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APR 06 2012

S. WARD

FINAL

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

ELECTIONS/LICENSING
SECRETARY OF STATE

2:30 PM

SECTION 1. In Colorado Revised Statutes, add 30-28-100.5 as follows:

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. LAW IN EFFECT AS OF THE EFFECTIVE DATE OF THIS SECTION 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 2. In Colorado Revised Statutes, 30-28-101, amend (10)(b), (10)(c)(I), and (10)(c)(VIII) as follows:

30-28-101. Definitions. As used in this part 1, unless the context otherwise requires:

(10)(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 or more 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 3. In Colorado Revised Statutes, 30-28-110, amend (4)(e) as follows:

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

SECTION 4. Effective date. This initiative shall take effect from and after the date of the official declaration of the vote thereon by the governor.