

ORDINANCE NO. 2020-017

AN ORDINANCE AMENDING TITLES 3, 4 AND 13 OF THE CASTLE ROCK MUNICIPAL CODE BY CHANGING STORMWATER DEVELOPMENT IMPACT FEES, RENEWABLE WATER RESOURCE FEE, WATER SYSTEM DEVELOPMENT FEES, METER SET FEES; AND MAKING CERTAIN EDITORIAL UPDATES TO SUCH TITLES

WHEREAS, in 2010 Town Council directed staff to prepare and present annual updates to Castle Rock Water rates and fees; and

WHEREAS, the Town Council has considered and accepted staff's analyses and recommendations and the following supporting reports and analyses prepared by a nationally-recognized independent rates and fees consulting firm, Stantec Consulting Services, Inc. for the 2020 update:

- 2020 Castle Rock Water Rates and Fees Study Update – Vol. 1 of 2: 2021–2025 Rates Final Report dated September 2020
- 2020 Castle Rock Water Rates and Fees Study Update – Vol. 2 of 2: System Development Fees Final Report dated September 2020; and

WHEREAS, increases in the actual rate of growth for the last five years over projected growth rates, changes to estimates on long term build out of the Town, and updates to long term capital plans to support growth substantiate changes to the Water System Development Fees, Renewable Water Resource Fee and the Stormwater Development Impact Fees.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Legislative Findings. The recitals to this ordinance are adopted as findings of the Town Council in support of enactment of this Ordinance, and in addition, the Town Council finds that:

- A. The fee structure established by this Ordinance is supported by:
 - 1. 2020 Castle Rock Water Rates and Fees Study Update – Vol. 1 of 2: 2021- 2025 Rates Final Report dated September 2020;
 - 2. 2020 Castle Rock Water Rates and Fees Study Update – Vol. 2 of 2: 2021-2025 System Development Fees Final Report dated September 2020
 - 3. The Agenda Memorandum dated September 1, 2020 prepared by the Director of Castle Rock Water and the accompanying PowerPoint presentation offered at first and second reading of this Ordinance; and
 - 4. Public comment and testimony.

B. The fees and charges imposed by this Ordinance comply with the legislative restrictions on impact fees adopted by local governments in §29-20-104.5, C.R.S.

Section 2. Effective Date. Unless otherwise stated to the contrary, the rates, fees and charges established under this Ordinance shall take effect January 1, 2021.

Section 3. Amendment. The Residential and Non-Residential Stormwater Development Impact Fees tables in Subsections A and B of Section 3.16.030 of the Castle Rock Municipal Code are amended to read as follows:

3.16.030 - Assessment and collection.

Commencing January 1, 2021, impact fees shall be assessed and collected according to the following provisions, including Section 3.16.035:

A. *Residential uses.* No building permit shall be issued for any dwelling unit prior to the payment of the following applicable fees:

Development Impact Fees for Residential Uses

Stormwater – Cherry Creek Basin <i>(per dwelling unit)</i>	
<i>Unit Type</i>	
Single-family Detached	\$911
Single-family Attached	\$609
Multi-family	\$552
Stormwater – Plum Creek Basin <i>(per dwelling unit)</i>	
<i>Unit Type</i>	
Single-family Detached	\$1,425
Single-family Attached	\$951
Multi-family	\$863

For purposes of this Subsection, any remodeling activity which results in the creation of an additional dwelling unit shall be subject to the payment of the fee as specified in this Subsection. For purposes of this Subsection, *single-family detached* shall include duplexes and mobile homes.

B. *Nonresidential uses.* No building permit shall be issued for the occupancy of any structure to be used primarily for nonresidential use prior to the payment of the following applicable fees (per 1,000 square feet of gross floor areas):

Development Impact Fees for Non-Residential Uses

Stormwater - Cherry Creek Basin (per 1,000 sq. ft.)	
Unit Type	
Commercial/Industrial	\$411
Stormwater - Plum Creek Basin (per 1,000 sq. ft.)	
Unit Type	
Commercial/Industrial	\$643

Section 4. Amendment. Subsection 4.04.150.A. of the Castle Rock Municipal Code is amended to read as follows:

4.04.150 - Renewable water resource fee.

