

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

**REREVISED**

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

LLS NO. 01-0386.01 Bob Lackner

**HOUSE BILL 01-1225**

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**HOUSE SPONSORSHIP**

**Stengel,**

**SENATE SPONSORSHIP**

**Perlmutter,**

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**House Committees**

Local Government  
Appropriations

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**Senate Committees**

Public Policy and Planning  
Appropriations

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**A BILL FOR AN ACT**

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

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**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.
- Better coordination of growth throughout the state may enhance the health, welfare, and safety of people throughout the state and further enhance the high quality of life enjoyed by Colorado residents.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.*

*Dashes through the words indicate deletions from existing statute.*

SENATE  
3rd Reading Unamended  
May 4, 2001

SENATE  
Amended 2nd Reading  
May 3, 2001

HOUSE  
3rd Reading Unamended  
April 4, 2001

HOUSE  
Amended 2nd Reading  
April 3, 2001

- 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 or city and county the population of which exceeds a specified number and to counties and cities and counties the population of which exceeds a specified number and that have experienced a specified increase in population for certain years.
- 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 its terms preempt inconsistent laws, ordinances, or regulations adopted by any local government.

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.
- Requires that, prior to approval of the master plan, and subject to the moratoria provisions of the Act, 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 no master plan shall deprive any person or entity of an existing vested or property right or result in the abrogation of an existing agreement enforceable against the planning jurisdiction.
- 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.

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

- Requires that a planning jurisdiction undertake 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.
- Specifies the geographic scope of a master plan adopted in conformity with the Act.

In connection with requirements in the Act pertaining to growth designations:

- Requires each planning jurisdiction, in its master plan, to designate its urban service areas. Specifies the purposes of an urban service area.
- Specifies, in addition to urban service areas, other categories of land to be divided by the planning jurisdiction in its master plan. In the case of counties, requires a division of land into the categories of land available for nonurban uses, naturally productive land, and conservation and open space land in addition to land designated as urban service areas. In the case of municipalities, requires a division of land into conservation and open space land

besides land designated as urban service areas. Specifies various requirements governing the designation of the different categories of land.

- Authorizes local governments, special districts, utilities, and other entities that provide an urban service to enter into urban service agreements with respect to lands included within an urban service area, or that might be included in the future, for the purpose of specifying, among other things, which of the entities will be providing certain designated service. Specifies the factors to be considered by the parties in establishing an urban service agreement.
- Requires each planning jurisdiction to establish a land market monitoring system. Specifies the purposes of the system shall include periodically inventorying the supply of lands available within the jurisdiction for urban growth, and proposing changes, if necessary, to ensure the supply of lands available for urban growth within the planning jurisdiction meet projected development needs. If, after reviewing required inventories and other studies, the planning jurisdiction determines that the urban area does not contain sufficient land areas, requires the planning jurisdiction to take action as specified in the Act.
- Prohibits a planning jurisdiction from imposing any moratoria upon development or the filing or processing of development applications within an urban service area except in specified circumstances.
- Prohibits a planning jurisdiction from imposing 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 citizens.

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 on the date of the annexation for 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.

- 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 in the Act pertaining to development applications:

- With specified exceptions, requires a planning jurisdiction to process and make a final decision with respect to any development application relating to land within a designated urban service area within a specified schedule. Specifies that maximum processing times shall be tolled in specified situations.
- Provides rules governing applications for the development of land located within the planning jurisdiction's urban service area.
- Authorizes a planning jurisdiction to condition approval of a land development application upon a site specific payment or dedication requirement in specified circumstances.

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

- Provides that the dispute resolution procedures set forth in the Act shall be the exclusive remedy under state law for any claim or cause of action arising out of or related to the Act, and enumerates certain claims, without limitation, that are specified as arising out of or relating to the Act.
- Enumerates certain claims and proceedings that shall not be governed by the dispute resolution procedures specified in the Act.

- Requires the department to establish and maintain a land use dispute panel in each of the state’s judicial districts to serve as hearing officers. Specifies that such officers shall be entitled to compensation at a per diem rate. Specifies the qualifications required of members of the land use dispute panel.
- Specifies procedures to be followed in connection with a civil action brought under the Act. Requires the district court to appoint a hearing board consisting of 3 members of the land use dispute panel to hear the matter. Specifies procedures to be followed in connection with the selection of the hearing board panelists.
- Requires the hearing board members to hear and determine the dispute. Authorizes the hearing board to proceed by certiorari review or evidentiary hearing and specifies which type of proceeding merits the different types of review. Allows an appeal from a decision of the hearing board to be made directly to the Colorado court of appeals.
- Authorizes any 2 or more local governments to utilize the service of the land use dispute panel as mediators in connection with any dispute or disagreement between such local governments arising under or related to the provisions of the Act or any action taken by a local government pursuant to the provisions of 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.

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.

Defines terms.

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

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

4 **Article 63**

5 **Colorado Growth Management Act**

1 PART 1

2 GENERAL PROVISIONS

3 24-63-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY  
4 BE CITED AS THE "COLORADO GROWTH MANAGEMENT ACT".

5 24-63-102. Legislative declaration. (1) THE GENERAL ASSEMBLY  
6 HEREBY FINDS AND DECLARES THAT:

7 (a) RAPID GROWTH IN COLORADO IN THE 1990S HAS CONTRIBUTED  
8 SIGNIFICANTLY TO THE ECONOMIC PROSPERITY OF THE STATE, BUT IT ALSO  
9 HAS PRESENTED CHALLENGES THAT REQUIRE MANAGEMENT. IF NOT  
10 PROPERLY MANAGED AND GUIDED, RAPID GROWTH MAY IMPACT THE  
11 QUALITY OF LIFE OF THE RESIDENTS AND THE ECONOMIC PROSPERITY OF  
12 THE STATE BY MAKING IT A LESS DESIRABLE PLACE IN WHICH TO LIVE OR TO  
13 VISIT.

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

23 (c) DECISIONS OF LOCAL GOVERNMENTS THAT FACILITATE OR  
24 RESTRICT GROWTH WITHIN THEIR OWN JURISDICTIONS HAVE SIGNIFICANT  
25 IMPACTS OUTSIDE OF SUCH JURISDICTIONS, ESPECIALLY WITHIN THE  
26 DENVER METROPOLITAN REGION. ACCORDINGLY, COORDINATION AND  
27 REGULATION OF GROWTH THROUGHOUT THE STATE IS A MATTER OF

1 STATEWIDE INTEREST AND CONCERN IN WHICH THE STATE HAS A  
2 RESPONSIBILITY FOR THE HEALTH, WELFARE, AND SAFETY OF THE PEOPLE  
3 OF THE STATE AND FOR THE PROTECTION OF THE STATE'S NATURAL  
4 ENVIRONMENT.

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

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

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

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

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

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



1 FACILITIES;  
2 (f) PROMOTING THE ECONOMIC HEALTH OF THE REGIONS AND THE  
3 LOCAL GOVERNMENTS WITHIN THE STATE;  
4 (g) PROTECTING LANDS THAT ARE NATURALLY PRODUCTIVE FOR  
5 AGRICULTURAL, FORESTRY, OR MINERAL PRODUCTION FROM  
6 ENCROACHMENT BY URBANIZATION;  
7 (h) PROTECTING AREAS OF CRITICAL ENVIRONMENTAL CONCERN;  
8 (i) PROMOTING ENERGY AND WATER CONSERVATION;  
9 (j) CONSERVING FEATURES OF SIGNIFICANT STATEWIDE OR  
10 REGIONAL ARCHITECTURAL, CULTURAL, HISTORICAL, OR ARCHEOLOGICAL  
11 INTEREST;  
12 (k) PROMOTING STANDARDS OF GOOD URBAN DESIGN;  
13 (l) PROTECTING LIFE AND PROPERTY FROM THE EFFECTS OF  
14 NATURAL HAZARDS SUCH AS FLOODING, WILDFIRE, AND GEOLOGIC  
15 HAZARDS; AND  
16 (m) FURTHER PROTECTING THE NATURAL ENVIRONMENT.  
17 (3) FINAL DECISIONS IN MATTERS INVOLVING LAND USE SHOULD BE  
18 MADE PROMPTLY AND IN A FAIR AND CONSISTENT MANNER. DISPUTES  
19 ARISING UNDER THIS ARTICLE AND IN THE LAND-USE PROCESS IN GENERAL  
20 SHOULD BE RESOLVED AS QUICKLY, EFFICIENTLY, AND INFORMALLY AS  
21 POSSIBLE AND WITH MINIMUM COSTS TO THE DISPUTING PARTIES.  
22 (4) IT IS NOT THE INTENT OF THE GENERAL ASSEMBLY TO DEPRIVE  
23 ANY LANDOWNER OF ANY EXISTING RIGHTS THAT MAY HAVE VESTED  
24 PURSUANT TO ARTICLE 68 OF THIS TITLE, OR UNDER THE COMMON LAW, OR  
25 ANY PROPERTY RIGHTS PROTECTED UNDER THE STATE OR FEDERAL  
26 CONSTITUTIONS, OR TO ABROGATE ANY CONTRACTUAL OBLIGATIONS OF  
27 THE STATE OR ANY LOCAL GOVERNMENTS IMPLEMENTING THE PROVISIONS

1 OF THIS ARTICLE.

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

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

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

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

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

1           24-63-103. Definitions. (1) UNLESS SUCH TERMS ARE OTHERWISE  
2           DEFINED IN THIS ARTICLE, THE DEFINITIONS SET FORTH IN SECTIONS  
3           24-65.1-102 TO 24-65.1-104 SHALL APPLY IN THIS ARTICLE.

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

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

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

9           (I) IS WITHIN A CRITICAL AND SENSITIVE AREA;

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

13          (III) A PLANNING JURISDICTION HAS DETERMINED SHOULD BE  
14          PRESERVED IN ITS NATURAL OR UNDEVELOPED CONDITION FOR PARK, OPEN  
15          SPACE, OR BUFFER PURPOSES.

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

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

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

1           (f) "DEVELOPMENT" MEANS ANY CONSTRUCTION OR ACTIVITY THAT  
2           CHANGES THE BASIC CHARACTER OR USE OF THE LAND ON WHICH THE  
3           CONSTRUCTION OR ACTIVITY OCCURS AND THAT REQUIRES APPROVAL OF  
4           THE LOCAL PLANNING JURISDICTION UNDER ITS LAND DEVELOPMENT  
5           REGULATIONS. "DEVELOPMENT" SHALL NOT INCLUDE THE CONSTRUCTION,  
6           OPERATION, MAINTENANCE, REPAIR, OR REPLACEMENT OF FACILITIES FOR  
7           THE DIVERSION, STORAGE, TRANSPORTATION, TREATMENT, USE, OR REUSE  
8           OF WATER OR WASTEWATER WITHIN THE STATE OF COLORADO.

9           (g) "DEVELOPMENT APPLICATION" MEANS AN APPLICATION FILED  
10          UNDER A LOCAL PLANNING JURISDICTION'S LAND DEVELOPMENT  
11          REGULATIONS. "DEVELOPMENT APPLICATION" SHALL NOT INCLUDE AN  
12          APPLICATION RELATING TO OR FOR THE CONSTRUCTION, OPERATION,  
13          MAINTENANCE, REPAIR, OR REPLACEMENT OF FACILITIES FOR THE  
14          DIVERSION, STORAGE, TRANSPORTATION, TREATMENT, USE, OR REUSE OF  
15          WATER OR WASTEWATER WITHIN THE STATE OF COLORADO.

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

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

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

25          (k) "INFRASTRUCTURE" AND "CAPITAL FACILITIES" MEANS THE  
26          BUILDINGS AND FACILITIES OF A CAPITAL NATURE OWNED, OPERATED, OR  
27          CONTRACTED FOR BY A LOCAL PLANNING JURISDICTION OR BY ANY OTHER

1 PUBLIC ENTITY PROVIDING SERVICES TO THE PUBLIC WITHIN THE PLANNING  
2 JURISDICTION.

3 (l) "INTENSITY" MEANS A DESIGNATED MEASUREMENT OF THE  
4 RELATIVE LEVEL OF ACTIVITY OF A LAND USE, SUCH AS A FLOOR AREA  
5 RATIO.

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

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

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

20 (p) "LOCAL MASTER PLAN" MEANS THE MASTER PLAN OF A LOCAL  
21 PLANNING JURISDICTION.

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

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

1           (s) "LOCAL TRANSPORTATION PROJECT" MEANS A TRANSPORTATION  
2           PROJECT NOT ON THE STATE HIGHWAY SYSTEM.

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

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

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

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

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

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

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

27          (x) "POWER PROVIDER" MEANS A SPECIAL DISTRICT, POWER

1 AUTHORITY, OR PUBLIC UTILITY THAT PROVIDES GAS, ELECTRICAL, OR GAS  
2 AND ELECTRICAL SERVICE.

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

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

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

12 (bb) "RURAL DEVELOPMENT AREAS" MEANS A PORTION OF RURAL  
13 LANDS DESIGNATED BY A LOCAL PLANNING JURISDICTION IN ACCORDANCE  
14 WITH SECTION 24-63-303 (3).

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

19 (dd) "URBAN GROWTH" OR "URBAN DEVELOPMENT" MEANS  
20 DEVELOPMENT SERVED BY CENTRAL WATER AND SEWER THAT MAKES  
21 INTENSIVE USE OF LAND FOR THE LOCATION OF BUILDINGS, OTHER  
22 STRUCTURES, AND IMPERMEABLE SURFACES TO SUCH A DEGREE AS TO BE  
23 INCOMPATIBLE WITH THE PRIMARY USE OF SUCH LAND FOR THE  
24 PRODUCTION OF FOOD, FIBER, OR OTHER AGRICULTURAL PRODUCTS OR THE  
25 EXTRACTION OF MINERAL RESOURCES AND THAT, WHEN SPREAD OVER WIDE  
26 AREAS, TYPICALLY REQUIRES URBAN SERVICES.

27 (ee) "URBAN SERVICE" MEANS THOSE ACTIVITIES, FACILITIES, AND

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

14 (ff) "URBAN SERVICE AREA" MEANS ONE OR MORE AREAS  
15 DELINEATED IN AN ADOPTED MASTER PLAN PREPARED PURSUANT TO THIS  
16 ARTICLE WITHIN WHICH PROJECTED URBAN GROWTH FOR THE NEXT  
17 TWENTY YEARS SHALL BE DIRECTED BY DELINEATION OF SUCH AREAS,  
18 COMPATIBLE FUTURE LAND USE DESIGNATIONS, AND IMPLEMENTING  
19 ACTIONS, AND OUTSIDE OF WHICH URBAN GROWTH IS NOT PERMITTED. IN  
20 ADDITION TO URBAN GROWTH, ANY SUCH URBAN SERVICE AREA MAY  
21 CONTAIN CONSERVATION AND OPEN SPACE LANDS, INCLUDING COMMUNITY  
22 BUFFER ZONES AND NATURALLY PRODUCTIVE LANDS.

23 (gg) "WATER OR SEWER PROVIDER" MEANS A SPECIAL DISTRICT OR  
24 PUBLIC UTILITY THAT PROVIDES WATER, SEWER, OR WATER AND SEWER  
25 SERVICE.

