

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

INTRODUCED

LLS NO. 01-0511.01 Nicole Hoffman

HOUSE BILL 01-1165

HOUSE SPONSORSHIP

Plant

SENATE SPONSORSHIP

(None)

House Committees

Senate Committees

Local Government

A BILL FOR AN ACT

101 **CONCERNING COMPREHENSIVE LAND USE PLANNING.**

Bill Summary

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

Requires all local governments to adopt enforceable comprehensive growth plans within a specified period. In the event that a plan exists for a local government, requires such local government to revise the plan to include the elements required for comprehensive plans.

States that local governments shall consider certain specified goals in connection with the preparation of their comprehensive plans.

Requires the governing body of any local government to solicit public input prior to the adoption of a comprehensive plan. Specifies how notice of public hearings on the adoption of such plan is to be provided.

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.*

States that the governing body of a local government or any other body established by such local government shall be responsible for the development and adoption of the comprehensive plans.

Specifies the elements that shall be addressed in every comprehensive plan.

Requires local governments to coordinate their comprehensive plans with the plans of any local government or regional planning commissions that have urban growth boundaries or rural development areas within a specified number of miles.

Requires local governments to periodically review their comprehensive plans within a specified number of years.

Limits the frequency with which any local government may amend its comprehensive plan.

Requires regions with populations over a specified number of residents to develop regional plans. In the event that a plan exists for a region, requires such region to revise such plan so that it conforms with the requirements for comprehensive plans. Requires regions to hold public hearings before adopting or revising a comprehensive plan.

Requires that disputes between local governments related to a comprehensive plan go through a dispute resolution process.

Allows local governments and regions with populations under a specified number of residents to apply for grants through the office of smart growth to assist in the preparation of comprehensive plans.

Increases the number of acres that a parcel of land must contain when dividing land in order to exempt that division of land from the subdivision requirements.

Defines terms.

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 69**

5 **Comprehensive Planning for Growth**

6 **24-69-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
7 HEREBY FINDS AND DECLARES THAT THE NEGATIVE EFFECTS OF UNPLANNED
8 GROWTH IN COLORADO HAVE AN ADVERSE IMPACT ON THE HEALTH,
9 SAFETY, AND WELFARE OF THE CITIZENS OF THE STATE AND IS THEREFORE
10 A MATTER OF STATEWIDE CONCERN. UNPLANNED GROWTH STRAINS THE

1 STATE'S URBAN SERVICES AND HUMAN RESOURCES, DAMAGES THE STATE'S
2 UNIQUE NATURAL LANDSCAPE AND WILDLIFE, THREATENS THE STATE'S
3 WATER SUPPLY, AND RESULTS IN UNPREDICTABLE DEVELOPMENT
4 OPPORTUNITIES.

5 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

6 (a) PLANNED GROWTH IN COLORADO, THROUGH THE DEVELOPMENT
7 AND ADOPTION OF ENFORCEABLE COMPREHENSIVE GROWTH PLANS AT THE
8 LOCAL AND REGIONAL LEVELS, WILL PROTECT THE ECONOMIC, SOCIAL, AND
9 ENVIRONMENTAL INTEGRITY OF THE STATE; AND

10 (b) ENFORCEABLE COMPREHENSIVE GROWTH PLANS WILL BETTER
11 ENSURE THAT THOSE WISHING TO DEVELOP LAND WITHIN THE STATE WILL
12 BE ABLE TO PREDICT AND DETERMINE THE AREAS WHERE LAND IS
13 AVAILABLE FOR DEVELOPMENT.

14 **24-69-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
15 CONTEXT OTHERWISE REQUIRES:

16 (1) "DEVELOPED URBAN AREA" MEANS LAND SERVED BY CENTRAL
17 WATER AND SEWER, THE BASIC CHARACTER OF WHICH HAS BEEN CHANGED
18 BY THE CONSTRUCTION OF COMMERCIAL, RESIDENTIAL, OR INDUSTRIAL
19 STRUCTURES.

20 (2) "LOCAL GOVERNMENT" MEANS A COUNTY, HOME RULE COUNTY,
21 HOME RULE OR STATUTORY CITY, TERRITORIAL CHARTER CITY, OR CITY
22 AND COUNTY.

23 (3) "URBAN GROWTH BOUNDARY" MEANS A BOUNDARY THAT
24 MARKS THE SEPARATION OF URBAN LAND OR FUTURE URBAN LAND FROM
25 RURAL LAND AND WITHIN WHICH URBAN LEVEL DEVELOPMENT IS PLANNED
26 TO OCCUR AND URBAN SERVICES ARE TO BE PROVIDED.

27 (4) "URBAN LEVEL DEVELOPMENT" MEANS THE LEVEL OF

1 DEVELOPMENT FOUND IN A DEVELOPED URBAN AREA.

2 (5) "URBAN SERVICES" MEANS SERVICES AND FACILITIES THAT ARE
3 TYPICALLY PROVIDED IN A DEVELOPED URBAN AREA, SUCH AS SEWER
4 SYSTEMS FOR SANITARY OR STORM DRAINAGE; CENTRALIZED WATER
5 SYSTEMS; PUBLIC TRANSPORTATION SERVICES; ROADS, HIGHWAYS, OR
6 BRIDGES; OR FIRE AND POLICE PROTECTION SERVICES.

