

Location and Extent Discussion

Board of County Commissioners

Study Session - July 16, 2024

State Statutes

- Colorado Revised Statutes, Section 30-28-110
- Major Statute
- Requires planning commission review and approval of public improvements with an emphasis on consistency with comprehensive plan

- CRS, Section 22-32-124
- Most counties also reference
- Requires planning commission review and approval of public and charter schools





Key Provisions

1. **Coverage** - road, park, public way, ground, or space, public building or structure, and major facility of a public utility
2. **Exceptions** – Arapahoe – routine extensions of public utility lines and minor modifications to existing lines or facilities
3. **Submittal requirements**
4. **Timing** – 30-day limit, Arapahoe County starts the 30-day clock at the PC hearing
5. **Appeal** – projects sponsored by a county entity can appeal a denial to the BOCC, the statute requires the PC to submit a denial with reasons to the BOCC
6. **Non-county projects** – the body having jurisdiction can overrule the disapproval by a majority vote
7. **Fee** - \$2,000 per sheet for first 10 sheets, \$500 per sheet over 10

Review of Other Counties

- **Adams, Weld and Mesa** have no provision for L and E in their codes

- **Boulder** – requires an engineering report, mineral rights statement, referral package, service area description, and a site plan
 - Does not require a sign for the public hearing
 - Webpage link is supposed to include both 1041 and L and E, no L and E
 - Fee - \$500 and \$106 per hour



Douglas County

- ❖ A pre-application meeting w/ BOCC may be required
- ❖ Denial of a county funded project is forwarded to the BOCC by the PC.
- ❖ L and E Exhibit Includes:
 - ❖ *Access, easements, road widths, parking and outdoor storage.*
 - ❖ *Topography (staff can approve a interval different than 2 feet).*
 - ❖ *Source of water and method of waste disposal, illustrative landscape plan. Utility lines.*
- ❖ L and E Report:
 - ❖ *Community impact report, Phase III Drainage report, Narrative or traffic study*
 - ❖ *a guarantee of public improvements.*
 - ❖ *Information may be waived by the planning services director*
- ❖ School siting is embedded in the text
- ❖ No information on notice requirements for the public hearing.

Review of Other Counties

El Paso

- ❖ A site development plan is required
- ❖ Projects requiring 1041 review do not need an L and E; some others including “a facility identified within a PUD”
- ❖ School review process included
- ❖ Disapproval of a county-funded project is communicated to the BOCC
- ❖ Submittal requirements are supposed to be in the Code and Procedures Manual but the manual does not mention L and E
- ❖ Fee - \$3,800



Jefferson

- ❖ Requires a site plan and environmental assessment;
- ❖ Lists several other reports but all are at the discretion of the case manager
- ❖ School review is specifically described
- ❖ Lists several activities that do not require L and E, such as:
 - ❖ *sale, lease, or acquisition of any property or structure approved by the BOCC;*
 - ❖ *roadways in the Major Thoroughfare Plan*
 - ❖ *any other proposal deemed minor by the planning director*
- ❖ Notification requires a community mailing and sign but no newspaper publication with some exceptions
- ❖ Fee – table is by function (e.g., PC hearing is \$200) not by process

Review of Other Counties

Larimer

- ❖ 2003 guide has been replaced by section 6.4.4 in the LDC
- ❖ List of exemptions is gone but a list of required projects is provided
- ❖ School review process described
- ❖ Disapproval of a county-funded project is communicated to the BOCC
- ❖ No sketch plan is required, no topo is required
- ❖ Published and mailed notices required, no sign
- ❖ Fee - \$1,700 with general fund projects exempt; L and E administrative amendment - \$600

Proposed Changes

➤ Public and Charter Schools

➤ Exemptions

- County or CDOT Capital Road Projects
- Existing Water & Sewage Facilities
- Existing Electrical Facilities
- Extension of Utility Facilities
- Facility ID w/i PUD
- Expansion of Existing Facilities, if ID & Approved in Original Application
- Minor Changes to Existing L&E

➤ Procedural

- PC 30-day Decision, 30 Day Continuance
- Advise Decision of PC on County Project to BOCC
- Over-rule PC Decision by Jurisdiction Responsible, PUC, etc.
- Public & Charter Schools Don't Require L&E (Processed via CRS 22-32-124)



Issues

- Should we have some exceptions? **We have included a list.**
- Need to include the school process but need clarification on the charter school hearing. **We will request school districts to notify the PC when a charter application is filed.**
- Do we give the case manager some latitude in the elements required in a submittal? **Added a statement in the submittal requirements giving “case managers” latitude.**
- Should we be consistent with the statute and automatically forward county-project denials to the BOCC? **Revised LDC includes a requirement that the Planning Commission send a report but only the applicant can ask for BOCC review.**