26 **24-63-104. Applicability.** (1) THE PROVISIONS OF THIS ARTICLE  
27 SHALL APPLY TO:



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

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

7           (c) EACH COUNTY THE POPULATION OF WHICH IS BETWEEN TEN  
8           THOUSAND AND FOURTEEN THOUSAND EIGHT HUNDRED AND THAT HAS  
9           EXPERIENCED AN INCREASE IN POPULATION OR BUILDING PERMITS  
10          APPROVED OF TEN PERCENT OR MORE DURING ANY FIVE-YEAR PERIOD  
11          ENDING IN 2000 OR ANY SUBSEQUENT YEAR;

12          (d) EACH COUNTY THE POPULATION OF WHICH IS BETWEEN FIVE  
13          THOUSAND AND NINE THOUSAND NINE HUNDRED AND NINETY-NINE AND  
14          THAT HAS EXPERIENCED AN INCREASE IN POPULATION OR BUILDING  
15          PERMITS APPROVED OF TWENTY PERCENT OR MORE DURING ANY FIVE-YEAR  
16          PERIOD ENDING IN 2000 OR ANY SUBSEQUENT YEAR;

17          (e) EACH COUNTY THAT IS A MEMBER OF THE DENVER REGIONAL  
18          COUNCIL OF GOVERNMENTS AS CONSTITUTED ON JANUARY 1, 2001; AND

19          (f) EACH MUNICIPALITY, ANY PART OF WHICH IS LOCATED WITHIN  
20          A COUNTY DESCRIBED IN PARAGRAPHS (a) TO (e) OF THIS SUBSECTION (1)  
21          AND THAT HAS A POPULATION OF ONE THOUSAND OR MORE.

22          (2) (a) A COUNTY OR MUNICIPALITY SHALL ADOPT A MASTER PLAN  
23          IN CONFORMITY WITH THE REQUIREMENTS OF PART 2 OF THIS ARTICLE  
24          PRIOR TO APPROVING ANY DEVELOPMENT APPLICATION, BUILDING PERMIT,  
25          SUBDIVISION OF LAND, OR PLATTING THAT IS PROJECTED BY THE  
26          DEPARTMENT TO CAUSE SUCH COUNTY OR MUNICIPALITY TO BECOME  
27          SUBJECT TO THE PROVISIONS OF THIS ARTICLE UNDER SUBSECTION (1) OF

1 THIS SECTION. AT SUCH TIME, SUCH COUNTY OR MUNICIPALITY SHALL  
2 BECOME SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

3 (b) FOR PURPOSES OF THIS SECTION, THE DETERMINATION OF  
4 POPULATION SHALL REFLECT THE ANTICIPATED MAXIMUM NUMBER OF  
5 RESIDENTS IN THE JURISDICTION BASED UPON THE CURRENT POPULATION AS  
6 WELL AS THE RESIDENTS OF THE PROPOSED DEVELOPMENT AT THE TIME OF  
7 BUILD OUT.

8 (3) THE DETERMINATION OF THE APPLICABILITY OF THIS ARTICLE  
9 IN ACCORDANCE WITH SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL BE  
10 MADE ANNUALLY BY THE DEPARTMENT BASED UPON THE POPULATION  
11 STATISTICS MAINTAINED BY THE DEPARTMENT.

12 (4) IF ANY LOCAL PLANNING JURISDICTION BECOMES SUBJECT TO  
13 THE PROVISIONS OF THIS ARTICLE PURSUANT TO SUBSECTION (1) OF THIS  
14 SECTION, IT SHALL AT ALL TIMES THEREAFTER REMAIN SUBJECT TO ITS  
15 PROVISIONS.

16 (5) (a) ANY LOCAL PLANNING JURISDICTION NOT OTHERWISE  
17 SUBJECT TO THE PROVISIONS OF THIS ARTICLE MAY, BY RESOLUTION OR  
18 ORDINANCE OF ITS GOVERNING BODY, ELECT TO BECOME SUBJECT TO THE  
19 PROVISIONS OF THIS ARTICLE.

20 (b) IF A LOCAL PLANNING JURISDICTION THAT IS A COUNTY ELECTS  
21 TO BECOME SUBJECT TO THE PROVISIONS OF THIS ARTICLE IN ACCORDANCE  
22 WITH THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (5), EACH  
23 MUNICIPALITY LOCATED WITHIN SUCH COUNTY THE POPULATION OF WHICH  
24 IS ONE THOUSAND OR MORE SHALL ALSO BECOME SUBJECT TO THE  
25 PROVISIONS OF THIS ARTICLE.

26 (6) THE PROVISIONS OF PART 7 OF THIS ARTICLE SHALL APPLY TO  
27 ANY COUNTY THAT IS ADJACENT TO OR THAT INCLUDES WITHIN ITS

1 TERRITORIAL BOUNDARIES A MUNICIPALITY SUBJECT TO THIS ARTICLE

2 **24-63-105. Preemption.** (1) SUBJECT TO THE PROVISIONS OF  
3 SECTION 24-63-102 (4) AND (7), THIS ARTICLE PREEMPTS ANY  
4 INCONSISTENT LAWS, ORDINANCES, REGULATIONS, OR RESOLUTIONS  
5 ADOPTED BY ANY LOCAL PLANNING JURISDICTION.

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

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

12 PART 2

13 LOCAL PLANNING REQUIREMENT

14 **24-63-201. Planning commission.** THE GOVERNING BODY OF  
15 EACH LOCAL PLANNING JURISDICTION THAT HAS NOT PREVIOUSLY  
16 ESTABLISHED A PLANNING COMMISSION SHALL DESIGNATE AND ESTABLISH  
17 A PLANNING COMMISSION ON OR BEFORE JANUARY 1, 2002. THE PLANNING  
18 COMMISSION OF EACH PLANNING JURISDICTION THAT IS A COUNTY SHALL  
19 BE ESTABLISHED AND SHALL CONDUCT ITS BUSINESS IN ACCORDANCE WITH  
20 THE PROVISIONS OF ARTICLE 28 OF TITLE 30, C.R.S., EXCEPT AS OTHERWISE  
21 PROVIDED IN THIS ARTICLE.

22 **24-63-202. Master plans required - procedures.** (1) (a) EXCEPT  
23 AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, THE PLANNING  
24 COMMISSION OF EACH LOCAL PLANNING JURISDICTION, IN ACCORDANCE  
25 WITH A SCHEDULE ESTABLISHED BY THE GOVERNING BODY OF EACH  
26 PLANNING JURISDICTION CONSISTENT WITH THE REQUIREMENTS OF THIS  
27 SECTION, SHALL SUBMIT TO THE GOVERNING BODY A MASTER PLAN THAT

1 SATISFIES THE REQUIREMENTS OF THIS ARTICLE. THE GOVERNING BODY  
2 SHALL REVIEW AND CONSIDER THE PLAN SUBMITTED BY THE PLANNING  
3 COMMISSION AND SHALL ACCEPT OR MODIFY THE PLAN SUBMITTED AS THE  
4 GOVERNING BODY DEEMS APPROPRIATE IN THE EXERCISE OF ITS  
5 DISCRETION. THE GOVERNING BODY OF EACH LOCAL PLANNING  
6 JURISDICTION SHALL ADOPT, BY ORDINANCE OR RESOLUTION, A MASTER  
7 PLAN CONSISTENT WITH THE TERMS OF THIS PART 2 ON OR BEFORE THE  
8 DATES SPECIFIED IN THIS PARAGRAPH (a) AND SHALL REVIEW AND, IF  
9 NECESSARY, UPDATE AND AMEND THE MASTER PLAN AT LEAST ONCE EVERY  
10 FIVE YEARS THEREAFTER. AS LONG AS IT OTHERWISE COMPLIES WITH THE  
11 DATES SPECIFIED IN THIS PARAGRAPH (a), A PLANNING JURISDICTION MAY  
12 ADOPT A MASTER PLAN IN STAGES:

13 (I) EACH LOCAL PLANNING JURISDICTION THAT IS A COUNTY THAT  
14 HAD A POPULATION OF TWENTY THOUSAND OR MORE AS OF JANUARY 1,  
15 2001, AS DETERMINED BY THE DEPARTMENT, SHALL ADOPT A MASTER PLAN  
16 NOT LATER THAN JULY 1, 2003.

17 (II) EACH LOCAL PLANNING JURISDICTION THAT IS A COUNTY THAT  
18 HAD A POPULATION OF BETWEEN FIVE THOUSAND AND NINETEEN THOUSAND  
19 NINE HUNDRED NINETY-NINE AS OF JANUARY 1, 2001, AS DETERMINED BY  
20 THE DEPARTMENT, SHALL ADOPT A MASTER PLAN NOT LATER THAN JULY 1,  
21 2004.

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

26 (IV) EACH LOCAL PLANNING JURISDICTION THAT IS A MUNICIPALITY  
27 SHALL ADOPT ITS MASTER PLAN BY THE DATE SPECIFIED IN THIS PARAGRAPH

1 (a) FOR THE COUNTY IN WHICH IT IS LOCATED.

2 (V) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
3 A MUNICIPALITY THAT HAD A POPULATION OF ONE THOUSAND OR LESS AS  
4 OF JANUARY 1, 2001, SHALL ADOPT A MASTER PLAN NOT LATER THAN JULY  
5 1, 2006; EXCEPT THAT, AFTER JULY 1, 2004, ANY SUCH MUNICIPALITY  
6 SHALL ADOPT A MASTER PLAN PRIOR TO APPROVING ANY DEVELOPMENT  
7 THAT IS PROJECTED BY THE DEPARTMENT TO CAUSE THE POPULATION IN THE  
8 JURISDICTION TO EXCEED ONE THOUSAND.

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

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

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

27 (a) THE LOCAL PLANNING JURISDICTION HAS ADOPTED A MASTER

1 PLAN OR A COMPREHENSIVE PLAN DELINEATING URBANIZED AREAS AND  
2 GROWTH BOUNDARIES THAT ARE ADJACENT TO OR CONTIGUOUS WITH THE  
3 BOUNDARIES OF THE EXISTING URBANIZED AREAS AND THAT ARE NOT IN  
4 CONFLICT WITH THE DESIGNATED URBANIZED AREAS AND GROWTH  
5 BOUNDARIES OF THE ADJACENT LOCAL PLANNING JURISDICTIONS, AND THAT  
6 HAS DESIGNATED NONURBANIZED AREAS THE PRIMARY PURPOSE OF WHICH  
7 IS TO PROTECT NATURAL LAND, LOW-INTENSITY LAND USES, AND RURAL OR  
8 HISTORICAL CHARACTER AND TO PROVIDE FOR SEPARATION BETWEEN  
9 COMMUNITIES.

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

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

23 (d) ON OR BEFORE JULY 1, 2003, THE LOCAL PLANNING  
24 JURISDICTION HAS ADOPTED AMENDMENTS TO THE MASTER PLAN SUCH  
25 THAT THE MASTER PLAN INCLUDES PROVISIONS THAT ADDRESS EACH OF THE  
26 ELEMENTS REQUIRED TO BE INCLUDED IN SUCH PLAN PURSUANT TO SECTION  
27 24-63-203 (2) (a) TO (2) (e) AND (2) (g) TO (2) (j).

1           (e) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,  
2           ANY MASTER OR COMPREHENSIVE PLAN OF A LOCAL PLANNING  
3           JURISDICTION THAT SATISFIES THE REQUIREMENTS OF THIS SUBSECTION (3)  
4           SHALL BE CONSIDERED TO BE CONSISTENT WITH THIS ARTICLE FOR ALL  
5           PURPOSES AND SHALL NOT BE REQUIRED TO BE ADOPTED, READOPTED, OR  
6           AMENDED AS MAY OTHERWISE BE REQUIRED UNDER THE TERMS OF THIS  
7           ARTICLE, INCLUDING, WITHOUT LIMITATION, THE TERMS OF SECTION  
8           24-63-605.

9           (f) ANY LOCAL PLANNING JURISDICTION THAT HAS A MASTER OR  
10           COMPREHENSIVE PLAN THAT SATISFIES THE REQUIREMENTS OF THIS  
11           SUBSECTION (3) SHALL, TO THE EXTENT IT HAS NOT DONE SO ALREADY,  
12           CONFORM ITS LAND USE REGULATIONS TO SUCH PLAN NO LATER THAN JULY  
13           1, 2003. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,  
14           SUCH CONFORMED REGULATIONS SHALL BE CONSIDERED TO BE CONSISTENT  
15           WITH THIS ARTICLE FOR ALL PURPOSES AND SHALL NOT BE REQUIRED TO BE  
16           ADOPTED, READOPTED, OR AMENDED AS MAY OTHERWISE BE REQUIRED  
17           UNDER THE PROVISIONS OF THIS ARTICLE.

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

27           (5) EACH LOCAL PLANNING JURISDICTION SHALL ADOPT

1 REGULATIONS GOVERNING ADOPTION OF ITS MASTER PLAN AND ANY  
2 AMENDMENTS TO THE PLAN THAT ARE CONSISTENT WITH THIS ARTICLE.  
3 SUCH REGULATIONS SHALL INCLUDE PROCEDURES BY WHICH THE LOCAL  
4 PLANNING JURISDICTION MAY INITIATE AN AMENDMENT OF THE MASTER  
5 PLAN. THE REGULATIONS REQUIRED BY THIS SUBSECTION (5) SHALL BE  
6 DESIGNED TO ENCOURAGE PUBLIC PARTICIPATION IN THE PLANNING  
7 PROCESS, PROVIDE FOR NO LESS THAN THREE PUBLIC HEARINGS OF THE  
8 PLANNING COMMISSION PRIOR TO ITS FINAL RECOMMENDATION WITH  
9 RESPECT TO ADOPTION OR AMENDMENT OF THE MASTER PLAN, NO LESS  
10 THAN ONE PUBLIC HEARING OF THE GOVERNING BODY OF THE LOCAL  
11 PLANNING JURISDICTION PRIOR TO ITS ADOPTION OF THE MASTER PLAN OR  
12 ANY AMENDMENT TO THE PLAN, AND OTHERWISE BE CONSISTENT WITH THE  
13 PROVISIONS OF THIS ARTICLE, THE PROVISIONS OF ARTICLE 28 OF TITLE 30,  
14 C.R.S., IN THE CASE OF A COUNTY, AND THE PROVISIONS OF ARTICLE 23 OF  
15 TITLE 31, C.R.S., IN THE CASE OF A MUNICIPALITY. ANY PUBLIC HEARING  
16 BEFORE THE PLANNING COMMISSION AND THE GOVERNING BODY MAY BE  
17 CONTINUED FROM TIME TO TIME, AND THE PLANNING COMMISSION AND  
18 GOVERNING BODY SHALL ACCEPT AND CONSIDER ORAL AND WRITTEN  
19 PUBLIC COMMENTS AT SUCH HEARINGS. FOLLOWING ANY REQUIRED PUBLIC  
20 HEARING, THE GOVERNING BODY MAY APPROVE, MODIFY AND APPROVE, OR  
21 REJECT THE MASTER PLAN OR ANY AMENDMENT TO THE MASTER PLAN.

