

# **Attachment A – Synthesis of Previous P&Z Meetings regarding Zoning & Growth Management Related Land Use Code Provisions**

## **Direction from PZ Meetings Regarding Zoning Related Issues**

***Architectural Design Guidelines or Review*** As redevelopment begins to occur, evaluate the pros and cons of having architectural design guidelines/review in the UGB, or at least in the ABC, to better address the visual aspect of higher density development.

→ If design review is desirable, limit it to the dense, urban growth boundary areas and create design standards that must be adhered to (as part of check-off for building permit application?) but don't require a separate review.

***Homes as Corporate Retreats*** The size and use of homes as corporate retreats begs the question of whether we should, through zoning, distinguish between residential and corporate/lodging/hot beds. Determine impacts of corporate retreat/short-term use and where it may or may not be appropriately located. Also consider tax implications of short term accommodations vs. standard residential use. Look at if, or how other resort communities have addressed the issue of large homes being used for corporate retreats and hot-beds.

***Water Restrictions to address Non-Native Vegetation*** Look at zoning (or other Land Use Code provisions) to determine whether water restrictions should be imposed to create a disincentive for non-native vegetation.

***Impacts of Interior Lights on Night Sky*** Explore ability to limit the impact of interior lights on night sky; Perhaps if a certain percentage of building façade is window, then we could require use of window material that screens or diffuses light? Look to other communities to see if any approaches to resolve this issue have been successful.

## **Direction from PZ Meetings Regarding GMQS Related Issues**

***Pace of Growth is not Currently Addressed*** Address deficiencies in the GMQ system relating to the pace of growth prior to the next upswing in the economy. Build flexibility in pacing model to acknowledge fluctuations in the economy. Consider limiting the number of building permits issued on an annual basis. Look at functioning models in other jurisdictions.

***Certainty of TDRs vs. Uncertain outcome of GMQS process*** People like the certainty of TDRs – They are a known cost and outcome. The up-front preparation and process for Growth Management competition may be less expensive than

purchase of a TDR, but the outcome is uncertain. You may only receive your requested allotment if you compete successfully (meeting threshold scoring requirements and competing against others for available allotments.) Scoring is perceived as subjective.

***Balance Use of Both Tools to Optimize Community Benefits*** On average in the last ten years, use of TDRs, particularly for additional residential square footage, has significantly outweighed growth management competition for additional square footage. ***If we believe there are community benefits to both the GMQ system and the TDR Exemption from GM, should we find ways to balance the use of both tools to optimize community benefits?*** To create balance, it may be necessary to create more certainty in the GMQS process, and perhaps to place some sideboards around the use of TDRs.

***On the GM side***, the following modifications were very conceptually discussed:

- To increase certainty in the process, ***replace scoring and competition with a standards matrix (a check-off list of sorts) that addresses community priorities.*** As an example, requests for smaller, energy efficient homes could be subject to less rigorous standards to meet a minimum threshold than homes over a certain size. ***There would be no competition per se between applications. One would either meet the minimum score and receive an allocation, or not.***
- ***Use the building permit process as a tool for pacing development;*** Place a limit on the number of permits issued annually; ***Consider prioritizing building permit issuance based upon standards developed to address community priorities.***

***On the TDR side***, the following modifications were very conceptually discussed:

- Use of TDRs on receiving sites to exceed the 5750 sq. ft. floor area allowance is perceived by some to result in homes that are so large that they have a negative impact on rural character, roads, scenic quality, environment, etc. (notwithstanding the fact that a unit on the TDR sending site has been eliminated.) To address this issue, several options were discussed.
- ***Options to balance impacts of TDRS included:***
  - ***Developing more rigorous Special Review Standards for TDR Receiving sites;***
  - ***Reducing the square footage value of TDRs from 2,500 to 1,000 or less (grandfathering-in existing TDR values for TDRs that have been issued to-date;)***
  - ***Placing a cap on the number of TDRs that may be utilized for floor area annually;***

- ***Requiring the provision of a community benefit(s) in exchange for landing a TDR for addl sq. ftge. (beyond the preservation of the sending site;)***
- ***Pursuing the use of County-originated TDRs in urban centers such as Aspen and Basalt (or in dense employment centers such as the ABC for commercial use.)***
- ***Developing alternatives for uses of TDRs that don't involve additional residential sq. ftge. (Requiring use of TDRs for any upzoning that involves an increase in density within UGBs, as an example.)***
- ***Eliminating the creation of new TDRs (in the event that negative impacts cannot be addressed?);***

Essentially, ensure that community benefits associated with TDRs continue to outweigh impacts.

### **Other Issues Identified**

***Allotment too high*** BOCC has expressed concern that ***the annual GMQS allotment is too high***; Allocations no longer reflect realistic development potential in a given year.

### ***Additional Information Needed***

- % of Buildout that is exempt from GMQS (including pre-1978 lots;)
- Number of TDRs that could potentially still be severed from parcels in the RR zone.

**Moving Forward** The following observation, questions and comments are intended to focus P&Z direction moving forward:

### ***Staff Observation***

As a practical matter, the annual allotments for the County are so high, and actual competition for allotments so rare during the last ten years, that the term and concept of Growth Management “Competition” has become a misnomer. The original intent to limit allocations and require competition to obtain them was designed to incentivize development that is a net benefit to the community. Given the number of available Growth Management exemptions, including the well-utilized TDR exemption, and the relative ease to obtain them, there is little incentive or need to compete in Growth Management. Are we now getting the net community benefits (reduced density, preserved wildlife habitat, open space, etc) through the various GM exemptions, development standards and conservation tools that are available in the Land Use Code?

**Shortcomings:** The following questions are intended to ensure that specific shortcomings (if any,) of current zoning standards and the GMQ and exemption provisions of the Land Use Code are clearly articulated. We can't fix anything until we're very specific about what's not working.

- A. Does the current (Zoning/GM) system effectively control:
  - a. House size?
  - b. Rate of growth?
  - c. Amount and/or location of growth?
- B. Does GM still result in tangible community benefits?
- C. Are impacts of TDRs in the rural area outweighing benefits?
- D. Are growth and pacing equally important?
- E. To address pacing, should annual allocations awarded (or building permits issued,) be used within the same calendar year in which they are awarded?
- F. Does the current definition of growth need to be modified to include floor area (associated with remodels as an example,) that impacts the pace of growth and is not currently "captured" in Growth Management?
- G. Should growth be defined as square footage or new lots, or both? (Annual allocations are currently awarded as square footage.)
- H. Do zoning and other conservation/development standards in the Code adequately address many of the community values we previously obtained thru GM?

**Tentative Conclusions:**

- A. Current Zoning adequately addresses density – Density is not so much an issue as is house size and it's impacts on rural character amongst other things;
- B. Zoning could be modified to address house size in rural areas;
- C. Rate of growth could be addressed through development of a building permit issuance system that requires permits to be used within the same year issued (with flexibility built in to accommodate fluctuations in the economy.)
- D. In place of the current growth management system, building permit issuance could incorporate a priority system based upon compliance with standards that address community priorities. A sampling of priorities to be addressed could include:
  - a. House size
  - b. Water conservation/native vegetation
  - c. Energy Conservation
  - d. Location within Fire District
  - e. Wildland/Urban interface mitigation
  - f. Etc.

Instead of using GM as the stick and exemptions as carrots, make building permit issuance the stick with exemptions for “sustainable” homes (to be defined.).

- E. Limit the annual # of TDR associated building permits issued and develop threshold standards for use.
- F. Evaluate the pros and cons of having architectural design guidelines/review in the UGB, or at least in the ABC, to better address the visual aspect of higher density development.
- G. Look at if, or how other resort communities have addressed the issue of large homes being used for corporate retreats and hot-beds.
- H. Explore ability to limit the impact of interior lights on night sky.

## Exhibit B1

Clarion Associates LLC  
621 17<sup>th</sup> Street, Suite 2250  
Denver, Colorado 80293  
303.830.2890  
303.860.1809 fax

Community Planning  
Zoning/Design Standards  
Impact Fees  
Growth Management  
Sustainability

**CLARION**

### MEMORANDUM

TO: Cindy Houben, Community Development Director  
Pitkin County Planning & Zoning Commission

FROM: Matt Goebel, Clarion Associates

DATE: October 28, 2014

RE: Background for October 28 Long Range Planning Meeting: Growth/Permit Allocation Systems and Strategies in Other Communities

---

### Background

Pitkin County officials have discussed potential modifications to the Growth Management Quota System (GMQS) to address a variety of perceived shortcomings—particularly, better control of the pace of growth in the county, and better balancing of the TDR program with the GMQS. Based on summaries of prior P&Z meetings provided by staff, we understand that a variety of potential conceptual modifications have been proposed. For example:

- GMQS:
  - o Replace scoring and competition with a standards matrix that addresses community priorities
  - o Use the building permit process as a tool for pacing development
- TDR
  - o Develop more rigorous Special Review standards for receiving sites
  - o Reduce square footage value of TDRs
  - o Cap TDRs utilized for floor area annually
  - o Require community benefits in exchange for landing a TDR for additional square footage

As background to help inform the County's discussions, Clarion has looked at a number of growth management point rating systems for development projects in use around the country. Our research has been updated periodically over the past 15 years as economic cycles have led to created occasional new interest in such systems. This background memo provides brief descriptions of how other communities are addressing similar issues and is intended to provide ideas for further consideration at the October 28 meeting.

While none of these systems may be a precise match for Pitkin County's needs, they each nevertheless offer important information and practical lessons to be learned. However the Pitkin system may be modified, it will be important to test the new revisions on sample developments before actual implementation, to see how they work and to iron out the kinks. Our experience with these point rating systems is that they require extensive fine-tuning both at the start before implementation, and also on an ongoing basis throughout the life of the system.

Two appendices at the end of this memo include more detailed information on two relevant programs from Key West, Florida, and Boulder, Colorado.

## General Observations on Rate-of-Growth Allocation Systems

Similar to Pitkin County, a handful of other areas in the country facing intense development pressures have adopted their own systems to control the rate of growth. Generally, such systems allow staff and officials to evaluate and compare the extent to which development proposals (e.g., site plans, PUDs) and/or other proposed land-use changes (e.g., rezonings, annexations) meet the numerous and diverse goals and objectives set forth in adopted plans.

**The programs vary tremendously in scope, purpose, and administrative details.** Nevertheless, we can make some general observations based on our initial research.

- Many communities have adopted rating systems tied to **building permits (versus allotments as is done in Pitkin)**. This memo covers both types of rate-of-growth systems—those based on allotments, and those based on permits.
- In some systems, applicants compete for a limited number of permits or allotments; in others, the number of permits is unlimited, so long as each application meets defined criteria.
- Most of these communities already have worked through many of the tedious **administrative details** involved in establishing and fine-tuning a point rating system. Comparative research can provide Town officials and staff with helpful information to refine Pitkin's approach.

