The Policy/Market Nexus

How Do We Make Water-Smart Growth Standard Practice?

Waverly Klaw, Associate Director
wklaw@sonoraninstitute.org

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…But First!
New Case Law on Adequate Water Supply

- **No. 18CA2454, *Hajek v. Bd. of Cty. Commr's for Boulder Cty.*** *(Summary published Feb. 13, 2020)*
- "Section 29-20-303, C.R.S. 2019, requires that when a local government is considering a development permit it *must review the adequacy of the proposed water supply if the development includes "new water use," as used in section 29-20-103(1)(b), C.R.S. 2019, in an amount exceeding a defined threshold*."

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"Therefore, we conclude that the phrase **"new water use"** in section 29-20-103(1)(b) refers to the use of additional quantities of water as well as the use of a similar quantity of water for a different purpose. Thus, a "development permit" as referenced in section 29-20-303(1) includes approval of an application for a specific project where either (1) an additional use of water is required in the threshold amount set forth in section 29-20-103(b)(1) or (2) an amount of water exceeding the threshold set forth in section 29-20-103(b)(1) is to be used for a different purpose."

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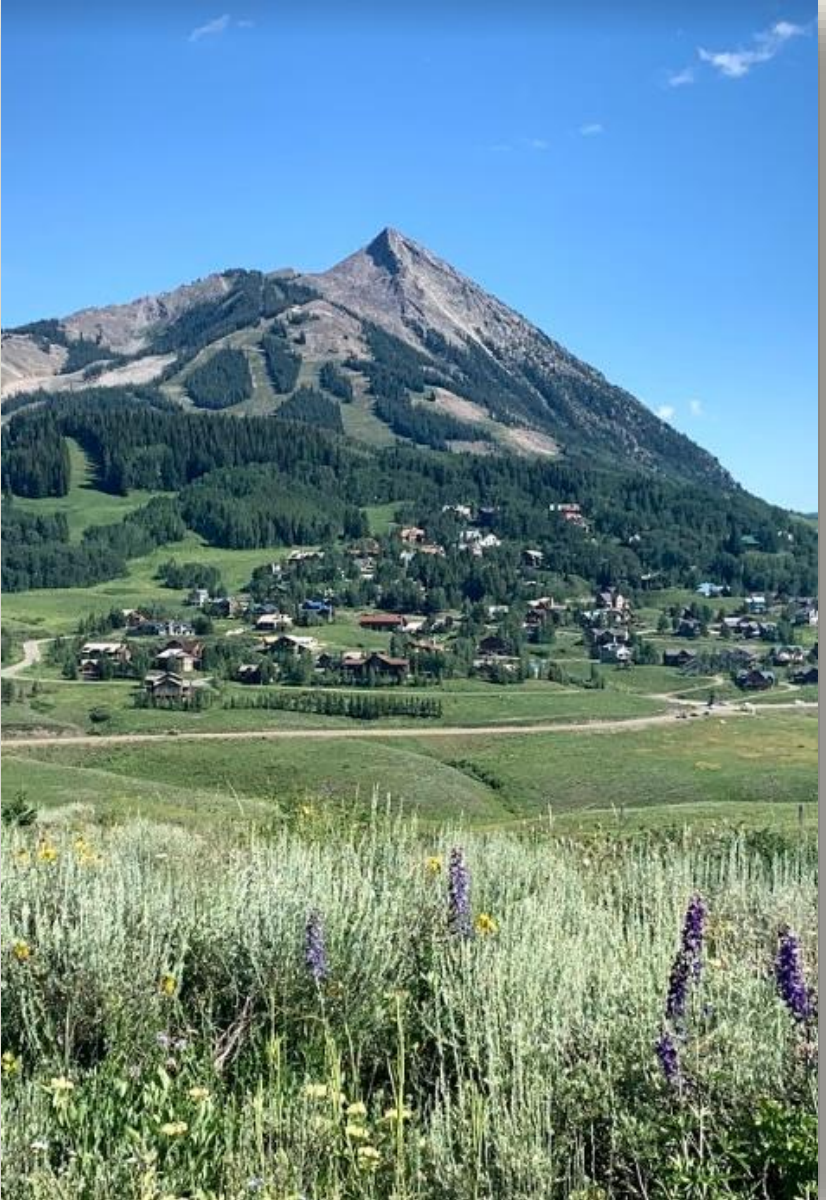

Developer Focus Group Purpose

Identify and remove barriers to making water-smart development the norm in Colorado communities and across the West.

