

May 7, 2010

County Clerk and Recorder
El Paso County, Colorado
Centennial Hall
200 South Cascade Avenue
Colorado Springs, Colorado 80903

**RE: 4-Way Ranch Metropolitan Districts No. 1 and No. 2
First Amendment to Consolidated Service Plan**

Dear County Clerk & Recorder:

On April 15, 2010, the El Paso County Board of County Commissioners approved the First Amendment to Consolidated Service Plan for 4-Way Ranch Metropolitan Districts No. 1 and No. 2 ("Districts").

Pursuant to § 32-1-306, C.R.S., special districts are required to provide a copy of the approved service plan of the district to the County Clerk and Recorder, who shall retain the service plan as a public record for public inspection. The County Clerk and Recorder has on file the Districts' Consolidated Service Plan approved by the El Paso County Board of County Commissioners on September 8, 2005. Therefore, we are providing to you for your public records a copy of the Districts' First Amendment to Consolidated Service Plan.

By copy of this letter, pursuant to § 32-1-306, C.R.S., we are also providing a copy of the First Amendment to the Consolidated Service Plan with the Division of Local Government.

Should you have further questions or need additional information, please contact our office.

Very truly yours,

SETER & VANDER WALL, P.C.

Sandy Thomas
Paralegal

/st
Encl.

cc: Division of Local Government
Craig Dossey, El Paso County w/o encl.
Peter Martz w/o encl.

14-WAY1\LTRS\ST1419\0735\0749.003

May 7, 2010

County Clerk and Recorder
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200 South Cascade Avenue
Colorado Springs, Colorado 80903

**RE: 4-Way Ranch Metropolitan Districts No. 1 and No. 2
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Dear County Clerk & Recorder:

On April 15, 2010, the El Paso County Board of County Commissioners approved the First Amendment to Consolidated Service Plan for 4-Way Ranch Metropolitan Districts No. 1 and No. 2 ("Districts").


Pursuant to § 32-1-306, C.R.S., special districts are required to provide a copy of the approved service plan of the district to the County Clerk and Recorder, who shall retain the service plan as a public record for public inspection. The County Clerk and Recorder has on file the Districts' Consolidated Service Plan approved by the El Paso County Board of County Commissioners on September 8, 2005. Therefore, we are providing to you for your public records a copy of the Districts' First Amendment to Consolidated Service Plan and the County Commissioners Resolution of Approval of the First Amendment.

By copy of this letter, pursuant to § 32-1-306, C.R.S., we are also providing a copy of the First Amendment to the Consolidated Service Plan and Resolution with the Division of Local Government.

Should you have further questions or need additional information, please contact our office.

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Craig Dossey, El Paso County w/o encl.
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4-WAY1NLTRS/ST1419/0735/0749.003

EL PASO COUNTY

COMMISSIONERS
DENNIS HISEY (CHAIR)
AMY LATHEN (VICE CHAIR)



SALLIE CLARK
WAYNE WILLIAMS
JIM BENSBERG

AGENDA ITEM SUMMARY

Agenda Item No: 9.

Date: April 15, 2010

To: Board of County Commissioners

From: Craig Dossey - Project Manager III, Development Services Division

Subject: SPECIAL DISTRICT SERVICE PLAN AMENDMENT - 4-WAY RANCH METROPOLITAN DISTRICTS NO. 1 AND 2 - A request by 4-Way Ranch Metropolitan Districts No. 1 and 2 for approval of a Colorado Revised Statutes Title 32 Special District Service Plan Amendment. The Districts are proposing to amend the service plan to allow for an increase in the amount of authorized debt. Pursuant to C.R.S. § 32-1-207, this amendment is considered a "material modification" to the approved service plan, thereby requiring approval by the El Paso County Board of County Commissioners. The Districts are not proposing to amend the service plan so as to reflect an increase in the approved mill levy caps. The Districts are generally located north of Judge Orr Road, between Highway 24 and Eastonville Road. (Schedule No. 42000-00-264) (ID-09-001).

SUMMARY (including information on budgeted matters):

SPECIAL DISTRICT SERVICE PLAN AMENDMENT - 4-WAY RANCH METROPOLITAN DISTRICTS NO. 1 AND 2 - A request by 4-Way Ranch Metropolitan Districts No. 1 and 2 for approval of a Colorado Revised Statutes Title 32 Special District Service Plan Amendment. The Districts are proposing to amend the service plan to allow for an increase in the amount of authorized debt. Pursuant to C.R.S. § 32-1-207, this amendment is considered a "material modification" to the approved service plan, thereby requiring approval by the El Paso County Board of County Commissioners. The Districts are not proposing to amend the service plan so as to reflect an increase in the approved mill levy caps. The Districts are generally located north of Judge Orr Road, between Highway 24 and Eastonville Road. (Schedule No. 42000-00-264) (ID-09-001).

BACKGROUND (including information on budgeted matters):

EXECUTIVE SUMMARY - This is a request for approval of an amendment to a consolidated Title 32 Special District Service Plan for the 4-Way Ranch Metropolitan Districts No. 1 and 2. The Districts are proposing to amend the Service Plan to allow for an increase in the amount of authorized debt from \$25 million to \$74 million. Pursuant to C.R.S. § 32-1-207, this amendment is considered a "material modification" to the approved service plan, thereby requiring a public hearing and approval by the El Paso County Board of County Commissioners. The Districts are generally located north of Judge Orr Road, between Highway 24 and Eastonville Road and are within the Falcon/Peyton Comprehensive Plan (2008) area.

FINANCIAL IMPLICATIONS (completed only if not currently budgeted, and is an emergency, mandated or grant/unanticipated revenue funding request before the Board for consideration):

Revenue/Funding Sources:	<u>NA</u>
Revenue/Funding Amount:	<u>NA</u>
Subject to TABOR?	NA
Increase to Original Adopted Budget:	NA
Net Cost to El Paso County:	NA
Total Project Cost:	NA

EL PASO COUNTY



COMMISSIONERS:
DENNIS HISEY (CHAIR)
AMY LATHEN (VICECHAIR)

SALLIE CLARK
WAYNE WILLIAMS
JIM BENSBURG

DEVELOPMENT SERVICES DEPARTMENT

TO: Board of County Commissioners
Dennis Hisey, Chair

FROM: Craig Dossey, Project Manager III
Elaine Kleckner, Current Planning Manager
Jeff Rice, Engineer II

RE: 4-Way Ranch Metropolitan Districts No. 1 and 2 (ID-09-001): Service Plan
Amendment
Tax Schedule #: Multiple (see attachment)

OWNER:
4-Way Ranch Metropolitan Districts
Attn: Peter Martz
P.O. Box 50223
Colorado Springs, CO 80949

REPRESENTATIVE:
Seter and Vander Wall, P.C.
7400 E. Orchard Road, Suite 3300
Greenwood Village, CO 80111

Commissioner District: 2

Planning Commission Hearing Date:	February 2, 2010
Board of County Commissioners Hearing Date:	April 15, 2010

EXECUTIVE SUMMARY

This is a request for approval of an amendment to a consolidated Title 32 Special District Service Plan for the 4-Way Ranch Metropolitan Districts No. 1 and 2. The Districts are proposing to amend the Service Plan to allow for an increase in the amount of authorized debt from \$25 million to \$74 million. Pursuant to C.R.S. § 32-1-207, this amendment is considered a "material modification" to the approved service plan, thereby requiring a public hearing and approval by the El Paso County Board of County Commissioners. The Districts are generally located north of Judge Orr Road, between Highway 24 and Eastonville Road and are within the Falcon/Peyton Comprehensive Plan (2008) area.

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

WWW.ELPASOCO.COM

The approved service plan outlines the primary purposes of the Districts to include providing a central water system and roadway and other public improvements and services, including sanitary sewer, drainage, and parks and recreation improvements.

The property within the Districts' service area remains undeveloped with exception to a subdivided, single-family residential area in the southwestern-most portion of the district. Per the District's December, 2009, Market Research Report, new home construction and sales are expected to continue within the Districts between 2010 and 2013, which propose to create some mill levy revenue to be applied towards the Districts' costs. The Districts are proposing to issue up to \$74,000,000.00 in general obligation and/or revenue bonds to finance the necessary public improvements. Therefore, the Districts are requesting approval to incur additional debt via the issuance of 30-year bonds. The Districts propose to satisfy the debt via the previously-approved 35 mill debt service mill levy. The Districts are not proposing to increase the previously-approved mill levy caps of 50 mills for debt service or 10 mills for operations.

The Districts have estimated that a 30-year repayment period for the bonds is feasible based upon a presumption that the property within the 4-Way Ranch development will inflate in value by two (2) percent biennially, which would directly translate into an annual District revenue increase of two (2) percent per year at full build-out. In addition, the Districts' propose to account for approximately 6% of the projected trade area housing demand over the entire forecasted period (2009-2030). This translates to mean that the project would account for the absorption of 140 residential units per year (see Exhibit A of the attached Amended Service Plan).

The "Original" Service Plan was submitted August 22, 2005, which was prior to Board of County Commissioners approval of a Multiple District without Control District Model Service Plan, which occurred on June 25, 2007. Nevertheless, this plan, though not exactly similar in format, sufficiently includes the information required in the adopted Model Service Plan.

A. PLANNING COMMISSION SUMMARY

Request Heard: March 2, 2010, as a regular item

Recommendation: Approval subject to the conditions and notations. A copy of the Planning Commission Resolution included as an attachment.

Waiver Recommendation:

Vote: 9 to 0

Vote Rationale: N/A

Summary of Hearing:

SPEAKING FOR: Applicant was represented at the hearing

SPEAKING AGAINST: None

Legal Notice: Not required for the Planning Commission. To be advertised by the Clerk to the Board of County Commissioners prior to the anticipated April 15, 2010, hearing.

B. REQUEST/AUTHORIZATION

A request for Board of County Commissioners' approval of the proposed 4 Way Ranch Metropolitan Districts 1 and 2 Service Plan amendment.

Authorization for Chair of the Board of County Commissioners to Sign: N/A

C. STAFF RECOMMENDATION

Staff recommends approval of the Service Plan amendment with the following conditions and notations. It is noted that the majority of these conditions essentially paraphrase existing language in the Service Plan and formalize it as conditions.

CONDITIONS OF APPROVAL

1. As stated in the attached amended Service Plan, the maximum combined debt service and operational mill levy shall not exceed 60 mills (Gallagher-adjusted) for any property within the Districts, with no more than 50 mills devoted to debt and not more than 10 mills devoted to operations and maintenance until and unless the Districts receive Board of County Commissioner approval to increase the mill levy.
2. As stated in the attached amended Service Plan, the maximum authorized debt for the Districts shall be limited to \$74 million until and unless the Districts receive Board of County Commissioner approval to increase the maximum authorized debt.
3. As stated in the attached amended Service Plan, any future annexation of territory by the Districts (any territory more than five (5) miles from either Districts' boundary lines) shall be considered a material modification of the amended Service Plan and shall require prior Board of County Commissioners' approval.
4. As stated in the attached amended Service Plan, the Districts shall not have the authority to apply for, or utilize any, Conservation Trust ("Lottery") funds without the express prior consent of the BOCC. The Districts shall retain the authority to apply for and use any other grant funds, including, but not limited to, Great Outdoors Colorado (GOCO) discretionary grants, which approval has been expressly provided by the Board of County Commissioners.
5. The Districts shall provide a disclosure form to future purchasers of property in a form consistent with the approved Special District Annual Report form. Such notice shall be recorded with this amended Service Plan. With each subsequent final plat associated with the 4 Way Ranch development prepared by the Developer, the Developer shall provide written notation on the plat of this annually filed public notice and include reference to the El Paso County Development Services' website where the most up-to-date notice can be found. County staff is authorized to administratively approve updates of the disclosure form to reflect current contact information and calculations.
6. The Districts are expressly prohibited from creating separate sub-districts except upon prior notice to the Board of County Commissioners, and subject to the Board of County Commissioners right to declare such creation to be a material modification of the Service Plan, as set forth in C.R.S. § 32-1-1101(1)(f)(I).

7. The Districts shall be expressly prohibited from using these Districts for the purposes of covenant enforcement without the express prior approval of the Board of County Commissioners. Any future authorization to allow for covenant enforcement, would not be considered a material modification of the amended Service Plan and therefore not require a hearing by the Planning Commission.
8. Any property within the 4 Way Ranch Districts boundaries designated as a public school site(s), whether dedicated to El Paso County, Falcon School District No. 49, or Peyton School District No. 23, shall be exempt from the levy and collection of property tax pursuant to C.R.S. § 39-3-105. County-imposed impact fees are within the exclusive jurisdiction of El Paso County pursuant to C.R.S. §§ 29-20-103(1.5), 29-20-104, and 29-20-104.5. Nothing in this condition shall be construed to limit 4 Way Ranch District from imposing and collecting fees, rates, tolls and charges as authorized pursuant to Sec. 32-1-1001(1)(j)(I), C.R.S.
9. District No. 2 shall not be authorized to issue any bonds in excess of \$25 million until rezoning for the property within District No. 2 is perfected by recordation and until the Board of County Commissioners approves the preliminary plan(s) for the property within District No. 2.

NOTATIONS

1. In the event the El Paso County Development Services Department is requested to withhold authorization of building permits pending verification of payment of building permit fees, this arrangement may require a formal agreement, which, among other things, holds the County harmless in the event authorization is inadvertently issued without such proof of payment.
2. Approval of this Service Plan shall in no way be construed to infer a requirement or obligation of the Board of County Commissioners to approve any future land use requests for any property within the Districts service area.
3. Approval of this application shall not constitute relinquishing or undermining of the County's authority to require the developer to complete subdivision improvements as required by the Land Development Code and Engineering Criteria Manual and to require subdivision improvements agreements or development agreements and collateral of the developer at the final plat stage to guarantee improvements.

D. APPLICABLE RESOLUTIONS: N/A

E. GENERAL LOCATION

Abutting zoning/existing land use:

North: A-35 (Agricultural)/Vacant

South: A-35 (Agricultural), RR-5 (Residential Rural), PUD (Planned Unit Development - Commercial)/Agriculture, single family residences and undeveloped

East: A-35 (Agricultural), RR-5 (Residential Rural), Agriculture, single family residences and undeveloped
West: PUD (Planned Unit Development), RR-2.5 (Rural Residential)/ Meridian Ranch, single-family residential
(See attached Vicinity Map)

F. BACKGROUND/ STATUS OF LAND USE APPROVALS

The property was zoned A-35 (Agricultural) on March 25, 1999, during the County-initiated zoning of eastern El Paso County. A 557 acre portion of the property was rezoned to RR-2 (Rural Residential, 2.5 acre minimum lot size) (P-03-004) on July 10, 2003. The 2007 Land Development Code renamed the RR-2 (Rural Residential) zone RR-2.5 (Residential Rural).

The Silver Star PUD (PUD-05-016), another commercially-zoned property in the area, is located south of Highway 24 across from the 4-Way Ranch development. The Silver Star PUD was created in two phases. Phase 1 allows the continued use of agricultural uses consistent with the A-35 (Agricultural) zone district, with a limited amount of commercial development subject to special use approval. At the implementation of Phase 2, the Phase 1 uses will no longer be allowed, unless specifically approved. In Phase 2, the land uses are comparable to the CC (Commercial Community) zone district. Phase 2 is to be implemented only after water and wastewater services can be provided to the development. The PUD for Silver Star was recorded January, 2007.

On the Phase 1 area identified in the Service Plan, a preliminary plan (SP-04-001) for 137 residential lots was approved by the Board of County Commissioners on September 30, 2004. The 4-Way Ranch Filing 1 Final Plat (SF-05-031), for a portion of the 557-acre preliminary plan area, was approved May 25, 2006. A change in water supply was also approved on May 25, 2006 (SP-05-028).

A portion of the original preliminary plan area was rezoned to PUD (Planned Unit Development) by the Board of County Commissioners on March 13, 2008, under a zoning and conceptual plan (PUD-07-012). The Plan includes commercial, residential, and other uses on 76.74 acres at the intersection of Highway 24 and the proposed extension of Stapleton Road.

A PUD development plan for the 76.74 acres (PUD-07-013) is currently under review, along with a revised preliminary plan and final plat for Filing No. 2 of 4-Way Ranch.

Contrary to the developer's statement in the February 2, 2010, Planning Commission hearing, there is no County-approved sketch plan for the Phase 2 area identified in the service plan. A sketch plan was not required for Phase 1, prior to zoning and subdivision. See the attached map of approved sketch plans from the El Paso County GIS database and the summary of sketch plans and other major projects from the Falcon/Peyton Small Area Master Plan (2008).

The original Service Plan for the 4-Way Ranch Metropolitan Districts 1 and 2 was approved by the Board of County Commissioners on September 8, 2005 (ID-05-001).

The proposed amendment to the Service Plan seeks to update the Districts' financial and improvements plans and obtain authorization for issuance of additional indebtedness.

G. STATUS OF MAJOR ISSUES

This is a multiple district without control district arrangement that is generally consistent with the Board of County Commissioners' June, 2007, Special District Policies and with the requirements for use of Multiple District without Control District Model Service Plan. Many of the County's policies are explicitly addressed in the Service Plan. The majority of the proposed conditions excerpt and highlight language already contained in the Service Plan.

H. APPROVAL CRITERIA

1. STATUTORY COMPLIANCE

The following is a summary of staff's analysis of the compliance of this request with the standards and criteria in Section 32-1-203(1) of the Colorado Revised Statutes.

Required findings

I. Sufficient existing and projected need

The District is requesting an amendment to the approved Service Plan, including increasing the amount of authorized debt from \$25 million to \$69 million. No new Title 32 Special District will be authorized with an approval of this request. Note also that the underlying land use approvals are not yet in place. A PUD development plan for the 76.74 acres adjacent to Highway 24 (PUD-07-013) is currently under review, along with a revised preliminary plan and final plat for Filing No. 2 of 4-Way Ranch. Consistent with past practice, staff recommends that the zoning and preliminary plan approvals for this Phase 1 area be obtained within one (1) year of Board of County Commissioners' approval, and that sketch plan approval be obtained for the Phase 2 area within two (2) years.

II. Existing service is inadequate for present and projected needs

The purpose of the request is to increase the authorized amount of indebtedness in order to finance the necessary public improvements. By developing the necessary facilities, the Districts will be able to maintain and provide an adequate level of services to the existing and proposed residents within the Districts' service area.

III. District is capable of providing economical and sufficient service

Pursuant to the analysis and conclusions of the District's December, 2009, financial plan, which is included as an exhibit to the amended Service Plan, the Districts propose to allow services to be provided to the Districts' service areas in an economic and sufficient manner.

IV. Financial ability to discharge proposed indebtedness

Pursuant to the Districts' Market Study (see attached), the Districts will have the financial ability to discharge debt if market absorption takes place as

anticipated and/or the funding obligations of the Districts are either reduced or phased-in appropriately in the event of future economic downturn.

Discretionary findings

The following findings are discretionary on the part of the Board of County Commissioners:

I. Adequate service is or will not be available through other sources

As discussed above, the Districts may contract with other entities to provide sanitary sewer service. Other sources are not well positioned to provide the other necessary services.

II. Facility and service standards compatible

The public facilities to be constructed and dedicated will need to meet the applicable El Paso County standards.

III. Compliance with master plan

This property falls within the Falcon/Peyton Small Area Master Plan (2008) area. The Plan supports urban development in the project area. In addition, the Stapleton Road/Highway 24 and Elbert Road/Highway 24 intersections are identified as potential nodes of activity where development and infrastructure are expected to be concentrated in the future.

Staff notes that the attachments to the Service Plan amendment show residential development throughout the Phase 2 area at approximately six (6) units per acre. In contemplation of the development of the sketch plan, staff has encouraged the developer to apply more of a clustering and master planned community concept for consistency with the following provisions in Section 4.3.1 of the Falcon/Peyton Small Area Master Plan:

"Urban growth in these areas will be intermixed with existing rural residential land uses, and new urban developments should be small and dense, surrounded by lower density uses, preferably open space."

"These large parcels can more easily be developed in a forward-looking, holistic fashion that creates mixed use communities with employment, public space, and well-designed, efficient transportation and infrastructure networks. The areas are large enough to allow phased and transitioned development to occur in a manner which creates community separation and buffers between these potential communities and lower density and rural areas."

A finding of consistency with El Paso County Master Plan was made by the Board of County Commissioners with the zoning and conceptual plan approval for the commercial PUD area (PUD-07-012) in Phase 1.

The applicable polices in Section 14 of the El Paso County Policy Plan (1998), as they relate to the creation of Title 32 Special Districts are addressed

separately and have generally been met. Staff recommends the request generally complies with the El Paso County Master Plan.

IV. Compliance with water quality management plan

This criterion is applicable since the project will have a central wastewater system. This issue was previously addressed when the Districts were established and the proposal was found to be in compliance with the water quality management plan.

V. In the best interests of the area to be served

See other service provision discussions in this staff report.

2. COMPLIANCE WITH 2007 SPECIAL DISTRICT POLICIES

(The County's Special District Policies, dated June 25, 2007, are included as an attachment. The following is a summary of the analysis of those policies as they apply to this request.)

I. Conformity with statutory standards

(See discussion above)

II. Conformity with County Master Plan and Policies

(See staff discussion above and below)

III. Content in conformance with statutes

To the knowledge of staff, the process followed to this point has been consistent with the requirements of Colorado statutory law.

IV. Applicant responsible for meeting time lines

The Districts submitted the special district application in a timely manner, sufficient enough to allow staff adequate time to properly review the application.

V. Limiting proliferation of districts

Approval of this service plan amendment for the existing Districts will not create a new Title 32 Special District, nor will it expand the existing boundaries of the existing service area.

VI. Coordination with other elected officials and departments

The Districts have fully coordinated with all applicable departments and has provided sufficient lead time to allow for a technical review of the proposed Service Plan amendment.

VII. Address potential for annexation

Annexation to the City of Colorado Springs is not practical at this time. The municipal boundary is approximately four miles from the project area and existing municipal services are at least four miles further away from the municipal boundary.

VIII. Development Analysis

A development analysis has been provided consistent with the adopted Board of County Commissioners policies. The analysis is considered adequate by staff. Staff has commented to the applicant that the absorption forecast appears somewhat optimistic. The applicant believes that the forecasts and the underlying assumptions are reasonable and is prepared to provide further justification, if required.

IX. Mill Levy Caps

Debt Service Mill Levy Cap

The Districts are not proposing to increase the previously-approved debt service mill levy cap of 50 mills. A cap of 50 mills is consistent with the adopted Board of County Commissioners policies, and is acceptable to staff.

Operational Mill Levy Cap

The Districts are not proposing to increase the previously-approved operational mill levy cap of 10 mills. A cap of 10 mills is consistent with the adopted Board of County Commissioners policies, and is acceptable to staff.

X. Master Districts

The County's Policies discourage the use of master districts in favor of options for single or multiple districts without control districts. The master district configuration is not used or proposed by the Districts.

XI. Multiple Districts

A multiple district service plan configuration was previously approved for the existing Districts. This requested service plan amendment does not propose to alter that configuration.

XII. xii. Skeletal Service Plans

This is a complete amended Service Plan, therefore this policy does not apply.

XIII. Authorization of Debt and Issuance of Bonds

An increase in the maximum amount of authorized debt from \$25 million to \$74 million is being proposed with this requested service plan amendment.

3. POLICY PLAN COMPLIANCE

Staff recommends the Service Plan is in compliance with El Paso County Policy Plan (1998) and particularly with Section 14 of that document.

4. COMPLIANCE WITH COUNTY PROCEDURES AND GUIDELINES

Staff believes the submittal is in compliance with all adopted processing procedures and guidelines as refined with the concurrence of staff.

5. OTHER FACTORS

Not applicable with this request.

I. SERVICES

1. WATER

The Districts will continue to develop a central water system and are hereby requesting authority to incur additional bonded indebtedness for needed facilities.

2. WASTEWATER

As stated above, sanitary sewer service may be provided via the Paint Brush Hills treatment facility (served by Woodmen Hills Metropolitan District or through Santa Fe Springs (served by Sunset Metropolitan District). Alternatively, the Districts could develop the system.

3. TRANSPORTATION

In most or all cases, the role of the Districts will be to oversee construction of the transportation infrastructure needed to serve the 4-Way Ranch development and dedication of these facilities to the County. The Districts would not be involved in maintenance of transportation facilities other than possibly the maintenance of private roads and/or some trail facilities.

4. DRAINAGE

The role of the Districts regarding drainage improvements will be largely to construct stormwater facilities such as storm sewers, detention ponds, and permanent water quality best management practices (PBMPs), and to maintain these facilities.

5. PARKS AND RECREATION

El Paso County plans envision a regional trail link along Highway 24 and Eastonville Road. Both Districts are expected to include public open space, parks, and trail improvements.

6. FIRE PROTECTION

The Falcon Fire Protection District will serve the development.

7. COMMUNITY FACILITIES

Not applicable.

8. OTHER FACILITIES OR SERVICES

Mountain View Electric provides electrical service to the area.

J. RELATIONSHIPS TO OTHER DISTRICTS OR MUNICIPALITIES

As described at length above, the Districts may have a contractual relationship with other entities to provide sanitary sewer service.

K. SCHOOL DISTRICT IMPACTS OR CONCERNS

No comments were received from the School Districts.

L. PUBLIC COMMENT AND NOTICE

There are no posting or mailing requirements for this Planning Commission hearing. However, staff provided a courtesy notice to those property owners located within the boundaries of the Districts' service area. The notice was sent to 16 property owners on January 14, 2010. One phone inquiry was received requesting clarification of the proposed amendment. No other responses have been received.

The Board of County Commissioners hearing does have notice requirements. The applicants will notify all taxing jurisdictions within three (3) miles of the District as required by statute prior to the Board of County Commissioners hearing.

M. OUTSTANDING CONCERNS

See detailed analysis throughout this staff report. There are no outstanding concerns which would preclude this item from being scheduled for hearing or create the need for special consideration. The remaining issues regarding the optimism of the Districts' Market Research Report and Financial Plan have been identified above and will be presented at the hearing.

N. ATTACHMENTS

Vicinity Map

2007 El Paso County Special District Polices

Map of Approved Sketch Plans

Summary of sketch plans and other major projects from the Falcon/Peyton Small Area Master Plan (2008)

September 8, 2005, Approved Service Plan

Amended Service Plan, including:

- Exhibit A- Market Research Report;
- Exhibit B- Financial Plan;
- Exhibit C- Description of Districts' Facilities and Costs;
- Exhibit D- Phase I and Phase II Roadway Facilities; and
- Exhibit E- Updated Central Water and Wastewater System Facilities Plan.

Planning Commission Resolution

El Paso County Parcel Information

Parcel Number: 4233201002

Parcel Address: 0 32-12-64

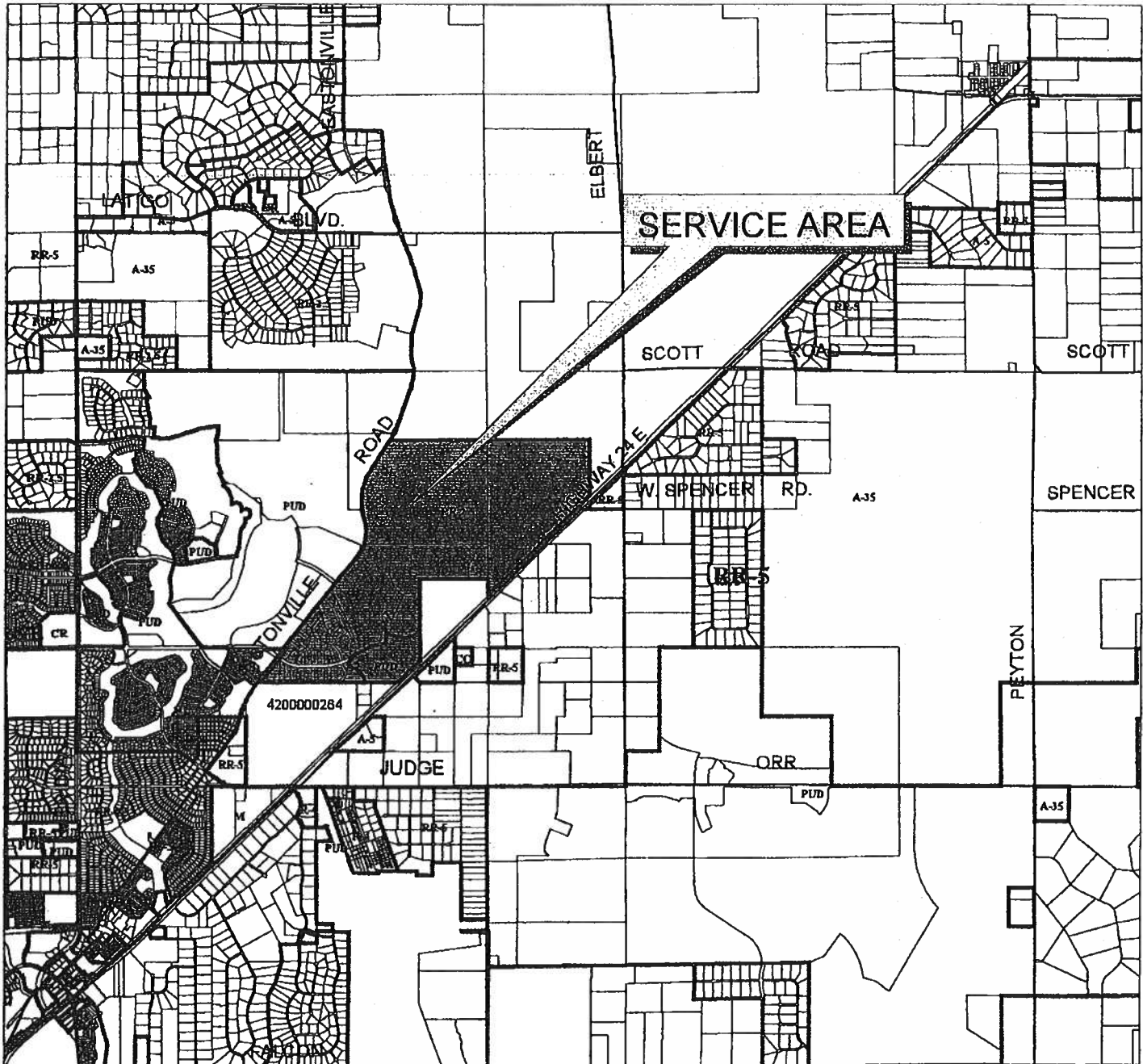
Parcel Owner: FERGUSON DANIEL S

Parcel Owner 2: FERGUSON TIA D

File Name: ID-09-001

Zone Map No.: 423.32

Owner Mailing Address: 13202 JUDGE ORR RD, PEYTON, CO 80831



Please report any discrepancies to:
El Paso County GIS/Mapping
325 S. Cascade
Colorado Springs, CO 80903
(719)520-6523

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January 21, 2010



Thursday Current Agenda

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Office Location:
27 E. Vermijo Ave
Colorado Springs, CO
80903-2208

Telephone:
(719) 520-7276

FAX:
(719) 520-6397

AGENDA

Board of County Commissioners ("BOCC") Meeting
Thursday, April 15, 2010, 9:00 a.m.
County Office Building, Third Floor Hearing Room
27 E. Vermijo, Colorado Springs, Colorado

Call to Order.

1. Pledge of Allegiance.
2. Staff Emergency Items.
3. Changes/Postponements.
4. Comments by Elected Officials.
5. Public comment on items not scheduled on the agenda.
6. Commissioner Liaison Report(s).
7. Consent Calendar:
 - a. Approve and ratify the application for the Colorado Department of Agriculture Weed Fund Grant Program. (Tim Wolken - Director, Community Services Department)
8. Called-Up Consent Calendar.

Land Use Regular Item:

9. SPECIAL DISTRICT SERVICE PLAN AMENDMENT - 4-WAY RANCH METROPOLITAN DISTRICTS NO. 1 AND 2 - A request by 4-Way Ranch Metropolitan Districts No. 1 and 2 for approval of a Colorado Revised Statutes Title 32 Special District Service Plan Amendment. The Districts are proposing to amend the service plan to allow for an increase in the amount of authorized debt. Pursuant to C.R.S. § 32-1-207, this amendment is considered a "material modification" to the approved service plan, thereby

requiring approval by the El Paso County Board of County Commissioners. The Districts are not proposing to amend the service plan so as to reflect an increase in the approved mill levy caps. The Districts are generally located north of Judge Orr Road, between Highway 24 and Eastonville Road. (Schedule No. 42000-00-264) (ID-09-001). (Craig Dossey - Project Manager III, Development Services Division)

10. Department and Committee Reports/Non Action Items.

11. Addendum.

12. Executive Session.

Adjourn.

NOTES:

BOCC meeting agendas, backup materials and meeting results are available on the County's website at <http://bcc2.elpasoco.com/bocc/agenda.asp>. Backup materials for agenda items may be publicly viewed in the Reader's file located in the Office of the BOCC.

The live audio/video may be accessed at <http://bcc2.elpasoco.com/Audio/default.asp>.

The BOCC may recess for lunch if consideration of agenda items extends beyond the morning session. A time to reconvene and complete discussion of the scheduled items will be announced.

Audio and audio/video copies of the record may be purchased by contacting the El Paso County Clerk & Recorder's Office at (719) 520-6430.

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SERVICE PLAN AMENDMENT
BOCC HEARING
4-WAY RANCH METRO DISTRICTS #1&2
April 15, 2010

Chronology:

- 9-5-05: Original SP approved by BOCC
- 10-13-09: Draft Amendment submitted to Planning Commission
- 12-29-09: Formal submittal of Amendment
- 2-2-10: Planning Commission Hearing
- 3-2-10: Continued Planning Commission, unanimous approval

Representatives of Applicant Districts:

- Peter Martz, Eastbrook Development/Plainview Properties – Developer
- John McGinn, JDS-Hydro – Engineer
- Bruce Martin, King & Associates – Market Study consultant
- BTVW, Seter & Vander Wall, P.C. – Legal Counsel

BOCC Public Hearing:

- Required per Title 32 (§ 32-1-207 & 204, CRS)
- Notice mailed to all property owners within Districts (per assessor records)
- Notice mailed to all taxing entities within 3-mile radius
- Clerk of BOCC responsible for setting the hearing and publication of notice

Purpose of Amendment Proposal:

- Since approval in 2005, the downturn in the economy has slowed down growth and development; nearly 5 years later – the applicant desires to update the SPlan and bring it into current conditions with this Amendment.
- 1,325 acres mixed residential and commercial

Specific modifications:

- Increase the Districts' total debt authorization from \$24m to \$74m; any debt in excess of this would have to go back to BOCC for SPlan amendment approval
 - o Debt authorization is result of revised platting, absorption, market prices; plus financing of additional improvements required to serve the expanded development.
 - o Market study prepared by King & Associates / Bruce Martin to support the projections used for the financial plan; summarized in Amendment
- Provide for flexibility in central sewer services, previously omitted;
- Update the Districts' financial plan.

No Change to Mill Levy Caps:

- The Amendment does not change the previously imposed mill levy cap (50 ds + 10 ops)
 - o As shown in the financial plan, does not change the District's anticipated annual mill levy of 35 mills

Sandy Thomas

From: Sandy Thomas
Sent: Thursday, March 25, 2010 1:40 PM
To: 'eileenwheeler@elpasoco.com'
Cc: Barbara Vander Wall
Subject: 4-Way Ranch Metropolitan Districts Affidavit of Mailings
Attachments: Affidavit of Mailing Notice of Public Hearing w exhibits.pdf

Hi Eileen. I have attached the Affidavit of Mailing of Public Notice to the property owners and taxing entities for the April 15, 2010 BOCC public hearing.

Please let me know if you need anything further, or if you have any questions or concerns.

Thank you.

Sandy Thomas, Paralegal
Setzer & Vander Wall, P.C.
7400 E. Orchard Road, Suite 3300
Greenwood Village, CO 80111
303-770-2700 (phone)
303-770-2701 (fax)
sthomas@svwpc.com
www.svwpc.com

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EL PASO COUNTY PLANNING COMMISSION

MEETING FORMAT

1. Chairman calls meeting to order.
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3. Chairman calls for the Report items.
4. Chairman announces meeting format to audience and asks all speakers to sign register at the podium.
5. Chairman calls for the Consent items (including Minutes of previous meeting(s)) and asks if any present want a full hearing on any of the items.
6. Chairman calls for Regular items on the agenda by case number.
7. Development Services Department staff presents report (background, explains request, surrounding land use, pictures of site and makes recommendations). This is either in an abbreviated form or a full hearing, if requested.
8. Chairman calls petitioner to podium.
9. Petitioner presents his request.
10. Chairman calls for proponents.
11. Chairman calls for opponents.
12. Chairman calls for petitioner's rebuttal.
13. Chairman calls for discussion by the Planning Commission.
14. Chairman announces he will entertain a motion.
15. Motion made and seconded.
16. Chairman states name of persons who made and seconded motion, as well as content of motion.
17. Vote.

