

CHAPTER 294

GOVERNMENT - COUNTY

SENATE BILL 96-061

BY SENATORS Alexander, Tebedo, and Weddig;
also REPRESENTATIVE Anderson.

AN ACT

CONCERNING MEASURES TO IMPROVE THE EFFICIENCY OF THE COUNTY PLANNING PROCESS.

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

SECTION 1. Article 28 of title 30, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

30-28-133.5. Review of plats and other plans. (1) THE PROCESS FOR REVIEW AND APPROVAL OF ANY PLAT OR OTHER PLAN REQUIRED BY SECTION 30-28-133 OR 30-28-133.1, FOR ANY AGREEMENT REQUIRED BY SECTION 30-28-137, OR FOR PLANS FOR EXTENSIONS, BETTERMENTS, OR ADDITIONS TO BUILDINGS, STRUCTURES OR PLANT OR OTHER EQUIPMENT OF A PUBLIC UTILITY UNDER SECTION 30-28-127 SHALL BE CONDUCTED PURSUANT TO DULY ADOPTED COUNTY RESOLUTIONS, ORDINANCES, OR REGULATIONS THAT ARE AVAILABLE TO THE APPLICANT PRIOR TO COMMENCEMENT OF SUCH PROCESS. THE DENIAL OF A PLAT, PLAN, OR AGREEMENT SHALL BE SUPPORTED BY WRITTEN FINDINGS SPECIFYING THE PROVISIONS THAT THE PLAT, PLAN, OR AGREEMENT FAILED TO ADDRESS OR SATISFY. THE DENIAL OF ANY PLAT, PLAN, OR AGREEMENT SHALL BE BASED ON A FAILURE TO CONFORM TO THE REQUIREMENTS OF THE ADOPTED RESOLUTION, ORDINANCE, OR REGULATION.

(2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PRECLUDE A COUNTY FROM TAKING ANY ACTION PERMITTED BY LAW WITH RESPECT TO THE PLAT, PLAN, OR AGREEMENT BASED ON THE CONSIDERATION OF THE RIGHTS AND PRIVILEGES OF THE OWNERS OF SUBSURFACE MINERAL INTERESTS AND THEIR LESSEES PURSUANT TO SECTION 30-28-133 (10).

(3) DURING THE ADMINISTRATIVE REVIEW OF ANY PLAT, PLAN, OR AGREEMENT, THE COUNTY SHALL MAKE EVERY EFFORT TO APPRISE THE APPLICANT OF ANY

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

DEFICIENCY OR NONCONFORMITY IN THE PLAT, PLAN, OR AGREEMENT PRIOR TO ANY REQUIRED PUBLIC HEARING. A TECHNICAL DISPUTE BETWEEN A LICENSED OR REGISTERED PROFESSIONAL OF THE APPLICANT AND THE COUNTY MAY BE REFERRED, AT THE APPLICANT'S REQUEST, TO A QUALIFIED EMPLOYEE IN THE APPROPRIATE STATE DEPARTMENT FOR A RECOMMENDATION TO FACILITATE A RESOLUTION OF THE DISPUTE.

(4) THE COUNTY PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS MAY REQUEST REDESIGN OF ALL OR ANY PORTION OF A PLAT OR PLAN SUBMITTED FOR APPROVAL, BUT ANY SUCH REQUEST SHALL BE BASED ON SPECIFIC, OBJECTIVE CRITERIA. IF THE APPLICANT REDESIGNS THE PLAT OR PLAN IN ACCORDANCE WITH THE REQUEST, NO FURTHER REDESIGN SHALL BE REQUIRED UNLESS NECESSARY TO COMPLY WITH A DULY ADOPTED COUNTY RESOLUTION, ORDINANCE, OR REGULATION.

(5) ANY REQUIRED PUBLIC HEARING ON ANY PLAT, PLAN, OR AGREEMENT SHALL BE CONDUCTED EXPEDITIOUSLY AND CONCLUDED WHEN ALL THOSE PRESENT AND WISHING TO TESTIFY HAVE DONE SO. NO PUBLIC HEARING SHALL CONTINUE FOR MORE THAN FORTY DAYS FROM THE DATE OF COMMENCEMENT WITHOUT THE WRITTEN CONSENT OF THE APPLICANT. ANY CONTINUATION OF A PUBLIC HEARING SHALL BE TO A DATE CERTAIN.

(6) UNLESS WITHDRAWN BY THE APPLICANT, ANY PLAT, PLAN, OR AGREEMENT THAT HAS BEEN NEITHER APPROVED, CONDITIONALLY APPROVED, NOR DENIED WITHIN A TIME CERTAIN MUTUALLY AGREED TO BY THE COUNTY AND THE APPLICANT AT THE TIME OF FILING SHALL BE DEEMED APPROVED UNDER SECTIONS 30-28-127, 30-28-133, 30-28-133.1, OR 30-28-137. SUCH TIME PERIOD MAY BE EXTENDED BY THE COUNTY TO RECEIVE A RECOMMENDATION FROM ANY AGENCY TO WHICH A PLAT OR PLAN WAS REFERRED PURSUANT TO SECTION 30-28-136, BUT SUCH EXTENSION SHALL NOT EXCEED THIRTY DAYS UNLESS THE AGENCY HAS NOTIFIED THE COUNTY THAT IT WILL REQUIRE ADDITIONAL TIME TO COMPLETE ITS RECOMMENDATION.

(7) ANY REQUIREMENT SET FORTH IN THIS SECTION MAY BE WAIVED IN WRITING BY THE APPLICANT.

SECTION 2. Article 67 of title 24, Colorado Revised Statutes, 1988 Repl. Vol., is amended BY THE ADDITION OF A NEW SECTION to read:

24-67-105.5. Review of planned unit development. (1) THE COUNTY PLANNING COMMISSION OR GOVERNING BODY MAY REQUEST REDESIGN OF ALL OR ANY PORTION OF A PLANNED UNIT DEVELOPMENT SUBMITTED FOR APPROVAL, BUT ANY SUCH REQUEST SHALL INCLUDE SPECIFIC, OBJECTIVE CRITERIA. IF THE APPLICANT REDESIGNS THE PLANNED UNIT DEVELOPMENT IN ACCORDANCE WITH THE REQUEST, NO FURTHER REDESIGN SHALL BE REQUIRED UNLESS NECESSARY TO COMPLY WITH A DULY ADOPTED COUNTY RESOLUTION, ORDINANCE, OR REGULATION.

(2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PRECLUDE A COUNTY FROM TAKING ANY ACTION PERMITTED BY LAW BASED ON THE CONSIDERATION OF THE RIGHTS AND PRIVILEGES OF THE OWNERS OF SUBSURFACE MINERAL INTERESTS AND THEIR LESSEES PURSUANT TO SECTION 30-28-133 (10), C.R.S.

(3) ANY REQUIRED PUBLIC HEARING ON ANY PLANNED UNIT DEVELOPMENT SHALL

BE CONDUCTED EXPEDITIOUSLY AND CONCLUDED WHEN ALL THOSE PRESENT AND WISHING TO TESTIFY HAVE DONE SO. NO PUBLIC HEARING SHALL CONTINUE FOR MORE THAN FORTY DAYS FROM THE DATE OF COMMENCEMENT WITHOUT THE WRITTEN CONSENT OF THE APPLICANT. ANY CONTINUATION OF A PUBLIC HEARING SHALL BE TO A DATE CERTAIN.

(4) UNLESS WITHDRAWN BY THE APPLICANT, ANY PLANNED UNIT DEVELOPMENT THAT HAS BEEN NEITHER APPROVED, CONDITIONALLY APPROVED, NOR DENIED WITHIN A TIME CERTAIN MUTUALLY AGREED TO BY THE COUNTY AND THE APPLICANT AT THE TIME OF FILING SHALL BE DEEMED APPROVED. SUCH TIME PERIOD MAY BE EXTENDED BY THE COUNTY TO RECEIVE A RECOMMENDATION FROM AN AGENCY TO WHICH A PLANNED UNIT DEVELOPMENT WAS REFERRED, BUT SUCH EXTENSION SHALL NOT EXCEED THIRTY DAYS UNLESS THE AGENCY HAS NOTIFIED THE COUNTY THAT IT WILL REQUIRE ADDITIONAL TIME TO COMPLETE ITS RECOMMENDATION.

(5) ANY REQUIREMENT SET FORTH IN THIS SECTION MAY BE WAIVED IN WRITING BY THE APPLICANT.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 5, 1996