

Report to the Colorado General Assembly:

PARKS, RECREATION, AND ENVIRONMENT



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 145

November 1969

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The Legislative Council, which is composed of five Senators, six Representatives, and the presiding officers of the two houses, serves as a continuing research agency for the legislature through the maintenance of a trained staff. Between sessions, research activities are concentrated on the study of relatively broad problems formally proposed by legislators, and the publication and distribution of factual reports to aid in their solution.

During the sessions, the emphasis is on supplying legislators, on individual request, with personal memoranda, providing them with information needed to handle their own legislative problems. Reports and memoranda both give pertinent data in the form of facts, figures, arguments, and alternatives.

PARKS, RECREATION, AND ENVIRONMENT

**Legislative Council
Report To The
Colorado General Assembly**

**Research Publication No. 145
November, 1969**

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LEGISLATIVE COUNCIL

ROOM 46 STATE CAPITOL
DENVER, COLORADO 80203
892-2285
AREA CODE 303

November 18, 1969

To Members of the Forty-seventh Colorado General Assembly:

In accordance with the provisions of House Joint Resolution No. 1034, 1969 session, the Legislative Council submits the accompanying progress report relating to parks, recreation, and environment in Colorado.

The committee appointed by the Legislative Council to conduct the study reported its findings and recommendations to the Council on November 17, 1969. At that time the progress report was adopted by the Legislative Council for transmission to the Governor and the Second Regular Session of the Forty-seventh General Assembly.

Respectfully submitted,

/s/ Representative C. P. (Doc) Lamb
Chairman

CPL/mp

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LEGISLATIVE COUNCIL

ROOM 46 STATE CAPITOL
DENVER, COLORADO 80203
892-2285
AREA CODE 303

November 10, 1969

Representative C. P. (Doc) Lamb
Chairman
Colorado Legislative Council
Room 44, State Capitol
Denver, Colorado 80203

Dear Mr. Chairman:

Your Committee on Parks and Recreation herewith submits its progress report on parks and recreation and the financing thereof, and the problem of preserving a quality environment in the State of Colorado.

The committee requests that the Legislative Council give consideration to the committee recommendations that:

(1) The General Assembly appropriate \$3,000,000 for fiscal year 1970-71 for the acquisition and development of state park and recreation areas and in succeeding years that one percent of the total General Fund revenue be transferred to a "State Park Fund" to be used for further acquisition and development of recreational facilities;

(2) The Governor and the General Assembly consider state assistance to local communities for acquisition and development of recreational facilities;

(3) The State Planning Office be given a supplemental appropriation of \$100,000 to conduct a resource and environmental inventory of the state; and

(4) The General Assembly give serious consideration to land-use legislation similar to the Hawaii "Land Use Law".

Respectfully submitted,

/s/ Senator George Jackson
Chairman
Committee on Parks and
Recreation

GJ/mp

FOREWORD

Pursuant to H.J.R. No. 1034, 1969 Session, the Legislative Council appointed the following committee to conduct a study on the formulation and the financing of a long-range program of state parks and recreation, as well as the feasibility of maintaining Colorado's quality environment:

Senator George Jackson,	Rep. Dominic Coloroso
Chairman	Rep. Eldon Cooper
Rep. Ted Schubert,	Rep. Tom Dameron
Vice Chairman	Rep. George Fentress
Senator Wayne Denny	Rep. Vincent Grace
Senator Chet Enstrom	Rep. Earl Johnson
Senator J. D. MacFarlane	Rep. Harold Koster
Senator Allegra Saunders	Rep. Phil Massari
Senator Sam Taylor	Rep. Austin Moore
	Rep. Ralph Porter
	Rep. Carl Showalter
	Rep. Keith Singer

During the first year of the study, the Legislative Council's Committee on Parks and Recreation held five regular meetings. One of the meetings was devoted to a bus tour to observe land-use problems, including the Bear Creek Valley floodplains; the Denver Mountain Parks; fire hazard areas in the heavily forested portions of Jefferson County; and the unstable geological formations at Table Mesa near Golden. The committee concluded the trip with a dedication of Golden Gate Canyon State Park.

Members of the committee also participated in two aerial field trips -- one to explore existing and potential recreation sites along the Urban Front Range and another to look at the established and proposed areas on the Western Slope. The trip along the Front Range took the members to the Roxborough Area which the Parks Division lists as its number one priority for acquisition for a state park. Staff members of the Game, Fish and Parks Division who accompanied the legislators on the tour pointed out developmental needs in a number of existing recreation areas, as well as the sites the division hopes to obtain for future development. On the Western Slope tour, members were impressed with a local "greenbelt" project being undertaken by the city of Grand Junction and adjacent communities.

The committee received assistance from numerous individuals, groups, and state agencies during the first year of the two-year study. The committee would especially like to thank Senators John Bermingham and Joe Schieffelin for their interest in the work of the committee and their attendance at several of

its meetings. In addition, the committee would like to express its appreciation for the assistance rendered by the following individuals: Tom Ten Eyck, Executive Director, Department of Natural Resources; Harry Woodward, Director, and George O'Malley, Assistant Director for Parks, Division of Game, Fish and Parks; Bob Venuti, Chairman, Citizen's Park and Recreation Committee; Roger Hansen, Director, Rocky Mountain Center on Environment; Len Sweet, Regional Parks Association; Jim Miles, State Planning Office; John Rold, Director, State Geological Survey; the late Max Gardner, U. S. Geological Survey; Tom Borden, State Forester; Ronald Zelney, District Forester; Oscar Schmunk, Deputy Forester; Patrick J. Gallavan, Director, Denver Mountain Parks; Maurice Arnold, Bureau of Outdoor Recreation; Mrs. Ruth Wright, Boulder Greenbelt Project; Donald K. Gardner, National Recreation and Park Association; Ernest Romans, Legislative Chairman, Colorado Parks and Recreation Society; and Blake Chambliss, Club 20. Dave Morrissey, Principal Analyst of the Council staff, had the primary responsibility for the research connected with the committee's study, aided by Kay Cochran, Research Assistant.

November, 1969

Lyle C. Kyle
Director

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PARKS, RECREATION, AND ENVIRONMENT

In 1967, the General Assembly adopted S.J.R. No. 42 providing a study of the programs of the Game, Fish and Parks Division. Of paramount concern to the committee conducting the study was the need for upgrading Colorado's Park and Recreation program. In order to accelerate development of state recreation areas, the committee recognized that substantial monies would be needed. In addition to allocation of General Fund monies, various funding alternatives were suggested -- adoption of a comprehensive unclaimed property act, sale of Saline and Internal Improvement Lands, initiation of a revenue bond program, and utilization of Highway User Funds through designation of park roads as part of the state highway system. The funding recommendations of the committee were not implemented, and the General Assembly authorized a new study of recreation and environmental problems.