ULI Urban Land Institute Colorado

BABBITT CENTER FOR LAND AND WATER POLICY
A Center of the Lincoln Institute of Land Policy

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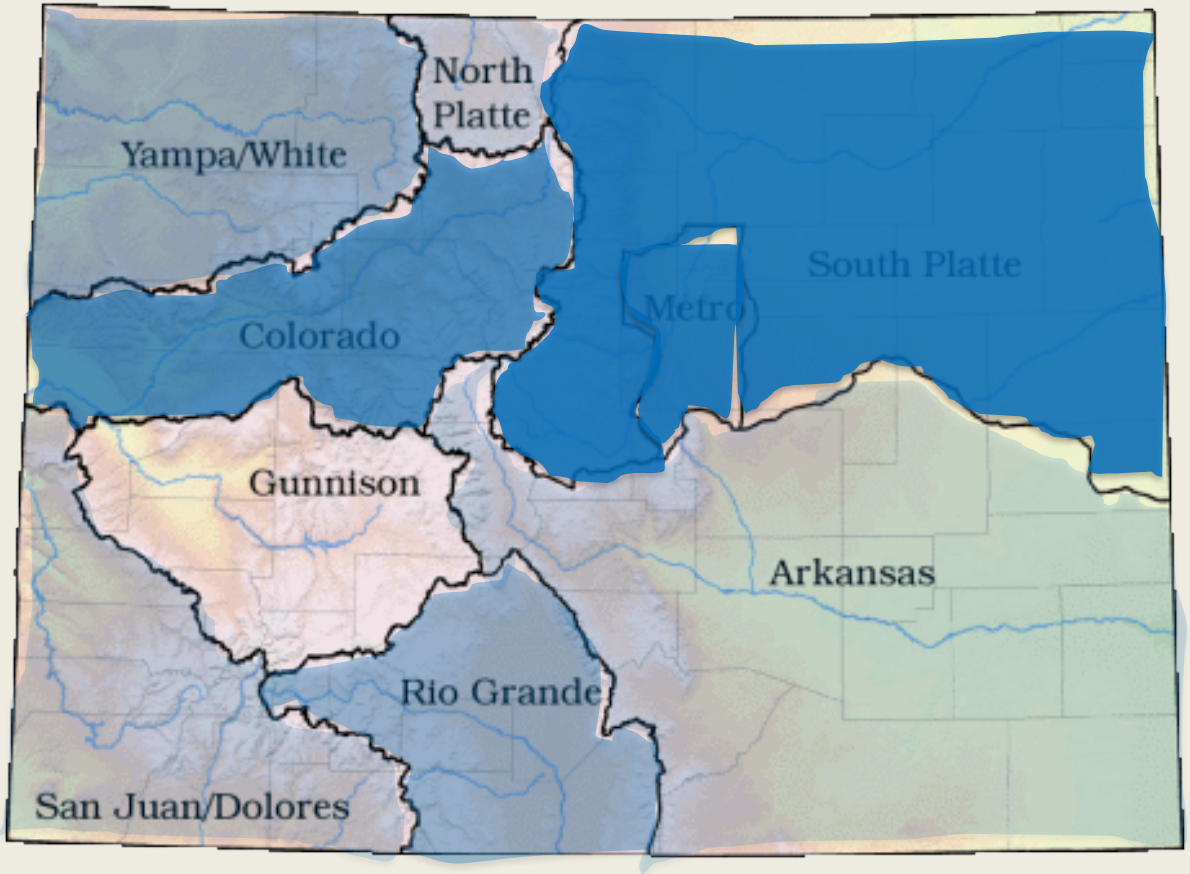
Where do we work?

