

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 01-0473.01 Bob Lackner

HOUSE BILL 01-1305

HOUSE SPONSORSHIP

Smith,

SENATE SPONSORSHIP

Anderson,

House Committees

Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ENHANCED LAND USE PLANNING RELATIONSHIPS AMONG**
102 **LOCAL GOVERNMENTS.**

Bill Summary

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

Encourages local governments to enter into intergovernmental agreements to address the issues raised by overlapping urban services area boundaries where such overlap occurs.

Requires counties and municipalities to either adopt a master plan or amend a preexisting master plan to conform to the requirements of this act by a specified time. Specifies procedures to be followed in connection with the adoption or amendment of the plan, including a requirement that the applicable commission schedule no less than 2 public hearings prior

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.

HOUSE
3rd Reading Unamended
May 8, 2001

HOUSE
Amended 2nd Reading
May 7, 2001

to the adoption or amendment of the plan. Specifies the form and manner in which public notice is to be provided in connection with the adoption or amendment of the plan. Requires counties and municipalities to publish a map describing the plan prior to the first public hearing.

Allows counties and municipalities with a specified number of residents an exemption from the requirement that those entities adopt a master plan unless those counties and municipalities have experienced a specified rate of population growth within a specified period as estimated by the department of local affairs.

Requires that, at a minimum, the master plan of a county or municipality contain the following elements:

- A land use element;
- A water and sanitation element;
- A transportation element;
- An essential service element that includes services provided by public utilities; and
- An urban services area element.

Specifies that, to be binding and effective, the designation by a municipality of its urban services area shall be approved by each county in which the municipality is wholly or partially located.

Specifies other elements that the master plan may contain, where applicable or appropriate.

Provides that a county or municipality may amend its master plan at any time. In certain circumstances, requires the county or municipality to review and update its master plan within a specified time.

Requires that, as soon as possible, but no later than 2 years after the adoption of the master plan, the land use regulations of a county or municipality be consistent with and designed to implement the master plan. Requires counties and municipalities to publish a map describing zoning under the proposed regulations.

Expands the criteria used in determining whether a particular area is eligible for annexation to include whether or not the area proposed for annexation is within the municipality's urban services area as designated by its master plan and otherwise consistent with any intergovernmental agreements entered into by the county and the municipality.

Provides that the territorial jurisdiction of any municipal planning commission or governing body with respect to any land that is located outside of the municipality's territorial boundaries but within its designated urban services area extends only to the approval of an application for development of such land unless otherwise provided by intergovernmental agreement. Clarifies that nothing in this act shall be construed as a waiver by the county of any powers or functions exercised by it over any unincorporated area located within its territorial boundaries, notwithstanding a municipality's designation of such area.

Requires that, if the boundaries of a proposed special district

include any territory within a municipality, the petition for organization of the special district shall include a resolution approving the service plan from both the county and the municipality. Grants municipalities dual oversight with counties in connection with modification of a special district service plan where the boundaries of the special district lie within the municipality's designated urban services area. Provides that municipal approval is required where any portion of the area proposed to be included within a special district is contained within the boundary of the municipality or municipalities, instead of where the district's boundaries are wholly within such boundaries as is the case under current law. Includes, as among the factors a court must consider in reviewing an exclusion petition, the impacts upon the special district arising out of municipal annexations or exclusions of territory within the special district. Makes conforming amendments. Defines terms.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Regional land-use planning would be improved with better
5 communication, coordination, and cooperation among and between
6 existing governmental entities, particularly local governmental bodies that
7 have traditionally and properly exercised their authority to plan for and
8 regulate land use;

9 (b) Better planning and more orderly development is required in
10 fringe areas of existing municipalities where there is a critical need for
11 cooperation between and among counties and municipalities; and

12 (c) Land-use planning in fringe areas of municipalities should take
13 into account the location of the existing utilities, the long range utility
14 plans of the existing utilities, and the plans of the municipalities to
15 provide utility services.

16 (2) In addressing these concerns, the general assembly intends to
17 more fully accomplish the purposes underlying existing statutes governing

1 planning and land use regulations by Colorado local governments,
2 including the "Municipal Annexation Act of 1965", part 1 of article 12 of
3 title 31, C.R.S., the "Local Government Land Use Control Enabling Act
4 of 1974", part 1 of article 20 of title 29, C.R.S., and the specific land use
5 powers conferred upon counties and municipalities by titles 30 and 31,
6 C.R.S., respectively, within the constraints of the existing tax structure of
7 the state of Colorado.

8 **SECTION 2.** 29-20-105 (2), Colorado Revised Statutes, is
9 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

10 **29-20-105. Intergovernmental cooperation.** (2) (j) To
11 ELIMINATE CONFLICTS OR INCONSISTENCIES BETWEEN OR AMONG
12 CONTIGUOUS JURISDICTIONS AND TO PROMOTE COORDINATION BETWEEN
13 AND AMONG SUCH JURISDICTIONS, LOCAL GOVERNMENTS SHALL ENTER
14 INTO INTERGOVERNMENTAL AGREEMENTS TO ADDRESS THE ISSUES RAISED
15 BY OVERLAPPING URBAN SERVICES AREA BOUNDARIES WHERE SUCH
16 OVERLAP OCCURS.

17 **SECTION 3.** 30-28-106 (1) and (2), the introductory portion to
18 30-28-106 (3) (a), and 30-28-106 (3) (a) (IV), Colorado Revised Statutes,
19 are amended, and the said 30-28-106 is further amended BY THE
20 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

21 **30-28-106. Adoption of master plan - contents.** (1) NO LATER
22 THAN **JULY 1, 2003**, EACH COUNTY SHALL EITHER ADOPT A MASTER PLAN
23 IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION OR AMEND A
24 PREEXISTING MASTER PLAN SO THAT THE PLAN CONFORMS TO THE
25 REQUIREMENTS OF THIS SECTION. It is the duty of a county planning
26 commission to make and adopt a master plan for the physical development
27 of the unincorporated territory of the county FOR SUBMISSION TO THE

