



# PLANNING COMMISSION WORK SESSION

448 E. 1st Street, Room 190 Salida, Colorado 81201

Tuesday, October 12, 2021 - 6:00 PM

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## AGENDA

Please register for the Planning Commission Work Session meeting:

<https://attendee.gotowebinar.com/register/7256115246685999119>

**CALL TO ORDER BY CHAIRMAN - 6:00 PM**

### DISCUSSION ITEMS

- 1. Temporary occupancy of Recreational Vehicles in Certain Zone Districts**
- 2. Inclusionary Housing Amendments**

**COMMISSIONERS' COMMENTS**

**ADJOURN**



**PLANNING COMMISSION MEMO**

**WORK SESSION DATE:** October 12, 2021

**AGENDA ITEM:** Discussion of allowing temporary recreational vehicle occupancy on private property under certain conditions

At the August 23<sup>rd</sup> Planning Commission work session we discussed the possibility of allowing Recreational vehicles to be occupied in certain zone districts on private property within the city.

The recent Chaffee County Community Foundation (CCCF) Survey of Salida businesses showed that approximately half of businesses have at least one employee living out of an RV or vehicle. Many of these vehicles are spread throughout the surrounding forests and “illegal” locations around the city which cause health and sanitation challenges and other social issues.

From the CCCF survey “In the last 6 months, how many of your employees have said”

	NONE	1	2	3	4	5 OR MORE	TOTAL
They are struggling with housing costs	20.00% 13	35.38% 23	10.77% 7	9.23% 6	9.23% 6	15.38% 10	65
They cannot find a place to live	29.23% 19	43.08% 28	10.77% 7	3.08% 2	7.69% 5	6.15% 4	65
They have quit due to housing	75.38% 49	21.54% 14	0.00% 0	0.00% 0	1.54% 1	1.54% 1	65
They are couch surfing (i.e. they have no formal lease or rental situation)	66.15% 43	21.54% 14	7.69% 5	1.54% 1	3.08% 2	0.00% 0	65
They are living in their cars or camping	73.85% 48	21.54% 14	1.54% 1	0.00% 0	3.08% 2	0.00% 0	65
They are currently living without a home	83.08% 54	12.31% 8	3.08% 2	0.00% 0	1.54% 1	0.00% 0	65
<a href="#">Comments (6)</a>							

Concerns of the Commission from the August 23<sup>rd</sup> work session included:

- Bathroom facilities available
- Required setbacks
- Visibility of the RV on the property
- Additional parking required
- Tracking of the approved RV's
- Occupant must be a Chaffee County resident who is locally employed
- No short-term rentals permitted
- Notification of the neighbors
- No campfires
- No generators
- Concerns of the Fire and Police Departments (Fire and Police Departments comments are attached to this memo)

Both the Fire and Police Departments have valid concerns. One thing that was mentioned is that we are trying to add affordable housing by allowing temporary occupancy of RV's. The proposed temporary provisions are not intended to provide additional affordable housing but rather to address existing conditions of work force housing.

Attachments: Application for temporary occupancy of RV  
August 23<sup>rd</sup> Planning Commission memo  
Land Use Code Sec. 16-4-190(i)  
Fire Chief Comments  
Police Chief Comments



**PLANNING COMMISSION MEMO**

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**MEETING DATE:** August 23, 2021

**AGENDA ITEM:** Discussion of allowing short-term RV use on private property under certain conditions

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Chaffee County is experiencing a housing crisis and many individuals and families are struggling to find accommodations in an unprecedented tight housing market. The City is looking at a variety of interim solutions to ease the housing burden. In conversations with the other jurisdictions, temporary use of RV's on private property for a limited duration is seen as an interim step that may ease the housing burden. This concept is NOT seen by the jurisdictions as a permanent solution to the housing issue, and is not being considered on a year-round basis.

Currently, the City limits the use of recreational vehicles on private property and only allows long-term occupancy in the Commercial (C-1) and Manufactured Housing Residential (R-4) zone districts with Administrative Review approval.

