

EAGLE COUNTY AFFORDABLE HOUSING GUIDELINES

Amended
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Table of Contents

CHAPTER 1 – NEED AND PURPOSE OF THESE GUIDELINES..... 1

- 1.01 Eagle County’s Need for Housing 1
- 1.02 Purpose of the Guidelines 2
- 1.03 Applicability 3
- 1.04 Eagle County Affordable Housing Guidelines: Administrative Procedures 3

CHAPTER 2 – DEFINITIONS..... 3

CHAPTER 3 – REQUIREMENTS FOR AFFORDABLE HOUSING..... 5

- 3.01 Mitigation for Residential Developments (Inclusionary Housing) 5
- 3.02 Mitigation for Commercial Developments (Commercial Mitigation) 5
- 3.03 Mixed Use Developments 5
- 3.04 Small Residential Developments 5
- 3.05 Residential Lots 5

CHAPTER 4 – ACCEPTABLE METHODS OF AFFORDABLE HOUSING MITIGATION..... 6

- 4.01 Price Capped For Sale Housing 6
- 4.02 Affordable Rental Housing 6
- 4.03 Resident Occupied For Sale Housing 6
- 4.04 Land Donation 7
- 4.05 Off Site Development 7
- 4.06 Payment in Lieu 7
- 4.07 Affordable Housing Credits 7
- 4.08 Other Public Benefits 8

CHAPTER 5 – HOUSING PLAN 8

CHAPTER 6 – MISCELLANEOUS PROVISIONS 9

- 6.01 Deed Restrictions 9
- 6.02 Unit Quality and Design 9
- 6.03 Affordable Housing Bedroom Mix and Size 9
- 6.04 Initial Sales and Marketing of Affordable Housing Units 9
- 6.05 Timing of Affordable Housing 9
- 6.06 Replacement Housing 9
- 6.07 Incentives for Exceeding the Guidelines 10
- 6.08 Liberal Construction 10
- 6.09 Severability 10
- 6.10 Modification 10
- 6.11 Grievance Procedures 10
- 6.12 Enforcement 11
- 6.13 Exemption for Lack of Nexus or Infeasibility 11

CHAPTER 1 – NEED AND PURPOSE OF THESE GUIDELINES

1.01 Eagle County’s Need for Housing

Eagle County faces a gap in the availability of ownership and rental housing that is affordable for local residents. Residents are burdened by high housing payments. Employees are forced to commute long distances. Overcrowding and substandard living conditions are common. According to the annual workforce survey, employers believe that the availability of workforce housing is a critical or major problem in Eagle County. The most recent survey, conducted in early 2013, shows over half (53%) of employers believe that finding housing is difficult for their employees.

Housing problems have long been recognized in Eagle County. Eagle County commissioned housing needs assessment studies, completed in 1990, 1999, 2007, and 2012 that demonstrated these needs. As detailed more fully in Eagle County’s 2012 Housing Needs Assessment, the current state of Eagle County’s housing need is as follows:

- Eagle County has 31,390 Households (as defined below). Of these, 19,209 are occupied, 64.2% by owners and 35.8% by renters¹;
- 45% of occupied Households pay more than 30% of their income for housing², making it difficult for those Households to pay for other necessities, like food, utilities, transportation, and health care;
- Second homeownership continues to be a factor affecting housing cost and availability. The proportion of homes in Eagle County occupied as primary residences declined from 63% in 2000 to 61% in 2010. The 39% of units not occupied as primary residences are typically owned by second homeowners for seasonal and recreational uses;
- Based on residential sales, the primary to secondary home purchase ratio has remained relatively stable. In 2007, locals purchased 52% of all residential units sold. In the first three quarters of 2013, locals purchased 51.72% of the residential units sold; and
- In-commuters comprise 12% of Eagle County’s employees, about 3,660 workers.³ Of those, an estimated 2,562 would move to Eagle County if affordable housing were available to them.

