

# City of Leadville Planning & Zoning Commission Regular Meeting Agenda

Date: 8/23/23 Time: 6:00pm

(Held in person & via Zoom)

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|---|---|---|
| <p><b>1. Governance Items:</b></p> <ul style="list-style-type: none"><li>• <b>Call to Order and Roll Call</b></li><li>• <b>Approval of Agenda/Revisions</b></li><li>• <b>Approval of minutes:</b><br/><b>6/28/23 Minutes</b></li></ul>  | <p>Motion of approval of agenda and minutes</p> | <p>Chair, Staff</p>                     |
| <p><b>2. Public comment- Items not on Agenda:</b></p>   |   |   |
| <p><b>3. General Updates:</b></p> <ul style="list-style-type: none"><li>• Title 17 - Housing Variety code amendments: Joint Work Session with City Council Tuesday, 8/29 at 6pm <b>confirmed</b></li><li>• City Council Work Session on STRs Tuesday, 9/12 at 6pm</li></ul>   |   | <p>Chair, Staff</p>                     |
| <p><b>4. Continued Business:</b></p> <ul style="list-style-type: none"><li>• *Public Hearing: Conditional Use Permit, Major Site Plan, and Minor Subdivision for Lake County Community Justice Center (<b>continuance requested</b>)</li><li>• Title 17 – Zoning: Housing Variety amendments</li></ul>  | <p>*Items for formal vote</p>                   | <p>Chair, Staff, Commission Members</p> |
| <p><b>5. Goal Setting 2023-</b></p> <ol style="list-style-type: none"><li><del>1. Title 17 – Zoning: Definitions, Uses amendments</del></li><li><del>2. STRs – Recommendations to City Council on numerical limit for STR licenses</del></li><li>3. Title 17 – Zoning: Housing Variety amendments</li><li>4. P&amp;Z By-laws and Commissioner terms</li><li>5. Commissioner legal training</li><li>6. Housing (Ex: Pre-approved plans)</li><li>7. Parking District/commercial fee-in-lieu program</li><li>8. 2025 Comprehensive Plan</li><li>9. R-1 Zone assessment</li><li>10. Residential permit parking program</li><li>11. Exterior lighting regulations</li><li>12. Commercial FAR</li></ol> |   | <p>Chair, Staff, Commission Members</p> |
| <p><b>6. Adjourn</b></p> <p>Next meeting – 9/13/23 – TBD agenda</p>   |   |   |

**Wednesday, June 28, 2023- 6:00pm**  
**Leadville Planning & Zoning Commission**  
**Regular Meeting DRAFT Minutes**  
**City Hall and via Zoom**

1. **Call to Order:** Chair Voeller is out, Vice Chair Bauer is via Zoom and will to run tonight's meeting. **Bauer** called the meeting to order at 6:03 pm.  
**Roll Call:** Commissioners Ducharme, Tannous, Edwards and Bauer and Mayor Labbe were present; Chair Voeller and Commissioner Law were absent; City of Leadville Planning Director Chapin LaChance was also present.  
**Agenda Approval/Revisions:** Agenda Revisions: –NONE. Agenda approved.  
**Minutes Approval:** June 14, 2023 minutes: **Commissioner Ducharme** moved to approve the minutes of 6/14/23, Labbe seconded, all present were in favor.
2. **Public Comments on Items Not on the Agenda:** One member of public in council chambers. Steve Prestash – 131 E 3<sup>rd</sup> St, lived here since 1980. Noting the constructive absence of all the Board members here, all on the computer, no one's sitting here, think there's quite a bit lost to that. He is running for office and if elected he may pass a motion if a board member is not present in person, they don't get paid for that meeting. It really detracts from what we are supposed to be doing here. Ordinance violations are not covered; enforcement is needed.
3. **General Updates:**  
LaChance noted **Title 17 – Definitions/Table of Uses and – National Historic Landmark District Amendments** are scheduled for Second Reading at City Council on July 5<sup>th</sup>. Staff has received an active application for a **Conditional Use Permit for 610 Front St** for a proposed Change of Use from Commercial to duplex, which will be on your July 26 agenda for a Public Hearing. **Circle K Electric Vehicle Charging**, 108 Harrison: Has resubmitted to address staff/CDOT comments, but don't have a date for Public Hearing yet.
4. **Continued Business:**  
**Title 17 – Housing Variety amendments Work Session:** LaChance noted the Commission has reviewed these redlines multiple times, multiple work sessions and just wanted to pick up where we left off. Think we are ready to make some headway on these PAT Recommendations, which is what LaChance is now calling Housing Variety Amendments. Staff reviewed redlines from page 8 in the packet regarding density bonus within maximum gross density multi-family dwellings; thought it would be difficult to calculate the density bonus if there were multiple types on one property (i.e., single-family, quad-plex), had revisions on this since the packet was sent out. The solution to that would be changing "multi or single-family" to "Developments with three (3) or more units" and "Developments with two (2) or less"; you don't have to differentiate single-family, multi-family, etc. Labbe agrees that simplifies things. LaChance asked if there were any questions on that portion; there were none. Developments with three (3) or more units will be eligible for density bonus of 40 dwelling units per acre, if they dedicate 25% of the development to Community Housing. Will need to have a separate chapter on Incentive Zoning and Community Housing, and will need to define Community Housing. Labbe: so, the single lot calculations are still going to be made based on 40 dwellings per acre, but three units or more would have to apply for a density bonus. LaChance noted they don't HAVE to apply; they are just eligible to apply. Labbe confirmed, a single-family dwelling is based on 40 dwellings per acre, LaChance confirmed. LaChance asked if there were any more questions on that; there were none. Another recommendation from the PAT group, in the Commercial Zoning district they recommend to increase the maximum lot coverage to 65%, Commission had discussed this and originally agreed upon. In the TR and TC zone, also from the PAT recommendations, clarifying that Accessory Dwelling Units are excluded from the minimum 450 square feet. Labbe asked if it should be added

that the ADU can be as small as 100 square feet, would that help the clarity? Labbe knows it exists somewhere else in code, in the ADU section. Staff will determine if that should be added for clarity. Last change is the off-street parking chapter, redlines are included, the main change in that section is parking requirements increase for two (2) unit developments. We already have requirements for 3 plus units. Two family dwellings will require one parking space per dwelling unit. Single family dwellings are already exempt. Accessory Dwelling Units will require a parking space. LaChance showed the alley-loading requirement with the exemption, LaChance is open to any comments or suggestions on this. Basically, it's saying that if you have a public alley adjacent to the property, the second **required** off-street parking must be accessed from the alley, not be accessed from a new driveway connection, no new curb-cut. Key word being "required". This section actually captures three (3) units or more. LaChance asked again if there were any questions; Edwards noted it all made sense so far, thanked LaChance. Bauer: going back to the incentivizing, if you have three or more units, hoping to get more clarification on that, just not super clear. LaChance explained why it was changed to say "developments with three (3) or more units", if you have multiple unit types on one property, it makes it easier to calculate. Instead of regulating density by unit type, regulate it by unit quantity. Issues remaining to be discussed (pg. 3 of staff report):

Density regulations, was discussed and solution found.

Redlines to the Accessory Buildings & Uses, waiting for Table of Uses to be Codified before providing the redlines, should be July 5<sup>th</sup>. Included in the Table of Uses code amendments is to specify a maximum height for ADUs of 25 ft and increase maximum ADU size from 50% of the primary structure to 60%. Will come back with these redlines back at a later date.