H.J.R. No. 1034, 1969 session, directs the committee to review: 1) formulation of a long-range program of state parks; 2) financing outdoor recreation; and 3) preserving the quality of environment in the state of Colorado with particular emphasis along the Urban Front Range. Fundamental to both a park program and the preservation of environment is land utilization. For this reason, the initial meetings of the committee were devoted, in part, to the problems and conflicts inherent in the competition for land resources.

Land-Use Problems

Floodplains

The committee found that in some instances the indiscriminate development of land not only places a burden on public finances, but also jeopardizes the safety and well being of people and property. In 1965, property damage caused by the June floods in the Denver Metropolitan Area exceeded \$325 Million.^{1/} In May of 1969, flood damage of the South Platte and tributaries was in excess of \$13 million.^{2/} A tour of floodplain sites by the committee provided members with an opportunity for a firsthand examination of adverse land use, as well as complimentary development of floodplains.

1/ In Response to a Flood, report by Denver Regional Council of Governments.

2/ Source: Army Corps of Engineers estimates reported to the Water Conservation Board.

William Whyte points out that:

By allowing developers to waterproof the floodplains, communities have been increasing the flood damage potential faster than the engineers can build dams to compensate. The public pays dearly, both in flood damage and in the cost of dams that otherwise would not have to be built. Just one shopping center and parking area built on a floodplain can create enough extra runoff to require the construction of anywhere from five hundred thousand dollars to a million dollars worth of flood control structures. The public pays the whole bill and retroactively provides a subsidy to developers for building where they shouldn't....^{3/}

In Colorado, for example, to minimize flood and storm drainage problems along Bear Creek and other floodplains of the Metropolitan Denver Area, two costly approaches are underway: 1) construction of Mt. Carbon and Chatfield Dams; and 2) S.B. No. 202, the "Urban Drainage and Flood Control Act", adopted by the General Assembly in 1969. Major dam and channelization projects for the Denver Area alone estimated by the Corps of Engineers is about \$190 million. The cost of implementation of S.B. No. 202 is unknown, but is likely to involve millions of dollars. More appropriate use of land could reduce similar costly expenditures in the future.

On an August 2, 1969 field trip, the Committee on Parks and Recreation observed land uses far more suitable for floodplains. Parks, gravel operations, grazing, and other open space activities along Bear Creek would suffer little economic loss in time of heavy runoff and actually could reduce the flood impact of areas downstream. That is, the open space use of floodplains tends to act as a "great sponge" by absorbing the runoff and slowing down the water flowing into the main tributaries. Application of such open space land uses to the floodplains, particularly in urbanizing areas, has another beneficial effect in that it contributes to the recreational and esthetic needs of the community.

Forest fires

At the August 2 meeting of the committee, Tom Borden, Colorado State Forester, expressed concern that urbanization of the forested foothills in Jefferson County is increasing the likelihood of a major fire disaster similar to the problems encountered

^{3/} Whyte, William H., The Last Landscape.

in California. Roughly ninety percent of all the forest land in Jefferson County is in private ownership. The threat to lives and property in such areas could be minimized by improved access roads and discouraging development of so-called "chimney areas" in which the fire danger is at the maximum.

Unstable Geological Formations

Max Gardner, United States Geological Survey, reported to the committee that a geological mapping of the Denver Metropolitan Area has been undertaken to pinpoint landslide sites. Intensive development of unstable geological formations needs to be avoided. Unfortunately, as the urban population increases along the foothills, pressure to utilize these lands for homesites and industry will increase. Mr. Gardner suggested that hillsides along the Front Range could be protected from erosion by adoption of a program similar to Boulder's Greenbelt. The community of Boulder has purchased land along the foothills to protect the scenic setting of the community. The community also is expanding its Greenbelt through floodplain zoning, scenic easements, and land dedication.

Conflicting Interests in Land Utilization

Senator John Bermingham carefully documented conflicts between various public needs and interests at an October meeting of the committee (see Appendix A). Specifically, a number of these conflicts involve a decision as to the selection of alternate land uses. For example, the Florissant Fossil Beds in Teller County were threatened by a proposed mountain subdivision. Another example of conflict in use of our natural resources involves the sand and gravel industry. The supply of sand and gravel in the Denver Area is rapidly being depleted through urban development. For example, the highest grade of sand and gravel deposits in the metropolitan area are found along Clear Creek. Originally some 330 million tons were available; over 200 million tons have been lost to urban encroachment. The total value of sand and gravel deposits lost in the Denver Metropolitan Area exceeds the entire assessed valuation of Jefferson County. Of the known remaining deposits of sand and gravel, approximately 100,000,000 tons are located in the water impoundment area of the Chatfield Dam.^{4/} Hopefully the major portion of this resource will be recovered.

^{4/} Strip Mining, Research Publication No. 121, Colorado Legislative Council.

Possible Approaches to Improved Procedures for Land Use

Natural and Man-made Resource Inventory. Senator John Bermingham urged the committee to consider a recommendation for the state to undertake an inventory of all the natural and man-made resources in the state -- unique geological formations, water and vegetation resources, historic and cultural sites, forest and mineral resources, archeological resources, wildlife, scenic areas, wilderness preserves, wetlands, etc. A similar program was completed in Wisconsin at minimal cost. The Wisconsin plan inventoried some 220 items. The inventory was conducted by local citizen groups familiar with environmental resources of their respective communities. Subsequently the information was furnished to the University of Wisconsin for compilation of the inventory and development of a natural resource map of the state.

Resource Management. Senator Bermingham's proposal for a natural resource inventory could provide an initial research tool for implementing a suggestion made at a June meeting of the committee by Tom Ten Eyck, Director of Natural Resources. He emphasized the need for the Governor and General Assembly to formulate policy for the development of the state's natural resources. "Mr. Ten Eyck expressed the view that resource management is not a local problem only but is of regional and statewide concern. Local governments use zoning as one tool in resource management, but the state does not. Perhaps the state should consider the possibility of statewide zoning in the area of resource management,"^{5/}

Land Use Commission. Senator Schieffelin requested the Governor and the committee to consider the establishment of a Colorado Land Use Commission patterned after the Hawaii Land Use Law. Hawaii was the first state to adopt legislation providing for statewide land use controls. The Hawaii act groups all lands into four major classes of use: urban, rural, agricultural, and conservation. Conservation lands include watersheds, parklands, scenic areas, beach reserves, wildlife areas, and other related preserves. Under the act, the Land Use Commission may designate districts for various classes of land use. The act clearly states that in the establishment of boundaries for agricultural districts, the greatest possible protection shall be given to those lands with a high capacity for intensive cultivation. A copy of the Hawaii legislation is contained in Appendix B.

One benefit of the application of statewide land use controls is that it tends to provide for the orderly growth of regions. At present, although zoning is a common practice of land

^{5/} Committee on Parks and Recreation, Colorado Legislative Council, "Minutes of Meeting", June 25, 1969, page 4.

control in most local communities in Colorado, competition for the tax dollar among these communities may limit the effectiveness of zoning programs. For instance, Boulder's Greenbelt program cannot be entirely successful without the cooperation of the communities of Louisville, Lafayette, Lyons, and Longmont, as well as Boulder County.

