



Legislation Details (With Text)

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Title: LDC22-003 Affordable Housing Land Development Code Amendments

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Attachments: 1. Board Summary Report, 2. Presentation, 3. Proposed Amendments, 4. Planning Commission Report - Oct. 18, 2022, 5. Draft Motions, 6. Resolution

Date	Ver.	Action By	Action	Result
11/22/2022	1	Board of County Commissioners Business Meeting	adopted	Pass

To: Board of County Commissioners

Through: Bryan Weimer, Director, Public Works & Development

Prepared By:

Bill Skinner, Senior Planner; Kat Hammer, Senior Planner, Public Works & Development

Presenter: Kat Hammer, Senior Planner, Public Works & Development

Subject:

LDC22-003 Affordable Housing Land Development Code Amendments

Purpose and Request:

Arapahoe County staff and the Planning Commission recommend approval of application LDC22-003, which is a request to amend the Land Development Code to increase alignment with Colorado Department of Local Affairs (DOLA) affordable housing assistance and grant qualification criteria. The proposed amendments strengthen existing language in the Land Development Code pertaining to housing affordability, and do not propose new regulations or change the intent of existing regulations. At their November 1, 2022 study session, the Board also directed staff to bring forward a resolution approving a fee reduction for development applications that include affordable housing units, among other fee schedule changes; this item is on today's consent calendar.

Background and Discussion: The Arapahoe County Housing Needs Assessment (HNA) published in September 2019 indicates a need for more rental housing units in Arapahoe County, especially for the very lowest income households. The assessment determined the greatest problem facing low income households in the county is housing cost.

The Colorado Department of Local Affairs (DOLA) offers state assistance, including grants, to local governments with the goal of promoting affordable housing. This program derives from HB21-1271, which

outlined sixteen affordable housing strategies that communities could implement in order to qualify for grants. If a community has implemented at least three of the sixteen strategies in place, they are eligible for funding under the program.

Staff believes Arapahoe County meets the minimum standard of three strategies to qualify for grants; however, in a competitive grant environment, meeting more of the recommended strategies could improve the County's chances to secure grant funding. Our code could also be more explicit about its support for affordable housing as our code does not clearly state a link to affordable housing.

Staff attended a Board study session on July 19th, 2022 and was directed to proceed with efforts to increase Arapahoe County's alignment with DOLA grant criteria for affordable housing funding. Attached are draft amendments to the Land Development Code which provide language in support of affordable and attainable housing that increase the County's qualifying strategies for receiving DOLA grants to construct affordable and attainable housing. In sum, the draft code amendments change the following:

- Add language to the General Purpose of the LDC expressing support for affordable and attainable housing;
- Add language to the Residential and Agricultural zoning districts permitting a range of housing types;
- Eliminating a minimum residential dwelling unit size in PUD zoning districts;
- Adding language to various code sections promoting affordable and attainable housing;
- Adding specific definitions for affordable and attainable housing.

The Board also directed staff at the July 19th study session to include Planning review fee reductions for development projects that provide affordable or attainable housing. Staff has included these reductions in today's consent item for Planning review fee updates as directed by the Board at their November 1, 2022 study session.

The Planning Commission reviewed the proposed Land Development Code amendments at their October 18, 2022 meeting and voted 5-2 to recommend approval, with Commissioners Wollman and Rieck dissenting. The two dissenting votes did not provide a statement about why they did not support the amendments. No members of the public spoke regarding the proposed changes. Attached to this report are the draft meeting minutes from the October 18, 2022 Planning Commission meeting as well as a copy of the staff report.

If this initial effort is successful, staff will consider larger, more comprehensive measures the County could implement to increase access to affordable housing in Arapahoe County.

Fiscal Impact: The proposed Land Development Code amendments revise language in the code which would not create any fiscal impacts to the County.

Alternatives: The Board of County Commissioners has four alternatives:

1. Approve the Land Development Code and Planning Division Fees Schedule amendments as it is currently written and as recommended by the Planning Commission;
2. Approve the Land Development Code amendment with specific changes;
3. Continue to a date certain for additional information; or
4. Deny the proposed amendment.

Alignment with Strategic Plan:

- ☐ Be fiscally sustainable
- ☐ Provide essential and mandated service

☒ Be community focused

Staff Recommendation: Staff recommends approval of the proposed Land Development Code amendment.

Concurrence: Public Works & Development have reviewed the proposed amendment and recommend approval. County Attorney staff has reviewed the proposed amendment. On October 18, 2022, the Planning Commission voted 5-2 to recommend approval of the proposed regulations to the Board of County Commissioners.

Suggestion Motion(s): Attached.

Resolution: Attached.