



# City of Littleton

Littleton Center  
2255 West Berry Avenue  
Littleton, CO 80120

## Meeting Agenda - Final Planning Commission

---

Monday, August 26, 2024

7:30 PM

Council Chamber

---

### Study Session (Time is approximate)

#### **1. Study Session Topics**

- a) [ID# 24-198](#) 2024 Legislative Update Pertaining to the Unified Land Use Code.

**Attachments:** [1. Legislative Update Presentation](#)

*Scheduled Time: 30 minutes*

- b) [ID# 24-213](#) 2024 Work Plan Discussion

*Scheduled Time: 10 minutes*

#### **2. Adjournment**

*The public is invited to attend all regular meetings or study sessions of the city council or any city board, commission, or committee. Please call 303-795-3780 at least 48 hours prior to the meeting if you believe you will need special assistance or any reasonable accommodation in order to attend, or participate in, any such meeting. For any additional information concerning city meetings, please call the city clerk's office at the above referenced number.*



Staff Communication

---

**File #:** ID# 24-198, **Version:** 1

---

Agenda Date: 8/26/2024

Subject:  
2024 Legislative Update Pertaining to the Unified Land Use Code.

Prepared By: Jerad Chipman, Planning Manager Atasi Titlow, Sr. Assistant City Attorney
Presentations: Jerad Chipman, Planning Manager Reid Betzing, City Attorney

**PURPOSE:**

Staff is seeking to inform the Planning Commission of the legislative actions that occurred during the 2024 legislative session. Additionally, staff intends to highlight those actions at the state level that precipitate updates to the Unified Land Use Code (ULUC).

**LONG-TERM OUTCOME(S) SERVED:**

Vibrant Community with a Rich Culture  
Sustainable Community with Natural Beauty  
Robust and Resilient Economy  
Safe Community

**DISCUSSION:**

Staff will provide a presentation focusing on applicable 2024 legislative session and if each action requires an update to the ULUC. Staff welcomes questions and discussion on the legislative items and the ULUC updates.

**BACKGROUND:**

The 2024 Colorado State legislative session produced a number of land use related laws that will be go into effect at various dates. The attached presentation provides brief overviews of those actions and staff's analysis of whether each action would necessitate an update to the ULUC. Some of these actions relate to the current effort to amend the code related to neighborhood housing opportunities. Staff intends to address those actions within that update. Other legislative actions are proposed to be addressed through a spring update as many of them go into effect on June 30, 2025.

**FISCAL IMPACTS:**

N/A

**STAFF RECOMMENDATION:**

No staff recommendation has been developed for this discussion.

**ALTERNATIVES:**

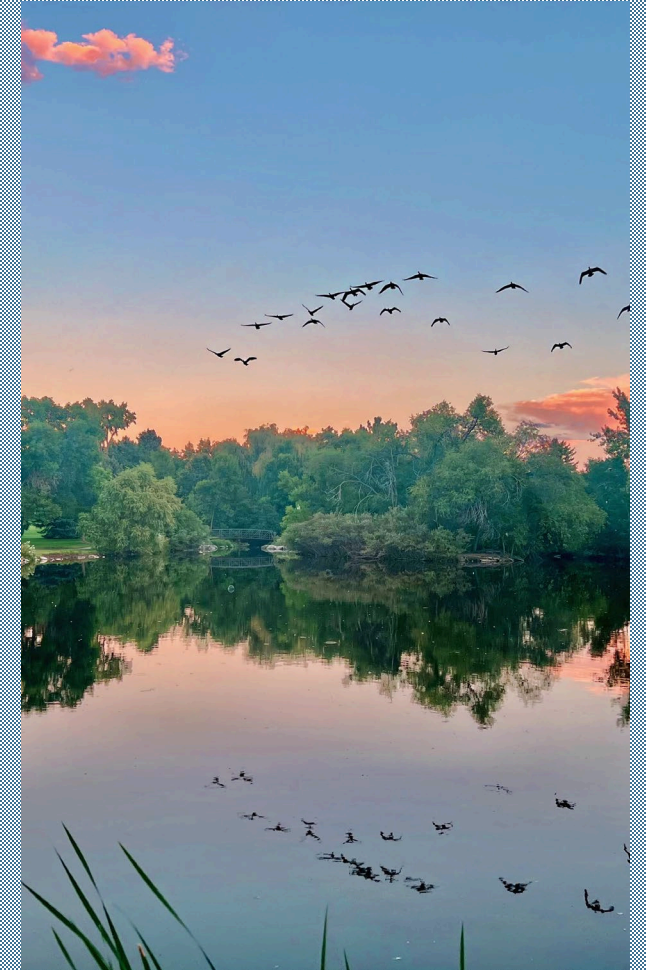
No alternatives have been developed for this discussion.

