



Ogden City

City Council

May 3, 2016

City Council Chambers

Municipal Building – Third Floor

2549 Washington Boulevard, Ogden, Utah 84401

3:30 p.m. Joint Work Session

City Council also acting as the Redevelopment Agency

City Council Work Room

The purpose of the joint work session includes presentations and discussions regarding:

- Agenda review for City Council and Special Redevelopment Agency meetings;
- Proposed Donation to BV Maple Holdings/Ball Ventures, LLC for Fred Meyer Building Demolition;
- Proposed FY2016 Budget Amendment – Property Purchase, Donation to BV Maple, and Branding Projects;
- Proposed Write-offs of City Loans/Advances to three (3) Redevelopment Agency Tax Increment Districts;
- Vacation Rentals; and
- Council and Board Business.

Any items not fully addressed prior to the City Council and Special Redevelopment Agency meetings, which begin at 6:00 p.m., may be addressed immediately following those meetings.

6:00 p.m. City Council Meeting

Council Chambers

1. Roll Call.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Recognition:
 - a. **Make-A-Difference Day.** Joint Proclamation proclaiming May 12, 2016 “Make-A-Difference Day” in Ogden City. (*Approve joint proclamation – voice vote*)
5. Approval of Minutes (*voice vote*):
 - a. Work Session of February 9, 2016 – *Council member Lopez*
6. Public Hearings:
 - a. **FY2017 Annual Action Plan and Program Changes.**
 - i. Presentation
 - ii. Public Input
 - iii. Action
 1. Proposed Resolution 2016-11 adopting the Annual Action Plan for the Period July 1, 2016 through June 30, 2017 and directing that this document be submitted to the U.S. Department of Housing and Urban Development. (Adopt/not adopt resolution – roll call vote)
 2. Proposed Resolution 2016-13 amending the Own In Ogden down payment assistance program. (Adopt/not adopt resolution – roll call vote)
 3. Proposed Resolution 2016-14 approving the creation of a Microenterprise Loan Program. (Adopt/not adopt resolution – roll call vote)

7. Reports from Administration:
 - a. **FY2017 Budget Presentation.**
 - i. FY2017 Tentative Budget. Presentation of the tentative FY2017 Budget and proposed Resolution 2016-15 accepting the tentative budget of Ogden City for Fiscal Year 2016-2017 for review. (*Adopt/not adopt – roll call vote*)
 - ii. Setting of public hearing for FY2017 Tentative Budget. Proposed Ordinance 2016-27 adopting the tentative budget of Ogden City for Fiscal Year 2016-2017. (*Set/not set public hearing for June 21, 2016 – voice vote*)
 8. Public Comments. This is an opportunity to address the Council regarding concerns or ideas on any topic. To be considerate of everyone at this meeting, public comments will be limited to three minutes per person. Participants are to state their name and address for the record. Comments which cannot be made within these limits should be submitted in writing to the City Council Office (citycouncil@ogdencity.com).
- The Council encourages civil discourse for everyone who participates in our meetings. Comments pertaining to an agenda item that includes a public hearing or public input should be given during the meeting as that item is discussed.
9. Comments:
 - a. Mayor.
 - b. Council Members.
 10. Adjournment.

Special Redevelopment Agency Meeting
Council Chambers

1. Roll Call.
 2. Reports from Administration:
 - a. **Adams Avenue Renewal Area.** Proposed Resolution 2016-11 authorizing the establishment of a survey area comprised of approximately the land bounded by and including the following streets – 23rd Street to 28th Street from Washington Boulevard to Jefferson Avenue. (*Adopt/not adopt resolution – roll call vote*)
 3. Public Comments. This is an opportunity to address the Board regarding concerns or ideas on any topic. To be considerate of everyone at this meeting, public comments will be limited to three minutes per person. Participants are to state their name and address for the record. Comments which cannot be made within these limits should be submitted in writing to the City Council Office (citycouncil@ogdencity.com).
- The Board encourages civil discourse for everyone who participates in our meetings. Comments pertaining to an agenda item that includes a public hearing or public input should be given during the meeting as that item is discussed.
4. Comments:
 - a. Executive Director.
 - b. Board Members.
 5. Adjournment.

Public meetings may be held electronically in accordance with Utah Code Annotated 52-4-207 to allow Council members to participate via teleconference. The anchor location for the meeting shall be on the 3rd Floor of the Ogden Municipal Building, 2549 Washington Blvd., Ogden Utah.

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the Management Services Department at 629-8701 (TDD # 629-8949) or by email: ADACompliance@ci.ogden.ut.us at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and/or agenda was posted in three public places within the Ogden City Limits on this 29th day of April, 2016. These public places being: 1) City Recorder's Office on the 2nd floor of the Municipal Building; 2) 2nd floor foyer of the Municipal Building; and 3) the Weber County Library. A copy was posted to the Utah State Public Notice Website and the Ogden City Website, as well as provided to the Standard-Examiner.

TRACY HANSEN, MMC
OGDEN CITY RECORDER

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Ogden City Council Agenda Information Line – 801-629-8159



City Council Work Session COUNCIL STAFF REVIEW

GRANT/LOAN TO BV MAPLE HOLDINGS/BALL VENTURES, LLC

- *Fred Meyer Building Incentive Study (UCA § 10-8-2)*
- *Promissory Note/Loan Agreement (\$100,000) for Demolition of Fred Meyer Building at 262 12th Street*

PURPOSE OF

WORK SESSION: To Review and Discuss a Proposed \$100,000 Grant/Loan to BV Maple Holdings/Ball Ventures, LLC for Demolition of the Fred Meyer Building.

Executive

Summary

The Administration will present a proposal to grant or loan \$100,000 to BV Maple Holdings/Ball Ventures, LLC to fund demolition of the Fred Meyer Building located at 262 12th Street. They will also present and review the Incentive Study prepared in accordance with UCA § 10-8-2 and Council policy.

Background

Utah Code Ann. § 10-8-2

Section 10-8-2 of the Utah State Code outlines the requirements for appropriating funds for a “corporate purpose.” This statute authorizes the City Council to appropriate funds for any project or organization if the Council determines the funding will promote the “safety, health, prosperity, moral well-being, peace, order, comfort, or convenience” of Ogden citizens. The process requires the following:

- A determination of the value received—intangible benefits can be considered
- A study showing the benefits and purpose of the appropriation and how the City’s goals and objectives will be met by the appropriation
- A public hearing on the study (14-day notice)

Note that the statute indicates that this process must be followed only if the funds are not appropriated during the annual budget process.



City Council Work Session

COUNCIL STAFF REVIEW

September 26, 2012

The Council held a work session to discuss an Administrative proposal to make a donation under Utah Code Annotated § 10-8-2 to facilitate a development along Washington Boulevard. The Council approved the donation, but Council members requested that a policy be established to ensure that future proposals would be handled consistently. Council staff agreed to work with the Administration to develop a process.

October 16, 2012

The Council adopted Resolution 2012-23 establishing a policy for donations to outside entities. The process set forth in the Resolution requires the following:

1. Completion of a study that addresses the following:
 - a. The benefit the City will receive—tangible or intangible—in return for appropriated funds.
 - b. An analysis of how the appropriation will be used to enhance the safety, health, prosperity, moral wellbeing, peace, order, comfort, or convenience of Ogden City residents.
 - c. Whether the appropriation is necessary and appropriate to accomplish any of the goals and objectives of the City such as
 - i. Removing blight or underdeveloped properties.
 - ii. Increasing the City's tax base.
 - iii. Creating jobs.
 - iv. Retaining jobs.
 - v. Any other identified public purpose that the development might serve.
 - d. Completion of a financial analysis showing projected financial returns to the City, if any, and the period of time over which the City will recoup the amount of the appropriation.
2. A finding by the Council that the development will promote the safety, health, prosperity, moral wellbeing, peace, order, comfort, or convenience of the Ogden City residents shall be adopted by Resolution citing the Study as evidence to support that finding.
3. The final appropriation shall be completed in accordance with the processes outlined in Utah Code Ann. § 10-8-2:
 - a. If the appropriation will be made as an amendment to the current



City Council Work Session

COUNCIL STAFF REVIEW

- year fiscal budget, then the appropriation shall be approved pursuant to the process outlined in Utah Code Ann. § 10-8-2(3)(d).
- b. If the appropriation is made as part of a future fiscal year budget, then the appropriation shall be approved during the regular annual budget process.

This policy is consistent with state law.

April 19, 2016

The Council Offices received an Administrative transmittal requesting the Council approve a \$100,000 grant/loan to BV Maple Holdings Utah, LLC and Ball Ventures, LLC, for demolition of the Fred Meyer Building located at 261 12th Street, Ogden, Utah.

Fred Meyer Building

Fred Meyer operated a store at 262 12th Street in Ogden until 2002. Ownership of the 150,000 sq. ft. building has changed several times since the store closed. The property is located in a major commercial section of the City and a prime location for development. However, the large size of the building has limited the development potential for the site. Since 2002, the building has continued to deteriorate and the building structure is now so far compromised that it is no longer economically viable for renovation or reuse.

BV Maple Holdings Utah, LLC, a subsidiary of Ball Ventures, LLC, (BV) acquired the building in 2012 and has been attempting to get a tenant on the site since that time. The building needs to be demolished to allow BV to build to tenant specifications. In order to make development of the property financially feasible, BV has asked the City contribute to the cost of demolishing the building.

Proposal

The Administration is requesting the Council approve a Resolution that adopts or authorizes the following:

1. Adopts the findings and conclusions of a Fred Meyer Incentive Study;
2. Approves the Promissory Note and Loan Agreement with BV;



City Council Work Session

COUNCIL STAFF REVIEW

3. Authorizes the Mayor to execute the Promissory Note and Loan Agreement with BV.

Fred Meyer Building Incentive Study

The Administration has completed and submitted a study in accordance with §10-8-2 of the Utah Code and City Council policy. The Study outlines the benefits of a donation to BV as follows:

Findings

The following benefits support public policy and provide sufficient consideration for the donation:

Benefits to Ogden City

A. Tax Base

- a. *Property Tax.* Future development at the site will generate additional \$112,700 in property tax revenues annually beginning in the next 5-7 years.
- b. *Sales Tax.* Future development at the site will generate additional \$30,000 in sales tax revenues annually beginning in the next 5-7 years.
- c. *Other.* Future development at the site will generate additional building permit fees, impact fees, business license fees, municipal energy fees, and utility service fees.

B. Economic Development

- a. *Business and Employee Expenditures.* A tenant at the site will directly or indirectly promote or impact the following:
 - i. Purchases in the City;
 - ii. Economic diversification within the City and County;
 - iii. Additional economic development
 - iv. Existing businesses and industries by bringing additional employees/customers to the area
 - v. Employee expenditures in the area

C. Construction Expenditures

BV estimates construction at the site will be valued at approximately \$32 M. A portion of those construction costs may go to local vendors.



City Council Work Session

COUNCIL STAFF REVIEW

D. Neighborhood Benefits

Nearby commercial entities will benefit from removal of blight and the private investment on the site.

Accomplishment of Goals and Objectives

A. Necessity of Appropriation

This is public investment and an opportunity to reduce blight and spur development on the site.

B. Whether the Appropriation is Appropriate

- a. The total loan (donation) will not exceed \$100,000. The development must meet certain terms and conditions under the Agreement. If the Development cannot meet those terms and conditions, the funds must be repaid.
- b. The donation will leverage additional investment at the site.
- c. The removal of blight will contribute to the overall health and safety of Ogden citizens.

Conclusion

The blight reduction and additional private investment that will come with future development accomplishes the overall goals of the City and, therefore, justifies the donation.

Promissory Note/Loan Agreement

Key terms of the proposed Promissory Note and Loan Agreement are as summarized follows:

- Loan of \$100,000 will be paid by Ogden City to BV in a lump sum within 30 days of the following
 - issuance of a demolition permit
 - Proof of agreement with demolition company
 - Substantial commencement of demolition must begin on or before August 1, 2016
 - A new structure must be completed on the site on or before August 1, 2018
 - If BV fails to complete new development by August 1, 2018, BV must repay the loan plus accrued interest at 5% within 30 days.



City Council Work Session

COUNCIL STAFF REVIEW

- Interest rate will be 15% if not paid within 30 days of due date.

Questions

1. Please review the proposed agreement with BV.
2. Please review the Incentive Agreement and explain how the proposed grant/loan meets the requirements of 10-8-2 and the Council policy.
3. Please explain why the Administration/CED think this is an appropriate use of City funds.

Council Staff Contact: Janene Eller-Smith, (801)629-8165

RESOLUTION NO. 2012- 23

A RESOLUTION OF THE OGDEN CITY COUNCIL ESTABLISHING POLICIES AND PROCEDURES GOVERNING CITY CONTRIBUTIONS TO REDEVELOPMENT, ECONOMIC DEVELOPMENT, OR COMMUNITY DEVELOPMENT PROJECTS WITHIN OGDEN CITY.

WHEREAS, Ogden City has an interest in revitalizing its business and neighborhood communities through the promotion of redevelopment, economic development and community development projects within the City; and

WHEREAS, the Council's primary goals for revitalization of its business and neighborhood communities are to ensure the safety, health, prosperity, moral wellbeing, peace, order, comfort, or convenience of the City's residents; and

WHEREAS, the City's primary tools for meeting these goals through new development projects are removing blighted or underdeveloped properties, increasing the City's tax base, creating jobs, preserving jobs, providing affordable housing options, providing needed commercial services, or otherwise improving the quality of life for Ogden residents; and

WHEREAS, From time to time, private development companies seek financial assistance from the City to make a development project in Ogden City economically viable; and

WHEREAS, In many cases, without such assistance, the project would not be completed within Ogden City causing the City to forego the benefits that would come to the community through the project; and

WHEREAS, In promoting new development projects, the City may invoke the powers of the Ogden Redevelopment Agency, as authorized under Utah Code Ann. §17, to provide financial incentives or otherwise assist development projects; However, pursuant to Utah Code Ann. § 10-8-2 the City may also provide such assistance with available General Fund monies;

WHEREAS, The City Council desires to establish policies and procedures governing City financial contributions to redevelopment, economic development or community development projects to promote consistency and due diligence when appropriating funds to assist with development projects;

NOW, THEREFORE, BE IT RESOLVED that the Ogden City Council hereby establishes the following policies and procedures governing City General Fund financial contributions to redevelopment, economic development or community development projects:

1. Prior to approving any document that purports to pledge City funds as a financial contribution to any development project, the Council shall require that a study be completed that addresses the following:
 - a. The benefit the City will receive in return for appropriated funds. Benefits can include intangible benefits that may be identified in the study.
 - b. An analysis of how the appropriation will be used to enhance the safety, health, prosperity, moral wellbeing, peace, order, comfort, or convenience of Ogden City residents.
 - c. Whether the appropriation is necessary and appropriate to accomplish any of the goals and objectives of the City such as
 - i. Removal of blight or underdeveloped properties. For purposes of these policies and procedures, whether a property is blighted or underdeveloped will be determined on a case by case basis.
 - ii. An increase in the City's tax base.
 - iii. Job creation, whether temporary and/or permanent.
 - iv. Job retention.
 - v. Any other identified public purpose that the development might serve.
 - d. A financial analysis showing projected financial returns to the City, if any, and if applicable, the period of time over which the City will recoup the amount of the appropriation. If no financial returns are anticipated from the development, the study shall provide an explanation regarding why no financial returns are anticipated and why the benefits identified in section 1.a, are sufficient to justify

the appropriation.

2. Prior to authorizing the financial contribution, the Council shall find that the completion of the development will promote the safety, health, prosperity, moral wellbeing, peace, order, comfort, or convenience of the Ogden City residents, and shall adopt by Resolution the Study as evidence to support that finding.
3. The final appropriation shall be completed in accordance with the processes outlined in Utah Code Ann. § 10-8-2, and as may be amended.
 - a. If the appropriation will be made as an amendment to the current year fiscal budget, then the appropriation shall be approved pursuant to the process outlined in Utah Code Ann. § 10-8-2(3)(d).
 - b. If the appropriation is made as part of a future fiscal year budget, then the appropriation shall be approved during the regular annual budget process, pursuant to Utah Code Annotated, Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities.
4. This resolution shall become effective immediately after final passage.

PASSED AND ADOPTED by the Ogden City Council this 16th day of October, 2012.



Neil Garner
Council Chair

ATTEST:



OGDEN CITY RECORDER



APPROVED AS TO FORM: 

LEGAL DATE 11 OCT 12

OGDEN CITY COUNCIL TRANSMITTAL

Mark Johnson, CAO

Date Received by Administration: _____

Date Received by Council: _____

DATE: March 31, 2016

TO: Ogden City Council

FROM: Tom Christopoulos, *CED Director* _____ TC

SUBJECT: **\$100,000 Loan to BV Maple Holdings**

STAFF CONTACT: Brandon Cooper, *CED Deputy Director* _____ BC

REQUESTED TIMELINE: As soon as convenient

RECOMMENDATION: Administration recommends the City Council set a public hearing to consider input on a study for a \$100,000 loan to partially fund the demolition of the Fred Meyer Building located at 262 12th Street

DOCUMENTS: Resolution; Loan Agreement; Promissory Note, Study _____ MS

DISCUSSION:

Background

The property located at 262 12 Street, Ogden, Utah (“**Property**”) was the business location for the Ogden-based Fred Meyer store until 2002. Since then, the Property has changed ownership multiple times, but has remained vacant and poorly maintained. The approximately 150,000 square foot building located on the Property is rapidly deteriorating and adding blight to and negatively impacting an important and promising commercial district within Ogden City.

BV Maple Holdings Utah, LLC, an Idaho limited liability company and subsidiary company to Ball Ventures, acquired the Property in 2012 and has determined that the structure of the building on the Property is compromised, can no longer be economically viable in a renovation or reuse, and threatens the health and safety of City residents.

Throughout months of discussion and after considering all viable alternatives, Administration staff has determined that the most efficient and least costly action the City can take is to help facilitate demolition of the dilapidated building upon the Property by making a \$100,000 loan to BV Maple for assistance in the demolition of all of the structures on the Property. The action of removing the buildings is a significant and appropriate step to encourage more rapid redevelopment of the Property and area and will result in a higher probability of successfully attracting end-users to the site in a timelier manner.

Loan Terms

- **Amount:** \$100,000
- **Distribution:** The \$100,000 loan proceeds from shall be disbursed in a lump sum amount within thirty (30) days following:
 - a. Issuance by Ogden City of a demolition permit for the demolition of the improvements upon the Property;
 - b. Proof of entering into an agreement with a company for the demolition of the buildings upon the Property;
 - c. Mobilization of demolition equipment and substantial commencement of demolition activities upon the Property, which must take place on or before August 1, 2016
- **Principal and Interest Payments:** If BV Maple complies fully with the requirements of the Note and Loan Agreement by (i) substantially completing demolition of all improvements upon the Property on or before August 1, 2016, (ii) substantially completing construction of the new structure upon the Property on or before August 1, 2018, and (iii) substantially complying with all material terms of the Note and Loan Agreement, then the amount due under the Note, including all principal and interest, shall be forgiven in full. Otherwise, if BV Maple fails to comply with any material term of the Note and Loan Agreement, then the entire principal balance, together with annual accrued interest of 5%, shall be due and payable on or before August 1, 2018.
- **Forgiveness:** Forgiveness of the Note may occur through an appropriation from the general fund in accordance with Utah Code Annotated § 10-8-2 *et seq.* According to Utah Code Annotated § 10-8-2(1)(a), “a municipal legislative body may . . . appropriate money for corporate purposes only.” Further, according to § 10-8-2(3), “It is considered a corporate purpose to appropriate money for any purpose that, in the judgment of the municipal legislative body, provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality . . .”.

Recommendation

Administration recommends the City Council set a public hearing to consider input on a study for a \$100,000 loan to partially fund the demolition of the Fred Meyer Building located at 262 12th Street. Should there be no negative public input, Administration further recommends the City Council adopt the attached resolution approving the loan agreement and promissory note. Demolition of the structures upon the Property will further important City public policies through the elimination of blight, will encourage construction of quality replacement structures in a timelier manner, and will provide for the safety, health, and prosperity of City residents.

ATTACHMENTS:

Resolution – Set Public Hearing
Resolution – Approval of Study and Loan
Loan Agreement
Promissory Note
Study

RESOLUTION NO. _____

A RESOLUTION OF THE OGDEN CITY COUNCIL ACCEPTING A STUDY CONDUCTED IN ACCORDANCE WITH UTAH CODE SECTION 10-8-2 AND APPROVING A \$100,000 FORGIVABLE LOAN TO PARTIALLY FUND DEMOLITION OF BLIGHTED BUILDINGS SITUATED UPON REAL PROPERTY LOCATED AT 262 12th STREET, OGDEN, UTAH

WHEREAS, the property located at 262 12 Street, Ogden, Utah (“**Property**”) was the business location for the Ogden-based Fred Meyer store until 2002. Since then, the Property has been vacant, and the building situated thereon is rapidly deteriorating and adding blight to and negatively impacting an important and promising commercial district within Ogden City; and

WHEREAS, BV Maple Holdings Utah, LLC, an Idaho limited liability company (“**BV Maple**”), acquired the Property in 2012 and has determined that the structure of the building on the Property is compromised and threatens the health and safety of City residents; and

WHEREAS, after considering all viable alternatives, Administration staff has determined that the most efficient and least costly action the City can take to help facilitate demolition of the dilapidated structures upon the Property and encourage more rapid redevelopment of the area will be to make a \$100,000 loan to BV Maple (“**Loan**”), which will immediately reduce blight and result in a higher probability of successfully attracting end-users to the site; and

WHEREAS, to help incentivize BV Maple to move forward with demolition of the structures before securing a contract for reuse of the Property, the Ogden City Council finds that the balance on the Note should be forgiven if BV Maple meets the requirements of the Note and Loan Agreement, copies of which are attached hereto as Exhibits “A” and “B”, respectively, and which by this reference are made a part hereof; and

WHEREAS, should it appear that BV Maple will succeed in meeting the terms of the Note and Loan Agreement, thereby securing forgiveness of the Note, Utah Code Annotated § 10-8-2 *et seq.* allows “a municipal legislative body to . . . appropriate money for corporate purposes only.” Further, according to § 10-8-2(3), “It is considered a corporate purpose to appropriate money for any purpose that, in the judgment of the municipal legislative body, provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality . . .”; and

WHEREAS, before a municipal legislative body can make a decision to appropriate money for a corporate purpose, it must hold a public hearing for public comment on a study that shows: 1) An identified benefit the City would receive in return for any money or resources appropriated; 2) The City’s purpose for the appropriation, including an analysis of the way the appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality; 3) Whether the appropriation is necessary and appropriate to accomplish the reasonable goals and objectives of the municipality in the area of economic development, job creation, affordable housing, blight elimination, job

Exhibit “A”
Study

Fred Meyer Building Incentive Study

In Compliance with Utah Code Annotated Section 10-8-2



April 04, 2016

Purpose of the Appropriation

It has been requested by Ball Ventures, Inc. (“**Developer**”) that Ogden City provide a \$100,000 incentive, in the form of a loan that can be forgiven based on certain conditions that are expected to be met by Developer, to support the demolition and redevelopment of property located at 262 12th Street, Ogden, Utah (the “**Project**”). Utah Code Annotated Section 10-8-2 states the purposes for which a municipal body may appropriate funds and the factors that must be considered in determining the propriety of such an appropriation. To ensure such incentive would be in compliance with UCA 10-8-2, the staff of Community and Economic Development has prepared this study which considers the following factors:

- 1) The City's purpose in making the appropriation, including an analysis of how the safety, health, prosperity, moral well-being, peace, order, comfort or convenience of the residents of Ogden City will be enhanced; and
- 2) The specific benefits (including intangible benefits) to be received by the City in return for the incentive; and
- 3) Whether the appropriation is "necessary and appropriate" to accomplish the reasonable goals and objectives of the City in the area of economic development, job creation, affordable housing, blight elimination, job preservation, the preservation of historic structures and property, and any other public purpose.

A. Background

The proposed Project is to take place at 262 12th Street, Ogden, Utah (“**Property**”).

A map of the Property is included as Exhibit A.

This site was the business location for the Ogden-based Fred Meyer store until 2002. Since then, the Property has been vacant, and the buildings situated on the Property are rapidly deteriorating and adding blight to and negatively impacting an important and promising commercial district within Ogden City. BV Maple Holdings Utah, LLC, an Idaho limited liability company and subsidiary of the Developer, acquired the Property in 2012 and has determined that the structure of the building on the Property is compromised and threatens the health and safety of Ogden City residents.

After considering all viable alternatives, it has been determined that the most efficient and least costly action the City can take to help facilitate demolition of the dilapidated structures upon the Property and encourage more rapid redevelopment of the area will be to make a \$100,000 loan with provisions for forgiveness to the Developer, which will immediately reduce blight and result in a higher probability of successfully attracting end-users to the site.

More specifically, the Project consists of the demolition of the existing buildings on the Property (approximately 150,000 square feet) to make way for the construction of future potential retail/commercial buildings that would contribute additional property and sales tax revenues to the City. The Property is in a key part of the 12th Street commercial corridor and is expected to

act as a catalyst in the process of revitalizing this underutilized area of the city. The Project offers the opportunity to accommodate significant new development that will attract private capital investment, remove blight, contribute to the tax base, generate spending by locals and visitors in the local economy, create jobs, and otherwise contribute to the economic vitality and prosperity of the community. The overarching goal of contributing to the public good is met in these and other benefits that will arise from the Project.

Benefit to Ogden City

The City will realize significant benefits from the Project contemplated in this study. The City's long-term development objectives in the area call for the creation of a more vibrant retail/commercial zone that supports the downtown. Accomplishing the Project is a major step in obtaining this objective and will strengthen the City's in the following ways:

A. Tax Base

Property Tax

The 2015 taxable value of the Property is \$4,634,905. Upon completion of the Project, the private investment in the Property is expected to increase the annual taxable value to approximately \$40 million within the next 5-7 years, resulting in an incremental increase of approximately \$35 million. This increase in taxable value is estimated to generate approximately \$112,700 in annual new property tax revenue to Ogden City.

Sales Tax

Due to vacancy of the building, currently there is no sales tax revenue being generated on the Property. Upon completion of the Project, the private investment in the Property is expected to increase the annual sales tax generated on the Property to approximately \$3 million within the next 5-7 years, resulting in an incremental increase of approximately \$3 million. This increase in sales tax is estimated to generate approximately \$30,000 in annual revenue to Ogden City.

Other Revenues

In addition to property and sales tax revenues, the Project will generate other revenues including business license fees, charges for services, municipal energy ("franchise") fees, and one-time fees such as building permits and impact fees.

B. Associated Economic Activity

Business and Employee Expenditures

It is anticipated that the tenants of the Property, upon completion of the Project and after private investment, will directly or indirectly purchase local goods and services related to their operations from local or regional suppliers. These purchases will likely increase employment opportunities in the related businesses of restaurants, utility services, equipment sales and repair,

retail, professional services, and financial services. The impacts of these types of purchases include:

- An increase in direct purchases in the City
- Economic diversification within the City and Weber County
- Encouragement of economic development and the creation of additional jobs in the community
- Complementing existing businesses and industries located within the City by providing new employees who may live and shop and pay taxes in the City and the region
- Benefit from the expenditure of income by employees filling the new positions

Construction Expenditures

Economic activity associated with the development of the Property after completion of the Project will include temporary construction activity. Construction costs are expected to reach approximately \$32,000,000. A portion of the labor costs associated with this construction activity will be re-spent in the community to the extent that that convenience goods and services, such as fast food for lunch, personal services, etc. are available.

Neighborhood Benefits

The neighborhoods that surround the Property are generally commercial in nature, with some residential to the north and west. By reducing the blight in the area with the Project described herein, a catalyst is created that is expected to spur additional redevelopment in the upcoming years. The residents of the immediately adjacent neighborhoods, as well as the other commercial properties along the corridor, will benefit from the private investment in the form of accessible, local commercial services and from the increased safety and renewed vitality that comes as a result of blight reduction.

Accomplishment of Goals and Objectives

A. Necessity of Appropriation

The City views its proposed public investment in the Project as an opportunity to “jumpstart” new interest and private development in the immediate area, particularly by reducing the current blight. Except for the use of public investment in the form of the proposed appropriation, it is reasonably expected that, due to market constraints and lack of interest because of risk, the desired expansion and growth of the area would not occur, or would occur in an undesirable manner. Working together with the Developers from the onset of the Project will ensure that the proposed public investment will have an immediate leveraged impact on the area and will bring about the greatest value.

B. Whether the Appropriation is Appropriate

The total loan to the Developer shall not exceed \$100,000. If the Developer meets certain terms and conditions in the Note, the City would then be required to forgive the principal and interest. The amount of private investment anticipated to occur as a result of the Project is approximately \$32,000,000. The estimated leveraged ratio of the proposed public investment is approximately 320:1. Further, the allocation of the funds will be used to immediately remove blight, creating a healthier and safer condition for residents and businesses in this part of the City.

CONCLUSION: Considering the significant blight reduction that will occur as a result of the Project, the positive estimated return, and the anticipated private investment in the near future, the City believes this appropriation to be reasonable, valuable, and appropriate and accomplishes the goals of the City more specifically described in the Ogden City General Plan.

Exhibit "B"
Promissory Note

PROMISSORY NOTE

Borrowers:

**BV Maple Holdings Utah, LLC
901 Pier View Dr., Suite 201
Idaho Falls, ID 83402**

**Ball Ventures, LLC
901 Pier View Dr., Ste 201
Idaho Falls, ID 83402**

Lender:

**OGDEN CITY
2549 Washington Blvd., Suite 900
Ogden, UT 84415**

Principal Amount: \$100,000.00

Date of Agreement: April __, 2016

PROMISE TO PAY. BV Maple Holdings Utah, LLC, an Idaho limited liability company (“BV Maple”) and Ball Ventures, LLC, an Idaho limited liability company (“Ball Ventures”) promise to pay to OGDEN CITY, a municipality and political subdivision of the state of Utah (“Lender”), or order, in lawful money of the United States of America, the principal amount of ONE HUNDRED THOUSAND DOLLARS AND 00/100 DOLLARS (\$100,000.00) or so much as may be outstanding, together with interest on the unpaid outstanding principal balance, according to the terms hereof. BV Maple and Ball Ventures shall hereinafter collectively be referred to as the “Borrowers.”

DISBURSEMENT OF LOAN PROCEEDS. The \$100,000 loan proceeds shall be disbursed to Borrowers in a lump sum amount within thirty (30) days following: (i) issuance by Ogden City of a demolition permit for the demolition of the improvements upon the property located at 262 12 Street, Ogden Utah (the “Property”), (ii) proof of entering into an agreement with a company for the demolition of the improvements upon the Property, (iii) mobilization of equipment and substantial commencement of demolition activities upon the Property, which must take place on or before August 1, 2016, and (iv) written notice by Borrowers to Lender of compliance with the requirements of (i) through (iii) above.

INTEREST RATE AND PAYMENTS. If Borrowers comply fully with the requirements of the Loan Agreement of even date herewith (“Loan Agreement”) by (i) substantially completing demolition of all improvements upon the Property on or before August 1, 2016, (ii) substantially completing construction of the new structure upon the Property on or before August 1, 2018, and (iii) substantially complying with all material terms of the Loan Agreement, then the amount due under this Note, including all principal and interest, shall be forgiven in full. Otherwise, if Borrowers fail to comply with any material term of the Loan Agreement, to which this note is attached, then the entire principal balance, together with accrued interest thereon, shall be due and payable on or before August 1, 2018. If interest becomes payable according to the terms hereof, the interest rate will be FIVE PERCENT (5%) per annum, commencing on the day hereof. Interest due will be computed on a 365/365 simple interest basis; that is, by applying the ratio of the annual interest rate over the number of days in a year, multiplied by the outstanding principal balance, multiplied by the actual number of days the principal balance is outstanding. Borrowers shall not be required to make periodic interest payments. Unless otherwise agreed or required by applicable law, payments will be applied first to any unpaid collection costs and any late charges, then to any unpaid interest, and any remaining amount to principal.

PREPAYMENT. Borrowers may pay without penalty all or a portion of the amount owed earlier than it is due.

LATE CHARGE. If any payment is not made within 30 days of its due date, then the interest rate on this Note will be increased from FIVE PERCENT (5%) per annum to FIFTEEN PERCENT (15%) per annum, until paid.

DEFAULT. Borrowers will be in default if any of the following happens: (a) Borrowers fail to make any payment when due, (b) Borrowers break any material promise Borrowers have made to Lender in this Note or in the Loan

Agreement, or (iii) Borrowers fail to comply with or to perform when due any other term, obligation, covenant, or condition contained in this Note or the Loan Agreement.

LENDER’S RIGHTS. Upon default, Lender may declare the entire unpaid principal balance on this Note and all accrued unpaid interest immediately due, without notice, and then Borrowers will pay that amount. Lender may hire or pay someone else to help collect this Note if Borrowers do not pay. Borrowers also will pay Lender that amount. This includes, subject to any limits under applicable law, Lender’s reasonable attorneys’ fees and Lender’s legal expenses whether or not there is a lawsuit, including reasonable attorneys’ fees and legal expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), appeals, and any anticipated post-judgment collection services. If not prohibited by applicable law, Borrowers also will pay any court costs, in addition to all other sums provided by law. **This Note has been delivered to Lender and accepted by Lender in the State of Utah. If there is a lawsuit, Borrowers agree to submit to the jurisdiction of the courts of Weber County, State of Utah. This Note shall be governed by and construed in accordance with the laws of the State of Utah.**

GENERAL PROVISIONS. Lender may delay or forgo enforcing any of its rights or remedies under this Note without losing them. Borrowers and any other person who signs, guarantees or endorses this Note, to the extent allowed by law, waive presentment, demand for payment, protest and notice of dishonor. Upon any change in the terms of this Note, and unless otherwise expressly stated in writing, no party who signs this Note, whether as maker, guarantor, accommodation maker or endorser, shall be released from liability. All such parties agree that Lender may renew or extend (repeatedly and for any length of time) this loan, or release any party or guarantor or collateral; or impair, fail to realize upon or perfect Lender’s security interest in the collateral; and take any other action deemed necessary by Lender without the consent of or notice to anyone. All such parties also agree that Lender may modify this loan without the consent of or notice to anyone other than the party with whom the modification is made.

PRIOR TO SIGNING THIS NOTE, BORROWERS READ AND UNDERSTOOD ALL THE PROVISIONS OF THIS NOTE. BORROWERS AGREE TO THE TERMS OF THE NOTE AND ACKNOWLEDGE RECEIPT OF A COMPLETED COPY OF THE NOTE.

BORROWERS:

**BV Maple Holdings Utah, LLC,
an Idaho limited liability company
By:**

Its: _____

**Ball Ventures, LLC,
an Idaho limited liability company
By:**

Its: _____

Exhibit “C”
Loan Agreement

LOAN AGREEMENT

THIS LOAN AGREEMENT ("**Agreement**") dated April _____, 2016 ("**Reference Date**") is given between Ogden City, a municipality and political subdivision of the state of Utah together with its successors or assigns ("**City**"), and BV Maple Holdings Utah, LLC, an Idaho limited liability company ("**BV Maple**") and Ball Ventures, LLC, an Idaho limited liability company ("**Ball Ventures**"). BV Maple and Ball Ventures shall hereinafter collectively be referred to as the "**Borrowers**". Borrowers and City are referred to collectively herein as the "Parties" and sometimes individually as a "Party."

R E C I T A L S:

A. The property located at 262 12th Street, Ogden, Utah ("**Property**") was the business location for the Ogden-based Fred Meyer store until 2002. Since then, the Property has been vacant, and the buildings situated thereupon are deteriorating and adding blight to the area;

B. BV Maple acquired the Property in 2012 with the intent of remodeling the building or redeveloping the site; and

C. The City has agreed to make a \$100,000 loan to the Borrowers in exchange for the covenants set forth herein according to the terms hereof.

NOW, THEREFORE, the Parties hereto intending to be legally bound and in consideration of the respective undertakings made and described herein, do agree as follows:

1. **Recitals.** The above recitals are incorporated herein by reference and made a part hereof.

2. **Loan.** City agrees to make a loan to Borrowers in the amount of \$100,000 according to the terms of the promissory note attached hereto as **Exhibit "A"** and by this reference made a part hereof ("**Note**"). The loan proceeds from the Note shall be disbursed to Borrowers in a lump sum amount within thirty (30) days following:

a. Issuance by Ogden City of a demolition permit for the demolition of the improvements upon the property located at 262 12 Street, Ogden Utah (the "**Property**");

b. Proof of entering into an agreement with a company for the demolition of the improvements upon the Property;

c. Mobilization of demolition equipment and substantial commencement of demolition activities upon the Property, which must take place on or before August 1, 2016, and

d. Written notice by Borrowers to Lender of compliance with the requirements of subparagraphs a. through c. of this paragraph.

3. **Principal and Interest Payments.** If Borrowers comply fully with the requirements of the Note and this Agreement by (i) substantially completing demolition of all improvements upon the Property on or before August 1, 2016, (ii) substantially completing construction of the new structure upon the Property on or before August 1, 2018, and (iii) substantially complying with all material terms of the Note and this Agreement, then the amount due under the Note, including all principal and interest, shall be forgiven in full. Otherwise, if Borrowers fail to comply with any material term of the Note and this Agreement, then the entire principal balance, together with accrued interest thereon, shall be due and payable on or before August 1, 2018.

4. **Amendment.** Any amendment, modification, termination, or rescission affecting this Agreement shall be made in writing, signed by the Parties, and attached hereto.

5. **Binding Effect.** This Agreement shall become binding upon the Parties only upon execution of the Agreement by all Parties.

6. **Relationship of Parties.** Nothing contained in this Agreement shall be construed as creating a joint venture, partnership or association between the Parties. Each Party hereto is a separate and independent entity acting on its own behalf.

7. **Default.** In the event of default by either Party to this Agreement in any of the terms, provisions, covenants, or agreements to be performed by said Party under this Agreement and said defaulting Party fails to cure such default within sixty (60) days after written demand by the other Party, then the Party providing said notice of default shall thereafter have no further obligations to the defaulting Party hereunder. The defaulting Party shall be liable to the non-defaulting Party for any and all damages, costs and expenses incurred by the non-defaulting Party caused by the defaulting Party. Nothing herein shall limit the remedies in law or in equity available to the non-defaulting Party in the event this Agreement is terminated due to the default of a Party.

8. **Notices, Demands and Communications Between the Parties.** Formal notices, demands and communications between the Agency and PARTY 2 shall be deemed sufficiently given only if delivered via registered or certified mail, postage prepaid, return receipt requested, or if delivered by a recognized national courier service (i.e. UPS, Federal Express, etc.) to the following addresses:

IF TO CITY:

Ogden City
Attention: Mayor
2549 Washington Blvd., Suite 900
Ogden, Utah 84401

WITH COPY TO:

Ogden City Attorney
2549 Washington Blvd., Suite 840
Ogden, Utah 84401

IF TO BORROWERS:

901 Pier View Dr., Suite 201
Idaho Falls, ID 83402

Attention: _____

9. **Successors.** This Agreement shall be binding upon, and inure to the benefit of, the legal representatives, successors and assigns of the Parties hereto.

10. **Severability.** Should any portion of this Agreement for any reason be declared invalid or unenforceable, the invalidity or unenforceability of such portion shall not affect the validity of any of the remaining portions and the same shall be deemed in full force and effect as if this Agreement had been executed with the invalid portions eliminated.

11. **Governing Law.** This Agreement and the performance hereunder shall be governed by the laws of the State of Utah.

12. **Counterparts.** This Agreement may be executed in one or more duplicate originals, each of which shall be deemed to be an original.

13. **Board Approval.** The obligations of the City contained in this Agreement are subject to approval by the Ogden City Council in an official meeting of said Council by appropriate adoption of a Resolution approving this Agreement.

14. **Waiver.** No waiver of any of the provisions of this Agreement shall operate as a waiver of any other provision, regardless of any similarity that may exist between such provisions, nor shall a waiver in one instance operate as a waiver in any future event. No waiver shall be binding unless executed in writing by the waiving Party.

15. **Captions.** The Captions preceding the paragraphs of this Agreement are for convenience only and shall not affect the interpretation of any provision herein.

16. **Integration.** This Agreement, together with the Note attached hereto, contains the entire and integrated agreement of the Parties as of its date, and no prior or contemporaneous promises, representations, warranties, inducement, or understandings between the Parties and not contained herein shall be of any force or effect.

17. **No Presumption.** This Agreement shall be interpreted and construed only by the contents hereof and there shall be no presumption or standard of construction in favor of or against any Party. Each Party represents and warrants to the other Party that it has been represented by, and has had the opportunity to consult with, legal counsel in connection with the review, negotiation and execution of this Agreement.

18. **Non-liability of City or Agency Officials and Employees.** No member, official, or employee of the City shall be personally liable to the Borrowers, or any successor in interest, in the event of any default or breach by the City.

19. **Governmental Immunity.** Nothing in this Agreement shall be deemed to constitute or imply a waiver, modification or alteration of the caps or limitations on liability or privileges, immunities or other protection available to a city under the Utah Governmental Immunity Act or such other statutes or laws affording governmental agencies caps or limitations on liability or privileges, immunities or other protections.

20. **Authority and Consent.** The Parties represent and warrant that each has the right, legal capacity and authority to enter into, and perform its respective obligations under this Agreement, and that no approvals or consents of any other person, other than the respective Party, are necessary.

21. **Attorney's Fees.** In the event either Party hereto defaults in any of the covenants or agreements contained herein, the defaulting Party shall pay all costs and expenses, including a reasonable attorney's fee, incurred by the other Party.

22. **Waiver of Jury Trial.** The Parties waive the right to a jury trial in any action related to this Agreement or the relationship between their respective successors and assigns.

23. **Facsimile (FAX) Documents.** A signed facsimile transmission of this Agreement, and re-transmission of any signed facsimile transmission, shall be the same as execution and delivery of this Agreement as an original. If the transaction involves multiple parties, facsimile transmission may be executed in counterparts.

IN WITNESS WHEREOF, the Parties hereto have executed and approved this Agreement on the date set forth opposite their respective signatures below.

CITY:

OGDEN CITY,
a municipality and political subdivision
of the state of Utah
By:

Date: _____

Michael P. Caldwell
Mayor

ATTEST:

Tracy Hansen, City Recorder

Approved as to Form:

Office of City Attorney

BORROWERS:

BV Maple Holdings Utah, LLC,
an Idaho limited liability company

By:

Date: _____

Its: _____

Ball Ventures, LLC,
an Idaho limited liability company

By:

Date: _____

Its: _____

EXHIBIT "A"
TO AGREEMENT
(Promissory Note)



City Council Work Session COUNCIL STAFF REVIEW

FY2016 BUDGET AMENDMENT (\$487,200)

- *Transfer and Appropriate BDO Lease Revenue Funds for Purchase of Property at 281 W. 33rd Street (\$93,600)*
- *Transfer and Appropriate BDO Lease Revenue Funds to Fund a Loan/Grant to BV Maple Holdings to Demolish the Old Fred Meyer Building at 262 12th Street (\$100,000)*
- *Recognize and Appropriate Revenue from General Fund Fund Balance for Ogden City Branding Projects (\$100,000)*

PURPOSE OF

WORK SESSION: **To Review and Discuss a Proposed FY2016 Budget Amendment**

Executive Summary

The Administration will present a review a proposed FY2016 Budget Amendment.

Background

During the fiscal year, the Council considers proposals for budget adjustments to allow for the following:

1. Entering grant or other special purpose revenues into the budget prior to expenditure.
2. Making mid-course corrections to avoid budget overruns.
3. Forwarding encumbrances from the previous fiscal year.
4. Other items dealing with special circumstances or opportunities.

The Uniform Fiscal Procedures Act for Utah Cities requires that a public hearing be held on all budget adjustments where the budget of one or more funds is increased. (Utah Code Ann. §10-6-127.) Notice of the public hearing must be given seven (7) days prior to the hearing. (Utah Code Ann. §10-6-113.)

April 19, 2016

The Administration transmitted a request to amend the FY2016 Budget to Transfer funds from General Fund fund balance and BDO Enterprise Fund



City Council Work Session COUNCIL STAFF REVIEW

for a property purchase, a loan/grant for demolition of the Fred Meyer building on 12th Street, and projects to support the City’s rebranding efforts.

Proposal

The proposed FY2016 Budget Amendment is summarized as follows:

Amount	Source of Funds	Use of Funds
\$ 100,000	BDO Lease Revenue Retained Earnings	Loan/Grant - Demolition of 261 12th Street
\$ 93,600	BDO Lease Revenue Retained Earnings	Property Purchase - 281 West 33rd Street
\$ 100,000	General Fund Fund Balance	Ogden City Branding Projects

Questions

Please review the proposed budget amendment and projects being funded.

Council Staff Contact: Janene Eller-Smith, (801)629-8165

RECEIVED

APR 19 2016

**OGDEN CITY
COUNCIL OFFICE**

OGDEN CITY TRANSMITTAL

Date: April 14, 2016
To: Ogden City Council
From: Lisa Stout, Comptroller
RE: Budget Opening – FY 2016 Property Purchase, Demolition and Branding

Staff Contact: Lisa Stout, Comptroller, ext. 8713
Recommendation: Set public hearing and adopt ordinance
Documents: - Ordinance
- Schedule A (Revenue)
- Revenue Detail Schedule
- Schedule B (Appropriations)
- Appropriation Detail Schedule

Executive Summary

This proposed action is to recognize a budget opening to the General Fund and the BDO Enterprise Fund of Ogden City.

The BDO Enterprise Fund has sufficient retained earnings to appropriate funds, in the amount of \$193,524, for transfer to the City's General Fund. The transferred funds are proposed to be appropriated in the General Fund for the following purpose.

A property purchase and environmental assessment, in the amount of \$93,600, at 281 West 33rd Street, Ogden. The property purchase price is \$87,500 and it is estimated that an environmental assessment and closing costs on the property will cost \$6,100. This budget opening is in coordination with the Department of Community and Economic Development and their request for the City Council to adopt a resolution and ratify the purchase of this property.

A loan, in the amount of \$100,000, to help fund demolition of blighted buildings at 262 12th Street, Ogden. This budget opening is in coordination with the Department of Community and Economic Development and their request for the City Council to adopt a resolution approving this loan.

The General Fund has sufficient fund balance to appropriate \$100,000 to cover expenditures associated with the branding effort of Ogden City. One immediate recommendation in branding the City was for installation of wayfinding signs.

Background

Council action is required to appropriate.

Proposal

Review and adopt ordinance.

Fiscal Impact

An increase to the City Budget of \$487,200.

ORDINANCE NO. _____

AN ORDINANCE OF OGDEN CITY AMENDING THE BUDGET FOR THE FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016 BY INCREASING THE ANTICIPATED REVENUES FOR A GROSS INCREASE OF \$487,200 FROM SOURCES AS DETAILED IN THE BODY OF THIS ORDINANCE; AND INCREASING THE APPROPRIATIONS FOR A GROSS INCREASE OF \$487,200 AS DETAILED IN THE BODY OF THIS ORDINANCE; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

WHEREAS, after due consideration, the Council of Ogden City has approved the proposed modifications as described herein.

The Council of Ogden City hereby ordains:

SECTION 1. Anticipated revenues, transfers and adjustments for the 2015-2016 budget altered, increased and decreased. The anticipated revenues, transfers and adjustments for the various funds of the 2015-2016 budget are hereby changed as hereinafter set forth, with net adjustments of \$487,200, as detailed in Schedule "A", which is attached hereto and made a part by reference.

SECTION 2. Appropriations from the 2015-2016 budget altered, increased and decreased. The appropriations for various funds of the 2015-2016 budget are herein altered, increased and decreased by net adjustments of \$487,200, as follows:

Appropriations increased since June 30, 2015 as detailed in Schedule "B", which is attached hereto and made a part hereof by reference.

SECTION 3. Effective date. This ordinance shall become effective immediately upon posting after final passage.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Ogden City, Utah, this ____ day of _____, 2016.

CHAIR

OGDEN CITY
 PROPERTY PURCHASE, DEMOLITION AND BRANDING BUDGET OPENING - FY 2016
 REVENUE SCHEDULE
 SCHEDULE "A"

<u>General Fund</u>	<u>Account Title</u>	<u>Account Number</u>	<u>Amount</u>
	Transfer from BDO Fund	1000-1-84003	\$ 100,000
	Transfer from BDO Fund	1000-1-84003	\$ 93,600
	Beginning Fund Balance	1000-1-83002	<u>\$ 100,000</u>
	SUB TOTAL GENERAL FUND		<u>\$ 293,600</u>
<u>BDO Enterprise Fund</u>			
	Used of Retained Earnings	5181-1-83000	\$ 100,000
	Used of Retained Earnings	5181-1-83000	<u>\$ 93,600</u>
	SUB TOTAL BDO ENTERPRISE FUNDS		<u>\$ 193,600</u>
	TOTAL REVENUE BUDGET		<u><u>\$ 487,200</u></u>

OGDEN CITY
PROPERTY PURCHASE, DEMOLITION AND BRANDING BUDGET OPENING - FY 2016
REVENUE DETAIL SCHEDULE

<u>Item Title</u>	<u>Description</u>	<u>Amount</u>
General Fund		
Transfer from BDO Fund	Transfer from the BDO Enterprise Fund to the General Fund for the purpose of a loan to property owner to fund demolition costs at 262 12th Street in Ogden.	\$ 100,000
Transfer from BDO Fund	Transfer from the BDO Enterprise Fund to the General Fund to purchase property at 281 West 33rd Street in Ogden.	\$ 93,600
Beginning Fund Balance	Use of General Fund Balance to appropriate for use in Ogden City branding.	\$ 100,000
SUB TOTAL GENERAL FUND		\$ 293,600
BDO Enterprise Fund		
Used of Retained Earnings	Transfer from the BDO Enterprise Fund to the General Fund for the purpose of a loan to property owner to fund demolition costs at 262 12th Street in Ogden.	\$ 100,000
Used of Retained Earnings	Transfer from the BDO Enterprise Fund to the General Fund to purchase property at 281 West 33rd Street in Ogden.	\$ 93,600
SUB TOTAL BDO ENTERPRISE FUNDS		\$ 193,600
TOTAL REVENUE BUDGET		\$ 487,200

OGDEN CITY
PROPERTY PURCHASE, DEMOLITION AND BRANDING BUDGET OPENING - FY 2016
APPROPRIATION SCHEDULE
SCHEDULE "B"

<u>General Fund</u>	<u>Account Title</u>	<u>Account Number</u>	<u>Amount</u>
	Loan for Demolition Costs	1000-1-08-300400-22NEW	\$ 100,000
	Professional & Technical-Branding	1000-1-01-300300-13425	\$ 100,000
	Property Purchase	1000-1-01-300300-34001	<u>\$ 93,600</u>
	SUB TOTAL GENERAL FUND		<u>\$ 293,600</u>
<u>BDO Enterprise Fund</u>			
	Transfer to General Fund	5181-1-09-550103-41002	\$ 100,000
	Transfer to General Fund	5181-1-09-550103-41002	<u>\$ 93,600</u>
	SUB TOTAL BDO ENTERPRISE FUNDS		<u>\$ 193,600</u>
	TOTAL APPROPRIATIONS		<u><u>\$ 487,200</u></u>

OGDEN CITY
PROPERTY PURCHASE, DEMOLITION AND BRANDING BUDGET OPENING - FY 2016
APPROPRIATION DETAIL SCHEDULE

<u>General Fund</u>		<u>Item Title</u>	<u>Description</u>	<u>Amount</u>
NonDepartmental	Loan for Demolition Costs		Loan to property owner to fund demolition costs at 262 12th Street in Ogden.	\$ 100,000
NonDepartmental	Professional & Technical-Branding		Use of General Fund Balance to appropriate for use in Ogden City branding.	\$ 100,000
NonDepartmental	Property Purchase		To purchase property and complete and environmental assessment at 281 West 33rd Street in Ogden.	\$ 93,600
SUB TOTAL GENERAL FUND				\$ 293,600
<u>BDO Enterprise Fund</u>				
CED-Business Development	Transfer to General Fund		Transfer from the BDO Enterprise Fund to the General Fund for a loan to fund demolition costs at 262 12th Street in Ogden.	\$ 100,000
CED-Business Development	Transfer to General Fund		Transfer from the BDO Enterprise Fund to the General Fund to purchase property at 281 West 33rd Street in Ogden.	\$ 93,600
SUB TOTAL BDO ENTERPRISE FUNDS				\$ 193,600
TOTAL APPROPRIATIONS				\$ 487,200



City Council Work Session COUNCIL STAFF REVIEW

WRITE-OFF OF ADVANCES TO REDEVELOPMENT AGENCY TAX INCREMENT DISTRICTS (\$5,771,660)

- *25th Street RDA (\$1,003,106)*
- *Washington Boulevard RDA (\$3,016,953)*
- *CBD Mall RDA (\$1,751,601)*

PURPOSE OF

WORK SESSION: **To Review and Discuss Proposed Write-offs of Advances to
Three (3) Redevelopment Agency Tax Increment Districts**

Executive Summary

The Administration will present a proposal to write-offs of advances to Three (3) Redevelopment Agency Tax Increment Districts totaling \$5,771,660:

- 25th Street RDA (\$1,003,106)
- Washington Boulevard RDA (\$3,016,953)
- CBD Mall RDA (\$1,751,601)

Background

Washington Boulevard Redevelopment Project Area

The Washington Boulevard Redevelopment Project Area was established in June 1983 and encompasses 38.04 acres in downtown Ogden. (See map attached.) This area was established to facilitate new development in Ogden's central business district.

With assistance from several funding sources, the RDA was involved in multiple revitalization projects including development of the State Regional Office Building and the old Juvenile Courts Building on 26th Street. Funding for these projects included loans from a group of local banks, the Ogden Industrial Development Corporation (OIDC), and Ogden City's CDBG funds.

In 1991 it was determined that the City's participation in various redevelopment activities within the project area since the project area was created in 1983 totaled \$3,021,617. This amount has been carried on the City's books as a loan from the City to the RDA.



City Council Work Session

COUNCIL STAFF REVIEW

The RDA issued tax increment revenue bonds in November 1991 to construct the 657-stall parking garage on Kiesel Avenue. The bond was retired in December 2006. In 2005 a portion of the tax increment revenue from ten (10) project areas was pledged to repay the bonds issued for construction of the Salomon Center at The Junction. The Washington Boulevard Redevelopment Project Area expired in 2010, however tax increment for the Recreation Center was allowed to be collected through 2015.

No tax increment is available to repay the outstanding balance of \$3,016,953 owed to the City by the RDA.

Central Business District (CBD) Mall Redevelopment Project Area

The CBD Mall Redevelopment Project Area was established in 1977 and encompasses 48.45 acres of land in Ogden's core downtown area. (See map attached.) The Area was established to facilitate the development of a \$56 million, 800,000 square foot regional mall by Ernest W. Hahn, Inc. The RDA issued \$8,795,000 of tax increment revenue bonds in 1977 for land acquisition, relocation assistance for displaced businesses and capitalized interest to cover initial debt service payments.

The mall was largely successful until the mid-1990s when it entered into an extended period of decline. In December 2001 the RDA purchased the mall for \$6 million. Funding for the purchase came from a \$10 million loan to the RDA from the City's General Fund (BDO lease revenue funds). The RDA paid off the outstanding parking garage bonds, demolished the mall building, and prepared the overall site for new development.

In 2005, the Agency entered into a Development and Lease Agreement with The Boyer Company. In accordance with the Agreement, the Agency renovated the parking garage and developed the Salomon Center. Boyer negotiated for the development of the Miller Theaters and constructed a four-story office building as well as retail, restaurant, and urban residential spaces.



City Council Work Session

COUNCIL STAFF REVIEW

The City and the RDA have pledged lease and tax increment revenues to cover debt service payments tax increment and revenue bonds. Tax increment revenues from 10 identified RDA districts are also pledged for debt service of the 2005.

The City advanced funds to the RDA to assist in demolition and relocation activities associated with the old Ogden City Mall. The outstanding balance is \$1,751,601. There is insufficient tax increment cash flow to repay this advance and the City books an allowance against this entire amount.

In 2009 the RDA area was extended from a sunset date in 2014 to 2026.

25th Street Redevelopment Project Area

The RDA created the 25th Street Redevelopment Project Area in 1979 to assist development of projects in the 25th Street Historic District. (See map attached.) The RDA Project Area encompasses 38.04 acres of land. The Project Area is anchored by the historic Union Station on the west end and the 287-room Marriott Hotel two blocks east. The RDA initiated development of the hotel project by assembling the hotel site and financing its acquisition with tax increment bonds.

Ogden City sold land it owned on the block to the RDA for \$348,971.70 and financed this sale with a note bearing interest at 8% annually. To obtain other privately owned parcels for the hotel and adjacent parking, the RDA borrowed \$2,300,000 from Commercial Security Bank, \$418,938.21 from Ogden City general funds, and \$160,000 from the City's CDBG funds.

In 1981 the RDA issued a \$1,000,000 tax exempt tax allocation bond and obtained a second conventional loan for \$552,000, both secured by RDA property and anticipated taxed increment revenue. These two loans plus land sale proceeds and a \$265,000 loan from the City to the RDA were used to pay off the original \$2,300,000 CSB loan. In FY1982 and FY1983, the City loaned additional money to the RDA for payment of interest on outstanding loans. By FY1984 tax increment became sufficient to service the debt on these loans. In June 1983 the City loaned the RDA



City Council Work Session

COUNCIL STAFF REVIEW

\$578,679.87 to pay off the outstanding balance of principal and accrued interest on the \$552,000 CSB conventional loan, and this loan became an interest-bearing debt of the RDA.

The \$1,000,000 bond was paid off in 1995. In 2001 the RDA issued a bond in the amount of \$1,610,000 to support an \$11 million renovation of the Eccles Building (The Hampton Hotel). The Taxing Entities Committee approved using tax increment in the 25th Street Project Area until 2015, with the exception that tax increment generated from the Eccles Building would be available for an additional two years (until 2017) to service the debt on the bonds issued to renovate the Eccles Building.

Tax increment from the district is paying debt service on bonds issued to renovate the Eccles Building. The City-advanced funds to the RDA for infrastructure and project development in the 25th Street Project Area has an outstanding balance is \$1,003,106. There is insufficient tax increment cash flow to repay this advance.

The last year to collect tax increment in the district was 2015, except that tax increment generated by Eccles Building may be collected until 2017 for bond debt service.

February 22, 2016

The Redevelopment Agency Board Office received an Administration Transmittal requesting official recognition of the termination and dissolution of three (3) RDA areas that expired in 2015.

- St. Benedict Manor Redevelopment Project Area
- Union Gardens Redevelopment Project Area
- Washington Boulevard Redevelopment Project Area

March 8, 2016

The Redevelopment Agency Board adopted Resolutions recognizing the termination and dissolution of the St. Benedict Manor and Union Gardens Redevelopment Project Areas. However, the Administration requested that the Board wait to recognize the termination of the Washington Boulevard RDA until the City Council could consider a Resolution writing off the outstanding RDA debt.



City Council Work Session

COUNCIL STAFF REVIEW

April 19, 2016

The City Council Offices received an Administrative Transmittal requesting the Council write off uncollectable advances made to three (3) RDA districts.

Proposal

The Administration is requesting authorization to write-off three advances made by the City to the RDA. The total amount for the three advances is \$5,771,660. The total for each RDA area is as follows:

- 25th Street RDA - \$1,003,106
- Washington Boulevard RDA - \$3,016,953
- CBD Mall RDA - \$1,751,601

Both the Washington Boulevard and 25th Street RDA districts have expired. Therefore, no additional tax increment will flow to the RDA from these districts. The CBD Mall District was extended to 2026, but the tax increment during the extended period has been pledged to repay bonded indebtedness. Therefore, the RDA will have no excess tax increment flowing from this district.

The finance staff have calculated that the City has received payment over and above the original principal amounts for the 25th Street and Washington Boulevard advances to the RDA.

RDA Project Area	Original Principal	Principal and Interest Paid	Recovered in Excess of Principal	Outstanding Principal Balance
25th Street	\$ 4,211,805	\$ 8,064,927	\$ 3,853,122	\$ 1,003,106
Washington Blvd.	\$ 3,021,617	\$ 3,106,265	\$ 84,648	\$ 3,016,953
CBD Mall	\$ 1,751,601	\$ -	\$ -	\$ 1,751,601
TOTALS	\$ 8,985,023	\$ 11,171,192	\$ 3,937,770	\$ 5,771,660

Financial

Impact

The finance staff anticipated these advances to the RDA would not be repaid and made adjustments in the financial records—specifically the



City Council Work Session COUNCIL STAFF REVIEW

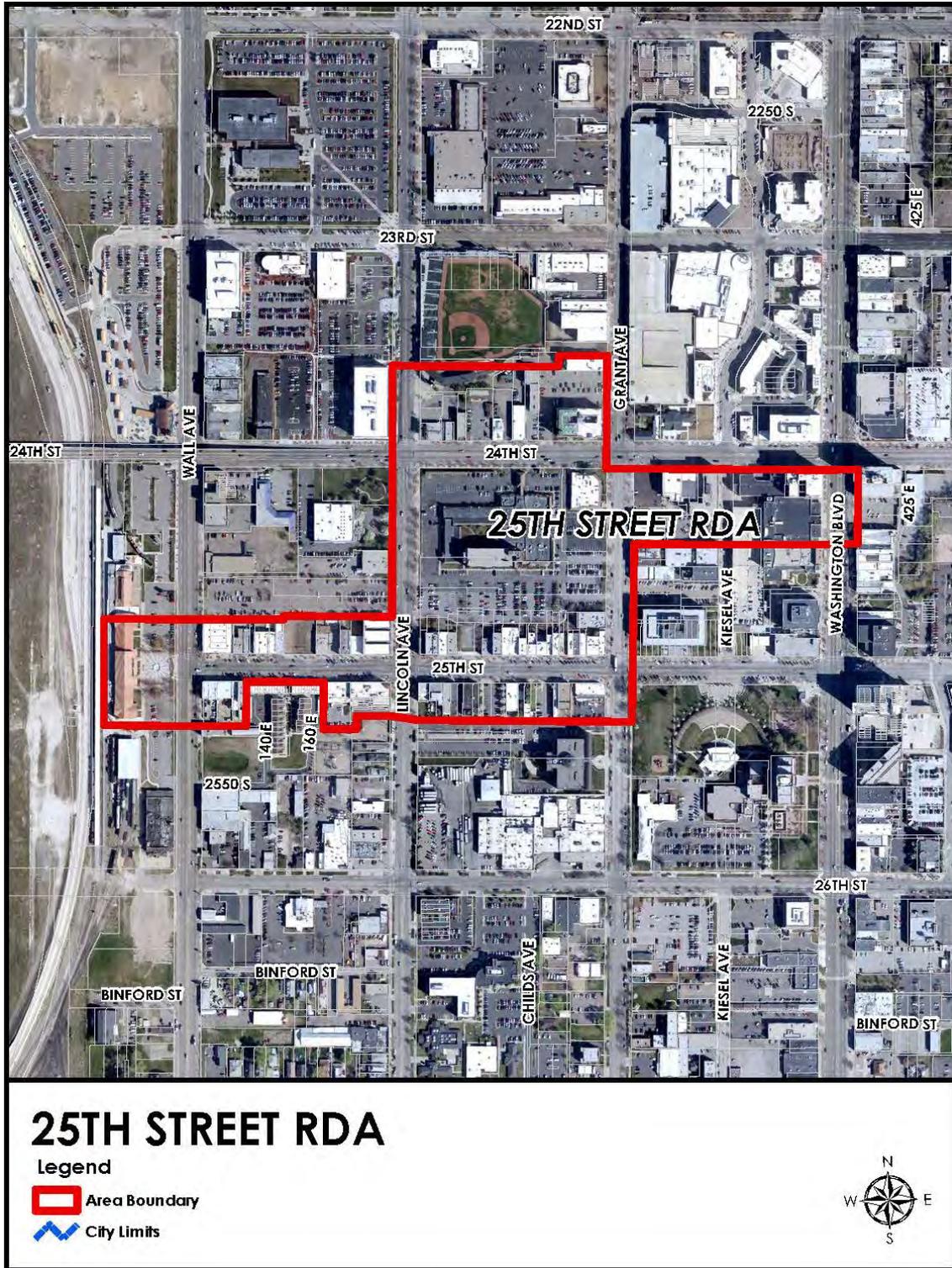
Interfund Loans account--in FY2007. Therefore, approval of the write-offs will have no budgetary impact.

