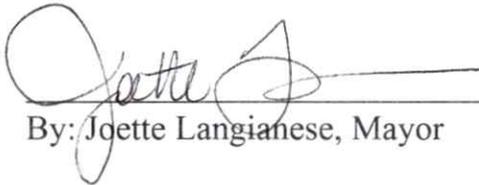


SUMMARY OF
MOAB CITY
ORDINANCE NO. 2025-17

On December 9, 2025, the Moab City Council enacted Ordinance No. 2025-17, An Ordinance of the Moab City Council Establishing the Affordable Housing Partnership Policy and Impact Fee Assistance Program to Support Affordable Housing Developments in Moab.


By: Joette Langianese, Mayor

ATTEST


Sommar Johnson, Recorder

Voting:

Council Member Wojciechowski voting AYE
Council Member Topper voting AYE
Council Member Knuteson-Boyd voting AYE
Council Member Myers voting ABUSE
Council Member Taylor voting AYE

A complete copy of Ordinance No. 2025-17 is available in the Moab City offices located at 217 E. Center Street, Moab, UT 84532.

CITY OF MOAB ORDINANCE NO. 2025-17

AN ORDINANCE OF THE MOAB CITY COUNCIL ESTABLISHING THE AFFORDABLE HOUSING PARTNERSHIP POLICY AND IMPACT FEE ASSISTANCE PROGRAM TO SUPPORT AFFORDABLE HOUSING DEVELOPMENT IN MOAB

WHEREAS, Utah Code § 10-8-84 authorizes the City Council for the City of Moab (the “City”) to enact ordinances, rules, and regulations “as are necessary and proper to provide for the “safety and [to] preserve the health, and promote the prosperity of its inhabitants;” and

WHEREAS, the City has established the Workforce Assured Housing Ordinance and the Housing Fund (collectively, the “**Housing Fund**”), which consists of fees the City has collected from developers to promote the development of affordable housing within the City; and

WHEREAS, under Moab Municipal Code (“**MMC**”) § 17.69.040, the City will use proceeds from the Housing Fund “for the acquisition, construction, maintenance, management, or development of affordable housing;” and

WHEREAS, the City has found that partnering with local developers who are willing to develop, dedicate, and manage affordable housing developments on a long-term basis represents an effective and sustainable use of Fund resources to promote affordable housing directly benefiting citizens of Moab; and

WHEREAS, collaboration between the City and these developers, including measures to reduce impact fee costs, may significantly increase the feasibility and production of affordable housing within the community by private and non-profit developers; and

WHEREAS, the 2023 Moab Area Affordable Housing Plan establishes a goal to “identify funding streams to encourage affordable housing development;” and

WHEREAS, MMC § 17.69.110 authorizes the City Council to “waive all or part of the impact fees otherwise payable in connection with affordable housing units” developed in accordance with MMC Chapter 17.69, and that “[a]ny waiver will be vested in the discretion of the City Council based on the merits of the application in attaining the affordability goals” of Chapter 17.69; and

WHEREAS, MMC § 13.25.090 sets forth the process the City uses to review and approve applications that request impact fee waivers, including waivers for “affordable or low-income housing by nonprofit and for-profit entities;” and

WHEREAS, the City Council desires to establish a formal and unified policy framework to: (i) guide its consideration of impact fee waiver requests under MMC §§13.25.090, 17.69.040, 17.69.110; and (ii) the City’s use of the Housing Fund to provide impact fee waivers for qualified affordable housing developments in accordance with the MMC and the City’s affordable housing goals.

NOW, THEREFORE, BE IT ORDAINED, by the Moab City Council that:

1. Adoption. The Affordable Housing Partnership Policy and Impact Fee Assistance Program (the “**Policy**”) attached to this Ordinance is enacted.

2. Severability. If a court of competent jurisdiction declares any section, clause, or portion of this Ordinance to be invalid, the remainder will not be affected and will remain in full force and effect.

3. Direction to Staff. City staff, under the direction of the City Manager, are authorized and directed to: (i) make such non-substantive changes and to take such other actions required to finalize, post, and publish this Ordinance; and (ii) to prepare any administrative forms, including any forms, applications or contracts, that may be needed to implement and administer this Ordinance and the Policy.

