



# PLANNING COMMISSION REGULAR MEETING

448 E. 1st Street, Room 190 Salida, Colorado 81201  
February 28, 2022 - 6:00 PM

## AGENDA

Email public comments to: [publiccomment@cityofsalida.com](mailto:publiccomment@cityofsalida.com)

Please register for the Planning Commission meeting:  
<https://attendee.gotowebinar.com/rt/1909092342220683277>

### CALL TO ORDER BY CHAIRMAN – 6:00 PM

### ROLL CALL

### APPROVAL OF THE MINUTES

- 1. January 24, 2022 - Draft Minutes
- 2. February 8, 2022 - Draft Minutes

### UNSCHEDULED CITIZENS

### AMENDMENT(S) TO AGENDA

### PUBLIC HEARINGS

Public Hearings will follow the following procedure:

- |   |  |
|---|--|
| A. Open Public Hearing                      | E. Public Input                          |
| B. Proof of Publication                     | F. Close Public Hearing                  |
| C. Staff Review of Application/Proposal     | G. Commission Discussion                 |
| D. Applicant’s Presentation (if applicable) | H. Commission Decision or Recommendation |

- 3. **Proposed Amendments to Chapter 16, Articles IV, VI and XIII of the Salida Municipal Code -** Amending Chapter 16 Articles IV, VI and XIII of the Salida Municipal Code, regarding Inclusionary Housing, to further promote the Development of Workforce Housing.

### UPDATES

### COMMISSIONERS' COMMENTS

### ADJOURN

\*\*An alternate can only vote on, or make a motion on an agenda item if they are designated as a voting member at the beginning of an agenda item. If there is a vacant seat or a conflict of interest, the Chairman shall designate the alternate that will vote on the matter. If a Voting member shows up late to a meeting, they cannot vote on the agenda item if the alternate has been designated.



# PLANNING COMMISSION REGULAR MEETING

448 E. 1st Street, Room 190 Salida, Colorado 81201  
January 24, 2022 - 6:00 PM

## MINUTES

Email public comments to: [publiccomment@cityofsalida.com](mailto:publiccomment@cityofsalida.com)

Please register for the Planning Commission meeting:  
<https://attendee.gotowebinar.com/rt/1909092342220683277>

### CALL TO ORDER BY CHAIRMAN – 6:00 PM

#### ROLL CALL

##### PRESENT

Chairman Greg Follet  
Vice-Chair Francie Bomer  
Commissioner Judith Dockery  
Commissioner Giff Kriebel  
Commissioner Doug Mendelson  
Commissioner Dave Haynes

##### ABSENT

Commissioner Michelle Walker

### APPROVAL OF THE MINUTES

- December 14, 2021 - Draft Minutes

Motion made by Vice-Chair Bomer, Seconded by Commissioner Haynes.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner Mendelson, Commissioner Haynes

### UNSCHEDULED CITIZENS- NA

### AMENDMENT(S) TO AGENDA- NA

COMMISSIONER MENDELSON REMOVED HIMSELF FROM THE MEETING.

### PUBLIC HEARINGS

Public Hearings will follow the following procedure:

- |   |  |
|---|--|
| A. Open Public Hearing                      | E. Public Input                          |
| B. Proof of Publication                     | F. Close Public Hearing                  |
| C. Staff Review of Application/Proposal     | G. Commission Discussion                 |
| D. Applicant's Presentation (if applicable) | H. Commission Decision or Recommendation |

- Salida Bottling Company Planned Development and Major Subdivision (Continued from the December 14, 2021 Planning Commission meeting) -**

The applicant (Salida Bottling Company, LLC) is requesting two actions related to a 0.60 ac. (26,112 SF) parcel at 323 West First Street, at the west corner of Hwy 291 and the Monarch Spur Trail. The property is split zoned, Commercial (C-1) and Industrial (I). The entire site is located within the Hwy 291 Established Residential Overlay. The requests are:

- Major Impact Review to approve a Planned Development Overlay.
- A Major Impact Review to approve a Major Subdivision to split the 0.6 acre parcel into 16 townhome lots and 1 out-lot.

**A. Open Public hearing – 6:14pm**

**B. Proof of Publication -Yes**

**C. Staff Review of Application –**

Commissioners asked about the progress on the civil plans.

Planner Dunleavy explained that while they worked together on civil plans, a few more deviations came up which is why there are additional plans in this meeting.

Commissioners commented about:

- The Excel and Atmos comments that were introduced
- The size of the easement
- Whether the building would have access to City Water and Sewer

Public Works Director, David Lady, clarified that the building would have access to City Water and Sewer and what was in the discretion of the Public Works Department to comment on.

JVA Representative, Mark Russell, spoke to why the proposed utility plan was feasible in the code.

Commission asked about:

- The changes to the shared square footage on the rooftop structure and what it would look like.
- Whether on condition seven, it should be clarified that it should be deed restricted
- About the size of the unit and how it should be classified under the AMI
- The building façade and whether it would be contiguous with the Downtown area

**D. Applicant's Presentation –**

Applicant, Warner, presented on the application and reviewed the conversations they had been having with the Planning and Public Works Department.

Engineer, Bill Hussey, spoke on the project, utility concerns and building height.

Applicant Warner reviewed Short Term Rentals, Inclusionary Housing and the external façade of the building.

**E. Public Input –** Salty spoke on whether there were additional affordable units and asked that they do not allow Short Term Rentals.

