

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

- (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: (i) the calculated raw water dedication for the project is equal to five (5) acre-feet or less; or (ii) the project is an affordable housing project.
- (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 <del>89</del>	0.40	0.44
<u>&gt;8 to 9</u>	<u>0.35</u>	<u>0.39</u>
>9 to 10	<del>0.339</del>	<del>0.360.43</del>
>10 to 11	<del>0.238</del>	<del>0.310.42</del>
>11 <u>to 12</u>	<del>0.2836</del>	<del>0.310.40</del>
<u>&gt;12 to 13</u>	<u>0.25</u>	<u>0.28</u>
<u>&gt;13 to 14</u>	<u>0.22</u>	<u>0.24</u>
<u>&gt;14 to 15</u>	<u>0.22</u>	<u>0.24</u>
<u>&gt;15 to 16</u>	<u>0.20</u>	<u>0.22</u>
<u>&gt;16 to 17</u>	<u>0.19</u>	<u>0.21</u>
<u>&gt;17 to 18</u>	<u>0.19</u>	<u>0.21</u>
<u>&gt;18</u>	<u>0.17</u>	<u>0.19</u>

- (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

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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.

(Ord. 2379 §4, 2021; Ord. 2406 §1, 2023; Ord. 2437 §1, 2023; Ord. 2449 §2, 2024)

Editor's note(s)—Ord. 2379 §4, adopted December 21, 2021, repealed the former § 13-4-10, and enacted a new § 13-4-10 as set out herein. The former section pertained to supply; application required; and derived from prior code §3-601; Ord. 886 §1(part), 1976; Ord. 1589, 1999; and Ord. 2259 §2, 2017.

Section 2 of Ord. 2379 states that the amended provisions shall be effective for final plats approved after January 1, 2022.

### **Sec. 13-4-140. Service outside the City.**

Any existing water service outside the City limits is hereby approved. Monthly water rates for existing service shall be double the rate for service within the City. No new service outside the City limits will be provided without a written agreement approved by City Council, with the exception of the 8-inch City water line running from 120<sup>th</sup> Avenue to 128<sup>th</sup> Avenue along Brighton Road located in Henderson, Colorado ("120<sup>th</sup> —128<sup>th</sup> Brighton Road 8-Inch Line"). Water service to the 120<sup>th</sup> —128<sup>th</sup> Brighton Road 8-Inch Line may, at the sole discretion and approval of City Council with such approval by resolution, be provided by the City under the following conditions:

- (1) The rate charged for metered water shall be the same as the rate that would be charged for an in-city water customer.
- (2) Payment of any fees or other charges or water dedication shall be required that would normally be charged or required for property to be provided water service within the City.
- (3) Upon request by the City, the property owner shall submit a petition for annexation at such time as the served property becomes eligible for annexation to the City in accordance with Colorado law.
- (4) A property may only be served if adjacent to or nearby the 120<sup>th</sup> —128<sup>th</sup> Brighton Road 8-Inch Line and if such service can be provided in a manner that is consistent with the City's standards and specifications for utility service.
- (5) City Council may impose additional conditions as it deems necessary and/or appropriate.
- (6) All conditions and obligations imposed by the City for water service shall be binding on future property owners, successors, and assigns, and shall be recorded with the Clerk and Recorder of Adams County, Colorado, at property owner's expense.
- (7) City Council may, at its sole discretion, waive or modify conditions (1) through (6) above when the water user will be a gov-ernmental entity.