22 (6) AT THE COMMENCEMENT OF ANY PROCEEDING TO CREATE A  
23 MASTER PLAN AS REQUIRED BY THIS ARTICLE, OR TO AMEND A PREEXISTING  
24 MASTER PLAN TO COMPLY WITH THIS ARTICLE, THE GOVERNING BODY OF  
25 THE LOCAL PLANNING JURISDICTION SHALL SEND BY REGULAR MAIL TO  
26 EACH NEIGHBORING COMMUNITY AND TO EACH LANDOWNER, AT THE  
27 LANDOWNER'S LAST-KNOWN MAILING ADDRESS, A NOTICE APPRIZING THE



1 NEIGHBORING COMMUNITY AND LANDOWNER OF THE COMMENCEMENT OF  
2 THE PROCEEDINGS. THE GOVERNING BODY SHALL ALSO PUBLISH GENERAL  
3 PUBLIC NOTICE IN THE JURISDICTION IN A MANNER REASONABLY SUFFICIENT  
4 TO NOTIFY THE PUBLIC THAT THE PROCEEDINGS ARE COMMENCING AND OF  
5 THE TIME AND PLACE OF THE FIRST PUBLIC HEARING. SUCH MAILED NOTICE  
6 MAY BE INCLUDED IN ANY OTHER MAILING REGULARLY SENT BY THE  
7 GOVERNING BODY TO THE LANDOWNER OR MAY BE COORDINATED WITH  
8 ANY OTHER GOVERNING BODY REGULARLY PROVIDING MAILED NOTICES  
9 SUCH AS, WITHOUT LIMITATION, MAILINGS RELATED TO PROPERTY TAX  
10 ASSESSMENT OR UTILITY BILLING. FOR ALL PUBLIC MEETINGS THEREAFTER,  
11 AND FOR ANY AMENDMENTS OR UPDATES TO THE MASTER PLAN, GENERAL  
12 PUBLIC NOTICE SHALL BE PUBLISHED IN THE JURISDICTION IN ANY MANNER  
13 REASONABLY SUFFICIENT TO NOTIFY THE PUBLIC OF THE PROCEEDINGS,  
14 INCLUDING THE TIME AND PLACE OF ANY PUBLIC HEARINGS. IN ADDITION,  
15 FOR ANY PROPOSED AMENDMENT TO THE MASTER PLAN OR ANY ACTION  
16 AFFECTING SPECIFICALLY IDENTIFIED PARCELS OF PROPERTY, NOTICE SHALL  
17 BE PROVIDED TO THOSE PERSONS WHO WOULD BE ENTITLED TO NOTICE OF  
18 A REZONING OF THE AFFECTED PROPERTY UNDER THE APPLICABLE  
19 DEVELOPMENT REGULATIONS OF THE PLANNING JURISDICTION. FOR ANY  
20 SUBSEQUENT AMENDMENT TO THE MASTER PLAN, NOTICE SHALL BE AS  
21 PROVIDED IN SECTION 30-28-106 (1), C.R.S., IN THE CASE OF A COUNTY,  
22 AND SECTION 31-23-206 (1), C.R.S., IN THE CASE OF A MUNICIPALITY.

23 (7) ANY LOCAL PLANNING JURISDICTION OR PERSON WHO WISHES  
24 TO RECEIVE NOTICE OF ANY HEARING SCHEDULED BY THE PLANNING  
25 COMMISSION OR GOVERNING BODY OF A LOCAL PLANNING JURISDICTION  
26 PURSUANT TO SUBSECTION (6) OF THIS SECTION SHALL REQUEST SUCH  
27 NOTIFICATION IN WRITING TO THE CLERK AND RECORDER OF EACH SUCH

1 LOCAL PLANNING JURISDICTION. THE REQUEST SHALL IDENTIFY THE  
2 HEARING OR HEARINGS FOR WHICH THE NOTICE IS REQUESTED. NOTICE  
3 MAY BE PROVIDED FOR ALL HEARINGS OR ONLY FOR HEARINGS WHERE  
4 CERTAIN SPECIFIED MATTERS MAY BE DISCUSSED. IN RESPONSE TO THE  
5 WRITTEN REQUEST, THE CLERK SHALL PROVIDE REASONABLE ADVANCE  
6 NOTICE OF ALL HEARINGS. NOTWITHSTANDING ANY OTHER PROVISION OF  
7 THIS SECTION, AN UNINTENTIONAL FAILURE ON THE PART OF THE LOCAL  
8 PLANNING JURISDICTION TO PROVIDE ADVANCE NOTICE SHALL NOT NULLIFY  
9 ACTION TAKEN AT A HEARING FOR WHICH OTHERWISE PROPER NOTICE WAS  
10 PROVIDED IN CONFORMITY WITH THE REQUIREMENTS OF SUBSECTION (5) OR  
11 (6) OF THIS SECTION.

12 (8) WITHIN ONE YEAR OF THE ADOPTION OF THE MASTER PLAN, AN  
13 AMENDMENT TO THE PLAN SHALL REQUIRE THE UNANIMOUS APPROVAL OF  
14 THE MEMBERS OF THE GOVERNING BODY. THEREAFTER, THE MASTER PLAN  
15 MAY BE AMENDED AT ANY TIME UPON THE APPROVAL OF NOT LESS THAN  
16 TWO-THIRDS OF THE MEMBERS OF THE GOVERNING BODY PRESENT, SUBJECT  
17 TO ANY APPLICABLE REQUIREMENTS SPECIFIED IN SUBSECTIONS (4) TO (9)  
18 OF THIS SECTION. ALL AMENDMENTS TO THE MASTER PLAN SHALL BE BY  
19 ORDINANCE OR RESOLUTION.

20 (9) NOT LESS THAN ONE YEAR AFTER THE GOVERNING BODY OF A  
21 LOCAL PLANNING JURISDICTION HAS ADOPTED OR AMENDED A MASTER  
22 PLAN IN ACCORDANCE WITH THE TERMS OF THIS ARTICLE, THE GOVERNING  
23 BODY SHALL IMPLEMENT ITS MASTER PLAN THROUGH LAND DEVELOPMENT  
24 REGULATIONS AND PROGRAMS. IN ADDITION, AFTER THE MASTER PLAN HAS  
25 BEEN APPROVED, THE GOVERNING BODY SHALL NOT ADOPT ANY LAND  
26 DEVELOPMENT REGULATIONS OR MAKE ANY DECISION WITH RESPECT TO A  
27 DEVELOPMENT APPLICATION OR ITS CAPITAL BUDGET AND CAPITAL

1 EXPENDITURES THAT IS INCONSISTENT WITH THE TERMS OF THE MASTER  
2 PLAN UNLESS THE MASTER PLAN IS AMENDED TO PERMIT SUCH ACTION AT  
3 THE TIME THE LAND DEVELOPMENT REGULATIONS ARE ADOPTED OR THE  
4 DECISION IS MADE. EACH PLANNING JURISDICTION SHALL ENSURE THAT ITS  
5 CAPITAL BUDGET IS COMPATIBLE WITH ITS MASTER PLAN.

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

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

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

18 **24-63-203. Preparation and content of plan.** (1) IN PREPARING  
19 THE MASTER PLAN, THE LOCAL PLANNING JURISDICTION MAY PERFORM OR  
20 ARRANGE FOR SUPPORTING STUDIES THAT ARE RELEVANT TO THE ELEMENTS  
21 CONTAINED IN THE PLAN. IN UNDERTAKING THESE STUDIES, THE PLANNING  
22 COMMISSION MAY USE STUDIES CONDUCTED BY ANY AGENCY OR  
23 DEPARTMENT OF THE FEDERAL GOVERNMENT OR ANY AGENCY OR  
24 DEPARTMENT OF THE STATE OF COLORADO OR ANY OTHER STUDY  
25 CONDUCTED IN ACCORDANCE WITH AN ESTABLISHED METHODOLOGY  
26 WITHIN THE ACADEMIC DISCIPLINE TO WHICH SUCH STUDY IS RELATED. ALL  
27 REQUIRED AND OPTIONAL ELEMENTS CONTAINED WITHIN THE MASTER PLAN

1 SHALL BE BASED ON THE SAME ECONOMIC, DEMOGRAPHIC, AND RELATED  
2 ASSUMPTIONS AND DATA DEVELOPED BY OR FOR THE LOCAL PLANNING  
3 JURISDICTION. TO THE EXTENT THE DIVISION OF PLANNING OF THE  
4 DEPARTMENT HAS DEVELOPED POPULATION STATISTICS, ESTIMATES, OR  
5 PROJECTIONS PURSUANT TO SECTION 24-32-204 THAT ARE RELEVANT TO A  
6 LOCAL PLANNING JURISDICTION'S MASTER PLAN, A LOCAL PLANNING  
7 JURISDICTION SHALL NOT BASE ITS MASTER PLAN ON DIFFERENT  
8 POPULATION STATISTICS, ESTIMATES, OR PROJECTIONS UNLESS IT CAN  
9 ESTABLISH THAT SUCH DIFFERENT POPULATION STATISTICS, ESTIMATES, OR  
10 PROJECTIONS ARE MORE ACCURATE.

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

22 (a) A LAND USE ELEMENT PURSUANT TO WHICH THE LOCAL  
23 PLANNING JURISDICTION SHALL DESIGNATE USES AND RANGES OF DENSITY  
24 FOR ALL THE LAND LOCATED WITHIN THE LOCAL PLANNING JURISDICTION.  
25 SUCH USES MAY INCLUDE, WITHOUT LIMITATION, PUBLIC, PRIVATE,  
26 RESIDENTIAL, COMMERCIAL, INDUSTRIAL, NATURALLY PRODUCTIVE,  
27 CONSERVATION AND OPEN SPACE, AND RECREATIONAL LAND USES. THIS

1 ELEMENT SHALL INCLUDE A DIVISION OF THE LAND WITHIN THE LOCAL  
2 PLANNING JURISDICTION INTO THE CATEGORIES SET FORTH IN PART 3 OF  
3 THIS ARTICLE.

4 (b) A WATER AND WASTE WATER ELEMENT THAT SHALL SHOW THE  
5 GENERAL LOCATION AND EXTENT OF AN ADEQUATE AND SUITABLE SUPPLY  
6 OF WATER FOR THE LOCAL PLANNING JURISDICTION. THE LOCAL PLANNING  
7 JURISDICTION SHALL DETERMINE HOW AN ADEQUATE AND SUITABLE SUPPLY  
8 OF WATER SHALL BE PROVIDED TO MEET THE JURISDICTION'S NEEDS AND  
9 HOW WASTE WATER FROM THE JURISDICTION SHALL BE EFFECTIVELY  
10 HANDLED. THE JURISDICTION SHALL CONSULT WITH THE ENTITIES THAT  
11 SUPPLY WATER FOR USE WITHIN THE \_\_\_\_\_ JURISDICTION TO ENSURE  
12 COORDINATION WITH RESPECT TO WATER SUPPLY AND FACILITY PLANNING.  
13 THE JURISDICTION SHALL IDENTIFY WATER SUPPLIES AND FACILITIES  
14 SUFFICIENT TO MEET THE NEEDS WITHIN THE JURISDICTION AND IDENTIFY  
15 POLICIES AND STRATEGIES TO ENSURE AN EFFICIENT USE OF WATER WITHIN  
16 THE JURISDICTION. NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED  
17 TO SUPERSEDE, ABROGATE, OR OTHERWISE IMPAIR THE ALLOCATION OF  
18 WATER PURSUANT TO THE STATE CONSTITUTION OR LAW, THE RIGHT TO  
19 BENEFICIALLY USE WATER PURSUANT TO DECREES, CONTRACTS, OR OTHER  
20 WATER AGREEMENTS, OR THE OPERATION, MAINTENANCE, REPAIR,  
21 REPLACEMENT, OR USE OF ANY WATER FACILITY.

22 (c) A HOUSING ELEMENT DESIGNED TO ADDRESS HOUSING NEEDS IN  
23 THE LOCAL PLANNING JURISDICTION THAT MAY ARISE AS A RESULT OF NEW  
24 EMPLOYMENT IN THE JURISDICTION. THE LOCAL PLANNING JURISDICTION  
25 SHALL ASSESS THE AGE, STRUCTURAL VALUE, AND OCCUPANCY  
26 CHARACTERISTICS OF THE LOCAL PLANNING JURISDICTION'S HOUSING  
27 STOCK. IT SHALL IDENTIFY POLICIES AND PROGRAMS THAT SHALL PROMOTE

1 THE DEVELOPMENT OF HOUSING FOR THE HOLDERS OF NEW JOBS IN THE  
2 LOCAL PLANNING JURISDICTION AND THEIR FAMILIES. IT SHALL IDENTIFY  
3 POLICIES AND PROGRAMS THAT PROMOTE THE AVAILABILITY OF LAND FOR  
4 THE DEVELOPMENT OR REDEVELOPMENT OF HOUSING, INCLUDING LOW-  
5 AND MODERATE-INCOME HOUSING. IT SHALL ALSO IDENTIFY POLICIES AND  
6 PROGRAMS TO MAINTAIN OR REHABILITATE THE LOCAL PLANNING  
7 JURISDICTION'S EXISTING HOUSING STOCK AS MAY BE APPROPRIATE. SUCH  
8 HOUSING NEEDS MAY BE SATISFIED BY EXISTING HOUSING STOCK OR BY  
9 LAND PLANNED AND ZONED FOR RESIDENTIAL USE WITHIN THE LOCAL  
10 PLANNING JURISDICTION OR WITHIN OTHER LOCAL PLANNING  
11 JURISDICTIONS PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT. THE  
12 JURISDICTION SHALL ALSO IDENTIFY OBJECTIVES, POLICIES, AND  
13 STRATEGIES TO ENCOURAGE A RANGE OF HOUSING TYPES, PRICES, AND  
14 RENT LEVELS TO MEET THE NEEDS OF PERSONS OF DIFFERENT AGES AND  
15 INCOMES, INCLUDING LOW AND MODERATE INCOMES. THE JURISDICTION  
16 SHALL DEFINE STRATEGIES TO ENSURE THAT HOLDERS OF NEW JOBS IN THE  
17 LOCAL PLANNING JURISDICTION WILL BE ABLE TO SECURE HOUSING THAT  
18 IS AFFORDABLE, APPROPRIATE, AND WITHIN REASONABLE DISTANCES OF  
19 THEIR PLACES OF EMPLOYMENT. SUCH POLICIES MAY INCLUDE, WITHOUT  
20 LIMITATION, AN EXPEDITED PERMITTING PROCESS, REDUCTION OR WAIVER  
21 OF LOCAL DEVELOPMENT FEES, DEDICATION OF FINANCIAL RESOURCES,  
22 INCENTIVES FOR EMPLOYER ASSISTED HOUSING, INCLUSIONARY ZONING,  
23 AND ANY OTHER INCENTIVE DEEMED APPROPRIATE BY THE LOCAL  
24 PLANNING JURISDICTION.

