

PLANNING MATTERS

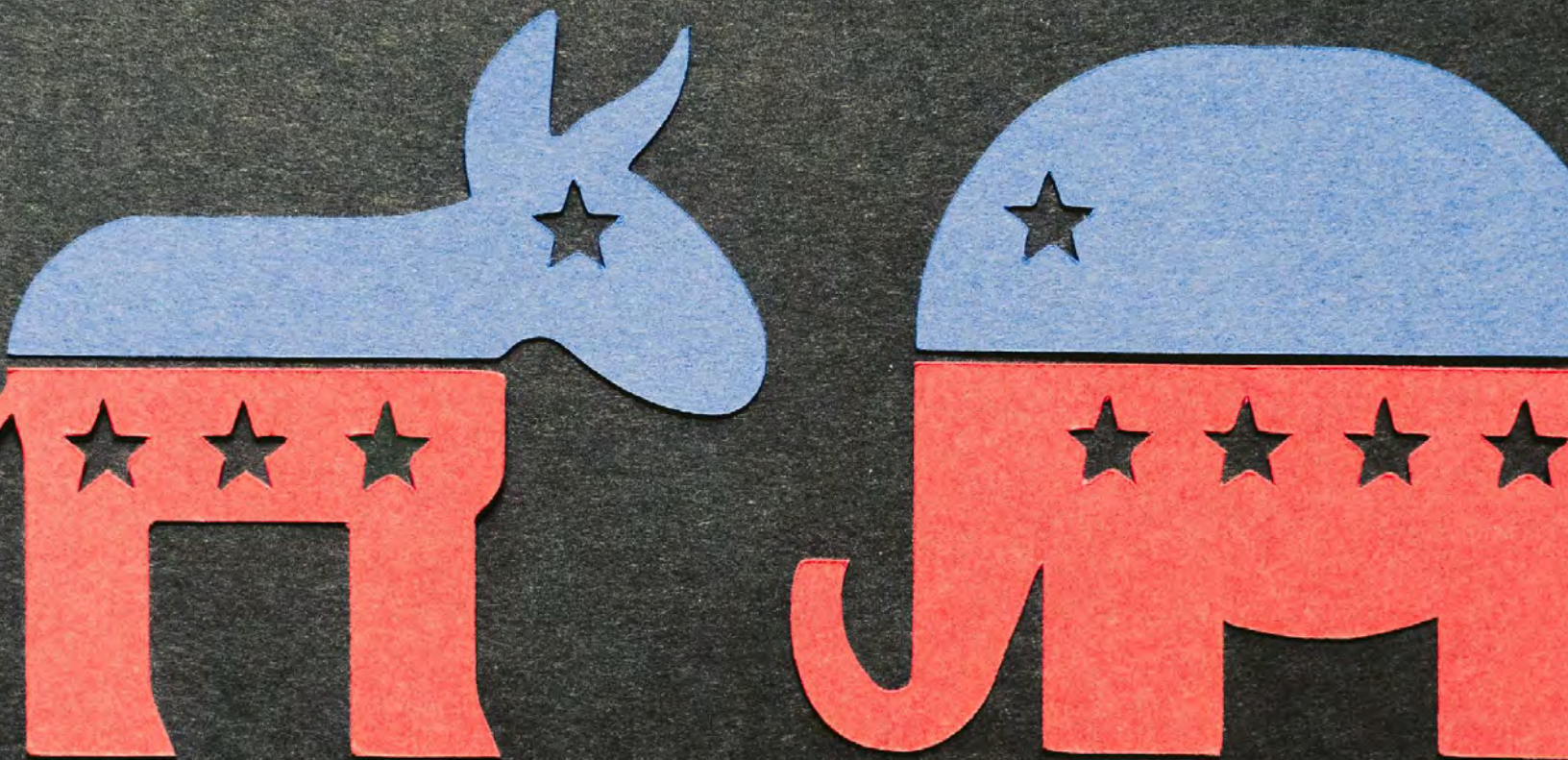


American Planning Association
Colorado Chapter

Making Great Communities Happen

A Publication of the Colorado Chapter of the American Planning Association

2020 / November/Volume 2



POLITICS OF PLANNING

Proudly serving Colorado for over 35 years

Transportation Planning | Travel Demand Modeling

Traffic Simulation | Corridor Feasibility Analysis | Access Management

Pedestrian & Bike Planning | Multi-Modal Analysis/Complete Streets | Parking & Circulation Studies

Safety Analysis Concept and Final Design | Traffic Engineering Analysis & Design

GIS & Data Management | Survey & Mapping

**WILSON
& COMPANY**

HIGHER RELATIONSHIPS

wilsonco.com

5755 Mark Dabbling Boulevard Suite 220 Colorado Springs, Colorado 80919 | Phone: 719 520 5800

1675 Broadway Suite 200 Denver, Colorado 80202 | Phone: 303 297 2976

discipline | intensity | collaboration | shared ownership | solutions

CLARION

INNOVATING FOR
Effective Land-Use Solutions

PLANNING | ZONING & LAND-USE
REAL ESTATE | SUSTAINABILITY

Clarion Associates is a national land-use consulting firm comprised of planners, lawyers, landscape architects, and designers. We leverage our team's diversity and capitalize on our individual strengths, providing superior planning products and experience to both private- and public-sector clients. Located in Denver and Chapel Hill, we specialize in community planning, zoning, design standards, historic preservation, impact fees, growth management, and sustainability in communities throughout the United States.

DENVER • CHAPEL HILL

www.clarionassociates.com



2022 LEGISLATIVE WRAP UP



Colorado State Capital, Photo by Paul Moody on Unsplash

By Sol Malick, Peak Government Affairs



The Legislative Session wrapped up its 120 day session on Wednesday, May 11th and will not reconvene until January 11th unless the Governor calls a special session which is unlikely at this point. The APA

Colorado Legislative Committee tracked 74 bills (see tracking link at the bottom of document), supported 22, and opposed none.

For the planning community, 2022 was a pretty smooth year legislatively. There was nothing big that APA Colorado had to oppose, and every bill APA Colorado supported passed and has been signed by the Governor. Though no proactive legislation was drafted and run,

3 Planning Matters/APA Colorado

there were numerous bills that helped move the planning and sustainable communities forward. The biggest issues APA Colorado was involved in pertained to affordable housing and climate change and surprisingly 2022 was NOT the year for big water legislation as projected. That's not to say that water won't continue to be a huge priority in the future, it just fizzled out this year.

