



April 3, 2023

SENT VIA EMAIL

The Honorable Jared Polis, Governor of the State of Colorado  
State Capitol Building  
200 E. Colfax Avenue, Room 136  
Denver, CO 80203

Members of the Senate Local Government and Housing Committee  
Colorado General Assembly  
State Capitol Building  
200 E. Colfax Avenue  
Denver, CO 80203

**Re: SB 23-213, Concerning Land Use Requirements**

Dear Governor Polis and Members of the State Local Government and Housing Committee:

My name is Colleen Whitlow, and I am writing to you in my capacity as the Mayor of the Town of Mead, Colorado to express some significant concerns with SB 23-213 which is scheduled to be heard by the Senate Local Government and Housing Committee on April 6, 2023.

The Town of Mead is a growing and inclusive community located in the heart of Northern Colorado, within commuting distance of Denver, Fort Collins, Boulder, and Longmont. The Town is bisected by both Interstate 25 and Highway 66 – the southern scenic gateway into Rocky Mountain National Park.

I am a small business owner and entrepreneur and have lived in Mead for more than two decades. I am also a 10-year military veteran who was stationed at both Clark Air Force Base and Langley Air Force Base while supporting Operation Desert Shield and Operation Desert Storm.

Here are some of the major issues with SB 23-213:



- The bill removes the legislative discretion of the Town’s elected Board of Trustees to make zoning decisions. Residents of the Town elect the Board members to apply their best legislative judgment to rezoning decisions based on certain criteria including consistency with the Town’s Comprehensive Plan, compatibility or harmony of surrounding land uses and development, or whether the area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of a specific area.
- The bill’s articulated goal is to increase the availability of affordable housing, but the bill lacks any clear path toward ensuring that additional housing units will be (or remain) affordable.
- The bill includes significant and burdensome reporting requirements for local governments and is another example of an “unfunded mandate” from the State. For many communities in Colorado, the financial burden of complying with these reporting requirements will be significant. This money is better spent on improving roads, parks, other community infrastructure, or studying how best the Town can work in cooperation with other communities in Northern Colorado to address affordable housing and then implementing these strategies in a manner that will ensure success.
- The bill’s preemptions of local land use authority include the concept of a “use by right,” meaning that Town officials will be prohibited from exercising traditional decision-making authority on land use and zoning matters.
- The bill largely exempts Counties from the regulations. Incorporated areas (Cities and Towns) are subject to the bill’s requirements, but unincorporated areas are not.
- The bill includes broad and careless language that will likely result in significant unintended consequences and expose the Town to significant risk. Each of the bill’s zoning preemptions includes language that would prohibit municipalities from amending, developing, or even interpreting a local law “in a manner that would interfere with the intent” [of the bill].



- The bill includes language to streamline the process for the erection of “manufactured” housing. Specifically, the bill removes language from existing state law that ensures local authority to apply consistent zoning, development, aesthetic, and historical standards to both site-built homes and manufactured housing.
- The bill shifts the burden and responsibility of traditional local decisions to a state agency (DOLA), thus removing local accountability to voters.
- The bill allows the character of neighborhoods to be significantly compromised by forcing incompatible land-uses directly adjacent to single-family homes.

The Town of Mead’s elected officials, staff and residents have worked hard and will continue to work hard to be a place where all residents are proud to call Mead home. The Town’s vision statement is:

“A First-Choice Quality of Life Community set at the base of the Rockies, the Town of Mead is founded on its small-town community character, diverse economy, friendly neighborhoods, strong connectivity, dynamic parks, recreation and open space, expansive natural and agrarian setting and **thoughtful community planning**, facilities and services.”

At its root, the proposed bill aims to strip away the ability of the Town to continue to plan in a thoughtful and deliberate manner. Cities and towns across Colorado work hard to manage their own growth and zoning in a responsible fashion. If SB 23-213 ultimately passes, I believe that we will see residential developers move to erect middle housing (duplexes, tri-plexes, six-plexes, etc.) in places where residents have never had reason to suspect these types of buildings would exist.

Given that the bill exempts certain developments from having to comply with parking (or other important infrastructure concurrency requirements) our streets will become more congested and other infrastructure compromised. Ultimately, developers will make more money and residents across the state may end up living next to something that they never thought would. All without any assurance of long-term affordability of housing units. Residents will be angry. Property values will drop. Homeowners' equity will dry up.



The entire bill reflects the sponsors' belief that they (and the State) know far more about what's best for the quality of life in the Town of Mead than our own citizens do. Shifting important local land-use decisions away from the Town's elected and appointed officials to a State bureaucratic entity that has no day-to-day interaction with the families that live here and the businesses that do business here is not a good plan.

I am urging you to vote "no" on 23-213 and respectfully request that the Governor's office and proponents of the bill work in partnership with municipal leaders and affordable housing advocates across the state to find a better solution.

Sincerely,

Colleen Whitlow

Mayor, Town of Mead

cc: Board of Trustees  
Sen. Sonya Jaquez Lewis (sonya.jaquez.lewis.senate@coleg.gov)  
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Town Manager  
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