## Purpose

Generally, most rate-of-growth systems are intended to establish an orderly, controlled growth rate that does not overwhelm the local government's capacity to provide infrastructure or services – but they are not exclusively tied to infrastructure capacity, and often emphasize a variety of community priorities. Examples of other specific purposes:

- Hurricane evacuation capacity (Key West)
- Avoid air/water quality degradation (Boulder, Simi Valley)
- Encourage redevelopment that relies on existing infrastructure (Boulder)
- Architectural compatibility (Santa Fe)
- Water conservation and utility capacity (Westminster)
- Maintain distinction between urban and rural areas (Santa Cruz County)
- Protect hillsides (Simi Valley)
- Encourage growth near major population centers and within growth boundaries (Oregon)

## Growth Targets

- Alternative 1: Annual percentage.
  - Examples: Boulder-2: 1%. San Juan Batista, CA: 3%. Petaluma-1: 5%.
- Alternative 2: Maximum number of annual units.
  - Example: Petaluma-2: 500 - 1,000 units are awarded each year, but no more than 1,500 in a 3-year period.
  - Example: Healdsburg, CA: average 30 allocations/year; not to exceed 90 in any 3-year period.
  - Example: Simi Valley, CA: 292 permits/year

## Applicability

- **Alternative 1: Residential Only (most programs):** Boulder; Hudson, OH; Key West; Petaluma, CA; Westminster, CO
  - o **Example: Key West:** "BPAS applies to the development of all new permanent and transient residential units within Key West.... All property owners must comply with other applicable sections of the City LDRs for development. Permanent housing types include (but are not limited to) market-rate, affordable, single-family, multifamily, accessory units, compact infill bonus density, single-room occupancy (SROs), nursing homes, rest homes, assisted living facilities, convalescent homes, group homes and transitional housing."
- **Alternative 2: Residential and Nonresidential:** Aspen; Monroe County, FL; Pitkin County, CO
  - o **Example: Islamorada, FL:** sets separate annual limits for residential building permits (both market and affordable), and nonresidential (more subjective, based on conditional use process)
- **Typical Exemptions.**
  - o Housing for disadvantaged or low-income groups (employees, students, the elderly, disabled, or the poor).
  - o Developments under a certain size threshold or in specified geographic areas where growth is not as large a concern. (Example: Petaluma: Housing projects on less than 5 acres and less than 30 units )
  - o TDRs
  - o Remodels, conversions, replacements, etc. (Our initial research did not find any building permit-based programs that explicitly apply to target these projects. A threshold of 50% value is often set to distinguish major projects that trigger higher requirements.)
- **Preferred Development Pools.** Some programs go further than merely crafting certain exemptions; they create preferred development pools, and those pools are given priority for development allotments.
  - o **Example: Hudson OH:** Annually, City Council establishes total residential development allotment. 80% of the allotment is reserved for those units having priority status.
    - Affordable housing;
    - Housing for the elderly or disabled;
    - Construction of SF homes on lots created prior to the adoption of the program, so long as lot has direct access to public streets;
    - SF homes on lots in a subdivision that received preliminary or final approval prior to adoption of the program; and
    - New lot exceeding 5 acres with access to improved streets, water and sewer.
  - o **Example: Monroe County, FL:** geographic subareas each have separate targets: (market, affordable, square footage)
  - o **Example: Santa Cruz County, CA:** allocation pools for rural versus urban areas, large projects versus small. Board of Supervisors establishes categories and limits annually.



## How Permits/Allotments are Awarded

The programs differ widely in how they determine a number of permits or allotments to be awarded.

- **Annual Maximum Cap.** Maximum cap on the number of allotments to be awarded in a given year, with this maximum cap being determined based on, for example:
  - Available service capacity (Westminster)
  - Number of applications received (Petaluma - 2)
  - Preferred growth rate the jurisdiction wants to maintain (Petaluma - 1, Boulder - 2)

To determine which applicants are to receive an allotment or a permit, the programs generally take one of two approaches:

- First-come, first-served (e.g., Petaluma - 2, Boulder – 2, Hudson) OR
  - Require applicants to meet various performance criteria based on defined community priorities (e.g., Petaluma - 1, Aspen).
    - Any applicant meeting certain specified criteria to be approved (e.g., Breckenridge) OR
    - Only grant approval to those applicants scoring the highest number of points (e.g., Monroe County).
- **Multi-year Maximum Cap.** Maximum cap on the number of allotments to be awarded over a period of years.
    - Example: Islamorada, FL: uses a 20-year planning horizon (though individual years have specific caps)
  - **No Maximum Cap.** Some jurisdictions avoid setting a maximum cap altogether and instead merely **require individual applicants to meet certain requirements** in order to receive an allotment or permit, regardless of the total number of applications received (e.g., Santa Fe, Austin's smart growth matrix). Breckenridge's old program, for instance, merely required an applicant to receive more positive points than negative in order to receive a permit.

Beyond the threshold question of how permits/allotments are awarded, the systems dictate other administrative provisions. For example, in the Hudson, Ohio, system (upheld by federal appeals court):

- **Maximum permits per developer/year:** A developer cannot apply for more than 30 units/year unless no other competitors exist, but multi-year allotment reservations may be made.
- **Surplus allotments:** Surplus allotments automatically carry over to the next bi-annual period but not to the next year's allotment
- **Pro-rata distribution:** When applications exceed available allotments, allotments are distributed on a pro-rata basis, and every applicant receives at least one (This has happened in all semi-annual award periods).
- **Special merit projects:** City Council can make additional allocations for projects of special merit or due to special hardship.
- **Expiration:** Allocations are valid for up to 2 years when they automatically expire.

- **Special treatment:** Applicant who has been denied an allotment in the past two consecutive semiannual allotment periods may get special treatment.

## Defining Community Priorities

As noted above, a number of communities have attempted to establish rating systems based on the extent to which proposed projects demonstrate compliance with adopted plans and policies, as an alternative to a first-come, first-served approach. A number of these programs are still in place. Competitive scoring criteria can be an effective tool to reconcile competing goals and objectives.

However, it should be emphasized that all the programs we have reviewed that attempt to address issues of development quality in any detail are **quite complex**. Programs with lengthy lists of criteria to be met, such as the early Petaluma program, require a great deal of staff time to administer. Much discretion on the part of staff is necessary in awarding allocations. Such systems also must be updated and calibrated frequently, since developers quickly learn how to obtain the maximum number of points with the least amount of effort. **Primarily for these reasons, a number of jurisdictions that initially adopted or considered point systems (Boulder, Petaluma, Hudson) eventually switched to first-come, first-served systems.**

## Criteria

For those growth rating programs that require applicants to meet various performance criteria based on defined community priorities, the range of criteria is extremely broad.

- Some require any applicant meeting certain specified criteria to be approved (e.g., Breckenridge), while others
- Only grant approval to those applicants scoring the highest number of points (e.g., Monroe County).

Communities that rely on criteria have different methods of categorization. Many break the criteria down by topic area, focusing on such issues as building design, site layout, and impacts on existing and planned infrastructure. Some (e.g., Westminster) also establish separate sets of criteria for different types of development – nonresidential versus residential. Sample categories include:

- **Housing**
  - Deed-restricted workforce and/or affordable housing;
- **Environmental Protection.** In addition to code requirements:
  - Permanent conservation of natural areas or lands
  - Preservation of protected specimen or champion trees
  - Protection against flood damage
  - Protection of streams by providing higher water quality standards, or by providing an additional riparian buffer
  - Avoidance of high-risk areas
- **Redevelopment**
  - Redevelopment of a brownfield site
- **Community Facilities/Infrastructure**
  - Cultural or historic facilities deeded to the Town or qualified not-for-profit agencies
  - Dedication of land for or the construction of transportation facilities in addition to that required by code

- **Urban Design and Community Character**
  - o Historic preservation
  - o (An older rating system (1990s) in Santa Fe required points to be assessed based on architectural and site design features. A project had to achieve a minimum number of points based on established design criteria. The number of points needed depended on the type of construction proposed (remodel versus new construction), and the zone district in which the project will be located.)
  
- **Green Building/Sustainable Construction**

**Example: Key West:** “Key West’s BPAS is setup to prioritize the award of building permits for new residential development to those project that demonstrate the highest level of commitment to green building and sustainable development. The BPAS is a competitive, point-based system. Applications are scored and ranked from highest to lowest score, with the highest scores being earned by projects that voluntarily choose to seek higher levels of green building certification and implement more green construction features.”

### Other Applications of “Community Benefits”

Once defined, the concept of “community priorities” may be used in other contexts. For example, codes may authorize additional discretion or flexibility to deviate from code requirements if “community benefits” are provided. Such benefits are analogous to the community benefits concept.

- Example: Morrisville NC adopted an alternative equivalent compliance process. Criteria for submitting alternative designs include demonstrating that one or more community benefits are provided, similar to the categories noted above.

### Guidance from Obsolete Growth Control Systems

Growth control systems that have been replaced with newer, simpler programs (or repealed altogether) can still provide useful in brainstorming how to categorize community priorities:

- **Austin: Smart Growth Matrix** (adopted 1999; only in use for a few years)
  - o Purpose:
    - To assist the city council in analyzing development proposals, by providing quantitative measures of the city’s goals and policy directions.
    - *Provide financial incentives (waivers of COA fees, utility investment, and costs of planned infrastructure) to developers who volunteer to locate or design their developments according to the City’s Smart Growth goals.*
  - o Applicability: All large mixed-use developments in the downtown core area.
  - o Process: Applicant and staff both score project and compare scores. The staff and the applicant negotiate incentive packages, and the City Council approves. City and applicant sign a contract with the developer, and the City monitors construction to ensure the developer adheres to the contract.
  - o Criteria: quantitative scoring in two categories:
    - Location and quality of development (e.g., location, density)
    - Improve quality of life (e.g., urban design, multi-modal elements, parking, environmental)

- **Boulder 1: Merit System (in place from 1977 to 1993).**
  - Applications for allocations under the merit system reviewed 2X/year. The land proposed for development must meet all the requirements of the Land Use Regulation, including PUD or special review use, zoning or rezoning approval, annexation approval, and preliminary plat approval. Each property may only submit one application. The city shall review the applications and award points based on the merit system. Those projects receiving the greatest number of points shall be awarded an allocation. The city must allocate the maximum number of allocations each half year (225 per half year). If two projects have the same point score but there are not enough allotments to go around, the City may settle the tie in any way it chooses.
  - Criteria included:
    - Public Facilities
      - Streets: -4 to 4 points
      - Parks: -4 to 4 points
      - Fire Protection: -4 to 4 points
      - Flood Controls: -4 to 4 points
      - Water Distribution: -2 to 2 points
      - Sanitary Sewage Collection: -2 to 2 points
      - School Capacity: -2 to 2 points
      - Storm Drainage: -2 to 2 points
      - Police Protection: -2 to 2 points
      - Public Transportation: -2 to 2 points
      - Special Facilities and Services: -2 to 2 points
    - Low and Moderate Income Housing
      - Rental Units
      - Without rent assistance: -5 to 20 points
      - With state/fed. rent assistance : 2 to 20 points
      - Sale Units: 0 to 20 points
    - Environmental Elements
      - Hazards and Engineering Constraints: 3 points
      - Natural Resources and Natural Areas: 0 to 3 points
      - Project Impacts: 4 points
      - Conservation: 0 to 10 points
    - Site Design and Relationship with Surrounding Areas
      - Open Space and Landscaping: 0 to 6 points
      - Landscaping: 0 to 4 points
      - Circulation and Parking: 0 to 8 points
      - Livability: 0 to 8 points
      - Relationship to surround Area: 0 to 6 points
    - *Approved PUDs*: 5 points
- **Breckenridge, CO:** System of “land use guidelines” was used to score proposed projects. Guidelines were not mandatory, but projects that exceeded recommended limits had negative points. Needed an overall positive score to receive permit.

## Other Types of Growth Management Strategies

- **Adequate public facility standards.** New development must demonstrate that facilities and services will be available to serve the project (in addition to meeting zoning and subdivision standards). Evaluated project-by-project based on adopted levels of service.
  - Required by state law in Florida, where it is called “concurrency.”
- **Growth phasing systems.** Limit the amount of new development over a defined period (e.g., one year). Differ from rate-of-growth systems in that they are more closely tied to public facility impacts and constraints, especially large facilities that have difficulty to expand through small increments.
  - Example: Montgomery County, Maryland. Board adopts Annual Growth Policy (AGP), which includes current level-of-service conditions for major facilities; estimate of service demands of approved but unbuilt development, and recommended growth capacity ceilings for each of 22 policy areas. Capacity set for both residential (dwelling units) and nonresidential (jobs).
  - Example: Westminster, Colorado: limits the number of building permits by the number of service commitments (water/wastewater service) held by developer. The number of service commitments available each year is based on the City's ability and capacity to absorb new growth. Projects compete in categories similar to those described above in other point-based systems.
- **Carrying capacity systems.** Identify the upper capacity limits of natural and built environment of a defined geographic area.
  - Example: Sanibel Island, Florida. Mapping of environmental constraints led to determination of appropriate number of dwelling units. Hurricane evacuation was major factor.

## Appendix: Key West Building Permit Allocation System (2013)<sup>1</sup>

### BPAS Background

Since 1993, when the State of Florida designated Key West an Area of Critical State Concern (ACSC), the Florida Department of Community Affairs (DCA)—now known as the Florida Department of Economic Opportunity (DEO)—has regulated new residential growth in Key West. The local regulation that facilitates the distribution of new residential dwelling units is called the Building Permit Allocation System or BPAS. This is sometimes referred to a ROGO, or the Rate of Growth Ordinance. Through an audit completed in 2009 by the Key West Planning Department, it was discovered that out of the 1,093 residential BPAS units originally allocated to the City by the State in 1993, around 80 to 100 units remained. Since then, with the exception of limited affordable housing and beneficial use allocations and redevelopment of existing units, no new residential or transient development has taken place in Key West.

As a result of the statewide updated hurricane evacuation modeling conducted by the State of Florida, the [Hurricane Evacuation Clearance Time Memorandum of Understanding \(HEM MOU\)](#) was executed by Monroe County and its municipalities, Emergency Management and the Florida Department of Economic Opportunity on August 2, 2012. Through the 2010 TIME Model, it was determined that there was available capacity in the evacuation time to allow limited new residential growth, resulting in the allocation of new residential units throughout Monroe County. In the 2013 legislative session, the rule to allow the new residential growth in the Florida Keys was ratified by the Florida Land and Water Adjudicatory Commission. As a result, the City of Key West was granted 91 new residential dwelling units—including market-rate, affordable and transient housing—for allocation annually through July 2023.

In March 2013, the Key West City Commission adopted amendments to the City's Comprehensive Plan that included goals, objectives and policies for how the new dwelling units are to be awarded through the BPAS (see City Ordinance No. 13-04). In November 2013, the City Commission adopted amendments to the Land Development Regulations (LDRs) (see City Ordinance No. 13-19). The amended LDRs implement the new BPAS application procedures and construction requirements, with heavy emphasis on green building, sustainable development and anticipating climate change. Key West is the first local government in the Florida Keys to adopt such policies in its BPAS.

### Applicability

#### Types of development subject to BPAS

- BPAS applies to the development of all new permanent and transient residential units with Key West that will be allocated as provided for in Chapter 108, [Article X](#) of the [Land Development Regulations \(LDRs\)](#) of the [Code of Ordinances](#) of the City of Key West, Florida. All property owners must comply with other applicable sections of the City LDRs for development.
- Permanent housing types include (but are not limited to) market-rate, affordable, single-family, multifamily, accessory units, compact infill bonus density, single-room occupancy (SROs), nursing homes, rest homes, assisted living facilities, convalescent homes, group homes and transitional housing.

---

<sup>1</sup> <http://www.keywestcity.com/departments/division.php?structureid=131>

## Types of development not subject to BPAS

- Any use, development, project, structure, building, fence, sign or activity which does not result in a net addition to the number of residential dwelling unit stock. See City Code [Section 86-9](#) for additional types of residential construction determined to be affected and not affected by the BPAS, such as different types of attached and detached additions to existing dwelling units.
- Redevelopment or rehabilitation which replaces but which does not increase the number of dwelling units above that existing on the site prior to redevelopment or rehabilitation.
- Public/governmental uses, facilities and services as defined in City Code [Section 86-9](#) are exempt from the BPAS.
- Units determined to have been in existence at the time of the April 1, 2010 Census was prepared are presumed not to be affected by the BPAS. See [Lawful Unit Determinations \(LUDs\)](#) for more information.
- The holder of an unexpired vested rights order approved by the City.

## Alternatives to BPAS

The following avenues may be available to property owners seeking new residential development without being subject to the BPAS:

- a Lawful Unit Determination (LUD) for housing established prior to the 2010 Census
- a Beneficial Use Determination for eligible vacant lots
- Transferable Development Rights (TDRs) for transient units and/or licenses

## How BPAS Works

Key West's BPAS is setup to prioritize the award of building permits for new residential development to those project that demonstrate the highest level of commitment to green building and sustainable development. The BPAS is a competitive, point-based system. Applications are scored and ranked from highest to lowest score, with the highest scores being earned by projects that voluntarily choose to seek higher levels of green building certification and implement more green construction features.

The following outline provides an overview of preparing a BPAS application.

1. **Determine the scope for your project and conduct research on applicable LDRs.**
  - Which [zoning district](#) is the property located in?
  - Are the proposed [uses allowed](#) in the property's zoning district? What [density and FAR limits](#) apply?
  - What [flood zone](#) the property located in?
  - Determine if any other [planning approvals](#) are required, such as major or minor development plan, conditional use, variances, landscape waivers, etc. All planning approvals and building permits must be obtained with two (2) years of the Final Determination of Award.
  - Will the project take advantage of any incentives, such as compact infill bonus density or accessory unit infill?
  - Is the property eligible to build new builds without going through the BPAS?  
Alternatives include:

- a [Lawful Unit Determination \(LUD\)](#) for housing established prior to the 2010 Census
  - a [Beneficial Use Determination](#) for eligible vacant lots
  - [Transferable Development Rights \(TDRs\)](#) for transient units and/or licenses
2. **If your project involves new residential dwelling units, then the project will be subject to the BPAS.**
  3. **A pre-application conference with the Planning Department is highly recommended** as early in the process as possible. The [application fee](#) for a formal pre-app is \$250.00 and includes a written summary of the applicable portions of the City LDRs to your project, as well as an outline of the development review process, specific to your proposal.
  4. **Choose a BPAS unit category:**
    - Market-rate (non-transient)
    - [Affordable](#) (non-transient)
    - Transient

*Note: Only non-transient units are available in BPAS Years 1-3; up to 10 transient units per year will be available in BPAS Years 4-10.*

5. **Decide which BPAS Equivalent Single-Family Unit (ESFU) Factors apply to your project.**
  - Start by multiplying the ESFU Factor for the residential structure type by the number of proposed new units or rooms.
  - Repeat this for each type.
  - The sum of the ESFU Factors represents your total request from the BPAS.

Residential Structure Type	ESFU Factor	# of Proposed New Units or Rooms
Single-family	1.00	
Multifamily	1.00	
Transient	0.86	
Accessory apartment or single room occupancy (SRO)	0.78	
Nursing home, rest home, assisted living facility and convalescent home	0.10	
	<b>TOTAL:</b>	

6. **Choose a green building rating system for your project:** either LEED or FGBC. All BPAS applications must achieve at least LEED Certified or FGBC Bronze certification.
7. **Determine if your project will involve new construction/major renovation or minor renovation.** This determines which [BPAS prerequisites](#) apply to your project
  - New construction and major renovations (construction costs equal to 50% or more of existing building value) must:
    - Be constructed in compliance with a Baseline Green Building Certification;
    - Elevate the first habitable floor at least 1.5 feet above the minimum FEMA based flood level (except contributing structures within the historic district); and
    - Have a rainwater catchment system holding at least 1,000 gallons or 100% of new roof area in gallons, whichever is greater.



- Minor renovations (construction costs less than 50% of existing building value) must:
  - Demonstrate water and energy use 15% below the Florida Building Code by providing a copy of the Energy and Water Baseline Report.
- 8. **Decide which BPAS point system would apply.** The [BPAS point system](#) is divided into:
  - Applications for one or two non-transient units on one development site
  - Applications for three or more non-transient units on one development site.
- 9. **Earn additional BPAS points by voluntarily selecting additional green building features.** BPAS is a competitive, [point-based system](#). Each project is evaluated and ranked based on its total score. Applications with the highest points will be ranked first, and awarded in that order.
- 10. **Submit your complete application by September 1, 2014 by 5:00 PM.** Applications will be accepted by appointment only. Late or incomplete applications will not be accepted. Call 305-809-3720 to schedule an appointment.

## BPAS Prerequisites

**New construction and major renovations** (construction costs equal to 50% or more of existing building value) must:

1. Be constructed in compliance with a Baseline Green Building Certification;
2. Elevate the first habitable floor at least 1.5 feet above the minimum FEMA based flood level (except contributing structures within the historic district); and
3. Have a rainwater catchment system holding at least 1,000 gallons or 100% of new roof area in gallons, whichever is greater. One square foot of roof area = 1 gallon.

**Minor renovations** (construction costs less than 50% of existing building value) must:

1. Demonstrate water and energy use 15% below the Florida Building Code by providing a copy of the Energy and Water Baseline Report.

## BPAS Point System for optional credits

The purpose of the Estimated Score Sheet is to provide the applicant with the understanding that if a BPAS Allocation(s) is awarded the total amount of points represented on the Estimated Score Sheet and finalized through the official staff ranking process is required to be permanently maintained throughout the lifecycle of the project. Because the total amount of points is not linked to one specific criterion, the applicant has flexibility in the construction phase in the event that certain point system criteria, for which the application is ranked, need to be substituted.

**In the event that the Prerequisites and/or the total points are not achieved, a Certificate of Occupancy will not be issued for the project.**

**BPAS Points for one or two non-transient dwelling units on one development site:**

- 1 Building more than 1.5' higher than the base flood elevation (+5)
- 2 Voluntarily providing affordable housing units (+10)
- 3 Achieving Green Building Certification Upgrade 1 (+30)
- 4 Achieving Green Building Certification Upgrade 2 (+40)
- 5 Achieving Green Building Certification Upgrade 3 (+60)
- 6 Voluntary contributions to the Arts In Public Places Fund or Tree Fund in the amount of \$1,000 or more (+10)

- 7 Design by a LEED accredited architect (+10)
- 8 Providing electrical high voltage sized conduit for future electric car charging station near parking area (+5)
- 9 Using light colored, high reflectivity materials for all non-roof/ areas with a Solar Reflectance Index (SRI) of at least 29 (+10)
- 10 Using light colored, high reflectivity roofing materials with a Solar Reflectance Index (SRI)of at least 29 (+5)
- 11 Designing the buildings with a vegetated roof of at least 50% of the roof area (+15)

**BPAS Points for three or more non-transient dwelling units on one development site:**

- 1 Building more than 1.5' higher than the base flood elevation (+5)
- 2 Exceeding the minimum required percentage of affordable housing (+5)
- 3 Achieving Green Building Certification Upgrade 1 (+30)
- 4 Achieving Green Building Certification Upgrade 2 (+40)
- 5 Achieving Green Building Certification Upgrade 3 (+60)
- 6 Voluntary contribution to the Arts In Public Places Fund or Tree Fund in the amount of \$5,000 or more (+10)
- 7 Design by a LEED accredited architect (+10)
- 8 Providing electrical high voltage sized conduit for future electric car charging station near parking area (+5)
- 9 Using light colored, high reflectivity materials for all non-roof/ areas with a Solar Reflectance Index (SRI) of at least 29 (+10)
- 10 Providing additional on-site open space or on-site recreational facilities (+10)
- 11 Designing the buildings with a vegetated roof of at least 50% of the roof area (+15)

## BPAS Year 1 Application Cycle (2013/14)

April 2014	BPAS Application and supporting documents available online at <a href="http://www.keywestcity.com/bpas">www.keywestcity.com/bpas</a> and the City's Planning Department offices at 3140 Flagler Avenue.
April – September 1, 2014	Staff available for pre-application meetings with potential applicants. Call 305-809-3720 to set up an appointment.  Applications accepted by appointment only. Please call 305-809-3720 to set up a pre-application meeting prior to submitting an application.
June 1 – September 2, 2014	Complete applications for BPAS Year 1 (2013/14) must be submitted to the Planning Department no later than Tuesday, September 2, 2014 by 5:00 PM.  LATE OR INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED.
October 1, 2014	Deadline for staff comments and requests for clarification to applicants.
October 31, 2014	Deadline for applicant response to staff's requests for clarification due by 5:00 PM.
November – December 15, 2014	Official ranking and Initial Announcement of Award published.
January 2015 – March 1, 2015	Special Planning Board Meeting will be scheduled and noticed.  Planning Board approves official ranking and makes Final Determination

of Award.

