

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass and Rescind the Subsequent Referral to the Committee on Ways and Means

Vote: 5 - 3 - 0

Yeas: Clem, Cowan, Garrett, Greenlick, Nolan

Nays: Esquivel, Hanna, Wingard

Exc.: 0

Prepared By: Cheyenne Ross, Administrator

Meeting Dates: 3/3, 3/5

WHAT THE MEASURE DOES: Excludes from the definition of “land use decision” both state agency permits and compatibility statements issued by local governments that are based on, or consistent with, prior local approval of substantially the same use. Directs the Land Conservation and Development Department to update and improve coordination of land use decision-making between state agencies and local governments.

ISSUES DISCUSSED:

- Sequence of necessary decision-making by local governments and state agencies not amenable to a blanket rule
- Multiple decisions are required on the same issue, at local and state levels, and problems can occur if each separate decision regarding same subject matter is treated as an appealable land use decision
- Streamlining coordination and clarifying one path to appeal should have cost savings for applicants and authorities
- Informal workgroup of county planners and department personnel participated in crafting language for the measure
- Concern that local decision may be required to precede the state in every instance and concern that appealable decisions will be limited
- Concern that the existing sequence of decision-making for aggregate producers should not be disturbed
- Measure does not require fixed sequence of decision-making, but permits case-by-case consideration
- Measure’s intent is to narrow duplicative paths to appeal

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: State agency coordination statutes have not been updated in 20 years. The current system allows for unnecessary duplication in some instances, increasing the potential for inconsistency. In other cases the system allows for inertia, or the system puts state-level decision-making ahead of local decision-making. Examples include instances where a local government cannot act without state approval, but the state cannot approve without a local compatibility statement, which the local government refuses to issue for fear of creating an additional basis for appeal.