

CITY OF GREELEY, COLORADO
ORDINANCE NO. 29, 2024

**AN ORDINANCE AMENDING TITLE 20, CHAPTER 3, OF THE GREELEY
MUNICIPAL CODE RELATING TO WATER AND SEWER SERVICE**

WHEREAS, the City of Greeley, Colorado ("City") is a home rule municipality empowered pursuant to Sections 1 and 6 of Article XX of the Colorado Constitution to, inter alia, construct, purchase, acquire, lease, add to, maintain, conduct, and operate water works and everything required therefor, within or without its territorial limits, for the use of the City; and

WHEREAS, Section 17-1 of the Greeley City Charter authorizes the Greeley Water and Sewer Board ("Board") to qualify the Water and Sewer functions and operations as an "enterprise" as that term is contained in Article X, Section 20 of the Colorado Constitution, and to provide for every function and operation of an enterprise, including but not limited to, bond issuance and all other necessary and ordinary functions of the Water and Sewer operations; and

WHEREAS, various Sections within Title 20 of the Greeley Municipal Code set forth the requirements and regulations related to the initiation and use of water and sewer services from the City; and

WHEREAS, City Water and Sewer staff and legal counsel previously prepared and presented to the Board various corrections and modifications to Title 20 that relate to the initiation and use of water and sewer service based on recommended policy changes. On January 17, 2024, the Board recommended the changes to City Council, and on April 2, 2024, City Council adopted the same pursuant to Ordinance No. 3, 2024; and

WHEREAS, after reviewing the text of Ordinance No. 3, City Water and Sewer staff identified certain intended corrections and modifications to Title 20 that were not reflected in Ordinance No. 3, 2024; and

WHEREAS, staff and legal counsel requests that City Council correct Title 20 by adopting the omitted changes in the form of Appendix A, attached hereto and incorporated herein, and recommends City Council adopt the same.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY,
COLORADO:**

Section 1. That Section 20-251 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 2. That Section 20-254 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 3. That Section 20-257 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 4. Except as explicitly modified in Appendix A, all other provisions of Title 20 of the Greeley Municipal Code shall remain in full force and effect.

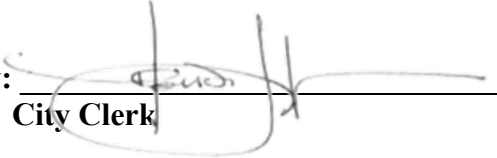
Section 5. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

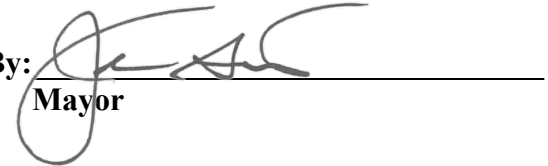
**PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS 3rd DAY OF
SEPTEMBER, 2024**

ATTEST



THE CITY OF GREELEY, COLORADO

By: 
City Clerk

By: 
Mayor

APPENDIX A
ORDINANCE NO. 29, 2024

**ORDINANCE AMENDING TITLE 20, CHAPTER 3, OF THE GREELEY MUNICIPAL
CODE RELATING TO WATER AND SEWER SERVICE**

Section 1. That Section 20-251 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-251. Initiation of water service; service commitment agreements.

(a) Any person seeking water service from the city shall make a request for such service within the associated land use or development application process required by title 24 of this Code. If the person seeking water service is not pursuing a land use or development application, the request shall be made in writing to the director. It is unlawful for a person to take and use water service from the city without first obtaining authorization from the director.

(b) Requests for water service made through the land use or development application process required by title 24 of this Code shall be forwarded to the director. All requests for water service shall include the information necessary to determine all applicable fees and rates for such service. The director shall not authorize any such water service until all required information is received and all required fees are paid.

(c) All applicants granted authorization for water service to nonresidential lots and residential lots with more than four units within the city limits shall execute a service commitment agreement to be recorded with the county clerk and recorder setting forth the details and parameters of the potable and non-potable components of such service, including the person to which service is granted, the date upon which service shall commence, the specific location at which the tap(s) or service connection(s) shall be made, the permitted size of the tap(s) or service connection(s), a description of the property to which service will be provided, the permissible uses of water on the property, and the annual allotment associated with the water service.

~~(d) All applicants granted authorization for water service to large parcel single family residential lots, as described in section 20-257, shall execute a service commitment agreement to be recorded with the county clerk and recorder setting forth the details and parameters of any non-potable component of such service, including the person which service is granted, the date upon which service shall commence, the specific location at which the tap(s) or service connection(s) shall be made, the permitted size of the tap(s) or service connection(s), a description of the property to which service will be provided, the permissible uses of water on the property, and the annual allotment associated with the non-potable component of the water service.~~

Section 2. That Section 20-254 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Sec. 20-254. Water rights dedication; amounts and criteria.

(a) All applicants for water service within the city limits shall (i) dedicate to the city 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 subsection (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 lot. 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 and 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:

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

(c) 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 subsection (b) for use within its potable water supply system unless the director 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, 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 and Loveland Irrigation Company, the Seven Lakes Reservoir Company, the Loveland and Greeley Reservoir Company (Lake Loveland), and the Greeley Irrigation Company water rights.

(d) An applicant for water service may dedicate any water rights identified in subsection (b) as usable within the city non-potable irrigation system, including water rights that satisfy the requirements of subsection (c), in satisfaction of the applicant's raw water dedication requirement associated with non-potable service. An applicant may request that the city accept or permit the use of (i) water rights other than the water rights identified in subsection (b) or (ii) water rights that do not satisfy the requirements of subsection (c) in satisfaction of the applicant's raw water dedication requirement associated with non-potable service. 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 but only in satisfaction 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, that is also the registered owner of a certificate issued by the department to evidence one 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 20-255, 20-256, 20-257, and 20-260. One raw water dedication credit represents the equivalent of, but not an interest in, one acre-foot of raw water that an applicant would otherwise have to satisfy by furnishing to the city a cash-in-lieu fee.

(f) Applicants for water service to residential lots with four 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 20-255 in the amount of either (i) three acre-feet per acre, or fraction thereof, of property to which water service will be provided or (ii) 60,000 gallons of water per unit, whichever is greater. Streets, rights-of-way, driveways, sidewalks, outbuildings, and any other part of the lot 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 if irrigating such area is legally prohibited by plat or deed.

(g) Applicants for water service to nonresidential lots and residential lots with more than four 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 20-256 in the amount of the water service demand for the subject lot. The potable water service demand for nonresidential lots and residential lots with more than four units 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 potable water service demand for industrial lots and commercial lots of a type not specifically identified in the business category and water use table below shall be determined by the director on a case-by-case basis, utilizing the projected volume of total water use by the subject lot.

Business Category and Water Use		
Category	Units	Average Unit Use (Gallons Per Unit Per Year)
Auto service and repair	SF	12
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
Office	SF	14
Recreation with pool	SF	122
Recreation without pool	SF	25
Residential (greater than 4 units)	Unit	35,500
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	
"SF" = Square feet of gross floor space within the building area		

(h) Applicants for water service to nonresidential lots and residential lots with more than four 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 20-252, 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 20-256 in the amount of the landscape irrigation demand for the subject lot. 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 75 percent 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 impervious part of the lot 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 if irrigating such area(s) is legally prohibited by plat or deed.

Landscape Water Use	
Water Use	Dedication Requirement
High water use (>14 gals/sf annual use)	3 acre-feet/acre
Medium water use (10—14 gal/sf annual use)	2.33 acre-feet/acre
Low water use (<10 gals/sf annual use)	1.67 acre-feet/acre
No irrigation	No raw water requirement for landscape

(i) Any owner of a privately owned non-potable irrigation system that seeks to connect such system to the city non-potable system shall be considered an applicant for water service under this title 20. All such applicants shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city the applicable cash-in-lieu fee, in the amount of the landscape irrigation demand for the subject lot(s), as determined in accordance with the methodology in

subsection (h). The acceptance and connection of any such system to the city non-potable system is subject to approval by the director, and to any terms and conditions deemed appropriate by the director or his designee in their sole discretion.

Section 3. That Section 20-257 contained in Chapter 3 Article III Division 5 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Sec. 20-257. Exception for large parcel single-family residential.

(a) The water rights dedication and cash-in-lieu fee requirements set forth in sections 20-254 through 20-256 shall not apply to applications for water service to a large parcel single-family residential lot, defined as a parcel of property exceeding one half (0.5) acre that contains only one detached single-family residence.

(b) All applicants for water service to a large parcel single-family residential lot 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 subsection (c) in the amount of the water service demand for the subject lot. The water service demand for large parcel single-family residential lots shall be set at one and one half ~~3~~(1.5) acre-feet of water, except in instances where the property is irrigated by a private non-potable system. If the property is irrigated by a private non-potable system, then the potable water service demand shall be set at 60,000 gallons of water.

(c) Any applicant for large parcel single-family residential water service pursuant to this section that cannot satisfy the requirement of subsection (b) 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 the calculated water service demand using the fair market value of water per acre-foot.