

## CHAPTER 192

---

**GOVERNMENT - STATE**

---

**HOUSE BILL 05-1063**

BY REPRESENTATIVE(S) Pommer, Berens, Butcher, Green, Lindstrom, Schultheis, Boyd, Carroll T., Clapp, Cloer, Coleman, Crane, Curry, Decker, Frangas, Hall, Harvey, Hefley, Hodge, Kerr, King, Knoedler, Massey, Merrifield, Paccione, Penry, Rose, Stafford, Stengel, Sullivan, and White;  
also SENATOR(S) Entz, Kester, Tapia, and Tupa.

**AN ACT****CONCERNING REVIEW BY THE COLORADO LAND USE COMMISSION OF LOCAL GOVERNMENT ORDERS DESIGNATING MATTERS OF STATE INTEREST.**

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

**SECTION 1. Repeal.** Article 65 of title 24, 24-65.1-401 (1) (b), 24-65.1-405, 24-65.1-406, 24-65.1-407, article 66 of title 24, and 30-28-136 (4), Colorado Revised Statutes, are repealed.

**SECTION 2.** 24-65.1-301 (1) (e) and (1) (f), Colorado Revised Statutes, are amended to read:

**24-65.1-301. Functions of local government.** (1) Pursuant to this article, it is the function of local government to:

(e) Send recommendations to other local governments ~~and the Colorado land use commission~~ relating to matters of state interest. ~~and~~

(f) ~~Act, upon request of the Colorado land use commission, with regard to specific matters of state interest.~~

**SECTION 3.** 24-65.1-302 (1) (a), Colorado Revised Statutes, is amended to read:

**24-65.1-302. Functions of other state agencies.** (1) Pursuant to this article, it is the function of other state agencies to:

(a) Send recommendations to local governments ~~and the Colorado land use~~

---

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

~~commission~~ relating to designation of matters of state interest on the basis of current and developing information; and

**SECTION 4.** 24-65.1-404 (2) (a) and (5), Colorado Revised Statutes, are amended to read:

**24-65.1-404. Public hearing - designation of an area or activity of state interest and adoption of guidelines by order of local government.**

(2) (a) Notice, stating the time and place of the hearing and the place at which materials relating to the matter to be designated and guidelines may be examined, shall be published once at least thirty days and not more than sixty days before the public hearing in a newspaper of general circulation in the county. ~~The local government shall send written notice to the Colorado land use commission of a public hearing to be held for the purpose of designation and adoption of guidelines at least thirty days and not more than sixty days before such hearing.~~

(5) ~~Upon adoption by order, all relevant materials relating to the designation and guidelines shall be forwarded to the Colorado land use commission for review.~~

**SECTION 5.** 24-65.1-501 (1) (a), (2) (a), and (6), Colorado Revised Statutes, are amended to read:

**24-65.1-501. Permit for development in area of state interest or to conduct an activity of state interest required.**

(1) (a) Any person desiring to engage in development in an area of state interest or to conduct an activity of state interest shall file an application for a permit with the local government in which such development or activity is to take place. ~~The application shall be filed on a form prescribed by the Colorado land use commission.~~ A reasonable fee determined by the local government sufficient to cover the cost of processing the application, including the cost of holding the necessary hearings, shall be paid at the time of filing such application.

(2) (a) Not later than thirty days after receipt of an application for a permit, the local government shall publish notice of a hearing on said application. Such notice shall be published once in a newspaper of general circulation in the county, not less than thirty days nor more than sixty days before the date set for hearing. ~~and shall be given to the Colorado land use commission. The Colorado land use commission may give notice to such other persons as it determines not later than fourteen days before such hearing.~~

(6) After May 17, 1974, any person desiring to engage in a development in a designated area of state interest or to conduct a designated activity of state interest who does not obtain a permit pursuant to this section may be enjoined by the ~~Colorado land use commission or the~~ appropriate local government from engaging in such development or conducting such activity.

