

APPENDIX A
ORDINANCE AMENDING CHAPTER 6, TITLE 14
GREELEY MUNICIPAL CODE

Section 1. Section 14.06.040 contained in Chapter 14.06, Water Service, shall be amended to update part (b) to read as follows:

14.06.040 - Taps required; service line extensions prohibited.

(a) Each detached single-family residential building, multi-family residential building, and non-residential building shall be served by a minimum of one (1) separate water tap and service line. Buildings with mixed residential and non-residential uses shall be served by separate water taps for the residential and non-residential components of the development.

(b) A separate and additional landscape irrigation tap and service line shall be required for all non-residential buildings and multi-family residential buildings with more than four (4) units within the city limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels). The Director of Water and Sewer has the authority to grant a variance to the landscape irrigation tap requirement in this Section upon a written finding that the subject property can be served by a single tap due to minimal landscaping irrigation demand.

(c) It is unlawful for a person or entity to extend a service line to serve any other buildings, lots or premises contrary to the requirements of this Section. Notwithstanding the foregoing, the Director of Water and Sewer has the discretionary authority to grant variances when appropriate for accessory uses on the same property or an adjoining lot.

(d) A prohibited service line extension that was installed prior to September 1, 2019, may remain in effect so long as it does not create a sanitation, public health or public nuisance problem. If, in the discretion of the Director of Water and Sewer, a prohibited service line extension creates a sanitation, public health or public nuisance problem, the subject property owner(s) shall separate the compound tap at their own expense.

(e) The owner of a property to which a new water service line is installed after the associated separation of a compound tap shall be required to pay all fees applicable to the initiation of water service to the subject property, including, without limitation, the costs required to install another water tap and service line. Plant investment fees that would otherwise be due and payable for a new water service line installed pursuant to this Section shall be waived upon a written finding of the Director of Water and Sewer that there will be no increase in water service to the subject property.

(f) The use of a common service line by abutting property owners shall not alter the maintenance responsibility of the users of the common service line. The common service shall not constitute a public responsibility and the Director of Water and Sewer

shall not perform maintenance or repair on the separate or combined service lines that may serve abutting properties.

Section 2. Section 14.06.050 of the above-entitled ordinance shall be amended to read as follows:

14.06.050 - Water rights dedication; amounts and criteria.

(a) All applicants for water service within the City limits shall (i) dedicate to the City, as a prerequisite to and as part of the consideration for City water service to the subject property, water rights, if any, that the City, in its sole discretion, can use in its potable water supply system or non-potable irrigation system and (ii) if the applicant cannot satisfy the raw water dedication requirements through the dedication of water rights, shall furnish to the city a cash-in-lieu fee (or satisfy the same pursuant to Section 14.06.050(e)) to fulfill all or the remainder of the dedication requirement associated with a request for water service as a prerequisite to and as part of the consideration for city water service to the subject property. All water rights approved for dedication shall be conveyed to the city on or before the date the final plat for the development is approved. All cash-in-lieu fees shall be due and payable to the city no later than the date on which the building permit is issued.

(b) The City has determined (i) that the water rights represented by shares of stock in the Greeley & Loveland irrigation company and the Seven Lakes Reservoir Company, and rights in the Loveland and Greeley reservoir company (Lake Loveland) can be used within its potable water supply system and non-potable irrigation system and (ii) that the water rights represented by units of Colorado-Big Thompson project water can be used within its potable water supply system. The water rights represented by shares of stock in the Greeley Irrigation Company can only be used within non-potable irrigation systems. Therefore, the City will accept such water rights only in satisfaction of the raw water dedication requirements associated with non-potable water service on property historically irrigated by the subject water rights. The City shall use the following yield values to determine the amount of raw water transferred by an applicant toward the satisfaction of any raw water dedication requirement:

<u>Company</u>	<u>Yield/Share</u>
<u>The Greeley & Loveland Irrigation Company</u>	<u>8 acre feet/share</u>
<u>The Seven Lakes Reservoir Company</u>	<u>8 acre feet/share</u>
<u>The Loveland And Greeley Reservoir Company (Lake Loveland)</u>	<u>20 acre feet/right</u>
<u>Colorado-Big Thompson Project Water (C-BT)</u>	<u>0.75 acre feet/unit</u>
<u>Greeley Irrigation Company (Greeley No. 3 Canal)</u>	<u>10.3 acre feet/share</u>

~~(b)(c)~~ All dedications of water rights proposed to satisfy the requirements of this Section are subject to approval by the Director of Water and Sewer. Water rights approved for dedication shall Except for water rights represented by units of Colorado-Big Thompson project water, the City will not accept the dedication of any water rights under Section 14.06.050(b) for use within its potable water supply system or non-potable irrigation system unless the Director of Water and Sewer determines that the subject water rights meet the requisite criteria under Colorado law for conversion of the water to municipal use by the City, including, without limitation, sustained historical consumptive use. Such water rights shall also meet the criteria for dedication of water rights to the City set forth by resolution of the Water and Sewer Board. The transfer of water rights approved for dedication to the City shall be made by the applicant for water service no later than the date on which a final plat for the development is approved. that: (i) the water rights have a history of use on the property being developed; (ii) the property being developed was historically and consistently irrigated under the ditch system from which such water rights are being dedicated; (iii) the owner and all lienholders of the property being developed execute a restrictive covenant in a form acceptable to the city requiring the cessation of irrigation on the historically irrigated property with the subject water rights except under conditions authorized by the City; and (iv) the applicant provides any documents and materials reasonably required by the city to ensure consistency with any prior decrees, including but not limited to, decrees adjudicating changes of the Greeley & Loveland Irrigation Company, the Seven Lakes Reservoir Company, the Loveland and Greeley reservoir (Lake Loveland), and the Greeley Irrigation Company water rights.

(d) An applicant for water service may request that the City accept or permit the use of (i) water rights other than the water rights identified in Section 14.06.050(b) or (ii) water rights that do not satisfy the requirements of Section 14.06.050(c) in partial satisfaction or reduction of the applicant's raw water dedication requirement. The City, in its sole discretion, may accept or permit the use of such water rights based on certain terms and conditions set by the Director of Water and Sewer but only in partial satisfaction or reduction of the raw water dedication requirement associated with non-potable water service on property that has been historically irrigated by the subject water rights.

(e) On or before December 31, 2099, an applicant for water service, who is also the registered owner of a certificate issued by the department to evidence one (1) or more raw water dedication credits, may redeem such credit(s) in whole or in part (but only in whole numbers) toward the satisfaction of any cash-in-lieu fee obligation associated with the applicant's request for water service in accordance with Sections 14.06.060, 14.06.070, 14.06.080, and 14.06.110. One (1) raw water dedication credit represents the equivalent of, but not an interest in, one (1) acre-foot of raw water that an applicant would otherwise have to satisfy by furnishing to the city a cash-in-lieu fee.

~~(e)(f)~~ Applicants for water service to single-family residential and multi-family residential developments with four (4) units or less within the City limits shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city any applicable cash-in-lieu fee in accordance with Section 14.06.060 in the amount of three (3) acre-feet per acre, or fraction thereof, of property to which water service will be provided. Streets, rights-of-way, driveways, sidewalks, outbuildings, and any other part

of the property that has been or will be developed shall be included in the calculation of the total gross acreage of the property, regardless of whether such areas have been dedicated to public use. The City may, in its sole discretion, exclude area(s) from the total gross acreage, provided that irrigating such area is legally prohibited by plat or deed.

~~(d)~~(g) Applicants for water service to non-residential and multi-family residential developments with more than four (4) units within the City limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels), shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city the applicable cash-in-lieu fee in accordance with Section 14.06.070 in the amount of the water service demand for the subject development. The water service demand for non-residential and large multi-family residential developments shall be determined by multiplying the total units proposed by the applicant by the average unit use, as set forth in the business category and water use table below. The water service demand for industrial developments and commercial developments of a type not specifically identified in the business category and water use table below shall be determined by the Director of Water and Sewer on a case-by-case basis, utilizing the projected volume of total water use by the subject development.

