

ORDINANCE NO. 939

AN ORDINANCE AMENDING SECTION 30-10-103 OF THE DEVELOPMENT CODE WITH REGARD TO RAW WATER DEDICATION FEES IN THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO:

Section 1. Purpose and Scope.

The Board of Trustees has determined that it is in the best interests of the Town to continually acquire raw water sufficient to provide for the needs of current and future development. The Board has determined that in some cases it is difficult, if not impossible to purchase, at a reasonable price, sufficient raw water. It is therefore necessary to adopt this ordinance to accommodate the raw water requirements of the Town and the availability of water in the market place for the water needs of both large and small developments as well as those developments, which can only be served, with treated water through a supplier other than the Town of Berthoud.

Section 2. Dedication of Raw Water to the Town of Berthoud.

The raw water dedication requirements of the Town of Berthoud for a single-family residence which includes each side of a duplex but not apartments, townhouses or condominiums, may be met by complying with one of the following:

A. Prior to or at the time a building permit for a single-family residence is issued, the applicant may pay an amount equivalent to the current price of 1.43 units of Colorado Big Thompson Project water (CBT) which is the equivalent of one (1) acre foot of water *plus a ten percent (10%) fee to cover the Town's acquisition and administrative costs.*

B. Prior to or at the time a building permit for a single-family residence is issued, the applicant may transfer to the Town one-half ($\frac{1}{2}$) unit of CBT (.35 acre feet) and stock in the Handy Ditch Company sufficient to transfer one (1) acre foot of water.

(1) The applicant shall pay to the Town a fee of \$1,800 for transfer costs and related expenses to pay for a portion of the expenses to be incurred by the Town for processing the conversion of the water from agricultural usage to municipal usage through the water court.

C. Prior to or at the time a building permit for a single-family residence is

issued, the applicant may transfer 1.43 units of Colorado Big Thompson Project water (CBT) to the Town.

Section 3. Raw Water Dedication Fees for Single-Family Residences to Which the Town Cannot Provide Its Treated Water.

A. For subdivisions or applicants which cannot be provided with treated water through the Town's water treatment plant, the fee shall be based upon the current price of one (1) acre foot of CBT. *For purposes of this Ordinance, one (1) CBT unit shall be deemed to yield an average of 0.7 acre-feet per year. Therefore, the current price of one (1) acre foot of CBT water shall be based upon the price of 1.43 CBT units.* In all cases the current price of one (1) unit of CBT shall be established by the Town's Utility Director or Town Administrator. They shall base the current price upon the records of the Northern Colorado Water Conservancy District for the highest, most recent transfer approved by its board prior to the date the request for a water tap or a building permit is made.

Section 4. Calculation and Adjustment of Raw Water Dedication Fees.

It is preferable for any applicant for a building permit, other than for a single-family residence, to provide the Town with data and calculations, which document the use of water for the proposed use of the structure. If no calculation or data is provided, the following schedule shall be presumed to be applicable:

<u>Meter Size (inches)</u>	<u>Multiple of Raw Water Fee</u>
5/8	1.0
3/4	1.5
1	2.5
1 1/2	5.0
2	8.0
Over 2	<i>Based on estimated water demand characteristics</i>

Within a year after a raw water fee is paid, the applicant for the building permit may file a written request with the Town to re-evaluate the water usage for the property based upon twelve (12) months of projected usage and recalculate the fee. The raw water dedication fee will be adjusted only if actual usage is less than fifty percent (50%) of the fee paid. (The Town has approximately a fifty percent (50%) loss in raw water through delivery, storage and production. Thus, actual usage measured at the top represents only one-half the raw water required to produce it.) If an adjustment to the raw water dedication fee is appropriate, it shall be prorated and paid to the person who paid the fee for the building permit. The Town reserves the right to re-evaluate the water usage for any property other than single-family residences and to re-assess the raw water dedication fee if it determines that the

annual use on the property, as measured or projected, exceeds the amount of raw water dedicated for the property by twenty percent (20%).

Section 5. Credits for Non-potable Irrigation Systems Against the Raw Water Dedication Fee.

A. The Board of Trustees has determined that it is in the best interest of the Town of Berthoud to attempt to preserve the native and historic water rights on properties, which are subdivided within the Town. If these native and historic waters are not preserved for usage on the property they may be forever lost and the Town will be required to place inordinate reliance on CBT water.

B. Persons who wish to apply for a credit against the raw water dedication requirements set forth above must submit the following to the Town:

- (1) An analysis by a qualified engineer with supporting data as to the quantity and quality of the water which will be delivered through the non-potable irrigation system;
- (2) manner of delivery, including duration and volume;
- (3) the reliability of the delivery;
- (4) the plan for system maintenance;
- (5) how the non-potable water irrigation system will be connected to the Town's treated water system for use of treated water for irrigation where the supply of the non-potable water is unavailable or insufficient;
- (6) a calculation of the volume of water which the non-potable system will be able to provide on a monthly basis in lieu of the usage of treated water for irrigation purposes and the proposed appropriate credit for the raw water dedication fee.
- (7) certification by an attorney who specializes in water law that the use of the non-potable water as it is presented will be in full compliance with the adjudicated usage of the decreed water rights.

C. The Town shall review the information set forth in Section 4.B to determine the amount of credit it will recognize, in its sole discretion. The Applicant shall pay for all costs of the Town's review.

Section 6. Repealer.

All ordinances, or portions thereof, which are in conflict with this ordinance are hereby repealed.

Section 7. Effective Date:

The Board of Trustees of the Town of Berthoud herewith finds, determines and designates that this Ordinance shall take effect and be in force thirty (30) days after publication.

At its meeting June 25, 2002, this Ordinance was read, passed and ordered published by the Board of Trustees.

ATTEST:

Mary K Cowdin

Mary K. Cowdin - Town Clerk

TOWN OF BERTHOUD:

Milan Karspeck

Milan Karspeck - Mayor

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