

# LIST OF CHAPTERS

<b>INTRODUCTION</b> .....	1
<i>Donald L. Elliott, Esq., FAICP</i>	
<i>Barbara J.B. Green, Esq.</i>	
<b>Chapter 1 PLANNING</b> .....	23
<i>Catherine A. Hance, Esq.</i>	
<i>Adam P. Chenell, Esq.</i>	
<i>Jacob P. Whitted, Esq.</i>	
<b>Chapter 2 ZONING</b> .....	49
<i>Thomas J. Ragonetti, Esq.</i>	
<i>Brian J. Connolly, Esq.</i>	
<i>James T. Johnson, Esq.</i>	
<i>Kimberly A. Martin, Esq.</i>	
<i>Kaydee Myers, Esq.</i>	
<i>Cory M. Rutz, Esq.</i>	
<i>R. Michael Shomo, Esq.</i>	
<i>Keirstin K. Beck, Esq.</i>	
<i>Michael E. Kaplan, Esq.</i>	
<i>Allison P. Altaras, Esq.</i>	
<b>Chapter 3 PLANNED UNIT DEVELOPMENTS</b> .....	101
<i>Donald L. Elliott, Esq., FAICP</i>	
<b>Chapter 4 SUBDIVISIONS, STREETS, AND ACCESS</b> .....	121
<i>Malcolm M. Murray, Esq.</i>	
<i>Todd G. Messenger, Esq.</i>	
<b>Chapter 5 EXACTIONS, DEDICATIONS, IMPACT FEES, AND REGULATORY TAKINGS</b> .....	151
<i>Eric J. Heil, Esq., AICP</i>	
<i>Heidi Anderson, Esq.</i>	
<b>Chapter 6 VESTED RIGHTS</b> .....	183
<i>Gerald E. Dahl, Esq.</i>	

*Colorado Land Planning and Development Law*

<b>Chapter 7</b>	<b>ANNEXATION</b> .....	201
	<i>Gerald E. Dahl, Esq.</i>	
<b>Chapter 8</b>	<b>SPECIAL DISTRICTS, IMPROVEMENT DISTRICTS, INTERGOVERNMENTAL AUTHORITIES, AND PUBLIC IMPROVEMENT CORPORATIONS</b> .....	233
	<i>Norman F. (Rick) Kron, Jr., Esq.</i>	
<b>Chapter 9</b>	<b>URBAN REDEVELOPMENT AND PUBLIC HOUSING</b> .....	267
	<i>Paul C. Benedetti, Esq.</i>	
<b>Chapter 10</b>	<b>HISTORIC PRESERVATION</b> .....	305
	<i>Gilbert F. McNeish, Esq.</i>	
<b>Chapter 11</b>	<b>OVERVIEW OF ENVIRONMENTAL PROTECTION ISSUES</b> .....	327
	<i>Ronda L. Sandquist, Esq.</i>	
	<b>SUBJECT INDEX</b> .....	353

# TABLE OF CONTENTS

---

<b>INTRODUCTION</b> .....	1
<hr/>	
<b>A. PURPOSE AND SCOPE OF THE BOOK</b> .....	1
<b>B. HOME RULE POWERS</b> .....	4
<b>C. THE PREEMPTION DOCTRINE</b> .....	8
1. Preemption of Local Regulation by Federal Law .....	9
2. Preemption of Local Regulation by State Law .....	11
<b>D. APPEALS FROM LOCAL GOVERNMENT DECISIONS</b> .....	14
1. Judicial Review of Legislative Acts — Rule 57 .....	15
2. Judicial Review of Quasi-Judicial Acts — Rule 106 .....	16
3. Section 1983 Actions .....	20
<hr/>	
<b>Chapter 1 PLANNING</b> .....	23
<hr/>	
<b>§ 1.1 INTRODUCTION</b> .....	24
<b>§ 1.2 STATUTORY MUNICIPALITIES</b> .....	25
§ 1.2.1—General Planning Provisions .....	25
§ 1.2.2—Regulation of Public Improvements and Public Utilities .....	28
<b>§ 1.3 STATUTORY COUNTIES</b> .....	29
§ 1.3.1—General Planning Provisions .....	29
§ 1.3.2—Regulation of Public Improvements and Public Utilities .....	32

**§ 1.4 INTERGOVERNMENTAL COOPERATION . . . . . 34**

    § 1.4.1—General Statewide Policy . . . . . 34

    § 1.4.2—Regional Planning Commissions . . . . . 35

    § 1.4.3—Regional Service Authorities . . . . . 38

    § 1.4.4—Metropolitan Planning Organizations . . . . . 40

    § 1.4.5—Cooperation with State Government . . . . . 41

**§ 1.5 STATE-LEVEL PLANNING . . . . . 42**

    § 1.5.1—Division of Planning . . . . . 42

    § 1.5.2—Colorado State Land Board . . . . . 43

    § 1.5.3—Areas and Activities of Statewide Interest . . . . . 44

    § 1.5.4—Local Governmental Land Use Control . . . . . 47

**§ 1.6 LAND PLANNING AND THE ENVIRONMENT . . . . . 48**

---

**Chapter 2 ZONING . . . . . 49**

---

**§ 2.1 INTRODUCTION . . . . . 50**

**§ 2.2 HISTORICAL DEVELOPMENT OF ZONING . . . . . 51**

**§ 2.3 PURPOSE OF ZONING . . . . . 52**

**§ 2.4 THE NATURE OF ZONING . . . . . 53**

**§ 2.5 THE AUTHORITY TO ZONE . . . . . 54**

    § 2.5.1—Statutory Municipalities . . . . . 54

    § 2.5.2—Statutory Counties . . . . . 57

**§ 2.6 LIMITATIONS ON ZONING POWERS . . . . . 60**

    § 2.6.1—Preemption . . . . . 60

    § 2.6.2—Reasonableness and Nexus . . . . . 70

    § 2.6.3—Definiteness of Standards to Guide Enforcement . . . 71

*Table of Contents*

§ 2.6.4—Conformance with Comprehensive Plan/Spot Zoning . . . . .	73
§ 2.6.5—Free Speech and the First Amendment . . . . .	75
§ 2.6.6—Religion and the First Amendment . . . . .	78
§ 2.6.7—Land Owned by Governments . . . . .	82
§ 2.6.8—Adopted Local Procedures . . . . .	83
§ 2.6.9—Intergovernmental Agreements . . . . .	83
§ 2.6.10—Development Agreements . . . . .	84
§ 2.6.11—Medicinal and Recreational Marijuana . . . . .	85
<b>§ 2.7 NONCONFORMING USES, STRUCTURES, AND LOTS . . . . .</b>	<b>87</b>
§ 2.7.1—Nonconforming Uses . . . . .	87
§ 2.7.2—Nonconforming Structures and Signs . . . . .	90
§ 2.7.3—Nonconforming Lots . . . . .	91
<b>§ 2.8 SOLUTIONS TO SPECIFIC ZONING PROBLEMS . . . .</b>	<b>91</b>
§ 2.8.1—Rezoning/Amendment . . . . .	91
§ 2.8.2—Conditional and Special Uses . . . . .	93
§ 2.8.3—Variances . . . . .	94
<b>§ 2.9 REVIEW OF ZONING DECISIONS . . . . .</b>	<b>96</b>
§ 2.9.1—Administrative Review . . . . .	96
§ 2.9.2—Judicial Review . . . . .	97
<b>§ 2.10 INITIATIVE/REFERENDUM . . . . .</b>	<b>97</b>
<b>§ 2.11 ENFORCEMENT . . . . .</b>	<b>99</b>
§ 2.11.1—Statutory Counties . . . . .	99
§ 2.11.2—Statutory Municipalities . . . . .	99
§ 2.11.3—Home Rule Municipalities . . . . .	99

