

**SENATE JOURNAL**  
Sixty-third General Assembly  
**STATE OF COLORADO**  
First Regular Session

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One hundred-seventh Legislative Day Thursday, April 26, 2001

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|                    |   |    |
|--------------------|---|----|
| Prayer             | By the chaplain, Reverend Robert Dooling, Mountain View Presbyterian Church, Loveland.  | 10 |
| Call to Order      | By the President at 9:00 a.m.   | 13 |
| Roll Call          | Present--Total, 30.<br>Absent/Excused--Hagedorn, Hernandez, Musgrave, Owen, Perlmutter--Total, 5.<br>Present later--Hernandez, Perlmutter.                                | 16 |
| Quorum             | The President announced a quorum present.   | 20 |
| Reading of Journal | On motion of Senator Dyer (Arapahoe), reading of the Journal of Wednesday, April 25, 2001, was dispensed with and the Journal was approved as corrected by the Secretary. | 22 |

**SENATE SERVICES REPORT**

|                 |   |    |
|-----------------|---|----|
| Senate Services | Correctly printed: SB01-233, 234.           | 28 |
|                 | Correctly rerevised: HB01-1161, 1312, 1156. | 30 |
|                 | Correctly reengrossed: SB01-219.            | 32 |
|                 | Correctly revised: HJR01-1042.              | 34 |
|                 | Correctly engrossed: SR01-018.              | 36 |

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To the Governor for signature on Wednesday, April 25, 2001, at 10:16 am:  
SB 01-080, 202, 203.

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**FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON SB01-123**

\*\*\*\*\*  
THIS REPORT AMENDS THE  
REENGROSSED BILL  
\*\*\*\*\*

To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on SB01-123, concerning the required expenditure of a portion of a school district's per pupil operating revenue for the school district's preschool program, has met and reports that it has agreed upon the following:

That the House recede from its amendments made to the bill, as said amendments appear in the rerevised bill, and that the following amendment be substituted therefor:

Amend reengrossed bill, page 2, line 23, after "DISTRICT.", insert "IN ADDITION, ANY OTHER MONEYS OF THE DISTRICT THAT MAY BE USED TO PAY THE COSTS OF PROVIDING PRESCHOOL SERVICES DIRECTLY TO CHILDREN ENROLLED IN THE DISTRICT'S PRESCHOOL PROGRAM PURSUANT TO ARTICLE 28 OF THIS TITLE MAY BE DEPOSITED IN THE PRESCHOOL PROGRAM FUND OF THE DISTRICT.".

Respectfully submitted,

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SB01-123

|                                     |   |
|-------------------------------------|---|
| Senate Committee:                   | House Committee:                        |
| (signed) Senator Anderson, Chairman | (signed) Representative Young, Chairman |
| (signed) Senator Windels            | (signed) Representative T. Williams     |
| (signed) Senator Tupa               | (signed) Representative Miller          |

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON SB01-034**

\*\*\*\*\*  
THIS REPORT AMENDS THE  
REREVISED BILL  
\*\*\*\*\*

To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on SB01-034, concerning the regulation of insurance producers by the division of insurance, has met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill, as said amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 28, strike lines 15 through 20, and substitute the following:

"SECTION, SHALL NOT BE SUBJECT TO ARTICLE 72 OF TITLE 24, C.R.S.";

line 27, strike "PERMITTED OR".

Page 29, line 10, strike "CONFIDENTIAL AND PRIVILEGED DOCUMENTS, MATERIALS" and substitute "DOCUMENTS, MATERIALS,".

Page 30, line 9, strike "PROHIBIT THE COMMISSIONER" and substitute "PRECLUDE THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE";

line 10, strike "FINAL, ADJUDICATED" and substitute "FINAL DISCIPLINARY";

after line 15, insert the following:

(f) NOTHING IN THIS ARTICLE SHALL PRECLUDE THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE FROM DISCLOSING ANY INFORMATION OBTAINED PURSUANT TO THE PROVISIONS OF THIS ARTICLE TO ANY STATE, FEDERAL, OR INTERNATIONAL LAW ENFORCEMENT AGENCY FOR USE IN ANY CRIMINAL OR CIVIL INVESTIGATION OR PROSECUTION, NOR SHALL ANY SUCH INFORMATION BE CONSIDERED PRIVILEGED AND CONFIDENTIAL IN ANY CRIMINAL OR CIVIL MATTER, INVESTIGATION, OR PROSECUTION BY A GOVERNMENT AGENCY, EXCEPT AS PROVIDED IN PART 3 OF ARTICLE 72 OF TITLE 24, C.R.S.

(g) NOTHING IN THIS ARTICLE SHALL PRECLUDE THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE FROM DISCLOSING ANY INFORMATION OBTAINED OR DEVELOPED PURSUANT TO THE PROVISIONS OF THIS ARTICLE FOR USE IN ANY PRIVATE CIVIL MATTER, NOR SHALL ANY SUCH INFORMATION BE CONSIDERED PRIVILEGED OR CONFIDENTIAL, EXCEPT AS PROVIDED IN PART 3 OF ARTICLE 72 OF TITLE 24, C.R.S. ANY PARTY IN INTEREST MAY REQUEST THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE TO FIND THAT DISCLOSURE OF SUCH INFORMATION IN ANY PRIVATE CIVIL MATTER SHALL CAUSE SUBSTANTIAL INJURY TO THE PUBLIC INTEREST. IF THE COMMISSIONER FINDS THAT

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**SB01-034**

DISCLOSURE SHALL CAUSE SUBSTANTIAL INJURY TO THE PUBLIC INTEREST,  
THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE MAY APPLY TO THE  
DISTRICT COURT FOR AN ORDER PERMITTING RESTRICTIONS ON DISCLOSURE  
AS AUTHORIZED BY SECTION 24-72-204 (6), C.R.S."

Respectfully submitted,

|                        |                                      |
|------------------------|--------------------------------------|
| Senate Committee:      | House Committee:                     |
| (signed) (signed)      |                                      |
| Senator Owen, Chairman | Representative T. Williams, Chairman |
| (signed) (signed)      |                                      |
| Senator Thiebaut       | Representative Smith                 |
| (signed) (signed)      |                                      |
| Senator Nichol         | Representative Marshall              |

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON SB01-131**

\*\*\*\*\*  
THIS REPORT ADOPTS THE  
REREVISED BILL  
\*\*\*\*\*

To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on SB01-131,  
concerning the regulation of pet animal facilities, and, in connection  
therewith, clarifying the definition of feline hobby breeder, reducing the  
time an animal may be held in an animal shelter, and allowing animal  
shelter supervisors to make determinations with respect to the immediate  
disposition of animals experiencing extreme pain or suffering, has met  
and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the  
bill and that the rerevised bill be adopted without change.

Respectfully submitted,

|                         |                                   |
|-------------------------|-----------------------------------|
| Senate Committee:       | House Committee:                  |
| (signed) (signed)       |                                   |
| Senator Hanna, Chairman | Representative Mitchell, Chairman |
| (signed) (signed)       |                                   |
| Senator Takis           | Representative Crane              |
| (signed) (signed)       |                                   |
| Senator Chlouber        | Representative Romanoff           |

**MESSAGE FROM THE HOUSE**

April 25, 2001

Mr. President:

The House has postponed indefinitely SB01-072. The bill is returned herewith.

**INTRODUCTION OF RESOLUTIONS**

The following resolutions were read by title:

**HJR01-1012** by Representative Grossman; also Senator Thiebaut--Concerning the encouragement of the United States Congress to support the Railroad Retirement and Survivors Improvement Act. Business, Labor, and Finance

**HJR01-1045** by Representative Saliman; also Senator Owen--Concerning Early Childhood Intervention Awareness Day.

Laid over one day under Senate Rule 30(e).

**THIRD READING--FINAL PASSAGE OF BILLS**

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent.

**HB01-1331** by Representatives Saliman and Young; also Senators Owen, Reeves and Tate-- Concerning administration of the children's basic health care plan, and, in connection therewith, placing the rule-making authority with the medical services board and placing the administrative oversight with the department of health care policy and financing and authorizing and studying several administrative changes.

The question being "Shall the bill pass?", the roll call was taken with the following result:

| YES      | 30 | NO          | 0 | EXCUSED    | 5 | ABSENT        | 0 |
|----------|----|-------------|---|------------|---|---------------|---|
| Anderson | Y  | Evans       | Y | May        | Y | Takis         | Y |
| Andrews  | Y  | Fitz-Gerald | Y | McElhany   | Y | Tate          | Y |
| Arnold   | Y  | Gordon      | Y | Musgrave   | E | Taylor        | Y |
| Cairns   | Y  | Hagedorn    | E | Nichol     | Y | Teck          | Y |
| Chlouber | Y  | Hanna       | Y | Owen       | E | Thiebaut      | Y |
| Dyer, E. | Y  | Hernandez   | E | Pascoe     | Y | Tupa          | Y |
| Dyer, F. | Y  | Hillman     | Y | Perlmutter | E | Windels       | Y |
| Entz.    | Y  | Lamborn     | Y | Phillips   | Y | Mr. President | Y |
| Epps     | Y  | Linkhart    | Y | Reeves     | Y |               |   |

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsor added: Tupa.

**SCR01-004** by Senator Gordon; also Representative Romanoff--Concerning the submission to the registered electors of the state of Colorado of an amendment to section 4 of article V of the constitution of the state of Colorado, lowering the age at which a person is qualified to serve as a member of the house of representatives from twenty-five to twenty-one years.

The question being "Shall the resolution pass?", the roll call was taken with the following result:

| YES      | 17 | NO          | 14 | EXCUSED    | 4 | ABSENT        | 0 |
|----------|----|-------------|----|------------|---|---------------|---|
| Anderson | N  | Evans       | N  | May        | N | Takis         | Y |
| Andrews  | N  | Fitz-Gerald | Y  | McElhany   | N | Tate          | Y |
| Arnold   | N  | Gordon      | Y  | Musgrave   | E | Taylor        | N |
| Cairns   | N  | Hagedorn    | E  | Nichol     | Y | Teck          | N |
| Chlouber | N  | Hanna       | Y  | Owen       | E | Thiebaut      | Y |
| Dyer, E. | Y  | Hernandez   | Y  | Pascoe     | Y | Tupa          | Y |
| Dyer, F. | N  | Hillman     | N  | Perlmutter | E | Windels       | Y |
| Entz.    | N  | Lamborn     | Y  | Phillips   | Y | Mr. President | Y |
| Epps     | N  | Linkhart    | Y  | Reeves     | Y |               |   |

Less than a constitutional two-thirds majority of the members elected to the Senate having voted in the affirmative, the resolution was declared **lost**.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB01-216, SB01-225, SB01-228, SB01-222, SB01-226, HB01-1366** were made Special Orders at 9:44 a.m.

Committee  
of the  
Whole

The hour of 9:44 a.m. having arrived, Senator Nichol moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders--Second Reading of Bills. Senator Nichol was called to the Chair to act as Chairman.

### SPECIAL ORDERS--SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**SB01-216**

by Senators Entz, Dyer (Durango) and Hanna; also Representatives Spradley, Plant, Sinclair and Young--Concerning the establishment of a procedure for the adjudication of a recreational in-channel diversion by a local government, and making an appropriation therefor.

(Amended in General Orders as printed in Senate Journal, April 24, 2001, page 978.)

Amendment No. 2(L.007), by Senator Pascoe.

Amend printed bill, page 3, line 2, strike "BEFORE" and substitute "AFTER";

strike lines 23 through 25 and substitute the following:

"(III) WHETHER THERE IS ACCESS FOR RECREATIONAL IN-CHANNEL USE;" .

Page 4, line 6, after "APPROPRIATE", insert "FOR EVALUATION OF RECREATIONAL IN-CHANNEL DIVERSIONS";

strike line 11 and substitute the following:

"COURT FOR REVIEW. THE BOARD".

Page 6, line 7, strike "RECREATION" and substitute "A REASONABLE RECREATION EXPERIENCE".

Amendment No. 3(L.008), by Senator Pascoe.

Amend committee amendment, as printed in Senate Journal, April 20, page 924, strike lines 26 and 27 and substitute the following:

"strike lines 12 through 24 and substitute the following:

**"decisions of the water judge."** .

Renumber succeeding subsections accordingly.";

strike line 31.

Amendment No. 4(L.013), By Senator Entz.

Amend the Pascoe floor amendment [SB216\_L.008], page 1, line 4, strike "**judge.**" . and substitute the following:

**"judge.** (13) ALL FINDINGS OF FACT CONTAINED IN THE RECOMMENDATION OF THE COLORADO WATER CONSERVATION BOARD SHALL BE PRESUMPTIVE AS TO SUCH FACTS, SUBJECT TO REBUTTAL BY ANY PARTY." . . .

Strike line 5 of the amendment.

On motion of Senator Phillips, a new fiscal note was requested under Senate Rule 25(e).

As amended, laid over until Friday, April 27, 2001, on the General Orders Calendar.

**SB01-225**

by Senator Linkhart; also Representative Groff--Concerning parental consent for the transfer of handguns to underage persons.

Laid over until Monday, April 30, 2001, at the top of the General Orders Calendar.

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**SB01-228** by Senators Windels and Perlmutter; also Representative Scott--Concerning the exclusive authority of the oil and gas conservation commission to regulate the closure of underground natural gas storage caverns.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

**SB01-222** by Senator Thiebaut; also Representative King--Concerning the suspension for the fiscal year 2001-02 of the prohibition against the appropriation of general fund revenues for public school capital construction projects if general fund revenues do not exceed general fund obligations and required allocations to the highway users tax fund by a specified amount.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

**SB01-226** by Senator Thiebaut; also Representative Spradley--Concerning the creation of a temporary executive committee of the legislative council to serve during each period commencing after a general election and ending following the convening of the next general assembly when a new executive committee is formed.

Amendment No. 1(L.002), by Senator Thiebaut.

Amend printed bill, page 3, after line 23, insert the following:

"(d) EACH MEMBER OF THE TEMPORARY EXECUTIVE COMMITTEE SHALL HAVE THE SAME POWERS AND DUTIES WITH RESPECT TO THE BUSINESS OF THE TEMPORARY EXECUTIVE COMMITTEE AS ALL OTHER MEMBERS OF THE TEMPORARY EXECUTIVE COMMITTEE, WHETHER THE MEMBER IS A MEMBER OF THE THEN CURRENT GENERAL ASSEMBLY, A MEMBER-ELECT OF THE NEXT GENERAL ASSEMBLY, OR BOTH."

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

**HB01-1366** by Representatives Fritz and Stengel; also Senator Phillips--Concerning the adjustment of the ratio of valuation for assessment for residential real property.

Amendment No. 1(L.002),by Senator Phillips.

Amend reengrossed bill, page 2, line 15, strike "9.35" and substitute "9.15".

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Nichol, the Report of the Committee of the Whole was adopted and, a majority of all members elected having voted in the affirmative, the following action was taken:

Passed on Second Reading: **SB01-228, SB01-222, SB01-226** as amended, **HB01-1366** as amended.

Laid over until Friday, April 27, 2001 on the General Orders Calendar: **SB01-216** as amended.

Laid over until Monday, April 30, 2001 at the top of the General Orders Calendar: **SB01-225.**

**COMMITTEE OF REFERENCE REPORTS**

The committees recommend the following:

Judiciary After consideration on the merits, the committee recommends that **HB01-1130** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 3, strike "MARCH" and substitute "JULY 1, 2002,";

line 4, strike "31, 2002,".

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**HB01-1130**

Page 10, line 9, strike "March 31," and substitute "July 1,".

Judiciary

After consideration on the merits, the committee recommends that **HB01-1269** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 4, strike "GANG;" and substitute "GANG AND INTENDS FOR THE PERSON YOUNGER THAN EIGHTEEN YEARS OF AGE TO ENGAGE IN CRIMINAL ACTIVITY ON BEHALF OF THE CRIMINAL STREET GANG;"

line 11, strike "CLASS 6 FELONY." and substitute "CLASS 1 MISDEMEANOR.";

line 14, strike "CLASS 5 FELONY" and substitute "CLASS 6 FELONY".

Judiciary

After consideration on the merits, the committee recommends that **HB01-1204** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 20 and 21.

Reletter succeeding subparagraphs accordingly.

Judiciary

After consideration on the merits, the committee recommends that **HB01-1205** be referred favorably to the Committee on Appropriations.

Judiciary

After consideration on the merits, the committee recommends that **HB01-1344** be referred favorably to the Committee on Appropriations.

Judiciary

After consideration on the merits, the committee recommends that **HB01-1191** be referred favorably to the Committee on Appropriations.

Judiciary

After consideration on the merits, the committee recommends that **HB01-1155** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 8, after "SECTION;" , insert "OR";

line 11, strike "18-3-414.5;" and substitute "18-3-414.5.";

strike lines 12 through 27.

Page 4, strike lines 1 through 18;

strike lines 24 through 26 and substitute the following:

"Colorado Revised Statutes, is amended to read:".

Page 5, strike lines 7 through 27.

Page 6, strike lines 1 through 11.

Appropriations

After consideration on the merits, the committee recommends that **SB01-214** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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**SB01-214**

Amend printed bill, page 8, line 8, strike "administration," and substitute "administration and support,";

line 9, strike "one hundred twenty-eight thousand" and substitute "fifty thousand eight hundred sixty-eight dollars (\$50,868) and 0.4 FTE, or so much thereof";

strike line 10;

line 13, strike "out of cash exempt funds," and strike "for";

line 14, strike "allocation to the division of administration,";

line 15, strike "twenty-eight thousand eight hundred dollars (\$28,800)" and substitute "twenty-five thousand six hundred seventy-three dollars (\$25,673)";

line 17, after "act." insert the following:

"Said sum shall be from cash funds exempt received from the department of public health and environment out of the appropriation made in subsection (1) of this section."

Appropriations

After consideration on the merits, the committee recommends that **HB01-1097** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 26, strike lines 26 through 27.

Page 27, strike lines 1 through 14, and substitute the following:

**"SECTION 4. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of insurance cash fund created in section 10-1-103, Colorado Revised Statutes, not otherwise appropriated, to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of economic development, for the fiscal year beginning July 1, 2001, the sum of eighty-four thousand one hundred sixty-eight dollars (\$84,168) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of insurance cash fund created in section 10-1-103, Colorado Revised Statutes, not otherwise appropriated, to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of the governor, for the provision of legal services, for the fiscal year beginning July 1, 2001, the sum of two thousand two hundred thirty-two dollars (\$2,232), or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2001, the sum of two thousand two hundred thirty-two dollars (\$2,232), or so much thereof as may be necessary, for the provision of legal services to the office of economic development related to the implementation of this act. Such sum shall be from cash funds exempt received from the office of the governor out of the appropriation made in subsection (2) of this section."

Appropriations

After consideration on the merits, the committee recommends that **HB01-1337** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 6, after line 11, insert the following:

"(c) WHEN EXPENDING FUNDS TO IMPLEMENT THIS SECTION, THE COLORADO PET WELFARE AUTHORITY SHALL GIVE PRIORITY TO THE AREAS

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**HB01-1337**

THAT HAVE AN INSUFFICIENT NUMBER OF PET ANIMAL VETERINARY RESOURCES TO ADEQUATELY MEET LOCAL NEEDS."

Page 8, after line 6, insert the following:

**"SECTION 3. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the pet welfare fund not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2001, the sum of thirty-four thousand ninety-eight dollars (\$34,098) and 0.6 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 104, strike "FORM." and substitute "FORM, AND MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the committee recommends that **HB01-1100** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 7, line 19, strike "special purpose account" and substitute "Colorado state titling and registration account".

Appropriations

After consideration on the merits, the committee recommends that **SB01-210** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 6, line 26, strike "S.B. 01-\_\_\_\_." and substitute "S.B. 01-210."

Page 7, line 1, strike "S.B. 01-\_\_\_\_," and substitute "S.B. 01-210,";

line 7, strike "OF \_\_\_\_\_ DOLLARS (\$ )." and substitute "OF FOUR HUNDRED SIXTY-SIX THOUSAND EIGHT DOLLARS (\$466,008).";

strike lines 8 through 12;

line 13, strike "(II)" and substitute "(b)";

line 16, strike "OF \_\_\_\_\_ DOLLARS (\$ )." and substitute "OF ONE HUNDRED SEVENTY-SIX THOUSAND THIRTEEN DOLLARS (\$176,013).";

strike lines 17 through 21;

line 22, strike "(II)" and substitute "(c)";

line 25, strike "OF \_\_\_\_\_ DOLLARS (\$ )." and substitute "OF ONE HUNDRED SEVENTY-SIX THOUSAND THIRTEEN DOLLARS (\$176,013).";

strike lines 26 and 27.

Page 8, strike lines 1 through 3;

line 4, strike "(II)" and substitute "(d)";

line 7, strike "OF \_\_\_\_\_ DOLLARS (\$ )." and substitute "OF ONE HUNDRED SEVENTY-SIX THOUSAND THIRTEEN DOLLARS (\$176,013).";

strike lines 8 through 12;

line 13, strike "(II)" and substitute "(e)";

line 16, strike "OF \_\_\_\_\_ DOLLARS (\$ )." and substitute "OF ONE HUNDRED SEVENTY-SIX THOUSAND THIRTEEN DOLLARS (\$176,013).";

line 17, strike "(2) (o), (2) (p), (2) (q), and (2)";

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**SB01-210**

line 18, strike "(r), Colorado Revised Statutes, are" and substitute "Colorado Revised Statutes, is".

Page 9, line 24, strike "PLUS \_\_\_\_\_" and substitute "PLUS FOUR HUNDRED SIXTY-SIX THOUSAND EIGHT";

line 25, strike "S.B. 01-\_\_\_\_," and substitute "S.B. 01-210,";

strike line 27.

Strike page 10.

Page 11, strike lines 1 and 2 and substitute the following:

**"SECTION 8. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of moneys in the offender services fund, created in section 16-11-214, Colorado Revised Statutes, not otherwise appropriated, to the judicial department, probation and related services, sex offender intensive supervision program, for the fiscal year beginning July 1, 2001, the sum of thirty-six thousand sixty dollars (\$36,060) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding sections accordingly.

Page 1, line 102, strike "OFFENDER." and substitute "OFFENDER, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the committee recommends that **HB01-1264** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB01-1326** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB01-1070** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB001-1102** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 15, after "**Appropriation.**" insert "(1)";

strike lines 22 through 24 and substitute the following:

"(2) It is the intent of the general assembly that the general fund appropriation in subsection (1) of this section for the implementation of this act shall be derived from savings generated from the implementation of the provisions of SB 01-77, as enacted during the first regular session of the sixty-third general assembly.

**SECTION 4. Effective date.** This act shall take effect July 1, 2001; except that this act shall only take effect if:

(a) The final fiscal estimate for SB 01-77, as reflected in the appropriations clause for said act, shows a net general fund savings that is equal to or greater than the general fund costs shown in section 3 of this act; and

(b) Senate Bill 01-77 is enacted and becomes law."

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| Appropriations | After consideration on the merits, the committee recommends that <b>HB01-1081</b> be referred favorably to the Committee of the Whole. | 1<br>2<br>3<br>4<br>5            |
| Appropriations | After consideration on the merits, the committee recommends that <b>HB01-1193</b> be referred favorably to the Committee of the Whole. | 6<br>7<br>8<br>9                 |
| Appropriations | After consideration on the merits, the committee recommends that <b>HB01-1090</b> be referred favorably to the Committee of the Whole. | 10<br>11<br>12<br>13<br>14<br>15 |
| Appropriations | After consideration on the merits, the committee recommends that <b>HB01-1282</b> be referred favorably to the Committee of the Whole. | 16<br>17<br>18<br>19<br>20       |
| Appropriations | After consideration on the merits, the committee recommends that <b>HB01-1170</b> be postponed indefinitely.                           | 21<br>22<br>23<br>24<br>25       |
| Appropriations | After consideration on the merits, the committee recommends that <b>HB01-1091</b> be postponed indefinitely.                           | 26<br>27<br>28<br>29             |

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**MESSAGE FROM THE HOUSE**

April 26, 2001

Mr. President:

The House has adopted and transmits herewith HJR01-1022, as printed in House Journal, March 26, pages 952-953.

