

**SOUTH OGDEN CITY
ORDINANCE NO. 19-04**

**AN ORDINANCE OF SOUTH OGDEN CITY ADOPTING THE COMMUNITY
REINVESTMENT PROJECT AREA PLAN FOR THE SOUTH OGDEN 40th STREET
COMMUNITY REINVESTMENT PROJECT AREA.**

WHEREAS, the South Ogden City Community Development and Renewal Agency (the “**Agency**”), having prepared a Project Area Plan (the “**Plan**”) for the South Ogden 40th Street Community Reinvestment Project Area pursuant to Utah Code Annotated (“**UCA**”) § 17C-5, and having held the required public hearing on the Plan pursuant to UCA § 17C-5-104, has adopted on this same date the Plan as the Official Community Reinvestment Project Area Plan for the South Ogden 40th Street Community Reinvestment Project Area; and

WHEREAS, Section 17C-5-109 of the Utah Limited Purpose Local Government Entities – Community Reinvestment Agency Act (the “**Act**”) mandates that before a community reinvestment project area plan approved by an agency under UCA § 17C-5 may take effect it must be adopted by ordinance of the legislative body of the community that created the agency; and

WHEREAS, the Act also requires that certain notice is to be given by the community legislative body upon its adoption of a community reinvestment project area plan under UCA § 17C-5-110.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of South Ogden that:

1. The City Council of South Ogden City hereby adopts and designates the South Ogden 40th Street Community Reinvestment Project Area Plan dated March 5, 2019, as approved by the Agency on this same date, as the *Official Community Reinvestment Project Area Plan for the South Ogden 40th Street Community Reinvestment Project Area* (the “**Official Plan**”).

2. The boundaries of the South Ogden 40th Street Community Reinvestment Project Area are as shown on the map attached hereto as **Exhibit A** and described by the legal description attached hereto as **Exhibit B**.

3. City and Agency Staff are hereby authorized and directed to publish or cause to be published the notice required by UCA § 17C-5-110, whereupon the Official Plan shall become effective under UCA § 17C-5-110.

4. Pursuant to the Act, the Agency may proceed to carry out the Official Plan as soon as it becomes effective.

5. This ordinance takes effect upon publication and recording, but in no case sooner

than 15 days from this date.

DATED the 5th day of March, 2019.

by: _____
Russell L. Porter, Mayor

Attested and recorded:

Leesa Kapetanov, CMC
City Recorder

EXHIBIT A
South Ogden 40th Street CRA Map

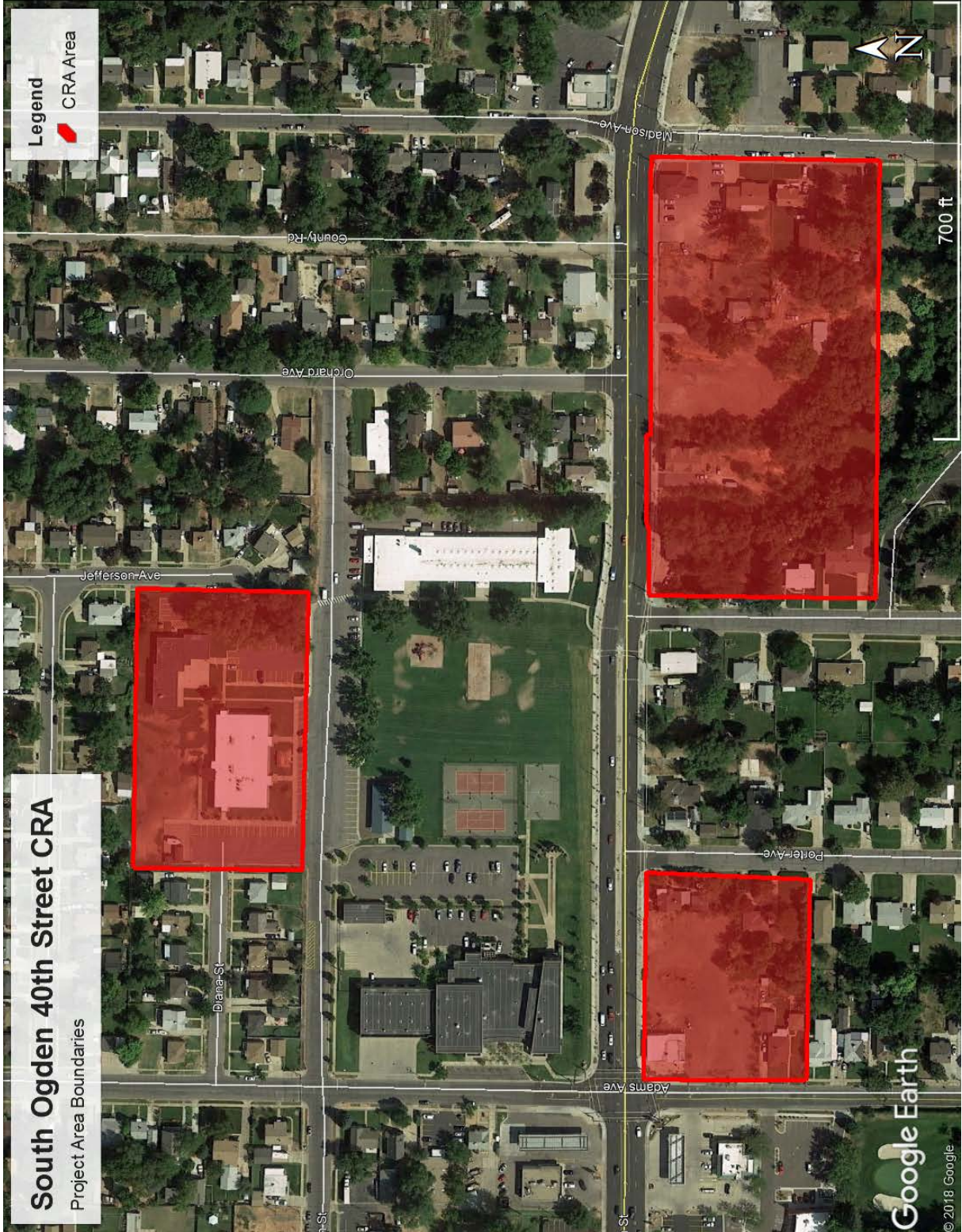


EXHIBIT B

South Ogden 40th Street CRA Legal Description

Beginning at the Southwest corner of Lot 42 of the R.C. Hunter Subdivision No.2 said point being North 88°42'56" West 350.44 feet and North 01°17'04" East 33.00 feet from the monument found at the intersection of 39th South Street and Orchard Avenue (basis of bearings is North 88°42'56" West 1919.80 feet between the monument found in 39th South Street and Orchard Avenue and the ring and lid, no monument in 39th South Street and Washington Boulevard) said point of beginning also being North 01°10'52" East 479.38 feet and North 88°42'56" West 1,885.21 feet from the South Quarter corner of said Section 4; running thence North 88°42'56" West 446.40 feet along the North right-of-way line of said 39th South Street to the Southeast corner of Lot 29 of the R.C. Hunter Subdivision No. 1; thence the following four (4) courses and distances along said subdivision; (1) North 01°17'04" East 104.60 feet to a point of non-curvature with a 40.00' radius curve to the left, (2) 182.26 feet along the arc of said curve through a central angle of 261°04'18": (chord bears North 01°17'04" East 60.80 feet) (3) North 01°17'04" East 109.60 feet; (4) South 88°42'56" East 445.40 feet to the West line of said R.C. Hunter Subdivision No. 1; thence South 01°17'04" West 197.50 feet along said West line to the Northwest corner of Lot 44 of said subdivision; thence the following two (2) courses and distances along said lot; (1) South 88°42'56" East 1.00 feet, (2) South 01°17'04" West 77.50 feet to the point of beginning.

Also,

Beginning at a point on the South line of 40th Street 264.5 feet East of the Southeast corner of 40th Street and Adams Avenue (said point being 33 feet South and 258.3 feet East from the Northwest corner of Northwest Quarter of Sec. 9, Township 5 North, Range 1 West, SLBM), running thence South along the West right-of-way line of Porter Avenue 261 feet to the Southeast corner of Parcel No. 060830012; thence West 312.46 feet to the Southwest corner of Parcel No. 060830005; thence North along the East right-of-way line of Adams Avenue 255.5 feet to the Northwest corner of Parcel No. 060830001; thence East along the South right-of-way line of 40th Street 313 feet to the point of beginning.

