

# Recent Developments in Land Use & Planning Laws



**2024 ANNUAL  
CONFERENCE**  
LOVELAND • COLORADO

Presented by Elizabeth Garvin, KC McFerson & Robert Sheesley



COLORADO  
MUNICIPAL  
LEAGUE

# Recent legislation

2019-20: tax credit; incentives; funding sources

2021: HB21-1117 Local Gov. Authority to Promote Affordable Housing; ARPA funding; innovative housing strategies; childcare homes; factory built structures

2022: tiny homes; funding sources; Proposition 123

2023: growth restrictions; SB23-213

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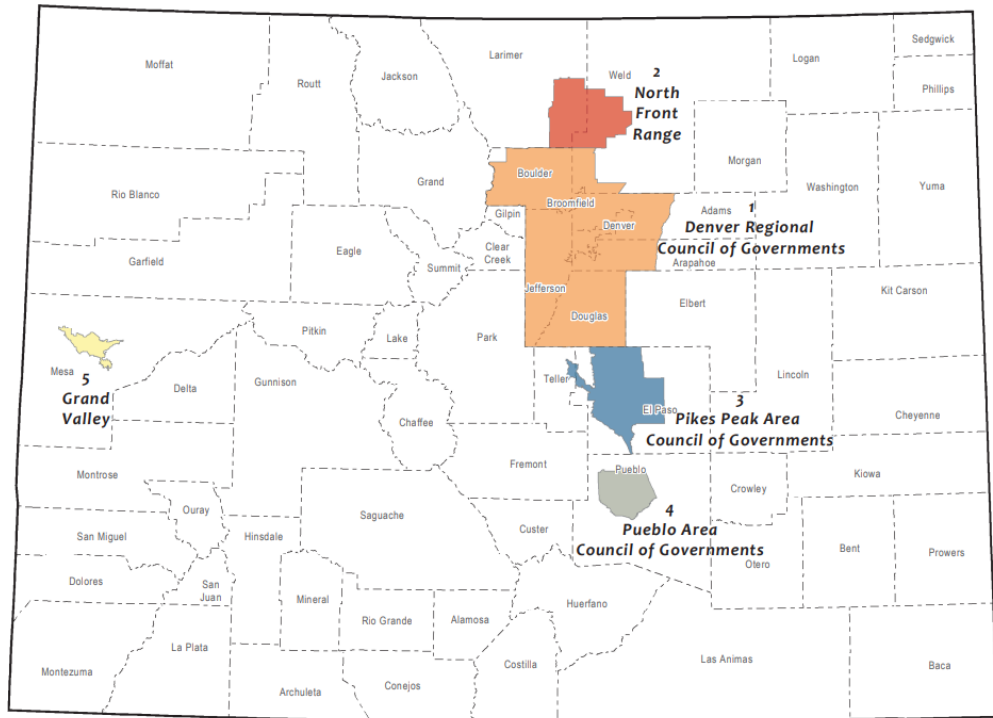
# HB24-1007: Occupancy Limits

- Effective date: July 1, 2024
- C.R.S. § 29-20-111
- Area of concern: “occupancy limits and the increased availability of housing”
- Applies to all counties and municipalities
- “Shall not limit the number of people who may live together in a single dwelling based on familial relationship”
- Retain authority for limits “based only on” demonstrated health and safety standards and affordable housing guidelines

# HB24-1152: ADUs

- Effective date of restrictions: June 30, 2025
- C.R.S. §§ 29-35-101 to -105
- Area of concern: “increasing the housing supply through the construction or conversion of accessory dwelling units”
- Applies to:
  - Municipalities with population of 1,000 or more and in MPO
  - Unincorporated census designated place with population of 40,000 or more and in MPO
  - Where single-family detached is allowed
- ADU reporting by June 30, 2025