1 BOARD OF COUNTY COMMISSIONERS OF THE COUNTY. UPON
2 RECOMMENDATION OF THE MASTER PLAN, THE BOARD MAY ADOPT, MODIFY,
3 OR REJECT THE PLAN. When a county planning commission ~~decides to~~
4 ~~adopt~~ ADOPTS OR AMENDS a master plan, the commission shall conduct A
5 MINIMUM OF TWO public hearings, after notice of such public hearings has
6 been published in a newspaper of general circulation in the county OR in
7 a manner sufficient to notify the public of the time, place, and nature of
8 the public hearing, prior to final adoption of EITHER a master plan OR
9 PROPOSED AMENDMENTS TO THE MASTER PLAN in order to encourage
10 public participation in and awareness of the development of such plan.
11 ~~and~~ THE COMMISSION shall accept and consider oral and written public
12 comments throughout the process of developing the plan. THE COUNTY
13 SHALL PROVIDE TO THE CLERK FOR EACH MUNICIPALITY WITHIN ITS
14 BOUNDARIES, ALL ADJACENT COUNTIES, AND EACH MUNICIPALITY LOCATED
15 WITHIN THREE MILES OF THE COUNTY, REGARDLESS OF THE COUNTY IN
16 WHICH THE MUNICIPALITY IS LOCATED, ACTUAL NOTICE OF THE PUBLIC
17 HEARING DATES ON WHICH THE MASTER PLAN OR PROPOSED AMENDMENTS
18 TO THE MASTER PLAN ARE TO BE CONSIDERED, AS WELL AS A COPY OF THE
19 PLAN FOR REVIEW AND COMMENT PRIOR TO THE FIRST HEARING. IN
20 ADDITION, PRIOR TO THE FIRST HEARING, THE COUNTY SHALL PUBLISH IN A
21 NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY A MAP DESCRIBING
22 THE PLAN. THE COUNTY SHALL CONSIDER ANY WRITTEN OR ORAL
23 TESTIMONY OR COMMENTS ON THE PLAN SUBMITTED BY AN AFFECTED
24 MUNICIPALITY OR COUNTY. IF THE MUNICIPALITY OR COUNTY FILES
25 WRITTEN OBJECTIONS TO THE PLAN AT ANY TIME DURING THE PROCESS, UP
26 TO AND INCLUDING THIRTY DAYS AFTER THE PLAN IS ADOPTED BY THE
27 GOVERNING BODY, ANY AFFECTED COUNTY OR MUNICIPALITY MAY

1 RESOLVE THEIR DIFFERENCES IN ANY MANNER TO WHICH THEY HAVE
2 MUTUALLY AGREED. IN ADDITION, AFTER THE PLAN HAS BEEN ADOPTED,
3 THE COUNTY SHALL PROVIDE WRITTEN NOTICE AND A COPY OF THE FINAL
4 PLAN TO THE CLERK FOR ALL MUNICIPALITIES WITHIN ITS BOUNDARIES, ALL
5 ADJACENT COUNTIES, AND EACH MUNICIPALITY LOCATED WITHIN THREE
6 MILES OF THE COUNTY, REGARDLESS OF THE COUNTY IN WHICH THE
7 MUNICIPALITY IS LOCATED.

8 (2) It is the duty of a regional planning commission to make and
9 adopt a regional plan for the physical development of the territory within
10 the boundaries of the region, but no such plan shall be effective within the
11 boundaries of any incorporated municipality within the region unless such
12 plan is adopted by the governing body of the municipality for the
13 development of its territorial limits and under the terms of paragraph (b)
14 of this subsection (2). When a regional planning commission ~~decides to~~
15 ~~adopt~~ ADOPTS OR AMENDS a master plan, the commission shall conduct A
16 MINIMUM OF TWO public hearings, after notice of such public hearings has
17 been published in a newspaper of general circulation in the region OR in
18 a manner sufficient to notify the public of the time, place, and nature of
19 the public hearing, prior to final adoption of a master plan OR
20 AMENDMENTS in order to encourage public participation in and awareness
21 of the development of such plan and shall accept and consider oral and
22 written public comments throughout the process of developing the plan.

23 (2.5) AT A MINIMUM, THE MASTER PLAN OF A COUNTY REQUIRED BY
24 THIS SECTION SHALL CONTAIN THE FOLLOWING ELEMENTS:

25 (a) A LAND USE ELEMENT THAT SHALL DESIGNATE GENERAL USES
26 AND RANGES OF DENSITY FOR ALL OF THE LAND OVER WHICH THE COUNTY
27 EXERCISES JURISDICTION. THE LAND USE ELEMENT MAY CONSIDER,

1 WITHOUT LIMITATION, PUBLIC, PRIVATE, RESIDENTIAL, COMMERCIAL,
2 INDUSTRIAL, AGRICULTURAL, AND RECREATIONAL LAND USES.

3 (b) A WATER AND SANITATION ELEMENT THAT SHALL SHOW THE
4 GENERAL LOCATION AND EXTENT OF AN ADEQUATE AND SUITABLE SUPPLY
5 OF WATER. THE COUNTY PLANNING COMMISSION SHALL CONSULT WITH
6 THE ENTITIES THAT SUPPLY WATER FOR USE WITHIN THE COUNTY OR
7 REGION TO ENSURE COORDINATION OF WATER SUPPLY AND FACILITY
8 PLANNING. THE WATER SUPPLY ELEMENT SHALL IDENTIFY WATER SUPPLIES
9 AND FACILITIES SUFFICIENT TO MEET THE NEEDS OF THE PUBLIC AND
10 PRIVATE INFRASTRUCTURE REASONABLY ANTICIPATED OR IDENTIFIED IN
11 THE PLANNING PROCESS. NOTHING IN THIS PARAGRAPH (b) SHALL BE
12 CONSTRUED TO SUPERCEDE, ABROGATE, OR OTHERWISE IMPAIR THE
13 ALLOCATION OF WATER PURSUANT TO THE STATE CONSTITUTION OR LAWS,
14 THE RIGHT TO BENEFICIALLY USE WATER PURSUANT TO DECREES,
15 CONTRACTS, OR OTHER WATER USE AGREEMENTS, OR THE OPERATION,
16 MAINTENANCE, REPAIR, REPLACEMENT, OR USE OF ANY WATER FACILITY.

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

1 (d) AN ESSENTIAL SERVICE ELEMENT PURSUANT TO WHICH EACH
2 COUNTY SHALL DEFINE THE PUBLIC SERVICES IT DEEMS ESSENTIAL AND
3 THAT SHALL BE PROVIDED TO ANY DESIGNATED URBAN DEVELOPMENT OR
4 URBAN SERVICES AREA WITHIN ITS JURISDICTION. SUCH SERVICES MAY BE
5 PROVIDED BY THE COUNTY OR BY AGREEMENT THROUGH A
6 QUASI-MUNICIPAL CORPORATION OR PRIVATE ENTITY. FOR PURPOSES OF
7 THIS SECTION, "ESSENTIAL SERVICES" INCLUDES, AT A MINIMUM, CENTRAL
8 WATER AND SEWER SERVICES, PUBLIC UTILITIES, AND ROADS. ADDITIONAL
9 SERVICES MAY INCLUDE, WITHOUT LIMITATION, FIRE PROTECTION, POLICE
10 PROTECTION, LIBRARIES, SCHOOLS, HEALTH CARE FACILITIES, AND PARK
11 AND RECREATION FACILITIES. THE MASTER PLAN SHALL IDENTIFY HOW
12 SUCH SERVICES ARE TO BE PROVIDED WITHIN THE AREA COVERED BY THE
13 MASTER PLAN, INCLUDING THE URBAN SERVICES AREA.