Within two (2) years of Final Applicants must obtain any and all necessary development approvals and Determination of Award building permits, or the awarded BPAS units revert back to the City.

## What Happens After BPAS Award

Applicants may submit other required development applications—such as major or minor development plan, conditional use and variances—before or at the same time as a BPAS application.

### **If other development applications are approved before or during BPAS application:**

- All new residential development subject to the BPAS that has not received a Final Determination of Award will be conditioned upon such award prior to issuance of any building permits for the project.
- In no case will the City issue a building permit for new residential construction prior to the Final Determination of Award by the Planning Board.

### **If other development applications are submitted after BPAS award:**

- Any and all necessary City development approvals and building permits must be obtained within two (2) years of a Final Determination of Award from the BPAS.
- If building permits are not obtained within the two-year period, the awarded units revert back to the City.
- A new BPAS application would have to be submitted to restart the process.

## Recovered Units, Penalties and Enforcement

### Recovered Units

- Building permits must be issued within two (2) years of the Final Determination of Award by the Planning Board.
- If building permits for construction are not issued, the awarded units will revert back to the City as a Recovered Unit for award during the next BPAS Award Year.
- If the Recovered Units are not awarded within the next BPAS Award Year, the Recovered Units will be returned to DEO to redistribution.

### Penalties and Enforcement

- If a project fails to achieve the Green Building Standard Certification as purported in the BPAS application for which the award was granted, a final Certificate of Occupancy will not be awarded until such time the applicant is able to achieve the Green Building Standard.
- All applicants for BPAS must sign affidavits attesting that all proposed BPAS points will be implemented, including the intended level of green building certification.

## BPAS Annual Allocation Schedule

Between July 2013 and July 2023, the City can award up to 91 units per year of new permanent and transient development through the BPAS.

<b>BPAS Year</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Application Cycle	7/1/2013 - 6/30/2014	7/1/2014 - 6/30/2015	7/1/2015 - 6/30/2016	7/1/2016 - 6/30/2017	7/1/2017 - 6/30/2018
Affordable Units	55, including 48 Peary Court to 55	55	55	45	45
Market Units	Rate 36	36	36	46, including up to 10 transient	46, including up to 10 transient
<b>Total Units</b>	<b>91</b>	<b>91</b>	<b>91</b>	<b>91</b>	<b>91</b>
<b>BPAS Year</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
Application Cycle	7/1/2018 - 6/30/2019	7/1/2019 - 6/30/2020	7/1/2020 - 6/30/2021	7/1/2021 - 6/30/2022	7/1/2022 - 6/30/2023
Affordable Units	45	45	45	45	45
Market Units	Rate 46, including up to 10 transient	46, including up to 10 transient	46, including up to 10 transient	46, including up to 10 transient	46, including up to 10 transient
<b>Total Units</b>	<b>91</b>	<b>91</b>	<b>91</b>	<b>91</b>	<b>91</b>

## Appendix: Boulder, Colorado

### Chapter 9-14: Residential Growth Management System<sup>1</sup>

#### 9-14-1 Legislative Intent. [top↑](#)

This chapter is intended to accomplish the following purposes:

- (a) Establish a residential building permit management system that provides for a long-term rate of growth in the city no greater than one percent per annum, but recognizes the potential for fluctuations in that rate on an annual basis;
- (b) Provide for a rate of growth in the city that will assure the preservation of its unique environment and its high quality of life;
- (c) Assure that such growth proceeds in an orderly manner and does not exceed the availability of public facilities and urban services;
- (d) Avoid degradation in air and water quality;
- (e) Avoid increases in crime and urban decay associated with unmanaged growth;
- (f) Establish a residential building permit management system that shares available building permits on a prorated basis; and
- (g) Encourage the completion of older developments in order to reduce infrastructure costs and to stabilize residential neighborhoods.

#### 9-14-2 General Provisions. [top↑](#)

A system of managing the issuance of residential building permits in the city is established with the following general provisions:

- (a) Building Permits: No building permit for the construction of a new dwelling unit may be issued unless applied for in compliance with this chapter.
- (b) Allocations Needed: One allocation is needed to secure a building permit to construct each dwelling unit, except as set forth below. The living quarters set forth below shall require:
  - (1) One-half allocation for an efficiency living unit; one-third allocation for a group residence; and one-sixth allocation or one-eighth allocation for each occupant for a group care facility or a residential care facility respectively, according to the density and occupancy restrictions of subsection [9-6-3\(f\)](#), B.R.C. 1981;
  - (2) One-fifth allocation for accommodations without kitchens or one-third allocation for attached allocations for congregate care facilities, according to the density and occupancy restrictions of [section 9-8-6](#), "Occupancy Equivalencies for Group Residences," B.R.C. 1981;
  - (3) One allocation for any other type of dwelling unit;
  - (4) No allocation for an accessory dwelling unit, an owner's accessory unit, a bed and breakfast, a hostel, a hotel, or a motel.
- (c) Maximum Allocations: The planning board shall not grant more than forty allocations to a development in a calendar year except upon a finding after a hearing held upon reasonable notice to the public, pursuant to the provisions of [chapter 1-3](#), "Quasi-Judicial Hearings," B.R.C. 1981, that such accumulation of allocations would not prejudice the allocation process; and:
  - (1) That there is an unmet community need for such development; or
  - (2) That constraints of building size or building configuration or infrastructure phasing require a greater amount of allocations and that banking under subsection [9-14-7\(h\)](#), B.R.C. 1981, is insufficient to remedy hardship; or
  - (3) That insufficient applications have been submitted to exhaust the allocations available and such allocations are available for distribution in the current calendar year, in which case, upon application therefor, developments shall be awarded additional allocations in the last allocation period in a

calendar year, on a prorated basis, up to a total of seventy-five allocations in any development in a calendar year.

(d) Building Permit Approvals: All building permit applications will be reviewed within twenty working days after submission of a complete application. At the end of the building permit review period, either a building permit will be made available for issuance or reasons will be given to the grantee why the permit cannot be issued, in which case the grantee has twenty working days in which to submit all required corrections. If the corrections are not completed in the time and manner required, the building permit application and related allocation are void unless reinstated by the city manager upon a finding of excusable neglect, after a hearing held pursuant to the provisions of [chapter 1-3](#), "Quasi-Judicial Hearings," B.R.C. 1981.

(e) Thirty Days to Obtain a Building Permit: Once a building permit is made available for issuance, the grantee has thirty days to obtain the permit. If the grantee fails to do so, the building permit application and related allocation is void unless reinstated by the city manager upon a finding of excusable neglect, after a hearing held under the provisions of [chapter 1-3](#), "Quasi-Judicial Hearings," B.R.C. 1981.

(f) Construction and Inspection Schedule for a Building Permit: Once a building permit is issued, the permittee must adhere to the schedule for construction and inspection set forth in the International Building Code, [chapter 10-5](#), "Building Code," B.R.C. 1981, unless compliance with a shorter schedule is required by the planning board under subsection [9-14-7\(b\)](#), B.R.C. 1981. If a building permit expires or is terminated under the provisions of the International Building Code, the related allocation is void.

(g) Guarantee of One Allocation for Each Development: Each development shall be entitled to receive at least one allocation per allocation period. The first allocation of an allocation period shall be subtracted from the allocations available in the next quarter if such an allocation is not available in the present allocation period. If there is more than one request for such an allocation, it shall be awarded in a manner consistent with the rules for granting allocations for developments with multiple owners set forth in subsection [9-14-6\(d\)](#), B.R.C. 1981.

### 9-14-3 Allocations Available. [top↑](#)

(a) Total Unadjusted Allocations: The unadjusted number of allocations per year available through 2010 shall be as in [table 14-1](#) of this section.

**TABLE 14-1: ALLOCATIONS BY YEAR**

Year	Allocations
2006	428
2007	432
2008	436
2009	440
2010	444

(b) Allocations Counted: All building permits issued for the construction of a new dwelling unit shall be counted against the allocations available except for those exemptions granted pursuant to subsection [9-14-8\(a\)](#), B.R.C. 1981.

(c) Adjustment of Allocations for Next Calendar Year: The number of allocations available for the next calendar year shall be adjusted at the end of each year by the following factors, if applicable:

- (1) By subtracting the number of allocations borrowed and reserved during the previous calendar years under subsection (e) of this section and prior growth management systems;
- (2) By adding the number of allocations that have been reserved under prior growth management ordinances, but not used, during the prior calendar year; and
- (3) By adding the number of allocations available but not granted in prior calendar year, up to a total of twenty-five percent of the current year's unadjusted allocations, and granting such allocations prior to any other grant during the next calendar year. To the extent any excess allocations are granted under

the provisions of [section 9-14-10](#), "Excess Allocations Provisions," B.R.C. 1981, during the last allocation period, the number of excess allocations so granted shall be subtracted from the total allocations not granted allocations but otherwise available for carry over. All other allocations available but not granted during such prior year shall be void.

(d) Adjustment of Allocations for Next Allocation Period: The number of allocations available pursuant to subsection (a) of this section for the next allocation period shall be adjusted at the end of each allocation period by the following factors, if applicable:

(1) By subtracting the number of exemptions for dwelling units issued pursuant to subsections [9-14-8](#)(b) and (c), B.R.C. 1981, that received building permits during such prior allocation period;

(2) By subtracting the number of allocations reserved from the allocation period under prior growth management ordinances;

(3) By subtracting the number of allocations required to allow all developments to receive one allocation per quarter under subsection [9-14-2](#)(g), B.R.C. 1981, or to add up to one allocation for any development which needs one additional allocation to commence construction, as determined by the planning board under paragraph [9-14-4](#)(b)(2) or (b)(3), B.R.C. 1981;

(4) By subtracting the number of allocations required to round allocations under subsection [9-14-6](#)(a), B.R.C. 1981; and

(5) By adding the number of allocations or building permits surrendered or voided during such prior allocation period.