Table:

- 5 participants
- 4 participants
- 2 participants
- 1 participant



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Water Supply/Demand Gaps by Basin

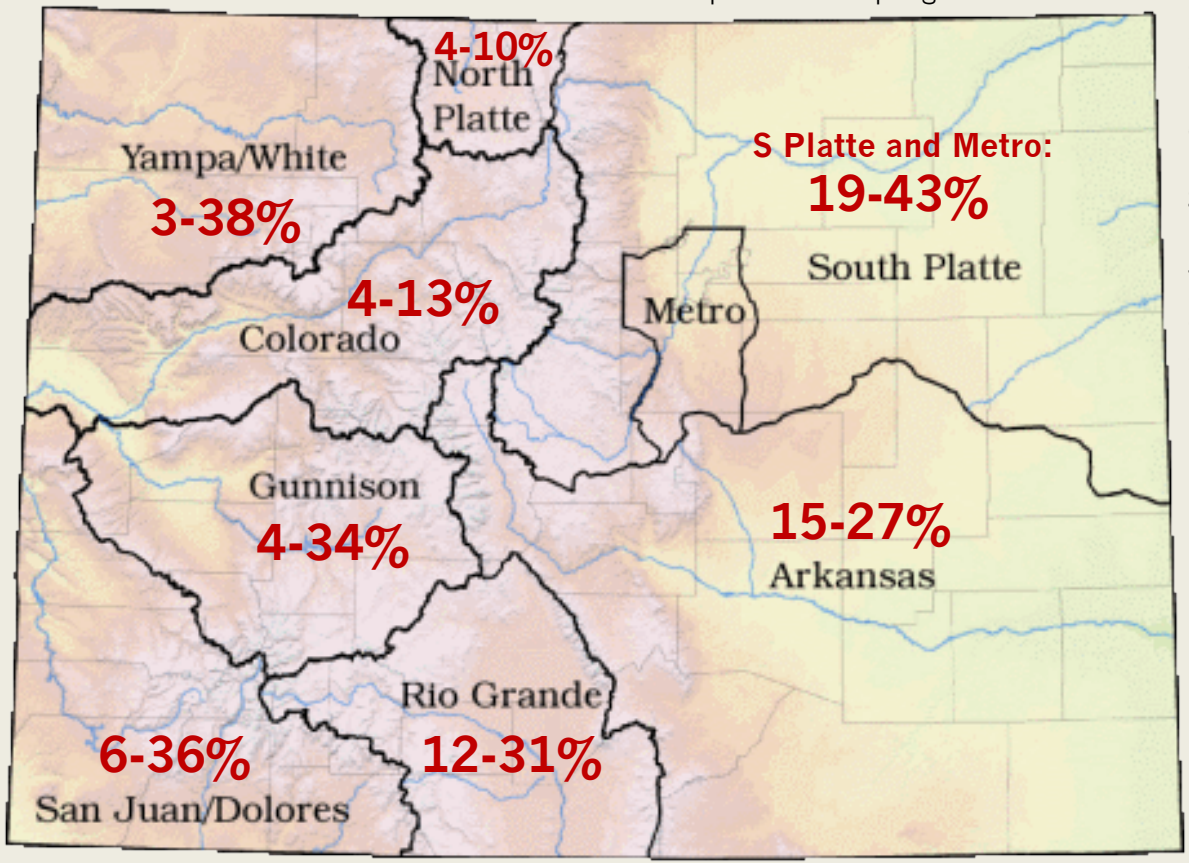
Yampa/White: The emerging development of **gas and oil shale resources** is affecting water demand, for both direct production and the associated **increase in municipal use**.

Colorado: Concerns over **impact of transbasin water rights on in basin supplies.**

Gunnison: **Growth in the headwaters region** will require additional water management strategies.

San Juan/Dolores: The Pagosa Springs-Bayfield-Durango corridor is **rapidly growing** while experiencing areas of **localized water shortages**.

N Platte: **Relatively small M&I demands** are a reflection of...little anticipated municipal growth



South Platte: Substantial competition for water **increases costs to customers**; reliance on **nonrenewable groundwater** in urbanizing South Metro region; value judgements regarding **irrigated landscaping** complicate discussions about water development.

Arkansas: Replacement of municipal water supplies that depend on the **non-renewing Denver Basin aquifer** and declining water levels is becoming critical.

Rio Grande: All cities and towns are supplied by **groundwater wells**... Growth is creating a need for **additional water supplies** and well augmentation.