The following bullets highlight the number of housing units for employees that are needed based upon the 2012 Housing Needs Assessment:

- Approximately 2,300 housing units are needed to address current deficiencies that the free market has not and is not expected to address;
- 1,476 additional housing units will be needed to keep up with the demand for workforce housing by the year 2015, along with 1,070 housing units generated by the replacement of retirees. By 2020 an additional 3,372 housing units generated by job growth and 1,368 from retiree replacement will be required;
- Homes that are not occupied, but rather function as vacation accommodations, generate demand for workforce housing through their requirements for upkeep and maintenance. Growth in the number of retirees generates demand for additional housing; and
- Many municipalities throughout the valley have their own housing programs, which work to increase the supply of housing units for employees through various methods.

Despite the documented demand for workforce housing units, private developers have little incentive to provide housing for Households with incomes of 100% or less of the Area Median Income because responding to demand for high end and second homes is more profitable. The exceptional quality of life, natural beauty and abundance of recreation opportunities in Eagle County, coupled with limited land

¹ 2012 Housing Needs Assessment Appendix P-3

² American Community Survey data on cost-burdened households 2008-2010; State Demography Office data on housing units.

³ State Demographer’s Office, 2011.

resources, means that demand for and availability of housing will continue to keep prices beyond the reach of median income Households.

The Eagle County Comprehensive Plan (the “Comprehensive Plan”), adopted December 7, 2005, acknowledged the many negative implications of an imbalance between the amount of housing needed to sustain Eagle County’s workforce and the supply of housing that employees can afford. Eagle County’s labor shortages and forced commuting to homes outside of Eagle County materially degrade quality of service, the economy, the natural environment, traffic, and the character of local communities. The Comprehensive Plan delineates two primary goals regarding housing:

1. Housing is available and affordable for no less than 70% of Eagle County’s workforce.
2. Housing needs are clearly identified, and housing types are appropriately balanced to meet all community needs, appropriately located to reduce long distance commutes, and appropriately managed to assure long term affordability for Eagle County’s workforce.

The Comprehensive Plan contains 16 policies for housing with 88 specific strategies recommended to implement them. The strategies seek to divide the responsibility for housing calling upon Eagle County’s municipalities, private developers, non-profit organizations, financial institutions, and employers to work with Eagle County Government to achieve the housing goals. For example, Policy N of the Comprehensive Plan provides that development should share responsibility for fulfilling Eagle County’s workforce housing needs. Associated strategies include:

- Mandate that attainable workforce housing be considered part of the required infrastructure for all new development applications.
- Continue to utilize inclusionary housing and commercial mitigation as defined in the housing guidelines in the review of development applications.

1.02 Purpose of the Guidelines

The Eagle County Affordable Housing Guidelines (the “Guidelines”) are intended to promote sustainable communities in Eagle County through the creation of permanently affordable housing stock. The Guidelines call for the provision of for sale housing for Households earning 100% or less of the area median income (“AMI”) - Households that have little or no opportunity to purchase market rate housing without significant subsidy. The Guidelines encourage the building of rental units that are affordable to Households earning 80% or less of AMI. The Guidelines also offer options for providing housing priced for local residents with incomes greater than 100% AMI since market rate housing opportunities for these Households are also limited in terms of unit type and location.

The Guidelines⁴ will assist in implementing specific strategies of the Comprehensive Plan calling for private development to share in the responsibility for keeping up with the demand for workforce housing in the future as part of all new residential and commercial growth. The Guidelines are one part of Eagle County’s broader solution of making housing available for and affordable to Eagle County’s growing workforce, retirees, and special needs populations.

Through the Guidelines, Eagle County seeks to reduce the number of Cost Burdened Households (as defined below) in the county, maintain the relationship between Primary Residences (as defined below) and vacation homes, preserve community character and vitality, and keep the negative impacts associated with a commuting workforce from worsening. It is Eagle County’s belief that jobs and housing should be located in close proximity whenever possible.

