

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0718.01 Richard Sweetman x4333

HOUSE BILL 20-1095

HOUSE SPONSORSHIP

Arndt,

SENATE SPONSORSHIP

Bridges,

House Committees
Rural Affairs & Agriculture

Senate Committees

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.

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.

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 37-60-106.3 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. A COUNTY THAT IS REQUIRED TO ADOPT A MASTER PLAN THAT
7 INCLUDES A WATER SUPPLY ELEMENT SHALL ENSURE THAT ITS MASTER
8 PLAN INCLUDES A WATER SUPPLY ELEMENT AT THE FIRST AMENDING OF
9 THE MASTER PLAN THAT OCCURS AFTER THE EFFECTIVE DATE OF THIS
10 SUBSECTION (3)(a)(IV)(C), BUT IN NO CASE LATER THAN JULY 1, 2025.

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

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

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

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

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

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

25 (III) THE WATER SUPPLY ELEMENT MUST INCLUDE WATER
26 CONSERVATION POLICIES, TO BE DETERMINED BY THE MUNICIPALITY,
27 WHICH MAY INCLUDE GOALS SPECIFIED IN THE STATE WATER PLAN

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

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

17 **SECTION 3. Act subject to petition - effective date -**
18 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
19 the expiration of the ninety-day period after final adjournment of the
20 general assembly (August 5, 2020, if adjournment sine die is on May 6,
21 2020); except that, if a referendum petition is filed pursuant to section 1
22 (3) of article V of the state constitution against this act or an item, section,
23 or part of this act within such period, then the act, item, section, or part
24 will not take effect unless approved by the people at the general election
25 to be held in November 2020 and, in such case, will take effect on the
26 date of the official declaration of the vote thereon by the governor.

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