A progress report on the Hawaii Land Use Law indicates that the law has been beneficial in the protection of prime agricultural land, preservation of scenic and natural resources, more orderly growth of urban districts, and a reduction of so-called "leap frogging" practices or scatterization of low-density urban housing. Although the Park and Recreation Committee cannot hope to tackle all the problems of environment, including traffic congestion, air pollution, etc., it is clear that how a community utilizes its land resources has a significant impact on total environmental problems.

Floodplain Zoning. The problems posed by floodplains are so acute that some legislators are emphasizing the need of floodplain zoning for the state as a whole. Sections 106-2-2 and 106-2-10, C.R.S. 1963 (1967 Supp.), respectively, authorize county planning commissions and the development of zoning plans applicable to meet the needs of floodplains. According to the State Planning Office, Adams, Boulder, and Denver counties have been active in developing land-use plans for storm drainage areas for some time. Four other counties are in the initial stages of such planning and zoning -- Arapahoe, El Paso, Jefferson, and Pueblo.

Parks and Recreation

State Park Expenditures -- Western States

Table I contains an inventory of expenditures of state park agencies of eleven Rocky Mountain and Pacific Coast states. These eleven states were selected for comparison because all have large federal land holdings and mountainous terrain. For 1967, Colorado ranks eighth (\$.60 per person) among the eleven Western states in per capita expenditures for respective state programs. California was the leader, with a per capita expenditure of \$3.41, Oregon was next (\$2.91), followed by Utah (\$1.85). State park agencies spending less on recreation than Colorado in 1967 included Arizona (\$.24), Wyoming (\$.38), and New Mexico (\$.55). Four state park agencies reported grants for local programs -- California, \$13,756,189; Idaho, \$71,466; Nevada, \$85,790; and Arizona, \$27,000 -- as part of their overall recreation expenditures.

Table I

1967 STATE EXPENDITURES FOR PARKS AND RECREATION IN
PACIFIC AND ROCKY MOUNTAIN STATES*

<u>State & Population</u>	<u>Operation & Maintenance</u>	<u>Land Acquisition</u>	<u>Capital Improvements</u>	<u>Grants to Local Agencies</u>	<u>Total Expenditures</u>	<u>Per Capita Expenditures</u>
California 19,163,000	\$15,918,319	\$23,154,585	\$12,570,557	\$13,756,189	\$65,399,650	\$3.41
Oregon 1,999,000	2,796,376	679,179	2,336,206	---	5,811,761	2.91
Utah 1,022,000	206,000	755,166	932,291	---	1,894,447	1.85
Washington 3,089,000	2,954,493	886,626	720,829	---	4,561,948	1.48
Idaho 699,000	388,624	---	488,628	71,466	948,718	1.36
Nevada 444,000	170,732	2,100	83,762	85,791	342,385	.77
Montana 701,000	255,906	---	172,072	---	427,978	.61
Colorado 1,975,000	538,442	96,670	545,882	---	1,180,994	.60
New Mexico 1,003,000	480,716	---	70,537	---	551,253	.55
Wyoming 315,000	56,258	---	63,878	---	120,136	.38
Arizona 1,635,000	210,717	---	155,783	27,000	393,455	.24

*Source: 1967 State Park Statistics, National Conference of State Parks, National Recreation and Park Association

Colorado Effort

In the past, Colorado's effort, particularly General Fund effort, for park development has been limited. For the last five years, fiscal 1964-65 through 1968-69, less than one million dollars has been made available in General Funds (see Table II). In contrast, the 1970-71 budget request for park acquisition and development expenditures amounts to:

Land acquisition	\$3,091,500
Development	<u>2,642,380</u>
Total	\$5,733,880

The division's ten-year plan calls for a total of over \$14,000,000 for acquisition and about \$18,000,000 for capital construction -- a total of \$32,000,000. As the state expands its park and recreation facilities, operation and maintenance of these facilities will become a major financial burden. If the division's request for acquisition and development is met in the next ten years, another \$39 million will be needed for operation and maintenance.

The Game, Fish and Parks Division is not the only state agency involved in park development. The Department of Highways is constructing so-called "safety rest areas" or wayside parks. The development program is funded from federal monies and is an integral part of the Interstate highway system. In the last two years (1967-1968), about \$200,000 has been spent on development of rest areas and \$520,000 for maintenance and operation.

Review of the Cherry Creek Reservoir program may be helpful in placing capital construction expenditures for park and recreation in perspective. Basically, Cherry Creek is a high-use area, offering complete water recreation including swimming, boating, water skiing, and fishing. Related facilities for sanitation, drinking water, trailers and campers, tent camping, picnicking and other activities have also been constructed. This area is about 30 percent developed. Total construction costs to date amount to \$918,000 and total costs at completion (next ten years) will approach \$3,000,000. Again, this does not include any money for land acquisition. In other words, if Colorado's program for parks and recreation were limited to the construction or development of five major areas, comparable to Cherry Creek, the cost of these five areas would amount to \$15 million or one-half the cost of the ten-year plan proposed by the division. This figure is for development alone and does not include land acquisition or maintenance and operation expenditures. Thus, regardless of the direction that the state takes in the field of recreation, program costs are going to be expensive.

Table II

GENERAL FUND MONIES AND PARK CASH FUND MONIES
APPROPRIATED FOR PARKS DEVELOPMENT

<u>Year</u>	<u>General Fund</u>	<u>Parks Cash Fund</u> ¹	<u>Total</u>
63-64	\$ -0-	\$ -0-	\$ -0-
64-65	-0-	132,000	132,000
65-66	350,000	275,250	625,250
66-67	212,697	1,104,713 ²	1,317,410
67-68	174,449	791,551	966,000
68-69	<u>216,850</u>	<u>370,650</u>	<u>587,500</u>
TOTALS	\$953,996	\$2,674,164	\$3,628,160

¹ Federal Land and Water Fund monies are included in the Parks Cash Fund totals.

² Development funds for 1966-1967 were over appropriated. The Division over estimated income from user fees and other sources and actual expenditures amounted to \$910,688, a difference of \$406,722.

Colorado State Park Policy and Program Direction

House Bill No. 1038, 1969 Session, contains a policy statement of the General Assembly as to the type of park and recreation activities in which the state of Colorado is to participate. Section 62-1-2 of the bill states:

(1) It is hereby declared to be the policy of the state of Colorado that the fish and wildlife and their environment, and the natural, scenic, scientific, and outdoor recreation areas of this state are to be protected, preserved, enhanced, and managed, for the use, benefit, and enjoyment of the people of this state and visitors to this state. It is further declared to be the policy of this state that there shall be provided a comprehensive program of outdoor recreation in order to offer the greatest possible variety of outdoor recreation opportunity to the people of this state and its visitors, and that to carry out such program and policy there shall be a continuous operation of planning, acquisition, and development of outdoor recreation lands, waters, and facilities.

