

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0951.01 Bob Lackner

HOUSE BILL 10-1368

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HOUSE SPONSORSHIP

Scanlan,

SENATE SPONSORSHIP

(None),

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House Committees  
Local Government

Senate Committees

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A BILL FOR AN ACT

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

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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>.)*

Current law prohibits the construction or authorization of certain

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.

public projects in the unincorporated area of a county unless the proposed location and extent of the project are submitted to and approved by the county. Court cases have construed this provision to exempt political subdivisions such as special districts from complying with county planning and zoning requirements for public projects, particularly in connection with public projects on land encompassed within a planned unit development already subject to county regulations. The bill modifies the statutory provision requiring the location and extent review to clarify that the review does not waive or exempt any political subdivision from compliance with regulations adopted by the county pursuant to the "Planned Unit Development Act of 1972".

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

2 **SECTION 1.** 30-28-110, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **30-28-110. Regional planning commission approval - required**  
5 **when - recording.** (1.5) NOTWITHSTANDING ANY OTHER PROVISION OF  
6 LAW, THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION DO NOT WAIVE  
7 OR EXEMPT ANY POLITICAL SUBDIVISION FROM COMPLIANCE WITH  
8 REGULATIONS ADOPTED BY THE COUNTY PURSUANT TO PART 1 OF ARTICLE  
9 67 OF TITLE 24, C.R.S.

10 **SECTION 2. Act subject to petition - effective date -**  
11 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day  
12 following the expiration of the ninety-day period after final adjournment  
13 of the general assembly (August 11, 2010, if adjournment sine die is on  
14 May 12, 2010); except that, if a referendum petition is filed pursuant to  
15 section 1 (3) of article V of the state constitution against this act or an  
16 item, section, or part of this act within such period, then the act, item,  
17 section, or part shall not take effect unless approved by the people at the  
18 general election to be held in November 2010 and shall take effect on the  
19 date of the official declaration of the vote thereon by the governor.

1           (2) The provisions of this act shall apply to applications for  
2 proposed location and extent review by county governments under section  
3 30-28-110 (1) (a), Colorado Revised Statutes, submitted to such  
4 governments on or after the applicable effective date of this act.