⁴ Terms that are capitalized in Chapter I are defined in Chapter II, below.

1.03 Applicability

The Guidelines apply to applicants for a Development Permit (as defined below) for all commercial projects and all residential projects containing more than 3 units which are located in unincorporated Eagle County. Governmental and non-profit entities must also adhere to these Guidelines.

Compliance with the Guidelines is only one of several components of an application for a Development Permit, as detailed in Eagle County's Land Use Regulations and the Comprehensive Plan. Compliance with the Guidelines, however, does not ensure that an application for a Development Permit will be approved by the County.

1.04 Eagle County Affordable Housing Guidelines: Administrative Procedures

The Eagle County Affordable Housing Guidelines: Administrative Procedures (the "Administrative Procedures") is the document that provides the technical procedures for developing, purchasing, owning, selling, and renting Affordable Housing (as defined below). The Administrative Procedures includes specific eligibility criteria, AMI levels, purchase prices and rents, sale and leasing procedures, payment in lieu calculations, employment generation rates and other information relevant to the development and operation of Affordable Housing. The Administrative Procedures are to be read in conjunction with the Eagle County Affordable Housing Guidelines.

CHAPTER 2 – DEFINITIONS

The terms, phrases, words, and clauses in the Guidelines shall have the meaning assigned below. Any terms, phrases, words, or clauses not defined herein will have the meanings as defined in the Eagle County Land Use Regulations or the Eagle County Affordable Housing Guidelines: Administrative Procedures.

Affordable Housing: All deed restricted housing units regardless of price. Includes Price Capped For Sale Housing, Affordable Rental Housing and Resident Occupied For Sale Housing.

Affordable Housing Credits: Credits that may be awarded in the BoCC's sole discretion for Projects that exceed the requirements set forth in the Guidelines and which may be bought and sold pursuant to the Guidelines.

Affordable Rental Housing: Affordable Housing units available for rent to and occupation by Eligible Households that are burdened by a deed restriction in a form approved by the Eagle County Attorney and the Program Administrator.

Affordability Gap: The difference between the average home price in each Eagle County community and the average buying power of a typical household in that community, as provided for in the Administrative Procedures.

Area Median Income ("AMI"): The estimates of median household income compiled and released annually by the United States Department of Housing and Urban Development.

Board of County Commissioners ("BoCC"): The Board of Commissioners for Eagle County, Colorado.

Commercial Development: Any development that is not a Residential Development for which a Development Permit is required. Institutional uses such as government buildings, schools, hospitals, churches and other religious institutions, and facilities operated by non-profit service agencies are considered to be Commercial Development.

Commercial Mitigation: The policy of requiring Affordable Housing to house employee growth generated by Commercial Development.

Comprehensive Plan: The plan officially adopted by Eagle County that sets forth the recommendations and policies for guiding future growth and development, while providing for the public’s health, safety and general welfare. The Comprehensive Plan also incorporates community sub area plans adopted for particular areas of the county and functional plans, such as those addressing particular issues of concern to the county (trails, open space, housing, etc.)

Cost Burdened Household: A Household that is paying more than 30% of its income for housing costs.

Development Permit: Any preliminary or final approval of an application for rezoning, planned unit development, amendment of an existing planned unit development, special use permit, subdivision, or similar application for new construction. Applications for a building permit where no previous condition of approval required Affordable Housing mitigation shall not be considered a Development Permit for the purpose of these Guidelines.

Eagle County Housing and Development Authority (“ECHDA”): A body corporate and politic whose primary purpose is to increase the supply of Affordable Housing in Eagle County.

Eligible Household: A Household that meets the criteria set forth in the Administrative Procedures.

Household: All individuals who will occupy a unit regardless of legal status or relation to the owner or lessee.