(2) (a) In implementing the policy set forth in subsection (1) of this section, the state shall:

(b) Attempt to develop state parks and natural environment recreation areas suitable for such recreational activities as camping, picnicking, hiking, horseback riding, sight-seeing, fishing, and water sports, other than swimming;

(c) Advise the citizens of this state and visitors of the location of state parks and recreation areas through the distribution of maps and the use of other appropriate informational devices;

(d) Not be responsible for development of neighborhood parks or recreation areas that are mainly designed to provide facilities for team or individual sports;

(e) Not charge a fee, or require a permit, for the use of any state park or natural environment recreation area, unless continual supervision and maintenance is required or unless certain facilities, as determined by the commission, are maintained at any such area.

The proposals of the division for a parks program and for land acquisition and capital construction follow this guideline. In essence, this policy appears to preclude the state's involvement in urban, high density recreation or even grants-in-aid to foster city-oriented recreation.

Local Demand. Information supplied by the Division of Game, Fish and Parks indicates considerable interest on the part of local governments for matching monies for recreation facilities. For every dollar of federal Land and Water Conservation monies made available to Colorado communities, local governments are asking from four to five dollars. This pattern has been evident for the last five years. For fiscal 1969, \$600,000 in federal monies was allocated for cities, towns and special districts. The federal government is expected to make a little over one million dollars available for local parks activities in 1970-71.

Demands for Alternative Programs. The committee recognizes that a number of alternatives exist for every proposal for a state park system. For instance, testimony was given to the committee on the need for development of "open space corridors" to serve the expanding population of the Front Range. Such a proposal not only would call for park development but implementing a variety of land use controls for open space purposes: 1) scenic easements could be purchased along the highways; 2) conservation easements could be obtained to protect land for agricultural purposes and prevent urban development; 3) property tax deferrals or reductions could be made for land utilization conforming to open space needs; and 4) zoning of floodplains and other hazard areas could minimize problems associated with flooding and soil erosion. In essence, requests for open space programs involve more than traditional park activities and could have a greater impact on total problems of environment.

The Midwest Research Institute developed a comprehensive plan for outdoor recreation for Colorado. Their recommendations for an action program listed, in part, the following recreation needs:

Development of facilities needed in urban areas. Most people have only a few hours available for leisure on a daily basis. Because their time is limited, facilities that offer the greatest number of opportunities to these people should be developed first. Examples of such facilities are: swimming pools or beaches, playgrounds, picnic grounds, tennis courts, golf courses, and ice skating rinks.

Development of recreation centers for the handicapped. There is an urgent need for parks, playgrounds, gardens, and other facilities that are specifically designed for people

who are blind, or physically or mentally handicapped, and for disadvantaged children. One specialized facility should be developed for every 100,000 persons in an urban area.

Development of leisure-time centers. In order to maintain Colorado scenery and to provide year-round facilities, the development of large recreation centers with a variety of facilities, such as Aspen, Estes Park, Vail, and Manitou Springs, should be encouraged. The development of single establishments should be discouraged. Zoning and environmental control for recreation at county and regional levels should be encouraged.^{6/}

The committee recognizes that demands for recreation exist in all sectors of the community. Persons living in disadvantaged areas may not have the resources or transportation available to take advantage of state facilities substantial distances from their neighborhoods. Lack of time may also prevent urban families from participating in rurally located recreation, except on weekends. On the other hand, federal camping facilities are often taxed beyond capacity in the summer months. Despite surveys by the Midwest Research Institute which indicate that Colorado ski areas are expected to have idle capacity until the year 2,000, there are substantial waiting lines at many of these areas on weekends.

Implementation of State Policy. Needless to say, the scope of demands for outdoor recreation and preserving the quality of environment goes far beyond present state policy as outlined in House Bill No. 1038. The committee recognizes that a comprehensive program to at least partially meet those needs can only be accomplished through the cooperation and resources of federal, state, and local governments and private industry. Nevertheless, the policy outlined in House Bill No. 1038 provides a starting point for a state park program. If this is not the intention of the General Assembly, or if the majority of Senators and Representatives believe that the emphasis of a state program of outdoor recreation should be placed elsewhere, then legislation should be introduced to revise this policy. But, until the time the General Assembly directs a new state policy, the committee supports implementation of the aforementioned policy outlined in the House Bill No. 1038, 1969 Session.

^{6/} Midwest Research Institute, Colorado Outdoor Recreation Comprehensive Plan, Vol. 4, pages 79 and 80.

Committee Recommendations

It is the consensus of this committee that the people of Colorado have a right to a quality environment, as manifested by clean air and water, an esthetically pleasing landscape, freedom from noise, and adequate open spaces. The natural resources -- air, water, forests, minerals, grasslands, streams, rivers, parklands, scenic areas, fish and wildlife -- should be protected, enhanced, and developed in a manner consistent with maintaining a quality environment for the full benefit, use, and enjoyment of Colorado's citizens and visitors. The Governor and General Assembly should foster and promote measures necessary to prevent or effectively reduce adverse effects on the quality of the state's environment. Appropriate action must be initiated to create public awareness and understanding of Colorado's natural resources and the forces affecting them. Public support is needed to foster and maintain conditions under which man and nature can exist in productive harmony, and to fulfill the social, cultural, inspirational, and economic requirements of present and future generations of Coloradoans.

The state of Colorado has initiated this policy in regard to outdoor recreation by undertaking a system of state park and recreation areas. The committee recommends accelerated development of the state park system, with highest priority assigned to those areas serving the densely urbanized portions of Colorado. The committee recommends that adequate funds be provided to develop each designated state park and recreation area to a first class level. Future needs for state park and recreation areas should be met through a master plan which provides for land acquisitions and phased development of individual areas. On three separate occasions various committee members made aerial and ground surveys of the existing state park programs and potential recreation sites. Participants in these field trips have been impressed with the sites which are available for acquisition and development as part of the state park program.

Financing Colorado Park and Recreation Activities

The state of Colorado cannot have a first class program of state or local parks without the expenditure of substantial sums of money. Total development costs for the Cherry Creek Recreation Area alone will exceed \$3 million, for example. In attempting to wrestle with this problem, the following observations, conclusions, and recommendations were drawn by the committee.

Funding the State Park Program. Both the executive and legislative budget recommendations submitted to the General Assembly in the past few years have provided only a fractional or finite allocation of the state's resources for parks and recreation. In actual practice this has preempted the full membership of the

General Assembly from an opportunity to make a clear-cut decision as to the proportion, if any, of the state's resources that should be allocated for parks and recreation. Procedures need to be developed whereby all the members of the General Assembly are given an opportunity to participate in the determination of the percentage of state funds to be allocated for parks and recreation.

In order for the state of Colorado to take a major step forward in the development of a state park and recreation program, the committee recommends that the General Assembly appropriate \$3,000,000 for expenditure in fiscal year 1970-71 for the acquisition and development of state park and recreation areas. In succeeding years, the committee recommends that one percent of the total General Fund revenue be transferred to a "State Park Fund" to be used for further acquisition and development of outdoor recreation facilities. The committee believes that as the total income of the state grows, so should the amount of revenue available for park and recreation programs. Precedence for transferring a percentage of General Fund monies has already been established with the creation of the Capital Construction Fund. Section 3-3-16, C.R.S. 1963, provides that five percent of all General Fund revenues shall be set aside and transferred to the Capital Construction Fund.

