Town of Superior
Board of Trustees and
Superior Metropolitan District No. 1 Board of Directors
March 11, 2024 (6:00 p.m.)

The Board meeting will be held in-person and remotely, and members of the public wishing to attend may view the Meeting by visiting the Town's website: https://www.superiorcolorado.gov/home

The Board Meeting recording will be posted subsequently on the Town's website.

1. Call to Order Meeting of Board of Trustees (6:00 p.m.)

2. Preliminary Matters (6:00 p.m.)

    a. Pledge of Allegiance

    b. Roll Call

    c. Approval of Agenda

    d. Executive Session to hold a conference with the Town's attorney and special counsel to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b), regarding Rocky Mountain Metropolitan Airport and related aviation matters. (6:05 p.m.)

        i. Action on Executive Session

    e. Board Reports (7:05 p.m.)

    f. Public comment on Consent Agenda, Presentations, and Non-Agenda Items. Persons making public comment are asked to state your name and the city you live in (limit 5 min./person) (7:20 p.m.)

    g. Historical Commission Presentation (7:30 p.m.)

    h. Transit Oriented Communities Bill Update (7:45 p.m.)

3. Consent Agenda (8:00 p.m.)
    a. Approval of the Board of Trustees Meeting Minutes
    b. Acceptance of Committee Meeting Notes
    c. Consideration of Resolution Adopting the Annual Three-Mile Plan
    d. Consideration of Resolution to Purchase Public Works Vac Truck
    e. Approval of Tastings Permit for Superior Liquor Market
    f. Consideration of Resolution in Support of HB 24-1235 (Reduce Aviation Impacts on Communities)

4. Continued Public Hearing regarding a New Hotel and Restaurant Liquor License for Casa Agave 2 LLC, dba Casa Agave Family Mexican Restaurant, 401 Center Drive (8:10 p.m.)

5. Discussion of Potential 2024 Ballot Measure (8:25 p.m.)

6. Adjournment (11:00 p.m.)

Public comment related to a Public Hearing item may be submitted by email as an alternative to speaking in person, and emailed comments must be received at townboard@superiorcolorado.gov by 12:00 noon on the calendar day before the Public Hearing (Sunday if the Public Hearing is on Monday).

Public comment submitted via e-mail regarding general Town Board agenda items that are not the subject of public hearings should be submitted with sufficient time before the meeting to allow Board Members an opportunity to review.

ITEM NO. 2g

INFORMATION FOR MEETING
OF THE SUPERIOR BOARD OF TRUSTEES

AGENDA ITEM NAME: **Retention of Grasso Park Bungalow**

MEETING DATE: **March 11, 2024**

PRESENTED BY: **Leslie Clark, PROS Director**
Jennifer Garner, Arts & Historical Programs Supervisor
Larry Dorsey, Historical Chair
Christina Cain, Anthropology Collections Manager and NAGPRA Coordinator University of Colorado Museum of Natural History

PRESENTED FOR: **Presentation and Discussion**

BACKGROUND:

The Superior Historical Commission (SHC) proposes to retain the Grasso Park bungalow as a secondary museum space for additional programming to include Marshall Fire exhibits paired with agricultural history, while restoring the Asti Park Mine Camp house to be a museum of mining history. Upon the completion of the Mine Camp house rebuild, the SHC envisions an opportunity for revitalization and growth of programmatic offerings. The use of the Grasso Park bungalow as an interim museum space has become sentimentally apparent to maintain as a historic site, especially because it symbolically survived the Marshall Fire. The ability to program two museum facilities would help signify the rebirth and forward-looking maturity of Superior's dedication to preserving history. The SHC envisions designing the two museums to host more frequent and in-depth tours, offer focused workshops and small group seminars, regularly rotate exhibits, and host more K-12 field trips. A secondary museum space would also enable the SHC to have a devoted and permanent Marshall Fire exhibit area to include artifacts, photos, and video monitors. The outpouring of public support in the past year towards sustaining the Town's historical programs has affirmed how important Superior's history is to its residents.

Facility and programmatic growth would warrant the need for a dedicated museum staff person by 2025, or earlier. Such dedicated staff would assist with collection management, all open (and extended) hours, museum programming (tours, workshops, speaker events, etc.), rotation of exhibits, and the training of volunteer docents. Without staff support, the SHC's vision for space and programmatic growth would not be possible from volunteers alone. Such growth and dedicated staffing would align the Town to be more equivalent to our neighboring historical museums.

BUDGET IMPLICATIONS:

1. Current monthly expenses at the Grasso Park bungalow equate to roughly $800 per month (mats, janitorial, gas/electric, HVAC maintenance). Other expenses could arise in the future such as security system, separate phone/internet, pest control, window cleaning.

2. Future staffing expenses range, depending on the position and hours.
   - Guest Service Associate (GSA): $17.11 – 24.76/hour
   - Full time Museum Coordinator: $50,835 – 82,184/year
   - Full time Museum Specialist: $62,234 – 88,275/year

RECOMMEDED ACTION:

- Approve the recommendation by the SHC for retention of the Grasso Park bungalow upon completion of the Asti Park Mine Camp House rebuild.

ATTACHEMENTS

- Superior Historical Commission Proposal for Grasso Bungalow

Superior Historical Commission

Preserving History for the Town of Superior

Miner Sculpture located in the Superior Marketplace, Artist Joe Campbell

PROPOSAL FOR THE GRASSO PARK BUNGALOW

INTRODUCTION

The Superior Historical Commission (SHC) works to preserve Superior's history through a network of historic sites and educational programs. Its most recent achievement is the creation of the Interim Historical Museum in the bungalow at Grasso Park. The SHC acquired the space after it lost the original Historical Museum in Asti Park to the Marshall Fire of December 30, 2021, which destroyed all but 10 homes in Original Superior. In so doing, the SHC discovered the need to have two museums to fully recount the diverse history of Superior. The effectiveness of maintaining the interim museum as a permanent museum has become sentimentally apparent, its historic value even greater since it symbolically survived the Marshall Fire. After it completes the rebuild at Asti Park, the commission proposes to retain the Grasso Park bungalow as a secondary museum space for additional programming to include Marshall Fire exhibits paired with agricultural history, while reserving the Asti Park mine camp house as a museum of mining history.

BACKGROUND

Located at 112 E. William Street in Original Superior, Grasso Park is on the southeast corner of the 160-acre holding settled by William C. and Emmeline Hake in 1860. The homestead house and outbuildings were built in 1895 and the bungalow in 1904. John Grasso, a local coal miner and son of a Polish immigrant farmer and coal miner, purchased the property from Martin Phillips in 1928. The Grasso family held the acreage until 1995, when it sold the property to the Town of Superior with the stipulation that it be preserved as a part of the local history.

The property was first landmarked as the Coal Creek Valley Agricultural Site on the Colorado State Register of Historic Properties in 1998. In 2000, the Town of Superior began restoration of the bungalow and outbuildings, and also placed on the property the jail cell from the early days of Superior. It domiciled its building department in the bungalow from early 2001 to early 2022. The bungalow's closed porch space was first used as storage, then converted to offices for the Superior Chamber of Commerce. When the Marshall Fire destroyed the Historical Museum in Asti Park at 110 Maple Street, the natural move was to an equally important historical site within the community.

The SHC mobilized community resources in just 18 months to re-open a museum while it continued to offer its regular educational program and tours. The outpouring of public support to sustain the historical programs affirmed how important Superior's history is to its residents.

FACILITY AND USAGE

The "Grasso bungalow" has proved a vibrant museum in its own right, not just housing what had been a typical mine camp house of the early 20th century, but also offering insights into the farming community of the same era. The museum houses:

- Displays of artifacts from a coal camp house and the tools and clothing used by the miners.
- Agricultural tools and the accessories of farm life.
- An educational room that displays genuine restored school desks, maps, typewriters and adding machines from the early 1900s.
- One half of the front room dedicated to Marshall Fire exhibits.

VISION

The SHC envisions a revitalization and even more growth for two museum facilities to symbolize the rebirth and forward-looking maturity of Superior itself as it recovers from the Marshall Fire. To achieve this goal, the commission advocates for a dedicated museum staff professional by 2025. Such professional staffing would place Superior on a par with neighboring museums. Together, professional staff and the commission would design the two museums to:

- Recount Superior's unique history in the broader perspective of the legacy of local indigenous peoples and history of the American West, specifically the uniqueness of the "Northern Field" during Colorado's coal mining boom of the late 19th and early 20t^{h} centuries.
- Recount the history of agriculture in the Front Range as it evolved from pioneer days to a modern industry that outlasted the mining boom.
- Portray the transition of an agrarian society into a highly industrialized economy as seen in the changing lifestyles for workers of the day.
- Preserve the legacy of the Marshall Fire and Superior's historic recovery.

The SHC would grow such programs with:

- More frequent and in-depth tours at both locations.
- Focused workshops and small group seminars.
- Rotating exhibits from within the SHC and outside sources.
- Work-study programs for interdisciplinary interns and volunteer docents.

- Reestablishment of the second-grade field trips for Superior Elementary, Eldorado K-8 and Monarch K-8 schools. These field trips were held every September for several years before the pandemic of 2020 and the Marshall Fire. They teach the history of Superior with visits to Asti Park and Grasso Park; and modern government with a tour of Town Hall. These field trips fulfill an educational requirement for "community" in local public education.

The first step in achieving this synergy is the implementation of state-of-the-art museum technology, thanks to the generosity of the Lions Club of Greater Metro Denver. The Lions have chosen to contribute $20,000 to the development of exhibits and displays using the latest digital media to recount and commemorate the history of the Marshall Fire. The video display would complement photos and important artifacts already on exhibit. The Lions admired the early initiative of the SHC to preserve the legacy of this most significant event in Superior's modern history. The SHC is in fact the only museum in the northern Front Range to do so. An expanded real-time facility as in the addition of the "Grasso bungalow" to the SHC network would sustain the town's character as "superior, or of the highest quality."

<u>CONCLUSION</u>

The SHC appreciates the support the Board of Trustees has demonstrated on past and current projects. The commission recognizes a greater need for more dedicated space and a dedicated staff professional to acknowledge so much loss due to the Marshall Fire. The commission submits its proposal in the context of that tragic but significant event that has altered the course of town history. The “Grasso bungalow” has served well as an interim museum at a very significant, landmarked site that miraculously survived the fire. That survival is the most recent chapter in its history. The commission finds great logic for continued use of the space to augment a dedicated educational museum network within Original Superior.

ITEM NO. 2h

**INFORMATION FOR MEETING
OF THE SUPERIOR BOARD OF TRUSTEES**

AGENDA ITEM NAME: **Update on the Housing in Transit Oriented Communities (HB24-1313)**

MEETING DATE: **March 11, 2024**

PRESENTED BY: **Matt Magley, Town Manager**
Lisa Ritchie Planning and Building Director

PRESENTED FOR: **Discussion**

SUMMARY:
House Bill 24-1313 – Housing in Transit-Oriented Communities was introduced during the 2024 General Assembly Session. It would designate certain areas within Colorado as "Transit Oriented Communities" (TOC), likely including Superior. Jurisdictions with TOCs would be required to establish a Housing Opportunity Goal (HOG), adopt administrative approval processes, and include affordable housing and displacement prevention strategies. Communities that do not meet these requirements would be deemed a "Nonqualified Transit Oriented Community" and would not be eligible for their annual allocation of Highway User's Tax Fund (HUTF). Qualified TOCs would be eligible for additional infrastructure grant programs and developments within certain areas would be eligible for state tax credits for affordable housing.

ADDITIONAL INFORMATION:
The following provides additional detail about the language in the bill, as currently drafted, and the potential application to the Town of Superior.

What is a Transit Oriented Community?
The legislation creates a category called "Transit Oriented Community (TOC)." A TOC is a local government that is:

- Either entirely or partially within a Metropolitan Planning Organization (MPO);
- Has a population of 4,000 or more; and
- Contains at least 75 acres of land within a "Transit Area."

A “Transit Area” is any area that meets the definition of both a “Transit Station Area,” or a “Transit Corridor Area.”

A Transit Station is an area within ½ mile of a station that services one or more of the following:

- Commuter Bus Rapid Transit or “BRT” (BRT service primarily on a limited access highway for the majority of its route);
- Commuter Rail;
- Light Rail; and/or
- A public bus route that has a scheduled frequency of 15 minutes or less during the highest frequency service hours and operates primarily on an Interstate Highway.

A Transit Corridor Area is an area within ¼ mile of a public bus route that either:

- Has a scheduled frequency of 15 minutes or less during the highest frequency service hours; or
- Is an urban bus rapid transit service (BRT service that operates on a surface street for most of its route).

Staff’s understanding is that Superior has one area that would meet the above qualifications for a Transit Station, located at McCaslin Station along US 36, and no areas that would qualify as a Transit Corridor.

What would Superior need to accomplish to be a Qualified Transit Oriented Community?
The bill requires jurisdictions to establish a HOG by December 31, 2026. To be compliant, the Town must calculate the potential new housing required within a TOC area and adopt zoning that would allow development of such housing.

The HOG is calculated by the following equation:

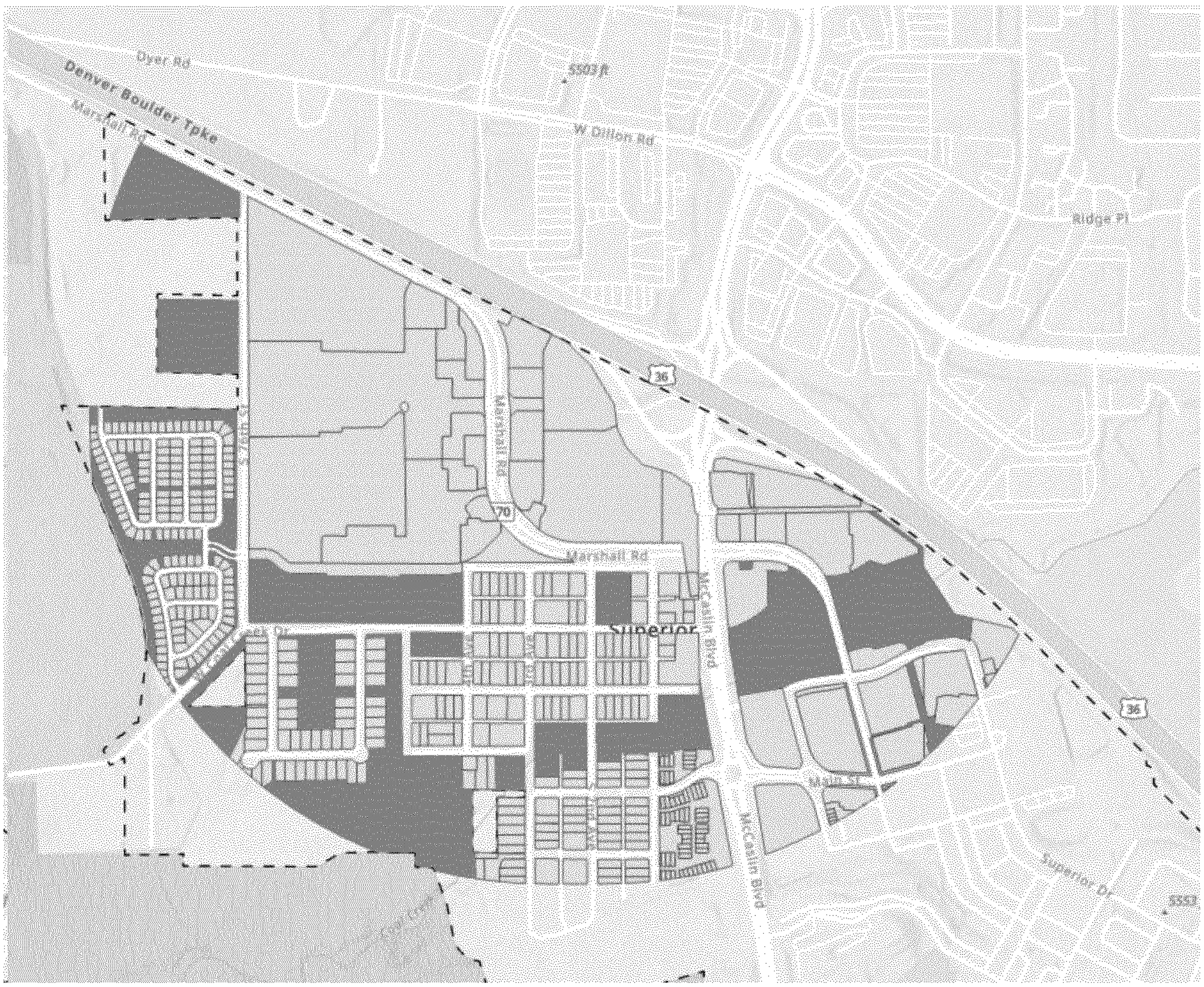
- *(Total Transit Area – Area of Exempt Parcels) x 40 Dwelling Units/Acre = HOG*

For Superior, this area would include property within a ½ mile radius of McCaslin Station that is included within the Town’s border, with the following areas that may be exempted:

- Areas not served by domestic water and sewer
- Property zoned Open Space or is a park
- Property zoned or used for Industrial uses
- Property located within a Floodway or 100-year floodplain
- Cemeteries
- Property subject to a conservation easement
- Property owned by an airport
- Public or railroad right-of-way
- Property used as a mobile home park
- Property owned by the State or Federal Government

The bill includes additional language allowing exemptions if the Town can demonstrate insufficient water supply.

The following draft map shows the area within ½ mile radius of McCaslin Station in yellow, along with exempt parcels shown in gray:



Using the equation above, the yellow area consists of roughly 166 acres, which means the Town's HOG would equal roughly 6,640 dwelling units.

Some of the compliance standards include:

- The Town ensures that the total average zoning capacity in the TOC is greater than or equal to the HOG
- The Town provides a report annually to DOLA
- The TOC includes areas zoned to allow at least 15 units per acre and no more than 300 units per acre.
- The TOC may not extend more than ¼ mile beyond the edge of the transit area
- The Town must allow an administrative review process for multi-family residential development on parcels of 5 acres or less

- The TOC must identify at least three affordability strategies

ATTACHMENTS:
- HB24-1313

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0288.03 Pierce Lively x2059

HOUSE BILL 24-1313

HOUSE SPONSORSHIP

Woodrow and Jodeh,

SENATE SPONSORSHIP

Hansen and Winter F.,

House Committees
Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

CONCERNING MEASURES TO INCREASE THE AFFORDABILITY OF HOUSING IN TRANSIT-ORIENTED COMMUNITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

Section 1 of the bill establishes a category of local government: A transit-oriented community. As defined in the bill, a transit-oriented community is either a local government that:

- Is entirely within a metropolitan planning organization;
- Has a population of 4,000 or more; and
- Contains at least 75 acres of certain transit-related areas; or

If the local government is a county, contains either a part of:

- A transit station area that is both in an unincorporated part of the county and within one-half mile of a station that serves a commuter rail service or light rail service; or
- A transit corridor area that both is in an unincorporated part of the county and is fully encompassed by one or more municipalities.

The bill requires a transit-oriented community to meet its housing opportunity goal and relatedly requires the department to:

- On or before July 31, 2024, publish a map that designates transit areas that transit-oriented communities shall use in calculating their housing opportunity goal; and
- On or before December 31, 2024, publish models and guidance to assist a transit-oriented community in meeting its housing opportunity goal.

A housing opportunity goal is a zoning capacity goal determined based on an average zoned housing density and the amount of transit-related areas within a transit-oriented community. The bill requires a transit-oriented community to meet its housing opportunity goal by ensuring that enough areas in the transit-oriented community qualify as transit centers. In order to qualify as a transit center, an area must:

- Be composed of zoning districts that uniformly allow a net housing density of at least 15 units per acre;
- Identify the net housing density allowed by law;
- Meet a housing density established by the transit-oriented community;
- Not include any area where local law exclusively restricts housing occupancy based on age or other factors;
- Have an administrative approval process for multifamily residential property development on parcels that are 5 acres or less in size;
- Be composed of contiguous parcels, if located partially outside of a transit area; and
- Be located wholly within a transit area and not extend more than one-quarter mile from the edge of a transit area, unless the department allows otherwise.

A transit-oriented community is required to demonstrate that it has met is housing opportunity goal by submitting a housing opportunity goal report to the department of local affairs (department). A housing opportunity goal report must include:

- The housing opportunity goal calculation that the transit-oriented community used in determining its housing opportunity goal;
- Evidence that the transit-oriented community has met its housing opportunity goal;

- A map that identifies the boundaries of any transit centers within the transit-oriented community;
- If relevant, a plan to address potential insufficient water supplies for meeting the transit-oriented community's housing opportunity goal;
- Affordability strategies that the transit-oriented community will implement in meeting its housing opportunity goal. The transit-oriented community shall select some of these strategies from the standard and long-term affordability strategies menus in the bill, and the transit-oriented community shall include an implementation plan describing how it will implement these strategies.
- Any displacement mitigation strategies that the transit-oriented community has or will adopt from the displacement mitigation strategies menu in the bill and an implementation plan describing how it will implement these strategies.

Additionally, the bill requires a transit-oriented community to submit a progress report to the department every 3 years.

After receiving a transit-oriented community's housing opportunity goal report, the department shall either approve the report or provide direction to the transit-oriented community for amending and resubmitting the report and require the transit-oriented community to resubmit the report. If a transit-oriented community does not submit a housing opportunity goal report to the department on or before December 31, 2026, or if the department does not approve a transit-oriented community's housing opportunity goal report, the department will designate the transit-oriented community as a nonqualified transit-oriented community. Similarly, if a transit-oriented community does not submit a progress report to the department every 3 years, or if the department does not approve a transit-oriented community's progress report, the department will designate the transit-oriented community as a nonqualified transit-oriented community.

The state treasurer shall transfer any money that a nonqualified transit-oriented community would have otherwise been allocated from the highway users tax fund instead to the transit-oriented communities highway users tax account (account). The department shall not use any money in the account that is attributable to a specific nonqualified transit-oriented community until 180 days after the transit-oriented community became a nonqualified transit-oriented community. If a nonqualified transit-oriented community no longer qualifies as a nonqualified transit-oriented community during that 180-day period, the treasurer shall issue a warrant to the transit-oriented community for the amount of money that was diverted from the transit-oriented community to the account.

If the department does not approve a transit-oriented community's housing opportunity goal report on or before December 31, 2027, the department may seek an injunction requiring the transit-oriented community to comply with the requirements of the bill.

In addition to designating an area as a transit center for purposes of meeting a housing opportunity goal, the bill allows local governments to designate an area as a neighborhood center so long as the local government ensures that the area:

- Has an average zoned housing density sufficient to increase public transit ridership;
- Has an administrative approval process for multifamily residential property development on parcels that are no larger than a size determined by the department;
- Has a mixed-use walkable neighborhood; and
- Satisfies any other criteria required by the department.

The bill also creates the transit-oriented communities infrastructure fund grant program (grant program) within the department. The purpose of the grant program is to assist local governments in upgrading infrastructure within transit centers and neighborhood centers. In administering the grant program, the department shall prioritize grant applicants based on the information in the reports described in the bill. Grants from the grant program are awarded from money in the transit-oriented communities infrastructure fund (fund). The fund consists of gifts, grants, and donations along with money that the general assembly may appropriate or transfer to the fund and money in the account described in the bill. The fund is continuously appropriated. On July 1, 2024, the state treasurer shall transfer $35 million from the general fund to the fund.

Section 2 prohibits a planned unit development resolution or ordinance for a planned unit development that is adopted on or after the effective date of the bill and that applies within a transit-oriented center or neighborhood center from restricting the development of housing more than the local law that applies to that transit-oriented center or neighborhood center.

Section 3 states that any restriction by a unit owners' association within a transit-oriented center or neighborhood center on the development of housing that is adopted on or after the effective date of the bill and is beyond the local law that applies to that transit-oriented center or neighborhood center is void as a matter of public policy.

Sections 4 and 5 require the Colorado housing and financing authority to allocate tax credits under the state affordable housing tax credit to qualified housing developments within transit centers.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** article 35 to title 29 as follows:

ARTICLE 35

State Land Use Criteria For Strategic Growth

PART 1

DEFINITIONS

29-35-101. Short title. THE SHORT TITLE OF THIS ARTICLE 35 IS THE "STATE LAND USE CRITERIA FOR STRATEGIC GROWTH ACT".

