**Second Extraordinary Session**
**Sixty-third General Assembly**
**STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted on Second Reading in the Second House*

LLS NO. 01S2-3057.01 Bob Lackner

**HOUSE BILL** 01S2-1019

**HOUSE SPONSORSHIP**

**Scott,**

**SENATE SPONSORSHIP**

**Tate,**

| **House Committees** | **Senate Committees** |
|---|---|
| Local Government | Public Policy and Planning |

SENATE
Amended 2nd Reading
October 4, 2001

HOUSE
3rd Reading Unamended
October 1, 2001

HOUSE
2nd Reading Unamended
September 25, 2001

## A BILL FOR AN ACT

**CONCERNING THE ADOPTION OF LEGALLY ENFORCEABLE LOCAL GOVERNMENT MASTER PLANS.**

### Bill Summary


*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Recognizes the duty of each county planning commission and each municipal planning commission to make and adopt for submission to the board of county commissioners or the governing body of the municipality, respectively, a master plan. Allows such a planning commission to recommend amendments to an existing master plan.

Specifies that the board of county commissioners or the municipal governing body may adopt, modify, or reject the plan or amendments. Requires the board of county commissioners or the municipal governing

body to adopt the plan in such a manner that the plan has the force and effect of law. Requires the board of county commissioners or governing body of any municipality, as the case may be, that adopts a master plan at any time after the effective date of this act in accordance with statutory requirements to provide that said plan includes sufficiently specific provisions to ensure its application in a rational and consistent manner and that said plan is adopted in such a manner that it has the force and effect of law.

Requires the county or the municipality to hold public hearings and to give surrounding affected jurisdictions notice of the plan or amendments and an opportunity to be heard. Allows any such affected jurisdiction to file written objections up to 30 days after adoption of the plan or amendments. Directs the adopting county or municipality and any objecting affected jurisdictions to resolve any disputes through mediation or through any other method to which they have agreed.

Specifies that a master plan may not deprive persons of vested legal rights or protected property rights or result in the abrogation of any existing agreement between a landowner and the county or municipality in effect at the time the master plan is adopted or amended. Clarifies that adoption of a master plan does not constitute a rezoning of property.

Specifies that any master plan adopted by a regional planning commission shall not be effective in any county or municipality within the region unless the plan is adopted by the governing body of the county and municipality in such a manner as to be legally enforceable.

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*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1. Legislative declaration.** The general assembly hereby finds and declares that it does not intend to, and nothing herein shall be construed to:

(a) Expand or diminish any existing vested rights or existing property rights protected under the Colorado or United States constitutions or any statutory provision;

(b) Void any existing contractual agreement between any two or more local governments or between a local government and a landowner. For purposes of this act, "local government" shall have the same meaning as set forth in section 29-20-103 (1), Colorado Revised Statutes; or

(c) Expand or diminish any powers of a local government with respect to the taking of private property for public use in accordance with section 15 of article II of the Colorado constitution and article 1 of title 38, Colorado Revised Statutes.

**SECTION 2.** 30-28-106 (1) and (2), the introductory portion to 30-28-106 (3) (a), 30-28-106 (3) (a) (IV), and 30-28-106 (3) (f), Colorado Revised Statutes, are amended, and the said 30-28-106 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**30-28-106. Adoption of master plan - contents.** (1) (a) It is the duty of a county planning commission to make AND adopt FOR SUBMISSION TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY a master plan for the physical development of the unincorporated territory of the county. IN THE CASE OF A MASTER PLAN IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS ACT, A COUNTY PLANNING COMMISSION MAY ALSO MAKE, ADOPT, AND SUBMIT TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY ANY AMENDMENTS TO SAID PLAN. When a county planning commission ~~decides to adopt~~ ADOPTS OR AMENDS a master plan CONSISTENT WITH THIS ARTICLE, the commission shall conduct public hearings, after notice of such public hearings has been published in a newspaper of general circulation in the county OR in a manner sufficient to notify the public AND AFFECTED LANDOWNERS of the time, place, and nature of the public hearing, prior to final adoption of EITHER a master plan OR PROPOSED AMENDMENTS TO THE MASTER PLAN, in order to encourage public participation in and awareness of the development of such plan ~~and~~ OR AMENDMENTS. THE COUNTY PLANNING COMMISSION shall accept and consider oral and written public comments throughout the process of developing the plan OR AMENDMENTS TO THE

PLAN.

(b) (I) UPON SUBMISSION OF THE MASTER PLAN OR AMENDMENTS TO SAID PLAN, THE BOARD OF COUNTY COMMISSIONERS MAY ADOPT, MODIFY, OR REJECT SAID PLAN OR AMENDMENTS. UPON ADOPTION OR AMENDMENT OF A MASTER PLAN SATISFYING THE REQUIREMENTS OF THIS SECTION, THE BOARD SHALL ENFORCE THE PLAN BY ADOPTING ORDINANCES, REGULATIONS, OR RULES THAT IMPLEMENT SAID PLAN. SUCH ORDINANCES, REGULATIONS, OR RULES SHALL BE SUFFICIENTLY SPECIFIC TO ENSURE THEIR APPLICATION IN A RATIONAL AND CONSISTENT MANNER.