# 2024 LEGISLATIVE UPDATES

Jerad Chipman  
Planning Manager, Community Development

AUGUST 26, 2024

STUDY SESSION



# STUDY SESSION AGENDA

- I. List of Impactful House and Senate Bills
- II. No Action Needed within ULUC
- III. Text Amendments Required
- IV. Timeline/Staff Priorities

# LIST OF IMPACTFUL HOUSE AND SENATE BILLS

SB24-212	Local Gov't Renewable Energy Project
HB24-1308	Effective Implementation of Affordable Housing Programs
HB24-1175	Local Gov't's Rights to Property for Affordable Housing
SB24-174	Sustainable Affordable Housing Assistance
HB24-1107	Judicial Review of Local Land Use Decision
HB24-1314	Modification Tax Credit Preservation Historic Structures
HB24-1007	Prohibit Residential Occupancy Limits
SB24-005	Prohibit Landscaping Practices for Water Conservation
HB24-1173	Electric Vehicle Charging System Permits
HB24-1161	Motor Vehicle Access Individuals with Disabilities
HB24-1304	Minimum Parking Requirements
HB24-1152	Accessory Dwelling Units
HB24-1313	House in Transit Oriented Communities

# NO ACTION NEEDED WITHIN ULUC

	SUMMARY	NOTES/ACTION
<p><b>SB24-212</b> <b>Local Gov't Renewable Energy Projects</b></p>	<p>Energy and Carbon Management Commission (ECMC) will:</p> <ul style="list-style-type: none"> <li>• Provide technical support to local gov'ts <u>upon request</u> for developing codes governing wind, solar, energy storage, and renewable energy</li> <li>• Review applications for proposed renewable energy projects</li> </ul>	<p><b>ULUC Update Required: Not at this time.</b></p> <p>The City does not have current plans to adopt renewable energy codes at this time. If City direction should change in the future, then inclusion of the new codes would require text amendments.</p> <p>The City does not have any application submitted for proposed renewable energy projects.</p>
<p><b>HB24-1308</b> <b>Effective Implementation of Affordable Housing Programs</b></p>	<ul style="list-style-type: none"> <li>• Bill clarifies that municipalities may acquire, own, or lease a housing project, in addition to current authority to construct a housing project</li> <li>• Bill provides additional option in allowing a municipality to contract with a nonprofit for management</li> </ul>	<p><b>ULUC Update Required: No</b></p> <p>Application of the house bill will occur administratively within the City Manager's Office.</p>

# NO ACTION NEEDED WITHIN ULUC

	SUMMARY	NOTES/ACTION
<p><b>HB24-1175</b>  <b>Local Gov'ts Rights to Property for Affordable Housing</b></p>	<ul style="list-style-type: none"> <li>• Bill creates 2 property rights for local gov't to obtain long-term affordable housing properties               <ul style="list-style-type: none"> <li>• right of first refusal;</li> <li>• right of first offer;</li> </ul> </li> <li>• Local gov't may partner with other entities, including assignment of the rights to the local housing authority</li> </ul>	<p><b>ULUC Update Required: No</b></p> <p>Application of the house bill will occur administratively within the City Manager's Office and may result in an intergovernmental agreement or partnership agreement should the City choose to involve third-parties in management of affordable housing.</p>
<p><b>SB24-174</b>  <b>Sustainable Affordable Housing Assistance</b></p>	<ul style="list-style-type: none"> <li>• Local gov't must conduct housing needs assessment by December 31, 2026, and thereafter, no less than every 6 years;</li> <li>• Local gov't must adopt a "housing action plan"</li> <li>• Local gov't must update master plans to include housing action plan, water supply elements, and growth</li> </ul>	<p><b>ULUC Update Required: No</b></p> <p>Staff is monitoring. It is probable that DRCOG's Regional Housing Needs Assessment will fulfill the bill's requirements; however, DOLA is still working on creating a methodology for the needs assessment.</p>

