

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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 WATER PLAN GOALS.**

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.

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

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

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

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

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

25 (C) THE MASTER PLAN MAY INCORPORATE WATER CONSERVATION
26 AND WATER MANAGEMENT GOALS, INCLUDING THE GOALS SPECIFIED IN
27 THE STATE WATER PLAN ADOPTED PURSUANT TO SECTION 37-60-106 (1)

1 (u), C.R.S., AND MAY CONSIDER INCLUDING RECOMMENDED POLICIES TO
2 IMPLEMENT THE GOALS AS A CONDITION OF DEVELOPMENT APPROVALS,
3 INCLUDING SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, SPECIAL USE
4 PERMITS, AND ZONING CHANGES. NOTHING IN THIS SUB-SUBPARAGRAPH
5 (C) SHALL BE CONSTRUED TO CREATE A MANDATE OR AFFECT EXISTING
6 POLICY REGARDING WATER.

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

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

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

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

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

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

20 (III) THE MASTER PLAN MAY INCORPORATE WATER CONSERVATION
21 AND WATER MANAGEMENT GOALS, INCLUDING THE GOALS SPECIFIED IN
22 THE STATE WATER PLAN ADOPTED PURSUANT TO SECTION 37-60-106 (1)
23 (u), C.R.S., AND MAY CONSIDER INCLUDING POLICIES TO IMPLEMENT THE
24 GOALS AS A CONDITION OF DEVELOPMENT APPROVALS, INCLUDING
25 SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, SPECIAL USE PERMITS, AND
26 ZONING CHANGES. NOTHING IN THIS SUBPARAGRAPH (III) SHALL BE
27 CONSTRUED TO CREATE A MANDATE OR AFFECT EXISTING POLICY

1 REGARDING WATER.

2 (IV) Nothing in this paragraph (d) shall be construed to supersede,
3 abrogate, or otherwise impair the allocation of water pursuant to the state
4 constitution or laws, the right to beneficially use water pursuant to
5 decrees, contracts, or other water use agreements, or the operation,
6 maintenance, repair, replacement, or use of any water facility.

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