Also,

Beginning at a point that is South 89°27'19" East 1,441.95 feet along the North line of the Northwest Quarter of Sec. 9, Township 5 North, Range 1 West, SLBM, and South 00°32'41" West 32.39 feet from the Northwest corner of said Northwest Quarter; thence South along the West right-of-way line of Madison Avenue 382.39 feet to the Southeast corner of Parcel No. 060840016; thence West 704.37 feet to the Southwest corner of Parcel No. 060840007; thence North along the East right-of-way line of Jefferson Avenue 370 feet to the Northwest corner of Parcel No. 060840005; thence East along the South right-of-way line of 40th Street 704.33 feet to the point of beginning.

South Ogden 40th Street Community Reinvestment Project Area Plan

FINAL

Adopted March 5, 2019



Prepared by:
the South Ogden City Community Development and Renewal Agency
with the assistance of Smith Hartvigsen, PLLC

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1. Introduction, Adoption of Project Area Plan

The Agency Board requested that the South Ogden City Community Development and Renewal Agency (also referenced herein as the “**Agency**”), with the assistance of hired consultants and staff, prepare a Community Reinvestment Project Area Plan pursuant to the provisions of Chapters 1 and 5 of the Utah Community Reinvestment Agency Act, Title 17C of the Utah Code Annotated 1953, as amended (the “**Act**”). The requirements of the Act, including notice and hearing obligations, have been scrupulously observed at all times throughout the establishment of the Project, the Project Area, and this Plan. This Community Reinvestment Project Area Plan (the “**Project Area Plan**” or the “**Plan**”) is for a project (the “**Project**”) located entirely within the boundaries of South Ogden City. The specific boundaries and proposed development that is expected to occur within these boundaries are set forth in this Project Area Plan. This Plan shall be titled “South Ogden 40th Street Community Reinvestment Project Area Plan” and has been adopted on the date shown on the cover page.

A map of the Community Reinvestment Area (“**CRA**” or “**Project Area**”) is included as **Exhibit A**.

The Agency has determined that the area meets the criteria for creation of a CRA. The area offers the opportunity to bring new development to South Ogden that will attract private capital investment, contribute to the tax base, and otherwise contribute to the economic vitality and prosperity of South Ogden City.

Creation of the CRA will allow property owners within the project area the opportunity to request incentives from the Agency in order to make various projects financially viable and to bring jobs, property tax revenue, and sales tax revenue to South Ogden City.

This document is prepared in good faith as a current reasonable estimate of the economic impact of this Project. Fundamental economic and other circumstances may influence the actual impact. With these assumptions, the information contained within this report represents the reasonable expectations of the Project. The Agency makes no guarantee that the projections contained in this Plan document or in the Budget for the Project Area accurately reflect the future development within the Project Area. Further, the Agency specifically reserves all powers granted to it under the Act, as amended; this Plan shall not be interpreted to limit or restrict the powers of the agency as granted by the Act.

The ordering of sections of this Project Area Plan document is consistent with the presentation of requirements and other criteria for CRA development as set forth in Utah Code § 17C-5-105.

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2. Community Reinvestment Project Area Boundaries

The Project Area is located within South Ogden, Utah and contains approximately 10.5 acres. A map of the Project Area is attached as **Exhibit A** and incorporated herein.