Housing Plan: A written plan submitted to Eagle County describing how the applicant will satisfy the Guidelines.

Inclusionary Housing: The policy of requiring Affordable Housing in Residential Developments to ensure adequate housing stock for local residents and maintain or increase the current ratio of primary to secondary home ownership.

Initial Sales Price: The maximum price for which a Price Capped For Sale Housing unit may be initially sold, as provided for in the Administrative Procedures.

Land Use Regulations: The regulations officially adopted by Eagle County, which govern land use in unincorporated areas of Eagle County.

Maximum Rental Rate: The maximum monthly rent payment for an Affordable Rental Housing unit, as provided for in the Administrative Procedures.

Off Site Development: The development of Affordable Housing units in a location outside of the Project location.

Other Public Benefits: Items that may, at the BoCC’s sole discretion, offset a portion of a Project’s Affordable Housing obligations.

Payment in Lieu: A payment made to the Eagle County Housing and Development Authority to satisfy a Project’s Affordable Housing obligations.

Price Capped For Sale Housing: Housing with a deed restriction recorded against it requiring that it meet Initial Sales Prices, resale price appreciation limits, quality, and other criteria set forth in the Guidelines and Administrative Procedures.

Primary Residence: The residence in which an owner or renter lives for at least 9 out of any 12 months.

Program Administrator: The administrator of the Eagle County Affordable Housing Guidelines and Administrative Procedures. The Program Administrator shall be the Eagle County Housing Director unless the BoCC appoints another person.

Project: A Commercial or Residential Development for which a Development Permit is required.

Resident Occupied For Sale Housing: Housing with a deed restriction recorded against it requiring that it be owned and occupied by an Eligible Household as its Primary Residence as set forth in the Guidelines and Administrative Procedures.

Residential Development: Any development that would result in the creation of more than three residential units or lots and for which a Development Permit is required. Subdivided land resulting in parcels of at least 35 acres in size on which residential property is proposed consistent with applicable zoning is excluded from the definition of Residential Development.

Small Residential Development: A Residential Development comprised of 4-10 residential units.

Sustainable Communities Index: A regulatory points based finding for all new subdivisions, zone changes, and major special uses that encourages compact, efficient, mixed use, pedestrian friendly design integrated with surrounding uses and which minimizes environmental impacts.

Square Footage: A calculation of size including all habitable interior space, excluding garages and mechanical spaces, measured from the exterior of the wall.

CHAPTER 3 – REQUIREMENTS FOR AFFORDABLE HOUSING

3.01 Mitigation for Residential Developments (Inclusionary Housing)

In order to address the issue of Cost Burdened Households and slow the shift from primary to secondary home ownership, Eagle County has set its mitigation rate for Inclusionary Housing in Residential Developments at the higher of 1) 25% of the total residential units in a Project or 2) 15% of the total residential Square Footage of a Project.

This Inclusionary Housing mitigation rate is substantially below the 61% of residential units in Eagle County that are currently occupied by local residents. As Eagle County is aware that not all local residents desire to live in Affordable Housing, this lower rate is justified.

3.02 Mitigation for Commercial Developments (Commercial Mitigation)

To ensure that persons employed by businesses located in new Commercial Development can afford to live near their jobs, an applicant should mitigate the impact on Eagle County’s housing stock by building Affordable Housing for at least 45% of the new employees generated by the Project that will earn less than 140% of AMI. The Affordable Housing demand generated by a Commercial Development shall be determined utilizing an average job generation rate with adjustments for multiple job holding and multiple employees per Household and the average size of all deed restricted housing units throughout Eagle County, as provided for in the Administrative Procedures. No mitigation is required for existing jobs at the site to be developed. The mitigation required will be calculated in total square feet. The applicant can choose to provide the total square feet in any combination of size and number of units subject to section 6.03 of this document.

This 45% mitigation rate is based on the percentage of Cost Burdened Households in Eagle County.

