

**CLEAR CREEK BOARD OF COUNTY COMMISSIONERS
RESOLUTION 03-167
REPLAT CASE 03-PA-01
AMENDING THE PLAT OF
SADDLEBACK MOUNTAIN SUBDIVISION**

WHEREAS, CRS 30-28-133 provides that boards of county commissioners may amend a previously approved plat;

WHEREAS, Subdivision case SUB-1-98 was approved, with conditions, by the Board of County Commissioners on April 27, 2000, and the subdivision plat was recorded August 30, 2000, at Reception #202149 with the Clear Creek County Clerk and Recorder;

WHEREAS, said plat was amended by 01-PA-02 on March 15, 2001, said amendment being filed of record March 15, 2001, at Reception #205238 with the Clear Creek County Clerk and Recorder;

WHEREAS, said plat was amended again by Case #02-PA-02 on December 17, 2002, said amendment being filed of record January 3, 2003, at Reception # 217545 with the Clear Creek County Clerk and Recorder;

WHEREAS, the Saddleback Mountain Development Corporation has submitted an application requesting another replat of the approved final plat as follows to modify Plat Notes #17, 18, 19, & 20, as they relate to Individual Sewage Disposal Systems, primarily, in order to modify the restrictions for total phosphorus discharge from the current adopted 1 milligram/liter to something less restrictive;

WHEREAS, pursuant to the Clear Creek County Subdivision Regulations, Article 9(903), the criteria for approval of a Replat is;

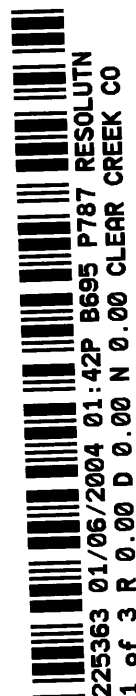
In addition to considering the criteria in the applicable subdivision or subdivision exemption process, the Planning Department, while reviewing replats, shall consider the change in the context of how it is changing the subdivision from what was originally approved. Not only does this include consideration of the Design Criteria as presented in Article 14, but it also includes consideration of any evidence in the subdivision case file and/or any evidence in any stipulations or conditions of the subdivision that pertain to the goals and objectives, intent, or purpose of the layout of the subdivision.

WHEREAS, the Board of County Commissioners, pursuant to public notice published November 26, 2003, held a public hearing on December 16, 2003, to consider this Replat; and

WHEREAS, based on the application, referral and public comments, and evidence offered at the public hearing, the Board of County Commissioners finds the following;

Findings of Fact

- 1) Chris Etcheson, Clear Creek County Environmental Health Specialist, provided recommendations for the proposed plat notes revisions and they have been incorporated into this approval.
- 2) One adjacent property owner responded indicating they have no comments on this proposal.
- 3) This proposal meets the criteria as stated in the Clear Creek County Subdivision Regulations, [Article 9(903)], including the Design Criteria (Article 14) of the Subdivision Regulations.
- 4) This proposal does not impede on the general health, safety, and welfare of the present or future inhabitants of Clear Creek County.



NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners hereby APPROVES Replat Case #03-PA-01 to amend the following Plat Notes # 17, 19, & 20 as follows. Items to be removed are ~~strashed~~, items to be added are underlined;

17. Each residence will have:

A. It's own mechanically aerated sewage treatment system preceding a specifically designed leach field for that individual residence or area considering the soil conditions of that area.

B. A monitoring well at the output of each leach field and an alternate sample port at the discharge point of each mechanically aerated sewage treatment system. The monitoring well shall to be sampled at the time of installation and at least every six (6) months for the first two years, then annually thereafter. The annual sampling of each leach field must be alternated each year between a winter-season and a summer-season sampling time. If the monitoring well production is not sufficient for sampling at the time of the scheduled sampling, the alternate sampling port shall be used. with the Samples to shall be analyzed by a State certified water laboratory for the items listed below:

- TOTAL COLIFORMS
- BOD
- TOTAL SUSPENDED SOLIDS
- ~~TOTAL AMMONIA AS N~~
- TEMPERATURE
- PH
- ~~NITRATE AS N~~
- ~~PHOSPHATE~~
- TOTAL NITROGEN
- TOTAL PHOSPHORUS

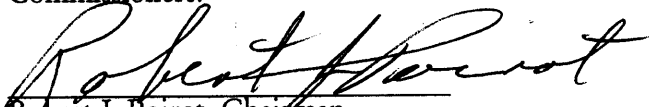
Results of the sample analysis shall be furnished to the County Environmental Specialist and the Upper Clear Creek Watershed Association (UCCWA) within thirty (30) days of sampling.

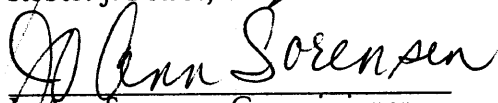
The Saddleback Metropolitan District shall be responsible for ensuring that the monitoring wells are installed and sampled.

19. The Saddleback Metropolitan District shall have mechanically aerated sewage treatment system vendors provide test data on the capability of their equipment to remove nutrients (total phosphorus and total nitrogen) and provide this data to the County Environmental Specialist and the Upper Clear Creek Watershed Association. Vendors will be given a goal of ± 8 milligrams/liter total phosphorus and the design criterion to base the nutrient modifications on. The test data shall be provided prior to issuance of any building or ISDS permit for a residential dwelling in the subdivision.
20. If any individual mechanically aerated sewage treatment system tests more than 2 8 milligrams/liter of total phosphorus average on an annual basis the Saddleback Metropolitan District will implement, on that system, nutrient removal techniques to lower the effluent to lower than ± 8 MG/liter of total phosphorus average on an annual basis or best possible technology as shown by the vendors. All excursions of this type will be reported to the County Environmental Specialist and the Upper Clear Creek Watershed Association along with the solutions to the excursion within thirty (30) days of the sampling.

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ADOPTED this 6th day of January 2004 at a regular meeting of the Board of County Commissioners.


Robert J. Poirot, Chairman

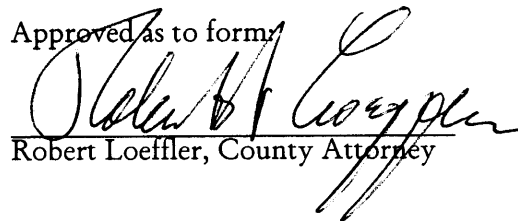

Jo Ann Sorensen, Commissioner

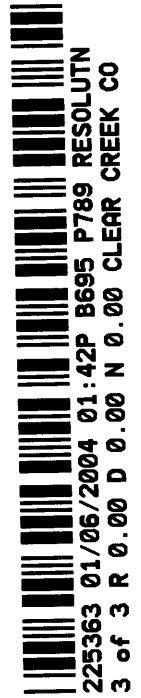

Harry Dale, Commissioner

Attest:


Deputy Clerk and Recorder

Approved as to form:


Robert Loeffler, County Attorney


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