The City does not allow RV's to be lived in other than for short stays no more than 5 days in a 30 day period. Land Use Code 16-4-190(i).

- Recreational vehicles may be occupied for residential or commercial use for no more than five (5) days on private property within a thirty (30) day period. Otherwise, recreational vehicles shall be used for human occupancy only when permitted as a conditional use in accordance with this Chapter or when located within a lawful mobile home park or recreational vehicle park. Occupancy of a recreational vehicle for commercial or residential use in excess of this limit shall be deemed a long-term occupancy of such vehicle and shall only be permitted as a conditional use in designated zone districts in accordance with the standards of such underlying zone district and as specified herein

The consideration could be to allow RV's and campers on private property with administrative review approval from the date of adoption until May 1, 2022 for temporary housing in certain zone districts and possibly at Religious Organization properties subject to conditions. The possible conditions could include:

- The temporary use of a RV must be located on private property, and may not be within City rights of way
- No more than nine (9) months occupancy
- Occupant must be a Chaffee County resident who is locally employed
- No short-term rentals permitted
- There must be clear plan of how and where the gray water will be disposed of
- Quiet hours shall be between 10:00 pm and 7:00 am.
- Fire inspection prior to occupancy

The Code defines RV's as follows:

Recreational vehicle (RV) means a pickup camper, motor home, travel trailer, tent trailer or similar mobile unit which has wheels, is intended to be transported over streets, roads and highways as a motor vehicle or attached to a motor vehicle, and is designated primarily for use as a temporary unit for human occupancy.

Staff intends on engaging some larger vacant property owners to assess their willingness to allow recreational vehicles to set up on their property.

Staff would appreciate the input of the Commission on the temporary use of recreational vehicles on private property to help lessen the burden on local work force.



## TEMPORARY RECREATIONAL VEHICLE (RV) PERMIT APPLICATION

**OVERVIEW:** The City Council declared an affordable housing emergency because the current lack of available, affordable workforce housing is threatening the livelihood of the City, its citizens, and its businesses. Under this order, the City has authorized:

- Recreational vehicles may be occupied on certain private properties, as defined below, within the City, for the local workforce, continuously until June 1, 2022;

**DEFINITIONS:**

*Local Workforce* means persons that are employed by a governmental entity, business, non-for-profit physically located within Chaffee County.

*Private residential property* means any real property that is not public property located with the City of Salida's Manufactured Housing (R-4), Residential Mixed Use (RMU), Industrial (I) and the Commercial (C-1) zone districts, exception for church properties and other non-profits.

*Public property* means any real property, public right-of-way, public park, recreation area or other area owned, leased or under the control of the City or other public entity.

*Recreational Vehicle* means a pickup camper, motor home, travel trailer, tent trailer or similar mobile unit which has wheels, is intended to be transported over streets, roads and highways as a motor vehicle or attached to a motor vehicle, and is designed primarily for use as a temporary unit for human occupancy.

**RECREATIONAL VEHICLE OCCUPANCY:** The City is permitting that recreational vehicles, for the local workforce, may be occupied on private property in certain zone districts within the City continuously until June 1, 2022. Recreational vehicles must be parked in designated parking spots, on private property, in compliance with the property's approved site plan and meeting setback requirements for accessory structures. Recreational vehicles may not be parked on public property, including the public right-of-way.

**TRANSFERRAL OF OCCUPANT:** If the property owner wishes to transfer the permit from a previous occupant to a new occupant, a new application must be submitted and approved by the City.

**PERMIT FEE:** There is no fee associated with acquiring a Temporary Permit.

**DISPLAY:** The Permit shall be affixed to the RV, so it is visible from any public way, if possible.

**DURATION:** The Temporary permit will expire on June 01, 2022. Possible options for extension or renewal will be considered by City Council.

