



City of Boulder Housing & Human Services

Land Dedication Review and Approval Process

Updated 1/2024

Section 9-13-10(d), "Inclusionary Housing", B.R.C. 1981 includes an option to satisfy the inclusionary housing requirements by providing land to the city for affordable housing.

Process to propose land to satisfy Inclusionary Housing (IH) requirements:

1. Meet with a housing planner to review options to satisfy IH and determine if a land dedication is the desired option.
2. Submit a [Pre-Application Review form](#) to the Planning & Development Services Department. As part of the request include the following:
 - A letter detailing specifically how the proposed land meets the requirements listed below.
 - A site map showing flood designations, all easements and right of ways, existing trees, topography, and existing structures.
 - Vicinity map showing the application site and adjacent areas, streets and building footprints.

The land will be reviewed to determine the degree to which it meets the following requirements:

- a. The location of the land would meet city affordable housing objectives including:
 - i. Consistency with Boulder Valley Comprehensive Plan policies for affordable housing, including Policy 7.13 (Integration of Permanently Affordable Housing) to disperse and integrate affordable housing throughout the community;
 - ii. The land is annexed and zoned for residential use;
 - iii. Consistency with the land use map and the service area map;
 - iv. Consistency with any applicable adopted area plans;
 - v. Able to support multi-modal mobility (walking, biking, and other alternatives to the single- occupant vehicle);
 - vi. Affordable housing development is compatible with adjacent uses; and
 - vii. The land can reasonably be developed for affordable housing.
- b. No greater than 10% of the land may be located within the high hazard zone or conveyance zone of the city's floodplains. No greater than 25% of the land may be within the 100-year floodplain. If any portion of the land is in the high hazard zone, conveyance zone, or 100-year floodplain the city manager will have the sole discretion to determine if the land is appropriate for affordable housing development.

City staff will review the application and letter to determine if there is sufficient detail to evaluate if the proposed land adequately meets the requirements. Staff may request additional information required to make this determination. Once a determination is made, the applicant may request a meeting to discuss the decision.

If the site is determined to meet the above requirements the following steps must be completed:

1. Satisfactory proof of title must be provided to the city manager within 30 days before the effective date of dedication to the city or an entity designated by the city for such dedication. The land must be free of all liens and encumbrances and all property taxes and special taxes must be current before the title for the dedicated land is conveyed. Dedicated land must be in the form of a fee simple parcel that will be fully owned by the city or its designee.
2. Provide a clean Phase I Environmental Assessment to demonstrate that the land is acceptable for residential development. Other studies or assessments may be required to make this determination.
3. The value of the land to be dedicated will be determined, at the cost of the developer, by an independent appraiser to be selected from a list of Colorado Certified General Appraisers provided by the city, or by such alternative means of valuation to which a developer and the city may agree.
4. If the appraised value of the land does not equal the full amount of the cash-in-lieu owed, the applicant shall contribute cash-in-lieu to make up any gap between the value of the donated land and the total cash-in-lieu contribution amount.
5. Dedicated land plus any cash-in-lieu contributed must be of equivalent or greater value to the total cash-in-lieu contribution amount.
6. Open Space Requirement: If land proposed to be dedicated under this subparagraph is part of the same site review as the market rate units that create the inclusionary housing requirement the open space requirements for any permanently affordable units constructed on the land proposed to be dedicated shall be met entirely on the land proposed to be dedicated and the open space requirements for the market rate units shall be met entirely within the market rate unit development.
7. A signed warranty deed granting land to the city or its designee will be executed prior to application for any residential building permit by the sending site.

For questions about this process, please contact a housing planner at:
inclusionaryhousing@bouldercolorado.gov.