Assistance to Local Governments. As previously mentioned, recreational opportunities and needs differ not only among individuals but according to various categories of persons -- children, teenagers, senior citizens, handicapped, the affluent, and the poor. The committee believes that local communities are in the best position to recognize and fulfill these specific neighborhood recreational needs. Unfortunately, local resources may not be sufficient to enable cities, towns, or counties to provide such recreational opportunities. Federal funds apportioned through the "Land and Water Conservation Act" and the "Model Cities" program have provided impetus to development of local recreation areas. However, the amount of federal matching funds available to Colorado communities is insufficient to meet local demands. Furthermore, even with federal matching funds, some communities lack the resources for development of recreational sites. The committee believes that utilization of state monies to fill the void that now exists in the acquisition and development of community park facilities would yield a substantial return in recreational opportunities for each dollar of state effort.

The committee recognizes that there are certain constitutional roadblocks to the implementation of state aid for development of local park and recreation facilities. However, if Senate Concurrent Resolution No. 6, 1969 Session, is approved by the voters at the General Election in 1970, legislation could be enacted to give direct financial aid to local communities. Even under the existing constitutional framework, however, it may be

possible for the state to participate in a cooperative recreation program with local communities. For instance, state grants to community mental health clinics are based on a purchase of services concept. Similarly, if a proposed local park met the criteria established by the General Assembly as meeting state recreational needs, perhaps a cooperative agreement could be reached in which the state would provide a given level of funding for the facility. In any event, the committee recommends that the Governor and the General Assembly give consideration to state assistance to local communities to enhance recreational opportunities in Colorado.

Proposals to Meet Environmental Conflicts

Inventory of Resources. The committee recommends that the State Planning Office be charged with compilation of a resource and environmental inventory to be completed by September 30, 1970. The committee believes that such an inventory could be developed by utilizing as much as possible the existing resources of federal, state, and local government agencies, particularly the colleges and universities, as well as the expertise of individuals and organizations in the private sector of the economy. In general, environmental information -- water resources (dams, wild rivers, water falls), topographical conditions (unique geological formations), vegetation (orchards, reforestation projects, national forests), etc. -- could be funneled to the Planning Office. For instance, the Game, Fish and Parks Division could provide data on wildlife, while the Historical Society would be a ready source of information on historic and cultural sites. Once the initial data is collected, the Planning Office would compile the information on maps, texts, or other forms in order that the survey could be made available to the public at nominal cost.

An inventory of existing, proposed, or potential activities of governmental agencies or private individuals, which could have a deteriorating effect on Colorado's environment, also could be included in the survey. Major proposals for highway construction, the mining of shale oil, data on strip mining, or other new industries affecting the state's air, land, and water resources would be essential to future analysis of environmental problems.

The committee believes that adequate authority exists for the state to initiate a survey of the environment without the need for additional legislation. Section 106-3-6, C.R.S. 1963 (1967 Supp.), provides sufficient authority to the Planning Office to prepare background information, such as an environmental inventory, for use in the state plan. To compile this inventory, however, the committee believes that a supplemental appropriation needs to be made to the State Planning Office of \$100,000 to assist the Planning Office in preparation of maps or texts or to contract services with other public or private agencies and individuals.

Land-Use Commission. In order for the state of Colorado to protect and maximize its natural resources, the committee recommends that the General Assembly give serious consideration to the establishment of land-use legislation similar to the Hawaii "Land Use Law" contained in Appendix B. Specifically, a commission or other authority could be charged with the establishment of districts for zoning the entire state into four classifications: (1) urban, (2) rural, (3) agricultural, and (4) conservation. Water sheds, floodplains, unstable geological or hazard areas, forest lands, scenic areas, etc., could be included in conservation districts. Areas of intense cultivation or grazing might be set aside in agricultural zones. Finally, areas of limited population pressure would be classified as rural, while heavy concentrations of populations could be designated as urban.

One vital function of a land-use commission might be statewide floodplain zoning. The adverse use of floodplains, particularly in the Denver Metropolitan Area, has contributed to an unnecessary loss of property and to an inordinate expense for flood control programs. The committee believes that effective land-use controls could reduce this burden to the state's economy in the future. Since only a handful of counties are engaged in active programs of floodplain zoning, and many communities simply do not have the technical capacity to implement zoning programs, perhaps a land-use commission could be given legislative authority to establish statewide land-use standards for floodplains. The land-use commission could be empowered to enforce these standards in counties which have not implemented land-use controls, but existing local programs would not be affected unless the local regulations did not meet the minimum state criteria.

APPENDIX A

Prepared by
Senator John Bermingham

PUBLIC INTERESTS THREATENED BY PUBLIC NEEDS

<u>Public Needs</u>	<u>Features Threatened</u>	<u>Threats to Public Interests</u>
Adequate national defense	Adams County	Rocky Mountain disposal well has polluted many water wells in Adams County and safety of public is threatened by poisonous gas activities
Adequate national defense	Dow Chemical plant at Rocky Flats	Public is concerned about safety from radioactive hazards
Adequate food supplies	Miscellaneous feed lot locations and rendering plants	Water and air pollution and sanitation problems
Adequate food supplies	Miscellaneous locations	Pesticides threaten ecological balance of nature throughout the world
Adequate water supplies	Front Range	Extremely expensive and highly complicated trans-mountain diversion projects will be required but will be upsetting for west slope streams and communities
Adequate electric power supplies (Front range power demands will probably increase four fold between 1970 and the year 2000 and power generating capacity as well as high voltage transmission network must be expanded accordingly.)	Miscellaneous locations	Transmission lines interfere with other uses of rights of way
Adequate electric power	Areas adjacent to nuclear plants	By-products of nuclear plants include pollution and some radioactive wastes

Public Needs

Adequate electric power supplies

Adequate electric power supplies

Adequate supplies of natural gas, oil, etc.

Adequate supplies of natural gas, oil, etc.

Adequate highway system

Adequate access to West Slope from Denver for doubled Denver area population by 1990.

Adequate interstate highway system

Adequate airport system

Adequate housing

Mountain homes

Features Threatened

Areas adjacent to coal fired plants

Miscellaneous mountain areas

"Rulison" and other fields

"Rulison" and other fields

Miscellaneous locations

Indian Peaks area

Glenwood Canyon

Aurora, East Denver and miscellaneous locations

Miscellaneous locations

Florissant Fossil Beds

Threats to Public Interests

Emissions of fly ash from coal fired plants create air pollution problems

Supplies of natural gas for power generation are insufficient without additional and successful "Rulison" tests

Nuclear shots are objectionable to many persons and unsettling to their peace of mind.

