Area. Also, the storm drains serving the drainage system have limited capacity, causing street flooding. The drainage system itself also has only a 2-year capacity, meaning that minor flooding events occurring biannually can be expected to overwhelm the system.

The vacant land between E 25th Ave and E 26th Avenue along the northern border of the Study Area provides drainage into Westerly Creek via a broad swale running through it for a significant portion of the Stapleton development, according to a drainage report prepared for the area. The development of this land will therefore require the preservation of the swale or the implementation of an alternative means of conveying stormwater.

There was no unusual topography found in the Study Area that would substantially impair investment and redevelopment.

Due to the issues mentioned, this blight factor is considered present in the Study Area.
The sidewalk along this street is inconsistent and incomplete

Another example of a lack of public infrastructure in certain parts of the Study Area
Some streets in the western half of the Study Area had no sidewalks at all.

Curb, Gutter, and Sidewalk will need to be installed with development in the northern portion of the Study Area.
Exhibit 3: Areas Lacking Curb, Gutter, or Both in Developed Portion of Study Area
Defective or Unusual Conditions of Title Rendering the Title Non-marketable
This factor was not researched and no evidence was presented to Matrix Design Group that this condition exists within the Study Area. There may be defective titles within the Study Area, but for the purposes of this Study, there are considered to be none.

Existence of Conditions that Endanger Life or Property by Fire or Other Causes
Although data provided by the Aurora Fire Department indicated that there had been three instances of structure fires in the past 5 years as well as one instance of a building being weakened or collapsed, there was no evidence that these issues hadn't been mitigated or that they continued to present an ongoing danger to life or property.

All code violations in the area involving fire hazards or other fire related issues have been resolved.

Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities
No buildings in the area were found upon visual inspection to be deteriorated enough to present a danger to occupants. Similar to the previous blight factor, although there were a few potential issues such as past structure fires found in Fire Department logs, there was no evidence that these issues were ongoing.
Environmental Contamination of Buildings or Property

As part of this Study, various environmental records databases were searched for known environmental issues that exist in the Study Area.

Some of the environmental issues in the Study Area involved leaking underground storage tanks. Although many of these leaking tanks have been remediated, not all have been, and some properties remain contaminated as of the time of this Conditions Inventory. Such properties include multiple gas stations and automotive service properties along Montview Boulevard.

Additionally, other types of environmental contamination are present or potentially present, including volatile organic compounds (VOCs) from multiple dry cleaning sites, and the presence of 55-gallon drums at some of the scrap yards in the area. The multitude of automotive service properties in the Study Area in addition to other current or former intensive industrial uses also create a potential for contamination that has not been recorded or mitigated.

For these reasons, a finding of Environmental Contamination has been made in the Study Area.
**The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements**

This factor was found in the Study Area in a variety of forms, the most common of which was the underutilization of property. Vacant industrial and retail buildings and undeveloped lots were the greatest contributors to this blight factor. In fact, due to the large size of some of these buildings and their associated lots, especially the vacant Stanley Aviation facility, a significant portion of the Study Area can be considered vacant and underutilized. Approximately 40 vacant parcels exist as undeveloped land between E 25th and E 26th Avenues, but these parcels were not counted as contributing to this factor, as they are planned for development.

A review of municipal service calls from the Police and Fire Departments of Aurora did not reveal a significantly elevated incidence of calls relative to the other parts of the City.

Due to the underutilization and building vacancies found in the developed portion of the Study Area, this factor is considered present in the Study Area.
Another vacant structure

Occasional lots were significantly underdeveloped
Although slated for future development, a significant portion of the land between E 25th and E 26th Avenues is vacant.
Section 6: Study Summary and Recommendation

Within the entire Study Area, five of the 11 blight factors were identified as being present. The blight factors identified within the Study Area are:

- Slum / Deteriorated Structures
- Deterioration of Site or Other Improvements
- Unusual Topography or Inadequate Public Improvements or Utilities
- Environmental Contamination of Buildings or Property
- High Levels of Municipal Services or Underutilization or Vacancy of Sites, Buildings, or Other Improvements

Blight Study Results Summary

Table 1 below shows the number of parcels (out of nearly 140) on which evidence was found for each of the five found blight factors. Some of the blight conditions also exist within the public right-of-way, which is shown in the right-hand column. Table 1 is sorted in descending order by the number of parcels that contained evidence for the particular blight factor listed in the left column. As the table shows, the most common blight factors was “Deterioration of Site or Other Improvements” and the least common was “Environmental Contamination of Buildings or Property”, although it is important to note that there were many cases of potential contamination that are not included in the tally; only confirmed contamination is shown.

Blight factors that had no instances are omitted from the table.
### Table 1: Frequency of Blight by Factor

<table>
<thead>
<tr>
<th>Number of Parcels by Factor</th>
<th>In ROW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deterioration Of Site Or Other Improvements</td>
<td>16</td>
</tr>
<tr>
<td>High Levels Of Municipal Services / Underutilization Or Vacancy Of Sites</td>
<td>14</td>
</tr>
<tr>
<td>Slum, Deteriorated Or Deteriorating Structures</td>
<td>13</td>
</tr>
<tr>
<td>Unusual Topography Or Inadequate Public Improvements Or Utilities</td>
<td>5 ✓</td>
</tr>
<tr>
<td>Environmental Contamination Of Buildings Or Property</td>
<td>4 ✓</td>
</tr>
</tbody>
</table>

In Table 1, a blight factor was recorded as having been identified in a Parcel if at least one instance or example of that blight factor was observed in that parcel. In other words, a parcel identified as having a particular blight factor could have had just one instance or example of that blight type, or possibly multiple instances or examples of that blight type.

As described in Section 3, there are multiple conditions that can be observed or identified that constitute evidence of a particular blight factor. For example, a parcel could have both overgrown vegetation as well as deteriorated parking surfaces, with both of those conditions falling under the “E. Deterioration of Site or Other Improvements” blight factor.
Blight Study Recommendation

As discussed in Section 2, in order for an area to be declared blighted, a certain number of the 11 blight factors must be found within the Study Area. Four of the 11 factors is the required minimum, unless none of the property owners or tenants object to being included within an urban renewal area; then, the required minimum is only one of the 11 factors. In the event, however, that eminent domain is to be used to acquire property within the urban renewal area, the required minimum is five of the 11 factors. Since five blight factors were identified within the Study Area, a sufficient number of blight factors exist under any of the above scenarios.

It is the recommendation of this blight study report to the Aurora Urban Renewal Authority, the City of Aurora, and the Aurora City Council that the Study Area, in its present condition, contains a sufficient number of blight factors as required by the Colorado urban renewal laws for the Study Area to be declared a “blighted area.”