

# MEMO



To: Mayor Olson and City Council

From: Aspen Stevenson, Planner

Date: May 6, 2025

RE: **Code Amendment To Modify Moderate Income Housing Density Bonuses Within The Planned Unit Development (PUD) To Meet A Moderate Income Housing Strategy**

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After selecting five Moderate Income Housing Strategies for 2025, it is proposed that the and City Council amend Santaquin City Code Title 10 Chapter 20 Section 170 to include a six percent (6%) density increase for developments that build ten percent (10%) of total units to the minimum unit size. The proposed code amendment will satisfy Strategy 5 (J) which is referenced below.

Strategy 5 (J) Implement zoning incentives for moderate income units in new developments.

Implementation Plan – Santaquin City will consider modifying zoning regulations to allow an increase in density within a PUD by six percent (6%) if ten percent (10%) of the units are built to the minimum unit size.

Benchmarks and Timeline – A legislative process will be initiated by July 1, 2025. Possible action will be implemented before August 1, 2025.

Below are the proposed changes to Santaquin City Code.

## **10.20.170 PLANNED UNIT DEVELOPMENT (PUD)**

- E. Density Bonuses: An applicant for a PUD is eligible for a density bonus based on additional amenities provided in the project approval. Density in excess of the base density may be considered for projects which satisfy the requirements of one or more of the density bonus amenities listed below:
2. Density Bonus Amenities: An application for a planned unit development may include one or more of the following amenities in the design of the subdivision and be considered for a density bonus in accordance with this section. Each amenity is followed by a percentage increase in total project density for providing the amenity. The density increases for the amenities outlined herein shall be cumulative with a maximum density bonus equal to a forty five percent (45%) increase in dwelling units above the base density. The density increases listed represent the maximum allowed, and the city council, after receiving recommendation from the planning commission, is entitled to approve less than the maximum amount listed.
  - g. Moderate Incoming Housing: ~~Developments which provide moderate income housing for at least six percent (6%) of the total residential units are eligible for a six percent (6%) density increase. Units will only be identified as moderate income housing when a deed restriction is recorded with the Utah County Recorder's office on a subdivision plat or other appropriate deed restriction means which states that the "units must be reserved~~

~~for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size in Utah County.~~

- (1) Developments which provide moderate income housing for at least six percent (6%) of the total residential units are eligible for a six percent (6%) density increase. Units will only be identified as moderate income housing when a deed restriction is recorded with the Utah County Recorder's office on a subdivision plat or other appropriate deed restriction means which states that the "units must be reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size in Utah County; or
- (2) Developments that build ten percent (10%) of the total residential units to the minimum unit size requirement are eligible for a six percent (6%) density increase.

The Planning Commission reviewed the proposed code amendment on April 22<sup>nd</sup>, 2025 and made the following motion.

Commissioner Nixon made a motion to recommend approval of the proposed code amendment, which modifies moderate income housing density bonuses within the planned unit development (PUD) to meet a moderate income housing strategy. Commissioner Moak seconded the motion.

Commissioner Wood, Yes; Commissioner Tolman, Yes; Commissioner Weight, Absent; Commissioner Hoffman, Yes; Commissioner Nixon, Absent; Commissioner Romero, Absent; Commissioner Moak, Yes; The motion passed.

**Motion:** "Motion to approve ordinance 05-01-2025, and ordinance amending Santaquin City Code to include an additional moderate income housing density bonus within the planned unit development (PUD) to meet a moderate income housing strategy."

