

RESOLUTION NUMBER 2024-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO IN OPPOSITION TO PREEMPTIONS AND BURDENS PLACED ON LOCAL GOVERNMENTS IN HOUSE BILLS 24-1313 AND 24-1304

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, for nearly as long, the State of Colorado has dedicated various revenues collected with respect to the operation of motor vehicles and motor fuel “exclusively for the construction, maintenance, and supervision of the public highways of this state,” as provided in Section 18 of Article X of the Colorado Constitution, referred to as the “Highway Users Tax Fund” (HUTF) that is shared with local governments that have a responsibility to maintain safe roads, and

WHEREAS, House Bill 24-1313 would require the City of Fruita to commit City funds and staff resources to rezone substantial areas near existing and planned rail and bus transit to accommodate a potential density set by the state, change local laws to meet state criteria, and establish programs to meet state goals relating to affordability and the mitigation of displacement, all subject to state approval, and

WHEREAS, House Bill 24-1313 will punish communities that do not satisfy the state’s demands by withholding and reallocated HUTF funds for other purposes and authorizing the Department of Local Affairs, a longtime partner of local governments, to sue municipalities to enforce the state’s mandate, and

WHEREAS, City of Fruita staff estimates that House Bill 24-1313 would require the City of Fruita to significantly increase its zoning capacity, and

WHEREAS, House Bill 24-1313 would undermine the work that the City of Fruita and its residents have done to promote responsible development and affordable housing, despite limited support and a lack of sufficient transit opportunities, and

WHEREAS, House Bill 24-1304 would prohibit local governments, including the City of Fruita, from enacting or enforcing parking minimums for residential and commercial properties, and

WHEREAS, removing such local authority, could lead to safety issues such as overcrowded streets, negative impacts on emergency vehicle access, and more, and

WHEREAS, the City of Fruita believes that local governments, with the partnership of the state, have the ability to address housing issues, and that decision making should remain with local organizations and not just mandates from the state.

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

Section 1: It is the position of the City of Fruita that the state should partner with local governments and provide meaningful support to improve transit opportunities and to promote affordable housing development instead of threatening local governments with punishment; and

Section 2: The City of Fruita opposes House Bill 24-1313 and strongly urges its legislators to vote NO on this legislation unless it is amended to remove preemptions and the threat to HUTF funds and instead promote a true partnership with municipalities.

Section 3: The City of Fruita opposes House Bill 24-1304 and strongly urges its legislators to vote NO on this legislation unless it is amended.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 2ND DAY OF APRIL 2024**

ATTEST:

City of Fruita

City Clerk

Joel Kincaid, Mayor