



## Colorado Chapter of the American Planning Association Position Statement: SB23-213 More Housing Now

The Colorado Chapter of the American Planning Association (APA Colorado) is an organization of approximately 1,500 professional and citizen planners dedicated to preserving and creating great communities throughout Colorado. Our organization is dedicated to promoting and advocating excellence in planning and public policy. As such, APA Colorado is officially taking an Amend position on SB23-213 Land Use.

There are multiple tenets of this bill that promote best practices in planning, but APA Colorado believes that meaningful amendments must be addressed to ensure the bill is actionable and appropriate to the varying municipal contexts in Colorado. APA Colorado recognizes that local control is a core component of this bill, however the decision on local control is a purview of elected officials and not planners.

Overall, APA Colorado agrees that SB23-213 promotes current best zoning and land use practices in the planning profession related to small scale density increases in single family zoning to allow for housing products such as ADU's, duplexes etc. and encourages greater density in transit corridors, recognizing the interdisciplinary connections between land use planning and other policy areas such as water and infrastructure planning. The information below details APA Colorado's position based on our Legislative Priorities and policy guidance from the American Planning Association (APA).

### Equity

APA Colorado strongly believes that all planning should be equitable and recognizes that past policy and zoning decisions have led to exclusionary practices that have had disproportionate impacts in communities. APA's Equity in Zoning Policy Guide states that zoning reform is a local responsibility; however, both state and federal governments should exercise their authority to promote local planning efforts and empower community planners to overhaul exclusionary regulatory barriers to housing choice and production when possible.<sup>1</sup> APA Colorado believes the following policies advocated by APA as best practices to address zoning and equity are advanced by SB23-213:

- Amend existing residential districts to allow more types of housing by right.
- Reduce or remove limits on multi-household development density, minimum dwelling unit sizes, or maximum dwelling units per acre that tend to force the construction of fewer, larger, more expensive dwelling units within these buildings.
- Where supported by historically disadvantaged and vulnerable populations, expand the list of residential use types permitted in those neighborhoods to include one or more of the following forms of non-traditional and "missing middle" housing that is more available to America's diverse, aging population.
- Allow accessory dwelling units (ADUs) without the need for a public hearing, subject to only those conditions needed to mitigate potential impacts on neighboring properties.

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<sup>1</sup> American Planning Association. (2022, December). Equity in Zoning Policy Guide. <https://www.planning.org/publications/document/9264386>

- Allow manufactured and modular homes in many residential districts, protect existing manufactured housing parks, and allow the creation of new manufactured housing parks with quality common open space and amenities.
- Replace zoning references to “family” with a definition of “household” that includes all without reference to a family or household.
- Eliminate or reduce minimum off-street parking requirements in areas where those requirements serve as significant barriers to investment and are not necessary to protect public safety of pedestrians, bicyclists, motorists, older adults, or persons with disabilities.

### Affordable Housing

According to APA Colorado’s members, affordable housing is of the greatest priority in 2023 and has been for the past several years. Paramount to addressing affordable housing are modernization of local zoning laws and provision of tools and resources to local governments. APA promotes modernizing state and local laws to ensure housing opportunities are available, accessible, and affordable to all. APA and APA Colorado support modernizing local zoning codes to increase housing production while taking local context and conditions into account. The desired result is to facilitate a range of housing types and densities that serve a diversity of housing needs and reduce barriers to housing production and access to housing choice.<sup>2</sup>

As SB23-213 has a focus on reducing the impacts of exclusionary zoning by allowing ADUs and Middle Housing as a right, the bill does make a significant step toward increasing housing types and housing choice. APA Colorado believes this bill promotes current best zoning and land use practices in the planning profession related to allowing some small-scale density increases single family zoning to allow for housing products such as ADU's, duplexes, triplexes, and quadplexes, encouraging greater density in communities and around transit investments.

APA Colorado supports additional components to address affordability as a part of SB23-213. The State can be a meaningful resource and partner to local governments to address affordability by providing resources and tools that local governments can use to best meet their specific needs and challenges. It is important that SB23-213 add to the strategies and resources that local governments are leveraging currently.

### Water Planning and Conservation

APA Colorado promotes integrating land use and water planning to effectively plan for the future of Colorado communities. APA Colorado supports continued efforts to incorporate water planning in comprehensive master plans and strengthen requirements to provide proof of an adequate water supply for existing and future development in terms of quantity, quality, and dependability. Water is a scarce resource in Colorado but is necessary to support communities; preserve quality of life; conserve wildlife habitat and environmental resources; and sustain economic growth and development.

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<sup>2</sup> American Planning Association. (2019, May). Housing Policy Guide. <https://www.planning.org/publications/document/9178529>

APA Colorado appreciates the connection to water planning and housing in SB23-213 and supports the inclusion of water planning elements as a mandatory component of Master Plans. APA Colorado recognizes that building housing without adequate water supply is not consistent with best practices and encourages flexibility through exemptions for increased density if there are inadequacies in infrastructure systems, such as water, to support the future development. APA Colorado supports housing types and development patterns that reduce or more efficiently use our water resources.

APA Colorado also recognizes that there are existing agencies that set water regulations and best practices. We encourage SB23-213 to incorporate the Colorado Water Conservation Board as appropriate to provide guidance and technical assistance to local governments and ensure that water requirements within the bill are consistent with existing regulations.

### Transportation

APA Colorado recognizes the interdisciplinary connections between land use planning and other policy areas such as water and infrastructure planning, such as transportation. APA Colorado endorses comprehensive, equitable approaches to transportation planning that integrates land use. The sections of SB23-213 that relate to housing around Key Corridors and Transit-Oriented Communities present opportunities to address housing needs and leverage transit investments that help households decrease overall costs and increase access to opportunities. APA Colorado supports increasing housing options near transit but recognizes that the local context of each corridor or station area varies significantly. APA Colorado requests that flexibility for local governments to best identify where housing is appropriate within these areas to best support individual community goals and needs be incorporated into SB23-213.

### Climate Change and Energy

APA Colorado supports reducing greenhouse gas (GHG) emissions through compact development patterns that reduce vehicle miles traveled and our overall carbon footprint. Recognizing that smaller and multi-family housing can use less overall energy than larger, single-family homes, APA Colorado recognizes that SB23-213 presents an opportunity to address our state's housing needs with energy efficient development.

### Planning Best Practices

**Regional planning** is addressed in this proposed legislation and APA Colorado agrees with the focus on regional planning that is included and woven throughout SB23-213. Effective and efficient planning both for today and for our future cannot be accomplished without taking a regional approach. Not only is it important for our communities to coordinate with their neighbors to achieve good planning, but a regional approach is also needed statewide to achieve statewide goals and maintain our quality of life.

Incorporating counties into this planning process and the requirements of this bill, along with language to accomplish this, is needed. As written, it is not clear in some cases, that the requirements of this bill that apply to counties. As some counties have urbanized areas that function in the same way as urban municipalities, along with the same needs and impacts, it is important to ensure that the counties are not left out. This is important for many reasons, including:

- The wildland urban interface, or WUI, is spoken to in various parts of the bill. It is as we know a high-risk area for wildfire. Much of this area is found in the sub and exurban areas that lie in unincorporated county lands.
- Urbanized counties have the same needs for affordable housing, missing middle housing, water planning, and more, as do municipalities.

**Coordinated planning** to ensure consistency with existing statutes and reduce duplicative planning efforts is imperative. APA Colorado appreciates the inclusion of Master Plans within SB23-213. If SB23-213 is passed it will require many planning and other documents (Master Plans, Three-Mile Plans, etc.) to be amended to align with new requirements. Other plans, like the required CDBG Consolidated Plans that required as a prerequisite for federal housing funds, will be able to assist local governments in meeting the requirement for housing needs assessments.

SB23-213 must recognize the interconnected nature of various planning documents recently or currently in development and develop guidance or support to local governments on alignment of planning efforts to meet the requirements of this bill. APA Colorado believes working with local governments and developing thoughtful timelines that leverage previous efforts and reduce the burden on local governments is important. Additionally, cross-referencing existing tools and plans would strengthen the approach in this bill, link to current practices, and provide a bridge to compliance for local governments.

APA Colorado has developed this policy position statement based on the original SB23-213 bill language. We have reviewed and recognize that much of our position and desired amendments are integrated in the proposed amendments. APA Colorado encourages incorporation of these amendments into the bill language to align with APA best practices and the needs of local governments in Colorado.