

**KREMMLING SANITATION DISTRICT**

**RESOLUTION 2026-05-01**

**A RESOLUTION AMENDING ARTICLE 3, SECTION 3.5 OF THE RULES AND REGULATIONS REGARDING INCLUSIONS**

**WHEREAS**, the Kremmling Sanitation District (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado, located in Grand County, Colorado, and is a duly organized and existing special district pursuant to C.R.S. § 32-1-101 *et seq.*

**WHEREAS**, the Board of Directors (the “Board”) of the District is, pursuant to C.R.S. § 32-1-1001(1)(m), empowered to adopt rules and regulations governing the use of District property and provision of its services.

**WHEREAS**, the Board adopted Rules and Regulations dated July 11, 2016, which regulate the use of the District’s facilities and access to its various services, which Rules and Regulations were last amended on September 8, 2025.

**WHEREAS**, Article 3, Section 3.5, of the Rules and Regulations describes the process and procedures that landowners desiring to be included in the District will undergo to accomplish such inclusion of real property, pursuant to C.R.S. § 32-1-401.

**WHEREAS**, Article 1, Section 1.4 of the Rules and Regulations provides that the same may be amended from time to time by the Board.

**WHEREAS**, the Board finds, declares, and determines that in order to ensure the fair use of the District’s facilities, effectively assess capacity for additional growth, and ensure the health, safety, and welfare of the public, it is necessary to amend the Rules and Regulations to clarify the process for inclusion of real property.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Kremmling Sanitation District that Article 3, Section 3.5 of the District’s Rules and Regulations is repealed in its entirety and reenacted as follows:

**3.5. Inclusion of Property.**

**3.5.1** Where sewer service is desired for real property located outside the boundaries of the District, the property must, unless otherwise authorized by a written agreement, be formally included within the District’s boundaries prior to the provision of such service, in accordance with C.R.S. § 32-1-401. Any owner seeking inclusion shall submit a petition for inclusion pursuant to C.R.S. § 32-1-401 and the procedures set forth herein. The petition must include all land owned by

the petitioner that is contiguous to the parcel for which sewer service is requested.

**3.5.2** To commence proceedings for the inclusion of property, the owner of the real property to be included shall file a petition for inclusion with the Board, which shall include the applicable fee and execution of a cost reimbursement agreement. Such petition shall contain or be accompanied by the following information:

**3.5.2.1** A legal description of the subject property, setting forth the total acreage, together with an ownership and encumbrance report and title commitment, dated within thirty (30) days of the petition.

**3.5.2.2** A survey of the property, showing its location with respect to the District's existing boundaries and facilities.

**3.5.2.3** The existing zoning for the property together with any proposed changes, including all documents submitted to the Town of Kremmling or Grand County pertaining to such rezoning request.

**3.5.2.4** A description of the proposed uses of the property, including:

**3.5.2.4.1** The proposed total population for the property, including a breakdown of use types such as single-family, multi-family, commercial, or mixed-use.

**3.5.2.4.2** The proposed maximum population density for each area of the property, including the number of acres to be used for the various types of uses, together with an indication of lot sizes, irrigated acreage, and water and sewer requirements, and any limitations proposed on water usage.

**3.5.2.5** A letter from the District Engineer indicating that the real property subject to the petition is capable of being served by the present

facilities of the District, and if not, the conditions on which granting of the petition shall be based to enable capacity for service.

- 3.5.2.6** The proposed development schedule.
- 3.5.2.7** Consent form each and every mortgagee or lender with an interest in the subject property, if applicable.
- 3.5.2.8** Any other facts that the petitioner believes will assist the District in considering the petition for inclusion.

**3.5.3** All costs to prosecute the proceedings for inclusion shall be paid by the petitioner, including the actual costs of title, engineering, legal, and any cost necessary to serve the property, including but not limited to any facility upgrade or expansion. Neither the District nor its residents or property owners shall be required to subsidize the development of any newly included property.

**3.5.4** The petitioner shall enter into a cost reimbursement agreement with the District requiring the petitioner to provide an initial deposit sufficient to cover all costs incurred by the District in processing the inclusion proceedings, including publication costs. The District may draw upon the deposit as necessary to pay such costs, and the petitioner shall replenish the deposit upon request as needed to maintain a sufficient balance. Following completion of the inclusion process and payment of all District costs, any remaining deposit shall be refunded to the petitioner.


**3.5.5** All petitions not acted upon by the District within twelve (12) months of submission shall be revised and resubmitted, and the resubmission shall include any changes in circumstances. No additional petition fee shall be required for a resubmission.

**3.5.6** Upon determining that the petition is complete, accurate, and otherwise satisfactory, the Board shall set a public hearing to consider the petition for inclusion of the property and shall cause notice of such hearing to be published in accordance with C.R.S. § 32-1-401.

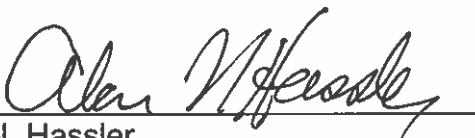
- 3.5.6.1** At the public hearing, the Board shall make findings of fact, conclusions of law, and make an order granting or denying the petition, in whole or in part, with or without conditions.
  - 3.5.6.2** The Board shall decide whether serving the subject property is feasible and whether the granting of the petition is in the best interest of the District, its residents and property owners.
  - 3.5.6.3** The Board may withhold entry of any final order approving inclusion until the petitioner has entered into an agreement that details the terms and conditions of inclusion.
  - 3.5.6.4** The Board's final order shall be served by first-class mail on the petitioner within ten (10) business days of the Board's decision.
  - 3.5.6.5** The Board's final order granting or denying the petition shall be final and conclusive.
- 3.5.7** The District shall file the Board's final order granting a petition for the inclusion of territory with the Grand County District Court in the matter of the organization of the District. The inclusion of property into the District shall only become effective upon the granting of an order regarding the same by the Grand County District Court and subsequent recording of such order in the real property records of Grand County, Colorado, maintained by the Office of the Clerk and Recorder.
- 3.5.8** Any District commitment to provide service to the property detailed in the petition or finally included into the District shall be deemed a commitment to reserve service capacity for the petitioner upon payment of applicable tap fees, satisfaction of any conditions that may be set forth therein, and the property's continued compliance with these Rules and Regulations, but shall not vest the petitioner with any property or development rights.
- 3.5.9** By granting a petition for the inclusion of property, no implied or express authorization for connection of services is granted. All properties shall apply for and receive an issued connection permit and pay all applicable Tap Fees.

ADOPTED by the Board this 11<sup>th</sup> day of May 2026.

**KREMMLING SANITATION DISTRICT**

By:   
Noble Underbrink  
President

ATTEST:

  
Alan N. Hassler  
Secretary