A BILL FOR AN ACT

CONCERNING A LIMITATION ON THE APPROVAL OF REAL ESTATE DEVELOPMENTS THAT USE WATER RIGHTS DECREED FOR 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
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.

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

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

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

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

   (b) (I) The local government has adopted an enforceable resolution or ordinance that limits, as a prerequisite for approval of the development permit, the amount of irrigated grass on residential lots in the development to no more than fifteen percent of the total aggregate area of all residential lots in the development.

   (II) This paragraph (b) applies only if:
(A) Any part of the proposed water supply for the real estate development was changed from agricultural irrigation purposes to municipal or domestic use; and

(B) The change application was filed in water court on or after January 1, 2016.

(III) As used in this paragraph (b):

(A) "Changed from agricultural irrigation purposes to municipal or domestic use" means a change of water right, as that term is defined in section 37-92-103 (5), C.R.S., regarding the type or place of use of water from agricultural irrigation purposes to municipal or domestic use, but does not include approval of a rotational crop management contract, interruptible water supply agreement pursuant to section 37-92-309, C.R.S., or any other temporary change of type or place of use, including water banking as authorized in article 80.5 of title 37, C.R.S.

(B) "Development permit" means any preliminary or final approval of an application for rezoning, planned unit development, conditional or special use permit, subdivision, development or site plan, or similar application for new construction.

(C) "Irrigated" means the application of water to lawn grass. The term does not include the use of raw water for irrigation.

(D) "Local government" means a county, city, town, territorial charter city, or city and county.

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

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