14 (e) AN URBAN SERVICES AREA ELEMENT THAT SHALL DESIGNATE AN
15 AREA WITHIN WHICH URBAN LEVEL DEVELOPMENT IS AUTHORIZED AND
16 OUTSIDE OF WHICH URBAN LEVEL DEVELOPMENT IS NOT AUTHORIZED. FOR
17 PURPOSES OF THIS PARAGRAPH (e), THE LEVEL OF DENSITY ALLOWED INSIDE
18 AND OUTSIDE OF THE URBAN SERVICES AREA SHALL BE DETERMINED
19 JOINTLY BY THE AFFECTED COUNTY AND MUNICIPALITY. THE BOUNDARY
20 OF THE URBAN SERVICES AREA SHALL BE DRAWN USING THE FOLLOWING
21 CRITERIA:

22 (I) CONSISTENCY WITH PROJECTED OR ESTIMATED POPULATION FOR
23 THE COUNTY FOR A TEN-YEAR PERIOD, BASED UPON POPULATION ESTIMATES
24 PREPARED BY THE DEPARTMENT OF LOCAL AFFAIRS;

25 (II) THE ABILITY OF THE LOCAL GOVERNMENT TO PROVIDE
26 ESSENTIAL SERVICES. OTHER SERVICES MAY ALSO BE CONSIDERED BY THE
27 LOCAL GOVERNMENT, INCLUDING, WITHOUT LIMITATION, POLICE

1 PROTECTION, FIRE PROTECTION, LIBRARY, PARKS AND RECREATION
2 FACILITIES, AND OPEN SPACE.

3 (III) COMPATIBILITY WITH EXISTING URBAN AREAS;

4 (IV) CONTIGUITY WITH EXISTING URBAN AREAS; AND

5 (V) COMPATIBILITY WITH EXISTING MUNICIPAL SERVICE AREAS.

6 (f) AN ENVIRONMENTAL QUALITY ELEMENT THAT ADDRESSES
7 COMPLIANCE WITH BOTH APPLICABLE FEDERAL AND STATE
8 ENVIRONMENTAL LAWS AND LOCALLY DETERMINED GOALS, OBJECTIVES,
9 PRINCIPLES, POLICIES, AND STANDARDS DESIGNED TO CONSIDER THE
10 ENVIRONMENTAL CONSEQUENCES OF THE ADVERSE EFFECTS OF
11 DEVELOPMENT. SUCH ELEMENT SHALL CONSIDER POTENTIAL IMPACTS ON
12 AIR AND WATER QUALITY, CRITICAL AND SENSITIVE AREAS, WILDLIFE
13 HABITATS, INCLUDING MIGRATION CORRIDORS, ENDANGERED,
14 THREATENED, AND STATE LISTED SPECIES OF SPECIAL CONCERN, AND
15 WETLANDS AND RIPARIAN AREAS.

16 (3) (a) The master plan of a county or region, with the
17 accompanying maps, plats, charts, and descriptive and explanatory matter,
18 shall show the county or regional planning commission's
19 recommendations for the development of the territory covered by the plan.
20 ~~and, after consideration of each of the following, where applicable or~~
21 ~~appropriate, may include, but not be limited to~~ IN ADDITION, THE PLAN
22 MAY CONTAIN THE FOLLOWING, WHERE APPLICABLE OR APPROPRIATE:

23 (IV) ~~The general location and extent of an adequate and suitable~~
24 ~~supply of water. If the master plan includes a water supply element, the~~
25 ~~planning commission shall consult with the entities that supply water for~~
26 ~~use within the county or region to ensure coordination on water supply~~
27 ~~and facility planning, and the water supply element shall identify water~~

1 ~~supplies and facilities sufficient to meet the needs of the public and~~
2 ~~private infrastructure reasonably anticipated or identified in the planning~~
3 ~~process. Nothing in this subparagraph (IV) shall be construed to~~
4 ~~supersede, abrogate, or otherwise impair the allocation of water pursuant~~
5 ~~to the state constitution or laws, the right to beneficially use water~~
6 ~~pursuant to decrees, contracts, or other water use agreements, or the~~
7 ~~operation, maintenance, repair, replacement, or use of any water facility.~~

8 (4) NO MASTER PLAN OF A COUNTY SHALL BE AMENDED MORE THAN
9 ONCE EVERY TWO YEARS UNLESS THE BOARD OF COUNTY COMMISSIONERS
10 OF THE COUNTY HAS MADE SPECIFIC FINDINGS THAT THE PROPOSED
11 AMENDMENT WOULD BENEFIT THE HEALTH, SAFETY, AND WELFARE OF THE
12 RESIDENTS OF THE COUNTY AND WOULD FURTHER THE GOALS OF THE
13 MASTER PLAN OF THE COUNTY AS SPECIFIED IN THIS SECTION. THE COUNTY
14 SHALL REVIEW AND UPDATE ITS MASTER PLAN NOT LESS THAN EVERY TEN
15 YEARS, UNLESS THE COUNTY DESIGNATES A DIFFERENT TIME; EXCEPT THAT
16 THE COUNTY SHALL NOT DESIGNATE A DIFFERENT TIME WHERE ITS
17 POPULATION HAS INCREASED BY MORE THAN TEN PERCENT IN THE
18 TEN-YEAR PERIOD SINCE ADOPTION OF THE COUNTY'S MASTER PLAN, AS
19 ESTIMATED BY THE DEPARTMENT OF LOCAL AFFAIRS. THE MASTER PLAN
20 SHALL BE UPDATED BY AMENDMENT IN ACCORDANCE WITH THE
21 REQUIREMENTS OF THIS SECTION.

22 (5) AS SOON AS POSSIBLE, BUT NO LATER THAN TWO YEARS AFTER
23 ADOPTION OF THE MASTER PLAN MEETING THE REQUIREMENTS OF THIS
24 SECTION, EACH COUNTY'S LAND USE REGULATIONS, INCLUDING, WITHOUT
25 LIMITATION, ZONING, PLANNED UNIT DEVELOPMENT, AND SUBDIVISION
26 REGULATIONS, SHALL IMPLEMENT THE MASTER PLAN. IN CONNECTION
27 WITH THE ADOPTION OF THE LAND USE REGULATIONS REQUIRED BY THIS

1 SUBSECTION (5), THE COUNTY SHALL PUBLISH IN A NEWSPAPER OF GENERAL
2 CIRCULATION IN THE COUNTY A MAP DESCRIBING ZONING UNDER THE
3 PROPOSED REGULATIONS.