Priority Bills:

HB22-1304- State Grants Investments Local Affordable Housing- This bill was a product of the affordable housing task force that convened over the summer and fall and was a done deal before it ran in the legislature. That means that it may have been easy for the General Assembly to pass through both chambers, but the real work was done over months by the task force and massive

amounts of time was poured into it. APA Colorado was engaged at a high level with the Sponsor (Rep. Dylan Roberts) and our input was a valuable asset for his effort.

APA Colorado Position: Support

Result: Passed both chambers and was signed by the Governor.

HB22-1151- Turf Replacement Program-

Though not a bill APA Colorado was highly engaged on, this legislation could pave the way for more aggressive legislation having to do with more water efficient landscapes across Colorado. Don't be surprised if you see more policy efforts so to reduce the total turfed area statewide due to water conservation concerns that APA Colorado will be asked to help on.

APA Colorado Position: Support

Result: Passed both chambers and was signed by the Governor.

SB22-232- Creation Of Colorado Workforce Housing Trust Authority- Another affordable housing bill that APA Colorado supported had an easy path through the legislature and was the funding mechanism for the previously mentioned HB22-1304. It was a vital piece of legislation to help solve the affordable housing issue in Colorado and was a Joint Budget Committee bill so it passed both chambers easily once the funding details shook out.

Downtown Eaton, Colorado.

APA Colorado Position: Support

Result: Passed both chambers and was signed by the Governor.

Election Preview

Ballots are out for the June 28 primaries in Colorado, with a handful of contested primaries on both sides of the aisle keeping

Where design meets you.



ARCHITECTURE | PLANNING | LANDSCAPE ARCHITECTURE
cushingterrell.com/planning

**Cushing
Terrell.**

things interesting. Many in the political space believe the Republicans are trending up in the state, due to a combination of the unpopularity of federal Democratic leadership in the White House and Congress, increasing inflation pressure for consumers, and 20-year high crime rates in the state, as well as a redistricting process that should open more seats to competitive races.

- State Senate: There is a path for the Republicans to flip the State Senate, and 6 or 7 key races have emerged that will determine the balance. We expect these races to get a lot of attention from the lobbying and political classes, despite top-of-ticket Gubernatorial and US Senate races also up in 2022.
- State House: The State House will likely tighten from its current 41-24 Democratic majority, but we don't anticipate a change in majority. This will likely have the effect of moving all committees back to a one vote majority, instead of the super-majority committees the Democrats have enjoyed the past two sessions.
- Governor: Governor Jared Polis remains fairly popular despite some of the headwinds other Democrats are facing.

This and his combination of personal wealth should see him back for a second term, despite a game challenger in Heidi Ganahl, who is expected to beat Greg Lopez in the GOP primary.

- US Senate: Incumbent US Senator Michael Bennet will face the winner of the GOP primary between moderate Joe O'Dea and conservative firebrand State Representative Ron Hanks. If O'Dea wins and the electoral environment doesn't improve, this could be a race to watch.
- US Congress: Colorado adds an 8th Congressional Seat through the Congressional Redistricting process in 2022. It is also the only one of the 8 that will likely be competitive in the General Election, with current State Representative Yadira Caraveo facing off against the winner of crowded GOP field including State Senator Barbara Kirkmeyer, Weld County Commissioner Lori Saine, Thornton Mayor Jan Kuhlman, and military veteran Tyler Alcorn.

Keep track of the latest bill activity and on the Bill tracking Sheet provided on the Chapter's website at: www.apacolorado.org/committee/legislative-committee

SMALL BUSINESS SPONSORS



Planning & Development Review Services

Never enough time in the day?

- Is your planning staff overwhelmed due to an influx of development review cases?
- Are you concerned development applications are not progressing through the review and approval process efficiently and effectively?
- Does frequent staff turnover in your small community make it difficult to maintain consistency?
- Do you worry that a consultant staff member might not be fitting in with your organization, workflow, or planning process?



We have a uniquely qualified team of planning professionals who are ready to provide a seamless extension to your planning staff when needed. We set ourselves apart from other municipal planning consulting firms through our extensive experience in Colorado with a wide range of planning backgrounds.

