

## CAST Survey: Inclusionary Zoning November 2023

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**Town of Mt. Crested Butte**  
**Neal Starkebaum, AICP**  
**Community Development Director**

- 1) Does your entity have inclusionary zoning requirements for new housing developments?  
**Yes.**
- 2) What percentage of units are required to be community (workforce) housing?  
**15%**
- 3) Do you require inclusionary units be made available for purchase? If so, what percentage of units must be available for purchase?  
**Yes. 100%**
- 4) What are the AMI limits established for the purchase of inclusionary units?  
**80%-120% AMI**
- 5) If inclusionary units are rental, what are the AMI limits established for rents?  
**80%-120% AMI**
- 6) For inclusionary units available for purchase, do you regulate the amount of Homeowner Association dues that can be charged?  
**Yes.**
- 7) Please provide any additional information on inclusionary regulations and requirements you believe would be beneficial to share.  
**The regulations exempt accessory dwelling units, and new construction less than 2,700 square feet on residential lots, platted prior to the date of adoption of the regulations (2003).**

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**City of Ouray**  
**Silas Clarke, MPA, ICMA-CM**  
**City Administrator**

The City of Ouray does not have inclusionary zoning.

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City of Salida  
Bill Almquist  
Community Development Director

1. Does your entity have inclusionary zoning requirements for new housing developments? **Yes**
2. What percentage of units are required to be community (workforce) housing? **For projects with 6 or more units (or lots), 1 out of 6 (16.67%) are required to be deed-restricted affordable for the workforce.**

3. Do you require inclusionary units be made available for purchase? If so, what percentage of units must be available for purchase? **IH units can be for sale or for rent, depending upon the specifics of the development proposal. Generally, we require the type of built IH units to be roughly proportional to the type of market units.**
  4. What are the AMI limits established for the purchase of inclusionary units? **We currently use up to 120% AMI - up to 160% AMI, however units at up to 100% AMI equal 1.5 built units.**
  5. If inclusionary units are rental, what are the AMI limits established for rents? **We currently use up to 80% AMI - up to 100% AMI, however units at up to 60% AMI equal 1.5 built units.**
  6. For inclusionary units available for purchase, do you regulate the amount of Homeowner Association dues that can be charged? **Yes- can only be for common utilities, no major assessments.**
  7. Please provide any additional information on inclusionary regulations and requirements you believe would be beneficial to share. **Specific rules around the AMIs... For for-sale units, there must be parity of the different income levels that are deed-restricted (e.g. approx. the same number of 120% as 140% as 160%, with average no higher than 140%). For rental units, at least half of the deed-restricted units must be up to 80% AMI. Also, we only allow a fee-in-lieu for developments smaller than 6 units/lots or for the "remainder portion" of market units above the 1/6 IH units that will be built.**
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#### **Estes Park**

**Scott Moulton**

**Executive Director, Estes Park Housing Authority**

The Town of Estes Park does not have any inclusionary zoning requirements for new development.

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#### **Snowmass Village**

**Besty Crum**

**Housing Director**

- 1) Does your entity have inclusionary zoning requirements for new housing developments? **Snowmass Village has a requirement that any new development mitigate at least 60% of the employment created by the development. This can be done by building units on-site or at another location, by providing developable land, or by payment-in-lieu.**
- 2) What percentage of units are required to be community (workforce) housing? **Because we do not have an inclusionary requirement per-se, it gets worked out at during the approval process as described above. To be honest, we do not typically see a lot of the workforce units combined with the market rate units, although we do have two developments that have included some restricted units alongside private market homes. The percentage has varied, but it averages about 10%. **BEWARE** in condos or homeownership cases where there is an HOA, we have had a lot of the HOA's increase their fees well beyond an affordable mortgage payment for a**

workforce family. Recently we have required that it be 50% of the market rate HOA fees, but even that can be over \$1,000 monthly in some complexes.

- 3) Do you require inclusionary units be made available for purchase? If so, what percentage of units must be available for purchase? **We have required both ownership and rental and the percentage in a mixed-rate development is overall about 10%**
- 4) What are the AMI limits established for the purchase of inclusionary units? **We do not use AMI**
- 5) If inclusionary units are rental, what are the AMI limits established for rents? **We do not use AMI**
- 6) For inclusionary units available for purchase, do you regulate the amount of Homeowner Association dues that can be charged? **Yes, the 50% figure noted above**
- 7) Please provide any additional information on inclusionary regulations and requirements you believe would be beneficial to share. **I personally love inclusionary requirements but there has been a lot of push-back and NIMBY about it. However, I think housing is so lucrative in the mountains that you will still be successful. The biggest concern, as mentioned, is what happens with the HOA fees. The other thing I would observe is that I think that 10% is too low – the affordable residents can really be marginalized. I think 20-25% would be awesome if you can make it work, and would require that they be represented on the HOA board.**

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## **Frisco, Colorado**

**Katie Kent**

**Community Development Director**

Frisco does not have a specific inclusionary zoning part of the Code but we took an alternative route and recently revised our PUD regulations that require a minimum workforce housing for projects proposing to rezone to a PUD and their community benefit is workforce housing. 25% of the units are required to be restricted with regards to sale, rental, ownership, and occupancy along with requiring minimum 6-month leases and no short-term rentals in the 25% of units that are restricted. I've attached the recent Ordinance

### **180-4.3.2 PUD STANDARDS FOR COMMUNITY BENEFITS**

A. The following provisions apply to all PUD application requests:

1. Conformity with the Frisco Community Plan. The proposed PUD shall be consistent with the applicable portions of the Community Plan in the reasonable judgement of the approving body.
2. Relationship to Surrounding Area. The PUD shall strive to complement the surrounding neighborhood area.
3. If the Planned Unit Development is located within an overlay district, all applicable requirements of that overlay district shall be met.