Planner Dunleavy and Director Almquist responded to the questions.

**F. Close Public Hearing – 7:31pm**

**G. Commissioner Discussion –**

Commissioners discussed the following:

- Extra height measurement change
- Procedural change on continuing a meeting to February 8<sup>th</sup>, 2022 or sending it to Council and making a decision tonight

Applicant asks Commission to make a decision tonight instead of continuing it to another Planning Commission meeting.

Commissioners asked that the following be completed prior to the next meeting:

- Completed and confirmed civil plans
- Impact of changing the height measurements of the balconies
- Review the changes to conditions Engineer Hussey provided

Public Works Director, David Lady, did not plan to have additional comments.

JVA Representative, Mark Russell, will have reviewed the revised submittal and provided comments by Feb 1, 2022.

Commission discussed changing the language from foundation to footing on Condition #2.

**H. Commission Recommendation -**

A. Major Impact Review to approve a Planned Development Overlay

Motion to **continue** the hearing to the February 8, 2022 Planning Commission regular meeting was made by Vice-Chair Bomer, Seconded by Commissioner Kriebel.

Voting Yea: Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner Haynes

Voting Nay: Chairman Follet

**THE MOTION PASSED.**

B. A Major Impact Review to approve a Major Subdivision to split the 0.6 acre parcel into 16 townhome lots and 1 out-lot.

Motion to **continue** the hearing to the February 8, 2022 Planning Commission regular meeting was made by Vice-Chair Bomer, Seconded by Commissioner Kriebel.

Voting Yea: Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner Haynes

Voting Nay: Chairman Follet

**THE MOTION PASSED.**

**3. Amendments to Chapters 6 & 16 of the Salida Municipal Code (Continued from the December 14, 2021 Planning Commission meeting)-**

The purposed of the request is for amendments to Chapters 6 and 16 of the Salida Municipal Code regarding sexually-oriented businesses.

A. Open Public hearing – **8:15pm**

B. Proof of Publication -Yes

C. Staff Review of Application –

Director Almquist reviewed the amendments to Chapter 6 & 16 with the Commission.

The Commissioners asked:

- Whether the amendment should include churches/house of worship and/or daycares
- The hours of operation

D. Applicant's Presentation – **NA**

E. Public Input – **NA**

F. Close Public Hearing – **8:32pm**

G. Commissioner Discussion –

H. Commission Recommendation –

Motion to recommend City Council approve the amendments to Chapters 6 & 16 was made by Commissioner Dockery, Seconded by Vice-Chair Bomer.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner Haynes

**THE MOTION PASSED.**

**UPDATES**

Director Almquist talked about the summer housing crisis. Additionally, there are new applications for Planning Commission and Historic Preservation Committee.

**COMMISSIONERS' COMMENTS- NA**

**ADJOURN** With no further business to come before the Commission, the meeting adjourned at **8:40 p.m.**



# PLANNING COMMISSION REGULAR MEETING

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

February 08, 2022 - 6:00 PM

## MINUTES

Email public comments to: [publiccomment@cityofsalida.com](mailto:publiccomment@cityofsalida.com)

Please register for the Planning Commission meeting:  
<https://attendee.gotowebinar.com/rt/1909092342220683277>

### CALL TO ORDER BY CHAIRMAN – 6:00 PM

### ROLL CALL

#### PRESENT

- Chairman Greg Follet
- Vice-Chair Francie Bomer
- Commissioner Judith Dockery
- Commissioner Giff Kriebel
- Commissioner Michelle Walker
- Commissioner Dave Haynes

### UNSCHEDULED CITIZENS: NA

### AMENDMENT(S) TO AGENDA: NA

### PUBLIC HEARINGS

Public Hearings will follow the following procedure:

- |   |  |
|---|--|
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| C. Staff Review of Application/Proposal     | G. Commission Discussion                 |
| D. Applicant’s Presentation (if applicable) | H. Commission Decision or Recommendation |

#### 1. **Salida Bottling Company Planned Development and Major Subdivision (Continued from the January 24, 2022 meeting) -**

The applicant (Salida Bottling Company, LLC) is requesting two actions related to a 0.60 ac. (26,112 SF) parcel at 323 West First Street, at the west corner of Hwy 291 and the Monarch Spur Trail. The property is split zoned, Commercial (C-1) and Industrial (I). The entire site is located within the Hwy 291 Established Residential Overlay. The requests are:

- A. Major Impact Review to approve a Planned Development Overlay.
- B. A Major Impact Review to approve a Major Subdivision to split the 0.6 acre parcel into 16 townhome lots and 1 out-lot.

- A. Open Public hearing – 6:01pm**
- B. Proof of Publication -Yes**
- C. Staff Review of Application –**

Planner Dunleavy discussed that the Civil Plan had been completed, reviewed the utility plans and the deviation of height measurement.

Commissioners asked about:

- Finished floors
- Parapet Height
- The definition of a SIA
- Comments from Excel, Atmos and the Kittlemans

Planner Dunleavy and Jefferson answered the questions and JVA was on the line to comment.

- D. Applicant's Presentation** – Applicant Warner was in person and answered Commissioners questions.
- E. Public Input** – NA
- F. Close Public Hearing – 6:31pm**
- G. Commissioner Discussion** –

Commissioners spoke on the easements and the property line. The Commissioners agreed that paving the road after construction was the way to move forward and did not feel like there would be encroachments onto the easements.

