

CHAPTER 165

GOVERNMENT - LOCAL

HOUSE BILL 07-1246

BY REPRESENTATIVE(S) Levy, Looper, Marostica, Pommer, Weissmann, Fischer, Kefalas, Witwer, and Green;
also SENATOR(S) Tochtrop.

AN ACT

**CONCERNING THE CREATION OF GUIDELINES FOR THE ENHANCED PREDICTABILITY OF DISCRETIONARY
LAND USE DECISIONS MADE BY LOCAL GOVERNMENTS.**

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

SECTION 1. The introductory portion to 30-28-106 (3) (a) and 30-28-106 (3) (f), Colorado Revised Statutes, are amended, and the said 30-28-106 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

30-28-106. Adoption of master plan - contents. (3) (a) The master plan of a county or region, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the county or regional planning commission's recommendations for the development of the territory covered by the plan. ~~and, after consideration of each of the following, where applicable or appropriate~~ THE MASTER PLAN OF A COUNTY OR REGION SHALL BE AN ADVISORY DOCUMENT TO GUIDE LAND DEVELOPMENT DECISIONS; HOWEVER, THE PLAN OR ANY PART THEREOF MAY BE MADE BINDING BY INCLUSION IN THE COUNTY'S OR REGION'S ADOPTED SUBDIVISION, ZONING, PLATTING, PLANNED UNIT DEVELOPMENT, OR OTHER SIMILAR LAND DEVELOPMENT REGULATIONS AFTER SATISFYING NOTICE, DUE PROCESS, AND HEARING REQUIREMENTS FOR LEGISLATIVE OR QUASI-JUDICIAL PROCESSES AS APPROPRIATE. AFTER CONSIDERATION OF EACH OF THE FOLLOWING, WHERE APPLICABLE OR APPROPRIATE, THE MASTER PLAN may include, but SHALL not be limited to:

(f) ~~The master plan of a county or region is advisory only.~~

(7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO MASTER PLAN ORIGINALLY ADOPTED OR AMENDED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION SHALL CONFLICT WITH A MASTER PLAN FOR THE EXTRACTION OF

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

COMMERCIAL MINERAL DEPOSITS ADOPTED BY THE COUNTY PURSUANT TO SECTION 34-1-304, C.R.S.

SECTION 2. The introductory portion to 31-23-206 (1) and 31-23-206 (3), Colorado Revised Statutes, are amended, and the said 31-23-206 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

31-23-206. Master plan. (1) It is the duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside its boundaries, subject to the approval of the governmental body having jurisdiction thereof, which in the commission's judgment bear relation to the planning of such municipality. THE MASTER PLAN OF A MUNICIPALITY SHALL BE AN ADVISORY DOCUMENT TO GUIDE LAND DEVELOPMENT DECISIONS; HOWEVER, THE PLAN OR ANY PART THEREOF MAY BE MADE BINDING BY INCLUSION IN THE MUNICIPALITY'S ADOPTED SUBDIVISION, ZONING, PLATTING, PLANNED UNIT DEVELOPMENT, OR OTHER SIMILAR LAND DEVELOPMENT REGULATIONS AFTER SATISFYING NOTICE, DUE PROCESS, AND HEARING REQUIREMENTS FOR LEGISLATIVE OR QUASI-JUDICIAL PROCESSES AS APPROPRIATE. When a commission decides to adopt a master plan, the commission shall conduct public hearings, after notice of such public hearings has been published in a newspaper of general circulation in the municipality in a manner sufficient to notify the public of the time, place, and nature of the public hearing, prior to final adoption of a master plan in order to encourage public participation in and awareness of the development of such plan and shall accept and consider oral and written public comments throughout the process of developing the plan. Such plan, with the accompanying maps, plats, charts, and descriptive matter, shall, after consideration of each of the following, where applicable or appropriate, show the commission's recommendations for the development of said municipality and outlying areas, including, but not limited to:

(3) ~~The master plan of a municipality is advisory only.~~

(7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO MASTER PLAN ORIGINALLY ADOPTED OR AMENDED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION SHALL CONFLICT WITH A MASTER PLAN FOR THE EXTRACTION OF COMMERCIAL MINERAL DEPOSITS ADOPTED BY THE MUNICIPALITY PURSUANT TO SECTION 34-1-304, C.R.S.

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, (August 8, 2007, if adjournment sine die is on May 9, 2007); 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: April 25, 2007