

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0281.01 Thomas Morris x4218

SENATE BILL 14-017

SENATE SPONSORSHIP

Roberts and Hodge,

HOUSE SPONSORSHIP

Vigil and Coram, Fischer

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING A LIMITATION ON THE APPROVAL OF REAL ESTATE**
102 **DEVELOPMENTS THAT USE WATER RIGHTS DECREED FOR**
103 **AGRICULTURAL PURPOSES TO IRRIGATE LAWN GRASS.**

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>.)

The bill prohibits a local government from approving an application for a development permit unless the local government has adopted an enforceable resolution or ordinance that limits, as a prerequisite for approval of the development permit, the amount of

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.*

irrigated grass on residential lots in the development to no more than 15% of the total aggregate area of all residential lots in the development. "Irrigated" means supplied with water for lawn grass and does not include the use of raw water for irrigation. The 15% limit applies only if any part of the water supply for the development is changed from agricultural irrigation purposes to municipal or domestic use on or after January 1, 2016.

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

2 **SECTION 1.** In Colorado Revised Statutes, 29-20-303, **amend**
3 (1) as follows:

4 **29-20-303. Adequate water supply for development.** (1) A
5 local government shall not approve an application for a development
6 permit unless:

7 (a) It determines, in its sole discretion, after considering the
8 application and all of the information provided, that the applicant has
9 satisfactorily demonstrated that the proposed water supply will be
10 adequate. A local government shall make such determination only once
11 during the development permit approval process unless the water
12 demands or supply of the specific project for which the development
13 permit is sought are materially changed. A local government ~~shall have~~
14 HAS the SOLE discretion to determine the stage in the development permit
15 approval process at which such determination is made.

16 (b) (I) THE LOCAL GOVERNMENT HAS ADOPTED AN ENFORCEABLE
17 RESOLUTION OR ORDINANCE THAT LIMITS, AS A PREREQUISITE FOR
18 APPROVAL OF THE DEVELOPMENT PERMIT, THE AMOUNT OF IRRIGATED
19 GRASS ON RESIDENTIAL LOTS IN THE DEVELOPMENT TO NO MORE THAN
20 FIFTEEN PERCENT OF THE TOTAL AGGREGATE AREA OF ALL RESIDENTIAL
21 LOTS IN THE DEVELOPMENT. IF THE DEVELOPMENT INCLUDES A COMMON
22 INTEREST COMMUNITY, THE LOCAL GOVERNMENT MAY DELEGATE THE

1 ENFORCEMENT OF THIS PARAGRAPH (b) WITHIN THAT COMMUNITY TO THE
2 BOARD OF DIRECTORS OF THE UNIT OWNER'S ASSOCIATION OF THE
3 COMMON INTEREST COMMUNITY, AS THOSE TERMS ARE DEFINED IN
4 SECTION 38-33.3-103, C.R.S.

5 (II) THIS PARAGRAPH (b) APPLIES ONLY IF:

6 (A) ANY PART OF THE PROPOSED WATER SUPPLY FOR THE REAL
7 ESTATE DEVELOPMENT WAS CHANGED FROM AGRICULTURAL IRRIGATION
8 PURPOSES TO MUNICIPAL OR DOMESTIC USE; AND

9 (B) THE CHANGE APPLICATION WAS FILED IN WATER COURT ON OR
10 AFTER JANUARY 1, 2016.

11 (III) AS USED IN THIS PARAGRAPH (b):

12 (A) "CHANGED FROM AGRICULTURAL IRRIGATION PURPOSES TO
13 MUNICIPAL OR DOMESTIC USE" MEANS A CHANGE OF WATER RIGHT, AS
14 THAT TERM IS DEFINED IN SECTION 37-92-103 (5), C.R.S., REGARDING THE
15 TYPE OR PLACE OF USE OF WATER FROM AGRICULTURAL IRRIGATION
16 PURPOSES TO MUNICIPAL OR DOMESTIC USE, BUT DOES NOT INCLUDE
17 APPROVAL OF A ROTATIONAL CROP MANAGEMENT CONTRACT,
18 INTERRUPTIBLE WATER SUPPLY AGREEMENT PURSUANT TO SECTION
19 37-92-309, C.R.S., OR ANY OTHER TEMPORARY CHANGE OF TYPE OR PLACE
20 OF USE, INCLUDING WATER BANKING AS AUTHORIZED IN ARTICLE 80.5 OF
21 TITLE 37, C.R.S.

22 (B) "DEVELOPMENT PERMIT" MEANS ANY PRELIMINARY OR FINAL
23 APPROVAL OF AN APPLICATION FOR REZONING, PLANNED UNIT
24 DEVELOPMENT, CONDITIONAL OR SPECIAL USE PERMIT, SUBDIVISION,
25 DEVELOPMENT OR SITE PLAN, OR SIMILAR APPLICATION FOR NEW
26 CONSTRUCTION. A LOCAL GOVERNMENT HAS THE SOLE DISCRETION TO
27 DETERMINE THE STAGE IN THE DEVELOPMENT PERMIT APPROVAL PROCESS

1 AT WHICH THE LIMITATION SPECIFIED IN SUBPARAGRAPH (I) OF THIS
2 PARAGRAPH (b) APPLIES.

3 (C) "IRRIGATED" MEANS THE APPLICATION OF WATER TO LAWN
4 GRASS. THE TERM DOES NOT INCLUDE THE USE OF RAW WATER FOR
5 IRRIGATION.

6 (D) "LOCAL GOVERNMENT" MEANS A COUNTY, CITY, TOWN,
7 TERRITORIAL CHARTER CITY, OR CITY AND COUNTY.

8 **SECTION 2. Act subject to petition - effective date -**
9 **applicability.** (1) This act takes effect January 1, 2016; except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within the ninety-day period after final adjournment of the general
13 assembly, then the act, item, section, or part will not take effect unless
14 approved by the people at the general election to be held in November
15 2014 and, in such case, will take effect on January 1, 2016, or on the date
16 of the official declaration of the vote thereon by the governor, whichever
17 is later.

18 (2) This act applies to development permits applied for on or after
19 the applicable effective date of this act.