

TOWN OF WINDSOR

ORDINANCE NO. 2016-1527

AN ORDINANCE REPEALING, AMENDING AND RE-ADOPTING PORTIONS OF SECTION 13-2-80 OF THE *WINDSOR MUNICIPAL CODE* WITH RESPECT TO THE DEDICATION OF WATER RIGHTS AND PAYMENT OF CASH IN LIEU OF WATER RIGHTS DEDICATION

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality, with all powers and authority vested under Colorado law; and

WHEREAS, the Town operates its Water Utility Enterprise (“Utility”) pursuant to Chapter 13, Article II of the *Windsor Municipal Code*; and

WHEREAS, under Colorado law, the Utility is charged with assuring that it receives adequate supplies of water (“Raw Water”) and/or cash in lieu thereof to support the development and redevelopment of land within the Utility’s service area; and

WHEREAS, Section 13-2-80 of the *Windsor Municipal Code* contains the Utility’s requirements for Raw Water dedication; and

WHEREAS, based upon analysis and evaluation performed by the Utility, the Town’s Director of Engineering has recommended modifications to Section 13-2-80, which modifications are set forth herein; and

WHEREAS, the Town’s Water and Sewer Board has reviewed the modifications set forth herein, and has recommended Town Board adoption of this Ordinance; and

WHEREAS, the Town Board has given due consideration to this Ordinance, and finds that its adoption promotes the public health, safety and welfare, and promotes the essential purposes of the Town’s Water Utility Enterprise.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

**Section 1.** Section 13-2-80 of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

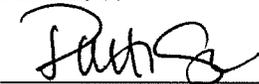
**Sec. 13-2-80. - Grant of water rights required.**

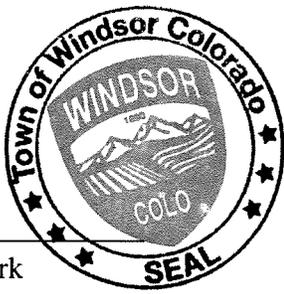
- (a) All premises requesting original water service from the Town shall furnish to the Town, without cost to the Town, water rights in the following amounts:
  - i. Single-family residential with separate non-potable irrigation system: 0.25 AF per residence, plus a 17% shrinkage factor, for a total of 0.29 AF;
  - ii. Multi-family with separate non-potable irrigation system: 0.15 AF per dwelling unit, plus a 17% shrinkage factor, for a total 0.18 AF;
  - iii. Single-family without separate non-potable irrigation system: 0.50 AF per residence, plus a 17% shrinkage factor, for a total 0.58 AF;
  - iv. Multi-family without non-potable irrigation system: 0.15 AF per dwelling unit, plus 3 AF per acre of irrigated landscape, plus a 17% shrinkage factor.
- (b) The water rights dedication requirements for all zoning districts other than those listed in sub-section (a) above shall be reviewed and determined by the Town Engineer as specific development plans are proposed. The basis of water dedication requirements shall be the anticipated annual water usage of the development as initially proposed.
- (c) The water rights dedication requirements for all zoning districts other than those listed in sub-section (a) above shall be based upon the initial intended use and shall be satisfied one (1) time only for each annexation, subdivision, sub-development and parcel of land, except that if the initial intended use is later increased, the owner of such tract shall furnish such additional water as shall be determined by the Town to be due on account of such different use.
- (d) The water requirements herein shall be satisfied by water rights deemed acceptable to the Town. Such water rights shall be transferred to the Town in accordance with the applicable subdivision or site development improvements agreement and, in the case of cash paid in lieu of required raw water dedication, at the time that the request for building permit approval is presented to the Town for approval.
- (e) In no case shall the fact that a portion of any tract or lot was served previously with water from the Town water utility excuse the furnishing of additional water rights when new water service is requested for other portions of said tract or lot. In the event the present owner or owners of

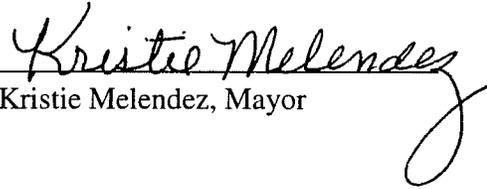
any existing tract or lot sells, conveys or otherwise permits a portion or portions of such tract or lot to be used for building purposes, additional water rights shall be dedicated for such portion or portions in the amount or amounts determined by the Town to be applicable thereto. The Town may in its sole discretion accept cash in lieu of water rights dedication. The amount of cash in lieu of water rights payment shall be determined in the sole discretion of the Town.

**Section 2.** This Ordinance shall apply to all completed applications for development approval received on or after the effective date of this Ordinance.

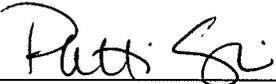
Introduced, passed on first reading, and ordered published this 28<sup>th</sup> day of November, 2016.

ATTEST:  
  
\_\_\_\_\_  
Patti Garcia, Town Clerk



TOWN OF WINDSOR, COLORADO  
By   
\_\_\_\_\_  
Kristie Melendez, Mayor

Introduced, passed on second reading, and ordered published this 12th day of December, 2016.

ATTEST:  
  
\_\_\_\_\_  
Patti Garcia, Town Clerk



TOWN OF WINDSOR, COLORADO  
By   
\_\_\_\_\_  
~~Kristie Melendez, Mayor~~  
Myles G. Baker  
MAYOR PRO TEM