---

<b>Chapter 3</b>	<b>PLANNED UNIT DEVELOPMENTS</b>	101
§ 3.1	<b>INTRODUCTION</b>	102
§ 3.2	<b>AUTHORITY FOR PLANNED UNIT DEVELOPMENTS</b>	104
§ 3.2.1	Planned Unit Development Before State Authorization	104
§ 3.2.2	State Legislation	105
§ 3.3	<b>STATUTORY REQUIREMENTS OF A PUD ENABLING ORDINANCE</b>	106
§ 3.4	<b>ADDITIONAL REQUIREMENTS PERMITTED IN A PUD ENABLING ORDINANCE</b>	108
§ 3.4.1	Establishment of Additional Requirements for PUD Approval	108
§ 3.4.2	Relationship of Additional Requirements with Subdivision Regulations	108
§ 3.4.3	Adequacy of a Local Government's Additional Requirements	109
§ 3.5	<b>SUFFICIENCY OF LOCAL GOVERNMENT'S ORDINANCE OR RESOLUTION</b>	111
§ 3.6	<b>COMMON OPEN SPACE</b>	112
§ 3.6.1	Ownership and Maintenance of Common Open Space	112
§ 3.6.2	Failure to Maintain Common Open Space	112
§ 3.7	<b>PROCEDURE FOR APPROVAL OF A PUD PLAN</b>	113
§ 3.7.1	Application	113
§ 3.7.2	Review and Consideration of Application	114
§ 3.8	<b>RECORDING OF PUD NOT REQUIRED</b>	115

*Table of Contents*

§ 3.9	<b>MODIFICATIONS AND AMENDMENTS TO PUDS</b> . . .	116
	§ 3.9.1—Modification by Local Government . . . . .	116
	§ 3.9.2—Modification by Residents and Owners . . . . .	117
§ 3.10	<b>ENFORCEMENT OF PUD PLANS</b> . . . . .	118
	§ 3.10.1—Enforcement by County or Municipality . . . . .	118
	§ 3.10.2—Enforcement by Residents, Occupants, and Owners . . . . .	118
	§ 3.10.3—Enforcement Under Ordinances Not Subject to PUD Act . . . . .	118
§ 3.11	<b>CHALLENGES TO PUD ENABLING ORDINANCE</b> . . .	119
§ 3.12	<b>CHALLENGES TO INDIVIDUAL PUD REZONING ORDINANCES</b> . . . . .	119
	§ 3.12.1—Adjacent Property Owners . . . . .	119
	§ 3.12.2—Adjacent Home Rule Municipality . . . . .	120
<hr/>		
<b>Chapter 4</b>	<b>SUBDIVISIONS, STREETS, AND ACCESS</b> . . . . .	121
§ 4.1	<b>INTRODUCTION</b> . . . . .	122
§ 4.2	<b>SUBDIVISIONS IN COLORADO: SHORT HISTORY, PURPOSES, AND LEGAL CONTEXT</b> . . . . .	124
	§ 4.2.1—Short History of the Subdivision Plat . . . . .	124
	§ 4.2.2—Purposes . . . . .	124
	§ 4.2.3—Legal Context . . . . .	125
§ 4.3	<b>SUBDIVISION AS A REGULATORY TOOL</b> . . . . .	126
	§ 4.3.1—Subdivision Review Process . . . . .	127
	§ 4.3.2—Substantive Requirements . . . . .	129
	§ 4.3.3—Technical Plat Requirements . . . . .	132

