

being fully advised in the premise.

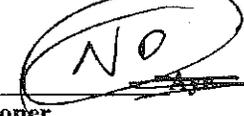
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF ELBERT as follows:

- a. That the Board of County Commissioners hereby approves and adopts the following addition to the Elbert County Zoning Regulations, as specifically set forth herein, as recommended for approval by the Elbert County Planning Commission and as amended by the Board of County Commissioners during the April 24, 2013 public meeting.
- b. That Part II of the Elbert County Zoning Regulations shall be amended to include the addition of Section 26, Special District Service Plans, as attached hereto as Exhibit A.
- c. The implementation of the newly adopted Special District Service Plan Regulations is effective April 24, 2013.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:


Aye
Robert Rowland, Commissioner Chairman


Aye
Larry Ross, Commissioner Vice Chairman

 
Kurt Schlegel, Commissioner

ATTEST: Diana Hartsough
COUNTY CLERK

BY: _____
Deputy, Clerk to the Board

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Diana Hartsough/Recorder, Ebert County, Co

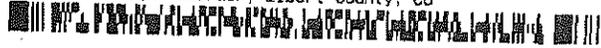


EXHIBIT A



PROPOSED SPECIAL DISTRICT REGULATIONS

Part II, Section 26 SPECIAL DISTRICT SERVICE PLANS

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A. INTENT

It is the intent of these regulations to set forth the process and procedure for creating, consolidating, and modifying Special Districts in Elbert County. This process allows adequate review time for analyzing the potential impacts upon the health, safety, and welfare of Elbert County citizens of submitted applications.

B. DEFINITION OF ELBERT COUNTY SPECIAL DISTRICTS

1. "Special District" (*hereinafter "Special District"*) means any quasi-governmental entity organized under Colorado Law, no matter what sort of service or services is proposed, that seeks to provide those services within Elbert County, either in whole or in part, and where the statutory framework under which it is organized authorizes the proposed district to exercise:

- 1) taxing power, or
- 2) spending power (*including issuing bonds and/or borrowing money*) or
- 3) power of eminent domain

2. Regardless of the statutes under which it may be organized, if the proposed quasi-governmental entity is authorized to collect taxes from the public, or spend taxpayer money, or take private property for its own use, then it is considered to be a Special District, for the purposes of these Special District regulations.

3. Throughout this Part II, Section 26, the term "Special District" expressly encompasses more than the statutory definition at CRS §32-1-103(10), and also



includes, but is not limited to, those districts organized under the following statutory provisions:

- Business Improvement Districts CRS §§ 31-25-1201 - 1228
- Cemetery Districts CRS §§ 30-20-801 - 808
- Conservation Districts CRS §§ 35-70-101 - 122
- County Public Improvement Districts CRS §§ 30-20-501-534
- County Recreation Districts CRS §§ 30-20-701 - 705
- Disposal Districts (1953 Act) CRS §§ 30-20-201 - 205
- Downtown Development Authorities CRS §§ 31-25-801 - 822
- Federal Mineral Lease District CRS §§ 30-20-1301 - 1307
- Internal Improvement Districts CRS §§ 37-44-101 - 149
- Irrigation Districts CRS §§ 37 Articles 41, 42 & 43
- Library Districts CRS §§ 24-90-101 - 606
- Local Improvement Districts CRS §§ 30-20-601 - 628
- Pest Control Districts CRS §§ 35-5-101 - 125
- Special Improvement Districts CRS §§ 31-25-500.2 - 542
- Water Conservancy Districts CRS §§ 37-45-101-153
- Water Conservation Districts CRS §§ 37 Articles 46, 47, 48 and 50

And also includes all Special Districts organized under the Colorado Special Districts Act (CRS §§ 32-1-101 - 32-19-115), including but not limited to:

- Ambulance Districts
- Fire Protection Districts (*which may also provide ambulance and emergency*)
- Health Service Districts (*medical and rescue services*)
- Metropolitan Districts
- Park and Recreation Districts
- Sanitation Districts
- Water Districts
- Water and Sanitation Districts
- Health Assurance Districts
- Mental Health Care Service Districts
- Tunnel Districts
- Forest Improvement Districts

4. Special Districts organized under the Colorado Special Districts Act (CRS §§ 32-1-101 - 32-19-115), shall comply with the State's Criteria for their creation, organization, amendment and modification pursuant to CRS §32-1-201 to 209 [The "Control Act"] Further, all Special Districts organized under other statutory authority shall comply with the applicable statutory framework for their creation, organization, amendment and modification. These regulations complement the various statutory frameworks for Special Districts to the extent they are not inconsistent with those organizing statutes.

5. These Elbert County Special District regulations shall not apply to Homeowners Associations organized under CRS §38-33.3-101 et seq. (*Colorado Common Interest*)



Ownership Act) nor to Condominium Associations organized under CRS §38-33-101 et seq. (*Colorado Condominium Ownership Act*), except to the extent that those associations may be an element of a broader Special District application submitted.

6. These regulations describe in detail the application process leading up to the Board of County Commissioners deliberation of the Special District application, and what is expected of the Applicant. Once approved by the Board of County Commissioners, the approval is reviewed by the District Court and is subject to the organizational election as set forth in the applicable statutes under which the Special District is organized.

7. Once approved by the voters, and upon certification of the election by the court, the Special District may be organized for the purposes, and in the manner detailed in the Service Plan. Once the Special District is organized, material modifications to the Service Plan may be made by the governing body of such Special District only by petition to the Board of County Commissioners, following the same process as required for the approval of the original Service Plan.

8. Material modifications are changes of a basic or essential nature, including any addition to the types of services provided by the Special District.

- a) Material departures not so approved, can be enjoined by the court upon its own motion, or the motion of the Board of County Commissioners, municipal governing board, or "any interested party" as that term is defined in CRS §32-1-207(3)(a).
- b) Any challenge to an action of a Special District as an unapproved material departure must be made within 45 days of the published notification by the Special District that it intends to undertake the activity, pursuant to the procedures set forth in CRS §32-1-207(3)(b) (*Compliance – Modification - Enforcement*).

