

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO TAKING ACTION UPON AN APPLICATION FOR AFFORDABLE HOUSING ASSISTANCE FOR THE WINDMILL RANCH APARTMENTS PROJECT SUBMITTED BY THE BRIGHTON HOUSING AUTHORITY PURSUANT TO SECTIONS 3-5-50, 3-5-60 AND 3-5-70 OF THE *BRIGHTON MUNICIPAL CODE* AND APPROVING THE REDUCTION OR SUBSIDY OF DEVELOPMENT IMPACT FEES AND USE TAX ACCORDINGLY.**

**RESOLUTION NO. \_\_\_\_\_**

**WHEREAS**, on or about March 21, 2017, and pursuant to the requirements of Sections 3-5-50, 3-5-60 and 3-5-70 of the *Brighton Municipal Code*, the Brighton Housing Authority (the “Applicant”) submitted to the City an Application (the “Application”) for the Windmill Ranch Apartments Project (the “Project”); and

**WHEREAS**, pursuant to Section 3-5-50 of the *Brighton Municipal Code*, designated City Staff reviewed said Application in conjunction with the City’s *Attainable Housing Matrix* and has made a recommendation to the City Council regarding the reduction or subsidy of certain development impact fees and use tax for ninety-six (96) units, to wit:

Applicant shall pay at the time of building permit issuance the full amount of the following fees in the amount in effect at the time of payment:

- Building Permit
- Electrical Permit
- Plumbing Permit
- Mechanical Permit
- Plan Check Fee
- Sewer Plant Investment Fee (Metropolitan Wastewater Reclamation District)

Applicant shall pay proportionately applicable fees (based on the AMI percentage for the applicable unit) at the time of building permit issuance for the following fees in the amount in effect at the time of payment:

- Water Plant Investment Fees
- Capital Facility Foundation Fees
- Storm Drainage Impact Fees

Applicant shall not be required to pay the following fees or dedications:

- Use Tax
- Neighborhood Park Impact Fees
- Community Park Impact Fees
- Crossing Fees
- Traffic Impact Fees
- Public Park Land Dedication or fee-in-lieu
- Open Space Land Dedication or fee-in-lieu
- School Land Dedication or fee-in-lieu
- Private on-site open space dedication

**WHEREAS**, the Applicant has represented and promised that all of the units in the Project will be affordable, ranging from 30% AMI to 60% AMI for all 96 new units and the same shall be applied to the proportionate application of fees as set forth above; and

**WHEREAS**, the City Council hereby finds and determines that the Application meets the requirements of Section 3-5-50 of the *Brighton Municipal Code*, that good and sufficient cause exists to reduce and/or subsidize certain development impact fees and use tax the Project, that the Applicant and the City shall enter into a written agreement as required in Section 3-5-70 of the *Code*, and the City Council is relying upon the AMI unit allocations as represented by the Applicant in making its determination regarding said reduction and/or subsidy of fees.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:**

- 1. That the following reduction or subsidy of development impact fees and use tax for the Windmill Ranch Apartments Project are hereby approved, subject to final execution of an Agreement between the City and the Applicant as required in Section 3-5-70 of the *Brighton Municipal Code*:**

Applicant shall pay at the time of building permit issuance the full amount of the following fees in the amount in effect at the time of payment:

- Building Permit
- Electrical Permit
- Plumbing Permit
- Mechanical Permit
- Plan Check Fee
- Sewer Plant Investment Fee (Metropolitan Wastewater Reclamation District)

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- Public Park Land Dedication or fee-in-lieu
- Open Space Land Dedication or fee-in-lieu
- School Land Dedication or fee-in-lieu
- Private on-site open space dedication

**RESOLVED THIS 2<sup>nd</sup> DAY OF MAY, 2017.**

**CITY OF BRIGHTON, COLORADO**

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**Richard N. McLean, Mayor**

**ATTEST:**

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**Natalie Hoel, City Clerk**

**APPROVED AS TO FORM:**

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**Margaret R. Brubaker, Esq.**  
**City Attorney**