(II) THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY THAT HAS A MASTER PLAN IN EFFECT AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (b) SHALL, WITHIN TWO YEARS AFTER SAID DATE, ENFORCE THE PLAN BY ADOPTING ORDINANCES, REGULATIONS, OR RULES THAT IMPLEMENT SAID PLAN. SUCH ORDINANCES, REGULATIONS, OR RULES SHALL BE SUFFICIENTLY SPECIFIC TO ENSURE THEIR APPLICATION IN A RATIONAL AND CONSISTENT MANNER. THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY THAT ADOPTS A MASTER PLAN AT ANY TIME AFTER THE EFFECTIVE DATE OF THIS ACT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION SHALL, UPON THE ADOPTION OR AMENDMENT OF SAID PLAN, ENFORCE THE PLAN BY ADOPTING ORDINANCES, REGULATIONS, OR RULES THAT IMPLEMENT SAID PLAN. SUCH ORDINANCES, REGULATIONS, OR RULES SHALL BE SUFFICIENTLY SPECIFIC TO ENSURE THEIR APPLICATION IN A RATIONAL AND CONSISTENT MANNER.

(c) THE COUNTY ADOPTING OR AMENDING THE MASTER PLAN OR AMENDMENTS TO THE MASTER PLAN SHALL PROVIDE TO EACH MUNICIPALITY LOCATED WITHIN THE COUNTY BOUNDARIES, EACH ADJACENT COUNTY, AND EACH MUNICIPALITY LOCATED WITHIN THREE

MILES OF THE COUNTY BOUNDARIES, REGARDLESS OF THE COUNTY IN WHICH SAID MUNICIPALITY IS LOCATED, ACTUAL NOTICE OF THE PUBLIC HEARINGS AT WHICH THE MASTER PLAN OR AMENDMENTS TO THE MASTER PLAN ARE TO BE CONSIDERED AND COPIES OF THE PLAN OR AMENDMENTS TO SAID PLAN FOR REVIEW AND COMMENT. THE COUNTY SHALL PROVIDE SUCH NOTICE AND COPIES PRIOR TO THE FIRST HEARING. THE BOARD OF COUNTY COMMISSIONERS SHALL CONSIDER ANY WRITTEN OR ORAL TESTIMONY OR COMMENTS SUBMITTED BY A MUNICIPALITY OR COUNTY ENTITLED TO NOTICE PURSUANT TO THIS PARAGRAPH (c) on the master plan or amendments to said plan. Such municipality or county may file written objections to the master plan or amendments to said plan at any time during the process, up to and including thirty days after the master plan is adopted or amendments to the master plan are adopted by the board of county commissioners. If a dispute arises out of the filed objections, the filing entity and the adopting county may request mediation pursuant to section 24-32-3209, C.R.S., or they may agree to resolve the dispute in some other manner.

(d) ADOPTION OF A MASTER PLAN OR AMENDMENTS TO A MASTER PLAN PURSUANT TO THIS SECTION SHALL NOT CONSTITUTE A REZONING OF ANY PROPERTY WITHIN THE COUNTY FOR WHICH THE PLAN IS ADOPTED OR AMENDED.

(f) NO MASTER PLAN AS ORIGINALLY ADOPTED OR AMENDED SHALL RESULT IN A CHANGE IN USE OR ZONING THAT INTERFERES WITH ANY USE OF LAND WITHIN THE COUNTY FOR A RECREATIONAL PURPOSE, INCLUDING LAND ON WHICH MAY BE LOCATED COMMERCIAL FACILITIES SUPPORTING SUCH USES. FOR PURPOSES OF THIS PARAGRAPH (e), "RECREATIONAL

PURPOSE" HAS THE SAME MEANING AS SET FORTH IN SECTION 33-41-102 (5), C.R.S.

(2) (a) It is the duty of a regional planning commission to make and adopt a regional plan for the physical development of the territory within the boundaries of the region, but no such plan shall be effective within the boundaries of any incorporated municipality within the region unless such plan is adopted by the governing body of the municipality for the development of its territorial limits and under the terms of paragraph (b) of this subsection (2). When a regional planning commission ~~decides to adopt~~ ADOPTS OR AMENDS a master plan, the commission shall conduct public hearings, after notice of such public hearings has been published in a newspaper of general circulation in the region OR in a manner sufficient to notify the public AND AFFECTED LANDOWNERS of the time, place, and nature of the public hearing, prior to final adoption of a master plan OR AMENDMENTS in order to encourage public participation in and awareness of the development of such plan ~~and~~ OR AMENDMENTS. IN ADDITION, THE REGIONAL PLANNING COMMISSION shall accept and consider oral and written public comments throughout the process of developing the plan OR AMENDMENTS.