Questions

Please review the proposed write-offs and explain why the Administration feels this is the right time for the Council to take action.

Council Staff Contact: Janene Eller-Smith, (801)629-8165

Redevelopment Project Area – 25th Street



Redevelopment Project Area – CBD Mall



RECEIVED

APR 19 2016

OGDEN CITY
COUNCIL OFFICE

OGDEN CITY COUNCIL TRANSMITTAL

Date: April 18, 2016
To: Ogden City Council
Thru: Mark Johnson, CAO
From: Lisa Stout, Comptroller 
RE: INTERFUND LOANS RECEIVABLE FROM:
25TH STREET RDA AREA
WASHINGTON BLVD RDA AREA
CDB MALL RDA AREA

Recommendation: Adopt Resolution Writing off Advances to the RDA.
Documents: -Resolution
-Exhibit A

Background

The Redevelopment Agency has three advances made to it from the City that have balances outstanding currently allowed for since it was uncertain if they would ever be repaid to the City. Those advances had estimated collections and outstanding balances/net of allowances of \$0, as shown in EXHIBIT A of the attached resolution and as described below:

The 25th street tax increment district expired in 2015, as it pertains to funding for payments related to these advances. It was determined that this debt would never fully be repaid and an adjustment on the advance, in the form of an allowance was made in FY2007. The original principal for this advance was \$4,211,805. Total principal and interest paid to the City on this advance equal \$8,064,927. The City recovery in excess of original loan balance is \$3,853,122.

The Washington Blvd. district expired in 2008 and increment from that district could only be used for the Junction debt payment after 2008. Since increment could not be used to repay the debt in that area as it pertained to the advances of interfund loans, the entire balance was adjusted for, in the form of an allowance during FY 2007. Original principal for this advance was \$3,021,617. Total principal and interest paid to the City on this advance equal \$3,106,265. The City recovery in excess of original loan balance is \$84,648.

The advance to the CBD Mall District in the amount of \$1,751,601 was also allowed for in FY2007. The increment revenue from this district is necessary for bonded debt repayment and maintenance on the parking structures in the CBD Mall District. It is anticipated that this advance will never be repaid, even though the district does not expire until tax year 2026, which is FY2027 for the City.

Recommendation

The City and the Redevelopment Agency should completely write off the advances from the City against the allowances on those advances, since no additional increment is anticipated to be available to repay these advances to Ogden City.

Fiscal Impact

No fiscal impact to the Redevelopment Agency or to Ogden City, when an allowance on debt is established, an expenditure is recognized in the amount of the allowance at that time, in this case in 2007. To remove the receivable and the allowance from the books, it is a balance sheet transaction only. No additional expense will need to be recognized in Fiscal Year 2016.

RESOLUTION NO. 2016 - _____

A RESOLUTION OF THE OGDEN CITY COUNCIL APPROVING THE WRITE-OFF OF CERTAIN ADVANCES RECEIVABLE PERTAINING TO INTERFUND LOANS.

WHEREAS, Ogden City made three advances to the Ogden Redevelopment Agency in conjunction with certain tax increment districts that have balances outstanding in the amounts shown on Exhibit A attached hereto and incorporated herein (hereafter "Advances Receivable"); and

WHEREAS, the Advances Receivable are uncollectible due to the unavailability of any increment to repay these advances to Ogden City; and

WHEREAS, writing off the Advances Receivable will not have any fiscal impact to the Redevelopment Agency or to Ogden City since the advances were recognized as allowances in FY2007.

NOW, THEREFORE, BE IT RESOLVED by the Ogden City Council as follows:

SECTION 1. The City Council hereby approves the write-off of the Advances Receivable.

SECTION 2. Authorization is given to the Mayor to remove the Advances Receivable from City books.

SECTION 3. This resolution shall become effective immediately after final passage.

PASSED AND ADOPTED by the Ogden City Council this _____ day of _____, 2016.

Marcia L. White
Council Chair

ATTEST:

OGDEN CITY RECORDER

APPROVED AS TO FORM: MAB 4/10/16
LEGAL DATE

EXHIBIT A

DETAIL ON ADVANCES PAYABLE AND UNCOLLECTABLE/ALLOWED FOR ADVANCES:

	25th Street (a)	Washington Blvd. (b)	CBD MALL District	Total
Balance at 6/30/15	\$ 1,003,106	\$ 3,016,953	\$ 1,751,601	\$ 5,771,660
Estimated collections	\$ -	\$ -	\$ -	\$ -
Uncollectible/allowed for	\$ (1,003,106)	\$ (3,016,953)	\$ (1,751,601)	\$ (5,771,660)
Advance Payable 6/30/2015	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

DETAIL ON ADVANCES RECEIVABLES AND UNCOLLECTABLE/ALLOWED FOR RECEIVABLES:

	Receivables (c)		Total
	General	CDBG (7130)	
Advances Receivable	\$ 2,397,473	\$ 3,374,187	\$ 5,771,660
Allowance	\$ (2,397,473)	\$ (3,374,187)	\$ (5,771,660)
Net Advances Receivable / Reserved Fund Balance	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

- (a) The 25th street tax increment district expired in 2015, as it pertains to funding for payments related to these advances. It was determined that this debt would never fully be repaid and an adjustment on the advance, in the form of an allowance was made in FY2007. Original principal \$4,211,805. Total principal and interest paid on advance, \$8,064,927. Recovery in excess of original loan, \$3,853,122.
- (b) The Washington Blvd. district expired in 2008 and increment from that district could only be used for the Junction debt payment after 2008. Since increment could not be used to repay the debt in that area as it pertained to the advances of interfund loans, the entire balance was adjusted for, in the form of an allowance during FY 2007. Original principal, \$3,021,617. Total principal and interest paid on advance, \$3,106,265. Recovery in excess of original loan, \$84,648.
- (c) Receivables on these advances are split between the general fund and the CDBG program in fund 7130. The general fund portion of the receivable is calculated as 86.91% of the 25th Street debt and 50.57% of the Washington Blvd. debt. The remainder of those debts and 100% of the CDB Mall is a receivable in fund 7130. All of the outstanding balances for these receivables are currently allowed for.



City Council Work Session COUNCIL STAFF REVIEW

PROPOSED AMENDMENT TO ALLOW SHORT-TERM RESIDENTIAL VACATION RENTALS IN MULTI-FAMILY RESIDENTIAL ZONES

PURPOSE OF WORK SESSION: Review the proposed ordinance

PLANNING COMMISSION RECOMMENDATION: Approval of the ordinance (6-2)

Executive Summary

The Planning Department has been researching the issue of short-term vacation rentals, or the renting of a residential unit for a period of time less than 30 days, in Ogden as the popularity of this use has increased over last few years. The Planning Department developed a proposal and presented it to the Planning Commission who then provided a recommendation of approval to the Council. The proposed ordinance would provide regulations for vacation rentals with regard to spacing, occupancy, off-street parking, maintenance, garbage collection, appearance, signage, management, and other specifics related to a residential unit's use as a vacation rental. The proposal would limit residential vacation rentals to multi-family zones with vacation rentals allowed in single-family residential zones if the owner is reducing the number of non-conforming units within the structure.

Background

The leasing of a residential unit for a period of time less than 30 days is considered a short-term or residential vacation rental. Federal and state regulations prevent the City from prohibiting or substantially regulating the rental of a residential unit for the purpose of a primary residence for a period longer than 30 days. If a unit is leased for a month or longer, it is considered a long-term rental and is protected by federal and state housing laws. If a unit is rented for fewer than 30 days, it does not fall under those same restrictions and may be regulated or prohibited.

Residential vacation rentals have been around in many resort towns and other tourist destinations for quite some time. More recently, the use has increased in popularity in more traditionally residential areas. Many times and in many cities, these operations are not legally permitted but are done regardless. This often creates significant code enforcement and zoning issues in cities where residential vacation rentals operate but are not allowed. This situation exists in Ogden.



City Council Work Session COUNCIL STAFF REVIEW

In response to the growing demand and popularity of residential vacation rentals, the Planning Department has performed considerable research on the topic to determine if short-term residential vacation rentals could be a viable, legal use in Ogden. The City's planners researched ways in which other communities have handled the issue and reviewed ordinances from these communities to glean the best practices from the communities wherein vacation rental operations are successful.

May 5, 2015

A work session was held on May 5, 2015 to review the proposal from the Planning Commission. Considerable discussion was had among the Council regarding the proposal. As a result of the discussion, several items were identified that the Council felt should be researched further. The Planning Staff has performed the research and drafted a memo (dated May 27, 2015) that addresses the issues identified. The issues identified in the memo include a comparison of other communities similar in size or character, updated language clarifying how violations will be determined, proposals for inclusion of vacation rentals in single-family residential zones, and a discussion of how vacation rentals could impact the Quality Neighborhoods strategy.

June 9, 2015

At a work session on June 9, 2015, the Council reviewed the information it had requested at the May 5, 2016 work session. The Council reviewed the options presented but did not direct that any changes be made to the proposal at the work session.

June 23, 2015

A public input work session was held on June 23, 2015. A notice for the work session was sent to all of the known vacation rental properties in the City as well as all properties within 300 feet of each of the known vacation rentals. A total of eleven individuals spoke at the meeting. As this was a public input work session, no direction was given by the Council for any changes to the proposal. Planning Staff and Council Staff worked to gather issues raised at the work session and Planning Staff performed additional research to address the issues raised by the public and the Council.

August 18, 2015

A work session was held on August 18, 2015 to allow the Council to discuss the public comment received at the June 23, 2015 public input



City Council Work Session

COUNCIL STAFF REVIEW

work session and to provide Staff with any direction desired by the Council regarding changes to the proposed ordinance.

Based on public input, Council discussions, and Staff review, Planning and Council Staff identified several issues that needed further discussion or direction. Planning Staff provided a memo (dated August 10, 2015) which provided further background and clarification on the issues. The issues included in the memo are:

1. Common elements among vacation rental ordinances,
2. The proposed unit reduction incentive for single-family zones,
3. Transient room taxation,
4. Planning Commission's due diligence,
5. Ceiling height disclosure requirements,
6. ADA requirements,
7. Unique elements of Ogden's proposed ordinance,
8. Relation of the Bed and Breakfast use versus the vacation rentals use, and
9. Review of vacation rental website listings and zone.

Council Staff had identified several other issues that the staff felt the Council needed to discuss at the August 18, 2015 meeting. These included:

1. Owner-occupied versus non-owner occupied vacation rentals,
2. Allowance in single-family residential (R-1) zones,
3. Proof of taxation, and
4. Clarification of other various regulations proposed such as ceiling height and proximity to group homes.

As a result of the Council's discussion on August 18, 2015, there were several changes the Council felt needed to be made to the proposal. First, the Council felt that there should not be a name listed on the outside of a short-term vacation rental. Rather, a notice with all pertinent information should be sent to surrounding property owners within 300 feet on an annual basis with the renewal of the business license. Second, the Council felt that the requirement that statements be included in the advertisement advising of low ceiling heights be eliminated. Third, the Council felt that the proximity restriction to group homes should be eliminated.

Council members also indicated that they would like additional research done on the impact of allowing short-term vacation rentals in single-



City Council Work Session

COUNCIL STAFF REVIEW

family residential zones. Council members wished to know the number (or estimate) of existing vacation rentals in single-family zones to understand the impact of prohibiting them in these zones. Based on that request, further work sessions were not scheduled in order to allow Administrative Staff time to research the request.

May 3, 2016

The May 3rd work session is intended to allow the Council continue the process of reviewing all of the information that has been presented and to consider the recommendation forwarded by the Planning Commission. Administrative Staff will present the Planning Commission's recommendation and any new information and research that has been performed since last year.

Current Proposal The current proposal, as recommended by the Planning Commission, would allow short-term vacation rentals with specific standards in multi-family residential areas and in certain single-family zones if the owner is reducing the number of non-conforming units in a multi-unit building. Some of the more significant elements of the proposed ordinance are summarized below:

- Applications for vacation rentals require a floor plan of the unit, parking plan, copy of tax license, and a statement clarifying if the unit is owner-occupied.
- Renewal of a license includes the most recent transient room tax return, and a list showing details of the rentals over the previous year.
- Vacation rentals are required to comply with all building codes.
- Only one residential vacation rental is allowed per linear block. The ordinance would prohibit a vacation rental from being located on the same linear block as a residential facility for persons with a disability or a residential facility for elderly persons [*CS Note: proposed for amendment at the August 18, 2015 Council work session*]. A vacation rental may continue to operate if such a facility is permitted after the vacation rental is licensed.
- The occupancy limits include two persons per sleeping room plus two additional persons. These limits may be increased if additional off-street parking is available, if the total number of persons does not



City Council Work Session

COUNCIL STAFF REVIEW

exceed one person per 200 square feet, and if any room with more than two persons occupying it has direct ingress/egress to the exterior.

- A minimum of two off-street parking spaces are required for any vacation rental. No widening of the driveway or a side yard parking slab is permitted. For non-owner occupied units with more than four sleeping rooms, additional off-street parking is required at a rate of ½ parking space per sleeping room in addition to the first two required spaces. For owner-occupied units, ½ parking stall is required for each sleeping room in addition to the two initial spaces required. One-half parking stalls are rounded up to the nearest whole number.
- On-street parking may not be used to satisfy the parking requirement.
- Garbage cans and recycling cans must be provided and may not be kept in the front of the unit. Information about collection must be made available to the renters by the owner.
- If animals are allowed by the owner, the number is limited to that which would be allowed as a single-family residence and pets must be kept inside unless accompanied by an adult.
- Signage is limited to that of a home occupation.
- The name and contact information of a person responsible for the vacation rental must be posted and that individual must be able to be present at the unit within 30 minutes [*CS Note: proposed for amendment at the August 18, 2015 Council work session*].
- Any vacation rental advertisement must include the permit number, the number of sleeping rooms available, persons permitted, pet information, the number of off-street parking spaces available.

Noncompliance with the ordinance or a [repeated] (*CS Note: The word 'repeated' is proposed to be removed to more clearly outline what constitutes a violation*) violation of noise, maintenance, or other non-permitted uses, or the entrance into a sham transaction shall be reviewed by a hearing officer. If found to be in violation, the following will apply:

- Revocation of the permit with all rental and advertising to be terminated within 30 days; and
- Prohibition of future rentals for a period of three (3) years.



City Council Work Session COUNCIL STAFF REVIEW

The proposed ordinance also includes penalties for advertising and operating a residential vacation rental without proper licensing. The proposed penalty is a \$500 fine for an initial violation, \$500 for an intermediate penalty, and \$500 as the maximum penalty.

A sham transaction is a transaction that is meant to violate or which could result in violating or avoiding the city's zoning ordinances and can include:

- The occupancy of a vacation rental for more than 30 consecutive nights; or
- The occupancy of a vacation rental by a person or group who does not have a primary residence at another location.

A residential vacation rental may be permitted in a single-family residential zone if the structure is a multi-family dwelling and has been certified as a legal non-conforming structure and the owner has agreed to reduce the number of non-conforming units in the structure and has agreed to relinquish the non-conforming status of the building once the conversion is completed.

Planning Commission

The proposal was reviewed by the Planning Commission on March 4, 2015. At that meeting, the Commission forwarded a recommendation of approval to the Council with a vote of 6-2. The Commission found that the ordinance amendment is consistent with the General Plan in creating a source of housing types, promoting tourism, and strengthening neighborhoods through appropriate design and improvement.

Commissioner Schade voted against the recommendation based on his belief that the use is not appropriate for either the R-2 or R-2EC zones. Commissioner Southwick voted against the recommendation with the belief that the R-1 zone should be treated like the multi-family zones and felt that the limitation of one vacation rental per block was enough of a regulation and they not be denied the opportunity for the use.

Public Comment

The issue was discussed at several Planning Commission meetings. The formal public hearing was held on January 7, 2015 with an additional work session and regular meeting held after that. At the January 7, 2015 meeting, about a dozen residents and interested persons spoke. These comments have been summarized by the Planning Department and the



AMERICAN PLANNING ASSOCIATION

➔ ISSUE NUMBER 10

PRACTICE SHORT-TERM RENTALS



Peering into the Peer Economy: Short-Term Rental Regulation

By Dwight H. Merriam, FAICP

You will recall, or if you are a millennial (18 to 34 years old), you might have read about the mantra that James Carville dreamed up for President Bill Clinton’s 1992 campaign: “It’s the economy, stupid.”

Today, for planners, thanks to the entirely new perspective brought to us by the millennials, our theme must be “It’s the sharing economy, stupid.” It is called variously collaborative consumption, the peer economy, and the sharing economy. More than half of millennials have used sharing services. It is permeating our daily lives in many ways.

This new ethic about our relationship to things, to transportation, to where we bed down, and even to other people has taken us away from owning and exclusively using, to not owning, not possessing, and not using alone. We see the sharing economy in three broad spheres—transportation, goods and services, and housing. While our focus here is on short-term rentals, it helps to understand the larger context for “home sharing.”



Dwight H. Merriam

➞ This four-bedroom colonial home in Wetherfield, Connecticut, rents for \$385 per night, with a four-night minimum stay.

RIDE-SHARING REVOLUTION

Transportation may be the most obvious and most pervasive face of the sharing economy. Millennials own fewer automobiles than other age cohorts. Millennials purchased almost 30 percent fewer cars from 2007 to 2011 (Plache 2013). Why? Because they use short-term car rentals, public transportation, and ride-sharing services. They are less likely to get driver’s licenses. One-third of 16 to 24 year olds don’t have a driver’s license, the lowest percentage in over 50 years (Tefft et al. 2013). At the same time, so we don’t get too carried away with this trend, as the millennials age, they will buy more cars. Forty-three percent said they are likely to buy a car in the next five years (Kadlec 2015).

Ride sharing as a generic term encompasses short-term rentals, making your car available to others, sharing rides, and driving or riding in taxi-like services brokered online through companies like Uber.

Instead of owning a car, you can rent one on a short-term basis from companies such as Zipcar and Enterprise Rent-A-Car. Why own a car when you can conveniently pick one up curbside and use it to run errands for a few hours?

Sharing a ride and splitting the cost is made easier with services like Zimride (also by Enterprise Rent-A-Car), which links drivers with riders at universities and businesses. You boomers will remember the ride-share bulletin boards on campus. Same thing.

Got a car, not making much use of it, and interested in making some money? You can make it available to others on a short-term basis through peer-to-peer car-sharing services including Getaround, which presently operates in Portland, Oregon; San Francisco; San Diego; Austin, Texas; and Chicago. They will rent your car for you while you are away. Cars are covered with a \$1 million policy, and they even clean it for you. RelayRides connects neighbors to let them rent cars by the hour or the day, and if you’re traveling more than 14 days, they will take your car at the airport, rent it for you, and pay you. You can even do it for boats with Boatbound. With the help of Spinlister, you can connect with others and rent a bicycle, surfboard, or snowboard.

Dwight Merriam, FAICP, founded Robinson & Cole’s Land Use Group in 1978, where he represents land owners, developers, governments, and individuals in land-use matters. He is past president of the American Institute of Certified Planners and received his masters of Regional Planning from the University of North Carolina and his juris doctor from Yale.

Want to make some money by driving others around in your car, or are you a rider who wants to be driven? Just about everyone has heard of Uber, the leader in this form of ride sharing, which includes other services such as Lyft and now Shuddle for ferrying children around and Sidecar for both people and packages. Wireless communications, the Internet, and smartphones have made such ride-sharing and delivery services possible. This is a big deal. Lyft and Uber are worth \$2.5 billion and \$50 billion (more than FedEx and 405 companies in the S&P 500) respectively (Dugan 2015; Tam and de la Merced 2015). And want to be a driver but don't have a car? You can rent one from Breeze just for that purpose.

GOODS AND SERVICES PEER TO PEER

Beyond transportation, the sharing economy extends to relationships between people and service providers. There is peer-to-peer or collaborative consumption through services like TaskRabbit and Skillshare which provide help, paid or bartered, or sometimes free. Instacart will grocery shop for you and claims it will deliver to your door in an hour. You can be a shopper and delivery person for them, making up to \$25 an hour.

NeighborGoods lets you share all those things you have but use so little, from leaf blowers, to pressure washers, to . . . well, take a look in your garage, that place where you used to park your car. If you live in Austin, Texas; Denver; Kansas City, Missouri; Minneapolis; or San Francisco, Zaarly seeks to create a marketplace

to help freelance home-service workers connect with home owners.

There seems no end to the sharing. Fon, touting over 7 million members, lets you share your home WiFi in exchange for access. The Lending Club connects borrowers and investors, enabling, so they say, better rates than credit cards and more return for lenders than what banks offer. Over \$11 billion has been borrowed since it started in July 2007, with investors earning a median of 8.1 percent. Poshmark lets you show your unneeded clothing in a virtual closet and get linked with people who share your sense of style. You can even share your dog, or become a sitter, with DogVacay and Rover helping you find a local dog sitter to care for your dog at your home or theirs.

The power of the Internet in facilitating collaborative consumption was probably best evidenced first when eBay and Craigslist provided an online marketplace never experienced before. Today, we have web-based services like Freecycle where people can post things they don't want, the remnants of our overconsumption, and others can take that flotsam and jetsam for free. Yes, for free. It solves the donor's solid waste disposal problem and provides free goods for the takers.

SHARING THE ROOF OVER OUR HEADS

That brings us to the subject matter of greatest interest to planners—the sharing of space.

Maybe it began with the sale of timeshares in the United States in 1974. These fractional interests have proved difficult to sell. Short-term vacation rentals emerged as a better way for many, linking property owners with vacationers through companies like HomeAway and its numerous related entities, claiming over one million listings. FlipKey does much the same with what it says are over 300,000 listings in 179 countries.

But Airbnb goes beyond vacation rentals. You can rent a shared or private room for a night, a whole house, an apartment for your exclusive use for a week, a British castle (Airbnb says it has 1,400-plus castles), a teepee, an igloo, a caboose, or an eight-foot by 14-foot treehouse in Illinois (\$195 a night) if you wish.

The company, originally "AirBed & Breakfast," was founded in 2008 by Brian Chesky, Joe Gebbia, and later Nathan Blecharczyk. It began when Chesky and Gebbia, to help pay their rent, rented sleeping accommodations on three air mattresses in their San Francisco apartment living room and made breakfast for the guests (Salter 2012). The company is now worth \$25.5 billion and joins the ranks of the rest of the great ideas we wish we had thought of first (O'Brien 2015).

GOOD OR BAD?

Are short-term rentals good or bad for your community? Like so many things, it depends.



Brian J. Connolly

➞ A second-floor condominium in this converted mansion in Denver's Capitol Hill neighborhood offers a private bedroom and bath rental for \$105 per night, with a two-night minimum stay.



Sorrell E. Negro

➡ This three-bedroom home near Miami's Coconut Grove rents for \$325 per night, with a five-night minimum stay.

Affordable Housing

Short-term rentals (STRs) increase the stock of furnished, short-term accommodations. Because many of the rentals involve renting a room in a permanently occupied dwelling, they are often less expensive than commercial lodging. The benefit for home owners or long-term tenants who host STR guests is additional income, which can help offset mortgage or rent payments.

Some contend that STRs may exacerbate the shortage of lower cost rentals because landlords, attracted by the higher revenue stream from STRs, are taking apartments out of long-term rentals, especially in tight markets like New York and San Francisco (Monroe 2014; Moskowitz 2015). Others say high tenant demand and demographics are the cause of the problem, not STRs, which are a small share of the market (Lewyn 2015; Rosen 2013).

Aging in Place

Short-term rentals of rooms in homes and apartments not only provide additional revenue for those aging in place, but they may provide an opportunity for sharing of chores and bartering for services, just as accessory apartments do. This can enable older people to stay in their homes longer before transitioning to an independent or assisted living facility.

Commercial Lodging

The only possible benefit of STRs with regard to existing commercial lodging is that it may stimulate competition and lower prices for the consumer. The negatives are several. Short-



Robert H. Thomas

➡ This condo hotel in downtown Honolulu includes owner- and long-term renter-occupied units, privately owned units available for daily rental through the building's hotel operator, units owned by the hotel operators, and privately owned units available for short-term rental through Airbnb and similar sites.

term rentals may reduce commercial lodging revenues. In many situations STRs have an advantage over commercial lodging because the STRs do not pay the occupancy taxes paid by commercial lodging. Short-term rentals generally do not need the service workers employed in commercial lodging. Unions and service workers often oppose STRs.

State and Local Government

Revenues to state and local government may go down as a result of STRs because, as noted, such rentals usually do not pay the occupancy and other taxes levied on commercial lodging. Airbnb does provide 1099 forms to hosts to report their income, and it has begun collecting and remitting hotel and tourist taxes in San Francisco; San Jose, California; Chicago; and Washington, D.C. (Hantman 2015).

Health and Safety

Much of the STR market today is unregulated. Those who rent typically do not have their premises inspected to determine compliance with health, building, housing, and safety codes. For its part, Airbnb does clearly state in its terms of service that some localities have zoning or administrative laws that prohibit or restrict STRs and that "hosts should review local laws before listing a space on Airbnb."

Airbnb also provides a guide to responsible hosting on its website, and what they do address is good guidance for local planners and regulators, and thus worth reading. How many hosts read and follow up on the suggestions is another matter. Airbnb's list is still a good starting point for local action.

Many STR hosts do not have home owners and liability insurance to cover losses that may result from occupancy. There is a life safety issue here, and in the event of death, injury, or property damage, there may not be insurance coverage or sufficient assets available to cover the liability.

AN OUNCE OF PREVENTION IS WORTH A POUND OF CURE

So said Benjamin Franklin, and it is apt here. You need only take a few relatively easy steps to get out ahead of the potential problems with STRs and capitalize on the good that such rentals can provide your community.

Moratorium

This is not a recommendation, but something worth considering. As you work down this list of

steps you will have the sense that you need to do six things at once. You do. One way to get a grip on it is take a “planning pause” moratorium on all STRs for, say, six months, during which time no one can rent. However, given that the number of such rentals in many places is still relatively small, it is unlikely that much harm will come from letting them continue on while you plan and prepare to regulate. It may not be worth the effort to have a moratorium. A moratorium takes time—for drafting, maybe some legal advice, and the expenditure of political capital in most cases—and may cause some pushback from those already renting, all of which may cost more than the planning pause is worth. Moratoria sometimes serve only to delay the inevitable hard work and are often extended. Back to Ben Franklin: “Don’t put off until tomorrow what you can do today.”

Education

Learn what is available out there now by going to all of the websites and services that you can find, most of which are identified here. Look online to see what STRs are being offered in your community. You may be surprised at how many of your friends and neighbors are already in the STR business. Don’t forget to check Craigslist as well, and use an online search engine, such as Google, with a few key terms, like “rentals Anytown” and “house-sharing Anytown,” to find other STR activity.

Conduct educational sessions in your community (“Everything You Need To Know About Short-Term Rentals”) even before trying to regulate, to sensitize present and potential hosts to the need for proper code compliance, fire prevention, emergency response, following rules for rent controlled units, first aid, protecting privacy (e.g., disclosing security cameras), insurance coverage, parking, noise, smoking, pets, childproofing, operation of heating and ventilating systems (including fireplaces and heating stoves), safe access, occupancy limits, deciding what to tell neighbors, home owners association approval, tax obligations, and any required zoning approvals. These sessions may also provide an opportunity to learn who is renting and to connect with them. Consider establishing a section of your municipal website as a resource portal. You will not have all the answers to all the questions as you start, but you need to start.

Planning

Yes, planning. The rational planning model in its simplest terms is what do you have, what do

you want, and how do you get it. You need to know who is renting and what is being rented to whom for how long. You need to determine what you may expect in the future. What do you think the demand is for STRs, in what mix of accommodations, and for what length of tenancy? This will prove useful to deciding whether you need to limit the number of units available for STR and to regulate the length of occupancy.

Regulate

Regulation probably will come in two forms: licensing of individual hosts to insure code compliance and general regulation (either through zoning or licensing standards) as to location, number of units, and terms of tenancy. You will have to draw the line somewhere as to what is an STR and what is simply an unregulated rental.

Conduct educational sessions in your community even before trying to regulate, to sensitize present and potential hosts to the need for proper code compliance.

Is an STR a rental of less than 30 days or 90 days, or some other somewhat arbitrary number of days, and everything else is just an unregulated rental? It is for you to decide. You will also want to consider whether owner-occupied STRs might be regulated less strictly, given that the owner is present during the STR.

Austin, Texas, has a robust program with licensing. They carve out three types of STRs: owner-occupied single-family, multifamily, or duplex units (Type 1); single-family or duplex units that are not owner occupied (Type 2); and multifamily units that are not owner occupied (Type 3). There is a three percent limit by census tract on the Type 2 single-family and duplex STRs, a three percent limit per property on Type 3 STRs in any noncommercial zoning district, and a 25 percent limit per property on Type 3 STRs in any commercial zoning district. However, each multifamily property is allowed at least one Type 3 STR, regardless of these limits.

Austin has separate application forms for Type 1 primary, secondary, and partial STRs. All of these forms include owner and property identification information as well as insurance information, number of sleeping rooms, occupancy limit, and average charge per structure. To qualify as a Type 1 primary STR, the unit must be owner occupied at least 51 percent of the time and can only be rented out in its entirety and for periods of 30 days or less. To qualify as a Type 2 secondary STR, the unit must be accessory to an owner-occupied principal residence and can only be rented out in its entirety and for periods of 30 days or less. To qualify as a Type 1 partial unit, namely a room rental, the unit must provide exclusive use of a sleeping room and shared bathroom access. Only one partial unit can be rented out at a time, to a single party of individuals, and for periods of 30 days or less. Owners must be present for the duration of the rental.

The annual licensing fee for STRs in Austin is \$235. Applicants must also pay a one-time notification fee of \$50.

Of course, as with all regulation there are those with schemes to beat the regulation. There are sites online that advise potential STR hosts to avoid posting on Craigslist, use Airbnb’s community and social features to screen the reservations (presumably to avoid enforcement types), “hide your home” by using Airbnb’s public view that only shows a large circle within which the unit is located, use word of mouth (or social networking sites) to rent the unit, and “get lost in the crowd” in that there are thousands of listings in large places like Austin (but not in the rural counties, suburbs, and small towns). This advice to those interested in breaking the law suggests that it will not always be easy for code enforcement to find the STRs. Perhaps some notice to all property owners, maybe a note with the tax bill, telling them of the need to register would help. Free, simple, online registration might increase compliance. The critical issue is life safety—you need to find all of these STRs to make sure they are safe.

San Francisco has an Office of Short-Term Rental, and in 2014 the city adopted major revisions to its planning codes for STRs. Those amendments include some useful definitions of hosting platform, primary residence, residential unit, short-term residential rental, and tourist or transient use. The code requires registration, occupancy of the unit by the owner not less than 275 days a year, maintenance of records for two years, certain insurance coverage, payment of transient occupancy taxes, compliance with the

housing code, posting the registration number on the hosting platform's listing, and a clearly printed sign inside of the front door with the locations of all fire extinguishers in the unit and building, gas shut-off valves, fire exits, and pull fire alarms. The application fee and renewal fee every two years is \$50. The hosting platform has numerous responsibilities, and there are fines for violations. It is a good model from which to start.

Isle of Palms, South Carolina, regulates STRs through zoning, defining an STR to be three months or less. The city's STR standards limit the number of overnight occupants to six and daytime occupants to 40 (can we assume a wedding party or the like?), set a minimum floor area per occupant, and establish off-street parking requirements.

Monterey County, California, also regulates STRs in its zoning code, defining STRs as rentals between seven and 30 consecutive calendar days. The county considers stays of less than seven days to be a motel/hotel use. The regulation provided for administrative approval of all STRs in operation at the time of its adoption in 1997 if the property owners applied within 90 days. Most of the existing, legal STRs date from that initial round of approvals. Since then, there have been some discretionary approvals, and many STRs are believed to be operating without the required permits.

San Bernardino County, California, permits STRs, defined as rentals of less than 30 days, by zoning in the "Mountain Region" by special use permit exempting multifamily condominium units in fee simple and timeshares with a previous land-use approval. The development standards include code compliance, maximum occupancy based on floor area per occupant and the number of beds, off-street parking requirements, and signage specifications. Conditions of operations address the contents of the rental agreement, posting of the property within the unit with all the conditions of use, and details of fire safety and maintenance, even including a prohibition on the use of extension cords.

Miami Beach, Florida, prohibits STRs in all single-family homes and in many multifamily buildings in certain zoning districts.

Registering all these STRs can be burdensome. Since May 1, 2015, Nashville has issued 1,000 permits, and staff estimates the city still has 800 illegal hotels and motels (Bailey 2015). Wait times for all types permits went from 30 minutes to four hours because of all the STR registrations (Bailey 2015).

THE MAKINGS OF WORKABLE PROGRAM

Overarching issues to consider include the nature of the activity you aim to regulate, the management structure of the STR, and the limits on STR use.

What Is the Nature of the Activity You Will Regulate?

Presumably, hosting a STR is a private enterprise and almost certainly not a commercial lodging business. It is a type of lodging that is largely advertised online, through social media, and on bulletin boards. How will you draw the line between that modest, private activity and a commercial operation?

How Is It Managed?

Does the host have to be the owner, and does the host need to be there during the rental? If not, will you regulate differently in terms of numbers of units allowed, number of days per year, or terms of occupancy?

What Is the Limit of Use?

Will you require the host to live in the residence at least some minimum number of days per year? Will you limit rentals to some maximum number of days per year? Will you define STR as a rental of 30 consecutive days or less and not regulate longer rentals in any way? Will you regulate whole-house, exclusive-use rentals differently, for example by only regulating when the house is rented for less than a week or two weeks? And will you regulate renting of rooms on a different schedule, for example by including room rentals only if they are less than one month and otherwise not regulating longer room rentals, which may be covered by zoning anyway, possibly under the definition of a rooming house? There are so many questions to be answered and so many lines to be drawn.

A checklist of considerations for hosts and public officials for planning, regulation, and operation might include current zoning requirements; applicable codes (sanitation, health, building, occupancy among many); business licensing; business organization (none, limited liability corporation, general or limited liability partnership, Subchapter S, etc.); home owners association covenants and restrictions; other easements, covenants, restrictions on the land; lodging to be offered (room, whole house, host-occupied, length of stay); 911 marking at the street; emergency notifications; food service (permitted? licensed?); federal, state, and local taxes; safety inspections; fire, smoke, CO₂, and other detectors; fire extinguishers; child safety; parking; insurance; emergency notifications; water and septic; safe hot water temperature; electrical and plumbing in good repair; pest/vermin-free (especially bed bugs); ventilation, heat, air conditioning adequate; no hazards; no mold or excessive moisture; working doors, windows, and screens; adequate means of egress; linen sanitation; and pool and spa maintenance.

YOU'VE MADE YOUR BED . . .

So goes the idiom from the French as early as 1590: "Comme on fait son lit, on le treuve" (As one makes one's bed, so one finds it). In planning for and regulating STRs, you will indeed be the ones making the bed, and you will have to lie in it. There are benefits and burdens in how you permit STRs and many considerations to be weighed. If you start with life-safety issues first, you can be quite certain the most important aspect of this rapidly emerging sharing economy phenomenon will be addressed. After that, it is the usual planning and politics.



➡ This building in downtown Boston includes a two-bedroom loft apartment that rents for \$245 per night, with a seven-night minimum stay.

Kerla L. Charfee

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DOES YOUR COMMUNITY REGULATE SHORT-TERM RENTALS?

10

Could You Bnb My Neighbor?

A planner's take on the sharing economy.

By Jeffrey Goodman

Since I live in New Orleans, I live near a bar. People are always walking by my house to this bar, so perhaps one day I start offering beer to passersby from my porch. Maybe I sell a beer or two — I could always use the money — and people here have always sold drinks as a hustle during Mardi Gras, so what is the difference?

Perhaps eventually I sell beer all the time and people start coming to my house instead of the bar and maybe I pick up a sponsorship and a little press. Soon, people are coming from miles around to my house, spending money at shops in my neighborhood; everything's great. If I were then to go my local alcohol board, or my zoning board, or my neighborhood association, and argue that since my house-bar is so popular, the rules need to be rewritten to accommodate me — well, I would be run out of town on a rail.

Yet in some ways, this is the path taken in regulating another controversial industry: short-term rentals. Backed by billions of investment dollars and an aggressive strategy of "disruption" that favors expansion above cooperation, companies like Airbnb, VRBO, and others have generated as much controversy as they have profits, stubbornly resisting cities' attempts to rein the industry in.

Of course, what these platforms offer is nothing new; home owners have taken in lodgers since the first settlement of cities. But with such a huge scope — over 34,000 cities on Airbnb alone — how do we balance the potential benefits of these businesses with their real impacts on our communities?

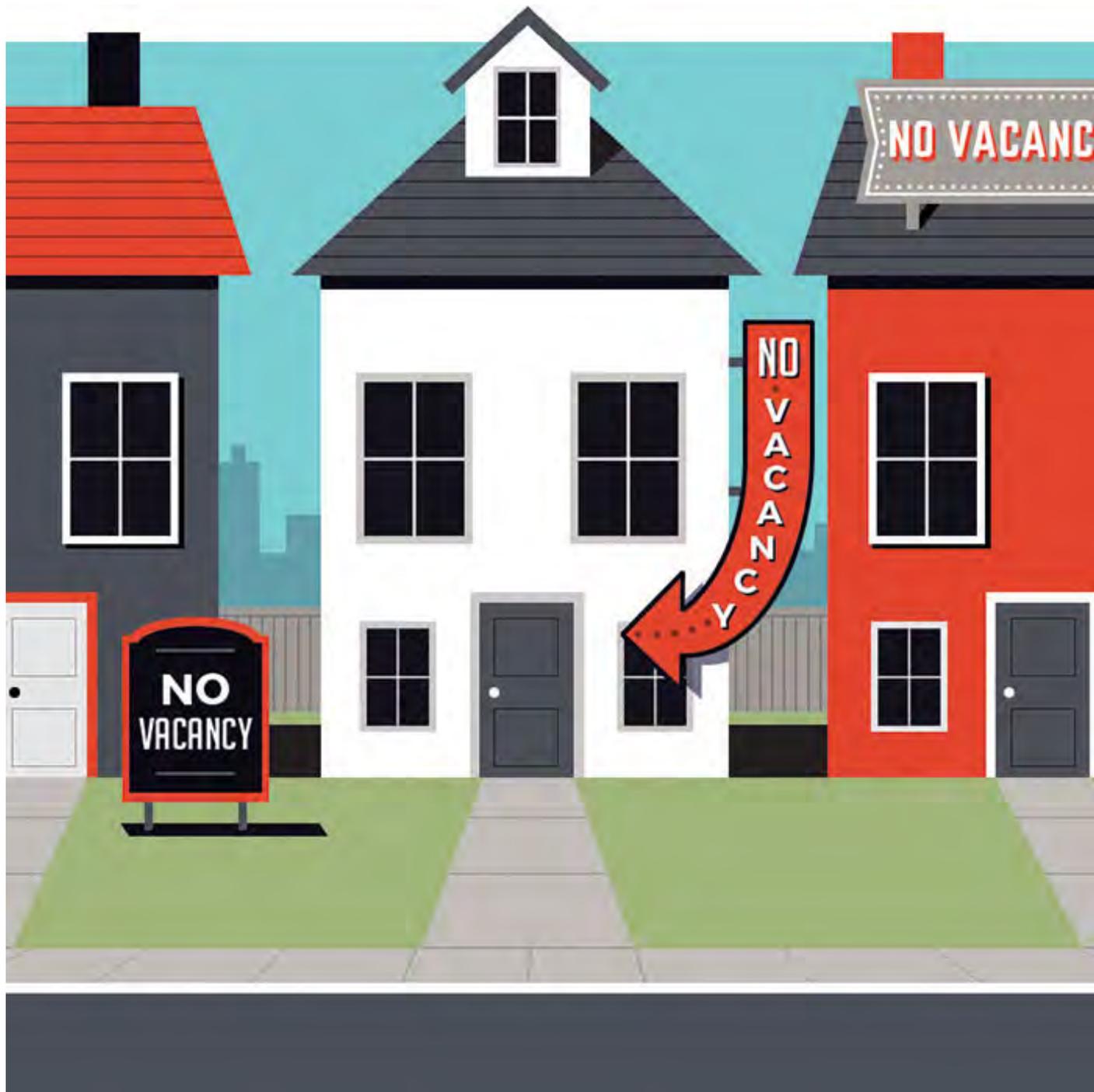


Illustration by John Ueland, uelandillustration.com

Opposing narratives

Because the debate over short-term rentals intersects with so many issues — the role of government, what constitutes a business, the rights of neighbors, and on and on — attempts at regulation can generate impassioned responses from hosts and residents alike. These narratives can be difficult for planners to reconcile.

In the view of short-term renters, hosting has been a great boon for individuals to make a little extra money, for neighborhoods to see tourist dollars, and for cities to promote tourism. The kindly old woman with a bedroom to let to excited millennials: This is the narrative that Airbnb and others focus on when

expanding and promoting their services.

Regarding a San Francisco ballot measure, an Airbnb spokesperson was quoted in the *Wall Street Journal* as saying, "This initiative, at the end of the day, is an attack on the middle class of San Francisco, who share their homes to help make ends meet. Home-sharing in this city is a lifeline for thousands."

However, to opponents, Airbnb's hoodie-and-flip-flops vibe obscures a \$25 billion behemoth whose business model has depended on ignoring local regulations in the name of growth and profit. Abetted by these platforms, hosts flout safety, housing, and zoning codes, turn quiet homes into frat parties, drive up rent by displacing residents, outcompete bed-and-breakfasts, and fail to pay their share of taxes.

The narrative of opponents focuses on the absentee landlord with a portfolio of crash pads for bachelor parties; they say this is the reality ignored by Airbnb that planners have to clean up. As one exasperated neighbor in Austin told a *New York Times* reporter, "[Hosts] are leveraging our neighborhood for their profit, telling people to come stay in this beautiful place ... and they are making people miserable."

These competing identities have meant particularly contentious fights over regulation. In San Francisco, a proposed short-term rental ordinance led to 12-hour public meetings, allegations of vote tampering, and a \$9 million proposition fight. (Though Airbnb and the other short-term rental companies prevailed in the end, Airbnb's ad campaign for the proposition essentially told San Franciscans where they could stick the tax money the company pays. People were not amused.)

There is no monolithic "short-term host" but a spectrum of users (couch-surfing holdovers, empty nesters, young couples, and, yes, speculators and profiteers) and a spectrum of uses (occasional hosting, seasonal hosting, and, yes, the faux-hotel.) All of them, to some degree or another, have taken advantage of a regulatory Wild West in order to make money without proper oversight and without proper accountability.



An Airbnb-financed group put this billboard up in San Francisco before a ballot initiative in November that would have limited the home-sharing service. After helping defeat Proposition F, Airbnb pledged to cooperate with local governments. Jason Henry/*The New York Times*.

Getting past the noise

In order to regulate an industry effectively, planners need to understand how these platforms are being used and by whom, and what kinds of impacts they have on neighborhoods.

This is somewhat easier said than done; Airbnb and other companies do not freely release data, citing privacy concerns. When they do use data, the companies present a glowing picture of their activity, one that seems irresistible: Airbnb guests stay twice as long and spend twice as much as a typical visitor, with nearly half of all spending occurring in local neighborhoods.

According to the company, more than half of its hosts are "low to moderate income" and say hosting helped them stay in their homes. In New York City, Airbnb claims to have generated \$632 million in economic activity in one year alone. Opponents note, however, that the company has no reason to release numbers that paint their activity and their tactics in a negative light.

In order to get a clearer picture of the realities on the ground, researchers have had to rely on other means of gathering information, largely by "scraping" the public listings of these websites. (Airbnb, in turn, claims that this type of data collection is flawed.) Another option is to sue for access to the data, which is what the New York State Attorney General did, discovering that as many as 72 percent of Airbnb

reservations violated New York law. Despite an effort to be "open and transparent" with cities, even under subpoena Airbnb only releases anonymized data to city governments — no addresses, no names.

Either by automated tools or through simple spreadsheets, trolling through Airbnb can give planners at least a broad outline of their local market, from average price per night (useful in calculating tax revenue) to the characteristics of the units available, like number of bedrooms, amenities, and safety equipment. Even a general map view can help planners see which neighborhoods are most affected or need greater enforcement.

Using these approaches, researchers have undercut Airbnb's narrative. The *Real Deal*, a New York-based real estate journal, found short-term rentals caused residents of some neighborhoods to pay up to an extra \$825 a year in rent by removing units from the market. In New Orleans, far from helping a broad group of residents, nearly 50 percent of all bookings came from just six percent of listings, with some hosts making hundreds of thousands of dollars from dozens of properties without paying a cent in occupancy tax, according to one report.

While Airbnb claims that hosts, on average, book only six days a month, that average conceals a huge spectrum from abandoned listings to faux-hotels. Using the number of reviews as a proxy for activity, planners can start to separate the mom-and-pops from the professionals.

More damningly, some reports cut at the heart of Airbnb's supposed benefits: tourism dollars. San Francisco's Office of Economic Analysis, considering the reduction of long-term residents and housing caused by full-time hosting, wrote that for every 1,000 units lost to short-term tourist rentals, the city's economy loses more than \$250 million each year, far exceeding the benefit from visitor spending and hotel taxes.

This is not to say short-term rentals are all bad or all good, just that the reality of these marketplaces is complex. Planners have to get into the data, fragmented though it may be, in order to begin to categorize activity for regulation.

Where Does Airbnb Pay its Share?

Airbnb, as part of a "Community Compact" released in November 2015, promises to now "pay its 'fair share' of hotel and tourist taxes in cities that have them" though the mechanism for doing so, or the way for cities to participate, remains unclear. In most places, the company relies on hosts to pay all taxes, but agreements in a handful of cities and states require the company to collect and remit taxes, chiefly hotel or transient occupancy taxes (as high as 14.5 percent), but also sales and tourism development taxes. The locations are:

Malibu, California

Oakland, California

Palo Alto, California

San Diego

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San Francisco
San Jose, California
Santa Clara, California
Santa Monica, California
Chicago
Florida
Multnomah County and Portland, Oregon
North Carolina
Philadelphia
Phoenix
Rhode Island
Washington State
Washington, D.C.

Source: Airbnb.com

How to regulate?

For planners, the way forward with regulation is a three-part process.

PART 1

Establish a baseline level of safety and accountability. In its Terms of Service, Airbnb is very clear, repeatedly, that the hosts on its platform are 100 percent responsible for following local laws on everything from safety and zoning to taxation and sex offender registries. While any short-term rental should have to conform to local building, occupancy, health, and safety codes, it is up to the local planner to ensure properties are compliant.

The safety of guests, hosts, and neighbors is the highest priority in regulating the short-term rental market. Airbnb and other companies, as part of their response to local pushback about safety, have adopted a policy of assisted self-policing for their hosts by offering free smoke detectors or fill-in-the-blank emergency plans. But a host does not actually need to prove the existence or operation of any safety feature in order to list. When I created a test listing, I was able to simply click "Next."

Similarly, Airbnb has slowly evolved on the issue of insurance, shifting some responsibility away from the hosts. In late 2015, the company augmented a "million dollar host guarantee" to protect against damage caused by its service — which does not cover personal liability, shared or common areas (a big issue for condos) and is specifically described as "not insurance" — to a limited million-dollar policy backed by Lloyd's of London. This system creates a strange network of legal entanglements as Airbnb is both the policyholder and claims administrator for local hosts, who themselves have their own separate insurance.

But because many home insurance companies consider short-term renting a commercial use — and thus not covered under the standard policies — hosts may find themselves at the center of a huge and complicated fight that would make a trial lawyer drool; if a guest booked on Airbnb burns down a condo building and a firefighter is injured in the process, how is that legal mess going to sort itself out? Additionally, any damages and liabilities beyond a million dollars — assuming Airbnb even pays out — will fall on the hosts. The easiest solution is to require short-term renters to carry the appropriate insurance, one that specifically covers their activity and their level of risk.

But being a good host also means taking steps to avoid imposing on your neighbors' quality of life. No one wants to deal with loud guests, or litter, or parking issues, whether from a long-term or a short-term tenant.

Beyond strengthening and enforcing existing nuisance laws, some cities such as Portland, Oregon, and Santa Monica, California, have tried to include more direct accountability into their regulations; basic ideas like having hosts give out contact information to neighbors to report bad guests or only allowing owner-occupied rentals. In this scheme, serial offenders could face punishments that disincentivize their behavior, such as the loss of short-term rental or commercial permits, escalating fines, or code enforcement actions.

Ultimately, despite all the hype about the so-called "sharing economy," short-term rentals are fundamentally a commercial use, one that cities have regulated successfully in the past as bed-and-breakfasts, inns, motels, hotels, or SROs. In places that have traditional bed-and-breakfasts, innkeepers complain that competing with unregulated Airbnb units harms them doubly — as small-business owners and as residents.

Since the act of hosting is the same regardless of how a unit is booked, then the issues — from safety to zoning to garbage fees to taxes — are as well. Planners should simply hold a short-term rental unit to the same standards as any other similar business.

PART 2

Move past simply yes or no. When pressure to "do something" about short-term rentals comes down from City Hall or up from neighbors, the debate is often framed as a yes or no; "anything goes" or "not in my backyard." The answer will probably be somewhere in between, and while it can be a laborious process, tailoring regulation to your city's particular situation can pay dividends.

As I learned at last year's APA conference in Seattle, the experience of a few Colorado destinations can serve as examples of adapting regulation to local needs.

Durango, a small city that serves as a regional center for the Four Corners, faced tremendous housing pressures after growing rapidly over the past decade. With vacancy rates dipping below one percent in some neighborhoods, and rents high and incomes flat, groups like college students, retirees, and service industry workers had increasingly limited options within the city.

At the same time, Durango welcomes thousands of tourists each year, drawn to the nearby natural beauty, redeveloped downtown, and seasonal festivals. Short-term rentals catered to some visitors, and the popularity (and notoriety) of these units led Durango's city government to develop new regulation. Through research and a series of community meetings, Durango's planners were able to identify three main areas that needed addressing in their city: impacts on tourism, impacts on neighborhoods, and — most important — impacts on housing.

A neighborhood encompassing much of the downtown and the local university had an especially tight market, and neighbors expressed concern about "dark blocks," where the spread of short-term rentals on specific streets left few permanent residents.

Durango's solution limits the density of allowed short-term units within groups of blocks, effectively preventing clustering while still accepting the use as permissible. By making a determination that preserving housing availability was the ultimate community goal, one that both transcended and intersected with short-term renting, Durango's planners could fit the discussion over Airbnb units into a larger narrative about the future of their city.

Aspen had a different problem: empty units. A world-famous destination with seasonal ebbs and flows of tourists, the city is burdened by a hodgepodge of residential properties — condos, ski villages, second homes — that sit disused much of the year. By legalizing and standardizing requirements for short-term rentals, Aspen's planners were able to enhance the city's tourist economy while still maintaining control over important issues like permitting, taxation, and safety of individual units.

Durango's Street Segment Cap

In order to mitigate the effects of short-term rentals and preserve housing availability, Durango's Land Use and Development Code creates density limits for these rentals in residential zones. Only one permit is allowed per street segment. (For corner lots, the permit counts against both adjacent street segments and the intersection.) While there is no citywide cap on permits, there is a maximum number of permits available in residential districts.

AVENUE FRONTAGE



CORNER FRONTAGE

SOURCE: DURANGO PLANNING DEPARTMENT

Source: Durango Planning Department

Both Durango and Aspen found the key to controlling these concerns was treating short-term rentals as small businesses, allowing them to justify the use of their regulatory tools like zoning and licensing in ways that were consistent, understandable, and enforceable.

PART 3

Ensure enforcement on the ground and online. For short-term rentals, as for anything, regulation is only as good as its enforcement. Cities have struggled in this regard, creating huge opportunities for abuse while frustrating city officials and neighbors alike when long-debated ordinances do little to quiet complaints.

Though it is often spoken of as one concept, the short-term rental industry is really made up of two interrelated markets. One is the multitude of local hosts that interact directly with neighbors. They have to navigate (or disregard) local ordinances and are, even as absentee investors, a part of the community.

The other market, the listing companies like Airbnb and VRBO, has been harder to engage in enforcement efforts or tax collection, repeatedly pushing all responsibility to local hosts and governments.

This policy line — that Airbnb, despite any illegal activity on its site, is essentially blameless — results in

awkward complications for enforcement. In New Orleans, for example, Airbnb has a special tab on its website giving tips about how hosts can follow city rules: get a permit, pay your taxes, report nuisances, etc. What it leaves out is telling: that renting for less than 30 days is illegal.

Instead of either confirming permit holders or hard-wiring the law into their business — and thus cutting down the amount of activity that violates local rules — Airbnb punts. It makes it so that a host would have to manually set a minimum stay of 30 days on the Airbnb platform to be compliant — no proof of permit needed.

In other major cities, new short-term rental ordinances become undone by flaws in enforcement. In San Francisco, a much-discussed ordinance only led to 282 applications — out of 6,000 listings — in the first three months, with only 27 units delisted for bad behavior — evidence, critics say, that the self-policing and self-reporting model pushed by Airbnb (and the mayor's office) is deeply flawed.

In Austin, after a *New York Times* expose found some party houses continue to rage on even after racking up 60 code violations, finger-pointing ensued: Airbnb blames the city for allowing serial violators to continue operation, while Austinites wonder why Airbnb keeps letting the houses list.

A simple option, like requiring a listing company to match a permit number to a city database in order to list, would immediately curb many of the worst abuses and reduce the number of listings that need monitoring. Unable to convince Airbnb to collaborate on such a system and frustrated by only one in 10 hosts having permits, Portland, Oregon, threatened fining all the listing companies \$500 per violation per day for every listing that was not permitted. (Though the city has yet to fully curb illegal listings on Airbnb, Portland did sue Homeaway for \$2.5 million for refusing to pay lodging taxes and ensuring proper permit inspections.) The enforcement officer's message was clear: If a city goes through the hassle of writing a new ordinance, why should anyone without a permit be allowed on these sites?

At the end of the day, the antagonistic system — this sharing economy Wild West in place today — simply does not work for city governments to enforce their laws, does not help legitimate hosts compete with "bad actors," and, ultimately, does not allow Airbnb and other short-term rental companies to live up to their own rhetoric of "belonging everywhere."

Rental units need to be fairly treated as a business, regulations need to be tailored to each city's unique situation, and enforcement needs to hold everyone accountable. Whether in Silicon Valley or Main Street USA, the old adage is still true: Good fences make good neighbors.

Jeffrey Goodman is an urban planner and graphic designer based in New Orleans. His work focuses on the sharing economy, community participation, and data-driven regulation. He has contracted with both the city of New Orleans and Airbnb, and advised researchers on short-term rentals in San Francisco, Portland, New Orleans, and New York. Contact him through JBGoodman.com.

*Rent Your DrivewayBy
Kristen Pope*

Rooms to rent on Airbnb, VRBO, and other sites aren't the only things up for grabs in many urban

neighborhoods. Another hot commodity going to the highest bidder: parking spaces.

Innovative app developers came up with a solution to this dilemma by creating a slew of apps to rent out spaces to parking-hungry drivers. However, app designers soon discovered a hitch: It was illegal in many locations.

Most of these early apps and parking space brokers worked on the premise that a driver about to leave their public, on-street parking space would log on and let other app users know the location of the soon-to-be-vacant spot, giving another user first dibs (for a fee) on snagging the spot. The new parker's fee, typically between \$5 and \$30, would be split between the departing motorist and the app company.

Since many of these apps were essentially renting out public, on-street parking spaces, municipalities worked quickly to block them. In San Francisco the big players were MonkeyParking, Sweetch, and ParkModo, and the city attorney sent several such apps cease-and-desist letters in 2014, threatening to fine drivers up to \$300 and the companies up to \$2,500 per violation. The letters also noted a lawsuit was imminent if the apps continued operation in the city.

Then a new — legal — wave of apps came to the city, including SpotHero, ParqEx, and ParkWhiz, allowing people to rent or exchange private parking spaces, including those in parking garages. Paul Rose, chief spokesperson for the San Francisco Municipal Transportation Agency, notes these transactions aren't a concern if they don't impinge on public safety.

"Any [safety] concerns will come out of blocking the right of way, preventing people from walking on the sidewalks, or if parking going on in a driveway causes people to walk out into the street," he says.

However, the transaction itself isn't an issue for the agency. "[If] they're leasing spaces that are a part of private property, that's not something that we would necessarily get involved in," Rose says.

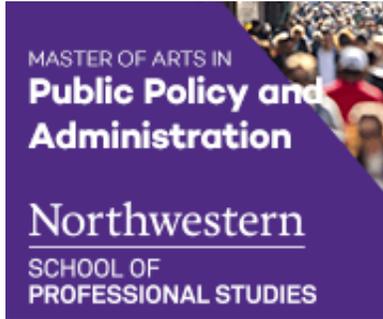
Likewise, Boston officials aren't too concerned about apps that rent out private property. Public property, however, is another matter. In 2014, the city passed an ordinance effectively banning the Haystack app, which let users notify other users — who paid a fee — when they were about to leave a public parking space. The app claimed it was in the business of exchanging information rather than selling public property, but the city disagreed.

However, as long as apps comply with city regulations, they're not a problem, according to the Boston Press Office, which said, "Generally, parking apps that allow a private property owner to rent his or her parking space facilitate a private transaction that does not implicate the city's rules and regulations."

Portland, Oregon, has a far more restrictive policy than Boston or San Francisco. Its zoning rules deem residential neighborhoods — all single-family and most multifamily zones — unfit for many types of commercial activity, including renting out parking spots.

However, Jill Grenda, supervising planner for Portland's Bureau of Development Services, notes that enforcement is driven by complaints. "Like any other zoning violation, it's a complaint-driven enforcement system," she says. "So the city wouldn't know about it unless a grumpy neighbor called our code enforcement line and said, 'My neighbor has different people parking in their driveway every single day, and I know because I live next door. Can you come and investigate?'"

Kristen Pope is a Jackson, Wyoming-based freelance writer and editor who writes about planning, science, conservation, and the outdoors, among other topics. Visit her at kepope.com.



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Minutes of the Work Session of the Ogden City Council held on Tuesday, June 23, 2015 at 6:23 p.m., in the Council Chambers located on the third floor of the Municipal Building, 2549 Washington Boulevard, Ogden City, Weber County, Utah.

Present: Chair Richard A. Hyer
 Vice Chair Marcia L. White
 Council members Bart E. Blair
 Neil K. Garner
 Caitlin K. Gochnour
 Doug Stephens
 Amy L. Wicks

Council Executive Director Bill Cook
Council Deputy Director Janene Eller-Smith
Council Policy Analyst Glenn Symes
Communications Manager Amy Sue Mabey

Also present: Assistant City Attorney Mark Stratford
 Planning Manager Greg Montgomery
 Community and Economic Development Director Tom Christopoulos
 Deputy City Recorder Abbie Zampedri

The purpose of the Work Session is to receive public input regarding short-term residential vacation rentals and to discuss Council business.

Receive public input regarding short-term residential vacation rentals

Council Policy Analyst Symes explained the Planning Division has been researching the issue of short-term vacation rentals, or the renting of a residential unit for a period of time less than 30 days, in Ogden as the popularity of this use has increased over last few years. The Planning Division developed a proposal and presented it to the Planning Commission who then provided a recommendation of approval to the Council. The proposed ordinance would provide regulations for vacation rentals with regard to spacing, occupancy, off-street parking, maintenance, garbage collection, appearance, signage, management, and other specifics related to a residential unit's use as a vacation rental. The proposal would limit residential vacation rentals to multi-family zones with vacation rentals allowed in single-family residential zones if the owner is reducing the number of non-conforming units within the structure. The proposal was reviewed by the Planning Commission on March 4, 2015. At that meeting, the Commission forwarded a recommendation of approval to the Council with a vote of 6-2. The Commission found that the ordinance amendment is consistent with the General Plan in creating a source of housing types, promoting tourism, and strengthening neighborhoods through appropriate design and improvement.

Mr. Symes noted that since this interest has generated a significant amount of interest among residents, Council indicated they would like to hold an additional work session and invite public input regarding the current proposal. Several residents that have been very active in the process of reviewing the proposal have been invited to make comments and after their comments conclude, the meeting will be opened up to any person who wishes to speak.