- H. Commission Recommendation -**

A. Major Impact Review to approve a Planned Development Overlay.

Motion made by Vice-Chair Bomer, Seconded by Commissioner Haynes.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner Haynes

**THE MOTION PASSED.**

B. A Major Impact Review to approve a Major Subdivision to split the 0.6 acre parcel into 16 townhome lots and 1 out-lot.

Motion made by Vice-Chair Bomer, Seconded by Commissioner Haynes.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner Haynes

**THE MOTION PASSED.**

**NEW BUSINESS**

**COMMISSIONERS' COMMENTS**

Commissioner Bomer encouraged staff to reach out to Council to help the Kittlemans with the easement.

**ADJOURN-** With no further business to come before the Board, the meeting adjourned at 7:05 p.m



## PLANNING COMMISSION STAFF REPORT

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**MEETING DATE:** February 28<sup>th</sup>, 2022

**AGENDA ITEM TITLE:** Changes to Chapter 16 of the Salida Municipal Code Regarding Inclusionary Housing to Further Promote the Development of Workforce Housing

**AGENDA SECTION:** Public Hearing

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### BACKGROUND:

Salida is experiencing a housing crisis unparalleled in recent history. The area's recent popularity, esp. amongst remote workers, vacation home owners, retirees and others with financial means to relocate to the Arkansas River Valley has driven home prices up sharply, convincing the owners of numerous rental homes to sell to the highest bidders (often whom are from out of the area) leaving significantly fewer homes available for the local workforce. Meanwhile, the pace of new home construction (esp. affordable/attainable units, both for-sale and rental) has not kept up with the demand. The crisis is both one of affordability as well as supply and has put a significant stress on many local businesses who struggle to remain fully staffed, have had to reduce operational hours, or—in some cases—have closed down altogether.

The City of Salida implemented an Inclusionary Housing (IH) ordinance in late 2018 in an attempt to ensure that a portion of all new homes being built remain affordable for the local workforce. To date, the policy has resulted in the commitments and/or on-the-ground construction of approximately 135 affordable housing units. Planning Commission engaged in no fewer than three work sessions over the last several months where a variety of potential changes to the current IH policies have been discussed. The last work session on January 11<sup>th</sup> included the input of a few local developers, and staff (at the invite of the Chaffee County EDC) presented at and received additional input from local developers during a developers' working group meeting on February 2<sup>nd</sup>.

The work sessions and subsequent discussions have focused on a variety of topics, such as: having IH apply to additional land use applications types; offering dimensional standards incentives for IH projects in additional zone districts; amending the option of the fee-in-lieu of built affordable units; amending the percentage of built affordable units required; and creating deed-restricted affordable units for a greater diversity of income levels, to match the existing diversity of housing needs.

In regards to that last item—whereas the current IH code only addresses affordability at 80% Area Median Income (AMI) and below, the overall housing need (as indicated in the Chaffee County Housing Needs Analysis and other subsequent analyses and surveys) covers a much broader range of income levels. By the end of 2021, the median sales price of a home in Chaffee County was approximately \$560,000—up from approximately \$430,000 just a year prior (an



increase of over 30%). 2022 has shown no letting up thus far. This has put homeownership out of reach for most of our local workforce. For reference, assuming a 10% down payment, a 3-bedroom \$560,000 home would only be “affordable” (allocating no more than 30% of annual income) to households earning a minimum of 180% AMI (for reference, that is a 4-person household making a minimum of \$132,300/year). Anecdotal information and other data indicates that there is an acute need for rental units up to approximately 100% AMI (4-person household making \$73,500), and for-sale homes up to 160% AMI (4-person household making \$117,600).

The attached draft ordinance proposes a number of amendments to the Land Use Code that are intended to strike a balance between the incredible need for permanently affordable housing units of varying types and prices with the economic realities involved with developing property (and the impacts that regulation can have on development). Planning Commissioners will note a couple of suggested deviations from the most recent work session, based on some input from local developers at the EDC meeting. Some of the most significant proposed amendments include the following:

- In addition to the land use application types that already apply, IH would also apply to all condo plats, duplex conversions, and multi-family residential projects of five (5) or more units;
- The required # of affordable units in an IH project would increase from 12.5% (1/8) to 16.7% (1/6);
- Per the authority of HB 21-1117, fees-in-lieu of built and deed-restricted affordable units would be eliminated as an option to satisfy IH requirements, except for minor projects (fewer than 6 units) and for “fractional units”. The fees-in-lieu formula would also likely change to be consistent with the new percentages and affordability levels.
- A broader array of deed-restricted price levels (coinciding with various AMI levels) for built affordable units could be used to satisfy the IH requirements:
  - ≤80% AMI and ≤100% AMI for rental projects
  - ≤120% AMI, ≤140% AMI, and ≤160% AMI for-sale projects
- Units deed-restricted at ≤ 60% AMI in rental projects would be worth 1.5 affordable units (not 2 as is currently allowed); units deed-restricted at ≤100% AMI in for-sale projects would also be worth 1.5 affordable units.
- For larger projects requiring multiple built affordable units, specific rules intended to create a diversity of affordability levels would be employed, and the average AMI across all built units would be set for both rental and for-sale projects.
- Dimensional standards incentives for IH projects would be expanded to include the Medium-Density Residential (R-2) zone district.
- Certain language pertaining to resale restrictions would be relocated to the deed-restrictions themselves and guided by the Chaffee Housing Authority’s Community Guidelines (forthcoming).
- Other clarifying language.

