

HB1201_L.003

HOUSE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on Local Government.

After consideration on the merits, the Committee recommends the following:

HB09-1201 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

3 "SECTION 1. Part 1 of article 20 of title 29, Colorado Revised
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
5 read:

6 **29-20-109. Local government regulation - development in**
7 **close proximity to military installations - master plan - zoning and**
8 **other land development regulations - building code - legislative**
9 **declaration - definitions.** (1) THE GENERAL ASSEMBLY HEREBY FINDS,
10 DETERMINES, AND DECLARES THAT:

11 (a) (I) THERE ARE NUMEROUS MILITARY INSTALLATIONS ACROSS
12 THE STATE, INCLUDING MILITARY BASES AND AIRFIELDS, SOME OF WHICH
13 ARE LOCATED WITHIN CLOSE PROXIMITY TO ALL FORMS OF RESIDENTIAL,
14 COMMERCIAL, AND INDUSTRIAL USES OF REAL PROPERTY THAT COMPRISE
15 URBAN DEVELOPMENT. MILITARY INSTALLATIONS ARE OF PARTICULAR
16 IMPORTANCE TO THE ECONOMIC WELL-BEING AND SECURITY OF THE STATE,
17 AND THE STATE IS COMMITTED TO PROTECTING LAND AREAS SURROUNDING
18 MILITARY INSTALLATIONS FROM INCOMPATIBLE DEVELOPMENT.

19 (II) URBAN DEVELOPMENT WITHIN CLOSE PROXIMITY TO MILITARY
20 INSTALLATIONS MAY HAVE ADVERSE EFFECTS UPON THE PUBLIC HEALTH
21 OR SAFETY AND MAY ENCROACH UPON MILITARY INSTALLATIONS IN A
22 MANNER THAT IS INCOMPATIBLE WITH THE ABILITY OF THE INSTALLATIONS



1 TO COMPLETE THEIR MISSIONS AND, THEREFORE, MAY ADVERSELY AFFECT
2 THE CONTINUED PRESENCE OF THE INSTALLATIONS WITHIN THE STATE;
3 AND

4 (III) ALTHOUGH LAND USE AND THE APPROVAL OF DEVELOPMENT
5 PERMITS ARE GENERALLY MATTERS OF LOCAL CONCERN, ADDRESSING THE
6 EFFECTS OF URBAN DEVELOPMENT WITHIN CLOSE PROXIMITY TO MILITARY
7 INSTALLATIONS AND THEREBY PROTECTING THE HEALTH AND SAFETY OF
8 RESIDENTS STATEWIDE WITHOUT THREATENING THE CONTINUED PRESENCE
9 OF THE INSTALLATIONS REQUIRES THE ENACTMENT OF UNIFORM AND
10 CONSISTENT STANDARDS AT THE STATE LEVEL THAT WILL LEAVE NEITHER
11 MILITARY INSTALLATIONS NOR RESIDENTS OF THE STATE RESIDING IN
12 CLOSE PROXIMITY TO THE INSTALLATIONS SUBJECT TO THE WIDE
13 DIFFERENCES AMONG LOCAL REGULATIONS. TOWARD THAT END, THE
14 GENERAL ASSEMBLY FURTHER FINDS THE MATTERS AT ISSUE IN THIS
15 SECTION TO BE MATTERS OF STATEWIDE CONCERN.

16 (b) BY THE ENACTMENT OF THIS SECTION, THE GENERAL ASSEMBLY
17 INTENDS TO PROMOTE CAREFUL LAND USE PLANNING AT THE LOCAL LEVEL
18 THAT REMOVES ANY ADVERSE EFFECT UPON THE PUBLIC HEALTH OR
19 SAFETY RESULTING FROM POTENTIAL ENCROACHMENT UPON MILITARY
20 INSTALLATIONS AND WITHOUT CREATING LAND USE CONDITIONS THAT ARE
21 INCOMPATIBLE WITH THE ABILITY OF SUCH INSTALLATIONS TO COMPLETE
22 THEIR MISSIONS.