The House has voted to concur in the Senate amendments to HB01-1210, 1239, 1252, 1371, 1378, and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB01-1289 and requests that a conference committee be appointed. The Speaker has appointed Representatives Crane, chairman, Schultheis, and Jahn as House conferees on the First Conference Committee on HB01-1289. The bill is transmitted herewith.

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**MESSAGE FROM THE GOVERNOR**

April 19, 2001

To the Honorable Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I hereby withdraw the following:

**MEMBER OF THE  
COLORADO TOURISM OFFICE BOARD OF DIRECTORS**

for a term expiring June 1, 2003:

Robert W. Keesler of Colorado Springs, Colorado, who has resigned.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd: 4/19/01  
K. Goldman, Secretary

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June 27, 2000

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE  
EXAMINING BOARD OF PLUMBERS:

for a term expiring July 1, 2004:

Michael W. Zastrow of Littleton, Colorado, to serve as a plumbing contractor and as a Republican, appointed.

Sincerely,  
(Signed)  
Bill Owens  
Governor

Rec'd 7/10/00  
G. Aberle, Asst. Secretary

Committee on Business, Labor and Finance.

November 30, 2000

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I hereby withdraw the following:

MEMBER OF THE  
EXAMINING BOARD OF PLUMBERS

effective November 30, 2000:

Michael W. Zastrow of Littleton, Colorado.

Sincerely,  
(Signed)  
Bill Owens Rec'd 11/30/00  
Governor P. Dicks, Secretary

April 10, 2001

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE  
EXAMINING BOARD OF PLUMBERS

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for a term expiring July 1, 2004:

Juan I. Muniz of Pueblo, Colorado to serve as a plumbing contractor and as a Democrat, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd: 4/19/01  
K.Goldman, Secretary

Committee on Business, Labor and Finance.

**SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

The President has signed: **HJR01-1021, 1051.**

Senate in Recess--Senate Reconvened.

**COMMITTEE OF REFERENCE REPORTS**

The committee recommends the following:

Appropriations

After consideration on the merits, the committee recommends that **HB01-1125** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 10, strike line 13 and substitute the following:

"of revenue is decreased by eight thousand six hundred fifty-two dollars (\$8,652) and 0.2 FTE."

strike line 14.

Appropriations

After consideration on the merits, the committee recommends that **HB01-1184** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Judiciary Committee amendment as printed in Senate Journal April 24, page 980, line 59, strike "line 27, strike "26-2-708 (5.5)," and" and substitute the following:

"after line 17, insert the following:

"(c) IMPLEMENTATION OF THIS SUBSECTION (5.5) SHALL BE CONDITIONED UPON THE AVAILABILITY OF APPROPRIATIONS FROM THE COLORADO LONG-TERM WORKS RESERVE FUND CREATED IN SECTION 26-2-721.";

line 27, strike "26-2-708 (5.5)," and";";

line 62 of the committee amendment, strike "27." and substitute the following:

"27 and substitute the following:

**SECTION 7. Appropriation.** In addition to any other appropriation, there is hereby appropriated, to the department of human services, office of self sufficiency, Colorado works program, for the fiscal year beginning July 1, 2001, the sum of ninety-eight thousand nine hundred dollars (\$98,900) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from federal temporary assistance for needy families block grant funds in the long-term works reserve fund created in section 26-2-721, Colorado Revised Statutes. Pursuant to section 26-2-721, Colorado Revised Statutes, said appropriation shall be restricted until the department demonstrates that sufficient funds are available." .";

strike lines 66 through 69 of the committee amendment.

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Appropriations

After consideration on the merits, the committee recommends that **HB01-1271** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 7, after line 27, insert the following:

**"SECTION 3. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the medicaid buy-in cash fund created in section 26-4-1104 (3), Colorado Revised Statutes, to the department of health care policy and financing, for the fiscal year beginning July 1, 2001, the sum of eighty thousand dollars (\$80,000), or so much thereof as may be necessary, for the implementation of this act. The source of funding for the medicaid buy-in cash fund shall gifts, grants, and donations. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2001, the department of health care policy and financing will receive the sum of one hundred twenty-nine thousand four hundred dollars (\$129,400) in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of human services, office of information technology services, for the client-oriented information network, for the fiscal year beginning July 1, 2001, the sum of twenty-four thousand dollars (\$24,000), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from cash funds exempt received from the department of health care policy and financing out of the appropriation made in subsection (1) of this section."

Renumber succeeding section accordingly.

Page 1, line 102, strike "**PROGRAM.**" and substitute "**PROGRAM, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**".

**MESSAGE FROM THE HOUSE**

April 26, 2001

Mr. President:

The House has postponed indefinitely SB01-041, 069, 075. The bills are returned herewith.

**INTRODUCTION OF BILLS--FIRST READING**

The following bills were read by title and referred to the committees indicated:

**SB01-235** by Senators Tate, Reeves and Owen; also Representatives Young, Berry and Saliman-- Concerning the repeal of obsolete provisions of state law in order to clarify the status of the Colorado geological survey as a separate division in the department of natural resources.  
Agriculture and Natural Resources

**SB01-237** by Senator Thiebaut; also Representative King--Concerning the financing of capital construction needs of charter schools.  
Appropriations

**INTRODUCTION OF RESOLUTIONS**

The following resolution was read by title:

**HJR01-1022** by Representatives Hoppe, Cloer, Johnson, Kester, King, Larson, Lawrence, Plant, Snook, Spence, Spradley, White, Witwer and Young; also Senator Dyer (Durango)--Concerning the species conservation eligibility list.  
Agriculture and Natural Resources  
Appropriations

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On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB01-1133, HB01-1369, HB01-1018, HB01-1367, HB01-1153, HB01-1284, HB01-1031, HB01-1060, HB01-1079, HB01-1172, HB01-1257, HB01-1293, HB01-1341, HB01-1343, HB01-1220** were made Special Orders at 1:52 p.m.

Committee of the Whole The hour of 1:52 p.m. having arrived, Senator Nichol moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders--Second Reading of Bills. Senator Nichol was called to the Chair to act as Chairman.

### SPECIAL ORDERS--SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**HB01-1133** by Representatives Tapia, Borodkin, Coleman, Grossman, Sanchez and Veiga; also Senator Thiebaut--Concerning the eligibility criteria for resident bidders given bid preference on construction contracts for public projects.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB01-1018** by Representative Swenson; also Senator Phillips--Concerning moneys available to the division of local government in the department of local affairs from the waste tire recycling development cash fund.

Amendment No. 1, Government, Veterans and Military Relations and Transportation Committee Amendment.

(Printed in Senate Journal, April 23, 2001, page 935.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB01-1284** by Representatives Sinclair, Hefley, Johnson, Miller, Nunez, Tapia, Tochtrop and Witwer; also Senator Dyer (Durango)--Concerning compliance with federal selective service requirements prior to the issuance of drivers' licenses.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB01-1031** by Representatives Miller and Young; also Senator Lamborn, Anderson, Linkhart, Reeves, Taylor and Windels--Concerning a grant of cease-and-desist authority to the commissioner of securities, and making an appropriation therefor.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB01-1060** by Representative Garcia; also Senator Lamborn--Concerning the fee collected by a state agency for issuing a certificate of taxes due.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB01-1079** by Representative Mace; also Senator Epps--Concerning the older Coloradans program, and making an appropriation therefor.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB01-1293** by Representatives Williams S., Alexander, Bacon, Coleman, Crane, Daniel, Groff, Grossman, Hefley, Hoppe, Jahn, Johnson, Mace, Madden, Romanoff, Sanchez, Stafford, Swenson, Tapia, Vigil and Witwer; also Senators Dyer (Arapahoe) and Windels--Concerning the early childhood professional loan repayment program, and making an appropriation therefor.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, April 20, 2001, page 925.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB01-1341** by Representative Larson, Lawrence and Miller; also Senators Windels, Phillips and McElhany--Concerning an extension of the annual general fund transfer to the capital construction fund.

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| <b>HB01-1341</b> | Ordered revised and placed on the calendar for Third Reading and Final Passage.   | 1  |
| <b>HB01-1343</b> | by Representatives Clapp and Stafford; also Senator Hernandez--Concerning the enrollment of medicaid recipients in managed care, and making an appropriation in connection therewith.   | 2  |
|                  | Ordered revised and placed on the calendar for Third Reading and Final Passage.   | 3  |
| <b>HB01-1220</b> | by Representative Swenson; also Senator Entz--Concerning amendments to the multistate highway transportation agreement.   | 4  |
|                  | Ordered revised and placed on the calendar for Third Reading and Final Passage.   | 5  |
| <b>HB01-1257</b> | by Representative Young; also Senator Hillman--Concerning modifications to the existing state income tax credit for health care professionals practicing in health care professional shortage areas.  | 6  |
|                  | <u>Amendment No. 1, Business, Labor and Finance Committee Amendment.</u><br>(Printed in Senate Journal, April 11, 2001, page 808.)  | 7  |
|                  | As amended, laid over until Friday, April 27, 2001, to the top of the General Orders Calendar.  | 8  |
|                  | On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, <b>HB01-1153</b> was advanced on the Special Orders Calendar.  | 9  |
| <b>HB01-1153</b> | by Representatives Williams T., Kester, Spradley, White, Clapp, Coleman, Fairbank, Fritz, Jahn, Lee, Miller, Paschall, Rhodes, Stengel, and Tochtrop; also Senators Phillips, Fitz-Gerald, Takis McElhany and Taylor--Concerning the authority of interior designers that meet certain qualifications to prepare interior design documents for filing for purposes of obtaining building permits. | 10 |
|                  | <u>Amendment No. 1, Business, Labor and Finance Committee Amendment.</u><br>(Printed in Senate Journal, April 10, 2001, page 801.)  | 11 |
|                  | <u>Amendment No. 2(L.009), by Senators Phillips and Matsunaka.</u>  | 12 |
|                  | Amend the Business, Labor, and Finance committee amendment, as printed in Senate Journal, April 10, page 801, line 21, strike "NOTHING" and substitute "EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (6), NOTHING";   | 13 |
|                  | strike line 30 and substitute the following:  | 14 |
|                  | "IN THE SAME MANNER AS FOR OTHER PROFESSIONS.   | 15 |
|                  | (b) INTERIOR DESIGNERS";  | 16 |
|                  | line 31, strike "RESPONSIBLE FOR" and substitute "ENGAGED IN";  | 17 |
|                  | after line 45 of the committee amendment, insert the following:   | 18 |
|                  | "line 13 of the reengrossed bill, strike "(b)" and substitute "(c)".";  | 19 |
|                  | line 49 of the committee amendment, strike "strike "(I)"." and substitute "strike "(c) (I)" and substitute "(d)".".   | 20 |
|                  | On motion of Senator Dyer (Arapahoe), a new fiscal note was requested under Senate Rule 25(e).  | 21 |
|                  | As amended, laid over until Friday, April 27, 2001, retaining its place on the Special Orders Calendar.   | 22 |
|                  | On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Second Reading--Special Orders Calendar ( <b>HB01-1369, HB01-1367, HB01-1172</b> ) of Thursday, April 26, 2001, was laid over until Friday, April 27, 2001, retaining its place on the calendar.  | 23 |





**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Nichol, the Report of the Committee of the Whole was adopted and, a majority of all members elected having voted in the affirmative, the following action was taken:

Passed on Second Reading: **HB01-1133, HB01-1018** as amended, **HB01-1284, HB01-1031, HB01-1060, HB01-1079, HB01-1293** as amended, **HB01-1341, HB01-1343, HB01-1220**.

Laid over until Friday, April 27, 2001, at the top of the General Orders Calendar: **HB01-1257**, as amended.

Laid over until Friday, April 27, 2001, retaining its place on the Special Orders Calendar: **HB01-1153** as amended, **HB01-1369, HB01-1367, HB01-1172**.

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**COMMITTEE OF REFERENCE REPORTS**

The committee recommends the following:

Education After consideration on the merits, the committee recommends that **SB01-229** be referred favorably to the Committee of the Whole.

Education After consideration on the merits, the committee recommends that **HB01-1324** be postponed indefinitely.

Education After consideration on the merits, the committee recommends that **HB01-1263** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 6, strike "**rights and responsibilities.**" and substitute "**rights.**";

line 8, strike "STATE-SUPPORTED" and substitute "PUBLIC";

strike lines 10 through 12.

Reletter succeeding paragraphs accordingly.

Page 3, line 13, strike "STATE-SUPPORTED" and substitute "PUBLIC";

strike lines 21 through 27 and substitute the following:

"STANDARD OF A ONE-HUNDRED-TWENTY-HOUR BACCALAUREATE DEGREE, NOT INCLUDING SPECIFIC PROFESSIONAL DEGREE PROGRAMS THAT HAVE ADDITIONAL DEGREE REQUIREMENTS RECOGNIZED BY THE COMMISSION."

Page 4, strike lines 1 through 24.

Page 5, line 2, strike "STATE-SUPPORTED" and substitute "PUBLIC";

strike lines 16 through 21.

Renumber succeeding subsection accordingly.

Page 6, strike lines 2 through 5 and substitute the following:

**"SECTION 2. Future appropriations.** Although no appropriation is included in this act for the fiscal year beginning July 1, 2001, it appears that this act will require appropriations from the general fund for subsequent fiscal years, and the amount required to be appropriated for the fiscal year beginning July 1, 2002, is estimated to be eighty-two thousand five hundred dollars (\$82,500).";

line 7, strike "2002-03" and substitute "2003-04".

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Education

After consideration on the merits, the committee recommends that **HB01-1298** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 7, strike "CONSISTENT" and substitute "COMPARABLE".

Page 4, line 3, strike "2002," and substitute "2003,";

line 9, strike "2003." and substitute "2004.";

line 15, strike "2002," and substitute "2003,".

Page 5, line 2, strike "2003," and substitute "2004,";

line 3, strike "2003" and substitute "2004";

line 18, strike "FOR THE IMPLEMENTATION OF THIS SECTION." and substitute "TO ACCEPT THE TRANSFER OF THESE CREDITS.".

**INTRODUCTION OF BILLS--FIRST READING**

The following bill was read by title and referred to the committee indicated:

**SB01-236**

by Senators Windels and Anderson; also Representatives Hefley--Concerning the regulation of tobacco sales based on quantity.  
Judiciary

Senate in Recess--Senate Reconvened.

**COMMITTEE OF REFERENCE REPORTS**

The committees recommend the following:

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that **SB01-231** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike line 22.

Page 3, strike lines 1 through 4.

Appropriations

After consideration on the merits, the committee recommends that **HB01-1227** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Judiciary Committee amendment, as printed in Senate Journal, March 7, page 497, strike lines 49 through 51 and substitute the following:

"Page 4, strike lines 9 through 11 and substitute the following:

**SECTION 3.** 19-3-313 (7) (b) (I), (7) (c), and (7) (d), Colorado Revised Statutes, are amended, and the said 19-3-313 (7) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**19-3-313. Central registry - repeal.** (7) (b) (I) On and after July 1, 1993, a record related to a first-time listing of a subject on the registry and which is based on a minor offense reported on or after July 1, 1991, BUT BEFORE JULY 1, 2001, shall be examined by the director of the central registry and, on the basis of such examination, shall be expunged by said director if two years have lapsed since the date the reported incident was entered into the registry records upon a determination by the director that good cause exists for expunging such record.

(7) (c) (I) (A) If a petition".

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**HB01-1227**

Page 5, line 7, strike "The" and substitute "(A) ~~The~~ ON AND AFTER JULY 1, 2001, THE";

after line 11, insert the following:

"(B) THE PROVISIONS OF THIS SUBPARAGRAPH (II) SHALL ONLY APPLY TO A SUBJECT WHO IS THE SUBJECT OF A REPORT BASED ON A MINOR OFFENSE, AS DEFINED BY RULE OF THE STATE DEPARTMENT.";

line 19, after "FILED", insert "AGAINST A SUBJECT WHO IS THE SUBJECT OF A REPORT BASED ON A MINOR OFFENSE";

line 20, strike "A" and substitute "SUCH".

Page 6, line 1, strike "charge OR THAT SUPPORTED THE REPORT" and substitute "charge.";

line 2, strike "OF THE SUBJECT'S NAME TO THE CENTRAL REGISTRY." .";

line 64 of the committee amendment, after "SUBJECT", insert "WHO IS THE SUBJECT OF A REPORT BASED ON A MINOR OFFENSE, AS DEFINED BY RULE OF THE STATE DEPARTMENT,";

strike line 69 of the committee amendment, and substitute the following:

"OF THE SUBJECT'S NAME TO THE CENTRAL REGISTRY.

**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the central registry fund created in section 19-3-313 (14), Colorado Revised Statutes, not otherwise appropriated, to the department of human services, division of child welfare, for allocation to the central registry of child protection, for the fiscal year beginning July 1, 2001, the sum of sixteen thousand three hundred ninety dollars (\$16,390), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding sections accordingly.

Page 1, line 106, strike "AND";

line 108, strike "REGISTRY." and substitute "REGISTRY, AND MAKING AN APPROPRIATION." .".

Public Policy and Planning

After consideration on the merits, the committee recommends that **HB01-1225** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, strike everything below the enacting clause and substitute the following:

**"SECTION 1.** Title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**Article 63  
Colorado Growth Management Act**

**PART 1  
GENERAL PROVISIONS**

**24-63-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO GROWTH MANAGEMENT ACT".

**24-63-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) RAPID GROWTH IN COLORADO IN THE 1990S HAS CONTRIBUTED SIGNIFICANTLY TO THE ECONOMIC PROSPERITY OF THE STATE, BUT IT ALSO HAS PRESENTED CHALLENGES THAT REQUIRE MANAGEMENT. IF NOT PROPERLY MANAGED AND GUIDED, RAPID GROWTH MAY IMPACT THE

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QUALITY OF LIFE OF THE RESIDENTS AND THE ECONOMIC PROSPERITY OF THE STATE BY MAKING IT A LESS DESIRABLE PLACE IN WHICH TO LIVE OR TO VISIT.

(b) THE PROPER MANAGEMENT AND GUIDANCE OF GROWTH WILL HELP THE PEOPLE OF COLORADO MAINTAIN THEIR QUALITY OF LIFE BY PRESERVING AND SUPPORTING JOBS AND THE STATE'S ECONOMIC PROSPERITY WHILE CONSERVING OPEN SPACE AND ENSURING THAT THE INFRASTRUCTURE AND CAPITAL FACILITIES NECESSARY TO PROVIDE FOR TRANSPORTATION, WATER, SEWER, SCHOOLS, ELECTRIC AND NATURAL GAS, AND OTHER SERVICES FOR RESIDENTS WILL NOT BE OVERBURDENED AND THAT THE SEPARATION BETWEEN PREVIOUSLY DISTINCT COMMUNITIES WILL NOT BE BLURRED.

(c) DECISIONS OF LOCAL GOVERNMENTS THAT FACILITATE OR RESTRICT GROWTH WITHIN THEIR OWN JURISDICTIONS HAVE SIGNIFICANT IMPACTS OUTSIDE OF SUCH JURISDICTIONS, ESPECIALLY WITHIN THE DENVER METROPOLITAN REGION. ACCORDINGLY, COORDINATION AND REGULATION OF GROWTH THROUGHOUT THE STATE IS A MATTER OF STATEWIDE INTEREST AND CONCERN IN WHICH THE STATE HAS A RESPONSIBILITY FOR THE HEALTH, WELFARE, AND SAFETY OF THE PEOPLE OF THE STATE AND FOR THE PROTECTION OF THE STATE'S NATURAL ENVIRONMENT.

(2) THE GENERAL ASSEMBLY FURTHER FINDS THAT BETTER COORDINATION OF GROWTH THROUGHOUT THE STATE MAY ENHANCE THE HEALTH, WELFARE, AND SAFETY OF PEOPLE OF THE STATE AND FURTHER ENHANCE THE QUALITY OF LIFE ENJOYED BY THE RESIDENTS OF COLORADO BY:

(a) ENSURING LIMITATIONS ON SPRAWL THROUGH, WITHOUT LIMITATION, THE PROMOTION OF PRIMARY PATTERNS OF CONTIGUOUS OR CLUSTERED GROWTH;

(b) SUPPORTING DEVELOPMENT PATTERNS THAT FACILITATE THE USE OF MASS TRANSIT;

(c) ENCOURAGING AND FACILITATING GROWTH WHERE INFRASTRUCTURE AND CAPITAL FACILITIES ARE AVAILABLE OR WILL BE PROVIDED, THEREBY CREATING AN EFFICIENT PROVISION OF PUBLIC SERVICES AND A MORE EFFICIENT USE OF TAXPAYER MONEY FOR THE CONSTRUCTION AND MAINTENANCE OF UTILITIES, SCHOOLS, AND OTHER INFRASTRUCTURE AND CAPITAL FACILITIES;

(d) PROVIDING AN ADEQUATE SUPPLY OF LAND AVAILABLE FOR URBAN GROWTH TO MEET THE NEEDS OF THE PROJECTED POPULATION GROWTH OVER A TWENTY-YEAR PERIOD;

(e) PROMOTING THE AVAILABILITY OF HOUSING WITH A RANGE OF TYPES AND AFFORDABILITY TO ACCOMMODATE PERSONS AND HOUSEHOLDS OF ALL TYPES OF INCOME LEVELS AND IN LOCATIONS THAT ARE CONVENIENT TO EMPLOYMENT AND QUALITY PUBLIC AND PRIVATE FACILITIES;

(f) PROMOTING THE ECONOMIC HEALTH OF THE REGIONS AND THE LOCAL GOVERNMENTS WITHIN THE STATE;

(g) PROTECTING LANDS THAT ARE NATURALLY PRODUCTIVE FOR AGRICULTURAL, FORESTRY, OR MINERAL PRODUCTION FROM ENCROACHMENT BY URBANIZATION;

(h) PROTECTING AREAS OF CRITICAL ENVIRONMENTAL CONCERN;

(i) PROMOTING ENERGY AND WATER CONSERVATION;

(j) CONSERVING FEATURES OF SIGNIFICANT STATEWIDE OR REGIONAL ARCHITECTURAL, CULTURAL, HISTORICAL, OR ARCHEOLOGICAL INTEREST;

(k) PROMOTING STANDARDS OF GOOD URBAN DESIGN;

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(1) PROTECTING LIFE AND PROPERTY FROM THE EFFECTS OF NATURAL HAZARDS SUCH AS FLOODING, WILDFIRE, AND GEOLOGIC HAZARDS; AND

(m) FURTHER PROTECTING THE NATURAL ENVIRONMENT.

(3) FINAL DECISIONS IN MATTERS INVOLVING LAND USE SHOULD BE MADE PROMPTLY AND IN A FAIR AND CONSISTENT MANNER. DISPUTES ARISING UNDER THIS ARTICLE AND IN THE LAND-USE PROCESS IN GENERAL SHOULD BE RESOLVED AS QUICKLY, EFFICIENTLY, AND INFORMALLY AS POSSIBLE AND WITH MINIMUM COSTS TO THE DISPUTING PARTIES.

(4) IT IS NOT THE INTENT OF THE GENERAL ASSEMBLY TO DEPRIVE ANY LANDOWNER OF ANY EXISTING RIGHTS THAT MAY HAVE VESTED PURSUANT TO ARTICLE 68 OF THIS TITLE, OR UNDER THE COMMON LAW, OR ANY PROPERTY RIGHTS PROTECTED UNDER THE STATE OR FEDERAL CONSTITUTIONS, OR TO ABROGATE ANY CONTRACTUAL OBLIGATIONS OF THE STATE OR ANY LOCAL GOVERNMENTS IMPLEMENTING THE PROVISIONS OF THIS ARTICLE.

(5) BECAUSE THE MATTERS ADDRESSED IN THIS ARTICLE ARE MATTERS OF STATEWIDE OR MIXED STATE AND LOCAL CONCERN, THE GOALS OF THIS ARTICLE CAN BE ACHIEVED ONLY IF ANY INCONSISTENT LAWS, ORDINANCES, REGULATIONS, OR RESOLUTIONS ADOPTED BY ANY LOCAL GOVERNMENT ARE PREEMPTED.