It should be noted that the City has recently taken additional steps to help incentivize more affordable rental units by reducing system development fees for qualifying projects, as well as reducing IH fees-in-lieu for such units.

**REQUIRED ACTIONS BY THE COMMISSION:**

- 1. The Commission shall conduct a public hearing.
- 2. The Commission shall make a recommendation to City Council regarding proposed changes to Chapter 16.

**STAFF RECOMMENDATIONS:**

Staff recommends that Planning Commission recommend approval of the proposed text amendments included in the attached Ordinance.

**RECOMMENDED MOTIONS:**

- A. "I make a motion to recommend that City Council approve the proposed text amendments to Chapter 16 of the Salida Municipal Code regarding Inclusionary Housing."

**Attachments:**

- Draft Ordinance Regarding Inclusionary Housing
- Proof of Notice
- AMI Options Sample sheet
- AMI Incomes and related rent and sales prices

**PUBLIC NOTICE  
NOTICE OF PUBLIC HEARING BEFORE  
THE PLANNING COMMISSION FOR  
THE CITY OF SALIDA CONCERNING  
PROPOSED AMENDMENTS TO CHAPTER  
16 LAND USE AND DEVELOPMENT  
OF THE SALIDA MUNICIPAL CODE  
REGARDING INCLUSIONARY HOUSING  
TO ALL MEMBERS OF THE PUBLIC  
AND INTERESTED PERSONS: PLEASE**

**TAKE NOTICE** that on February 28, 2022, at or about the hour of 6:00 p.m., a public hearing will be conducted by the City of Salida Planning Commission at City Council Chambers, 448 East First Street, Suite 190, Salida, Colorado and online at the following link: <https://attendee.gotowebinar.com/rt/1909092342220683277>

The public hearing is to consider amendments to Chapter 16, Article XIII of the Salida Municipal Code regarding updates to the Inclusionary Housing requirements.

Interested persons are encouraged to attend the public hearing. Further information on the amendments may be obtained from the Community Development Department, (719) 530-2634.

\*Please note that it is inappropriate to personally contact individual City Councilors outside of the public hearing, while an application is pending. Such contact is

considered ex parte communication and will have to be disclosed as part of the public hearings on the matter. If you have any questions/comments, you should email or write a letter to staff, or present your concerns at the public meeting via the above GoToWebinar link so your comments can be made part of the record.

Published in The Mountain Mail February 11, 2022

**CITY OF SALIDA, COLORADO  
ORDINANCE NO. \_\_  
(Series of 2022)**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,  
COLORADO AMENDING CHAPTER 16, ARTICLES IV, VI AND XIII OF THE  
SALIDA MUNICIPAL CODE, REGARDING INCLUSIONARY HOUSING, TO  
FURTHER PROMOTE THE DEVELOPMENT OF WORKFORCE HOUSING**

**WHEREAS**, the City of Salida, Colorado (the “City”) is a statutory city, duly organized and existing under the laws of the State of Colorado; and

**WHEREAS**, pursuant to C.R.S. § 31-23-301 *et seq.*, the City, by and through its City Council, possesses the authority to adopt and enforce zoning regulations; and

**WHEREAS**, under such authority, the City Council previously adopted regulations related to inclusionary housing, codified as Chapter 16, Article XIII of the Salida Municipal Code (the “Code”); and

**WHEREAS**, the City Council remains committed to the promotion of inclusionary housing, such that all residents and workforce have a meaningful opportunity to afford housing in the City; and

**WHEREAS**, increasing the percentage of dwelling units required to be affordable housing in certain new developments furthers this imperative given the recent changes in the market; and

**WHEREAS**, the number of new deed-restricted affordable housing units have not kept up with the amount recommended by the 2016 Chaffee County Housing Needs Analysis, and such needs have only intensified; and

**WHEREAS**, the housing market, especially over the last few years, has been impacted by unprecedented forces and demand focused on mountain communities such as Salida—forces such as the prevalence of remote workers, vacation home ownership, retirees relocating from outside the area, short-term rental ownership, and other factors; and

**WHEREAS**, the City of Salida recognizes the need for affordable housing across a greater diversity of income levels than is currently addressed by the inclusionary housing policy; and

**WHEREAS**, deed-restrictions are the primary tools to ensure permanent affordability—that units will not go from affordable to unaffordable with a simple sale of property; and

**WHEREAS**, the City Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents, workforce, local businesses and customers to amend Chapter 16 of the Code, as it relates to the promotion of inclusionary housing in the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE  
CITY OF SALIDA, COLORADO AS FOLLOWS:**

