

**ORDINANCE 2025-09**

AN ORDINANCE AMENDING THE AFFORDABLE HOUSING ORDINANCE BY REMOVING THE REQUIREMENT THAT AFFORDABLE HOUSING FEE IN LIEUS BE TURNED OVER TO THE WASATCH COUNTY HOUSING AUTHORITY.

**BE IT ORDAINED** by the City Council of Heber City, Utah, that Heber City Municipal Code, **Section 18.102.080 Fee-In-Lieu** is **amended** as shown in Exhibit A.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

To the extent that any ordinances, resolutions, or policies of Heber City materially conflict with the provisions of this Ordinance, they are hereby amended to comply with the provisions hereof.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this 20<sup>th</sup> day of May 2025.

	AYE	NAY	ABSENT	ABSTAIN
Aaron Cheatwood	<u>X</u>	_____	_____	_____
Michael Johnston	<u>X</u>	_____	_____	_____
Sid Ostergaard	<u>X</u>	_____	_____	_____
Scott Phillips	_____	_____	<u>X</u>	_____
Yvonne Barney	<u>X</u>	_____	_____	_____

APPROVED:

Heidi Franco  
Mayor Heidi Franco

ATTEST:

Mina W. Cooke Date: 5/20/2025  
RECORDER



## EXHIBIT A

### 18.102.080 Fee-In-Lieu

The Fee-in-Lieu amount is 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 Bedrooms/two baths affordable to a family earning 80% of the median gross income of the metropolitan statistical area for households of the same size. To ensure proportionality to each development, the Fee-in-Lieu is determined as follows:

- A. For developments with detached single-family lots, the Fee-in-Lieu shall be calculated as 6% (six percent) of the value of the subdivision lots as determined by a written appraisal by an MAI Certified Appraiser.
- B. For all other residential developments, the Fee-in-Lieu shall be calculated as 3% (three percent) of the value of the development as determined by a written appraisal by an MAI Certified Appraiser.
- C. The Fee-in-Lieu shall be adjusted to current market conditions for developments that have not recorded or have not been constructed within 2 years of approval. It is the responsibility of the developer to submit an updated appraisal of the development value to determine the updated Fee-in-Lieu.
- D. Heber City and/or the Wasatch County Housing Authority reserves the right to obtain and utilize a second opinion from an Appraiser or Qualified Real Estate Professional to determine the development value used to calculate the Fee-in-Lieu.
- E. All Fees-in-Lieu shall be ~~utilized by Heber City 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 current or future funding ~~assistance~~ for ~~the provision of~~ affordable housing ~~of both for rent and for sale units, including, but not limited to,~~ the alternatives approved under Section 18.102.040.C of this ordinance. Heber City may request that the any fee-in-lieu be paid directly to the Wasatch County Housing Authority or another non-profit entity or government agency that provides for or administers affordable housing programs. Heber City may invest the fee-in-lieu in any manner permitted by law prior to Heber City utilizing the fee-in-lieu for an affordable housing purpose, and reasonable costs of administration consistent with the policies and programs of the Wasatch County Housing Authority.
- F. Affordable Housing Alternatives shall be of a value not less the amount that would have been paid as the Fee-in-Lieu. Title to all dedicated lots shall be unencumbered, including being clear of all taxes and liens, all such being paid and cleared. All dedicated lots shall be buildable, being of sufficient size and shape to accommodate at least the minimum sized home permitted by the zoning ordinance, plus accommodate required parking spaces and setbacks.