

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1023.01 Thomas Morris x4218

HOUSE BILL 16-1313

HOUSE SPONSORSHIP

Arndt and Coram,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE AUTHORITY OF LOCAL GOVERNMENT MASTER PLANS
102 TO INCLUDE POLICIES TO IMPLEMENT STATE WATER PLAN
103 GOALS AS A CONDITION OF DEVELOPMENT APPROVALS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill authorizes local government master plans to include goals specified in the state water plan and to include policies that condition development approvals on implementation of those goals.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-28-106, **amend**
3 (3) (a) introductory portion and (3) (a) (IV) as follows:

4 **30-28-106. Adoption of master plan - contents.** (3) (a) The
5 master plan of a county or region, with the accompanying maps, plats,
6 charts, and descriptive and explanatory matter, ~~shall~~ MUST show the
7 county or regional planning commission's recommendations for the
8 development of the territory covered by the plan. The master plan of a
9 county or region ~~shall be~~ IS an advisory document to guide land
10 development decisions; however, the plan or any part thereof may be
11 made binding by inclusion in the county's or region's adopted subdivision,
12 zoning, platting, planned unit development, or other similar land
13 development regulations after satisfying notice, due process, and hearing
14 requirements for legislative or quasi-judicial processes as appropriate.
15 After consideration of each of the following, where applicable or
16 appropriate, the master plan may include:

17 (IV) (A) The general location and extent of an adequate and
18 suitable supply of water.

19 (B) If the master plan includes a water supply element, the
20 planning commission shall consult with the entities that supply water for
21 use within the county or region to ensure coordination on water supply
22 and facility planning, and the water supply element ~~shall~~ MUST identify
23 water supplies and facilities sufficient to meet the needs of the public and
24 private infrastructure reasonably anticipated or identified in the planning
25 process.

26 (C) THE MASTER PLAN MAY CONSIDER AND INCORPORATE THE
27 GOALS SPECIFIED IN THE STATE WATER PLAN ADOPTED PURSUANT TO

1 SECTION 37-60-106 (1) (u), C.R.S., AND MAY INCLUDE POLICIES TO
2 IMPLEMENT WATER CONSERVATION AND OTHER STATE WATER PLAN GOALS
3 AS A CONDITION OF DEVELOPMENT APPROVALS, INCLUDING SUBDIVISIONS,
4 PLANNED UNIT DEVELOPMENTS, SPECIAL USE PERMITS, AND ZONING
5 CHANGES.

6 (D) Nothing in this subparagraph (IV) shall be construed to
7 supersede, abrogate, or otherwise impair the allocation of water pursuant
8 to the state constitution or laws, the right to beneficially use water
9 pursuant to decrees, contracts, or other water use agreements, or the
10 operation, maintenance, repair, replacement, or use of any water facility.

11 **SECTION 2.** In Colorado Revised Statutes, 31-23-206, **amend**
12 (1) introductory portion and (1) (d) as follows:

13 **31-23-206. Master plan.** (1) It is the duty of the commission to
14 make and adopt a master plan for the physical development of the
15 municipality, including any areas outside its boundaries, subject to the
16 approval of the governmental body having jurisdiction thereof, ~~which~~
17 THAT in the commission's judgment bear relation to the planning of ~~such~~
18 THE municipality. The master plan of a municipality ~~shall be~~ IS an
19 advisory document to guide land development decisions; however, the
20 plan or any part thereof may be made binding by inclusion in the
21 municipality's adopted subdivision, zoning, platting, planned unit
22 development, or other similar land development regulations after
23 satisfying notice, due process, and hearing requirements for legislative or
24 quasi-judicial processes as appropriate. When a commission decides to
25 adopt a master plan, the commission shall conduct public hearings, after
26 notice of such public hearings has been published in a newspaper of
27 general circulation in the municipality in a manner sufficient to notify the

1 public of the time, place, and nature of the public hearing, prior to final
2 adoption of a master plan in order to encourage public participation in and
3 awareness of the development of such plan and shall accept and consider
4 oral and written public comments throughout the process of developing
5 the plan. ~~Such~~ THE plan, with the accompanying maps, plats, charts, and
6 descriptive matter, ~~shall~~ MUST, after consideration of each of the
7 following, where applicable or appropriate, show the commission's
8 recommendations for the development of ~~said~~ THE municipality and
9 outlying areas, including:

10 (d) (I) The general location and extent of an adequate and suitable
11 supply of water.

12 (II) If the master plan includes a water supply element, the
13 planning commission shall consult with the entities that supply water for
14 use within the municipality to ensure coordination on water supply and
15 facility planning, and the water supply element ~~shall~~ MUST identify water
16 supplies and facilities sufficient to meet the needs of the public and
17 private infrastructure reasonably anticipated or identified in the planning
18 process.

19 (III) THE MASTER PLAN MAY CONSIDER AND INCORPORATE THE
20 GOALS SPECIFIED IN THE STATE WATER PLAN ADOPTED PURSUANT TO
21 SECTION 37-60-106 (1) (u), C.R.S., AND MAY INCLUDE POLICIES TO
22 IMPLEMENT WATER CONSERVATION AND OTHER STATE WATER PLAN GOALS
23 AS A CONDITION OF DEVELOPMENT APPROVALS, INCLUDING SUBDIVISIONS,
24 PLANNED UNIT DEVELOPMENTS, SPECIAL USE PERMITS, AND ZONING
25 CHANGES.

26 (IV) Nothing in this paragraph (d) shall be construed to supersede,
27 abrogate, or otherwise impair the allocation of water pursuant to the state

1 constitution or laws, the right to beneficially use water pursuant to
2 decrees, contracts, or other water use agreements, or the operation,
3 maintenance, repair, replacement, or use of any water facility.

4 **SECTION 3. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2016 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.