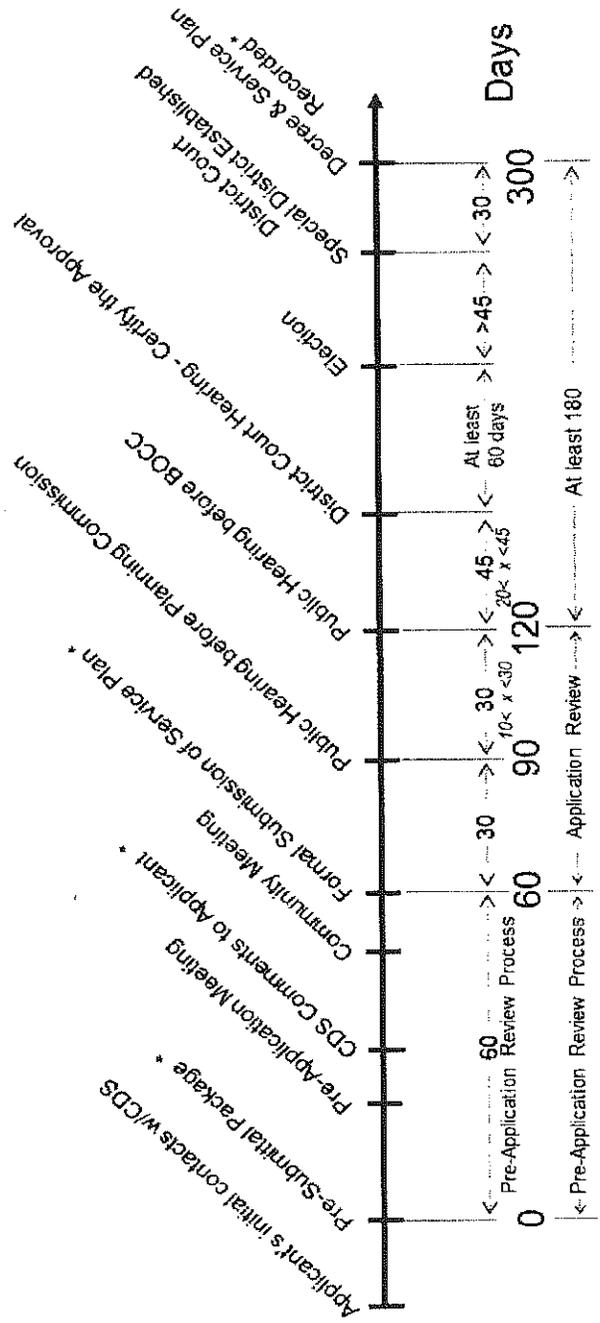
9. These procedures along with Elbert County Regulations incorporate the requirements of Board of County Commissioners Resolution # 13-13 for creating, consolidating, or modifying Special Districts in Elbert County.

C. APPLICATION TIMELINE: REQUIREMENTS

1. Table 1 illustrates a general timeline for the pre-application process and for submission of all applications for creating, consolidating, and modifying Special Districts in Elbert County. Timelines for specific applications may be longer, depending on the complexity of the application and the need for outside review by referral professionals and regulatory agencies.



SPECIAL DISTRICT TIMELINE



* MADE AVAILABLE ONLINE FOR PUBLIC INSPECTION,
 AND ACCESSIBLE THROUGH THE COUNTY'S WEBSITE

Representative Timeline; not to scale
 Depending on the Application, specific timeframes may be longer.

D. PRE-APPLICATION REVIEW PROCESS



1. Initial Contact with Community & Development Services. Prior to submittal of any paperwork, Applicants shall contact Community & Development Services regarding the proposed application to discuss the concept of the Service Plan, procedures, submittal requirements, and fees and obtain a Pre-application checklist.

2. Pre-Submittal Package. The Pre-Submittal Package must include the information requirements for Special District Service Plans detailed at Appendices A and B. The Pre-Submittal Package shall be available online for public inspection, and shall be accessible through the County's web site.

a. The Pre-Submittal Package is required by Community & Development Services, at least sixty [60] days prior to the anticipated Formal Submission of Service Plan. The sixty [60] day period will commence when all information is stamped "received" and fees have been paid.

b. The applicant shall submit printed and digital copies as requested by Community & Development Services.

i. Community & Development Services Pre-application file copies for a Special District Service Plan, data to be included, reference:

- Part II, Section 26 SPECIAL DISTRICT SERVICE PLANS
- Appendices A and B, Information Requirements.
- Other documentation as requested.

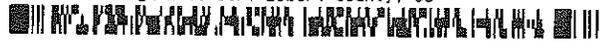
ii. Referral copies

- Copies of Service Plan, appendix, vicinity map & district site map,
- Other documentation as requested,
- Unsealed envelopes / mailing containers for Referral information,
- Unfixed postage to cover cost of mailing Referral information

c. Fees: The Applicant shall be required to make a deposit with the County estimated to cover the cost of professional Services review as part of the Elbert County Review Committee described in Paragraph 6 below:

3. Incomplete Applications. If / when either a pre- or final application is found to be incomplete, Community & Development Services shall inform the Applicant, return the Application, and restart the timeline clock only after a completed application has been received.

4. Pre-Application Meeting. Once the Applicant submits the Pre-Submittal Package and the approved fee to Community & Development Services, a Pre-Application



Meeting will be scheduled not later than thirty [30] days or as soon as possible thereafter.

5. Comments on Pre-Submittal Package. Following the Pre-Application meeting, Community & Development Services shall provide notes & comments to the Applicant within ten, [10] working days regarding the Pre-Submittal Package, [or as soon as possible thereafter]. Community & Development Services' Comments on the Pre-Submittal Package shall be available online for public inspection, and shall be accessible through the County's web site.

