First Extraordinary Session
Sixty-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 01S-2048.01 Christy Chase **HOUSE BILL** 01S-1005

HOUSE SPONSORSHIP

Stengel

SENATE SPONSORSHIP

(None)

House Committees	**Senate Committees**
State, Veterans, & Military Affairs	
Appropriations	

A BILL FOR AN ACT

101 **CONCERNING GROWTH MANAGEMENT IN COLORADO, AND MAKING AN**
102 **APPROPRIATION THEREFOR.**

Bill Summary

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

Creates the "Colorado Growth Management Act".
Makes legislative findings that:

- Coordination and regulation of growth throughout the state is a matter of statewide interest and concern.
- Disputes arising under the Act and in the land use process in general should be resolved as quickly, efficiently, and informally as possible, and with minimum cost to the disputing parties.

- The general assembly does not intend to deprive any landowner of any existing vested rights created by statute, contract, or common law or of any property rights derived from the state or federal constitutions or to abrogate any contractual obligations of the state or any local governments in implementing the Act.

In connection with the applicability provisions of the Act:

- Specifies that the terms of the Act are to apply to every county the population of which exceeds a specified number, to counties the population of which exceeds a specified number and that have experienced a specified increase in population for certain years, and each county that is a member of the Denver regional council of governments.
- Specifies that the terms of the Act are to apply to each municipality any part of which is located in a county covered by the Act and the population of which exceeds a specified number.

Specifies that the terms of the Act preempt inconsistent laws, ordinances, or regulations adopted by any local government. Clarifies that the Act does not preempt the authority of the transportation commission.

In connection with requirements in the Act pertaining to planning by local governments:

- Requires each governing body that has not previously established a planning commission to designate and establish a planning commission before a specified time.
- Requires the planning commission of each planning jurisdiction to recommend, and the governing body of the planning jurisdiction to adopt, a master plan within a specified time.
- Specifies that the schedule for adoption of the master plan varies depending upon the population of the planning jurisdiction.
- Authorizes any local government that has previously adopted a master plan to continue to operate under any provision of the plan that complies with the Act. Provides that a master plan may incorporate separate plans by reference.
- Specifies that if a planning jurisdiction has adopted a master plan under existing law as of a certain date and if the plan meets certain requirements, the jurisdiction is not required to adopt a new or different plan.
- Requires planning jurisdictions that have master plans that satisfy the requirements of the Act to conform the

jurisdiction's land use regulations to the plan by a certain date.

- Requires that, prior to approval of the master plan, a development application shall be processed in accordance with the planning jurisdiction's existing master plan, if any, and existing land development regulations.
- Requires each planning jurisdiction to adopt regulations governing adoption of its master plan and any subsequent amendment to the plan. Specifies procedures to be followed in connection with adoption or amendment of the plan. Specifies the form and manner of public notice to be given in connection with the commencement of any proceedings to create or amend the plan.
- Requires that any amendment to a master plan obtain the approval of not less than a specified number of the members of the governing body of the planning jurisdiction present.
- Requires the governing body of a planning jurisdiction to timely amend any land development regulations inconsistent with the master plan.
- Specifies that adoption and approval of a master plan shall not constitute a rezoning.
- Requires each planning jurisdiction to establish procedures to periodically review and update its master plan within a specified time.
- Authorizes planning jurisdictions to apply to the office of smart growth for grants for assistance in preparing master plans that comply with the Act.

In connection with requirements of the Act pertaining to the preparation and content of a master plan:

- Authorizes a planning jurisdiction to perform or arrange for the performance of specified studies relevant to required or optional elements included in the master plan.
- Specifies the purpose of the master plan.
- Specifies certain elements required to be included within the master plan. Specifies certain elements that may be included within the master plan.
- Requires the elements of a local jurisdiction's master plans adopted or amended on or after a certain date to comply with the provisions of the Act.
- Requires master plans to include at least one master plan map representing a generalized composite of proposals and recommendations contained in all required and optional elements in the plan.
- Authorizes planning jurisdictions to enter into agreements

with each other or with other local governments to jointly prepare a master plan or an element of a plan under certain circumstances.

- Specifies the geographic scope of a master plan adopted in conformity with the Act.

Provides that intergovernmental agreements concerning land use planning or to which a local government is a party may be made mutually binding and enforceable on a long-term basis.

In connection with requirements of the Act pertaining to moratoria:

- Makes a legislative finding that the application of moratoria to development applications should be discouraged except under limited circumstances.
- Limits a planning jurisdiction's ability to impose a moratorium to only those circumstances specified in the Act.
- Specifies the types of applications for which a moratorium cannot be imposed.

In connection with the requirements of the Act pertaining to growth restrictions, specifies that planning jurisdictions cannot impose any restrictions upon its rate of housing construction that is less than the rate of population or job growth except as necessary to avoid imminent threat to the health or safety of the public.

In connection with requirements in the Act pertaining to annexation:

- Prohibits a municipality from annexing land unless such land has been designated as part of the municipality's urban service area or is so designated contemporaneously with the annexation.
- Prior to consideration by a county of any preliminary application for subdivision or development approval that includes urban growth of any land that has been designated as an urban service area by a municipal planning jurisdiction, where the land that is the subject of the application is eligible for annexation on the date of the annexation, requires the county to make an initial determination of eligibility for annexation. Authorizes the county to refer the landowner to first seek annexation by the municipality before the application may be considered by the county. If the municipality gives notice of its intent to annex such land, specifies the process for obtaining approval of the development application shall be governed by the municipality's master plan, regulations, standards, and procedures, and any approval granted by the municipality shall be binding on the county.

- Prohibits a municipal planning jurisdiction from annexing land unless the jurisdiction is able to provide urban services to the annexed area within a certain period.
- Specifies that the provisions of the Act do not grant municipal planning jurisdictions the authority to impose a moratorium on development approval or a growth limitation outside the unincorporated boundaries of the municipality.
- Specifies that the provisions of the Act do not grant a county the authority to require a landowner to seek annexation of any land prior to development of the land if said land is located outside the urban service area of the municipal planning jurisdiction.
- In connection with any development application in any unincorporated area that is within the urban service area of a municipality, authorizes counties that have entered into intergovernmental agreements with municipalities to adopt by reference the municipality's uniform development standards and requirements where the development or redevelopment contemplated by the development jurisdiction is likely to impact the municipality.
- Specifies the Act shall not be construed as giving any county any authority to adopt by reference the development standards of a particular municipality in connection with territory located outside the urban service area of the municipality.

