

**CHERRY HILLS VILLAGE**  
**COLORADO**

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ITEM: 9f

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**MEMORANDUM**

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**TO:** HONORABLE MAYOR BROWN AND MEMBERS OF CITY COUNCIL

**FROM:** CHRIS CRAMER, CITY MANAGER

**SUBJECT:** RESOLUTION 15, SERIES 2023, A RESOLUTION IN OPPOSITION TO COLORADO SENATE BILL 23-213

**DATE:** APRIL 4, 2023

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**ISSUE:**

Should City Council vote to approve Resolution 15, Series 2023, a resolution in opposition to Colorado Senate Bill 23-213 (Exhibit A)?

**BACKGROUND:**

Senate Bill 23-213 was introduced into the Colorado Senate with a stated attempt to increase affordable housing and reduce greenhouse gas emissions. However, the end result of the bill, as currently drafted, strips Home Rule Authority from local jurisdictions and would allow duplexes or fourplexes to be built in every part of Cherry Hills Village by right. Local control through home-rule communities has been a cornerstone tenant throughout Colorado's history, and one that is memorialized in the state's constitution. This tenant has been reaffirmed by Colorado residents through the establishment of over 100 home-rule municipalities, whose residents choose to go through the process to claim the "full right of self-government in both local and municipal matters" granted by the constitution. Local control allows communities to set their own vision, which limits the negative effect of a top-down, one-size-fits-all solution for a wide range of issues.

This Bill infringes on local home rule authority concerning one of the most local of all issues, land use control. Cherry hills Village recently completed a lengthy process of gathering public input and hearing from residents about their priorities and visions for the future of the Village. These efforts resulted in an update to the Village's Master Plan that reaffirms these long-held priorities and visions. Statewide efforts to infringe on local home rule will diminish or cripple these local visions.

Therefore, Resolution 15, Series 2023 is attached for Council's consideration to formally oppose Senate Bill 23-213.

**CHERRY HILLS VILLAGE  
COLORADO**

**RECOMMENDED MOTION:**

“I move to approve Resolution 15, Series 2023, a resolution in opposition to Colorado Senate Bill 23-213.”

**EXHIBIT(S):**

Exhibit A: Resolution 15, Series 2023

**RESOLUTION NO. 15  
SERIES 2023****INTRODUCED BY:  
SECONDED BY:**

**A RESOULTION OF THE CITY COUNCIL  
OF THE CITY OF CHERRY HILLS VILLAGE  
OPPOSING STATE SENATE BILL 23-123  
REGARDING LAND USE AND ZONING PREEMPTIONS**

**WHEREAS**, for over a century, the State of Colorado has committed both in statute and in the state constitution to the local control of land use planning and zoning because local governments are closest to the land and to the people that occupy it; and

**WHEREAS**, the Colorado Supreme Court has consistently recognized that the exercise of land use planning and zoning to be a matter of local concern; and

**WHEREAS**, zoning and land use cannot be viewed separately from the impacts of proposed uses of land on surrounding properties and a community as a whole, including the ability to ensure adequate water and utilities; to provide enough public safety services, schools, and recreational services; to make sure that sufficient and safe infrastructure is available to handle increased population or more intense uses; to align development with the community's economic goals; to prevent displacement of existing people; to preserve important historical sites; and to protect open space and the environment in general, to implement a local master plan like the one that Cherry Hills Village adopted in 2022; and

**WHEREAS**, Senate Bill 23-213 would place statewide mandates on local land use matters and substitute the judgment of legislators and state regulators who lack the understanding needed to make the right decisions for local communities; and

**WHEREAS**, Senate Bill 23-213 will undermine municipalities' long-range planning efforts and will severely limit their ability to maintain reasonable zoning regulations to ensure a high quality of life and sound economic environment for their current and future residents, workers, and business owners; and

**WHEREAS**, Senate Bill 23-213 silences the voices of local residents by taking away the right to be heard at public hearings on zoning matters or to use their constitutional rights of initiative or referendum to address zoning and land use matters.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE:**

**Section 1.** It is the position of the City of Cherry Hills Village that the stated issues the legislation attempts to address are important, but that municipalities are best suited to determine appropriate zoning laws for their communities and that collaboration and cooperation – not top-down statewide mandates and giveaways to special interests – are the solution to Colorado's affordable housing problem; and

**Section 2.** The City of Cherry Hills Village opposes Senate Bill 23-213 and strongly urges its legislators to vote NO on this unprecedeted and irresponsible preemption.

**Section 3.** Effective Date. This Resolution shall be effective immediately upon its adoption.

Introduced, passed and adopted at a regular meeting of City Council this    day of       , 2023, by a vote of    yes and    no.

(SEAL)

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Kathleen Brown, Mayor

ATTEST:

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Laura Gillespie, City Clerk

APPROVED AS TO FORM:

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Kathie B. Guckenberger, City Attorney