B. The following provisions apply to PUD applications providing affordable or workforce housing as a community benefit. A minimum of 25% of housing units within the PUD shall be restricted in accordance with these standards:

1. The PUD development shall restrict the sale, rental, ownership, and occupancy of residential dwelling units in accordance with these standards. Such restrictions shall be in effect in perpetuity, shall not

expire, and shall survive any foreclosure, unless the restrictions are otherwise released or modified with the written consent of the Town. A deed restriction shall be recorded on each unit to be restricted under these standards.

2. All PUD developments shall provide, at minimum, the following:

- i. Ownership of the Unit is restricted at all times to a business located within Summit County or to an individual employed within Summit County, and occupancy of the dwelling unit is restricted at all times such that at least one person in the household shall earn the majority of their income in Summit County, or from an employer based in Summit County;
- ii. For purposes of this section, "employed within Summit County" shall mean employment, averaging at least thirty (30) hours per week on an annual basis, at a job that pays wages or a salary, and that is undertaken either within the Unit or at another location within Summit County.
- iii. Occupancy of a restricted unit shall be by at least one person in the household that maintains his/her sole residence in the Town of Frisco, Colorado;
- iv. No lease of the Unit shall be for a term of less than six (6) months.
- v. No short-term rentals, as defined by Frisco Town Code, shall be permitted for the restricted units.

C. The following provisions apply to PUD applications providing open space as the primary community benefit.

1. A minimum of 55 percent of the site shall be devoted to usable open space. The Planning Commission may determine whether portions of stream areas, floodways, wetlands, accessible bodies of water, and outdoor recreational facilities may or may not be included in the calculation of usable open space as defined in Chapter 180, Article 9. In making such a determination, the Planning Commission shall consider the following criteria:

- i. The relationship of these areas to other areas, structures, and uses within the PUD.
- ii. The degrees to which these areas contribute to the quality, aesthetics, and overall objectives of the PUD.

2. No building shall be more than 35 feet in height unless a review of the following factors indicates no adverse impacts will occur if this height is exceeded:

- i. Building orientation in relation to the natural and built environment.
- ii. Adverse visual effects to adjoining districts or property owners, including potential problems caused by shadows, loss of solar access, or loss of view.
- iii. Other related impact(s) to existing uses in the area.

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**City of Durango**

**Eva Henson**

**Housing Innovation Manager**

- 1) Does your entity have inclusionary zoning requirements for new housing developments? **Yes, our program is called Fair Share**
- 2) What percentage of units are required to be community (workforce) housing? **Currently, 16% is required**
- 3) Do you require inclusionary units be made available for purchase? If so, what percentage of units must be available for purchase? **Currently, 16% is required**
- 4) What are the AMI limits established for the purchase of inclusionary units? **80-125% AMI and must average 100% AMI**

- 5) If inclusionary units are rental, what are the AMI limits established for rents? [We have not added rental, but are working with Root Policy Research to add rental development in 2024](#)
- 6) For inclusionary units available for purchase, do you regulate the amount of Homeowner Association dues that can be charged? [No](#)
- 7) Please provide any additional information on inclusionary regulations and requirements you believe would be beneficial to share. [City of Durango Fair Share Program – link here](#)

We were awarded HB21-1271 Planning Grant funding to update and improve our Inclusionary Zoning Program and are working with Root Policy Research. We will be going to a study session with our City Council on Dec. 5<sup>th</sup> with recommendations and also hosting a community engagement forum on it as well.