(6) IN CONNECTION WITH PUBLIC UTILITIES, NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS ENHANCING OR DIMINISHING:

(a) THE POWER AND AUTHORITY OF THE PUBLIC UTILITIES COMMISSION. THE PUBLIC UTILITIES COMMISSION AND PUBLIC UTILITIES SHALL TAKE INTO CONSIDERATION AND, WHEN FEASIBLE, FOSTER COMPLIANCE WITH THE MASTER PLANS OF LOCAL PLANNING JURISDICTIONS ADOPTED UNDER THIS ARTICLE.

(b) THE RIGHTS AND PROCEDURES WITH RESPECT TO THE POWER OF A PUBLIC UTILITY TO ACQUIRE PROPERTY AND RIGHT-OF-WAY BY EMINENT DOMAIN TO SERVE PUBLIC NEED IN THE MOST ECONOMICAL AND EXPEDIENT MANNER.

(7) THE PROVISIONS OF THIS ARTICLE SUPPLEMENT, BUT DO NOT REPLACE, THE PROVISIONS OF ARTICLE 20 OF TITLE 29, C.R.S.; PART 1 OF ARTICLE 28 OF TITLE 30, C.R.S.; PART 2 OF ARTICLE 23 OF TITLE 31, C.R.S.; AND ANY OTHER STATUTES GRANTING PLANNING AND REGULATORY POWERS TO REGIONS OR LOCAL GOVERNMENTS. IN THE EVENT OF A CONFLICT BETWEEN THE PROVISIONS OF ANY SUCH LAW AND THIS ARTICLE, THE PROVISIONS OF THIS ARTICLE SHALL GOVERN; EXCEPT THAT THESE PROVISIONS SHALL NOT APPLY TO THE LAWFUL EXERCISE OF AUTHORITY UNDER ARTICLE 65.1 OF THIS TITLE OR ARTICLE 32 OR 32.5 OF TITLE 34, C.R.S.

**24-63-103. Definitions.** (1) UNLESS SUCH TERMS ARE OTHERWISE DEFINED IN THIS ARTICLE, THE DEFINITIONS SET FORTH IN SECTIONS 24-65.1-102 TO 24-65.1-104 SHALL APPLY IN THIS ARTICLE.

(2) AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COMMUNITY" MEANS THE GEOGRAPHIC AREA GOVERNED BY A LOCAL PLANNING JURISDICTION.

(b) "CONSERVATION AND OPEN SPACE LAND" MEANS LAND THAT:

(I) IS WITHIN A CRITICAL AND SENSITIVE AREA;

(II) MAY BE SUBJECT TO NATURAL HAZARDS IDENTIFIED IN REGULATIONS ADOPTED BY THE PLANNING JURISDICTION PURSUANT TO ARTICLE 65.1 OF THIS TITLE; OR

(III) A PLANNING JURISDICTION HAS DETERMINED SHOULD BE PRESERVED IN ITS NATURAL OR UNDEVELOPED CONDITION FOR PARK, OPEN

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SPACE, OR BUFFER PURPOSES.

(c) "CRITICAL AND SENSITIVE AREA" MEANS AN AREA OF ENVIRONMENTAL SIGNIFICANCE, INCLUDING WITHOUT LIMITATION, WETLANDS, RIPARIAN AREAS, AQUATIC ECOSYSTEMS, AND OTHER LANDS OR WATER BODIES THAT PROVIDE PROTECTION TO OR HABITAT FOR WILDLIFE, PLANT LIFE, AND OTHER NATURAL RESOURCES, OR ARE THEMSELVES NATURAL RESOURCES REQUIRING IDENTIFICATION AND PROTECTION FROM, OR MITIGATION OF, INAPPROPRIATE OR EXCESSIVE DEVELOPMENT, ALL AS DETERMINED BY THE LOCAL PLANNING JURISDICTION OR REGIONAL PLANNING COMMISSION WHERE APPLICABLE.

(d) "DENSITY" OR "NET DENSITY" MEANS ANY MEASUREMENT OF POPULATION OR HOUSING UNITS PER A PARTICULAR AREA OF LAND.

(e) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS.

(f) "DEVELOPMENT" MEANS ANY CONSTRUCTION OR ACTIVITY THAT CHANGES THE BASIC CHARACTER OR USE OF THE LAND ON WHICH THE CONSTRUCTION OR ACTIVITY OCCURS AND THAT REQUIRES APPROVAL OF THE LOCAL PLANNING JURISDICTION UNDER ITS LAND DEVELOPMENT REGULATIONS.

(g) "DEVELOPMENT APPLICATION" MEANS AN APPLICATION FILED UNDER A LOCAL PLANNING JURISDICTION'S LAND DEVELOPMENT REGULATIONS.

(h) "ELEMENT" MEANS A DISCRETE PART OF A REGIONAL PLAN OR MASTER PLAN THAT ADDRESSES A DISTINCT TOPIC SUCH AS LAND USE, TRANSPORTATION, OR HOUSING.

(i) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS.

(j) "GOVERNING BODY" MEANS A CITY COUNCIL, A BOARD OF TRUSTEES, A COMMISSION, A BOARD OF COUNTY COMMISSIONERS, A BOARD OF DIRECTORS, OR ANY OTHER GOVERNING BODY IN WHICH THE LEGISLATIVE POWERS OF THE PUBLIC BODY ARE VESTED.

(k) "INFRASTRUCTURE" AND "CAPITAL FACILITIES" MEANS THE BUILDINGS AND FACILITIES OF A CAPITAL NATURE OWNED, OPERATED, OR CONTRACTED FOR BY A LOCAL PLANNING JURISDICTION OR BY ANY OTHER PUBLIC ENTITY PROVIDING SERVICES TO THE PUBLIC WITHIN THE PLANNING JURISDICTION.

(l) "INTENSITY" MEANS ANY MEASUREMENT OF THE RELATIVE LEVEL OF ACTIVITY OF A LAND USE, INCLUDING, BUT NOT LIMITED TO, A FLOOR AREA RATIO, BUILDING COVERAGE RATIO, OR IMPERVIOUS SURFACE RATIO.

(m) "LAND AVAILABLE FOR URBAN GROWTH" MEANS LAND WITHIN AN URBAN SERVICE AREA THAT IS AVAILABLE FOR RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL USES AND THAT CAN BE DEVELOPED FOR SUCH PURPOSES UNDER THE EXISTING LAND DEVELOPMENT REGULATIONS OF A LOCAL PLANNING JURISDICTION. "LAND AVAILABLE FOR URBAN GROWTH" INCLUDES BOTH VACANT LAND AND DEVELOPED LAND THAT, IN THE OPINION OF THE LOCAL PLANNING JURISDICTION, IS LIKELY TO BE OR SHOULD BE REDEVELOPED.

(n) "LAND DEVELOPMENT REGULATIONS" MEAN THE REGULATIONS OF A LOCAL PLANNING JURISDICTION GOVERNING ZONING, SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, SITE PLANS, MATTERS OF STATE INTEREST, OR OTHER GOVERNMENTAL CONTROLS THAT AFFECT THE USE AND INTENSITY OF LAND.

(o) "LEVEL OF SERVICE" MEANS AN INDICATOR OF THE EXTENT OR DEGREE OF SERVICE PROVIDED BY, OR PROPOSED TO BE PROVIDED BY, THE INFRASTRUCTURE AND CAPITAL FACILITIES WITHIN A PLANNING JURISDICTION BASED ON AND RELATED TO THE OPERATIONAL CHARACTERISTICS OF SUCH INFRASTRUCTURE AND CAPITAL FACILITIES. "LEVEL OF SERVICE" SHALL INDICATE THE CAPACITY PER UNIT OF DEMAND

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FOR SUCH INFRASTRUCTURE AND CAPITAL FACILITIES.

(p) "LOCAL GOVERNMENT" HAS THE SAME MEANING AS "LOCAL PLANNING JURISDICTION" FOR PURPOSES OF THIS ARTICLE.

(q) "LOCAL MASTER PLAN" MEANS THE MASTER PLAN OF A LOCAL PLANNING JURISDICTION.

(r) "LOCAL PLANNING COMMISSION" MEANS A BODY ESTABLISHED OR DESIGNATED BY A LOCAL PLANNING JURISDICTION TO CARRY OUT THE PLANNING FUNCTIONS REQUIRED BY THIS ARTICLE.

(s) "LOCAL PLANNING JURISDICTION" MEANS A COUNTY OR MUNICIPALITY. FOR PURPOSES OF THIS ARTICLE, "COUNTY" INCLUDES A HOME RULE COUNTY OR A CITY AND COUNTY.

(t) "MASTER PLAN" MEANS THE ADOPTED OFFICIAL STATEMENT OF A LOCAL PLANNING JURISDICTION THAT SETS FORTH IN WORDS, MAPS, ILLUSTRATIONS, OR TABLES THE GOALS, POLICIES, AND GUIDELINES INTENDED TO DIRECT THE PRESENT AND FUTURE PHYSICAL, SOCIAL, AND ECONOMIC DEVELOPMENT THAT OCCURS WITHIN ITS PLANNING JURISDICTION AND THAT INCLUDES A COORDINATED PHYSICAL DESIGN FOR THE PUBLIC AND PRIVATE DEVELOPMENT OR PRESERVATION OF LAND AND WATER.

(u) "MUNICIPALITY" MEANS A HOME RULE OR STATUTORY CITY, TOWN, CITY AND COUNTY, OR A TERRITORIAL CHARTER CITY.

(v) "NATURALLY PRODUCTIVE LAND" MEANS LAND NATURALLY PRODUCTIVE FOR AGRICULTURAL, FORESTRY, MINING, OR MINERAL PURPOSES.

(w) "NEIGHBORING COMMUNITY" MEANS ANY LOCAL PLANNING JURISDICTION, POWER PROVIDER, OR WATER OR SEWER PROVIDER:

(I) THAT HAS BEEN IDENTIFIED BY A LOCAL PLANNING JURISDICTION AS LIKELY TO EXPERIENCE A MATERIAL IMPACT FROM DEVELOPMENT WITHIN THE LOCAL PLANNING JURISDICTION IN ACCORDANCE WITH ITS MASTER PLAN;

(II) ANY TERRITORY OF WHICH A LOCAL PLANNING JURISDICTION HAS INCLUDED IN ITS URBAN SERVICE AREA; OR

(III) ANY LOCAL PLANNING JURISDICTION THAT HAS DESIGNATED AN URBAN SERVICE AREA WITHIN THREE MILES OF AN URBAN SERVICE AREA OF ANOTHER LOCAL PLANNING JURISDICTION.

(x) "POWER PROVIDER" MEANS A SPECIAL DISTRICT, POWER AUTHORITY, OR PUBLIC UTILITY THAT PROVIDES GAS, ELECTRICAL, OR GAS AND ELECTRICAL SERVICE.

(y) "REGION" MEANS TWO OR MORE MUNICIPALITIES OR COUNTIES, OR ANY COMBINATION OF THE TWO.

(z) "REGIONAL PLAN" MEANS A PLAN ADOPTED IN CONFORMITY WITH THE REQUIREMENTS OF PART 6 OF THIS ARTICLE TO CARRY OUT THE PLANNING FUNCTIONS REQUIRED BY THIS ARTICLE.

(aa) "REGIONAL PLANNING COMMISSION" MEANS A BODY ESTABLISHED IN THE DENVER METROPOLITAN AREA REGION PURSUANT TO SECTION 24-63-602 TO CARRY OUT THE PLANNING FUNCTIONS REQUIRED BY THIS ARTICLE.

(bb) "URBAN DESIGN STANDARDS" MEANS CONSISTENT AND COMMONLY DEFINED DESIGN ELEMENTS THAT PROMOTE MIXED USE AND COMPACT DEVELOPMENT INTEGRATED WITH PEDESTRIAN AND ALTERNATE TRANSIT SYSTEMS AND PURPOSEFUL OPEN SPACE.

(cc) "URBAN GROWTH" OR "URBAN DEVELOPMENT" MEANS DEVELOPMENT SERVED BY CENTRAL WATER AND SEWER THAT MAKES INTENSIVE USE OF LAND FOR THE LOCATION OF BUILDINGS, OTHER

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STRUCTURES, AND IMPERMEABLE SURFACES TO SUCH A DEGREE AS TO BE INCOMPATIBLE WITH THE PRIMARY USE OF SUCH LAND FOR THE PRODUCTION OF FOOD, FIBER, OR OTHER AGRICULTURAL PRODUCTS OR THE EXTRACTION OF MINERAL RESOURCES AND THAT, WHEN SPREAD OVER WIDE AREAS, TYPICALLY REQUIRES URBAN SERVICES.

(dd) "URBAN SERVICE" MEANS THOSE ACTIVITIES, FACILITIES, AND UTILITIES THAT ARE PROVIDED TO URBAN LEVEL DENSITIES AND INTENSITIES TO MEET PUBLIC DEMAND OR NEED AND THAT, TOGETHER, ARE NOT NORMALLY ASSOCIATED WITH NONURBAN AREAS. "URBAN SERVICE" INCLUDES BUT IS NOT LIMITED TO: THE PROVISION OF SANITARY SEWERS AND THE COLLECTION AND TREATMENT OF SEWAGE; THE PROVISION OF WATER LINES AND THE PUMPING AND TREATMENT OF WATER; POLICE PROTECTION; ELECTRIC AND NATURAL GAS FACILITIES AND TELECOMMUNICATION LINES; PUBLIC SCHOOLS; FIRE PROTECTION AND OTHER EMERGENCY SERVICES; PARKS, RECREATION, AND OPEN SPACE; STREETS AND ROADS; MASS TRANSIT; STORMWATER MANAGEMENT OR FLOOD CONTROL; AND OTHER ACTIVITIES, FACILITIES, AND UTILITIES OF AN URBAN NATURE THAT ARE NECESSARY FOR, OR TO FACILITATE, URBAN GROWTH.

(ee) "URBAN SERVICE AREA" MEANS AN AREA DELINEATED IN AN ADOPTED MASTER PLAN PREPARED PURSUANT TO THIS ARTICLE WITHIN WHICH URBAN GROWTH IS ENCOURAGED BY DELINEATION OF THE AREA, COMPATIBLE FUTURE LAND USES DESIGNATIONS, AND IMPLEMENTING ACTIONS, AND OUTSIDE OF WHICH URBAN GROWTH IS NOT PERMITTED. IN ADDITION TO URBAN GROWTH, AN URBAN SERVICE AREA MAY CONTAIN OPEN SPACE AND CONSERVATION LANDS, INCLUDING COMMUNITY BUFFER ZONES AND NATURALLY PRODUCTIVE LANDS.

(ff) "WATER OR SEWER PROVIDER" MEANS A SPECIAL DISTRICT OR PUBLIC UTILITY THAT PROVIDES WATER, SEWER, OR WATER AND SEWER SERVICE.

**24-63-104. Applicability.** EACH MUNICIPALITY AND COUNTY IN THE STATE, AND EVERY UNIT OR AGENCY OF STATE AND LOCAL GOVERNMENT, SHALL BE SUBJECT TO THE PROVISIONS IN THIS ARTICLE. THE COMPLETION OF MASTER PLANS FOR LOCAL PLANNING JURISDICTIONS SHALL BE PHASED IN ON THE BASIS OF THE POPULATIONS OF SUCH JURISDICTIONS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 24-63-202.

**24-63-105. Preemption.** (1) SUBJECT TO THE PROVISIONS OF SECTION 24-63-102 (4) AND (7), THIS ARTICLE PREEMPTS ANY INCONSISTENT LAWS, ORDINANCES, REGULATIONS, OR RESOLUTIONS ADOPTED BY ANY LOCAL PLANNING JURISDICTION.

(2) IF THERE IS ANY CONFLICT BETWEEN ANY PROVISION OF THIS ARTICLE AND ANY OTHER PROVISION OF STATE LAW, THE PROVISIONS OF THIS ARTICLE SHALL CONTROL.

(3) NOTHING IN THIS ARTICLE SHALL BE INTERPRETED TO PREEMPT THE AUTHORITY OF THE TRANSPORTATION COMMISSION CREATED IN SECTION 43-1-106, C.R.S.

**PART 2  
LOCAL PLANNING REQUIREMENT**

**24-63-201. Planning commission.** THE GOVERNING BODY OF EACH LOCAL PLANNING JURISDICTION THAT HAS NOT PREVIOUSLY ESTABLISHED A PLANNING COMMISSION SHALL DESIGNATE AND ESTABLISH A PLANNING COMMISSION ON OR BEFORE JANUARY 1, 2002. THE PLANNING COMMISSION OF EACH PLANNING JURISDICTION THAT IS A COUNTY SHALL BE ESTABLISHED AND SHALL CONDUCT ITS BUSINESS IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 28 OF TITLE 30, C.R.S., EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE.

**24-63-202. Master plans required - procedures.** (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, THE PLANNING COMMISSION OF EACH LOCAL PLANNING JURISDICTION, IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE GOVERNING BODY OF EACH

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PLANNING JURISDICTION CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION, SHALL SUBMIT TO THE GOVERNING BODY A MASTER PLAN THAT SATISFIES THE REQUIREMENTS OF THIS ARTICLE. THE GOVERNING BODY SHALL REVIEW AND CONSIDER THE PLAN SUBMITTED BY THE PLANNING COMMISSION AND SHALL ACCEPT OR MODIFY THE PLAN SUBMITTED AS THE GOVERNING BODY DEEMS APPROPRIATE IN THE EXERCISE OF ITS DISCRETION. THE GOVERNING BODY OF EACH LOCAL PLANNING JURISDICTION SHALL ADOPT A MASTER PLAN CONSISTENT WITH THE TERMS OF THIS PART 2 ON OR BEFORE THE DATES SPECIFIED IN THIS PARAGRAPH (a) AND SHALL REVIEW AND, IF NECESSARY, UPDATE AND AMEND THE MASTER PLAN AT LEAST ONCE EVERY FIVE YEARS THEREAFTER. AS LONG AS IT OTHERWISE COMPLIES WITH THE DATES SPECIFIED IN THIS PARAGRAPH (a), A PLANNING JURISDICTION MAY ADOPT A MASTER PLAN IN STAGES:

(I) EACH LOCAL PLANNING JURISDICTION THAT IS A COUNTY THAT HAD A POPULATION OF TWENTY THOUSAND OR MORE AS OF JANUARY 1, 2001, AS DETERMINED BY THE DEPARTMENT, SHALL ADOPT A MASTER PLAN NOT LATER THAN JULY 1, 2003.

(II) EACH LOCAL PLANNING JURISDICTION THAT IS A COUNTY THAT HAD A POPULATION OF BETWEEN FIVE THOUSAND AND NINETEEN THOUSAND NINE HUNDRED NINETY-NINE AS OF JANUARY 1, 2001, AS DETERMINED BY THE DEPARTMENT, SHALL ADOPT A MASTER PLAN NOT LATER THAN JULY 1, 2004.

(III) EACH LOCAL PLANNING JURISDICTION THAT IS A COUNTY THAT HAD A POPULATION OF FOUR THOUSAND NINE HUNDRED NINETY-NINE OR FEWER AS OF JANUARY 1, 2001, AS DETERMINED BY THE DEPARTMENT, SHALL ADOPT A MASTER PLAN NOT LATER THAN JULY 1, 2006.

(IV) EACH LOCAL PLANNING JURISDICTION THAT IS A MUNICIPALITY SHALL ADOPT ITS MASTER PLAN BY THE DATE SPECIFIED IN THIS PARAGRAPH (a) FOR THE COUNTY IN WHICH IT IS LOCATED.

(V) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A MUNICIPALITY THAT HAD A POPULATION OF ONE THOUSAND OR LESS AS OF JANUARY 1, 2001, SHALL ADOPT A MASTER PLAN NOT LATER THAN JULY 1, 2006; EXCEPT THAT, AFTER JULY 1, 2004, ANY SUCH MUNICIPALITY SHALL ADOPT A MASTER PLAN PRIOR TO APPROVING ANY DEVELOPMENT THAT IS PROJECTED BY THE DEPARTMENT TO CAUSE THE POPULATION IN THE JURISDICTION TO EXCEED ONE THOUSAND.

(b) ANY LOCAL PLANNING JURISDICTION MAY VOLUNTARILY ELECT TO ADOPT ITS MASTER PLAN EARLIER THAN IS REQUIRED UNDER THE PERIODS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1).

(2) ANY LOCAL PLANNING JURISDICTION THAT HAS PREVIOUSLY ADOPTED A MASTER PLAN MAY CONTINUE TO OPERATE UNDER ANY PROVISION OF SUCH A PLAN THAT IS IN CONFORMITY WITH THE REQUIREMENTS OF THIS ARTICLE AND SHALL CONFORM SUCH PLAN THROUGH AMENDMENT TO THE TERMS. A MASTER PLAN MAY INCORPORATE BY REFERENCE SEPARATE PLANS AS LONG AS SUCH PLANS OTHERWISE COMPLY WITH THE PROVISIONS OF THIS ARTICLE.

(3) NO LOCAL PLANNING JURISDICTION THAT HAS ADOPTED A MASTER PLAN UNDER TITLE 29, 30, OR 31, C.R.S., OR PURSUANT TO MUNICIPAL HOME RULE AUTHORITY, AS OF JULY 1, 2001, AND THAT FURTHER COMPLIES WITH THE TERMS OF PARAGRAPH (d) OF THIS SUBSECTION (3), SHALL BE REQUIRED TO ADOPT A NEW OR DIFFERENT MASTER PLAN PURSUANT TO THIS ARTICLE, WHERE SUCH ADOPTED MASTER PLAN SATISFIES THE FOLLOWING REQUIREMENTS TO THE EXTENT APPLICABLE:

(a) THE LOCAL PLANNING JURISDICTION HAS ADOPTED A MASTER PLAN OR A COMPREHENSIVE PLAN DELINEATING URBANIZED AREAS AND GROWTH BOUNDARIES THAT ARE ADJACENT TO OR CONTIGUOUS WITH EXISTING MUNICIPAL BOUNDARIES AND THAT ARE NOT IN CONFLICT WITH THE DESIGNATED URBANIZED AREAS AND GROWTH BOUNDARIES OF THE ADJACENT LOCAL PLANNING JURISDICTIONS, AND THAT HAS DESIGNATED NONURBANIZED AREAS THE PRIMARY PURPOSE OF WHICH IS TO PROTECT

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NATURAL LAND, LOW-INTENSITY LAND USES, AND RURAL OR HISTORICAL CHARACTER AND TO PROVIDE FOR SEPARATION BETWEEN COMMUNITIES.

(b) A LOCAL PLANNING JURISDICTION THAT IS A COUNTY HAS COORDINATED ITS MASTER PLAN OR COMPREHENSIVE PLAN WITH A MAJORITY OF THE MUNICIPALITIES WITHIN ITS TERRITORY. A LOCAL PLANNING JURISDICTION THAT IS A MUNICIPALITY HAS COORDINATED ITS COMPREHENSIVE OR MASTER PLAN WITH THOSE OF THE ADJACENT LOCAL JURISDICTIONS, WHICH COORDINATION MAY BE ACCOMPLISHED THROUGH JOINT ADOPTION OF PLANS, INTERGOVERNMENTAL AGREEMENT, OR OTHER FORMAL ACTION INDICATING MUTUAL AND BINDING CONSENT.

(c) IN THE CASE OF A LOCAL PLANNING JURISDICTION THAT IS WITHIN THE COUNTIES COMPRISING THE DENVER REGIONAL COUNCIL OF GOVERNMENTS, THE MASTER PLAN OR COMPREHENSIVE PLAN OF SUCH JURISDICTION INCLUDES PROVISIONS THAT ADDRESS EACH OF THE ELEMENTS SPECIFIED IN SECTION 24-63-604 (3).

(d) ON OR BEFORE JULY 1, 2003, THE LOCAL PLANNING JURISDICTION HAS ADOPTED AMENDMENTS TO THE MASTER PLAN SUCH THAT THE MASTER PLAN CONTAINS ALL ELEMENTS REQUIRED TO BE INCLUDED IN SUCH PLAN PURSUANT TO SECTION 24-63-203 (2) (a) TO (2) (e) AND (2) (g) TO (2) (j).

(e) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, ANY MASTER OR COMPREHENSIVE PLAN OF A LOCAL PLANNING JURISDICTION THAT SATISFIES THE REQUIREMENTS OF THIS SUBSECTION (3) SHALL BE CONSIDERED TO BE CONSISTENT WITH THIS ARTICLE FOR ALL PURPOSES AND SHALL NOT BE REQUIRED TO BE ADOPTED, READOPTED, OR AMENDED AS MAY OTHERWISE BE REQUIRED UNDER THE TERMS OF THIS ARTICLE, INCLUDING, WITHOUT LIMITATION, THE TERMS OF SECTION 24-63-605.

