



Legislative Council Staff

Research Note

Version: Final

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Bill Number

House Bill 16-1313

Sponsors

*Representatives Arndt and
Coram
Senator Donovan*

Short Title

*Authorize Local Government
Master Plan Include Water Plan
Goal*

Research Analyst

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Status

This research note reflects the final version of the bill. The bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee on May 2, 2016.

Summary

This bill authorizes local governments to incorporate water conservation and water management goals, including those specified in the state water plan, in their master plans. Local governments may also consider including recommended policies to implement the goals as a condition of development approval.

Background

Colorado Water Plan. In 2013, Governor Hickenlooper issued an executive order directing the Colorado Water Conservation Board (CWCB) to commence work on the Colorado Water Plan (state water plan). According to the Governor's executive order, the state water plan must promote a productive economy that supports vibrant and sustainable cities, viable and productive agriculture, and a robust skiing, recreation, and tourism industry. It must also incorporate an efficient and effective water infrastructure promoting smart land use and a strong environment that includes healthy watersheds, rivers and streams, and wildlife. The final plan was released on November 19, 2015.

The CWCB, in the Department of Natural Resources, is the state's main water policy and planning agency. It is also the primary entity responsible for the development of the state water

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plan. Its major programs include water supply protection, flood protection, conservation and drought planning, stream and lake protection, and water supply planning and finance. In the Governor's executive order, several other state agencies were directed to cooperate with the CWCB in the drafting of the state water plan, including the Colorado Department of Public Health and Environment, the Colorado Water Resources and Power Development Authority, the Colorado Department of Agriculture, and the Colorado Energy Office.

Colorado Water for the 21st Century Act. In 2005, in order to help address Colorado's growing water demand, the Colorado Water for the 21st Century Act was established. This law created nine basin roundtables made up of appointed citizens who represent counties, cities, and water districts across the state. The roundtables identify water needs within each basin and discuss how each basin's water needs may be addressed at the local level. The act also created the 27-member Interbasin Compact Committee (IBCC) to facilitate negotiation between the roundtables.

Input to the state water plan. The CWCB was directed by the Governor's executive order to utilize the basin roundtables and the IBCC in the drafting of the state water plan. The Governor's executive order also stressed that the state water plan would be a plan written "by Coloradans, for Coloradans." Citizens were involved in the creation of the state water plan by providing feedback at basin roundtable meetings, Water Resources Review Committee (WRRC) meetings, and submitting electronic comments on a website dedicated to the state water plan. Senate Bill 14-115 charged the WRRC with holding public meetings around the state in 2014 and 2015 in each of the nine basin roundtable areas to gather public input.

Local governments. The executive summary of the state water plan sets a local land use goal that states, "by 2025, 75 percent of Coloradans will live in communities that have incorporated water-saving actions into land-use planning." It also calls for a partnership among water providers and local communities. The CWCB pledged to work with the Department of Local Affairs (DOLA), local governments, water providers, local government associations, councils of governments, and homebuilders associations to help reach this goal. This bill would allow local governments to incorporate this goal and other water conservation and water management goals into their master plans.

Master plans for local governments are defined in law as advisory documents to guide land development decisions. Under this bill, local governments may consider including recommended policies to implement water conservation and water management goals as a condition of approval for developments, including subdivisions, planned unit developments, special use permits, and zoning changes.

Senate Bill 15-008. Recommended by the WRRC, SB 15-008 directed the CWCB, in consultation with DOLA, to develop and provide free training programs for local government planners regarding best management practices for water demand management, water efficiency, and water conservation. The CWCB must also make recommendations regarding how to better integrate water demand management and conservation planning into land use planning.

House Action

House Agriculture, Livestock, and Natural Resources Committee (April 13, 2016). At the hearing, representatives from Colorado Counties Inc., Colorado Municipal League, and the American Planning Association (APA) testified in support of the bill. A representative from the CWCB testified in a neutral position. A representative from the Associated Governments of Northwest Colorado testified in opposition to the bill. The committee adopted amendment L.001,

which clarified the types of goals local governments are authorized to consider including in their master plans. It also clarified that the bill shall not be construed to create a mandate or affect existing policy regarding water. The committee referred the bill to the House Committee of the Whole, as amended.

House second reading (April 15, 2016). The House adopted the Agriculture, Livestock, and Natural Resources Committee report. The House passed the bill on second reading, as amended.

House third reading (April 20, 2016). The House passed the bill on third reading with no amendments.

Senate Action

Senate State, Veterans, and Military Affairs Committee (May 2, 2016). At the hearing, representatives from the CWCB and the Colorado Chapter of the APA testified in support of the bill. A representative from the Associated Governments of Northwest Colorado testified in opposition to the bill. The bill was postponed indefinitely.

Relevant Research

CWCB, *Colorado's Water Plan*, November 2015: <http://tinyurl.com/jj52tzh>

Legislative Council Staff, *The Colorado Water Plan*, Issue Brief, September 2014: <http://tinyurl.com/gn269ot>

Legislative Council Staff, *Water Resources Review Committee Final Report*, December 2015: <http://tinyurl.com/h5ednlo>