ORDINANCE #1300

AN ORDINANCE AMENDING ORDINANCE #1272, AN ORDINANCE OF THE TOWN OF BERTHOUD CONCERNING WATER RIGHTS DEDICATION REQUIREMENTS AND ADOPTING NEW WATER RIGHTS DEDICATION REQUIREMENTS

BE IT HEREBY ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

INTRODUCTION

WHEREAS, The Town of Berthoud, previously adopted Ordinance #1272 in July, 2019, amending Ordinance #1209, commonly referred to as the "Town of Berthoud Water Dedication Ordinance"; and

WHEREAS The Board of Trustees of the Town of Berthoud has identified certain amendments and modifications to such Ordinance; and

WHEREAS, the modifications shall be accomplished by amendment of Ordinance #1272 to read as set forth in this ordinance as the current "Town of Berthoud Water Dedication Ordinance" to be incorporated into the Town of Berthoud Development Code in Chapter 30-10, Section 30-10-114.

PART I

IT is therefore ordained by the Board of Trustees of the Town of Berthoud that the following Ordinance is adopted, and shall hereafter be referred to as the "Town of Berthoud Water Dedication Ordinance":

30-10-114 Water Right Dedication Requirements

A. **Titles.** This section shall be known as the TOWN OF BERTHOUD WATER DEDICATION ORDINANCE.

B. **Interpretation.** This section shall be interpreted and construed so as to effectuate its general purposes to make uniform the terms and conditions for the dedication of water rights and cash in lieu of water dedication to the Town for development within the Town. However, this section shall not be applied in a manner inconsistent with annexation agreements in existence prior to the effective date hereof.

C. **Definitions**. Whenever in this section, the words hereinafter defined or construed in this section are used, they shall, unless the context requires other uses, be deemed to have the following meanings:

1. "Accessory Dwelling" means an apartment integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. Accessory dwellings shall be limited to eight hundred fifty square feet in floor area. There shall not be more than one accessory dwelling located on a lot in addition to the single-family dwelling.

2. "Acceptable Water Rights for Potable Purposes" means water rights acceptable to the Town pursuant to the applicable criteria set forth in Section I hereof, and deliverable to Berthoud Reservoir or directly to the Town's water treatment plant for water treatment.

3. "Acceptable Water Rights for Non-Potable Purposes" means water rights acceptable to the Town pursuant to the applicable criteria set forth in Section I hereof, and deliverable to a location acceptable to the Town.

4. "Annexation" means the act of attaching, adding, joining, or uniting a parcel of land to the legal entity known as the Town of Berthoud.

5. "Cash in lieu of water dedication" means a separate and distinct fee from water taps as required in section G, H and K hereof and related sections of this Code, which fee shall be utilized primarily to acquire water rights and necessary facilities for all beneficial uses within the Town. The Town shall issue a Certification of Water Dedication Credits for cash in lieu of water dedication payments for future development in the Town.

6. "Certification of Water Dedication Credits" means a certificate issued by the Town for raw water credits in exchange for cash in lieu of water dedication payments or water rights dedications for future development in the Town.

7. "CBT Unit" means a Unit of the Colorado Big Thompson Project. A CBT Unit shall be defined to have a firm yield of 0.6 acre feet.

8. "Change in Land Use" means a change in the purpose or activity for which a particular piece of land or its buildings is designed, arranged or intended or for which it is occupied or maintained as provided in the zoning regulations for the zone district in which the land is located which change requires water resources.

9. "Conveyance of water rights" means the process by which legal title to water rights are transferred by appropriate deed, stock assignment, allotment contract or other record transfer.

10. "Dedicate" or "dedication" means to appropriate an interest in land or water rights to some public use, made by the owner, and accepted for such use by or on behalf of the public.

11. "Development" means any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land, a material increase in the intensity and impacts of a development, the installation of landscaping within a public right of way, when installed in connection with a development of adjacent property and any man-made change to improved or unimproved real estate which requires additional water resources.

12. "Dwelling unit" means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by the International Building Code or the International Residential Code, as locally amended.

