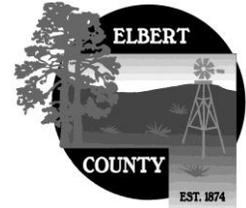




# COUNTY OF ELBERT

## COMMUNITY & DEVELOPMENT SERVICES OFFICE

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Date: August 10, 2017

For the Elbert County Board of County Commissioners meeting of September 5, 2017

**TO: ELBERT COUNTY BOARD OF COUNTY COMMISSIONERS**

**FROM: VINCE HOOPER, PMP (BASELINE CORPORATION)**

**THRU: VINCE HARRIS, AICP & ETHAN WATEL, AICP (BASELINE CORPORATION)**

**APPROVED: KYLE FENNER, DIRECTOR OF CDS**

**RE: INDEPENDENCE SPECIAL DISTRICTS SERVICE PLANS -**

**Case # SR-17-0020 THE INDEPENDENCE WATER & SANITATION DISTRICT;**

**Case # SR-17-0021, THE INDEPENDENCE OVERLAY METROPOLITAN DISTRICT**

**Case # SR-17-0022, THE INDEPENDENCE METROPOLITAN DISTRICT NO. 1**

**Case # SR-17-0023, THE INDEPENDENCE METROPOLITAN DISTRICT NO. 2**

**Case # SR-17-0024, THE INDEPENDENCE METROPOLITAN DISTRICT NO. 3**

**Case # SR-17-0025, THE INDEPENDENCE METROPOLITAN DISTRICT NO. 4**

A REQUEST TO APPROVE 6 SPECIAL DISTRICT SERVICE PLANS FOR:

- THE INDEPENDENCE WATER & SANITATION SPECIAL DISTRICT;
- THE INDEPENDENCE OVERLAY METROPOLITAN DISTRICT; AND
- INDEPENDENCE METROPOLITAN DISTRICTS NO. 1, NO. 2, NO. 3, and NO. 4

ALL LOCATED IN SECTIONS 14 & 15, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6<sup>TH</sup> P.M. IN ELBERT COUNTY.

**APPLICANTS:** Craft Bandera Acquisition Company, LLC (Property Owned by Bluegreen Investments LLC)

**REPRESENTATIVE:** Tim Craft, Craft Bandera Acquisition Company, LLC

### SUMMARY OF REQUEST

The applicant proposes to create 6 metropolitan districts to provide community infrastructure and services to the future residents of the Independence PUD community. Zoning for the property was approved in February 2009 to allow residential development. The applicant has recently submitted a Preliminary Plat for the entire ownership and a Final Plat for the first phase of development. Those applications are also in a concurrent review process. The applicant requests the approval of the District 'Service Plans' to establish the Independence Metropolitan Districts 1, 2, 3 and 4; the Overlay Metropolitan District; and the Water & Sanitation District. Together, these 6 districts are intended to provide community infrastructure and services to the future residents of the Independence Planned Unit Development/Community. The Districts would be authorized to acquire, construct, finance and maintain public improvements for the use and benefit of users of the District's systems and users within the Independence residential development. Such public improvements could include, without limitation, streets, water, sanitary sewer, traffic and safety controls, street lighting, park and recreation, landscaping and storm drainage facilities. The definition of "Improvements" would include any regional public improvements located outside of the boundaries of the Development, but which also serve the residents and taxpayers of the District. The applicant proposes that upon their completion, the Districts may dedicate a portion or all of certain infrastructure to the County or

other appropriate governmental entity. The Districts would have all of the powers of a metropolitan district as set forth in §§ 32-1-1001 and 1004, C.R.S., as amended, except that the District shall not provide emergency medical or fire protection services or facilities.

**PERTINENT DATA**

**Address:** 1001 CO RD 158, Elizabeth, CO 80107

**Section, Township, Range:** A 1,011.94 acre parcel of land in the SW1/4SW1/4 of Section 14 and the SE1/4SE1/4 of Section 15, in Township 7 South, Range 65 West of the 6th P.M., County of Elbert, State of Colorado.

**Site Description:** The Independence PUD, formally known as Bandera West and Bandera East PUD, is a 1,011.94 acre residential development approved for 920 single-family lots, passive open space, a community school, parks and associated community amenities. The property is bound by Hilltop Road (CR 158) on its southern border. The western border of Independence is coextensive with the Elbert County/Douglas County line. There is currently an existing homestead and several accessory buildings on the site.

**Topography:** The property is composed of rolling hills with grasslands and sparse trees. Slopes of 20% or greater exist on the site in very few locations. No residential development will occur in the few locations with slopes greater than 20%. Such areas are in the proposed open space tracts. There are no year-round streams on the property.

**Wetlands:** The property has recently been investigated by a wetlands specialist, CORE Consultants. Wetlands were observed at 14 locations within the Project. Most of these sites were very small (less than a tenth of an acre) isolated sites. Two sites were determined to be potentially jurisdictional. Based on recent field reconnaissance and document review by CORE an unnamed tributary to Cool Creek, an unnamed tributary to Henderson Gulch, and the stretch of the main channel of Henderson Gulch within the Project exhibit characteristics of jurisdictional wetlands.

**Floodplain:** There is a small area, approximately one acre, located in the extreme southeast corner of the property that has been determined to be within Zone-A of the 100-year floodplain. No development is planned for this area and there is no need for any improvements or requirements associated with it at this time.

**Existing Zoning:** The property is zoned Planned Unit Development (PUD) – Bandera East PUD and Bandera West PUD approved in 2009 by the Elbert County Board of County Commissioners (BOCC).