23 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
24 REQUIRES:

25 (a) "ACCIDENT POTENTIAL ZONE ONE" MEANS AN AREA THREE
26 THOUSAND FEET WIDE BY FIVE THOUSAND FEET LONG THAT STARTS AT THE
27 END OF EACH CLEAR ZONE AND THAT IS CENTERED AND MEASURED ON AN
28 EXTENDED RUNWAY CENTERLINE, TERMINATING EIGHT THOUSAND FEET
29 FROM THE END OF EACH RUNWAY.

30 (b) "ACCIDENT POTENTIAL ZONE TWO" MEANS AN AREA THREE
31 THOUSAND FEET WIDE BY SEVEN THOUSAND FEET LONG THAT STARTS AT
32 THE END OF EACH ACCIDENT POTENTIAL ZONE ONE AND THAT IS CENTERED
33 AND MEASURED ON AN EXTENDED RUNWAY CENTERLINE, TERMINATING
34 FIFTEEN THOUSAND FEET FROM THE END OF EACH RUNWAY.

35 (c) "AIRPORT" MEANS AN AREA OF LAND OR WATER THAT IS



1 DESIGNED AND SET ASIDE FOR THE LANDING AND TAKING OFF OF AIRCRAFT
2 AND THAT IS UTILIZED OR INTENDED TO BE UTILIZED IN THE INTEREST OF
3 THE PUBLIC FOR THOSE PURPOSES AND INCLUDES ANY BUILDINGS OR
4 IMPROVEMENTS THEREON.

5 (d) "CLEAR ZONE" MEANS AN AREA THREE THOUSAND FEET LONG
6 MEASURED ALONG THE EXTENDED RUNWAY CENTERLINE BEGINNING AT
7 THE END OF ALL MAIN RUNWAYS AND THREE THOUSAND FEET WIDE
8 CENTERED ON AND MEASURED AT RIGHT ANGLES TO THE EXTENDED
9 RUNWAY CENTERLINE.

10 (e) "COMPATIBLE LAND USE" MEANS ANY LAND USE THAT DOES
11 NOT CREATE A CUMULATIVE EFFECT THAT INHIBITS NORMAL MILITARY
12 TRAINING, TESTING, OR OPERATIONS. INCOMPATIBLE LAND USES INCLUDE,
13 BUT ARE NOT LIMITED TO, THOSE USES THAT CREATE SAFETY HAZARDS
14 RESULTING FROM EXPOSURE TO NOISE OR INCREASED ACCIDENT
15 POTENTIAL. INCOMPATIBLE LAND USES ALSO INCLUDE USES OF PROPERTY
16 THAT CREATE VISUAL IMPAIRMENTS, PRODUCE LIGHT EMISSIONS, PRODUCE
17 ELECTROMAGNETIC INTERFERENCE, OR ATTRACT BIRDS OR WATERFOWL
18 THAT HAVE A SIGNIFICANT ADVERSE EFFECT UPON THE MISSION OF THE
19 MILITARY INSTALLATION.

20 (f) "HIGH NOISE OR ACCIDENT POTENTIAL ZONE" MEANS ANY REAL
21 PROPERTY THAT IS LOCATED WITHIN THE FIFTY-FIVE OR GREATER
22 DECIBELS NOISE CONTOURS ESTABLISHED BY THE MOST RECENT AIR
23 INSTALLATION COMPATIBLE USE ZONING STUDY RECOGNIZED BY THE
24 MILITARY AIRFIELD, INCLUDING THE ARRIVAL AND DEPARTURE CORRIDOR
25 THAT IS THE ACCIDENT POTENTIAL ZONE ONE AND ACCIDENT POTENTIAL
26 ZONE TWO.

27 (g) "MILITARY AIRFIELD" MEANS AN AIRFIELD THAT IS OPERATED
28 BY AN ARMED FORCE OF THE UNITED STATES AND THAT IS PRIMARILY
29 USED FOR MILITARY FIXED-WING AIRCRAFT OPERATIONS, EXCLUDING A
30 RUNWAY OR AIRSTRIP THAT IS NOT IMMEDIATELY ADJACENT TO FACILITIES
31 PRIMARILY USED FOR OPERATIONAL CONTROL, MAINTENANCE, AND
32 PERMANENT PARKING OF AIRCRAFT.

