



2004 COLORADO COUNTY LAND USE SURVEY



Introduction

The Office of Smart Growth in the Colorado Department of Local Affairs (DOLA), in cooperation with Colorado Counties, Inc., conducted a survey in the fall of 2004 to provide a snapshot of the current planning practices of Colorado counties. DOLA also surveyed municipal governments (those results can be found on the Office of Smart Growth website at www.dola.state.co.us/smartgrowth), asking essentially the same questions as the county survey. The department conducted similar surveys in 1983 and 1992. Efforts were made to keep the survey questions consistent from one survey to the next to aid in a comparative and longitudinal analysis.

Colorado has maintained a strong tradition of local control in land use planning matters. Local governments regularly develop and implement their own plans and policies to meet the challenges of growth and development pressure, often by modifying other communities' regulations to meet their own needs. Local governments have a wide array of statutory land use tools at their disposal, and the results of the 2004 survey indicate they are employing them successfully.

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This report is intended to serve two essential functions: (1) to provide a reference document for local government officials interested in learning about land use approaches in other jurisdictions, and (2) to inform public policy debates concerning the need for additional land use planning enabling legislation in Colorado.

Questionnaires were sent by mail to representatives of each of Colorado's 64 counties. The survey was also made available online, and many communities responded electronically. DOLA received completed surveys from a total of 57 jurisdictions, an 89% response rate, compared with a 92% response rate in 1983 and 100% in 1992. Several of the non-reporting counties indicated they had so little growth they were not confronting planning and growth management issues.ⁱ Others simply pointed to a lack of staff resources to complete the survey. Of the seven counties who did not respond to the survey, all but one have populations under 5,000 and all have less than 10,000.

Population categories were selected to create similar size characteristics.ⁱⁱ The categories include:

- Population less than 10,000
- Population between 10,000 and 20,000
- Population between 20,000 and 50,000
- Population above 50,000

As noted previously, an effort has been made to keep the survey questions consistent in order to be able to examine progress over time. Still, there are differences among the surveys and this 2004 survey asked more questions than in previous years. Therefore, the following survey results are presented more as a snapshot of the present state of land use planning in Colorado, with some longitudinal comparisons made where possible.

Survey Results

Use of Master/Comprehensive Plansⁱⁱⁱ

A significantly higher percentage of reporting counties had adopted master plans as of 2004 (93%) when compared with results from 1992 (78%) and 1983 (72%). Whether recent legislation is part of the reason more counties have adopted plans, or whether it is simply due to growth pressures and other factors, it is clear that most communities understand the value of a master plan and are willing to take the time, cost and effort to prepare one.^{iv}

Survey Year	Plan Adopted	Plan in Process or in Place
1983	72%	80%
1992	78%	80%
2004	93%	96%

Planning Staff and Support

Approximately 91% of reporting counties have at least one staff person dedicated to planning and land use, compared with only 68% in 1983. It is important to note that while it was not addressed specifically by the survey, it is very common for smaller, rural counties to have just a few paid staff members who perform multiple governmental functions, including planning. Many communities use planning consultants to help complete long range and current planning work. The survey shows that as the county population grows, there is a corresponding increase in planning staff.

While the number of municipalities using consultants has risen sharply (see the 1992 Colorado Municipal Land Use Survey results), the number of counties using consultants has remained steady since 1992 (at about 50%).

The majority of counties have a planning commission (98%, up from 87% in 1992) and more than three quarters have appointed a board of adjustment (77%). Also, the use of geographic information systems technology by counties has increased dramatically, rising from 21% in 1992 to 81% in 2004. See the chart below for a break-down of these questions by population category.

Population Category	Planning Commission	At Least One Staff	Planning Consultant
Less than 10,000	100%	80%	35%
10,000 – 20,000	100%	92%	50%
20,000 – 50,000	93%	100%	50%
50,000+	100%	100%	64%
Total	98%	91%	47%

Plan Elements, Policies & Regulations

The 2004 land use survey utilized an approach similar to that of the 1992 survey with respect to collecting information on land use policies and regulations. Past surveys asked whether a comprehensive/master plan included certain topical elements or components, and whether or not the community adopted corresponding regulations. The 2004 survey broke down topics into three levels of detail.

