

ORDINANCE NO. 21-16

AN ORDINANCE AMENDING 16.30.05 OF THE WASATCH COUNTY CODE REGARDING THE FEE-IN-LIEU FOR MODERATE INCOME HOUSING AND AN AMENDMENT SO THAT THE LEGISLATIVE BODY APPROVES THE AMOUNT AND NOT THE HOUSING AUTHORITY. ALSO AN UPDATE TO 4.09.02 TO ADD THE FEE-IN-LIEU AMOUNT TO THE FEE SCHEDULE.

WHEREAS, the code allows for a fee-in-lieu of affordable housing; and,

WHEREAS, the code currently states that the housing authority shall set the fee amount; and

WHEREAS, the housing authority should review and recommend the fee but the fee should be approved by the legislative body as an amendment to the County fee schedule; and

WHEREAS, the planning commission has reviewed the proposed code amendments and recommended approval of the ordinance; and

WHEREAS, the proposed language outlines requirements in furtherance of County ideals and the Wasatch County General Plan; and

WHEREAS, the recommended fee in lieu in the unincorporated County based on the Housing Needs Assessment: Unincorporated Wasatch County, Heber, and Midway is \$85,030; and

WHEREAS, Rosenthal and Associates found a nexus between employee generation caused by market rate new development and the need for affordable housing to allow for the new employees to be able to live in local housing; and

WHEREAS, the Wasatch County Council hereby adopts the Housing Needs Assessment and the Rosenthal and Associates nexus study; and

WHEREAS, the Wasatch County Council desires to continue the \$28,000 per 10 ERU fee in lieu amount that has historically been utilized by the County despite the justification for a substantially higher fee in lieu; and

NOW THEREFORE, the Legislative Body of Wasatch County ordains as follows:

SECTION I: **Repealer.** If any provisions of the County Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION II: **Enactment.**

The Wasatch County Code is hereby amended to read:

16.30.05: PAID FEES IN LIEU OF CONSTRUCTION

- A. Contributions of fees in lieu are considered a viable choice to building on site, building off site, or contributing lots or land so that public and private dollars can be leveraged for more affordable housing good.
- B. The fee to be paid for each market rate unit shall be determined by the subsidy needed to make a market rate unit affordable to a low income household. This subsidy shall be based upon a determination of the average subsidy that would be required to make a typical new starter home consisting of three (3) bedrooms/two (2) baths affordable to a family earning eighty percent (80%) of the median gross income of the metropolitan statistical area for households of the same size.
- C. The actual fee to be charged and the method of payment shall be fixed by a schedule adopted periodically, by the County Council as an amendment to the fee schedule ordinance, based upon current costs of construction and interest rates. Said fee shall be assessed against the market rate lots/units of a development and shall be paid by the developer.
- D. All fees in lieu shall be deposited in a housing trust fund. Said fund shall be administered by the Wasatch County housing authority and shall be used for the purpose of providing funding assistance for the provision of affordable housing for rent and for sale units, as well as any reasonable costs of administration consistent with the policies and programs of the Wasatch County housing authority.
- E. At the discretion of the county legislative body and the housing authority, a developer may make an irrevocable dedication of land or other nonmonetary contributions of a value not less than the sum that would have been due as a fee in lieu, if it is determined that the nonmonetary contribution will be helpful in furthering the goals and policies of the county moderate income housing plan and the housing authority. Any costs associated with such appraisal shall be borne by the developer.

4.09.02: WASATCH COUNTY FEES [the fee in lieu line is added]

C. Fees Of The Wasatch County Planning
And Zoning Department:

2. Other fees:

Fee In Lieu – WCC 16.30.05	\$28,000 per 10 ERU
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SECTION III: Effective Date. This Ordinance shall become effective immediately upon execution by the Chair of the County Council and the completion of public notice requirements imposed by state statute.

SECTION IV: Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION V: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

APPROVED and PASSED this 20 day of October, 2021.

Attest:



Joey D. Granger

 Joey Granger
 Wasatch County Clerk / Auditor

WASATCH COUNTY COUNCIL:

Spencer Park

 Spencer Park, Vice-Chair
 Wasatch County Council

VOTE

- | | |
|-----------------------|--------------|
| Mark Nelson, Chairman | <u> </u> |
| Steve Farrell | <u> ✓ </u> |
| Kendall Crittenden | <u> ✓ </u> |
| Danny Goode | <u> ✓ </u> |
| Spencer Park | <u> ✓ </u> |

Marilyn Crittenden

—

Jeff Wade

✓

ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH)

: ss.

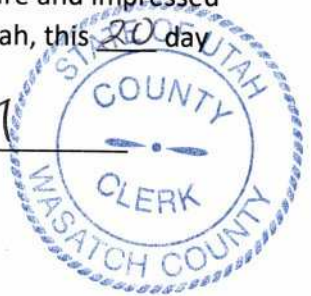
COUNTY OF WASATCH)

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council, do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

- [] (a) Causing this ordinance to be entered at length in the ordinance book;
- [] (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
- [] (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in The Wasatch Wave, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Legislative Body of Wasatch County, Utah, this 20 day of October, 2021.

Joey D. Granger
Joey Granger
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 20 day of October, 2021.

Wendy McKnight
Notary Public

Residing in: Wasatch
My commission expires: 09/10/2022