The land contained within the CRA is owned by a number of private people and entities; portions of the Project Area are currently owned by the City and may be transferred to the Agency to encourage project area development. The legal description of the Project Area is below:

Beginning at the Southwest corner of Lot 42 of the R.C. Hunter Subdivision No.2 said point being North 88°42'56" West 350.44 feet and North 01°17'04" East 33.00 feet from the monument found at the intersection of 39th South Street and Orchard Avenue (basis of bearings is North 88°42'56" West 1919.80 feet between the monument found in 39th South Street and Orchard Avenue and the ring and lid, no monument in 39th South Street and Washington Boulevard) said point of beginning also being North 01°10'52" East 479.38 feet and North 88°42'56" West 1,885.21 feet from the South Quarter corner of said Section 4; running thence North 88°42'56" West 446.40 feet along the North right-of-way line of said 39th South Street to the Southeast corner of Lot 29 of the R.C. Hunter Subdivision No. 1; thence the following four (4) courses and distances along said subdivision; (1) North 01°17'04" East 104.60 feet to a point of non-curvature with a 40.00' radius curve to the left, (2) 182.26 feet along the arc of said curve through a central angle of 261°04'18": (chord bears North 01°17'04" East 60.80 feet) (3) North 01°17'04" East 109.60 feet; (4) South 88°42'56" East 445.40 feet to the West line of said R.C. Hunter Subdivision No. 1; thence South 01°17'04" West 197.50 feet along said West line to the Northwest corner of Lot 44 of said subdivision; thence the following two (2) courses and distances along said lot; (1) South 88°42'56" East 1.00 feet, (2) South 01°17'04" West 77.50 feet to the point of beginning.

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3. Summary of Existing Land Use, Principal Streets, Population Densities and Building Intensities

Existing Land Use Map

A map of existing zoning in the Project Area is included as **Exhibit B** and is incorporated herein. A map indicating the layout of principal streets serving the area is included as **Exhibit C**.

The Project Area consists of three distinct areas. The northerly area is known as the Old City Hall property and is approximately 2.76 acres. The area to the east is known as the 40th Street property and is approximately 5.82 acres. The area to the west is known as the Stephens property and is approximately 1.94 acres. The Old City Hall property is zoned R-2 (“Two-Family Residential Zone”), while the two other areas are zoned 40th Street General. The R-2 Zone accommodates moderate density residential areas incorporating both single-family and two-family dwelling units, along with a number of other compatible uses. The 40th Street General district is part of the City’s form-based code for commercial areas and is intended to enable new development that emphasizes walkability and pedestrians rather than automobile use. The City’s form-based code focuses on the physical form of development rather than segregation of uses.

The Old City Hall property encompasses property owned by the City, including the old city hall and a senior center. The City may transfer this property to the Agency, which would allow the Agency enable the redevelopment of this property. The other portions of the Project Area are generally residential or undeveloped. The new City Hall complex is located in the middle of the three sections of the Project Area, but it not part of the Project Area.

Access to the Project Area is generally via 40th Street running east-west, Adams Avenue running north-south, or a number of secondary streets. These streets are major thoroughfares and provide good access to the Project Area and can generally accommodate future development.

General Description of surrounding property

The Project Area is mostly surrounded by low-density residential development and the new City Hall complex. The Project Area is located between several major retail and commercial corridors along Harrison Blvd., Washington Blvd., and Riverdale Road.

The expected development of the Project Area in compliance with applicable standards and regulations will not impose any public health, safety or general welfare issues. The Agency anticipates that the contemplated development within the Project Area will be beneficial to the existing businesses nearby. Additionally, the Agency expects that the contemplated development within the Project Area will not be negatively affected by the other nearby uses.

Population Density in the Project Area

The Project Area contains mostly low-density residential development. The Agency expects that some portions of the Project Area will involve multi-family residential development and that population density will increase accordingly as development occurs. The Agency estimates that the Project Area currently contains less than 100 residents.

Building Density in the Project Area

In addition to the City-owned property noted previously, the Project Area contains several single- and two-family homes. The Agency expects that many existing structures will be demolished as part of new development within the Project Area. Anticipated development will significantly increase the building density within the Project Area.

Impact of Development on Land Use, Population, and Building Density

As noted, population and building density within the Project Area will generally increase with new development. The City may change existing zoning as appropriate to accommodate desirable development.

4. Standards That Will Guide Development

Development in the Project Area will be subject to appropriate elements of the South Ogden City building permit process, the Conditional Use Permits, and all applicable South Ogden City Ordinances. Development/expansion proposals shall be accompanied by site plans, development data, and other appropriate material clearly describing the extent of development/expansion proposed, and any other data that is required by the City's Building, Planning and Zoning Departments.