Need to define "Community Housing". Defined by the Regional Housing Authority, our definition needs to be consistent with the Regional Housing Authority's definition. Will come back with comments/recommendations at a later date. Bauer asked if they had been working on this, they have, but still in progress.

Need Chapter on Incentive Zoning for Community Housing. AMI requirements; Density bonus based on minimum floor area, not on number of units; Fee-in-Lieu. We need to refine those. Will come back with comments/recommendations at a later date.

Labbe talked about HB 213, the building platform for affordable housing, that was defeated in the House. He attended the Colorado Municipal League (CML) conference Monday through today, CML, nor Colorado Area Ski Towns (CAST), were ever asked to participate in this bill. No one saw the bill until the night before the vote, CML was not happy with the bill. Governor Polis was at CML and spoke about the bill and how upset he was that it didn't pass. When he stopped speaking and left, there were no applause. Labbe had never seen anything like it, CML was upset by the whole process.

LaChance noted the Housing Variety amendments will be a work in progress, he will be out for a couple of weeks and will pick this back up when he gets back. Will bring it back, with further refinements, to the group. This is a legislative matter, so anything you think of between now and whenever this goes for public hearing, feel free to communicate directly to LaChance. LaChance thanked all the commissioners for their review and input on this.

Bauer noted it was nice to see things marked off the list under Goal Setting. Bauer asked if anybody had anything to add to Goal Setting, none did; it's a pretty robust list as it is. Bauer noted, before we adjourn, the next meeting is scheduled to be July 12<sup>th</sup>; LaChance requested we cancel the July 12<sup>th</sup> meeting as he will be out on paternity leave and we have no public hearing scheduled. Bauer agreed, LaChance being present is needed, spend time with your family, Ducharme agreed. Next meeting will be July 26<sup>th</sup>, we have a public hearing for the Engelbach, 610 Front St Change of Use Conditional Use Permit.

## 5. Goal Setting 2023:

1. ~~Title 17 – Zoning: Definitions, Uses Amendments~~ – (7/5 City Council Second Reading)
2. Title 17 – Zoning: Housing Variety Amendments (5/10 work session, redlines in August)
3. ~~STRs – Discussed and gave a recommendation~~ (3/22)
4. P&Z By-Laws and Commissioner Terms (5/24)
5. Commissioner Legal Training (New City Attorney)
6. Housing
7. Parking District/Fee-in-Lieu program
8. 2025 Comprehensive Plan
9. R-1 Zone Assessment
10. Residential Permit Parking Program
11. Exterior Lighting regulations
12. Floor Area Restriction for Commercial uses (added by LaChance 5/10/23)

## 6. Adjourn:

**Motion to Adjourn:** Meeting was adjourned at 6:51 pm.

### Adjourned 6:51 pm

Regular Meetings: Twice a month for spring/summer season

Next Meeting: **July 26<sup>th</sup>, 2023** – Public Hearing, 610 Front St Change of Use Conditional Use Permit



## MEMO

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**TO:** Planning and Zoning Commission (P&Z)

**FROM:** Chapin LaChance, AICP - Planning Director

**MEETING DATE:** August 23, 2023

**SUBJECT:** Continuance of public hearing for Lake County Justice Center

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Commissioners,

The P&Z last reviewed the proposed Community Justice Center project at a public hearing at the meeting of February 8, 2023. At that meeting, the P&Z formally continued the public hearing to the meeting of April 12, 2023. At the April 12 meeting, the applicant requested to continue the public hearing to August 23, 2023. The applicant again requests to continue the public hearing to a date to be announced at Tuesday's meeting. A formal suggested motion is provided below.

**MOTION TO CONTINUE PUBLIC HEARING:** *It has been requested the public hearing on tonight's agenda for the Lake County Community Justice Center Conditional Use Permit, Major Site Plan, and Minor Subdivision be continued. Can I get a motion to continue the public hearing?*

Example motion: *"I move to continue the public hearing of Lake County Community Justice Center Conditional Use Permit, Major Site Plan, and Minor Subdivision, PL-2022-1214, located at 100 Harrison Ave., to the Planning and Zoning Commission meeting of **DATE TBD**, 2023."*



# MEMO

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**TO:** Planning and Zoning Commission (P&Z)

**FROM:** Chapin LaChance, AICP - Planning Director

**MEETING DATE:** August 23, 2023

**SUBJECT:** Title 17 – Zoning Amendments for Housing Variety

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Planning and Zoning (P&Z) Commissioners,

The P&Z last reviewed the Title 17 – Zoning Amendments to Increase Housing Variety at a Work Session on 6/28/2023. Below is a history of the Commissioner’s review and a summary of the Commission’s latest direction.

## BACKGROUND

### Purpose:

- Increase housing variety as one of the multiple strategies for community housing.
- Encourage relatively small, infill, naturally occurring affordable housing.
- Incentivize private development of community housing.

### Current proposal:

- Adjust and increase maximum density limitations in R2, TC, TC, and C zoning districts.
- Allow a maximum density increase bonus incentive for lots with 3+ dwelling units if 25% of units are Community Housing in R-2 and TC zoning districts. Note that no density bonus incentive is recommended in the TR zoning district, considering the TR zoning district already allows 38 dwelling units per acre.
- Increase maximum ADU size from 50% of the principal structure to 60%.
- Specify a maximum height for ADUs of 25 ft.
- Increase the maximum lot coverage to 65% in the Commercial zoning district.
- Exempt ADUs from the 450 sq. ft. minimum dwelling unit size in the TR and TC zoning districts.
- Establish a parking requirement for two-unit development, whether for an ADU or two-family dwelling, of 1 parking space per unit, except in the RC zoning district.

- Require any new required off-street parking space to be alley loaded.

### **Previous reviews**

04/13/2021: PAT members present recommended changes to City Council; Council requests PAT formalize zoning code changes allowing more diverse housing forms.

05/26/2021: PAT consultant presented recommended changes to P&Z; refined recommendations based on P&Z input.

6/22/2021: PAT consultant presented recommended changes to City Council.

8/11/2021: PAT consultant presented recommended changes to P&Z.

2/09/2022: PAT consultant presented recommended changes to P&Z.

11/09/2022: P&Z Work Session, PAT consultant presented the requested red-lined version of Title 17 – Zoning with the proposed amendments, Planning Director presented requested analysis and recommendations regarding administrative impacts.

3/22/2023: P&Z Work Session, Planning Director presented requested research on density, parking, and utility impacts. Four (4) of the seven (7) Commissioners were present.

4/07/2023: P&Z Work Session, Planning Director presented requested research on density, parking, and utility impacts. Five (5) of the seven (7) Commissioners were present.

5/10/2023: P&Z Work Session, Commissioners provided clarifications on previous responses at the 4/7/2023 Work Session. All seven (7) Commissioners were present.

06/28/2023: P&Z Work Session, Planning Director presented initial staff redlines of proposed amendments. Five (5) of the seven (7) Commissioners were present.

### **06/28/2023 Work Session recap**

The Commission unanimously supported the progress of the proposed redlines. A Commissioner requested staff look into specifying minimum floor area for ADUs. The Planning Director has since confirmed that section 17.60.020 amended by Ordinance 2, Series 2023 (Table of Uses/Definitions) specifies a minimum floor area of 100 sq. ft. for ADUs. Since each zoning district is proposed to have an exemption to the minimum dwelling unit size for ADUs, staff finds no further specification is needed.

### **STAFF COMMENTS**

#### **Updates to attached redlines:**

Staff has made the following updates to Title 17 in the attached redlines:

- Changed maximum gross density allowance from “multi-family dwellings” and “all other dwellings” to “lots with 1 or 2 dwelling units” and “lots with 3 or more dwelling units”.

