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Environment Column  
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### **Environmental Issues are Hot Topics in the Legislature**

Environmental issues voted down in previous legislative sessions are now coming up in different forms with proponents counting on the affirmative signature of our new Governor Bill Owens. In a recent Denver Post article about takings legislation, several bills were discussed that were on the docket. In the article, "Colorado Counties" lobbyist, Chris Castillian said, "there are a number of bills up there that are trying to chip away at local government's ability to control their own destiny." The Republican House majority leader Doug Dean agreed saying, "sometimes we'll trample all over local control if it suits our objectives."

Newly appointed Senator Bryan Sullivan is seeking to strengthen local control by introducing House Bill 1185 now on the Senate floor as Senate Bill 99-211. It was described by the Denver Post in October of 98 as one of the most important if not the most important piece of legislation introduced this year. This bill seeks to respond to the rapid population growth and land development in Colorado.

Sullivan believes that Takings legislation is a reaction to a community not having a well developed plan. In the book, *Takings Law* by Duerksen and Roddewig, the authors address the rights of communities to protect themselves against Takings claims. Their number one recommendation is to establish a sound basis for land use and environmental regulations through comprehensive planning and background studies. They ask that communities develop a thoughtful all-encompassing plan that expresses community goals and objectives and establishes a rational basis for land use regulations. Sullivan had this in mind when he wrote the Responsible Growth Act.

In his bill which will be voted on this Thursday in the local government committee of the Senate, Counties of more than 25,000 people or that have grown by more than 20 % since 1990 and towns that have more than 2,500 people will be affected. To comply with the Responsible Growth Act, they will to prepare a comprehensive plan, and an urban service area and perhaps most important, make sure their land use controls are consistent with their plan and service area.

The plans would be based on the projected growth over the next 20 years and would include areas such as land use, rural development, water supply, economic development, natural hazards and urban services.

The key to the Individual County and city development of these plans is that each proposed plan would be consistent with those of other jurisdictions within the county. All State agencies, school districts and special districts would have to comply with the plans.

Representative John Witwer who supports the bill says that the “Responsible Growth Act will help coordinate plans with adjacent counties and help government to establish clear specific and sound land use policies.” Witwer looking five years down the road believes if good legislation is enacted, he sees towns surrounded by open space, intact mountain backdrops and plenty of open space within the towns.

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