



Staff Report

Comprehensive Plan Amendment

March 18, 2008 Planning & Zoning Commission meeting

Report date March 14, 2008
Project type Comprehensive Plan Amendment (Specific)

Summary:

Based upon direction received from Council and the Commission, instead of amending Title 17, Zoning, Avon Municipal Code to adopt “attainable housing” regulations and policies, Staff is bringing forth this proposal to amend the Housing (F) topic area of the 2006 *Town of Avon Comprehensive Plan* which adds detail related to the provision of attainable housing unit amounts and types. The additional detail includes references to the public benefit criteria listed in Section 17.28.085 of the Avon Municipal Code (AMC); better defined policies for each housing goal; and provides the Commission and Council the discretion to implement mitigation rates in a flexible but equitable manner, on a project-by-project basis. By applying a comprehensive assessment of each rezoning application’s proven public benefits, the proposed amendments to the Comprehensive Plan provide a balanced approach to attainable housing mitigation. The purpose behind this approach is to ensure that attainable housing mitigation is applied at the highest rate possible and is derived with full consideration of all other public benefits provided by any proposal found to be subject to the criteria for a rezoning or PUD application.

As set forth in Section 17.20.110(h) Design Criteria 1, “Conformity with the Comprehensive Plan goals and objectives”, Avon Municipal Code, any Planned Unit Development (PUD) must demonstrate conformity with the applicable policies and goals of the Town of Avon Comprehensive Plan. Exhibit A to this staff memorandum is Resolution No. 08-03, and attached to the Resolution as Exhibit B is an amended version of pages 52-55 of the *Town of Avon Comprehensive Plan, F. Housing*, with additions shown in **bold** and deletions shown in ~~strikethrough~~. The modified Comprehensive Plan language contained in Exhibit B incorporates the comments received from Council at their February 12, 2008, work session.

Amendment Procedures:

On page E1, *Appendix E, Town of Avon Comprehensive Plan* of the 2006 *Town of Avon Comprehensive Plan* (Exhibit C), two types of comprehensive plan amendments are described, the second of which, titled “Specific Amendment”, is applicable in this case. Also

on page E1, sets forth *Amendment Procedures* and contains four (4) *Amendment Criteria*, as follows and with a response to each one in parentheses:

1. *Include a justification for the proposed change* (The Town of Avon has determined that additional detail is needed in Topic Area F, *Housing*, and the modified language provides a method to achieve the stated goals within Topic Area F);
2. *Be in conformance with the Plan's overall vision and its supporting goals and policies* (The proposed changes conform to the Plan's overall vision and goals by providing a strategy for achieving the goals and policies of the subject Topic Area);
3. *Be compatible with existing and planned surrounding land uses* (This criterion does not apply as this proposed change is not specific to an individual property; *and*
4. *Not result in excessive detrimental impacts to Avon's existing or planned infrastructure systems* (No detrimental impacts, excessive or otherwise, to Avon's existing or planned infrastructure systems have been identified in association with the proposed changes).

Staff has determined the proposed "Specific Amendment" to the *2006 Town of Avon Comprehensive Plan, Topic Area F. Housing*, as outlined above, adheres to all of the aforementioned criteria.

Staff Recommendation:

Staff recommends the Planning and Zoning Commission approves Resolution No. 08-03, as written and attached hereto, after which time it will be heard by Council for formal action.

Respectfully Submitted,



Matt Gennett, AICP
Planning Manager

Exhibits:

- A. Resolution No. 08-03
- B. Proposed Amendments to Pages 52-55 of the 2006 Town of Avon Comprehensive Plan
- C. Page E1, *Appendix E, Amendment Procedures, 2006 Town of Avon Comprehensive Plan*
- D. January 2008 Eagle County Nexus/Proportionality Analysis for Commercial Development / Workforce Housing Linkage

**RESOLUTION NO. 08-03
A RESOLUTION TO AMEND THE 2006 TOWN OF
AVON COMPREHENSIVE PLAN TO ESTABLISH
ATTAINABLE HOUSING GUIDELINES AND
SETTING FORTH DETAILS IN REGARD THERETO**