In connection with requirements of the Act pertaining to dispute resolution:

- Specifies that the district courts in the state have jurisdiction over any claim or cause of action arising out of or related to the provisions of the Act, and such actions or claims are subject to rules governing other civil actions in state district courts.
- Specifies that the provisions of the Act are not to interfere with the rights and procedures governing the location, construction, or improvement of major electrical or natural gas facilities as provided by current law.
- Requires disputes involving master plans adopted pursuant to the requirements of the Act to be resolved using the dispute resolution process established in the Act.
- Authorizes disputing local governments to agree to resolve the dispute in any manner to which the governments can agree, or to request the department of local affairs to coordinate a mediated solution through the office of smart growth. Specifies that participation in the dispute

resolution process is a jurisdictional prerequisite to filing a proceeding in a district court. Specifies that the dispute resolution process established in the Act only applies to local governments.

- Requires the department of local affairs to use the list of qualified professionals available for assisting in the resolution of land use disputes maintained by the department to help in mediating disputes between local governments.
- Specifies that if local governments reach an agreement or understanding as a result of dispute resolution, said agreement or understanding is not binding if the local governments are not ultimately successful in resolving the conflict.
- If the disputing local governments are unable to resolve the dispute pursuant to the dispute resolution process established in the Act, authorizes local governments to appeal to the district court of the judicial district where the real property is located for a de novo review of the dispute.

Provides that, if a municipality approves an annexation in which the contiguity requirement of existing law 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 a specified form of natural or artificial waterway, the municipality is further required to annex certain land that abuts such street, alley, right-of-way, or waterway where the same is included within the municipality's designated urban service area. Requires the municipality to annex such land under the same conditions and at the same hearing as the initial annexation that achieved contiguity by such means. Specifies the notice required in connection with such annexations.

Defines terms.

Makes an appropriation.

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

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) THE POPULATION OF COLORADO IS LIKELY TO INCREASE AT A RATE ABOVE THE NATIONAL AVERAGE FOR THE FORESEEABLE FUTURE. THE CAUSES OF THIS GROWTH IN POPULATION ARE PRIMARILY DUE TO CIRCUMSTANCES BEYOND THE CONTROL OF LOCAL GOVERNMENTS AND OF THE STATE OF COLORADO ITSELF.

(b) THE EXPECTED GROWTH IN COLORADO'S POPULATION NECESSARILY RESULTS IN EITHER THE DEVELOPMENT OF LANDS THAT ARE CURRENTLY UNDEVELOPED OR THE DENSIFICATION OF THE EXISTING DEVELOPED AREAS OF THE STATE. THE GENERAL ASSEMBLY FINDS NO CLEAR CONSENSUS AMONG THE PEOPLE OF THE STATE AS TO WHICH COURSE OF ACTION THEY PREFER AND THEREFORE INTERPRETS THIS SENTIMENT AS A DESIRE TO DEVELOP POPULATION GROWTH MANAGEMENT POLICY THAT SEEKS BALANCE BETWEEN THE DEVELOPMENT OF UNDEVELOPED LAND AND THE FURTHER DENSIFICATION OF DEVELOPED LANDS.

(c) GROWTH PLANNING WILL IMPROVE THE LIKELIHOOD THAT COLORADO WILL RETAIN THE BENEFITS GROWTH PROVIDES WHILE PROTECTING OPEN SPACE, ENSURING COORDINATION OF INFRASTRUCTURE AND CAPITAL FACILITIES, AND PROMOTING THE GOALS OF COMPACT, CONTIGUOUS, AND ORDERLY DEVELOPMENT. DECISIONS OF LOCAL GOVERNMENTS THAT FACILITATE OR RESTRICT GROWTH WITHIN THEIR

OWN JURISDICTIONS HAVE SIGNIFICANT IMPACTS OUTSIDE OF SUCH JURISDICTIONS. ACCORDINGLY, MANDATORY MASTER PLANNING USING CERTAIN MINIMUM REQUIRED ELEMENTS AND THE ESTABLISHMENT AND COORDINATION OF URBAN GROWTH AREAS ARE MATTERS OF STATEWIDE INTEREST AND CONCERN.

(d) TIME IS OF THE ESSENCE IN REACHING FINAL DECISIONS IN MATTERS INVOLVING LAND USE, AND THOSE DECISIONS SHOULD BE MADE CONSISTENTLY WITH SOUND PRINCIPLES GOVERNING JUDICIAL REVIEW. 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.

(2) IN ENACTING THIS ARTICLE, IT IS NOT THE INTENT OF THE GENERAL ASSEMBLY TO DEPRIVE ANY LANDOWNER OF ANY EXISTING VESTED RIGHTS CREATED BY STATUTE, CONTRACT, OR COMMON LAW OR ANY PROPERTY RIGHTS DERIVED FROM THE STATE OR FEDERAL CONSTITUTIONS, OR TO ABROGATE ANY CONTRACTUAL OBLIGATIONS OF THE STATE OR ANY LOCAL GOVERNMENTS IMPLEMENTING THE PROVISIONS OF THIS ARTICLE.

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) "CENTRAL SEWER SYSTEM" MEANS SANITARY SEWERS AND THE COLLECTION AND TREATMENT OF SEWAGE. 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" FOR PURPOSES OF THIS ARTICLE.

(b) "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 WATER SYSTEM" FOR PURPOSES OF THIS ARTICLE.

(c) "COMMUNITY" MEANS THE COMMUNITY GOVERNED BY A PLANNING JURISDICTION.

(d) "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.

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

(f) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION 24-1-125.