29-35-102. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) SINCE THE "LOCAL GOVERNMENT LAND USE CONTROL ENABLING ACT OF 1974", ARTICLE 20 OF TITLE 29, WAS ADOPTED, COLORADO'S POPULATION HAS MORE THAN DOUBLED, WITH THE STATE GROWING AT TWICE THE NATIONAL RATE BETWEEN 2010 AND 2020;

(b) THE COLORADO STATE DEMOGRAPHY OFFICE ESTIMATES THAT COLORADO WILL ADD ONE MILLION SEVEN HUNDRED THOUSAND TWO HUNDRED PEOPLE BY 2050, BRINGING COLORADO'S POPULATION TO NEARLY SEVEN MILLION FIVE HUNDRED THOUSAND. THE NEED FOR HOUSING FOR THE GROWING POPULATION IS AN ISSUE THAT AFFECTS ALL COLORADO COMMUNITIES REGARDLESS OF REGION OR SIZE. IN A BIPARTISAN POLL CONDUCTED BY THE COLORADO POLLING INSTITUTE IN NOVEMBER 2023, COLORADO VOTERS LISTED HOUSING AFFORDABILITY AS ONE OF THEIR TOP FIVE ISSUES FOR THE COLORADO STATE GOVERNMENT TO ADDRESS. THEREFORE, IT IS CRITICAL TO ADDRESS THE COST AND AVAILABILITY OF HOUSING ACROSS THE STATE TO ADDRESS HISTORIC POPULATION GROWTH.

(c) IN EXPERIENCING SIGNIFICANT POPULATION GROWTH AT A TIME

OF INCREASED VEHICLE OWNERSHIP AND COMMUTE TIMES, THE SUPPLY AND AFFORDABILITY OF HOUSING IN ONE COMMUNITY AFFECTS THE RESOURCES OF NEIGHBORING COMMUNITIES. COLORADO'S NEED FOR HOUSING IMPACTS THE STATE'S TRANSIT, TRANSPORTATION, EMPLOYMENT, ECONOMY, ENERGY, WATER, AND INFRASTRUCTURE AND REQUIRES INNOVATIVE, COLLABORATIVE SOLUTIONS.

(d) COLORADO'S HOUSING SUPPLY HAS NOT KEPT PACE WITH POPULATION GROWTH IN THE STATE. BETWEEN 2010 AND 2020, COLORADO ADDED ONE HUNDRED TWENTY-SIX THOUSAND FEWER HOUSING UNITS THAN IN THE PRIOR DECADE, DESPITE COLORADO'S POPULATION INCREASING BY A SIMILAR AMOUNT IN EACH DECADE. THE STATE DEMOGRAPHER ESTIMATES THAT BETWEEN APPROXIMATELY SIXTY-FIVE THOUSAND AND NINETY THOUSAND HOUSING UNITS ARE NEEDED TO KEEP PACE WITH COLORADO'S CURRENT POPULATION GROWTH.

(e) ACROSS THE STATE, COLORADO NEEDS MORE HOUSING URGENTLY TO SUPPORT OUR GROWING WORKFORCE, AND HOUSING OPPORTUNITIES ARE NEEDED ACROSS ALL INCOME LEVELS. ADDRESSING THE CRITICAL ISSUE OF COST AND AVAILABILITY OF HOUSING REQUIRES MAINTAINING AND EXPANDING ACCESS TO AFFORDABLE AND ATTAINABLE HOUSING BY REMOVING BARRIERS TO AND EXPEDITING NEW HOUSING OPPORTUNITIES FOR EVERY COMMUNITY, ESPECIALLY NEAR TRANSIT. AS HOUSING RENTS AND PRICES HAVE INCREASED FASTER THAN WAGES ACROSS THE STATE, INDIVIDUAL HOUSEHOLDS ARE EXPERIENCING DISPLACEMENT FROM HOMES THEY COULD ONCE AFFORD AND HAVING TO LIVE FARTHER FROM WORK WITH INCREASED COMMUTE TIMES. AS STATE AND LOCAL GOVERNMENTS SEEK TO INCREASE HOUSING OPTIONS AND ADDRESS AFFORDABILITY FOR RESIDENTS, IT IS ESSENTIAL TO PROVIDE

SOLUTIONS THAT INCORPORATE TRANSIT NEEDS AS WELL.

(f) BETWEEN 2010 AND 2021, THE PERCENTAGE OF COLORADANS MAKING LESS THAN SEVENTY-FIVE THOUSAND DOLLARS A YEAR WHO WERE HOUSING COST-BURDENED, MEANING THEY SPEND MORE THAN THIRTY PERCENT OF THEIR INCOME ON HOUSING NEEDS, INCREASED FROM FIFTY-FOUR PERCENT TO SIXTY-ONE PERCENT, AND, FOR RENTERS MAKING LESS THAN SEVENTY-FIVE THOUSAND DOLLARS A YEAR, THAT PERCENTAGE INCREASED FROM FIFTY-NINE PERCENT TO SEVENTY-THREE PERCENT, ACCORDING TO THE AMERICAN COMMUNITY SURVEY;

(g) NATIONALLY, CITIES WITH THE HIGHEST HOUSING COSTS AND LOWEST VACANCY RATES EXPERIENCE THE HIGHEST RATES OF HOMELESSNESS, ACCORDING TO A REPORT BY THE URBAN INSTITUTE, "UNSHELTERED HOMELESSNESS: TRENDS, CHARACTERISTICS, AND HOMELESS HISTORIES". THESE INDICATORS EXPLAIN A GREATER PORTION OF THE VARIATION IN REGIONAL RATES OF HOMELESSNESS THAN OTHER COMMONLY ASSUMED FACTORS, SUCH AS POVERTY RATE, SUBSTANCE USE, OR MENTAL ILLNESS, ACCORDING TO A STUDY IN THE EUROPEAN JOURNAL OF HOUSING POLICY, "THE ECONOMICS OF HOMELESSNESS: THE EVIDENCE FROM NORTH AMERICA".

(h) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND HOUSING SUPPLY" AND "THE IMPACT OF ZONING ON HOUSING AFFORDABILITY". INCREASING HOUSING SUPPLY MODERATES PRICE INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC

IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND AFFORDABILITY", IN THE JOURNAL HOUSING POLICY DEBATE.

(i) RESEARCHERS HAVE FOUND SUBSTANTIAL EVIDENCE THAT NEW HOUSING CONSTRUCTION ENABLES HOUSEHOLDS TO MOVE WITHIN A REGION, OPENS UP HOUSING OPTIONS FOR MORE DIVERSE INCOME LEVELS, AND PROMOTES COMPETITION THAT LIMITS HOUSING COST INCREASES, ACCORDING TO THE NEW YORK UNIVERSITY LAW AND ECONOMICS RESEARCH PAPER "SUPPLY SKEPTICISM REVISITED". WHILE NEW HOUSING SUPPLY CAN RARELY MEET THE NEEDS OF THE LOWEST INCOME HOUSEHOLDS, ENABLING NEW HOUSING SUPPLY CAN MODERATE PRICE INCREASES AND REDUCE THE NUMBER OF HOUSEHOLDS THAT NEED SUBSIDIES TO AFFORD HOUSING. RESIDENT OPPOSITION FREQUENTLY LIMITS NEW HOUSING DEVELOPMENT IN EXISTING COMMUNITIES AND EITHER LEADS TO LESS HOUSING PRODUCTION AND INCREASED HOUSING COSTS OR PUSHES HOUSING DEVELOPMENT TO GREENFIELD AREAS WHERE THERE ARE FEWER NEIGHBORS BUT GREATER ENVIRONMENTAL AND FISCAL COSTS.

29-35-103. Definitions. AS USED IN THIS ARTICLE 35, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACCESSIBLE UNIT" MEANS A HOUSING UNIT THAT SATISFIES THE REQUIREMENTS OF THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ., AS AMENDED, AND INCORPORATES UNIVERSAL DESIGN.

(2) (a) "ADMINISTRATIVE APPROVAL PROCESS" MEANS A PROCESS IN WHICH:

(I) A DEVELOPMENT PROPOSAL FOR A SPECIFIED PROJECT IS APPROVED, APPROVED WITH CONDITIONS, OR DENIED BY LOCAL

GOVERNMENT ADMINISTRATIVE STAFF BASED SOLELY ON ITS COMPLIANCE WITH OBJECTIVE STANDARDS SET FORTH IN LOCAL LAWS; AND

(II) DOES NOT REQUIRE, AND CANNOT BE ELEVATED TO REQUIRE, A PUBLIC HEARING, A RECOMMENDATION, OR A DECISION BY AN ELECTED OR APPOINTED PUBLIC BODY OR A HEARING OFFICER.

(b) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION, AN ADMINISTRATIVE APPROVAL PROCESS MAY REQUIRE AN APPOINTED HISTORIC PRESERVATION COMMISSION TO MAKE A DECISION, OR TO MAKE A RECOMMENDATION TO LOCAL GOVERNMENT ADMINISTRATIVE STAFF, REGARDING A DEVELOPMENT APPLICATION INVOLVING A PROPERTY THAT THE LOCAL GOVERNMENT HAS DESIGNATED AS A HISTORIC PROPERTY, PROVIDED THAT:

(I) THE STATE HISTORIC PRESERVATION OFFICE WITHIN HISTORY COLORADO HAS DESIGNATED THE LOCAL GOVERNMENT AS A CERTIFIED LOCAL GOVERNMENT; AND

(II) THE APPOINTED HISTORIC PRESERVATION COMMISSION'S DECISION OR RECOMMENDATION IS BASED ON STANDARDS EITHER SET FORTH IN LOCAL LAW OR ESTABLISHED BY THE SECRETARY OF THE INTERIOR OF THE UNITED STATES.

(3) "BUS RAPID TRANSIT SERVICE" MEANS EITHER A BUS RAPID TRANSIT SERVICE INCLUDED IN A METROPOLITAN PLANNING ORGANIZATION'S FISCALLY CONSTRAINED LONG RANGE TRANSPORTATION PLAN OR A BUS-BASED TRANSIT SERVICE THAT INCLUDES AT LEAST THREE OF THE FOLLOWING:

(a) SERVICE THAT IS SCHEDULED TO RUN EVERY FIFTEEN MINUTES OR LESS DURING THE HIGHEST FREQUENCY SERVICE HOURS;

(b) DEDICATED LANES OR BUSWAYS;

(c) TRAFFIC SIGNAL PRIORITY;

(d) OFF-BOARD FARE COLLECTION;

(e) ELEVATED PLATFORMS; OR

(f) ENHANCED STATIONS.

(4) "COMMUTER BUS RAPID TRANSIT SERVICE" MEANS A BUS RAPID TRANSIT SERVICE THAT OPERATES ON A LIMITED-ACCESS HIGHWAY FOR THE MAJORITY OF ITS ROUTE.

(5) "COMMUTER RAIL" MEANS A PASSENGER RAIL TRANSIT SERVICE BETWEEN AND WITHIN METROPOLITAN AND SUBURBAN AREAS.

(6) "COUNTY" MEANS A COUNTY INCLUDING A HOME RULE COUNTY.

(7) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS.

(8) "DISPLACEMENT" MEANS THE INVOLUNTARY RELOCATION OF RESIDENTS DUE TO INCREASED REAL ESTATE PRICES, RENTS, OR OTHER ECONOMIC FACTORS.

(9) "LIGHT RAIL" MEANS A PASSENGER RAIL TRANSIT SERVICE THAT USES ELECTRICALLY POWERED RAIL-BORNE CARS.

(10) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY, COUNTY, OR TRIBAL NATION WITH JURISDICTION IN COLORADO.

(11) "LOCAL LAW" MEANS ANY CODE, LAW, ORDINANCE, POLICY, REGULATION, OR RULE ENACTED BY A LOCAL GOVERNMENT THAT GOVERNS THE DEVELOPMENT AND USE OF LAND, INCLUDING BUT NOT LIMITED TO LAND USE CODES, ZONING CODES, AND SUBDIVISION CODES.

(12) "METROPOLITAN PLANNING ORGANIZATION" MEANS A METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

(13) "MUNICIPALITY" MEANS A HOME RULE OR STATUTORY CITY

OR TOWN, TERRITORIAL CHARTER CITY OR TOWN, OR CITY AND COUNTY.

(14) "OBJECTIVE STANDARD" MEANS A STANDARD THAT:

(a) IS A DEFINED BENCHMARK OR CRITERION THAT ALLOWS FOR DETERMINATIONS OF COMPLIANCE TO BE CONSISTENTLY DECIDED REGARDLESS OF THE DECISION MAKER; AND

(b) DOES NOT REQUIRE A SUBJECTIVE DETERMINATION CONCERNING A DEVELOPMENT PROPOSAL, INCLUDING BUT NOT LIMITED TO WHETHER THE APPLICATION FOR THE DEVELOPMENT PROPOSAL IS:

(I) CONSISTENT WITH MASTER PLANS, OR OTHER DEVELOPMENT PLANS;

(II) COMPATIBLE WITH THE LAND USE OR DEVELOPMENT OF THE AREA SURROUNDING THE AREA DESCRIBED IN THE APPLICATION; OR

(III) CONSISTENT WITH PUBLIC WELFARE, COMMUNITY CHARACTER, OR NEIGHBORHOOD CHARACTER.

(15) "UNIVERSAL DESIGN" MEANS ANY DWELLING UNIT DESIGNED AND CONSTRUCTED TO BE SAFE AND ACCESSIBLE FOR ANY INDIVIDUAL REGARDLESS OF AGE OR ABILITIES.

(16) "URBAN BUS RAPID TRANSIT SERVICE" MEANS A BUS RAPID TRANSIT SERVICE THAT OPERATES ON A SURFACE STREET FOR THE MAJORITY OF ITS ROUTE.

(17) "VISITABLE UNIT" MEANS A DWELLING UNIT THAT A PERSON WITH A DISABILITY CAN ENTER, MOVE AROUND THE PRIMARY ENTRANCE FLOOR OF, AND USE THE BATHROOM IN.

PART 2

TRANSIT-ORIENTED COMMUNITIES

29-35-201. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) MULTIFAMILY HOUSING IS TYPICALLY MORE AFFORDABLE THAN SINGLE-UNIT DWELLINGS. ACCORDING TO THE AMERICAN COMMUNITY SURVEY, COLORADO MULTIFAMILY UNITS COST BETWEEN FOURTEEN AND FORTY-THREE PERCENT LESS TO RENT IN 2019, DEPENDING ON THE SIZE OF THE BUILDING, COMPARED TO SINGLE-UNIT DETACHED DWELLINGS.

(b) ALLOWING HIGHER DENSITY RESIDENTIAL DEVELOPMENT IS IMPORTANT FOR THE COST EFFECTIVENESS AND AVAILABILITY OF AFFORDABLE HOUSING. AN ANALYSIS OF OVER SIXTY AFFORDABLE HOUSING PROJECTS FUNDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN TRANSIT-ORIENTED AREAS IN COLORADO SINCE 2010 FOUND THAT HALF WERE DEVELOPED AT OVER FIFTY UNITS PER ACRE, AND TWENTY PERCENT WERE OVER ONE HUNDRED UNITS PER ACRE.

(c) THROUGHOUT COLORADO, LESS THAN HALF OF AVAILABLE ZONING CAPACITY IS TYPICALLY UTILIZED, AND GREATER UTILIZATION OF ZONING CAPACITY IS NECESSARY TO MEET ANTICIPATED HOUSING NEEDS. NUMEROUS FACTORS CURRENTLY PREVENT DEVELOPMENT FROM FULLY UTILIZING AVAILABLE ZONING CAPACITY AND ALLOWED DENSITIES, INCLUDING SITE LEVEL CONSTRAINTS, FINANCIAL FEASIBILITY AND DEMAND, AND LANDOWNERS' WILLINGNESS TO SELL OR REDEVELOP.

(d) COLORADO HAS INVESTED SIGNIFICANTLY IN PUBLIC TRANSIT IN THE LAST SEVERAL DECADES, FUNDING OVER SIX BILLION DOLLARS ACROSS EIGHTY-FIVE MILES OF NEW RAIL LINES. THE INVESTMENTS WILL CONTINUE IN THE COMING YEARS WITH NEW BUS RAPID TRANSIT AND RAIL SYSTEMS ALONG THE FRONT RANGE. DESPITE THESE INVESTMENTS, TRANSIT RIDERSHIP LAGS BEHIND PEER AGENCIES AROUND THE COUNTRY, DUE AT LEAST IN PART TO A LACK OF DENSITY NEAR THESE TRANSIT LINES. BEFORE THE COVID-19 PANDEMIC, THE REGIONAL TRANSPORTATION

DISTRICT HAD TWO AND THREE-TENTHS RIDES PER VEHICLE REVENUE MILE ON THEIR RAIL SYSTEM, COMPARED TO OVER FOUR RIDES PER VEHICLE REVENUE MILE FOR AGENCIES IN MINNEAPOLIS AND PORTLAND AND OVER EIGHT RIDES PER VEHICLE REVENUE MILE IN SEATTLE, ACCORDING TO DATA FROM THE FEDERAL TRANSIT ADMINISTRATION'S NATIONAL TRANSIT DATABASE.

(e) ALLOWING HIGHER DENSITY RESIDENTIAL DEVELOPMENT NEAR TRANSIT IS IMPORTANT FOR INCREASING TRANSIT RIDERSHIP AND IMPROVING THE COST EFFECTIVENESS OF TRANSIT SERVICES. RESEARCHERS HAVE FOUND THAT HIGHER BUILT GROSS DENSITIES CITYWIDE INCREASE COST-EFFECTIVENESS FOR LIGHT RAIL AND BUS RAPID TRANSIT SERVICES, AS DESCRIBED IN THE ARTICLE, "COST OF A RIDE: THE EFFECTS OF DENSITIES ON FIXED-GUIDEWAY TRANSIT RIDERSHIP AND COSTS" BY ERICK GUERRA AND ROBERT CERVERO.

(f) MOST LIGHT AND COMMUTER RAIL STATIONS AND FREQUENT BUS CORRIDORS IN COLORADO HAVE LOWER HOUSING UNIT DENSITY THAN IS NECESSARY TO SUPPORT FREQUENT TRANSIT. BASED ON 2020 CENSUS BLOCK HOUSING UNIT DATA, OVER NINETY PERCENT OF RAIL STATIONS AND EIGHTY-FOUR PERCENT OF BUS RAPID TRANSIT AND FREQUENT BUS CORRIDORS IN COLORADO HAVE LESS THAN FIFTEEN HOUSING UNITS PER ACRE ON AVERAGE WITHIN WALKING DISTANCE. RESEARCHERS HAVE GENERALLY FOUND A MINIMUM OF FIFTEEN HOUSING UNITS PER ACRE OF BUILT DENSITY IS NEEDED TO SUPPORT FREQUENT TRANSIT.

(g) LIVING NEAR TRANSIT, JOBS, AND SERVICES ENABLES HOUSEHOLDS TO ALSO SAVE ON TRANSPORTATION COSTS BY OWNING FEWER VEHICLES AND REDUCING FUEL CONSUMPTION. COLORADANS COMMUTE OVER FIFTY MINUTES TO AND FROM WORK ON AVERAGE,

ACCORDING TO THE LATEST AMERICAN COMMUNITY SURVEY'S FIVE YEAR ESTIMATES. ANALYSES OF TRANSIT-ORIENTED COMMUNITIES HAVE FOUND THAT RESIDENTS TAKE AN AVERAGE OF FORTY-FOUR PERCENT FEWER VEHICLE TRIPS, ACCORDING TO THE ARTICLE "VEHICLE TRIP REDUCTION IMPACTS OF TRANSIT-ORIENTED HOUSING" IN THE JOURNAL OF PUBLIC TRANSPORTATION.

(h) IN COLORADO, HOUSEHOLDS IN MORE DENSE AREAS, WHICH ARE DEFINED AS CENSUS TRACTS WITH MORE THAN FOUR THOUSAND UNITS PER SQUARE MILE OR ABOUT FIFTEEN UNITS PER ACRE, DRIVE TWENTY PERCENT LESS THAN THE STATE AVERAGE, AND HIGHER DENSITY AREAS, CENSUS TRACTS WITH MORE THAN TEN THOUSAND UNITS PER SQUARE MILE OR ABOUT FORTY UNITS PER ACRE, DRIVE FORTY PERCENT LESS THAN THE STATE AVERAGE, ACCORDING TO DATA FROM THE 2017 NATIONAL HOUSEHOLD TRAVEL SURVEY;

(i) HIGH TRANSPORTATION COSTS IMPACT LOW-INCOME HOUSEHOLDS IN PARTICULAR. HOUSEHOLDS MAKING LESS THAN FORTY THOUSAND DOLLARS PER YEAR IN THE WESTERN UNITED STATES ARE SPENDING OVER TWENTY-FOUR PERCENT OF THEIR INCOME ON TRANSPORTATION, WHEN SPENDING MORE THAN FIFTEEN PERCENT OF INCOME ON TRANSPORTATION IS CONSIDERED COST BURDENED, ACCORDING TO DATA FROM THE BUREAU OF LABOR STATISTICS CONSUMER EXPENDITURE SURVEYS.

(j) IN ADDITION TO SAVING ON TRANSPORTATION COSTS BY LIVING NEAR TRANSIT, OWNING FEWER VEHICLES AND TRAVELING TO WORK AND ACCESSING SERVICES WITHOUT DRIVING OR DRIVING LESS REDUCES GREENHOUSE GAS EMISSIONS AND AIR POLLUTION, WHICH IMPACTS AIR QUALITY NOT JUST IN TRANSIT-ORIENTED COMMUNITIES BUT IN GREATER

REGIONS ACROSS THE STATE;

(k) IN COLORADO, HOUSEHOLD ENERGY DEMAND ON AVERAGE IS SEVENTY PERCENT LESS FOR MULTIFAMILY HOUSING COMPARED TO SINGLE-UNIT DETACHED DWELLINGS, ACCORDING TO THE NATIONAL RENEWABLE ENERGY LABORATORY RESTOCK ANALYSIS TOOL;

(l) COMPARED TO SINGLE-UNIT DETACHED DWELLINGS, SMALL MULTIFAMILY HOMES USE SIXTY-THREE PERCENT LESS WATER, AND LARGER MULTIFAMILY HOMES USE EIGHTY-SIX PERCENT LESS WATER, BASED ON DATA FROM DENVER AND AURORA WATER USERS ANALYZED FOR THE "COLORADO WATER AND GROWTH DIALOGUE FINAL REPORT" IN 2018;

(m) NATIONAL STUDIES, SUCH AS THE ARTICLE "RELATIONSHIPS BETWEEN DENSITY AND PER CAPITA MUNICIPAL SPENDING IN THE UNITED STATES", PUBLISHED IN URBAN SCIENCE, HAVE FOUND THAT LOWER DENSITY COMMUNITIES HAVE HIGHER GOVERNMENT CAPITAL AND MAINTENANCE COSTS FOR WATER, SEWER, AND TRANSPORTATION INFRASTRUCTURE AND LOWER PROPERTY AND SALES TAX REVENUE. THESE INCREASED COSTS ARE OFTEN BORNE BY BOTH STATE AND LOCAL GOVERNMENTS.

(n) A STUDY FOR A MUNICIPALITY IN COLORADO FOUND THAT DOUBLING THE AVERAGE RESIDENTIAL DENSITY FOR FUTURE GROWTH WOULD SAVE THIRTY-ONE PERCENT IN CAPITAL AND MAINTENANCE COSTS OVER TWENTY YEARS;

(o) ACCORDING TO A 2022 ARTICLE TITLED "DOES DISCRETION DELAY DEVELOPMENT?" IN THE JOURNAL OF THE AMERICAN PLANNING ASSOCIATION, RESIDENTIAL PROJECTS USING ADMINISTRATIVE APPROVAL PROCESSES ARE APPROVED TWENTY-EIGHT PERCENT FASTER THAN THOSE

USING DISCRETIONARY APPROVAL PROCESSES, AND FASTER APPROVAL TIMES REDUCE DEVELOPER COSTS AND THEREFORE HOUSING COSTS. STUDIES HAVE SHOWN THAT HOMEBUILDERS, INCLUDING AFFORDABLE HOUSING DEVELOPERS, WILL AVOID PARCELS THAT NEED TO GO THROUGH A DISCRETIONARY PROCESS.