#### **Remaining areas to be address/discussed:**

- Redlines to Chapter 17.60 Accessory Buildings and Uses to specify a maximum height for ADUs of 25 ft. and increase maximum ADU size from 50% of the principal structure to 60%) will be provided by staff for review

after adoption and codification of Ordinance 2, Series 2023 (Table Uses / Definitions). **Update: Staff was hoping for these to have been codified after 7/5 adoption, to be included in the attached updated regulations, but this ordinance has not yet been codified.**

- Definition for “Community Housing”. **Update:** Attached draft LLCRHA Guidelines currently lack a definition but Planning Director has commented for inclusion of this definition.
- Chapter on Community Housing and Incentive/Inclusionary Zoning. **Update:** Items to discuss and address include:
  - General:
    - Minimum floor area vs. unit
    - Annexation and PUD
    - Community Housing for sale/rent proportions = market rate for-sale/rent proportions (Ex: 100% market rate for-sale = 100% Community Housing units as for-sale, 50% market rate for-sale = 50% Community Housing units as for-sale)
    - Comparable exterior finish and design, integration
    - Restrictive covenant
    - Require Development Agreement
    - Release ratio (Ex: C.O. for Community Housing unit for every two (2) market rate units)
    - ADUs as Community Housing
  - Options in-lieu of on-site Community Housing:
    - Off-site
    - Land dedication
    - Fee (Note: Updated annually in city fee schedule. May need nexus study)
      - Round up to one (1) unit or minimum size, and then fee-in-lieu option for portions of a unit required above one (1) unit
    - Lower AMI (Ex: 80% or less = 1.5 required Community Housing units)
  - For sale:
    - AMI
      - Individual and average
      - Variety
      - Owner rental allowance
      - Studio limitations
  - Rental
    - AMI
      - Studio limitations
- Research and compare example municipal inclusionary housing chapters
- Need post-COVID updated needs assessment and nexus study
  - Excerpt from 2018 Housing Needs Assessment Executive Summary:

**1. Recommended Affordability Targets**

Lake County/Leadville community housing programs should predominantly address the needs of households less than 121% of the area median income (\$56,400). Eligibility for rental housing development and assistance should be targeted to households earning from 0 to 80% AMI (\$37,600), and eligibility for for-sale housing development and assistance should be restricted to households earning up to 120% AMI—with some flexibility to address households earning up to 150% AMI due to rising property costs<sup>1</sup>. Income targets should be periodically reconsidered as market prices change.

Attachments:

- Updated redlines to Ch. 17.20, 17.24, 17.26, 17.32, 17.76



- draft LLCRHA Guidelines
- CHFA 2023 Rent and Income AMI limits excerpt for Lake County

## Chapter 17.20 TRADITIONAL RESIDENTIAL (R-2) DISTRICT

**Sections:**

**17.20.010 General requirements.**

This district is created to provide for the continuation and preservation of mid-density residential development characteristic of Leadville's historic period from its establishment to the present era. In keeping with this stated purpose, the uses permitted by right and on a conditional approval basis are more varied and mixed than are found in other residential districts.

Minimum district size:	1 acre
Minimum lot area:	2,250 square feet
Minimum lot width:	25 feet
Front setback:	10 feet, except zero feet for single-family attached on the common wall provided there are no more than three (3) such single-family attached connected by common walls.
Side setback:	3 feet, except zero feet for single-family attached on the common wall provided there are no more than three (3) such single-family attached connected by common walls.
Rear setback:	6 feet, except zero feet for single-family attached on the common wall provided there are no more than three (3) such single-family attached connected by common walls.
Maximum building height:	35 feet
Minimum dwelling size:	600 square feet (multi-family and accessory dwelling units excluded)
Maximum lot coverage:	75 percent
Maximum gross density:	<p><u>Lots with 1 or 2 dwelling units: 40 dwelling units per acre</u></p> <p><u>Lots with 3 or more dwelling units: 19-20 dwelling units per acre</u></p> <p><u>Lots with 3 or more dwelling units with minimum 25% of floor area as Community Housing (need definition): 40 dwelling units per acre</u></p>

**Commented [PD1]:** Note: Using "Lots with X units" because the alternative of using "multi-family" could create an issue where some developments could have multiple unit types on one property (Ex: SFD and MFD or duplex with ADU), which would make calculating allowed density complicated.

Consider separate chapter on Incentive zoning and Community Housing. See Salida municipal code 16-13-10.

**Commented [PD2]:** Changing from 19 du/ac to 20 du/ac eliminates potential density calculation confusion of less than 1 unit being allowed on minimum lot size of 2,250 sq. ft.

**Examples:**

2,250 sq. ft. (minimum lot size) / 43,560 (sq. ft. in 1 acre) = 0.0516528925619835 acres,  
0.0516528925619835 acres x 19 du/ac = 0.98 units

2,250 sq. ft. (minimum lot size) / 43,560 (sq. ft. in 1 acre) = 0.0516528925619835 acres,  
0.0516528925619835 acres x 20 du/ac = 1.03305785123967 units

For permitted, conditional and prohibited uses see Chapter 17.48.

(Ord. 03-11 § 3; Ord. 99-8 § 1 (part): prior code § 17.09.020)

(Ord. No. 2009-3, § 2, 9-1-09)

## Chapter 17.24 TRANSITIONAL RETAIL/RESIDENTIAL (TR) DISTRICT

**Sections:**

**17.24.010 General requirements.**

This district is created to allow traditional residential occupation in association with commercial business uses so long as such mixed land usage does not produce significant or objectionable levels of traffic, noise, dust or other adverse side effects not compatible with residential occupation.

Minimum district size:	½ acre
Minimum lot area:	Residential: 2,250 square feet Other uses: 2,250 square feet
Minimum lot width:	25 feet
Front setback:	10 feet, except zero feet for single-family attached on the common wall provided there are no more than three (3) such single-family attached connected by common walls.
Side setback:	3 feet, except zero feet for single-family attached on the common wall provided there are no more than three (3) such single-family attached connected by common walls.
Rear setback:	6 feet, except zero feet for single-family attached on the common wall provided there are no more than three (3) such single-family attached connected by common walls.
Maximum building height:	35 feet
Minimum dwelling size:	450 square feet ( <u>accessory dwelling units excluded</u> )
Maximum lot coverage:	85 percent
Maximum gross density:	<del>38</del> 40 dwelling units per acre, <u>except the density can be increased with the permission of city council through a conditional use permit</u>

**Commented [PD1]:** TR: ~~38~~ 40 DU/AC (Example: 2,250 sq. ft. / 43,560 sq. ft. = approximately 0.05 acres, 0.05 acres x 40 du/ac = 2 dwelling units)

**Commented [PD2]:** This zone already allows 38 du/ac, so increasing to 40 du/ac would allow a second unit (ADU or duplex) on the existing minimum lot size.

For permitted, conditional and prohibited uses see Chapter 17.48.

(Ord. 03-15 § 6; Ord. 03-11 § 4; Ord. 03-4 § 4; Ord. 01-3 § 2; Ord. 99-8 § 1 (part): prior code § 17.09.040)

## Chapter 17.26 TRANSITIONAL COMMERCIAL (TC) DISTRICT

**Sections:**

**17.26.010 General requirements.**

This district is created to allow commercial business use in association with traditional residential occupation so long as such mixed land usage does not produce significant or objectionable levels of traffic, noise, dust or other adverse side effects not compatible to the existing neighborhood. In the area that was zoned industrial/mining prior to the effective date of Ordinance 16, Series of 2000, private mining or removal of tailings shall be permitted so long as such operation is completed within five years of the effective date of Ordinance 16, Series of 2000, and within two years of the physical commencement of the mining or removal operation.