(b) Any plan OR AMENDMENTS TO A PLAN adopted by a regional planning commission shall ~~not~~ be deemed an official advisory plan of any municipality or county LOCATED WITHIN THE REGION unless ~~adopted by the planning commission of such municipality or county~~ THE GOVERNING BODY OF SAID COUNTY OR MUNICIPALITY HAS ADOPTED ORDINANCES, REGULATIONS, OR RULES THAT IMPLEMENT SAID PLAN. SUCH ORDINANCES, REGULATIONS, OR RULES SHALL BE SUFFICIENTLY SPECIFIC TO ENSURE THEIR APPLICATION IN A RATIONAL AND CONSISTENT MANNER. IF NOT SO

ADOPTED BY THE GOVERNING BODY, ANY MASTER PLAN ADOPTED OR AMENDED BY A REGIONAL PLANNING COMMISSION SHALL BE ADVISORY ONLY.

(2.5) AT A MINIMUM, THE MASTER PLAN OF A COUNTY REQUIRED BY THIS SECTION SHALL CONTAIN THE FOLLOWING ELEMENTS:

(a) (I) A LAND USE ELEMENT THAT SHALL DESIGNATE GENERAL USES AND RANGES OF DENSITY FOR ALL OF THE UNINCORPORATED LAND WITHIN THE COUNTY. THE LAND USE ELEMENT MAY CONSIDER, WITHOUT LIMITATION, PUBLIC, PRIVATE, RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AGRICULTURAL, AND RECREATIONAL LAND USES.

(II) THE LAND USE ELEMENT SHALL SHOW HOW THE COUNTY INTENDS TO COMPLY WITH PART 3 OF ARTICLE 1 OF TITLE 34, C.R.S., AND SHALL ALSO SHOW, ON THE MASTER PLAN REQUIRED BY SUBSECTION (1) OF THIS SECTION, 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.

(b) A WATER AND SANITATION ELEMENT THAT SHALL SHOW THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE AND SUITABLE SUPPLY OF WATER FOR AREAS PROPOSED FOR DEVELOPMENT WITHIN THE UNINCORPORATED AREAS OF THE COUNTY. THE COUNTY PLANNING COMMISSION SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER FOR USE WITHIN THE COUNTY OR REGION TO ENSURE COORDINATION OF WATER SUPPLY AND FACILITY PLANNING. THE WATER SUPPLY ELEMENT SHALL IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE NEEDS OF THE PUBLIC AND PRIVATE INFRASTRUCTURE REASONABLY ANTICIPATED OR IDENTIFIED IN THE PLANNING PROCESS. NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED TO SUPERCEDE, ABROGATE, OR OTHERWISE

IMPAIR THE ALLOCATION OF WATER PURSUANT TO THE STATE CONSTITUTION OR LAWS, THE RIGHT TO BENEFICIALLY USE WATER PURSUANT TO DECREES, CONTRACTS, OR OTHER WATER USE AGREEMENTS, OR THE OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, OR USE OF ANY WATER FACILITY.

(c) A TRANSPORTATION ELEMENT THAT SHALL DEMONSTRATE APPROPRIATE AND DESIRABLE PATTERNS FOR THE GENERAL LOCATION, CHARACTER, AND EXTENT OF THE CHANNELS, ROUTES, AND TERMINALS FOR TRANSPORTATION FACILITIES THAT MAY INCLUDE, WITHOUT LIMITATION, ALL TYPES OF HIGHWAYS, ROADS, AND STREETS, MASS TRANSIT ROUTINGS, BICYCLE WAYS, SIDEWALKS, RAILWAYS, WATERWAYS, AIRWAYS, AND TERMINALS FOR PEOPLE, GOODS, AND VEHICLES. IN PREPARING THE TRANSPORTATION ELEMENT, THE COUNTY SHALL CONSULT THE PLANS OF THE STATE DEPARTMENT OF TRANSPORTATION AS WELL AS THE PARTICULAR METROPOLITAN PLANNING ORGANIZATION OR TRANSPORTATION PLANNING ORGANIZATION WITHIN WHOSE JURISDICTION THE COUNTY IS LOCATED.

(d) AN ESSENTIAL SERVICE ELEMENT PURSUANT TO WHICH EACH COUNTY SHALL DEFINE THE PUBLIC SERVICES IT DEEMS ESSENTIAL AND THAT SHALL BE PROVIDED TO ANY DESIGNATED URBAN DEVELOPMENT OR URBAN SERVICES AREA WITHIN ITS JURISDICTION. SUCH SERVICES MAY BE PROVIDED BY THE COUNTY OR BY AGREEMENT THROUGH A MUNICIPALITY, QUASI-MUNICIPAL CORPORATION, OR PRIVATE ENTITY. FOR PURPOSES OF THIS SECTION, "ESSENTIAL SERVICES" INCLUDES, AT A MINIMUM, CENTRAL WATER AND SEWER SERVICES, PUBLIC UTILITIES, INCLUDING, WITHOUT LIMITATION, THE SITING OF NATURAL GAS, ELECTRIC, OR RENEWABLE ENERGY FACILITIES AND TRANSMISSION SYSTEMS, AND ROADS.