(g) "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 PLANNING JURISDICTION UNDER THE LAND DEVELOPMENT

REGULATIONS OF A PLANNING JURISDICTION. "DEVELOPMENT" DOES NOT INCLUDE THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, OR REPLACEMENT OF FACILITIES FOR THE DIVERSION, STORAGE, TRANSPORTATION, TREATMENT, USE, OR REUSE OF WATER OR WASTEWATER WITHIN THE STATE OF COLORADO.

(h) "DEVELOPMENT APPLICATION" MEANS AN APPLICATION FILED UNDER A PLANNING JURISDICTION'S LAND DEVELOPMENT REGULATIONS. "DEVELOPMENT APPLICATION" DOES NOT INCLUDE AN APPLICATION RELATING TO OR FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, OR REPLACEMENT OF FACILITIES FOR THE DIVERSION, STORAGE, TRANSPORTATION, TREATMENT, USE, OR REUSE OF WATER OR WASTEWATER WITHIN THE STATE OF COLORADO.

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

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

(k) "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.

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

(m) "INTENSITY" MEANS ANY RATIO THAT ASSESSES 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.

(n) "LAND DEVELOPMENT REGULATIONS" MEAN THE REGULATIONS OF A 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 FOR SUCH INFRASTRUCTURE AND CAPITAL FACILITIES.

(p) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY, COUNTY, OR HOME RULE COUNTY.

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

(r) "MASTER PLAN", "COMPREHENSIVE PLAN", OR "PLAN" MEANS THE ADOPTED OFFICIAL STATEMENT OF THE GOVERNING BODY OF A 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 THE PLANNING JURISDICTION AND THAT INCLUDES A COORDINATED PHYSICAL DESIGN FOR THE PUBLIC AND PRIVATE DEVELOPMENT OF LAND AND WATER.

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

(t) "NEIGHBORING COMMUNITY" MEANS:

(I) ANY LOCAL GOVERNMENT THAT HAS AUTHORITY UNDER THIS ARTICLE, SECTION 30-28-106, C.R.S., OR SECTION 31-23-206, C.R.S., TO ADOPT A MASTER PLAN FOR ANY AREA INCLUDED WITHIN ANOTHER PLANNING JURISDICTION'S MASTER PLAN;

(II) ANY LOCAL GOVERNMENT, POWER PROVIDER, OR WATER OR SEWER PROVIDER THAT HAS BEEN IDENTIFIED BY A PLANNING JURISDICTION AS LIKELY TO EXPERIENCE A MATERIAL IMPACT FROM DEVELOPMENT WITHIN THE PLANNING JURISDICTION IN ACCORDANCE WITH THE PLANNING JURISDICTION'S MASTER PLAN; OR

(III) ANY TERRITORY OF WHICH A PLANNING JURISDICTION HAS INCLUDED IN ITS URBAN SERVICE AREA.

(u) "NONURBAN USES" MEANS SUCH USES OF LAND AS THE PLANNING JURISDICTION MAY DETERMINE THAT DO NOT REQUIRE THE PROVISION OF A CENTRAL SEWER SYSTEM OR A CENTRAL WATER SYSTEM FOR THEIR CONDUCT AND OPERATION IN A MANNER CONSISTENT WITH THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY, BUT MAY REQUIRE ONE OR MORE OTHER URBAN SERVICES.

(v) "OFFICE OF SMART GROWTH" OR "OFFICE" MEANS THE OFFICE OF SMART GROWTH CREATED IN SECTION 24-32-3203.

(w) "PLANNING JURISDICTION" MEANS A COUNTY OR MUNICIPALITY THAT IS SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

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

(y) "RESIDENTIAL DEVELOPMENT" MEANS A PROPOSED RESIDENTIAL SUBDIVISION WITHIN AN URBAN SERVICE AREA.

(z) "URBAN GROWTH" OR "URBAN DEVELOPMENT" MEANS DEVELOPMENT THAT MAKES INTENSIVE USE OF LAND FOR THE LOCATION OF BUILDINGS, OTHER 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 ALLOWED TO SPREAD OVER WIDE AREAS, TYPICALLY REQUIRES URBAN SERVICES. THE DEVELOPMENT OF NONURBAN USES ON LAND SHALL NOT CONSTITUTE URBAN GROWTH FOR PURPOSES OF THIS ARTICLE.

(aa) "URBANIZED LAND" MEANS THOSE LAND AREAS THAT ARE ALREADY CHARACTERIZED BY URBAN GROWTH AND THAT GENERALLY HAVE ADEQUATE EXISTING URBAN SERVICES.

(bb) "URBANIZING LAND" MEANS ANY LAND WITHIN AN URBAN SERVICE AREA THAT IS NOT URBANIZED LAND.

(cc) "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 USE DESIGNATIONS, AND IMPLEMENTING ACTIONS AND OUTSIDE OF WHICH URBAN GROWTH IS NOT PERMITTED.

(dd) "URBAN SERVICES" MEAN 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 SERVICES MAY INCLUDE, WITHOUT LIMITATION:

(I) THE PROVISION OF SANITARY SEWERS AND THE COLLECTION

AND TREATMENT OF SEWAGE;

(II) THE PROVISION OF WATER LINES AND THE PUMPING AND TREATMENT OF WATER;

(III) POLICE PROTECTION;

(IV) FIRE PROTECTION;

(V) PARKS, RECREATION, AND OPEN SPACE;

(VI) STREETS AND ROADS;

(VII) MASS TRANSIT;

(VIII) STORMWATER MANAGEMENT OR FLOOD CONTROL;

(IX) SCHOOLS, AND SCHOOL FACILITIES; AND

(X) OTHER ACTIVITIES, FACILITIES, AND UTILITIES OF AN URBAN NATURE THAT ARE NECESSARY FOR OR FACILITATE URBAN GROWTH.

(ee) "UTILITY FACILITIES" MEAN "MAJOR ELECTRICAL OR NATURAL GAS FACILITIES", AS DEFINED IN SECTION 29-20-108 (3), C.R.S.