<i>Business Category and Water Use</i>		
<i>Category</i>	<i>Units</i>	<i>Average Unit Use (Gallons Per Unit Per Year)</i>
Auto Service and Repair	SF	12
Car Wash	Bay	1,350,000
Childcare	SF	47
Church	SF	4.5
Grocery Store	SF	20
Gas Station Without Car Wash	SF	93
Hospital	SF	21
Hotel/Motel	Room	30,300
Medical Office	SF	25
Multi-Family Residential (Greater than 4 units)	Unit	35,500

Office	SF	14
Recreation With Pool	SF	122
Recreation Without Pool	SF	25
Restaurant (Outdoor Seating Areas 50%)	SF	188
Retail	SF	16
School	SF	11
Warehouse	SF	5
Industrial and Other Commercial	Demand determined on case-by-case basis	
<u>"SF" = Square Feet of Gross Floor Space Within the Building Area</u>		

(h) Applicants for water service to non-residential and multi-family residential developments with more than four (4) units within the city limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels), for which a separate and additional landscape irrigation tap and service line is required in accordance with section 14.06.040, shall also dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the City the applicable cash-in-lieu fee in accordance with section 14.06.070 in the amount of the landscape irrigation demand for the subject development. Landscape irrigation demand shall be determined based on (i) the total gross acreage of property to which water service will be provided and (ii) the type of landscape as set forth in the landscape water use table below. landscape plans with more than seventy-five percent (75%) high water use vegetation are assumed to be entirely high water use and shall be calculated as such. streets, rights-of-way, driveways, sidewalks, outbuildings and any other part of the property that has been or will be developed shall be included in the calculation of the total gross acreage of property, regardless of whether such areas have been dedicated to public use. the city may, in its sole discretion, exclude area(s) from the total gross acreage, provided that irrigating such area(s) is legally prohibited by plat or deed.

<u>Landscape Water Use</u>	
<u>Water Use</u>	<u>Dedication Requirement</u>
<u>High water use (>14 gals/sf annual use)</u>	<u>Three (3) acre-feet/acre</u>

<u>Medium water use (10-14 gal/sf annual use)</u>	<u>Two and one-third (2.33) acre-feet/acre</u>
<u>Low water use (<10 gals/sf annual use)</u>	<u>One and two-thirds (1.67) acre-feet/acre.</u>
<u>No irrigation</u>	<u>No raw water requirement for landscape</u>

Section 3. Section 14.06.060 of the above-entitled ordinance shall be amended to read as follows:

14.06.060 - Cash in lieu of raw water required; single-family and small multi-family residential.

(a) Any applicant for water service to single-family residential and multi-family residential developments with four (4) units or less within the City limits that cannot satisfy the requirements of Section 14.06.050 ~~in full~~ through the dedication of water rights shall furnish to the City a cash-in-lieu fee to fulfill all or the remainder of the dedication requirement associated with its request for water service.

(b) The cash-in-lieu fee for single-family residential and multi-family residential developments with four (4) units or less shall be set by resolution of the Water and Sewer Board and calculated as the cash equivalent of three (3) acre-feet of water per acre, or fraction thereof, of property to which water service will be provided, using the fair market value of water per acre-foot.

Section 4. Section 14.06.070 of the above-entitled ordinance shall be amended to read as follows:

14.06.070 - Cash in lieu of raw water required; non-residential and large multi-family residential.

(a) Any applicant for water service to non-residential and multi-family residential developments with more than four (4) units within the City limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels), that cannot satisfy the requirements of Section 14.06.050 ~~in full~~ through the dedication of water rights shall furnish to the City a cash-in-lieu fee to fulfill all or the remainder of the dedication requirement associated with its request for water service.

(b) The cash-in-lieu fee for non-residential and large multi-family residential developments shall be set by resolution of the Water and Sewer Board and calculated by multiplying the water service demand for the subject property, as determined in accordance with Section 14.06.050 ~~(de)~~ above, and the landscape irrigation demand, as determined in accordance with section 14.06.050(h), by the fair market value of water per acre-foot.