ADDITIONAL SERVICES MAY INCLUDE, WITHOUT LIMITATION, FIRE PROTECTION, POLICE PROTECTION, LIBRARIES, SCHOOLS, HEALTH CARE FACILITIES, AND PARK AND RECREATION FACILITIES. THE MASTER PLAN SHALL IDENTIFY HOW SUCH SERVICES ARE TO BE PROVIDED WITHIN THE AREA COVERED BY THE MASTER PLAN, INCLUDING ANY URBAN SERVICES AREA DESIGNATED BY THE COUNTY.

(e) AN ENVIRONMENTAL QUALITY ELEMENT PURSUANT TO WHICH THE COUNTY 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 THE COUNTY. THE COUNTY SHALL CONSIDER AIR QUALITY, INCLUDING POLLUTION CONTROL; WATER QUALITY; CRITICAL AND SENSITIVE AREAS; AND ANY OTHER AREAS WITHIN THE TERRITORIAL BOUNDARY OF THE COUNTY IN NEED OF SPECIAL PROTECTION AS IDENTIFIED IN THE COMPREHENSIVE PLAN OF THE COUNTY; EXCEPT THAT NOTHING IN THIS PARAGRAPH (e) SHALL ENLARGE OR DIMINISH THE EXISTING AUTHORITY OF A COUNTY RELATING TO ENVIRONMENTAL PROTECTION. FOR PURPOSES OF THIS PARAGRAPH (e), "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 COUNTY OR ANY REGIONAL

PLANNING COMMISSION WHERE APPLICABLE. IN CONNECTION WITH THE ESTABLISHMENT OF A CRITICAL OR SENSITIVE AREA, THE COUNTY SHALL CONSIDER THE IMPACT OF THIS DESIGNATION UPON SUCH PROPERTY RIGHTS AS MAY BE PROTECTED UNDER THE FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND SECTION 15 OF ARTICLE II OF THE STATE CONSTITUTION.

(f) AN EMERGENCY PREPAREDNESS ELEMENT PURSUANT TO WHICH THE COUNTY, IN CONSULTATION WITH APPROPRIATE OFFICES OF THE FEDERAL GOVERNMENT, ANY MUNICIPALITY ANY PORTION OF WHICH IS LOCATED WITHIN THE COUNTY, AND THE OFFICE OF EMERGENCY MANAGEMENT CREATED BY SECTION 24-32-2105 (1), C.R.S., SHALL SHOW HOW IT INTENDS TO PROVIDE FOR THE SAFETY AND SECURITY OF ITS RESIDENTS IN THE EVENT OF A DISASTER. FOR PURPOSES OF THIS PARAGRAPH (f), "DISASTER" SHALL HAVE THE SAME MEANING AS IS SET FORTH IN SECTION 24-32-2103 (1.5), C.R.S.

(g) A RECREATIONAL AND TOURISM USES ELEMENT PURSUANT TO WHICH THE COUNTY SHALL INDICATE HOW IT INTENDS TO PROVIDE FOR THE RECREATIONAL AND TOURISM NEEDS OF RESIDENTS OF THE COUNTY AND VISITORS TO THE COUNTY THROUGH DELINEATED AREAS DEDICATED TO, WITHOUT LIMITATION, HIKING, MOUNTAIN BIKING, ROCK CLIMBING, SKIING, CROSS COUNTRY SKIING, RAFTING, FISHING, BOATING, HUNTING, AND SHOOTING, AS APPLICABLE, AND COMMERCIAL FACILITIES SUPPORTING SUCH USES.

(3) (a) The master plan of a county or region, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the county or regional planning commission's recommendations for the development of the territory covered by the

plan. ~~and, after consideration of each of the following, where applicable or appropriate, may include, but not be limited to~~ IN ADDITION, THE PLAN MAY CONTAIN THE FOLLOWING, WHERE APPLICABLE OR APPROPRIATE:

(IV) ~~The general location and extent of an adequate and suitable supply of water. If the master plan includes a water supply element, the planning commission shall consult with the entities that supply water for use within the county or region to ensure coordination on water supply and facility planning, and the water supply element shall identify water supplies and facilities sufficient to meet the needs of the public and private infrastructure reasonably anticipated or identified in the planning process. Nothing in this subparagraph (IV) shall be construed to supersede, abrogate, or otherwise impair the allocation of water pursuant to the state constitution or laws, the right to beneficially use water pursuant to decrees, contracts, or other water use agreements, or the operation, maintenance, repair, replacement, or use of any water facility.~~

__ (f) ~~The master plan of a county or region is advisory only.~~

**SECTION 3.** The introductory portion to 31-23-206 (1) and 31-23-206 (2) and (3), Colorado Revised Statutes, are amended, and the said 31-23-206 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**31-23-206. Master plan.** (1) (a) It is the duty of the commission to make and adopt FOR SUBMISSION TO THE GOVERNING BODY OF THE MUNICIPALITY a master plan for the physical development of the municipality, including any areas outside its boundaries, subject to the approval of the governmental body having jurisdiction thereof, which in the commission's judgment bear relation to the planning of such municipality. IN THE CASE OF A MASTER PLAN IN EXISTENCE AS OF THE