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

24-63-104. Application. (1) THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO:

(a) EACH COUNTY THE POPULATION OF WHICH IS TWENTY-FIVE THOUSAND OR MORE;

(b) EACH COUNTY THE POPULATION OF WHICH IS FOURTEEN THOUSAND EIGHT HUNDRED OR MORE AND THAT HAS EXPERIENCED AN INCREASE IN POPULATION DURING ANY FIVE-YEAR PERIOD ENDING IN 2000 OR ANY SUBSEQUENT YEAR;

(c) EACH COUNTY THE POPULATION OF WHICH IS BETWEEN TEN THOUSAND AND FOURTEEN THOUSAND EIGHT HUNDRED AND THAT HAS

EXPERIENCED AT LEAST A TEN PERCENT INCREASE IN POPULATION OR BUILDING PERMITS APPROVED DURING ANY FIVE-YEAR PERIOD ENDING IN 2000 OR ANY SUBSEQUENT YEAR;

(d) EACH COUNTY THAT IS A MEMBER OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS AS OF JANUARY 1, 2001; AND

(e) EACH MUNICIPALITY, ANY PART OF WHICH IS LOCATED WITHIN A COUNTY DESCRIBED IN PARAGRAPHS (a) TO (d) OF THIS SUBSECTION (1), THAT HAS A POPULATION OF TWO THOUSAND OR MORE PERSONS.

(2) THE DETERMINATION OF THE APPLICABILITY OF THIS ARTICLE PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE MADE ANNUALLY BY THE DEPARTMENT BASED ON THE POPULATION STATISTICS MAINTAINED BY THE DEPARTMENT.

(3) IF A COUNTY OR MUNICIPALITY BECOMES SUBJECT TO THE PROVISIONS OF THIS ARTICLE PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COUNTY OR MUNICIPALITY SHALL AT ALL TIMES THEREAFTER REMAIN SUBJECT TO ITS PROVISIONS.

(4) A COUNTY OR MUNICIPALITY NOT OTHERWISE SUBJECT TO THE PROVISIONS OF THIS ARTICLE MAY, BY RESOLUTION OR ORDINANCE OF ITS GOVERNING BODY, ELECT TO BECOME SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

(5) THE PROVISIONS OF PART 3 OF THIS ARTICLE SHALL APPLY TO EACH COUNTY THAT INCLUDES WITHIN ITS TERRITORIAL BOUNDARIES A MUNICIPALITY SUBJECT TO THIS ARTICLE.

24-63-105. Preemption. (1) SUBJECT TO THE PROVISIONS OF 24-63-106, THE PROVISIONS OF THIS ARTICLE PREEMPT ANY INCONSISTENT LAWS, ORDINANCES, REGULATIONS, OR RESOLUTIONS ADOPTED BY ANY LOCAL GOVERNMENT.

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

24-63-106. Supplements existing law. 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, THE PROVISIONS OF THIS ARTICLE 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.

24-63-107. Effect of article - public utilities. (1) 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 RIGHTS-OF-WAY BY EMINENT DOMAIN TO SERVE PUBLIC NEED IN THE MOST ECONOMICAL AND EXPEDIENT MANNER.

PART 2

LOCAL PLANNING REQUIREMENT

24-63-201. Planning commission. THE GOVERNING BODY OF EACH 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 PLANNING JURISDICTION, IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE GOVERNING BODY OF SUCH 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 JURISDICTION SHALL ADOPT, BY ORDINANCE OR RESOLUTION, 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 THE FOLLOWING STAGES:

(I) EACH PLANNING JURISDICTION THAT IS A COUNTY THAT HAD A POPULATION OF TWENTY THOUSAND OR MORE PERSONS AS OF JANUARY 1,

2001, AS DETERMINED BY THE DEPARTMENT, SHALL ADOPT A MASTER PLAN NO LATER THAN JULY 1, 2003.

(II) EACH 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 NO LATER THAN JULY 1, 2004.

(III) EACH 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 NO LATER THAN JULY 1, 2006.

(IV) EACH PLANNING JURISDICTION THAT IS A MUNICIPALITY SHALL ADOPT A 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 PLANNING JURISDICTION MAY VOLUNTARILY ELECT TO ADOPT ITS MASTER PLAN EARLIER THAN IS REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (1).

(2) ANY 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 TO THE REQUIREMENTS OF THIS

ARTICLE BY AMENDMENT TO THE PLAN. A MASTER PLAN MAY INCORPORATE BY REFERENCE SEPARATE PLANS AS LONG AS SUCH PLANS OTHERWISE COMPLY WITH THE PROVISIONS OF THIS ARTICLE.

(3) NO 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, SHALL BE REQUIRED TO ADOPT A NEW OR DIFFERENT MASTER PLAN PURSUANT TO THIS ARTICLE IF THE MASTER PLAN SATISFIES THE FOLLOWING REQUIREMENTS TO THE EXTENT APPLICABLE:

(a) THE MASTER PLAN OR COMPREHENSIVE PLAN DELINEATES URBANIZED AREAS AND GROWTH BOUNDARIES THAT ARE ADJACENT TO OR CONTIGUOUS WITH THE BOUNDARIES OF THE EXISTING URBANIZED AREAS AND THAT ARE NOT IN CONFLICT WITH THE DESIGNATED URBANIZED AREAS AND GROWTH BOUNDARIES OF THE ADJACENT JURISDICTIONS, AND THAT HAS DESIGNATED NONURBANIZED AREAS THE PRIMARY PURPOSE OF WHICH IS TO PROTECT NATURAL LAND, LOW-INTENSITY LAND USES, AND RURAL OR HISTORICAL CHARACTER AND TO PROVIDE FOR SEPARATION BETWEEN COMMUNITIES.

(b) (I) FOR PURPOSES OF A PLANNING JURISDICTION THAT IS A COUNTY, THE PLANNING JURISDICTION HAS COORDINATED ITS MASTER PLAN OR COMPREHENSIVE PLAN WITH A MAJORITY OF THE MUNICIPALITIES WITHIN THE COUNTY.

