

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER WOMBLE
Council Bill No. 12-2009
Ordinance No. 1436

Series of 2009

TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS TO REQUIRE PROOF OF ADEQUATE WATER SUPPLY FOR CERTAIN NEW DEVELOPMENTS.

(Case No. ZOA-08-04)

WHEREAS, the purpose and intent of Chapter 26 of the Wheat Ridge Code of Laws is, in part, to facilitate adequate provision for water; sewage, schools, parks and other public improvements; and

WHEREAS, H.B. 08-1141, which became effective on May 29, 2008, requires local governments to require the applicant to provide proof of sufficient water supply before approving any new development that includes a new water use in excess of that used by fifty single-family equivalents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 26-103 of the Wheat Ridge Code of Laws, entitled "Site development review process," is hereby amended by the addition of a new subsection E, which shall read as follows:

E. All site development that includes new water use in an amount more than that used by fifty single-family equivalents shall provide, concurrently with the first application for any of the approvals listed in the review process chart, section 26-106, evidence that the water supply proposed to serve the development will be sufficient in terms of quality, quantity, dependability and availability to provide a supply of water for the type of development proposed, which may include reasonable conservation measures and water demand management measures to account for hydrologic variability. The City's determination as to whether the proposed water supply is adequate to serve the proposed development shall be based upon: (i) evidence that the development will be served by a public water supply entity currently providing treated water service within the City, which district has been operating within the City for no less than ten (10) years prior to the date of application for approval of the site development; (ii) if requested by the City, a letter from the state engineer commenting on such documentation; (iii) whether the applicant has paid to a water supply entity (as defined in C.R.S. § 29-20-302) a fee or charge for the purpose of acquiring water for or expanding or constructing the infrastructure to serve the proposed development; and (iv) any other information deemed relevant by the City, including, without limitation, any information required to be submitted by the applicant pursuant to this Chapter or state statutes. The City shall not approve such development application unless it finds, in its sole discretion and after considering the application and all of the information provided, that the applicant has satisfactorily demonstrated that the proposed water supply will be adequate. The City

shall make its determination concerning adequate water supply only once during the development permit approval process unless the water demands or supply of the specific project for which the development permit is sought are materially changed.

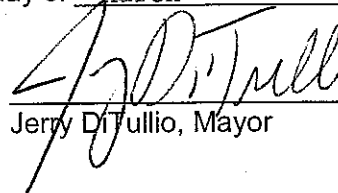
Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Effective Date. This Ordinance shall take effect fifteen days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 9th day of March, 2009, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for **Monday, March 23, 2009**, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 23rd day of March, 2009.

SIGNED by the Mayor on this 23rd day of March, 2009.



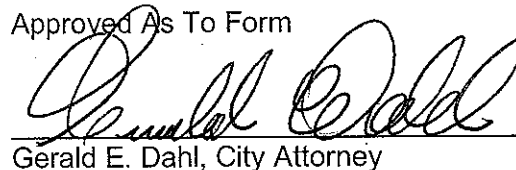
Jerry DiFulvio, Mayor

ATTEST:



Michael Snow, City Clerk

Approved As To Form



Gerald E. Dahl, City Attorney

First Publication: March 12,

Second Publication: March 26, 2009

Wheat Ridge Transcript

Effective Date: Upon recordation of the annexation ordinance and map of the area annexed with the Jefferson County Clerk and Recorder as provided by C.R.S. 31-113.

Recorded on: