

**PLANNING AND ZONING COMMISSION**

**AGENDA**

**DATE MAY 3, 2022 6:30 P.M.**

**420 CENTRAL AVE DOLORES CO. 81323**

**OR VIRTUALLY BY THE LINK BELOW:**

Join Zoom Meeting

<https://zoom.us/j/92252992315>

Meeting ID: 922 5299 2315

One tap mobile

+16699006833,,92252992315# US (San Jose)

+12532158782,,92252992315# US (Tacoma)

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.**
- 5. APPROVAL OF THE AGENDA**
- 6. PUBLIC PARTICIPATION 5 minutes per person.**
- 7. CONSENT AGENDA**

**7.1 Minutes of April 5, 2022.**

**7.2 Continue this meeting to May 17, 2022 for a public hearing concerning a development application and other business.**

**8. Staff updates.**

**Ken has been researching criteria for becoming grant eligible for affordable housing projects.** The commission reviewed several strategies at the October meeting. (See attachment)  
From that, staff is looking for guidance from the Commission on what standards and changes might be made to the LUC to provide guidance to developers and staff for affordable housing projects. Some projects could include the town's and other publicly owned properties suitable for that purpose. Below are the three methods or strategies chosen for your review.

**9. Discussion and possible decision:**

**9.1 Affordable Housing incentive standards, options, strategies.**

- **Publicly owned vacant land. Attached, identified properties**
- **Promoting Affordable and Flexible Housing Types. Attached, Dolores LUC zone standards and permitted use table.**
- **Development review Fees, Impact Fees, and Expedited Permitting. Attached, excerpts from Fort Collins developer information packet.**

**9.2 Guides to creating a comprehensive plan. Study material.**

- **Master plan primer**
- **Comprehensive plan, a Roadmap**

**10. Continuance.**

7.1

## **PLANNING AND ZONING COMMISSION**

### **MINUTES**

**DATE APRIL 5, 2022 6:30 P.M.**

**420 CENTRAL AVE DOLORES CO. 81323**

**OR VIRTUALLY BY THE LINK BELOW:**

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- 1. CALL TO ORDER** Chairperson Robinson called the meeting to order at 6:30 p.m.
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL** Present at the meeting were Commissioners Robinson, Truelsen, Powell and Heeney. Ex Officio Watters and Lewis. Staff present were Manager Charles Building Official Doudy, Attorney Kelly and Assistant Clerk Swope. Absent was Commissioner Tucker.
- 4. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.** None stated.
- 5. APPROVAL OF THE AGENDA.** Commissioner Powell moved and Commissioner Heeney seconded to approve the agenda.  
Yes: all  
No: none
- 6. PUBLIC PARTICIPATION 5 minutes per person.** No members of the public were present.
- 7. CONSENT AGENDA**

#### **7.1 Minutes of February 1, 2022, and February 15, 2022 meetings.**

Commissioner Powell moved and Commissioner Heeney seconded to approve the minutes of February 1 and February 15, 2022, with the correction of typos found in the body of the February 1, 2022, minutes. Where the word "*properties*" was misspelled

and in the February 15, 2022 minutes the quotation mark in item 3 of the conditions of the permit is not needed.

Yes: all

No: none

#### **8. Staff updates.**

- **Vacancy filling.** There are just enough letters of interest to fill the vacancies. Each will serve a three-year term. The Board of Trustees will be asked to make the appointments at the April 11, 2022 regular meeting.
- **LUC clean up progress.** Attorney Kelly reviewed the list of items compiled by Planner Garvin that must be corrected by a clean up ordinance. Kelly will draft an ordinance to present to the Commissioners and Board of Trustees.
- **Celebration preparations.** Meal decisions were made, and a head count was taken. The Celebration will be held on April 18, 2022, at the Ponderosa.

#### **9. Discussion and possible decision:**

**9.1 Future projects.** The Commissioners will be looking at the Comprehensive Plan as their next big project. They did some preliminary work in 2019 and will use the review document to guide them. They also asked Manager Charles for a template or model of a standard comprehensive plan.

**9.2 Amendments to the LUC what's needed, affordable housing etc.** Work force housing standards will be further developed and prepared to be added to the new land use code with a separate ordinance. The Commission will review standards at the next meeting.

Commissioner Powell gave the Commission an update on the grant resubmittal for the Exxon building. The technical components have been amended and the grant application will be resubmitted before May 1, 2022.

#### **10. Adjournment.** The meeting was adjourned at 7:15 p.m.

MAJOR STRATEGIES IDENTIFIED FOR IMPLEMENTING IN THE UPDATED LUC AT THE OCTOBER 5, 2021 PZ MEETING

Incentivize Affordable housing development by the following:

- Make applications for Affordable Housing Development a priority and provide procedures to expedite the process. (Add to Article 13)
- Implement a deed restriction requirement.
- Add a density bonus to zones where lower square foot minimums and higher square foot maximums and or height allowances for multi-unit or multiple structures can be implemented. (10 units or more)
- Expand use-by-right for Accessory dwelling units in residential zones with the bulk area minimums can accommodate ADUs.
- Allow multi-unit ADU in Large Lot zones by conditional use.
- Require developers to incorporate outdoor space opportunities in the multi-unit and multi-structure development.



## Publicly-Owned Vacant Land

*From DOLA's Innovative Affordable Housing Development Incentives Grant Program Guidelines, list of qualifying strategies:*

**1. The use of vacant publicly owned real property within the local government for the development of affordable housing.**

**Overview.** The use of publicly-owned land for affordable housing can help ensure that communities can provide housing options for lower-income households, particularly in communities with constrained opportunities for development and high land costs. Communities with an inventory of land can provide these parcels (or the rights to develop these parcels) to private and nonprofit developers at low or no costs in return for the developer's commitment to provide housing that meet specific affordability requirements.

**Impact.** This policy tool can be effective in both high and low growth communities, particularly in communities where vacant land for residential uses is lacking. For communities with high-opportunity areas where the feasibility of providing affordable housing is limited, land can be provided at a reduced cost in return for long-term affordable units.

### Implementation considerations.

**Identify scope of the program.** Potential questions to ask include:

- 1) Who are the public entities that own land and may be willing to collaborate on efforts to identify opportunities for affordable housing (e.g., school districts)?
- 2) What types of affordable housing do we need to accommodate the household income levels represented in the community? Should these needs be commensurate with how much the vacant land is sold for (e.g., higher sale price for households served between 80-120% AMI than 30-50% AMI)?

**Develop a surplus land inventory.** Jurisdictions should also consider developing an inventory of vacant/surplus land and assign attributes (i.e. brownfield or contaminated site, parcel size, current zoning, adjacent land use, within a ¼ mile of transit, etc.) to assess suitability for residential development. Jurisdictions should also consider adding or removing parcels on an annual basis and including other public potential sites (e.g., surface parking lots) for more intensive residential development

**Define program criteria.** In crafting the strategy, the community must determine:

- Project criteria that developers must agree to provide to be eligible to buy land (e.g., density level, percentage of units that must be affordable, the affordability level served, duration of affordability)

required, and preference for serving a specific population). Eligibility may also include a specific time period (e.g. 5 years) that the developer must deliver the project by;

- Criteria outlining conditions of when land is sold at fair market value, as opposed to discounted or provided at no cost. Jurisdiction should also consider whether preference or first right of refusal should be given to certain developers (e.g. nonprofit, affordable housing developers over private, for-profit developers);
  - o For example, a jurisdiction could consider offering vacant land at a discounted price in exchange for the quick development of affordable housing with less initial financial burden (this would be targeted at nonprofit developers). If sold at fair market value, jurisdiction could offer priority to nonprofit developers to purchase the land first before offering to for-profit developers).
- For sites that are not suitable for residential development, whether a percentage of the sale of any publicly-owned vacant land goes to support affordable housing activities.

**Advantages and challenges.** Potential advantages of this strategy include:

- Reduced land costs increase financial feasibility of the development project and can provide for housing units at greater levels of affordability;
- Reducing barriers to entry for nonprofit housing developers to build projects in areas with high land costs;

Potential challenges of this strategy include:

- Site development might be held to higher level of scrutiny due to the provision of public land; and
- Prolonged sales and entitlement process.

**Examples from other Colorado communities.**

- [City of Denver \(no policy but included in their Housing an Inclusive Denver strategy\)](#)

**Additional resources.** Information for this factsheet gathered from *Local Housing Solutions*. Additional resources to support development and implementation of this strategy are available [here](#), [here](#) and [here](#).

