AGENDA
CARBONDALE BOARD OF TRUSTEES
WORK SESSION
JANUARY 15, 2019
THIRD STREET CENTER GYM
6:00 P.M.

TIME*		ITEM	DESIRED OUTCOME
6:00	1.	Affordable Housing Program	ATTACHMENT A Discussion
6:30	2.	Red Hill Lofts Update	ATTACHMENTB Discussion
7:15	3.	Dandelion Day Staffing	ATTACHMENT C Discussion
8:00	4.	2nd Street Sidewalk Alignment	ATTACHMENT D Discussion
8:30	5.	CoVenture Board Appointment	Discussion
8:35	6.	Adjourn	

*** Please Note Times Are Approximate**

TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623

Board of Trustee Memorandum

Item No: 1
Attachment: A
Meeting Date: 1/15/2019

TITLE: Affordable Housing Discussion

SUBMITTING DEPARTMENT: Planning

ATTACHMENTS: Community Housing Guidelines (2018 AMI)
Section 5.11 Community Housing Inclusionary Requirements
Memo from Garfield county Housing Authority Regarding Section 8 Vouchers

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BACKGROUND

The Reginal Housing Needs Assessment will be available in the near future and will be provided to the Board once it is received. Once the findings are available, the Consultants are scheduling a public review of the results and to also meet with Elected Officials and Town Staff concerning the results.

There are also several projects that have been required to adhere to the standards below that were recently approved.

As of the date of this memo the town has 157 total units in the affordable housing program. This total does not include approved but not built units.

Community Housing Guidelines

The Town of Carbondale Housing Guidelines state that “The intent of this community housing program is to require new development to mitigate for a portion of the employees generated by such development and to reflect and maintain the Town's small town character and to enhance the livability of the town.”

The Adopted Housing Guidelines serve as guidelines for Staff, Developers and others to satisfy the affordable housing program and are amended from time to time to keep up to date with housing prices and needs of the Town and Community as a whole. The most recent guidelines were amended to add a rental requirement to new development

that matches the UDC inclusionary housing requirements, this can be found in Section 5 of the attached guidelines.

Unified Development Code

Chapter 17.05.511 of the UDC outlines the basic requirements of the housing requirements and allows the use of the Adopted Housing Guidelines.

Housing Program Administration

The Town is now utilizing the services of Garfield County Housing Authority to administer the Town's housing program. This includes sales of units, enforcement of Town Deed restrictions and other housing related functions.

It should also be noted that GCHA feel that the Towns inclusionary Standards are some of the best they have seen.

Housing Program Requirements

Below are some of the requirements located in the Housing Guidelines and Inclusionary Housing Requirements section of the UDC.

A developer of more than 4 units shall be required to provide units for the housing program as outlined below;

A. Mitigation of New Development.
   - Residential development will be required to mitigate at a rate of 20% of the units, including 15% of the total bedrooms, for developments of greater than four units.
   - 20% of the total number of residential units remaining (total residential units minus total mitigation units) will be restricted to Resident Occupancy (R.O.), as defined in the Community Housing Guidelines.
   - Commercial development will not be required to mitigate.

B. Fractional Remainders – Rather than creating a cash-in-lieu mechanism for fraction requirements the development's mitigation responsibility will be rounded to the nearest whole number: below 0.5 rounds down (= Zero units), and round up from 0.5 and higher (= One unit).

C. Sequencing of Mitigation Units – The sequence of required mitigation units will be as follows:
   - 1st mitigation unit – Category 2 (100% AMI)
   - 2nd mitigation unit – Category 1 (80% AMI)
   - 3rd mitigation unit – Category 3 (120% AMI)
   - 4th mitigation unit – Category 4 (150%AMI)
   - Repeat the cycle for additional mitigation units.

TABLE I
MAXIMUM GROSS INCOMES AND ASSETS BY CATEGORY 2018

	Category 1	Category 2	Category 3	Category 4	R.O.
0 Dependents	$ 57,200	$ 71,500	$ 85,800	$107,250	n/a
1 Dependent	$ 64,700	$ 79,000	$ 93,300	$114,750	n/a
2 Dependents	$ 72,200	$ 86,500	$100,800	$122,250	n/a
3 or more Dependents	$ 79,700	$ 94,000	$108,300	$129,750	n/a
Maximum Net Assets	$150,000	$175,000	$200,000	$225,000	n/a

Income Categories: A household may qualify to purchase or rent a unit in a higher Income Category. Persons in the next higher Income Category may bid on lower Income Category units; however bidders qualifying for the unit Income Category have priority.

Net Assets: Net Assets do not include retirement instruments. Persons age 65 and over are allowed a 50% increase in net assets.

R.O.: Resident Owner Occupied units have no income or asset limits.

HUD AMI: The Income Categories correspond to the current HUD Area Median Income (AMI) for Garfield County. Categories 1 through 4 represent 80%, 100%, 120% and 150% AMI respectively. The Town of Carbondale begins its income categories with the Garfield County 4-person household and adds dependents from that benchmark.

D. Maximum Selling Price for each Category: The maximum price of a unit will be calculated based upon not more than 30% of gross household income for principal, interest, taxes, insurance and Homeowner Association fees. See Section 3, Table III.

Annexation Policy – future annexations will be expected to provide a Real Estate Transfer Assessment based on a sliding scale as follows:

- 0% for units priced at $250k or less;
- 0.5% for units priced between $250k and $500k; and
- 1% for units priced at $500k or more.

Deed restricted units with appreciation caps are exempt.

Additionally, future annexations will be required to provide 20% mitigation for residential development of 5 units or more.
Finally, of the total number of residential units remaining (total residential units minus total mitigation units), 30% will be restricted to Resident Occupancy (R.O.), as defined in the Community Housing Guidelines.

There are also minimum square footage requirements for each unit type and income category that must be met.

SQUARE FEET FOR EACH UNIT TYPE AND INCOME CATEGORY

Unit Type	Categories 1 & 2 Square Feet	Category 3 & 4 Square Feet
Studio	415	500
1 Bedroom	580	690
2 Bedroom	750	900
3 Bedroom	1,000	1,100
Single-Family Detached	1,100	1,200

Square footage calculations shall be required for the community housing component of a project and must be verified by the Building Department prior to issuance of any building permits for either the free market or community housing component of the project. The Building Department shall retain a set of approved building permit drawings for the project and the Building Department or Town may check the actual construction of the community housing units for compliance with the approved building permit plans.

The maximum sale prices for deed restricted units are also set in the Guidelines and are amended from time to time.

MAXIMUM UNIT SALE PRICE RANGE 2018

MAXIMUM UNIT SALES PRICES

Category	**1**	**2**	**3**	**4**
Price Range	***$200,200 To $250,250***	***$273,600 To $321,750***	***$334,400 To $393,250***	***$431,850 To $482,625***

There is no maximum initial price on R.O. (Resident Owner Occupied) Category units.

The Guidelines also state that there shall not be any fees in lieu of the required housing.

More Detailed information on Deed Restrictions, Buy-downs, and other requirements can be found in the Adopted Guidelines.

DISCUSSION

The documents provide a summary of the requirements for developers of residential units in Town as well as the processes for the development of Affordable Housing within Town. The material is for general information and discussion.

RECOMMENDATION

Staff recommends the Board of Trustees review the attached material for discussion.

Prepared By: John Leybourne

TOWN OF CARBONDALE

COMMUNITY HOUSING GUIDELINES



Updated with 2018 AMI

Revised December 13, 2016

These Community Housing Guidelines shall remain in effect until such time as new or amended Guidelines are approved by the Board of Trustees of the Town of Carbondale.

PURPOSE

Carbondale is located in a unique and highly desirable valley. The Town of Carbondale recognizes that having a supply of Community Housing[1] attainable by working households in the Town of Carbondale is critical to retaining a diversified and sustainable town, having the character and sense of community of a town where people can live and work in the same area. The citizens of the Town of Carbondale do not want Carbondale to become an exclusive community. Historically, working persons and households have been able to attain housing in the Carbondale area; and the Town of Carbondale currently reflects a mix of socio-economic backgrounds. The Town further recognizes that there is a growing gap between housing costs and wages in Carbondale. Therefore, the Board of Trustees has determined that it needs to develop and maintain a Community Housing program.

The intent of the Community Housing program is to mitigate the impact of market-rate housing construction on the limited supply of available land suitable for housing. The goal of these regulations is to require new development to provide community housing attainable by persons working in the Mid-Valley and paying no more than 30 percent of their household income for total housing expense, including debt service, homeowner's insurance, real estate taxes, land lease if any, and HOA dues, or rent plus utilities in the case of affordable rentals.

The Town of Carbondale should not lose ground on the existing level of Community Housing available in and around Carbondale. This means: all new residential developments will integrate community housing into the development or, if integration is impossible, provide meaningful Community Housing in other Carbondale locations; methods will be developed to maintain the affordability of existing housing in Carbondale.

Community Housing should be disbursed throughout the community and, where possible, integrated into the existing community fabric. The Town encourages community participation in solving and benefiting from solutions to the Community Housing concerns.

The Town will emphasize programs that will result in the creation of Community Housing units by units being constructed or by existing units being permanently restricted for Community Housing through deed restrictions.

Community Housing will be transit friendly, integrate with intermodal transportation connections, and perpetuate the Town's history of pedestrian walkability and ease of mass transit use.

The Town's housing program should acknowledge regional issues and encourage coordination among jurisdictions including affordable housing standards and requirements. The Town will seek out partnerships with other entities supporting affordable housing and develop

[1] All defined terms in these Guidelines are set forth in Part V, below.

reciprocal agreements. The Town will discourage jurisdiction shopping for development proposals.

The Town will support creative housing solutions, including projects that include sweat equity by those benefiting from the Community Housing.

POLICY STATEMENTS

The purpose of this section is to assist Town staff, the development community and the public in understanding the Town's philosophy regarding various aspects of the program. These policy statements will be reviewed and revised by the Board of Trustees as needed from time to time.

A. Mitigating Community Housing Impacts: The following list establishes the Town's options in order of preference depending on the site location. The following options are solely at the discretion of the Board of Trustees.

1. On-site Community Housing.
2. Buy-down Community Housing.
3. Off-site Community Housing.

B. Unit types: In areas where developers wish direction regarding the types of unit to construct, the Town would like to see the following (in no order of preference):

1. Entry level Community Housing Sale Units.
2. Family-oriented Community Housing Sale Units.
3. Entry level Community Housing Rental Units
4. Family-oriented Community Housing Rental Units.

C. Community Housing offered as mitigation shall provide for a balanced range of categories and, where possible, a diversity of unit types.

D. Applicants are encouraged to be creative with Community Housing proposals. In accordance with C.R.S. § 38-12-301, rental housing subject to rent controls will only be approved by the Town if it is provided (1) pursuant to a voluntary agreement between the Town and a permit applicant or property owner, and/or (2) it includes the placement on the title to such housing units of a deed restriction that limits rent on the property or unit or that is otherwise designed to provide affordable housing stock pursuant to a voluntary agreement between the Town and a permit applicant or property owner.

PART I.
COMMUNITY HOUSING CATEGORIES

The Town's goal is to establish and implement a plan to have new development provide housing within the community at sales prices or rents that are attainable to persons and families of various incomes. In order to carry out this objective, Community Housing units are categorized to reflect

which income levels they are to serve as set forth in Sections 1 and 2 below. The maximum gross household income and maximum net assets for each income category are set forth in Table I.

TABLE I
MAXIMUM GROSS INCOMES AND ASSETS BY CATEGORY 2018

	Category 1	Category 2	Category 3	**Category 4**	R.O.
0 Dependents	$ 57,200	$ 71,500	$ 85,800	**$107,250**	n/a
1 Dependent	$ 64,700	$ 79,000	$ 93,300	**$114,750**	n/a
2 Dependents	$ 72,200	$ 86,500	$100,800	**$122,250**	n/a
3 or more Dependents	$ 79,700	$ 94,000	$108,300	**$129,750**	n/a
Maximum Net Assets	$150,000	$175,000	$200,000	**$225,000**	n/a

Income Categories: A household may qualify to purchase or rent a unit in a higher Income Category. Persons in the next higher Income Category may bid on lower Income Category units; however bidders qualifying for the unit Income Category have priority.

