



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Administration	Drew Nelson - City Administrator	October 18, 2022

ITEM

Resolution 2022-53 – A Resolution of the City Council for the City of Salida, Colorado Expressing its Support of Ballot Issue 2D, to Approve the Salida Bottling Company Planned Development

BACKGROUND

On May 3, 2022, the Salida City Council approved Ordinance 2022-06, approving a Planned Development for the Salida Bottling Company project located at 323 West 1st Street. The project would allow for 16 units to be constructed on 0.60 acres in downtown Salida, and would include 4 permanently deed restricted units. As allowed under State statute, opponents to the project filed a petition with the City to refer Ordinance 2022-06 to the Salida electorate under a special election set for November 8, 2022 (which is also the regular general election date). Following a public hearing, the City Council approved Ordinance 2022-11, referring the approval of Ordinance 2022-06 to the voters of Salida.

Per direction from the City Council, Resolution 2022-53 was crafted to endorse and encourage voters to vote in favor of Ballot Issue 2D, approving Ordinance 2022-06 and the Salida Bottling Company project, that will appear on this November's coordinated election ballot. The State Fair Campaign Practices Act (FCPA; C.R.S. 1-45-101 et seq.) expressly authorizes public bodies to adopt resolutions of this sort.

The FCPA generally forbids the use of public funds to urge voters to vote for or against a matter on the ballot. C.R.S. 1-45-117 ("Section 117). Section 117 reflects the widely supported notion that, insofar as voters have no choice but to pay taxes, they should not thereby be forced to fund the government's side of campaigns. But recognizing that the government should not be entirely foreclosed from publicly-funded advocacy, the General Assembly provided several exceptions. One of these exceptions states that nothing in Section 117 forbids a political subdivision of the State from (in pertinent part):

- (A) Passing a resolution or taking a position of advocacy on any issue [appearing on the local ballot]...; or
- (B) Reporting the passage of or distributing such resolution through established, customary means, other than paid advertising, by with information about other proceedings of such...political subdivision...is regularly provided to the public.

C.R.S. 1-45-117(1)(b)(III)(A) and (B)

As noted in the City's Community Survey from March of 2022, 78% of respondents indicated that "affordable housing" was the top issue/priority/problem that the City of Salida should be addressing. 88% of respondents stated the City should allocate more resources to providing affordable housing. Further, as noted in the 2022 Housing Needs Assessment needs and demands for housing remain at a critical level, with 1,105 new affordable homes needed by 2027 in order to catch up and keep up with demand. With average home prices increasing 41% between 2020 and the summer of 2022, the gap between market and affordability only continues to expand. If approved, Ballot Issue 2D would create 4 new permanently deed restricted homes in Salida without any fiscal cost to taxpayers.



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The City of Salida, through its Planning Commission and City Council, held multiple meetings and public hearings over the course of 14 months in which the Salida Bottling Company development was discussed. During this time, 5 public hearings were held on the following dates:

- December 14, 2021 (Planning Commission)
- January 24, 2022 (Planning Commission)
- February 8, 2022 (Planning Commission)
- April 5, 2022 (City Council)
- May 3, 2022 (City Council)

During these public hearings, the City and the developer took public feedback and engaged in good-faith negotiations to address the concerns of the community for affordability, aesthetics, density, building height, parking, and other items, resulting in a development that provides for 300% more deed restricted affordable housing units than what would otherwise have been required by the City's Inclusionary Housing ordinance.

With the Chaffee County election ballot now set, the City Council can take a position of advocacy of Ballot Issue 2D, which would allow for the Salida Bottling Company development to proceed, providing much-needed housing for workforce at no fiscal cost to Salida taxpayers.

FISCAL NOTE

None.

STAFF RECOMMENDATION

Staff recommends that the City Council approve Resolution 2022-53 to express the City Council's support for Ballot Issue 2D, which would improve approve the Salida Bottling Company project at 323 West 1st Street.

SUGGESTED MOTION

A City Councilperson should state, "I move to approve Resolution 2022-53, expressing the City Council's support for Ballot Issue 2D, to approve the Salida Bottling Company Planned Development", followed by a second and a roll call vote.

CITY OF SALIDA, COLORADO
RESOLUTION NO. 2022-53
(Series of 2022)

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO
EXPRESSING ITS SUPPORT OF BALLOT ISSUE 2D, TO APPROVE THE SALIDA
BOTTLING COMPANY PLANNED DEVELOPMENT

WHEREAS, the City of Salida (“City”) and its City Council (“Council”) pursuant to C.R.S. § 1-45-117, wish to take a position of advocacy in support of ballot issue 2D to approve the Salida Bottling Company Planned Development, and

WHEREAS, the City recognizes that the community is experiencing a severe workforce housing shortage. Average home prices in Chaffee County increased 41% between 2020 and 2022, and average rents have increased about 43% since 2016. Home ownership is out of reach for 91% of county households and renters are struggling to make ends meet. If affordable/workforce housing had a market-based solution, it would have long since been undertaken already by developers, and

WHEREAS, the current estimated affordable housing need for Chaffee County is 435 new homes immediately, and to keep up with future housing needs in Chaffee County over the next 5 years, an additional 670 homes, or 222 units are needed per year for a total of 1,105 units, and

WHEREAS, the City of Salida held five (5) public hearings on the Salida Bottling Company project, resulting in good-faith negotiations between the community and the developer and resulting in a project that provides 300% more deed restricted affordable housing units than what would otherwise have been required by the City’s Inclusionary Housing ordinance, and

WHEREAS, the Salida City Council received feedback about issues related to affordability, aesthetics, density, building height, parking, and other matters during the course of its public meetings, and utilized said feedback to reach a reasonable negotiated agreement acceptable to both the community and developer, and

WHEREAS, negotiations were held in good faith to help foster the creation of four deed restricted affordable homes in Salida, providing desperately needed housing for the workforce at no fiscal cost to Salida taxpayers.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO THAT:

Section 1. The Salida City Council incorporates the foregoing recitals as its conclusions, facts, determinations, and findings.

Section 2. The Salida City Council hereby formally endorses Ballot Issue 2D, approving the Salida Bottling Company Planned Development, which will be presented to the voters on November 8, 2022.

RESOLVED, APPROVED AND ADOPTED this ____ of _____, 2022.

CITY OF SALIDA, COLORADO

By: _____
Dan Shore, Mayor

[SEAL]

ATTEST:

By: _____
City Clerk/Deputy City Clerk