



COLORADO
MUNICIPAL
LEAGUE

NEWSLETTER

Vol. 50, No. 16, August 9, 2024



Municipal leaders asked to confirm Policy Committee membership

By Kevin Bommer, CML executive director

In preparation for the 2025 legislative session, members to the CML Policy Committee are being confirmed now along with a request for any member proposals for CML-initiated legislation. The CML Policy Committee is an essential part of the policy development process at CML, as it has primary responsibility for reviewing known or anticipated legislation in accordance with CML's Annual Policy Statement and making recommendations to the CML Executive Board.

Each CML member municipality is entitled to designate at least one representative to the League's Policy Committee. Cities with a population over 100,000 are entitled to appoint two representatives. Appointments and re-appointments to the committee are good through June 2025. Member municipalities changing or adding Policy Committee members are requested to provide updates by Aug. 31, although changes may be made at any time.

The first meeting of the Policy Committee will be Friday, Oct. 11. Proposals for initiated legislation that commit-

tee members wish to have reviewed by the committee are due Sept. 9. Instructions and a link to the submission form were included in the initial email to mayors, managers, clerks, attorneys, and the prior year's Policy Committee members.

All CML members are encouraged to review CML's Annual Policy Statement, which was approved at the 2024 Annual Business Meeting in Loveland. It can be found at tinyurl.com/CMLpolicy. By March 2025, the Policy Committee will review the Policy Statement and recommend any changes to the full membership to consider at the 2025 Annual Business Meeting in Breckenridge held during the CML Annual Conference. Any members with suggested additions or changes should work with their Policy Committee member or contact CML staff.

While Heather Stauffer, CML legislative advocacy manager, is out on leave, questions can be directed to Kevin Bommer, executive director, at kbommer@cml.org.

Empowered cities & towns, united for a strong Colorado

EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO

UPCOMING WEBINAR

CDOT'S OFF-SYSTEM BRIDGE PROGRAM

Wednesday, Aug. 14, 12-1 p.m.

The webinar will feature Natasha Butler and Michael Collins from the Colorado Department of Transportation (CDOT). They will provide an overview of the Off-System Bridge Program, explain the application and funding allocation process, and share best practices for completing your application. The Off-System Bridge Program provides CDOT funding to municipal-owned bridges for repair or replacement. Register at cml.org/home/education-training.

CML EVENTS

EFFECTIVE GOVERNANCE ON THE ROAD

We are bringing CML's popular Effective Governance workshop on the road to our members across Colorado. These interactive workshops focus on practical governance skills, staff/council relationships, ethics, liability, open meetings, media relations, civility, and more. Don't miss out on the opportunity to engage with experts, exchange ideas, and empower your community. Register at cml.org/home/education-training. The workshops will be held on the following dates and locations:

- Sterling, Aug. 16
- Glenwood Springs, Aug. 21
- Durango, Aug. 29

ANNUAL SEMINAR ON MUNICIPAL LAW

This CML seminar provides expert Colorado-specific information directly relevant to the daily practice of municipal attorneys in the state, as well as opportunities to network with peers. The seminar will take place Sept. 20-21 in Colorado Springs. Register at tinyurl.com/CMLAttorneySeminar.



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CML Newsletter (ISSN 7439903) is published biweekly by the Colorado Municipal League, 1144 Sherman St., Denver, CO 80203-2207, for Colorado's municipal officials. (USPS 075-590) Periodical postage paid in Denver, Colorado.

Editor: Denise White
Designer: Alex Miller
Circulation/mailling lists: Mark Vanderbrook

POSTMASTER: Send address change form 3579 to Colorado Municipal League, 1144 Sherman St., Denver, CO 80203-2207; (p) 303-831-6411 / 866-578-0936; (f) 303-860-8175.

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CELEBRATE WITH CML

CML wants to hear about your community's successes. Tell us about a grant you've won, water tank that's finally finished, or anything else you're excited about! Email CML Publication & Design Specialist Alex Miller, amiller@cml.org, to have your community's new featured in the CML Newsletter.



