



**Colorado
Legislative
Council
Staff**

Bill 3

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 18-0124
Prime Sponsor(s):

Date: October 3, 2017
Bill Status: Young and Beginning Farmers
Interim Study Committee Bill
Request

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BILL TOPIC: AGRICULTURAL PROTECTION DISTRICTS

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures General Fund, Cash Funds, or Federal Funds	Workload and potential expenditure increase. See State Expenditures section.	
Appropriation Required: None.		
Future Year Impacts: Ongoing workload and potential expenditure increase.		

Summary of Legislation

This bill allows county governments to designate adjacent parcels of land as Agricultural Protection Districts upon the application and petition of land owners and subsequent evaluation by the county's planning commission and the county's newly created agricultural protection district advisory board. Counties must provide public notice of an application to create a district; hold a public hearing; and approve, modify, or reject an application. Prior to this decision of the board of county commissioners, the county's planning commission and its agricultural protection district advisory board (a board with up to five-members appointed by the board of county commissioners) must evaluate applications using specific criteria and submit written recommendations to the board of county commissioners. Counties may assess a reasonable fee to cover application processing costs.

Once a district is approved, the board of county commissioners must file a legal description of the district with the county clerk and the county planning commission, and send written notification to the state Department of Agriculture. The same county entities are required to review the district every ten years to determine whether the district should be continued, modified, or terminated.

The Department of Agriculture and the Division of Local Government in the Department of Local Affairs may offer assistance to these districts once established. This assistance includes:

- providing state or county level incentives to encourage district use;

- facilitating access to districts using available state economic resources;
- enhancing district visibility;
- providing technical assistance and planning aid to districts; and
- fostering support for agriculture within the state.

Finally, the bill provides criteria and framework for future actions related to a district, such as the removal of land from a district or municipal annexation of a district.

Background

Colorado has enacted right-to-farm laws to protect agricultural operations from nuisance suits. Local governments are also prohibited from passing local laws to make agricultural operations a nuisance, and are permitted to adopt laws that provide additional protections for agricultural operations.

State Expenditures

The Department of Agriculture and the Department of Local Affairs may see increased expenditures and workloads once districts are formed; however, the bill is discretionary in the amount and type of assistance these departments would provide to counties. Because districts do not have a governing body and are not granted authority to employ agents under the bill, the fiscal note assumes that assistance would be provided directly to the board of county commissioners at their request and subject to resource availability.

Local Government Impact

To the extent that landowners utilize these districts, counties will see an increased workload and costs related to application processing and the public input process. Specifically, these workload and cost increases include:

- establishing certain criteria related to agricultural protection districts;
- appointing an advisory board;
- providing notice in newspapers, posted notices, and written mailings in the affected area when an application is filed;
- creating a written evaluation of the application;
- holding a public hearing;
- managing filed objections;
- legally recording districts;
- managing future district changes; and
- performing a decennial review of districts.

Effective Date

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Agriculture
Economic Development
Municipalities

Clerks
Information Technology
Special Districts

Counties
Local Affairs