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**TO:** FRUITA CITY COUNCIL AND MAYOR

**FROM:** CITY MANAGER'S OFFICE

**DATE:** April 2, 2024

**AGENDA TEXT:** RESOLUTION 2024-11 – A Resolution of the City of Fruita in Opposition to Land-Use Preemptions and Burdens Placed on Local Governments in House Bills 24-1313 and 24-1304.

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## **BACKGROUND**

At the March 19, 2024, regular meeting, the City Council discussed several bills that are currently being worked on at the Colorado Legislative Session. Similar to last year, there are bills that have been introduced that aim to take land use and planning and zoning decision making away from municipalities through use of the statewide preemptions. This resolution formally opposes two bills, House Bills 24-1313 and 24-1304.

Like Hous Bills 24-1152 (the City of Fruita currently has a separate resolution opposing that bill), House Bills 24-1313 and 24-1304 undermine the City of Fruita's ability to locally make decisions on planning and development throughout Fruita. Further, HB 24-1313 punishes local governments for not meeting housing goals by threatening to withhold Highway User Tax Funds (HUTF). Funding from HUTF helps to provide for the provision of key core governmental services, such as Public Safety, Road Maintenance, Traffic Safety, and more. HB 24-1313 will allow the state to mandate zoning density, change local laws to meet state criteria, and establish programs to meet state goals relating to mitigation and the mitigation of displacement, while punishing communities that do not satisfy the states demands by withholding and reallocating HUTF.

The second bill that this resolution opposes, HB 24-1304, prohibits local government from enacting or enforcing parking minimums for residential and commercial properties. The bill takes away local decision-making away municipalities and presumes that decisions made regarding parking will be for the long-term well being of the community.

The Colorado Municipal League has asked its members to individually sign statewide letters opposing these bills, and also adopt a formal resolution in opposition of the bills. This resolution collectively confirms that opposition.

## **APPLICABILITY OT 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. The City of Fruita fully supports workforce and attainable

housing, but statewide mandates on land-use code will not solve the issues of housing availability throughout Colorado. Further, prohibiting the City's ability to regulate parking could lead to safety issues throughout Fruita for many years to come.

### **FISCAL IMPACT**

There is no fiscal impact to this resolution.

### **OPTIONS AVAILABLE TO THE COUNCIL**

1. A Resolution of the City of Fruita in Opposition to Land-Use Preemptions and Burdens Placed on Local Governments in House Bills 24-1313 and 24-1304.
2. Advise staff to revise the resolution and bring an amended resolution back to the City Council at a future date.

### **RECOMMENDATION**

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

**ADOPT RESOLUTION 2024-11, A RESOLUTION OF THE CITY OF FRUITA IN OPPOSITION TO LAND-USE PREEMPTIONS AND BURDENS PLACED ON LOCAL GOVERNMENTS IN HOUSE BILLS 24-1313 AND 24-1304.**