

May 18, 2023

Routt County Planning Department  
Routt County Planning Commission  
Routt County Commissioners

Re: Comment regarding Section 2(c) of IGA between Morrison Creek Metropolitan Water and Sanitation District and Routt County–Application by Tri-State and SPOA to convert Common Area 6 land in South Shore Subdivision to 5+-acre lots

Ladies and Gentlemen:

The Morrison Creek Metropolitan Water and Sanitation District (the “District”) is aware of a current pending MEMORANDUM OF UNDERSTANDING AND AGREEMENT CONCERNING THE PROPOSED SUBDIVISION OF COMMON AREA SIX AT SOUTH SHORE AT STAGECOACH (the “Agreement”) between Tri-State Generation and Transmission Company (“Tri-State”) and the Stagecoach Property Owners Association (“SPOA”). The Agreement contains the following contingency:

“If either Morrison Creek [Metropolitan Water and Sanitation District] or Routt County conclude, at any time prior to the filing of a plat, signed by the County, showing the New Lots, that the creation of the New Lots will result in a reduction in the number of remaining permitted vaults at South Shore, then this Agreement shall be null and void and have no further effect.”

The District is not a party to that Agreement. Nevertheless, Tri-State and SPOA have asked the District if the District concludes that creation of the 6 New Lots proposed under that Agreement will result in a reduction in the number of remaining permitted Sealed Sanitary Systems (“Vaults”) for the South Shore Subdivision.

The maximum number of Sealed Sanitary Systems (Vaults) which may be permitted to be installed in any one Woodmoor era subdivision is set forth in Section 2(c) of the Intergovernmental Agreement between the District and the County regarding Vaults, which Section 2(c) was amended by Paragraph 1 in the Second Amendment to County-District Agreement executed by the County and the District and recorded on April 12, 2012, at Reception No. 724146, Routt County Clerk and Recorder’s office. The original IGA between the District and County was recorded in Book 572, beginning at Page 222, Routt County records. Such Section 2(c), as so amended in 2012, reads as follows:

“(c) The obligation of the County to issue such single-family dwelling building permits and ISDS Permits to Unserved Stagecoach Subdivision Lots shall cease and terminate prospectively with respect to a specific Unserved Stagecoach Subdivision at Stagecoach when **the total number of acres in such subdivision as shown on its plat (including common area and greenbelt, but excluding the area of any lots served by approved central sewage treatment facilities)** divided by the number of (i) single-family dwellings with approved Sealed Sanitary Systems constructed or under physical construction within such subdivision plus (ii) single-family dwelling building permits



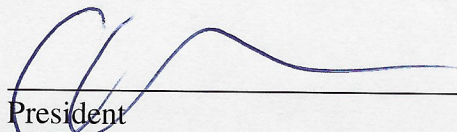
issued pursuant to Subparagraph 2(a) above within such subdivision equals less than five (5).[My emphasis]”

It is the opinion of the District, that:

1. Tri-State, SPOA, and the District do not intend that the 6 5+-acre lots proposed to be created in a new plat of lands which include Common Area 6 of South Shore Subdivision plus adjacent land will be served with central sewage collection lines and the Sewage Treatment Plant of the District; and
2. Such New Lots will not qualify as Unserved Stagecoach Subdivision Lots and would not be eligible to install Sealed Sanitary Systems (Vaults) on such New Lots; and
3. Sanitary sewer services on such New Lots will therefore be required to be accomplished by engineered septic systems and leach fields meeting all the requirements of Routt County and the State of Colorado; and
4. The land area within Common Area 6 of South Shore Subdivision, after approval and recording of any replat into the New Lots as proposed, would not under the IGA be removed from being part of “the total number of acres in such subdivision as shown on **its plat** (including common area and greenbelt . . .)[which the District interprets to mean the South Shore plat, not the New Lots plat][My Emphasis]; and
5. Therefore, the total South Shore acreage under such Section 2(c) of the Second Amendment would not be changed by reason of the platting of the New Lots to include lands now known as Common Area 6, and therefore the computation of the maximum number of Sealed Sanitary Systems (Vaults) permitted in the South Shore Subdivision would not be altered or changed by recording of such New Lots plat.

Please let the District Manager know of any problems or concerns with this letter.

Very truly yours,

  
\_\_\_\_\_  
President  
Morrison Creek Metropolitan Water and  
Sanitation District

cc: Geovanny Romero, District Manager  
Thomas R. Sharp, District Counsel