**CONDITIONS OF SITE APPROVAL:**

- All sites must adhere to guidelines of occupant safety. This means the property owner agrees to provide access to on-site basic hygiene facilities (bathroom, shower), access to water, and an environment free from potentially harmful physical hazards.
- The Recreational Vehicle must have a supply of electricity from a source on the same parcel. The use of a generators will be considered on a case by case basis, based on location, size of parcel and other factors.
- The Recreational Vehicle site follows the property’s approved site plan and existing ordinances for an appropriate parking spot.
- The site must be in a rear, or side yard, not visible from the primary frontage, and must be considerate of the privacy of the adjoining properties.
- The RV must have access to City water by a hose or other means from a structure located on the same parcel. There are no additional water system development fees for the temporary use.
- Hoses and cords which cross other owners’ property lines or public property are prohibited.
- No sewer hook-up for an RV is required, however the RV black water holding tank must be dumped at least once every week to ensure odors are suppressed and RV Occupant is required to ensure that there is adequate water in the holding tank so aerobic bacteria are hydrated for effective waste breakdown and odor elimination.
- In no case shall black or grey water tanks be dumped into any City sewer system located on the premises.
- The RV must be equipped with a fully functioning fire extinguisher, smoke detector and carbon monoxide detector.
- No open fires
- No outdoor showers or toilets, outhouses, etc.

**CONDITIONS OF OCCUPANT APPROVAL:**

The occupant agrees to provide proof of current or future employment within Chaffee County. Examples include: minimum of 2 pay stubs within the last 2 months, a letter from an employer, or proof of an active job offer for upcoming employment

**CODE OF CONDUCT:**

The occupant agrees to adhere to the conditions of site approval and to the common courtesies of a neighbor.

Please note: The City reserves the right to rescind a permit if:

1. Evidence is presented which would have justified denial of the permit in the original application (i.e. falsifying employment information)
2. The recreational vehicle has fallen into a state of disrepair (in a condition of being worn out or in poor working order) and has become a public nuisance;
3. The recreational vehicle has created a disturbance in the neighborhood;
4. Not adhering to the conditions of site approval

**PROPERTY OWNER INFORMATION**

Property Owner Name \_\_\_\_\_

Owner Mailing Address \_\_\_\_\_

Owner Email \_\_\_\_\_

Property Site Address: \_\_\_\_\_ Property Zone District: \_\_\_\_\_

Size of lot \_\_\_\_\_ Current number of residential units \_\_\_\_\_

Brief Description of Site \_\_\_\_\_

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**For Property Owner to confirm (must be checked to be approved):**

- I will provide a site with access to hygiene, water, and a safe environment
- There must be clear plan of how and where the black/gray water will be disposed of
- Site plan submitted for approval (Site inspection from Community Development Dept.)
- Quiet hours shall be between 10:00 pm and 7:00 am.
- No short-term rentals permitted (less than 30 days)
- Fire extinguisher, smoke detector, carbon monoxide detector required

*By submitting this application, I have reviewed the conditions of approval and will abide by the conditions.*

Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_



**RECREATIONAL VEHICLE OCCUPANT INFORMATION**

Occupant(s) Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Vehicle License Plate State \_\_\_\_\_ License Plate Number \_\_\_\_\_

Employer \_\_\_\_\_ Employer Contact Name \_\_\_\_\_

Employer Address \_\_\_\_\_

Employer Phone \_\_\_\_\_ Employer Email \_\_\_\_\_

I have included proof of my employment in Chaffee County

Brief description of RV (year, make, model, length) \_\_\_\_\_  
\_\_\_\_\_

RV Occupant agrees to remove the RV by: \_\_\_\_\_

*By submitting this application, I have reviewed the conditions of approval and will abide by the conditions.*

Occupant Signature \_\_\_\_\_ Date \_\_\_\_\_

**Submit application to [planning@cityofsalida.com](mailto:planning@cityofsalida.com) or drop off at City Hall**

For office use only: Approved \_\_\_\_\_  
Denied \_\_\_\_\_ Reason for denial \_\_\_\_\_

Approval Signature \_\_\_\_\_ Date \_\_\_\_\_

16-4-190

(i) Recreational Vehicles.

(1) Except as otherwise provided for in this section, recreational vehicles may be occupied for residential or commercial use for no more than five (5) days on private property within a thirty (30) day period. Otherwise, recreational vehicles shall be used for human occupancy only when permitted as a conditional use in accordance with this Chapter or when located within a lawful mobile home park or recreational vehicle park. Occupancy of a recreational vehicle for commercial or residential use in excess of this limit shall be deemed a long-term occupancy of such vehicle and shall only be permitted as a conditional use in designated zone districts in accordance with the standards of such underlying zone district and as specified herein.

(2) Long-term occupancy of recreational vehicles for residential or commercial use shall only be permitted as a conditional use in accordance with Tables 16-D, respectively, if the following standards are met.

a. The recreational vehicle proposed for long-term occupancy must be located on a previously established mobile home site.

b. All long-term occupancy recreational vehicles shall have a minimum square footage of one hundred twenty (120) square feet and hard-sided exteriors. No soft-sided exteriors shall be permitted.

c. The minimum setbacks for long-term occupancy recreational vehicles shall meet the standards for a primary structure in the underlying zone district.

d. Each long-term occupancy recreational vehicle shall count towards one unit of a lot's allowed density. Long-term occupancy recreational vehicles shall not exceed the permitted density for any lot.

e. Long-term occupancy recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings or carport shall be considered part of the recreational vehicle for purposes of this requirement.

f. Landscaping shall be installed to meet the underlying zone district standards in compliance with Section 16-8-90 of this Chapter.

g. Utility installations and connection taps shall be installed to comply with all state and local regulations and codes. Electrical installations shall comply with all state and local electrical codes. All utilities, except major power transmission lines, shall be placed underground.

h. Lighting. Adequate lighting shall be provided in compliance with the standards of Section 16-8-100 of this Chapter.

i. Water and wastewater fees and charges shall be paid in compliance with Chapter 13 of this Code.

j. Only one access shall be granted to a site with long-term occupancy recreational vehicles. The access point must be from an alley where alley access is available.

k. Parking. One additional parking space for every recreational vehicle shall be provided in compliance with Section 16-8-80 of this Chapter.

l. Every long-term occupancy recreational vehicle shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number and so located as prescribed by the Fire Marshal, with reference to the City's standards and fire codes.

**From:** [Doug Bess](#)  
**To:** [Kristi Jefferson](#)  
**Cc:** [Russ Johnson](#); [Kathy Rohrich](#)  
**Subject:** Re: Temporary RV's  
**Date:** Wednesday, October 06, 2021 1:47:47 PM

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Kristi,  
I've read through the planning commission memo and have one major concern. It states that a Fire Inspection will be required prior to occupancy. What are they expecting from fire in this inspection? RV's are mobile vehicles that have heating/cooling, plumbing and electrical. We are not RV specialists and our fire code does not address recreational vehicles. From a fire stand point, I have concerns with these RV's being plugged into circuits that are not able to handle the electrical load thus presenting a possible fire/electrocution hazard. A qualified electrical inspector would need to sign off on this. Is there going to be a limit on how many RV's will be allowed on a specific site? That's all I have for now. I look forward to continuing this conversation.

Thank you.

Doug Bess  
Fire Chief  
Salida/South Arkansas FPD  
(719) 539-2212

Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-100.1, et seq.

On Wed, Oct 6, 2021 at 12:14 PM Kristi Jefferson <[kristi.jefferson@cityofsalida.com](mailto:kristi.jefferson@cityofsalida.com)> wrote:

We are looking at possibly doing an Ordinance to allow people to live in RV's on private property for a limited time in certain zone districts. When we first discussed it at a Planning Commission work session they wanted input from the Fire and Police Departments. We're proposing to allow RV's on private property in the Commercial (C-1), Industrial and Manufactured Housing (R-4) zone districts.

I am attaching the August 23<sup>rd</sup> Planning Commission work session memo regarding the temporary RV use and if you get a chance will you please forward me any concerns you may have? We are still working on language and will be discussing it again at the next Planning Commission work session.

Thank you for your input,

Kristi Jefferson

Planner

City of Salida

448 East First Street

Suite 112

Salida, CO 81201

ph: 719-530-2626

fax: 719-539-5271

Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-100.1, et seq.