<b>§ 4.4</b>	<b>SUBDIVISION EXEMPTIONS</b> .....	132
	§ 4.4.1—Exclusions from the Statute .....	132
	§ 4.4.2—Correction of Pre-existing Problems .....	133
	§ 4.4.3—Merger of Subdivided Lots .....	134
<b>§ 4.5</b>	<b>POWER TO REGULATE SALE OF SUBDIVISION LOTS</b> .....	136
<b>§ 4.6</b>	<b>DEDICATION REQUIREMENTS</b> .....	136
	§ 4.6.1—In General .....	136
	§ 4.6.2—Forms of Dedication .....	138
	§ 4.6.3—Intent to Dedicate .....	138
	§ 4.6.4—Acceptance of Offer to Dedicate .....	139
	§ 4.6.5—Withdrawal of Offer to Dedicate .....	140
	§ 4.6.6—Interest Conveyed by Dedication .....	141
	§ 4.6.7—Abandonment and Vacation .....	141
<b>§ 4.7</b>	<b>DEFECTIVE PLATS, NOTICE AND INTENTION</b> ....	142
	§ 4.7.1—Acknowledgments .....	142
	§ 4.7.2—Recording .....	142
<b>§ 4.8</b>	<b>PLAT AMENDMENT</b> .....	143
<b>§ 4.9</b>	<b>DESIGNATION OF PUBLIC STREETS AND ROADS</b> .....	143
	§ 4.9.1—Dedication .....	143
	§ 4.9.2—Purchase and Eminent Domain .....	144
	§ 4.9.3—Prescription .....	144
	§ 4.9.4—Deed Reservations and Exceptions .....	146
<b>§ 4.10</b>	<b>HIGHWAYS OVER PUBLIC LANDS</b> .....	146
	§ 4.10.1—R.S. 2477 .....	146
	§ 4.10.2—Petition .....	147
	§ 4.10.3—Proclamation .....	147

*Table of Contents*

§ 4.11	VACATION AND ABANDONMENT	148
§ 4.12	ACCESS CONTROLS	148
§ 4.12.1	—Local Controls	148
§ 4.12.2	—State Controls	149
<hr/>		
<b>Chapter 5</b>	<b>EXACTIONS, DEDICATIONS, IMPACT FEES, AND REGULATORY TAKINGS</b>	<b>151</b>
<hr/>		
§ 5.1	INTRODUCTION	152
§ 5.2	THE BASIC EXACTION TOOLS	153
§ 5.3	AUTHORITY FOR EXACTIONS AND IMPACT FEES	155
§ 5.3.1	—Legislative Adoption Required	156
§ 5.3.2	—Relation Between Impact Fees and the Proposed Development	156
§ 5.3.3	—Capital Facilities Defined	156
§ 5.3.4	—Use for Existing and Future Capital Improvements	157
§ 5.3.5	—The “No Double Dipping” Clause	157
§ 5.3.6	—Pre-existing Impact Fee Programs	157
§ 5.3.7	—New Impact Fees Apply Prospectively	158
§ 5.3.8	—Challenging the Imposition of an Impact Fee	158
§ 5.3.9	—Accounting for Impact Fee Revenues	158
§ 5.3.10	—Waiver of Impact Fees for Affordable/Employee Housing	158
§ 5.4	CALCULATION OF LAND DEDICATIONS AND IMPACT FEES	159
§ 5.4.1	—Exactions	159
§ 5.4.2	—Impact Fees	159
§ 5.5	MANAGEMENT OF COLLECTED IMPACT FEES	160

**§ 5.6 CASE LAW ON EXACTIONS AND IMPACT FEES . . . . 161**

§ 5.6.1—The Police Power and the Nexus Requirement  
for Exactions . . . . . 162

§ 5.6.2—The Police Power and the Reasonably Related  
Standard for Impact Fees . . . . . 164

§ 5.6.3—The Police Power and the Requirement of  
Adequate Standards . . . . . 165

