

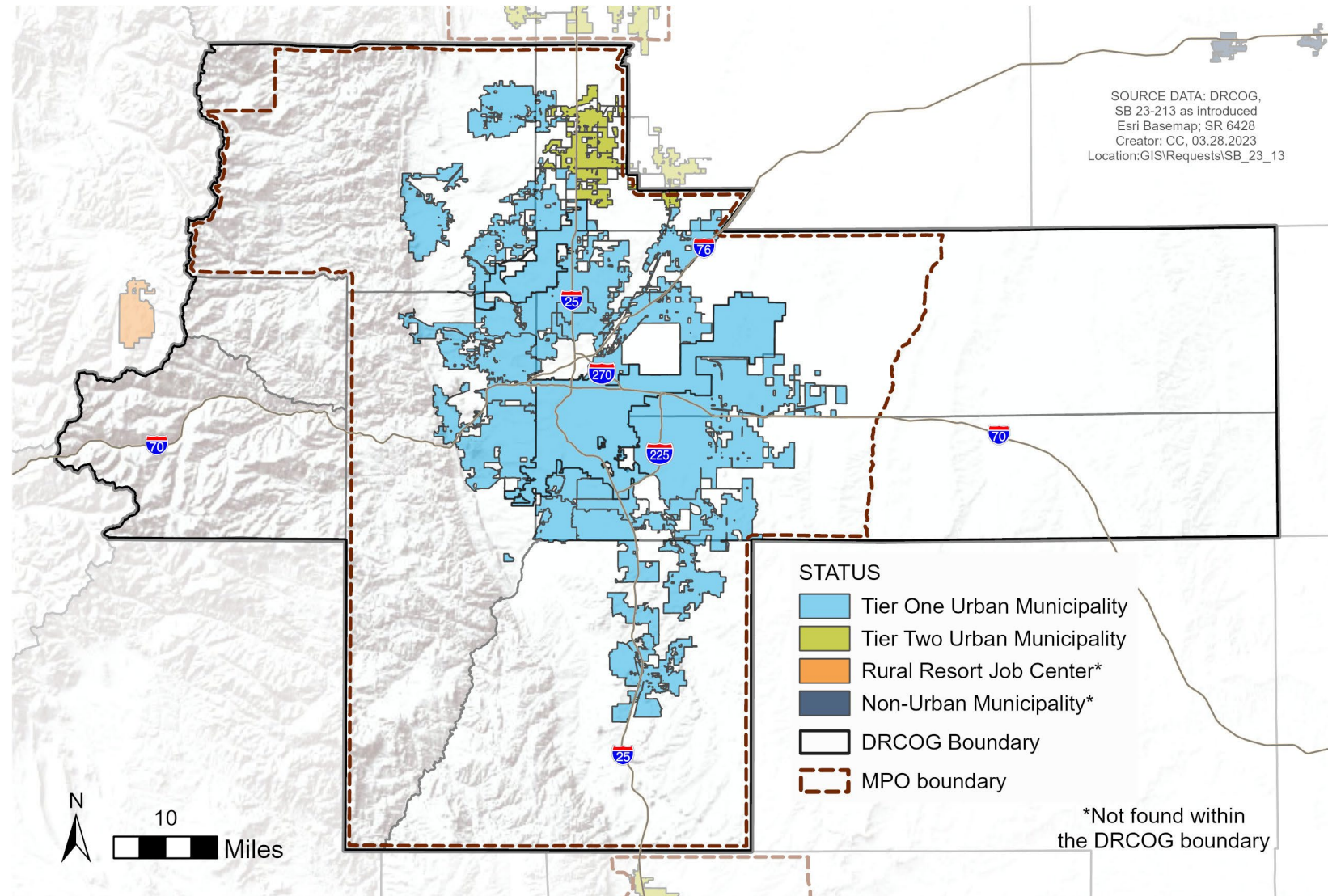
# LAND USE LEGISLATION

Colorado Senate Bill 2023-213

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# GEOGRAPHIC APPLICATION (AS INTRODUCED)