Erie breaks ground on affordable housing community

By the Town of Erie

Erie has broken ground on Cheesman Street Residences, a new affordable housing community offering 35 residences in the heart of Historic Old Town Erie. A ceremony took place July 18 at the future site of the development. Cheesman Street Residences will offer something not often seen in the market today: the opportunity to own a deed-restricted and design-forward home that is walkable to schools, restaurants, and parks in one of the Front Range's most charming towns.

In the first six months of 2022, the median sale price of a single-unit detached house in Erie reached \$800,000, an increase of 17% over the same period in 2021. With 88% of Erie's housing inventory being single-unit detached homes, it wasn't hard to see that it was imperative for Erie to find ways to create more affordable housing. Erie committed to the goal of achieving 12% of the town's housing to be affordable by 2035. As a first step toward this goal, the town purchased the land on Cheesman Street, a two-acre lot just five blocks from Erie's bustling Briggs Street.

"When young adults who have grown up in Erie, as well as library workers, teachers, firefighters, restaurant staff, and others essential for a thriving local economy, cannot afford to live in Erie, it is important to take action," said Malcolm Fleming, Erie town manager. "This property in the heart of town is a perfect location for more affordable housing."

As it happened, Vertikal, a Louisville-based design/build developer, was looking at the same site and at ways to get creative with deed restricted housing. When Vertikal learned of the town's objective of creating design-forward, affordable housing that was walkable within Historic Old Town, it offered to help bring that vision to life. The town is providing the land and a financial contribution — including a \$1 million grant from the Colorado Department of Local Affairs (DOLA) to help cover the cost of infrastructure and permitting fees — while Vertikal is covering the development cost.



PHOTO COURTESY OF TOWN OF ERIE

From left, Erie Councilor Emily Baer, Mayor Justin Brooks, and former Councilor Ari Harrison break ground on the Cheesman Street Residences.

The 35 homes will provide housing options for varying needs. Five unit types will range in size from 900 to 1,500 square feet and 2- to 3-bedrooms with options for either single or two-story as well as detached or attached. Each home will have access to open space through private side yards, a garden court, and amenity space. Pricing starts at \$385,000 — about half the average price of a home in Erie — with half of the units achieving a 90% Average Median Income target price and half achieving a 110% Average Median Income target price. Eligible buyers must meet income guidelines. For example, a family of four earning a household income of roughly \$160,000 would be eligible to buy.

"This project is incredibly exciting because it will help preserve the small-town sensibility that makes Erie special while also solving a problem that cities and towns across Colorado — and the country — are facing, which is the absence of affordable home ownership options," said Justin Brooks, Erie mayor. "With Vertikal as our partner, we are investing to secure a future where more residents have the option to live where they work, which is a goal we all share."

TOWN OF ERIE ACHIEVES PROP 123 COMMITMENT

The Cheesman Street Residences project will allow Erie to reach the commitment set as part of Proposition 123. State of Colorado Prop 123 is a program requiring municipalities to commit to creating a set number of affordable housing units over a three year period in return for eligibility to apply for funding from DOLA. Erie committed to creating five new affordable housing units each year through Dec. 2026 for a total of 18 units. This first project alone pushes Erie over that commitment well before the deadline. DOLA awarded the town \$1 million for the project.

COMING SOON: THE VILLAGE AT COAL CREEK

The Cheesman Street Residences are just the first of ongoing work toward more affordable housing in Erie. The next project will be just north of Downtown Erie, across from Reliance Park. The new site is in the beginning phases of exploration and planning and has been dubbed The Village at Coal Creek.

Cities & towns awarded Local Planning Capacity grants from DOLA

The Colorado Department of Local Affairs (DOLA) has awarded \$1.7 million in its latest round of Local Planning Capacity grants, a program established by Proposition 123, the State Affordable Housing Fund.