**Section 1.** The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

**Section 2.** Table 16-D of the Code, entitled “Schedule of Uses,” is hereby amended to read as follows:

<b>TABLE 16-D Schedule of Uses</b>									
<b>N = Not Permitted</b> <b>P = Permitted</b> <b>AC = Administrative Conditional Use</b> <b>C = Conditional Use</b> <b>AR = Administrative Review</b> <b>LR = Limited Impact Review</b> <b>MR = Major Impact Review</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RMU</b>	<b>C-2</b>	<b>C-1</b>	<b>I</b>	<b>Standards<sup>1</sup></b>
<b>Residential Uses</b>									
...									
Residential (3 - 4 units)	N	AR	AR	AR	AR	AR	AR <sup>3</sup>	AR <sup>3</sup>	
Residential (5 - 19 units) <sup>***</sup>	N	LR	AR	AR	LR	AR	LR <sup>3</sup>	LR <sup>3</sup>	
Residential (20 or more units) <sup>***</sup>	N	MR	MR	MR	MR	MR	MR <sup>3</sup>	MR <sup>3</sup>	
...									
<b>Notes:</b> <sup>1</sup> The standards referenced herein are in addition to all other applicable standards of this Land Use Code. <sup>2</sup> Provided that State Health Code space and sanitation requirements are met. <sup>3</sup> An existing dwelling can be modified or rebuilt as a matter of right provided it is in conformance with the dimensional standards of Table 16-F. <sup>4</sup> Ground floor residential uses are limited in the Central Business Economic Overlay per Section 16-5-90. * The allowed use is conditional in the SH 291 Corridor Overlay (291 CO). Refer to Section 16-5-50 regarding the SH 291 Corridor (291 CO) District. ** Any site or lot where more than two (2) temporary commercial activities or vendors are proposed must receive Limited Impact Review approval for the entire site. *** <b>See Inclusionary Housing requirements of Section 16-13-20.</b>									

**Section 3.** Table 16-F of the Code, entitled “Schedule of Dimensional Standards,” is hereby amended to read as follows:

**TABLE 16-F  
Schedule of Dimensional Standards**

<b>Dimensional Standard</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RMU</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>
Min. lot size (sq. ft.)	7,500	5,625 <u>5,063<sup>6</sup></u> <u>3,750<sup>7</sup></u>	5,625 5,063 <sup>6</sup> 3,750 <sup>7</sup>	4,000 3,600 <sup>6</sup>	5,625 5,063 <sup>6</sup> 3,750 <sup>7</sup>	5,625 5,063 <sup>6</sup> 3,750 <sup>7</sup>	N/A	5,625
Density (Lot s.f./Min. lot area per principal dwelling unit)	3,750	3,125 <u>2,734<sup>6</sup></u>	2,400 2,100 <sup>6</sup>	2,400 2,100 <sup>6</sup>	3,125 2,734 <sup>6</sup>	2,800 2,450 <sup>6</sup>	N/A	2,800
Min lot size (sq. ft.) - attached units	N/A	3,125 <u>2,812<sup>6</sup></u>	2,400 2,160 <sup>6</sup>	2,400 2,160 <sup>6</sup>	3,125 2,812 <sup>6</sup>	2,800 2,520 <sup>6</sup>	N/A	2,800
Min. lot frontage	50'	37' – 6" <u>25 ft<sup>7</sup></u>	37' – 6" 25 ft <sup>7</sup>	37' – 6" 25 ft <sup>7</sup>	37' – 6" 25 ft <sup>7</sup>	37' – 6" 25 ft <sup>7</sup>	No Req.	37' – 6"
Min. lot frontage – attached units	N/A	20'	15'	15'	20'	20'	N/A	20'
Max. lot coverage: structures (additive coverage total for structures and uncovered parking cannot exceed 90% except in C-2)	35%	40% <u>45%<sup>6</sup></u>	45% 50% <sup>6</sup>	45% 50% <sup>6</sup>	45% 50% <sup>6</sup>	60% 66% <sup>6</sup>	100% <sup>3</sup>	60%
...								

**Notes:**

- 1 If a property does not utilize the zero setback allowance, the minimum landscape area shall be ten percent (10%).
- 2 If the property adjoins a residential zone district, setbacks on the side and rear lot line shall be the same as those in the residential zone.
- 3 Existing structures are not required to meet off-street parking requirements. New structures and additions shall meet off-street parking requirements.
- 4 A covered porch may encroach into the front yard setback by twenty-five percent (25%).
- 5 If a front-loaded garage is set back at least ten (10) feet behind the primary street-facing building façade, the lot coverage between the garage entrance and the primary, street-facing building façade shall not be included in the calculation of lot coverage for uncovered parking/access.
- 6 Standards for inclusionary housing development per Section 16-13-50.
- 7 15% of the single-family lots within an inclusionary housing development may be 25 feet X 150 feet.
- 8 See Sec. 16-4-190(c) for a description of side lot line setbacks for all accessory buildings, including ADUs.

**Section 4.** Section 16-6-60 of the Code, concerning duplex conversion subdivisions, is hereby amended to read as follows:

**Sec. 16-6-60. – Duplex conversion subdivision.**

A duplex conversion subdivision is generally subject to the administrative review process established in Article III of this Chapter. The subdivision of a single lot on which an existing duplex dwelling is located or is constructed, into two (2) separate lots will be approved if all of the following conditions have been met:

...

**(6) Inclusionary Housing. Duplex conversion subdivisions must meet the requirements of Article XIII, Inclusionary Housing.**

**Section 5.** Section 16-6-100 of the Code, concerning condominiums, is hereby amended to read as follows:

**Sec. 16-6-100. - Condominiums.**

...

(c) Condominium plats ~~including five (5) units or greater~~ must meet the requirements of Article XIII, Inclusionary Housing.

