

**SUBJECT: COUNCIL POSITION ON BALLOT QUESTIONS 300 AND 301 ON
THE NOVEMBER 4, 2025 BALLOT**

- 1. RESOLUTION NO. 79, SERIES 2025 – A RESOLUTION
OPPOSING CITY OF LOUISVILLE BALLOT QUESTION 300
CONCERNING A CITIZEN INITIATED ORDINANCE
REGARDING RESIDENTIAL REZONING**
- 2. RESOLUTION NO. 80, SERIES 2025 - A RESOLUTION
OPPOSING CITY OF LOUISVILLE BALLOT QUESTION 301
CONCERNING A CITIZEN INITIATED ORDINANCE
REGARDING IMPACT FEES**

DATE: OCTOBER 7, 2025

PREPARED BY: MELINDA CULLEY, DEPUTY CITY ATTORNEY

PRESENTED BY: KATHLEEN KELLY, CITY ATTORNEY

SUMMARY / BACKGROUND / PRIOR DISCUSSIONS:

On September 4, 2025, City Council referred two resident-initiated ordinances to a vote of the City's registered electors at the November 4 election. The initiatives will appear on the ballot as Ballot Questions 300 and 301 as follows:

City of Louisville Ballot Question 300
Residential Rezoning

Shall the City of Louisville adopt an initiated ordinance amending Chapter 17.16 of the Louisville Municipal Code to prohibit residential rezoning of the following properties: Centennial Valley (consisting of the property within the 2015 Centennial Valley General Development Plan); Redtail Ridge (consisting of the property within the 2010 ConocoPhillips General Development Plan); and Avista Adventist Hospital (consisting of the property within the 2002 Avista Adventist Hospital General Development Plan); and to create an exception to such prohibition for the development of housing that includes 30% on-site deed-restricted affordable housing limited to households at or below eighty percent (80%) of the area median income (AMI)?

City of Louisville Ballot Question 301
Impact Fees

Shall the City of Louisville adopt an initiated ordinance amending Chapter 3.18 of the Louisville Municipal Code to increase the categories of capital facilities for which impact fees are imposed in connection with new development (specifically including library, transportation, parks and trails, open space, recreation, emergency services, municipal buildings, water, wastewater, sewer, flood control, and affordable housing);

require a new impact fee study by June 1, 2026 and updated studies every five (5) years thereafter by outside consultants; and require the formation of an Impact Fee Liaison Committee to advise City staff and consultants?

The Colorado Fair Campaign Practices Act allows City Council to adopt a resolution supporting or opposing a ballot question. City Council has indicated it wishes to oppose Ballot Questions 300 and 301, and we have prepared two resolutions for Council's consideration.

ANALYSIS:

State law allows City Council to take a position of advocacy on ballot questions.

2025 COUNCIL WORK PLAN:

Opposing Ballot Questions 300 and 301 may support City Council's priorities related to economic vitality and housing.

FISCAL IMPACT:

N/A

ALTERNATIVE(S):

City Council could choose not to adopt the resolutions and/or take a different position of advocacy.

RECOMMENDATION:

City Council can take action on the proposed resolutions or may provide direction to staff on revisions to the resolutions.

ATTACHMENT(S):

1. Resolution No. 79, Series 2025
2. Resolution No. 80, Series 2025

**RESOLUTION NO. 79
SERIES 2025**

**A RESOLUTION OPPOSING CITY OF LOUISVILLE BALLOT QUESTION 300
CONCERNING A CITIZEN INITIATED ORDINANCE REGARDING RESIDENTIAL
REZONING**

WHEREAS, on July 2, 2025, the City Clerk received a petition for a citizen-initiated ordinance to amend Chapter 17.16 of the Louisville Municipal Code to prohibit residential rezoning and residential development within the areas of Centennial Valley, Redtail Ridge, and Avista Adventist Hospital, unless the development includes at least thirty percent (30%) on-site deed-restricted affordable housing for households earning at or below eighty percent (80%) of Area Median Income (AMI) (the “**Rezoning Initiative**”); and

WHEREAS, following a protest hearing, the Rezoning Initiative was found to contain a sufficient number of signatures and was eligible to be placed on the ballot for consideration by the City’s registered electors; and

WHEREAS, by Resolution No. 63, Series 2025, the City Council referred the Rezoning Initiative to a vote of the City’s registered electors at the regular municipal election to be held on November 4, 2025; and

