



2004 COLORADO MUNICIPAL LAND USE SURVEY



Introduction

The Office of Smart Growth in the Colorado Department of Local Affairs (DOLA), in cooperation with the Colorado Municipal League, conducted a survey in the fall of 2004 to provide a snapshot of the current planning practices of Colorado municipalities. DOLA also surveyed county governments (those results can be found on the Office of Smart Growth website, www.dola.state.co.us/smartgrowth), asking essentially the same questions as the municipal 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 the 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 270 municipalities. The survey was also made available online, and many communities responded electronically. DOLA received completed surveys from a total of 172 jurisdictions. Compared with earlier survey response rates from 1983 (84%) and 1992 (93%), this survey had a relatively low response rate of 64%. However, as the table below indicates, the return rate for communities with populations over 2,000 was significantly higher (76%). Despite the rather low survey response rate for the smallest towns, the overall response rate still provides a reliable sampling of all Colorado municipalities.

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 over time where possible.

Population Categories ⁱ	Number of Municipalities	Number Reporting	Reporting Percentage
Less than 2,000	162	90	56%
2,000 – 5,000	43	26	61%
5,000 – 10,000	27	22	82%
Greater than 10,000	38	34	90%
Total	270	172	64%

Survey Results

Use of Master/Comprehensive Plansⁱⁱ

A significantly higher percentage of reporting jurisdictions have adopted master plans as of 2004 (74%) when compared with results from 1992 (56%) and 1983 (54%). In addition, fewer jurisdictions report they are currently in the process of adopting a plan in 2004 (4%) when compared with data from 1992 (14%), likely indicating that most jurisdictions intending to adopt such plans have already done so. Whether recent legislation is part of the reason more municipalities 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 plan and are willing to take the time, cost and effort to prepare one.ⁱⁱⁱ

Survey Year	Communities with an adopted plan
1983	54%
1992	56%
2004	74%

Nearly 80% of reporting municipalities have either completed a plan or are in the process of preparing one. Specifically, the data shows that more than half (60%) of the jurisdictions with populations under 2,000 have either adopted plans or are in the process of preparing plans. Nearly all jurisdictions ranging in population from 2,000 – 5,000 residents have either adopted or are currently preparing plans (96%). All but one community with a population between 5,000 and 10,000 residents reported already having a plan (95%). Finally, 100% of the reporting jurisdictions with more than 10,000 residents have an adopted plan (*See chart below*).

Population Categories	Plan Adopted or Underway
<2,000 pop.	60%
2,000-5,000 pop.	96%
5,000-10,000 pop.	95%
10,000+ pop.	100%

Planning Staff and Support

Approximately 19% of reporting municipalities with populations under 2,000 residents have at least one staff person dedicated to planning and land use. In municipalities between 2,000 and 5,000 residents, 54% reported having at least one planner on staff. It is important to note that while it was not addressed specifically by the survey, it is very common for small municipalities to have one or two paid staff members who perform multiple governmental functions, including

planning. As might be expected, municipalities with populations ranging from 5,000 to 10,000 reported higher percentages; 73% have at least one planner on staff. Ninety-seven percent of the municipalities larger than 10,000 reported having at least one planning staff person.

Survey Year	Have Planning Staff
1983	37%
2004	46%

The use of professional planning consultants also appears to be rising. Compared with 1992, when 27% municipalities reported using planning consultants, 52% of the responding municipalities in 2004 reported using consultants.

The majority of municipalities have a planning commission (80%) and almost half have appointed a board of adjustment (48%). Also, the use of geographic information systems technology by municipalities has increased dramatically, rising from 5% in 1992 to 38% in 2004.

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 municipality had a comprehensive/master plan element, an adopted policy and a regulation/ordinance for each topic area. The intent 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) has the community adopted a comprehensive plan element or separate stand-alone plan that addresses affordable housing, (2) has the community adopted any policies or resolutions regarding affordable housing, and (3) has the community adopted specific regulations or ordinances (e.g., inclusionary zoning) to directly impact and address affordable housing shortages?

