

CHAPTER 5

GOVERNMENT - LOCAL

HOUSE BILL 01S2-1006

BY REPRESENTATIVE(S) Stengel, Dean, Kester, Larson, Lawrence, Mace, Miller, Scott, Stafford, and Webster;
also SENATOR(S) Perlmutter, Gordon, Hagedorn, Linkhart, Pascoe, Tate, and Windels.

AN ACT

CONCERNING THE MANDATORY ADOPTION OF LOCAL GOVERNMENT MASTER PLANS.

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

SECTION 1. 30-28-106, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

30-28-106. Adoption of master plan - contents. (4) (a) EACH COUNTY THAT HAS NOT ALREADY ADOPTED A MASTER PLAN AND THAT MEETS ONE OF THE FOLLOWING DESCRIPTIONS SHALL ADOPT A MASTER PLAN WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4):

(I) EACH COUNTY OR CITY AND COUNTY THAT HAS A POPULATION EQUAL TO OR GREATER THAN TEN THOUSAND AND THE POPULATION OF WHICH HAS DEMONSTRATED AN INCREASE OF EITHER:

(A) TEN PERCENT OR MORE DURING THE CALENDAR YEARS 1994 TO 1999; OR

(B) TEN PERCENT OR MORE DURING ANY FIVE-YEAR PERIOD ENDING IN 2000 OR ANY SUBSEQUENT YEAR;

(II) EACH COUNTY OR CITY AND COUNTY THAT HAS A POPULATION OF ONE HUNDRED THOUSAND OR MORE.

(b) TO THE EXTENT THE COUNTY DOES NOT MEET A DESCRIPTION SPECIFIED IN SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF THIS SUBSECTION (4), THE COUNTIES OF CLEAR CREEK, GILPIN, MORGAN, AND PITKIN SHALL ADOPT A MASTER PLAN WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4).

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(c) THE DEPARTMENT OF LOCAL AFFAIRS SHALL ANNUALLY DETERMINE, BASED ON THE POPULATION STATISTICS MAINTAINED BY SAID DEPARTMENT, WHETHER A COUNTY IS SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION (4), AND SHALL NOTIFY ANY COUNTY THAT IS NEWLY IDENTIFIED AS BEING SUBJECT TO SAID REQUIREMENTS. ANY SUCH COUNTY SHALL HAVE TWO YEARS FOLLOWING RECEIPT OF NOTIFICATION FROM THE DEPARTMENT TO ADOPT A MASTER PLAN.

(d) ONCE A COUNTY IS IDENTIFIED AS BEING SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION (4), THE COUNTY SHALL AT ALL TIMES THEREAFTER REMAIN SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION (4), REGARDLESS OF WHETHER IT CONTINUES TO MEET ANY OF THE DESCRIPTIONS IN PARAGRAPH (a) OF THIS SUBSECTION (4).

(5) A MASTER PLAN ADOPTED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBSECTION (5) SHALL CONTAIN A RECREATIONAL AND TOURISM USES ELEMENT PURSUANT TO WHICH THE COUNTY SHALL INDICATE HOW IT INTENDS TO PROVIDE FOR THE RECREATIONAL AND TOURISM NEEDS OF RESIDENTS OF THE COUNTY AND VISITORS TO THE COUNTY THROUGH DELINEATED AREAS DEDICATED TO, WITHOUT LIMITATION, HIKING, MOUNTAIN BIKING, ROCK CLIMBING, SKIING, CROSS COUNTRY SKIING, RAFTING, FISHING, BOATING, HUNTING, SHOOTING, OR ANY OTHER FORM OF SPORTS OR OTHER RECREATIONAL ACTIVITY, AS APPLICABLE, AND COMMERCIAL FACILITIES SUPPORTING SUCH USES.

SECTION 2. 31-23-206, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

31-23-206. Master plan. (4) (a) EACH MUNICIPALITY THAT HAS A POPULATION OF TWO THOUSAND PERSONS OR MORE AND THAT IS WHOLLY OR PARTIALLY LOCATED IN A COUNTY THAT IS SUBJECT TO THE REQUIREMENTS OF SECTION 30-28-106 (4), C.R.S., SHALL ADOPT A MASTER PLAN WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4).

(b) THE DEPARTMENT OF LOCAL AFFAIRS SHALL ANNUALLY DETERMINE, BASED ON THE POPULATION STATISTICS MAINTAINED BY SAID DEPARTMENT, WHETHER A MUNICIPALITY IS SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION (4), AND SHALL NOTIFY ANY MUNICIPALITY THAT IS NEWLY IDENTIFIED AS BEING SUBJECT TO SAID REQUIREMENTS. ANY SUCH MUNICIPALITY SHALL HAVE TWO YEARS FOLLOWING RECEIPT OF NOTIFICATION FROM THE DEPARTMENT TO ADOPT A MASTER PLAN.

(c) ONCE A MUNICIPALITY IS IDENTIFIED AS BEING SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION (4), THE MUNICIPALITY SHALL AT ALL TIMES THEREAFTER REMAIN SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION (4), REGARDLESS OF WHETHER IT CONTINUES TO MEET THE CRITERIA SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4).

(5) A MASTER PLAN ADOPTED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBSECTION (5) SHALL CONTAIN A RECREATIONAL AND TOURISM USES ELEMENT PURSUANT TO WHICH THE MUNICIPALITY SHALL INDICATE HOW IT INTENDS TO PROVIDE FOR THE RECREATIONAL AND TOURISM NEEDS OF RESIDENTS OF THE MUNICIPALITY AND VISITORS TO THE MUNICIPALITY THROUGH DELINEATED AREAS DEDICATED TO, WITHOUT LIMITATION, HIKING, MOUNTAIN BIKING, ROCK CLIMBING,

SKIING, CROSS COUNTRY SKIING, RAFTING, FISHING, BOATING, HUNTING, AND SHOOTING, OR ANY OTHER FORM OF SPORTS OR OTHER RECREATIONAL ACTIVITY, AS APPLICABLE, AND COMMERCIAL FACILITIES SUPPORTING SUCH USES.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: November 6, 2001