4 (6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
5 REQUIREMENTS FOR THE ADOPTION OF A MASTER PLAN AS SPECIFIED IN
6 SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY TO ANY COUNTY THAT
7 HAS A POPULATION OF TEN THOUSAND RESIDENTS OR LESS AS OF JULY 1,
8 2001, AS ESTIMATED BY THE DEPARTMENT OF LOCAL AFFAIRS, UNLESS THE
9 COUNTY'S POPULATION INCREASED BY MORE THAN TEN PERCENT IN THE
10 PREVIOUS TEN YEARS AS ESTIMATED BY THE DEPARTMENT OF LOCAL
11 AFFAIRS, IN WHICH CASE THE REQUIREMENTS OF SUBSECTION (1) OF THIS
12 SECTION SHALL APPLY.

13 **SECTION 4.** 32-12-104 (1) (b), Colorado Revised Statutes, is
14 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

15 **31-12-104. Eligibility for annexation.** (1) An area is eligible for
16 annexation if the governing body, at a hearing as provided in section
17 31-12-109, finds and determines:

18 (b) That a community of interest exists between the area proposed
19 to be annexed and the annexing municipality; that said area is urban or
20 will be urbanized in the near future; and that said area is integrated with
21 or is capable of being integrated with the annexing municipality. The fact
22 that the area proposed to be annexed has the contiguity with the annexing
23 municipality required by paragraph (a) of this subsection (1) shall be a
24 basis for a finding of compliance with these requirements unless the
25 governing body, upon the basis of competent evidence presented at the
26 hearing provided for in section 31-12-109, finds that at least two of the
27 following are shown to exist:

1 (IV) THE PROPOSED ANNEXATION IS WITHIN THE MUNICIPALITY'S
2 URBAN SERVICES AREA AS DESIGNATED BY THE MUNICIPALITY IN ITS
3 MASTER PLAN AND IS OTHERWISE CONSISTENT WITH ANY
4 INTERGOVERNMENTAL AGREEMENT ENTERED INTO BY THE COUNTY AND
5 THE MUNICIPALITY.

6 SECTION 5. 31-12-105 (1) (e), Colorado Revised Statutes, is
7 amended, and the said 31-12-105 (1) is further amended BY THE
8 ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

9 **31-12-105. Limitations.** (1) Notwithstanding any provisions of
10 this part 1 to the contrary, the following limitations shall apply to all
11 annexations:

12 (e) Except as otherwise provided in this paragraph (e), no
13 annexation may take place which would have the effect of extending a
14 municipal boundary more than three miles in any direction from any point
15 of such municipal boundary in any one year. Within said three-mile area,
16 the contiguity required by section 31-12-104 (1) (a) may be achieved by
17 annexing a platted street or alley, a public or private right-of-way, a public
18 or private transportation right-of-way or area, or a lake, reservoir, stream,
19 or other natural or artificial waterway. Prior to completion of any
20 annexation within the three-mile area, the municipality shall have in place
21 a plan for that area, which generally describes the proposed location,
22 character, and extent of streets, subways, bridges, waterways, waterfronts,
23 parkways, playgrounds, squares, parks, aviation fields, other public ways,
24 grounds, open spaces, public utilities, and terminals for water, light,
25 sanitation, transportation, and power to be provided by the municipality
26 and the proposed land uses for the area. Such plan shall be updated at
27 least once annually. Such three-mile limit may be exceeded if such limit

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

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

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

26 (III) ANY FILING WITHIN A SUBDIVISION THAT CONSISTS OF MORE
27 THAN ONE FILING UPON THE PETITION OF THE REQUISITE NUMBER OF

1 OWNERS OF PROPERTY WITHIN THE FILING AS DETERMINED PURSUANT TO
2 SECTION 31-12-107.

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

23 (e.3) IN CONNECTION WITH ANY ANNEXATION IN WHICH THE
24 CONTIGUITY REQUIRED BY SECTION 31-12-104 (1) (a) IS ACHIEVED BY
25 ANNEXING A PLATTED STREET OR ALLEY, A PUBLIC OR PRIVATE
26 RIGHT-OF-WAY, A PUBLIC OR PRIVATE TRANSPORTATION RIGHT-OF-WAY OR
27 AREA, OR A LAKE, RESERVOIR, STREAM, OR OTHER NATURAL OR ARTIFICIAL

1 WATERWAY, UPON THE LATER OF NINETY DAYS PRIOR TO THE DATE OF THE
2 HEARING SET PURSUANT TO SECTION 31-12-108 OR UPON THE FILING OF THE
3 ANNEXATION PETITION, THE MUNICIPALITY SHALL PROVIDE BY REGULAR
4 MAIL TO THE OWNER OF ANY ABUTTING PARCEL AS REFLECTED IN THE
5 RECORDS OF THE COUNTY ASSESSOR WRITTEN NOTICE OF THE ANNEXATION
6 AND OF THE LANDOWNER'S RIGHT TO PETITION FOR ANNEXATION PURSUANT
7 TO SECTION 31-12-107. INADVERTENT FAILURE TO PROVIDE SUCH NOTICE
8 SHALL NEITHER CREATE A CAUSE OF ACTION IN FAVOR OF ANY LANDOWNER
9 NOR INVALIDATE ANY ANNEXATION PROCEEDING.

10 **SECTION 6.** The introductory portion to 31-23-206 (1), Colorado
11 Revised Statutes, is amended, and the said 31-23-206 is further amended
12 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to
13 read:

14 **31-23-206. Master plan.** (1) NO LATER THAN JULY 1, 2003, EACH
15 MUNICIPALITY SHALL EITHER ADOPT A MASTER PLAN IN ACCORDANCE WITH
16 THE REQUIREMENTS OF THIS SECTION OR AMEND A PREEXISTING MASTER
17 PLAN SO THAT THE PLAN CONFORMS TO THE REQUIREMENTS OF THIS
18 SECTION. It is the duty of the commission to make and adopt a master
19 plan FOR SUBMISSION TO THE GOVERNING BODY OF THE MUNICIPALITY for
20 the physical development of the municipality, including any areas outside
21 its boundaries, subject to the approval of the governmental body having
22 jurisdiction thereof, which in the commission's judgment bear relation to
23 the planning of such municipality. UPON SUBMISSION OF THE MASTER
24 PLAN, THE GOVERNING BODY OF THE MUNICIPALITY MAY ADOPT, MODIFY,
25 OR REJECT THE PLAN. ~~When a commission decides to adopt~~ ADOPTS OR
26 AMENDS a master plan, the commission shall conduct A MINIMUM OF TWO
27 public hearings, after notice of such public hearings has been published