Upon reviewing the survey results received from the reporting municipalities, 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: parks and recreation, open space, economic development and transportation.

Elements and Policies

Roughly one half of the reporting municipalities addressed parks and recreation, open space, economic development and transportation as a comprehensive plan element or policy. Approximately one third addressed public facilities, affordable housing, growth management,

recreation and tourism, water quality, water supply and conservation as a comprehensive plan element or adopted policy. These numbers align closely with the 1992 survey results. Homeland security, while a priority for many communities, has not been fully embraced yet in terms of land use planning; only five percent of municipalities reported having a plan element or policy on this topic included in their comprehensive plans.

Regulations

Areas showing a high prevalence of municipal regulations include:

Regulation	% Used	Regulation	% Used
Zoning	80%	Floodplain	61%
Nuisance	76%	Manufactured homes	52%
Subdivision	68%	Stormwater drainage	52%
Signs	67%	Extension water/sewer lines	50%
Home occupation	65%	Open space	47%
Mobile home parks	63%	Adult-oriented business	46%
PUD	63%		

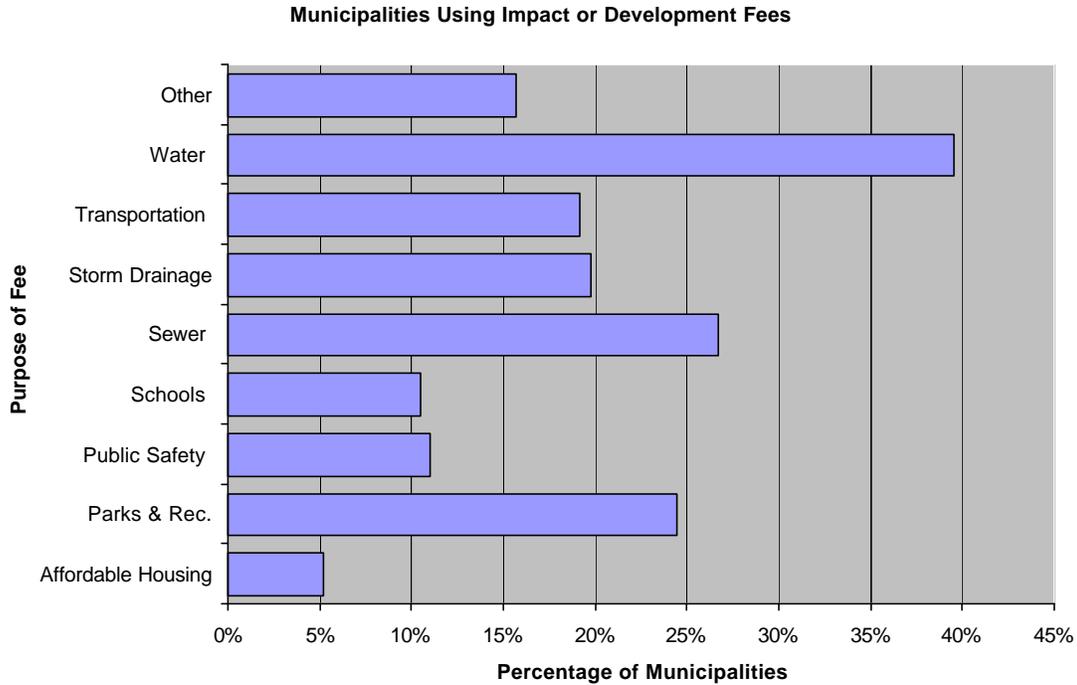
It is interesting to examine the same data against specific population categories:

Regulation	<2,000	2-5,000	5-10,000	>10,000
Zoning	65%	90%	100%	100%
Nuisance	66%	79%	95%	97%
Subdivision	53%	79%	95%	91%
Signs	48%	76%	95%	97%
Home occupation	47%	69%	95%	94%
Mobile home parks	49%	66%	100%	76%
PUD	43%	69%	100%	91%
Floodplain	40%	72%	100%	82%
Manufactured homes	34%	66%	85%	67%
Stormwater drainage	34%	69%	60%	82%
Extension water/sewer lines	33%	69%	75%	64%
Open space	31%	66%	75%	61%
Adult-oriented business	23%	41%	70%	97%