**Kristi Jefferson**

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**From:** Russ Johnson <rjohnson@salidapolice.com>  
**Sent:** Thursday, October 07, 2021 9:22 AM  
**To:** Kristi Jefferson; 'Doug Bess'  
**Cc:** 'Kathy Rohrich'  
**Subject:** RE: Temporary RV's

Kristi, I have several concerns. As Doug mentioned, the plugging in of the electrical cords is a legitimate fire hazard. The amount of electrical cords that we have seen at some of these places while enforcing the current ordinance is eyepopping. We also have the issue of human waste. We have had several fires in the area involving these over the past few years.

Most of the ones we deal with currently are inoperable and are not capable of getting to a place to dispose of the waste. Because of this, people start using the outside areas around for waste disposal. This then becomes a public health concern because human feces is all over the place.

I do not have any way to track and manage who has been in an RV for 9 months, or who is locally employed. The resident issue is not valid because they all will claim this as home. The 5 day is easy because we give them a notice and follow up on it the next week. Plus, it doesn't that often.

Lastly, (not all people fit this) we typically have a lot of drug activity associated with these units within the community.

As a department, we typically do not actively go looking for people living in RV's with in the community. We usually only respond when we get complaints from neighbors about the traffic in and out, noise or just the fact that they are violating a City Ordinance.

I am not in favor of allowing this in Salida. We currently have an ordinance that allows a person to live in an RV for 5 days in a 30 day period. I think this is sufficient and addresses most of my concerns above. I totally get that you guys are looking for ways to add some affordable housing but this is not the way to achieve that. This will create problems and could become an eyesore within the community. If we truly want affordable housing, we need another Riverbend style Apartment complex.

Hope this answers your question from a LE standpoint.

Thanks,

Chief Russell Johnson  
Salida Police Department

Cell:719-207-1602  
Desk: 719-530-2603  
Main:719-539-6880



**From:** Kristi Jefferson <kristi.jefferson@cityofsalida.com>  
**Sent:** Wednesday, October 6, 2021 2:35 PM



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**PLANNING COMMISSION WORK SESSION MEMO**

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**MEETING DATE:** October 12<sup>th</sup>, 2021

**AGENDA ITEM:** Potential Amendments to Article XIII – Inclusionary Housing

**FROM:** Bill Almquist, Community Development Director

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While the Inclusionary Housing Fees-in-Lieu were recently updated to more closely reflect the current market sales prices and affordability levels, there are other elements of the Article that are worthy of additional review and possible updating, especially to meet a wider range of affordability needs across the City.

Some potential revisions include:

- Expansion/Adjustment of qualifying Area Median Income (AMI) rates for rental units
- Expansion/Adjustment of qualifying AMI rates for for-sale units
- Credits for units that are deed-restricted at AMI rates slightly above the “target” level
- Clarification of comparability and integration of IH units in developments
- Inclusion of dimensional standards incentives in the Medium-Density Residential (R-2) zone

Staff would like to hear Planning Commission’s thoughts on such possible amendments and others you may be interested in seeing.

**ARTICLE XIII**

**Inclusionary Housing**

**Sec. 16-13-10. – Purpose and objectives.**

- (a) Promote the construction of housing that is affordable to the community's workforce;
- (b) Retain opportunities for people that work in the city to also live in the city;
- (c) Maintain a balanced community that provides housing for people of all income levels;
- (d) Ensure that housing options continue to be available for very low-income, low-income, moderate, and middle-income residents, for special needs populations and for a significant proportion of those who work or live in the city. (Ord. 2018-14)

**Sec. 16-13-20. – General Inclusionary Housing Requirements.**

(a) Any application brought under the annexation or planned development sections of this Code; or condominium plats of five (5) units or greater; and minor and major subdivision sections of this Code is required to include at least twelve and a half percent (12.5%) of the total number of residential dwelling units as affordable dwelling units, subject to the following standards:

- (1) The prices for sale or rents charged for permanently affordable priced dwelling units shall not exceed a price that is affordable to a household earning eighty percent (80%) of Area Median Income (AMI) for Chaffee County as defined annually by the United States Department of Housing and Urban Development (HUD).
- (2) Affordable dwelling units shall be permanently restricted as defined by the administrative regulations, or unless a different timeframe is required as a part of a Low Income Housing Tax Credit project.
- (3) If the calculation for inclusionary housing results in a fraction of a dwelling unit, the fraction of the unit shall be provided as a complete affordable unit or a fee-in-lieu shall be provided per Section 16-13-40.