Net Assets: Net Assets do not include retirement instruments. Persons age 65 and over are allowed a 50% increase in net assets.

R.O.: Resident Owner Occupied units have no income or asset limits.

HUD AMI: The Income Categories correspond to the current HUD Area Median Income (AMI) for Garfield County. Categories 1 through 4 represent 80%, 100%, 120% and 150% AMI respectively. The Town of Carbondale begins its income categories with the Garfield County 4-person household and adds dependents from that benchmark.

PART II.
PURCHASING OR SELLING COMMUNITY HOUSING

SECTION 1.
QUALIFICATIONS TO OCCUPY COMMUNITY HOUSING

In all but employer-ownership circumstances, the deed restrictions for Community Housing Sale or Rental Units require occupancy by Qualified Persons according to the qualifications set forth in the applicable deed restriction and this Section. In employer ownership circumstances, these qualifications apply to the employee-occupant of Community Housing. To initially qualify for and be eligible to occupy a Community Housing unit, a Qualified Person must meet all of the following criteria:

A. A Qualified Person must be a full-time employee working in the Roaring Fork River Drainage Basin located from Aspen to Glenwood and the Crystal River drainage including Redstone and Marble. ("Employment Area") with priority to persons who live or work within the boundaries of the Town of Carbondale, a retired person who has been a full-time employee in the Employment Area a minimum of four years immediately prior to his or her retirement with priority to persons who live or work within the boundaries of the Town of Carbondale, or a disabled person who has been a full-time employee in the Employment Area a minimum of two years immediately prior to their disability (as defined in the Definitions); or the spouse or dependent of any such qualified employee, retired person, or disabled person. Retirees who are new to the area may qualify to purchase an R.O. unit, but are next in Priority to persons meeting local employment history requirements of Part II, Section 1.A.

B. A Qualified Person, upon purchase or leasing a Community Housing Sale or Rental Unit, shall occupy the unit as his or her primary residence. A Qualified Person shall be deemed to have ceased to use the unit as his or her sole and exclusive place of residence by accepting permanent employment outside of the Employment Area, or residing in the unit fewer than nine (9) months out of any twelve (12) months. Resident Owner Occupied (R.O.) units must be occupied by the owner at least nine (9) months in a twelve (12) month period. The Developer of a R.O. unit may rent the unit to a qualified household until the unit is sold.

C. A Qualified Person must not own developed residential real estate or a mobile home in those portions of Eagle, Garfield, Gunnison or Pitkin Counties which are part of the Roaring Fork River drainage, or must list for sale, at competitive market prices, the residential real estate or mobile home prior to or simultaneously with closing on the Community Housing Sale Unit or leasing a Community Housing Rental Unite. If the property is not sold by the time of closing on purchase of the Community Housing Sale Unit or leasing a Community Housing Rental Unit, it must remain listed until sold. If the owner of the other residential property desires to rent that property prior to sale, the owner shall be required to rent such property as Community Housing in accordance with the Guidelines at the income category determined by the Town to be appropriate under the circumstances. If an individual owns vacant land in those portions of Eagle, Garfield, Gunnison or Pitkin Counties, which are part of the Roaring Fork River drainage, while owning or renting Community Housing, as soon as the land is improved with a residence the individual must relinquish the Community Housing.

D. A Qualified Person must have total current household income no greater than the maximum amount specified in Part I above for the particular category of housing. Persons in the next higher income category may bid on a unit, but will be last in priority to income-qualified applicants and can only be considered if there is no other income-qualified applicant; the income category of the unit remains consistent with the original sale category and future sales will always give priority to income-qualified households within that category.

E. R.O. is a category for resident-owner occupied Community Housing Sale Units, deed restricted to require the owner to live in the unit as the sole place of residence at least nine (9) months out of any twelve (12) months. There is no (1) income limit, (2) asset limit, (3)

appreciation cap, or (4) sales price restriction. Potential buyers of R.O. units must have worked in the Employment Area for four years immediately prior to retirement; priority will be given to qualified persons who have been employed within the Town of Carbondale boundaries. Disabled applicants must have worked in the Employment Area for at least two years.

F. Hybrid R.O. is a R.O. unit with an appreciation cap on re-sales.

SECTION 2.
HOW TO QUALIFY FOR COMMUNITY HOUSING

INITIAL QUALIFICATION: In order to determine that a person or household desiring to purchase or lease a Community Housing unit meets all of the criteria set forth in Section 1 above, the Town or its administrative assignee shall request any combination, or all, of the following documentation as proof of residency, income, and employment:

1. Federal income tax returns for the last two years. Prospective purchasers must also furnish a current income statement and a current financial statement that identify all sources of income, in a form acceptable to the Town, verified by applicant to be true and correct; or other documentation acceptable to the Town.

2. Verification of employment in the Employment Area (i.e., wage stubs, employer name, address, and phone number, plus evidence of legal residency (e.g. I.N.S. Form I-9, Employment Eligibility Verification, or other appropriate documentation, as requested by the Town).

3. Verification of residency and physical address.

4. Copy of valid Colorado Driver's License.

5. Verification of telephone service (date of installation, person listed to).

6. Vehicle registration and/or voter registration.

7. Any other documentation which the Town deems necessary to make a determination.

8. The applicant desiring to purchase a unit will be required to sign a release so that the Town can obtain a copy of the completed loan application submitted to any prospective lender.

9. If you have been divorced and you receive any sort of alimony or child support, a copy of the divorce decree must indicate that it has been entered of record and all exhibits and supplements must be attached.

10. Information on assets, including bank and savings account statements or any other information deemed appropriate, in documentation acceptable to the Town.

SECTION 3.
QUALIFICATIONS TO RESIDE IN COMMUNITY HOUSING

To remain eligible to reside in a Community Housing unit, a person must meet the requirements of Part II, Section 1, A, B, and C.

SECTION 4.
PROCEDURES FOR PURCHASE AND SALE OF COMMUNITY HOUSING SALE UNITS

A. SALES / RESALES / LOTTERY

1. SALE OR RESALE: An owner of a Community Housing Sale Unit desiring to sell shall consult with the Town's Administrative Agent and review the Deed Restriction covering the unit to determine the maximum sales price permitted and other applicable provisions concerning a sale. Initial sales prices for new units are governed by an approved Housing Mitigation Plan with the Town.

2. OFFERING FOR SALE: The Community Housing Sale Unit shall be offered for sale with the Town's Administrative Agent which will administer the sale in accordance with the Guidelines in effect at the time of the listing; R.O. units with no appreciation cap are excepted.

    A. Any termination in the offering may require the payment of administrative and advertising costs.

    B. The Town's Administrative Agent acts as a Transaction Broker representing both the Buyer and Seller.

    C. The Town's Administrative Agent is responsible for preparing all documents pertaining to the sale and purchase of mitigation units.

    D. The fees paid to the Town's Administrative Agent are to be paid regardless of any actions or services that the purchaser or seller may undertake or acquire.

        i. There is a 1.5% fee involved in the sale transaction of a Deed Restricted Community Housing Unit, payable to the Town or its Administrative Agent.

        ii. A fee shall be required for administration of R.O. deed restrictions as established by the Towns Administrative Agent; these units are not subject to sales fees as they are not sold through the Town's Administrative Agent.

3. LOTTERY: A lottery will be held for Community Housing Sale Units offered for sale through the Town's Administrative Agent. It is the intent of the Town of

Carbondale to ensure a simplified lottery process. The Program Administrator will take the following steps to notify the public of the availability and status of Community Housing Sale Units:

A. The Program Administrator will advertise the lottery at least 21-30 days prior to the date of the lottery, or a reasonable period to be determined by the Program Administrator. Sources of information about prospective lotteries will include, but not be limited to local newspapers and the web site established for this purpose. This information will include:

B. A description of the Community Housing Sale Units available for purchase. This will include the unit type, square footage, number of bedrooms, maximum sale price and address of the properties.

C. A description of the maximum income a household may have in order to qualify to purchase the advertised Community Housing Sale Units.

D. Date, time and location for applications to enter the lottery

E. Date, time and location of the lottery.

F. Results of the lottery will be posted and available to the public.

G. If a lottery is required for a R.O. unit with no appreciation cap, the Town's Administrative Agent will assist the listing agent with the lottery to ensure that priorities outlined in the Guidelines are applied.

4. These Guidelines are intended to assure that all purchasers and all sellers will be treated fairly and impartially. Questions will be answered and help provided to any potential purchasers or sellers equally in accordance with the then-current Guidelines.

5. In pursuit of the above, the Program Administrator will be acting on behalf of the Town. It should be clearly understood by and among all parties to a sales transaction that the Program Administrator is not acting as a representative or agent to the transaction, but as a representative of the Town and its interest in Community Housing.

6. All purchasers and sellers are advised to consult legal counsel regarding examination of title and all contracts, agreements and title documents. The retention of such counsel, licensed real estate brokers, or such related services, shall be at purchaser's or seller's own expense. Any fees paid to the Program Administrator are to be paid regardless of any actions or services that the purchaser or seller may undertake or acquire.

B. **DEED RESTRICTION:** The purchaser must execute, in a form satisfactory to the Town Attorney for recording with the County Clerk and Recorder concurrent with the closing of

the sale, a document acknowledging the purchaser's agreement to be bound by the recorded Deed Restriction covering the sale unit.

C. **ADDITIONAL INFORMATION:**

1. Any co-ownership interest other than joint tenancy or tenancy-in-common must be approved by the Town.

2. Co-signers of debt recorded against a unit may be approved for ownership of the unit but shall not occupy the unit unless qualified by the Town for occupancy.

If a unit is listed for sale and the owner must relocate to another area, the unit may, upon approval of the Town, be rented to a qualified individual who meets the income, asset and employment requirements of the unit income category, at the owner's cost as defined in Section 5 below for a maximum period of two (2) years. A letter must be sent to the Town requesting permission to rent the unit until sold. The rent shall be the owner's cost. Owner's cost as used herein includes the monthly mortgage principal and interest payment, plus owners' association fees, plus utilities remaining in owner's name, plus taxes and insurance prorated on a monthly basis, plus land lease costs if any, plus $20 per month. A minimum six (6) month written lease must be provided to the tenant with a sixty (60) day move out clause upon notification when the unit is sold. All tenants must be qualified by the Town and the unit must be leased for the terms set forth in the Deed Restriction on the unit or, if there are no such provisions in the Deed Restriction, upon terms approved by the Town. Prior to the Town's qualification of a tenant, said tenant shall acknowledge as part of the lease that said tenant has received, read and understands any existing homeowners' association covenants, rules and regulations for the unit and shall abide by them. Enforcement of said covenants, rules and regulations shall be the responsibility of the homeowners' association. A copy of the executed lease shall be furnished by the owner or tenant to the Town.

SECTION 5.
PROCEDURES FOR LEASING COMMUNITY HOUSING RENTAL UNITS

Rental Community Housing Units may be developed to mitigate for new residential development or to satisfy inclusionary housing requirements as set forth in Article 5.11 of Chapter 17 of the Carbondale Municipal Code. To qualify to lease a Community Housing Rental Unit, an individual must meet the qualifications established in Part II, Section 1, A, B and C of these Guidelines and furnish the Town with the documents required in Part II, Section 2 of these Guidelines. Generally, developers of Community Housing Rental Units shall have the ability to select the renters of the units as long as the prospective renters are employed full-time in Carbondale or the Carbondale Employment Area and meet all of the occupancy, income, and asset requirements established in Part 1 of these Guidelines. However, all prospective renters must be qualified by the Town prior to occupying a Community Housing Rental Unit.

Only one person of a family must meet the employment requirements established herein to qualify to lease a Community Housing Rental Unit, but all of the family members' income and assets that are going to occupy the unit shall be used to determine if the family qualifies based on the income and asset restrictions set forth herein.