NOTE: The Planning Commission has the right to continue a request without taking any public testimony.

Regular Item

3. VA-09-004

DECONINCK

**VARIANCE OF USE
BANDY LANDSCAPE**

Request by G & L Properties, LLC, for a variance of use for contractor's equipment yard for a landscaping and snow removal business on a 2.12-acre parcel. The property is address as 7380 Maine Lane, and is zoned RR-5 (Residential Rural) and is located approximately two-thirds of one mile east of the intersection of Woodmen Road and Marksheffel Road. (Schedule No. 53080-00-014)

4. ID-09-001

DOSSEY

**SPECIAL DISTRICT SERVICE PLAN AMENDMENT
4-WAY RANCH METROPOLITAN DISTRICTS NO. 1 AND 2**

A request by 4-Way Ranch Metropolitan Districts No. 1 and 2 for approval of a Colorado Revised Statutes Title 32 Special District Service Plan Amendment. The Districts are proposing to amend the service plan to allow for an increase in the amount of authorized debt. Pursuant to C.R.S. § 32-1-207, this amendment is considered a "material modification" to the approved service plan, thereby requiring approval by the El Paso County Board of County Commissioners. The Districts are not proposing to amend the service plan so as to reflect an increase in the approved mill levy caps. The Districts are generally located north of Judge Orr Road, between Highway 24 and Eastonville Road. (Schedule No. 42000-00-264)

5. U-09-002

DOSSEY

**SOUTHERN DELIVERY SYSTEM RAW WATER PIPELINE
APPROVAL OF LOCATION**

A request by Colorado Springs Utilities for approval of location of the Southern Delivery System Raw Water Pipeline pursuant to C.R.S. §§ 30-28-110 and Section 5.3.3 of the El Paso County Land Development Code. The pipeline is proposed to extend from the El Paso County/Pueblo County line to a future water treatment facility located in the City of Colorado Springs. The pipeline is proposed to extend into multiple jurisdictions, including El Paso County, the City of Fountain, and the City of Colorado Springs. The proposed alignment causes the pipeline to intersect with several major roadways, including Interstate 25, Highway 94, Highway 24, Marksheffel Road, Bradley Road, Drennan Road, Squirrel Creek Road, and Hanover Road, in addition to intersecting with Fountain Creek. This application represents the first phase of the overall Southern Delivery System project within El Paso County. Subsequent phases within El Paso County are anticipated to include a finished water pipeline, an exchange flow system involving Fountain Creek and Chilcotte Ditch, two reservoirs, and two lift stations. (Directly Affected Schedule Numbers Included Below) 45000-00-048, 45000-00-065, 54000-00-008, 54000-00-222, 55000-00-031, 55000-00-223, 55000-00-272, 55000-00-282, 55000-00-283, 55000-00-284, 55000-00-287, 55000-00-297, 55000-00-313, 55000-00-320, 55000-00-321, 55000-00-324, 55230-03-001, 55230-03-004, 55230-03-005, 55230-03-006, 55230-05-001, 5524002-001, 56000-00-030, 56000-00-123, 56000-00-140, 57000-00-001, 57000-00-010, 57000-00-095, 57000-00-125, 57000-00-151, 57000-00-152, 57200-07-003, 57200-08-001, 57210-01-002, 57210-01-010, 57210-01-011, 57210-01-012, 57210-01-017, 57290-00-002, 57290-06-001, 57290-06-006, 57320-01-002, 57320-05-002, 57320-05-024, 57320-05-025, 57320-08-001, 57320-08-010, 57320-08-011, 54000-00-174,

EL PASO COUNTY PLANNING COMMISSION

March 2, 2010 - Beginning at 9:00 A.M.

A G E N D A

NOTE: The County Planning Commission meeting is held in the Hearing Room located on the Second Floor of the Pikes Peak Regional Development Center at 2880 International Circle, Colorado Springs, Colorado. If you need further information, please contact the Development Services Department at 719-520-6300

The Development Services Department Comment Agenda and any Supplemental Packets are automatically incorporated as part of the record unless specific objections are raised at the meeting. The recording is the official record of the proceedings.

NOTES: Any materials used in support of or opposition to a project must be submitted to the Clerk and left as part of the record.

1. Report Items - Elaine Kleckner**2. Consent Items**

A. Minutes of the Regular Meeting February 2, 2010

B. U-09-008 DECONINCK
APPROVAL OF LOCATION
WAKONDA HILLS LIFT STATION

Request by Monument Sanitation District for approval of location pursuant to R.R.S. 30-28-110 to install two lift stations along the adjacent Santa Fe Regional Trail corridor. The lift stations will be off the trail and approximately flush with ground level. The 7.36-acre parcel is zoned RR-0.5 (Residential Rural) and is located approximately one and a half miles northwest of the intersection of I-25 and Highway 105. (Schedule No. 71100-00-030)

Regular Item3. VA-09-004 DECONINCK
VARIANCE OF USE
BANDY LANDSCAPE

Request by G & L Properties, LLC, for a variance of use for contractor's equipment yard for a landscaping and snow removal business on a 2.12-acre parcel. The property is address as 7380 Maine Lane, and is zoned RR-5 (Residential Rural) and is located approximately two-thirds of one mile east of the intersection of Woodmen Road and Marksheffel Road. (Schedule No. 53080-00-014)

4. ID-09-001 DOSSEY
SPECIAL DISTRICT SERVICE PLAN AMENDMENT
4-WAY RANCH METROPOLITAN DISTRICTS NO. 1 AND 2

A request by 4-Way Ranch Metropolitan Districts No. 1 and 2 for approval of a Colorado Revised Statutes Title 32 Special District Service Plan Amendment. The Districts are proposing to amend the service plan to allow for an increase in the amount of authorized debt. Pursuant to C.R.S. § 32-1-207, this amendment is considered a "material modification" to the approved service plan, thereby requiring approval by the El Paso County Board of County Commissioners. The Districts are not proposing to amend the service plan so as to reflect an increase in the approved mill levy caps. The Districts are generally located north of Judge Orr Road, between Highway 24 and Eastonville Road. (Schedule No. 42000-00-264)

5. U-09-002 DOSSEY
 SOUTHERN DELIVERY SYSTEM RAW WATER PIPELINE
 APPROVAL OF LOCATION

A request by Colorado Springs Utilities for approval of location of the Southern Delivery System Raw Water Pipeline pursuant to C.R.S. §§ 30-28-110 and Section 5.3.3 of the El Paso County Land Development Code. The pipeline is proposed to extend from the El Paso County/Pueblo County line to a future water treatment facility located in the City of Colorado Springs. The pipeline is proposed to extend into multiple jurisdictions, including El Paso County, the City of Fountain, and the City of Colorado Springs. The proposed alignment causes the pipeline to intersect with several major roadways, including Interstate 25, Highway 94, Highway 24, Marksheffel Road, Bradley Road, Drennan Road, Squirrel Creek Road, and Hanover Road, in addition to intersecting with Fountain Creek. This application represents the first phase of the overall Southern Delivery System project within El Paso County. Subsequent phases within El Paso County are anticipated to include a finished water pipeline, an exchange flow system involving Fountain Creek and Chilcotte Ditch, two reservoirs, and two lift stations. (Directly Affected Schedule Numbers Included Below) 45000-00-048, 45000-00-065, 54000-00-008, 54000-00-222, 55000-00-031, 55000-00-223, 55000-00-272, 55000-00-282, 55000-00-283, 55000-00-284, 55000-00-287, 55000-00-297, 55000-00-313, 55000-00-320, 55000-00-321, 55000-00-324, 55230-03-001, 55230-03-004, 55230-03-005, 55230-03-006, 55230-05-001, 5524002-001, 56000-00-030, 56000-00-123, 56000-00-140, 57000-00-001, 57000-00-010, 57000-00-095, 57000-00-125, 57000-00-151, 57000-00-152, 57200-07-003, 57200-08-001, 57210-01-002, 57210-01-010, 57210-01-011, 57210-01-012, 57210-01-017, 57290-00-002, 57290-06-001, 57290-06-006, 57320-01-002, 57320-05-002, 57320-05-024, 57320-05-025, 57320-08-001, 57320-08-010, 57320-08-011, 54000-00-174, 54000-00-177, 54000-00-179, 54000-00-180, 54000-00-243, 54000-00-253, 54000-00-258, 54000-00-259, 55000-00-090, 55000-00-225, 55000-00-291, 55000-00-355, 56000-00-153, 57000-00-099, 57000-00-115.

6. U-09-003 DOSSEY
 SOUTHERN DELIVERY SYSTEM FINISHED WATER PIPELINE
 APPROVAL OF LOCATION

A request by Colorado Springs Utilities for approval of location of the Southern Delivery System Finished Water Pipeline pursuant to C.R.S. § 30-28-110 and Section 5.3.3 of the El Paso County Land Development Code. The pipeline is proposed to extend from a future water treatment facility located within the City of Colorado Springs through portions of unincorporated El Paso County to an area southeast of the intersection of Marksheffel Road and Woodmen Road. The proposed alignment causes the pipeline to intersect with several major roadways, including Highway 24, Marksheffel Road, and Constitution Avenue. This application represents the second phase of the overall Southern Delivery System project within El Paso County. Subsequent phases within El Paso County are anticipated to include an exchange flow system involving Fountain Creek and Chilcotte Ditch, two reservoirs, and two lift stations. (Directly Affected Schedule Numbers Included Below) 53000-00-226, 53000-00-245, 53000-00-621, 53210-01-003, 53210-01-005, 53210-01-006, 53210-01-008, 53332-01-011, 53332-01-012, 53332-02-001, 54000-00-268, 54042-00-003, 54043-03-066, 54043-03-085, 54043-04-013, 54043-15-018, 53000-00-276, 53000-00-307, 53000-00-319, 53000-00-340, 53000-00-534, 53000-00-557, 53000-00-618, 53000-00-619, 54000-00-177, 54000-00-243, 54000-00-271.

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(The name to the right of the title indicates the Project Manager/ Planner processing the request.) If the meeting goes beyond noon, the Planning Commission may take a lunch break.

APPLICANT RESPONSES IN [BRACKETS]; APPLICANT PROPOSED CHANGES ARE SHOWN IN STRIKE-THROUGH AND BOLD/ITALICS

STAFF RECOMMENDATION

Staff recommends approval of the proposed amended Service Plan with the following conditions and notations. It is noted that the majority of these conditions essentially paraphrase existing language in the Service Plan and formalize it as conditions.

CONDITIONS OF APPROVAL

1. As stated in the attached amended Service Plan, the maximum combined debt service and operational mill levy shall not exceed 60 mills (Gallagher-adjusted) for any property within the Districts, with no more than 50 mills devoted to debt and not more than 10 mills devoted to operations and maintenance until and unless the Districts receive Board of County Commissioner approval to increase the mill levy.

[CONDITION IS ACCEPTABLE]

2. As stated in the attached amended Service Plan, the maximum authorized debt for the Districts shall be limited to \$74 million until and unless the Districts receive Board of County Commissioner approval to increase the maximum authorized debt.

[CONDITION IS ACCEPTABLE]

3. *As stated in the attached amended Service Plan, any future annexation of territory by the Districts (any territory more than five (5) miles from either Districts' boundary lines) shall be considered a material modification of the amended Service Plan and shall require prior Board of County Commissioners' approval.*

[CONDITION IS ACCEPTABLE AS MODIFIED]

4. *As stated in the attached amended Service Plan, the Districts shall not have the authority to apply for, or utilize any, Conservation Trust ("Lottery") funds without the express prior consent of the BOCC. The Districts ~~also shall~~ **retain** ~~not have~~ the authority to apply for and use any other grant funds, including, but not limited to, Great Outdoors Colorado (GOCO) discretionary grants, ~~which without prior approval~~ **has been expressly provided by** ~~of~~ the Board of County Commissioners.*

[CONDITION IS ACCEPTABLE AS MODIFIED]

5. The Districts shall provide a disclosure form to future purchasers of property in a form consistent with the approved Special District Annual

Report form. Such notice shall be recorded with this amended Service Plan. ~~and the most current version of the notice shall be recorded~~ *With each subsequent final plat associated with the 4 Way Ranch development prepared by the Developer, the Developer shall provide written notation on the plat of this annually filed public notice and include reference to the El Paso County Development Services' website where the most up-to-date notice can be found.* County staff is authorized to administratively approve updates of the disclosure form to reflect current contact information and calculations.

[CONDITION IS ACCEPTABLE AS MODIFIED]

6. The Districts are expressly prohibited from creating separate sub-districts except upon prior notice to the Board of County Commissioners, and subject to the Board of County Commissioners right to declare such creation to be a material modification of the Service Plan, as set forth in C.R.S. § 32-1-1101(1)(f)(I).

[CONDITION IS ACCEPTABLE]

7. The Districts shall be expressly prohibited from using these Districts for the purposes of covenant enforcement without the express prior approval of the Board of County Commissioners. Any future authorization to allow for covenant enforcement, would not be considered a material modification of the amended Service Plan and therefore not require a hearing by the Planning Commission.

[CONDITION IS ACCEPTABLE]

8. Any property within the 4 Way Ranch District boundaries designated as a public school site(s), whether dedicated to El Paso County, Falcon School District No. 49, or Peyton School District No. 23, shall be exempt from the levy and collection of property tax pursuant to C.R.S. § 39-3-105. *County-imposed impact fees are.* ~~Impact fees concerning land so designated are~~ within the exclusive jurisdiction of El Paso County pursuant to C.R.S. §§ 29-20-103(1.5), 29-20-104, and 29-20-104.5. Nothing in this condition shall be construed to limit 4 Way Ranch District from imposing and collecting *service fees, rates, tolls and charges* ~~(e.g. water, wastewater, etc.) as defined by Colorado law as authorized pursuant to Sec. 32-1-1001(1)(j)(I), C.R.S.~~

[CONDITION IS ACCEPTABLE AS MODIFIED]

9. ~~Approval of this application shall not constitute relinquishing or undermining of the County's authority to require the developer to complete subdivision improvements as required by the Land Development~~

~~Code and Engineering Criteria Manual and to require subdivision improvements agreements or development agreements and collateral of the developer at the final plat stage to guarantee improvements.~~

[PROVISION TO BE MOVED TO "NOTATIONS" SECTION]

10. ~~As stated in the attached amended Service Plan, District No. 2 shall not be authorized to issue any bonds *in excess of \$25m.* until the *re-zoning* for the property within District No. 2 is perfected by recordation and until the Board of County Commissioners approves *the* a-preliminary plan(s) for *the* property within District No. 2.~~

[CONDITION IS ACCEPTABLE AS MODIFIED]

NOTATIONS

1. In the event the El Paso County Development Services Department is requested to withhold authorization of building permits pending verification of payment of building permit fees, this arrangement may require a formal agreement, which, among other things, holds the County harmless in the event authorization is inadvertently issued without such proof of payment.
2. Approval of this Service Plan shall be in no way be construed to infer a requirement or obligation of the Board of County Commissioners to approve any future land use requests for any property within the Districts service area.
3. *Approval of this application shall not constitute relinquishing or undermining of the County's authority to require the developer to complete subdivision improvements as required by the Land Development Code and Engineering Criteria Manual and to require subdivision improvements agreements or development agreements and collateral of the developer at the final plat stage to guarantee improvements.*

[CONDITION NO. 9 HAS BEEN MOVED TO HERE]

A. STAFF RECOMMENDATION

Staff recommends approval of the proposed amended Service Plan with the following conditions and notations. It is noted that the majority of these conditions essentially paraphrase existing language in the Service Plan and formalize it as conditions.

CONDITIONS OF APPROVAL

1. As stated in the attached amended Service Plan, the maximum combined debt service and operational mill levy shall not exceed 60 mills (Gallagher-adjusted) for any property within the Districts, with no more than 50 mills devoted to debt and not more than 10 mills devoted to operations and maintenance until and unless the Districts receive Board of County Commissioner approval to increase the mill levy.
2. As stated in the attached amended Service Plan, the maximum authorized debt for the Districts shall be limited to \$74 million until and unless the Districts receive Board of County Commissioner approval to increase the maximum authorized debt.
3. Any future annexation of territory by the Districts (any territory more than five (5) miles from either Districts' boundary lines) shall be considered a material modification of the amended Service Plan and shall require prior Board of County Commissioners' approval.
4. The Districts shall not have the authority to apply for, or utilize any, Conservation Trust ("Lottery") funds. The Districts also shall not have the authority to apply for and use any other grant funds, including, but not limited to, Great Outdoors Colorado (GOCO) discretionary grants without prior approval of the Board of County Commissioners.
5. The Districts shall provide a disclosure form to future purchasers of property in a form consistent with the approved Special District Annual Report form. Such notice shall be recorded with this amended Service Plan and the most current version of the notice shall be recorded with each subsequent final plat associated with the 4 Way Ranch development. County staff is authorized to administratively approve updates of the disclosure form to reflect current contact information and calculations.
6. The Districts are expressly prohibited from creating separate sub-districts except upon prior notice to the Board of County Commissioners, and subject to the Board of County Commissioners right to declare such creation to be a material modification of the Service Plan, as set forth in C.R.S. § 32-1-1101(1)(f)(I).
7. The Districts shall be expressly prohibited from using these Districts for the purposes of covenant enforcement without the express prior approval

of the Board of County Commissioners. Any future authorization to allow for covenant enforcement, would not be considered a material modification of the amended Service Plan and therefore not require a hearing by the Planning Commission.

8. Any property within the 4 Way Ranch District boundaries designated as a public school site(s), whether dedicated to El Paso County, Falcon School District No. 49, or Peyton School District No. 23, shall be exempt from the levy and collection of property tax pursuant to C.R.S. § 39-3-105, and shall be exempt from impact fees. Impact fees concerning land so designated are within the exclusive jurisdiction of El Paso County pursuant to C.R.S. §§ 29-20-103(1.5), 29-20-104, and 29-20-104.5. Nothing in this condition shall be construed to limit 4 Way Ranch District from imposing and collecting service fees (e.g. water, wastewater, etc.) as defined by Colorado law.
9. Approval of this application shall not constitute relinquishing or undermining of the County's authority to require the developer to complete subdivision improvements as required by the Land Development Code and Engineering Criteria Manual and to require subdivision improvements agreements or development agreements and collateral of the developer at the final plat stage to guarantee improvements.
10. As stated in the attached amended Service Plan, District No. 2 shall not be authorized to issue any bonds until the zoning for the property within District No. 2 is perfected by recordation and until the Board of County Commissioners approves a preliminary plan for property within District No. 2.

NOTATIONS

1. In the event the El Paso County Development Services Department is requested to withhold authorization of building permits pending verification of payment of building permit fees, this arrangement may require a formal agreement, which, among other things, holds the County harmless in the event authorization is inadvertently issued without such proof of payment.
2. Approval of this Service Plan shall be in no way be construed to infer a requirement or obligation of the Board of County Commissioners to approve any future land use requests for any property within the Districts service area.

EL PASO COUNTY PLANNING COMMISSION

MEETING FORMAT

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6. Chairman calls for Regular items on the agenda by case number.
7. Development Services Department staff presents report (background, explains request, surrounding land use, pictures of site and makes recommendations). This is either in an abbreviated form or a full hearing, if requested.
8. Chairman calls petitioner to podium.
9. Petitioner presents his request.
10. Chairman calls for proponents.
11. Chairman calls for opponents.
12. Chairman calls for petitioner's rebuttal.
13. Chairman calls for discussion by the Planning Commission.
14. Chairman announces he will entertain a motion.
15. Motion made and seconded.
16. Chairman states name of persons who made and seconded motion, as well as content of motion.
17. Vote.

NOTE: The Planning Commission has the right to continue a request without taking any public testimony.

EL PASO COUNTY PLANNING COMMISSION

February 2, 2010 - Beginning at 9:00 A.M.

A G E N D A

**NOTE: The County Planning Commission meeting is held in the Hearing Room located on the Second Floor of the Pikes Peak Regional Development Center at 2880 International Circle, Colorado Springs, Colorado
If you need further information, please contact the Development Services Department at 719-520-6300**

The Development Services Department Comment Agenda and any Supplemental Packets are automatically incorporated as part of the record unless specific objections are raised at the meeting. The recording is the official record of the proceedings.

NOTES: Any materials used in support of or opposition to a project must be submitted to the Clerk and left as part of the record.

1. Report Items - Elaine Kleckner

2. Consent Items

A. Minutes of the Regular Meeting January 5, 2010

B. AL-09-009

DECONINCK

**SPECIAL USE
SECURITY DAYCARE**

Request by Mary Adragna, Mary and Warren Hook for a special use to operate a large daycare on three adjoining parcels. The three parcels total approximately two-thirds of an acre and are zoned RS-6000 (Residential Suburban). The properties are located approximately one-quarter mile northwest of the intersection of Security Boulevard and Main Street. (Schedule No.s 65114-07-084; 65114-07-085; 65114-07-086)

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Development Services Department for information (520-6300). Visit our Web site - www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting.

(The name to the right of the title indicates the Project Manager/ Planner processing the request.) If the meeting goes beyond noon, the Planning Commission may take a lunch break.

EL PASO COUNTY



COMMISSIONERS:
DENNIS HISBY (CHAIR)
AMY LATHEN (VICECHAIR)

SALLIE CLARK
WAYNE WILLIAMS
JIM BENSBERG

DEVELOPMENT SERVICES DIVISION

MAX ROTHSCHILD P.E., INTERIM DIRECTOR

**TO: El Paso County Planning Commission
Steve Sery, Chairman**

**FROM: Craig Dossey, Project Manager III
Elaine Kleckner, Current Planning Manager
Jeff Rice, Engineer II**

**RE: 4-Way Ranch Metropolitan Districts No. 1 and 2 (ID-09-001): Service
Plan Amendment
Tax Schedule #: Multiple**

**OWNER: 4-Way Ranch Metropolitan Districts
Attn: Peter Martz
P.O. Box 50223
Colorado Springs, CO 80949**

**REPRESENTATIVE:
Seter and Vander Wall, P.C.
7400 E. Orchard Road, Suite 3300
Greenwood Village, CO 80111**

EXECUTIVE SUMMARY

The following revised staff recommendation, conditions of approval, and notations have been redrafted as an amendment to the March 2, 2010, addendum staff report (which served to amend the February 2, 2010, staff report). The revised language has been agreed to by the Development Services staff, the County Attorney's staff, and the applicant's consultant on behalf of the applicant. Particularly noteworthy changes include new language in the second sentence of Condition No. 4, significant revisions to Conditions Nos. 8 and 9 (formerly Nos. 8 and 10), and the relocation of former Condition No. 9 to the Notations section as Notation No. 3.

Revised Staff Recommendation, Conditions of Approval, and Notations for the March 2, 2010, Planning Commission Hearing

STAFF RECOMMENDATION

Staff recommends approval of the proposed amended Service Plan with the following conditions and notations. It is noted that the majority of these conditions essentially paraphrase existing language in the Service Plan and formalize it as conditions.

CONDITIONS OF APPROVAL

1. As stated in the attached amended Service Plan, the maximum combined debt service and operational mill levy shall not exceed 60 mills (Gallagher-adjusted) for any property within the Districts, with no more than 50 mills devoted to debt and not more than 10 mills devoted to operations and maintenance until and unless the Districts receive Board of County Commissioner approval to increase the mill levy.
2. As stated in the attached amended Service Plan, the maximum authorized debt for the Districts shall be limited to \$74 million until and unless the Districts receive Board of County Commissioner approval to increase the maximum authorized debt.
3. As stated in the attached amended Service Plan, any future annexation of territory by the Districts (any territory more than five (5) miles from either Districts' boundary lines) shall be considered a material modification of the amended Service Plan and shall require prior Board of County Commissioners' approval.
4. As stated in the attached amended Service Plan, the Districts shall not have the authority to apply for, or utilize any, Conservation Trust ("Lottery") funds without the express prior consent of the BOCC. The Districts shall retain the authority to apply for and use any other grant funds, including, but not limited to, Great Outdoors Colorado (GOCO) discretionary grants, which approval has been expressly provided by the Board of County Commissioners.
5. The Districts shall provide a disclosure form to future purchasers of property in a form consistent with the approved Special District Annual Report form. Such notice shall be recorded with this amended Service Plan. With each subsequent final plat associated with the 4 Way Ranch development prepared by the Developer, the Developer shall provide written notation on the plat of this annually filed public notice and include reference to the El Paso County Development Services' website where the most up-to-date notice can be found. County staff is authorized to administratively approve updates of the disclosure form to reflect current contact information and calculations.

6. The Districts are expressly prohibited from creating separate sub-districts except upon prior notice to the Board of County Commissioners, and subject to the Board of County Commissioners right to declare such creation to be a material modification of the Service Plan, as set forth in C.R.S. § 32-1-1101(1)(f)(I).
7. The Districts shall be expressly prohibited from using these Districts for the purposes of covenant enforcement without the express prior approval of the Board of County Commissioners. Any future authorization to allow for covenant enforcement, would not be considered a material modification of the amended Service Plan and therefore not require a hearing by the Planning Commission.
8. Any property within the 4 Way Ranch Districts boundaries designated as a public school site(s), whether dedicated to El Paso County, Falcon School District No. 49, or Peyton School District No. 23, shall be exempt from the levy and collection of property tax pursuant to C.R.S. § 39-3-105. County-imposed impact fees are within the exclusive jurisdiction of El Paso County pursuant to C.R.S. §§ 29-20-103(1.5), 29-20-104, and 29-20-104.5. Nothing in this condition shall be construed to limit 4 Way Ranch District from imposing and collecting fees, rates, tolls and charges as authorized pursuant to Sec. 32-1-1001(1)(j)(I), C.R.S.
9. District No. 2 shall not be authorized to issue any bonds in excess of \$25 million until rezoning for the property within District No. 2 is perfected by recordation and until the Board of County Commissioners approves the preliminary plan(s) for the property within District No. 2.

NOTATIONS

1. In the event the El Paso County Development Services Department is requested to withhold authorization of building permits pending verification of payment of building permit fees, this arrangement may require a formal agreement, which, among other things, holds the County harmless in the event authorization is inadvertently issued without such proof of payment.
2. Approval of this Service Plan shall be in no way be construed to infer a requirement or obligation of the Board of County Commissioners to approve any future land use requests for any property within the Districts service area.
3. Approval of this application shall not constitute relinquishing or undermining of the County's authority to require the developer to complete subdivision improvements as required by the Land Development Code and Engineering Criteria Manual and to require subdivision improvements

agreements or development agreements and collateral of the developer at the final plat stage to guarantee improvements.

#4

EL PASO COUNTY



COMMISSIONERS:
DENNIS HISEY (CHAIR)
AMY LATHEN (VICECHAIR)

SALLIE CLARK
WAYNE WILLIAMS
JIM BENSBERG

DEVELOPMENT SERVICES DIVISION MAX ROTHSCHILD P.E., INTERIM DIRECTOR

ADDENDUM TO FEBRUARY 2, 2010 STAFF REPORT

TO: El Paso County Planning Commission
Steve Sery, Chairman

FROM: Craig Dossey, Project Manager III
Elaine Kleckner, Current Planning Manager
Jeff Rice, Engineer II

RE: 4-Way Ranch Metropolitan Districts No. 1 and 2 (ID-09-001): Service Plan
Amendment
Tax Schedule #: Multiple (see previous report attachment)

OWNER:
4-Way Ranch Metropolitan Districts
Attn: Peter Martz
P.O. Box 50223
Colorado Springs, CO 80949

REPRESENTATIVE:
Seter and Vander Wall, P.C.
7400 E. Orchard Road, Suite 3300
Greenwood Village, CO 80111

Commissioner District: 2

Planning Commission Hearing Date:	02/02/2010
Board of County Commissioners Hearing Date:	Continued to 03/02/2010 TBD

EXECUTIVE SUMMARY

This is a request for approval of an amendment to a consolidated Title 32 Special District Service Plan for the 4-Way Ranch Metropolitan Districts No. 1 and 2. The Districts are proposing to amend the Service Plan to allow for an increase in the amount of authorized debt from \$25 million to \$74 million. Pursuant to C.R.S. § 32-1-207, this amendment is considered a "material modification" to the approved service plan, thereby requiring a public hearing and approval by the El Paso County Board of County Commissioners. The Districts are generally located north of Judge Orr Road, between Highway 24 and Eastonville Road and are within the Falcon/Peyton Small Area Master Plan (2008) area.

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At the February 2, 2010, Planning Commission Hearing, the applicant testified in opposition to all of staff's conditions of approval, with exception to the condition prohibiting the District from covenant enforcement (previous and revised proposed condition of approval no. 7). A letter received from the applicant representative (attached), dated January 29, 2010, stated the specific reasons for the applicant opposition to staff's proposed conditions of approval.

The applicant reason for opposition to most of the proposed conditions of approval was based upon the argument that conditions were repetitive of the language included in the proposed amended Service Plan and/or Colorado law (previous conditions of approval nos. 1, 2, 3, 5, 6, and 11). At the February 2, 2010, Planning Commission Hearing, staff agreed that those conditions referenced by the applicant as being repetitive were, in fact, repetitive, but were included in the staff report so as to call the specific attention of the Planning Commission and Board of County Commissions to those provisions and to provide ease of administrative use for current and future El Paso County staff and the public. After discussing the issue with the County Attorney's Office, Development Services staff does not support altering County policy with regard to the reporting of staff reviews of special district applications at the request of this applicant (see revised proposed conditions of approval nos. 1, 2, 3, 5, 6, and 9 below).

The applicant also expressed opposition to a portion of the proposed condition of approval, which prohibited the District from applying for grant funds, including, but not limited to, Great Outdoors Colorado (GOCO) discretionary grants (previous condition of approval no. 4). The rationale behind including this portion of the condition of approval is to ensure that the Board of County Commissioners is provided notice when and if the Districts propose to apply for such funds. Any funds provided to the Districts for purpose of parks and open space are also funds that the County does not receive. It is staff's understanding that the funds are distributed on a per-resident basis, therefore, the number of residents that are counted toward the amount of funds distributed to the 4 Way Ranch Metropolitan Districts are also the number of residents that are not included toward the funds distributed to El Paso County. For that reason, staff does not support removing this condition of approval at the request of this applicant (see revised proposed condition of approval no. 4 below).

The applicant opposed the inclusion of the condition of approval whereby the school district would be exempt from any "development fees which may be imposed by the Districts" (previous condition of approval no. 10). After consulting with the County Attorney's Office, staff is proposing to revise the language of this condition as indicated in revised proposed condition of approval no. 8 below. The purpose of the revision is to include language that would distinguish between two categories of "development fees": 1) taxes and impact fees and 2) service fees. Staff is proposing to continue to exempt the applicable school districts and El Paso County from taxes and impact fees while in ownership of any dedicated parcel, but to also include addition language that does not limit the Districts' abilities to impose and collect service fees.

Finally, the applicant was in opposition to the conditions of approval that required dissolution of the Districts in the event that specific land use approvals were not obtained within a specified period of time (previous conditions of approval nos. 12 and 13). The applicant testified that the existing residents in District 1 would lose essential services if the District 1 were to be dissolved. Staff is respectful of this issue and proposes to replace those previous conditions with a condition that is based upon the language included on page 4 of the applicant's Service Plan. The Service

Plan language prohibits District No. 2 from issuing bonds until the Board of County Commissioners approves the zoning and preliminary plan for property within the boundaries of District No. 2. Staff supports this restriction, but proposes to further clarify the language by stating that District No. 2 shall not be authorized to issue any bonds until the zoning for the property within District No. 2 is perfected by recordation and until the Board of County Commissioners approves a preliminary plan for property within District No. 2. Staff does not support including a similar provision for District No. 1 given the current status of the land use applications for property within District No. 1 as nearing public hearing and because of the current existence of residents within the District.

A. STAFF RECOMMENDATION

Staff recommends approval of the proposed amended Service Plan with the following conditions and notations. It is noted that the majority of these conditions essentially paraphrase existing language in the Service Plan and formalize it as conditions.

CONDITIONS OF APPROVAL

1. As stated in the attached amended Service Plan, the maximum combined debt service and operational mill levy shall not exceed 60 mills (Gallagher-adjusted) for any property within the Districts, with no more than 50 mills devoted to debt and not more than 10 mills devoted to operations and maintenance until and unless the Districts receive Board of County Commissioner approval to increase the mill levy.
2. As stated in the attached amended Service Plan, the maximum authorized debt for the Districts shall be limited to \$74 million until and unless the Districts receive Board of County Commissioner approval to increase the maximum authorized debt.
3. Any future annexation of territory by the Districts (any territory more than five (5) miles from either Districts' boundary lines) shall be considered a material modification of the amended Service Plan and shall require prior Board of County Commissioners' approval.
4. The Districts shall not have the authority to apply for, or utilize any, Conservation Trust ("Lottery") funds. The Districts also shall not have the authority to apply for and use any other grant funds, including, but not limited to, Great Outdoors Colorado (GOCO) discretionary grants without prior approval of the Board of County Commissioners.
5. The Districts shall provide a disclosure form to future purchasers of property in a form consistent with the approved Special District Annual Report form. Such notice shall be recorded with this amended Service Plan and the most current version of the notice shall be recorded with each subsequent final plat associated with the 4 Way Ranch development. County staff is authorized to administratively approve updates of the disclosure form to reflect current contact information and calculations.

6. The Districts are expressly prohibited from creating separate sub-districts except upon prior notice to the Board of County Commissioners, and subject to the Board of County Commissioners right to declare such creation to be a material modification of the Service Plan, as set forth in C.R.S. § 32-1-1101(1)(f)(I).
7. The Districts shall be expressly prohibited from using these Districts for the purposes of covenant enforcement without the express prior approval of the Board of County Commissioners. Any future authorization to allow for covenant enforcement, would not be considered a material modification of the amended Service Plan and therefore not require a hearing by the Planning Commission.
8. Any property within the 4 Way Ranch District boundaries designated as a public school site(s), whether dedicated to El Paso County, Falcon School District No. 49, or Peyton School District No. 23, shall be exempt from the levy and collection of property tax pursuant to C.R.S. § 39-3-105, and shall be exempt from impact fees. Impact fees concerning land so designated are within the exclusive jurisdiction of El Paso County pursuant to C.R.S. §§ 29-20-103(1.5), 29-20-104, and 29-20-104.5. Nothing in this condition shall be construed to limit 4 Way Ranch District from imposing and collecting service fees (e.g. water, wastewater, etc.) as defined by Colorado law.
9. Approval of this application shall not constitute relinquishing or undermining of the County's authority to require the developer to complete subdivision improvements as required by the Land Development Code and Engineering Criteria Manual and to require subdivision improvements agreements or development agreements and collateral of the developer at the final plat stage to guarantee improvements.
10. As stated in the attached amended Service Plan, District No. 2 shall not be authorized to issue any bonds until the zoning for the property within District No. 2 is perfected by recordation and until the Board of County Commissioners approves a preliminary plan for property within District No. 2.

NOTATIONS

1. In the event the El Paso County Development Services Department is requested to withhold authorization of building permits pending verification of payment of building permit fees, this arrangement may require a formal agreement, which, among other things, holds the County harmless in the event authorization is inadvertently issued without such proof of payment.
2. Approval of this Service Plan shall be in no way be construed to infer a requirement or obligation of the Board of County Commissioners to approve any future land use requests for any property within the Districts service area.

B. BACKGROUND/ STATUS OF LAND USE APPROVALS

The property was zoned A-35 (Agricultural) on March 25, 1999, during the County-initiated zoning of eastern El Paso County. A 557 acre portion of the property was

rezoned to RR-2 (Rural Residential, 2.5 acre minimum lot size) (P-03-004) on July 10, 2003. The 2007 Land Development Code renamed the RR-2 (Rural Residential) zone RR-2.5 (Residential Rural).

The Silver Star PUD (PUD-05-016), another commercially-zoned property in the area, is located south of Highway 24 across from the 4-Way Ranch development. The Silver Star PUD was created in two phases. Phase 1 allows the continued use of agricultural uses consistent with the A-35 (Agricultural) zone district, with a limited amount of commercial development subject to special use approval. At the implementation of Phase 2, the Phase 1 uses will no longer be allowed, unless specifically approved. In Phase 2, the land uses are comparable to the CC (Commercial Community) zone district. Phase 2 is to be implemented only after water and wastewater services can be provided to the development. The PUD for Silver Star was recorded January, 2007.

On the Phase 1 area identified in the Service Plan, a preliminary plan (SP-04-001) for 137 residential lots was approved by the Board of County Commissioners on September 30, 2004. The 4-Way Ranch Filing 1 Final Plat (SF-05-031), for a portion of the 557-acre preliminary plan area, was approved May 25, 2006. A change in water supply was also approved on May 25, 2006 (SP-05-028).

A portion of the original preliminary plan area was rezoned to PUD (Planned Unit Development) by the Board of County Commissioners on March 13, 2008; under a zoning and conceptual plan (PUD-07-012). The Plan includes commercial, residential, and other uses on 76.74 acres at the intersection of Highway 24 and the proposed extension of Stapleton Road.