(e) Borrowing Allocations: At any time, for good cause, the planning board may, after a hearing held upon reasonable notice to the public, borrow allocations and subtract this number from subsequent calendar years' allocations set forth in subsection (a) of this section. The planning board shall specify the calendar year from which the allocations are borrowed and shall not borrow from any year beyond those set forth in subsection (a) of this section. Such borrowed allocations shall be subject to all other provisions of this chapter. No allocations may be borrowed to provide excess allocations under the provisions of [section 9-14-10](#), "Excess Allocations Provisions," B.R.C. 1981.

(f) Maximum Annual Allocations: Notwithstanding any other provision of this chapter to the contrary, the total number of allocations granted by the planning board during a calendar year shall not exceed twenty percent over the unadjusted allocation number set forth in subsection (a) of this section. The exemptions granted pursuant to subsection [9-14-8](#)(a), B.R.C. 1981, shall not be counted against the total number of allocations granted by the planning board.

#### **9-14-4 Allocation Schedule.** [top↑](#)

(a) Review of Application: Review of applications for allocations shall occur quarterly. Deadlines for applications and allocation shall be set by regulation of the planning board.

(b) Quarterly Allocations: One-quarter of the allocations available in each calendar year are available in each allocation period, unless such number is modified subject to the following criteria:

(1) At any time, for good cause, at a hearing held upon reasonable notice to the public by the planning board; or

(2) At the time of granting allocations, in order to round allocations under subsection [9-14-6](#)(a), B.R.C. 1981, in order to allow all developments to receive one allocation per year under subsection [9-14-2](#)(g), B.R.C. 1981, by an action of the city manager, ministerial in character, and not subject to [chapter 1-3](#), "Quasi-Judicial Hearings," B.R.C. 1981; or

(3) At the time of granting allocations, in order to add up to one allocation to any development which needs one additional allocation to commence construction, after a hearing by the planning board held pursuant to the provisions of [chapter 1-3](#), "Quasi-Judicial Hearings," B.R.C. 1981, except for the notice provisions thereof.

(c) Administrative Procedures: An applicant for an allocation shall apply in accordance with the administrative procedures established by the city manager and the planning board. No application shall

be made unless the land for which the allocation is requested meets all the requirements of this chapter and any other ordinance of the city on or before the last day for submitting applications, including, without limitation, final reading of the annexation and zoning or rezoning ordinance, or approval of a subdivision plat, or a site review or planned unit development that does not require a subdivision, pursuant to this title. In addition, any appeals or call-ups initiated before the planning board, the BOZA, or the city council must be determined at least twenty-one days before the planning board allocation grant. The applicant is responsible for meeting such deadlines.

### **9-14-5 Applications.** [top↑](#)

(a) Application Requirements: An applicant for an allocation shall apply on a form provided by the city manager and provide, without limitation, the following information:

- (1) The number of allocations requested;
- (2) The total number of dwelling units within the development;
- (3) For uses by right, a site plan suitable for a building permit application; and
- (4) Other documentation and information which the planning board may require in order to review the application and apply the standards and obtain compliance with the intent and purposes of this chapter.

(b) Multiple Applications Within a Development: Except as provided in [section 9-14-10](#), "Excess Allocations Provisions," B.R.C. 1981, if more than one applicant submits an application for a development, the allocation requests within the development shall be combined and treated as a single application.

(c) Pro Rata Allocations: Except as provided in [section 9-14-10](#), "Excess Allocations Provisions," B.R.C. 1981, if the total number of allocations applied for in a development is more than the number which can be applied for under the provisions of subsection (e) of this section or subsection [9-14-2\(c\)](#), B.R.C. 1981, the applications shall be reduced pro rata so that the total allocations applied for in any such development do not exceed such number.

(d) One Application Per Allocation Period Maximum: Except when applying for excess allocations as provided in [section 9-14-10](#), "Excess Allocations Provisions," B.R.C. 1981, an applicant shall not file more than one application for a particular development during any allocation period.

(e) Maximum Allocations: In any allocation period, a development may apply for one allocation for each dwelling unit in the development that has not received an outstanding building permit, allocation, or certificate of occupancy, up to forty allocations. However, if the total number of allocations from all developments in an allocation period exceeds the number of allocations available, the city manager shall recalculate each development's request according to the following formula: one allocation for each dwelling unit in the development that has not received an outstanding building permit, allocation, or certificate of occupancy, up to twenty allocations and one allocation for each additional four such dwelling units, up to an additional twenty allocations.

(f) Allocations for Substantially Completed Developments: Subject to the other provisions of this section, a development with ten or less, but more than one, dwelling units remaining in the development that have not received an outstanding building permit, allocation, or certificate of occupancy, may apply for ten allocations or for allocations equal to the total number of units in the development, whichever is less, regardless of the number of dwelling units which have not yet received an outstanding building permit, allocation, or certificate of occupancy. Allocations shall be granted only up to the number required to complete the development.

(g) City Manager Review of Applications: The city manager will review applications in order to determine whether they meet the requirements of this code and other ordinances of the city, including, without limitation, the Boulder Valley Comprehensive Plan. If an application does not meet such requirements, it will be returned to the applicant with a written notice of the deficiencies. The applicant has five days from the date of receipt of such a notice in which to appeal to the planning board pursuant



to the provisions of [chapter 1-3](#), "Quasi-Judicial Hearings," B.R.C. 1981, except for the notice provisions thereof or to revise the application for reconsideration during that allocation period. Acceptance of an application or approval of an allocation does not constitute a finding by the city manager or the planning board that the development meets the requirements of this chapter or other ordinances of the city.

(h) Alterations to Applications Prohibited: An applicant may not alter its submitted application to request a different number of allocations after the application deadline for the quarter in which such application is made.

(i) Modification of Plans: No person shall modify the building permit application that accompanies an application for an allocation, except as follows:

(1) The applicant may modify a building permit application, substitute a plan, or move the building permit application from one lot to another lot within a development during the quarter that the allocation was awarded.

(2) The city manager may request the applicant to correct a building permit application at any time prior to the issuance of a building permit notwithstanding the limitations set forth in paragraph (i)(1) of this section. The applicant shall have twenty days, after the receipt of a written deficiency notice, to revise the application. If the applicant fails to respond within the ten days, the allocation shall expire.

#### **9-14-6 Calculation and Award of Allocations.** [top↑](#)

(a) Rounding Rule: Allocations will be rounded up if the prorated grant is 0.5 or greater.

(b) Award of Allocations: Unless modified by regulation of the planning board, the procedure for awarding allocations will be as follows for each allocation period:

(1) The planning board will determine whether or not to permit banking under subsection [9-14-7\(h\)](#), B.R.C. 1981.

(2) A staff recommendation will be made to the planning board proposing grants of allocations, which will be made available to the public at least five calendar days prior to the hearing considering granting such allocations.

(3) The planning board will hear any appeals from applicants concerning compliance with the requirements of subsection [9-14-5\(g\)](#), B.R.C. 1981. Such appeals shall be held pursuant to the provisions of [chapter 1-3](#), "Quasi-Judicial Hearings," B.R.C. 1981, except for the notice provisions thereof.

(4) The planning board will determine whether to borrow under subsection [9-14-3\(e\)](#), B.R.C. 1981.

(5) The planning board may find that more than one development exists for the purposes of this chapter where contiguous parcels of land have been combined to produce a unified development plan if an improved land use design is achieved by such combination.

(6) The planning board, at a public hearing held upon reasonable notice to the public, pursuant to the provisions of [chapter 1-3](#), "Quasi-Judicial Hearings," B.R.C. 1981, except for the notice provisions thereof, or the city manager, if no hearing is required, will award the available allocations on the basis of the formula set forth in subsection (c) of this section.

(c) Building Permits for Allocations: For each allocation period, the number of building permit allocations to be awarded to each development shall be equal to the number of allocations requested for that development multiplied by the total number of unborrowed and unreserved allocations divided by the total number of allocations requested in that allocation period. Developments applying shall be granted a minimum of one allocation per quarter under the provisions of subsection [9-14-2\(g\)](#), B.R.C. 1981, prior to any proration, and such proration shall be subject to all other provisions of this chapter affecting grants of allocations, including, without limitation, the provisions of subsection [9-14-2\(c\)](#), paragraphs [9-14-4\(b\)\(2\)](#) and [\(b\)\(3\)](#), and subsections [9-14-5\(c\)](#), [\(e\)](#), and [\(f\)](#), B.R.C. 1981. If insufficient allocations are available, a random selection shall be held to determine the order in which allocation requests are granted.

(d) Distribution of Allocation to Developments With Multiple Owners: If a development with multiple

owners applying for allocations receives less than all of the requested allocations, unless unanimous agreement is reached, a random selection shall be held to determine the order in which allocation requests are granted. Applicants not receiving an allocation will have the priority established by such agreement or random selection within that development in future allocation periods.

(e) Grant of Allocations If Fewer Than Total Are Requested: In the event that fewer allocations are requested than are available during any allocation period, the city manager will grant all allocations requested within two weeks of the application date without action of the planning board, subject to the restrictions of subsection [9-14-2\(c\)](#), B.R.C. 1981.

### **9-14-7 Conditions of Approval.** [top↑](#)

(a) Length of Allocation Validity: Allocations are valid for a total of two allocation periods. The first allocation period shall be the allocation period in which the allocation is granted. The second allocation period shall be the next allocation period after which the allocation is granted. Once the grantee of an allocation receives a building permit, the grantee shall comply with the construction schedule prescribed by subsection [9-14-2\(f\)](#), B.R.C. 1981.

(b) Planning Board Conditions: For good cause, the planning board may impose terms and conditions on the grant of any allocation including, without limitation, modification of the time period set forth in subsection (a) of this section.

(c) Allocations Granted for Specific Developments: Each allocation shall be granted for a specific development and shall indicate such development. Any assignee of any allocation is subject to the terms and conditions under which the original allocation was granted.

(d) Planning Board Action: The planning board may take action pursuant to subsection (e) of this section upon a finding that:

- (1) The grantee failed to comply with the terms and conditions of an allocation's approval, including, without limitation, all provisions of this code and other ordinances of the city;
- (2) The grantee surrendered a banked allocation substantially later than it knew or should have known in good faith that it would not be needed; or
- (3) The grantee could not reasonably have anticipated using the number of allocations applied for or banked.

(e) Planning Board Hearing and Sanctions: At any time, after a hearing held pursuant to the provisions of [chapter 1-3](#), "Quasi-Judicial Hearings," B.R.C. 1981, except for the notice provisions thereof, the planning board may impose for violation of subsection (d) of this section any or all of the following sanctions:

- (1) Void any allocation;
- (2) Revoke the building permit for any dwelling unit as to which the allocation is voided;
- (3) Suspend a grantee's and a grantee's assignee's privilege to apply for any allocation or building permit for a period of up to eighteen months.

(f) Allocations Surrendered or Voided: If a grantee of an allocation or allocations in a development surrenders an allocation or a building permit or allows an allocation or a building permit to become void, that number of allocations shall be subtracted from the allocations otherwise awardable to that grantee in that development in the next allocation period after the allocations or building permits are surrendered or become void unless the surrendered or voided allocation was awarded in an allocation period in which excess allocations existed.

(g) Failure to Use Allocations: If, in two out of any four consecutive allocation periods, a grantee of an allocation or allocations in a development surrenders an allocation or a building permit or allows an allocation or a building permit to become void, then the grantee may not reapply for any allocation in that development for two consecutive allocation periods, unless permitted by the planning board upon a finding of extreme hardship at a hearing held upon reasonable notice to the public prior to the relevant application deadline. The provisions of [chapter 1-3](#), "Quasi-Judicial Hearings," B.R.C. 1981,

shall apply to such hearing, except for the notice provisions thereof. This subsection shall not apply to surrendered or voided allocations or building permits which were not subject to the penalty provision of subsection (f) of this section.