Specifically, the survey questioned whether the county had a comprehensive/master plan element, a corresponding adopted policy, and a regulation/ordinance for each topic area. The intent of the method was to determine at what levels the community addressed each topic and how much follow-through the topic received in the planning process. For example, on the topic of affordable housing, the survey sought to determine the following: (1) whether the community adopted a comprehensive plan element or separate stand-alone plan that addresses affordable housing, (2) whether the community adopted any policies or resolutions regarding affordable housing, and (3) whether the community adopted specific regulations or ordinances (e.g., inclusionary zoning) to directly address a shortage of affordable housing.

Upon reviewing the survey results, it became evident that there was some confusion over what aspect of their land use methods constituted an element, policy or regulation. In many instances, the nomenclature simply didn't fit and these differing classifications made reporting difficult and aspects of the survey results somewhat suspect. For purposes of this report, the authors have combined some of the survey results to create a more coherent and reliable data set, with the understanding that regardless of whether a jurisdiction had a plan element or adopted policy, the community was nonetheless addressing the issue in question at a land use policy level.

Most frequently addressed plan elements or policies: agriculture and transportation.

Elements and Policies

Roughly half of the reporting counties addressed agriculture, transportation, cultural and historical resources, open space, affordable housing, recreation and tourism, economic development, community services, growth management, and parks and recreation as a comprehensive plan element. These same topics were ranked in a similar order in the policy question. The chart below shows the similarities in how counties have prioritized issues in their plans between 1992 and 2004 (note that many more topics were surveyed in 2004).

1992	Plan Elements Adopted	2004	Plan Elements Adopted
62%	Transportation	60%	Agriculture
56%	Agriculture	53%	Transportation
52%	Housing	53%	Cultural, historical resources
51%	Economic development	49%	Affordable housing
49%	Parks and recreation	49%	Open space
49%	Flood control	49%	Recreation and tourism
49%	Population and employment	46%	Economic development
46%	Growth management	46%	Community services
46%	Public facilities	44%	Growth management
43%	Airport	44%	Parks and recreation

Homeland security, while a current issue for many communities, has not been fully embraced yet in terms of integrating into the county comprehensive plan; no counties reported having a plan element or policy on this topic included in its comprehensive plan.

Regulations

In each of the survey years (1983, 1992 and 2004) more than two-thirds of reporting counties had zoning, planned unit development and subdivision regulations. Of these three, only subdivision regulations are required by state statute.

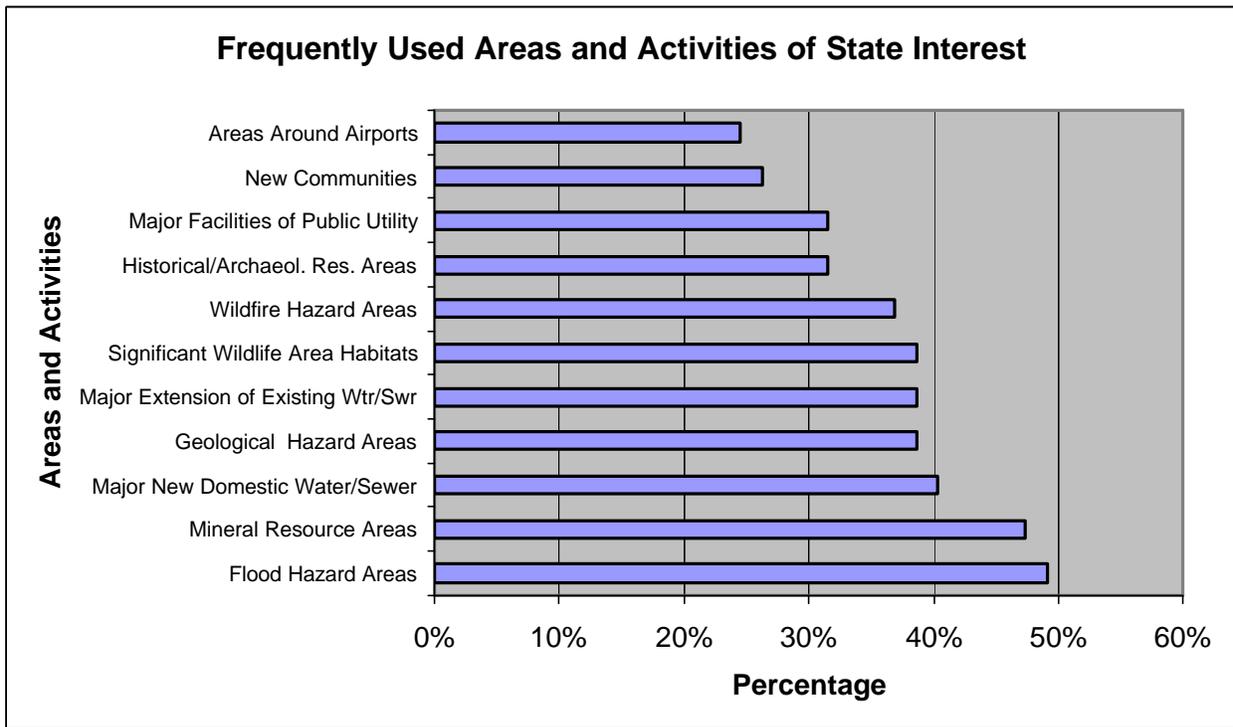
While some counties purposefully avoid adopting a zoning ordinance, most counties (89%) have some form of zoning. When asked for the type of zoning the county uses, 61% of counties reported using traditional (Euclidean) zoning, 18% use a permit or performance zoning system (we combined these together but the two can be very different), 11% use some type of hybrid zoning system, and 10% left the answer blank.