33 (h) "MILITARY INSTALLATION" SHALL HAVE THE SAME MEANING
34 AS SET FORTH IN SECTION 29-1-207 (2) (b).

35 (i) "RUNWAY" MEANS AN ARTIFICIALLY SURFACED STRIP OF



1 GROUND THAT IS DESIGNED AND USED AT AN AIRPORT FOR THE LANDING
2 AND TAKEOFF OF AIRCRAFT.

3 (3) (a) (I) NO LATER THAN DECEMBER 31, 2010, EACH LOCAL
4 GOVERNMENT, THE TERRITORIAL BOUNDARIES OF WHICH ARE WITHIN TWO
5 MILES OF A MILITARY INSTALLATION, SHALL AMEND ANY MASTER PLAN
6 THE LOCAL GOVERNMENT HAS ADOPTED PURSUANT TO SECTION 30-28-106
7 OR 31-23-206, C.R.S., AS APPLICABLE, TO ENSURE THE PLAN ADDRESSES
8 THE POTENTIAL ADVERSE EFFECTS ON THE PUBLIC HEALTH AND SAFETY
9 AND COMPATIBLE LAND USE IN RELATION TO FUTURE DEVELOPMENT THAT
10 IS LOCATED WITHIN TWO MILES OF THE INSTALLATION.

11 (II) NO LATER THAN DECEMBER 31, 2010, EACH LOCAL
12 GOVERNMENT, THE TERRITORIAL BOUNDARIES OF WHICH ARE WITHIN TWO
13 MILES OF A MILITARY INSTALLATION THAT HAS A MILITARY AIRFIELD
14 CONTAINING LAND AREAS WITHIN A HIGH NOISE OR ACCIDENT POTENTIAL
15 ZONE OUTSIDE THE BOUNDARIES OF THE INSTALLATION, SHALL AMEND
16 ANY MASTER PLAN THE LOCAL GOVERNMENT HAS ADOPTED PURSUANT TO
17 SECTION 30-28-106 OR 31-23-206, C.R.S., AS APPLICABLE, TO ENSURE
18 THAT FUTURE DEVELOPMENT AFFECTING PROPERTY IN THE HIGH NOISE OR
19 ACCIDENT POTENTIAL ZONE OUTSIDE THE BOUNDARIES OF THE
20 INSTALLATION IS COMPATIBLE WITH THE HIGH NOISE AND ACCIDENT
21 POTENTIAL GENERATED BY THE OPERATION OF A MILITARY AIRFIELD THAT
22 HAS OR MAY HAVE AN ADVERSE EFFECT ON THE PUBLIC HEALTH AND
23 SAFETY AND COMPATIBLE LAND USE.

24 (b) IF THE LOCAL GOVERNMENT HAS NOT ADOPTED A MASTER PLAN
25 AS OF THE EFFECTIVE DATE OF THIS SECTION, ANY SUCH PLAN ADOPTED BY
26 THE LOCAL GOVERNMENT ON OR AFTER SAID DATE SHALL SATISFY THE
27 REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (3) NO LATER
28 THAN DECEMBER 31 OF ANY YEAR FOLLOWING THE YEAR IN WHICH THE
29 MASTER PLAN IS ADOPTED.

30 (c) ANY LOCAL GOVERNMENT THAT BECOMES SUBJECT TO THE
31 REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (3) ON OR AFTER
32 THE EFFECTIVE DATE OF THIS SECTION SHALL AMEND ITS MASTER PLAN NO
33 LATER THAN DECEMBER 31 OF ANY YEAR FOLLOWING THE YEAR IN WHICH
34 THE LOCAL GOVERNMENT BECOMES SUBJECT TO THE REQUIREMENTS OF
35 SAID PARAGRAPH (a).