7 (6) "URBAN SERVICE AREA" MEANS AN AREA IN WHICH A PLAN HAS
8 BEEN ADOPTED TO PROVIDE URBAN SERVICES BY A GOVERNMENTAL UNIT
9 BASED ON A SIX-YEAR PLAN OF WHERE URBAN LEVEL DEVELOPMENT MAY
10 OCCUR.

11 **24-69-103. Comprehensive planning by local governments -**
12 **goals.** (1) (a) NO LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE OF
13 THIS ACT, EACH LOCAL GOVERNMENT SHALL EITHER:

14 (I) ADOPT A COMPREHENSIVE PLAN IN ACCORDANCE WITH THE
15 REQUIREMENTS OF THIS ARTICLE THAT SHALL BE BINDING ON THE LOCAL
16 GOVERNMENT AND ENFORCEABLE THROUGH THE PROVISIONS OF THIS
17 ARTICLE AND SUBSEQUENT REGULATIONS; OR

18 (II) ENSURE THAT A COMPREHENSIVE OR MASTER PLAN ADOPTED
19 BEFORE THE EFFECTIVE DATE OF THIS ACT IS IN CONFORMITY WITH THE
20 REQUIREMENTS OF THIS ARTICLE, BINDING ON THE LOCAL GOVERNMENT,
21 AND ENFORCEABLE THROUGH THE PROVISIONS OF THIS ARTICLE AND
22 SUBSEQUENT REGULATIONS.

23 (b) THE COMPREHENSIVE PLAN SHALL COVER ALL LANDS WITHIN
24 THE JURISDICTION OF A LOCAL GOVERNMENT, INCLUDING LANDS WITHIN
25 URBAN GROWTH BOUNDARIES, RURAL DEVELOPMENT AREAS, AND RURAL
26 LANDS, EXCLUDING LANDS UNDER FEDERAL AND STATE OWNERSHIP.

27 (c) IN DEVELOPING OR REVISING A COMPREHENSIVE PLAN

1 PURSUANT TO THIS ARTICLE, A LOCAL GOVERNMENT SHALL BE GUIDED BY
2 THE FOLLOWING GOALS:

3 (I) TO ACCOMPLISH THE COORDINATED, EFFICIENT, ORDERLY, AND
4 HARMONIOUS DEVELOPMENT OF THE LOCAL GOVERNMENT AND
5 NEIGHBORING JURISDICTIONS;

6 (II) TO PROMOTE THE PUBLIC HEALTH, SAFETY, ORDER,
7 CONVENIENCE, PROSPERITY, AND GENERAL WELFARE IN THE PROCESS OF
8 DEVELOPMENT;

9 (III) TO MAKE ADEQUATE PROVISIONS FOR TRAFFIC, PARTICULARLY
10 THROUGH THE DEVELOPMENT OF EFFICIENT AND EFFECTIVE MASS
11 TRANSPORTATION SYSTEMS WHERE APPROPRIATE;

12 (IV) TO CONSERVE NATURAL RESOURCES, INCLUDING WILDLIFE,
13 WILDLIFE HABITAT, WATER, WETLANDS, AIR QUALITY, AND OTHER
14 ENVIRONMENTAL RESOURCES;

15 (V) TO PROMOTE THE HEALTHFUL AND CONVENIENT DISTRIBUTION
16 OF POPULATION;

17 (VI) TO MAKE WISE AND EFFICIENT EXPENDITURE OF PUBLIC FUNDS;
18 AND

19 (VII) TO MAKE ADEQUATE PROVISION FOR PUBLIC UTILITIES AND
20 OTHER PUBLIC REQUIREMENTS.

21 (d) AS SOON AS POSSIBLE, BUT NO LATER THAN ONE YEAR AFTER
22 ADOPTION OR REVISION OF A COMPREHENSIVE PLAN, EACH LOCAL
23 GOVERNMENT SHALL PROMULGATE REGULATIONS THAT SHALL BE FULLY
24 CONSISTENT WITH ITS COMPREHENSIVE PLAN AND THAT WILL IMPLEMENT
25 SUCH PLAN.

26 (e) THE COMPREHENSIVE PLAN OF A LOCAL GOVERNMENT IS
27 BINDING UPON ADOPTION BY THE GOVERNING BODY OF THE LOCAL

1 GOVERNMENT. THE LOCAL GOVERNMENT MAY NOT GRANT LAND USE
2 APPROVAL OR MAKE A CAPITAL EXPENDITURE THAT IS INCONSISTENT WITH
3 ITS COMPREHENSIVE PLAN OR LAND USE REGULATIONS.

4 (f) DEVELOPMENT THAT REQUIRES, UPON PASSAGE OF THIS ACT,
5 ONLY FINAL LOCAL GOVERNMENT PERMISSION, INCLUDING, BUT NOT
6 LIMITED TO, THE ISSUANCE OF PERMITS FOR CONSTRUCTION, SEPTIC, OR
7 WELL EXCAVATION, IS EXEMPT FROM THE LIMITATIONS OF THIS ARTICLE.

