

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government & Housing.

HB24-1313 be amended as follows:

1 Amend reengrossed bill, page 20, strike lines 26 and 27 and substitute
2 "SECTION 24-65.1-104 (5), IS SERVED BY A WELL THAT IS NOT CONNECTED
3 A WATER DISTRIBUTION SYSTEM, AS DEFINED IN SECTION 25-9-102 (6), OR
4 IS SERVED BY A SEPTIC TANK, AS DEFINED IN SECTION 25-10-103 (18);".

5 Page 21, line 8, after "FABRICATION," insert "MINERAL OR GRAVEL
6 EXTRACTION,".

7 Page 21, after line 11 insert:

8 "(e) ANY PART OF A PARCEL THAT, AS OF JANUARY 1, 2024, IS
9 SUBJECT TO AN EASEMENT FOR A MAJOR ELECTRIC OR NATURAL GAS
10 FACILITY, AS DEFINED IN SECTION 29-20-108 (3);".

11 Reletter succeeding paragraphs accordingly.

12 Page 21, line 22, strike "FEDERAL OR STATE".

13 Page 21, strike line 23 and substitute "OWNED BY A FEDERAL, STATE, OR
14 LOCAL GOVERNMENT ENTITY;".

15 Page 21, strike line 26 and substitute "29-7.5-103 (2);

16 (l) A PARCEL THAT AS OF JANUARY 1, 2024, IS OWNED BY A
17 SCHOOL DISTRICT, AS DEFINED IN SECTION 22-30-103 (13); OR

18 (m) ANY PART OF A PARCEL'S ZONING CAPACITY WHERE
19 RESIDENTIAL USE IS EXPRESSLY PREVENTED OR LIMITED TO LESS THAN
20 FORTY DWELLING UNITS PER ACRE BY STATE REGULATION, FEDERAL
21 REGULATION, OR DEED RESTRICTION PURSUANT TO EITHER:

22 (I) FEDERAL AVIATION ADMINISTRATION RESTRICTIONS PURSUANT
23 TO 14 CFR PART 77; OR

24 (II) AN ENVIRONMENTAL COVENANT PURSUANT TO SECTION
25 25-15-318 TO SECTION 25-15-323.".

26 Page 22, line 19, after "HEIGHT." insert "NOTHING IN THIS SUBSECTION (5)
27 MEANS THAT, IN CALCULATING NET HOUSING DENSITY FOR AN AREA, A
28 LOCAL GOVERNMENT SHALL INCLUDE AN AREA REQUIRED FOR
29 STORMWATER DRAINAGE OR A UTILITY EASEMENT.".

30 Page 25, line 14, before "As" insert "(1)".

31 Page 25, line 18, after "REQUIREMENTS" insert "AND GOALS".

1 Page 25, after line 18 insert:

2 "(2) THE GOALS OF THIS PART 2 ARE TO:

3 (a) PROVIDE BENEFITS INCLUDING REGULATED AFFORDABLE
4 HOUSING, ACCESSIBLE HOUSING, REGIONAL EQUITY THROUGH A BALANCE
5 OF JOBS AND HOUSING, IMPROVED AND EXPANDED TRANSIT SERVICE, AND
6 MULTIMODAL ACCESS TO DAILY NEEDS WITHIN MIXED-USE
7 PEDESTRIAN-ORIENTED NEIGHBORHOODS; AND

8 (b) INCREASE OPPORTUNITIES FOR HOUSING PRODUCTION BY
9 PROVIDING APPROPRIATE ZONING CAPACITY BUFFERS.

10 (3) NOTHING IN THIS PART 2 PREVENTS A TRANSIT-ORIENTED
11 COMMUNITY, OR OTHER RELEVANT ENTITY, FROM:

12 (a) ENFORCING INFRASTRUCTURE STANDARDS IN LOCAL LAW THAT
13 RESULT IN THE DENIAL OR CONDITIONING OF PERMITS OR APPROVALS FOR
14 SPECIFIC HOUSING PROJECTS IN A TRANSIT CENTER, INCLUDING BUT NOT
15 LIMITED TO UTILITIES, TRANSPORTATION, OR PUBLIC WORKS CODES OR
16 STANDARDS;

17 (b) ADOPTING GENERALLY APPLICABLE REQUIREMENTS FOR THE
18 PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES, IN
19 ACCORDANCE WITH SECTION 29-20-104.5, OR THE MITIGATION OF IMPACTS
20 IN ACCORDANCE WITH PART 2 OF ARTICLE 20 OF THIS TITLE 29;

21 (c) APPROVING A DEVELOPMENT APPLICATION AT A LOWER NET
22 HOUSING DENSITY THAN THE MAXIMUM ALLOWED HOUSING DENSITY;

23 (d) ALLOWING A HIGH AMOUNT OF ZONING CAPACITY IN ONE
24 TRANSIT AREA, WHILE ALLOWING A VERY LOW AMOUNT OF OR NO ZONING
25 CAPACITY IN ANOTHER TRANSIT AREA;