13. "Extension of water service" means any extension of the Town water service for which a tapping charge is assessed or any increase in Town water service resulting from a Change in Land Use.

14. "Native Seed Area" means an area that is planted using broadcast native or drought-tolerant seed mix, resulting in a drought-tolerant turf. These areas have a water dedication requirement of 0.8 acre-feet per acre.

15. "Natural Area" means an area that (a) is appropriately vegetated and free of weeds; (b) is capable of maintaining the existing vegetation without irrigation; (c) has been dedicated to and accepted by the Town; and (d) is a wetland under the criteria in the Wetlands Delineation Manual utilized by the U.S. Amy Corps of Engineers and the U.S. Environmental Protection Agency in effect at the time of dedication to the Town. All Natural Areas shall be encumbered by a conservation easement. Natural Areas do not require any irrigation. In order to qualify as a Natural Area, the Developer must pay the Town's fees and expenses incurred in determining whether the area is a wetland and appropriately vegetated, and the Natural Area must be accepted by the Town at the Town's sole discretion by and through the Town Administrator.

16. "Open Water" means a body of water, such as a pond or reservoir, whether existing or created and whether for purposes of water storage, aesthetic, or recreation, that has an adequate physical and legal water supply to maintain the open water condition year round, and that has been accepted by the Town for Open Water land use.

17. "Owner" shall be any person owning water using property and/or any person owning real property either corporeal or incorporeal, connected or not connected to the Town water system.

18. "Person" shall include any individual, partnership, association, organization, firm, district, corporation, group or other legal entity of any nature, public or private.

19. "Phase" means a portion of property that is being platted or has been platted.

20. "Raw Water Credit" means the number of S.F.E.s for which dedication credits are certified by the Town in exchange for cash in lieu of water dedication payments or water rights dedications to the Town.

21. "Single Family Equivalent Unit" ("SFE" or "S.F.E.") means a number related to the volume of water necessary to meet the demand and use requirements including systems losses and consumptive use requirements, of an average single family dwelling unit which is defined herein as 0.4 acre feet. An S.F.E. shall be defined as 0.4 acre feet for all purposes. The S.F.E. unit value assigned to such average dwelling unit is 1.0.

22. "Sufficient priority" means that a water right has a date as of which it is entitled to use water in relation to other water rights deriving their supply from the same source which is sufficiently senior that it may reasonably be expected to provide a dependable water supply for the requirements of this section. Factors to be considered in making this determination shall include, but not by way of limitation, the appropriation date and adjudication date of the water right, the decreed use(s), the historical use of the water right, the physical flow available, and the administrative practices of the office of the State Engineer.

23. "Supplemental Irrigation Water" means additional potable water which will be required for irrigation at times when water is not available through a non-potable irrigation system.

24. "Town" means the Town of Berthoud, Colorado, or the Town of Berthoud acting by and through a water activity enterprise owned by the Town of Berthoud.

25. "Town Administrator" means the Town Administrator of the Town of Berthoud, Colorado.

26. "Town Board" means the Town Board of Trustees of the Town of Berthoud, Colorado.

27. "Town water service" means treated water service or non-potable water furnished by the Town of Berthoud, Colorado.

28. "Transfer of water rights" means the conveyance of legal title to water rights to the Town of Berthoud, Colorado.

29. "Water Court Transfer Fee" means the cost of court filing fees, publication fees, professional fees and other reasonable and customary costs associated with required proceedings in the Water Court for the Town to make full and lawful use of water rights dedicated to or acquired by the Town for use in its municipal water system.

30. "Water right" means a decreed right to use in accordance with its priority a certain portion of the waters of the State by reason of the appropriation of the same. It shall include both direct flow and storage rights. Water right shall also be used in the context of this section to include allotment contracts with the Northern Colorado Water Conservancy District and its Municipal Subdistrict.

