

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

INTRODUCED

LLS NO. 17-1204.01 Thomas Morris x4218

HOUSE BILL 17-1364

HOUSE SPONSORSHIP

Arndt and Hansen,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF A LOCAL GOVERNMENT MASTER**
102 **PLAN TO INCLUDE POLICIES TO IMPLEMENT STATE WATER PLAN**
103 **GOALS AS A CONDITION OF DEVELOPMENT APPROVALS.**

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 indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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
27 CONSERVATION POLICIES, TO BE DETERMINED BY THE COUNTY, WHICH

1 MAY INCLUDE GOALS SPECIFIED IN THE STATE WATER PLAN ADOPTED
2 PURSUANT TO SECTION 37-60-106 (1)(u) AND MAY INCLUDE POLICIES TO
3 IMPLEMENT WATER CONSERVATION AND OTHER STATE WATER PLAN GOALS
4 AS A CONDITION OF DEVELOPMENT APPROVALS, INCLUDING SUBDIVISIONS,
5 PLANNED UNIT DEVELOPMENTS, SPECIAL USE PERMITS, AND ZONING
6 CHANGES. FOR COUNTIES REQUIRED TO ADOPT A MASTER PLAN THAT
7 INCLUDES A WATER SUPPLY ELEMENT, WATER CONSERVATION POLICIES
8 SHALL BE ADOPTED BY DECEMBER 31, 2018.

9 (D) Nothing in this ~~subparagraph (IV)~~ SUBSECTION (3)(a)(IV)
10 shall be construed to supersede, abrogate, or otherwise impair the
11 allocation of water pursuant to the state constitution or laws, the right to
12 beneficially use water pursuant to decrees, contracts, or other water use
13 agreements, or the operation, maintenance, repair, replacement, or use of
14 any water facility.

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

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

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

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

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

23 (III) THE WATER SUPPLY ELEMENT MUST INCLUDE WATER
24 CONSERVATION POLICIES, TO BE DETERMINED BY THE MUNICIPALITY,
25 WHICH MAY INCLUDE GOALS SPECIFIED IN THE STATE WATER PLAN
26 ADOPTED PURSUANT TO SECTION 37-60-106 (1)(u) AND MAY INCLUDE
27 POLICIES TO IMPLEMENT WATER CONSERVATION AND OTHER STATE WATER

1 PLAN GOALS AS A CONDITION OF DEVELOPMENT APPROVALS, INCLUDING
2 SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, SPECIAL USE PERMITS, AND
3 ZONING CHANGES. FOR MUNICIPALITIES REQUIRED TO ADOPT A MASTER
4 PLAN THAT INCLUDES A WATER SUPPLY ELEMENT, WATER CONSERVATION
5 POLICIES SHALL BE ADOPTED BY DECEMBER 31, 2018.

6 (IV) Nothing in this ~~paragraph (d)~~ SUBSECTION (1)(d) shall be
7 construed to supersede, abrogate, or otherwise impair the allocation of
8 water pursuant to the state constitution or laws, the right to beneficially
9 use water pursuant to decrees, contracts, or other water use agreements,
10 or the operation, maintenance, repair, replacement, or use of any water
11 facility.

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

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