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*Many thanks to Root Policy Research for drafting this fact sheet and to Plan Tools, LLC and SE Group for reviewing and contributing. Please reach out to DLG program staff if you have additional questions or would like to share your best practice with other communities.*









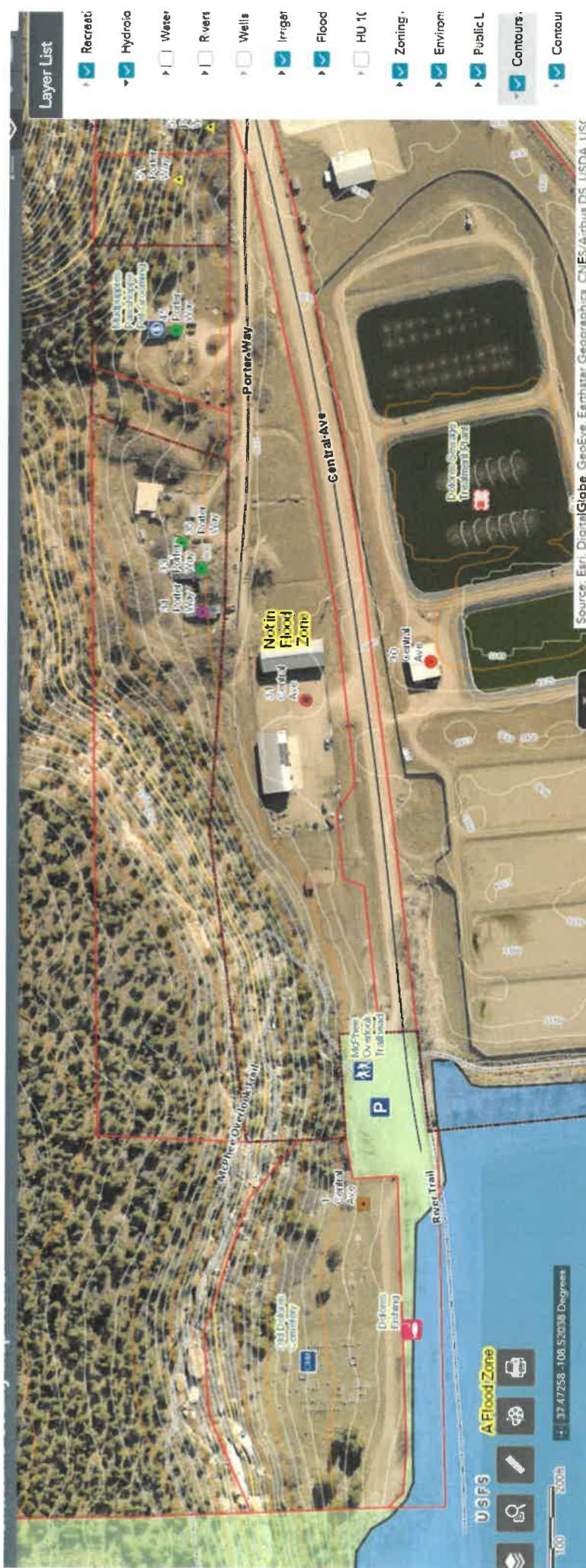
Layers	County Boundary	Zip Codes	PLSS Township	Addresses	PID Labels	Parcels	Highway Names (Dynamic Size)	School Attendance Zones	NA	Trails	Public Lands & BIA Land	World Imagery	Low Resolution on 15m Imagery	High Resolution	
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	KEY_	PermitNumber	ZONE_	ZONE_CORTEZ	ZONE_DOLORES	ZONE_MANCOS	WATER	NOTES	ACRES_Actual	WebSiteLink	ACCOUNTNO	OWNERNAME1	BUSINESSNAME	LOCATIONADDR	LOCATIONNC1
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9.1



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, Swayam2, Swire

County Boundary	Zip Codes	PLSS Townships	Addresses	PID Labels	Parcels	Highway Names (Dynamic Size)	School Attendance Zones	NA	Trails	Public Lands & BIA Land	World Imagery	Low Resolution 15m Imagery	High Resolution 60cm Imagery
20003	81323	DOLORES	45 RAILROAD AVE	DOLORES TOWN OF	DOLORES TOWN OF	DOLORES TOWN OF	DOLORES TOWN OF	DOLORES TOWN OF	DOLORES TOWN OF	DOLORES TOWN OF	DOLORES TOWN OF	DOLORES TOWN OF	DOLORES TOWN OF

15







County Boundary Zip Codes PLSS Townships Addresses PID Labels Parcels Highway Names (Dynamic Size) School Attendance Zones NA NA Trails Public Lands & BIA Land World Imagery Low Resolution on 15m Imagery High Resolution

KEY\_ PermitNumber ZONE\_ ZONE\_ CORTEZ ZONE\_ DOLORES ZONE\_ MANCOS WATER NOTES ACRES\_Actual ACRES\_Count WebSiteLink ACCOUNTNO OWNERSNAME1 BUSINESSNAME LOCATIONADDRESS LOCATIONCITY

112006 37.47635 -108.49514 Degrees MFR 0.29 https://eagleweb.accountNumber CORLEY WHITESIDE LIVING TRUST TBD HILLSIDE AVE DOLORES

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# HB21-1271 Qualifying Strategy Guidance Fact Sheet

## Promoting Affordable and Flexible Housing Types

*From DOLA's Innovative Affordable Housing Development Incentives Grant Program Guidelines, list of qualifying strategies:*

**8. Granting duplexes, triplexes, or other appropriate multi-family housing options as a use by right in single-family residential zoning districts.**

**9. The classification of a proposed affordable housing development as a use by right when it meets the building density and design standards of a given zoning district.**

**11. Allowing planned unit developments with integrated affordable housing units.**

**Overview.** The following guidance document incorporates three strategies: Integrating affordable housing into planned unit developments (PUDs); granting duplexes, triplexes and other appropriate multi-family options as a use by-right; and allowing affordable housing development as a use by right. All three of these strategies would modify zoning or other related processes to increase the supply of affordable and missing middle housing types.

- PUD ordinances allow developers to bypass existing zoning requirements in exchange for satisfying negotiated development criteria. Benefits of PUDs can include more holistic development; greater diversity of mixed-use buildings and housing types; lower infrastructure costs; planned open space and community facilities; streetscape improvements; and other community enhancements. Jurisdictions can require that PUDs include affordable housing or incentivize inclusion through density bonuses, fee waivers, and infrastructure support.
- Allowing duplexes, triplexes, or other appropriate multi-family options as a use by right would help diversify the housing options available to homeowners and renters, as well as provide more naturally affordable housing options.
- Allowing affordable housing developments as a use by right provides more certainty for developers and reduces the risks that affordable housing will be stalled by neighborhood opposition.

**Impact.** The impact of each of these solutions depends on program design and local housing market conditions and needs. PUDs can provide affordable housing options that otherwise wouldn't be built, more efficient site design, and lower infrastructure and maintenance costs. Allowing duplexes, triplexes, and other multi-family options can help expand the availability of more naturally occurring affordable options in high-opportunity neighborhoods, encourage residential density and walkability, and provide more housing choices for households with a diversity of needs. Allowing affordable housing developments as a use by right will help temper potential opposition and bolster the availability of housing options for lower-income residents.



**Implementation considerations.** For communities pursuing these strategies, the following steps should be considered:

- For PUDs, determine whether the jurisdictional ordinance will mandate or incentivize the inclusion of affordable housing options in the development. If the jurisdiction wants to provide incentives, they should consider strategies such as density bonuses, fee waivers, or infrastructure support. The jurisdiction must also decide how many affordable units must be provided and at what AMI levels, and how long those units must remain affordable. For ownership units, deed-restrictions, shared equity models, and land trusts should be used to ensure that the affordability carries forward to subsequent owners.
- In addition to allowing duplexes, triplexes, etc. as a use by right, the jurisdiction should also analyze if zoning and land use regulations could impede development of these housing types. For example, setbacks, FAR, minimum lot size or parking requirements might make development financially infeasible or discourage such development. Jurisdictions should also consider providing technical assistance or administrative support to small-scale developers who will most likely build these types of units, as well as assistance to households who would benefit the most from unit construction (e.g., downpayment assistance for first time homebuyers). To ensure that the units built result in housing for permanent residents and workforce and offer some level of affordability, jurisdictions should pair such policies with affordability covenants or deed restrictions; preference policies or first rights of refusal (in initial and subsequent sales); and regulate short-term rentals and second homeownership in the units.

**Define program criteria.** In crafting these strategies, the community must determine:

- What levels of affordability (% of total units, AMI level, and length of affordability) must be provided in the PUD;
- Whether PUDs will include set guidelines for affordability or if these requirements will be negotiated on a case-by-case basis;
- Whether current zoning restrictions must be amended to ensure development of duplexes, triplexes, and other multi-family housing options is not impeded;
- Whether the community has administrative capacity to provide technical assistance to small-scale developers; and
- Conditions to ensure long-term affordability. If appropriate mechanisms aren't put in place, increased risk that low income families will have fewer affordable options and/or experience displacement.

**Examples from other communities.**

- [City of Austin, TX](#) and [article on outcomes](#)
- [San Miguel County](#)
- [Town of Mt. Crested Butte](#)



**Additional resources.** Information for this factsheet was gathered from a variety of sources. Additional resources to support development and implementation of these strategies are available:

- PUDs: [here](#), [here](#) (PUD presentation specific to Colorado), and [here](#).
- Duplexes, triplexes, and other multi-family housing options: [here](#), [here](#), and [here](#).

