

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 19-0991.01 Bob Lackner x4350

HOUSE BILL 19-1274

HOUSE SPONSORSHIP

Snyder, Duran, Exum, Gray, Kraft-Tharp, Michaelson Jenet, Sullivan

SENATE SPONSORSHIP

Hisey,

House Committees

Transportation & Local Government

Senate Committees

Local Government

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF THE BOARDS OF COUNTY**
102 **COMMISSIONERS TO DELEGATE TO COUNTY ADMINISTRATIVE**
103 **OFFICIALS CERTAIN LAND USE DETERMINATIONS AFFECTING**
104 **SUBDIVISION PLATTING.**

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://leg.colorado.gov>.)

The process for review and approval by a county of subdivision plats or other plans and agreements affecting certain land use determinations must be conducted pursuant to county resolutions,

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

SENATE
Amended 2nd Reading
April 23, 2019

HOUSE
3rd Reading Unamended
April 8, 2019

HOUSE
Amended 2nd Reading
April 5, 2019

ordinances, or regulations. The bill provides that such resolutions, ordinances, or regulations may provide for the delegation by a board of county commissioners (board) to one or more county administrative officials the authority to:

- ! Approve or deny final plats, amendments to final plats, and correction plats;
- ! Approve subdivision improvement agreements and other agreements required in connection with a final plat, an amendment to a final plat, or correction plat; and
- ! Review and approve the data, surveys, analyses, studies, plans and designs submitted in connection with a final plat, amendment to a final plat, or correction plat.

Any delegation of authority made pursuant to the bill does not include:

- ! The approval of any exception to, waiver of, or deviation from any state or county requirement regarding the subdivision of land;
- ! The approval of any agreement for the expenditure of public funds; or
- ! The waiver or restriction of any appeal process provided by county resolution, ordinance, or regulation.

Any delegation of authority made pursuant to the bill must include procedures for public notice and the submission of written comments prior to the administrative approval or denial of a final plat or amendment to a final plat and for the appeal to a board of such administrative approval or denial.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-28-133.5, **add**
3 (1.5) as follows:

4 **30-28-133.5. Review of plats and other plans.** (1.5) (a) COUNTY
5 RESOLUTIONS, ORDINANCES, OR REGULATIONS REQUIRED BY SUBSECTION
6 (1) OF THIS SECTION MAY PROVIDE FOR THE DELEGATION BY A BOARD OF
7 COUNTY COMMISSIONERS TO ONE OR MORE COUNTY ADMINISTRATIVE
8 OFFICIALS THE AUTHORITY TO:

9 (I) APPROVE OR DENY FINAL PLATS, AMENDMENTS TO FINAL PLATS,
10 AND CORRECTION PLATS IN SO FAR AS THE FINDINGS REQUIRED BY SECTION

1 30-28-133 (6) HAVE PREVIOUSLY BEEN MADE BY EITHER THE BOARD OF
2 COUNTY COMMISSIONERS OF THE COUNTY OR BY ONE OR MORE COUNTY
3 ADMINISTRATIVE OFFICIALS TO WHOM THE MATTER HAS BEEN DELEGATED
4 IN CONNECTION WITH THE PRELIMINARY PLAN WITH WHICH THE FINAL PLAT
5 COMPLIES;

6 (II) APPROVE SUBDIVISION IMPROVEMENT AGREEMENTS AND
7 OTHER AGREEMENTS REQUIRED IN CONNECTION WITH A FINAL PLAT, AN
8 AMENDMENT TO A FINAL PLAT, OR CORRECTION PLAT; █

9 (III) REVIEW AND APPROVE THE DATA, SURVEYS, ANALYSES,
10 STUDIES, PLANS, AND DESIGNS SUBMITTED IN CONNECTION WITH A FINAL
11 PLAT, AMENDMENT TO A FINAL PLAT, OR CORRECTION PLAT; AND

12 (IV) REVIEW AND APPROVE ANY SUBDIVISION EXEMPTION AS
13 AUTHORIZED BY SECTION 30-28-101 (10)(d).

14 (b) ANY DELEGATION OF AUTHORITY MADE PURSUANT TO
15 SUBSECTION (1.5)(a) OF THIS SECTION SHALL NOT INCLUDE:

16 (I) THE APPROVAL OF ANY AGREEMENT FOR THE EXPENDITURE OF
17 PUBLIC FUNDS; OR

18 (II) THE WAIVER OR RESTRICTION OF ANY APPEAL PROCESS
19 PROVIDED BY COUNTY RESOLUTION, ORDINANCE, OR REGULATION.

20 (c) ANY DELEGATION OF AUTHORITY MADE PURSUANT TO
21 SUBSECTION (1.5)(a) OF THIS SECTION MUST INCLUDE PROCEDURES FOR
22 PUBLIC NOTICE AND THE SUBMISSION OF WRITTEN COMMENTS PRIOR TO
23 THE ADMINISTRATIVE APPROVAL OR DENIAL OF A FINAL PLAT OR
24 AMENDMENT TO A FINAL PLAT AND FOR THE APPEAL TO A BOARD OF
25 COUNTY COMMISSIONERS OF THE COUNTY OF SUCH ADMINISTRATIVE
26 APPROVAL OR DENIAL.

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

1 takes effect September 1, 2019; except that, if a referendum petition is
2 filed pursuant to section 1 (3) of article V of the state constitution against
3 this act or an item, section, or part of this act within the ninety-day period
4 after final adjournment of the general assembly, then the act, item,
5 section, or part will not take effect unless approved by the people at the
6 general election to be held in November 2020 and, in such case, will take
7 effect on the date of the official declaration of the vote thereon by the
8 governor.