Ben Thurston, AICP
Planning Director



Vince Harris, AICP
Principal



Ethan Watel, AICP
Planning Manager



Andrew Baker, AICP
Senior Planner



Julie Esterl
Principal Planner



Tez Hawkins
Senior Planner



Sarah Adamson, PLA
Senior Landscape Architect



Kortney Harris
Landscape Designer



Will Charles, AICP
Principal Planner



Alyssa Rivas
Associate Planner



Lauren Richardson
Associate Planner

Contact

Ben Thurston, AICP | Planning Director

Phone: 303.202.5010 x220

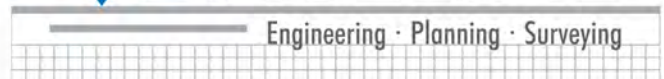
Email: ben.thurston@baselinecorp.com

Website: www.baselinecorp.com

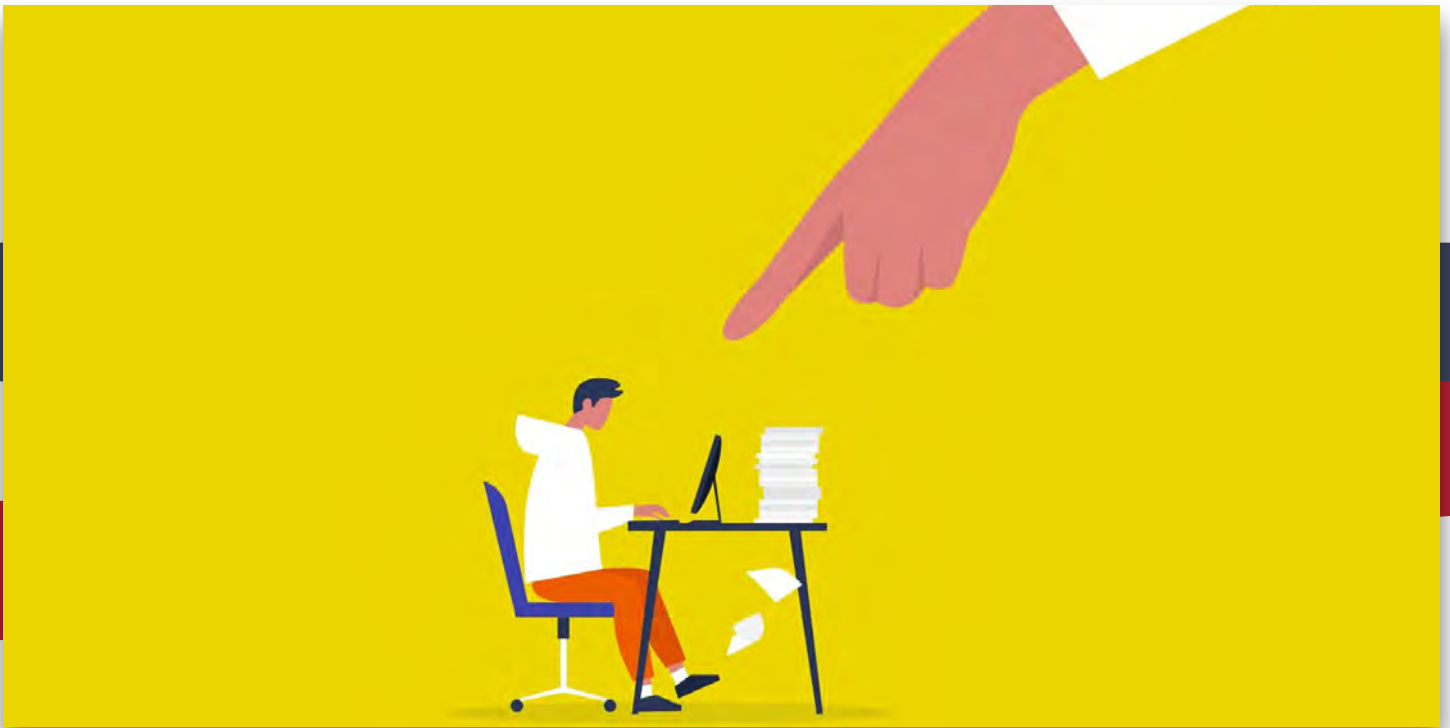
Headquarters: 112 N. Rubey Drive, #210
Golden, Colorado 80403



Engineering · Planning · Surveying



CREATING A UNIFIED VISION FOR THE FUTURE?



by Andrew Baker, Baseline Engineering

Whether you love them or hate them, Planned Unit Developments have become a divisive issue in most jurisdictions along the Front Range. Once viewed as a “one-size-fits-all” solution to any outdated or undesirable development code, the approval of developments based on these often vague land entitlements has many appointed and elected bodies calling for more detail in rezone hearings. Even traditional zone districts are given far more scrutiny than in the past as decision makers realize the effect that plans approved 20 years ago are having on development today.

Metro districts also continue to play an increasingly active role in creating design standards, phasing plans, and the administration of approval conditions. Planners generally believe in transparency and public engagement, and as more citizens become involved in planning processes, the standard deviation of public opinion continues to increase.

The AICP Code of Ethics informs planning experts in how to navigate this difficult melting pot of opinion and agency, but how do we ensure that policy makers and enforcers share these values and create a unified vision for the future?

WHAT IS YOUR STORY?

STORY BANK SUBMITTALS

Photo 1 by Etienne Girardet on Unsplash

By Shaída Libhart, AICP - Legislative Affairs Representative and Committee Co-Chair (TEI)

Everyone gather around, it's story time! OK, it is not story time like that, but we do want to discuss stories and how we are working to more fully develop our story telling capabilities. If you have attended a presentation led by the Legislative Committee over the past couple of years, you have undoubtedly heard us discuss stories, and our

While it is still important for us to be able to come to any conversation with facts (55 percent of the residents in this district qualify for affordable housing or 98 percent of U.S. commuters support transit for others [Onion, 2000]), it is also important to humanize these figures with stories from local constituents. These stories can be from local community members, from planners who have first-hand

To hell with facts! We need stories! - Ken Kesey

desire to develop a Story Bank that we can draw from as we discuss legislation with our legislators. If you haven't seen one of our presentations, you may be wondering why we are discussing stories. Let's start with some figures. Research shows that 70 percent of learning is through story telling. We first learned this through the use of word problems in elementary school math class, but we continue to learn from stories as adults. Additionally, stories are 22 times more memorable than facts.

knowledge a specific story or who can discuss stories that they experience in their role as planners each day. Stories should show a need that is not being met, or a benefit due to an improvement that has been made. Stories help us personalize the facts and figures and they help legislators to prove that there is a need in their district and shows how a new piece of legislation will help their constituents. Help us tell your community's stories, <https://bit.ly/APACOSTory>

OTTENJOHNSON

ROBINSON NEFF + RAGONETTI PC



Doing great things.

In an increasingly complex business environment, we work with you to anticipate surprises. With Otten Johnson you get seasoned, straightforward advice coupled with the know-how to stay on track. Let's do great things together.

950 17TH STREET
SUITE 1600
DENVER, CO 80202

T 303.825.8400
F 303.825.6525

 ottenjohnson.com

Bankruptcy / Foreclosures | Business Transactions | Commercial Litigation | Eminent Domain | Financing | Land Use & Entitlement Matters
Real Estate | Regulatory Compliance | Restructuring | Urban Renewal & Public / Private Partnerships | Workouts

transit
multi-modal
design
biking
engagement
walking
safety
great streets
planning



TEI
Planning +
Engineering

Our award-winning transportation planning and engineering firm is committed to improving quality of life in the communities where we live and work.

Learn more at <http://trafficengineers.com>



Photo by "My Life Through A Lens" on Unsplash

BILLS SUPPORTED IN THE 2022 LEGISLATIVE SESSION

By Scott Bressler, AICP - Legislative Committee Co-Chair (AECOM)

HB22-1013 – Microgrids for Community Resilience Grant Program

This bill creates the Microgrids for Community Resilience Grant Program in the Department of Local Affairs to provide grants for cooperative electric associations and municipally owned utilities to purchase microgrid resources for eligible rural communities located within their service territories. This bill Supports community resiliency efforts, enable greater degrees of decarbonization in communities with higher carbon content utility providers, and generally enhance community planning efforts to provide resources to utilize in case of natural disasters. The APA-Colorado Legislative Committee supported this bipartisan bill as it supports sustainability and resiliency efforts

for communities. This bill was signed into law by the Governor on June 2, 2022.