The type of regulations a county adopts can serve as an indicator of important issues the county faces. Areas showing a high prevalence of county regulations include:

Regulation	% Used	Regulation	% Used
Subdivision	91%	Agriculture	72%
Zoning	89%	Nuisance	70%
Subdivision exemption	86%	Open space	65%
Signs	86%	Manufactured housing	63%
Home occupation	86%	35-acre subdivision exemptions	56%
Mobile home parks	86%	Geological hazards	54%
Planned unit development	84%	Airports	51%
Mineral extraction	77%	Adult-oriented business	44%
Floodplain	74%	Clustering	44%

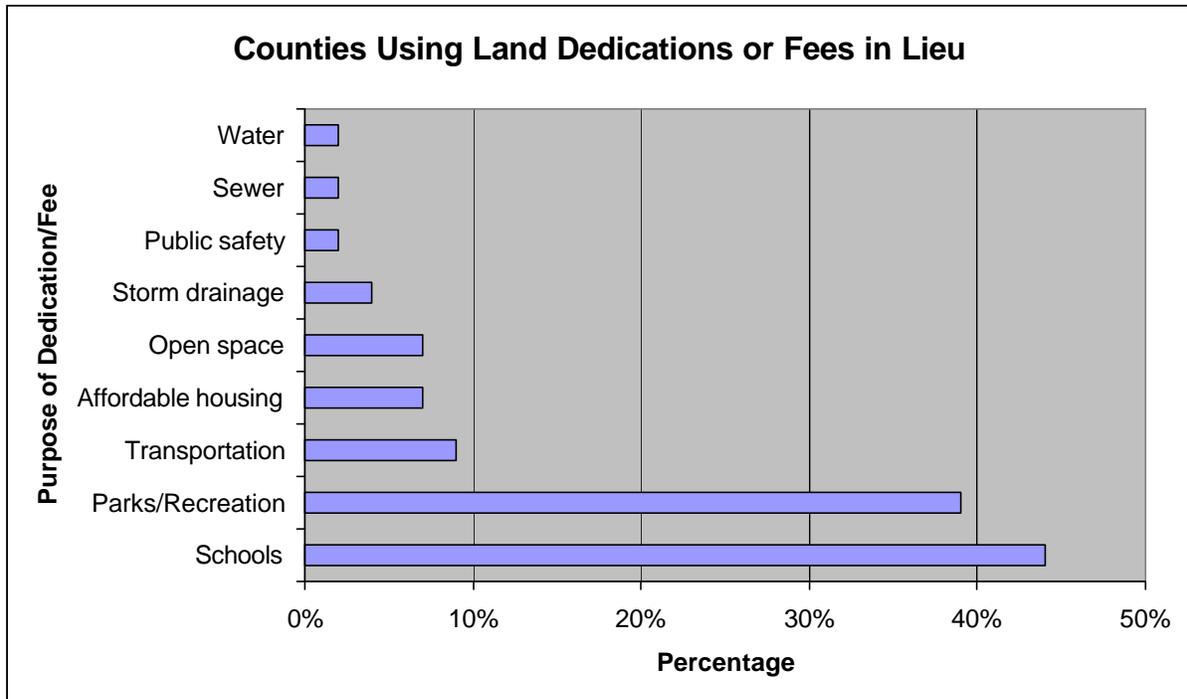
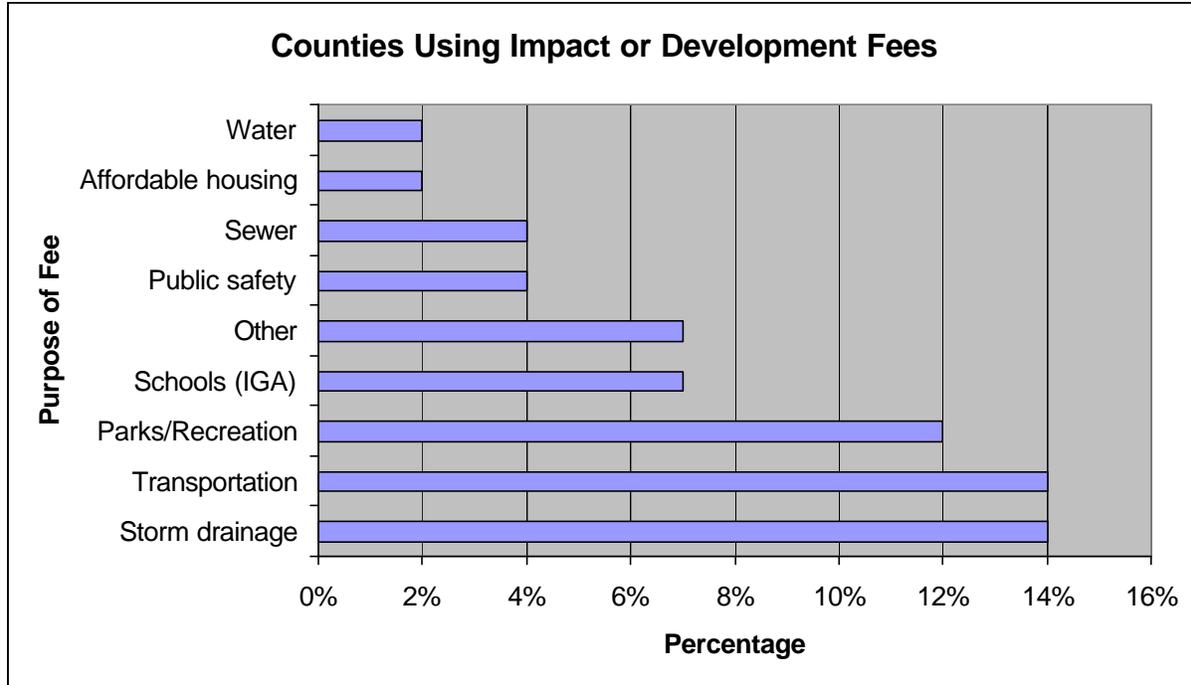
1041

The Areas and Activities of State Interest Act^v, or “1041 regulations” (referring to the House Bill that created the law in 1974), is essentially a local permitting process that includes twenty one statutorily defined “areas and activities of state interest.” More than three fourths of counties (77%) have adopted at least one area or activity of state interest. Each area or activity (including conduct of nuclear detonations) has been adopted by at least one county, affirming that the list of areas and activities is still relevant today as a means to condition specific development in order to mitigate the impacts of that development. The chart below shows the frequency of the more commonly used 1041 regulations.