(p) COMMUNITY OPPOSITION TO SPECIFIC AFFORDABLE HOUSING DEVELOPMENTS FREQUENTLY CAUSES DELAYS, INCREASES COSTS, REDUCES THE NUMBER OF HOUSING UNITS DELIVERED, PUSHES SITING OF AFFORDABLE HOUSING TO LESS OPPORTUNITY-RICH AREAS, AND PREVENTS DEVELOPMENTS FROM OCCURRING ALTOGETHER, ACCORDING TO STUDIES SUCH AS "DEMOCRACY IN ACTION? NIMBY AS IMPEDIMENT TO EQUITABLE AFFORDABLE HOUSING SITING" IN THE JOURNAL HOUSING STUDIES;

(q) RESEARCHERS HAVE FOUND THAT UPWARD MOBILITY IS SIGNIFICANTLY GREATER IN MORE COMPACT DEVELOPMENT AREAS THAN IN LOW-DENSITY AREAS, PRIMARILY DUE TO BETTER JOB ACCESSIBILITY BY MULTIPLE TRANSPORTATION MODES, ACCORDING TO THE STUDY "DOES URBAN SPRAWL HOLD DOWN UPWARD MOBILITY?", PUBLISHED IN THE JOURNAL OF LANDSCAPE AND URBAN PLANNING;

(r) ACCORDING TO THE GREENHOUSE GAS POLLUTION REDUCTION ROADMAP PUBLISHED BY THE COLORADO ENERGY OFFICE, DATED JANUARY 14, 2021, THE TRANSPORTATION SECTOR IS THE SINGLE LARGEST SOURCE OF GREENHOUSE GAS POLLUTION IN COLORADO. NEARLY SIXTY PERCENT OF THE GREENHOUSE GAS EMISSIONS FROM THE TRANSPORTATION SECTOR COME FROM LIGHT-DUTY VEHICLES, WHICH ARE THE MAJORITY OF CARS AND TRUCKS THAT COLORADANS DRIVE EVERY DAY.

(s) MOTOR VEHICLE POLLUTION, INCLUDING GREENHOUSE GAS EMISSIONS, DOES NOT STAY WITHIN THE GEOGRAPHIC BOUNDARIES OF THE LOCAL GOVERNMENT WHERE IT IS EMITTED;

(t) THE GREENHOUSE GAS TRANSPORTATION PLANNING STANDARD ADOPTED BY THE TRANSPORTATION COMMISSION OF COLORADO IN 2021 SET A STATEWIDE TARGET TO REDUCE TRANSPORTATION GREENHOUSE GAS EMISSIONS THROUGH THE TRANSPORTATION PLANNING PROCESS BY ONE MILLION FIVE HUNDRED THOUSAND TONS BY 2030; AND

(u) THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HAS CLASSIFIED THE DENVER METRO AND NORTH FRONT RANGE AREA AS BEING IN SEVERE NON-ATTAINMENT FOR OZONE AND GROUND LEVEL OZONE, WHICH HAS SERIOUS IMPACTS ON HUMAN HEALTH, PARTICULARLY FOR VULNERABLE POPULATIONS.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(a) THE CONSEQUENCES OF COMMUNITY OPPOSITION AND LOCAL LAND USE POLICIES THAT LIMIT HOUSING SUPPLY IN TRANSIT-ORIENTED COMMUNITIES IMPACT HOUSING OPTIONS FOR COLORADANS OF LOW AND MODERATE INCOMES AND WORKFORCE HOUSING TO SUPPORT EMPLOYMENT GROWTH. INCREASING HIGHER-DENSITY HOUSING IN TRANSIT-ORIENTED COMMUNITIES ENSURES STABLE QUANTITY AND QUALITY OF HOUSING FOR EVERYONE AND CORRECTS POLICIES THAT PERPETUATE SEGREGATED AND UNEQUAL COMMUNITIES, REDUCED MOBILITY AND LONG COMMUTES, REDUCED OPTIONS FOR OLDER ADULTS TO AGE IN THEIR COMMUNITY OF CHOICE, LOSS OF OPEN SPACE AND AGRICULTURAL LAND, HIGH WATER USAGE, AND INCREASED GREENHOUSE GAS AND AIR POLLUTION.

(b) THERE IS AN EXTRATERRITORIAL IMPACT WHEN LOCAL

GOVERNMENTS RESTRICT HOUSING DEVELOPMENT WITHIN THEIR JURISDICTIONS. THE CALL FOR JOB GROWTH IN ONE COMMUNITY THAT DOES NOT ALSO ADDRESS THE NEED FOR ADDITIONAL HOUSING AFFECTS THE DEMAND OF HOUSING DEVELOPMENT IN NEIGHBORING JURISDICTIONS. IN COLORADO, THE NUMBER OF JOBS WITHIN LARGE MUNICIPALITIES IS GENERALLY CORRELATED TO THE MUNICIPALITY'S TRANSIT SERVICE, AND RESEARCH HAS SHOWN THAT REGIONAL IMBALANCES BETWEEN JOBS AND HOUSING HAVE A SIGNIFICANT IMPACT ON VEHICLE MILES TRAVELED AND COMMUTE TIMES ACROSS JURISDICTIONS, ACCORDING TO STUDIES SUCH AS "WHICH REDUCES VEHICLE TRAVEL MORE: JOBS-HOUSING BALANCE OR RETAIL-HOUSING MIXING?", PUBLISHED IN THE JOURNAL OF THE AMERICAN PLANNING ASSOCIATION. WHEN PEOPLE ARE UNABLE TO LIVE NEAR WHERE THEY WORK, WORKERS HAVE NO OPTIONS BUT TO SPEND MORE HOURS ON THE ROAD COMMUTING TO AND FROM WORK. THE LONGER COMMUTE INCREASES VEHICLE TRAFFIC AND PUTS ADDITIONAL STRAIN ON COLORADO'S ROADS AND INCREASES POLLUTION.

(c) THE AVAILABILITY OF AFFORDABLE HOUSING IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN. THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY IN ENACTING THIS PART 2 TO:

(I) PROVIDE FUNDING FOR INFRASTRUCTURE AND AFFORDABLE HOUSING TO SUPPORT LOCAL GOVERNMENTS WHOSE ZONING DOES MEET THE GOALS OF THIS PART 2, AND TO ENCOURAGE MORE DENSE MULTIFAMILY HOUSING DEVELOPMENT PROJECTS THAT CAN ADDRESS THE STATE'S HOUSING SHORTAGE FOR ALL PARTS OF THE INCOME SPECTRUM, AND SUPPORT MORE FISCALLY AND ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT PATTERNS;

(II) IMPROVE REGIONAL COLLABORATION AND OUTCOMES BY

REDUCING THE ABILITY OF INDIVIDUAL LOCAL GOVERNMENTS' LAND USE RESTRICTIONS TO NEGATIVELY INFLUENCE REGIONAL CONCERNS SUCH AS HOUSING AFFORDABILITY, OPEN SPACE, TRAFFIC, AND AIR POLLUTION; AND

(III) COLORADO HAS A LEGITIMATE STATE INTEREST IN MANAGING POPULATION AND DEVELOPMENT GROWTH AND ENSURING STABLE QUALITY AND QUANTITY OF HOUSING FOR COLORADANS; AND

(d) COLORADO HAS A LEGITIMATE STATE INTEREST IN MANAGING POPULATION AND DEVELOPMENT GROWTH AND ENSURING STABLE QUALITY AND QUANTITY OF HOUSING FOR COLORADANS AS THIS IS AMONG THE MOST PRESSING PROBLEMS CURRENTLY FACING COMMUNITIES THROUGHOUT COLORADO.

(3) THEREFORE, THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT THE LACK OF HOUSING SUPPLY AND UNSUSTAINABLE DEVELOPMENT PATTERNS REQUIRE A STATEWIDE SOLUTION THAT ADDRESSES LOCAL GOVERNMENT POLICIES THAT EFFECTIVELY LIMIT THE CONSTRUCTION OF A DIVERSE RANGE OF HOUSING TYPES IN AREAS ALREADY SERVED BY INFRASTRUCTURE OR IN CLOSE PROXIMITY TO JOBS AND PUBLIC TRANSIT, ALONG WITH A LACK OF FUNDING FOR INFRASTRUCTURE AND AFFORDABLE HOUSING NEAR TRANSIT-ORIENTED COMMUNITIES.

(4) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT INCREASING HOUSING IN TRANSIT-ORIENTED COMMUNITIES IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

29-35-202. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AVERAGE ZONED HOUSING DENSITY" MEANS THE AVERAGE NET HOUSING DENSITY ALLOWED IN A ZONING DISTRICT OR DISTRICTS BY

LOCAL LAW.

(2) "EXEMPT PARCEL" MEANS:

(a) A PARCEL THAT, AS OF JANUARY 1, 2024, IS NOT SERVED BY A DOMESTIC WATER AND SEWAGE TREATMENT SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5);

(b) A PARCEL THAT, AS OF JANUARY 1, 2024, IS IN AN AGRICULTURAL, FORESTRY, NATURAL RESOURCE PRESERVATION, OR OPEN SPACE ZONING DISTRICT;

(c) A PARCEL THAT, AS OF JANUARY 1, 2024, IS ZONED OR USED PRIMARILY FOR INDUSTRIAL USE, WHICH, FOR PURPOSES OF THIS SUBSECTION (2)(c), MEANS A BUSINESS USE OR ACTIVITY AT A SCALE GREATER THAN HOME INDUSTRY INVOLVING MANUFACTURING, FABRICATION, ASSEMBLY, WAREHOUSING, OR STORAGE;

(d) ANY PART OF A PARCEL THAT, AS OF JANUARY 1, 2024, IS IN A FLOODWAY OR IN A ONE HUNDRED-YEAR FLOODPLAIN, AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY;

(e) A PARCEL THAT, AS OF JANUARY 1, 2024, IS USED AS A CEMETERY, AS DEFINED IN SECTION 31-25-701 (2);

(f) ANY PART OF A PARCEL THAT, AS OF JANUARY 1, 2024, IS SUBJECT TO A CONSERVATION EASEMENT;

(g) A PARCEL OR EASEMENT THAT, AS OF JANUARY 1, 2024, IS OWNED BY, USED AS, OR OPERATED BY AN AIRPORT;

(h) A PUBLIC OR RAILROAD RIGHT-OF-WAY THAT EXISTS AS OF JANUARY 1, 2024;

(i) A PARCEL THAT, AS OF JANUARY 1, 2024, IS USED AS A MOBILE HOME PARK, AS DEFINED IN SECTION 38-12-201.5 (6);

(j) A PARCEL THAT, AS OF JANUARY 1, 2024, IS FEDERAL OR STATE

OWNED PROPERTY; OR

(k) ANY PART OF A PARCEL THAT, AS OF JANUARY 1, 2024, INCLUDES LAND THAT IS PARK AND OPEN SPACE, AS DEFINED IN SECTION 29-7.5-103 (2).

(3) "HOUSING OPPORTUNITY GOAL" MEANS A GOAL FOR THE ZONING CAPACITY FOR RESIDENTIAL UNITS IN A TRANSIT-ORIENTED COMMUNITY. A LOCAL GOVERNMENT SHALL CALCULATE ITS HOUSING OPPORTUNITY GOAL PURSUANT TO SECTION 29-35-204 (2).

(4) "MIXED-USE PEDESTRIAN-ORIENTED NEIGHBORHOOD" MEANS AN AREA THAT INTEGRATES LAND USE TYPES THAT INCLUDE RESIDENTIAL AND NONRESIDENTIAL USES WITHIN A WALKABLE NEIGHBORHOOD.

(5) "NEIGHBORHOOD CENTER" MEANS AN AREA THAT BOTH MEETS THE REQUIREMENTS OF SECTION 29-35-207 AND IS DESIGNATED AS A NEIGHBORHOOD CENTER BY A LOCAL GOVERNMENT IN A METROPOLITAN PLANNING ORGANIZATION.

(6) "NET HOUSING DENSITY" MEANS THE NUMBER OF RESIDENTIAL UNITS ALLOWED PER ACRE OF LAND ON PARCELS THAT ALLOW FOR RESIDENTIAL DEVELOPMENT. IN CALCULATING NET HOUSING DENSITY FOR AN AREA, A LOCAL GOVERNMENT SHALL INCORPORATE ANY DIMENSIONAL OR OTHER RESTRICTIONS IN LOCAL LAWS USED TO REGULATE ALLOWED DENSITY IN THE AREA, INCLUDING BUT NOT LIMITED TO RESTRICTIONS RELATED TO UNITS PER ACRE, LOT AREA PER UNIT, LOT COVERAGE, SITE LEVEL OPEN SPACE REQUIREMENTS, FLOOR AREA RATIOS, SETBACKS, MINIMUM PARKING REQUIREMENTS, AND MAXIMUM HEIGHT.

(7) (a) "NONQUALIFIED TRANSIT-ORIENTED COMMUNITY" MEANS A TRANSIT-ORIENTED COMMUNITY THAT HAS NOT, AS OF DECEMBER 31, 2026, MET ITS HOUSING OPPORTUNITY GOAL PURSUANT TO SECTION

29-35-204 (4).

(b) WHEN A TRANSIT-ORIENTED COMMUNITY MEETS ITS HOUSING OPPORTUNITY GOAL PURSUANT TO SECTION 29-35-204 (4), A TRANSIT-ORIENTED COMMUNITY IS A "QUALIFIED TRANSIT-ORIENTED COMMUNITY".

(8) "QUALIFIED TRANSIT-ORIENTED COMMUNITY" MEANS A TRANSIT-ORIENTED COMMUNITY THAT HAS BOTH MET ITS HOUSING OPPORTUNITY GOAL AND HAD THE DEPARTMENT APPROVE EITHER THE TRANSIT-ORIENTED COMMUNITY'S HOUSING OPPORTUNITY GOAL PURSUANT TO SECTION 29-35-204 (8), OR THE TRANSIT-ORIENTED COMMUNITY'S PROGRESS REPORT PURSUANT TO SECTION 29-35-204 (9).

(9) "REGULATED AFFORDABLE HOUSING" MEANS AFFORDABLE HOUSING THAT:

(a) IS CREATED OR SUPPORTED BY PUBLIC SUBSIDIES, LOCAL INCLUSIONARY ZONING ORDINANCES, DEED RESTRICTIONS, OR OTHER REGULATIONS OR PROGRAMS;

(b) RESTRICTS OR LIMITS MAXIMUM RENTAL OR SALE PRICE; AND

(c) RESTRICTS RESIDENT INCOME LEVELS TO LOW- TO MODERATE-INCOME HOUSEHOLD LEVELS FOR A SPECIFIED PERIOD.

(10) "TRANSIT AREA" MEANS BOTH A TRANSIT STATION AREA, AS DEFINED IN SUBSECTION (14) OF THIS SECTION, OR A TRANSIT CORRIDOR AREA, AS DEFINED IN SUBSECTION (12) OF THIS SECTION.

(11) "TRANSIT CENTER" MEANS AN AREA THAT BOTH MEETS THE REQUIREMENTS OF SECTION 29-35-206 AND IS DESIGNATED AS A TRANSIT CENTER BY A TRANSIT-ORIENTED COMMUNITY.

(12) "TRANSIT CORRIDOR AREA" MEANS THE TOTAL AREA, MEASURED IN ACRES, WITHIN A TRANSIT-ORIENTED COMMUNITY THAT IS

WITHIN ONE-QUARTER MILE OF A PUBLIC BUS ROUTE AND THAT EITHER:

(a) HAS A SCHEDULED FREQUENCY OF FIFTEEN MINUTES OR LESS DURING THE HIGHEST FREQUENCY SERVICE HOURS; OR

(b) IS AN URBAN BUS RAPID TRANSIT SERVICE.

(13) "TRANSIT-ORIENTED COMMUNITY" MEANS A LOCAL GOVERNMENT THAT:

(a) IS EITHER ENTIRELY OR PARTIALLY WITHIN A METROPOLITAN PLANNING ORGANIZATION;

(b) HAS A POPULATION OF FOUR THOUSAND OR MORE ACCORDING TO THE MOST RECENT DATA FROM THE STATE DEMOGRAPHY OFFICE;

(c) CONTAINS AT LEAST SEVENTY-FIVE ACRES OF TRANSIT AREA; AND

(d) IF THE LOCAL GOVERNMENT IS A COUNTY, CONTAINS EITHER:

(I) A PART OF A TRANSIT STATION AREA THAT IS BOTH IN AN UNINCORPORATED PART OF THE COUNTY AND WITHIN ONE-HALF MILE OF A TRANSIT STATION THAT SERVES ONE OR BOTH OF A COMMUTER RAIL OR A LIGHT RAIL SERVICE; OR

(II) A PART OF A TRANSIT CORRIDOR AREA THAT IS BOTH IN AN UNINCORPORATED PART OF THE COUNTY AND FULLY SURROUNDED BY ONE OR MORE MUNICIPALITIES.

(14) "TRANSIT STATION AREA" MEANS THE TOTAL AREA, MEASURED IN ACRES, WITHIN A TRANSIT-ORIENTED COMMUNITY THAT IS WITHIN ONE-HALF MILE OF A STATION THAT SERVES ONE OR MORE OF THE FOLLOWING:

(a) COMMUTER BUS RAPID TRANSIT SERVICE;

(b) COMMUTER RAIL;

(c) LIGHT RAIL; OR

(d) A PUBLIC BUS ROUTE THAT HAS A SCHEDULED FREQUENCY OF FIFTEEN MINUTES OR LESS DURING THE HIGHEST FREQUENCY SERVICE HOURS AND OPERATES PRIMARILY ON AN INTERSTATE HIGHWAY.

(15) "ZONING CAPACITY" MEANS THE TOTAL NUMBER OF HOUSING UNITS ALLOWED IN AN AREA, AS LIMITED BY THE RESTRICTIONS IN LOCAL LAW THAT REGULATE DENSITY IN THAT AREA, INCLUDING BUT NOT LIMITED TO RESTRICTIONS RELATED TO UNITS PER ACRE, LOT AREA PER UNIT, LOT COVERAGE, SITE LEVEL OPEN SPACE REQUIREMENTS, FLOOR AREA RATIOS, SETBACKS, MINIMUM PARKING REQUIREMENTS, AND MAXIMUM HEIGHT.

29-35-203. Department of local affairs collaboration. AS DETERMINED TO BE APPROPRIATE BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, THE DEPARTMENT SHALL COLLABORATE WITH THE DEPARTMENT OF TRANSPORTATION AND THE COLORADO ENERGY OFFICE IN FULFILLING THE REQUIREMENTS OF THIS PART 2.

29-35-204. Transit-oriented community housing opportunity goal calculation - preliminary transit-oriented community assessment report - housing opportunity goal compliance - insufficient water supplies for meeting a housing opportunity goal - affordability and displacement mitigation strategies - housing opportunity goal report - legislative declaration. (1) **Legislative declaration.** THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) TRANSIT RIDERSHIP, LAND USE DEVELOPMENT PATTERNS, AFFORDABILITY AND AVAILABILITY OF HOUSING, ROADS, AND GREENHOUSE GAS EMISSIONS FROM THE TRANSPORTATION SECTOR ARE INTERCONNECTED ISSUES THAT HAVE IMPACTS AND CONCERNS WELL BEYOND THE BORDERS OF A SINGLE LOCAL COMMUNITY;

(b) COLORADO HAS AN INTEREST IN ENSURING A STABLE QUANTITY AND QUALITY OF HOUSING IN ALIGNMENT WITH POPULATION GROWTH AND ENSURING THAT SHARED RESOURCES, INVESTMENTS, AND GOALS SUCH AS ROADS, INFRASTRUCTURE, TRANSIT, AIR QUALITY, WATER, AND GREENHOUSE GAS MITIGATION, ARE PROTECTED IN THE PROCESS; AND

(c) INCREASING HOUSING DENSITY IN TRANSIT-ORIENTED COMMUNITIES IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN THAT REQUIRES STATEWIDE COOPERATION.

(2) **Housing opportunity goal calculation.** (a) A TRANSIT-ORIENTED COMMUNITY SHALL CALCULATE ITS HOUSING OPPORTUNITY GOAL BY MULTIPLYING THE TOTAL AREA OF THE TRANSIT AREAS WITHIN THE LOCAL GOVERNMENT'S JURISDICTION, EXCLUSIVE OF THE EXEMPT PARCELS IN THOSE TRANSIT AREAS, BY AN AVERAGE ZONED HOUSING DENSITY OF FORTY UNITS PER ACRE.

(b) IN DETERMINING WHETHER A PARCEL QUALIFIES AS AN EXEMPT PARCEL FOR THE PURPOSE OF CALCULATING ITS HOUSING OPPORTUNITY GOAL, A TRANSIT-ORIENTED COMMUNITY SHALL INTERPRET INFORMATION INFORMING ITS DETERMINATION IN A MANNER THAT RESULTS IN DETERMINING THAT THE SMALLEST AREA OF PARCELS AS REASONABLY POSSIBLE ARE EXEMPT PARCELS.

(3) **Preliminary transit-oriented community assessment report.** (a) ON OR BEFORE JANUARY 31, 2025, A TRANSIT-ORIENTED COMMUNITY SHALL, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT, SUBMIT A PRELIMINARY TRANSIT-ORIENTED COMMUNITY ASSESSMENT REPORT THAT INCLUDES:

(I) THE TRANSIT-ORIENTED COMMUNITY'S HOUSING OPPORTUNITY GOAL AND THE DATA AND METHOD THE TRANSIT-ORIENTED COMMUNITY

USED TO CALCULATE ITS HOUSING OPPORTUNITY GOAL; AND

(II) A MAP OF EXISTING ZONING DISTRICTS WITHIN THE TRANSIT-ORIENTED COMMUNITY THAT MAY QUALIFY AS TRANSIT CENTERS AND PRELIMINARY EVIDENCE FOR THIS QUALIFICATION INCLUDING THE STANDARDS APPLICABLE TO THESE ZONING DISTRICTS.

(b) THE DEPARTMENT SHALL REVIEW A PRELIMINARY TRANSIT-ORIENTED COMMUNITY ASSESSMENT REPORT SUBMITTED BY A TRANSIT-ORIENTED COMMUNITY PURSUANT TO THIS SUBSECTION (3) AND EITHER PROVIDE WRITTEN NOTICE APPROVING THE REPORT OR PROVIDE DIRECTION FOR AMENDING AND RESUBMITTING THE REPORT.

(4) **Housing opportunity goal compliance.** (a) IF A TRANSIT-ORIENTED COMMUNITY DOES NOT MEET ITS HOUSING OPPORTUNITY GOAL ON OR BEFORE DECEMBER 31, 2026, THE DEPARTMENT SHALL DESIGNATE THE TRANSIT-ORIENTED COMMUNITY AS A NONQUALIFIED TRANSIT-ORIENTED COMMUNITY.

(b) ON OR BEFORE DECEMBER 31, 2027, A TRANSIT-ORIENTED COMMUNITY SHALL MEET ITS HOUSING OPPORTUNITY GOAL.

(c) TO ENSURE THAT A TRANSIT-ORIENTED COMMUNITY MEETS ITS HOUSING OPPORTUNITY GOAL, A TRANSIT-ORIENTED COMMUNITY SHALL:

(I) DESIGNATE AREAS WITHIN THE TRANSIT-ORIENTED COMMUNITY AS TRANSIT CENTERS AND ENSURE THAT THOSE AREAS SATISFY THE REQUIREMENTS IN SECTION 29-35-206;

(II) ENSURE THAT THE TOTAL ZONING CAPACITY FOR ALL TRANSIT CENTERS WITHIN THE TRANSIT-ORIENTED COMMUNITY IS GREATER THAN OR EQUAL TO THE TRANSIT-ORIENTED COMMUNITY'S HOUSING OPPORTUNITY GOAL; AND

(III) SUBMIT A HOUSING OPPORTUNITY GOAL REPORT AND HAVE

THE REPORT APPROVED BY THE DEPARTMENT PURSUANT TO SUBSECTION (8) OF THIS SECTION.

