



Erin K. Stutz
Attorney

303-858-1800
estutz@wbapc.com

July 11, 2024

Planning and Community Development
El Paso County, Colorado
Attention: Kari Parsons
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Re: Letter of Intent for the Proposed Monument Ridge Metropolitan District Nos. 1-4

Dear Ms. Parsons:

This Letter of Intent is being submitted on behalf of Monument Ridge East, LLC (the “**Developer**”), for the organization of the Monument Ridge Metropolitan District Nos. 1-4 (individually, “**District No. 1**,” “**District No. 2**,” “**District No. 3**,” and “**District No. 4**,” and collectively, the “**Districts**”) located wholly within El Paso County, Colorado (the “**County**”).

The Districts shall be organized pursuant to and in accordance with the provisions in Title 32 of the Colorado Revised Statutes, Chapter Nine of the El Paso County Land Development Code, and the El Paso County Special District policies. The Districts’ boundaries will consist of 65 acres, encompassing the Monument Ridge development (the “**Project**”) located wholly within the County’s boundaries. The Project will consist of 342 residential units.

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

A. Purpose of the Districts

The Districts are independent units of local government, separate and distinct from the County, and, except as may otherwise be provided for by State or local law or the Service Plan, their activities are subject to review by the County only insofar as they may deviate in a material matter from the requirements of the Service Plan. It is intended that the Districts, in their discretion, will provide a part or all of various public improvements necessary and appropriate for the development of a project within the unincorporated County. The public improvements will be constructed for the use and benefit of all anticipated inhabitants, property owners and taxpayers of

the Districts. The primary purpose of the Districts will be to finance the construction of these public improvements.

The Districts intend to finance and construct public improvements within the Project including, but not limited to, roadway, water, sanitary sewer, stormwater and drainage, landscaping and park and recreation improvements and facilities. Additional major services will include the Districts' power to furnish covenant enforcement and design review services within the Districts' Boundaries, and any ongoing operation and maintenance of the public improvements within the Districts not otherwise dedicated to the County or third-party entities for ownership and/or ongoing operation and maintenance.

The Project is not presently served with the facilities and/or services proposed to be provided by the Districts, nor does the County nor any other special district have any plans to provide such services within a reasonable time and on a comparable basis. There are currently no private parties or other governmental entities, located in the immediate vicinity of the Districts 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 Project. The Districts' formation is therefore necessary to provide the most economic development of the public improvements required for the Project. District No. 3's boundaries will overlap Misty Acres Metropolitan District's ("Adjacent District") boundaries. It is anticipated District No. 3's boundaries will then be excluded from the Adjacent District at a later date. The Adjacent District is not willing or able to undertake the planning, design, acquisition, construction, installation, relocation, redevelopment, and financing of the public improvements that are necessary to serve the Project.

Please provide documentation from Misty Acres Board that this is the case

The Developer anticipates Tri-Lakes Monument Fire Protection District will provide fire protection services and Woodmoor Water & Sanitation District ("Woodmoor") will provide water and sanitary sewer services to the Project following construction of the public improvements. The Districts anticipate entering into an intergovernmental agreement with Woodmoor for the payment and provision of water and sanitary sewer services.

Looks like District 1 is solely a Wetlands area.

Will Woodmoor own and Maintain infrastructure or only provide water and WW?

B. Justification for Multiple District Structure

Project includes multiple types of residential development, such as single-family detached dwelling units, duplexes, tri-plexes, and four-plexes and is anticipated to be developed over several years. District Nos. 1, 2, and 3 will be residential districts. It is anticipated that District No. 1 will become an overlay district over District Nos. 2 and 3 and will take over operations and maintenance services for the property within those districts. District No. 4 is planned to provide extension of services to the proposed future inclusion area, which is anticipated to be a commercial district. A multi-district structure is proposed to allow development to occur in phases and to support the future inclusion area when inclusion occurs. It is anticipated that construction of attached single-family residential dwellings will begin in 2026 and the single-family detached homes will be completely developed by the end of 2032. The multi-district structure will allow for

Staff is reading this to be a placeholder District 4 to eventually include land located west of I25 and no applications have been submitted at this time- is that correct? D4 is not generating revenue in Financial Plan provided. How is there a need now for District 4?

coordinated financing related to each phase of the project as opposed to burdening the earlier development phases with public improvement costs for the entire project.

