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CHAMBER ACTION

<u>Senate</u>   .   <u>House</u>

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Floor: 1e/AD/2R   .

5/2/2008 1:51 PM   .

1   Senator Geller moved the following **amendment to amendment**

2   **(842906):**

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4   **Senate Amendment (with title amendment)**

5   Delete line(s) 1244 through 1267

6   and insert:

7   (11) <u>LIMITATION OF LIABILITY.</u>--~~In order to limit the~~

8   ~~liability of local governments,~~ A <u>county having a population</u>

9   <u>greater than 850,000, and all municipalities within such county,</u>

10   <u>shall</u> ~~local government may~~ allow a landowner to proceed with

11   development of a specific parcel of land notwithstanding a

12   failure of the development to satisfy transportation concurrency,

13   if ~~when~~ all the following factors ~~are shown to~~ exist:

14   (a) The local government that has ~~with~~ jurisdiction over

15   the property has adopted a local comprehensive plan that is in

16   compliance.

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17   (b) The proposed development is ~~would be~~ consistent with
18 the future land use designation for the specific property and
19 with pertinent portions of the adopted local plan, as determined
20 by the local government.
21   ~~(c) The local plan includes a financially feasible capital~~
22 ~~improvements element that provides for transportation facilities~~
23 ~~adequate to serve the proposed development, and the local~~
24 ~~government has not implemented that element.~~
25   (c)~~(d)~~ The local government has provided a means by which
26 the landowner will be assessed a fair share of the cost of
27 providing the transportation facilities necessary to serve the
28 proposed development.
29   (d)~~(e)~~ The landowner has made a binding commitment to the
30 local government to pay the fair share of the cost of providing
31 the transportation facilities to serve the proposed development.
32
33 ================ T I T L E   A M E N D M E N T ================
34 And the title is amended as follows:
35   On line 2042, after the semicolon
36 insert:
37   requiring certain local governments to allow a landowner
38   to proceed with development that does not satisfy
39   transportation concurrency if certain factors exist;