

Subj: CRS 29 20 201 Local Gov Land Use Control Enabling Act LEG DECLAR .doc
Date: 9/30/2013 12:47:44 P.M. Mountain Daylight Time
From: rghamilton@skybeam.com
To: eddiekochman@aol.com, rghamilton@skybeam.com

30 September 2013

Ed;

Find here presentation [[attachment]] of salient portions of the Colorado Local Government Land Use Control Enabling Act (CRS 29-20-101, *et. seq.*) – specifically, those portions that relate to fire control and responder authorities / fire suppression / and to fire safety, and to intergovernmental “arrangements” possible in the coordination of governmental activities relating to wild land fire control.

The portions of existing statute cited here do not appear to speak directly to a local county government’s ability to seek revision of Title 32 Fire District “service plans” within a county’s jurisdiction, nor to “pre-emptory” planning with regard to private land -use management regulation for any properties within a county’s “un-incorporated areas”, or for the provision of new regulations for fire fuel regulation on properties within areas of a county inside a Title 32 Fire Protection District boundary(s).

The suggested modifications incorporated in the existing statute – at the *annotations* at PART 2. REGULATORY IMPAIRMENT OF PROPERTY RIGHTS – see C.R.S. 29-20-201 (2013) - **Legislative declaration** – were inserted by me due to the now existing error in the current Colorado statute annotations that do not recognize, nor accentuate, the current U. S. Supreme Court holding with regard to regulatory “takings” . . . those newly held provisions within the decision in *Lingle* [[– see text in attachment, citation –]] that declared that regulatory actions that were in the best interest of health, safety and welfare were superior to private property concerns when those private property concerns blocked health, safety and welfare regulatory actions . . . and ((N. B.)) that these “best interest” regulatory actions could - by inference – regard planning for wildfire land use regulations on private property which had, previously, not been instituted due to private property “concerns” and previously-held negative interferences with regard to private property estate reservations.

Richard

Richard G. Hamilton, E. H. S. – R. S. (N.E.H.A.) ; R. P. S. – Colorado;
Colorado Registered Lobbyist
531 Front Street
Fairplay, Colorado 80440 – 0156

719.836.4619
rghamilton@skybeam.com

LOCAL GOVERNMENT LAND USE CONTROL ENABLING ACT

Monday, September 30, 2013 AOL: Eddie kochman