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

27 (I) AN INVENTORY OF EXISTING INFRASTRUCTURE AND CAPITAL

1 FACILITIES SHOWING THE LOCATION AND CAPACITIES OF SUCH  
2 INFRASTRUCTURE, CAPITAL FACILITIES, AND URBAN SERVICES AS DEFINED  
3 BY THIS ARTICLE;

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

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

10 AND

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

16 (e) A TRANSPORTATION ELEMENT PURSUANT TO WHICH THE LOCAL  
17 PLANNING JURISDICTION SHALL IDENTIFY APPROPRIATE AND DESIRABLE  
18 PATTERNS FOR THE GENERAL LOCATION, CHARACTER, AND EXTENT OF THE  
19 CHANNELS, ROUTES, AND TERMINALS FOR TRANSPORTATION FACILITIES IN  
20 THE JURISDICTION. THE JURISDICTION SHALL CONSIDER THE EXISTING  
21 TRANSPORTATION NETWORK AND THE EXISTING AND FUTURE NEEDS OF  
22 CURRENT AND ANTICIPATED RESIDENTS, BUSINESSES, AND OTHER ENTITIES  
23 IN THE JURISDICTION, INCLUDING THE NEED FOR MULTI-MODAL, BALANCED  
24 TRANSPORTATION OPTIONS.

25 (f) (I) A NEIGHBORING COMMUNITIES ELEMENT DESIGNED TO  
26 FOSTER COOPERATION WITH OTHER LOCAL GOVERNMENTS. THE LOCAL  
27 PLANNING JURISDICTION SHALL IDENTIFY ALL NEIGHBORING COMMUNITIES

1 AFFECTED BY THE MASTER PLAN OR ANY TERRITORY OF WHICH IS INCLUDED  
2 IN THE PLANNING JURISDICTION'S URBAN SERVICE AREA. UNLESS ALREADY  
3 ADDRESSED IN A REGIONAL PLAN CREATED PURSUANT TO THIS ARTICLE, IN  
4 ITS NEIGHBORING COMMUNITIES ELEMENT, THE JURISDICTION SHALL  
5 ADDRESS, AT A MINIMUM, THE FOLLOWING MATTERS:

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

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

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

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

27 (g) AN OPEN SPACE AND AGRICULTURAL LAND ELEMENT PURSUANT



1 TO WHICH THE LOCAL PLANNING JURISDICTION SHALL DETERMINE THE  
2 APPROPRIATE STRATEGY FOR THE PROTECTION OF NATURALLY PRODUCTIVE  
3 AND CONSERVATION AND OPEN SPACE LAND WITHIN THE LOCAL PLANNING  
4 JURISDICTION. THE JURISDICTION SHALL IDENTIFY THE NATURALLY  
5 PRODUCTIVE LAND WITHIN ITS GEOGRAPHIC AREA AS WELL AS THE  
6 PROJECTED NEEDS FOR, AND PLANNED LOCATIONS OF, CONSERVATION AND  
7 OPEN SPACE SUCH AS PARKS, FOREST LAND, WILDLIFE AREAS, SCENIC  
8 AREAS, TRAILS, AND PUBLIC RECREATION AREAS WITHIN AND OUTSIDE  
9 URBAN SERVICE AREAS.

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

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

24 (j) A MINERAL PRESERVATION ELEMENT THAT SHALL SHOW HOW  
25 THE PLANNING JURISDICTION INTENDS TO COMPLY WITH PART 3 OF ARTICLE  
26 1 OF TITLE 34, C.R.S., AND THAT SHALL ALSO ADDRESS, IN AREAS OF OIL  
27 AND GAS ACTIVITY AS DEFINED BY THE OIL AND GAS CONSERVATION

1 COMMISSION OF THE STATE OF COLORADO CREATED IN SECTION 34-60-104  
2 (1), C.R.S., HOW THE JURISDICTION INTENDS TO PRESERVE ACCESS FOR  
3 DEVELOPMENT OF OIL AND GAS RESOURCES; AND

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

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

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

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

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

27 (d) A HUMAN SERVICES ELEMENT THAT SHALL COORDINATE

1 PROGRAMS OF HUMAN SERVICES PROVIDERS, WHETHER THE PROVIDERS  
2 CONSIST OF THE LOCAL GOVERNMENT, OTHER GOVERNMENT AGENCIES, OR  
3 NONPROFIT OR FOR-PROFIT ORGANIZATIONS. THIS ELEMENT SHALL ALSO  
4 DETERMINE THE ROLES, IF ANY, IN ADDITION TO COORDINATION, THAT THE  
5 PLANNING JURISDICTION MAY ASSUME IN RELATION TO THE PROVISION OF  
6 HUMAN SERVICES WITHIN THE PLANNING JURISDICTION.

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

13 (f) AN HISTORIC PRESERVATION ELEMENT;

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

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

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

26 (5) THE MASTER PLAN SHALL INCLUDE ONE OR MORE MASTER PLAN  
27 MAPS AT A SUITABLE SCALE REPRESENTING A GENERALIZED COMPOSITE OF

1 PROPOSALS AND RECOMMENDATIONS CONTAINED IN ALL REQUIRED AND  
2 OPTIONAL ELEMENTS.

3 (6) SUBJECT TO THE OTHER REQUIREMENTS OF THIS SECTION, A  
4 LOCAL PLANNING JURISDICTION MAY ENTER INTO AN AGREEMENT WITH ONE  
5 OR MORE OTHER PLANNING JURISDICTIONS OR OTHER LOCAL GOVERNMENTS  
6 TO JOINTLY PREPARE EITHER A LOCAL MASTER PLAN OR AN ELEMENT OF A  
7 LOCAL MASTER PLAN THAT WILL INCLUDE THE LAND AREA INCLUDED IN  
8 THEIR RESPECTIVE JURISDICTIONS WITH THE COSTS FOR THE PREPARATION  
9 OF SUCH A PLAN OR PLAN ELEMENT TO BE SHARED BY THE PARTICIPATING  
10 PLANNING JURISDICTIONS AND LOCAL GOVERNMENTS IN SUCH MANNER AS  
11 PROVIDED IN THE AGREEMENT. IN ADDITION, LOCAL PLANNING  
12 JURISDICTIONS MAY APPLY TO THE OFFICE OF SMART GROWTH CREATED IN  
13 SECTION 24-32-3203 (1) (a) FOR A GRANT OUT OF THE COLORADO  
14 HERITAGE COMMUNITIES FUND CREATED IN SECTION 24-32-3207 TO ASSIST  
15 IN DEFRAYING THE COSTS OF PREPARING JOINT PLANS OR JOINT ELEMENTS  
16 OF LOCAL MASTER PLANS PURSUANT TO THIS SUBSECTION (6).

17 **24-63-204. Geographic scope of master plan.** (1) THE MASTER  
18 PLAN OF A PLANNING JURISDICTION THAT IS A COUNTY SHALL INCLUDE ALL  
19 UNINCORPORATED AREAS WITHIN THE COUNTY OR THE CITY AND COUNTY.

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

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

27 (b) THAT ARE WITHIN AREAS THAT ARE LIKELY TO BE ANNEXED BY

1 THE MUNICIPALITY WITHIN THE TWENTY-YEAR PLANNING PERIOD.  
2 **24-63-205. Intergovernmental cooperation.** NOTWITHSTANDING  
3 ANY OTHER PROVISION OF LAW, ANY INTERGOVERNMENTAL AGREEMENT  
4 CONCERNING LAND USE PLANNING OR REGULATION OR REVENUE SHARING  
5 TO WHICH A LOCAL GOVERNMENT IS A PARTY MAY BE MADE MUTUALLY  
6 BINDING AND ENFORCEABLE FOR A PERIOD NOT TO EXCEED TWENTY YEARS.  
7 ANY SUCH INTERGOVERNMENTAL AGREEMENT MAY BE RENEWED OR  
8 EXTENDED FOR SUCCESSIVE PERIODS. NOTHING IN THIS ARTICLE SHALL  
9 EFFECT THE ENFORCEABILITY OR VALIDITY OF ANY INTERGOVERNMENTAL  
10 AGREEMENT ENTERED INTO PRIOR TO JULY 1, 2001.

11 PART 3

12 GROWTH DESIGNATIONS

13 **24-63-301. Land designations.** (1) EACH LOCAL PLANNING  
14 JURISDICTION THAT IS A MUNICIPALITY SHALL DESIGNATE AN URBAN  
15 SERVICE AREA IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 3.

16 (2) EACH LOCAL PLANNING JURISDICTION THAT IS A COUNTY MAY  
17 DESIGNATE ONE OR MORE URBAN SERVICE AREAS WITHIN ITS TERRITORIAL  
18 BOUNDARIES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 3.  
19 NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO REQUIRE A COUNTY TO  
20 DESIGNATE ANY LAND AS AN URBAN SERVICE AREA.

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

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

27 (b) URBANIZING LAND THAT SHALL INCLUDE ANY LAND AREAS

1 WITHIN AN URBAN SERVICE AREA THAT ARE NOT YET URBANIZED LAND.

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

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

12 **24-63-302. Purposes of urban service area.** (1) THE PURPOSES  
13 OF AN URBAN SERVICE AREA ARE TO:

14 (a) PROVIDE A MECHANISM WHEREBY A LOCAL PLANNING  
15 JURISDICTION MAY COORDINATE THE LOCATION AND EXTENT OF URBAN  
16 GROWTH;

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

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

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

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

26 (f) ENCOURAGE THE LOCATION OF NEW URBAN GROWTH IN AREAS  
27 WHERE INFRASTRUCTURE AND CAPITAL FACILITIES CAPACITY IS AVAILABLE

1 OR COMMITTED TO BE AVAILABLE IN THE FUTURE AND ENCOURAGE THE  
2 TIMELY AND EFFICIENT PROVISION OF URBAN SERVICES IN SUCH AREAS;

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

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

10 **24-63-303. Rural lands - naturally productive land -**  
11 **conservation and open space land - definitions.** (1) ALL LANDS WITHIN  
12 THE JURISDICTION OF A LOCAL PLANNING JURISDICTION THAT ARE NOT  
13 WITHIN THE JURISDICTION'S DESIGNATED URBAN SERVICE AREA SHALL BE  
14 DESIGNATED AS RURAL LANDS. RURAL LANDS SHALL BE CHARACTERIZED  
15 BY:

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

18 (II) NATURAL LANDSCAPE OR VEGETATION; AND

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

1           (c) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (1),  
2           RURAL LANDS, AS DESIGNATED PURSUANT TO THIS SECTION, SHALL BE  
3           SUBJECT TO ALL APPLICABLE FEDERAL, STATE, OR LOCAL LAWS AND  
4           REGULATIONS, INCLUDING ANY SUBDIVISION REGULATION PROMULGATED  
5           BY A LOCAL PLANNING JURISDICTION.

6           (2) (a) THE DEVELOPMENT AND SUBDIVISION OF RURAL LANDS  
7           SHALL BE LIMITED TO A MINIMUM LOT SIZE OF THIRTY-FIVE ACRES OR  
8           COMPACT AND CLUSTERED DEVELOPMENT AS SPECIFIED IN SECTION  
9           30-28-403, C.R.S.; EXCEPT THAT THIS PARAGRAPH (a) SHALL NOT BE  
10          INTERPRETED TO PROHIBIT AN OWNER OF A SINGLE PARCEL OF PROPERTY  
11          THAT WAS LAWFULLY CREATED PRIOR TO JANUARY 1, 2001, ON LAND IN AN  
12          UNINCORPORATED, RURAL AREA OUTSIDE OF AN URBAN SERVICE AREA  
13          FROM CONSTRUCTING IMPROVEMENTS UTILIZING AN INDIVIDUAL SEPTIC  
14          SYSTEM IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL PLANNING  
15          JURISDICTION'S LAND USE REGULATIONS. NOTHING IN THIS PARAGRAPH (a)  
16          SHALL BE CONSTRUED TO PROHIBIT THE CONSTRUCTION OF A CARETAKER  
17          UNIT OR HOUSING FOR SUCH CARETAKER, IN CONJUNCTION WITH SUCH  
18          SINGLE FAMILY RESIDENCE, AS MAY BE ALLOWED UNDER LOCAL  
19          DEVELOPMENT REGULATIONS. THIS PARAGRAPH (a) SHALL NOT BE  
20          CONSTRUED TO PERMIT THE OWNER OF MULTIPLE CONTIGUOUS PARCELS OF  
21          LAND TOTALING LESS THAN THIRTY FIVE ACRES FROM CONSTRUCTING MORE  
22          THAN ONE RESIDENTIAL DWELLING UNIT. THIS PARAGRAPH (a) SHALL NOT  
23          BE CONSTRUED AS EXPANDING OR CREATING ANY VESTED RIGHTS. ALL  
24          OTHER APPLICABLE FEDERAL, STATE, OR LOCAL LAWS AND ALL OTHER  
25          APPLICABLE LAND USE REGULATIONS, INCLUDING SUBDIVISION  
26          REGULATIONS PROMULGATED BY THE LOCAL PLANNING JURISDICTION,  
27          SHALL APPLY IN THE CASE OF A SINGLE PARCEL OR ANY CLUSTERED



1 DEVELOPMENT AS MAY BE AUTHORIZED BY SECTION 30-28-403, C.R.S.  
2 THIS PARAGRAPH (a) SHALL NOT AFFECT EXISTING LAW AS IT PERTAINS TO  
3 THIRTY-FIVE ACRE PARCELS.

4 (b) A LOCAL PLANNING JURISDICTION MAY ALLOW OR APPROVE, IN  
5 ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, OR LOCAL LAWS,  
6 INCLUDING THE JURISDICTION'S LAND USE OR SUBDIVISION REGULATIONS:

7 (I) DEVELOPMENT NECESSARY TO ALLOW FOR NATURALLY  
8 PRODUCTIVE USES, SUCH AS:

9 (A) ANY AGRICULTURAL OPERATION THAT EMPLOYS METHODS OR  
10 PRACTICES THAT ARE COMMONLY OR REASONABLY ASSOCIATED WITH  
11 AGRICULTURAL PRODUCTION OR ACTIVITY, SUCH AS HORTICULTURE,  
12 FLORICULTURE, VITICULTURE, FORESTRY, DAIRY, LIVESTOCK AS DEFINED  
13 IN SECTION 35-1-102 (6), C.R.S., POULTRY, BEE, AND ANY AND ALL FORMS  
14 OF FARM PRODUCTS AND FARM PRODUCTION;

15 (B) MINES, SAND AND GRAVEL PITS, CLAY ROCKS, ROCK AND STONE  
16 QUARRIES, AND USES CUSTOMARILY ASSOCIATED WITH THE EXPLORATION  
17 FOR, AND THE EXTRACTION, PROCESSING, STORAGE, AND TRANSPORTATION  
18 OF, PRECIOUS METALS, COALS, OIL SHALE, ROCK, STONE, SAND AND  
19 GRAVEL, QUARRY AGGREGATE, OR OTHER COMMERCIAL MINERAL  
20 DEPOSITS;

21 (C) EXPLORATION FOR, AND THE EXTRACTION, PROCESSING,  
22 STORAGE AND TRANSPORTATION OF, OIL AND GAS;

23 (D) OUTDOOR RURAL RECREATIONAL AND TOURISM USES,  
24 INCLUDING, WITHOUT LIMITATION, HIKING, MOUNTAIN BIKING, ROCK  
25 CLIMBING, SKIING, CROSS COUNTRY SKIING, RAFTING, FISHING, BOATING,  
26 HUNTING, AND SHOOTING, AND COMMERCIAL FACILITIES DIRECTLY  
27 RELATING TO SUPPORTING SUCH USES THAT DO NOT REQUIRE THE

1 PROVISION OF BOTH A CENTRAL WATER SYSTEM AND A CENTRAL SEWER  
2 SYSTEM;

3 (E) FACILITIES NECESSARY OR DESIRABLE FOR THE PUBLIC HEALTH,  
4 SAFETY, AND WELFARE, INCLUDING, WITHOUT LIMITATION, SCHOOLS AND  
5 OTHER EDUCATIONAL FACILITIES;

6 (F) ON ANY PARCEL OF PROPERTY OF THIRTY-FIVE ACRES OR MORE  
7 IN SIZE, A SINGLE-FAMILY RESIDENTIAL DWELLING UTILIZING AN  
8 INDIVIDUAL SEPTIC SYSTEM;

9 (G) EMPLOYEE HOUSING FOR AGRICULTURAL EMPLOYEES IN  
10 CONFORMITY WITH THE REQUIREMENTS OF PARAGRAPH (b.1) OF THIS  
11 SUBSECTION (2); AND

12 (H) COMMERCIAL FACILITIES DIRECTLY RELATED TO THE USES  
13 IDENTIFIED IN SUB-SUBPARAGRAPHS (A) THROUGH (F) OF THIS  
14 SUBPARAGRAPH (I).

