



STAFF REPORT

TO: PLANNING COMMISSION
FROM: JAMES GORHAM, ECONOMIC DEVELOPMENT MANAGER
RE: TOWN CODE: FAST TRACK AFFORDABLE HOUSING CODE
AMENDMENT: SECTION 180-2.8
DATE: AUGUST 20, 2026

Summary & Background:

Staff requests the Planning Commission discuss the proposed Fast Track Affordable Housing Code Amendment establishing a formal expedited review process for qualifying affordable housing developments. The proposed amendment creates a new Section 180-2.8 of the Frisco Town Code that implements a 90-day development review process for eligible affordable housing projects, consistent with Colorado Proposition 123 requirements and the Town's adopted Strategic Housing Plan.

The amendments are intended to reduce regulatory barriers, improve predictability for affordable housing developers, and maintain the Town's eligibility for future Proposition 123 housing funding, while preserving existing development standards and public review requirements.

Colorado voters approved Proposition 123 in November 2022, creating the Colorado Affordable Housing Financing Fund to increase housing production throughout the state. Jurisdictions choosing to participate receive access to state funding opportunities, but must meet required statutory requirements, including implementation of an expedited development review process for qualifying affordable housing projects.

In August 2023, the Town of Frisco formally committed to participate in Proposition 123. Since that commitment, the Colorado Department of Local Affairs (DOLA) has developed implementation guidance requiring participating municipalities to adopt local regulations that guarantee a final land use decision within ninety (90) calendar days of a complete application for qualifying affordable housing developments.

These regulations must be in place by December 31, 2026, for the Town to remain eligible for future Proposition 123 funding opportunities and competitive housing grant programs.

The proposed amendment implements these state requirements while advancing recommendations contained in the Town's Strategic Housing Plan.

Analysis:

In August 2023 the Town of Frisco submitted to the Colorado Department of Local Affairs (DOLA) a “Commitment” to increase affordable housing in the community. As part of that commitment, the Town was required to increase the number of affordable units by 16, with a requirement of certain AMI levels with a legally binding agreement, such as a deed restriction. Additionally, the Town is expected to implement an expedited review process for affordable housing development, which is the Fast Track Affordable Housing code amendment brought forth.

The new Section 180-2.8 establishes a formal Fast Track review process designed to:

- Reduce regulatory barriers that can delay affordable housing projects.
- Provide certainty and predictability to affordable housing developers.
- Encourage additional affordable and workforce housing construction.
- Maintain eligibility for Proposition 123 funding.
- Streamline permitting without reducing development standards or public review requirements.

The proposed code amendment establishes clear eligibility criteria for projects seeking expedited review. To qualify, a development must dedicate at least 50 percent of its dwelling units as affordable housing, with rental units serving households earning no more than 100 percent of the Area Median Income (AMI) and ownership units serving households earning no more than 150 percent of the AMI. Additionally, housing costs must remain affordable by not exceeding 30 percent of household income, and the project may be subject to deed restrictions consistent with the Town's affordable housing covenant. Participation in the expedited review process is entirely voluntary, allowing eligible applicants to either utilize the accelerated review timeline or proceed through the Town's standard development review process. This flexibility, required by state statute, acknowledges that some affordable housing projects may benefit from a traditional review schedule due to financing requirements, design coordination, or other project-specific considerations.

The Fast Track process applies to nearly every major land use entitlement required for affordable housing development, including:

- Major Site Plans
- Minor Site Plans
- Conditional Use Permits
- Building Permits
- Variances
- Planned Unit Development approvals and amendments that do not require a zoning approval or subdivision of land
- Post-approval modifications to approved affordable housing projects

Including the full spectrum of development applications ensures that expedited review continues throughout the project lifecycle rather than ending after initial land use approval.

The core aspect of the amendment is the Town's commitment to provide a final development decision within 90 calendar days after a complete application has been submitted. Staff review begins only after determining that an application is complete. Once complete, staff coordinates referral agency review, prepares recommendations, schedules any required public hearings, and processes the application through final action within the statutory timeframe. The proposed amendment also recognizes circumstances where additional time may be necessary, including:

- Mutual agreement between the applicant and the Town;
- State or court-ordered extensions;
- Delays caused by outside reviewing agencies; and
- Other extensions specifically authorized under Colorado law.

These provisions provide flexibility while maintaining compliance with Proposition 123 requirements.

Although review is expedited, the amendment does not eliminate public participation. Applications requiring Planning Commission review continue to be publicly noticed and scheduled at the next available hearing after a complete application is received. The Planning Commission and Town Council retain authority to approve, conditionally approve, or deny qualifying applications using the existing approval criteria established in the Town Code. Consequently, the ordinance shortens administrative timelines without reducing transparency or public involvement.

As previously mentioned, the amendment fulfills one of the primary implementation requirements of Proposition 123 by establishing a formal expedited development review process for qualifying affordable housing projects. State guidance requires participating local governments to adopt an expedited review process, demonstrate progress toward increasing affordable housing production, and maintain dedicated funding sources for affordable housing initiatives. Adoption of this ordinance will ensure the Town remains in compliance with these requirements and preserves its eligibility for future Proposition 123 funding opportunities. Failure to implement an expedited review process by December 31, 2026, could place the Town's participation in Proposition 123 at risk and limit access to state funding resources that support the development and preservation of affordable housing.

The amendment as presented has been reviewed by DOLA to assess compliance with Proposition 123 fast-track review requirements under C.R.S. 29-32-101(2) and 29-32-105(2) and has been found that the draft amendment addresses the expedited review requirements.

Financial Impact:

As mentioned in the analysis, the amendment fulfills one of the primary implementation requirements of Proposition 123 by establishing a formal expedited development review process for qualifying affordable housing projects. Adoption of this ordinance will ensure the Town remains in compliance with these requirements and preserves its eligibility for future Proposition 123 funding opportunities. Failure to implement an expedited review process by December 31, 2026, could place the Town's participation in Proposition 123

at risk and limit access to state funding resources that support the development and preservation of affordable housing.

Alignment with Strategic Plan:

The Plan touches on the following Strategic Objectives in the 2024-2028 Strategic Plan:

- Enhance Community Inclusivity
- Support a Thriving Economy

Staff Recommendation:

Staff requests the Planning Commission review the amendment as proposed and provide any productive feedback.

Reviews and Approvals:

- Katie Kent, Community Development Director

Attachments:

- Attachment 1 – 180-2.8 Fast Track for Affordable Housing Developments