Planning Manager Montgomery used the aid of a PowerPoint presentation to provide those in attendance with information regarding the issue of vacation rentals within Ogden City. He began by offering clarification regarding the term 'vacation rental':

- It is the use of a dwelling unit for temporary lodging by anyone other than the owner, where compensation is provided in any form for the temporary lodging.
- New variation of old concept of Bed and Breakfast or Boarding House in staying in dwelling unit setting.
- Generally booked online through such places as "VRBO"-"Flip Key Advisor"-"Airbnb.com"-"Homeaway"

Mr. Montgomery noted there are a variety of management styles for vacation rentals, including owner, owner occupant, or a management company for an owner. He reviewed photographs of different types of vacation rental properties including townhomes, upper commercial floor units, basement units, detached units, small homes, and large homes. He added some prefer vacation rentals over hotels for some of the following reasons:

- Can accommodate larger gatherings of people who want to be together.
- Can accommodate smaller groups who want to be on their own.
- Sometimes cost, 4-6 people max with hotel \$96-\$134 -1-20 with VR from \$89 to \$500.
- Provides ability for more personal controlled settings
 - Noise is your noise
 - Food preparation

- Ability to store “toys”
- Convenience

Mr. Montgomery then discussed existing City ordinances and reviewed the uses presently permitted:

- Hotel/ Motel-lodging for traveling or business public who have primary residence at another location. (C-2, C-3, CBD zones)
- Residence-place where person is living at a point of time and intends to remain and is not a place of temporary sojourn (stay as temporary residence) or transient visit. (All residential zones and C-2, C-3 and CBD zones)
- Bed and Breakfast-Owner occupied dwelling on historic register where 8 or fewer rooms are rented by the night and one or more meals provided by owner to guest. (R-3, R-4, R-5, C-2, C-3 zones)
- Boarding House-Rooms rented nightly together with meals for not more than 15 people. Operator must reside on premise. (R-4, R-5 zones with distance requirements of 1,000 feet C-2, C-3 zones)

Mr. Montgomery concluded that vacation rentals are presently a permitted use in the C2, C3, and Central Business District (CBD) commercial zones since they fit the definition of a hotel/motel. Vacation rentals are presently illegal in all residential zones. He then discussed the differences between dwelling rentals and vacation rentals:

- 10-8-85.5 U.C.A. defines that a rental dwelling is classified as a residence if intended to be rented for a month or longer time period.
- Directs certain things cities can and cannot do to rental dwelling. Fair housing issues etc.
- Dwelling rental is the family’s residence; they are not on vacation or business at the dwelling. Month period is an additional distinction between Vacation Rentals from Rental dwellings even though both are “rentals”.
- Family definition is also distinction-3 or less unrelated people or people related by blood or marriage in a single nonprofit housekeeping unit for a dwelling whether owner occupied or rental dwelling.

Mr. Montgomery reviewed the process the Planning Commission has used over the past year to consider the issue of vacation rentals:

- July 16, 2014 - work session on Vacation rentals-7 spoke at work session on issue-Commission directs to investigate issue.
- December 17, 2014 - work session with Commission on findings and possible ordinance. 1 person at work session.
- January 7, 2015 - public hearing on proposed ordinance. 13 people spoke at hearing-Commission table to March 4 to consider input
- February 12, 2015 - meeting with citizens of Trolley District to discuss issue and input.
- February 18, 2015 - Planning Commission work session based on what had been discussed in January and February.
- March 4, 2015 - continued public hearing and Commission recommendation of ordinance.

Mr. Montgomery reviewed some pros and cons that have been identified. The pros include the fact that there is a market demand for the use by travelers, the use of facilitates, the reuse of larger homes, and there is generally better upkeep of vacation rentals. The cons include the concerns that the use impacts the stabilization of neighborhoods due to noise, frequency of use, parking, and neighborhood involvement. An additional con is the lack of an even playing field with the hotel industry relative to taxation and safety of occupants. He reported that hotels and motels are charged a 4.25 percent transient room tax and the City adds one percent to that tax; also, relative to property tax, hotels and motels are taxed at 100 percent of their value while residential properties being used for vacation rentals are only taxed at 55 percent of their value. He then reviewed some highlights of the Planning Commission recommended ordinance that would permit vacation rentals in some residential zones:

- Create definition since it is different than a residence and a family occupying the residence.
- Set standards that will not be detrimental to neighborhood nor create potential life and safety hazards to occupants.
- Licensing requirement-yearly renewal
 - Floor plan of room uses
 - Site plan of parking available
 - State issued sales tax license
 - Whether owner occupied or not
- Building Code Compliance
 - Complies with current egress window size and location
 - Has functional interconnected fire alarm
- Permitted in R-2, R-2EC, R-3, R-3EC, R-4 and R-5 zones
- 1 per linear block (both sides of street)
- Not in single family zones unless converting a nonconforming use or legal conforming duplex
 - Loss of nonconforming status with conversion.
- 2 people per bedroom +2

- 2 legal parking spaces-four bedrooms and 10 occupants, non owner occupied. More than four 2 plus ½ per additional bedroom
- Owner occupied-2 stalls plus ½ per bedroom
- Can increase total occupancy number to 1 person per 200 square feet living space if meets other standards.
 - Any sleeping room designed for more than 2 occupants per room has code compliant exit door directly to the exterior of building.
- Garbage pickup, animals kept inside, management
- Advertising lists maximum occupancy based on ordinance, sleeping rooms, low ceilings and parking plus permit number

Mr. Montgomery then noted there are penalties associated with violation of the ordinance; violations could consist of the following:

- Allowing more people than permitted,
- Sleeping outside
- Allowing more parking than permitted
- Violations of noise, property maintenance, sham transactions
- Advertising as vacation rental without permit
- Use of property in violation of ordinance

Violations could result in revocation of the vacation rental permit and the owner could not be allowed to re-apply for a new permit for three years.

Mr. Montgomery noted that this evening the City Council has the opportunity to receive public input regarding the proposed ordinance in order to proceed with taking action on the issue at a later date. He stated there were two dissenting votes on the Planning Commission; one Commissioner voted in opposition to the ordinance because he felt that the use was being permitted in too many zones while the other voted in opposition because he felt vacation rentals should be allowed in all residential zones if they adhere to the standards in the ordinance.

Chair Hyer invited public input. He reiterated three people have been invited to provide public input: Thomas Moore, Sue Wilkerson, and Sarah Toliver. These three have been stakeholders throughout the process of reviewing the issue of vacation rentals.

Mr. Moore stated that he has been in the business of managing vacation rental properties for the past 37 years; he has made all the mistakes there are to make and he now manages 46 properties. He then read the following prepared statement to express his feelings about the issue:

“The discussions about Vacation Rentals in residential neighborhoods is not unique to Ogden. All over the country, this challenge has caused great dialogs which are resulting in causing cities to face the issue of having neighborhoods threatened with vacationers coming in to the residential areas -- usually a minimum of 3 nights. First, let me say that I believe in Vacation Rentals, but after a great deal of consideration of the challenges which they present. I have been doing vacation rentals in London for 37 years, and I have been through an enormous amount of ups and downs until I realized that there is a formula which works, and it has to work for the owner, the neighborhood, the City/zoning, and the person arriving as holiday visitors.

1. We have to remember that we are dealing with people who are coming to vacation — the ramifications of that word you are aware.
2. Holiday makers in the Ogden market come with cars carrying the visitors. Parking on residential streets is a challenge as I have shown a moment ago. I have photographed and have emailed to this council photographs of as many as 32 cars on one street in the Eccles District. Just a week ago, there were 11 cars attached to one visit to one house. This is not unusual on Jackson Avenue where there are 4/5 VRBO properties — in that one block of that one street alone.
3. Historically, VRBO owners have no regard for zoning, city permits, or consideration of neighborhoods. With all of the VRBO owners to date in our city, everyone has been illegal with total disregard for zoning. Houses have been altered without permits, apartments have been built into existing homes which is against zoning and without permits, and houses have been removed from the rental market. The houses which are suitable for first rate families living in our neighborhoods have been taken off the market so they can be turned into VRBO properties, better known as mini-hotels.
4. All the precautions a city may take to prevent noise, disturbances, alarm contacts, on and on cannot overcome the fact that the disturbance happened in the first place. It just does not belong in a residential neighborhood.
5. Neighbors — many VRBO’s across the country have started because one neighbor, most likely a friendly neighbor, didn’t mind. But the great battles have occurred when one of the neighbor houses are sold and the battle royale begins. Ordinances and zoning are long range planning issues, not agreements made between neighbors.

6. Investment — Property owners continually use the argument that VRBO rentals are necessary investments for financial requirements. It is typical across the country that VRBO rentals emerge because residents become aware that their homes can source extra funds which become priority over neighborhood building. One of our VRBO owners told me he had an investment of a big house and he was going to do whatever he wanted with his property and no city is going to stop him. One owner told me that she had to have a retirement and she couldn't just rent her investment house because the revenue would take 30 years to pay for it and that would be too late in her life.

7. The argument is often used that VRBO is a means of encouraging restoration of old houses in historic districts. For Ogden, that is a very out-of-date discussion. Houses in Central Ogden, particularly in the Historic Districts, are rarely on the market, and when they are they sell quickly. Urban Pioneers are moving into the central area and the houses which are being offered as VRBO houses are the targets which new neighbors want to buy. First consideration has to be given to the building of neighborhoods, and Central Ogden is the Happening Place — and the Historic Districts which must remain residential are the catalysts for the entire area.

8. I read a paper which clearly explained that VRBO renting changes the psyche and emotion of a neighborhood: from a family interrelationship to a mobile-commercial—nonresidential personality. That is exactly what we do not want in our central City development. A fellow named Josh came to me and said that he was going to buy the Watts-Kimball house next to the McGregor because he believed his family could join Ogden's great return to the central city. He was bringing his wife and six children to be a part of other young, solid families like the Phipps, Stewarts, Petersons, Van Der Does back to the Trolley District. They have improved the schools, the neighborhoods, and area leadership. VRBO rentals create the exact opposite kinds of attraction to our residential neighborhoods.

9. Until the City creates a strong ordinance, there will be ill will in our neighborhoods and a definite contributory void. One new resident has withheld 2/3 apartments in her home to avoid a transient atmosphere. These are the investors who have decided that Ogden is the place to live.

10. I have been studying poverty and poverty issues in our City during the past months. I have been walking through neighborhoods and talking to residents, mostly Hispanic. I have enjoyed it very much because I like to practice my Spanish. The overwhelming feeling I have gotten is that in spite of the poverty, there is a great deal of bonding and sense of neighborhood. Where there are established families, there is happiness and comradery. I could see poverty in their eyes, but the minute I started to speak their language, something happened. What happened was there was something that held them together and that was their language and culture. VRBO rentals do the exact opposite in our more affluent neighborhoods. Animosity, anger, congestion, and destabilization will be our future.

11. We don't want to become like San Francisco where this problem became so immense that they were forced to allow VRBO rentals to control the enormous number of illegal rentals thinking it would be an issue that would go away or thinking they financially did not have the budget to manage the pariah which was on their doorstep. We are lucky because we have caught our problem early.

12. My great concern is that any ordinance like this requires effective code enforcement. The ordinance that is being considered requires top quality code enforcement, which I do not feel the City has. The Ordinance won't work because the policy of 3-strikes and you are out will occur within the first 3/4 weeks of the policy. You cannot control where a visitor parks and on and on — you may control the parking the first day, but after that, they will park willy nilly. Code enforcement cannot control this ordinance. No vacation rentals in the Trolley District is the only answer.

What works? Check out Scot Nicol's property on 25th Street. That property works for all the right reasons I have forwarded to the council over the past years. I would send in a team and study why that VRBO works well."

Sue Wilkerson, 2563 Jefferson Avenue, stated she and Mr. Moore have very opposing views on this issue; she has assembled statistics regarding vacation rental properties and noted she appreciated those that took the time to visit her vacation rental property. She commented she feels residential communities are a perfectly natural place for vacation rentals. She reviewed her rentals for the past year and provided a handout indicating the reason for each visit and the source from which the visitors were referred to the property or that they used to book the property. She stated that the types of people that use her property are not only vacationers; there are many people that are being relocated to Hill Air Force Base that rent her property for a short time, people working to organize special events in the community, parents of Ogden Raptor baseball players, and wedding invitees. She added that her unit was previously a horrible triplex and the tenants that she had in the property before it was converted to a vacation rental paid the same amount in one month that a VRBO patron will pay for a weekend. She stated that the people that are willing to pay that amount for a weekend rental are the type of people that will take care of the unit as well as spend their money in the City. She commented that the VRBO guests are higher grade than traditional tenants and she indicated she feels qualified to make that statement because she works with both regularly. She has eight rental properties in Ogden City and she wished she could convert all of them to vacation rentals. She indicated the location of a vacation rental is a factor and they are regulated by

the harsh public opinion regarding them. She stated that she has received great positive feedback from the people that have stayed at her vacation rental; they love Ogden and many have chosen to make Ogden their home after having the opportunity to stay in a neighborhood. She added she does not feel the Planning Commission did their due diligence in researching this issue; she was one of the few owners that was contacted and the rest of the owners were only contacted because of an email she sent to them regarding the issue. She stated it is important for the Planning Commission and City Council to get feedback from actual VRBO owners. She noted she has not had one single negative issue with her vacation rental properties and she has welcomed wonderful people to stay at them. She noted that City streets are public streets and there are many different uses that cause on-street parking in residential neighborhoods; for that reason she has no sympathy for the residents that feel they would be impacted by on-street parking associated with a vacation rental. She stated she does think that off-street parking is needed and regulation is necessary, but she would like to see similar inspections and regulations extended to all rental properties and not just vacation rentals. She added she is appalled by some of the conditions of traditional rentals throughout the City; the tenants in such properties cannot provide a meaningful contribution to a neighborhood when they are living in substandard conditions. She concluded that she feels it should be possible to find a middle-ground regarding this issue and she thanked the Council for consideration of her comments.

Sara Toliver, President and CEO of the Ogden Weber Convention and Visitors Bureau (CVB) or Visit Ogden, read the following prepared statement to express the CVBs position on this issue.

“Thank you for inviting me to speak tonight. I was not involved in the drafting of this ordinance, as has been previously suggested, but I do appreciate Planning, Economic Development, Administration and the Council’s time and willingness to hear my feedback.

In respect to these discussions regarding short term rentals, the O/W CVB Board of Directors felt that a statement of support needed to be generated. Our board is comprised of lodging partners, restaurants, attractions, and other community businesses and stakeholders. Due to the lodging partner component and our historical dependence upon room night generation, CVBs traditionally have not been supportive of VRBO/Airbnb.com type of operations, but we see it as an inevitable part of our current and future visitor offering. We see this as an opportune time to work together to establish guidelines that support the development of these properties so we may work together to ensure a premier visitor experience is provided in our community and to really understand the economic impact visitors and events are bringing to our community. I’ve sent this statement to each of you, but for the record:

The Ogden/Weber Convention & Visitors Bureau (or Visit Ogden) recognizes changes and trends in leisure travel and supports the establishment of a properly monitored inventory of independently owned and operated short-term rental properties. As we cultivate our community as a preferred visitor destination, these properties are currently, and will continue to become, a part of our product offering. Therefore, we encourage the development of responsible municipal and county oversight that encourages partnership, relevant reporting, transient room tax payment, safety and security.

My position all along has been that we need to have reasonable oversight in place so that we encourage short term rental properties and owners to comply rather than operate under the radar. They will operate regardless as was mentioned in Mr. Montgomery’s presentation to the Council a couple of weeks ago. I realize that there is a balance between quality neighborhoods and destination development.

I am not the quality neighborhoods expert, but I will say that our neighborhoods are changing. I’ve heard in many arguments by planning that quality neighborhoods are where everyone belongs to the PTA and other similar examples. In my historic, single family neighborhood, with the number of different options now available, we have 8 different elementary schools represented. I don’t know a lot of my neighbors because I am constantly running around keeping up with the requirements of a demanding job and young, busy kids. I tend to spend my Sundays in the mountains and I don’t serve on the PTA with them, but I think you would be hard-pressed to find someone who didn’t feel that it is a quality neighborhood. We embrace this diversity as a culture which is why third spaces are becoming our places we choose to spend our time and are becoming our neighborhoods of choice.

Short term rentals are inevitably becoming part of our lodging mix. We can either embrace it and work with it to our advantage or fight it and lose. Currently if you look at our page on VRBO.com about ½ are rented out for our Masters National Championship event in September and I have no doubt all will be by the time of the event. The industry is working on means to accurately reflect economic impact figures as the traditional ways of measuring become obsolete with these new product offerings. Our trade association, Destination Marketing Association International will release their study in July.

As of their last round of funding, Airbnb.com has a higher valuation than Marriott Corporation. It’s valued at \$10 billion, is in 191 countries and more than 400,000 people stay in Airbnb.com properties each night. Hyatt

Hotels just made an investment in the short term rental business via the London-based onefinestay. The site matches a current portfolio of about 2,500 fine homes in London, New York, LA and Paris. Hyatt issued a statement saying it is "collaborating" with the privately held company, and that it will "continue to test a variety of offerings" that 'innovate the guest experience.'

The Hyatt investment is a very interesting play because it's the first time that one of the big seven parent companies has acknowledged the fact that rentals by owners is a force to be reckoned with in the hotel marketplace, according to Smith Travel Research. As evidenced by this and so much more, it is obvious this mix is part of our future.

We know who the majority of our customers are. If you look at VRBO most rates are in excess of \$150 per night (much higher than our hotels average daily rates) and require at least a 2 night minimum stay, many 3 and some up to 5. Planning presentations seemed to be focused on how this is an outlet for raging, out of control parties. While the rogue guest is inevitable at some point in hotels and STR's, the short term rental customer is not in the market for this purpose. They are like any other visitor, looking to make memories in this amazing destination we get to claim.

In planning-prepared documents it states that "in discussions with neighbors adjacent to some existing vacation rentals here in Ogden, the overall opinion of these uses was favorable. They reported no problems with noise or traffic." Then follows the statement "the impacts which can be perceived or real usually are either traffic related ...or noise, typically from the festive atmosphere that such a gathering can yield. I would think we would encourage festive activities in our neighborhoods.

One key issue seems to be parking...having a really hard time figuring out how this is different from any family gathering. I've come home many times to a wedding at one of my neighbor's or a family gathering at another, I've even hosted my own pool party a time or two...all of these events result in numerous cars parked along the street enjoying our third space or the company of family and friends, no different from a short term rental scenario. These units do not run at 100% occupancy. I wish they did!

Market demand does play a role in the supply and will likely continue to grow over time. However, not every guest gravitates to short-term rentals. Hotels, motels, campgrounds, and RV parks all still play a role in the visitor experience. Having said that, these homes have a higher likelihood of being kept up both externally and internally due to user reviews and the properties reliance on those reviews for future bookings.

I understand and appreciate that we are planning for the future. It is naïve to only consider what we have in front of us now. I would just encourage the Council and Administration to listen to the feedback that is reasonable and rational for quality neighborhood development and growth as well as valuable tourism and economic development in our amazing community."

Robert Fudge, 1550 27th Street, stated that he has had an opportunity to read the proposed ordinance and while he agrees the issue needs to be regulated, he has found several problems with the proposed ordinance; the biggest problem is that the proposed ordinance runs roughshod over the distinction between what he would call a true VRBO and a single room rental. In reviewing the VRBO.com website, one will find that of the 24 rentals in Ogden, the least expensive is \$80 per night, but most are close to \$130. Airbnb.com has single room rentals with an average price of \$60. VRBOs are generally not owner-occupied while single room rentals are typically owner-occupied. VRBOs are typically larger homes geared towards larger groups with the opposite being true for single room rentals. He stated he appreciated the point made by Ms. Wilkerson about the fact that the demographic that uses VRBOs is very diverse and they are not just vacationers; he has had a room for rent for six months and he has rented to people in town for doctor's appointments, people that come to visit Weber State University (WSU), and people visiting Hill Air Force Base; most of them have communicated that they do not like staying in hotels and would prefer to stay at a home. He stated he feels it is important that the ordinance make a distinction between VRBOs and single room rentals. Second, he feels the restriction that would only allow one use per lineal block should only apply to VRBOs and not single room rentals. He added he understands that the character of a neighborhood would be changed if all homes on the block were converted to VRBOs, but that would not be the case if every home on a block had a single room for rent in their home. He added that the proposed ordinance also restricts VRBOs from being a specified distance from residential facilities for elderly or persons with a disability, but that does not make sense to him. He stated there is a facility on his block that houses teenagers with anxiety issues and they are considered disabled; he lives four houses away from the facility, but two houses away there is a traditional rental unit. Two years ago there was a family living in the long term rental and one Sunday afternoon they had a family brawl that spread into the street and police response was required. They were evicted from the property and three WSU students moved in who 'trashed' the house after just three weeks and were also evicted. He indicated that is a more significant issue for the teenagers living in the residential

facility than a person staying at his home for a limited number of nights. He concluded the proposed ordinance also includes a requirement that property owners post on their listing whether the basement ceilings are between six feet eight inches and seven feet tall and that does not make any sense to him. Also, a better way to handle the tax issue would be to work with VRBO and Airbnb.com booking agencies to build taxation into the rent amount to ensure that the units are taxed properly.

Gray Davis, 2508 Jackson Avenue, stated that he wanted to offer a few clarifications of comments that have been made about his property. He noted Mr. Moore has referred to a party held at his property on a particular night and he wanted to clarify that on that night he was holding a personal party and received no compensation as a result of renting the property. He stated that for the past six years, the property in question has been vacant with no activity and for the first time in six years there were children playing on the lawn and adults playing badminton in the back yard and someone called the police to report a disturbance. He wondered if the call to the police yielded the desired results and he also wondered what ordinance he was violating. He stated that he would tend to think that activity like that which was occurring during his personal party is positive activity for a neighborhood. It is frustrating that the police responded immediately to the call about his party, but when his vehicle was broken into it took four hours for them to respond. He noted that everyone interested in this issue has good intentions and the owners of vacation rental properties are very responsible landlords; he owns long term and short term rental properties and he is providing value to the City of Ogden. The house in question, the former Royal Eccles estate, was in significant disrepair and he has done a great amount of work to improve it, all while following the City's permitting requirements; it is now a better home and it is wonderful to share it with people. He stated the majority of his rentals are for family reunions. His closest neighbor is the Eccles mansion, which is used for commercial purposes and his next closest neighbor is located approximately 100 yards to the south. To his knowledge there have been no complaints from his immediate neighbors about any of the activities occurring on his property and the only complaint came from three blocks away; he concluded he does not know how that is a valid complaint. At some point it is necessary to try to weight the validity of the complaints. He thanked the Council for their time and consideration and indicated he hopes they proceed in a positive manner.

Stephanie Moore, 2541 Van Buren Avenue, stated that she loves the historic district and many have fought hard to convert the homes there into single family dwellings. The City has invested a lot of money to convert the large homes from multi-family apartment units to single family dwellings. She is concerned that the City's hotels need help; she would like to know their occupancy rates during special events and if they are below full capacity she sees no reason to provide extra rental properties. She finds it hard to see historical homes be abused on weekends and she cannot see how 25 people in a house is anything but abuse. She stated that right now it is not legal to have vacation rentals in homes and she does not know why the City is considering creating a law for criminals.

Daniel Gladwell, 1330 Boughton Street, discussed fairness related to taxation; taxing a short-term rental in a different manner than a long-term rental is unfair. He added that imposing fees and taxes against the vacation rentals will create an unfair advantage for the hotel industry. He stated that competition is good for customers and it forces both the hotels and vacation rental property owners to provide a quality product.

Tamara Anderson, 2520 Jefferson Avenue, stated she has extended an open invitation for anyone to see the vacation rental she has been operating on Jefferson Avenue since 2010. As soon as she was made aware that she was required to pay State, County, and City taxes she made the appropriate payments. She wants to be as legal as possible and show support for legislation that is reasonable and responsible for the City, homeowners, and neighborhoods. She stated that her home is located in an R-3 residential zone and she lives in the home and rents an apartment space; she believes it is appropriate to consider each home on a case-by-case basis and determine the necessary inspections, what the home offers, and how it could impact its neighborhood. She stated she has never had a single complaint about her vacation rental and she has plenty of parking behind her home. She added her home was built in 1990 and one of the homes would not meet the ingress/egress standard in the proposed ordinance and making it compliant would require modification of a brick structure so she has some concerns about the fact that the ordinance offers no flexibility for her property. She does not wish to reiterate, but agrees with many of Ms. Wilkerson's comments and Ms. Toliver's comments. She stated that the use is already taking place and it is appropriate for the City to address it in a reasonable manner. She indicated that she is a long-term landlord and the clientele that she has worked with on her long-term rentals have been disappointing, resulting in the need to evict tenants and lose thousands of dollars. She stated the people that rent her vacation rental property are of a much higher caliber. She added she feels vacation rentals should be included under the umbrella of the good landlord program and all contact information for owners or managers should be available to Ogden City; she is willing to submit the agreement that she uses and expects guests to comply with. The agreement prohibits noise after 10:00 p.m. inside or outside of the home and users are required to take the trash to the street on Wednesday night and retrieve the can on Thursday. She stated she feels that vacation rental property owners should receive one warning regarding a violation before the threat of revoking the VRBO license.

Nick Morris, 1223 26th Street, stated he wanted to reiterate some of the points Ms. Wilkerson made regarding the Planning Commission's due diligence. He noted that one Commissioner visited Caffé Mercantile and asked him about his vacation rental listing. The Commissioner indicated it was his understanding that it was the only vacation rental listing above Harrison Boulevard. He stated that his partner referred the Commissioner to Airbnb.com where they found several listings. The Planning Commissioner stated he had never heard of websites such as Airbnb.com, which leads him to believe that the Planning Commission did not do their due diligence. He added he recently saw a new commercial produced by Airbnb.com and their new

slogan is “belong anywhere”. He questioned why the City would not want visitors to the area to feel like they belong here. He has had multiple renters stay at his property to immerse themselves in the neighborhoods of Ogden and the City’s culture to determine if it is an area in which they would like to make their home. He recommended that the City Council watch the commercial produced by Airbnb.com and gauge their feelings about the slogan “belong anywhere”.

Thomas Moore re-approached and stated he wished to respond to Gray Davis’ comments regarding the private party he had at his home. Mr. Moore indicated that in his comments he was not referring to just one evening where a party was taking place and, rather, he is referring to a series of occasions on the street. He stated that on the particular evening Mr. Davis referenced he went by the property and spoke to a woman who indicated that she was there for an event and had rented the home. He added he took a photograph and drove home and within five minutes a man approached him with a baseball bat and stated that he would ‘beat his brains in’; that is the reason that he requested police protection on Van Buren Avenue. He stated the area within the Eccles Historic District is three streets. He addressed Ms. Toliver’s comments regarding the people that travel to Ogden and noted that is just one portion of the formula and there is no regard for the neighborhood. He stated there is a remarkable psyche study that has recently been published regarding what happens to neighborhoods that do not have permanent residential use; the minute properties become suitable for vacation renters there is a significant emotional impact on the neighborhood in which they are located. The idea that large homes in Eccles District are in need of vacation renters to restore them is absolutely wrong. He stated there are people that he knows that are trying to buy homes on 25th Street and the surrounding blocks because it is an ideal place to live and vacation rentals are not needed to restore that area or other residential areas. The idea that vacation rentals are perfect for holidays or conventions is just one issue. He stated that a VRBO messenger came to visit him in Ogden and told him that of all property owners that use the VRBO.com website to advertise their property, he has the most longevity; he has been renting vacation rentals for 34 years and has been advertising that entire time. There is a formula that must be met to determine whether a vacation rental will be successful and is appropriate; it is necessary to consider whether a vacation rental will create a different neighborhood. He referenced his comments regarding Scot Nicol’s vacation rental, which he feels is an ideal rental on 25th Street. He asked that the City study that rental to understand why it works and is thriving and why no complaints have been lodged against the use. He also discussed code enforcement and noted that it is essential to make the ordinance successful. He asked the Council to decide whether they are confident that the Code Enforcement Division of the City can handle enforcement of the proposed ordinance.

Jerry Spangler stated that he operates the vacation rental at 2529 Jackson Avenue; someone called him salacious for advertising the property for rent to 24 people, but what that person failed to mention is that the home is just under 6,000 square feet in size. It has seven bedrooms with 12 beds and a half acre of fenced grass. He indicated there has been just one complaint against his property in its five years of operation. He does not know who made the complaint, but he wants to clarify what the complaint was for. At 7:30 p.m. the police responded to classical music being played at a wedding in the backyard of the property; the classical music could be heard from the street so it was technically a violation, but it was 7:30 p.m. and the City’s noise ordinance does not go into effect until 8:00 p.m. Police Officers spoke to him and he asked his renters to tone down the classical music and they all had a good laugh about it. He stated that in any neighborhood, no matter what, there will be people who complain. He does everything he possibly can to ensure that his neighbors are satisfied and that any concerns they have are addressed. He commented his neighbors do not have any concerns because the property is very well maintained and it improves their property values. He stated many of his neighbors are trying to sell to get out of the area as there is not a lot of stability on Jackson Avenue. He used to have another home on the street and he just sold the other recently for a much higher price than he had anticipated - \$90 per square foot. He added that sale price improves the property values for the entire street. He emphasized that as the ordinance is currently written, his vacation rental would be legal. He indicated he does not ‘have a dog in this fight’, but he is concerned about fairness and recognition of the positive things that he and people like Gray Davis have done to improve the neighborhoods in which their properties are located. He stated he would be willing to answer any questions or take anyone on a tour of his property at any time.

Assistant City Attorney Stratford asked Mr. Spangler if he sold his other property to a landlord or to an owner-occupant, to which Mr. Spangler answered the latter; the person that bought his property was recently transferred to Hill Air Force Base.

Connie Cox, 2532 Eccles Avenue, stated she feels vacation rental properties do go against the City’s goals to promote single family owner-occupied homes to stabilize neighborhoods. The City has dedicated a lot of money to improve neighborhoods and reduce the number of apartment units in older homes and she does not think any such money should be given to vacation rental owners. She stated that if people are making money on their vacation rental properties they should certainly pay taxes on that income. She indicated that she is opposed to vacation rentals, but if the City Council chooses to allow the use they should consider the comments of the Planning Commissioner who voted in opposition to the Planning Commission’s recommendation because he felt that the use should be allowed in all single family neighborhoods. She concluded there are certainly larger homes in Shadow Valley or above Harrison Boulevard that could accommodate larger groups.

There were no additional persons appearing to be heard.

Mr. Montgomery responded to some of the questions asked during the public input period. He stated there were many comments and questions about the lack of fairness if hotels are required to pay a transient room tax but vacation rentals are not. He reiterated it is staff’s suggestion that owners of vacation rental properties be required to pay the same tax as a hotel or motel to ensure fairness. Chair Hyer asked if websites like VRBO.com or airbnb.com will collect such taxes for a property owner. Mr.

Montgomery stated he is not sure that service exists. Council member Wicks stated that she has rented vacation properties through both websites and she has paid a tax at booking, meaning it must be possible for the websites to collect the taxes. Mr. Montgomery stated he would be willing to look into the services provided by various vacation rental websites.

Council member Gochnour inquired as to the breakdown of the revenues generated by the tax. Mr. Montgomery responded that Weber County charges a 5.5 percent tax for every room night, with one percent of that tax being forwarded to Ogden City. Council member Wicks added that the tax is based on the rate and not the number of occupants.

Council member Stephens asked Mr. Montgomery to review how other cities handle licensing and registration of vacation rental properties. Mr. Montgomery stated that there is not one universal process used in the different cities that allow vacation rentals; each city has chosen a process that works well for their community and the same would need to be true in Ogden. Council member Stephens asked what type of licensing process the Planning Commission recommended. Mr. Montgomery stated that the Planning Commission wants to use a licensing policy and process that will ensure the property is safe and meets building code regulations. There will be a focus on maximum occupancy allowed and parking regulations to ensure that the property can be marketed as a safe vacation rental. Council member Stephens asked if the licensing process would give the City access to information about vacation rental property owners and whether they are paying their taxes. Mr. Montgomery answered yes. Council member Stephens asked if it is likely that there are vacation rental properties in Ogden that the City is not aware of. Mr. Montgomery answered yes and reiterated the ordinance would allow vacation rental properties in certain residential zones and require that the properties be licensed.

Vice Chair White asked if there are single family homes in the residential zones in which the Planning Commission recommended vacation rentals be permitted. Mr. Montgomery answered yes and noted that the majority of homes in those zones are single family, but apartments and multi-unit buildings are allowed in those zones as well. He stated that in reviewing the makeup of housing in all residential zones of the City, the ratio of single family dwellings to multi-family dwellings is approximately 75 percent to 25 percent. Vice Chair White stated that means that a vacation rental could be located next to a single family home in the residential zones in which the Planning Commission has recommended they be permitted. Mr. Montgomery stated that is correct. Vice Chair White commented she does not understand why the Planning Commission was not comfortable permitting vacation rentals in the R-1 residential zone. Mr. Montgomery stated that the Planning Commission felt that there is some expectation that a variety of housing types will be present in the multi-family residential zones of the City, but that expectation is not present in the single family zone and uses in that zone are more limited. Council member Wicks added that long-term rentals are permitted in the R-1 residential zone, which would be as detrimental, if not more detrimental, to single family neighborhoods. She added there is no limitation on the number of long-term rentals allowed per block and long-term rentals are not required to follow the same inspection process as is being proposed for vacation rentals. Mr. Montgomery indicated he would love to enact an ordinance requiring a similar inspection and licensing process for long-term rentals as he agrees with Ms. Wilkerson's comments that there are some people living in long-term rental properties in the City and they are living in deplorable conditions. He would love to ensure that the quality of housing is improved in Ogden, but the State of Utah has deemed such inspection and licensing process as overreaching. Council member Wicks asked why the same practice would not be considered 'overreaching' when applied to vacation rentals. Mr. Montgomery stated the State of Utah does not limit licensing and inspection of short-term rental properties.

Chair Hyer referenced materials included in the Council packet that provide information about the regulation practices and policies used in other cities. He noted Layton City treats vacation rentals the same as a long-term rental and he wondered if there have been problems with that approach. Mr. Montgomery stated he spoke with staff at Layton City and they indicated they have not experienced problems with the approach they have used and that they only know of two vacation rental properties in Layton. Chair Hyer inquired as to the ramification of Ogden taking a similar approach; he wondered how that would impact the work that has been done to define a family for the purpose of rental properties. Mr. Montgomery indicated there could be some problems. In years past the definition of hotel/motel was changed to clarify that it is a transient location and not a place of residence. He added that combined with the City's definition of family for the purpose of rental properties and the State of Utah's law change to classify the term of a short-term rental as no longer than 30 days, could create problems. He stated there has been much effort to improve neighborhoods in the City and it would be necessary to consider whether allowing vacation rentals to be treated the same as long-term rentals would unravel those efforts.

Chair Hyer noted that the ordinance calls for parking stalls at a vacation rental property to be verified and he asked how that would be done. Mr. Montgomery responded an owner would be required to identify their parking stalls on their site plan; they would be required to provide parking based upon the number of bedrooms in the home and the maximum occupancy. He added that the ordinance allows tandem parking be included in the parking calculation. Mr. Stratford clarified that the owner of the vacation rental property would not be allowed to advertise on-street parking to meet the parking requirements, though the owner would not be ticketed in the event that on-street parking were occurring.

Council member Garner asked if it is true that overnight parking will be regulated, but during the day any number of people could park on the street to attend an event at a vacation rental and that would not be a violation of the ordinance. Mr. Stratford stated that the parking requirements are based upon the number of rooms and the maximum occupancy of a home and all parking spaces used in the calculation must be off-street. He added that the City does not differentiate between overnight and daytime parking on public streets.

Council member Garner stated there has been some confusion about the definition of lineal block; there are some streets that have half-streets at the mid-block. Mr. Montgomery indicated that according to present ordinance blocks are measured by street numbers. He used the example of the block between 22nd and 23rd Streets and noted that would be considered a lineal block regardless of whether there is a street at the mid-block point. He stated the same measurement is used for bar and taverns in the City. Council member Garner asked if there is a fair way to determine which vacation rental should be permitted in the event that there are two existing vacation rental properties on the same block that will be considered a legal use if the Council chooses to adopt the proposed ordinance. Mr. Montgomery answered that in other similar situations in the past where formerly illegal uses are made legal upon adoption of the ordinance, the City has used a lottery system to determine which applicant is the successful applicant. A lottery system could be used to determine which of two or more vacation rentals on the same lineal block should be permitted. Council member Wicks stated she is concerned the property owner that may be the successful permittee in a lottery system could have low rating; this would reduce the quality of inventory of vacation rentals in the City. Chair Hyer noted that if a vacation rental permit is revoked for violations of the ordinance, another owner would have the opportunity to apply to take the spot on the same lineal block. Council member Wicks stated that having low ratings by users does not constitute a violation of the ordinance and would not result in the permit being revoked. She added that it would also be unfortunate if the successful permittee on a lineal block is an owner that only rents their property for a couple of weeks per year. Mr. Montgomery stated these are the types of issues that need to be discussed throughout the Council's continued review and consideration of the proposed ordinance.

Council member Garner asked if staff has reached out to VRBO.com or airbnb.com to seek answers to some of the questions that have repeatedly been asked by members of the City Council or other stakeholders. Mr. Montgomery responded that City staff reviewed best practices and standards used in other cities or by vacation rental management companies, but staff did not approach each website to gather information about regulations they are familiar with. Council member Stephens asked if such research is feasible. Mr. Montgomery stated it would be difficult to verify the validity of information provided by spokespersons of the websites. Council member Garner noted he is simply interested in understanding the best practices that have been used in other communities where vacation rentals have been successful. Mr. Montgomery stated that it is also important to have representation from both sides of the issue relative to best practices and appropriate standards.

Council member Wicks stated that she feels vacation rentals in Ogden are somewhat unique and different than in other cities along the Wasatch Front due to the location of WSU and the many special events throughout the year. She wondered if it would be more appropriate to conduct research regarding vacation rentals in cities that are similar to Ogden. She added she does not feel the inventory of hotel rooms in Ogden will always meet the needs of people wanting to visit the community and many travelers want something different than a hotel room. Mr. Montgomery agreed. General discussion then ensued regarding characteristics of other cities or communities in comparison to Ogden.

Council member Gochnour stated there are two items she would like staff to research further to aid in continued discussion of this issue: first is the difference between single-room rentals and actual vacation rentals and whether there should be different regulations for single-room rentals; second is the reasoning behind requiring two garbage cans for vacation rentals. Mr. Montgomery clarified that the ordinance does not require two garbage cans for vacation rentals.

Council member Stephens asked if the Planning Commission had a focused discussion regarding allowing vacation rentals in the historic district of the City. Mr. Montgomery stated there was not a specific focus on that issue. He noted there are two historic districts: Jefferson District and Eccles District and the Planning Commission did not differentiate between allowing vacation rentals in the historic districts as compared to the rest of the multi-family neighborhoods in the City. Council member Stephens wondered if they would have felt differently if they would have understood that there is more than one vacation rental per lineal block on streets throughout the historic districts. Mr. Montgomery stated he cannot speculate about how the Planning Commission would have felt if they had that information.

Vice Chair White asked Mr. Montgomery to expand on his comment about unit reduction in the R-1 zone. Mr. Montgomery stated that in 2001 the City went through a major downzoning process by changing several areas from R-2 to R-1 zoning; this created several nonconforming uses, such as duplexes that were zoned for single family use. The idea was to provide an incentive to convert the multi-family units to single family units. He stated that the option to use a home as a vacation rental could be used as an additional incentive to convert remaining nonconforming duplexes to single family homes. Council member Gochnour inquired as to what the City's policy would be relative to providing money for the conversion of a duplex to a single-family home that could be used as a vacation rental. Mr. Montgomery responded that the City would not offer unit reduction funding for conversion of a duplex to a vacation rental.

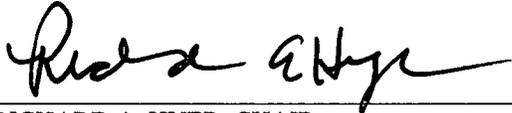
Chair Hyer noted this issue was discussed at the most recent CVB meeting and representatives of Weber County shared their concerns about problems related to short-term rentals in the County. There was a discussion regarding the potential of creating a program similar to the Good Landlord Program that would be geared towards regulating short-term rental properties in the community. He inquired as to Mr. Montgomery's feelings about such a program. Mr. Montgomery stated that it is difficult for him to answer that question without sufficient time to contemplate the implications of such a program. He noted his greatest concern is creating quality units that are safe and secure for visitors. Chair Hyer stated that he has spoken with several vacation rental owners and they take very good care of their properties and manage them well; he feels they would be eager to associate themselves with a higher standard of vacation rental. Council member Wicks noted people that visit vacation rentals have an opportunity to rate the property after their stay and many people do not stay at properties if they have bad reviews.

Community and Economic Development Director Christopulos noted that staff will be considering proposing an amendment to the Good Landlord Program in the next couple of months and they would be willing to have discussions about including vacation rentals under the umbrella of that program at that time. He added that an executive in the vacation rental industry participated in discussions regarding this issue and he added valuable input. Council member Wicks stated she believes the industry is self-regulating in that popularity of a unit is based upon other customers' reviews.

Council member Blair stated that he does not understand why vacation rentals would not be located within a certain distance of an assisted living facility or a center for people with disabilities. Mr. Montgomery indicated the City cannot regulate assisted living facilities or centers for people with disabilities. Council member Gochnour clarified the use that is being regulated is the vacation rental in that it cannot be located within a certain distance of the assisted living facilities. She added she would like to have additional discussion regarding the recommendation to prohibit vacation rentals in R-1 zones. She stated she would also like to further discuss the regulation regarding ceiling heights in basements because many older homes have a lower ceiling in the basement. Mr. Montgomery stated he would be willing to discuss that issue further. Assistant City Attorney Stratford clarified that the ordinance does not state that basements with lower ceilings cannot be used as part of the vacation rental; rather it indicates that the owner of the property must notify visitors of the low basement ceilings. Council member Wicks again reiterated that would be an issue that may be reviewed by other visitors and the use is self-regulating. Mr. Stratford agreed that people may mention low ceilings in a review, but it was a significant enough issue that staff and the Planning Commission felt it important to require an owner to disclose it.

The Council briefly discussed the best way to proceed, with Mr. Symes noting that Council staff has scheduled another work session for July 7, 2015 for continued discussion of the issue. He noted Council staff will work to address the questions that have been raised during tonight's meeting. Chair Hyer thanked those in attendance for being involved and for their valuable input.

The meeting adjourned at 8:47 p.m.



RICHARD A. HYER, CHAIR


ABBIE ZAMPEDRI
DEPUTY CITY RECORDER

APPROVED: September 15, 2015



OGDEN CITY PLANNING
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MEMO

To: Ogden City Council
From: Greg Montgomery, Planning Division Manager
Subject: Response to Public Input meeting on Vacation Rentals of June 23, 2015
Date: August 10, 2015

The City Council held a public input meeting on July 23, 2015 regarding the proposed Residential Vacation Ordinance that the Planning Commission has recommended be considered for approval. The proposed ordinance would allow vacation rentals in certain residential zones in the city where they are presently not permitted. Since that meeting the planning staff has been doing additional research to address questions that had been raised, explain certain provisions of the ordinance and also gather additional information for Council consideration based on statements brought up at the meeting.

Question 1.- What were some common elements found in other city ordinances?

The question was asked during the public input meeting about common factors. At the time staff explained that each community approached vacation rentals differently but on further retrospect there are some common elements.

Below are several reoccurring themes found in the zoning and business license ordinances of communities that staff reviewed that allow vacation rentals.

A. Each community realizes there are potential impacts to residential neighborhoods and do not allow blanket unrestricted use in all zones.

They understand there is a fine balance between the stability of a single family neighborhood and its benefits to a community and also the benefits of a vacation rental component.

Purpose. The provisions of this subsection are necessary to prevent unreasonable burdens on services and impacts on residential neighborhoods posed by vacation rental homes. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods in which they are located. Maintenance of Durango's existing residential neighborhoods is essential to its continued economic strength. It is the intent of this subsection to minimize the impact of vacation rentals on adjacent residences, and to minimize the impact of the commercial character of vacation rentals. (Durango, Colorado 2-2-3-4-g.1)

The purpose of this section is to protect the character of the City's residential neighborhoods by limiting and regulating short-term rental of dwelling units. (Bend, Oregon 3-6-500)

The use of vacation rental dwellings can have a perceived negative cumulative effect on Lincoln City neighborhoods by creating nuisances including but not limited to excessive loud noise, excessive numbers of parked vehicles interfering with vehicle access along public roadways and blocking private drives, and litter migrating onto adjacent properties from untended solid waste receptacles. An absentee owner may not be aware of the extent to which use of a vacation rental dwelling potentially causes negative effects on neighboring properties and the livability of a neighborhood. All owners of property in the city have a common interest in maintaining and promoting livable and viable neighborhoods for residents and visitors alike. (Lincoln City, Oregon)

The city council finds that while short-term rental properties may provide additional lodging opportunities for visitors to the city, such use is, essentially, a commercial use that can have a significant adverse impact on the appearance, tranquility and standard of living in the surrounding neighborhoods and, therefore, merits careful regulation and enforcement" (Cottonwood Heights 17.80.050.A.2.)

B. Each community makes the distinction that vacation rentals are not housing choices but a lodging commercial use in a residential zone and make a distinction between vacation rentals and Accessory Dwelling Units.

There is a clear distinction between providing housing for people to reside in and offering a variety of housing choices and vacation rentals being a commercial activity in a residential zone. Such tools as Accessory Dwelling Units are not blended into Vacation Rentals in terms of standards and conditions of approval. Each use is clear and distinct; accessory dwelling units are used to provide various income levels housing choices while vacation rentals are strictly a retail activity that takes place in residential zones. In fact many of the land use tables of communities that allow vacation rentals outside of the state of Utah have the vacation rental uses listed in the commercial land use categories

but became a permitted or conditional use in residential zones where other commercial activities were not allowed.

C. Each community defines a vacation rental (short term rental, traveler's accommodation) as a stay of less than 30 days.

In Utah we talk about the state law making the distinction between a residential rentals being more than 30 days. That time frame becomes one of the distinctions between a vacation rental and a residential rental. Other cities in other states which staff looked at simply make the distinction that if the stay is less than 30 days it is lodging and falls within the realm of hotels and motels. It is a transient stay whether the location of the stay is in a commercial zone or a residential zone such as a vacation rental. It is important to understand this distinction because many of the comments at the input session get drawn into residential housing and how this is or is not similar to residential rental housing.

D. Each community has parking requirements that needs to be met on site to be permitted.

The Utah standard seems to be 2 plus ½ per bedroom. Outside of Utah the consistent theme was one per bedroom and the parking needed to be contained on site. Generally this does not make much of a difference in required parking. A five bedroom home under either standard is still five parking stalls required off site. Only one location allowed half of the parking requirement to be met with curb side parking. All others even though the public street is available do not allow it to be counted as meeting the parking need of the use.

E. The maximum occupancy allowed also is tied to bedrooms.

Each ordinance begins with the premise of allowing 2 people per bedroom as a maximum occupancy. From there each community has differing standards. Some limit the total number of bedrooms, some limit it to parking or two per room whichever is less. Some have 2 per bedroom plus 2 as an occupancy standard.

F. The payment of transient room tax and business licenses being renewed each year and nontransferable are uniform in each ordinance.

The payment of at least a yearly local business license and transient room tax is a consistent between all ordinances. Some cities have additional fees beyond those two but they are consistent in requiring the two. As the Airbnb web site notes, "Occupancy tax is generally paid by the guest, but the obligation to remit the taxes to the government

usually falls on the host. We expect all hosts to familiarize themselves with and follow their local laws and regulations.”

G. The requirement of building code compliance for bedroom window size and height meeting code and smoke alarms being provided.

This requirement was a constant in all regulations staff reviewed of meeting life and safety codes for a vacation rental. Some cities had a sliding scale on the window opening based on age while others required bedroom windows meeting present code. Some cities had additional requirements such as stair minimum width and heights and handrails but all required meeting the bedroom window standards if the use was going to be a vacation rental and have smoke detectors.

H. Required contact person in close proximity to respond to complaints 24 hours a day.

Again with the ordinances reviewed each regulation required that there be a responsible party that could be contacted 24 hours a day to resolve problems that may arise on the property or address neighborhood concerns with the rental within an hour or less of the complaint. Another common element was that the contact name and number was given to the police department for reference. After that point additional contact information had many different approaches. Some required the contact information be mailed to neighbors within 250 feet of the use, others that the contact information was posted on the city website that identified vacation rentals in the community. Others required a posting on the inside door and some on the outside of the building.

Question 2 - Why the provision of allowing a vacation rental in a single family zone as a unit reduction option?

The R-1 zones are the least intense in the variety of uses allowed (single family home, school, church, residential facility for disabled) while the R-5 is the most intense in the variety of residential type uses allowed (day care, bed and breakfast, boarding house, church, school, multiple unit dwellings, single family dwellings, protective housing, rehab treatment centers, residential facilities for disabled, transitional housing, two family dwellings). The concept of the planning commission’s recommendation of residential vacation rentals being in the R-2 to R-5 zones is based on the idea that as more of a variety of uses take place in the higher density residential zones the vacation rentals properly spaced have less of an impact because of the variety of housing options and activities taking place in the neighborhood. Many of the present R-1 areas were rezoned from R-2 in 2001 thus leaving duplex units in areas that now have R-1 zoning

and are mainly single family neighborhoods. Those duplexes affected in the downzoning were given a legal conforming certificate status that does not expire even if the units are vacant for a year. Allowing a vacation rental to be located in a building that has a duplex was considered as a way to eliminate the duplex option for buildings in a single family zone. If the owner wanted to be a vacation rental and was willing to give up the legal right to always be a duplex that could be an overall benefit. Once converted, the vacation rental may not always be there and then would revert to a single family home. The option for the duplex would be eliminated by this choice made by the owner. This was felt to be a reasonable alternative to eliminate duplexes from single family zones.

Question 3 -Why require transient room taxes? It is not fair and gives an advantage to a hotel. Taxes can be collected by the website.

Counties or municipalities may adopt this tax to support tourism, recreation, cultural, convention or airport facilities within their jurisdiction. It is assessed in addition to sales and use taxes on rentals of 30 consecutive days or less of lodging accommodations. Weber County has a 4.25% county wide transient room tax and Ogden as well as five other communities have the local option of 1% in addition to the counties 4.25%. Since 2011 the State collects transient room tax rather than the county.

Since all facilities which offer lodging for less than 30 days to a party are required to pay the transient room tax it would not be equal treatment to exempt vacation rentals from this tax. There is no advantage to a hotel because all are required by law to collect and pay this tax. It is applied to all who choose to operate a lodging facility no matter how small if the lodging is less than 30 nights per transaction. It is the user that ends up paying the tax and the owner is collecting it for the state.

In speaking with the State Tax Commission they were sending out over 1700 notices last week to people who they have tracked on the internet that are not paying transient room tax in the state of Utah. The State has a concern about those who are avoiding this tax.

The operator of a vacation rental needs to apply for a sales tax license and a transient room tax account. There was discussion that the vacation rentals sites can collect the taxes but in the state of Utah no such account has been worked out yet with any of companies such as AIRbnb or VRBO and the State. (See their websites as to cities in the nation where agreements have been worked out.) The only agreement for others than individuals applying for transient room tax accounts are when a management company is managing several sites and has developed an agreement with the state to be the collecting body for the several vacation rentals under their management.

Question 4 –Why didn't the Planning Commission do their due diligence in recommending such an ordinance?

The development of this ordinance was not through a typical petition process. Normally if someone wants to do something not presently allowed by ordinance a petition is filed to make a change to the ordinance. Petitions normally come one of two ways, someone has received a citation and now wants to change the regulation or the inquiry has lead the person to act to try to make a change in order to do what they want to do. The administration requested Planning be proactive at look at a possible ordinance development and parameters rather than do code enforcement on the violations to begin with. That would involve doing research and going through a public process to consider if an ordinance should be considered to allow vacation rentals in residential zones and balance all the issues of residential uses in looking at appropriate regulations. The process involved:

1. Looking at some communities in depth to how they deal with vacation rentals. the communities reviewed were Boulder, CO. Ft. Collins CO., Durango, CO., Salt Lake City, UT., Park City, UT., Provo, UT., St. George, UT. Layton, UT., Cottonwood Heights, UT., Sandy, UT., Logan, UT., Bend, OR., Ashland, OR. and Lincoln City, OR.
2. Speaking individually with several individuals about their concerns and thoughts which included Jerry Spangler, Sue Wilkerson, Joshua Priest, Tamara Anderson, Connie Cox, Bob McConaughy, David Phipps, Shalae Larsen, Lauri Rasmussen, Tom Moore, and Grey Davis.
3. Visiting with a vacation rental manager to understand the best practices that their organization promotes.
4. Staff going door to door visiting 30 neighbors of known vacation rentals to see their concerns.
5. Providing a draft of the original ordinance and asked for comments from one owner on what they would have changed. Though the final ordinance was not the ordinance that they had suggested it did have some changes in it that the Commission discussed.
6. Holding the following open public meetings for discovery and input:
July 16, 2014- Planning Commission work session 7 individuals spoke at meeting.
December 17, 2014 Planning Commission work session- 1 citizen attended.

January 7, 2015 Planning Commission public hearing- 13 people spoke at meeting. Notices were sent to everyone within 300 feet of the vacation rentals we knew about at the time.

February 18, 2015 Planning Commission work session- no public attended.

March 4, 2015- Planning Commission public hearing- no public attended.

One complaint is the Commission never came and personally visited individual sites and talked with the owners. The Planning Commission rules of procedure prohibit discussion of items outside of the public meetings. If a Commissioner talks to people outside the meeting they are to recuse themselves from voting on the item so they try to do any discussion in only public meetings.

Due diligence applies both ways however. Staff is aware of only one person who asked if they could operate a vacation rental in a residential zone and when told no they operated anyway.

From the AIRbnb site it reads:

“What legal and regulatory issues should I consider before hosting on Airbnb?”

When deciding whether to become an Airbnb host, it's important for you to understand how the laws work in your city. Some cities have laws that restrict your ability to host paying guests for short periods. These laws are often part of a city's zoning or administrative codes. In many cities, you must register, get a permit, or obtain a license before you list your property or accept guests. Certain types of short-term bookings may be prohibited altogether. Local governments vary greatly in how they enforce these laws. Penalties may include fines or other enforcement. “

From the VRBO site it reads:

“Responsibility for applicable laws, rules and regulations: Users agree that they are responsible for, and agree to abide by, all laws, rules and regulations applicable to their use of the Site, their use of any tool, service or product offered on the Site and any transaction they enter into on the Site or in connection with their use of the Site.

Members further agree that they are responsible for and agree to abide by all laws, rules and regulations applicable to the listing of their rental property and the conduct of their rental business, including but not limited to any and all laws, rules, regulations or other requirements relating to taxes, credit cards, data and

privacy, taxes, permits or license requirements, zoning ordinances, safety compliance and compliance with all anti-discrimination and fair housing laws, as applicable. “

Question 5- What does the ceiling height have to do with a vacation rental?

The proposed requirement found in 15-13-38 H. 3 states that it is required to notify future occupants that a sleeping room is between 6’ 8’ and 7 foot. This does not prohibit the bedroom from being this height but simply is helping people know that if they are considering renting the dwelling that there may be limitations to the building that they should be aware of. Most people expect 8 foot ceilings and to some individuals the shorter ceiling may create a problem that they should know about. Some of the older buildings may have these conditions and the intent is to help the customer know what exists. There are other reasons to notify people about the ceiling height if they are concerned about life safety issues in case of emergencies.

Other questions that have come up since the meeting

Question 6- Do Vacation Rentals need to meet ADA requirements?

The International Residential Code is the state adopted code for one and two family dwellings. The code does not get into local zoning issues but simply states a single family or two family dwelling is exempt from ADA compliance. A single family dwelling is where all aspects of living (eating, sleeping, sanitation, and living areas) are contained in one unit. It does not make a distinction or short or long term stay. In a way this is a benefit that vacation rentals have over hotels in not needing to comply with ADA requirements if the use is in a single family or two family dwelling.

Question 7- What portions of the Ogden’s proposed ordinance are unique from other ordinances?

There are four items that did not appear in any of the ordinances of the various cities that staff reviewed but are included in the proposed Ogden ordinance. The first is the provision of looking at spacing of a residential vacation rental from a residential facility for the disabled. (Proposed 15-13-38 F.)

The second is to allow the number of occupants to increase above two per bedroom plus two if certain conditions are met. (Proposed 15-13-38-G. a-c.)

The third is the provision of pets being boarded inside and not allowed outside except with a person to watch the animal. (Proposed 15-13-38.G.)

The fourth provision is the notice of the ceiling height is less than seven feet in height in sleeping areas. (Proposed 15-13-38 H.3.)

Question 8- What is the difference between a Bed and Breakfast and a residential vacation rental?

Bed and Breakfast establishments were the first type of residential lodging use. They became a trend as a way to have a unique residential vacation stay outside of a hotel; generally in a large historic home. The typical premise of a Bed and Breakfast is the home was owner occupied and the owner provided meals in addition to a room to sleep in for the traveling public. This interaction with the owner was part of the charm of the stay. In Ogden the regulations for Bed and Breakfast are the owner occupancy, no more than 8 guest rooms, the home being on the local historic register and having the required parking for the owner and guests. The use is a conditional use in the R-3 zone and permitted in the R-4 and R-5 zones.

The residential vacation rental is the evolution of the B&B. It basically has no limits and can become what ever you want it to be. It can be renting a couch, room or a house. It can be owner occupied or occupied only by the vacationer. The unit can be managed by a company or owner managed. Getting the building owner and the desired occupant together is handled by a third party company such as AIRbnb, VRBO or several other internet companies. Even though there is now a third party involved with vacation rental operation it is still up to the owner of the unit to make sure that all necessary local ordinance and regulations are followed. The third party group takes no responsibility in determining compliance with local regulations nor should there be an assumption that if it is listed on the internet it is permitted by the local community.

Question 9- Do different types of vacation rentals use different sites for their listings and where are they located?

Staff’s research of the existing facilities in the community looked at four sites; Homeaway, VRBO, Flipkey , and AIRbnb. We identified 33 sites during our review being offered for lease on those four internet sites. The following is a breakdown of how they use the four sites:

Advertised on all four sites	2
Advertised on three sites	4
Advertised on two sites	14
Advertised only on AIRbnb	12

Advertised only on Homeaway 1

The thirty-three locations that were advertised during the research period were located in the follow zones and types of units:

Commercial zones	5
Townhome development	8
Homes in R-2 to R-5 zones	3
Homes in R-1 zones	17

Planning Commission consideration

The Planning Commission’s recommendation of the proposed residential vacation rental ordinance is taking the best practices of various communities that permit vacation rentals in residential zones and providing standards that create an opportunity for this type of commercial activity in residential zones in a manner that it will not impact the ability to retain and encourage owner occupancy of homes. It is specific to the unique nature of Ogden and supports the development of Quality Neighborhoods. It recognizes that a balance in residential vacation rentals can be an integral part of neighborhoods if they are not concentrated.

Balance

The ordinance seeks to create a balance between an emerging vacation practice and maintaining a peaceful enjoyment in residential areas by:

- Limiting the number of units on any given street and overall within an area.
- Establishing management practices to mitigate and protect from nuisances.
- Establishing limited methods of helping redevelopment by converting selected multifamily back to single family.
- Not unnecessarily restricting opportunities to the private sector.
- Supporting tourism by creating additional rooms
- Not proliferating options to discourage future hotel development.

Council Consideration

Any proposed ordinance amendment should take into consideration how it achieves the objectives and strategies of the general plan.

There are balancing interests as with every proposal of what is good for the community and can move Ogden forward in reaching its objectives as a vibrant, quality community. Creating an ordinance that only tries to make things legal is short sighted and often leads to revisions and



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elimination at a future time. The provided answers and information hopefully will help the Council in determining what to do with the Planning Commission's recommendation of an ordinance for residential vacation rentals. The Planning staff will be happy to answer other questions as they come up that you may have regarding this issue.

Residential Vacation Rental Ordinance Comparison

City	Allowed in multi family	Allowed in single family	Parking requirement	Occupancy limit	Per block limit	Approval process	notification
Ogden	yes	no unless unit reduction	2 plus 1/2 per bedroom	2 people per bedroom +2	1 per block	yearly license, lodging tax	post on exterior of building contact person
Salt Lake City	no	no					
Cottonwood Heights	yes	No	limited to what can be parked in garage and driveway	2 plus 2 per bedroom with a maximum of 12 people	needs to be a pud of at least 8 units and on a private street.	Conditional use permit yearly license renewal	post on exterior of building contact person and have on file with city
Sandy	no	no					
St. George	yes if in PD zone	no unless on two acres of land and 100% approval from neighbors within 300 feet	2 stalls plus 1 per 2 bedrooms		1 per 500' min	business license, subdivision plat amendment, 100% owner approval in subdivision.	
Layton	yes	yes	2 stalls	5 unrelated people	no	rental license	
Logan	no	no					
Provo	no	no					

Residential Vacation Rental Ordinance Comparison

City	Allowed in multi family	Allowed in single family	Parking requirement	Occupancy limit	Per block limit	Approval process	notification
Durango, CO.	yes	limited area of single family with a cap of number allowed	1 stall per bedroom	3 people per parking stall or 2 plus 2 per bedroom. Max 5 rooms	1 per street segment 2nd as CUP provided owner occupied	rental license, lodging tax	posted in interior and provide to police and fire departments
Bend OR.	yes	Bend does not have a single family zone. It uses density for zoning designations	1 per bedroom 50% of requirement can be on street.	2 per bedroom +2	250' radial separation minimum	land use permit, operating license, transit tax	24 hour contact information on city website to call each owner
Ashland, OR	yes	no	2 for owner 1 per unit	2 per bedroom. maximum 2 bedroom or based on 1 unit per 1800 sq feet.	no further than 200 feet from Boulevard or arterial street	Conditioninal Use Permit, business license, transit room tax	
Lincoln City, OR	only in Vacation rental zone	accessory use	1 per bedroom no triple stack	based on parking		Provide window access in bedrooms, stair requirements, smoke and CO2 alarms, cannot own another vaction rental in city	contacts to all within 250 feet and city, maximum occupancy posted inside.



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MEMO

From: Greg Montgomery- Planning Manager
Subject: Vacation Rental Updates
Date: May 27, 2015

The Council asked that several items be researched in preparation for additional discussions on vacation rentals. This memo is to provide information regarding the items requested be considered.