The following standards and conditions, along with others, may be considered by the Planning Commission and City Council when determining any conditions to be required as conditions of approval for a project:

1. Conditions relating to safety.
2. Conditions relating to health and sanitation.
3. Conditions relating to noise.
4. Conditions relating to compliance with the Master Plan or special characteristics of the zoning district in which the project will be located.
5. Conditions relating to performance of completion of the project.
6. Conditions relating to the visual impact of the project.
7. Conditions relating to public roads.

These and other applicable standards are intended to assure that the proposed use will be harmonious with neighboring uses, will comply with the General Plan and will impose no unreasonable demands for public services.

5. Description of How Purposes of the Act Will be Attained

Title 17C of the Utah Code contains the following definition of Project Area Development:

“Project area development” means activity within a project area that, as determined by the board, encourages, promotes, or provides development or redevelopment for the purpose of implementing a project area plan, including:

(a) promoting, creating, or retaining public or private jobs within the state or a community;

(b) providing office, manufacturing, warehousing, distribution, parking, or other facilities or improvements;

(c) planning, designing, demolishing, clearing, constructing, rehabilitating, or remediating environmental issues;

(d) providing residential, commercial, industrial, public, or other structures or spaces, including recreational and other facilities incidental or appurtenant to the structures or spaces;

(e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating existing structures;

(f) providing open space, including streets or other public grounds or space around buildings;

(g) providing public or private buildings, infrastructure, structures, or improvements;

(h) relocating a business;

(i) improving public or private recreation areas or other public grounds;

(j) eliminating blight or the causes of blight;

(k) redevelopment as defined under the law in effect before May 1, 2006; or

(l) any activity described in Subsections (47)(a) through (k) outside of a project area that the board determines to be a benefit to the project area.

(Utah Code § 17C-1-102(47)).

The creation of the Project Area furthers the attainment of the purposes of Title 17C by addressing the following objectives:

Provision of development that enhances economic prosperity and quality of life. Development within the Project Area will enable the redevelopment of property in the center of the City and provide for needed housing units. Such development will also generate new property tax

revenues for the City and the other taxing entities and will bring additional consumer spending to local businesses.

Stimulation of associated business and economic activity by the development. The anticipated development within the Project Area will bring new development and new housing units. Local businesses that will benefit include restaurants, suppliers and vendors servicing new facilities in the Project Area.

The Project will achieve the following:

1. Enhance the City’s housing stock—particularly with regard to housing designed to be less expensive than a typical detached single-family residence.
2. Increase the diversity of the tax base and increase the resources available for performing governmental services.
3. Encourage and support the efficient use of land within South Ogden.
4. Support and encourage appropriate public and private development efforts in the community.

6. Conformance of the CRA to the Community’s General Plan

All development within the Project Area will be consistent with the South Ogden City General Plan. The General Plan discusses the need to maintain the character of established neighborhoods while also providing for new development that enhances the quality of life of City residents. The General Plan anticipates that the area around City Hall will experience development and will serve as a transition area between established residential neighborhoods and nearby commercial and retail areas. The Agency’s involvement within the Project Area will allow the Agency to encourage development in harmony with these General Plan goals.

Zoning Ordinances. The zoning within the Project Area is described above.

Building Code. All development within the Project Area will be constructed in accordance with all applicable South Ogden building codes. The creation of the Project Area will not alter the City’s land use authority.

7. Specific Project Outline and Its Potential for Economic Development

The formation of the Project Area will provide South Ogden with the opportunity to encourage development of underutilized land in an established portion of the City. The Agency expects that the creation of the Project Area will lead to significant capital investment and development within South Ogden. Without the creation of the CRA and project area development activities by the Agency, South Ogden would likely not experience significant development that is expected to benefit the City. Through the exercise of its statutory powers, the Agency expects that the Project Area will be attractive to a variety of projects—particularly multi-family and mixed-use developments. Further, the Agency expects that development within the Project Area will have a positive effect on other nearby retail and commercial areas within South Ogden.

The Agency anticipates that the Old City Hall property will be developed into 80 apartments, representing new investment of approximately \$11.2 million, that the Stephens property will be developed into 160 apartments, representing new investment of approximately \$25 million, and that the 40th Street property will be developed into 75 townhomes, representing new investment of approximately \$11 million.

