

TOWN OF PIERCE, COLORADO

RESOLUTION NO. 2023-04

**A RESOLUTION OF THE TOWN OF PIERCE
BOARD OF TRUSTEES AMENDING THE TEMPORARY MORATORIUM
ON THE SALE OF NEW WATER TAPS WITHIN THE TOWN OF PIERCE**

WHEREAS, the Board of Trustees of the Town of Pierce (the "Town"), pursuant to Colorado statute and the Town of Pierce Municipal Code, is vested with the authority of administering the affairs of the Town; and

WHEREAS, on January 10, 2022, the Board of Trustees passed Resolution No. 2022-01, on the acceptance and processing of applications for, and issuance of, new building permits in all zoning districts (the "Moratorium"); and

WHEREAS, the Town of Pierce, through its staff and legal counsel, continues to directly and actively engage North Weld County Water District (the "District") on their respective rights and obligations and potential adjustments to the Water Service Agreement to accommodate the sale of additional plant investment taps to the Town; and

WHEREAS, the Town of Pierce, through its staff, continues to explore the financial feasibility of the Town constructing, maintaining and improvements its own facilities as may be necessary to meet the demands generated by expected new development; and

WHEREAS, in the absence of a moratorium, the acceptance and processing of applications for, and the issuance of, building permits for new developments within the Town's Service Area without any additional plant investment taps available for purchase from the District in the foreseeable future, or alternative water service arrangements in place, will further erode the overall operation of the Town's potable water system and the quality of service provided to existing customers of the Town's System; and

WHEREAS, the Board of Trustees believes that maintaining the existing moratorium is necessary to prevent creating uninhabitable development within the Town served by the Town's System that could pose serious health and safety hazards to their occupants until such time as the Town has reached a resolution with the District on the sale and purchase of additional plant investment taps or has secured contractual arrangements with an alternative water service provider that will permit the Town to serve new developments in the Town's Service Area; and

WHEREAS, the duration of the extension of the moratorium imposed by this Resolution is reasonable in length and is no longer than is required for the Town to reach a potential resolution with the District pertaining to the sale of additional plant investment fees, or to secure contractual arrangements with alternative water service providers for delivery of water to the Town System as may be necessary to meet the demands generated by expected new development; and

WHEREAS, owners and developers of real property in the Town who may be affected by this ordinance will not be unfairly prejudiced by the extension of the Moratorium; and

WHEREAS, the Moratorium, as originally enacted, would have applied to building permits for properties located within both the District's service area and the Town's Service Area; and

WHEREAS, the future construction of new development on real property within the Town's service area that is required to receive Town water service, will require evaluation of anticipated water demand so as to not impact the Town System's ability to provide potable water service to existing or prospective customers of the Town System one way or another, because the Town's System is operated independently of the District System and does not presently provide service to District customers; and

WHEREAS, through evaluation of proposed development and construction varying water demand, the Town may proceed with issuing building permits for land within its territorial limits of the Town System's Service Area so long as it is not forecasted to negatively impact the Town's System, the Board of Trustees desires to amend the scope of the Moratorium so that it only applies to construction and permits sought for land within the Town's Service Area that do not negatively impact the Town's water system; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PIERCE, COLORADO, AS FOLLOWS:

Section 1. A moratorium is imposed upon the acceptance and processing of applications for, and the issuance of: (i) building permits for new developments or increased water use on land within the Town Service Area; (ii) real properties increasing said water use on land within the Town Service Area; and (iii) building permits for the expansion of an existing single-family dwelling on land within the Town Service Area.

Section 2. This Moratorium shall be effective for a period of one (1) year from the date of execution, unless further amended or extended by the Board of Trustees.

Section 3. During the pendency of this Moratorium, as may be extended, the Board of Trustees shall retain the right to grant certain special exceptions.

Section 4. The provisions of this Resolution and the Moratorium imposed hereby shall not affect or otherwise prohibit the processing of applications for uses and proposals outside of the specific scope defined herein.

Section 5. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The Board of Trustees hereby declares that it would have passed this Resolution and each part of parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6. All other resolutions or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 7. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

PASSED, ADOPTED AND APPROVED this 9th day of October, 2023.

TOWN OF PIERCE

By: Julie Lukela
Julie Lukela, Mayor

ATTEST:

By Kristina Duran
Kristina Duran, Town Clerk