Source: 2019 Colorado Water Plan Analysis and Technical Update

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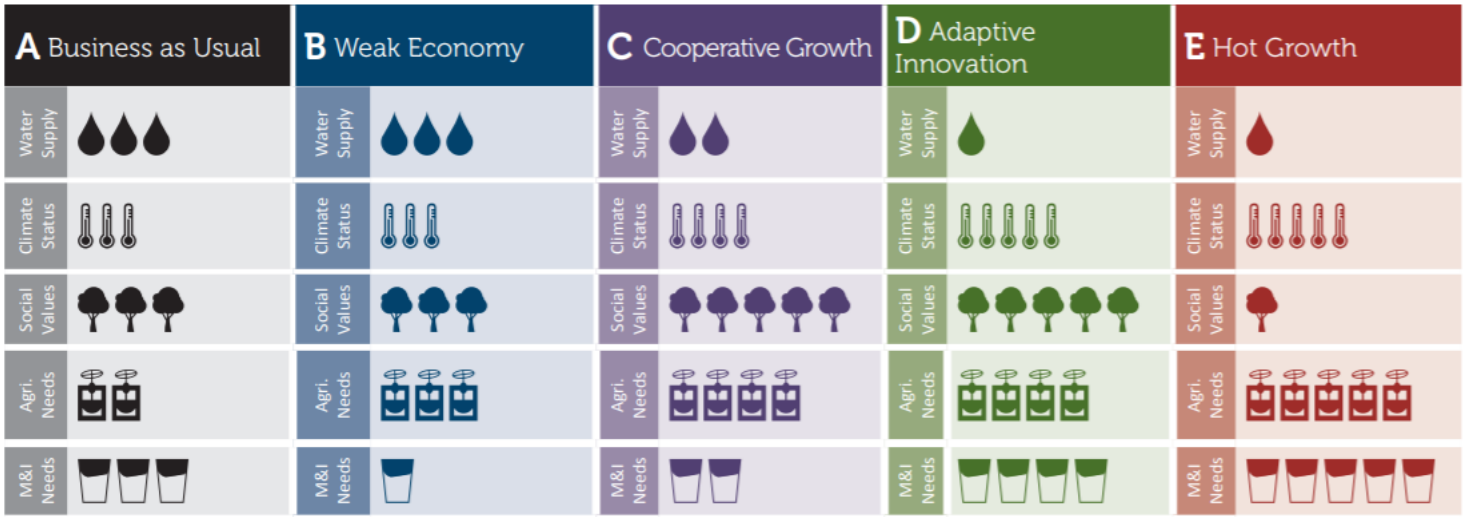
Our Role in Future Scenarios

Figure ES.1 CWP Planning Scenarios Key Drivers Graphical Summary



‘‘…planning concentrates more development in urban centers and in mountain resort communities’’

‘‘Coloradans embrace water conservation. New water-saving technologies emerge.’’

‘‘Water development controls are more restrictive and require both high water-use efficiency and environmental and recreational benefits.’’

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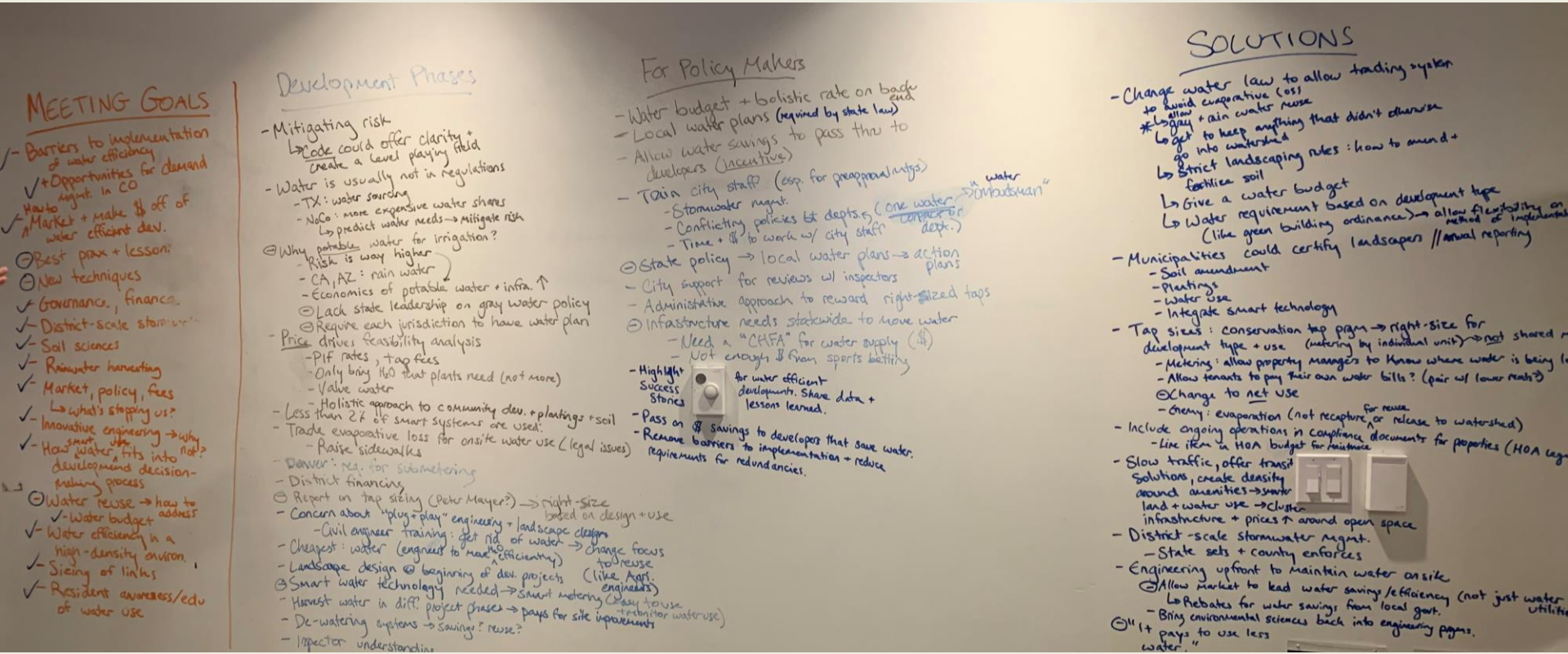
What We Heard