6. Pre-Application Review. Referral agencies shall include any service district within three miles of the proposed Special District. The consultants and referral agencies will have twenty one [21] days to respond with comments to Community & Development Services in writing. A Referral Agency may request an additional ten [10] days if needed. Comments that require a written response from the Applicant will be forwarded when received. Such written responses shall be submitted to Community & Development Services and forwarded to the referral party for approval.

a. Community & Development Services shall:

- i. Review for general completeness of information,
- ii. Distribute referral copies to Review Committee members and other referral entities for comments,
- iii. Review the Special District proposal for County impact and Coordinate referral comments to Applicant.

b. The Pre-submittal Service District Plan shall be reviewed by the Elbert County Review Committee as follows:

- i. Community & Development Services
- ii. Finance professional
- iii. Engineering
- iv. Legal
- v. Water consultant as required
- vi. Other professionals

c. Review Committee professionals shall be expected to review the information relative to their professional expertise and respond in writing to CDS about:

- i. Completeness of information,
- ii. Validity of assumptions,
- iii. Being factually correct,
- iv. Identifying risks to health, safety, & welfare of Elbert County residents
- v. Professional analysis / opinion related to project feasibility.



7. **Community Meeting.** Unless the statutory provisions under which the Special District is organized provide otherwise, the Applicant shall then conduct a noticed public meeting for the community, prior to the Formal Submission of the Service Plan, in compliance with the public notice requirements set forth at Paragraph (F)(13)(a). Further, Applicant shall invite to the public community meeting by certified mail, any service district within three miles of the proposed Special District, all eligible electors for the Special District, and in addition, all property owners within the proposed Service Special District boundaries, and also in addition, all property owners, to include water and mineral rights owners, within one-fourth mile of the proposed Special District boundaries, at least 14 days prior to the meeting.

8. **Addressal of Identified Issues.** Following the Community Meeting, the Applicant may address any identified issues, and submit copies to Community & Development Services showing how the identified issues will be addressed, and also for incorporation into the formal submission of the Service Plan, reference Paragraph E.

9. **Requests for Additional Details.** Elbert County may request additional detail about the project. When additional detail is requested, the project timeline will be suspended and will not restart until the additional detail is received in writing.

10. **Public Notice.** The Applicant shall publish Notice of the Planning Commission and the Board of County Commissioners' Hearings as detailed in Section F, 13.

11. **Schedule Changes.** When a Planning Commission hearing has been continued / changed for any reason, the following shall apply: Not earlier than 10 days after the Planning Commission hearing, at the next regular meeting, the Board of County Commissioners shall set a new hearing date. The hearing date shall not be more than thirty [30] days following the Planning Commission hearing or as soon as possible thereafter.

12. **Weather Cancellations.** Should a hearing be cancelled due to weather, lack of a quorum, etc. that hearing will be automatically re-scheduled to the following regularly scheduled meeting date.

13. **Pre-submittal Review Process must be completed.** No formal Special District Service Plan Application will be accepted until the Pre-submittal Review Process is complete. A Pre-submittal Package may be accepted for an area where a Rezone / Subdivision action is underway, however, approval for service by a particular Special District shall not be approved until approval of the associated Rezone / Subdivision by the Board of County Commissioners. Upon receiving a letter from Community & Development Services indicating that the Pre-submittal Review Process is complete, the Applicant may proceed with formal submittal of the Special District Service Plan application.

E. FORMAL SUBMISSION OF THE SERVICE PLAN



1. **Submittal Requirements.** The Service Plan shall be presented in Sections, together with Exhibits A-G, and the information required as set forth in Appendices A & B. Each Section shall be self-contained and self-explanatory. If an Applicant believes a section is not relevant, the section shall be noted together with the Applicant's explanation of why the section does not pertain. If the Planning Commission disagrees as to the relevancy, the Application will be delayed, and the burden for such delay is on the Applicant.

2. The formally submitted Special District Service Plan shall be available online for public inspection, and shall be accessible through the County's web site. Formal submittal of the Service Plan requires the following:

Submittals:

- a. One original of the Special District Service Plan to the Elbert County Clerk's Office.
- b. One original, one digital and one copy of the Special District Service Plan to Community & Development Services plus a sufficient number of copies as requested for the Planning Commission, County Attorney, Board of County Commissioners, Elbert County Review Committee, and Referral Agencies.
- c. An application form provided by Community & Development Services that includes at least the following information about the Applicant, proposed District Board Members, all representatives, and landowners within the proposed Special District boundaries:
 1. Name
 2. Address
 3. Phone #
 4. Pending litigation on any present / past development in which the Developer/Applicant is named,
- d. Disclosure letter –
 1. Shall include disclosure of anticipated dealings between the developer/ applicant and the Special District, subsequent to the approval, and
 2. Shall also include disclosure of any existing or pending financial difficulties of the developer/applicant including insolvency, bankruptcy or foreclosure proceedings.
- e. Proof of ownership – copy of recorded deed and title policy
- f. Application Agreement Form
- g. Application fees – The costs of consultant and referral agency review are the responsibility of the applicant.



- h. Statement of current-year property taxes for the parcels involved.
- i. Copy of written comments and corresponding applicant responses from the pre-submittal review process.
- j. Green and White postal cards from certified mailing for community meeting, along with copy of letter, sign in sheet and applicants meeting notes.
- k. Proposed Special District Exhibit – All sheets shall be in 24" X 36" format. The following information and standards shall apply to the Special District Exhibit.
 - A margin, at least 1" on all sides, except the left-hand margin shall be minimum of 2,"
 - The name of the Special District Exhibit, centered on the upper portion of each sheet;
 - The sheet number in the lower right hand corner of each sheet, [Sheet 1 of ____];
 - Case # _____ in the upper right corner of each sheet;
 - Special District Exhibit notes and information shall be included on the first sheet, with lettering being a minimum font size of 12 point. (Note: For referral processing purposes, the information may be prepared on 11" X 17" paper format provided all information remains easily legible).
 - Legal Description – A legal description of the property designated as a Section, Township, Range, centered below the Special District name;
 - Vicinity map – Locates the parcel in the county as it relates to a known location such as towns of Elizabeth, Kiowa, Simla or other easily identifiable relationship;
 - Names, addresses, and phone numbers of all owners, representative, and individual/firm preparing the document;
 - Site Plan – Shall include layout of proposed land use areas; non-buildable areas, hazard areas, flood plain, drainage, open space easements (indicate Reception # and Book Number and Page Number, if applicable), etc;
 - The following signature blocks shall be included on the first page of the Special District Exhibit.