4. Effective Date. This Ordinance and the Policy will take effect upon the posting of this Ordinance pursuant to Utah Code § 10-3-712.

PASSED AND ADOPTED by a majority of the City Council this 9th day of December, 2025.

MOAB CITY COUNCIL


By: Joette Langianese, Mayor

ATTEST


Sommar Johnson, Recorder

(Complete as Applicable)

Date ordinance summary was posted to the Moab City website, the Utah Public Notice website, and in a public place within Moab City per Utah Code §10-3-711: JANUARY 26, 2026

Effective date of ordinance: JANUARY 26, 2026

CITY OF MOAB

AFFORDABLE HOUSING PARTNERSHIP POLICY AND IMPACT FEE ASSISTANCE PROGRAM

Effective January 26, 2026

The City of Moab supports and encourages partnerships between the City and qualified local developers to advance affordable housing s. The City Council authorizes the use of the Workforce Assured Housing Fund (“**Housing Fund**”) as a revolving fund to provide impact fee waivers (“**Waivers**”) support eligible affordable housing partnerships, consistent with this policy.

Section 1. Policy Adoption

The following policy is hereby adopted as the City’s Affordable Housing Partnership Policy and Impact Fee Assistance Program (the “**Policy**”).

Section 2. Purpose and Intent

The intent of this Policy is to strategically leverage the Housing Fund resources to incentivize the development and long-term availability of affordable housing in the City.

The Housing Fund is a finite resource, and the use of these funds without repayment will reduce the Fund’s balance and limit the long-term effectiveness of this Policy in supporting affordable housing project within the City.

The Policy serves as the guiding framework the City will follow when reviewing and considering applications for Waivers for qualifying affordable housing developments.

Section 3. Eligibility

To qualify for consideration of Waivers, a developer or applicant must meet the following basic requirements first:

- A. The affordable housing development must be located within the incorporated boundaries of the City and be subject to impact fees owed to the City;
- B. The affordable housing development developer must “designate” all Affordable Housing Units, as defined in Section 9 of this Policy;
- C. Waivers will only be considered for Designated Affordable Housing Units and will not be applied to market rate units; and
- D. The developer and/or owner of the affordable housing project must be in good standing with the City, with no outstanding violations, unpaid fees, or compliance issues.

Section 4. Impact Fees Generally

Impact fees are collected by the City to offset the infrastructure impacts of new development, ensuring that growth contributes its fair and proportional share to the cost of public facilities and services. These fees are essential to maintaining the City's ability to provide reliable utility, transportation, and public infrastructure as the community expands.

Section 5. Authority

Moab Municipal Code ("MMC") § 17.69.040.C ("Fee in Lieu of Construction") authorizes the City to use proceeds from the Housing Fund "for the acquisition, construction, maintenance, management, or development of affordable housing."

MMC § 17.69.110 ("Impact Fee Waiver") further authorizes the City Council to "waive all or part of the impact fees otherwise payable in connection with affordable housing units" developed in accordance with Chapter 17.69 of the MMC. It also requires that "[a]ny [W]aiver will be vested in the discretion of the City Council based on the merits of the application in attaining the affordability goals" of Chapter 17.69 of the MMC.

Similarly, MMC §13.25.090 ("Extraordinary Adjustments") authorizes the City Council to waive all or a portion of impact fees for affordable housing projects that serve a broad public or charitable purpose, including the creation of affordable or low-income housing by nonprofit and for-profit entities. This section also sets forth the process developers must follow when applying for a Waiver.

This Policy is therefore established to provide clear guidance and criteria for the City's consideration of Waivers related to affordable housing developments. Its intent is to ensure that these financial adjustments are applied consistently, transparently, and in a manner that advances the City's long-term affordable housing goals while maintaining fiscal responsibility and infrastructure sustainability.

Section 5. Impact Fee Waiver Applications

Pursuant to MMC §§ 13.25.090 and 17.69.110, a developer may request a Waiver of all or part of the impact fees owed to the City for an affordable housing project, including impact fees owed for water, sewer, storm drain, and/or transportation systems.

