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March 23, 2012

VIA HAND DELIVERY

Mike Mauer, Director
Colorado Legislative Council Staff
Room 029
State Capitol Building
Denver, Colorado 80203
E-mail: lcs.ga@state.co.us

Dear Mr. Mauer:

Attached please find two draft initiatives, submitted for the 2012 ballot, dealing with changes to subdivision law in Colorado. The designated representatives of this measure are:

Maria de Lourdes Garcia Berry; 185 South Elm Street; Denver, CO 80230;
Mgarciaberry@crlassociates.com

Bruce Etkin; 70 Five Trees Lane; Aspen, CO 81611; BEtkin@etkinjohnson.com

If you would direct all related correspondence to them, as required by law, but also provide copies to me, as their counsel, I would appreciate it. My address is:

Kevin Paul, 2401 15th St., Ste. 300, Denver, CO 80202; kpaul@hpgfirm.com

Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin C. Paul", written over a horizontal line.

Kevin C. Paul

enclosure

County Control of Local Development

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Be It Enacted by the People of the State of Colorado:

SECTION 1. Part 1 of Article 28 of Title 30, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

30-28-100.5 Legislative declaration.

THE PEOPLE OF THE STATE OF COLORADO HEREBY FIND AND DECLARE THAT GROWTH, AND THE ABILITY OF LOCAL GOVERNMENTS TO MANAGE GROWTH, IS AN ISSUE OF WIDESPREAD PUBLIC CONCERN. THERE IS A STRONG TRADITION OF LOCAL CONTROL IN COLORADO OVER SUCH ISSUES. CURRENT LAW PROHIBITS COUNTIES FROM IMPOSING SUBDIVISION REGULATIONS ON LAND DIVIDED INTO PARCELS OF THIRTY-FIVE OR MORE ACRES AND THEREBY OFTEN DENIES COUNTIES THE ABILITY TO EFFECTIVELY MANAGE GROWTH WITHIN THEIR BORDERS. THE PUBLIC HAS A SUBSTANTIAL INTEREST IN LOCAL OFFICIALS' DETERMINATION OF THE USES OF PARCELS OF LESS THAN ONE HUNDRED SIXTY ACRES, INCLUDING LAND THAT HAS BEEN SUBDIVIDED INTO PARCELS OF THIRTY-FIVE OR MORE ACRES AS OF THE DATE OF THE 2012 GENERAL ELECTION. AS A RESULT, AND IN ORDER TO EFFECTUATE COUNTY CONTROL OF LOCAL DEVELOPMENT, THE PEOPLE FIND AND DECLARE THAT COUNTIES SHOULD BE PERMITTED TO IMPOSE LOCAL SUBDIVISION REGULATIONS ON LAND DIVIDED INTO PARCELS OF LESS THAN ONE HUNDRED SIXTY ACRES.

SECTION 3. 30-29-101 (10)(b), (10)(c)(I), and (10)(c)(VIII), Colorado Revised Statutes, are amended, and the said 30-28-101 is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

(b) The terms "subdivision" and "subdivided land", as defined in paragraph (a) of this subsection (10), shall not apply to any division of land which creates parcels of land each of which comprises ~~thirty-five~~ ONE HUNDRED SIXTY or more acres of land and none of which is intended for use by multiple owners.

(c) Unless the method of disposition is adopted for the purpose of evading this part 1, the terms "subdivision" and "subdivided land", as defined in paragraph (a) of this subsection (10), shall not apply to any division of land:

(I) Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in ~~thirty-five~~ ONE HUNDRED SIXTY acres per interest;

(VIII) Which is created by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than ~~thirty-five~~ ONE HUNDRED SIXTY acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than ~~thirty-five~~ ONE HUNDRED SIXTY acres in land area, such land area, divided by the number of interests in the resulting parcel, must result in ~~thirty-five~~ ONE HUNDRED SIXTY or more acres per

interest. Easements and rights-of-way shall not be considered interests for purposes of this subparagraph (VIII).

SECTION 4. 30-28-110(4)(e), Colorado Revised Statutes, is amended to read:

(e) This subsection (4) applies only with respect to parcels of land less than ~~thirty-five~~ ONE HUNDRED SIXTY acres in area.

SECTION 5. Effective date. This initiative shall take effect on November 7, 2012.

