

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 16-0967.01 Jennifer Berman x3286

**HOUSE BILL 16-1340**

---

**HOUSE SPONSORSHIP**

Tyler,

**SENATE SPONSORSHIP**

Scott,

---

**House Committees**  
Local Government

**Senate Committees**

---

**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.**

---

**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/billsummaries>.)*

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.*

HOUSE  
Amended 2nd Reading  
April 12, 2016

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.

---

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

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

20           **(B)** A PROPOSAL; OR

21           **(C)** AN APPLICATION.

22           **(II)** ON AT LEAST AN ANNUAL BASIS, THE STAFF OF A COUNTY OR

1 REGIONAL PLANNING COMMISSION SHALL PREPARE FOR THE COUNTY OR  
2 REGIONAL PLANNING COMMISSION'S REVIEW A REPORT INDICATING THE  
3 PROPOSED PROJECTS THAT WERE NOT REVIEWED PURSUANT TO  
4 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

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