36 (4) (a) NOT LATER THAN DECEMBER 31, 2011, EACH LOCAL



1 GOVERNMENT THAT IS SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (a)
2 OF SUBSECTION (3) OF THIS SECTION SHALL ADOPT OR AMEND AND
3 ENFORCE ITS ZONING OR OTHER LAND DEVELOPMENT REGULATIONS TO
4 ENSURE THAT:

5 (I) IN THE CASE OF A MILITARY INSTALLATION, SUCH REGULATIONS
6 ADDRESS THE POTENTIAL ADVERSE EFFECTS ON THE PUBLIC HEALTH AND
7 SAFETY AND COMPATIBLE LAND USE IN RELATION TO FUTURE
8 DEVELOPMENT THAT IS LOCATED WITHIN TWO MILES OF THE
9 INSTALLATION; AND

10 (II) IN THE CASE OF A MILITARY INSTALLATION THAT HAS A
11 MILITARY AIRFIELD CONTAINING LAND AREAS IN A HIGH NOISE OR
12 ACCIDENT POTENTIAL ZONE OUTSIDE THE BOUNDARIES OF THE
13 INSTALLATION, THE REGULATIONS ENSURE THAT FUTURE DEVELOPMENT
14 AFFECTING PROPERTY IN THE HIGH NOISE OR ACCIDENT POTENTIAL ZONE
15 OUTSIDE THE BOUNDARIES OF THE INSTALLATION IS COMPATIBLE WITH THE
16 HIGH NOISE AND ACCIDENT POTENTIAL GENERATED BY THE OPERATIONS
17 OF MILITARY AIRFIELDS THAT HAVE OR MAY HAVE AN ADVERSE EFFECT ON
18 THE PUBLIC HEALTH AND SAFETY AND COMPATIBLE LAND USE.

19 (b) A LOCAL GOVERNMENT THAT BECOMES SUBJECT TO THE
20 REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (4) ON OR AFTER
21 THE EFFECTIVE DATE OF THIS SECTION SHALL HAVE TWO YEARS FROM THE
22 DATE IT BECOMES SUBJECT TO THE REQUIREMENTS OF SAID PARAGRAPH (a)
23 TO ADOPT OR AMEND AND ENFORCE ITS ZONING OR OTHER LAND
24 DEVELOPMENT REGULATIONS.

25 (c) ANY ZONING OR OTHER LAND DEVELOPMENT REGULATIONS
26 ADOPTED OR AMENDED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION
27 (4) SHALL BE ADMINISTERED OR ENFORCED IN THE SAME MANNER AS ANY
28 OTHER ZONING OR LAND DEVELOPMENT REGULATIONS ADOPTED BY THE
29 LOCAL GOVERNMENT; EXCEPT THAT THE LOCAL GOVERNMENT SHALL NOT
30 GRANT A VARIANCE FROM SUCH REGULATIONS WITH RESPECT TO
31 PROPERTY SUBJECT TO THE PROVISIONS OF PARAGRAPH (a) OF THIS
32 SUBSECTION (4) WITHOUT A SPECIFIC FINDING THAT THE VARIANCE WILL
33 NOT ADVERSELY AFFECT COMPATIBILITY WITH EITHER A MILITARY
34 INSTALLATION OR A MILITARY INSTALLATION THAT HAS A MILITARY
35 AIRFIELD, AS APPLICABLE.

36 (5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, INCLUDING



1 WITHOUT LIMITATION ANY PROVISION OF PART 2 OF ARTICLE 28 OF TITLE
2 30, C.R.S., NO LATER THAN DECEMBER 31, 2011, EACH LOCAL
3 GOVERNMENT, THE TERRITORIAL BOUNDARIES OF WHICH ARE WITHIN TWO
4 MILES OF A MILITARY INSTALLATION THAT HAS A MILITARY AIRFIELD
5 CONTAINING LAND AREAS IN A HIGH NOISE OR ACCIDENT POTENTIAL ZONE
6 OUTSIDE THE BOUNDARIES OF THE INSTALLATION, SHALL INCORPORATE
7 SOUND ATTENUATION STANDARDS INTO ANY BUILDING CODE THE LOCAL
8 GOVERNMENT HAS ADOPTED AS OF THE EFFECTIVE DATE OF THIS SECTION
9 GOVERNING THE DEVELOPMENT OR USE OF SUCH PROPERTY. ANY LOCAL
10 GOVERNMENT THAT ADOPTS A BUILDING CODE ON OR AFTER THE
11 EFFECTIVE DATE OF THIS SECTION SHALL INCORPORATE SOUND
12 ATTENUATION STANDARDS INTO ANY SUCH CODE GOVERNING THE
13 DEVELOPMENT OR USE OF SUCH PROPERTY WITHIN TWO YEARS AFTER THE
14 ADOPTION OF THE CODE. NOTHING IN THIS SUBSECTION (5) SHALL BE
15 CONSTRUED TO AFFECT OR REQUIRE THE MODIFICATION OF ANY BUILDING
16 PERMIT ISSUED BEFORE THE EFFECTIVE DATE OF THIS SECTION.

