

Town of Lake City

Affordable Housing Code

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Chapter X: Affordable Housing

Section X-1. General Provisions

- (a) Purpose. The purpose of this Chapter is to promote the construction of housing that is affordable to the community's workforce and to maintain a balanced community that provides housing for people of all income levels and at all stages of life.
- (b) Eligibility. The Fast Track Program of this Chapter is applicable to any residential or mixed-use residential development project in which 50% or more of the total proposed dwelling units or lots will be reserved as affordable housing (as defined in Section X-2) for a minimum of 5 years by way of a legally binding affordability mechanism, such as a deed restriction, use covenant, land trust, or other legally enforceable mechanism approved by the Town Attorney.
- (c) Administration. The Town Manager or their designee (hereafter referred to as “the Administrator”) shall be responsible for the interpretation, administration, and enforcement of the provisions of this Chapter, as amended, and any decisions entered by the Planning Commission, Board of Adjustment, or Board of Trustees, pursuant to this Chapter.

Section X-2. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affordable Rental Housing means rental housing affordable to a household with an annual income at or below 60% of AMI, and that costs the household less than 30% of its monthly income.

Affordable For-Sale Housing means for-sale housing that could be purchased by a household with an income at or below 100% of AMI, for which the mortgage payment costs the household less than 30% of its monthly income.

Area Median Income (AMI) means the midpoint income for households of various sizes in Hinsdale County and the Town of Lake City, as annually determined by the U.S. Department of Housing and Urban Development (HUD) and Colorado Housing Finance Authority (CHFA).

Section X-3. Fast Track Program

- (a) Generally. The “Fast Track Program” is hereby established as an expedited review and decision process that is intended to implement Proposition 123 (C.R.S. § 29-32-101, et seq.). Fast Track provides an optional process for an application that qualifies as an affordable housing project (as defined in Section X-2) to receive a final decision, either administrative or discretionary, within 90-calendar days after receipt of a complete

application (as defined in Section X-4(d)(3)) plus any allowed extensions pursuant to this Chapter and state law.

(b) Application Submittal Requirements. All applications for qualifying affordable housing development shall submit the following materials in addition to those required by the respective type of application by other Chapters of this Code:

(1) Documentation of how qualifying units will be reserved as affordable for a minimum of 5 years to ensure that the proposal remains an eligible application from submittal to final decision; and

(c) Applicability. The Fast Track review procedures of this Section apply to the following applications for approvals or permits:

(1) Building Permit and Plan Review

(2) Mobile or Travel Home Park Construction Permit

(3) Site Specific Development Plan

(4) Certification of Appropriateness

(5) Conditional Use Permit

(6) Change in Nonconforming Use

(7) Variance

(9) Modifications to the types of approvals or permits listed herein

(10) Construction or engineering documents required for the types of approvals or permits listed herein

(d) Complete Application Date. The date of determination that an application is complete and sufficient, pursuant to Section X-4(d)(3), shall be considered the date of submittal of a "complete application" pursuant to C.R.S. § 29-32-105 et seq. Complete applications consider the following:

(1) The applicant bears the burden of ensuring that the application contains sufficient information to demonstrate compliance with application requirements and contains all required supporting documents;

(2) The Administrator shall make a determination of application completeness and only initiate the review and processing of complete Fast Track applications;

(3) When the application is determined to be complete, the Administrator shall communicate with the applicant, in writing, the complete application date, timeframe for the review, and procedures for any extensions before processing the application in accordance with Section X-4; and

(4) The review timeframe shall not exceed 90-calendar days from the date the application is determined to be complete and sufficient, plus any extensions, to the date of final decision.

(e) Application Processing. In the context of Section X-4, the processing and review of a Fast Track Program application shall be prioritized as follows:

(1) Public hearings and meetings required for a Fast Track application shall be scheduled on the next available date and may be scheduled as special joint proceedings; and

(2) If an application is continued by the approval authority, the Fast Track application shall be given preference on the next available hearing or meeting date.

- (f) Final Decision Date. A final decision by the appropriate decision-making body shall be made within 90-calendar days of a complete application determination, plus any extensions. A final decision includes approval, approval with conditions required to ensure compliance with all applicable requirements of the Code, or denial, and does not include a recommendation from a recommending body or post-approval steps.
- (g) Extensions. The 90-calendar day expedited review may be extended as follows:
 - (1) An applicant may request a one-time extension for up to an additional 90-calendar days at any time by written notice to the Administrator. The request may allow time for compliance with a state law or court order, or to address comments from an agency or jurisdiction that has approval authority over the project.
 - (2) The Town may implement one or more 30-calendar-day extensions to work with an applicant on addressing comments or revisions to an application to ensure all applicable requirements of the Code are met, subject to the following:
 - a. Unless made with mutual consent of the applicant, a 30-calendar day Town extension shall be implemented only under extreme circumstances to address unforeseen time constraints, such as tabling of a public meeting or hearing.
 - b. The extension period shall not exceed the time between the request and the applicant's acknowledgement of the request, plus 30-calendar days.
- (h) Notice of Opt Out. Applicants that seek approval of qualifying affordable housing projects may opt out of Fast Track at any time by written notice to the Administrator.
- (i) Application Tracking. The Administrator shall maintain a tracking system for all Fast Track Program applications to ensure compliance with the 90-calendar day review period. This tracking system shall include, at minimum:
 - (1) Date of application submission;
 - (2) Date application was determined complete and sufficient;
 - (3) Key milestones in the review process;
 - (4) Any extension requests and approvals; and
 - (5) Final decision date.