# HB24-1152



- |                      |                 |                   |               |
|----------------------|-----------------|-------------------|---------------|
| Arvada               | Cripple Creek   | Greenwood Village | Milliken      |
| Aurora               | Dacono          | Eaton             | Monument      |
| Bennett              | Deer Trail      | Evans             | Nederland     |
| Berthoud             | Edgewater       | Idaho Springs     | Northglenn    |
| Boulder              | Englewood       | Johnstown         | Palisade      |
| Bow Mar              | Erie            | Lafayette         | Palmer Lake   |
| Brighton             | Federal Heights | Lakewood          | Parker        |
| Castle Pines         | Firestone       | LaSalle           | Pueblo        |
| Castle Rock          | Fort Collins    | Littleton         | Severance     |
| Centennial           | Fountain        | Lochbuie          | Sheridan      |
| Central City         | Frederick       | Lone Tree         | Superior      |
| Cherry Hills Village | Fruita          | Longmont          | Thornton      |
| Colorado Springs     | Georgetown      | Louisville        | Timnath       |
| Springs              | Glendale        | Loveland          | Westminster   |
| Columbine Valley     | Golden          | Lyons             | Wheat Ridge   |
| Commerce City        | Grand Junction  | Mead              | Windsor       |
|                      | Greeley         | Manitou Springs   | Woodland Park |

Data Source: CDOT 2022  
Published: September 2023  
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**Metropolitan Planning Organizations**



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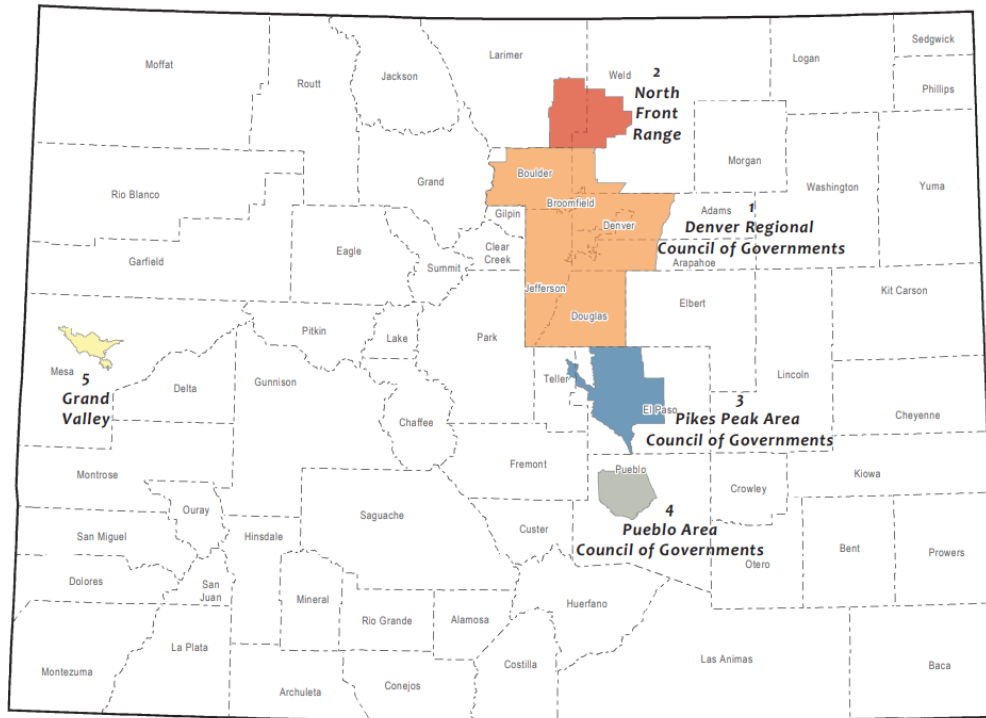
# HB24-1152: ADU Requirements

- Allow ADU as accessory use to single-family dwelling by “administrative approval process”
  - Objective criteria
  - No elevation to public hearing
- Cannot impose:
  - Owner-occupancy (after permit)
  - New off-street parking\*
  - “Restrictive dimension or design standard”
- Parking exception
- Report due June 30, 2025

# HB24-1304: Parking Minimums

- Effective date of restrictions: June 30, 2025
- C.R.S. § 29-35-101 to -106
- Area of concern: “the required minimum amount of parking spaces for a real property”
- Applies to:
  - All municipalities and counties with territory in an MPO
  - Land use approvals for multifamily residential, adaptive re-use for residential purposes, or mixed use with at least 50% residential use
  - Parcels at least partially in an “applicable transit service area”