SIGNATURE BLOCKS:

Planning Commission



This Special District was reviewed by and recommended for approval by the Elbert County Planning Commission on the ____ day of ____, year ____, AD.

Board of County Commissioners

This Special District was reviewed and approved by the Elbert County Board of Commissioners on the ____ day of ____, year ____, A.D.

Chairman, Board of County Commissioners

Clerk and Recorder's Certificate

I, _____ hereby certify this Special District Exhibit was filed in my office on this ____ day of ____, year ____ A.D., at ____ A.M. / P.M. and was recorded at Reception Number ____.

County Clerk and Recorder

Owners' Certificate

(Use the appropriate certificate for an individual owner, multiple owners, or corporation)

(Individual)

I, _____, as owner of the land affected by this Special Service District approval, accept and approve all conditions set forth herein.

Owner _____, Date _____
[Signature]

[Printed name]

(Multiple Owners)

We, _____ and _____, etc. _____, as owners of the land affected by this Special Service District approval, accept and approve all conditions set forth herein.

Owner _____, Date _____
[Signature]

[Printed name]

Owner _____, Date _____
[Signature]

- 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 interests of the area proposed

2. Special Districts intending to provide services within Elbert County, either in whole or in part, will present an application, including a Service Plan, to the Elbert County Board of County Commissioners. The Board of County Commissioners shall adhere to the procedure set forth in Colorado Revised Statutes (CRS §32-1-203) where applicable;

3. Service Plans are Binding Agreements. Service plans and statements of purposes presented by the Applicant create binding agreements between the Special District and the Board of County Commissioners as approval authority. "Upon final approval by the court for the organization of the special district, the facilities, services, and financial arrangements of the special district shall conform so far as practicable to the approved service plan." (CRS §32-1-207(1) (Compliance-Modification-Enforcement)).

4. Annual Reports. As a condition of approval to the Service Plan, the Special District shall make an annual report to its electors not later than January 15th of each year, which report shall be consistent with the requirements set forth in CRS §32-1-809 (*Notice to Electors*), which report shall be available online for public inspection, and shall also be accessible through the County's web site, and shall include at a minimum, the information set forth for Special District Annual Reports in Appendix A, Paragraph (K).

5. Notice of Change in Debt Issuance. As a condition of approval pursuant to the requirements set forth in CRS §32-1-202(2)(b), the Special District board of directors shall notify the Board of County Commissioners and Community Development Services in writing of any alteration or revision of the proposed schedule of debt issuance set forth in the Financial Plan, and submitted in the approved Service Plan and which Notice shall be available online for public inspection, and accessible through the County's web site.

6. Five-Year Reviews. As a condition of approval to the Special District Service Plan, and where the Special District's Financial Plan calls for a general obligation indebtedness, in every fifth calendar year after the Special District's ballot issue approving a general obligation debt, the Board of County Commissioners shall require the Special District to file an application for a finding of reasonable diligence, in a manner consistent with the authorities and procedure set forth in CRS §32-1-1101.5 (*Special District Debt*). The Special District's application for finding of reasonable diligence shall be available online for public inspection, and shall also be accessible through the County's web site.

7. Sunset Clause. As a condition of approval to the Service Plan, the Board of County Commissioners shall require the Applicant to include a "Sunset Clause" to the Service Plan, to address dissolution of the Special District in the event that the Special District



fails to provide services or if development activity detailed in the Service Plan ceases, consistent with the provisions of CRS §32-1-701 et al (Special District Dissolution). When Special District development or provision of services does not begin as called for in the approved Service Plan, Community Development Services shall request an update of Special District financials to account for the failure to comply with the approved Service Plan. Community & Development Services may require the Applicant to justify any non-compliance with the approved Service Plan. Where appropriate, Board of County Commissioners action may be taken to trigger the Sunset Clause to the Service Plan after a full and fair opportunity to appear and be heard.

8. Board of County Commissioners' Action on Service Plan Applications. In keeping with the authorities set forth in CRS §32-1-203 (Action on Service Plan), in considering the Service Plan, the Board of County Commissioners, 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 the modification of, the proposed Service Plan.

9. The Board of County Commissioners shall disapprove the service plan unless evidence satisfactory to the Board of each of the following is presented:

- a. There is sufficient existing and projected need for organized service in the areas to be serviced by the proposed Special District.
- b. The existing service in the area to be served by the proposed Special District is inadequate for 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.

10. The Board of County Commissioners may disapprove the Service Plan if evidence satisfactory to the Board 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 facility and service 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 interests of the area proposed to be served.

11. The Board of County Commissioners may conditionally approve the service plan of a 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 specifically stated in the finding of the Board of County Commissioners.

12. Incomplete Submittal:

- a. Community & Development Services shall inform an Applicant of the incomplete items in writing postmarked by the 5th working day following receipt of the Application by the Office of Clerk & Recorder. The Service Plan application will be cancelled and a new complete application will need to be re-submitted to the Clerk & Recorder.
- b. If information is found to be lacking from an application following the 5th working day, the application will be suspended only restarted after completed information has been provided.
- c. A lack of a notice of inadequacy does not preclude an applicant from having to submit additional information as required.