(5) **Insufficient water supplies for meeting a housing opportunity goal.** (a) ON OR BEFORE DECEMBER 31, 2026, AND EVERY THREE YEARS THEREAFTER, A TRANSIT-ORIENTED COMMUNITY MAY NOTIFY THE DEPARTMENT, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT, THAT A WATER SUPPLY ENTITY, AS DEFINED IN SECTION 29-20-302 (2), THAT SUPPLIES WATER TO AN AREA WITHIN THE TRANSIT-ORIENTED COMMUNITY HAS DETERMINED THAT THE WATER SUPPLY ENTITY DOES NOT HAVE SUFFICIENT AVAILABLE WATER SUPPLIES DURING THE MOST RECENT THREE-YEAR PERIOD TO PROVIDE THE DOMESTIC WATER SERVICE NECESSARY TO MEET THE TRANSIT-ORIENTED COMMUNITY'S HOUSING OPPORTUNITY GOAL IN THAT AREA. THE WATER SUPPLY ENTITY SHALL PROVIDE INFORMATION AND ASSISTANCE AS NECESSARY TO COMPLETE THE NOTICE ALLOWED BY THIS SUBSECTION (5). THE NOTICE ALLOWED BY THIS SUBSECTION (5) MUST INCLUDE, BUT IS NOT LIMITED TO:

(I) AN ANALYSIS OF THE WATER SUPPLY ENTITY'S ABILITY TO ADOPT A PREFERENCE POLICY FOR WATER SUPPLY ALLOCATIONS FOR REGULATED AFFORDABLE HOUSING AND MULTIFAMILY HOUSING WITHIN TRANSIT CENTERS IN THE TRANSIT-ORIENTED COMMUNITY THAT INCORPORATES WATER USAGE DATA FOR DIFFERENT HOUSING TYPES;

(II) AN ANALYSIS OF THE DIFFERENCE BETWEEN:

(A) AN ESTIMATE OF THE AMOUNT OF HOUSING IN THE TRANSIT CENTERS THAT THE WATER SUPPLY ENTITY PROVIDES WATER SERVICES TO AS OF JANUARY 1, 2024; AND

(B) THE ZONING CAPACITY THAT EXISTS IN THE TRANSIT CENTERS

THAT THE WATER SUPPLY ENTITY PROVIDES, OR IS COMMITTED TO PROVIDE, WATER SERVICE TO AS OF JANUARY 1, 2024;

(III) AN ANALYSIS OF PROJECTED HOUSING AND POPULATION GROWTH FROM THE STATE DEMOGRAPHY OFFICE OR RELEVANT METROPOLITAN PLANNING ORGANIZATION IN THE AREA WITHIN THE TRANSIT-ORIENTED COMMUNITY THAT THE WATER SUPPLY ENTITY PROVIDES DOMESTIC WATER SERVICES TO;

(IV) (A) A COMPARISON OF THE ANALYSES IN SUBSECTIONS (5)(a)(II), AND (5)(a)(III) OF THIS SECTION AND AN APPLICATION OF THESE ANALYSES TO THE ESTIMATED WATER NEEDED TO SUPPLY DOMESTIC WATER SERVICE FOR THE TRANSIT CENTERS THAT THE WATER SUPPLY ENTITY CURRENTLY PROVIDES WATER SERVICES TO FOR THE TRANSIT-ORIENTED COMMUNITY TO MEET ITS HOUSING OPPORTUNITY GOAL; AND

(B) ANY DATA, PROFESSIONAL OPINIONS, OR OTHER INFORMATION USED TO CREATE THE ANALYSIS IN THIS SUBSECTION (5)(a)(IV);

(V) DOCUMENTATION DEMONSTRATING BOTH AN UP-TO-DATE WATER SUPPLY PLAN THAT COMPLIES WITH SECTION 29-20-304 (3) AND AN UP-TO-DATE WATER EFFICIENCY PLAN THAT COMPLIES WITH SECTION 37-60-126 (1) THROUGH (5);

(VI) A PROPOSAL THAT MAY INCLUDE:

(A) A REQUEST FOR AN AMOUNT OF ADDITIONAL TIME FOR THE TRANSIT-ORIENTED COMMUNITY TO MEET ITS HOUSING OPPORTUNITY GOAL IN A MANNER THAT WILL ALLOW THE WATER SUPPLY ENTITY TO PROVIDE THE NECESSARY DOMESTIC WATER SERVICES; AND

(B) AN ACTION PLAN BASED ON THE ANALYSES IN SUBSECTIONS (5)(a)(I) THROUGH (5)(a)(IV) OF THIS SECTION.

(b) UPON RECEIVING THE NOTICE DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION, THE DEPARTMENT SHALL REVIEW THE NOTICE AND DETERMINE WHETHER TO ACCEPT, PROVIDE COMMENT ON, OR DENY THE PROPOSAL DESCRIBED IN SUBSECTION (5)(a)(VI) OF THIS SECTION.

(6) **Affordability strategies.** (a) ON OR BEFORE DECEMBER 31, 2026, A TRANSIT-ORIENTED COMMUNITY SHALL IDENTIFY AFFORDABILITY STRATEGIES THAT IT WILL IMPLEMENT WHILE MEETING ITS HOUSING OPPORTUNITY GOAL. IN SO DOING, THE TRANSIT-ORIENTED COMMUNITY SHALL IDENTIFY AFFORDABILITY STRATEGIES BASED ON THE DEMONSTRATED HOUSING NEEDS WITHIN THE TRANSIT-ORIENTED COMMUNITY INCLUDING FOR-SALE AND RENTAL HOUSING NEEDS AND THE HOUSING NEEDS OF LOW-, MODERATE-, AND MEDIUM-INCOME HOUSEHOLDS, AS DESIGNATED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(b) (I) ON OR BEFORE DECEMBER 31, 2026, A TRANSIT-ORIENTED COMMUNITY SHALL INCLUDE THE FOLLOWING IN ITS HOUSING OPPORTUNITY GOAL REPORT SUBMITTED PURSUANT TO SUBSECTION (8)(a)(IV) OF THIS SECTION:

(A) AT LEAST TWO STRATEGIES INCLUDED IN THE STANDARD AFFORDABILITY STRATEGIES MENU DESCRIBED IN SECTION 29-35-209 (1) THAT THE TRANSIT-ORIENTED COMMUNITY IDENTIFIED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION AND INTENDS TO IMPLEMENT;

(B) AT LEAST ONE STRATEGY INCLUDED IN THE LONG-TERM AFFORDABILITY STRATEGIES MENU DESCRIBED IN SECTION 29-35-209 (2) THAT THE TRANSIT-ORIENTED COMMUNITY IDENTIFIED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION AND INTENDS TO IMPLEMENT; AND

(C) AN IMPLEMENTATION PLAN DESCRIBING HOW THE

TRANSIT-ORIENTED COMMUNITY HAS OR WILL IMPLEMENT THE AFFORDABILITY STRATEGIES IDENTIFIED PURSUANT TO SUBSECTIONS (6)(b)(I)(A) AND (6)(b)(I)(B) OF THIS SECTION.

(II) FOR PURPOSES OF SATISFYING THE REQUIREMENTS OF THIS SUBSECTION (6)(b), A TRANSIT-ORIENTED COMMUNITY SHALL NOT:

(A) COUNT ONE OR BOTH OF THE STRATEGIES DESCRIBED IN SECTIONS 29-35-209 (1)(e) AND 29-35-209 (2)(c) TOWARDS SATISFYING THE REQUIREMENTS OF BOTH SUBSECTIONS (6)(b)(I)(A) AND (6)(b)(I)(B) OF THIS SECTION; OR

(B) COUNT ANY STRATEGY DESCRIBED IN SECTION 29-35-209 THAT IS OTHERWISE REQUIRED BY STATE LAW.

(7) **Displacement mitigation strategies.** ON OR BEFORE DECEMBER 31, 2026, A TRANSIT-ORIENTED COMMUNITY SHALL INCLUDE THE FOLLOWING IN ITS HOUSING OPPORTUNITY GOAL REPORT, PURSUANT TO SUBSECTION (8)(a)(V) OF THIS SECTION:

(a) ANY DISPLACEMENT MITIGATION STRATEGIES THAT THE TRANSIT-ORIENTED COMMUNITY HAS ADOPTED OR WILL ADOPT FROM THE DISPLACEMENT MITIGATION STRATEGIES MENU DEVELOPED BY THE DEPARTMENT PURSUANT TO SECTION 29-35-210 (2) TO MITIGATE DISPLACEMENT RISKS WHILE MEETING ITS HOUSING OPPORTUNITY GOAL; AND

(b) AN IMPLEMENTATION PLAN DESCRIBING HOW THE TRANSIT-ORIENTED COMMUNITY WILL IMPLEMENT THE DISPLACEMENT MITIGATION STRATEGIES IT IDENTIFIES PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION.

(8) **Housing opportunity goal report.** (a) ON OR BEFORE DECEMBER 31, 2026, A TRANSIT-ORIENTED COMMUNITY SHALL SUBMIT A

HOUSING OPPORTUNITY GOAL REPORT TO THE DEPARTMENT IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT. THE REPORT MUST INCLUDE THE FOLLOWING, ALONG WITH ANY OTHER ELEMENTS IDENTIFIED BY THE DEPARTMENT:

(I) THE TRANSIT-ORIENTED COMMUNITY'S HOUSING OPPORTUNITY GOAL;

(II) EVIDENCE THAT THE TRANSIT-ORIENTED COMMUNITY HAS MET ITS HOUSING OPPORTUNITY GOAL PURSUANT TO SUBSECTION (4)(c) OF THIS SECTION;

(III) A MAP THAT IDENTIFIES THE BOUNDARIES OF ANY TRANSIT CENTERS WITHIN THE TRANSIT-ORIENTED COMMUNITY AND EVIDENCE THAT THOSE AREAS SATISFY THE REQUIREMENTS IN SECTION 29-35-206;

(IV) AFFORDABILITY STRATEGIES PURSUANT TO SUBSECTION (6)(b)(I)(A) AND (6)(b)(I)(B) OF THIS SECTION AND THE IMPLEMENTATION PLAN DESCRIBED PURSUANT TO SUBSECTION (6)(b)(I)(C) OF THIS SECTION;

(V) DISPLACEMENT MITIGATION STRATEGIES PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION AND THE IMPLEMENTATION PLAN DESCRIBED PURSUANT TO SUBSECTION (7)(b) OF THIS SECTION; AND

(VI) IF APPLICABLE, AND IF THE TRANSIT-ORIENTED COMMUNITY SO CHOOSES, EVIDENCE THAT THE TRANSIT-ORIENTED COMMUNITY HAS SATISFIED THE REQUIREMENTS OF SUBSECTION (5) OF THIS SECTION.

(b) THE DEPARTMENT SHALL REVIEW A HOUSING OPPORTUNITY GOAL REPORT SUBMITTED BY A TRANSIT-ORIENTED COMMUNITY PURSUANT TO SUBSECTION (8)(a) OF THIS SECTION AND PROVIDE WRITTEN NOTICE THAT EITHER:

(I) APPROVES THE REPORT AND AFFIRMS THAT THE TRANSIT-ORIENTED COMMUNITY HAS SATISFIED THE RELEVANT

REQUIREMENTS OF THIS SECTION AND IS THEREFORE CONSIDERED A QUALIFIED TRANSIT-ORIENTED COMMUNITY; OR

(II) PROVIDES DIRECTION FOR AMENDING AND RESUBMITTING THE REPORT AND REQUIRES THAT THE TRANSIT-ORIENTED COMMUNITY RESUBMIT THE REPORT WITHIN NINETY DAYS OF RECEIVING THE WRITTEN NOTICE.

(c) (I) IF A TRANSIT-ORIENTED COMMUNITY FAILS TO SUBMIT A HOUSING OPPORTUNITY GOAL REPORT TO THE DEPARTMENT PURSUANT TO SUBSECTION (8)(a) OF THIS SECTION OR FAILS TO SUBMIT AN AMENDED HOUSING OPPORTUNITY GOAL REPORT PURSUANT TO SUBSECTION (8)(b)(II) OF THIS SECTION, THE DEPARTMENT SHALL PROVIDE THE TRANSIT-ORIENTED COMMUNITY WRITTEN NOTICE STATING THAT THE TRANSIT-ORIENTED COMMUNITY WILL BE DEEMED A NONQUALIFIED TRANSIT-ORIENTED COMMUNITY UNLESS THE TRANSIT-ORIENTED COMMUNITY SUBMITS A HOUSING OPPORTUNITY GOAL REPORT OR AN AMENDED HOUSING OPPORTUNITY GOAL REPORT TO THE DEPARTMENT WITHIN NINETY DAYS OF RECEIVING THE NOTICE.

(II) IF A TRANSIT-ORIENTED COMMUNITY DOES NOT SUBMIT A HOUSING OPPORTUNITY GOAL REPORT OR AN AMENDED HOUSING OPPORTUNITY GOAL REPORT WITHIN NINETY DAYS OF RECEIVING THE WRITTEN NOTICE DESCRIBED IN SUBSECTION (8)(c)(I) OF THIS SECTION, THE DEPARTMENT SHALL PROVIDE THE TRANSIT-ORIENTED COMMUNITY WRITTEN NOTICE THAT IT IS A NONQUALIFIED TRANSIT-ORIENTED COMMUNITY.

(III) IF THE DEPARTMENT HAS NOT APPROVED A TRANSIT-ORIENTED COMMUNITY'S HOUSING OPPORTUNITY GOAL REPORT ON OR BEFORE DECEMBER 31, 2027, THE TRANSIT-ORIENTED COMMUNITY

IS IN NON-COMPLIANCE WITH THIS PART 2, AND THE DEPARTMENT MAY SEEK AN INJUNCTION FROM A DISTRICT COURT REQUIRING THE TRANSIT-ORIENTED COMMUNITY TO COMPLY WITH THE REQUIREMENTS OF THIS PART 2.

(9) **Progress report.** (a) EVERY THREE YEARS AFTER SUBMITTING A HOUSING OPPORTUNITY GOAL REPORT PURSUANT TO SUBSECTION (8)(a) OF THIS SECTION, A TRANSIT-ORIENTED COMMUNITY SHALL SUBMIT A PROGRESS REPORT TO THE DEPARTMENT IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT THAT:

(I) CONFIRMS THAT THE TRANSIT-ORIENTED COMMUNITY'S HOUSING OPPORTUNITY GOAL AS DETERMINED PURSUANT TO SUBSECTION (2) OF THIS SECTION IS STILL BEING MET;

(II) INCLUDES ANY UPDATED INFORMATION ABOUT THE ELEMENTS OF THE TRANSIT-ORIENTED COMMUNITY'S HOUSING OPPORTUNITY GOAL REPORT REQUIRED PURSUANT TO SUBSECTIONS (8)(a)(II) THROUGH (8)(a)(VI) OF THIS SECTION; AND

(III) PROVIDES DATA REGARDING RESIDENTIAL AND MIXED-USE RESIDENTIAL DEVELOPMENT PROJECTS BUILT IN THE TRANSIT-ORIENTED COMMUNITY AND WITHIN TRANSIT CENTERS IN THE PREVIOUS THREE YEARS, INCLUDING FOR EACH DEVELOPMENT THE NUMBER OF HOUSING UNITS BUILT, THE NUMBER OF REGULATED AFFORDABLE HOUSING UNITS BUILT, AND THE NET HOUSING DENSITY.

(b) THE DEPARTMENT SHALL REVIEW A PROGRESS REPORT SUBMITTED BY A TRANSIT-ORIENTED COMMUNITY PURSUANT TO SUBSECTION (9)(a) OF THIS SECTION AND PROVIDE WRITTEN NOTICE THAT EITHER:

(I) APPROVES THE REPORT AND AFFIRMS THAT THE

TRANSIT-ORIENTED COMMUNITY HAS SATISFIED THE RELEVANT REQUIREMENTS OF THIS SECTION AND IS THEREFORE CONSIDERED A QUALIFIED TRANSIT-ORIENTED COMMUNITY; OR

(II) PROVIDES DIRECTION FOR AMENDING AND RESUBMITTING THE REPORT AND REQUIRES THAT THE TRANSIT-ORIENTED COMMUNITY RESUBMIT THE REPORT WITHIN NINETY DAYS OF RECEIVING THE WRITTEN NOTICE.

(c) (I) IF A TRANSIT-ORIENTED COMMUNITY FAILS TO SUBMIT A PROGRESS REPORT TO THE DEPARTMENT PURSUANT TO SUBSECTION (9)(a) OF THIS SECTION OR FAILS TO SUBMIT AN AMENDED PROGRESS REPORT PURSUANT TO SUBSECTION (9)(b)(II) OF THIS SECTION, THE DEPARTMENT SHALL PROVIDE THE TRANSIT-ORIENTED COMMUNITY WRITTEN NOTICE STATING THAT THE TRANSIT-ORIENTED COMMUNITY WILL BE DEEMED A NONQUALIFIED TRANSIT-ORIENTED COMMUNITY UNLESS THE TRANSIT-ORIENTED COMMUNITY SUBMITS A PROGRESS REPORT OR AN AMENDED PROGRESS REPORT TO THE DEPARTMENT WITHIN NINETY DAYS OF RECEIVING THE NOTICE.

(II) IF A TRANSIT-ORIENTED COMMUNITY DOES NOT SUBMIT A PROGRESS REPORT OR AN AMENDED PROGRESS REPORT WITHIN NINETY DAYS OF RECEIVING THE WRITTEN NOTICE DESCRIBED IN SUBSECTION (9)(c)(I) OF THIS SECTION, THE DEPARTMENT SHALL PROVIDE THE TRANSIT-ORIENTED COMMUNITY WRITTEN NOTICE THAT IT IS A NONQUALIFIED TRANSIT-ORIENTED COMMUNITY.

29-35-205. Nonqualified transit-oriented communities reporting - highway users tax fund allocation. (1) ON OR AFTER DECEMBER 31, 2026, AND EVERY MONTH THEREAFTER DURING WHICH A LOCAL GOVERNMENT FIRST QUALIFIES AS EITHER A QUALIFIED

TRANSIT-ORIENTED COMMUNITY OR A NONQUALIFIED TRANSIT-ORIENTED COMMUNITY, THE DEPARTMENT SHALL PROVIDE THE STATE TREASURER WITH A LIST OF LOCAL GOVERNMENTS THAT ARE NONQUALIFIED TRANSIT-ORIENTED COMMUNITIES.

(2) NOTWITHSTANDING ANY LAW TO THE CONTRARY, BEGINNING DECEMBER 31, 2026, AND EVERY MONTH THEREAFTER, THE STATE TREASURER SHALL TRANSFER TO THE TRANSIT-ORIENTED COMMUNITIES HIGHWAY USERS TAX ACCOUNT CREATED IN SECTION 29-35-211 (8)(b), INSTEAD OF TO THE LOCAL GOVERNMENT ANY MONEY THAT A LOCAL GOVERNMENT THAT IS ON THE MOST RECENT LIST PROVIDED TO THE STATE TREASURER, PURSUANT TO SUBSECTION (1) OF THIS SECTION, WOULD OTHERWISE HAVE BEEN ALLOCATED FROM THE HIGHWAY USERS TAX FUND PURSUANT TO SECTIONS 43-4-205 AND 43-4-207 OR SECTIONS 43-4-205 AND 43-4-208.

(3) (a) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT MAY NOT EXPEND MONEY FROM THE TRANSIT-ORIENTED COMMUNITIES HIGHWAY USERS TAX ACCOUNT CREATED IN SECTION 29-35-211 (8)(b) THAT IS ATTRIBUTABLE TO A SPECIFIC NONQUALIFIED TRANSIT-ORIENTED COMMUNITY'S INCLUSION IN THE LIST DESCRIBED IN SUBSECTION (1) OF THIS SECTION UNTIL ONE HUNDRED EIGHTY DAYS AFTER THE NONQUALIFIED TRANSIT-ORIENTED COMMUNITY HAS FIRST APPEARED ON THE LIST.

(b) IF A LOCAL GOVERNMENT IS NO LONGER A NONQUALIFIED TRANSIT-ORIENTED COMMUNITY WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE NONQUALIFIED LOCAL GOVERNMENT FIRST APPEARS ON THE LIST DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE STATE TREASURER SHALL ISSUE A WARRANT TO THAT LOCAL GOVERNMENT

EQUAL TO THE AMOUNT OF MONEY IN THE TRANSIT-ORIENTED COMMUNITIES HIGHWAY USERS TAX ACCOUNT CREATED IN SECTION 29-35-211 (8)(b) THAT IS ATTRIBUTABLE TO THE LOCAL GOVERNMENT'S INCLUSION ON THE LIST DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

29-35-206. Criteria for qualification as a transit center - criteria for qualification as a transit center outside of a transit area. (1) TO DESIGNATE AN AREA AS A TRANSIT CENTER, A TRANSIT-ORIENTED COMMUNITY SHALL:

(a) ENSURE THAT THE AREA IS COMPOSED SOLELY OF ZONING DISTRICTS THAT UNIFORMLY ALLOW A NET HOUSING DENSITY OF AT LEAST FIFTEEN UNITS PER ACRE WITH NO PARCEL OR ZONING DISTRICT BEING COUNTED AS ALLOWING A NET HOUSING DENSITY OF MORE THAN THREE HUNDRED UNITS PER ACRE;

(b) IDENTIFY A NET HOUSING DENSITY ALLOWED FOR THE AREA OR FOR SUBDISTRICTS WITHIN THE AREA. THE IDENTIFIED NET HOUSING DENSITY MUST:

(I) INCORPORATE ANY DIMENSIONAL OR OTHER RESTRICTIONS IN LOCAL LAWS USED TO REGULATE DENSITY IN THE AREA, INCLUDING BUT NOT LIMITED TO RESTRICTIONS RELATED TO UNITS PER ACRE, LOT AREA PER UNIT, LOT COVERAGE, SITE LEVEL OPEN SPACE REQUIREMENTS, FLOOR AREA RATIOS, SETBACKS, MINIMUM PARKING REQUIREMENTS, AND MAXIMUM HEIGHT;

(II) ASSUME MINIMUM PARKING REQUIREMENTS ARE MET WITH SURFACE PARKING, UNLESS MINIMUM PARKING REQUIREMENTS ARE LESS THAN SEVEN-TENTHS PER DWELLING UNIT; AND

(III) ASSUME AN AVERAGE HOUSING UNIT SIZE THAT IS REPRESENTATIVE OF THE AVERAGE MULTIFAMILY HOUSING IN THE

JURISDICTION;

(c) EXCLUDE ANY AREA WHERE LOCAL LAW EXCLUSIVELY RESTRICTS HOUSING OCCUPANCY BASED ON AGE OR OTHER FACTORS;

(d) ESTABLISH AN ADMINISTRATIVE APPROVAL PROCESS FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT ON PARCELS IN THE AREA THAT ARE NO MORE THAN FIVE ACRES IN SIZE. FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT APPLICATIONS ON PARCELS GREATER THAN FIVE ACRES IN SIZE, A TRANSIT-ORIENTED COMMUNITY SHALL IDENTIFY A TARGET NET HOUSING DENSITY FOR THE PARCELS TO COUNT THE PARCELS AS PART OF THE TRANSIT CENTER THAT COVERS THE AREA. THIS SUBSECTION (1)(d) DOES NOT PREVENT THE ESTABLISHMENT OF DEVELOPER AGREEMENTS BETWEEN THE LOCAL GOVERNMENT AND DEVELOPERS.

(e) ENSURE THAT THE AREA IS LOCATED WHOLLY OR PARTIALLY WITHIN A TRANSIT AREA, AND THAT THE DESIGNATED TRANSIT CENTER IS COMPRISED OF PARCELS THAT ARE CONTIGUOUS AND DOES NOT EXTEND MORE THAN ONE-QUARTER MILE FROM THE EDGE OF THE TRANSIT AREA.