8 (2) (a) IN ORDER TO ENCOURAGE CITIZEN PARTICIPATION IN THE
9 LOCAL GOVERNMENT'S COMPREHENSIVE PLANNING PROCESS, THE LOCAL
10 GOVERNMENT SHALL SOLICIT PUBLIC INPUT PRIOR TO THE ADOPTION OR
11 REVISION OF A COMPREHENSIVE PLAN PURSUANT TO THE PROVISIONS OF
12 SUBSECTION (1) OF THIS SECTION. AT THE COMMENCEMENT OF ANY
13 PROCEEDINGS TO CREATE, REVISE, OR UPDATE THE COMPREHENSIVE PLAN
14 OF A LOCAL GOVERNMENT, THE LOCAL GOVERNMENT SHALL SEND BY
15 REGULAR MAIL TO EACH LANDOWNER, AT THE LANDOWNER'S LAST KNOWN
16 MAILING ADDRESS, A NOTICE APPRIZING SUCH LANDOWNER OF THE
17 COMMENCEMENT OF SUCH PROCEEDINGS. THE NOTICE SHALL ALSO INFORM
18 THE LANDOWNER THAT SUCH LANDOWNER MAY REQUEST CONTINUING
19 NOTIFICATION PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2). THE
20 NOTICE MAY BE INCLUDED IN ANY OTHER MAILING REGULARLY SENT BY
21 THE COUNTY TO THE LANDOWNER, INCLUDING, WITHOUT LIMITATION,
22 MAILINGS RELATING TO PROPERTY TAX ASSESSMENT. IN CONFORMITY WITH
23 THE GOAL OF ENHANCED PUBLIC PARTICIPATION, THE LOCAL GOVERNMENT
24 SHALL ALSO SCHEDULE NO LESS THAN TWO PUBLIC HEARINGS PRIOR TO THE
25 ADOPTION OR REVISION OF SUCH COMPREHENSIVE PLAN. NOTICE OF THE
26 HEARINGS SHALL ALSO BE PUBLICIZED IN A NEWSPAPER OF GENERAL
27 CIRCULATION IN THE AREA OR IN A MANNER SUFFICIENT TO NOTIFY THE

1 PUBLIC OF THE TIME, PLACE, AND NATURE OF THE HEARING, WHICH
2 REQUIREMENT SHALL BE SATISFIED BY THE INITIAL MAILING REQUIRED BY
3 THIS PARAGRAPH (a). THE LOCAL GOVERNMENT SHALL ACCEPT AND
4 CONSIDER ORAL AND WRITTEN PUBLIC COMMENTS THROUGHOUT THE
5 PROCESS BY WHICH A COMPREHENSIVE PLAN IS ADOPTED OR REVISED.

6 (b) ANY PERSON WHO WISHES TO RECEIVE NOTICE OF ANY HEARING
7 SCHEDULED BY A LOCAL GOVERNMENT PURSUANT TO PARAGRAPH (a) OF
8 THIS SUBSECTION (2) SHALL REQUEST SUCH NOTIFICATION IN WRITING TO
9 THE CLERK OF EACH SUCH LOCAL GOVERNMENT. THE REQUEST SHALL
10 IDENTIFY THE HEARING FOR WHICH THE NOTICE IS REQUESTED. NOTICE
11 MAY BE PROVIDED FOR ALL HEARINGS OR ONLY FOR HEARINGS WHERE
12 CERTAIN SPECIFIED MATTERS MAY BE DISCUSSED. IN RESPONSE TO THE
13 WRITTEN REQUEST, THE CLERK SHALL PROVIDE REASONABLE ADVANCE
14 NOTICE OF ALL HEARINGS. NOTWITHSTANDING ANY OTHER PROVISION OF
15 THIS SECTION, AN UNINTENTIONAL FAILURE ON THE PART OF THE LOCAL
16 GOVERNMENT TO PROVIDE ADVANCE NOTICE SHALL NEITHER NULLIFY
17 ACTION TAKEN AT A HEARING FOR WHICH OTHERWISE PROPER NOTICE WAS
18 PROVIDED IN CONFORMITY WITH THE REQUIREMENTS OF PARAGRAPH (a) OF
19 THIS SUBSECTION (2) NOR CREATE A CAUSE OF ACTION OR LEGAL STANDING
20 IN FAVOR OF ANY PERSON WHO FAILED TO RECEIVE THE NOTICE.

21 (3) THE GOVERNING BODY OF EVERY LOCAL GOVERNMENT, OR ANY
22 BOARD, COMMISSION, OR OTHER BODY ESTABLISHED BY THE GOVERNING
23 BODY OF SUCH LOCAL GOVERNMENT, SHALL BE RESPONSIBLE FOR
24 CONFORMING PREEXISTING COMPREHENSIVE OR MASTER PLANS TO INCLUDE
25 THE ELEMENTS REQUIRED PURSUANT TO THIS ARTICLE OR FOR THE
26 CREATION AND ADOPTION OF COMPREHENSIVE PLANS PURSUANT TO THIS
27 ARTICLE.

