



ICENOGLÉ SEAVER POGUE

June 2, 2023

VIA ELECTRONIC UPLOAD

El Paso County
Planning and Community Development
2880 International Circle
Colorado Springs, CO 80910

Attn: Kari Parsons

Re: Letter of Intent Concerning Formation of Eagleview Metropolitan District

To Whom It May Concern:

On behalf of PT Eagleview, LLC (the “Applicant”), we are submitting this letter of intent to form a Title 32 metropolitan district in El Paso County (the “County”) to be known as “Eagleview Metropolitan District” (the “District”). The Applicant is concurrently seeking approval of a residential subdivision to be known as Eagleview, situated on property owned by the Applicant southeast of the intersection of Raygor Road and Arroya Lane in northeast part of the County. The proposed Eagleview subdivision is expected to contain 38 single family residential units with an average lot size of 2.95 acres and a minimum lot size of 2.5 acres each, to be constructed on 113.34 acres within the District’s boundaries consisting of 121.20 acres.

We respectfully request consideration of the Service Plan for the District by the Planning Commission and then the Board of County Commissioners.

A. Purpose of the District

The District will be organized to provide, finance, construct, own, manage, and operate public improvements, infrastructure and services related to the development of the residential subdivision to be known as “Eagleview”. The District will have the power and authority to provide the public improvements and related operation and maintenance services as such power and authority is described in the Special District Act, and other applicable statutes, common law and the Constitution, including, but not limited to, the following: water, sanitation, storm drainage, street and roadway improvements, transportation improvements, traffic and safety controls, parks and recreation improvements, mosquito control, fire protection for hydrants only if needed, television relay and translation facilities, covenant enforcement, security services, and solid waste disposal, subject to the limitations of the District’s Service Plan as described therein.

The overall need for creation of this District is that there are currently no other governmental entities located in the immediate vicinity of the District that consider it desirable, feasible or practical to undertake the planning, design, acquisition, construction installation, relocation, redevelopment, and financing of the public improvements needed for the Eagleview subdivision. The existing metropolitan districts within the vicinity of the proposed District were formed in connection with specific subdivisions and by different developers. It would not be in the financial interests of the residents and property owners within these existing metropolitan districts to undertake the funding of the public improvements within the District based on their respective service plan limitations. It could adversely affect the current residents and property owners within those metropolitan districts who do not wish to fund public improvements from which they will not receive any services or benefit.

The proposed Eagleview Metropolitan District is within the boundaries of the Upper Black Squirrel Creek Ground Water District. However, the Upper Black Squirrel Ground Water District will not be financing or constructing any capital facilities for the Eagleview subdivision. The District will utilize onsite wastewater treatment systems (OWTS) for the property. Paint Brush Hills Metropolitan District is the closest existing metropolitan district to the District, however, the Eagleview project is outside the service area of Paint Brush Hills Metropolitan District.

Formation of the District is necessary to provide the public improvements required for the Eagleview subdivision in the most economic manner possible by spreading the costs of the public improvements among those property owners who will benefit from the public improvements being constructed. The public improvements that the District intends to finance and construct within the Eagleview subdivision include, but are not limited to, on and off-site roadway improvements consisting of erosion control, grading, base course, and asphalt paving, safety protection, on and off-site drainage facilities, and landscaping. Additional major purposes of the District will include ongoing maintenance of two stormwater quality ponds and associated drainage ways. In addition, since there is no homeowner's association, the District will provide covenant enforcement and design review services.

B. Justification

The Service Plan proposes a Maximum Combined Mill Levy of 65 mills, consisting of a Debt Mill Levy of up to 50 mills, an Operational Mill Levy of up to 10 mills and a Special Purpose Mill Levy of up to 5 mills for the purpose of funding covenant enforcement and/or maintenance of common facilities in lieu of a homeowners association (all subject to the Maximum Combined Mill Levy of 65 mills). The District will generate most of the tax revenue through the imposition of the foregoing mill levies sufficient to pay the costs of the public improvements and create several benefits for the residents of the Eagleview

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subdivision and the County. In general, those benefits are: (a) administration of the design, acquisition, installation, construction, financing, operations, and/or maintenance of public improvements, and delivery of those public improvements in a timely manner; (b) maintenance of a reasonable tax burden on all residents of the District through proper management of the financing and operation of public improvements; and (c) assurance that public improvements required by the County are designed, acquired, installed, constructed, financed, operated, and/or maintained in a timely and cost effective manner by which to protect residents, bondholders, and the County from the risk of development.

