



Town of Eagle AHAP

Affordable Housing Express Lane Review

All language in the section below is new or copied and revised from other sections of the LUDC. No other section of 4.17 was revised during this process.

Proposed language to incorporate into Title. 13 Building and Construction is included for consideration by the Building Department.

Incorporate language as new section as follows:

AFFORDABLE HOUSING EXPRESS LANE REVIEW

A. Overview

1. The Town is required to provide Express Lane review for projects that have fifty percent (50%) or more units as Affordable per section 4.17.160.B. Projects that include development applications identified in Table 4.17-24: Express Lane Review Application Review Requirements are eligible for the Express Lane Review and Decision Process. Express Lane applications shall be given priority over other projects in the development review process and processed within ninety (90) days of determination of completeness per sections 4.17.030 and 4.17.040.
 - a. In the context of this section, priority means giving preference to review of an Express Lane application over review of non-Express Lane applications. The following may apply:
 - i. Public Hearings of Express Lane Applications shall be scheduled on the next available hearing date; and
 - ii. If an application is continued by the approval authority, the applicant shall be given preference on the next available hearing date.
2. An applicant may opt out of the ninety (90) day Express Lane Review Process, with a written request to the Community Development Director.

B. Affordable Housing Defined

1. For the purpose of this section, Affordable Housing is defined as follows:
 - a. Costs less than thirty percent (30%) of household monthly income; and
 - b. Rental housing at or below sixty percent (60%) Area Median Income (AMI); or

- c. For-sale housing at or below one-hundred percent (100%) AMI; or
- d. Otherwise meets the definition of “affordable housing” under C.R.S. § 29-32-101.

C. Applicability and Eligibility

1. To be eligible for the Express Lane Review Process, the development shall:
 - a. Include a legally binding affordability mechanism to ensure continued affordability, such as a deed restriction, use covenant, land trust, or other legally enforceable mechanism, affordable housing dwelling units or lots, as defined in Section 4.17.160.B (Affordable Housing Defined); and
 - b. Be a residential development project with affordable housing restrictions on a minimum of fifty percent (50%) of the total proposed dwelling units or lots.
2. Applications that are eligible for Express Lane review, if they meet the Affordable Housing requirements, as defined in this section, are outlined in Table 4.17-24.

Table 4.17-24: Express Lane Review Application Types	
Application Type	Eagle Town Code Section
Land Use	
Administrative or Minor Use Permit	4.17.060C.2
Conditional Use Permit	4.17.080B
Special Use Permit	4.17.080E
Development Permit	4.17.080C
Administrative	
Minor	
Major	
PUD Concept Plan	4.08.060
PUD Development Plan	4.08.060
PUD Amendment	4.08.070
Minor Subdivision, Final Plat	4.17.100C
Condominium/Town home, Final Plat	4.17.100F
Amended or Corrected Final Plat	
Variance	4.17.080F
Other	
Building Permit	13.14.030

D. Concurrent Applications In Express Lane Review

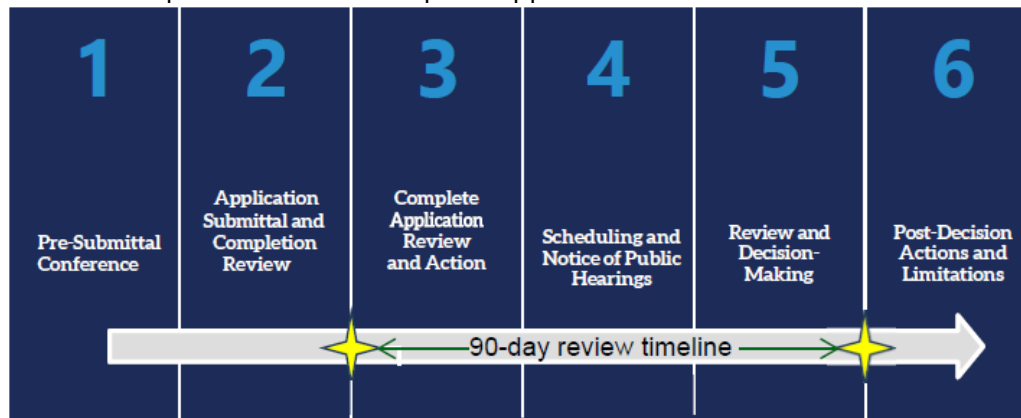
1. For a development that may require multiple application types eligible for Express Lane review, applications may be submitted for concurrent processing at the discretion of the Director. In such case, the total timeframe for the complete package of applications shall be ninety (90) days. For example, if a minor development application and minor subdivision application are submitted for concurrent review, the total timeframe for review of both applications together

