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April 3, 2023

SENT VIA EMAIL

The Honorable Jared Polis, Governor of the State of Colorado
State Capitol Building
20 E. Colfax Avenue, Room 136
Denver, CO 80203

Members of the Senate Local Government and Housing Committee
Colorado General Assembly
State Capitol Building
200 E. Colfax Avenue
Denver, CO 80203

RE: SB 23-213, Concerning Land Use Requirements

Dear Governor Polis and Members of the State Local Government and Housing Committee:

My name is Tracie Crites, and I am writing you in my capacity as the Mayor of the Town of Frederick, Colorado to express some significant concerns with SB 23-213 which is scheduled to be heard by Senate Local Government and Housing Committee on April 6, 2023.

The Town of Frederick is a growing community located in the on the northern end of the Denver Metro area within commuting distance to Denver, Boulder, and Longmont. The Town is bisected by I-25 and Highway 52 – connecting to Boulder.

Here are some of the major issues with SB 23-213:

- The bill removes the legislative discretion of the Town’s elected Board of Trustees to make zoning decisions. Residents of the Town elect the Board members to apply their best legislative judgment to rezoning decisions based on certain criteria including consistency with the Town’s Comprehensive Plan, compatibility or harmony of surrounding land uses and development, or whether the area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of a specific area.
- The bill’s articulated goal is to increase the availability of affordable housing, but the bill lack’s any clear path forward toward ensuring that additional housing units will be (or remain) affordable.
- The bill includes significant and burdensome reporting requirements for local governments and is another example of an “unfunded mandate” form the State. For many communities in Colorado,

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the financial burden of complying with these reporting requirements will be significant. This money is better spent on improving roads, parks, other community infrastructure, or studying how best the Town can work in cooperation with other communities in Colorado to address affordable housing and then implementing these strategies in a manner that will ensure success.

- The bill’s preemptions of local land use authority include the concept of a “use by right,” meaning that Town officials will be prohibited from exercising traditional decision-making authority on land use and zoning matters.
- The bill largely exempts Counties from the regulations. Incorporated areas (Cities and Towns) are subject to the bill’s requirements, but unincorporated areas are not.
- The bill includes broad and careless language that will likely result in significant unintended consequences and expose the Town to significant risk. Each of the bill’s zoning preemptions includes language that would prohibit municipalities from amending, developing, or even interpreting a local law “in a manner that would interfere with the intent” [of the bill].
- The bill includes language to streamline the process for the erection of “manufactured” housing. Specifically, the bill removes language from existing State law that ensures local authority to apply consistent zoning, development, aesthetic, and historical standards to both site-built homes and manufactured housing.
- The bill shifts the burden and responsibility of traditional local decisions to a State agency (DOLA), thus removing local accountability to voters.
- The bill allows the character of neighborhoods to be significantly compromised by forcing incompatible land-uses directly adjacent to single-family homes.

The Town of Frederick’s elected officials, Staff and residents have worked hard and will continue to work hard to be a place where all residents are proud to call Frederick home. The Town’s mission statement is:

“Our Mission is to foster an exceptional and inclusive community that is Built on What Matters”.

Further, the Town’s adopted 2022-2023 Strategic Plan prioritized updating the Comprehensive Plan and Land Use Code to address housing related policies to help support diversity in housing opportunities in Frederick.

At its root, the proposed bill aims to strip away the ability of the Town to continue to plan in a thoughtful and deliberate manner. Cities and Towns across Colorado work hard to manage their own growth and zoning in a responsible fashion. If SB 23-213 ultimately passes, I believe that we will see residential developers move to erect middle housing (duplexes, tri-plexes, six-plexes, etc.) in places where residents have never had reason to suspect these types of buildings would exist.

Given that the bill exempts certain developments from having to comply with parking (or other important infrastructure requirements) our streets will become more congested and other infrastructure compromised. Ultimately, developers will make more money and residents across the State may end up living next to something that they never thought they would. All without any assurance of long-term affordability of housing units. Residents will be angry. Property values will drop. Homeowners’ equity will dry up.

The entire bill reflects the sponsors’ belief that they (and the State) know far more about what’s best for the quality of the life in the Town of Frederick than our own residents do. Shifting important local land-use decisions away from the Town’s elected and appointed officials to a State bureaucratic entity that has

no day-to-day interaction with the families that live here and the businesses that do business here is not a good plan.

I am urging you to vote “no” on SB 23-213 and respectfully request that the Governor’s office proponents of the bill work in partnership with municipal leaders and affordable housing advocates across the State to find a better solution.

Sincerely,



Tracie Crites
Mayor, Town of Frederick

Cc: Board of Trustees

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