WHEREAS, on September 4, 2025, the City Clerk conducted a public hearing on the ballot title for the Rezoning Initiative and determined that the following question should appear on the ballot:

Shall the City of Louisville adopt an initiated ordinance amending Chapter 17.16 of the Louisville Municipal Code to prohibit residential rezoning of the following properties: Centennial Valley (consisting of the property within the 2015 Centennial Valley General Development Plan); Redtail Ridge (consisting of the property within the 2010 ConocoPhillips General Development Plan); and Avista Adventist Hospital (consisting of the property within the 2002 Avista Adventist Hospital General Development Plan); and to create an exception to such prohibition for the development of housing that includes 30% on-site deed-restricted affordable housing limited to households at or below eighty percent (80%) of the area median income (AMI)?

YES/FOR _____ NO/AGAINST _____

WHEREAS, the Rezoning Initiative will appear as City of Louisville Ballot Question 300 (“**Ballot Question 300**”) on the November 4, 2025 ballot; and

WHEREAS, the City Council recognizes the importance of allowing its residents to propose legislation through the initiative process, but it has grave concerns about the implications of Ballot Question 300 if it were to be approved by voters; and

WHEREAS, the City has a significant interest in improving the quality and increasing the quantity of affordable housing in the City, and the City Council has adopted policies to achieve this goal, including:

- a. Inclusionary housing requirements in Chapter 17.76 of the Louisville Municipal Code, which require new developments to include at least twelve percent (12%) affordable housing and provide property owners and developers a choice of options to meet the inclusionary housing requirement, including providing on-site or off-site affordable units, paying a fee in lieu, land dedication, and redemption of credits;
- b. The City of Louisville Housing Plan dated May 7, 2024, which identifies goals and strategies for increasing residential development opportunities in the City; expanding and maintaining access to affordable housing; and diversifying the City's housing stock; and
- c. The City of Louisville Comprehensive Plan, which identifies the following as a principle: "There should be a mix of housing types and pricing to meet changing economic, social, and multigenerational needs of those who reside, and would like to reside, in Louisville;" and

WHEREAS, Ballot Question 300, if approved, would undermine the balanced and reasonable approaches embodied in these policies by prohibiting residential development in the few remaining developable areas within the City unless stringent affordable housing requirements are met; and

WHEREAS, the affordable housing exception in Ballot Question 300 is overly restrictive and forecloses reasonable, flexible, and economically viable solutions to address housing affordability; and

WHEREAS, the State Legislature has identified affordable housing as a matter of Statewide concern and enacted HB 23-1255 (codified at C.R.S. § 29-20-104.2), which prohibits municipalities from enacting and enforcing an "anti-growth law" affecting property; and

WHEREAS, an "anti-growth law" is defined to include an initiative or ordinance that explicitly limits the residential component of any mixed used development; and

WHEREAS, the City Council believes that Ballot Question 300, if approved, would violate the prohibition against anti-growth laws and may lead to time-consuming and costly lawsuits against the City; and

WHEREAS, the City Council further believes that the affordable housing exception in Ballot Question 300 may violate C.R.S. § 29-20-104(1)(e.5), which allows municipalities to adopt affordable housing regulations so long as the regulations provide a choice of options to property owners and developer and creates one or more alternatives to the construction of new affordable housing units on the building site; and

WHEREAS, Ballot Question 300 does not provide the choice of options required by C.R.S. § 29-20-104(1)(e.5) and instead allows only on-site construction of affordable housing units; and

WHEREAS, for these reasons, the City Council believes it is in the best interest of the City to oppose Ballot Question 300 and encourages the City's registered electors to vote "NO" on Ballot Question 300; and

WHEREAS, the City Council is authorized to adopt this Resolution pursuant to the Colorado Fair Campaign Practices Act, at C.R.S. § 1-45-117(1)(b)(III)(A).

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

Section 1. The foregoing recitals are incorporated herein as findings of the City Council.

Section 2. The City Council, on behalf of the City, OPPOSES Ballot Question 300 and strongly encourages the City's registered electors to vote "NO" on Ballot Question 300.

PASSED AND ADOPTED this 7th day of OCTOBER 2025.