(II) FOR PURPOSES OF A PLANNING JURISDICTION THAT IS A MUNICIPALITY, THE PLANNING JURISDICTION HAS COORDINATED ITS COMPREHENSIVE OR MASTER PLAN WITH THE PLANS 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) ON OR BEFORE JULY 1, 2003, THE PLANNING JURISDICTION HAS ADOPTED AMENDMENTS TO THE MASTER PLAN SUCH THAT THE MASTER PLAN INCLUDES PROVISIONS THAT ADDRESS EACH OF THE 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).

(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, ANY MASTER OR COMPREHENSIVE PLAN OF A PLANNING JURISDICTION THAT SATISFIES THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION 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.

(5) ANY PLANNING JURISDICTION THAT HAS A MASTER OR COMPREHENSIVE PLAN THAT SATISFIES THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION SHALL, TO THE EXTENT THE JURISDICTION 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.

(6) 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 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 PLANNING JURISDICTION'S EXISTING MASTER PLAN AND LAND DEVELOPMENT REGULATIONS.

(7) (a) EACH 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 PURSUANT TO WHICH THE PLANNING JURISDICTION MAY INITIATE PROCEEDINGS TO AMEND THE MASTER PLAN AND PURSUANT TO WHICH A LANDOWNER OR PARTY WHO HAS A CONTRACT TO PURCHASE PROPERTY MAY REQUEST AN AMENDMENT TO THE MASTER PLAN AS IT RELATES TO THE PROPERTY OWNED OR UNDER CONTRACT. ANY SUCH REQUEST MAY BE MADE SEPARATELY OR IN CONJUNCTION WITH A DEVELOPMENT APPLICATION. THE REGULATIONS REQUIRED BY THIS SUBSECTION (7) SHALL BE:

(I) DESIGNED TO ENCOURAGE PUBLIC PARTICIPATION IN THE PLANNING PROCESS BY PROVIDING FOR:

(A) 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; AND

(B) NO LESS THAN ONE PUBLIC HEARING OF THE GOVERNING BODY OF THE PLANNING JURISDICTION PRIOR TO ITS ADOPTION OF THE MASTER PLAN OR ANY AMENDMENT TO THE PLAN; AND

(II) CONSISTENT WITH:

(A) THE PROVISIONS OF THIS ARTICLE;

(B) THE PROVISIONS OF ARTICLE 28 OF TITLE 30, C.R.S., IN THE CASE OF A COUNTY; AND

(C) THE PROVISIONS OF ARTICLE 23 OF TITLE 31, C.R.S., IN THE

CASE OF A MUNICIPALITY.

(b) ANY PUBLIC HEARING BEFORE THE PLANNING COMMISSION AND THE GOVERNING BODY MAY BE CONTINUED FROM TIME TO TIME, AND THE PLANNING COMMISSION AND 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.

(8) (a) 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 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, AND SAID NOTICE SHALL INCLUDE THE TIME AND PLACE OF ANY PUBLIC HEARINGS. 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 PROVIDED IN ACCORDANCE WITH SECTION 30-28-106 (1), C.R.S., IN THE CASE OF A COUNTY MASTER PLAN, AND SECTION 31-23-206 (1), C.R.S., IN THE CASE OF A MUNICIPALITY MASTER PLAN.

(b) ANY PLANNING JURISDICTION OR PERSON WHO WISHES TO RECEIVE NOTICE OF ANY HEARING SCHEDULED BY THE PLANNING COMMISSION OR GOVERNING BODY OF A PLANNING JURISDICTION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8) SHALL REQUEST SUCH NOTIFICATION IN WRITING TO THE CLERK AND RECORDER OF THE 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 SUBSECTION (8), AN UNINTENTIONAL FAILURE ON THE PART OF THE PLANNING JURISDICTION TO PROVIDE ADVANCE NOTICE SHALL NOT VOID ANY ACTION TAKEN AT A HEARING FOR WHICH OTHERWISE PROPER NOTICE WAS PROVIDED IN CONFORMITY WITH THE REQUIREMENTS OF THIS SUBSECTION (8).

(9) 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, SUBJECT TO ANY APPLICABLE REQUIREMENTS SPECIFIED IN SUBSECTIONS (6) TO (10) OF THIS SECTION. ALL AMENDMENTS TO THE MASTER PLAN SHALL BE BY ORDINANCE OR RESOLUTION.

(10) NOT LESS THAN ONE YEAR AFTER THE GOVERNING BODY OF A PLANNING JURISDICTION HAS ADOPTED OR AMENDED A MASTER PLAN IN ACCORDANCE WITH THE TERMS OF THIS ARTICLE, THE GOVERNING BODY SHALL IMPLEMENT ITS MASTER PLAN THROUGH LAND DEVELOPMENT REGULATIONS AND PROGRAMS. 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 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.

(11) 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 PLANNING JURISDICTION.

(12) EACH PLANNING JURISDICTION SHALL PERIODICALLY REVIEW AND, IF NECESSARY, UPDATE ITS MASTER PLAN AT LEAST EVERY FIVE YEARS.

(13) A PLANNING JURISDICTION MAY APPLY TO THE OFFICE OF

SMART GROWTH FOR A GRANT FROM 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) (a) IN PREPARING THE MASTER PLAN, THE 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 STATE OR FEDERAL GOVERNMENT OR ANY OTHER STUDY CONDUCTED IN ACCORDANCE WITH AN ESTABLISHED METHODOLOGY WITHIN THE ACADEMIC DISCIPLINE TO WHICH SUCH STUDY IS RELATED.

(b) 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 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 PLANNING JURISDICTION'S MASTER PLAN, A 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 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 THAT DESIGNATES USES AND RANGES OF DENSITY FOR THE LAND LOCATED WITHIN THE JURISDICTION. SUCH USES MAY INCLUDE, WITHOUT LIMITATION, PUBLIC, PRIVATE, RESIDENTIAL, COMMERCIAL, INDUSTRIAL, NATURALLY PRODUCTIVE, CONSERVATION AND OPEN SPACE, AND RECREATIONAL LAND USES.