Minimum district size:	½ acre
Minimum lot area:	2,250 square feet
Minimum lot width:	25 feet
Front setback:	3 feet
Side setback:	3 feet
Rear setback:	6 feet
Maximum building height:	35 feet
Minimum dwelling size:	450 square feet ( <u>accessory dwelling units excluded</u> )
Maximum lot coverage:	85 percent
Maximum gross density:	<u>Lots with 1 or 2 dwelling units: 40 dwelling units per acre</u> <u>Lots with 3 or more dwelling units: <del>None</del> 20 dwelling units per acre</u> <u>Lots with 3 or more dwelling units with minimum 25% of floor area as Community Housing (need definition): 40 dwelling units per acre</u>

**Commented [PD1]:** Note: Using "Lots with X units" because the alternative of using "multi-family" could create an issue where some developments could have multiple unit types on one property (Ex: SFD and MFD or duplex with ADU), which would make calculating allowed density complicated.

Consider separate chapter on Incentive zoning and Community Housing. See Salida municipal code 16-13-10.

**Commented [PD2]:** Example: 2,250 sq. ft. / 43,560 sq. ft. = approximately 0.05 acres, 0.05 acres x 40 du/ac = 2 dwelling units

For permitted, conditional and prohibited uses see Chapter 17.48.

(Ord. 03-15 § 1)

## Chapter 17.32 COMMERCIAL/ HIGHWAY BUSINESS (C) DISTRICT

**Sections:**

**17.32.010 General requirements.**

This district is created for the purposes of providing for tourism and automobile oriented business and commercial, office and retail services along the city's major highway approaches, and providing for the scenic and visual enhancement of those major highway approaches to Leadville. Consequently, the visual appearance and contribution to attractiveness of Leadville's gateways shall be a significant characteristic of all new and expanded development in this district.

Minimum district size:	3 acres
Minimum lot area:	5000 square feet
Minimum lot width:	50 feet
Front setback:	10 feet
Side setback:	5 feet
Rear setback:	10 feet
Maximum building height:	35 feet
Minimum dwelling size:	600 square feet (multi-family and accessory dwelling units excluded)
Maximum lot coverage:	<del>50</del> 65 percent
Maximum gross density:	<p><del>Lots with 1 or 2 dwelling units: 35 dwelling units per acre</del></p> <p><del>Lots with 3 or more dwelling units: 9</del> 10 dwelling units per acre</p> <p><del>Lots with 3 or more dwelling units with minimum 25% of floor area as Community Housing (need definition): 35 dwelling units per acre</del></p>

**Commented [PD1]:** Note: Using "Lots with X units" because the alternative of using "multi-family" could create an issue where some developments could have multiple unit types on one property (Ex: SFD and MFD or duplex with ADU), which would make calculating allowed density complicated.

Consider separate chapter on Incentive zoning and Community Housing. See Salida municipal code 16-13-10.

**Commented [PD2]:** Changing from 9 du/ac to 10 du/ac eliminates potential density calculation confusion of less than 1 unit being allowed on minimum lot size of 5,000 sq. ft.

**Examples:**  
 5,000 sq. ft. (minimum lot size) / 43,560 (sq. ft. in 1 acre) = 0.1147842056932966 acres, rounded down to .011 acres  
 .011 acres x 9 du/ac = **0.099 units**

5,000 sq. ft. (minimum lot size) / 43,560 (sq. ft. in 1 acre) = 0.1147842056932966 acres, rounded down to .011 acres  
 .011 acres x **10 du/ac = 1.1 units**

For permitted, conditional and prohibited uses see Chapter 17.48.

(Ord. 99-8 § 1 (part): prior code § 17.09.060)

(Ord. No. 2009-3, § 2, 9-1-09)

## Chapter 17.76 OFF-STREET PARKING AND LOADING REQUIREMENTS

### Sections:

#### 17.76.010 General requirements for off-street parking.

- A. For every building hereafter erected or buildings structurally altered for retail, commercial, business or industrial purposes, off-street parking spaces shall be provided. Each space shall measure at least eight feet by eighteen (18) feet and shall be paved in all districts except R-1 and R-2, except that the planning commission shall allow, upon request of an applicant or by majority vote of its own initiative, a reasonable number of smaller parking spaces for compact cars, in a number up to thirty (30) percent of the total spaces, and the commission may, at its option, require an additional number of oversize parking spaces for handicapped-access vehicles. Compact car spaces, which must be so labeled on the lot, shall be at least eight feet by sixteen (16) feet in size and handicapped spaces, which must also be so labeled on the lot, shall be twelve (12) feet by eighteen (18) feet in size, except that such spaces may be nine feet wide when an additional four feet is provided at one side as an available, paved handicapped ramp.
- B. In RC, C and I zoning districts, areas included in driveways or otherwise required to move cars in and out of parking spaces shall not be considered to meet off-street parking space requirements. Parking lot spaces shall be arranged in such a manner that vehicles will not back directly from an off-street parking space into a public right-of-way, except in the case of public alleyways, and no portion of a public right-of-way or easement shall be included as a portion of a parking lot except with the approval of the planning commission and the written permission of the owner(s) of record of the right-of-way or easement.
- C. Uses which are expanded or changed must appropriately adjust the number of parking spaces provided within ninety (90) days of the expansion or change of use.
- D. Each off-street parking lot containing more than fifty (50) parking spaces shall provide one or more landscaped areas, equal to five percent of the total parking lot area and dispersed within the parking area and which shall be a portion of the overall site landscaping requirement and shown on an appropriate landscaping plan.
- E. Residential off-street parking spaces shall be located on the same lot as the dwelling(s) they serve. All other required parking spaces located more than one thousand (1,000) feet from the building or structure they serve, measured in a straight line from the nearest corner of the building, must first be approved by the board of adjustment as a variance.
- F. Off-street parking in planned unit developments shall comply with the requirements of this section except when a separate development plan incorporating alternate off-street parking provisions is reviewed by the planning commission and approved by the city council.
- G. Parking requirements shall apply to all zoning districts, except as specified herein. When more than one use is conducted on a single lot or parcel, parking shall be required for all uses, even though one use is accessory to another and the number of spaces required shall be a sum of the spaces required for the cumulative uses.
- H. All parking lot aisles shall be at least twenty (20) feet in width and all open parking areas shall contain snow storage or removal provisions adequate to the planning commission as determined by a majority vote of the commission.

Snow storage areas are recommended to be sized to approximately ten (10) percent of the total parking lot area.

I. Businesses that are a use by right in existing buildings in the TC zone and in the RC zone on 9th Street from Poplar Street to Harrison Avenue and Harrison Avenue from 2nd Street to 9th Street, including the side streets to the first alleys east and west of Harrison Avenue, shall not be required to provide off-street parking spaces.

J. Any or all of the off-street parking requirements may be waived by the city council upon recommendation of the planning and zoning commission if deemed impractical or cost prohibitive to the applicant.

K. If a public alley is adjacent to a property, any new required off-street parking spaces for the uses on that property shall be alley-loaded only, and new required off-street parking spaces shall not be accessed from a new driveway connection to an adjacent street. Any required off-street parking space on a property that is not adjacent to a public alley, or where the alley is not reasonably accessible from or to the property, shall be exempt from the alley-loaded requirement.