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9.1

**Table 4.1: Primary Uses**

	LLR	new	R1	new	MRF	MH	CB1 + 2	CH	LI	new	P	R10	R35	Additional Use Limitations
	LLR1	LLR 2	NR1	NR2	NR3	MHP	DMU	CMU	IND	P1	P2	R10	R35	
<b>Key: /P/ Permitted Use /PL/ Permitted with Use Limitations /C/ Conditional Use /--/ Not Permitted [1] Affordable Housing Required</b>														
<b>RESIDENTIAL</b>														
Households Living (dwelling unit/structure)														
1 du/structure	P	P	P	P	P	P	C	PL	--	--	--	P	P	
2 du/structure	P	P	P	P	P	P	PL	PL	--	--	--	--	--	Sec. 4.5.A
Townhomes (3 or more attached units)	C[1]	C[1]	C[1]	P	P	--	C	P	--	--	--	--	--	Sec. 4.5.A
3-4 du/structure multifamily	--	--	C[1]	P	P	--	PL	PL	--	--	--	--	--	Sec. 4.5.A
5-8 du/structure apartment	--	--	--	--	P	--	C	PL	--	--	--	--	--	
9+ du/structure apartment	--	--	--	--	P	--	--	PL	--	--	--	--	--	
Manufactured Home	--	--	--	--	--	P	--	--	--	--	--	--	--	Sec. 4.5.A
Group Household Living														
<b>Groups Recognized by Colorado Statutes</b>														
Community Residential Facility, Large (9 to 15)	--	--	P	P	P	P	P	P	--	--	P	--	--	Sec. 4.5.A
Community Residential Facility, Small (8 or fewer)	P	P	P	P	P	P	P	P	--	--	P	P	P	Sec. 4.5.A
<b>Independent Groups</b>														
Assisted Living Facility	--	--	C	C	P	--	P	P	P	--	P	P	P	
Nursing Home	--	--	C	C	P	--	P	P	P	--	P	P	P	
Shared or Co-Living Facility	--	--	--	--	--	--	C	--	--	--	--	--	--	
<b>PUBLIC, CIVIC, AND INSTITUTIONAL</b>														
Assembly														
Civic Assembly		--	--	--	P	P	P	P	P	--	P	--	--	
Religious Assembly	P	P	P	P	P	P	P	P	C	--	P	--	--	

## Section 3.5. Residential Districts



Fig. 3B: Large lot development character

### A. Purpose and Intent

#### 1. Large Lot Residential 1 (LLR-1)

The LLR-1 Large-Lot Residential district is designed primarily to accommodate single-unit dwellings in very low density development patterns. It is intended for application to areas designated “Large Lot Residential” on the Future Land Use Map in the Comprehensive Plan. Lot size: 43,560 sf (1 acre) or larger.

#### 2. Large Lot Residential 2 (LLR-2)

The LLR-2 Large Lot Residential 2 district is designed primarily to accommodate single-unit dwellings in low density development patterns. It is intended for application as a transition between smaller, more urban lots closer to the Town center and the larger LLR-1 lots located in areas designated “Large Lot Residential” on the Future Land Use Map in the Comprehensive Plan. LLR-2 may also be applied to allow the conversion of existing LLR-1 to somewhat smaller lot development through resubdivision where sufficient services are available. Lot size: 12,000 sf (roughly 1/3 acre) to 43,560 sf (1 acre).



Fig. 3C: Neighborhood residential development character

#### 3. Neighborhood Residential 1 (NR-1)

The NR-1 Neighborhood Residential 1 district is designed primarily to accommodate single-family uses. It is intended for application in areas designated “Town Residential” on the Future Land Use Map in the Comprehensive Plan. Lot size: 6,000 to 12,000 sf

#### 4. Neighborhood Residential 2 (NR-2)

The NR-2 Neighborhood Residential 2 district is designed primarily to accommodate single and two-unit dwellings along with some townhouse development designed in keeping with

existing neighborhoods. NR-2 is intended to be applied in neighborhoods and areas where existing development patterns reflect this range of lot sizes and in new or redeveloping areas where Town-scale residential lots are an appropriate development pattern. It is intended for application in areas designated “Town Residential” on the Future Land Use Map in the Comprehensive Plan. Lot size: Single family or duplex: 3,000 to 6,000 sf, smaller for townhouse

### 5. Neighborhood Residential 3 (NR-3)

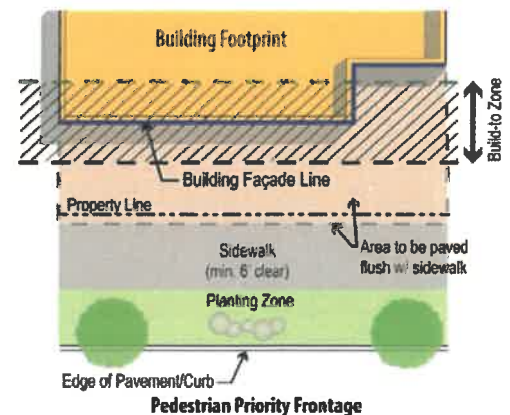
The NR-3 Neighborhood Residential 3 district is designed primarily to accommodate attached and multiunit dwellings. NR-3 zoning is appropriate adjacent to downtown Dolores and in areas walkable to downtown where full services are available. It is intended for application to areas designated “Multi-family Residential on the Future Land Use Map in the Comprehensive Plan. Lot size: Single family or duplex: 3,000 to 6,000 sf; smaller for townhouse; apartments permitted

### B. Permitted Uses

1. Permitted and conditional uses are identified in Table 4.1: Primary Uses.
2. Accessory uses are identified in Table 4.3: Accessory Uses.

### C. Area and Bulk Standards

1. Each lot in a residential district shall comply with the dimensional standards in Table 3.2: Dimensional Standards for Residential Structures.
2. Non-residential structures permitted in residential districts shall comply with the standards for a one-unit development in that district.
3. Where a front build-to-line is required, at least 60 percent of the front façade of the building must be located within the specified build-to range as shown in Fig. 3D. Where there is an existing block face average build-to location, new construction and redevelopment shall comply with that build-to location.



### D. Development and Design Standards

Additional applicable development and design regulations can be found in the following sections:

Additional Standards			
Article	Title	Article	Title
6	Site Layout and Structure Design Standards	11	Hazards and Environmentally Sensitive Areas
7	Subdivision	12	Outdoor Lighting
8	Landscaping, Screening, and Trees	13	Operational Performance Standards
9	Parking, Loading, and Access	14	Signs
10	Connectivity and Mobility	15	Nonconformities



**Table 3.2: Dimensional Standards for Residential Structures**

Standard	LLR-1	LLR-2	NR-1	NR-2/NR-3, DMU, CMU	NR-1 [1], NR-2, NR-3, DMU, CMU	NR-3, DMU, CMU	NR-3, CMU
<b>Min. Lot Dimensions</b>							
Lot Area (min/max)							
Single Family min/max (sq. ft.)	43,560/ no max.	12,000/ 43,560	6,000/ 12,000	3,000/ 6,000	Town House [2]	3-4 DU Multifamily	5-8 DU Apartment
Duplex min/max (sq. ft.)	43,560/ structure	12,000/ structure	6,000/ structure	3,000/ structure			9+ DU Apartment
3-4 unit Multifamily home	43,560/ structure	12,000/ structure	6,000/ structure	6,000/ structure			
Townhouses and Apartments					1200/unit	7000/ structure	10,000/ structure
Min. Lot Width (ft.) All districts except DMU	70	70	50	50	20	50	20
DMU				n/a	n/a	n/a	n/a
Max. Lot Cover. (%) All districts except DMU	20	50	50	60	70	70	70
DMU				100	100	100	100
<b>Front Build-to Line (ft)</b>							
Min/max range (ft)	n/a	n/a	n/a	n/a	10-20 ft	10-20 ft	10-20 ft
<b>Min. Setbacks (ft)</b>							
Front Yard	25	25	10	10	6/0	6/0	6/0
Street Side	25	25	10	10	6/0	6/0	6/0
Interior Side Yard <sup>[1]</sup>	20	20	6	6	6/0	6/0	6/0
Rear Yard	20	20	6	6	6/25	6/25	6/25
Det. Acc. Struct. from alley	0	0	0	0	0	0	0
<b>Structure Dimensions</b>							
Min. Area/unit (sq. ft.)	800	800	800	800	800/unit	400/unit	400/unit
Max. Height, Principal Bldg (ft.)	35	35	35	35	35	35	35
Max. Height, Access. Bldg (ft)	[4]	[4]	[4]	[4]	27	27	27

[1] May require conditional use permit approval in NR-1 district.

[2] Side setbacks measured at exterior of building, not between individual units

[3] 20 abutting LLR-1 or LLR-2

[4] Height of principal building

Notes



# HB21-1271 Qualifying Strategy Guidance Fact Sheet

## Development Review Fees, Impact Fees, and Expedited Process

*From DOLA's Innovative Affordable Housing Development Incentives Grant Program Guidelines, list of qualifying strategies:*

- 2. The creation of a program to subsidize or otherwise reduce local development review or fees, including but not limited to building permit fees, planning waivers, and water and sewer tap fees, for affordable housing development.*
- 3. The creation of an expedited development review process for affordable housing aimed at households the annual income of which is at or below one hundred twenty percent of the area median income of households of that size in the county in which the housing is located.*
- 4. The creation of an expedited development review process for acquiring or repurposing underutilized commercial property that can be rezoned to include affordable housing units, including the preservation of existing affordable housing units.*

**Overview.** Local jurisdictions can charge developers a range of fees to offset the cost of development review and approval and help pay for expanding infrastructure and other public services related to the new development. Development review and permitting processes are in place to ensure compliance with local land use and zoning laws, building codes, and public health and safety standards. Reducing or waiving development fees and impact fees, as well as expediting the permitting and approval processes, can help incentivize the development of affordable housing or other high-priority community projects.

**Impact.** Particularly in strong markets with high levels of construction activity and communities with high development or impact fees, expedited development review or the waiving of development fees can be effective at incentivizing affordable housing development. The reduction or elimination of these fees can help to make a developers' projects more financially viable and an expedited review process can also help developers avoid project delays and unexpected costs. Both of these strategies may also be tied to other policies in place, such as inclusionary zoning requirements, to help offset added costs to developers.

Programs with the strongest outcomes to date share similar conditions:

- High-level of construction activity (e.g., strong demand for market and affordable housing) or where new development is anticipated;
- Relatively high impact and/or development fees;
- Adequate staff capacity that allows expedited permitting program to be successful without disrupting normal development review process; and

- 9.1
- Balance between making affordable housing development cost-effective for developers while preventing negative funding impacts on other community goals.

**Implementation considerations.** For communities considering these strategies, the following basic questions should be considered before pursuing implementation:

- 1) Are local housing market conditions (e.g., level of construction activity) conducive to make developers take advantage of these incentives?
- 2) Assess cost impact to the jurisdiction and how the revenue from that fee(s) is utilized. Are there other revenue sources available that might be able to cover shortfalls?
- 3) Does staff have capacity to handle influx of development applications on an expedited timeline? Is there administrative capacity to monitor the program and its effectiveness?