HB22-1051 – Mod(ification of) Affordable Housing Tax Credit

This bill continues the Colorado affordable housing tax credit that is scheduled to expire in 2024 for an additional ten years. It would increase the amount of credit that the Colorado Housing and Finance Authority (CHFA) may allocate each year starting in 2023. This bill decreases state General Fund revenue beginning in FY 2023-24, and minimally increases workload for state agencies and CHFA. Affordable Housing is the top priority for the APA-Colorado Legislative Committee in 2022, and this bipartisan bill provides funding to expand affordable housing options

throughout the state. This bill was signed into law by the Governor on May 26, 2022.

HB22-1117 – Use Of Local Lodging Tax Revenue

This bill expands the allowable uses of revenue from state-collected local marketing districts and county lodging tax. The bill allows districts to use the funds for housing and childcare for the tourism-related workforce, seasonal workers, and other workers in the community. Under the bill, districts may use the revenue for capital expenditures related to these purposes. The APA-Colorado Legislative Committee supported this bipartisan bill as affordable housing and childcare needs are significant in the state, and especially so in areas with high levels of tourism. This flexibility will be important in helping communities meet their needs. This bill was signed into law by the Governor on March 31, 2022.

HB22-1151 – Turf Replacement Program

This bill creates a turf replacement program in the Department of Natural Resources to assist with the replacement of nonessential irrigated turf on residential, commercial, institutional or industrial properties and transfers \$4 million to a newly created fund to implement the program. The APA-Colorado Legislative Committee worked with the Western Resource Advocates to support this bipartisan bill. This bill was signed into law by the Governor on June 8, 2022.

HB22-1242 – Regulate Tiny Homes Manufacture Sale and Install

This bill expands the authority of the State Board of Housing in the Department of Local Affairs to set standards for tiny homes. The bill covers manufacture, assembly, and installation and uniform foundation construction standards for tiny homes. It exempts them from sales and use tax and

defines tiny homes certified by the Division of Housing in DOLA as residential improvements for assessing property taxes. The APA-Colorado Legislative Committee supported this bipartisan bill as it is important for cities and counties to have codes and standards for tiny homes as they are a growing housing option. This bill was signed into law by the Governor on May 17, 2022.

HB22-1249 – Electric Grid Resilience and Reliability Roadmap

This bill requires the Colorado Energy Office, in collaboration with the Department of Local Affairs and the Colorado Resiliency Office, to develop a grid resilience and reliability roadmap. The roadmap must include guidance on how microgrids may be used to improve the grid and improve grid resilience and reliability, while serving the electricity needs of customers. The bill includes engagement requirements for stakeholders and prioritizes microgrid projects for high-risk communities. The APA-Colorado Legislative Committee supported this bipartisan bill because it develops a plan supported by data and requires the coordination with stakeholders, which represents good planning practices. This bill was signed into law by the Governor on June 2, 2022.

HB22-1282 – The Innovative Housing Incentive Program

This bill creates a program in the Office of Economic Development to provide grants or loans to new or existing businesses with fewer than 500 employees that develop manufactured homes. These may include prefabricated, panelized construction such as insulated panels or insulating concrete forms, 3D printed housing, kit homes, or tiny homes installed on foundations. The office will develop the rules and regulations for the program. The grants are limited to 20 percent

of operating expenditures and must be at least \$50,000, except in coal transition communities and areas with limited economic opportunity and inadequate or poor quality housing, where grants must be at least \$75,000. These grants may be used for operating expenses, which may include payroll, inventory, or materials. The APA-Colorado Legislative Committee supported this bipartisan bill because as technology evolves and housing needs grow, encouraging new housing types can help fill some of the affordable housing gaps. This bill was signed into law by the Governor on May 20, 2022.

HB22-1287 – Protections For Mobile Home Park Residents

This bill makes various changes to the Mobile Home Park Act and the Mobile Home Park Act Dispute Resolution and Enforcement Program

(DREP). It prohibits a landlord from raising rent on a mobile home park lot if the landlord’s registration is not in good standing. The bill extends many of the protections afforded to mobile homeowners to non-owner residents, and permits residents, local governments, and nonprofit organizations to file complaints with DREP. The APA-Colorado Legislative Committee supported this bill because mobile homes are a part of the housing mix that have historically been more affordable. This bill intends to protect residents and help to ensure that mobile homes remain this way. This bill was signed into law by the Governor on May 26, 2022.

HB22-1304 – State Grants Investments Local Affordable Housing

The bill creates two grant programs to support affordable housing by leverages funding from American Rescue Plan Act of 2021. It creates

FUTURE READY Transportation
Planned & Designed for
Everyone

safety

equity

sustainability

connectivity

**FELSBURG
HOLT &
ULLEVIG**

Greenwood Village • Colorado Springs • Fort Collins
Omaha • Lincoln • Des Moines • Sioux Falls

www.fhueng.com

the Transformational Affordable Housing Grant Program, which includes funding for the development of housing infrastructure, gap financing, maintaining existing and building new affordable housing stock, and land banking. It also creates the Infrastructure and Strong Communities Grant Program, which provides funding that is focused on infill infrastructure that enables and supports the development of affordable housing. The APA-Colorado Legislative Committee supported this bipartisan bill because as the supply of affordable housing falls short of the needs, this grant program will advance projects to increase the supply of affordable housing. With a focus on infill, it also helps leverage and upgrade existing infrastructure, impacting the sustainability of communities. This bill was signed into law by the Governor on June 1, 2022.

HB22-1316 – Colorado Water Conservation Board Construction Fund Project

This bill funds water projects in the Department of Natural Resources and transfers funds between cash funds devoted to water-related projects. The bill appropriates \$17,080,000 from the Colorado Water Conservation Board (CWCB) Construction Fund to the CWCB and the Division of Water Resources for specified water-related projects. In addition, the bill transfers \$3.0 million between water-related cash funds and authorizes the CWCB to loan up to \$13,130,000 from the CWCB Construction Fund to the town of Breckenridge to rehabilitate the Goose Pasture Tarn dam. The APA-Colorado Legislative Committee supported this bipartisan bill because it funds much needed water projects in the state. This bill was signed into law by the Governor on May 23, 2022.

