

Colorado Municipal League champions local zoning rights

By Meghan MacKillop, legislative & policy advocate

On Jan. 17, Gov. Jared Polis gave the first state of the state address for his second term. Gov. Polis spoke about public safety, education, water, and most notably affordable housing. He devoted much of his speech to the affordable housing crisis in the state. Many of his proposals, however, included preemption of local authority. The governor directly targeted local land use planning, stating, *“We have to break down government barriers, expand private property rights, and reduce regulations to actually construct more housing to provide housing options at a lower cost so that all Coloradans can thrive.”*

While the speech was light on the details of his plan to create more housing, staff anticipates the governor’s policy package to focus on adding more units into the market through preemption of local zoning and land use ordinances, paving the way for developers to have a greater say in how communities are developed. Notably, the governor did not say anything about whether new housing would be required to be affordable or if it would be market-based.

Despite highlighting the work of municipalities, the governor still blamed local regulations, stating, *“... we need more flexible zoning to allow more housing, streamlined regulations that cut through red tape, expedited approval processes for projects like modular housing, sustainable development, and more building in transit-oriented communities.”* The governor did not elaborate, but the intent is clearly



to supplant local policies and ordinances with one-size-fits-all state preemptions.

CML staff is also aware of efforts from environmental, transportation, and housing advocates to promote affordable housing policies. The goal of this group is to expand affordable housing through the promotion of “smart growth” policies, and they have submitted their proposal to the governor. The proposal includes:

- A statewide housing needs assessment in each region and the development of housing strategies that would help local governments meet those needs. Local governments would be required to update these plans every 5 years and report housing data to the state annually.
- Elimination of parking minimums, and more affordable housing near transit centers.

- Requiring local governments to provide residents with the right of first refusal to purchase or rent new affordable housing units if they are displaced by a new development.
- Reduction of minimum lot sizes and requirements that duplexes, triplexes, fourplexes, cottage clusters, and townhomes can be built in single-family zones, and up to six units per lot if two are affordable.
- Requiring local governments to allow accessory dwelling units as “use by right.”
- Incentivizing smart growth through incorporation of land use planning in the transportation planning process.
- Prohibition of residential growth caps.

The governor has not endorsed any of these policy proposals; however, some policies align with his stated objective to increasing affordable housing by placing developer interests above community expectations for land use planning. A “use by right” approach to increase availability of accessory dwelling units, duplexes, triplexes, etc. in urban areas effectively prohibits local governments from having input in where these types of units are built in their communities.

CML staff will continue to monitor potential legislation and will provide information as it becomes available. Colorado has a strong tradition of local control, especially around land use and zoning decisions. We are committed to collaborating with our state partners and other local government associations to increase the availability of affordable housing across the state.

Vacancies on board of Front Range Waste Diversion Enterprise

The Front Range Waste Diversion Enterprise is accepting applications for three open seats on the board of directors through **Feb. 28**.

One seat is available for a county representative; one is available for a municipal representative; and one is available for a for-profit or nonprofit representative. Applicants must be involved in recycling, reuse, or composting activities on the Front Range (Adams,

Arapahoe, Boulder, Broomfield, Denver, Douglas, Elbert, El Paso, Jefferson, Larimer, Pueblo, Teller, or Weld counties)

Board members are appointed by the department’s executive director. Once appointed, the for-profit or nonprofit member will serve through Oct. 31, 2024, and the county and municipal representatives will serve through Oct. 31, 2025. Representatives can be reappointed for another term.

If you would like to join this important group, please complete and email the board member application, <https://bit.ly/3WqLpO9>, with your resume to Kendra Appelman-Eastvedt, kendra.appelman-eastvedt@state.co.us, by **Feb. 28**. For questions, please contact Appelman-Eastvedt via email or by phone, 720-588-0040. Learn more about FRWD at <https://bit.ly/3wd2vod>.