(2) NOTWITHSTANDING SUBSECTION (1)(e) OF THIS SECTION, A TRANSIT-ORIENTED COMMUNITY MAY DESIGNATE AN AREA AS A TRANSIT CENTER BEYOND WHAT IS ALLOWED PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION, BY FILING A REQUEST WITH THE DEPARTMENT, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT, DEMONSTRATING THAT:

(a) WITHIN THE TRANSIT AREAS IN THE TRANSIT-ORIENTED COMMUNITY:

(I) THE AREA PROPOSED FOR DESIGNATION AS A TRANSIT CENTER HAS A REASONABLE OPPORTUNITY TO PROVIDE ADEQUATE INFRASTRUCTURE TO SERVE MULTIFAMILY HOUSING;

(II) THE TRANSIT-ORIENTED COMMUNITY HAS ADOPTED A PLAN TO

INVEST IN AND EXPAND INFRASTRUCTURE TO SERVE MULTIFAMILY HOUSING; AND

(III) THE AREA PROPOSED FOR DESIGNATION AS A TRANSIT CENTER HAS A NET HOUSING DENSITY ALLOWED BY DIMENSIONAL AND OTHER RESTRICTIONS IN LOCAL LAWS THAT MAXIMIZES FUTURE HOUSING PRODUCTION THAT IS REASONABLY EXPECTED TO OCCUR IN THE AREA; AND

(b) THE AREA THAT THE TRANSIT-ORIENTED COMMUNITY IS REQUESTING TO DESIGNATE AS A TRANSIT CENTER:

(I) HAS A REASONABLE OPPORTUNITY FOR NEW MULTIFAMILY HOUSING, INCLUDING ADEQUATE INFRASTRUCTURE; AND

(II) IF DESIGNATED AS A TRANSIT CENTER BY THE TRANSIT-ORIENTED COMMUNITY, WOULD PROVIDE BENEFITS THAT MAY INCLUDE REGULATED AFFORDABLE HOUSING, MULTIMODAL MOBILITY, TRANSIT-SUPPORTIVE DENSITY TO INCREASE OR EXPAND TRANSIT SERVICE, EXPANDED HOUSING ACCESS IN HIGH-OPPORTUNITY AREAS, IMPROVED BALANCE OF HOUSING AND JOBS IN THE AREA OR REGION, ACCESSIBLE HOUSING, AND ACCESS TO DAILY NEEDS WITHIN A MIXED-USE PEDESTRIAN-ORIENTED NEIGHBORHOOD.

(c) THE DEPARTMENT MAY REVIEW A TRANSIT-ORIENTED COMMUNITY'S REQUEST TO DESIGNATE AN AREA AS A TRANSIT CENTER PURSUANT TO THIS SUBSECTION (2) AND APPROVE OR DENY THE REQUEST BASED ON CONSISTENCY WITH THE GOALS IN SUBSECTION (2)(b)(II) OF THIS SECTION.

29-35-207. Criteria for qualification as a neighborhood center. (1) (a) TO DESIGNATE AN AREA AS A NEIGHBORHOOD CENTER, A LOCAL GOVERNMENT IN A METROPOLITAN PLANNING ORGANIZATION SHALL, IN

ACCORDANCE WITH POLICIES AND PROCEDURES ADOPTED BY THE DEPARTMENT:

(I) ENSURE THAT THE AREA ALLOWS AN AVERAGE ZONED HOUSING DENSITY TO BE ESTABLISHED BY THE DEPARTMENT THAT SUPPORTS PEDESTRIAN-ORIENTED MIXED-USE NEIGHBORHOODS, THE DEVELOPMENT OF REGULATED AFFORDABLE HOUSING, AND INCREASED PUBLIC TRANSIT RIDERSHIP;

(II) ESTABLISH AN ADMINISTRATIVE APPROVAL PROCESS FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT ON PARCELS IN THE AREA THAT ARE NO LARGER THAN A SIZE DETERMINED BY THE DEPARTMENT;

(III) ENSURE THAT THE AREA HAS A MIXED-USE PEDESTRIAN-ORIENTED NEIGHBORHOOD, AS DETERMINED BY CRITERIA ESTABLISHED BY THE DEPARTMENT; AND

(IV) SATISFY ANY OTHER CRITERIA, AS DETERMINED BY THE DEPARTMENT, AND AS MAY VARY BY REGIONAL CONTEXT, FOR THE QUALIFICATION OF AN AREA AS A NEIGHBORHOOD CENTER.

(b) NOTWITHSTANDING THE REQUIREMENTS FOR A LOCAL GOVERNMENT DESIGNATING AN AREA AS A NEIGHBORHOOD CENTER PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL ESTABLISH SEPARATE REQUIREMENTS FOR LOCAL GOVERNMENTS DESIGNATING AREAS WITHIN OPTIONAL TRANSIT AREAS IDENTIFIED BY THE DEPARTMENT PURSUANT TO SECTION 29-35-208 (1)(c).

(2) IF A LOCAL GOVERNMENT DESIGNATES AN AREA AS A NEIGHBORHOOD CENTER PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE LOCAL GOVERNMENT SHALL SUBMIT A NEIGHBORHOOD CENTER REPORT TO THE DEPARTMENT IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT.

29-35-208. Transit areas map - housing opportunity goals, models, and guidance. (1) **Transit areas map.** (a) ON OR BEFORE JULY 31, 2024, THE DEPARTMENT, IN CONSULTATION WITH METROPOLITAN PLANNING ORGANIZATIONS, AND TRANSIT AGENCIES THAT OPERATE WITHIN METROPOLITAN PLANNING ORGANIZATIONS, SHALL PUBLISH A MAP THAT DESIGNATES TRANSIT AREAS TO BE USED BY TRANSIT-ORIENTED COMMUNITIES IN CALCULATING HOUSING OPPORTUNITY GOALS.

(b) IN PUBLISHING THE MAP DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL DESIGNATE TRANSIT AREAS BASED ON:

(I) AN URBAN BUS RAPID TRANSIT SERVICE OR COMMUTER BUS RAPID TRANSIT SERVICE THAT IS IDENTIFIED WITHIN A METROPOLITAN PLANNING ORGANIZATION'S FISCALLY-CONSTRAINED LONG RANGE TRANSPORTATION PLAN ADOPTED PRIOR TO JANUARY 1, 2024, AND PLANNED FOR IMPLEMENTATION, ACCORDING TO THAT PLAN, PRIOR TO JANUARY 1, 2030;

(II) TRANSIT SERVICE LEVELS PLANNED AND APPROVED BY THE BOARD OF A TRANSIT AGENCY AS OF JANUARY 1, 2024, AND INTENDED FOR IMPLEMENTATION BEFORE JANUARY 1, 2030; OR

(III) IF THE INFORMATION IN SUBSECTIONS (1)(b)(I) AND (1)(b)(II) OF THIS SECTION IS NOT AVAILABLE TO THE DEPARTMENT, EXISTING TRANSIT SERVICE LEVELS AS OF JANUARY 1, 2024.

(c) IN PUBLISHING THE MAP DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL DESIGNATE THE FOLLOWING OPTIONAL TRANSIT AREAS FOR PLANNING OF FUTURE TRANSIT SERVICE:

(I) TRANSIT AREAS BASED ON BUS RAPID TRANSIT SERVICES THAT ARE IDENTIFIED WITHIN A METROPOLITAN PLANNING ORGANIZATION'S

FISCALLY-CONSTRAINED LONG-RANGE TRANSPORTATION PLAN ADOPTED PRIOR TO JANUARY 1, 2024, AND INTENDED FOR IMPLEMENTATION AFTER JANUARY 1, 2030, AND BEFORE DECEMBER 31, 2050;

(II) TRANSIT AREAS BASED ON BUS RAPID TRANSIT SERVICES THAT ARE IDENTIFIED WITHIN A METROPOLITAN PLANNING ORGANIZATION'S LONG-RANGE TRANSPORTATION PLAN ADOPTED PRIOR TO JANUARY 1, 2024, THAT ARE INTENDED FOR IMPLEMENTATION BEFORE JANUARY 1, 2030, AND THAT ARE WITHIN A TRANSIT-ORIENTED COMMUNITY THAT HAS DESIGNATED TWENTY PERCENT OR MORE OF ITS AREA AS MANUFACTURED HOME ZONING DISTRICTS AS OF JANUARY 1, 2024; AND

(III) OTHER AREAS AS DETERMINED BY THE DEPARTMENT THROUGH REGULAR UPDATES.

(d) IN IDENTIFYING THE BOUNDARIES OF TRANSIT AREAS AND OPTIONAL TRANSIT AREAS, THE DEPARTMENT SHALL USE:

(I) GEOSPATIAL DATA FROM RELEVANT TRANSIT AGENCIES AND METROPOLITAN PLANNING ORGANIZATIONS; AND

(II) ROADWAY LOCATIONS BASED UPON THE CENTERLINE OF THE ROADWAY.

(2) **Housing opportunity goals, models, and guidance.** ON OR BEFORE DECEMBER 1, 2024, THE DEPARTMENT SHALL PUBLISH MODELS AND GUIDANCE TO ASSIST LOCAL GOVERNMENTS IN MEETING THEIR HOUSING OPPORTUNITY GOALS AND IN CALCULATING THE DENSITY AND DIMENSIONAL STANDARDS ESTABLISHED IN SECTION 29-35-206 (1)(b).

29-35-209. Standard affordability strategies menu - long-term affordability strategies menu - alternative affordability strategies. (1) **Standard affordability strategies menu.** ON OR BEFORE JUNE 30, 2025, THE DEPARTMENT SHALL DEVELOP A STANDARD AFFORDABILITY

STRATEGIES MENU FOR TRANSIT-ORIENTED COMMUNITIES THAT INCLUDES THE FOLLOWING STRATEGIES:

(a) IMPLEMENTING A LOCAL INCLUSIONARY ZONING ORDINANCE THAT CONSIDERS LOCAL HOUSING MARKET CONDITIONS, IS CRAFTED TO MAXIMIZE AFFORDABLE HOUSING PRODUCTION, AND COMPLIES WITH THE REQUIREMENTS OF SECTION 29-20-104 (1)(e.5) AND (1)(e.7);

(b) ADOPTING A LOCAL LAW OR PLAN TO LEVERAGE PUBLICLY OWNED, SOLD, OR MANAGED LAND FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT;

(c) CREATING OR SIGNIFICANTLY EXPANDING A PROGRAM TO SUBSIDIZE OR OTHERWISE REDUCE IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT;

(d) ESTABLISHING A DENSITY BONUS PROGRAM FOR TRANSIT CENTERS THAT GRANTS INCREASED FLOOR AREA RATIO, DENSITY, OR HEIGHT FOR REGULATED AFFORDABLE HOUSING UNITS;

(e) CREATING A PROGRAM TO PRIORITIZE AND EXPEDITE DEVELOPMENT APPROVALS FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT;

(f) REDUCING LOCAL PARKING REQUIREMENTS FOR REGULATED AFFORDABLE HOUSING TO ONE-HALF SPACE PER UNIT OF REGULATED AFFORDABLE HOUSING, WITHOUT LOWERING THE PROTECTIONS PROVIDED FOR INDIVIDUALS WITH DISABILITIES, INCLUDING THE NUMBER OF PARKING SPACES FOR INDIVIDUALS WHO ARE MOBILITY IMPAIRED, UNDER THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND PARTS 6 AND 8 OF ARTICLE 34 OF TITLE 24; EXCEPT THAT, UPON THE PASSAGE OF HOUSE BILL 24-1304, THIS SUBSECTION

(1)(f) SHALL NOT BE IDENTIFIED BY A TRANSIT-ORIENTED COMMUNITY AS AN AFFORDABILITY STRATEGY THAT SATISFIES THE REQUIREMENTS OF 29-35-204 (6)(b)(I)(A);

(g) ENACTING LOCAL LAWS THAT INCENTIVIZE THE CONSTRUCTION OF ACCESSIBLE AND VISITABLE AFFORDABLE HOUSING UNITS; AND

(h) ANY OTHER STRATEGY DESIGNATED BY THE DEPARTMENT THAT OFFERS A COMPARABLE IMPACT ON LOCAL HOUSING AFFORDABILITY.

(2) **Long-term affordability strategies menu.** ON OR BEFORE JUNE 30, 2025, THE DEPARTMENT SHALL DEVELOP A LONG-TERM AFFORDABILITY STRATEGIES MENU THAT INCLUDES THE FOLLOWING STRATEGIES:

(a) ESTABLISHING A DEDICATED LOCAL REVENUE SOURCE FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT, SUCH AS INSTITUTING A LINKAGE FEE ON NEW REGULATED AFFORDABLE HOUSING DEVELOPMENTS;

(b) REGULATING SHORT-TERM RENTALS, SECOND HOMES, OR OTHER UNDERUTILIZED OR VACANT UNITS IN A WAY, SUCH AS VACANCY FEES FOR UNDERUTILIZED UNITS, THAT PROMOTES MAXIMIZING THE USE OF LOCAL HOUSING STOCK FOR LOCAL HOUSING NEEDS;

(c) MAKING A COMMITMENT TO AND REMAINING ELIGIBLE TO RECEIVE FUNDING PURSUANT TO ARTICLE 32 OF THIS TITLE 29;

(d) INCENTIVIZING OR CREATING A DEDICATED LOCAL PROGRAM THAT FACILITATES INVESTMENT IN LAND BANKING OR COMMUNITY LAND TRUSTS;

(e) ESTABLISHING AN AFFORDABLE HOMEOWNERSHIP STRATEGY SUCH AS:

(I) ACQUIRING OR PRESERVING DEED RESTRICTIONS ON CURRENT

HOUSING UNITS;

(II) ESTABLISHING AN INCENTIVE PROGRAM TO ENCOURAGE REALTORS TO WORK WITH LOW-INCOME AND MINORITY PROSPECTIVE HOME BUYERS; OR

(III) ESTABLISHING AN AFFORDABLE RENT-TO-OWN PROGRAM; AND

(f) ANY OTHER STRATEGY DESIGNATED BY THE DEPARTMENT THAT OFFERS A COMPARABLE IMPACT ON LOCAL HOUSING AFFORDABILITY.

(3) **Alternative affordability strategies.** A TRANSIT-ORIENTED COMMUNITY MAY SUBMIT AN EXISTING OR PROPOSED LOCAL LAW, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT, TO THE DEPARTMENT, AND THE DEPARTMENT MAY DETERMINE THAT THE ADOPTION OF THAT LOCAL LAW QUALIFIES AS AN AFFORDABILITY STRATEGY FOR PURPOSES OF SECTION 29-35-204 (6)(a) AND (6)(b), SO LONG AS THE LOCAL LAW SUPPORTS EQUAL OR GREATER HOUSING AFFORDABILITY AND ACCESSIBILITY THAN THE STRATEGIES DESCRIBED IN SUBSECTIONS (1) AND (2) OF THIS SECTION.

29-35-210. Displacement risk assessment - displacement mitigation strategies menu - displacement mitigation strategies menu goals - alternative displacement mitigation strategies. (1) (a) NO LATER THAN JUNE 30, 2025, THE DEPARTMENT SHALL DEVELOP GUIDANCE FOR TRANSIT-ORIENTED COMMUNITIES IN CONDUCTING A DISPLACEMENT RISK ASSESSMENT AND IMPLEMENTING DISPLACEMENT MITIGATION STRATEGIES.

(b) IN CREATING GUIDANCE FOR THE DISPLACEMENT RISK ASSESSMENT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL DEVELOP A METHODOLOGY, WITH VARIATIONS FOR

DIFFERENT LOCAL CONTEXTS INCLUDING THE SIZE AND RESOURCE LEVELS OF LOCAL GOVERNMENTS, FOR TRANSIT-ORIENTED COMMUNITIES WITHIN METROPOLITAN PLANNING ORGANIZATION BOUNDARIES TO USE TO:

(I) GATHER FEEDBACK THROUGH COMMUNITY ENGAGEMENT; AND

(II) IDENTIFY INFORMATION FROM NEIGHBORHOOD-LEVEL EARLY DISPLACEMENT WARNING AND RESPONSE SYSTEMS, OR IF THOSE SYSTEMS ARE UNAVAILABLE, IDENTIFY THE BEST AVAILABLE LOCAL, REGIONAL, STATE, OR FEDERAL DATA THAT CAN BE ANALYZED TO IDENTIFY RESIDENTS AT ELEVATED DISPLACEMENT RISK, WHICH MAY INCLUDE:

(A) THE PERCENTAGE OF HOUSEHOLDS THAT ARE EXTREMELY LOW-INCOME, VERY LOW-INCOME, AND LOW-INCOME, AS DESIGNATED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;

(B) THE PERCENTAGE OF RESIDENTS WHO ARE RENTERS;

(C) THE PERCENTAGE OF COST-BURDENED HOUSEHOLDS, DEFINED AS HOUSEHOLDS THAT SPEND MORE THAN THIRTY PERCENT OF THE HOUSEHOLD'S INCOME ON HOUSING NEEDS;

(D) THE NUMBER OF ADULTS WHO ARE TWENTY-FIVE YEARS OF AGE OR OLDER AND HAVE NOT EARNED AT LEAST A HIGH SCHOOL DIPLOMA;

(E) THE PERCENTAGE OF HOUSEHOLDS IN WHICH ENGLISH IS NOT THE PRIMARY SPOKEN LANGUAGE;

(F) THE PERCENTAGE OF HOUSING STOCK BUILT PRIOR TO 1970;

(G) THE LOCATION OF MANUFACTURED HOME PARKS;

(H) AREAS THAT QUALIFY AS DISADVANTAGED AS DETERMINED WITH THE CLIMATE AND ECONOMIC JUSTICE SCREENING TOOL DEVELOPED BY THE COUNCIL ON ENVIRONMENTAL QUALITY IN THE OFFICE OF THE

PRESIDENT OF THE UNITED STATES; AND

(I) THE TRANSIT-ORIENTED COMMINUTES WHERE INCREASES IN ZONING CAPACITY WILL OCCUR AS A RESULT OF THE REQUIREMENTS OF THIS PART 2.

(2) ON OR BEFORE JUNE 30, 2025, THE DEPARTMENT SHALL DEVELOP A DISPLACEMENT MITIGATION STRATEGIES MENU THAT INCLUDES THE FOLLOWING STRATEGIES:

(a) DESIGNATING TRANSIT CENTERS THAT INCLUDE HIGH INCOME CENSUS TRACTS IN THE TRANSIT-ORIENTED COMMUNITY;

(b) CREATING A LOCALLY FUNDED AND ADMINISTERED RENTAL AND MORTGAGE ASSISTANCE PROGRAM;

(c) CREATING AN EVICTION AND FORECLOSURE NO-COST LEGAL REPRESENTATION PROGRAM;

(d) ESTABLISHING A HOUSING COUNSELING AND NAVIGATION PROGRAM;

(e) CREATING A PROPERTY TAX AND DOWN PAYMENT ASSISTANCE PROGRAM;

(f) DEVELOPING A PROGRAM TO OFFER TECHNICAL ASSISTANCE AND FINANCIAL SUPPORT FOR COMMUNITY ORGANIZATIONS TO DEVELOP INDEPENDENT COMMUNITY LAND TRUSTS;

(g) PRIORITIZING LOCAL MONEY TOWARD REGULATED AFFORDABLE HOUSING UNIT PRESERVATION OR IMPLEMENTING OR CONTINUING DEED RESTRICTIONS FOR AFFORDABLE HOUSING UNITS;

(h) IDENTIFYING PARTNERSHIPS WITH REGIONAL AND NON-PROFIT ENTITIES TO IMPLEMENT STRATEGIES; AND

(i) OTHER STRATEGIES IDENTIFIED BY THE DEPARTMENT THAT PROVIDE DISPLACEMENT MITIGATION EQUIVALENT TO THE OTHER

STRATEGIES DESCRIBED IN THIS SUBSECTION (2).

(3) IN DEVELOPING THE DISPLACEMENT RISK MITIGATION STRATEGIES MENU DESCRIBED IN SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT'S GOALS MUST BE TO SUPPORT:

(a) RESOURCES, SERVICES, AND INVESTMENTS THAT SERVE VULNERABLE HOMEOWNERS AND RENTERS WITH ELEVATED RISK OF DISPLACEMENT;

(b) THE PRESERVATION OF REGULATED AFFORDABLE HOUSING STOCK;

(c) LOCAL GOVERNMENT PLANNING AND LAND USE DECISIONS THAT INCORPORATE INCLUSIVE AND EQUITABLE DISPLACEMENT MITIGATION STRATEGIES, AND THE EMPOWERMENT OF LOW-INCOME PERSONS AND COMMUNITIES OF COLOR TO PARTICIPATE IN THOSE DECISIONS; AND

(d) THE ABILITY OF VULNERABLE RESIDENTS TO REMAIN IN OR RETURN TO THEIR NEIGHBORHOODS OR COMMUNITIES BY ACCESSING NEW AFFORDABLE HOUSING OPPORTUNITIES IN THEIR NEIGHBORHOODS OR COMMUNITIES.

29-35-211. Transit-oriented communities infrastructure grant program - transit-oriented communities infrastructure fund - transit-oriented communities highway users tax account - definitions. (1) **Grant program created.** THE TRANSIT-ORIENTED COMMUNITIES INFRASTRUCTURE GRANT PROGRAM IS CREATED IN THE DEPARTMENT. THE PURPOSE OF THE GRANT PROGRAM IS TO ASSIST LOCAL GOVERNMENTS IN UPGRADING INFRASTRUCTURE AND SUPPORTING REGULATED AFFORDABLE HOUSING IN TRANSIT CENTERS AND NEIGHBORHOOD CENTERS.

(2) **Allowable purposes.** GRANT RECIPIENTS MAY USE MONEY

RECEIVED THROUGH THE GRANT PROGRAM TO FUND:

(a) ON-SITE INFRASTRUCTURE FOR REGULATED AFFORDABLE HOUSING WITHIN A TRANSIT CENTER OR NEIGHBORHOOD CENTER;

(b) PUBLIC INFRASTRUCTURE PROJECTS THAT ARE WITHIN, OR THAT PRIMARILY BENEFIT, A TRANSIT CENTER OR NEIGHBORHOOD CENTER;

(c) PUBLIC INFRASTRUCTURE PROJECTS THAT BENEFIT REGULATED AFFORDABLE HOUSING IN A TRANSIT CENTER OR NEIGHBORHOOD CENTER;

(d) ACTIVITIES RELATED TO DETERMINING WHERE AND HOW BEST TO IMPROVE INFRASTRUCTURE TO SUPPORT A TRANSIT CENTER OR NEIGHBORHOOD CENTER; AND

(e) INFRASTRUCTURE PROJECT DELIVERY, PLANNING, AND COMMUNITY ENGAGEMENT.

(3) **Grant program administration.** THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM AND, SUBJECT TO AVAILABLE APPROPRIATIONS, AWARD GRANTS AS PROVIDED IN SUBSECTION (7) OF THIS SECTION AND PROVIDE TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS IN COMPLYING WITH THE REQUIREMENTS OF THIS PART 2. SUBJECT TO SECTION 18 OF ARTICLE X OF THE STATE CONSTITUTION, WHICH REQUIRES THE PROCEEDS OF MOTOR FUEL TAXES AND MOTOR VEHICLE LICENSING AND REGISTRATION FEES AND OTHER CHARGES TO BE USED EXCLUSIVELY FOR THE CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF PUBLIC HIGHWAYS, GRANTS AWARDED BY THE DEPARTMENT FOR THE PURPOSES DESCRIBED IN SUBSECTIONS (2)(c), (2)(d), AND (2)(e) OF THIS SECTION MAY BE PAID OUT OF THE FUND, INCLUDING OUT OF THE ACCOUNT. GRANTS AWARDED BY THE DEPARTMENT FOR THE PURPOSES DESCRIBED IN SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION MAY BE PAID OUT OF MONEY IN THE FUND AND NOT IN THE ACCOUNT AND SHALL NOT BE PAID

OUT OF THE ACCOUNT.

(4) **Grant program policies and procedures.** THE DEPARTMENT SHALL IMPLEMENT THE GRANT PROGRAM IN ACCORDANCE WITH THIS SECTION. THE DEPARTMENT SHALL DEVELOP POLICIES AND PROCEDURES AS NECESSARY TO IMPLEMENT THE GRANT PROGRAM.

(5) **Grant application.** TO RECEIVE A GRANT, A LOCAL GOVERNMENT MUST SUBMIT AN APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH POLICIES AND PROCEDURES DEVELOPED BY THE DEPARTMENT.