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

18 (III) THE USE OF RURAL LANDS AS SPECIFIED IN SUBSECTION (3) OF  
19 THIS SECTION.

20 (b.1) EMPLOYEE HOUSING FOR AGRICULTURAL USES CONSTITUTES  
21 A NATURALLY PRODUCTIVE USE ALLOWING FOR DEVELOPMENT IN  
22 ACCORDANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (I) OF  
23 PARAGRAPH (b) OF THIS SUBSECTION (2) WHERE SUCH HOUSING:

24 (I) IS ON THE LAND WHERE SUCH EMPLOYEES ARE EMPLOYED;

25 (II) IS NOT MORE THAN THE AMOUNT REASONABLY NECESSARY TO  
26 ACCOMMODATE SUCH EMPLOYEES OR TEN UNITS, WHICHEVER IS LESS; AND

27 (III) WHERE THE BUILDING SITES FOR SUCH HOUSING SHALL NOT BE

1 SUBDIVIDED FROM THE AGRICULTURAL LAND.

2 (c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION  
3 AND EXCEPT FOR AN APPLICATION REGARDING ELECTRIC OR NATURAL GAS  
4 FACILITIES, A LOCAL PLANNING JURISDICTION SHALL NOT APPROVE ANY  
5 DEVELOPMENT APPLICATION WITHIN A RURAL DEVELOPMENT AREA UNLESS  
6 SUCH APPLICATION IS APPROVED IN ACCORDANCE WITH AN ADOPTED  
7 TRANSFERRABLE DEVELOPMENT RIGHTS PROGRAM THE EXPRESS PURPOSE  
8 OF WHICH IS TO PROTECT RURAL LAND FROM DEVELOPMENT.

9 (d) IN CONNECTION WITH THE CREATION OF ANY LOT LESS THAN  
10 THIRTY-FIVE ACRES IN SIZE, THE LANDOWNER SHALL ARRANGE FOR THE  
11 PURCHASE OF TRANSFERABLE DEVELOPMENT RIGHTS PURSUANT TO A  
12 TRANSFERABLE DEVELOPMENT RIGHTS PROGRAM ESTABLISHED BY THE  
13 LOCAL PLANNING JURISDICTION PURSUANT TO SUBSECTION (9) OF THIS  
14 SECTION SUCH THAT THE TOTAL ACREAGE OF THE LOT SIZE COMBINED WITH  
15 THE ACREAGE OF THE LAND FROM WHICH THE TRANSFERABLE  
16 DEVELOPMENT RIGHTS ARE PURCHASED IS EQUAL TO THIRTY-FIVE.

17 (3) (a) A LOCAL PLANNING JURISDICTION MAY DESIGNATE LANDS  
18 IT HAS DESIGNATED AS RURAL LANDS AS RURAL DEVELOPMENT AREAS SO  
19 LONG AS THE DESIGNATION OF THESE AREAS SHALL NOT RESULT IN THE  
20 DEVELOPMENT OF CRITICAL AND SENSITIVE AREAS OR CRITICAL WILDLIFE  
21 HABITATS IN ACCORDANCE WITH APPLICABLE FEDERAL, STATE, OR LOCAL  
22 LAW. THE RURAL DEVELOPMENT AREA SHALL BE NO GREATER THAN AN  
23 AMOUNT OF LAND NEEDED FOR RURAL RESIDENTIAL AND SUPPORTING  
24 NONRESIDENTIAL DEVELOPMENT, GIVEN PROJECTIONS OF POPULATION AND  
25 JOB GROWTH, PROJECTED DENSITY, AND THE JURISDICTION'S FINANCIAL  
26 ABILITY TO PROVIDE AND MAINTAIN AN ADEQUATE LEVEL OF SERVICES FOR  
27 THE SUCCEEDING TWENTY-YEAR PERIOD. SUCH RURAL DEVELOPMENT

1 AREA SHALL BE AMENDED OR UPDATED AT LEAST EVERY FIVE YEARS  
2 PURSUANT TO THE PROCEDURES SPECIFIED IN SECTION 24-63-202 (5) AND  
3 (8).

4 (b) SUBJECT TO THE REQUIREMENTS OF SUBPARAGRAPH (I) OF  
5 PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, A LOCAL PLANNING  
6 JURISDICTION MAY PERMIT LIMITED DEVELOPMENT IN ANY SUCH RURAL  
7 DEVELOPMENT AREA IF THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH  
8 THE LAND USE DESIGNATED FOR THAT AREA IN THE JURISDICTION'S MASTER  
9 PLAN, IF THE DEVELOPMENT WILL NOT RESULT IN URBAN GROWTH, AND IF  
10 THE PROPOSED DEVELOPMENT IS:

11 (I) A RESIDENTIAL DEVELOPMENT WITH AN AVERAGE DENSITY NO  
12 GREATER THAN THE CAPACITY OF THE LAND TO SUPPORT THE PROPOSED  
13 WATER AND WASTEWATER PROVISIONS WHERE:

14 (A) THE DEVELOPMENT IS COMPACT AND CLUSTERED IN  
15 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 30-28-403, C.R.S.:  
16 AND

17 (B) THE DEVELOPMENT SATISFIES ALL APPLICABLE FEDERAL,  
18 STATE, OR LOCAL LAWS AND REGULATIONS, INCLUDING SUBDIVISION  
19 REGULATIONS.

20 (II) SUCH COMMERCIAL DEVELOPMENT AS MAY BE NECESSARY AND  
21 APPROPRIATE TO SERVE THE RESIDENTIAL DEVELOPMENT AREA AND THAT  
22 SATISFIES ALL APPLICABLE FEDERAL, STATE, OR LOCAL LAWS AND  
23 REGULATIONS, INCLUDING SUBDIVISION REGULATIONS; OR

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

27 (4) THE LOCAL PLANNING JURISDICTION SHALL ESTABLISH LOCAL

1 DEVELOPMENT REGULATIONS RELATING TO ANY LAND IT HAS DESIGNATED  
2 AS RURAL LANDS TO ENSURE THAT:

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

5 (b) DEVELOPMENT OF SUCH LAND HAS MINIMAL IMPACT ON  
6 CONSERVATION AND OPEN SPACE LAND AND PRIME AGRICULTURAL LAND,  
7 CONSISTENT WITH APPLICABLE FEDERAL, STATE, OR LOCAL LAW;

8 (c) DEVELOPMENT OF SUCH LAND DOES NOT REASONABLY IMPEDE  
9 FUTURE EXPANSION OF URBAN SERVICE AREAS; AND

10 (d) DEVELOPMENT OF SUCH LANDS WILL NOT HAVE A SIGNIFICANT  
11 ADVERSE EFFECT UPON THE ABILITY OF THE LOCAL PLANNING JURISDICTION  
12 TO PROVIDE SERVICES OR HAVE A SIGNIFICANT ADVERSE EFFECT UPON  
13 OTHER PROPERTY WITHIN THE JURISDICTION, INCLUDING LAND SUPPORTING  
14 AGRICULTURAL OPERATIONS.

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

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

22 (a) ADOPT LAND DEVELOPMENT REGULATIONS THAT, CONSISTENT  
23 WITH APPLICABLE LAWS AND REGULATIONS, ALLOW THE USE OF SUCH LAND  
24 FOR THE PURPOSES CONSISTENT WITH THE DESIGNATION, INCLUDING  
25 MEASURES TO ENSURE THAT A LANDOWNER MAY ENGAGE IN NECESSARY  
26 OR CUSTOMARY AGRICULTURAL, FORESTRY, MINING, OR MINERAL  
27 PRACTICES AND CONSTRUCTION OF FACILITIES IN SUPPORT OF SUCH

1 PRACTICES, AS MAY BE APPLICABLE, UPON SUCH LANDS; AND  
2 (b) ADVISE THE COUNTY ASSESSOR OF SUCH DESIGNATION.  
3 (7) IF A LOCAL PLANNING JURISDICTION DESIGNATES LAND AS  
4 NATURALLY PRODUCTIVE OR CONSERVATION AND OPEN SPACE LAND, IT  
5 MAY, WITHOUT LIMITATION:  
6 (a) ACCEPT GIFTS AND GRANTS FROM PUBLIC OR PRIVATE SOURCES  
7 FOR THE PURPOSES OF ACQUIRING OR PURCHASING A CONSERVATION  
8 EASEMENT ON SUCH LANDS IN THE INTERESTS OF PRESERVING OPEN SPACE  
9 AND OTHERWISE COOPERATE WITH PUBLIC AND PRIVATE ENTITIES TO  
10 ACHIEVE SUCH PURPOSES;  
11 (b) BY AGREEMENT WITH THE LANDOWNER, UTILIZE OTHER LAND  
12 PRESERVATION TECHNIQUES CONSISTENT WITH THIS ARTICLE; OR  
13 (c) UTILIZE ANY OTHER LAND PRESERVATION TECHNIQUE  
14 PERMITTED BY LAW.  
15 (8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION  
16 AND EXCEPT FOR AN APPLICATION REGARDING ELECTRIC OR NATURAL GAS  
17 FACILITIES, A LOCAL PLANNING JURISDICTION SHALL NOT APPROVE ANY  
18 DEVELOPMENT APPLICATION FOR DEVELOPMENT UNDER ITS LAND  
19 DEVELOPMENT REGULATIONS WITH RESPECT TO ANY LAND IT HAS  
20 DESIGNATED AND ZONED AS CONSERVATION AND OPEN SPACE LAND.  
21 NOTHING IN THIS SUBSECTION (8) SHALL BE CONSTRUED AS PROHIBITING  
22 THE CONSTRUCTION OF LIMITED FACILITIES IN SUPPORT OF USES  
23 CONSISTENT WITH SUCH DESIGNATION.  
24 (9) (a) ANY LOCAL PLANNING JURISDICTION THAT ELECTS TO  
25 PERMIT DEVELOPMENT IN A RURAL DEVELOPMENT ZONE PURSUANT TO  
26 SUBSECTION (3) OF THIS SECTION SHALL ADOPT REGULATIONS  
27 ESTABLISHING A PROGRAM FOR THE TRANSFER OF DEVELOPMENT RIGHTS

1 WITHIN THE JURISDICTION. IN DESIGNING SUCH REGULATIONS, THE  
2 JURISDICTION SHALL IDENTIFY MEASURES TO GIVE PRIORITY TO LAND  
3 WITHIN DESIGNATED SENDING AREAS WITH THE FOLLOWING ATTRIBUTES:

4 (I) HIGHLY PRODUCTIVE AGRICULTURAL LAND;

5 (II) CONSERVATION AND OPEN SPACE LAND; OR

6 (III) LAND THAT IS IMPORTANT FOR PRESERVING VIEWSHEDS,  
7 RIDGELINES, CORRIDORS, COMMUNITY BUFFER ZONES, AND OTHER  
8 ELEMENTS OF THE LANDSCAPE THAT ARE IMPORTANT TO THE JURISDICTION.

9 (b) THE REGULATIONS IMPLEMENTING PARAGRAPH (a) OF THIS  
10 SUBSECTION (9) SHALL BE DESIGNED TO GIVE A PRIORITY IN THE PURCHASE  
11 OF TRANSFERABLE DEVELOPMENT RIGHTS TO DEVELOPMENT RIGHTS ON  
12 LAND THAT IS REASONABLY NEAR THE DEVELOPMENT FOR WHICH  
13 ADDITIONAL DEVELOPMENT RIGHTS ARE BEING PURCHASED AND TO ENSURE  
14 THAT AN INDIVIDUAL PARCEL OF LAND FROM WHICH A TRANSFERABLE  
15 DEVELOPMENT RIGHT IS BEING PURCHASED IS OF A SUFFICIENT SIZE,  
16 LOCATION, AND CHARACTER TO PROVIDE MEANINGFUL CONSERVATION,  
17 AGRICULTURAL, OR OPEN SPACE BENEFITS.

18 (c) FOR THE PURPOSES OF SATISFYING THE REQUIREMENTS OF  
19 PARAGRAPH (a) OF THIS SUBSECTION (9) AND PARAGRAPH (d) OF  
20 SUBSECTION (2) OF THIS SECTION, THE JURISDICTION MAY UTILIZE A  
21 TRANSFERRABLE DEVELOPMENT RIGHTS PROGRAM IN EXISTENCE AS OF  
22 JULY 1, 2001. ANY SUCH EXISTING TRANSFERRABLE DEVELOPMENT RIGHTS  
23 PROGRAM SHALL BE CONSIDERED TO BE CONSISTENT WITH THIS SECTION  
24 FOR ALL PURPOSES.

25 (d) (I) THE GENERAL ASSEMBLY SHALL ESTABLISH A COMMITTEE TO  
26 MEET IN THE INTERIM AFTER THE FIRST REGULAR SESSION OF THE  
27 SIXTY-THIRD GENERAL ASSEMBLY TO STUDY, REVIEW, AND EVALUATE

1 APPROACHES THAT MAY BE TAKEN BY LOCAL PLANNING JURISDICTIONS TO  
2 MAXIMIZE THE EFFECTIVENESS OF ANY TRANSFERRABLE DEVELOPMENT  
3 RIGHTS PROGRAM ESTABLISHED PURSUANT TO PARAGRAPH (a) OF THIS  
4 SUBSECTION (9) AND TO SUBMIT A WRITTEN REPORT ON ITS FINDINGS AND  
5 RECOMMENDATIONS, INCLUDING, WITHOUT LIMITATION, ANY  
6 RECOMMENDATIONS FOR LEGISLATION, TO THE EXECUTIVE COMMITTEE OF  
7 THE LEGISLATIVE COUNCIL NO LATER THAN NOVEMBER 15, 2001.

