



2024 Legislative Issue Form

To propose a CCI legislative issue, please complete this form.

Feel free to use more than one page and include any supplemental materials.

1.) Contact Information (of person bringing forth issue):

- a. **Name:** Kathy Chandler-Henry
- b. **Title:** Board Chair
- c. **County:** Eagle County
- d. **Phone Number:** (970) 390-3104
- e. **E-Mail Address:** kathy.chandlerhenry.us

2.) Issue/Problem to be addressed (What is the problem this legislation is seeking to solve?)

Expedited approval of for-sale affordable housing units.

3.) Background on this Issue/Problem (How did this come to be? Why are you seeking a legislative remedy?)

Eagle County prepared a best case and realistic approval timeline for a typical affordable housing project. We wanted to determine what timelines were self-imposed by our own land use regulations and what were imposed by statute. We then wanted to look for areas of efficiency within those parameters. We took a hypothetical 100-unit PUD on a 20-acre parcel zoned Resource. Half of the project would be affordable, exceeding our housing guidelines. We felt this would be a typical file and one that would be looked upon favorably by the Board and community. Under this scenario, the best case for approval was 522 days from submittal with a more realistic timeline of 752 days.

There is really no way to expedite approval under the current statutory framework without cutting staff review, applicant response times, or submittal requirements that would lead to approvals that lacked adequate traffic, environmental and other reviews. Absent some significant legislative changes to the process (i.e. removing planning commissioner review from rezoning), there aren't a lot of efficiencies to be found.

4.) Proposed Solution/Legislative Remedy to this issue.

One area for expedited review is the use of location and extent for affordable housing projects. The L&E approval process takes the above timeline and condenses it to 30 days. There are L&E processes available for both counties (CRS §30-28-110) and municipalities (CRS §31-23-209). These state that no road, park, or other public way, ground, or space, no public building or structure, or no public utility, shall be constructed or authorized in the unincorporated area of a county or incorporated area of a town until and unless the proposed location and extent has been submitted and approved by such county or town planning commission. Planning commission then has 30 days to make comments. These comments can be overridden by the elected body submitting the location and extent application.

We have used this process successfully in the past to get expedited approvals of student apartments and temporary trailer housing for critical airport personnel. We can use it when the county has an ownership interest in the apartments or housing structure. We can then consider it a public facility. The issue becomes when the housing project is for-sale units. Our suggestion is that we modify the statute to include the holding of a deed restriction as an ownership interest making the for-sale unit a public facility similar to when the county has an ownership interest in an apartment building.

5.) Have you explored a non-legislative solution to this problem?

Yes. See approval timeline analysis above.

Please submit this completed form to Brittney Becerra at bbecerra@ccionline.org

By Friday, July 7.



- 6.) Statutory Citation to be modified AND proposed/revised language (The Colorado Revised Statute is available for free at [this link](#), by selecting “Colorado Revised Statutes”).

Eagle County proposes the following be added to both CRS §30-28-110 and CRS §31-23-209:

"For purposes of this section, a public building or structure shall include any rental or for-sale units which a Local Government, as defined in CRS 29-20-103(2), shall hold a deed restriction or other ownership interest."

- 7.) Relationship of this issue to County Commissioner’s roles and/or authorities.

Housing and Land Use approval authority.

- 8.) Has this proposal been approved by the Board of County Commissioners?

Yes.

- 9.) List any potential Proponents/Opponents & their perspective; indicate any groups/individuals with whom you have already discussed this issue.

CML. However, this would apply equally to towns and counties. A county could then use L&E to get expedited approval in a municipal boundary and vice versa. Although the majority of the use will occur within municipal boundaries, towns would still need to support the project in order for county projects to meet access standards, utilities, infrastructure, etc. This would simply provide a mechanism to expedite projects in which a town and county supported. If we didn't support, we wouldn't take an ownership interest in the form of a deed restriction or authorize the use of L&E.

- 10.) Have you visited with your legislator(s) about this proposal? What was their reaction? Are members of your delegation likely to sponsor, support, or oppose this proposal?

Not directly, but we believe CCI lobbyists discussed with several legislators during the most recent session as an alternative to SB23-213.

- 11.) Anticipated Fiscal Impact (to counties, state, other stakeholders, etc.).

None.

- 12.) Please list the local subject matter experts CCI staff can follow-up with for more information on this proposal.

Bryan Treu, County Attorney – (970) 328-8685
Jill Klosterman, Chief Financial Officer – (970) 328-3511
Torie Franks, Resiliency Director – (970) 328-8775

- 13.) If your county is submitting multiple issue forms, please rank each issue.

L&E modification - #1
Tax appeal rebate interest rates- #2

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