(6) **Grant program criteria.** THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED PURSUANT TO THIS SECTION. IN AWARDING GRANTS, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING CRITERIA:

(a) THE POTENTIAL IMPACT OF A PROJECT THAT A LOCAL GOVERNMENT WOULD FUND WITH A GRANT AWARD ON THE DEVELOPMENT OF REGULATED AFFORDABLE HOUSING, MIXED-USE DEVELOPMENT, ACCESSIBLE OR VISITABLE HOUSING UNITS, OR THE CREATION OR ENHANCEMENT OF HOME OWNERSHIP OPPORTUNITIES WITHIN A TRANSIT CENTER OR NEIGHBORHOOD CENTER;

(b) IN RESPONSE TO DEMONSTRATED NEEDS, THE EXTENT TO WHICH THE LOCAL GOVERNMENT HAS:

(I) INTEGRATED MIXED-USE DEVELOPMENT BY ALLOWING NEIGHBORHOOD COMMERCIAL USES THAT HAVE THE MAIN PURPOSE OF MEETING CONSUMER DEMANDS FOR GOODS AND SERVICES WITH AN EMPHASIS ON SERVING THE SURROUNDING RESIDENTIAL NEIGHBORHOOD WITHIN ONE-QUARTER MILE OF A TRANSIT CENTER OR NEIGHBORHOOD CENTER;

(II) ADOPTED AFFORDABILITY STRATEGIES FROM THE

AFFORDABILITY STRATEGIES MENUS IN SECTION 29-35-209 BASED ON THE LOCAL GOVERNMENT'S DEMONSTRATED HOUSING NEEDS, INCLUDING HOUSING NEEDS FOR RENTAL AND FOR-SALE HOUSING AND FOR LOW-, MODERATE-, AND MEDIUM-INCOME HOUSEHOLDS, AS DESIGNATED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;

(III) ADOPTED DISPLACEMENT MITIGATION STRATEGIES FROM THE DISPLACEMENT MITIGATION STRATEGIES MENU IN SECTION 29-35-210; AND

(IV) DESIGNATED NEIGHBORHOOD CENTERS WITHIN OPTIONAL TRANSIT AREAS; AND

(c) INFORMATION CONTAINED IN THE REPORTS SUBMITTED BY A LOCAL GOVERNMENT PURSUANT TO SECTION 29-35-204 THAT PROVIDES EVIDENCE THAT THE LOCAL GOVERNMENT HAS MET THE REQUIREMENTS OF SECTION 29-35-204.

(7) **Grant awards.** SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL AWARD GRANTS USING MONEY IN THE ACCOUNT AS PROVIDED IN THIS SECTION.

(8) **Transit-oriented communities infrastructure fund.** (a) (I) THE TRANSIT-ORIENTED COMMUNITIES INFRASTRUCTURE FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (8)(a)(III) OF THIS SECTION, GIFTS, GRANTS, AND DONATIONS, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(II) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE PURPOSE OF IMPLEMENTING THE GRANT PROGRAM,

AND THE DEPARTMENT MAY EXPEND UP TO SIX PERCENT OF ANY MONEY IN THE FUND, EXCLUSIVE OF MONEY IN THE ACCOUNT, FOR COSTS INCURRED BY THE DEPARTMENT IN ADMINISTERING THE GRANT PROGRAM.

(III) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER THIRTY-FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

(b) (I) THE TRANSIT-ORIENTED COMMUNITIES HIGHWAY USERS TAX ACCOUNT IS CREATED IN THE FUND. THE ACCOUNT CONSISTS OF GIFTS, GRANTS, AND DONATIONS, MONEY THAT THE STATE TREASURER TRANSFERS TO THE FUND PURSUANT TO SECTION 29-35-205 (2), AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE ACCOUNT. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE ACCOUNT TO THE ACCOUNT.

(II) MONEY IN THE ACCOUNT IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR AWARDING GRANTS FOR PURPOSES DESCRIBED IN SUBSECTIONS (2)(c), (2)(d), AND (2)(e) OF THIS SECTION, AND THE DEPARTMENT MAY EXPEND UP TO SIX PERCENT OF ANY MONEY APPROPRIATED OR TRANSFERRED BY THE GENERAL ASSEMBLY TO THE ACCOUNT PURSUANT TO THIS SUBSECTION (8)(b) FOR THE ADMINISTRATIVE COSTS INCURRED BY THE DEPARTMENT IN AWARDING GRANTS FOR SUCH PURPOSES.

(III) NOTWITHSTANDING SUBSECTION (8)(b)(II) OF THIS SECTION, THE DEPARTMENT SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 29-35-205 (3) IN EXPENDING MONEY IN THE ACCOUNT.

(9) **Reporting.** (a) ON OR BEFORE JANUARY 1, 2025, AND EACH JANUARY 1 THEREAFTER FOR THE DURATION OF THE GRANT PROGRAM, THE DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT TO THE HOUSE OF

REPRESENTATIVES TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT COMMITTEE AND THE SENATE LOCAL GOVERNMENT AND HOUSING COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, ON RELEVANT INFORMATION REGARDING THE GRANT PROGRAM.

(b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE UNTIL ALL GRANT PROGRAM MONEY IS FULLY EXPENDED.

(10) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ACCOUNT" MEANS THE TRANSIT-ORIENTED COMMUNITIES HIGHWAY USERS TAX ACCOUNT CREATED WITHIN THE FUND IN SUBSECTION (8)(b) OF THIS SECTION.

(b) "FUND" MEANS THE TRANSIT-ORIENTED COMMUNITIES INFRASTRUCTURE FUND CREATED IN SUBSECTION (8)(a) OF THIS SECTION.

(c) "GRANT PROGRAM" MEANS THE TRANSIT-ORIENTED COMMUNITIES INFRASTRUCTURE GRANT PROGRAM CREATED IN THIS SECTION.

SECTION 2. In Colorado Revised Statutes, 24-67-105, **add** (5.5) as follows:

24-67-105. Standards and conditions for planned unit development - definitions. (5.5) (a) ANY PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE THAT APPLIES WITHIN A TRANSIT CENTER OR NEIGHBORHOOD CENTER THAT IS ADOPTED OR APPROVED BY A LOCAL GOVERNMENT ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (5.5) MUST NOT RESTRICT THE DEVELOPMENT OF HOUSING IN ANY MANNER THAT IS INCONSISTENT WITH THE REQUIREMENTS FOR DESIGNATING AN AREA AS A TRANSIT CENTER PURSUANT TO SECTION 29-35-206, OR AS A

NEIGHBORHOOD CENTER PURSUANT TO SECTION 29-35-207.

(b) ANY PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE THAT APPLIES WITHIN A TRANSIT CENTER OR NEIGHBORHOOD CENTER THAT IS ADOPTED OR APPROVED BY A LOCAL GOVERNMENT BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (5.5) AND THAT RESTRICTS THE DEVELOPMENT OF HOUSING IN ANY MANNER THAT IS INCONSISTENT WITH THE REQUIREMENTS FOR DESIGNATING AN AREA AS A TRANSIT CENTER PURSUANT TO SECTION 29-35-206, OR AS A NEIGHBORHOOD CENTER PURSUANT TO SECTION 29-35-207:

(I) MUST NOT BE INTERPRETED OR ENFORCED TO RESTRICT THE DEVELOPMENT OF MULTIFAMILY RESIDENTIAL DWELLING UNITS SO THAT A TRANSIT-ORIENTED COMMUNITY COULD NOT DESIGNATE AN AREA AS A TRANSIT CENTER OR NEIGHBORHOOD CENTER THAT WOULD OTHERWISE QUALIFY AS SUCH; AND

(II) MAY BE SUPERSEDED BY THE ADOPTION OF A LOCAL LAW ADOPTED IN ACCORDANCE WITH THE REQUIREMENTS FOR DESIGNATION OF A TRANSIT CENTER PURSUANT TO SECTION 29-35-206, OR AS A NEIGHBORHOOD CENTER PURSUANT TO SECTION 29-35-207.

(c) NOTWITHSTANDING SUBSECTION (5.5)(b) OF THIS SECTION, A LOCAL GOVERNMENT MAY ADOPT CONFORMING AMENDMENTS TO ANY SUCH PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE.

(d) AS USED IN THIS SUBSECTION (5.5), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "LOCAL LAW" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (11).

(II) "NEIGHBORHOOD CENTER" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-202 (5).

(III) "TRANSIT CENTER" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-202 (11).

SECTION 3. In Colorado Revised Statutes, 38-33.3-106.5, **add** (3) as follows:

38-33.3-106.5. Prohibitions contrary to public policy - patriotic, political, or religious expression - public rights-of-way - fire prevention - renewable energy generation devices - affordable housing - drought prevention measures - child care - definitions. (3) (a) IN A TRANSIT CENTER OR NEIGHBORHOOD CENTER, AN ASSOCIATION SHALL NOT ADOPT A PROVISION OF A DECLARATION, BYLAW, OR RULE ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (3) THAT RESTRICTS THE DEVELOPMENT OF HOUSING MORE THAN THE LOCAL LAW THAT APPLIES WITHIN THE TRANSIT CENTER OR NEIGHBORHOOD CENTER, AND ANY PROVISION OF A DECLARATION, BYLAW, OR RULE THAT INCLUDES SUCH A RESTRICTION IS VOID AS A MATTER OF PUBLIC POLICY.

(b) IN A TRANSIT CENTER OR NEIGHBORHOOD CENTER, NO PROVISION OF A DECLARATION, BYLAW, OR RULE OF AN ASSOCIATION THAT IS ADOPTED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (3) MAY RESTRICT THE DEVELOPMENT OF HOUSING MORE THAN THE LOCAL LAW THAT APPLIES WITHIN THE TRANSIT CENTER OR NEIGHBORHOOD CENTER, AND ANY PROVISION OF A DECLARATION, BYLAW, OR RULE THAT INCLUDES SUCH A RESTRICTION IS VOID AS A MATTER OF PUBLIC POLICY.

(c) AS USED IN THIS SUBSECTION (3), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "LOCAL LAW" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (11).

(II) "NEIGHBORHOOD CENTER" HAS THE SAME MEANING AS SET

FORTH IN SECTION 29-35-202 (5).

(III) "TRANSIT CENTER" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-202 (11).

SECTION 4. In Colorado Revised Statutes, 39-22-2101, **add** (7.5) and (12) as follows:

39-22-2101. Definitions. As used in this part 21, unless the context otherwise requires:

(7.5) "NEIGHBORHOOD CENTER" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-202 (5).

(12) "TRANSIT CENTER" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-202 (11).

SECTION 5. In Colorado Revised Statutes, 39-22-2102, **add** (7.5) as follows:

39-22-2102. Credit against tax - affordable housing developments - legislative declaration. (7.5) (a) SEPARATE FROM THE CREDITS THE AUTHORITY OTHERWISE ALLOCATES PURSUANT TO THIS SECTION, THE AUTHORITY SHALL ALLOCATE CREDITS FOR QUALIFIED DEVELOPMENTS THAT ARE LOCATED IN TRANSIT CENTERS OR NEIGHBORHOOD CENTERS.

(b) NOTWITHSTANDING SUBSECTION (7) OF THIS SECTION, THE AGGREGATE AMOUNT OF ALL CREDITS ALLOCATED BY THE AUTHORITY PURSUANT TO SUBSECTION (7.5)(a) OF THIS SECTION SHALL NOT EXCEED A TOTAL OF THIRTY MILLION DOLLARS FOR TAX CREDITS ALLOCATED ANNUALLY BY THE AUTHORITY BEGINNING ON JANUARY 1, 2024, AND ENDING ON DECEMBER 31, 2031.

SECTION 6. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Town Board
Meeting Minutes
February 12, 2024
Town Hall, 124 E. Coal Creek Drive
Superior, CO 80027
6:00 P.M.

Call to Order Meeting of Board of Trustees

Roll Call

Present:	***Mayor Mark Lacis*** ***Mayor Pro Tem Neal Shah*** ***Trustee Jenn Kaaoush*** ***Trustee Stephanie Miller*** ***Trustee Bob McCool*** ***Trustee Sandie Hammerly***
Absent:	***Trustee Jason Serbu***
Others Present:	***Town Manager Matt Magley*** ***Town Clerk Lydia Yecke*** ***Town Attorney Nick Hartman***

Approval of Agenda - Pulled 3d

Motion: Trustee Bob McCool moved to approve Agenda, seconded by Mayor Pro Tem Neal Shah. **Vote:** CARRIED. 7 - 0

Executive Session to hold a conference with the Town's attorney and special counsel to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b), regarding Rocky Mountain Metropolitan Airport and related aviation matters.

Motion: Trustee Bob McCool moved to go into Executive Session to hold a conference with the Town's attorney and special counsel to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b), regarding Rocky Mountain Metropolitan Airport and related aviation matters. (6:05 p.m.), seconded by Trustee Sandie Hammerly. **Vote:** CARRIED. 6 - 0

Motion: Trustee Bob McCool moved to exit Executive Session, seconded by Trustee Sandie Hammerly. **Vote:** CARRIED. 6 - 0

Action on Executive Session - No Action Taken

Board Reports

Public comment on Consent Agenda, Presentations, and Non-Agenda Items

The following person gave public comment in the board room: Heidi Jarvis

Presentation Boulder County Sheriff's Office Update

Consent Agenda

Motion: Mayor Pro Tem Neal Shah moved to approve Consent Agenda., seconded by Trustee Sandie Hammerly. **Vote:** CARRIED. 5 - 0

3d. Consideration of Resolution Approving OSAC Committee Appointments

Motion: Trustee Bob McCool moved to approve 3d. Resolution Approving OSAC Committee Appointments, seconded by Trustee Sandie Hammerly.
Vote: CARRIED 5 - 0

Consideration of Resolution Approving ACES Committee Appointment by way of Vote

Lisa Barnes was appointed to the ACES Committee by way of vote

- 3 votes for Lisa Barnes
- 2 votes for Marsha Barancik

Motion: Trustee Bob McCool moved to approve Resolution Appointing Lisa Barnes to ACES Committee, seconded by Trustee Sandie Hammerly. **Vote:** CARRIED. 5 - 0

Consideration of Resolution Approving the Purchase and Sale Agreement for Rodelli Property at 216 S. 3rd Avenue for Open Space

Motion: Trustee Sandie Hammerly moved to approve Resolution Approving the Purchase and Sale Agreement for Rodelli Property at 216 S. 3rd Avenue for Open Space, seconded by Trustee Bob McCool. **Vote:** CARRIED. 5 – 0

Public Hearing (First Reading) Consideration of Ordinance Amending Chapter 16 of Superior Municipal Code regarding Land Use

Motion: Trustee Bob McCool moved to Continue Public Hearing of Ordinance Amending Chapter 16 of Superior Municipal Code regarding Land Use, seconded by Trustee Sandie Hammerly. **Vote:** CARRIED. 5 - 0

Public Hearing will be continued until the next meeting on February 26th.

Mayor Lacis Adjourned the meeting at 9:40 p.m.

____
Mark Lacis, Mayor

____
Lydia Yecke, Town Clerk

Town Board
Meeting Minutes
February 26, 2024
Town Hall, 124 E. Coal Creek Drive
Superior, CO 80027
6:00 P.M.

Call to Order Meeting of Board of Trustees

Roll Call

Present:	***Mayor Mark Lacis*** ***Mayor Pro Tem Neal Shah*** ***Trustee Jenn Kaaoush*** ***Trustee Stephanie Miller*** ***Trustee Bob McCool*** ***Trustee Jason Serbu*** ***Trustee Sandie Hammerly***
Absent:	***None***
Others Present:	***Town Manager Matt Magley*** ***Town Attorney Ruthie Goff*** ***Town Clerk Lydia Yecke***

Approval of Agenda

Motion: Trustee Bob McCool moved to approve Agenda, seconded by Trustee Sandie Hammerly. **Vote:** CARRIED. 7 - 0

Executive Session to hold a conference with the Town's attorney and special counsel to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b), regarding Rocky Mountain Metropolitan Airport and related aviation matters.

Motion: Mayor Pro Tem Neal Shah moved to enter Executive Session to hold a conference with the Town's attorney and special counsel to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b), regarding Rocky Mountain Metropolitan Airport and related aviation matters, seconded by Trustee Jason Serbu. **Vote:** CARRIED. 7 - 0

All Board Members in favor of exiting Executive Session
Action on Executive Session - No action was taken on Executive Session

Board Reports

The following Board members gave reports: Mayor Pro-Tem Shah, Trustee Miller, Trustee Serbu, Trustee Hammerly and Mayor Lacis

Public comment on Consent Agenda, Presentations, and Non-Agenda Items.

The following persons gave public comment in the board room:

Heidi Jaros, Alan Frohbieter, Leah Rowan, Lark Rambo, Jovita Schiffer, David Harper, Elliot Fladen and Cali via Zoom

Economic Development Update/Presentation

Presentation of Proposed Flight Patterns for Rocky Mountain Metropolitan Airport

Consent Agenda

Motion: Mayor Pro Tem Neal Shah moved to approve the Consent Agenda, seconded by Mayor Mark Lacis. **Vote:** CARRIED. 7 - 0

2024 March for Meals Proclamation

Public Hearing regarding a New Hotel and Restaurant Liquor License for Casa Agave 2 LLC, dba Casa Agave Family Mexican Restaurant, 401 Center Drive

Motion: Mayor Mark Lacis moved to continue the Public Hearing to date certain of March 11, 2024, seconded by Trustee Bob McCool. **Vote:** CARRIED. 7 - 0

Public Hearing (Second Reading) Consideration of Ordinance Amending Chapter 16 of Superior Municipal Code regarding Land Use

Motion: Mayor Pro Tem Neal Shah moved to approve Ordinance Amending Chapter 16 of Superior Municipal Code regarding Land Use, seconded by Trustee Bob McCool. **Vote:** CARRIED. 7 – 0

Rock Creek Parkway Project Update/Presentation

Mayor Lacis Adjourned the meeting at 11:17 p.m.

____
Mark Lacis, Mayor

____
Lydia Yecke, Town Clerk

MEETING NOTES
Cultural Arts and Public Spaces Advisory Committee (CAPS)
MEETING – FEBRUARY 22, 2024 @ 6:00 PM
SUPERIOR COMMUNITY CENTER

1. Call Meeting to Order
   Chairman Andrew Vaughan called the meeting to order at 6:01pm

2. Preliminary Matters
   a. Roll Call
      Andrew Vaughan, Suz Paxson, Lindsey Jones, Sherry Smith, Stephanie Coffin, Chris Nunes, Liza McKenzie
      Staff Present: Jennifer Garner "JG", Arts & Historical Programs Supervisor
      Trustee Liaison Present: Sandie Hammerly

   b. Agenda Approval
      Stephanie motioned to approve the agenda and it was seconded by Liza.
      Unanimously approved.

   c. Public Comment (limit 5 minutes/person)
      There was no public comment.

3. Staff Updates
   a. Prairie Dog loan ends at the end of March.
      Subcommittee formed by Stephanie and Liza to find new locations prior to the next CAPS meeting.
   b. Rogers Farm
      Town of Superior is in process of obtaining a deed for the artwork footprint within the park and the artist has received 1st payment, so they have already started on art piece. Installation is estimated to be around October 2024.
   c. March meeting & spring break
      Andrew motioned to move the March meeting from the 28th to the 21st due to the BVSD Spring Break schedule and the motion was seconded by Chris Nunes.
   d. Other
      JG has requested that CAPS consider creating an equipment and supply list for the upcoming Superior Makerspace. A subcommittee was formed consisting of Stephanie and Sherry.

4. General Updates & Debriefing
   a. Updates
      Marshall Fire Memorial subcommittee
      Andrew summarized the last two meetings held in January and there are no significant updates. The subcommittee is actively working on a summary presentation to be presented to the Board in April.

   b. Debriefing
      ARTery work session with consultant Brian Corrigan from February 16th
      Andrew, Chris, Lindsey, JG and Brian walked a potential path that began at Town Hall and included Founders Park, the McCaslin underpass and into the downtown area all the way up to the Sport Stable and up towards Miners Park and the trail that goes west back towards McCaslin.

5. Work Plan Check-In
    a. ARTery planning with consultant Brian Corrigan
       Andrew presented a rough draft of the map and is working on the Board proposal with the ARTery subcommittee. After the ARTery work session with consultant Brian Corrigan on February 16th, Brian is preparing his final recommendations for CAPS and will present them in March.
    b. Neighborhood grant project formulation
       Finalized the budget per grant type and worked on the applications. Andrew will use Arvada's program as a template and send a draft program out for review.
    c. Mural subcommittee
       Liza presented photos of locations and discussed working with a Boulder Mural artist. She is speaking with more artists within the next few weeks. Liza is working on finalizing the locations and obtaining approvals.
    d. AI workshop
       Sold out and has a 25-person waitlist as of tonight.
    e. Digital gallery creation and curated event #1
       Two stands are currently in transit for Chris, and he will be testing them for the March 7th Art & Wine event being held at the Superior Community Center.
    f. CAPS structure, funding and grant options.
       The committee again discussed the possibility of forming a nonprofit in service of Superior arts, but made no conclusions.

6. Discussion Items
    a. Delivery of Gregory Fields sculpture
       The piece was delivered on February 22nd and is being stored at the Community Center in the garage until placement on the ARTery.
    b. Social media presence #SuperiorArt
       N/A
    c. Recruiting
       Ongoing

7. Adjourn
   Andrew adjourned the meeting at 8:00pm.

Next Meeting: Thursday, March 21st, 2024, at the Superior Community Center

Town of Superior

ITEM NO. 3c

INFORMATION FOR MEETING
OF THE SUPERIOR BOARD OF TRUSTEES

AGENDA ITEM NAME: **Resolution – Annual Approval of Three Mile Plan**

MEETING DATE: **March 11, 2024**

PRESENTED BY: **Matt Magley, Town Manager**
Lisa Ritchie Planning and Building Director

PRESENTED FOR: **Action**

BACKGROUND:
The process for annexation of property to a municipality is governed, in large part, by Colorado law. One of the provisions of the Municipal Annexation Act of 1965, as amended, prohibits the extension of a municipal boundary by more than three miles in any one year. The statute also requires that a Town annually adopt a plan showing the areas within three miles that could be annexed into the Town.

The attached document is the Town's Three Mile Plan to meet this statutory requirement. The Town's three-mile planning area boundary has not changed for at least the last 15 years, and the boundaries will likely never change substantially due to the restrictions and limitations on opportunities to annex additional land. However, the boundaries may change slightly if the 76th Street properties are annexed, for example.

MOTION:
Move to adopt a Resolution approving the Three Mile Plan.

ATTACHMENTS:
- Resolution
- Three Mile Plan
- Map

TOWN OF SUPERIOR
RESOLUTION NO. R-15
SERIES 2024

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR ADOPTING THE ANNUAL THREE-MILE PLAN FOR THE TOWN

WHEREAS, the Colorado Municipal Annexation Act of 1965, C.R.S. § 31-12-101, *et seq.*, requires the Town to annually adopt a plan to serve as a general guideline for future annexations to the Town;

WHEREAS, on February 13, 2023, by Resolution #R-13, Series 2023, the Town adopted its existing Three-Mile Plan; and

WHEREAS, the Board of Trustees desires to approve the Three-Mile Plan for the next year.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, that:

Section 1. The Board of Trustees hereby adopts the Three-Mile Plan for the Town in the form attached hereto.

ADOPTED this 11th day of March, 2024.

____
Mark Lacis, Mayor

ATTEST:

____
Lydia Yecke, Town Clerk

THREE MILE PLAN

TOWN OF SUPERIOR
COLORADO

March 11, 2024

INTRODUCTION

This document has been prepared by the Town of Superior, Colorado, to address the existing and proposed land uses within an approximate three-mile area surrounding the existing municipal limits of the Town. In accordance with Section 31-12-105 et. seq. of the Colorado Revised Statutes (C.R.S.), this plan is intended to serve as a general guide for consideration of future annexations to the Town.

LAND USE

The Three Mile Plan Land Use Map (attached) illustrates the existing municipal boundaries of the Town of Superior in green and the Town's Three Mile planning area.

The proposed land uses have been designated as Residential, Non-Residential Use (Commercial/Office/Retail/Light Industrial), Open Space (Developed and Natural), Mixed Use Including Residential, and Agricultural/Undesignated. The uses shown on the attached map approximate the Community Framework and Land Use Plan map in the Town of Superior Comprehensive Plan. The Comprehensive Plan should be referred to for detailed land use designations for the Town.