8 (II) THE INTERIM COMMITTEE REQUIRED BY SUBPARAGRAPH OF THIS  
9 PARAGRAPH (d) SHALL CONSIST OF SIX MEMBERS OF THE GENERAL  
10 ASSEMBLY. THREE OF SUCH MEMBERS SHALL BE FROM THE SENATE, WITH  
11 TWO APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE APPOINTED BY  
12 THE MINORITY LEADER OF THE SENATE. THREE OF SUCH MEMBERS SHALL  
13 BE FROM THE HOUSE OF REPRESENTATIVES, WITH TWO MEMBERS  
14 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE  
15 MEMBER APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF  
16 REPRESENTATIVES.

17 (10) (a) NOTHING IN THIS SECTION SHALL REQUIRE ANY LOCAL  
18 PLANNING JURISDICTION THAT IS A COUNTY TO INCLUDE WITHIN ANY  
19 URBAN SERVICE AREA DESIGNATED BY SUCH JURISDICTION ANY LAND  
20 CONTAINING APPROVED DEVELOPMENT THAT, AS OF JULY 1, 2001, IS:

21 (I) SERVED BY A CENTRAL WATER AND SEWER SYSTEM; AND

22 (II) IN A DISTRICT ZONED FOR RURAL USES UNDER SUCH  
23 JURISDICTION'S LAND DEVELOPMENT REGULATIONS.

24 (b) FOR PURPOSES OF THIS SUBSECTION (10), "APPROVED  
25 DEVELOPMENT" SHALL MEAN DEVELOPMENT THAT HAS RECEIVED FINAL  
26 APPROVAL FROM THE LOCAL PLANNING JURISDICTION BY JULY 1, 2001, OR  
27 THAT REQUIRES ONLY MINISTERIAL OR ADMINISTRATIVE ACTION TO



1 RECEIVE FINAL APPROVAL AS OF THAT DATE. LAND CONTAINING APPROVED  
2 DEVELOPMENT MAY BE DESIGNATED AS RURAL LANDS IN ACCORDANCE  
3 WITH THE REQUIREMENTS OF THIS SECTION.

4 (c) ANY DEVELOPMENT THAT HAS NOT RECEIVED FINAL APPROVAL  
5 FROM THE LOCAL PLANNING JURISDICTION BY JULY 1, 2001, OR THAT  
6 REQUIRES MORE THAN MINISTERIAL OR ADMINISTRATIVE ACTION TO  
7 RECEIVE FINAL APPROVAL AS OF THAT DATE SHALL BE SUBJECT TO THE  
8 LAND DESIGNATIONS SPECIFIED IN THIS PART 3.

9 **24-63-304. Urban service area.** (1) TO THE EXTENT SUCH  
10 DESIGNATION IS REQUIRED IN ACCORDANCE WITH SECTION 24-63-301 (1),  
11 IN ITS MASTER PLAN, EACH LOCAL PLANNING JURISDICTION SHALL  
12 DESIGNATE ONE OR MORE URBAN SERVICE AREAS SUBJECT TO THE  
13 FOLLOWING REQUIREMENTS:

14 (a) THE TOTAL LAND AREA WITHIN ALL OF THE URBAN SERVICE  
15 AREAS DESIGNATED BY THE LOCAL PLANNING JURISDICTION SHALL BE NO  
16 GREATER THAN AN AMOUNT OF LAND NEEDED FOR RESIDENTIAL,  
17 COMMERCIAL, AND INDUSTRIAL DEVELOPMENT GIVEN PROJECTIONS OF  
18 POPULATION AND JOB GROWTH, THE PROJECTED POPULATION ON RURAL  
19 LANDS, PROJECTED DENSITY, AND THE LOCAL PLANNING JURISDICTION'S  
20 FINANCIAL ABILITY TO PROVIDE AND MAINTAIN AN ADEQUATE LEVEL OF  
21 SERVICES FOR THE SUCCEEDING TWENTY YEAR PERIOD. ANY SUCH URBAN  
22 SERVICE AREA SHALL BE AMENDED OR UPDATED AT LEAST EVERY FIVE  
23 YEARS PURSUANT TO THE PROCEDURES SET FORTH IN SECTION 24-63-202  
24 (5) AND (8).

25 (b) WITHIN A GENERAL URBAN SERVICE AREA, THE LOCAL  
26 PLANNING JURISDICTION SHALL ESTABLISH A SPECIFIC PHASED BUILD-OUT  
27 OF THE URBAN SERVICE AREA BY IDENTIFYING AREAS SUITABLE FOR

1 GROWTH ON A ROLLING SIX-YEAR BASIS WITH ACCOMPANYING LAND USE,  
2 DENSITY, AND INTENSITY DESIGNATIONS. A LOCAL PLANNING JURISDICTION  
3 SHALL ALSO CONSIDER POLICIES AND STRATEGIES TO ENCOURAGE INFILL  
4 DEVELOPMENT, INCLUDING, WITHOUT LIMITATION, AN EXPEDITED PERMIT  
5 PROCESS, REDUCTION OR WAIVER OF LOCAL DEVELOPMENT FEES, AND ANY  
6 OTHER INCENTIVES DEEMED APPROPRIATE BY SUCH JURISDICTION. ANY  
7 SUCH SIX-YEAR DESIGNATED AREA SHALL BE UPDATED NOT MORE THAN  
8 ONCE EVERY YEAR AND NOT LESS THAN ONCE EVERY TWO YEARS.

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

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

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

25 (c) THE LOCAL PLANNING JURISDICTION SHALL ESTABLISH A GOAL  
26 OF ENSURING THAT A LEVEL OF SERVICE  
27 WILL BE PROVIDED THAT WILL BE APPROXIMATELY GREATER THAN

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

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

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

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

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

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

22 (i) IF ANY PORTION OF A SUBDIVISION THAT CONSISTS OF ONLY ONE  
23 FILING IS INCLUDED WITHIN AN URBAN SERVICE AREA, THEN THE ENTIRE  
24 SUBDIVISION SHALL BE INCLUDED WITHIN THE AREA. IF ANY PORTION OF  
25 A FILING WITHIN A SUBDIVISION THAT CONSISTS OF MULTIPLE FILINGS IS  
26 INCLUDED WITHIN AN URBAN SERVICE AREA, THE ENTIRE FILING SHALL BE  
27 INCLUDED WITHIN THE AREA. IF ANY PORTION OF A PARCEL OF PROPERTY

1 UNDER COMMON OWNERSHIP IS INCLUDED WITHIN AN URBAN SERVICE  
2 AREA, THE ENTIRE PARCEL SHALL BE INCLUDED WITHIN THE AREA.

3 (j) NO LOCAL PLANNING JURISDICTION SHALL APPROVE ANY  
4 DEVELOPMENT APPLICATION IN CONNECTION WITH LAND LOCATED WITHIN  
5 THE MASTER PLAN DESIGNATED BY ANY OTHER JURISDICTION WHERE THE  
6 DESIGNATION OF SUCH LAND BY EITHER JURISDICTION IS THE SUBJECT OF A  
7 PENDING MEDIATION OR JUDICIAL REVIEW PURSUANT TO PART 7 OF THIS  
8 ARTICLE.

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

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

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

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

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

27 (b) PROVIDE AFFORDABLE HOUSING;



1           **24-63-402. Referral to municipal planning jurisdiction.**

2           (1) PRIOR TO CONSIDERATION OF ANY PRELIMINARY DEVELOPMENT  
3           APPLICATION FOR SUBDIVISION OR FOR APPROVAL OF DEVELOPMENT THAT  
4           INCLUDES URBAN GROWTH OF ANY LAND THAT HAS BEEN DESIGNATED AS  
5           WITHIN AN URBAN SERVICE AREA BY A PLANNING JURISDICTION THAT IS A  
6           MUNICIPALITY, WHERE THE LAND THAT IS THE SUBJECT OF THE APPLICATION  
7           IS ELIGIBLE ON THE DATE OF THE ANNEXATION FOR ANNEXATION PURSUANT  
8           TO SECTION 31-12-104, C.R.S., A COUNTY MAY REQUIRE THE LANDOWNER  
9           FIRST TO SEEK ANNEXATION BY THAT MUNICIPAL PLANNING JURISDICTION  
10           BEFORE THE APPLICATION MAY BE CONSIDERED BY SUCH COUNTY. A  
11           COUNTY SHALL MAKE THE INITIAL DETERMINATION OF ELIGIBILITY FOR  
12           ANNEXATION AND REFER THE LANDOWNER TO THE PLANNING JURISDICTION  
13           AS AUTHORIZED BY THIS SECTION WITHIN THIRTY DAYS AFTER ITS RECEIPT  
14           OF THE PRELIMINARY DEVELOPMENT APPLICATION. WHERE A COUNTY HAS  
15           REQUIRED THE LANDOWNER TO SEEK ANNEXATION BY A MUNICIPAL  
16           PLANNING JURISDICTION PURSUANT TO THE TERMS OF THIS SECTION AND  
17           THE MUNICIPAL PLANNING JURISDICTION EITHER NOTIFIES THE LANDOWNER  
18           THAT IT IS UNWILLING OR UNABLE TO ENTERTAIN A PETITION FOR  
19           ANNEXATION WITHIN SIXTY DAYS AFTER THE DATE OF THE MUNICIPAL  
20           PLANNING JURISDICTION'S RECEIPT OF SUCH APPLICATION ACCORDING TO  
21           THE PROCEDURES SET FORTH IN ARTICLE 12 OF TITLE 31, C.R.S., OR  
22           IMPOSES CONDITIONS FOR APPROVAL OF THE ANNEXATION THAT ARE  
23           UNACCEPTABLE TO THE LANDOWNER, THE COUNTY SHALL CONSIDER THE  
24           LANDOWNER'S DEVELOPMENT APPLICATION FOR SUBDIVISION OR  
25           DEVELOPMENT IN ACCORDANCE WITH ITS MASTER PLAN, LAND  
26           DEVELOPMENT REGULATIONS, STANDARDS, AND PROCEDURES, INCLUDING  
27           APPLICABLE ZONING AND SUBDIVISION REGULATIONS.

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

13           (3) NO MUNICIPAL PLANNING JURISDICTION SHALL PROCEED WITH  
14           ANNEXATION OF LAND PURSUANT TO SUBSECTION (1) OF THIS SECTION  
15           UNLESS IT SHALL BE CAPABLE OF PROVIDING URBAN SERVICES TO THE  
16           ANNEXED AREA WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THE  
17           ANNEXATION OR, WHERE THE MUNICIPAL PLANNING JURISDICTION HAS  
18           ENTERED INTO AN ANNEXATION AGREEMENT OR DEVELOPMENT  
19           AGREEMENT WITH THE OWNER OF THE ANNEXED AREA PURSUANT TO  
20           SECTION 24-68-104, SHALL BE CAPABLE OF PROVIDING URBAN SERVICES TO  
21           AT LEAST THE FIRST PHASE OF THE PROPOSED DEVELOPMENT WITHIN THREE  
22           YEARS AFTER THE EFFECTIVE DATE OF THE ANNEXATION.

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

27           (5) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS GRANTING

1 ANY COUNTY ANY AUTHORITY TO REQUIRE LANDOWNERS TO SEEK  
2 ANNEXATION OF ANY LAND PRIOR TO THE DEVELOPMENT OF SUCH LAND  
3 WHERE THE LAND IS WHOLLY LOCATED OUTSIDE THE URBAN SERVICE AREA  
4 OF ANY PLANNING JURISDICTION THAT IS A MUNICIPALITY.

5 **24-63-403. Application of municipal development standards.**

6 (1) COUNTIES THAT HAVE ENTERED INTO AN AGREEMENT WITH A  
7 PLANNING JURISDICTION THAT IS A MUNICIPALITY PURSUANT TO SECTION  
8 29-20-105, C.R.S., MAY, PURSUANT TO SUCH AGREEMENT, ADOPT BY  
9 REFERENCE THE PLANNING JURISDICTION'S UNIFORM DEVELOPMENT  
10 STANDARDS AND REQUIREMENTS WHEN APPROVING ANY DEVELOPMENT  
11 APPLICATION IN ANY UNINCORPORATED AREA THAT IS WITHIN THE URBAN  
12 SERVICE AREA OF THE PLANNING JURISDICTION WHERE THE DEVELOPMENT  
13 OR REDEVELOPMENT CONTEMPLATED BY THE DEVELOPMENT APPLICATION  
14 IS LIKELY TO IMPACT THE MUNICIPALITY.

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

20 **PART 5**

21 **DEVELOPMENT APPLICATIONS**

22 **24-63-501. Rules governing development applications.**

23 (1) EACH LOCAL PLANNING JURISDICTION SHALL ESTABLISH REGULATIONS  
24 GOVERNING THE SCHEDULE IT SHALL USE TO PROCESS AND MAKE A FINAL  
25 DECISION WITH RESPECT TO ANY DEVELOPMENT APPLICATION, INCLUDING  
26 ANY TOLLING PROVISIONS. THE SCHEDULE SHALL ENSURE THAT  
27 DEVELOPMENT APPLICATIONS WITH RESPECT TO LAND LOCATED WITHIN THE



1 LOCAL PLANNING JURISDICTION'S SIX-YEAR AREA DESIGNATED PURSUANT  
2 TO SECTION 24-63-304 (1) SHALL BE PROCESSED IN AN EXPEDITED MANNER.

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

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

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

18 (b) IF THE LOCAL PLANNING JURISDICTION CONDITIONALLY  
19 APPROVES OR DENIES THE APPLICATION, THE PLANNING JURISDICTION  
20 SHALL PROVIDE TO THE APPLICANT AN EXPLANATION OF THE CONDITION OR  
21 DENIAL THAT SPECIFICALLY IDENTIFIES ANY PROVISION IN THE  
22 JURISDICTION'S MASTER PLAN OR DEVELOPMENT REGULATIONS UPON  
23 WHICH SUCH CONDITION OR DENIAL IS BASED. IF THE APPLICANT REQUESTS  
24 AN OPPORTUNITY TO CURE THE APPLICATION'S DEFICIENCY, THE  
25 JURISDICTION SHALL PROVIDE THE APPLICANT WITH A REASONABLE  
26 OPPORTUNITY TO CURE THE DEFICIENCY.

27 (c) EACH LOCAL PLANNING JURISDICTION SHALL SET FORTH IN ITS

1 LAND DEVELOPMENT REGULATIONS THE AMOUNT OF TIME IN WHICH AN  
2 APPLICANT MAY ATTEMPT TO CURE ITS APPLICATION AS PROVIDED IN  
3 PARAGRAPH (b) OF THIS SUBSECTION (4) AND THE AMOUNT OF TIME IN  
4 WHICH THE JURISDICTION SHALL RESPOND TO THE ATTEMPT TO CURE.

