

ORDINANCE NO. 2406  
INTRODUCED BY: Blackhurst

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO,  
AMENDING CERTAIN SECTIONS OF CHAPTER 13 ARTICLE 4 OF THE BRIGHTON  
MUNICIPAL CODE RELATING TO WATER DEDICATION

WHEREAS, by Ordinance No. 2363, City Council amended Chapter 13 to align the City's raw water dedication or fee-in-lieu to reflect the City's true cost of water acquisition and water resources needed to provide water service to new development and redevelopment in the City; and

WHEREAS, Ordinance No. 2379, clarified water dedication requirements and aligned these along with Ordinance No. 2363; and

WHEREAS, City Council believes and supports that development should dedicate sufficient water resources to serve the project and cover all costs of acquisition and conversion of water resources to municipal use; and

WHEREAS, City Council supports amending and re-codifying the Brighton Municipal Code to effectuate the intent of Ordinance No. 2363 while providing more flexibility and clarifying water dedication in a wider variety of scenarios and finds that this is necessary for the health and welfare of the residents of the City of Brighton.

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

Section 1. Section 13-4-10 is hereby amended as follows:

**Sec. 13-4-10. – Water dedication or fee-in-lieu required.**

(a) A dedication of water rights is required for all development and redevelopment 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: (i) the project is less than or equal to one acre in total size; and (ii) the calculated raw water dedication for the project is equal to five acre-feet or less.

(b) The water rights dedication or fee-in-lieu amount shall be based on a firm yield analysis calculated by the City or a City-designated consultant and adjusted annually on or before April 1<sup>st</sup> in accordance with the United States Bureau of Labor Statistics Consumer Price Index for Denver-Aurora-Lakewood. The City Manager will 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 as follows (based on firm yield analysis by City or City-designated consultant):

| Units/Acre | Acre-Feet/Unit Dedication Amount Required | Fee-in-Lieu Payment/Unit Amount Required |
|------------|-------------------------------------------|------------------------------------------|
| 0 to 3     | 0.58                                      | \$37,221.65                              |
| >3 to 4    | 0.56                                      | \$35,937.92                              |
| >4 to 5    | 0.47                                      | \$30,161.68                              |
| >5 to 6    | 0.46                                      | \$29,520.36                              |
| >6 to 7    | 0.42                                      | \$26,952.90                              |
| >7 to 9    | 0.40                                      | \$25,670.26                              |
| >9 to 10   | 0.39                                      | \$25,027.85                              |
| >10 to 11  | 0.38                                      | \$24,386.53                              |
| >11        | 0.36                                      | \$23,102.80                              |

(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 as follows (based on firm yield analysis by City or City-designated consultant):

| Multi-Family | Acre Feet Dedication Amount Required | Fee-In-Lieu Payment Amount Required |
|--------------|--------------------------------------|-------------------------------------|
| Per unit     | 0.27                                 | \$12,764.71                         |

(e) The Utilities Director may give special consideration for proposed and proven water conservation measures which result in lower demand volumes for dedication amount or fee-in-lieu pursuant to the policy developed by the City Manager.

(f) 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 will develop a policy setting forth the required contents of a water resources report. The City will review the water resources report and, in the City's sole discretion, determine the water dedication or fee-in-lieu requirements to be met.

(g) 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.

(h) 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.

(i) 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. Section 13-4-91(c) is hereby enacted as follows:

**Sec. 13-4-91. – Accessory Dwelling Units (ADUs).**

(c) In the event an ADU requires increased demand as specified in subsection (b) of this Section, the applicant shall pay the applicable fee-in-lieu amount.

Section 3. All sections, subsections, and definitions of Chapter 13 not expressly amended or modified herein remain in full force and effect.

Section 4. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted prior to taking final action. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8, except as set forth herein.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED THIS  
20<sup>th</sup> DAY OF DECEMBER 2022.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY  
TITLE ONLY THIS 3<sup>rd</sup> DAY OF JANUARY 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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Publication: December 22, 2022

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Final Publication: January 12, 2023

APPROVED AS TO FORM:

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YASMINA SHAUSH, Assistant City Attorney