EFFECTIVE DATE OF THIS ACT, A MUNICIPAL PLANNING COMMISSION MAY ALSO MAKE, ADOPT, AND SUBMIT TO THE GOVERNING BODY OF THE MUNICIPALITY ANY AMENDMENTS TO SAID PLAN. When a commission ~~decides to adopt~~ ADOPTS OR AMENDS a master plan CONSISTENT WITH THIS ARTICLE, the commission shall conduct public hearings, after notice of such public hearings has been published in a newspaper of general circulation in the municipality OR in a manner sufficient to notify the public AND AFFECTED LANDOWNERS of the time, place, and nature of the public hearing, prior to final adoption of a MASTER PLAN OR AMENDMENTS TO A master plan in order to encourage public participation in and awareness of the development of such plan ~~and~~ OR AMENDMENTS. IN ADDITION, THE COMMISSION shall accept and consider oral and written public comments throughout the process of developing the plan OR AMENDMENTS. ~~Such~~ THE MASTER PLAN OR AMENDMENTS TO THE MASTER plan, with the accompanying maps, plats, charts, and descriptive matter, shall, after consideration of each of the following, where applicable or appropriate, show the commission's recommendations for the development of said municipality and outlying areas. ~~including but not limited to:~~

(b) AT A MINIMUM, THE MASTER PLAN OF A MUNICIPALITY ADOPTED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION SHALL CONTAIN THE FOLLOWING ELEMENTS:

(I) (A) A LAND USE ELEMENT THAT SHALL DESIGNATE GENERAL USES AND RANGES OF DENSITY FOR ALL OF THE LAND OVER WHICH THE MUNICIPALITY EXERCISES JURISDICTION. THE LAND USE ELEMENT MAY CONSIDER, WITHOUT LIMITATION, PUBLIC, PRIVATE, RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AGRICULTURAL, AND RECREATIONAL LAND

USES.

(B) THE LAND USE ELEMENT SHALL SHOW HOW THE MUNICIPALITY INTENDS TO COMPLY WITH PART 3 OF ARTICLE 1 OF TITLE 34, C.R.S., AND SHALL ALSO SHOW, ON THE MASTER PLAN REQUIRED BY PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, 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.

(II) A WATER AND SANITATION ELEMENT THAT SHALL SHOW THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE AND SUITABLE SUPPLY OF WATER FOR AREAS PROPOSED FOR DEVELOPMENT WITHIN THE MUNICIPALITY. THE MUNICIPALITY SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER FOR USE WITHIN THE MUNICIPALITY TO ENSURE COORDINATION OF WATER SUPPLY AND FACILITY PLANNING. THE WATER SUPPLY ELEMENT SHALL IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE NEEDS OF THE PUBLIC AND PRIVATE INFRASTRUCTURE REASONABLY ANTICIPATED OR IDENTIFIED IN THE PLANNING PROCESS. NOTHING IN THIS SUBPARAGRAPH (II) SHALL BE CONSTRUED TO SUPERCEDE, ABROGATE, OR OTHERWISE IMPAIR THE ALLOCATION OF WATER PURSUANT TO THE STATE CONSTITUTION OR LAWS, THE RIGHT TO BENEFICIALLY USE WATER PURSUANT TO DECREES, CONTRACTS, OR OTHER WATER USE AGREEMENTS, OR THE OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, OR USE OF ANY WATER FACILITY.

(III) A TRANSPORTATION ELEMENT THAT SHALL DEMONSTRATE APPROPRIATE AND DESIRABLE PATTERNS FOR THE GENERAL LOCATION, CHARACTER, AND EXTENT OF THE CHANNELS, ROUTES, AND TERMINALS FOR TRANSPORTATION FACILITIES THAT MAY INCLUDE, WITHOUT LIMITATION, ALL TYPES OF HIGHWAYS, ROADS, AND STREETS, MASS

TRANSIT ROUTINGS, BICYCLE WAYS, SIDEWALKS, RAILWAYS, WATERWAYS, AIRWAYS, AND TERMINALS FOR PEOPLE, GOODS, AND VEHICLES. IN PREPARING THE TRANSPORTATION ELEMENT, THE MUNICIPALITY SHALL CONSULT THE PLANS OF THE STATE DEPARTMENT OF TRANSPORTATION AS WELL AS THE PARTICULAR METROPOLITAN PLANNING ORGANIZATION OR TRANSPORTATION PLANNING ORGANIZATION WITHIN WHOSE JURISDICTION THE MUNICIPALITY IS LOCATED.