**Proposed Zoning:** No Change to zoning is proposed.

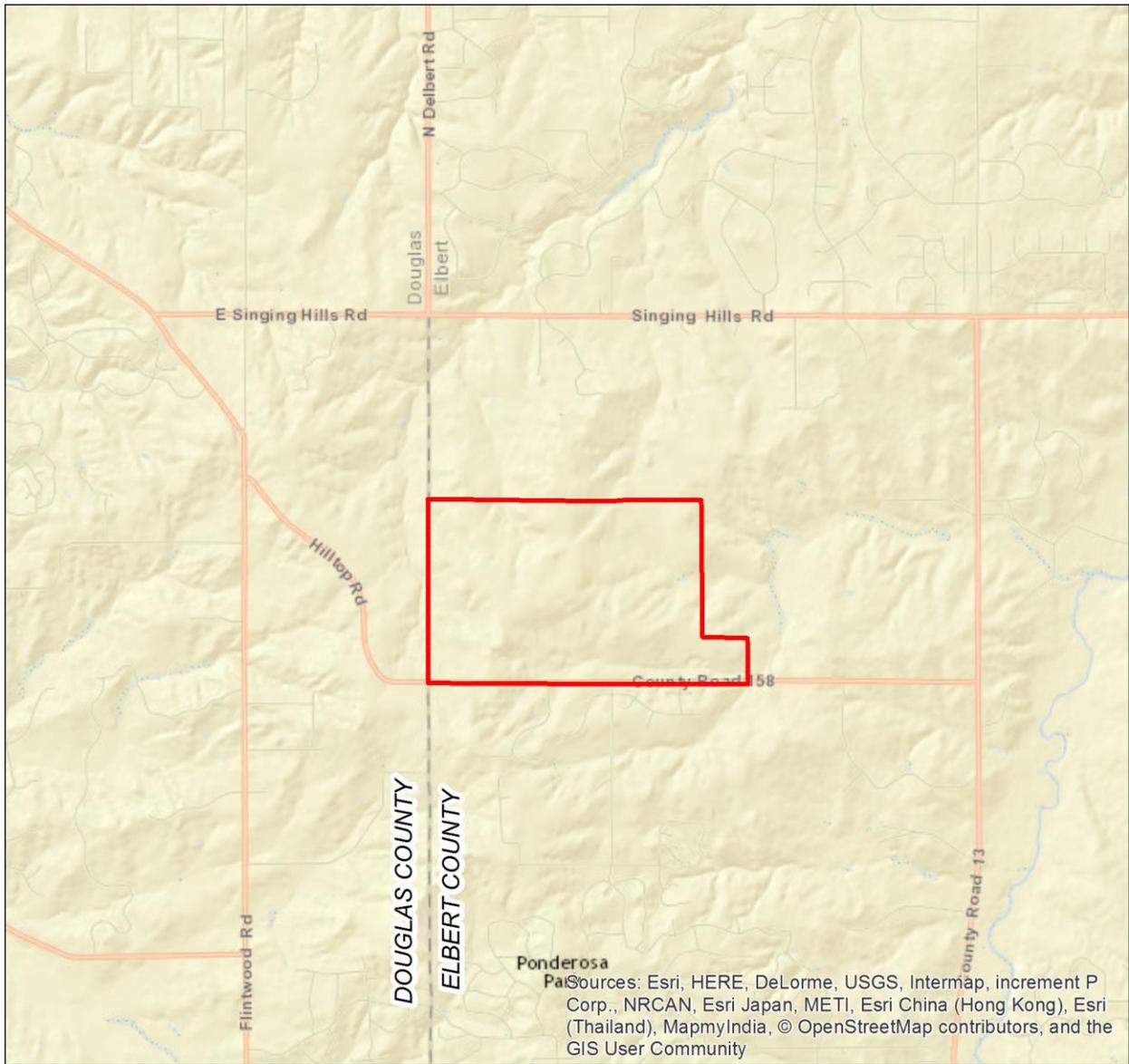
**Surrounding Zoning**

- West: Large Rural Residential (LRR) (Douglas County)
- South: Residential Agriculture 1 (RA-1), Residential Agriculture (RA), PUD (Hilltop Landing), and Agriculture (A)
- East: Agriculture (A)
- North: Agriculture (A)

**Surrounding Land Use**

- West: Agriculture/ranching – no improvements
- South: Single family residences, television radio tower, agriculture
- East: Agriculture/ranching – no improvements
- North: Agriculture with residences and agriculture without improvements

# Site Vicinity Map



Ponderosa  
Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

## **BACKGROUND**

On April 24, 2013 the Elbert County Board of County Commissioners adopted Regulation 13-13 which was intended to further govern the formation of Special Districts within the County. The six Independence Special District applications under consideration by the BOCC are being processed and evaluated pursuant to this Resolution, as well as applicable state statutes. This Resolution 13-13 amended Part II, Section 26, Special District Service Plans of the Elbert County Zoning Regulations.

The first Pre-Application meeting for these Special District applications was held on September 20, 2016.

The 2<sup>nd</sup> Pre-Application meeting for these Special Districts was held on May 3, 2017.

### **Pre-Application Review Findings based on Elbert County Resolution No. Regulation 13-13**

Part II, Section 26 D.6.c. contains criteria for review of the Special Districts Pre-Application request. The Pre-Application Review Committee made the following findings:

- i. Completeness of Information:** The submitted information was found to be complete for Pre-Application level review.
- ii. Validity of Assumptions:** The assumptions that were presented were found to be valid for Pre-Application level review.
- iii. Being Factually Correct:** The Pre-Application information submitted was found to be factually correct.
- iv. Identifying risks to health, safety & welfare of Elbert County residents:** The only identified risk to Elbert County was the potential for economic and financial implications to the County budget. However, previous concerns of staff have been addressed through the revision of submitted documentation as requested by legal staff and county staff. See sections below regarding the additional professional services performed with this evaluation.
- v. Professional analysis/opinion related to the project feasibility:** It is the professional opinion of the Review Committee that based upon the Pre-Application level information and analysis; the proposed Districts could be made to be feasible and warranted more detailed review and analysis of the application of a Formal Submission of the Service Plans.

With these preliminary findings the Planning and Development Services Department recommended that the Applicant proceed with submittal of the necessary application materials for Formal Submission of the Service Plans as defined in Resolution 13-13 Exhibit A, Section E.

### **Assistance From Additional Outside Subject Matter Experts**

The law firm of White Bear Ankele Tanaka & Waldron has been retained by Elbert County to provide additional legal and technical services in the review, analysis and comment on the Special District Service Plan applications for the six new metropolitan districts.

The firm Anderson Analytics has also been retained to review, analyze and comment on the finance, development phasing and buildout assumptions, market studies prepared to support the buildout projections and general master plan and infrastructure plans for the Independence development.

Staff suggests that, with the additional professional services and consultants who are experts in this subject matter, a highly professional review of the service plans has occurred.

## **PURPOSE OF PROPOSED DISTRICTS**

Each district's Service Plan describes the proposed purposes for each of the 6 Special Districts. However, the proposed public improvements cross over between the various districts. For example multiple districts have the ability to construct streets, water and sewer, parks, landscaping, and storm drainage facilities. But the Water & Sanitation District is expected to be the sole provider/owner of services for water and sewer facilities. The Overlay District will operate and maintain certain public park, recreation, open space and landscaping improvements, and provide covenant design control, review and enforcement services. Districts 1, 2, 3, and 4 are collectively known as the Infrastructure Districts. Some or all of the Infrastructure Districts may cooperate to coordinate construction of some or all of the improvements with each other, but each of the Infrastructure Districts may choose to proceed with construction and financing of the Improvements on its own.

The following district descriptions and chart are intended to help clarify general differences in district purposes.

### **Independence Water & Sanitation District**

The purpose of the Water and Sanitation District is to acquire, construct, finance and maintain public water, sewer and storm drainage improvements for the use and benefit of service users of the District's systems. The District shall have all of the powers of a typical water and sanitation district. An exclusive purpose includes the sole provider of services to water and sewer facilities within the Independence Community.

### **Independence Metropolitan District No. 1**

District No. 1 will be authorized to acquire, construct, finance and maintain streets, water, sanitary sewer, traffic and safety controls, street lighting, park and recreation, landscaping and storm drainage facilities.

Between and among the Infrastructure Districts, District 1 may be the entity responsible for coordinating the acquisition, financing and construction of the Improvements throughout the Development, excepting those that are anticipated to be provided by the Water & Sanitation District.

### **Independence Metropolitan Districts No. 2, No. 3, & No. 4**

These three districts will be authorized to acquire, construct, finance and maintain streets, water, sanitary sewer, traffic and safety controls, street lighting, park and recreation, landscaping and storm drainage facilities.

