

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**ENGROSSED**

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

LLS NO. 16-1023.01 Thomas Morris x4218

**HOUSE BILL 16-1313**

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**HOUSE SPONSORSHIP**

**Arndt and Coram,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Agriculture, Livestock, & Natural Resources

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE AUTHORITY OF LOCAL GOVERNMENT MASTER PLANS**  
102 **TO INCLUDE POLICIES TO IMPLEMENT WATER PLAN GOALS.**

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**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://www.leg.state.co.us/billsummaries>.)*

The bill authorizes local government master plans to include goals specified in the state water plan and to include policies that condition development approvals on implementation of those goals.

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

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  
Amended 2nd Reading  
April 15, 2016

1           **SECTION 1.** In Colorado Revised Statutes, 30-28-106, **amend**  
2 (3) (a) introductory portion and (3) (a) (IV) as follows:

3           **30-28-106. Adoption of master plan - contents.** (3) (a) The  
4 master plan of a county or region, with the accompanying maps, plats,  
5 charts, and descriptive and explanatory matter, ~~shall~~ MUST show the  
6 county or regional planning commission's recommendations for the  
7 development of the territory covered by the plan. The master plan of a  
8 county or region ~~shall be~~ IS an advisory document to guide land  
9 development decisions; however, the plan or any part thereof may be  
10 made binding by inclusion in the county's or region's adopted subdivision,  
11 zoning, platting, planned unit development, or other similar land  
12 development regulations after satisfying notice, due process, and hearing  
13 requirements for legislative or quasi-judicial processes as appropriate.  
14 After consideration of each of the following, where applicable or  
15 appropriate, the master plan may include:

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

18           (B) 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 county or region to ensure coordination on water supply  
21 and facility planning, and the water supply element ~~shall~~ MUST identify  
22 water 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           (C) THE MASTER PLAN MAY INCORPORATE WATER CONSERVATION  
26 AND WATER MANAGEMENT GOALS, INCLUDING THE GOALS SPECIFIED IN  
27 THE STATE WATER PLAN ADOPTED PURSUANT TO SECTION 37-60-106 (1)

1 (u), C.R.S., AND MAY CONSIDER INCLUDING RECOMMENDED POLICIES TO  
2 IMPLEMENT THE GOALS AS A CONDITION OF DEVELOPMENT APPROVALS,  
3 INCLUDING SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, SPECIAL USE  
4 PERMITS, AND ZONING CHANGES. NOTHING IN THIS SUB-SUBPARAGRAPH  
5 (C) SHALL BE CONSTRUED TO CREATE A MANDATE OR AFFECT EXISTING  
6 POLICY REGARDING WATER.

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

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

14 **31-23-206. Master plan.** (1) It is the duty of the commission to  
15 make and adopt a master plan for the physical development of the  
16 municipality, including any areas outside its boundaries, subject to the  
17 approval of the governmental body having jurisdiction thereof, ~~which~~  
18 THAT in the commission's judgment bear relation to the planning of ~~such~~  
19 THE municipality. The master plan of a municipality ~~shall be~~ IS an  
20 advisory document to guide land development decisions; however, the  
21 plan or any part thereof may be made binding by inclusion in the  
22 municipality's adopted subdivision, zoning, platting, planned unit  
23 development, or other similar land development regulations after  
24 satisfying notice, due process, and hearing requirements for legislative or  
25 quasi-judicial processes as appropriate. When a commission decides to  
26 adopt a master plan, the commission shall conduct public hearings, after  
27 notice of such public hearings has been published in a newspaper of

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

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

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

20 (III) THE MASTER PLAN MAY INCORPORATE WATER CONSERVATION  
21 AND WATER MANAGEMENT GOALS, INCLUDING THE GOALS SPECIFIED IN  
22 THE STATE WATER PLAN ADOPTED PURSUANT TO SECTION 37-60-106 (1)  
23 (u), C.R.S., AND MAY CONSIDER INCLUDING POLICIES TO IMPLEMENT THE  
24 GOALS AS A CONDITION OF DEVELOPMENT APPROVALS, INCLUDING  
25 SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, SPECIAL USE PERMITS, AND  
26 ZONING CHANGES. NOTHING IN THIS SUBPARAGRAPH (III) SHALL BE  
27 CONSTRUED TO CREATE A MANDATE OR AFFECT EXISTING POLICY

1     REGARDING WATER.

2             (IV) Nothing in this paragraph (d) shall be construed to supersede,  
3     abrogate, or otherwise impair the allocation of water pursuant to the state  
4     constitution or laws, the right to beneficially use water pursuant to  
5     decrees, contracts, or other water use agreements, or the operation,  
6     maintenance, repair, replacement, or use of any water facility.

7             **SECTION 3. Act subject to petition - effective date.** This act  
8     takes effect at 12:01 a.m. on the day following the expiration of the  
9     ninety-day period after final adjournment of the general assembly (August  
10    10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
11    referendum petition is filed pursuant to section 1 (3) of article V of the  
12    state constitution against this act or an item, section, or part of this act  
13    within such period, then the act, item, section, or part will not take effect  
14    unless approved by the people at the general election to be held in  
15    November 2016 and, in such case, will take effect on the date of the  
16    official declaration of the vote thereon by the governor.