

# WEST BOUNTIFUL CITY

## ORDINANCE #471-23

### AN ORDINANCE AMENDING THE WEST BOUNTIFUL MUNICIPAL CODE TO WAIVE PARK IMPACT FEES RELATED TO MODERATE INCOME HOUSING

**WHEREAS**, in 2022, the legislature required that by October 1, 2022, the city amended its general plan to recognize the legislature's determination that municipalities facilitate a reasonable opportunity for a variety of housing, including moderate income housing; and

**WHEREAS**, the city was required to include a recommendation to implement a minimum of three moderate income housing strategies as described in UCA 10-9a-403(b) i; and

**WHEREAS**, the West Bountiful City Council, through an amendment to the general plan, adopted the goal to reduce, waive, or eliminate impact fees related to moderate income housing; and


**WHEREAS**, a public hearing on this subject was held on June 20, 2023.

**NOW THEREFORE BE IT ORDAINED** by the city council of West Bountiful City that the West Bountiful Municipal Code be modified as shown in exhibit A.

This ordinance will become effective upon signing and posting.

Adopted this 20<sup>th</sup> day of June, 2023.

By:

  
Mark Preece, Mayor Pro Tem

Voting by the City Council:

|                        | <u>Aye</u>                          | <u>Nay</u>               |
|------------------------|-------------------------------------|--------------------------|
| Councilmember Ahlstrom | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Councilmember Bruhn    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Councilmember Enquist  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Councilmember Preece   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Councilmember Wood     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Attest:

  
Cathy Brightwell, City Recorder



### 3.22.020 Definitions

“Moderate income housing” means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in Davis County, State of Utah.

### 3.22.060 Fee ~~Exceptions~~Exemptions, Deferrals, And Adjustments

A. Exemption for Moderate Income Housing. Any development activity attributable to moderate income housing shall be exempt from the parks and recreation impact fee under Section 3.22.050.

~~A.B.~~ Waiver~~Exemption~~ for “Public Purpose.” ~~Notwithstanding Subsection A,~~ the City Council may authorize, on a project-by-project basis and subject to the Act, an exemptions ~~from~~ or adjustments ~~to~~ the impact fees ~~rate structure~~under Section 3.22.050 for development activity the City Council determines to be of such benefit to the community as a whole to justify the exemption or adjustment. Such development activity may be attributable to tax-supported agencies, ~~low~~moderate income housing, or facilities of a temporary nature.

~~B.C.~~ Deferral for Insignificant Use of Water. The City Council may authorize, on a project-by-project basis and subject to the Act, deferral of the payment of a culinary water impact fee when the applicant shows: (1) the property will not be used for anything other than non-commercial agricultural purposes, (2) the property will receive the majority of its water from secondary or other sources, and (3) the applicant will not use more than 24,000 gallons a year of water from the City’s culinary water system. To receive a deferral, the applicant must record against the property an agreement with the City stating that all required water impact fees shall be paid upon any further development activity or when any of the three listed criteria ceases to apply. When the fees are paid, they will be based on the fees at that time, and not on the fees in place at the time the deferral is granted.

~~C.D.~~ Procedure. Applications for deferrals, exemptions, or adjustments are to be filed with the City at the time the applicant first requests the extension of service to the applicant’s development or property.