To ensure that the Town may administer Community Housing Rental Units, in addition to the standard deed restriction described in these Guidelines, developers constructing Community Housing Rental Units must file all necessary documents for Conveyance of an interest in the rental property, or other transaction(s) deemed necessary by the Town, to ensure that the rental units do not violate the prohibition of C.R.S. § 38-12-301.

Table I below sets forth the maximum monthly rents that can be charged for newly deed restricted Community Housing Rental Units on the effective date of these Guidelines. The maximum monthly rent of a unit shall be controlled by the Deed Restriction covering the unit executed by the initial developer.

TABLE I
Maximum Monthly Rents*

Unit Type	Studio	1-Bedroom	2-Bedroom	3-Bedroom
Category 1	$1,002	$1,073	$1,288	$1,488
Category 2	$1,252	$1,341	$1,610	$1,860
Category 3	$1,503	$1,609	$1,932	$2,232

***2018 Maximum rents taken from CHAFA guidelines**

1. Community Housing Rental Units will be offered for rent to all qualified persons under the procedures established by these Guidelines. The maximum rents shall be allowed to increase by a 3% simple annual increase or the percent of increase in Consumer Price Index (CPI) over the previous 12- month period, whichever is less. The maximum rents include utilities (e.g. water, sewer, electric, natural gas), but do not include trash, telephone, cable television charges, or snow removal.

2. All newly deed restricted Community Housing Rental Units must be in a marketable condition and comply with the Town's adopted building code and with all rules, regulations, and codes of all governmental utilities and agencies having jurisdiction at the commencement of the lease term. Prior to rental at the beginning of each lease, the unit must be inspected and approved by a certified building inspector, architect or engineer approved by the Town for compliance with the Guidelines. Cost of such inspections shall be the responsibility of the applicant, and the results of such inspection must be approved by the Town.

NOTE: A household may qualify to purchase a unit in a higher category.

SECTION 6.
LEAVES OF ABSENCE

If an otherwise Qualified Person who occupies a Community Housing Sale or Rental Unit must leave the Employment Area for a limited period of time and desires to rent the unit during their absence, a leave of absence may be granted by the Town for one year upon clear and convincing evidence which shows a bona fide reason for leaving and a commitment to return to the area. A letter must be sent to the Town, at least 30 days prior to leaving, requesting permission to rent the unit during the leave of absence. Notice of such intent to rent and the ability to comment shall be provided to any applicable homeowners' association at the time of request to the Town. The leave of absence shall be for one year and may, at the discretion of the Town, be extended for one year, but in no event shall the leave exceed two years. The rent for Community Housing Sale Units shall not exceed the owner's cost. Owner's cost as used herein includes the monthly mortgage principal and interest payment, plus owners' association fees, plus utilities remaining in owner's name, plus taxes and insurance prorated on a monthly basis, plus land lease costs if any, plus $20 per month. The owner shall rent to a Qualified Person who meets the provisions of Part II, Section 1, A, B and C. Prior to the Town's qualification of a tenant, said tenant shall acknowledge as part of the lease that said tenant has received, read and understands the homeowners' association covenants,

rules and regulations for the unit and shall abide by them. Enforcement of said covenants, rules and regulations shall be the responsibility of the homeowners' association. A copy of the executed lease shall be furnished by the owner or tenant to the Town. Additionally, an owner may request a one-time leave of absence for one (1) year by Special Review with all the above conditions applying. The rent for any authorized sub-tenant of a Community Housing Rental Unit shall not exceed the maximum rent allowed to be charged to the Qualified Person who is taking a leave of absence.

SECTION 7.
SPECIAL REVIEW

A Special Review for a variance from the strict application of these Guidelines, except those requirements as outlined in Section 5.11 of the Unified Development Code, Community Housing Inclusionary Requirements, may be requested if an unusual hardship can be shown, and the variance from the strict application of the Guidelines is consistent with the Community Housing goals, purpose and policy. In order to request a Special Review, a letter must be submitted to the Town stating the request, with documentation regarding the unusual hardship. The applicant shall submit any additional information reasonably requested by the Town. A Special Review meeting will then be scheduled in a timely manner. The Special Review Committee may grant the request, with or without conditions, if the approval will not cause a substantial detriment to the public good and without substantially impairing the goals and purpose of the Guidelines, and if an unusual hardship is shown.

PART III.
INFORMATION FOR DEVELOPMENT OF COMMUNITY HOUSING

Part III of the Guidelines contains information to be used by developers of Community Housing units in the Town of Carbondale whether required in connection with an application for free-market development or otherwise.

SECTION 1.
HOUSING MITIGATION POLICY

A. Mitigation of New Development.

- Residential development will be required to mitigate at a rate of 20% of the units, including 15% of the total bedrooms, for developments of greater than four units.
- 20% of the total number of residential units remaining (total residential units minus total mitigation units) will be restricted to Resident Occupancy (R.O.), as defined in the Community Housing Guidelines.
- .

B. Fractional Remainders – Rather than creating a cash-in-lieu mechanism for fraction requirements the development’s mitigation responsibility will be rounded to the nearest

whole number – below 0.5 rounds down (=Zero unit), and round up from 0.5 and higher (=One unit).

C. Sequencing of Mitigation Units – The sequence of required mitigation units will be as follows:

- 1st mitigation unit – Category 2
- 2nd mitigation unit – Category 1
- 3rd mitigation unit – Category 3
- 4th mitigation unit – Category 4

Repeat the cycle for additional mitigation units.

D. Maximum Selling Price for each Category: The maximum price of a unit will be calculated based upon not more than 30% of gross household income for principal, interest, taxes, insurance and Homeowner Association fees. See Section 3, Table III.

SECTION 2.
ANNEXATION POLICY FOR COMMUNITY HOUSING MITIGATION

Annexation Policy – future annexations will be expected to provide a Real Estate Transfer Assessment based on a sliding scale as follows:

- 0% for units priced at $250k or less;
- 0.5% for units priced between $250k and $500k; and
- 1% for units priced at $500k or more.

Deed restricted units with an appreciation caps are exempt.

Additionally, future annexations will be required to provide 20% mitigation for residential development of 5 units or more.

Finally, of the total number of residential units remaining (total residential units minus total mitigation units), 30% will be restricted to Resident Occupancy (R.O.), as defined in the Community Housing Guidelines.

SECTION 3.
REZONING POLICY FOR COMMUNITY HOUSING MITIGATION

Rezoning Policy – For development that requests rezoning from non-residential to residential zone districts, the development will mitigate for affordable housing as the Code requires and of the total number of residential units remaining after mitigation (total residential units minus total mitigation units), 20% will be restricted to Resident Occupancy, as defined in the Community Housing Guidelines.

SECTION 4.
MINIMUM SQUARE FOOTAGE FOR NEWLY DEED RESTRICTED COMMUNITY HOUSING UNITS

Table II sets forth the allowable Minimum Square Feet for each unit type and category. Developers may choose to construct larger units; however, allowable sale prices for such larger units may not exceed the maximum set forth in Table III. The minimum square footage requirements may be reduced upon approval by the Board of Trustees based on a finding that the development satisfies, or is required to adjust to, other physical factors or considerations including, but not limited to, design for livability, common storage, other amenities, location or site designs.

TABLE II
SQUARE FEET FOR EACH UNIT TYPE AND INCOME CATEGORY

Unit Type	Categories 1 & 2 Square Feet	Category 3 & 4 Square Feet
Studio	415	500
1 Bedroom	580	690
2 Bedroom	750	900
3 Bedroom	1,000	1,100
Single-Family Detached	1,100	1,200

Square footage calculations shall be required for the Community Housing component of a project and must be verified by the Building Department prior to issuance of any building permits for either the free market or Community Housing component of the project. The Building Department shall retain a set of approved building permit drawings for the project and the Building Department or Town may check the actual construction of the Community Housing units for compliance with the approved building permit plans.

SECTION 5.
MAXIMUM SALES PRICES FOR NEWLY DEED RESTRICTED COMMUNITY HOUSING SALE UNITS AND FOR COMMUNITY LOTS

Table III sets forth the maximum sales price for newly deed restricted Community Housing Sale Units to the initial purchaser. The maximum resale price of a unit shall be controlled by the Deed Restriction covering the unit executed by the initial purchaser upon closing of the initial purchase.

TABLE III
MAXIMUM UNIT SALES PRICES

Category	1	2	3	4
Price Range	***$200,200 To $250,250***	***$273,600 To $321,750***	***$334,400 To $393,250***	***$431,850 To $482,625***

There is no maximum initial price on R.O. (Resident Owner Occupied) Category units.

Maximum sales prices are based on not more than 30% of household income for housing costs, including principal, interest, taxes, insurance and Homeowner Association fees. These amounts will change annually with the release of the HUD Area Median Income (AMI for Garfield County).

NOTES:

All newly deed restricted Community Housing Sale Units must be in a marketable condition and comply with the Uniform Building Code and with all rules, regulations, and codes of all governmental utilities and agencies having jurisdiction. Prior to sale the unit must be inspected and approved by a certified building inspector, architect or engineer approved by the Town for compliance with the Guidelines. Cost of such inspections shall be the responsibility of the applicant, and the results of such inspection must be approved by the Town.

SECTION 6.
NO FEES IN LIEU

The Town of Carbondale will not accept payments of fees in lieu of Community Housing mitigation. If a fraction of a unit is calculated for housing mitigation, the unit requirement rounds up to the nearest whole number if the calculation is .5 or more; calculations of less than .5 will not require a unit or fraction thereof.

SECTION 7.
CONVEYANCE OF VACANT LOTS

Pursuant to the Town Code, an applicant for a development, under certain conditions and subject to certain requirements, may satisfy the Community Housing requirement by the conveyance of vacant lots. Acceptance of the lots shall be at the sole discretion of the Board of Trustees.

A. All lots must be fully developed and ready for construction, i.e., improved lots with water, sewer, roads, telephone, electricity and gas (if available) in place to the property line. A soils report, prepared by a qualified engineer and based upon test holes within the building envelope of each lot, stipulating that the lot is suitable for construction of the intended

dwelling type without requiring unusual excavation, foundation work or accommodation of other unusual conditions such as hydro-compactive soils or sink holes shall accompany the conveyance.

B. All lots shall be conveyed to the Town concurrent with recordation of final plat for the project.

C. At the time of conveyance, the developer shall establish an escrow account in an amount sufficient to cover 125% of the estimated costs required to complete the improvement of the lots in accordance with Item A above. Improvements as noted in Item A above, shall be completed within one year from the date of conveyance of the property to the Town.

D. The Subdivision Improvements Agreement and the Protective Covenants shall incorporate the conditions stated in subsections A, B and C above.

SECTION 8.
BUY-DOWNS: DEED RESTRICTING EXISTING DWELLING UNITS

A. An applicant for a development, under certain conditions and subject to certain requirements, may satisfy the Community Housing requirement by deed restricting existing unrestricted housing to comply with the Guidelines. Acceptance of existing units shall be at the sole discretion of the Board of Trustees.

B. If accepted by the Town, existing units must be upgraded in accordance with the following criteria, unless a variance from these requirements is approved by the Board of Trustees: all units must be freshly painted; all appliances must be purchased within the last five years and be in good condition and working order; new carpet shall be provided (unless carpet has been purchased in last five years and is in good condition and repair); the exterior wall shall be freshly painted within one year of dedication; a general level of upgrade to yards and landscaping shall be provided; and windows, heating, plumbing and electrical systems, fixtures and equipment shall be in good condition and working order. The roof must have a remaining useful life of at least ten (10) years. All units shall meet The Town's building code in effect at that time, and the condition of all units shall be verified by the Town Building Official. Applicant shall provide a Building Inspection Report by a qualified building inspector approved by the Town describing the condition, at a minimum, of all of the above items. Applicant shall bear the costs and expenses of any required upgrades to meet the above standards as well as any structural/engineering reports required by the Town to assess the suitability for occupancy and compliance with the Town standards of the proposed units

C. Early Buy-down proposals from developers seeking Community Housing mitigation credit prior to submittal of a specific development application are subject to the following conditions:

1. Consideration of an early Buy-down proposal shall be at the sole discretion of the Board of Trustees.

2. The property location, condition and zoning for an Early Buy-down proposal shall be disclosed, and the property shall be inspected by Town staff prior to proposal submittal; the Board of Trustees is encouraged to view the units in order to determine their merit.

