

Council Agenda Summary

May 3, 2022

Key Staff Contact: Sean Chambers, Water & Sewer Director, 970-350-9815

Title:

Public hearing and final reading of an Ordinance amending Title 20 of the Greeley Municipal Code concerning the use of non-potable water supplies for irrigation.

Summary:

Greeley has been utilizing non-potable (untreated raw water) irrigation since the Number 3 Ditch was built in 1870 to irrigate the City's parks and gardens. As Greeley has grown, the City expanded its non-potable system by utilizing the existing agricultural ditch systems to economically convey untreated non-potable water. Currently, Greeley's non-potable water systems provide approximately 2,500 acre feet of water annually and primarily serve City owned parks and facilities with limited usage from private water customers. The City's long-term water resource planning analysis has confirmed the critical importance of developing non-potable water supplies and delivery systems to ensure the city can meet all future needs. The long-range water supply master plan engineering analysis concluded that increasing non-potable irrigation water usage to over 7,000 acre feet annually is essential to meeting the build-out water demand for Greeley.

To meet the long-term goal of 7,000 acre feet of annual non-potable water use, Water and Sewer staff presented revisions to Title 20 of the Greeley Municipal Code to City Council on December 7, 2021 (first reading) and January 18, 2022 (second reading) to make non-potable water use mandatory in most cases for new development. City Council adopted those code revisions as presented with one exception. The code revisions staff proposed included a requirement that new non-potable systems must be publicly owned and maintained by the city; in other words, no new private non-potable systems would be allowed. An amendment to the language of that provision was offered, and the amended language removed the limitations against private non-potable systems and the amended ordinance passed unanimously.

Upon further review of the revised Title 20 Code approved on January 18, 2022, staff and CAO legal counsel determined that additional code provisions were necessary to protect the city from unintentional ambiguity in the approved amended code.

The recommended additional provisions, incorporated in the attached, are crafted to ensure that any private non-potable irrigation system is designed and constructed to meet city standards, and thereby protect business owners, homeowners, or others from substandard system performance or reliability. Further, any new private non-potable system would not be eligible for discounted plant investment fees. Lastly, if a private system is to be dedicated to the city at a future date, an appropriate type and amount of raw water dedication (rights or cash-in-lieu) will be required to serve the demands.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

The second reading and public hearing on this ordinance was scheduled no sooner than 28 days after the introduction and first reading on April 5, 2022, in accordance with GMC § 20-273. The City Attorney's Office has reviewed and approved the proposed ordinance as to legal form.

Other Issues and Considerations:**Strategic Work Program Item or Applicable Council Priority and Goal:**

Image: Reinforce Greeley's vision as an attractive and vibrant community in which to live, learn, work and play.

Infrastructure & Growth: Establish the capital and human infrastructure to support and maintain a safe, competitive, appealing and successful community.

Decision Options:

- 1) Adopt the ordinance as presented; or
- 2) Amend the ordinance and adopt as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

Ordinance

Revised Title 20 Greeley Municipal Code

Informational Presentation