17 (6) (a) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT
18 THE EXISTING AUTHORITY OF A LOCAL GOVERNMENT TO PLAN AND ZONE
19 ON THE BASIS OF EITHER:

20 (I) THE POTENTIAL ADVERSE EFFECTS ON THE PUBLIC HEALTH AND
21 SAFETY AND COMPATIBLE LAND USE IN RELATION TO FUTURE
22 DEVELOPMENT THAT IS LOCATED WITHIN TWO MILES OF A MILITARY
23 INSTALLATION; OR

24 (II) THE NOISE OR ACCIDENT POTENTIAL IN THE VICINITY OF AN
25 AIRPORT OWNED OR CONTROLLED BY THE LOCAL GOVERNMENT.

26 (b) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT
27 THE EXISTING AUTHORITY OF A LOCAL GOVERNMENT TO ADOPT ANY
28 RESTRICTIONS OR LIMITATIONS IN ADDITION TO THOSE REQUIRED BY THIS
29 SECTION THAT ARE APPLICABLE TO PROPERTY THAT IS LOCATED WITHIN
30 TWO MILES OF EITHER A MILITARY INSTALLATION OR A MILITARY
31 INSTALLATION THAT HAS A MILITARY AIRFIELD CONTAINING LAND AREAS
32 IN A HIGH NOISE OR ACCIDENT POTENTIAL ZONE OUTSIDE THE BOUNDARIES
33 OF THE INSTALLATION.

34 (7) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT,
35 LIMIT, MODIFY, AUTHORIZE, OR REQUIRE ANY LOCAL GOVERNMENT TO
36 RESTRICT, LIMIT, OR MODIFY THE ABILITY OF THE OWNER OF REAL



1 PROPERTY TO UNDERTAKE AND COMPLETE THE DEVELOPMENT OR USE OF
2 ANY PROPERTY UNDER THE TERMS AND CONDITIONS OF A DEVELOPMENT
3 PERMIT GRANTED ON OR BEFORE SEPTEMBER 1, 2009, OR ON OR BEFORE
4 DECEMBER 31 OF ANY SUBSEQUENT YEAR IN WHICH ANY PARTICULAR
5 PROPERTY COMES TO BE LOCATED WITHIN TWO MILES OF A MILITARY
6 INSTALLATION THAT HAS A MILITARY AIRFIELD CONTAINING LAND AREAS
7 IN A HIGH NOISE OR ACCIDENT POTENTIAL ZONE OUTSIDE THE BOUNDARIES
8 OF THE INSTALLATION; EXCEPT THAT ANY SUCH DEVELOPMENT OR USE
9 SHALL COMPLY WITH THE SOUND ATTENUATION STANDARDS AND
10 SPECIFICATIONS INCORPORATED INTO ANY BUILDING CODE ADOPTED BY
11 THE LOCAL GOVERNMENT WITHIN WHOSE TERRITORIAL BOUNDARIES THE
12 DEVELOPMENT IS LOCATED.

13 (8) ON OR AFTER DECEMBER 31, 2011, AND ON OR BEFORE
14 DECEMBER 31 IN EACH SUBSEQUENT YEAR IN WHICH ANY PROPERTY
15 COMES TO BE LOCATED WITHIN TWO MILES OF EITHER A MILITARY
16 INSTALLATION OR A MILITARY INSTALLATION THAT HAS A MILITARY
17 AIRFIELD CONTAINING LAND AREAS IN THE HIGH NOISE OR ACCIDENT
18 POTENTIAL ZONE OUTSIDE THE BOUNDARIES OF THE INSTALLATION, EACH
19 LOCAL GOVERNMENT WHOSE JURISDICTION ENCOMPASSES SUCH PROPERTY
20 SHALL NOTIFY THE OWNER OF SUCH PROPERTY OF ANY ADDITIONS OR
21 CHANGES MADE PURSUANT TO THIS SECTION TO THE MASTER PLAN OR
22 ZONING OR OTHER LAND DEVELOPMENT REGULATIONS OF THE LOCAL
23 GOVERNMENT THAT ARE APPLICABLE TO SUCH PROPERTY. NOTICE OF
24 SUCH CHANGES SHALL BE MADE BY PUBLICATION IN A NEWSPAPER OF
25 GENERAL CIRCULATION IN THE COUNTY IN WHICH THE LOCAL
26 GOVERNMENT MAKING THE ADDITION OR CHANGE IS LOCATED AT LEAST
27 THIRTY DAYS BEFORE FINAL APPROVAL OF ANY ADDITION TO OR
28 MODIFICATIONS IN THE MASTER PLAN OR ZONING OR OTHER LAND
29 DEVELOPMENT REGULATIONS PLAN AND WITHIN THIRTY DAYS FOLLOWING
30 THE FINAL APPROVAL OF SUCH ADDITION OR MODIFICATION. THE NOTICE
31 SHALL CONTAIN A STATEMENT THAT THE PROPERTY IS LOCATED WITHIN
32 TWO MILES OF EITHER A MILITARY INSTALLATION OR A MILITARY
33 INSTALLATION THAT HAS A MILITARY AIRFIELD CONTAINING LAND AREAS
34 IN THE HIGH NOISE OR ACCIDENT POTENTIAL ZONE OUTSIDE THE
35 BOUNDARIES OF THE INSTALLATION.

36 (9) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE
37 A LOCAL GOVERNMENT TO ADOPT OR AMEND A MASTER PLAN, ITS ZONING
38 OR OTHER LAND DEVELOPMENT REGULATIONS, OR ITS BUILDING CODE, AS
39 APPLICABLE, IF ANY SUCH PLAN, REGULATION, OR CODE IN EFFECT AND



1 ENFORCED AS OF THE EFFECTIVE DATE OF THIS SECTION OTHERWISE
2 SATISFIES THE REQUIREMENTS OF THIS SECTION.

3 (10) THE ATTORNEY GENERAL MAY BRING AN ACTION IN LAW OR
4 EQUITY IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT WHERE THE
5 OFFENSE IS COMMITTED IN THE NAME OF THE PEOPLE OF THE STATE TO
6 ADDRESS VIOLATIONS OF THIS SECTION AND FOR OTHER RELIEF THAT MAY
7 BE APPROPRIATE TO ENSURE COMPLIANCE WITH THIS SECTION. THE
8 COURT, UPON FINDING A VIOLATION OF THIS SECTION, MAY IMPOSE A CIVIL
9 PENALTY UPON A LOCAL GOVERNMENT THAT HAS COMMITTED A
10 VIOLATION OF THIS SECTION IN AN AMOUNT THAT IS SUBJECT TO THE
11 DISCRETION OF THE COURT. ANY SUCH CIVIL PENALTY IMPOSED PURSUANT
12 TO THIS SUBSECTION (10) SHALL BE PAID INTO THE GENERAL FUND OF THE
13 STATE. UPON FINDING A VIOLATION OF THIS SECTION, IN ADDITION TO OR
14 IN LIEU OF THE IMPOSITION OF A CIVIL PENALTY, THE COURT MAY ALSO
15 IMPOSE SUCH EQUITABLE RELIEF AS NECESSARY TO RESTRAIN, ENJOIN,
16 CORRECT, OR ABATE A VIOLATION OF THIS SECTION. IN ANY ACTION
17 BROUGHT PURSUANT TO THIS SECTION, THE ATTORNEY GENERAL, IF
18 SUCCESSFUL, SHALL BE ENTITLED TO RECOVER THE COSTS OF
19 INVESTIGATION, EXPERT FEES, COSTS OF THE ACTION, AND REASONABLE
20 ATTORNEY FEES.