### **Independence Overlay Metropolitan District**

The primary purpose of the Overlay District is to own, operate and maintain certain public park, recreation, open space, storm drainage and landscaping improvements, and to provide covenant design control, review and enforcement services. The Overlay District is not anticipated to design, construct or install any of the improvements described above; this is the anticipated responsibility of the Infrastructure Districts. The Overlay District would ultimately own and operate the improvements which are not dedicated to the County, or other applicable public or private entities. The Overlay District will not have debt authorization to issue bonds or finance the construction or provision of any services. The primary source of District revenue shall be from the imposition of an operational and maintenance mill levy upon all taxable real and personal property.

### **Emergency Medical and Fire Protection Exclusions**

Each Infrastructure District has a specific exclusion to not provide emergency medical or fire protection services or facilities. These services are to be provided via the Elizabeth Fire Protection District.

<b>DISTRICT POWERS, SERVICES AND FACILITIES</b>						
			<b>Infrastructure Districts</b>			
	<b>Overlay District</b>	<b>Water &amp; Sanitation District</b>	<b>District-1</b>	<b>District-2</b>	<b>District-3</b>	<b>District-4</b>
Street Improvements	Operate and Maintain. Not Construct.	No	Acquire, Construct & Install. May potentially coordinate the acquisition, financing and construction of the Improvements throughout the Development	Acquire, Construct & Install.	Acquire, Construct & Install.	Acquire, Construct & Install.
Traffic and Safety Signals	Operate and Maintain. Not Construct.	No	Acquire, Construct & Install. May potentially coordinate the acquisition, financing and construction of the Improvements throughout the Development	Acquire, Construct & Install.	Acquire, Construct & Install.	Acquire, Construct & Install.
Storm Drainage Improvements	Operate, Maintain & Own. Not Construct.	No	Acquire, Construct & Install. May potentially coordinate the acquisition, financing and construction of the Improvements throughout the Development	Acquire, Construct & Install.	Acquire, Construct & Install.	Acquire, Construct & Install.
Sanitation Improvements	Operate and Maintain. Not Construct.	Acquire, Construct & Install. Operate,	Acquire, Construct & Install Sewer Collection &	Collection & Transport Systems	Collection & Transport Systems	Collection & Transport Systems

		Maintain & Own	Transmission System.			
Park and Recreation Improvements	Operate, Maintain & Own. Not Construct.	No	Acquire, Construct & Install. May potentially coordinate the acquisition, financing and construction of the Improvements throughout the Development	Acquire, Construct & Install.	Acquire, Construct & Install.	Acquire, Construct & Install.
Water Improvements	Operate and Maintain. Not Construct.	Acquire, Construct & Install Improvements & Facilities. Operate, Maintain & Own	Acquire, Construct & Install Water Distribution System.	Acquire, Construct & Install Water Distribution System.	Acquire, Construct & Install Water Distribution System.	Acquire, Construct & Install Water Distribution System.
Indebtedness	No Debt Authorization	Yes	Yes	Yes	Yes	Yes

**TRANSFER OF FACILITIES AND SERVICES**

The Infrastructure Districts Service Plans (Districts 1, 2, 3, & 4) propose that certain facilities and services may be transferred to the Elbert County. Generally, street improvements and traffic and safety signals and traffic type signs are proposed to be transferred. More specifically these improvements could include curbs, gutters, culverts, and other drainage facilities, alleys, sidewalks, bike paths and pedestrian ways, median islands, paving, parking facilities, lighting, grading, landscaping and irrigation. Retention and detention ponds (“storm sewer, flood and surface drainage facilities and systems, including detention/retention ponds and associated irrigation facilities”) may or may not be retained by the Infrastructure Districts or transferred to the County.

Water and sewer infrastructure, parks and open space are not proposed for transfer to the County.

This potential transfer of facilities and services should be closely evaluated and discussed as to the appropriateness of Elbert County assuming operation, maintenance and ownership of the

proposed facilities. The question of whether Elbert County has the financial resources, staffing, equipment and expertise to accommodate the needs of the Independence PUD should be considered. A Subdivision Improvements Agreement has been drafted and is being considered by the County to clarify ownership and maintenance responsibilities.

## **PUBLIC HEARING DATES**

Public hearing dates were set for

- Planning Commission: June 27, 2017, with continuations to July 11 and July 18, 2017
- Board of County Commissioners: September 5, 2017

## **MASTER PLAN COMPLIANCE**

Compliance with the Elbert County Master Plan is one of the defined criteria for BOCC action on Special District Service Plans. Part II, Section 26 F.10, states that the BOCC may disapprove the Service Plan if evidence satisfactory to the BOCC of any of the following, at the discretion of the Board, is not presented:

- c.) The proposal is in substantial compliance with the Elbert County Master Plan adopted pursuant to section CRS §30-28-106.

The Elbert County Master Plan contains extensive goals and policies for the review and analysis of Zoning applications. Many of these goals and policies focus on land use, development and subdivisions. There are some goals and policies that correspond to elements of facilities and services related to special districts in general and specific items proposed as part of the Independence Special District Service Plans.

The County Master Plan's land use, development and subdivision goals and policies have been used in the past to evaluate the appropriateness of the Independence PUD rezoning application. In approving the Independence PUD, the 2009 BOCC made a determination that the land use, development and subdivision related goals and policies were met. The current Planning department staff has relied upon these past approvals and need not re-evaluate those land use, development and subdivision goals and policies in consideration of the Special District Service Plans as such has already been accomplished in 2009 with the rezoning actions taken for this property.

What staff has included below is an analysis of the goals and policies of the existing Elbert County Master Plan which the Planning staff have found to relate to the consideration of the Independence Special District Service Plans.

## **SECTION V - GENERAL POLICIES**

*3. From the onset of development, new development shall pay its own way so that existing residents are not subsidizing the costs associated with new development through higher taxes or decreased levels of service. New development shall be required to demonstrate that necessary on and offsite infrastructure can be provided. Bonding or other security instruments for necessary improvements may be required by the County.*

**Staff Response:** The Special District Service Plans are written to create the necessary infrastructure and services to meet the needs of Independence's future residents. The establishment of the proposed Districts will provide the mechanism to fund the construction of the infrastructure and operation of the services by the residents of Independence and not by the existing residents of the County. The Finance Plans submitted with each District's Service Plan demonstrate the financing of the infrastructure and services. An additional assurance of Independence "paying its own way", besides funding of the proposed Districts, are the financial

sureties which will be required as part of the Subdivision Improvements Agreement for each Final Plat.

*4. To the extent that new development necessitates capital public improvements as a result of the impacts created by that development, the County shall require the developer to finance, in a timely fashion, construction of those capital improvements. This might include the construction of schools, parks, libraries and other needed public facilities. The County shall coordinate with the relevant special districts, authorities, and municipalities to determine the need for such facilities.*

**Staff Response:** The Service Plans demonstrate the financing and timely delivery of the required infrastructure and services. The nearby special districts have been notified of the proposed Special District Service Plans and no objections have been received to date. The applicants have reached agreements with the Elizabeth Parks and Recreation District, the Elizabeth Fire Protection District, the Elizabeth School District and the Elbert County Sheriff's Department. Land for parks, schools, a sheriff substation, and fire station will be dedicated as part of the subdivision platting process in the future.