A PUD development plan for the 76.74 acres (PUD-07-013) is currently under review, along with a revised preliminary plan and final plat for Filing No. 2 of 4-Way Ranch.

Contrary to the developer's statement in the February 2, 2010, Planning Commission hearing, there is no County-approved sketch plan for the Phase 2 area identified in the Service Plan. A sketch plan was not required for Phase 1, prior to zoning and subdivision. See the attached map of approved sketch plans from the El Paso County GIS database and the summary of sketch plans and other major projects from the Falcon/Peyton Small Area Master Plan (2008).

The original Service Plan for the 4-Way Ranch Metropolitan Districts 1 and 2 was approved by the Board of County Commissioners on September 8, 2005 (ID-05-001). The proposed amendment to the Service Plan seeks to update the Districts' financial and improvements plans and obtain authorization for issuance of additional indebtedness.

C. ADDITIONAL ATTACHMENTS

February 2, 2010, Staff Report and Attachments

Map of Approved Sketch Plans

Summary of sketch plans and other major projects from the Falcon/Peyton Small Area Master Plan (2008)

EL PASO COUNTY



COMMISSIONERS:
DENNIS HISEY (CHAIR)
AMY LATHEN (VICECHAIR)

SALLIE CLARK
WAYNE WILLIAMS
JIM BENSBERG

DEVELOPMENT SERVICES DIVISION

MAX ROTHSCHILD P.E., INTERIM DIRECTOR

TO: El Paso County Planning Commission
Steve Sery, Chairman

FROM: Craig Dossey, Project Manager III
Elaine Kleckner, Current Planning Manager
Jeff Rice, Engineer II

RE: 4-Way Ranch Metropolitan Districts No. 1 and 2 (ID-09-001): Service Plan
Amendment
Tax Schedule #: Multiple (see attachment)

OWNER:
4-Way Ranch Metropolitan Districts
Attn: Peter Martz
P.O. Box 50223
Colorado Springs, CO 80949

REPRESENTATIVE:
Seter and Vander Wall, P.C.
7400 E. Orchard Road, Suite 3300
Greenwood Village, CO 80111

Commissioner District: 2

Planning Commission Hearing Date:	02/02/2010
Board of County Commissioners Hearing Date:	03/25/2010

EXECUTIVE SUMMARY

This is a request for approval of an amendment to a consolidated Title 32 Special District Service Plan for the 4-Way Ranch Metropolitan Districts No. 1 and 2. The Districts are proposing to amend the Service Plan to allow for an increase in the amount of authorized debt from \$25 million to \$69 million. Pursuant to C.R.S. § 32-1-207, this amendment is considered a "material modification" to the approved service plan, thereby requiring a public hearing and approval by the El Paso County Board of County Commissioners. The Districts are generally located north of Judge Orr Road, between Highway 24 and Eastonville Road and are within the Falcon/Peyton Small are Master Plan (2008) area.

The approved service plan outlines the primary purposes of the Districts to include providing a central water system and roadway and other public improvements and services, including sanitary sewer, drainage, and parks and recreation improvements.

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COLORADO SPRINGS, CO 80910-3127
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The property within the Districts' service area remains undeveloped with exception of a subdivided, single-family residential area in the southwestern-most portion of the district. Per the District's December 2009, Market Research Report, new home construction and sales are expected to continue within the Districts between 2010 and 2013, which proposed to create some mill levy revenue to be applied towards the Districts' costs. The Districts are proposing to issue \$69,000,000.00 in general obligation and/or revenue bonds to finance the necessary public improvements. Therefore, the Districts are requesting approval to incur additional debt via the issuance of 30-year bonds. The Districts propose to satisfy the debt via the previously-approved 35 mill debt service mill levy. The Districts are not proposing to increase the previously-approved mill levy caps of 50 mills for debt service or 10 mills for operations.

The Districts have estimated that a 30-year repayment period for the bonds is feasible based upon a presumption that the property within the 4-Way Ranch development will inflate in value by two (2) percent biennially, which would directly translate into an annual District revenue increase of two (2) percent per year at full build-out. In addition, the Districts' propose to account for approximately 6% of the projected trade area housing demand over the entire forecasted period (2009-2030). This means that the project would account for the absorption of 140 residential units per year (see Exhibit A of the attached Amended Service Plan).

The "Original" Service Plan was submitted August 22, 2005, which was prior to Board of County Commissioners approval of a Multiple District without Control District Model Service Plan, which occurred on June 25, 2007. Nevertheless, this plan, though not exactly similar in format, sufficiently includes the information required in the adopted Model Service Plan.

A. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice: Not required for the Planning Commission. To be advertised by the Clerk to the Board of County Commissioners prior to the anticipated March 25, 2010, hearing.

B. REQUEST/AUTHORIZATION

The request is for a recommendation to the Board of County Commissioners for approval of the Service Plan amendment.

Authorization for Chair of the Board of County Commissioners to Sign: N/A

C. STAFF RECOMMENDATION

Staff recommends approval of the Service Plan amendment with the following conditions and notations. It is noted that the majority of these conditions essentially paraphrase existing language in the Service Plan and formalize it as conditions.

CONDITIONS OF APPROVAL

1. As stated in the attached amended Service Plan, the maximum combined debt service and operational mill levy shall not exceed 60 mills (Gallagher-adjusted) for any property within the Districts, with no more than 50 mills devoted to debt and not more than 10 mills devoted to operations and maintenance until and unless the Districts receive voter approval at election to increase the mill levy.
2. As stated in the attached amended Service Plan, the maximum authorized debt for the Districts shall be limited to \$69 million until and unless the Districts receive voter approval at election to increase the maximum authorized debt.
3. Any future annexation of territory by the Districts (any territory more than five (5) miles from either Districts' boundary lines) shall be considered a material modification of the Service Plan and shall require prior Board of County Commissioners' approval.
4. The Districts shall not have the authority to apply for, or utilize any, Conservation Trust ("Lottery") funds. The Districts also shall not have the authority to apply for and use any other grant funds including, but not limited to, Great Outdoors Colorado (GOCO) discretionary grants.
5. The Districts shall provide a disclosure form to future purchasers of property in a form consistent with Exhibit B to this Resolution. Such notice shall be recorded with this Service Plan and each Final Plat associated with this development. County staff is authorized to administratively approve updates of the disclosure form to reflect current contact information and calculations.
6. The Districts are expressly prohibited from creating separate sub-districts except upon prior notice to the Board of County Commissioners, and subject to the Board of County Commissioners right to declare such creation to be a material modification of the Service Plan, as set forth in C.R.S. § 32-1-1101(1)(f)(I).
7. The Districts shall be expressly prohibited from using these Districts for the purposes of covenant enforcement without the express prior approval of the Board of County Commissioners. Any future authorization to allow for covenant enforcement, would not be considered a material modification of the amended Service Plan and therefore not require a hearing by the Planning Commission.
8. The Board of County Commissioners reserves the authority to impose a requirement for a Board of County Commissioners-appointed Citizens' Advisory Council (CAC) once the identified development thresholds are met or at any time thereafter. Upon meeting the threshold of 100 dwelling units constructed in the District, the County will schedule a hearing at which the Board of County Commissioners can determine whether formation of a CAC is necessary.
10. Any school site which may be dedicated to Falcon School District No. 49 shall be exempt from any development fees which may be imposed by the Districts at

such time as the site is formally dedicated to the County, and while the site remains in County or School District ownership.

11. Approval of this application shall not constitute relinquishing or undermining of the County's authority to require the developer to complete subdivision improvements as required by the Land Development Code and Engineering Criteria Manual and to require subdivision improvements agreements or development agreements and collateral of the developer at the final plat stage to guarantee improvements.
12. In the event that a development plan for the 4-Way Ranch Commercial PUD and a revised preliminary plan within the Phase 1 area identified in the Service Plan Amendment are not approved within one (1) year of the Board of County Commissioners' approval of the Service Plan amendment, the Districts shall initiate dissolution of the Districts, with dissolution to occur before December 31, 2011.
13. In the event that a sketch plan for the Phase 2 area identified in the Service Plan Amendment is not approved within two (2) years of the Board of County Commissioners' approval of the Service Plan amendment, the Districts shall initiate dissolution of the Districts, with dissolution to occur before December 31, 2012.

NOTATIONS

1. In the event the El Paso County Development Services Department is requested to withhold authorization of building permits pending verification of payment of building permit fees, this arrangement may require a formal agreement, which, among other things, holds the County harmless in the event authorization is inadvertently issued without such proof of payment.
2. Approval of this Service Plan shall be in no way be construed to infer a requirement or obligation of the Board of County Commissioners to approve any future land use request for this property.

D. APPLICABLE RESOLUTIONS

Approval Page 37 (Revised Resolutions)
Disapproval Page 38 (Revised Resolutions)

E. GENERAL LOCATION

Abutting zoning/existing land use:

North: A-35 (Agricultural)/Vacant

South: A-35 (Agricultural), RR-5 (Residential Rural), PUD (Planned Unit Development - Commercial)/Agriculture, single family residences and undeveloped

East: A-35 (Agricultural), RR-5 (Residential Rural), Agriculture, single family residences and undeveloped

West: PUD (Planned Unit Development), RR-2.5 (Rural Residential)/ Meridian Ranch, single-family residential

(See attached Vicinity Map)

F. BACKGROUND/ STATUS OF LAND USE APPROVALS

The property was zoned A-35 (Agricultural) on March 25, 1999, during the County-initiated zoning of eastern El Paso County. A 557 acre portion of the property was rezoned to RR-2 (Rural Residential, 2.5 acre minimum lot size) (P-03-004) on July 10, 2003. The 2007 Land Development Code renamed the RR-2 (Rural Residential) zone RR-2.5 (Residential Rural).

The Silver Star PUD (PUD-05-016), another commercially-zoned property in the area, is located south of Highway 24 across from the 4-Way Ranch development. The Silver Star PUD was created in two phases. Phase 1 allows the continued use of agricultural uses consistent with the A-35 (Agricultural) zone district, with a limited amount of commercial development subject to special use approval. At the implementation of Phase 2, the Phase 1 uses will no longer be allowed, unless specifically approved. In Phase 2, the land uses are comparable to the CC (Commercial Community) zone district. Phase 2 is to be implemented only after water and wastewater services can be provided to the development. The PUD for Silver Star was recorded January, 2007.

On the Phase 1 area identified in the Service Plan, a preliminary plan (SP-04-001) for 137 residential lots was approved by the Board of County Commissioners on September 30, 2004. The 4-Way Ranch Filing 1 Final Plat (SF-05-031), for a portion of the 557-acre preliminary plan area, was approved May 25, 2006. A change in water supply was also approved on May 25, 2006 (SP-05-028).

A portion of the original preliminary plan area was rezoned to PUD (Planned Unit Development) by the Board of County Commissioners on March 13, 2008, under a zoning and conceptual plan (PUD-07-012). The Plan includes commercial, residential, and other uses on 76.74 acres at the intersection of Highway 24 and the proposed extension of Stapleton Road.

A PUD development plan for the 76.74 acres (PUD-07-013) is currently under review, along with a revised preliminary plan and final plat for Filing No. 2 of 4-Way Ranch.

The original Service Plan for the 4-Way Ranch Metropolitan Districts 1 and 2 was approved by the Board of County Commissioners on September 8, 2005 (ID-05-001). The proposed amendment to the Service Plan seeks to update the Districts' financial and improvements plans and obtain authorization for issuance of additional indebtedness.

G. STATUS OF MAJOR ISSUES

This is a multiple district without control district arrangement that is generally consistent with the Board of County Commissioners' June, 2007, Special District Policies and with the requirements for use of Multiple District without Control District Model Service Plan. Many of the County's policies are explicitly addressed in the Service Plan. The majority of the proposed conditions excerpt and highlight language already contained in the Service Plan. The major policy issues, such as they are, include the following:

- 1) County staff provided comments to the applicant. The applicant adequately responded to each of the comments.

H. APPROVAL CRITERIA

1. STATUTORY COMPLIANCE

The following is a summary of staff's analysis the compliance of this request with the standards and criteria in Section 32-1-203(1) of the Colorado Revised Statutes.

Required findings

I. Sufficient existing and projected need

The District is requesting an amendment to the approved Service Plan, including increasing the amount of authorized debt from \$25 million to \$69 million. No new Title 32 Special District will be authorized with an approval of this request. Note also that the underlying land use approvals are not yet in place. A PUD development plan for the 76.74 acres adjacent to Highway 24 (PUD-07-013) is currently under review, along with a revised preliminary plan and final plat for Filing No. 2 of 4-Way Ranch. Consistent with past practice, staff recommends that the zoning and preliminary plan approvals for this Phase 1 area be obtained within one (1) year of Board of County Commissioners' approval, and that sketch plan approval be obtained for the Phase 2 area within two (2) years.

II. Existing service is inadequate for present and projected needs

The purpose of the request is to increase the authorized amount of indebtedness in order to finance the necessary public improvements. By developing the necessary facilities, the Districts will be able to maintain and provide an adequate level of services to the existing and proposed residents within the Districts' service area.

III. District is capable of providing economical and sufficient service

Pursuant to the analysis and conclusions of the District's December, 2009, financial plan, which is included as an exhibit to the amended Service Plan, the Districts propose to allow services to be provided to the Districts' service areas in an economic and sufficient manner.

IV. Financial ability to discharge proposed indebtedness

Pursuant to the Districts' Market Study (see attached), the Districts will have the financial ability to discharge debt if market absorption takes place as anticipated and/or the funding obligations of the Districts are either reduced or phased in appropriately in the event of future economic downturn.

Discretionary findings

The following findings are discretionary on the part of the Board of County Commissioners:

I. Adequate service is or will not be available through other sources
As discussed above, the Districts may contract with other entities to provide sanitary sewer service. Other sources are not well positioned to provide the other necessary services.

II. Facility and service standards compatible
The public facilities to be constructed and dedicated will need to meet the applicable El Paso County standards.

III. Compliance with master plan
This property falls within the Falcon/Peyton Small Area Master Plan (2008) area. The Plan supports urban development in the project area. In addition, the Stapleton Road/Highway 24 and Elbert Road/Highway 24 intersections are identified as potential nodes of activity where development and infrastructure are expected to be concentrated in the future.

Staff notes that the attachments to the Service Plan amendment show residential development throughout the Phase 2 area at approximately six (6) units per acre. In contemplation of the development of the sketch plan, staff has encouraged the developer to apply more of a clustering and master planned community concept for consistency with the following provisions in Section 4.3.1 of the Falcon/Peyton Small Area Master Plan:

"Urban growth in these areas will be intermixed with existing rural residential land uses, and new urban developments should be small and dense, surrounded by lower density uses, preferably open space."

"These large parcels can more easily be developed in a forward-looking, holistic fashion that creates mixed use communities with employment, public space, and well-designed, efficient transportation and infrastructure networks. The areas are large enough to allow phased and transitioned development to occur in a manner which creates community separation and buffers between these potential communities and lower density and rural areas."

A finding of consistency with El Paso County Master Plan was made by the Board of County Commissioners with the zoning and conceptual plan approval for the commercial PUD area (PUD-07-012) in Phase 1.

The applicable policies in Section 14 of the El Paso County Policy Plan (1998), as they relate to the creation of Title 32 Special Districts are addressed separately and have generally been met. Staff recommends the request generally complies with the El Paso County Master Plan.

IV. Compliance with water quality management plan
This criterion is applicable since the project will have a central wastewater system. This issue was previously addressed when the Districts were established and the proposal was found to be in compliance with the water quality management plan.

- V. In the best interests of the area to be served**
See other service provision discussions in this staff report.

2. COMPLIANCE WITH 2007 SPECIAL DISTRICT POLICIES
(The County's Special District Policies, dated June 25, 2007, are included as an attachment. The following is a summary of the analysis of those policies as they apply to this request.)

- I. Conformity with statutory standards**
(See discussion above)

- II. Conformity with County Master Plan and Polices**
(See staff discussion above and below)

- III. Content in conformance with statutes**
To the knowledge of staff, the process followed to this point has been consistent with the requirements of Colorado statutory law.

- IV. Applicant responsible for meeting time lines**
The Districts submitted the special district application in a timely manner, sufficient enough to allow staff adequate time to properly review the application.

- V. Limiting proliferation of districts**
Approval of this service plan amendment for the existing Districts will not create a new Title 32 Special District, nor will it expand the existing boundaries of the existing service area.

- VI. Coordination with other elected officials and departments**
The Districts have fully coordinated with all applicable departments and has provided sufficient lead time to allow for a technical review of the proposed Service Plan amendment.

- VII. Address potential for annexation**
Annexation to the City of Colorado Springs is not practical at this time. The municipal boundary is approximately four miles from the project area and existing municipal services are at least four miles further away from the municipal boundary.

- VIII. Development Analysis**
A development analysis has been provided consistent with the adopted Board of County Commissioners policies. The analysis is considered adequate by staff. Staff has commented to the applicant that the absorption forecast appears somewhat optimistic. The applicant believes that the forecasts and the underlying assumptions are reasonable and is prepared to provide further justification, if required.

IX. Mill Levy Caps

Debt Service Mill Levy Cap

The Districts are not proposing to increase the previously-approved debt service mill levy cap of 50 mills. A cap of 50 mills is consistent with the adopted Board of County Commissioners policies, and is acceptable to staff.

Operational Mill Levy Cap

The Districts are not proposing to increase the previously-approved operational mill levy cap of 10 mills. A cap of 10 mills is consistent with the adopted Board of County Commissioners policies, and is acceptable to staff.

X. Master Districts

The County's Policies discourage the use of master districts in favor of options for single or multiple districts without control districts. The master district configuration is not used or proposed by the Districts.

XI. Multiple Districts

A multiple district service plan configuration was previously approved for the existing Districts. This requested service plan amendment does not propose to alter that configuration.

XII. xii. Skeletal Service Plans

This is a complete amended Service Plan, therefore this policy does not apply.

XIII. Authorization of Debt and Issuance of Bonds

An increase in the maximum amount of authorized debt from \$25 million to \$69 million is being proposed with this requested service plan amendment.

3. POLICY PLAN COMPLIANCE

Staff recommends the Service Plan is in compliance with El Paso County Policy Plan (1998) and particularly with Section 14 of that document.

4. COMPLIANCE WITH COUNTY PROCEDURES AND GUIDELINES

Staff believes the submittal is in compliance with all adopted processing procedures and guidelines as refined with the concurrence of staff.

5. OTHER FACTORS

Not applicable with this request.

I. SERVICES

1. WATER

The Districts will continue to develop a central water system and are hereby requesting authority to incur additional bonded indebtedness for needed facilities.

2. WASTEWATER

Sanitary sewer service may be provided via the Paint Brush Hills treatment facility (served by Woodmen Hills Metropolitan District or through Santa Fe Springs (served by Sunset Metropolitan District). Alternatively, the Districts could develop the system.

3. TRANSPORTATION

In most or all cases, the role of the Districts will be to oversee construction of the transportation infrastructure needed to serve the 4-Way Ranch development and dedication of these facilities to the County. The Districts would not be involved in maintenance of transportation facilities other than possibly the maintenance of private roads and/or some trail facilities.

4. DRAINAGE

The role of the Districts regarding drainage improvements will be largely to construct stormwater facilities such as storm sewers, detention ponds, and permanent water quality best management practices (PBMPs), and to maintain these facilities.

5. PARKS AND RECREATION

El Paso County plans envision a regional trail link along Highway 24 and Eastonville Road. Both Districts are expected to include public open space, parks, and trail improvements.

6. FIRE PROTECTION

The Falcon Fire Protection District will serve the development.

7. COMMUNITY FACILITIES

Not applicable.

8. OTHER FACILITIES OR SERVICES

Mountain View Electric provides electrical service to the area.

J. RELATIONSHIPS TO OTHER DISTRICTS OR MUNICIPALITIES

As described at length above, the Districts may have a contractual relationship with other entities to provide sanitary sewer service.

K. SCHOOL DISTRICT IMPACTS OR CONCERNS

Falcon School District No. 49 was provided a copy of the letter of intent and the amended service plan. No comments were received from the School District.

L. PUBLIC COMMENT AND NOTICE

There are no posting or mailing requirements for this Planning Commission hearing. However, staff provides a courtesy notice to those property owners located within the boundaries of the Districts' service area. The notice was sent to 16 property owners on January 14, 2010. One phone inquiry was received requesting clarification of the proposed amendment. No other responses have been received.

The Board of County Commissioners hearing does have notice requirements. The applicants will notify all taxing jurisdictions within three (3) miles of the District as required by statute prior to the Board of County Commissioners hearing.

M. OUTSTANDING CONCERNS

See detailed analysis throughout this staff report. There are no outstanding concerns which would preclude this item from being scheduled for hearing or create the need for special consideration. The remaining issues regarding the optimism of the Districts' Market Research Report and Financial Plan have been identified above and/or will be presented at the hearing.

N. ATTACHMENTS

Vicinity Map

2007 El Paso County Special District Polices

Amended Service Plan, including:

- Exhibit A- Market Research Report;
- Exhibit B- Financial Plan;
- Exhibit C- Description of Districts' Facilities and Costs;
- Exhibit D- Phase I and Phase II Roadway Facilities; and
- Exhibit E- Updated Central Water and Wastewater System Facilities Plan.

El Paso County Parcel Information

Parcel Number: 4233201002

Parcel Address: 0 32-12-64

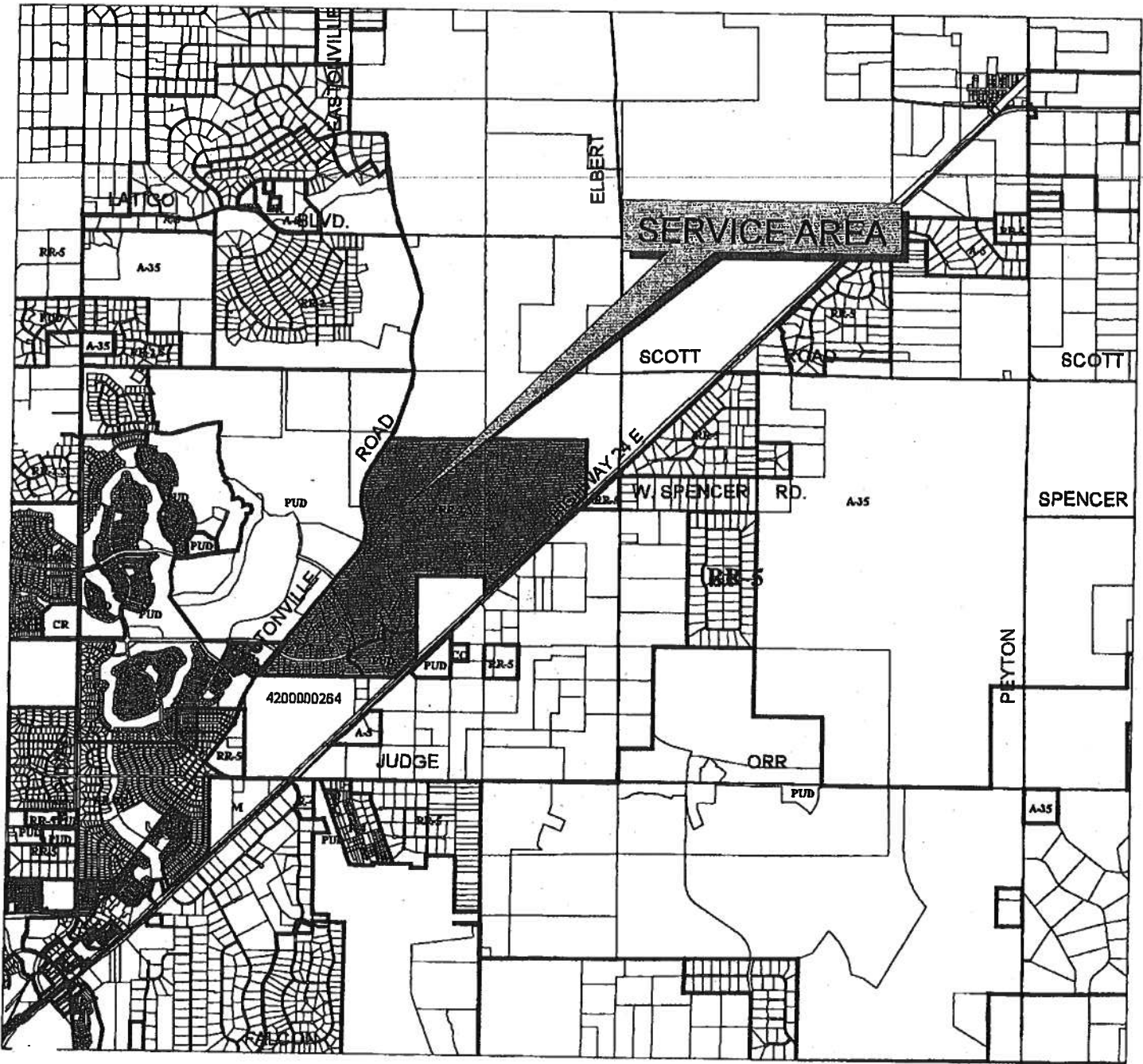
Parcel Owner: FERGUSON DANIEL S

Parcel Owner 2: FERGUSON TIA D

File Name: ID-09-001

Zone Map No.: 423.32

Owner Mailing Address: 13202 JUDGE ORR RD, PEYTON, CO 80831



Please report any discrepancies to:
El Paso County GIS/Mapping
325 S. Cascade
Colorado Springs, CO 80903
(719)520-6523

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January 21, 2010



EL PASO



COUNTY

COMMISSIONERS:
DENNIS HISFY (CHAIRMAN)
AMY LATHEN (VICE CHAIR)

SAMUEL CLARK
WAYNE WILLIAMS
JIM BENSBERG

DEVELOPMENT SERVICES DEPARTMENT

January 30, 2010

Seter & Vander Wall, P.C.
7400 East Orchard Road, Suite 3300
Greenwood Village, CO 80111

*Max Rothschild
- Dir Dev Services*

Dear Applicant:

Subject: 4 Way Ranch Metro Districts Service Plan Amendment – Special District Amendment (ID-09-001) – Staff’s Response to Applicant’s Objections/Proposed Revisions to the Staff Report Conditions of Approval

This letter is in response to your letter dated January 29, 2010, which included objections to staff’s proposed conditions of approval for the 4 Way Ranch Metro Districts Service Plan Amendment schedule for the February 2, 2010, El Paso County Planning Commission hearing. Included herein are justifications/revisions/clarifications for each condition of approval in question.

Condition of Approval Numbers 1, 3, 5, 6, and 11 (Renumbered as Condition of Approval Number 10):

The applicant claims that these conditions are unnecessary and are repetitive of other restrictions and limitations that apply to the District. Staff agrees that these conditions are somewhat repetitive, as noted in the language preceding the aforementioned conditions of approval, which states, “It is noted that the majority of these conditions essentially paraphrase existing language in the Service Plan and formalize it as conditions.” Staff does not, however, find these conditions to be unnecessary from an internal staff processing point of view. The purpose of repeating these requirements in the form of conditions of approval is ensure consistency in staff presentation to the hearing bodies and to provide clarification to the hearing bodies, those individual property owners that are or will be included within the service area of the Districts, and the general public as to the qualitative and quantitative restrictions and limitations that are to apply to the 4 Way Ranch Metropolitan Districts. This type of clarification, which is typically included in all El Paso County staff reports pertaining to the reviewed of Special District service plans, not only enhances the future ease of administrative research of such restrictions and limitations, but, as the cited language above states, it also formalizes the specific restrictions and limitations within the staff report and ultimately within the resulting Board of County Commissioners decision.

These conditions will not be removed from the staff report.

Condition of Approval Number 2:

With regard to the first part of the applicant’s objection to this condition, the same discussion provided above in staff’s response to Condition Numbers 1,3, 5, 6, and 11 above would

EL PASO



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Condition of Approval Numbers 1, 3, 5, 6, and 11 (Renumbered as Condition of Approval Number 10):

The applicant claims that these conditions are unnecessary and are repetitive of other restrictions and limitations that apply to the District. Staff agrees that these conditions are somewhat repetitive, as noted in the language preceding the aforementioned conditions of approval, which states, “It is noted that the majority of these conditions essentially paraphrase existing language in the Service Plan and formalize it as conditions.” Staff does not, however, find these conditions to be unnecessary from an internal staff processing point of view. The purpose of repeating these requirements in the form of conditions of approval is ensure consistency in staff presentation to the hearing bodies and to provide clarification to the hearing bodies, those individual property owners that are or will be included within the service area of the Districts, and the general public as to the qualitative and quantitative restrictions and limitations that are to apply to the 4 Way Ranch Metropolitan Districts. This type of clarification, which is typically included in all El Paso County staff reports pertaining to the reviewed of Special District service plans, not only enhances the future ease of administrative research of such restrictions and limitations, but, as the cited language above states, it also formalizes the specific restrictions and limitations within the staff report and ultimately within the resulting Board of County Commissioners decision.

These conditions will not be removed from the staff report.

Condition of Approval Number 2:

With regard to the first part of the applicant’s objection to this condition, the same discussion provided above in staff’s response to Condition Numbers 1,3, 5, 6, and 11 above would

apply. Therefore, this condition will also not be removed from the staff report and the condition will be revised to include the correct indebtedness amount pursuant to a clerical correction on behalf of the applicant (see proposed incorporated correction below).

With regard to the second part of the applicant's objection to this condition, staff concurs in part and objects in part to the proposed revision of the condition of approval. Staff proposes the following revision to the applicant's requested change:

2. *As stated in the attached amended Service Plan, the maximum authorized indebtedness for these combined Districts shall be \$74 million without express prior authorization of the Board of County Commissioners. Any increase in the authorized debt beyond this amount shall constitute a material modification of the amended Service Plan.*

Condition of Approval Number 4:

With regard to the first part of the applicant's objection to this condition, the same discussion provided above in staff's response to Condition Numbers 1, 3, 5, 6, and 11 above would apply. Therefore, this portion of the condition will also not be removed from the staff report.

With regard to the second part of the applicant's objection to this condition, there is no discussion within the proposed amended Service Plan pertaining to the potential use of Great Outdoors Colorado grants. Therefore, staff concluded that requested approval of the amended Service Plan, including the financial plan, would not need to anticipate the inclusion of such funds in order to ensure strict compliance with C.R.S. § 32-1-202(2). In the event that such funds are anticipated for potential use in conjunction with the provided financial plan, then it would be appropriate to include the necessary language within the proposed amended Service Plan.

Condition of Approval Number 8:

Staff concurs with the applicant's request for removal of this condition from the staff report as this condition was erroneously included.

Condition of Approval Number 10 (Renumbered as Condition of Approval Number 9):

Staff will work with the County Attorney's Office to provide a response to the applicant. Therefore, a response is pending.

Condition of Approval Numbers 12 and 13 (Renumbered as Condition of Approval Numbers 11 and 12):

Staff agrees in part and disagrees in part with the applicant's objections to these conditions. While the applicant is correct in identifying that district applicants are "encouraged to obtain Underlying Land Use Approvals prior to, or at a minimum, in conjunction with service plan application," the County policies go on to state the following:

In those cases where an applicant desires to process a service plan prior to final action on underlying land use approvals, the burden shall be on the applicant to justify the necessity of this timing, sufficient conditions shall be placed on the service plan to address potential subsequent denial or modification of the land use applications, and notations shall be added making it clear that the County has no obligation

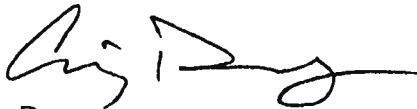
whatsoever to approve subsequent land use applications in cases where applicant may chose to process service plans in advance of obtaining underlying land use approvals.
(Emphasis mine)

Pursuant to this section of the adopted Policies, staff is compelled to include conditions of approval addressing the timing of the underlying land use approvals (per the language stating, "sufficient conditions shall be placed on the service plan to address potential subsequent denial or modification of the land use applications"), especially since the applicant has failed to address the proposed timing within the text of the proposed Service Plan amendment, as is required above by the language that states, "the burden shall be on the applicant to justify the necessity of this timing."

These conditions will not be removed from the staff report.

If you have any questions feel free to contact me at (719) 520-7941.

Best Regards,



Craig Dossey
Project Manager III
El Paso County Development Services Department

cc: Elaine Kleckner, Planning Manager
Jeff Rice, Engineering II
File: ID-09-001

1. It is the policy of El Paso County to further and encourage full, balanced, clear, convenient and constructive disclosure of special district information to all potentially effected parties especially including existing and potential future residential property owners.
2. Notice and disclosure should specifically address topics including but not necessarily limited to unique representational issues (e.g. master districts), dissemination of contact and basic financial information to property owners, and apprising tax and rate payers of their potential maximum financial risk and exposure associated with owning property in the district(s)
3. All districts shall file an Annual Report and Disclosure form in accordance with Resolution 06-472, as may be amended.

H. Non-Proliferation and Need for Districts. Notwithstanding the many factors which may create a justification to form one or more new and independent special district(s), it is the policy of the County to discourage the unnecessary proliferation of additional districts in the County.

1. All proposals for new districts shall clearly and comprehensively justify their need compared with alternatives including using existing districts or non-special district options.
2. Plans for new districts shall be designed and implemented to allow reasonable options for inclusion of additional property; thereby reducing the necessity of creating additional districts in the future.
3. Although the County supports the reasonable and judicious inclusion of additional territory by existing and proposed new districts, conditions should be placed on new and revised service plans to limit the potential for inclusion of remote properties unless these actions were anticipated in the original service plan.
4. Service Plans should be written with contingences that contemplate eventual annexation of territory by a municipality, in cases where this is a significant possibility.

X I. Land Use Approvals. Applicants for developer-initiated districts are encouraged to obtain Underlying Land Use Approvals prior to, or at a minimum, in conjunction with service plan application. In those cases where an applicant desires to process a service plan prior to final action on underlying land use approvals, the

burden shall be on the applicant to justify the necessity of this timing, sufficient conditions shall be placed on the service plan to address potential subsequent denial or modification of the land use applications, and notations shall be added making it clear that the County has no obligation whatsoever to approve subsequent land use applications in cases where applicants may chose to process service plans in advance of obtaining underlying land use approvals.

J. Fees. Within the limits of State Statutes, it is the policy of the County to establish and charge fees commensurate with the actual cost of processing and reviewing of new and amended service plans. Such fees are established by separate Board resolution, and may be waived or reduced by the Board of County Commissioners either in advance of or in conjunction with the hearing on a given service plan. Justifications for fee waiver or reduction include, but are not limited to:

1. County-initiated or partnered service plans.
2. Reduced fee based on limited non-controversial modification to an existing Service Plan.
3. Processing of service plans for volunteer initiatives and/or for districts with limited proposed indebtedness and revenue generation.

IV. SERVICE PLAN REQUIREMENTS & PROCEDURES

A. Development and Financial Analysis. A development analysis shall be required prior to formation or full authorization of all proposed districts which rely significantly on future development to meet financial projections

1. At a minimum, the development analysis shall include a summary of the anticipated development within the district described by applicable category and with development absorption projected throughout the applicable forecast period.
2. A summary financial analysis shall be provided to correspond with the development analysis. This financial analysis shall include, a first year revenue budget, a summary of projected revenues, expenditures, and proposed debt issuances over the forecast period, and at a minimum shall address the requirements of C.R.S. 32-1-202 (2) (b) and (f).
3. The development analysis and financial plan shall address the "most probable" market absorption assumptions at a minimum, but shall also specifically address contingencies in the event initial development is

MEMORANDUM

To: El Paso County Colorado, Development Services Department

Date: January 29, 2010

Re: Response to Staff Report for February 2, 2010 Planning Commission Hearing on the Amendment to 4-Way Ranch Metropolitan Districts No. 1 and 2 Consolidated Service Plan

In connection with the October 13, 2009 submittal of the Amendment to 4-Way Ranch Metropolitan Districts No. 1 and 2 Consolidated Service Plan, the Districts have provided the statements below responding to the Staff Report for the February 2, 2010 Planning Commission hearing. The responses were provided by the following District representatives:

- Eastbrook Development, Inc./Plainview Properties, LLC, 935 Development Inc., Developer
- JDS-Hydro Consultants, Inc., Districts engineer
- Simmons and Wheeler, P.C., Districts accountant
- Seter & Vander Wall, P.C., Districts legal counsel

Responses to the specific conditions contained in the Staff Report are individually addressed below:

Condition Number 1:

This condition is confusing as written, and unnecessary. The Staff Report states that the Districts' mill levy cap restrictions are only removable or altered with *voter approval*. The condition confuses *County* approvals with *voter* authorization. The District, by the provisions of the state constitution and the Colorado Revised Statutes, is subject to voter authorization as a condition to the levy of, or increase in, taxes and issuance of debt. The *County* however, has further limited the Districts' authority by the imposition of mill levy caps as provided in both the Districts' 2005 Service Plan *and* in the County's Resolution No. 05-381 approving the Districts' Service Plan. The condition is therefore unnecessary, as it is already imposed upon the District in the more restrictive form through the Service Plan and County Resolution.