3.03 Mixed Use Developments

Eagle County typically encourages mixed-use developments. If both Commercial Mitigation and Inclusionary Housing requirements apply because the application contains a mix of Commercial Development and Residential Development, then the higher of the Affordable Housing requirement for Commercial Mitigation or Inclusionary Housing will apply.

3.04 Small Residential Developments

Small Residential Developments may be exempt from Inclusionary Housing requirements if the Square Footage of the residential units in those developments is equal to or smaller than the average size of a deed restricted housing unit in Eagle County. Inclusionary Housing requirements will apply to the amount of square footage in excess of the average size of a deed restricted housing unit in Eagle County, as provided for in the Administrative Procedures. Accessory dwelling unit Square Footage will count in a unit’s total Square Footage calculation, but will not be considered an additional unit.

3.05 Residential Lots

When an applicant for a Development Permit seeks only to create residential lots, the Inclusionary Housing requirement of the Guidelines should be based on the number of such lots, each of which will count as one unit.

CHAPTER 4 – ACCEPTABLE METHODS OF AFFORDABLE HOUSING MITIGATION

In an effort to provide the flexibility necessary for the development industry, an applicant may comply with the Guidelines in the following ways, all of which are subject to approval by the BoCC, in its sole discretion:

1. Price Capped For Sale Housing with a maximum Initial Sales Price set at or below 100% AMI affordability level will be given full credit.
2. Affordable Rental Housing with a deed restriction requiring rents to be set at or below the 80% AMI affordability level may be given increased credit if a recent market analysis shows the need for additional Affordable Rental Housing in the rental project's location.
3. Resident Occupied For Sale Housing, which includes a 2.0% transfer fee on all sales to non-Eligible Households, without regard to AMI, will be given 0.50x credit.
4. A donation of land to ECHDA within a reasonable vicinity of the applicant's Project will be given 0.50x credit.
5. Off Site Development will be given 0.50x credit. In cases where the off site location has a higher Affordability Gap than the development site, full credit may be awarded.
6. A Payment in Lieu may be made to ECHDA.
7. An applicant may use Affordable Housing Credits.
8. Other Public Benefits may be provided to offset some portion of Affordable Housing.

Where a formula indicates that a portion of a unit must be provided, an applicant may choose to either round up to the next whole number or make a corresponding payment in lieu for the portion of unit required.

4.01 Price Capped For Sale Housing

Price Capped For Sale Housing shall have the following characteristics:

- The Initial Sales Price shall be no greater than that which is affordable to Households earning no more than 100% AMI.
- The units shall be a spectrum of types and sizes and shall be consistent with market rate units and market demand as such need is demonstrated by a recent market analysis.
- Deed restrictions shall be perpetual and in favor of Eagle County and shall include all material terms as outlined in the Administrative Procedures.

4.02 Affordable Rental Housing

Affordable Rental Housing shall have the following characteristics:

- Rents must be set at or below rates that are affordable to Households with incomes no greater than 80% AMI.
- Deed restrictions shall be perpetual and in favor of Eagle County or other acceptable agency such as the Colorado Housing and Finance Authority or the US Department of Housing and Urban Development, and shall include all material terms as outlined in the Administrative Procedures.

4.03 Resident Occupied For Sale Housing

Resident Occupied For Sale Housing shall have the following characteristics:

- Sales prices for Resident Occupied For Sale Housing are not limited.
- A spectrum of unit sizes and pricing responsive to market demand is encouraged.
- Deed restrictions shall be perpetual and in favor of Eagle County and shall include all material terms as outlined in the Administrative Procedures, including but not limited to a 2% transfer fee due to ECHDA upon sale to a non-Eligible Household.

4.04 Land Donation

An applicant may satisfy its Affordable Housing obligations through a conveyance of land to ECHDA. The BoCC, in its sole discretion, shall decide whether to accept land offered in lieu of an applicant's Affordable Housing obligations.