**Define program criteria.** In crafting the development fee reduction/waiver and expedited development review strategies, the community must determine:

- Whether the jurisdiction reduces or waives all development impact fees or a subset of fees, and availability of other revenue sources to offset those waivers. Similarly, for expedited development review, whether projects are eligible for all review processes to be expedited or just a subset (e.g., building permits and environmental review).
- What eligibility and affordability criteria must be met to qualify for fee waiver/reduction and/or expedited development review (e.g., number of units provided at a certain AMI%, length of time that units must remain affordable for projects).
- Whether fee waivers/reductions and expedited development review be as-of-right or reviewed on case-by-case basis (note: case-by-case is less predictable for developers and demands more administrative capacity).
- How fee waiver/reduction and expedited review applies to mixed-income developments, renovations, and/or conversion of non-residential property to affordable housing.
- Whether to apply a cap on number or annual amount of fee waivers/reductions.
- Capacity to monitor and administer program to ensure that units benefitting from waiver or expedited review are actually being used as specified in the agreement.

**Advantages and challenges.** Potential advantages of these strategies include:

- Improves the financial feasibility of the developer's project;
- Provides more certainty in the development process; and
- Provides affordable units at a certain AMI level that might not be produced otherwise.

Potential challenges of implementing a development review fee waiver or expedited process include:

- Ensuring fee subsidy/reduction amounts and expedited development review are meaningful incentives for developers;

- Limited capacity for program administration and monitoring; and
- Reduced revenue for infrastructure expenses and other public services.

**Examples from other Colorado communities.**

- [City of Commerce City \(fee waiver\)](#)
- [City of Fort Collins \(fee waiver and expedited permitting\)](#)
- [City of Longmont](#)

**Additional resources.** Information for this factsheet gathered from *Local Housing Solutions* and *National Housing Conference* websites. Additional resources to support development and implementation of the fee waiver/reduction strategy are available [here](#), [here](#), and [here](#); expedited review process resources are available [here](#) and [here](#).

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*Many thanks to Root Policy Research for drafting this fact sheet and to Plan Tools, LLC and SE Group for reviewing and contributing. Please reach out to DLG program staff if you have additional questions or would like to share your best practice with other communities.*





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**ORDINANCE NO. 19, 1999  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
REVISING THE DEFINITIONS FOR "AFFORDABLE HOUSING PROJECT" AND  
"AFFORDABLE HOUSING UNIT", REVISING THE CITY'S DEVELOPMENT REVIEW  
FEE WAIVER PROVISIONS FOR AFFORDABLE HOUSING AND REVISING THE CITY'S  
IMPACT FEE DELAY PROGRAM FOR AFFORDABLE HOUSING**

WHEREAS, the 1997-99 Staff Work Plan calls for an "Affordable Housing Needs Study" to be completed in the summer of 1998; and

WHEREAS, the "Draft Priority Affordable Housing Needs and Strategy Study" was presented to the Council at its Study Session on June 9, 1998; and

WHEREAS, on August 18, 1998, the Council, by Resolution 98-125, established certain affordable housing priorities; and

WHEREAS, in order to implement said priorities, the staff and the Affordable Housing Board have worked together to propose revisions to the City's existing affordable housing programs; and

WHEREAS, the Affordable Housing Board, on September 3, 1998, recommended to the Council that the changes proposed by this Ordinance be adopted; and

WHEREAS, the Council has determined that the affordable housing provisions of the City's law should be based upon common and consistent definitions; and

WHEREAS, the Council has determined that the definition, development review fee waiver and impact fee delay program changes proposed by this Ordinance are in the best interests of the City and should be adopted.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the Land Use Code, the Transitional Land Use Regulations and the City Code are hereby amended as follows:

Section 1. That the definition of "Affordable housing project" as contained in Section 5.1.2 of the Land Use Code be amended to read as follows:

*Affordable housing project* shall mean a development project in which: (1) at least seventy-five (75) percent of the gross acreage to be developed under the plan is to be developed as residential dwelling units or mobile home park spaces; (2) at least ten (10) percent of said dwelling units or spaces (the "affordable housing units") are to be available for rent or purchase on the terms described in the definitions of "Affordable housing unit for rent" or "Affordable housing unit for sale" (as applicable); (3) the construction of the dwelling units or spaces is to occur as part of

the initial phase of the project and (i) prior to the construction of the market rate units or (ii) on a proportional basis, according to the same ratio as the number of affordable units bears to the number of the market rate units; and (4) the units will be required, by binding legal instrument acceptable to the City and duly recorded with the Larimer County Clerk and Recorder, to be occupied by and affordable to low-income households for at least twenty (20) years.

Section 2. That Section 5.1.2 of the Land Use Code be amended by the addition of a new definition for "Affordable housing unit for rent" and a new definition for "Affordable housing unit for sale" which definitions shall read as follows:

*Affordable housing unit for rent* shall mean a dwelling unit which is available for rent on terms that would be affordable to households earning eighty (80) percent or less of the median income of city residents, as adjusted for family size, and paying less than thirty (30) percent of their gross income for housing, including rent and utilities. The unit must be occupied by and affordable to such low-income household(s) for a period of not less than twenty (20) years.

*Affordable housing unit for sale* shall mean a dwelling unit which is available for purchase on terms that would be affordable to households earning eighty (80) percent or less of the median income of city residents, as adjusted for family size, and paying less than thirty eight (38) percent of their gross income for housing, including principal, interest, taxes, insurance, utilities and homeowners' association fees. The unit must be occupied by and affordable to such low-income household(s) for a period of not less than twenty (20) years.

Section 3. That Section 29-1 of the "Transitional Land Use Regulations" be amended by the addition of the following definitions:

*Affordable housing project* shall mean a development project in which: (1) at least seventy-five (75) percent of the gross acreage to be developed under the plan is to be developed as residential dwelling units or mobile home park spaces; (2) at least ten (10) percent of said dwelling units or spaces (the "affordable housing units") are to be available for rent or purchase on the terms described in the definitions of "Affordable housing unit for rent" or "Affordable housing unit for sale" (as applicable); (3) the construction of the dwelling units or spaces is to occur as part of the initial phase of the project and (i) prior to the construction of the market rate units or (ii) on a proportional basis, according to the same ratio as the number of affordable units bears to the number of the market rate units; and (4) the units will be required, by binding legal instrument acceptable to the City and duly recorded with the Larimer County Clerk and Recorder, to be occupied by and affordable to low-income households for at least twenty (20) years.



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*Affordable housing unit for rent* shall mean a dwelling unit which is available for rent on terms that would be affordable to households earning eighty (80) percent or less of the median income of city residents, as adjusted for family size, and paying less than thirty (30) percent of their gross income for housing, including rent and utilities. The unit must be occupied by and affordable to such low-income household(s) for a period of not less than twenty (20) years.

*Affordable housing unit for sale* shall mean a dwelling unit which is available for purchase on terms that would be affordable to households earning eighty (80) percent or less of the median income of city residents, as adjusted for family size, and paying less than thirty eight (38) percent of their gross income for housing, including principal, interest, taxes, insurance, utilities and homeowners' association fees. The unit must be occupied by and affordable to such low-income households(s) for a period of not less than twenty (20) years.

Section 4. That Section 2.2.3(F)(3) of the Land Use Code be and hereby is amended to read as follows:

(3) *Affordable Housing Exemption.* Notwithstanding the requirement contained in subparagraph (2) above that the development review fees shall be based on actual expenses incurred by or on behalf of the city, applications relating to the review of affordable housing projects shall be totally or partially exempt from the fees authorized in this subsection (E) according to the following criteria:

- (a) The fees authorized under this subsection (E) shall be entirely waived for development projects in which one hundred (100) percent of the dwelling units qualify as affordable housing units for sale or for rent.
- (b) The fees authorized under the Subsection (E) shall be reduced in direct proportion to the percentage of affordable housing units for sale or for rent that are provided in the development project (within the authorized waiver range of ten (10) percent to one hundred (100) percent), in accordance with the following formula:

$$\frac{\text{Number of affordable housing units}}{\text{Total number of housing units}} \times \text{Total fees assessed} = \text{Amount of fees waived}$$

- (c) The fees authorized under this subsection (E) shall not be reduced if less than ten (10) percent of the dwelling units within the project qualify as affordable housing units for sale or for rent.
- (d) In order to determine whether a development project is eligible for a waiver or reduction of fees under this subparagraph, any applicant



seeking such waiver or reduction must submit documentation evidencing the eligibility of the development project to the Director, who may, upon review of such documentation, defer the payment of said fees to such time, if at all, that a certificate of occupancy is sought for the development project. At that time, prior to the issuance of any certificate of occupancy for the development project, a final determination shall be made by the Director as to whether the development project qualifies for a waiver or reduction of the fees. In the event that the Director determines that the development project does not so qualify, all such fees shall be due and payable prior to the issuance of the first certificate of occupancy.