D. Agreement to Comply with this Section and Development Code Requirements. No person may use water from the Town's water utility or provide non-potable water to new development within the Town unless such person agrees to abide by all provisions of this section, the Town's Development Code, all other applicable ordinances of the Town, and all the rules and regulations of the Town pertaining to the water utility and water utility services. Such agreement to abide by all the provisions of this section and the Development Code shall include the reasonable right of an authorized Town representative to enter upon the water user's property and to gain access to a building or

structure for inspection purposes as set forth in this section. Acceptance of water service from the Town shall be deemed to constitute such agreement on the part of the water user.

E. Other Water Systems. No person shall operate, own, manage, control or possess a commercial water system obtaining its water supply from any source for the purpose or with the effect of distributing water therefrom to any water using property or water-using unit for any development within the Town approved after the adoption of this section without first entering into an agreement therefore with the Town in the manner provided by, through, and under the laws of the State of Colorado.

F. Obtaining Water.

1. **Other Water Sources:** Except as the Town Board may otherwise by appropriate resolution allow, no person residing or situated within the Town corporate boundaries shall use or obtain water for usual and ordinary water use purposes for any development within the Town approved after the adoption of this section except (1) by, through, and from the Town; or (2) through other systems specifically approved by the Town in writing.

2. **Other Water Sources Within Town of Berthoud's System:** No person or owner shall in any way, at any time connect or introduce water in, to, or with the Town water system, without the Town's previous written approval.

G. Cash in Lieu of Water Dedications or Dedication of Water Rights for Potable Purposes.

1. **Intent and Purpose**. It is the intent and purpose of this section to require the dedication of Acceptable Water Rights for Potable Purposes or the payment of cash in lieu of water dedication for all potable uses. Any payment of cash in lieu of water dedication hereunder or dedication of water rights shall be sufficient to satisfy any new or additional demands for Town water service resulting from the extension of water service, or any Change in Land Use, within or outside the limits of the Town, which will require new or additional water supply from the Town, and thereby to assure an adequate and stable supply of water to all Town water users, to ensure the financial stability of the Town water utility, and to promote the general welfare of the public.

2. **Water Right Dedication Requirement**. It is not the intent of the Town to allow the recalculation of water dedications for existing subdivisions or to increase the water rights requirements for subdivisions for which a final plat has already been approved as of the effective date of this section. The requirements herein shall apply to all new development, unless otherwise agreed to in an applicable annexation or development agreement with the Town.

3. **From and after the effective date of this section, any person who seeks approval of any of the following:**

    a. an extension of water service;

    b. subdivision;

    c. any Change in Land Use, within or outside the limits of the Town, if such Change in Land Use will increase the demand for Town water service;

shall comply with this section and the Town's Development Code.

4. **Required Water Dedication or Cash in Lieu of Water Dedication for Potable Purposes.** Cash in lieu of water dedication or dedication of Acceptable Water Rights for Potable Purposes shall be required for all potable uses.

5. **SFE Determinations for Residential Development.** The number of SFE's for potable purposes required for development shall be determined by the Town in accordance herewith. The following SFE values shall be assigned to residential dwelling units when outdoor uses are not supplied by a separate irrigation tap or system:

Dwelling Unit	SFE Value
Single Family Dwelling Unit (up to 3,500 sq. ft. lot)	0.75 SFE
Single Family Dwelling Unit (3,501 sq. ft. to 11,999 sq. ft. lot)	1.0 SFE
Single Family Dwelling Unit (12,000 to 18,000 sq. ft. lot)	1.25 SFE
Single Family Dwelling Unit (greater than 18,000 sq. ft. lot)	At least 1.5 SFE or more, as calculated pursuant to sections G.8.c hereof.
Duplex (less than 12,000 sq. ft. lot)	2 SFE
Duplex (12,000 to 18,000 sq. ft. lot)	2.5 SFE
Duplex (greater than 18,000 sq. ft. lot)	At least 2.5 SFE, or more as calculated pursuant to sections G.8.c hereof.
Multi-Family (3 or more Units)	0.5 SFE per Unit for indoor use; Additional irrigation requirement calculated pursuant to sections G.8.c. hereof.

