

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0478.01 Bob Lackner x4350

HOUSE BILL 20-1133

HOUSE SPONSORSHIP

Kraft-Tharp and McKean,

SENATE SPONSORSHIP

Tate,

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING LAND USE ENTITLEMENTS AFFECTING REAL PROPERTY

102 THAT HAS BEEN DISCONNECTED FROM A MUNICIPALITY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Section 1 of the bill prohibits an owner of a tract of land that is the subject of a disconnection application from having the tract disconnected from a municipality until such time as all vested property rights affecting the tract have either been terminated or have expired.

The bill makes any tract of land that has been disconnected from a municipality, whether by means of an ordinance or a court decree,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

subject to the applicable county's zoning resolution and map and other land development regulations within 90 days after the effective date of the disconnection. The bill specifies that any provision of the county's zoning resolution, zoning map, or zoning plan automatically applying a uniform zoning classification to all land that may be disconnected in the future is void and of no effect as to any particular tract of land. The county may institute the procedure specified in the Colorado Revised Statutes in its zoning resolution or zoning plan, or in its other land development regulations to allow the particular tract of land to obtain the necessary land entitlements at any time after the county receives the notice from the municipality regarding enactment of an ordinance disconnecting the tract from the municipality; except that the bill prohibits any such zoning resolution, zoning plan, or other land development action from being enacted and made effective until the tract of land has been disconnected from the municipality.

During the 90-day period, or such lesser time as is required to satisfy such requirement, the county may elect not to issue any building or occupancy permit for all or any portion of the land area that is the subject of the disconnection application.

The bill permits a county to commence the procedure specified in its own subdivision regulations to subdivide the tract of land that is the subject of the disconnection application at any time after the disconnection has been completed and the ordinance has been filed with the county clerk and recorder; except that the bill prohibits the county from making a final decision approving the subdivision until zoning affecting the particular tract of land has been enacted.

Sections 2 and 3, which apply to the disconnection process by court decree for statutory cities and statutory towns, respectively, require any disconnected land to be made subject to the applicable county's zoning resolution and map and other land development regulations within 90 days after the effective date of the disconnection.

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

2 **SECTION 1.** In Colorado Revised Statutes, 31-12-501, **amend**
3 (1); and **add** (5) as follows:

4 **31-12-501. Application - enactment - filing - definitions.**

5 (1) When the owner of a tract of land within and adjacent to the
6 boundary of a municipality desires to have said tract disconnected from
7 such municipality, such owner may apply to the governing body of such

1 municipality for the enactment of an ordinance disconnecting such tract
2 of land from such municipality. The owner shall also provide notice and
3 a copy of the application to the board of county commissioners of the
4 county in which the tract of land that is the subject of the application is
5 located and to the board of directors of any affected special district. AN
6 OWNER OF A TRACT OF LAND THAT IS THE SUBJECT OF A DISCONNECTION
7 APPLICATION SHALL NOT APPLY TO HAVE THE TRACT DISCONNECTED FROM
8 A MUNICIPALITY UNTIL SUCH TIME AS ALL VESTED PROPERTY RIGHTS THAT
9 HAVE BEEN ESTABLISHED PURSUANT TO ARTICLE 68 OF TITLE 24
10 AFFECTING THE TRACT HAVE EITHER BEEN TERMINATED OR HAVE EXPIRED.

11 (5) (a) ANY TRACT OF LAND THAT HAS BEEN DISCONNECTED FROM
12 A MUNICIPALITY, WHETHER BY MEANS OF AN ORDINANCE ENACTED UNDER
13 SUBSECTION (3) OF THIS SECTION OR A COURT DECREE THAT HAS BEEN
14 ENTERED UNDER PART 6 OF THIS ARTICLE 12, SHALL BE MADE SUBJECT TO
15 THE APPLICABLE COUNTY'S ZONING RESOLUTION AND MAP AND OTHER
16 LAND DEVELOPMENT REGULATIONS WITHIN NINETY DAYS AFTER THE
17 EFFECTIVE DATE OF THE DISCONNECTION AS DESCRIBED IN SUBSECTION (4)
18 OF THIS SECTION. ANY PROVISION OF THE COUNTY'S ZONING RESOLUTION,
19 ZONING MAP, OR ZONING PLAN AUTOMATICALLY APPLYING A UNIFORM
20 ZONING CLASSIFICATION TO ALL LAND THAT MAY BE DISCONNECTED IN
21 THE FUTURE IS VOID AND OF NO EFFECT AS TO ANY PARTICULAR TRACT OF
22 LAND. THE COUNTY MAY INSTITUTE THE PROCEDURE SPECIFIED IN THE
23 COLORADO REVISED STATUTES, IN ITS ZONING RESOLUTION OR ZONING
24 PLAN, OR IN ITS OTHER LAND DEVELOPMENT REGULATIONS TO ALLOW THE
25 PARTICULAR TRACT OF LAND TO OBTAIN THE NECESSARY LAND
26 ENTITLEMENTS AT ANY TIME AFTER THE COUNTY RECEIVES THE NOTICE
27 FROM THE MUNICIPALITY REGARDING ENACTMENT OF AN ORDINANCE

1 DISCONNECTING THE TRACT FROM THE MUNICIPALITY DESCRIBED IN
2 SUBSECTION (1) OF THIS SECTION; EXCEPT THAT ANY SUCH ZONING
3 RESOLUTION, ZONING PLAN, OR OTHER LAND DEVELOPMENT ACTION SHALL
4 NOT BE ENACTED AND MADE EFFECTIVE UNTIL THE TRACT OF LAND HAS
5 BEEN DISCONNECTED FROM THE MUNICIPALITY IN ACCORDANCE WITH THIS
6 SECTION.

7 (b) DURING THE NINETY-DAY PERIOD SPECIFIED IN SUBSECTION
8 (5)(a) OF THIS SECTION, OR SUCH LESSER TIME AS IS REQUIRED TO SATISFY
9 SUCH REQUIREMENT, THE COUNTY MAY ELECT NOT TO ISSUE ANY
10 BUILDING OR OCCUPANCY PERMIT FOR ALL OR ANY PORTION OF THE LAND
11 AREA THAT IS THE SUBJECT OF THE DISCONNECTION APPLICATION.

12 (c) ANY COUNTY MAY COMMENCE THE PROCEDURE SPECIFIED IN
13 ITS OWN SUBDIVISION REGULATIONS TO SUBDIVIDE THE TRACT OF LAND
14 THAT IS THE SUBJECT OF THE DISCONNECTION APPLICATION AT ANY TIME
15 AFTER THE DISCONNECTION HAS BEEN COMPLETED AND THE ORDINANCE
16 HAS BEEN FILED WITH THE COUNTY CLERK AND RECORDER IN
17 ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION; EXCEPT THAT THE
18 COUNTY SHALL NOT MAKE A FINAL DECISION APPROVING THE SUBDIVISION
19 UNTIL ZONING AFFECTING THE PARTICULAR TRACT OF LAND HAS BEEN
20 ENACTED IN ACCORDANCE WITH SUBSECTION (5)(a) OF THIS SECTION.

21 **SECTION 2.** In Colorado Revised Statutes, 31-12-603, **amend**
22 (2) as follows:

23 **31-12-603. Hearing - decree - proviso.** (2) If an area has been
24 annexed to a city for a period of two years and then successful action is
25 undertaken to disconnect such area, the ~~zoning placed on the area by the~~
26 ~~city shall remain in force and effect after disconnection unless and until~~
27 ~~changed by the county~~ DISCONNECTED LAND SHALL BE MADE SUBJECT TO

1 THE APPLICABLE COUNTY'S ZONING RESOLUTION AND MAP AND OTHER
2 LAND DEVELOPMENT REGULATIONS WITHIN NINETY DAYS AFTER THE
3 EFFECTIVE DATE OF THE DISCONNECTION AS DESCRIBED IN SECTION
4 31-12-501 (5).

5 **SECTION 3.** In Colorado Revised Statutes, **amend** 31-12-704 as
6 follows:

7 **31-12-704. Hearing - decree - proviso.** Upon the filing of such
8 petition in the district court, the judge shall set a date for a hearing, not
9 less than forty days nor more than sixty days thereafter. ~~It is the duty of~~
10 The clerk of ~~said~~ THE court ~~to cause~~ SHALL SERVE a copy of ~~such~~ THE
11 petition and a notice of the date and the time set for such hearing ~~to be~~
12 ~~served~~ upon the mayor of the town. The same ~~shall~~ MUST be served at
13 least thirty days prior to the hearing on such petition by the court. Upon
14 the hearing and proof of the facts set forth in such petition, ~~it shall be~~
15 ~~determined~~ THE COURT SHALL DETERMINE whether ~~such~~ THE tracts of land
16 should be disconnected from ~~said~~ THE town, and the judge shall enter an
17 order or decree accordingly. When a town has improved any of the
18 highways passing through or adjoining said tracts of land by the
19 construction and maintenance by ~~said~~ THE town of any special
20 improvements along, under, or over the same for a period of more than
21 two years prior to the presentation of the petition, the petitioners ~~shall not~~
22 ~~be~~ ARE NOT entitled to disconnect the land under the provisions of this
23 part 7. ANY DISCONNECTED LAND SHALL BE MADE SUBJECT TO THE
24 APPLICABLE COUNTY'S ZONING RESOLUTION AND MAP AND OTHER LAND
25 DEVELOPMENT REGULATIONS WITHIN NINETY DAYS AFTER THE EFFECTIVE
26 DATE OF THE DISCONNECTION AS DESCRIBED IN SECTION 31-12-501 (5).

27 **SECTION 4. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect September 1, 2020; except that,
2 if a referendum petition is filed pursuant to section 1 (3) of article V of
3 the state constitution against this act or an item, section, or part of this act
4 within the ninety-day period after final adjournment of the general
5 assembly, then the act, item, section, or part will not take effect unless
6 approved by the people at the general election to be held in November
7 2020 and, in such case, will take effect on the date of the official
8 declaration of the vote thereon by the governor.

9 (2) This act applies to applications for disconnection submitted on
10 or after the applicable effective date of this act.