C. Justification for District Formation in conjunction with Land Use Approval Process

The Applicant wishes to seek approval of the formation of the District contemporaneously with the County's consideration of the underlying land use applications. The property comprising the District is currently zoned RR-2.5. An application for the Eagleview Subdivision Preliminary Plan (SP-06-021) to include 38 single-family residential lots on the 121.20-acre site was previously approved by the County. This plan has since expired. Reconsideration of the Preliminary Plan was submitted with only minor changes to the street configuration to establish better continuity on the site and avoid street naming issues. The County approved the Preliminary Plan at the February 21, 2023 meeting of the Board of County Commissioners. The Final Plat and associated construction plans were submitted to the County on December 23, 2022 and may be recorded by the end of 2023.

The Applicant is requesting that the County consider the District's formation in conjunction with the land approval process so that following the organizational election which will be held in November of 2023, the District can then move forward with public financing to fund the public improvements that will be constructed in accordance with the approved development plan.

D. Development and Financial Plans

The property comprising the District is owned by the Applicant, PT Eagleview, LLC, and is currently undeveloped. The Service Plan contains an estimate of the total infrastructure capital costs in the amount of \$7,354,022 (in 2023 dollars), of which it is estimated that \$6,464,949 (in 2023 dollars) are district-eligible public improvement costs. This cost estimate was prepared by representatives of the Applicant and reviewed by civil engineers. The financing model attached to the Service Plan is an example of the manner in which the District may finance those public improvements. It is anticipated that the provision of public facilities and services by the District will be primarily financed by the issuance of bonds, secured by the District's *ad valorem* taxing authority. This model demonstrates that the District is capable of providing sufficient and economic service within the Eagleview subdivision, and that the District has or will have the financial ability to discharge the

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District's debt on a reasonable basis. Prior to the issuance of any debt, costs for public improvements, organizational costs and funding for operations and maintenance may be paid by the Applicant and subsequently reimbursed to the Applicant by the District. It is anticipated that in the formative years the District will have shortfalls in funding its capital costs and monthly operations and maintenance expenses. The Applicant may fund these obligations for the District to promote the development subject to the Applicant being repaid from future District revenues. The amount of debt issued by the District to finance the public improvements will be in accordance with the limitations of the approved Service Plan.

The District intends to fund and/or construct the Public Improvements consisting of on and off-site roadway improvements, safety protection facilities, and on-site drainage improvements first, prior to undertaking any regional drainage improvements. The regional drainage improvements required to be constructed by the County may be funded and/or constructed by the District to the extent the District has available revenues therefor.

E. Compliance with County Master Plan

The land use proposed for the property within the District is in general conformance with the policies of the County Master Plan. Specifically, the Eagleview subdivision proposed for the property within the District is denoted as a Suburban Residential place type within a priority development area in the County Master Plan. This place type consists of predominantly single family detached residential areas, and is supportive of single-family attached, multifamily residential, commercial retail, parks, and open space. Aligning with the Preliminary Plan, this place type deviates from the traditional grid pattern of streets, containing a more curvilinear pattern. The Suburban Residential place type suggest and density of up to 5 du/ac and the Preliminary Plan proposes single-family detached residential development at a density of 0.31 du/ac, which is consistent with the suburban density place type objectives.

In the Areas of Change chapter of the County Master Plan, the Preliminary Plan area is identified as a "New development" area. New Development Areas will be significantly transformed as new development takes place. These areas are often on undeveloped or agricultural areas, and are expected to be complimentary to adjacent development. This site provides a consistent transition from the higher density subdivision to the east, and the larger, more rural development to the north, west, and south.