§ 5.6.4—The “Tax” Challenge . . . . . 166

**§ 5.7 REGULATORY TAKINGS . . . . . 169**

§ 5.7.1—A Final Determination . . . . . 171

§ 5.7.2—Test Elements . . . . . 173

§ 5.7.3—Type of Challenge . . . . . 179

§ 5.7.4—Definition of Property . . . . . 179

§ 5.7.5—Relief . . . . . 181

§ 5.7.6—Remedies . . . . . 181

---

**Chapter 6 VESTED RIGHTS . . . . . 183**

---

**§ 6.1 INTRODUCTION . . . . . 183**

**§ 6.2 TYPES OF VESTED RIGHTS . . . . . 184**

**§ 6.3 COMMON LAW VESTED RIGHTS . . . . . 185**

§ 6.3.1—Legal Theories . . . . . 185

§ 6.3.2—Who Has Common Law Vested Rights? . . . . . 188

§ 6.3.3—When Do Common Law Vested Rights Vest? . . . . . 189

§ 6.3.4—Actions that May Trigger Common Law  
Vested Rights Claims . . . . . 192

§ 6.3.5—Actions that May Defeat Vested Rights . . . . . 194

**§ 6.4 STATUTORY VESTED RIGHTS . . . . . 194**

§ 6.4.1—Site Specific Development Plan . . . . . 195

§ 6.4.2—Establishing a Vested Right . . . . . 196

§ 6.4.3—Effect of Creation of a Statutory Vested Right . . . . . 196

*Table of Contents*

§ 6.4.4—Term	196
§ 6.4.5—Exceptions to Statutory Vested Rights	197
§ 6.4.6—Local Initiative and Referendum	198
§ 6.4.7—Available Remedies When Vested Rights Are Infringed	198
§ 6.4.8—Relationship to Common Law Vested Rights	198
§ 6.4.9—Pending Ordinance Doctrine	199
<hr/>	
<b>Chapter 7 ANNEXATION</b>	<b>201</b>
<hr/>	
§ 7.1 INTRODUCTION	202
§ 7.2 SOURCES OF COLORADO ANNEXATION LAW	203
§ 7.2.1—Municipal Annexation Act of 1965	203
§ 7.2.2—Poundstone I	203
§ 7.2.3—Poundstone II	204
§ 7.3 MUNICIPAL ANNEXATION ACT OF 1965	205
§ 7.3.1—Legislative Declaration	205
§ 7.3.2—Definitions	205
§ 7.3.3—Eligibility for Annexation: Contiguity	205
§ 7.3.4—Limitations	208
§ 7.3.5—Series/Simultaneous Annexations	211
§ 7.3.6—Annexation of Enclaves, Partly Surrounded Land, and Municipally Owned Land	212
§ 7.3.7—Petitions for Annexation and Annexation Elections	214
§ 7.3.8—Setting a Hearing Date — Notice Given	216
§ 7.3.9—Annexation Impact Report	216
§ 7.3.10—Hearing	217
§ 7.3.11—Findings	217
§ 7.3.12—Annexation Without Election	218
§ 7.3.13—Annexation Pursuant to Election	218
§ 7.3.14—Effective Date of Annexation — Required Filings	219
§ 7.3.15—Conflicting Annexation Claims of Two or More Municipalities	219

§ 7.3.16—Zoning of Land While Annexation Is Under Way;  
Zoning of Newly Annexed Land; Subdivision  
of Land While Annexation Is Under Way . . . . . 221

§ 7.3.17—Review . . . . . 225

§ 7.3.18—Effect of Review and Voiding of Annexation  
Ordinance by Court Order . . . . . 226

§ 7.3.19—Priority of Annexation Proceedings . . . . . 226

§ 7.3.20—Disconnection of Territory Because of  
Failure to Serve . . . . . 227

§ 7.3.21—Court Approval Required for Certain  
Annexations . . . . . 227

**§ 7.4 OTHER STATUTORY PROCEDURES . . . . . 227**

**§ 7.5 SPECIAL ANNEXATION CONSIDERATIONS . . . . . 228**

§ 7.5.1—Annexation Agreements . . . . . 228

§ 7.5.2—Extraterritorial Service Agreements . . . . . 230

§ 7.5.3—Intergovernmental Agreements . . . . . 230

---

**Chapter 8 SPECIAL DISTRICTS, IMPROVEMENT DISTRICTS,  
INTERGOVERNMENTAL AUTHORITIES, AND  
PUBLIC IMPROVEMENT CORPORATIONS . . . . . 233**