(Ord. 03-15 § 3; Ord. 99-8 § 1 (part); prior code § 17.19.010)

**17.76.020 Off-street parking space requirements.**

The following types of uses shall require the following number of off-street parking spaces, as a minimum requirement, for principal uses; ~~accessory dwelling units (ADU's) are exempt from the off-street parking requirements:~~

**Table 3  
Off-Street Parking Requirements**

Uses	
<u>A. Single-family dwellings</u>	<u>Exempt</u>
<u>B. Accessory Dwelling Units</u>	<u>1/DU**</u>
<u>C. Two-family dwellings</u>	<u>1/DU**</u>
<u>D. A. Multiple-family dwellings, studio or one bedroom:</u>	<u>1/DU*</u>
<u>E. B. Multiple-family dwellings, more than one bedroom:</u>	<u>1/DU</u>
<u>F. C. Multiple-family for elderly, handicapped or disabled:</u>	<u>1.75/DU*</u>
<u>G. D. Lodgings:</u>	
- Motels, per unit:	1
- Hotels, per unit:	1
- Plus one employee parking space per each ten (10) units	
- Bed and Breakfasts, per unit (including approved, on-street parking plus one additional space for employees (regardless of actual number of employees).	1
<u>H. E. Retail and service facilities per four hundred (400) square feet of gross leasable area (GLA):</u>	1
<u>I. F. Shopping centers per one thousand (1,000) square feet of GLA:</u>	1
<u>J. G. General and professional offices per six hundred (600) square feet of GLA:</u>	1
<u>K. H. Restaurants and taverns per every four seats:</u>	1
<u>L. I. Auditoriums and public assembly facilities, per one hundred (100) square feet of floor area used for assembly or seating:</u>	2
<u>M. J. Business parks, per five hundred (500) square feet:</u>	1
<u>N. K. Industrial facilities per one thousand (1,000) square feet of floor area:</u>	1.5
<u>O. L. floor area for a wholesale establishment, warehouse, or rail or truck terminal:</u>	7.5

\* DU = dwelling unit

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**\*\* Except in the Retail Core (RC) Zoning District.**

In the computation of parking spaces needed according to Table 3, all fractional spaces shall be rounded to the next higher number.

Requirements for types of buildings and uses not specifically enumerated herein shall be determined by the city council upon review and recommendation from the planning commission, based upon the requirements of comparable uses listed above and prevailing elsewhere in the surrounding area.

(Ord. 99-8 § 1 (part): prior code § 17.19.020)

(Ord. No. 2016-8, § 4, 11-1-16)

**17.76.030 Off-street loading requirements.**

For the purpose of providing for off-the-street loading and unloading of goods, buildings or structures to be built or substantially altered which receive or distribute materials and merchandise by truck shall provide and maintain off street loading berths in sufficient number to accommodate the needs of the particular use.

The minimum number of loading berths required, if the gross floor area of the building is less than ten thousand (10,000) square feet shall be one berth; if greater than ten thousand (10,000) square feet, the number of berths provided shall be one for each additional fifteen thousand (15,000) square feet, or fraction thereof, of gross floor area over and above the first ten thousand (10,000) square feet.

A loading berth shall contain, at a minimum, a space twelve (12) feet wide, thirty-five (35) feet in length and maintain a vertical clearance of at least fourteen (14) feet. Where the vehicle is routinely used for loading or unloading exceeds these dimensions, the planning commission may increase the required size of loading berths correspondingly by majority vote.

These off-street parking and loading berth requirements may be modified in accordance with the variance procedures of the board of adjustment.

(Ord. 99-8 § 1 (part): prior code § 17.19.030)



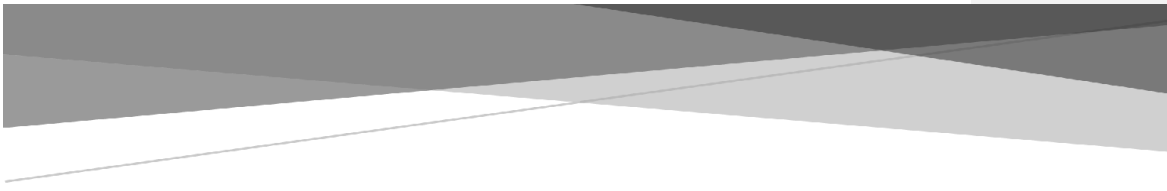


2023 Income Limit and Maximum Rent Tables  
for All Colorado Counties  
20% to 120% of Area Median Income (AMI)

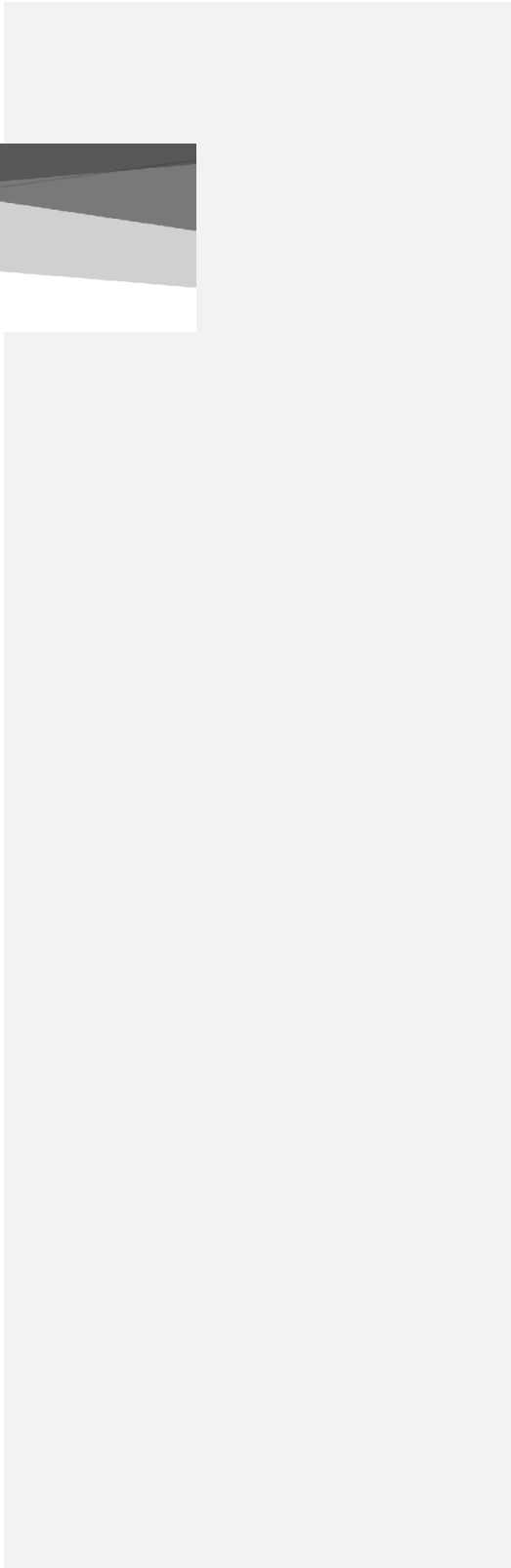

HUD Effective Date: May 15, 2023

- The IRS allows Housing Tax Credit projects that placed in service as of 12.31.2008 to use higher HERA Special limits.
- All Housing Tax Credit and CHFA Loan projects are "held harmless" from limit decreases. To be "held harmless," a project must be in service before 06.29.2023.
- Housing Tax Credit and CHFA Multifamily Loan projects whose counties experienced a decrease in 2023 limits and that place in service before 06.29.2023 may continue to apply the same limits used in 2022.