# HB24-1304



- |              |              |           |              |             |
|--------------|--------------|-----------|--------------|-------------|
| Alma         | Commerce     | Golden    | Lone Tree    | Superior    |
| Arvada       | City         | Grand     | Longmont     | Thornton    |
| Aurora       | Cripple      | Junction  | Louisville   | Timnath     |
| Bennett      | Creek        | Greeley   | Loveland     | Victor      |
| Berthoud     | Dacono       | Green     | Lyons        | Westminster |
| Black Hawk   | Deer Trail   | Mountain  | Mead         | Wheat Ridge |
| Boulder      | Edgewater    | Falls     | Manitou      | Windsor     |
| Bow Mar      | Empire       | Greenwood | Springs      | Woodland    |
| Brighton     | Englewood    | Village   | Milliken     | Park        |
| Calhan       | Erie         | Eaton     | Monument     |             |
| Castle Pines | Federal      | Evans     | Morrison     |             |
| Castle Rock  | Heights      | Fairplay  | Nederland    |             |
| Centennial   | Firestone    | Idaho     | Northglenn   |             |
| Central City | Fort Collins | Springs   | Palisade     |             |
| Cherry Hills | Fountain     | Johnstown | Palmer Lake  |             |
| Village      | Foxfield     | Lafayette | Parker       |             |
| Colorado     | Frederick    | Lakewood  | Pueblo       |             |
| Springs      | Fruita       | Larkspur  | Ramah        |             |
| Columbine    | Garden City  | LaSalle   | Severance    |             |
| Valley       | Georgetown   | Littleton | Sheridan     |             |
|              | Glendale     | Lochbuie  | Silver Plume |             |

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# HB24-1304: Exception

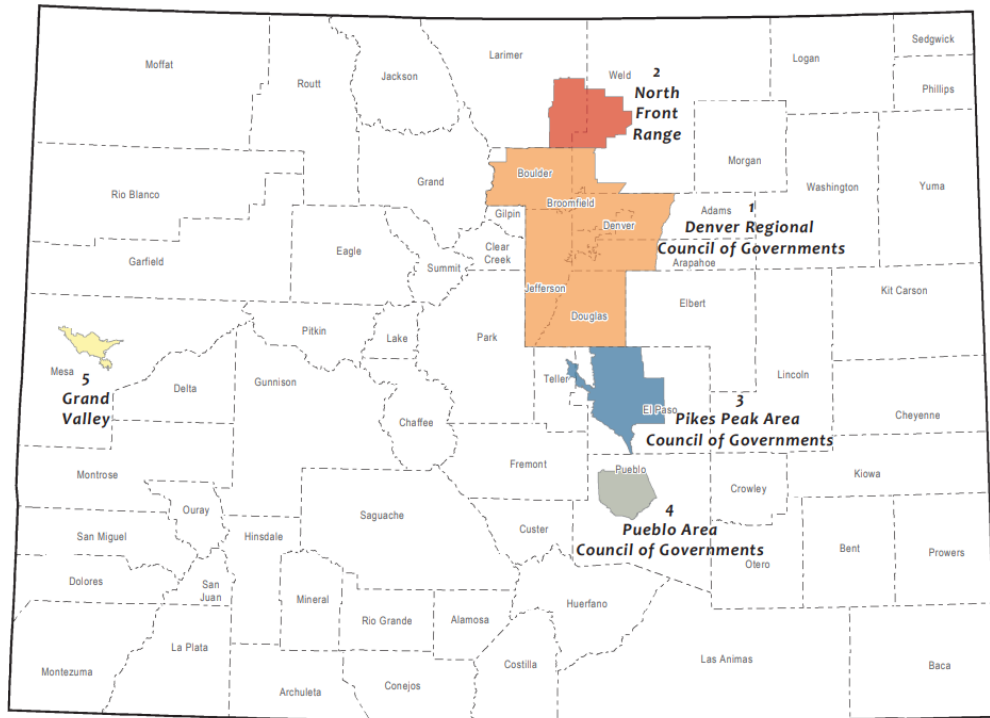
- One parking space per unit
  - Development with 20 or more units
  - Regulated affordable housing
- Written findings with professional engineer approval within 90 days
  - Based on “substantial evidence” of
    - “Substantial negative impact” on non-vehicular or emergency access, and existing parking within 1/8 of a mile
    - Parking demand management strategies would not be effective
- Report by December 31, 2026, and every three years