Condition Number 2:

This condition is unclear as written, and unnecessary; it also contains the Districts' clerical error. Similar to the Districts' response to Condition Number 1, above, the Staff Report states that the Districts' debt authorization may only be increased with *voter approval*. Again, this condition confuses *County* approvals with *voter* authorization. The Districts are independently subject to the state constitution and statutes, and by such laws, the Districts must therefore have voter approval to authorize any debt. The *County* however, has further limited the Districts' authority by placing a maximum authorized debt limit contained in the Service Plan *and* in the County's Resolution No. 05-381 approving the Districts' Service Plan.

To: El Paso County Colorado, Development Services Department
Re: Response to Staff Report for February 2, 2010 Planning Commission Hearing re Service Plan
Amendment – 4-Way Ranch Metropolitan Districts 1 and 2
January 29, 2010
Page 2 of 5

The Staff Report describes the requested debt increase as \$69,000,000. The actual requested debt increase is \$74,000,000. There was a clerical error in the Service Plan Amendment draft text which identified the proposed debt issuance as “Forty-nine Million Dollars” in word format, but was also described as \$54,000,000 (numerically), which is also the amount identified in the attached revised Financial Plan. Therefore, the combined proposed debt issuance, adding the District No. 1 amount of \$20,000,000 to the amount proposed for District No. 2 of \$54,000,000 is a total of \$74,000,000. Per our recent conversations, we have corrected this error and forwarded to you the corrected documents in electronic and hard copy format.

We therefore request that the condition be revised to read as it did in the original Service Plan and resolution with slight modification and the increased debt amount:

As stated in the Service Plan and Amendment to Service Plan, the maximum authorized indebtedness for these combined Districts shall be \$74 million (seventy-four million dollars) without express prior authorization of the Board of County Commissioners. Any increase in authorized debt beyond this amount shall constitute a material modification of the Service Plan.

Condition Number 3:

The proposed condition is unclear as written, and unnecessary. County Resolution No. 05-381 limits the Districts’ authorized annexations to property within five miles from their boundaries; it reads as follows:

“Any future annexation of territory by either of these two (2) Districts which encompasses any territory more than five (5) miles from any of the current proposed District boundary lines shall be considered a material modification of the Service Plan and shall require prior Board of County Commissioners’ approval.”

Because the limitation has already been imposed by the County, the proposed new condition is not necessary and should be removed.

Condition Number 4:

The Districts object to this condition. The Districts are already subject to a prohibition from use of the Conservation Trust (“Lottery”) funds, per the County’s Resolution 05-381. The proposed condition would extend this limitation to eliminate the Districts’ opportunity to any funds available through the Great Outdoors Colorado grant program. The Districts object to this condition, as the award of GOCO grant funds would be potentially beneficial to eligible park and/or open space projects, that could be enjoyed by County and District constituents. The County’s 2007 Special District Policy does not address the use of Conservation Trust Funds and Great Outdoors Colorado grants, and there is no reasonable rationale for the application of this additional limitation, which may have beneficial impact if allowed.

Condition Number 5:

This condition is unnecessary. The Districts are already required under the Service Plan to provide the County with an annual report using the County’s form, which is then posted on the County’s

To: El Paso County Colorado, Development Services Department
Re: Response to Staff Report for February 2, 2010 Planning Commission Hearing re Service Plan
Amendment – 4-Way Ranch Metropolitan Districts 1 and 2
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Page 3 of 5

website for public review. The Districts' have fulfilled this requirement since its inception, and continue to be obligated to annually prepare and submit this report. The Districts are also statutorily required to provide a transparency notice containing similar information for public disclosure. *See*, § 32-1-809, C.R.S. The Districts' Order and Decree Organizing the District is also recorded against the property and should appear on a potential buyer's title work giving the buyer notice of the existence of the Districts. The County's 2007 Special District Policy does not require the annual report and disclosure form be recorded. The "public disclosure" purpose behind the condition requiring the recording of the annual report with the final plat is met in numerous ways; the condition should be removed.

Condition Number 6:

This condition is a re-statement of an already existing statutory requirement, as cited in the condition. It is unnecessary to re-state and apply conditions upon the Districts that are already in place.

Condition Number 7:

We do not have any objections to this condition.

Condition Number 8:

This condition is not applicable to the 4-Way Ranch Metropolitan Districts No. 1 and 2. The formation of a Citizen's Advisory Committee specifically only applies to Master Districts in the County's 2007 Special District Policy. The 4-Way Ranch Metropolitan Districts No. 1 and 2 are not control or "master" districts. The Districts' entire electorate has direct access to the Board of the Directors and may run for a seat on the Board through the election process. A CAC is unnecessary in this case and is contrary to the County's existing policies. This condition should be removed.

Condition Number 9:

There was no condition number 9 noted.

Condition Number 10:

This condition would have the County cause the exemption of District-imposed development fees upon any school site which may be dedicated to Falcon School District No. 49. The Districts object to this condition for several reasons. The Districts are concerned about the requirement and its implication as a violation of the constitutional provision which requires all governmental taxes and fees be equitably and uniformly imposed within its territory. *See* Art. X, sec. 3, Colo. Const. Among the purposes behind this constitutional provision is to assure that all property pay its fair and equitable proportion of revenue necessary for governmental purposes. Has the County identified the Falcon School District No. 49 as being a special class which is entitled to an exemption? Such an exemption has caused financial difficulties for the County in the past (such as the recently constructed Falcon High School and exemption from impact fees leaving a deficit for funding the required roadway), and is likely to cause similar financial difficulties for the Districts as well, if imposed.

The Districts are concerned over the lack of a definition for a "development fee" which could be broadly interpreted. The Districts currently impose a water resource development fee, in addition to tap fees. It appears these current District fees could be interpreted to fall into the suggested exemption, without any definition. This condition should be removed.

To: El Paso County Colorado, Development Services Department
Re: Response to Staff Report for February 2, 2010 Planning Commission Hearing re Service Plan
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Condition Number 11:

This condition is unnecessary as it re-states provisions of the existing County Code and should be removed.

Conditions Numbers 12 and 13:

These two conditions impose a one-year time frame for a County-approved development plan for the 4-Way Ranch Commercial PUD and a revised preliminary plan within the Phase 1 area, and a two-year time frame for a County-approved sketch plan for the Phase 2 area. Failure to meet either of these conditions mandates dissolution of the Districts. These conditions are extraordinarily problematic for the Districts, the property owners, the developer and the surrounding communities, and should be eliminated.

The 2007 Special District Policy states that districts are “encouraged” to obtain underlying land use approvals prior to or in connection with the service plan submittal and that if this is not possible then “sufficient conditions shall be placed on the service plan.” Here, the proposed conditions are unreasonable, impossible to meet and appear to be without precedent.

First, the imposition of a land use application and specified time restriction is not reasonable. The Districts own and operate the District Facilities, but the Districts do not own or control ownership of the land within the District boundaries. The District cannot compel or force a property owner to submit and gain approval of a land use item, particularly within a specified time frame. The property owner and/or developer can make application to the County, but have no control over the time it takes for staff review, staff comments, or if and when an item is scheduled for public hearing. The County typically takes longer than one year to approve land use applications; the County’s activities required to reach approval are outside the developer’s control and are at the County’s discretion.

Even if the Districts were able to request an extension of time for the approvals, such approval would constitute a material modification of the service plan which is costly to the Districts and the taxpayers.

We are presuming the County’s rationale behind the time limit for land use approvals is to protect the Districts’ taxpayers and minimize financial risk related to District debt. However, there are already sufficient safeguards in place imposed by the Constitution, Colorado special district and municipal bond statutes, the bond market, and the County’s limitations already existing in the Service Plan.

First, Article X, Section 20 of the Constitution (TABOR) provides safeguards through a voter approval process for debt.

Second, the Colorado Special District Act was amended in the 1990s to incorporate statutory limitations on the issuance of debt, to avoid the ability of a district to put its property owners at financial risk. These restrictions include limitations on the total principal amount of general obligation debt that may be issued to the greater of \$2,000,000.00 or 50% of the assessed value of the taxable property in the district unless the debt meets certain ratings or security tests, or unless the debt is payable from a limited debt service mill levy capped at 50 mills. *See*, § 32-1-1101(6), C.R.S.

To: El Paso County Colorado, Development Services Department
Re: Response to Staff Report for February 2, 2010 Planning Commission Hearing re Service Plan
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Third, the Colorado Municipal Bond Supervision Act was enacted to protect special district property owners and special district bond investors. This Act grants the securities commissioner oversight authority for special district bonds and requires the registration of the bonds with the division of securities unless the bond issuance is exempt. *See*, §§ 11-59-106 and 11-59-110, C.R.S. The Act also contains debt limits, disclosure requirements, additional powers for the approving local government and limits on financing that effectively limit the mill levy rate.

Fourth, the County has imposed its own maximum debt limitations and mill levy caps onto the Districts. These limitations have been discussed above.

Finally, the current financial market also indirectly controls how much debt the Districts might issue, because it is difficult to find investors for special district bonds unless the deal will cash flow at no more than 50 mills. Municipal bond underwriters, no matter how much they like to issue bonds, do not like to sell bonds that are likely to default for their investors. The Districts would be unable to market \$74 million dollars in bonds at this time.

A very important aspect that appears to be overlooked if this proposed condition were to be applied is that the Districts have existing facilities currently in operation, including a central water system and distribution system. If the Districts are dissolved, another entity, most likely the County, will need to take over the maintenance and operations of the facilities to ensure the existing District residents and Woodmen Hills continue to receive water service. The Districts are also obligated to assist in the funding and construction of the Stapleton Road expansion, and have plans to incorporate open space and trail systems within the project. If the Districts were to dissolve, then it is likely that the County would be the only viable entity who will be solely responsible for the construction and funding of the project; the trails and open space will not be funded.

Lastly, statutory dissolution provisions require a dissolution financial plan be approved by the Court. The dissolution plan would need to address which entity would take over the operations and maintenance of the Districts' facilities and any other financial obligations of the Districts. Because the Districts have existing financial obligations in the form of operations and maintenance of the central water system, an election would be ordered by the Court for voter approval of the dissolution. Approval of the dissolution and financial plan is not a guaranteed outcome. These are costly procedures that ultimately do not benefit the residents of the Districts or the County, as it will be encumbered with additional unanticipated operations and maintenance obligations.

The County should allow the existing constitutional, statutory and Service Plan provisions address the financial protections which are intended. These conditions should be removed.

Staci A. Usagani

From: Staci A. Usagani
Sent: Thursday, January 28, 2010 5:03 PM
To: 'Craig Dossey'
Cc: Barbara Vander Wall
Subject: 4-Way Ranch SP Amendment
Attachments: 1st Amdmt to Cons Serv Plan 12.29.09 SAU1300.pdf

Craig:

Per our telephone conversation, attached is a revised Amendment to Service Plan correcting the administrative (and math) error to reflect the total GO debt authorization of \$74,000,000.00. As requested, I will mail you three hard copies.

Thank you,
Staci

Staci A. Usagani, Esq.
Seter & Vander Wall, P.C.
7400 E. Orchard Road, Suite 3300
Greenwood Village, CO 80111
303-770-2700 phone
303-770-2701 fax
susagani@svwpc.com
www.svwpc.com

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1/29/2010

January 28, 2010

El Paso County
c/o Craig Dossey
El Paso County Planning Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

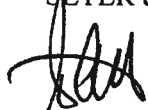
Re: Amendment to Consolidated Service Plan for the 4-Way Ranch Metropolitan Districts No. 1 & 2

Dear Mr. Dossey:

In connection with our telephone conversation regarding the administrative error concerning the total authorized general obligation debt on the submitted Amendment to Service Plan, enclosed are three copies of the revised Amendment.

If you need any additional information, or should you have any questions, please feel free to contact me.

Very truly yours,
SETER & VANDER WALL, P.C.



Staci A. Usagani

/sau
Enclosures

4WAYRANCH\SPlanAM SAU1705 0735.0003E

4-WAY RANCH METROPOLITAN DISTRICTS NO. 1 & 2
FIRST AMENDMENT TO CONSOLIDATED SERVICE PLAN
El Paso County, Colorado

Submitted December 29, 2009, as corrected

I. INTRODUCTION

The Consolidated Service Plan (the "Original Service Plan") for the 4-Way Ranch Metropolitan Districts No. 1 & 2 (the "Districts") was approved by the Board of Commissioners of El Paso County on September 8, 2005 by County Resolution 05-381 ("County Resolution").

This First Amendment to the Consolidated Service Plan is submitted to the County for the purpose of updating the Districts' financial and improvements plans and authorizing the issuance of additional indebtedness, in order that the Districts may finance, construct and install additional improvements within the Districts.

Except as noted herein, the Districts' financial and jurisdictional limitations incorporated in the original Service Plan and County Resolution have not been modified, including the Districts' existing debt service and operations mill levy caps.

II. HISTORICAL BACKGROUND and EXECUTIVE SUMMARY

The Districts were organized in 2005 to serve the needs of a new predominantly residential community, with some commercial property and open space, known as "4-Way Ranch." The primary purpose of the Districts is to provide a central water system, roadway and other necessary public improvements and services for the use and benefit of the Districts' inhabitants and taxpayers, including sanitary sewer, drainage, roadway and park and recreation improvements.

The 4-Way Ranch Metropolitan Districts encompass the 4-Way Ranch development project, divided into two phases. The 4-Way Ranch project is generally located in north central El Paso County known as the Falcon area, between Eastonville Road and Highway 24 north of Stapleton Drive totaling 1,325 acres, planned for residential and commercial land uses. Current development activity in the project includes nine residential homes constructed in District No. 1. The 4-Way Ranch project has an anticipated build-out of approximately eight years for the first phase, and approximately twenty-one years to complete the second phase.

Since its formation, a central water system and related public improvements have been constructed and dedicated to District No. 1 for operation and maintenance. These water system improvements include wells, a water filtration plant building, piping, fire hydrants, and a 522,000 gallon potable water storage tank, constructed and installed within 4 Way Ranch Filing No. 1, necessary to provide water service to the Districts' customers.

Based on updated calculations, at build-out the Districts are projected to collectively have approximately \$151,044,000 in assessed valuation. Collectively, the Districts anticipate the issuance of debt up to \$74,000,000.00 in general obligation bonds and/or revenue bonds, to finance the necessary public improvements and District organization costs for the project, expected to take place in phased bond issuances. The estimated debt service mill levy is 35.000

mills over a 30-year period to pay the debt, with an additional operations mill levy not to exceed 10.000 mills.

III. DEVELOPMENT

Since the approval of the Original Service Plan, the Developer has completed and recorded the final plat for the 4-Way Ranch Subdivision Phase I, and the initial development of the area is complete, including the completed construction of a central water system and distribution system, roadways, storm drainage improvements, and the completion of residential homes in the community. Presently, the Developer is going through the platting process for the 4-Way Ranch Subdivision Filing No. 2 with the County, for the development of the commercial property. Each final plat filing will be subject to compliance with the El Paso County Master Plan and the El Paso County Land Development Code.

Development projections for the 4-Way Ranch project have been modified to provide for greater density of residential units and increased commercial square footage, as well as planning for the possibility of a central sewer system and related improvements, as may be necessary. The executive summary of an updated Market Study for the area dated September, 2009 prepared by King & Associates, is attached as **Exhibit A**. This Market Study provides an independent assessment and determination of development timing and absorption schedule involving land uses proposed for development and assists to demonstrate the projected demand and need for the Districts' services.

District No. 1 consists predominantly of residential property, with 42 lots already developed including 137 lots (minimum 2.5 acres), plus approximately 77 acres of mixed use commercial, including retail/restaurant, office/warehouse and medical/professional land uses. District No. 2 is anticipated to consist predominantly of residential property, with capacity for approximately 2,500 dwelling units, plus approximately 46 acres of mixed use commercial, also planned for retail/restaurant, office/warehouse and medical/professional land uses. Both Districts are planned to include open space with public park and recreation improvements.

IV. FINANCIAL PLAN ANALYSIS

The updated Financial Plan for Districts 1 and 2 is attached to this Amendment as **Exhibit B** illustrates how the proposed services and facilities may be financed and operated by the Districts, based on the updated development projections. The updated Financial Plan is intended to supersede the financial plan of the Original Service Plan.

The public improvements planned for the 4-Way Ranch project have increased in the amount of proposed facilities and their costs, as more particularly described in Section V of this Amendment. The combined total cost of the public improvements projected for 4-Way Ranch Metropolitan Districts No. 1 & 2 is One Hundred Nineteen Million Fifty-seven Thousand Seven Hundred Forty-three Dollars (\$119,057,743), inclusive of contingencies, engineering and construction management, and exclusive of costs of issuance, organizational costs, inflation and similar costs.

The projected amounts of bonded indebtedness for both Districts have increased as follows:

The 4-Way Ranch Metropolitan District No. 1 initially projects the issuance of a single series of bonds in approximately the amount of Twenty Million Dollars (\$20,000,000). The 4-Way Ranch Metropolitan District No. 2 initially projects the issuance of Fifty-four Million Dollars (\$54,000,000) of bonds in three phases.

The Districts' maximum authorized general obligation indebtedness shall not exceed Seventy-four Million Dollars (\$74,000,000) without prior express authorization of the County, and any increase in authorized general obligation debt beyond this amount shall constitute a material modification of the Service Plan.

This Amendment shall not affect the Districts' Debt Service Mill Levy Cap of 50.00 mills nor the Districts' additional limited operational mill levy of 10.00 mills, as set forth in the Original Service Plan.

V. INFRASTRUCTURE ANALYSIS

The updated Description of Districts' Facilities and Costs, for which the Districts plan to provide for their financing, design, construction, acquisition and installation based on the updated development projections, is attached to this Amendment as **Exhibit C**, and includes the costs in current dollars of each improvement, together with an explanation of the methods, basis and/or assumptions used. An updated map showing the revised location of the Phase I and Phase II roadway facilities is included as **Exhibit D**.

In addition to the increased level of facilities needed to serve the additional development, this Amendment expands the Districts' plans for the financing, construction and operation of a central wastewater system and related facilities to serve both the contemplated commercial property as well as the residential property for the project. Central wastewater service for the 4-Way Ranch project may be provided either by a nearby or adjacent facility, such as through the Paint Brush Hills treatment facility (served by the adjacent Woodmen Hills Metropolitan District), or through the proposed Santa Fe Springs wastewater treatment facility, served by the nearby Sunset Metropolitan District, or by the Districts' finance, construction, ownership and operation of necessary central wastewater facilities. The financial feasibility of the Districts' construction of a wastewater treatment facility will be met through a combination of property tax revenues, tap fee revenues, other District fees, water resource fees, potential contributions from neighboring developments and other fees, rates and charges as allowed by law.

An "Updated Central Water and Wastewater System Facilities Plan" dated August, 2009, prepared by JDS-Hydro Consultants, Inc., describing the Districts' water rights, water supply, water quality and treatment, water storage and proposed system and anticipated central sewer system improvement requirements relevant to the increased development projections is attached hereto as **Exhibit E**; this updated plan is intended to supersede the water system facilities plan included in the Original Service Plan.

VI. COUNTY APPROVAL

An increase in the Districts' debt limit is deemed to be a material modification of the Districts' Original Service Plan, pursuant to Section V.B. of the Original Service Plan. This

Amendment to Service Plan for the 4-Way Ranch Metropolitan Districts No. 1 and 2 meets the requirements of the provisions for the modification of a service plan set forth in the Special District Act, § 32-1-207(2), C.R.S., the applicable requirements of the Colorado Constitution, and those of El Paso County, El Paso Land Development Code, Sec. 9.3.

It is further submitted that other than as provided in this Amendment, the limitations and other terms and requirements contained the Original Service Plan continue in force, which include:

- The Districts shall continue to be subject to mill levy caps of 50 mills for debt service and 10 mills for operations as described in the Original Service Plan (Section IV.C.) and the County Resolution (para. 1);
- The Districts' bond issuances shall not exceed the maximum term of 30 years without prior approval from the County, pursuant to the provisions of the Original Service Plan (Section IV.B.) and the County Resolution (para. 3);
- District No. 2 shall not be authorized to issue any bonds until the Board of County Commissioners' approval of the zoning and preliminary plan for the property within District No. 2's boundaries, as provided in the Original Service Plan (Section IV.B);
- The Districts shall not be entitled to any Conservation Trust ("Lottery") funds without prior express approval of the County, as described in the Original Service Plan (Section IV.H.) and County Resolution (para. 4); and
- The Districts shall not be authorized to fund any "Local Public Improvements" or entry features without prior approval of the Board of County Commissioners, as described in the County Resolution (para. 6) and in the attached **Exhibit C**.

The Districts therefore seek approval by the County of this Amendment in accordance with the provisions of Section 32-1-207(2), C.R.S., and requests that the El Paso County Board of Commissioners adopt a resolution which approves this Amendment to Consolidated Service Plan for the Districts as submitted.

Respectfully submitted,

SETER & VANDER WALL, P.C.

Barbara T. Vander Wall

Barbara T. Vander Wall
Counsel to 4-Way Ranch Metropolitan Districts No.
1 and 2

Barbara Vander Wall

From: Peter Martz [pmartzlrg@comcast.net]
Sent: Tuesday, January 26, 2010 10:10 AM
To: Barbara Vander Wall
Cc: 'John McGinn'; Bruce Martin; John Simmons
Subject: Emailing: Untitled Document.htm

EL PASO COUNTY PLANNING COMMISSION

February 2, 2010 - Beginning at 9:00 A.M.

A G E N D A

NOTE: The County Planning Commission meeting is held in the Hearing Room located on the Second Floor of the Pikes Peak Regional Development Center at 2880 International Circle, Colorado Springs, Colorado. If you need further information, please contact the Development Services Department at 719-520-6300

The Development Services Department Comment Agenda and any Supplemental Packets are automatically incorporated as part of the record unless specific objections are raised at the meeting. The recording is the official record of the proceedings.

NOTES: Any materials used in support of or opposition to a project must be submitted to the Clerk and left as part of the record.

1. Report Items - Elaine Kleckner

2. Consent Items

A. Minutes of the Regular Meeting January 5, 2010

B. AL-09-009 DECONINCK
 SPECIAL USE
 SECURITY DAYCARE

Request by Mary Adragna, Mary and Warren Hook for a special use to operate a large daycare on three adjoining parcels. The three parcels total approximately two-thirds of an acre and are zoned RS-6000 (Residential Suburban). The properties are located approximately one-quarter mile northwest of the intersection of Security Boulevard and Main Street. (Schedule No.s 65114-07-084; 65114-07-085; 65114-07-086)

C. U-09-006 DECONINCK
 APPROVAL OF LOCATION
 MIDWAY SUBSTATION

Request by Public Service Company of Colorado for approval of location pursuant to C.R.S. 30-28-110 and Section 5.3.3 of the Land Development Code to expand an existing electrical transmission substation in the RR-5 (Residential Rural) zone district. The property is 35.61 acres and is located on El Centro Boulevard approximately 2.5 miles northwest of its intersection with I-25. (Schedule No. 57200-00-003)

D. VA-08-002 DOSSEY
 VARIANCE OF USE

SMISCHNY UTE PASS CMRS

Request by Crown Castle (applicant) on behalf of Lucky 4 BL72, LLC, (owner) to renew a previously approved Variance of Use (VA-02-027) for a 60-foot commercial mobile radio service (CMRS) telecommunications tower. The 92.42-acre parcel is zoned R-T (Residential Topographic) and is located between Chipita Park and Crystola, to the north of Highway 24, and immediately south of Pike National Forest. (Schedule Nos. 83092-00-023)

Regular Item

3. ID-09-001 DOSSEY

SPECIAL DISTRICT SERVICE PLAN AMENDMENT
 4-WAY RANCH METROPOLITAN DISTRICTS NO. 1 AND 2

A request by 4-Way Ranch Metropolitan Districts No. 1 and 2 for approval of a Colorado Revised Statutes Title 32 Special District Service Plan Amendment. The Districts are proposing to amend the service plan to allow for an increase in the amount of authorized debt. Pursuant to C.R.S. § 32-1-207, this amendment is considered a "material modification" to the approved service plan, thereby requiring approval by the El Paso County Board of County Commissioners. The Districts are not proposing to amend the service plan so as to reflect an increase in the approved mill levy caps. The Districts are generally located north of Judge Orr Road, between Highway 24 and Eastonville Road. (Schedule No. 42000-00-264)

Information Item

4. SOUTHERN DELIVERY SYSTEM OVERVIEW PRESENTATION

(Applicant will present at podium) DOSSEY

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Development Services Department for information (520-6300). Visit our Web site - www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting.

(The name to the right of the title indicates the Project Manager/ Planner processing the request.) If the meeting goes beyond noon, the Planning Commission may take a lunch break.

December 29, 2009

VIA HAND DELIVERY

El Paso County Planning Department
ATTN: Craig Dossey
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Re: Response to Comments on October 13, 2009 Draft Submittal of Amendment to 4-Way Ranch Metropolitan Districts No. 1 & 2 Consolidated Service Plan

Dear Craig:

On October 13, 2009, the Districts submitted to the County a draft Amendment to the 4-Way Ranch Metropolitan Districts No. 1 & 2 Consolidated Service Plan (the "Service Plan Amendment"). This letter addresses planning department's comments to the Service Plan Amendment provided by e-mail on November 24, 2009.

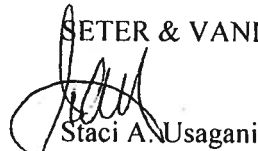
With this letter, I am submitting a detailed memorandum in response to the November 24, 2009 comments with attachments, four copies of the Service Plan Amendment, four red-lined copies of the text of the Service Plan Amendment and a check in the amount of \$500.00, payable to the County for the \$250.00 per District modification fee, pursuant to the County's regulations.

We look forward to hearing any other comments you or the Special District Review Committee or the Planning Commission may have on the Service Plan Amendment. We have identified February 2, 2010 as the date for Planning Commission review hearing. We will work directly with the clerk and recorder's office on the coordination of mailing and publication of appropriate notices.

Thank you for your time and consideration.

Very truly yours,

SETER & VANDER WALL, P.C.



Staci A. Usagani

/sau
Encl.

cc: Peter Martz, Eastbrook Development, Inc./Plainview Properties, LLC, w/enc.
Tracy Lee, Eastbrook Development, Inc./Plainview Properties, LLC, w/ enc.
John McGinn, JDS-Hydro Consultants, Inc., w/enc.
John Simmons, Simmons & Wheeler, P.C., w/enc.
Barbara T. Vander Wall, Seter & Vander Wall, P.C. w/o encl.

4WAYRANCH/SERV PLAN AM SAU0824 0735.0003E

4-WAY RANCH METROPOLITAN DISTRICTS NO. 1 & 2
FIRST AMENDMENT TO CONSOLIDATED SERVICE PLAN
El Paso County, Colorado

Submitted ~~October 13, 2009~~ December 29, 2009

I. INTRODUCTION

The Consolidated Service Plan (the “Original Service Plan”) for the 4-Way Ranch Metropolitan Districts No. 1 & 2 (the “Districts”) was approved by the Board of Commissioners of El Paso County on September 8, 2005 by County Resolution 05-381 (“County Resolution”).

This First Amendment to the Consolidated Service Plan is submitted to the County for the purpose of updating the Districts’ financial and improvements plans and authorizing the issuance of additional indebtedness, in order that the Districts may finance, construct and install additional improvements within the Districts.

Except as noted herein, the Districts’ financial and jurisdictional limitations incorporated in the original Service Plan and County Resolution have not been modified, including the Districts’ existing debt service and operations mill levy caps.

II. HISTORICAL BACKGROUND and EXECUTIVE SUMMARY

The Districts were organized in 2005 to serve the needs of a new predominantly residential community, with some commercial property and open space, known as “4-Way Ranch.” The primary purpose of the Districts is to provide a central water system, roadway and other necessary public improvements and services for the use and benefit of the Districts’ inhabitants and taxpayers, including sanitary sewer, drainage, roadway and park and recreation improvements.

The 4-Way Ranch Metropolitan Districts encompass the 4-Way Ranch development project, divided into two phases. The 4-Way Ranch project is generally located in north central El Paso County known as the Falcon area, between Eastonville Road and Highway 24 north of Stapleton Drive totaling 1,325 acres, planned for residential and commercial land uses. Current development activity in the project includes nine residential homes constructed in District No. 1. The 4-Way Ranch project has an anticipated build-out of approximately eight years for the first phase, and approximately twenty-one years to complete the second phase.

Since its formation, a central water system and related public improvements have been constructed and dedicated to District No. 1 for operation and maintenance. These water system improvements include wells, a water filtration plant building, piping, fire hydrants, and a 522,000 gallon potable water storage tank, constructed and installed within 4 Way Ranch Filing No. 1, necessary to provide water service to the Districts’ customers.

Based on updated calculations, at build-out the Districts are projected to collectively have approximately \$151,044,000 in assessed valuation. Collectively, the Districts anticipate the issuance of debt up to ~~\$69,000,000.00~~ in general obligation bonds and/or revenue bonds, to

finance the necessary public improvements and District organization costs for the project, expected to take place in phased bond issuances. The estimated debt service mill levy is 35.000 mills over a 30-year period to pay the debt, with an additional operations mill levy not to exceed 10.000 mills.

III. DEVELOPMENT

Since the approval of the Original Service Plan, the Developer has completed and recorded the final plat for the 4-Way Ranch Subdivision Phase I, and the initial development of the area is complete, including the completed construction of a central water system and distribution system, roadways, storm drainage improvements, and the completion of residential homes in the community. Presently, the Developer is going through the platting process for the 4-Way Ranch Subdivision Filing No. 2 with the County, for the development of the commercial property. Each final plat filing will be subject to compliance with the El Paso County Master Plan and the El Paso County Land Development Code.

Development projections for the 4-Way Ranch project have been modified to provide for greater density of residential units and increased commercial square footage, as well as planning for the possibility of a central sewer system and related improvements, as may be necessary. The executive summary of an updated Market Study for the area dated September, 2009 prepared by King & Associates, is attached as **Exhibit A**. This Market Study provides an independent assessment and determination of development timing and absorption schedule involving land uses proposed for development and assists to demonstrate the projected demand and need for the Districts' services.

~~Presently, the Developer is going through the platting process for the 4 Way Ranch Subdivision Filing No. 2 with the County, for the development of the commercial property.~~

~~-District No. 1 consists predominantly of residential property, with 42 lots already developed including 137 lots (minimum 2.5 acres), plus approximately 77 acres of mixed use commercial, including retail/restaurant, office/warehouse and medical/professional land uses. District No. 2 is anticipated to consist predominantly of residential property, with capacity for approximately 2,500 dwelling units, plus approximately 46 acres of mixed use commercial, also planned for retail/restaurant, office/warehouse and medical/professional land uses. Both Districts are planned to include open space with public park and recreation improvements. Each development filing will be subject to compliance with the El Paso County Master Plan.~~

IV. FINANCIAL PLAN ANALYSIS

The updated Financial Plan for Districts 1 and 2 is attached to this Amendment as **Exhibit B** illustrates how the proposed services and facilities may be financed and operated by the Districts, based on the updated development projections. The updated Financial Plan is intended to supersede the financial plan of the Original Service Plan.

The public improvements planned for the 4-Way Ranch project have increased in the amount of proposed facilities and their costs, as more particularly described in Section V of this Amendment. The combined total cost of the public improvements projected for 4-Way Ranch

Metropolitan Districts No. 1 & 2 is One Hundred Nineteen Million Fifty-seven Thousand Seven Hundred Forty-three Dollars (\$119,057,743), inclusive of contingencies, engineering and construction management, and exclusive of costs of issuance, organizational costs, inflation and similar costs.

The projected amounts of bonded indebtedness for both Districts have increased as follows:

The 4-Way Ranch Metropolitan District No. 1 initially projects the issuance of a single series of bonds in approximately the amount of Twenty Million Dollars (\$20,000,000). The 4-Way Ranch Metropolitan District No. 2 initially projects the issuance of Forty-nine Million Dollars (\$49,540,000) of bonds in three phases.

The Districts' maximum ⁷⁴ authorized general obligation indebtedness shall not exceed Sixty-nine Million Dollars (~~\$69~~,000,000) without prior express authorization of the County, and any increase in authorized general obligation debt beyond this amount shall constitute a material modification of the Service Plan.

This Amendment shall not affect the Districts' Debt Service Mill Levy Cap of 50.00 mills nor the Districts' additional limited operational mill levy of 10.00 mills, as set forth in the Original Service Plan.

V. INFRASTRUCTURE ANALYSIS

The updated Description of Districts' Facilities and Costs, for which the Districts plan to provide for their financing, design, construction, acquisition and installation based on the updated development projections, is attached to this Amendment as **Exhibit C**, and includes the costs in current dollars of each improvement, together with an explanation of the methods, basis and/or assumptions used. An updated map showing the revised location of the Phase I and Phase II roadway facilities is included as **Exhibit D**.

In addition to the increased level of facilities needed to serve the additional development, this Amendment expands the Districts' plans for the financing, construction and operation of a central wastewater system and related facilities to serve both the contemplated commercial property as well as the residential property for the project. Central wastewater service for the 4-Way Ranch project may be provided either by a nearby or adjacent facility, such as through the Paint Brush Hills treatment facility (served by the adjacent Woodmen Hills Metropolitan District), or through the proposed Santa Fe Springs wastewater treatment facility, served by the nearby Sunset Metropolitan District, or by the Districts' finance, construction, ownership and operation of necessary central wastewater facilities. The financial feasibility of the Districts' construction of a wastewater treatment facility will be met through a combination of property tax revenues, tap fee revenues, other District fees, water resource fees, potential contributions from neighboring developments and other fees, rates and charges as allowed by law.

An "Updated Central Water and Wastewater System Facilities Plan" dated August, 2009, prepared by JDS-Hydro Consultants, Inc., describing the Districts' water rights, water supply,

water quality and treatment, water storage and proposed system and anticipated central sewer system improvement requirements relevant to the increased development projections is attached hereto as **Exhibit E**; this updated plan is intended to supersede the water system facilities plan included in the Original Service Plan.

VI. COUNTY APPROVAL

An increase in the Districts' debt limit is deemed to be a material modification of the Districts' Original Service Plan, pursuant to Section V.B. of the Original Service Plan. This Amendment to Service Plan for the 4-Way Ranch Metropolitan Districts No. 1 and 2 meets the requirements of the provisions for the modification of a service plan set forth in the Special District Act, § 32-1-207(2), C.R.S., the applicable requirements of the Colorado Constitution, and those of El Paso County, El Paso Land Development Code, Sec. 9.3.

It is further submitted that other than as provided in this Amendment, the limitations and other terms and requirements contained the Original Service Plan continue in force, which include:

- The Districts shall continue to be subject to mill levy caps of 50 mills for debt service and 10 mills for operations as described in the Original Service Plan (Section IV.C.) and the County Resolution (para. 1);
- The Districts' bond issuances shall not exceed the maximum term of 30 years without prior approval from the County, pursuant to the provisions of the Original Service Plan (Section IV.B.) and the County Resolution (para. 3);
- District No. 2 shall not be authorized to issue any bonds until the Board of County Commissioners' approval of the zoning and preliminary plan for the property within District No. 2's boundaries, as provided in the Original Service Plan (Section IV.B);
- The Districts shall not be entitled to any Conservation Trust ("Lottery") funds without prior express approval of the County, as described in the Original Service Plan (Section IV.H.) and County Resolution (para. 4); and
- The Districts shall not be authorized to fund any "Local Public Improvements" or entry features without prior approval of the Board of County Commissioners, as described in the County Resolution (para. 6) and in the attached **Exhibit C**.

The Districts therefore seek approval by the County of this Amendment in accordance with the provisions of Section 32-1-207(2), C.R.S., and requests that the El Paso County Board of Commissioners adopt a resolution which approves this Amendment to Consolidated Service Plan for the Districts as submitted.

Respectfully submitted,

SETER & VANDER WALL, P.C.

Barbara J. Vander Wall

Barbara T. Vander Wall
Counsel to 4-Way Ranch Metropolitan Districts No.
1 and 2



DEVELOPMENT SERVICES DEPARTMENT

November 24, 2009

Barbara Vander Wall
Seter & Vander Wall, P.C.
7400 East Orchard Road, Suite 3300
Greenwood Village, CO 80111

Dear Applicant:

Subject: 4 Way Ranch Metro Districts Service Plan Amendment – Special District Amendment (ID-09-001) 1st Review

Incorporated within this letter are the review comments received pertaining to your request. The responding agencies, departments, and divisions have provided the following comments:

****NOTE: Please submit with each re-submittal a new reduction of the plans with all changes and email a PDF of the drawings.

****NOTE: "No Comment" indicates that agency hasn't responded. When and if comments are received from the above reviewing agencies or departments, the comments will be forwarded to you.

EL PASO COUNTY DEVELOPMENT SERVICES DEPARTMENT

Project Management

Service Plan

Introduction

1. In the first paragraph of the Amended Service Plan Introduction, the phrase "Consolidated Service Plan" should be followed by ("Original Service Plan") to clarify the term, which is used repeatedly throughout the remainder of the document.