13. Public Hearing Process

Public Notice: The applicant is responsible for all public notice as follows:

Newspaper

- a. A notice shall be published in a daily or weekly newspaper of general circulation, printed or published at least in part in Elbert County, at least twenty [20] days before the Planning Commission / Board of County Commissioners' public hearing. The notice shall include the date, time, location, purpose of the hearing and a general description of the



land contained within the boundaries of the proposed Special District and information outlining methods and procedures pursuant to CRS §32-1-203 {3.5}m as amended, concerning the filing of a petition for exclusion of territory.

- b. In any instance where the initial Planning Commission hearing has been continued / changed such that the ensuing Board of County Commissioners' hearing would also require changing, the following shall apply: At least ten [10] days after the Planning Commission recommendation, the Board Of County Commissioners, at its next regular public meeting, shall set a date for a public hearing on the service plan. This public hearing date shall be within thirty [30] days of the Planning Commission public hearing. [CRS §32-1-202{1}, as amended] or as soon as possible thereafter.
- c. Should inclement weather or any "like" issue cause a hearing to be cancelled, the next "date certain" for the hearing would be the next regularly scheduled meeting date for the respective Planning Commission / Board of County Commissioners.
- d. It is recommended that the applicant provide Community & Development Services with a copy of the above draft notice and a list of the municipalities or special districts prior to mailing the notice.
- e. Publishers affidavit verifying newspaper publication shall be submitted to Community & Development Services at least five [5] working days prior to the Planning Commission hearing.

NOTICE OF PUBLIC HEARING

Creation of Special District

"Notice is hereby given that on ____ [day of week] ____ [month] ____ year at ____ [time A.M./P.M.] or as soon as possible thereafter, a Planning Commission Hearing will be conducted and the Board of County Commissioner's hearing is to be held on ____ [day of week] ____ [month] ____ year ____ [time A.M./P.M.] or as soon as possible thereafter. Hearings will be conducted in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado or at such other time and place as these hearings may be adjourned. Public Hearings will be heard upon the application on file with Elbert County Community & Development Services, 215 Comanche, Kiowa, Colorado, 303-621-3136, by _____ [name of applicant], for the creation of a Special District pursuant to the current Elbert County Zoning Regulations. The proposed Special District boundaries include all or part of Section ____ Township ____ South, Range ____ West in Elbert County Colorado.

Reason:



Project Name & Number:

Legal Description of Property:

Date of Application:

Published in:

[Name of Newspaper]

Date of Publication:

Publishers affidavit verifying the above publication shall be submitted to Community & Development Services at least five [5] working days prior to the Planning Commission hearing.

Written Notice

a. Existing surrounding Municipalities and Special Districts

- 1] At least twenty [20] days prior to the Board's hearing, a written notice stating the date, time and location of the Planning Commission and Board of Commissioners public hearing shall be sent to the governing body of any existing 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 miles of the proposed Special District boundaries. [CRS §32-1-204 {1}, as amended].

b. Property Owners

- 1] Not less than twenty [20] days prior to the Planning Commission Hearing nor more than thirty [30] days prior to the Board of County Commissioners hearing, a notice stating the date, time, location and purpose of the Board of Commissioners public hearing, a reference to the type of Special District, maximum mill levy, if any, or stating that there is no maximum that may be imposed by the proposed Special District, and procedures of the filing of a petition for exclusion pursuant to CRS §32-1-203{3.5}, as amended, shall be sent by Certified Mail, Return Receipt Requested, to the owners of property within the proposed special district and within 1320 feet of the proposed district boundaries, and to water and/or mineral right's owners and lessees and easement holders, as listed on the records of the County Assessor. [CRS §32-1-204{1.5}, as amended].



- 2] If the applicant represents 100 percent of the possible eligible electors, and all the landowners within 1/4 mile of the proposed Special District boundary, no mailing is required. The applicant shall submit evidence of ownership in the form of a title commitment dated within thirty days of the formal submittal of the application to Community & Development Services.
- 3] At least fourteen [14] days prior to the date of the Public Hearing before the Planning Commission, the Applicant shall submit to Community & Development Services the following: The white postal receipts for Certified Mail mailed to required property owners, and eligible electors and; a copy of the note mailed to said property owners and eligible electors; a list, in alphabetical order, of the property owners and eligible electors; a map illustrating the location and proximity of required property owners within and adjacent to the proposed Special District.
- 4] At least five [5] working days prior to the date of the Public Hearing before the Planning Commission, the applicant shall submit to Community & Development Services, the green postal Domestic Return Receipts mailed to the required property owners within and adjacent to the proposed Special District.

Planning Commission:

Pursuant to CRS §32-1-202{1}, as amended and Board Resolution # _____, the Planning Commission shall consider public testimony given at the public hearing and make its recommendation to the Board of County Commissioners within thirty [30] days of formal submittal of the Service Plan, on whether the criteria set forth in CRS §32-1-203{2}{a}-{b} and {2.5}, as amended, have been met unless the applicant consents to a continuance.

If scheduling of the Planning Commission hearing requires a Special meeting, the Applicant must agree to pay a fee to the County in advance of the meeting to cover mileage and overtime of time and a half for staff and the Planning Commission

Applicant may sign an agreement to delay the Planning Commission hearing until a regular meeting time to avoid cost of a Special meeting.

The Planning Commission hearing may be "continued" from the original scheduled date to a future "date certain" as may be necessary.

Board of County Commissioners:

- a. At least ten [10] days after the Planning Commission recommendation, the



Board Of County Commissioners, at their next regular public meeting, shall set a date for a public hearing on the service plan. This public hearing date shall be within thirty [30] days of the Planning Commission public hearing [CRS §32-1-202{1}, as amended] or as soon as possible thereafter.