(b) A WATER AND WASTEWATER ELEMENT THAT SHOWS THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE AND SUITABLE SUPPLY OF WATER FOR THE PLANNING JURISDICTION. THE JURISDICTION SHALL DETERMINE HOW AN ADEQUATE AND SUITABLE SUPPLY OF WATER SHALL BE PROVIDED TO MEET THE JURISDICTION'S NEEDS AND HOW WASTEWATER FROM THE JURISDICTION SHALL BE EFFECTIVELY HANDLED. THE JURISDICTION SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER FOR USE WITHIN THE JURISDICTION TO ENSURE COORDINATION WITH RESPECT TO WATER SUPPLY 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) (I) A HOUSING ELEMENT THAT ADDRESSES HOUSING NEEDS IN THE PLANNING JURISDICTION THAT MAY ARISE AS A RESULT OF NEW EMPLOYMENT IN THE JURISDICTION. THE JURISDICTION SHALL:

(A) ASSESS THE AGE, STRUCTURAL VALUE, AND OCCUPANCY CHARACTERISTICS OF THE JURISDICTION'S HOUSING STOCK;

(B) IDENTIFY POLICIES AND PROGRAMS THAT PROMOTE THE DEVELOPMENT OF HOUSING FOR THE NEW EMPLOYEES IN THE JURISDICTION AND THEIR FAMILIES;

(C) IDENTIFY POLICIES AND PROGRAMS THAT PROMOTE THE AVAILABILITY OF LAND FOR THE DEVELOPMENT OR REDEVELOPMENT OF HOUSING, INCLUDING LOW- AND MODERATE-INCOME HOUSING;

(D) IDENTIFY POLICIES AND PROGRAMS TO MAINTAIN OR REHABILITATE THE JURISDICTION'S EXISTING HOUSING STOCK AS MAY BE APPROPRIATE;

(E) 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; AND

(F) DEFINE STRATEGIES TO ENSURE THAT HOLDERS OF NEW JOBS IN THE JURISDICTION WILL BE ABLE TO SECURE HOUSING THAT IS AFFORDABLE, APPROPRIATE, AND WITHIN REASONABLE DISTANCES OF THEIR PLACES OF EMPLOYMENT.

(II) THE HOUSING NEEDS OF THE PLANNING JURISDICTION MAY BE

SATISFIED BY EXISTING HOUSING STOCK OR BY LAND PLANNED AND ZONED FOR RESIDENTIAL USE WITHIN THE JURISDICTION OR WITHIN OTHER PLANNING JURISDICTIONS PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT. THE PLANNING JURISDICTION'S HOUSING 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 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 PLANNING JURISDICTION; AND

(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 PLANNING JURISDICTION.

(e) A TRANSPORTATION ELEMENT THAT IDENTIFIES 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 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 PLANNING JURISDICTION SHALL IDENTIFY ALL NEIGHBORING COMMUNITIES AFFECTED BY THE MASTER PLAN OR ANY TERRITORY INCLUDED IN THE JURISDICTION'S URBAN SERVICE AREA. UNLESS ALREADY ADDRESSED IN A REGIONAL PLAN CREATED PURSUANT TO THIS ARTICLE, THE NEIGHBORING COMMUNITIES ELEMENT SHALL ADDRESS, AT A MINIMUM, THE FOLLOWING MATTERS:

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

(B) ADDITIONAL AGREEMENTS, POLICIES, OR PROGRAMS THAT COULD ALLEVIATE THE EXTERNAL IMPACTS OF DEVELOPMENT WITHIN THE 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 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 PLANNING JURISDICTIONS, EACH

URBAN SERVICE AREA OF ANY PLANNING JURISDICTION DESIGNATED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE SHALL BE COORDINATED WITH THE URBAN SERVICE AREA OF ANY OTHER PLANNING JURISDICTION THAT IS WITHIN THREE MILES OR LESS OF ITS OWN URBAN SERVICE AREA.

(g) AN OPEN SPACE AND AGRICULTURAL LAND ELEMENT THAT DETERMINES THE APPROPRIATE STRATEGY FOR THE PROTECTION OF NATURALLY PRODUCTIVE AND CONSERVATION AND OPEN SPACE LAND WITHIN THE 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 THAT ADDRESSES 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;

(j) A MINERAL PRESERVATION ELEMENT THAT SHOWS HOW THE

PLANNING JURISDICTION INTENDS TO COMPLY WITH PART 3 OF ARTICLE 1 OF TITLE 34, C.R.S., AND THAT SHOWS, ON THE MASTER PLAN MAP REQUIRED BY SUBSECTION (5) 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.; AND

(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 31-23-206 (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. THE ECONOMIC DEVELOPMENT 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 AND THE JURISDICTION'S ROLE IN

ENCOURAGING ADEQUATE TRANSPORTATION FACILITIES AND INFRASTRUCTURE AFFECTING THE JURISDICTION.

(d) A HUMAN SERVICES ELEMENT THAT COORDINATES 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, THAT THE PLANNING JURISDICTION MAY OR SHOULD ASSUME IN RELATION TO THE PROVISION OF HUMAN SERVICES WITHIN THE PLANNING JURISDICTION.

(e) A COMMUNITY DESIGN ELEMENT TO ESTABLISH A BASIS FOR THE PLANNING JURISDICTION TO MAKE DECISIONS ABOUT COMMUNITY APPEARANCE AND CHARACTER BY DEFINING ITS GOALS AND POLICIES, ESTABLISHING URBAN DESIGN STANDARDS, AND 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 PLANNING JURISDICTION DEEMS APPROPRIATE FOR INCLUSION IN THE MASTER PLAN 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, 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 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 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, PLANNING JURISDICTIONS MAY APPLY TO THE OFFICE OF SMART GROWTH FOR A GRANT FROM 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.

24-63-206. Moratoria. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE APPLICATION OF MORATORIA TO DEVELOPMENT APPLICATIONS SHOULD BE DISCOURAGED EXCEPT ON A LIMITED BASIS.