1 How do other cities similar to Ogden's size treat vacation rentals?

Boulder, Colorado (97,385 pop) Presently not permitted in residential zones as the use is considered a hotel or motel use. Boulder is beginning to address the issue as notices of violation were sent in January to operators of vacation rentals to cease and desist. Boulder later retracted the letters saying the letters were premature and the City is studying the issue. Possible things being looked at is placing the issue of taxing them separately on the ballot in November of this year. A newspaper article in February had the following quote, "Boulder Mayor Matt Appelbaum said, 'it's a difficult question, but the city can't keep ignoring widespread violations of its rules. A pretty significant amount of this is going on already, legal or not,' he said. 'At a certain point, you either have to accept that something is going on and crack down on it, or you manage it the best you can and make sure it's licensed and deal with nuisance factors.' City Councilman Macon Cowles, who has frequently raised the matter of unlicensed vacation rentals, said there are numerous issues, starting with the safety of guests staying in homes that have never been inspected the way that hotels and motels are inspected. There's also an equity issue with Boulder's hotels, which have to pay the lodging tax, and a question of neighborhood impact, whether from parking, noise or a constant influx of strangers."

Cottonwood Heights, Utah (34,328 pop)- The city defines short term rentals as any agreement for occupancy of a dwelling from 3 to less than 30 days. Occupancy of less than three days is allowed only in hotels or motels. Short term rentals are allowed in multifamily residential zones, mixed use zones and commercial but need to be in a PRUD or condominium

development of at least 8 units and on a private street system. If the short term rental is in a PUD of the same standards for multiple family location but zoned for single family use they can also be there. Presently Cottonwood Heights as roughly 110 short term rentals licensed.

Durango, Colorado (17,557 pop)- Vacation rentals are allowed in the urban residential neighborhoods and mixed use neighborhoods but not in the low density residential neighborhood. Only one vacation rental per block is allowed but a second one may be permitted if it is owner occupied, only used as a rental part time and there are at least 5 lots on the block. In the older neighborhood area they also a maximum of 22 in one zone and 17 in another. Occupancy is based on the lesser of 3 people per parking stall or 2 plus 2 per bedroom.

Ft Collins, Colorado (155,400 pop)-Ft Collins does not make a distinction on the time frame of a rental. They however have a variety of approaches to look at housing based on any rental home or apartment having an occupancy permit. The occupancy permit is limited by the family definition. The definition of family is either individuals related by blood or marriage, plus one or two unrelated plus their dependents, plus one. In certain mixed use zones or buffer medium to high density zones an increase occupancy permit may be issued upon a hearing which demonstrates certain factors being met. Also certain zones can have the equivalent of an ADU. Even if there are guests in your home for more than 30 days in a calendar year that can affect the occupancy of the dwelling. Fines for occupancy violation can be up to \$1,000 and the city outlines a process for those who complain about a possible violation to get documentation in order to help prove the case of violation.

Layton, Utah (72,500 pop) - Layton City has not really had a problem with vacation rentals and has not addressed them specifically. It has come up a time or two in townhome proposals. They have a different definition of dwelling and hotel and motel so there is not a connection to permanent residence. The use needs to meet the definition of family which is up to 5 unrelated so vacation rental presently could occur as any other rental property if licensed as rental and provided that no more than 5 unrelated people are in the dwelling or one family related by blood or marriage occupies the home. (Sidebar- two sites were listed on VRBO in Layton and neither would meet the family definition if rented to unrelated people as they advertise 8 and 20 people capacity.)

Sandy, Utah (90,231 pop)- Sandy has a definition of residential short term lease which is similar to our proposed definition for short term rentals but they prohibit the use in all of their residential zones.

Salt Lake City, Utah (186,440 pop)- They define dwelling and even boarding as needing to be on a monthly basis or longer. They also define that a multiple family dwelling if it rents out rooms for less than 30 days is defined as a motel or hotel. They make it clear that the vacation rental is only allowed in commercial zones by the way all residential definitions do not include stays of less than 30 days.

St George, Utah (76, 817 pop)- St George has two different standards. They are allowed in The Planned Development zone and the project must have a minimum of 100 units, connection to golf course plus either a pool or sports court and 100% consent of all owners in the development. In a residential zone the property must be on a two acre lot or larger and property fronts a major collector road or a property on the local register and then it is a conditional use. Parking is 1 stall per 2 bedrooms and must not be within 500 feet of another short term rental and have 100% consent from owners within 300 feet of the vacation rental. They have constant problems with illegal vacation rentals in single family neighborhoods with loud noise, over flowing garbage and parking issues.

2. What does “repeated” violations mean?

After further review this was probably the wrong language to use. Just like any other regulation you expect people to comply with the requirement to begin with. Staff would suggest revising the language in section J to read:

J. Noncompliance with the standards of this section; allowing the property associated with the residential vacation rental permit to become a nuisance, such as through violations of the city noise ordinance or property maintenance standards; ~~or repeated instances of the property being used in a way that is not in compliance with this section~~ failure to maintain the original conditions that allowed the residential vacation rental permit to be issued; and entering into sham transactions shall each constitute just cause for the denial of an application or renewal, or revocation of a residential vacation rental permit.

3. Are there options to allowing vacation rentals in R-1 zones?

In the cities that permit vacation rentals as an identified use they are clear in their purpose statements that care is needed not to damage the traditional residential neighborhoods because vacation rentals are introducing a commercial activity into a neighborhood. *“The city council finds that while short-term rental properties may provide additional lodging opportunities for visitors to the city, such use is, essentially, a commercial use that can have a significant adverse impact on the appearance, tranquility and standard of living in the surrounding neighborhoods and, therefore, merits careful regulation and enforcement”* (Cottonwood Heights). *“The purpose of this section is to promote the health, safety and general welfare of the residents of the city by establishing zoning regulations and zoning standards for short term leases of residential properties in the city so as to ensure:*

- 1. Protection of the environment of the city, including use compatibility with existing residences;*
- 2. Preserving the existing character and property values of the community by assuring appropriate uses;*
- 3. Establishment of appropriate governance procedures to plan and oversee short term leases of residential properties to promote the interests and welfare of the community; and*
- 4. Promote peace and safety within neighborhoods of the city.”* (St. George)

Other revisions that could be applied to single family neighborhoods have been approached with caution such as ADU's where a plan amendment, then rezoning with an overlay are required for the use to even be considered in a residential area in the city and this required one unit to be owner occupied. In looking at options for single family zones I would suggest the same type of caution even though there are some presently operating illegally in the neighborhoods. Approaching the idea of possible options given the above expressed concern may be:

A. Limit the ability to only an owner occupied dwelling

The same regulations of vacation rental such as occupants per bedroom, spacing per block and other standards are required but since there is an owner occupant there is good control on site, stability to the neighborhood and avoids speculation on properties of the use without the neighborhood commitment.

B. Set a cap of number allowed in the R-1 zone

Have all the same regulations as in the multifamily zone but set a limit on the number of permits that would be issued in the R-1 and 2 zones. The single family home areas still have a certain aspect of what a neighborhood is and the limit would keep from over speculation of what could happen to the dwellings in the neighborhoods.

C. Create a vacation rental overlay zone for single family zones

Much like the approach with ADU's, have neighborhood involvement through a plan amendment process to determine appropriateness in single family areas. Once plan amendment is done then there would be a rezone of petitioned specific areas for Vacation Rental overlay zone. Standards may or may not be the same as proposed in present draft ordinance dependent upon neighborhood conditions. Examples could be number of homes on any one block. If less than a certain number then could not be considered, local historic district exemption, lot size minimums, etc.

D. Limit the vacation rental to owner needs to reside on the same block

This is a variation of option A where a person may have bought a home on the same block as theirs to have "better control of their neighborhood" so they are invested in the stability of their neighborhood because they live there and have a vested interest. It would limit the speculation of home conversion to vacation rentals and still have the same standards as the proposed ordinance with distance separations, number of occupants, etc.

4. How does vacation rentals relate to the quality Neighborhood Strategy?

Depending on where and how vacation rentals are used they may be in line with the Quality Neighborhood Strategy or detract from the Strategy. Vacation rentals may be another tool used for unit reduction of larger homes that have been cut up into multiple units. The inspection of the buildings required under the ordinance and the desire to be marketable

would benefit the structure and may help in creating a better neighborhood. It would also provide a variety of uses to the neighborhood.

The potential impact to the Strategy is if the numbers are not controlled or single family homes are converted to vacation rentals, then available housing for workers and those looking to move into East Central are taken off the market. This also has an effect of removing a potential of those who would contribute to the community in all aspects which include school and community service, neighborhood social development and neighborhood watch. That opportunity is eliminated by each unit that is taken off the market for owner occupancy or long term housing. The vacation rentals in large groups may also create a false market value of the homes as speculation of higher returns on property as vacation rental than as a dwelling may act against long term housing objectives.

OGDEN CITY COUNCIL TRANSMITTAL

DATE: March 6, 2015
TO: Ogden City Council
THRU: Mark Johnson, CAO
FROM: Tom Christopulos, CED Director
RE: Consideration of a proposed ordinance to allow Vacation Rentals for less than 30 days in residential zones in Ogden City
STAFF CONTACT: Greg Montgomery, Planning Manager
REQUESTED TIMELINE: April 28, 2015
RECOMMENDATION: Approval of proposed ordinance amendment
DOCUMENTS: Ordinance, Staff Report

DISCUSSION:

The Ogden City Planning Staff began working on possible regulations of vacation rentals (short term rentals of residential properties in residential zones) in the summer of 2014 due to concerns of a new land use trend occurring in the residential zones. The research was to determine if this land use should be considered as a land use option for the City. Two work sessions were held with the Planning Commission to review current trends and to better understand the use. The work sessions were held in July and December of 2014. From those meetings the basic framework for the proposed ordinance emerged. Three options were brought forth.

- Option 1 was the allowance of vacation rentals in multiple family residential zones.
- Option 2 allowed for vacation rentals in all residential zones, but limited that only nonconforming uses in the R-1 zone could take advantage of the option, so long as the building was being returned to its original use as a single-family home (unit reduction)
- Option 3 was to make a determination that vacation rentals are not appropriate and make no change to the code, which means they remain illegal.

The Commission determined to explore options 1 and 2 feeling that with specific conditions there was a place for vacation rentals in the residential zones. There had been many letters sent to the Commission both for and against vacation rentals during the time of the work sessions. A public hearing on the proposed ordinance amendment was held in January of 2015. Staff presented the proposed ordinance and the Planning Commission discussed the ordinance. The Planning Commission also listened to public response from interested citizens at the

meeting. Many voiced concern, many voiced support, and some asked questions about the proposal.

Differing viewpoints were mentioned from the citizenry and additional questions surfaced regarding neighborhood character, parking and code compliance of health and safety issues. The Planning Commission tabled this item until March 4, 2015 to allow for an additional Planning Commission work session to consider input at the initial meeting. Those in attendance were notified that in addition to the continuation of the hearing to March 4 that the Commission would hold a work session on February 18 which they may also attend. Staff was asked to clearly define the health, safety and welfare sections of the Building Code which would be required to be complied with, the need for bi-yearly inspections, the density of distribution, the balance of the neighborhood connectivity, whether or not to extend the uses beyond the East Central Community, the effect of VRBO's on the existing community, and to involve owners of existing VRBO's in these discussions.

Staff met directly with the Trolley Neighborhood Council on February 12 to discuss and receive comment from the area that has a concentration of vacation rental uses. Another work session was then held on February 18 to discuss the comments that came up during the first public hearing and the meeting with the Trolley District group. Upon the conclusion of the work session certain refinements that were gleaned from these meetings were incorporated into the proposed Ordinance.

Staff explained at the March 4 meeting the key points of the proposed ordinance include the following:

1. Vacation rentals would be considered a permitted use in multi-family zones with no more than one per lineal block to avoid changing the character of the residential neighborhood.
2. Included in this proposal is the stipulation that there be legal parking for at least two cars and the basic ratio of .5 cars to each sleeping room (no additional off-street parking in the front or side yard setbacks is allowed unless it leads directly to legal parking, and parking cannot be installed which would eliminate required rear yard space.)
3. There shall be posted on the front of the building at all times a phone number of an individual who is responsible for activities on the premises and whom will be available at all times and can arrive at the property within 30 minutes.
4. Vacation rentals in single family zones would only be allowed in nonconforming buildings only when the owner through the use of vacation rental is returning the home back to the original use as a single family dwelling.
5. Garbage is to be managed by not having containers in public view, except on collection day. One general garbage canister and one recyclable canister shall be the minimum requirement.
6. Pets must be boarded inside all times unless the pets are on a leash when needing to go outside. The owner should provide this information to tenants.
7. Building must be in compliance with all building and fire codes and subject to inspection every two years.
8. The number allowed in a vacation rental is based on no more than two persons per bedroom, plus two additional people. This number may be increased if:
 - a. The number of occupants does not exceed one person per 200 square feet of living space and

- b. Any other room with more than two persons has direct access to the outside of the building.
- 9. Establish framework to ensure there is business licensing and transient occupancy tax collection.
- 10. Severe fines for violations, which includes advertising, when there is no permit for such use.
- 11. Signage is limited to the same standard as home occupations.
- 12. Appearance of the dwelling shall remain as the dwelling was originally constructed.

The Commission discussed issues of neighborhood character concerns, hotel occupancies, unanticipated concerns of crime (which was raised in the debate the day before this meeting) and whether vacation rentals should be allowed in all residential zones without the constraint of going through the unit reduction process. There was also discussion of the distinction between this use and Bed and Breakfast which is a permitted use in some zones now and why this use should extend beyond the limits of the bed and breakfast.

Even though these uses have been identified as presently existing in all zones it was noted that the creation of the ordinance needs to address what is the best neighborhood policy for the city when considering land use and not what someone has done illegally and is seeking to have continue. The Commission discussed that they would like to proceed with caution when opening up commercial activities into neighborhoods.

PLANNING COMMISSION ACTION:

The Planning Commission reviewed this item on March 4, 2015. A motion was made and seconded to recommend approval of the ordinance as presented by Staff which sets certain standards and limits vacation rentals to the multi- family zones and only in a nonconforming use in single family zones. The motion was based upon the finding that this ordinance amendment is consistent with the General Plan in creating a source of housing types, promoting tourism, and strengthening neighborhoods through appropriate design and improvements. The motion passed by a vote of 6-2.

PLANNING COMMISSIONERS VOTES:	<u>Yes</u>	<u>No</u>
Atencio.....	X	
Blaisdell.....	X	
Herman.....	X	
Holman.....	X	
Orton.....	X	
Schade.....		X
Southwick.....		X
Wright.....	X	

Mr. Schade explained his “no” vote was based upon his belief that this use is not appropriate for either the R-2 or R-2EC zones.

Mr. Southwick explained his “no” vote was based upon his belief that the R-1 (single-family residential zones) should be treated like the multi-family residential zones and felt the one per lineal bloc was enough of a regulation and they not be denied the opportunity for the use.

CONCERNS OF CITIZENS – From the January 7, 2015 public hearing.

Mr. Kyle Sanders, 2560 Jefferson Avenue, indicated there has been no problem in this neighborhood from the existing vacation rentals. He stated the buildings are well maintained, there have been no trash or parking problems in the neighborhood, and felt the use is desirable as it would bring additional taxes into the City without burdening the school system. He felt the use should be allowed with no additional regulations.

Mr. Lora Wetzel, 2905 Taylor Avenue, stated she felt it would be short-sighted to restrict these from R-1 neighborhoods. She had stayed in a vacation rental previously and since chose to purchase a home in this neighborhood. She felt so long as these are licensed and appropriate fees and taxes are paid to the City, and the safety of tenants is regulated, there should be no additional restrictions. She also indicated the friends she had met while visiting were helpful to her as she transitioned into home ownership.

Ms. Sue Wilkerson, 2563 Jefferson Avenue, indicated she operates both long-term rentals and one vacation rental in the East Central neighborhood. She indicated the proposed ordinance is too restrictive, and felt additional study is warranted. She stated guests visiting vacation rentals typically have disposable income that comes into Ogden City in various ways as they may attend movies, sporting events and restaurants and are able to participate in other Ogden City activities. She stated both owners and tenants of vacation rentals take better care of their properties than do long-term renters. She felt long-term rentals are a bigger problem as there are many substandard residential units throughout the City. She stated vacation rentals are scheduled by website only, and owners are at the mercy of reviews by previous tenants. She felt the limit of one per lineal block is too restrictive and suggested two should be allowed. She stated most facilities require a \$500 cleaning deposit, and as they want their money back, they typically leave it in good condition. She also indicated streets in Ogden are public streets and there are no regulations as to who can and cannot park on the street in front of homes throughout the neighborhood, indicating there are often events at the Eccles Art Center where visitors park in front of homes in the neighborhood.

Ms. Tamera Anderson, 2520 Jefferson, stated she has operated a VRBO at this location since 2009. She stated tenants like the experience of staying in historic neighborhoods. She stated her clientele is better than long-term tenants as they care for and respect the home. The use generates \$2,000/year in sales tax as well as transient tax which is paid to the State. She stated she typically has families that come for reunions, weddings, funerals, sporting events or to ski. Other tenants might be as ports team with their coaches or business representatives that are being recruited to relocate in Ogden, or construction workers who might be here for a short time. Tenants like the experience of the historic neighborhood and its proximity to the downtown. She indicated she lives in the building and is available for both tenants and neighbors. She also participates in the good landlord program of the City. She felt it would be a threat to her security if her name and phone number were to be posted on the outside of the building. She feels it an honor to be a host to non-residents and show them the benefits of Ogden City. She expressed concern that there not be a requirement for all current building codes to be required, but those for safety such as egress windows only would be appropriate.

Ms. Pam Gardiol stated she has been involved in the Eccles Historic District and the planning process for the area for many years, and has learned that cities can go up or down one block at a time. She asked the Commission to be concerned about the type of neighborhoods they would like to have in the East Central Community, stating long term residents know each other and care for each other while short-term rentals create a disconnect within the neighborhood. She asked the Commission to consider what the historic neighborhood should represent, stating the ambiance of the Historic District is more than the architecture of the buildings, but is also the character of the residents. She asked that the historic character of the neighborhood be protected.

Ms. Shalae Larsen, 614 24th Street, stated vacation rentals provide a service to both tenants and to Ogden City. She has enjoyed getting to know vacationers and to introduce them to the community. She expressed concern that there are slum lords in the East Central Community and it is tenants in these units that are not invested or involved in the community. She suggested the market could dictate the number of units and felt it need not be regulated by Ordinance.

Mr. Jerry Spangler, 2529 Jackson, stated he has been operating a VRBO since 2010. This building has seven bedrooms, a grand room containing a pool table and other activities, and a TV room. The building is attractive for family reunions, and is typically occupied by three generations where cousins, aunts and uncles can play together and enjoy each other's company. He expressed concern with the limitation of two individuals per bedroom, and suggested that be changed to two adults per bedroom and allow cousins to stay together or small children to stay in the same room as their parents. He stated the VRBO use has allowed him to keep the historic character of the home. While he felt it important to provide as safe place for tenants, he felt to requirement to satisfy all current building code regulations would be cost prohibitive.

Mr. Ben Sugar, 2540 Jackson, stated while he does not operate a VRBO, he feels these are a positive influence on the neighborhoods and has no complaints from the local VRBO uses. He felt visitors can come to Ogden and attend sporting events or to ski. He felt parking on the street should be allowed. He stated there is no functional difference between the R-1 or R-2 zones in the historic district.

Ms. Priscilla McClain, 1344 Marilyn Drive, indicated she is not aware of a VRBO in the neighborhood. She felt there should be a middle ground whereby these are regulated, suggesting it would be acceptable to rent an apartment for either short-term or long-term. She stated the use of a portion of a home is more appropriate for rental than if an entire building were to be a short-term rental. She felt the ability for residents to stay in their home and make needed upgrades could be offset by renting a part of a home.

Ms. Deborah Hart, 1371 Marilyn Drive, stated she felt her VRBO is a benefit to the City and that she enjoys telling people places to go and things to do in Ogden City, indicating she often directs them to Ogden's Trail System. She felt these are a benefit to the neighborhood, indicating she had been told she could rent her apartment only to a non-family member.

Mr. Wade Gray Davis, 2508 Jackson, stated he purchased this property in 2013 and feels it is a privilege to showcase Ogden to his tenants. He stated while the building had been

a primary residence for many years, it has not been lived in for five years and the cost of its restoration has been a hardship for him. He stated he loves to share this historic home with visitors, to point them to restaurants, to trails, and to bring jobs into Ogden City. He stated these units are clean and well cared for, and that owners pay sales tax and hotel transient taxes. He feels vacationers like to stay in neighborhoods and experience the family-type atmosphere there rather than in hotels near the freeway where noise is common. He felt the funds from vacation rentals allows money to be put back into the property, thus increasing its value and tax base of the neighborhood. He stated he knew of a complaint registered with the police that families were playing badminton in the rear yard. He felt this would be a typical family activity in a neighborhood. He felt the rental is a good thing for the local economy, and felt responsible owners could operate a facility which is a benefit to both the local neighborhood and the surrounding community.

Ms. Millie Jones, 2580 Eccles, expressed she is not opposed to vacation rentals but is concerned about the increased density of these uses in the single-family neighborhood and the long-term effect the use would have on the fabric of the existing neighborhood.

Ms. Connie Cox, 2532 Eccles, stated while not opposed to VRBO's, there are many concerns with a transient use of homes in a neighborhood. She felt the best way to stabilize the East Central Community is to promote single-family, owner-occupied homes in the neighborhood. She felt the owner reduction should not be a means to allow vacation rentals. She indicated she has lived in the Eccles neighborhood for over 40 years and was involved with the City to change the zoning to R-1. She stated owners have purchased property in the community knowing it is a single-family neighborhood and they should be held to those standards. She stated the concept of vacation rentals opposes many of the goals of the City in promoting home ownership and owner occupancy. She stated downtown hotels are not filled, and allowing rentals in neighborhoods reduces the use of downtown amenities by vacationers.

(No citizens were present at the March 4th meeting)

ORDINANCE NO. _____

AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING THE OGDEN MUNICIPAL CODE BY AMENDING SECTION 15-1-17 TO ADOPT A PENALTY FOR OPERATING A RESIDENTIAL VACATION RENTAL WITHOUT A PERMIT; AMENDING SECTION 15-2-19 TO DEFINE RESIDENTIAL VACATION RENTAL; AMENDING SUBSECTION 15-6-3.F TO SPECIFY THE TERMINATION OF A NON-CONFORMING USE WITH A RESIDENTIAL VACATION RENTAL PERMIT; AMENDING SECTION 15-13-28 TO REVISE NON-CONFORMING USE STANDARDS FOR TWO-FAMILY DWELLINGS AND DUPLEXES; AMENDING CHAPTER 13 OF TITLE 15 BY ADOPTING A NEW SECTION 38 ALLOWING RESIDENTIAL VACATION RENTALS IN OGDEN CITY; AMENDING SECTION 15-16-2 TO ALLOW RESIDENTIAL VACATION RENTAL AS A PERMITTED USE IN THE R-2 ZONE; AMENDING SECTION 15-17-2 TO ALLOW RESIDENTIAL VACATION RENTAL AS A PERMITTED USE IN THE R-3 ZONE; AMENDING SECTION 15-18-2 TO ALLOW RESIDENTIAL VACATION RENTAL AS A PERMITTED USE IN THE R-4 ZONE; AMENDING SECTION 15-19-2 TO ALLOW RESIDENTIAL VACATION RENTAL AS A PERMITTED USE IN THE R-5 ZONE; AMENDING SECTION 15-35-2 TO ALLOW RESIDENTIAL VACATION RENTAL AS A PERMITTED USE IN THE R-3EC ZONE; AMENDING SECTION 15-36-2 TO ALLOW RESIDENTIAL VACATION RENTAL AS A PERMITTED USE IN THE R-4EC ZONE; AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

The Council of Ogden City hereby ordains:

SECTION 1. Section amended. Section 15-1-17 of the Ogden Municipal Code is hereby amended to read and provide as follows:

15-1-17: [PENALTIES; REMEDIES:]

- A. **[Complaints Regarding Violations:]** The director may investigate any complaint alleging a violation of this title and take such action as is warranted in accordance with the procedures set forth in this section.
- B. **[Persons Liable:]** The owner, owner's agent, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs or creates any situation that is contrary to the requirements of this title may be held responsible for the violation, suffer the penalties, and be subject to the remedies herein provided.
- C. **[Penalties And Remedies For Violations:]**
 - 1. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of any of the provisions of this title or failing to comply with any of its requirements shall be guilty of a class C misdemeanor and upon conviction shall be punishable as set forth in title 1, chapter 4, article A of this code.
 - 2. This title may also be enforced by injunction, mandamus, abatement or any other appropriate judicial action in law or equity.

3. Failure to correct a violation of this title after written notice of violation and expiration of the warning period may be enforced by imposition of the following civil penalties pursuant to title 1, chapter 4, article B of this code:
 - a. The first civil citation issued after expiration of the warning period shall subject the person to the initial penalty as provided in subsection D of this section.
 - b. The second civil citation issued after expiration of the warning period and the prior imposition of the initial penalty shall subject the person to the intermediate penalty as provided in subsection D of this section.
 - c. Any subsequent civil citation issued after expiration of the warning period and the prior imposition of an intermediate penalty, or any reoccurring violation under section 1-4B-6 of this code, shall subject the person to the maximum penalty as provided in subsection D of this section.
4. Each day that any violation of this title is committed, maintained, continued or permitted shall be considered a separate offense or violation for purposes of the penalties and remedies available to the city.
5. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce the provisions of this title.

D. [Civil Penalties:]

1. Penalties Imposed: Violations of this title shall carry civil penalties pursuant to the following schedule:

<u>Violation Classification</u>	<u>Initial Penalty</u>	<u>Intermediate Penalty</u>	<u>Maximum Penalty</u>
a. Causing, permitting or maintaining any land use not allowed in the applicable zoning district	\$125.00	\$250.00	\$500.00
b. Constructing, installing, permitting or maintaining any building, structure or improvement, which violates yard, setback, height or other dimensional requirements, regarding the placement of buildings, structures or other site improvements, imposed under the provisions of this title	125.00	250.00	500.00
c. Violating any condition or requirement of a permitted or conditional use; noncompliance with conditions of	125.00	250.00	500.00

an approved conditional use permit, variance, a site plan or any other development plan or permit issued in accordance with the provisions of this title (except violations under subsection D1b of this section)

d.	Allowing a vehicle to be parked at a location prohibited under the provisions of this title	25.00	50.00	100.00
e.	<u>Advertising, renting, or operating a residential vacation rental in violation of section 15-13-38</u>	<u>500.00</u>	<u>500.00</u>	<u>500.00</u>
f.	Any other violation not described above	125.00	250.00	500.00

SECTION 2. Section amended. Section 15-2-19 of the Ogden Municipal Code is

hereby amended to read and provide as follows:

15-2-19: ["R" DEFINITIONS:]

REASONABLE ACCOMMODATION: A change in a rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. As used in this definition:

Equal Opportunity: Achieving equal results as between a person with a disability and a nondisabled person.

Necessary: The applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.

Reasonable: A requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.

RECREATIONAL COACH: A vehicle such as a recreational trailer, tent camper trailer, truck camper, travel trailer, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah motor vehicle code, and designed for the use of temporary human habitation.

RECREATIONAL COACH PARK: Any area or tract of land or a separate designated section within a manufactured home park where one or more spaces are rented or held out for rent to owners or users of recreational coaches for a temporary time not to exceed two (2) weeks.

RECREATIONAL COACH SPACE: A plot of ground within a manufactured home park designated and intended for the accommodation of one recreational coach.

RECYCLABLE MATERIALS: Reusable material, including, but not limited to, glass, plastics and synthetic materials, paper products such as newspaper, stationery, scrap paper, computer paper and corrugated cardboard, rubber, batteries, ferrous and nonferrous metals, concrete, asphalt, wood, building materials, or any "junk or salvage material", as defined herein, which are intended for reuse, remanufacture, or reconstitution for the purpose of using in altered form. Recyclable material does not include refuse or hazardous materials nor does it include coins, precious metals or commercial grade precious metals if they are the sole recyclable material.

RECYCLABLE MATERIALS, LIMITED: Aluminum cans, plastic, or scrap paper such as newspapers, stationery, computer paper, or magazines, but not including cardboard materials or boxes.

RECYCLING COLLECTION CENTER: A facility located in an enclosed building for the acceptance by donation, redemption, or purchase, of recyclable materials, which have been source separated by type by the person who last used the material. Such facility may allow limited compacting or crushing of recyclable materials and may allow temporary outdoor storage of such recyclable materials if stored in weather resistant containers.

RECYCLING DROP OFF STATION: A facility maintained in connection with another use consisting of reverse vending machines or unattended weather resistant containers that are provided for collection of limited recyclable materials which have been source separated by type by the person who last used the material. A recycling drop off station shall not include weather resistant containers located on a residential, commercial or manufacturing designated parcel used solely for the collection of recyclable material generated on the parcel.

RECYCLING PROCESSING CENTER: A facility that accepts, stores or processes recyclable materials, whether or not maintained in connection with another business. Processing includes baling, briquetting, crushing, compacting, grinding, shredding, sawing, shearing, and sorting of recyclable materials and the heat reduction or melting of such materials. Recycling processing center includes junk or salvage yards where processing of recyclable material is included, but does not include recycling drop off stations or recycling collection stations.

REHABILITATION/TREATMENT FACILITY: A facility licensed by or contracted by the state of Utah to provide temporary occupancy and supervision of individuals (adults/juveniles) in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants.

RESIDENCE, RESIDENTIAL FACILITY: Any building or portion thereof where an individual is actually living at a given point in time and intends to remain, and not a place of temporary sojourn or transient visit.

RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A dwelling unit that is either owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident; and is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement, together with

any incidental domestic staff. A "residential facility for elderly persons" shall not include any facility:

- A. Which is operated as a business; provided, that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;
- B. Where persons being treated for alcoholism or drug abuse are placed;
- C. Where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution;
- D. Which is a healthcare facility as defined by section 26-21-2 of the Utah code; or
- E. Which is a residential facility for persons with a disability.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides, together with any incidental domestic staff, and which is:

- A. Licensed or certified by the department of human services under title 62A, chapter 2, of the Utah code, licensure of programs and facilities; or
- B. Licensed or certified by the department of health under title 26, chapter 21, of the Utah code health care facility licensing and inspection act.

RESIDENTIAL GARAGE SALES OR YARD SALES: The occasional sale of surplus household goods or furnishings as a use accessory to a dwelling. Sales held more frequently than three (3) days in any one calendar quarter shall be considered a retail use and not "occasional" in nature, nor a use accessory to a dwelling. A residential garage sale or yard sale shall not include goods or property:

- A. Acquired for the purpose of resale, barter or exchange; or
- B. Manufactured or repaired for the purpose of sale as part of a home occupation.

RESTAURANT: A place of business where food and beverages are prepared, served and sold for human consumption. A restaurant shall not include the sale and consumption of alcoholic beverages unless licensed by the city and the state of Utah, nor shall it include entertainment for its patrons unless zoned for and licensed as a cabaret or adult live entertainment business.

RETAIL TOBACCO SPECIALTY BUSINESS: A commercial establishment in which:

- A. The sale of tobacco products accounts for more than thirty five percent (35%) of the total annual gross receipts for the establishment;

- B. Food and beverage products excluding gasoline sales, is less than forty five percent (45%) of the total annual gross receipts for the establishment; and
- C. The establishment is not licensed as a pharmacy under title 58, chapter 17b, pharmacy practice act of the Utah code.

Tobacco products for sale in a retail specialty business are defined as:

- A. Any cigar, cigarette or electronic cigarette as defined in section 76-10-101, Utah Code Annotated;
- B. A tobacco product as defined in section 59-14-102, Utah Code Annotated, including chewing tobacco or any substitute for a tobacco product including flavoring or additives to tobacco;
- C. Tobacco paraphernalia as defined in section 76-10-104.1, Utah Code Annotated;
- D. Liquid for producing vapor in electronic cigarettes, regardless of whether such liquid contains nicotine.

RETIREMENT HOME: A residential facility designed, occupied and intended for residents fifty (50) years of age or older, where common facilities for cooking and dining are available to all residents and independent facilities are provided for living, sleeping and sanitation.

RESIDENTIAL VACATION RENTAL: Use of a dwelling unit for temporary sojourn or transient visit for a period of thirty (30) nights or less by a person or group of people whose primary residence is at another location and who provide compensation, in any form, in exchange for occupancy.

REVERSE VENDING MACHINE: An automated mechanical device, maintained in connection with another use, which accepts at least one or more types of limited recyclable materials and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically; provided, that the entire process is enclosed within the machine.

SECTION 3. Subsection amended. Subsection 15-6-3.Fof the Ogden Municipal Code is hereby amended to read and provide as follows:

F. Loss Of Right:

1. A nonconforming use of a building or structure shall be terminated if the building or structure in which the use is located is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice to the property owner that the structure is uninhabitable and that the nonconforming use shall be lost if the building or structure is not repaired or restored within six (6) months.

2. A nonconforming use of a building or structure shall be lost if the property owner voluntarily demolishes a majority of the building or structure that houses the nonconforming use.
3. The nonconforming use of a building, structure or tract of land that has been abandoned shall be terminated and the building or structure not occupied or used thereafter except in conformance with the present use regulations of the zone in which it is located. Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.
4. A use shall be presumed to be abandoned if:
 - a. A majority of the primary structure associated with the nonconforming use has been voluntarily demolished;
 - b. The use has been discontinued for a continuous period of one year; or
 - c. The primary structure associated with the nonconforming use remains vacant for a continuous period of one year, excluding vacancies due to:
 - (1) Remodeling or renovation under a valid building permit, or
 - (2) Pending court actions which affect occupancy or possession of the property, i.e., probate, ownership disputes.
5. The property owner may rebut the presumption of abandonment under subsection F4 of this section and shall have the burden of establishing that any claimed abandonment has not in fact occurred.
6. The nonconforming status of a school district or charter school use or structure shall terminate when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a continuous period of one year. Such termination shall not prevent the reuse of such building or structure under the other provisions of this chapter.
7. The nonconforming status of a two-family or multi-family dwelling shall terminate, and notice of the termination shall be recorded with the office of the Weber County Recorder, if the property receives a permit for a residential vacation rental under Section 15-13-38.

SECTION 4. Section amended. Section 15-13-28 of the Ogden Municipal Code is hereby amended to read and provide as follows:

15-13-28: LEGAL CONFORMING TWO-FAMILY DWELLINGS OR DUPLEXES:

- A. Any two-family dwelling or duplex that was in legal existence prior to January 16, 2001, shall be considered legal conforming.
- B. Legal conforming status shall authorize alterations, extensions, additions, or replacement of the two-family dwelling or duplex, without having to comply with the requirements of chapter 6 of this title. When replacing a legal conforming two-family dwelling or duplex with a new two-family dwelling or duplex:

- [A-] 1. There shall not be a square footage limitation on the replacement dwelling;
 - [B-] 2. The replacement structure shall not project into a required yard area beyond any encroachment established by the structure being replaced; and
 - [C-] 3. The number of new parking stalls provided shall be equal to or more than the number of parking stalls being replaced, provided that all parking stalls, and accesses to such stalls, shall be paved with an asphalt or concrete surface.
- C. A property with legal conforming status shall lose that status, and notice of the change in status shall be recorded with the office of the Weber County Recorder, if the property receives a permit for a residential vacation rental under Section 15-13-38.

SECTION 5. Section adopted. Chapter 13 of Title 15 of the Ogden Municipal Code is hereby amended by adopting a new Section 38 to read and provide as follows:

15-13-38: [RESIDENTIAL VACATION RENTAL:]

- A. The purpose of residential vacation rentals in Ogden City is to provide a short term rental option in residential zones for individuals who have a primary residence at another location. Special regulation of these rental uses is necessary to ensure that they will be compatible with surrounding residential uses and will not be detrimental to, or alter, the neighborhoods in which they are located.
- B. It is unlawful to advertise or rent a dwelling as a residential vacation rental unless the property owner has a valid current Ogden City residential vacation rental permit.
- C. A residential vacation rental permit shall be in addition to any building permits that may be necessary to meet the standards of this section. The applicant shall pay any required fee and submit as part of the initial application for a residential vacation rental permit:
 - 1. Detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses;
 - 2. A drawing or other description as to how required legal off-street parking will be provided and the number of legal off-street parking spaces available; and
 - 3. A copy of a state issued sales tax license
 - 4. A statement affirming whether the vacation rental will be owner occupied.
- D. In order to renew a residential vacation permit, a person shall pay any required fee and provide:
 - 1. A copy of the person's most recent Utah transient room tax return.
 - 2. A list from the prior year of the nights the residential vacation rental was occupied, the number of people in each rental to whom it was rented and the length of occupancy of each person or group of people.

E. **[Compliance With Building Codes:]** The residential vacation rental unit shall be inspected upon initial application, every two years thereafter, and upon any housing complaint filed with the city to verify that the structure:

1. Complies with the information contained in the application and with the requirements of this section;
2. Complies with all applicable local and state building, health, fire, safety and maintenance codes;
3. Complies with the current building code for egress window size and location in all sleeping rooms regardless of when the structure was built; and
4. Has a functioning interconnected fire alarm system.

F. **[Spacing of residential vacation rentals:]** A residential vacation rental may not be located on the same linear block as another residential vacation rental, residential facility for persons with a disability or residential facility for elderly persons. A person with a residential vacation rental permit may renew the permit if a residential facility for persons with a disability or residential facility for elderly persons is established on the same linear block after the original residential vacation permit was issued.

G. **[All residential vacation rentals must conform to the following standards:]**

1. Occupancy: The residential vacation rental may be occupied by no more than two people per sleeping room, as established by the inspection described in subsection E, plus two additional people. The number of allowed occupants may be increased if:
 - a. The minimum number of required off-street parking spaces are provided based on the number of sleeping rooms in the structure;
 - b. The total number of occupants does not exceed one person for every 200 square feet of living space, with the number of occupants rounded down to the nearest whole number; and
 - c. Any sleeping room designated or arranged for occupancy by more than two people has a code compliant door that exits directly to the exterior of the residential vacation rental.
2. Appearance: The appearance of the dwelling shall remain as the dwelling was originally constructed.
3. Off-Street Parking: A residential vacation rental shall have in existence no less than the required two (2) off street parking spaces that meet the legal location and requirements for off street parking for a single-family dwelling.
 - a. No additional off street parking in the front or side yard for the residential vacation rental is allowed, such as a side yard parking slab or widened driveway, but tandem parking (1 vehicle behind another) in the driveway is allowed, provided the tandem parking does not extend over the property line and the public sidewalk.

3. The ceiling height of any basement sleeping room if the ceiling is between 6 feet 8 inches and 7 feet;
 4. The number of people allowed to occupy the residential vacation rental as contained in the permit;
 5. Whether pets are allowed and the conditions associated with pets; and
 6. The number of legal off-street parking spaces recognized by the permit as allowed for use by the residential vacation rental.
- I. It is unlawful for a person to advertise, represent orally or in writing, or sign a rental contract for a residential vacation rental that:
1. Authorizes more people to occupy the residential vacation rental than is provided in the permit;
 2. Allows the use of any portion of property outside of the residential vacation rental for sleeping purposes by pitching tents or otherwise;
 3. Authorizes or provides for more parking spaces, including on-street parking, than are authorized in the permit.
- J. Noncompliance with the standards of this section, allowing the property associated with the residential vacation rental permit to become a nuisance, such as through violations of the city noise ordinance, property maintenance standards, or repeated instances of the property being used in a way that is not in compliance with this section, failure to maintain the original conditions that allowed the residential vacation rental permit to be issued, and entering into sham transactions shall each constitute just cause for the denial of an application or renewal, or revocation of a residential vacation rental permit.
1. Revocation shall be based upon the findings of fact at an administrative hearing before a hearing officer, pursuant to title 5, chapter 1, article C of this code, as such provisions may be applicable.
 2. If the permit is revoked, the advertising and rental of the dwelling as a residential vacation rental shall terminate within thirty (30) days of the final determination.
 3. A dwelling whose residential vacation rental permit has been revoked is not eligible for use as a residential vacation rental for a period of three (3) years from the date of revocation.
 4. For purposes of this section, a sham transaction means any transaction which is meant to, or could result in, a violation or avoidance of other applicable zoning ordinances, including transactions:
 - a. Where a residential vacation rental is occupied by a person or group of people for more than thirty consecutive nights, regardless of the term of any rental contract or contracts; or
 - b. Where a residential vacation rental is occupied by a person or group of people, regardless of the number of nights of occupancy, who do not have a primary residence at another location.

- K. A residential vacation rental permit is valid for one year from the date of the approval and must be renewed annually. Change of property ownership does not void the residential vacation rental permit, but the new owner must obtain an updated permit within the earlier of 90 days after acquiring title to the property, or upon expiration of the existing permit.
- L. A residential vacation rental permit may be issued for a dwelling in a single family residential zone if:
1. The dwelling has an existing valid non-conforming certificate or legal conforming certificate for two or more dwelling units on the property;
 2. The property owner agrees in writing to convert the building to a single family dwelling and to relinquish, through a document recorded with the Weber County Recorder, any non-conforming or legal right to maintain more than one dwelling; and
 3. The property owner submits an acceptable plan for converting the building to a single family dwelling and applies for and obtains a final inspection for any building permits required to complete the conversion.
- M. There is an initial filing period, ending at 5:00 pm on July 1, 2015, for individuals who desire to obtain a residential vacation rental permit to submit a permit application. If more than one application is submitted for a particular block on or before the deadline, the planning division shall hold a lottery between the applicants for the available permit. An individual who is successful in a lottery shall complete any requirements to obtain a permit within three months. If all requirements are not met, the next person in the lottery will be recognized as eligible for the permit subject to the same terms as the first successful applicant.

SECTION 6. Section amended. Section 15-16-2 of the Ogden Municipal Code is

hereby amended to read and provide as follows:

15-16-2: [PERMITTED USES:]

Accessory buildings and uses customarily incidental to any permitted use.

Agriculture.

Church, synagogue or similar permanent building used for regular religious worship.

Cluster subdivision, in accordance with chapter 9 of this title.

Daycare centers, provided the facility is located on the same site as an educational institution.

Educational institution.

Golf course, except miniature golf course.

Greenhouse, noncommercial only.

Home occupation.

Household pets.

Pigeon loft for the housing of racing pigeons (only allowed on single-family residential lots), in accordance with the standards as contained in section 15-13-19 of this title.

Public building, public park, recreation grounds and associated buildings.

Residential facilities for elderly persons (see section 15-13-25 of this title for facility requirements).

Residential facility for persons with a disability (see section 15-13-15 of this title for facility requirements).

Residential garage sales or yard sales.

Residential vacation rental (see section 15-13-38 of this title for requirements).

Single-family dwelling.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Two-family dwelling, in accordance with the requirements of section 15-13-27 of this title.

SECTION 7. Section amended. Section 15-17-2 of the Ogden Municipal Code is hereby amended to read and provide as follows:

15-17-2: [PERMITTED USES:]

Accessory buildings and uses customarily incidental to any permitted use.

Agriculture.

Church, synagogue or similar permanent building used for regular religious worship.

Educational institution.

Golf course, except miniature golf course.

Greenhouse, noncommercial only.

Group dwelling with eight (8) or less dwelling units in accordance with chapter 10 of this title.

Home occupation.

Household pets.

Library or museum, public or nonprofit.

Multiple-family dwelling with eight (8) or less dwelling units, in accordance with the requirements of section 15-13-27 of this title.

Pigeon loft for the housing of racing pigeons (only allowed on single-family residential lots), in accordance with the standards contained in section 15-13-19 of this title.

Public building, public park, recreation grounds and associated buildings.

Residential facilities for elderly persons (see section 15-13-25 of this title for facility requirements).

Residential facility for persons with a disability (see section 15-13-15 of this title for facility requirements).

Residential garage sales or yard sales.

Residential vacation rental (see section 15-13-38 of this title for requirements).

Single-family dwelling.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Transitional housing facility (see section 15-13-26 of this title for facility requirements).

Two-family dwelling, in accordance with the requirements of section 15-13-27 of this title.

SECTION 8. Section amended. Section 15-18-2 of the Ogden Municipal Code is hereby amended to read and provide as follows:

15-18-2: [PERMITTED USES:]

Accessory buildings and uses customarily incidental to any permitted use.

Adult daycare.

Agriculture.

Bed and breakfast inn, subject to the following standards:

- A. Two (2) parking spaces shall be provided for the host family, plus one space for each guestroom;
- B. Proprietor or owner must occupy the property;
- C. Meals may only be served to overnight guests; and

- D. Signs are limited to nameplate signs not exceeding two (2) square feet in residential zones. In addition, a freestanding identification sign not to exceed four (4) square feet is permitted. If illuminated, only indirect spotlighting is allowed, thus prohibiting backlighted signs.

Boarding and lodging house; provided that no boarding or lodging house shall be located within one thousand feet (1,000'), measured in a straight line between the closest property lines of the lots or parcels of any of the following similar facilities:

- A. Any other boarding or lodging house,
- B. A protective housing facility,
- C. A transitional housing or rehabilitation/treatment facility,
- D. A residential facility for persons with disability or residential facility for the elderly of more than five (5) people, or
- E. An assisted living facility.

Church, synagogue or similar permanent building used for regular religious worship.

Daycare center.

Educational institution.

Golf course, except miniature golf course.

Greenhouse, noncommercial only.

Group dwelling with eight (8) or less dwelling units in accordance with chapter 10 of this title.

Home occupation.

Household pets.

Library or museum, public or nonprofit.

Multiple-family dwelling with eight (8) or less dwelling units, in accordance with the requirements of section 15-13-27 of this title.

Pigeon loft for the housing of racing pigeons (only allowed on single-family residential lots), in accordance with the standards contained in section 15-13-19 of this title.

Protective housing facility lodging up to fifteen (15) individuals, excluding support staff.

Public building, public park, recreation grounds and associated buildings.

Rehabilitation/treatment facility (see section 15-13-26 of this title for facility requirements).

Residential facilities for elderly persons (see section 15-13-25 of this title for facility requirements).

Residential facility for persons with a disability (see section 15-13-15 of this title for facility requirements).

Residential garage sales or yard sales.

Residential vacation rental (see section 15-13-38 of this title for requirements).

Single-family dwelling.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Transitional housing facility (see section 15-13-26 of this title for facility requirements).

Two-family dwelling, in accordance with the requirements of section 15-13-27 of this title.

SECTION 9. Section amended. Section 15-19-2 of the Ogden Municipal Code is

hereby amended to read and provide as follows:

15-19-2: [PERMITTED USES:]

Accessory buildings and uses customarily incidental to any permitted use.

Adult daycare.

Agriculture.

Bed and breakfast inn, subject to the following standards:

- A. Two (2) parking spaces shall be provided for the host family, plus one space for each guestroom;
- B. Proprietor or owner must occupy the property;
- C. Meals may only be served to overnight guests;
- D. Signs are limited to nameplate signs not exceeding two (2) square feet in residential zones. In addition, a freestanding identification sign not to exceed four (4) square feet is permitted. If illuminated, only indirect spotlighting is allowed, thus prohibiting backlighted signs.

Boarding and lodging house; provided that no boarding or lodging house shall be located within one thousand feet (1,000'), measured in a straight line between the closest property lines of the lots or parcels of any of the following similar facilities:

- A. Any other boarding or lodging house,

- B. A protective housing facility,
- C. A transitional housing or rehabilitation/treatment facility,
- D. A residential facility for persons with disability or residential facility for the elderly of more than five (5) people, or
- E. An assisted living facility.

Church, synagogue or similar permanent building used for regular religious worship.

Daycare center.

Educational institution.

Golf course, except miniature golf course.

Greenhouse, noncommercial only.

Group dwelling with forty nine (49) or less dwelling units in accordance with chapter 10 of this title.

Home occupation.

Household pets.

Library or museum, public or nonprofit.

Multiple-family dwelling with forty nine (49) or less dwelling units, in accordance with the requirements of section 15-13-27 of this title.

Pigeon loft for the housing of racing pigeons (only allowed on single-family residential lots), in accordance with the standards contained in section 15-13-19 of this title.

Private park, playground, recreation area, but not including privately owned commercial amusement businesses.

Protective housing facility lodging up to fifteen (15) individuals, excluding support staff.

Public building, public park, recreation grounds and associated buildings.

Rehabilitation/treatment facility (see section 15-13-26 of this title for facility requirements).

Residential facilities for elderly persons (see section 15-13-25 of this title for facility requirements).

Residential facility for persons with a disability (see section 15-13-15 of this title for facility requirements).

Residential garage sales or yard sales.

Residential vacation rental (see section 15-13-38 of this title for requirements).

Retirement home.

Single-family dwelling.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Transitional housing facility (see section 15-13-26 of this title for facility requirements).

Two-family dwelling, in accordance with the requirements of section 15-13-27 of this title.

SECTION 10. Section amended. Section 15-35-2 of the Ogden Municipal Code is hereby amended to read and provide as follows:

15-35-2: [PERMITTED USES:]

Accessory buildings and use customarily incidental to any permitted use.

Agriculture.

Church, synagogue or similar permanent building used for regular religious worship.

Cluster subdivision, in accordance with chapter 9 of this title.

Educational institution.

Greenhouse, noncommercial only.

Home occupation.

Household pets.

Pigeon loft for the housing of racing pigeons (only allowed on single-family residential lots), in accordance with the standards contained in section 15-13-19 of this title.

Public building, public parks, recreation grounds and associated buildings.

Residential facilities for elderly persons (see section 15-13-25 of this title for facility requirements).

Residential facility for persons with a disability (see section 15-13-15 of this title for facility requirements).

Residential garage sales or yard sales.

Residential vacation rental (see section 15-13-38 of this title for requirements).

Single-family dwelling.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Two-family dwelling, in accordance with the requirements of section 15-13-27 of this title.

SECTION 11. Section amended. Section 15-36-2 of the Ogden Municipal Code is hereby amended to read and provide as follows:

15-36-2: [PERMITTED USES:]

Accessory buildings and use customarily incidental to any permitted use.

Agriculture.

Boarding and lodging house; provided that no boarding or lodging house shall be located within one thousand feet (1,000'), measured in a straight line between the closest property lines of the lots or parcels of any of the following similar facilities:

- A. Any other boarding or lodging house,
- B. A protective housing facility,
- C. A transitional housing or rehabilitation/treatment facility,
- D. A residential facility for persons with disability or residential facility for the elderly of more than five (5) people, or
- E. An assisted living facility.

Church, synagogue or similar permanent building used for regular religious worship.

Educational institution.

Greenhouse, noncommercial only.

Group dwelling with eight (8) or less dwelling units in accordance with chapter 10 of this title.

Home occupation.

Household pets.

Library or museum, public or nonprofit.

Multiple-family dwelling with eight (8) or less dwelling units, in accordance with the requirements of section 15-13-27 of this title.

Pigeon loft for the housing of racing pigeons (only allowed on single-family residential lots), in accordance with the standards contained in section 15-13-19 of this title.

Public building, public park, recreation grounds and associated buildings.

Rehabilitation/treatment facility (see section 15-13-26 of this title for facility requirements).

Residential facilities for elderly persons (see section 15-13-25 of this title for facility requirements).

Residential facility for persons with a disability (see section 15-13-15 of this title for facility requirements).

Residential garage sales or yard sales.

Retirement home.

Residential vacation rental (see section 15-13-38 of this title for requirements).

Single-family dwelling.

Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

Transitional housing facility (see section 15-13-26 of this title for facility requirements).

Two-family dwelling, in accordance with the requirements of section 15-13-27 of this title.

SECTION 12. Effective date. This ordinance shall be effective immediately upon posting after final passage.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Ogden City, Utah this _____ day of _____, 2015.

CHAIR

SUBJECT: Public Hearing Consideration of a proposed ordinance to allow Vacation Rental (rental for less than 30 days) in residential zones in Ogden City.

PLANNING STAFF RECOMMENDATION:
Approve the proposed ordinance as submitted

FINDINGS FOR ACTION

In considering this request, the Planning Commission will need to determine if the Development Code text amendment(s) are consistent with the General Plan in creating a source of housing types, promoting tourism, strengthening neighborhoods through appropriate design and improvements.

CONTACTS

Petitioner:
Ogden City
2549 Washington Blvd.
Ogden, UT 84403

Staff: John Mayer 801-629-8933
johnmayer@ogdencity.com

APPLICABLE ORDINANCES

15-1-4 Changes and Amendments – this portion of the code deals with the procedure for amending the Zoning Code and the Zoning Map

APPLICABLE GENERAL PLAN PROVISIONS

4.D 3.H Encouraging owner occupancy of historic properties through the guidelines of grant programs and local incentives.

The allowance of a residential property, that was originally constructed as a single family home, but has since been converted to apartments could go through the unit reduction process and thus encourage owner occupancy.

5.D 5. Establish a long term effort to diversify the City’s economic base with a balanced mix of manufacturing, service, retail and tourism related industries. Vacation rentals located in the appropriate settings could be a small part of the “mix” in the diversification effort to grow services that relate directly to tourism.

5.D 7. Expand tourism and enhance the visitor experience. Vacation rentals can provide a valuable residential option for short time visitors.

5.D 7.D Encouraging the improvement of visitor attractions, activities and facilities including local directional signage and public parking. Vacation rentals are a type of facility that has the potential to enhance the visitor experience, and be available to small groups.

- 7.D **3.A Encouraging the building owner to live on the property to establish permanency and a sense of community.** This vision statement supports the concept of unit reduction. When a property goes from multi-family to single family, the potential that it will be owner occupied tends to increase.
- 7.D **5.A Encouraging and supporting development of various housing types and identifying area where these types might be appropriate.** Vacation rentals could be considered a different “housing type”. Vacation housing should be carefully located in areas that are appropriate in that they afford the visitor a quality experience with minimal negative impacts upon the neighborhood.
- 7.D **2.B Encouraging and working towards providing incentives to maintain and upgrade housing units.** The housing stock for vacation rentals is typically very good. It must maintain a certain standard to be attractive to the niche vacationer who comes to Ogden. This in itself upgrades homes where the owner is not present. Thus far these homes are well kept.
- 9.D **2 Strengthen neighborhood through appropriate design and improvements.** The incorporation of vacation rentals could be a method to encourage home owners to improve their properties to a level that would not be feasible otherwise. Property values do not always match up favorably for traditional rentals and the income that can be achieved. This is another option for landlords to employ.
- 9.D **2.A Creating design guidelines that protect the integrity of neighborhoods.** While not technically design guidelines, this vacation rental options give the city an opportunity to inspect and require code compliance on several levels i.e. building, fire, zoning and perhaps Landmarks for historic preservation when appropriate.
- 14.B **2.A Market the community as a place to live because of it urban identity , rich history, variety of housing and commercial uses within walking distance that draws comparisons to the trendy neighborhoods in other communities...**
The Community Identity section speaks to promotion of the neighborhood. This allowance provides an opportunity to showcase Ogden’s historic neighborhood(s) and be within walking distance to an emerging downtown.
- 14. B **9.B Create regulations for nonconforming multi-family unit in converted single family homes to convert back to a density more appropriate for the size of the building and the capacity of the lot.** The unit reduction aspect of this proposal directly addresses this “high priority” vision objective.

A. DESCRIPTION OF PROJECT

Vacation Rentals are defined in many ways with a wide spectrum of options available to the property owner and the renter as to location, type of housing and presence/management of the owner. For the purposes of this discussion, vacation rental (short term rental) will be defined as the rental of a single family or multiple family dwelling unit for less than 30 days in a residentially zoned neighborhood. These types of vacation rentals are different from other rental

accommodations such as hotels, motels, condominiums and time shares in that they may not have on-site ownership or management and in Ogden they are in residential zones. Some vacationers are looking for an alternative to those forms of short term residences in favor of something that can often accommodate larger groups at a reasonable cost. There is usually ownership or management readily available locally to address issues that might arise. This is a growing trend in desirable communities. It is especially attractive in areas that are rich in recreational or cultural resources. Since Ogden is now experiencing this growing phenomenon it is appropriate that it be addressed here.

On July 16, 2014 staff conducted a Planning Commission Work Session addressing the issue of Vacation Rentals. The clear consensus from that meeting was if this use was to be allowed in any residential zone, there should be certain restrictions in place to govern the potential impacts to a neighborhood. Part of the analysis for this consideration was to survey Jackson and Jefferson Avenues between 25th and 27th Streets. The recognized potential impacts of noise, parking and other traffic concerns along with the turnover of residents interrupted with periods of vacancy can ultimately contribute to the destabilization of an emerging residential neighborhood. At the same time the Planning Commission also stated the desire to capitalize on the positive perception of Ogden as a vacation destination. The promotion of Ogden as a tourist destination, and facilitating that sector of the economy is in chapter 5 of the General Plan. Therefore, there should be a mechanism for vacation rentals to exist in at least specific locations in certain residential zones. Part of the discussion was if there should be distance separations between the individual vacation rentals, in the same manner the development code governs group homes. The determination was that stringent regulations would sufficiently limit the proliferation of vacation rentals.

On December 17, 2014 staff conducted a second work session where options 1 and 2 were outlined in the Planning Commission Memo dated 12-17-14 (attached) were endorsed. Option 3 was also discussed. This would maintain the current stance and keep all vacation rentals, in residential zones illegal. This option was not endorsed.

In January of this year a public hearing of a prepared draft ordinance was held. The Planning Commission tabled action on the ordinance until March 4, 2015 to allow for an additional work session on February 18th to allow staff to answer some specific questions and meet with the community (Trolley Neighborhood Community Council) to field their questions. Staff met with this group on February 12th and discussed the issues surrounding vacation rentals. In this meeting, several individuals voiced their opinions. The clear consensus from this meeting was that whatever happens with regards to the ordinance, the residential character should be maintained.

SUMMARY OF ISSUES

- Will there be long term detrimental impacts to residential neighborhoods?
- Should vacation rentals be permitted and under what conditions?

B. STAFF ANALYSIS OF PROPOSAL

This proposal is to introduce into Ogden City two provisions (options 1 and 2) that allows vacation rentals to exist in areas that are in multi-family zones or allow for the unit reduction of single family homes that have been subdivided to be restored to their original use. Vacation rentals in this scenario allows for an alternative housing type that is a goal in Chapter 7.D.5.A of

the General Plan. Staff has met with proponents and opponents of short term rentals and has determined there are places where these uses are appropriate. A traditional single family residential community on a public street is not one of those areas. Utah communities such as Salt Lake City, Layton City, and Sandy City do not permit vacation rentals. (This does not mean they do not exist) Cottonwood Heights, Park City and St. George do allow vacation rentals in special nontraditional residential zones.

Staff has spoken to city officials from numerous cities in and outside of Utah. Certain common opinions have surfaced as to how to manage this growing trend. Just about every vacation community will admit they exist, even in those communities where they are not permitted at all. Municipalities have thus far dealt with them on a “nuisance” basis. The most common complaint is the excessive amount of cars parked along the street. However, if the cars are not blocking driveways and fire hydrants they are typically legally parked. More permanent residents do feel like they are being overrun when this occurs frequently. Noise can be a factor, but this is typically rare as a neighborhood impact.

The question remains as to which residential buildings and in which residential zones should be allowed to employ vacation rentals. Proponents can point to properties that have been maintained very nicely even during the recent economic down turn. There are homes that have helped the streetscape and brought additional tourist dollars into the community. Conversely, there are homes that have gone the wrong direction in their overall upkeep. Some homeowners have expressed a desire to keep the primarily single family residential neighborhoods free from this type of commercial activity (see attached letter from Pam Gardiol and Connie Cox). This is especially true in those neighborhoods that have made positive strides in recent years as they convert back to a more traditional residential neighborhood dominated by single family homes. Chapter 7.D.3.A of the General Plan speaks to the efforts that support the “sense of community” that could be degraded if vacation rentals were allowed to be in traditionally established communities. For that reason Option 1 establishes this use only in multi-family zones, where rentals are already prevalent.

Chapter 5.D of the General Plan speaks to enhancing the tourism and the visitor experience to Ogden City. The allowance of this vacation niche to be available under the requirements that have been set forth can further this goal.

As mentioned above, the one exception to the standard framework for vacation rentals would be to allow certain residential properties that are interested in restoring older homes that have since been divided into multiple units to be brought back to single family uses. The essence of option 2 is the allowance as a vacation rental would require the structure be brought back to its original single family use. After the necessary inspections, for code compliance the (new) single family dwelling could be considered for vacation rental status. This approach could be used in the multi-family as well as the single family residential zones. This would be especially helpful in the single family zones to remove that aspect of nonconformity. The conditions would include the restoration of the property to today’s code regarding health, safety, and parking. This could be a financial incentive for property owners who are currently unable to finance the needed improvements to their buildings to get additional income they are not able to realize today. Although this ordinance is not limited to historic homes, it is well known that the structural improvements and repairs to historic buildings can be more expensive than modern improvements. This concept may spark renewed interest in some of Ogden’s forgotten historic gems. An added benefit could be for city staff to work with these property owners to access

other historic preservation resources that may be available to them. This is the type of incentive encouraged by the General Plan in Chapter 4.D.

Chapter 7 of the General Plan is the “Housing” element of the General Plan. 7.D in particular promotes alternative housing options (for vacationers) and encourages the concept of “unit reduction” as a manner to induce greater likelihood of owner occupancy. Finally in Chapter 14.B the Community Identity section points to the unique and historic aspects of a neighborhood that is also close to a downtown. 14.B.4.G speaks to considering changes to the zoning ordinance that will contribute to the preservation of historic buildings. This was labeled “High Priority.” Vacation rentals can be a part of this effort by unit reduction and code upgrades that are required. These proposed zoning code amendments are supported by the Ogden City General Plan.

Since the Trolley Neighborhood Council meeting on Feb. 12 and the Planning Commission work session on Feb. 17, several issues stand out.

1. Should vacation rentals where the owner resides on the premises be treated differently than the more traditional vacation rental where the owner resides elsewhere? There was not a clear consensus on this issue. From a property tax standpoint, the owner occupant may still claim the home owners exemption with Weber County. Non owner occupied units are not eligible for the exemption. It appears there is not enough of a significant difference in the anticipated uses to regulate them differently other than the parking standard discussed below.
2. It is proposed that car parking be directed to be on-site and parked legally. It was proposed that the parking allowance would be .5 parking space per bedroom. So a house with a standard 2 car garage could support 4 sleeping rooms as that would translate to 2 cars in the garage. Regular B&B parking requires 2 for the host family plus 1 per bedroom. This formula is more realistic and easier to monitor. VR’s that are owner occupied will therefore have 2 legal spaces plus .5 per bedroom of legal parking spaces. Non-owner occupied VR’s will be held to .5 on-site parking space per bedroom.
3. Should vacation rentals be treated (and located) in the same zones as traditional Bed and Breakfast properties? Currently, traditional B&Bs are permitted in the R-4 and R-5. They are conditional in the R-3 and R-3EC. Although there are similarities, there are no active B&B’s in Ogden at this time. The currently proposed ordinance would open up VR’s to these same areas plus R-2 and R-2EC under option 1.

