

# **TOWN OF GYPSUM**

## **WATER RIGHT DEDICATION ORDINANCE**

### **INSTRUCTION PACKET FOR DEVELOPERS**

The attached forms are to be used by all persons/entities which desire new treated water service or expanded treated water service from the Town. This includes new fixtures or uses served by an existing tap.

1. The forms are to be completed in pen and returned to the Town or contemporaneously with request for annexation, subdivision, re-subdivision, zoning, rezoning, platting, re-platting or a request for a water tap (in the event of a request for a building permit on a previously approved or created lot) where the dedication requirement has not already been satisfied for all intended uses of water.
2. These forms are intended to be used as a guide and tool in compliance with Chapter 13 of the Municipal Code. You are encouraged to review the Town Code which is available at the Town offices for inspection during office hours or also available on our website [www.townofgypsum.com](http://www.townofgypsum.com)
3. The Town Code provides that you are responsible for the reimbursement of the Town's attorney and engineering fees in conjunction with a review of the dedication requirements for your uses. Therefore, your costs can be lessened by a thorough completion of these forms with the supporting documentation requested.
4. Under the Code, the Town has the discretion to determine whether water rights owned by you are adequate for dedication compliance. If not, cash in lieu of the water right dedication fees of \$7,000 per EQR/acre foot shall be assessed.
5. If you have any questions concerning these forms of the Town Code, please contact Lana Gallegos, Senior Planner at (970) 524-1729.

## WATER DEDICATION APPLICATION FOR ALL USES

1. Developer's name(s) and address(es):

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2. Legal description of land to be annexed and/or developed:

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3. Total number of acres to be annexed, subdivided, replaced or provided with municipal water services: \_\_\_\_\_

4. Current use of property: \_\_\_\_\_  
\_\_\_\_\_

5. Total number of acres presently being irrigated: \_\_\_\_\_

6. Water rights and ditches used to irrigate land now: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Total number of acres intended to remain irrigated as open space upon annexation or Development: Public \_\_\_\_\_ Private \_\_\_\_\_

8. Do you intend for any tap made to the Town's municipal water supply system to irrigate lawns, gardens or open space? If so, describe in detail the lot sizes to be irrigated (in square feet).

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9. Do you intend to utilize private, raw water resources to irrigate any lots or areas of lots which are supplied potable water from the Town's municipal system? If so, describe in detail the square footage of lots irrigated with Town water and with private raw water resources. Describe the source of the raw water by amount and water right (and District Priority Number).

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10. The Town employs a unit of measurement known as Equivalent Residential Unit ("EQR") in assessing demand. Section 18.08.030 (Definitions) of the Code describes the measurement unit as follows:

"Equivalent Residential Unit" or "EQR", as used in this chapter, means a number related to the volume of water consumptively used by a single-family residence housing statistical average of 3.5 persons and having not more than 2,500 square feet of irrigated lawn or garden. The demand for water represented by 1.0 EQR assumes that none of the following limits are exceeded: 1) An average annual requirement of 0.54 acre feet; 2) a peak monthly water demand of 25,000 gallons; and 3) a peak daily demand of 900 gallons. The consumptive use, for water uses not associated with use at a single-family residence, is considered to be equal to a volume of water, expressed in EQR units, as determined by the Town with guidance by the schedule provided in the Table of EQRs under section 13.08.060. The Town shall have sole and exclusive discretion in determining whether the basic dedication requirement should be increased or decreased, on a case basis, after consideration of the place, method, efficiency and operation of wastewater treatment for the use served. Provided however, for residential uses it is not the intent hereof for the Town to reassess the dedication requirement should such limits be exceeded. Residential units shall only be reassessed upon the addition of fixtures, habitable space or a substantial enlargement of lawn size.