The land conveyed shall have the following characteristics:

- Land shall be free of all liens and encumbrances and shall be conveyed by general warranty deed.
- The land should be properly entitled and capable of supporting the applicable number of Affordable Housing units.
- Land should be located in the same sub area master planning area as the Project.
- Land should be buildable, have suitable soils and drainage and utilities to it, and should not be within an area that has potential geologic hazards associated with development.
- Land should serve the needs of Affordable Housing residents for reasons including, but not limited to conformance with comprehensive and master plans, high scoring on the Sustainable Community Index, site location, and proximity to public transit.

4.05 Off Site Development

Affordable Housing should generally be provided on site. Exceptions to this preference include Project sites in rural locations inconvenient to employment centers and public transit, or Commercial Development that involves hazardous substances and impacts not compatible with residential uses. The applicant may also propose to locate Affordable Housing off site if the off site location has a higher Affordability Gap than the Project site.

Applicants are strongly discouraged from proposing off site Affordable Housing primarily to reduce costs.

4.06 Payment in Lieu

An applicant may satisfy all or part of its Affordable Housing obligations by making a Payment in Lieu of providing the units. The Payment in Lieu will be calculated as follows:

- The Payment in Lieu represents the difference between prevailing market prices in Eagle County and the maximum Initial Sales Price at 100% AMI, plus a 25% administrative fee.
- The Program Administrator shall update these requirements annually based on the prior year's average sales price per square foot, the current maximum Initial Sales Price for a family of three earning 100% AMI, and the average size of all existing deed restricted housing units throughout Eagle County.
- The purpose of the administrative fee is to offset the increased cost to ECHDA of managing the development of Affordable Housing.

The Payment in Lieu amount shall be set at the time of approval of the application and shall be included in the Housing Plan. All Payment in Lieu amounts shall be paid to ECHDA prior to the issuance of a certificate of occupancy or building permit for any portion of the Project.

4.07 Affordable Housing Credits

Applicants who build more than the minimum amount of Affordable Housing required by the Guidelines may be awarded, in the BoCC's sole discretion, Affordable Housing Credits that can be used to offset future Affordable Housing obligations.

- Affordable Housing Credits may be awarded in an amount equal to the amount of Affordable Housing Square Footage supplied in excess of the minimum amount of Affordable Housing required.
- Affordable Housing Credits can only be redeemed in the same sub area master planning area as

- the previously built Affordable Housing.
- Affordable Housing Credits will only be awarded, if at all, when the Affordable Housing is complete. The applicant must provide certificate of occupancy and proof of occupancy by an Eligible Household prior to issuance of the Affordable Housing Credits by Eagle County.
- Affordable Housing Credits shall have an expiration date 5 years from issuance.
- Affordable Housing Credits are transferable.
- Affordable Housing Credits existing at the time of the approval of these Guidelines can be redeemed in any location within unincorporated Eagle County.

4.08 Other Public Benefits

The BoCC, in its sole and exclusive discretion, may consider other proposals to offset an applicant's Affordable Housing obligations.

- In most circumstances, no more than 30% of required Affordable Housing may be offset by Other Public Benefits.
- To be counted as Other Public Benefits, an applicant must show that its proposal is not solely for the use of the Project's residents or owners. Amenities will not be counted as Other Public Benefits.
- Other Public Benefits must be over and above what is otherwise required to obtain approval of the Project, including but not limited to the Sustainable Community Index as may be amended from time to time.
- Other Public Benefits may include but are not limited to public parks and trails, opportunities for local food production, access to streams, rivers and public lands, and opportunities for educational programs.

CHAPTER 5 - HOUSING PLAN

In order for an application for a Development Permit to be deemed complete, an applicant shall submit a clear, concise, and complete Housing Plan, which has been approved by the Program Administrator. Compliance with the Housing Plan shall be a condition of approval for the Development Permit.

