

ORDINANCE NO. 067, 2018  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING THE WAIVER OF CERTAIN FEES FOR THE  
OAKRIDGE CROSSING AFFORDABLE HOUSING PROJECT

WHEREAS, by adoption of Ordinance No. 065, 1999, the City Council exempted from the imposition of the City's capital improvement expansion fees the land development projects of housing authorities formed pursuant to the provisions of Section 29-4-101, et seq., and specified various other City fees from which such projects are also to be exempted; and

WHEREAS, the financial impact of such fee waivers on the City can be substantial, depending upon the size of the project that is exempted, and whether the lost fee revenues need to be replaced by the City; and

WHEREAS, on March 19, 2013, the City Council adopted Ordinance No. 037, 2013, which made amendments to the City Code and Land Use Code limiting the types of projects for which housing authorities could request fee waivers, and specifying that those waivers are to be granted at the discretion of City Council upon a determination that proposed waivers will not jeopardize the financial interests of the City or the timely construction of capital improvements to be funded by the fees; and

WHEREAS, on November 21, 2017, the City Council adopted Ordinance No. 148, 2017 (the "2017 Ordinance"), which further amended the City Code and Land Use Code to create an incentive for all developers to provide housing units affordable to those making less than 30% of the area median income (AMI) by allowing all developers of units targeting that income bracket to request fee waivers for the affordable portions of their projects; and

WHEREAS, the 2017 Ordinance states that the City Council can waive, by ordinance, fees that would otherwise be imposed for an affordable housing project only if the City Council determines that: (1) the project is intended to house homeless or disabled persons, as such terms are defined by the Department of Housing and Urban Development (HUD), or households with an annual income that does not exceed 30% of the AMI for the applicable household size in the Fort Collins-Loveland metropolitan statistical area, as published by HUD; and (2) the proposed waiver will not jeopardize the financial interests of the City or the timely construction of the capital improvements to be funded by the fees for which a waiver is sought; and

WHEREAS, Oakridge Crossing LLLP ("Oakridge") is seeking the waiver of certain development and capital improvement expansion fees for Oakridge Crossing, an affordable housing project in Fort Collins that will include 110 age-restricted and income-restricted units, of which 13 will be targeted to households making no more than 30% of AMI (the "Project"); and

WHEREAS, the City has established affordable housing production goals in the 2015-2019 Affordable Housing Strategic Plan (Plan) with an annual production goal for this five-year plan of 188 units; and

WHEREAS, the Project will deliver 110 units, 59% of the City's annual goal for new affordable housing units; and

WHEREAS, 13 of the Project units (or 11% of the total development) will be dedicated to households making no more than 30% of AMI; therefore, Oakridge is requesting waivers totaling \$90,923, which represents 11% of the total waivable Project fees based on the number of units eligible for such fee waivers; and

WHEREAS, the Project fits the definition of a project eligible for fee waivers under the City Code and Land Use Code as amended by the 2017 Ordinance; and

WHEREAS, City Finance staff has determined that waiver of these fees will not jeopardize the financial interests of the City or the timely construction of the capital improvements to be funded by the fees for which the waiver is sought; and

WHEREAS, Oakridge has already paid the fees for the Project, and if the City Council approves the waiver request City staff proposes using \$90,923 already appropriated in the Affordable Housing Capital Fund (AHCF) in the Community Capital Improvement Program (CCIP) to issue a refund of such fees to Oakridge; and

WHEREAS, the voter-approved ballot language for the CCIP says the AHCF is to be used to fund the capital costs of development or rehabilitation of one or more public or private housing projects designated specifically for low-income individuals or families; and

WHEREAS, the Affordable Housing Board at its regular meeting on April 5, 2018, voted to support this waiver request; and

WHEREAS, the Council Finance Committee at its regular meeting on April 16, 2018, supported this waiver request and funding it through available funds in the Affordable Housing Capital Fund.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby finds that 11% of the Project is intended to house households with an annual income that does not exceed 30% of the area median income for the applicable household size in the Fort Collins-Loveland metropolitan statistical area, as published by HUD.

Section 3. That the City Council further finds that the fee waiver requested by Oakridge will not jeopardize the financial interests of the City or the timely construction of the capital improvements to be funded by the fees for which a waiver is sought.

Section 4. That the City Council hereby approves the waiver of \$90,923 in fees that were previously paid to the City for the Project, consisting of:


Development Review Fees	\$ 5,080
Building Fees	4,477
Capital Improvement Expansion Fees	79,913
Utilities - Stormwater Review Fee	<u>1,453</u>
Total	\$ 90,923

Section 5. That the City Council hereby finds that the Project meets the requirements for funding from the Affordable Housing Capital Fund and directs that Oakridge be reimbursed for the fees described above from funds available in the Affordable Housing Capital Fund.

Introduced, considered favorably on first reading, and ordered published this 15th day of May, A.D. 2018, and to be presented for final passage on the 5th day of June, A.D. 2018.

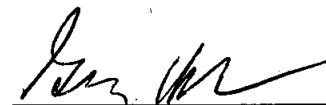
  
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Mayor Pro Tem

ATTEST:


  
\_\_\_\_\_  
City Clerk



Passed and adopted on final reading on the 5th day of June, A.D. 2018.

  
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Mayor Pro Tem

ATTEST:

  
\_\_\_\_\_  
City Clerk