Accordingly, demands will be computed in accordance with the above definition and the table described below:

NO.	Type of Use	X	EQR
_____	<b>Single family detached residence</b> , not to exceed 3 bedrooms, 2 baths, one full kitchen, two outside hose bibs and up to 2,500 square feet of irrigated lawn and garden watered by sprinkler or drip irrigation means; and any structure with an annual average water demand equal to 0.426 acre feet; or a peak water demand equal to 15,000 gallons; or peak daily demand of 900 gallons. However, where any use is in excess of an annual average demand of 0.426 acre-feet, an average monthly peak water demand of 15,000 gallons, or a peak daily demand of 900 gallons, water rights dedication fees for such uses will calculated by the Town of Gypsum in ten-percent (10%) increase, or fraction thereof, based on the incremental increase in use.		1.0

\_\_\_\_\_ Notwithstanding the above, Residences over 3,000 square feet will be charged an additional .03 EQR for each increment of 100 square feet over 3,000 square feet, or fraction thereof, in building size. There shall not be an adjustment for fractional increments of less than 100 square feet. .03

\_\_\_\_\_ Each additional 100 square feet of irrigated lawn and garden by sprinkler or drip irrigation means: Note: For non-residential irrigation, for each 100 square feet of landscape irrigation by sprinkler or drip means 0.03 EQR shall be assessed. .03

**Multi-family residential units, including duplexes, apartments and condominiums:**

\_\_\_\_\_ Buffet or studio apartment or condo with the one kitchen 0.60

\_\_\_\_\_ Up to and including two bedrooms with up to 1.5 baths and one kitchen 0.80

\_\_\_\_\_ Three bedrooms with up to 2 baths and one kitchen, up to 3,000 square feet 1.00

\_\_\_\_\_ Each additional 100 square feet or fraction thereof, in excess of the above limits will be assessed 0.03 EQR. There shall not be an adjustment for fractional increments of less than 100 square feet 0.03

\_\_\_\_\_ Each coin operated washing machine up to 12lbs capacity 0.35

\_\_\_\_\_ Common area irrigation and amenities such as swimming pools, clubs houses and laundry facilities to be assessed on a case-by-case basis, at the Town's sole discretion, in addition to the EQR values expressed above

\_\_\_\_\_ Each mobile home or mobile home space in a court with not more than 1,000 square feet of irrigated lawn and garden 0.80

**NOTE:** There shall be no partial EQR credit granted for irrigation of less than 2,500 square Feet lawn or landscaping. Any uses described above for single family detached residences which do not utilize municipal water for irrigation use shall be:

- A. Entitled to a reduction in EQR rating of 0.5 per 2,500 square feet of lawn or landscaping which is irrigated with non-potable water from a non-municipal system. The maximum credit which can be obtained for residential uses is 50% of the total EQR dedication requirement due from the project (however, if credit for any percentage of total EQR is obtained under this code provision, by irrigation from non-potable water from a non-municipal system, then the Town shall proportionately reduce the water delivered for the residential use).
- B. Prohibited from having more than one outside hose bib which shall be placed on the front of the residence and shall not used for any watering of lawns and gardens;
- C. Subject to an Irrigation Plan Disclosure Statement as described in Section 13.08.210.

**Transient rental units, hotels, motels, or rental units within residences:**

_____	Manager's unit: Uses single family or multi-family classification as applicable	
_____	Each additional room without cooking or kitchen facilities	0.40
_____	Each room with cooking or kitchen facilities	0.50
_____	Coin operated washing machines 12 lb capacity or less	0.30
_____	Dormitories (per each rental bed space) without laundry or kitchen facilities	0.10

**Recreational vehicle parks:**

_____	For each camping or vehicle space without sewer hook-up	0.35
_____	For each camping or vehicle space with sewer hook-up	0.40
_____	For common facilities, manager's unit and related facilities, see categories above (spaces which have a year-round occupancy, mobile homes are to be evaluated as mobile home parks)	

**Bars and restaurants:**

_____	For business with less than 25 seats	1.00
_____	For each additional seat	0.04

**Service stations and gas stations:**

_____	Full Service station with 2 toilets, 2 lavatories and 1 hand wash bay	1.00
_____	Churches and nonprofit organizations with no residence or regular eating facilities	1.00

**Commercial retail stores with no process water, no residences and no eating facilities, of up to 5,000 square feet including two restrooms which have a total of two lavatories and two toilets (one each per restroom):**

		1.00
_____	For each additional toilet or urinal with manual flush	0.30
_____	For each additional toilet or urinal with continuous flow	1.00
_____	For each additional lavatory	0.15
_____	For each shower or bath or combination	0.30
_____	For each manual operated drinking foundation	0.10
_____	For each continuous flow drinking fountain	1.00
_____	For each additional 1,000 square feet of floor space above 5,000 square feet	0.20