(IV) AN ESSENTIAL SERVICE ELEMENT PURSUANT TO WHICH EACH MUNICIPALITY SHALL DEFINE THE PUBLIC SERVICES IT DEEMS ESSENTIAL AND THAT SHALL BE PROVIDED TO ANY DESIGNATED URBAN DEVELOPMENT OR URBAN SERVICES AREA WITHIN ITS JURISDICTION. SUCH SERVICES MAY BE PROVIDED BY THE MUNICIPALITY OR BY AGREEMENT THROUGH A QUASI-MUNICIPAL CORPORATION OR PRIVATE ENTITY. FOR PURPOSES OF THIS SECTION, "ESSENTIAL SERVICES" INCLUDES, AT A MINIMUM, CENTRAL WATER AND SEWER SERVICES, PUBLIC UTILITIES, INCLUDING, WITHOUT LIMITATION, THE SITING OF NATURAL GAS, ELECTRIC, OR RENEWABLE ENERGY FACILITIES AND TRANSMISSION SYSTEMS, AND ROADS. ADDITIONAL SERVICES MAY INCLUDE, WITHOUT LIMITATION, FIRE PROTECTION, POLICE PROTECTION, LIBRARIES, SCHOOLS, HEALTH CARE FACILITIES, AND PARK AND RECREATION FACILITIES. THE MASTER PLAN SHALL IDENTIFY HOW SUCH SERVICES ARE TO BE PROVIDED WITHIN THE AREA COVERED BY THE MASTER PLAN, INCLUDING ANY URBAN SERVICES AREA DESIGNATED BY THE MUNICIPALITY.

(V) AN ENVIRONMENTAL QUALITY ELEMENT PURSUANT TO WHICH THE MUNICIPALITY 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 THE MUNICIPALITY. THE MUNICIPALITY SHALL CONSIDER AIR QUALITY, INCLUDING POLLUTION CONTROL; WATER QUALITY; CRITICAL AND SENSITIVE AREAS; AND ANY OTHER AREAS WITHIN THE TERRITORIAL BOUNDARY OF THE MUNICIPALITY IN NEED OF SPECIAL PROTECTION AS IDENTIFIED IN THE COMPREHENSIVE PLAN OF THE MUNICIPALITY; EXCEPT THAT NOTHING IN THIS SUBPARAGRAPH (V) SHALL ENLARGE OR DIMINISH THE EXISTING AUTHORITY OF A MUNICIPALITY RELATING TO ENVIRONMENTAL PROTECTION. FOR PURPOSES OF THIS SUBPARAGRAPH (V), "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 MUNICIPALITY WHERE APPLICABLE. IN CONNECTION WITH THE ESTABLISHMENT OF A CRITICAL OR SENSITIVE AREA, THE MUNICIPALITY SHALL CONSIDER THE IMPACT OF THIS DESIGNATION UPON SUCH PROPERTY RIGHTS AS MAY BE PROTECTED UNDER THE FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND SECTION 15 OF ARTICLE II OF THE STATE CONSTITUTION.

(VI) AN EMERGENCY PREPAREDNESS ELEMENT PURSUANT TO WHICH THE MUNICIPALITY, IN CONSULTATION WITH APPROPRIATE OFFICES OF THE FEDERAL GOVERNMENT, ANY COUNTY IN WHICH ANY PORTION OF THE MUNICIPALITY IS LOCATED, AND THE OFFICE OF EMERGENCY

MANAGEMENT CREATED BY SECTION 24-32-2105 (1), C.R.S., SHALL SHOW HOW IT INTENDS TO PROVIDE FOR THE SAFETY AND SECURITY OF ITS RESIDENTS IN THE EVENT OF A DISASTER. FOR PURPOSES OF THIS PARAGRAPH (f), "DISASTER" SHALL HAVE THE SAME MEANING AS IS SET FORTH IN SECTION 24-32-2103 (1.5), C.R.S.

(VII) A RECREATIONAL AND TOURISM USES ELEMENT PURSUANT TO WHICH THE MUNICIPALITY SHALL INDICATE HOW IT INTENDS TO PROVIDE FOR THE RECREATIONAL AND TOURISM NEEDS OF RESIDENTS OF THE MUNICIPALITY AND VISITORS TO THE MUNICIPALITY THROUGH DELINEATED AREAS DEDICATED TO, WITHOUT LIMITATION, HIKING, MOUNTAIN BIKING, ROCK CLIMBING, SKIING, CROSS COUNTRY SKIING, RAFTING, FISHING, BOATING, HUNTING, AND SHOOTING, AS APPLICABLE, AND COMMERCIAL FACILITIES SUPPORTING SUCH USES.

(c) THE MASTER PLAN OF A MUNICIPALITY OR REGION, WITH THE ACCOMPANYING MAPS, PLATS, CHARTS, AND DESCRIPTIVE AND EXPLANATORY MATTER, SHALL SHOW THE MUNICIPALITY'S RECOMMENDATIONS FOR THE DEVELOPMENT OF THE TERRITORY COVERED BY THE PLAN. IN ADDITION, THE PLAN MAY CONTAIN THE FOLLOWING, WHERE APPLICABLE OR APPROPRIATE:

~~(a)~~ (I) The general location, character, and extent of existing, proposed, or projected streets, roads, rights-of-way, bridges, waterways, waterfronts, parkways, highways, mass transit routes and corridors, and any transportation plan prepared by any metropolitan planning organization that covers all or a portion of the municipality and that the municipality has received notification of or, if the municipality is not located in an area covered by a metropolitan planning organization, any transportation plan prepared by the department of transportation that the

municipality has received notification of and that covers all or a portion of the municipality;

~~(b)~~ (II) The general location of public places or facilities, including public schools, culturally, historically, or archaeologically significant buildings, sites, and objects, playgrounds, squares, parks, airports, aviation fields, and other public ways, grounds, open spaces, trails, and designated federal, state, and local wildlife areas;

~~(c)~~ (III) The general location and extent of public utilities terminals, capital facilities, and transfer facilities, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes, and any proposed or projected needs for capital facilities and utilities, including the priorities, anticipated costs, and funding proposals for such facilities and utilities;

~~(d)~~ (IV) The general location and extent of an adequate and suitable supply of water. If the master plan includes a water supply element, the planning commission shall consult with the entities that supply water for use within the municipality to ensure coordination on water supply and facility planning, and the water supply element shall identify water supplies and facilities sufficient to meet the needs of the public and private infrastructure reasonably anticipated or identified in the planning process. Nothing in this ~~paragraph (d)~~ SUBPARAGRAPH (IV) shall be construed to supersede, abrogate, or otherwise impair the allocation of water pursuant to the state constitution or laws, the right to beneficially use water pursuant to decrees, contracts, or other water use agreements, or the operation, maintenance, repair, replacement, or use of any water facility.

~~(e)~~ (V) The acceptance, removal, relocation, widening, narrowing,

vacating, abandonment, modification, change of use, or extension of any of the public ways, rights-of-way, including the coordination of such rights-of-way with the rights-of-way of other municipalities, counties, or regions, grounds, open spaces, buildings, property, utility, or terminals, referred to in ~~paragraphs (a) to (d) of this subsection (1)~~ SUBPARAGRAPHS (I) TO (IV) OF THIS PARAGRAPH (g);

~~(f)~~ (VI) A zoning plan for the control of the height, area, bulk, location, and use of buildings and premises. Such a zoning plan may protect and assure access to appropriate conditions for solar, wind, or other alternative energy sources; however, regulations and restrictions of the height, number of stories, size of buildings and other structures, and the height and location of trees and other vegetation shall not apply to existing buildings, structures, trees, or vegetation except for new growth on such vegetation.

~~(g)~~ (VII) The general character, location, and extent of community centers, housing developments, whether public or private, the existing, proposed, or projected location of residential neighborhoods and sufficient land for future housing development for the existing and projected economic and other needs of all current and anticipated residents of the municipality, and redevelopment areas. If a municipality has entered into a regional planning agreement, such agreement may be incorporated by reference into the master plan.

~~(h)~~ (VIII) A master plan for the extraction of commercial mineral deposits pursuant to section 34-1-304, C.R.S.;

~~(i)~~ (IX) A plan for the location and placement of public utilities that facilitates the provision of such utilities to all existing, proposed, or projected developments in the municipality;

~~(j)~~ (X) Projections of population growth and housing needs to accommodate the projected population for specified increments of time. The municipality may base these projections upon data from the department of local affairs and upon the municipality's local objectives.

~~(k)~~ (XI) The areas containing steep slopes, geological hazards, endangered or threatened species, wetlands, floodplains, floodways, and flood risk zones, highly erodible land or unstable soils, and wildfire hazards. For purposes of determining the location of such areas, the planning commission should consider the following sources for guidance:

~~(I)~~ (A) The Colorado geological survey for defining and mapping geological hazards;

~~(II)~~ (B) The United States fish and wildlife service of the United States department of the interior and the Colorado wildlife commission for locating areas inhabited by endangered or threatened species;

~~(III)~~ (C) The United States army corps of engineers and the United States fish and wildlife service national wetlands inventory for defining and mapping wetlands;

~~(IV)~~ (D) The federal emergency management agency for defining and mapping floodplains, floodways, and flood risk zones;

~~(V)~~ (E) The natural resources conservation service of the United States department of agriculture for defining and mapping unstable soils and highly erodible land; and

~~(VI)~~ (F) The Colorado state forest service for locating wildfire hazard areas.

(1.3) (a) UPON SUBMISSION OF THE MASTER PLAN OR AMENDMENTS TO SAID PLAN, THE GOVERNING BODY OF THE MUNICIPALITY MAY ADOPT, MODIFY, OR REJECT SAID PLAN OR AMENDMENTS. UPON ADOPTION OR

AMENDMENT OF A MASTER PLAN SATISFYING THE REQUIREMENTS OF THIS SECTION, THE GOVERNING BODY SHALL ENFORCE THE PLAN BY ADOPTING ORDINANCES, REGULATIONS, OR RULES THAT IMPLEMENT SAID PLAN. SUCH ORDINANCES, REGULATIONS, OR RULES SHALL BE SUFFICIENTLY SPECIFIC TO ENSURE THEIR APPLICATION IN A RATIONAL AND CONSISTENT MANNER.