Nuclear tests create long term hazards of earthquake stimulation, subsidence in chimney areas, and possible health hazards from radiation leaks

Any major highway today is highly disturbing to the area in which it is placed

Natural environment threatened by Boulder-Granby turnpike

I-70 four lane highway construction threatens to destroy natural beauty of Glenwood Canyon

Areas threatened by noise and accidents

Concentration of new homes threatened by mud slides and flooding

Permanent loss of rich scientific fossil beds was threatened by mountain subdivision developments

<u>Public Needs</u>	<u>Features Threatened</u>	<u>Threats to Public Interests</u>
Mountain homes	Grand Lake and other mountain areas	Pollution of lakes and streams occurring due to lack of adequate septic tank regulations for mountain developments
Adequate recreation for growing public: Ski areas Mountain homes Hunting parties Snow-mobiles Motorcycles Dune-buggies Jeeps Etc.	Mountain areas	Many recreational activities conflict with each other and purists within the conservation movement protest that any development disturbing pristine nature is undesirable
Adequate economic growth to match population growth	Front Range	Location of dams, factories, housing, schools, subdivisions, etc. threaten to create additional problems for the public as well as additional taxes
Wood Products	San Luis Valley	Proposed plant at Alamosa may result in both air and water pollution in San Luis Valley
Wood Products	Forests near Vail	Proposed timber operation threatens to upset drainage and natural forestation in valuable forest area
Miscellaneous minerals	Miscellaneous streams	Tailings have created water pollution problems at Telluride and elsewhere
High quality iron ore	Aspen water supply and Ashcroft scenery	Proposed mining activity at Ashcroft will cause deterioration of Aspen's water supply and a settling pond will scar the mountains at Ashcroft
Limestone for sugar beet processing and other uses	Glenwood Canyon	Quarries for limestone and other minerals threaten to destroy natural beauty of canyon

Public Needs

Features Threatened

Threats to Public Interests

Highway construction materials

Mountains above Colorado Springs

Strip mining left objectionable scar

Oil shale development

Mountains in the Rifle area

Development will put a severe strain on water supplies which in turn is already causing a threat to the Flat Tops area

Oil shale development

Mountains in the Rifle area

Current development techniques indicate a probability that the mountains will have to be torn down and pushed into valleys in order to obtain the oil shale; this will be accompanied by both air and water pollution problems

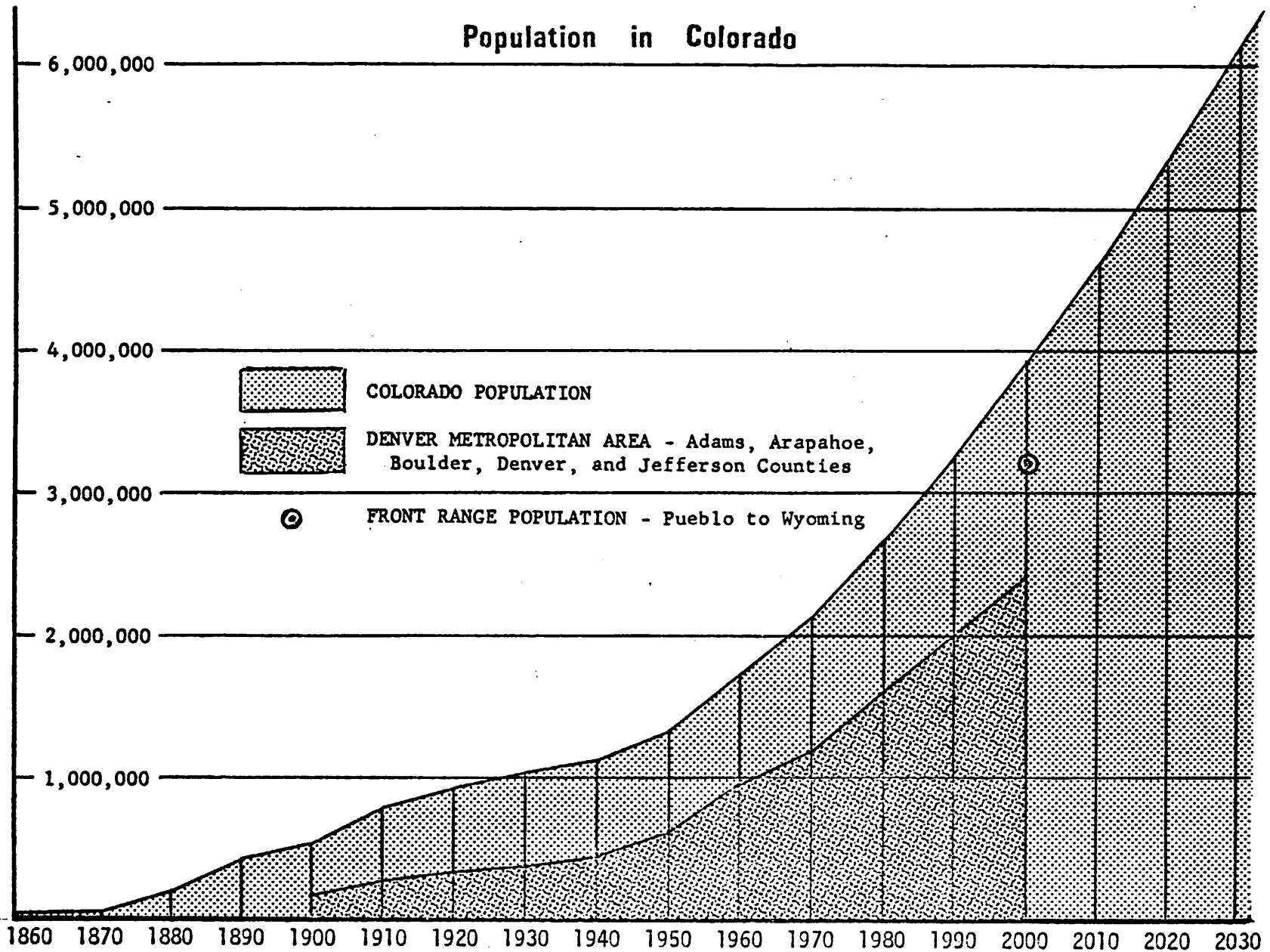
Weather modification

Colorado's clear blue skies

Everyone will want to get in on this one!

Sen. John R. Bermingham
October 2, 1969

Population in Colorado



Colorado population figures prepared by State Budget Office
 Denver Metropolitan Area figures prepared by Denver Regional Council of Governments
 Front Range population, 2000, estimated by U.S. Dept. of Housing and Urban Development

J.R.B.
 9/30/69

APPENDIX B

Hawaii Revised Statutes Vol. 3

HAWAII LAND USE COMMISSION

Historical note, prior law: L 1961, c 187.