1 **24-69-104. Comprehensive plans - required elements.**

2 (1) EACH COMPREHENSIVE PLAN REQUIRED TO BE ADOPTED OR REVISED
3 PURSUANT TO SECTION 24-69-103 (1) (a) SHALL ADDRESS THE FOLLOWING
4 ELEMENTS:

5 (a) A LAND USE ELEMENT THAT INCLUDES, BUT SHALL NOT BE
6 LIMITED TO, CONSIDERATION OF PUBLIC, PRIVATE, RESIDENTIAL, INCLUDING
7 PROVISIONS FOR AFFORDABLE HOUSING, COMMERCIAL, INDUSTRIAL,
8 AGRICULTURAL, OPEN SPACE, ENVIRONMENTALLY SENSITIVE, AND
9 RECREATIONAL LANDS WITHIN THE TERRITORIAL BOUNDARIES OF THE
10 LOCAL GOVERNMENT.

11 (b) (I) A LAND CLASSIFICATION ELEMENT DESIGNATING AN URBAN
12 GROWTH BOUNDARY AND RURAL LANDS. RURAL DEVELOPMENT AREAS
13 MAY BE DESIGNATED WHERE DESIRED.

14 (II) AN URBAN GROWTH BOUNDARY SHALL BE NO GREATER THAN
15 AN AMOUNT OF LAND NEEDED FOR DEVELOPMENT GIVEN POPULATION
16 PROJECTIONS AND PROJECTED DENSITY. THE PROJECTED DENSITY SHALL
17 BE EQUAL TO OR GREATER THAN CURRENT DENSITIES IN THE DEVELOPED
18 URBAN REGION. THE URBAN GROWTH BOUNDARY SHALL ALSO BE
19 CONSTRAINED BY THE LOCAL GOVERNMENT’S FINANCIAL ABILITY TO
20 PROVIDE AND MAINTAIN AN ADEQUATE LEVEL OF URBAN SERVICES FOR THE
21 TWENTY-YEAR PROJECTED POPULATION. A LOCAL GOVERNMENT MAY NOT
22 ANNEX ANY LAND OUTSIDE OF ITS URBAN GROWTH BOUNDARY.

23 (III) ALL LANDS WITHIN THE JURISDICTION OF A LOCAL
24 GOVERNMENT THAT ARE NOT WITHIN AN URBAN GROWTH BOUNDARY
25 SHALL BE CLASSIFIED AS RURAL LANDS. RURAL LANDS SHALL BE
26 CHARACTERIZED BY SIGNIFICANT OPEN SPACE AND AGRICULTURAL LAND
27 USES AND NO CENTRAL WATER AND SEWER SERVICES. THE DEVELOPMENT

1 AND SUBDIVISION OF RURAL LANDS SHALL BE LIMITED TO A MINIMUM LOT
2 SIZE OF THIRTY-FIVE ACRES OR TO CLUSTERED DEVELOPMENT AS SPECIFIED
3 IN SECTION 30-28-403, C.R.S.; EXCEPT THAT A LOCAL GOVERNMENT MAY
4 ALLOW OR APPROVE, IN ACCORDANCE WITH ITS LAND USE RULES AND
5 REGULATIONS:

6 (A) DEVELOPMENT NECESSARY TO ALLOW FOR TRADITIONAL
7 AGRICULTURAL USES, INCLUDING COMMERCIAL FACILITIES DIRECTLY
8 RELATED TO AGRICULTURE;

9 (B) PUBLICLY OWNED FACILITIES NECESSARY FOR THE PUBLIC
10 HEALTH, SAFETY, AND WELFARE, INCLUDING, BUT NOT LIMITED TO,
11 SCHOOLS AND OTHER EDUCATIONAL FACILITIES; AND

12 (C) THE USE OF RURAL LANDS AS SPECIFIED IN SUBPARAGRAPH (IV)
13 OF THIS PARAGRAPH (b).

14 (IV) A LOCAL GOVERNMENT MAY DESIGNATE UP TO TEN PERCENT
15 OF ITS RURAL LANDS AS RURAL DEVELOPMENT AREAS, SO LONG AS THE
16 DESIGNATION OF THESE AREAS SHALL NOT RESULT IN THE DEVELOPMENT OF
17 DESIGNATED OPEN SPACE, ENVIRONMENTALLY SENSITIVE LANDS, OR
18 CRITICAL WILDLIFE HABITATS IN ACCORDANCE WITH APPLICABLE FEDERAL,
19 STATE, OR LOCAL LAW. A LOCAL GOVERNMENT MAY PERMIT LIMITED
20 DEVELOPMENT IN ITS RURAL DEVELOPMENT AREA IF THE PROPOSED
21 DEVELOPMENT IS COMPATIBLE WITH THE LAND USES DESIGNATED FOR THAT
22 AREA IN THE LOCAL GOVERNMENT'S COMPREHENSIVE PLAN, IF SUCH
23 DEVELOPMENT WILL NOT RESULT IN URBAN LEVEL DEVELOPMENT, AND IF
24 THE PROPOSED DEVELOPMENT IS:

25 (A) A RESIDENTIAL DEVELOPMENT WITH AN AVERAGE DENSITY OF
26 UP TO ONE RESIDENTIAL UNIT PER TEN ACRES MAY BE ACHIEVED WHERE
27 DEVELOPMENT IS CLUSTERED PURSUANT TO SECTION 30-28-403, C.R.S.,

1 AND AT LEAST SEVENTY-FIVE PERCENT OF THE LAND IS PRESERVED AS OPEN
2 SPACE IN FURTHERANCE OF ENVIRONMENTAL GOALS;

3 (B) A COMMERCIAL DEVELOPMENT OF LESS THAN TEN THOUSAND
4 SQUARE FEET; OR

5 (C) A PUBLIC FACILITY NECESSARY FOR THE PUBLIC HEALTH,
6 SAFETY, OR WELFARE, INCLUDING, BUT NOT LIMITED TO, SCHOOLS AND
7 OTHER EDUCATIONAL FACILITIES.

8 (V) THE TOTAL LAND AREA OF AN URBAN GROWTH BOUNDARY AND
9 RURAL DEVELOPMENT AREAS MAY NOT EXCEED THE LAND AREA REQUIRED
10 TO ACCOMMODATE THE PROJECTED POPULATIONS OF THE JURISDICTION AT
11 THE DENSITY SET FORTH IN THE COMPREHENSIVE PLAN. NO URBAN
12 GROWTH BOUNDARIES SHALL OVERLAP WITH ONE ANOTHER.

13 (c) AN OPEN SPACE ELEMENT THAT ADDRESSES THE FOLLOWING:

14 (I) THE PROTECTION AND ENHANCEMENT OF OPEN SPACE,
15 INCLUDING, BUT NOT LIMITED TO, RECREATIONAL FACILITIES, TRAILS,
16 WILDLIFE VIEWING, AND VIEW CORRIDORS FOR THE USE AND ENJOYMENT
17 OF THE RESIDENTS OF THE LOCAL GOVERNMENT;

18 (II) PRESERVATION OF WILDLIFE HABITATS AND MIGRATION
19 CORRIDORS;

20 (III) PROTECTION OF SENSITIVE AREAS, INCLUDING RIPARIAN AREAS
21 AND WETLANDS;

22 (IV) ESTABLISHMENT OF BUFFER ZONES BETWEEN DEVELOPED
23 AREAS; AND

24 (V) PRESERVATION OF AGRICULTURAL LANDS THAT ARE TO BE USED
25 FOR TRADITIONAL AGRICULTURAL PURPOSES.

26 (d) AN ENVIRONMENTAL QUALITY ELEMENT THAT ADDRESSES
27 COMPLIANCE WITH BOTH APPLICABLE FEDERAL AND STATE

1 ENVIRONMENTAL LAWS AND LOCALLY DETERMINED GOALS, OBJECTIVES,
2 PRINCIPLES, POLICIES, AND STANDARDS DESIGNED TO PRESERVE AND
3 PROTECT THE FOLLOWING FROM THE ADVERSE EFFECTS OF DEVELOPMENT
4 INSIDE URBAN GROWTH BOUNDARIES AND RURAL LANDS, INCLUDING RURAL
5 DEVELOPMENT AREAS WHERE DESIRED:

6 (I) AIR QUALITY, INCLUDING POLLUTION CONTROL;

7 (II) SENSITIVE AREAS, INCLUDING, BUT NOT LIMITED TO, THE
8 FOLLOWING:

9 (A) WETLANDS AND OTHER AREAS CONTAINING THE HABITATS OF
10 THREATENED OR ENDANGERED SPECIES AND OTHER SIGNIFICANT FLORA
11 AND FAUNA;

12 (B) LAKES, RESERVOIRS, STREAMS, RIVERS, AND RIPARIAN AREAS;

13 (C) WILDERNESS, RECREATIONAL, AND OUTSTANDING SCENIC
14 AREAS;

15 (D) ANY OTHER AREAS WITHIN THE JURISDICTION OF THE LOCAL
16 GOVERNMENT IN NEED OF SPECIAL PROTECTION AS IDENTIFIED IN THE
17 COMPREHENSIVE PLAN OF SUCH LOCAL GOVERNMENT; AND

18 (III) WILDLIFE HABITATS, INCLUDING MIGRATION CORRIDORS.

19 (e) A WATER RESOURCES ELEMENT THAT SHALL INCLUDE THE
20 LOCATION AND YIELD OF AN ADEQUATE AND SUITABLE SUPPLY OF WATER
21 FOR PRESENT AND PROJECTED POPULATION NEEDS AS WELL AS THE
22 ANTICIPATED INFRASTRUCTURE NECESSARY TO DELIVER WATER TO SUCH
23 POPULATION. THE WATER RESOURCES ELEMENT SHALL DESCRIBE THE
24 ENVIRONMENTAL IMPACTS OF DEVELOPMENT AND DELIVERY OF THE SUPPLY
25 OF WATER AND HOW THE PLAN WOULD PROTECT WATER QUALITY AND
26 PROMOTE THE EFFICIENT USE OF WATER. NOTHING IN THIS PARAGRAPH (e)
27 SHALL BE CONSTRUED TO SUPERCEDE, ABROGATE, OR OTHERWISE IMPAIR

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

5 (f) A TRANSPORTATION PLAN ELEMENT THAT SHALL BE SUFFICIENT
6 TO SERVE THE PROJECTED TRANSPORTATION NEEDS OF THE LOCAL
7 GOVERNMENT FOR TWENTY YEARS FROM THE DATE THE PLAN IS ADOPTED
8 AND SHALL INCLUDE MULTI-MODAL TRANSPORTATION OPTIONS AND
9 MASS-TRANSIT OPTIONS WHERE APPROPRIATE.