*5. New development shall be subject to phasing restrictions based upon the capacity of schools, transportation systems and other public facilities and services*

**Staff Response:** The Special District Service Plans provide for phasing of the infrastructure and services based upon projected need and fiscal resources as the development progresses forward.

*6. New development is encouraged to locate in proximity to improved arterial roads or such roads shall be provided by the developer. These roads shall be paved, have adequate traffic carrying capacity and should not have serious adverse impacts on the existing roadway network.*

**Staff Response:** The Independence PUD is located on, and takes access from County Road 158, an arterial roadway. The internal roads of Independence have been designed to meet the capacity demands of the future residents. The development calls for the improvement of Hilltop Road and dedication of public right of way to Elbert County for the future CR 1/Delbert Road.

*7. Land dedications to mitigate development Impacts shall include land for school sites, parks and open space, and other public uses. Where appropriate, the County shall allow cash-in-lieu to meet these requirements.*

**Staff Response:** Independence provides approximately 430 acres of parks and open space, a 27 acre school site, 2 acres for Elizabeth Fire District and 1 acre for the Elbert County Sheriff's Office. The Special District Service Plans provide for the capital to improve, and the revenue and structure to operate and maintain the parks and open space.

*8. The County shall require that public land dedications include adequate access, water and sewer service end facilities, and other utilities to serve the intended use.*

**Staff Response:** The documentation submitted with the Special District Service Plans demonstrates that the necessary community access, water and sewer infrastructure and services can be built and paid for to meet the needs of Independence's future residents.

## **RECREATION AND OPEN SPACE**

*1. Within existing and proposed residential, commercial and industrial development areas, major riparian areas, floodplains and woodlands should form the basis of an open space and trails system. This system should be limited to non-motorized vehicles, pedestrians, and equestrian uses.*

**Staff Response:** The Special District Service Plans provide for parks, open space and trail system infrastructure and operational services to meet the needs of Independence's future residents. A small area of floodplain has been identified in the southeastern corner of the property and has been included within the proposed open space system.

*6. The County shall require that parks and/or open space facilities are provided as part of each new subdivision.*

**Staff Response:** The Special District Service Plans provide for the phased improvement of parks, open space and trail system infrastructure and their operation to meet the needs of Independence's future residents.

*8. The County shall require the creation and maintenance of viable homeowners associations with covenants to maintain common open space in developments.*

**Staff Response:** Parks, open space and a trail system, along with their operational needs, will be met through the proposed Special Districts.

## **ROADS**

*1. Proposed roadway systems shall be planned to minimize negative impacts on the environment and to adjacent land uses. Ample rights-of-way, buffer landscaping, and natural amenities shall be used to create a safe, attractive, and compatible roadway system.*

**Staff Response:** The Special District Service Plans provide infrastructure for a roadway system, amenities, and landscaping which will be safe and compatible with the Elbert County roadway system. Specific construction designs and specifications are to be included within the Subdivision Improvements Agreement for the Independence Subdivision Filing 1 Final Plat.

*4. The County shall require that new development dedicate adequate rights-of-way and provide improvements to any impacted County roads.*

**Staff Response:** Right-of-way will be dedicated at the time of each final plat. The preliminary plat indicates and requires that right-of-way will be dedicated for CR 1/Delbert Road along the western property line. Right-of-way for Hilltop Road will be widened for acceleration and deceleration lanes. CR 5/Hancock Way will be dedicated through the site (100-foot wide).

## **WATER CONSERVATION**

*1. Existing and new development shall lease back open space to farmers and ranchers, and allow the reuse of domestic water for the irrigation of those open space lands.*

**Staff Response:** The Special District Service Plans provide for the construction and operation of facilities which reuse treated sanitary sources for irrigation of landscaping, parks and open space. The District Service Plans do not address leasing open space lands to farmers or ranchers.

*2. The County shall require water-conservation measures which prolong water supplies and the economic life of aquifers.*

**Staff Response:** The Special District's implementation of a treated sanitary source for the irrigation of landscaping, parks and open space will assist in extending the water supplies of the Independence wells.

*6. With lot sizes of 10 acres or less, a County approved central water system is needed which utilizes the Denver, Arapahoe, Laramie-Fox Hills aquifers and incorporates a recharge system to allow treated sewage to renew the aquifers.*

**Staff Response:** The Colorado Division of Water Resources has issued Independence water decrees granting the right to withdraw from the Upper Dawson, Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers. The Special District Service Plans provide for the construction and operation of facilities which reuse treated sanitary sources for irrigation of landscaping and open space. This reuse system is not designed as a "recharge system" and its application to Independence's landscaping, parks and open space will not recharge aquifers. However, it will reduce the amount of aquifer water utilization.

## **SECTION VII – COMMUNITY RESOURCES COMMUNITY SERVICES**

*4. The County shall encourage cooperation and communication between special service districts.*

**Staff Response:** The surrounding special districts have been notified of the applicant's proposal and invited to comment. The District Service Plans state that the "Districts will have an ongoing obligation to work closely and cooperate with the County to serve and promote the health, safety, prosperity, security and general welfare of its inhabitants." In addition, the applicant has negotiated and reached agreements with the Elizabeth Fire Protection District and the Elizabeth Parks and Recreation District.

## **SPECIAL DISTRICTS**

*11. The County shall encourage the formation of special districts to service rural subdivision.*

**Staff Response:** The roads, traffic safety, water and sewer, parks and open space, and storm drainage facilities and services needs of the Independence subdivision will be met through the formation of the proposed six Special Districts.

*12. The County shall ensure that a development with a proposed water and/or sanitation district or company has realistic growth phasing in addition to an adequate economic base.*

**Staff Response:** The submitted application documentation contains extensive market and sales projections and future phasing analysis. See FINANCE PLAN review below.

*13. The County shall encourage the expansion of an existing special district or company rather than the creation of a new one.*

**Staff Response:** The applicant has negotiated agreements with the two special districts, the Elizabeth Fire District and the Elizabeth Park and Recreation District, within which the Independence property is located. The agreement with the Elizabeth Fire District states- that it will provide fire protection and emergency response services to the future residents for consideration of Independence providing financial contributions and land dedications to the District. The Elizabeth Park and Recreation District has consented to the formation of the Independence Districts and the provision of overlapping park- and recreation-related services and facilities. It is anticipated that the Overlay District will operate and maintain all park and recreation-related facilities located within the Development, subject to a separate intergovernmental agreement with the Elizabeth Park and Recreation District.

*14. The County shall require that uniform standards be used throughout the districts and companies.*

**Staff Response:** The County has adopted the Elbert County Construction Standards & Specifications, 2007 Edition which guide the design and construction of infrastructure in the County. The Special District Service Plans do not contain detailed construction plans that can be used to verify that the proposed District facility designs comply with the County's construction specifications. However, the Service Plans do contain statements that the facilities and infrastructure will be designed to the Elbert County Construction Standards and Specifications.

