

Town of Basalt, Colorado
Ordinance No. 10
Series of 2018

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, ADOPTING MISCELLANEOUS AMENDMENTS TO THE BASALT
COMMUNITY HOUSING GUIDELINES**

RECITALS

A. The Town of Basalt Town Council (hereinafter Council) is authorized by Section 1.3(H) of the Home Rule Charter to adopt and maintain a comprehensive Master Plan for the Town; and,

B. The Council adopted the 2007 Basalt Master Plan in October of 2007, pursuant to Resolution No. 14, Series of 2007; and,

C. The Community Housing Guidelines are a tool used to implement the goals and objectives of the Master Plan related to community housing; and,

D. Town Code Chapter 16, Article XIX requires the Town to adopt Community Housing Guidelines to implement the community housing requirements established in the Town Code; and,

E. The Town last updated the Community Housing Guidelines in 2015 pursuant to Ordinance No.20, Series of 2015; and,

F. The Council desires to amend the Community Housing Guidelines to change the retiree provisions and to correct several incorrect references in the said Guidelines; and,

G. The Basalt Affordable Community Housing Commission (BACH) reviewed the amendments and recommended that the Council adopt the proposed amendments.

H. At a public meeting on May 8, 2018, the Town Council reviewed the proposed amendments and remanded them back to BACH for further consideration and continued the review to May 22, 2018. At a public meeting on May 22, 2018, the Town Council approved this Ordinance on first reading and set a public hearing and second reading for this Ordinance for June 12, 2018, at a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

I. At a public hearing and second reading on June 12, 2018, the Town Council heard evidence and testimony from the Town Staff and members of the public.

J. The Council finds that adoption of amendments to the Community Housing Guidelines further implements the 2007 Basalt Master Plan and provides policy direction for Elected officials and specific direction for developers and others developing community housing.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, AS FOLLOWS:

Section 1. The Town Council hereby finds, determines, and declares that all findings made above in the Recitals are adopted as a part of this Ordinance, and this Ordinance and the adoption of amendments to the Community Housing Guidelines are necessary and proper for the health, safety, and welfare of the Town of Basalt, Colorado, and the inhabitants thereof.

Section 2. Section A, Part I, of the Community Housing Guidelines is hereby amended as shown in **Exhibit "A"** attached hereto.

Section 3. Subsection A, Section 1, Part II of the Community Housing Guidelines and the definition of Employee/Qualified Resident/Buyer in Part V of the Community Housing Guidelines are hereby amended as shown in **Exhibit "B"** as attached hereto.

Section 4. A copy of the amended Community Housing Guidelines shall be available for review and at the Office of the Town Clerk of the Town of Basalt and as feasible on the Town's website.

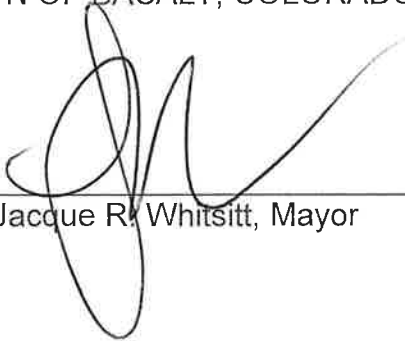
Section 5. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON May 22, 2018, by a vote of 6 to 0 on May 22, 2018.

READ ON SECOND READING AND ADOPTED, by a vote of 6 to 0 on June 12, 2018.

TOWN OF BASALT, COLORADO

By



Jacquie R. Whitsitt, Mayor

ATTEST:



Pamela K. Schilling, Town Clerk



Date of first publication: Thursday, May 31, 2018
Date of second publication: Thursday, June 21, 2018
Effective date: Thursday, July 5, 2018

Exhibit "A"

(Changes in Strikethrough and Underline Format)

Section A, Part 1 of the Basalt Community Housing Guidelines is amended to read as follows:

PART I. COMMUNITY HOUSING CATEGORIES

A. Area Median Income (AMI) Categories Required. The average price for all community housing sale units to be provided shall be dispersed over a range of unit prices affordable to individuals and households making below 120% of Basalt's AMI. Community Housing rental units also may be developed to satisfy commercial mitigation or inclusionary housing requirements as established in Article XIX of the Town Code. Applicants shall provide housing in the following three categories, in accordance with the distribution described below:

Category 1- Only those households earning between 60% to 80% of the Area Median Income (AMI) for Basalt (which unless specified in a specific land use approval means a blended AMI of Pitkin County and Eagle County based on percentage of Basalt population in each County)~~as defined in the definitions section of these guidelines~~, may qualify to purchase or rent a community housing unit which has been priced based on Category 1 AMI levels. Units developed and deed restricted as Category 1 units shall meet the following requirements:

1. For-sale units shall not have a maximum initial sales price greater than would be affordable for individuals or households making 70% of Basalt's AMI using the pricing methodology established in Section 1(B) and 1(C); and,
2. Rental units shall meet the maximum rent requirements set forth in Table I, Section D, Part I II, Section 8(B) of these guidelines; and,
3. When built in combination with other community housing in a development, all of the community housing units shall meet the maximum average pricing requirements established in Town Code Section 16-416(b), *Residential Inclusionary Requirements* and Town Code Section 16-417(c), *Commercial Linkage Requirements*.