SECTION

- 205-1 ESTABLISHMENT OF THE COMMISSION
- 205-2 DISTRICTING AND CLASSIFICATION OF LANDS
- 205-3 ADOPTION OF DISTRICT BOUNDARIES
- 205-4 AMENDMENTS TO DISTRICT BOUNDARIES
- 205-5 ZONING
- 205-6 SPECIAL PERMIT
- 205-7 ADOPTION OF REGULATIONS
- 205-8 NONCONFORMING USES
- 205-9 AMENDMENTS TO REGULATIONS
- 205-10 USE OF FIELD OFFICERS
- 205-11 PERIODIC REVIEW OF DISTRICTS
- 205-12 ENFORCEMENT
- 205-13 PENALTY FOR VIOLATION
- 205-14 ADJUSTMENTS OF ASSESSING PRACTICES
- 205-15 CONFLICT

§ 205-1 Establishment of the commission. There shall be a state land use commission, hereinafter called the commission. The commission shall consist of seven members who shall hold no other public office and shall be appointed in the manner and serve for the term set forth in section 26-34. One member shall be appointed from each of the senatorial districts and one shall be appointed at large. The chairman of the board of land and natural resources and the director of the department of planning and economic development shall serve as ex officio voting members. The commission shall elect its chairman from one of its appointed members. The members shall receive no compensation for their services on the commission, but shall be reimbursed for actual expenses incurred in the performance of their duties.

The commission shall be a part of the department of planning and economic development for administration purposes, as provided for in section 26-35.

The commission may engage employees necessary to perform its duties, including administrative personnel and one or more field officers. One field officer shall be named as the executive officer of the commission. Field officers shall be persons qualified in land use analysis. Departments of the state government shall make available to the commission such data, facilities, and personnel as are necessary for it to perform its technical duties. The commission may receive and utilize gifts and any funds from the federal or other governmental agencies. It shall adopt rules guiding its conduct, maintain a record of its activities, accomplishments, and recommendations to the governor and to the legislature through the governor. [L 1963, c 205, pt of §2; Supp, §98H-1]

Cross References

Commission placed in department of planning and economic development, see §26-18.
Commissions, generally, see §26-34 and notes following.
Legislative findings and purpose, see L 1961, c 187, §1 and L 1963, c 205, §1.

§205-2 Districting and classification of lands. There shall be four major land use districts in which all lands in the State shall be placed: urban, rural, agricultural, and conservation. The land use commission shall group contiguous land areas suitable for inclusion in one of these four major districts. The commission shall set standards for determining the boundaries of each district, provided that:

- (1) In the establishment of boundaries of urban districts those lands that are now in urban use and a sufficient reserve area for foreseeable urban growth shall be included;
- (2) In the establishment of boundaries for rural districts, areas of land composed primarily of small farms mixed with very low density residential lots, which may be shown by a minimum density of not more than one house per one-half acre and a minimum lot size of not less than one-half acre shall be included;
- (3) In the establishment of the boundaries of agricultural districts the greatest possible protection shall be given to those lands with a high capacity for intensive cultivation; and
- (4) In the establishment of the boundaries of conservation districts, the "forest and water reserve zones" provided in section 183-41 are renamed "conservation districts" and, effective as of July 11, 1961, the boundaries of the forest and water reserve zones theretofore established pursuant to section 183-41, shall constitute the boundaries of the conservation districts; provided that thereafter the power to determine the boundaries of the conservation districts shall be in the commission.

In establishing the boundaries of the districts in each county, the commission shall give consideration to the master plan or general plan of the county.

Urban districts shall include activities or uses as provided by ordinances or regulations of the county within which the urban district is situated.

Rural districts shall include activities or uses as characterized by low density residential lots of not more than one dwelling house per one-half acre in areas where "city-like" concentration of people, structures, streets, and urban level of services are absent, and where small farms are intermixed with the low density residential lots. These districts may include contiguous areas which are not suited to low density residential lots or small farms by reason of topography, soils, and other related characteristics.

Agricultural districts shall include activities or uses as characterized by the cultivation of crops, orchards, forage, and forestry; farming activities or uses related to animal husbandry, and game and fish propagation; services and uses accessory to the above activities including but not limited to living quarters or dwellings, mills, storage facilities, processing facilities, and roadside stands for the sale of products grown on the premises; and open area recreational facilities.

These districts may include areas which are not used for, or which are not suited to, agricultural and ancillary activities by reason of topography, soils, and other related characteristics.

Conservation districts shall include areas necessary for protecting watersheds and water sources; preserving scenic areas; providing park

lands, wilderness, and beach reserves; conserving endemic plants, fish, and wildlife; preventing floods and soil erosion; forestry; and other related activities; and other permitted uses not detrimental to a multiple use conservation concept. [L 1963, c 205, pt of §2: Supp. §98H-2]

Cross References

Districts, generally, see chapter 4.

Attorney General Opinions

Uses within agricultural districts. Att. Gen. Op. 62-33, 62-38.

§205-3 Adoption of district boundaries. The land use commission shall prepare district classification maps not later than January 1, 1964 showing all the proposed boundaries of conservation, agricultural, rural, and urban districts. At least one public hearing shall be held in each county prior to the final adoption of the district boundaries for that county. Notice of the time and place of the hearing shall be published in the same manner as notices required for public hearings by the planning commission of the appropriate county. If there is no planning commission, then the notice shall be published at least twenty days prior to the hearing in a newspaper of general circulation within the county. The notice shall indicate the time and place that the maps showing the proposed district boundaries within the county may be inspected prior to the hearing.

At the hearing, interested owners, lessees, officials, agencies, and individuals may appear and be heard. They shall further be allowed at least fifteen days following the final public hearing held in the county to file with the commission a written protest or other comments or recommendations. The district boundaries within a county shall be adopted in final form within a period of not more than ninety days and not less than forty-five days from the time of the last hearing in the county; provided that district boundaries for all counties shall be adopted in final form no sooner than May 1, 1964, nor later than July 1, 1964. The county concerned shall be furnished with copies of any written protest, comment, or recommendation. The commission shall prepare and furnish each county with copies of classification maps for that county showing the district boundaries adopted in final form. [L 1963, c 205, pt of §2: Supp. §98H-3]

§205-4 Amendments to district boundaries. Any department or agency of the State or county, or any property owner or lessee may petition the land use commission for a change in the boundary of any district. Within five days of receipt, the commission shall forward a copy of the petition to the planning commission of the county wherein the land is located. Within forty-five days after receipt of the petition by the county, the county planning commission shall forward the petition, together with its comments and recommendations, to the commission. Upon written request by the county planning commission, the commission may grant an extension of not more than fifteen days for the receipt of any comments and recommendations. The commission may also initiate changes in a district boundary which shall be submitted to the appropriate county planning agency for comments and recommendations in the same manner as any other request for a boundary change.