Development

1. In the first paragraph, the plan states that the development projections have been modified to provide for greater density of residential units and increased commercial square footage. The applications whereby these changes in land use would occur are currently in the review process and have yet to be approved by the Board of County Commissioners. For that reason, Project Management supports Planning Division's Comment No. 2 below, including the proposed recommendation to the Board.
2. The second paragraph addresses two separate aspects of the development: platting and individual District composition. Staff recommends separating these into separate paragraphs.

3. In the last sentence in the second paragraph, the term "development" should be replaced with "final plat" and the phrase "and the El Paso County Land Development Code" should be added to the end of the sentence.

Financial Plan Analysis

General Note: The existing and proposed Debt Service Mill Levy and Operational Mill Levy Caps are 50.000 and 10.000 mills, respectively. Sections III(F)(2) and (3) of the El Paso County Special District Policies support a Maximum Debt Service Mill Levy Cap of 50 (fifty) mills and a Maximum Operational Mill Levy Cap of 10 (ten) mills.

Infrastructure Analysis

1. In addition to Planning Division's comment no. 4 (below) pertaining to the provision of wastewater treatment, staff has concerns with the financing of the option whereby the district would elect to finance, construct, own and operate a central wastewater facility. Is this a viable alternative given the current and projected market conditions and given the current Debt Service Mill Levy of 35 mills and the Debt Service Mill Levy Cap of 50 mills? If so, please provide an explanation.

County Approval

1. Please add specific citations to those documents referenced in the first paragraph.

Exhibit A: Market Research Report

1. Introduction

The fourth sentence of the Introduction should include the phrase "and commercial" following "with development anticipated to include primarily residential". The next section, Trade Area, discusses the process for analyzing demand for residential and commercial development, therefore, adding the "and commercial" to the section above would make sense.

2. Executive Summary

- a) In the "Residential Market Trends and Demand Forecast – Region" section, the fourth bullet point indicates that approximately 1162 (581 x 2) new homes will be sold in El Paso County in 2009. Then, the fifth bullet point states that the near term (2009-2013) housing demand is projected to average approximately three times as many homes per year than the approximate number of homes for 2009, with the 6th bullet point indicating that most of those homes will be purchased following the next twelve to eighteen months. What is the basis for projecting a significant increase in housing demand from 2009 to the period between 2009 and 2013? What assumptions have been made to support this projection?
- b) The same general question as "a)" above applies to the projections being made in the bullet points under "Residential Market Trends and Demand Forecast-Trade Area."
- c) In the "Competitive Projects – Trade Area" section, the term "However" seems to have been misused at the beginning of the second bullet point and should be deleted.

Exhibit B: Forecasted Statement of Sources and Uses of Cash

1. Please provide justification for the forecasted range of \$350,000 to \$550,000 used in the "Note 1: Ad Valorem Taxes" section.
2. Please provide justification for the \$250,000 per unit forecast for multi-family units in the "Note 1: Ad Valorem Taxes" section.

Planning Division

1. The absorption forecast in the Market Research Report may be overly optimistic at 140 units per year (47 units per year from 2009-2013). Development Services Division staff tracks residential building permit activity. There were 556 permits issued in 2007, 329 permits in 2008, and 137 permits in the first six months of 2009 for the entire County.
2. The Market Research Report absorption forecast should account for the Banning Lewis Ranch development. Urban service agreements are in place and construction is underway on this significant project with residential and commercial components.
3. Planning Staff's primary concern, and this was discussed at the early assistance stage, is that the Amendment to the Service Plan is based on modifications of Phase 1 that have not yet been approved, and there are no underlying land use approvals for Phase 2. In cases such as this, the Board of County Commissioners have previously required approval of a land use application such as a sketch plan within a specified amount of time, otherwise the Districts were required to initiate dissolution of the District or reduce the maximum debt authorization. Staff will recommend to the Board for this application that an amended PUD for Phase 1 and a sketch plan for Phase 2 be approved within one year of Board approval of the Amendment to the Service Plan. It is probably not reasonable to expect preliminary plan approval for Phase 2 by 2011, as contemplated in Section VI of the Amendment to the Service Plan.

Looking forward to development of the sketch plan, staff notes that Phase 2 is within an area designated for urban density development (less than 2.5 acres per unit) in the Falcon/Peyton Small Area Master Plan. Per Exhibit D of the Amendment to the Service Plan, Phase 2 includes a commercial area, which would generally be supportable under the Plan, and residential development at approximately 6 units per acre. The Developer is strongly encouraged to apply more of a clustering and master planned community concept to the development of Phase 2. Section 4.3.1 of the Plan states,

"Urban growth in these areas will be intermixed with existing rural residential land uses, and new urban developments should be small and dense, surrounded by lower density uses, preferably open space."

The Plan also states,

"These large parcels can more easily be developed in a forward-looking, holistic fashion that creates mixed use communities with employment, public space, and well-designed, efficient transportation and infrastructure networks. The areas are large enough to allow phased and transitioned development to occur in a manner which creates community separation and buffers between these potential communities and lower density and rural areas."

Approval of this Amendment to the Service Plan shall be in no way construed to infer a requirement or obligation of the Board of County Commissioners to approve any future land use requests for this property, including any uses contemplated for the Phase 2 area.

4. Section 5 of the Amendment to the Service Plan, Infrastructure Analysis, speaks to the possibility of a Santa Fe Springs Wastewater Treatment facility. Even if Sunset Metro District plays a role, staff questions the viability of this option, given the insolvency of the Santa Fe Springs development.

Engineering Division

The engineering department reviews land use applications for potential impacts to drainage and transportation networks within the unincorporated portions of El Paso County and for general conformance with the requirements of the Engineering Criteria Manual. We have reviewed the application and offer the following comments.

1. In the cost estimates for Phase 1 major roads, Stapleton Road paving includes four lanes; should this be two lanes?
2. Exhibits I and II of Exhibit B (both districts) have different values of outstanding debt for certain years. Revise as appropriate.

El Paso County Clerk to the Board of County Commissioners

The application is incomplete until \$250 modification fee per District is filed (in addition to DSD fee) with the Clerk to the Boards Office.

The following agencies did not provide a response by the requested date:

County Attorney's Office
EPC Health Department
EPC Parks Department
Upper Black Squirrel Creek GWMD
Falcon Fire District
Falcon School District No. 49
PPACG
EPC Assessor

When and if comments are received from the above reviewing agencies or departments, the comments will be forwarded to you.

Please address the comments as listed above. A detailed letter needs to accompany the revisions. The letter must address every point raised in this review letter. If any department/division or review agency has an issue that needs resolution or a required revision you must provide the necessary documents, drawings, etc., to the Development Services Department. The Development Services Department will forward the revision directly to the effected agency(s). If you have any questions please contact the various departments or review agencies directly.

Due to the number of comments and necessary revisions to the plan(s) an additional detailed review will be necessary. In order to be considered for the January 5, 2009 Planning Commission hearing, issues must be resolved no later than December 15, 2009. To give the reviewers time to confirm that those issues have been resolved, revisions with all issues resolved need to be submitted by December 1, 2009. Please contact me if you would like to schedule a meeting with myself or the team.

When all the comments have been addressed and corrections made please submit 4 copies of the revised service plan and associated documents. If you have any questions feel free to contact me at (719) 520-7941.

Best Regards,

Craig Dossey
Project Manager II
El Paso County Development Services Department

cc: Elaine Kleckner, Planning
Jeff Rice, Engineering
File: ID-09-001

0735.0003E

*Seter &
Vander Wall, P.C.*
ATTORNEYS AT LAW

KIM J. SETER
BARBARA T. VANDER WALL
JACQUELINE C. MURPHY
STACI A. USAGANI

October 13, 2009

Via Hand Delivery

El Paso County
c/o Craig Dossey
El Paso County Planning Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

**Re: Submittal of Amendment to Consolidated Service Plan for the 4-Way Ranch
Metropolitan Districts No. 1 & 2**

Dear Mr. Dossey:

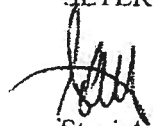
In accordance with the El Paso County Policies regarding Special Districts, we are submitting five copies of the Amendment to Consolidated Service Plan for the 4-Way Ranch Metropolitan Districts No. 1 and 2 (the "Amendment"), thirteen copies of the Letter of Intent and the submittal fee in the amount of \$4,537.50.

For ease of reference, we have included four copies of the original Consolidated Service Plan, provided in lieu of a redlined Service Plan.

The executive summary of the Market Study is included as an exhibit to the Amendment and is therefore not separately included in the submittal.

If you need any additional information, or should you have any questions, please feel free to contact me.

Very truly yours,
SETER & VANDER WALL, P.C.


Staci A. Usagani

/sau
Enclosures

RECEIVED

OCT 13 2009

EPC DEVELOPMENT SERVICES

cc: Peter Martz
John McGinn, JDS-Hydro
John Simmons, Simmons & Wheeler

4WAYRANCHSPlanAM SAU0947 0735.0003E

October 13, 2009

Via Hand Delivery

El Paso County
c/o Craig Dossey
El Paso County Planning Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

**Re: Submittal of Amendment to Consolidated Service Plan for the 4-Way Ranch
Metropolitan Districts No. 1 & 2**

Dear Mr. Dossey:

In accordance with the El Paso County Policies regarding Special Districts, we are submitting five copies of the Amendment to Consolidated Service Plan for the 4-Way Ranch Metropolitan Districts No. 1 and 2 (the "Amendment"), thirteen copies of the Letter of Intent and the submittal fee in the amount of \$4,537.50.

For ease of reference, we have included four copies of the original Consolidated Service Plan, provided in lieu of a redlined Service Plan.

The executive summary of the Market Study is included as an exhibit to the Amendment and is therefore not separately included in the submittal.

If you need any additional information, or should you have any questions, please feel free to contact me.

Very truly yours,
SETER & VANDER WALL, P.C.


Staci A. Usagani

/sau
Enclosures

cc: Peter Martz
John McGinn, JDS-Hydro
John Simmons, Simmons & Wheeler

4WAYRANCH\SPlanAM SAU0947 0735.0003E

October 13, 2009

Via Hand Delivery

Special District Review Committee
c/o Craig Dossey
El Paso County Planning Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

**Re: Letter of Intent for "4-Way Ranch Metropolitan Districts No. 1 & 2" –
Amendment to Consolidated Service Plan**

Dear Mr. Dossey and Special District Review Committee:

In accordance with the El Paso County Policies regarding Special Districts, we are submitting this Letter of Intent on behalf of the 4 Way Ranch Metropolitan Districts No. 1 & 2. The 4-Way Ranch Metropolitan Districts, which were organized in 2005, encompass the area known as the "4-Way Ranch," divided into two development phases, and generally located between Eastonville Road and Highway 24 north of Stapleton Drive, with a small portion being south of Stapleton, totaling 1,325 acres.

The weakened economy locally and nationally has impacted the development activity and financial projections within the Districts. The developer is modifying the land use plans to adapt to current and future market strengths and weaknesses. As a result of the economy, the market and land use changes, the Districts desire to submit an amendment to the consolidated service plan to address revised platting, absorption and market prices for the 4-Way Ranch community. These changes will increase the Districts' debt capacity. Therefore, the Districts are requesting an increase in the Districts' service plan debt limit, which is a "material modification" to the original service plan and requires Board of County Commissioner approval under § 32-1-207, C.R.S. and Section 9.3.1 of the County's Code.

Financial protections provided to the property owners in the Districts' Consolidated Service Plan will remain in place. The proposed debt limit increase will *not* affect the Districts' mill levy caps provided in the original service plan.

The proposed Amendment to Service Plan includes an updated market study, updated financial/debt issuance projections, updated development projections, and an updated central water and wastewater system facilities plan for the Districts. Based on current calculations, collectively the 4-Way Ranch Metropolitan Districts are projected to have approximately \$151,044,000 in assessed valuation at build-out. The Districts anticipate the construction of public improvements estimated to cost the total amount of \$119,057,743. The Districts accordingly are requesting an increase in combined debt service limit of up to \$69,000,000 in general obligation bonds to finance the public improvements, expected to take place in phased bond issuances. In no event will the debt

Craig Dossey and Special District Review Committee

RE: Letter of Intent for "4 Way Ranch Metropolitan Districts No. 1 & 2" – Amendment to Consolidated Service Plan

October 13, 2009

Page 2

service mill levy exceed the current cap of 50 mills, nor the operations mill levy exceed 10 mills, pursuant to the original service plan provisions. In addition to tax revenues, the Districts' revenues include tap fees, water resource development fees, and monthly user charges for water services.

The revised platting, upgraded improvements and increased debt capacity will allow the Districts to complete their phasing and improvements in a timely manner, which will benefit the Districts and the County without compromising the protections already in place for the property owners.

The above information is provided to you in accordance with the County's policies, as the initial submittal prior to submission of an amendment to service plan. Please feel free to contact me or Staci Usagani, at the above number, or Peter Martz on behalf of the developer, to let us know if we can answer any questions regarding this letter of intent and the proposed Amendment to Consolidated Service Plan.

Very truly yours,

SETER & VANDER WALL, P.C.



Barbara T. Vander Wall

BTVW/sau

cc: Peter Martz
John McGinn, JDS-Hydro Consultants, Inc.
John Simmons, Simmons & Wheeler, P.C.
Board of Directors, 4-Way Ranch Metropolitan Districts No. 1 & 2
Staci A. Usagani, Esq.

October 12, 2009

Via Courier

Mr. Peter Martz
c/o JDS-Hydro
545 E. Pikes Peak Ave., Suite 300
Colorado Springs, Colorado 80903

**Re: Submittal of Amendment to Consolidated Service Plan for the 4-Way Ranch
Metropolitan Districts No. 1 & 2**

Dear Peter:

Enclosed are the following materials relating to the 4-Way Ranch Metropolitan Districts No. 1 and 2 Service Plan Amendment:

1. Service Plan Amendment Package to be delivered to the County, 2880 International Circle, Colorado Springs, CO 80910, which include:
 - a. Cover Letter to Craig Dossey;
 - b. Five copies of the Amendment to Consolidated Service Plan for the 4-Way Ranch Metropolitan Districts No. 1 and 2;
 - c. Thirteen copies of the Letter of Intent;
 - d. Four copies of the Original Consolidated Service Plan provided in lieu of a redlined service plan;
 - e. A copy of the cover letter to Craig Dossey to be date stamped by the County and returned to me; and
 - f. **To complete the package, please include the submittal fee check in the amount of \$4,537.50.**
2. Three copies of the submitted Service Plan Amendment to be distributed to you, John McGinn and Tracy Lee.

If you need any additional information, or should you have any questions, please feel free to contact me.

Very truly yours,
SETER & VANDER WALL, P.C.



Staci A. Usagani

/sau
Enclosures

4WAYRANCH\SPlanAM SAU1058 0735.0003E

EL PASO COUNTY



COMMISSIONERS:
JIM BENSBERG (CHAIRMAN)
SALLIE CLARK (VICE-CHAIR)

AMY LATHEN
WAYNE WILLIAMS
DENNIS HISEY

DEVELOPMENT SERVICES DIVISION
MAX ROTHSCHILD P.E. INTERIM DIRECTOR

Minutes for July 23, 2009

Early Assistance Meeting –EA-09- 59

Commissioner District: 2

Members Attending:

Craig Dossey, DSD Project Manager
Elaine Kleckner, DSD Planning Division
Jeff Rice, DSD Engineering Division
Joyce Gottlieb, Customer Service

Peter Martz, Applicant/4-Way Metro
Barbara T. VanderWall, 4-Way Metro/
Seter & VanderWall
John McGinn, 4-Way Metro/JDS Hydro
Tracy Lee, 4-Way Ranch
Staci Usagani, 4-Way Metro/Seter &
VanderWall

Applicant Summary

- A request by the 4-Way Ranch Metro Districts Nos. 1 and 2 to amend the approved service plan (ID-05-001). The districts are located west of the proposed Stapleton Road and Highway 24 intersection on the east side of Eastonville Road. The District is proposing to amend the service plan to account for revised platting and current market absorption/prices.
- The districts are located within the Falcon/Peyton Comprehensive Plan area.
- Mr. Martz stated that there are two main reasons for amending the approved service plan, as follows:
 - #1) Because originally they did not intend to connect to central services until commercial was zoned. Now, because of commercial, they will have both central water and central sewer service.
 - #2) Because the economy is different than projected in 2004 and 2005.
- The district would like to be placed on the November, 2009 election ballot, even though they might not be scheduled for BoCC before then.
- The cap rates and mill levy will not change in the current service plan. The projected inflation rates will. Mr. Martz stated that the projected inflation rate numbers will change in the financial plan.
- Density will be more aggressive. Proposed is an increase in higher density numbers in both Districts 1 and 2 in order to prevent having to amend the service plan again.
- Mr. Martz noted that the preliminary plan for Districts 1 and 2 has been approved.

Planning Division

- Staff reviewed some of the changes that occurred with respect to the development since the original approval in 2005, such as the increased commercial area. Staff noted that central sewer service will definitely be required. The service plan should be updated to reflect the changes.

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

WWW.ELPASOCO.COM

- Planning Division stated that the Code requires certain findings for approval of the service plan, of which some are required and some are discretionary. The El Paso County Land Development Code (LDC) elaborates on this in Section 9.
- One required finding is to show consistency with the El Paso County Master Plan, specifically the Policy Plan and the Falcon Peyton Small Area Master Plan. Applicant is to address this in the revised service plan.
- In addition, the applicant needs to address conformity with the Regional Water Quality Plan (208 plan). Staff does not perceive any problems of inconsistency with any of the plans.
- Staff noted that a new Land Development Code is in effect, and there is now a special district policy document that the project manager can provide that was approved in 2007. .
- The market study will need to be updated. Mr. Martz and Ms. VanderWall each confirmed to staff that this will be done and provided with the Service Plan Amendment submittal.
- The applicant indicated he intends to change the development plans for the site, and staff noted that the approvals would ideally be in place prior to approval of the service plan. Approval of this service plan may have a condition that the revised development plans be approved within a specified amount of time, as was the case with High Plains Ranch.
- Staff responded to Ms. VanderWall's question about the \$250.00 cap fee. Staff referred Ms. VanderWall to Chapter 9 of the Code.

Engineering Division

- Staff stated that updated construction costs will be needed. Mr. Martz stated that construction costs will be revised due to more sewer lines and possibly more water mains in both District 1 and 2. Staff asked about detention pond costs included in the service plan and to which pond these costs apply.

Note: All civil engineering designs and studies must be done in conformance with adopted codes, standards and criteria. Any deviations are to be formally identified and requested in writing, with justification provided. Deviation criteria can be found in the Engineering Criteria Manual, Sec 5.9.

Project Management/Wrap Up

- The project manager briefly went over the application packets, fees and checklists.
- Staff stated that there seems to be a very strong interest recently by the reviewing bodies in the financial plans, specifically with regard to the assumptions made regarding inflation. Further, a similar interest has been shown in the production of market studies, specifically the reasonableness of the assumptions being made therein.
- Staff specifically requested a revised copy of the service plan, including the attached financial plan, that would include easily recognizable "redlines" of the approved service plan and a clean copy of the proposed amended service plan.
- Staff also requested a copy of the new market study.
- A timeline for the review and approval process of the proposed project was provided to the applicant, which accounted for any statutory provision that may govern the process.
- The project manager emphasized the importance of a good letter of intent that breaks down exactly what will be done. In addition, requests that a red line or tract changes version to the service plan be provided, followed by a final version.
- The fee for the amendment to the service plan is \$4,500;
A non-refundable surcharge in the amount of \$37.50 will be added to each application.

- **PLEASE NOTE:** Upon the actual submittal, the title commitment must be dated within 30 days of the submittal date. ALL copies of each item requested on the submittal matrix must accompany the submittal for it to be complete or the submittal will be denied. All prospective timelines for review are subject to departmental staffing and workload.
- ***NOTE:*** *Early Assistance is valid for 12 months from submittal of the EA application. If a project submittal is not received within 12 months, a new EA meeting will be required. An audio copy of the meeting is available by contacting the Development Services Department at (719) 520-6300.*

SUBMITTAL REQUIREMENTS

Special District

Date: 7/30/2009
Fees: \$4500 + \$37.50 = \$4537.50

Project Name: 4-Way Ranch Metro District Service Plan Amendment
Tax Schedule Number (s): Multiple
File # ID-05-001

DESCRIPTION	Department or Agency											TOTAL	
Application Fee/Surcharge	1												1
Review Agency Cover Sheet (DSD provides)													0
Letter of Intent	1	1	1	1	1	1	1	1	1	1	1	1	13
Market Study	1	1	1	1	1	1	1	1	1	1	1	1	4
Amended Service Plan	1	1	1	1	1	1	1	1	1	1	1	1	5
"Redlined" Approved Service Plan	1	1	1	1	1	1	1	1	1	1	1	1	4

EL PASO COUNTY

COMMISSIONERS:
JIM BENSBERG (CHAIRMAN)
SALLIE CLARK (VICE-CHAIR)



AMY LATHEN
WAYNE WILLIAMS
DENNIS HISBY

DEVELOPMENT SERVICES DEPARTMENT

Agenda for Wednesday, July 22, 2009

EA-09-059 Early Assistance Meeting 4-Way Ranch Metro Districts' Service Plan Amendment

A request by the 4-Way Ranch Metro Districts Nos. 1 and 2 to amend the approved service plan (ID-05-001). The districts are located west of the proposed Stapleton Road and Highway 24 intersection on the east side of Eastonville Road. The District is proposing to amend the service plan to account for revised platting and current market absorption/prices. The districts are located within the Falcon/Peyton Comprehensive Plan area. (Commissioner District No. 2)

1:30 pm to 2:30 pm – Development Services Department (Pikes Peak Conference Room)

1. Introductions by the Project Manager, Craig Dossey
Team Assigned:
 1. Project Manager – Craig Dossey
 2. Planning – Elaine Kleckner
 3. Engineering – Jeff Rice
2. Applicant gives summary of proposal, presents drawings, etc.
3. The Team shall respond in following order:
 - a. Planning Division
 - b. Engineering Division
4. Additional possible fees (please be aware that additional outside agency fees may be possible, below are some of those fees identified):
 - a. Application for driveway permits – \$162.50 to \$222.50 each, depending on type
 - b. Application for a sign permit – \$287.50
 - c. Early Grading Permit – \$2437.50
 - d. Construction Permit (final plat) – \$1437.50 to \$1987.50
 - e. Separate process – Regional Building Department review
 - f. Colorado Springs Utilities – \$84 review fees within CSU
 - g. Colorado State Forest Service – \$100 review fee
 - h. Colorado Geological Survey reviews – \$590 to \$2500 depending on size
 - i. Fire Department review – \$50 to \$600 depending on district
 - j. Additional waiver/deviation requests (more than two)- \$587.50 each
5. Wrap up by the Project Manager, General time frame, Questions by Applicant and PM hands out and explains information packets & briefs on fees.

***The information provided at this Early Assistance Meeting is based on the level of information provided by the applicant. The more information that is provided prior to this meeting for review by Development Services Department equates to more information available for your use. While we strive to provide the best, most accurate information possible, full review consists of additional agency comments and requirements; therefore, the information provided is preliminary in nature.*

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

CHAPTER 9 SPECIAL DISTRICTS

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Chapter 9 Special Districts
Effective Date: 04/02/2007
Adopted Date: 10/12/2006
REVISION (1) 12/18/2008

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CHAPTER 9 SPECIAL DISTRICTS

9.1. GENERAL PROVISIONS AND PROCEDURES

9.1.1. Purposes

The purpose of this Chapter is to implement the BoCC's authority to review and approve service plans for proposed special districts and amendments of existing service plans under C.R.S. §§32-1-201, et seq. ('Control Act'), 1993, as amended. All provisions of this Chapter are intended to be in compliance with the authority and procedures specified in the Control Act and related statutes. To the extent that this Chapter does not expressly incorporate all applicable provisions of the Control Act and related statutes, those provisions shall still govern as stated in the Control Act or related statutes.

The procedures recognized in the Control Act and set forth in this Chapter are necessary for the orderly creation of special districts and for the logical extension of special district services throughout the County. The Control Act as implemented herein serves the purposes of preventing unnecessary proliferation and fragmentation of local government and avoiding excessive diffusion of local tax sources pursuant to C.R.S. §32-1-102.

The policies of the County regarding special districts are included with the Special District Policies, Model Service Plans and Annual Reports and Disclosure Forms, as adopted by the BoCC and as amended from time to time, and referenced in this Code.

Any special district requirements or policies as referenced in this Chapter are available through the Clerk to the BoCC.

9.2. SERVICE PLAN APPLICATION STEPS AND REQUIREMENTS

9.2.1. Application Submittal

Any person proposing the organization of a special district which includes property in the unincorporated County shall submit a service plan to the BoCC and obtain approval of the draft service plan from the BoCC prior to filing a petition for the organization of the special district in district court in accordance with the requirements of this Chapter (C.R.S. §32-1-202).

9.2.2. Pre-Submission Requirements(Early Assistance)

(A) Materials to be Submitted

The applicant shall submit the required copies of a letter of intent and all materials to the DSD. The contents of the letter of intent and review of the information submitted are as modified to include such other information as necessary to adequately describe the proposed service plan.

(B) Initial Review of Submitted Materials

The letter of intent and information submitted is circulated to the Clerk to the Board, OCA, and any involved county departments for initial review and

comment. Issues or comments identified in the initial review shall be addressed and included in the draft service plan.

9.2.3. Draft Service Plan

(A) Materials to Be Submitted

The applicant shall submit the required copies of the materials identified in the Procedures to the DSD, along with any required fee as identified in the fee schedule. The applicant shall provide a copy to the Clerk to the BoCC pursuant to C.R.S., §32-1-202(1).

(B) Review of Draft Service Plan

To the extent time allows prior to the hearing, the DSD Director shall, at his/her discretion, refer information concerning the draft service plan to interested governmental units and any other relevant review agencies.

(C) Schedule Hearing

D

The DSD will coordinate the scheduling of the Planning Commission hearing and the BoCC hearing with the Clerk to the BoCC.

(D) State Reporting

D

The Clerk to the BoCC is responsible for any State reporting requirements regarding the filing of the draft service plan.

(E) Staff Report and Comments

The DSD is responsible for providing to the Planning Commission and BoCC any staff reports and written comments regarding the draft service plan.

(F) Planning Commission Review of Draft Service Plan

The following review procedure has been adopted pursuant to the procedure outlined in C.R.S. §30-28-112, and required by C.R.S. §32-1-202(1):

(1) Public Hearing

The Planning Commission shall consider the draft service plan or any major amendment to a service plan at a public hearing. The applicant for the draft service plan shall receive prior notice of the hearing. The applicant shall comply with applicable public hearing notice requirements in C.R.S. §32-1-204.

(2) Planning Commission Recommendation

The Planning Commission shall review the draft service plan and make a written recommendation in the form of a resolution on the draft service plan to the BoCC. The action by the Planning Commission may be in the form of recommending approval, disapproval, or approval with conditions. The Planning Commission shall make its recommendation within 30 days following the submission of the draft service plan with the Clerk and Recorder. The Planning Commission also may continue the

hearing to a set date and time to resolve any outstanding issues, but shall not continue the hearing beyond the established recommendation deadline without the consent of the applicant. The applicant's consent to the continuance shall relieve the Planning Commission from having to make their recommendation within 30 days following submission of the draft service plan with the Clerk and Recorder.

(G) BoCC Review of and Action on Service Plan

The following review procedure has been adopted pursuant to the procedure required by C.R.S. §32-1-202 and C.R.S. §32-1-204:

(1) Set Hearing Date

At the next regular meeting of the BoCC which is held at least 10 days after the final Planning Commission action on the draft service plan, the BoCC shall set a date within 30 days for a public hearing on the draft service plan.

(2) Notice to Colorado Division of Local Government

The Clerk to the BoCC shall provide written notice of the date, time, and location of the public hearing to the Colorado Division of Local Government.

(3) Notice to Applicant

The BoCC shall provide written notice of the date, time, and location of the public hearing to the applicant for the special district and to the governing body of any existing municipality or special district which has levied an ad valorem tax within the preceding tax year and which has boundaries within a radius of 3 miles of the proposed special district boundaries. The governmental units noticed shall be interested parties in the public hearing process.

(4) Published Notice

The BoCC shall publish notice of the public hearing in a newspaper of general circulation in the County, the first publication of which shall be at least 20 days prior to the public hearing date. The publication shall constitute constructive notice to the residents and property owners within the boundaries of the proposed special district. The residents and property owners within the boundaries of the proposed special district shall be interested parties at the public hearing.

The published newspaper notice shall contain the following information:

- The date, time, location, and purpose of the hearing;
- A general description of the land contained within the boundaries of the proposed special district; and

- Information outlining the methods and procedures concerning the filing of a petition for exclusion of territory from the proposed district.

(5) Property Owner Notification

Not more than 30 days nor less than 20 days prior to the public hearing, the applicant for the special district shall send letter notification of the hearing to the property owners within the boundaries of the proposed special district, all as further required by C.R.S. §32-1-204(1.5). The written notification shall indicate that this is a notice of a hearing for the organization of a special district and shall indicate the date, time, location, and purpose of the hearing, a reference to the type of special district and any other requirements of the statute, and shall include a complete return address, and shall include a point of contact for the applicant and stipulate that written requests for exclusion be directed to the Clerk to the BoCC.

(6) Joint Hearing

If the boundaries of the proposed special district include territory within the County and another County or counties, the BoCC of each of the respective counties, at their discretion, may hold a joint hearing on the proposed special district in accordance with the procedural requirements applicable to BoCC hearings on draft service plans (C.R.S. §32-1-205(1), referencing the hearing requirements of §32-1-204).

(7) Required Public Hearing Procedures

The hearing held by the BoCC shall be open to the public, and a record of the proceedings shall be made. Interested parties at the hearing shall be the following:

- The governing bodies of any existing municipality or special district which has levied an ad valorem tax within the preceding tax year and which has boundaries within a radius of 3 miles of the proposed special district; and
- The residents and property owners within the boundaries of the proposed special district.

All interested parties shall be afforded an opportunity to be heard under the rules of procedure as may be established by the BoCC. Any testimony or evidence which in the BoCC's determination is relevant to the organization of the special district shall be considered.

(8) Exclusions of Property from Proposed District

(a) Requesting Exclusion from the Special District

Any person owning property within the boundaries of the proposed special district who requests that their property be

excluded from the special district prior to approval of the draft service plan shall submit the request to the Clerk to the BoCC no later than 10 days prior to the BoCC's public hearing on the draft service plan, but the BoCC shall not be limited in their action with respect to exclusion of territory based upon such request.

(b) Consideration of Requests for Exclusion

The BoCC may exclude certain properties from within the proposed boundaries of the special district prior to approval of the draft service plan, and shall consider those requests for exclusion of property filed in accordance with C.R.S. §32-1-203. The DSD shall provide an analysis of any requests for exclusion of property, which may be used as a basis for BoCC action pursuant to individual request for exclusion.

The applicant for the special district shall have the burden of proving that the exclusion of any property requested to be excluded is not in the best interests of the proposed special district.

The BoCC shall act on all requests for exclusion before they take final action issuing a resolution of approval for the special district.

(9) BoCC Authority to Act on Service Plan

The findings of the BoCC on the draft service plan shall be based solely upon the draft service plan and the evidence or recommendations presented at the BoCC's public hearing by the applicant for the special district, the Planning Commission, and any interested party.

The BoCC has the following authority in the review of any proposed draft service plan:

- To approve the draft service plan as submitted without condition or modification.
- To disapprove the draft service plan as submitted.
- To conditionally approve the draft service plan subject to the submission of additional information relating to, or the modification of, the draft service plan. The BoCC may exercise this power of conditional approval if they have satisfactory evidence, based on the public hearing, that the draft service plan does not comply with the required criteria for approval (C.R.S. §32-1- 203(2)). The BoCC's final approval shall then be contingent upon the applicant modifying the draft service plan to include the changes, or providing the additional information, as the BoCC shall specifically state in their findings on the draft service plan. If the BoCC requires changes, modifications or additional information to the draft service plan before approval,

the hearing will be continued until the changes, modifications, or additional information requirements are satisfied and incorporated into the draft service plan. Unless the continuation is to a date and time specific as announced at the hearing, re-notification of interested parties and parties requesting exclusion is required.

(10) Notice Concerning Decision

Within 20 days following BoCC action on the draft service plan, the BoCC shall advise the applicant for the proposed special district in writing of the BoCC action on the draft service plan.

(11) Recording the BoCC Action

(a) Approval

If the draft service plan is approved as submitted, a resolution of approval shall be issued to the proponent incorporating the findings of the BoCC.

(b) Disapproval

If the draft service plan is disapproved as submitted, the specific detailed reasons for the disapproval shall be set forth in writing.

(c) Conditional Approval

If the draft service plan is conditionally approved, the BoCC shall set forth in writing the conditions, changes or modifications to be made in, or the additional information relating to, the draft service plan, together with the reasons for the changes, modifications, or additional information. Upon incorporation of the specified conditions, changes, modifications, or additional information into the draft service plan (applicant shall provide 4 copies of the revised draft service plan to the DSD and shall provide a copy to the Clerk and Recorder) the BoCC shall issue a resolution of approval to the proponent of the special district.

(H) Criteria for Approval of Draft Service Plan

(1) Territory Which District May Cover

A special district may be entirely within or entirely without, or partly within and partly without, one or more municipalities or counties, and may consist of noncontiguous tracts or parcels of property (C.R.S. §32-1-107(1)).

(2) Limitations on Approval of a Service Plan

No special district may be organized wholly or partly within an existing special district providing the same service (C.R.S. §32-1-107(2) and §32-1-202(2.1)). Nothing in this provision, however, shall prevent a special

district providing different services from organizing wholly or partly within an existing special district.

(3) Petition Filed

No draft service plan shall be approved if a petition objecting to the draft service plan and signed by the owners of taxable real and personal property, which equals more than 50 percent of the total valuation for assessment of all taxable real and personal property to be included in the proposed special district, is filed with the BoCC no later than 10 days prior to the BoCC's public hearing on the draft service plan, unless such property has been excluded by the BoCC (C.R.S. §32-1-203(3.5)).

(I) Mandatory Criteria for Disapproval

The BoCC shall disapprove the draft service plan unless evidence satisfactory to it of each of the following is presented or, in the BoCC's discretion, the BoCC conditionally approves the draft service plan to cause compliance with these criteria (C.R.S. §32-1-203(2)):

- There is sufficient existing and projected need for organized service in the area to be served by the proposed special district;
- The existing service in the area to be served by the proposed special district is inadequate for present and projected needs;
- The proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries;
- The area to be included in the proposed special district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

(J) Discretionary Criteria for Disapproval

The BoCC may disapprove the draft service plan if evidence of the following, at the BoCC's discretion, is not presented (C.R.S. §32-1-203(2.5)):

- Adequate service is not, or will not be, available to the area through the County or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis;
- The facility and service standards of the proposed special district are compatible with the facility and service standards of each County within which the proposed special district is to be located and each municipality which is an interested party as defined in C.R.S. §32-1-204 and this Code;
- The proposal is in substantial compliance with the El Paso County Master Plan;
- The proposal is in compliance with any duly adopted County, regional, or State long-range water quality management plan for the area; or

9.3.4. Excluded Modifications

Approval for modifications of a final service plan shall not be required for changes necessary only for the execution of the final service plan, or for changes in the boundaries of the special district other than to include territory in the unincorporated County when the special district previously included no territory in the unincorporated County.

9.3.5. Processing Fee

The processing fee for review of a petition for approval of a material modification is identified in the fee schedule and shall be submitted prior to consideration of the application.

9.3.6. Judicial Enforcement Against Material Departures or Modifications to Approved Service Plans

The BoCC may seek an injunction in the district court which approved the petition for the organization of the special district for any material departure from the final service plan, or, if the plan has been modified, from the final service plan as modified, which constitutes a material modification of the final service plan.

9.3.7. Initiating Action Against Material Departure or Modification

No action may be brought to enjoin the construction of any facility, the issuance of bonds or other financial obligations, the levy of taxes, the imposition of rates, fees, tolls and charges, or any other proposed activity of the special district unless the action is commenced within 45 days after the special district has published notice of its intention to undertake the activity.

The notice shall describe the activity proposed to be undertaken by the special district and provide that any action to enjoin the activity as a material departure from the final service plan must be brought within 45 days from publication of the notice.

The notice shall be published one time in a newspaper of general circulation in the special district, and shall be provided to the district court, as well as mailed to the BoCC on or before the date of publication of the notice.

9.4. ANNUAL REPORTING REQUIREMENTS

9.4.1. Request for Required Reports from Any Special District

(A) Require Annual Report to be Filed

Any special district located wholly or partly within the unincorporated County shall file, not more than once a year, a special district annual report (C.R.S. §32-1-104(2) and §32-1-207(3)(C)-(D)). The detailed requirements of the annual report and disclosure form are stipulated in BoCC Resolution 06-472, as may be amended. The annual report shall be filed with the BoCC, the Colorado Division of Local Government, and the State Auditor, and shall be placed on file with the Clerk and Recorder for public inspection. A copy of the report shall also be made available by the special district to any interested party.