# HB24-1313: Transit-Oriented Communities

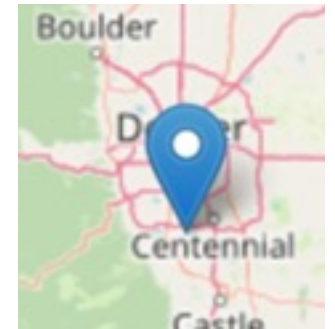
- Effective date: May 13, 2024
- C.R.S. §§ 29-37-201 to -210; C.R.S. § 24-67-105; C.R.S. § 29-20-203
- Area of concern: “the availability of affordable housing” and “increasing housing in transit-oriented communities” and “increasing housing density in transit-oriented communities”
- Applies to “transit-oriented communities:”
  - Municipalities with population of 4,000 or more, in MPO, and with at least 75 acres of “transit area”
  - Counties with population of 4,000 or more, in MPO, with at least 75 acres of “transit area,” and certain unincorporated transit features

# HB24-1313

+ 75 acres  
transit area



- |                      |                   |                 |
|----------------------|-------------------|-----------------|
| Arvada               | Firestone         | Longmont        |
| Aurora               | Fort Collins      | Louisville      |
| Berthoud             | Fountain          | Loveland        |
| Boulder              | Frederick         | Mead            |
| Brighton             | Fruita            | Manitou Springs |
| Castle Pines         | Glendale          | Milliken        |
| Castle Rock          | Golden            | Monument        |
| Centennial           | Grand Junction    | Northglenn      |
| Cherry Hills Village | Greeley           | Parker          |
| Colorado Springs     | Greenwood Village | Pueblo          |
| Commerce City        | Eaton             | Severance       |
| Dacono               | Evans             | Sheridan        |
| Edgewater            | Johnstown         | Superior        |
| Englewood            | Lafayette         | Thornton        |
| Erie                 | Lakewood          | Timnath         |
| Federal Heights      | Littleton         | Westminster     |
|                      | Lochbuie          | Wheat Ridge     |
|                      | Lone Tree         | Windsor         |
|                      |                   | Woodland Park   |



(Highlands Ranch)

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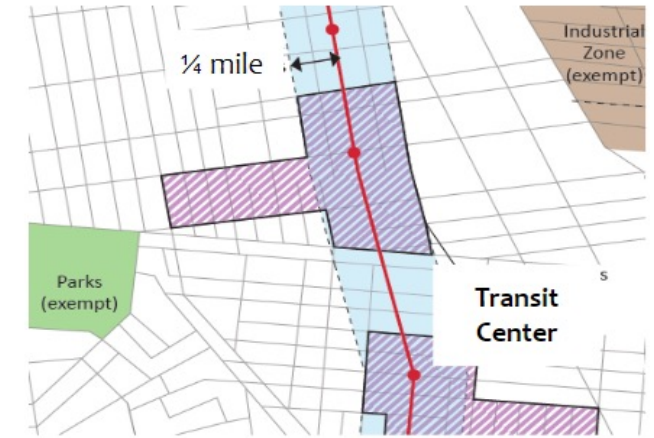
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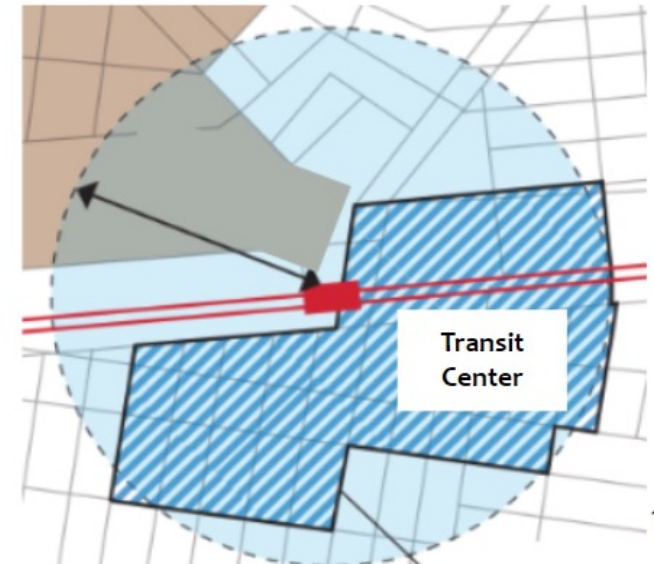
# HB24-1313: Key Concepts