**Section 5.** That Section 29-3(c) of the Transitional Land Use Regulations is hereby amended to read as follows:

(c) Applications relating to the review of affordable housing projects shall be totally or partially exempt from the fees imposed under this Section according to the following criteria:

- (1) The fees authorized under this subsection (c) shall be entirely waived for development projects in which one hundred (100) percent of the dwelling units qualify as affordable housing units for sale or for rent.
- (2) The fees authorized under this subsection (c) shall be reduced in direct proportion to the percentage of affordable housing units for sale or for rent that are provided in the development project (within the authorized waiver range of ten (10) percent to one hundred (100) percent), in accordance with the following formula:

$$\frac{\text{Number of affordable housing units}}{\text{Total number of housing units}} \times \text{Total fees assessed} = \text{Amount of fees waived}$$

- (3) The fees authorized under this subsection (c) shall not be reduced if less than ten (10) percent of the dwelling units within the project qualify as affordable housing units for sale or for rent.
- (4) In order to determine whether a housing project is eligible for a waiver or reduction of fees under this subparagraph, any applicant seeking such waiver or reduction must submit documentation evidencing the eligibility of the development project to the Director of Planning, who may, upon review of such documentation, defer the payment of said fees to such time, if at all, that a certificate of occupancy is sought for the development project. At that time, prior



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to the issuance of any certificate of occupancy for the development project, a final determination shall be made by the Director of Planning as to whether the development project qualifies for a waiver or reduction of the fees. In the event that the Director of Planning determines that the development project does not so qualify, all such fees shall be due and payable prior to the issuance of the first certificate of occupancy.

Section 6. That Section 7.5-26 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-26. Deferral of fees for affordable housing.**

With respect to any building permit for a dwelling unit which is contained within or which constitutes an *affordable housing project* as defined in § 26-631, the fees established under this Article shall, upon the request of the applicant, be deferred until the date of issuance of a certificate of occupancy (whether temporary or permanent) for such unit or until the first day of December of the year in which the deferral was obtained, whichever first occurs. Notwithstanding any provision in this Chapter to the contrary, in the event that, during the period of deferral, the amount of the deferred fee is increased by ordinance of the City Council, the fee rate in effect at the time of the issuance of the building permit shall apply. At the time of application for any such deferral, the applicant shall pay to the city a fee in the amount of fifty dollars (\$50.) to partially defray the cost of administration. No person shall knowingly make any false or misleading statement of fact in order to obtain any deferral of fees under this Section.

Section 7. That Section 26-631 of the Code of the City of Fort Collins be and hereby is repealed and reenacted to read as follows:

**Sec. 26-631. Definitions.**

*Affordable housing project* shall mean a development project in which: (1) at least seventy-five (75) percent of the gross acreage to be developed under the plan is to be developed as residential dwelling units or mobile home park spaces; (2) at least ten (10) percent of said dwelling units or spaces (the "affordable housing units") are to be available for rent or purchase on the terms described in the definitions of "Affordable housing unit for rent" or "Affordable housing unit for sale" (as applicable); (3) the construction of the dwelling units or spaces is to occur as part of the initial phase of the project and (i) prior to the construction of the market rate units or (ii) on a proportional basis, according to the same ratio as the number of affordable units bears to the number of the market rate units; and (4) the units will be required, by binding legal instrument acceptable to the City and duly recorded with the

Larimer County Clerk and Recorder, to be occupied by and affordable to low-income households for at least twenty (20) years.

*Affordable housing unit for rent* shall mean a dwelling unit which is available for rent on terms that would be affordable to households earning eighty (80) percent or less of the median income of city residents, as adjusted for family size, and paying less than thirty (30) percent of their gross income for housing, including rent and utilities. The unit must be occupied by and affordable to such low-income household(s) for a period of not less than twenty (20) years.

*Affordable housing unit for sale* shall mean a dwelling unit which is available for purchase on terms that would be affordable to households earning eighty (80) percent or less of the median income of city residents, as adjusted for family size, and paying less than thirty eight (38) percent of their gross income for housing, including principal, interest, taxes, insurance, utilities and homeowners' association fees. The unit must be occupied by and affordable to such low-income households(s) for a period of not less than twenty (20) years.

Section 8. That Section 26-632 of the Code of the City of Fort Collins be and hereby is amended to read as follows:

**Sec. 26-632. Deferral of fees.**

With respect to any dwelling unit which is contained within or which constitutes an *affordable housing project* as defined in § 26-631, the Water Plant Investment Fee ("WPIF"), Sewer Plant Investment Fee ("SPIF"), Storm Drainage Basin Fee and the Raw Water Requirement In-lieu Cash Payment, as established in this Chapter, shall, upon the request of the applicant, be deferred until the date of issuance of a certificate of occupancy (whether temporary or permanent) for such unit(s) or until the first day of December of the year in which the deferral was obtained, whichever first occurs. Notwithstanding any provision in this Chapter to the contrary, in the event that, during the period of deferral, the amount of the deferred fee is increased by ordinance of the City Council, the fee rate in effect at the time of the issuance of the building permit shall apply. At the time of application for any such deferral, the applicant shall pay to the city a fee in the amount of fifty dollars (\$50.) to partially defray the cost of administration. No person shall knowingly make any false or misleading statement of fact in order to obtain any deferral of fees under this Section.

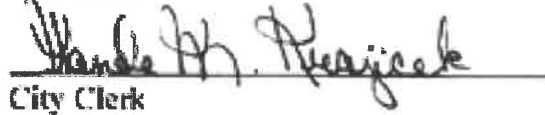


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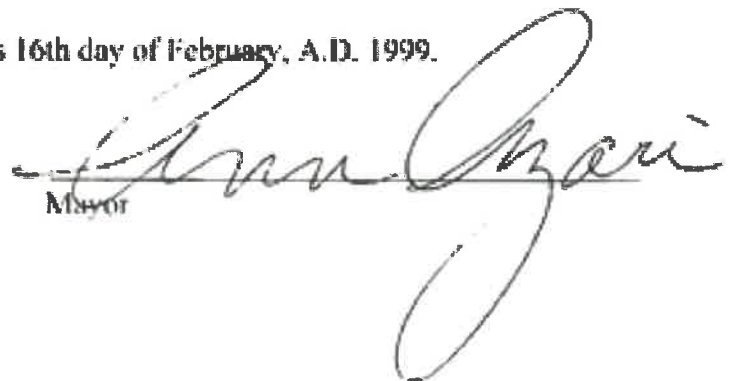
Introduced, considered favorably on first reading, and ordered published in summary form this 2nd day of February, A.D. 1999, and to be presented for final passage on the 16th day of February, A.D. 1999.

  
Mayor

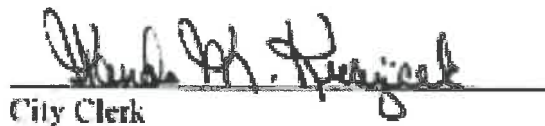
ATTEST:

  
City Clerk

Passed and adopted on final reading this 16th day of February, A.D. 1999.

  
Mayor

ATTEST:

  
City Clerk





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# Development Review

## Overview of Development Review Procedures

### Where is the project located?

The applicant should first locate the proposed project site on the Zoning Map (See page 43). Once the proposed project has been located, identify the zone district in which it is located. Then, refer to the Land Use by Zoning District Matrix on pages 33-39 or Article 4, District Standards, of the *Land Use Code*. Article 4 outlines the permitted uses and district standards that apply to the zone district in which the proposed project is located. To download portions of the *Land Use Code*, go to <http://www.fcgov.com/cityclerk/codes.php>

### What uses are proposed?

The next step is for the applicant to identify which uses will be included in the proposed project. If all of the proposed uses are listed as permitted used in the applicable zone district, then the applicant is ready to proceed with a development application for a permitted use. If any of the proposed uses are not listed as permitted uses in the applicable zone district for the project, one of the following must occur:

- Eliminate the non-permitted use(s) from the proposal;
- Seek the addition of a new permitted use(s) to the zone district pursuant to Section 1.3.4 of the *Land Use Code*, or;
- Seek an amendment to the *Land Use Code* or a rezoning amendment to the Zoning Map pursuant to Division 2.8.

Any use not listed as a permitted use in the applicable zone district is deemed a prohibited use in that zone district, unless it has been permitted pursuant to Section 1.3.4 for a particular development application.

### Which type of development application should be submitted?

To proceed with a development proposal for permitted uses, one must determine what type of development application should be selected and submitted. All development proposals that include only permitted uses must be processed and approved through the following development applications: first through a **Project Development Plan (PDP)** and then through a **Final Plan**. If the project is to be developed in two or more separate project development plan submittals, and **Overall Development Plan** will also be required prior to, or concurrently with, the Project Development Plan. Overall Development Plans, Project Development Plans, and Final Plans are the three (3) types of development applications for permitted uses. There are some instances wherein a project may simply be required to go through the building permit process.

### Who reviews the development application?

To make the determination on the appropriate level of development review required for a particular project, refer to the provisions of the applicable zone district in Article 4. These provisions determine where the permitted uses and application are subject to building permit review, administrative review (Type 1)



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or Planning and Zoning Board review (Type 2). When a development application contains both Type 1 and Type 2 uses, it will be processed as a Type 2 review.

### **What is an Administrative Hearing?**

An Administrative Hearing Officer renders decisions on those projects listed as Type 1 permitted uses in the *Land Use Code*. The City of Fort Collins has contracted with an individual who does not live within the City limits to be the Hearing Officer. However, in some limited cases, the Current Planning Director may render decisions on Type 1 review projects.

An Administrative Hearing is a public hearing, and therefore, opportunity for public input. Just as is true for Planning and Zoning Board hearings, individuals living within the "area of notification" of a proposal are notified of the public hearing and are invited to attend.

### **What is the Planning and Zoning Board?**

The Fort Collins Planning and Zoning Board consists of seven members who do not hold any other City office or position. Members are appointed by the City Council for four-year terms.

The Planning and Zoning Board has final decision-making authority on Type 2 permitted uses in the *Land Use Code* and modifications to standards that are found in the *Land Use Code*.

At the Planning and Zoning Board public hearings (scheduled at 6:30 PM on the first and third Thursday of each month), pertinent facts, planning considerations and a recommendation on each agenda item are presented to the Board by City staff. The Chairperson of the Planning and Zoning Board invites presentations, questions or comments from the applicant and audience. In order to allow full opportunity for citizen participation, remarks should not be repetitive and are limited to the issues under consideration. Written comments are also welcome.

