

CHAPTER 59

GOVERNMENT - LOCAL

SENATE BILL 05-080

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also REPRESENTATIVE(S) Merrifield, Frangas, Hodge, Schultheis, and Todd.

AN ACT

CONCERNING NOTIFICATION TO MILITARY INSTALLATIONS BY LOCAL GOVERNMENTS OF CERTAIN LAND USE CHANGES.

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

SECTION 1. Part 2 of article 1 of title 29, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

29-1-207. Notification to military installations by local governments of land use changes - legislative declaration - definitions. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT IT IS DESIRABLE FOR LOCAL GOVERNMENTS IN THE STATE TO COOPERATE WITH MILITARY INSTALLATIONS LOCATED WITHIN THE STATE IN ORDER TO ENCOURAGE COMPATIBLE LAND USE, HELP PREVENT INCOMPATIBLE URBAN ENCROACHMENT UPON MILITARY INSTALLATIONS, AND FACILITATE THE CONTINUED PRESENCE OF MAJOR MILITARY INSTALLATIONS WITHIN THE STATE.

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

(a) "LOCAL GOVERNMENT" MEANS A COUNTY, HOME RULE OR STATUTORY CITY, TOWN, TERRITORIAL CHARTER CITY, CITY AND COUNTY, OR A METROPOLITAN DISTRICT CREATED PURSUANT TO TITLE 32, C.R.S.

(b) "MILITARY INSTALLATION" MEANS A BASE, CAMP, POST, STATION, AIRFIELD, YARD, CENTER, OR ANY OTHER LAND AREA UNDER THE JURISDICTION OF THE UNITED STATES DEPARTMENT OF DEFENSE, INCLUDING ANY LEASED FACILITY, THE TOTAL ACREAGE OF WHICH INSTALLATION IS IN EXCESS OF ONE THOUSAND ACRES. "MILITARY INSTALLATION" DOES NOT INCLUDE THE ROCKY MOUNTAIN ARSENAL NOR ANY FACILITY USED PRIMARILY FOR CIVIL WORKS, RIVER PROJECTS, OR FLOOD

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

CONTROL PROJECTS.

(3) EACH LOCAL GOVERNMENT WITHIN WHOSE TERRITORIAL BOUNDARIES IS LOCATED ALL OR ANY PORTION OF A MILITARY INSTALLATION SHALL TIMELY PROVIDE TO THE COMMANDING OFFICER OF THAT INSTALLATION, OR HIS OR HER DESIGNEE, INFORMATION RELATING TO PROPOSED CHANGES TO THE LOCAL GOVERNMENT'S COMPREHENSIVE PLAN, AMENDMENTS TO THE PLAN, OR LAND DEVELOPMENT REGULATIONS THAT, IF APPROVED, WOULD SIGNIFICANTLY AFFECT THE INTENSITY, DENSITY, OR USE OF ANY AREA WITHIN THE TERRITORIAL BOUNDARIES OF THE LOCAL GOVERNMENT THAT IS WITHIN TWO MILES OF THE MILITARY INSTALLATION. NOTHING IN THIS SUBSECTION (3) IS INTENDED TO REQUIRE SUBMISSION OF ANY INFORMATION IN CONNECTION WITH A SITE-SPECIFIC DEVELOPMENT APPLICATION UNDER CONSIDERATION BY THE LOCAL GOVERNMENT.

(4) UPON SUBMISSION OF THE INFORMATION REQUIRED TO BE PROVIDED PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE LOCAL GOVERNMENT SHALL PROVIDE THE MILITARY INSTALLATION AN OPPORTUNITY TO REVIEW THE INFORMATION AND COMMENT ON THE IMPACT THE PROPOSED CHANGES MAY HAVE ON THE MISSION OF THE MILITARY INSTALLATION. SUCH COMMENTS MAY INCLUDE:

(a) IF THE MILITARY INSTALLATION HAS AN AIRFIELD, WHETHER THE PROPOSED CHANGES WILL BE COMPATIBLE WITH THE SAFETY AND NOISE STANDARDS CONTAINED IN THE AIR INSTALLATION COMPATIBLE USE ZONE ADOPTED BY THE MILITARY INSTALLATION FOR THAT AIRFIELD;

(b) WHETHER THE PROPOSED CHANGES ARE COMPATIBLE WITH THE INSTALLATION ENVIRONMENTAL NOISE MANAGEMENT PROGRAM OF THE UNITED STATES ARMY;

(c) WHETHER THE PROPOSED CHANGES ARE COMPATIBLE WITH ANY JOINT LAND USE STUDY FOR THE AREA WITHIN WHICH THE CHANGES ARE TO TAKE PLACE, IF SUCH STUDY HAS BEEN COMPLETED; OR

(d) WHETHER THE MILITARY INSTALLATION'S MISSION WILL BE ADVERSELY AFFECTED BY THE PROPOSED CHANGES.

(5) THE LOCAL GOVERNMENT SHALL REVIEW ANY COMMENTS RECEIVED FROM THE COMMANDING OFFICER OR HIS OR HER DESIGNEE PURSUANT TO SUBSECTION (4) OF THIS SECTION WHEN CONSIDERING APPROVAL OF A COMPREHENSIVE PLAN, AMENDMENTS TO THE PLAN, OR ITS LAND DEVELOPMENT REGULATIONS. THE LOCAL GOVERNMENT SHALL FORWARD A COPY OF ANY SUCH COMMENTS RECEIVED TO THE OFFICE OF SMART GROWTH CREATED IN SECTION 24-32-3203 (1) (a), C.R.S.

SECTION 2. 30-28-106, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

30-28-106. Adoption of master plan - contents. (6) THE MASTER PLAN OF ANY COUNTY ADOPTED OR AMENDED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (6) SHALL SATISFY THE REQUIREMENTS OF SECTION 29-1-207, C.R.S., AS APPLICABLE.

SECTION 3. 31-23-206, Colorado Revised Statutes, is amended BY THE

ADDITION OF A NEW SUBSECTION to read:

31-23-206. Master plan. (6) THE MASTER PLAN OF ANY MUNICIPALITY ADOPTED OR AMENDED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (6) SHALL SATISFY THE REQUIREMENTS OF SECTION 29-1-207, C.R.S., AS APPLICABLE.

SECTION 4. Effective date - applicability. (1) 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 (August 10, 2005, if adjournment sine die is on May 11, 2005); 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.

(2) The provisions of this act shall apply to any change to a local government's comprehensive plan, amendments to the plan, or to the local government's land development regulations submitted for the approval of the local government on or after the applicable effective date of this act.

Approved: April 14, 2005