SUPERIOR THREE MILE PLANNING AREA

The purpose of a Three Mile Plan is to clarify how a municipality may expand through annexation and how potential annexation areas could be served by service providers, including roads, utilities, and emergency services. As noted, above, this document is required by C.R.S., which allows municipalities to expand by up to 3 miles in a given year.

Superior is generally bounded by US HWY 36 and the City of Louisville to the north, by the City and County of Broomfield to the east and south, and to Boulder County to the west. The land contained within the Three-Mile Plan Area Boundary that is not already incorporated into the Town lies primarily to the west of Superior, and a significant portion of this area has been purchased by the Town, the City of Boulder, and Boulder County for open space. Because dedicated open space areas are generally not considered for annexation, the Town's annexation opportunities are generally limited to the parcels of land currently within unincorporated Boulder County that lie west of 76th St. These properties are identified as Opportunity Area 1 within the most recent update of the Town's Comprehensive Plan (2012). Preferred land uses identified for this area include light industrial and flex space; community-oriented uses such as ball fields as well as medium density residential may also be considered. Other annexation areas within Superior include two enclave properties within municipal limits—7574 Coal Creek Drive (which lies north of Superior Self-Storage) & Tract 919 (which lies east of 3rd Ave./Original Town). The Bolejack property west of McCaslin (northwest of the intersection of McCaslin Boulevard and S. Indiana Street) also falls within the Town's Three Mile Area.

MUNICIPAL STREETS AND UTILITIES

<u>Streets</u> – The following is a discussion of the primary rights-of-way that would be impacted by the aforementioned annexation opportunities.

S. 76th Street is an existing two-lane asphalt roadway contained within a 60 ft. dedicated right-of-way. The road is approximately 1/2 mile-long and connects Coal Creek Drive to Marshall Road. The western half of the southern portion of the road was reconstructed to accommodate the Sagamore PD and the eastern-half of the northern portions was reconstructed to accommodate the Superior Marketplace PD.

McCaslin Boulevard is the major north-south link between State Highway 128 (120th Avenue) and U.S. 36.

Currently, the road is a major arterial maintained from US 36 to SH 128 by the Town of Superior. During 2002, the Superior Metropolitan District (SMD) No. 2 transferred responsibility for this road to the Town. In 2009, a roundabout was constructed at the intersection of McCaslin Boulevard and Coalton Road. In 2017, a roundabout was constructed at the intersection of McCaslin Boulevard and Main Street as part of the Downtown Superior development project.

All of the public streets in the Town are maintained by the Town rather than special districts. The Town of Superior may utilize improvement districts in the future to fund and maintain additional public street improvements. Examples include the funding of public improvements in the Superior Marketplace and for the US 36/McCaslin Boulevard highway interchange. First Phase improvements to the US 36/McCaslin Boulevard interchange were completed in 2006. Construction of additional improvements was completed in 2016, which included a new Diverging Diamond Interchange configuration and new McCaslin underpass.

Future requests for annexations into the Town must address road maintenance and improvement concerns.

MUNICIPAL SERVICES

Water – Water is supplied to the Town through Windy Gap water agreements and though the Colorado Big Thompson water shares purchased by the Town in 2002 through Superior Metropolitan District No. 1. The leadership of this district was transferred to the Town Board during 2000. The supply system was installed and is maintained by Superior Metropolitan District No. 1. Expansion of the water treatment plant was completed in 2000.

Sanitary Sewer – A wastewater treatment facility is located on the east side of Superior and serves the entire Town. This system was constructed and is maintained by Superior Metropolitan District No. 1. Original Superior was previously connected to the City of Louisville's wastewater system, but is now served by Superior Metropolitan District No. 1 via a force main to the treatment plant. The lift station and force main that initially served Original Town were completed in 1998, and then replaced in 2016 as part of the Downtown Superior improvements. The sewer plant expansion was completed in early 2001.

Storm Sewer – Drainage improvements, primarily roadside asphalt pans with concrete trickle channels, were constructed in Original Superior in 1994. Additional storm sewer improvements were made to Coal Creek Drive in 2006, and to Depot Street, Douglas Street, Second Avenue and Third Avenue in 2008. Storm sewers for the Rock Creek Ranch Development were constructed and are maintained by Superior Metropolitan District No.1 in accordance with the Rock Creek Master Drainage Plan. The Town has developed a Master Drainage Plan for the Coal Creek Basin, which was approved in 2001. The Town adopted the WASH Program in December 2004. Storm sewer systems for all developments are constructed per the Superior Metropolitan District No. 1 Rules and Regulations and maintained by Superior Metropolitan District No. 1.

Electricity and Natural Gas – Xcel Energy Company of Colorado currently supplies and will continue to supply electricity and natural gas to the Town.

Telephone – Telephone and wireless telephone service is available in Superior from various metropolitan providers.

Cable TV – Cable TV service is provided to the Town by Comcast pursuant to a franchise agreement with the Town.

Waste Management – Trash and recycling services are provided by the Town through a private contractor for Original Superior, Rogers Farm, The Ridge, Calmante, Coal Creek Crossing, Downtown Superior, Sagamore, Autrey Shores and Lanterns at Rock Creek Subdivisions. Waste services for Rock Creek, the Summit at Rock Creek and Saddlebrooke is provided by a private contractor hired by the Rock Creek HOA. Bell Flatirons also privately contracts for trash and recycling services for their units.

Public Safety – The Town has contracted with the Boulder County Sheriff's Office to provide law enforcement services. A law enforcement substation is located in Town.

Mountain View Fire Rescue is responsible for fire, emergency medical, rescue and fire protection services for the Superior area. Mountain View Fire Rescue follows adopted standards for the number and location of fire stations and will work with the Town in planning any future facilities as needed. Fire Station No. 5 is located just south of the intersection of Coalton Road and Indiana Street. An expansion of Station No. 5 was completed in 2012.

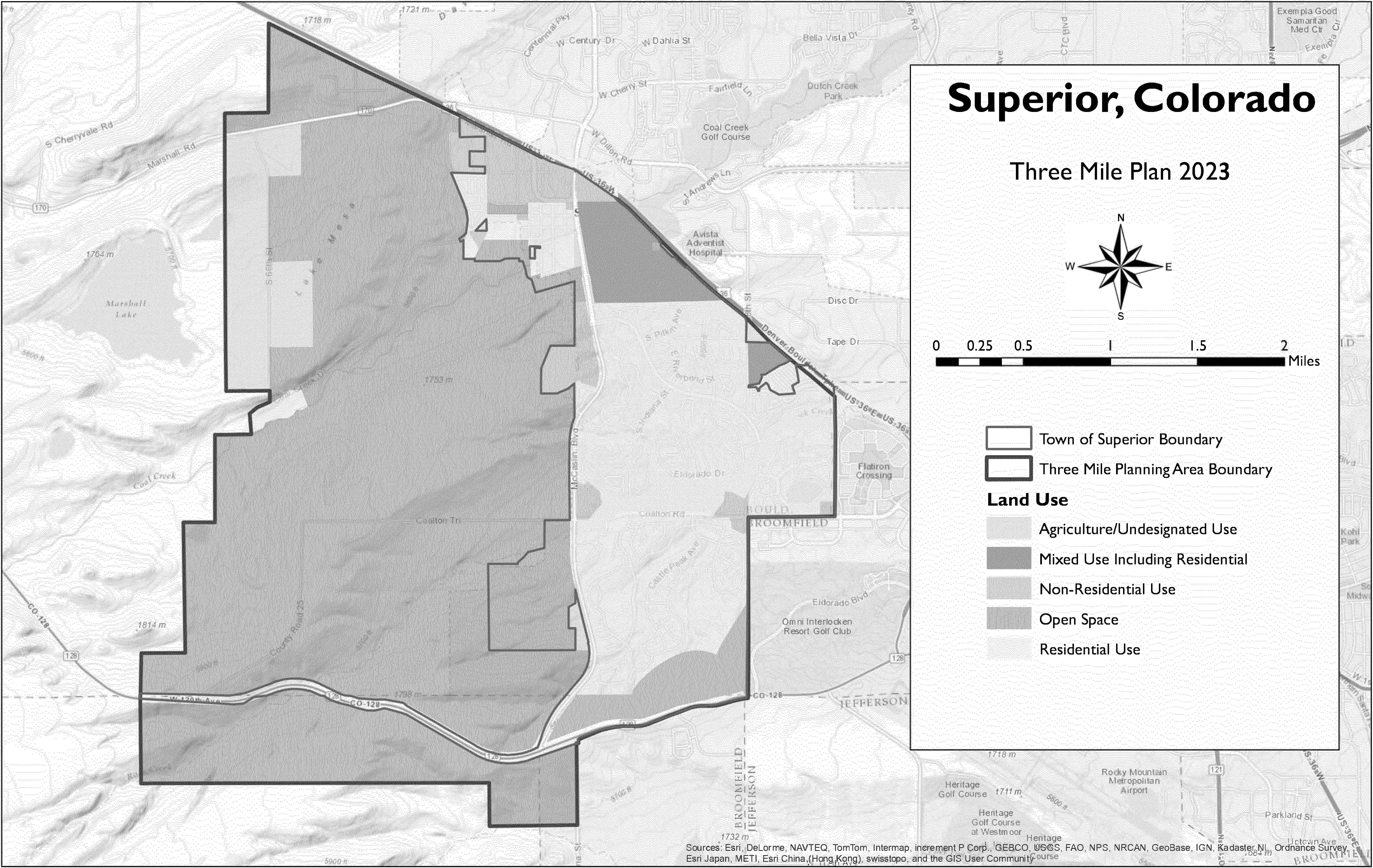
Schools – Superior is served by Boulder Valley RE-2 School District. Superior Elementary was constructed in 1996 and is located on north Indiana Street. Eldorado K-8 was constructed in 2000 and is located on south Indiana Street and Mt. Sopris Parkway. Monarch High School serves Superior and Louisville and is located in Louisville off of 88th Street, just north of the Superior boundary. Monarch High School opened in the fall of 1998.

Hospitals – The nearest hospital, Avista Hospital, is located on the north side of US 36 on 88th Street in Louisville north of the Superior boundary. This facility has full health and emergency care services.

Special Districts – Superior is served by and/or has formed the following special districts:

1. Boulder Valley RE-2 School District
2. Mile High Flood District
3. Regional Transportation District
4. Mountain View Fire Rescue
5. Superior Metropolitan District No. 1
6. Northern Colorado Water Conservatory District
7. Scientific and Cultural Facilities District
8. Superior/McCaslin Interchange District
9. STC Metropolitan District No. 1

As specific annexation and development activities occur, provision of services by the above listed districts will be addressed.


Superior, Colorado
Three Mile Plan 2023
N
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0.25
0.5
1
1.5
2
Miles
Town of Superior Boundary
Three Mile Planning Area Boundary
Land Use
Agriculture/Undesignated Use
Mixed Use Including Residential
Non-Residential Use
Open Space
Residential Use
Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, and the GIS User Community

ITEM NO. 3d

INFORMATION FOR MEETING
OF THE SUPERIOR METROPOLITAN DISTRICT NO. 1
BOARD OF DIRECTORS

AGENDA ITEM NAME: **Resolution – Approving the Purchase of a Vactor iMPACT Positive Displacement Combination Sewer Cleaner Mounted On A Freightliner M2 Plus Chassis From Joe Johnson Equipment**

MEETING DATE: **March 11, 2024**

PRESENTED BY: **Brannon Richards, P.E., Public Works & Utilities Director**

PRESENTED FOR: **Action**

BACKGROUND:
The Superior Metropolitan District No.1 manages, operates, maintains and controls the municipal waste water and storm water collection systems for the Town of Superior. Public Works Operations and Maintenance (O&M) staff utilize a Vactor iMPACT Positive Displacement Combination Sewer Cleaner Mounted on A Freightliner M2 Plus Chassis (the "VAC Truck") to clean, flush, and perform maintenance on the waste water and storm water collection systems. The existing VAC Truck is 20 years old and has reached the end of its useful life, requiring replacement. If a new VAC Truck is not purchased, then the existing VAC Truck will require continued maintenance and repair, limiting the ability of the O&M staff to properly operate and maintain the waste water and storm water collection systems.

PROJECT BID EVALUATION:
Staff solicited bids from multiple equipment suppliers but only received pricing from three suppliers – Joe Johnson Equipment, Faris Machinery, and Kois Brothers Equipment Co. Bid pricing from the three vendors is summarized below and included in attachment C – bid tab.

Contractor	Total
Joe Johnson Equipment	$377,190.00
Kois Brothers Equipment Co.	$592,203.51
Faris Machinery	$681,750.00

BUDGET IMPLICATIONS:
The proposed 2024 budget includes sufficient funding for the new VAC Truck purchase. The budget included $400,000 for a VAC Truck, split between Sewer Capital, with $300,000 budgeted and to be charged to Cost Center 51-499-6300, and Storm Drainage Capital, with $100,000 budgeted and to be charged to Cost Center 52-499-6300.

RECOMMENDED ACTION:
Based upon the bids received, Staff recommends approval of the purchase of a new Vactor iMPACT Positive Displacement Combination Sewer Cleaner mounted on a Freightliner M2 Plus Chassis from Joe Johnson Equipment in the amount of $377,190.00.

MOTION:
Move to adopt a Resolution approving the purchase of a new Vactor iMPACT Positive Displacement Combination Sewer Cleaner mounted on a Freightliner M2 Plus Chassis from Joe Johnson Equipment in the amount of $377,190.00.

ATTACHMENTS:
- Bid Tabulation
- Resolution
- Joe Johnson Quote and Spec Sheet

BID TABULATION

Joe Johnson Equipment	
Vactor iMPACT Combination Sewer Cleaner	
2023 Freighliner M2 Plus Chassis	
Debris Body	3 yards - 3/16" abrasion & corrosion resistant steel
Dimesions	32' L x 11' H
Aluminum Water Tanks	500 gallons - 10 year warranty on water tank against corrosion/cracking
Pump Options	40 gallons per minute @ 2500 PSI
Vacuum System	15" High-Performance Positive Displacement Blower
Estimated Delivery	12 to 18 months
BID Price	**$377,190.00**

Kois Brothers	
Camel Max 900	
2023 Freightliner 114SD Cummins Chassis	
Debris Body	12 yards - 10 year warranty
Dimensions	11'6" H
Water Tank	1500 gallons - 10 year warranty
Pump Options	80 gallons per minute @ 2500 PSI
Vacuum System	Vertical cyclonic separator
Estimated Delivery	12 to 18 months
BID Price	**$592,203.51**

Faris Machinery	
GapVax Combination Sewer Cleaner	
2024 Western Star Chassis	
Debris Body	7 yards
Dimensions	33'6" L x 11' 9" H
3/16" 304 Stainless Steel Water Tank	1,000 gallons
Pump Options	80 gallons per minutes @ 2500 PSI
Vacuum System	True 8" Diameter Vacuum System
Estimated Delivery	13 months
BID Price	**$681,750.00**

SUPERIOR METROPOLITAN DISTRICT NO. 1
RESOLUTION NO. SMD#1-2
SERIES 2024

A RESOLUTION OF THE SUPERIOR METROPOLITAN DISTRICT NO. 1 BOARD OF DIRECTORS APPROVING THE PURCHASE OF A VACTOR IMPACT POSITIVE DISPLACEMENT COMBINATION SEWER CLEANER MOUNTED ON A FREIGHTLINER M2 PLUS CHASSIS FROM JOE JOHNSON EQUIPMENT

WHEREAS, the Town utilizes a Vactor iMPACT Positive Displacement Combination Sewer Cleaner, mounted on a Freightliner M2 plus Chassis (the "VAC Truck") to perform routine flushing, cleaning, and maintenance of the waste water and storm water collection systems; and

WHEREAS, the Board of Directors finds it in the best interest of the public health, safety and welfare to purchase a new VAC Truck to ensure proper operation and maintenance of the waste water and storm water collection systems.

NOW, THEREFORE, BE IT RESOLVED BY THE SUPERIOR METROPOLITAN DISTRICT NO. 1 BOARD OF DIRECTORS, as follows:

Section 1. The Board of Directors hereby approves the purchase of a Vactor iMPACT positive displacement Combination Sewer Cleaner mounted on a Freightliner M2 Plus Chassis from Joe Johnson Equipment for $377,190.00.

ADOPTED this 11th day of March, 2024.

____
Mark Lacis, President

ATTEST:

____
Lydia Yecke, Secretary

Joe Johnson
Equipment
Subsidiary of Federal Signal Corporation

720.399.0095
jjeusa.com/colorado
info@jjeusa.com
13575 E 37th Ave. Suite 200, Denver, CO. 80239

March 4, 2024
Sourcewell Contract # 101221-VTR

The City of Superior

Re: Vactor IMPACT Positive Displacement Combination Sewer Cleaner Quotation

We would like to take this opportunity to thank you for your interest in Joe Johnson Equipment (JJE) and Vactor's industry-leading line of innovative environmental equipment.

As proud distributors of Vactor Manufacturing's industry-leading line of, innovative sewer cleaning equipment, JJE is pleased to present the following quotation to provide one (1) new Vactor IMPACT Positive Displacement Combination Sewer Cleaner mounted on a new Freightliner M2 Plus chassis.

We appreciate the opportunity to assist with this equipment requirement and ask that you not hesitate to contact us should additional information be required.

Respectfully Submitted,

Randy Peters

Randy Peters
Regional Sales Manager
Joe Johnson Equipment
Cell: (720)520-1281 rpeters@jjeusa.com

Joe Johnson
Equipment
Subsidiary of Federal Signal Corporation

720.399.0095
jjeusa.com/colorado
info@jjeusa.com
13575 E 37th Ave. Suite 200, Denver, CO. 80239

QUOTATION

To provide one (1) new Vactor IMPACT positive displacement (PD) Combination Sewer Cleaner, mounted on a new Freightliner M2 Plus Chassis, supplied as outlined below:

Debris Body:

- 3 yd³ Debris Body Capacity
- Ex-Ten Steel Cylindrical Debris Tank
- 3/16" Abrasion & corrosion resistant steel
- Suction Tube Storage - 5 Pipe
- Flat Rear Door with Hydraulic Locks and Door Power Up / Power Down / Open / Close
- Full size, top hinged, equipped with replaceable neoprene seal
- Minimum 50°dump angle
- Double Acting Dump Hoist Cylinder
- External Liquid Load level indicator
- Stainless steel float shut-off ball
- Suction Tube Storage - 5 Pipe
- Dump controls at curbside
- Debris Body Vacuum Relief System

Water System:

- 500 US Gallons Aluminum Water Tanks
- Water tanks have 10-year warranty against corrosion or cracking
- Positioned at or below frame rail for best weight distribution & low center of gravity
- Single curbside fill point equipped with anti-siphon devise
- Water level sight gauge
- Low Water Alarm with Water Pump Flow Indicator
- Hydraulically driven double acting single piston water pump
- Hydraulically pump driven off of the truck engine via heavy duty power take off
- Curbside Mounted Pump capable of 40 GPM @ 2500 PSI
- Multi-Flow Variable Pressure Water System
- Digital Water Pressure Gauge
- Capable of running dry up to 30 minutes without damage
- Rodder System Accumulator - Jack Hammer on/off Control w/ manual valve
- 3" Y-Strainer at Water Pump
- High pressure water pump relieved to provide 20 GPM @ 700 PSI for cleaning manholes
-

720.399.0095
jjeusa.com/colorado
info@jjeusa.com
13575 E 37th Ave. Suite 200, Denver, CO. 80239

Water System : (Cont.)

- Handgun Assembly with 35’ X ½” Hose with Quick Disconnects Midship Mounted (No reel)
- Variable flow pattern from fine mist to steady stream
- Midship High Pressure Coupling
- 1" Water Relief Valve

Vacuum System:

- Single Engine Design for Maximum Performance and Fuel Efficiency
- 15” High-Performance Positive Displacement Blower
- Powered by chassis engine and driven through heavy-duty split shaft transfer case
- Blower Air Shift Controls
- Horizontal Micro strainer Prior to Blower
- Fine mesh micro-strainer for protection

Boom System:

- Electric / Hydraulic 5’ extendable boom with 180° rotation
- Post Type Front Bumper Boom Storage
- Front end operation
- All connections between debris body and boom self-adjusting
- Pressure fitting seals
- 6” ID on all hose and tubes
- Front Joystick Control for Boom Function
- High Pressure Jet Rodder Hose & Front Mounted Hose Reel
- 500' x 3/4" Sewer Hose 2500 PSI, Piranha
- Hose Wind Guide (Dual Roller), Manual
- 3000 PSI operating pressure and 7250 PSI burst pressure
- Flexible Hose Guide
- 15° sand nozzle and 30° sanitary nozzle
- 3/4" Nozzle Pipe
- 10' Leader Hose
- Digital Hose Footage Counter
- Reel assembly mounted on independent frame attached to truck frame
- Spun steel construction with no braces required
- 180° rotation & 500’ ¾” hose capacity
- Hydraulic drive motor, with speed and forward/reverse controls
- Adjustable rotating swivel joins with replaceable seals on inlet line

720.399.0095
jjeusa.com/colorado
info@jjeusa.com
13575 E 37th Ave. Suite 200, Denver, CO. 80239

Electric & Hydraulic System:

- All connections sealed
- 40-gallon hydraulic reservoir
- Modular, accessible, and removable hydraulic filter
- Circuit Breakers
- All operating controls located on reel Intuitouch Control System
- IntuiTouch Electronic Package
- Controls include the following:
- Water Pump On / Off, Chassis Throttle Control, Boom Joystick Control, Vacuum Relief Control, Full Multi-Flow Control, Chassis & Blower Tachometer and Hour meter, Hour Meter for Water Pump & PTO Operation, Digital Footage Counter, Digital Water Pressure, Digital Water Flow Indicator

Mounting & Paint:

- Exclusive Modul-Flex design
- Subframe mounting on approved chassis
- All metal surfaces to be shot blasted
- Primed with high density primer
- Unit painted in modules eliminating paint exposure to hose, fittings, electrical wires, and connections
- Electrical & Safety Systems
- E-stops at each operator interface location. (Front hose reel, mid-ship curbside dump controls, & wireless controller (if equipped.))
- Color Coded and Function Heat Stamped Sealed Electrical System with Circuit Breakers
- Electronic Back-Up Alarm
- Hydraulic tank shutoff valves
- Miscellaneous Equipment
- Aluminum, Weatherproof, Curbside Toolbox with Nozzle Storage Rack
- Emergency Flare Kit
- 5 lbs. Fire Extinguisher
- Tow Hooks, Front and Rear
- Mud Flaps
- Hydrant Wrench
- Aluminum Fenders

720.399.0095
jjeusa.com/colorado
info@jjeusa.com
13575 E 37th Ave. Suite 200, Denver, CO. 80239

Additional Enhancements Included:

- 6" Rear Door Knife Valve w/Camloc 6:00 position
- Centrifugal separators (cyclones)
- Rear Door Splash Shield
- Air Purge
- Digital Water Level Indicator
- Digital Debris Body Level Indicator Tied to Vacuum Relief
- Cold Weather Recirculator PTO Driven 12 GPM
- High Pressure Hose Reel
- Rodder Pump Drain Valves
- Worklights (2) Boom
- Safety Cone Storage Rack- Post Style
- Body Washout
- Additional Water, Water and Debris Tank Joined
- 10 Lighting Package, 10 Federal Signal Strobe Lights LED
- Camera System- Front, Rear and Both Sides
- Continuous Fill
- Wireless Waterproof Rechargeable Handheld Spotlight
- Lube Manifold
- Belly Pack Wireless Controls Including Reel Controls
- Hydro Excavation Kit Includes Lances W/ Sheild Nozzles Storage
- Tray and Vacuum Tube
- Pinch Roller
- Rear Directional Control LED Arrowstick
- Rear Mounted LED Beacon Light W/ Limb Guard
- Front Mounted LED Beacon Light W/ Limb Guard
- Worklight Manhole
- Toolbox Behind Cab 14w x 36h x 88d

Purchase Price $377,190.00

Sourcewell Contract # 101221-VTR

720.399.0095
jjeusa.com/colorado
info@jjeusa.com
13575 E 37th Ave. Suite 200, Denver, CO. 80239

Terms & Conditions
Subject to Prior Sale
Subject to revision based on events beyond our control due to wildly fluctuating material prices
Pricing in USD, taxes and fees to be paid at time of tag & title if applicable
Price Includes PDI, delivery and training
FOB: Superior, CO
Payment Terms: Due upon receipt
Purchase order required
Delivery: To be confirmed at time of order
Quotation valid for 14 days

ITEM NO. 3e

INFORMATION FOR MEETING
OF THE SUPERIOR LIQUOR LICENSING AUTHORITY

AGENDA ITEM NAME: **Approval of a Tastings Permit for Superior Liquor Market**

MEETING DATE: **March 11, 2024**

PRESENTED BY: **Lydia Yecke, Town Clerk**

PRESENTED FOR: **Action**

BACKGROUND:
The liquor license for Superior Liquor Market was approved by the Liquor Licensing Authority in 1999 and has been annually renewed since then.

