

**A RESOLUTION APPROVING WITH CONDITIONS THE CREATION
OF THE SADDLEBACK METROPOLITAN DISTRICT**

WHEREAS, an application to form the Saddleback Metropolitan District was filed with the county pursuant to C.R.S. §32-1-203; and,

WHEREAS, planning commission held a public hearing pursuant to C.R.S. §32-1-204(3) and made a recommendation to the Board of County Commissioners to approve the application; and,

WHEREAS, the Board of County Commissioners held many public hearings pursuant to C.R.S. §32-1-204.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLEAR CREEK COUNTY (BOCC) that they adopt the following findings of fact in support of the creation of the Saddleback Metropolitan District pursuant to C.R.S. ~32-1-203(2):

1. To meet the literal wording of C.R.S. §32-1-204(a) would require the construction of housing that no one could occupy to demonstrate that need exists before an application for a service district can be approved. We presume that in passing this act the legislature intends a just and reasonable result not one that is absurd or illogical. *Higgins v. People*, 868 P.2d 371 (Colo. 1994).
2. There are sufficient existing and projected need for water service to be provided by this district. Division I of the Colorado Water Court in decree W-9483-78, as amended, require the creation of a special district to provide augmentation water before any wells may be drilled to provide for domestic use. Although there are no existing homes in the proposed district that require service at this time, there is a concurrent subdivision application pending before this board. The projected need, based upon the concurrent subdivision application, for water service is sufficient to meet this requirement of the statute.
3. There are sufficient existing and projected need for sewer service to be provided by this district. A further condition of the water court's decree was the use of non-evapotranspiration sewage units such as a septic tank or similar waste disposal system. The commitment of the District to adopt the Individual Sewage Disposal System standards of Clear Creek County (which are more stringent than those of the State of Colorado), to require aerobic and anaerobic treatment systems, to provide controls over the uniformity of equipment and installation of that equipment, and too further require the monitoring and testing of effluent are all superior management techniques that go beyond the law and current county regulations to provide protection of the waters of the area. This requirement is pursuant to the agreement between the applicant and the Upper Clear Creek Watershed Association (UCCWA) and necessitated by an agreement between UCCWA and the Standley Lake Users Group (SLUG).
4. There are sufficient existing and projected need for safety protection and street improvements to be provided by this district This service does not exist in the area for any need, current or projected, because of a consistent position by the Board of County Commissioners stating that no new roads will be accepted for county maintenance except under very special circumstances. Based on information in the record, the current Board of County Commissioners has expressed no desire to extend county Road & Bridge services into the district. The formation of the district will ensure road safety and maintenance well above any possible if the proposed development was instead broken into 35 acre parcels with private trails to the home sites.
5. There are sufficient existing and projected need for parks to be provided by this district. The open space is land too rough for development could be considered as park land. A related example might be Rocky Mountain National Park, The Tetons, Jeffco Open Space, etc. This is an amenity consistent with a rural, mountain lifestyle.

6. The existing water and sewer service in the area to be served by the proposed district is inadequate for present and projected needs. Division I of the Colorado Water Court in decree W-9483-78, as amended, requires the formation of a water and sanitation district to monitor water usage and is necessary to meet the conditions of the agreement between the applicant and UCCWA.

7. The existing roads in the area to be served by the proposed district are inadequate for present and projected needs. This service does not exist in the area for any need, current or projected, because of a consistent position by the BOCC stating that no new roads will be accepted for county maintenance except under very special circumstances. Based on information in the record, the current BOCC has expressed no desire to extend county Road & Bridge services into area covered by the proposed district.

8. No special attention or considerations for management of open lands are available through the county (other than rezoning) and no opportunity exists for such special treatment to provide land management of the open space areas. Therefore, the existing service is inadequate for the present and projected needs of the area to be served by the proposed special district.

9. The economic analysis presented in the service plan indicates that the income from service charges, development fees and available taxes (at 10 mills) provides more than adequate revenue to offset those costs associated with the maintenance and operation of the services to be provided by the District. The proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries.

10. Adequate water and sewer service is not, or will not be, available to the area through the county, other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis. Neither delivery of water nor finding an adequate water source is a power given to county governments in Colorado. No existing municipalities, water districts, or other sources exist anywhere close to the area to provide such a service. Current State and County regulations provide the mechanism for ensuring that sewerage treatment systems are adequate to protect the waters of the State. However, neither the State nor Clear Creek County government provides the actual service of sewer treatment. No existing municipalities, sewer treatment districts, or other sources exist anywhere close to the area to provide such a service.

11. Other than the initiative provided by the private property owners, safety protection and street improvements do not exist in the area for any need, current or projected, because of a consistent position by the BOCC stating that no new roads will be accepted for county maintenance except under very special circumstances. Based on information in the record, the current BOCC has expressed no desire to extend county Road & Bridge services into the district. Other satisfactory sources do not exist, particularly in light of stated policies by the BOCC.