# NO ACTION NEEDED WITHIN ULUC

	SUMMARY	NOTES/ACTION
<b>HB24-1107</b> <b>Judicial Review of Local Land Use Decisions</b>	<ul style="list-style-type: none"> <li>■ Bill shields local gov't from frivolous complaints by requiring court to award attorney fees to prevailing governmental entity</li> <li>■ Related to specific land use matter: residential use with a net project density of 5 DU/acre or more</li> </ul>	<p><b>ULUC Update Required: No</b></p> <p>Application of the house bill will occur administratively within the City Attorney's Office during the course of pending litigation.</p>
<b>HB24-1314</b> <b>Modification Tax Credit Preservation Historic Structures</b>	<ul style="list-style-type: none"> <li>■ Expands income tax credit for qualified costs incurred in the preservation of historic structures</li> <li>■ Will impact approval criteria and reporting as a reviewing agency for credit applications</li> </ul>	<p><b>ULUC Update Required: No</b></p> <p>Section 10-8-6.2 of the ULUC indicates that an owner of a historic landmark may apply for state and federal rebate and tax incentive credits.</p> <p>No textual amendments are required as approval criteria are outlined at the state and federal levels.</p>



# TEXT AMENDMENTS NEEDED WITHIN ULUC

	SUMMARY	NOTES/ACTION
<b>HB24-1007</b> <b>Prohibited Residential Occupancy Limits</b>	<ul style="list-style-type: none"> <li>■ Prohibits local gov't from limiting the number of people who may live together in a single dwelling based on familial relationship,</li> <li>■ Local gov't can continue to limit occupancy based on i) health and safety concerns; ii) ICC, Fire Code etc.; iii) local, state, or federal affordable housing program guidelines;</li> </ul>	<p><b>ULUC Update Required: Yes</b></p> <p>Minor textual amendment required. Update needed to a single line of text.</p>
<b>SB24-005</b> <b>Prohibit Landscaping Practices for Water Conservation</b>	<ul style="list-style-type: none"> <li>• Prohibits local gov't from allowing nonfunctional turf, artificial turf, or invasive species on City property, new development or redevelopment projects</li> </ul>	<p><b>ULUC Update Required: Yes</b></p> <p>Minor textual amendment required; Sections to be updated: 10-1-3.6. Likely need new definitions, i.e. "functional turf".</p>



# TEXT AMENDMENTS NEEDED WITHIN ULUC

	SUMMARY	NOTES/ACTION
<b>HB24-1173</b> <b>Electric Vehicle</b> <b>Charging System</b> <b>Permits</b>	<ul style="list-style-type: none"> <li>■ Bill mandates that local gov't do one of the following:           <ul style="list-style-type: none"> <li>■ Adopt ordinance incorporate same provisions in the model EV Charger Permitting Code to be created by the CO Energy Office;</li> <li>■ Adopt ordinance establishing internal permitting process; OR</li> <li>■ Adopt ordinance that local gov't will not adopt above two options and will utilize current EV Charger Permit process;</li> </ul> </li> </ul>	<p><b>ULUC Update Required: Yes</b></p> <p>City currently has an EV charging station permit process, with administrative approvals through our Chief Building Official under Section 10-1-1.6(D)(9).</p> <p>City staff may make slight revision to definition related to Class 3 EVs.</p>
<b>HB24-1161</b> <b>Motor Vehicle Access</b> <b>Individuals with</b> <b>Disabilities</b>	<ul style="list-style-type: none"> <li>• EV Charging Stations constructed or replaced after 01/01/26, at least 5% or one vehicle station should incorporate standards from the US Access Board until federal regs are issued.</li> </ul>	<p><b>ULUC Update Required: Yes</b></p> <p>Staff will review and include necessary updates within the "Vehicular Standards" ULUC Update.</p>