Category 2- Only those households earning between 81% to 100% of the Area Median Income (AMI) for Basalt (which unless specified in a specific land use approval means a blended AMI of Pitkin County and Eagle County based on percentage of Basalt population in each County)~~(as defined in the definitions~~

~~section of these guidelines~~), may qualify to purchase or rent a community housing unit which has been priced based on Category 2 AMI levels. Units developed and deed restricted as Category 2 units shall meet the following requirements:

1. For-sale units shall not have a maximum initial sales price greater than would be affordable for individuals or households making 100% of Basalt's AMI using the pricing methodology established in Section 1(B) and 1(C); and,
2. Rental units shall meet the maximum rent requirements set forth in Table I, Section D, Part I II, Section 8(B) of these guidelines; and,
3. When built in combination with other community housing in a development, all of the community housing units shall meet the maximum average pricing requirements established in Town Code Section 16-416(b), *Residential Inclusionary Requirements* and Town Code Section 16-417(c), *Commercial Linkage Requirements*.

Category 3- Only those households earning between 101% to 120% of the Area Median Income (AMI) for Basalt (which unless specified in a specific land use approval means a blended AMI of Pitkin County and Eagle County based on percentage of Basalt population in each County) ~~(as defined in the definitions section of these guidelines)~~, may qualify to purchase or rent a community housing unit which has been priced based on Category 3 AMI levels. Units developed and deed restricted as Category 3 units shall meet the following requirements:

1. For-sale units shall not have a maximum initial sales price greater than would be affordable for individuals or households making 120% of Basalt's AMI using the pricing methodology established in Section 1(B) and 1(C); and,
2. Rental units shall meet the maximum rent requirements set forth in Table I, Section D, Part I II, Section 8(B) of these guidelines; and,
3. When built in combination with other community housing in a development, all of the community housing units shall meet the maximum average pricing requirements established in Town Code Section 16-416(b), *Residential Inclusionary Requirements* and Town Code Section 16-417(c), *Commercial Linkage Requirements*.

Households or individuals may rent or purchase a category level unit priced to be affordable for an individual or household in a higher income category, as follows:

If a for-sale, category-level unit has been advertised for sale for more than six (6) months after the issuance of a Certificate of Occupancy and the unit has been offered for sale during said six (6) month period, the owner may request that the

Special Housing Evaluation Committee allow for the unit to be purchased by an individual or household in the next highest income category than that to which the unit is deed restricted. However, a Category 3 unit may not be purchased by an individual or household whose income and assets exceeds the income and assets permitted for ownership of a Category 3 unit. The Special Housing Evaluation Committee may approve or deny a request by the owner to allow the unit to be purchased by an individual of household in a higher income category than the unit is deed restricted upon considering the number of showings, the overall market trends; and the amount of other available inventory in the price range which the unit is deed restricted.

Exhibit "B"

(Changes in Strikethrough and Underline Format)

Subsection A , Section 1, of Part II of the Basalt Community Housing Guidelines is amended to read as follows:

A. A qualified person must be a full-time employee working in the Roaring Fork Valley employed at a location or for a business with its principal office located in the employment area as defined in Part II, Section 4(A)(5) of these Guidelines, a retired person who has been a full-time employee in the Employment Area a minimum of ten years immediately prior to his or her retirement that satisfies the requirements below, 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 (see definition of Employee/Qualified Resident/Buyer).

Three (3) years of the ten year employment period for a retiree ~~to obtain to maintain~~ a unit may consist of volunteering for a 501(C)(3) non-profit entity at least 1,000 hours per year. Also a retiree must not retire before the age of 65 to ~~obtain a maintain occupancy of their~~ community housing unit. Individuals and households that retire while they own or rent a community housing unit shall be required to have been occupying a Basalt Community Housing unit for at least 10 years prior to retiring at age 65 or older to maintain occupancy of the unit upon retirement. Individuals and households that occupy a community housing unit and retire while they are actively occupying a community housing unit may continue to occupy such community housing unit as long as they satisfy the following annual volunteer requirements for a 501(c)(3) non-profit entity located in the employment area:

Individuals 65-70 Years of Age- 500 Hours

Individuals 71-75 Years of Age- 250 Hours

Individuals Greater than 75 Year of Age- 0 Hours

The volunteer hours shall be documented by the occupant and may be verified by the Town. The Special Housing Evaluation Committee may waive or reduce the volunteer requirement on a case by case basis. Retiring individuals or households not meeting the above requirements will be required to sell their community housing unit upon retiring. Newly retiring individuals or households that were not living in a Basalt Community Housing Unit upon retiring are not eligible for a community housing unit even if they meet the other requirements set forth in this subsection.

The definition of Employee/Qualified Resident/Buyer in Part V of the Basalt Community Housing Guidelines is amended to read as follows:

Employee/Qualified Resident/Buyer - 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 a minimum of nine (9) months out of the year. Volunteering for a 501(C)(3) non-profit entity within the Employment Area for at least 1,000 hours per year also qualifies to satisfy the employment requirements. Individuals that occupy a community housing unit and retire while they are actively occupying such community housing unit may continue to occupy the unit as long as they continue to satisfy the requirements outlined in Subsection A, Section 1, of Part II of these Guidelines. A qualified employee, resident, buyer shall meet the employment, income and asset, and occupancy requirements established herein for the category of unit that they are purchasing or occupying.