A. In order to defray the cost incurred by the Town in the acquisition and development of renewable water resources consistent with the water plan and this Chapter, there is imposed a renewable water resource fee as a condition to the right to connect to the municipal water system. The renewable water resource fee is established at the following schedule of fees in effect as of the date of a complete building permit application, provided however, in order to qualify for the 0.67 SFE, the applicant must meet additional engineering criteria beyond meter capacity as established by Castle Rock Water:

Renewable Water Resource Fee

<i>Meter Size</i>	<i>SFE</i>	<i>Meter Capacity (GPM*)</i>	<i>2021 and thereafter</i>
5/8" × 3/4"	.67	20	\$12,401
3/4" × 3/4"	1.00	30	\$18,504
1"	1.67	50	\$30,909
1.5"	3.33	100	\$61,633
2" C2	6.67	200	\$123,452
2" T2	8.33	250	\$154,175
3" C2	16.67	500	\$308,536
3" T2	21.67	650	\$401,078

4" C2	33.33	1,000	\$616,887
4" T2	41.67	1,250	\$771,247
6" C2	66.67	2,000	\$1,233,958
6" T2	83.33	2,500	\$1,542,308

*Potential flow capacity in gallons per minute.

Section 5. Amendment. Subsection 13.12.080.A. of the Castle Rock Municipal Code is amended to read as follows:

13.12.080 - System development fees.

A. In order to defray the capital costs of utilizing, expanding and developing municipal facilities for the provision of water, system development fees shall be assessed in accordance with the following schedule of rates in effect as of the date of submission of a complete building permit application, provided however, in order to qualify for the 0.67 SFE system development fee, the applicant must meet additional engineering criteria beyond meter capacity as established by Castle Rock Water:

Water System Development Fee

<i>Meter Size</i>	<i>SFE</i>	<i>Meter Capacity (GPM*)</i>	<i>2021 and thereafter</i>
$\frac{5}{8}" \times \frac{3}{4}"$.67	20	\$2,701
$\frac{3}{4}" \times \frac{3}{4}"$	1.00	30	\$4,030
1"	1.67	50	\$6,731
1.5"	3.33	100	\$13,421
2" C2	6.67	200	\$26,883
2" T2	8.33	250	\$33,573
3" C2	16.67	500	\$67,187
3" T2	21.67	650	\$87,339
4" C2	33.33	1,000	\$134,333
4" T2	41.67	1,250	\$167,947
6" C2	66.67	2,000	\$268,707
6" T2	83.33	2,500	\$335,853

*Potential flow capacity in gallons per minute.

Section 6. Amendment. Subsection 13.12.100 of the Castle Rock Municipal Code is

amended to read as follows:

13.12.100 - Meter set fees.

No new potable water, wastewater or irrigation water service shall be extended to any user until payment of proper tap fees in accordance with the schedule enumerated below is made. The fee shall be assessed and payable at the time of submission of a complete building application. The payment of the tap fee is for the privilege to tap to the main and an inspection by the Town and is supplementary to the system development fees imposed under Section 13.12.080. The construction of the service line is to be completed by the user, stubbed at a properly designated point as determined by the Director of Castle Rock Water.

Meter Set Fee Schedule

	<i>Single Port</i>	
<i>Meter Size & Type</i>	<i>Indoor Installation</i>	<i>Outdoor Installation</i>
5/8" × 3/4" iPERL	\$425.76	\$430.03
3/4" ally	\$718.56	\$722.83
1" iPERL	\$497.07	\$501.34
1.5" OMNI C2, 1,000 gallon pulse	\$1,579.22	\$1,583.49
2" OMNI C2, 1,000 gallon pulse	\$1,786.61	\$1,790.88
3" OMNI C2, 1,000 gallon pulse	\$2,189.07	\$2,193.34
4" OMNI C2, 1,000 gallon pulse (irrigation)	\$3,590.27	\$3,594.54
6" OMNI C2, 1,000 gallon pulse	\$6,031.26	\$6,035.53
1.5" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$1,179.61
2" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$1,353.16
3" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$1,617.60
4" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$2,866.30
6" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$4,961.75

	<i>Dual Port</i>	
<i>Meter Size & Type</i>	<i>Indoor Installation</i>	<i>Outdoor Installation</i>
5/8" × 3/4" iPERL	\$465.61	\$482.49
3/4" Ally	\$758.41	\$775.29
1" iPERL	\$536.92	\$553.80

1.5" OMNI C2, 1,000 gallon pulse	\$1,619.07	\$1,635.95
2" OMNI C2, 1,000 gallon pulse	\$1,826.46	\$1,843.34
3" OMNI C2, 1,000 gallon pulse	\$2,228.92	\$2,245.80
4" OMNI C2, 1,000 gallon pulse	\$3,630.12	\$3,647.00
6" OMNI C2, 1,000 gallon pulse	\$6,071.11	\$6,087.99
1.5" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$1,232.07
2" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$1,405.62
3" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$1,670.06
4" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$2,918.76
6" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$5,014.21

Section 7. Amendment. The definition of “water budget” in Section 13.12.111 of the Castle Rock Municipal Code is amended to read as follows:

13.12.111 - Definitions.