Currently, vacation rentals of less than 30 days are not permitted in the residential zones of Ogden City, yet they exist and seem to be addressing a growing niche market of persons who want an alternative to the conventional short term rental options mentioned above. Options 1 and 2 provide a framework for vacation rentals to exist and not impact neighborhoods negatively. For both of these options there are basic safeguards built into the ordinance to ensure potential impacts are mitigated. These safeguards are:

Below are the key points of the proposed ordinance:

1. These options would be to allow Vacation Rentals By Owner (VRBO's) in multi-family zones with no more than one per lineal block to avoid changing the character of the residential neighborhood.
2. Included in this proposal is the stipulation that there be legal parking for at least 2 cars with the basic ratio of .5 cars to each sleeping room (no additional off street parking in the front or side yard setbacks is allowed unless they lead directly to legal parking).
3. There shall also be posted on the front of the building at all times a phone number of an individual who is responsible for activities on the premises and whom will be available at all times and can arrive at the property within 30 minutes.
4. Additionally, there would be an option for owners of any single family home that has been divided internally and wishes to return the home to its original use.
5. Garbage is to be managed by not having containers in public view, except on collection day. One general garbage canister and one recyclable canister shall be the minimum requirement.
6. Pets must be boarded inside at all times and if outside an adult must be present.
7. All building and fire codes must be in compliance and subject to inspection every two years.
8. No more than two persons per bedroom, plus two additional people. This number may be increased if: the number of occupants does not exceed one person per 200 square feet of living space and any other room with more than two persons has direct access to the outside of the building.
9. Establish framework for business licensing and transient occupancy tax
10. Severe fines for violations, which includes advertising when there is no permit for such use.
11. Signage is limited to the same standard as home occupations.
12. Appearance of the dwelling shall remain as the dwelling was originally constructed.

Vacation rentals will be governed from the City standpoint by business license and subject to:

1. Business license renewal with a cost of \$82.00 which is consistent with the annual cost for a rental unit not participating in the Good Landlord Program.
2. Transient Occupancy Tax (TOT) could be collected on a per person basis.

Considerable analysis went into vacation rentals in residential zones. It should be noted that an approval of options 1 and 2 will require additional minor modifications to the zoning code for each of the residential zones. These are included in the second attachment section. The first attachment is the new code section to be placed into chapter 13 (Regulations Applicable to All Zones). Currently, vacation rentals in commercial zones are permitted as a form of hotel or motel. Any potential negative impacts associated with vacation rentals under the proposed ordinance could be quickly addressed by the revocation or non-renewal of the business license as well as severe fines.

C. ALTERNATIVE ACTIONS

- Deny the proposed ordinance
- Amend the text of the proposed ordinance

D. STAFF RECOMMENDATION

Approve the proposed ordinance as submitted.

ATTACHMENTS

1. Proposed Ordinance
2. Work session memos to the Planning Commission (1 and 2)
3. City zoning map
4. Letter from Pam Gardiol and Connie Cox
5. Review comments of draft ordinance by Sue Wilkerson

Planning Commission Memo

Date: 12-17-14
To: Planning Commission
Cc:
From: John Mayer, Planner III 
RE: Discussion of Vacation Rentals in residential zones

Vacation Rental Overview

Vacation Rentals are defined in many ways with a wide spectrum of options available to the property owner and the renter as to location, type of housing and presence/management by the owner. This could include motels condominiums and time shares are typical developments that have served this function. For the purposes of this discussion, vacation rental (short term rental) will be defined as the rental of a single family or multiple family dwelling in residential zones for less than 30 days in an area that is zoned residential. These would include the "Airb&b" model which would allow for the property owner/manager to reside on the premises during the vacationer's stay, a dwelling used solely for this type of activity or renting a house when the owner is away.

Vacation Rentals are a growing trend in Ogden though presently are not allowed in residential zones. In use, they are typically a single family home that is leased by individuals for a vacation stay that is less than 30 days. They can be advertised as places to stay for up to as much as 25 people in some advertisements. The sequence of ordinances that prohibits them in residential zones is that a permitted use is single family to multiple family dwellings in the residential Ogden City has determined that under the current ordinance they are illegal. The definition of dwelling is "any building or portion thereof containing one or more dwelling units occupied as a residence by one or more families"(15-2-5). In turn a residence is defined as "any building or portion thereof where an individual is actually living at a given point in time and intends to remain, and not a place of temporary sojourn, transient visit"(15-2-19). This definition is similar to the Webster New Collegiate Dictionary definition of residences where a distinction is made to a place where one lives versus the place where one resides during temporary sojourn. The ordinances as they exist make vacation rentals in residential zones illegal.

Since the idea of a vacation rental is temporary sojourn or transient visit as the main use in the building it does not meet the permitted use as a dwelling whether single family or multiple family. The only uses where transient visits in a residential zone as a permitted use are allowed in Ogden are: bed and breakfasts and boarding houses. These are allowed only in certain areas with specific conditions. The next question that comes is, what is a temporary sojourn or transient visit? If you own the dwelling and live in it, no matter how long, that is your

residence. If, however, you are staying in a place you do not completely own and are paying a fee to stay there, then that is a transient visit.

State law defines a rental dwelling as a residence for two or more persons to be rented out for a period of one month or longer (10-8-85.5 U.C.A.) This would be the general standard the city would use to consider that a home is being rented as a dwelling rather than a transient visit.

Vacation Rentals in Ogden City

Since the last work session on vacation rentals in July, where we educated ourselves as to what they were and what they look like in Ogden, the landscape of this potential land use has been somewhat clarified through further review of other city ordinances. Discussions with staff of these communities that administer these codes, local property owners and input from the Planning Commission have shaped the directions that are proposed below. In advance of discussing options, there is discussion of what we have learned, what may be appropriate and how Ogden differs from other communities, where vacation rental codes have been adopted.

What have we learned?

Vacation rentals in residential zones are in fact a commercial activity, not unlike a hotel or motel arrangement. The principle difference is that the tourist experience is in a residential neighborhood. This is in contrast to the more traditional higher density, higher intensity commercial orientation provided in the hotels motels, and comfort suites. Time share operators are now seeking out "Urban Chic" type destinations in commercial downtowns, where amenities such as kitchens are the norm. However, the experience that is being sought by the "residential" vacation renter is just that: residential. In Ogden, they are often families coming for a reunion, wedding, tournament or a skiing or mountain experience. Frequently they come and go without the neighbors even realizing they have been there. On occasion, large groups have occupied a large single family home, and negative impacts may become more conspicuous. The impacts which can be perceived or real usually are either traffic related (usually an abnormally large amount of vehicles parked up and down a particular street) or noise, typically from the festive atmosphere that such a gathering can yield. Usually, the issue here is amplified music and on occasion, shouts during the evening hours. Also, previously mentioned impacts of barking dogs and excessive build-up of garbage that is not properly managed can occur, but these are not common. Just because they are not common impacts to a neighborhood, does not mean they should not be anticipated and addressed.

In discussions with neighbors adjacent to some existing vacation rentals here in Ogden, the overall opinion of these uses was favorable. They did not view these uses as a negative impact. They reported no problems with noise or traffic, though others in the general neighborhood have. A remedy for the excessive parking problem would be to allow only one vacation rental property per lineal block. That combined with the allowance of no more than two persons per bedroom should keep street parking under control. It should be noted that the two persons per bedroom is a universal standard in municipalities where vacation rentals are permitted. However, there was also the concern (in the East Central) that this is an emerging neighborhood that is striving to change itself into a traditional residential neighborhood. The sentiment was: "Why introduce a use that

could interrupt that progress and taint the flavor that the city and its citizens are trying to attain". By that, they mean a pure, homogeneous single family neighborhood. Conversely, some neighbors may welcome the infusion of a variety of residential activities into a community.

One could just as easily ask "how does a vacation rental really upset the neighborhood dynamic. Some possible answers are lack of neighborhood involvement in things like local schools, neighborhood watch and their lack of vested interest in the community. Staff believes the problems surface when the intensity of the vacation rental is not managed properly.

Most cities do not permit vacation rentals in residential zones. This of course does not mean they do not exist. In those jurisdictions that do choose to allow vacation rentals, there is typically a severe fine (up to \$2500.00) when regulations are not adhered to. Virtually, every city that has tourism or is located near a tourist destination will have vacation rentals, as these are a rapidly growing niche for vacationers.

How other local cities treat vacation rental houses:

Salt Lake City – allowed in the commercial zones with a lease agreement, not in residential zones.

Layton City – treated as a normal rental. They do not differentiate long vs. short term rental.

Park City – allowed in certain residential zones, where the dominant housing type is multi-family. Not allowed in strictly single family detached zones. They are allowed in the historic district with a conditional use permit (CUP).

Sandy City – not allowed to rent out for <30 days. (there are 4 homes near the mouth of the canyons that are "grandfathered").

St. George City - allowed in PUD's, Resort overlay zones where the lot size is at least 2 ac. And in historic districts with a cond. use permit.

Cottonwood Heights – allowed in PUD's (group dwellings) in which there are areas with not less than 8 units on a private road. They require a business license and a conditional use permit.

Durango, CO – allowed in PUD's with at least 500 feet of physical separation between them. All parking must be contained on the property. No more than two persons per bedroom.

Ft. Collins, CO – not allowed to rent out for <30 days.

What type of housing is appropriate?

The cities that have approved vacation rentals (Cottonwood Heights, Park City, St. George, and Durango) tend to have several common traits:

1. They are permitted only in a planned unit development or condominium areas.
2. They are subject to specific conditions that can establish specific regulations that govern the behavior of the short term tenants, but is ultimately the responsibility of the property owner.

3. The vehicles of the overnight guests cannot remain on the street for extended periods, usually overnight.
4. Certain homes have been “grandfathered”, due to their long standing vacation rental use in the community.

Potential PROS and CONS

The issues associated with vacation rentals have not changed since the meeting in July. However, based upon recent reviews of ordinances, discussions, and feedback from you, there are certain concerns that must be addressed. Staff has presented three options to be considered. Regardless of which of the three options or any combination of them, the pros and cons listed below are constant.

Pros

1. Allows homeowners to maintain occupancy on a home that may otherwise be vacant. A vacant home can become an attractive nuisance in a neighborhood. It may invite criminal behavior. Also, vacancy or neglect often perpetuates a feeling of neighborhood apathy.
2. In order to rent the homes they generally are well maintained. Having a well maintained structure with the additional attention to landscaping is a positive example to neighbors who otherwise may not be so inclined to beautify their yards.
3. It raises the profile of a community. When tourists visit and have a positive experience, there is no better advertising for a community. Ogden has the history and architecture many communities covet. Blending that history with a positive residential component can only enhance one’s vacation experience, they are willing to share with friends and family.
4. It brings additional tax base in the form business licensing and transient tax collection and the spinoff of local spending in retail, restaurants, galleries, and sports activities.
5. Opportunity to ensure certain code compliance. The home would be inspected for health, safety and code compliance.
6. They may inject some life in what many may consider a dull neighborhood.

Cons

1. Noise can be a problem in the form of music played too loudly. Most people prefer the tranquil and quiet residential neighborhoods. Since, these are groups on vacation, there is a potential for “party” behavior. It should be noted, that incidents of noise from neighbors can happen with homeowners and traditional renters as well.
2. Excessive amounts of cars parked along the streets can be annoying, especially if they block driveways and inhibit public services and visitors. Blocking of driveways and parking in front of fire hydrants are already illegal, and should be enforced. Extra cars parked on the street four to five times a year do not rise to the level of a negative impact. If the amount of cars is excessive each and every weekend, then the neighborhood may suffer.
3. If garbage is not managed correctly, this could be a problem. In discussions with other cities, the problem arises when the pick-up day is miscalculated, which results in the containers are not picked up promptly or they are tipped over and garbage is spilled out.

Sometimes, there are not enough containers and or they are kept in areas of full view from the public street.

4. On occasion, people like to bring their pets along on vacation. Interestingly pets are actually very rarely a problem. Most often people are not inclined to bring their dogs to a family reunion or on a ski trip. However, if left alone they do tend to bark. Sometimes there is damage to the interior of a home. That is a consequence the owner will not want repeated and thus many managers do not permit animals on the premises.
5. Potential to change character of home to meet building codes of sleeping rooms since most homes do not have the legal bedrooms for the occupancy desired for a vacation rental.
6. A change in the character of a neighborhood could be affected if there were more than one or two of these "businesses" on a linear block. The nature of vacation rentals allows for short duration of intensive use followed by frequent times of vacancy. As discussed above extended periods of vacancy are counterproductive to a healthy neighborhood dynamic. A boom and bust type of character could set in as the weekends are lively but the weekdays become too quiet and desolate.

Below are three options to be considered for vacation rentals or Vacation Rental By Owner (VRBO's).

Option No. 1

A summary of the proposed option would be to allow Vacation Rentals only in multiple family zoned areas. These areas are already accustomed to a higher intensity of use, and the existence of a greater percentage of renters. This proposal would open up large portions of the East Central Community (R-2EC, R-3EC). The R-2, R-3 and R-4 zones in Ogden would open up other areas for vacation rentals.

Pros and Cons of Option 1

Pros

- May reduce the vacancy rates of units that are subject to extended periods without tenants (these are often 2nd homes for owners).
- Ensures better dog maintenance. Provides for rapid response if problems arise.
- There would be a small tax benefit to the city
- This would expand the options available into communities that are already heavily rented i.e. multi-family zones.
- It would place vacation rentals in the areas they are already predominantly used today.

Cons

- Since they are already often 2nd homes and vacationers are likely searching out a traditional neighborhood, the location eliminates entire neighborhoods.

Option No. 2

In addition to the more open allowance concept (Proposal No. 1) the city could entertain the concept of vacation rentals as an incentive to achieve unit reduction where appropriate. The East Central community still contains numerous single family homes that since WWII have been converted to multi-family dwellings. This option could be employed in the single family zones where the home is non-conforming due to density or other code issues. Typically these would be those homes that were constructed as single family residences, but are either illegal non-conforming as to density, parking and or open space. These properties are likely to be substandard rentals anyway. Why not allow the property owner to make available to vacationers an upgraded property and building that meets the underlying zoning standards, rather than continuing the rental cycle of a substandard one. In some cases the zoning and building compliance would result in a single family home in the multi-family zone, due to existing lot size, setbacks or parking capacities. Conversely, some properties may realize minimal reduction in units, but there would still be a high incentive to bring the other aspects of the building and zoning codes into compliance. Typically the required improvements followed by inspection would need to be done prior to issuance of a business license.

Pros and Cons of Option 2

Pros

- In addition to the pros cited in option 1, this would expand the vacation rental options available to multi-family homes that wish to return to their original use as a single family home and or become zoning compliant.
- Reduce the number of renters.
- Provide a means to restore larger homes that have been neglected

Cons

- In addition to the cons cited in option 1, there is no guarantee that the property owner would allow his property to fall back into disrepair.

Option No. 3 (Status Quo)

This proposal is to continue to prohibit vacation rental. As is evident, that is not preventing them from occurring. The city could choose to enforce the current code, or not.

Pros and Cons of Option 3

Pros

- The residential land use would be preserved.

Cons

- The opportunity for additional tax base would be lost.
- Many properties would likely stay rentals.
- Many of these rentals would continue to be a burden to developing neighborhoods and slow the progress that has occurred over the last 15 years.
- They could be subject to even more "dis-investment" and neglect, especially if the city takes a proactive approach to enforcement.
- Some vacationers may choose to go to another community whereupon Ogden City would have lost an opportunity to show off the progress that is being made.

Summary

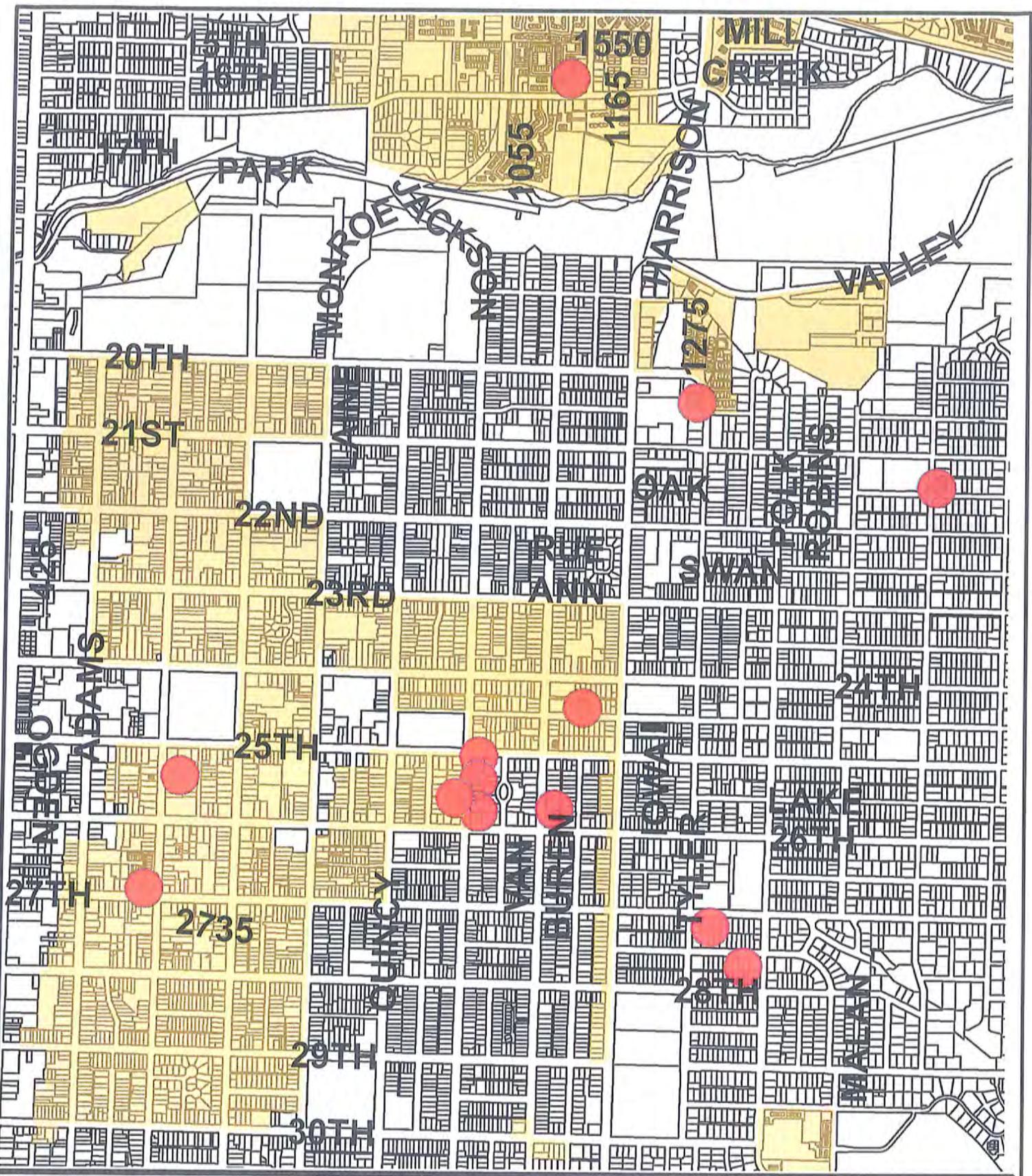
If the city decides to adopt an ordinance that permits vacation rentals in a residential zone or a variation of that, certain safeguards should be employed.

1. That there would only be one vacation rental per lineal block.
2. There be posted on the front of the building and at a prominent place inside at all times a phone number of an individual who is responsible for activities on the premises and whom will be available at all times and lives in the Ogden area.
3. Garbage is to be managed by not having containers in public view, except on collection day.
4. Dogs at a residence must be accompanied by an adult at all times.
5. All building and fire codes must be in compliance and subject to inspection every two years.
6. No more than two persons per bedroom.
7. Establish framework for business licensing and transient occupancy tax
8. Severe fines for violations

Options 1 or 2 would allow a mechanism for property owners to upgrade properties and bring investment into areas of the city that have not received the attention of other areas. Options 1 and 2 are consistent with the East Central Community Plan as they provide a mechanism to bring nonconforming multi-family units in converted homes to a more appropriate (lower) density (14.B.9.B). Of the five known vacation rentals in the multi-family zones, four are in the East Central Community. This allows Ogden to showcase its tourist friendly assets and provide an alternative to the commercially oriented hotel/motel land use that is relatively close to Ogden's emerging downtown. It can offer a more relaxed "residential" feel versus the urban hotel or "freeway" motel experience. Staff chose not to recommend vacation rentals in the single family zoned parts of the community. The reason for this is that already there are a higher concentration of dwelling units with a variety of densities in the multi-family zones than in the single family zones of the city. As expected, the density is higher in the multi-family zones and thus a greater amount of rentals. Therefore, these neighborhoods are more familiar with the different residential types. The homes in the single family neighborhoods are less inclined to be rentals as there is a higher percentage of owner occupancy. Option 3 would be the "do nothing" option.

Attachments:

1. Map of known vacation rentals in Ogden
2. Known vacation rentals in the Multi-family and Single Family homes



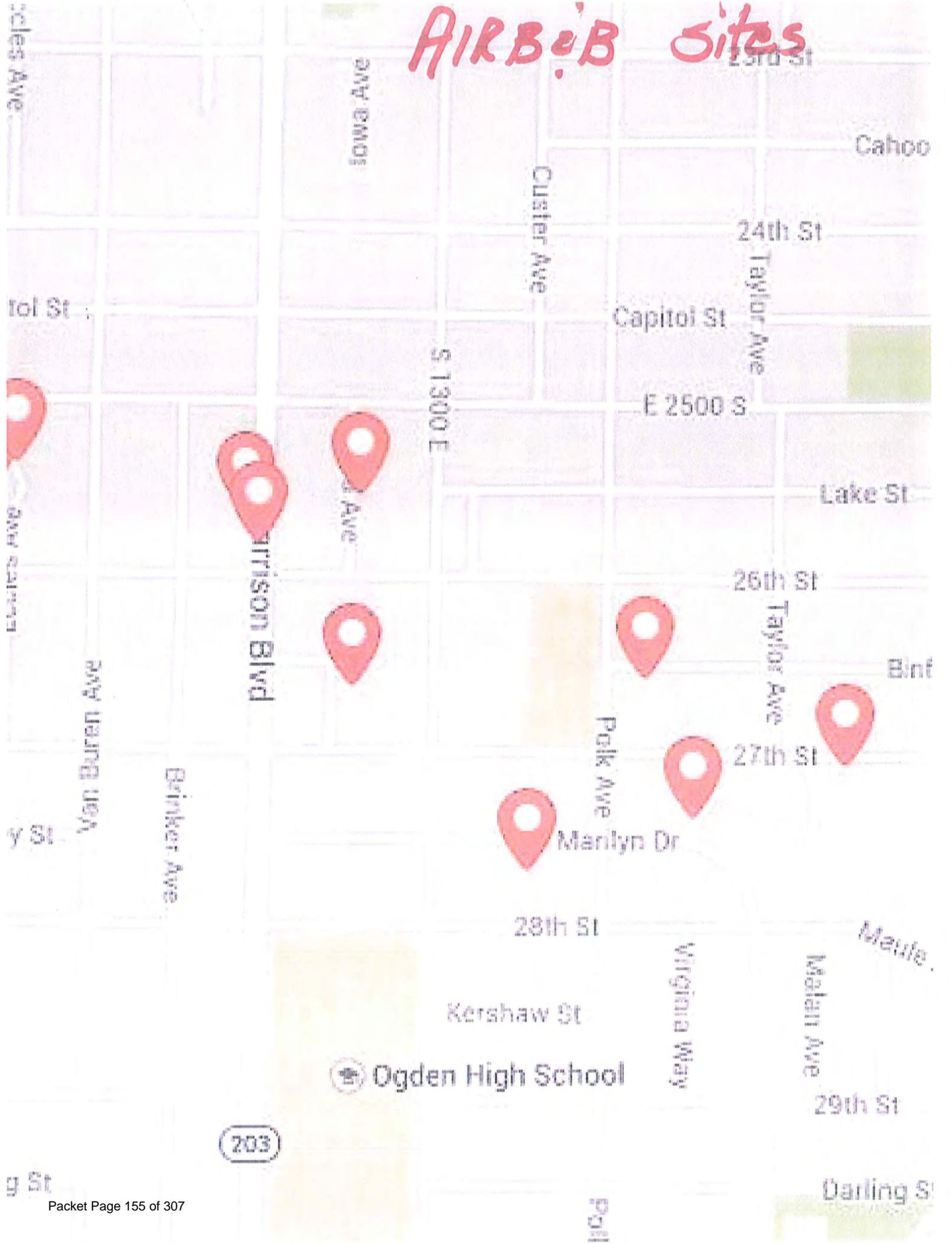
Vacation Rentals in Residential Zones



- Vacation Rentals
- Multi-family Zones



AIRB&B Sites



****KNOWN RESIDENTIAL
VACATION RENTALS BY ZONING**

Vacation Rentals in the **multi-family** zones

1. 2520 Jefferson
2. 2687 Jefferson
3. 2529 Jackson
4. 1142 Capitol
5. 2025 Tyler #1
6. 1078 E. 1550 S.

Vacation Rentals in **single** family zones

1. 2508 Jackson
2. 2548 Jackson
3. 2536 Jackson
4. 2558-2564 Van Buren
5. 1286 27th St.
6. 1371 Marilyn
7. 2132 Fillmore

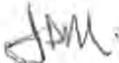
*** The addresses above are associated with the VRBO organization**

**** This list is not inclusive of the homes registered under the Airb&b organization.**

Planning Commission Memo

Date: 2-18-15

To: Planning Commission

From: John Mayer, Planner III 

RE: Discussion of Vacation Rentals in residential zones II

Vacation Rental Discussion II

In our last work session we reviewed extensively the pros and cons of vacation rentals (VR's) in a residential neighborhood and we explained in detail the two avenues (options 1 and 2) that we are pursuing in finding a place for this type of use. An ordinance was proposed and public comment received on that proposal. The Planning Commission table action on the ordinance and asked staff to prepare a work session to discuss the concerns raised at that meeting. From that meeting there was both direction and questions regarding this proposal.

Option 1 summary

The proposed option would be to allow Vacation Rentals (VR's) only in multiple family zoned areas. These areas are already accustomed to a higher intensity of use, and the existence of a greater percentage of renters. This proposal would open up large portions of the East Central Community (R-2EC, R-3EC) where the current crop of vacation rentals are located. The R-2, R-3, R-4 and R-5 zones in Ogden would also open up areas for vacation rentals. There would only be one allowed per lineal block and parking would be determined by legal parking on the site plus frontage on the street. The basic rule of occupancy would be 2 per sleeping room plus 2. Additional persons could be allowed under special safeguards pertaining to health and safety discussed below.

Option 2 summary

In addition to the more open allowance concept (Proposal No. 1) the city could entertain the concept of vacation rentals (VR's) as an incentive to achieve unit reduction where appropriate. The East Central community still contains numerous single family homes that since WWII have been converted to multi-family dwellings. The same standards would apply, however, this could be employed in any single family zone where a home has been converted to multiple units. This option could be employed in the single family zones throughout the city where the home is non-conforming due to density. Typically these would be those homes that were constructed as single family residences, but have since been divided internally into multiple apartments. These properties are likely to be substandard rentals anyway. Why not allow the property owner to make available to vacationers an upgraded property and building that meets the underlying zoning standards, rather than continuing the rental cycle of a substandard one. In some cases the zoning and building compliance would result in a single family home in the multi-family zone, due to existing lot size, setbacks or parking capacities. There are lots that were created prior to 1951 that may not meet today's standards. Conversely, some properties may realize minimal reduction in units, but there would still be a high incentive to bring the other aspects of the building and zoning codes into

compliance. Typically the required improvements followed by inspection would need to be done prior to issuance of a business license.

Upon conclusion of the presentation several questions emerged from the Commission and subsequently concerned citizens as to the functioning of the vacation rental. Below staff has attempted to address the questions.

1. How do we handle parking and traffic concerns (which seem to be the primary concern of vacation rentals in a residential community)?

The proposed code would require that each unit have at least 2 legal parking spaces on-site (illegal parking, other than tandem parking would not be allowed, so long as it is completely on the property). **On street parking would be calculated by allowing 1 car per every 20 linear feet of frontage for the property.** For example a 60' wide interior lot would provide for 3 on street parking spaces, but not necessarily along the frontage. We acknowledge that the streets are public domain. However, the city wants to strike a balance between what could reasonably be expected by residents entertaining and what a VR would do. Staff believes 2-4 large gatherings a month is not unreasonable. This issue only serves to support the concept of 1 VR per linear block.

2. How would this be monitored?

This would be difficult, but the monitoring of the advertising is the first step. We are also mindful that anyone is allowed to have large gatherings at their residence. **If it became a repetitive complaint, such a more than 3 times a month, the city may consider corrective action. The city may want to consider ultimately "permitting" as is done around Weber State.**

3. Does more than one VR's per lineal block matter?

Staff believes this will go a long way to: controlling parking, safeguarding the residential nature of the neighborhood, provide for the upgrade of at least one house per block to a higher standard than what may already be there. One VR per block should not upset the residential fabric. **We may want to consider establishing a set number of cars that can be associated with the property.**

4. How do we treat several buildings on the same block seeking the unit reduction option?

The proposed code provides for a lottery system, whereupon a property would be selected and then pursue the process to obtain a business license. We would review their applications on a first come first served basis. Under the currently proposed code, this is not as yet an issue.

5. What is the tipping point between a stable residential neighborhood versus the proliferation of VR's in a neighborhood?

This goes directly to the allowance of only one per linear block. The rationale is that permitting only one per block would not generate enough of a transient element so as to disrupt the residential character. Also, a neighborhood with multi-family zoning is likely to be more transient in that renters will typically come and go more often than home owners will

sell and move away. It has been argued that the owner of a VR with all the improvements may actually be more community minded than the landlord of a rental or even some tenant whose plan is to stay temporarily. It could also be argued that having a VR on your block is preferable to a continually vacant residence.

6. The comment was made that the unit reduction incentive (option 2) is not sufficient to induce landlords to make the dramatic tenant improvements to restore the property to its original use.

That will likely be true in many cases. However, if the number of landlords that do take advantage of this option is very few, even one restored home is beneficial to the neighborhood.

7. What exactly are the required codes that must be complied with?

As stated in the last meeting the code compliance would be related to health and safety.

Staff has recently met on this issue, and the codes that are to be complied with are:

- a. Any sleeping room that is less than 7' high, must be advertised as such and no sleeping rooms will be authorized if the ceiling is less than 6'8" high.
- b. Interconnected smoke alarms are required.
- c. Every sleeping room to have a minimum 5.7 square foot "openable" window or direct access (doorway) out of the building.
- d. If more than 2 persons are in a sleeping room, it must have direct access out.

8. Taxes

How does the state tax these homes?

Just like a hotel, these properties would be subject to a 4.25% transient occupancy tax from Weber County. The city has opted for the additional 1% on the transient room taxes. What this means is for a three night stay at \$275.00 per night, the city receives \$8.25 in tax revenue. Currently, only two of the known VR properties have reported to the state.

How does the county tax these homes?

Thus far, they do not. All the known VR's in Ogden City still claim the resident exemption, which is appropriate for owner occupants, but not for those owners who live off site. This presents another potential question; Should VR's where the owner lives on the site be treated differently? From a use standpoint there are some subtle differences. For the purpose of discussion I will call the traditional vacation rental VRBO. Where an owner is present on site will be referred to as AirB&B.

VRBO's are typically functions oriented and the guests may not want the intrusion of the owner during their stay. Family gatherings, team functions and retreats are commonplace. AirB&B may appeal to the more transient shorter stay types. For some there is added comfort in knowing the owner is on the premises.

9. Will tax credits or city funds be available to incentivize unit reduction?

The city program for unit reduction is geared to get owner occupancy. So it is unlikely these funds would be available to piggy back onto the unit reduction process.

10. Will the city require two garbage cans?

Because there may be two groups come into the home without a garbage pick up time, the city would still require 2 canisters. There could be some discussion on this issue. Perhaps the VR property could opt for a single canister (plus one for recycling) so long as the canister is the large 90 gallon type. If they have 60 gallon containers then two are probably best. The current practitioners of VR have not indicated that garbage is a problem. This is the type of issue that a landlord would stay on top of. One owner has indicated to me that garbage is checked almost daily.

Current cost breakdown:

For 1 cannister (90 gallon) plus the recycling	\$19.01 per month
For 2 cannisters (90 gallon) plus recycling	\$35.06 per month
For 2 cannisters (60 gallon) plus recycling	\$31.78 per month

11. Why aren't regular rentals held to the same standards that are being proposed for VR's?

For health and safety they are held to the same standard. However, it is hard to regulate numbers of beds in basements, or basement heights if they are never invited inside. State law defines a rental dwelling as a residence for two or more persons to be rented out for a period of one month or longer (10-8-85.5 U.C.A.) This would be the general standard the city would use to consider that a home is being rented as a dwelling rather than a transient visit. We define a family as up to 3 unrelated individuals, and that definition ties directly into traditional renting and home ownership.

Our current laws (state) only allow building officials to come into the home if there is a specific complaint by the tenant. At that time the building or zoning official may commence enforcement proceedings.

12. Why have contact information on the exterior of the building?

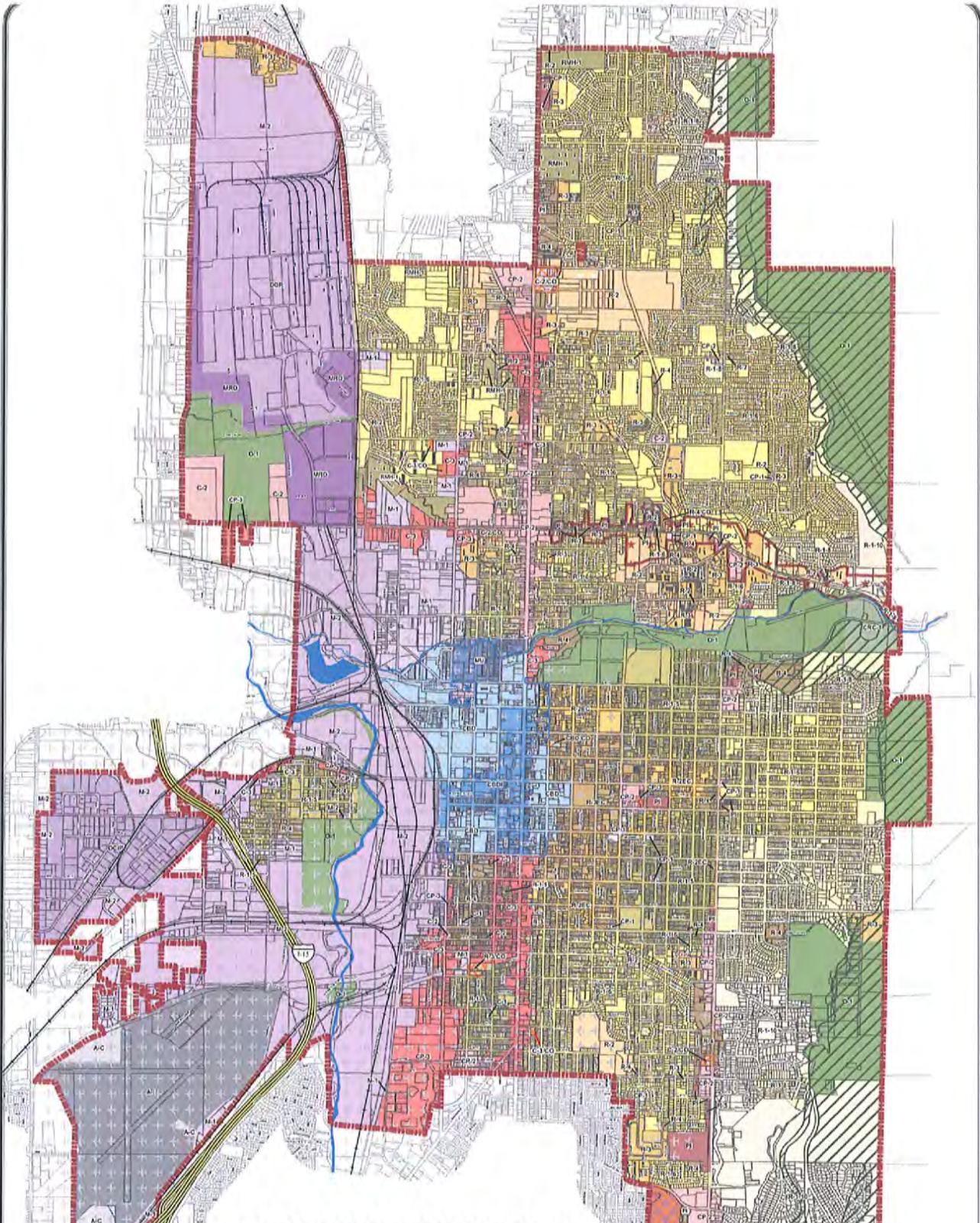
This is a standard practice in the VR world. Usually, there is a listing on the interior. In the case where the owner lives in the building, this may not be necessary.

13. The proposed code states that a dwelling that has had its permit revoked shall lose the VR option for 3 years. What if there is new ownership?

This could be reviewed on a case by case basis. If so, we would need to change the language.

City staff has met with the Convention and Visitors Bureau. They receive inquiries about VR's all the time, especially surrounding the numerous events that Ogden is currently hosting such as the Marathon, Xterra, bike races, Sundance, Harvest Moon etc. This is evidence of a growing trend. Their concerns deal primarily with tourism. Although she does not represent the hotels, the concerns are that these VR's pay their taxes as hotels do and that they comply with all established rules and regulations.

1. Is there a better alternative to posting of owners name on the front door?
2. What about a VR that is attached to a commercial use in the residential zone?
3. Should they be allowed where there are shared driveways?



OGDEN CITY ZONING MAP

Zoning Use Districts

City Boundary

- Single Family Residential**
- R-1-10
 - R-1-8
 - R-1-6
 - R-1-5
 - RMH-1
 - Recreation**
 - CRC-1
 - O-1

- Multiple Family Residential**
- R-2
 - R-2EC
 - R-3
 - R-3EC
 - R-4
 - R-5
 - Airport**
 - A-C
 - A-1

- Manufacturing**
- M-1
 - M-2
 - DDR
 - OCIP
 - MRD
 - Central Business**
 - CBD
 - CBDI
 - MU

- Commercial**
- CP-1
 - C-2/CP-2
 - C-3/CP-3
 - PI
 - Overlays**
 - 12th Street Corridor
 - Conditional
 - Downtown Buffer
 - Sensitive Area
 - Airport



February 2, 2015

Ogden City Council and Ogden City Planning Commission

2549 Washington Boulevard

Ogden, Utah 84401

Council and Commission members,

You are currently looking at the Vacation Rental by Owner (VRBO) issue. Please consider the following as you make your decision.

- 1. What do you want neighborhoods in Ogden to look like? What is the quality of life the citizens should be able to expect in Ogden?** Neighborhoods are a collection of people drawn together by geography, architecture, common interests, and life chapters. Neighborhoods are places where people identify with each other. Neighborhoods are not sterile environments where people drive to one spot without some idea of who lives around them. Neighborhoods are places where people find reasons to connect with each other.

Sterile environments created by transient use of neighborhood property isolates people; neighborhoods create communities within communities. In today's world, the draw of isolation is constantly reinforced. Societies and communities need forums that enable people to have dialogue. Architectural facades and transient visitors don't lead to connection, identity or dialogue; neighborhoods do.

- 2. What is the best way to stabilize the East Central neighborhood?** The East Central neighborhood's historic housing stock has frequently been seen as a source for exploitation. For years, historic homes were deemed more as places to be subdivided or commercialized for profit rather than invested in as part of the rich heritage of the City. The current situation of historic inventory abuse is the result of this short-sighted thinking of others in decision-making positions who considered their own neighborhoods valuable, but East Central as expendable. It seems that history may be repeating itself.

Ogden has long demonstrated ambiguity about who it is. There has been pride in the people who helped shape not only Ogden, but national and international events, while allowing the destruction of the homes in which they carried out their notable contributions to the common good. Ogden has much to learn from other communities both in the United States, and internationally where there are strict guidelines on what can be done with historic structures. The intent in these other places is to protect not only the architectural element of the structures, but the fabric and context of the surroundings. Facades protect neither fabric nor context. They are a shadow of the history, and they do not perpetuate the higher elements of the history of a place.

Ogden must make difficult choices to do what is necessary to demonstrate more than peripheral commitment to its historic treasures, while, at the same time, it holds the owners of these properties hostage while the City grants practices that undermine the very things that make these properties significant. The efforts the City has taken to create programs to build up the East Central neighborhood are undermined when the prominent historic inventory and contributing homes are used for purposes other than those that reinforce a sense of place, a sense of neighborhood, a sense of stability.

- 3. Bifurcation of what is deemed a good neighborhood in Ogden.** There has been a long-held belief that to find a good neighborhood, one should "not live below Harrison Boulevard". Would VRBO's be considered "above Harrison Boulevard"? Does this mean that some neighborhoods are expendable, and to be used more for income than for a part of the community? Does a community only consist of people who are "just like me" No matter what the zone designation, the question should be what are the practices that will bring neighborhoods together, not foster deterioration of them.

Not everyone chooses to live "above Harrison Boulevard", but every Ogden citizen should be able to trust that the City supports their right to have a stable place to live. We encourage you to plan for a hundred years from now, and to secure neighborhoods in the East Central district, rather than undermine them with transient uses.


2529 Eccles

Connie Cox
2532 Eccles Ave

CHAPTER 37

VACATION RENTALS
IN RESIDENTIAL
ZONES

SECTION 1:

15-2-19:

Residential Vacation Rental: Use of a dwelling unit for temporary sojourn or transient visit for a period of thirty (30) nights or less by a person or group of people whose primary residence is at another location and who provide compensation, in any form, in exchange for occupancy.

Commented [SW1]: SHOULD NOT BE A REQUIREMENT.

SECTION 2: Create a New Section

Section 15-13-38

- A. The purpose of residential vacation rentals in Ogden City is to provide a short term rental option in residential zones for individuals who have a primary residence at another location. Special regulation of these rental uses is necessary to ensure that they will be compatible with surrounding residential uses and will not be detrimental to or alter the neighborhoods in which they are located.
- B. It is unlawful to advertise or rent a dwelling as a residential vacation rental unless the property owner has a valid current Ogden City residential vacation rental permit.
- C. A residential vacation rental permit shall be in addition to any building permits that may be necessary to meet the standards of this section. The applicant shall pay any required fee and submit as part of the initial application for a residential vacation rental permit:
 - 1. Detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses;
 - 2. The width of the lot, less any space used for access or where parking is not allowed; and
 - 3. A copy of a state issued sales tax license.
- D. In order to renew a residential vacation permit, a person shall pay any required fee and provide:
 - 1. A copy of the person's most recent transient room tax return.
- E. Compliance With Building Codes: The residential vacation rental unit shall be inspected upon initial application, every two years thereafter, and upon any housing complaint filed with the city to verify that the structure:
 - 1. Complies with the information contained in the application and with the requirements of this section;
 - 2. Complies with all applicable local and state building, health, fire, safety and maintenance codes;
 - 3. Complies with the current building code for egress window size and location in all sleeping rooms regardless of when the structure was built;
 - 4. Has a functioning interconnected fire alarm system.
- F. Spacing of residential vacation rentals: A residential vacation rental may not be located on the same linear block as another residential vacation rental, residential facility for persons with a disability or residential facility for elderly persons. A person with a residential vacation rental permit may renew the permit if a residential facility for persons with a disability or residential facility for elderly persons is established on the same linear block after the original residential vacation permit was issued.

Commented [SW2]: There needs to be better language than this

Commented [SW3]: This is not done for OCGLL houses or more importantly, for those NOT covered by ordinance.

Commented [SW4]: If the city wants this information, it is on the county web site.

Commented [SW5]: Deleted Section 2. Not necessary for the city to know who our tenants are. Normal landlords do NOT provide this. VRBO's do not need to either.

Commented [SW6]: Delete ALL. If regular rentals are not subject to this, neither should be VRBO homes.

Commented [SW7]: Delete this entire segment. The market will truly control this, and since there are NOT restrictions on regular rentals, neither should there be on vacation rentals. It is a discriminatory practice to treat these as if they are a detriment to the neighborhood, when in fact they bring money, economic life, free advertising for the awesomeness of Ogden and much more.

Current Update from Sterling

Title 15

Chapter Page

Sue Wilkerson's Review of Draft Ordinance

G. All residential vacation rentals must conform to the following standards:

1. Occupancy: The residential vacation rental may be occupied by no more than two people per sleeping room, as established by the inspection described in subsection E, plus two additional people. The number of allowed occupants may be increased if:
 - a. The total number of occupants does not exceed one person for every 200 square feet of living space, with the number of occupants rounded down to the nearest whole number; and
 - b. Any sleeping room designated or arranged for occupancy by more than two people has a code compliant door that exits directly to the exterior of the residential vacation rental.
2. Appearance: The appearance of the dwelling shall remain as the dwelling was originally constructed.
3. Off-Street Parking: A residential vacation rental shall have in existence the required two (2) off street parking spaces that meet the legal location and requirements for off street parking for a single-family dwelling. No additional off street parking in the front or side yard for the residential vacation rental is allowed, such as a side yard parking slab or widened driveway, unless grandfathered in and pre-existing; but tandem parking (1 vehicle behind another) in the driveway is allowed provided the tandem parking does not extend over the property line and the public sidewalk.
4. On-Street Parking: On street parking is calculated based on the legal parking space available in front of the lot where the dwelling is located.
5. Garbage: Where a residential vacation rental receives garbage service from Ogden City, the owner shall provide at least two Ogden City garbage carts and one recycling cart. Should the amount of garbage require more carts, the owner shall be responsible to provide that. Carts shall be to the side or rear of the dwelling and shall not be in public view except on collection days. Information about allowed recycling materials and garbage collection dates shall be provided to the occupants of the residential vacation rental.
6. Animals: If allowed by the owner, the number of household pets is limited to the number allowed for a single family home. Pets must be boarded inside the residence and may not remain outside unless an adult is present.
7. Signage: Signage is limited to the same standards applicable to a home occupation, as contained in section 18-5-1 Appendix A.
8. Management: A responsible person shall be available at all times in the Ogden Area who is capable of responding to the residential vacation rental within 30 minutes.
 - a. The contact person name and phone number shall be posted in a prominent place inside of the dwelling together with a copy of the residential vacation rental permit; and
 - b. The contact information shall also be posted on the front of the residential vacation rental unless the contact person's residence is on the same parcel or lot as the residential vacation rental.

Commented [SW8]: The number of persons that can comfortably occupy the home in a vacation mode. These are NOT long term rentals. These residents are here to vacation and fraternize. They are not HUD approved rentals.

Commented [SW9]: If the parking is already poured, it is a hardship to be removed. It was permitted at some point, and the city cannot require removal if the additional parking was already there. Two off street parking is sufficient.

Commented [SW10]: Public streets are public streets. There is no restriction on public street parking other than longevity ordinance, as enforced by OPD parking (ie cars must be licensed and running)

Commented [SW11]: One can is sufficient in a smaller rental.

H. A person who advertises or rents a residential vacation rental shall include the following information in every advertisement and in each rental contract:

1. The person's Ogden City residential vacation rental permit number;
2. The number of rooms available for rental as contained in the permit;
3. The ceiling height of any basement sleeping room if the ceiling is between 6 feet 8 inches and 7 feet.

Commented [SW12]: The contact person shall be on file with Ogden City, should there be an emergency. As with Portland's recent ordinance, all neighbors within 4 houses from rental shall be notified of the number of the contact person. In the case of an apartment building neighbor, the manager of that complex shall be sufficient. Since many of the owners and operators of VRBOs are women, it is a matter of safety.

Commented [SW13]: Persons, not rooms.

Commented [SW14]: ??? Refer to THIS IS NOT A HUD RENTAL.

4. The number of people allowed to occupy the residential vacation rental as contained in the permit;
 5. Whether pets are allowed and the conditions associated with pets; and
 6. The number of vehicles recognized by the permit as allowed for both off-street and on-street parking.
- I. Noncompliance with the standards of this section, or entering into sham transactions, shall be just cause for the denial of an application or revocation of a residential vacation rental permit if the original conditions are not maintained that allowed the residential vacation rental.
1. Revocation shall be decided based upon the findings of fact at an administrative hearing before a hearing officer, pursuant to [title 5, chapter 1, article C](#) of this code, as such provisions may be applicable.
 2. If the permit is revoked, the advertising and rental of the dwelling as a residential vacation rental shall terminate within thirty (30) days of the final determination.
 3. A dwelling whose residential vacation rental permit has been revoked is not eligible for use as a residential vacation rental for a period of three (3) years from the date of revocation.
 4. For purposes of this section, a sham transaction means any transaction which is meant to, or could result in, a violation or avoidance of other applicable zoning ordinances, including transactions:
 - a. Where a residential vacation rental is occupied by a person or group of people for more than thirty consecutive nights, regardless of the term of any rental contract or contracts; or
 - b. Where a residential vacation rental is occupied by a person or group of people, regardless of the number of nights of occupancy, who do not have a primary residence at another location.
- J. A residential vacation rental permit is valid for one year from the date of the approval and must be renewed annually. Change of property ownership does not void the residential vacation rental permit, but the new owner must obtain an updated permit within the earlier of 90 days after acquiring title to the property, or upon expiration of the existing permit.
- K. A residential vacation permit may not be issued for a dwelling in a single family residential zone unless:
1. The dwelling has a valid non-conforming certificate or legal conforming certificate for two or more dwelling units on the property;
 2. The property owner agrees in writing to convert the building to a single family dwelling and to relinquish, through a document recorded with the Weber County Recorder, any right to maintain more than one dwelling; and
 3. The property owner submits an acceptable plan for converting the building to a single family dwelling and applies for and obtains a final inspection for any building permits required to complete the conversion.

Commented [SW15]: This is contained in the contract. It is not necessary unless the person renting is concerned about these items. It just adds confusion to the listing.

Commented [SW16]: If the ownership changes?

Commented [SW17]: If the rental is longer than 30 days, it falls into compliance with city ordinance...

Commented [SW18]: ? Delete. Ridiculous. I have a tenant transferring from England to HAFB. They want a place to stay while they search for their house

Commented [SW19]: Biennial. Just like OCGLL

Commented [SW20]: Delete. Permitted in SFR zones

SECTION 3: Amend Existing Section

15-1-17: PENALTIES; REMEDIES:

Current Update from Sterling	Title 15	Chapter	Page
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Commented [SW21]: Who?

A. Complaints Regarding Violations: The director may investigate any complaint alleging a violation of this title and take such action as is warranted in accordance with the procedures set forth in this section.

B. Persons Liable: The owner, owner's agent, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs or creates any situation that is contrary to the requirements of this title may be held responsible for the violation, suffer the penalties, and be subject to the remedies herein provided.

C. Penalties And Remedies For Violations:

- 1. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of any of the provisions of this title or failing to comply with any of its requirements shall be guilty of a class C misdemeanor and upon conviction shall be punishable as set forth in [title 1, chapter 4, article A](#) of this code.
- 2. This title may also be enforced by injunction, mandamus, abatement or any other appropriate judicial action in law or equity.
- 3. Failure to correct a violation of this title after written notice of violation and expiration of the warning period may be enforced by imposition of the following civil penalties pursuant to [title 1, chapter 4, article B](#) of this code:
 - a. The first civil citation issued after expiration of the warning period shall subject the person to the initial penalty as provided in subsection D of this section.
 - b. The second civil citation issued after expiration of the warning period and the prior imposition of the initial penalty shall subject the person to the intermediate penalty as provided in subsection D of this section.
 - c. Any subsequent civil citation issued after expiration of the warning period and the prior imposition of an intermediate penalty, or any reoccurring violation under section [1-4B-6](#) of this code, shall subject the person to the maximum penalty as provided in subsection D of this section.
- 4. Each day that any violation of this title is committed, maintained, continued or permitted shall be considered a separate offense or violation for purposes of the penalties and remedies available to the city.
- 5. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce the provisions of this title.

D. Civil Penalties:

1. Penalties Imposed: Violations of this title shall carry civil penalties pursuant to the following schedule:

<u>Violation Classification</u>	<u>Initial Penalty</u>	<u>Intermediate Penalty</u>	<u>Maximum Penalty</u>
a. Causing, permitting or maintaining any land use not allowed in the applicable zoning district	\$125.00	\$250.00	\$500.00
b. Constructing, installing, permitting or maintaining any building, structure or improvement, which violates	125.00	250.00	500.00

Current Update from Sterling

Title 15

Chapter Page

yard, setback, height or other dimensional requirements, regarding the placement of buildings, structures or other site improvements, imposed under the provisions of this title

c.	Violating any condition or requirement of a permitted or conditional use; noncompliance with conditions of an approved conditional use permit, variance, a site plan or any other development plan or permit issued in accordance with the provisions of this title (except violations under subsection D1b of this section)	125.00	250.00	500.00
d.	Allowing a vehicle to be parked at a location prohibited under the provisions of this title	25.00	50.00	100.00
e.	<u>Advertising, renting, or operating a residential vacation rental in violation of section _____.</u>	<u>500.00</u>	<u>500.00</u>	<u>500.00</u>
f.	Any other violation not described above	125.00	250.00	500.00

Section 4. There is an initial filing period of 45 days after the date this ordinance is effective for individuals who desire to obtain a residential vacation rental permit to submit a permit application. If there is more than one application for a particular block, the planning department shall hold a lottery between the applicants for the available permit. An individual who is successful in a lottery shall complete any requirements to obtain a permit within three months. If all requirements are not met, the next person in the lottery will be recognized as eligible for the permit.

Commented [SW22]: There should NOT be a restriction on how many units per block.

CHAPTER 37

VACATION RENTALS IN RESIDENTIAL ZONES

SECTION 1:

15-2-19:

Residential Vacation Rental: Use of a dwelling unit for temporary sojourn or transient visit for a period of thirty (30) nights or less by a person or group of people whose primary residence is at another location and who provide compensation, in any form, in exchange for occupancy.

SECTION 2: Create a New Section

Section 15-13-38

- A. The purpose of residential vacation rentals in Ogden City is to provide a short term rental option in residential zones for individuals who have a primary residence at another location. Special regulation of these rental uses is necessary to ensure that they will be compatible with surrounding residential uses and will not be detrimental to or alter the neighborhoods in which they are located.
- B. It is unlawful to advertise or rent a dwelling as a residential vacation rental unless the property owner has a valid current Ogden City residential vacation rental permit.
- C. A residential vacation rental permit shall be in addition to any building permits that may be necessary to meet the standards of this section. The applicant shall pay any required fee and submit as part of the initial application for a residential vacation rental permit:
 - 1. Detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses;
 - 2. A drawing or other description as to how required legal off-street parking will be provided and the number of legal off-street parking spaces available; and
 - 3. A copy of a state issued sales tax license
 - 4. A statement affirming whether the vacation rental will be owner occupied.
- D. In order to renew a residential vacation permit, a person shall pay any required fee and provide:
 - 1. A copy of the person's most recent transient room tax return.
 - 2. A list from the prior year of the nights the residential vacation rental was occupied, the number of people in each rental to whom it was rented and the length of occupancy of each person or group of people.
- E. Compliance With Building Codes: The residential vacation rental unit shall be inspected upon initial application, every two years thereafter, and upon any housing complaint filed with the city to verify that the structure:
 - 1. Complies with the information contained in the application and with the requirements of this section;
 - 2. Complies with all applicable local and state building, health, fire, safety and maintenance codes;
 - 3. Complies with the current building code for egress window size and location in all sleeping rooms regardless of when the structure was built;
 - 4. Has a functioning interconnected fire alarm system.

- F. Spacing of residential vacation rentals: A residential vacation rental may not be located on the same linear block as another residential vacation rental, residential facility for persons with a disability or residential facility for elderly persons. A person with a residential vacation rental permit may renew the permit if a residential facility for persons with a disability or residential facility for elderly persons is established on the same linear block after the original residential vacation permit was issued.
- G. All residential vacation rentals must conform to the following standards:
1. Occupancy: The residential vacation rental may be occupied by no more than two people per sleeping room, as established by the inspection described in subsection E, plus two additional people. The number of allowed occupants may be increased if:
 - a. The minimum number of required off-street parking spaces are provided based on the number of sleeping rooms in the structure;
 - b. The total number of occupants does not exceed one person for every 200 square feet of living space, with the number of occupants rounded down to the nearest whole number; and
 - c. Any sleeping room designated or arranged for occupancy by more than two people has a code compliant door that exits directly to the exterior of the residential vacation rental.
 2. Appearance: The appearance of the dwelling shall remain as the dwelling was originally constructed.
 3. Off-Street Parking: A residential vacation rental shall have in existence no less than the required two (2) off street parking spaces that meet the legal location and requirements for off street parking for a single-family dwelling.
 - a. No additional off street parking in the front or side yard for the residential vacation rental is allowed, such as a side yard parking slab or widened driveway, but tandem parking (1 vehicle behind another) in the driveway is allowed, provided the tandem parking does not extend over the property line and the public sidewalk.
 - b. A non-owner occupied residential vacation rental with more than four sleeping rooms shall provide off street parking at the rate of one-half (1/2) parking space for each additional sleeping room recognized in the permit, rounded up to the nearest whole number, in addition to the required two off street parking spaces.
 - c. An owner-occupied residential vacation rental shall provide off street parking at the rate of one-half (1/2) parking space for each sleeping room recognized in the permit, rounded up to the nearest whole number, in addition to the required two off street parking spaces.
 - d. A residential vacation rental may not utilize a driveway shared with another parcel to provide access to parking unless the driveway was approved to serve a common development, such as in a planned unit development.
 4. On-Street Parking: On street parking may not be used to satisfy the parking requirements for a residential vacation rental.
 5. Garbage: Where a residential vacation rental receives garbage service from Ogden City, the owner shall provide the minimum one Ogden City garbage carts and one recycling cart.
 - a. Carts shall be to the side or rear of the dwelling and shall not be in public view except on collection days.

- b. Information about allowed recycling materials and garbage collection dates shall be provided to the occupants of the residential vacation rental.
 - c. The owner is responsible to ensure that garbage does not overflow the carts or accumulate outside of the carts.
 - 6. Animals: If allowed by the owner, the number of household pets is limited to the number allowed for a single family home. Pets must be boarded inside the residence and may not remain outside unless an adult is present.
 - 7. Signage: Signage is limited to the same standards applicable to a home occupation, as contained in section 18-5-1 Appendix A.
 - 8. Management: A responsible person shall be available at all times in the Ogden Area who is capable of responding to the residential vacation rental within 30 minutes.
 - a. The contact person name and phone number shall be posted in a prominent place inside of the dwelling together with a copy of the residential vacation rental permit; and
 - b. The contact information shall also be posted on the front of the residential vacation rental unless the contact person's residence is on the same parcel or lot as the residential vacation rental.
- H. A person who advertises or rents a residential vacation rental shall include the following information in every advertisement and in each rental contract:
 - 1. The person's Ogden City residential vacation rental permit number;
 - 2. The number of rooms available for rental as contained in the permit;
 - 3. The ceiling height of any basement sleeping room if the ceiling is between 6 feet 8 inches and 7 feet;
 - 4. The number of people allowed to occupy the residential vacation rental as contained in the permit;
 - 5. Whether pets are allowed and the conditions associated with pets; and
 - 6. The number of legal off-street parking spaces recognized by the permit as allowed for use by the residential vacation rental.
- I. It is unlawful for a person to advertise, represent orally or in writing, or sign a rental contract for a residential vacation rental that:
 - 1. Authorizes more people to occupy the residential vacation rental than is provided in the permit;
 - 2. Allows the use of any portion of property outside of the residential vacation rental for sleeping purposes by pitching tents or otherwise;
 - 3. Authorizes or provides for more parking spaces, including on-street parking, than are authorized in the permit.
- J. Noncompliance with the standards of this section, allowing the property associated with the residential vacation rental permit to become a nuisance, such as through violations of the city noise ordinance, property maintenance standards, or repeated instances of the property being used in a way that is not in compliance with this section, failure to maintain the original conditions that allowed the residential vacation rental permit to be issued, and entering into sham transactions shall each constitute just cause for the denial of an application or renewal, or revocation of a residential vacation rental permit.

1. Revocation shall be based upon the findings of fact at an administrative hearing before a hearing officer, pursuant to title 5, chapter 1, article C of this code, as such provisions may be applicable.
 2. If the permit is revoked, the advertising and rental of the dwelling as a residential vacation rental shall terminate within thirty (30) days of the final determination.
 3. A dwelling whose residential vacation rental permit has been revoked is not eligible for use as a residential vacation rental for a period of three (3) years from the date of revocation.
 4. For purposes of this section, a sham transaction means any transaction which is meant to, or could result in, a violation or avoidance of other applicable zoning ordinances, including transactions:
 - a. Where a residential vacation rental is occupied by a person or group of people for more than thirty consecutive nights, regardless of the term of any rental contract or contracts; or
 - b. Where a residential vacation rental is occupied by a person or group of people, regardless of the number of nights of occupancy, who do not have a primary residence at another location.
- K. A residential vacation rental permit is valid for one year from the date of the approval and must be renewed annually. Change of property ownership does not void the residential vacation rental permit, but the new owner must obtain an updated permit within the earlier of 90 days after acquiring title to the property, or upon expiration of the existing permit.
- L. A residential vacation permit may not be issued for a dwelling in a single family residential zone unless:
1. The dwelling has a valid non-conforming certificate or legal conforming certificate for two or more dwelling units on the property;
 2. The property owner agrees in writing to convert the building to a single family dwelling and to relinquish, through a document recorded with the Weber County Recorder, any right to maintain more than one dwelling; and
 3. The property owner submits an acceptable plan for converting the building to a single family dwelling and applies for and obtains a final inspection for any building permits required to complete the conversion.