- The creation of the proposed special district will be in the best interests of the area proposed to be served.

(K) Filing of Approved Service Plan

The approved service plan shall be filed as part of the petition for the organization of the special district in district court in accordance with State Statute. The approved service plan shall be considered the final service plan when an order is entered by the district court declaring the special district organized.

9.3. MATERIAL MODIFICATIONS TO COUNTY-FINAL SERVICE PLAN

9.3.1. County Approval of Substantial Modifications to Final Service Plan

Once a special district with territory in the unincorporated County has been organized pursuant to the terms of this Chapter and the Control Act, the Board of Directors of the special district may make material modifications to the final service plan only by petition to and approval by the BoCC pursuant to the procedures governing the review and approval of the original service plan submittals (C.R.S. §32-1-207(1)-(3),as amended).

9.3.2. Material Modification Defined

A material modification of a final service plan shall be a change of a basic or essential nature, including but not limited to the following:

- Any addition to the types of services provided by the special district;
- A decrease in the level of services provided by the special district;
- A decrease in the financial ability of the district to discharge the existing or proposed indebtedness; or
- A decrease in the existing or projected need for organized service in the area.
- Any service provided outside of the district boundaries or approved service area which reduces service capabilities within the district
- Any modification that is contrary to a condition imposed by the BoCC in the final service plan or which is identified as a material modification within the final service plan.

9.3.3. Change of District Boundaries

A material modification may be found to exist if an approved special district changes its boundaries to include territory in the unincorporated County when the district previously included no territory in the unincorporated County. If the special district changes its boundaries in this fashion, it shall notify the BoCC, who may review the inclusion of territory. If the BoCC determine based on this review that the inclusion constitutes a material modification to the special district's final service plan, the Board of Directors of the special district shall file a petition for approval of a material modification of the final service plan.

(B) Contents of Annual Report

The annual report shall include but shall not be limited to information on the progress of the special district in the implementation of its final service plan.

(C) Review of Annual Reports

The BoCC may review the annual reports in a regularly scheduled public meeting, and such review shall be included as an agenda item in the public notice for such meeting. In addition, the State Auditor will review the annual report and report to the Colorado Division of Local Government any apparent decrease in the financial ability of the district to discharge its existing or proposed indebtedness in accordance with the final service plan. In such event, the Colorado Division of Local Government shall confer with the BoCC of the special district and with the BoCC regarding such condition.

(D) Recording of Annual Reports

The Annual Report And Disclosure Form is recording in conjunction with the recording of a final plat located within the special district.

9.4.2. Special District to Provide Contact Information Annually

On or before January 15 of each year, each special district located in the unincorporated County shall notify the BoCC, the County Assessor, the County Treasurer, and the County Clerk and Recorder (in addition to the other entities specified in C.R.S. §32-1-104(2)), of the name of the chair of the Board of Directors, the contact person, the telephone number, and the business address of the special district. If the persons and address are not located within the special district, the special district shall notify the County Clerk and Recorder of the name, address, and telephone number of a contact person located within the special district, if such person is available.

9.4.3. Failure to Provide Information or Annual Report

If a special district fails to file an annual report or provide any information required to be submitted within 9 months of the date of the request for the annual report or information, the BoCC, after notice to the special district, may notify any County treasurer holding moneys of the special district to prohibit release of any moneys until the special district complies with the applicable requirement.

9.5. SERVICE PLAN PROCESSING FEES

The fees for processing any Service Plan are established by State Statute and implemented by resolution and the fee schedule. The processing fee shall be used to reimburse the County for the reasonable direct costs related to processing the service plan and conducting the public hearings on the plan, including but not limited to the costs of notice, publication, and recording of testimony.

If it is determined that more in-depth review of a particular service plan is required, an additional service fee as provided in C.R.S. §32-1-202(3) and identified in the fee schedule may be imposed at submittal, to reimburse the County for the reasonable direct costs related to the in-depth review.

132NMK

Time of Request: Wednesday, July 22, 2009 13:19:14 EST
Client ID/Project Name: el ettoile
Number of Lines: 549
Job Number: 1822:168491052

Research Information

Service: Natural Language Search
Print Request: Current Document: 1
Source: CO State Cases, Combined
Search Terms: 866 P.2d 1384

Send to: SETER, KIM
SETER & VANDER WALL, P.C.
7400 E ORCHARD RD STE 3300
GREENWOOD VILLAGE, CO 80111-2545

El Paso County Development Services Department
Adopted Fee Schedule (5/6/09)

Application Type	Project Type	Old 2009 Fee	Admin Auth Reduc 20%	May 6, 2009 Temp Fee Reduc 10%
Special Districts				
Special District ⁵ (multiple districts for the same project is one fee)	D	7,500.00		6,750.00
Special District Amendment ⁵	D	5,000.00		4,500.00
Master Plans				
Master Plan, Master Plan Amendment	D	12,500.00		11,250.00
Land Use Decisions Only				
Rezoning				
Rezoning - All Conventional Zones	D	3,500.00		3,150.00
Rezoning - Planned Unit Development (PUD)	D	11,000.00		9,900.00
Rezoning - Planned Unit Development (PUD) Concept Plan	D	10,000.00		9,000.00
Major Revision to a Planned Unit Development (PUD) Plan	D	7,500.00		6,750.00
Minor Revision to a Planned Unit Development (PUD) Plan	C3	4,000.00		3,600.00
Development Agreement with PUD	D	5,000.00		4,500.00
Vested Rights with PUD	D	4,500.00		4,050.00
Use Subject to Special Review				
Major Special Review	D	4,000.00		3,600.00
Minor Special Review	D	3,000.00		2,700.00
Special Use-Major, Administrative or Renewal	C (new)		\$3,200	3,200.00
Special Use-Minor, Administrative or Renewal	C (new)		\$2,400	2,400.00
Rural Home Occupation as a Special Use	C (new)		\$600	600.00
Special Use Renewal-Tower				3,000.00
Use Variances				
Major Use Variances	D	4,500.00		4,050.00
Minor Use Variances (2nd dwelling or renewal)	D	3,000.00		2,700.00
Use Variance Renewal-Tower		3,000.00		3,000.00
Subdivision Fees				
Sketch Plan				
Major Sketch Plan	D	10,000.00		9,000.00
Minor Sketch Plan	D	7,500.00		6,750.00
A major sketch plan is any plan encompassing over 200 acres in area or more than 100 dwelling units, or including more than 10 acres of developable non-residential space.				
Major Revision to Existing Plan	D	9,000.00		8,100.00
Minor Revision to Existing Plan	D	6,000.00		5,400.00
Major Revision is defined as any one of the following: 1) A change in land use type(s) for 25% or more of the existing Sketch planned area 2) 25% or greater increase in projected population or employment				
Preliminary Plan				
Major Preliminary Plan (21+ Residential lots or tracts or 5+ Commercial lots or tracts)	D	9,500.00		8,550.00
Minor Preliminary Plan (1-20 Residential lots or tracts or 1-4 Commercial lots or tracts)	D	7,500.00		6,750.00
Note: Mixed subdivisions will be charged on predominant use.				
Waiver of Subdivision Regulations (with the preliminary plan or plat app, per waiver up to 2 maximum)	B5	550.00		495.00
Preliminary Plan Amendment (Major)	D	5,000.00		4,500.00
Preliminary Plan Amendment (Minor)	D	2,500.00		2,250.00
Construction Permit Plan Major Early Grading	C6	3,000.00		2,700.00
Final Plat				
Major Final Plat (21+ Residential lots or tracts or 5+ Commercial lots or tracts; with public improvements)	D	14,000.00		12,600.00
Minor Final Plat (1-20 Residential lots or tracts or 1-4 Commercial lots or tracts; with public improvements)	D	10,000.00		9,000.00
Note: Mixed subdivisions will be charged on predominant use.				
Waiver of Subdivision Regulations (with the preliminary plan or plat app, per waiver up to 2 maximum)	D	550.00		495.00
Minor Subdivision (4 or less lots non-commercial)	D	4,500.00		4,050.00
Townhome Plat	C1	1,500.00		1,350.00
Condominium Plat	C1	1,500.00		1,350.00
Crystal Park Plat	C1	1,500.00		1,350.00
Crystal Park Site Inspection	B3	250.00		225.00
Rural Land Use Plan	D	2,500.00		2,250.00
Construction Documents for Public Improvements				
Construction Plan Review				
Major Construction Drawings (21+ Residential lots or tracts or 5+ Commercial lots or tracts)	D	6,000.00		5,400.00
Minor Construction Drawings (1-20 Residential lots or tracts or 1-4 Commercial lots or tracts)	D	4,800.00		4,320.00

El Paso County Development Services Department
Adopted Fee Schedule (5/6/09)

Application Type	Project Type	Old 2009 Fee	Admin Auth Reduc 20%	May 6, 2009 Temp Fee Reduc 10%
<i>Review of Construction Drawings not associated with a project - final plat</i>	C4	2,620.00		2,358.00
<i>Amendment to Approved Construction Drawings</i>	C2	2,000.00		1,800.00
<i>Deviation (ECM related consideration)</i>	B5	550.00		495.00
<i>Construction Permit Subdivision Minor</i>	C6	1,400.00		1,260.00
<i>Construction Permit Subdivision Major (CO required and/or permanent BMPS and/or offsite improvements)</i>	C6	1,950.00		1,755.00
Public Facility Agreements & Financing Mechanisms				
<i>Modification to Subdivision Improvement Agreement (SIA)</i>	D	2,580.00		2,322.00
<i>Development Agreement</i>	D	5,000.00		4,500.00
<i>Maintenance Agreement for Ponds, Access, Joint Well, Walls</i>	C1	1,500.00		1,350.00
<i>Cost Recovery</i>	D	4,000.00		3,600.00
<i>Drainage Board Reimbursement Requests</i>	C1	1,500.00		1,350.00
Facility Acceptance & Release of Funds				
<i>Inspection Request (4th or greater inspection request per project, first 3 inspections incl in Final Plat Fee)</i>	B5	550.00		495.00
<i>Renew Collateral</i>	B5	550.00		495.00
<i>Letter of Credit Partial Release (3 releases per project included in the Plat fee, 4th or greater release is charged fee)</i>	B5	550.00		495.00
<i>Road or Facility Acceptance-Preliminary</i>	C2	2,000.00		1,800.00
<i>Road or Facility Acceptance-Final</i>	C4	2,400.00		2,160.00
Final Plat Amendments or Extensions				
<i>Final Plat Amendment, Level 3 (additional lots or tracts, significant roadway changes; typically needs preliminary plan amendment)</i>	D	3,200.00		2,880.00
<i>Final Plat Amendment, Level 2 (release of plat restriction w/Subdivision Improvement Agreement (SIA) to replace condition)</i>	C2	2,750.00	\$2,000	2,000.00
<i>Final Plat Amendment, Level 1 (same or less lots or tracts, plat note modification or deletion, reconsideration of expired plat, remove completed plat restriction, change in water supply)</i>	C2	2,500.00	\$2,000	2,000.00
<i>Extension of Time to Record Plat</i>	B5	550.00		495.00
Vacations and Mergers				
Major Vacation (with Plat Document)				
<i>Plat Vacation with Right-of-Way (ROW)</i>	D	3,750.00		3,375.00
Vacation of Interior Lot Lines				
Vacation of Sight Visibility or View Corridor Easement				
<i>Minor Vacation(s)</i>				
<i>Vacation of Interior Lot Lines</i>	C2	2,000.00		1,800.00
<i>Vacation of Sight Visibility or View Corridor Easement</i>	C2	2,000.00		1,800.00
<i>Vacation of Sidewalk Easement</i>	C2	2,000.00		1,800.00
<i>Vacation of Utility or Drainage Easements</i>	C2	2,000.00		1,800.00
<i>Vacation of Right-of-Way (ROW)</i>	D	3,750.00		3,375.00
<i>Plat Vacation by Resolution (No Plat Document, Resolution Only with Exhibit)</i>	C2	2,200.00	\$2,000	2,000.00
<i>Voluntary Merger</i>	B5	550.00		495.00
<i>Involuntary Merger</i>	D	1,940.00		1,746.00
Miscellaneous Subdivision Actions				
<i>Subdivision Exemption</i>	D	3,500.00		3,150.00
<i>Waiver of Subdivision Regulations (in advance of a submittal)</i>	D	3,000.00		2,700.00
<i>Project Name Change</i>	B3	250.00		225.00
<i>Resubmittal of Applications</i>	C3	2,135.00		1,921.50
Miscellaneous Actions				
<i>Annexation Impact Report or Waiver</i>	D	265.00		238.50
<i>Applicant Requested Amendment (Land Development Code, Engineering Criteria Manual)</i>	D	1,500.00		1,350.00
<i>Full Pre-application as opposed to Early Assistance</i>	D	435.00		391.50
Site Plan-Related Fees				
Utility Locations				
<i>Approval of Location</i>	D	4,000.00		3,600.00
<i>Site Application - Lift Station or Interceptor Sewer</i>	D	5,000.00		4,500.00
<i>Site Application-Waste Water Treatment Plant</i>	D	5,000.00		4,500.00
Solid Waste Facility				
Major Certificate of Designation				
<i>Solid Waste Disposal Site and Facility</i>	D	20,000.00		20,000.00
<i>Scrap Tire Only Landfill or Recycling</i>	D	20,000.00		20,000.00
<i>Enclosed or Open Trash Transfer Facility</i>	D	20,000.00		20,000.00
Minor Certificate of Designation				
<i>Inert Material Disposal (less than 10 acres or 100,000 cubic feet, lasting less than 18 months)⁶</i>	D	10,000.00		10,000.00

El Paso County Development Services Department
Adopted Fee Schedule (5/6/09)

Application Type	Project Type	Old 2009 Fee	Admin Auth Reduc 20%	May 6, 2009 Temp Fee Reduc 10%
Amendment to Major Certificate of Designation	D	10,000.00		10,000.00
Minor Amendment to Certificate of Designation	C3	2,035.00		2,035.00
Board of Adjustment Variances				
Major BOA Variance				
Lot Area	D	3,000.00		2,700.00
Minor BOA Variance				
Day Care Spacing	D	2,750.00		2,475.00
Setbacks, Physical Dimension, Structural Location, Bulk Limitations, Parking, Signs, Distance Separation, Landscaping (above the administrative relief amount)	D	2,750.00		2,475.00
Administrative Relief	C2		\$2,000	2,000.00
Appeal of Administrative Determination				
Appeal of Administrative Determination (applicant only)	D	2,500.00		250.00
Appeal to Board of Adjustment (BOA)	D	2,500.00		2,250.00
Administrative Approvals				
Single-Family Residential				
Planning-Related				
Administrative Plot Plan (Residential)	A	140.00		126.00
Agricultural Building Site Plan Review	A	140.00		126.00
Temporary Mobile Home	B2	150.00		135.00
Administrative Determination of Nonconformity	B3	250.00		225.00
Accessory Use Agreement		150.00		135.00
Zoning Compliance Requests	B3	250.00		225.00
Construction-Related				
Septic Permit	A	140.00		126.00
Driveway Permit Curb & Gutter Subdivision	B2	125.00		112.50
Driveway Permit Public Road with Drainage Ditches	B4	185.00		166.50
Driveway Permit Waiver (Private Road)	B1	75.00		67.50
Builder Erosion & Sediment Quality Control Permit	A	140.00		126.00
Commercial or Multifamily				
Planning-Related				
Minor Commercial Plot Plan	C3	2,035.00		1,831.50
Major Commercial Plot Plan	C5	3,000.00		2,700.00
Commercial Over the Counter Site Plan Review	B2	195.00		175.50
Plot Plan Amendment				
Temporary Use	A	140.00		126.00
Commercial Permit - Type B2				
Extension on Temporary Use, Temporary Mobile	B2	150.00		135.00
Home Occupation Permit	B2	150.00		135.00
Child Care/Adult Care/Group Home Permit	B2	150.00		135.00
Commercial Permit - Type B3				
Billboard Credit	B3	250.00		225.00
Sign Permit	B3	250.00		225.00
Second sign on same property \$125 (no surcharge)		125.00		125.00
Administrative Determination of Nonconformity	B3	250.00		225.00
Zoning Compliance Requests	B3	250.00		225.00
Administrative Mining or Batch Plant Permit	C2	2,000.00		1,800.00
Landscape Completion Agreement	B5	550.00		495.00
Deviation/Administrative Relief	B5	550.00		495.00
Tower Approval (co-location agreement)	C2	2,000.00		2,000.00
Construction-Related				
Re-Inspection Request (2nd or greater inspection request per project, 1st inspection included in commercial plot plan or permit fee)	B2	150.00		135.00
Septic Permit	A	140.00		126.00
Driveway Permit (private road or curb/gutter sub.)	B1	125.00		112.50
Builder Erosion & Sediment Quality Control Permit	A	140.00		126.00
Driveway Permit (public road)	B4	185.00		166.50
Grading Permit	C4	2,400.00		2,160.00
Erosion & Sediment Quality Control Permit (stand alone activity without concurrent commercial plot plan or construction drawing submittal)	C4	2,400.00		2,160.00
Publication Fee Group				
Land Development Code Books	NA	50.00		50.00
Comprehensive Plans	NA	25.00		25.00
Landscape Manuals	NA	20.00		20.00
Copies	NA	0.25		0.25
Large Format Copies	NA	10.00		10.00
New Zoning Map Book Sales	NA	65.00		65.00
Individual Zoning Maps	NA	5.00		5.00
Standard GIS Maps	NA	15.00		15.00
Specialty GIS Maps	NA	30.00		30.00
Custom GIS Products	NA	80.00		80.00
Drainage Criteria Manuals	NA	30.00		30.00
Engineering Criteria Manuals	NA	50.00		50.00
County Road Maps	NA	2.00		2.00

Fee Notes:

- 1) The Development Services Director may waive or reduce an applicable fee for exceptional circumstances including but not limited to:
 - a) The elimination of an obsolete zoning designation
 - b) County-initiated applications
- 2) Unless an error occurred by County staff which resulted in the filing of an unnecessary application, the maximum fee refund for a withdrawn application is 80% of the original fee, and no refunds will be granted for applications once they have been officially forwarded to agencies for review.
- 3) For those projects that, because of their size, type of operation, or technical details which are beyond the technical expertise of the El Paso County staff and require review and the provision of appropriate technical expert testimony at any required public hearing(s) before the County's governmental bodies or contracted employees of the County, the costs for said review and the provision of said expert shall be paid by the applicant. The extent and nature of said costs shall be established between the applicant and El Paso County prior to formal submittal.
- 4) For those applications/ requests which are not specifically listed, the Development Services Director shall establish the submittal fee. Said fee will be based upon the most closely related identified application type.
- 5) Special District review costs shall not exceed 1/100 of 1% of bonded indebtedness. The exact fee will be determined at the early assistance or application stage.
- 6) Inert Material is defined as earth, sand, gravel, rock, hardened concrete, masonry, asphalt paving fragments, scrap lumber and plywood, drywall, shingles, and other demolition or construction waste. It does not include, among other things, asbestos or anything containing hazardous or toxic wastes or materials, yard clippings or other such organic wastes, scrap tires, junk vehicles, sludge or industrial wastes or by products, or petroleum or other contaminated soil.

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Operations Director

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(except holidays)

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RESOLUTION NO. 07-272
EXHIBIT A
SPECIAL DISTRICT POLICIES

I. PURPOSE, INTENT AND APPLICATION

- A. Purpose.** The purpose of these policies is to provide a framework for the evaluation of applications for new, amended and updated special district service plans as authorized by C.R.S. Title 32 and which are under the jurisdiction of the El Paso County Board of County Commissioners.
- B. Intent.** It is the intent that applications for new and revised service plans should be drafted to both address and be consistent with these policies. However, the applicant(s) for a proposed district or districts, or amendment to any existing service plan shall have the right to seek relief or modification from any of these stated policies, based on proper justification, to the extent allowable by law. The County, for its part, maintains its discretion to apply additional evaluation criteria, policies and limitations to the formation of new and revised districts, as the County may deem applicable.
- C. Model Service Plans.** New service plans and any major amendments thereof shall adhere to the applicable Model Service Plan formats as further addressed in Resolution No. 07-273 (June 25, 2007) as may be amended. The purposes of the model plan approach include standardizing the organization of information, and inclusion of standard language and limitations consistent with current Board policy. Additionally, this approach is intended to focus on variations from standard language and/or policy. The appropriate Model Service Plan template (i.e. Single District, Multiple District, and Master District) should be utilized and then modified as appropriate to address the particular needs and circumstances associated with a given application. Title 32 Special Districts which are not metropolitan districts should adhere to the Model Service Plan template to the extent possible.
- D. Required Hearings.** Prior to a hearing of the Board of County Commissioners, all service plans for new Title 32 Special Districts and Major Amendments thereof shall first be considered at a hearing of the Planning Commission in accordance with Colorado Revised Statutes and as further described in the El Paso County Land Development Code and its accompanying Procedures Manual. Any request

for a service plan amendment which does not meet the definition of a Major Amendment does not require a hearing by the Planning Commission unless a need for this hearing is specifically determined by the Development Services Department Director. The above policy is intended to apply retroactively to any previously approved Service Plans which may have had conditions requiring all requests for Material Modifications to first be heard by the Planning Commission.

E. Special Justification. Certain matters shall be specifically and comprehensively justified based on the unique needs and circumstances associated with the particular Service Plan application. Matters requiring special justification include but are not necessarily limited to the following, as further addressed in these policies:

1. Use of Master Districts;
2. Authorization of mill levy caps in excess of the caps as set forth in Section III.F;
3. Specific authorization of special purpose mill levy caps which have the effect of increasing the Maximum Combined Mill Levy Cap above 60 (sixty) mills as set forth in Section III.F.5 and 6;
3. Processing of service plans prior to approval of underlying land use approvals as set forth in Section III.I.;
4. Use of a district or districts for covenant enforcement in lieu of Homeowners Associations (HOAs), where a Master District arrangement is proposed and/or where the district or districts are not otherwise being used to provide ongoing services.

F. Procedures. The detailed procedures governing the application process for new and amended service plans shall be maintained by the Development Services Director in a Procedures Manual (to be subsequently adopted by the BoCC and as may be amended).

II. BACKGROUND

A. History. Prior to 2007, El Paso County followed Special District policies which were initially adopted on September 2, 2004, and subsequently amended on September 22, 2005, and on December 28, 2006 to address limited changes. El Paso County has processed approximately 40 new and amended Service Plan Applications between 2000 and mid- 2007, involving about 70 separate districts. During this period, policy issues have continued to evolve. In October of 2006

the Board of County Commissioners directed the Long Range Planning Division Staff to review the County's existing policy language for additional updates and pursue the adoption of a Model Service Plan approach.

- B. Formation of Special District Task Force.** Since the County recognizes the value Special Districts provide in developing community infrastructure and services, a Special District Task Force was formed in early 2007, comprised of special district attorneys and managers, members of the development community, El Paso County Administration and Commissioners, and citizen representatives.
- C. Objectives of Special District Task Force.** The initial, 2006 objectives of the Task Force were (1) to recommend an updated Annual Report form; and (2) make a policy recommendation pertaining to developer advances. Additional objectives for 2007 included revising existing County policy and preparation of Model Service Plans. It was contemplated the Task Force may also be utilized to provide beneficial input regarding potential future legislative and technological changes. The importance of using the County Web site as a vehicle for communication and disclosure was also agreed upon.
- D. Outcome of Special District Task Force.** An updated Annual Report Form was prepared to include a single combined Annual Report and Disclosure form, approved by the Board of County Commissioners on December 18, 2006. County staff worked together to reference this document on the Assessor's tax bill and allow for internet availability. The developer funding agreement policy was proposed and approved by the Board of County Commissioners on December 28, 2006. Special District Model Service Plans and revised Policies were approved by the Board of County Commissioners on June 25, 2007.

III. OVERALL SERVICE PLAN POLICIES

- A. Conformity.** All proposed service plans shall be evaluated by both the applicant and County staff for conformity with the applicable standards contained in C.R.S. 32-1-203. Evaluation shall consist of more than a simple listing of the standards and/or statement that the service plan complies.
- B. Consistency.** All proposed service plans shall also be evaluated by the County for consistency with applicable elements of the El Paso County Master Plan, and with respect to these Special District Policies.

significantly delayed and/or market absorption occurs at significantly lower rates than anticipated.

4. Service Plans for newly developing areas shall specifically address the potential vulnerability of the development forecasts to short-term market downturns at the beginning of the forecast period.

B. Eligible Improvements.

1. It is the policy of the County to encourage the use of financing districts for Regional Public Improvements which provide a benefit to a significant share of residents and businesses within a larger development and/ or to areas outside the development.
2. Special districts may be authorized to fund Local Public Improvements, where a need is demonstrated, and if a plan for this financing can be justified in the Service Plan.
3. Districts shall not be authorized to finance non-public improvements, nor shall district facilities be used for non-public purposes without proper remuneration to the district(s).
4. In cases where districts are used to finance Local Public Improvements which are tied to the subdivision process, any Service plans and/or subdivision agreements shall be structured in order to prevent a loss of sales tax revenue from sales of construction materials which would otherwise accrue to the County or other local government taxing entities.

C. Acquisitions and Eminent Domain

1. The policy of the County is to generally discourage the use of districts as a mechanism to reimburse developers for the cost of facilities or other costs already committed to a land development project unless such reimbursement was contemplated in previous County approvals.
2. The contemplated use of eminent domain and/or dominant eminent domain should be addressed in the service plan with reasonable limits placed on thereon, based on the intended use of the district(s). Such limits may include the requirement for express prior approval of the Board for any purposes not explicitly identified in the service plan.
3. In no case shall the authorized eminent or dominant eminent domain powers of the district(s) be used to acquire land or other assets for the purpose of private economic development of such property, where such

- C. **Applicable Statutes and El Paso County Preferences.** It shall be the responsibility of the applicant to assure that service plans are drafted to meet all of the minimum requirements contained in C.R.S. Title 32, specifically including C.R.S. 32-1-202 (2) as well as all other applicable State requirements.
1. Districts which include water supply as one of their purposes shall be strongly encouraged to join the El Paso County Water Authority upon formation.
 2. The preference of El Paso County is for the formation of conventional districts which accord full electoral representation to residents and property owners within the district(s) and/or service area(s).
- D. **Application and Schedule.** Although the County will endeavor to be reasonably flexible in accommodating the scheduling needs of special district applicants, it is the ultimate responsibility of the applicants to allow sufficient time to meet the County's procedural guidelines and requirements for application processing.
- E. **Review.** Service plans shall be drafted and processed in a manner that allows for coordination and input of all affected elected officials and County departments and other external agencies, specifically including the Clerk and Recorder, the Assessor and the Treasurer.
- F. **Mill Levy Caps**
1. All proposed districts that rely significantly on future development to meet financing projections shall include mill levy caps as part of their service plans. To the extent permitted by law, such caps may be lifted once the district achieves the ratios of assessed valuation to debt and other requirements which would allow these caps to be removed. However, actual removal of a Board-imposed mill levy cap is subject to approval of the Board of County Commissioners at the time the cap is proposed to be removed. Removal of mill levy caps should be supported by justifications including, but not limited to, data establishing ratios of assessed valuation to debt that meet statutory criteria for the issuance of bonds without a mill levy cap, and enhancement of a district's ability to refinance debt at a more favorable rate (if proposed in connection with a refunding of debt).
 2. The Maximum Debt Service Mill Levy Cap for Full Service Districts shall normally be 50 (fifty) mills, subject to Gallagher adjustment as permitted by law. Debt Service Caps for Limited Service Districts should be

- correspondingly lower based generally on the proportion of services and facilities the district will be providing compared with a Full Service District.
3. A Maximum Operational Mill Levy Caps of up to 10 (ten) mills shall be allowed if supported by the Service Plan and accompanying Development and Financial analyses. Unless a special district has been “de-TABORED” with respect to its operational mill levy, the Maximum Operational Mill Levy Cap shall not subject to Gallagher adjustment.
 4. All service plans for metropolitan districts shall specify a Maximum Combined Mill Levy cap. Unless otherwise provided for and justified below, the Maximum Combined Mill Levy shall be 60 (sixty) mills
 5. If justified and fully documented by supporting information, an increase in the Maximum Operational, Debt Service and/or Maximum Combined Mill Levy Caps to allow up to 15 (fifteen) additional mills may be specifically authorized for the purpose of funding ongoing fire protection services where either the District itself will be providing these services or the District(s) propose to contract with another district to provide these services. Such additional mill levy caps shall only be allowed in cases where the property within the proposed district is not presently included in an organized fire protection district.
 6. If justified and fully documented by supporting information, an increase in the Maximum Combined Mill Levy Caps of up to 5 (five) additional mills may be specifically authorized as a Special Purpose Mill Levy for the purpose of funding ongoing covenant enforcement and/or maintenance of common facilities in the absence of a Homeowners Association, or if such covenant enforcement, in the alternative, is to be undertaken by the District.
 7. In cases where districts are subject to a mill levy cap and will be relying significantly on future development to meet financing projections, notice shall be provided in the service plan or its approval to the effect that repayment periods for bonds and/or other district obligations are subject to extension in the event revenues come in at a rate lower than anticipated.

G. Disclosure, Notice and Annual Reports

1. It is the policy of El Paso County to further and encourage full, balanced, clear, convenient and constructive disclosure of special district information to all potentially effected parties especially including existing and potential future residential property owners.
2. Notice and disclosure should specifically address topics including but not necessarily limited to unique representational issues (e.g. master districts), dissemination of contact and basic financial information to property owners, and apprising tax and rate payers of their potential maximum financial risk and exposure associated with owning property in the district(s)
3. All districts shall file an Annual Report and Disclosure form in accordance with Resolution 06-472, as may be amended.

H. **Non-Proliferation and Need for Districts.** Notwithstanding the many factors which may create a justification to form one or more new and independent special district(s), it is the policy of the County to discourage the unnecessary proliferation of additional districts in the County.

1. All proposals for new districts shall clearly and comprehensively justify their need compared with alternatives including using existing districts or non-special district options.
2. Plans for new districts shall be designed and implemented to allow reasonable options for inclusion of additional property; thereby reducing the necessity of creating additional districts in the future.
3. Although the County supports the reasonable and judicious inclusion of additional territory by existing and proposed new districts, conditions should be placed on new and revised service plans to limit the potential for inclusion of remote properties unless these actions were anticipated in the original service plan.
4. Service Plans should be written with contingences that contemplate eventual annexation of territory by a municipality, in cases where this is a significant possibility.

I. **Land Use Approvals.** Applicants for developer-initiated districts are encouraged to obtain Underlying Land Use Approvals prior to, or at a minimum, in conjunction with service plan application. In those cases where an applicant desires to process a service plan prior to final action on underlying land use approvals, the

burden shall be on the applicant to justify the necessity of this timing, sufficient conditions shall be placed on the service plan to address potential subsequent denial or modification of the land use applications, and notations shall be added making it clear that the County has no obligation whatsoever to approve subsequent land use applications in cases where applicants may chose to process service plans in advance of obtaining underlying land use approvals.

J. Fees. Within the limits of State Statutes, it is the policy of the County to establish and charge fees commensurate with the actual cost of processing and reviewing of new and amended service plans. Such fees are established by separate Board resolution, and may be waived or reduced by the Board of County Commissioners either in advance of or in conjunction with the hearing on a given service plan. Justifications for fee waiver or reduction include, but are not limited to:

1. County-initiated or partnered service plans.
2. Reduced fee based on limited non-controversial modification to an existing Service Plan.
3. Processing of service plans for volunteer initiatives and/or for districts with limited proposed indebtedness and revenue generation.

IV. SERVICE PLAN REQUIREMENTS & PROCEDURES

A. Development and Financial Analysis. A development analysis shall be required prior to formation or full authorization of all proposed districts which rely significantly on future development to meet financial projections

1. At a minimum, the development analysis shall include a summary of the anticipated development within the district described by applicable category and with development absorption projected throughout the applicable forecast period.
2. A summary financial analysis shall be provided to correspond with the development analysis. This financial analysis shall include, a first year revenue budget, a summary of projected revenues, expenditures, and proposed debt issuances over the forecast period, and at a minimum shall address the requirements of C.R.S. 32-1-202 (2) (b) and (f).
3. The development analysis and financial plan shall address the "most probable" market absorption assumptions at a minimum, but shall also specifically address contingencies in the event initial development is

acquisition is not clearly necessary to support the essential facility and service provision purposes of the districts (s).

4. Pursuant to Colorado Revised Statutes, districts shall not be authorized to acquire water rights by condemnation.

D. Authorization of Debt and Issuance of Bonds

1. Districts shall be encouraged to prudently phase the issuance of debt, especially in situations where future development will be substantially relied upon for to generate revenue to pay such debt.
2. The pre-authorization of debt shall be reasonably limited.
3. In cases where there will be a Master District arrangement, consideration may be given to limitations which require prior Board of County Commissioners approval for re-authorization of debt if and when the original authorization expires.
4. Districts shall evaluate their proposed mill levy and debt in relationship to the current and potential future combined mill levies and debt which may be levied by all overlapping and eligible taxing entities for the affected area.
5. Where applicable and appropriate, districts are encouraged to rely on a combination of property taxes, fees and charges both to diversify their revenue sources and to reduce some of the repayment impact on future property owners, particularly in the case where the district(s) will be used to fund Local Public Improvements.
6. Districts are encouraged to limit the term of bond issuances to the shortest time period that is reasonable and practical. The term of each individual bond issue should be limited to thirty (30) years or less unless specific justification for a longer duration is provided.
7. In cases where developers or other directly interested parties may be purchasing developer-held bonds, an opinion letter from an external financial advisor shall be provided to ensure that interest rates for these bonds are competitive as compared with bonds sold on the open market.
8. Districts shall not be authorized to directly accept sales or use tax revenues (i.e. from tax increment financing arrangements) without express prior approval of the Board).

E. Developer Funding Agreements. Districts shall be allowed to prudently use developer funding agreements and/or capitalized interest as a means of compensating for delays in receipt of property tax and other revenues in newly developing districts.

1. The proposed and potential use of Developer Funding Agreements shall be addressed as part of the Service Plan for new districts and Major Amendments, as well as for other non-Major Amendments if this topic is deemed by the Development Services Director to be pertinent to the amendment.
2. To the extent Developer Funding Agreements are included in an approved Service Plan (or any amendment thereof), such Agreements may provide for the earning of simple interest thereon, but under no circumstances shall any such Agreement permit the compounding of interest. The Service Plan may permit an interest rate that does not exceed the prime interest rate plus two points thereon
3. Unless specifically addressed in the original Service Plan or a Board of County Commissioners-approved amendment of the Service Plan, the maximum term for repayment of a Developer Funding Agreement shall be twenty (20) years from the date the Special District becomes obligated to repay the Developer Funding Agreement under the associated contractual obligation. For the purpose of this provision, Developer Funding Agreements are considered repaid once the obligations are fully paid in cash or when converted to bonded indebtedness of the Special District (including privately placed bonds). Any extension of such term must be approved by the Board.
4. Required disclosure notices shall clearly identify the potential for a Special District to enter into obligations associated with Developer Funding Agreements.

F. Multiple Districts.

1. Multiple District Service Plans shall include the following:
 - a. Provide justification that the total number of proposed districts is the minimum necessary to effectively manage the infrastructure and operational needs of the service area.

- b. Clearly and comprehensively address the relationships among separate districts, including proposed intergovernmental agreements and contingencies for potential dissolution or combination.
 - c. Clearly address intent to fairly and equitably distribute costs and benefits among separate districts.
2. If justified in the Service plan(s) the Board may consider Multiple District concepts for the following purposes:
- a. Accommodating the phasing of infrastructure financing for distinct major phases of a larger land development project
 - b. Allowing for differential mill levies between non-residential and residential areas within a larger project for the purposes of addressing the impact of the Gallagher Amendment.

G. Master Districts. Service plans which contemplate Master District concepts shall provide justification that the total number of proposed districts is the minimum necessary to effectively manage the infrastructure and operational needs of the service area. Master District approvals shall be allowed subject to specific justification of the unique need for these limited representation arrangements.

- 1. The preference of El Paso County is for the formation of conventional districts that accord full electoral representation to residents and property owners within the district(s) and/or service area(s).
- 2. Service Plans that contemplate Master District concepts shall provide justification that the total number of proposed districts is the minimum necessary to effectively manage the infrastructure and operational needs of the service area.
- 3. In cases where one or more Master Districts will provide services or facilities to a larger defined service area, the applicants for the district shall use reasonable means (including mailings and/or informational meeting) to inform existing property owners of the proposed district arrangement.
- 4. Board of County Commissioners appointed Citizen Advisory Councils (CACs) should be actively considered as a means to allow a more formal role in the affairs of the Controlling Board of Directors, including, where appropriate, consideration of establishing the Chair of the CAC as either

an *ex-officio* or formal voting member of the Controlling Board of Directors.

