



**FRUITA**  
COLORADO

## AGENDA ITEM COVER SHEET

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**TO:** Fruita City Council and Mayor

**FROM:** Planning & Development Department and City Manager's Office

**DATE:** April 18, 2023

**AGENDA TEXT:** RESOLUTION 2023-10 - A Resolution of the City of Fruita in opposition to statewide land use and zoning preemptions in Senate Bill 23-213

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### BACKGROUND

At the April 4, 2023, regular meeting, the City Council discussed Senate Bill 23-213 (the statewide land-use and zoning preemptions bill), and individually signing on to a statewide letter (provided by the Colorado Municipal League) in opposition of the bill. This resolution collectively confirms that opposition from the City of Fruita. SB 23-213 represents the most sweeping attempt in recent Colorado history to remove local control and home rule authority from elected leaders, professional planning staff, and the people of Colorado. SB 23-213 has been characterized as an attempt to provide affordable housing, while actually, it is an attack on local decision making-authority on important local matters such as land use authority and development. The bill dramatically expands state authority by imposing top-down zoning and land use standards on municipalities, and it puts those decisions into the hands of developer interests and unelected third parties. SB23-213 does not recognize that local governments are best suited to address the needs of their communities.

### APPLICABILITY TO CITY GOALS AND OBJECTIVES

As a home-rule municipality, the City of Fruita strives to provide fair and transparent land uses and land use practices throughout that best represent the on-going development patterns and growth potential that the City's Comprehensive Plan supports.

### OPTIONS AVAILABLE TO THE COUNCIL

1. Adopt Resolution 2023-10, A Resolution of the City of Fruita in opposition to statewide land use and zoning preemptions in Senate Bill 23-213.
2. Deny the Resolution and support Senate Bill 23-213.

### RECOMMENDATION

It is the recommendation of Staff that the Council by motion:

**ADOPT RESOLUTION 2023-10, A RESOLUTION OF THE CITY OF FRUTIA IN OPPOSITION TO STATEWIDE LAND USE AND ZONING PREEMPTIONS IN SENATE BILL 23-213.**