

CHAPTER 255

GOVERNMENT - LOCAL

SENATE BILL 13-258

BY SENATOR(S) Hodge, Tochtrop;
also REPRESENTATIVE(S) Moreno, Hullinghorst, Lebsock.

AN ACT

CONCERNING A CLARIFICATION THAT EACH APPLICATION INCLUDED IN THE DEFINITION OF DEVELOPMENT PERMIT CONSTITUTES A STAGE IN THE DEVELOPMENT PERMIT APPROVAL PROCESS.

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

SECTION 1. In Colorado Revised Statutes, 29-20-301, **add** (1) (c) and (1) (d) as follows:

29-20-301. Legislative declaration. (1) The general assembly:

(c) FINDS THAT IT IS NECESSARY TO CLARIFY THAT, WHERE A LOCAL GOVERNMENT MAKES A DETERMINATION WHETHER AN APPLICANT FOR A DEVELOPMENT PERMIT HAS DEMONSTRATED THE PROPOSED WATER SUPPLY IS ADEQUATE TO MEET THE NEEDS OF THE DEVELOPMENT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 3, THE LOCAL GOVERNMENT, IN ITS SOLE DISCRETION, NOT ONLY MAKES THE DETERMINATION BUT ALSO POSSESSES THE FLEXIBILITY TO DETERMINE AT WHICH STAGE IN THE DEVELOPMENT PERMIT APPROVAL PROCESS THE DETERMINATION WILL BE MADE; AND

(d) FURTHER FINDS THAT IT IS ALSO NECESSARY TO CLARIFY THAT THE STAGES OF THE DEVELOPMENT PERMIT APPROVAL PROCESS ARE ANY OF THE APPLICATIONS, OR ANY COMBINATION OF THE APPLICATIONS, SPECIFIED IN SECTION 29-20-103 (1) AS DETERMINED BY THE LOCAL GOVERNMENT, AND THAT NONE OF THE STAGES ARE INTENDED TO CONSTITUTE SEPARATE DEVELOPMENT PERMIT APPROVAL PROCESSES FOR PURPOSES OF SECTION 29-20-303.

SECTION 2. In Colorado Revised Statutes, 29-20-103, **amend** (1) as follows:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

29-20-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Development permit" means any preliminary or final approval of an application for rezoning, planned unit development, conditional or special use permit, subdivision, development or site plan, or similar application for new construction; except that, SOLELY for purposes of part 3 of this article:

(a) EACH APPLICATION INCLUDED IN THE DEFINITION OF DEVELOPMENT PERMIT CONSTITUTES A STAGE IN THE DEVELOPMENT PERMIT APPROVAL PROCESS; AND

(b) "Development permit" is limited to an application regarding a specific project that includes new water use in an amount more than that used by fifty single-family equivalents, or fewer as determined by the local government.

SECTION 3. Applicability. This act applies to applications for development permits that are either pending on or are submitted on or after the effective date of this act.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 2013