SECTION 3: Amend Existing Section

15-1-17: PENALTIES; REMEDIES:

- A. Complaints Regarding Violations: The director, or the director's designee, may investigate any complaint alleging a violation of this title and take such action as is warranted in accordance with the procedures set forth in this section.
- B. Persons Liable: The owner, owner's agent, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs or creates any situation that is contrary to the requirements of this title may be held responsible for the violation, suffer the penalties, and be subject to the remedies herein provided.

C. Penalties And Remedies For Violations:

1. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of any of the provisions of this title or failing to comply with any of its requirements shall be guilty of a class C misdemeanor and upon conviction shall be punishable as set forth in [title 1, chapter 4, article A](#) of this code.
2. This title may also be enforced by injunction, mandamus, abatement or any other appropriate judicial action in law or equity.
3. Failure to correct a violation of this title after written notice of violation and expiration of the warning period may be enforced by imposition of the following civil penalties pursuant to [title 1, chapter 4, article B](#) of this code:
 - a. The first civil citation issued after expiration of the warning period shall subject the person to the initial penalty as provided in subsection D of this section.
 - b. The second civil citation issued after expiration of the warning period and the prior imposition of the initial penalty shall subject the person to the intermediate penalty as provided in subsection D of this section.
 - c. Any subsequent civil citation issued after expiration of the warning period and the prior imposition of an intermediate penalty, or any reoccurring violation under section [1-4B-6](#) of this code, shall subject the person to the maximum penalty as provided in subsection D of this section.
4. Each day that any violation of this title is committed, maintained, continued or permitted shall be considered a separate offense or violation for purposes of the penalties and remedies available to the city.
5. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce the provisions of this title.

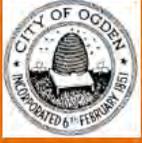
D. Civil Penalties:

1. Penalties Imposed: Violations of this title shall carry civil penalties pursuant to the following schedule:

<u>Violation Classification</u>	<u>Initial Penalty</u>	<u>Intermediate Penalty</u>	<u>Maximum Penalty</u>
a. Causing, permitting or maintaining any land use not allowed in the applicable zoning district	\$125.00	\$250.00	\$500.00
b. Constructing, installing, permitting or maintaining any building, structure or improvement, which violates yard, setback, height or other dimensional requirements, regarding the placement of buildings, structures or other site improvements, imposed under the provisions of this title	125.00	250.00	500.00

c.	Violating any condition or requirement of a permitted or conditional use; noncompliance with conditions of an approved conditional use permit, variance, a site plan or any other development plan or permit issued in accordance with the provisions of this title (except violations under subsection D1b of this section)	125.00	250.00	500.00
d.	Allowing a vehicle to be parked at a location prohibited under the provisions of this title	25.00	50.00	100.00
e.	<u>Advertising, renting, or operating a residential vacation rental in violation of section _____.</u>	<u>500.00</u>	<u>500.00</u>	<u>500.00</u>
f.	Any other violation not described above	125.00	250.00	500.00

Section 4. There is an initial filing period of 45 days after the date this ordinance is effective for individuals who desire to obtain a residential vacation rental permit to submit a permit application. If there is more than one application for a particular block, the planning department shall hold a lottery between the applicants for the available permit. An individual who is successful in a lottery shall complete any requirements to obtain a permit within three months. If all requirements are not met, the next person in the lottery will be recognized as eligible for the permit.



City Council Meeting COUNCIL STAFF REVIEW

JOINT PROCLAMATION DECLARING MAY 12, 2016 “MAKE-A-DIFFERENCE DAY” IN OGDEN CITY

COUNCIL STAFF REVIEW

ACTION: **Adopt joint proclamation**

Request

This joint proclamation declares May 12, 2016 “Make-A-Difference Day” in Ogden City. This annual event provides citizens and community groups an opportunity to sponsor and participate in projects that benefit the City.

Jay Lowder, Public Services Director, will be present during this recognition. The joint proclamation will be presented in an unframed format because a framed proclamation has already been presented for this purpose.

Council Staff Contact: Amy Sue Mabey, (801)629-8629

***JOINT PROCLAMATION OF THE
OGDEN CITY COUNCIL AND MAYOR***

**PROCLAIMING MAY 12, 2016
“MAKE-A-DIFFERENCE DAY”
IN OGDEN CITY**

WHEREAS, Ogden City is now working to prepare for its eighth annual Make-A-Difference Day. This event is a day of service that focuses on unifying the community and building pride throughout the City; and

WHEREAS, The concept behind Make-A-Difference Day is to encourage everyone to become involved in local projects. Groups of all sizes and ages are invited to participate by organizing projects from small clean-up efforts, to participating in the local food drive, painting garbage cans, or tackling an entire city park. The options are endless and the results will be significant. This event also helps us to spruce up Ogden in anticipation of the annual Ogden Marathon scheduled for Saturday, May 21, 2016; and

WHEREAS, A community-wide food drive is being held from April 12th to May 12th. Non-perishable food items will be accepted at the City’s Public Works, Municipal, Francom Public Safety and Community Services buildings. All collected food will go toward helping those in need throughout our community; and

WHEREAS, Make-A-Difference Day has become a valued local tradition that continues to grow each year. The community will complete more than 100 projects as part of this year’s effort. This event helps unify our community and showcase our beautiful City.

NOW, THEREFORE the Ogden City Council and Mayor Michael P. Caldwell do hereby proclaim May 12, 2016:

“Make-A-Difference Day”

in Ogden City. We express sincere appreciation to our Public Services Department who dedicates countless hours to plan and carry out this event. We are very grateful for everyone who is currently participating and all who will join in as our community comes together to Make-A-Difference in Ogden.

PASSED AND ADOPTED this 3rd day of May 2016.

Marcia L. White, Council Chair

Michael P. Caldwell, Mayor

ATTEST:

Tracy Hansen, City Recorder



City Council Meeting COUNCIL STAFF REVIEW

PUBLIC HEARING FOR ANNUAL ACTION PLAN FY17

COUNCIL STAFF REVIEW

DETERMINATION: After public input, adopt/not adopt resolution

Background

The Five-year Consolidated Plan and Annual Action Plan

When receiving federal funds for economic development and housing programs, the City is required to submit a Consolidated Plan (ConPlan) to the Department of Housing and Urban Development (HUD) every five years. The plan was updated in 2015 for fiscal years 2016 through 2020. The plan adopted in 2015 will be in place from July 1, 2015 to June 30, 2020. The Consolidated Plan is part of the City's application to HUD for Community Development Block Grants (CDBG) and HOME money. The five-year ConPlan can be viewed [here](#), or at www.ogdencity.com under the Community tab.

Along with the Consolidated Plan, the City must prepare and submit an Annual Action Plan each year as part of the annual application for funds. The Annual Action Plan indicates how funding will be used during the coming year and how the grant funds will further the goals in the Consolidated Plan. It establishes annual goals and outcomes for programs and projects funded by the CDBG and other federal grant funds. The FY17 Annual Action Plan is for the second year of the five-year ConPlan period.

Significant Parts of the Plan

Annual Action Plan for FY17

The Annual Action Plan proposed for FY17 is for the second year of the five-year ConPlan. The format for the Annual Action Plan was changed with the five-year ConPlan and the FY16 plan adopted in 2015 and is a format established by HUD's reporting system. The Plan is broken into several sections and includes the following significant elements:

- **AP-05 Executive Summary** (Page 2) – This is an overview of the plan and its priority objectives.



City Council Meeting

COUNCIL STAFF REVIEW

- **AP-10 Consultation** (Page 9) – This provides some background on the City’s outreach to outside agencies and other stakeholders in the development of the five-year ConPlan and continued coordination of services.
- **AP-12 Participation** (Page 16) – This section is a review of the citizen participation that has taken place with the development of the ConPlan as well as the Annual Action Plan.
- **AP-15 Expected Resources** (Page 20) – The expected resources section of the plan details what the City expects to receive in CDBG and HOME entitlement funds for year two of the five-year plan.
- **AP-20 Annual Goals and Objectives** (Page 23) – The goals and objectives section provides detail with regard to the goals identified in the strategic plan section of the ConPlan, lists anticipated funding for each goal and the specific programs that will be used to reach each goal.
- **AP-35/38 Projects/Project Summary** (Pages 31/33) – The project summary section of the AAP provides an overview of the specific programs the City has developed and provides a description of the program, anticipated funding, and more specificity regarding the planned activities in year two of the plan.
- **AP-50 Geographic Distribution** (Page 45) – This section provides an overview with regard to the anticipated geographic distribution of funds in the AAP. Various programs have broader and overlapping target areas accounting for the percentage total greater than 100%.
- **AP-55 Affordable Housing** (Page 47) – This section provides specific goal numbers for affordable housing.
- **AP-60 Public Housing** (Page 48) – This section provides information about the City’s work to provide public housing in Ogden.
- **AP-65 Homeless and other Special Needs Activities** (Page 50) – This section provides information on how the City is working with other organizations to meet the needs of the homeless and those with special needs.



City Council Meeting COUNCIL STAFF REVIEW

- **AP-75 Barriers to Affordable Housing** (Page 54) – This is information included in the AAP from the housing study done for the Analysis of Impediments to Fair Housing Choice.
- **AP-85 Other Actions** (Page 56) – This section details other activities the City is participating in to address issues which have been previously addressed in the ConPlan or AAP.
- **AP-90 Program Specific Requirements** (Page 61) – This section outlines specific requirements for programs for the CDBG and HOME funds as required by federal regulation.
- **Appendix A – Citizen Comments** (Page 64) – This section includes comments received throughout the public input process.
- **Appendix B - Budget** (Page 65) – This is the proposed budget for the FY17 Annual Action Plan. The details of the budget will be analyzed separately in this report.
- **Appendix C – Program and Goals Summary Matrix** (Page 66) – This section summarizes the programs and goals included in the five-year ConPlan.

Proposed Schedule for Adopting the Annual Action Plan

The proposed schedule for the Council's review and adoption of the Annual Action Plan is as follows:

- **March 9, 2016** – A draft of the plan is received by the Council office.
- **March 30, 2016** – The 30-day public comment period for the plan begins. Any comments received are included with the final version the Council takes action on at the public hearing.
- **April 5, 2016** – Council reviews the plan at a work session.
- **April 19, 2016** – Public hearing was set for the adoption of the plan for May 3, 2016. A public hearing is required before the application can be submitted to HUD.
- **April 29, 2016** – The public comment period closes.



City Council Meeting COUNCIL STAFF REVIEW

- **May 3, 2016** – Council to hold the public hearing on the Plan and can adopt it by resolution.

Current Proposal The Administration is proposing the Council adopt a resolution that approves the Annual Action Plan and budget for fiscal year 2017. Fiscal year 2017 is the second year of the five-year ConPlan period. The amounts in the Annual Action Plan budget as approved by the Council are incorporated into the Major Grants section of the City Budget.

Annual Action Plan and Budget

The Annual Action Plan budget consists of both an estimate of entitlement funding, program income funds, and carry-over funded and the Administration’s proposal on how those funds will be expended throughout the next fiscal year. The draft budget is located on the page 61 of the document. It contains funding for both Community Development and Economic Development projects and programs. The major elements of the budget are shown below:

Anticipated new funds (Entitlements)	\$2,670,050
Program Income funds	\$718,464
Carry-over funds	\$2,303,874
CHDO Carry-over funds	\$0
<u>Tax Increment Housing funds</u>	<u>\$0</u>
Total	\$5,692,388

Description of Income (Sources of Funds)

Like any budget, the funds indicated in the proposed plan are projected funds. The table showing the projected revenues and expenditures is shown on the page 61 of the plan document. Below are some significant aspects of the proposed budget:

- The overall amount budgeted for this year is **\$5,692,388** which is an overall decrease in the budget amount compared to last year’s adopted budget of \$7,319,468 and from the amended FY16 budget total of \$7,014,092. This FY17 budget amount is the result of a combination of a slight increase in federal entitlement funds, a decrease in program income, and an increase in carry-over funds compared to the previous year’s budget. Another reason the amount is lower with the FY17 budget is the exclusion of the HUD Section 108 Loan funding for the Trackline project.



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- The proposed Entitlement Funding shown in the budget is an estimate of federal grant dollars and City funds. The total amount anticipated for FY17 for CDBG funding is **\$982,810** and for HOME funding is **\$337,240**. The adopted FY16 budget estimated CDBG funds at \$958,232 and HOME funds at \$320,939 with no changes to the amended FY16 budget.
- The Entitlement Funding totals in the FY17 Annual Action Plan budget not only include anticipated CDBG and HOME grant funds but also include several non-federal funding sources for the Quality Neighborhoods/Infill Housing program and the HELP program. As part of the Quality Neighborhoods program, the Administration is including **\$1,200,000** of City funds to be allocated to the Quality Neighborhoods program (\$1,000,000) and the HELP program (\$200,000).
- The program income, which is comprised of funds that have been returned to the City in the form of loan payments or other program payments, for FY17 is expected to be higher than the adopted FY16 budget but lower than the amended FY16 budget. The increase in the amended FY16 budget was the result of some early payoffs the city received during the 2016 fiscal year. The FY17 program income estimate is **\$718,464**. Since this is an estimate of the program income the city will receive for the period between the development of this plan in February of this year and the end of the fiscal year on June 30th, this total will be reviewed and adjusted with the mid-year Annual Action Plan amendment.
- The anticipated carry-over funds shown in the FY17 budget total **\$2,303,874**. This is an increase in the amount of carry-over funding compared to the FY16 adopted budget and the FY16 amended budget. The carry-over funds include the carry-over of \$500,000 of State funds allocated to the City in FY2016 for the Unit Reduction program.

Description of Expenses (Uses of Funds)

Public Services

- **Business Information Center.** This year's budget proposal for this program is **\$55,000** which is the same as last year's budget.



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Public Improvements

- **Target Area Public Improvements.** The amount proposed for FY17 is **\$450,000**. This amount is same as the FY16 adopted and amended budgets.

Programs

- **Infill Housing.** The amount included for this program is **\$639,502** and is comprised only of CDBG income in the proposed Annual Action Plan budget. The amount included in the AAP FY17 budget is less than the FY16 amended budget of \$896,392. The program guidelines for this program were changed in November of 2015 in conjunction with the Quality Neighborhoods Strategy resolution. The program guideline changes allowed the Infill Housing funds to be used for land acquisition and consolidation without prior Council approval for up to \$250,000. In addition, the amended guidelines for this program stated that if a project consisted of 10 or more units it would be brought to the Council for approval.
- **Rental Rehabilitation.** The budgeted amount for this program remains as it was in last year's budget at **\$90,000**.
- **Own in Ogden.** The proposed budget of **\$250,000** is the same as the FY16 adopted budget.
- **Emergency Home Repair.** The funding for this program is proposed to be **\$40,000**. This is the same as last year's amount.
- **Demolition Loan Program.** The proposed budget amount for this is **\$12,000**. This is same as last year's allocation.
- **CHDO (Community Housing Development Organization).** The proposed amount for this year's budget is lower than last year. The proposed amount for this year is **\$50,586**.
- **Loan Loss Guarantee Program.** There is no funding proposed for the Loan Loss Guarantee Program in the FY17 budget. It was anticipated that the Loan Loss Guarantee program would be funded with the FY17 Annual Action Plan budget.
- **Quality Neighborhoods.** This line item replaces the East Central Revitalization program from the previous five-year ConPlan and Annual Action Plans. The total amount proposed with the FY17 budget is **\$2,493,767**. The total amount included in this line item



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includes several federal and non-federal funding sources. These include the following:

- **CDBG** – This is the amount included in the Quality Neighborhoods (QN) program line item that is from federal CDBG entitlement funds. The proposed amount for QN CDBG is **\$263,837**. This is a slight decrease from the FY16 amended budget of \$272,267.
- **HOME** – The proposed amount for federal HOME entitlement funds included in the QN program is **\$375,816**. This is also a decrease from the FY16 amended budget amount of \$418,311.
- **HOME Match** – The HOME match amount included in the QN program is **\$151,856**. This is slightly lower than the previous year's amount due to lower carry-over balances in this column.
- **City Funds** – The proposed FY17 budget includes the addition of \$1,000,000 of non-federal City funds. The total amount shown in this column includes the \$1,000,000 as well as a portion of the carry-over funds for a total of **\$1,132,258**. This is the second year in which this money is being proposed for the Quality Neighborhoods program with the anticipated source of this funding being BDO lease revenue. This is the first year these funds are anticipated to directly fund Quality Neighborhoods projects as outlined in the Quality Neighborhoods Strategy resolution adopted jointly in November of last year. Because these are not federal funds, the actual allocation of this money will take place with the adoption of the FY17 City budget and not with the adoption of the AAP budget.
- **State Funds** – In 2015, the City received \$750,000 of state funds to increase funding for the City's Unit Reduction program. The City is anticipating a carry-over of **\$500,000** for this program.
- **Housing Funds** – The AAP budget proposes **\$70,000** for this fund. This amount is the same as the amended FY16 budget.
- **HELP** – The Home Exterior Loan Program (HELP) is proposed to be funded at **\$719,774**. This total includes \$281,643 from the City-funds



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column consisting of \$200,000 of City funds from BDO lease revenue and \$81,643 of carry-over from the previous fiscal year and \$438,131 from Housing fund program income and carry-over funds. This is an overall decrease from the amended FY16 budget of \$836,511.

- **Central Business District Revitalization.** This program is proposed to be funded at the same level as last year at a total of **\$200,000**.
- **Small Business Loan Program.** The amount proposed for this year's budget is lower than the mid-year amended budget amount of \$450,000 but the same as the FY16 adopted budget. The proposed amount for this year is **\$400,000**.
- **Microenterprise Accelerator Program.** This is a newly proposed program for this year. It is a new line item in the Annual Action Plan budget but the goals for the program fall under Priority Objective #9 – Stimulate Economic Growth of the ConPlan. No funds are proposed in the budget; however, Administration has indicated that funding may be transferred from the Small Business Loan program and the Central Business District Revitalization program.
- **Administration.** The amount budgeted for Administration in this year's budget is lower than that of last year's adopted and amended budgets. This year's budget is proposed to be **\$291,760**. Last year's budgeted amount was \$294,882 and the mid-year amendment amount was \$334,967.

Attachments

1. Transmittal from Administration
2. Resolution 2016-11
3. Annual Action Plan FY2017
 - a. Appendix A – Citizen Comments
 - b. Appendix B – Budget
 - c. Appendix C – Programs and Goals Summary Matrix

Memos Prepared By:

Administrative Contact:
Council Staff

Ward Ogden, 629-8942
Glenn Symes, 629-8164

OGDEN CITY COUNCIL TRANSMITTAL

RECEIVED

DATE: March 8, 2016
TO: Ogden City Council
THRU: Mark Johnson, CAO
FROM: Tom Christopoulos, CED Director
RE: Draft Annual Action Plan for July 1, 2016 to June 30, 2017
STAFF CONTACT: Ward Ogden, Community Development Manager 
Cathy Fuentes, Project Coordinator
REQUESTED TIMELINE: City Council Work Session April 5, 2016
Public Comment Period March 30, 2016 to April 29, 2016
City Council Public Hearing May 3, 2016
Submission to HUD May 5, 2016
RECOMMENDATION: Hold a public hearing and approve the Resolution Adopting Annual Action Plan FY2017.
DOCUMENTS: Draft Annual Action Plan for July 1, 2016 to June 30, 2017
Resolution

MAR 09 2016

OGDEN CITY
COUNCIL OFFICE

BACKGROUND: Every five years HUD requires entitlement cities to prepare a Five-Year Consolidated Plan that describes the city's physical and socio-economic conditions and strategies that the city will implement to address its community and economic development goals, particularly through the use of federal grant funds. Each year, as a part of the Consolidated Planning process, Ogden City is also required to submit an Annual Action Plan to HUD along with the city's annual grant agreements for the Community Development Block Grant Funds (CDBG) and for HOME Investment Partnerships Program (HOME) federal grants. This year's Annual Action Plan describes the budget for programs and projects administered by the Community and Economic Development Department that will fund the second year of the Five-Year Consolidated Plan 2016-2020.

The FY2017 Annual Action Plan carries forward the goals outlined in the Five Year Consolidated Plan, which was adopted in May 2015. No changes to the Consolidated Plan goals are anticipated at this time. One program has been added, Microenterprise Accelerator Program funded under the ConPlan's Stimulate Economic Growth goal. Although this program has been added, no funds are allocated at this time. The inclusion of the program during the AAP FY17 adoption allows CED to fund the program in the future. CED's Citizen Advisory Committee met February 24, 2016 and reviewed the proposed AAP FY17. A quorum of six was present and the CAC recommends to City Council, adoption of the AAP FY17 as presented. No changes recommended. The Annual Action Plan is now available for review by the City Council.

FISCAL IMPACT: The Annual Action Plan serves as the application for \$982,810 of Community Development Block Grant Funds (CDBG) and for \$337,240 of HOME funds (federal) from U.S. Department of Housing and Urban Development (HUD) for Community Development and Business Development programs and projects outlined in Ogden City's AAP FY17 budget. In addition, the Annual Action Plan budget for FY2017, which includes entitlements, carryover funds and program income, is \$5,692,388.

RESOLUTION NO. 2016-11

RESOLUTION OF THE OGDEN CITY COUNCIL ADOPTING THE ANNUAL ACTION PLAN FOR THE PERIOD JULY 1, 2016 THROUGH JUNE 30, 2017, AND DIRECTING THAT THIS DOCUMENT BE SUBMITTED TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

WHEREAS, it is deemed desirable that Ogden City continue to participate in the Community Development Block Grant and HOME Programs in future years; and

WHEREAS, The National Affordable Housing Act of 1991 and associated regulations require that local governments participating as entitlement grantees in certain community development programs of the Federal Government, including the Community Development Block Grant and HOME Programs, prepare, adopt and carry out a Five-Year Consolidated Plan with Annual Action Plans; and

WHEREAS, Ogden City has prepared a draft Annual Action Plan for July 1, 2016 through June 30, 2017 and in accordance with Federal regulations, has made this draft available for public review and comment for a period of thirty days as required by said Federal regulations, and has summarized, and in some cases incorporated the resulting public comments into the body of the Annual Action Plan for July 1, 2016 through June 30, 2017; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of Ogden City, Utah, that said Annual Action Plan for July 1, 2016 to June 30, 2017, attached as Exhibit "A", is hereby adopted as the City of Ogden's Annual Action Plan for the period from July 1, 2016 through June 30, 2017, and that this document will be submitted to the U.S. Department of Housing and Urban Development.

PASSED AND ADOPTED this ____ day of _____, 2016.

COUNCIL CHAIR

ATTEST:

CITY RECORDER

Approved as to form:

MAB 3/8/16
Legal Date



Mayor, Mike Caldwell
OGDEN CITY
ANNUAL ACTION PLAN FY2016-17



Submitted to HUD May 15, 2016



Prepared by: Ogden City Community Development Division
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T: 801-629-8903 **DD:** 801-629-8949 **E:** fairhousing@ogdencity.com
www.ogdencity.com

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

Ogden's Five Year Consolidated Plan 2015-2019 provides the strategic blueprint for how the City will address housing, homelessness, special needs population, community development and economic development activities for low – to moderate-income persons and neighborhoods over the next five years. The plan provides a comprehensive overview of how the City will partner with other community stakeholders to provide decent housing, a suitable living environment and expanded economic development opportunities, principally benefiting low and moderate income persons. The five-year Consolidated Plan will serve as the guideline for annual funding allocations, described in each year's Annual Action Plan.

The following principles have guided the development of the ConPlan in setting priorities, developing strategies and evaluating and selecting specific projects for CDBG and HOME assistance.

- All City residents should have access to affordable, decent, safe, and sanitary housing.
- Ogden's housing and community development programs emphasize neighborhood revitalization to encourage neighborhood stability and preservation of existing housing stock.
- The City should maintain ongoing partnerships with the private sector and continued intergovernmental cooperation with County, regional, and state governments.
- Ogden's economic development programs work towards expanding the city's economic base and creating jobs in the City with special emphasis to creating jobs in the Neighborhood Revitalization Strategy Area (NRSA).

The Annual Action Plan describes Ogden's annual allocation for the CDBG and HOME Entitlement grant programs, it identifies the specific projects and programs the city will undertake during the year and it outlines the goals expected to be accomplished. It also includes a detailed budget that outlines the sources and uses of federal funds.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

OGDEN CITY CONSOLIDATED PLAN LONG-TERM GOALS AND PRIORITY OBJECTIVES

Priority Objective #1: Improve the quality of housing stock.

1.1 Acquire deteriorating and/or abandoned properties to rehabilitate when possible and for those not suitable for rehab then demolition and/or new construction may be required. Projects will upgrade existing housing stock in the East Central, alleviating conditions of blight and improving housing conditions.

1.2 Rehabilitate housing units that are in need of urgent safety, sanitation and code-related repairs to improve the quality of housing stock and enable low-income homeowners to stay in their homes.

1.3 Work with developers/owners to create or to improve the quality and safety of rental units providing low- to moderate-income residents affordable housing options.

Priority Objective #2: Expand homeownership opportunities.

2.1 Assist low to moderate income persons to buy a safe, decent and affordable home in Ogden's target area.

2.2 Ensure homebuyers are suitable to undertake and maintain homeownership through homebuyer education.

Priority Objective #3: Increase the supply of affordable and quality housing.

3.1 Increase the availability of housing units to low-to moderate-income residents through the construction or rehabilitation of affordable and quality housing units.

3.2 Gap financing to support the efforts of nonprofit organizations undertaking affordable housing projects in Ogden.

Priority Objective #4: Homelessness (Continuum of Care)

4.1 Participate and support the Weber County Homeless Charitable Trust to grant funds to non-profit agencies providing services to the homeless.

4.2 Provide collaborative support to the Weber County Homeless Coordinating Committee which is a member of the Utah Balance of State Continuum of Care.

Priority Objective #5: Improve the physical appearance and safety of neighborhoods

5.1 Assist in the demolition of dilapidated structures that are beyond rehabilitation to arrest the spread of blight conditions.

5.2 Implement public improvement projects that repair deteriorating and inadequate streets, curbs and infrastructure to support improved quality of life.

Priority Objective #6: Job Creation

6.1 Support the start-up and/or development of viable small businesses to create job opportunities primarily in Central Business District and NRSA.

Priority Objective #7: Business Counseling

7.1 Provide services to small business owners and entrepreneurs that enable them to grow their businesses and support job creation.

Priority Objective #8: Create greater access to capital

8.1 Loan Loss Guarantee Program - providing loan guarantees to businesses to create better loan coverage ratios for lenders.

8.2 Administrative support to Wasatch Community Funding, Inc. a Utah CDFI, which works to create access to capital for business owners, where funding has been inaccessible or limited.

Priority Objective #9: Stimulate economic growth

9.1 Expand the city's economic base by financial assistance to businesses and microenterprises, by blight removal, and/or through the development of underutilized commercial properties.

9.2 Stimulate economic growth through the Ogden Business Exchange Project that supports development of the Trackline EDA.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

An evaluation of past performance is summarized annually in the Consolidated Annual Performance and Evaluation Report (CAPER), which demonstrates the City's performance in administration of the Community Development Block Grant (CDBG) and HOME Investment Partnerships Grant (HOME). As noted in Ogden's Program Year 2015 CAPER last fall, the City's efforts to meet its Annual Action Plan July 1, 2014 to June 30, 2015 and Consolidated Plan goals and objectives were generally successful, especially in view of the budgetary constraints. The City analyzes past performance to ensure and increase the effectiveness of its funding allocations. The City continues to create partnerships with other agencies to enhance its ability to address community needs and expand the benefits of these federal funds.

The City of Ogden strives to meet or exceed the goals stated in the Consolidated Plan and Annual Action Plans. The City strives to obligate and disburse its CDBG funds in a timely manner. The City met the May

1, 2015 timeliness test for CDBG spending and has implemented a spending plan to ensure compliance is maintained. The City proposes to provide 70% overall benefit in FY2016-2017 to low and moderate income persons, meeting the 70% regulatory requirement. Monthly reports are prepared by staff to monitor spending goals and overall public benefit accomplishments.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

Ogden City has made an effort to broaden public participation in the development of the Annual Action Plan (AAP). These efforts include: 1) attending a variety of community groups and events for the purpose of ConPlan outreach; 2) dedicating a page on the city's website to the ConPlan that provides a convenient way for residents to receive information and make comments (<http://HUDConplan.ogdencity.com/>); 3) sending information of all AAP public notices to residents by newspaper, website, and water bill insert; 4) outreach to residents and organizations in low – moderate income areas; 5) holding public meetings, 6) posting notices of public hearings at city offices, and city and county housing authority offices; and 7) efforts to outreach to the Hispanic population, which is Ogden's largest minority population. The Citizen Advisory Committee (CAC) met during the AAP planning process. The CAC meetings provided a forum for discussion, input and recommendations of community development activities.

The City encouraged and accepted public comments throughout the entire Consolidated Plan process until the end of the required thirty-day comment period. The website allows for easy online comments to be made by the click of a mouse. Ogden City Community Development Division accepts all comments. If a comment received is not appropriate for HUD-funded programs or Community Development efforts, the comment may be forwarded to the appropriate city department for their review and/or implementation. Public comments received are submitted to City Council.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

Please see Appendix A.

6. Summary of comments or views not accepted and the reasons for not accepting them

Comments have been received requesting assistance for streets and sidewalks in Ron Clair neighborhood. The request has been sent to Ogden's Street Department. AAP projects will continue to target the East Central neighborhood to assist ConPlan efforts in revitalizing the Central Business District and support economic growth for the entire city.

7. Summary

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	OGDEN	
CDBG Administrator	OGDEN	Tom Christopulos, CED Director/Ogden City
HOPWA Administrator		
HOME Administrator	OGDEN	Tom Christopulos, CED Director/Ogden City
HOPWA-C Administrator		

Table 1 – Responsible Agencies

Narrative (optional)

Ogden City’s Community and Economic Development Department is the lead agency responsible for preparing the Consolidated Plan and for the administration of the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) Grant.

Consolidated Plan Public Contact Information

Ward Ogden, Manager Community Development Division, 2549 Washington Boulevard, #120, Ogden, UT 84401. Email: wardogden@ogdencity.com or call 801-629-8940.

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

The City launched an in-depth and collaborative effort to consult with elected officials, City departments, community stakeholders, general public and beneficiaries of HUD entitlement programs to inform and develop the priorities and strategies contained within this five year plan. In addition, a *Priority Needs Survey* was conducted to solicit input from residents and stakeholders in the City of Ogden. The questionnaire polled respondents about the level of need in their respective neighborhoods for various types of improvements that can potentially be addressed by the use of entitlement funds.

The City worked with a wide array of organizations and existing networks to develop the Five Year Consolidated Plan 2015-2019. Each year, Ogden City maintains relationships with these organizations to work on Annual Action Plans and to coordinate services. The City's consultation strategies included outreach to housing, service, and mental health providers; workforce developers; community advocates; and others partners. Partners were encouraged to alert their clients and program beneficiaries that an important planning process was being undertaken and encouraged active participation by beneficiaries.

The process for the preparation of this Annual Action Plan included consultation with the following individuals and organizations:

- Coalition of Resources
- Weber Housing Authority
- Utah Center for Neighborhood Stabilization
- Utah Hispanic Chamber
- Fair Housing Forum of Utah
- Weber County Homeless Charitable Trust
- Small Business Development Center (Small Business Administration)
- Cottages of Hope
- Ogden Weber Community Action Partnership
- Utah Center for Affordable Housing
- Ogden Housing Authority
- Ogden School District
- Utah Non-profit Housing Corporation
- Weber State University's SBDC
- Latinos United Promoting Education and Civic Engagement
- United Way of Northern Utah
- Catholic Community Services
- Weber Human Services
- Grow Utah
- SCORE

- Northern Utah Small Business Resources Partner's Collaboration
- Suzao Center and Business Information Center
- Ogden Weber Chamber of Commerce

The development of the Consolidated Plan extends beyond the *annual* planning process. More detail is provided in PR-15 for our consultation and citizen participation.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))

- City Staff attends Coalition of Resources (COR) monthly meetings. COR has over 100 representatives from various for-profit, non-profit and public agencies that provide services to Ogden residents. Monthly meetings provide an opportunity for service providers to collaborate and coordinate to efficiently use community resources. COR has been an effective tool in reaching a wide range of citizens.
- City staff has worked with the United Way of Northern Utah to apply for the Promise Zone grant program. United Way submitted application for a 10-year designation to receive multi-agency assistance.
- Ogden City Community and Economic Development Department's Citizen Advisory Committee reviews ConPlan programs and makes recommendation to the Mayor and City Council about ConPlan programs and funding levels. It includes representatives from service providers, stakeholders, community leaders and city staff.
- The Weber County Homeless Coordinating Council, the local Continuum of Care collaborative applicant, coordinates the efforts of organizations which provide services to the homeless and other special populations for Emergency Shelter Grant (ESG) programs and coordinates groups that serve the HIV/AIDS population with HOPWA funding.
- The Ogden Housing Authority and Weber Housing Authority have worked collaboratively on the ConPlan and Analysis to Impediments to Fair Housing Choice with Ogden City.
- Weber State University and Ogden City entered into a Education Collaborative Agreement to further efficient use of resources for Ogden residents.
- The Disability Law Center (a Fair Housing Initiative grant recipient) has partnered with Ogden City to affirmatively further fair housing in Ogden, providing free fair housing clinics in Ogden.
- Ogden City staff attends the Fair Housing Forum to improve coordination of Fair Housing efforts in Utah.
- Ogden City has hired a Diversity Coordinator to assist in minority outreach.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The local Continuum of Care process involves the agencies and programs that receive funding from the U.S. Department of Housing and Urban Development (HUD), and does the following:

- Assesses capacity and identifies gaps in homelessness services;
- Evaluates outcomes achieved by funded programs, in comparison to both local and national benchmarks;
- Proactively develops improvements and solutions to systemic issues;
- Works to implement HUD priorities and community priorities to end chronic homelessness in Utah;
- Facilitates the allocation of funding to homelessness provider agencies;
- Serves as an inclusive vehicle to promote best practices;
- Utilizes the Service Prioritization Decision Assistance Tool (SPDAT) to identify those most in need of service and help prioritize time and resources;
- Facilitates access to mainstream resources and services for the homeless; and
- Works to develop best practices to assist homeless persons directly.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The State Homeless Coordinating Committee provides oversight and approves allocations of funding for providers of homeless services. The committee ensures that services provided to the homeless are utilized in a cost-effective manner and works to facilitate a better understanding of homelessness. Programs are devoted to emergency housing, self-sufficiency, placement in employment or occupational training activities, special services to meet unique needs of the homeless with mental illness and those who are part of families with children. Contracts are awarded to providers based on need, diversity of geographic location, coordination with or enhancement of existing services, and the use of volunteers.

The State Homeless Coordinating Committee in the 2011 General Session H.B. 351 modified the membership of the committee by adding the Lieutenant governor as a member and having the lieutenant governor serve as chair of the committee.

Ogden City does not apply or receive Emergency Shelter Grant (ESG). City staff engages with agencies and organizations who are members of the local Continuum of Care on an on-going basis throughout the program year, including participating in the Weber County Homeless Coordinating Committee (WCHCC).

The WCHCC provides coordination of services to the Continuum of Care and its membership to ensure the goals and outcomes established for the Emergency Solutions Grant Program and other special needs housing programs meet the needs of the community. In addition, the WCHCC is the Homeless Management Information System (HMIS) Lead for Ogden City. The WCHCC organization administers the

HMIS for the county and sets a uniform standard for all agencies to gather information for HUD reporting and local homeless strategies. All Weber County ESG funded organizations enter information into the HMIS system.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Ogden Housing Authority
	Agency/Group/Organization Type	Housing PHA
	What section of the Plan was addressed by Consultation?	Public Housing Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Ogden City and the Ogden Housing Authority consulted on potential housing projects in the NRSA, Shelter Plus Care for homeless families, homelessness prevention, Section 3 outreach and public housing for Ogden's low income residents.
2	Agency/Group/Organization	Coalition of Resources
	Agency/Group/Organization Type	Health Agency Other government - County
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Details of the Annual Action Plan were presented to a group of nearly 30 public service providers, non-profit and for-profit organizations during the 30 day public comment period, April 5, 2016.
3	Agency/Group/Organization	Weber Morgan Health Department
	Agency/Group/Organization Type	Health Agency Other government - County
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Ogden staff met with Weber Morgan Health Department to discuss the health needs for Ogden and Weber County's citizens and ConPlan activities to supplement and support a healthy community.

4	Agency/Group/Organization	Latinos United to Promote education and Civic Engagement (LUPEC)
	Agency/Group/Organization Type	Business and Civic Leaders
	What section of the Plan was addressed by Consultation?	Economic Development Civic engagement
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	City staff met with LUPEC and presented AAP FY2016-2017 information and provided LUPEC an opportunity to comment on programs funded and consulted on ways to outreach to Hispanics in Ogden.
5	Agency/Group/Organization	Northern Utah Small Business
	Agency/Group/Organization Type	Services-Education Services-Employment Business Leaders
	What section of the Plan was addressed by Consultation?	Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	April 13, 2016, Grow Utah met with the Northern Utah Small Business Resources Partners met with partners to provide information on accelerating growth for local manufacturing start-ups., Ogden SCORE, UT SCORE, UT SMA SCORE, WSU SBDC, UT SBA SBDC, Ogden Suazo and Ogden BIC were attendance to coordinate microenterprise accelerators and promote business start-ups.

Identify any Agency Types not consulted and provide rationale for not consulting

The City did not identify any types of agencies excluded from consultation.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Weber County Homeless Coordinating Committee	The objectives for the CoC are: Identify the scope of the homeless problem in Weber County, Prioritize service needs for the homeless population, Identify the service gaps in the continuum of available services, Develop strategies to eliminate gaps in service, Enhance service integration, interagency collaboration and effective service coordination by providing regular opportunities for service providers to meet and develop professional relationships, communications, and interagency networking, and Continuously update information on available community resources.
Weber County Housing Assessment	Weber County	The Weber County Housing Needs Assessment has reviewed the City's existing housing policies and programs to determine effectiveness compared to current market conditions, an analysis of the existing inventory of sales and rental housing in the City and a projection of net housing demand for housing units by tenure and income level. The Weber County Housing Needs Assessment contributed to the development of the Annual Action Plan's objectives in all aspects of housing needs and related issues.
Quality Neighborhoods Initiative	Ogden City Community Development Division	Quality Neighborhoods Initiative is a City interdepartmental collaborative focused on outcomes accomplished through partnerships, leveraging public investment, incentivizing private investment, and maximizing the use of vacant, abandoned and underutilized Properties in Ogden's inner city neighborhoods.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The City of Ogden began its citizen participation and consultation process during summer (2015) at downtown Ogden’s Farmers’ Market. In this casual setting, City staff has been able to provide citizens with information on HUD activities and receive comments on the City’s Annual Action Plan (AAP) HUD funding. Then the City began AAP PY 2016 outreach, on February 23, 2016 with the release of the first Public Notice announcing the Community and Economic Development Department’s Citizen Advisory Committee (CAC) meeting to discuss the proposed Annual Action Plan and Budget. The CAC met for a public meeting February 24, 2016. In addition, two City Council public hearings were held on April 5, 2016 a work session to discuss the Annual Action Plan and May 3, 2016 public hearing to accept citizen comments and adopt the Annual Action Plan. In compliance with Federal regulations, the proposed Program Year Annual Action Plan 2016 was available for citizen review and comments a minimum of 30 days (March 29 – April 30) prior to City Council public hearing. Information regarding the dates, times, and locations for the public hearings as well as anticipated program resources were published in the Standard Examiner, the local paper of general circulation, a minimum of two weeks prior to the scheduled public hearings. In addition, notices were posted on the City’s website and Utah State’s public notice website. During the 30 day public comment period, copies of the proposed Annual Action Plan were available at Ogden City Municipal building 1st floor, 4th floor and City Recorder’s office; Weber County main Library; Ogden Housing Authority office; and the Business Information Center. Throughout the citizen participation process, public and private agencies were consulted and given opportunities to provide input. In addition to the public hearing process described above, the city brought forth the FY 2016 Action Plan proposed funding strategy and proposed final plan before the Coalition of Resources, Latino’s United to Promote Education and Civic Engagement (LUPEC), Ogden Housing Authority’s Resident Advisory Board and Ogden School District’s James Madison Family Center’s Next Generation Kids parents; where citizens had the opportunity to provide input to the AAP. The Ogden City Council approved the Annual Action Plan on May 3, 2016.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Farmers' Market citizen outreach	Non-targeted/ broad community	Several comments were received, the majority are in support of Ogden City's ConPlan activities and achievements.	See Appendix A.	ConPlan activities are targeted to East Central. Programs will remain targeted to revitalize neighborhoods adjacent to downtown and will not expand to Ron Clair at this time.	
2	Outreach Meeting - FH education	Non-English Speaking - Specify other language: Spanish Non-targeted/ broad community James Madison Family Center	James Madison Family Center provides a resource center for English 2nd language families. The Family Center is located inside the Ogden School District elementary school but is open to all members of the public.	Change the Good Landlord Program to help ex-felons that are in recovery.	Comments will be considered. Ogden City will wait for guidance from Utah State legislation.	
3	Newspaper Ad	Non-targeted/ broad community	Notice of thirty-day public comment period.	We need help with streets and sidewalks in Ron Clair.	Funds will continue to be targeted toward neighborhoods near East Central to support ConPlan efforts to revitalize the Central Business District. The request was sent to Ogden Streets Department.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
4	Ogden City Newsletter	Persons with disabilities Non-targeted/broad community	At Your Service newsletter distributed to over 25,000 residence ran an ad for the AAP comment period.	No comments received.		
5	Public Hearing	Non-targeted/broad community	City Council held a Public Hearing to adopt the AAP on May 3, 2016.	No comments received.		
6	Public Meeting	Non-targeted/broad community	City Council Work session to discuss the Annual Action Plan. All city council members were present.	Discussion held on the AAP and projects funded. No changes to the Draft AAP requested.	All comments accepted.	
7	Internet Outreach	Non-targeted/broad community	Draft AAP available for review and comments during the 30 day public comment period March 29 - April 29, 2016.	No comments received.	No comments received.	http://HUDConplan.org dencity.com

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
8	Citizen Advisory Committee	Non-targeted/broad community	Seven CAC members attended and reviewed the draft AAP FY2016-2017.	CAC members voted unanimously to recommend to City Council approval of the AAP and proposed micro-enterprise loan program.	All comments were accepted.	
9	Ogden Housing Authority Resident Advisory Board	Residents of Public and Assisted Housing	Seven public housing residents attended a presentation on Ogden City's Annual Action Plan programs and Fair Housing education.	Because of the Good Landlord program x-felons cannot rent in Ogden. Make changes to Good Landlord Program so it's more fair for those in recovery.	The City will consider Utah State's legislature on the Good Landlord Program when modifying the program.	

Table 4 – Citizen Participation Outreach

AP-15 Expected Resources – 91.220(c) (1, 2)

Introduction

The City of Ogden receives federal funds through the U.S. Department of Housing and Urban Development on an annual basis. During the second program year of this Five Year Consolidated Plan 2015-2019, the City expects to receive \$982,810 Community Development Block Grant Entitlement and approximately \$300,000 in Program Income (PI) and \$337,240 HOME Partnerships Investment Grants Entitlement and approximately \$60,000 PI annually. In the second program year, Fiscal Year 2016-17, the City expects to carryover \$1,142,178 CDBG funds. The Annual Action Plan FY2016-2017 budget is attached, Exhibit A.

Priority Table

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition, Admin and Planning, Economic Development, Housing, Public Improvements, Public Services	\$982,810	\$277,392	\$1,142,178	\$2,402,380	\$3,758,430	For the 3 years remaining in the ConPlan, the City is estimating the same EN amount each year and an estimated \$270,000 in PI each year

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	\$337,240	\$59,941	\$318,939	\$716,120	\$118,720	For the 3 years remaining in the ConPlan, the City expects the same EN each year and \$59,000 each year in HOME PI.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

CDBG and HOME funds are used to leverage other public and private funds. The City utilizes several approaches to leveraging HUD funds. The City has partnered with HUD to focus resources in an Asset Control Area (ACA) which leverages private dollars, as well as, federal funds to rehabilitate Ogden's distressed and vacant housing in the East Central neighborhood. The Home Exterior Loan Program (HELP) utilizes City General Funds to rehabilitate housing city-wide without income or geographic restrictions. Infill housing projects, such as the 2300 Fowler project, partner with Utah Housing Corporation and Utah Non-profit Housing Corporation to develop new, affordable housing units in Ogden. The City's Rental Rehabilitation Loan program often is used as gap financing for rental property owners that need assistance in rehabilitating rental units for LMI households.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

There are four programs funded in the Consolidated Plan which include the use of publicly owned land: 1. the Infill Housing Program which includes the City purchasing either vacant land or deteriorated properties for the purpose of developing new housing units; 2. Quality Neighborhoods, which utilizes the HUD Asset Control Area program and includes the purchase of HUD-foreclosed properties to be rehabilitated and sold to LMI persons; and may use CDBG or HOME funds to purchase from property owners either vacant or deteriorating properties, which will be developed into decent affordable housing units and sold to LMI Persons; 3. The Ogden Business Exchange Project, the City has strategically assembled land in the Trackline EDA, for a large-scale commercial / light industrial park development project, called the Ogden Business Exchange Project.

Property in the Ogden Business Exchange project that will be used for job creation consists of the following parcels, as shown on the attached plat map:

- 14-136-0001, Lot 1, 1.20 ac
- 14-136-0002, Lot 2, 7.55 ac
- 14-136-0003, Lot 3, 3.00 ac
- 14-136-0004, Lot 4, 4.82 ac
- 14-136-0005, Lot 5, 0.98 ac
- 14-136-0006, Lot 6, 4.44 ac
- 14-136-0007, Lot 7, 2.56 ac
- 14-136-0008, Lot 8, 5.10 ac

The Ogden City Redevelopment Agency owns Lots 1, 3, 4, and 6-8. Lots 2 and 5 have been conveyed to businesses that will be developing facilities in the business park.

Discussion

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Improve the quality of housing stock	2015	2019	Affordable Housing	NEIGHBORHOOD REVITALIZATION STRATEGY AREA (NRSA), EAST CENTRAL REVITALIZATION AREA	Improve the quality of housing stock		4 Rental units rehabilitated; Household Housing Unit Homeowner Housing Rehabilitated: 17 Household Housing Unit (12 ACA, 5 Emergency Home Repairs)
2	Expand homeownership opportunities	2015	2019	Affordable Housing	NEIGHBORHOOD REVITALIZATION STRATEGY AREA (NRSA), EAST CENTRAL REVITALIZATION AREA, OGDEN CITY-WIDE	Expand homeownership opportunities		Direct Financial Assistance to Homebuyers: 45 Households Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
3	Increase the supply of decent affordable housing	2015	2019	Affordable Housing	NEIGHBORHOOD REVITALIZATION STRATEGY AREA (NRSA), EAST CENTRAL REVITALIZATION AREA	Increase the supply of decent affordable housing		Homeowner Housing Added: 8 Household Housing Unit (4 Infill housing units and 4 CHDO housing units)
4	Homelessness (Continuum of Care)	2015	2019	Homeless	OGDEN CITY-WIDE	Homelessness Continuum of Care		
5	Improve the safety and appearance of neighborhoods	2015	2019	Non-Housing Community Development	NEIGHBORHOOD REVITALIZATION STRATEGY AREA (NRSA), EAST CENTRAL REVITALIZATION AREA, OGDEN CITY-WIDE	Create a suitable living environment		Public Infrastructure Activities for Low/Moderate Income Housing Benefit: 1 project Households Assisted Buildings Demolished: 1 Buildings
6	Job Creation	2015	2019	Non-Housing Community Development	NEIGHBORHOOD REVITALIZATION STRATEGY AREA (NRSA), CENTRAL BUSINESS DISTRICT, TRACKLINE EDA	Job Creation		Jobs created/retained: 8 Jobs 1 Project Completed in CBD

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
7	Business Counseling - Public Services	2015	2019	Non-Housing Community Development	NEIGHBORHOOD REVITALIZATION STRATEGY AREA (NRSA), CENTRAL BUSINESS DISTRICT	Business Counseling		Public service activities other than Low/Moderate Income Housing Benefit: 500 Persons Assisted
8	Create greater access to capital	2015	2019	Non-Housing Community Development	NEIGHBORHOOD REVITALIZATION STRATEGY AREA (NRSA), CENTRAL BUSINESS DISTRICT TRACKLINE EDA	Create greater access to capital		
9	Stimulate economic growth	2015	2019	Non-Housing Community Development	BUSINESS DISTRICT BLIGHT AREA, NEIGHBORHOOD REVITALIZATION STRATEGY AREA (NRSA), CENTRAL BUSINESS DISTRICT, TRACKLINE EDA	Stimulate economic growth		Jobs created/retained: 10 Jobs
10	Administration	2015	2019					

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Improve the quality of housing stock
	Goal Description	<p>The Quality Neighborhoods Program is designed to be flexible to address the specific needs of block groups within the NRSA. The City may purchase vacant lots to construct new housing, or purchase vacant, or dilapidated housing units to rehabilitate and then sell to a low mod income family. In addition, the East Central Revitalization Program implements an Asset Control Area (ACA) Program. The ACA program purchases abandoned HUD-foreclosed homes and undertakes the substantial rehabilitation needed to bring the homes to housing and quality standards. The city has secured a private line of credit to purchase HUD-foreclosed, vacant homes. HOME and CDBG funds are used to make the substantial rehabilitation needed to transform these abandoned or substandard homes to quality affordable housing options for low to moderate income persons. Quality Neighborhoods Program includes a Purchase/Rehab/Resale program - the city purchases homes for rehab that are located in areas which strategically enhance revitalization efforts for the area.</p> <p>The Emergency Home Repair Program improves the quality of housing units and extends the life of the properties while contributing to overall improvement of the neighborhood. The program is available to all program-qualified low-income owner-occupied property owners within the city limits of Ogden. The emergency assistance alleviates threatening conditions that could force the owner occupants into homelessness because of impending conditions such as electrical and plumbing hazards, failure of the heating system, fire hazards, structural failure, leaking roofs, and/or natural disasters.</p> <p>The Rental Rehab Program provides loans to rental property owners to maintain decent, safe and sanitary rental units. Landlords must agree to HUD Fair Market Rents and to rent to LMI persons.</p>
2	Goal Name	Expand homeownership opportunities
	Goal Description	<p>The Own In Ogden program provides zero percent interest, deferred payment down payment assistance loan to low to moderate income households. The Own In Ogden Program promotes homeownership with the goal of stabilizing neighborhoods and improving housing, as more people move from renting to owning a home. To encourage successful homeownership experiences, the city requires homebuyers to attend a homebuyer education class. The purpose of the class is to educate prospective homebuyers with curriculum including finding a home you can afford, working with realtors, budgeting, the home buying process, negotiation, and home maintenance. Participants are required to complete Homebuyer Education classes before purchasing a home using the Own In Ogden HOME-funded down payment assistance.</p>

3	Goal Name	Increase the supply of decent affordable housing
	Goal Description	<p>Infill Housing Program - transforming vacant land or substandard housing units to quality affordable housing. The East Central and Central Business District neighborhoods contain underutilized or vacant areas in the center of city blocks. These vacant areas typically lack public infrastructure in the form of roads and utilities that would facilitate their development. The issues associated with vacant lots and infill housing is complex and often requires a partnership between the public and private sectors to develop strategies for specific properties. The City's Infill program provides the coordinating support to bring together private, federal and local resources needed to create quality housing available to moderate income or above moderate income households creating price diversity and / or to create affordable housing units.</p> <p>Community Housing Development Organization - Support construction of new housing units and/or rehabilitation of housing units. Gap financing to Utah Non-Profit Housing Corporation, Ogden's certified Community Housing Development Organization (CHDO) to assist in the construction or rehabilitation of single-family (renter or owner) and/or multifamily housing. The City utilizes the HOME Program's 15% CHDO funding to fund a CHDO in the construction or rehab of affordable housing units in Ogden.</p>
4	Goal Name	Homelessness (Continuum of Care)
	Goal Description	<p>Support Weber County Homeless Charitable Trust Fund – the sole purpose and mission is to support non-profit homeless prevention and service providers through the granting of funds. Grants are offered to homeless service providers through a competitive bid process, special attention is given to programs that encourage the efficient use of existing resources through partnership and collaboration.</p> <p>Participate in Weber County Homeless Coordinating Council (WCHCC) - The City is actively involved in the WCHCC. One City official and one staff attend WCHCC meetings to offer support. The WCHCC meets to ensure the effective implementation of homelessness prevention and services at a county-wide level. WCHCC is a member of the Utah Balance of State Homeless Coordinating Committee.</p>

5	Goal Name	Improve the safety and appearance of neighborhoods
	Goal Description	<p>Target Area Public Improvements – Enhance neighborhoods to create a suitable living environment. Implement public improvement projects that repair deteriorating and inadequate streets, curbs and infrastructure to support improved quality of life.</p> <p>Demolition Loan Program to promote neighborhood safety. There are numerous vacant structures in the city. Most are structurally sound and are candidates for rehabilitation. Others are in extreme state of deterioration with the only viable option being demolition of the structure. A CDBG-funded demolition loan program offers a 0% interest, deferred payment loan to property owners to provide the financial assistance needed to demolish unsafe structures.</p>
6	Goal Name	Job Creation
	Goal Description	<p>Small Business Loan Program – Direct financial assistance to businesses. The growth of small businesses to create jobs is needed to expand the NRSA’s economic base. Available funding is not sufficient to meet the needs of those requesting financial assistance to start-up or grow a business in the NRSA. The area lacks lenders willing to risk lending to NRSA business owners or potential NRSA business owners. The Small Business Loan program provides a maximum of \$90,000 of CDBG in lower-than-market interest rate loans. The program targets assisting businesses located in the NRSA’s Central Business District.</p>
7	Goal Name	Business Counseling - Public Services
	Goal Description	<p>Business Information Center – business counseling to increase rate of survival for small businesses. The BIC is located in the CBD and addresses the needs of NRSA residents that are motivated and capable to start a business downtown.</p>
8	Goal Name	Create greater access to capital

	<p>Goal Description</p>	<p>Financial support is needed to grow businesses, thereby, supporting the economic development in the community. In Ogden, the young low-mod income (LMI) person and more deeply entrenched LMI make up over 70% of the population. To assist this sector of the population, Ogden City facilitated the creation of the Ogden Reinvestment Corporation (ORC) in 2009 and was recertified as a Community Development Financial Institution (CDFI) in 2013. This designation allows Utah CDFI to apply for and potentially receive millions of dollars from the U.S. Department of Treasury to fund small and micro business loans. In 2015, ORC will partner with Utah Center for Neighborhood Stabilization to become Utah CDFI, which will serve the entire state of Utah. Ogden City will create Wasatch Community Funding, licensing under Utah CDFI, to provide financial assistance to the greater Ogden and Weber County area.</p> <p>Loan Loss Guaranty Program – create greater access to capital through direct financial assistance to businesses. CDBG funds are to be used to build lending capacity for targeted projects within the Central Business District. Each business meeting CDBG qualifications is lent a reserve amount which is escrowed to the borrower’s benefit to create better loan coverage ratios. The funds are designed to help extend the borrowers security while reducing the risk exposure to a loan through the creation of a reserve. It will allow larger loans than under the current Small Business Loan Program. The Loan Loss Guaranty (LLG) program will magnify job creation by creating greater loan capacity. It will begin to offset decreasing amounts available through the existing program.</p>
9	<p>Goal Name</p>	<p>Stimulate economic growth</p>
	<p>Goal Description</p>	<p>Support the development of underutilized properties in the CBD and Trackline EDA, providing opportunities to expand the City's economic base, stimulate business growth, remove blight and/or encourage job creation.</p> <p>Central Business District (CBD) Revitalization Program – supports business growth for job creation or removal of blight. The CBD Revitalization program is intended to facilitate and stimulate capital investment in Central Business District and to remove slum and blight and/or to promote job creation/retention activities. The funds may be used for construction of new structures on vacant land, refinancing, improvements to commercial structures, reconstruction of blighted or deteriorating buildings or slum and blight removal. Funds will be used to contribute to and to enhance the viability of Ogden’s economic base.</p> <p>Ogden Business Exchanged project - develops the stockyards and surrounding parcels into a business / light manufacturing commercial park, creating over 100 jobs.</p>

10	Goal Name	Administration
	Goal Description	Administration of CDBG and HOME programs.

Table 7 – Goal Descriptions

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):

HOME

Projected total assisted: 16

The City anticipates that entitlement dollars will be used to provide production of new housing units, the Infill Housing program will utilize HOME CHDO funds to complete the construction of four new housing units. The Quality Neighborhoods Program will use HOME funds for the acquisition and rehabilitation of existing housing units during the program year. For all HOME funds used to develop new housing units, the City will comply with the Federal Fair Housing Act and Section 504 of the Rehabilitation Act of 1973.

CDBG

Projected total assisted: 15

Six homeowner housing units will be renovated using CDBG and HOME funds from the Quality Neighborhoods program, five emergency home repairs to low income homeowner housing units and four rental housing units assisted in the fiscal year. In the previous fiscal year, CDBG funds were used to acquire the Dee School property at 2100 Porter. The City will use CDBG funds in the development of 2100 Porter infill housing project.

AP-35 Projects – 91.220(d)

Introduction

The projects funded in the fiscal year were selected to address the priority needs in terms of local objectives. The activities for year two, ending June 30, 2017 of the 5-year Consolidated Plan were approved by the City Council May 3, 2016. Priorities were adopted and included in the ConPlan, which was adopted by the City Council on May 5, 2015. Priorities are established by considering various areas and needs including the housing market; the severity of housing problems; needs of extremely low-income, low-income, and moderate-income households; and the availability of funds.

#	Project Name
1	Business Information Center (BIC)
2	Central Business District Revitalization
3	Community Housing Development Organization (CHDO)
4	Demolition Loan Program
5	Emergency Home Repair
6	Infill Housing Projects
7	Ogden Business Exchange
8	Microenterprise Accelerator Program
9	Own In Ogden
10	Quality Neighborhoods
11	Rental Rehabilitation
12	Small Business Loan Program
13	Target Area Public Improvements
14	Administration

Table 8 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The city's HOME funds are geographically targeted to preserve and provide affordable housing stock in the East Central Revitalization's Program Area (Asset Control Area program). HOME funds are used to rehabilitate HUD-foreclosed homes within the NRSA. By targeting rehabilitation efforts within low-income census tracts, the housing needs of Ogden's poorest residents are addressed. The Emergency Home Repair loan program, which is funded through CDBG, provides loans to low-income persons who cannot afford health/safety housing renovations. Applicants are selected for this program based on income eligibility. The Emergency Home Repair Program provides loans to qualified homeowners city-wide and is not geographic specific. CDBG funds are targeted for the rehabilitation and development of the Ogden City Central Business District and its' adjoining inner-city neighborhoods will provide the positive incentives necessary for attracting new businesses to Ogden. Jobs created/retained within the NRSA are presumed to benefit low-mod income persons. The goal for new business and economic

development activities will be to create household sustaining incomes for Ogden City residents while furthering the growth and fiscal health of the City.

Some of the obstacles contributing to these underserved needs are:

- Increase in demands for funding
- Increase in low-income housing needs
- Increased costs of construction
- Diminishing supply of land for development
- Challenges of redevelopment (land assembly, costs, adequate developers)
- Private, non-profit and government inability to keep up with growth of population in need
- Competing demands for public services
- High unemployment

Projects

AP-38 Projects Summary

Project Summary Information

Table 9 – Project Summary

1	Project Name	Business Information Center (BIC)
	Target Area	NEIGHBORHOOD REVITALIZATION STRATEGY AREA (NRSA)
	Goals Supported	Business Counseling - Public Services
	Needs Addressed	Business Counseling
	Funding	CDBG: \$55,000
	Description	The Business Information Center (BIC) is a public service activity, providing business counseling and services to entrepreneurs interested in starting, relocating or expanding a business in Ogden. The BIC generates economic development through assisting businesses in creating jobs, relocating to Ogden or expanding.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	The BIC has a goal of assisting 500 persons with business counseling and services.
	Location Description	The BIC is located at 2036 Lincoln Avenue, in the NRSA.
	Planned Activities	
2	Project Name	Central Business District Revitalization
	Target Area	CENTRAL BUSINESS DISTRICT
	Goals Supported	Stimulate economic growth

	Needs Addressed	Stimulate economic growth
	Funding	CDBG: \$200,000
	Description	AAP FY2017 Central Business District (CBD) Program funding is \$200,000 to expand Ogden's economic base through developing underutilized properties to create/retain jobs, assisting businesses with capital or loan guarantees, or eliminate slum and blight in Ogden's Central Business District. The program is designed to be flexible to meet the changing needs of the CBD.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	The goal is to complete one project every other year.
	Location Description	Projects will be located in the Central Business District of Ogden, which is in the NRSA.
	Planned Activities	To assist one business every other year, either with job creation/retention or slum and blight removal.
3	Project Name	Community Housing Development Organization (CHDO)
	Target Area	
	Goals Supported	Increase the supply of decent affordable housing
	Needs Addressed	Increase the supply of decent affordable housing
	Funding	HOME: \$50,586
	Description	AAP FY2017 allocates HOME funds to a CHDO. The CHDO budget includes updated calculations from entitlement adjustment and actual CHDO carryover. Gap financing to Utah Non-Profit Housing corporation, Ogden's certified CHDO to assist in the construction and/or rehabilitation of single-family (renter or owner) and/or multi-family housing. The City utilizes the HOME Program's 15% CHDO funding to fund a CHDO in developing affordable housing units (either owner or renter occupied) in Ogden.
	Target Date	6/30/2017

	Estimate the number and type of families that will benefit from the proposed activities	Every other year a CHDO project is expected to be completed. Each project is expected to benefit four LMI households.
	Location Description	CHDO projects will be located in the NRSA, with targeting when possible to East Central neighborhood.
	Planned Activities	Loaning and/or granting funds to Utah Non-profit Housing Corporation for development and/or gap financing in the construction or rehabilitation of housing for LMI persons.
4	Project Name	Demolition Loan Program
	Target Area	OGDEN CITY-WIDE
	Goals Supported	Improve the safety and appearance of neighborhoods
	Needs Addressed	Increase the supply of decent affordable housing
	Funding	CDBG: \$12,000
	Description	A CDBG-funded demolition loan program offers 0% interest, deferred payment loan to property owners to provide the financial assistance needed to demolish unsafe structures. The city's citizen advisory committee places a high priority on improving the community through the use of code enforcement and enforcement that eliminates unsafe structures and reduces slum and blight in neighborhoods.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	The CDBG-funded demolition loan program offers 0% interest, deferred payment loan to property owners to provide the financial assistance needed to demolish unsafe structures. The city's citizen advisory committee places a high priority on improving the community through the use of code enforcement and enforcement that eliminates unsafe structures and reduces slum and blight in neighborhoods.
	Location Description	This program is available city-wide to all low to moderate income persons needing to demolish an unsafe structure, usually a condemned structure.
	Planned Activities	Demolish one unsafe structure every other year or as needed.