10 (g) AN ESSENTIAL COMMUNITY SERVICES PLAN ELEMENT THAT
11 DEMONSTRATES THE COMMUNITY'S DESIRED PATTERNS FOR THE GENERAL
12 LOCATION, CHARACTER, AND EXTENT OF PUBLIC AND SEMIPUBLIC
13 BUILDINGS, LAND, AND FACILITIES FOR THE TWENTY-YEAR GROWTH
14 PERIOD. SUCH FACILITIES SHALL INCLUDE, WITHOUT LIMITATION, SCHOOLS,
15 TRANSPORTATION, BASIC INFRASTRUCTURE, CENTRAL WATER AND SEWER
16 SERVICES, EMERGENCY SERVICES, AND OTHER PUBLIC FACILITIES. THE
17 ESSENTIAL COMMUNITY SERVICES PLAN ELEMENT SHALL ALSO ESTABLISH
18 AN URBAN SERVICE AREA WITHIN THE URBAN GROWTH BOUNDARY. SUCH
19 URBAN SERVICE AREA SHALL BE BASED ON FISCAL CONSTRAINTS,
20 APPLICABLE BORROWING, TAXING, AND SPENDING LIMITATIONS, AND
21 COMMUNITY OBJECTIVES AS IDENTIFIED IN THE COMPREHENSIVE PLAN.
22 LOCAL GOVERNMENTS ARE NOT REQUIRED TO PROVIDE URBAN SERVICES
23 OUTSIDE OF URBAN SERVICE AREAS AND ARE AUTHORIZED TO REQUIRE
24 DEVELOPERS OR LAND OWNERS TO PAY FOR THE CONSTRUCTION AND
25 MAINTENANCE OF URBAN SERVICES OUTSIDE OF THE URBAN SERVICE
26 AREAS.

27 (h) ANY OTHER ELEMENTS THAT THE LOCAL GOVERNMENT

1 DETERMINES SHALL BE INCLUDED.

2 (2) EACH PLAN ADOPTED OR REVISED PURSUANT TO THE
3 REQUIREMENTS OF THIS ARTICLE SHALL BE COORDINATED WITH THE PLAN
4 OF ANY OTHER LOCAL GOVERNMENT WHOSE URBAN GROWTH BOUNDARIES
5 OR RURAL DEVELOPMENT AREAS ARE WITHIN THREE MILES OR LESS OF ITS
6 OWN URBAN GROWTH BOUNDARY OR RURAL DEVELOPMENT AREA. TO
7 ELIMINATE CONFLICTS OR INCONSISTENCIES AND TO ENSURE THE
8 COMPATIBILITY OF SUCH REGULATIONS AMONG SUCH LOCAL
9 GOVERNMENTS. IF A DISPUTE ARISES BETWEEN LOCAL GOVERNMENTS, IT
10 SHALL BE RESOLVED PURSUANT TO SECTION 24-69-106.

11 (3) (a) PERIODICALLY, BUT NOT LESS FREQUENTLY THAN ONCE
12 EVERY FIVE YEARS, EACH LOCAL GOVERNMENT SHALL REVIEW ITS
13 COMPREHENSIVE PLAN TO DETERMINE WHETHER SUCH PLAN IS ACHIEVING
14 THE GOALS, OBJECTIVES, AND POLICIES OUTLINED IN THE PLAN,
15 SPECIFICALLY, WHETHER AND TO WHAT EXTENT THE PLAN IS ACHIEVING
16 THE GOALS SET FORTH IN SECTION 24-69-103, AND SATISFYING THE
17 ELEMENTS REQUIRED BY SUBSECTION (1) OF THIS SECTION.

18 (b) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (3) TO
19 THE CONTRARY, NO COMPREHENSIVE PLAN OF A LOCAL GOVERNMENT
20 SHALL BE AMENDED MORE THAN ONCE EVERY TWO YEARS, EXCEPT UPON
21 A UNANIMOUS VOTE OF THE GOVERNING BODY OF THE LOCAL GOVERNMENT
22 MAKING SPECIFIC FINDINGS THAT THE PROPOSED AMENDMENT WOULD
23 BENEFIT THE PUBLIC WELFARE, HEALTH, OR SAFETY AND FURTHER THE
24 GOALS OUTLINED IN THE COMPREHENSIVE PLAN CREATED PURSUANT TO
25 SECTION 24-69-103.