- “Transit area”
  - “Transit station area”
  - “Transit corridor area”
  - “Optional transit area”
- “Exempt parcel”
- “Housing opportunity goal” (HOG)
- “Transit center”
- “Neighborhood center”

Transit Corridor Area



Transit Station Area

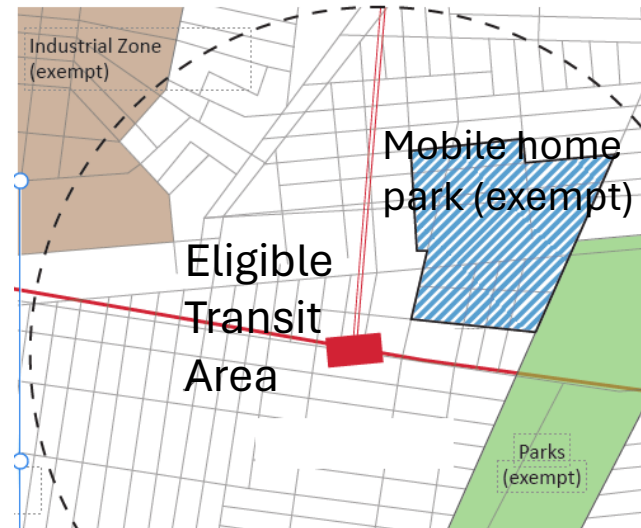


# HB24-1313: Requirements

- Calculate the HOG (based on DOLA maps and exempt parcels)
- 6/30/2025 - submit a preliminary assessment report to DOLA with:
  - HOG, with supporting data and method
  - Map of potential “transit center” zoning districts
- 12/31/2026:
  - Identify affordability strategies
  - Submit HOG report
- 12/31/2027: achieve HOG “compliance”
- Three-year status report

# HB24-1313: Calculating the HOG (How much zoning capacity do you need?)

<b>Eligible Transit Area Acreage</b> All eligible acres within all transit areas (no exempt parcels)	x	<b>Net Housing Density</b> 40 units per acre	=	<b>Housing Opportunity Goal</b> Example: 1,000 acres (eligible transit area) x 40 units/acre = 40,000 unit capacity
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# HB24-1313: Existing Transit Centers

## Transit Center criteria

- Allow minimum net housing density of 15 units/acre
- Allow administrative approval of projects less than 5 acres
- Determination of units/acre must account for dimensional standards
- State guidance and calculation model

## Flexibility

- Transit centers can include
  - Mixed-use areas allowing residential
  - Residential zones with existing housing
- Can extend outside of Transit Area (up to ¼ mile from edit) if at least partially within Transit Area
- Criteria for Transit Centers further from transit

# HB24-1313: HOG Compliance

- Designate transit centers (per C.R.S. § 29-37-205)
- Total zoning capacity for all transit centers must meet HOG
- HOG report:
  - Evidence of meeting HOG
  - Map of transit centers and evidence of compliance
  - Affordability strategies (2 standard; 1 long-term) with plan
  - 2 long-term displacement mitigation strategies with plan
  - Description of community engagement
  - If applicable, water insufficiency data



# HB24-1313: DOLA Role

- “Transit areas map” (9/30/2024)
- Models and guidance (2/8/2025)
- Affordability and displacement mitigation strategies (6/30/2025)
- Guidance for local displacement risk assessments and strategy implementation (6/30/2025)
- Review and approve or reject reports

# HB24-1313: Miscellaneous

- RIPRA amendment (C.R.S. § 29-20-203) – park dedication requirements must provide fee in lieu option
- PUD ordinances
- HOA covenants
- Grant funding