Section X-4. Fast Track Review Process

- (a) Generally. The review procedures set out in this section are undertaken in sequence until an application is considered and decided by the designated decision-maker for the type of application at issue.
- (b) Concurrent Review. The Administrator may allow Fast Track Program applications for a development that involves multiple application types to be submitted and reviewed concurrently. The timeframe for each qualifying application shall be a separate 90-calendar-day review period from the date the individual application is determined complete and sufficient to the date of final decision on said application.
- (c) Consultant Review. The Administrator is authorized to retain professional consultants at the applicant's expense to assist in the review of proposed development.
- (d) Review Procedure

- (1) Pre-Application Meeting. A pre-application meeting is an opportunity for the potential applicant to meet with Town staff before filing an application, in order to identify the applicable review procedures, required application materials, and likely timelines; identify potential issues and related information requirements; identify what fees will be due; and identify whether the application qualifies for Fast Track pursuant to Section X-1(b).
 - a. A pre-application meeting is required for all Fast Track application types. Informal meetings may be scheduled prior to a pre-application meeting, at the discretion of the Administrator.
 - b. Pre-application meetings may be conducted in person, by telephone, or by internet-based communication tools, as may be agreed between the potential applicant and the Administrator.
 - c. Attendees may include Town staff, referral agencies, and other persons identified by the Administrator or the potential applicant.
 - d. The potential applicant shall bring (or submit prior) to the pre-application meeting sufficient supporting materials to explain the type of application to be submitted, including: project location; property history and peculiarities; proposed land uses; proposed arrangement of lots, buildings, and other site improvements, as applicable; and any other conditions or items that the potential applicant believes are relevant to the processing of the application.
 - e. During or following the pre-application meeting, the Administrator shall provide to the potential applicant for the type(s) of application(s) sought: a checklist of application materials; a copy of the fee schedule; references to sections of the Code relevant to the review procedure and approval criteria; and a preliminary determination of eligibility and review timeline for the Fast Track Program.
- (2) Application Materials and Fees. Applications for development approval required by the Code shall be submitted on forms and in formats approved by the Administrator, along with the corresponding application and processing fee(s) as set out in the Town fee schedule.
- (3) Completeness and Sufficiency Review.
 - a. The Administrator shall review all submitted Fast Track applications for completeness and technical sufficiency within three business days after submittal.
 - b. A complete application includes all of the materials required by the Code on approved application forms, materials requested at the pre-application conference, any required professional certifications, and all fees that are required for application processing.
 - c. All applications shall be technically sufficient for review, including meeting the following requirements:
 1. The application materials are internally consistent and are presented as required by the Code and the applicable application forms.

2. Materials are prepared by qualified professionals (where such qualifications are required), and signatures and certifications are present, if required.
3. The application materials are technically sufficient to demonstrate compliance with applicable standards of the Code (e.g., provided calculations are performed according to the methodologies set out in the Code, legal descriptions and calls and distances on surveys describe closed polygons within acceptable tolerances).
- d. Complete and technically sufficient applications shall be processed according to the applicable procedures of the Code and this Chapter.
- e. Incomplete or insufficient applications are not considered filed and shall be returned to the applicant with a written explanation that describes in general terms the materials or revisions thereof that must be submitted in order to complete the application and continue processing.
- f. If an incomplete application is withdrawn by the applicant, any fee included with the application shall be returned to the applicant less the amount required to cover costs of work actually performed.
- g. If the applicant fails to resubmit the application within 90 days and does not provide evidence of their diligent efforts toward completing the application, the Administrator may consider the application withdrawn.
- h. The date of determination that an application is complete and technically sufficient shall be considered the date of submittal of a “complete application” pursuant to C.R.S. § 29-32-105 et seq.

(4) Administrative Review.