### **How will the development application be processed?**

The review of overall development plans, project development plans, and final plans will each generally follow the same procedural "steps" regardless of the level of review (administrative review of Planning and Zoning Board review). The common development review procedures involve a twelve-step process equally applicable to all development applications.

The twelve procedural steps are the same for each type of development application, unless an exception to the process is expressly called for in the particular development applications of the *Land Use Code*. The twelve steps are:

- 1) Conceptual review
- 2) Neighborhood meeting
- 3) Development application submittal
- 4) Determination of sufficiency
- 5) Staff report
- 6) Notice
- 7) Public hearing



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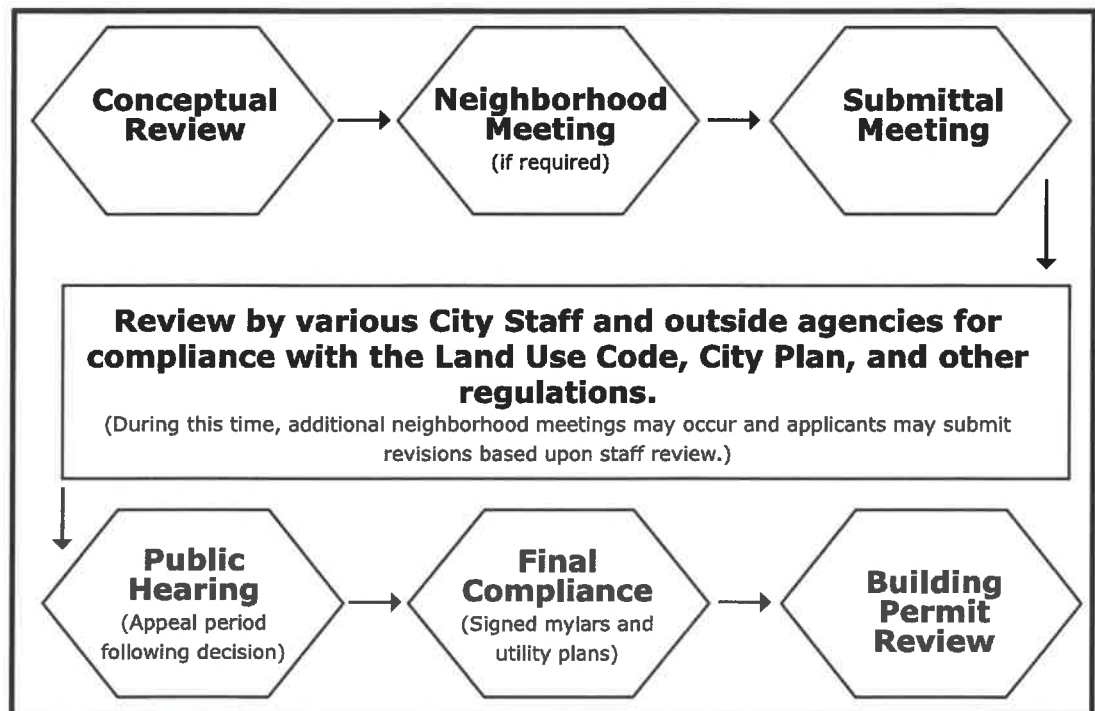
- 8) Standards
- 9) Conditions of approval
- 10) Amendments
- 11) Lapse
- 12) Appeals

See Division 2.2 of the *Land Use Code*.

Step 1, conceptual review, only applies to the initial development application submittal for a development project (an overall development plan, when required, or a project development plan when an overall development plan is not required).

The second step in the process is to schedule a neighborhood meeting. The requirement for a neighborhood meeting applies to certain development applications subject to review by the Planning and Zoning Board. However, the City may waive this requirement for Type 2 or require a neighborhood meeting for a Type 1 review.

The following graphic depicts the typical development review process, from the time of conceptual review through hearing. A project planner with the Current Planning Department can inform you as to what steps must be followed for a specific project.

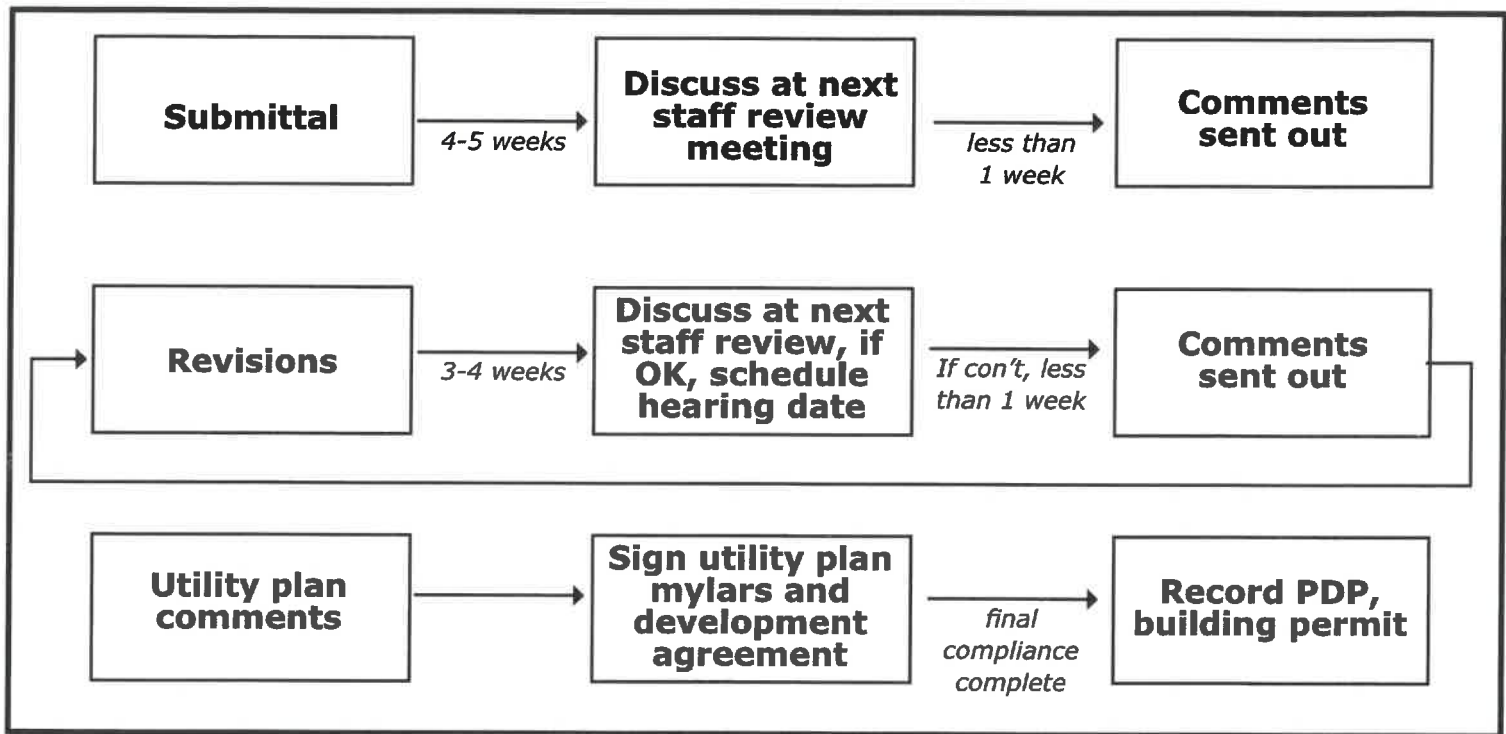


**What if the development proposal does not fall into one of the aforementioned categories?**

In addition to the four development applications for permitted uses, one may seek approval for other types of development applications, including an amendment to the text of the *Land Use Code* and/or the Zoning Map, a hardship variance, or other requests. These other types of development applications will be reviewed

according to applicable steps in the common development review procedures as outlines in Article 2 of the *Land Use Code*.

An application for development approval (annexation, zoning, rezoning, project development plans, subdivision plats, overall development plans, non-conforming use reviews) will be reviewed by the City in accordance with the sequence of events as indicated on the chart below.



### Project Submittal

An application for development approval with the required supporting documentation may be submitted to the Current Planning Department at any time. Please contact the Current Planning Department at 221-6750 to schedule a time for the submittal meeting. At time of application, the application form and submittal requirements must be accompanied with the appropriate development fees. Incomplete submittals **will not** be accepted. The table on the following pages lists the development fees in effect on January 1, 2000. As these may change over time, please contact the Current Planning Department to verify the development fees.

**Neighborhood meetings**, if required, are conducted early in the planning process, while the development proposal is still in its conceptual stages. Typically, neighborhood meetings are held in a location convenient to the residents – at the nearest public school, a church, or a community center. A representative from the City serves as a facilitator for the meeting, and a written summary of the meeting is made available. Depending upon the nature of the development proposal as well as the level of involvement of the neighborhood, more than one neighborhood meeting may be conducted.



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### Staff Review

After an application is submitted to the Current Planning Department, the project is “routed” to various departments within the City as well as to outside reviewing agencies. The maximum time for staff review after the initial submittal is five (5) weeks. The project planner assigned to the development proposal compiles the comments and relays them to the applicant.

Once the applicant receives the written comments, revisions may be submitted at any time. After revisions are resubmitted, a subsequent review occurs following the same process. Once City staff and the applicant are satisfied that all issues are resolved and all submittal requirements are complete, a date for public hearing is scheduled.