1 in a newspaper of general circulation in the municipality OR in a manner
2 sufficient to notify the public of the time, place, and nature of the public
3 hearing, prior to final adoption of a master plan OR PROPOSED
4 AMENDMENTS TO THE MASTER PLAN in order to encourage public
5 participation in and awareness of the development of such plan and shall
6 accept and consider oral and written public comments throughout the
7 process of developing the plan. THE MUNICIPALITY SHALL ALSO PROVIDE
8 TO THE CLERK FOR EACH MUNICIPALITY WITHIN THREE MILES OF ITS
9 TERRITORIAL BOUNDARIES AND ALL ADJACENT COUNTIES ACTUAL NOTICE
10 OF THE PUBLIC HEARING DATES ON WHICH THE MASTER PLAN OR PROPOSED
11 AMENDMENTS TO THE MASTER PLAN ARE TO BE CONSIDERED AS WELL AS A
12 COPY OF THE PLAN FOR REVIEW AND COMMENT PRIOR TO THE FIRST
13 HEARING. IN ADDITION, PRIOR TO THE FIRST HEARING, THE MUNICIPALITY
14 SHALL PUBLISH IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
15 MUNICIPALITY A MAP DESCRIBING THE PLAN. THE MUNICIPALITY SHALL
16 CONSIDER ANY WRITTEN OR ORAL TESTIMONY OR COMMENTS ON THE PLAN
17 SUBMITTED BY AN AFFECTED MUNICIPALITY OR COUNTY. IF THE
18 MUNICIPALITY OR COUNTY FILES WRITTEN OBJECTIONS TO THE PLAN AT
19 ANY TIME DURING THE PROCESS, UP TO AND INCLUDING THIRTY DAYS AFTER
20 THE PLAN IS ADOPTED BY THE GOVERNING BODY, ANY AFFECTED COUNTY
21 OR MUNICIPALITY MAY RESOLVE THEIR DIFFERENCES IN ANY MANNER TO
22 WHICH THEY HAVE MUTUALLY AGREED. IN ADDITION, WITHIN TEN DAYS
23 AFTER THE PLAN HAS BEEN ADOPTED, THE MUNICIPALITY SHALL PROVIDE
24 WRITTEN NOTICE AND A COPY OF THE FINAL PLAN TO THE CLERK FOR EACH
25 MUNICIPALITY WITHIN THREE MILES OF ITS TERRITORIAL BOUNDARIES AND
26 ALL COUNTIES ADJACENT TO THE MUNICIPALITY. Such plan, with the
27 accompanying maps, plats, charts, and descriptive matter, shall, after

1 consideration of each of the following, where applicable or appropriate,
2 show the commission's recommendations for the development of said
3 municipality and outlying areas. ~~including, but not limited to~~ IN
4 ADDITION, THE PLAN MAY CONTAIN THE FOLLOWING, WHERE APPROPRIATE
5 AND APPLICABLE:

6 (1.5) AT A MINIMUM, THE MASTER PLAN OF A MUNICIPALITY
7 ADOPTED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION
8 SHALL CONTAIN THE FOLLOWING ELEMENTS:

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

15 (b) A WATER AND SANITATION ELEMENT THAT SHALL SHOW THE
16 GENERAL LOCATION AND EXTENT OF AN ADEQUATE AND SUITABLE SUPPLY
17 OF WATER. THE MUNICIPAL PLANNING COMMISSION SHALL CONSULT WITH
18 THE ENTITIES THAT SUPPLY WATER FOR USE WITHIN THE MUNICIPALITY TO
19 ENSURE COORDINATION OF WATER SUPPLY AND FACILITY PLANNING. THE
20 WATER SUPPLY ELEMENT SHALL IDENTIFY WATER SUPPLIES AND FACILITIES
21 SUFFICIENT TO MEET THE NEEDS OF THE PUBLIC AND PRIVATE
22 INFRASTRUCTURE REASONABLY ANTICIPATED OR IDENTIFIED IN THE
23 PLANNING PROCESS. NOTHING IN THIS PARAGRAPH (b) SHALL BE
24 CONSTRUED TO SUPERCEDE, ABROGATE, OR OTHERWISE IMPAIR THE
25 ALLOCATION OF WATER PURSUANT TO THE STATE CONSTITUTION OR LAWS,
26 THE RIGHT TO BENEFICIALLY USE WATER PURSUANT TO DECREES,
27 CONTRACTS, OR OTHER WATER USE AGREEMENTS, OR THE OPERATION,

1 MAINTENANCE, REPAIR, REPLACEMENT, OR USE OF ANY WATER FACILITY.

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

14 (d) AN ESSENTIAL SERVICE ELEMENT PURSUANT TO WHICH EACH
15 MUNICIPALITY SHALL DEFINE THE PUBLIC SERVICES IT DEEMS ESSENTIAL
16 AND THAT SHALL BE PROVIDED TO ANY DESIGNATED URBAN DEVELOPMENT
17 OR URBAN SERVICES AREA WITHIN ITS JURISDICTION. SUCH SERVICES MAY
18 BE PROVIDED BY THE MUNICIPALITY OR BY AGREEMENT THROUGH A
19 QUASI-MUNICIPAL CORPORATION OR PRIVATE ENTITY. FOR PURPOSES OF
20 THIS SECTION, "ESSENTIAL SERVICES" INCLUDES, AT A MINIMUM, CENTRAL
21 WATER AND SEWER SERVICES, PUBLIC UTILITIES, AND ROADS. ADDITIONAL
22 SERVICES MAY INCLUDE, WITHOUT LIMITATION, FIRE PROTECTION, POLICE
23 PROTECTION, LIBRARIES, SCHOOLS, HEALTH CARE FACILITIES, AND PARK
24 AND RECREATION FACILITIES. THE MASTER PLAN SHALL IDENTIFY HOW
25 SUCH SERVICES ARE TO BE PROVIDED WITHIN THE AREA COVERED BY THE
26 MASTER PLAN, INCLUDING THE URBAN SERVICES AREA.

