

# EL PASO

COMMISSIONERS:  
DARRYL GLENN (PRESIDENT)  
MARK WALLER (PRESIDENT PRO TEMPORE)



# COUNTY

STAN VANDERWERF  
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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

July 2, 2019

ProTerra Properties, LLC  
1864 Woodmoor Drive, Suite 100  
Monument, CO 80132

Icenogle Seaver Pogue, P.C.  
4725 S Monaco Street, Suite 360  
Denver, CO 80237

RE: Winsome Metropolitan Districts Nos. 1 -4 – Service Plan – (ID-19-003)

This is to inform you that the above-reference request for approval of the above listed service plans was heard and a recommendation for approval was made by the El Paso County Planning Commission on July 2, 2019, at which time a recommendation for approval was made to approve four service plans. The proposed Districts are located at the northwest corner of the intersection of Meridian Road and Hodgen Road and within Sections 13, 19, and 24, Township 11 South, Range 65 West of the 6<sup>th</sup> P.M. and Section 19, Township 11 South, Range 64 West of the 6<sup>th</sup> P.M. The applicant is proposing the following: a maximum debt authorization of \$20 million, a debt service mill levy of 55.277 mills, an operations and maintenance mill levy of 10 mills, and 5 mills for covenant enforcement. The proposed maximum combined mill levy is 70.277 mills. (Parcel No. 51000-00-493)

This recommendation for approval is subject to the following:

## CONDITIONS OF APPROVAL

1. As stated in the proposed service plan, the maximum combined mill levy, including mills for debt service, operations and maintenance, and covenant enforcement shall not exceed 65 mills for any property within the Districts, with no more than 50 mills devoted to debt service, no more than 10 mills devoted to operations and maintenance, and no more than 5 mills for covenant enforcement until and unless the Districts receive Board of County Commissioner approval to increase the maximum mill levies.

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



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

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2. As stated in the attached service plan, the maximum authorized debt for the Districts shall be limited to \$20 million until and unless the Districts receive Board of County Commissioner approval to increase the maximum authorized debt.
3. The approval of the District includes the use of eminent domain powers by the Districts for the acquisition of property that the Districts intend to be owned, controlled, or maintained by the District or other public or non-profit entity and is for the material use or benefit of the general public. The District may not use the power of eminent domain without a recommendation by the Board of County Commissioners at a publicly noticed hearing that the use of eminent domain is necessary in order for the District to continue to provide service(s) within the District boundaries and that there are no other alternatives that would not result in the need for the use of eminent domain powers.
4. As stated in the attached Service Plan, any future annexation of territory by the Districts (any territory more than five (5) miles from any District boundary line) shall be considered a material modification of the amended Service Plan and shall require prior Board of County Commissioners' approval.
5. The Districts shall provide a disclosure form to future purchasers of property in a form consistent with the approved Special District Annual Report form. The developer shall provide written notation on each subsequent final plat associated with the subsequent development of the annually filed public notice and include reference to the El Paso County Planning and Community Development website where the most up-to-date notice can be found. County staff is authorized to administratively approve updates of the disclosure form to reflect current contact information and calculations.
6. The Districts are expressly prohibited from creating separate sub-districts except upon prior notice to the Board of County Commissioners, and subject to the Board of County Commissioners right to declare such creation to be a material modification of the service plan, pursuant to C.R.S. § 32-1-1101(1)(f)(I).
7. As stated in the attached service plan, approval of the proposed service plan hereby gives the Districts the express authority of covenant enforcement, including the imposition of fees for such enforcement.
8. Approval of this application shall not constitute relinquishment or undermining of the County's authority to require the developer to complete subdivision improvements as required by the Land Development Code

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

## NOTATIONS

1. Approval of this service plan shall in no way be construed to infer a requirement or obligation of the Board of County Commissioners to approve any future land use requests within the boundaries of the Districts.
2. Any expansions, extensions, or construction of new facilities by the Districts will require prior review by the Planning and Community Development Department to determine if such actions are subject to the requirements of Appendix B of the Land Development Code, Guidelines and Regulations for Areas and Activities of State Interest (a.k.a. "1041 Regulations).

The Planning Commission is advisory to the Board of County Commissioners.

Should you have any questions, or if I can be of further assistance, please contact me at 719-520-6300.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nina'.

Nina Ruiz, Planner III

File No. ID-19-003