(b) The city administrator is authorized to adopt administrative regulations to be utilized in the enforcement of the provisions of this article.

(c) Units built as affordable in the project should be comparable to the market rate housing units in exterior finish and design and integrated into the overall project.

(d) **Income Eligibility Required:** No person shall sell, rent, purchase or lease an affordable dwelling unit created pursuant to this article except to a program eligible household. A private owner of a single affordable unit may rent the unit in accordance with the provisions of this article as set forth in Section 16-13-60 "Program Requirements for For-Sale Units." All sales, rentals, purchases and leases shall comply with the provisions of this article.

(e) **Deed Restriction Required:** No person offering an affordable dwelling unit for rent or sale shall fail to lawfully reference in the grant deed conveying title of any such unit, and record with the county recorder, a covenant or declaration of restrictions in a form approved by the City. Such covenant or declaration of restrictions shall reference applicable contractual arrangements,

restrictive covenants and resale restrictions as are necessary to carry out the purposes of this article.

(f) Good Faith Marketing Required: All sellers or owners of affordable dwelling units shall engage in good faith marketing and public advertising efforts each time an affordable dwelling unit is rented or sold such that members of the public who are qualified to rent or purchase such units have a fair chance to become informed of the availability of such units.

(g) Required Agreements: Those applicants creating residential developments under this chapter shall enter into an inclusionary housing development agreement with the City Council. Such agreements may be part of a development agreement, annexation agreement or subdivision agreement and shall document how the applicant will meet the requirements of this article including:

- (1) Defining the inclusionary housing development including the total number of units; the total number of affordable housing units required; and the total number of affordable housing units provided; and
- (2) The application of allowed Density, Parking and Development Standards allowed for projects that provide 100% of the inclusionary housing requirements, as provided in Section 16-13-50; and
- (3) Design standards to assure the affordable units will be comparable to market rate units and are integrated into the development; and
- (4) The restrictive covenants and additional agreements, in a form acceptable to the City, as necessary to carry out the purposes of this article.

An applicant shall not be eligible to submit for a building permit until the affordable housing agreement and any required restrictive covenants are approved by the City Council and recorded with the Chaffee County Recorder.

**Sec. 16-13-30. – Options for Satisfaction of Inclusionary Housing Requirement.**

An applicant may seek an alternative to providing the required percentage of affordable housing under this article by any of the following methods:

- (a) Providing the required housing off-site. This may be met only through the dedication of land to the City or qualified non-profit housing developer as approved by the City, with the guarantee that the land to be dedicated will allow for, and be developed with the number of required affordable housing.
- (b) Dedicating land within the project. Land within a project may be dedicated to the City or a qualified non-profit housing developer as approved by the City. The units to be built within the project shall be comparable to the market rate housing units in exterior finish and design to blend into the overall project.
- (c) Paying a fee in lieu of providing units as defined in Section 16-13-40.
- (d) Providing fewer units, but which are affordable to households earning sixty percent (60%) or less of the AMI for Chaffee County. For the purposes of this option, an affordable dwelling unit at 60% or less AMI shall equal two units at 80% or less AMI.



(e) Any alternatives shall be approved by agreement with the City Council as defined in Section 16-13-20 (g).

**Sec. 16-13-40. – In-Lieu Fee.**

If an applicant chooses to pay an in-lieu fee for all or part of the inclusionary housing required for the project, the fee shall be calculated as described in the City’s Fee Schedule, established, adopted and amended by City Council from time to time, and be due no later than issuance of building permit.