Accessory Dwelling	0.5 SFE

6. **Time for Dedication of Water Rights or Payment of Cash in Lieu of Water Dedication for Potable Purposes.** Prior to issuance of a building permit, the person acquiring said building permit shall provide the required cash in lieu of water dedication or dedicate Acceptable Water Rights for Potable Purposes to the Town for the potable purposes.

7. **Cash in Lieu of Water Dedication or Dedication of Water Rights for Potable Irrigation.** Prior to issuance of a Town Stormwater Discharge Permit for a Phase of a development, the person developing the property shall pay cash in lieu of water dedication or dedicate Acceptable Water Rights for Potable Purposes to the Town necessary to provide for one half (1/2) of water necessary for the irrigation of parks, open space, golf courses, playing fields and similar areas within the Phase to be developed if said irrigation is to be supplied with potable water. The remaining one half (1/2) shall be due and owing upon issuance of one half (1/2) of the building permits for the Phase to be developed. No further building permits shall be issued for that Phase of development until the second one half (1/2) of cash in lieu of water dedication is paid or Acceptable Water Rights for Potable Purposes are dedicated to the Town. A person may also elect to dedicate water rights for non-potable irrigation as set forth in section H below.

8. **Price and Amounts of Water Dedication and Cash in Lieu of Water Dedications for Potable Purposes.**

a. The price per SFE for developments in which cash in lieu of water dedication are paid pursuant to this section G set forth in section K hereof.

b. The price per SFE of cash in lieu of water dedication for dwelling units with no outdoor irrigation from the water taps for said dwelling units shall be based upon a requirement of 0.5 SFE's (0.2 acre feet) per dwelling unit, as set forth in section K hereof. This includes dwelling units in developments with all irrigated areas served by a separate irrigation tap.

c. Except as set forth in section G.5. above regarding single family homes, duplexes and accessory units, a person developing a property shall pay cash in lieu of water dedication or dedicate Acceptable Water Rights for Potable Purposes for irrigation with potable water based upon landscaping plans submitted to the Town in accordance with the Berthoud Development Code, section 30-2-112, applying the following irrigation demands: (1) zero irrigation demand (0 SFE's) per acre for Natural Areas, Open Water and impervious surfaces; (2) a demand of 0.8 acre-feet (2 SFE's) per acre for Native Seed Areas; (3) a demand of 3.0 acre feet (7.5 SFE's) per acre for lawn grass, which shall include, but shall not be limited to playing fields, parks,

turf areas within golf courses and similar situations; and (4) a demand of 1.33 acre feet (3.325 SFE's) per acre for non-turf vegetation except Natural Areas and Native Seed Areas, including but not limited to areas planted with trees, shrubs, flower beds, and low water use ground cover. The Town shall analyze the landscaping plans and the acreages, which analyses shall be paid for by the person developing the property. The person developing the property may also submit a written analysis by a qualified landscape architect or an irrigation specialist sufficient to allow the Town to fully evaluate the probable water demand and consumption for irrigation uses for the development. In the event that a person elects to submit a written analysis, the Town shall review said analysis, which analysis shall be paid for by the person developing the property. The Town Administrator shall have the authority to make all final determinations of said irrigation water requirements. The price for cash in lieu of water dedication for irrigation with potable water is set forth in section K hereof.

d. The amount of cash in lieu of water dedication or the amount of dedication of Acceptable Water Rights for Potable Purposes for commercial use shall be based upon a calculation of the SFE's required to provide water service for said commercial use. The price of cash in lieu of water dedication shall be calculated in accordance with section K hereof. The Town shall analyze water requirements for a proposed commercial use at the time that the commercial use is defined. The person developing the property may also submit a written analysis by a qualified consultant sufficient to allow the Town to fully evaluate the probable water demand and consumptive use for the commercial development. In the event that a person elects to submit a written analysis, the Town shall review said analysis, which analysis shall be paid for by the person developing the property. The Town Administrator shall have the authority to make all final determinations of said commercial water requirements. All commercial uses shall require a minimum of 0.5 SFE's. For multi-tenant commercial buildings, a water dedication fee for 0.5 SFE's per 1,000 square feet of building area shall be paid prior to issuance of a building permit.