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

10 **24-63-502. Rules for development applications within an urban**  
11 **service area. (1) EACH LOCAL PLANNING JURISDICTION SHALL EVALUATE**  
12 **DEVELOPMENT APPLICATIONS WITHIN THE SIX-YEAR DESIGNATED AREAS**  
13 **BASED UPON THE JURISDICTION'S MASTER PLAN, LAND USE AND**  
14 **DEVELOPMENT REGULATIONS AND CRITERIA, INCLUDING THOSE ADOPTED**  
15 **PURSUANT TO SECTION 24-63-202 (9), AND SITE SPECIFIC CONDITIONS**  
16 **WHERE APPROPRIATE. ANY SUCH SITE SPECIFIC CONDITION UPON A LAND**  
17 **USE APPROVAL SHALL BE BASED UPON DULY ADOPTED STANDARDS THAT**  
18 **ARE SUFFICIENTLY SPECIFIC TO ENSURE THAT THE CONDITION IS IMPOSED**  
19 **IN A RATIONAL AND CONSISTENT MANNER.**

20 (2) ANY ALLOCATION OR DESIGNATION OF LAND USES, DENSITIES,  
21 OR INTENSITIES WITHIN A SIX-YEAR DESIGNATED AREA BY A LOCAL  
22 PLANNING JURISDICTION IN A LOCAL MASTER PLAN OR AMENDMENTS  
23 THERE TO SHALL BE PRESUMED TO APPLY TO SITE-SPECIFIC DEVELOPMENT  
24 APPLICATIONS FOR URBAN GROWTH WITHIN THE SIX-YEAR DESIGNATED  
25 AREA SUBJECT TO THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION.  
26 NOTHING IN THIS SECTION SHALL RESTRICT A LOCAL PLANNING  
27 JURISDICTION FROM APPLYING ITS MASTER PLAN, LAND USE AND

1 DEVELOPMENT REGULATIONS AND CRITERIA, INCLUDING THOSE ADOPTED  
2 PURSUANT TO SECTION 24-63-202 (9), AND SITE-SPECIFIC CONDITIONS  
3 WHERE APPROPRIATE EVEN IN CIRCUMSTANCES WHERE SUCH APPLICATION  
4 MAY AFFECT THE PRESUMED LAND USES, DENSITIES, OR INTENSITIES.

5 (3) A DEVELOPMENT APPLICATION FOR URBAN GROWTH WITHIN THE  
6 SIX-YEAR DESIGNATED AREA SHALL BE APPROVED IF IT SATISFIES EACH OF  
7 THE FOLLOWING REQUIREMENTS:

8 (A) THE LOCAL PLANNING JURISDICTION DETERMINES THAT THE  
9 APPLICATION SATISFIES ALL APPLICABLE REQUIREMENTS BASED UPON THE  
10 JURISDICTION'S MASTER PLAN, LAND USE AND DEVELOPMENT REGULATIONS  
11 AND CRITERIA, INCLUDING THOSE ADOPTED PURSUANT TO SECTION  
12 24-63-202 (9), AND SITE SPECIFIC CONDITIONS WHERE APPROPRIATE. ANY  
13 SUCH SITE SPECIFIC CONDITION UPON A LAND USE APPROVAL SHALL BE  
14 BASED UPON DULY ADOPTED STANDARDS THAT ARE SUFFICIENTLY  
15 SPECIFIC TO ENSURE THAT THE CONDITION IS IMPOSED IN A RATIONAL AND  
16 CONSISTENT MANNER.

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

23 (II) SUCH ESSENTIAL URBAN SERVICES, INFRASTRUCTURE, AND  
24 CAPITAL FACILITIES SHALL BE DETERMINED BY THE LOCAL PLANNING  
25 JURISDICTION AND SHALL INCLUDE, AT A MINIMUM, THE PROVISION OF  
26 SANITARY SEWERS AND THE COLLECTION AND TREATMENT OF SEWAGE, THE  
27 PROVISION OF WATER LINES AND THE PUMPING AND TREATMENT OF WATER,

1 POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY SERVICES,  
2 STREETS AND ROADS, ELECTRIC AND NATURAL GAS FACILITIES,  
3 TELECOMMUNICATION LINES, AND PUBLIC SCHOOLS.

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

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

14 (4) (a) A LOCAL PLANNING JURISDICTION MAY CONDITION  
15 APPROVAL OF A LAND DEVELOPMENT APPLICATION UPON AN IMPACT FEE OR  
16 A SITE SPECIFIC PAYMENT OR DEDICATION REQUIREMENT TO ADDRESS THE  
17 IMPACT OF THE PROPOSED DEVELOPMENT ON PUBLIC INFRASTRUCTURE AND  
18 IMPROVEMENTS AS REASONABLY NECESSARY TO SERVE THE DEVELOPMENT  
19 AND THE FUTURE RESIDENTS OF THE DEVELOPMENT. FOR PURPOSES OF THIS  
20 SUBSECTION (4), PUBLIC INFRASTRUCTURE AND IMPROVEMENTS MAY  
21 INCLUDE, WITHOUT LIMITATION, CAPITAL PROJECTS, WATER SUPPLY  
22 FACILITIES, WASTEWATER FACILITIES, ROADS, STREETS, BRIDGES, LAW  
23 ENFORCEMENT SERVICES, LANDFILLS, STORM WATER FACILITIES, PARKS,  
24 OPEN SPACE, RECREATION AREAS AND FACILITIES, PUBLIC SAFETY  
25 FACILITIES, AND LIBRARIES. IN ADDITION, NOTWITHSTANDING ANY OTHER  
26 PROVISION OF LAW, A LOCAL PLANNING JURISDICTION MAY CONDITION  
27 APPROVAL OF A LAND DEVELOPMENT APPLICATION UPON PAYMENT OF AN

1 IMPACT FEE OR OTHER DEVELOPMENT CHARGE FOR THE SOLE PURPOSE OF  
2 FINANCING THE COSTS OF PUBLIC SCHOOL CAPITAL PROJECTS.

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

7 (c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO LOCAL  
8 PLANNING JURISDICTION SHALL HAVE THE AUTHORITY TO ASSESS OR  
9 IMPOSE ANY IMPACT FEE, SITE SPECIFIC PAYMENT, DEDICATION  
10 REQUIREMENT, OR OTHER DEVELOPMENT CHARGE AS MAY BE GRANTED BY  
11 PARAGRAPH (a) OF THIS SUBSECTION (4) UNLESS SUCH JURISDICTION  
12 EITHER CONFORMS WITH THE PROVISIONS OF THIS ARTICLE OR HAS ELECTED  
13 TO BECOME SUBJECT TO THE PROVISIONS OF THIS ARTICLE IN ACCORDANCE  
14 WITH THE REQUIREMENTS OF SECTION 24-63-104 (1) AND (5).

15 (5) WITHIN AN URBANIZING AREA, A PLANNING JURISDICTION MAY  
16 PLAN AND EXTEND THE INFRASTRUCTURE AND CAPITAL FACILITIES  
17 NECESSARY TO PROVIDE URBAN SERVICES IN AN ORDERLY MANNER IN  
18 ACCORDANCE WITH THE INFRASTRUCTURE AND CAPITAL FACILITIES  
19 ELEMENT OF ITS MASTER PLAN. TO THE EXTENT A LANDOWNER OR  
20 APPLICANT IN AN URBANIZING AREA DESIRES TO DEVELOP PRIOR TO SUCH  
21 A TIME AS THE NECESSARY INFRASTRUCTURE AND CAPITAL FACILITIES HAVE  
22 BEEN EXTENDED TO ADJACENT PROPERTIES OR RIGHTS-OF-WAY, A  
23 PLANNING JURISDICTION MAY CONDITION APPROVAL OF A DEVELOPMENT  
24 APPLICATION UPON A SITE SPECIFIC PAYMENT OR DEDICATION  
25 REQUIREMENT SUBJECT TO THE LIMITATIONS SET FORTH IN SUBSECTION (4)  
26 OF THIS SECTION, AND MAY ENTER INTO AN AGREEMENT WITH THE  
27 LANDOWNER OR APPLICANT PROVIDING FOR PARTIAL REIMBURSEMENT OF

1 SUCH LANDOWNER OR APPLICANT FROM OTHER APPLICANTS WHO RECEIVE  
2 A BENEFIT FROM THE ADDITIONAL PAYMENT OR DEDICATION REQUIREMENT  
3 IMPOSED UPON SUCH LANDOWNER OR APPLICANT.

4 PART 6

5 REGIONAL PLANNING

6 **24-63-601. Regional planning requirement.** A REGIONAL PLAN  
7 SUBJECT TO THIS PART 6 SHALL BE CREATED IN THE REGION COMPRISED OF  
8 THE MUNICIPALITIES AND COUNTIES THAT WERE MEMBERS OF THE DENVER  
9 REGIONAL COUNCIL OF GOVERNMENTS AS CONSTITUTED ON JANUARY 1,  
10 2001, OR THAT MAY BECOME MEMBERS OF THE DENVER REGIONAL  
11 COUNCIL OF GOVERNMENTS AT ANY TIME THEREAFTER. THE CREATION OF  
12 A REGIONAL PLAN SUBJECT TO THIS PART 6 SHALL NOT BE REQUIRED IN ANY  
13 OTHER REGION OF THE STATE.

14 **24-63-602. Regional planning commission - business advisory**  
15 **subcommittee.** (1) FOR THE DENVER REGION, THE REGIONAL PLANNING  
16 COMMISSION SHALL BE THE DENVER REGIONAL COUNCIL OF  
17 GOVERNMENTS. THREE REPRESENTATIVES OF THE OFFICE OF THE  
18 GOVERNOR, OR SUCH OTHER PERSONS SELECTED BY THE GOVERNOR AS HIS  
19 OR HER DESIGNEES, SHALL SERVE AS NONVOTING EX OFFICIO MEMBERS OF  
20 THE COMMISSION.

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

26 **24-63-603. Adoption of regional plan.** (1) NOLATER THAN JULY  
27 1, 2002, THE LOCAL GOVERNMENTS THAT ARE MEMBERS OF THE DENVER

1 REGIONAL COUNCIL OF GOVERNMENTS SHALL CREATE AND ADOPT A  
2 REGIONAL PLAN FOR THE DENVER REGION. IN ADDITION, BEFORE THAT  
3 DATE, THE LOCAL GOVERNMENTS IN THE REGION SHALL ESTABLISH  
4 PROCEDURES TO BE USED IN CONNECTION WITH THE ADOPTION OF THE  
5 REGIONAL PLAN AND ANY SUBSEQUENT AMENDMENTS TO THE PLAN.

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

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

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

16 **24-63-604. Contents of regional plan - regional issues.** (1) THE  
17 REGIONAL PLAN SHALL ONLY ADDRESS ISSUES THAT AFFECT MORE THAN  
18 ONE LOCAL GOVERNMENT IN THE REGION.

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

1 GOVERNMENTS IN THE REGION.

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

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

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

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

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

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

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

26 (d) AN ENVIRONMENTAL QUALITY ELEMENT THAT SHALL ADDRESS  
27 STRATEGIES RELATED TO WATER QUALITY WITHIN THE REGION AND, IN



1 CONJUNCTION WITH THE REGIONAL AIR QUALITY COUNCIL, STRATEGIES  
2 RELATED TO AIR QUALITY; AND

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

5 (4) THE DENVER METROPOLITAN AREA PLAN MAY INCLUDE  
6 AGREEMENTS FOR THE SHARING OF REVENUE BETWEEN CONSENTING LOCAL  
7 GOVERNMENTS IN THE REGION.

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

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

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

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

27 (9) THE LOCAL GOVERNMENTS IN THE REGION MAY CONTINUE TO

1 OPERATE UNDER THE PROVISIONS OF AN EXISTING REGIONAL PLAN CREATED  
2 BY THE DENVER REGIONAL COUNCIL OF GOVERNMENTS THAT ARE IN  
3 CONFORMITY WITH THE REQUIREMENTS OF THIS ARTICLE UNTIL THE  
4 REGIONAL PLAN CREATED PURSUANT TO THIS PART 6 IS ADOPTED.

5 **24-63-605. Implementation of regional plan.** (1) AFTER THE  
6 LOCAL GOVERNMENTS HAVE CREATED AND ADOPTED THE REGIONAL PLAN  
7 IN ACCORDANCE WITH SECTIONS 24-63-603 AND 24-63-604, EACH LOCAL  
8 GOVERNMENT WITHIN THE REGION SHALL ENSURE THAT ITS MASTER PLAN  
9 IS CONSISTENT WITH THE REGIONAL PLAN.

10 (2) BEFORE THE ADOPTION OF THE REGIONAL PLAN, THE LOCAL  
11 GOVERNMENTS IN THE PLANNING REGION SHALL DEVELOP, WITH THE  
12 ASSISTANCE OF THE REGIONAL PLANNING COMMISSION, A PROCESS FOR  
13 DETERMINING THE CONSISTENCY OF LOCAL MASTER PLANS WITH THE  
14 REGIONAL PLAN. SUCH PROCESS SHALL BE EFFECTIVE ONCE IT HAS BEEN  
15 NEGOTIATED BETWEEN OR AMONG THE LOCAL GOVERNMENTS IN THE  
16 REGION AND ADOPTED PURSUANT TO THE REQUIREMENTS OF SECTION  
17 24-63-603 (2). THE REGIONAL PLANNING COMMISSION MAY ESTABLISH AN  
18 EXPEDITED PROCEDURE BY WHICH A LOCAL PLANNING JURISDICTION MAY  
19 REQUEST AND RECEIVE AN OPINION FROM THE REGIONAL PLANNING  
20 COMMISSION AS TO WHETHER CERTAIN PROPOSED ACTIONS OR DECISIONS  
21 WOULD BE CONSISTENT WITH THE REGIONAL PLAN PURSUANT TO WHICH  
22 THE CITIES AND COUNTIES CERTIFY CONSISTENCY WITH THE REGIONAL  
23 PLAN. IN ADOPTING A COMPREHENSIVE PLAN OR AMENDMENT TO SUCH  
24 PLAN, THE LOCAL PLANNING JURISDICTION SHALL FORWARD ITS  
25 COMPREHENSIVE PLAN OR ANY AMENDMENTS TO THE PLAN TO THE  
26 REGIONAL PLANNING COMMISSION. THE LOCAL PLANNING JURISDICTION  
27 SHALL MAKE A FINDING AND CERTIFY TO THE REGIONAL PLANNING

1 COMMISSION THAT SUCH COMPREHENSIVE PLAN OR AMENDMENT IS  
2 CONSISTENT WITH THE REGIONAL GOALS ADDRESSED IN THE REGIONAL  
3 PLAN.

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

12 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
13 TRANSPORTATION PRIORITIES IDENTIFIED IN THE REGIONAL PLAN SHALL BE  
14 FOLLOWED BY THE COLORADO DEPARTMENT OF TRANSPORTATION UNLESS  
15 SUCH DEPARTMENT SPECIFICALLY DETERMINES THAT THERE IS A  
16 COMPELLING AND OVERRIDING STATE INTEREST THAT REQUIRES  
17 OTHERWISE.

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

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

25 (1) AFTER ADOPTION, THE REGIONAL PLAN SHALL BE REVIEWED AT LEAST  
26 ONCE EVERY FIVE YEARS THEREAFTER. IN THE REVIEW, THE LOCAL  
27 GOVERNMENTS IN THE REGION, WITH THE ASSISTANCE OF THE REGIONAL

1 PLANNING COMMISSION, SHALL REEVALUATE THE PLAN AS NECESSARY,  
2 BASED UPON NEW DATA AND PROJECTIONS, AND MAY AMEND THE PLAN TO  
3 REFLECT THE NEW DATA AND PROJECTIONS.