(f) ANY LOCAL PLANNING JURISDICTION THAT HAS A MASTER OR COMPREHENSIVE PLAN THAT SATISFIES THE REQUIREMENTS OF THIS SUBSECTION (3) SHALL, TO THE EXTENT IT HAS NOT DONE SO ALREADY, CONFORM ITS LAND USE REGULATIONS TO SUCH PLAN NO LATER THAN JULY 1, 2003. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, SUCH CONFORMED REGULATIONS SHALL BE CONSIDERED TO BE CONSISTENT WITH THIS ARTICLE FOR ALL PURPOSES AND SHALL NOT BE REQUIRED TO BE ADOPTED, READOPTED, OR AMENDED AS MAY OTHERWISE BE REQUIRED UNDER THE PROVISIONS OF THIS ARTICLE.

(4) EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-68-102.5 (2), PRIOR TO APPROVAL OF THE MASTER PLAN REQUIRED BY THIS ARTICLE, EACH DEVELOPMENT APPLICATION SHALL BE PROCESSED IN ACCORDANCE WITH THE LOCAL PLANNING JURISDICTION'S EXISTING MASTER PLAN, IF ANY, AND ITS EXISTING LAND DEVELOPMENT REGULATIONS. PRIOR TO APPROVAL OF ANY SUBSEQUENT AMENDMENT TO A MASTER PLAN, EACH DEVELOPMENT APPLICATION SHALL BE PROCESSED IN ACCORDANCE WITH A LOCAL PLANNING JURISDICTION'S EXISTING MASTER PLAN AND THEN EXISTING LAND DEVELOPMENT REGULATIONS.

(5) EACH LOCAL PLANNING JURISDICTION SHALL ADOPT REGULATIONS GOVERNING ADOPTION OF ITS MASTER PLAN AND ANY AMENDMENTS TO THE PLAN THAT ARE CONSISTENT WITH THIS ARTICLE. SUCH REGULATIONS SHALL INCLUDE PROCEDURES BY WHICH THE LOCAL PLANNING JURISDICTION MAY INITIATE AN AMENDMENT OF THE MASTER PLAN. THE REGULATIONS REQUIRED BY THIS SUBSECTION (5) SHALL BE DESIGNED TO ENCOURAGE PUBLIC PARTICIPATION IN THE PLANNING PROCESS, PROVIDE FOR NO LESS THAN THREE PUBLIC HEARINGS OF THE PLANNING COMMISSION PRIOR TO ITS FINAL RECOMMENDATION WITH RESPECT TO ADOPTION OR AMENDMENT OF THE MASTER PLAN, NO LESS THAN ONE PUBLIC HEARING OF THE GOVERNING BODY OF THE LOCAL PLANNING JURISDICTION PRIOR TO ITS ADOPTION OF THE MASTER PLAN OR ANY AMENDMENT TO THE PLAN, AND OTHERWISE BE CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE, THE PROVISIONS OF ARTICLE 28 OF TITLE 30, C.R.S., IN THE CASE OF A COUNTY, AND THE PROVISIONS OF ARTICLE 23 OF TITLE 31, C.R.S., IN THE CASE OF A MUNICIPALITY. ANY PUBLIC HEARING BEFORE THE PLANNING COMMISSION AND THE GOVERNING BODY MAY BE CONTINUED FROM TIME TO TIME, AND THE PLANNING COMMISSION AND

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GOVERNING BODY SHALL ACCEPT AND CONSIDER ORAL AND WRITTEN PUBLIC COMMENTS AT SUCH HEARINGS. FOLLOWING ANY REQUIRED PUBLIC HEARING, THE GOVERNING BODY MAY APPROVE, MODIFY AND APPROVE, OR REJECT THE MASTER PLAN OR ANY AMENDMENT TO THE MASTER PLAN.

(6) AT THE COMMENCEMENT OF ANY PROCEEDING TO CREATE A MASTER PLAN AS REQUIRED BY THIS ARTICLE, OR TO AMEND A PREEXISTING MASTER PLAN TO COMPLY WITH THIS ARTICLE, THE GOVERNING BODY OF THE LOCAL PLANNING JURISDICTION SHALL SEND BY REGULAR MAIL TO EACH NEIGHBORING COMMUNITY AND TO EACH LANDOWNER, AT THE LANDOWNER'S LAST-KNOWN MAILING ADDRESS, A NOTICE APPRIZING THE NEIGHBORING COMMUNITY AND LANDOWNER OF THE COMMENCEMENT OF THE PROCEEDINGS. THE GOVERNING BODY SHALL ALSO PUBLISH GENERAL PUBLIC NOTICE IN THE JURISDICTION IN A MANNER REASONABLY SUFFICIENT TO NOTIFY THE PUBLIC THAT THE PROCEEDINGS ARE COMMENCING AND OF THE TIME AND PLACE OF THE FIRST PUBLIC HEARING. SUCH MAILED NOTICE MAY BE INCLUDED IN ANY OTHER MAILING REGULARLY SENT BY THE GOVERNING BODY TO THE LANDOWNER OR MAY BE COORDINATED WITH ANY OTHER GOVERNING BODY REGULARLY PROVIDING MAILED NOTICES SUCH AS, WITHOUT LIMITATION, MAILINGS RELATED TO PROPERTY TAX ASSESSMENT OR UTILITY BILLING. FOR ALL PUBLIC MEETINGS THEREAFTER, AND FOR ANY AMENDMENTS OR UPDATES TO THE MASTER PLAN, GENERAL PUBLIC NOTICE SHALL BE PUBLISHED IN THE JURISDICTION IN ANY MANNER REASONABLY SUFFICIENT TO NOTIFY THE PUBLIC OF THE PROCEEDINGS, INCLUDING THE TIME AND PLACE OF ANY PUBLIC HEARINGS. IN ADDITION, FOR ANY PROPOSED AMENDMENT TO THE MASTER PLAN OR ANY ACTION AFFECTING SPECIFICALLY IDENTIFIED PARCELS OF PROPERTY, NOTICE SHALL BE PROVIDED TO THOSE PERSONS WHO WOULD BE ENTITLED TO NOTICE OF A REZONING OF THE AFFECTED PROPERTY UNDER THE APPLICABLE DEVELOPMENT REGULATIONS OF THE PLANNING JURISDICTION. FOR ANY SUBSEQUENT AMENDMENT TO THE MASTER PLAN, NOTICE SHALL BE AS PROVIDED IN SECTION 30-28-106 (1), C.R.S., IN THE CASE OF A COUNTY, AND SECTION 31-23-206 (1), C.R.S., IN THE CASE OF A MUNICIPALITY.

(7) ANY LOCAL PLANNING JURISDICTION OR PERSON WHO WISHES TO RECEIVE NOTICE OF ANY HEARING SCHEDULED BY THE PLANNING COMMISSION OR GOVERNING BODY OF A LOCAL PLANNING JURISDICTION PURSUANT TO SUBSECTION (6) OF THIS SECTION SHALL REQUEST SUCH NOTIFICATION IN WRITING TO THE CLERK AND RECORDER OF EACH SUCH LOCAL PLANNING JURISDICTION. THE REQUEST SHALL IDENTIFY THE HEARING OR HEARINGS FOR WHICH THE NOTICE IS REQUESTED. NOTICE MAY BE PROVIDED FOR ALL HEARINGS OR ONLY FOR HEARINGS WHERE CERTAIN SPECIFIED MATTERS MAY BE DISCUSSED. IN RESPONSE TO THE WRITTEN REQUEST, THE CLERK SHALL PROVIDE REASONABLE ADVANCE NOTICE OF ALL HEARINGS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN UNINTENTIONAL FAILURE ON THE PART OF THE LOCAL PLANNING JURISDICTION TO PROVIDE ADVANCE NOTICE SHALL NOT NULLIFY ACTION TAKEN AT A HEARING FOR WHICH OTHERWISE PROPER NOTICE WAS PROVIDED IN CONFORMITY WITH THE REQUIREMENTS OF SUBSECTION (5) OR (6) OF THIS SECTION.

(8) EXCEPT FOR AN AMENDMENT TO THE MASTER PLAN MADE AS PART OF THE PERIODIC REVIEW REQUIRED BY SUBSECTION (11) OF THIS SECTION WITHIN ONE YEAR OF THE ADOPTION OF THE MASTER PLAN, AN AMENDMENT TO THE PLAN SHALL REQUIRE THE UNANIMOUS APPROVAL OF THE MEMBERS OF THE GOVERNING BODY. THEREAFTER, THE MASTER PLAN MAY BE AMENDED AT ANY TIME UPON THE APPROVAL OF NOT LESS THAN TWO-THIRDS OF THE MEMBERS OF THE GOVERNING BODY PRESENT.

(9) NOT LESS THAN ONE YEAR AFTER THE GOVERNING BODY OF A LOCAL PLANNING JURISDICTION HAS APPROVED A MASTER PLAN IN ACCORDANCE WITH THE TERMS OF THIS ARTICLE, THE GOVERNING BODY SHALL CONFORM ITS LAND DEVELOPMENT REGULATIONS AND PROGRAMS TO BE CONSISTENT WITH THE MASTER PLAN. IN ADDITION, AFTER THE MASTER PLAN HAS BEEN APPROVED, THE GOVERNING BODY SHALL NOT ADOPT ANY LAND DEVELOPMENT REGULATIONS OR MAKE ANY DECISION WITH RESPECT TO A DEVELOPMENT APPLICATION OR ITS CAPITAL BUDGET AND CAPITAL EXPENDITURES THAT IS INCONSISTENT WITH THE TERMS OF THE MASTER PLAN UNLESS THE MASTER PLAN IS AMENDED TO PERMIT SUCH

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ACTION AT THE TIME THE LAND DEVELOPMENT REGULATIONS ARE ADOPTED OR THE DECISION IS MADE. EACH PLANNING JURISDICTION SHALL ENSURE THAT ITS CAPITAL BUDGET IS COMPATIBLE WITH ITS MASTER PLAN.

(10) ADOPTION AND APPROVAL OF A MASTER PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION SHALL NOT ITSELF CONSTITUTE A REZONING OF ANY PROPERTY WITHIN THE LOCAL PLANNING JURISDICTION.

(11) EACH LOCAL PLANNING JURISDICTION SHALL ESTABLISH PROCEDURES TO PERIODICALLY REVIEW AND, IF NECESSARY, UPDATE ITS MASTER PLAN NOT LESS OFTEN THAN EVERY FIVE YEARS.

(12) A LOCAL PLANNING JURISDICTION MAY APPLY TO THE OFFICE OF SMART GROWTH CREATED IN SECTION 24-32-3203 (1) (a) FOR A GRANT OUT OF THE COLORADO HERITAGE COMMUNITIES FUND CREATED IN SECTION 24-32-3207 FOR ASSISTANCE IN PREPARING A MASTER PLAN SATISFYING THE REQUIREMENTS OF THIS ARTICLE.

**24-63-203. Preparation and content of plan.** (1) IN PREPARING THE MASTER PLAN, THE LOCAL PLANNING JURISDICTION MAY PERFORM OR ARRANGE FOR SUPPORTING STUDIES THAT ARE RELEVANT TO THE ELEMENTS CONTAINED IN THE PLAN. IN UNDERTAKING THESE STUDIES, THE PLANNING COMMISSION MAY USE STUDIES CONDUCTED BY ANY AGENCY OR DEPARTMENT OF THE FEDERAL GOVERNMENT OR ANY AGENCY OR DEPARTMENT OF THE STATE OF COLORADO OR ANY OTHER STUDY CONDUCTED IN ACCORDANCE WITH AN ESTABLISHED METHODOLOGY WITHIN THE ACADEMIC DISCIPLINE TO WHICH SUCH STUDY IS RELATED. ALL REQUIRED AND OPTIONAL ELEMENTS CONTAINED WITHIN THE MASTER PLAN SHALL BE BASED ON THE SAME ECONOMIC, DEMOGRAPHIC, AND RELATED ASSUMPTIONS AND DATA DEVELOPED BY OR FOR THE LOCAL PLANNING JURISDICTION. TO THE EXTENT THE DIVISION OF PLANNING OF THE DEPARTMENT HAS DEVELOPED POPULATION STATISTICS, ESTIMATES, OR PROJECTIONS PURSUANT TO SECTION 24-32-204 THAT ARE RELEVANT TO A LOCAL PLANNING JURISDICTION'S MASTER PLAN, A LOCAL PLANNING JURISDICTION SHALL NOT BASE ITS MASTER PLAN ON DIFFERENT POPULATION STATISTICS, ESTIMATES, OR PROJECTIONS UNLESS IT CAN ESTABLISH THAT SUCH DIFFERENT POPULATION STATISTICS, ESTIMATES, OR PROJECTIONS ARE MORE ACCURATE.

(2) THE PURPOSE OF THE MASTER PLAN IS TO PROVIDE A COORDINATED PHYSICAL DESIGN FOR DEVELOPMENT AREAS AND TO DIRECT THE COORDINATED, EFFICIENT, AND ORDERLY DEVELOPMENT OF THE LOCAL PLANNING JURISDICTION AND ITS ENVIRONS THAT WILL, BASED ON AN ANALYSIS OF PRESENT AND FUTURE NEEDS, PREVENT SPRAWL AND BEST PROMOTE THE PUBLIC HEALTH, SAFETY, ECONOMIC DEVELOPMENT, AND WELFARE OF THE PLANNING JURISDICTION. EACH ELEMENT AND STRATEGY SHALL HAVE PLANNING HORIZONS OF SIX YEARS AND TWENTY YEARS AND SHALL IDENTIFY APPROPRIATE PLANS TO BE IMPLEMENTED FOR EACH HORIZON. A MASTER PLAN SHALL INCLUDE THE FOLLOWING REQUIRED ELEMENTS:

(a) A LAND USE ELEMENT PURSUANT TO WHICH THE LOCAL PLANNING JURISDICTION SHALL DESIGNATE USES AND RANGES OF DENSITY FOR ALL THE LAND LOCATED WITHIN THE LOCAL PLANNING JURISDICTION. SUCH USES MAY INCLUDE, WITHOUT LIMITATION, PUBLIC, PRIVATE, RESIDENTIAL, COMMERCIAL, INDUSTRIAL, NATURALLY PRODUCTIVE, CONSERVATION AND OPEN SPACE, AND RECREATIONAL LAND USES. THIS ELEMENT SHALL INCLUDE A DIVISION OF THE LAND WITHIN THE LOCAL PLANNING JURISDICTION INTO THE CATEGORIES SET FORTH IN PART 3 OF THIS ARTICLE.

(b) A WATER AND WASTE WATER ELEMENT THAT SHALL SHOW THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE AND SUITABLE SUPPLY OF WATER FOR THE LOCAL PLANNING JURISDICTION. THE LOCAL PLANNING JURISDICTION SHALL DETERMINE HOW AN ADEQUATE AND SUITABLE SUPPLY OF WATER SHALL BE PROVIDED TO MEET THE JURISDICTION'S NEEDS AND HOW WASTE WATER FROM THE JURISDICTION SHALL BE EFFECTIVELY HANDLED. THE LOCAL PLANNING COMMISSION SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER FOR USE WITHIN THE LOCAL PLANNING JURISDICTION TO ENSURE COORDINATION WITH RESPECT TO WATER SUPPLY

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AND FACILITY PLANNING. THE JURISDICTION SHALL IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE NEEDS WITHIN THE JURISDICTION AND IDENTIFY POLICIES AND STRATEGIES TO ENSURE AN EFFICIENT USE OF WATER WITHIN THE JURISDICTION. NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED TO SUPERSEDE, ABROGATE, OR OTHERWISE IMPAIR THE ALLOCATION OF WATER PURSUANT TO THE STATE CONSTITUTION OR LAW, THE RIGHT TO BENEFICIALLY USE WATER PURSUANT TO DECREES, CONTRACTS, OR OTHER WATER AGREEMENTS, OR THE OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, OR USE OF ANY WATER FACILITY.

(c) A HOUSING ELEMENT DESIGNED TO ADDRESS HOUSING NEEDS IN THE LOCAL PLANNING JURISDICTION THAT MAY ARISE AS A RESULT OF NEW EMPLOYMENT IN THE JURISDICTION. THE LOCAL PLANNING JURISDICTION SHALL ASSESS THE AGE, STRUCTURAL VALUE, AND OCCUPANCY CHARACTERISTICS OF THE LOCAL PLANNING JURISDICTION'S HOUSING STOCK. IT SHALL IDENTIFY POLICIES AND PROGRAMS THAT SHALL PROMOTE THE DEVELOPMENT OF HOUSING FOR THE HOLDERS OF NEW JOBS IN THE LOCAL PLANNING JURISDICTION AND THEIR FAMILIES. IT SHALL IDENTIFY POLICIES AND PROGRAMS THAT PROMOTE THE AVAILABILITY OF LAND FOR THE DEVELOPMENT OR REDEVELOPMENT OF HOUSING, INCLUDING LOW- AND MODERATE-INCOME HOUSING. IT SHALL ALSO IDENTIFY POLICIES AND PROGRAMS TO MAINTAIN OR REHABILITATE THE LOCAL PLANNING JURISDICTION'S EXISTING HOUSING STOCK AS MAY BE APPROPRIATE. SUCH HOUSING NEEDS MAY BE SATISFIED BY EXISTING HOUSING STOCK OR BY LAND PLANNED AND ZONED FOR RESIDENTIAL USE WITHIN THE LOCAL PLANNING JURISDICTION OR WITHIN OTHER LOCAL PLANNING JURISDICTIONS PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT. THE JURISDICTION SHALL ALSO IDENTIFY OBJECTIVES, POLICIES, AND STRATEGIES TO ENCOURAGE A RANGE OF HOUSING TYPES, PRICES, AND RENT LEVELS TO MEET THE NEEDS OF PERSONS OF DIFFERENT AGES AND INCOMES, INCLUDING LOW AND MODERATE INCOMES. THE JURISDICTION SHALL DEFINE STRATEGIES TO ENSURE THAT HOLDERS OF NEW JOBS IN THE LOCAL PLANNING JURISDICTION WILL BE ABLE TO SECURE HOUSING THAT IS AFFORDABLE, APPROPRIATE, AND WITHIN REASONABLE DISTANCES OF THEIR PLACES OF EMPLOYMENT. SUCH POLICIES MAY INCLUDE, WITHOUT LIMITATION, AN EXPEDITED PERMITTING PROCESS, REDUCTION OR WAIVER OF LOCAL DEVELOPMENT FEES, DEDICATION OF FINANCIAL RESOURCES, INCENTIVES FOR EMPLOYER ASSISTED HOUSING, INCLUSIONARY ZONING, AND ANY OTHER INCENTIVE DEEMED APPROPRIATE BY THE LOCAL PLANNING JURISDICTION.

(d) AN ESSENTIAL URBAN SERVICES, INFRASTRUCTURE, AND CAPITAL FACILITIES ELEMENT CONSISTING OF:

(I) AN INVENTORY OF EXISTING INFRASTRUCTURE AND CAPITAL FACILITIES SHOWING THE LOCATION AND CAPACITIES OF SUCH INFRASTRUCTURE, CAPITAL FACILITIES, AND URBAN SERVICES AS DEFINED BY THIS ARTICLE;

(II) A FORECAST OF THE FUTURE NEEDS FOR SUCH URBAN SERVICES, INFRASTRUCTURE, AND CAPITAL FACILITIES;

(III) THE PROPOSED LOCATIONS AND CAPACITIES OF NEW URBAN SERVICES, INFRASTRUCTURE, AND CAPITAL FACILITIES NECESSARY TO SUPPORT URBAN GROWTH WITHIN THE URBAN SERVICE AREA DESIGNATED BY THE LOCAL PLANNING JURISDICTION UNDER PART 3 OF THIS ARTICLE;

(IV) ANY EXPANSION, UPGRADE, OR RECONSTRUCTION OF EXISTING URBAN SERVICES, INFRASTRUCTURE, AND CAPITAL FACILITIES NECESSARY TO SUPPORT BOTH EXISTING DEVELOPMENT AND PROJECTED URBAN GROWTH WITHIN THE URBAN SERVICE AREA DESIGNATED BY THE LOCAL PLANNING JURISDICTION UNDER PART 3 OF THIS ARTICLE; AND

(e) A TRANSPORTATION ELEMENT PURSUANT TO WHICH THE LOCAL PLANNING JURISDICTION SHALL IDENTIFY APPROPRIATE AND DESIRABLE PATTERNS FOR THE GENERAL LOCATION, CHARACTER, AND EXTENT OF THE CHANNELS, ROUTES, AND TERMINALS FOR TRANSPORTATION FACILITIES IN THE JURISDICTION. THE JURISDICTION SHALL CONSIDER THE EXISTING TRANSPORTATION NETWORK AND THE EXISTING AND FUTURE NEEDS OF CURRENT AND ANTICIPATED RESIDENTS, BUSINESSES, AND OTHER ENTITIES

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IN THE JURISDICTION, INCLUDING THE NEED FOR MULTI-MODAL, BALANCED TRANSPORTATION OPTIONS.

(f) (I) A NEIGHBORING COMMUNITIES ELEMENT DESIGNED TO FOSTER COOPERATION WITH OTHER LOCAL GOVERNMENTS. THE LOCAL PLANNING JURISDICTION SHALL IDENTIFY ALL NEIGHBORING COMMUNITIES AFFECTED BY THE MASTER PLAN OR ANY TERRITORY OF WHICH IS INCLUDED IN THE PLANNING JURISDICTION'S URBAN SERVICE AREA. UNLESS ALREADY ADDRESSED IN A REGIONAL PLAN CREATED PURSUANT TO THIS ARTICLE, IN ITS NEIGHBORING COMMUNITIES ELEMENT, THE JURISDICTION SHALL ADDRESS, AT A MINIMUM, THE FOLLOWING MATTERS:

(A) EXISTING AGREEMENTS, POLICIES, OR PROGRAMS DESIGNED TO ADDRESS THE EXTERNAL IMPACTS OF DEVELOPMENT WITHIN THE PLANNING JURISDICTION;

(B) ADDITIONAL AGREEMENTS, POLICIES, OR PROGRAMS THAT COULD ALLEVIATE THE EXTERNAL IMPACTS OF DEVELOPMENT WITHIN THE PLANNING JURISDICTION. SUCH AGREEMENTS, POLICIES, OR PROGRAMS MAY INCLUDE, WITHOUT LIMITATION, INTERGOVERNMENTAL AGREEMENTS PURSUANT TO SECTION 29-1-203 OR 29-20-105, C.R.S., AND MAY PROVIDE FOR REVENUE SHARING BETWEEN THE PLANNING JURISDICTION AND ONE OR MORE NEIGHBORING COMMUNITIES; AND

(C) APPROPRIATE BUFFER ZONES TO MAINTAIN OPEN SPACE AND PRESERVE THE UNIQUE CHARACTER AND IDENTITY OF THE NEIGHBORING COMMUNITIES.

(II) IN ORDER TO ELIMINATE CONFLICTS AND INCONSISTENCIES AMONG THE URBAN SERVICE AREAS OF LOCAL PLANNING JURISDICTIONS, AND UNLESS ALREADY ADDRESSED IN A REGIONAL PLAN CREATED PURSUANT TO THIS ARTICLE, EACH URBAN SERVICE AREA OF ANY LOCAL PLANNING JURISDICTION DESIGNATED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE SHALL BE COORDINATED WITH THE URBAN SERVICE AREA OF ANY OTHER LOCAL PLANNING JURISDICTION THAT IS WITHIN THREE MILES OR LESS OF ITS OWN URBAN SERVICE AREA.