WHEREAS, the 2006 Town of Avon Comprehensive Plan (“the Plan”) Housing Topic Area (F) contains three goals: “*Achieve a diverse range of quality housing options to serve diverse segments of the population; Provide a workforce housing program that incorporates both rental and ownership opportunities for residents that are attractive, safe and integrated with the community; Participate in countywide housing policies and procedures*”;

WHEREAS, Appendix E of the 2006 Town of Avon Comprehensive Plan (“the Plan”) sets forth procedures and criteria for amending the Plan as follows:

Amendment Criteria: The following criteria shall be used by the Planning and Zoning Commission and the Town Council when Considering a Comprehensive Plan amendment proposal. The proposed amendment shall:

- 1. Include a justification for the proposed change;*
- 2. Be in conformance with the Plan’s overall vision and its supporting goals and policies;*
- 3. Be compatible with existing and planned surrounding land uses; and*
- 4. Not result in excessive detrimental impacts to Avon’s existing or planned infrastructure systems.*

WHEREAS, compliance with the Amendment Criteria detailed above has been fully demonstrated via the cover Staff Memorandum attached hereto;

WHEREAS, the Town of Avon commissioned and completed a Housing Needs Assessment in December 2006 that identifies different segments of the population, based on income, in need of housing attainable at that level of income; and

WHEREAS, the Avon Town Council directed staff to amend the Topic Area F, Housing (Exhibit B), to implement attainable housing guidelines via this resolution that will provide guidance to developers seeking a change in zoning per Title 17, Avon Municipal Code.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF AVON PLANNING AND ZONING COMMISSION, COLORADO:

ADOPTED AND REAFFIRMED THIS 18th DAY OF March, 2008

Signed:

Date: _____

Chris Evans, Chair

Attest:

Date: _____

Phil Struve, Secretary

capitalize on an overall community image rather than a single venue or event.

Policy E.3.13: Encourage collaborative approaches between the various community stakeholders, such as but not limited to the Eagle County, Vail Valley Chamber and Tourism Bureau, Beaver Creek Resort Company, Vail Resorts, Eagle County School District, Town of Avon Parks and Recreation Department, and Eagle County Library District to enhance Avon's overall guest potential.

Policy E.3.14: Achieve greater use of existing natural assets and facilities in the community with an expanded schedule of events to strengthen the Town's year-round guest potential and to provide an amenity for local residents.

F. Housing (additions in bold, deletions in strikethrough)

Goal F.1: Achieve a diverse range of quality housing options to serve diverse segments of the population.

Policy F.1.1: Establish policies and programs, **as further detailed under Goal F.2., which would will** address housing needs identified in a periodic housing needs assessment. **The Area Median Income (AMI) ranges, as periodically updated by Eagle County, shall be used to establish the affordability of a housing unit when evaluating the mitigation rate required of any development associated with a rezoning application or Planned Unit Development (PUD), or any combination thereof.**



Goals and Policies

Policy F.1.2: Encourage private development ~~to that include~~ **provides** a diversity of housing types, sizes, architectural styles, and prices **ranges appropriate for local working families.**

Goal F.2: Provide a ~~an workforce~~ **attainable** housing program that incorporates both rental and ownership opportunities, **affordable for local working families**, ~~for residents that~~ are attractive, safe, and integrated with **amongst** the community.

Policy F.2.1: Require that development, annexations, and major redevelopment includes or otherwise provides for ~~workforce~~ **attainable** housing.

Policy F.2.2: **Calculate the impact generated by varying types of land use and development, specifically, commercial and residential linkage calculations. These calculations shall be based upon the most recent data available as periodically updated by Eagle County and the State. Alternative methods of providing attainable housing, including but not limited to: payment-in-lieu; land dedications; and public-private partnerships, may also be considered.**

Policy F.2.3: **Ensure that attainable housing mitigation is applied at the most appropriate rate and is derived with full consideration of all other public benefits, as contemplated by the public benefits criteria referenced in Section 17.28.085 (AMC), provided by any proposal found to be subject to the rezoning and PUD criteria.**

Goals and Policies

Policy F.2.4: Require that workforce **attainable** housing is integrated within a **development**, rather than separated from the rest of the community, **including those proposed with large developments.**

Policy F.2.5: Require workforce **attainable** housing to be **within** close **proximity** to existing development, serviced by transit (**including bike and pedestrian paths**), and close to schools/child care.