26 (4) EACH PLAN ADOPTED OR REVISED BY A LOCAL GOVERNMENT
27 PURSUANT TO THE REQUIREMENTS OF SECTION 24-69-103 AND THIS

1 SECTION SHALL BE CONSISTENT WITH THE REQUIREMENTS OF THE REGIONAL
2 PLAN, ADOPTED PURSUANT TO SECTION 24-69-105, OF ANY REGION IN
3 WHICH SUCH LOCAL GOVERNMENT IS LOCATED.

4 **24-69-105. Regional planning.** (1) WITHIN TWO YEARS AFTER
5 THE EFFECTIVE DATE OF THIS ACT, EACH REGIONAL PLANNING COMMISSION
6 CREATED PURSUANT TO SECTION 30-28-105, C.R.S., FOR ANY REGION WITH
7 A POPULATION THAT EXCEEDS ONE MILLION RESIDENTS SHALL PREPARE A
8 REGIONAL PLAN OR ENSURE THAT AN EXISTING PLAN COMPLIES WITH THE
9 REQUIREMENTS OF THIS ARTICLE. THE REGIONAL PLAN SHALL ADDRESS
10 REGIONAL GOALS.

11 (2) A REGIONAL PLANNING COMMISSION SHALL SOLICIT PUBLIC
12 INPUT PRIOR TO THE ADOPTION OR AMENDMENT OF A REGIONAL PLAN AND
13 SHALL SCHEDULE NO LESS THAN TWO PUBLIC HEARINGS PRIOR TO THE
14 ADOPTION OR AMENDMENT OF SUCH PLAN. NOTICE OF THE HEARING SHALL
15 BE PUBLICIZED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE REGION
16 IN A MANNER SUFFICIENT TO NOTIFY THE PUBLIC OF THE TIME, PLACE, AND
17 NATURE OF THE HEARING.

18 **24-69-106. Dispute resolution.** (1) DISPUTES BETWEEN LOCAL
19 GOVERNMENTS RELATED TO THE COMPREHENSIVE PLAN REQUIRED
20 PURSUANT TO THIS ARTICLE SHALL BE RESOLVED USING THE PROCESS
21 ESTABLISHED IN THIS SECTION.

22 (2) ANY TWO OR MORE LOCAL GOVERNMENTS WHO HAVE A DISPUTE
23 MAY AGREE, EITHER IN AN EXISTING INTERGOVERNMENTAL AGREEMENT OR
24 BY A NEW AGREEMENT, TO RESOLVE THE DISPUTE IN WHATEVER MANNER
25 THEY CHOOSE OR THE PARTIES MAY REQUEST THAT THE DEPARTMENT OF
26 LOCAL AFFAIRS, THROUGH THE OFFICE OF SMART GROWTH, COORDINATE A
27 MEDIATED SOLUTION TO THE DISPUTE. PARTICIPATING IN THIS PROCESS IS

1 A JURISDICTIONAL PREREQUISITE TO FILING ANY COURT PROCEEDINGS
2 RELATED TO DISPUTES BETWEEN AND AMONG LOCAL GOVERNMENTS
3 RELATED TO THE COMPREHENSIVE PLAN OR ANY OTHER DISPUTE RELATED
4 TO THE COMPREHENSIVE PLANNING PROCESS AS SET FORTH IN THIS
5 ARTICLE.

6 (3) THE DISPUTE RESOLUTION PROCESS IS RESERVED FOR LOCAL
7 GOVERNMENTS ONLY.

8 (4) TO FULFILL ITS ROLE IN MEDIATING DISPUTES BETWEEN AND
9 AMONG LOCAL GOVERNMENTS, THE DEPARTMENT OF LOCAL AFFAIRS SHALL
10 MAINTAIN A LIST OF QUALIFIED PROFESSIONALS THAT ARE AVAILABLE TO
11 ASSIST IN RESOLVING LAND USE DISPUTES ARISING BETWEEN LOCAL
12 GOVERNMENTS. SUCH LIST SHALL INCLUDE ONLY THOSE PERSONS AND
13 ORGANIZATIONS THAT THE DEPARTMENT DETERMINES HAVE PROFESSIONAL
14 EXPERTISE AND SKILLS IN LAND USE, PLANNING, ZONING, MEDIATION,
15 ARBITRATION, OR RELATED DISCIPLINES. SUCH LIST SHALL BE MADE
16 AVAILABLE TO LOCAL GOVERNMENTS AND TO THE PUBLIC THROUGH THE
17 OFFICE OF SMART GROWTH FOR THE PURPOSE OF FACILITATING THE
18 RESOLUTION OF DISPUTES BETWEEN LOCAL GOVERNMENTS ARISING OUT OF
19 LAND USE MATTERS.

20 (5) ANY AGREEMENT OR UNDERSTANDING REACHED BETWEEN TWO
21 OR MORE LOCAL GOVERNMENTS AS RESULT OF THE DISPUTE RESOLUTION
22 PROCESS IS NOT BINDING IN THE EVENT THAT SUCH LOCAL GOVERNMENTS
23 ARE ULTIMATELY UNSUCCESSFUL IN RESOLVING A CONFLICT PURSUANT TO
24 THE PROCEDURES ESTABLISHED IN THIS SECTION.