County	HERA	AMI	2023 Maximum Rents					2023 Income Limits							
			0 Bdrm	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Kit Carson		120%	1,827	1,957	2,349	2,715	3,030	73,080	83,520	93,960	104,400	112,800	121,200	129,480	137,880
Kit Carson		100%	1,522	1,631	1,957	2,262	2,525	60,900	69,600	78,300	87,000	94,000	101,000	107,900	114,900
Kit Carson		80%	1,218	1,305	1,566	1,810	2,020	48,720	55,680	62,640	69,600	75,200	80,800	86,320	91,920
Kit Carson		70%	1,065	1,141	1,370	1,583	1,767	42,630	48,720	54,810	60,900	65,800	70,700	75,530	80,430
Kit Carson		60%	913	978	1,174	1,357	1,515	36,540	41,760	46,980	52,200	56,400	60,600	64,740	68,940
Kit Carson		55%	837	897	1,076	1,244	1,388	33,495	38,280	43,065	47,850	51,700	55,550	59,345	63,195
Kit Carson		50%	761	815	978	1,131	1,262	30,450	34,800	39,150	43,500	47,000	50,500	53,950	57,450
Kit Carson		45%	685	734	880	1,018	1,136	27,405	31,320	35,235	39,150	42,300	45,450	48,555	51,705
Kit Carson		40%	609	652	783	905	1,010	24,360	27,840	31,320	34,800	37,600	40,400	43,160	45,960
Kit Carson		30%	456	489	587	678	757	18,270	20,880	23,490	26,100	28,200	30,300	32,370	34,470
Kit Carson		20%	304	326	391	452	505	12,180	13,920	15,660	17,400	18,800	20,200	21,580	22,980
La Plata		120%	2,184	2,340	2,808	3,243	3,618	87,360	99,840	112,320	124,680	134,760	144,720	154,680	164,640
La Plata		100%	1,820	1,950	2,340	2,702	3,015	72,800	83,200	93,600	103,900	112,300	120,600	128,900	137,200
La Plata		80%	1,456	1,560	1,872	2,162	2,412	58,240	66,560	74,880	83,120	89,840	96,480	103,120	109,760
La Plata		70%	1,274	1,365	1,638	1,891	2,110	50,960	58,240	65,520	72,730	78,610	84,420	90,230	96,040
La Plata		60%	1,092	1,170	1,404	1,621	1,809	43,680	49,920	56,160	62,340	67,380	72,360	77,340	82,320
La Plata		55%	1,001	1,072	1,287	1,486	1,658	40,040	45,760	51,480	57,145	61,765	66,330	70,895	75,460
La Plata		50%	910	975	1,170	1,351	1,507	36,400	41,600	46,800	51,950	56,150	60,300	64,450	68,600
La Plata		45%	819	877	1,053	1,216	1,356	32,760	37,440	42,120	46,755	50,535	54,270	58,005	61,740
La Plata		40%	728	780	936	1,081	1,206	29,120	33,280	37,440	41,560	44,920	48,240	51,560	54,880
La Plata		30%	546	585	702	810	904	21,840	24,960	28,080	31,170	33,690	36,180	38,670	41,160
La Plata		20%	364	390	468	540	603	14,560	16,640	18,720	20,780	22,460	24,120	25,780	27,440
Lake		120%	1,827	1,957	2,349	2,715	3,030	73,080	83,520	93,960	104,400	112,800	121,200	129,480	137,880
Lake		100%	1,522	1,631	1,957	2,262	2,525	60,900	69,600	78,300	87,000	94,000	101,000	107,900	114,900
Lake		80%	1,218	1,305	1,566	1,810	2,020	48,720	55,680	62,640	69,600	75,200	80,800	86,320	91,920
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DRAFT LEADVILLE LAKE  
COUNTY COMMUNITY  
HOUSING GUIDELINES  
July 2023



## Contents

### MISSION STATEMENT AND PURPOSE

The mission of the Leadville Lake County Regional Housing Authority (the "LLCRHA") is to enhance Lake County (the "County") by helping those who define our community attain a safe, energy efficient, long-term housing solution, so they can contribute to our community and thrive. The purpose of these Guidelines is to enable LLCRHA to provide housing opportunities for community members, with prioritization of persons who are currently or have actively been employed in the County, and who also provide goods and services to individuals, businesses, or institutional operations in the County. These Guidelines support the LLCRHA's goals and are not intended to supersede any land use or building codes of the County or the City of Leadville.

These Guidelines are intended to:

- Establish Income Levels for Community Housing
- Establish Tiers for Community Housing
- Establish Affordable Community Housing Rental Rates
- Establish Affordable Community Housing Sales Prices
- Establish Criteria for Qualifying and Occupancy of Units
- Establish Processes for the Development of Community Housing
- Establish Procedures for Ongoing Monitoring and Compliance

### PART I: INCOME LEVELS

The income levels for County households establish sales prices and rental rates for new housing, in categories that correlate to income levels by Household size provided by the U.S. Department of Housing and Urban Development ("HUD") and the U.S. Census Bureau, known as Area Median Income ("AMI") for Lake County on an annual basis. The LLCRHA will make the annual AMI categories available upon receipt from HUD each year.

#### SECTION I: CATEGORIES

Category 1	Very-Low Income Limits	Below 50% AMI
Category 2	Low Income Limits	50.1 to 80% AMI
Category 3	Moderate Income Limits	80.1% to 100% AMI
Category 4	Middle Income Limits	100.1% to 120% AMI
Category 5	Upper Income Limits	120.1% to 200% AMI

#### *Determining Household Size*

HUD's AMI categories are further defined by Household size. For the purpose of calculating initial sales prices, the Household size will be calculated by using 1.5 persons per bedroom of the unit to be built. For the purpose of establishing rental rates, the number of bedrooms of the rental unit will determine Household size.

## **SECTION 2: INCOME TESTING**

Income testing refers to the verification of the annual Household income of a prospective purchaser or tenant who wishes to qualify for a Community Housing unit. Income testing is performed at the time of qualification for initial purchase, initial occupancy, and every subsequent transfer.

*Documentation.* The LLCRHA may request the following documentation from any applicant:

- Applicants employed by others: Most recent 2 years personal federal tax returns with all schedules attached, most recent 2 years of W-2s from all employers, most recent 2 consecutive paystubs from each employer, LLCRHA will complete an Employer Verification of Employment for each employer
- Self-employed applicants: Most recent 2 years personal federal tax returns with all schedules attached, most recent 2 years of W-2s from all employers, most recent 2 years business tax returns, including K-1, 1065, 1120 and 1120S, as applicable
- Applicants with unearned income (SSI, SSDI, VA benefits): Most recent “award letter” stating the monthly or annual Gross Income received
- Applicants who are newly employed or with no previous tax returns: Evidence of income to be earned, such as an employment contract or written verification from new employer
- All applicants: Any other form of documentation to assist in accurately calculating Gross Income

Subject to applicable law, all documentation will remain confidential.

## **SECTION 3: INCOME CALCULATION**

All income reported to the IRS, whether taxable or not, will be included in the Gross Income calculation, as long as it can be determined that it has a strong likelihood of continuing in the future.

Income from the following sources will be calculated using the following methods:

- Capital Gains will be included only if it is apparent that it is a regular activity of the Household member and is from the sale of short-term or long-term Assets.
- Rental Income will be averaged over the past 2 years. If the relevant Deed Restriction does not allow for ownership of other improved real estate, this income will not be included in Gross Income, and disposal of the associated property(s) must be verified.

## **SECTION 4: ASSET TESTING**

Asset testing refers to the verification of economic resources that contribute to a Household’s net worth. The most recent total actual value as provided by the applicable assessor’s office will be used to determine the value of real estate holdings, regardless of setoffs by encumbrances, costs of sale or holding, or percent of ownership interest. Assets in a qualified retirement plan and other non-liquid Assets such as personal belongings or intangible Assets will not be included.