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

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

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

13 PART 7

14 JUDICIAL REVIEW AND MEDIATION

15 **24-63-701. Judicial review.** WITH THE EXCEPTION OF CLAIMS OR  
16 CAUSES OF ACTION INVOLVING PUBLIC UTILITIES, WHICH SHALL BE  
17 GOVERNED BY TITLE 40, C.R.S., THE DISTRICT COURTS OF THE STATE SHALL  
18 HAVE JURISDICTION OVER ANY CLAIM OR CAUSE OF ACTION ARISING OUT OF  
19 OR RELATED TO THE PROVISIONS OF THIS ARTICLE. SUCH CLAIM OR CAUSE  
20 OF ACTION SHALL BE SUBJECT TO THE RULES GOVERNING OTHER CIVIL  
21 ACTIONS FILED IN THE DISTRICT COURTS; EXCEPT THAT THE CRITERIA UPON  
22 WHICH JUDICIAL REVIEW SHALL BE BASED FOR ISSUES ARISING UNDER THIS  
23 ARTICLE SHALL BE DETERMINED WITH REFERENCE TO SECTIONS 24-63-102  
24 AND 24-63-302.

25 **24-63-702. Mediation required.** (1) ANY MUNICIPALITY,  
26 NEIGHBORING COMMUNITY, OR COUNTY THAT DESIRES TO BRING ANY  
27 CLAIM OR CAUSE OF ACTION CHALLENGING THE ACTION, DECISION, OR

1 OMISSION OF ANOTHER MUNICIPALITY, NEIGHBORING COMMUNITY, OR  
2 COUNTY AS INCONSISTENT WITH THIS ARTICLE, OR TO BRING ANY OTHER  
3 CLAIM ARISING OUT OF THIS ARTICLE AGAINST SUCH MUNICIPALITY,  
4 NEIGHBORING COMMUNITY, COUNTY, OR REGIONAL PLANNING  
5 COMMISSION, SHALL FIRST MEDIATE THE DISPUTE PURSUANT TO THE  
6 PROCEDURES PROVIDED IN THIS PART 7 BEFORE THE CLAIM OR CAUSE OF  
7 ACTION MAY BE FILED IN THE DISTRICT COURT.

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

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

25 (4) IF A PARTY THAT DESIRES TO BRING ANY CLAIM OR CAUSE OF  
26 ACTION IS REQUIRED BY SUBSECTION (1) OF THIS SECTION TO MEDIATE THE  
27 DISPUTE, THE PARTY SHALL NOTIFY THE DEPARTMENT AND THE PARTY

1 WHOSE ACTION, DECISION, OR OMISSION IT DESIRES TO CHALLENGE OF ITS  
2 DESIRE AND THE NATURE OF ITS CLAIM WITHIN TEN BUSINESS DAYS AFTER  
3 THE CHALLENGED ACTION, DECISION, OR OMISSION. IF THE PARTY DESIRING  
4 TO BRING THE CLAIM OR CAUSE OF ACTION IS A COUNTY OR MUNICIPALITY  
5 THAT IS LOCATED WITHIN A REGION FOR WHICH THERE IS A REGIONAL PLAN  
6 CREATED PURSUANT TO THIS ARTICLE, THE PARTY SHALL ALSO NOTIFY THE  
7 REGIONAL PLANNING COMMISSION FOR THAT REGION OF ITS CLAIM WITHIN  
8 THE SAME PERIOD.

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

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

1 RUNNING OF THE THIRTY-DAY PERIOD WILL COMMENCE.

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

4 24-32-3203. Office of smart growth - creation - powers and  
5 duties of executive director. (3) The executive director shall have the  
6 following powers and duties in administering this part 32:

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

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

16 31-12-105. Limitations. (1) (e) Except as otherwise provided in  
17 this paragraph (e), no annexation may take place which would have the  
18 effect of extending a municipal boundary more than three miles in any  
19 direction from any point of such municipal boundary in any one year.  
20 Within said three-mile area, the contiguity required by section 31-12-104  
21 (1) (a) may be achieved by annexing a platted street or alley, a public or  
22 private right-of-way, a public or private transportation right-of-way or  
23 area, or a lake, reservoir, stream, or other natural or artificial waterway.  
24 Prior to completion of any annexation within the three-mile area, the  
25 municipality shall have in place a plan for that area, which generally  
26 describes the proposed location, character, and extent of streets, subways,  
27 bridges, waterways, waterfronts, parkways, playgrounds, squares, parks,

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

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

27 (II) ANY SUBDIVISION THAT CONSISTS OF ONLY ONE FILING UPON



1 THE PETITION OF THE REQUISITE NUMBER OF OWNERS OF PROPERTY WITHIN  
2 THE SUBDIVISION AS DETERMINED PURSUANT TO SECTION 31-12-107; OR

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

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

27 (e.3) IN CONNECTION WITH ANY ANNEXATION IN WHICH THE

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

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

16 22-54-102. Legislative declaration - statewide applicability -  
17 intergovernmental agreements. (3) (a) Nothing in this article shall be  
18 construed to prohibit local governments from cooperating with school  
19 districts through intergovernmental agreements to fund, construct,  
20 maintain, or manage capital construction projects or other facilities as set  
21 forth in section 22-45-103 (1) (c) (I) (A) or (1) (c) (I) (D), including, but  
22 not limited to, swimming pools, playgrounds, or ball fields, as long as  
23 funding for such projects is provided solely from a source of local  
24 government revenue that is otherwise authorized by law. ~~except impact~~  
25 ~~fees or other similar development charges or fees.~~

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

1 construed to:

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

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

22 (III) Grant authority to local governments to require the  
23 reservation or dedication of sites and land areas for schools or the  
24 payment of moneys in lieu thereof. however, the prohibition on impact  
25 fees or other similar development charges or fees contained in this  
26 subsection (3) shall not be construed to restrict the authority of any local  
27 government to require the reservation or dedication of sites and land areas

1 for schools or the payment of moneys in lieu thereof if such local  
2 government otherwise has such authority granted by law.

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

5 PART 2

6 CONSERVATION OF MINERAL AND ENERGY RESOURCES

7 34-60-201. Legislative declaration. (1) THE GENERAL ASSEMBLY  
8 HEREBY FINDS AND DECLARES THAT:

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

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

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

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

23 34-60-202. Definitions. AS USED IN THIS PART 2, UNLESS THE  
24 CONTEXT OTHERWISE REQUIRES:

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

27 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL

1 RESOURCES CREATED IN SECTION 24-33-101 (1), C.R.S.

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

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

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

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

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

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

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

19 **34-60-203. Identification of oil and gas basins.** NO LATER THAN  
20 JULY 1, 2002, THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT  
21 OF NATURAL RESOURCES AND THE DEPARTMENT OF LOCAL AFFAIRS, SHALL  
22 IDENTIFY EACH OIL AND GAS BASIN WITHIN THE STATE.

23 **34-60-204. Grants for the acquisition of development rights.**

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

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

19           (3) IN ORDER TO OBTAIN GRANT MONEYS UNDER THIS PART 2 AND  
20           AS A CONDITION OF THE RECEIPT OF MONEYS UNDER THIS PART, THE  
21           PURCHASER SHALL AGREE TO:

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

25           (b) PERFORM SUCH OTHER REQUIREMENTS AS THE EXECUTIVE  
26           DIRECTOR, IN CONSULTATION WITH THE BOARD, DEEMS APPROPRIATE IN  
27           THE EXERCISE OF HIS OR HER DISCRETION TO FURTHER THE PURPOSES OF

1 THIS PART 2.

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

8 **34-60-205. Mineral and energy resources conservation fund.**

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

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

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

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

26 (c) ALL MONEYS APPROPRIATED TO THE FUND BY THE GENERAL  
27 ASSEMBLY IN ACCORDANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH

1 (I) OF PARAGRAPH (b) OF THIS SUBSECTION (1) AND ALL OTHER MONEYS  
2 COLLECTED FOR THE DEPARTMENT FOR THE FUND PURSUANT TO  
3 SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL BE  
4 TRANSMITTED TO THE STATE TREASURER TO BE CREDITED TO THE FUND.

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

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

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

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

27 **34-60-206. Additional sources of funding.**



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

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

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

14 **24-33-102. Powers and duties of the executive director and**  
15 **deputy director.** (5.1) THE EXECUTIVE DIRECTOR SHALL ADOPT AND  
16 PUBLICIZE CRITERIA REGARDING GRANTS AWARDED BY THE DEPARTMENT  
17 OF NATURAL RESOURCES OUT OF MONEYS IN THE MINERAL AND ENERGY  
18 RESOURCES CONSERVATION FUND CREATED IN SECTION 34-60-205, C.R.S.

19 (5.3) IN CONSULTATION WITH THE MINERALS, ENERGY, AND  
20 GEOLOGY POLICY ADVISORY BOARD CREATED IN SECTION 34-20-104,  
21 C.R.S., THE EXECUTIVE DIRECTOR SHALL REVIEW AND APPROVE  
22 APPLICATIONS FOR GRANTS OUT OF MONEYS IN THE MINERAL AND ENERGY  
23 RESOURCES CONSERVATION FUND CREATED IN SECTION 34-60-205, C.R.S.,  
24 IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 34-60-204, C.R.S.,  
25 AND DETERMINE THE AMOUNT OF MONEYS TO BE AWARDED UNDER EACH  
26 SUCH GRANT.

27 **SECTION 7.** 34-20-104 (3), Colorado Revised Statutes, is

1 amended BY THE ADDITION OF THE FOLLOWING NEW  
2 PARAGRAPHS to read:

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

5 (k) CONSULT WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT  
6 OF NATURAL RESOURCES CONCERNING THE AWARDING OF GRANTS OUT OF  
7 THE MINERAL AND ENERGY RESOURCES CONSERVATION FUND CREATED IN  
8 SECTION 34-60-205 IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION  
9 34-60-204; AND

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

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

16 **39-29-109. Severance tax trust fund - created - administration**  
17 **- use of moneys - repeal.** (1) (a) (II) The operational account. One-half  
18 of the severance tax receipts credited to the severance tax trust fund for  
19 tax years commencing on and after July 1, 1995, shall be credited to the  
20 operational account of the severance tax trust fund and used to fund  
21 programs established within the COLORADO DEPARTMENT OF NATURAL  
22 RESOURCES, THE Colorado oil and gas conservation commission, the  
23 Colorado geological survey, the division of minerals and geology, and the  
24 Colorado water conservation board that promote and encourage sound  
25 natural resource planning, management, and development related to  
26 minerals, energy, geology, and water, as set forth in paragraph (c) of this  
27 subsection (1).

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

3           39-29-110. Local government severance tax fund - creation -  
4           administration - energy impact assistance advisory committee created.  
5           (1) (b) (I) Eighty-five percent of the funds from the local government  
6           severance tax fund shall be distributed to those political subdivisions  
7           socially or economically impacted by the development, processing, or  
8           energy conversion of minerals and mineral fuels subject to taxation under  
9           this article and used for the planning, construction, and maintenance of  
10           public facilities and for the provision of public services. Such funds shall  
11           also be distributed to political subdivisions to compensate them for loss  
12           of property tax revenue resulting from the deduction of severance taxes  
13           paid in the determination of the valuation for assessment of producing  
14           mines AND MAY ALSO BE USED TO COMPENSATE SUCH SUBDIVISIONS FOR  
15           THE ACQUISITION OF DEVELOPMENT RIGHTS IN ACCORDANCE WITH THE  
16           REQUIREMENTS OF SECTION 34-60-204, C.R.S.

17           SECTION 10. 38-12-301, Colorado Revised Statutes, is amended  
18           to read:

19           38-12-301. Control of rents by counties and municipalities  
20           prohibited. The general assembly finds and declares that the imposition  
21           of rent control on private residential housing units is a matter of statewide  
22           concern; therefore, no county or municipality may enact any ordinance or  
23           resolution which THAT would control rents on private residential property  
24           HOUSING; EXCEPT THAT NOTHING IN THIS SECTION IS INTENDED OR SHALL  
25           BE CONSTRUED TO PROHIBIT A PROPERTY OWNER FROM OFFERING OR  
26           PROVIDING RENT-CONTROLLED HOUSING UNITS IN ORDER TO FURNISH  
27           AFFORDABLE HOUSING OR TO RESTRICT THE RIGHT OF ANY PROPERTY

1 OWNER AND ANY STATE AGENCY, COUNTY, MUNICIPALITY, OR HOUSING  
2 AUTHORITY TO ENTER INTO AND TO ENFORCE CONTRACTS TO CONTROL  
3 RENTS ON PRIVATE RESIDENTIAL HOUSING. This section is not intended to  
4 impair the right of any state agency, county, or municipality to manage  
5 and control any property in which it has an interest through a housing  
6 authority or similar agency.

7 **SECTION 11.** 39-30-103, Colorado Revised Statutes, is amended  
8 BY THE ADDITION OF A NEW SUBSECTION to read:

9 **39-30-103. Zones established - termination.** (7) (a) ANY AREA  
10 NEWLY DESIGNATED AS AN ENTERPRISE ZONE ON OR AFTER THE EFFECTIVE  
11 DATE OF THIS SUBSECTION (7) SHALL BE LOCATED ENTIRELY WITHIN A  
12 RURAL AREA. THIS SUBSECTION (7) SHALL NOT BE CONSTRUED TO PROHIBIT  
13 THE MODIFICATION OF THE BOUNDARIES OF AN EXISTING ENTERPRISE ZONE.

14 (b) AS USED IN THIS SUBSECTION (7), "RURAL AREA" MEANS:

15 (I) A COUNTY WITH A POPULATION OF LESS THAN FIFTY THOUSAND  
16 PEOPLE ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION  
17 STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS;

18 (II) A MUNICIPALITY WITH A POPULATION OF LESS THAN FIFTY  
19 THOUSAND PEOPLE ACCORDING TO THE MOST RECENTLY AVAILABLE  
20 POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS  
21 THAT IS LOCATED TEN MILES OR MORE FROM A MUNICIPALITY WITH A  
22 POPULATION OF MORE THAN FIFTY THOUSAND PEOPLE; OR

23 (III) THE UNINCORPORATED PART OF A COUNTY LOCATED TEN MILES  
24 OR MORE FROM A MUNICIPALITY WITH A POPULATION OF MORE THAN FIFTY  
25 THOUSAND PEOPLE ACCORDING TO THE MOST RECENTLY AVAILABLE  
26 POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS.

27 **SECTION 12. Appropriation.** (1) In addition to any other

1 appropriation, there is hereby appropriated, out of any moneys in the  
2 operational account of the severance tax trust fund created in section  
3 39-29-109, Colorado Revised Statutes, not otherwise appropriated, to the  
4 mineral and energy resources conservation fund created in section  
5 34-60-205, Colorado Revised Statutes, for the fiscal year beginning July  
6 1, 2001, the sum of two million five hundred thousand dollars  
7 (\$2,500,000), or so much thereof as may be necessary, for the  
8 implementation of this act.

9 \_\_\_\_\_  
10 **SECTION 13. Effective date - applicability.** (1) This act shall  
11 take effect July 1, 2001.

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

14 **SECTION 14. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, and safety.