

SPECIAL DISTRICT SERVICE PLAN (Recommend Approval)

Merrin moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. ID-23-003  
EAGLEVIEW METROPOLITAN DISTRICT

WHEREAS, PT Eagleview, LLC, did file an application with the Planning and Community Development Department of El Paso County, pursuant to § 32-1-204 (2), Colorado Revised Statutes (C.R.S.), for the review of a draft service plan for Eagleview Metropolitan District for property more particularly described in Exhibit A, which is attached hereto and incorporated by reference; and

WHEREAS, a public hearing was held by this Commission on July 20, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, study of the proposed service plan for Eagleview Metropolitan District, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, and comments from all interested persons, and comments by the El Paso County Planning Commission during the hearing, this Commission finds as follows:

1. That the application for the draft service plan for the Special District was properly submitted for consideration by the Planning Commission.
2. That proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. That the hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at that hearing.
4. That all exhibits were received into evidence.
5. That there is sufficient existing and projected need for organized service in the area to be served by the proposed Special District.

6. That existing service in the area to be served by the proposed Special District is inadequate for present and projected needs.
7. That the proposed Special District is capable of providing economical and sufficient service to the area within its proposed boundaries.
8. That 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.
9. That adequate service is not, or will not be, available to the area through the County, other existing municipal or quasi-municipal corporations, including existing Special Districts, within a reasonable time and on a comparable basis.
10. That the facility and service standards of the proposed Special District are compatible with the facility and service standards of each County within which the proposed Special District is to be located and each municipality which is an interested party as defined in C.R.S. § 32-1-204 and the El Paso County Land Development Code.
11. That the proposal is in substantial compliance with a Master Plan adopted pursuant to C.R.S. § 30-28-106.
12. That the proposal is in compliance with any duly adopted County, regional or state long-range water quality management plan for the area.
13. That the creation of the proposed Special District will be in the best interests of the area proposed to be served.

NOW, THEREFORE, BE IT RESOLVED that the El Paso County Planning Commission recommends the service plan for Eagleview Metropolitan District be approved for the following, subject to the following:

#### CONDITIONS OF APPROVAL

1. As stated in the proposed service plan, the maximum combined mill levy shall not exceed 65 mills for any property within the Eagleview Metropolitan District, with no more than 50 mills devoted to residential debt service, and no more than 15 mills devoted to operations and maintenance, all subject to Assessment Rate Adjustment, unless the District receives Board of County Commissioner approval to increase the maximum mill levy.
2. As stated in the attached service plan, the maximum authorized debt for the Eagleview Metropolitan District shall be limited to \$8,000,000.00 until and unless the District receives Board of County Commissioner approval to increase the maximum authorized debt.

3. Approval of the service plan for the Eagleview Metropolitan District includes the ability of the District to use eminent domain powers for the acquisition of property to be owned, controlled, or maintained by the District or another 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 prior approval by the Board of County Commissioners at a publicly noticed hearing after a showing that the use of eminent domain is necessary in order for the District to continue to provide service(s) within the District's boundaries and that there are no other alternatives that would not result in the need for the use of eminent domain powers.
4. The Eagleview Metropolitan District shall provide a disclosure form to future purchasers and or lessors of property in a manner consistent with the approved Special District Annual Report form. The developer(s) shall provide written notation on each subsequent final plat associated with the development of the annually filed public notice. County staff is authorized to administratively approve updates to the disclosure form to reflect current contact information and calculations.
5. The Eagleview Metropolitan District is 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)(l).
6. 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 to guarantee the construction of improvements.
7. Any future proposed development of the subject parcels will require approval of a final plat(s), and such final plat(s) must be recorded prior to undertaking land disturbing activities, excluding pre-subdivision site grading without installation of wet utilities as a separate, stand-alone request.

#### 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 District.
2. Any expansions, extensions, or construction of new facilities by the Eagleview Metropolitan District 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").

