

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 17-1038.01 Thomas Morris x4218

HOUSE BILL 17-1273

HOUSE SPONSORSHIP

Hansen and McKean,

SENATE SPONSORSHIP

Coram and Jones,

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.

HOUSE
3rd Reading Unamended
April 10, 2017

HOUSE
Amended 2nd Reading
April 7, 2017

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 THE EFFICIENT USE OF ALL WATER SUPPLIES TO
6 PROVIDE FOR COLORADO'S GROWING POPULATION IS IN THE INTEREST OF
7 THE CITIZENS OF COLORADO;

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

10 **29-20-302. Definitions.** As used in this part 3, unless the context
11 otherwise requires:

12 (1) "Adequate" means a water supply that will be sufficient for
13 build-out of the proposed development in terms of quality, quantity,

1 dependability, and availability to provide a supply of water for the type
2 of development proposed, and ~~may include~~ INCLUDES reasonable
3 conservation measures and water demand management measures to
4 REDUCE WATER NEEDS AND account for hydrologic variability.

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

7 **29-20-303. Adequate water supply for development.** (1) A
8 local government shall not approve an application for a development
9 permit unless it determines in its sole discretion, after considering the
10 application and all of the information provided, that the applicant has
11 satisfactorily demonstrated that the proposed water supply will be
12 adequate AND THAT WATER CONSERVATION AND DEMAND MANAGEMENT
13 MEASURES HAVE BEEN INCLUDED IN THE WATER SUPPLY PLAN. A local
14 government shall make such determination only once during the
15 development permit approval process unless the water demands or supply
16 of the specific project for which the development permit is sought are
17 materially changed. A local government shall have the discretion to
18 determine the stage in the development permit approval process at which
19 such determination is made.

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

23 **29-20-304. Water supply requirements.** (1) Except as specified
24 in subsections (2) and (3) of this section, an applicant for a development
25 permit shall submit estimated water supply requirements for the proposed
26 development in a report prepared by a registered professional engineer or
27 water supply expert acceptable to the local government. The report shall

1 MUST include THE FOLLOWING ELEMENTS THAT THE LOCAL JURISDICTION
2 MAY UTILIZE:

3 (d) Water conservation measures ~~if any~~, that **may** be implemented
4 within the development TO REDUCE INDOOR AND OUTDOOR DEMAND;

5 (e) Water demand management measures ~~if any~~, that **may** be
6 implemented within the development to account for hydrologic
7 variability; and

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

16 (d) Water conservation measures ~~if any~~, that **may** be implemented
17 within the proposed development TO REDUCE INDOOR AND OUTDOOR
18 DEMAND;

19 (e) Water demand management measures ~~if any~~, that **may** be
20 implemented to address hydrologic variations; and

21 (3) In the alternative, an applicant shall not be required to provide
22 a letter or report identified pursuant to subsections (1) and (2) of this
23 section if the water for the proposed development is to be provided by a
24 water supply entity that has a water supply plan that:

25 (c) Lists the water conservation measures ~~if any~~, that **may** be
26 implemented within the service area TO REDUCE INDOOR AND OUTDOOR
27 DEMAND;

1 (d) Lists the water demand management measures if any, that may
2 be implemented within the development;

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

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