- a. Upon determination that an application is complete and sufficient, the Administrator shall cause the application to be reviewed for compliance with all applicable requirements of the Code, as follows:
 1. Appropriate Town staff or consultants shall review the application;
 2. The application shall be promptly referred to applicable referral agencies and individuals for review and comment pursuant to Section X-4(d)(5), Referrals; and
 3. The Administrator may conduct a site visit during business hours to evaluate the proposal and site-specific conditions on the subject property and in the surrounding area.
- b. Upon completion of an administrative review period of not more than 28-calendar days following filing of a “complete application” for Fast Track, as defined by Section X-4(d)(3):
 1. The Administrator shall provide to the applicant comments from Town staff or consultants (collectively, “staff comments”) on required or recommended revisions to ensure compliance with the Code and shall address or include comments by referral agencies and, as may be applicable, interested individuals.
 2. Fast Track applicants shall attend a post-review meeting prior to resubmittal.

3. Following receipt of staff comments and a post-review meeting, the applicant shall revise and resubmit the application with appropriate changes based on staff comments and with responses to staff comments that did not result in changes to the application.
4. Staff comments and recommendations regarding technical corrections may be addressed by way of conditions of approval (for administrative approvals) or recommended conditions of approval (for public hearing approvals).
5. Upon receipt of the resubmittal, the Administrator may refer the application to referral agencies again if the changes substantially affect the interests of the agency in ways not anticipated by the agency's original comments (or lack thereof), or require the agency's technical expertise for appropriate review. Rereferral time periods shall be seven business days.
6. The resubmittal shall require an additional fee if both of the following conditions are met:
 - i. The revisions are inappropriate or incomplete; and
 - ii. Repeated failure to address comments requires more than two rounds of revisions.

(5) Referrals. Applications may be referred for additional review and comment by jurisdictions and agencies external to the Town (collectively, "referral agencies") or by consultants according to the procedures set out in this Section.

- a. As part of the review process, the Town may seek review and comment by referral agencies that have expertise in the subject matter impacted by the application, that have jurisdiction over one or more aspects of the proposed development, or whose operations will likely be affected by the proposed development. Referral agency comments are advisory to the Town.
- b. The Administrator may refer an application to any agency, jurisdiction, utility, department, or other entity that the Administrator determines is likely to be materially affected by the application. The Administrator's determination regarding referrals is not appealable.
- c. The initial agency referral time period is 14-calendar days for Fast Track applications, unless extended by mutual consent of the applicant and the Administrator.
- d. Failure of an agency to respond within the referral time period is interpreted as consent by that agency to the contents of the application. However:
 1. Such consent does not waive the authority of agencies which have concurrent jurisdiction with the Town; and
 2. Such consent is not implied if the applicant fails to pay the agency's required review fees.

(6) Post-Review Meeting. A post-review meeting is an opportunity for the applicant to meet with Town staff following issuance of staff comments, pursuant to Section

X-4(d)(4), in order to identify, clarify, and discuss the application's deficiencies, required revisions, and recommendations to ensure compliance with the Code.

- a. The post-review meeting for Fast Track applications is required and shall be scheduled within 14-calendar days of the applicant's receipt of staff comments, unless the 90-calendar-day review period is extended pursuant to Section X-3(f) and C.R.S. § 29-32-101, et seq.
- b. Post-review meetings may be conducted in person, by telephone, or by internet-based communication tools, as may be agreed between the applicant and the Administrator.

(7) Town Attorney Review. As applicable based on the type, nature, and complexity of the application and following completion of the administrative review and incorporation of subsequent revisions as necessary to ensure substantial compliance with the Code, the Administrator shall refer the application to the Town Attorney for legal review for a period of not more than seven business days for Fast Track applications. Any additional recommended revisions resulting from legal review shall be provided to the applicant pursuant to the procedure in Section X-4(d)(4).

(8) Administrative Decision or Recommendation. Promptly after determination that a complete application addresses the comments and recommendations provided pursuant this Section or after determination that a complete application requires no revisions:

- a. If the application is for an administrative approval or permit, then the Administrator shall approve, approve with conditions, or deny the application, as appropriate.
- b. If the application is for a public hearing approval or permit, then the Administrator shall make a recommendation regarding the application's approval, approval with conditions, or denial and forward the recommendation along with the current application materials, relevant referral comments, and all public comments to the next body that will consider it for further recommendation or decision.

(9) Public Hearing Timing and Logistics.

- a. If the application is for a public hearing approval or permit, then the Administrator shall set the application on the agenda of the next body that will consider the application.
- b. Generally, the application shall be heard during the next regular meeting of the body which meets the following two conditions:
 1. There is sufficient time to meet applicable public notice requirements; and
 2. There is available room on the agenda.
- c. For Fast Track applications, agendas shall be adjusted as necessary to allow for the hearing to occur within 90-calendar days after filing of a "complete application," as defined in Section X-4(d)(4).
- d. The Administrator shall notify the applicant regarding the time and place of the public hearing(s).

Section X-5. [RESERVED] Incentives