In recent, but separate applications, Craft Bandera Acquisition Company, LLC have submitted infrastructure related construction plans (Water & Sanitation Site Plan; Preliminary & Final Plat; and Subdivision Improvements Agreement). As part of the Subdivision Improvements Agreement documentation, Craft Bandera Acquisition Company, LLC have submitted a variance request seeking to allow for the modification of two road design specifications. Those two standards relate to the Local Road Cross Sections and Rural Collector Cross Sections were approved.

The Planning Commission's recommendation of approval for the six Districts contained the following condition: *Prior to BOCC consideration of the preliminary plat, a Subdivision Improvements Agreement shall be fully executed.*

The Special District's construction standards, in so far as they are identified in these application documents, and subject to the two proposed requested changes to the road standards (Local Road Cross Sections and Rural Collector Cross Sections) commit to conformance with the Elbert County Construction Standards and Specifications.

## **WATER, SEWER AND WASTE DISPOSAL**

*15. The County shall require all new developments within an established district to receive services provided by the district.*

**Staff Response:** The Independence property is not located within any existing water and sewer districts.

*16. Infrastructure extensions and other necessary facilities shall be planned and designed to meet the appropriate municipal and/or district's standards.*

**Staff Response:** Elbert County has adopted the Elbert County Construction Standards & Specifications, 2007 Edition which guide the design and construction of infrastructure in the County. The Special District Service Plans do not contain detailed construction plans that can be used to verify that the proposed District facility designs comply with the County's construction specifications. However, the Service Plans do contain statements that the facilities and infrastructure will be designed to those specifications. The following are examples of those statements:

"The storm drainage Improvements will be designed and constructed in accordance with the standards and specifications of the County and other local jurisdictions with applicable jurisdiction."

"Any Services that the Overlay District actually does provide shall be compatible with the facility and service standards of the County."

"The District will ensure that the proposed water and sanitation improvements are designed and constructed in accordance with the standards and specifications of the County and other governmental entities having applicable jurisdiction."

"The Organizers of the District have prepared a preliminary engineering report based upon the County's construction standards for facilities to serve the Development."

"Based on the types of improvements proposed, the District's facility and service standards either meet or exceed the County's facility and service standards."

*17. In areas where the water and/or sewer system is at capacity, new development shall provide appropriate facilities improvements to counteract the demand generated by that new development.*

**Staff Response:** The Independence PUD is not within any existing district which provides water or sewer services. The proposed water and sanitation district will construct and service all of the required water and sewer facilities to meet the demands of the future Independence residents.

*19. For developments with lots 5 acres or less, developers shall be required to provide a County approved water and sewer system. Central water systems are required for developments with lots 10 acres or less.*

**Staff Response:** The proposed Water and Sanitation District will provide both water and sewer facilities and services to meet the needs of future residents of Independence.

*20. The County shall approve the use of open space for sewer fields if the system meets all County requirements and reliable maintenance is provided.*

**Staff Response:** The proposed Special District Service Plans propose the use of a treated sanitary sewer source reuse system for the irrigation of landscaping, parks and open space within the Independence PUD.

*21. Development shall be encouraged to minimize consumption of water and maximize the efficient use of water.*

**Staff Response:** The implementation of the proposed sanitary sewer reuse system will significantly reduce the consumption of potable water sources for Independence.

*22. As development occurs, the County and developer(s) shall cooperate to provide additional Sheriff's Department facilities in order to adequately cover the vast acreage and distances in the County.*

**Staff Response:** The Independence PUD has committed to dedicating a one acre site for a new Sheriff substation.

## ***FIRE PROTECTION***

*24. As development occurs, the County and developer(s) shall cooperate in updating existing facilities and constructing additional fire protection facilities - especially in rural areas where fire equipment and protection are not readily available.*

**Staff Response:** Independence has negotiated an agreement with the Elizabeth Fire District to provide financial contributions and 2 acres of land for use by the Fire District.

## ***PARKS AND RECREATION***

*29. Parks and recreation facilities which meet the recreational needs for the County's growing population shall be planned and provided for, including special district participation in a case by case basis.*

**Staff Response:** The proposed Special District Service Plans provide for the development and operation of parks and recreation facilities to meet the needs of the Independence residents and Elbert County citizens. These plans call for 420 acres of improved parks and open space.

*30. The County shall develop a public trail system for pedestrian use.*

**Staff Response:** The proposed Special District Service Plans include the development, operation and maintenance of a street sidewalk system and an open space trail system.

## **TRANSPORTATION AND UTILITIES**

### **Roads**

*1. Road design and planning shall minimize hazards and congestion by ensuring that road extensions are logical and economical.*

**Staff Response:** The Special District Service Plans provide for the road designs and traffic safety features which reduce road hazards and promote driver safety,

*3. The paving of major collectors in new and existing subdivision roads is encouraged.*

**Staff Response:** The Special District Service Plans provide for the paving of roads within the Independence PUD.

## **SECTION VIII – NATURAL RESOURCES**

### **ENVIRONMENTAL QUALITY**

*6. Wastewater systems which recycle or reuse effluent are encouraged for subdivisions with lot sizes of 5 acres or less.*

**Staff Response:** The Water and Sanitation District Service Plans contain plans for the construction and operation of a sanitary source reuse system.

*7. The County shall encourage connection to existing potable water and wastewater treatment systems when the project meets other goals and policies.*

**Staff Response:** There are no existing districts which have the capacity to provide water and sewer services to meet needs of the Independence PUD future residents.

*8. The County shall implement the Colorado Wellhead Protection Program on all new public water systems and require that all permit applications be reviewed in accordance with the Wellhead Protections Criteria. Private property owners shall be encouraged to follow the same criteria.*

**Staff Response:** CDS staff is unaware of any Wellhead Protections Criteria adopted by Elbert County. Wellhead Protections have not been addressed within the Special District Service Plans documentation.

## **SERVICE PLAN COMPLIANCE TO §32-1-202(2), C.R.S. AND RESOLUTION 13-13.**

The law firm of White Bear Ankele Tanaka & Waldron has been retained by Elbert County to provide additional legal and technical services in the review, analysis and comment on the Special District Service Plan applications for the six new districts.

The White Bear Ankele Tanaka & Waldron Report concludes; “the proposed Service Plans satisfy the minimum statutory requirements and requirements of the Regulations in a manner sufficient to allow the proposed Service Plans to be presented to the County Planning Commission and the Board of County Commissioners in accordance with §32-1-202(2), C.R.S. and the Regulations. (See Attachment A.)

## **FINANCE PLAN REVIEW**

Anderson Analytics has been retained to review, analyze and comment on the financing, development phasing, buildout assumptions and market studies prepared to support the buildout projections and general master plan and infrastructure plans for the Independence development. The Anderson Analytics report contains the following findings on Pages 5 thru 8 containing a Summary of Findings which include 10 findings (plus one summary note) of the financial evaluation/analysis of the proposed financing plans for the Independence Districts. The topics of the findings in the attached analysis are;

1. Total of 80 mills proposed for the 6 new Special Districts within Independence.
2. Comparison of proposed mills to the average mills for existing Special Districts in Elbert County.
3. Market implications.
4. Proposed combined total property tax levy.
5. Pricing and demand for homes in Independence.
6. Overlay District proposed to handle usual HOA responsibilities.
7. Relationship between the approved mill levy for the districts and the amount of bonded debt.
8. New residential assessment rate related to the Gallagher Amendment.
9. Financing Assumptions.
10. Assumption on assessed values.