27 (e) AN URBAN SERVICES AREA ELEMENT THAT SHALL DESIGNATE AN

1 AREA WITHIN WHICH URBAN LEVEL DEVELOPMENT IS AUTHORIZED AND
2 OUTSIDE OF WHICH URBAN LEVEL DEVELOPMENT IS NOT AUTHORIZED. NO
3 DESIGNATION BY A MUNICIPALITY OF ITS URBAN SERVICES AREA IN
4 ACCORDANCE WITH THE REQUIREMENTS OF THIS PARAGRAPH (e) SHALL BE
5 BINDING AND EFFECTIVE UNLESS THE DESIGNATION HAS BEEN APPROVED
6 BY EACH COUNTY IN WHICH ANY PORTION OF THE MUNICIPALITY IS
7 LOCATED. FOR PURPOSES OF THIS PARAGRAPH (e), THE LEVEL OF DENSITY
8 ALLOWED INSIDE AND OUTSIDE OF THE URBAN SERVICES AREA SHALL BE
9 DETERMINED JOINTLY BY THE AFFECTED COUNTY AND MUNICIPALITY. THE
10 BOUNDARY OF THE URBAN SERVICES AREA SHALL BE DRAWN USING THE
11 FOLLOWING CRITERIA:

12 (I) CONSISTENCY WITH PROJECTED OR ESTIMATED POPULATION FOR
13 THE MUNICIPALITY FOR A TEN-YEAR PERIOD, BASED UPON POPULATION
14 ESTIMATES PREPARED BY THE DEPARTMENT OF LOCAL AFFAIRS;

15 (II) THE ABILITY OF THE MUNICIPALITY TO PROVIDE ESSENTIAL
16 SERVICES. OTHER SERVICES MAY ALSO BE CONSIDERED BY THE
17 MUNICIPALITY, INCLUDING, WITHOUT LIMITATION, POLICE PROTECTION,
18 FIRE PROTECTION, LIBRARY, PARKS AND RECREATION FACILITIES, AND OPEN
19 SPACE.

20 (III) COMPATIBILITY WITH ACTUAL AND APPROVED DEVELOPMENT;

21 (IV) CONTIGUITY WITH EXISTING URBAN AREAS; AND

22 (V) COMPATIBILITY WITH EXISTING MUNICIPAL SERVICE AREAS.

23 (f) AN ENVIRONMENTAL QUALITY ELEMENT THAT ADDRESSES
24 COMPLIANCE WITH BOTH APPLICABLE FEDERAL AND STATE
25 ENVIRONMENTAL LAWS AND LOCALLY DETERMINED GOALS, OBJECTIVES,
26 PRINCIPLES, POLICIES, AND STANDARDS DESIGNED TO CONSIDER THE
27 ENVIRONMENTAL CONSEQUENCES OF THE ADVERSE EFFECTS OF

1 DEVELOPMENT. SUCH ELEMENT SHALL CONSIDER POTENTIAL IMPACTS ON
2 AIR AND WATER QUALITY, CRITICAL AND SENSITIVE AREAS, WILDLIFE
3 HABITATS, INCLUDING MIGRATION CORRIDORS, ENDANGERED,
4 THREATENED, AND STATE LISTED SPECIES OF SPECIAL CONCERN, AND
5 WETLANDS AND RIPARIAN AREAS.

6 (4) NO MASTER PLAN OF A MUNICIPALITY SHALL BE AMENDED MORE
7 THAN ONCE EVERY TWO YEARS UNLESS THE GOVERNING BODY OF THE
8 MUNICIPALITY HAS MADE SPECIFIC FINDINGS THAT THE PROPOSED
9 AMENDMENT WOULD BENEFIT THE HEALTH, SAFETY, AND WELFARE OF THE
10 RESIDENTS OF THE MUNICIPALITY AND WOULD FURTHER THE GOALS OF THE
11 MASTER PLAN OF THE MUNICIPALITY AS SPECIFIED IN THIS SECTION. THE
12 MUNICIPALITY SHALL REVIEW AND UPDATE ITS MASTER PLAN NOT LESS
13 THAN EVERY TEN YEARS, UNLESS THE MUNICIPALITY DESIGNATES A
14 DIFFERENT TIME; EXCEPT THAT THE MUNICIPALITY SHALL NOT DESIGNATE
15 A DIFFERENT TIME WHERE ITS POPULATION HAS INCREASED BY MORE THAN
16 TEN PERCENT IN THE TEN-YEAR PERIOD SINCE ADOPTION OF THE
17 MUNICIPALITY'S MASTER PLAN, AS ESTIMATED BY THE DEPARTMENT OF
18 LOCAL AFFAIRS. THE MASTER PLAN SHALL BE UPDATED BY AMENDMENT IN
19 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

20 (5) AS SOON AS POSSIBLE, BUT NO LATER THAN TWO YEARS AFTER
21 ADOPTION OF THE MASTER PLAN MEETING THE REQUIREMENTS OF THIS
22 SECTION, EACH MUNICIPALITY'S LAND USE REGULATIONS, INCLUDING,
23 WITHOUT LIMITATION, ZONING, PLANNED UNIT DEVELOPMENT, AND
24 SUBDIVISION REGULATIONS, SHALL IMPLEMENT THE MASTER PLAN.
25 IN CONNECTION WITH THE ADOPTION OF THE LAND USE REGULATIONS
26 REQUIRED BY THIS SUBSECTION (5), THE MUNICIPALITY SHALL PUBLISH IN
27 A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY A MAP

1 DESCRIBING ZONING UNDER THE PROPOSED REGULATIONS.

2 (6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
3 REQUIREMENTS FOR THE ADOPTION OF A MASTER PLAN AS SPECIFIED IN
4 SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY TO ANY MUNICIPALITY
5 WHERE THE MUNICIPALITY HAS A POPULATION OF TWO THOUSAND
6 RESIDENTS OR LESS AS OF JULY 1, 2001, AS ESTIMATED BY THE
7 DEPARTMENT OF LOCAL AFFAIRS, UNLESS THE MUNICIPALITY'S POPULATION
8 INCREASED BY MORE THAN TEN PERCENT IN THE PREVIOUS TEN YEARS AS
9 ESTIMATED BY THE DEPARTMENT, IN WHICH CASE THE REQUIREMENTS OF
10 SUBSECTION (1) OF THIS SECTION SHALL APPLY.

11 **SECTION 7.** 31-23-212, Colorado Revised Statutes, is amended
12 to read:

13 **31-23-212. Jurisdiction.** The territorial jurisdiction of any
14 commission OR GOVERNING BODY over the subdivision of land includes
15 all land located within the legal boundaries of the municipality. ~~and~~ WITH
16 RESPECT TO ANY LAND THAT IS LOCATED OUTSIDE OF A MUNICIPALITY'S
17 TERRITORIAL BOUNDARIES BUT WITHIN ITS URBAN SERVICES AREA AS
18 DESIGNATED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
19 31-23-206 (1.5) (e), THE MUNICIPALITY'S JURISDICTION OVER SUCH LAND
20 EXTENDS ONLY TO THE APPROVAL OF AN APPLICATION FOR DEVELOPMENT
21 OF SUCH LAND UNLESS PROVIDED OTHERWISE BY INTERGOVERNMENTAL
22 AGREEMENT. Limited only to control with reference to a major street plan
23 and not otherwise, THE JURISDICTION OF ANY COMMISSION also includes
24 all land lying within three miles of the boundaries of the municipality not
25 located in any other municipality; except that in the case of any such land
26 lying within five miles of more than one municipality, the jurisdiction of
27 each commission shall terminate at a boundary line equidistant from the

1 respective municipal limits of such municipalities. The jurisdiction over
2 the subdivision of lands outside the boundary of a municipality shall apply
3 equally to any municipality. NOTHING IN THIS PART 2 SHALL BE
4 CONSTRUED AS A WAIVER BY THE COUNTY OF ANY POWERS OR FUNCTIONS
5 EXERCISED BY IT PURSUANT TO TITLE 30, C.R.S., OVER ANY
6 UNINCORPORATED AREA LOCATED WITHIN ITS TERRITORIAL BOUNDARIES,
7 NOTWITHSTANDING A MUNICIPALITY’S DESIGNATION OF SUCH AREA AS
8 WITHIN ITS URBAN SERVICES AREA.