(g) AN OPEN SPACE AND AGRICULTURAL LAND ELEMENT PURSUANT TO WHICH THE LOCAL PLANNING JURISDICTION SHALL DETERMINE THE APPROPRIATE STRATEGY FOR THE PROTECTION OF NATURALLY PRODUCTIVE AND CONSERVATION AND OPEN SPACE LAND WITHIN THE LOCAL PLANNING JURISDICTION. THE JURISDICTION SHALL IDENTIFY THE NATURALLY PRODUCTIVE LAND WITHIN ITS GEOGRAPHIC AREA AS WELL AS THE PROJECTED NEEDS FOR, AND PLANNED LOCATIONS OF, CONSERVATION AND OPEN SPACE SUCH AS PARKS, FOREST LAND, WILDLIFE AREAS, SCENIC AREAS, TRAILS, AND PUBLIC RECREATION AREAS WITHIN AND OUTSIDE URBAN SERVICE AREAS.

(h) AN ENVIRONMENTAL QUALITY ELEMENT PURSUANT TO WHICH THE LOCAL PLANNING JURISDICTION SHALL ADDRESS COMPLIANCE WITH BOTH APPLICABLE STATE AND FEDERAL ENVIRONMENTAL LAWS AND LOCALLY DETERMINED GOALS, OBJECTIVES, PRINCIPLES, POLICIES, AND STANDARDS DESIGNED TO PRESERVE AND PROTECT THE ENVIRONMENT FROM THE ADVERSE EFFECTS OF DEVELOPMENT CONSISTENT WITH THE JURISDICTIONAL AUTHORITY OF LOCAL GOVERNMENTS. THE JURISDICTION SHALL CONSIDER AIR QUALITY, INCLUDING POLLUTION CONTROL; WATER QUALITY; CRITICAL AND SENSITIVE AREAS; AND ANY OTHER AREAS WITHIN THE JURISDICTION OF THE LOCAL GOVERNMENT IN NEED OF SPECIAL PROTECTION AS IDENTIFIED IN THE COMPREHENSIVE PLAN OF THE LOCAL GOVERNMENT.

(i) AN URBAN GROWTH ELEMENT AS SET FORTH IN PART 3 OF THIS ARTICLE;

(j) A MINERAL PRESERVATION ELEMENT THAT SHALL SHOW HOW THE PLANNING JURISDICTION INTENDS TO COMPLY WITH PART 3 OF ARTICLE 1 OF TITLE 34, C.R.S., AND THAT SHALL ALSO ADDRESS, IN AREAS OF OIL AND GAS ACTIVITY AS DEFINED BY THE OIL AND GAS CONSERVATION COMMISSION OF THE STATE OF COLORADO CREATED IN SECTION 34-60-104 (1), C.R.S., HOW THE JURISDICTION INTENDS TO PRESERVE ACCESS FOR DEVELOPMENT OF OIL AND GAS RESOURCES; AND

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(k) A PROGRAM FOR THE IMPLEMENTATION OF THE MASTER PLAN.

(3) A MASTER PLAN MAY INCLUDE ANY OF THE FOLLOWING OPTIONAL ELEMENTS IF APPLICABLE AND CONSISTENT WITH THE REQUIRED ELEMENTS:

(a) IN THE CASE OF A PLANNING JURISDICTION THAT IS A COUNTY, ANY OF THE ELEMENTS SET FORTH IN SECTION 30-28-106 (3), C.R.S., THAT IS NOT ONE OF THE REQUIRED ELEMENTS SET FORTH IN SUBSECTION (2) OF THIS SECTION;

(b) IN THE CASE OF A PLANNING JURISDICTION THAT IS A MUNICIPALITY, ANY OF THE ELEMENTS SET FORTH IN SECTION 30-23-206 (1), C.R.S., THAT IS NOT ONE OF THE REQUIRED ELEMENTS SET FORTH IN SUBSECTION (2) OF THIS SECTION;

(c) AN ECONOMIC DEVELOPMENT ELEMENT THAT ASSESSES THE PLANNING JURISDICTION'S STRENGTHS AND WEAKNESSES WITH RESPECT TO ATTRACTING AND RETAINING BUSINESS AND INDUSTRY. THIS ELEMENT SHALL DEFINE THE JURISDICTION'S ROLE IN ENCOURAGING JOB RETENTION AND GROWTH, ECONOMIC PROSPERITY, AND THE STIMULATION OF PRIVATE INVESTMENT WITHIN THE JURISDICTION, INCLUDING THE AVAILABILITY OF ADEQUATE HOUSING FOR EMPLOYEES OF EXISTING AND POTENTIAL FUTURE BUSINESSES, INDUSTRIES, AND INSTITUTIONS WITHIN ITS JURISDICTION, IN ADDITION TO THE JURISDICTION'S ROLE IN ENCOURAGING ADEQUATE TRANSPORTATION FACILITIES AND INFRASTRUCTURE AFFECTING THE JURISDICTION.

(d) A HUMAN SERVICES ELEMENT THAT SHALL COORDINATE PROGRAMS OF HUMAN SERVICES PROVIDERS, WHETHER THE PROVIDERS CONSIST OF THE LOCAL GOVERNMENT, OTHER GOVERNMENT AGENCIES, OR NONPROFIT OR FOR-PROFIT ORGANIZATIONS. THIS ELEMENT SHALL ALSO DETERMINE THE ROLES, IF ANY, IN ADDITION TO COORDINATION, THAT THE PLANNING JURISDICTION MAY ASSUME IN RELATION TO THE PROVISION OF HUMAN SERVICES WITHIN THE PLANNING JURISDICTION.

(e) A COMMUNITY DESIGN ELEMENT TO ESTABLISH A BASIS FOR THE LOCAL PLANNING JURISDICTION TO MAKE DECISIONS ABOUT COMMUNITY APPEARANCE AND CHARACTER BY DEFINING ITS GOALS AND POLICIES AND BY DESCRIBING DESIGN PRINCIPLES OR GUIDELINES THAT WILL CONTRIBUTE TO A DESIRED OVERALL IMAGE OR SERIES OF IMAGES OF THE COMMUNITY;

(f) AN HISTORIC PRESERVATION ELEMENT;

(g) SUBPLANS FOR SPECIAL PLANNING DISTRICTS AND SMALL AREAS WITHIN THE PLANNING JURISDICTION, INCLUDING, WITHOUT LIMITATION, NEIGHBORHOOD PLANS, TRANSIT-ORIENTED DEVELOPMENT PLANS, AND REDEVELOPMENT AREA PLANS;

(h) ANY OTHER ELEMENT THAT THE LOCAL PLANNING JURISDICTION DEEMS APPROPRIATE FOR INCLUSION IN THE MASTER PLAN, IN THE EXERCISE OF ITS JURISDICTION, TO FURTHER THE PURPOSES OF THIS ARTICLE.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH ELEMENT OF A MASTER PLAN THAT IS ADOPTED OR AMENDED BY A PLANNING JURISDICTION ON OR AFTER JULY 1, 2001, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 24-63-202 SHALL BE CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE.

(5) THE MASTER PLAN SHALL INCLUDE ONE OR MORE MASTER PLAN MAPS AT A SUITABLE SCALE REPRESENTING A GENERALIZED COMPOSITE OF PROPOSALS AND RECOMMENDATIONS CONTAINED IN ALL REQUIRED AND OPTIONAL ELEMENTS.

(6) SUBJECT TO THE OTHER REQUIREMENTS OF THIS SECTION, A LOCAL PLANNING JURISDICTION MAY ENTER INTO AN AGREEMENT WITH ONE OR MORE OTHER PLANNING JURISDICTIONS OR OTHER LOCAL GOVERNMENTS TO JOINTLY PREPARE EITHER A LOCAL MASTER PLAN OR AN ELEMENT OF A LOCAL MASTER PLAN THAT WILL INCLUDE THE LAND AREA

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INCLUDED IN THEIR RESPECTIVE JURISDICTIONS WITH THE COSTS FOR THE PREPARATION OF SUCH A PLAN OR PLAN ELEMENT TO BE SHARED BY THE PARTICIPATING PLANNING JURISDICTIONS AND LOCAL GOVERNMENTS IN SUCH MANNER AS PROVIDED IN THE AGREEMENT. IN ADDITION, LOCAL PLANNING JURISDICTIONS MAY APPLY TO THE OFFICE OF SMART GROWTH CREATED IN SECTION 24-32-3203 (1) (a) FOR A GRANT OUT OF THE COLORADO HERITAGE COMMUNITIES FUND CREATED IN SECTION 24-32-3207 TO ASSIST IN DEFRAYING THE COSTS OF PREPARING JOINT PLANS OR JOINT ELEMENTS OF LOCAL MASTER PLANS PURSUANT TO THIS SUBSECTION (6).

**24-63-204. Geographic scope of master plan.** (1) THE MASTER PLAN OF A PLANNING JURISDICTION THAT IS A COUNTY SHALL INCLUDE ALL UNINCORPORATED AREAS WITHIN THE COUNTY OR THE CITY AND COUNTY.

(2) THE MASTER PLAN OF A PLANNING JURISDICTION THAT IS A MUNICIPALITY SHALL INCLUDE ALL AREAS WITHIN THE INCORPORATED LIMITS OF THE MUNICIPALITY AND MAY INCLUDE AREAS OUTSIDE OF THE INCORPORATED AREAS OF THE MUNICIPALITY:

(a) TO WHICH THE MUNICIPALITY PROVIDES ANY URBAN SERVICES OR IS LIKELY TO PROVIDE URBAN SERVICES WITHIN THE TWENTY-YEAR PLANNING PERIOD; AND

(b) THAT ARE WITHIN AREAS THAT ARE LIKELY TO BE ANNEXED BY THE MUNICIPALITY WITHIN THE TWENTY-YEAR PLANNING PERIOD.

**24-63-205. Intergovernmental cooperation.** NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY INTERGOVERNMENTAL AGREEMENT CONCERNING LAND USE PLANNING OR REGULATION OR REVENUE SHARING TO WHICH A LOCAL GOVERNMENT IS A PARTY MAY BE MADE MUTUALLY BINDING AND ENFORCEABLE FOR A PERIOD NOT TO EXCEED TWENTY YEARS. ANY SUCH INTERGOVERNMENTAL AGREEMENT MAY BE RENEWED OR EXTENDED FOR SUCCESSIVE PERIODS. NOTHING IN THIS ARTICLE SHALL EFFECT THE ENFORCEABILITY OR VALIDITY OF ANY INTERGOVERNMENTAL AGREEMENT ENTERED INTO PRIOR TO JULY 1, 2001.

**PART 3  
GROWTH DESIGNATIONS**

**24-63-301. Urban service areas.** (1) A LOCAL PLANNING JURISDICTION IN ITS MASTER PLAN SHALL DESIGNATE URBAN SERVICE AREAS PURSUANT TO THIS PART 3.

(2) EACH URBAN SERVICE AREA DESIGNATED BY A LOCAL PLANNING JURISDICTION PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE FURTHER DIVIDED INTO THE FOLLOWING SUBCATEGORIES:

(a) URBANIZED LAND THAT SHALL INCLUDE THOSE LAND AREAS THAT ARE ALREADY CHARACTERIZED BY URBAN GROWTH AND THAT GENERALLY HAVE ADEQUATE EXISTING URBAN SERVICES; AND

(b) URBANIZING LAND THAT SHALL INCLUDE ANY LAND AREAS WITHIN AN URBAN SERVICE AREA THAT ARE NOT YET URBANIZED LAND.

(3) A LOCAL PLANNING JURISDICTION MAY DESIGNATE LAND WITHIN ITS URBAN SERVICE AREA AS NATURALLY PRODUCTIVE OR CONSERVATION AND OPEN SPACE LAND. LAND WITHIN AN URBAN SERVICE AREA DESIGNATED AS NATURALLY PRODUCTIVE LAND OR AS CONSERVATION AND OPEN SPACE LAND SHALL BE SUBJECT TO THE REQUIREMENTS SPECIFIED IN SECTION 24-63-303.

(4) AFTER DESIGNATING ITS URBAN SERVICE AREAS AND LAND WITHIN ITS URBAN SERVICE AREAS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION, EACH LOCAL PLANNING JURISDICTION SHALL DELINEATE SUCH DESIGNATED AREAS ON A MAP.

**24-63-302. Purposes of urban service area.** (1) THE PURPOSES OF AN URBAN SERVICE AREA ARE TO:

(a) PROVIDE A MECHANISM WHEREBY A LOCAL PLANNING

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JURISDICTION MAY COORDINATE THE LOCATION AND EXTENT OF URBAN GROWTH;

(b) REQUIRE PRIMARY PATTERNS OF CONTIGUOUS OR CLUSTERED URBAN GROWTH AND AVOID LOW-DENSITY URBAN SPRAWL;

(c) PROTECT LANDS THAT ARE NATURALLY PRODUCTIVE FOR AGRICULTURAL, FORESTRY, MINING, AND MINERAL PURPOSES FROM ENCROACHMENT BY URBANIZATION;

(d) IDENTIFY LAND THAT SHOULD BE CONSERVED AS OPEN SPACE OR OTHERWISE AND PROTECT SUCH LANDS FROM DEVELOPMENT;

(e) IDENTIFY WHERE URBAN SERVICES ARE BEING OR WILL BE PROVIDED;

(f) ENCOURAGE THE LOCATION OF NEW URBAN GROWTH IN AREAS WHERE INFRASTRUCTURE AND CAPITAL FACILITIES CAPACITY IS AVAILABLE OR COMMITTED TO BE AVAILABLE IN THE FUTURE AND ENCOURAGE THE TIMELY AND EFFICIENT PROVISION OF URBAN SERVICES IN SUCH AREAS;

(g) ENSURE THAT AN ADEQUATE SUPPLY OF LAND HAS BEEN MADE AVAILABLE FOR TWENTY YEARS OF URBAN GROWTH; AND

(h) ENSURE THAT AFFORDABLE HOUSING TYPES AT VARYING DENSITIES WILL BE PROVIDED WITHIN REASONABLE DISTANCES OF THE RESIDENTS' PLACES OF EMPLOYMENT IN THE LOCAL PLANNING JURISDICTION OR IN OTHER JURISDICTIONS PURSUANT TO REGIONAL PLANNING OR INTERGOVERNMENTAL AGREEMENTS.

**24-63-303. Rural lands - naturally productive land - conservation and open space land - definitions.** (1) ALL LANDS WITHIN THE JURISDICTION OF A LOCAL PLANNING JURISDICTION THAT ARE NOT WITHIN THE JURISDICTION'S DESIGNATED URBAN SERVICE AREA SHALL BE DESIGNATED AS RURAL LANDS. RURAL LANDS SHALL BE CHARACTERIZED BY:

(a) (I) SIGNIFICANT OPEN SPACE OR NATURALLY PRODUCTIVE LAND USES; OR

(II) NATURAL LANDSCAPE OR VEGETATION; AND

(b) NO UTILIZATION OF A CENTRAL WATER OR SEWER SYSTEM. FOR PURPOSES OF THIS ARTICLE, "CENTRAL SEWER SYSTEM" MEANS SANITARY SEWERS AND THE COLLECTION AND TREATMENT OF SEWAGE AND "CENTRAL WATER SYSTEM" MEANS THE PROVISION OF WATER LINES AND THE PUMPING AND TREATMENT OF WATER. JOINTLY SHARED SEPTIC OR WATER FACILITIES IN A CLUSTERED DEVELOPMENT PURSUANT TO PART 4 OF ARTICLE 28 OF TITLE 30, C.R.S., SHALL NOT BE INCLUDED WITHIN THE DEFINITION OF "CENTRAL SEWER SYSTEM" OR "CENTRAL WATER SYSTEM" FOR PURPOSES OF THIS ARTICLE.

(2) (a) (I) THE DEVELOPMENT AND SUBDIVISION OF RURAL LANDS SHALL BE LIMITED TO A MINIMUM LOT SIZE OF THIRTY-FIVE ACRES OR TO CLUSTERED DEVELOPMENT AS SPECIFIED IN SECTION 30-28-403, C.R.S.; EXCEPT THAT THIS PARAGRAPH (a) SHALL NOT BE INTERPRETED TO PROHIBIT AN OWNER OF A SINGLE PARCEL OF PROPERTY CREATED PRIOR TO JANUARY 1, 2001, ON LAND IN AN UNINCORPORATED, NONURBAN AREA, AND OUTSIDE OF AN URBAN SERVICE AREA, FROM CONSTRUCTING A SINGLE-FAMILY RESIDENTIAL DWELLING UTILIZING AN INDIVIDUAL SEPTIC SYSTEM. THIS PARAGRAPH (a) SHALL NOT BE CONSTRUED TO PERMIT THE OWNER OF MULTIPLE CONTIGUOUS PARCELS OF LAND TOTALING LESS THAN THIRTY FIVE ACRES FROM CONSTRUCTING MORE THAN ONE RESIDENTIAL DWELLING UNIT. THIS PARAGRAPH (a) SHALL NOT BE CONSTRUED AS EXPANDING OR CREATING ANY VESTED RIGHTS, AND ALL OTHER APPLICABLE LAND USE REGULATIONS SHALL APPLY.

(II) A LOCAL PLANNING JURISDICTION MAY ALLOW OR APPROVE, IN ACCORDANCE WITH ITS LAND USE REGULATIONS:

(A) DEVELOPMENT NECESSARY TO ALLOW FOR NATURALLY

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PRODUCTIVE USES, INCLUDING COMMERCIAL FACILITIES DIRECTLY RELATED TO SUCH USES;

(B) PUBLICLY OWNED FACILITIES NECESSARY FOR THE PUBLIC HEALTH, SAFETY, AND WELFARE, INCLUDING, WITHOUT LIMITATION, SCHOOLS AND OTHER EDUCATIONAL FACILITIES; AND

(C) THE USE OF RURAL LANDS AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION AND EXCEPT FOR AN APPLICATION REGARDING ELECTRIC OR NATURAL GAS FACILITIES, A LOCAL PLANNING JURISDICTION SHALL NOT APPROVE ANY DEVELOPMENT APPLICATION FOR URBAN GROWTH UNDER ITS LAND DEVELOPMENT REGULATIONS WITH RESPECT TO ANY LAND IT HAS DESIGNATED AS RURAL LANDS UNLESS SUCH APPLICATION IS APPROVED IN ACCORDANCE WITH AN ADOPTED TRANSFERRABLE DEVELOPMENT RIGHTS PROGRAM THE EXPRESS PURPOSE OF WHICH IS TO PROTECT NONURBAN LAND.

(3) A LOCAL PLANNING JURISDICTION MAY DESIGNATE UP TO TEN PERCENT OF THE PRIVATELY-OWNED LANDS IT HAS DESIGNATED AS RURAL LANDS AS RURAL DEVELOPMENT AREAS SO LONG AS THE DESIGNATION OF THESE AREAS SHALL NOT RESULT IN THE DEVELOPMENT OF CRITICAL AND SENSITIVE AREAS OR CRITICAL WILDLIFE HABITATS IN ACCORDANCE WITH APPLICABLE FEDERAL, STATE, OR LOCAL LAW. A LOCAL PLANNING JURISDICTION MAY PERMIT LIMITED DEVELOPMENT IN ITS RURAL DEVELOPMENT AREA IF THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE LAND USE DESIGNATED FOR THAT AREA IN THE JURISDICTION'S MASTER PLAN, IF THE DEVELOPMENT WILL NOT RESULT IN URBAN GROWTH, AND IF THE PROPOSED DEVELOPMENT IS:

(a) A RESIDENTIAL DEVELOPMENT WITH AN AVERAGE DENSITY OF UP TO ONE RESIDENTIAL UNIT PER TEN ACRES WHERE DEVELOPMENT IS CLUSTERED AND AT LEAST SEVENTY-FIVE PERCENT OF THE LAND IS PRESERVED AS EITHER NATURALLY PRODUCTIVE OR AS CONSERVATION AND OPEN SPACE LAND;

(b) A COMMERCIAL DEVELOPMENT OF LESS THAN TEN THOUSAND SQUARE FEET; OR

(c) A PUBLIC FACILITY NECESSARY FOR THE PUBLIC HEALTH, SAFETY, OR WELFARE, INCLUDING, WITHOUT LIMITATION, SCHOOLS AND OTHER EDUCATIONAL FACILITIES.

(4) THE LOCAL PLANNING JURISDICTION SHALL ESTABLISH LOCAL DEVELOPMENT REGULATIONS RELATING TO ANY LAND IT HAS DESIGNATED AS RURAL LANDS TO ENSURE THAT:

(a) SUCH LAND IS NOT CONVERTED INTO SPRAWLING LOW-DENSITY DEVELOPMENT; AND

(b) SUCH LAND FOSTERS TRADITIONAL RURAL LIFESTYLES, RURAL-BASED ECONOMIES, AND OPPORTUNITIES TO BOTH LIVE AND WORK IN RURAL AREAS.

(5) WITHIN LANDS IT HAS DESIGNATED AS RURAL LANDS IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, A LOCAL PLANNING JURISDICTION MAY DESIGNATE LANDS AS NATURALLY PRODUCTIVE OR CONSERVATION AND OPEN SPACE LAND.

(6) IF A LOCAL PLANNING JURISDICTION DESIGNATES LAND AS NATURALLY PRODUCTIVE OR CONSERVATION AND OPEN SPACE LAND, IT SHALL:

(a) ADOPT LAND DEVELOPMENT REGULATIONS THAT ALLOW THE USE OF SUCH LAND FOR THE PURPOSES CONSISTENT WITH THE DESIGNATION, INCLUDING, WITHOUT LIMITATION, MEASURES TO ENSURE THAT A LANDOWNER MAY ENGAGE IN ALL NECESSARY OR CUSTOMARY AGRICULTURAL, FORESTRY, MINING, OR MINERAL PRACTICES AND CONSTRUCTION OF FACILITIES IN SUPPORT OF SUCH PRACTICES, AS MAY BE

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APPLICABLE, UPON SUCH LANDS; AND

(b) ADVISE THE COUNTY ASSESSOR OF SUCH DESIGNATION.

(7) IF A LOCAL PLANNING JURISDICTION DESIGNATES LAND AS NATURALLY PRODUCTIVE OR CONSERVATION AND OPEN SPACE LAND, IT MAY:

(a) ACCEPT GIFTS AND GRANTS FROM PUBLIC OR PRIVATE SOURCES FOR THE PURPOSES OF ACQUIRING OR PURCHASING A CONSERVATION EASEMENT ON SUCH LANDS IN THE INTERESTS OF PRESERVING OPEN SPACE AND OTHERWISE COOPERATE WITH PUBLIC AND PRIVATE ENTITIES TO ACHIEVE SUCH PURPOSES; OR

(b) BY AGREEMENT WITH THE LANDOWNER, UTILIZE OTHER LAND PRESERVATION TECHNIQUES CONSISTENT WITH THIS ARTICLE.

(8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION AND EXCEPT FOR AN APPLICATION REGARDING ELECTRIC OR NATURAL GAS FACILITIES, A LOCAL PLANNING JURISDICTION SHALL NOT APPROVE ANY DEVELOPMENT APPLICATION FOR DEVELOPMENT UNDER ITS LAND DEVELOPMENT REGULATIONS WITH RESPECT TO ANY LAND IT HAS DESIGNATED AS CONSERVATION AND OPEN SPACE LAND. NOTHING IN THIS SUBSECTION (8) SHALL BE CONSTRUED AS PROHIBITING THE CONSTRUCTION OF LIMITED FACILITIES IN SUPPORT OF USES CONSISTENT WITH SUCH DESIGNATION.

**24-63-304. Urban service area.** (1) IN ITS MASTER PLAN, EACH LOCAL PLANNING JURISDICTION SHALL DESIGNATE AN URBAN SERVICE AREA SUBJECT TO THE FOLLOWING REQUIREMENTS:

(a) THE URBAN SERVICE AREA SHALL BE NO GREATER THAN AN AMOUNT OF LAND NEEDED FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT GIVEN PROJECTIONS OF POPULATION AND JOB GROWTH, PROJECTED DENSITY, AND THE LOCAL PLANNING JURISDICTION'S FINANCIAL ABILITY TO PROVIDE AND MAINTAIN AN ADEQUATE LEVEL OF SERVICES FOR THE SUCCEEDING TWENTY YEAR PERIOD. SUCH URBAN SERVICE AREA SHALL BE AMENDED OR UPDATED AT LEAST EVERY FIVE YEARS PURSUANT TO THE PROCEDURES SET FORTH IN SECTION 24-63-202 (5) AND (8).