Impact Fees and Land Dedications

While approximately half (49%) of Colorado’s municipalities have adopted impact fees, only about a third (32%) of counties have adopted these fees. The most commonly utilized impact fees for counties are for storm drainage (14%), transportation (14%), and parks/recreation (12%). Land dedications, or fees in lieu, were more commonly used (63%), primarily for schools (44%), and parks and recreation (39%). In this case, each county that checked “other” specified the dedication/fee was for open space, as you can see on the chart below. The questions of fees and dedications were not asked in the 1983 or 1992 surveys.



Intergovernmental Agreements

In the eleven years since the last DOLA survey, the use of intergovernmental agreements (IGAs) has become an increasingly popular planning tool, with 67% counties using them, up from 46% in 1992. IGAs allow communities to coordinate with their neighboring jurisdictions on a wide variety of issues including land use, growth management, revenue sharing and the provision/extension of services and infrastructure. According to the 2004 survey results, roughly half of counties have IGAs specifically for cooperative planning purposes, such as urban growth boundaries, joint development review, or county recognition of municipal three mile plans.

Survey Year	Use of IGAs
1983	44%
1992	46%
2004	67%

This cooperative planning emphasis represents a change from the 1983 results, which showed most IGAs were designed for mutual review of plans with federal agencies. The data also show that IGAs are more likely to be utilized by urban counties, rapidly-growing counties, and resort/mountain counties facing significant growth pressures.

Conclusions

Colorado counties have a wide range of land use planning policies and tools available to them to deal with the changes and impacts brought on by growth and new development. As expected, factors like population and growth rate are the biggest catalysts for the adoption of more detailed and sophisticated planning tools. The data did support that the smaller counties (population less than 20,000) adopted on average fewer regulations than the larger, more populous counties. Some of the same issues still hold prominence in county land use, namely agricultural or rural heritage, transportation and other infrastructure, affordable housing, hazard mitigation, and parks and open space. In the last 15 years, issues like growth management, large lot subdivisions and a growing awareness of the regional nature of growth impacts have joined the list of traditional land use concerns.

The overall level of planning expertise and regional cooperation in Colorado continues to increase. More and more communities are adopting comprehensive plans and utilizing intergovernmental agreements to establish collaborative, regional approaches to growth management. In short, Colorado counties have, and are utilizing, the appropriate tools for effective land use planning and growth management.

The Office of Smart Growth and Colorado Counties, Inc. wish to acknowledge the assistance of Chris Dawson for his outstanding work on this survey

Endnotes

ⁱ In some instances, variations in the numbers from 1992 and 2004 may be explained in part by who responded. In 1992, as was mentioned, we received a response from 100% of the counties, while in 2004, we received responses from only 89%. While 89% is still a statistically valid response, we should note that most of those who did not respond have probably not adopted many planning policies or regulations (due mostly to slow or no growth). If these counties had responded, it would have lowered the overall trend results accordingly. Still, there is enough evidence to indicate a general increase over time in planning practices, especially from 1983 to 2004.

ⁱⁱ Population figures were taken from the State Demography Office's 2004 county population figures (see Demography's website at <http://dola.Colorado.gov/demog/Demog.cfm>). See the Office of Smart Growth's website to access the survey data in Excel spreadsheets, www.dola.state.co.us/smartgrowth.

ⁱⁱⁱ Since Colorado statutes do not distinguish between master plans and comprehensive plans, there is a fair bit of confusion as to how to differentiate them. As a practical planning matter, master plans deal primarily (but not necessarily exclusively) with land use issues. Comprehensive plans tend to be more "holistic" in nature, often encompassing broader issues like service delivery and economic development in addition to traditional land use. Since there is some disagreement as to what constitutes each kind of plan, for purposes of this survey the authors used the terms interchangeably, believing the crux of the issue to be whether or not a community had some sort of plan for future growth and development.

^{iv} C.R.S. 30-28-106(4)(a) states that counties with a population of 10,000 or greater and a certain growth rate must prepare and adopt a master plan. Counties with populations of 100,000 or more are all required to adopt a plan. In addition, statutes required the following four counties to adopt a plan: Clear Creek, Gilpin, Morgan and Pitkin.

^v The name is misleading, since there is no state involvement in the designation or enforcement. This is a local regulatory tool that adds conditions to certain areas or activities of local and state concern.