

CHAPTER 82

WATER AND IRRIGATION

HOUSE BILL 20-1095

BY REPRESENTATIVE(S) Arndt, Bird, Cutter, Duran, Esgar, Exum, Gonzales-Gutierrez, Gray, Kipp, McCluskie, McLachlan, Roberts, Snyder, Titone, Becker, Buckner, Buentello, Hooton, Jaquez Lewis, Valdez D., Young;
also SENATOR(S) Bridges and Hansen, Donovan, Fields, Gonzales, Moreno, Pettersen, Story, Todd, Winter, Garcia.

AN ACT

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

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

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

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

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

(B) If the master plan includes a water supply element, the planning commission shall consult with the entities that supply water for use within the county or region to ensure coordination on water supply and facility planning, and the water supply element ~~shall~~ **MUST** identify water supplies and facilities sufficient to meet the needs

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

of the public and private infrastructure reasonably anticipated or identified in the planning process.

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

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

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

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

31-23-206. Master plan. (1) It is the duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside its boundaries, subject to the approval of the governmental body having jurisdiction thereof, ~~which~~ THAT in the commission's judgment bear relation to the planning of ~~such~~ THE municipality. The master plan of a municipality ~~shall be~~ is an advisory document to guide land development decisions; however, the plan or any part thereof may be made binding by inclusion in the municipality's adopted subdivision, zoning, platting, planned unit development, or other similar land development regulations after satisfying notice, due process, and hearing requirements for legislative or quasi-judicial processes as appropriate. When a commission decides to adopt a master plan, the commission shall conduct public hearings, after notice of such public hearings has been published in a newspaper of general circulation in the municipality in a manner sufficient to notify the public of the time, place, and nature of the public hearing, prior to final adoption of a master plan in order to encourage public participation in and awareness of the development of such plan and shall accept and consider oral and written public comments throughout the process of developing the plan. ~~Such~~ THE plan, with the accompanying maps, plats, charts, and descriptive matter, ~~shall~~ MUST, after consideration of each of the following, where applicable or appropriate, show the commission's recommendations for the development of ~~said~~ THE municipality and outlying areas, including:

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

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

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

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

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

SECTION 3. Appropriation. (1) For the 2020-21 state fiscal year, \$26,215 is appropriated to the department of local affairs for use by the division of local government. This appropriation is from the general fund. To implement this act, the division may use this appropriation as follows:

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

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

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

official declaration of the vote thereon by the governor.

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

Approved: March 24, 2020