The District is consistent with Core Principle 1, Land Use and Development, which seeks to "manage growth to ensure a variety of compatible land uses that preserve all character areas of the county," in addition to Goal 1.1, to "ensure compatibility with established character and infrastructure capacity."

The proposed Eagleview Metropolitan District is also consistent with Core Principle 2, Housing & Communities, which seeks to “preserve and develop neighborhoods with a mix of housing types”. The District is further consistent with the following goals: Goal 2.2 to “preserve the character of rural and environmentally sensitive areas”, and Goal 2.3 to “locate attainable housing that provides convenient access to goods, services, and employment”.

Water Master Plan

The proposed District which includes residential development to be located within the District’s boundaries further confirms to the following goals and policies of the County Policy Plan and the Water Master Plan:

- *Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability, and quality for existing and future development.*
- *Goal 4.2 – Support the efficient use of water supplies.*
- *Policy 4.3.6 – Encourage well monitoring throughout the County, with an emphasis on the Denver Basin aquifer fringe areas.*
- *Policy 4.1.2 – Encourage more systematic monitoring and reporting of water quality in individual wells.*
- *Goal 6.0 – Require adequate water availability for proposed development.*

The proposed District property is located within Region 3, the Falcon area, which is projected to experience significant growth by 2040. By 2060, the ac.ft./year is expected to nearly double in Region 3. Region 3 has sufficient supply and existing infrastructure in the area to serve this development. By 2060, a 14% increase in supply is needed.

A copy of the Water Resources Report prepared by JDS Hydro, was provided in connection with the underlying land use application. The report indicates an anticipated 0.47 acre-feet of water per year for each lot. The current water rights and augmentation plan in place are adequate to meet the estimated overall demand of 17.90 AF/year for thirty-eight (38) lots.

Per the County’s criteria, the 300-year supply of water for the subject property located within the proposed District’s boundaries appears to be more than adequate for full buildout, which would include both the 2040 and 2060 scenarios. However, the proposed supply in the Dawson aquifer is based on non-renewable sources. If needed beyond the 300-year supply, the Eagleview subdivision has water rights in the Denver, Arapahoe, and Laramie-Fox Hills (LFH) formations, although a portion of the LFH water right is dedicated to augmentation to offset post-pumping depletions.

2040 Major Transportation Corridor Plan (MTCP)

The 2040 Functional Classification map shows adjacent roads Briargate and Meridian as principal arterials. Burgess Road is a minor arterial, and Woodmen Road is an expressway. The 2040 Improvements map identified the most proximate roadway improvement to the site is the Briargate proposed new roadway connection, with county road capacity improvements to Stapleton Drive. The 2060 corridor preservation plan depicts that Briargate Pkwy will become a principal arterial. Burgess Road is expected to be improved between 2040 and 2060. There are no planned improvements to the immediate streets accessing the site in the MTCP.

El Paso County Parks Master Plan

The County's Parks Master Plan does not identify any proposed parks or candidate open space on this site or in the vicinity. The site is 4 miles from the Pineries Open Space and 7 miles from Black Forest Regional Park. It is in close proximity to various trailheads as well. There is a proposed county trail going through the site on the El Paso County Master Plan, however, this trail is being diverted through The Ranch and Sterling Ranch developments, as the current location necessitates going through multiple 5-acre lots to the south. It is anticipated that the County will construct a regional trail connection within the boundaries of the proposed District, and the Developer has granted an easement to the county to construct the regional trail connection.

F. Service Plan Conformity

The Service Plan for the proposed District is in conformance with the statutory requirements for a service plan, as well as the County's Special District Policies. The Service Plan further contains evidence of each of the following necessary for the Board of County Commissioners to approve the Service Plan pursuant to Colorado law and the County's Land Development Code:

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

The demand for housing in the area is high, and the District will provide for the construction of those public improvements needed to sufficiently serve the future residents of the Eagleview subdivision. The District will also provide for ongoing operations and maintenance of the two stormwater quality ponds and associated minor drainage ways within the subdivision.

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

There are currently no other governmental or special district entities located in the vicinity that consider it desirable, feasible or practical to undertake the planning, design, acquisition, construction, and financing of the public improvements needed for the Eagleview subdivision. The proposed District will provide funding for the provision of the required public improvements, as well as a funding mechanism for the perpetual maintenance needs.