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

WHITNEY seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	<u>aye</u> / no / non-voting / recused / <u>absent</u>
Sarah Brittain Jack	aye / no / non-voting / recused / <u>absent</u>
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	aye / <u>no</u> / non-voting / recused / absent
Jeffrey Markewich	aye / no / <u>non-voting</u> / recused / absent
Brandy Merriam	<u>aye</u> / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / <u>absent</u>
Kara Offner	aye / no / non-voting / recused / <u>absent</u>
Wayne Smith	<u>aye</u> / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / <u>absent</u>
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 5 to 1 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 20th day of July 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
Chair

EXHIBIT A

LEGAL DESCRIPTION: EAGLEVIEW METROPOLITAN DISTRICT

AS DESCRIBED IN TITLE COMMITMENT:

A PORTION OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 26, AS ACCEPTED AND USED IN THE PLATS OF MFY FARM SUBDIVISION AND PAINT BRUSH HILLS FILING NO. 3, RECORDED IN PLAT BOOK T-3 AT PAGE 93 AND IN PLAT BOOK U-3 AT PAGE 79, RESPECTIVELY, OF THE RECORDS OF SAID EL PASO COUNTY; THENCE SOUTH 00 DEGREES 04 MINUTES 34 SECONDS EAST, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 26, 2587.32 FEET TO THE CENTER CORNER OF SAID SECTION 26; THENCE NORTH 89 DEGREES 31 MINUTES 29 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 26, 978.90 FEET TO THE NORTHEAST CORNER OF LOT 30 OF STAPLETON ESTATES FILING NO. 1, AS RECORDED IN PLAT BOOK R-3 AT PAGE 76 OF THE RECORDS OF SAID EL PASO COUNTY; THENCE CONTINUING ALONG THE BOUNDARY LINE OF SAID STAPLETON ESTATES FILING NO. 1, NORTH 89 DEGREES 31 MINUTES 29 SECONDS WEST, ALONG SAID SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 26, 1032.07 FEET; THENCE NORTH 00 DEGREES 28 MINUTES 34 SECONDS WEST, 2561.56 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 26; THENCE NORTH 89 DEGREES 44 MINUTES 28 SECONDS EAST, ALONG THE SOUTHERLY BOUNDARY LINE OF SAID MFY FARM SUBDIVISION, 2028.78 FEET TO THE POINT OF BEGINNING.

AS MEASURED:

A PORTION OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 26, AS ACCEPTED AND USED IN THE PLATS OF MFY FARM SUBDIVISION AND PAINT BRUSH HILLS FILING NO. 3, RECORDED IN PLAT BOOK T-3 AT PAGE 93 AND IN PLAT BOOK U-3 AT PAGE 79, RESPECTIVELY, OF THE RECORDS OF SAID EL PASO COUNTY; THENCE S00°02'11"E, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 26, A DISTANCE OF 2587.22 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 26; THENCE N89°28'49"W, A DISTANCE OF 978.75 FEET TO THE NORTHEAST CORNER OF LOT 30 OF STAPLETON ESTATES FILING NO. 1, AS RECORDED IN PLAT BOOK R-3 AT PAGE 76 OF THE RECORDS OF SAID EL PASO COUNTY; THENCE N89°31'16"W, ALONG THE BOUNDARY LINE OF SAID STAPLETON ESTATES FILING NO. 1, A DISTANCE OF 1063.31 FEET TO THE NORTHWEST CORNER OF LOT 8 OF SAID

STAPLETON ESTATES FILING NO. 1; THENCE N00°26'14"W ALONG THE EAST LINE OF SAID STAPLETON ESTATES FILING NO. 1, A DISTANCE OF 2561.60 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 26; THENCE N89°46'46"E, ALONG SAID NORTH LINE AND ALONG THE SOUTHERLY BOUNDARY LINE OF SAID MFY FARM SUBDIVISION, A DISTANCE OF 2059.89 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 121.20 ACRES OF LAND, MORE OR LESS.