The 2004 figures are similar to the finding in the 1992 and 1983 surveys, where applicable (the 2004 survey covered many more topics and planning tools than the 1992 survey, which in turn covered more than the 1983 survey). The number of municipalities using zoning has remained fairly constant (hovering around 80% in all three surveys), and the number using subdivision regulations, for which state statutes do not specifically require municipal adoption, have increased from 59% in 1983, to 61% in 1992, to 68% in 2004. Likewise a steady increase in the use of planned unit development (PUD) regulations was observed, going from 48% in 1983, to 52% in 1992 and to 63% in 2004.

Impact Fees and Land Dedications

About half (49%) of Colorado’s municipalities have adopted an impact fee, but 73% have adopted an impact fee or a land dedication/fee in lieu of a dedication. The most commonly utilized impact fees were for water (40%), sewer (27%), parks & recreation (24%), storm drainage (20%) and transportation (19%) (see chart below). Land dedications, or fees in lieu of land dedications, were more commonly used for parks & recreation (44%) and schools (21%). This question was not asked in the 1983 or 1992 surveys.^{iv}



Population Category	# With At Least One Impact Fee Adopted	Adopted Fee OR Land Dedication/Fee in Lieu
<2,000 pop.	31%	58%
2,000-5,000 pop.	73%	89%
5,000-10,000 pop.	68%	91%
>10,000 pop.	68%	91%
Total	49%	73%

Intergovernmental Agreements

In the eleven years since the last DOLA survey, the use of intergovernmental agreements (IGAs) has become an increasingly popular planning tool, allowing 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. Whereas in 1992, only 25% of reporting municipalities had some form of a land use IGA in place, by 2004 that percentage had more than doubled to 57%.

Some general inferences can be made about the use of IGAs across the state based on the data submitted by the reporting municipalities.

According to the survey responses, IGAs are more likely to be utilized by urban municipalities, smaller municipalities abutting urban municipalities, and resort/mountain communities facing significant growth pressures.

Survey Year	Use of IGAs
1983	19%
1992	25%
2004	57%

Conclusions

Colorado municipalities 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 results of this survey show a higher percentage of large municipalities using a broader set of planning practices and regulations than smaller municipalities, largely because they are facing more and varied impacts from growth and development.

All of the large municipalities (over 10,000 population) in Colorado, and all but one of those having more than 5,000 in population, have adopted a comprehensive or master plan. Many municipalities with populations under 5,000 do not have a full-time staff person dedicated to land use planning. Despite this lack of professional support, a surprising number of smaller municipalities still manage to adopt plans and regulations to manage growth and development in their communities. This ability may be related to the increase in the use of contract planners.

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. The increase in the use of planning consultants will probably continue as small and medium size communities seek to develop and implement more sophisticated planning approaches on limited budgets. In short, Colorado municipalities have, and are utilizing, the appropriate tools for effective land use planning and growth management.

<p>The Office of Smart Growth and Colorado Municipal League wish to acknowledge the assistance of Carolynne White and Jason Crawford for their outstanding work on this survey.</p>

Endnotes

ⁱ Population categories were chosen to group communities of similar size and allow a comparative analysis. Population figures were taken from the State Demography Office's 2004 municipal population estimates (see Demography's website at <http://dola.colorado.gov/demog/Demog.cfm>). Those interested in a complete analysis of the data may access the data in Excel on the Office of Smart Growth website: www.dola.state.co.us/smartgrowth.

ⁱⁱ 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.

ⁱⁱⁱ 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. The statutes add four specific counties to the list. C.R.S. 31-23-206(4)(a) requires any municipality included in an eligible county (above) that has a population of 2,000 or more must also adopt a plan.

^{iv} An online version of the survey omitted the sewer impact fee and land dedication/fee in lieu of dedication questions. DOLA made efforts to resend those survey questions but the use of this type of fee may still be under-reported.