**Commercial offices (such as banks, professional office space and other low traffic occupations) with no process water, no residence and no eating facilities, of up to 7,000 square feet including two restrooms which have a total of two lavatories and two toilets (one each per restrooms):**

		1.00
_____	For each additional toilet or urinal with manual flush	0.30
_____	For each additional toilet or urinal with continuous flow	1.00
_____	For each additional lavatory	0.15

_____	For each shower or bath or combination	0.30
_____	For each manual operated drinking fountain	0.10
_____	For each continuous flow drinking foundation	1.00
_____	For additional 1,000 square feet of floor space above 7,000 square feet	0.14

**Industrial, including warehouses up to 8,000 square feet which include two restrooms which have a total of two lavatories and two toilets (one each per restroom):**

_____	For every 350 gallons/day of process water with not more than 15% consumptive use	1.00
_____	For each additional toilet or urinal with manual flush	0.30
_____	For each additional toilet or urinal with continuous flow	1.00
_____	For each additional lavatory	0.15
_____	For each shower or bath or combination	1.00
_____	For each mop sink	0.15
_____	For each manual operated drinking foundation	0.10
_____	For each continuous flow drinking fountain	1.00
_____	For each 1,000 square feet or floor space above 8,000 square feet	0.15

**Schools including principal's administrative office and school staff but not including cafeteria gymnasium or athletic field facilities:**

_____	Up to 50 students	1.00
_____	Each additional student	0.02
_____	Cafeteria gymnasium and athletic requirements determined on a case-by-case basis at the Town's sole discretion	

The foregoing shall be based on the projected maximum usage of the school facilities and shall be subject to a periodic audit as required by Section 13.08.220.

**Swimming pools up to 25,000 gallons capacity:**

_____ Year round operation	1.00
_____ Summer only(less than 6 months)	0.50
_____ For each additional 1,000 gallons	0.02
_____ Fire Protection sprinkler system	0.00

**Irrigation by sprinkler or drip system:**

_____ Residential per 100 square feet	0.03
_____ Commercial per 100 square feet	0.03
_____ Commercial or residential irrigation of more than 5,000 square feet subject to special rates imposed by Town at the Town's sole discretion	

**Car washes:**

\_\_\_\_\_ All car washes will be based on water delivery requirements and consumptive use projections with EQRs to be determined by the Town at the Town's sole discretion

**Commercial Laundromats:**

_____ Each washer up to 12lb. capacity	0.35
_____ For each additional pound of capacity over 12lbs.	0.15
_____ The EQR requirements for any use or water consuming fixture or structure not covered In this subsection or for any water process which consumes more than 15% shall be Determined by the Town, at the Town's sole discretion, on a case-by-case basis According to anticipated water use.	

TOTAL EQR COUNT \_\_\_\_\_

[Any use not covered under the above categories must be determined in reference to section 4 of the Town Water Right Dedication Ordinance or by the Town Manager.]

The EQR values are delivered from the Town Water Right Dedication Ordinance.



Water Rights owned or controlled by Applicant/Developer to be dedicated (name of Structure, quantity and priority): \_\_\_\_\_

Owner(s) name(s): \_\_\_\_\_

Address (es): \_\_\_\_\_

Legal description of land to which these water rights are appurtenant: \_\_\_\_\_  
\_\_\_\_\_

ATTACH: HISTORIC USE AFFIDAVIT containing all information required by Section 4 of the Town Water Right Dedication Ordinance

STATEMENT OF APPLICATION: I hereby that the statements and information contained herein constitute to my best knowledge and behalf, a full and complete description of the contemplated use of land to be annexed, replatted, subdivide or for which water service is requested and a full and complete description of the water rights proposed for dedication. I agree to conform to all provisions of the Town of Gypsum Municipal Code pertaining to water and water service. I understand that the Town of Gypsum reserves the right to inspect the premises for which this water dedication is intended and to adjust to water dedication requirement for any discrepancy between the ultimately required need or the use served and the information contained in this application.

\_\_\_\_\_  
Applicant's Signature

STATE OF COLORADO    )  
                                  ) ss.  
COUNTY OF EAGLE     )

The foregoing documents was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

WITNESS my hand and official seal.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public