3. At least 50% of Community Housing mitigation shall occur on-site if Early Buy-down Credits are to be used.

4. Sales price adjustments shall be made for units not meeting the development standards set forth in the Guidelines (e.g., the percent of shortage in minimum square footage shall be translated into an equal percent reduction in maximum allowable initial sales price).

5. Credit vouchers shall be issued equal to the newly deed restricted income category and number of bedrooms for each unit (thus encouraging a range of income categories and unit types).

6. Persons currently living in the Early Buy-down Units shall have first priority to purchase the units if they qualify for the income category of the deed restriction.

7. Credit vouchers shall be valid for five (5) years from the date of issuance.

SECTION 9.
EXECUTION OF DEED RESTRICTIONS BY DEVELOPMENT APPLICANTS

Deed Restrictions must be submitted by the development applicant to the Town, which shall have an approved, executed and recorded Deed Restriction for the required commitment by the applicant prior to issuance of any building permit for the project. Prior to issuance of any Certificate of Occupancy, the Deed Restriction shall be amended, if necessary, to reflect changes approved by the Town which may have occurred during construction or conversion of the unit(s) (i.e., net livable square footage), executed and recorded.

PART IV.
GRIEVANCE PROCEDURES

A grievance is any dispute that a unit owner or purchaser may have with the Town with respect to action or failure to act in accordance with the individual's rights, duties, welfare or status. A grievance may be presented to the Town's Special Review Committee under the following procedures.

SECTION 1.
FILING A GRIEVANCE

A. Any grievance must be presented in writing to the Town. It may be simply stated, but shall specify: (1) the particular ground(s) upon which it is based; (2) the action requested; and

(3) the name, address, telephone number of the complainant and similar information about his or her representative, if any.

B. Upon presentation of a written grievance, a hearing before the Special Review Committee shall be scheduled as soon as reasonably practicable. The matter may be continued at the discretion of the Committee. The complainant shall be afforded a fair hearing providing the basic safeguard of due process, including notice and an opportunity to be heard in a timely, reasonable manner.

C. The complainant and the Town shall have the opportunity to examine and, before the hearing at the expense of the complainant, to copy all documents, records and regulations of the Town that are relevant to the hearing. Any document not made available after written request may not be relied upon at the hearing.

D. The complainant has the right to be represented by counsel.

SECTION 2.
CONDUCT OF THE HEARING

A. If the complainant fails to appear at the scheduled hearing, the Committee may make a determination to postpone the hearing or make a determination based upon the written documentation and the evidence submitted.

B. The hearing shall be conducted by the Committee as follows: Oral or documentary evidence may be received without strict compliance with the rules of evidence applicable to judicial proceedings.

C. The right to cross-examine shall be at the discretion of the Committee and may be regulated by the Committee as it deems necessary for a fair hearing.

D. Based on the records of proceedings, the Committee will provide a written decision and include therein the reasons for its determination.

PART V.
DEFINITIONS

Buy-down Unit - Free-market unit approved by Board of Trustees which the Town or a developer acquired and deed restricted to a specific category of Community Housing to meet Community Housing mitigation requirements.

Capital Improvements - Unless otherwise defined in the Deed Restriction covering the community housing unit, any fixture erected as a permanent improvement to real property excluding repair, replacement, and maintenance costs.

Community Housing- Residential dwelling units within the Town of Carbondale that are deed restricted to the housing size and type for individuals meeting income, occupancy and employment

guidelines approved by the Town, including both Community Housing Sale Units and Community Housing Rental Units, as defined below.

Community Housing Rental Unit- A Community Housing unit that is deed-restricted to establish maximum rents as well as residency, employment and income qualifications for tenants.

Community Housing Sale Unit- A Community Housing unit that is deed-restricted to establish maximum initial sales and resale prices, as well as residency, employment and income qualifications for owners and occupants.

Consumer Price Index (CPI) - The Consumer Price Index that is used for purposes of the Guidelines and for purposes of the Deed Restriction is the West Region, Consumer Price Index, Urban Wage earners and Clerical Workers (CPI-W) (1982-84=100), not seasonally adjusted, published by the U.S. Department of Labor, Bureau of Labor Statistics ("Consumer Price Index").

Cosigner - A joint signatory of a promissory note who shall not occupy the unit unless qualified by the Town for occupancy.

Deed Restriction - A contract entered into between the Town and the owner or purchaser of real property identifying the conditions of occupancy and resale.

Dependent - A minor child (18 years or younger) or other relative of the owner of a Community Housing unit, which child or relative is taken and listed as a dependent for federal income tax purposes by such owner or his or her present or former spouse (said dependent must also be related by blood or adoption and residing with the individual at least six months and one day (183 days) out of every 12-month period of time).

Disabled Person - A person who meets the definition of "individual with a disability" contained in 29 U.S.C. Section 706(8), and/or as defined in the Americans with Disabilities Act of 1990; and/or a person who has a "handicap," as defined in C.R.S. 24-34-301(4), the Colorado Anti-discrimination Act.

Early Buy-down Unit - A free-market unit approved by the Board of Trustees which a developer acquired and deed restricted to a specific category of Community Housing to meet a portion of Community Housing mitigation requirements for a future development application.

Employee/Qualified Resident - A person who is employed on the basis of a minimum of 1,500 hours worked per calendar year in the Employment Area, which averages 35 hours a week, 10 months a year or 32 hours a week, 11 months a year, physically working in the Employment Area and who resides in the unit as their sole and exclusive place of residence a minimum of nine (9) months of a twelve (12) month period.

Employer - A business whose principal business address is located within the Employment Area, whose business employs employees (as defined herein).

Employee Housing - See definition for Community Housing.

Employment Area – Employment Area shall mean that portion of the Roaring Fork River Drainage Basin located from Aspen to Glenwood and the Crystal River drainage including Redstone and Marble. Priority will be given to residents or persons employed within the Town of Carbondale boundaries.

Family-Oriented Unit - A dwelling unit attached or detached, 2 bedrooms or more, with direct ground floor access to a useable yard area.

Fee Simple Estate - The maximum possible estate that one can possess in real property; complete and absolute ownership of indefinite duration, freely transferable, and inheritable.

Gross Income - The total income, including alimony and child support, derived from a business, trust, employment and from income-producing property, before deductions for expenses, depreciation, taxes, and similar allowances.

Household - All individuals who will be occupying the unit regardless of legal status.

Household Income - Combined gross income of all individuals who will be occupying the unit regardless of legal status. Adjustments to the gross for business expenses can be made for persons who are self-employed.

Hybrid R.O. (Hybrid - resident-owner occupied) – Hybrid R.O. is a category for resident- owner occupied units with an appreciation cap for re-sales.

Income Category – Income categories are measured by maximum gross household income and household net assets. Housing units are categorized to reflect which income levels they are to service. A person or household can purchase a unit in a *higher* income category, but not in a lower income category than is reflected by their household gross annual income and net assets. Qualified applicants in the next higher income category may bid on a unit; priority is given to applicants that qualify for the unit income category. If a unit is purchased by a household in the next higher income category, the original category deed restriction remains in place at resale.

Occupancy – A qualified person, upon the purchase of any category of Community Housing Unit, must occupy the unit for no less than nine (9) months of a twelve (12) month period as their sole and exclusive place of residence. Resident Owner Occupied (R.O.) units must be occupied by the owner at least nine (9) months in a twelve (12) month period.

Present Value - For the purposes of these Guidelines and any Deed Restrictions containing such terms, the present value shall be the cost or price of any capital improvements as established at the time of such improvement and shall be neither appreciated nor depreciated from such time.

Primary Residence - The sole and exclusive place of residence for Income Category Units. The owner shall be deemed to have ceased to use the unit as her sole and exclusive place of residence by accepting permanent employment outside of the Employment Area, or residing in the unit fewer than nine (9) months out of any twelve (12) months. Resident Owner Occupied (R.O.) units must be occupied by the owner at least nine (9) months in a twelve (12) month period.

Purchaser - A person who is buying or has purchased a deed restricted unit which is subject to these Guidelines, and any qualifying potential purchaser or past owner of any such deed restricted unit, but only with respect to any issue arising under these Guidelines.

Qualified Person - A person meeting the income limitations who meets the profile requirements (part of which requirements include being a qualified employee, a retired person, a disabled person, or dependent(s) of any of these as such terms are defined herein) established by the Town from time to time and in effect at any time.

Retirement Age - Should an owner of a deed restricted unit retire before the age of 65, that individual must sell the unit. Such individual may go through Special Review to ask for a waiver to maintain ownership of his/her unit.

R.O. (resident-owner occupied) – R.O. is a category for resident-owner occupied units, deed restricted to require the owner (natural person) to live in the unit as their primary residence: Resident Owner Occupied (R.O.) units must be occupied by the owner at least nine (9) months in a twelve (12) month period. Unit must be occupied within 60 days of purchase. There is no (a) income limit, (b) asset limit, (c) initial sale price cap or (d) appreciation cap. Retirees who are new to the area may qualify to purchase an R.O. unit, but are next in priority to persons meeting local employment/ employment-history requirements of the Town of Carbondale Community Housing Guidelines Part II, Section 1.A.

Senior Citizen – A person 65 years of age or older.

Special Review Committee – Town Manager, Housing Program Administrator, Town Finance Department Manager, and Town Housing Planner.

5.11.4 COMMUNITY HOUSING REQUIREMENTS

5.11.4.1 PURPOSE

The purpose of this Section is to mitigate the impact of market-rate housing construction on the limited supply of available land suitable for housing. This mitigation will prevent the Town zoning regulations applicable to residential development from having the effect of excluding housing that meets the needs of all economic groups within the Town. This is accomplished through the establishment of community housing requirements for such development, which requires a portion of all new residential development to be set aside for community housing purposes as a condition of approval for such development.

5.11.4.2 APPLICABILITY

Community housing shall be required as a condition of approval for all residential development, including: annexations, subdivisions, planned unit developments, mini-PUDs, subdivision exemptions, condominium subdivisions, condominium exemptions, common interest communities, planned communities, rezonings, special use permits, multi-family site plan review or infill development applications, unless exempted by Section 5.11.3 below. In the case where no land use application is made, any building permit application with five or more dwelling units is also subject to these regulations.

5.11.4.3 EXEMPTIONS

The following development is exempt from the requirements of this Section:

A. Community housing and designated employee dwelling units.

B. Single-family and two-family dwellings on a single pre-existing lot.

C. Three-family dwelling units on a single pre-existing lot.

D. Four-family dwelling units on a single pre-existing lot.

E. Vested land use approvals pre-dating October 9, 2001, and all future phases of River Valley Ranch if developed as set forth in the currently approved PUD plan for River Valley Ranch without change.

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All new residential subdivisions and all new multi-family residential developments shall set aside lots or units for community housing as set forth in this Section.

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1. Residential developments of greater than four units shall be required to provide 20 percent of the total units as Community Housing AMI Category units, which shall include 15 percent of the total bedrooms.
2. Twenty percent of the remaining units shall be Resident Owner Occupied (R.O.) units.
3. Commercial development will not be required to mitigate.

B. Iudfwlrqdd#Ohpdlqghuv#

The development's mitigation responsibility will be rounded to the nearest whole number: below 0.5 round down (= 0 unit), and round up from 0.5 and higher (= 1 unit).

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The sequence of required mitigation units will be as follows:

1. First mitigation unit: Category 2 (100% AMI)
2. Second mitigation unit: Category 1 (80% AMI)
3. Third mitigation unit: Category 3 (120% AMI)
4. Fourth mitigation unit: Category 4 (150% AMI)
5. Repeat the cycle for additional mitigation units.