---

**§ 8.1 INTRODUCTION . . . . . 234**

**§ 8.2 COMMON TYPES OF DISTRICTS AND THEIR  
FEATURES . . . . . 235**

§ 8.2.1—Operating Districts and Funding Districts . . . . . 240

§ 8.2.2—Formation of Districts . . . . . 242

§ 8.2.3—Governance of Districts . . . . . 247

§ 8.2.4—Taxes and Mill Levy . . . . . 248

§ 8.2.5—Financial Obligations, Types and  
Characteristics . . . . . 249

§ 8.2.6—Financial Issues . . . . . 251

§ 8.2.7—Land Use Control . . . . . 252

§ 8.2.8—Elections . . . . . 253

*Table of Contents*

§ 8.2.9—State and Local Controls on Special Districts . . . . .	253
§ 8.2.10—The Division of Local Government . . . . .	255
<b>§ 8.3 SPECIFIC CHARACTERISTICS OF CERTAIN DISTRICTS . . . . .</b>	<b>255</b>
<b>§ 8.4 INTERGOVERNMENTAL AUTHORITIES . . . . .</b>	<b>262</b>
<b>§ 8.5 PUBLIC IMPROVEMENT CORPORATIONS OR PUBLIC BUILDING AUTHORITIES . . . . .</b>	<b>264</b>
<b>§ 8.6 CASE LAW . . . . .</b>	<b>265</b>
<hr/>	
<b>Chapter 9 URBAN REDEVELOPMENT AND PUBLIC HOUSING . . . . .</b>	<b>267</b>
<hr/>	
<b>§ 9.1 URBAN RENEWAL AUTHORITIES . . . . .</b>	<b>268</b>
§ 9.1.1—Organization . . . . .	268
§ 9.1.2—Nature . . . . .	270
§ 9.1.3—Blight . . . . .	270
§ 9.1.4—Agricultural Lands . . . . .	271
§ 9.1.5—Purposes and Powers . . . . .	272
§ 9.1.6—Urban Renewal Plans; Urban Renewal Areas; Eminent Domain Provisions . . . . .	272
§ 9.1.7—Project Financing; Tax Increment Financing . . . . .	278
§ 9.1.8—Disposition of Property . . . . .	284
§ 9.1.9—Cooperation with Other Public Bodies . . . . .	285
§ 9.1.10—Relocation . . . . .	285
§ 9.1.11—Significant Cases . . . . .	286
§ 9.1.12—Standing . . . . .	287
<b>§ 9.2 DOWNTOWN DEVELOPMENT AUTHORITIES . . . . .</b>	<b>288</b>
§ 9.2.1—Organization . . . . .	288
§ 9.2.2—Powers and Purposes . . . . .	289
§ 9.2.3—Mill Levy; Tax Increment Financing . . . . .	290
§ 9.2.4—Colorado Constitution, Article X, § 20 (TABOR) . . . . .	292
§ 9.2.5—Cases . . . . .	293