In 2004 the State adopted legislation that allows tastings of small samples of alcohol beverage products that are offered for sale in liquor stores, and Superior Liquor Market applied for and received a tastings permit every year since 2004 with the exception of 2021 due to COVID. Tastings permits are separate from the liquor license itself and must also be renewed annually.

Superior Liquor Market has submitted a renewal application for both its license and its tastings permit.

While the Board approved an ordinance authorizing the Town Clerk to administratively approve liquor license renewals last year, this ordinance does not apply to tastings permits, which must be approved by the Board acting as the Liquor Licensing Authority

If the tastings permit is approved, the Town Clerk will be able to administratively process the liquor license renewal application.

RECOMMENDED ACTION:
Approve the tastings permit for another year

MOTION:
Move to approve the tastings permit for Superior Liquor Market

ATTACHMENTS:
- Tastings Permit Application (Confidential - Board members only)

FEE: $50.00
DATE: February 16th, 2024

TASTINGS PERMIT APPLICATION

Licensee Name: Superior Liquor Market LLC
DBA: Superior Liquor Market
Address: 100 Superior Plaza Way Suite 100
City, State, Zip: Superior, Colorado, 80027
Mailing Address:
(if different)
State License Number: 25-16815-0000 Business Phone Number (303) 499-6600

ATTACH a written Control Plan to establish how the Licensee will conduct the tastings without violating the provisions of State Statutes and the Superior Municipal Code or creating a public safety risk to the neighborhood.

Names(s) of Person(s) Attending Tastings Training	Date of Training
SEE ATTACHED	

At all times during all Tastings, the Licensee shall post and keep visible to the public in a conspicuous place on the licensed premises a Tastings Permit issued by the Town Clerk, a Minor Warning sign (C.R.S, 12-47-901(5) (h).

CERTIFICATION OF APPLICANT

I hereby certify that the information in this application and all attachments is true, correct, and complete to the best of my knowledge. I certify that it is my responsibility to be sure that all future employees complete a TIPS servers training. I certify that it is my responsibility and the responsibility of my agents and employees to comply with all applicable law, including all applicable provisions of the Superior Municipal Code and the Colorado Liquor or Beer Code which affects my license.

Authorized Signature — Title: Managing Partner — Date: 2/16/24

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY

Chairperson ______________________ Date ______________

ATTEST:

Town Clerk ______________________ Date ______________

DR 8495 (07/23/19)
COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division

Tax Check Authorization, Waiver, and Request to Release Information

I, Pete Messimer am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Superior Liquor Market (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business)		Social Security Number/Tax Identification Number	
Superior Liquor Market, LLC		84-1486688	
Address			
100 Superior Plaza Way, Suite 100			
City		State	Zip
Superior		Co	80027
Home Phone Number	Business/Work Phone Number		
303-931-5880	303-499-6600		
Printed name of person signing on behalf of the Applicant/Licensee			
Pete Messimer (Partner)			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information)			Date signed
[signature]			2/15/24

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

www.superiorliquor.com

February 15, 2024

Town of Superior
124 E. Coalton Creek Drive
Superior, CO 80027

To Whom It May Concern:

Our staff has attended the T.I.P.S. server training class. Attached please find the roster for our employees that have attended training classes and have valid, current certification.

Also attached are our store control measures, detailing our plans to operate within the letter and spirit of the tasting law. Finally, a copy of the tracking form that will be used for scheduling, as well as recapping the event is attached for your review.

We are excited about the opportunity to continue with the retail tasting program and appreciate your quick approval.

Respectfully,

Kathy Sugarmann

Kathy Sugarmann
Store Manager
Superior Liquor Market

SUPERIOR LIQUOR
www.superiorliquor.com

Superior Liquor Market Retail Compliance Certification

Effective 2/15/24

Employee		Class	Trainer		
First	Last	Hours	Name	Company	Expiration Date
Doug	Andrus	3	Jonathan Balliet	TIPS Colorado	8/9/2025
Jennifer	Giddens	3	Jonathan Balliet	TIPS Colorado	8/25/2024
Jamie	Glawe	3	Jonathan Balliet	TIPS Colorado	8/25/2024
Thomas	Grandin	3	Jonathan Balliet	TIPS Colorado	8/10/2024
Kim	Littlejohn	3	Jonathan Balliet	TIPS Colorado	8/25/2024
Andrew	Peabody	3	Jonathan Balliet	TIPS Colorado	8/10/2024
Ingrid	Peoria	3	Jonathan Balliet	TIPS Colorado	8/10/2024
Greg	Strong	3	Jonathan Balliet	TIPS Colorado	8/10/2024
Kathy	Sugarmann	3	Jonathan Balliet	TIPS Colorado	8/25/2024
Grant	Watrin	3	Jonathan Balliet	TIPS Colorado	8/10/2024
Shawn	Tripp	3	Jonathan Balliet	TIPS Colorado	8/9/2025
Roberta	Backlund	3	Jonathan Balliet	TIPS Colorado	8/9/2025
Geoffrey	Lohr	3	Jonathan Balliet	TIPS Colorado	8/9/2025
Linda	Perry	3	Jonathan Balliet	TIPS Colorado	8/9/2025
Gregory	Castaneda	3	Jonathan Balliet	TIPS Colorado	8/9/2025
Gail	Madonna	3	Jonathan Balliet	TIPS Colorado	8/9/2025
Joseph	Villareal	3	Jonathan Balliet	TIPS Colorado	8/9/2025

SUPERIOR LIQUOR
www.superiorliquor.com

Control Plan For Retail Alcoholic Sampling
February 15, 2024

Superior Liquor Market will conduct retail alcoholic sampling within the guidelines established by the State of Colorado.

Our legal responsibilities include:

- All alcoholic product sampling will be held within the four licensed walls of Superior Liquor Market.
- Tastings can be conducted by an employee, a wholesaler and/or a supplier rep. Anyone conducting a tasting must have their valid TIPS card (photo copy) on file at Superior Liquor.
- All customers that do not look to be 50 (fifty) years or older will be checked for valid ID. No one under 21 years of age will be served. Anyone under 21 years of age, that is not accompanied by their parent or guardian, will be asked to leave the store immediately (existing policy).
- Any customer that is visibly intoxicated will not be served (samples or product) and will be asked to leave the store immediately (current policy). We will try to prevent that person from driving, and will contact the Police Department if we feel that there is an intoxicated person driving away from the premises.
- Maximum of 4 (four) different samples to any one customer. One sample may not exceed 1 (one) ounce for beer or wine, ½ (one half) ounce for liquor. We will prevent customers from leaving the store with any unconsumed samples.
- Sampling sessions will not exceed 5 (five) hours in duration and will not begin before 11:00am or last past 9:00pm.
- We will not exceed 156 (one hundred fifty-six) tasting days in a calendar year.
- The serving area will be kept clean. All samples will be poured into small, disposable plastic cups. At the end of the tasting, all opened sample containers will be locked in the Wine Room.
- Superior Liquor Market will not accept free goods, financial or in-kind assistance from the vendors that is designed to support tasting activities.

Additionally we will:

- Plan all tastings no less than 7 days prior to tasting date.
- Record all information regarding event (see attached tasting recap form). These records will be available for review or audit by State and Local licensing authorities.
- We will use flow control pour spouts, pouring into very small plastic cups to insure that we do not exceed the allowable serving.
- Prevent customers from "starting over" in line, by having our entire staff watch the traffic flow patterns. Our serving area has been designated at the front of the store so that the serving staff can better monitor customers.
- Trash receptacles will be placed around the store to prevent trash build-up.

Name(s) of Person (s) Attending Tastings Training	Date of Training (Attach Documents)
SEE ATTACHED	

TASTINGS WERE CONDUCTED ON THE FOLLOWING DAYS AND HOURS:

(List hours with no more than 5 consecutive hours a day between 11:00 a.m. and 7:00 p.m. and; no more than 104 days per year and no more than four of six days from Monday – Saturday)

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
January						
February						
March						
April						
May						
June		SEE ATTACHED				
July						
August						
September						
October						
November						
December						

Superior Liquor Market--2024 In-Store Tasting Schedule/Recap

#	Date	Day of Week	Brand	Descript.	Start Time	End Time	Total # of Hours	# of Customers Sampled	# of Bottles	Cost Per Bottle	Total Cost
	To Be Filled Out Prior to Event					To Be Filled Out After Event					
1	1/6/2024	Saturday			3:00	5:00	2	26		**TotalCost:**	**$446.90**
			Na-Giesen	Sauvignon Blanc					1	$9.28	$9.28
			Na-Delure	Sparkling Rose					1	$4.88	$4.88
			Na-Le Natural	Tinto					1	$9.99	$9.99
			Na-Leitz	Pinot Noir					1	$14.00	$14.00
											$38.15
2	1/22/2024	Saturday			3:00	5:00	2	27			
			Malat	Riesling					1	$16.00	$16.00
			Alborexar	Mencia					1	$9.58	$9.58
			Cuvee le Petit	CDR					1	$11.50	$11.50
			Maculan	Brentino Rosso					1	$11.85	$11.85
											$48.93
3	2/3/2024	Saturday			3:00	5:00	2	6			
			Guigal	CDR White					1	$10.71	$10.71
			Guigal	CDR Red					1	$10.93	$10.93
			Guigal	CDR Rose					1	$10.71	$10.71
			Guigal	Crozes-Hermitage					1	$21.42	$21.42
											$53.77
4	2/10/2024	Friday			4:00	7:00	3	48			
			Turnbuckle	Bourbon					1	$37.15	$37.15
			Turnbuckle	Gin					1	$30.00	$30.00
											$67.15
5	2/10/2024	Saturday	Boulevard	Dark Truth	3:00	5:00	2.00	30	2	$1.85	$3.70
			Boulevard	Tank 7					3	$1.85	$5.55
			21st Amendme	B.O. BFOD					2	$1.24	$2.48
			21st Amendme	BFOD					3	$1.24	$3.72
											$15.45

TOWN OF SUPERIOR
RESOLUTION NO. R-16
SERIES 2024

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR SUPPORTING HOUSE BILL 24-1235, A BILL "CONCERNING MEASURES TO REDUCE THE IMPACT OF AVIATION ON SURROUNDING COMMUNITIES"

WHEREAS, local governments have an obligation to protect the health, safety, and welfare of their residents;

WHEREAS, the United States Environmental Protection Agency acknowledges that aircraft that use leaded aviation gasoline are a leading source of lead emissions in our air; and

WHEREAS, exposure to lead has many harmful health effects, which can include irreversible and life-long harmful health effects in children; and

WHEREAS, according to the United States Centers for Disease Control and Prevention, no level of lead exposure is safe for children, and even low levels of lead in their blood are associated with developmental delays, learning difficulties, and behavioral issues; and

WHEREAS, House Bill 24-1235 creates a state income tax credit for owners of aircraft that incur qualified expenses to enable an aircraft that is powered by leaded aviation gasoline to be certified to instead be powered by unleaded aviation gasoline; and

WHEREAS, House Bill 24-1235 provides explicit authority in the existing state aviation grant program to fund grants to general aviation airports at which there is significant general aviation activity to fund the design, engineering, construction, installation, acquisition, and inspection of infrastructure, including equipment, that allows the sale of unleaded aviation gasoline at such airports and to subsidize purchases of unleaded aviation gasoline at such airports; and

WHEREAS, House Bill 24-1235 increases the Colorado aeronautical board from 7 to 9 voting members by requiring the appointment of 2 members who are residents of communities that are affected by general aviation airport traffic at which there is significant general aviation activity; and

WHEREAS, in appointing the 2 new voting members, House Bill 24-1235 requires the governor to give priority to individuals who are not trained pilots and who reside directly in the predominant flight path of a high-traffic general aviation airport in an area that has a population density of more than 3,000 individuals per square mile; and

WHEREAS, House Bill 24-1235 recognizes the need to monitor noise and implement steps to reduce and limit aircraft noise.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. The Board of Trustees SUPPORTS and strongly urges elected state legislators to vote YES on Senate Bill 24-1235.

ADOPTED this 11th day of March, 2024

____
Mark Lacis, Mayor

ATTEST:

____
Lydia Yecke, Town Clerk

ITEM NO. 4

INFORMATION FOR MEETING
OF THE SUPERIOR LIQUOR LICENSING AUTHORITY

AGENDA ITEM NAME: **Public Hearing Regarding a New Hotel and Restaurant License for Casa Agave 2 LLC, d/b/a Casa Agave Family Mexican Restaurant, 401 Center Drive**

MEETING DATE: **March 11, 2024**

PRESENTED BY: **Lydia Yecke, Town Clerk**

PRESENTED FOR: **Action**

BACKGROUND:

Casa Agave 2 LLC, d/b/a Casa Agave Family Mexican Family Restaurant a Hotel and Restaurant license for the location 401 Center Drive. The Board of Trustees sits as the Liquor Licensing Authority for consideration of new licenses. In such capacity, the Board sits as a quasi–judicial body and can only consider what is presented during the public hearing in deciding whether or not to grant the license.

Notice of this hearing was required to be posted and published and these requirements were met.

The Applicant will be in attendance to present testimony to show this request meets the prerequisites of State law. Those prerequisites include: (a) the needs and desires of the adult inhabitants of the neighborhood (usually demonstrated by petitions); (b) certain features of the premises to be licensed, and (c) the reputation and character of the Applicant. Fingerprint background check is required for Jose M. Cortes and the results have been received.

The attached Preliminary Findings were issued administratively and include the minimum findings required for the license to be issued. If these minimum findings had not been met, the license would not be eligible or approval. Additional findings may be added. Tonight you will consider additional information that may be presented by the Applicant about the needs and desires of the adult inhabitants of the neighborhood and other information. In addition, you will consider comments made during a public hearing.

A decision does not have to be made the same night as the hearing, but it will need to be made within 30 days of closing the hearing.

RECOMMENDED ACTION:

After the public hearing, make a determination on each of the findings and conditions listed below and supplement these findings with any other findings the Authority may want to add.

a. Whether the applicant is qualified to obtain the license and why;

b. Whether there is evidence that the reasonable requirements of the neighborhood establish a need for the issuance of the license and why; and

c. Whether there is evidence that the adult inhabitants of the neighborhood desire that the application be approved and why.

ATTACHMENTS

- Application for a Hotel and Restaurant License
- Preliminary Findings and Report
- Petitions

ITEM NO. 5

INFORMATION FOR MEETING
OF THE SUPERIOR BOARD OF TRUSTEES

AGENDA ITEM NAME: **Discussion of a Potential 2024 Ballot Measure for Capital Improvements**

MEETING DATE: **March 11, 2024**

PRESENTED BY: **Matt Magley, Town Manager**
Martin Toth, Assistant Town Manager
Nicholas Hartman, Town Attorney
Jeff Stone, Finance Director
Brannon Richards, Public Works & Utilities Director
Leslie Clark, PROS Director

PRESENTED FOR: **Discussion**

BACKGROUND:
During last week's Board Work Session, the Board began discussion of possible ballot measure options for this November's general election to help fund future capital improvement projects. The Town typically funds capital projects on an annual basis with available funds for the year. However, the number of proposed capital projects for any given year exceeds the funding that is available, causing delays in some projects and not being able to move forward with other projects. Staff has identified $56 million in unfunded capital projects. Staff assembled this list based on 2024 budget development process and PROST master plan.

The Finance Committee has explored initial options for a sales and use tax increase to fund future capital improvements by financing a debt issuance of $20M over either 20 or 30 years. The options included two different sales and use tax increases under each 20-year or 30-year timeframe. Each scenario and their associated details are attached.

The prioritized list of PROS and Public Works' top three projects and then next four priority projects are listed below. In addition to these projects, Town Hall expansion could be considered at a previously estimated $6M.

PROS	
Community Center Structural & Drainage Project	$ 1,200,000
N. Pool Design & Renovation	$ 5,000,000
S. Pool Design & Renovation	$ 5,000,000
TOTAL	**$11,200,000**
Tennis Court Renovations (lights budgeted 2025)	$ 280,000
ADA Playground Improvements	$ 3,200,000
Autrey Park Irrigation & Landscape	$ 500,000
Town 15 Improvements	$15,000,000
TOTAL	**$18,980,000**
PUBLIC WORKS	
Coalton Road Roadway Rehab (RCP to Tyler Drive)	$ 1,500,000
Indiana Street Roadway Rehab (Torreys to McCaslin)	$ 3,000,000
Original Town Alley Paving (only first phase is budgeted)	$ 1,100,000
TOTAL	**$ 5,600,000**
South Rock Creek Roadway Rehab (only first phase is budgeted)	$ 3,500,000
McCaslin Separated Multi Use Path (RCP To Coalton)	$ 2,400,000
McCaslin Separated Multi Use Path (Coalton to Hwy 128)	$ 3,300,000
McCaslin Pedestrian Underpass	$ 5,500,000
TOTAL	**$14,700,000**
Town Hall Expansion	**$ 6,000,000**
GRAND TOTAL	**$56,480,000**

ATTACHMENTS:

- Sales Tax Rate Comparison
- Debt Scenario Comparison

Town of Superior
Sales Tax Rate Comparison
2024 Sales Tax Rates

Attachment E

	Sales Tax Rate
Lafayette	9.055
Boulder	9.045
Louisville	8.960
Longmont	8.715
Erie (Boulder County)	8.685
Superior	**8.645**
Westminster	8.600
Brighton	8.500
Broomfield	8.150
Arvada (Jeffeson County)	7.960

Superior	**8.645**
20 year debt	
.422% increase	**9.067**
.335% increase	**8.980**
30 year debt	
.351% increase	**8.996**
.279% increase	**8.924**

Town of Superior, Colorado

CIP Projects

Credit Comparison - $20 Million Project Fund - 20 Year Term

Assumes Market Rates as of January 30, 2024 Plus Applicable Credit Spreads Plus 50 Bps for Interest Rate Risk

	Scenario 1: Limited Sales Tax Pledge 1.25x Coverage (1)	Scenario 2: Broad Sales Tax Pledge 1.00x Coverage (1)	Scenario 3: Property Tax Pledge 1.00x Coverage (2)
	Series 2025	Series 2025	Series 2025
Financing Sources Summary			
Par Amount	$18,800,000	$18,670,000	$18,535,000
Premium	1,447,126	1,577,771	1,708,055
Total Sources of Funds	$20,247,126	$20,247,771	$20,243,055
Uses of Funds Summary			
Project Fund	$20,000,000	$20,000,000	$20,000,000
Cost of Issuance	153,126	154,421	150,380
Underwriter's Discount	94,000	93,350	92,675
Total Use of Funds	$20,247,126	$20,247,771	$20,243,055
Finance Statistics			
Dated Date	3/4/2025	3/4/2025	3/4/2025
NIC	4.38%	4.32%	4.26%
Maximum Annual Debt Service	$1,492,250	$1,482,346	$1,472,500
Total Debt Service	$29,795,917	$29,592,596	$29,385,090
Sales Tax Increase	0.422%	0.335%	5.05

Annual Debt Service

Year	Scenario 1 Series 2025	Scenario 2 Series 2025	Scenario 3 Series 2025
2025	1,492,167	1,482,346	1,462,340
2026	1,490,250	1,479,000	1,468,000
2027	1,490,750	1,479,750	1,469,000
2028	1,489,750	1,479,000	1,468,500
2029	1,492,250	1,481,750	1,471,500
2030	1,488,000	1,477,750	1,467,750
2031	1,492,250	1,477,250	1,472,500
2032	1,489,500	1,480,000	1,470,250
2033	1,490,000	1,480,750	1,471,250
2034	1,488,500	1,479,500	1,470,250
2035	1,490,000	1,481,250	1,467,250
2036	1,489,250	1,480,750	1,467,250
2037	1,491,250	1,478,000	1,470,000
2038	1,490,750	1,478,000	1,470,250
2039	1,487,750	1,480,500	1,468,000
2040	1,487,250	1,480,250	1,468,250
2041	1,489,000	1,477,250	1,470,750
2042	1,487,750	1,481,500	1,470,250
2043	1,488,500	1,477,500	1,471,750
2044	1,491,000	1,480,500	1,470,000
Total	$29,795,917	$29,592,596	$29,385,090

(1) Assumes 1.0% sales tax generates approximately $4.4 million

(2) Assumes 2023 Net Assessed Value of $291,802,588

Town of Superior, Colorado

CIP Projects

Credit Comparison - $20 Million Project Fund - 30 Year Term

Assumes Market Rates as of January 30, 2024 Plus Applicable Credit Spreads Plus 50 Bps for Interest Rate Risk

	Scenario 1: Limited Sales Tax Pledge 1.25x Coverage (1)	Scenario 2: Broad Sales Tax Pledge 1.00x Coverage (1)	Scenario 3: Property Tax Pledge 1.00x Coverage (2)
	Series 2025	**Series 2025**	**Series 2025**
Financing Sources Summary			
Par Amount	$19,290,000	$19,145,000	$19,000,000
Premium	959,631	1,104,193	1,249,921
Total Sources of Funds	$20,249,631	$20,249,193	$20,249,921
Uses of Funds Summary			
Project Fund	$20,000,000	$20,000,000	$20,000,000
Cost of Issuance	153,181	153,468	154,921
Underwriter's Discount	96,450	95,725	95,000
Total Use of Funds	$20,249,631	$20,249,193	$20,249,921
Finance Statistics			
Dated Date	3/4/2025	3/4/2025	3/4/2025
NIC	4.76%	4.72%	4.67%
Maximum Annual Debt Service	$1,242,250	$1,232,750	$1,223,500
Total Debt Service	$37,181,338	$36,904,210	$36,625,083
Sales Tax Increase	0.351%	0.279%	4.19

Annual Debt Service

Year	Scenario 1 Series 2025	Scenario 2 Series 2025	Scenario 3 Series 2025
2025	1,240,338	1,229,960	1,219,583
2026	1,238,250	1,231,250	1,219,250
2027	1,238,250	1,231,250	1,219,500
2028	1,237,500	1,230,500	1,219,000
2029	1,241,000	1,229,000	1,222,750
2030	1,238,500	1,231,750	1,220,500
2031	1,240,250	1,228,500	1,222,500
2032	1,241,000	1,229,500	1,223,500
2033	1,240,750	1,229,500	1,218,500
2034	1,239,500	1,228,500	1,222,750
2035	1,242,250	1,231,500	1,220,750
2036	1,238,750	1,228,250	1,222,750
2037	1,239,250	1,229,000	1,218,500
2038	1,238,500	1,228,500	1,223,250
2039	1,241,500	1,231,750	1,221,500
2040	1,238,000	1,228,500	1,218,500
2041	1,238,250	1,229,000	1,219,250
2042	1,237,000	1,228,000	1,223,500
2043	1,239,250	1,230,500	1,221,000
2044	1,239,750	1,231,250	1,222,000
2045	1,238,500	1,230,250	1,221,250
2046	1,240,500	1,232,500	1,218,750
2047	1,240,500	1,232,750	1,219,500
2048	1,238,500	1,231,000	1,223,250
2049	1,239,500	1,232,250	1,219,750
2050	1,238,250	1,231,250	1,219,250
2051	1,239,750	1,228,000	1,221,500
2052	1,238,750	1,232,500	1,221,250
2053	1,240,250	1,229,250	1,218,500
2054	1,239,000	1,228,500	1,223,250
Total	$37,181,338	$36,904,210	$36,625,083

(1) Assumes 1.0% sales tax generates approximately $4.4 million

(2) Assumes 2023 Net Assessed Value of $291,802,588