Asset testing is only performed at the time of application for qualification of a Household to initially purchase or occupy a unit, or to enter into a lottery to purchase a unit and at every subsequent sale or Transfer of occupancy of the unit thereafter. Documentation to verify the value of an Asset will be determined by the type of Asset.

*Household Net Worth Limitations:*

Category 1	Very-Low Income	≤ 2 times AMI
Category 2	Low Income	≤ 2 times AMI
Category 3	Moderate Income	≤ 3 times AMI
Category 4	Middle Income	≤ 3 times AMI
Category 5	Upper Income	≤ 3 times AMI

Note: Middle and Upper Income are capped at 3-person Household, because the average Household size in Lake County is 2.2.

*Ownership of Improved Residential Real Estate.* Qualified Owners and Qualified Occupants may not own other Improved Residential Real Estate, and must sell the Improved Residential Real Estate prior to closing on the Community Housing unit.

**PART II: EMPLOYMENT REQUIREMENTS**

At the time of initial purchase or occupancy of a Community Housing unit at least one person in the Household must be employed within the County. Residents who work from home satisfy the County employment requirement if evidence is submitted demonstrating that the work provides a product or service, or other significant direct benefit to residents of the County or an existing local business.

Qualified Occupants who wish to retire and continue to occupy their Community Housing unit must score 25 out of a possible 30 points based on the following:

- 10 Points: Employed in the County for 7 continuous years prior to retirement (if employment is less than 7 years, no points are awarded).
- Up to 10 Points: Owned or occupied workforce housing for 7 continuous years. If owned or occupied less than 7 years, 1 point shall be deducted for every year less than 7.
- Up to 10 Points: 65 years of age or older. If retiring earlier than age 65, deduct 1 point for every year below age 65.

A Qualified Occupant who becomes an individual with a disability after commencement of occupancy of a Community Housing unit may remain in their unit.

Qualified Occupants who lose their employment may continue to occupy their Community Housing unit if they are approved in writing by the LLCRHA based upon the following criteria:

- Percent of total income earned in the County;
- Length of residency within the County; and
- Any dependent's attendance at a local school.

**Commented [KC1]:** Do you want to make sure they are looking for a new job?

## **PART III: OWNERSHIP, RENTAL, USE AND OCCUPANCY**

### **SECTION I: OWNERSHIP**

*Qualification.* Prior to executing an offer for ownership of a Community Housing unit, a purchaser must be approved by the LLCRHA as a Qualified Owner or an eligible Non-Qualified Owner.

*Eligible Non-Qualified Owners.* Upon the written consent of the LLCRHA, a person that owns or operates a business located in and serving the County may purchase a Community Housing unit; provided, however, that by taking title to a property, a Non-Qualified Owner shall be deemed to agree to the rental restrictions set forth in these Guidelines, and shall rent the property only to Qualified Occupants, and shall not use or occupy the property for their own use or leave the property vacant for longer than 60 days.

*Occupancy.* Only Qualified Households shall occupy a Community Housing unit. Households may not have less than one person per bedroom occupying a Community Housing unit.

**Commented [KC2]:** What is the purpose of this? What if a child goes to college elsewhere? I have never seen this requirement in guidelines

*Leave of Absence.* There are times when a Qualified Owner must leave the County for an extended period for personal or family reasons. In this instance, the Qualified Owner may apply for an exemption from the LLCRHA from the use and occupancy requirements of these Guidelines. It is the responsibility of the Qualified Owner to provide evidence satisfactory to the LLCRHA of a *bona fide* reason for the exemption and a commitment to returning to the property. A leave of absence exemption may be granted at the sole discretion of the LLCRHA, for up to 12 months. During an approved leave of absence longer than 6 months, the Qualified Owner must find a Qualified Occupant to rent the property during their absence.

### **SECTION 2: RENTAL**

*Rental by Qualified Owner.* Under limited circumstances, the LLCRHA may allow the rental of a property that requires owner occupancy. The owner must apply for an exemption through the LLCRHA, with supporting documentation, and the proposed occupant must be approved as a Qualified Occupant. The property may not be leased for more than 12 cumulative months during the entire ownership period of a Qualified Owner. If a Qualified Owner is allowed to rent their unit, the rent charged may not exceed the owner's total Housing Expense (mortgage payment including principal, interest, taxes, insurance, mortgage insurance if applicable and homeowner association dues) by more than \$100 dollars per month. A copy of the lease agreement must be provided to the LLCRHA.

Roommates are permitted under these Guidelines. Each roommate must complete a rental application and submit it to the LLCRHA. Roommates in Owner-Occupied properties do not have to meet eligibility requirements, but at no time may an owner rent out rooms for lease terms of less than 6 months.

Short-term rentals are prohibited.

*Rental of Employer-Owned Property.* Where allowed by the Deed Restriction, a property may be owned by a Qualified Employer, nonprofit, government agency, or essential service provider located in Lake County that rents the property to its employees or employees of other qualified businesses. Lease terms shall not be less than 6 months. A Qualified Employer may own other improved real estate in or outside of Lake County.

## PART III: PURCHASING/TRANSFERRING COMMUNITY HOUSING

### SECTION 1: LOTTERY

*Qualification.* The LLCRHA may hold a lottery for the sale of Community Housing units. To qualify for the lottery, at least one individual must meet the requirements of the applicable Deed Restriction. The LLCRHA will qualify persons prior to entering a lottery and will assign the number of chances a Household may have in a lottery.

#### *Tiers for Lottery*

The lottery will have the following Tiers, and LLCRHA will fill all available units by moving through Tiers 1-5 until all units are filled.

- ▶ Tier 1 – Special Right of First Refusal
- ▶ Tier 2 – Employed in the County and Making 140% AMI or Less
- ▶ Tier 3 – County Resident of 4 or More Years Making 140% AMI or Less
- ▶ Tier 4 - Employed in the County and Making 200% AMI or Less
- ▶ Tier 5 – Any other County Resident

#### *Priorities for Lottery Entries by Household:*

Households that can provide satisfactory evidence of immediate and continuous in-County residency and employment from the age of 18 shall receive the following:

- Employed in the County and Living in the County less than or equal to 1 year: 1 chance
- Employed in the County and Living in the County > 1 year but ≤ 3 years: 2 chances
- Employed in the County and Living in the County > 3 year but ≤ 5 years: 5 chances
- Employed in the County and Living in the County > 5 year but ≤ 10 years: 6 chances
- Employed in the County and Living in the County > 10 years but ≤ 20 years: 7 chances
- Employed in the County and Living in the County > 20 years: 8 chances

#### *Lottery Process*

1. All applicants wishing to enter in a lottery must first receive a Certification of Eligibility from the LLCRHA.
2. At the time of the lottery, the LLCRHA Board President or designee and one additional LLCRHA member, along with an unaffiliated third party, shall be present to witness the lottery.
3. The lottery container shall be solid and non-transparent, and entries will be sufficiently mixed.
4. The un-affiliated third party will then draw an entry out of the container, and the name shall be recorded on the LLCRHA lottery log.
5. This process will continue until entries have been drawn for each unit available and recorded in the same manner.
6. Alternates from remaining entrants will be drawn and recorded.
7. For new construction lotteries, the first-drawn applicant will have 7 days to execute a contract or reservation form with the LLCRHA. Should they fail to do so, the first alternate will be notified and will have 7 days to execute a contract or reservation form, and should they fail to do so, then the next alternate will be notified and will have 7 days to do so. This process will continue until there is a contract or reservation executed.