Also included in the Anderson Analytics, LLC report is an analysis, evaluations, and comparisons that are relevant and appropriate to better understand the proposed District Plans and its assumptions. (See Attachment B.)

## **ELBERT COUNTY ZONING REGULATIONS**

### **GENERAL STANDARDS OF APPROVAL FOR A SERVICE PLAN**

**Part II, Section 26 F.1. Page 11 of Resolution 13-13 states, “it is incumbent upon the Applicant to establish in the submitted Service Plan:**

- There is existing or projected need for the services proposed, and
- Adequate service is not, or will not be, available to the area, and
- The proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries, and

- The area within the proposed boundaries has, or will have, the financial ability to discharge the proposed indebtedness, and
- Creation of the proposed special district is in the best interest of the area proposed.”

**APPLICANT’S STATEMENT OF COMPLIANCE TO STANDARDS OF APPROVAL**

The applicant has provided the following responses to the Standards of Approval defined for BOCC action.

This Service Plan demonstrates that:

1. There is sufficient existing and projected need for organized service in the area to be served by the District;

*At build-out, the Development will consist of approximately 920 residential units with a projected population of 2,337 persons (assuming 920 units and 2.54 person-equivalents per unit). There are currently no other entities in existence in the County that have the ability to undertake the design, financing, construction, operation and maintenance of the improvements designated herein that are needed for the Development. The Development also understands that the County does not consider it feasible or practicable to provide the necessary services and facilities for the Development.*

2. The existing service in the area to be served by the District is inadequate for present and projected needs;

*There are currently no other entities in existence in the County that have the ability or willingness to undertake the design, financing, construction, operation and/or maintenance of the capital improvements contemplated and necessary to serve the Development. The District also understands that the County does not consider it feasible or practicable to provide the necessary services and facilities for the Development. The District is willing to assume responsibility for the improvements and services designated herein.*

3. The District is capable of providing economical and sufficient service to the area within its boundaries;

*As shown in the Financing Plan the District can support the improvements and services contemplated herein for the Development. As is also demonstrated herein, the District can provide these services economically under a single administrative and maintenance umbrella.*

4. The area to be included in the District has, or will have, the financial ability to discharge the indebtedness on a reasonable basis;

*As shown in the Financing Plan, the projected revenues of the district from capital and service fees will allow the District to discharge the proposed indebtedness on a reasonable basis, using reasonable mill levies.*

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 County does not intend to provide improvements or services for the Development. No other existing municipal or quasi-municipal corporations, including existing special districts, intend to provide adequate service to the Development within a reasonable time or on a comparable basis. The scope of the improvements contemplated herein together with the long-term maintenance needs associated therewith makes the District the only logical provider of such service.*

6. The facility and service standards of the District are compatible with the facility and service standards of each county within which the District is to be located and each municipality which is an interested party under C.R.S. § 32-1-204(1), as amended;

*Based on the types of improvements proposed, the District's facility and service standards either meet or exceed the County's facility and service standards. There are no municipalities that constitute interested parties under Section 32-1-204(1), C.R.S. The District has or shall obtain the prior written consent of the Elizabeth Park and Recreation District to provide any overlapping services or facilities within its boundaries, to the extent that the District's physical and service area boundaries overlap with the Elizabeth Park and Recreation District. The Service Plan complies with the statutory criteria.*

7. The proposal is in substantial compliance with the Elbert County Comprehensive Master Plan, as amended, adopted pursuant to C.R.S. § 30-28-106, as amended;

*Based on the types of improvements proposed, the District's facility and service standards either meet or exceed the County's facility and service standards. There are no municipalities that constitute interested parties under Section 32-1-204(1), C.R.S. The Service Plan complies with the statutory criteria.*

8. The proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area; and

*All sanitary sewer and water facilities and services will be constructed, operated and maintained in accordance with all County, local, State and Federal water quality rules, regulations and/or laws. The Developer is not aware of any conflict with this statute provision under any duly adopted County, local, State or Federal long-range water quality management plan for the area.*

9. The creation of the District is in the best interests of the area proposed to be served.

*The District is initially planned to be coextensive with the planned community known as Independence and will be organized to assist in the funding, integration and coordination of water and sewer services and facilities within and without its boundaries. The creation of the District will thus be in the best interests of the existing and future service users of the District.*

## **BOARD OF COUNTY COMMISSIONERS ACTIONS ON SERVICE PLAN APPLICATIONS.**

**Part II, Section 26 F.8.** states that the BOCC may:

- a.) Disapprove the service plan submitted:
- b.) Approve, without condition or modification, the service plan submitted:
- c.) Conditionally approve the service plan subject to the submission of additional information relating to, or modification of, the proposed Service Plan.

**Part II, Section 26 F.9.** states that the BOCC shall disapprove the service plan unless evidence satisfactory to the BOCC of each of the following is present:

- a.) There is sufficient existing and projected need for organized service in the areas to be services by the proposed Special District.
- b.) The existing service in the area to be served by the proposed Special District is inadequate for the present and projected needs.
- c.) The proposed Special District is capable of providing economical and sufficient service to the area within its proposed boundaries.
- d.) 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.

**Part II, Section 26 F.10,** states that the BOCC may disapprove the Service Plan if evidence satisfactory to the BOCC of any of the following, at the discretion of the Board, is not presented:

- a.) 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.
- b.) The facility and service standards of the proposed Special District are compatible with the service and facility standards of the county and each municipality which is an interested party under section CRS §32-1-204(1).
- c.) The proposal is in substantial compliance with the Elbert County Master Plan adopted pursuant to section CRS §30-28-106.
- d.) The proposal is in compliance with any duly adopted county, regional or state long-range water quality management plan for the area.
- e.) The creation of the proposed Special District will be in the best interest of the area proposed to be served.

**Part II, Section 26 F.11.** states that the BOCC may conditionally approve the service plan of the proposed Special District if found not to comply with one or more of the criteria enumerated in subsection 3 of this section. Final approval shall be contingent upon modification of the service plan to include such changes or additional information as shall be specially stated in the finding of the BOCC.

**Part II, Section 26 F. 13. Public Hearing Process, Board of County Commissioners: d.** states that: The Board of County Commissioners shall approve, disapprove, or conditionally approve the Service Plan,

and may exclude territory from the proposed Special District prior to approval of the Service Plan in accordance with the procedure set forth in the Control Act. [CRS §32-1-204{4}, as amended].

## **PLANNING COMMISSION FINDINGS & RECOMMENDATION**

The Elbert County Planning Commission reviewed the proposed Independence Special District Service Plans at a public hearing beginning on the June 27, 2017 meeting. The Planning Commissions review was conducted concurrently with the proposed Independence Preliminary Plat and Filing #1 Final Plat. The combined hearing was opened and testimony was given by the staff and County consultants and the applicant. Testimony was given by members of the public and a representative of the Elizabeth Fire Protection District as well as the Elizabeth School District. The hearing was continued to July 11, 2017 and again continued to July 18, 2017.