26 (e) IMPLEMENTING DISCRETIONARY APPROVAL PROCESSES FOR
27 SUBDIVISIONS, REZONINGS, VARIANCES, OR OTHER PROCESSES IN TRANSIT
28 CENTERS OUTSIDE OF PROJECT-SPECIFIC ZONING STANDARDS;

29 (f) CREATING A DISCRETIONARY REVIEW PROCESS THAT MAY
30 APPROVE DENSITY GREATER THAN THE OBJECTIVE STANDARDS SUBJECT TO
31 ADMINISTRATIVE APPROVAL;

32 (g) CREATING A DISCRETIONARY REVIEW PROCESS IN TRANSIT
33 CENTERS THAT AN APPLICANT MAY OPT IN TO, INCLUDING PROCESSES SUCH
34 AS PLANNED UNIT DEVELOPMENTS; AND

35 (h) KEEPING ANY CONFIDENTIAL INFORMATION RELATED TO
36 WATER SUPPLIES OR FACILITIES CONFIDENTIAL."

37 Page 26, line 15, strike "AREAS" and substitute "AREAS, AS DEFINED IN
38 THE TRANSIT AREAS MAP CREATED PURSUANT TO SECTION 29-35-208(1),".

39 Page 37, line 2, after "AREA." insert "AS PART OF THE GUIDANCE THE

- 1 DEPARTMENT DEVELOPS PURSUANT TO SECTION 29-35-208 (5), THE
2 DEPARTMENT SHALL PROVIDE LOCAL GOVERNMENTS WITH SIMPLE AND
3 EFFECTIVE METHODS OF CALCULATING NET HOUSING DENSITY."
- 4 Page 37, line 4, strike "INCORPORATE ANY" and substitute "REFLECT ANY
5 SIGNIFICANT".
- 6 Page 37, line 9, strike "HEIGHT;" and substitute "HEIGHT. WHERE A
7 DIMENSIONAL RESTRICTION HAS MULTIPLE POTENTIAL OUTCOMES WITHIN
8 THE SAME ZONING DISTRICT OR WITHIN RELATED ZONING DISTRICTS, THE
9 AVERAGE OUTCOME OF THE DIMENSIONAL RESTRICTION MAY BE UTILIZED
10 BY THE TRANSIT-ORIENTED COMMUNITY TO MEASURE NET HOUSING
11 DENSITY."
- 12 Page 37, line 11, strike "SEVEN-TENTHS OF PARKING SPACES" and
13 substitute "THREE-FOURTHS OF A PARKING SPACE".
- 14 Page 37, line 13, strike "AND".
- 15 Page 37, after line 19 insert:
- 16 "(IV) NOTHING IN THIS SUBSECTION (1)(b) REQUIRES A LOCAL
17 GOVERNMENT TO INCLUDE AREAS FOR STORMWATER DRAINAGE OR
18 UTILITY EASEMENTS IN CALCULATING NET HOUSING DENSITY; AND
19 (V) IF A PARCEL'S EXISTING RESIDENTIAL USES HAVE A HIGHER NET
20 HOUSING DENSITY THAN THE NET HOUSING DENSITY ALLOWED FOR THE
21 PARCEL BY CURRENT RESTRICTIONS IN LOCAL LAW, THE NET HOUSING
22 DENSITY OF THE EXISTING RESIDENTIAL USE MAY BE COUNTED;"
- 23 Page 38, strike lines 4 through 7 and substitute:
- 24 "(e) ENSURE THAT THE AREA OF A TRANSIT CENTER IS COMPOSED
25 OF PARCELS THAT ARE LOCATED WHOLLY OR PARTIALLY WITHIN EITHER:
26 (I) A TRANSIT AREA OR OPTIONAL TRANSIT AREA; OR
27 (II) ONE-QUARTER MILE FROM THE BOUNDARY OF A TRANSIT AREA
28 OR OPTIONAL TRANSIT AREA."
- 29 Page 38, line 8, after "(2)" insert "(a)".
- 30 Page 38, line 9, after "MAY" insert "ONLY".
- 31 Page 38, strike lines 10 through 27.

1 Page 39, strike lines 1 through 16 and substitute:

2 "CENTER WITHIN AN OPTIONAL TRANSIT AREA AS DESCRIBED IN SECTION
3 29-35-208 (4), IF THE TRANSIT-ORIENTED COMMUNITY HAS PROVIDED
4 REASONABLE EVIDENCE IN THE HOUSING OPPORTUNITY GOAL REPORT
5 SUBMITTED PURSUANT TO SECTION 29-35-204 (8) THAT:

6 (I) TO THE MAXIMUM EXTENT FEASIBLE, AN AVERAGE NET
7 HOUSING DENSITY OF AT LEAST FORTY DWELLING UNITS PER ACRE IS
8 ALLOWED ON ALL PARCELS WITHIN THE TRANSIT AREA THAT ARE BOTH
9 ONE-HALF ACRE OR MORE IN SIZE AND NOT EXEMPT PARCELS; AND

10 (II) AREAS WITHIN THE OPTIONAL TRANSIT AREA HAVE FEWER
11 BARRIERS TO HOUSING DEVELOPMENT THAN AREAS WITHIN THE TRANSIT
12 AREA.

13 (b) FOR PURPOSES OF SUBSECTION (2)(a)(II) OF THIS SECTION,
14 BARRIERS TO HOUSING DEVELOPMENT MAY INCLUDE:

15 (I) AN ANTICIPATED LACK OF WATER SUPPLY, AFTER ACCOUNTING
16 FOR A REASONABLE ZONING CAPACITY BUFFER;

17 (II) AN ANTICIPATED LACK OF SUFFICIENT FUTURE
18 INFRASTRUCTURE CAPACITY, INCLUDING WATER TREATMENT PLANTS,
19 WASTEWATER TREATMENT PLANTS, OR ELECTRICAL POWER NETWORKS IN
20 THE AREA, AFTER ACCOUNTING FOR A REASONABLE ZONING CAPACITY
21 BUFFER;

22 (III) FACTORS WHICH CONTRIBUTE TO A HIGH COST OF HOUSING
23 DEVELOPMENT; OR

24 (IV) SITES THAT ARE INFEASIBLE FOR HOUSING DEVELOPMENT."

25 Page 44, strike line 9 and substitute:

26 "(h) ENACTING LOCAL LAWS THAT SUPPORT HOUSING FOR
27 FAMILIES, SUCH AS INCENTIVIZING CONSTRUCTION OF HOUSING UNITS WITH
28 MULTIPLE BEDROOMS; AND".

29 Reletter succeeding paragraph.

30 Page 56, after line 9 insert:

31 "SECTION 3. In Colorado Revised Statutes, 29-20-203, **amend**
32 (1); and **add** (1.5) as follows:

33 **29-20-203. Conditions on land-use approvals.** (1) In imposing
34 conditions upon the granting of land-use approvals, no local government
35 shall require an owner of private property to dedicate real property to the
36 public, or pay money or provide services to a public entity in an amount
37 that is determined on an individual and discretionary basis OR ON THE

1 BASIS OF A LEGISLATIVELY ADOPTED FORMULA OR CALCULATION, unless
2 there is an essential nexus between the dedication or payment and a
3 legitimate local government interest, and the dedication or payment is
4 roughly proportional both in nature and extent to the impact of the
5 proposed use or development of such property. This section shall not
6 apply to any legislatively formulated assessment, fee, or charge that is
7 imposed on a broad class of property owners by a local government.

8 (1.5) WHEN REQUIRING AN OWNER OF PRIVATE PROPERTY TO
9 DEDICATE REAL PROPERTY TO THE PUBLIC, IF THE SUBJECT PROPERTY DOES
10 NOT MEET LOCAL GOVERNMENT STANDARDS FOR DEDICATION AS
11 DETERMINED BY THE LOCAL GOVERNMENT, INCLUDING DEDICATION TO
12 THE PARKS, TRAILS, OR OPEN SPACE SYSTEMS, A LOCAL GOVERNMENT
13 SHALL PROVIDE THE PRIVATE PROPERTY OWNER THE OPTION OF PAYING A
14 FEE IN LIEU OF DEDICATION."

15 Renumber succeeding sections accordingly.

16 Page 70, after line 8 insert:

17 "SECTION 9. In Colorado Revised Statutes, 43-1-1103, add
18 (5.5) as follows:

19 **43-1-1103. Transportation planning.** (5.5) THE DEPARTMENT OF
20 TRANSPORTATION SHALL CONDUCT A STUDY THAT IDENTIFIES:

21 (a) POLICY BARRIERS AND OPPORTUNITIES WITHIN THE
22 DEPARTMENT THAT INCLUDES AN EXAMINATION OF POLICIES WITHIN THE
23 STATE ACCESS CODE, ROADWAY DESIGN STANDARDS, AND THE
24 TREATMENT OF PEDESTRIAN AND BICYCLE CROSSINGS. THE STUDY SHALL
25 EXAMINE THE IMPACT OF THESE POLICIES ON NEIGHBORHOOD CENTERS
26 AND TRANSIT CENTERS, INCLUDING THE IMPACT ON HOUSING PRODUCTION,
27 THE IMPLEMENTATION OF CONTEXT-SENSITIVE DESIGN, COMPLETE
28 STREETS, AND PEDESTRIAN-BICYCLE SAFETY MEASURES; AND

29 (b) THE PORTIONS OF STATE HIGHWAY THAT PASS THROUGH
30 LOCALLY-IDENTIFIED TRANSIT CENTERS AND NEIGHBORHOOD CENTERS
31 THAT ARE APPROPRIATE FOR CONTEXT-SENSITIVE DESIGN, COMPLETE
32 STREETS AS DEFINED IN THE "INFRASTRUCTURE INVESTMENT AND JOBS
33 ACT", PUB.L. 117-5, AND PEDESTRIAN-BICYCLE SAFETY MEASURES."

34 Renumber the succeeding section accordingly.

** *** ** *** **