

Governmental Affairs Report for March 2010

By: Duncan L. McArthur, Governmental Affairs Director

The scene for local government is somewhat quiet at the moment with the Colorado Legislature in session and various items that we have been observing being completed. Mesa County's Energy Master Plan is ongoing and the Clifton Governance process is coming to a close at least for the moment, the City of Grand Junction has adopted the Comprehensive Plan, the City of Fruita appears to have completed their revisions to their development codes and planning process. The following is the current status of a few of the issues still in play.

Grand Junction Zoning & Development Code Focus Group

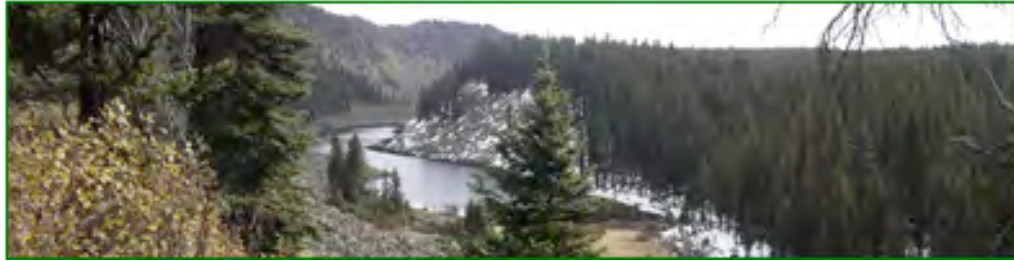
On April 5, 2010, the Grand Junction City Council will conduct a Public Hearing, 2nd reading and final consideration for adoption of the revised Zoning and Development Code. The Code has been amended to incorporate a number of amendments proposed by the real estate and development community and updates necessary to bring the Code in compliance with the recently adopted Comprehensive Plan.

City staff established a Zoning & Development Code Focus Group in 2008 to review the changes to the code proposed by the City's consultant and to discuss various issues with the Code that concerned the real estate and development community. While the Code changes have incorporated a number of changes, there continue to be a number of issues that still are of concern to members of the Focus Group. Staff has agreed to continue discussions of these issues after adoption of the current Code revisions citing the importance of bringing the Code into compliance with the Comprehensive Plan for projects that are being submitted for consideration.

Land Development Code Focus Group

The Mesa County Land Development Code Focus Group continues to meet and consider various changes to the Mesa County Development Code being proposed by Planning Department staff. During March, the Focus Group discussed proposed changes to the Two-Lot Subdivision code and the County's review of subdivision covenants during the project review process.

The Two-Lot Subdivision process had originally been established as a streamlined subdivision process that would enable private property owners to "carve out" a portion of their land when they were attempting to provide as portion of the property for sale to a third party or for conveyance to a family member. However, this process could only be utilized once on a site to avoid the process being utilized by



developers to circumvent the major subdivision process. The Focus Group considered expansion of the use of the code and the establishment of a fee in lieu of requiring the land owner providing road improvements resulting from the subdivision of the property. The Focus Group will recommend maintaining the availability of the process on a limited basis and recommended that the fee in lieu of road improvements be an optional item versus a requirement. The item will be considered further after staff has additional discussions on the issue the County's Road Department.

Clifton/Fruitvale Governance Plan

The Mesa County Board of Commissioners has decided to suspend its efforts to have the Clifton/Fruitvale area annexed by the City of Grand Junction. This decision comes after years of meetings with a steering committee and public meetings with members of the community residing in the area being considered for annexation.

Previous polling for the process indicated that a small majority of the citizens in the area preferred annexation of incorporation of a new city. The County then divided the area into three phases and hired a contractor to process the annexation petition. However, the contractor has been unable to secure sufficient signatures to submit the petitions in Phase One for consideration by the City of Grand Junction. Commissioner Acquafresca supported suspending the effort on future phases because of the cost of the process. Commissioner Rowland supported suspension of the effort since Phase One had the best polling results indicating support of annexation.

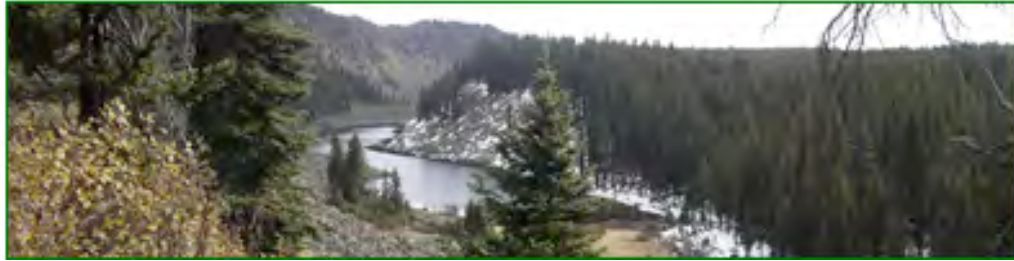
The process was initiated because the Clifton/Fruitvale area is such an urbanized area within the County and the County finds very difficult to provide the services required of an urban area. Since the annexation process has failed, the BOCC has indicated that the area may face a reduction in the level of service because of the County's budget woes and because the area continues to urbanize. However, Sheriff Hilkey has indicated that the police protection in the area will continue at the same or increased area so that the area does not experience an increase in crime.

Colorado Legislature

The Colorado Legislature will remain in session until approximately May 7th and most legislature observers agree that the various bills that have been taken through the process have moved at a frantic pace making it difficult to keep the tracking sheets up to date and current. The following is the status, as of this writing, of just a few of the bills of interest to the real estate community.

HB 10-1188 Clarify Outfitter Navigation Rights

This bill was opposed by CAR's Legislative Policy Committee (LPC). Sponsored by Rep. Curry and Sen. Hodge, the bill would have supported use of the state's rivers by rafters and their ability to enter property fronting these rivers. The bill has been laid over with the Senate voting to refer the bill for a study of the impacts of passage. It is anticipated that the bill will not go forward during this session.



HB 10-1288 Create Commercial Broker's Lien Rights

This bill was originated by CAR and is supported by the LPC. The bill would establish commercial broker's ability to file a mechanics lien on property for non-payment of a commission on leasing. The bill has been approved by both the House and Senate but has been temporarily laid over. CAR representatives have been given assurances that the bill will be sent to the Governor for signature and become law.

HB 10-1133 Foreclosure Amendment Equity Purchase Provision

This bill was also proposed by CAR and supported by the LPC. The bill is intended to clarify the requirements for sale and resale of foreclosed properties that were included in a bill adopted during last year's session. The bill has been approved by both houses and has been sent to the Governor for signature.

HB 10-1365 Colorado Clean Energy Act

This bill is a bi-partisan proposal being touted by the Governor's Energy Office as the "Clean Energy – Clean Jobs Act". In anticipation of the EPA adopting more stringent air quality requirements on the Front Range of Colorado, the bill requires the conversion of three coal fired power plants to natural gas burning. All three plants are located on the Front Range. The bill has passed both houses and has been submitted to the Governor for signature. It is anticipated that the Governor will sign the bill into law.

The bill has resulted in some controversy in the local community and will be the subject of my next article in the Cursor.