(h) Banking of Allocations: Notwithstanding any other provision of this section, a development which cannot use all allocations granted may bank allocations under the provisions of this subsection:

(1) An applicant desiring to bank allocations may do so:

(A) Without consent, if it is banking to its minimum building size(s); or

(B) With the consent of the planning board, upon a finding that building configuration or infrastructure phasing require that a larger increment of the development be built at one time.

(2) Application for banking shall be made at or before the time of the allocation application, declaring the number of dwelling units in each building in the development, the number of allocations which may be sought to be banked, and the reason therefor.

(3) The planning board shall determine at a hearing held upon reasonable notice to the public, pursuant to the provisions of [chapter 1-3](#), "Quasi-Judicial Hearings," B.R.C. 1981, except for the notice provisions thereof, prior to the hearing considering granting allocations, whether or not to permit banking and if so, for what maximum period.

(4) An applicant banking allocations must apply in every allocation period until the number of allocations sought to be banked is granted and shall not bank such allocations after such number is granted.

(5) An applicant banking allocations shall notify the city manager in writing within ten days after the allocations are granted of the number of allocations being banked and the reason therefore.

(6) No allocations granted under [section 9-14-10](#), "Excess Allocations Provisions," B.R.C. 1981, may be banked.

### **9-14-8 Exemptions.** [top↑](#)

(a) Exempt Dwelling Units Not Counted: The following types of dwelling units will not be counted against the total allocations available set forth in [section 9-14-3](#), "Allocations Available," B.R.C. 1981, and may be issued a building permit without an allocation:

(1) Permanently affordable dwelling units approved by the city manager;

(2) Dwelling units built pursuant to a development right pursuant to the intergovernmental agreement between the city and Boulder County, dated April 4, 1995, that is transferred into the city;

(3) Housing projects built by the University of Colorado for the sole purpose of providing housing for students, staff, and faculty of the university;

(4) Dwelling units that are not permanently affordable units in developments with a minimum of thirty-five percent permanently affordable dwelling units and a phasing plan approved by the city manager that provides for the concurrent construction of the permanently affordable and non-permanently affordable dwelling units; and

(5) Mixed use developments.

(6) Dwelling units built on land that was rezoned from a nonresidential zoning district classification in subparagraphs 9-5-2(c)(2)(D) to (c)(2)(H) and paragraph (c)(3), B.R.C. 1981, to a residential zoning district classification in subparagraphs 9-5-2(c)(1) and (c)(2)(A) to (c)(2)(C), B.R.C. 1982, after August 19, 2004.

(b) Exempt Dwelling Units Counted: No development shall receive more than forty allocations per year pursuant to this subsection. However, such developments may apply for excess allocations under the provisions of [section 9-14-10](#), "Excess Allocations Provisions," B.R.C. 1981. Detached dwelling units on single family lots plotted on or before November 10, 1976, will be counted against the total allocations available set forth in [section 9-14-3](#), "Allocations Available," B.R.C. 1981, and may be issued a building permit outside the quarterly allocation process.

(c) Exempt Allocations Granted by Planning Board: The planning board may allocate up to a total of

thirty exemptions per year to developments in the categories set forth below. Such allocations will be counted against the total allocations available set forth in [section 9-14-3](#), "Allocations Available," B.R.C. 1981. The planning board will grant such allocations upon finding good cause, after reasonable notice to the public and a public hearing and upon such conditions as it may prescribe for the following types of dwelling units:

(1) Landmarked buildings; and

(2) Group housing for a special population.

(d) Exemption Applications: An applicant for an exemption under subsection (a) or (b) of this section shall file a request with the city manager on a form furnished by the manager providing information from which the manager can reasonably determine whether the applicant is entitled to an exemption. For exemption applications pursuant to subsections (a) and (b) of this section, the manager will inform the applicant in writing within a reasonable time of denial or approval. Such determination may be appealed to the planning board at a hearing held upon reasonable notice to the public pursuant to the provisions of [chapter 1-3](#), "Quasi-Judicial Hearings," B.R.C. 1981.

### **9-14-9 Regulations.** [top↑](#)

The planning board is authorized to adopt regulations to implement the provisions of this chapter.

9-14-10 Excess Allocations Provisions. [top↑](#)

(a) Award of Excess Allocations: Notwithstanding the provisions of subsections [9-14-4\(a\)](#), [9-14-6\(c\)](#), (d), and [9-14-7\(a\)](#), B.R.C. 1981, the city manager may award excess allocations to developments under the provisions of this section. Excess allocations shall not include those allocations that are not accepted after award pursuant to subparagraph [9-14-6\(b\)\(5\)](#), B.R.C. 1981, or are voided or surrendered under [section 9-14-2](#), "General Provisions," [9-14-3](#), "Allocations Available," or [9-14-7](#), "Conditions of Approval," B.R.C. 1981.

(b) Conditions for Excess Allocations: In addition to all applicable requirements of this chapter, excess allocations may be awarded subject to the following conditions:

(1) Applications for excess allocations will be processed and completed on a first come, first served basis. If more than one applicant in a development submits a request for excess allocations, the time of filing the application will control, and no apportionment among various applicants in a development will occur.

(2) Notwithstanding the limitations of subsection [9-14-5\(e\)](#), B.R.C. 1981, the city manager may award no more than twenty-five excess allocations or ten percent of the available excess allocations in an allocation period, whichever is less, to a development.

(3) Excess allocations are valid until the end of the allocation period in which they are granted or thirty days, whichever is less.

### **9-14-11 Monitoring and Evaluation.** [top↑](#)

Prior to December 31, 2004, and after the completion of the 2000 Census, city council will review the demographics of the city and the number of buildable or redevelopable lots and shall establish, amend, or adjust, as it deems appropriate, the number of available allocations and exemptions for subsequent years to correspond to a maximum rate of growth in the city's number of total dwelling units to approximately one percent.