At a minimum, the Housing Plan shall contain the following information, as applicable:

1. Total amount of Square Footage in any Residential Development;
2. Total number of market rate units and Affordable Housing units.
3. Details regarding how the Guidelines will be met, including units types, Square Footage, number of bedrooms per unit, targeted income category, and Initial Sales Prices;
4. Total Square Footage of any Commercial Development, number of employees generated from the development, wage information regarding the jobs being generated;
5. Average lot size of proposed Affordable Housing and average lot size of market rate housing units, as applicable;
6. Location of proposed Affordable Housing within the Project, by unit type and size;
7. Proposed production schedule of Affordable Housing and market rate units, including issuance of building permits or other acceptable triggers;
8. Concept for marketing to Households that may be eligible for the Affordable Housing;
9. Any proposed alternative methods of compliance with these Guidelines; and
10. Any other information deemed to be relevant by the Program Administrator.

The Housing Plan will be recorded against the property in the records of the Eagle County Clerk and Recorder at the time the Development Permit is granted. Any amendment of the Housing Plan requires the approval of the Program Administrator with right of appeal to the BoCC as provided in the Eagle County Land Use Regulations, and shall be recorded.

CHAPTER 6 – MISCELLANEOUS PROVISIONS

6.01 Deed Restrictions

All Affordable Housing units shall be subject to deed restrictions, which shall be recorded in the records of the Eagle County Clerk and Recorder. All deed restrictions must comply with these Guidelines and the Administrative Procedures and shall be in a form approved by the Program Administrator and the Eagle County Attorney's Office.

6.02 Unit Quality and Design

Affordable Housing shall meet the requirements of all Eagle County land use regulations and local building codes. Affordable Housing units should be architecturally compatible with surrounding uses. Exterior finishes should not be substantially inferior to the materials used on market rate units. Adequate storage space shall be provided.

Enhancing the long term affordability of Affordable Housing through designs that reduce utility costs is strongly encouraged and conversely, amenities that are costly to operate are strongly discouraged. Units must meet minimum ECO Build Standards or other efficient building standards as might be amended and as provided for in the Eagle County Land Use Regulations. Affordable Housing design must address livability, maintenance, health, safety concerns, climate, lifestyle, and needs of the types of Households the units are intended to serve. To enhance livability, balconies, decks and small yards are also encouraged.

6.03 Affordable Housing Bedroom Mix and Size

While there are no specific bedroom mix or size requirements for Affordable Housing units, the applicant is expected to analyze market demand and to propose a mix that is responsive and appropriate to that demand. The bedroom mix and size will be approved by the Program Administrator as part of the Housing Plan. A market analysis should be provided to the Program Administrator prior to starting construction on the Affordable Housing units. Affordable Housing units larger than 2,000 Square Feet will only receive credit of 2,000 Square Feet when calculating Affordable Housing mitigation.

6.04 Initial Sales and Marketing of Affordable Housing Units

An applicant shall be responsible for the initial sales and marketing of the Affordable Housing units in its Project. The Program Administrator shall have the right to review the terms of each sale for compliance with the Guidelines.

6.05 Timing of Affordable Housing

All required Affordable Housing units must be provided prior to, or concurrently and proportionally with, the production of a Residential Development's market rate housing, or production of the Commercial Development as measured by issuance of building permits, unless an approved Housing Plan provides otherwise.

6.06 Replacement Housing

Applicants are prohibited from using units built as replacement of housing affordable to Households earning less than 100% AMI toward satisfaction of Inclusionary Housing or Commercial Mitigation requirements. Any such Affordable Housing destroyed in the development process must be replaced with units of similar affordability and size, in addition to the applicant's obligations under these Guidelines.

