



Colorado Legislative Council Staff Fiscal Note
FINAL
FISCAL NOTE

Drafting Number: LLS 10-0951
Prime Sponsor(s): Rep. Scanlan

Date: June 2, 2010
Bill Status: Postponed Indefinitely
Fiscal Analyst: Josh Abram (303-866-3561)

TITLE: CONCERNING A MODIFICATION TO PLANNING REQUIREMENTS AFFECTING COUNTY GOVERNMENTS TO CLARIFY THAT POLITICAL SUBDIVISIONS ARE NOT EXEMPT FROM COUNTY APPROVAL OF LAND-USE DEVELOPMENT UNDER THE "PLANNED UNIT DEVELOPMENT ACT OF 1972".

Fiscal Impact Summary	FY 2010-2011	FY 2011-2012
State Revenue		
State Expenditures		
FTE Position Change		
Effective Date: The bill was postponed indefinitely by the House Local Government Committee on April 22, 2010.		
Appropriation Summary for FY 2010-2011: None required.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

This bill modifies local land-use law to clarify that all public projects must be approved via the location and extent review process of counties, and that political subdivisions of the county are not exempt from compliance with regulations adopted pursuant to the Planned Unit Development Act of 1972. Political subdivisions are required to obtain approval by counties when the subdivision seeks to build a public project in the unincorporated area of a county, and may be required to modify the plan provisions of a planned unit development (PUD).

Background

Under current law, the governing body of a political subdivision may overrule county disapproval of a public project. This provision has been affirmed by recent court cases, particularly in cases where the public project is to be built on unincorporated county land encompassed within a planned unit development. A PUD is a planning tool which allows a county to redefine an area for residential development that may or may not conform with other land use restrictions and zoning in the county's master plan.

Currently, a county may not use its zoning authority to block a public project designed to fulfill the statutory obligations of a city or special district within the county's boundaries. Although a county is entitled to conduct location and extent review, the county may not condition acceptance of an application for review by first requiring the subdivision to modify provisions of a PUD.

Local Government Impact

The bill clarifies that political subdivisions are not exempt from compliance with land use regulations adopted by the county via an approved planned unit development. Municipalities and special districts may be required to seek changes to the provisions of a PUD as part of the approval process for public projects on these lands. In some cases, political subdivisions will have additional administrative expenses when seeking approval to construct public projects on county land.

Departments Contacted

Local Affairs