- 1] If scheduling of the Board of County Commissioners' hearing within thirty days [30] of the Planning Commission public hearing requires a Special meeting, the Applicant must request the Special meeting of the Board of County Commissioners.
 - 2] If the Special Meeting is to be in the evening, Applicant must agree to pay a fee to the County in advance of the meeting to cover overtime equal to time and a half for staff.
 - 3] Applicant may sign an agreement to delay the Board of County Commissioners' hearing until a regular meeting time to avoid cost of a Special meeting.
- b. At least fourteen [14] days prior to the Board of County Commissioners' public hearing, the County requests the applicant to provide a draft copy of a Board resolution of approval on diskette or by e-mail, in the most current version of "Microsoft Word" as utilized by the County.
 - c. The Board of County Commissioners' may continue the public hearing for a period not to exceed thirty [30] days, and the applicant and the Board of County Commissioners may agree to continue the public hearing for a longer period. [CRS §32-1-202{1}] and {3,5} as amended].
 - d. 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 §32-1-203{1}, as amended].
 - e. Within twenty, [20] days after completion of the public hearing, the Board of County Commissioners shall advise the Applicant in writing of its action on the proposed Service Plan in accordance with the procedure set forth in the Control Act. [CRS §32-1- 204{4}, as amended].

14. Post Board of County Commissioners Hearing:

- a. After Board of County Commissioners approval, and if the organization of the Special District is approved by the voters, Applicant shall transmit certified copies of the findings and the Order of the District Court organizing the Special District to the Clerk and Recorder and the Colorado



Division of Local Government, [CRS §32-1-306, as amended] and three final copies of the service plan and the Order and Decree provided to Community & Development Services within thirty [30] days of approval.

- b. Clerk and Recorder shall record certified copy and retain a copy of the approved Service Plan as a public record of public inspection. Special District provides recording fee prior to recording.
- c. Special District shall file map of the Special District with County Assessor no later than May 1 of the year in which mill levy is to begin.
- d. After the Special District is established, a copy of the recorded Special District Decree & Service Plan shall be available online for public inspection, and shall be accessible through the County's web site.

G. Definitions:

"Eligible elector" means a person who, at the designated time or event, has been resident of the Special District, or area to be included in the Special District, for not less than thirty days, or who, (or whose spouse), owns taxable property in the Special District, or area to be included in the Special District, whether or not such person resides in the Special District, or area to be included in the Special District. (conforms to CRS §32-1-103 (Definitions)).

"Material Modification" means 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 beside those necessary only for the execution of the original service plan; a decrease in the level of services necessary to the execution of the original service plan; 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. CRS §32-1-1207(2)(Compliance-Modification-Enforcement)

"Resident" means one who is a citizen of the United States and a resident of the State of Colorado, eighteen years of age or older, whose principal or primary home or place of abode for not less than thirty (30) days, lies within the boundaries or proposed boundaries of the Special District. A residence is a permanent building or part of a building and may include a house, condominium, apartment, room in a house, or mobile home. CRS §1-2-102 (Rules for Determining Residence).

Appendix A

SPECIAL DISTRICT SERVICE PLAN INFORMATION REQUIREMENTS

for Statutory / Elbert County Compliance & Contents of the Annual Report:

Following information is required within a Service District Plan, pursuant to the requirements set forth in C.R.S. §32-1-202 (Filing of Service Plan required - Contents).

General Statutory requirements:

- (a) Description of the proposed services;
- (b) Financial plan;
- (c) Preliminary engineering or architectural survey;
- (d) Map of the proposed special district & demographic info;
- (e) General description of the facilities;
- (f) General description of the estimated costs;
- (g) Description of intergovernmental agreements
- (h) Information sufficient to satisfy the statutory decision criteria set forth in CRS §32-1-203, if applicable;
- (i) Such additional information as the Board of County Commissioners may require;
- (j) For a mental health care service district, any additional information required by CRS §32-17-107(2);
- (k) For a health assurance district, any additional information required by CRS §32-19-106(2);

For the purposes of these Elbert County Special District regulations, the general statutory requirements listed above may be satisfied by including information A-I as follows:

A. Description of proposed services. (CRS §32-1-202(2)(a), as amended).

A detailed plan describing the funding required, the use and dispersal of the funding, the sources for all funding, a 10 year plan of costs and revenue projections, and the basis for all cost and revenue projections. Additional details of the proposed submittal include:

1. Infrastructure to be provided and detailed costs for each element along with projected timing.

2. List of all parties, individuals and entities providing funding and/or receiving revenue. Include projected amounts.
 3. List of all parties, individuals and entities who are part of the Special District delineating their roles and responsibilities.
 4. List of the managing Directors
 5. Detailed analysis of projected costs for overhead, administrative costs, profits and basis for projection of operating costs.
 6. Report delineating the success or failure of related endeavors in which the same parties, individual and entities have been associated. This list to include bankruptcies or turn over of Special Districts to other entities for operation.
 7. Explain how / why residents would be attracted to this Special District.
- B. Financial Plan in accordance with Appendix B - Information Requirements for Special District Financial Plan.
- C. Preliminary engineering or architectural survey showing how the proposed services are to be provided.
- D. Map of the proposed special district boundaries and an estimate of the population and valuation for assessment of the proposed district.
1. Evidence of final land use approvals, such as zoning or subdivision, may be necessary
 2. Population estimate at build-out
 3. Comparison of revenue to Special District expenses
 - a) Valuation at
70% build-out, _____
80% build-out, _____
90% build-out _____
 - b) Revenue generated by mill levy at
 - 1] 70% build-out, _____
 - 2] 80% build-out, _____
 - 3] 90% build-out _____
 - c) District expenses estimated at
 - 1] 70% build-out, _____
 - 2] 80% build-out, _____
 - 3] 90% build-out, _____
- E. A general description of the facilities to be constructed and the standards of such construction, including a statement of how the facility and service standards of the proposed special district are compatible with facility and service standards of the

APPENDIX A



Elbert County.

1. With respect to Water Special Districts, or Special Districts providing water services, a study of the water source adequate-ability for compliance to the 300 years rule is included with sufficient data for independent third party analysis to concur with the finding.
2. Cost & source of replacement water should the primary water source prove inadequate.

F. General description of the estimated cost of:

1. Acquiring land,
2. Engineering services,
3. Legal services,
4. Administrative service,
5. Initial proposed indebtedness and
6. Estimated proposed maximum interest rates and discounts, and
7. Other major expenses related to the organization and initial operation of the district.

G. Description of any arrangement of proposed agreement with any political subdivision for the performance of any services between the proposed special district and such other political subdivision and, if the form contract to be used is available, it shall be attached to the service plan;

H. Information, along with other evidence presented at the hearing, satisfactory to establish that each of the criteria set forth CRS §32-1-203, if applicable, is met.

I. Such additional information as the Board of County Commissioners may require on which to base its findings, pursuant to CRS §32-1-207.

1. An emergency clause to address financial distress of the District in the event that development activity occurs at rate such that the mill levy from property values become insufficient to fund the District's services within the mill levy cap and revenue from fees becomes an unreasonable burden to the property owners.
2. Sunset clause to address dissolution of the District in the event that development activity ceases or the district fails to provide services.
3. Such a sunset clause should make reference to statutorily prescribed dissolution procedures. Any such dissolution



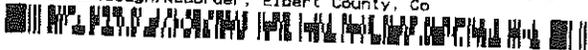
procedures would have to be carried out accordingly.

4. Information about the district's policies for inclusion, including criteria to be employed in extending services.
5. Such additional information as the Board of County Commissioners may require on which to base its findings pursuant to CRS §32-1-203. (CRS §32-1-202(2)(i), as amended).
6. Exhibit A – Vicinity Map.
7. Exhibit B – Legal Description.
8. Exhibit C – District Boundary Map.
9. Exhibit D – Cost of Improvements.
10. Exhibit E – Map of Improvements.
11. Exhibit F – Financial Plan.
12. Exhibit G – Resolution of Approval.

J. Service Plan Appendix Contents

The Service Plan appendix may include the following:

1. Proposed dates for Service Plan review by the Planning Commission and the Board, and notification of any proposed election deadlines.
2. Sufficient background information supporting the growth rates utilized in the financial alternatives or a market study to support the alternative financial scenarios.
3. Community & Development Services may request that the applicant submit an additional financial plan using assumptions provided by Community & Development Services.
4. Mill levy comparison of proposed operating and overlapping mill levies with at least five other similar districts in the County.
5. Evidence that the proposed Service Plan is in compliance with the Clean Water Plan.



6. If the Special District is proposed to provide wastewater treatment, additional information regarding the wastewater treatment facility is to be provided, including any existing local and state reviews of the facility plan for wastewater treatment facilities and arrangements and agreements relating to wastewater treatment and effluent disposal. If treatment is proposed by another entity, a letter should be provided from that entity showing agreement with the proposal, capacity and willingness to serve, and compliance with the Clean Water Plan including any phosphorous allocation requirements.
7. A separate analysis addressing how each of the approval standards set forth in the Control Act have been met. When development does not begin within two years of approval of Zoning & Subdivision, the supporting valuations, financing and services to be provided by any Special District approved to service development, shall be subject to review and updated approval by the County.
8. Community & Development Services may request additional information to assist in the evaluation of the service plan as related to criteria listed in C.R.S. §32-1-203(2) & (2.5).

K. Contents of the Annual Report shall include, but is not limited to:

- Description of the services currently provided in the Special District,
- Financial status of the Special District, including revenues collected, itemized expenditures & budget plan, major changes in the financial status of the Special District,
- Description of the current mil levy of the Special District and how the Special District's mil levy compares to the total property taxes,
- Names of the board members for the Special District,
- Times and places for regularly scheduled meetings of the board,
- Contact information for Special District's principal business office,
- Location where public notices of the Special District are posted,
- Results of the elections of the prior year,
- Schedule of upcoming elections and election details,
- Board members whose terms are expiring, personnel changes,
- Website address where Special District election results are posted,
- Procedure & filing schedule for nominations for board positions,
- Any Special District boundary changes accomplished or contemplated,
- Any significant policy changes accomplished or contemplated,
- Any intergovernmental agreements accomplished or contemplated,



- Status of compliance with applicable laws & regulations,
- Address of any website of the Special District, and
- Any other events that significantly affect the Special District's operations.



Appendix B

SPECIAL DISTRICT FINANCIAL PLAN

INFORMATION REQUIREMENTS

A. A GENERAL DESCRIPTION OF ESTIMATED COSTS:

1. Acquiring land,
2. Engineering services,
3. Legal services,
4. Administrative service,
5. Initial proposed indebtedness,
6. Estimated proposed maximum interest rates and discounts,
7. Other major expenses related to the organization and initial operation of the district.
8. Comparison of revenue to Special District expenses
 - a] Valuation at
 - 70% build-out, _____
 - 80% build-out, _____
 - 90% build-out _____
 - b] Revenue generated by mill levy at
 - 1] 70% build-out, _____
 - 2] 80% build-out, _____
 - 3] 90% build-out _____
 - c] District expenses estimated at
 - 1] 70% build-out, _____
 - 2] 80% build-out, _____
 - 3] 90% build-out, _____

9. A detailed market analysis to demonstrate projected demand and need for services shall be required, if the projected cost for homes is greater than that which could be serviced by mortgage for a family with a household income equal to or less than the mean household income in Elbert County. Detailed information shall be provided about the following criteria.
 - a) Build-out projections when considering forecasts of demographic & economic indicators such as population, employment, & income.
 - b) Population growth of Metro Denver area
 - c) Portion of that growth to locate in Elbert County
 - d) Competition from other subdivisions in Elbert County
 - 1) Similar lot sizes available
 - 2) Similar / comparable amenities available
 - 3) Length of commutes to work
10. Cost of commutes to work

B. OPERATING REVENUE & INDEBTEDNESS

1. How the proposed services are to be financed, including projected bonding details on which financial commitment is based.
2. Proposed operating revenue derived from property taxes for the first budget year of the district and each of the following four years which shall not be materially exceeded except as authorized pursuant to C.R.S. §32-1-207 or §29-1-302, as amended.
3. All proposed indebtedness for the district shall be displayed together with a schedule indicating the year or years in which the debt is scheduled to be issued.
4. The plan shall provide for 50% funding in excess of the projected 10 year costs to provide for cost overruns.
5. The plan will incorporate a plan for 20 years of operation within the proposed structure, or, will provide a plan for Elbert County take over of the Special District.
6. The submitted plan will provide a list of all area residents affected and their stated preference in favor or in opposition to the Special District as evidenced in writing.