5. If not initially required as a condition of Service Plan approval, and if so provided as part of such approval, at any time during the existence of the Controlling Board of Directors, the Board of County Commissioners, either on its own initiative or in response to citizen input, may exercise their prerogative to require the creation a Citizen Advisory Council (CAC) if it is determined to be in the best interest of the County, and/or the property owners within the service area. The Board may establish the Chair of the CAC as either an *ex-officio* or formal voting member of the Controlling Board of Directors.
6. Other than responsibility for the appointment process, the Controlling Board of Directors shall have responsibility for support of any CACs, which may be required.
7. In the event of insufficient interest in CAC membership, appropriate justification presented by the Controlling District Board of Directors, or for any other reason, the Board of County Commissioners, at its sole discretion, shall have the right to eliminate a prior requirement for a CAC.
8. Service plans which contemplate Master District arrangements shall include provisions to accommodate a transition back to a conventional district once the area served by the district(s) is fully developed.

H. Covenant Enforcement and Homeowner's Association Functions.

1. Any intent or reserved option to use the proposed District(s) for Homeowners Association (HOA) functions, including covenant enforcement or common area maintenance should be clearly described in the Service Plan. Such description should specify whether there is intent to use the District(s) in lieu of one or more HOAs or to contract with HOA(s) for provision of certain services.
2. Use of district(s) for ongoing covenant enforcement purposes should be specifically discouraged if there are expected to be no other ongoing needs for the perpetual existence of the District(s).

I. Service Plan Amendments & Material Modifications.

1. The Board of County Commissioners reserves the discretion to impose review standards and hearing requirements as deemed appropriate and

necessary for any application for amendment of an existing Service Plan, as otherwise allowed under State Statute.

2. In cases where one or more Major Amendments are proposed to be made to an existing Service Plan, a revised Service Plan submittal shall be required with hearings to be scheduled before both the Planning Commission and the Board of County Commissioners consistent with the review of a Service Plan for a new district, except where these procedures may be clearly inapplicable. Final action on a Major Amendment shall consist of approval of the new Service Plan which will have the effect of replacing the previous one, and any conditions or notations which may have been imposed on that plan by the Board of County Commissioners.
3. In cases where one or more Minor Amendments are proposed to be made to an existing Service Plan, the submittal shall not normally require a complete new Service Plan, but only those materials necessary to support and justify the amendment as determined by the Development Services Department Director in consultation with the County Attorney's Office. The hearing or hearings addressing Minor Amendments shall be scheduled directly before the Board of County Commissioners. Final action on a Minor Amendment shall consist of approval of a resolution specifically amending the language included in the existing Service Plan or the conditions or notations imposed on that plan by the Board of County Commissioners.
4. Material Modifications may be processed as either Major or Minor Amendments at the discretion of the Development Services Department Director in consultation with the County Attorney's Office.
5. Administrative amendments to approved Service Plans shall only be approved administratively (by the Development Services Department Director in consultation with the County Attorney's Office) in those cases where this authority is expressly delegated by the Board of County Commissioners.
6. Determinations as to the use and applicability of the Major or Minor Amendment process, as outlined above, shall be made by the Development Services Department Director for all Service Plans

approved prior to the date of adoption of these policies, based on a determination of the need for and appropriateness of the Minor versus Major Amendment processes.

7. Any administrative decisions concerning IV. J. 2-6 above may be appealed to the Board of County Commissioners pursuant to applicable procedures as outlined in the El Paso County Land Development Code, or as otherwise provided for in State Statute.

V. **DEFINITIONS**

The following terms are defined specifically and solely for use in conjunction with these El Paso County Special District Policies. The definitions may or may not completely correspond with definitions in State Statutes, the El Paso County Land Development Code, or other relevant documents:

- **Board** – The Board of County Commissioners of El Paso County, unless otherwise specified
- **Citizens Advisory Council (CAC)** – A five (5) member advisory board appointed by the Board of County Commissioners for the purpose of providing input to the Commissioners and to the Controlling Board(s) in the case of Master District arrangements.
- **Complete Service Plan** – A complete service plan filed in accordance with C.R.S. Title 32 and County requirements and these Policies, and specifically including a complete financial plan as well as a market study, if applicable
- **Controlling Board of Directors** – The board or boards of directors of that have the ability to directly influence the major financial decisions of a district or combination of related districts.
- **Conventional Representative District** – One or more Title 32 special districts, each of which is structured to allow all residents and property owners to participate in elections for the Controlling Board(s) of Directors, as otherwise allowed by Statute.
- **County** – El Paso County, Colorado, as represented by its Board of County Commissioners.
- **Developer Funding Agreement** – An agreement of any kind executed between a Special District (“District”) and a Developer as this term is specifically defined below, including but not limited to advance funding agreements, reimbursement agreements or loans to the District from a Developer, where such an agreement creates an obligation of any kind which may require the District to re-pay the Developer. The term “Developer” means any person or entity (including but not limited to corporations, venture partners,

proprietorships, estates and trusts) that owns or has a contract to purchase undeveloped taxable real property greater than or equal to ten percent (10%) of all real property located within the boundaries of the District. The term "Developer Funding Agreement" shall not extend to any such obligation listed above if such obligation has been converted to any bonds issued by the District to evidence the obligation to repay such Developer Funding Agreement, including the purchase of these bonds by a Developer.

- District(s) – Any district or districts duly organized or contemplated to be organized under C.R.S. Title 32.
- Dominant Eminent Domain – Condemnation action undertaken by one governmental entity with respect to property owned by another governmental entity.
- External Financial Advisor – A consultant that: (i) advises Colorado governmental entities on matters relating to the issuance of securities by Colorado governmental entities, including matters such as the pricing, sales and marketing of such securities and the procuring of bond ratings, credit enhancement and insurance in respect of such securities; (ii) shall be an underwriter, investment banker, or individual listed as a public finance advisor in the Bond Buyer's Municipal Market Place; and (iii) is not an officer or employee of the District for which External Advisor Services are being rendered, and (iv) has not been otherwise engaged to provide services in connection with the transaction related to the applicable Debt.
- Full Service District – A 32 district which may be a metropolitan district and which provides a substantially full range of facilities and services to normally include central water and sewer, along with a combination of other purposes which may include road improvements, parks and recreation, and drainage. A Full Service District may contract or otherwise arrange with other entities to provide some of these facilities and services.
- Gallagher Adjustment – An allowed adjustment to the Maximum Debt Service Mill Levy, Maximum Operational Mill Levy, or Maximum Special Mill Levy intended to offset the effect of adjustments to the ratio between market value and assessed value of taxable property within the applicable District that would cause a reduction in the revenue otherwise produced from such Maximums based on the ratio between market value and assessed value as of January 1 in the year in which the applicable District's organizational election is held.
- Limited Service District – A Title 32 district that may be a metropolitan district and which provides a more limited range of facilities, services or purposes than a Full Service

District, such that either other entities or the individual property owner are responsible for providing a significant share of the facility and service needs of the development.

- Local Public Improvements – Facilities and other improvements which are or will be dedicated to the County or another governmental or quasi-governmental entity for substantially public use, but which do not qualify under the definition of Regional Public Improvements. Examples would include local streets and appurtenant facilities, water and sewer lines which serve individual properties and drainage facilities that do not qualify as reimbursable under adopted drainage basin planning studies.
- Major Amendment – An amendment to an existing approved Service Plan which is considered substantial enough to warrant the submittal of a revised Service Plan and the requirement for hearings by both the Planning Commission and the Board of County Commissioners, as determined by the Development Services Department Director in consultation with the County Attorney's Office. Such Amendments specifically include but are not limited to those amendments which are expressly stipulated as being Major Amendments, either in the text of the existing Service Plan or in the conditions or notations attached to its approval.
- Material Modification – Any variance or deviation from an existing approved Service Plan which meets the definition of this term as it is defined in C.R.S. 32-1-207 (2) and/or any other variance or deviation which is specifically identified as a Material Modification either in the text of the existing approved Service Plan or the conditions or notations attached to its approval. The procedure for Board of County Commissioners approval of Material Modifications may involve either a Minor or a Major Amendment as addressed in these policies.
- Master District – Any arrangement of districts with the intent of using one or more small directors parcels for the purpose of retaining control of the key financial decisions of the districts such that the majority of future property owners who will receive facilities and/or services of the district(s) will not be eligible to participate in the election of the Controlling Board of Directors.
- Maximum Debt Service Mill Levy Cap – The maximum Gallagher-adjusted ad valorem mill levy the district, or combination of districts which are part of a consolidated service plan, may certify against any property within the district(s) for the purpose of servicing any debt incurred by or on behalf of the districts (s).
- Maximum Operational Mill Levy Cap – The maximum Gallagher-adjusted ad valorem mill levy the district, or combination of districts which are part of a consolidated service

plan, may certify against any property within the district(s) for the purposes providing revenues for ongoing services, administration or any other allowable activities other than the servicing of debt.

- Maximum Combined Mill Levy Cap – The maximum combined Gallagher-adjusted ad valorem mill levy the district, or combination of districts which are part of a consolidated service plan, may certify against any property within the district(s) for any purposes.
- Minor Amendment – An amendment to an existing approved Service Plan which is not considered substantial enough to warrant the requirement for submittal of a complete revised Service Plan and the requirement for hearings by both the Planning Commission and the Board of County Commissioners, as determined by the Development Services Department Director in consultation with the County Attorney's Office. Such Amendments specifically include but are not limited those amendments which are expressly stipulated as being Minor Amendments either in the text of the existing Service Plan or the conditions or notations attached to its approval.
- Model Service Plan – The applicable standardized format and content for a service plan as currently adopted by the Board of County Commissioners
- Multiple Districts – Any combination of two (2) or more districts as part of a consolidated service plan for the purpose(s) of phasing the relinquishment of control by a developer-controlled board of directors and/or phasing the issuance of debt in accordance with phased land use plan and/or accommodation of differential mill levies within the consolidated service area.
- Planning Commission – The El Paso County Planning Commission.
- Regional Public Improvements – Facilities and other improvements which are or will be dedicated to the County or another governmental or quasi-governmental entity for substantially public use, and which serve the needs of the region.
- TABOR and deTABOR – “TABOR” is an acronym which refers to the Taxpayer Bill of Rights found in Article 10, Section 20 of the Colorado Constitution.
- Underlying Land Use Approvals – Any pre-existing approvals by the Board of County Commissioners of one or more sketch plans, generalized planned unit development (PUD) Plans, site-specific PUD plans, conventional rezonings, preliminary plans, final plats, or any combinations of the foregoing which are consistent with and support the development assumptions included in the Service Plan.

EXHIBIT A

Resolution No. 05-381

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO**

**RESOLUTION TO APPROVE THE TITLE 32 4-WAY RANCH
METROPOLITAN DISTRICTS NO. 1 & 2 CONSOLIDATED SERVICE PLAN,
-EASTBROOK DEVELOPMENT, INC. (ID-05-001)**

WHEREAS, Eastbrook Development, Inc., did file an application with the Planning Department of El Paso County, Colorado, pursuant to 32-1-202 et. seq., C.R.S., as amended, for the review of the Consolidated Service Plan for the 4-Way Ranch Metropolitan Districts No. 1 & 2 (the "Districts"); and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 26, 2005, upon which date the Planning Commission did by formal resolution recommend approval of the subject Service Plan with conditions and notations; and

WHEREAS, on August 11, 2005, the Board ordered a public hearing to be held on the Service Plan on September 8, 2005; and

WHEREAS, notice of the hearing before the Board was duly published in the *El Paso County Advertiser and News* on August 17, 2005, as required by law; and

WHEREAS, notice of the hearing before the Board was duly mailed by first class mail to interested persons, defined as: The owners of record of all property within the proposed Title 32 districts as such owners of record are listed in the proposed service plan; and the governing body of any municipality or special district which has levied an ad valorem tax within the next preceding tax year, and which has boundaries within a radius of three (3) miles of the proposed districts' boundaries; and notice was provided to the division of local government on August 11, 2005; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, the Board held a public hearing on the Service Plan for the Districts on September 8, 2005; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the County, study of the proposed service plan, recommendations of the El Paso County Planning Commission, comments of the El Paso County Planning Commission, comments of public officials and agencies, and comments from all interested parties, the Board finds as follows:

Office of County Clerk and Recorder
El Paso County, State of Colorado
Certified to be a true and correct copy
Copy of record in my Office.
Book Page.....
Date 09-12-2005
County Clerk & Recorder
El Paso County, Colorado
By Robert C. Balink
Deputy

ROBERT C. "BOB" BALINK
09/12/2005 09:18:29 AM
Doc \$0.00 Page
Rec \$0.00 1 of 10

El Paso County, CO

205142010

1. That proper publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
2. That the hearings before the Planning Commission and the Board of County Commissioners of El Paso County were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at those hearings.
3. There is sufficient existing and projected need for organized service in the area to be served by the proposed Special Districts.
4. Existing service in the area to be served by the proposed Special Districts are inadequate for present and projected needs.
5. The proposed Special Districts are capable of providing economical and sufficient service to the area within the proposed boundaries.
6. Adequate 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.
7. The facility and service standards of the proposed Special Districts are compatible with the facility and service standards of El Paso County.
8. The proposal is in substantial compliance with a Master Plan adopted pursuant to C.R.S. §30-28-106.
9. The proposal is in compliance with any duly adopted county, regional or state long-range water quality management plan for the area.
10. The creation of the proposed Special Districts will be in the best interests of the area proposed to be served.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby determines that the requirements of Sections 32-1-202(1), (2) and (3), C.R.S., relating to the filing of a consolidated service plan for the 4-Way Ranch Metropolitan Districts No. 1 & 2 and the requirements of Sections 32-1-204(1) and (1.5), C.R.S., relating to notice of the hearing by the Board, have been fulfilled in a timely manner.

BE IT FURTHER RESOLVED the Board hereby approves the Consolidated Service Plan submitted by Eastbrook Development, Inc., for the 4-Way Ranch Metropolitan Districts No. 1 & 2 for property more particularly described in the attached Exhibit A, which is attached hereto and incorporated by reference.

AND BE IT FURTHER RESOLVED that the following conditions shall be placed upon this approval:

1. As stated in the Service Plan, the mill levy for retirement of general obligation debt shall not exceed fifty (50.0) mills (Gallagher adjusted) for any property within these two (2) proposed Districts until and unless the Board of County Commissioners subsequently determines to remove the mill levy cap in a manner consistent with State Statutes at a subsequent public hearing. The Districts shall also be limited to an operational mill levy cap of not more than ten (10) mills, which may not be Gallagher adjusted unless such operational debt has been "de-TABORED."
2. As stated in the Service Plan, the maximum authorized indebtedness for these combined Districts shall be \$25 million (twenty-five million dollars) without express prior authorization of the Board of County Commissioners. Any increase in authorized debt beyond this amount shall constitute a material modification of the Service Plan.
3. As stated in the Service Plan, the period of maturity for all bonds shall be limited to no more than thirty (30) years without express prior approval of the Board of County Commissioners. Such approval, although required, is not considered to be a major modification, which would trigger the need to revise the Service Plan.
4. These Districts shall not have the authority to apply for or utilize any Conservation Trust (Lottery") funds without the express prior consent of the Board of County Commissioners. The District shall have the authority to apply for and use any other grant funds including, but not limited to, Great Outdoors Colorado (GOCO) discretionary grants.
5. Any future annexation of territory by either of these two (2) Districts which encompasses any territory more than five (5) miles from any of the currently proposed District boundary lines shall be considered a material modification of the Service Plan and shall require prior Board of County Commissioners' approval.

6. These Districts shall not be authorized to finance Local Public Improvements or entry features without prior approval of the Board of County Commissioners. These Local Public Improvements shall specifically include all Phase I and Phase II "local roads" as identified in Exhibit F of the Service Plan.
7. District 2 shall not be authorized to issue any bonds until Board of County Commissioners' approval of the zoning and Preliminary Plan for the property within the District's boundaries, provided the District is in material compliance with the Financial Plan approved by the Board of County Commissioners.
8. Prior to funding any Local Public Improvements, the District shall provide assurances that El Paso County and any other eligible taxing entity will be compensated with respect to the potential loss of Sales Tax Revenue associated with these Local Public Improvements, had they been privately funded.
9. The period of maturity for all bonds shall be limited to no more than thirty (30) years without express prior approval of the Board of County Commissioners.
10. The Districts agree, to the extent that the Service Plan approved by the Board of County Commissioners includes the power of eminent domain and/or the power of dominant eminent domain, that its power of eminent domain and/or power of dominant eminent domain, regardless of the extent of the power granted to special districts and/or metropolitan districts under state law, shall be limited to the acquisition of property that the Districts intend to be owned, controlled or maintained by the Districts or other public or non-profit entity and is for the material use or benefit of the general public, and which term "material use or benefit for the general public" shall never include as a material purpose the acquisition of property for the furtherance of an economic development plan and which term shall also never include as a purpose an intent to convey such property or to make such property available to a private entity for economic development purposes.

AND BE IT FURTHER RESOLVED that the following notations shall be placed upon this approval:

1. In the event revenues or reserves are insufficient to meet scheduled bond payments, unpaid interest may be carried forward as a subsequent year obligation. This may have the effect of extending the schedule of required bond payments.

2. Approval of these Service Plan should in no way be construed to imply any obligation or presumption of approval of the commercial land uses assumed in the Service Plan or any particular land use plan for the subject property.
3. In the event the El Paso County Development Services Department is requested to withhold authorization of building permits pending verification of payment of building permit fees, this arrangement may require a formal agreement, which, among other things, holds the County harmless in the event authorization is inadvertently issued without such proof of payment.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

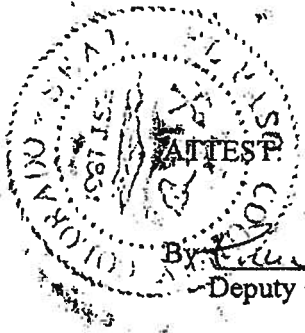
AND BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be filed in the records of the County and submitted to the petitioners for the purpose of filing in the District Court of El Paso County.

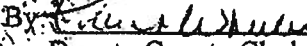
AND BE IT FURTHER RESOLVED that all resolutions or parts thereof, in conflict with the provisions hereof, are hereby repealed.

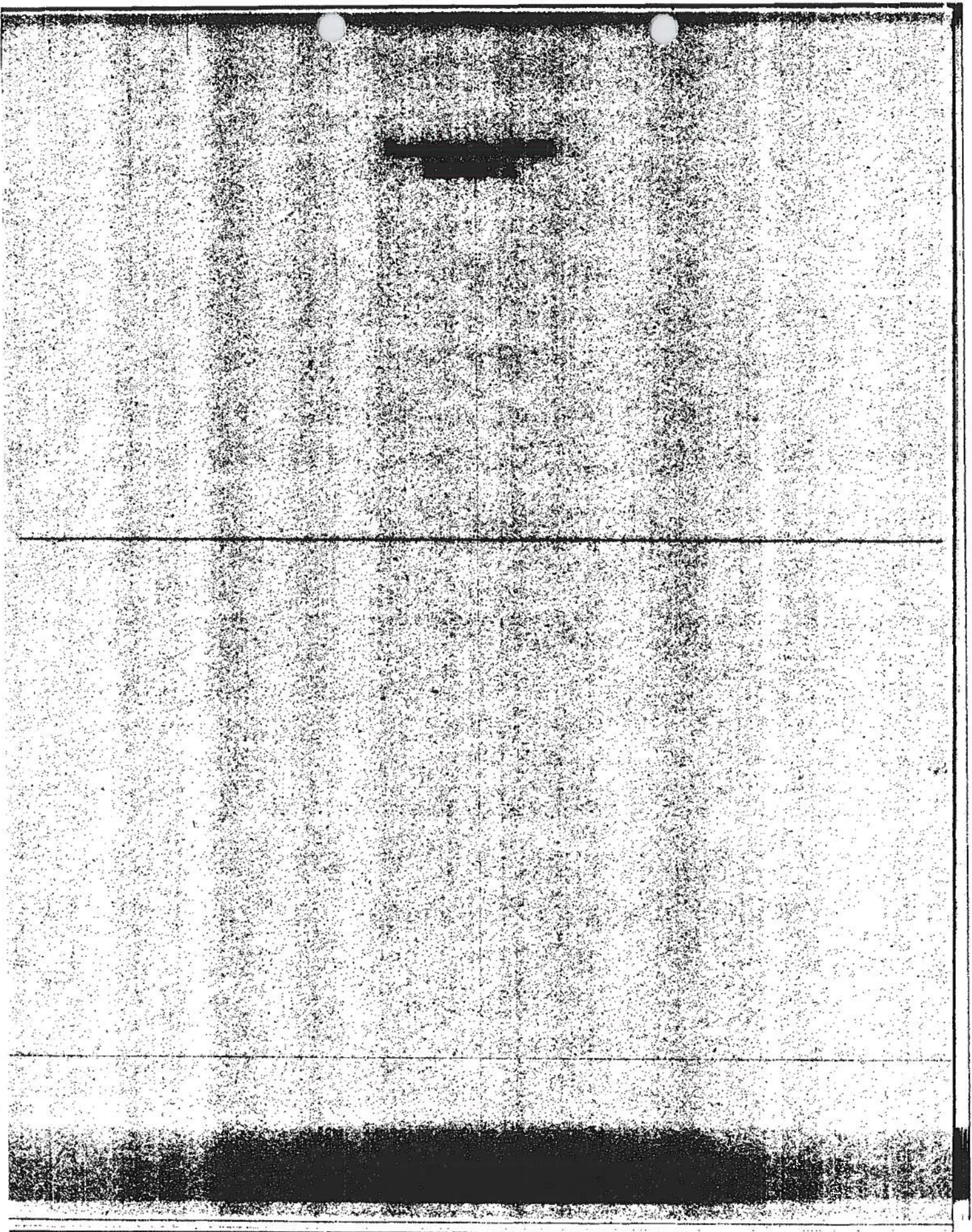
DONE THIS 8th day of September 2005, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

By: 
Chairman



By: 
Deputy County Clerk





LEGAL DESCRIPTION:

4 WAY RANCH METRO DISTRICT 1 - 557 ACRES

A TRACT OF LAND BEING A PORTION OF THE NORTHWEST QUARTER, THE NORTHEAST QUARTER, AND SOUTHWEST QUARTER OF SECTION 28, THE SOUTHEAST QUARTER OF SECTION 29, THE NORTH HALF OF SECTION 32 AND THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

THE NORTH LINE OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEING MONUMENTED AT THE NORTHWEST CORNER BY A 3-1/4" ALUMINUM SURVEYOR'S CAP STAMPED "PSINC LS 30087" AND AT THE NORTHEAST CORNER BY A 3-1/4" ALUMINUM SURVEYOR'S CAP STAMPED "PSINC LS 30087", BEING ASSUMED TO BEAR S89°47'04"E, A DISTANCE OF 5285.07 FEET.

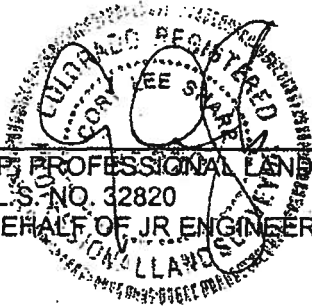
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 28, THENCE S00°30'55"E ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 1319.39 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF SAID NORTHWEST QUARTER;
THENCE S89°47'08"E ON THE NORTH LINE OF THE SOUTH HALF OF SAID NORTHWEST QUARTER, A DISTANCE OF 588.96 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF EASTONVILLE ROAD, SAID POINT BEING THE POINT OF BEGINNING;
THENCE CONTINUING S89°47'08"E ON SAID NORTH LINE, A DISTANCE OF 2051.82 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 28;
THENCE S89°47'08"E ON THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 2640.73 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 28;
THENCE S00°21'38"E ON SAID EAST LINE, A DISTANCE OF 1319.24 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER;
THENCE N89°47'12"W ON SAID SOUTH LINE, A DISTANCE OF 2638.92 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28;
THENCE S00°26'21"E ON THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2638.65 FEET, TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33;
THENCE S00°29'25"E ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 33, A DISTANCE OF 531.44 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY OF THE ROCK ISLAND REGIONAL TRAIL AS GRANTED TO EL PASO COUNTY IN THAT WARRANTY DEED RECORDED IN BOOK 6548 AT PAGE 892, RECORDS OF EL PASO COUNTY, COLORADO;
THENCE S45°55'49"W ON SAID NORTHWESTERLY RIGHT-OF-WAY LINE 1120.13 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33;
THENCE N89°52'19"W ON SAID SOUTH LINE, A DISTANCE OF 1822.42 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 33;
THENCE N89°58'00"W ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 2635.32 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 32;

THENCE N89°57'46"W ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 32, A DISTANCE OF 830.97 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID EASTONVILLE ROAD;
THENCE N38°18'27"E ON SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 1631.78 FEET;
THENCE N38°15'31"E ON SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 3902.93 FEET;
THENCE N37°34'53"E, A DISTANCE OF 508.84 FEET TO A POINT OF CURVE;
THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 20°43'35", A RADIUS OF 1630.00 FEET, A DISTANCE OF 589.68 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 557.48 ACRES.

LEGAL DESCRIPTION STATEMENT:

I, CORY L. SHARP, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.



CORY L. SHARP, PROFESSIONAL LAND SURVEYOR
COLORADO P.L.S. NO. 32820
FOR AND ON BEHALF OF JR ENGINEERING, LLC

June 10, 2005
DATE



LEGAL DESCRIPTION: 4 WAY RANCH METRO DISTRICT 2

A TRACT OF LAND BEING A PORTION OF THE SOUTH HALF OF SECTION 21, THE SOUTH HALF OF SECTION 22, THE NORTH HALF OF SECTION 28, AND SECTION 27, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF SECTION 21, BEING MONUMENTED AT THE SOUTHEAST CORNER BY A 3-1/4" ALUMINUM SURVEYOR'S CAP STAMPED "PS INC PLS 30087 1996", BEING APPROPRIATELY MARKED, AND BEING MONUMENTED AT THE NORTHEAST CORNER BY A 3-1/4" ALUMINUM SURVEYOR'S CAP STAMPED "PS INC PLS 30087 1996", BEING APPROPRIATELY MARKED, BEING ASSUMED TO BEAR N00°52'26"W, A DISTANCE OF 5290.17 FEET.

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE N00°52'26"W ON THE EAST LINE OF SAID SECTION, A DISTANCE OF 2645.09 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 21, SAID POINT BEING THE POINT OF BEGINNING;
THENCE N89°41'03"E ON THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 22, A DISTANCE OF 3938.18 FEET;
THENCE S00°41'58"E ON THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 22, A DISTANCE OF 2117.66 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE ROCK ISLAND REGIONAL TRAIL AS GRANTED TO EL PASO COUNTY IN THAT WARRANTY DEED RECORDED IN BOOK 6548 AT PAGE 892, RECORDS OF EL PASO COUNTY, COLORADO;
THENCE ON SAID NORTHWESTERLY RIGHT-OF-WAY, THE FOLLOWING FIVE (5) COURSES:

1. S45°55'49"W, A DISTANCE OF 758.36 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22;
2. N89°38'06"E ON SAID SOUTH LINE, A DISTANCE OF 36.18 FEET;
3. S45°55'49"W, A DISTANCE OF 3818.92 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 27;
4. S89°39'01"W ON SAID NORTH LINE, A DISTANCE OF 36.17 FEET;
5. S45°55'49"W, A DISTANCE OF 855.35 FEET TO A POINT ON THE EASTERLY LINE OF SAID SECTION 28;

THENCE N00°21'45"W ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 591.16 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER;
THENCE N00°21'38"W ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 1319.24 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SAID SECTION 28;
THENCE N89°47'08"W ON SAID SOUTH LINE, A DISTANCE OF 4692.55 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF EXISTING EASTONVILLE ROAD (60.00 FOOT WIDE);
THENCE ON SAID EASTERLY RIGHT-OF-WAY AS DEFINED BY CERTIFIED BOUNDARY SURVEY, AS RECORDED UNDER DEPOSIT NO. 201900096, THE FOLLOWING FIVE (5) COURSES:

1. ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS N73°08'46"W, HAVING A DELTA OF 24°31'32", A RADIUS OF 1630.00 FEET, A DISTANCE OF 697.72 FEET TO A POINT OF TANGENT;
2. N07°40'18"W, A DISTANCE OF 777.34 FEET TO A POINT OF CURVE;
3. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 39°01'10", A RADIUS OF 1770.00 FEET, A DISTANCE OF 1205.40 FEET TO A POINT OF TANGENT;
4. N31°20'52"E, A DISTANCE OF 1517.37 FEET TO A POINT OF CURVE;
5. ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 02°07'03", A RADIUS OF 1330.00 FEET, A DISTANCE OF 49.15 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 21;

THENCE S89°50'58"E ON SAID NORTH LINE, A DISTANCE OF 3635.53 FEET TO THE POINT OF BEGINNING;

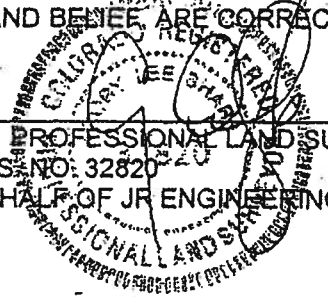
CONTAINING A TOTAL CALCULATED AREA OF 768.2334 ACRES.

LEGAL DESCRIPTION STATEMENT:

I, CORY L. SHARP, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.

CORY L. SHARP, PROFESSIONAL LAND SURVEYOR
COLORADO P.L.S. NO: 32820
FOR AND ON BEHALF OF JR ENGINEERING, LLC

JUNE 10, 2005
DATE



Seter & Vander Wall, P.C.

Kim J. Seter
Barbara T. Vander Wall
Jacqueline C. Murphy
Staci A. Usagani

ATTORNEYS AT LAW

SERVICE PLAN AMENDMENT APPROVAL AND DEBT ELECTION
CALENDAR
MAIL BALLOT ELECTION

NOVEMBER 3, 2009 ELECTION

4-WAY RANCH METROPOLITAN DISTRICTS NO. 1 and NO. 2
(El Paso County, Colorado)

Planning Commission meets the first and third Tuesday of each month at 9:00 am.
2880 International Circle, Hearing Room, Colorado Springs

Board of County Commissioners meets every Tuesday and Thursday except for June and July when they only meet on Thursdays; 9:00 a.m.
27 East Vermijo Avenue, Third Floor, Colorado Springs

Organizational deadlines in BOLD/ITALICS (Organizational deadlines provided by Craig Dossey, El Paso County)

Election Deadlines in regular font/type

June 23, 2009

DATE	EVENT	AUTHORITY
<i>June 29, 2009</i>	<i>Submit Early Assistance Application to County (\$429.00)</i>	<i>County</i>
<i>July 6, 2009</i>	<i>Meet with County for pre-submittal meeting</i>	<i>County</i>
<i>July 8, 2009</i>	<i>Receive outline of requirements for application</i>	<i>County</i>
<i>July 15, 2009</i>	<i>Submit Service Plan Amendment Application (\$4,537.50)</i>	<i>County</i>
<i>August 4, 2009</i>	<i>Deadline for County to review Application</i>	<i>County</i>
<i>August 18, 2009</i>	<i>Planning Commission Hearing</i>	<i>County</i>
September 4, 2009	Certify Mail Ballot Content Deadline to certify ballot content (no later than 60 days prior to election)	§ 1-5-203(3)(a), C.R.S.
	Request Permanent Mail-In Ballot Voter List from C&R	
September 7 – 17, 2009	<i>Deadline for County Clerk to send letter of notification of BOCC Public Hearing to property owners and interested parties; publish notice of hearing (not more than 30 or less than 20 days prior to hearing)</i>	<i>§ 32-1-204(1), C.R.S.</i>

4-Way Ranch Metropolitan District No. 1 and No. 2
 Timeline for Service Plan Amendment Approval and Debt Election – November 3, 2009 Election

DATE	EVENT	AUTHORITY
September 9, 2009	Deadline to file Mail Ballot Plan with Secretary of State (no later than 55 days prior to election)	§ 1-7.5-105, C.R.S.
September 18, 2009	Deadline for submittal of all comments concerning ballot issues to DEO for inclusion in TABOR notice (Friday before the 45 th day prior to election)	§ 1-7-901, C.R.S.
	Deadline to appoint election judges (no later than 45 days prior to election)	§ 1-6-105, C.R.S.
September 19, 2009	Election Judge School may be conducted	1-6-101(5)
September 22, 2009	Board of County Commissioners Hearing	§ 32-1-304 and 305 C.R.S.
September 22, 2009	Tabor Notice prepared by DEO and delivered to Weld County Clerk and Recorder for inclusion in Ballot Issue Notice Packet (no later than 42 days prior to election)	§ 1-7-904, C.R.S.
September 24, 2009	Deadline to order registered elector list(s) from County Clerk and Recorder; and property owner list(s) from County Assessor (40 days prior to election)	§ 1-5-303, C.R.S. § 1-5-304, C.R.S.
	Deadline for SOS to approve mail ballot plan	§ 1-7.5-105(2), C.R.S.
October 2, 2009	Ballots printed and in the possession of election official (at least 30 days prior to election)	§ 1-5-406, C.R.S.
	DEO mails TABOR notices to registered electors in county if not mailed by County Clerk and Recorder and out-of-county (at least 30 days prior to election)	§ 1-7-906(1) & Art. X, Sect. 20, Colo. Const.
	County Clerk and Recorder and Assessor deliver preliminary lists of registered electors and property owners (no later than 30 days prior)	§ 1-7.5-107(2), C.R.S. § 1-5-303(2) & § 1-5-304(2), C.R.S.
October 5, 2009	Last day to register to vote (no later than 29 days prior to election)	§ 1-2-201(3), C.R.S.

*4-Way Ranch Metropolitan District No. 1 and No. 2
 Timeline for Service Plan Amendment Approval and Debt Election – November 3, 2009 Election*

DATE	EVENT	AUTHORITY
October 9, 2009	<p>First day mail-ballot packets may be mailed to each active and “inactive failed to vote” registered elector (not sooner than 25 days & no later than 15 days prior to election)</p> <p>Mail ballots available to persons who are not listed or are listed as "inactive - undeliverable" on registration records (not sooner than 25 days and no later than 7:00 P.M. on election day)</p>	<p>§ 1-7.5-107(3), C.R.S.</p> <p>§ 1-7.5-107(3)(c), C.R.S.</p>
October 14, 2009	<p>Deadline to publish Notice of a Mail Ballot Election in lieu of 1-5-205(1), but must contain 1-5-205 requirements; mail copy of notice at time of publication to County Clerk and Recorder (no later than 20 days prior to election)</p> <p>Deadline to post notice per requirements outlined in §1-7-908 (I) through (V), C.R.S. for districts submitting ballot issue concerning debt or other financial obligation</p> <p>Supplemental lists of registered electors and property owners due from County Clerk and Recorder and Assessor (20 days prior to election)</p>	<p>§ 1-7.5-107(2.5) (a)(b), C.R.S.</p> <p>§ 1-7-908, C.R.S.</p> <p>§§ 1-5-303, 304 and 1-7.5-107, C.R.S.</p>
October 19, 2009	<p>Last day to mail Mail Ballot packets to each active registered elector (no later than 15 days before election)</p> <p>Deadline to appoint canvass board (at least 15 days before election)</p>	<p>§ 1-7.5-107(3), C.R.S.</p> <p>§ 1-10-201, C.R.S.</p>
October 23, 2009	<p>Notice must be posted in the office of the DEO at least 10 days prior to the election and until 2 days after; Notice must be mailed to C&R</p>	<p>§ 1-5-205 C.R.S.</p>
October 24, 2009	<p>Counting of mail ballots may begin (10 days prior to election)</p>	<p>§ 1-7.5-107.5, C.R.S.</p>
October 27, 2009	<p>Deadline for filing application for absentee ballot <u>if</u> ballot is to be mailed to elector (7th day preceding election)</p>	<p>§ 1-8-104(3), C.R.S.</p>
October 30, 2009	<p>Last day may file application for absentee ballot with DEO if not to be mailed (no later than close of business on Friday before election)</p>	<p>§ 1-8-104(3), C.R.S.</p>
November 2, 2009	<p>Registration records and all necessary registration supplies to be delivered to the supply judge (at least one day prior to election)</p>	<p>§ 1-5-301, C.R.S.</p>

4-Way Ranch Metropolitan District No. 1 and No. 2
 Timeline for Service Plan Amendment Approval and Debt Election – November 3, 2009 Election

DATE	EVENT	AUTHORITY
	Sealed Ballots distributed to election judges no later than 8:00 p.m. on the Monday before election	§ 1-5-410, C.R.S.
November 3, 2009	<p align="center">***** ELECTION DAY *****</p> <p>Mail ballots available at the DEO’s office or other office designated as the “walk-in” site in the mail ballot plan filed with the Secretary of State</p> <p>When all votes have been read and counted, election judges shall deliver to the DEO the Judges’ Certificate of Election Returns and other election materials</p> <p>Judges post Unofficial Abstract of Election Returns immediately upon the completion of counting (not to include votes cast by “Provisional Ballot”</p>	<p>1-7.5-107, C.R.S.</p> <p>§ 1-7-701, C.R.S.</p> <p>§ 1-7-602, C.R.S.</p>
November 4-10, 2009	Canvassers shall meet, survey the returns, issue a certified statement of results, and make out an abstract of votes for each ballot issue and ballot question (no later than 7 days after)	§ 1-10-203, C.R.S.
December 3, 2009	<p>Complete “30 Day Filings” from date of election:</p> <p>Certify election results with the Division of Local Government; register business address, telephone number and contact person information</p> <p>File Certificate of Election Results with the County Clerk and Recorder</p> <p>Record Form DLG-32 with exhibit with the County Clerk and Recorder cc: Division of Local Government with form and supporting documentation</p>	<p>§ 1-11-103, C.R.S.</p> <p>§ 32-1-104(1), C.R.S.</p> <p>§ 32-1-1604, C.R.S.</p>
December 18, 2009	<i>The results of special district ballot issue elections to incur general obligation indebtedness shall be certified to the governing board of the county that adopted a resolution of approval. A copy of the certification is also filed with the division of securities. (within 45 days after election)</i>	§32-1-1101.5 (1) C.R.S.