**SECTION 6.** 30-28-133 (1), (2), (7), and (8), Colorado Revised Statutes, are amended to read:

**30-28-133. Subdivision regulations.** (1) Every county in the state ~~which~~ THAT does not have a county planning commission on July 1, 1971, shall create a county planning commission in accordance with the provisions of section 30-28-103. Every

county planning commission in the state shall develop, propose, and recommend subdivision regulations, and the board of county commissioners shall adopt and enforce subdivision regulations for all land within the unincorporated areas of the county in accordance with this section not later than September 1, 1972. Before finally adopting any subdivision regulations, the board of county commissioners shall hold a public hearing thereon, and at least fourteen days' notice of the time and place of such hearing shall be given by at least one publication in a newspaper of general circulation in the county. Before adopting any such subdivision regulations, the board of county commissioners may revise, alter, or amend any such subdivision regulations developed, proposed, or recommended by the county planning commission. ~~In the event the board of county commissioners of any county in the state has not adopted subdivision regulations by September 2, 1972, the Colorado land use commission may promulgate such subdivision regulations for such areas of the county for which no subdivision regulations exist. Such subdivision regulations shall be in full force and effect and enforced by the board of county commissioners. If at any time thereafter the board of county commissioners adopts its own subdivision regulations for land within the unincorporated areas of the county, such regulations shall be no less stringent than the regulations promulgated by the Colorado land use commission under this subsection (1). All subdivision regulations, and all amendments thereto, adopted by a board of county commissioners shall be transmitted to the Colorado land use commission.~~

(2) Prior to the adoption of the regulations referred to in this section, a public hearing shall be held thereupon in the county in which said territory or any part thereof is situated. A copy of such regulations shall be ~~certified by the commission and thereupon~~ filed with the county clerk and recorder of the county in which said territory is situated.

(7) ~~The board of county commissioners shall send a copy of the preliminary plan or final plat submission to the Colorado land use commission upon receipt of said submission.~~

(8) ~~Upon adoption and transmittal of subdivision regulations by the board of county commissioners in accordance with this section and upon a finding by the Colorado land use commission that such subdivision regulations are in compliance with this section, the provisions of subsection (7) of this section shall no longer apply, and the Colorado land use commission shall so notify the board of county commissioners.~~

**SECTION 7.** 31-23-225, Colorado Revised Statutes, is amended to read:

**31-23-225. Major activity notice.** When a subdivision or commercial or industrial activity is proposed which will cover five or more acres of land, the governing body of the municipality in which the activity is proposed shall send notice to ~~the Colorado land use commission,~~ the state geologist and the board of county commissioners of the county in which the improvement is located of the proposal prior to approval of any zoning change, subdivision, or building permit application associated with such a proposed activity. ~~Such notice shall be in a standard form, shall be promulgated as a rule and regulation prescribed by the Colorado land use commission, and shall contain such information as said land use commission prescribes.~~

**SECTION 8.** 32-7-114 (1), Colorado Revised Statutes, is amended to read:

**32-7-114. Duties related to planning powers.** (1) To provide for comprehensive planning to promote the orderly and efficient development of the physical, social, and economic elements of the service authority and to encourage and assist local governments within the boundaries of the service authority to plan for the future, the board shall prepare and adopt, ~~after study and after review and comment by the division of planning of the department of local affairs, and~~ AFTER such public hearings as it deems necessary, a comprehensive development guide for the service authority area, consisting of a compilation of policy statements, goals, standards, programs, maps, and those future developments ~~which~~ THAT will have an impact on the entire area, including but not limited to such matters as land use, parks and open space land needs, transportation facilities, public hospitals and health facilities, libraries, schools, other public buildings, domestic water collection, treatment, and distribution, housing, and the delivery and distribution of social services to residents of the service authority. ~~Upon adoption of said comprehensive development guide, the board shall prepare and file, with the Colorado land use commission or any successor thereto, an environmental impact statement outlining the impact of the service authority's plans upon the environment of its area.~~

**SECTION 9.** 33-11-111, Colorado Revised Statutes, is amended to read:

**33-11-111. Cooperation with state agencies.** The department of transportation, the state board of land commissioners, ~~the Colorado land use commission,~~ the urban drainage and flood control district, and other state agencies and political subdivisions having jurisdiction or control over or information concerning the use, abandonment, or disposition of highway or utility rights-of-way or other properties ~~which~~ THAT may be suitable for the purpose of improving or expanding the state trails system shall cooperate with the division to assure, to the extent practicable, that any such properties ~~which~~ THAT are suitable for trail purposes may be made available for such use.