**Sec. 16-13-50. – Density, Parking and Development Standards for Inclusionary Housing Developments.**

Residential development within the zoning districts of C-1, R-3, R-4 and RMU; and portions of a planned development with the underlying zoning districts of C-1, R-3, R-4 and RMU; that are subject to inclusionary housing development requirements and are providing one-hundred percent (100%) of the required affordable housing within the development, may increase the allowed density and utilize the lowered dimensional standards stated in Table 16-F Schedule of Dimensional Standards within these districts and utilize the reduced parking requirements for multi-family dwellings stated in Table 16-J Off-Street Parking Standards by Use. To ensure the integration of the affordable residential units into the development, these standards shall apply to all of the residential units within parcels with the above zoning or underlying zoning, that include a minimum of 12.5% affordable housing.

**Sec. 16-13-60. – Program Requirements for For-Sale Units.**

(a) Affordable Unit Price: The prices charged for affordable priced dwelling units shall not exceed a price that is affordable to a household earning eighty percent (80%) of the Area Median Income (AMI) for Chaffee County.

(b) Approved Purchasers for Affordable Dwelling Units: A developer or owner shall sell to a qualified purchaser after completing a good faith marketing and selection process approved according to the housing administrative regulations.

(c) Sale Restriction: No person shall sell an affordable dwelling unit except to a person that meets the income, asset and other eligibility requirements of this article or any asset and income eligibility requirement that is included in any contract, covenant or any other agreement to which the city is a party or beneficiary.

(d) Resale Restrictions: All affordable ownership dwelling units developed under this article shall be subject to the following resale restrictions:

(1) Approved Purchasers: A seller of an affordable dwelling unit must select an income-eligible purchaser by a method that complies with the good faith marketing and selection process defined by the housing administrative regulations. All purchasers of affordable dwelling units shall be part of program eligible households.

(2) Resale Price: The resale price of any affordable dwelling unit shall not exceed the purchase price paid by the owner of that unit with the following exceptions:

a. Closing Costs: Customary closing costs and costs of sale, which may include customary realtor fees, as reviewed and approved by the city administrator.

b. Permanent Capital Improvements: Consideration of eligible permanent capital improvements installed by the seller that have been approved in advance by the city administrator in accordance with rules or administrative guidance established by the city administrator.

c. Resale Price: The resale price may include an inflationary factor or shared appreciation factor as applied to the original sale price pursuant to rules as may be established by the city administrator to provide for such consideration. In developing rules, the city administrator may consider the purposes of this article, common private, nonprofit and governmental lending practices, as well as any applicable rules or guidelines issued by federal or state agencies affecting the provision or management of affordable housing. In the event that the city has not adopted rules that contemplate a particular arrangement for the use of an inflationary factor or shared appreciation factor, the city administrator is authorized to approve a resale price formula that is consistent with the purposes of this article, common private, nonprofit and governmental lending practices, as well as any applicable rules or guidelines issued by federal or state agencies affecting the provision or management of affordable housing.

(3) Special Fees: The seller of an affordable dwelling unit shall neither levy nor charge any additional fees or any finder's fee nor demand any other monetary consideration other than provided in this article.

(e) Ownership Associations: When accepting a for-sale unit as meeting the inclusionary housing obligation, the city administrator will review the condominium association declarations to assess the impact on buyers of affordable units. The city administrator is authorized to establish rules regarding allowable terms in condominium declarations in order to ensure that the purposes of this article are accomplished.

(f) Rental Restriction: The owner of an affordable unit may rent the unit to an income eligible renter by a method that complies with the administrative regulations.

**Sec. 16-13-70. – Program Requirements for Rental Units.**

(a) Maximum Rent: Rents charged for affordable units in any one development must be affordable to households earning no more than eighty percent (80%) of the AMI or as approved in the agreement.

**Sec. 16-13-80. – Administrative Regulations.**

To the extent the city administrator deems necessary, rules and regulations pertaining to this article will be developed and approved by the City Council, and thereby maintained and enforced in order to assure that the purposes of this article are accomplished. No person shall violate any rule or regulation issued by the city administrator under this article.