21 SECTION 2. 30-28-106 (3), Colorado Revised Statutes, is
22 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

23 **30-28-106. Adoption of master plan - contents - definition.**
24 (3) (h) NO LATER THAN DECEMBER 31, 2010, IN THE CASE OF A COUNTY
25 OR REGION THAT HAS ADOPTED A MASTER PLAN AS OF THE EFFECTIVE
26 DATE OF THIS SECTION, AS AMENDED, AND NO LATER THAN DECEMBER 31
27 IN ANY SUBSEQUENT YEAR FOLLOWING THE YEAR IN WHICH A COUNTY OR
28 REGION FIRST ADOPTS A MASTER PLAN, THE MASTER PLAN OF SUCH
29 COUNTY OR REGION SHALL INCLUDE A MILITARY INSTALLATION ELEMENT
30 THAT SHOWS THE GENERAL LOCATION AND EXTENT OF ANY MILITARY
31 INSTALLATION WITHIN THE TERRITORIAL BOUNDARIES OF THE COUNTY OR
32 REGION, AS APPLICABLE, AND THAT FURTHER INDICATES HOW THE
33 DEVELOPMENT OF REAL PROPERTY WITHIN TWO MILES OF ANY MILITARY
34 INSTALLATION IS COMPATIBLE WITH THE ABILITY OF THE MILITARY
35 INSTALLATION TO ACHIEVE ITS MISSION AND WILL NOT ADVERSELY AFFECT
36 THE PUBLIC HEALTH OR SAFETY. FOR PURPOSES OF THIS SECTION,
37 "MILITARY INSTALLATION" SHALL HAVE THE SAME MEANING AS SET FORTH
38 IN SECTION 29-1-207 (2) (b), C.R.S., AND INCLUDES A MILITARY AIRFIELD

1 AS DEFINED IN SECTION 29-20-109 (2) (g), C.R.S.

2 SECTION 3. 31-23-206 (1), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **31-23-206. Master plan.** (1) It is the duty of the commission to
5 make and adopt a master plan for the physical development of the
6 municipality, including any areas outside its boundaries, subject to the
7 approval of the governmental body having jurisdiction thereof, which in
8 the commission's judgment bear relation to the planning of such
9 municipality. The master plan of a municipality shall be an advisory
10 document to guide land development decisions; however, the plan or any
11 part thereof may be made binding by inclusion in the municipality's
12 adopted subdivision, zoning, platting, planned unit development, or other
13 similar land development regulations after satisfying notice, due process,
14 and hearing requirements for legislative or quasi-judicial processes as
15 appropriate. When a commission decides to adopt a master plan, the
16 commission shall conduct public hearings, after notice of such public
17 hearings has been published in a newspaper of general circulation in the
18 municipality in a manner sufficient to notify the public of the time, place,
19 and nature of the public hearing, prior to final adoption of a master plan
20 in order to encourage public participation in and awareness of the
21 development of such plan and shall accept and consider oral and written
22 public comments throughout the process of developing the plan. Such
23 plan, with the accompanying maps, plats, charts, and descriptive matter,
24 shall, after consideration of each of the following, where applicable or
25 appropriate, show the commission's recommendations for the
26 development of said municipality and outlying areas, including, but not
27 limited to:

28 (I) NO LATER THAN DECEMBER 31, 2010, IN THE CASE OF A
29 MUNICIPALITY THAT HAS ADOPTED A MASTER PLAN AS OF THE EFFECTIVE
30 DATE OF THIS PARAGRAPH (I) AND NOT LATER THAN DECEMBER 31 IN ANY
31 SUBSEQUENT YEAR FOLLOWING THE YEAR IN WHICH THE MUNICIPALITY
32 FIRST ADOPTS A MASTER PLAN, A ZONING PLAN THAT SHOWS THE GENERAL
33 LOCATION AND EXTENT OF ANY MILITARY INSTALLATION WITHIN THE
34 TERRITORIAL BOUNDARIES OF THE MUNICIPALITY AND THAT FURTHER
35 INDICATES HOW THE DEVELOPMENT OF REAL PROPERTY WITHIN TWO MILES
36 OF ANY MILITARY INSTALLATION IS COMPATIBLE WITH THE ABILITY OF THE
37 MILITARY INSTALLATION TO ACHIEVE ITS MISSION AND WILL NOT
38 ADVERSELY AFFECT THE PUBLIC HEALTH OR SAFETY. FOR PURPOSES OF