(b) THE GOVERNING BODY OF ANY MUNICIPALITY THAT HAS A MASTER PLAN IN EFFECT AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (1.3) SHALL, WITHIN TWO YEARS AFTER SAID DATE, ENFORCE THE PLAN BY ADOPTING ORDINANCES, REGULATIONS, OR RULES THAT IMPLEMENT SAID PLAN. SUCH ORDINANCES, REGULATIONS, OR RULES SHALL BE SUFFICIENTLY SPECIFIC TO ENSURE THEIR APPLICATION IN A RATIONAL AND CONSISTENT MANNER. THE GOVERNING BODY OF ANY MUNICIPALITY THAT ADOPTS A MASTER PLAN AT ANY TIME AFTER THE EFFECTIVE DATE OF THIS ACT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION SHALL, UPON THE ADOPTION OR AMENDMENT OF SAID PLAN, ENFORCE THE PLAN BY ADOPTING ORDINANCES, REGULATIONS, OR RULES THAT IMPLEMENT SAID PLAN. SUCH ORDINANCES, REGULATIONS, OR RULES SHALL BE SUFFICIENTLY SPECIFIC TO ENSURE THEIR APPLICATION IN A RATIONAL AND CONSISTENT MANNER.

(1.5) THE MUNICIPALITY ADOPTING OR AMENDING THE MASTER PLAN OR AMENDMENTS TO THE MASTER PLAN SHALL PROVIDE TO EACH MUNICIPALITY AND COUNTY LOCATED WITHIN THREE MILES OF THE MUNICIPAL BOUNDARIES AND TO ANY COUNTY WITHIN WHICH ANY PART OF THE MUNICIPALITY IS LOCATED, ACTUAL NOTICE OF THE PUBLIC HEARINGS AT WHICH THE MASTER PLAN OR AMENDMENTS TO THE MASTER PLAN ARE TO BE CONSIDERED AND COPIES OF THE PLAN OR AMENDMENTS FOR REVIEW AND COMMENT. THE MUNICIPALITY SHALL PROVIDE SUCH NOTICE

AND COPIES PRIOR TO THE FIRST HEARING. THE GOVERNING BODY OF THE MUNICIPALITY SHALL CONSIDER ANY WRITTEN OR ORAL TESTIMONY OR COMMENTS SUBMITTED BY A MUNICIPALITY OR COUNTY ENTITLED TO NOTICE PURSUANT TO THIS SUBSECTION (1.5) ON THE MASTER PLAN OR AMENDMENTS TO SAID PLAN. SUCH MUNICIPALITY OR COUNTY MAY FILE WRITTEN OBJECTIONS TO THE MASTER PLAN OR AMENDMENTS TO SAID PLAN AT ANY TIME DURING THE PROCESS, UP TO AND INCLUDING THIRTY DAYS AFTER THE MASTER PLAN IS ADOPTED OR AMENDMENTS TO THE MASTER PLAN ARE ADOPTED BY THE GOVERNING BODY. IF A DISPUTE ARISES OUT OF THE FILED OBJECTIONS, THE FILING ENTITY AND THE ADOPTING MUNICIPALITY MAY REQUEST MEDIATION PURSUANT TO SECTION 24-32-3209, C.R.S., OR THEY MAY RESOLVE THE DISPUTE IN SOME OTHER MANNER.

(1.8) ADOPTION OF A MASTER PLAN OR AMENDMENTS TO A MASTER PLAN PURSUANT TO THIS SECTION SHALL NOT CONSTITUTE A REZONING OF ANY PROPERTY WITHIN THE MUNICIPALITY FOR WHICH THE PLAN IS ADOPTED.

(1.9) NO MASTER PLAN AS ORIGINALLY ADOPTED OR AMENDED SHALL RESULT IN A CHANGE IN USE OR ZONING THAT INTERFERES WITH ANY USE OF LAND WITHIN THE MUNICIPALITY FOR A RECREATIONAL PURPOSE, INCLUDING LAND ON WHICH MAY BE LOCATED COMMERCIAL FACILITIES SUPPORTING SUCH USES. FOR PURPOSES OF THIS SUBSECTION (1.9), "RECREATIONAL PURPOSE" HAS THE SAME MEANING AS SET FORTH IN SECTION 33-41-102 (5), C.R.S.

(2) As the work of making the whole master plan progresses, the commission may from time to time adopt and publish a part thereof. Any

such part shall cover one or more major sections or divisions of the municipality or one or more of the foregoing or other functional matters to be included in the plan. The commission may ~~amend, extend, or add~~ SUBMIT AMENDMENTS, EXTENSIONS, OR ADDITIONS to the MUNICIPAL MASTER plan from time to time.

(3) ~~The master plan of a municipality is advisory only.~~

**SECTION 4. 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.