Building Water-Smart Communities

Design Phase

Challenges

During schematic design, developers often don't place emphasis on water efficiency in the same way that they emphasize energy efficiency.

Opportunities

Local governments allocate resource staff to reach out to developers at the conceptual stage to present water-saving options.

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Building Water-Smart Communities:

Governmental Leadership

Challenges

Governmental leadership on water sustainability and water-wise development is lacking.

Conflicting policies between government departments.

Building inspectors who have different opinions than development review approval results in wasted time and change orders.

Opportunities

Want state direction encouraging local jurisdictions to be more aggressive and innovative in their water conservation policies.

Review and reconcile opposing policies.

Ensure consistency across all phases of process. Cross-training.

Building Water-Smart Communities:

Landscaping

Challenges

Expensive, potable water is being used to irrigate landscaping.

Landscaping is using more water than necessary.

Opportunities

Increase use of harvested/untreated water. More rainwater harvesting test sites.

Allow and encourage the use of greywater.

Use xeric, native, and drought-tolerant plants (and ensure nurseries provide them).

Use efficient irrigation systems.

Building Water-Smart Communities:

Long-Term Efficiency

Challenges

Water efficiency measures are not carried through post-occupancy.

Opportunities

Utilize single unit metering/submetering on multifamily buildings; separately meter indoor and outdoor uses.

Require irrigation commissioning to ensure proper installation and function.

Train building managers in water-efficient technology.

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Building Water-Smart Communities:
Water Supply

Challenges

More water than needed is being required for dedication, which increases costs and disincentivizes water efficiency.

Opportunities

Offer conservation taps or other smaller tap size.

Offer an alternative approach in which innovative designs may result in lower water dedication amounts.

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Next Steps

Save the Date: Thursday, April 9, 2020 afternoon event + Happy Hour

Planner Roundtable: Opportunities for Change

Hosted by APA Colorado Sustainability Committee, Sonoran Institute

We will invite you via sign-in sheet – provide your email address

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R.I.S.E. Colorado:

Resilient. Inclusive. Sustainable. Equitable.

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Summer Land & Water Policy Conference

#AWRA2021

This conference brings together multi-disciplinary stakeholders, organizations, and professions to address the design, integration, and implementation of the programs necessary to better connect land and water planning and policy.

Attendees will come away with an understanding and strengthened connections across the disciplines and professions critical to water and community sustainability.

SAVE THE DATE

July 19-21, 2021

Hyatt Regency Denver
Tech Center
7800 E Tufts Ave
Denver, CO 80237

Join your fellow water resource industry professionals at the AWRA 2021 Summer Conference.

REGISTRATION
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Shared Vision • Collaboration • Innovation

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"Hands grasping an elusive water circle"

Thank You!

Waverly Klaw, Associate Director
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