

# Greeley City Council Agenda

Special City Council Meeting  
Tuesday, April 11, 2023 at 6:30 p.m. or  
Immediately after the Work Session

City Council Chambers at City Center South, 1001 11th Ave, Greeley, CO 80631  
Zoom Webinar link: <https://greeleygov.zoom.us/j/82006612456>

## NOTICE:

City Council scheduled this special meeting at the City Council meeting held on April 4, 2023. This meeting will be conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

Members of the public are also invited to choose how to participate in Council meetings in the manner that works best for them.

## Watch Meetings:



Meetings are open to the public and can be attended in person by anyone.

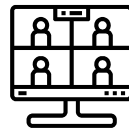


Meetings are livestreamed on the City's website, [greeleygov.com](http://greeleygov.com) as well as YouTube at [youtube.com/CityofGreeley](http://youtube.com/CityofGreeley)

For more information about this meeting or to request reasonable accommodations, contact the City Clerk's Office at 970-350-9740 or by email at [cityclerk@greeleygov.com](mailto:cityclerk@greeleygov.com).

Meeting agendas, minutes, and archived videos are available on the City's meeting portal at [greeley-co.municodemeetings.com/](http://greeley-co.municodemeetings.com/)

## Join the meeting in real time:

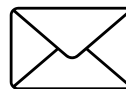


The public can join the Zoom webinar from the remote meeting link.

## Submit written comments:



Email comments about any item on the agenda to [cityclerk@greeleygov.com](mailto:cityclerk@greeleygov.com)



Written comments can be mailed or dropped off at the City Clerk's Office at City Hall, at 1000 10th St, Greeley, CO 80631





**Mayor**  
John Gates

**Councilmembers**

Tommy Butler  
Ward I

Deb DeBoutez  
Ward II

Johnny Olson  
Ward III

Dale Hall  
Ward IV

Brett Payton  
At-Large

Ed Clark  
At-Large

A City Achieving  
Community Excellence

Greeley promotes a healthy, diverse economy and high quality of life responsive to all its residents and neighborhoods, thoughtfully managing its human and natural resources in a manner that creates and sustains a safe, unique, vibrant and rewarding community in which to live, work, and play.

# City Council Special Meeting Agenda

**April 11, 2023 at 6:30 PM or Immediately following  
the Work Session**

**1001 11th Avenue, City Center South, Greeley, CO 80631 &  
via Zoom at <https://greeleygov.zoom.us/j/82006612456>**

**Special Meeting Items**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Legislative Review of SB23-213
5. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances
6. Executive Session for the purpose of completing the annual performance review of the City Attorney.
7. Adjournment



# Special Meeting Agenda Summary

April 11, 2023

Staycie Coons, Intergovernmental Affairs Officer

**Title:**

Legislative Review of SB23-213

**Background:**

Beginning with the hiring of an Intergovernmental Affairs Officer, the city has focused resources to ensure a comprehensive city-wide approach to legislative matters. With guidance placed in the adopted 2023 Legislative Agenda and at the advice from the city's contracted lobbyists, the Intergovernmental Affairs Officer has positioned the city on pertinent legislation this session. SB23-213 is not covered in the 2023 Legislative Agenda and requires an in-depth review from Council.

This special meeting will take place due to a council initiative requesting a resolution to take an official position on SB23-213. The legislation will be discussed in detail, with a vote on position to follow.

**Strategic Focus Area:**



**High-Performance Government**

**Attachments:**

None

**CITY OF GREELEY, COLORADO  
RESOLUTION NO. \_\_\_\_\_, 2023**

**RESOLUTION IN OPPOSITION TO STATEWIDE LAND USE AND  
ZONING PREEMPTIONS IN SENATE BILL 23-213**

WHEREAS, for a century, the State of Colorado has committed both in statute and in the state constitution to the local control of land use planning and zoning because local governments are closest to the land and to the people that occupy it; and

WHEREAS, zoning and land use cannot be viewed separately from the impacts of proposed uses of land on surrounding properties and a community as a whole, including the ability to ensure adequate water and utilities; to provide enough public safety services, schools, and recreational services; to make sure that sufficient and safe infrastructure is available to handle increased population or more intense uses; to align development with the community’s economic goals; to prevent displacement of existing people; to preserve important historical sites; and to protect open space and the environment in general; and

WHEREAS, Senate Bill 23-213 would place statewide mandates on hyper-local land use matters and substitute the judgment of legislators and state regulators who lack the understanding needed to make the right decisions for our community; and

WHEREAS, Senate Bill 23-213 will undermine long-range planning efforts and will severely limit our ability to maintain reasonable zoning regulations to ensure a high quality of life and sound economic environment for our current and future residents, workers, and business owners; and

WHEREAS, Senate Bill 23-213 silences the voices of our residents by taking away the right to be heard at public hearings on zoning matters or to use their constitutional rights of initiative or referendum to address zoning and land use matters.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GREELEY  
COLORADO:**

1. That it is the position of the Greeley City Council that municipalities are best suited to determine appropriate zoning laws for their communities, and that collaboration and cooperation – not top-down statewide mandates and giveaways to special interests – are the best solution to Colorado’s affordable housing problem.
2. That the City Council of Greeley opposes Senate Bill 23-213 and strongly urges its legislators to vote NO on this unprecedented and irresponsible preemption.

**PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS \_\_\_\_ DAY OF APRIL,  
2023.**

**ATTEST:**

**THE CITY OF GREELEY, COLORADO**

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Mayor**

**CITY OF GREELEY, COLORADO  
RESOLUTION NO. \_\_\_\_\_, 2023**

**RESOLUTION OF THE CITY OF GREELEY REGARDING SENATE BILL 23-213**

WHEREAS, the City of Greeley appreciates the State’s inclusion of city input throughout the ongoing discussion surrounding housing and land use issues that afflict the state of Colorado, and would like to continue conversations to ensure SB23-213 causes minimal impact to current city code; and

WHEREAS, Senate Bill 23-213 would have direct adverse impacts on the City of Greeley that need to be addressed prior to the bill’s implementation and staff would like to properly engage to minimize effects; and

WHEREAS, many elements of Senate Bill 23-213 would allow accessory dwelling units (ADUs) as a use by right wherever single-family homes are allowed by right and would require minimum size standards, and the City of Greeley’s current code maintains exceptions regarding ADU allowance and has already adopted size restrictions; and

WHEREAS, Senate Bill 23-213 would not allow a requirement for new off-street parking in connection with the construction or permitting of middle housing, and Greeley currently has both parking requirements and reliefs in place; and

WHEREAS, Senate Bill 23-213 imposes requirements on the short-term rental of an accessory dwelling unit, and Greeley currently does not have rules regarding short-term rentals; and

WHEREAS, Senate Bill 23-213 sets a 90-day turnaround time for the department of local affairs to review and approve a submitted report or reject a report and provide feedback to a subject jurisdiction, and Greeley’s current code cycle would better adjust to a 180-day turnaround time; and

WHEREAS, Senate Bill 23-213 does not include local government officials on the multi-advisory board as outlined by the bill, and the City of Greeley believes the voice of local government is of the utmost importance during such process.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GREELEY, COLORADO:**

1. That, first and foremost, the City of Greeley supports maintaining local control. While we recognize homelessness and housing are statewide issues, we agree that there are not uniform statewide solutions.
2. That the language of Senate Bill 23-213 is a starting point for conversation on how to best serve the State but, as introduced, not the solution.

3. That the City Council of Greeley will monitor Senate Bill 23-213 as city staff continues communication with the bill’s sponsors and the executive branch regarding concerns at the city level – and we strongly urge legislators to remain in the conversation as well, at both the local and State levels.

**PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS \_\_\_\_\_ DAY OF APRIL, 2023.**

**ATTEST:**

**THE CITY OF GREELEY,  
COLORADO**

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Mayor**

**SB23-213**

**City Council Special Meeting**

**April 11, 2023**



# SB23-213 Overview

The bill will require municipalities to adopt a State mandated standard code or meet certain minimum requirements in the below five areas:

Housing Needs Planning

Accessory Dwelling Units

Middle Housing

Transit-Oriented Areas

(Greeley does not currently have any transit-oriented areas)

Key Corridors

(Greeley does not currently have any key corridors)






**The draft resolution in opposition is consistent with the initiative brought by Council, and with the draft & policy position suggested by CML.**

**Resolution  
to Oppose  
SB23-213**



**The draft resolution to monitor the bill would allow staff to continue engagement on bill specifics – with the objective of lessening the direct impact to the City of Greeley.**

**A monitor position can be modified to an oppose position at a later time.**



**Resolution  
to Monitor  
SB23-213**



# Points of Engagement

**\*First & foremost, there are points in the bill where the city would like to see an exemption for Home Rule Municipalities\***

- SB23-213 would allow accessory dwelling units (ADUs) as a use by right wherever single-family homes are allowed by right and would require minimum size standards, and the City of Greeley's current code maintains exceptions regarding ADU allowance and has already adopted size restrictions;
- SB23-213 would not allow a requirement for new off-street parking in connection with the construction or permitting of middle housing, and Greeley currently has both parking requirements and reliefs in place
- SB23-213 sets a 90-day turnaround time for the department of local affairs to review and approve a submitted report or reject a report and provide feedback to a subject jurisdiction, and Greeley's current code cycle would better adjust to a 180 day turnaround time
- SB23-213 does not include local government officials on the multi-advisory board as outlined by the bill, and the City of Greeley believes the voice of local government is of the utmost importance during such a process

# Points of Engagement

- Exemption for HOAs and PUDs formed prior to 1/1/23 and constructed to at least 50%
- Adding and defining Tier 2 Urban Municipality and converting the bill's Tier 2 to Tier 3
- Limiting the funding to MPOs and DOLA to ensure the bulk of funding goes to local implementation activities
  - Suggestion of \$12M of the \$15M go to direct grants or technical assistance for implementation
- Inserting some basic parking requirements

# Points of Engagement

- Clarifying easements and street-side setbacks on lots; allowance for parks and civic uses in Key Corridors
- Adding prohibitions on ADUs and Middle Housing that would render designated historic properties or districts listed before 12/31/24 as no longer contributing
- Adding an exception for density-restricted properties due to environmental, ecological, and topographic constraints
- Defining average density for Key Corridors to include developed residential only

# Questions & Comments





## Special Meeting Agenda Summary

**Title:**

Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

**Council's Recommended Action:**

A motion to approve the above authorizations.



# Special Meeting Agenda Summary

April 11, 2023

Noel Mink, Human Resources Director

**Title:**

Executive Session for the purpose of completing the annual performance review of the City Attorney.

**Background:**

An Executive session is needed to enable the City Council to complete the annual performance review of the City Attorney. If Council concurs, a motion to adjourn into Executive Session is needed.

**Strategic Focus Area:**



**High-Performance Government**

**Council's Recommended Action:**

A motion to go into an Executive Session to discuss the following matter as provided under C.R.S. Section 24-6-402(4)(f) and Greeley Municipal Code Section 2.151(6)(a):

To discuss personnel reporting to the City Council.

**Attachments:**

None