As used in this Chapter, certain terms are defined as follows:

Water budget shall mean tailored water use allocations developed for each customer with rates that increase as the allocation is exceeded.

1. Water budget base rates shall be established to:
 - a. Identify customer-specific monthly budgeted amounts of water that vary by landscaped area, landscape type, and monthly historical evapotranspiration (ET); and
 - b. Charge volume rates per unit of water use that vary by consumption tier.
2. A monthly water budget FOR RESIDENTIAL CUSTOMERS is equal to the AWMC and the calculated amount of water allocated to a customer based on that customer's landscaped area in square feet determined by the Town and eighty (80) percent of the monthly required watering needs for the landscape type per square foot of landscaped area based on the historical evapotranspiration rate in accordance with Castle Rock Water procedures. For single-family customers, the landscaped area is subject to an irrigated area cap of seven thousand (7,000) square feet for calculation of the water budget. The monthly irrigation requirements for the landscape type vary throughout the year; therefore, the monthly budgets will vary while the landscaped area is held constant. Customers are billed for the amount of water used each month in comparison to the monthly water budget. If a customer's water use exceeds the monthly budget, the amount billed per one thousand (1,000) gallons of water used increases for the amount over the budget.

3. The water budget-based thresholds define the tiers of consumption for calculating an individual customer's monthly bill. The threshold represents the maximum usage in each consumption tier for which a customer will be billed a specific rate per one thousand (1,000) gallons of use.
4. For all customers with irrigation, excluding irrigation-only customers, there are two (2) tier thresholds during the irrigation season: the AWMC and the monthly irrigation budget. There are three (3) consumption tiers for these customers: AWMC, budget and excess as defined in this Section. During the winter season, there is one (1) tier threshold, the AWMC; there are two (2) consumption tiers, AWMC and excess.
5. For all customers: With indoor use only, there is one (1) tier threshold during both irrigation and winter seasons: AWMC. There are two (2) consumption tiers for these customers: AWMC and excess.
6. Irrigation-only customers are subject to one (1) tier threshold during the irrigation season, which is the individual monthly irrigation budget. Irrigation customers are subject to two (2) consumption tiers during the irrigation season: budget and excess. During the winter season, there is one (1) consumption tier excess.

Section 8. Amendment. The Renewable Water Service Charge table in Section 13.12.112 of the Castle Rock Municipal Code is amended to read as follows:

13.12.112 - Service charges, all users, excluding bulk.

Beginning with water service provided on or after January 1, 2021, the Town is empowered to levy and collect the following monthly charges for water service within its corporate limits during the calendar years as noted:

Renewable Water Service Charge

<i>Meter Size</i>	<i>2021 and thereafter</i>
$\frac{5}{8}" \times \frac{3}{4}"$	\$26.15
$\frac{3}{4}" \times \frac{3}{4}"$	\$26.15
1"	\$99.11
1½"	\$187.50
2"	\$313.54
3"	\$588.90
4"	\$1,502.32
6"	\$2,429.34

Plus: Any applicable surcharges imposed under Subsection 13.15.040.C.

Section 9. Amendment. Subsection 13.12.090.C. of the Castle Rock Municipal Code is amended to read as follows:

13.14.090 - Limitations on disconnection and disconnection fees.

C. No disconnection shall be permitted on a day when the low temperature FOR THE NEXT twenty-four (24) hours, as reported by the National Weather Service FOR THE CASTLE ROCK AREA, IS FORECASTED TO BE below zero degrees Fahrenheit.

Section 10. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 11. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 1st day of September, 2020 by a vote of 6 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 15th day of September, 2020, by the Town Council of the Town of Castle Rock by a vote of__ for and __ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman Town Attorney

Mark Marlowe, Director of Castle Rock Water