HB22-1379 – Wildfire Prevention Watershed Restoration Funding

13 Planning Matters/APA Colorado

The bill transfers \$20.0 million from the Economic Relief and Recovery Cash Fund to cash funds in the Colorado State Forest Service and the Department of Natural Resources. This includes \$3.0 million to the Healthy Forests and Vibrant Communities Fund to support wildfire risk mitigation and watershed resilience; \$2.0 million to the Wildfire Mitigation Capacity Development Fund for wildfire mitigation and fuel reduction projects; and \$15.0 million to the Colorado Water Conservation Board Construction Fund for watershed restoration and flood mitigation project grants, administering the grant program, and to provide grants and assistance in applying for grants to local governments. The APA-Colorado Legislative Committee supported this bipartisan bill because it



Photo on Unsplash

supports community needs to reduce wildfire risks, fund restoration and flood mitigation projects, and it assists in applying for federal funding. This bill was signed into law by the Governor on June 2, 2022.

HB22-1392 – Contaminated Land Income Tax & Property Tax Credit

This bill makes changes to the state income tax credit for environmental remediation of contaminated land, and to state property tax exemptions for certain low-income housing developments. The credit is scheduled to expire after tax year 2022 under the current legislation. The bill extends the credit for two years to include tax years 2023 and 2024. Currently, claims for the credit are required first to be certified by the Hazardous Materials and Waste Management Division in the Department of Public Health and Environment (CDPHE). The bill increases the amount of credit that the CDPHE may certify each year from \$3 million to \$5 million. The APA-Colorado Legislative Committee supported this bill because it helps fund affordable housing. This bill was signed into law by the Governor on June 7, 2022.

HB22-1409 – Community Revitalization Grant Program Funding

This bill transfers \$20.0 million from the General Fund to the Community Revitalization Fund. The Community Revitalization Grant Program provides grants to create or revitalize mixed-use commercial centers, including projects that would combine revitalized or new commercial spaces with public or community spaces. The program is administered by the Division of Local Government in the Department of Local Affairs (DOLA). Money transferred to fund for the program is continuously appropriated to DOLA, and must be used for grants, with up to four percent for administrative costs. The

APA-Colorado Legislative Committee supported this bipartisan bill because it helps support community revitalization projects. This bill was signed into law by the Governor on June 3, 2022.

HB22-1413 – Remote Testimony Before Legislative Committees

This bill authorizes the Executive Committee of the Legislative Council to consider, recommend, and establish policies allowing legislative committees to take remote testimony. It also repeals provisions in statute for taking remote testimony at centralized remote sites outside the Denver metro area. The bill increases state expenditures in the Legislative Department to fund personnel to staff remote testimony. The APA-Colorado Legislative Committee supported this bipartisan bill because it allows more people from around the state to be able to more easily provide testimony on proposed legislation. This bill was signed into law by the Governor on June 7, 2022.

SB22-028 – Groundwater Compact Compliance Fund

This bill creates Groundwater Compact Compliance and Sustainability Fund for groundwater compact compliance and groundwater resource sustainability and conservation purposes. The CWCB will disburse funds based on recommendations from the board of directors of either the Rio Grande Water Conservancy District or the Republican River Water Conservation District, after approval by the State Engineer. The APA-Colorado Legislative Committee supported this bipartisan bill because it funds water conservation. This bill was signed into law by the Governor on May 23, 2022.

SB22-030 – Expand Water Resources Review Committee To Include Agriculture

This bill expands the scope of the Water



*Housing Code Audit
Open Space & Trails Master Plan
Summit County, Colorado*



*PlanWELLington Comprehensive Plan
and Code Update
Wellington, Colorado*



*Imagine Tomorrow Community Resources Plan
Lakewood, Colorado*

WORKING TOGETHER TO GUIDE RESPONSIBLE CHANGE

Visit us online to learn about our *award-winning work*
and *excellence in community planning*

WWW.LOGANSIMPSON.COM

Resources Review Committee to include identifying, monitoring, and addressing agriculture issues, and renames it the Water Resources and Agriculture Review Committee. The APA-Colorado Legislative Committee supported this bipartisan bill because it combines agriculture with water resources and has no added fiscal implications. This bill was signed into law by the Governor on March 30, 2022.

SB22-151 – Safe Crossings For Colorado Wildlife And Motorists

This bill creates the Colorado Wildlife Safe Passages Fund and transfers \$5 million from the General Fund to support projects by the Department of Transportation (CDOT) that provide safe road crossings for wildlife and reduce wildlife-vehicle collisions. The fund is continuously appropriated to CDOT for project

needs including feasibility studies, maintenance, matching federal funds, and administrative and personnel costs. CDOT must consult with Colorado Parks and Wildlife, the Colorado Wildlife and Transportation Alliance concerning the distribution of money from the fund. CDOT must prepare annual reports regarding the total amount spent, and the amount spent for each project during the prior fiscal year. The APA-Colorado Legislative Committee supported this bipartisan bill because it supports transportation safety, especially in rural areas of the state. This bill was signed into law by the Governor on June 1, 2022.

SB22-159 – Revolving Loan Fund Invest Affordable Housing

This bill creates the Transformational Affordable Housing Revolving Loan Program to



Planning for a Vibrant Town Center: Silverthorne's 4th Street Crossing


ARCHITECTURE | PLANNING | LANDSCAPE ARCHITECTURE
www.dtjdesign.com



Building inclusive communities
that support human development.

www.migcom.com
303-440-9200

planning
design
communications
management
science
technology

VALERIAN 
LANDSCAPE ARCHITECTURE | PLANNING | IRRIGATION

**Connecting people to the environment
through thoughtful design**

970 Yuma Street, Suite 130, Denver, CO 80204 | 303.347.1200 | www.valerianllc.com

provide flexible, low-interest, and below-market-rate loan funding to make investments in transformational affordable housing. The bill is focused on infrastructure to maintain or rehab affordable housing, gap financing, energy improvements, and more to maintain and increase affordable housing stock. The bill transfers \$150 million to the Transformational Affordable Housing Revolving Loan Fund. The APA-Colorado Legislative Committee supported this bill because it helps fund affordable housing. This bill was signed into law by the Governor on May 26, 2022.

SB22-160 – Loan Program Resident-owned Communities

This bill establishes a revolving loan and grant program to provide assistance and financing to mobile home-owners seeking to organize and purchase their mobile home parks. It establishes the Mobile Home Park Resident Empowerment Loan Program in the Department of Local Affairs (DOLA). The department must contract with one or more administrators to finance acquisitions or capital improvements for homeowners to purchase their mobile home park. DOLA must also establish two grant programs; one for nonprofit organizations to provide technical assistance to eligible homeowners seeking to organize and purchase their mobile home park and the second for eligible homeowners to maintain the long-term affordability of a resident-owned mobile home park. The APA-Colorado Legislative Committee supported this bill because housing choice is important throughout the state. This bill was signed into law by the Governor on May 17, 2022.