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The following is a prioritization of the preferred location of community housing:

A. On-site housing.

B. Off-site housing within the Town, including both "buy-downs" of existing units and/or construction of new units. Consideration shall be given to the proximity of the off-site units to schools, public transportation, and shopping.

C. Off-site housing outside the Town limits, but within the Town's urban growth boundary.

D. Fee in lieu of providing housing as provided for more fully in the community housing guidelines.

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Any community housing required by this Section shall be deed-restricted in accordance with a form of deed restriction enforceable in the State, as approved by the Town Attorney, to rental or ownership and occupancy by the project developer or to persons who live or work in the Town. Deed restrictions shall be prepared in accordance with the community housing guidelines.

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The units shall be developed and shall comply with the size, design and occupancy standards established within the community housing guidelines.

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The units shall be ready for occupancy no later than the occupancy of free market units within the project. If the free market units are to be developed in phases, then the community housing units can be developed in proportion to the phasing of the free market units.

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If any community housing unit is developed as part of a mixed free-market and community housing development project for sales purposes, then any documents creating the condominium association or homeowners' association shall state that community housing units shall be only assessed monthly dues and other shared assessments based on whichever of the following two formulas results in the lower cost for the community housing unit:

A. The size of the employee dwelling unit in square feet as compared to the total size of the other units in the development; or

B. The size of the lot on which the employee dwelling unit is located as compared to the total size of the other lots in the development.

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A. Housing mitigation plan required. An applicant submitting any application that is subject to Section 5.11.2 shall submit a housing mitigation plan with the applicant's development plan to the Planning Department.

B. All requests for variances shall be submitted with the housing mitigation plan as required in Section 5.11.9 below.

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A. The Board of Trustees shall have the authority to grant variances from this Section when it is deemed to be in the best interest of the community and when it furthers the overall goal of promoting affordable housing to the citizens of the Town. Variances may be granted, but are not limited to the following instances:

1. Where a developer provides incentives which further the purposes of this Article.

2. Where a developer proposes voluntary restrictions on housing units being constructed which further the purposes of this Article.

B. The Board of Trustees shall have the sole authority to grant variances to this Article. In doing so, the Board of Trustees shall approve variances only in these instances where, in the Board of Trustees' opinion, the overall outcome will advance the goal of obtaining affordable housing in a manner which meets or exceeds the requirements herein.

C. All requests for variances shall be submitted with the housing mitigation plan as required in Section 5.11.8 above.

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A. This Section has been implemented in accordance with guidelines adopted by the Board of Trustees, which guidelines shall be titled "Town of Carbondale Community Housing Guidelines." The guidelines may be amended from time to time and shall include the following components:

1. Guidelines for the type, size and price for community housing units;
2. Guidelines for qualifications to purchase and occupy community housing units; and
3. Guidelines for the purchase or sale of community housing units.

B. The guidelines will provide all general information necessary for the implementation and administration of this Section.

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A. The Planning Director shall be responsible for the administration of these regulations, and he or she shall have the authority and duty to:

1. Exercise administration of this Section or any guidelines thereof pertaining to all building and developments where applicable.
2. Enforce all terms of this Section or any guidelines thereof.
3. Review and recommend approval or denial of all housing mitigation plans submitted in accordance with this Section or any guidelines thereof.
4. Review and recommend approval or denial of all variance requests submitted pursuant to the provisions of this Section or any guidelines thereof, subject to the approval of the Board of Trustees.

B. The Planning Director may also enter into contracts with other agencies, including regional housing authorities, to administer this Section or any guidelines thereof, subject to approval of the Board of Trustees.

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The provisions of this Section are in addition to all other provisions and requirements of this Code pertaining to development of real property, including those contained in other sections of this chapter, the subdivision regulations, and the zoning regulations.

1. Qualified developers of affordable housing shall be eligible for exemption from a portion of the following fees to the extent these fees would otherwise be applied to the developer based on the scale of the percentage of fee exemption set forth below. The fees eligible for partial exemption are:
    a. Land use application fee required under Municipal Code Section 1.30.010
    b. Professional fees required under Municipal Code Section 1.30.030
    c. Special study/added fee required under Municipal Code Section 1.30.040
    d. Building permit and plan check fees required under the provisions of Title 15
    e. The park development fee and park dedication fee as set forth in Section 2.6.5.C.1.g.
2. The percentage of the fee exemption based on the purchase price of affordable housing units is set forth below:
    a. One-bedroom unit with a purchase price up to 80 percent of the annual median income is eligible for an exemption of 100 percent of fees;
    b. Two-bedroom unit with a purchase price up to 100 percent of the annual median income is eligible for an exemption of 80 percent of fees;
    c. Two- or three-bedroom unit with a purchase price up to 120 percent of the annual median income is eligible for an exemption of 60 percent of fees.

GARFIELD COUNTY HOUSING AUTHORITY ATTACHMENT A
1430 Railroad Ave., Ste. F Rifle, CO 81650
PHONE: 970-625-3589 FAX: 970-625-0859 TTY: 800-659-2656
E-MAIL: gcha@garfieldhousing.com WEBSITE: www.garfieldhousing.com

Section 8 Housing Choice Vouchers

2018 Summary

In 2018 GCHA served an average of 434 families each month, the maximum number allowed by HUD, with the Section 8 Housing Choice Voucher Program in Garfield County, and approximately an additional 116 families in the surrounding counties. In 2018, GCHA added nearly $4MM to the community/region through rental assistance payments to local landlords on behalf of eligible very low-income families. In Carbondale, there were an average of 14 families receiving rental assistance in 2018, totaling over $98,000 in direct payments from HUD to landlords.

¨Section 8 Vouchers" Means Rental Assistance

The Garfield County Housing Authority administers the U.S. Department of Housing and Urban Development (HUD) Section 8 Housing Choice Voucher Program in Garfield County and in Eagle, Pitkin, Rio Blanco and Moffat counties as a State of Colorado contractor. The voucher program helps pay rent for housing that is decent, safe and sanitary. Approved program participants locate rental units of their own choosing that meet these standards. Rental assistance may be used in any housing which meets federal standards for size, quality and rent reasonableness. In general, program participants are required to contribute 30% of their adjusted monthly income toward rent and utilities. The difference between the family's portion of the rent and the amount charged by the owner is paid to the landlord with the transfer of federal funds provided by HUD.

There is a long wait for rental assistance. In this region, people who apply for Section 8 are waitlisted. GCHA has more applications than it can afford to provide vouchers for and will therefore have a waiting list for applicants. Throughout the year there may be over 600 applications for only 434 spots. It can take upwards of 2 years to be enrolled in Section 8 while on the waiting list.

GCHA prioritizes it's waiting list. GCHA has a local preference for families who are current residents of Garfield County or are TANF participants. GCHA does not have a preference for families who are homeless or living in substandard housing, families who pay more than 50% of their income in rent, or families who are involuntarily displaced.

If GCHA has more applicants than it can assist in the near future, (2 years) it may temporarily close down. This has never happened; however, this is a chronic condition throughout the State of Colorado affecting Moffat, Rio Blanco, Eagle, and Pitkin. Although the closure is not permanent, it may be beneficial for applicants to look for Section 8 housing in other counties or metropolitan areas when this happens.

Responsibilities of Voucher families. If accepted, families must ensure that their current or intended living situation fits HUD health and safety requirements. Participants are required to sign a year lease with a cooperating property owner, who is obligated to both the tenant and to GCHA to provide safe housing and reasonable rent.

Participants are required to make payments on time, maintain the unit in good condition, and comply with the terms of the lease. If theyfail to pay the landlord on time, their Section 8 assistance could be revoked.
Know how much your rent will be. Under Section 8 Housing, a participant family will pay 30% of its monthly adjusted gross income on housing and utilities. The voucher will cover the remainder of the cost. GCHA calculates how much is needed to budget for each month. Say, for example, the monthly income is $1,000. The participant would pay $300, even if the rent of the unit is 1,000.

Know that it may be illegal for a landlord to refuse your occupancy just because you're enrolled in Section 8. A landlord may legally refuse occupancy for failure to pass background checks, poor credit, and other determinations, but cannot refuse occupancy to you based SOLELY on Section 8 enrollment, depending upon which state you are in. If a landlord has refuses occupancy based solely on Section 8 enrollment, contact GCHA.

Know what role geography plays in Section 8 enrollment. Section 8 guidelines are different from location to location. But in general, residents who receive a tenant-based voucher for the current jurisdiction in which they live may use that voucher to live anywhere in the country. Residents who do not live in the same jurisdiction in which they applied must move to the jurisdiction that issues the voucher for at least 12 months; after 12 months, they are free to move.

FRAUD. Fraud, by HUD's definition, will result in termination of Section 8 assistance, as well as restitution of funds, probation, or even prison. Fraud may be defined as any of the following offenses:

-Knowingly omitting or under-reporting income or assets from household income.
-Transferring assets or income to achieve eligibility.
-Falsifying or using false Social Security documents.
- Falsifying the number of members in the household.
- Getting assistance on top of Section 8 without notifying the appropriate parties.
- Renting out or subletting all or part of the unit.
-Charging rent from any tenants who may be living with the voucher holder.

Voucher holders can move without losing their Section 8 Housing. Participants must notify GCHA in advance, terminate their lease within its provisions, and find new housing that fits within HUD health and safety standards.

There is a waiting period before final determination of eligibility. Many Section 8 Housing applicants are on waiting list for months and even years.

Project Based Vouchers. PBVs operate in a substantially similar way to Housing Choice Vouchers; however, notable differences include that the voucher is assigned to a unit, not a family, the waiting list may be longer than 2 years, a higher payment standard may be approved by HUD to the Landlord, and the contract for the unit between HUD and the Landlord may be from 5 to 30 years.

What we do NOT do……

The Garfield County Housing Authority does NOT provide any EMERGENCEY HOUSING ASSISTANCE. The housing authority provides long term rental assistance for very low-income families and has a very long waiting list which may be up to two (2) years.

Warning

Don't get tricked by professional scammers. There are fraudulent companies that offer to complete the paperwork for Section 8 Housing in return for a fee. All the assistance needed to apply for Section 8 Housing is free of charge through federal HUD office (Denver) or GCHA.

It is the APPLICANT/PARTICIPANT'S RESPONSIBILITY to contact the housing authority to keep CONTACT INFORMATION and MAILING ADDRESS CURRENT. Applicants/participants that do not have a current mailing address or contact information on file will be taken off the waiting list(s) or terminated from the program.

RED HILL LOFTS, LLC

300 South Spring Street, Suite 202, Aspen, CO 81611 970.429.7499

October 9, 2018

John Leybourne
Planner
Town of Carbondale
511 Colorado Avenue
Carbondale, Colorado 81623

RE: Red Hill Lofts Fee Exemptions for Qualified Developers of Affordable Housing Request—Lot 12B, Kay PUD, Carbondale Colorado

Dear John:

On behalf of APE Housing, Inc., Red Hill Lofts, LLC is pleased to submit our request for fee exemptions under Unified Development Code Section 6.3. Incentives are offered to qualified developers of affordable housing projects to encourage their development in Carbondale. APE Housing, Inc. is a 501(c)3 non-profit organization whose mission is to preserve and develop affordable housing. Red Hill Lofts, LLC is the entity that owns Lot 12B of the Kay PUD, and APE Housing is the sole owner of Red Hill Lofts, LLC.

As you are aware, we recently received land use approvals for our proposed Red Hill Lofts affordable rental project. Thirty units are proposed in the project. Total gross square footage is 23,500. The project includes a mix of 14 studio, 12 1-bedroom and four 2-bedroom residences. The typical unit sizes are:

- Studio—416 gross sf
- 1-bedroom—624 gross sf
- 2-bedroom—936 gross sf

These unit sizes meet or exceed the minimums recommended by the Town's housing guidelines—415 sf for studios, 580 sf for 1-bedrooms, and 750 sf for 2-bedrooms. The units' designs are very livable, including private outdoor space, storage space, and washers and dryers.