3. The proposed District is capable of providing economical and sufficient service to the Project.

The District will provide those public improvements and services necessary for the Eagleview subdivision. The District can finance these improvements and services through an ad valorem tax on the property within the District, which reduces the end home price for potential buyers. The District's proposed mill levy is in line with comparable districts in the general area. The District will ensure that public improvements are constructed in a reasonable and timely manner, and as mentioned above, the District will further provide adequate and perpetual maintenance of the two stormwater quality ponds and associated drainage ways within the subdivision, as well as covenant enforcement.

4. The area to be included in the proposed District does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

The Financial Plan attached to the Service Plan demonstrates that the District has the financial ability to discharge the debt that the District intends to incur to finance the public improvements on a reasonable basis. Based upon the development assumptions provided by the Applicant and the financial assumptions contained in the projected Financial Plan for the proposed District, the projected revenue is sufficient to retire all anticipated debt within the restrictions set forth in the District's Service Plan, including but not limited to the maximum debt mill levies and maximum maturity period.

5. Adequate service is not, and 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.

There are no existing governmental entities or special districts located in the vicinity of the District who are willing or capable of providing the necessary public improvements and services that the District will provide in a reasonable time and on a comparable basis. The District can facilitate this development that may otherwise not be possible.

6. The facility and service standards of the proposed District are compatible with the facility and service standards of the County.

The public improvements will be designed and constructed in accordance with the applicable County standards, as well as the standards of the governmental entity to which such public improvements will be dedicated (including, with respect to storm sewer and drainage facilities, the applicable NPDES standards). Two stormwater quality ponds and associated drainage ways will not be dedicated to the County for operations and maintenance; the District will operate and maintain these drainage facilities.

7. The proposal is in substantial compliance with the County master plan.

The proposed District will consist of residential development and is contiguous to existing residential subdivisions. This is consistent with the County master plan which encourages infill development that complements and transitions to existing uses. El Paso County School District 49 (“District 49”) has not made any specific request with relation to this development. District 49 will receive Impact Fees paid at the time of subdivision and will also collect a mill levy of 45.159 mills from property owners within the District to fund any capacity issues.

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

The District will provide the needed infrastructure to develop the property consistent with the option to finance those improvements through the issuance of bonds secured by the District’s *ad valorem* taxing authority, without placing an undue burden on the existing infrastructure of the County or other special districts. The District would ensure there is an orderly and planned development of the proposed public improvements.

Major Service Plan Points

- Approximately 121.20 acres of property within the boundaries of the District
- Anticipated development of 38 single family residential units.
- Completion of an estimated \$7,354,022 (in 2023 dollars) of public improvements, of which it is estimated that \$6,464,949 (in 2022 dollars) are district-eligible public improvement costs, including on and off-site roadway improvements, safety protection, on and off-site drainage facilities, and landscaping.

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- Requested debt authorization of \$8,000,000 to allow for inflation, contingencies, and unanticipated changes from the date of approval of the District's Service Plan.
- 30-year maximum period of maturity for issuance of any Debt (except for Developer Funding Agreements)
- Maximum Combined Mill Levy of 65 mills, consisting of a Debt Mill Levy of up to 50 mills, an Operational Mill Levy of up to 10 mills and a Special Purpose Mill Levy of up to 5 mills (all subject to the Maximum Combined Mill Levy of 65 mills)
- Public Improvements to be constructed to County and other applicable standards and specifications
- An Annual Report and Disclosure Form will be submitted to the County regarding the District's activities, and filed with the Division of Local Government and the State Auditor

G. Conclusion

The organization of the Eagleview Metropolitan District is in the best interests of the future residents of the area proposed to be served by the District. The District will ensure that construction of the public improvements occurs in a timely manner and in accordance with applicable standards. The District will further generate the tax revenue sufficient to pay for the costs of those public improvements, services and ongoing maintenance.

Sincerely,

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A Professional Corporation

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Enclosures

cc: Andrew Biggs (via email)

Joe DesJardin (via EDARP)

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