There was considerable discussion between and amongst members of the Planning Commission, staff, and the applicant. Topics of discussion included transportation and road impacts, water use and water wells, sanitation treatment, the nature of proposed development and home types, and general impacts on nearby neighborhoods. After discussion, the Planning Commission recommended approval of each of the proposed 6 Districts with conditions. Some conditions from the original staff report to Planning Commission were slightly modified. The final conditions of approval as recommended on July 18, 2017 are presented below. The motions to approve each of the Districts passed on a vote of seven (7) in favor and none opposed.

The following are the Planning Commission Findings and Recommendations for each individual Case of the Independence Special Districts. These have been presented for the benefit of the Board of County Commissioners to use as an aid for your formulation of the individual motions should the Board of County Commission decide to approve these cases. If the Commissioners desire to not approve one or more of the districts, then alternative findings and recommendations will need to be formulated. CDS staff and Legal Council will be available to assist the Commissioners in formulating alternative conclusions, findings, or conditions if you so choose.

For ease of reading we have ~~striktthrough's~~ for the wording used by the Planning Commission for their recommendation wording, and we have added **Bold Underlined Text** for use by the Board of County Commissioners wording. We did this to save numerous pages while you review this staff report.

**Case # SR-17-0020 THE INDEPENDENCE WATER & SANITATION DISTRICT**

A REQUEST TO APPROVE THE SPECIAL DISTRICT SERVICE PLAN FOR THE INDEPENDENCE WATER & SANITATION DISTRICT LOCATED IN SECTIONS 14 & 15, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6TH P.M. IN ELBERT COUNTY.

**Findings & Recommendation**

The ~~Planning Commission~~ **Board of County Commissioners** finds that:

- A. The proposal meets the stated submission requirements of Part II, Section 26.E. and Appendices A & B of the Elbert County Zoning Regulations.
- B. There is sufficient existing and projected need for organized service in the area to be served by the District.
- C. The existing service in the area to be served by the District is inadequate for present and projected needs.
- D. The District is capable of providing economical and sufficient service to the area within its boundaries.
- E. The area to be included in the District has, or will have, the financial ability to discharge the indebtedness on a reasonable basis.
- F. 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.
- G. The facility and service standards of the District are compatible with the facility and service standards of each county within which the District is to be located and each municipality which is an interested party under C.R.S. § 32-1-204(1), as amended.
- H. The proposal is in substantial compliance with the Elbert County Comprehensive Master Plan, as amended, adopted pursuant to C.R.S. § 30-28-106, as amended.
- I. The proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area.
- J. The creation of the District is in the best interests of the area proposed to be served.

Therefore the ~~Planning Commission~~ **Board of County Commissioners APPROVES** ~~recommends to the BOCC that~~ Case #SR-17-0020 Independence Water and Sanitation District and the proposed Service Plan ~~be approved~~ with the following conditions:

- 1. The District shall submit an annual report to the Elbert County Board of County Commissioners.

2. Infrastructure and facilities developed by the Independence Districts shall conform to the Elbert County Construction Standards & Specifications.
3. The Service Plan shall be amended to reflect the property tax mill levy requirements required by the Gallagher Amendment.
4. The District shall not export water outside of Elbert County, with the exception for provisions of any emergency services.

**Case # SR-17-0021, THE INDEPENDENCE OVERLAY METROPOLITAN DISTRICT**

A REQUEST TO APPROVE THE SPECIAL DISTRICT SERVICE PLAN FOR THE INDEPENDENCE OVERLAY METROPOLITAN DISTRICT LOCATED IN SECTIONS 14 & 15, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6TH P.M. IN ELBERT COUNTY.

**Findings & Recommendations**

The ~~Planning Commission~~ **Board of County Commissioners** finds that:

- A. The proposal meets the stated submission requirements of Part II, Section 26.E. and Appendices A & B of the Elbert County Zoning Regulations.
- B. There is sufficient existing and projected need for organized service in the area to be served by the District.
- C. The existing service in the area to be served by the District is inadequate for present and projected needs.
- D. The District is capable of providing economical and sufficient service to the area within its boundaries.
- E. The area to be included in the District has, or will have, the financial ability to discharge the indebtedness on a reasonable basis.
- F. 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.
- G. The facility and service standards of the District are compatible with the facility and service standards of each county within which the District is to be located and each municipality which is an interested party under C.R.S. § 32-1-204(1), as amended.
- H. The proposal is in substantial compliance with the Elbert County Comprehensive Master Plan, as amended, adopted pursuant to C.R.S. § 30-28-106, as amended.
- I. The proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area.
- J. The creation of the District is in the best interests of the area proposed to be served.

Therefore the ~~Planning Commission~~ **Board of County Commissioners APPROVES** recommends to the BOCC that Case # SR-17-0021, THE INDEPENDENCE OVERLAY METROPOLITAN DISTRICT and the proposed Service Plan ~~be approved~~ with the following conditions:

1. The District shall submit an annual report to the Elbert County Board of County Commissioners.
2. Infrastructure and facilities developed by the Independence Districts shall conform to the Elbert County Construction Standards & Specifications.
3. The Service Plan shall be amended to reflect the property tax mill levy requirements required by the Gallagher Amendment.
4. The Overlay District shall serve as the overall community Homeowners Association (HOA) for the entire Independence development. There shall be no HOA fees or dues imposed upon the property owners as a whole within the boundaries of Independence Subdivision Filing 1 Final Plat. An exception to this condition is that smaller, individual neighborhoods (i.e. patio home community) with separate designated common areas may establish an HOA to maintain those specific areas.
5. The District shall not export water outside of Elbert County, with the exception for provisions of any emergency services.

**Case # SR-17-0022, THE INDEPENDENCE METROPOLITAN DISTRICT NO. 1**

A REQUEST TO APPROVE THE SPECIAL DISTRICT SERVICE PLAN FOR INDEPENDENCE METROPOLITAN DISTRICT NO. 1 LOCATED IN SECTIONS 14 & 15, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6TH P.M. IN ELBERT COUNTY.

**Findings & Recommendations**

The ~~Planning Commission~~ **Board of County Commissioners** finds that:

- A. The proposal meets the stated submission requirements of Part II, Section 26.E. and Appendices A & B of the Elbert County Zoning Regulations.
- B. There is sufficient existing and projected need for organized service in the area to be served by the District.
- C. The existing service in the area to be served by the District is inadequate for present and projected needs.
- D. The District is capable of providing economical and sufficient service to the area within its boundaries.
- E. The area to be included in the District has, or will have, the financial ability to discharge the indebtedness on a reasonable basis.
- F. 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.
- G. The facility and service standards of the District are compatible with the facility and service standards of each county within which the District is to be located and each municipality which is an interested party under C.R.S. § 32-1-204(1), as amended.
- H. The proposal is in substantial compliance with the Elbert County Comprehensive Master Plan, as amended, adopted pursuant to C.R.S. § 30-28-106, as amended.
- I. The proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area.
- J. The creation of the District is in the best interests of the area proposed to be served.

