

RESOLUTION NO. _____

DATE June 12th, 2023

**A RESOLUTION OF THE KEARNS METRO TOWNSHIP COUNCIL COMMITTING
TO FUTURE IMPACT FEE WAIVERS FOR MODERATE INCOME HOUSING.**

RECITALS

WHEREAS, Kearns Metro Township is a municipality and has the authority to pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties pursuant to Utah Code § 10-8-84; and

WHEREAS, Kearns Metro Township, as a municipality, has the authority to leverage fees on development, including impact fees, pursuant to the Impact Fees Act, Utah Code § 11-36a-101, et seq. (the “Act”); and

WHEREAS, Kearns Metro Township is currently undergoing a fee audit, which may lead to changes in permitting fee structures and the eventual adoption of impact fees on new development; and

WHEREAS, the Kearns Metro Township Council timely approved amendments to its Moderate Income Housing Plan (“MIH Plan”), in compliance with House Bill 462 (2022); and

WHEREAS, the adopted MIH Plan selects Strategy L from Utah Code § 10-9a-403, which reads, “Reduce, waive, or eliminate impact fees related to moderate income housing”; and

WHEREAS, the preservation and construction of Moderate Income Housing is a priority to Kearns Metro Township, and the municipality is committed to implementing the recommendations of its adopted MIH Plan, which requires that Kearns Metro Township proactively commits to waiving future impact fees on moderate income housing; and

WHEREAS, the Kearns Metro Township Council finds that the benefits of subsidizing future moderate income housing outweigh any potential costs to the municipality’s general fund and is in the best interest of the community.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED BY THE KEARNS METRO TOWNSHIP COUNCIL, effective immediately:

1. The Kearns Metro Township commits to waiving all future impact fees on development projects where at least 15% of residential dwelling units are made affordable to moderate-income households (those earning 50% to 80% of AMI) and are held affordable for a period not less than twenty years from the date of occupancy (the “Commitment”).

2. The Kearns Metro Township directs its staff and agents to honor the Commitment when preparing impact fee facilities plans, analyses and certifications, calculations, enactments, and taking other steps needed to impose an impact fee under the Act.

3. This ordinance shall go into effect upon its posting pursuant to Utah Code § 10-3-711.

PASSED and ADOPTED this 12th day of June, 2023.

KEARNS METRO TOWNSHIP COUNCIL:

By: Kelly Bush, Mayor

Date: _____

ATTEST:

Lannie Chapman, Clerk / Recorder

VOTING:

Council Member Bush voting ____

Council Member Snow voting ____

Council Member Butterfield voting ____

Council Member Schaeffer voting ____

Council Member Peterson voting ____

A complete copy of Resolution No. _____ is available in the office of the Kearns Metro Township Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.