These awards support local governments implementing Prop 123 goals, including fast tracking review of affordable housing and achieving Prop 123 commitments. Congratulations to all the municipalities in this latest round of awards including: Town of Avon, Town of Basalt, City of Brush, Town of Cheraw, Town of Eads, Town of Granada, Town of Haswell, Town of Holly, Town of Kit Carson, City of La Junta, City of Lafayette, City of Lamar, Town of Lyons, Town of Manzanola, Town of Meeker,

Town of Nederland, Town of Ordway, Town of Pritchett, City of Rocky Ford, Town of Sheridan Lake, Town of Springfield, Town of Sugar City, City of Trinidad, Town of Vail, and the Town of Walsh. View a complete list of awardees and project descriptions.

The next round of funding will be Sept. 1-30 with \$4.8 million available. An informational webinar for prospective applicants is scheduled for 2 p.m. July 31. The webinar recording and slides, as well as application materials will be available on the grant program website. Interested applicants should schedule a pre-application meeting with Program Manager Robyn DiFalco to discuss a potential application and gain access to the online application form.

To remain eligible for Prop 123, local governments must demonstrate they have implemented an expedited review process for affordable housing by the end of 2026. This grant program provides funding to support local governments with implementation of this requirement and can also support local government capacity to achieve local affordable housing goals and Prop 123 commitments. Communities are encouraged to apply early to allow sufficient time for implementation before the 2026 deadline. Applicants in this September funding cycle will be notified of awards in November. This timeline will allow approximately 23 months for implementation efforts. Communities that wait until future funding cycles will have only 12-18 months to achieve the Prop 123 requirements.

Free bootcamps teach grant writing skills and strategies

Starting in September, the National League of Cities and Local Infrastructure Hub will kick off another round of free bootcamps to provide resources and training for communities interested in securing federal grant funds to address sustainable infrastructure needs.

The bootcamps are designed to help communities develop competitive funding applications for federal grants with an emphasis on helping traditionally underserved small and mid-sized cities

and towns. With at least 30 courses available in this two-year project, each of the courses will run for an average of four months, with live learning sessions taught by subject matter experts, along with coaching sessions, office hours, and opportunities for peer learning. Participating cities should plan to devote several hours of active participation to the program each month and will be guided through the process of how to execute a community engagement strategy, ground applications in data, assemble a budget,

and ultimately write winning grant applications that are tailored to specific grant opportunities.

Upon program completion, participating local governments will be able to submit compelling grant application packages that are grounded in data, feature detailed project plans, and include relevant policy objectives.

Learn more and register to join a free bootcamp at localinfrastructurehub.org.

New issue of Colorado Municipalities

From digital platforms to public meetings, and from public transportation to our natural spaces, the new issue of CML magazine *Colorado Municipalities* dives deep into how local governments are addressing the needs of their communities to make them more accessible for everyone. Explore the innovative strategies and solutions shaping a more inclusive future for residents and visitors alike. Articles tackle topics including digital accessibility, public transportation, and the future of accessibility programs in cities and towns. Download the new issue of *Colorado Municipalities* at cml.org.



Metro Area BID DDA URA Mobile Tour

Many Colorado communities are curious about districts and authorities that can focus on redevelopment, reuse, and place management in downtown and commercial areas. Why sit in a conference room to learn, when you can hit the road and tour some Business Improvement District, Downtown Development Authority, and Urban Renewal Authority projects?

Colorado Municipal League and Downtown Colorado, Inc. are pleased to announce our fifth annual mobile tour, set for Aug. 22. Register today by visiting tinyurl.com/34mdvnzj.

RESEARCH CORNER

DRAFT POPULATION ESTIMATES RELEASED FOR COLORADO

Municipalities in northern Colorado experience growth

Data visualization by **RACHEL WOOLWORTH**, CML municipal research analyst, and **ALEX MILLER**, CML publication & design specialist

Colorado's most recent draft population estimates, released by the Colorado State Demography Office on July 1, show notable growth across northern Colorado's cities and towns. The estimates are based on the 2020 census plus annual data collected by the demography office on births, deaths, and net migration.

Colorado's municipal population grew by more than 7,000 people from 2020 to 2023, about 1,500 of whom live in Keystone, the state's newest municipality. The town incorporated in February of this year.