**Section 6.** Section 16-13-20 of the Code, concerning general inclusionary housing requirements, is hereby amended to read as follows:

**Sec. 16-13-20. - General inclusionary housing requirements.**

(a) Any application brought under the annexation or planned development sections of this Code; condominium plats of ~~five (5) units or greater~~ **any size; duplex conversion subdivisions;** and minor and major subdivision sections of this Code, **as well as multi-family residential projects of five (5) or more units** ~~is are~~ required to include at least ~~twelve and one-half (12.5)~~ **sixteen and seven tenths (16.7)** percent 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 (80) percent~~ **the applicable percentage** of Area Median Income (AMI) for Chaffee County as defined annually by the United States Department of Housing and Urban Development (HUD), **as further specified in Sections 16-13-60 and 16-13-70.**

...

**(4) The proportion of required affordable units, whether for-sale or rental, shall follow the proportion of for-sale and rental market rate units. For example, if the project includes 100% for-sale units, then 100% of the required affordable units shall be for-sale units. If the project includes 50% for-sale units and 50% rental units, that same percentage of for-sale and rental affordable units shall be provided.**

(e) Deed Restriction Required. No person offering an affordable dwelling unit for rent or sale **pursuant to this Article** 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

provided and approved by the City Attorney and applicable Housing Authority. 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.

(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 one hundred (100) percent 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 requirement that each required affordable housing unit must receive its certificate of occupancy before development of every sixth market-rate housing unit within the development, unless an alternative schedule is approved by the City; and

~~(4)~~ (5) The restrictive covenants and additional agreements, in a form acceptable to the City, as necessary to carry out the purposes of this Article.

(h) Accessory dwelling units shall not be considered inclusionary housing for the purpose of compliance with the requirements of this Article.

**Section 7.** Section 16-13-30 of the Code, concerning options for satisfaction of the inclusionary housing requirement, is hereby amended to read as follows:

**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~~ a minimum number of twenty-five percent (25%) of the total units in the subject development as 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 and if large enough and located



appropriately to accommodate at least the minimum number of required affordable units. 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. This alternative is only available if the calculation for inclusionary housing results in a fraction of a dwelling unit or if the development is for five (5) units or less.

(d) Providing fewer units, but which are affordable to households earning sixty (60) percent or less of the AMI for Chaffee County for rental projects, or one hundred (100) percent or less of the AMI for Chaffee County for for-sale projects. For the purposes of this option, an affordable dwelling unit at the above AMI levels ~~sixty (60) percent or less AMI~~ shall equal ~~two (2)~~ one and one half (1.5) inclusionary housing units at any other AMI level specified in Sections 16-13-60 and 16-13-70 below. ~~eighty (80) percent or less AMI.~~

**Section 8.** Section 16-13-40 of the Code, concerning the in-lieu fee, is hereby amended to read as follows:

**Sec. 16-13-40. - In-lieu fee.**

If an applicant chooses to pay an in-lieu fee is permitted and chosen 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 the building permit~~ prior to issuance of the certificate of occupancy.

**Section 9.** Section 16-13-50 of the Code, concerning density, parking, and development standards for inclusionary housing developments, is hereby amended to read as follows:

**Sec. 16-13-50. – Density, parking and development ~~standards~~ incentives for inclusionary housing developments.**

Residential development within the zoning districts of C-1, ~~R-2~~, R-3, R-4 and RMU; and portions of a planned development with the underlying zoning districts of C-1, ~~R-2~~, R-3, R-4 and RMU; that are subject to inclusionary housing development requirements and are providing one hundred (100) percent 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 of the subject development within parcels with the above zoning or underlying zoning, that include a minimum of ~~twelve and one half (12.5)~~ sixteen and seven tenths (16.7) percent affordable housing.

**Section 10.** Section 16-13-60 of the Code, concerning program requirements for for-sale units, is hereby amended to read as follows:

**Sec. 16-13-60. - Program requirements for for-sale units.**

(a) Affordable Unit Price. The prices charged for any affordable ~~priced dwelling~~ units shall not exceed ~~a~~ prices that is affordable to a household earning **greater than what is affordable to households earning one hundred twenty percent (120%), one hundred forty percent (140%), or one hundred sixty percent (160%)** ~~eighty (80) percent~~ of the Area Median Income (AMI) for Chaffee County. **Furthermore, for-sale affordable units shall be subject to the following additional requirements:**

- (1) The average sales price of all affordable housing units shall not exceed a price affordable to households earning one hundred forty percent (140%) or less of the AMI for Chaffee County; and**
- (2) For projects providing multiple affordable units, and to create parity across levels of affordability, the total number of affordable units deed-restricted at one of the applicable AMI levels shall not exceed the total number of affordable units deed-restricted at any of the other applicable AMI levels by more than one unit.**
- (3) Studio units above one hundred forty percent (140%) AMI for Chaffee County shall not be eligible to satisfy inclusionary housing requirements.**

(a) 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 by the City and applicable Housing Authority. ~~according to the housing administrative regulations.~~

(b) 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 applicable contract, covenant **or declaration of restrictions** or any other agreements to which the City is a party or beneficiary.