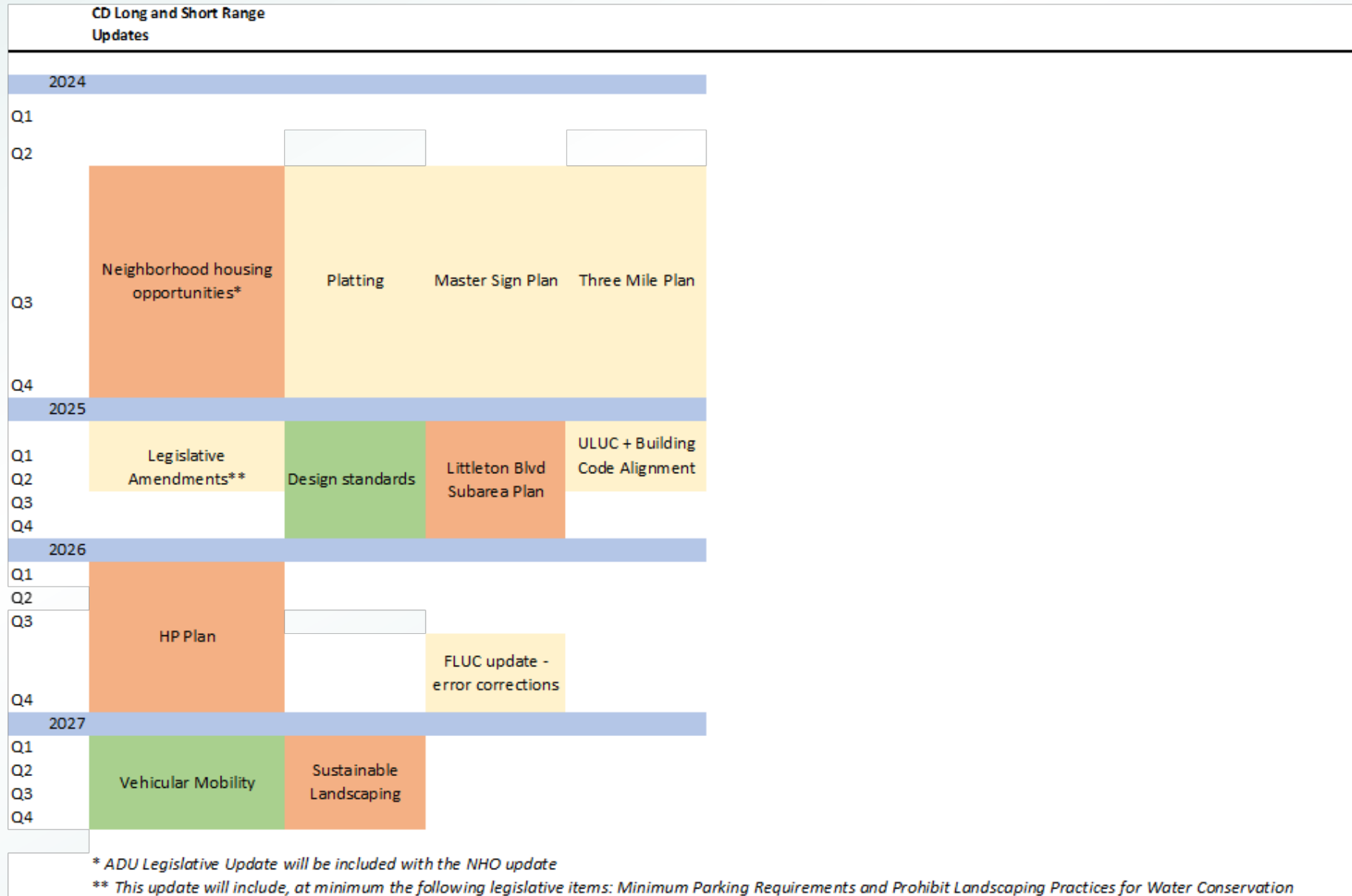
# TEXT AMENDMENTS NEEDED WITHIN ULUC

	SUMMARY	NOTES/ACTION
<p><b>HB24- 1304</b> <b>Minimum Parking Requirements</b></p>	<ul style="list-style-type: none"> <li>■ Local gov't cannot enact or enforce minimum parking requirements on i) MF residential; ii) adaptive re-use for residential use; or iii) adaptive re-use for mixed-use which has at least 50% residential use w/in a MPO</li> <li>■ Local gov't MAY enact/enforce               <ul style="list-style-type: none"> <li>■ Parking maximums</li> <li>■ Parking minimums for bicycle parking</li> <li>■ Affordable housing projects w/ 20 units +</li> <li>■ Affordable housing agreements w/ parking incentives</li> </ul> </li> </ul>	<p><b>ULUC Update Required: Yes</b></p> <p>Minimal amendments will be required as the ULUC is largely compliant with the bill;</p> <p>Potential sections to be updated: 10-1-3.7; parking reductions in the DT (as applicable); 10-9-5.8 will need to be analyzed for reduction incentives as it relates to adaptive re-use.</p>
<p><b>HB24-1152</b> <b>Accessory Dwelling Units</b></p>	<ul style="list-style-type: none"> <li>• Local gov't allow, subject to an administrative approval, one ADU as an accessory use to a single-unit detached dwelling in any part of the jurisdiction where single-unit detached dwellings are allowed.</li> </ul>	<p><b>ULUC Update Required: Yes</b></p> <p>Updates to the ULUC related to ADUs is incorporated into Council's larger "Neighborhood Housing Opportunities" plan with public engagement scheduled within the next few months.</p> <p>Updates will come relatively quickly – by January 2025</p>

# TEXT AMENDMENTS NEEDED WITHIN ULUC

	SUMMARY	NOTES/ACTION
<p><b>HB24-1313</b> <b>Housing in Transit Oriented Communities</b></p>	<ul style="list-style-type: none"> <li>■ This bill authorizes DOLA to require that local gov'ts, who qualify as "transit-oriented communities," allow higher density residential development in transit areas and meet certain "housing opportunity goals" to achieve greater housing affordability.</li> <li>■ A TOC would also be required to create, meet, and report on "housing opportunity goals," on or before December 31, 2026.