(b) WITHIN THE GENERAL URBAN SERVICE AREA, THE LOCAL PLANNING JURISDICTION SHALL ESTABLISH A SPECIFIC PHASED BUILD-OUT OF THE URBAN SERVICE AREA BY IDENTIFYING AREAS SUITABLE FOR GROWTH ON A ROLLING SIX-YEAR BASIS WITH ACCOMPANYING LAND USE, DENSITY, AND INTENSITY DESIGNATIONS. SUCH SIX-YEAR DESIGNATED AREA SHALL BE UPDATED NOT MORE THAN ONCE EVERY YEAR AND NOT LESS THAN ONCE EVERY TWO YEARS.

(2) THE GENERAL URBAN SERVICE AREA AND THE SIX-YEAR DESIGNATED AREA ESTABLISHED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE SUBJECT TO THE FOLLOWING REQUIREMENTS:

(a) THE PROJECTED DENSITY WITHIN THE DESIGNATED SIX-YEAR AREA SHALL BE NO LESS THAN THE AVERAGE DENSITY IN THE LOCAL PLANNING JURISDICTION'S EXISTING URBANIZED AREAS SERVED BY A CENTRAL WATER AND SEWER SYSTEM; EXCEPT THAT, IF THE EXISTING URBANIZED AREAS IN THE LOCAL PLANNING JURISDICTION ARE NOT SERVED BY A CENTRAL WATER AND SEWER SYSTEM, THE AVERAGE DENSITY SHALL BE THAT OF THE EXISTING URBANIZED AREAS.

(b) THE LOCAL PLANNING JURISDICTION SHALL NOT DESIGNATE ANY LAND TO BE PART OF A GENERAL URBAN SERVICE AREA OR PART OF A SIX-YEAR DESIGNATED AREA UNLESS IT FINDS THAT ESSENTIAL URBAN SERVICES, INFRASTRUCTURE, AND CAPITAL FACILITIES, AS SET FORTH IN SECTION 24-63-502 (3) (b) (II), ARE CURRENTLY AVAILABLE OR WILL BE PROVIDED ON A TIMELY BASIS FOR DEVELOPMENT OF SUCH LAND.

(c) THE LOCAL PLANNING JURISDICTION SHALL ESTABLISH A GOAL OF ENSURING THAT A LEVEL OF SERVICE IN THE SIX-YEAR DESIGNATED AREA WILL BE PROVIDED THAT WILL BE APPROXIMATELY GREATER THAN

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OR EQUAL TO THE CURRENT LEVEL OF SERVICE IN THE LOCAL PLANNING JURISDICTION'S EXISTING URBANIZED AREAS.

(d) BOTH THE GENERAL URBAN SERVICE AREA AND THE SIX-YEAR DESIGNATED AREA SHALL BE CONTIGUOUS TO EXISTING URBANIZED AREAS IN THE LOCAL PLANNING JURISDICTION.

(e) ANY LAND WITHIN A LOCAL PLANNING JURISDICTION THAT CURRENTLY RECEIVES URBAN SERVICES MAY BE INCLUDED WITHIN THE PLANNING JURISDICTION'S URBAN SERVICE AREA.

(f) A LOCAL PLANNING JURISDICTION SHALL NOT APPROVE URBAN DEVELOPMENT OUTSIDE OF ITS OWN DESIGNATED TWENTY-YEAR URBAN SERVICE AREA.

(g) NO LAND MAY BE INCLUDED WITHIN THE URBAN SERVICE AREAS OF MORE THAN ONE LOCAL PLANNING JURISDICTION.

(h) NO PORTION OF A LOCAL PLANNING JURISDICTION'S URBAN SERVICE AREA MAY CONSIST SOLELY OF A PORTION OF A PLATTED STREET OR ALLEY, A PUBLIC OR PRIVATE RIGHT-OF-WAY, A PUBLIC OR PRIVATE TRANSPORTATION RIGHT-OF-WAY OR AREA, OR A LAKE, RESERVOIR, STREAM, OR OTHER NATURAL OR ARTIFICIAL WATERWAY WITHOUT ALSO INCLUDING PROPERTY ABUTTING SUCH STREET, ALLEY, RIGHT-OF-WAY OR AREA, OR LAKE, RESERVOIR, STREAM, OR OTHER NATURAL OR ARTIFICIAL WATERWAY ON AT LEAST ONE SIDE.

(i) IF ANY PORTION OF A SUBDIVISION THAT CONSISTS OF ONLY ONE FILING IS INCLUDED WITHIN AN URBAN SERVICE AREA, THEN THE ENTIRE SUBDIVISION SHALL BE INCLUDED WITHIN THE AREA. IF ANY PORTION OF A FILING WITHIN A SUBDIVISION THAT CONSISTS OF MULTIPLE FILINGS IS INCLUDED WITHIN AN URBAN SERVICE AREA, THE ENTIRE FILING SHALL BE INCLUDED WITHIN THE AREA. IF ANY PORTION OF A PARCEL OF PROPERTY UNDER COMMON OWNERSHIP IS INCLUDED WITHIN AN URBAN SERVICE AREA, THE ENTIRE PARCEL SHALL BE INCLUDED WITHIN THE AREA.

(3) THE LOCAL PLANNING JURISDICTION MAY ARRANGE, THROUGH A REGIONAL PLAN OR INTERGOVERNMENTAL AGREEMENT, FOR ONE OR MORE PLANNING JURISDICTIONS TO PROVIDE HOUSING TO ACCOMMODATE POPULATION GROWTH.

(4) THE LOCAL PLANNING JURISDICTION IS ENCOURAGED TO PLAN, WHERE POSSIBLE, FOR DEVELOPMENT THAT IS CONTIGUOUS TO EXISTING URBANIZED AREAS.

(5) EACH LOCAL PLANNING JURISDICTION MAY TAKE OTHER NECESSARY IMPLEMENTING ACTIONS, INCLUDING, WITHOUT LIMITATION, RESTRICTIONS ON THE PROVISION OF URBAN SERVICES TO ENSURE THAT URBAN GROWTH OCCURS WITHIN ITS SIX-YEAR DESIGNATED AREA.

(6) WITH RESPECT TO LAND WITHIN OR OUTSIDE OF ITS URBAN SERVICE AREA, THE LOCAL PLANNING JURISDICTION MAY ESTABLISH A PROGRAM OF TRANSFERABLE DEVELOPMENT RIGHTS THAT PROVIDE VALUE TO THE LANDOWNER IN EXCHANGE FOR HIS OR HER AGREEMENT TO, WITHOUT LIMITATION:

(a) PRESERVE LAND EITHER FOR ITS NATURALLY PRODUCTIVE USE OR FOR CONSERVATION AND OPEN SPACE LAND, AS APPROPRIATE;

(b) PROVIDE AFFORDABLE HOUSING;

(c) LOCATE DEVELOPMENT NEAR TRANSIT STATIONS; OR

(d) DESIGN AND LANDSCAPE DEVELOPMENT TO CONSERVE WATER AND ENERGY.

**24-63-305. Land market monitoring system.** AFTER A LOCAL PLANNING JURISDICTION HAS ADOPTED A MASTER PLAN, IT SHALL ESTABLISH A LAND MARKET MONITORING SYSTEM IN WHICH THE LOCAL PLANNING COMMISSION PERIODICALLY AND NOT LESS THAN ONCE EVERY FIVE YEARS REVIEWS PROGRESS IN THE LOCAL PLANNING JURISDICTION

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TOWARDS ACHIEVEMENT OF THE GOALS ESTABLISHED IN THE MASTER PLAN AND PREPARES A SUMMARY REPORT BASED ON SUCH REVIEW. IN THIS PROCESS, THE LOCAL PLANNING COMMISSION SHALL INVENTORY THE SUPPLY OF LANDS AVAILABLE FOR URBAN GROWTH, COMPARE THIS INVENTORY TO THE HOUSING NEEDS OF THE LOCAL PLANNING JURISDICTION, ASSESS THE IMPACT OF THE POLICIES OF THE LOCAL PLANNING JURISDICTION ON THE PRICES AND SUPPLY OF LANDS AVAILABLE FOR URBAN GROWTH, AND, IF APPROPRIATE, RECOMMEND CHANGES TO THE MASTER PLAN OR DEVELOPMENT REGULATIONS OF THE LOCAL PLANNING JURISDICTION.

PART 4  
PROVISIONS CONCERNING ANNEXATION

**24-63-401. Annexed areas to be included in urban service area.** NO MUNICIPALITY THAT IS A PLANNING JURISDICTION SHALL ANNEX ANY LAND UNLESS IT HAS BEEN DESIGNATED AS PART OF THE MUNICIPALITY'S URBAN SERVICE AREA OR IS SO DESIGNATED CONTEMPORANEOUSLY WITH THE ANNEXATION. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY LAND THAT WAS THE SUBJECT OF AN ANNEXATION AGREEMENT ENTERED INTO OR AN ANNEXATION PROCEEDING COMMENCED ON OR BEFORE JULY 1, 2001.

**24-63-402. Referral to municipal planning jurisdiction.**  
(1) PRIOR TO CONSIDERATION OF ANY PRELIMINARY DEVELOPMENT APPLICATION FOR SUBDIVISION OR FOR APPROVAL OF DEVELOPMENT THAT INCLUDES URBAN GROWTH OF ANY LAND THAT HAS BEEN DESIGNATED AS WITHIN AN URBAN SERVICE AREA BY A PLANNING JURISDICTION THAT IS A MUNICIPALITY, WHERE THE LAND THAT IS THE SUBJECT OF THE APPLICATION IS ELIGIBLE ON THE DATE OF THE ANNEXATION FOR ANNEXATION PURSUANT TO SECTION 31-12-104, C.R.S., A COUNTY MAY REQUIRE THE LANDOWNER FIRST TO SEEK ANNEXATION BY THAT MUNICIPAL PLANNING JURISDICTION BEFORE THE APPLICATION MAY BE CONSIDERED BY SUCH COUNTY. A COUNTY SHALL MAKE THE INITIAL DETERMINATION OF ELIGIBILITY FOR ANNEXATION AND REFER THE LANDOWNER TO THE PLANNING JURISDICTION AS AUTHORIZED BY THIS SECTION WITHIN THIRTY DAYS AFTER ITS RECEIPT OF THE PRELIMINARY DEVELOPMENT APPLICATION. WHERE A COUNTY HAS REQUIRED THE LANDOWNER TO SEEK ANNEXATION BY A MUNICIPAL PLANNING JURISDICTION PURSUANT TO THE TERMS OF THIS SECTION AND THE MUNICIPAL PLANNING JURISDICTION EITHER NOTIFIES THE LANDOWNER THAT IT IS UNWILLING OR UNABLE TO ENTERTAIN A PETITION FOR ANNEXATION WITHIN SIXTY DAYS AFTER THE DATE OF THE MUNICIPAL PLANNING JURISDICTION'S RECEIPT OF SUCH APPLICATION ACCORDING TO THE PROCEDURES SET FORTH IN ARTICLE 12 OF TITLE 31, C.R.S., OR IMPOSES CONDITIONS FOR APPROVAL OF THE ANNEXATION THAT ARE UNACCEPTABLE TO THE LANDOWNER, THE COUNTY SHALL CONSIDER THE LANDOWNER'S DEVELOPMENT APPLICATION FOR SUBDIVISION OR DEVELOPMENT IN ACCORDANCE WITH ITS MASTER PLAN, LAND DEVELOPMENT REGULATIONS, STANDARDS, AND PROCEDURES, INCLUDING APPLICABLE ZONING AND SUBDIVISION REGULATIONS.

(2) WHERE A COUNTY REQUESTS A LANDOWNER WHO HAS SUBMITTED AN APPLICATION FOR SUBDIVISION, OR FOR APPROVAL OF DEVELOPMENT THAT INCLUDES URBAN GROWTH, TO SEEK ANNEXATION BY A MUNICIPAL PLANNING JURISDICTION AND THE MUNICIPAL PLANNING JURISDICTION GIVES NOTICE OF ITS INTENT TO ANNEX SUCH LAND IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE PROCESS FOR OBTAINING APPROVAL OF SUCH DEVELOPMENT APPLICATION SHALL BE GOVERNED BY THE MUNICIPAL PLANNING JURISDICTION'S ADOPTED MASTER PLAN, LAND DEVELOPMENT REGULATIONS, STANDARDS, AND PROCEDURES, AND ANY APPROVAL GRANTED BY THE MUNICIPAL PLANNING JURISDICTION SHALL BE BINDING ON THE COUNTY.

(3) NO MUNICIPAL PLANNING JURISDICTION SHALL PROCEED WITH ANNEXATION OF LAND PURSUANT TO SUBSECTION (1) OF THIS SECTION UNLESS IT SHALL BE CAPABLE OF PROVIDING URBAN SERVICES TO THE ANNEXED AREA WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THE ANNEXATION OR, WHERE THE MUNICIPAL PLANNING JURISDICTION HAS ENTERED INTO AN ANNEXATION AGREEMENT OR DEVELOPMENT

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AGREEMENT WITH THE OWNER OF THE ANNEXED AREA PURSUANT TO SECTION 24-68-104, SHALL BE CAPABLE OF PROVIDING URBAN SERVICES TO AT LEAST THE FIRST PHASE OF THE PROPOSED DEVELOPMENT WITHIN THREE YEARS AFTER THE EFFECTIVE DATE OF THE ANNEXATION.

(4) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS GRANTING ANY AUTHORITY TO A PLANNING JURISDICTION THAT IS A MUNICIPALITY TO IMPOSE EITHER A MORATORIUM ON DEVELOPMENT APPROVAL OR A GROWTH LIMITATION OUTSIDE OF ITS INCORPORATED BOUNDARIES.

(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS GRANTING ANY COUNTY ANY AUTHORITY TO REQUIRE LANDOWNERS TO SEEK ANNEXATION OF ANY LAND PRIOR TO THE DEVELOPMENT OF SUCH LAND WHERE THE LAND IS WHOLLY LOCATED OUTSIDE THE URBAN SERVICE AREA OF ANY PLANNING JURISDICTION THAT IS A MUNICIPALITY.

**24-63-403. Application of municipal development standards.**

(1) COUNTIES THAT HAVE ENTERED INTO AN AGREEMENT WITH A PLANNING JURISDICTION THAT IS A MUNICIPALITY PURSUANT TO SECTION 29-20-105, C.R.S., MAY, PURSUANT TO SUCH AGREEMENT, ADOPT BY REFERENCE THE PLANNING JURISDICTION'S UNIFORM DEVELOPMENT STANDARDS AND REQUIREMENTS WHEN APPROVING ANY DEVELOPMENT APPLICATION IN ANY UNINCORPORATED AREA THAT IS WITHIN THE URBAN SERVICE AREA OF THE PLANNING JURISDICTION WHERE THE DEVELOPMENT OR REDEVELOPMENT CONTEMPLATED BY THE DEVELOPMENT APPLICATION IS LIKELY TO IMPACT THE MUNICIPALITY.

(2) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS GRANTING ANY COUNTY ANY AUTHORITY TO ADOPT BY REFERENCE THE DEVELOPMENT STANDARDS OF A PARTICULAR PLANNING JURISDICTION THAT IS A MUNICIPALITY WITH RESPECT TO TERRITORY WHOLLY LOCATED OUTSIDE THE URBAN SERVICE AREA OF ANY MUNICIPALITY.

**PART 5  
DEVELOPMENT APPLICATIONS**

**24-63-501. Rules governing development applications.**

(1) EACH LOCAL PLANNING JURISDICTION SHALL ESTABLISH REGULATIONS GOVERNING THE SCHEDULE IT SHALL USE TO PROCESS AND MAKE A FINAL DECISION WITH RESPECT TO ANY DEVELOPMENT APPLICATION, INCLUDING ANY TOLLING PROVISIONS. THE SCHEDULE SHALL ENSURE THAT DEVELOPMENT APPLICATIONS WITH RESPECT TO LAND LOCATED WITHIN THE LOCAL PLANNING JURISDICTION'S SIX-YEAR AREA DESIGNATED PURSUANT TO SECTION 24-63-304 (1) SHALL BE PROCESSED IN AN EXPEDITED MANNER.

(2) WITH RESPECT TO EACH TYPE OF DEVELOPMENT APPLICATION SPECIFIED IN ITS REGULATIONS, EACH LOCAL PLANNING JURISDICTION IN ITS LAND DEVELOPMENT REGULATIONS SHALL SPECIFY IN DETAIL ALL ITEMS REQUIRED TO BE SUBMITTED FOR A COMPLETE DEVELOPMENT APPLICATION. SUCH ITEMS SHALL CONSIST OF ONLY THOSE ITEMS THAT ARE REASONABLY NECESSARY FOR A REVIEW OF THE DEVELOPMENT APPLICATION.

(3) THE PLANNING JURISDICTION MAY CONTRACT WITH OTHER PARTIES TO ASSIST ITS PLANNING STAFF WITH RESPECT TO THE PROCESSING OF DEVELOPMENT APPLICATIONS TO ENSURE THAT THE PROCESSING OF SUCH APPLICATIONS IS TIMELY COMPLETED.

(4) (a) AS SOON AS A PLANNING JURISDICTION HAS ADOPTED A MASTER PLAN AND HAS CONFORMED ITS DEVELOPMENT REGULATIONS TO THAT PLAN, IT SHALL APPROVE, CONDITIONALLY APPROVE, OR DENY ANY DEVELOPMENT APPLICATION IN ACCORDANCE WITH ITS MASTER PLAN AND DEVELOPMENT REGULATIONS.

(b) IF THE LOCAL PLANNING JURISDICTION CONDITIONALLY APPROVES OR DENIES THE APPLICATION, THE PLANNING JURISDICTION SHALL PROVIDE TO THE APPLICANT AN EXPLANATION OF THE CONDITION OR DENIAL THAT SPECIFICALLY IDENTIFIES ANY PROVISION IN THE JURISDICTION'S MASTER PLAN OR DEVELOPMENT REGULATIONS UPON WHICH SUCH CONDITION OR DENIAL IS BASED. IF THE APPLICANT REQUESTS

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AN OPPORTUNITY TO CURE THE APPLICATION'S DEFICIENCY, THE JURISDICTION SHALL PROVIDE THE APPLICANT WITH A REASONABLE OPPORTUNITY TO CURE THE DEFICIENCY.

(c) EACH LOCAL PLANNING JURISDICTION SHALL SET FORTH IN ITS LAND DEVELOPMENT REGULATIONS THE AMOUNT OF TIME IN WHICH AN APPLICANT MAY ATTEMPT TO CURE ITS APPLICATION AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4) AND THE AMOUNT OF TIME IN WHICH THE JURISDICTION SHALL RESPOND TO THE ATTEMPT TO CURE.

(5) THE TIME PERIODS SPECIFIED IN THIS SECTION SHALL NOT APPLY TO ANY APPLICATION OF A PUBLIC UTILITY PROVIDING ELECTRIC OR NATURAL GAS SERVICE THAT RELATES TO THE LOCATION, CONSTRUCTION, OR IMPROVEMENT OF MAJOR ELECTRIC OR NATURAL GAS FACILITIES GOVERNED BY SECTION 29-20-108, C.R.S.

**24-63-502. Rules for development applications within an urban service area.** (1) EACH LOCAL PLANNING JURISDICTION SHALL ESTABLISH CRITERIA TO EVALUATE DEVELOPMENT APPLICATIONS WITHIN THE SIX-YEAR DESIGNATED AREAS. SUCH CRITERIA SHALL INCLUDE, WITHOUT LIMITATION, CRITERIA DESIGNED WITH REFERENCE TO THE PURPOSES OF AN URBAN SERVICE AREA SET FORTH IN SECTION 24-63-302 AND BE CONSISTENT WITH THE LOCAL PLANNING JURISDICTION'S MASTER PLAN AND LAND USE AND DEVELOPMENT REGULATIONS ADOPTED PURSUANT TO SECTION 24-63-202 (9).

(2) ANY ALLOCATION OR DESIGNATION OF LAND USES, DENSITIES, OR INTENSITIES WITHIN A SIX-YEAR DESIGNATED AREA BY A LOCAL PLANNING JURISDICTION IN A LOCAL MASTER PLAN OR AMENDMENTS THERETO SHALL BE PRESUMED TO APPLY TO SITE-SPECIFIC DEVELOPMENT APPLICATIONS FOR URBAN GROWTH WITHIN THE SIX-YEAR DESIGNATED AREA.

(3) WITH RESPECT TO CRITERIA OTHER THAN USES, DENSITIES, OR INTENSITIES, A DEVELOPMENT APPLICATION FOR URBAN GROWTH WITHIN THE SIX-YEAR DESIGNATED AREA SHALL BE APPROVED IF IT SATISFIES EACH OF THE FOLLOWING REQUIREMENTS:

(a) THE LOCAL PLANNING JURISDICTION DETERMINES THAT THE APPLICATION SATISFIES ALL APPLICABLE CRITERIA ESTABLISHED BY THE LOCAL PLANNING JURISDICTION PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(b) (I) ESSENTIAL URBAN SERVICES, INFRASTRUCTURE, AND CAPITAL FACILITIES ARE CURRENTLY AVAILABLE OR WILL BE PROVIDED AT THE TIME THAT THE PROPOSED PROJECT IS COMPLETED AT A LEVEL OF SERVICE THAT IS APPROXIMATELY GREATER THAN OR EQUAL TO THE LEVEL OF SERVICE CURRENTLY PROVIDED IN THE LOCAL PLANNING JURISDICTION'S EXISTING URBANIZED AREAS.

(II) SUCH ESSENTIAL URBAN SERVICES, INFRASTRUCTURE, AND CAPITAL FACILITIES SHALL BE DETERMINED BY THE LOCAL PLANNING JURISDICTION AND SHALL INCLUDE, AT A MINIMUM, THE PROVISION OF SANITARY SEWERS AND THE COLLECTION AND TREATMENT OF SEWAGE, THE PROVISION OF WATER LINES AND THE PUMPING AND TREATMENT OF WATER, POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY SERVICES, STREETS AND ROADS, ELECTRIC AND NATURAL GAS FACILITIES, TELECOMMUNICATION LINES, AND PUBLIC SCHOOLS.

(III) IF THE ESSENTIAL URBAN SERVICES, INFRASTRUCTURE, AND CAPITAL FACILITIES WILL NOT BE PROVIDED BY THE LOCAL PLANNING JURISDICTION, THE APPLICANT SHALL IDENTIFY THE ENTITY THAT WILL PROVIDE THEM.

(IV) THE LOCAL PLANNING JURISDICTION SHALL ASSESS THE FISCAL PLAN FOR PROVIDING THE ESSENTIAL URBAN SERVICES, INFRASTRUCTURE, AND CAPITAL FACILITIES AND ENSURE THAT SUCH SERVICES, INFRASTRUCTURE, AND CAPITAL FACILITIES WILL BE CONSTRUCTED, OPERATED, OR OTHERWISE PROVIDED IN A MANNER THAT IS FINANCIALLY FEASIBLE.

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(4) (a) A LOCAL PLANNING JURISDICTION MAY CONDITION APPROVAL OF A LAND DEVELOPMENT APPLICATION UPON AN IMPACT FEE OR A SITE SPECIFIC PAYMENT OR DEDICATION REQUIREMENT TO ADDRESS THE IMPACT OF THE PROPOSED DEVELOPMENT ON PUBLIC INFRASTRUCTURE AND IMPROVEMENTS AS REASONABLY NECESSARY TO SERVE THE DEVELOPMENT AND THE FUTURE RESIDENTS OF THE DEVELOPMENT. FOR PURPOSES OF THIS SUBSECTION (4), PUBLIC INFRASTRUCTURE AND IMPROVEMENTS MAY INCLUDE, WITHOUT LIMITATION, CAPITAL PROJECTS, WATER SUPPLY FACILITIES, WASTEWATER FACILITIES, ROADS, STREETS, BRIDGES, LAW ENFORCEMENT SERVICES, LANDFILLS, STORM WATER FACILITIES, PARKS, OPEN SPACE, RECREATION AREAS AND FACILITIES, PUBLIC SAFETY FACILITIES, AND LIBRARIES. IN ADDITION, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LOCAL PLANNING JURISDICTION MAY CONDITION APPROVAL OF A LAND DEVELOPMENT APPLICATION UPON PAYMENT OF AN IMPACT FEE OR OTHER DEVELOPMENT CHARGE FOR THE SOLE PURPOSE OF FINANCING THE COSTS OF PUBLIC SCHOOL CAPITAL PROJECTS.

