

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, Inc.; 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 result of this study shows the need for an increase in the amount of water to be dedicated to offset demand along with an increase in the equivalent amount of capital to offset the cost of that water if a fee is allowed to be paid in-lieu of dedication of water;

**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 Engineers, Inc. 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 (PIF) 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 (PIF) 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~~. The water dedication in total. The rights dedication amount for single family detached shall be assessed as follows: (based on Firm Yield analysis by City or City designated consultant):

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

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

(Special consideration for fee-in-lieu may be granted at the discretion of the Utilities Director and approved by Council for proposed and proven water conservation measures resulting in lower demand volumes than shown in this table.)

(Parks and other irrigated common areas will be addressed as stated in section (i) herein;)

(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.~~ The water rights 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: (based on Firm Yield analysis by City or City designated consultant):

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

(Special consideration for fee-in-lieu may be granted at the discretion of the Utilities Director and approved by Council for proposed and proven water conservation measures resulting in lower demand volumes than shown in this table)

(Parks and other irrigated common areas will be addressed as stated in section (i) herein;)

(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 ~~or fee~~ 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.** ~~This Ordinance will be revisited in April of each calendar year and adjusted as necessary based on market costs and actual water demand volumes at the time of review.~~

**Section 4.** 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 18<sup>th</sup> day of May, 2021.

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

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

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LENA McCLELLAND, Acting City Attorney

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