(2) A PLANNING JURISDICTION MAY ADOPT MORATORIA ON DEVELOPMENT APPLICATIONS ONLY UNDER THE FOLLOWING CIRCUMSTANCES:

(a) WHERE PENDING APPLICATIONS ARE CONSIDERED BY THE JURISDICTION TO CONSTITUTE AN IMMINENT THREAT TO THE HEALTH OR SAFETY OF ITS CITIZENS;

(b) FOR A PERIOD NOT TO EXCEED NINE MONTHS DURING CONSIDERATION OF AN INITIAL MASTER PLAN IF THE JURISDICTION DETERMINES THAT PENDING APPLICATIONS ARE POTENTIALLY INCONSISTENT WITH EITHER THE PLAN OR THE AMENDMENT TO THE PLAN UNDER CONSIDERATION; OR

(c) FOR A PERIOD NOT TO EXCEED SIX MONTHS DURING CONSIDERATION OF AN AMENDMENT TO THE JURISDICTION'S MASTER PLAN IF THE JURISDICTION DETERMINES THAT PENDING APPLICATIONS ARE POTENTIALLY INCONSISTENT WITH EITHER THE PLAN OR THE AMENDMENT TO THE PLAN UNDER CONSIDERATION.

(3) NOTWITHSTANDING ANY PROVISION IN THIS SECTION, NO MORATORIUM SHALL BE IMPOSED BY A PLANNING JURISDICTION ON THE FOLLOWING TYPES OF APPLICATIONS:

(a) A BUILDING PERMIT APPROVED AS OF THE TIME ANY SUCH MORATORIUM IS IMPOSED;

(b) A FINAL PLAT APPROVED AS OF THE TIME ANY SUCH MORATORIUM IS IMPOSED; OR

(c) ANY OTHER APPLICATION FOR WHICH ONLY MINISTERIAL ACTION REMAINS AS OF THE TIME ANY SUCH MORATORIUM IS IMPOSED.

24-63-207. Growth restrictions. A PLANNING JURISDICTION SHALL NOT IMPOSE ANY RESTRICTION OR LIMITATION UPON ITS RATE OF HOUSING CONSTRUCTION THAT IS LESS THAN EITHER THE RATE OF POPULATION GROWTH OR THE RATE OF JOB GROWTH USED IN ITS MASTER PLAN EXCEPT AS NECESSARY TO AVOID AN IMMINENT THREAT TO THE HEALTH OR SAFETY OF ITS RESIDENTS.

PART 3

PROVISIONS CONCERNING ANNEXATION

24-63-301. Annexed areas to be included in urban service area. NO PLANNING JURISDICTION THAT IS A MUNICIPALITY SHALL ANNEX ANY LAND UNLESS THE LAND HAS BEEN DESIGNATED AS PART OF THE MUNICIPALITY'S URBAN SERVICE AREA OR IS DESIGNATED AS SUCH CONTEMPORANEOUSLY WITH THE ANNEXATION. THE REQUIREMENTS OF

THIS SECTION SHALL NOT APPLY TO ANY LAND THAT WAS THE SUBJECT OF AN ANNEXATION PROCEEDING COMMENCED ON OR BEFORE JULY 1, 2001.

24-63-302. Referral to municipal planning jurisdiction. (1) (a) PRIOR TO CONSIDERATION BY A COUNTY PLANNING JURISDICTION OF ANY PRELIMINARY DEVELOPMENT APPLICATION FOR SUBDIVISION OR FOR APPROVAL OF DEVELOPMENT THAT INCLUDES URBAN GROWTH OF ANY LAND THAT HAS BEEN DESIGNATED AS AN URBAN SERVICE AREA BY A MUNICIPAL PLANNING JURISDICTION WHERE THE LAND THAT IS THE SUBJECT OF THE APPLICATION IS ELIGIBLE FOR ANNEXATION ON THE DATE OF SAID ANNEXATION PURSUANT TO SECTION 31-12-104, C.R.S., A COUNTY MAY REQUIRE THE LANDOWNER TO FIRST SEEK ANNEXATION BY THE MUNICIPAL PLANNING JURISDICTION BEFORE SUCH APPLICATION MAY BE CONSIDERED BY THE COUNTY. A COUNTY SHALL MAKE THE INITIAL DETERMINATION OF ELIGIBILITY FOR ANNEXATION AND REFER THE LANDOWNER TO THE MUNICIPAL PLANNING JURISDICTION WITHIN THIRTY DAYS AFTER RECEIPT OF THE PRELIMINARY DEVELOPMENT APPLICATION.

(b) WHERE A COUNTY REQUIRES THE LANDOWNER TO SEEK ANNEXATION BY A MUNICIPAL PLANNING JURISDICTION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), 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 RECEIPT OF THE APPLICATION, 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, 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:

(a) THE JURISDICTION IS CAPABLE OF PROVIDING URBAN SERVICES TO THE ANNEXED AREA WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THE ANNEXATION; OR

(b) IF THE MUNICIPAL PLANNING JURISDICTION HAS ENTERED INTO AN ANNEXATION AGREEMENT OR DEVELOPMENT AGREEMENT WITH THE OWNER OF THE ANNEXED AREA PURSUANT TO SECTION 24-68-104, THE JURISDICTION WILL BE ABLE TO PROVIDE URBAN SERVICES TO AT LEAST THE FIRST PHASE OF THE PROPOSED DEVELOPMENT WITHIN THREE YEARS AFTER THE EFFECTIVE DATE OF THE ANNEXATION.

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

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

24-63-303. Application of municipal development standards. (1) ANY COUNTY THAT HAS ENTERED INTO AN AGREEMENT WITH A MUNICIPAL PLANNING JURISDICTION PURSUANT TO SECTION 29-20-105, C.R.S., MAY, PURSUANT TO SAID AGREEMENT, ADOPT BY REFERENCE THE MUNICIPALITY'S UNIFORM DEVELOPMENT STANDARDS AND REQUIREMENTS WHEN APPROVING ANY DEVELOPMENT APPLICATION IN AN UNINCORPORATED AREA THAT IS WITHIN THE URBAN SERVICE AREA OF A MUNICIPAL 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 A COUNTY THE AUTHORITY TO ADOPT BY REFERENCE THE DEVELOPMENT STANDARDS OF A PARTICULAR MUNICIPAL PLANNING JURISDICTION WITH RESPECT TO TERRITORY LOCATED WHOLLY OUTSIDE THE URBAN SERVICE AREA OF THE MUNICIPALITY.