9 **SECTION 8.** 32-1-203 (2), Colorado Revised Statutes, is
10 amended BY THE ADDITION OF THE FOLLOWING NEW
11 PARAGRAPHS to read:

12 **32-1-203. Action on service plan - criteria.** (2) The board of
13 county commissioners shall disapprove the service plan unless evidence
14 satisfactory to the board of each of the following is presented:

15 (a.3) ADEQUATE SERVICE IS NOT, OR WILL NOT BE, AVAILABLE TO
16 THE AREA WITHIN A REASONABLE TIME AND ON A COMPARABLE BASIS
17 THROUGH THE COUNTY OR OTHER EXISTING MUNICIPAL OR
18 QUASI-MUNICIPAL CORPORATIONS, INCLUDING EXISTING SPECIAL
19 DISTRICTS.

20 (a.5) THE FACILITY AND SERVICE STANDARDS OF THE PROPOSED
21 SPECIAL DISTRICT ARE GENERALLY COMPATIBLE WITH THE FACILITY AND
22 SERVICE STANDARDS OF EACH COUNTY WITHIN WHICH THE PROPOSED
23 SPECIAL DISTRICT IS TO BE LOCATED AS WELL AS EACH MUNICIPALITY THAT
24 IS AN INTERESTED PARTY UNDER SECTION 32-1-204 (1), IF SUCH FACILITIES
25 OR SERVICES WILL BE FULLY INTEGRATED WITH THE FACILITIES OR
26 SERVICES OF THE COUNTY.

27 **SECTION 9.** 32-1-203 (2.5) (a) and (2.5) (b), Colorado Revised

1 Statutes, are amended, and the said 32-1-203 (2.5) is further amended BY
2 THE ADDITION OF A NEW PARAGRAPH, to read:

3 **32-1-203. Action on service plan - criteria.** (2.5) The board of
4 county commissioners may disapprove the service plan if evidence
5 satisfactory to the board of any of the following, at the discretion of the
6 board, is not presented:

7 (a) ~~Adequate service is not, or will not be, available to the area~~
8 ~~through the county or other existing municipal or quasi-municipal~~
9 ~~corporations, including existing special districts, within a reasonable time~~
10 ~~and on a comparable basis.~~

11 (b) ~~The facility and service standards of the proposed special~~
12 ~~district are compatible with the facility and service standards of each~~
13 ~~county within which the proposed special district is to be located and each~~
14 ~~municipality which is an interested party under section 32-1-204 (1).~~

15 (f) THE CREATION OF THE PROPOSED SPECIAL DISTRICT WILL NOT
16 FOSTER URBAN DEVELOPMENT THAT IS REMOTE FROM OR INCAPABLE OF
17 BEING INTEGRATED INTO EXISTING URBAN AREAS OR PLACES A BURDEN ON
18 ADJACENT JURISDICTIONS TO PROVIDE URBAN SERVICES TO RESIDENTS OF
19 THE PROPOSED SPECIAL DISTRICT UNLESS OTHERWISE CONSISTENT WITH
20 ANY COUNTY OR MUNICIPAL MASTER PLAN, COMPREHENSIVE PLAN,
21 ANNEXATION PLAN, OR EXISTING OR PROPOSED INTERGOVERNMENTAL
22 AGREEMENT. FOR PURPOSES OF THIS PARAGRAPH (f), "URBAN
23 DEVELOPMENT" SHALL HAVE THE SAME MEANING AS DEFINED IN SECTION
24 31-12-103 (13), C.R.S.

25 **SECTION 10.** The introductory portion to 32-1-204.5 (1),
26 Colorado Revised Statutes, is amended to read:

27 **32-1-204.5. Approval by municipality.** (1) No special district

1 shall be organized if ~~its boundaries are wholly~~ ANY PORTION OF THE AREA
2 PROPOSED TO BE INCLUDED WITHIN THE SPECIAL DISTRICT IS contained
3 within the boundaries of a municipality or municipalities, except upon
4 adoption of a resolution of approval by the governing body of each
5 municipality. The information required and criteria applicable to such
6 approval shall be the information required and criteria set forth in sections
7 32-1-202 (2) and 32-1-203 (2) AND (2.5). IN ADDITION, FOR ANY SPECIAL
8 DISTRICT THAT IS PROPOSED TO BE APPROVED, THE BOUNDARIES OF WHICH
9 ARE WITHIN A MUNICIPALITY'S DESIGNATED URBAN SERVICES AREA, THE
10 MUNICIPALITY MAY CONSIDER WHETHER THE PROPOSAL IS IN SUBSTANTIAL
11 COMPLIANCE WITH THE MUNICIPALITY'S PLAN AS PROVIDED BY SECTION
12 31-12-105 (1)(e), C.R.S., AND OFFER COMMENTS REGARDING THE SERVICE
13 PLAN TO THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY WHERE
14 THE SPECIAL DISTRICT IS LOCATED. With reference to the review of any
15 service plan FOR A SPECIAL DISTRICT THAT IS PROPOSED TO BE ORGANIZED
16 WHOLLY OR PARTLY WITHIN A MUNICIPALITY, the governing body of each
17 municipality has the following authority:

18 **SECTION 11.** 32-1-205 (1), Colorado Revised Statutes, is
19 amended to read:

20 **32-1-205. Resolution of approval required.** (1) A petition for
21 the organization of a special district filed in any district court of
22 competent jurisdiction pursuant to the provisions of section 32-1-301 shall
23 be accompanied by a resolution approving the service plan of the
24 proposed special district by the board of county commissioners of each
25 county where the territory of the proposed special district lies or, where
26 required pursuant to section 32-1-204.5, by a resolution of approval by the
27 governing body of each municipality. IF THE BOUNDARIES OF A PROPOSED

1 SPECIAL DISTRICT INCLUDE ANY TERRITORY WITHIN A MUNICIPALITY, THEN
2 THE PETITION FOR ORGANIZATION SHALL INCLUDE A RESOLUTION
3 APPROVING THE SERVICE PLAN FROM BOTH THE COUNTY AND THE
4 MUNICIPALITY. If the boundaries of a proposed special district include
5 territory within two or more counties, a resolution approving the service
6 plan for such special district shall be required from the board of county
7 commissioners of each county which has territory included in the
8 proposed special district; but the board of county commissioners of each
9 of the respective counties, in their discretion, may hold a joint hearing on
10 the proposed special district in accordance with section 32-1-204.