## Assessments to be developed

- statewide, regional, and local housing needs assessments
- every five years with 25-year planning forecast

## Specific minimum guidance on methods

- housing shortage analysis
- estimate of necessary housing to address demographics and population trends
- jobs-housing balance as it relates to affordable housing for low-wage workers
- measures of homelessness and housing instability
- demographic and population trends forecast from State Demographer

## Key roles

### Department of Local Affairs (DOLA)

- develop methodology for assessments

### DOLA's State Demography Office

- consult on needs assessment methodology

### multi-agency advisory committee

- advise DOLA

### Metropolitan Planning Organizations (MPOs)

- boundary to be used by DOLA in regional housing needs assessment

Multi-agency advisory committee has broader membership including staff representatives from MPOs, urban municipality, and rural resort job center

## Key elements

- guided by housing needs assessment
- includes buildable land analysis
- menu of affordability strategies in statute
- menu of displacement mitigation strategies
- regional plans can be led by regional entity
- strategic growth objectives

Urban municipality may use existing housing plans  
County or municipality may participate in regional housing needs plan

## Applies in

Urban Municipalities		Rural Resort Job Center Municipalities	Non-Urban Municipalities	Other jurisdictions
Tier 1	Tier 2			
Yes	Yes	Yes*	No	No

Can opt-out if below 25,000 population and annual median household income less than \$55,000

## Key roles

### Department of Local Affairs (DOLA)

- develop methodology for assessments
- develop guidance for plans
- produce assessments
- develop strategy menus

### DOLA's State Demography Office

- consult on needs assessment methodology

### multi-agency advisory committee

- advise DOLA

### Metropolitan Planning Organizations (MPOs)

- boundary to be used by DOLA in regional housing needs assessment
- Must develop a buildable land analysis

Multi-agency advisory committee has broader membership including staff representatives from MPOs, urban municipality, and rural resort job center