H. Cash in Lieu of Water Dedications or Water Rights Dedications for Non-Potable Purposes

1. **Water Dedication Requirements.** A person developing a property shall pay cash in lieu of water dedication or dedicate Acceptable Water Rights for Non-Potable Purposes for irrigation of residential lots with non-potable water based upon the following SFE values:

NON-POTABLE IRRIGATION REQUIREMENTS

Dwelling Unit	SFE Value
Single Family Dwelling Unit (up to	0.25 SFE

3,500 sq. ft. lot)	
Single Family Dwelling Unit (3,501 sq. ft. to 11,999 sq. ft. lot)	0.5 SFE
Single Family Dwelling Unit (12,000 to 18,000 sq. ft. lot)	0.75 SFE
Single Family Dwelling Unit (greater than 18,000 sq. ft. lot)	At least 1.0 SFE or more, as calculated pursuant to this section H.
Duplex (less than 12,000 sq. ft. lot)	1 SFE
Duplex (12,000 to 18,000 sq. ft. lot)	1.5 SFE
Duplex (greater than 18,000 sq. ft. lot)	At least 1.5 SFE, or more as calculated pursuant to this section H.
Multi-Family (3 or more Units)	Irrigation requirement calculated pursuant to this section H.

Additional water necessary for outdoor irrigation for single family dwellings and duplexes on lots in excess of 12,000 square feet and 18,000 square feet shall require a minimum of 0.75 and 1.5 SFE's respectively and shall be determined by the Town's staff, with final approval by the Town Administrator pursuant to this section H. All other properties requiring outdoor irrigation shall require cash in lieu of water dedication or dedication of Acceptable Water Rights for Non-Potable Purposes in accordance with this section H based upon landscaping plans submitted to the Town in accordance with the Berthoud Development Code, section 30-2-112 and based on the following irrigation demands: (1) zero irrigation demand (0 SFE's) per acre for Natural Areas, Open Water and impervious surfaces; (2) a demand of 0.8 acre-feet (2 SFE's) per acre for Native Seed Areas; (3) a demand of 3.0 acre feet (7.5 SFE's) per acre for lawn grass which shall include, but shall not be limited to playing fields, parks, turf areas within golf courses and similar situations in which irrigation water is supplied through a separate non-potable irrigation tap or system; and (4) a demand of 1.33 acre feet (3.325 SFE's) per acre for non-turf vegetation except Natural Areas and Native Seed Areas, including but not limited to areas planted with trees, shrubs, flower beds, and low water use ground cover. The Town shall analyze the landscaping plans and the acreages, which analyses shall be paid for by the person developing the property. The person developing the property may also submit a written analysis by a qualified landscape architect or irrigation specialist sufficient to allow the Town to fully evaluate the probable water demand and consumption for irrigation uses for the development. In the event that a person elects to submit a written analysis, the Town shall review said analysis, which analysis shall be paid for by the person developing the property. The Town Administrator shall have the authority to make all final determinations of said irrigation water requirements. The price of cash in lieu of water dedication for irrigation with non-potable water is set forth in section K hereof.

2. **Water Dedication for Augmentation Purposes**. The person dedicating any feature to the Town that requires augmentation or replacement water shall be solely responsible for any ongoing water augmentation or replacement obligations that may be required by dedicating to the Town an adequate amount of water to replace out-of-priority evaporative losses and paying all costs associated with the adjudication of a Plan for Augmentation, which amount Town staff determines, in its sole discretion, with final approval of the Town Administrator and with the assistance of consultants and/or attorneys as needed, on a case-by-case basis.

3. **Water Dedication Alternatives**. A person who will be developing or using a non-potable irrigation system may elect to pay cash in lieu of water dedication based upon the prices set forth in section K hereof. A person may also elect to dedicate Acceptable Water Rights for Non-Potable Purposes in accordance with this section H for use within a non-potable system.