shall be ninety (90) days rather than ninety (90) days per application, or one-hundred and eighty (180) days. An applicant may also request sequential stacking of applications where each application is reviewed within its own (90) day process. The applicant may also request to submit a second application once the first application has been deemed complete. The allowance for any of these concurrent processes will be at the discretion of the Director and will be based on capacity of planning staff and referral agencies.

E. Review Procedures

1. Applications eligible for the Express Lane review are typically processed in accordance with the following steps and as stated in State of Colorado Proposition 123. Additional supporting documents may be required and are listed on the Town of Eagle Website.
 - a. Step 1: Pre-submittal Conference with Staff and appropriate referral agencies and as defined in Section 4.17.160.F. (Express Lane Submittal Requirements and Complete Application).
 - b. Step 2: Application Submittal and Completion Review. An applicant shall submit the appropriate application form and supporting materials as determined in the pre-submittal conference(s) with staff and referral agencies for review of completion as outlined in Section 4.17.160.F. (Express Lane Submittal Requirements and Complete Application).
 - c. Step 3: Complete Application and Action. Once an application is determined complete per Step Two (2), the ninety (90) day Express Lane review process begins.
 - d. Step 4: Scheduling and Notice of Public Hearings. Should an application be required to go through the Public Hearing process per section 4.17.050 (Scheduling and Notice of Public Hearings), the Express Lane application shall be noticed for the Planning and Zoning Commission in addition to the Town Council Public Hearing Agenda at the same time.
 - e. Step 5: Review and Decision-Making. A final decision by the appropriate decision-making body as determined in Section 4.17.060 (Review and Decision-Making), shall be made within ninety (90) days of a complete application determination.
 - i. Final decision includes either approval or denial of the application and does not include a recommendation from a recommending body or post approval steps.
 - ii. A final decision may include approval with conditions, provided that the only conditions attached are those required to bring the application into compliance with the standards in this code.
 - f. Step 6: Post Decision. Post decision determination on each application is made in writing as defined in Section 4.17.070 (Post Decision Actions and Limitations) and is not included in the Express Lane review timeframe.
2. The processes for the above types of applications listed in Section 4.17.160.C.3 (Applicability and Eligibility) be found by clicking on the section links provided in Table 4.17-24 (Express Lane Review Application Types).

F. Submittal Requirements and Complete Application



1. All applications reviewed in the Express Lane shall be required to attend a pre-submittal conference(s) as outlined below:
 - a. Town Staff will provide support in determining the required application(s) and, if necessary, the timing of multiple application submittals (i.e., whether they may be processed concurrently or must be processed sequentially as outlined in section 4.17.160.D (Concurrent Applications in Express Lane));
 - b. Inform the applicant of submittal requirements;
 - c. Provide the applicant with an expected time frame for the Express Lane review process, outline expectations for Staff and referral agency review and applicant re-submittal;
 - d. Discuss general compliance with the zoning, use, density, development, and design standards, and attempt to identify potentially significant issues regarding compliance;
 - e. Determine whether additional Pre-Submittal Conference(s) will be necessary;
 - f. Discuss the need for any neighborhood meetings and public notice requirements; and
 - g. Engage the applicant in conversation with other departments or agencies to discuss potential significant considerations prior to application submittal.
2. An application is deemed complete when all of the following requirements for submittal per the application review checklist held at Community Development Department Office and as outlined in Sections 4.17.030 (Application and Submittal Review) and 4.17.040 (Complete Application and Review Action) are met. Complete Express Lane applications consider the following;
 1. The applicant bears the burden of ensuring that the Express Lane application contains sufficient information to demonstrate compliance with the Code, application requirements, and contains all required supporting documents;
 2. A complete application review will be conducted for all Express Lane applications to determine that all required submittal materials are included in the submission;
 3. The Director shall make a determination of application completeness and only initiate the review and processing of complete Express Lane applications;
 4. If the application is determined to be complete, the Director shall communicate with the applicant, in writing, the timeframe for Express Lane review, the application shall then be processed according to the procedures set forth in this Chapter, not to exceed ninety (90) days from completeness date; and
3. If an application is determined to be incomplete, the Director shall notify the applicant of any