5	Project Name	Emergency Home Repair
	Target Area	OGDEN CITY-WIDE
	Goals Supported	Improve the quality of housing stock
	Needs Addressed	Improve the quality of housing stock
	Funding	CDBG: \$40,000
	Description	The Emergency Home Repair Program improves the quality of housing units and extends the life of the properties while contributing to overall improvement of the neighborhoods. The emergency assistance alleviates threatening conditions that could force the owner occupants into homelessness.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	Five (5) very low income households at or below 50% AMI will be assisted.
	Location Description	The Emergency Home Repair Program is available city-wide.
	Planned Activities	The Emergency Home Repair Program improves the quality of housing units and extends the life of the properties while contributing to overall improvement of the neighborhoods. The Program loans CDBG funds to very low income households to perform emergency repairs, such as replace a broken water heater, furnace or sewer line. The emergency assistance alleviates threatening conditions that could force the owner occupants into homelessness.
6	Project Name	Infill Housing Projects
	Target Area	NEIGHBORHOOD REVITALIZATION STRATEGY AREA (NRSA) EAST CENTRAL REVITALIZATION AREA
	Goals Supported	Increase the supply of decent affordable housing
	Needs Addressed	Increase the supply of decent affordable housing

	Funding	CDBG: \$639,502
	Description	The City's Infill housing program provides the coordinating support to bring together private, federal and local resources needed to create new quality or affordable housing units to replace deteriorating housing stock and/or under-utilized properties. The Infill program also works with realtors and contractors as part of the Have A Heart program. The city may partner with Utah Nonprofit Housing Corporation, utilizing HOME CHDO funds to complete projects.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	The 2nd phase of the Infill program's 2300 Fowler Project has a goal of creating four new single-family, owner-occupied housing units.
	Location Description	The CDBG-funded Infill Housing project is located at 2300 Fowler in Ogden's NRSA.
	Planned Activities	The City's Infill housing provides the coordinating support to bring together private, federal and local resources needed to create new quality and affordable housing units. The Infill program also works with realtors and contractors as part of the Have A Heart program.
7	Project Name	Ogden Business Exchange
	Target Area	TRACKLINE EDA
	Goals Supported	Stimulate economic growth
	Needs Addressed	Stimulate economic growth
	Funding	:

	Description	HUD Section 108 Loan funds provide development financing for the Ogden Business Exchange Project, which includes the acquisition and development of approximately 3,062,286 square feet of commercial, manufacturing and light industrial space. The Ogden Business Exchange Project develops the stockyards and surrounding parcels into a business / light manufacturing /commercial park. The City will improve the properties for the purpose of making the space available to desirable developers and businesses that will create jobs made available to low and moderate income residents. The overarching objective of the Ogden Business Exchange Project is to overcome the obstacles that are presently preventing development of the land and to remove slum and blight conditions and to create new jobs available to low to moderate income persons and that will support the local economy.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	it is expected that by the completion of the project 100 FTE jobs will be available. Due to the projects location in a high poverty census tract, the newly hired workers will be presumed LMI.
	Location Description	The Ogden Business Exchanged project is located in the Trackline EDA.
	Planned Activities	CDBG and CDBG Section 108 Loans funds will be used to develop a commercial, light industrial park in a blighted area.
8	Project Name	Microenterprise Accelerator Program
	Target Area	CENTRAL BUSINESS DISTRICT
	Goals Supported	Stimulate economic growth
	Needs Addressed	Stimulate economic growth
	Funding	:

	Description	Support Microenterprises by providing financial assistance and training and technical assistance to innovative microenterprise businesses. Training will be offered thru partners that provide mentoring, education, and advising on starting a business. The goal of the program is to be the conduit for access to capital and/or entrepreneurial training for self empowerment. Its strategic goal is to help reduce the number of failed businesses and increase the number of successful microenterprises in Ogden.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	The goal is to provide financial assistance to 10 microenterprises for training and capital to start-up in Ogden.
	Location Description	Central Business District in the NRSA.
	Planned Activities	Provide microenterprises with financial assistance and mentoring thru partners to develop innovative products (in outdoor recreation and manufacturing, technology, etc.).
9	Project Name	Own In Ogden
	Target Area	OWN IN OGDEN TARGET AREA
	Goals Supported	Expand homeownership opportunities
	Needs Addressed	Expand homeownership opportunities
	Funding	HOME: \$250,000
	Description	Provides down payment assistance to LMI family in the Own In Ogden Target Area. The Own In Ogden Target Area is located in the CDBG Strategy Area and mostly is confined to the NRSA, but extends a little beyond the NRSA. The goal is to support neighborhood revitalization through increasing homeownership in Central Ogden.
	Target Date	6/30/2017

	Estimate the number and type of families that will benefit from the proposed activities	Forty-five (45) LMI households will receiving down payment assistance loans.
	Location Description	Own In Ogden target area.
	Planned Activities	Loaning 0% interest, deferred payment HOME funds to LMI families to purchase a home in the Own In Ogden target area.
10	Project Name	Quality Neighborhoods
	Target Area	EAST CENTRAL REVITALIZATION AREA
	Goals Supported	Improve the quality of housing stock
	Needs Addressed	Improve the quality of housing stock
	Funding	CDBG: \$263,837 HOME: \$375,816
	Description	The Quality Neighborhoods Program is defined to be flexible to address the specific needs of block groups within the NRSA. The Program implements the Asset Control Area (ACA) Program. ACA Program purchases abandoned HUD-foreclosed homes and undertakes the substantial rehab needed to bring the homes to housing and quality standards. In addition, the City may purchase vacant lots to construct new housing, or purchase occupied homes, or vacant and dilapidated housing units to rehabilitate and then sell to a low mod income family.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	Twelve (12) LMI households will benefit from Quality Neighborhoods Program, as they purchase renovated homes from Ogden City.
	Location Description	East Central Neighborhood of Ogden, located in the NRSA.

	Planned Activities	The East Central Revitalization Program has a goal to complete the purchase and rehabilitate of twelve (12) single-family housing units that are sold to LMI households during the fiscal year.
11	Project Name	Rental Rehabilitation
	Target Area	OGDEN CITY-WIDE
	Goals Supported	Improve the quality of housing stock
	Needs Addressed	Improve the quality of housing stock
	Funding	CDBG: \$90,000
	Description	Rental property owners can receive a below-market interest rate loan or deferred loan to upgrade units to meet housing and quality standards. A maximum of \$90,000 CDBG funding is loaned per project. The goal is decrease the number of substandard rental units while increasing the number of safe, sanitary, affordable rental units.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	Rental Rehab projects will benefit LMI households. The Rental Rehab program loans funds to rental property owners to rehab substandard or deteriorating rental housing units to bring them up to housing quality standards. The owner must commit by loan agreement to rent only to LMI households and to maintain rents at HUD determined Fair Market Rents. One project is expected to help 4 LMI households; and the City expects to complete one project every other year or as needed.
	Location Description	City-wide rental property owners may apply.
	Planned Activities	Loaning of funds to rental property owners to renovate deteriorating rental housing units.
12	Project Name	Small Business Loan Program
	Target Area	CENTRAL BUSINESS DISTRICT
	Goals Supported	Job Creation
	Needs Addressed	Job Creation
	Funding	CDBG: \$200,000

	Description	Direct financial assistance to for-profit businesses to create permanent full-time jobs in Ogden's NRSA. Businesses in the Business Depot of Ogden may also apply for funding. This program helps reduce unemployment, increases Ogden's economic base and attracts economic growth.
	Target Date	4/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	Eight (8) Full Time Equivalent (FTE) will be created. Jobs will be filled by LMI persons. Persons filling the jobs that are located in the NRSA will be presumed LMI.
	Location Description	CDBG small business loan funds are targeted to the Central Business District but may extend City-wide if the need arises to fulfill the City's goal in expanding economic opportunities. In some situations, CDBG funds may be used to assist businesses that will create jobs in the Business Depot of Ogden, or in other areas or the NRSA or city.
	Planned Activities	Loaning funds businesses that will create jobs.
13	Project Name	Target Area Public Improvements
	Target Area	NEIGHBORHOOD REVITALIZATION STRATEGY AREA (NRSA)
	Goals Supported	Improve the safety and appearance of neighborhoods
	Needs Addressed	Create a suitable living environment
	Funding	CDBG: \$450,000
	Description	Enhance neighborhoods to create a suitable living environment.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	All residents of the block will benefit from targeted public improvements, such as streets, curbs, driveways and/or sidewalks.

	Location Description	During the fiscal year the public improvement project will be targeted to the NRSA.
	Planned Activities	
14	Project Name	Administration
	Target Area	
	Goals Supported	Administration
	Needs Addressed	Stimulate economic growth
	Funding	CDBG: \$252,041 HOME: \$39,718
	Description	CDBG and HOME Administration budgets are determined by 20% of Entitlement and 20% of anticipated CDBG and HOME program incomes. Business and Community Development Divisions' personnel and overhead costs to administer CDBG and HOME programs.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The City has identified neighborhood census tracts that have 51% or more residents who are Low- to-Moderate Income (LMI). These census tracts are referred to as CDBG Strategy Area. Most of the city's HUD-funded activities are located in these neighborhoods. Public infrastructure projects (i.e. street and sidewalks improvements) are targeted to specific locations within the CDBG Strategy Area which are deemed by City Council, City staff or from public input to be most in need of revitalization or public investment while addressing the City's strategies and goals. The City will target resources to the NRSA and East Central neighborhood. Central Business District and Quality Neighborhoods and the Own In Ogden Target Area are all located in the CDBG Strategy Area. **The Own In Ogden** down payment assistance program extends somewhat beyond the Quality Neighborhoods initiative Area and NRSA to assist LMI households in purchasing a home. **Infill housing, CHDO projects, and Quality Neighborhoods** housing rehabilitation are generally targeted to the NRSA or to East Central neighborhood. Rental Rehabilitation Program and Emergency Home Repair programs which benefit individual households are not targeted to specific areas, but instead are provided on the basis of household need. The **Emergency Home Repair Program** is available city-wide to eligible low income homeowners at or below 50% Area Median Income (AMI). **Rental Rehab** assistance is available to property owners that rent to households with incomes under 80% of AMI and are required to charge rents at or below HUD's Fair Market Rent for the Ogden area. In addition, financial assistance to Utah Non-Profit Housing Corporation, Ogden's CHDO, is generally available city-wide but is often targeted to affordable housing projects within the NRSA. The **Ogden Business Exchange project** is targeting job creation activities to the Trackline EDA area, an area in the city with some of the highest poverty.

Geographic Distribution

Target Area	Percentage of Funds
OWN IN OGDEN TARGET AREA	9
BUSINESS DISTRICT BLIGHT AREA	
NEIGHBORHOOD REVITALIZATION STRATEGY AREA (NRSA)	86
EAST CENTRAL REVITALIZATION AREA	
CENTRAL BUSINESS DISTRICT	6
CDBG STRATEGY AREA	16
OGDEN CITY-WIDE	30
TRACKLINE EDA	

Table 10 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City encourages development of affordable housing in areas of the city that will benefit residents and not perpetuate concentration, exclusion or segregation. In order to generate the greatest impact from declining entitlement funds, the City will focus efforts in target areas. The City has identified areas of the city that are eligible for resource allocation under the Community Development Block Grant (CDBG) and HOME programs. The allocations of funds to the Target Areas (Own In Ogden Target Area, Central Business District, Trackline EDA, and NRSA) is designed to support actionable, high-impact infrastructure, housing and other development projects that build on Ogden's downtown employment centers and have additional funding committed from other resources. Targeting and leveraging entitlement funding represents the best opportunity to accomplish the city's community development goals.

Discussion

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The City utilizes a combination of strategies and funding sources to address the affordable housing needs in the community. The City is committed to improving the quality of affordable housing units in Ogden. These efforts include the implementation of the Quality Neighborhoods Program (Asset Control Area and purchase/rehab/resale) to acquire and rehabilitate foreclosed, abandoned and often blighted properties using a private line of credit. When the cost of the rehab exceeds the private funding available, HOME and/or CDBG funds are used. The Emergency Home Repair Program also improves the quality and safety of affordable housing units. The city funds CHDO and Infill projects which increase the supply of quality affordable housing units. In addition, the city utilizes CDBG funds to renovate affordable rental housing units.

With the use of CDBG and HOME and a combination of both funding sources, it is anticipated that 74 households will receive assistance thru the availability of renovated affordable housing units, construction of new housing units or assistance in the purchase of homes: 21 housing units rehabilitated (12 Quality Neighborhood; 5 Emergency Home Repair; 4 rental units rehabilitated); 4 new housing units constructed; and 4 Community Development Housing Organization assisted housing units completed; and acquisition of 45 housing units (45 Own In Ogden).

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	74
Special-Needs	0
Total	74

Table 11 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	8
Rehab of Existing Units	21
Acquisition of Existing Units	45
Total	74

Table 12 - One Year Goals for Affordable Housing by Support Type

Discussion

AP-60 Public Housing – 91.220(h)

Introduction

The Ogden Housing Authority (OHA) was created March 1970. The purpose of the Ogden Housing Authority is to promote & provide safe, affordable and sound housing, free from discrimination, with self-sufficiency opportunities for persons of low to medium income in partnership with the communities we serve. OHA administers both Section 8 and Public Housing scattered at six different sites within Ogden City.

The Ogden Housing Authority strives to use the funding received to maximize the programs administers to utilize 100% of the vouchers and to maintain public housing occupancy 98% of better. The OHA continues to seek for additional funding opportunities and/or opportunities to partner with other agencies to meet the needs of their clients.

Actions planned during the next year to address the needs to public housing

As is relates to capital improvements and renovation of public housing, the OHA invests the annual Capital Fund grant to update and modernize the buildings. Due to the demand of the need and the limited resource of funds received, the agency strives to invest the funds appropriately to meet the most demanding needs.

The agency will continue to update an elderly complex by upgrading interior plumbing, electrical, and the kitchen and bath cabinets. In addition, security lighting, electrical, plumbing, and HVAC at all sites will be addressed as funding allows.

Safe place to live – The agency will continue to strive to make the apartment communities safe through effective tenant screening. The agency has partnered with BCI to provide back ground checks. In addition, the agency reviews landlord references, and works close with the community police regarding any concerns related to criminal behavior. The housing authority also provides security as a deterrent when needed by hiring off duty police officers. Also, the OHA will evaluate the sites not only for capital improvement needs but also for safe neighborhoods to insure the location of public housing provides a safe place to live.

The housing authority makes every effort to make the owned properties a good place to live. This is done by maintaining a good curb appeal, responding to tenant work orders and concerns, enforcing lease violations to include a no smoking policy except for in designated areas, and encouraging tenants to take pride in where they live.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The OHA continues to encourage public housing residents' to be involved with management by allowing comments and questions/concerns to proposed changes to administrative plans and the annual plan. In addition, the agency encourages residents to serve on a Resident Advisory Board (RAB). The goal of the RAB is to encourage residents to become more involved in making decisions as it relates to the administration of programs and meeting the needs of the residents. The staff of the housing authority presents the annual plan to the RAB board for comment. In addition, staff will join the RAB at scheduled meetings to provide feedback regarding concerns or needs of the residents.

In partnership with Ogden City, the OHA notifies OHA residents of public meetings that pertain to ConPlan activities through public posting, provided residents an opportunity to participate in the Consolidated Plan process.

As opportunities arise for homeownership opportunities the OHA would direct residents to these resources.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

The Ogden Housing Authority is not designated as troubled.

Discussion

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City continues its participation in and support of the Weber County Homeless Coordinating Council's (WCHCC) efforts to end homelessness and Weber County Homeless Charitable Trust (WCHCT) to support homeless providers and homelessness prevention service providers.

The City of Ogden does not receive Emergency Shelter Grant (ESG).

The City of Ogden works in coordination with the Weber County Homeless Coordinating Council (WCHCC), which is the lead agency reporting to the Utah Balance of State (UBOS) Local Coordinating Council. The WCHCC has adopted Weber County's Plan to End Homelessness by 2014. In addition, the City supports The Lantern House in Ogden, which receives ESG funds. The City has participated in the Continuum of Care (CoC) process regarding Utah's anticipated Emergency Shelter Grant (ESG) Funds for the fiscal year, which is obtained competitively through the Utah Department of Community and Economy Development.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Participate in the Weber County's Plan to End Chronic Homelessness by 2014. The City is actively involved in the Weber County Homeless Coordinating Council (WCHCC); a city official serves on the WCHCC to ensure the effective implementation of homelessness prevention and services at a county-wide level.

Create jobs through economic development activities. The city has committed considerable resources to addressing one of the most overwhelming obstacles in homelessness prevention, insufficient incomes. Insufficient incomes have been identified by the city, county and state as a main contributing factor to homelessness. The City's NRSA Plan, BIC, small business loan program, Ogden Reinvestment Corporation and Central Business District Revitalization program, as well as, many other economic development activities undertaken by the city, all support job creation in Ogden for the goal of increasing incomes for Ogden residents.

Support the Weber County Homeless Charitable Trust (WCHCT) to provide funding to non-profit homeless providers (described in priority objective 4.1 in the ConPlan). The Weber County Homeless Charitable Trust is an independent organization whose sole purpose and mission is to provide funding to non-profit homeless prevention and services providers. Ogden City supports the WCHCT through the commitment of over \$1 million in non-federal funds to seed the Trust and the Community Development Manager serves on the Trusts Board of Directors.

Addressing the emergency shelter and transitional housing needs of homeless persons

There are three major components for ending chronic homelessness—Tenant Selection, Housing, and Supportive Services. Creating a centralized tenant selection process enables timely placement of persons in appropriate housing. Potential clients are assessed by their vulnerability, service utilization, and their eligibility for various housing opportunities. Permanent Supportive Housing can be both in congregate sites as part of a larger program or scattered throughout the community. Funds for subsidizing housing that can be used for permanent housing and be flexible for tenant, sponsor or project based rental assistance are important for securing additional housing. WCHCC is working with many community partners to target tax credit units designated or set aside specifically for homeless households at lower rents in order to save money and serve more chronically homeless persons. Locating available housing requires significant coordination between landlords, housing authorities, and service providers. Creating positions to coordinate tenant selection and a housing location specialist who understands both private and public housing are key positions in this effort.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Shelter Plus Care

Shelter Plus Care is a program designed to provide housing and supportive services to chronically homeless individuals with disabilities. Ogden Housing Authority (OHA) and Weber Housing Authority provide housing vouchers along with supportive services to be provided by Weber Human Services, the Lantern House, Tri-County Independent Living Center and Utah Division of Workforce Services.

Program Goals:

- Increase housing stability
- Increase skills and/or income
- Increase access to needed supportive services
- Reduce recidivism

The OHA's Shelter Plus Care program works in partnership with local non-profit agencies to coordinate efforts for chronically homeless individuals. Under this partnership agreement, the Lantern House, Weber Human Services, and Tri County Independent Living Center refer those meeting the definition of chronically homeless to the OHA. The OHA, if a Shelter Plus Care voucher is available, provides the housing assistance. The partners provide the appropriate services and case management support that

provides the opportunity needed to transition to permanent housing and self-sufficiency. The OHA has applied for funding to continue the Shelter Plus Program for an additional year. **Homelessness Prevention and Rapid Re-housing Program (HPRP)** - HPRP assists individuals and families who are experiencing homelessness (residing in emergency or transitional shelters or on the street) and need temporary assistance in order to obtain housing and retain it. This program will provide temporary financial assistance and housing relocation and stabilization services to individuals and families who are homeless or would be without assistance.

Catholic Community Services (CCS) has received homeless prevention funding from Utah State Community Services Offices and has implemented a Homeless Prevention and Rapid Re-housing Program (HPRP) to assist homeless and low-income households who have a housing crisis or are in precarious housing situation in Weber County. Assistance includes helping individuals and families who are currently in housing but are at risk of becoming homeless and who need temporary rent assistance or assistance moving to another unit to prevent them from becoming homeless. The CCS's HPRP program has completed its three year grant funding allocation and is now at an end; no additional HUD HPRP funds have been granted to CCS.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

1. Expanding the range and availability of prevention strategies by:
 - a. Better coordinating and expanding legal assistance and housing resources available for one time, short-term, and transitional financial assistance to avert eviction.
 - b. Increasing access to permanent housing and services for person(s) leaving institutions.
2. Increasing timely access to prevention resources by:
 - a. Establishing a 24-hour prevention and referral hotline, coordinated with 211;
 - b. Increase the assessment, transportation, and prevention resources; c. Improving and expanding staff assessment capabilities to quickly identify appropriate shelter alternatives and facilitate their access for persons at imminent risk of homelessness or who are homeless.
3. Improving the long-term effectiveness of prevention strategies by linking households assisted with prevention programs to ongoing community resources.

4. Reducing the number entering homelessness by closing the “front door” with effective discharge planning by:

- a. Having the public institutions for mental health, penal, and foster care develop discharge approaches that prepares and ensures those being released have a home and a plan for self-reliance and support from either family or a community agency(ies).

5. Increasing the number of affordable housing units “opening the back door” by:

- a. Having the funders, contractors, housing authorities and political authorities coordinate and streamline the process for new construction and remodeling of existing units.

Discussion

The City did not apply and does not receive Emergency Shelter Grant (ESG) or HOPWA funding.

One year goals for the number of households to be provided housing through the use of HOPWA for:
Short-term rent, mortgage, and utility assistance to prevent homelessness of the individual or family
Tenant-based rental assistance
Units provided in housing facilities (transitional or permanent) that are being developed, leased, or operated
Units provided in transitional short-term housing facilities developed, leased, or operated with HOPWA funds
Total

AP-75 Barriers to affordable housing – 91.220(j)

Introduction

The Weber County Housing Needs Assessment & Plan 2012-2014 and the Regional Fair Housing Equity Assessment provided the data and research; from these studies, a variety of barriers to affordable housing in Ogden were identified, such as:

- Uneven Fair Housing infrastructure - brochures, webpage and materials are printed only in English, limiting the availability of Fair Housing information to non-English speaking persons.
- Deteriorating Quality of Housing Inventory - Ogden's housing stock is aging. This along with the prevalence of low incomes and minority concentrations in the NRSA, presents the challenge of deferred maintenance and deteriorating quality of housing stock.
- Homes in NRSA are disproportionately occupied by minority and disabled individuals.
- Disproportionate Impact from Good Landlord Program - This program is intended to improve the quality of rental housing in Ogden. The program may disproportionately negatively, impact protected classes by "refuse to rent to applicants with certain criminal backgrounds." Although not intended to discriminate against protected classes, if minorities disproportionately have criminal backgrounds the Good Landlord program could be deemed a violation of the Fair Housing Act.
- Lack of familiarity of Fair Housing Act by landlords -Many of landlords are not aware of the full implications of the Fair Housing Act and "reasonable accommodations" provision.
- The Fair Housing infrastructure has not systematically addressed the education of landlords regarding "reasonable accommodations".

Lack of familiarity of local building inspection offices with the International Building Code (IBC) and the federally assisted multi-family housing requirements can impact fair housing choice for disabled individuals.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

- Adopt a Language Assistance Plan and created Spanish fair housing website, brochures and and resources.
- Work with the Disability Law Center to promote fair housing in Ogden.
- Education is key to improving affordable housing options, which includes training for City Building Inspectors, landlords, city staff, financial institutions and citizens.
- Targeting of HUD resources toward improving the quality of housing as described in other sections of the plan.

- Re-evaluate the Good Landlord program to determine if modifications to the program are needed.
- Partner with regional housing providers to encourage the de-concentration of low income housing in Ogden.

Discussion

There are a number of barriers to affordable housing that can only be partially controlled at the local government level. These include availability of sites, construction costs and banking / credit practices. Construction costs are influenced by economic conditions in the entire Northern Utah region. Banking practices are determined largely by institutional practices and federal regulations. The City has developed partnerships with local lending agencies to increase low- and moderate-income lending opportunities. Zoning and building and safety regulations can create barriers to affordable housing. To avoid barriers, the City has an on-going practice of updating its zoning code. The City has a zoning ordinance in place which opens up opportunities for different housing types. Specifically, it promotes attached housing, very small lots for single family homes, apartment development and units above commercial space. The City also conforms to standards set by the International Building Code (IBC), which is utilized through the State of Utah and the enforcement of IBC regulations does not create unique restraints on construction or rehabilitation in Ogden.

AP-85 Other Actions – 91.220(k)

Introduction

The City will spend no less than 70% of its CDBG funding to benefit low- and moderate-income residents and that no more than 30% of its CDBG resources will be spent preventing / eliminating slums or blight. A one-year certification period to begin July 1, 2016 and end June 30, 2017. The City will continue its commitment to improve the quality of affordable housing units and actions that will foster and maintain affordable housing in Ogden.

In addition, the City, through the Community and Economic Development Office, will diligently work to expand economic opportunities for local residents. The activities listed in this Action Plan work to reduce the number of households in poverty; and with enhanced coordination with nonprofit partners, services will have a greater impact on this goal.

Actions planned to address obstacles to meeting underserved needs

Underserved needs in Ogden City have been determined as (1) Housing for large families, (2) Housing for persons with mental disabilities, (3) Housing for persons with physical disabilities, (4) Homeless transitional housing, (5) Household sustaining employment opportunities for low and moderate income households and (6) Business opportunities for low and moderate income investors.

Some of the obstacles contributing to these underserved needs are:

- Increase in demands for funding
- Low incomes and wages
- Limited supply of Section 8 vouchers
- Housing needs for extremely low income individuals exceeds the available supply
- Increased costs of construction
- Diminishing supply of land for development
- Challenges of redevelopment (land assembly, costs, adequate developers)
- Private, non-profit and government inability to keep up with growth of population in need
- Competing demands for public services

The city's HOME funds are geographically targeted to preserve and provide affordable housing stock in the Quality Neighborhoods Program Area (which includes the Asset Control Area program) which rehabilitates HUD-foreclosed homes within the NRSA. By targeting rehabilitation efforts within low-income census tracts, the housing needs of Ogden's poorest residents are addressed. The Emergency Home Repair loan program, which is funded through CDBG, provides loans to low-income persons who cannot afford housing health/safety renovations. Applicant selection for this program is based on income eligibility. The Emergency Home Repair Program provides loans to qualified homeowners citywide and is not geographic specific.

The rehabilitation and development of the Ogden City Central Business District and its' adjoining inner-city neighborhoods will provide the positive incentives necessary for attracting new businesses to Ogden. Jobs created/retained within the NRSA are presumed to benefit low-mod income persons. The goal for new business and economic developments will be to create household sustaining incomes for Ogden City residents while furthering the growth and fiscal health of the City.

Actions planned to foster and maintain affordable housing

While the City can choose from a broad array of eligible activities in regards to the use of CDBG funds, it chooses to focus nearly half of these funds into maintaining and improving the quality the city's supply of affordable housing both rental and owner-occupied. To this end, it is estimated that the 48% or more of the anticipated CDBG grants funds will be used to directly address the housing needs of low- to moderate-income households through the Emergency Home Repair Program, Demolition Loan Program, Rental Rehabilitation Loan Program, Infill Housing / Purchase Rehab and Resale Program, and the East Central Revitalization (ACA) Programs. The Emergency Home Repair Program alone will assist approximately five low-income households make emergency repairs to their homes facilitating their ability to stay in their homes and remain owner-occupants. The Rental Rehabilitation Loan Program will work to maintain and improve approximately four affordable rental housing units every other year. In addition to this, 100% of the City's HOME funds will directly benefit low-to moderate-income households with housing. Own In Ogden down payment assistance program will assist approximately 45 low- to moderate-income households purchase a home. One key service that helps educate people and prepare them to have a successful homeownership experience is the Homebuyer Education Class. Utah State University offers a homebuyer education class to Ogden residents. A homebuyer education class is required for all Own In Ogden participants. Participants may submit a receipt for the cost of the class to the City for reimbursement of the homebuyer education class when purchasing a home with Own In Ogden down payment assistance.

Actions planned to reduce lead-based paint hazards

The Quality Neighborhoods Program targets rehabilitation of older homes, which are HUD-foreclosed and purchased by the City through the Asset Control Area (ACA) program. Due to the age of the housing in the ACA program, it is presumed that lead paint is present and work is performed to mitigate lead based paint hazards. Work on these homes takes place while the homes are still vacant, eliminating the threat of lead-based paint exposure to homeowners. After the rehabilitation work is completed, using HUD safe work practices, a final lead-based paint inspection is conducted. A clearance report, as determined by HUD guidelines, is issued prior to marketing the home for sale to an income-eligible household.

Homes that are purchased with Own in Ogden down payment assistance are visually inspected for deteriorated paint surfaces that could present lead-based paint hazards. If a property is found to have deteriorated paint surfaces, the seller of the property is advised and is required to have the surfaces tested for lead content, when participating with HUD-funded programs. If surfaces test positive for lead

content and exceed allowable HUD levels, the affected areas must be stabilized by a licensed lead paint contractor using HUD safe work practices prior to Own In Ogden loan approval.

Actions planned to reduce the number of poverty-level families

The City itself is limited in the amount of support it can provide for anti-poverty efforts. This is due in part to the fact that the majority of AAP funds are largely restricted to certain types of activities such as housing rehabilitation, homeownership, infrastructure, and business development. Funding for social service activities is extremely limited. Furthermore, the City's General Fund is stressed providing basic safety services and infrastructure needs and is not in a position to support other activities. While the City is not the lead agency in broad-based anti-poverty efforts, it has a role in reducing poverty through support and collaboration with community efforts. Ogden Weber Community Action Partnerships received Community Service Block Grant and takes the lead on many anti-poverty programs in Ogden.

The Community Development Section of the ConPlan supports efforts to the goal of reducing poverty through employment and encouragement of economic growth and development. ConPlan objectives encourage the following strategies aimed at reducing poverty:

- Encourages appropriate growth by improving the competitiveness of existing businesses through loaning funds to small businesses.
- Diversify the economic base by attracting new business.
- Develop recreation, aerospace, manufacturing and technology industries.
- Create jobs by providing businesses access to capital.
- Encourage greater redevelopment activity in the City.
- Develop joint public-private investment strategies.

Redevelopment organizations have been created to promote economic development and implement redevelopment plans within the City – the Ogden Redevelopment Agency and the Local Redevelopment Agency. The creation of higher wage jobs for community residents is a top priority for these organizations.

The City will continue its economic development efforts and its partnerships with the Ogden-Weber chamber, Utah Hispanic Chamber, Utah Center for Stabilization, Wasatch Community Funding, Downtown Ogden Inc., 25th Street Association, and Ogden Reinvestment Corporation to attract new businesses and industries to Ogden, to retain existing businesses and industries, and to encourage their expansion. Because the creation of economic opportunities is not an isolated solution to alleviating poverty, the City will collaborate efforts with Ogden Weber Community Action Partnership (OWCAP) and Ogden Weber Applied Technology College's (OWATC) YouthBuild when possible. In addition, Ogden City supports OWCAP's Volunteer Income Tax Assistance (VITA).

Section 3

Ogden City works toward providing local residents, to the greatest extent feasible, job opportunities and/or training, from HUD-funded projects. In partnership with Ogden Housing Authority, Ogden Weber Applied Technology College's Youth Build Program, and Utah Department of Workforce Services, Ogden's Community and Economic Development Department has established a Section 3 plan, which includes notifying low-income, public housing residents of job opportunities generated from HUD-funded programs and projects and provides preferences for Section 3 business in construction contracting opportunities.

Actions planned to develop institutional structure

During the AAP FY2016-2017, the City will continue to strive to establish an institutional structure that maximizes the funding sources used for housing and community development needs as well as simplify the process involved in developing new housing, improving conditions of existing housing and creating jobs.

Community Development Division is the primary division responsible for implementation of the Five Year ConPlan and Annual Action Plan activities. Through CDBG and HOME programs, the City collaborates with partners to deliver resources effectively. The City works toward:

- Strengthening existing public/private partnerships and creating new ones to implement programs and deliver services of all types.
- Promoting citizen participation in ConPlan planning processes.
- Utilizing the city's website to create an easy to access HUD-related information.
- Working with non-profit housing providers to address the housing needs of the low-mod income residents (i.e. Utah Housing Corporation, Utah Non-Profit Housing Corporation).
- Partnering with non-profit organizations to fund and/or develop job creation and business development projects, such as Wasatch Community Foundation a Utah CDFI.
- Working with City Departments/Divisions to complete HUD funded activities (i.e. street improvements and building inspections).
- Collaborating with social services providers to assist Ogden's low-income residents.
- Participating in the Weber county Charitable Trust Fund and Weber County Homeless Coordinating Council to support the efficient use of public funds that serve the homeless population.
- Supporting advocacy and planning activities with organizations whose primary mission relates to the housing for low- to moderate-income households.

Actions planned to enhance coordination between public and private housing and social service agencies

The City of Ogden is involved in many different committees and groups. These groups involve representatives from social service agencies, housing agencies both City and County Housing Authorities, and other community stakeholders. Committees and groups typically discuss the coordination of efforts to enhance the effectiveness of the committee's or group's goals. The City will continue to support efforts through the participation in the following committees:

- Fair Housing Forum of Utah
- Regional Analysis of Impediments participating jurisdictions
- Ogden Housing Authority
- Ogden Weber Community Action Partnership
- Weber County Homeless Coordinating Council
- Weber County Charitable Trust Fund
- Wasatch Community Foundation
- Ogden Redevelopment Agency
- Coalition of Resources
- Council of Governments
- Wasatch Front Regional Council
- Weber Housing Authority

The City attends monthly Coalition of Resources (COR) meetings. COR is a group of over 50 local agencies, for-profit and non-profit social service providers. The goal of COR is facilitate the efficient use of limited resources in administering social services. Each month COR participants share about the current services or events being offered by their organization. In addition, one provider is selected to highlight the services they provide. The COR members pass on information to their clients. COR meetings have been a huge help in notifying the public about ConPlan programs and events.

Staff participation on local committees and boards involved in community development provides input on community needs and a means to work towards better coordination of services for low- and very-low income residents. Community and Economic Development (CED) staff serves on the board of the Ogden Housing Authority, (Ogden's public housing provider), Weber County Homeless Charitable Trust Fund Board, and Ogden Weber Community Action Partnership (OWCAP). OWCAP is the area lead provider for anti-poverty services and is a grantee of HUD's Community Service Block Grant program. The Community and Economic Development Department will continue to be involved in interagency efforts to strengthen the institutional structure for housing and economic development. Network through committees has worked to expand the City's public participation efforts.

Discussion

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction

A one year certification period July 1, 2016 thru June 30, 2017 will ensure that at least 70% of CDBG expenditures subject to the LMI overall benefit cap will benefit LMI persons. During a one-year certification period, the City will utilize no less than 70% of CDBG funds to benefit Low- to Moderate-Income persons and no more than 30% of CDBG expenditures will fund slum and blight activities.

At the start of the AAP program year July 1, 2016, all HUD Section 108 loan proceeds will be disbursed for the Ogden Business Exchange Project and the project will begin completing job creation activities.

All program income received before the start of the year has been expended or is programmed into the budget. The City does not have an urban renewal settlement and does not have float-funded activities.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	70.00%

**HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)**

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The city does not plan to undertake forms of investment beyond those identified in 24 CFR 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

HOME Recapture or Resale Provisions: Ogden City maintains a Recapture provision to ensure the Period of Affordability in homeownership HOME-funded units. The amount subject to recapture is the Direct Subsidy. The Direct Subsidy also determines the Period of Affordability (see chart which follows). This is defined as any HOME assistance that enabled the home buyer to buy the dwelling unit. It also includes assistance that reduced the purchase price from fair market value to an affordable price.

HOME AFFORDABILITY PERIOD

Less than \$15,000	5 Years
\$15,000 - \$40,000	10 Years
Over \$40,000	15 Years

The Own in Ogden down payment assistance program, with loans under \$15,000, has a Period of Affordability of five years. If recapture is triggered, Ogden City will recapture the entire HOME investment loan amount upon sale, limited to net proceeds available at the sale. This recapture provision is discussed in section 24CFR92.254.a.5.ii.A.

Under the city's recapture provision, HOME recipients may sell their housing unit at any time during the period of affordability, to any willing buyer, and at a price the market will bear. The City imposes the Period of Affordability by written agreement and by recorded lien. In the event of the sale of a HOME assisted property before the end of the affordability period, the total amount of the assistance will be recaptured. In the event that there are insufficient funds following a sale (voluntary or involuntary) during the period of affordability to satisfy the HOME investment, the City's recapture amount will be limited to the net proceeds available (the sales price minus all other superior loan repayments and closing costs).

The city does not have subrecipients, therefore, no monitoring of HOME recapture for subrecipients is required.

The city does not plan to use a Resale provision for HOME assisted activities.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

The Period of Affordability for Purchase/Rehab/Resale and New Construction projects may vary because the Direct Subsidy amounts will vary from project to project. The recapture provisions for the amounts represented by the Discount (the difference between the fair market value and the sales price), and any down payment loans (including Own-In-Ogden loans) provide for Ogden City to recapture the discount amount and loan amount upon sale. This provision is discussed at 24CFR92.254.a.5.ii.A.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

No multi-family refinancing activities that would involve HOME funds are anticipated to occur in Ogden during the fiscal year 2014-2015.

Discussion

Ogden City anticipates receiving \$277,392 in CDBG Program Income and \$59,941 HOME Program Income during the fiscal year July 1, 2016 thru June 30, 2017. These funds have been budgeted to complete viable projects.

Attachments

APPENDIX A CITIZEN COMMENTS RECEIVED

Ogden City Farmers Market July - August 2015

Help teachers buy homes

Makes changes to Good Landlord program to help felons find affordable housing

Fix sidewalk on North Street

Thank you for fixing up all the old homes. It looks great.

What a great city - Ogden

Best Shows at Amphitheater

Own in Ogden is a good one

City looks amazing compared to 7 years ago!

I believe small business promotion will enhance Ogden. Love the direction we are going! We are working with the same clients. Helping the same families become self-sufficient in a better environment. Thank you.

Help people buy homes in Ron Clair neighborhood

Keep building trails and river area

Coalition Of Resources (WHS) April 5, 2016

I am very happy to learn about how Ogden City is helping out people with housing and with businesses and economic growth. Bravo! This is something that needs to be advertised better. Maybe an article in the Standard Examiner would be a good way to let the community know about all this stuff!!

30 Day Public Comment Period (March 29 – April 29, 2016)

We need help with streets and sidewalks in Ron Clair.

James Madison Family Center – April 14, 2016

Change the Good Landlord Program to help ex-felons that are in recovery.

Ogden Housing Authority's Resident Advisory Board – April 20, 2016

Because of the Good Landlord program x-felons cannot rent in Ogden. Make changes to Good Landlord Program so it's more fair for those in recovery.

Grantee Unique Appendices

Appendix B

March 1, 2016

BUDGET ANNUAL ACTION PLAN FY2017

Income (SOURCES OF FUNDS)	TOTAL AMOUNT	CDBG	HOME	HOME Match	City Funds	State Funds	Housing Fund
Entitlement	2,670,050	982,810	337,240		1,200,000		150,000
Program Income	718,464	277,392	59,941				381,131
Carryover	2,303,874	1,142,178	318,939	1,856	213,901	500,000	127,000
CHDO Carryover	0		0				
Tax Increment Housing Fund				150,000			-150,000
TOTAL	5,692,388	2,402,380	716,120	151,856	1,413,901	500,000	508,131

EXPENSES (USES OF FUNDS)	TOTAL AMOUNT	CDBG	HOME	HOME Match	City Funds	State Funds	Housing Fund
PUBLIC SERVICE							
Business Information Center (BIC)	55,000	55,000					
PUBLIC IMPROVEMENTS							
Target Area Public Improvements	450,000	450,000					
PROGRAMS							
Infill Housing	639,502	639,502					
Rental Rehabilitation	90,000	90,000					
Own In Ogden	250,000		250,000				
Emergency Home Repair	40,000	40,000					
Demolition Loan Program	12,000	12,000					
CHDO (Com. Housing Dev. Org.)	50,586	0	50,586				
Quality Neighborhoods	2,493,767	263,837	375,816	151,856	1,132,258	500,000	70,000
HELP	719,774				281,643		438,131
Central Business District Revitalization	200,000	200,000					
Small Business Loan Program	400,000	400,000					
Microenterprise Accelerator Program	0						
OTHER							
Administration	291,760	252,041	39,718				
TOTAL	5,692,388	2,402,380	716,120	151,856	1,413,901	500,000	508,131

Appendix C

Programs and Goals Summary Matrix Ogden City Five Year Consolidated Plan 2016-2020 Programs and Goals Matrix

Priority Objective 1: IMPROVE THE QUALITY OF HOUSING STOCK

1.1 Quality Neighborhoods – Rehabilitate and upgrade existing housing stock to alleviate conditions of blight and provide quality and affordable housing opportunities.

In the NRSA's East Central neighborhoods, 56% of occupied housing units are renter occupied compared to City-wide 40%.¹ The East Central housing vacancy rate is 13%, 5% higher than the overall City housing vacancy rate creating impediments to redevelopment within the area.² Many of the homes were rental units that were flipped many times and need substantial rehabilitation to bring them to housing quality standards. The Quality Neighborhoods program is designed to be flexible to address the specific needs of block groups within the NRSA. The City may purchase vacant lots to construct new housing, or purchase vacant, dilapidated housing units to rehabilitate and then sell to owner occupant families. In addition, the Quality Neighborhoods Program implements an Asset Control Area (ACA) Program. The ACA program purchases abandoned HUD-foreclosed homes and undertakes the substantial rehabilitation needed to bring the homes to housing and quality standards. The City has secured a private line of credit to purchase these HUD-foreclosed, vacant homes. HOME and CDBG funds are used to make the substantial rehabilitation needed to transform these abandoned homes to quality affordable housing options. Targeting the City's housing rehabilitation programs to East Central concentrates the City's efforts to improve the housing stock in the most troubled NRSA blocks. Rehabilitation and upgrade of the existing housing stock also alleviates conditions of slum and blight.

1.2 Emergency Home Repair Program (EHRP) – Enable low-mod income homeowners to stay in their homes

Low to moderate income families often do not have the resources needed to mitigate conditions that immediately threaten the safety and health of the household. The Emergency Home Repair Program improves the quality of housing units and extends the life of the properties while contributing to overall improvement of the neighborhood. The program is available to all low income owner-occupants within the city limits of Ogden. The emergency assistance alleviates threatening conditions that could force the owner occupants into homelessness because of impending conditions related to emergencies such as electrical and plumbing hazards, failure of the heating system, fire hazards, structural failure, leaking roofs, and/or natural disasters. The Priority Housing Needs Analysis rated assistance to low income homeowners as a high priority due to the high number of low income homeowners experiencing housing problems. The EHRP program is funded with CDBG funds.

1.3 Rental Rehabilitation Loan Program – Improve the conditions of rental units

As Ogden's housing stock ages, landlords are faced with the challenge of making needed property upgrades and with maintaining decent, safe and sanitary units with limited funds. Rental property owners can receive a below-market interest rate loan or deferred loan to upgrade units to meet housing and quality standards. A maximum of \$90,000 CDBG funding

¹ 2014 FFIEC Census Report – Summary Census Housing Information

² 2014 FFIEC Census Report – Summary Census Housing Information

is loaned per project. Typically this program is gap financing that requires, when possible, for profit and non-profit developers to provide additional capital for the rehabilitation of rental housing. Projects receiving assistance must maintain Fair Market Rents as determined by HUD. Applications are accepted on a first-come, first-served basis. The Housing Priority Needs analysis rated low-income renters as a high priority due to the high number of low-income renters experiencing a housing problems. Therefore, priority is given to rental properties that primarily serve very-low or low-income residents, are located in the NRSA and to owners that commit other funding sources.

Priority Objective 1. Improve the quality of housing stock				
#	HUD Goals	Strategies	Outcomes	Funding
1.1	1	Quality Neighborhoods Program: Alleviate conditions of blight by providing quality and affordable housing opportunities. Includes Asset Control Area (ACA) Program.	<ul style="list-style-type: none"> Rehabilitate and upgrade substandard housing units. Increase the number of decent, safe and affordable housing units in the East Central. Improve the neighborhood by rehab of "troubled" properties 	<ul style="list-style-type: none"> HOME HOME Match CDBG Private resources leverage federal funds to develop affordable housing.
1.2	1	Emergency Home Repair Program: Enable homeowners to stay in their homes by loaning money for emergency home repairs.	<ul style="list-style-type: none"> Assistance to low-income residents through 0% interest, deferred payment emergency home rehabilitation loans. Improve quality and safety of housing units. Decrease the number of low income residents facing the threat of homelessness. Decrease the number of homeowners facing housing problems. 	<ul style="list-style-type: none"> CDBG
1.3	1	Rental Rehabilitation Loan Program: Improve the conditions of rental units.	<ul style="list-style-type: none"> Decrease the number of substandard rentals units. Increase the number of safe, sanitary, affordable rental units. 	<ul style="list-style-type: none"> CDBG Private resources leverage federal dollars to develop affordable, decent rental units.

#	Expected Units of Accomplishment	Year 1	Year 2	Year 3	Year 4	Year 5	Aggregate
1.1	Quality Neighborhoods: housing properties improved	12	12	12	12	12	60
1.2	Housing units assisted for emergency home repairs	5	5	5	5	5	25
1.3	Rental units rehabilitated		4		4		8

Priority Objective #2 – EXPAND HOMEOWNERSHIP OPPORTUNITIES

2.1 Own in Ogden – Enable low to moderate families to buy a home

In 2010, US Census data revealed that Ogden City's housing inventory was at 8% vacancy rate; of the occupied housing units, 42% were renter-occupied, which has contributed to a significant amount of blight and deterioration.³ As reported in the Regional Analysis of Impediments for Fair Housing Choice for Weber County by University of Utah, Ogden City has a very high share of rental units. Countywide about 28% of occupied units are rental;

³ US Census Data 2010

whereas, Ogden has 42% rental units.⁴ This area has an above average number of vacant units compared with the overall City average. The Own In Ogden program provides zero percent interest, deferred payment down payment assistance loans.

2.2 Homebuyer Education – Ensure homebuyers are suitable to undertake and maintain homeownership

To encourage successful homeownership experiences, the City requires homebuyers using City programs to attend a homebuyer education class. The purpose of the class is to educate prospective homebuyers with curriculum including finding a home you can afford, working with realtors, budgeting, the home buying process, negotiation, and home maintenance. Participants are required to complete Homebuyer Education classes before purchasing their home.

Priority Objective # 2 Expand homeownership opportunities				
#	HUD Goal	Strategy	Outcome	Funding
2.1	1	Own In Ogden Program: Provide down payment assistance to low to moderate income families	<ul style="list-style-type: none"> • Provide the down payment assistance needed for low to moderate income persons to buy a home. • Increase homeownership in central Ogden. • Support neighborhood revitalization through homeownership opportunities 	<ul style="list-style-type: none"> • HOME • Private resources
2.2	1	Homebuyer Education	<ul style="list-style-type: none"> • Ensure families are suitable for homeownership. • Increased ability of homeowners to maintain homeownership. 	<ul style="list-style-type: none"> • Non-profits providers • HOME

#	Expected units of Accomplishment	Year 1	Year 2	Year 3	Year 4	Year 5	Aggregate
2.1	Down payment assistance loans	45	45	45	45	45	225
2.2	Homebuyer Education	45	45	45	45	45	225

Priority Objective #3 – INCREASE THE SUPPLY OF DECENT AFFORDABLE HOUSING

3.1 Infill Housing Program – Transforming vacant land or dilapidated housing units to quality and affordable housing units

The East Central and Central Business District neighborhoods contain areas of underutilized or vacant areas in the center of city blocks. These vacant areas typically lack public infrastructure in the form of roads and utilities that would facilitate their development. The issues associated with vacant lots and infill housing is complex and often requires a partnership between the public and private sectors to develop strategies for specific properties. The City’s infill housing program provides the coordinating support to bring together private, federal and local resources needed to create new affordable housing units or rehabilitate deteriorating housing stock.

3.2 Community Housing Development Organization – Support construction of new housing units and/or rehabilitation of existing housing units

Gap financing to Utah Non-Profit Housing Corporation, Ogden’s certified Community Housing Development Organization (CHDO) to assist in the construction or rehabilitation of single-family (renter or owner) and/or multifamily housing. The City utilizes the HOME Program’s 15% CHDO funding to fund a CHDO in the construction or rehab of affordable housing units in Ogden.

⁴ Regional Analysis of Impediments for Fair Housing Choice for Weber County, May 2014, by University of Utah

Priority Objective #3 Increase the supply of decent affordable housing				
#	HUD Goal	Strategy	Outcome	Funding
3.1	1	Infill: Projects include building new quality and affordable housing units on vacant land and replacing blighted structures.	<ul style="list-style-type: none"> • Create new quality and affordable housing units. • Facilitate the development of underutilized vacant lots, typically in center of city blocks and difficult to develop due to infrastructure issues. • Partner with property owners and/or housing providers to develop solutions for underutilized vacant residential land. • Improve neighborhoods by developing vacant land, replacing blighted structures with quality affordable housing. • Create new quality and affordable housing units with minimal use of federal funds • Maximize private resources leveraged to develop affordable housing. • Increase the number of decent, affordable housing units. 	<ul style="list-style-type: none"> • CDBG • HOME
3.2	1	Community Housing Development Organization (CHDO) - Support the construction of affordable housing units.	<ul style="list-style-type: none"> • Support the Community Housing Development Organization to create affordable housing options for Low to moderate income persons. • Affordable sites found and secured for construction of new affordable housing 	<ul style="list-style-type: none"> • HOME • CHDO

#	Expected Units of Accomplishment	Year 1	Year 2	Year 3	Year 4	Year 5	Aggregate
3.1	Infill Housing: # housing units constructed	4	4	4	4	4	20
3.2	Community Housing Development Organization: # housing units		4		4		8

Priority Objective # 4 – HOMELESSNESS (CONTINUUM OF CARE)

- a. **Weber County Homeless Charitable Trust Fund** – granting funds to non-profit homeless service providers. \$1 million in funding from the sale of the Ogden Defense Depot provided seed funding for the creation of the Weber County Homeless Charitable Trust (WCHCT). The WCHCT’s sole purpose and mission is to support non-profit homeless prevention and service providers through the granting of funds. Grants will be offered to homeless service providers through a competitive bid process, special attention is given to programs that encourage the efficient use of existing resources through partnership and collaboration.

- b. **Support the Weber County Homeless Coordinating Committee (WCHCC)** – serves as the lead for the Utah Balance of State Homeless Coordinating Committee and the lead for the HMIS system. Efforts to end chronic homelessness in Ogden are driven by and tied to Weber County’s Plan to End Chronic Homelessness by 2014. The WCHCC plan encourages a support-services intense approach to ending homelessness that was developed in part by the book Bridges Out of Poverty. As developed by the Utah’s Homeless Coordinating Committee and adopted by Weber County’s Plan to End Chronic Homelessness by 2014, The Housing First model (page 94) is a guiding principle to address homelessness problems in Ogden City. The City participates in the WCHCC, which purpose is to coordinate community resources in helping prevent homelessness. Housing First provides permanent housing to the homeless with case management support.

Priority Objective #4 Homelessness (Continuum of Care)				
#	HUD Goal	Strategy	Outcome	Funding
4.1	1	Support the Weber County Homeless Charitable Trust in granting funds to non-profit homeless service providers	<ul style="list-style-type: none"> Increase and improve efficiency of support services for the homeless in Weber County. 	<ul style="list-style-type: none"> Weber County Homeless Charitable Trust Fund
4.2	1	Participate in the Weber County Homeless Coordinating Committee (WCHCC)	<ul style="list-style-type: none"> Participation in scheduled meetings to coordinate resources among homeless service providers in Weber County. 	

#	Expected Units of Accomplishment	Year 1	Year 2	Year 3	Year 4	Year 5	Aggregate
4.1	WCHCT: competitive grants and/or loans to non-profit homeless service providers			1	1	1	3
4.2	WCHCC - Increased use of community resources – ongoing.						

Priority Objective #5 – IMPROVE THE SAFETY/APPEARANCE OF THE NEIGHBORHOOD

5.1 Demolition Loan Program – Promote neighborhood safety

There are numerous vacant structures in the City. Most are structurally sound and are candidates for rehabilitation. Others are in extreme state of deterioration with the only viable option being demolition of the structure. A CDBG-funded demolition loan program offers a 0% interest, deferred payment loan to property owners to provide the financial assistance needed to demolish unsafe structures. The City’s citizen steering committees place a high priority on improving their communities through the use of code and zoning enforcement that eliminate unsafe structures.

5.2 Target Area Public Improvements – Enhance neighborhoods to create a suitable living environment. Implement public improvement projects that repair deteriorating and inadequate streets, curbs and infrastructure to support improved quality of life. The three neighborhood steering committees, the East Central neighborhood watch group and the Aspen Village HOA group and citizens submitting comments requested that public improvements projects be funded in their area.

Priority Objective #5 Improve the Safety and Physical Appearance of Neighborhoods				
#	HUD Goal	Strategy	Outcome/Long Term Goals	Funding
5.1	2	Demolition Loan Program: Demolish unsafe building structures	<ul style="list-style-type: none"> Improve the physical appearance of neighborhoods Reduce slum and blight conditions Increase property values Reduce health and safety issues 	<ul style="list-style-type: none"> CDBG
5.2	2	Target Area Public Improvements: Construct or improve deteriorating streets, curbs, infrastructure	<ul style="list-style-type: none"> Improve the physical appearance of neighborhoods Improve the quality of life for residents Increase property values 	<ul style="list-style-type: none"> CDBG

#	Expected Units of Accomplishment	Year 1	Year 2	Year 3	Year 4	Year 5	Aggregate
5.1	Demolition of unsafe structures/housing units		1		1		2
5.2	Public Improvement projects		1		1		2

Priority Objective #6 – JOB CREATION

Increase economic opportunities through the creation or retention of permanent jobs.

6.1 Small Business Loan Program – Direct financial assistance to businesses

The growth of small businesses to create jobs is needed to expand the economic base in the NRSA. Available funding is not sufficient to meet the needs of those requesting financial assistance to start-up or grow a business in the NRSA. The area lacks lenders willing to risk lending to some NRSA business owners or potential NRSA business owners. The Small Business Loan program provides a maximum of \$90,000 of CDBG for small business or micro-enterprise loans. The program targets assisting businesses located in the NRSA's Central Business District.

Priority Objective #6: Job Creation				
#	HUD Goal	Strategy	Outcome	Funding
6.1	3	Small Business Loan Program: Direct financial assistance to for-profit businesses to create permanent full-time jobs	<ul style="list-style-type: none"> Reduce unemployment Increase Ogden's economic base Attract economic growth Creates jobs for local LMI residents 	<ul style="list-style-type: none"> CDBG Leverage private resources

#	Expected Units of Accomplishment	Year 1	Year 2	Year 3	Year 4	Year 5	Aggregate
6.1	Full-time Equivalent jobs created/retained	8	8	8	8	8	40

Priority Objective #7 – BUSINESS COUNSELING

Provide business counseling services as a public service to attract new business start-ups and improve the business success rate in Ogden.

7.1 Business Information Center – business counseling increase business success rates

Partnering with other local business counseling organizations, allows Ogden City to make a greater impact by supporting businesses more efficiently and to grow businesses in Ogden's NRSA's Central Business District and targeted industries. Ogden City's Business Information Center (BIC) has filled this gap. The BIC is located in the CBD and addresses the needs of NRSA residents that are motivated and capable to start a business downtown.

Priority Objective #7: Business counseling to promote business success				
#	HUD Goal	Strategy	Outcome	Funding
7.1	3	Business Information Center: Provide business counseling to attract new businesses and improve business success.	<ul style="list-style-type: none"> Increase the survival rate for businesses in Ogden Attract more businesses to open in Ogden Support the struggling start-up businesses Collaboratively support businesses with capital needs, through the Small Business Loan Program. 	<ul style="list-style-type: none"> CDBG City General Funds Leverage private resources

#	Expected Units of Accomplishment	Year 1	Year 2	Year 3	Year 4	Year 5	Aggregate
7.1	BIC: People assisted	500	500	500	500	500	2500

Priority Objective #8 – CREATE GREATER ACCESS TO CAPITAL

Increase access to capital to struggling, growing, or newly emerging businesses

8.1 Loan Loss Guaranty Program – create greater access to capital through direct financial assistance to businesses.

CDBG funds are to be used to build lending capacity for targeted projects within the Central Business District. Each business meeting CDBG qualifications is lent a reserve amount which is escrowed to the borrower's benefit to create better loan coverage ratios. The funds are designed to help extend the borrowers security while reducing the risk exposure to a loan through the creation of a reserve. It will allow larger loans than under the current Small Business Loan Program. The Loan Loss Guaranty (LLG) program will magnify job creation by creating greater loan capacity. It will begin to offset decreasing amounts available through the existing program.

8.2 Administrative support to the WCF – provide administrative support to the Wasatch Community Funding, Inc. (WCF) whose mission is to create greater access to capital for economic development in the CBD.

Financial support is needed to grow businesses, thereby, supporting the economic development in the community. In Ogden, the young low-mod income (LMI) person and more deeply entrenched LMI make up over 70% of the population. To assist the struggling LMI population, Ogden City facilitated the creation of the Ogden Reinvestment Corporation (ORC) in 2009 and was recertified as a Community Development Financial Institution (CDFI) in 2013. This designation allows Utah CDFI to apply for and potentially receive millions of dollars from the U.S. Department of Treasury to fund small and micro business loans. In 2015, ORC will partnered with Utah Center for Neighborhood Stabilization to become Utah CDFI, which will serve the entire state of Utah. Ogden City will created Wasatch Community Funding, licensing under Utah CDFI, to provide financial assistance to the greater Ogden and the Northern Utah areas. This partnership between WCF and Utah CDFI helps increase WCF's access to capital, capacity, and expand its geographical footprint. The City provides in-kind City staff to assist in bringing the WCF into operation. Its mission is to provide access to capital that is not available to low moderate income entrepreneurs. WCF is designed to pool funds from several resources to spread out the risk of lending to less than ideal borrowers. Funding may come from local and national banks' Community Reinvestment Act (CRA) funds, federal grants, and private equity investors. The goal is to leverage the small business loan program (as well as other federal state and local programs) to blend loans to reduce the risk to any one lender. WCF, as a non-profit lender, provides the resources and tools that small businesses need to succeed and to help the economic recovery activities within the Ogden City area. Ogden City sets a high priority in providing the capital needed to support entrepreneurs in starting a business, in creating jobs and in growing their business. Ogden City Business Development Division works in partnership with WCF.

Priority Objective #8: Create greater access to capital				
#	HUD Goal	Strategy	Outcome	Funding
8.1	3	Loan Loss Guaranty Program: Direct financial assistance to for-profit businesses to create permanent full-time jobs. The program allows for lending larger loan amounts and leverages CDBG to increase lending capacity through bank participation.	<ul style="list-style-type: none"> • Create jobs with a minimum of federal funds • Participation with banks and Wasatch Community Funding to expand funding opportunities and to share the risk. • Provide new funding streams to fill the gap for businesses turned down or unable to be fulfilled by traditional banks. 	<ul style="list-style-type: none"> • CDBG • Leverage private resources
8.2	3	Provide administrative support to Wasatch Community Funding, Inc. to create greater access to	<ul style="list-style-type: none"> • Increase the success rate for businesses in Ogden • Attract more businesses to open in Ogden • Support the struggling start-up businesses 	<ul style="list-style-type: none"> • City General Funds • Leverage private

	capital.	<ul style="list-style-type: none"> • Fill the gap for funding small businesses • Strengthen the City's economic base 	<ul style="list-style-type: none"> resources • No federal funds
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#	Expected units of accomplishments	Year 1	Year 2	Year 3	Year 4	Year 5	Aggregate
8.1	Loan Loss Guaranty: Full-time Equivalent Jobs created/retained		8		8		16
8.2	Assist in the creation of WCF as a licensed Utah CDFI	1					1

Priority Objective #9 – STIMULATE ECONOMIC GROWTH

Support the expansion of CBD's economic base by developing underutilized properties, providing financial assistance to foster business growth, removing blight, and/or job creation/retention activities

9.1 Central Business District (CBD) Revitalization Program – supports business growth for job creation or removal of blight. The CBD Infill program is intended to facilitate and stimulate capital investment in Central Business District and to remove slum and blight and/or to promote job creation/retention activities. The funds may be used for construction of new structures on vacant land, improvements to commercial structures, or reconstruction of blighted or deteriorating buildings. Funds will be used to contribute to and to enhance the viability of Ogden's economic base.

9.2 Ogden Business Exchange Project – Create jobs, remove blight and expand Ogden's economic base

The Ogden Business Exchange Project will include the use of CDBG entitlement and HUD Section 108 loan funds for the acquisition and development of under-utilized and/or vacant properties and infrastructure improvements for the development of approximately 3,062,286 square feet of business, manufacturing and industrial, commercial park. The Ogden Business Exchange Project that will create an estimated 100 - 500 permanent full-time equivalent (FTE) jobs to be made available to individuals with incomes at 80% or less of Area Median Family Income as established by HUD and jobs are expected to be created beginning in 2016. CDBG Entitlement will include slum and blight removal activities.

9.3 Microenterprise Accelerator Program – Support Microenterprises businesses

The goal of the program is to be the conduit for access to capital and/or entrepreneurial training for self empowerment. Its strategic goal is to help reduce the number of failed businesses and increase the number of successful microenterprises in Ogden.