Various northern Colorado municipalities, specifically those in Weld and Larimer Counties, experienced some of the state's highest growth rates. Four of five municipalities with the highest rates of growth in Colorado from 2020 to 2023 are in Weld County: Keenesburg, Ault, Severance, and Mead.

Though it is easier for smaller municipalities to make large jumps in percentage-based population growth than larger cities and towns, northern Colorado municipalities of over 10,000 residents still saw strong

growth. Berthoud, Erie, Frederick, and Windsor all experienced population growth rates of over 15% from 2020 to 2023.

Colorado Springs and Aurora, Colorado's second and third largest municipalities, both grew by about 1.5% from 2020 to 2023. Castle Rock and Parker, both located in Douglas County, experienced the most significant population growth increases for large municipalities of over 50,000 people.

Denver, Lakewood, and Arvada, three of Colorado's 10 largest municipalities, lost population from 2020 to 2023. And several municipalities in Boulder County, including Boulder, Louisville, Longmont, and Superior, also experienced significant population loss.

Various mountain towns, including Aspen, Frisco, Minturn, and Vail, saw their populations decrease by more than 5% in the last three years while others, including Winter Park, Gypsum, Silverthorne, and Granby, saw their populations increase by more than 5%.



By the numbers

Between July 2020 and July 2023

Colorado's municipal population grew by

1.7%

Keenesburg's population grew by

65%

the highest growth rate in the state

Walsenburg's population shrank by

31%

the lowest growth rate in the state

EPA seeks nominations for Farm, Ranch, and Rural Communities Federal Advisory Committee

The U.S. Environmental Protection Agency (EPA) announced a solicitation for nominations to serve on its Farm, Ranch, and Rural Communities Federal Advisory Committee (FRRCC). Established in 2008, the committee provides independent policy advice, information, and recommendations to the EPA administrator on a range of environmental issues and policies that are of importance to agriculture and rural communities.

“The FRRCC provides a venue for agricultural stakeholders to provide meaningful feedback to EPA regarding a range of policies and programs,” said

Rod Snyder, senior agriculture advisor to the administrator. “The work of this committee is more important than ever as the FRRCC helps inform the priorities of EPA’s newly created Office of Agriculture and Rural Affairs.”

Earlier this year, the committee issued policy recommendations to Administrator Michael S. Regan about how EPA’s programs and authorities can help support and accelerate U.S. agriculture’s climate goals. This includes partnership opportunities to support farmers and ranchers in reducing greenhouse gas emissions and adapting to more frequent

extreme weather events. In response to the committee’s recommendations, Administrator Regan established EPA’s first-ever Office of Agriculture and Rural Affairs to ensure long-term collaboration with agricultural and rural stakeholders.

To be considered for an appointment to the FRRCC, nominations should be submitted to FRRCC@epa.gov by Sept. 5 with the subject line “FRRCC Membership 2024.” Nominations should include a resume or curriculum vitae and a statement of interest. Letters of support and recommendation will be accepted but are not mandatory.

Win a year of expert technical assistance

The Sustainable Development Code (SDC) is excited to announce the Colorado Sustainable Development Code Challenge. The challenge offers two selected communities in Colorado the chance to receive expert technical assistance at no cost, funded by the Gates Family Foundation.

This initiative aims to help communities address sustainable development issues

such as affordable housing, climate change, alternative energy, water conservation, wildfires, and natural resource protection.

Over a year from September 2024 to July 2025, the SDC will evaluate and provide recommendations on 2-4 targeted sustainability issues within local development codes. The chosen communities will drive the focus areas

of this assistance, ensuring relevance and impact. Insights gained from this challenge will be shared to benefit other local governments across Colorado in their sustainable development efforts. The application is easy and quick, and the deadline is Aug. 30. Register for the Colorado Sustainable Development Code Challenge online by visiting tinyurl.com/32cnx4vn.



CML LEGAL CORNER



Navigating land use issues involving religion

By Taylor McGaughey, CML law clerk

Recently, the Town of Castle Rock was ordered by a federal court to stop enforcing restrictions in its zoning code against a local church that provided temporary shelter in two trailers in its parking lot. The court relied on a 2000 federal law, the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc, which protects people and religious institutions from burdensome or discriminatory zoning, landmarking, and other land use regulations. RLUIPA also provides religious protection for prisoners.

RLUIPA is not a new law, but its limited scope and use of ambiguous phrases make it a challenge for local governments to navigate. The law does not exempt all religious exercise from land use regulation, but its provisions may undermine well-intentioned, generally applicable laws. The Castle Rock litigation remains ongoing, but the case highlights how municipalities must carefully navigate this federal law when applying land use laws and standards to religious organizations and practices.

RLUIPA'S FRAMEWORK

Under RLUIPA, religious exercise is a broad concept that doesn't have to be fundamental to a religious belief system and includes the use of real property for the purpose of religious exercise. First, RLUIPA prohibits the implementation of any land use regulation that imposes a "substantial burden" on the "religious exercise" of a person, assembly, or institution except where justified by a "compelling government interest" that the government pursues using the least restrictive means.

RLUIPA intentionally does not define "substantial burden" and the U.S. Supreme Court has not heard a case involving this test. Courts have defined

the concept differently, ranging from requiring absolute prohibition of a religious exercise to directly making the practice effectively impracticable. In the Castle Rock case, the court found that a substantial burden could exist because the zoning restriction "prevents participation in conduct motivated by a sincerely held religious belief."

Second, RLUIPA protects religious assemblies and institutions by prohibiting discrimination on the basis of religion. The law requires treatment on at least equal terms as nonreligious assemblies and institutions, and it prohibits land use regulations that totally exclude or unreasonably limit religious assemblies (or their structures).

RECENT RLUIPA CASES INVOLVING HOMELESSNESS

The Castle Rock case is just one of many RLUIPA cases in recent years that involve local zoning and homelessness. In Castle Rock, the court found that the church was likely to succeed on its RLUIPA claim because it found a substantial burden on a religious exercise (providing shelter on the church's property) and no compelling government interest in restricting that exercise. Disregarding the general application of the town's limits and the reasons for it, the court appeared swayed by the limited impact of the church's use. The court, however, limited the injunction to two mobile homes on the church's large parking lot that was distanced from residential areas.

In 2020, the City of Lenexa, Kansas, settled with a local church after the church sued the city for denying the construction of a homeless shelter because the location would be inconsistent with local zoning. This year, a federal judge found that the City of Brookings, Oregon, violated RLUIPA when it required a church providing food for the unhoused to get a conditional use license. A similar case is being

litigated in California, where a faith-based organization sued the City of Santa Ana for not granting it a license to distribute food and beverages because the location was not zoned for such services.

Notably, the U.S. Department of Justice (DOJ) filed statements of interest in both the Oregon and California cases in support of the position taken by the religious organizations. It is unclear whether these were outlier cases or whether the DOJ is taking a more active role in RLUIPA litigation.

BEYOND RLUIPA

The First Amendment's protections of religious freedom also limit how land use laws can apply to religious organizations. Supreme Court precedent, however, is more lenient with regard to generally applicable, religiously neutral laws that happen to impose a burden on religion.

The Castle Rock case includes First Amendment claims that may seek to overturn that leniency. As federal courts disagree about the "substantial burden" test, the case presents an opportunity to clarify how RLUIPA cases are proved and what standard actually applies to First Amendment claims.

Whether imposed by RLUIPA or the First Amendment, a strict scrutiny standard is incredibly difficult for a government entity to overcome. As municipalities encounter religious exercise issues in the land use context, they should be aware of the confusion in this area. Generally applicable, religiously neutral laws will help to avoid disputes. But the future may require extra care to ensure that a "compelling interest" supports the local law and that the law is narrowly tailored to that interest.

This column is not intended and should not be taken as legal advice. Municipal officials are always encouraged to consult with their own attorneys.



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