

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 20-0718.01 Richard Sweetman x4333

HOUSE BILL 20-1095

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A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF A LOCAL GOVERNMENT'S MASTER**
102 **PLAN TO INCLUDE POLICIES TO IMPLEMENT STATE WATER PLAN**
103 **GOALS AS A CONDITION OF DEVELOPMENT APPROVALS, AND, IN**
104 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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>.)

The bill authorizes a local government master plan 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 or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
February 12, 2020

HOUSE
Amended 2nd Reading
February 10, 2020

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 WATER SUPPLY ELEMENT MUST INCLUDE WATER

1 CONSERVATION POLICIES, TO BE DETERMINED BY THE COUNTY, WHICH
2 MAY INCLUDE GOALS SPECIFIED IN THE STATE WATER PLAN ADOPTED
3 PURSUANT TO SECTION 37-60-106.3 AND MAY INCLUDE POLICIES TO
4 IMPLEMENT WATER CONSERVATION AND OTHER STATE WATER PLAN GOALS
5 AS A CONDITION OF DEVELOPMENT APPROVALS, INCLUDING SUBDIVISIONS,
6 PLANNED UNIT DEVELOPMENTS, SPECIAL USE PERMITS, AND ZONING
7 CHANGES. A COUNTY WITH A MASTER PLAN THAT INCLUDES A WATER
8 SUPPLY ELEMENT SHALL ENSURE THAT ITS MASTER PLAN INCLUDES WATER
9 CONSERVATION POLICIES AT THE FIRST AMENDING OF THE MASTER PLAN
10 THAT OCCURS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
11 (3)(a)(IV)(C), BUT IN NO CASE LATER THAN JULY 1, 2025.

12 (D) THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION
13 24-1-125 MAY HIRE AND EMPLOY ONE FULL-TIME EMPLOYEE TO PROVIDE
14 EDUCATIONAL RESOURCES AND ASSISTANCE TO COUNTIES THAT INCLUDE
15 WATER CONSERVATION POLICIES IN THEIR MASTER PLANS AS DESCRIBED
16 IN SUBSECTION (3)(a)(IV)(C) OF THIS SECTION.

17 (E) Nothing in this ~~subparagraph (IV)~~ SUBSECTION (3)(a)(IV) shall
18 be construed to supersede, abrogate, or otherwise impair the allocation of
19 water pursuant to the state constitution or laws, the right to beneficially
20 use water pursuant to decrees, contracts, or other water use agreements,
21 or the operation, maintenance, repair, replacement, or use of any water
22 facility.

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

25 **31-23-206. Master plan.** (1) It is the duty of the commission to
26 make and adopt a master plan for the physical development of the
27 municipality, including any areas outside its boundaries, subject to the

1 approval of the governmental body having jurisdiction thereof, ~~which~~
2 THAT in the commission's judgment bear relation to the planning of ~~such~~
3 THE municipality. The master plan of a municipality ~~shall be~~ IS an
4 advisory document to guide land development decisions; however, the
5 plan or any part thereof may be made binding by inclusion in the
6 municipality's adopted subdivision, zoning, platting, planned unit
7 development, or other similar land development regulations after
8 satisfying notice, due process, and hearing requirements for legislative or
9 quasi-judicial processes as appropriate. When a commission decides to
10 adopt a master plan, the commission shall conduct public hearings, after
11 notice of such public hearings has been published in a newspaper of
12 general circulation in the municipality in a manner sufficient to notify the
13 public of the time, place, and nature of the public hearing, prior to final
14 adoption of a master plan in order to encourage public participation in and
15 awareness of the development of such plan and shall accept and consider
16 oral and written public comments throughout the process of developing
17 the plan. ~~Such~~ THE plan, with the accompanying maps, plats, charts, and
18 descriptive matter, ~~shall~~ MUST, after consideration of each of the
19 following, where applicable or appropriate, show the commission's
20 recommendations for the development of ~~said~~ THE municipality and
21 outlying areas, including:

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

24 (II) If the master plan includes a water supply element, the
25 planning commission shall consult with the entities that supply water for
26 use within the municipality to ensure coordination on water supply and
27 facility planning, and the water supply element ~~shall~~ MUST identify water

1 supplies and facilities sufficient to meet the needs of the public and
2 private infrastructure reasonably anticipated or identified in the planning
3 process.

4 (III) THE WATER SUPPLY ELEMENT MUST INCLUDE WATER
5 CONSERVATION POLICIES, TO BE DETERMINED BY THE MUNICIPALITY,
6 WHICH MAY INCLUDE GOALS SPECIFIED IN THE STATE WATER PLAN
7 ADOPTED PURSUANT TO SECTION 37-60-106.3 AND MAY INCLUDE POLICIES
8 TO IMPLEMENT WATER CONSERVATION AND OTHER STATE WATER PLAN
9 GOALS AS A CONDITION OF DEVELOPMENT APPROVALS, INCLUDING
10 SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, SPECIAL USE PERMITS, AND
11 ZONING CHANGES. A MUNICIPALITY WITH A MASTER PLAN THAT INCLUDES
12 A WATER SUPPLY ELEMENT SHALL ENSURE THAT ITS MASTER PLAN
13 INCLUDES WATER CONSERVATION POLICIES AT THE FIRST AMENDING OF
14 THE MASTER PLAN THAT OCCURS AFTER THE EFFECTIVE DATE OF THIS
15 SUBSECTION (1)(d)(III), BUT IN NO CASE LATER THAN JULY 1, 2025.

16 (IV) THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION
17 24-1-125 MAY HIRE AND EMPLOY ONE FULL-TIME EMPLOYEE TO PROVIDE
18 EDUCATIONAL RESOURCES AND ASSISTANCE TO MUNICIPALITIES THAT
19 INCLUDE WATER CONSERVATION POLICIES IN THEIR MASTER PLANS AS
20 DESCRIBED IN SUBSECTION (1)(d)(III) OF THIS SECTION.

21 (V) Nothing in this ~~paragraph (d)~~ SUBSECTION (1)(d) shall be
22 construed to supersede, abrogate, or otherwise impair the allocation of
23 water pursuant to the state constitution or laws, the right to beneficially
24 use water pursuant to decrees, contracts, or other water use agreements,
25 or the operation, maintenance, repair, replacement, or use of any water
26 facility.

27 **SECTION 3. Appropriation.** (1) For the 2020-21 state fiscal

1 year, \$26,215 is appropriated to the department of local affairs for use by
2 the division of local government. This appropriation is from the general
3 fund. To implement this act, the division may use this appropriation as
4 follows:

5 (a) \$24,066 for personal services, which amount is based on an
6 assumption that the division will require an additional 0.5 FTE; and

7 (b) \$2,149 for operating expenses.

8 **SECTION 4. Act subject to petition - effective date -**
9 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
10 the expiration of the ninety-day period after final adjournment of the
11 general assembly (August 5, 2020, if adjournment sine die is on May 6,
12 2020); except that, if a referendum petition is filed pursuant to section 1
13 (3) of article V of the state constitution against this act or an item, section,
14 or part of this act within such period, then the act, item, section, or part
15 will not take effect unless approved by the people at the general election
16 to be held in November 2020 and, in such case, will take effect on the
17 date of the official declaration of the vote thereon by the governor.

18 (2) This act applies to master plans adopted or amended on or
19 after the applicable effective date of this act.