11 **SECTION 12.** 32-1-207 (2) and (3) (c), Colorado Revised
12 Statutes, are amended to read:

13 **32-1-207. Compliance - modification - enforcement.** (2) After
14 the organization of a special district pursuant to the provisions of this part
15 2 and part 3 of this article, material modifications of the service plan as
16 originally approved may be made by the governing body of such special
17 district only by petition to and approval by the board of county
18 commissioners or the governing body of the municipality ~~which~~ THAT has
19 adopted a resolution of approval of the special district pursuant to section
20 32-1-204.5 in substantially the same manner as is provided for the
21 approval of an original service plan; but the processing fee for such
22 modification procedure shall not exceed two hundred fifty dollars. Such
23 approval of modifications shall be required only with regard to changes
24 of a basic or essential nature, including but not limited to the following:
25 Any addition to the types of services provided by the special district; a
26 decrease in the level of services; a decrease in the financial ability of the
27 district to discharge the existing or proposed indebtedness; or a decrease

1 in the existing or projected need for organized service in the area.
2 Approval for modification shall not be required for changes necessary
3 only for the execution of the original service plan or for changes in the
4 boundary of the special district; except that the inclusion of property
5 ~~which~~ THAT is located in a county or municipality with no other territory
6 within the special district OR SUBSTANTIAL OR CONSEQUENTIAL CHANGES
7 IN THE BOUNDARY OF THE SPECIAL DISTRICT THAT LIE WITHIN THE URBAN
8 SERVICES AREA OF A MUNICIPALITY OR WITHIN THE THREE-MILE PLAN OF
9 A MUNICIPALITY AS PROVIDED IN SECTION 31-12-105 (1) (e), C.R.S., may
10 constitute a material modification of the service plan or the statement of
11 purposes of the special district as set forth in section 32-1-208. In the
12 event that a special district changes its boundaries to include territory
13 located in a county or municipality, OR WITHIN A MUNICIPALITY'S URBAN
14 SERVICES AREA, with no other territory within the special district, the
15 special district shall notify the board of county commissioners of such
16 county or the governing body of the municipality of such inclusion. The
17 board of county commissioners or the governing body of the municipality
18 THAT HAS ADOPTED A RESOLUTION OF APPROVAL OF THE SPECIAL DISTRICT
19 PURSUANT TO SECTION 32-1-204.5 may review such inclusion and, if it
20 determines that the inclusion constitutes a material modification, may
21 require the governing body of such special district to file a modification
22 of its service plan in accordance with the provisions of this subsection (2).

23 (3) (c) A board of county commissioners may request any special
24 district located wholly or partially within the county's unincorporated
25 area, and the governing body of any municipality may request any special
26 district located wholly or partially within the municipality's boundaries,
27 OR WITHIN THE MUNICIPALITY'S URBAN SERVICES AREA, to file, not more

1 than once a year, a special district annual report. The annual report, IF
2 REQUESTED BY THE BOARD OF COUNTY COMMISSIONERS OR THE
3 GOVERNING BODY OF ANY MUNICIPALITY IN WHICH THE SPECIAL DISTRICT
4 IS WHOLLY OR PARTIALLY LOCATED, shall be filed with the board of
5 county commissioners, any municipality in which the special district is
6 wholly or partially located WITHIN THE URBAN SERVICES AREA OF, the
7 division, and the state auditor, and such report shall be deposited with the
8 county clerk and recorder for public inspection, and a copy of the report
9 shall be made available by the special district to any interested party
10 pursuant to section 32-1-204 (1). If a special district files an annual report
11 pursuant to this paragraph (c), such report shall include but shall not be
12 limited to information on the progress of the special district in the
13 implementation of the service plan. The board of county commissioners
14 or the governing body of the municipality may review the annual reports
15 in a regularly scheduled public meeting, and such review shall be included
16 as an agenda item in the public notice for such meeting.

17 **SECTION 13.** 32-1-502 (2) (c), Colorado Revised Statutes, is
18 amended to read:

19 **32-1-502. Exclusion of property within municipality -**
20 **procedure.** (2) Subject to the provisions of subsection (5) of this section,
21 the court shall hold a hearing on the petition and order the territory
22 described in the petition or any portion thereof excluded from the special
23 district if the following conditions are met:

24 (c) The governing body of the municipality and the board shall
25 each submit a plan for the disposition of assets and continuation of
26 services to all areas of the district. Said plans shall include, if applicable,
27 provisions for the maintenance and continuity of facilities to be utilized

1 by the territories both within and without the municipal boundaries and
2 of services to all territories served or previously served by the special
3 district. If the municipality and the special district agree upon a single
4 plan and enter into a contract incorporating its provisions, the court shall
5 review such contract, and if it finds the contract to be fair and equitable,
6 the court shall approve the contract and incorporate its provisions into its
7 exclusion order. The court's review of the provisions of the contract shall
8 include, but not be limited to, consideration of the amount of the special
9 district's outstanding bonds, the discharge by the municipality or the
10 territory excluded from the special district of that portion of the special
11 district's indebtedness incurred to serve the territory proposed for
12 exclusion, the fair market value and source of special district facilities
13 located within the territory proposed for exclusion, the facilities to be
14 transferred which are necessary to serve the territory proposed for
15 exclusion, the adequacy of the facilities retained by the special district to
16 serve the remaining territory of the special district, the availability of the
17 facilities transferred to the municipality for use, in whole or in part, in the
18 remaining territory of the special district, the effect ~~which~~ THAT the
19 transfer of the facilities and assumption of indebtedness will have upon
20 the service provided by the special district in territory ~~which~~ THAT is not
21 part of the exclusion, ~~and~~ the extent to which the exclusion reduces the
22 services or facilities or increases the costs to users in the remaining
23 territory of the special district, AND THE IMPACTS UPON THE SPECIAL
24 DISTRICT ARISING OUT OF MUNICIPAL ANNEXATIONS OR EXCLUSIONS OF
25 TERRITORY WITHIN THE SPECIAL DISTRICT PURSUANT TO THE PROVISIONS
26 OF THIS SECTION.

27 **SECTION 14. Effective date - applicability.** This act shall take

1 effect July 1, 2001, and shall apply to proceedings, including without
2 limitation, annexation proceedings, involving local governments
3 commencing on or after July 1, 2001.

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