

ORDINANCE NO. 2437  
INTRODUCED BY: Green

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING SECTION 13-4-10 OF THE BRIGHTON MUNICIPAL CODE REGARDING WATER DEDICATION OR PAYMENT OF FEE-IN-LIEU OF WATER DEDICATION

WHEREAS, pursuant to Section 14.1 of the *City of Brighton Home Rule Charter*, authority is granted to the City Council over matters pertaining to City-owned utilities, including water rights and acquisition thereof; and

WHEREAS, the City Council supports the notion that development should dedicate sufficient water resources to serve the project; and

WHEREAS, the City Council finds it is in the best interests of the City of Brighton and its residents to amend Section 13-4-10 of the *Brighton Municipal Code* to further clarify the water dedication or fee-in-lieu requirements therein.

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

Section 1. Effective January 1, 2024, Section 13-4-10 is hereby amended as follows:

(a) A dedication of water rights is required for all development, redevelopment, and expansion projects unless the City Council has previously granted by signed agreement the right to pay a fee-in-lieu. In certain circumstances, fee-in-lieu may be accepted, if the calculated raw water dedication for the project is equal to five acre-feet or less.

(b) All water dedication or fee-in-lieu amounts shall be based on a firm yield analysis calculated by the City or a City-designated consultant. The City Manager shall develop a policy outlining acceptable water sources and other requirements related to water dedication and/or fee-in-lieu payment.

(c) The water rights dedication or fee-in-lieu amount for single-family detached dwellings shall be assessed in accordance with the schedule of fees, rates, and charges as adopted by the annual fee resolution, ordinance, or otherwise. The water dedication amount shall be assessed as follows:

Units/Acre	Acre-Feet/Unit Dedication Amount Required for Changed Water	Acre-Feet/Unit Dedication Amount Required for Unchanged Water
0 to 3	0.58	0.64
>3 to 4	0.56	0.62
>4 to 5	0.47	0.52
>5 to 6	0.46	0.51

>6 to 7	0.42	0.46
>7 to 9	0.40	0.44
>9 to 10	0.39	0.43
>10 to 11	0.38	0.42
>11	0.36	0.40

(d) The water rights dedication or fee-in-lieu amount for multi-family dwellings, including apartment buildings or condominiums and single-family attached dwellings (such as duplexes or townhomes) shall be assessed based on number of units. The fee-in-lieu amount shall be assessed in accordance with the schedule of fees, rates, and charges as adopted by the annual fee resolution, ordinance, or otherwise. The water dedication amount shall be assessed as follows:

Multi-Family	Acre-Feet Dedication Amount Required for Changed Water	Acre-Feet Dedication Amount Required for Unchanged Water
Per unit	0.27	0.30

(e) To determine the water dedication amount for all other developments, including, but not limited to commercial, industrial, mixed use, public land donation, parks, common areas, and accessory dwelling units, the owner shall provide, in a form acceptable to the City, a 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 City Manager shall develop a policy setting forth the required contents of a water resource report. The City will review the water resources report and, in the City’s sole discretion, determine the dedication or fee-in-lieu requirements to be met.

(f) For single-family dwellings, approval of a final plat or administrative plat, as applicable, shall be contingent upon water dedication. For all other developments, approval of a site plan or site improvement permit (LUDC), as applicable, shall be contingent upon water dedication.

(g) All fee-in-lieu payments shall occur prior to the issuance of a building permit. Fee-in-lieu payments shall be based on the rate in effect at the time of payment.

(h) No building permit shall be issued until all required water dedications or payments have been made pursuant to the water dedication or fee-in-lieu amounts in effect at the time of dedication or payment.

Section 2. All sections, subsections, and definitions of Article 13 not expressly amended or modified herein remain in full force and effect.

Section 3. As provided by City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published full as it was adopted prior to taking final action. This Ordinance shall be in full force and effect five days after final publication, as provided in City Charter Section 5.8., except as set forth herein.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS  
5<sup>th</sup> DAY OF DECEMBER 2023.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY  
TITLE ONLY THIS 19<sup>th</sup> DAY OF DECEMBER 2023.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

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YASMINA GIBBONS, Deputy City Attorney