During the review process, the project is evaluated based upon the *Land Use Code* and various standards and guidelines adopted by the City of Fort Collins. Development applications must satisfy and follow the applicable requirements of the *Land Use Code* and comply with all the required standards. The Planning and zoning Board is empowered to grant modifications to the General Development Standards in Article 3 and the District Standards of Article 4 for overall development plans and project development plans. If an applicant requests a modification to any standard, the project will be required to be heard by the Planning and Zoning Board.

Other standards and guidelines with which projects must comply include the following:

- Storm Drainage Design Criteria and Construction Standards;
- Design and Construction Criteria, Standards and Specifications for Streets, Sidewalks, Alleys and Other Public Ways;
- Transit Design Standards and Guidelines for All Development in Fort Collins;
- and others from adopted City plans.

### Public Hearing

Public hearings are conducted for each application. There are two types of public hearings – Administrative Review (Type 1) and Planning and Zoning Board Review (Type 2). Administrative hearings are held various days of each month, beginning as early as 2:00 in the afternoon (some may be held in the evening). Planning and Zoning Board hearings are held the first and third Thursday of each month, starting at 6:30 PM in the Council Chambers, City Hall West. (Please note that schedule changes may occur due to holidays). Based on staff review and comments and the applicant’s revisions, the project planner prepares a written **Staff Report** for review by the Planning and Zoning Board or the Administrative Hearing Officer. Copies of these reports are available from the Current Planning Department.

If the application is to be reviewed by the Planning and Zoning Board, a report is presented to the Board at a work session held the Friday prior to the public hearing. While the public may attend this work session, public comment is not



taken. Copies of the agenda for the Planning and Zoning Board are available from the Current Planning Department or on our web site at: [www.fcgov.com/currentplanning](http://www.fcgov.com/currentplanning)

Decisions are rendered at Planning and Zoning Board hearings, although decisions at Administrative Hearings may or may not be made at the hearing. The Administrative Hearing Officer has ten (10) working days to make a written decision if the time is required. Development applications at either type of hearing may be approved, approved with conditions, continued, or denied.

Any decision of the Planning and Zoning Board or Administrative Hearing Officer may be ***appealed*** to the City Council in accordance with Section 2-46 of the Code of the City of Fort Collins. The appeal provisions of the City Code must be strictly followed.

The appellant must submit written notice of appeal, reasons for the appeal, and the applicable fee to the City Clerk within 14 days of the date of final action by the Planning and Zoning Board or Administrative Hearing Officer. The City Clerk will place the item on the City Council agenda for hearing as expeditiously as possible.

Written notice of an appeal of a final decision of the Planning and Zoning Board or Administrative Hearing Officer to the City Council is given by the City Clerk to the appellant, the applicant and to all other parties-in-interest 14 days prior to the date set for the hearing.

An appeal of the final decision is based upon the transcript of the proceedings before the Boards or Hearing Officer, all exhibits received by the Boards or Hearing Officer, and videotapes of the proceedings. New evidence is not considered on appeal. The City Council may uphold, overturn, or modify the decision. Appeal packets and instructions may be obtained either at the City Clerk's Office or the Current Planning Department.

Article 68 of Title 24 of the Colorado Revised Statutes, when read together with Section 2.2.11 of the *Land Use Code*, provides ***vested rights*** for site specific development plans. A vested right is defined as "the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan."

Within a maximum of three (3) years following the approval of a final plan or other site specific development plan, the applicant must undertake, install and ***complete*** all engineering improvements (water, sewer, streets, curb, gutter, street lights, fire hydrants, and storm drainage) in accordance with City codes, rules and regulations. The period of time constitutes the "term of vested property right." Failure to undertake and complete the development within the term of vested property right results in a forfeiture of the vested property rights and requires resubmissions of all materials and reapproval of the same to be processed as required by the *Land Use Code*.



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# Development Review Fee Schedule

Effective January 1, 2000

Development review fees must be paid at the time of submittal of any development review application according to the following schedule:

Annexation Petition and Map	\$1,188.00 (plus .50 for each APO label)
Rezoning Petition	\$977.00 (plus .50 for each APO label)
Overall Development Plan (ODP)	\$1,599.00 (plus .50 for each APO label)
Project Development Plan (PDP) Without a Subdivision Plat	\$3,887.00 (plus .50 for each APO label)
Project Development Plan (PDP) With a Subdivision Plat	\$5,879.00 (plus .50 for each APO label)
Final Plan Without a Subdivision Plat	\$1,000.00
Final Plan With a Subdivision Plat	\$1,000.00
Minor Amendment	\$192.00
Major Amendment	\$3,206.00 (plus .50 for each APO label)
Extension of Final Approval	\$566.00
Vacation of ROW or Easement	\$5.00
Street Name Change	\$5.00
Non-conforming Use Review	\$1,389.00
Sign Posting Fee	\$50.00

\*Small project fees are in effect according to the fee schedule on the following page. These fees are subject to change.

# Small Project Development Review Fee Schedule

(All applications must include .50 cents for each APO label in addition to the review fee).

Type of Project	Fee/Comments
Structural additions or alterations or change of use to single family, two family, multi-family (up to 4 units) dwellings. Conversions from one use to another use if the proposed conversion will not add more than 25% of new habitable floor area to the existing building or eliminate more than 10% of existing habitable floor area. Family-care home, group home.	\$200.00 per project.  Fee collected at project submittal.
Expansion of existing building of less than \$500,000.00 building permit valuation.	1% of building permit valuation. (½% of building permit valuation if submitted as combined PDP/Final or Preliminary/Final PUD).  Minimum fee = \$200.00. ½ of estimated building permit valuation collected at project submittal.  Remaining ½% collected at time building permit is issued. Adjustments made at time building permit is issued. Applications submitted as combined PDP and Final or combined preliminary/final PUD shall be charged ½% of building permit valuation as total fee. This ½% will be collected when application is submitted with final adjustments made at time building permit is issued.
New residential development of 15 or less dwelling units.	PDP, preliminary subdivision or preliminary PUD, \$100.00 per dwelling unit. Final or final subdivision or final PUD; \$100.00 per dwelling unit. Applications submitted as combined PDP/Final or combined Preliminary /Final PUD; \$100.00 per dwelling unit.  Minimum fee at PDP, preliminary PUD, Final or Final PUD = \$200.00.
New commercial development of less than \$500,000.00 of building permit valuation.	1% of building permit valuation. (½% of building permit valuation if submitted as combined PDP/Final or Preliminary/Final PUD).  Minimum fee = \$200.00 ½ of the estimated building permit valuation collected at project submittal.  Remaining ½% collected at time building permit is issued. Applications submitted as combined PDP/Final or combined PUD shall be charged ½% of building permit valuation as total fee. This ½% will be collected when application is submitted with final adjustments made at time building permit is issued.
Annexation petition of 5 acres or less. Rezoning petition of 5 acres or less.	½ of regular fee

These fees are subject to change.



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# Sample Cost of Development and Building Permit Fees for a Single-Family Home

Valuation \$150,000  
Square Footage 1,500

Description of Fee	Cost
Building Permit	\$753.30
Plan Check Fee	\$362.70
City Sales/Use Tax	\$2,250.00
County Sales/Use Tax	\$600.00
Community Parkland Capital Expansion	\$1,374.00
Neighborhood Parkland Capital Expansion	\$1,249.00
Library Capital Expansion	\$436.00
General Governmental Services Capital Expansion	\$200.00
Police Capital Expansion	\$103.00
Fire Capital Expansion	\$149.00
Street Oversizing Capital Expansion	\$1,480.00
Larimer County Trans. Expansion Fee	\$164.00
Electric Underground Secondary Service Charge	\$427.00
Electric PILOTS	\$2.43
Electric Comm.Rev	\$40.35
Electric Temporary Pedestal	\$138.21
Construction Water	\$7.79
Water Plant Investment Fee (PIF)	\$3,362.00
Water Right	\$5,203.00
Water Meter	\$96.37
Wastewater Plant Investment Fee (PIF)	\$1,030.00
Water 6% PILOT	\$.47
Water Development Review	\$53.00
Sewer Development Review	\$53.00
Poudre School District	\$763.03
Stormwater	\$650.00
Stormwater Development Fee	\$83.00
<b>Total Fees</b>	<b>\$21,030.65</b>

*Water/Stormwater fees based on lot size of 8,600*



# Sample Cost of Development and Building Permit Fees for a 50-Unit Residential Development

Valuation \$2,337,451.00

Square Footage 47,794

Description of Fee	Cost
Building Permit	\$8,137.80
Plan Check Fee	\$3918.20
City Sales/Use Tax	\$35,061.76
County Sales/Use Tax	\$9,349.80
Community Parkland Capital Expansion	\$59,000.00
Neighborhood Parkland Capital Expansion	\$53,100.00
Library Capital Expansion	\$17,750.00
General Governmental Services Capital Expansion	\$8,050.00
Police Capital Expansion	\$4,400.00
Fire Capital Expansion	\$6,350.00
Street Oversizing Capital Expansion	\$55,150.00
Larimer County Trans. Expansion Fee	\$5,650.00
Electric Underground Secondary Service Charge	\$451.00
Electric PILOTS	\$2.43
Electric Comm.Rev	\$40.35
Electric Temporary Pedestal	\$138.21
Construction Water	\$67.47
Water Plant Investment Fee (PIF)	\$47,137.34
Water Right	\$141,148.00
Water Meter	\$465.49
Wastewater Plant Investment Fee (PIF)	\$47,137.34
Water 6% PILOT	\$4.05
Water Development Review	\$2,150.00
Sewer Development Review	\$2,150.00
Poudre School District	\$38,151.00
Stormwater	\$1,514.78
Stormwater Development Fee	\$1,600.00
<b>Total Fees</b>	<b>\$548,075.02</b>

*Water/Stormwater fees based on lot size of 83,842.*



## STATE OF COLORADO DEPARTMENT OF LOCAL AFFAIRS

### MASTER PLAN PRIMER

#### MASTER PLAN – GENERAL DESCRIPTION

The master plan, sometimes referred to as a comprehensive plan, is a framework and guide for accomplishing community aspirations and intentions. It states goals and objectives and recommends courses of action for future growth and development of land, public facilities and services and environmental protection.