**Commented [KC3]:** What is this?

**Commented [KC4]:** How does this work with the Tiers above? I am not followin

*Qualified Employer-Owned Property.* A Qualified Employer may purchase a property and hold title in its business name.

## **SECTION II: TRANSFER**

*Resale.* No Community Housing unit may be transferred subsequent to the original purchase from the LLCRHA, except upon full compliance with these Guidelines. If a property is conveyed in violation of these Guidelines, such Transfer shall be void and shall confer no title whatsoever to the purported buyer.

*Notice of Intent.* When an owner intends to Transfer title to a Community Housing unit, the owner shall submit to the LLCRHA a Notice of Intent to Transfer. The property may only be transferred to an individual or entity qualified by the LLCRHA. The property may not be sole for more than the Maximum Resale Price as determined by the LLCRHA pursuant to these Guidelines.

*Process.* Unless otherwise provided in the Deed Restriction, the Community Housing unit must be listed for sale with LLCRHA, and a lottery administered if more than one qualified buyer is interested within the first 30 days. Staff will administer the sale in accordance with these Guidelines. There shall be a minimum listing period of 90 days before a unit's price can be readjusted. Any termination in the listing may require the payment of administrative and advertising costs. LLCRHA shall provide administration of the sale and the lottery. LLCRHA is responsible for preparing all documents pertaining to the sale and purchase of Community Housing units. In the event that there are no qualified buyers after 60 days, the seller may list their unit with a licensed real estate broker of their choosing. The seller must pay the real estate commission, and this cannot be considered part of the Maximum Resale Price.

*Maximum Resale Price.* The Maximum Resale Price may not exceed the sum of: (1) the purchase price paid by the owner for the property, plus: (2) an increase of 2% of such purchase price per year (prorated at the rate of 1/12 for each whole month, but not compounded annually) from the date of the purchase of the Community Housing unit to the date of the owner's Notice of Intent to sell the Community Housing Unit; plus (3) an amount equal to any special assessments paid by the owner during the owner's ownership of the Community Housing unit; plus (4) the cost of permitted capital improvements made to the Community Housing unit by the owner, pursuant to separate guidelines issued by the LLCRHA; minus (5) any amounts associated with bringing the Community Housing unit up to the minimum standards required by the LLCRHA.

*Property Condition Upon Sale.* At Transfer, the property shall be clean, appliances in working order, and there shall be no health or safety hazards on the property. Prior to any transfer, the LLCRHA shall conduct an inspection and provide the owner a list of the items that do not meet minimum standards.

*Restriction on Additional Financial Gain.* No owner shall permit any prospective purchaser to assume any or all of the owner's closing costs; the owner and purchaser shall equally split the closing costs. No owner shall accept anything of value from a prospective purchaser except for the Maximum Resale Price before, during or after closing of the Transfer.

*No Guarantee of Resale Price.* Nothing in these Guidelines represents or guarantees that any Community Housing unit will be re-sold at an amount equal to the Maximum Resale Price.



## PART VII: MONITORING AND ENFORCEMENT

### SECTION 1: MONITORING

The LLCRHA will annually monitor compliance by owners of deed-restricted properties through a self-completed affidavit. It is a violation of these Guidelines for an owner to refuse to return a completed deed-monitoring affidavit to the LLCRHA.

**Commented [KC5]:** Let's discuss - earlier we say that qualification is only required at initial occupancy

### SECTION 2: REMEDIES

LLCRHA may impose any of the following remedies, and the exercise of one remedy shall not preclude the exercise of any other remedy:

- Appreciation cap - no appreciation gained on a property from the date the violation was incurred or discovered, whichever is earlier, until a satisfactory remedy is reached.
- Monetary - a *per diem* fine may be imposed from the date the violation was incurred or discovered, whichever is earlier, until a satisfactory remedy is reached.
- Specific performance – a forced sale of the property.
- Reimbursement – reimbursement to the LLCRHA equal to the current value of the dollars invested in the property.

### DEFINITIONS

**Area Median Income (AMI)** – The median annual income for the County (or such next larger statistical area calculated by HUD that includes the County, if HUD does not calculate the Area Median Income for the County on a distinct basis from other areas), as adjusted for household size, that is calculated and published annually by HUD (or any successor index thereto acceptable to the LLCRHA, in its reasonable discretion).

**Disability** – A physical or mental impairment that substantially limits one or more major life activities.

**Employed in the County** – An individual who earns at least 80% of their gross income from a business or organization operating in and serving the County and its residents.

**Gross Income** - The sum of all wages, salaries, profits, interest payments, rents, and other forms of earnings in a Household, before any deductions or taxes, excluding income from any Non-Occupying Owner.

**Household** – One or more individuals who intend to occupy a property as a single housekeeping unit.

**Maximum Resale Price** – The maximum purchase price that may be paid by any purchaser of a property, other than the initial purchaser who acquires the property from the LLCRHA.

**Non-Occupying Owner** – An individual taking an ownership interest in a unit for the sole purpose of enhancing the credit-worthiness of the prospective purchaser.

**Non-Qualified Owner** – a person or business who does not meet the definition of a Qualified Owner who is allowed to own a property that must be occupied by a Qualified Occupant.

**Owner-Occupied** – At least one Qualified Owner holding title occupies the property as their principal place of residence.

**Principal Place of Residence** – The home or place in which one's habitation is fixed and to which one has a present intention of returning after a departure or absence therefrom. In

determining what is a principal place of residence, the LLCRHA will consider the criteria set forth in C.R.S. § 31-10-201(3), as amended.

**Qualified Employer** – A business, nonprofit, government agency with a business address in the County, or that employs persons who reside in the County, has full-time employees who perform work in the County, and whose business taxes are paid in the County.

**Qualified Owner** – A natural person who: has maintained their principal place of residence in the County for 180 consecutive days; has earned 80% of their gross income working a minimum of 30 hours per week average, on an annual basis, in the County; and does not own any interest in any improved residential real property.

**Qualified Household** – A Household that does not have a net worth that exceeds the limits as provided for in these Guidelines

**Qualified Occupant** – An individual who: has maintained their principal place of residence in the County for 90 consecutive days immediately preceding their application; has earned 80% or more of their Gross Income working a minimum of 30 hours per week on an annual basis within the County or has a verified employment contract with an employer in the County that has been accepted by the LLCRHA; does not own any interest in other improved residential real property; and will occupy the Community Housing unit as their principal place of residence at all times;

**Rental Income** – Net income earned from rental payments on owned real estate.

**Salaried Income** - Income earned by working for a separate entity, regardless of whether the employee is considered exempt.

**Self-employed Income** – Income earned from a business in which a Household member has an ownership interest.

**Transfer** - Any sale, conveyance, assignment or transfer, voluntary or involuntary, of any interest in the Community Housing unit, including without limitation a fee simple interest, a joint tenancy interest, a life estate, a leasehold interest and an interest evidenced by any contract by which possession of the Community Housing unit is transferred and an owner retains title; provided that the lease of a room or rooms in the Community Housing unit to a Qualified Occupant in accordance with these Guidelines shall not constitute a Transfer.

**Unearned Income** – Income generated through no effort of the Household member and includes pension, annuity, dividends, retirement, alimony or separate maintenance payments, unemployment compensation and Social Security benefits. Variable sources of income will be averaged over the most recent 2 years. Non-variable sources will use the amount as stated on the appropriate documentation. Any income derived from these sources that will not continue past the purchase of a Community Housing unit will not be included in the adjusted total income calculation.