A. Impact Fee Waiver Application Requirements

When applying for a Waiver, developers must comply with MMC § 13.25.090.D by submitting a written application to the City Council prior to connecting to City services. The application must contain the following:

- 1) A description of the affordable housing project and its purpose, together with the developer's nonprofit tax identification number (if applicable);

- 2) A statement of the reasons why a Waiver is appropriate and in the public interest;
- 3) Proof that the affordable housing project will support the affordability goals of MMC Chapter 17.69.100, including proof that the development will meet affordable housing cost criteria, as established from time to time by City housing studies;
- 4) The fee amount requested to be waived and such other relevant information as may be requested by the City Council; and
- 5) Any other reasonable information the City Manager or their designee may request to process or review the application.

B. City Manager Review of Applications

The City Manager, or their designee, will review all applications to determine whether the application is complete. If an application is incomplete, the City Manager or their designee will notify the application in writing of the information they need to submit for an application to be considered complete.

The City Manager will provide a recommendation to the City Council for each complete application that requests a Waiver for an affordable housing project. Each recommendation will include an opinion from the City Manager as to whether the application and development satisfy the requirements of this Policy. In making a recommendation to the City Council, the City Manager will perform the calculations required under Section 6 of this Policy.

C. City Council Action on Applications

When acting on an application for the Waiver for affordable housing, the City Council will consider the recommendation the City Manager issues under Section 5.B and will use the criteria set forth in this Policy in determining whether to approve or deny applications, in whole or in part. When considering an application, the City Council will consider whether:

- 1) The application includes the above information required under Section 5.A of this Policy;
- 2) The affordable housing development meets the eligibility requirements outlined in Section 3 of this Policy;
- 3) The affordable housing project will support the affordability goals of MMC Chapter 17.69 and the City's affordable housing cost criteria, as established from time to time by City housing studies;
- 4) The waiver amount complies with Section 6 of this Policy;

- 5) The Housing Fund has sufficient resources, pursuant to Section 8 of this Policy, to offset any waived fees; and
- 6) The Applicant has met all the requirements and criteria of this Policy.

Pursuant to MMC § 13.25.090.D.2, any aggrieved party may seek judicial review of a decision the City Council makes under this Section in accordance with MMC § 13.25.100.

Section 6. Impact Fee Waiver Matrix

A. Incorporation of Matrix - The City will calculate the amount of any Waiver available to an applicant or project in accordance with the Impact Fee Waiver Matrix, attached hereto as Attachment A and incorporated by reference (the “**Matrix**”).

B. Maximum and Minimum Waiver Amounts –

- 1) The Matrix is structured to allow for a maximum possible Waiver of one thousand dollars (\$1,000.00) per qualifying Affordable Housing Unit when the unit is subject to:
 - i. A recorded restrictive deed with a minimum term of fifty (50) years; and
 - ii. An occupancy restriction for extremely low-income households, defined as households earning less than thirty percent (30%) of AMI.
- 2) As the term of the restrictive deed decreases and/or the applicable income restriction level increases, the eligible impact fee waiver will reduce proportionally to a minimum Waiver of two hundred fifty dollars (\$250.00) per qualifying Affordable Housing Unit, as calculated pursuant to the Matrix.

C. Impact Fee Waiver Calculation

- 1) When calculating the Waiver percentage, the City will use the Matrix to assign points to each qualifying Affordable Housing Unit based upon:
 - i. *Deed Restriction Term (Years)*. The number of years the restrictive deed is recorded against the property restricting the Affordable Housing Unit for occupancy by income-qualified households; and
 - ii. *AMI Designation*. The AMI level applicable to the Affordable Housing Unit (or, where applicable, the average AMI across Affordable Housing Units as

specified in the Matrix) for the duration of the corresponding deed restriction term.