#### PLAN ELEMENTS THAT MAY BE INCLUDED

- Statement of Objectives, Policies and Programs
- Relationship of Plan to the Trends/Plans of the Region
- Land Use
- Transportation
- Utility and Facility Plan
- Urban Influence Area
- Housing
- Cultural/Historical/Social Setting
- Educational Facilities
- Energy
- Environment
- Recreation and Tourism\*

\*the only plan element required by statutes (see C.R.S. 30-28-106 and 31-23-206)

#### BASIS/BACKGROUND FOR PLAN INFORMATION

The plan is based on inventories, studies, surveys, analysis of current trends and must consider social and economic consequences of the plan and existing and projected population.

#### GOALS AND OBJECTIVES OF THE PLAN

The principal purpose for a master plan is to be a guide for the achievement of community goals. A plan will also:

1. State and promote broad community values in the plan goals, objectives, policies and programs.
2. Establish a planning process for orderly growth and development, and economic health.
3. Balance competing interests and demands.
4. Provide for coordination and coherence in the pattern of development.
5. Provide for a balance between the natural and built environment.
6. Reflect regional conditions and consider regional impacts.
7. Address both current and long-term needs.

## USING THE PLAN

The adopted plan has the potential for many uses and will define the way it is to be used in its implementation section. Among the uses of the plan are the following:

1. **A basis for regulatory actions:** The plan serves as a foundation and guide for the provisions of the zoning regulations, subdivision regulations, the land use map, flood hazard regulations, annexation decisions and other decisions made under these regulations.
2. **A basis for community programs and decision making:** The plan is a guide and resource for the recommendations contained in a capital budget and program, for a community development program, and for direction and content of other local initiatives, such as water protection, recreation or open space land acquisition and housing.
3. **A source for planning studies:** Few plans can address every issue in sufficient detail. Therefore, many plans will recommend further studies to develop courses of action on a specific need.
4. **A standard for review at the County and State level:** Other regulatory processes identify the municipal plan as a standard for review of applications. Master plans are important to the development of regional plans or inter-municipal programs, i.e., a regional trail network or area transit program.
5. **A source of information:** The plan is a valuable source of information for local boards, commissions, organizations, citizens and business.
6. **A long-term guide:** The plan is a long-term guide by which to measure and evaluate public and private proposals that affect the physical, social and economic environment of the community.

## RESPONSIBILITY FOR PREPARATION AND ADOPTION OF THE PLAN

The planning commission is responsible for preparing the plan, distributing the plan, holding public hearings on the plan, and adopting the plan.

## PUBLIC INVOLVEMENT

Citizen participation helps to guide the planning commission in making decisions and in promoting community understanding of planning needs and issues. At least one public hearing must be held by the planning commission and by the legislative body before the plan is adopted. To generate support, understanding, and active participation in planning, however, more community involvement is usually needed. Citizens who are not well informed can present obstacles to the implementation of the plan by not supporting or participating in local programs.

# COMPREHENSIVE PLAN: A ROAD MAP TO COMMUNITY DEVELOPMENT

DO YOU FEEL AS THOUGH your elected board and planning commission often find themselves reacting to unexpected development proposals that sometimes hit the mark and other times absolutely do not? Or is your community struggling, and you want to spark some infill development and create more jobs and housing options in your community?

An updated comprehensive plan, supported by complementary land use regulations and other implementation tools, will provide the framework you need to guide the development you want that is consistent with your community vision, values, and goals.

## What Is a Comprehensive Plan?

A municipality's comprehensive plan, or master plan, is a critical road map to guide decisions about the community's future development. It helps answer many questions, including:

- What are our community assets/opportunities?
- What are our community needs/challenges?
- What is our community vision for the future?
- What goals, policies, objectives, and actions will help us achieve that vision, and address our challenges and opportunities?

A comprehensive plan allows a community to be proactive rather than

reactive. It enables it to plan for the community it wants, and get ahead of critical issues and trends. It is a primary planning framework that other local plans, regulations, and initiatives support and implement.

## What Is Required?

State statutes require each municipality to have a master plan (often referred to as comprehensive plan) prepared by its planning commission (C.R.S. § 31-23-206). This plan is meant to be an advisory document that guides land development decisions, but with sufficient detail, it may be made binding by inclusion in adopted land use regulations. The statutes provide a great deal of guidance on how to make a plan comprehensive, but the only required component is a recreation and tourism element.

Municipalities in Colorado also are required to prepare and adopt a three-mile plan prior to annexing property; this plan must be updated annually (C.R.S. § 31-12-105(e)). The three-mile plan is a long-range plan that outlines where municipalities may consider annexing property, how they would provide services to the newly annexed areas, and how they would sustain adequate provision of services throughout the rest of the municipality. Many municipalities incorporate this requirement into their master plans and others develop stand-alone plans.

## Elements of a Comprehensive Plan

While there is no "one-size-fits-all" plan, there are some common plan components, including land use, transportation, utilities, housing, natural and cultural resources, public services, and recreation and tourism. Comprehensive plans should be just that — comprehensive — in their approach. New trends and best practices in comprehensive planning include incorporating public health and the built environment; resilience and sustainability; downtown revitalization; aging and at-risk populations; natural and human-induced hazards; and water supply and water quality.

## Getting Buy-In

A successful plan requires a thorough and inclusive planning process that engages community residents and stakeholders. Community members who have not been given opportunities to provide input and are not well-informed can present obstacles and even derail the best laid plans. Tap into public and private stakeholders and subject matter experts in the community to help inform the planning process and leverage resources to help tackle community issues.

Regional stakeholders such as counties, special districts, councils of government, or watershed coalitions also may provide valuable information and input into the planning process. Stakeholder interviews and focus





**“The process of solving common problems and striving for a vision brings out the best in people and makes our communities better.”**

— The Planning Commissioners  
Guide, p. 20

groups are effective ways to reach these important players.

### Steps to Creating and Implementing a Plan

It can take a year (or more) and plenty of resources to develop a plan. A solid planning framework, first, requires an understanding of community issues, and of population and economic trends that will impact physical development and services. The steps to develop a comprehensive plan are summarized below.

- Gather and analyze information (demographics, research, public and stakeholder input, mapping).
- Identify issues, challenges, and opportunities.
- Develop a community vision for the future.
- Develop goals, objectives, and policies.
- Prepare and evaluate plan options or scenarios.
- Complete and adopt plan.
- Create and follow an implementation plan.

- Monitor and update.

Much work goes into creating a comprehensive plan, but for a plan to be useful, it has to be implemented.

### Using the Plan

A good comprehensive plan can be useful in a number of ways, including as a basis for regulatory actions, a guide to community programs and decision making, and as a communication tool.

As a basis for regulatory actions, the plan serves as a foundation and

The six plan principles identified for comprehensive plans include **livable** built environment, **harmony** with nature, **resilient** economy, interwoven equity, healthy community, and responsible **regionalism**.

guide for zoning regulations, subdivision regulations, land use maps, hazard regulations, annexation decisions, development review, and other community development decisions, including grants.

The plan also provides guidance for the capital improvement program, as well as local initiatives such as water protection, recreation or open space land acquisition, and housing.

Finally, comprehensive plans communicate to citizens, developers, and others what the community will support. Comprehensive plans are also important to the development of regional plans or programs, e.g., a regional trail network or area transit program.

### Standards & Best Practices

While each community's plan will be tailored to its particular needs, there are general guidelines for developing quality comprehensive plans. The American Planning Association (APA) has developed standards for comprehensive plans ([www.planning.org/sustainingplaces/complanstandards](http://www.planning.org/sustainingplaces/complanstandards)). The six principles identified for comprehensive plans include livable built environment, harmony with nature, resilient

economy, interwoven equity, healthy community, and responsible regionalism.

The APA standards also identify many best practices or elements of a successful comprehensive plan, such as being comprehensive, integration with other local plans and programs, innovation, being persuasive, being consistent, coordination, compliance with applicable laws, transparency, and making the plan user-friendly.

The Colorado Department of Local Affairs (DOLA) is a strong supporter of local government comprehensive plans. DOLA has learned lessons over the years with communities that have updated their plans.

- To ensure consistency and the ability to implement the comprehensive plan, update the land use regulations as soon as possible following the update of a comprehensive plan.
- The planning commission must be actively engaged with planning staff and consultants to involve the whole community in developing the plan.
- Elected officials need to provide guidance and support of the planning process, recognizing the

resulting plan policies will guide development and planning decisions for many years to come.

- Local governments will benefit from integrating hazards information, policies, and actions in the comprehensive plan.
- Since the plan utilizes a community and stakeholder engagement process, use this opportunity to create or update intergovernmental agreements with neighboring jurisdictions and service providers to ensure coordinated future development.

### Resources

The Division of Local Government in the Department of Local Affairs offers technical assistance and grants to support planning projects, including comprehensive plans and land use code updates. For more information, visit the Community Development Office page at [www.dola.colorado.gov/cdo](http://www.dola.colorado.gov/cdo) or contact Anne Miller at [anne.miller@state.co.us](mailto:anne.miller@state.co.us).

For additional information, refer to *The Planning Commissioners Guide* by C. Gregory Dale, et al., as well as *Sustaining Places: Best Practices for Comprehensive Plans* by David R. Godschalk and David C. Rouse.