7. The plan will incorporate a financial analysis detailing the following:
 - a] Cost for infrastructure
 - b] Cost for water for affected citizens
 - c] Cost for organizational elements detailing salaries, profits etc.
8. With respect to Water Special Districts, or Special Districts providing water services, a study of the water source adequate for compliance to the 300 years rule is included with sufficient data for independent third party analysis to concur with the finding.
9. Cost for replacement water should the primary source prove inadequate.
 - a] All costs shall be projected for a twenty year period.
 - b] A method of ensuring compliance with the State allocated water usage must be incorporated into the plan and financed.
10. A plan for waste/waste water disposal (septic tanks, etc.) is incorporated as part of the plan.
11. If an overlapping special district is proposed, all of the requirements elucidated herein will be submitted for that overlapping district as well as for the proposed district.
12. Proposed operating revenue derived from property taxes for the first budget year of the district and each of the following four years which shall not be materially exceeded except as authorized pursuant to C.R.S. §32-1-207 or §29-1-302, as amended.
 - a] Include historical trendlines for property values within the proposed Special District, and projected Special District property tax revenues for the term of the loan, and
 - b] Total costs to service the debt over the financing term.
13. When a Special District proposes Tap Fees and PIF revenue,
 - a] Explain how Tap fees, [not generated until a building permit is issued], will work to fund utilities, [which need to be installed prior to building permits being issued?
 - b] Describe how financing of infrastructure will be achieved and
 - c] How pay-back will occur.
 - 1] If Developer is to subsidize infrastructure installment,
 - 2] What lending institution will finance?
 - 3] Terms?
 - 4] What Guarantees will the Develop provide that infrastructure bills will be paid, even when buildout does not occur as projected? Provide contingency plan for a



doubling of build out time and costs.

14. Before the end of December each year, the Special District shall prepare a detailed budget for the following twelve months. Budget items will be updated through the following four years.
15. Guidelines for providing information about Special District Financials. [There will always be a five year budget with adequate resources identified]
 - a] The interest rates, issuing costs, & other financial data used in calculation shall be provided by a reliable, identified source, such as an investment banking firm, CPA, or otherwise experienced person. Similarly, projected rates & charges should be based upon realistic analyses prepared by qualified sources.
 - b] Provide evidence of commitment from a qualified lender or investment banking firm / information toward justifying financial support for your project.
 - c] Provide an itemized breakdown of all costs to be incurred & allocation of costs, [developer / applicant, district, private parties]
 - d] Background financial information on the developer / applicant & financial relationships between owner, developer /applicant & Special District.
 - e] Evidence that the area to be included in the Special District has or will have the financial ability to discharge the proposed indebtedness on a reasonable basis. Information about sources of such information shall be required.
(Proposed indebtedness should be reasonable, for residents to pay-off at 70% of build-out.)
 - 1] Median income in Elbert County _____
 - 2] Projected valuation / selling price for homes in the subdivision _____
 - 3] Subsequent resident income needed for mortgage payment calculated from factors listed below:

 - 4] Mortgage payment not to exceed 35% of household income with _____



- 5] 20% down-payment and
 - 6] At least 30 year fixed rate of interest.
- f] Considerations for mortgage payments to exceed 35% of household income and down-payments to be less than 20% must be justified.
- 1] Letters / written evidence from financial institutions willing to lend with these parameters?
 - 2] Letters from participating financial institutions confirming their willingness to participate.
 - 3] What percentage of the buying public falls in these parameters and what numbers do they represent to Elbert County as part of the Denver Metropolitan potential buying number?
- g] Employment growth / opportunities in Elbert County
- 1] Number of jobs currently providing income needed to purchase a home in the subdivision according to the projected home cost.
 - 2] Number of additional jobs projected during next five years to provide income needed to purchase a home in the subdivision according to the projected home cost.
- h] Employment growth / opportunities Outside of Elbert County
- 1] Number of jobs providing income needed to purchase a home in the subdivision according to the projected home cost.
 - 2] Number of jobs projected during next five years to provide income needed to purchase a home in the subdivision according to the projected home cost.
- i] When development does not begin as proposed in the Service Plan, an update of financials shall be required to account for inflation and market changes and justify the Development as planned.
- k] Identify plans to mitigate any shortfalls in a district's ability to meet financial obligations
- 1] Insurance,
 - 2] Guarantees,
 - 3] Bonds – By Whom? Necessary to cover Metro District revenue shortfalls because project is not achieving build-out together with revenue from build-out that was



part of Developer's original forecast.

- l] History of property tax payment on all properties to be included in the district.
- m] Existing or pending financial difficulties of the Applicant, including insolvency, bankruptcy, or foreclosure proceedings
- n] Any existing tax delinquency by the Applicant, developer, developer's representative, or other parties involved with the project or in any other project in the County or elsewhere, must be paid in full prior to the project review process going forward. At least a signed certification from all applicants & initial potential District Board members confirming that they have no tax owed for any current or past project or personal situation]
- o] Explanation of the standards upon which cost estimates are based [e.g., county transportation department, State Health Department, etc.] Estimates should be costs at time of construction.

C. RECOMMENDED FORMAT FOR FINANCIAL PLAN

1. Larger font than 11 is preferable, use more than one page for the spreadsheet.
2. Show source, definition, calculation and / or explanation for each of the const / revenue items. See attached example.
3. List all assumptions.