



COLORADO
WATER CONGRESS
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HB20-1095

SHORT TITLE: Local Governments Water Elements in Master Plans

LONG TITLE: 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.

SPONSORS: Rep. Arndt/Sen. Bridges

COMMITTEES: House Rural Affairs & Agriculture Committee

PROPOSERS: Planning Association, Conservation groups, water supply entities

POTENTIAL STAKEHOLDERS: Local governments, water supply entities, conservation groups, developers of real property, homebuilders, water rights owners

BACKGROUND: Counties have only those powers authorized by the legislature. Colorado law places the duty to develop a master plan for unincorporated areas of a county on the county planning commission. In a county of less than 15,000 population the board of county commissioners may fill that role. A master plan may include a water supply element to identify an adequate and suitable supply of water and facilities to meet public needs.

Is the bill necessary this year? There is no deadline to meet

How does the bill change current law? The bill requires the water supply element of a master plan to include water conservation policies which may include goals from the state water plan and water conservation policies from the state water plan to implement those goals which may be conditions for approval of real property development within the jurisdiction. A county that is required to have a master plan must ensure that its master plan include a water supply element at its first amendment to the plan occurring after the effective date of the bill but no later than July 1, 2025.

How is the bill implemented? A county planning commission (or the county commissioners in some cases) must incorporate water conservation goals into the water supply element of its master plan, following required notice and hearing procedures.

Does the bill affect prior appropriation? It might be argued that some conservation measures might limit exercise of water rights.

Practical considerations: Adoption of water conservation policies into a master plan and as a condition of development approvals may be contentious and subject to litigation. How does this impact home rule counties? How will water utilities interact with general local government agencies who prepare master plans?

Fiscal impact: Any fiscal impact would be on the county of planning body. We understand there will be one FTE at DOLA to assist with Master Plans.