8. Selection of Participant

The Agency has engaged in preliminary discussions with several developers but has yet to formally engage with any potential developers for property within the Project Area. The Agency anticipates working with developers and property owners to bring desirable development to the Project Area. The Agency will require that any developer has sufficient experience, knowledge, resources, and financial wherewithal to develop the project as contemplated herein.

9. Reasons for Selection of Project Area

The Project Area was selected by the Agency due to the immediate opportunity to strengthen the City's economic base and housing stock by enabling desirable development within the Project Area. The Agency believes that opportunities exist within the Project Area to enable and/or accelerate development within the Project Area through the provision of incentives or infrastructure by the Agency or through the exercise of other Agency powers as provided for in the Act.

10. Description of Physical, Social/Economic Conditions Existing in the Project Area

The Project Area is generally developed, albeit underutilized, land located in the vicinity of City Hall. Based on the analysis of the Project Area by the Agency, the Agency believes that the creation of this Project Area is necessary to enable or accelerate the development within the Project Area. The City has determined that the old city hall complex is surplus property and will potentially be sold or transferred to the Agency to enable further development. The other portions of the Project Area are underutilized and are likely ripe for redevelopment in the near future as demands increase for developable land within the City.

More generally, CRAs encourage development in areas that are underutilized, blighted, or under economic stress and where the Project will have a positive impact on the physical environment, as well as the socioeconomic characteristics of the surrounding area. The creation of the Project Area will increase capital investment in the area, increase the available housing stock, encourage other development, and potentially offer shopping and employment for South Ogden residents.

11. Tax Incentives Offered to Private Entities for Development within the Project Area

The Agency may negotiate with the taxing entities in order to obtain a portion of the tax increment generated by new development within the Project Area. The amount of tax increment requested, if any, will depend on the specifics of proposed projects within the Project Area. Actual development is dependent on many factors, including the overall economic climate and local demand; however, the Agency hopes to encourage and accelerate desirable development within the Project Area.

Any incentives and payments to participants will be on a post-performance basis and will be offered only according to the terms of a written Participation Agreement that adequately protects the Agency and the taxing entities by ensuring performance by the participant prior to the payment of any reimbursement or incentive from the Agency to the participant. Subject to the provisions of the Act, the Agency may agree to pay for eligible development costs and other items from such tax revenues for the period of time the Agency and the taxing entities may deem appropriate under the circumstances.

12. Results of Analysis of Anticipated Public Benefits from the Development

The Agency has not selected participants for projects within the Project Area; however, through discussions with various interested parties, the Agency believes that it can predict the possible future development within the Project Area with acceptable accuracy. As described in Section 7 of this Plan, the Agency expects that Old City Hall property will be developed into 80 apartments, representing new investment of approximately \$11.2 million, that the Stephens property will be developed into 160 apartments, representing new investment of approximately \$25 million, and that the 40th Street property will be developed into 75 townhomes, representing new investment of approximately \$11 million. The Agency projects that the Project Areas will see approximately \$47.2 million in new investment in the near future. Although this investment will not translate 1:1 into new taxable value, the impact of such significant development will be meaningful to the taxing entities. Based on the Agency's projections, the future development within the Project Area is expected to produce new property tax revenues over 15 years as follows:

Weber County	\$	1,147,359
Weber County School District	\$	2,371,810
South Ogden City	\$	1,090,574
Weber Basin Water Conservancy District	\$	61,674
Central Weber Sewer Improvement District	\$	244,063
Weber County Mosquito Abatement District	\$	40,614
Weber Area Dispatch 911 and Emergency Svcs Dist	\$	87,998
TOTAL	\$	5,044,092

In addition to the financial benefits to the taxing entities through the generation of new tax revenues, new development within the Project Area will bring various other benefits to the Project Area and the City as a whole. Development within the Project Area will bring new construction and other economic activity to the City during the construction process. This activity will benefit local businesses and suppliers. On a long-term basis, new development within the Project Area will enhance the areas around City Hall and will provide for efficient use of currently-underutilized property within the City.