SB22-176 – Early Stage Front Range Passenger Rail Funding

The Front Range Passenger Rail District was

established by Senate Bill 21-238 to implement an interconnected passenger rail system along the Interstate 25 corridor. This bill transfers money from the General Fund to support development of the Front Range Passenger Rail corridor, including funding for rail district operations and to develop the Burnham Yard property, which will be used to consolidate and expand rail lines in the Front Range Passenger Rail corridor through Denver. Development of the Burnham Yard property will include development planning, conceptual design work, analysis of impacts to surrounding communities, and stakeholder engagement related to moving the existing rail line. This work is required by the Federal Railroad Administration before a full National Environmental Policy Act analysis can occur. The APA-Colorado Legislative Committee supported this bill because transportation choice is important along the Colorado Front Range. This bill was signed into law by the Governor on June 7, 2022.

SB22-180 – Programs To Reduce Ozone Through Increased Transit

The bill creates the ozone season transit grant program in the Colorado energy office. The program provides grants to the Regional Transportation District (RTD) and transit associations in order to provide free transit services for at least 30 days during ozone season. A transit association receiving a grant may use the money to make grants to eligible transit agencies. The eligible transit agencies may use the money to provide at least 30 days of new or expanded free transit services during ozone season. The RTD may use grant money to cover up to 80% of the costs of providing free transit for at least 30 days on all services offered by the RTD during ozone season. Eligible transit agencies and the RTD can use the money to cover lost fare box revenues and to pay for other expenses

necessary to implement the program, including expenses associated with an increase in ridership as a result of the program. The APA-Colorado Legislative Committee supported this bill because many transit officials are beginning to discuss this around the country and this pilot program represents a good first step in this direction. This bill was signed into law by the Governor on May 26, 2022.

SB22-193 – Air Quality Improvement Investments

This bill creates several grant programs in the Colorado Energy Office and the Department of Public Health and Environment with the purpose of reducing air pollution. It also modifies certain definitions, form and filing requirements, hearing deadlines, and the legislative review process for revisions to the state implementation plan in the department’s air quality control program. The programs include the Industrial and Manufacturing Operations Clean Air Grant Program, Community Access Electric Bicycles, Cannabis Resource Optimization Cash Fund, Electrifying School Buses Grant Program, Air Quality Control Program, Eco Passes, and Aerial Surveying. The APA-Colorado Legislative Committee supported this bill because it helps fund air quality improvements. This bill was signed into law by the Governor on June 2, 2022.

SB22-206 – Disaster Preparedness And Recovery Resources

This bill establishes the Disaster Resilience Rebuilding Program to provide loans and grants to eligible applicants to rebuild their community after a declared disaster, the Sustainable Rebuilding Program to provide loans and grants to eligible homeowners and businesses seeking to rebuild high-efficiency homes and buildings after a declared disaster, and the Office of Climate Preparedness to coordinate disaster recovery efforts for the Governor’s Office, as well as the development and implementation of the statewide climate preparedness roadmap. The APA-Colorado Legislative Committee supported this bill as it supports sustainability and resiliency efforts for communities. This bill was signed into law by the Governor on May 17, 2022.

SB22-232 – Creation Of Colorado Workforce Housing Trust Authority

This bill creates the Middle Income Housing Authority as an independent statutory public entity to acquire, construct, rehabilitate, own, operate, and finance affordable rental housing projects for the middle-income workforce. The authority will be governed by a thirteen-member board of directors, which includes the director of the Office of Economic Development and International Trade and the director of the Division of Housing in the Department of Local Affairs. The APA-Colorado Legislative Committee supported this bill because it helps fund affordable housing for middle income earners. This bill was signed into law by the Governor on June 3, 2022.

New Urbanism
 Small Town & Rural Planning
 Urban Design & Preservation
 Regional & Intergovernmental Planning
Planning & Women
 Sustainable Communities
 Planning & the Black Community
 Transportation Planning
 International
 Housing & Community Development
COUNTY PLANNING
 Economic Development
 GAYS & LESBIANS IN PLANNING
 City Planning & Management
 TECHNOLOGY
 PRIVATE PRACTICE
 Environment, Natural Resources & Energy
 Federal Planning
 Planning & Law
www.planning.org/divisions
JOIN AN APA DIVISION

HOW
WE

LIVE



Colorado Planning Conference 2022 | Vail, CO

REGISTRATION IS OPEN FOR THE 2022 COLORADO PLANNING CONFERENCE

APA Colorado continues its conference tradition of delivering top-notch training, cutting-edge information and invaluable opportunities to network with and learn from your colleagues. This year's conference recognizes how planning affects all aspects of our lives, communities, and interactions with people, places and things. Attendees can network with colleagues and make new connections during evening social events and earn up to 13 AICP Continuing Maintenance credits (CM | 13). We can't wait to see you at this annual event when we assemble, socialize, and reconnect with colleagues and friends from allied professions. **Join us in making "How We Live" better for all!**

Public Engagement

Master Planning

Permitting

Historic Preservation

Affordable Housing

Resort Design

STAN CLAUSON ASSOCIATES INC
landscape architecture . planning . resort design

400 West Main Street Suite 203 Aspen, Colorado 81611
t. 970/925-2333 f. 970/920-1628
info@scaplanning.com www.scaplanning.com

Bohannon & Huston

- ▲ Community-driven approach
- ▲ Sustainable solutions
- ▲ Feasible results

www.bhinc.com



WHOSE RESPONSIBILITY IS IT TO PROVE A NEW DEVELOPMENT HAS AN ADEQUATE WATER SUPPLY?

**By Marjo Curgus, Del Corazón Consulting and
Waverly Klaw, Sonoran Institute**

Photo by Jacek Dylag on Unsplash

If you are an elected official, planning commissioner, or planning staff, inevitably you have had to answer the question **“Where is the water going to come from?”** during a public hearing for a development application. The Colorado Revised Statutes §29-20-301-306 squarely places the responsibility on local governments to determine whether a development application has successfully demonstrated that it can ensure an adequate water supply defined as “sufficient for build out of the proposed

development in terms of quality, quantity, dependability, and availability to provide a supply of water for the type of development proposed, and may include reasonable conservation measures and water demand management measures to account for hydrologic variability.” If an applicant fails to demonstrate proof of a legal, adequate, and potable water supply then the local government is required to deny the application.