Section 5. Section 14.06.080 of the above-entitled ordinance shall be amended to read as follows:

14.06.080 - Exception for large parcel single-family residential.

(a) The water rights dedication and cash-in-lieu fee requirements set forth in Sections 14.06.050 through 14.06.070 shall not apply to applications for ~~domestic water service to a large parcel single-family residential development, defined as a parcels~~parcel, of ~~land~~property exceeding one (1) acre that contain only one (1) single-family residence. ~~Any application for water service to such a parcel through a tap larger than three-quarters of an inch (¾") in diameter is not considered domestic, and therefore ineligible for the exception in this Section.~~

(b) ~~All applicants for large parcel single-family residential water service pursuant to this Section shall dedicate to the City raw water in the amount of three (3) acre-feet per three-quarter-inch (¾") domestic tap, as a prerequisite to, and as a part of the consideration for, City water service to the subject property.~~All applicants for water service to a large parcel single-family residential development shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the City the applicable cash-in-lieu fee in accordance with section 14.06.080(c) in the amount of the water service demand for the subject development. The water service demand for large parcel single-family residential developments shall be determined by (i) the total gross acreage, or fraction thereof, of property to which water service will be provided and (ii) the type of landscape as set forth in the landscape water use table in section 14.06.050(h) above. Landscape plans with more than seventy-five percent (75%) high water use vegetation are assumed to be entirely high water use and shall be calculated as such. Streets, rights-of-way, driveways, sidewalks, outbuildings and any other part of the property that has been or will be developed shall be included in the calculation of the total gross acreage of property, regardless of whether such areas have been dedicated to public use. The City may, in its sole discretion, exclude area(s) from the total gross acreage, provided that irrigating such area(s) is legally prohibited by plat or deed.

(c) Any applicant for large parcel single-family residential water service pursuant to this Section that cannot satisfy the requirement of Section 14.06.080(b) ~~in full~~ through the dedication of water rights shall furnish to the City a cash-in-lieu fee to fulfill all or the remainder of the dedication requirement associated with its request for water service.

(d) The cash-in-lieu fee for large parcel single-family residential water service pursuant to this Section shall be set by resolution of the Water and Sewer Board and calculated as the cash equivalent of ~~three (3) acre-feet of water per three-quarter-inch (¾") domestic tap,~~ the calculated water service demand using the fair market value of water per acre-foot.

Section 6. Section 14.06.110 of the above-entitled ordinance shall be amended to read as follows:

14.06.110 - Raw water surcharge and supplemental cash in lieu of raw water; exception.

(a) A non-residential or large multi-family residential customer whose metered water use in a calendar year exceeds its annual allotment shall be required to pay a raw water surcharge on the volume of water used in excess of such allotment, as set forth in its service commitment agreement.

(b) Non-residential and large multi-family residential customers who initiated water service prior to the enactment of the ordinance codified in this Section and have not executed a service commitment agreement shall be entitled to an annual allotment in accordance with the raw water dedicated or cash in lieu of raw water it paid upon initiation of service. Any such customer whose metered water use in a calendar year exceeds its annual allotment shall be required to pay a raw water surcharge on the volume of water used in excess of such allotment.

(c) Large parcel single-family residential customers shall be entitled to an annual allotment ~~of three (3) acre-foot per three quarter inch ($\frac{3}{4}$ ") domestic tap equal to the water service demand calculated in accordance with Section 14.06.080.~~ Any such customer whose metered water use in a calendar year exceeds its annual allotment shall be required to pay a raw water surcharge on the volume of water used in excess of such allotment.

(d) The raw water surcharge applicable to customers pursuant to this Section shall be set by resolution of the Water and Sewer Board. Any customer whose metered water use in a calendar year exceeds its annual allotment may also furnish to the City a separate supplemental cash-in-lieu fee to increase its annual allotment. Any such supplemental cash-in-lieu fee shall be calculated using the fair market value of water per acre-foot, as set by the Water and Sewer Board and in place when the raw water surcharge payment is due and payable, and shall result in a corresponding increase to the annual allotment for that customer, whether as determined in accordance with this Section or as set forth in its service commitment agreement.