13. Other Matters

There are no existing buildings or uses in a community reinvestment project area that are included in, or eligible for inclusion in, the National Register of Historic Places or the State Register.

The Project Area will not be subject to a Taxing Entity Committee; instead, the Agency may enter into interlocal agreements with the various taxing entities in order to obtain funding for project area development.

14. Exhibits

Exhibit A

Project Area Map

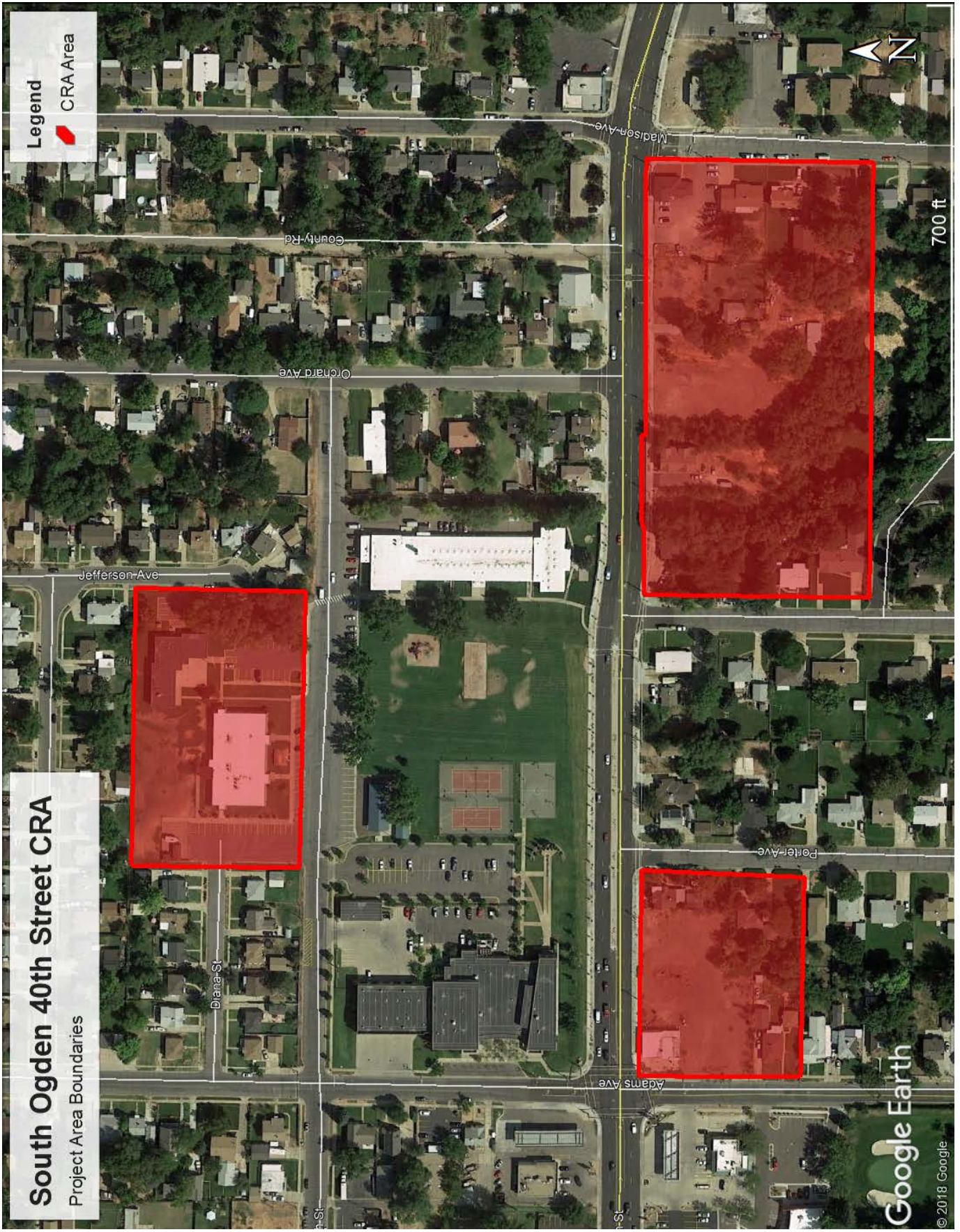
Exhibit B

Zoning Map

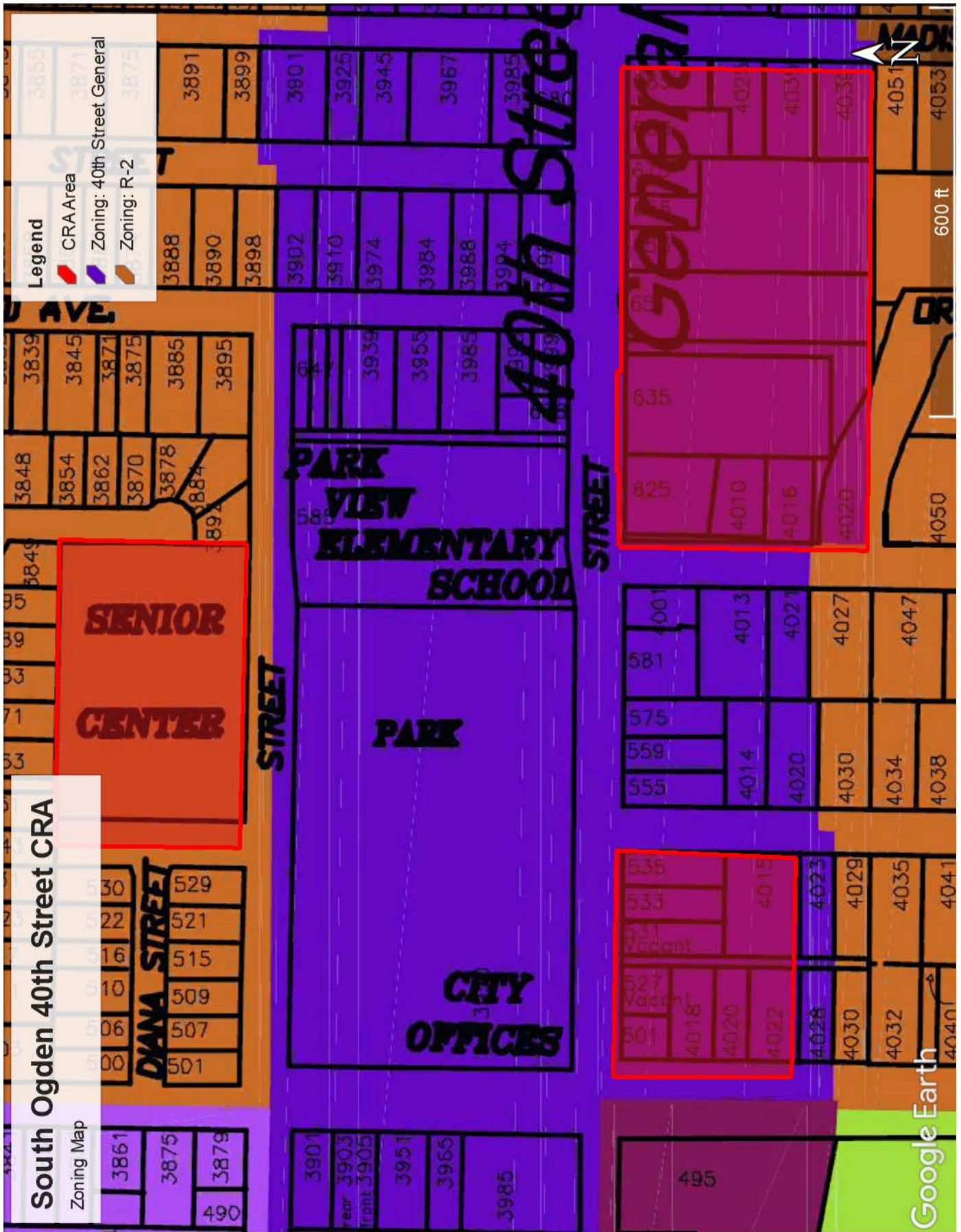
Exhibit C

Principal Streets

Exhibit A
Project Area Map



**Exhibit B
Zoning Map**



**Exhibit C
Principal Streets**