Therefore the ~~Planning Commission~~ **Board of County Commissioners APPROVES** ~~recommends to the BOCC that~~ Case # SR-17-0022, THE INDEPENDENCE METROPOLITAN DISTRICT NO. 1 and the proposed Service Plan ~~be approved~~ with the following conditions:

- 1. The District shall submit an annual report to the Elbert County Board of County Commissioners.

2. Infrastructure and facilities developed by the Independence Districts shall conform to the Elbert County Construction Standards & Specifications.
3. The Service Plan shall be amended to reflect the property tax mill levy requirements required by the Gallagher Amendment.
4. The District shall not export water outside of Elbert County, with the exception for provisions of any emergency services.

**Case # SR-17-0023, THE INDEPENDENCE METROPOLITAN DISTRICT NO. 2**

A REQUEST TO APPROVE THE SPECIAL DISTRICT SERVICE PLAN FOR INDEPENDENCE METROPOLITAN DISTRICT NO. 2 LOCATED IN SECTIONS 14 & 15, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6TH P.M. IN ELBERT COUNTY.

**Findings & Recommendations**

The ~~Planning Commission~~ **Board of County Commissioners** finds that:

- A. The proposal meets the stated submission requirements of Part II, Section 26.E. and Appendices A & B of the Elbert County Zoning Regulations.
- B. There is sufficient existing and projected need for organized service in the area to be served by the District.
- C. The existing service in the area to be served by the District is inadequate for present and projected needs.
- D. The District is capable of providing economical and sufficient service to the area within its boundaries.
- E. The area to be included in the District has, or will have, the financial ability to discharge the indebtedness on a reasonable basis.
- F. 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.
- G. The facility and service standards of the District are compatible with the facility and service standards of each county within which the District is to be located and each municipality which is an interested party under C.R.S. § 32-1-204(1), as amended.
- H. The proposal is in substantial compliance with the Elbert County Comprehensive Master Plan, as amended, adopted pursuant to C.R.S. § 30-28-106, as amended.
- I. The proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area.
- J. The creation of the District is in the best interests of the area proposed to be served.

Therefore the ~~Planning Commission~~ **Board of County Commissioners APPROVES** recommends to the BOCC that Case # SR-17-0023, THE INDEPENDENCE METROPOLITAN DISTRICT NO. 2 and the proposed Service Plan ~~be approved~~ with the following conditions:

- 1. The District shall submit an annual report to the Elbert County Board of County Commissioners.

2. Infrastructure and facilities developed by the Independence Districts shall conform to the Elbert County Construction Standards & Specifications.
3. The Service Plan shall be amended to reflect the property tax mill levy requirements required by the Gallagher Amendment.
4. The District shall not export water outside of Elbert County, with the exception for provisions of any emergency services.

**Case # SR-17-0024, THE INDEPENDENCE METROPOLITAN DISTRICT NO. 3**

A REQUEST TO APPROVE THE SPECIAL DISTRICT SERVICE PLAN FOR INDEPENDENCE METROPOLITAN DISTRICT NO. 3 LOCATED IN SECTIONS 14 & 15, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6TH P.M. IN ELBERT COUNTY.

**Findings & Recommendations**

The ~~Planning Commission~~ **Board of County Commissioners** finds that:

- A. The proposal meets the stated submission requirements of Part II, Section 26.E. and Appendices A & B of the Elbert County Zoning Regulations.
- B. There is sufficient existing and projected need for organized service in the area to be served by the District.
- C. The existing service in the area to be served by the District is inadequate for present and projected needs.
- D. The District is capable of providing economical and sufficient service to the area within its boundaries.
- E. The area to be included in the District has, or will have, the financial ability to discharge the indebtedness on a reasonable basis.
- F. 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.
- G. The facility and service standards of the District are compatible with the facility and service standards of each county within which the District is to be located and each municipality which is an interested party under C.R.S. § 32-1-204(1), as amended.
- H. The proposal is in substantial compliance with the Elbert County Comprehensive Master Plan, as amended, adopted pursuant to C.R.S. § 30-28-106, as amended.
- I. The proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area.
- J. The creation of the District is in the best interests of the area proposed to be served.

Therefore the ~~Planning Commission~~ **Board of County Commissioners APPROVES** recommends to the BOCC that Case # SR-17-0024, THE INDEPENDENCE METROPOLITAN DISTRICT NO. 3 and the proposed Service Plan ~~be approved~~ with the following conditions:

- 1. The District shall submit an annual report to the Elbert County Board of County Commissioners.

2. Infrastructure and facilities developed by the Independence Districts shall conform to the Elbert County Construction Standards & Specifications.
3. The Service Plan shall be amended to reflect the property tax mill levy requirements required by the Gallagher Amendment.
4. The District shall not export water outside of Elbert County, with the exception for provisions of any emergency services.

**Case # SR-17-0025, THE INDEPENDENCE METROPOLITAN DISTRICT NO. 4**

A REQUEST TO APPROVE THE SPECIAL DISTRICT SERVICE PLAN FOR INDEPENDENCE METROPOLITAN DISTRICT NO. 4 LOCATED IN SECTIONS 14 & 15, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6TH P.M. IN ELBERT COUNTY.

**Findings & Recommendations**

The ~~Planning Commission~~ **Board of County Commissioners** finds that:

- A. The proposal meets the stated submission requirements of Part II, Section 26.E. and Appendices A & B of the Elbert County Zoning Regulations.
- B. There is sufficient existing and projected need for organized service in the area to be served by the District.
- C. The existing service in the area to be served by the District is inadequate for present and projected needs.
- D. The District is capable of providing economical and sufficient service to the area within its boundaries.
- E. The area to be included in the District has, or will have, the financial ability to discharge the indebtedness on a reasonable basis.
- F. 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.
- G. The facility and service standards of the District are compatible with the facility and service standards of each county within which the District is to be located and each municipality which is an interested party under C.R.S. § 32-1-204(1), as amended.
- H. The proposal is in substantial compliance with the Elbert County Comprehensive Master Plan, as amended, adopted pursuant to C.R.S. § 30-28-106, as amended.
- I. The proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area.
- J. The creation of the District is in the best interests of the area proposed to be served.

Therefore the ~~Planning Commission~~ **Board of County Commissioners APPROVES** ~~recommends to the BOCC that~~ Case # SR-17-0025, THE INDEPENDENCE METROPOLITAN DISTRICT NO. 4 and the proposed Service Plan ~~be approved~~ with the following conditions:

1. The District shall submit an annual report to the Elbert County Board of County Commissioners.

2. Infrastructure and facilities developed by the Independence Districts shall conform to the Elbert County Construction Standards & Specifications.
3. The Service Plan shall be amended to reflect the property tax mill levy requirements required by the Gallagher Amendment.
4. The District shall not export water outside of Elbert County, with the exception for provisions of any emergency services.

CC. Kyle Fenner, Director of Community and Development Services  
Vincent Harris, AICP, Planning Director Baseline Corporation  
Gary R. White, Esq., White Bear Ankele Tanaka & Waldron PC  
Zachary P. White, Esq., White Bear Ankele Tanaka & Waldron PC  
Mike Anderson, Anderson Analytics, LLC

Attachments

A - White Bear Ankele Tanaka & Waldron Memorandum

B - Anderson Analytics Report