

CHAPTER 61

GOVERNMENT - COUNTY

SENATE BILL 08-034

BY SENATOR(S) Johnson, Bacon, Boyd, Gibbs, Groff, Keller, Romer, Tochtrop, Tupa, and Williams;
also REPRESENTATIVE(S) Fischer, and Merrifield.

AN ACT

CONCERNING AUTHORIZATION FOR COUNTY GOVERNMENTS TO CONSIDER TRANSPORTATION FACTORS IN REVIEWING AN APPLICATION FOR LAND USE APPROVALS IN CONNECTION WITH THE SITING OF A FACILITY FOR PERSONS WITH SPECIAL NEEDS.

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

SECTION 1. 30-28-115, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

30-28-115. Public welfare to be promoted - legislative declaration - construction. (2.5) IN CONNECTION WITH AN APPLICATION FOR DEVELOPMENT APPROVAL OF THE SITING OF A NEW FACILITY TO BE USED EXCLUSIVELY AS A GROUP HOME FOR THE AGED OR FOR AT-RISK ADULTS UNDER THE COUNTY'S SUBDIVISION, ZONING, PLATTING, PLANNED UNIT DEVELOPMENT, OR OTHER SIMILAR LAND DEVELOPMENT REGULATIONS, IN ADDITION TO ANY OTHER INFORMATION REQUIRED TO BE SUBMITTED, THE COUNTY MAY REQUEST THE APPLICANT TO SUBMIT A TRANSPORTATION PLAN SHOWING HOW THE OPERATORS OF THE FACILITY INTEND TO MEET THE TRANSPORTATION NEEDS OF THE RESIDENTS OF THE FACILITY. THE SUFFICIENCY OF THE TRANSPORTATION PLAN SUBMITTED PURSUANT TO THIS SUBSECTION (2.5) MAY BE CONSIDERED BY THE COUNTY IN REVIEWING THE APPLICATION BUT MAY NOT, BY ITSELF, CONSTITUTE GROUNDS FOR DENYING THE APPLICATION.

SECTION 2. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is

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

filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to applications for land use approvals submitted on or after the applicable effective date of this act.

Approved: March 24, 2008