Location	Purpose/Intent	Growth Targets	Allocation Process				Future Allocations	Review Process	Key Findings	
			Allocation Amount	Exemptions	Schedule	Requirements				Termination
<a href="#">Pitkin County</a>	<ul style="list-style-type: none"> <li>Manage the rate, type, location, quality and ultimate quantity of growth within the Rural and Urban areas</li> <li>Manage change and pace of change</li> <li>Maintain rural character</li> <li>Direct growth to preserve and compatible uses</li> <li>Preserve historic structures, existing ag and open space lands</li> </ul>	<ul style="list-style-type: none"> <li>Residential</li> <li>Commercial</li> <li>Tourist accommodations</li> <li>Civic and institutional uses</li> </ul>	<ul style="list-style-type: none"> <li>Residential - new lots Varies by area (23,000 UGB; 10,000 CR; 5,750 FryPan; 25,000 remaining rural)</li> <li>Residential additions 10,000 UGB; 4,000 CR; 25,000 Rural areas</li> <li>Commercial 43 EGUs</li> <li>Tourist - 31 Units</li> </ul>	<ul style="list-style-type: none"> <li>Attachment B(3) from 9/17/2014 Packet</li> <li>Deed-restricted housing</li> <li>TDRs</li> <li>Lots over 500 acres</li> <li>Specific zones</li> <li>Up to 5,750 on pre-existing lots</li> <li>Remodel, replacement</li> <li>Civic and institutional uses</li> </ul>	<ul style="list-style-type: none"> <li>Annual deadlines set</li> <li>Residential new lots - 9/1</li> <li>Residential addition - 1/15</li> <li>Commercial - 11/15</li> <li>Tourist - 10/1</li> </ul>	<ul style="list-style-type: none"> <li>Section 2-40-40</li> </ul>	<ul style="list-style-type: none"> <li>Allotments do not expire</li> </ul>	<ul style="list-style-type: none"> <li>Unused allotments do not carry forward</li> </ul>	<ul style="list-style-type: none"> <li>Not specified</li> </ul>	<ul style="list-style-type: none"> <li>Scoring based on fire, roads, transit, environment, water, and achievement of community goals</li> </ul>
<a href="#">City of Aspen</a>	<ul style="list-style-type: none"> <li>Meet the goals of the AACP,</li> <li>Orderly growth</li> <li>Sufficient public facilities, and support services (housing, traffic, parking)</li> <li>Maintain the character and ambience of the City</li> </ul>	<ul style="list-style-type: none"> <li>Carrying capacity = 30,000 (permanent &amp; visitor). Max growth rate = 2% /year</li> <li>Exception for affordable housing and lodging</li> <li>Includes residential, lodging, commercial and civic facilities</li> </ul>	<ul style="list-style-type: none"> <li>Residential free-market (0.5%) = 18 units</li> <li>Lodging (1.5%) = 112 pillows (1 bdr = 2 pillows)</li> <li>Commercial (2%) = 33,300 net leasable sq ft</li> </ul>	<ul style="list-style-type: none"> <li>Affordable housing</li> <li>Essential public facilities</li> <li>Remodel (SF, multi-family, commercial)</li> <li>Conversion of SF to duplex (or vice versa)</li> <li>Relocation of historic structures</li> <li>TDRs</li> <li>Temporary uses/special events</li> <li>ADUs</li> <li>public infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>Calendar year</li> <li>First come, first served</li> <li>Accepted year round</li> </ul>	<ul style="list-style-type: none"> <li>Allotments allocated at time of development order for the project</li> <li>HPC conceptual approval required</li> <li>Non-transferable</li> <li>Multi-year allotments may be available provided the allotment in 1 year does not exceed the annual allotment</li> </ul>	<ul style="list-style-type: none"> <li>No more than 1 allotment per parcel at same time</li> <li>Allotments only eligible within GM session submitted (no automatic resubmission)</li> <li>3 years after the issuance of the development order</li> </ul>	<ul style="list-style-type: none"> <li># of allotments remaining under established development ceiling (based on carrying capacity) as year-end growth summary.</li> <li>Development shall not exceed ceiling levels</li> <li>Based on number of annual allotments plus carry-forwards from prior year (including multi-year allotments)</li> <li>City Council may carry forward all or none of prior year unused allotment</li> <li>Expired allotments may be added to the next year's allotment amount</li> </ul>	<ul style="list-style-type: none"> <li>City council reviews growth management quota system at first GMQS meeting of the year to evaluate number allotments, carry forwards and allotments remaining compared to ceiling</li> </ul>	<ul style="list-style-type: none"> <li>Reconstruction limitations requires that site may not sit vacant for more than 1 year (w/ 1 year of issuance of demolition permit)</li> </ul>
<a href="#">Barnstable, MA</a>	<p>Predictable rate of development that protects the health, safety and welfare of current and future residents. Rate should not exceed the Town's ability to provide adequate infrastructure, capital improvements and protect the environment.</p>	<p>Affordable Housing = 36 dwelling units / year</p> <p>Market Rate Housing Graduated System: Yr 1 = 132 units Yr 2 = 126 units Yr 3 = 108 units Yr 4 and beyond = 96 units</p>	<p>Residential units Affordable and Market rate. Single family units, owned and to be occupied on a single lot must be issued within 24 months of application.</p>	<ul style="list-style-type: none"> <li>Demonstrated Hardship</li> <li>Municipal</li> <li>Accessory affordable housing</li> <li>Senior care communities</li> <li>Nonresidential</li> <li>Reconstruction, extensions, modifications</li> </ul>	<ul style="list-style-type: none"> <li>96 annual allotments</li> <li>Open process, allotments issued monthly.</li> </ul>	<ul style="list-style-type: none"> <li>First come, first serve</li> <li>No more than 20 permits to a given person within a year (financial interest &gt;1%)</li> <li>No person may receive permits within 10 days of prior permit</li> <li>Permits may be transferred to another lot owned by same applicant. Does not extend time period.</li> </ul>	<ul style="list-style-type: none"> <li>Building permits shall be exercised in a "continuous and expeditious manner."</li> <li>Construction within 6 months, may receive one 6-month extension.</li> <li>If single lot is issued within 24 months of application, the building permit will count against the market rate allotment.</li> </ul>	<p>If no market allocations are available in a given month, staff may issue six (6) permits in that month and decrease subsequent annual market allocations</p>	<ul style="list-style-type: none"> <li>Must demonstrate buildability of lot</li> <li>Allotments reviewed prior to each month's allocation. Number may be increased/decreased depending upon adjustments from prior month.</li> </ul>	<p>Provides details regarding transitioning to a new system.</p>
<a href="#">Boulder, CO (City)</a>	<ul style="list-style-type: none"> <li>Create a growth rate system that will preserve unique environment and high quality of life.</li> <li>Assure pace of growth does not exceed public services</li> <li>Avoid air/water quality degradation</li> <li>Encourage redevelopment to reduce infrastructure costs</li> </ul>	<ul style="list-style-type: none"> <li>&lt;= 1% per year average (acknowledges fluctuations year to year)</li> <li>No more than 40 allocations to a development in one year</li> <li>2006 = 428</li> <li>2007 = 432</li> <li>2008 = 436, etc.</li> <li>Max per year not to exceed 20% of unadjusted amount</li> </ul>	<ul style="list-style-type: none"> <li>1 allocation / dwelling unit</li> <li>1/2 allocation / efficiency unit;</li> <li>1/3 for group residence;</li> <li>1/6 (or 1/8 depending on density) for group care/residential care facility;</li> <li>1/5 for units w/o kitchens</li> <li>0 allocation for ADU, B&amp;B, hostel, motel, hotel</li> </ul>	<ul style="list-style-type: none"> <li>Permanent affordable housing</li> <li>DU pursuant to development right between City/County</li> <li>CU Housing</li> <li>Units not permanent affordable housing, but with minimum 35% permanent affordable housing</li> <li>Mixed use</li> <li>Board may exempt up 30 / year for 1) landmark buildings; 2) group housing for special population</li> </ul>	<ul style="list-style-type: none"> <li>Allocation applications reviewed quarterly</li> <li>1/4 of annual allocation distributed quarterly (given necessary adjustments from prior quarters)</li> </ul>	<ul style="list-style-type: none"> <li>Each development guaranteed one allocation/allocation period.</li> <li>Allocation application to include</li> <li># allocations requested</li> <li># dwelling units</li> <li>site plan suitable for BP application</li> <li>allocations prorated if more requests than allocations in a period</li> </ul>	<ul style="list-style-type: none"> <li>Allocation valid for two allocation periods (first period includes the quarter in which allocation granted)</li> <li>30 days to obtain building permit after allocation. If building permit denied, allocation is void.</li> <li>Once a building permit is received, must comply with construction schedule per LU Code</li> <li>Applicant may be approved to bank allocations per provisions in LU Code.</li> </ul>	<p>Calendar year adjustments:</p> <ul style="list-style-type: none"> <li>subtracting allocations borrowed/reserved during prior year</li> <li>adding allocations reserved under prior GM ordinance</li> <li>adding allocations available, but not granted during prior year (up to 25% of existing year total).</li> <li>Allotments may be borrowed or reserved for future allotment periods.</li> </ul>	<ul style="list-style-type: none"> <li>City council review demographics of city and number of buildable/redevelopable lots and may amend/adjust allocations and exemptions to ensure maximum 1% growth is maintained</li> </ul>	<p>New Mexico evaluation of Boulder GM over 20 years. Boulder able to maintain 1% increase over 20 years. Surrounding County, MSA outpaced City of Boulder. But had the highest price increase in housing in the nation in the late 90s.</p>
<a href="#">Healdsburg, CA</a>	<ul style="list-style-type: none"> <li>Voter-approved GM and part of the Healdsburg General Plan to limit residential growth within the UGB.</li> <li>Category A = project that creates 4 or less lots or 4 or less DUs on an existing lot of record.</li> <li>Category B = project that creates 5 or more residential lots or 5 or more DUs existing on a lot of record.</li> </ul>	<p>Average 30 allocations per year, and may not exceed 90 in three year period.</p>	<ul style="list-style-type: none"> <li>Cat A: 10 DU allocations/year</li> <li>Cat B: 20 DU allocations/year.</li> </ul>	<ul style="list-style-type: none"> <li>Affordable housing</li> <li>Second dwelling units</li> <li>Replacement, reconstruction of existing units</li> <li>Homeless shelters</li> <li>Senior facilities</li> <li>Community and health care facilities</li> </ul>	<ul style="list-style-type: none"> <li>First come, first served, annually on January 1 each year.</li> </ul>	<ul style="list-style-type: none"> <li>No building permit without a dwelling allocation.</li> <li>Exempt affordable housing must remain in affordable housing for minimum 10 years</li> <li>Cat B must obtain final discretionary approval prior to receiving allocation</li> </ul>	<ul style="list-style-type: none"> <li>Allocation expires when building permit expires.</li> </ul>	<ul style="list-style-type: none"> <li>Unassigned Cat A allocations within a given year may be reassigned as Cat B allocations at the end of the year.</li> <li>Cat B may request phasing over 2 years of allocations</li> <li>No more than 10 future year allocations may be reserved for future Cat B requests.</li> <li>Unassigned allocations may carry over for two additional years, provided that within 3 years, total allocations does not exceed 90.</li> </ul>	<ul style="list-style-type: none"> <li>Staff prepared annual report on GM program to include:</li> <li># allocations issued/year</li> <li># allocations reserved</li> <li># BP issued/year</li> <li># BP and allocations issued to date</li> <li>identification of any issues and suggestions for future year.</li> </ul>	<ul style="list-style-type: none"> <li>Program creates stratification for high density and low density development. May be an adaptable method.</li> <li>Accounts for fluctuations in development within a 3 year period.</li> </ul>

Location	Purpose/Intent	Growth Targets	Allocation Process				Future Allocations	Review Process	Key Findings	
			Allocation Amount	Exemptions	Schedule	Requirements				Termination
<a href="#">Lyndeborough, NH</a>	Prevent shortage of resources caused by abnormal spurts of growth, including <ul style="list-style-type: none"> <li>• inadequate public facilities</li> <li>• loss of control over tax rates</li> <li>• health and safety issues</li> </ul>	<ul style="list-style-type: none"> <li>• Planning Board determines growth rate that is appropriate for Town, based upon Master Plan, Capital Improvement Plan (3.2%)</li> </ul>	<ul style="list-style-type: none"> <li>• One growth permit per construction of dwelling unit.</li> <li>• Conversion of a single DU to a two-family DU will require one permit for additional DU.</li> </ul>	Not specified.	<ul style="list-style-type: none"> <li>• Calendar year</li> <li>• First come, first serve.</li> <li>• If excess as of December 1, applicant that have already been issued their max permits per year may apply for an additional single permit.</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant must satisfy all requirements of a Building Permit to apply for growth permit.</li> <li>• Building Permit evaluation process will also determine growth permit.</li> <li>• No person may be issued more than 2 permits within calendar year</li> </ul>	<ul style="list-style-type: none"> <li>• Growth permit valid for one year from date of issuance. If foundation is not completed within one year, permit is withdrawn and added to current year allotment.</li> <li>• Withdrawal of BP by permit holder with also withdraw growth permit</li> <li>• Growth permits are not transferable</li> </ul>	<ul style="list-style-type: none"> <li>• Unused permits at the end of the year (less prior year rollover) will be rolled over to following year</li> </ul>	<ul style="list-style-type: none"> <li>• Ordinance reviewed annually by the Planning Board</li> </ul>	<ul style="list-style-type: none"> <li>• No set growth rate, determined by planning board based on various criteria</li> </ul>
<a href="#">Placer County, CA</a>	Develop a fair and equitable system to implement the limitations of development based on the bistate compact with Tahoe Regional Planning Agency <ul style="list-style-type: none"> <li>• Only applicable to the Tahoe Basin, not entire county</li> </ul>	<ul style="list-style-type: none"> <li>• No annual allotment detailed.</li> </ul>	<ul style="list-style-type: none"> <li>• All new residential units require an allotment</li> </ul>	<ul style="list-style-type: none"> <li>• Remodels, reconstructions</li> </ul>	<ul style="list-style-type: none"> <li>• Calendar year</li> <li>• Applications accepted on the first Monday after Jan 1 at 8 am</li> <li>• Applications accepted for 5 days</li> <li>• If more applications than allotments, a drawing on third Monday in January and waiting list for those not selected</li> <li>• Waiting list voided on Dec 31</li> </ul>	<ul style="list-style-type: none"> <li>• Allocation required prior to receiving building permit</li> <li>• Must demonstrate connection to sewer system</li> <li>• Must submit a plot plan with coverage, topo lines, elevation plans, floor plan</li> <li>• 150 days to submit BP</li> </ul>	<ul style="list-style-type: none"> <li>• Termination if site plan not approved within 12 months</li> </ul>	<ul style="list-style-type: none"> <li>• Allotments reset on January 1</li> </ul>	<ul style="list-style-type: none"> <li>• Applications reviewed on 3rd Monday of January.</li> </ul>	<ul style="list-style-type: none"> <li>• Required to provide approval of sewer system connection prior to allotment reward</li> </ul>
<a href="#">Hudson, OH</a>	<ul style="list-style-type: none"> <li>• Ensure infrastructure can keep up with growth</li> <li>• Fiscal impact does not exceed revenues</li> <li>• Maintain community character, prevent overcrowding</li> </ul>	<ul style="list-style-type: none"> <li>• Allocations set by City Manager. No long-term goal</li> </ul>	80% allocations must meet priority areas: <ul style="list-style-type: none"> <li>• affordable housing</li> <li>• senior housing</li> <li>• SFU on a legal, established lot</li> <li>• New lot with a minimum of 5 acres and within 1000' of water/sewer</li> </ul> 20% allotments to remaining pool	<ul style="list-style-type: none"> <li>• Nonresidential development (civic, commercial, industrial, institutional</li> <li>• Remodel, reconstruction, replacement that does not increase the number of DU that previously existed on the site</li> </ul>	<ul style="list-style-type: none"> <li>• Annual allocation Aug-July.</li> <li>• Two allocation periods ending August 1 and March 1. 50% per period</li> </ul>	<ul style="list-style-type: none"> <li>• Residential allotment required for building permit</li> <li>• If Priority or General pool requests exceed allotments, then awarded on a prorata basis</li> <li>• No development may apply for more than 30 allotments in one year, but multi-year allotments allowed.</li> <li>• If excess requests, allotments awarded at random</li> </ul>	<ul style="list-style-type: none"> <li>• Allotments valid for two years from date awarded. Owner required to secure a new allotment construction has not commenced within two years.</li> </ul>	<ul style="list-style-type: none"> <li>• Excess allotments may be carried over to second period within a year</li> <li>• Excess annual allotments will be counted as a surplus and considered in the following year's annual allotment amount.</li> </ul>	<ul style="list-style-type: none"> <li>• Staff responsible for annual allocation review report.</li> <li>• Details organizational revenues and expenses, capital plan progress, etc.</li> </ul>	
<a href="#">Monroe County, FL</a>	<ul style="list-style-type: none"> <li>• Purpose and intent driven by hurricane evacuation times. Must minimize population in order to meet maximum hurricane evacuations</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Residential</b> growth based per unit</li> <li>• Residential target based on the rate, amount, location and ratio of market rate to affordable housing to determine available development in the County.</li> <li>• <b>Nonresidential</b> growth based per finished square footage (&gt;1000 SF), high intensity uses, and new, nonpublic nonresidential development in sensitive areas</li> </ul>	<ul style="list-style-type: none"> <li>• Subareas have individual allotments; affordable housing allotment county wide. (Total 197)</li> <li>Area 1 = 61 market ;35 afford; 22,944 SF</li> <li>Area 2 = 57 market; 34 afford; 21,749 SF</li> <li>Area 3 = 8 market; 2 afford; 2,390 SP</li> </ul>	<ul style="list-style-type: none"> <li><b>Residential</b></li> <li>• Redevelopment</li> <li>• Off-site transfers</li> <li>• Development not increasing hurricane evac times</li> <li>• Civic</li> <li>• Other nonresidential (fencing, structure, etc not resulting in residential limit.</li> <li><b>Nonresidential</b></li> <li>• no net floor area increase</li> <li>• civic</li> <li>• non-profit development</li> <li>• vested rights</li> <li>• Agriculture</li> </ul>	<ul style="list-style-type: none"> <li>• Annual allocation and quarterly allocation limits</li> <li>• Each application (completed) is evaluated based on criteria set forth in code.</li> <li>• Maximum SF per period awarded = 10,000 SF</li> <li>• Maximum SF per site, may not exceed 10,000 per any one structure</li> </ul>	<ul style="list-style-type: none"> <li>• Allotment application must be accompanied by a building permit application.</li> <li>• Only 1 application per person per quarter</li> </ul>	<ul style="list-style-type: none"> <li>• Allocation will expire if BP is not picked up within 60 days of issuance; expiration of the BP, or failure to submit revised plans as requested</li> </ul>	<ul style="list-style-type: none"> <li>• Additional allocations may be awarded if project receives an allocation, but not enough to complete project</li> <li>• Future market rate allotments may not be reduced by more than 20% and shall not be applied more than 5 annual allotments (20 allotment periods)</li> <li>• Board may approve 100% of affordable housing allotment over the next five years in a given year if necessary</li> <li>• Excess SF reserved to a SF bank and recorded quarterly</li> <li>• Use of SF in bank dependent on residential evaluation.</li> </ul>	<ul style="list-style-type: none"> <li>• Ratio of market to affordable may change upon annual review</li> <li>• Quarterly report submitted by staff</li> </ul>	<ul style="list-style-type: none"> <li>• Based on three planning areas. Allotments change depending on the sensitivity of specific planning areas</li> <li>• Moratorium on hotel/motel until 2022</li> <li>• Details evaluation criteria</li> <li>• Nonresidential based on SF may be useful. Note that at Year 20 of program, over 400,000 SF reserved to SF bank</li> </ul>