1 THIS SECTION, "MILITARY INSTALLATION" SHALL HAVE THE SAME MEANING
2 AS SET FORTH IN SECTION 29-1-207 (2) (b), C.R.S., AND INCLUDES A
3 MILITARY AIRFIELD AS DEFINED IN SECTION 29-20-109 (2) (g), C.R.S.

4 **SECTION 4.** 24-65.1-104 (7) (d), Colorado Revised Statutes, is
5 amended, and the said 24-65.1-104 (7) is further amended BY THE
6 ADDITION OF A NEW PARAGRAPH, to read:

7 **24-65.1-104. Definitions pertaining to other areas and**
8 **activities of state interest.** As used in this article, unless the context
9 otherwise requires:

10 (7) "Key facilities" means:

11 (d) Rapid or mass transit terminals, stations, and fixed guideways;
12 AND

13 (e) MILITARY INSTALLATIONS.

14 **SECTION 5.** 24-65.1-104, Colorado Revised Statutes, is
15 amended BY THE ADDITION OF A NEW SUBSECTION to read:

16 **24-65.1-104. Definitions pertaining to other areas and**
17 **activities of state interest.** As used in this article, unless the context
18 otherwise requires:

19 (9.5) "MILITARY INSTALLATION" MEANS BUCKLEY AIR FORCE
20 BASE, CHEYENNE MOUNTAIN AIR FORCE STATION, COLORADO NATIONAL
21 GUARD HIGH-ALTITUDE ARMY AVIATION TRAINING SITE, FORT CARSON
22 ARMY POST, GREELEY AIR NATIONAL GUARD STATION, PETERSON AIR
23 FORCE BASE, SCHRIEVER AIR FORCE BASE, AND THE UNITED STATES AIR
24 FORCE ACADEMY.

25 **SECTION 6.** 24-65.1-302 (2), Colorado Revised Statutes, is
26 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

27 **24-65.1-302. Functions of other state agencies.** (2) Primary
28 responsibility for the recommendation and provision of technical
29 assistance functions described in subsection (1) of this section is upon:

30 (g) THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, WITH



1 REGARD TO MILITARY INSTALLATIONS.

2 SECTION 7. 29-1-207 (3), Colorado Revised Statutes, is
3 amended to read:

4 29-1-207. Notification to military installations by local
5 governments of land use changes - legislative declaration - definitions.
6 (3) Each local government, ~~within whose~~ THE territorial boundaries OF
7 WHICH is located WITHIN TWO MILES OF all or any portion of a military
8 installation, shall timely provide to the commanding officer AND THE
9 FLYING MISSION COMMANDER of that installation, or his or her designee,
10 AS APPLICABLE, information relating to proposed changes to the local
11 government's comprehensive plan, amendments to the plan, or land
12 development regulations that, if approved, would significantly affect the
13 intensity, density, or use of any area within the territorial boundaries of
14 the local government that is within two miles of the military installation.
15 Nothing in this subsection (3) is intended to require submission of any
16 information in connection with a site-specific development application
17 under consideration by the local government.

18 SECTION 8. Act subject to petition - effective date. This act
19 shall take effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly that is
21 allowed for submitting a referendum petition pursuant to article V,
22 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
23 sine die is on May 6, 2009); except that, if a referendum petition is filed
24 against this act or an item, section, or part of this act within such period,
25 then the act, item, section, or part, if approved by the people, shall take
26 effect on the date of the official declaration of the vote thereon by
27 proclamation of the governor."

** ** ** ** **



