

**BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY  
RESOLUTION NO. 2006-44**

**A RESOLUTION AMENDING THE GUNNISON COUNTY LAND USE  
RESOLUTION TO ENACT A WORKFORCE HOUSING FEE**

**WHEREAS**, the Board of County Commissioners of Gunnison County, Colorado (“Board”) has the authority to regulate the use and development of land in unincorporated Gunnison County, to enact an essential housing fee, and to adopt this Resolution, pursuant to Colorado Revised Statutes including: Article 28 of Title 30 (County Planning and Building Code); Article 20 of Title 29 (Local Government Regulation of Land Use); and Article 11 of Title 30 (County Powers and Functions); and

**WHEREAS**, the Board has utilized multiple sources of data, including the 2000 U.S. Census for Gunnison County; the *Gunnison County Housing Needs Assessments* (1992 and 1999); the *Gunnison County Residential Job Generation Study* (2000) by Rees Consulting, Inc. and the Housing Collaborative; a study titled *Gunnison County, Colorado Nexus/Proportionality Analysis For Commercial And Residential Linkage Programs, Final Report*, dated March, 2006 by Rees Consulting, Inc. (“*Nexus Proportionality Analysis*”); a transmittal letter dated March 31, 2006 by Rees Consulting, Inc. and RRC Associates, Inc., (“*Transmittal Letter*”); the Planning Department record on creating an affordable housing amendment to the *Gunnison County Land Use Resolution*; the memorandum dated November 18, 2005 titled “Process of creating a proposed amendment to the Gunnison County Land Use Resolution to include an Essential Housing section” from the Gunnison County Planning Commission to the Board; the memorandum dated November 21, 2005 titled “Gunnison County Planning Commission Recommendation Concerning Proposed Amendments to Gunnison County Land Use Resolution Regarding the Provision of Essential Housing and has conducted a duly noticed public hearing on June 7, 2006 on the proposed amendment to the *Gunnison County Land Use Resolution*, and concerning the demand for workforce housing generated by new residential and commercial development, all of which are made part of the record of the Board, (the “*Record*”) and incorporated herein by reference; and

**WHEREAS**, the Board relies on the Record to legislate the appropriate methodology for the calculation of a fee assessed to certain new development in unincorporated Gunnison County, based on the number of new employees generated by that development (“*Workforce Housing Fee*”); and

**WHEREAS**, the procedural and substantive requirements to amend the *Gunnison County Land Use Resolution* to enact a Workforce Housing Fee have been satisfied; and

**WHEREAS**, in determining whether to amend the *Gunnison County Land Use Resolution* and enact a Workforce Housing Fee, the Board has, pursuant to Section 1-113: C. considered among other factors the compliance of the proposed amendment with the following review standards:

1. The consistency of such a Workforce Housing Fee with any comprehensive plan adopted by Gunnison County;
2. Changed conditions, including the economy of Gunnison County;
3. The effect of such a proposed Workforce Housing Fee on the natural environment;
4. Community needs;
5. Development patterns in Gunnison County;
6. Changes in applicable law;
7. Public health, safety and welfare; and
8. Compliance with any applicable intergovernmental agreements adopted by Gunnison County.

**THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY MAKES THE FOLLOWING FINDINGS:**

1. The Board of County Commissioners of Gunnison County, Colorado adopts and incorporates herein the *Nexus Proportionality Analysis* and the Transmittal Letter.
2. The Board makes the following additional findings:
  - a. A resident workforce is needed to ensure a sustainable local economy. One of the goals of Gunnison County is to maintain a balanced and sustainable local economy that supports Gunnison County as a residential community. Essential to the maintenance of the Gunnison County community and economy is the availability of a stable and qualified workforce.
  - b. Ensuring an opportunity for the workforce and their families to live in Gunnison County is important to maintaining community character. An essential component of Gunnison County's community character is the social and economic fabric created by the realities that occur when the workforce and their families live in the community, attend schools in the community, and participate in the civic life of the community.
  - c. Housing prices in Gunnison County have outpaced the ability of a significant portion of the local workforce to afford market valued housing.
  - d. There is a demonstrated current and anticipated need in Gunnison County for housing for persons who are employed in Gunnison County whose incomes are characterized as: (i) low income (i.e. a household whose annual income does not exceed 80 percent of the area median income as published annually by the U.S. Department of Housing and Urban Development); and (ii) moderate income (i.e. a household whose income is between 81 percent and 120 percent of the area median income as published annually by the U.S. Department of Housing and Urban Development.)
  - e. The Record conclusively demonstrates the need to amend the Gunnison County Land Use Resolution to address the impact generated by new residential and commercial development on the demand for affordable workforce housing.
  - f. The Nexus/Proportionality Analysis, the Transmittal Letter and the remainder of the Record demonstrate a rational nexus between the impact of new residential, commercial and industrial development, the jobs generated by those developments, and the need for affordable workforce housing in Gunnison County.
  - g. The Nexus/Proportionality Analysis, the Transmittal Letter and the remainder of the Record demonstrate and establish an appropriate maximum Workforce Housing Fee that can be imposed on new residential and commercial developments that is roughly proportionate to their impact.
  - h. The Board finds that it is appropriate, currently, to establish a Workforce Housing Fee less than the maximum supported by the Record.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Gunnison County, Colorado that:

1. The *Gunnison County Land Use Resolution* is amended, effective immediately, as set forth in "Exhibit A," attached hereto and incorporated herein;
2. The Board reserves the right, without a further formal amendment to the *Gunnison County Land Use Resolution*, to adjust the Workforce Housing Fee for residential, commercial, industrial development enacted by this Resolution up to the maximum supported by The Record; such action may be taken by a separate resolution of the Board.
3. The Workforce Impact Fee shall be collected and accounted for as follows:
  - a. Deposited in an interest-bearing account clearly identified as "Workforce Impact Fee";
  - b. Such account shall be accounted for separately;
  - c. All interest or other income earned on the monies deposited in said account shall be credited to said account; and
  - d. All monies in said account shall be used exclusively to provide for essential housing, including without limitation, administration costs of Gunnison County.
4. No Workforce Housing Fee shall be imposed on any applicable residential, commercial, and industrial land use change for which the applicant has submitted a complete application pursuant to the *Gunnison County Land Use Resolution* before the effective date of this Resolution.
5. If any provision of this Resolution, or of the amendment to the *Gunnison County Land Use Resolution* hereby made, is held invalid, the remainder of this Resolution and of the amendment to the *Gunnison County Land Use Resolution* hereby made shall remain valid and in full force and effect.
6. The Board shall formally review, no later than the Board's first meeting in October, 2007, the amendment enacted by this Resolution. That review shall encompass the entirety of the amendment and shall include specifically:
  - a. The timing of the payment of the fee for residences up to 1,999 square feet in size; and
  - b. The geographic identification of the "Crested Butte Area".
7. References to numbering within the *Gunnison County Land Use Resolution* in this amendment comport with the recodified *Gunnison County Land Use Resolution* dated February 15, 2006. If the recodified *Gunnison County Land Use Resolution* is held to be invalid by any court of competent jurisdiction, the numerical references in this amendment shall revert to those of the Gunnison County Land Use Resolution adopted January 8, 2001.

**INTRODUCED** by Commissioner Paula Swenson, seconded by Commissioner Hap Channell, and adopted this 13th day of June, 2006.

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Jim Starr,  
Chairperson

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Hap Channell,  
Commissioner

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Paula Swenson,  
Commissioner

Attest:

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Deputy County Clerk