Location	Purpose/Intent	Growth Targets	Allocation Process				Future Allocations	Review Process	Key Findings		
			Allocation Amount	Exemptions	Schedule	Requirements					Termination
<a href="#">Santa Barbara County, CA</a>	<ul style="list-style-type: none"> <li>Purpose is to maintain the semi-rural character of the area;</li> <li>Pace residential growth and prevent resource depletion until growth and development are brought into balance with resources, services and infrastructure</li> <li>Based on Environmental Impact Report</li> <li>No new extractions in groundwater.</li> <li>Each development must ensure a "safe yield" of groundwater resources prior to receiving allotment.</li> </ul>	<ul style="list-style-type: none"> <li>Steady, rather than fluctuation growth</li> <li>Economic and population growth to proceed at a rate that is sustainable by resources</li> <li>Target is 0.5% annual increase above 1989 housing stock (flat)</li> </ul>	<ul style="list-style-type: none"> <li>19 units per year</li> </ul>	<ul style="list-style-type: none"> <li>Category A: Second unit on the same single family lot; supportive housing; reconstruction and replacement; conversions to condos</li> <li>Category B: up to 8 affordable housing units per year are exempt; any in addition to the 8 will receive priority within the lottery</li> <li>Category C: Hardship</li> </ul>	<ul style="list-style-type: none"> <li>Allocations are granted semi-annually; (45 day period application moratorium prior to end of allocation period</li> <li>Each application is evaluated on a point system</li> <li>Point system includes specifics on water, fire, etc.</li> </ul>	<ul style="list-style-type: none"> <li>Must ensure safe yield of groundwater resources; and fire response time does not exceed 5 minutes</li> <li>Target also to ensure clean air compliance</li> <li>Allotment only valid for specific lot</li> <li>Allotment must be approved prior to application to Architectural Review Board</li> </ul>	<ul style="list-style-type: none"> <li>Allotment will expire if application to Arch Review Board not received within 6 months</li> </ul>	<ul style="list-style-type: none"> <li>Excess allotments may carry over into following year, but only 19 total allotments will still be permitted within a calendar year.</li> </ul>	<ul style="list-style-type: none"> <li>Allotment amounts are reviewed at the end of each allotment period and evaluated.</li> <li>Growth Management ordinance reviewed every five years</li> </ul>	<ul style="list-style-type: none"> <li>Growth was 2.26% prior to GM</li> <li>Ordinance developed to also manage the pace of development and prevent rapid depletion of resources and develop long-term water partnerships</li> </ul>	Link to Environmental Impact Report
<a href="#">Santa Cruz County, CA</a>	<ul style="list-style-type: none"> <li>Intent is to maintain the distinction between the urban and rural areas of the county.</li> <li>Designed to provide for a reasonable balance between permits reserved for large projects and permits available to individual owners and contractors.</li> </ul>	<ul style="list-style-type: none"> <li>Not specified</li> </ul>	<ul style="list-style-type: none"> <li>Not specified</li> <li>Board determines the balance between individual requests and multi-housing developments</li> </ul>	<ul style="list-style-type: none"> <li>Septic tanks, encroachment or other ministerial permits</li> <li>Parcel approvals</li> <li>Nonresidential</li> <li>Buildings to be moved from one site to another within the County or outside the County (bringing a residential unit from an outside county into the county warrants an allocation)</li> </ul>	<ul style="list-style-type: none"> <li>Excess allotment requests put on waiting list, separated by urban and rural, small and large</li> </ul>	<ul style="list-style-type: none"> <li>Allocation required with for building permit for single and multi-family, mobile home, or other dwelling unit.</li> <li>Not transferable</li> <li>Allotment only awarded once all other applicable permits and approvals received</li> </ul>	<ul style="list-style-type: none"> <li>If allocation is returned, abandoned or voided, allocation is reissued to next eligible applicant on waiting list</li> </ul>	NA	NA	<ul style="list-style-type: none"> <li>Specifies allocations between urban/rural and individual/multi-home applicants</li> </ul>	
<a href="#">San Juan Batista, CA</a>	<ul style="list-style-type: none"> <li>Residential development does not outpace the City's ability to provide, upgrade and expand essential services and maintain community character</li> <li>Particular infrastructure concerns are sewer and water lines, transportation and drainage</li> </ul>	<ul style="list-style-type: none"> <li>3% annual growth rate</li> <li>161 total between 2009 and 2015</li> </ul>	<ul style="list-style-type: none"> <li>Allocation only necessary for 3 or more units or lots</li> <li>Senior and low-income housing = 1/2 allocation</li> </ul>	<ul style="list-style-type: none"> <li>Projects with one or two residential units on a legal/existing lot</li> <li>Secondary dwelling units</li> <li>Density bonus projects (per statute)</li> </ul>	<ul style="list-style-type: none"> <li>5-year allocation schedule</li> <li>Annual allocation based on 5 year total</li> </ul>	<ul style="list-style-type: none"> <li>Allocation must be obtained prior to any discretionary approvals</li> <li>Applicants may apply current and prior year allocations to one project, upon Council review</li> </ul>	<ul style="list-style-type: none"> <li>Allocations valid for two years with a 1 year extension request</li> </ul>	<ul style="list-style-type: none"> <li>Expired and unused allocations may not roll over.</li> <li>If applications exceed allocations, council may award additional allocations if unused allocations in immediately preceding year</li> </ul>	<ul style="list-style-type: none"> <li>Annual review of program by Council and staff dependent on infrastructure constraints, number of existing units and lots</li> </ul>	<ul style="list-style-type: none"> <li>Only applicable to development projects of three or more units/lots</li> </ul>	
<a href="#">San Luis Obispo, CA</a>	<ul style="list-style-type: none"> <li>Protect and promote public health, safety and welfare</li> <li>Maintain growth rate consistent with community resources to support growth</li> </ul>	<ul style="list-style-type: none"> <li>2.3% increase annually per fiscal year</li> <li>0% growth between 2012 and 2015 in specific areas of the county</li> <li>Number is based on the number of existing county unincorporated housing units</li> </ul>	<ul style="list-style-type: none"> <li>Maximum annual allocation = determined by Board through annual allocation process</li> <li>35% reserved for multi-family developers or PUD (awarded allocations may be carried over to following year)</li> <li>65% available for all others</li> </ul>	<ul style="list-style-type: none"> <li>Secondary dwelling units</li> <li>Affordable housing</li> <li>Vesting rights</li> <li>Agriculture</li> <li>Replacement dwellings</li> </ul>	<ul style="list-style-type: none"> <li>If no allocations are available, applicant is put on a waiting list</li> </ul>	<ul style="list-style-type: none"> <li>Applies to all construction permits for dwelling units (including remodel)</li> <li>Allocation is awarded when allotment available and construction permit is submitted</li> <li>No single applicant may receive more than 5% in a given year</li> </ul>	<ul style="list-style-type: none"> <li>Not specified</li> </ul>	<ul style="list-style-type: none"> <li>If excess allocations available in either category, may be distributed to the other category within a given allocation year.</li> </ul>	<ul style="list-style-type: none"> <li>Allocations reviewed annually</li> </ul>	<ul style="list-style-type: none"> <li>Specific areas already have waiting lists and are administered by specific community service providers, some as far back as 1990.</li> </ul>	
<a href="#">Tracy, CA</a>	<ul style="list-style-type: none"> <li>Encourage diverse housing, concentric development, use of existing infrastructure, control the timing and amount of development and ensure adequate public services</li> </ul>	<ul style="list-style-type: none"> <li>Growth targets voter approved in 2000</li> </ul>	<ul style="list-style-type: none"> <li>Maximum 750 in calendar year</li> <li>150 for affordable housing</li> <li>225 reserved for development project the City has an agreement with</li> </ul>	<ul style="list-style-type: none"> <li>Remodel, minor addition/conversion</li> <li>Replacement</li> <li>Model homes</li> <li>Four units or less on a single lot</li> <li>Second unit</li> <li>Affordable housing (minimum 10 years)</li> </ul>	<ul style="list-style-type: none"> <li>Allotments based on calendar year</li> </ul>	<ul style="list-style-type: none"> <li>Must be compliant with regional housing needs assessment</li> </ul>	<ul style="list-style-type: none"> <li>Not specified</li> </ul>	<ul style="list-style-type: none"> <li>Not specified</li> </ul>	<ul style="list-style-type: none"> <li>Growth Management Board established to review the program and process</li> </ul>	<ul style="list-style-type: none"> <li>Growth management board to manage the program and help guide/direct staff</li> </ul>	