PART 4

JUDICIAL REVIEW AND MEDIATION

24-63-401. Judicial review. (1) THE DISTRICT COURTS OF THIS 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.

(2) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO INTERFERE WITH THE RIGHTS AND PROCEDURES GOVERNING THE LOCATION, CONSTRUCTION, OR IMPROVEMENT OF MAJOR ELECTRICAL OR NATURAL GAS FACILITIES AS SPECIFIED IN SECTION 29-20-108, C.R.S.

24-63-402. Dispute resolution. (1) DISPUTES INVOLVING ANY COMPREHENSIVE PLAN ADOPTED PURSUANT TO THIS ARTICLE SHALL BE RESOLVED USING THE PROCESS ESTABLISHED IN THIS PART 4.

(2) ANY TWO OR MORE LOCAL GOVERNMENTS THAT HAVE A DISPUTE MAY AGREE, EITHER BY MEANS OF AN EXISTING INTERGOVERNMENTAL AGREEMENT OR A NEW AGREEMENT, TO RESOLVE THE DISPUTE IN WHATEVER MANNER THE GOVERNMENTS REQUEST. IN THE ALTERNATIVE, THE PARTIES MAY REQUEST THAT THE DEPARTMENT COORDINATE A MEDIATED SOLUTION TO THE DISPUTE THROUGH THE OFFICE OF SMART GROWTH. PARTICIPATION IN THE PROCESS ESTABLISHED PURSUANT TO THIS PART 4 IS A JURISDICTIONAL PREREQUISITE TO FILING ANY COURT PROCEEDING RELATING TO A DISPUTE BETWEEN OR AMONG LOCAL GOVERNMENTS ARISING OUT OF THE COMPREHENSIVE PLAN OR THE COMPREHENSIVE PLANNING PROCESS AS SET FORTH IN THIS ARTICLE.

(3) THE DISPUTE RESOLUTION PROCESS ESTABLISHED PURSUANT TO THIS PART 4 APPLIES AND IS AVAILABLE ONLY TO LOCAL GOVERNMENTS.

(4) TO FULFILL ITS ROLE IN MEDIATING DISPUTES BETWEEN OR AMONG LOCAL GOVERNMENTS PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT SHALL MAKE USE OF THE LIST OF QUALIFIED PROFESSIONALS REQUIRED TO BE MAINTAINED PURSUANT TO SECTION 24-32-3209.

(5) ANY AGREEMENT OR UNDERSTANDING REACHED BETWEEN TWO OR MORE LOCAL GOVERNMENTS AS A RESULT OF THE DISPUTE RESOLUTION

PROCESS ESTABLISHED BY THIS PART 4 IS NOT BINDING IF SUCH GOVERNMENTS ARE ULTIMATELY UNSUCCESSFUL IN RESOLVING THEIR CONFLICT.

(6) IN THE EVENT THAT THE DISPUTE RESOLUTION PROCESS ESTABLISHED BY THIS PART 4 IS UNSUCCESSFUL IN RESOLVING A PARTICULAR DISPUTE , ANY LOCAL GOVERNMENT THAT IS A PARTY TO THE CONFLICT MAY APPEAL TO THE DISTRICT COURT OF THE JUDICIAL DISTRICT WHERE THE REAL PROPERTY IN DISPUTE IS LOCATED. THE DISTRICT COURT SHALL CONDUCT A DE NOVO REVIEW OF THE DISPUTE.

SECTION 2. 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) Notwithstanding any provisions of this part 1 to the contrary, the following limitations shall apply to all annexations:

(e) (I) Except as otherwise provided in this paragraph (e), no annexation may take place ~~which~~ THAT 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, 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.

(II) PRIOR TO COMPLETION OF AN ANNEXATION IN WHICH THE CONTIGUITY REQUIRED BY SECTION 31-12-104 (1) (a) IS ACHIEVED PURSUANT TO SUBPARAGRAPH (I) 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 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):

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

(B) ANY SUBDIVISION THAT CONSISTS OF ONLY ONE SUBDIVISION FILING UPON THE PETITION OF THE REQUISITE NUMBER OF PROPERTY

OWNERS WITHIN THE SUBDIVISION AS DETERMINED PURSUANT TO SECTION 31-12-107; OR

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

(e.1) THE PARCELS DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (e) OF THIS SUBSECTION (1) SHALL BE ANNEXED UNDER THE SAME OR SUBSTANTIALLY SIMILAR TERMS AND CONDITIONS AND SHALL BE CONSIDERED 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 SUBPARAGRAPH (II) OF PARAGRAPH (e) OF THIS SUBSECTION (1) THAT ABUT SUCH PLATTED STREET OR ALLEY, PUBLIC OR PRIVATE RIGHT-OF-WAY, PUBLIC OR PRIVATE TRANSPORTATION RIGHT-OF-WAY OR AREA, OR LAKE, RESERVOIR, STREAM, OR OTHER NATURAL OR ARTIFICIAL 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 SUBPARAGRAPH (II) OF 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 LATTER 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 PROCEEDING.

SECTION 3. Appropriation - adjustments to the 2001 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of local affairs, for the fiscal year beginning July 1, 2001, the sum of twenty-three thousand four hundred fifty-five dollars ($23,455) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2001, shall be adjusted as follows:

(a) The general fund appropriation to the department of local affairs, community development, division of local governments, field services, Colorado heritage communities fund, is decreased by twenty-three thousand four hundred fifty-five dollars ($23,455).

(b) The cash funds exempt appropriation to the department of local affairs, community development, division of local governments, field services, Colorado heritage communities grants, is decreased by twenty-three thousand four hundred fifty-five dollars ($23,455).

SECTION 4. Effective date - applicability. This act shall take effect July 1, 2001, and shall apply to proceedings commenced on or after said date.

SECTION 5. 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.