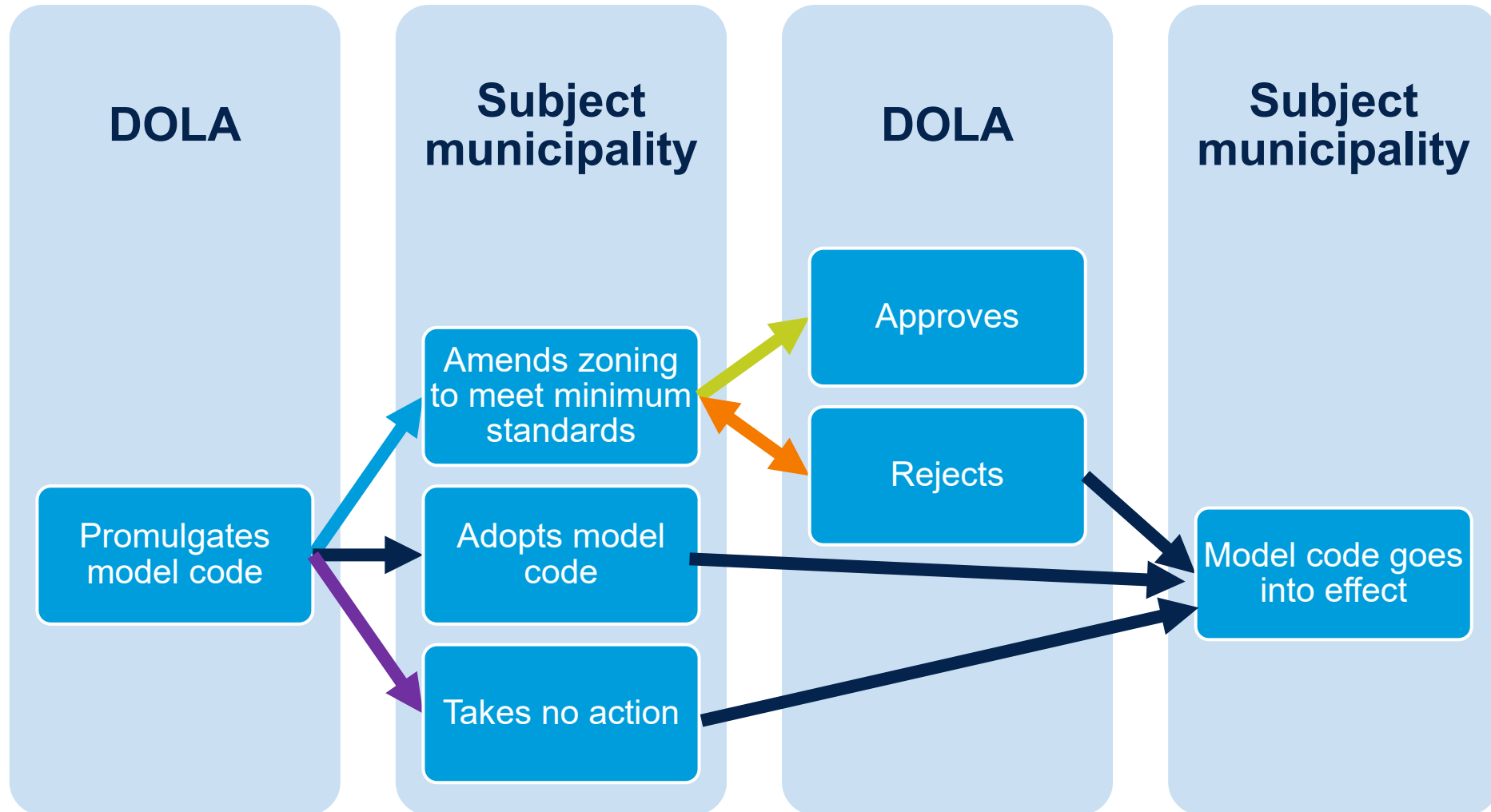
- **SB23-213 as introduced**

- Accessory Dwelling Units
  - Tier 1, Tier 2, Rural Resort, Non-Urban
- Middle Housing
  - Tier 1, Rural Resort
- Transit Oriented Areas
  - Tier 1
- Key Corridors
  - Tier 1, Rural Resort

- **SB23-213 as amended**

- Accessory Dwelling Units
  - Tier 1, Tier 2, Non-Urban
- Corridors and Centers Requirements
  - Transit Oriented Areas
    - Tier 1
  - Key Corridors
    - Tier 1, Rural Resort
  - Middle Housing
    - Tier 1

# GENERAL IMPLEMENTATION PROCESS



## Location

- Only in subject jurisdictions
  - Tier 1 Urban Municipalities
  - Tier 2 Urban Municipalities
  - ~~Rural Resort Job Center Municipalities~~
  - Non-Urban Municipalities
- Anywhere in subject jurisdiction where single-family detached dwellings allowed by right ~~(as of Jan. 1, 2023)~~

## Key minimum standards

- Allow ADUs by right
- No off-street parking minimum requirement
- No more restrictive requirements than those for single-family detached
- No minimum rear or side setbacks greater than ~~five (5) feet~~ required of other accessory buildings

## Location

- Parcels with at least 25% of their area **within ½ mile of existing fixed-rail transit station's** boarding and exiting location
- Tier 1 Urban Municipalities only
  - not addressing station areas in unincorporated areas of counties

Not  
including  
parcels

- entirely outside of 2020 Census urbanized area
- without water and sewage service
- in an agricultural, forestry, natural resource preservation or open space zoning district ~~as of Jan. 1, 2023~~
- ~~within wildland-urban interface~~
- that are registered historic properties
- within floodway or 100-year floodplain
- that include a park ~~or~~ and open space
- subject to a conservation easement
- on or adjoining an industrial site/use
- part of an airport
- with mobile home parks

## Key minimum standards

- Allow gross average net density of 40 dwelling units per acre in area equivalent to at least 50% of eligible parcels (with some flexibility)
- No off-street parking minimum requirement



# CORRIDORS AND CENTERS: KEY CORRIDORS

## Location

- Frequent transit service areas
  - High-frequency transit service
  - Bus rapid transit service (BRT)
  - Inclusive of planned service (e.g. DRCOG's 2050 Metro Vision Regional Transportation Plan)
- Parcels in frequent transit service areas and within districts allowing ~~certain~~ commercial, ~~public~~, institutional, multifamily, other non-residential uses, or mix of uses
- Tier 1 Urban Municipality ~~or Rural Resort Job Center Municipality only~~ (Can opt-out if below 25,000 population and annual median household income less than \$55,000)

Not  
including  
parcels

- entirely outside of 2020 Census urbanized area
- without water and sewage service
- in an agricultural, forestry, natural resource preservation or open space zoning district ~~as of Jan. 1, 2023~~
- ~~within wildland-urban interface~~
- that are registered historic properties
- within floodway or 100-year floodplain
- that include a park ~~or~~ and open space
- subject to a conservation easement
- on or adjoining an industrial site/use
- part of an airport
- with mobile home parks

## Key minimum standards

- ~~Guidance pending on zoning capacity~~
- Average net density at least 25 units per acre (with flexibility) on area equivalent to 25% total area of eligible parcels
- Allow multifamily residential housing by right
- No off-street parking minimum requirement greater than 0.5 spaces per dwelling unit

## Location

- Only in subject jurisdictions
  - Tier 1 Urban Municipalities
  - ~~Rural Resort Job Center Municipalities~~
- ~~Anywhere in subject jurisdiction where single-family detached dwellings allowed by right (as of Jan. 1, 2023)~~
- Jurisdiction adopting minimum standards chooses where to apply scaled back amount of required “middle housing area”
- Model code (if not adopting minimum standards) applies within 1 mile of fixed route transit and where single-family detached dwellings allowed by right

## Key minimum standards

- Allow structures containing 2-6 separate dwelling units, townhomes, and cottage clusters by right
- No off-street parking minimum requirement greater than 0.5 spaces per dwelling unit
- No more restrictive requirements than those for single-family detached
- ~~Allow at least 125% of building area that would be allowed for single-family detached~~

- Local regulations on manufactured housing
  - No residential unit size minimum beyond building and fire code
  - No occupancy restrictions based on familial relationship
  - State strategic growth objectives
    - Buildable lands analysis must support
    - State transportation funding prioritization
    - Regional Transportation Plan consistency
  - Buildable land analysis must inform planning, project prioritization and funding decisions of
    - Dept. of Local Affairs (DOLA)
    - Office of Econ. Dev. and Int. Trade (OEDIT)
    - Metropolitan Planning Organizations (MPOs)
  - Natural and Agricultural Land Priorities Report
  - Water loss audit reporting
- Comprehensive (master) plan requirements
    - Water supply element
    - Housing element ~~needs plan (in municipalities where it is required)~~
    - Natural and agricultural and priorities from state report
    - ~~Greenfield development~~ Buildable lands analysis (municipalities and counties larger than 250,000 population)
    - Three-mile annexation plan (municipalities)
    - Consultation process
    - DOLA review

# ROLE OF MPOs IN SB 213 AS ~~INTRODUCED~~ AMENDED



- State to match boundary for **regional housing needs assessment**
  - Current MPO **planned investments** would inform location of **key corridors**
  - User of **natural and agricultural land priorities report**
  - Recipient or pass through for **housing needs plans technical assistance**
  - MPO Regional Transportation Plan to be consistent with **state strategic growth objectives** when updated
- 
- MPOs have representation on the **multi-agency advisory committee**
  - Regional entities may **lead housing needs planning**
  - MPOs shall complete a **buildable lands analysis** and it shall inform MPO process, project prioritization, and grant funding
  - Recipient of **technical assistance funding for key corridors**



**THANK YOU!**  
**QUESTIONS?**

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