25 (6) IN THE EVENT THAT THE DISPUTE RESOLUTION PROCESS IS
26 UNSUCCESSFUL, THE LOCAL GOVERNMENTS INVOLVED IN THE CONFLICT
27 MAY APPEAL TO THE DISTRICT COURT WHERE THE LAND IN DISPUTE IS

1 LOCATED. THE DISTRICT COURT SHALL REVIEW, DE NOVO, ANY SUCH
2 DISPUTE.

3 **24-69-107. Special districts - compliance.** ANY SPECIAL DISTRICT
4 WITHIN THE JURISDICTION OF A LOCAL GOVERNMENT OR REGION SHALL
5 COMPLY WITH THE COMPREHENSIVE PLAN ADOPTED BY EVERY LOCAL
6 GOVERNMENT AND REGION IN WHICH SUCH SPECIAL DISTRICT IS LOCATED.

7 **24-69-108. Planning assistance.** (1) IN ORDER TO ASSIST LOCAL
8 GOVERNMENTS IN ADOPTING A COMPREHENSIVE PLAN OR REVISING A PLAN
9 TO CONFORM TO THE REQUIREMENTS OF THIS ARTICLE, THE FOLLOWING
10 LOCAL GOVERNMENTS SHALL BE GIVEN PRIORITY IN RECEIVING GRANTS
11 FROM THE OFFICE OF SMART GROWTH PURSUANT TO SECTION 24-32-3203
12 (3) (d):

13 (a) MUNICIPALITIES WITH ONE THOUSAND RESIDENTS OR LESS; AND

14 (b) COUNTIES WITH TEN THOUSAND RESIDENTS OR LESS.

15 (2) IN ORDER TO ASSIST REGIONS THAT PARTICIPATE IN A REGIONAL
16 PLANNING EFFORT, A REGION WITH ONE MILLION RESIDENTS OR LESS SHALL
17 BE ELIGIBLE TO APPLY FOR GRANTS FROM THE OFFICE OF SMART GROWTH,
18 PURSUANT TO SECTION 24-32-3203 (3) (d).

19 **24-69-109. Supplements existing law.** THE PROVISIONS OF THIS
20 ARTICLE SUPPLEMENT, BUT DO NOT REPLACE, THOSE PROVISIONS OF
21 ARTICLE 20 OF TITLE 29, C.R.S.; PART 1 OF ARTICLE 28 OF TITLE 30, C.R.S.;
22 PART 2 OF ARTICLE 23 OF TITLE 31, C.R.S.; AND ANY OTHER STATUTES
23 GRANTING PLANNING AND REGULATORY POWERS TO REGIONS OR LOCAL
24 GOVERNMENTS. IN THE EVENT OF A CONFLICT BETWEEN THE PROVISIONS
25 OF ANY SUCH LAW AND THIS ARTICLE, THE PROVISIONS OF THIS ARTICLE
26 SHALL GOVERN; EXCEPT THAT THESE PROVISIONS SHALL NOT APPLY TO THE
27 LAWFUL EXERCISE OF AUTHORITY UNDER ARTICLE 65.1 OF THIS TITLE.

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

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

6 (d) To review and approve applications for grants awarded by the
7 office out of moneys in the fund to assist a local government, as
8 applicable, in developing a master OR COMPREHENSIVE plan in conformity
9 with ARTICLE 69 OF THIS TITLE OR section 30-28-106 or 31-23-206, C.R.S.,
10 and to determine the amount of money to be awarded under each such
11 grant pursuant to section 24-32-3207 (2);

12 **SECTION 3.** 30-28-101 (10) (b), (10) (c) (I), and (10) (c) (VIII),
13 Colorado Revised Statutes, are amended to read:

14 **30-28-101. Definitions.** As used in this part 1, unless the context
15 otherwise requires:

16 (10) (b) The terms "subdivision" and "subdivided land", as defined
17 in paragraph (a) of this subsection (10), shall not apply to any division of
18 land ~~which~~ THAT creates parcels of land each of which comprises
19 ~~thirty-five~~ ONE HUNDRED SIXTY or more acres of land and none of which
20 is intended for use by multiple owners.

21 (c) Unless the method of disposition is adopted for the purpose of
22 evading this part 1, the terms "subdivision" and "subdivided land", as
23 defined in paragraph (a) of this subsection (10), shall not apply to any
24 division of land:

25 (I) ~~Which~~ THAT creates parcels of land, such that the land area of
26 each of the parcels, when divided by the number of interests in any such
27 parcel, results in ~~thirty-five~~ ONE HUNDRED SIXTY or more acres per

1 interest;

2 (VIII) ~~Which~~ THAT is created by the combination of contiguous
3 parcels of land into one larger parcel. If the resulting parcel is less than
4 ~~thirty-five~~ ONE HUNDRED SIXTY acres in land area, only one interest in said
5 land shall be allowed. If the resulting parcel is greater than ~~thirty-five~~
6 ONE HUNDRED SIXTY acres in land area, such land area, divided by the
7 number of interests in the resulting parcel, must result in ~~thirty-five~~ ONE
8 HUNDRED SIXTY or more acres per interest. Easements and rights-of-way
9 shall not be considered interests for purposes of this subparagraph (VIII).

10 **SECTION 4. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.