

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 13-0808.01 Bob Lackner x4350

SENATE BILL 13-258

SENATE SPONSORSHIP

Hodge,

HOUSE SPONSORSHIP

Moreno,

Senate Committees
Local Government

House Committees
Local Government

A BILL FOR AN ACT

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

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>.)

With respect to the definition of "development permit" as used in connection with statutory provisions requiring that land development be supported by an adequate water supply, the bill modifies the definition to clarify that each application included in the definition of the term

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
2nd Reading Unamended
April 30, 2013

SENATE
3rd Reading Unamended
April 22, 2013

SENATE
Amended 2nd Reading
April 19, 2013

constitutes a stage in the development permit approval process.

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

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

4 **29-20-301. Legislative declaration.** (1) The general assembly:

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

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

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

23 **29-20-103. Definitions.** As used in this article, unless the context
24 otherwise requires:

25 (1) "Development permit" means any preliminary or final

1 approval of an application for rezoning, planned unit development,
2 conditional or special use permit, subdivision, development or site plan,
3 or similar application for new construction; except that, SOLELY for
4 purposes of part 3 of this article:

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

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

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

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