

Commissioner Sheehan moved that the following Resolution be adopted:

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF JEFFERSON  
STATE OF COLORADO

RESOLUTION NO. CC04-405

IN THE MATTER OF: CONIFER METROPOLITAN DISTRICT

WHEREAS, pursuant to the provisions of the "Special District Control Act", Part 2 of Article 1 of Title 32, C.R.S. 1973, the Petitioners formally presented a Service Plan for Conifer Metropolitan District (the "District"); and

WHEREAS, pursuant to the provisions of Section 32-1-204(2), C.R.S., the Jefferson County Planning Commission held a public hearing on the Service Plan on February 11, 2004, at which time the Planning Commission did, by formal resolution, recommend conditional approval of the Service Plan; and

WHEREAS, pursuant to the provisions of Section 32-1-202(1), C.R.S., the Board of County Commissioners of Jefferson County, Colorado, held public hearings on the Service Plan on March 16, 2004 and March 23, 2004; and

WHEREAS, at the conclusion of the public hearings this Board determined that all of the jurisdictional and other requirements of Sections 32-1-202 and 32-1-204, C.R.S., had been fulfilled, including those relating to the filing of the Service Plan and the form and timing of the public notice of the hearing and the public hearing held herein; and

WHEREAS, this Board further found and determined that the Service Plan complied with the criteria for approval set forth in Section 32-1-203, C.R.S., subject to certain conditions; and

WHEREAS, this Board further found and determined that creation of the District, subject to certain conditions, is in the best interests of the area proposed to be served; and

WHEREAS, this Board adopted Resolution No. CC04-178 approving the Service Plan of the District, subject to the following conditions:

- a. Submission of information, within one year from the date of this conditional approval, that demonstrates conformance with the BCWA Wastewater Management Strategy, which allows for the creation of an additional water and sanitation district within the North Turkey Creek watershed and is consistent with the proposed Service Plan for the District;

b. Submission of information, within one year from the date of this conditional approval, demonstrating conformance with DRCOG's Clean Water Plan; and

c. Submission of a Water Court Decree from Water Court Division One, within one year from the date of this conditional approval, that demonstrates that water rights have been adjudicated by the Water Court to affirm the legal rights to sufficient water to provide for the District needs. The decree should provide for water in the minimum amount of 24.48 acre feet per year, as identified in the Water Supply Report for the Village at Elk Crossing, dated May 1, 2002, by Jehn Engineering, and Appendix B, Preliminary Engineering Study of this Service Plan; and

WHEREAS, pursuant to the provisions of Section 32-1-204(4), C.R.S., and at the request of the District, this Board held further public hearings on July 27, 2004 and August 17, 2004 for the purpose of determining whether the foregoing conditions of approval had been satisfied; and

WHEREAS, this Board fully considered the testimony and other evidence presented to it in this matter; and

WHEREAS, this Board has determined that all conditions set forth in Resolution No. CC04-178 have been satisfied as follows:

a. The letter dated July 26, 2004 from Russell N. Clayshulte of the Bear Creek Watershed Association demonstrates conformance with the BCWA Wastewater Management Strategy, which allows for the creation of an additional water and sanitation district within the North Turkey Creek watershed and is consistent with the proposed Service Plan for the District;

b. The letter dated July 26, 2004, from Larry G. Mugler of the Denver Regional Council of Governments demonstrates that the Service Plan is in conformance with DRCOG's Clean Water Plan; and

c. The Findings of Fact, Conclusions of Law, Judgment and Decree dated August 11, 2004 in Case No. 2001CW161, District Court, Water Division No. 1, demonstrates that water rights have been adjudicated by the Water Court to affirm the legal rights to sufficient water to provide for the District needs, and specifically provides for water in the minimum amount of 24.48 acre feet per year, as identified in the Water Supply Report for the Village at Elk Crossing, dated May 1, 2002, by Jehn Engineering, and Appendix B, Preliminary Engineering Study of this Service Plan; and

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WHEREAS, the information submitted in satisfaction of the conditions imposed by this Board has been incorporated into the Service Plan pursuant to Section 32-1-204(4), C.R.S.;

NOW, THEREFORE, BE IT RESOLVED that the foregoing described Service Plan be and hereby is APPROVED.

Commissioner Holloway seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Richard M. Sheehan	Aye
Commissioner Patricia B. Holloway	Aye
Commissioner Michelle Lawrence, Chairman	Aye

The Resolution was adopted by unanimous vote of the Board of County Commissioners of the County of Jefferson, State of Colorado.

Dated: August 17, 2004

STATE OF COLORADO )  
                                  )SS  
COUNTY OF JEFFERSON)

I, Joyce Woodley, Deputy Clerk to the Board, do hereby certify that the attached document is a true copy of Resolution CC04-405, adopted by the Board of County Commissioners on August 17, 2004 regarding Rezoning Application Case #03-121046SV.

Dated this 17th day of August 2004

Seal



*Joyce Woodley*  
Deputy Clerk to the Board