# SB24-005: Landscaping Practices

- Effective date: August 7, 2024
- C.R.S. §§ 37-99-101 to -103
- Area of concern: “preventing the installation, planting, or placement of nonfunctional turf, artificial turf, and invasive plant species in applicable property”
- Applies to:
  - All counties, municipalities, and special districts
  - Commercial, institutional, or industrial property; common interest community property; street right-of-way, parking lot, median, or “transportation corridor”; state facilities

# SB24-174: Housing Planning

- Effective date: May 30, 2024
- C.R.S. §§ 24-32-3701 to -3711; C.R.S. § 30-28-206; C.R.S. § 31-23-206
- Housing needs assessments
- Housing action plans
- State planning and support
- Master plan elements
- Funding prioritization

# SB24-174: Assessments

- Applies to counties and municipalities with population of 1,000 or more
  - Excludes 1% negative population change
- Standardized data on housing stock and needs
- December 31, 2026 and at least every 6 years (3 year report)
- Exceptions:
  - Regional assessment exempts from local requirement
  - Existing assessment after January 1, 2022 may qualify (submit by end of 2024)
  - Study created pursuant to state or federal requirement may be substituted

# SB24-174: Action plans

- Applies to counties and municipalities:
  - With population of 5,000 or more; or
  - 1,000 or more and participated in a regional assessment or is a “rural resort community”
  - Excludes 1% negative population change
- January 1, 2028 and at least every 6 years
- Public engagement and adoption process
- Plans adopted from January 1-July 1, 2024 may qualify

# SB24-174: Action plan components

- Progress report and description of response to allocation of need
- Zoning and density assessment and recommendations
- Plan to promote development of needed units
- Affordability strategies (2 standard; 1 long-term)
- Narrative of displacement risk and mitigation plan (1 strategy)
- Legislative plan
- Analysis of development opportunities near transit
- Outreach and engagement
- Intergovernmental coordination

# SB24-174: DOLA Role

- Assessment methodology and displacement risk guidance (12/31/2024)
- Affordability and displacement mitigation strategies (6/30/2025)
- Statewide strategic growth study (10/31/2025)
- Agricultural and natural opportunities report (12/31/2025)
- Statewide housing needs assessment & statewide report (12/31/2027)
- Accepting reports
- Technical assistance
  - Mediation of development disputes
  - \$15M



# SB24-174: State Strategic Growth Report

- Supplements Statewide Climate Preparedness Strategic Plan and Roadmap
- Analyzes land use scenarios and impacts on housing, infrastructure, climate and air quality, water supply, transportation and transit, parks and open space, resource lands, wildfire risk, and “critical areas”
- Analyzes effect of state policies on land use development patterns and sprawl
- Recommends state and local laws for environmentally and fiscally sustainable growth

# SB24-174: Master Plans

- Consider housing needs assessment, strategic growth and agricultural opportunities reports, and Colorado water plan
- Narrative of plan development process
- Water supply element (after 1/1/2026 and by 12/31/2026)
- Strategic growth element (after 1/1/2026 and by 12/31/2026)
  - Policies to prevent sprawl and promote smart growth
  - Vacant and underutilized sites development analysis
  - Sprawl analysis
  - Housing action plan

# SB24-174: Master Plans

- Water supply and strategic growth elements updated every 5 years
- Strategic growth not required if not funded through SB174 and:
  - Population of 20,000 or less and 1% negative population change
  - County with population of 5,000 or less
  - Municipality with a population of 2,000 or less

# SB24-174: Prioritization

- Land use and planning grants (excluding Prop 123)
- Based on (if applicable):
  - Accepted local or regional housing needs assessment
  - Accepted housing action plan and status report
  - Master plan containing water supply and strategic growth elements
- Additional prioritization for “neighborhood centers”

# Additional Bills

- SB24-048 Substance Abuse Disorders Recovery
  - “recovery residences” are a residential use of property for zoning purposes and subject to regulations of like dwellings in the same zone.
- SB24-212 Local Govs Renewable Energy Projects
  - State to report on siting and fees for renewable energy
- HB24-1237 Child Care Facilities
  - Additional funding and best practices (including zoning changes)
- HB24-1308 Implementation of Affordable Housing
  - Standardizes grant processes

# Thank you for attending!



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We appreciate your feedback!



# Thank You!

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