The proposed residences fill an important need for deeply affordable entry-level rental housing identified in the Town's housing guidelines. The target market for the residences is those meeting Category 1 (80% Garfield County Average Medium Income) maximum gross incomes and assets or lower. While the exact mix is still to be determined, we anticipate an average mix of 50% AMI. We submitted an application to the Colorado Housing and Finance Authority for their Low-Income Housing Tax Credit program, however, while we received very positive comments, we did not receive an award. We are considering submitting another application to next year's program. Project-based vouchers from the Garfield Housing Authority are also anticipated and will further help lower the target AMI.

We request the following fees be found eligible for exemption:

- Land use application fee required under Municipal Code Section 1.30.010 ($400 actual)
- Professional fees required under Municipal Code Section 1.30.030 ($0 estimate)
- Special Study/added fee required under Municipal Code Section 1.30.040 ($0 estimate)
- Building permit and plan check fees required under the provisions of Title 15 ($23,958 estimate)
- Park development fee and park dedication fee as outlined in Section 2.6.5.C.1.g ($35,250 estimate)

The above-described fees include our actual cost for the land use application, and an estimate for the remaining fees. We request that the actual fees be waived once those amounts are finalized as a part of the building permit application process.

We request a 100 percent exemption of the fees based on the anticipated rental rates, which will meet Town, Garfield County Housing Authority and Colorado Housing and Finance Authority Low Income Housing Tax Credit (CHFA LIHTC) guidelines and will not exceed 80 percent of annual median income. Per the 2018 rates, monthly rents for Category 1/80% AMI residences will be no greater than $1,002 for a studio, $1,073 for a 1-bedroom and $1,288 for a 2-bedroom.

Thank you in advance for your review and processing of our request, and I am happy to answer any questions you might have. I can be reached at 429 7499 or via email at executivedirector@apehousing.org.

Sincerely,



Sheri Sanzone, Executive Director, APE Housing, Inc. (sole member of Red Hill Lofts, LLC)

Attachments:

- irs letter demonstrating our non-profit status
- Illustrations, including site plan, perspective views, and typical unit plans.

ATTACHMENT B

IRS Department of the Treasury
Internal Revenue Service
P.O. Box 2508
Cincinnati OH 45201

In reply refer to: 0752861031
June 11, 2018 LTR 4168C 0
84-0815772 000000 00
00021059
BODC: TE

ASPEN PITKIN EMPLOYEE HOUSING INC
100 ELK RUN DR STE 103
BASALT CO 81621-9217

3201

Employer ID number: 84-0815772
Form 990 required: YES

Dear Taxpayer:

We're responding to your request dated May 31, 2018, about your tax-exempt status.

We issued you a determination letter in March 1980, recognizing you as tax-exempt under Internal Revenue Code (IRC) Section 501(c)(3).

We also show you're not a private foundation as defined under IRC Section 509(a) because you're described in IRC Section 509(a)(2).

Donors can deduct contributions they make to you as provided in IRC Section 170. You're also qualified to receive tax deductible bequests, legacies, devises, transfers, or gifts under IRC Sections 2055, 2106, and 2522.

In the heading of this letter, we indicated whether you must file an annual information return. If you're required to file a return, you must file one of the following by the 15th day of the 5th month after the end of your annual accounting period:

- Form 990, Return of Organization Exempt From Income Tax
- Form 990EZ, Short Form Return of Organization Exempt From Income Tax
- Form 990-N, Electronic Notice (e-Postcard) for Tax-Exempt Organizations Not Required to File Form 990 or Form 990-EZ
- Form 990-PF, Return of Private Foundation or Section 4947(a)(1) Trust Treated as Private Foundation

According to IRC Section 6033(j), if you don't file a required annual information return or notice for 3 consecutive years, we'll revoke your tax-exempt status on the due date of the 3rd required return or notice.

You can get IRS forms or publications you need from our website at www.irs.gov/forms-pubs or by calling 800-TAX-FORM (800-829-3676).

If you have questions, call 877-829-5500 between 8 a.m. and 5 p.m., local time, Monday through Friday (Alaska and Hawaii follow Pacific

0752861031
June 11, 2018 LTR 4168C 0
84-0815772 000000 00
00021060

ASPEN PITKIN EMPLOYEE HOUSING INC
100 ELK RUN DR STE 103
BASALT CO 81621-9217

time).

Thank you for your cooperation.

Sincerely yours,

Teri M. Johnson
Operations Manager, AM Ops. 3



KEY

01 COMMON TOY STORAGE

02 TRASH AND RECYCLE

03 GREENHOUSE/ SHARED GARDEN

04 PERVIOUS PATIOS

05 BIKE PARKING

06 OUTDOOR PING PONG TABLE

07 BIKE WORK BENCHES/ SINK AND PREP COUNTER

08 COVERED AREA W/ MOVEABLE FURNITURE

09 FIRE PIT/BBQ

10 CLIMBING WALL

11 OUTDOOR KITCHEN

scale
0 10 20 40

APEHI
building community in our community since 1978
27 august 201

www.apehousing.org
300 south spring street I suite 202 | aspen, colorado 81611 | t 970 429 7499 I f 970 429 9499

conceptual plan

red hill lofts

carbondale | colorado

APEHI



APEHI
building community in our community since 1978
27 august 201

www.apehousing.org
300 south spring street I suite 202 | aspen, colorado 81611 | t 970 429 7499 I f 970 429 9499

perspective looking north

red hill lofts

carbondale | colorado

APEHI



APEHI
building community in our community since 1978
27 august 201

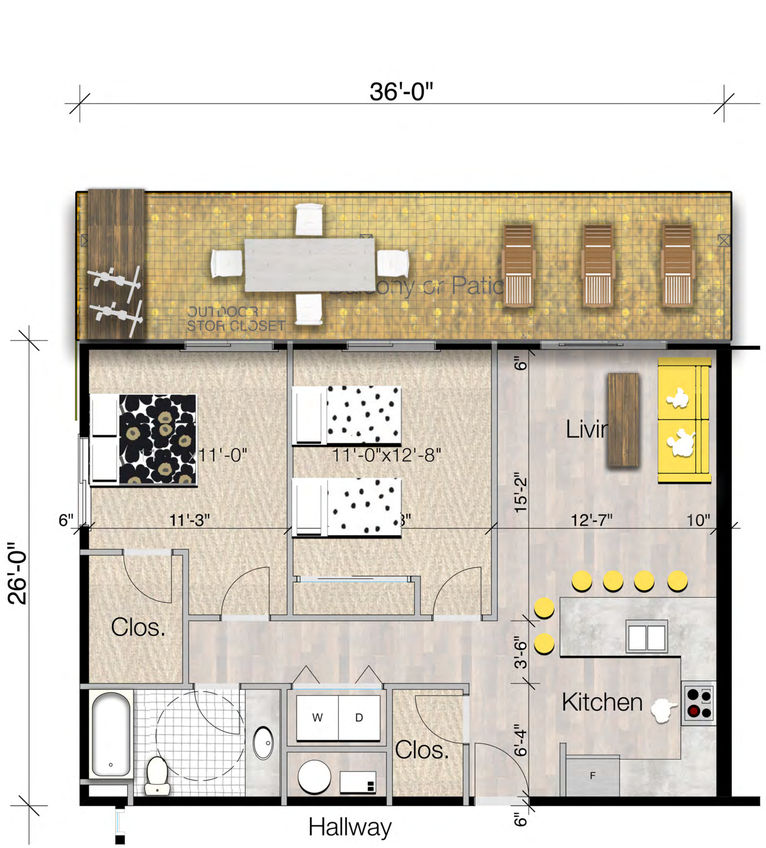
www.apehousing.org
300 south spring street I suite 202 | aspen, colorado 81611 | t 970 429 7499 I f 970 429 9499

perspective looking northeast

APEHI

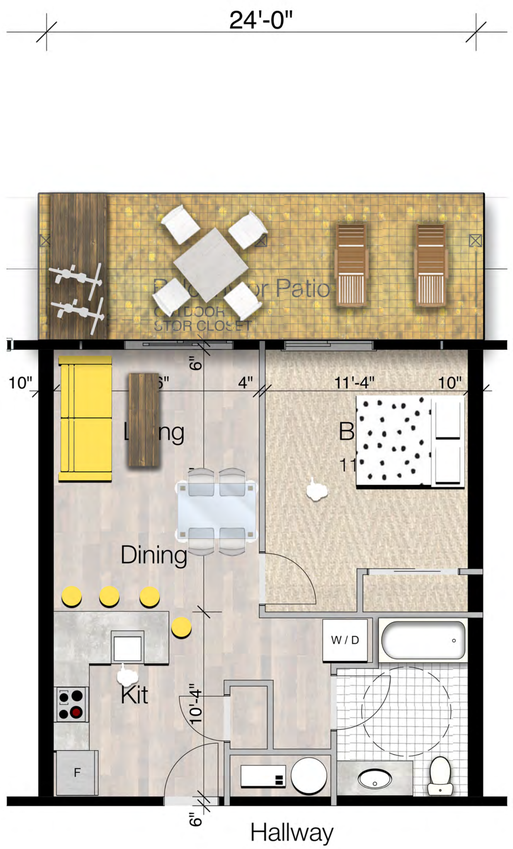
red hill lofts

carbondale | colorado



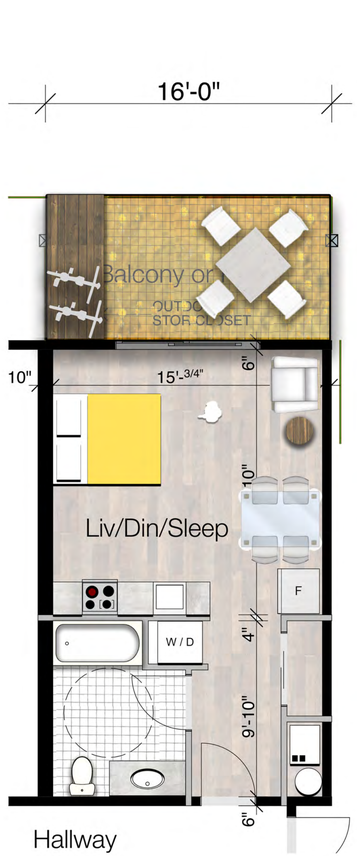
TYPICAL 2-BEDROOM UNIT
1/4" = 1'-0"

936 SQ FT (GROSS)



TYPICAL 1-BEDROOM UNIT
1/4" = 1'-0"

624 SQ FT (GROSS)



TYPICAL STUDIO UNIT
1/4" = 1'-0"

416 SQ FT (GROSS)

January 7, 2019

Dear Board of Trustees,

Carbondale's 20th annual Dandelion Day was held in 2018. Dandelion Day is a single day Spring celebration of community, farmers, food, and musicians. Community members come together with local artists, farmers, food vendors, brewers, and musicians in Sopris Park to celebrate the beginning of Spring in honor of our town flower, the Dandelion.

2018 marked several milestones for the event:

- It was likely the most well attended, with an estimated 1,500 to 2,000 people attending.
- It featured two new special events, both of which were well attended: 1) 'Farmers Night Out' at Steve's Guitars where local farmers had a Q & A with the crowd, and 2) a design competition featured at Green Line Architects to improve local, home energy resiliency.
- 2018's Dandelion Day made a profit of $950.

Organizing Dandelion Day takes considerable effort from volunteers, and it has likely outgrown the ability to be run by volunteers. In 2018 the primary volunteer who coordinated the event spent more than 120 hours to organize the event. It is essential to have a leader or co-leaders to organize this event, as it is unlikely that an individual volunteer will have 3 weeks of time on an annual basis. Furthermore, it is unlikely an EBoard member (or members) will have time to organize 2019's Dandelion Day.

The Environmental Board has had an ongoing discussion about how to make Dandelion Day a Sustainable event that is sponsored by the Town and EBoard.