</li> <li>■ To meet the "housing opportunity goal," local governments would be required to do the following:             <ul style="list-style-type: none"> <li>■ Designate areas within the community as "transit centers;**</li> <li>■ Ensure that the total zoning capacity for all transit centers within the community is greater than or equal to the calculated "housing opportunity goal;"</li> <li>■ Submit a report to be approved by DOLA: and</li> <li>■ Continue submitting a report to DOLA every 3 years for approval demonstrating compliance.</li> </ul> </li> </ul>	<p><b>ULUC Update Required: Possibly</b></p> <p>Legislative Update: Code amendments may be necessary but cannot be determined until the maps and guidance are published by DOLA.</p>

# TENTATIVE TIMELINE FOR ULUC UPDATES



QUESTIONS, COMMENTS, OR  
CONCERNS?



Staff Communication

---

**File #:** ID# 24-213, **Version:** 1

---

Agenda Date: 8/26/2024

Subject:  
2024 Work Plan Discussion

Prepared By: Jerad Chipman, Planning Manager Presentations: Jerad Chipman, Planning Manager
--

**PURPOSE:**

The purpose of this discussion is to determine if the Planning Commission would like to pursue the creation of a commission work plan.

**LONG-TERM OUTCOME(S) SERVED:**

Vibrant Community with a Rich Culture  
High-Quality Governance  
Sustainable Community with Natural Beauty  
Robust and Resilient Economy  
Safe Community

**DISCUSSION:**

The historical preservation commission has begun pursuing a work plan that contains five-year objectives and more focused goals. Staff is inquiring if the planning commission would like to pursue something similar.

**BACKGROUND:**

The planning commission has not met very often over the past few months. It has come to staff's attention that the commission might be interested in additional study session conversations. This work plan discussion would better allow for staff to understand the goals of the planning commission and how the commission wishes to move forward.

**FISCAL IMPACTS:**

N/A

**STAFF RECOMMENDATION:**

No staff recommendation has been developed for this discussion.

**ALTERNATIVES:**

No alternatives have been developed for this discussion.