After sixty days but within one hundred and twenty days of the original receipt of a petition, the commission shall advertise a public hearing to be held on the appropriate island in accordance with the requirements of section 205-3. The commission shall notify the persons and agencies that may have an interest in the subject matter of the time and place of the hearing. Within a period of not more than ninety days and not less than forty-five days after the hearing, the commission shall act upon the petition for change. The commission may approve the change with six affirmative votes. No change shall be approved unless the petitioner has submitted proof that the area is needed for a use other than that for which the district in which it is situated is classified, and either of the following requirements has been fulfilled:

- (1) The petitioner has submitted proof that the land is usable and adaptable for the use it is proposed to be classified, or
- (2) Conditions and trends of development have so changed since the adoption of the present classification, that the proposed classification is reasonable. [L 1963, c 205, pt of §2; am L 1965, c 32, §2; Supp. §98H-4]

§205-5 Zoning. (a) Except as herein provided, the powers granted to counties under section 46-4 shall govern the zoning within the districts, other than in conservation districts. Conservation districts shall be governed by the department of land and natural resources pursuant to section 183-41.

(b) Within agricultural districts, uses compatible to the activities described in section 205-2 as determined by the land use commission shall be permitted. Other uses may be allowed by special permits issued pursuant to this chapter. The county standards for agricultural subdivision existing as of May 1, 1963, shall constitute the minimum lot size of agricultural districts within the respective counties.

(c) Unless authorized by special permit issued pursuant to this chapter, only the following uses shall be permitted within rural districts:

- (1) Low density residential uses;
- (2) Agricultural uses; and
- (3) Public, quasi-public, and public utility facilities.

In addition, the minimum lot size for any low density residential use shall be one-half acre and there shall be but one dwelling house per one-half acre. [L 1963, c 205, pt of §2; Supp. §98H-5]

Attorney General Opinions

Minimum lots size in agricultural districts. Att. Gen. Op. 62-33.

§205-6 Special permit. The county planning commission and the zoning board of appeals of the city and county of Honolulu may permit certain unusual and reasonable uses within agricultural and rural districts other than those for which the district is classified. Any person who desires to use his land within an agricultural or rural district other than for an agricultural or rural use, as the case may be, may petition the planning commission of the county within which his land is located or the zoning board of appeals in the case of the city and county of Honolulu for permission to use his land in the manner desired.

The planning commission, or the zoning board of appeals as the case may be, shall conduct a hearing within a period of not less than thirty nor more than one hundred twenty days from the receipt of the petition. The planning commission or the zoning board of appeals shall notify the land use commission and such persons and agencies that may have an interest in the subject matter of the time and place of the hearing.

The planning commission or zoning board of appeals may, under such protective restrictions as may be deemed necessary, permit the desired use, but only when the use would promote the effectiveness and objectives of this chapter. The planning commission or the zoning board of appeals shall act on the petition not earlier than fifteen days after the public hearing. A decision in favor of the applicant shall require a majority vote of the total membership of the planning commission or of the zoning board of appeals, which shall be subject to the approval of the land use commission. A copy of the decision together with the findings shall be transmitted to the commission within ten days after the decision is rendered. Within forty-five days after receipt of the county agency's decision, the commission shall act to approve or deny. A denial either by the county agency or by the commission, as the case may be, of the desired use shall be appealable to the circuit court of the circuit in which the land is situated and shall be made pursuant to the Hawaii Rules of Civil Procedure. [L 1963, c 205, pt of §2; Supp, §98H-6]

Attorney General Opinions

Special permits cannot be granted to authorize uses which have effect of making boundary change or creating new district. Att. Gen. Op. 63-37.

§205-7 Adoption of regulations. The land use commission shall prepare regulations relating to matters within its jurisdiction. At least one public hearing shall be held in each county in the manner provided in section 205-3 prior to the final adoption of its regulations. The final regulations for the State shall be adopted within a period of not more than ninety and not less than forty-five days from the time of the final hearing in the State provided that its regulations shall be adopted not later than July 1, 1964. [L 1963, c 205, pt of §2; Supp, §98H-7]

Cross References

Administrative procedure, see chapter 91.

§205-8 Nonconforming uses. The lawful use of land or buildings existing on the date of establishment of any interim agricultural district and rural district in final form may be continued although the use, including lot size, does not conform to this chapter; provided that no nonconforming building shall be replaced, reconstructed, or enlarged or changed to another nonconforming use and no nonconforming use of land shall be expanded or changed to another nonconforming use. In addition, if any nonconforming use of land or building is discontinued or held in abeyance for a period of one year, the further continuation of such use shall be prohibited. [L 1963, c 205, pt of §2; Supp, §98H-8]

§205-9 Amendments to regulations. By the same methods set forth in section 205-4, a petition may be submitted to change, or the land use commission may initiate a change in its regulations. No changes

shall, however, be made, unless a hearing or hearings are held in each of the counties. Within not less than forty-five and not more than ninety days after the last of the hearings, the commission shall act to approve or deny the requested change in regulations. The petition for a change shall be based upon proof submitted that conditions exist that were not present when the regulation was adopted or that the regulation does not serve the purposes of this chapter. [L 1963, c 205, pt of §2; Supp. §98H-9]

§205-10 Use of field officers. Notwithstanding section 205-4 requiring a hearing by the full land use commission, if any application requiring a hearing is received which the commission in the course of its regular meetings shall not be able to hear for more than sixty days, it may authorize a field officer to conduct the hearing and make a recommendation; provided all other necessary rules for hearings are adhered to. The recommendations of the field officer shall be submitted to the commission at its next meeting, and any recommendation, or rulings by the commission as a result of this recommendation, shall be subject to a review of the full commission at the next hearing date scheduled for the county in which the land concerned is located, if either the commission or the applicant notified the other party at least twenty days prior to this date. [L 1963, c 205, pt of §2; Supp. §98H-10]

§205-11 Periodic review of districts. Irrespective of changes and adjustments that it may have made, the land use commission shall make a comprehensive review of the classification and districting of all lands and of the regulations at the end of each five years following the adoption thereof. The assistance of appropriate state and county departments shall be secured in making this review and public hearings shall be held in each county in accordance with the requirements set forth for the adoption in final form of district boundaries and regulations under this chapter. [L 1963, c 205, pt of §2; Supp. §98H-11]

§205-12 Enforcement. The appropriate officer or agency charged with the administration of county zoning laws shall enforce within each county the use classification districts adopted by the land use commission and shall report to the commission all violations. [L 1963, c 205, pt of §2; Supp. §98H-12]

§205-13 Penalty for violation. Any person who violates any provision of this chapter, or any regulation established pursuant to this chapter, shall be fined not more than \$1,000. [L 1963, c 205, pt of §2; Supp. §98H-13]

§205-14 Adjustments of assessing practices. Upon the adoption of district boundaries, certified copies of the classification maps showing the district boundaries shall be filed with the department of taxation. Thereafter, the department of taxation shall, when making assessments of property within a district, give consideration to the use or uses that may be made thereof as well as the uses to which it is then devoted. [L 1963, c 205, pt of §2; Supp. §98H-14]

§205-15 Conflict. Except as specifically provided by this chapter and the regulations adopted thereto, neither the authority for the administration of the provisions of section 183-41 nor the authority vested in the counties under the provisions of section 46-4 shall be affected. [L 1963, c 205, pt of §2; Supp. §98H-15]