

ORDINANCE NO. _____

INTRODUCED BY: Johnston

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING TITLE 13 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO WATER DEDICATION AND PLANT INVESTMENT FEES ASSESSED BY THE CITY OF BRIGHTON; SETTING FORTH EFFECTIVE DATES FOR SAID DEDICATION AND FEES; AND OTHER DETAILS RELATED THERETO

WHEREAS, pursuant to Section 14.2 of the Brighton City Charter authority is granted to the governing body of the City of Brighton, Colorado, to assess fees and charges for certain utility services provided by the City; and

WHEREAS, the Utilities Department has completed a water dedication study through consultation with White Sands Engineers; and

WHEREAS, the analysis included a thorough review of the City's raw water dedication policy in order to ensure developers provide the City with an appropriate amount of raw water to serve new development or redevelopment projects; and

WHEREAS, the City Council has been advised by the City Manager that raw water dedication or fee-in-lieu, where applicable, should be amended to align with the City's costs of water acquisition; and

WHEREAS, the City Manager has recommended and the City Council agrees that raw water dedication or fee-in-lieu, where applicable, adopted herein are reasonable, necessary, and supported by the White Sands Engineering analysis, and shall become effective on the dates specified herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AS FOLLOWS:

Section 1. The following amendments shall be effective for permits issued January 1, 2022 or later.

Section 2. Section 13-4-90 (e) through (j) of the Brighton Municipal Code is hereby amended to read as follows:

(e) The water plant investment fee for single-family detached, mobile home parks, mixed use, commercial, industrial, and other uses not specifically delineated herein shall be assessed based on tap size as follows:

Tap Size	Amount
3/4 Inch	\$ 13,354
1 Inch	\$ 22,257
1 1/2 Inch	\$ 44,513
2 Inch	\$ 71,221
3 Inch	\$ 142,443
4 Inch	\$ 222,557

(f) The water plant investment fee for multi-family dwellings, including apartment buildings or condominiums and single-family attached (such as duplexes or townhomes) shall be assessed based on number of units as follows:

First living unit \$13,354

Each additional unit \$8,012

(g) A dedication of water rights is required unless the City Council has previously granted by signed agreement the right to pay a fee-in-lieu or if a development requires less than 0.36 acre feet of water dedication in total. The dedication amount for single family detached shall be assessed as follows:

Units/Acre	Acre Feet/Unit	Fee-In-Lieu
3 or less	0.58	\$ 34,359
4	0.56	\$ 33,174
5	0.47	\$ 27,842
6	0.46	\$ 27,250
7	0.42	\$ 24,880
8 or 9	0.40	\$ 23,696
10	0.39	\$ 23,103
11	0.38	\$ 22,511
12 or more	0.36	\$ 21,326

(h) A dedication of water rights is required unless the City Council has previously granted by signed agreement the right to pay a fee-in-lieu or if a development requires less than 0.36 acre feet of water dedication in total. The water dedication amount for multi-family dwellings, including apartment buildings or condominiums and single-family attached (such as duplexes or townhomes) shall be assessed based on number of units as follows:

Multi-Family	Acre Feet/Unit	Fee-In-Lieu
Per unit	0.27	\$ 11,783

(i) A dedication of water rights is required unless the City Council has previously granted by signed agreement the right to pay a fee-in-lieu or if a development requires less than 0.36 acre feet of water dedication in total. The water dedication amount for all other developments, including but not limited to commercial, industrial, mixed use, and public land donation, the owner shall provide to the City an acceptable water resource report authored by a registered professional

engineer experienced in water resources that estimates the amount of water needed to support and irrigate said development. The report shall also include a firm yield analysis of the water rights to be dedicated. The City will review the report and if determined appropriate, the water dedication shall be assessed based on the engineer's report. If the City's water rights consultant disagrees with the engineer's report, the City will provide an analysis to the developer and water dedication shall be assessed based on the City's recommendation.

(j) No connection to the City waterworks system shall be made unless all charges and assessments therefor are paid in full in advance of the connection.

Section 3. The purpose of this Ordinance is to provide for the health, safety, and welfare of the people.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED this 18th day of May, 2021.

INTRODUCED, PASSED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY this 1st day of June, 2021.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*

First Publication: May 26, 2021

Final Publication: June 9, 2021

APPROVED AS TO FORM:

LENA McCLELLAND, Acting City Attorney