4. **Time for Non-Potable Water Dedication.** Water dedication of Acceptable Water Rights for Non-Potable Purposes or payment of cash in lieu of water dedication shall be made prior to the issuance of a building permit for the use of non-potable water in residential yards and for commercial purposes. Prior to issuance of a Town Stormwater Discharge Permit for a Phase of development, a person shall dedicate Acceptable Water Rights for Non-Potable Purposes and pay all cash in lieu of water dedication including supplemental irrigation water to provide for one half (1/2) of the water necessary for non-potable irrigation of parks, open space, golf courses, playing fields and similar areas within the Phase to be developed. The remaining one half (1/2) shall be due and owing upon issuance of one half (1/2) of the building permits for the Phase to be developed. No further building permits shall be issued for that Phase of development until the second one half (1/2) of cash in lieu of water dedication is paid or water rights are dedicated to the Town.

I. Water Rights Dedications. In cases where a person desires to dedicate water rights rather than paying cash in lieu of water dedication, a written agreement with the Town shall be required and the following requirements shall apply.

1. **Potable Water Sources.** The amount and suitability of Acceptable Water Rights for Potable Purposes necessary to provide firm yield water shall be determined by the Town at its sole discretion. The person dedicating water rights for potable purposes shall pay for an analysis by the Town through a qualified water engineer with supporting data which shall include the following:

    a) the quantity and quality of the water which will be delivered pursuant to said water rights;
    b) the ability to deliver said water to Berthoud Reservoir or directly to the Town's water treatment plant for treatment;
    c) the amount and suitability of a dry up covenant to change the use of said water rights in Water Court, as necessary; and
    d) such other analysis as the Town deems necessary.

2. **Non-Potable Water Sources.** The amount and suitability of Acceptable Water Rights for Non-Potable Purposes necessary to provide firm yield water shall be determined by the Town at its sole discretion. The person dedicating water rights for non-potable purposes shall pay for an analysis by the Town through a qualified water engineer with supporting data to address both the criteria set forth in section I.1. and the following:

    a) a calculation of the volume of water which any non-potable system will be able to provide on a monthly basis;

    b) the amount of potable supplemental irrigation water which will be required when water under non-potable water rights is not available;

    c) the amount of required water storage, if any;

    d) the proposed use of the water rights through the proposed facilities; and

    e) compliance with Chapter 30-2-130 hereof.

3. **Legal Criteria for Dedication Water Rights**. The person dedicating water rights shall also pay for an analysis by the Town by an attorney who specializes in water law as to whether 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, or will need a change in the use of the water rights.

4. **Specific Water Rights.**

    a. Handy Ditch Shares. The amount of water for which a person will receive credit relative to the shares in the Handy Ditch Company ("Handy") will be based upon four and four-tenths (4.4) acre feet per share if the historic use of the specific shares to be dedicated support said yield at the Town's sole discretion pursuant to section I.1. and 2. above.

    b. CBT Units. The amount of water for which a person will receive credit relative to a CBT Unit shall be 0.6 acre feet per Unit. The analyses set forth in section I.1. shall not apply to the dedication of CBT Units.

5. **Conveyance of Water Rights to the Town.** Conveyance of any water to the Town must be made in a manner that warrants free and clear title to the water. The Town shall also require documentation evidencing said free and clear title. Said water rights shall be conveyed to the Town by general warranty deed and assignment of an original share certificate for the water rights or as determined by the Town in its sole discretion. A dry-up covenant for the lands historically irrigated shall also be required if deemed necessary by the Town.

6. **Water Rights Fee.** The person dedicating said water rights to the Town shall pay to the Town $1,250/acre foot for any water rights which will need to be changed in Water Court to pay for Water Court fees, not to exceed the legal, engineering, ditch company and Water Court fees incurred by the Town to change said water rights.

