

**FINAL
FISCAL NOTE**

Drafting Number: LLS 13-0808

Date: July 12, 2013

Prime Sponsor(s): Sen. Hodge
Rep. Moreno

Bill Status: Signed into Law

Fiscal Analyst: Kirk Mlinek (303-866-2756)

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

Summary of Legislation

Under current law, a local government may not approve an application for a development permit unless it determines that the applicant has satisfactorily demonstrated that the proposed water supply will be adequate. The term "adequate" is defined to mean a water supply that will be sufficient for build-out of the proposed development in terms of quality, quantity, dependability and availability to provide a supply of water for the type of proposed development. A local government is permitted to make the adequacy determination only once during the development permit approval process.

The bill modifies the definition of the term "development permit" to clarify that the local government may determine the adequacy of water supply at the time of zoning, subdivision, site plan review, or other land use approval, but still only once.

The bill was signed into law by the Governor and took effect on May 23, 2013, and applies to applications for development permits that are either pending on, or are submitted on or after, the bill's effective date.

Assessment

Clarifying the definition of the term "development permit" will not affect the revenue or expenditures of any state or local agencies. This change is not expected to increase the number of requests made by local governments that the State Engineer comment on water-adequacy documentation provided by applicants.

Departments Contacted

Local Affairs
Special Districts

Counties
Natural Resources

Municipalities