6.07 Incentives for Exceeding the Guidelines

If an applicant has provided a combination of compliance measures that exceed the minimum requirements for Inclusionary Housing or Commercial Mitigation, the BoCC, in its sole discretion, may offer the following incentives:

1. Density bonus: As part of any new major development application, Eagle County may offer a density bonus.
2. Site design flexibility: Provided that the standard of housing or the purpose and intent of the Guidelines and the Eagle County Land Use Regulation are not compromised, and provided the design of the Project achieves other Eagle County strategic sustainability policy goals, Eagle County may consider flexible application of design standards including, but not limited to minimum lot size, building height, floor area ratio (FAR), lot coverage, set backs, parking, and landscaping.
3. Priority permitting: Eagle County may prioritize review of the Project throughout various procedures such as subdivision, PUD Sketch Plan, PUD Preliminary Plan, Special Use Permit, or building permit. To qualify for priority permitting, the applicant must submit a complete land use application and must have made reasonable efforts to anticipate and address any known concerns with any and all referral agencies that have an interest in the Project.
4. Public funding assistance: Eagle County may assist with the application process for applicants who decide to pursue funding assistance from local, state or federal agencies. Eagle County may also choose to use funds to match state, federal, or private grants.
5. Public-private partnerships: Eagle County may participate or facilitate participation with other governmental entities regarding financing or purchasing of Affordable Housing units directly from the applicant or other participation as agreed to by the parties.
6. Road impact fee waivers: The BoCC, on the recommendation of the Road Impact Fee Committee, may waive Eagle County imposed road impact fees for Affordable Housing units.
7. Other fee waivers: The BoCC, in its sole and absolute discretion, may waive any other fee required by the Eagle County Land Use Regulations for Affordable Housing units

6.08 Liberal Construction

These Guidelines shall be liberally construed so as to further their purpose.

6.09 Severability

If any provision, clause, sentence, or paragraph of the Guidelines or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of the Guidelines that can be given effect without the invalid provision or application, and to this end the provisions of the Guidelines are declared to be severable.

6.10 Modification

These Guidelines may only be modified by the BoCC in a public hearing on the record. The Administrative Procedures may be amended by the Program Administrator in a manner consistent with the terms and intent of the Guidelines without BoCC approval.

6.11 Grievance Procedures

A grievance is any dispute that a unit owner, purchaser, or applicant may have with Eagle County or the Program Administrator with respect to action or failure to act in accordance with the rights, duties, welfare, or status of these persons or entities under these Guidelines. Procedures for filing such a grievance are as follows:

1. A written grievance must be presented to the Program Administrator. It shall specify:
 - a. The particular ground(s) upon which the grievance is based;
 - b. The action requested; and
 - c. The name, address, telephone number of the complainant and similar information about

- his/her representative, if any.
2. Upon presentation of a written grievance, the Program Administrator shall meet with complainant to review the grievance and resolve the issue, if possible.
 3. If the issue is not resolved, the complainant may request a hearing before the BoCC. Rules for the hearing before the BoCC follow the provisions of the Eagle County Land Use Regulations as found in Chapter I, Section 1.16 Appeals.

6.12 Enforcement

The Guidelines are hereby incorporated as a component of the Eagle County Comprehensive Plan. Enforcement of the Guidelines will be pursuant to Chapter I, Section 1.14 Enforcement and Chapter II, Chapter VII Enforcement, as amended, of the Eagle County Land Use Regulations. Remedies include, refusing to issue building permits or certificates of occupancy, withholding monies from escrow, legal proceedings at law and equity, and all other remedies available under applicable law and equity.

6.13 Exemption for Lack of Nexus or Infeasibility

Any person or entity affected by the Guidelines may petition the BoCC for an exemption to reduce, modify, or waive the requirements contained in the Guidelines on the grounds that there is no rational nexus between the requirements of these Guidelines and the impact of the Project, or that the Affordable Housing obligations are financially infeasible. Procedures for filing for an exemption under this section 6.13 will follow the provisions of the Eagle County Land Use Regulations as found in Chapter I, Section 1.16 Appeals.