Seter & Vander Wall, P.C.

Kim J. Seter
Barbara T. Vander Wall
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Staci A. Usagani

ATTORNEYS AT LAW

SERVICE PLAN AMENDMENT APPROVAL AND DEBT ELECTION
CALENDAR
MAIL BALLOT ELECTION

NOVEMBER 3, 2009 ELECTION

4-WAY RANCH METROPOLITAN DISTRICTS NO. 1 and NO. 2
(El Paso County, Colorado)

Planning Commission meets the first and third Tuesday of each month at 9:00 am.
2880 International Circle, Hearing Room, Colorado Springs

Board of County Commissioners meets every Tuesday and Thursday except for June and July when they only meet on Thursdays; 9:00 a.m.
27 East Vermijo Avenue, Third Floor, Colorado Springs

Organizational deadlines in BOLD/ITALICS (Organizational deadlines provided by Craig Dossey, El Paso County)

Election Deadlines in regular font/type

June 23, 2009

DATE	EVENT	AUTHORITY
<i>June 29, 2009</i>	<i>Submit Early Assistance Application to County (\$429.00)</i>	<i>County</i>
<i>July 6, 2009</i>	<i>Meet with County for pre-submittal meeting</i>	<i>County</i>
<i>July 8, 2009</i>	<i>Receive outline of requirements for application</i>	<i>County</i>
<i>July 15, 2009</i>	<i>Submit Service Plan Amendment Application (\$4,537.50)</i>	<i>County</i>
<i>August 4, 2009</i>	<i>Deadline for County to review Application</i>	<i>County</i>
<i>August 18, 2009</i>	<i>Planning Commission Hearing</i>	<i>County</i>
September 4, 2009	Certify Mail Ballot Content Deadline to certify ballot content (no later than 60 days prior to election) Request Permanent Mail-In Ballot Voter List from C&R	§ 1-5-203(3)(a), C.R.S.
September 7 – 17, 2009	<i>Deadline for County Clerk to send letter of notification of BOCC Public Hearing to property owners and interested parties; publish notice of hearing (not more than 30 or less than 20 days prior to hearing)</i>	<i>§ 32-1-204(1), C.R.S.</i>

4-Way Ranch Metropolitan District No. 1 and No. 2
 Timeline for Service Plan Amendment Approval and Debt Election – November 3, 2009 Election

DATE	EVENT	AUTHORITY
September 9, 2009	Deadline to file Mail Ballot Plan with Secretary of State (no later than 55 days prior to election)	§ 1-7.5-105, C.R.S.
September 18, 2009	Deadline for submittal of all comments concerning ballot issues to DEO for inclusion in TABOR notice (Friday before the 45 th day prior to election)	§ 1-7-901, C.R.S.
	Deadline to appoint election judges (no later than 45 days prior to election)	§ 1-6-105, C.R.S.
September 19, 2009	Election Judge School may be conducted	1-6-101(5)
September 22, 2009	Board of County Commissioners Hearing	§ 32-1-304 and 305 C.R.S.
September 22, 2009	Tabor Notice prepared by DEO and delivered to Weld County Clerk and Recorder for inclusion in Ballot Issue Notice Packet (no later than 42 days prior to election)	§ 1-7-904, C.R.S.
September 24, 2009	Deadline to order registered elector list(s) from County Clerk and Recorder; and property owner list(s) from County Assessor (40 days prior to election)	§ 1-5-303, C.R.S. § 1-5-304, C.R.S.
	Deadline for SOS to approve mail ballot plan	§ 1-7.5-105(2), C.R.S.
October 2, 2009	Ballots printed and in the possession of election official (at least 30 days prior to election)	§ 1-5-406, C.R.S.
	DEO mails TABOR notices to registered electors in county if not mailed by County Clerk and Recorder and out-of-county (at least 30 days prior to election)	§ 1-7-906(1) & Art. X, Sect. 20, Colo. Const.
	County Clerk and Recorder and Assessor deliver preliminary lists of registered electors and property owners (no later than 30 days prior)	§ 1-7.5-107(2), C.R.S. § 1-5-303(2) & § 1-5-304(2), C.R.S.
October 5, 2009	Last day to register to vote (no later than 29 days prior to election)	§ 1-2-201(3), C.R.S.

*4-Way Ranch Metropolitan District No. 1 and No. 2
 Timeline for Service Plan Amendment Approval and Debt Election – November 3, 2009 Election*

DATE	EVENT	AUTHORITY
October 9, 2009	<p>First day mail-ballot packets may be mailed to each active and “inactive failed to vote” registered elector (not sooner than 25 days & no later than 15 days prior to election)</p> <p>Mail ballots available to persons who are not listed or are listed as "inactive - undeliverable" on registration records (not sooner than 25 days and no later than 7:00 P.M. on election day)</p>	<p>§ 1-7.5-107(3), C.R.S.</p> <p>§ 1-7.5-107(3)(c), C.R.S.</p>
October 14, 2009	<p>Deadline to publish Notice of a Mail Ballot Election in lieu of 1-5-205(1), but must contain 1-5-205 requirements; mail copy of notice at time of publication to County Clerk and Recorder (no later than 20 days prior to election)</p> <p>Deadline to post notice per requirements outlined in §1-7-908 (I) through (V), C.R.S. for districts submitting ballot issue concerning debt or other financial obligation</p> <p>Supplemental lists of registered electors and property owners due from County Clerk and Recorder and Assessor (20 days prior to election)</p>	<p>§ 1-7.5-107(2.5) (a)(b), C.R.S.</p> <p>§ 1-7-908, C.R.S.</p> <p>§§ 1-5-303, 304 and 1-7.5-107, C.R.S.</p>
October 19, 2009	<p>Last day to mail Mail Ballot packets to each active registered elector (no later than 15 days before election)</p> <p>Deadline to appoint canvass board (at least 15 days before election)</p>	<p>§ 1-7.5-107(3), C.R.S.</p> <p>§ 1-10-201, C.R.S.</p>
October 23, 2009	<p>Notice must be posted in the office of the DEO at least 10 days prior to the election and until 2 days after; Notice must be mailed to C&R</p>	<p>§ 1-5-205 C.R.S.</p>
October 24, 2009	<p>Counting of mail ballots may begin (10 days prior to election)</p>	<p>§ 1-7.5-107.5, C.R.S.</p>
October 27, 2009	<p>Deadline for filing application for absentee ballot <u>if</u> ballot is to be mailed to elector (7th day preceding election)</p>	<p>§ 1-8-104(3), C.R.S.</p>
October 30, 2009	<p>Last day may file application for absentee ballot with DEO if not to be mailed (no later than close of business on Friday before election)</p>	<p>§ 1-8-104(3), C.R.S.</p>
November 2, 2009	<p>Registration records and all necessary registration supplies to be delivered to the supply judge (at least one day prior to election)</p>	<p>§ 1-5-301, C.R.S.</p>

4-Way Ranch Metropolitan District No. 1 and No. 2
 Timeline for Service Plan Amendment Approval and Debt Election – November 3, 2009 Election

DATE	EVENT	AUTHORITY
	Sealed Ballots distributed to election judges no later than 8:00 p.m. on the Monday before election	§ 1-5-410, C.R.S.
November 3, 2009	<p>***** ELECTION DAY *****</p> <p>Mail ballots available at the DEO’s office or other office designated as the “walk-in” site in the mail ballot plan filed with the Secretary of State</p> <p>When all votes have been read and counted, election judges shall deliver to the DEO the Judges’ Certificate of Election Returns and other election materials</p> <p>Judges post Unofficial Abstract of Election Returns immediately upon the completion of counting (not to include votes cast by “Provisional Ballot”</p>	<p>1-7.5-107, C.R.S.</p> <p>§ 1-7-701, C.R.S.</p> <p>§ 1-7-602, C.R.S.</p>
November 4-10, 2009	Canvassers shall meet, survey the returns, issue a certified statement of results, and make out an abstract of votes for each ballot issue and ballot question (no later than 7 days after)	§ 1-10-203, C.R.S.
December 3, 2009	<p>Complete “30 Day Filings” from date of election:</p> <p>Certify election results with the Division of Local Government; register business address, telephone number and contact person information</p> <p>File Certificate of Election Results with the County Clerk and Recorder</p> <p>Record Form DLG-32 with exhibit with the County Clerk and Recorder cc: Division of Local Government with form and supporting documentation</p>	<p>§ 1-11-103, C.R.S.</p> <p>§ 32-1-104(1), C.R.S.</p> <p>§ 32-1-1604, C.R.S.</p>
December 18, 2009	<i>The results of special district ballot issue elections to incur general obligation indebtedness shall be certified to the governing board of the county that adopted a resolution of approval. A copy of the certification is also filed with the division of securities. (within 45 days after election)</i>	§32-1-1101.5 (1) C.R.S.

Seter & Vander Wall, P.C.

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Barbara T. Vander Wall
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Kyle N. Brunger

PRELIMINARY DRAFT
SERVICE PLAN AMENDMENT AND ELECTION CALENDAR
NOVEMBER 3, 2009 ELECTION

**4-WAY RANCH METROPOLITAN DISTRICTS NO. 1 and NO. 2
(El Paso County, Colorado)**

Board of County Commissioners: Public Hearings (Land Use Items) 2nd and 4th Thursdays at 9:00 a.m..
Planning Commission Meetings: 1st Tuesdays at 9:00 a.m. through April, then not known. Website lists meetings as the 1st and 3rd Tuesdays of the month

Timeline Key: **County/District Court approval process are in bold font**
Mail Ballot Election deadlines are in regular font

Draft: March 2, 2009

DATE	EVENT	AUTHORITY
April 13, 2009	Pre-application meeting with El Paso County Planning Dept	El Paso County Regs
April 15, 2009	Submit Letter of Intent (10 copies) and all materials to the Planning Dept	El Paso County Regs
April 21, 2009	Applicant makes an informational presentation to Special District Review Committee (30 minutes)	El Paso County Regs
April 22, 2009	Applicant submits a Service Plan Amendment "Proposal" to the Planning Dept, (including market study)	El Paso County Regs
By May 22, 2009 (within 30 days of receipt of Service Plan Amendment Proposal)	Planning Dept notifies the Applicant if projections are acceptable on a preliminary basis and describes any deficiencies. A meeting is scheduled for Applicant to make oral presentation to the Committee addressing all Service Plan Amendment Proposal issues.	El Paso County Regs
One week before meeting with Committee	Applicant will supply 10 copies of additional materials to Committee	El Paso County Regs

4 Way Ranch Metropolitan District Timeline for Service Plan Amendment of Special District

DATE	EVENT	AUTHORITY
June 2, 2009	Meet with Committee	El Paso County Regs
Within one week following Committee presentation	Planning Dept notifies the Applicant as to the Committee's recommendation (Applicant may submit revisions if necessary; Committee has 30 days to review revisions)	El Paso County Regs
June 30, 2009 (after Committee recommendation and one week prior to next committee meeting)	Applicant submits Draft Service Plan Amendment to the Planning Dept including letter describing differences between the Proposal and the Draft Service Plan Amendment (12 copies). The Planning Dept will schedule a final Committee meeting for the Applicant to make a formal presentation and will make recommendations for approval, disapproval or conditional approval.	El Paso County Regs
July 7, 2009	Final Committee Meeting	El Paso County Regs
July 13, 2009 (after Committee approval and at least 10 days prior to Planning Commission Regular meeting)	Submit Service Plan Amendment (4 copies) and processing fee (not more than \$250) to Clerk, Division and State Auditor Clerk to file required Notice of Filing of Service Plan Amendment with Division within 5 days of receipt (<i>Form DLG-60</i>)	§ 32-1-207(2), C.R.S.
August 4, 2009 (within thirty days after plan has been filed with the County Clerk and Recorder)	Planning Commission Public Hearing* * Planning Commission will recommend denial, conditional approval, continuance, or approval of the Service Plan Amendment to the Board of County Commissioners	§ 32-1-202(1), C.R.S.
August 21, 2009	Written notice of hearing to petitioners and to municipalities and special districts within a 3-mile radius of proposed district's boundary (at least 20 days prior)* * Notice requirements pursuant to § 32-1-204(1), C.R.S.	

4 Way Ranch Metropolitan District Timeline for Service Plan Amendment of Special District

DATE	EVENT	AUTHORITY
August 21, 2009	<p>Applicant sends written notice of hearing (letter notification) to the property owners within the proposed special district unless petitioners represent 100% of the property owners (not more than 30 days before nor less than 20 days before Hearing)*</p> <p>* Notice requirements pursuant to § 32-1-204(1), C.R.S.</p>	§ 32-1-204 (1.5), C.R.S.
September 4, 2009	Deadline to Certify Ballot (no later than 60 days before election)	§ 1-5-203(3) (a), C.R.S.
September 9, 2009	▶ Deadline to file Mail Ballot Plan with Secretary of State (no later than 55 days prior to election)	§ 1-7.5-105, C.R.S.
September 10, 2009 (after notification at regular BOCC meeting held at least 10 days after Planning Commission approval, BOCC will set Public Hearing within 30 days)	<p>BOCC PUBLIC HEARING on Service Plan Amendment</p> <p>BOCC to provide:</p> <p>Notice of hearing by publication at least 20 days prior to hearing*</p>	<p>§ 32-1-202(1), C.R.S.</p> <p>§ 32-1-204(1), C.R.S.</p>
September 18, 2009	<p>▶ Deadline for submittal of all comments concerning ballot issues to DEO for inclusion in TABOR notice (*) (Friday before the 45th day prior to election)</p> <p>▶ Deadline to appoint election judges (no later than 45 days prior to election)</p>	<p>§ 1-7-901, C.R.S.</p> <p>§ 1-6-105, C.R.S.</p>
September 22, 2009	Tabor Notice delivered to County Clerk and Recorder (no later than 42 days prior to election)	§ 1-7-904, C.R.S.
September 24, 2009	<p>▶ Deadline to order registered elector list(s) from County Clerk and Recorder; and property owner list(s) from County Assessor (40 days prior to election)</p> <p>▶ Deadline for Sec. of State to approve mail ballot plan</p>	<p>§ 1-5-303, C.R.S.</p> <p>§ 1-5-304, C.R.S.</p> <p>§ 1-7.5-105(2)</p>
September 30, 2009 (within 20 days after BOCC Public Hearing)	The Board shall advise the Applicant of its action on Service Plan Amendment	§ 32-1-204(4), C.R.S.

4 Way Ranch Metropolitan District Timeline for Service Plan Amendment of Special District

DATE	EVENT	AUTHORITY
October 2, 2009	<ul style="list-style-type: none"> ▶ Ballots printed and in the possession of election official (at least 30 days prior to election) ▶ DEO mails TABOR notices to registered electors (in and out-of-county) (at least 30 days prior to election) ▶ County Clerk and Recorder and Assessor deliver preliminary lists of registered electors and property owners (no later than 30 days prior) 	<p>§ 1-5-406, C.R.S.</p> <p>§ 1-7-906(1) & Art. X, Sect. 20, Colo. Const.</p> <p>§ 1-7.5-107(2), C.R.S. § 1-5-303(2) & § 1-5-304(2), C.R.S.</p>
October 5, 2009	<ul style="list-style-type: none"> ▶ Last day to register to vote (no later than 29 days prior to election) 	<p>§ 1-2-201(3), C.R.S.</p>
October 9, 2009	<ul style="list-style-type: none"> ▶ First day mail-ballot packets may be mailed to each active registered elector (not sooner than 25 days & no later than 15 days prior to election) ▶ Mail ballots available to persons who are not listed or are listed as "inactive" on registration records (not sooner than 25 days and no later than 7:00 P.M. on election day) 	<p>§ 1-7.5-107(3), C.R.S.</p> <p>§ 1-7.5-107(3)(c), C.R.S.</p>
October 14, 2009	<ul style="list-style-type: none"> ▶ Deadline to publish notice of a mail ballot election in lieu of 1-5-205(1), but must contain 1-5-205 requirements; mail copy of notice at time of publication to County Clerk and Recorder (no later than 20 days prior to election) <ul style="list-style-type: none"> • Notice must be posted in the office of the DEO at least 10 days prior to the election and until 2 days after ▶ Deadline to post notice per requirements outlined in §1-7-908 (I) through (V), C.R.S. for districts submitting ballot issue concerning debt or other financial obligation ▶ Supplemental lists of registered electors and property owners due from County Clerk and Recorder and Assessor (20 days prior to election) ▶ First day judges may attend school of instruction (not more than 20 days prior to election) 	<p>§ 1-7.5-107(2.5) (a)(b), C.R.S.</p> <p>§ 1-5-205 C.R.S.</p> <p>§ 1-7-908, C.R.S.</p> <p>§§ 1-5-303, 304 and 1-7.5-107, C.R.S.</p> <p>§ 1-6-101(5), C.R.S.</p>

4 Way Ranch Metropolitan District Timeline for Service Plan Amendment of Special District

DATE	EVENT	AUTHORITY
October 19, 2009	<ul style="list-style-type: none"> ▶ Last day to mail Mail Ballot packets to each active registered elector (no later than 15 days before election) ▶ For 2009 mail ballot election, must also mail ballot to all registered electors whose record is marked "Inactive-Failed to Vote" ▶ Last day to mail notice of election to each household where one or more eligible electors reside; notice to include voter name and address, precinct number, polling place and other information deemed applicable by DEO. Information may be included in TABOR notice. (MAY be mailed no later than 15 days before election) ▶ Deadline to appoint canvass board (at least 15 days before election) 	<p>§ 1-7.5-107(3), C.R.S.</p> <p>§ 1-5-206(2) (a), C.R.S.</p> <p>§ 1-10-201, C.R.S.</p>
October 24, 2009	<ul style="list-style-type: none"> ▶ Counting of mail ballots may begin (10 days prior to election) ▶ Notice must be posted in the office of the DEO at least 10 days prior to the election and until 2 days after 	<p>§ 1-7.5-107.5, C.R.S.</p> <p>§ 1-5-205, C.R.S.</p>
October 27, 2009	<ul style="list-style-type: none"> ▶ Deadline for filing application for absentee ballot if ballot is to be mailed to elector (By 7th day preceding election) 	<p>§ 1-8-104(3), C.R.S.</p>
October 30, 2009	<ul style="list-style-type: none"> ▶ Last day may file application for absentee ballot with DEO (no later than close of business on Friday before election) 	<p>§ 1-8-104(3), C.R.S.</p>
November 2, 2009	<ul style="list-style-type: none"> ▶ Registration records and all necessary registration supplies to be delivered to the supply judge (at least one day prior to election) ▶ Sealed Ballots distributed to election judges no later than 8:00 p.m. on the Monday before election 	<p>§ 1-5-301, C.R.S.</p> <p>§ 1-5-410, C.R.S.</p>
November 3, 2009	<p align="center">*****ELECTION DAY*****</p> <ul style="list-style-type: none"> ▶ Mail ballots available at the DEO's office or other office designated as the "walk-in" site in the mail ballot plan filed with the Secretary of State ▶ DEO delivers absentee and early voting sealed ballots and materials, if applicable, to the election judges ▶ When all votes have been read and counted, election judges shall deliver to the DEO the Judges' Certificate of 	<p>§ 1-7.5-107, C.R.S.</p> <p>§ 1-8-303, C.R.S.</p> <p>§ 1-7-701, C.R.S</p>

4 Way Ranch Metropolitan District Timeline for Service Plan Amendment of Special District

DATE	EVENT	AUTHORITY
	<p>Election Returns and other election materials</p> <p>▶ Judges post Unofficial Abstract of Returns immediately upon the completion of counting (not to include votes cast by "Provisional Ballot")</p>	<p>§ 1-7-602, C.R.S.</p>
<p>After Election Day</p>	<p>▶ Verification and counting of provisional ballots, if any (within 12 days after election)</p> <p>▶ Votes cast by provisional ballot shall be reported as part of the official canvass*</p> <p>*If 25 or more provisional ballots have been cast and counted, the results shall be reported as one total; If less than 25 provisional ballots have been cast and counted, the results shall be included with the absentee ballot total.</p>	<p>§ 1-9-303, C.R.S.</p> <p>Rule 26, Sec. of State Election Rules</p>
<p>November 3-10, 2009</p>	<p>▶ Canvassers shall meet, survey the returns, issue a Certified Statement of Results, and make out an Abstract of Votes for all candidates, ballot issues and ballot questions (no later than 7 days after election)</p>	<p>§ 1-10-203, C.R.S.</p>
<p>December 2, 2009</p>	<p>▶ File Certificate of Election Results with the Division of Local Government and register business address, telephone number and the name of contact person for district when certifying election results (within 30 days after election)</p> <p>▶ Record Notice with the County Clerk and Recorder authorizing general obligation debt on Division of Local Government form. Send copy of Notice to BOCC. (within 30 days after authorizing debt)</p>	<p>§ 1-11-103, C.R.S. and § 1-11-104, C.R.S.</p> <p>§ 32-1-1604, C.R.S. and § 32-1-1101.5(1) C.R.S.</p>
<p>December 18, 2009</p>	<p>▶ The results of special district ballot issue elections to incur general obligation indebtedness shall be certified by certified mail to the Board of County Commissioners of each county in which the special district is located (or the governing board of the municipality that adopted a resolution of approval). A copy of the certification is also filed with the State Division of Securities. (within 45 days after election)</p>	<p>§ 32-1-1101.5(1), C.R.S.</p>

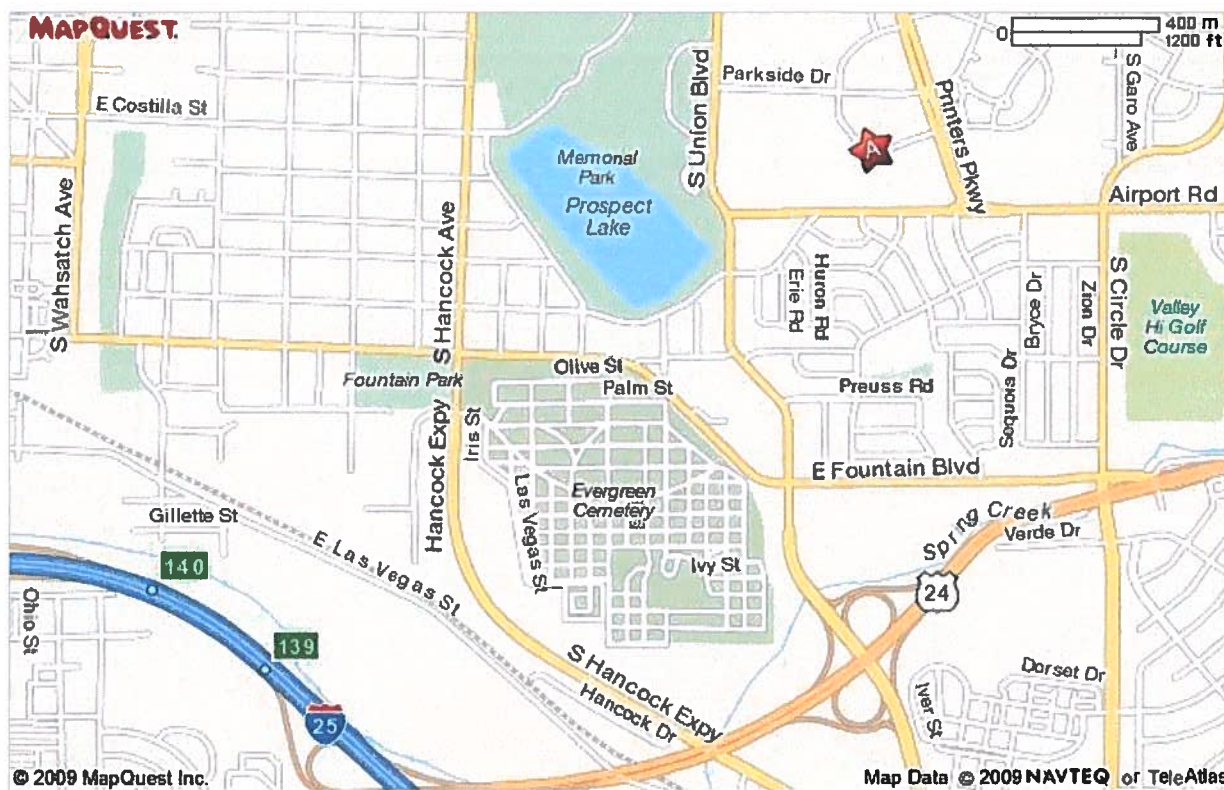


MAPQUEST.

Map of 2880 International Cir
Colorado Springs, CO 80910-3127

suite 110

Notes



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SPECIAL DISTRICT (Approved)

Commissioner Bracken moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. ID-ID-09-001

WHEREAS, 4-Way Ranch Metropolitan Districts 1 and 2 did file an application with the Development Services Department of El Paso County, pursuant to Section 32-1-204 (2), C.R.S., for the review of the service plan for an increase in the amount of authorized debt from \$25 million to \$74 million. ; and

WHEREAS, a public hearing was held by this Commission on February 2, 2010; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the County, study of the proposed service plan for , comments of the El Paso County Development Services Department, comments of public officials, and comments from all interested parties, this Commission finds as follows:

1. That the hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at that hearing.
2. There is sufficient existing and projected need for organized service in the area to be served by the proposed Special District.
3. Existing service in the area to be served by the proposed Special District is inadequate for present and projected needs.
4. The proposed Special District is capable of providing economical and sufficient service to the area within its proposed boundaries.
5. The area to be included in the proposed Special District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
6. Adequate 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.
7. The facility and service standards of the proposed Special District are compatible with the facility and service standards of each County within which the proposed Special District is to be located and each municipality which is an interested party as defined in C.R.S §32-1-204 and the Land Development Code.

8. The proposal is in substantial compliance with a Master Plan adopted pursuant to Colorado Revised Statutes Section 30-28-106.
9. The proposal is in compliance with any duly adopted County, regional or state long-range water quality management plan for the area.
10. The creation of the proposed Special District will be in the best interests of the area proposed to be served.

NOW, THEREFORE, BE IT RESOLVED that the Service Plan for an increase in the amount of authorized debt from \$25 million to \$74 million as submitted by 4-Way Ranch Metropolitan District No. 1 and 2 be approved, subject to the following:

CONDITIONS OF APPROVAL

1. As stated in the attached amended Service Plan, the maximum combined debt service and operational mill levy shall not exceed 60 mills (Gallagher-adjusted) for any property within the Districts, with no more than 50 mills devoted to debt and not more than 10 mills devoted to operations and maintenance until and unless the Districts receive Board of County Commissioner approval to increase the mill levy.
2. As stated in the attached amended Service Plan, the maximum authorized debt for the Districts shall be limited to \$74 million until and unless the Districts receive Board of County Commissioner approval to increase the maximum authorized debt.
3. As stated in the attached amended Service Plan, any future annexation of territory by the Districts (any territory more than five (5) miles from either Districts' boundary lines) shall be considered a material modification of the amended Service Plan and shall require prior Board of County Commissioners' approval.
4. As stated in the attached amended Service Plan, the Districts shall not have the authority to apply for, or utilize any, Conservation Trust ("Lottery") funds without the express prior consent of the BOCC. The Districts shall retain the authority to apply for and use any other grant funds, including, but not limited to, Great Outdoors Colorado (GOCO) discretionary grants, which approval has been expressly provided by the Board of County Commissioners.
5. The Districts shall provide a disclosure form to future purchasers of property in a form consistent with the approved Special District Annual Report form. Such notice shall be recorded with this amended Service Plan. With each subsequent final plat associated with the 4 Way Ranch development prepared by the Developer, the Developer shall provide written notation on the plat of this annually filed public notice and include reference to the El Paso County Development Services' website where the most up-to-date notice can be found. County staff is authorized to administratively approve updates of the disclosure form to reflect current contact information and calculations.
6. The Districts are expressly prohibited from creating separate sub-districts except upon prior notice to the Board of County Commissioners, and subject to the Board of County Commissioners right to declare such creation to be a material modification of the Service Plan, as set forth in C.R.S. § 32-1-1101(1)(f)(l).

7. The Districts shall be expressly prohibited from using these Districts for the purposes of covenant enforcement without the express prior approval of the Board of County Commissioners. Any future authorization to allow for covenant enforcement, would not be considered a material modification of the amended Service Plan and therefore not require a hearing by the Planning Commission.
8. Any property within the 4 Way Ranch Districts boundaries designated as a public school site(s), whether dedicated to El Paso County, Falcon School District No. 49, or Peyton School District No. 23, shall be exempt from the levy and collection of property tax pursuant to C.R.S. § 39-3-105. County-imposed impact fees are within the exclusive jurisdiction of El Paso County pursuant to C.R.S. §§ 29-20-103(1.5), 29-20-104, and 29-20-104.5. Nothing in this condition shall be construed to limit 4 Way Ranch District from imposing and collecting fees, rates, tolls and charges as authorized pursuant to Sec. 32-1-1001(1)(j)(l), C.R.S.
9. District No. 2 shall not be authorized to issue any bonds in excess of \$25 million until rezoning for the property within District No. 2 is perfected by recordation and until the Board of County Commissioners approves the preliminary plan(s) for the property within District No. 2.

NOTATIONS

1. In the event the El Paso County Development Services Department is requested to withhold authorization of building permits pending verification of payment of building permit fees, this arrangement may require a formal agreement, which, among other things, holds the County harmless in the event authorization is inadvertently issued without such proof of payment.
2. Approval of this Service Plan shall be in no way be construed to infer a requirement or obligation of the Board of County Commissioners to approve any future land use requests for any property within the Districts service area.
3. Approval of this application shall not constitute relinquishing or undermining of the County's authority to require the developer to complete subdivision improvements as required by the Land Development Code and Engineering Criteria Manual and to require subdivision improvements agreements or development agreements and collateral of the developer at the final plat stage to guarantee improvements.

AND BE IT FURTHER RESOLVED that this Resolution and recommendations be forwarded to the Board of County Commissioners of El Paso County for its consideration.

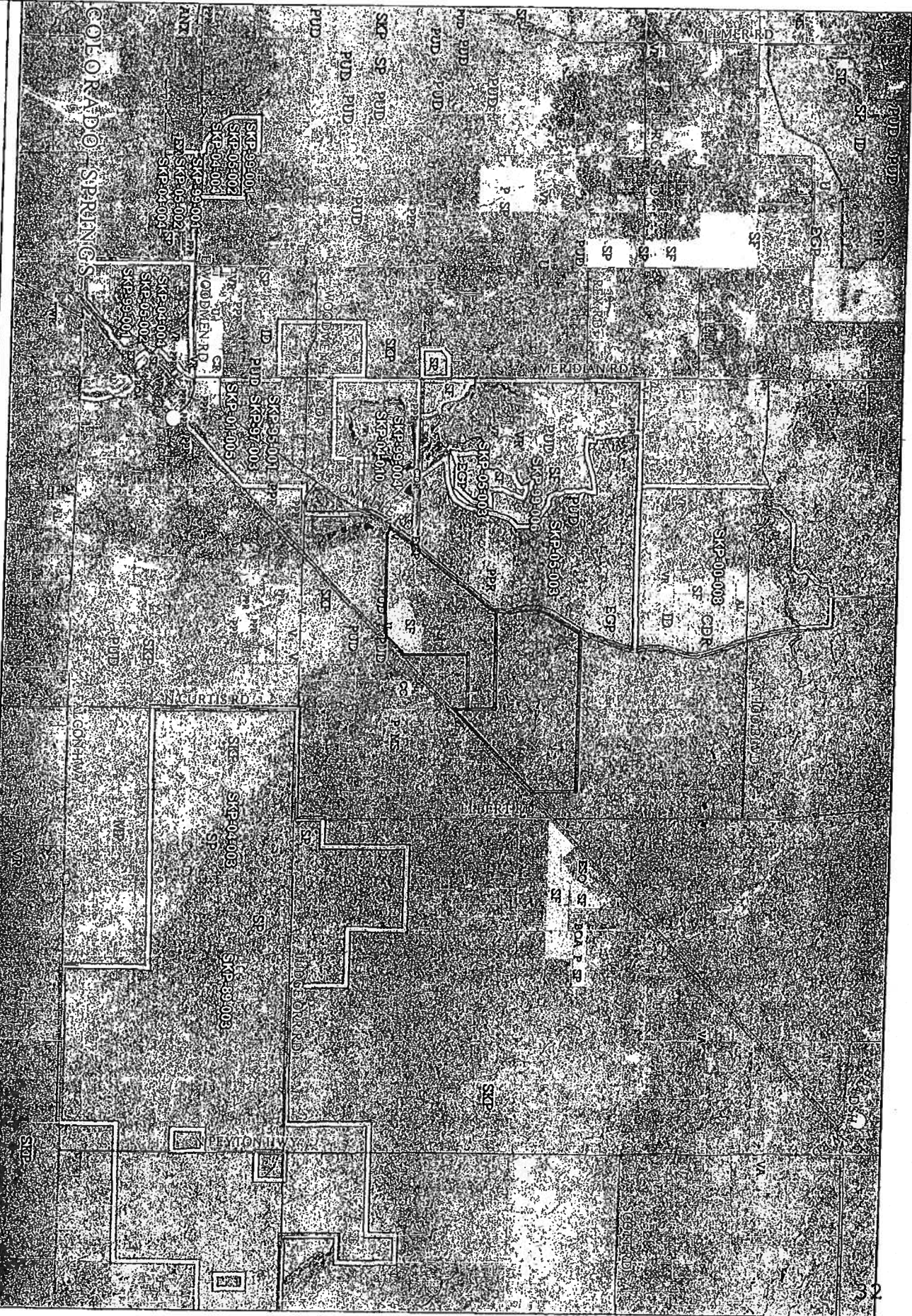
Commissioner Powell seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Schanel	aye
Commissioner Bracken	aye
Commissioner Powell	aye
Commissioner Vohland	aye
Commissioner Dickman	aye
Commissioner Hicks	aye
Commissioner Sery	aye
Commissioner Kunstle	aye
Commissioner Immel	aye

The Resolution was adopted by a unanimous vote of 9 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DATED: March 2, 2010



Scale 1:70,000

El Paso County, Colorado
 Development Services Department
 Planning Division GIS Data Viewer

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2.7.4 Sketch Plans and Other Major Projects

The County currently has a number of projects that are in various stages of review and approval. Identifying these ongoing projects and sketch plans is another critical element in spotting development trends as they occur. Table 2-7 lists the current projects, and Figure 2-16 gives a general idea of their locations.

Table 2-7: Planning Area Major Projects

Project Name	Total Acres	General Status	Planned Dwelling Units	Total Platted DU's	Non-Res Acres	Remaining Residential Capacity	Remaining Non-Res Capacity
Meridian Ranch	1633		3266	0	46.00	N/A	
Bentgrass	178.77	PUD's approved, SP for phase 1 approved	578	0	29.00	100%	100%
Latigo Trails	1619	SP approved, SF's in process	450	230	187.00	51%	N/A
Falcon Highlands	852	All filings approved	713	347	70.00	51%	10%
Four Way Ranch	557	SP & SF approved	137	42	0.00	69%	N/A
High Plains Ranch	1500	SKP under review	1000	0	22.00	100%	100%
Red Sky Ranch	159	SKP in process	444	0	27.00	100%	100%
Silver Star	35.25	PUD Approved	0	0	35.25	N/A	100%
Santa Fe Springs	6420	Several site specific PUD's approved	5370	0	297.53	100%	100%
Paint Brush Hills	960		2513	730	11.00	70%	100%
Sagecreek South 2	357.23	SP approved,	118	0	0.00	100%	N/A
Shaw Ranch	4200	SKP under review	6770	0			
Sterling Ranch	1585	SKP under review	5500	0			
Rock Springs Ranch	714	PUD under review. Concurrent SP & Ph1 SF	203	0			

Acronyms:

- SKP - Sketch Plan
- PUD - Planned Unit Development
- DU - Dwelling Unit
- SP - Subdivision Plan (Preliminary Plan)
- SF - Subdivision Final (Final Plat)