Working with communities across Colorado through our

Growing Water Smart program, we have identified that many local governments are either unaware of this statutory responsibility or are struggling with a lack of information to make evidence-based determinations. We are supporting local governments to develop more robust review processes starting with busting the most common myths about water adequacy determinations.

Myth: A State Division of Water Resources (DWR) well permit is sufficient proof.

False. Counties too often defer to DWR using the approval of a well permit as determination of adequate water supply. A well permit is not a water right but rather the right to drill a well. DWR primarily reviews for injury to senior water rights, although they can offer local governments guidance on the adequacy of the hydrogeology if the application includes sufficient information. A clear indication that local governments are not requiring the right submission information is when the DWR letter includes a statement of "inadequate information to determine water adequacy."

Myth: In over-appropriated basins an augmentation certificate is sufficient proof.

False. The purpose of augmentation is to ensure that an individual well does not negatively impact senior water rights. It does not always protect against localized groundwater decline.

Myth: The water supply report submitted by the applicant is sufficient proof.

Depends. For a development

on wells, state statutes require an applicant to submit a water supply report prepared by a registered professional engineer or water supply expert that includes an estimate of total water demand for the development, a description of water source, and an estimate of water yield under



Photo by Poul Cariov on Unsplash

different hydrological conditions. If the development regulations lack desired specificity of how these reports are to be prepared, then the quality of the reports will inevitably vary.

Myth: A water provider's will serve letter is sufficient proof.

Depends. If the source of

water is a water provider, state statutes require that the provider either has a current water supply plan on file with the local government or will submit a will serve letter demonstrating sufficient capacity to serve a development. Water providers, in their water supply plan or will serve letters, are expected to include a description of their water sources, estimates of water yield under different hydrological conditions, water demand measures they require for development, and a description of the water supply entity's obligations. In reality, the letters rarely provide the detailed analysis of information beyond a simple statement of willingness to serve.

Myth: A citation of the state statute and definition of adequate water supply in our code is sufficient regulatory language.

False. While development standards usually include a requirement for adequate water supply, citing the state statute and definition, they often fail to be explicit in what criteria an applicant has to meet.

Rethinking Water Adequacy Requirements

Fortunately, state statute offers local governments great latitude to request “any other information required by local government.” The following methods are emerging as ways local governments can strengthen their regulations to better inform decisions for water adequacy:

1. Require More Accurate Methodologies for Calculating A Development’s Water Demand
2. Require Applicants to Reduce their Water Demand as Part of the Water Supply Plan
3. Define Specific Requirements for Proof of Water Adequacy from Water Providers
4. Use Zoning Based on Hydrogeology for Development

Conclusion:

Putting revised requirements in place now ensures that a local government’s elected officials can make informed and accurate decisions to ensure their community has an adequate and sustainable water supply long into the future. The Sonoran Institute has developed a new report on best practices for local water adequacy regulation. Please contact growingwatersmart@sonoraninstitute.org to receive a copy of the report.

Growing Water Smart is a joint program of the Sonoran Institute and the Babbitt Center for Land and Water Policy, a Center of the Lincoln Institute of Land Policy. For more information, please see www.growingwatersmart.org.



Authentic Plans for Real Places

Where the future is uncertain, our team sees opportunity to cultivate a vision. Transforming the spark of an idea into a series of actionable steps makes achieving a brighter future possible. From concept to construction, we’re more than your project partner — we’re the knowledgeable navigator to see you through the process.

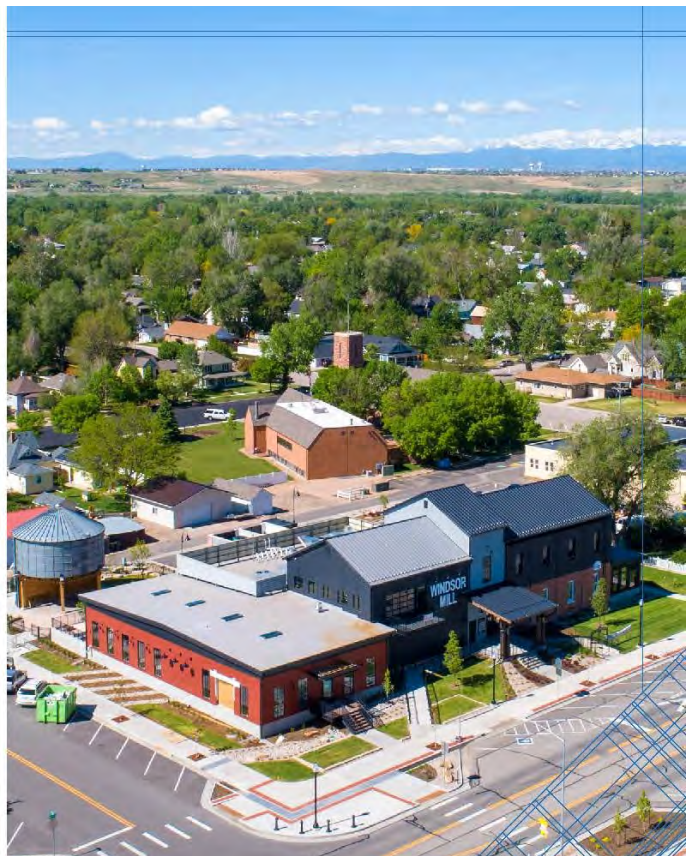
“Above all, Ayres connects with the residents, the community members, and the businesses, and you can really tell that they care. They take that extra step. You really feel like you’re working with human beings that care instead of a corporation.”

Dan Stauss
Business Owner and Chairman of the Windsor Downtown Development Authority, Windsor, CO

AYRES
PLANNING+DEVELOPMENT

800.666.3103
www.AyresAssociates.com

CALIFORNIA | COLORADO | FLORIDA | MINNESOTA | WISCONSIN | WYOMING



APA COLORADO PRIORITIES: WHAT DOES IT MEAN FOR TODAY & TOMORROW?

by **Scott Bressler, AICP - Legislative Committee Co-Chair (AECOM)**

Each fall, the APA Colorado Legislative Committee distributes a survey to the entire APA Colorado membership asking members to rank the issues that are most important in their individual communities throughout the state. These become a list of the most important issues or priorities impacting our communities. From the survey we identify our top 5 issues and develop a legislative priorities document that gets disseminated to all of our legislators. This does two things for APA Colorado. First, it introduces our organization and the things that we care about at the beginning of the legislative session to each of the Legislators around the state. Second, it provides our committee with an agenda to help us prioritize our time as we study bills that come up during the legislative session. Things often move very fast in the state legislature, so having this list helps us make decisions quickly about which bills to spend time evaluating and ultimately supporting or opposing.