12. Other satisfactory sources do not exist for the management of the open lands proposed for this district.

13. Evidence was presented that the facilities and service standards for water and sewer service are compatible with the standards of Clear Creek County and of the City of Idaho Springs, the only interested parties recognized by statute.

14. All roads in the proposed district are to be constructed to the standards adopted by Clear Creek County.

15. Evidence was presented that the facilities and service standards for providing open space and forest management are compatible with the standards of Clear Creek County.

16. The current, official master plan for Clear Creek County is the county zoning maps that exist for every region of the county. While Clear Creek County does not have a single document titled "County Master Plan," numerous planning documents, the county's Comprehensive Plan, records of decisions concerning highest and best use of site specific and regional areas of the county, neighborhood and community stakeholder plans, officially adopted zoning maps— in reality, all are master plans because of the guidance, their purpose and intent, and the influence they have upon all land use decisions made in Clear Creek County.

17. All private lands adjacent to the area to be served by the District are zoned MR-1 for residential use, allowing one to two acre development sites. All lands to be served by the District are zoned MR-1 for residential use. All services proposed to be provided by the District are necessary for the proper development and use of those lands for a residential purposes and meet the requirements of C.R.S. §32-1-202(2.5)(c).

18. The proposed district is adopting rules more stringent than those required by the State of Colorado and by Clear Creek County, and by becoming a member of the Upper Clear Creek Water Basin Authority, and by being deemed to be in compliance with the area's 208 plan, sufficient evidence was presented that the District would comply with all long-range water quality management plans.

19. In light of the foregoing findings of fact, the creation of the proposed special district will be in the best interests of the area proposed to be served.

BE IT FURTHER RESOLVED, that the service plan is approved if the following changes are made:

II. Statement of Need

Page 2, Paragraph 4

Strike the word "proposed" in the first sentence and add as a last sentence: "The District will operate in compliance with all Clear Creek County regulations and agreements with regard to point and non-point source discharges into the Clear Creek watershed.

Page 2, Paragraph 8

Strike "proposes to" in the second sentence and replace with "will".

Page 2, Paragraph 10

Strike "may" in the second sentence and replace with shall".

Page 3, Paragraph 2

In line #5 of paragraph #2, strike "and the District", and in line #7 of paragraph #2, strike "It is planned that" and begin the sentence "The District will...".

IV. Service Area

Page 4, Paragraph 2

At the end of the second paragraph, add "of the District".

V. Description of Proposed Services

Page 6, Item #1 (cont. from page 5), Paragraph 5

At the end of paragraph five, add "as requested by the Emergency Services District."

Page 6, Item #2, Paragraph 2

First sentence reads "All individual homes shall have compound aerobic and anaerobic treatment systems with effluent disposal through individual absorption fields in order to reduce the release of nitrates."

Page 6, Item #2, Paragraph 2

In the second sentence, strike "Should" and add "If", strike "it is anticipated that".

Page 6, Item #2, Last Paragraph

Paragraph will read "The District shall perform testing of the effluent from all installed individual or group sewage treatment systems four times per year to insure.....through absorption fields. The District will operate in compliance with all Clear Creek County regulations and agreements with regard to point and non-point source discharges into the Clear Creek watershed."

Page 7, Paragraph 1

Add "and emergency" after the word "periodic".

Page 7, #4

Add a second sentence to read "The District will also be responsible for road maintenance, replacement, snow plowing and drainage for the non-county maintained portions of Saddle Ridge Drive and Saddleback Drive leading into the District."

Page 7, #5

At the end of the sentence, add "in accordance with the recommendations by the office of the Colorado State Forester."

VI. Valuation and Population Projections

Page 8, Paragraph 2

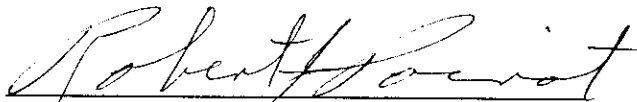
At the end of the first sentence add "site characteristics permitting". In the second sentence, change "would" to "could".

VII. Proposed Improvements

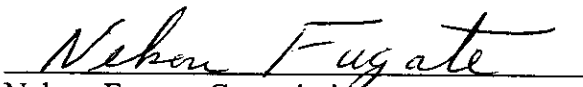
Page 9, B. Sewage Collection & Treatment System

Sentence to read "Private individual home compound aerobic and anaerobic treatment systems with subsurface effluent disposal through absorption systems to reduce the release of nitrates.

THIS RESOLUTION IS ADOPTED this 14th day of November 1995, *nunc pro tunc*, November 9, 1995, at a regular meeting of the Clear Creek Board of County Commissioners at the County Courthouse in Georgetown, Colorado.



Robert J. Poirot, Chairman



Nelson Fugate, Commissioner



Edward G. Rapp, Commissioner

ATTEST:



Deputy Clerk and Recorder

Approved as to Form:



County Attorney