

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-1038.01 Thomas Morris x4218

HOUSE BILL 17-1273

HOUSE SPONSORSHIP

Hansen and McKean,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT AN APPLICANT FOR A REAL
102 ESTATE DEVELOPMENT PERMIT DEMONSTRATE WATER
103 CONSERVATION MEASURES THAT WILL BE IMPLEMENTED IN THE
104 DEVELOPMENT.

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://leg.colorado.gov>.)

Current law's definition of a water supply that is "adequate" for purposes of a local government's approval of a real estate development permit merely allows the inclusion of reasonable conservation measures

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.

and water demand management measures to account for hydrologic variability. The bill amends the definition to include reasonable conservation measures and water demand management measures to reduce water needs and account for hydrologic variability (**section 2** of the bill) and prohibits the local government from approving the permit application unless the applicant demonstrates that appropriate water conservation and demand management measures have been included in the water supply plan (**section 3**).

Current law also requires an applicant for a real estate development permit to demonstrate to the local government issuing the permit:

- ! The water conservation measures, if any, that may be implemented within the development; and
- ! The water demand management measures, if any, that may be implemented to account for hydrologic variability.

Section 4 requires the applicant to demonstrate:

- ! The water conservation measures that will be implemented within the development to reduce indoor and outdoor demand; and
- ! The water demand management measures that will be implemented to account for hydrologic variability.

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

2 **SECTION 1.** In Colorado Revised Statutes, 29-20-301, **add**
3 (1)(b.5) as follows:

4 **29-20-301. Legislative declaration.** (1) The general assembly:
5 (b.5) FINDS THAT ACQUIRING NEW WATER SUPPLIES TO PROVIDE
6 FOR COLORADO'S GROWING POPULATION COULD INCREASE CONFLICT
7 BETWEEN NEW WATER USERS AND EXISTING WATER RIGHT HOLDERS, AND
8 THAT BY REDUCING THE WATER NEEDS OF FUTURE DEVELOPMENT
9 THROUGH WATER CONSERVATION AND DEMAND MANAGEMENT PRACTICES,
10 CONFLICT CAN SIMILARLY BE REDUCED;

11 **SECTION 2.** In Colorado Revised Statutes, 29-20-302, **amend**
12 (1) as follows:

13 **29-20-302. Definitions.** As used in this part 3, unless the context

1 otherwise requires:

2 (1) "Adequate" means a water supply that will be sufficient for
3 build-out of the proposed development in terms of quality, quantity,
4 dependability, and availability to provide a supply of water for the type
5 of development proposed, and ~~may include~~ INCLUDES reasonable
6 conservation measures and water demand management measures to
7 REDUCE WATER NEEDS AND account for hydrologic variability.

8 **SECTION 3.** In Colorado Revised Statutes, 29-20-303, **amend**
9 (1) as follows:

10 **29-20-303. Adequate water supply for development.** (1) A
11 local government shall not approve an application for a development
12 permit unless it determines in its sole discretion, after considering the
13 application and all of the information provided, that the applicant has
14 satisfactorily demonstrated that the proposed water supply will be
15 adequate AND THAT WATER CONSERVATION AND DEMAND MANAGEMENT
16 MEASURES HAVE BEEN INCLUDED IN THE WATER SUPPLY PLAN. A local
17 government shall make such determination only once during the
18 development permit approval process unless the water demands or supply
19 of the specific project for which the development permit is sought are
20 materially changed. A local government shall have the discretion to
21 determine the stage in the development permit approval process at which
22 such determination is made.

23 **SECTION 4.** In Colorado Revised Statutes, 29-20-304, **amend**
24 (1) introductory portion, (1)(d), (1)(e), (2) introductory portion, (2)(d),
25 (2)(e), (3)(c), and (3)(d) as follows:

26 **29-20-304. Water supply requirements.** (1) Except as specified
27 in subsections (2) and (3) of this section, an applicant for a development

1 permit shall submit estimated water supply requirements for the proposed
2 development in a report prepared by a registered professional engineer or
3 water supply expert acceptable to the local government. The report shall
4 MUST include THE FOLLOWING ELEMENTS THAT THE LOCAL JURISDICTION
5 MAY UTILIZE:

6 (d) Water conservation measures ~~if any~~, that ~~may~~ WILL be
7 implemented within the development TO REDUCE INDOOR AND OUTDOOR
8 DEMAND;

9 (e) Water demand management measures ~~if any~~, that ~~may~~ WILL be
10 implemented within the development to account for hydrologic
11 variability; and

12 (2) If the development is to be served by a water supply entity, the
13 local government may allow the applicant to submit, in lieu of the report
14 required by subsection (1) of this section, a letter prepared by a registered
15 professional engineer or by a water supply expert from the water supply
16 entity stating whether the water supply entity is willing to commit and its
17 ability to provide an adequate water supply for the proposed development.
18 The water supply entity's engineer or expert shall prepare the letter if so
19 requested by the applicant. At a minimum, the letter shall MUST include:

20 (d) Water conservation measures ~~if any~~, that ~~may~~ WILL be
21 implemented within the proposed development TO REDUCE INDOOR AND
22 OUTDOOR DEMAND;

23 (e) Water demand management measures ~~if any~~, that ~~may~~ WILL be
24 implemented to address hydrologic variations; and

25 (3) In the alternative, an applicant shall not be required to provide
26 a letter or report identified pursuant to subsections (1) and (2) of this
27 section if the water for the proposed development is to be provided by a

1 water supply entity that has a water supply plan that:

2 (c) Lists the water conservation measures ~~if any~~, that ~~may~~ WILL be
3 implemented within the service area TO REDUCE INDOOR AND OUTDOOR
4 DEMAND;

5 (d) Lists the water demand management measures ~~if any~~, that ~~may~~
6 WILL be implemented within the development;

7 **SECTION 5. Act subject to petition - effective date -**
8 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
9 the expiration of the ninety-day period after final adjournment of the
10 general assembly (August 9, 2017, if adjournment sine die is on May 10,
11 2017); except that, if a referendum petition is filed pursuant to section 1
12 (3) of article V of the state constitution against this act or an item, section,
13 or part of this act within such period, then the act, item, section, or part
14 will not take effect unless approved by the people at the general election
15 to be held in November 2018 and, in such case, will take effect on the
16 date of the official declaration of the vote thereon by the governor.

17 (2) This act applies to development permit applications filed on
18 or after the applicable effective date of this act.