(b) ANY PAYMENTS COLLECTED BY A PLANNING JURISDICTION PURSUANT TO OR IN ACCORDANCE WITH THIS SUBSECTION (4) SHALL BE COLLECTED AND DISBURSED IN ACCORDANCE WITH THE PROVISIONS OF PART 8 OF ARTICLE 1 OF TITLE 29, C.R.S.

(5) WITHIN AN URBANIZING AREA, A PLANNING JURISDICTION MAY PLAN AND EXTEND THE INFRASTRUCTURE AND CAPITAL FACILITIES NECESSARY TO PROVIDE URBAN SERVICES IN AN ORDERLY MANNER IN ACCORDANCE WITH THE INFRASTRUCTURE AND CAPITAL FACILITIES ELEMENT OF ITS MASTER PLAN. TO THE EXTENT A LANDOWNER OR APPLICANT IN AN URBANIZING AREA DESIRES TO DEVELOP PRIOR TO SUCH A TIME AS THE NECESSARY INFRASTRUCTURE AND CAPITAL FACILITIES HAVE BEEN EXTENDED TO ADJACENT PROPERTIES OR RIGHTS-OF-WAY, A PLANNING JURISDICTION MAY CONDITION APPROVAL OF A DEVELOPMENT APPLICATION UPON A SITE SPECIFIC PAYMENT OR DEDICATION REQUIREMENT SUBJECT TO THE LIMITATIONS SET FORTH IN SUBSECTION (4) OF THIS SECTION, AND MAY ENTER INTO AN AGREEMENT WITH THE LANDOWNER OR APPLICANT PROVIDING FOR PARTIAL REIMBURSEMENT OF SUCH LANDOWNER OR APPLICANT FROM OTHER APPLICANTS WHO RECEIVE A BENEFIT FROM THE ADDITIONAL PAYMENT OR DEDICATION REQUIREMENT IMPOSED UPON SUCH LANDOWNER OR APPLICANT.

PART 6  
REGIONAL PLANNING

**24-63-601. Regional planning requirement.** A REGIONAL PLAN SUBJECT TO THIS PART 6 SHALL BE CREATED IN THE REGION COMPRISED OF THE MUNICIPALITIES AND COUNTIES THAT WERE MEMBERS OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS AS CONSTITUTED ON JANUARY 1, 2001, OR THAT MAY BECOME MEMBERS OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS AT ANY TIME THEREAFTER. THE CREATION OF A REGIONAL PLAN SUBJECT TO THIS PART 6 SHALL NOT BE REQUIRED IN ANY OTHER REGION OF THE STATE.

**24-63-602. Regional planning commission - business advisory subcommittee.** (1) FOR THE DENVER REGION, THE REGIONAL PLANNING COMMISSION SHALL BE THE DENVER REGIONAL COUNCIL OF GOVERNMENTS. THREE REPRESENTATIVES OF THE OFFICE OF THE GOVERNOR, OR SUCH OTHER PERSONS SELECTED BY THE GOVERNOR AS HIS OR HER DESIGNEES, SHALL SERVE AS NONVOTING EX OFFICIO MEMBERS OF THE COMMISSION.

(2) THE REGIONAL PLANNING COMMISSION SHALL ESTABLISH A BUSINESS ADVISORY SUBCOMMITTEE. THE SUBCOMMITTEE SHALL ADVISE AND OFFER RECOMMENDATIONS TO THE COMMISSION ON THE STATUS OF BUSINESS WITHIN THE REGION SO AS TO ENSURE ECONOMIC PROSPERITY IS MAINTAINED IN THE REGION.

**24-63-603. Adoption of regional plan.** (1) NO LATER THAN JULY 1, 2002, THE LOCAL GOVERNMENTS THAT ARE MEMBERS OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS SHALL CREATE AND ADOPT A REGIONAL PLAN FOR THE DENVER REGION. IN ADDITION, BEFORE THAT DATE, THE LOCAL GOVERNMENTS IN THE REGION SHALL ESTABLISH

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PROCEDURES TO BE USED IN CONNECTION WITH THE ADOPTION OF THE REGIONAL PLAN AND ANY SUBSEQUENT AMENDMENTS TO THE PLAN.

(2) THE REGIONAL PLAN SHALL BECOME BINDING ONLY AFTER IT HAS BEEN ADOPTED BY MEMBERS OF THE COMMISSION REPRESENTING AT LEAST:

(a) TWO-THIRDS OF THE COUNTIES AND MUNICIPALITIES IN THE REGION; AND

(b) TWO-THIRDS OF THE POPULATION IN THE REGION, AS DETERMINED BY THE DEPARTMENT OF LOCAL AFFAIRS. FOR PURPOSES OF THIS SUBSECTION (2), THE POPULATION OF A COUNTY SHALL ONLY CONSIST OF THE POPULATION THAT RESIDES IN THE UNINCORPORATED AREAS OF THE COUNTY.

**24-63-604. Contents of regional plan - regional issues.** (1) THE REGIONAL PLAN SHALL ONLY ADDRESS ISSUES THAT AFFECT MORE THAN ONE LOCAL GOVERNMENT IN THE REGION.

(2) THE REGIONAL PLAN SHALL INCLUDE A SET OF REGIONAL GOALS TO BE PURSUED IN CONNECTION WITH THE ORDERLY AND EFFICIENT DEVELOPMENT OF THE REGION AND A SET OF PLANS DESIGNED TO ACCOMPLISH THE REGIONAL GOALS. THE LOCAL GOVERNMENTS IN THE REGION SHALL NEGOTIATE WITH EACH OTHER REGARDING THEIR INDIVIDUAL RESPONSIBILITIES IN ACHIEVING THE REGIONAL GOALS. THE REGIONAL PLANNING COMMISSION SHALL COORDINATE THESE NEGOTIATIONS AND SHALL ENCOURAGE THE FAIR ALLOCATION OF RESPONSIBILITIES IN ACHIEVING THE REGIONAL GOALS AMONG THE LOCAL GOVERNMENTS IN THE REGION.

(3) THE REGIONAL PLAN SHALL ADDRESS REGIONAL GOALS AND PLANS WITH RESPECT TO EACH OF THE FOLLOWING ELEMENTS:

(a) AN ELEMENT ADDRESSING THE EXTENT OF FUTURE REGIONAL URBAN DEVELOPMENT, INCLUDING:

(I) THE GENERAL AMOUNT OF LAND NEEDED FOR FUTURE DEVELOPMENT WITHIN THE REGION GIVEN PROJECTIONS OF POPULATION AND JOB GROWTH;

(II) BUFFER AREAS SEPARATING URBAN AREAS WITHIN THE REGION; AND

(III) REGIONAL STRATEGIES TO PROMOTE CONSERVATION, OPEN SPACE, AND WILDLIFE HABITATS;

(b) A TRANSPORTATION ELEMENT THAT SHALL ADDRESS THE DEVELOPMENT AND USE OF MULTI-MODAL TRANSPORTATION SYSTEMS WITHIN THE REGION;

(c) A HOUSING ELEMENT THAT SHALL ADDRESS THE MANNER IN WHICH SUFFICIENT HOUSING TO ADDRESS SUCH NEEDS WITHIN THE REGION WILL BE PROVIDED OVER THE SUBSEQUENT TWENTY-YEAR PERIOD. THIS ELEMENT SHALL INCLUDE STRATEGIES TO PROMOTE THE DEVELOPMENT OF HOUSING FOR RESIDENTS IN THE REGION AND TO PROVIDE A RANGE OF HOUSING CHOICES IN THE REGION THAT ARE SUFFICIENT TO MEET THE NEEDS OF PERSONS IN THE REGION, INCLUDING THE NEEDS OF PERSONS NEWLY EMPLOYED IN THE REGION AND PERSONS OF VARIOUS INCOME LEVELS INCLUDING LOW AND MODERATE INCOMES, AND THAT ARE WITHIN REASONABLE DISTANCES OF THEIR PLACES OF EMPLOYMENT.

(d) AN ENVIRONMENTAL QUALITY ELEMENT THAT SHALL ADDRESS STRATEGIES RELATED TO WATER QUALITY WITHIN THE REGION AND, IN CONJUNCTION WITH THE REGIONAL AIR QUALITY COUNCIL, STRATEGIES RELATED TO AIR QUALITY; AND

(e) ANY ADDITIONAL REGIONAL ELEMENTS THAT WILL FURTHER SERVE THE PURPOSES OF THIS PART 6.

(4) THE DENVER METROPOLITAN AREA PLAN MAY INCLUDE

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AGREEMENTS FOR THE SHARING OF REVENUE BETWEEN CONSENTING LOCAL GOVERNMENTS IN THE REGION.

(5) EACH ELEMENT OF THE DENVER METROPOLITAN AREA PLAN SHALL HAVE A PLANNING HORIZON OF TWENTY YEARS.

(6) ANY DISPUTES BETWEEN INDIVIDUAL LOCAL GOVERNMENTS IN THE REGION OR BETWEEN ANY LOCAL GOVERNMENT AND THE REGIONAL PLANNING COMMISSION RELATING TO THE CONTENTS OF THE REGIONAL PLAN, INCLUDING THE RESPONSIBILITIES OF LOCAL GOVERNMENTS UNDER THE PLAN, SHALL BE SUBJECT TO MEDIATION PURSUANT TO THE PROCEDURES SET FORTH IN PART 7 OF THIS ARTICLE.

(7) THE REGIONAL PLAN SHALL ADDRESS ISSUES IN THE REGION THAT ENCOMPASSES ALL GEOGRAPHIC AREAS WITHIN THE LOCAL GOVERNMENTS IN THE PLANNING AREA, INCLUDING AREAS WITHIN COUNTIES, MUNICIPALITIES, AND SPECIAL DISTRICTS. THE REGIONAL PLAN SHALL INCLUDE A MAP AT A SUITABLE SCALE THAT IS A GENERALIZED COMPOSITE OF ANY REGIONAL PLANS AND GOALS.

(8) THE LOCAL GOVERNMENTS IN THE REGION, WITH THE ASSISTANCE OF THE REGIONAL PLANNING COMMISSION, SHALL ESTABLISH A PROCEDURE BY WHICH THEY SHALL MEASURE, PERIODICALLY AND NOT LESS THAN ONCE EVERY TWO YEARS, PROGRESS TOWARD ACHIEVEMENT OF THE GOALS ESTABLISHED IN THE REGIONAL PLAN.

(9) THE LOCAL GOVERNMENTS IN THE REGION MAY CONTINUE TO OPERATE UNDER THE PROVISIONS OF AN EXISTING REGIONAL PLAN CREATED BY THE DENVER REGIONAL COUNCIL OF GOVERNMENTS THAT ARE IN CONFORMITY WITH THE REQUIREMENTS OF THIS ARTICLE UNTIL THE REGIONAL PLAN CREATED PURSUANT TO THIS PART 6 IS ADOPTED.

**24-63-605. Implementation of regional plan.** (1) AFTER THE LOCAL GOVERNMENTS HAVE CREATED AND ADOPTED THE REGIONAL PLAN IN ACCORDANCE WITH SECTIONS 24-63-603 AND 24-63-604, EACH LOCAL GOVERNMENT WITHIN THE REGION SHALL ENSURE THAT ITS MASTER PLAN IS CONSISTENT WITH THE REGIONAL PLAN.

(2) BEFORE THE ADOPTION OF THE REGIONAL PLAN, THE LOCAL GOVERNMENTS IN THE PLANNING REGION SHALL DEVELOP, WITH THE ASSISTANCE OF THE REGIONAL PLANNING COMMISSION, A PROCESS FOR DETERMINING THE CONSISTENCY OF LOCAL MASTER PLANS WITH THE REGIONAL PLAN. SUCH PROCESS SHALL BE EFFECTIVE ONCE IT HAS NEGOTIATED BETWEEN OR AMONG THE LOCAL GOVERNMENTS IN THE REGION AND ADOPTED PURSUANT TO THE REQUIREMENTS OF SECTION 24-63-603 (2). THE REGIONAL PLANNING COMMISSION MAY ESTABLISH AN EXPEDITED PROCEDURE BY WHICH A LOCAL PLANNING JURISDICTION MAY REQUEST AND RECEIVE AN OPINION FROM THE REGIONAL PLANNING COMMISSION AS TO WHETHER CERTAIN PROPOSED ACTIONS OR DECISIONS WOULD BE CONSISTENT WITH THE REGIONAL PLAN PURSUANT TO WHICH THE CITIES AND COUNTIES CERTIFY CONSISTENCY WITH THE REGIONAL PLAN. IN ADOPTING A COMPREHENSIVE PLAN OR AMENDMENT TO SUCH PLAN, THE LOCAL PLANNING JURISDICTION SHALL FORWARD ITS COMPREHENSIVE PLAN OR ANY AMENDMENTS TO THE PLAN TO THE REGIONAL PLANNING COMMISSION. THE LOCAL PLANNING JURISDICTION SHALL MAKE A FINDING AND CERTIFY TO THE REGIONAL PLANNING COMMISSION THAT SUCH COMPREHENSIVE PLAN OR AMENDMENT IS CONSISTENT WITH THE REGIONAL GOALS ADDRESSED IN THE REGIONAL PLAN.

(3) AFTER THE LOCAL GOVERNMENTS IN THE PLANNING REGION HAVE ADOPTED THE REGIONAL PLAN IN ACCORDANCE WITH THE PROVISIONS OF THIS PART 6, SUCH PLAN SHALL BE BINDING ON EACH LOCAL PLANNING JURISDICTION IN THE REGION. IF THE MASTER PLAN OF A LOCAL PLANNING JURISDICTION WITHIN THE REGION IS NOT CONSISTENT WITH THE REGIONAL PLAN, THE COUNTY OR MUNICIPALITY SHALL NOT BE ELIGIBLE TO RECEIVE MONEYS DISBURSED BY THE REGIONAL PLANNING COMMISSION OR STATE TRANSPORTATION MONEYS FOR LOCAL TRANSPORTATION PROJECTS.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE

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TRANSPORTATION PRIORITIES IDENTIFIED IN THE REGIONAL PLAN SHALL BE FOLLOWED BY THE COLORADO DEPARTMENT OF TRANSPORTATION UNLESS SUCH DEPARTMENT SPECIFICALLY DETERMINES THAT THERE IS A COMPELLING AND OVERRIDING STATE INTEREST THAT REQUIRES OTHERWISE.

(5) NO UTILITY OR SPECIAL DISTRICT SHALL BE OBLIGATED BY THE REGIONAL PLAN TO PROVIDE ANY SERVICES THAT IT HAS NOT AGREED TO PROVIDE AS OF THE DATE OF THE ADOPTION OF THE REGIONAL PLAN WITHOUT A VOTE OF ITS GOVERNING BODY TO PROVIDE SUCH SERVICES NOR SHALL THE EXISTING AUTHORITY OF ANY UTILITY OR SPECIAL DISTRICT BE REDUCED BY THE REGIONAL PLAN.

**24-63-606. Periodic review and amendment of regional plan.**

(1) AFTER ADOPTION, THE REGIONAL PLAN SHALL BE REVIEWED AT LEAST ONCE EVERY FIVE YEARS THEREAFTER. IN THE REVIEW, THE LOCAL GOVERNMENTS IN THE REGION, WITH THE ASSISTANCE OF THE REGIONAL PLANNING COMMISSION, SHALL REEVALUATE THE PLAN AS NECESSARY, BASED UPON NEW DATA AND PROJECTIONS, AND MAY AMEND THE PLAN TO REFLECT THE NEW DATA AND PROJECTIONS.

(2) ANY AMENDMENT TO THE REGIONAL PLAN SHALL NOT BE EFFECTIVE UNLESS APPROVED BY MEMBERS OF THE COMMISSION REPRESENTING AT LEAST:

(a) TWO-THIRDS OF THE POPULATION IN THE REGION AS DETERMINED BY THE DEPARTMENT OF LOCAL AFFAIRS; AND

(b) TWO-THIRDS OF THE COUNTIES AND MUNICIPALITIES IN THE REGION. FOR PURPOSES OF THIS SUBSECTION (2), THE POPULATION OF A COUNTY SHALL ONLY CONSIST OF THE POPULATION THAT RESIDES IN THE UNINCORPORATED AREAS OF THE COUNTY.

**PART 7  
JUDICIAL REVIEW AND MEDIATION**

**24-63-701. Judicial review.** WITH THE EXCEPTION OF CLAIMS OR CAUSES OF ACTION INVOLVING PUBLIC UTILITIES, WHICH SHALL BE GOVERNED BY TITLE 40, C.R.S., THE DISTRICT COURTS OF THE STATE SHALL HAVE JURISDICTION OVER ANY CLAIM OR CAUSE OF ACTION ARISING OUT OF OR RELATED TO THE PROVISIONS OF THIS ARTICLE. SUCH CLAIM OR CAUSE OF ACTION SHALL BE SUBJECT TO THE RULES GOVERNING OTHER CIVIL ACTIONS FILED IN THE DISTRICT COURTS; EXCEPT THAT THE CRITERIA UPON WHICH JUDICIAL REVIEW SHALL BE BASED FOR ISSUES ARISING UNDER THIS ARTICLE SHALL BE DETERMINED WITH REFERENCE TO SECTIONS 24-63-102 AND 24-63-302.

**24-63-702. Mediation required.** (1) ANY MUNICIPALITY, NEIGHBORING COMMUNITY, OR COUNTY THAT DESIRES TO BRING ANY CLAIM OR CAUSE OF ACTION CHALLENGING THE ACTION, DECISION, OR OMISSION OF ANOTHER MUNICIPALITY, NEIGHBORING COMMUNITY, OR COUNTY AS INCONSISTENT WITH THIS ARTICLE, OR TO BRING ANY OTHER CLAIM ARISING OUT OF THIS ARTICLE AGAINST SUCH MUNICIPALITY, NEIGHBORING COMMUNITY, COUNTY, OR REGIONAL PLANNING COMMISSION, SHALL FIRST MEDIATE THE DISPUTE PURSUANT TO THE PROCEDURES PROVIDED IN THIS PART 7 BEFORE THE CLAIM OR CAUSE OF ACTION MAY BE FILED IN THE DISTRICT COURT.

(2) NO LATER THAN JULY 1, 2002, THE DEPARTMENT SHALL, AFTER PROVIDING AN OPPORTUNITY FOR PUBLIC COMMENT, ADOPT RULES GOVERNING THE NONBINDING MEDIATION OF DISPUTES PURSUANT TO THIS ARTICLE ADDRESSING, WITHOUT LIMITATION, THE ESTABLISHMENT OF DEADLINES FOR THE VARIOUS STAGES OF MEDIATION, AN APPROPRIATE LEVEL OF COMPENSATION FOR THE MEDIATORS, AND THE ALLOCATION OF COSTS AMONG THE PARTIES. IN NO EVENT SHALL THE RULES PERMIT A MEDIATION BROUGHT UNDER THIS ARTICLE TO CONTINUE FOR MORE THAN NINETY DAYS EXCEPT WITH THE CONSENT OF ALL PARTIES. THE REGIONAL PLANNING COMMISSION MAY ADOPT DIFFERENT RULES GOVERNING SUCH ISSUES.

(3) THE DEPARTMENT SHALL CREATE AND MAINTAIN A LIST OF

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PERSONS WHO HAVE DEMONSTRATED EXPERIENCE IN LAND USE MATTERS AND ARE WILLING TO SERVE AS MEDIATORS. THE LIST MAINTAINED BY THE DEPARTMENT MAY BE THE SAME LIST THAT THE DEPARTMENT MAINTAINS PURSUANT TO SECTION 24-32-3209. THE REGIONAL PLANNING COMMISSION MAY CREATE AND MAINTAIN A DIFFERENT LIST.

(4) IF A PARTY THAT DESIRES TO BRING ANY CLAIM OR CAUSE OF ACTION IS REQUIRED BY SUBSECTION (1) OF THIS SECTION TO MEDIATE THE DISPUTE, THE PARTY SHALL NOTIFY THE DEPARTMENT AND THE PARTY WHOSE ACTION, DECISION, OR OMISSION IT DESIRES TO CHALLENGE OF ITS DESIRE AND THE NATURE OF ITS CLAIM WITHIN TEN BUSINESS DAYS AFTER THE CHALLENGED ACTION, DECISION, OR OMISSION. IF THE PARTY DESIRING TO BRING THE CLAIM OR CAUSE OF ACTION IS A COUNTY OR MUNICIPALITY THAT IS LOCATED WITHIN A REGION FOR WHICH THERE IS A REGIONAL PLAN CREATED PURSUANT TO THIS ARTICLE, THE PARTY SHALL ALSO NOTIFY THE REGIONAL PLANNING COMMISSION FOR THAT REGION OF ITS CLAIM WITHIN THE SAME PERIOD.

(5) IN ANY MEDIATION INVOLVING A DISPUTE BETWEEN TWO OR MORE COUNTIES OR MUNICIPALITIES, THE MEDIATOR SHALL BE SELECTED FROM THE LIST OF MEDIATORS MAINTAINED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO THIS ARTICLE; EXCEPT THAT, IN ANY MEDIATION ARISING OUT OF DISPUTE BETWEEN TWO OR MORE COUNTIES OR MUNICIPALITIES LOCATED IN A REGION FOR WHICH A REGIONAL PLAN HAS BEEN CREATED PURSUANT TO PART 6 OF THIS ARTICLE, WHERE THE REGIONAL PLANNING COMMISSION FOR THAT REGION HAS MAINTAINED A DIFFERENT LIST OF MEDIATORS PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE MEDIATOR SHALL BE SELECTED FROM SUCH LIST OR SHALL BE SUCH OTHER BODY THAT THE COMMISSION SHALL DETERMINE IN THE EXERCISE OF ITS DISCRETION.

(6) WITHIN FIVE BUSINESS DAYS AFTER THE CONCLUSION OF THE MEDIATION, THE MEDIATOR SHALL CERTIFY TO THE DEPARTMENT WHETHER THE DISPUTE HAS BEEN RESOLVED AND THE DATE ON WHICH THE MEDIATION WAS CONCLUDED. NOTWITHSTANDING ANY PROVISION OF LAW, IN ANY PROCEEDING UNDER THIS PART 7, THE THIRTY-DAY LIMITATION PERIOD SET FORTH IN RULE 106 (b), C.R.C.P., SHALL NOT BEGIN TO RUN UNTIL THE DATE THE MEDIATION IS CONCLUDED UPON WHICH DATE THE RUNNING OF THE THIRTY-DAY PERIOD WILL COMMENCE.

**SECTION 2.** 24-32-3203 (3) (d), Colorado Revised Statutes, is amended to read:

**24-32-3203. Office of smart growth - creation - powers and duties of executive director.** (3) The executive director shall have the following powers and duties in administering this part 32:

(d) To review and approve applications for grants awarded by the office out of moneys in the fund to assist a local government, as applicable, in developing a master plan in conformity with ARTICLE 63 OF THIS TITLE OR section 30-28-106 or 31-23-206, C.R.S., and to determine the amount of money to be awarded under each such grant pursuant to section 24-32-3207 (2);

**SECTION 3.** 31-12-105 (1) (e), Colorado Revised Statutes, is amended, and the said 31-12-105 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

**31-12-105. Limitations.** (1) (e) Except as otherwise provided in this paragraph (e), no annexation may take place which would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year. Within said three-mile area, the contiguity required by section 31-12-104 (1) (a) may be achieved by annexing a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway. Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area, which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities,

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and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area. Such plan shall be updated at least once annually. Such three-mile limit may be exceeded if such limit would have the effect of dividing a parcel of property held in identical ownership if at least fifty percent of the property is within the three-mile limit. In such event, the entire property held in identical ownership may be annexed in any one year without regard to such mileage limitation. Such three-mile limit may also be exceeded for the annexation of an enterprise zone. PRIOR TO COMPLETION OF AN ANNEXATION IN WHICH THE CONTIGUITY REQUIRED BY SECTION 31-12-104 (1) (a) IS ACHIEVED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PARAGRAPH (e), THE MUNICIPALITY SHALL ANNEX ANY OF THE FOLLOWING PARCELS THAT ABUT A PLATTED STREET OR ALLEY, A PUBLIC OR PRIVATE RIGHT-OF-WAY, A PUBLIC OR PRIVATE TRANSPORTATION RIGHT-OF-WAY OR AREA, OR A LAKE, RESERVOIR, STREAM, OR OTHER NATURAL OR ARTIFICIAL WATERWAY, WHERE SUCH PARCEL IS INCLUDED WITHIN THE MUNICIPALITY'S URBAN SERVICE AREA DESIGNATED PURSUANT TO SECTION 24-63-304, C.R.S., WHERE THE PARCEL SATISFIES ALL OF THE ELIGIBILITY REQUIREMENTS PURSUANT TO SECTION 31-12-104, AND FOR WHICH AN ANNEXATION PETITION HAS BEEN RECEIVED BY THE MUNICIPALITY NO LATER THAN FORTY-FIVE DAYS PRIOR TO THE DATE OF THE HEARING SET PURSUANT TO SECTION 31-12-108 (1):

(I) ANY PARCEL OF PROPERTY HAVING AN INDIVIDUAL SCHEDULE NUMBER FOR COUNTY TAX FILING PURPOSES UPON THE PETITION OF THE OWNER OF SUCH PARCEL;

(II) ANY SUBDIVISION THAT CONSISTS OF ONLY ONE FILING UPON THE PETITION OF THE REQUISITE NUMBER OF OWNERS OF PROPERTY WITHIN THE SUBDIVISION AS DETERMINED PURSUANT TO SECTION 31-12-107; OR

(III) ANY FILING WITHIN A SUBDIVISION THAT CONSISTS OF MORE THAN ONE FILING UPON THE PETITION OF THE REQUISITE NUMBER OF OWNERS OF PROPERTY WITHIN THE FILING AS DETERMINED PURSUANT TO SECTION 31-12-107.