(c) Resale Restrictions. All affordable ownership dwelling units developed under this Article shall be subject to the following resale restrictions: **itemized within the deed restriction required pursuant to Section 16-13-20(e).**

~~(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 **and/or applicable Housing Authority** will review the condominium association declarations to assess the impact on buyers of affordable units. The City Administrator **and/or applicable Housing Authority** 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 **and/or applicable deed restriction. At no point shall such rent price exceed a price that is affordable to a household earning one hundred percent (100%) of the Area Median Income (AMI) for Chaffee County, as defined annually by HUD.**

**Section 11.** Section 16-13-70 of the Code, concerning program requirements for rental units, is hereby amended to read as follows:

**Sec. 16-13-70. - Program requirements for rental units.**

Maximum Rent. Rents charged for **any** affordable units in any one (1) development ~~must be~~ **shall not exceed a price greater than what is** affordable to households earning ~~no more than~~ **eighty percent (80%) percent or one hundred percent (100%)** of the AMI **for Chaffee County, as defined by HUD** ~~or as approved in the agreement.~~ **Furthermore, affordable rental units shall be subject to the following additional requirements:**

- (a) At least fifty percent (50%) of all provided units shall be rented at prices affordable to households earning eighty percent (80%) or less of the AMI for Chaffee County.**
- (b) Studio units rented above eighty percent (80%) AMI for Chaffee County shall not be eligible to satisfy inclusionary housing requirements.**

**Section 12.** *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED ON FIRST READING on this \_\_ day of \_\_\_\_\_, 2022, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this \_\_\_\_ day of \_\_\_\_\_, 2022, and set for second reading and public hearing on the \_\_ day of \_\_\_\_\_, 2022.

INTRODUCED ON SECOND READING FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on this \_\_ day of \_\_\_\_\_, 2022.

City of Salida

\_\_\_\_\_  
Mayor Dan Shore

ATTEST:

\_\_\_\_\_  
City Clerk/Deputy City Clerk

## Options for Satisfying IH Affordable Unit Requirements: Rental Project

Required # of Affordable Units	80% AMI Units \$1030/Studio \$1103/1BD \$1324/2BD \$1529/3BD	100% AMI Units ---- \$1378/1BD \$1655/2BD \$1911/3BD
1	<b>X</b>	
2	<b>X</b>	<b>X</b>
3	<b>X</b>	<b>X</b>
4	<b>X</b>	<b>X</b>
5	<b>X</b>	<b>X</b>
6	<b>X</b>	<b>X</b>
7	<b>X</b>	<b>X</b>
8	<b>X</b>	<b>X</b>
Totals	4	4
<p>* At least 50% of all affordable rental units provided shall be deed-restricted at ≤ 80% AMI.</p>		
<p>** No studio units shall be allowed at above 80% AMI.</p>		
<p>*** Units deed-restricted at ≤ 60% AMI shall be worth 1.5 required units</p>		
<p>Highlights represent theoretical built units per the above requirements for a hypothetical 48-unit rental project where the required # of affordable units is 1 out of 6 (16.7%).</p>		

# Options for Satisfying IH Affordable Unit Requirements: For-Sale Project

		<b>120% AMI Units</b>	<b>140% AMI Units</b>	<b>160% AMI Units</b>
<b>Required # of Affordable Units</b>		\$237K/Stdio \$258K/1BD \$324K/2BD \$385K/3BD \$437K/4BD	\$287K/Stdio \$313K/1BD \$389K/2BD \$460K/3BD \$522K/4BD	---- \$367K/1BD \$455K/2BD \$536K/3BD \$607K/4BD
1	X	X		
2	X		X	X
3	X	X	X	
4	X	X	X	X
5	X	X	X	X
6	X	X	X	X
7	X	X	X	X
8	X	X	X	X
Totals		3	3	2
<p>* The average AMI price of all built affordable units shall not exceed 140% AMI; and the number of affordable units at any one AMI level shall not exceed the number of affordable units at any other AMI level by more than one unit (in order to ensure parity across the AMI levels provided).</p>				
<p>** No studio units shall be allowed at above 140% AMI.</p>				
<p>*** Units deed-restricted at ≤ 100% AMI shall be worth 1.5 required units.</p>				
<p>Highlights represent theoretical provided units per the above requirements for a hypothetical 48-unit for-sale project where the required # of affordable units is 1 out of 6 (16.7%).</p>				

**2021 CHAFFEE COUNTY AREA MEDIAN INCOME (AMI)**

Household size	<u>30%</u>	<u>50%</u>	<u>60%</u>	<u>80%</u>	<u>100%</u>	<u>120%</u>	<u>140%</u>	<u>160%</u>	<u>180%</u>	<u>200%</u>
<b>1 person</b>	\$15,450	\$25,750	\$30,900	\$41,200	\$51,500	\$61,800	\$72,100	\$82,400	\$92,700	\$103,000
<b>1.5 person</b>	\$16,545	\$27,575	\$33,090	\$44,120	\$55,150	\$66,180	\$77,210	\$88,240	\$99,270	\$110,300
<b>2 person</b>	\$17,640	\$29,400	\$35,280	\$47,040	\$58,800	\$70,560	\$82,320	\$94,080	\$105,840	\$117,600
<b>3 person</b>	\$19,860	\$33,100	\$39,720	\$52,960	\$66,200	\$79,440	\$92,680	\$105,920	\$119,160	\$132,400
<b>4 person</b>	\$22,050	\$36,750	\$44,100	\$58,800	\$73,500	\$88,200	\$102,900	\$117,600	\$132,300	\$147,000
<b>4.5 person</b>	\$22,935	\$38,225	\$45,870	\$61,160	\$76,450	\$91,740	\$107,030	\$122,320	\$137,610	\$152,900
<b>5 person</b>	\$23,820	\$39,700	\$47,640	\$63,520	\$79,400	\$95,280	\$111,160	\$127,040	\$142,920	\$158,800
<b>6 person</b>	\$25,590	\$42,650	\$51,180	\$68,240	\$85,300	\$102,360	\$119,420	\$136,480	\$153,540	\$170,600
<b>7 person</b>	\$27,360	\$45,600	\$54,720	\$72,960	\$91,200	\$109,440	\$127,680	\$145,920	\$164,160	\$182,400
<b>8 person</b>	\$29,130	\$48,550	\$58,260	\$77,680	\$97,100	\$116,520	\$135,940	\$155,360	\$174,780	\$194,200

