

**RESOLUTION OF THE
TOWN OF PIERCE BOARD OF TRUSTEES**

RESOLUTION # 2026-06

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PIERCE,
COLORADO, ADOPTING A WATER TAP APPLICATION PROCESS**

WHEREAS, the Town of Pierce (the "Town") is a statutory town organized under the laws of the State of Colorado; and

WHEREAS, the Town provides water service to properties within Town limits; and

WHEREAS, the Town has implemented a water tap moratorium requiring case-by-case Board approval of water tap applications; and

WHEREAS, the Town needs clear procedures for reviewing water tap applications to ensure complete information, thorough review, and code compliance; and

WHEREAS, water tap approvals must be coordinated with land use approvals to ensure zoning compliance and adequate water supply; and

WHEREAS, the Board of Trustees has reviewed the proposed Water Tap Application Process, attached hereto as Exhibit A; and

WHEREAS, the Board of Trustees has the authority to adopt policies and procedures governing Town water service operations pursuant to its home rule and statutory authority.

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

Section 1. Adoption of Water Tap Application Process

The Board of Trustees hereby adopts the Water Tap Application Process attached hereto as Exhibit A and incorporated herein by this reference.

Section 2. Conditional Nature of Water Tap Approvals

All water tap approvals granted under this process are conditional upon the applicant obtaining all required land use approvals, including but not limited to building permits, subdivision approval, variances, special use permits, or any other land use or zoning approval. Water tap approvals do not create vested rights. Vested rights arise only

upon: (a) obtaining all required land use approvals, AND (b) installing the water tap, AND (c) commencing construction in accordance with approved land use permits.

Section 3. Expiration of Water Tap Approvals

All water tap approvals expire one (1) year from the date of approval unless: (a) a land use application has been submitted to the Town within one year, OR (b) the tap has been installed and construction has commenced.

Section 4. Effective Date

This Resolution and the Water Tap Application Process shall take effect immediately upon passage and adoption.

Section 5. Application to Pending Applications

Applications pending on the effective date of this Resolution may proceed under the prior process if complete materials were submitted before the effective date, or must comply with this process if the application was incomplete. The Town Clerk, in consultation with the Town Engineer and Town Attorney, shall determine completeness.

Section 6. Administration

The Town Clerk, in coordination with the Town Engineer and Town Attorney, is hereby authorized to implement and administer the Water Tap Application Process, maintain required forms, and provide guidance to applicants.

Section 7. Severability

If any provision of this Resolution or the Water Tap Application Process is held to be invalid or unenforceable, the remaining provisions shall continue in full force and effect.

Section 8. Safety Clause

The Board of Trustees hereby finds, determines, and declares that this Resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare.

PASSED AND ADOPTED this 11th day of May, 2026.

TOWN OF PIERCE, COLORADO



Larry VanWhy, Mayor

ATTEST



Kristina Duran, Town Clerk

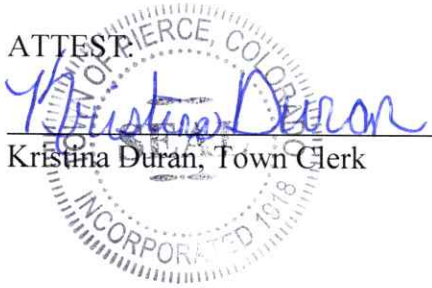


EXHIBIT A

TOWN OF PIERCE

WATER TAP APPLICATION PROCESS

I. WATER TAP APPLICATION PROCESS

All water tap applications shall follow these steps:

1. Submit Water Tap Application & Pay Fee
2. Submit Site Plan
3. Plans reviewed by Town Engineer
4. Go in front of the Planning Commission for site plan approval (if required)
5. Go in front of the Board for Approval of water tap and move forward with the process
6. Sign and put down deposit for the Cost Reimbursement Agreement

II. WHEN PLANNING COMMISSION REVIEW IS REQUIRED

Planning Commission review is required for:

- Multiple dwelling units on one lot
- Agricultural properties proposing farm dwellings or accessory dwellings
- Any application where Town staff identifies code compliance concerns
- Any application during the moratorium period

The Town Clerk will notify applicant if Planning Commission review is required.

III. APPROVAL CRITERIA

The Board will consider:

1. Does the proposal comply with zoning requirements?
2. Are setbacks adequate?
3. Is water demand adequately calculated?
4. Are sufficient water shares available?
5. If agricultural use claimed: Is it legitimate? Is the scale appropriate? If farm dwellings proposed, is there a real need based on actual farming operations?
6. Is subdivision required?

IV. CONDITIONS OF APPROVAL AND VESTING

CRITICAL: Water tap approval does NOT create vested rights.

All water tap approvals are subject to the following conditions:

1. Water tap approval is **CONDITIONAL** upon obtaining all required land use approvals (building permits, subdivision approval, variances, special use permits, or any other land use or zoning approval).
2. No vested rights are created by water tap approval. Vested rights only arise upon: (a) Obtaining all required land use approvals, **AND** (b) Installing the water tap, **AND** (c) Commencing construction in accordance with approved land use permits.
3. Water service is for the **APPROVED LAND USE ONLY**. Any change in land use requires new Board approval of water tap.
4. Water tap approvals expire **ONE YEAR** from date of approval unless: (a) Land use application has been submitted to the Town within one year, **OR** (b) Tap has been installed and construction commenced.
5. Applicant must obtain all required building permits and land use approvals.
6. The Board may impose additional conditions as needed to ensure code compliance and adequate water supply.

V. MORATORIUM PROVISIONS

During the water tap moratorium, all applications:

- Require Planning Commission review
- Require Town Attorney review
- Must demonstrate unique circumstances justifying exception
- Must include complete information about proposed use and water demand

VI. FEES

- Application Fee (per fee schedule) - due with application
- Cost Reimbursement Deposit - covers engineering/legal review costs
- Tap Installation Fee (per fee schedule) - due before installation
- Water Shares - applicant must provide required shares before tap installation

VII. FORMS AND ADMINISTRATION

The Town Clerk shall maintain:

- Water Tap Request Application form
- Cost Reimbursement Agreement
- Fee schedule

END OF EXHIBIT A