

**RESOLUTION 2023-10:**  
**A RESOLUTION OF THE CITY OF FRUITA IN OPPOSITION**  
**TO STATEWIDE LAND USE AND ZONING PREEMPTIONS**  
**IN SENATE BILL 23-213**

**WHEREAS**, for 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**, 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, and

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

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

**WHEREAS**, Senate Bill 23-213 silences the voices of our 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, and

**WHEREAS**, the City of Fruita, through recent changes in the City's Land Use Code and Comprehensive Plan, is already seeing significant investments in the community which have resulted in a diversity of housing types for residents, and

**WHEREAS**, the City of Fruita has been working on comprehensive housing strategies to address housing attainability in Fruita, including encouraging accessory dwelling units in allowable zones and workforce housing, and

**WHEREAS**, local housing strategies are the solution to addressing affordability and attainability throughout the state, not through statewide mandates and the removal of local control.

**NOW, THEREFORE**, be it resolved by the Fruita City Council that:

**Section 1:** It is the position of the City of Fruita 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;

**Section 2:** The City of Fruita opposes Senate Bill 23-213 and strongly urges its legislators to vote NO on this unprecedented and irresponsible preemption.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL  
THIS 18<sup>TH</sup> DAY OF APRIL 2023.**

City of Fruita

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Joel Kincaid, Mayor

ATTEST:

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Margaret Sell, City Clerk