(e) Any non-residential, large multi-family residential, or large parcel single-family residential customer who initiates or modifies its water service after the enactment of the ordinance codified in this Section and whose metered water use in a calendar year exceeds the annual allotment set forth in its service commitment agreement in any two (2) consecutive calendar years shall be required to pay a supplemental cash-in-lieu fee to increase its annual allotment, as described in Section 14.06.110(d) above.

(f) Any customer whose metered water use during its first full calendar year of water service exceeds its annual allotment shall be exempt from the raw water surcharge and supplemental cash-in-lieu fee requirements of this Section for that first year only.

Section 7. Section 14.06.130 of the above-entitled ordinance shall be amended to read as follows:

14.06.130 - Plant investment fees for water service; inside and outside the City.

(a) All applicants for water service, whether inside or outside the City limits, shall furnish to the City a water plant investment fee based on the diameter of the tap as a prerequisite to, and as a part of the consideration for, City water service to the subject property. The water plant investment fee shall be the minimum amount set by resolution of the Water and Sewer Board, unless subsequently increased by resolution of the City Council. The diameter of a service line water tap installed for fire suppression purposes shall not be considered when calculating plant investment fees due pursuant to this Section.

(b) Upon approval of the Director of Water and Sewer, plant investment fees may be based on the volume of a customer's annual allotment rather than the diameter of ~~its~~the tap. When the Director of Water and Sewer authorizes a plant investment fee based on ~~size of service~~the volume of a customer's annual allotment, then the schedule of tap fees set by resolution of the Water and Sewer Board shall be applied in accordance with the size of service line.

Section 8. Section 14.06.170 of the above-entitled ordinance shall be amended to read as follows:

14.06.170 - Water service outside the City limits.

The Director of Water and Sewer may consider applications for extraterritorial water service from persons or entities located outside the City limits. Any such extraterritorial water service authorized shall be contingent upon receipt by the City of written consent to the service from the jurisdiction in which the extraterritorial customer is located, if so required. Any person or entity granted such extraterritorial water service shall agree to ~~transfer~~comply with this Chapter 14.06 when a request for City water is made, at no cost to the City, ~~certain water rights, including Northern Colorado Water Conservancy District allotments, irrigation water and carriage rights of such water, to the City~~ before receiving water service from the City.

Section 9. Section 14.06.180 of the above-entitled ordinance shall be amended to read as follows:

14.06.180 - Transfer of water rights upon annexation.

Any petitioners requesting annexation of their ~~land~~property to the City shall agree, as a prerequisite to receiving approval of such annexation and on behalf of themselves and all successors in interest to the ~~land~~property to be annexed, to ~~transfer~~comply with this Chapter 14.06 at no cost to the City, ~~water rights, including Northern Colorado Water Conservancy District allotments, irrigation water and carriage rights upon subdividing and/or requesting domestic water service to the City,~~ before receiving the approval of the annexation.

Section 10. Section 14.06.190 of the above-entitled ordinance shall be amended to read as follows:

14.06.190 - Special agreements approved by City Council.

The provisions of this Chapter 14.06 shall not preclude the City Council from approving special agreements with applicants for water service ~~regarding~~modifying the requirements for development within the City, provided that such agreements are approved by ordinance.

Section 11. Chapter 14.06 of the Greeley Municipal Code shall be amended by adding thereto a new Section 14.06.240 to read as follows:

14.06.240 – Public Hearing; Scheduling.

If the City Council introduces and approves on first reading an ordinance to either (i) amend Sections 14.06.050 through 14.06.120, Sections 14.06.170 through 14.06.190, or this Section 14.06.240 or (ii) approve a special agreement in accordance with Section 14.06.190, then the City Council shall schedule the public hearing and final approval to take place no sooner than twenty-eight (28) days thereafter. The City Council shall provide notice of the public hearing and final approval by publishing the proposed ordinance along with the day, hour, and place as required by the City Charter.