From a longer term perspective, the Legislative Committee continues to expand APA Colorado's role at the State Capitol as the experts on a variety of topics on the built environment. These topics include housing, land use, transportation,

infrastructure, economic development, natural resources like water, and other topics related to Good Planning. Ultimately, these connections with Legislators will help APA Colorado gain more traction in becoming a regular stakeholder in legislation that is introduced. This gives us a seat at the table providing input before bills are introduced, answering questions about new legislation, and helping us to be able to answer media requests about the planning topics listed above. We are always looking for individuals who are well versed in a variety of planning topics to provide testimony or answer media requests.



Photo 1 by Brett Jordan on Unsplash

HOW TO GET INVOLVED

COMMITTEE

COMMUNICATE WITH LEGISLATORS

TESTIFY ON BILLS



THE COMMITTEE:

The Legislative Committee meets regularly throughout the legislative session, which runs from early January through early May. Members participate from across the state and represent a variety of planning backgrounds. The committee meets every other Friday during the Session from noon to 1:00. One thing that was a positive from COVID is that we have been able to be more engaged with each other, as we have all been remote (so everyone has the same experience during meetings). You don't have to be there in person to really feel like you're a part of the team. Our committee membership is fluid, and we love for people to participate whenever they can throughout the session, even if its every other meeting or just a couple of times during the session. If you're interested in legislative issues and policy, please join us! No policy expertise needed, just an interest and perspective in the area of planning that you're comfortable in. We're all learning new things every year about how all of this works and as bills change every year, so we never fully know what to expect.

TESTIFYING ON LEGISLATION:

OK, providing testimony for new legislation sounds scary, and depending on your personality, the first time can be. However, after doing it a couple of times, it is far less so. Additionally, with the passage of HB22-1413 (Remote Testimony Before Legislative Committees), testimony may be made remotely, which really makes things easier. Remember, you don't have to be THE lone expert who has all of the answers about issues as wide as Transportation or Water or Housing, there are multiple people testifying from a variety of interest groups, and you only have to talk for a maximum of three minutes. Plus, we can coordinate our testimony so a couple of us may speak about a small are of the bill. Legislators most often do not ask questions of the folks testifying, but in the event that they do, and if you don't have answer, it's okay to say that APA Colorado can provide information after the meeting. Telling your story, or your community's story as to why something is important or how it has impacted your work can be really powerful and that's a platform that we have from testimony.

COMMUNICATING WITH LEGISLATORS:

Over the past few years, the Legislative Committee has worked with Legislators as we ran water legislation, which was finally successful in 2020. Additionally, through Sol, we have invited different Legislators to some of our events including Planners Day at the Capitol (both in person and remote), the State Conference, and other events. We expect to keep this going and are excited to find more ways to communicate with our Legislators, as this will continue to help us gain traction in making APA Colorado the organization that Legislators see as the expert in all aspects of planning including, housing, land use, transportation, infrastructure, economic development, natural resources like water, and other topics related to the built environment.

APA COLORADO BOARD & COMMITTEES

BOARD MEMBERS

President

Joni Marsh, AICP

President@APAColorado.org

Past President

Maureen Paz de Araujo, GAICP

PastPresident@APAColorado.org

Vice President External Affairs

Julia Puester, AICP

VPEXternalAffairs@APAColorado.org

Vice President Communications

Mike Tylka, AICP

VPCommunications@APAColorado.org

Treasurer

Josh Olhava, AICP

Treasurer@APAColorado.org

Professional Development Officer

Erin Fosdick, AICP

PDO@APAColorado.org

Central Mountain Representative

Mark Truckey, AICP

CentralMountain@APAColorado.org

Denver Metro Representatives

Britt Palmberg, AICP

DenverMetro@APAColorado.org

North Central Representative

Lesli Ellis, AICP

NorthCentral@APAColorado.org

Northwest Representative

Ehtan Mobley, AICP

Northwest@APAColorado.org

South Central Representative

Katelynn Wintz, AICP

SouthCentral@APAColorado.org

Southwest Representative

Mark Williams

Southwest@APAColorado.org

Legislative Affairs Representative

Shaida Libhart, AICP

Legislative@APAColorado.org

Faculty Representative

Manish Shirgaokar

FacultyRep@APAColorado.org

Public Official Representative

James Shockey, AICP

PublicOfficial@APAColorado.org

EPP Representative

Johnny Malpica

EPP@APAColorado.org

Western Planner Representative

Andrew Bowen

WesternPlanner@APAColorado.org

Student Representative

Ivana Medina

StudentRep@APAColorado.org

COMMITTEES:

Awards Committee

Daniel Murray & Julia Puester

Awards@APAColorado.org

Equity, Diversity & Inclusion

Ignacioa Correa-Ortiz, AICP

Hadley Peterson, AICP-C

EDI@APAColorado.org

Emerging Planning Professionals

Johnny Malpica

EPPCommittee@APAColorado.org

Great Places Colorado

Vacant

GreatPlaces@APAColorado.org

Healthy Communities

Roshana Floyd & Liz Young Winne

Healthy@apacolorado.org

Legislative Committee

Shaida Libhart & Scott Bressler

Legislative@APAColorado.org

Membership

Susan Wood, FAICP

Membership@APAColorado.org

Outreach & Communications

Julia Puester & Mike Tylka

OCC@APAColorado.org

Planning Institute of Colorado

Maureen Paz de Araujo

PIC@APAColorado.org

Professional Development

Erin Fosdick

PDO@APAColorado.org

Sustainability Committee

Dana Hoffman & Karl Barton

Sustainability@APAColorado.org

Youth in Planning

Morgan Hester, AICP

YIP@APAColorado.org

Chapter Administrator:

Shelia Booth, AICP

303-495-6994

Admin@APAColorado.org

APA Colorado Mailing Address

PO Box 49573

Colorado Springs, CO 80949

www.APAColorado.org