## Mandatory Inclusionary Housing Programs in Colorado: Rural Resort & Western CO Communities

	Carbondale, Colorado	Eagle County, Colorado	Eagle, Colorado	Glenwood Springs, Colorado	Mt. Crested Butte, Colorado	Salida, Colorado	Telluride, Colorado	Aspen, Colorado	Basalt, Colorado	Durango, Colorado
<b>Name</b>	Community Housing Inclusionary Requirements	Affordable Housing Guidelines	Inclusionary residential requirements for local employee residency	Affordable and Workforce Housing	Inclusionary Zoning	Inclusionary Housing	Affordable Housing Mitigation	Affordable Housing Mitigation	Residential Inclusionary Requirements	Fair Share Housing
<b>Year adopted</b>	2001	2004		2021	2003	2018	2007	1977	1999	2009
<b>Year updated</b>	2016	2014	2002	N/A	N/A	2022		unknown	2015	2014
<b>Geography</b>	Entire jurisdiction	Entire jurisdiction	Entire jurisdiction	Entire jurisdiction	Entire jurisdiction	Certain zones, neighborhoods, or districts	Entire jurisdiction	Entire jurisdiction	Entire jurisdiction	Entire jurisdiction
<b>Ownership vs. rental</b>	Ownership and rental	Ownership and rental	Ownership	Ownership and rental	Ownership and rental	Ownership and rental	Ownership and rental	Ownership and rental	Ownership and rental	Ownership
<b>Project minimum</b>	5 units	4 units	10 units	10 units	Single family less than 2,700 sq. ft.	5 units	N/A	unknown	3 units (units <3,000 sq. ft. each detached or <1,400 sq. ft. attached)	4 units
<b>Affordability requirement</b>	20% of units (15% of bedrooms)	15% of square footage	10% of units	10% of units	15% of units	16.7% of units	Calculated based on square footage	Calculated based on square footage	20% of all units	16% of all units
<b>Compliance options</b>	On-site units, off-site units, buy down units, fee in-lieu	On-site units, off-site units, rehab regulated units, renovate unregulated units, in-lieu fee, donate land, other	On-site units	On-site units, land donation	On-site units, off-site units, in-lieu fee	On-site units, off-site units, in-lieu fee, donate land	On-site units, in-lieu fee, other	On-site units, off-site units, rehab regulated units, renovate unregulated units, in-lieu fee	On-site units, off-site units, in-lieu fee, other	On-site units, fee in lieu, land donation
<b>Affordability term</b>	In perpetuity	In perpetuity	In perpetuity	30 years	In perpetuity	In perpetuity	In perpetuity	30 years	In perpetuity	In perpetuity
<b>AMI Level</b>	Mix of 80-150% AMI	80-100% AMI Owner 30-80% AMI renter	100% AMI	100% AMI	120% AMI	80% AMI rental 120-160% AMI ownership	Tier based on square footage required Target: 70-150 AMI Limit: 120%-220% AMI	0-240% AMI	100% AMI allows averaging	80%-125% AMI
<b>Incentives</b> (Unless otherwise noted, incentives only apply to on-site compliance)	Fee reduction/waiver	Discretionary incentives	None	Density bonus, site design flexibility, public-private partnerships, tax rebate	None	Density bonus, reduced parking requirements, concessions	Fee reduction/waiver including water fees	None	Fee reduction/waiver, other	Fee refunds and waivers

Source: Jurisdiction Municipal Codes and Grounded Solutions IZ database

## Mandatory Inclusionary Housing Programs in Colorado: Front Range Communities

	Longmont, Colorado	Boulder, Colorado	Superior, Colorado	Denver, Colorado	Broomfield, Colorado	Littleton, Colorado
<b>Name</b>	Inclusionary Housing Program	Inclusionary Housing	Inclusionary Housing Requirements	Expanding Housing Affordability	Inclusionary Housing Ordinance	Inclusionary Housing
<b>Year adopted</b>	2018	2000	2020	2022	2020	2022
<b>Year updated</b>	2019	2017			2022	
<b>Geography</b>	Entire jurisdiction	Entire jurisdiction	Entire jurisdiction	Entire jurisdiction	Entire jurisdiction	Entire jurisdiction
<b>Ownership vs. rental</b>	Ownership and rental	Ownership and rental	Ownership and rental	Ownership and rental	Ownership and rental	Ownership and rental
<b>Project minimum</b>	2 units	N/A	10 units	8 units	For sale: 25 units Rental: 3 units	5 units
<b>Affordability requirement</b>	12% of all units	25% of all units	15% of units	8%-12% of units (depending on tenure and location)	10% of ownership units; 20% of rental units	5% of units
<b>Compliance options</b>	On-site units, off-site units, renovate unregulated units, in-lieu fee, donate land.	On-site units, off-site units, rehab regulated units, in-lieu fee, donate land	On-site units, in-lieu fee, other	On-site units, in-lieu fee; alternate set-asides for alternate AMIs	On-site units, in-lieu fee, donate land	On-site units, in-lieu fee,
<b>Affordability term</b>	For-sale: in perpetuity; Rental: 30 years	In perpetuity	In perpetuity	99 years	For sale: 30 years Rental: 40 years	30 years
<b>AMI Level</b>	Rental: 50% AMI Owner: 80% AMI	60-120% AMI	80% AMI	Rental: 60% AMI Owner: 80% AMI	Rental: 60% AMI Owner: 80% AMI	Rental: 60% AMI Owner: 80% AMI
<b>Incentives</b> (Unless otherwise noted, incentives only apply to on-site compliance)	Not codified but typically offer density bonus, other zoning variance, fee reduction/waiver, unit concessions, parking reduction; Lower set-aside for deeper AMIs	Density bonus, unit concessions	None	Permit fee reduction; parking reduction. Additional incentives if exceed baseline affordability requirements.	Fee waivers and tax rebates	Fast track review, parking reduction, open space reduction (if adjacent to park), permit fee rebate, other zoning and process variances. Additional incentives if set-aside >50%.

Source: Jurisdiction Municipal Codes and Grounded Solutions IZ database