Priority Objective #9: Stimulate economic growth				
#	HUD Goal	Strategy	Outcome	Funding
9.1	3	Central Business District Revitalization: Expand Ogden's economic base through developing underutilized properties	<ul style="list-style-type: none"> • Job creation and/or removal of blight • Attract new businesses • Provide gap financing to support business success 	<ul style="list-style-type: none"> • CDBG • Leverage private resources

9.2	3	Ogden Business Exchange: Acquisition and/or development of under-utilized properties for the development of a commercial /light industrial park.	<ul style="list-style-type: none"> • Assembly of land into reasonably-sized parcels necessary for economic development • Improve aged and deficient infrastructure • Create permanent jobs • Remove slum and blight conditions • Attract businesses to improve the City's economic base 	<ul style="list-style-type: none"> • CDBG • Section 108 Loan • Leverage Private resources • RDA
9.3	3	Microenterprise Accelerator Program: Provide financial assistance and mentoring thru partners to develop innovative, outdoor recreation and/or manufacturing microenterprise businesses.	<ul style="list-style-type: none"> • Support Ogden's reputation as a leader in outdoor recreation and innovative product design and manufacturing. • Attract more businesses to open in Ogden • Support the struggling microenterprise. • Reduce the number of failed businesses 	<ul style="list-style-type: none"> • CDBG • Leverage private resources

#	Expected Units of accomplishments	Year 1	Year 2	Year 3	Year 4	Year 5	Aggregate
9.1	CBD Projects completed	1		1		1	3
9.2	Ogden Business Exchange Project FTE Jobs created	10	10	20	20	40	100
9.3	Microenterprise businesses			10	10	10	30

PROGRAMS AND PROJECTS 2016 – 2020	5 year City's GOAL	5 year # in NRSA	5 year % in NRSA
1.1 Quality Neighborhoods (HUD Asset Control Area): Housing units	60	60	100%
1.2 Emergency Home Repair: Housing units rehabilitated	25	15	67%
1.3 Rental Rehabilitation Program: Rental housing units assisted	8	8	100%
2.1 Own in Ogden Down Payment Assistance: Loans	225	180	80%
2.2 Homebuyer Education Classes: People attending class	225	180	80%
3.1 Infill Housing	20	20	100%
3.2 Community Housing Development Org: Housing units	8	8	100%
4.1 WCHCT – competitive grants to non-profit homeless providers	3	3	100%
4.1 WCHCC – participate in the Weber County Homeless Coordinating Committee	Ongoing		
5.1 Demolition Loan Program: Structures demolished	2	2	100%
5.2 Target Area Public Improvements: Projects	2	2	100%
6.1 Small Business Loan Program: Full-time Jobs created	40	40	100%
7.1 Business Counseling (BIC): People served	2,500	2,500	100%
8.1 Loan Loss Guarantee	16	16	100%
8.2 Wasatch Community Funding, Inc.	2	2	100%
9.1 Central Business District Revitalization: Projects	3	3	100%
10.1 Microenterprise Accelerator Program	30	30	100%

Grantee SF-424's and Certification(s)

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

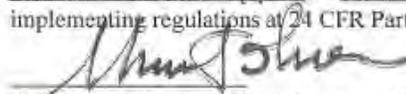
Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-L.L.L., "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.


Signature/Authorized Official

Date
4/12/16



Attest:

Chief Deputy City Recorder

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2016 , _____ (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its

jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R;

Compliance with Laws -- It will comply with applicable laws.

JMS
Mark Jones *4/2/16*
Signature/Authorized Official Date

CAD
Title

Attest:
Lee Ann Peterson
Chief Deputy City Recorder



Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

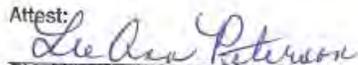
Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

CS

Signature/Authorized Official Date

CAO
Title



Attest:

Chief Deputy City Recorder

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
* 3. Date Received: <input type="text"/>	4. Applicant Identifier: <input type="text"/>	
5a. Federal Entity Identifier: <input type="text"/>	5b. Federal Award Identifier: <input type="text"/>	
State Use Only:		
6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text"/>	
8. APPLICANT INFORMATION:		
* a. Legal Name: <input type="text" value="Ogden City Corporation"/>		
* b. Employer/Taxpayer Identification Number (EINTIN): <input type="text" value="87-60000257"/>	* c. Organizational DUNS: <input type="text" value="0853255200000"/>	
d. Address:		
* Street1: <input type="text" value="2549 Washington Boulevard, #120"/>	Street2: <input type="text"/>	
* City: <input type="text" value="Ogden"/>	County/Parish: <input type="text" value="Weber"/>	
* State: <input type="text" value="UT: Utah"/>	Province: <input type="text"/>	
* Country: <input type="text" value="USA: UNITED STATES"/>	* Zip / Postal Code: <input type="text" value="84401-3601"/>	
e. Organizational Unit:		
Department Name: <input type="text" value="Community and Economic Develop"/>	Division Name: <input type="text" value="Community Development"/>	
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: <input type="text"/>	* First Name: <input type="text" value="Cathy"/>	
Middle Name: <input type="text" value="M"/>	* Last Name: <input type="text" value="Fuentes"/>	
Suffix: <input type="text"/>	Title: <input type="text" value="Grants Administrator"/>	
Organizational Affiliation: <input type="text"/>		
* Telephone Number: <input type="text" value="801-629-8903"/>	Fax Number: <input type="text" value="801-629-8996"/>	
* Email: <input type="text" value="cathyf@ogdencity.com"/>		

Application for Federal Assistance SF-424	
<p>* 9. Type of Applicant 1: Select Applicant Type:</p> <input type="text" value="C: City or Township Government"/> <p>Type of Applicant 2: Select Applicant Type:</p> <input type="text"/> <p>Type of Applicant 3: Select Applicant Type:</p> <input type="text"/> <p>* Other (specify):</p> <input type="text"/>	
<p>* 10. Name of Federal Agency:</p> <input type="text" value="U. S. Department of Housing and Urban Development"/>	
<p>11. Catalog of Federal Domestic Assistance Number:</p> <input type="text" value="14.218"/> <p>CFDA Title:</p> <input type="text" value="Community Development Block Grant"/>	
<p>* 12. Funding Opportunity Number:</p> <input type="text" value="NA"/> <p>* Title:</p> <input type="text" value="NA"/>	
<p>13. Competition Identification Number:</p> <input type="text" value="NA"/> <p>Title:</p> <input type="text" value="NA"/>	
<p>14. Areas Affected by Project (Cities, Counties, States, etc.):</p> <input type="text"/> <div style="display: flex; justify-content: space-around;"> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/> </div>	
<p>* 15. Descriptive Title of Applicant's Project:</p> <input type="text" value="Community Development Block Grant (CDBG) - Annual Action Plan FY2016-2017"/>	
<p>Attach supporting documents as specified in agency instructions.</p> <div style="display: flex; justify-content: space-around;"> <input type="button" value="Add Attachments"/> <input type="button" value="Delete Attachments"/> <input type="button" value="View Attachments"/> </div>	

Application for Federal Assistance SF-424

15. Congressional Districts Of:

* a. Applicant: * b. Program/Project:

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

* a. Start Date: * b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text" value="982,810.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="277,392.00"/>
* g. TOTAL	<input type="text" value="1,260,202.00"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

a. This application was made available to the State under the Executive Order 12372 Process for review on

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

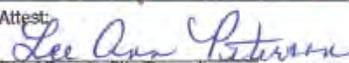
* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative:  * Date Signed:



Attest:

 Lee Ann Peterson
 Chief Deputy City Recorder

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
* 3. Date Received: <input type="text"/>	4. Applicant Identifier: <input type="text"/>	
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* Country: <input type="text" value="USA: UNITED STATES"/>	* Zip / Postal Code: <input type="text" value="84401-3123"/>	
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* Telephone Number: <input type="text" value="801-629-8903"/>	Fax Number: <input type="text" value="801-629-8996"/>	
* Email: <input type="text" value="cathyf@ogdencity.com"/>		

Application for Federal Assistance SF-424	
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<p>* 10. Name of Federal Agency:</p> <input type="text" value="U. S. Department of Housing and Urban Development"/>	
<p>11. Catalog of Federal Domestic Assistance Number:</p> <input type="text" value="14.239"/> <p>CFDA Title:</p> <input type="text" value="HOME Investment Partnerships Grant"/>	
<p>* 12. Funding Opportunity Number:</p> <input type="text" value="NA"/> <p>* Title:</p> <input type="text" value="NA"/>	
<p>13. Competition Identification Number:</p> <input type="text" value="NA"/> <p>Title:</p> <input type="text" value="NA"/>	
<p>14. Areas Affected by Project (Cities, Counties, States, etc.):</p> <input type="text"/> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/> </div>	
<p>* 15. Descriptive Title of Applicant's Project:</p> <input type="text" value="HOME Investment Partnerships Grant - Annual Action Plan FY2016-2017"/>	
<p>Attach supporting documents as specified in agency instructions.</p> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input type="button" value="Add Attachments"/> <input type="button" value="Delete Attachments"/> <input type="button" value="View Attachments"/> </div>	

Application for Federal Assistance SF-424

16. Congressional Districts Of:
 * a. Applicant: * b. Program/Project:

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:
 * a. Start Date: * b. End Date:

18. Estimated Funding (\$):

* a. Federal	337,240.00
* b. Applicant	0.00
* c. State	0.00
* d. Local	150,000.00
* e. Other	0.00
* f. Program Income	59,941.00
* g. TOTAL	547,181.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**
 a. This application was made available to the State under the Executive Order 12372 Process for review on
 b. Program is subject to E.O. 12372 but has not been selected by the State for review.
 c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment)**
 Yes No
 If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**
 ** I AGREE
 ** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:
 Middle Name:
 * Last Name:
 Suffix:
 * Title:
 * Telephone Number: Fax Number:
 * Email:
 * Signature of Authorized Representative:  * Date Signed:



ms
 Attest:

 Chief Deputy City Recorder



City Council Meeting COUNCIL STAFF REVIEW

COMMUNITY DEVELOPMENT PROGRAM GUIDELINE CHANGES – OWN IN OGDEN PROGRAM

COUNCIL DETERMINATION:

- **Adopt/not adopt resolution**

Background

As part of the Community Development Block Grant (CDBG) funding from the federal government as well as City funds used for community development infill and revitalization projects, the City has developed programs that target specific actions, goals or objectives. For each of the programs, the City has approved program guidelines to specify the parameters for use of the funds in a given program. Changes to those program guidelines are approved by the Council.

April 5, 2016

The proposed changes to the Own in Ogden program were discussed during the work session on April 5, 2016. The Council had not received a separate transmittal at that point; however, the proposed changes were discussed and outlined during the presentation on the FY17 Annual Action Plan.

Timeline

1988

The Own in Ogden program was introduced as a program designed to provide down payment assistance to buyers in certain target neighborhoods in the City. The original program was designed to be a loan that would be repaid by the borrower. The program amounts were \$5,000 in assistance for homes purchased in the East Central area and \$3,000 in other qualifying areas of the City.

2002

In 2002, the City changed the program to be a zero interest, deferred payment loan with a prorated schedule of forgiveness. The loan was forgiven by 10% each year and completely forgiven after 5 years.

May 2011

In 2011, the program was amended again to revert it back to a loan program. The 2011 changes required the loan to be repaid when the owner either sold the property or when the property was no longer the owner's primary residence. This was designed to allow the program to recapture the funds used for the program to extend the life of the program.

OGDEN CITY COUNCIL TRANSMITTAL

DATE: April 6, 2016
TO: Ogden City Council
THRU: Mark Johnson, CAO
FROM: Tom Christopoulos, CED Director
RE: Change to Own in Ogden Program
STAFF CONTACT: Ward Ogden, Manager
Community Development Division

RECEIVED

APR 12 2016

**OGDEN CITY
COUNCIL OFFICE**

REQUESTED TIMELINE: City Council May 3, 2016

RECOMMENDATION: Approve the resolution adopting changes to Own in Ogden Program Guidelines

DOCUMENTS: Own in Ogden Program Guidelines
Resolution to modify Own In Ogden Program Guidelines

BACKGROUND: The Own In Ogden program has been in operation since 1988, utilizing over \$3,500,000 to help approximately 1,500 low- to moderate-income households in purchasing homes in the target area. Since 2011, the Own in Ogden program has provided low- to moderate-income homebuyers a \$3,000 or \$5,000, zero percent interest, deferred payment loan, which is due on sale, change of title or residency. The guidelines allow for \$10,000 to assist Ogden City police officers and firefighters. In 2013, teachers were added to the category of public servants eligible to receive \$10,000 down payment assistance loans. A small handful of police, fire fighters and teachers combined have applied for the program. We continue to support and fund down payment assistance as a means of assisting low to moderate income households to become home owners and to facilitate homeownership in neighborhoods with high rental rates.

During the development of the Annual Action Plan Fiscal Year 2016-2017, the Community Development Division was approached by Human Resources requesting that the Own In Ogden Program provide \$10,000 down payment assistance loans to Ogden City employees and new hires as an employee incentive. Through the years, very few city employees have applied for Own In Ogden down payment assistance.

Proposal

We recommend a change to the program guidelines to allow income qualified Ogden City employees and new hires who reside outside Ogden City boundaries, or who rent within Ogden City, to receive a \$10,000 loan to buy a home as their primary residence in the overall target area. This change will both provide an employee incentive and promote homeownership in the Own In Ogden target area.

FISCAL IMPACT:

A change in terms of the Own in Ogden Program will result in some loans being offered at a higher amount. This may result in a few less Own in Ogden loans per year, given a static budget allotment.

RESOLUTION NO. 2016-13

RESOLUTION OF THE OGDEN CITY COUNCIL ADOPTING CHANGES TO THE OWN IN OGDEN DOWN PAYMENT ASSISTANCE PROGRAM.

WHEREAS, it is deemed desirable that Ogden City continue to operate the Own In Ogden program, which provides down payment assistance to low and moderate income households to promote home ownership in Ogden's central city neighborhoods that have a high percentage of rental units; and

WHEREAS, the Own In Ogden Program provides a \$10,000 loan amount, an increase over the standard \$3,000 and \$5,000 loans, to school teachers and to Ogden City sworn police officers and firefighters; and

WHEREAS, it is deemed beneficial that Ogden City initiate an employee incentive program, which attracts the most qualified candidates to Ogden's workforce; and

WHEREAS, it is deemed desirable to modify the Own in Ogden program to create an employee incentive, to allow income qualified Ogden City employees and new hires who reside outside Ogden City boundaries, or who rent within Ogden City, to receive a \$10,000 loan to buy a home as their primary residence in the overall target area.

NOW, THEREFORE, BE IT RESOLVED, by the Council of Ogden City, Utah, that the program guidelines be approved, adopted, and made part of this resolution as attached. Changes are effective beginning 7/1/16. The specific change is as follows:

1. Income qualified Ogden City employees and new hires who reside outside Ogden City boundaries, or who rent within Ogden City, can receive a \$10,000 loan to buy a home as their primary residence in the overall target area.

PASSED AND ADOPTED this _____ day of _____ 2016.

COUNCIL CHAIR

ATTEST:

CITY RECORDER

Approved as to Form:

MAB 4/6/16
Legal Date



**CITY OF OGDEN, UTAH
COMMUNITY AND ECONOMIC DEVELOPMENT**

OWN IN OGDEN PROGRAM GUIDELINES

I. PROGRAM SUMMARY

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II. VOLUNTARY ACQUISITION AND ANTI-DISPLACEMENT POLICIES

HUD Uniform Relocation Act guidelines apply to the Own in Ogden program. Sellers must complete the Seller Affidavit of Occupancy, and both Buyers and Sellers are required to submit the Acknowledgment of Voluntary Acquisition (see forms) prior to Own in Ogden application approval. Tenant-occupied properties are not eligible for Own in Ogden, except in the instance of a tenant-purchase application. Properties will not be eligible for Own in Ogden assistance if a tenant has been evicted, asked to leave, or has vacated the property, and that action would not have occurred if not for the Own in Ogden assisted purchase.

III. PROJECTED HOUSEHOLD INCOME REQUIREMENTS

Income documentation in the form of pay-stubs for the most recent 60-day period and most recently-filed tax returns are required to apply for the Own in Ogden Program. Every member of the household must submit income information regardless of their participation in the real estate purchase. The annual household income cannot exceed 80% of the area-wide median income. Own in Ogden utilizes the HUD adjusted gross income definition for determining the projected household annual income. These yearly household income limits, based on household size, are listed below:

<u>Persons in Household</u>	<u>Maximum Income</u>
1	\$40,900
2	\$46,750
3	\$52,600
4	\$58,400
5	\$63,100
6	\$67,750
7	\$72,450
8	\$77,100

IV. APPLICATION PROCEDURE

Once Buyers have completed purchase negotiations using a Real Estate Purchase Contract, they can apply for Own in Ogden down payment assistance by submitting the following initial requirements; (1) Own in Ogden Application, (2) Own in Ogden Commitment Letter, (3) Real Estate Purchase Contract, (4) Picture Identification, (5) Income information (most recent tax return and pay-stubs for the most recent 60-day period for all household members), (6) Seller Permission for the Ogden City housing inspection, (7) Seller Affidavit of Occupancy and (8) Buyer/Seller Acknowledgement of Voluntary Acquisition (see forms).

Non-US citizens must also provide documentation of legal residency. Applicants are required to attend and submit a Certificate of Completion from a HUD-approved home-ownership class prior to closing. Fees paid for this class may be reimbursed to Buyers at closing, provided they submit a valid receipt from the class provider prior to closing. **Five working day notice of closing is required.**

V. TARGET AREAS AND PROPERTY QUALIFICATIONS

Properties must be located within the Own in Ogden target area (see map). The current target area is from the south side of Twelfth Street (north boundary) to the Ogden River and from the west side of Monroe to the east side of Wall Avenue, then from the Ogden River to the north side of 36th Street (which is the south boundary) and from Harrison Blvd. (both sides) west to the City limits. **The loan amount in the overall target area is \$3,000.**

Specified Target Neighborhoods: (where \$5,000 loans are available): East Central, the city blocks from 20th Street on the north to 30th Street on the south between Washington Boulevard and Harrison Boulevard, including both sides of those four streets.

Ownership/Residency: Buyers must be taking fee simple title to the property upon closing, and using the property as their primary residence throughout the term of the Own in Ogden loan. Ownership in title of persons who do not primarily reside in the property is not allowed. In addition to single-family homes, the City may provide assistance for the purchase of a duplex, triplex or four-plex but approval is subject to availability of an eligible funding source.

Purchase Price: Dependent on the source of funding, the initial purchase price of an existing property cannot exceed \$162,000 for single unit, \$207,000 for a duplex, \$250,000 for a triplex, and \$310,000 for a four-plex; the initial purchase price of a newly constructed property cannot exceed \$209,000 for single unit, \$268,000 for a duplex, \$324,000 for a triplex, and \$401,00 for a four-plex. Multi-unit dwellings are allowed only if the Buyer(s) will reside in one of the units as their primary residence, and an existing tenant is not displaced to create that vacancy. Property values will be confirmed by an appraisal submitted to the Own in Ogden Administrator.

Zoning: The home being purchased must be zoned residential and used as a primary residence. Nonconforming uses or other types of property zoning will not be allowed. Buyers purchasing properties with unresolved code enforcement citations will not be eligible to receive Own in Ogden assistance until all citations have been resolved.

Manufactured Housing: Manufactured housing must have parcel identification, be located on a permanent foundation and have utility hookups in compliance with Ogden City Code requirements.

VI. PROPERTY STANDARDS

Housing habitability and safety issues: Own in Ogden requires that homes being purchased using down payment assistance must meet Ogden City, HUD and FHA requirements for habitability with no major structural damage, code violations or negative conditions representing a threat to resident health and safety. Adherence to Ogden City ordinances and housing safety requirements will be required.

Permission to conduct an Ogden City Housing Safety Inspection: Permission to conduct an Ogden City paint and housing safety inspection is required from the property owner of record (see forms). This paint and housing safety inspection addresses safety issues and must be conducted, with required repairs completed, prior to Own in Ogden funding. To address other property concerns, a formal property inspection, conducted by a private inspection firm, may be conducted at Buyer's expense.

Minimal FHA 203K escrowed repairs: Repairs that will be completed after closing may be allowed, provided the repairs specified in an Ogden City Housing Safety Inspection are included in an approved 203K outline of repairs, and all repair work is being conducted by a licensed contractor. Funds for repairs must be held in escrow and disbursed only to the licensed contractor upon satisfactory completion of work and Ogden City inspections.

Lead Based Paint: Any deteriorated paint surfaces that are found during the Ogden City inspection will need to be repaired prior to funding. Unless tested by a certified lab, all defective surfaces will be presumed to be lead based paint. If presumed or tested to be lead based paint, all mitigation work must be done by a contractor certified under the EPA Lead Safety for Renovation, Repair and Painting Training Course per 40 CFR Part 745.225. At the completion of said mitigation work, a clearance report must be prepared by a certified Lead Based Paint Risk Assessor.

VII. FIRST MORTGAGE FINANCING / OWN IN OGDEN REPAYMENT TERMS:

Loan approval: Predatory lending is not allowed. Documentation from the Mortgage Lender regarding the mortgage loan must be provided to the Own in Ogden Administrator. Only a Qualified Residential Mortgage (QRM) which includes; fixed-rate FHA, VA, or conventional financing is allowed. Rent to buy and lease to buy contracts are not allowed. Adjustable rate mortgages, balloon payment mortgages and interest only mortgages are not allowed. Seller carry or non-conventional financing is not allowed. 2/1 buy downs may be accepted upon review, on a case-by-case basis, when used in conjunction with a fixed-rate mortgage, and when the Lender provides written documentation stating that loan qualification has been approved at the highest rate of the mortgage buy down plan.

Expense to Income Ratio: Documentation from the Mortgage Lender regarding expense to income ratios must be provided to the Own in Ogden Administrator. Borrower(s) whose expense to income ratio exceeds 45% may not qualify for Own in Ogden down payment assistance.

Buyer's Cash Contribution: Borrower(s) must provide at least \$500.00 of his/her own money toward the purchase. This is usually in the form of earnest money. This \$500.00 contribution is to be verified prior to closing and allocation of funds, and cannot be included in the mortgage loan or refunded to buyer at closing. Buyer must also contribute any amounts needed to close the transaction in excess of the Own in Ogden assistance.

Lien position: Own in Ogden Loans are secured by a Promissory Note and Trust Deed. The City prefers that Own in Ogden loans occupy second position. Third position Own in Ogden loans may be considered on a case by case basis.

Repayment Requirements: Own in Ogden down payment assistance is issued in the form of a "no interest, deferred-payment" loan which becomes due and payable in full when a borrower discontinues principal residency at the property, sells or transfers interest in the property, or defaults on any of the loan terms of the Own in Ogden Promissory Note and Trust Deed.

VIII. OGDEN CITY HOMEBUYER UNDERWRITING STANDARDS:

Credit Score: At least one score of 620.

Debt to Income Ratios: Maximum Front End Ratio is 33%. Maximum Debt To Income (DTI) is 45%.

Liquid Assets: Buyer's liquid assets in excess of \$20,000 must be applied towards the home purchase, and the Own In Ogden assistance amount will be reduced by that amount. Any deduction will not include the amount paid in excess of the \$500 minimum required buyer contribution.

Financial Resources: Buyer is required to have a final signed household budget from the approved Homeownership Education Provider, which documents the financial resources available to sustain homeownership.

For more information about the Own in Ogden Program, call or write:
Ogden City, a Utah Municipal Corporation
2549 Washington Blvd., Suite 120
Ogden, UT 84401-1333 (801) 629-8940
<http://ogdencityhomes.com>
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**CITY OF OGDEN, UTAH
COMMUNITY AND ECONOMIC DEVELOPMENT**

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For more information about the Own in Ogden Program, call or write:
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For Accessibility and Language Assistance help: (801) 629-8701
or visit: <http://Accessibility.ogdencity.com>





City Council Meeting COUNCIL STAFF REVIEW

COMMUNITY DEVELOPMENT PROGRAM GUIDELINE CHANGES – MICROENTERPRISE LOAN PROGRAM

COUNCIL DETERMINATION:

- **Adopt/not adopt resolution**

Background

As part of the Community Development Block Grant (CDBG) funding from the federal government, as well as City funds used for community development infill and revitalization projects, the City has developed programs that target specific actions, goals or objectives. For each of the programs, the City has developed program guidelines to specify the parameters for use of the funds in a given program. Changes to those program guidelines are approved by the Council.

April 5, 2016

The proposal was presented to the Council at the work session on April 5, 2016 in conjunction with the proposed FY17 Annual Action Plan. No changes have been proposed as a result of the work session discussion with the Council.

Current Proposal

The Administration is proposing the creation of a new program to be known as the Microenterprise Loan program (listed as the Microenterprise Accelerator program in the Annual Action Plan document). The program is intended to provide loans of between \$5,000 and \$20,000 to microenterprise owners for both training and direct business expenses. The program falls under Priority Objective #9 of the five-year Consolidated Plan adopted in May 2015. Priority Objective #9 is to stimulate economic growth and includes the Central Business District Revitalization program and the Ogden Business Exchange project.

Microenterprise Loan Program Guidelines

The Administration has identified a need for a loan program for microenterprises. A microenterprise is a commercial enterprise that has five or fewer employees with the owner being one of the employees. The loan program is designed to provide funding for both training and direct business expenses to the microenterprise. With training, the city would coordinate and designate training providers for the microenterprise owner. The loan amount would depend on funding need and availability and could be between \$5,000 and \$20,000. As proposed, the loan would need to be repaid if the microenterprise reaches \$250,000 in annual revenue within five years. The loan would need to be repaid at an interest rate of 5% for a term of five years. If this level of revenue is not reached within

OGDEN CITY COUNCIL TRANSMITTAL

DATE: March 16, 2016
TO: Ogden City Council
THRU: Mark Johnson, CAO
FROM: Tom Christopulos, CED Director
RE: Microenterprise Loan Program
STAFF CONTACT: Sara Meess, Business Development Project Coordinator
REQUESTED TIMELINE: May 3, 2016
RECOMMENDATION: Adoption of the Microenterprise Loan Program & Guidelines
DOCUMENTS: Council Resolution
Microenterprise Loan Program Guidelines

RECEIVED

MAR 22 2016

**OGDEN CITY
COUNCIL OFFICE**

REGULATORY FRAMEWORK

CDBG regulations define microenterprise as “a commercial enterprise that has five or fewer employees, one or more of whom owns the enterprise.” Microenterprise assistance activities meet the National Objective benefiting Low- to Moderate-Income (LMI) persons, benefiting a LMI Area, or benefiting a LMI Microenterprises owner. CDBG-eligible activities that support microenterprises can include financial support (both grants and/or loans), technical assistance, training, business services, and general support (e.g., counseling or childcare). The CDBG regulations allow for additional flexibility in microenterprise programs that serve.

PROGRAM SUMMARY

Ogden City Community & Economic Development has identified a need for a Microenterprise Loan Program (MLP) that will support microenterprises by providing funding for both intensive training and direct business expenses. The primary objective of the MLP is to facilitate the success of microenterprises in Ogden and to create economic opportunity for entrepreneurs. The value proposition for microenterprises is that training and technical assistance will be provided as part of the funding package, and other loan terms will be more flexible.

Although microenterprises are eligible to apply for funding through the City’s Small Business Loan Program and Central Business District Revitalization Program, the MLP will provide an added benefit by combining funding with training and technical assistance. Training and technical assistance are critical for microenterprises because they are often in the start-up phase and lack the experience and resources needed to succeed. The training portion of the MLP will be managed by an Ogden City designated training provider, while funding for business expenses will be administered in the same manner as Ogden City’s existing loan programs.

PROCEDURES

The MLP will provide loans of up to \$20,000, of which at least 50% will be available for direct business expenses. The remaining loan funds will be allocated to training costs.

The portion of the loan allocated to direct business expenses is to be used primarily for working capital, including but not limited to product design, prototyping, patent applications, legal services, customer surveys, branding, and marketing.

The training portion of the loan will be provided by a training provider designated by Ogden City for each funding cycle. Designated training providers must be able to differentiate their programs from business services and support that are already available in Ogden. The training providers will offer intensive training, mentoring, and counseling services to a cohort of microenterprises. Additionally, providers may choose to focus on a specific industry cluster, such as the outdoor recreation industry, or target market, such as Spanish-speaking business owners.

Ogden City and the training provider will develop a joint application process for each MLP cycle. The selection process will be based on set criteria that promote Ogden City's economic development goals, is not discriminatory, and is open to the public. Once selected, each microenterprise will enter into a funding agreement with Ogden City.

The loan must be repaid if the microenterprise reaches \$250,000 in annual revenue within five years of entering into the funding agreement. Otherwise, the loan will convert to a grant. Microenterprises must submit financial statements and job creation reports to Ogden City.

FISCAL IMPACT

No new funding is required for this program. Instead, up to \$200,000 in existing CDBG funding will be transferred from the Small Business Loan Program and Central Business District Revitalization program budgets to the MLP budget.

Due to the start-up nature of microenterprises, funding microenterprises is riskier than traditional small business lending. The program guidelines seek to mitigate that risk by keeping the loan amounts low (\$20,000 or less) and requiring that borrowers participate in an intensive training program. However, it should be noted that the program guidelines require repayment of the loan only if the microenterprise achieves a certain volume of annual revenue. If that level of revenue is not reached within five years, the loan will convert to a grant.

For further information please contact Sara Meess at (801) 629-8974.

RESOLUTION NO. 2016-14

A RESOLUTION OF THE OGDEN CITY COUNCIL ADOPTING A MICROENTERPRISE LOAN PROGRAM

WHEREAS, Ogden City has addressed the needs of small businesses by establishing a Small Business Loan Program in 2000, which provides financial assistance to small businesses that move to or expand in Ogden;

WHEREAS, Ogden City desires to continue stimulating economic growth and promoting Ogden City as a desirable place to start a business; and

WHEREAS, Ogden City has contemplated economic conditions, the success of the Small Business Loan Program, and CDBG funding levels, and recognizes the need to support microenterprises by providing funding for both intensive training and direct business expenses, which will be provided through a Microenterprise Loan Program; and

WHEREAS, the Ogden City Community & Economic Development Department has prepared guidelines for the Microenterprise Loan Program attached to this Resolution as Attachment A.

NOW, THEREFORE, BE IT RESOLVED, by the Council of Ogden City, Utah that the program guidelines for the Microenterprise Loan Program which are attached to this Resolution are hereby approved and adopted.

This Resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2016.

CHAIR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM: MS 3/10/16
LEGAL DATE

ATTACHMENT A

MICROENTERPRISE LOAN PROGRAM (MLP), PROGRAM GUIDELINES

PRIMARY OBJECTIVES

- To benefit Ogden’s Central Business District, to create and retain jobs, and/or to benefit LMI microenterprise owners through a Microenterprise Loan Program (MLP) that provides microenterprises with funding for both training and direct business expenses.
- To expand economic opportunity for entrepreneurs by improving access to financial and technical assistance during the start-up phase.

PROGRAM SUMMARY

- The MLP will provide small loans to microenterprises. The loans will assist microenterprises by combining funding with training and technical assistance. Training and technical assistance are critical for microenterprises because they are often in the start-up phase and lack the experience and resources needed to succeed. The training portion of the MLP will be managed by an Ogden City designated training provider, while funding for business expenses will be administered in the same manner as Ogden City’s existing loan programs.

PROCEDURES

- The MLP will provide loans of up to \$20,000, of which at least 50% will be available for direct business expenses. The remaining loan funds will be allocated to training costs.
- Ogden City will designate a training provider for each funding cycle. Designated training providers must be able to differentiate their programs from other business services and support that are already available in Ogden. The training providers will offer intensive training, mentoring, and counseling services to a cohort of microenterprises. Additionally, providers may choose to focus on a specific industry cluster, such as the outdoor recreation industry, or target market, such as Spanish-speaking business owners.
- Ogden City and the training provider will develop a joint application process for each MLP cycle. The selection process will be based on set criteria that promote Ogden City’s economic development goals, is not discriminatory, and is open to the public. Once selected, each participant will enter into a funding agreement with Ogden City. Ogden City may request additional information to assist with financial underwriting.
- The portion of the loan allocated to direct business expenses will be used for activities that meet HUD special economic development eligibility requirements. Examples of such activities include but are not limited to product design, prototyping, patent applications, legal services, customer surveys, branding, and marketing. Contracts of any type, including but not limited to construction or rehabilitation, may not be initiated until Ogden City approves and executes the funding agreement.

- Activities funded by CDBG-backed loans are subject to requirements outlined in 24 CFR Part 570, including the payment of prevailing wages for workers on construction projects.
- Participants must have a business location in Ogden City.

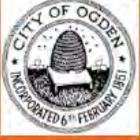
LOAN TERMS

- Minimum loan amount: \$5,000
- Maximum loan amount: \$20,000
- Repayment requirement: If microenterprise reaches \$250,000 in annual revenue within five years of entering into the funding agreement, the loan must be repaid at an interest rate of 5% and a term of five years. Otherwise, the loan will convert to a grant.
- Reporting requirement: Microenterprise must submit quarterly financial statements and annual job creation numbers to Ogden City for five years after entering into the obligation, unless the microenterprise closes during that time.

REQUIREMENTS FOR CDBG FUNDS

CDBG regulations define microenterprise as “a commercial enterprise that has five or fewer employees, one or more of whom owns the enterprise.” All commercial enterprises receiving CDBG assistance from Ogden City must be located in Ogden City.

- The program is intended to meet the National Objective of benefitting low- and moderate-income (LMI) persons through an Area Benefit, Job Creation, or Limited Clientele benefit categories:
 - The Area Benefit category applies when the microenterprise is located in an area with over 51% LMI population, and the LMI area benefits from the creation and growth of new businesses.
 - The Job Creation category applies when the microenterprise creates jobs for LMI persons. Jobs created by the microenterprise may be presumed to be LMI when the microenterprise is located within the NRSA.
 - The Limited Clientele benefit category applies when the microenterprise has an LMI owner. In this situation, the LMI owner receives a direct benefit.
- Eligible CDBG activities in support of microenterprise include financial support, technical assistance, training, and general support.



City Council Meeting COUNCIL STAFF REVIEW

PROPOSED FY2017 BUDGET OGDEN CITY

COUNCIL STAFF REVIEW

DETERMINATION: **Accept for review and set public hearing on tentative budget for June 21, 2016**

Background

Every year the Mayor is required by law to present his/her proposed budget at the first Council Meeting in May. The Council then reviews the budget through a series of work sessions over the next two months. A tentative budget is adopted after an initial public hearing is held. A second public hearing is then held on the final budget. During the budget hearings the Council enters into the record their proposed changes for the public and Mayor to respond to. Once the final public hearing is closed, the Council makes its changes and adopts the final City budget. This budget must be adopted by June 22nd as required by State law. An exception may be made to the timing if a proposed property tax increase has been included in the budget.

Proposal

The following schedule is proposed for presentation, review, and adoption of the proposed FY2017 Ogden City budget:

- May 3rd – Mayor’s budget presentation to the Council and setting of the public hearing for the tentative budget.
- May 10th – Presentation of the proposed budgets for the Redevelopment Agency and Municipal Building Authority and setting the public hearings for each of these budgets.
- May 19th – Work session – Employee groups input, Council Staff review, compensation plan review, fee amendment proposal review, department specific issues (Fire, Police, Management Services including revenues, IT annual report, IT equipment, and fleet report).
- May 24th – Work session – RDA, MBA, Department specific issues (Community & Economic Development)



City Council Meeting COUNCIL STAFF REVIEW

- May 26th – Work session – Department specific issues (Public Services), CIP, CIP Quarterly Report
- June 7th – Public hearings on the Redevelopment Agency and Municipal Building Authority budgets. Set public hearing on FY2017 salary schedule. Work session – proposed FY17 budget Council discussion.
- June 14th – Work session – Council discussion
- June 16th – Work session – Council discussion
- June 21st – Public hearing for tentative FY2017 City budget, FY17 salary schedule. Set public hearing on final FY2017 budget.
- July 5th – Work session – Certified tax rate and truth in taxation
- August 9th – Public hearings on certified tax rate with proposed property tax increase, final FY2017 City budget, fee amendments

Attachments

1. Resolution 2016-15 Accepting the FY2017 Tentative Budget for review (*Action - accept/not accept for review*)
2. Ordinance 2016-27 Adopting FY2017 Tentative Budget (*Action – Set/not set public hearing for June 21, 2016*)

Memos Prepared By-- **Council Staff: Bill Cook, 629-8734**

RESOLUTION NO. 2016-15

A RESOLUTION OF THE OGDEN CITY COUNCIL ACCEPTING FOR REVIEW THE TENTATIVE BUDGET OF OGDEN CITY FOR FISCAL YEAR 2016-2017.

WHEREAS, the budget officer of Ogden City Corporation (the "City") has filed the tentative budget, accompanied by a budget message pursuant to Section 10-6-111 of the Utah Code Annotated; and

WHEREAS, the tentative budget, together with all supporting schedules and data, shall be available for public inspection in the office of the City Recorder as required by law; and

WHEREAS, the City Council will consider formal adoption of the proposed or tentative budget in a public hearing to be held on June 21, 2016; and

WHEREAS, the City Council finds that the tentative budget for Ogden City for fiscal year 2016-2017 should be accepted for review as required by Section 10-6-111(3) of the Utah Code Annotated.

NOW, THEREFORE, the Council of Ogden City hereby resolves as follows:

1. The tentative budget for Ogden City for fiscal year 2016-2017 is hereby accepted for review.
2. This resolution shall become effective upon posting.

APPROVED AND ADOPTED this ____ day of _____, 2016.

CHAIR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM: MAB 4/29/16
LEGAL DATE

ORDINANCE NO. 2016-27

AN ORDINANCE OF OGDEN CITY, UTAH, ADOPTING THE TENTATIVE BUDGET OF OGDEN CITY FOR FISCAL YEAR 2016-2017, SETTING A PUBLIC HEARING TO CONSIDER A PROPOSED CHANGE IN THE CERTIFIED TAX RATE, AND SETTING A PUBLIC HEARING TO ADOPT THE FINAL BUDGET.

WHEREAS, the budget officer of Ogden City Corporation (the "City") has filed the tentative budget, accompanied by a budget message pursuant to Section 10-6-111 of the Utah Code Annotated; and

WHEREAS, at a regular meeting on May 3, 2016, the City Council by resolution accepted for review the tentative budget for fiscal year 2016-2017 as required by law; and

WHEREAS, the tentative budget has been reviewed and considered by the City Council; and

WHEREAS, the tentative budget, together with all supporting schedules and data, has been available for public inspection in the Office of the City Recorder as required by law; and

WHEREAS, on June 21, 2016, the City Council held a duly noticed public hearing to receive public comment and ascertain the facts regarding the tentative budget, including any proposed amendments thereto, which facts and comments are found in the hearing records; and

WHEREAS, all interested persons were heard, for or against the estimates of revenue and expenditures as set forth in the tentative budget and any proposed amendments thereto; and

WHEREAS, the Council desires to adjust the tentative budget by the adjustments detailed in Schedule "A" attached hereto; and

WHEREAS, the tentative budget includes a proposed property tax increase, approval of which first requires that a public hearing be noticed and held to consider an increase in the certified tax rate; and

WHEREAS, at the meeting in which the tentative budget is adopted, the City Council shall establish the time and place of a public hearing to consider adoption of the final budget and shall order that notice thereof be published at least seven days prior to the hearing in at least one issue of a newspaper of general circulation published in Weber County, Utah; and

WHEREAS, after considering the Mayor's recommendations, and facts and comments presented to the City Council, the Council finds that: (i) a public hearing should be held to further consider the proposed increase in the certified tax rate; (ii) the proposed budget should be adopted as the tentative budget during consideration of the proposed tax increase; (iii) a public hearing should be held to consider adoption of the final budget; and (iv) such action reasonably furthers the health, safety and general welfare of the citizens of Ogden City.

NOW, THEREFORE, the Council of Ogden City hereby ordains:

SECTION 1. Pursuant to Utah Code 59-2-919, the City Council directs administration to reject the Weber County auditor's certified tax rate and proceed with a public hearing to consider a proposed increase to the certified tax rate to be levied by Ogden City. The hearing shall be held on August 9, 2016, unless compliance with state law requires that it be moved to a different date. In any event, such hearing shall be held prior to August 17, 2016, and shall be properly noticed in accordance with the requirements of Utah Code Title 59 Chapter 2.

SECTION 2. The tentative budget for fiscal year 2016-2017, filed by the City's budget officer with the City Council, as said tentative budget and schedules are adjusted as depicted in Schedule "A" attached hereto and incorporated by reference, is hereby adopted as the City's tentative budget pending the outcome of the hearing referred to in section 1 above, and is ordered to be filed and maintained as a public record, available for public inspection in the office of the City Recorder, 2549 Washington Boulevard, Suite 210, Ogden, Utah, until adoption of the final budget.

SECTION 3. Pending the outcome of the hearing described in section 1 above, the Ogden City Council adopts as part of the tentative budget a certified tax rate of _____ to support tax revenue in the general fund for fiscal year 2016-2017.

SECTION 4. Pursuant to Utah Code Ann. 10-6-114, the City Council directs that a

public hearing to consider adoption of the final budget shall be held on August 9, 2016, and that notice thereof shall be published at least seven days prior to each hearing in at least one issue of a newspaper of general circulation published in Weber County, Utah.

SECTION 5. This ordinance shall become effective immediately upon posting.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Ogden City this _____ day of _____, 2016.

CHAIR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM: _____
LEGAL DATE



Redevelopment Agency Meeting BOARD STAFF REVIEW

ADAMS URBAN RENEWAL AREA

- *Designation of Survey Area – Nine Block Area (Partial) 23rd to 28th Streets and Washington Boulevard to Jefferson Avenue*
- *Authorization for Blight Study Within Survey Area*

DETERMINATION: Adopt or Not Adopt Resolution

Executive

Summary

The Board will consider a Resolution designating the Adams Survey Area for the approximate nine-block area 23rd to 28th Streets and Washington Boulevard to Jefferson Avenue and authorizing a blight study be conducted. This is the first step in creating a new Urban Renewal Area.

Background

April 5, 2016

The RDA Office received an Administrative Transmittal requesting that the Board designate a survey area for the Adams Urban Renewal Project Area and authorize a study to examine the extent of blight conditions within the survey area.

Process for Adopting an Urban Renewal Project Area Plan (Official Actions Highlighted)

RDA

- 1) **Adopt a resolution designating a survey area and authorizing a blight study.**
- 2) *Complete a blight study.*
- 3) **Set a hearing on the blight study. Provide 30-day notice to property owners.**
- 4) **Hold a hearing on the blight study to consider whether there is evidence of blight and whether adoption of an urban renewal project area plan should be pursued.**
- 5) **Adopt a resolution making a finding regarding the existence of blight in the proposed urban renewal project**



Redevelopment Agency Meeting BOARD STAFF REVIEW

area and authorizing the preparation of a draft project area plan and budget.

- 6) *Prepare a draft project area plan and budget.*
- 7) *Planning Commission reviews for consistency with General Plan.*
- 8) **Set hearing on the draft project area plan and budget.**
(Draft project area plan and budget must be made available to the public at the Agency's offices during normal business hours for 30 days.)
- 9) *Prior to hearing provide an opportunity for the Taxing Entity Committee to review and consult with the agency regarding the draft project area plan and budget.*
- 10) *Taxing entity committee must approve the finding of blight and the draft budget via Resolution.*
- 11) **Hold a public hearing on the draft project area plan and budget. Allow public comment regarding whether the draft plan and budget should be revised, approved, or rejected.**

Note: If forty percent (40%) of the property owners object in writing, voter approval is required. If two-thirds (2/3) of the property owners object in writing, the Urban Renewal area cannot be created or considered again for three (3) years.

- 12) **Adopt the plan by resolution after all appropriate changes have been made.** Resolution must include, among other things, findings of the following:
 - There is a public purpose for creating the area
 - It is economically sound and feasible to create the area; and
 - Carrying out the project area plan will promote the public peace, health, safety, and welfare of the community

City Council

Adopt the urban renewal project area plan and budget by ordinance. Give notice and allow a 30-day contest period.



Redevelopment Agency Meeting BOARD STAFF REVIEW

Proposal The Administration is requesting that the Board adopt a Resolution designating the Adams Survey Area. Boundaries for Survey Area are proposed to be 23rd to 28th Street and Washington Boulevard to Adams Avenue as designated in the attached map. The proposed Resolution also authorizes and directs the Administration to complete a blight study as required by state law and report the findings to the Board.

Schedule

A schedule for Board actions and public notice will be established once the blight study has been completed and reviewed by staff. Staff estimates that it will take thirty (30) to sixty (60) days to complete the study.

- Questions***
1. Please review the proposed Adams Urban Renewal Survey Area and explain how it fits within the Quality Neighborhoods Initiative.
 2. Has the Administration reached out to members of the taxing entity committee regarding the proposal for this and other new URA's? If so, is there general support for the project?
 3. How many more redevelopment areas are planned for the East Central Area in the next five years? For the City?

Council Staff Contact: Janene Eller-Smith, (801)629-8165

OGDEN CITY REDEVELOPMENT AGENCY TRANSMITTAL

RECEIVED

APR 5 2016

Mark Johnson, CAO

Date Received by Administration: _____
Date Sent to Agency: _____

COLLEGE CITY OFFICE

DATE: March 30, 2016

TO: Ogden City Redevelopment Agency

FROM: Tom Christopoulos, *CED Director* TC TC

SUBJECT: **Designation of Adams Survey Area**

STAFF CONTACT: Brandon Cooper, *CED Deputy Director* BC BC

REQUESTED TIMELINE: Work Session – April 19, 2016
General Session – April 26, 2016

RECOMMENDATION: Administration recommends Agency approval of the Resolution to designate a survey area

DOCUMENTS: Resolution; Map of Adams Survey Area; Map of East Central Survey Area (for reference); URA process flow chart MS MS

DISCUSSION:

In 2008, in anticipation of the creation of the East Washington Urban Renewal Project Area, established between 20th and 24th Streets and Washington Blvd and Adams Ave, the Agency adopted Resolution 2008-9 designated a survey area generally between 20th and 27th from Washington to Jackson (“**East Central Survey Area**”) for the purpose of determining feasibility and whether blight existed in that area (see Map of East Central Survey Area).

In 2010, the Agency found that blight did indeed exist in this area and subsequently adopted Resolution 2010-22, making a finding of blight, and Resolution 2010-30 approving the East Washington Urban Renewal Project Plan.

Agency staff, as a function of the Quality Neighborhoods Initiative, are currently working on multiple prospective projects within the original East Central Survey Area and anticipate the need for tax increment finance as a source of funding along with the statutory benefits of an urban renewal area. However, due to constraints within Section 17C-2-102 of the Utah Community Development and Renewal Agencies Act (the “**Act**”), the Agency Board may not approve a project area plan more than one year after adoption of a resolution making a finding of blight. Therefore, it has become necessary in the pursuit of a new project area to begin the process anew pursuant to Section 17C-2-102 of the Act.

The attached resolution has been prepared for consideration of the Board regarding the (1) designation of Adams Survey Area which comprises parts of the original East Central Survey Area (see attached Map of East Central Survey Area 2 for reference) (2) authorization of staff to contract with a third party consulting firm to conduct a study to determine if blight, as defined in the Act, exists within proposed Adams Survey Area.

Adoption Process and Timeline

A flow chart describing the process of adopting an urban renewal project area is attached for reference. In general, the following dates are requested:

- April 19, 2016** – Work Session to discuss Adams Survey Area
- April 26, 2016** – General Session to take action on attached resolution
- May 17, 2016** – Blight Study Complete
- May 24, 2016** – Work Session to discuss findings of blight study
- June 7, 2016** – Set public hearing for Blight Hearing
- July 26, 2016** – Blight Hearing

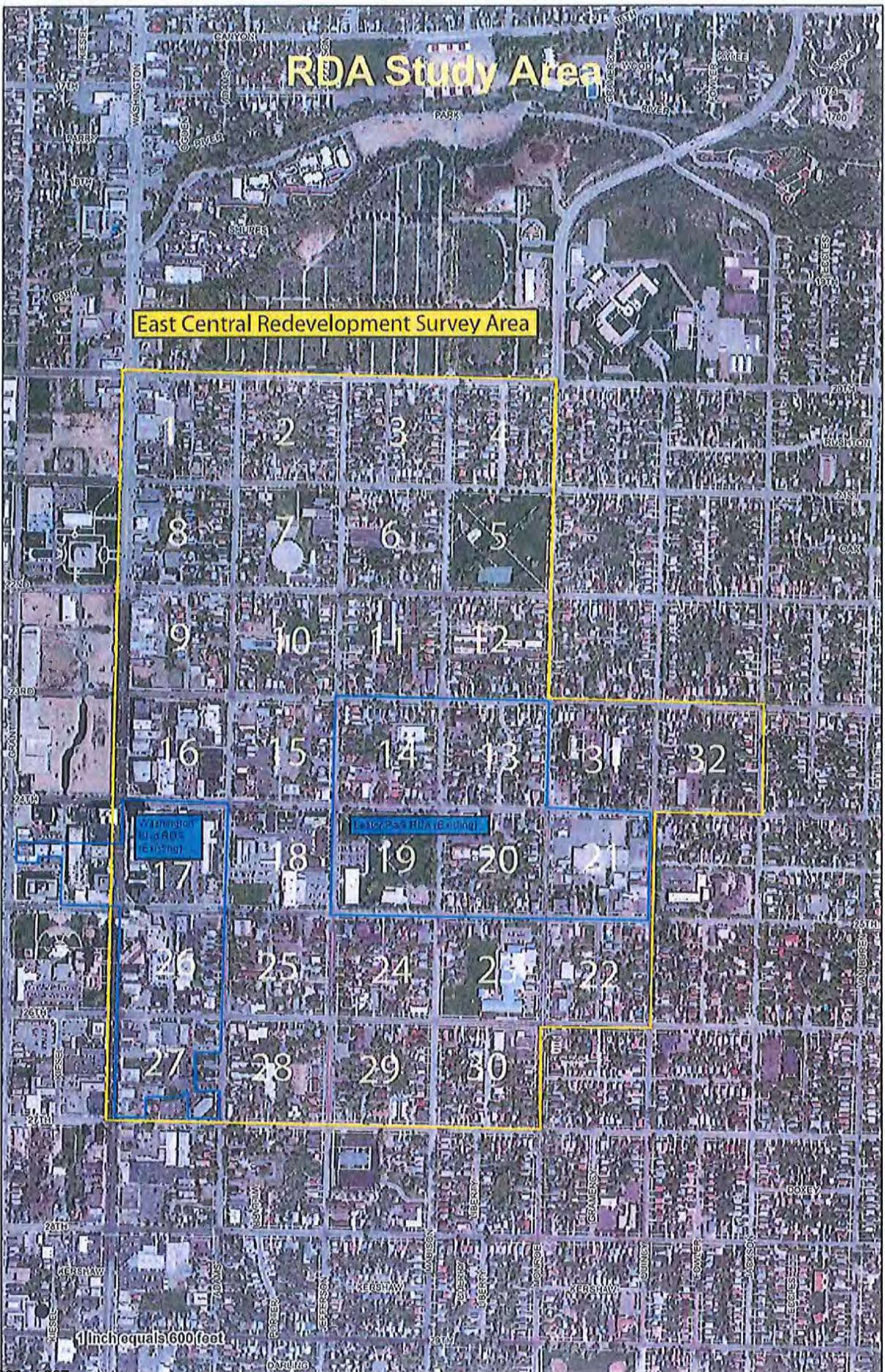
Recommendation

The Administration recommends the Agency approve the attached resolution authorizing the establishment of the Adams Survey Area located approximately between 23rd Street and 28th Street from Washington Boulevard to Jefferson Avenue.

For further information, please contact Brandon Cooper at (801) 629-8947.

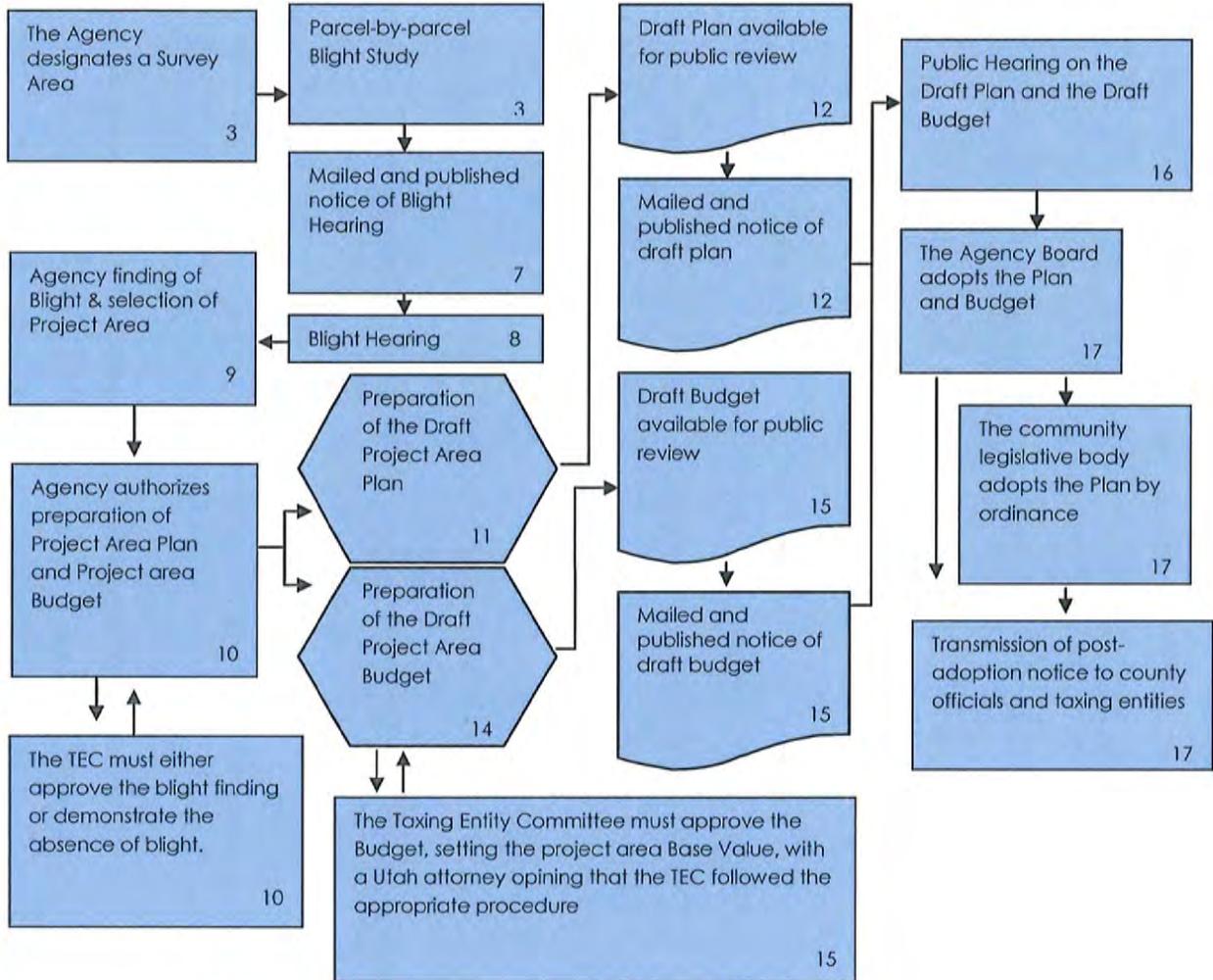
ATTACHMENTS:

- Resolution
- Map of Adams Survey Area
- Map of East Central Survey Area (for reference)
- URA process flow chart



Section 2 – Mapping out the Process

*Each number in each box corresponds to a page number in this document where a checklist of the process may be found.



RESOLUTION NO. 2016-11

A RESOLUTION OF THE OGDEN CITY REDEVELOPMENT AGENCY AUTHORIZING THE ESTABLISHMENT OF A SURVEY AREA COMPRISED OF APPROXIMATELY THE LAND BOUNDED BY AND INCLUDING THE FOLLOWING STREETS – 23rd STREET TO 28TH STREET FROM WASHINGTON BOULEVARD TO JEFFERSON AVENUE.

WHEREAS, the Ogden City Redevelopment Agency (“**Agency**”) is a separate public body corporate and politic, duly and regularly created, established, organized and existing under and by virtue of the Constitution and laws of the State of Utah; and

WHEREAS, the Agency operates and is authorized to transact business and exercise its powers under and pursuant to the Limited Purpose Local Government Entities – Community Development and Renewal Agencies Act, Title 17C, Utah Code Annotated 1953, as amended (the “**Act**”), previously known as the Utah Redevelopment Agencies Act; and

WHEREAS, the area of land approximately between 23rd Street and 28th Street from Washington Boulevard to Jefferson Avenue (“**Land**”), which is more fully illustrated in the Adams Survey Area map attached hereto as Exhibit “A” (“**Map**”), is comprised of neighborhoods and businesses that are vital to the sound growth of the municipality, the health and safety of its citizens, and the economic vitality of the downtown specifically and the larger community in general; and

WHEREAS, in accordance with Section 17C-2-101 of the Act, the Agency previously approved and adopted Resolution No. 2008-9 on August 19, 2008, effectively designating a large portion of the Land as described herein to be known as the East Central Survey Area and authorized the Agency and its personnel to carry out the survey and to prepare such materials as may be necessary to select or to assist in the selection of one or more Urban Renewal, Economic Development, and/or Community Development project areas within the proposed East Central Survey Area; and

WHEREAS, as a result of such efforts, the Agency adopted Resolution No. 2010-22 on April 15, 2010 making a finding of blight within the East Central Survey Area and subsequently adopted Resolution No. 2010-30 on July 18, 2010 approving the creation of the East Washington Urban Renewal Project Area; and

WHEREAS, in accordance with 17C-2-102, the Agency shall not approve a project area plan more than one year after adoption of a resolution making a finding of blight; and

WHEREAS, Ogden City staff, having implemented the Quality Neighborhood Strategy which targets areas within the East Central and their significant need for investment and

revitalization, desires now to have the Land designated as a survey area and require further study to determine whether one or more urban renewal projects within the survey area are feasible as defined in Section 17C-2-303 of the Act.

NOW, THEREFORE, it is hereby resolved by the Redevelopment Agency of Ogden City, Utah, as follows:

Section 1. That the Land described herein and as illustrated in the Map is hereby designated a survey area, to be known as the *Adams Survey Area* ; and

Section 2. That the Agency and its personnel, severally and collectively, are hereby authorized to expend time and resources to carry out the survey, and to prepare such materials as may be necessary to select or to assist in the selection of one or more Urban Renewal, Economic Development, and/or Community Development project areas within the proposed Adams Survey Area; and

Section 3. That the Adams Survey Area be studied to determine whether blight exists; and

Section 4. That survey findings and recommendations be brought before the Agency Board for consideration.

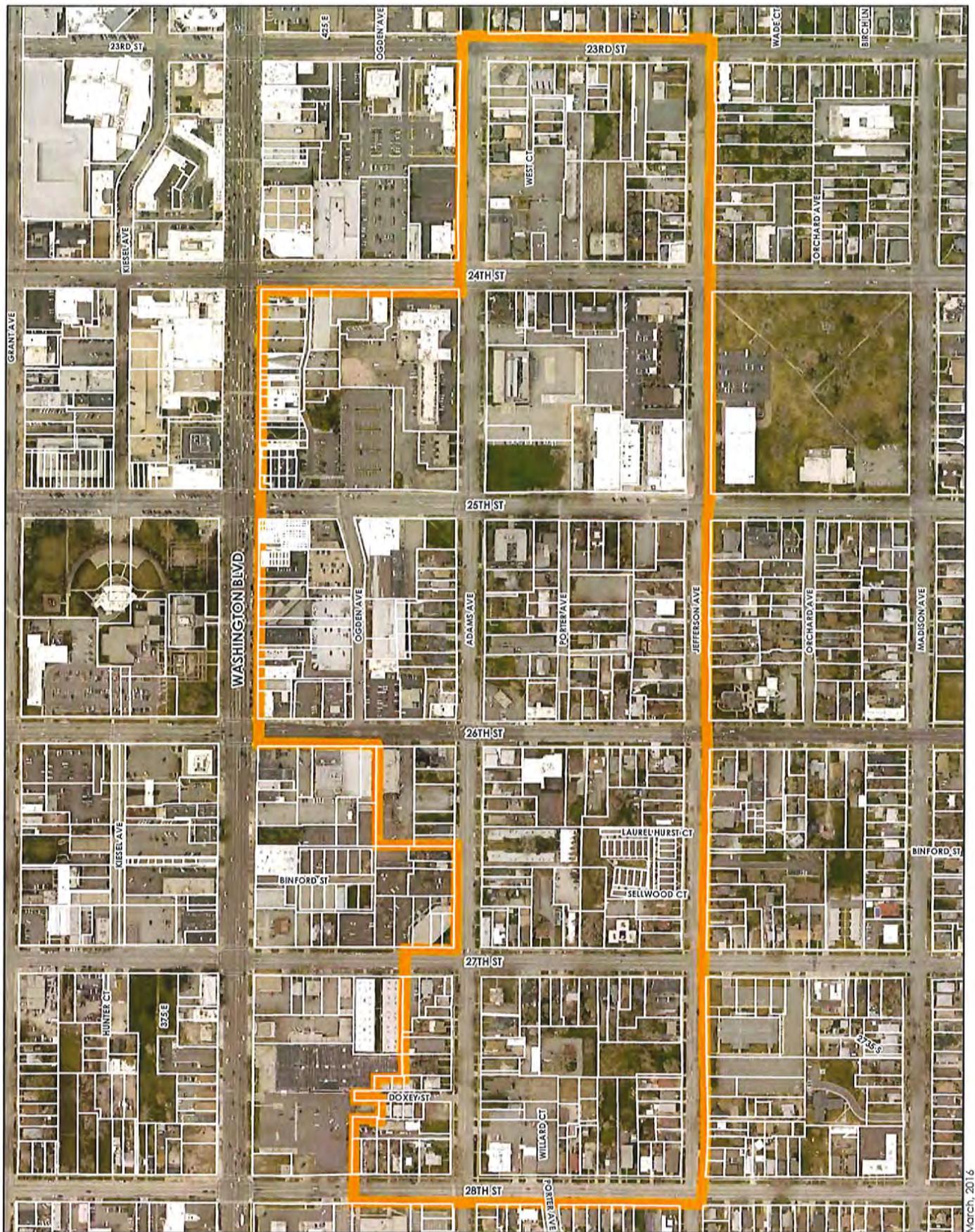
APPROVED AND ADOPTED the _____ day of _____, 2016.

REDEVELOPMENT AGENCY OF
OGDEN CITY, UTAH

Marcia White, Chair

Approved as to form: JMS 4/28/16
Agency Attorney

Attest: _____
Agency Secretary



March, 2016

ADAMS SURVEY AREA

Packet Page 307 of 307