§ 9.3	REHABILITATION ACT OF 1945	293
§ 9.4	RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES	294
§ 9.5	PUBLIC MALL ACT OF 1970	295
§ 9.6	HOUSING AUTHORITIES	296
	§ 9.6.1—Municipal Housing Authorities	296
	§ 9.6.2—County Housing Authorities	299
	§ 9.6.3—Multi-Jurisdictional Housing Authorities	300
	§ 9.6.4—Public Housing Election	301
§ 9.7	COLORADO HOUSING ACT OF 1970	301
§ 9.8	COLORADO HOUSING AND FINANCE AUTHORITY	303
<hr/>		
<b>Chapter 10</b>	<b>HISTORIC PRESERVATION</b>	<b>305</b>
<hr/>		
§ 10.1	INTRODUCTION	306
§ 10.2	NATIONAL LEGISLATION	306
§ 10.3	COLORADO LEGISLATION	307
	§ 10.3.1—Historical Societies	307
	§ 10.3.2—Tax Credits	307
	§ 10.3.3—Additional Funding	310
§ 10.4	LOCAL ACTIVITIES	310
§ 10.5	CONSTITUTIONAL CHALLENGES TO HISTORIC PRESERVATION ORDINANCES	312
	§ 10.5.1—Challenges as a Taking	312
	§ 10.5.2—Challenges as Being Void for Vagueness or as Unlawful Delegation of Power	315

*Table of Contents*

§ 10.5.3—Challenges as Interfering with the Free Exercise of Religion . . . . .	317
§ 10.5.4—Interim Controls . . . . .	321
§ 10.5.5—Other Relevant Cases . . . . .	321
<b>§ 10.6 TRANSFERABLE DEVELOPMENT RIGHTS AS AN AID TO HISTORIC PRESERVATION . . . . .</b>	<b>322</b>
<b>§ 10.7 METHODS FOR CREATING FACIALLY VALID HISTORIC PRESERVATION REGULATIONS . . . . .</b>	<b>323</b>
<b>§ 10.8 OTHER RELATED LAWS AND ISSUES . . . . .</b>	<b>324</b>
§ 10.8.1—Access Laws . . . . .	324
§ 10.8.2—Conflicts Between Historic Preservation and Other Development Law . . . . .	324
<hr/>	
<b>Chapter 11 OVERVIEW OF ENVIRONMENTAL PROTECTION ISSUES . . . . .</b>	<b>327</b>
<hr/>	
<b>§ 11.1 INTRODUCTION . . . . .</b>	<b>328</b>
<b>§ 11.2 AIR QUALITY . . . . .</b>	<b>328</b>
§ 11.2.1—Clean Air Act (Federal) . . . . .	328
§ 11.2.2—Regulation of Greenhouse Gases . . . . .	329
§ 11.2.3—Colorado Air Pollution Prevention and Control Act . . . . .	330
§ 11.2.4—Colorado’s Climate Action Plan . . . . .	331
<b>§ 11.3 WATER QUALITY . . . . .</b>	<b>332</b>
§ 11.3.1—Clean Water Act (“Federal Water Quality Control Act”) . . . . .	332
§ 11.3.2—Water Pollution Control . . . . .	332
§ 11.3.3—EPA Regulations for Stormwater . . . . .	334
§ 11.3.4—Wastewater and Stormwater Discharges . . . . .	335
§ 11.3.5—Wetlands . . . . .	336

§ 11.4 ENDANGERED SPECIES ACT (FEDERAL) . . . . . 338

§ 11.5 NATIONAL HISTORIC PRESERVATION ACT . . . . . 338

§ 11.6 NATIONAL ENVIRONMENTAL POLICY ACT . . . . . 339

    § 11.6.1—Individual Sewage Disposal Systems . . . . . 340

    § 11.6.2—Hazardous Waste Sites . . . . . 340

    § 11.6.3—Voluntary Clean-up and Redevelopment Act . . . . . 342

    § 11.6.4—Biosolids . . . . . 343

    § 11.6.5—Water Supply and Runoff Considerations . . . . . 344

    § 11.6.6—Floodplain Regulation . . . . . 348

    § 11.6.7—Small Community Environmental  
        Flexibility Act . . . . . 350

    § 11.6.8—Environmental Self-evaluations . . . . . 350

    § 11.6.9—Conservation and Preservation of Species  
        and Open Space . . . . . 351

---

**SUBJECT INDEX** . . . . . 353

---