The EBoard recommends that the Town approve the expenditure of approximately $1,500 for Dandelion Day Planning in 2019. This will be used to pay a coordinator to organize Dandelion Day on behalf of Town and the EBoard. This approach could serve as a pilot, which could be evaluated by the EBoard after 2019's Dandelion Day. The EBoard can take on responsibilities of hiring and managing a coordinator or defer to the BOT and Town staff.

Thank you for your consideration,

Carbondale Environmental Board

TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623

Board of Trustees Memorandum

TITLE: 2nd Street Sidewalk Alignment (Sopris Lodge)

SUBMITTING DEPARTMENT: Planning

ATTACHMENTS: February 13, 2018 Board of Trustee Minutes
2nd Street Sidewalk Plan
Carbondale 2nd Street engineering Exhibit

Planning Staff were asked to bring back the Board the 2nd Street improvements that will be completed in conjunction with the Sopris Lodge project.

Attached you will find the engineering plans as well as the Minutes from the February 13, 2018 BOT Minutes.

Prepared By: John Leybourne

MINUTES
CARBONDALE BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 27, 2018

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on February 27, 2018, at 6:00 p.m. in the Town Hall meeting room.

ROLL CALL:

The following members were present for roll call:

Mayor	Dan Richardson
Trustees	Frosty Merriott
	Marty Silverstein
	Erica Sparhawk
	Ben Bohmfalk
	Luis Yllanes
	Heather Henry
Absent	None
Staff Present:	
Town Manager	Jay Harrington
Clerk	Angie Sprang
Attorney	Mark Hamilton
Finance Director	Renae Gustine
Public Works Director	Kevin Schorzman
Police Chief	Gene Schilling
Police Sargent	Chris Wurtsmith
Police Officer	Gretchen Bell
Planner	John Leybourne

CONSENT AGENDA

- Accounts Payable totaling $186,540.42
- BOT 02/13/2018 Work Session Minutes
- Liquor License Renewal – The Beat
- Liquor License Renewal – Thunder River Theatre
- Liquor License Renewal – Wine Time
- Liquor License Renewal – El Pollo Rico

Trustee Yllanes made a motion to approve the Consent Agenda. Trustee Bohmfalk seconded the motion and it passed with:

7 yes votes: Silverstein, Bohmfalk, Sparhawk, Merriott, Yllanes, Richardson, Henry

PERSONS PRESENT NOT ON THE AGENDA

There was no one present not on the agenda who wished to address the Board.

TRUSTEE COMMENTS

Trustee Silverstein reported that CPAC selected 15 new art pieces for the 2018 Art Around Town art show. The Art Walk will take place on May 31st. Any interested citizens can apply to be a member of CPAC via the Town website.

Trustee Sparhawk noted that the Parks & Recreation Commission is holding a Community Pool Forum from 6pm – 8pm on Wednesday, February 28, 2018 in the Town Hall Board Room. The forum is to gauge community interest/support for a new community pool. The Parks & Recreation Commission will share pool survey results at the forum, and also talk about options for funding a new community pool.

Trustee Henry reported that the final EPS contract was executed, and the Regional Affordable Housing Needs Assessment is moving forward. KT will administer the contract and process. Citizens can expect to see invites to workshops very soon!

Trustee Henry thanked Sunlight Mountain for providing 4th graders with free season passes, and encouraged citizens to utilize the benefit.

Trustee Henry reported that the E-board will be at the BOT meeting in early April. The E-board is interested in serving as the education arm of the Town's lighting ordinance, which is in the conceptual phase.

Trustee Yllanes reported that the Aspen Community Foundation in conjunction with AVLT is giving $3,000 to the most voted on project. Citizens can vote for the "Save Red Hill" through Wednesday, February 28, 2018.

Mayor Richardson offered sincere condolences to the Fegan family and the RFTA bus driver involved in the recent tragic accident on Highway 82.

ATTORNEY'S COMMENTS

The attorney did not have any comments.

PROCLAMATION – HONORING RON LEACH

Mayor Richardson read a proclamation honoring Ron Leach for more than 40 years of service as the Town's Fire Chief.

PUBLIC HEARING – AMENDMENT TO THE UDC – 5.8 OFF STREET PARKING – GROUP LIVING
Applicant: Town of Carbondale
Location: Town Wide

Janet Buck, Planning Director, proposed an amendment to the UDC section 5.8 in regard to off street parking for group living. Discussion ensued. Points made were:

- The amendment factors in snow storage.
- Staff reviewed practices of other municipalities to ensure the measure of spaces in the amendment is valid.
- A change across the board including group homes would not be necessary as group homes are a different scale of use. Only caregivers use parking at group homes, so multiple spaces aren't necessary.
- Proposed amendment factors in number of employees on the largest shift

The item was opened up for Public Hearing. There were no public comments.

Trustee Bohmfalk made a motion to approve the zone text amendment as shown in Exhibit A with the following findings:

1.) The proposed amendment will promote the public health, safety, and general welfare;
2.) The proposed amendment is consistent with the Comprehensive Plan as one of the strategies in the plan is to prepare for an aging population with a housing supply to serve age cohorts ranging from recent retirees to the elderly. An Implementation Measure in the Comprehensive Plan encourages a range off public and private options including assisted living, continuing care community, cohousing with professional caregivers and "active neighboring." The stated purposes of the UDC suggests lessening congestion in the streets and facilitating that adequate provision of transportation, and this amendment will require appropriate standards for the number of off-street parking spaces required for assisted living facilities and nursing homes; and
3.) The proposed amendment is desirable because it will encourage housing and care facilities for the aging population.

Trustee Sparhawk seconded the motion and it passed with:

7 yes votes: Richardson, Silverstein, Sparhawk, Merriott, Bohmfalk, Yllanes, Henry

PUBLIC HEARING – SOPRIS LODGE; COMPREHENSIVE PLAN AMENDMENT; REZONING & MAJOR SITE PLAN REVIEW
Applicant: Pacifica Senior Living Re Fund LLC

Location: 295 Rio Grande Avenue & Parcel to West

John Leybourne, Assistant Planner, presented Staff findings for Sopris Lodge Comprehensive Plan Amendment Rezoning and Major Site Plan Review.

A hand written comment, with attachments, from an anonymous citizen was provided to each member of the board for their consideration.

Discussion ensued. Points made were:

- Housing mitigation within the code does not apply
- Any change of use will require code compliance with affordable housing mitigation, parking, etc.
- Affordable housing voucher options do not apply to the project

Kevin Schorzman, Public Works Director, presented information about proposed changes to 2nd Street and connections to the Rio Grande Trail. Discussion ensued. Points made were:

- 10 to 20 years from 2nd Street needing to be redone
- Sidewalk design will be revisited in future planning stages
- Keeping 2nd street narrow will keep speeds down
- Installation of a sidewalk won't hinder future road upgrades
- Current road changes proposed on 2nd street are similar to recent 3rd street improvements; however, 3rd street is wider.
- Staff will review street parking and signage in the final proposed design
- RFTA is nearly done with their review of crossings and utilities
- 2nd street will be the only access point

Terrie Clausen, President of Sopris Lodge, presented the proposed Sopris Lodge senior housing project. Discussion ensued. Points made were:

- Mr. Clausen plans to own the property for a long time
- Analysis of the number of hotel rooms available for visitors could be beneficial
- Add bear proof trash and composting facility to plans
- Thoughtfully designed and well placed
- # of employees 20 to 22 total
- Jobs created are a mixed bag (e.g. skilled nurses, admin staff, landscaping and maintenance staff, kitchen staff, etc.)
- Location near downtown is nice for seniors
- Price point is 25% to 35% higher than the national averages
    - State national averages are: (1) independent living $2500-$3500/month, (2) assisted living $3500-$4500, and (3) memory care $5500-$6500
- Final pricing is not yet set in stone
- Pets are allowed
- It will be managed by "Well Age" a third party senior care management company
- It's a high density development

- Industrial property near there may be developed in the future and could be medium to high density
- Vehichle access will be off 2nd street
- 4th street access could not be negotiated but they do have a sliver of land that could create an alternative access point for the cost of $1million to $2million
- Farm to market concept is admirable
- Trail to Carbondale Nature Park will remain open to the public
- 2nd street plans are a work in progress – not set in stone at this point and are to be evaluated for safety before final
- Access on 2nd street impacts further out to Main Street

This item was opened for Public Hearing.

Judy Bartells, resident, asked if the property will be just for Carbondale residents, and when it will be ready for occupancy. The property will not be restricted to Carbondale residents, and should be open for occupancy in mid 2019.

Kelly, owner of the Dandelion Inn, addressed the board showing support for the project. She requested that the Town retain as much street parking on 2nd street as is possible.

The Public Hearing closed.

Discussion ensued among the trustees. Points made were:

- Would like to see priority given to mid and down valley residents and their family members
- Priority given to Eagle County residents in senior housing project because of a public private partnership – this project is fully funded privately
- The Town does not have money to contribute to the project and it will not be restricted to current residents and their family members
- Trail to Carbondale Nature Park will remain open for public use
- Town staff will explore different options for 2nd street to find best option, items to explore are:
    - Possibly widening of the trail
    - Possibly widening of the road
    - Possibly widening of proposed sidewalk & pedestrian safety
    - Best pedestrian connection to Rio Grande Trail
    - 6ft sidewalk width may be best

Trustee Sparhawk moved to approve the Comprehensive Plan Amendment, Rezoning and Major Site Plan with the following findings and conditions.

CONDITIONS:

1) Approval of the Major Site Plan Review is contingent upon Town Board approval of a Development Improvements Agreement which addresses construction of public improvements associated with the development prior to issuance of a building permit.

2) Approval of the Major Site Plan Review is contingent upon Town approval of the engineering plans. All of the comments in the Public Works Director's memo dated January 5, 2018 shall be addressed during the preparation of the engineering plans.

3) Approval of the Major Site Plan Review is contingent upon RFTA approval of the access license agreement to include the utility crossings and proposed Trail connection.

4) All required public utility easements shall be dedicated to the Town of Carbondale at the time of the review of the Development Improvements Agreement by the Board of Trustees. The location and size of the easements shall be subject to review and approval of Town Staff.

5) The Applicant shall enter into a drainage easement agreement with Paul and Celia Nieslanik for the detention area located on the Nielsanik property.

6) The applicant shall enter into an access easement agreement with Paul and Celia Nielsanik for the cattle drive easement.

7) All lighting shall be in compliance with Section 5.10 of the UDC (Exterior Lighting).

8) All representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall also be binding as conditions of approval.

9) The Applicant shall pay and reimburse the Town for all other applicable professional and Staff fees pursuant to the Carbondale Municipal Code.

10) That the approval be contingent upon the approval of the Parking Amendment to the Unified Development Code.

11) That the Applicant will need to comply with all multifamily residential and site plan standards if the use were to be abandoned.

12) That if the facility were to cease operations as a state licensed facility the owner would need to comply with the Town housing mitigation standard.

13) That the trail accessing the Nature Park will remain open for public use as an easement.

Trustee Henry seconded the motion and it passed with:

7 yes votes: Richardson, Silverstein, Sparhawk, Merriott, Bohmfalk, Yllanes, Henry

DITCH RELOCATION AGREEMENT – SOPRIS LODGE

Kevin Schorzman, Public Works Director, informed the Trustees that for the Sopris Lodge project to move forward the ditch would need to be relocated.

Trustee Sparhawk moved to approve and authorize the Mayor to execute, the attached agreement with Pacifica Senior Living RE Fund, LLC. Trustee Silverstein seconded the motion and it passed with:

7 yes votes: Richardson, Silverstein, Sparhawk, Merriott, Bohmfalk, Yllanes, Henry

CASELLE CLOUD QUOTE

Renae Gustine, Finance Director, proposed the Town purchase a new accounting and data software, which will allow the town to integrate communication with online bill pay options.