## **ORDINANCE NO. 05-01-2025**

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO MODIFY MODERATE INCOME HOUSING DENSITY BONUSES WITHIN THE PLANNED UNIT DEVELOPMENT (PUD) TO MEET A MODERATE-INCOME HOUSING STRATEGY, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.**

**WHEREAS**, the City of Santaquin is a fourth-class city of the state of Utah; and

**WHEREAS**, the City Council has specific authority pursuant to Title 10, Chapter 9a Utah Code Ann. (1953 as amended) to adopt a zoning plan including an ordinance and map which divide the municipality into districts or zones and within such districts to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures and the uses of land; and

**WHEREAS**, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e. providing for the public safety, health, morals, and welfare; and

**WHEREAS**, the City Council desires to amend Santaquin City Code Title 10, Chapter 20, Section 170 to include building ten percent (10%) of residential units within a development to the minimum size requirement will allow for a six percent (6%) density increase as an additional moderate income housing density bonus; and

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on April 22, 2025, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City; and

**WHEREAS**, after the noted public hearing, the Santaquin City Planning Commission forwarded a recommendation to the City Council;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Santaquin City, State of Utah, as follows:

### **Section I. Amendments**

**Title 10 Chapter 20 Section 170 is amended as follows:** (underlined text is added, stricken text is deleted)

#### **10.20.170 PLANNED UNIT DEVELOPMENT (PUD)**

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density may be considered for projects which satisfy the requirements of one or more of the density bonus amenities listed below:

2. Density Bonus Amenities: An application for a planned unit development may include one or more of the following amenities in the design of the subdivision and be considered for a density bonus in accordance with this section. Each amenity is followed by a percentage increase in total project density for providing the amenity. The density increases for the amenities outlined herein shall be cumulative with a maximum density bonus equal to a forty five percent (45%) increase in dwelling units above the base density. The density increases listed represent the maximum allowed, and the city council, after receiving recommendation from the planning commission, is entitled to approve less than the maximum amount listed.

- g. Moderate Incoming Housing: ~~Developments which provide moderate income housing for at least six percent (6%) of the total residential units are eligible for a six percent (6%) density increase. Units will only be identified as moderate income housing when a deed restriction is recorded with the Utah County Recorder's office on a subdivision plat or other appropriate deed restriction means which states that the "units must be reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size in Utah County.~~

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(2) Developments that build ten percent (10%) of the total residential units to the minimum unit size requirement are eligible for a six percent (6%) density increase.

## **Section II. Severability**

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application

thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

### **Section III. Contrary Provisions Repealed**

Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

### **Section IV. Codification, Inclusion in the Code, and Scrivener's Errors**

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

### **Section V. Posting and Effective Date**

This ordinance shall become effective at 5:00 p.m. on Wednesday, May 7<sup>th</sup>, 2025. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this 6<sup>th</sup> day of May 2025.

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Daniel M. Olson, Mayor

|                                 |            |
|---------------------------------|------------|
| Councilmember Art Adcock        | Voted ____ |
| Councilmember Brian Del Rosario | Voted ____ |
| Councilmember Lynn Mecham       | Voted ____ |
| Councilmember Jeff Siddoway     | Voted ____ |

Councilmember Travis Keel

Voted \_\_\_\_

ATTEST:

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Amalie R. Ottley, City Recorder

STATE OF UTAH                    )  
                                                  ) ss.  
COUNTY OF UTAH                )

I, AMALIE R. OTTLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 6<sup>th</sup> day of May 2025, entitled

**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO MODIFY MODERATE INCOME HOUSING DENSITY BONUSES WITHIN THE PLANNED UNIT DEVELOPMENT (PUD) TO MEET A MODERATE-INCOME HOUSING STRATEGY, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.”**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 6<sup>th</sup> day of May 2025.

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Amalie R. Ottley  
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH                    )  
                                          ) ss.  
COUNTY OF UTAH                )

I, AMALIE R. OTTLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that prior to the ordinance taking effect, I posted a short summary of the ordinance on the Utah Public Notice Website as required by Utah State Code 10-3-711(1)(b) as a Class A Notice and Santaquin City Code 1-2-050(D)

I further certify that copies of the ordinance were posted online at [www.santaquin.org](http://www.santaquin.org), at the City Hall Building at 110 S. Center Street and on the State of Utah's Public Notice Website, <https://www.utah.gov/pmn/index.html>. A copy of the notice may also be requested by calling (801)754-1904.

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AMALIE R. OTTLEY  
Santaquin City Recorder

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_ 2025,  
by AMALIE R. OTTLEY.

My Commission Expires:

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