Policy F.2.6: Establish a definitive **Require minimum, "live-able"** dwelling unit size and quality standards for ~~required workforce~~ **all attainable housing provided** as part of any development or redevelopment agreements to **achieve a diverse range of housing types. Such standards shall be proposed at the time a rezoning application is brought before the Planning and Zoning Commission for first reading of an ordinance approving said rezoning.**

Policy F.2.7: Adhere to the principle of "no net loss" ~~to of workforce~~ **attainable** housing.

Policy F.2.8: **Deed restrictions, including, but not limited to: Residency and employment qualifications, price appreciation caps, capital improvement, ownership & rental restrictions shall be determined and implemented at the time a redevelopment application is reviewed, on a project-by-project basis, based on factors such as location, topography, and land use type(s).**

Goals and Policies

Goal F.3: Participate in countywide housing policies and procedures.

Policy F.3.1: Participate in countywide down-payment assistance program.

Policy F.3.2: Collaborate on joint housing studies and strategies to avoid jurisdictional shopping.

G. Transportation

Goal G.1: Create an integrated transit system that minimizes dependence on automobile travel within the Town by making it easier and more inviting to use transit, walk, ride bicycles, and utilize other non-motorized vehicles.

Policy G.1.1: Connect pedestrian, bicycle, and vehicular circulation systems with regional transit (including the accompanying necessities such as bicycle racks).

Policy G.1.2: Devise a public transit service plan that would replace the current one-way loop system with a two-way system that utilizes new road links. Compare annual service hours and productivity (passengers per vehicle-hour) estimates of the two alternative service plans.

Policy G.1.3: Require that commercial, public, and other uses that generate significant traffic are served by transit and linked by pedestrian and bicycle paths to minimize their dependence on automobile travel.

Policy G.1.4: Ensure that commercial areas, in particular the Town Center Districts, are designed to minimize in-town automobile travel by making it easier for

Amendment Procedure

The Comprehensive Plan is a policy document used to guide current and future land use decisions. To function as an effective decision making document, the plan must be dynamic and flexible enough to respond to changes in economic forces, legislative action, infrastructure and development technologies, and public attitudes. Therefore, an amendment procedure is necessary to keep the plan current.

The following types of comprehensive plan amendments are envisioned:

1. **Comprehensive Plan Update.** This amendment consists of an overall review and update conducted periodically. This update should be a thorough analysis of the entire plan, including an evaluation of goals and objectives, updates of forecasts and land-related elements, and the reaffirmation of policies. The Town's Planning and Zoning Commission and Town staff are primarily responsible for undertaking such an update, with input from other Town departments, the Town Council, and the public.
2. **Specific Amendment.** This second type of comprehensive plan amendment contemplated would not encompass the entire plan, but would rather be a more specific goal/policy, land use, or map amendment. An example of this type of amendment might be an instance where the Town desires to amend an area's proposed land use designation as a result of improved base data (such as new subsidence information or floodplain information). It is possible that a land use proposal could be introduced that conflicts with the Future Land Use Plan, but which, in fact, may be complementary to the Comprehensive Plan's other pertinent goals and policies. To ensure conformance with the plan, an amendment would be necessary. Specific amendments may be proposed by either the Town or by the private sector (i.e. a registered voter of the Town, property owner, or a property owner's authorized representative). Applications for a specific plan amendment may be made at any time with the Community Development Department.

Any amendment proposed for the Comprehensive Plan shall follow the Town's public notice and public hearing procedures as prescribed in the Town Municipal Code.

Amendment Criteria: The following criteria shall be used by the Planning and Zoning Commission and the Town Council when considering a Comprehensive Plan amendment proposal. The proposed amendment shall:

1. Include a justification for the proposed change;
2. Be in conformance with the Plan's overall vision and its supporting goals and policies;
3. Be compatible with existing and planned surrounding land uses; and
4. Not result in excessive detrimental impacts to Avon's existing or planned infrastructure systems.