(e.1) THE MUNICIPALITY SHALL ANNEX THE PARCELS DESCRIBED IN PARAGRAPH (e) OF THIS SUBSECTION (1) UNDER THE SAME OR SUBSTANTIALLY SIMILAR TERMS AND CONDITIONS AS, AND CONSIDER THEM AT THE SAME HEARING AND IN THE SAME IMPACT REPORT AS, THE INITIAL ANNEXATION IN WHICH THE CONTIGUITY REQUIRED BY SECTION 31-12-104 (1) (a) IS ACHIEVED BY ANNEXING A PLATTED STREET OR ALLEY, A PUBLIC OR PRIVATE RIGHT-OF-WAY, A PUBLIC OR PRIVATE TRANSPORTATION RIGHT-OF-WAY OR AREA, OR A LAKE, RESERVOIR, STREAM, OR OTHER NATURAL OR ARTIFICIAL WATERWAY. IMPACTS OF THE ANNEXATION UPON THE PARCELS DESCRIBED IN PARAGRAPH (e) OF THIS SUBSECTION (1) THAT ABUT SUCH STREET OR ALLEY, RIGHT-OF-WAY, AREA, OR WATERWAY SHALL BE CONSIDERED IN THE IMPACT REPORT REQUIRED BY SECTION 31-12-108.5. AS PART OF THE SAME HEARING, THE MUNICIPALITY SHALL CONSIDER AND DECIDE UPON ANY PETITION FOR ANNEXATION OF ANY PARCEL OF PROPERTY HAVING AN INDIVIDUAL SCHEDULE NUMBER FOR COUNTY TAX FILING PURPOSES, WHICH PETITION WAS RECEIVED NOT LATER THAN FORTY-FIVE DAYS PRIOR TO THE HEARING DATE, WHERE THE PARCEL ABUTS ANY PARCEL DESCRIBED IN PARAGRAPH (e) OF THIS SUBSECTION (1), AND WHERE THE PARCEL OTHERWISE SATISFIES ALL OF THE ELIGIBILITY REQUIREMENTS OF SECTION 31-12-104.

(e.3) IN CONNECTION WITH ANY ANNEXATION IN WHICH THE CONTIGUITY REQUIRED BY SECTION 31-12-104 (1) (a) IS ACHIEVED BY ANNEXING A PLATTED STREET OR ALLEY, A PUBLIC OR PRIVATE RIGHT-OF-WAY, A PUBLIC OR PRIVATE TRANSPORTATION RIGHT-OF-WAY OR AREA, OR A LAKE, RESERVOIR, STREAM, OR OTHER NATURAL OR ARTIFICIAL WATERWAY, UPON THE LATER OF NINETY DAYS PRIOR TO THE DATE OF THE HEARING SET PURSUANT TO SECTION 31-12-108 OR UPON THE FILING OF THE ANNEXATION PETITION, THE MUNICIPALITY SHALL PROVIDE BY REGULAR MAIL TO THE OWNER OF ANY ABUTTING PARCEL AS REFLECTED IN THE RECORDS OF THE COUNTY ASSESSOR WRITTEN NOTICE OF THE ANNEXATION AND OF THE LANDOWNER'S RIGHT TO PETITION FOR ANNEXATION PURSUANT TO SECTION 31-12-107. INADVERTENT FAILURE TO PROVIDE SUCH NOTICE SHALL NEITHER CREATE A CAUSE OF ACTION IN FAVOR OF ANY LANDOWNER NOR INVALIDATE ANY ANNEXATION

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PROCEEDING.

**SECTION 4.** 22-54-102 (3), Colorado Revised Statutes, is amended to read:

**22-54-102. Legislative declaration - statewide applicability - intergovernmental agreements.** (3) (a) Nothing in this article shall be construed to prohibit local governments from cooperating with school districts through intergovernmental agreements to fund, construct, maintain, or manage capital construction projects or other facilities as set forth in section 22-45-103 (1) (c) (I) (A) or (1) (c) (I) (D), including, but not limited to, swimming pools, playgrounds, or ball fields, as long as funding for such projects is provided solely from a source of local government revenue that is otherwise authorized by law. ~~except impact fees or other similar development charges or fees.~~

(b) Notwithstanding any provision of paragraph (a) of this subsection (3) to the contrary, nothing in this subsection (3) shall be construed to:

(I) Limit or restrict a county's power to require the reservation or dedication of sites and land areas for schools or the payment of moneys in lieu thereof pursuant to section 30-28-133 (4) (a), C.R.S., or to limit a local government's ability to accept and expend impact fees or other similar development charges or fees ~~contributed voluntarily on or before December 31, 1997~~; to fund the capital projects of school districts; ~~according to the terms of agreements voluntarily entered into on or before June 4, 1996, between all affected parties;~~

(II) ~~Affect any agreements entered into before May 1, 1996, that were the subject of litigation pending before the Colorado supreme court on May 1, 1996. If a supreme court decision affirms the right to impose impact fees or other similar development charges or fees, a local government that had imposed such fees or charges prior to May 1, 1996, may impose and collect such fees and charges until July 1, 1997. If a decision of the supreme court rejects the right to impose such fees or charges, such local government may impose and collect such fees and charges in connection with or as required by a voluntary agreement entered into before July 1, 1996, for the term of the agreement. In either event, all such impact fees or other similar development charges or fees shall be appropriated on or before December 31, 1997.~~

(III) Grant authority to local governments to require the reservation or dedication of sites and land areas for schools or the payment of moneys in lieu thereof. ~~however, the prohibition on impact fees or other similar development charges or fees contained in this subsection (3) shall not be construed to restrict the authority of any local government to require the reservation or dedication of sites and land areas for schools or the payment of moneys in lieu thereof if such local government otherwise has such authority granted by law.~~

**SECTION 5.** Article 60 of title 34, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 2  
CONSERVATION OF MINERAL AND ENERGY RESOURCES

**34-60-201. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) SIGNIFICANT LAND AREAS IN THE STATE CONTAIN MINERAL AND ENERGY RESOURCES;

(b) THESE NATURAL RESOURCES ARE USUALLY FOUND IN RURAL AREAS, OPEN SPACE, OR OTHER AREAS OF THE LAND THAT SHOULD REMAIN IN AN UNDEVELOPED STATE;

(c) OWNERS OF LAND CONTAINING MINERAL AND ENERGY RESOURCES OFTEN FACE ECONOMIC INCENTIVES TO SELL SUCH LAND, WHICH MAY RESULT IN THE LOSS OF RURAL LANDS OR OPEN SPACE AS WELL AS A LOSS IN LAND THAT MAY BE AVAILABLE FOR OIL OR GAS OPERATIONS.

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(2) BY ENACTING THIS PART 2, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE PROVIDE OWNERS OF LAND CONTAINING OIL OR GAS RESERVES SUFFICIENT INCENTIVES TO MAINTAIN SUCH LAND AS SUITABLE FOR MINERAL AND ENERGY DEVELOPMENT AND IN AN UNDEVELOPED CONDITION FOR THE BENEFIT OF FUTURE GENERATIONS.

**34-60-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOARD" MEANS THE MINERALS, ENERGY, AND GEOLOGY POLICY ADVISORY BOARD CREATED IN SECTION 34-20-104 (1).

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES CREATED IN SECTION 24-33-101 (1), C.R.S.

(3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

(4) "FUND" MEANS THE MINERAL AND ENERGY RESOURCES CONSERVATION FUND ESTABLISHED IN SECTION 34-60-205.

(5) "LANDOWNER" MEANS ANY PERSON OWNING THE SURFACE OF ANY DISCRETE PARCEL OF LAND THAT IS THIRTY-FIVE ACRES OR MORE IN SIZE AND THAT COMPRISES, WHOLLY OR IN PART, AN OIL AND GAS BASIN.

(6) "OIL AND GAS BASIN" MEANS LAND THAT:

(a) HAS HISTORICALLY SUPPORTED OIL AND GAS OPERATIONS; AND

(b) AS OF JULY 1, 2001, CONTAINS A RESERVE OF OIL OR GAS, AS IDENTIFIED BY THE COMMISSION, IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 2.

(7) "PURCHASER" MEANS A PERSON INTERESTED IN ACQUIRING DEVELOPMENT RIGHTS TO THE LAND OWNED BY A LANDOWNER, WHETHER BY MEANS OF THE ACQUISITION OF AN OWNERSHIP INTEREST IN SUCH PROPERTY, ACQUISITION OF A CONSERVATION EASEMENT ON THE PROPERTY, OR OTHERWISE.

**34-60-203. Identification of oil and gas basins.** NO LATER THAN JULY 1, 2002, THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT OF NATURAL RESOURCES AND THE DEPARTMENT OF LOCAL AFFAIRS, SHALL IDENTIFY EACH OIL AND GAS BASIN WITHIN THE STATE.

**34-60-204. Grants for the acquisition of development rights.**

(1) ON OR AFTER JULY 1, 2002, AND SUBJECT TO THE REQUIREMENTS OF THIS PART 2, A PURCHASER MAY APPLY TO THE EXECUTIVE DIRECTOR FOR A GRANT OUT OF THE FUND IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(2) IN CONSULTATION WITH THE BOARD, THE EXECUTIVE DIRECTOR MAY AWARD GRANT MONEYS OUT OF THE FUND TO COMPENSATE THE PURCHASER FOR THE COSTS OF ACQUIRING OUTRIGHT TITLE TO LAND LOCATED IN AN OIL AND GAS BASIN, OR IN A BUFFER ZONE AROUND AN EXISTING MINE, THE COSTS OF ACQUIRING DEVELOPMENT RIGHTS IN AND TO THE LAND, THE COSTS OF ACQUIRING A CONSERVATION EASEMENT ON THE LAND, OR FOR COSTS INCURRED IN CONNECTION WITH ANY OTHER LAND PRESERVATION METHOD CONSISTENT WITH THIS PART 2 ON THE EXPRESS CONDITION THAT THE PURCHASER AGREE TO PRESERVE THE LAND AS SUITABLE FOR MINERAL AND ENERGY DEVELOPMENT AND IN AN UNDEVELOPED STATE FOR A PERIOD OF NOT LESS THAN TWENTY YEARS. TO THE EXTENT GRANT MONEYS AWARDED UNDER THIS PART 2 ARE USED TO ENABLE THE LANDOWNER TO GRANT THE PURCHASER A CONSERVATION EASEMENT ON THE LAND, THE PARTIES SHALL FOLLOW THE REQUIREMENTS CONCERNING SUCH EASEMENTS SPECIFIED IN ARTICLE 30.5 OF TITLE 38, C.R.S., AS APPLICABLE. IN CONSULTATION WITH THE BOARD, THE EXECUTIVE DIRECTOR SHALL DETERMINE THE AMOUNT OF MONEYS TO BE AWARDED UNDER EACH SUCH GRANT AWARDED.

(3) IN ORDER TO OBTAIN GRANT MONEYS UNDER THIS PART 2 AND AS A CONDITION OF THE RECEIPT OF MONEYS UNDER THIS PART, THE

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PURCHASER SHALL AGREE TO:

(a) USE ANY GRANT MONEYS IN ACCORDANCE WITH CRITERIA PUBLICIZED BY THE EXECUTIVE DIRECTOR PURSUANT TO SECTION 24-33-102 (5.1), C.R.S.; AND

(b) PERFORM SUCH OTHER REQUIREMENTS AS THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE BOARD, DEEMS APPROPRIATE IN THE EXERCISE OF HIS OR HER DISCRETION TO FURTHER THE PURPOSES OF THIS PART 2.

(4) THE PURCHASER SHALL APPLY FOR GRANTS MADE AVAILABLE PURSUANT TO THIS PART 2 ON OFFICIAL APPLICATION FORMS PROVIDED BY THE DEPARTMENT. IN CONNECTION WITH THE APPLICATION, A PURCHASER SHALL PROVIDE SUCH INFORMATION AS THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE BOARD, MAY REQUIRE IN FURTHERANCE OF THE PURPOSES OF THIS PART 2.

**34-60-205. Mineral and energy resources conservation fund.**

(1) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE MINERAL AND ENERGY RESOURCES CONSERVATION FUND, WHICH FUND SHALL BE ADMINISTERED BY THE DEPARTMENT, IN CONSULTATION WITH THE BOARD.

(b) THE FUND SHALL CONSIST OF THE FOLLOWING MONEYS:

(I) MONEYS AS MAY BE APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY OUT OF THE TOTAL AMOUNT OF MONEYS AVAILABLE IN THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX FUND CREATED IN SECTION 39-29-109 (1) (a) (II), C.R.S., AFTER ALL SEVERANCE TAX RECEIPTS CREDITED TO SUCH ACCOUNT HAVE BEEN RESERVED FOR SATISFYING THE FUNDING NEEDS OF THE RECOMMENDED PROGRAMS SPECIFIED IN SECTION 39-29-109 (1) (c), C.R.S., INCLUDING THE MAINTENANCE OF A SUFFICIENT BALANCE IN SUCH ACCOUNT FOR FUNDING THE RECOMMENDED PROGRAMS FOR TWO STATE FISCAL YEARS; AND

(II) ALL OTHER MONEYS COLLECTED BY THE DEPARTMENT FOR THE FUND FROM FEDERAL GRANTS OR OTHER CONTRIBUTIONS, GRANTS, GIFTS, BEQUESTS, OR DONATIONS RECEIVED FROM OTHER AGENCIES OF STATE GOVERNMENT, INDIVIDUALS, PRIVATE ORGANIZATIONS, OR FOUNDATIONS.

(c) ALL MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY IN ACCORDANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (I) OF PARAGRAPH (b) OF THIS SUBSECTION (1) AND ALL OTHER MONEYS COLLECTED FOR THE DEPARTMENT FOR THE FUND PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL BE TRANSMITTED TO THE STATE TREASURER TO BE CREDITED TO THE FUND.

(2) ANY MONEYS IN THE FUND NOT EXPENDED OR ENCUMBERED FROM ANY APPROPRIATION AT THE END OF ANY FISCAL YEAR SHALL REMAIN AVAILABLE FOR EXPENDITURE IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION.

(3) ALL MONEYS, INCLUDING INTEREST EARNED ON THE INVESTMENT OR DEPOSIT OF MONEYS IN THE FUND, SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 2, ANY MONEYS AS MAY BE APPROPRIATED TO THE FUND SHALL ONLY BE DISBURSED AS GRANTS FOR THE ACQUISITION OF DEVELOPMENT RIGHTS WHERE THE ENERGY OR MINERAL PRODUCTION IS SUBJECT TO THE SEVERANCE TAX IMPOSED PURSUANT TO ARTICLE 29 OF TITLE 39, C.R.S.

(5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 2, IN ANY GIVEN FISCAL YEAR, THE TOTAL AMOUNT OF ANY MONEYS AS MAY BE APPROPRIATED TO THE FUND TO BE DISBURSED AS GRANTS FOR THE ACQUISITION OF DEVELOPMENT RIGHTS SHALL BE DIVIDED BETWEEN MONEYS FOR THE ACQUISITION OF OIL AND GAS BASINS AND MONEYS FOR THE ACQUISITION OF BUFFER ZONES AROUND EXISTING MINES IN PROPORTION TO THE AGGREGATE AMOUNT OF THE SEVERANCE TAX PAID DURING THAT FISCAL YEAR BY THE OIL AND GAS INDUSTRY AND THE

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MINING INDUSTRY.

**34-60-206. Additional sources of funding.**

(1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 2, GRANTS TO BE MADE TO PURCHASERS IN ACCORDANCE WITH THIS PART 2 MAY BE MADE FROM ANY COMBINATION OF MONEYS IN THE MINERAL AND ENERGY RESOURCES CONSERVATION FUND CREATED IN SECTION 34-60-205 AND ANY OTHER MONEYS COLLECTED BY THE DIRECTOR FOR SUCH PURPOSES CONSISTENT WITH THE INTENT OF THIS PART 2.

(2) ANY PURCHASER MAY PURSUE ADDITIONAL SOURCES OF FUNDING FOR PURPOSES CONSISTENT WITH THE INTENT OF THIS PART 2, INCLUDING, WITHOUT LIMITATION, GRANTS, DONATIONS, OR CONTRIBUTIONS FROM ANY OTHER PUBLIC OR PRIVATE SOURCES.

**SECTION 6.** 24-33-102, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**24-33-102. Powers and duties of the executive director and deputy director.**

(5.1) THE EXECUTIVE DIRECTOR SHALL ADOPT AND PUBLICIZE CRITERIA REGARDING GRANTS AWARDED BY THE DEPARTMENT OF NATURAL RESOURCES OUT OF MONEYS IN THE MINERAL AND ENERGY RESOURCES CONSERVATION FUND CREATED IN SECTION 34-60-205, C.R.S.

(5.3) IN CONSULTATION WITH THE MINERALS, ENERGY, AND GEOLOGY POLICY ADVISORY BOARD CREATED IN SECTION 34-20-104, C.R.S., THE EXECUTIVE DIRECTOR SHALL REVIEW AND APPROVE APPLICATIONS FOR GRANTS OUT OF MONEYS IN THE MINERAL AND ENERGY RESOURCES CONSERVATION FUND CREATED IN SECTION 34-60-205, C.R.S., IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 34-60-204, C.R.S., AND DETERMINE THE AMOUNT OF MONEYS TO BE AWARDED UNDER EACH SUCH GRANT.

**SECTION 7.** 34-20-104 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

**34-20-104. Minerals, energy, and geology policy advisory board - creation.** (3) The advisory board shall:

(k) CONSULT WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES CONCERNING THE AWARDING OF GRANTS OUT OF THE MINERAL AND ENERGY RESOURCES CONSERVATION FUND CREATED IN SECTION 34-60-205 IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 34-60-204; AND

(l) CONSULT WITH THE DEPARTMENT OF NATURAL RESOURCES IN CONNECTION WITH THE ADMINISTRATION OF THE MINERAL AND ENERGY RESOURCES CONSERVATION FUND CREATED IN SECTION 34-60-205 IN ACCORDANCE WITH THE REQUIREMENTS OF THAT SECTION.

**SECTION 8.** 39-29-109 (1) (a) (II), Colorado Revised Statutes, is amended to read:

**39-29-109. Severance tax trust fund - created - administration - use of moneys - repeal.**

(1) (a) (II) The operational account. One-half of the severance tax receipts credited to the severance tax trust fund for tax years commencing on and after July 1, 1995, shall be credited to the operational account of the severance tax trust fund and used to fund programs established within the COLORADO DEPARTMENT OF NATURAL RESOURCES, THE Colorado oil and gas conservation commission, the Colorado geological survey, the division of minerals and geology, and the Colorado water conservation board that promote and encourage sound natural resource planning, management, and development related to minerals, energy, geology, and water, as set forth in paragraph (c) of this subsection (1).

**SECTION 9.** 39-29-110 (1) (b) (I), Colorado Revised Statutes, is amended to read:

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**39-29-110. Local government severance tax fund - creation - administration - energy impact assistance advisory committee created.**

(1) (b) (I) Eighty-five percent of the funds from the local government severance tax fund shall be distributed to those political subdivisions socially or economically impacted by the development, processing, or energy conversion of minerals and mineral fuels subject to taxation under this article and used for the planning, construction, and maintenance of public facilities and for the provision of public services. Such funds shall also be distributed to political subdivisions to compensate them for loss of property tax revenue resulting from the deduction of severance taxes paid in the determination of the valuation for assessment of producing mines AND TO COMPENSATE SUCH SUBDIVISIONS FOR THE ACQUISITION OF DEVELOPMENT RIGHTS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 34-60-204, C.R.S.

**SECTION 10. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the operational account of the severance tax trust fund created in section 39-29-109, Colorado Revised Statutes, not otherwise appropriated, to the mineral and energy resources conservation fund created in section 34-60-205, Colorado Revised Statutes, for the fiscal year beginning July 1, 2001, the sum of two million five hundred thousand dollars (\$2,500,000), or so much thereof as may be necessary, for the implementation of this act.

(2) (a) In addition to any other appropriation, there is hereby appropriated out of any moneys in the mineral and energy resources conservation fund created in section 24-60-205, Colorado Revised Statutes, not otherwise appropriated, to the department of natural resources for the fiscal year beginning July 1, 2001, the sum of two million five hundred thousand dollars (\$2,500,000) and 0.3 FTE, or so much thereof as may be necessary, for the implementation of this act.

(b) On or after November 1, 2001, any moneys appropriated out of the mineral and energy resources conservation fund pursuant to paragraph (a) of this subsection (2) to the department of natural resources shall be transferred to such department for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2001, the sum of two thousand two hundred and thirty-two dollars (\$2,232), or so much thereof as may be necessary, for the provision of legal services to the department of natural resources, oil and gas conservation commission, related to the implementation of this act. Said sum shall be from cash funds exempt received from the oil and gas conservation commission out of the appropriation made in subsection (2) of this section.

**SECTION 11. Effective date - applicability.** (1) This act shall take effect July 1, 2001.

(2) The provisions of this act shall apply to proceedings commenced on or after July 1, 2001.

**SECTION 12. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

On motion of Senator Reeves, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, April 26, 2001, was laid over until Friday, April 27, 2001, retaining its place on the calendar.

General Orders--Second Reading of Bills: **HB01-1131, HB01-1366, SB01-081, SB01-067, SB02-216, HB01-1223, HB01-1359, HB01-1313, HB01-1229.**

Consideration of Resolutions: **SJR01-010, SJR01-023, SJR01-024, SJR01-026, SJR01-018, SJR01-022, SJR01-029, SJR01-030, SR01-017, SJR01-031, SJR01-032, SR01-020, HJR01-1030, HJR01-1040, HJR01-1043, HJR01-1044.**

Consideration of Memorials: **SM01-001, HJM01-1001, SJM01-002, SJM01-003.**

Consideration of House Amendments to Senate Bills: **SB01-205, SB01-006, SB01-084.**

Consideration of House Adherence: **HJR01-1010.**

Consideration of Governors Appointments

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| Board of Directors of the Colorado Compensation Insurance Authority   | 3  |
| Securities Board  | 4  |
| Special Funds Board for Workers' Compensation Self Insurers   | 5  |
| Wildlife Commission   | 6  |
| Board of Assessment Appeals   | 7  |
| State Agricultural Commission   | 8  |
| Colorado Water Conservation Board   | 9  |
| Air Quality Control Commission  | 10 |
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| Consideration of Conference Committee Reports: <b>HB01-1250, HB01-1124, HB01-1187, HB01-1034, HB01-1292, HB01-1030.</b> | 12 |
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On motion of Senator Reeves, the Senate adjourned until 9:00 a.m., Friday, April 27, 2001.

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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