missing materials or requirements that need to be met for the application to be complete. Timeframes to ensure timely review of materials by Staff and turnaround times for the applicant may be discussed during pre-submittal. No further processing of an incomplete application shall occur, and the application shall be considered inactive until such time deficient submittals are provided.

4. Review process shall follow the applicable procedures per application type as defined in this Chapter and within the Town of Eagle Administrative Manual held online or within the Community Development Department Office.

G. Extensions

1. An applicant may request a one-time extension, in writing, for an additional ninety (90) days for compliance with state law or court order, or for a review period required by another local government, or agency within or outside the Town of Eagle, for any component of the application requiring that government's or agency's approval.
2. The Town of Eagle may implement a (30) calendar day extension to work with an applicant on addressing comments or revisions to an application. The extension period shall not exceed the time between the request and the applicant's response, plus thirty (30) days. The applicant must provide the requested information or revisions promptly and, whenever possible, respond to the extension with acknowledgment within five (5) business days.

Title 13.14.030. - Issuance of Permits.

A. The Building Official shall issue a permit where:

1. Application for a permit has been made in accordance with the provisions of this chapter.
2. The proposed work set out in the application conforms to this Title, the Town Land Use and Development Code, and all other laws, regulations, resolutions or orders applicable within the Town, including the necessity of a development permit if required pursuant to Chapter 4.17.
3. Pursuant to Section 4.17.160, a building permit application shall be reviewed within ninety (90) days of complete application to the Building department where:
 - a. The application for building permit is for a development of fifty percent (50%) or more affordable housing as defined in Chapter 4.17.160.B. (Express Lane Review) and;
 - b. The application is determined "complete" where all required documents are submitted per Section 13.14.040. - Application, contents.
4. All construction drawings, applications, and permit fees have been submitted and approved, including those for plumbing, electrical, and mechanical portions of the project. A footing and foundation permit may be awarded prior to the reception of other permit information if adequate structural and site plan information has been provided.

B. The Building Official shall not issue a permit where:

1. The proposed work, as set forth in the application, or the proposed use of the building or structure when completed, does not comply with the provisions of the Town Land Use and Development Code.
2. The following improvements, in the subdivision where the proposed building or structure is

located, have not been installed or have not been approved by the Town Engineer:

- a. Survey monuments.
 - b. Wastewater lines and laterals to each lot.
 - c. Water mains and laterals to each lot.
 - d. Fire hydrants.
 - e. Storm drainage structures.
 - f. Grading, base construction and paving of streets and alleys.
 - g. Soil stabilizing structures.
 - h. Utilities, including telephone, cable television, electrical service, and gas lines, or as required by the applicable subdivision improvements agreement or development permit.
- 3. The proposed site is located in a development requiring a development permit pursuant to Chapter 4.17 and said development permit has not been issued.
- 4. The proposed site is located, all or in part, within any area determined by the Building Official to necessitate special building requirements as a result of potential avalanche, earth movement, floods, surface water, or other potentially hazardous conditions, or is located within an area of special flood hazard as designated pursuant to Chapter 4.14, and any special permits required by said chapter have not been obtained by the applicant. All special building requirements included in any special permit shall be incorporated into the permit issued to the applicant under this Title.
- 5. In the opinion of the Building Official, the results of the tests referred to in Section 13.13.040(B)(2) are not satisfactory.