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, Interim City Clerk

**RESOLUTION NO. 80
SERIES 2025**

**A RESOLUTION OPPOSING CITY OF LOUISVILLE BALLOT QUESTION 301
CONCERNING A CITIZEN INITIATED ORDINANCE REGARDING IMPACT FEES**

WHEREAS, on July 2, 2025, the City Clerk received a petition for a citizen-initiated ordinance to amend Chapter 3.18 of the Louisville Municipal Code to increase the categories of capital facilities for which impact fees are imposed in connection with new development; require a new impact fee study by June 1, 2026 and updated studies every five (5) years thereafter by outside consultants; and require the formation of an Impact Fee Liaison Committee to advise City staff and consultants (the “**Impact Fee Initiative**”); and

WHEREAS, following a protest hearing, the Impact Fee Initiative was determined to contain a sufficient number of signatures and was eligible to be placed on the ballot for consideration by the City’s registered electors; and

WHEREAS, by Resolution No. 64, Series 2025, the City Council referred the Impact Fee Initiative to a vote of the City’s registered electors at the regular municipal election to be held on November 4, 2025; and

WHEREAS, on September 4, 2025, the City Clerk conducted a public hearing on the ballot title for the Impact Fee Initiative and determined that the following question should appear on the ballot:

Shall the City of Louisville adopt an initiated ordinance amending Chapter 3.18 of the Louisville Municipal Code to increase the categories of capital facilities for which impact fees are imposed in connection with new development (specifically including library, transportation, parks and trails, open space, recreation, emergency services, municipal buildings, water, wastewater, sewer, flood control, and affordable housing); require a new impact fee study by June 1, 2026 and updated studies every five (5) years thereafter by outside consultants; and require the formation of an Impact Fee Liaison Committee to advise City staff and consultants?

YES/FOR _____ NO/AGAINST _____

WHEREAS, the Impact Fee Initiative will appear as City of Louisville Ballot Question 301 (“**Ballot Question 301**”) on the November 4, 2025 ballot; and

WHEREAS, the City Council recognizes the importance of allowing its residents to propose legislation through the initiative process, but it has grave concerns about the implications of Ballot Question 301 if it were to be approved by voters; and

WHEREAS, the City already has a comprehensive impact fee ordinance that imposes impact fees on new development and is planning for a new impact fee study in 2026; and

WHEREAS, Ballot Question 301, if approved, would significantly expand the categories of capital facilities for which impact fees are imposed; and

WHEREAS, while City Council acknowledges the importance of adequately funding capital facilities, the addition of a significant number of new impact fees will likely deter development in the City and will undermine the City's goal of improving the quality and increasing the quantity of affordable housing in the City; and

WHEREAS, several of the impact fees identified in Ballot Question 301 duplicate fees the City already imposes, including water and sewer tap fees and fees in lieu of affordable housing units; and

WHEREAS, the impact fee categories must be supported by a valid impact fee study, but Ballot Question 301 attempts to create new categories of impact fees before an impact fee study can be completed; and

WHEREAS, Ballot Question 301 includes a potentially burdensome and expensive mandate that the City engage an outside consultant to prepare an updated impact fee study every five years, even though the City's current impact fee ordinance already requires impact fees to be reviewed every five years by the City Manager; and

WHEREAS, Ballot Question 301 requires the completion of a new impact fee study by June 1, 2026, but impact fees require significant planning and study so the June 1 deadline may not be feasible; and

WHEREAS, Ballot Question 301 also requires the formation of a new Impact Fee Liaison Committee, but provides no meaningful standards to guide the Committee, fails to articulate the Committee's role in setting impact fees, and requires the appointment of members who may not have experience in setting impact fees; and

WHEREAS, for these reasons, the City Council believes it is in the best interest of the City to oppose Ballot Question 301 and encourage the City's registered electors to vote "NO" on Ballot Question 301; and

WHEREAS, the City Council is authorized to adopt this Resolution pursuant to the Colorado Fair Campaign Practices Act, at C.R.S. § 1-45-117(1)(b)(III)(A).

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

Section 1. The foregoing recitals are incorporated herein as findings of the City Council.

Section 2. The City Council, on behalf of the City, OPPOSES Ballot Question 301 and strongly encourages the City's registered electors to vote "NO" on Ballot Question 301.

PASSED AND ADOPTED this 7th day of OCTOBER 2025.

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, Interim City Clerk