J. Certifications of Water Dedication Credits

Upon payment of cash in lieu of water dedication or the dedication of water rights, the Town shall issue a Certification of Water Dedication Credits to the person so paying said cash in lieu of water dedication or dedicating water rights which shall set forth the amount of water dedication credits which are available for future development in the Town. Said certificates shall designate the water dedication credits as potable or non-potable. The water dedication credits under any such certificate shall be fully transferrable and shall be usable for water dedication purposes anywhere within the Town of Berthoud. However, a water certificate holder shall not be entitled to encumber said certificate in any manner and the Town will not recognize any encumbrances, including but not limited to liens, financing statements, rights of first refusal, or use of said certificate for collateral. This limitation shall not apply to certificates issued prior to the enactment of this section. The person paying cash in lieu of water dedication or dedicating water right shall be responsible for any legal fees incurred by the Town in issuing said Certificate. In the case of any assignment of Water Dedication Credits, the Assignor of said credits shall be responsible for any legal fees incurred by the Town in preparing said Assignment and issuing a new Certificate. The Town may suspend any Water Dedication Credits for failure to pay said legal fees and suspend the issuance of any new building permits associated with said Water Dedication Credits until such legal fees are paid in full.

K. Prices for Cash In Lieu of Water Dedication

The following prices for cash in lieu of water dedication shall apply based on 0.4 acre feet/SFE:

Use	Cash In Lieu of Water Dedication
Single Family Dwelling Unit (up to 3,500 sq. ft. lot) (0.75 SFE)	$18,750 per Dwelling
Single Family Dwelling Unit (3,501 sq. ft. to 11,999 sq. ft. lot) (1 SFE)	$25,000 per Dwelling
Single Family Dwelling Unit (12,000-18,000 sq. ft. lot) (1.25 SFE)	$31,250 per Dwelling
Single Family Dwelling Unit (18,000 sq. ft. lot or greater) (at least 1.5 SFE or more, as calculated pursuant to section G.8.c and H hereof)	a minimum of $37,500 per Dwelling or more (calculated at rate of $25,000 per SFE)
Duplexes (less than 12,000 square feet lot) (2.0 SFE)	$50,000 per Duplex
Duplexes (12,000 – 18,000 square foot lots) (2.5 SFE)[1]	$62,500
Duplexes (18,000 square foot lot or greater) (at least 2.5 SFE or more, as calculated pursuant to section G.8.c and H hereof)	A minimum of $62,500 per duplex or more, as calculated at rate of $25,000 per SFE

Use	Cash In Lieu of Water Dedication
Multi-Family (3 or more Units) (1/2 SFE per Unit for indoor use). Additional irrigation requirement calculated pursuant to sections G.8.c and H hereof.	A minimum of $12,500 per Unit plus any additional water required for irrigation
Accessory Dwelling (0.5 SFE Per Dwelling)	$12,500 per Unit
Commercial Use	$25,000/SFE
Potable Irrigation, including Supplemental Irrigation Water	$25,000/SFE
Non-Potable Irrigation	$12,500/SFE

These prices may be amended at any time by the Board.

PART II –GENERAL PROVISIONS

1. INTERPRETATION

This Ordinance shall be so interpreted and construed as to effectuate its general purpose to make uniform the terms and conditions for the sale of treated water from the Town water system contained herein. However, this Ordinance shall not be applied in a manner inconsistent with annexation agreements in existence prior to the effective date of this Ordinance. Section headings of this Ordinance shall not be deemed to govern, limit, modify or in any way or manner affect the scope, meaning intent or extent of the provisions of any article or section thereof.

2. VALIDITY

If any part or parts of this Ordinance is/are, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Board hereby declares that it would have codified these provisions and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

3. REPEAL OF OLD ORDINANCES

Existing portions of Ordinances and portions of the Town of Berthoud Development Code Sections, including but not limited those contained in Section 30-10, which are inconsistent with the provisions of this Ordinance are hereby repealed.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, this the 25th Day of January, 2022.

TOWN OF BERTHOUD

By: _____
Will Karspeck, Mayor

ATTEST:

By: _____
Christian Samora, Town Clerk

TOWN OF BERTHOUD LARIMER & WELD COUNTIES
INCORPORATED OCT. 3, A.D. 1888
SEAL
COLORADO