**SECTION 10.** 24-1-135, Colorado Revised Statutes, is amended to read:

**24-1-135. Effect of congressional redistricting.** (1) Effective January 1, 1983, the terms of office of persons appointed pursuant to sections 11-2-102, 12-22-104, 12-35-104, 12-65-102, 17-2-102, and 23-60-104, C.R.S.; sections 24-32-308 AND 24-32-706; ~~and 24-65-103;~~ and sections 25-1-103, 25-1-902, 25-3.5-104, 26-11-101, 33-11-105, 34-60-104, and 35-65-105, C.R.S., shall terminate. Prior thereto, the appointing authority designated by law shall appoint members to such boards, commissions, and committees for terms to commence on January 1, 1983, and to expire on the date the terms of the predecessors in office of such members would have expired, and any person whose term of office is terminated by this section may be reappointed effective January 1, 1983, and, for the purposes of such reappointment, shall not be deemed to succeed himself. Appointments thereafter shall be made as prescribed by law.

(2) Any member of a board, commission, or committee who was appointed or elected to such office as a resident of a designated congressional district pursuant to section 24 (2) of article VI of the state constitution or sections 11-2-102, 12-22-104, 12-35-104, 12-47.1-301, 22-2-105, 23-1-102, 23-20-102, 23-21-503, or 23-60-104,

C.R.S., or sections 24-32-308 OR 24-32-706, ~~or 24-65-103~~, or sections 25-1-103, 25-1-902, 25-3.5-104, 26-11-101, 33-11-105, 34-60-104, or 35-65-401, C.R.S., and who no longer resides in such congressional district solely because of a change made to the boundaries of such district subsequent to the 1990 federal decennial census, is eligible to hold office for the remainder of the term to which the member was elected or appointed, notwithstanding such nonresidency.

**SECTION 11.** 24-1-135.1 (1) (a), Colorado Revised Statutes, is amended to read:

**24-1-135.1. Effect of congressional redistricting related to 2000 federal decennial census.** (1) (a) The appointing authority of the boards, commissions, or committees established pursuant to sections 13-91-104, 14-10-115, 21-2-101, 23-1-102, 23-21-503, 23-60-104, 24-32-706, 24-48.5-103, ~~24-65-103~~, 25-1-103, 25-1-902, 25-32-104, 25.5-1-301, 26-11-101, 33-11-105, and 35-65-401, C.R.S., which require members to be appointed as residents of designated congressional districts, shall determine whether the current appointments to such boards, commissions, or committees adequately represent Colorado's new congressional districts. Notwithstanding any provision of law to the contrary, such appointing authority shall terminate the terms of current members and appoint new members to replace such members on the boards, commissions, or committees as is necessary to ensure proper representation from the new congressional districts; except that the term of a member who continues to reside in the district that such member was designated to represent shall not be terminated. Such changes shall be made no later than January 1, 2003. If the current members adequately represent the new congressional districts, the membership of the board, commission, or committee shall remain unchanged. Any member who continues to serve on a board, commission, or committee shall not be required to be reappointed.

**SECTION 12.** 24-1-137, Colorado Revised Statutes, is amended to read:

**24-1-137. Effect of decrease in the length of terms of office for certain state boards, commissions, authorities, and agencies.** Persons who are holding office on June 15, 1987, and who were appointed to terms of office pursuant to sections 11-2-102, 12-4-103, 12-22-104, 12-32-103, 12-33-103, 12-36-103, 12-40-106, 12-60-102, 22-80-104, 23-9-103, 23-15-104, 23-40-104, 23-41-102, 24-32-706, 24-42-102, ~~24-65-103~~, 25-25-104, 29-1-503, 29-4-704, 34-60-104, 35-41-101, 35-65-401, 35-75-104, 39-2-123, and 40-2-101, C.R.S., as said sections existed prior to June 15, 1987, shall continue to serve in such office, but such service shall be at the pleasure of the governor who may appoint a replacement to serve for the unexpired term of any member. However, if the governor has not appointed any such replacement on or before November 15, 1987, then the person who is holding such office on June 15, 1987, shall no longer be subject to replacement pursuant to this section but shall be subject to whatever removal provisions may otherwise apply for such office. Any such member for whom a replacement has been appointed shall continue to serve until his or her successor is duly qualified. Appointments to new terms of office made after June 15, 1987, shall be made for terms of four years as prescribed by law; except that such provision shall not apply to terms of office of persons appointed pursuant to section 23-9-103, C.R.S.

**SECTION 13.** The introductory portion to 24-65.1-101 (1), Colorado Revised Statutes, is amended to read:

**24-65.1-101. Legislative declaration.** (1) ~~In addition to the legislative declaration contained in section 24-65-102 (1),~~ The general assembly ~~further~~ finds and declares that:

**SECTION 14. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 2005