**MAXIMUM AFFORDABLE MONTHLY RENT (Per CHFA, inc. utilities)**

	<u>30%</u>	<u>50%</u>	<u>60%</u>	<u>80%</u>	<u>100%</u>	<u>120%</u>	<u>140%</u>	<u>160%</u>	<u>180%</u>	<u>200%</u>
<b>Studio (1 person)</b>	\$386.25	\$643.75	\$772.50	\$1,030.00	\$1,287.50	\$1,545.00	\$1,802.50	\$2,060.00	\$2,317.50	\$2,575.00
<b>1 bed (1.5 person)</b>	\$413.63	\$689.38	\$827.25	\$1,103.00	\$1,378.75	\$1,654.50	\$1,930.25	\$2,206.00	\$2,481.75	\$2,757.50
<b>2 bed (3 person)</b>	\$496.50	\$827.50	\$993.00	\$1,324.00	\$1,655.00	\$1,986.00	\$2,317.00	\$2,648.00	\$2,979.00	\$3,310.00
<b>3 bed (4.5 person)</b>	\$573.38	\$955.63	\$1,146.75	\$1,529.00	\$1,911.25	\$2,293.50	\$2,675.75	\$3,058.00	\$3,440.25	\$3,822.50
<b>4 bed (6 person)</b>	\$639.75	\$1,066.25	\$1,279.50	\$1,706.00	\$2,132.50	\$2,559.00	\$2,985.50	\$3,412.00	\$3,838.50	\$4,265.00

**MAXIMUM SALES PRICE AFFORDABILITY GUIDELINES FORMULA**

*<100% Subtract \$250 from affordable monthly rents for taxes, insurance and HOA = principle & interest payment*

*>100% Subtract \$350 from affordable monthly rents for taxes, insurance and HOA = principle & interest payment*

	<u>30%</u>	<u>50%</u>	<u>60%</u>	<u>80%</u>	<u>100%</u>	<u>120%</u>	<u>140%</u>	<u>160%</u>	<u>180%</u>	<u>200%</u>
<b>Studio (1 person)</b>	\$136.25	\$393.75	\$522.50	\$780.00	\$1,037.50	\$1,195.00	\$1,452.50	\$1,710.00	\$1,967.50	\$2,225.00
<b>1 bed (1.5 person)</b>	\$163.63	\$439.38	\$577.25	\$853.00	\$1,128.75	\$1,304.50	\$1,580.25	\$1,856.00	\$2,131.75	\$2,407.50
<b>2 bed (3 person)</b>	\$246.50	\$577.50	\$743.00	\$1,074.00	\$1,405.00	\$1,636.00	\$1,967.00	\$2,298.00	\$2,629.00	\$2,960.00
<b>3 bed (4.5 person)</b>	\$323.38	\$705.63	\$896.75	\$1,279.00	\$1,661.25	\$1,943.50	\$2,325.75	\$2,708.00	\$3,090.25	\$3,472.50
<b>4 bed (6 person)</b>	\$389.75	\$816.25	\$1,029.50	\$1,456.00	\$1,882.50	\$2,209.00	\$2,635.50	\$3,062.00	\$3,488.50	\$3,915.00

*Use interest rate of **5.39%\*** to calculate max affordable sales price, divide by .90 for a 90% LTV*

**\* subject to change year to year**

	<u>30%</u>	<u>50%</u>	<u>60%</u>	<u>80%</u>	<u>100%</u>	<u>120%</u>	<u>140%</u>	<u>160%</u>	<u>180%</u>	<u>200%</u>
<b>Studio (1 person)</b>	\$26,990.03	\$77,998.71	\$103,503.05	\$154,511.73	\$205,520.40	\$236,719.89	\$287,728.57	\$338,737.24	\$389,745.92	\$440,754.60
<b>1 bed (1.5 person)</b>	\$32,412.80	\$87,036.65	\$114,348.58	\$168,972.44	\$223,596.30	\$258,410.96	\$313,034.81	\$367,658.67	\$422,282.53	\$476,906.38
<b>2 bed (3 person)</b>	\$48,829.67	\$114,398.10	\$147,182.32	\$212,750.76	\$278,319.20	\$324,078.44	\$389,646.88	\$455,215.31	\$520,783.75	\$586,352.19
<b>3 bed (4.5 person)</b>	\$64,057.99	\$139,778.64	\$177,638.96	\$253,359.61	\$329,080.26	\$384,991.72	\$460,712.37	\$536,433.02	\$612,153.67	\$687,874.32
<b>4 bed (6 person)</b>	\$77,206.34	\$161,692.56	\$203,935.67	\$288,421.89	\$372,908.11	\$437,585.13	\$522,071.35	\$606,557.57	\$691,043.79	\$775,530.01

**Effective 11/18/2021**

**THESE FIGURES ARE SUBJECT TO CHANGE WITHOUT NOTICE**