2) After assigning points to the categories listed in Subsection 6.C.(1), the City will then calculate the Waiver percentage as follows:

- i. Add the points earned in Subsections 6.C(1)(i) and 6.C(1)(ii) to determine the total points earned;
- ii. Divide the total points earned by the total points possible identified in the Matrix to determine the Waiver percentage; and
- iii. Multiply the Waiver percentage by the maximum Waiver amount in Subsection B(1) to determine the dollar amount of the Waiver for the Affordable Housing Unit.

3) Example 1 (illustrative only):

- i. 50-year deed restriction = 1 point
- ii. <30% AMI = 1 point
- iii. Total Points Earned = 2
- iv. Total Points Possible = 2
- v. Waiver Percentage = $2 \div 2 = 1.00$ (100%)
- vi. Dollar Amount of Potential Waiver = $1.00 \times \$1,000.00 = \$1,000.00$

4) Example 2 (illustrative only):

- i. 40-year deed restriction = .75 points
- ii. 65% AMI = .50 points
- iii. Total Points Earned = 1.25
- iv. Total Points Possible = 2
- v. Waiver Percentage = $1.25 \div 2 = .625$ (62.5%)
- vi. Dollar Amount of Potential Waiver = $.625 \times \$1,000.00 = \625.00

Section 7. Contracts and Forms

Developers must execute a contract with the City as a precondition for receiving a Waiver that the City Council has approved. All contracts must include a requirement that the developer, or applicable property owner record a deed restriction that designates the applicable Affordable Housing Units that are the subject of a Waiver. The City Manager is authorized to develop, negotiate, and execute all contracts required under this Policy.

Section 8. Program Review and Reporting

City staff will provide an annual report to the City Council summarizing the number and type of affordable housing developments that have applied and received Waivers, the total amount of Housing Fund expenditures and repayments, and the number of Affordable Housing Units created or preserved. The City Council will review this Policy periodically to ensure fiscal sustainability and alignment with community housing goals.

Section 9. Definitions

The below definitions will apply to this Policy, in addition to any other applicable definitions of the MMC, including MMC §§ 13.25.010 and 17.69.020. If a conflict arises between the below definitions and a definition found in the MMC, the below definitions will govern.

- 1) *Affordable Housing Project*: A residential development that contains deed-restricted Affordable Housing Units.
- 2) *Affordable Housing Unit*: A residential unit available for purchase or rent by households earning up to 120% of the AMI for Grand County, Utah.
- 3) *AMI*: Area Median Income of Grand County, Utah, as determined by the U.S. Department of Housing and Urban Development (HUD).
- 4) *Designated*: To record a restrictive deed on the property enforceable by the City that ensures designated Affordable Housing Units remain so for a period between 10 to 50 or more years.
- 5) *Developer*: the owner or authorized representative of the property or Affordable Housing Project.
- 6) *Matrix*: The impact fee waiver calculation formula set forth in Attachment A of this Policy.
- 7) *Waiver*: The forgiveness of all or part of impact fees owed to the City consistent with Section 6 of this Policy.

AFFORDABLE HOUSING PARTNERSHIP POLICY AND IMPACT FEE ASSISTANCE PROGRAM

ATTACHMENT A – IMPACT FEE WAIVER MATRIX

	DEED RESTRICTION In YEARS					AREA MEDIAN INCOME (AVERAGE)					IMPACT FEE WAIVER PER UNIT	TOTAL IMPACT FEE WAIVER	
	YEARS				TOTAL UNITS	AMI AVG. (IN-RANGE)				PTS AVAILABLE			
	>50	30-49	20-29	10-19		<30% EXREMELY LOW	30%-59% VERY LOW	60%-79% LOW-INCOME	80%-120% MODERATE INCOME				
Impact Fee Waiver Total Available	POINTS AVAILABLE	YRS	YRS	YRS	YRS	PTS AVAILABLE	1	0.75	0.5	0.25			
Example 1: Housing Unit(s) \$ 1,000.00	1				1	X					\$ 1,000.00	\$ 1,000.00	
Example 2: Housing Unit(s) \$ 1,000.00	1	1			1			X			\$ 625.00	\$ 625.00	
TOTAL UNITS		1	1	0	0								
		TOTAL UNITS				2						GRAND TOTAL	\$ 1,625.00