

**House Transportation, Housing & Local Government**

**04/30/2024 Upon Adjournment**

**HB24-1463 Restrictions on Tap Fees**

**Typed Text of Testimony Submitted**

<b>Name, Position, Representing</b>	<b>Typed Text of Testimony</b>
Paul Poston Against themselves	<p>Please vote NO on HB 24–1463, restrictions on tap fees. I am testifying against this bill and wish to provide you with background information as to what I believe this bill is about. There has been a fundamental dispute in the City of Lakewood for at least 10 years. It is about development and maintaining a livable and thriving community. Our city council has made it a priority to develop as much high density as possible. In line with this goal, they have struck down a strategic growth Initiative voted on by the citizens of Lakewood. You have never met a more aggressive or developer, friendly group of officials.</p> <p>One entity that has stood strong for the citizens of Green Mountain and Lakewood is the green Mountain water and sanitation board.</p> <p>As we speak, they are in litigation with a developer outside of their service area, that is demanding service. Dinosaur ridge developers have already lost in court and are in an appeal process that they are predicted to lose.</p> <p>Contrary to what you have been told by the promoters of this bill, this is not about large taps fees prohibiting the building of Axillary Dwelling Units but lowering the tap fees for developers and forcing the water board to provide services outside of their district.</p> <p>Besides the Dinosaur Ridge development, there is a 59- acre development on previous owned Federal Land that the city of Lakewood has a vested interest in. This piece of property with 15 acres of EPA restricted land is suspected to be contaminated with heavy metals from a munitions factory in the 40's.</p>

	<p>The underlying motivation for the City of Lakewood to develop these lands is the “in lieu of open space” clause. For many years, Lakewood has required developers to give to the city a certain amount of open space with their development. This is why the City Of Lakewood has the most open space properties in the state of Colorado. Five years ago, the city council passed an ordinance that allows the developers to pay a fee that can amount in the millions to the city instead of open space. In those five years, no developer has chosen to give land. They all pay fees to the city. This is another money stream for the city. Ask the Sponsor how much money the developers will pay in lieu of open space” fees.</p> <p>By the way there are petitions being circulated to close this loophole as we speak.</p> <p>Please consider the wishes of the citizens of Lakewood and do not get between their elected water board members and their rights to self-rule.</p>
<p>David Wiechman Against Green Mountain Water and Sanitation District</p>	<p>1.) Usurps the power of local governments. Takes away the power of local water districts to set their own tap fees.</p> <p>a.) Local special districts are the closest to people and therefore most responsive to citizen input.</p> <p>b.) Developers want the state to take away the authority to set tap fees and dictate how they are calculated.</p> <p>c.) Developers’ motive is to lower tap fees so as to make their developments cheaper for newcomers.</p> <p>d.) Lowering tap fees paid by developers will have these results:</p> <p>1,) Development will NOT be paying its own way,</p> <p>2.) Current customers will have to make up for the lower revenues, thus subsidizing development,</p> <p>3.) IF the state wants to subsidize new developments then the funding should come from state, not special districts.</p> <p>2.) The proposal also requires water districts to serve anyone who requests service regardless of whether it is practical. There may be financial, environmental, agency coordination or other factors the local special district has unique knowledge of.</p>

	<p>3.) This radical change was not made public until a couple weeks ago - there has been insufficient time for input from citizens or special districts.</p> <p>4.) Suggestion is to table the motion at this time and review it in the next session to allow for adequate public input.</p>
<p>Rhonda Peters Against themselves</p>	<p>Hello and thank you for consideration of the public process and testimony offered in regard to new proposed water district legislation.</p> <p>I hold a Ph.D. in Engineering and have volunteer served as a Director on my local water district in Lakewood, CO. For work, I develop renewable energy projects, which similar to residential and commercial development, is very capital intensive and land and resource dependent.</p> <p>During my tenure on the Green Mountain Water and Sanitation District, I had the opportunity to vote on a large residential development project. I voted in support of it, as there was engineering and cost analyses, and a transparent public process that supported the project we approved.</p> <p>While I didn't have the opportunity to vote on some controversial projects outside of my tenure, the controversy I observed stemmed from lack of capacity and excessively high capital costs due to other water districts, from an engineering perspective being better suited physically to take this project. This project had serious issues that the one the board voted in support of, did not.</p> <p>Working in the development Industry myself, I can assure you there are some projects that are feasible and others that are not. Not all projects proposed are feasible. To force projects forward that have been reviewed and rejected through expert engineering and cost analyses and also a robust public process would result at best in water bills that force low and medium income residents to move including displacing fixed income seniors, and sacrifices to service and quality, to potentially bankruptcy and disruption in service.</p>

	<p>It is extremely rare that projects are rejected, but when they are, there is expert analyses to back it up and a public process in place for review. Rejection is never done lightly as the extremely rare cases where it occurs must have very robust justification to withstand a fierce legal battle.</p> <p>In short, the current system is not broken. It is working at the district/engineering and judicial level, such that very rarely are cases/projects ever rejected, and if so, done with robust cause and justification. There is not a single case, let alone multiple cases, in the state of CO that justify this proposed change, and even in an extremely rare situation where a project is rejected, robust engineering and cost analyses, and a public review process have supported that decision (and likely a judicial review as well).</p> <p>Sincerely, Rhonda R. Peters</p>
<p>Joseph Pero Against themselves</p>	<p>As a Colorado citizen, I strongly urge you to OPPOSE HB24-1463. State government should NOT be forcing local governments' decision-making. This bill creates a situation in which the state will be forcing local governments to set water tap fees. There is too much government intervention in our lives that apparently only serve to pay homage to big government. Increasing population density in an already over-crowded metro area is a bad idea. Also, this does nothing to increase transit ridership until peoples' safety concerns are met.</p> <p>Again, I strongly urge you to OPPOSE HB24-1493. May 8 will not come soon enough.</p> <p>Sincerely, Joseph Pero Lakewood</p>