

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0967.01 Jennifer Berman x3286

HOUSE BILL 16-1340

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HOUSE SPONSORSHIP

Tyler,

SENATE SPONSORSHIP

Scott,

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House Committees  
Local Government

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING AN EXEMPTION FOR CERTAIN PROPOSED PUBLIC  
102 PROJECTS FROM THE REQUIREMENT THAT THE LOCATION OF A  
103 PUBLIC PROJECT BE REVIEWED BY A COUNTY PLANNING  
104 COMMISSION IF THE PROPOSED LOCATION OF THE PUBLIC  
105 PROJECT IS IN THE UNINCORPORATED TERRITORY OF THE  
106 COUNTY.

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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://www.leg.state.co.us/bills summaries>.)*

Under current law, a county or regional planning commission that

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

has adopted a master plan for a county or part of the county is required to review the proposed location of a public project if the location falls within the unincorporated territory of the county. The bill exempts from the review requirement a proposed public project that is permitted under existing zoning laws or contemplated by a plan, proposal, or application, that the planning commission has already approved.

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

2           **SECTION 1.** In Colorado Revised Statutes, 30-28-110, **amend**  
3 (1) (a) as follows:

4           **30-28-110. Regional planning commission approval - required**  
5 **when - recording.** (1) (a) Whenever ~~any~~ A county planning commission  
6 or, if there is none, ~~any~~ A regional planning commission has adopted a  
7 master plan of the county or any part ~~thereof~~ ~~no~~ OF THE COUNTY, A road,  
8 park, ~~or other~~ public way, PUBLIC ground, ~~or~~ PUBLIC space, ~~no~~ public  
9 building or structure, or ~~no~~ public utility, whether publicly or privately  
10 owned, shall NOT be constructed or authorized in the unincorporated  
11 territory of the county ~~until and~~ unless the proposed location and extent  
12 ~~thereof~~ OF THE PROJECT has been submitted to and approved by ~~such~~ THE  
13 county or regional planning commission. A COUNTY OR REGIONAL  
14 PLANNING COMMISSION NEED NOT REVIEW A PROPOSED PROJECT  
15 PURSUANT TO THIS PARAGRAPH (a) IF THE PROPOSED PROJECT IS  
16 PERMITTED UNDER EXISTING ZONING LAWS OR IS CONTEMPLATED BY ONE  
17 OF THE FOLLOWING THAT THE PLANNING COMMISSION HAS ALREADY  
18 APPROVED:

19           (I) A PLAN, INCLUDING THE COUNTY'S MASTER PLAN;

20           (II) A PROPOSAL; OR

21           (III) AN APPLICATION.

22           **SECTION 2. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the  
2 ninety-day period after final adjournment of the general assembly (August  
3 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
4 referendum petition is filed pursuant to section 1 (3) of article V of the  
5 state constitution against this act or an item, section, or part of this act  
6 within such period, then the act, item, section, or part will not take effect  
7 unless approved by the people at the general election to be held in  
8 November 2016 and, in such case, will take effect on the date of the  
9 official declaration of the vote thereon by the governor.