Trustee Henry moved to approve the Caselle Cloud for the accounting software and data. Trustee Yllanes seconded the motion and it passed with:

7 yes votes: Silverstein, Sparhawk, Merriott, Bohmfalk, Yllanes, Richardson, Henry

CHARGE AHEAD GRANT

Kevin Schorzman, Public Works Director, submitted a grant application for new and improved car charging stations. Potential locations for the upgraded stations could be near the Launchpad, which is in walking distance from shopping and dining for visitors. Charging stations create opportunities for sales tax from visitors and passers through. All charging stations are plotted on a state map for people with electric/hybrid cars.

Trustee Silverstein moved to ratify the Charge Ahead Colorado grant application that was submitted on February 15, 2018. Trustee Bohmfalk seconded the motion and it passed with:

7 yes votes: Yllanes, Richardson, Silverstein, Sparhawk, Bohmfalk, Merriott, Henry

ADJOURNMENT

The February 27, 2018, regular meeting adjourned at 8:54 p.m. The next regularly scheduled meeting will be held on March 13, 2018, at 6:00 p.m.

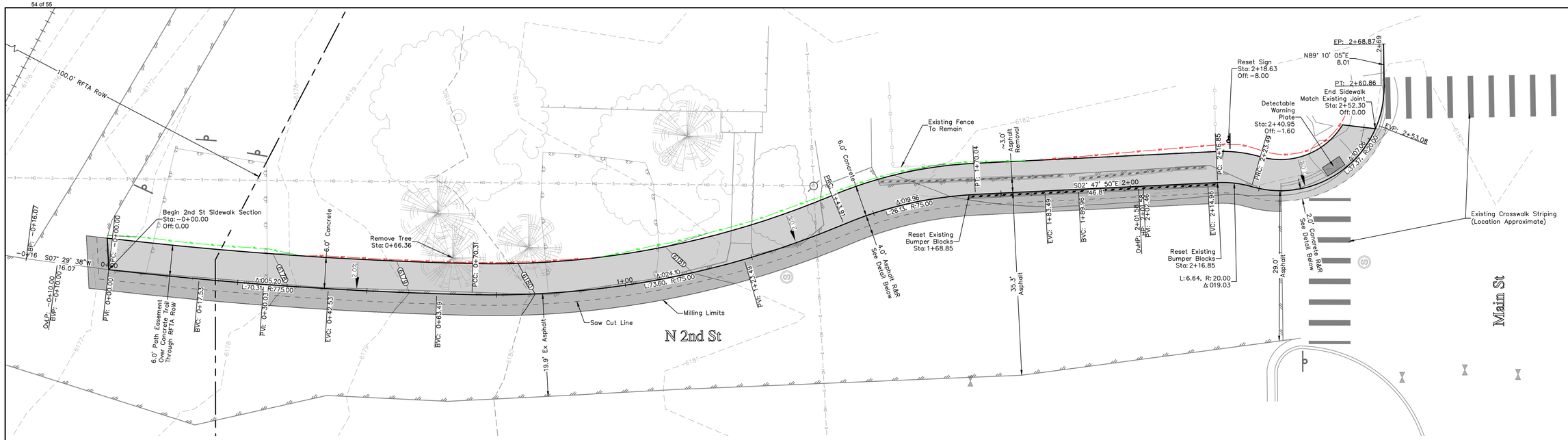
APPROVED AND ACCEPTED

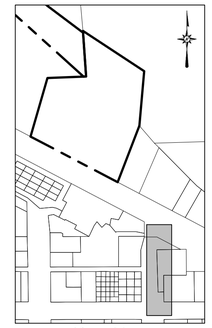
Dan Richardson, Mayor

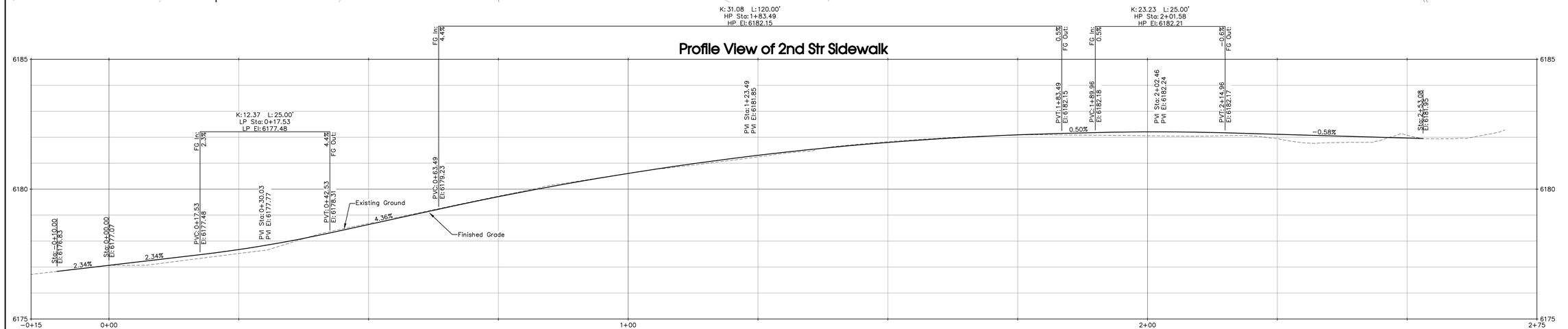
ATTEST:

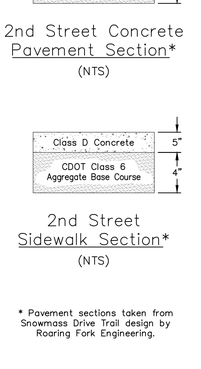
Angie Sprang

TOWN OF CARBONDALE SEAL COLORADO









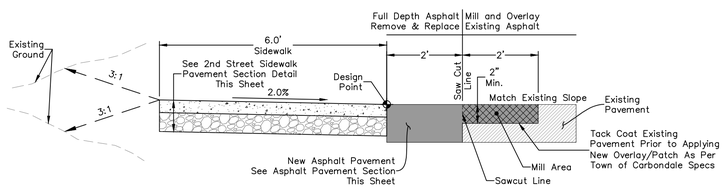
2nd Street Asphalt Pavement Section*
(NTS)

2nd Street Concrete Pavement Section*
(NTS)

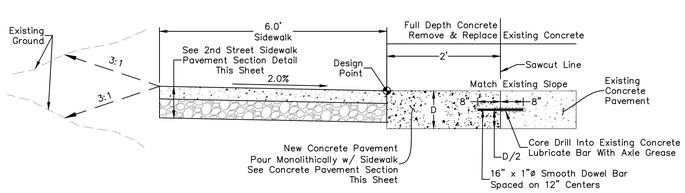
2nd Street Sidewalk Section*
(NTS)

* Pavement sections taken from Snowmass Drive Trail design by Roaring Fork Engineering.

Note: Existing topo for 2nd Street provided by Tuttle Survey Systems.



2nd Street Sidewalk – Asphalt Pavement Section
(NTS)



2nd Street Sidewalk – Concrete Pavement Section
(NTS)

ACCEPTANCE BLOCK

City Development Engineer Date

UNCC Utility Notification Center of Colorado 811 Know what's below. Call before you dig. 800.922.1987 www.uncc.org
CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

SCALE
10 0 5 10 20
(IN FEET)
CONTOUR INTERVAL = 1 FOOT
ORIGINAL SHEET SIZE: 22 x 34

NO.	DATE	REVISIONS DESCRIPTION	BY

S:\PROJECTS\1515 Sopris Lodge, LLC\002 - Carbondale Lodge Senior Living\Design\1515-002 UG Tank.dwg [25-2nd Str PnP]

Colorado Registered Professional Engineer — Jeffrey W. Maybee — 37343 — 11/16/2018

River City Consultants
744 Horizon Court, Suite 110
Grand Junction, CO 81506
www.rccwest.com
Phone: 970.241.4722
Fax: 970.241.8841

PROJECT #:	1515-002	DATE ISSUED:	16.Nov.2018
DRAWN BY:	nmr	HORIZ:	1" = 10'
CHECKED BY:	jwm	VERT:	1" = 2'

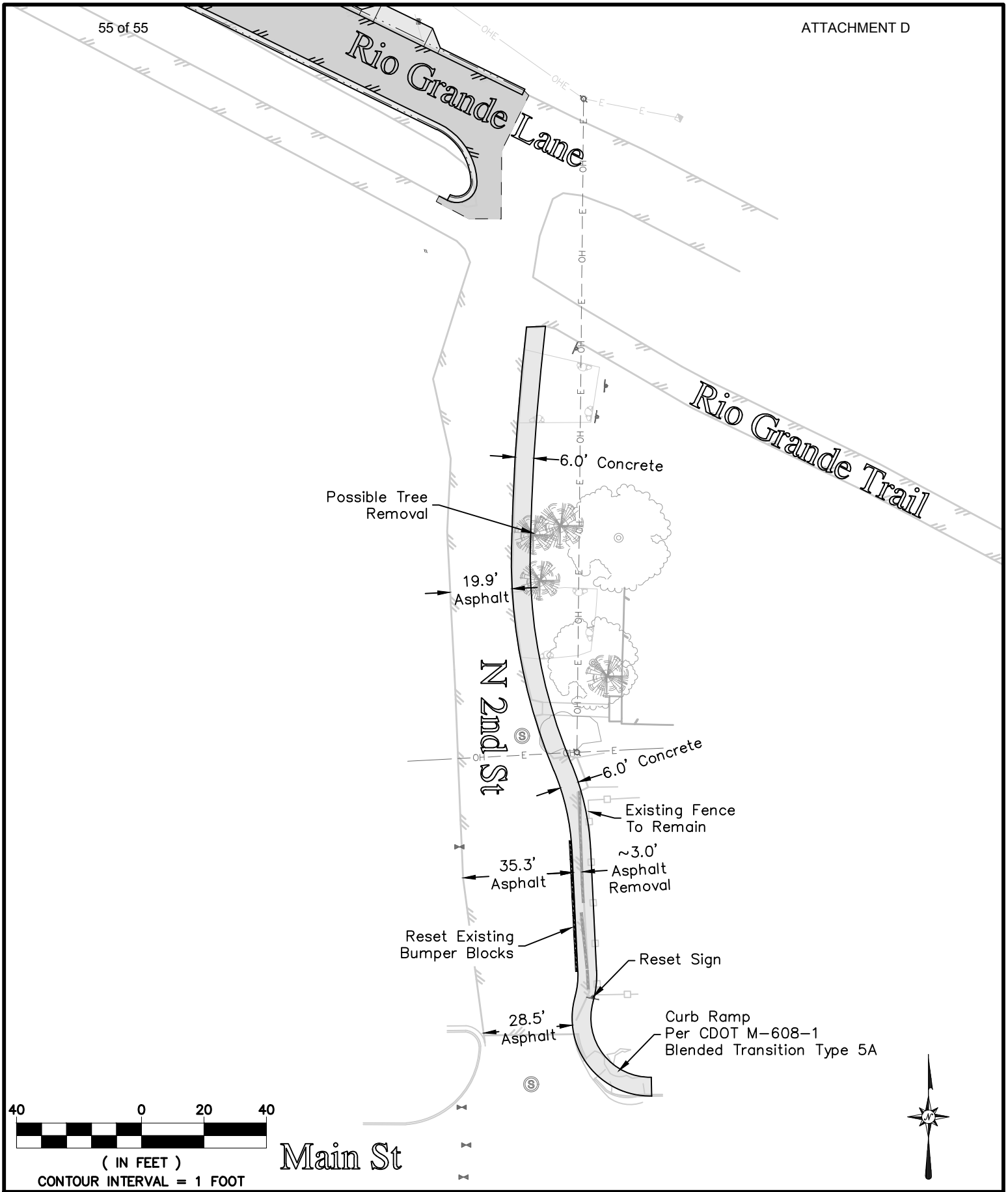
Sopris Lodge, LLC

Carbondale Assisted Living

2nd Street Sidewalk Plan & Profile
Sta: 0+00 – 2+75

C 25

ATTACHMENT D



Carbondale Senior Living	Exhibit	RIVER CITY CONSULTANTS
2nd Street Concept Plan	1	
DATE: 27.Feb.2018 1" = 40'		