C. Development and Financial Plans

The property within the Project is currently undeveloped. The Service Plan contemplates an estimated total infrastructure cost of approximately \$15,462,475 in 2024 dollars. The Developer prepared the infrastructure cost estimates. These initial cost estimates are preliminary in nature and may fluctuate due to inflation and other external forces outside of Developer's control. The Service Plan's financing model provides an example of how the Districts may finance the public improvements. The financing model is a summary of development assumptions, projected assessed valuation, description of revenue sources (including applicable mill levies and fees) and expenses for both operations and debt service, and an overall debt capacity model associated with projected future development of the Project. The model demonstrates that the Districts can provide sufficient and economic service within the Project, and that the Districts have or will have the financial ability to discharge the Districts' Debt on a reasonable basis. Any debt issued will be in accordance with the Service Plan's limitations. Prior to the issuance of any debt, the Developer may pay for the public improvements' costs, organizational costs, and operations and maintenance costs and subsequently may be reimbursed by the Districts. It is anticipated that in the formative years the Districts will have shortfalls in funding its capital costs and monthly operations and maintenance expenses. The Developer may fund these obligations for the Districts to promote the Project's development subject to the Developer being repaid from future District revenues as described and limited within the proposed Service Plan.

Please discuss why applicant is asking for greater than 100% the \$33 Million debt a max allowance; this has not been requested before. Typically less than 22% contingency is requested. Please discuss the amount of district eligible improvements.

D. Compliance with County Master Plans

1. Compliance with the EPC Master Plan

Chapter 1 of the Your El Paso Master Plan (2021) states that the Plan is "general in nature- it cannot tackle every issue in sufficient detail to determine every type of necessary action." In addition, Chapter 1 goes on to state that the Plan "is intended to provide clearer and more coordinated policy, resulting in a document that effectively communicates County goals and identifies specific actions to achieve both County-wide and local area objectives." When taken together, these two statements suggest to the reader that the Plan may only address certain issues at a cursory level and that specific steps or actions for addressing such issues may not be offered within the Plan. That conclusion is certainly the case in numerous instances and with regard to a variety of topical areas. However, where that is not the case is with respect to the property that is proposed for initial inclusion into the Monument Ridge Metropolitan Districts Nos. 1-4, as identified below in an analysis of the three main land use sections of Chapter 3 of the Plan.

Chapter 3 Land Use

Key Area Analysis: "Tri-Lakes Key Area" and "Potential Areas for Annexation"

“Tri-Lakes” Key Area

A portion of the property is located within the Tri-Lakes Key Area. The Plan describes the key area as follows:

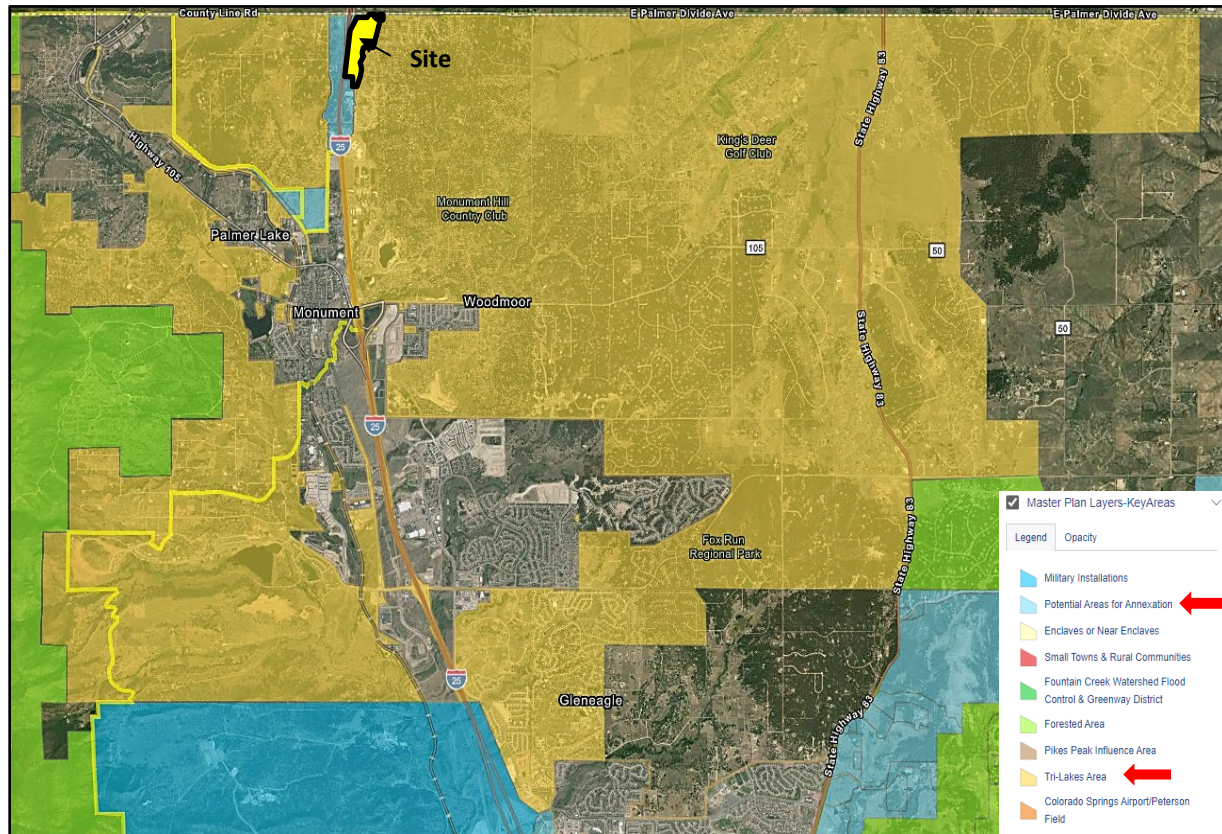
Tri-Lakes is the northern gateway into the County along Interstate 25 and Highway 83. It is situated between Pike National Forest, the United States Air Force Academy, and Black Forest. With significant suburban development and some mixed-use development, this Key Area supports the commercial needs of many of the residents in northern El Paso County. ***Tri-Lakes also serves as a place of residence for many who commute to work in the Denver Metropolitan Area.*** It is also an activity and entertainment center with the three lakes (Monument Lake, Woodmoor Lake, and Palmer Lake) that comprise its namesake and direct access to the national forest. Tri-Lakes is the most well-established community in the northern part of the County with ***a mixture of housing options***, easy access to necessary commercial goods and services, and a variety of entertainment opportunities. ***Future development in this area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor.*** (Emphasis added.)

concurrent (identify
BoCC hearing dates if
known)

The proposed Service Plan and associated Map Amendment (Rezoning) applications will help support the existing character of the Tri-Lakes Key Area by providing additional places of residence for those who commute to work in the Denver Metropolitan Area. In addition, the proposed rezoning includes two different zoning districts, RM-12 and RS-6000, to allow for a greater variety (mixture) of housing options in the area. Developing additional housing in the area will help strengthen the current residential market as well as generate increased sales for any existing and future commercial uses in the area.

The map below shows the relative location of the site with respect to the rest of the Tri-Lakes Key Area. The context provided by this exhibit indicates the importance of supporting the proposed Service Plan and the associated RM-12 and RS-6000 rezoning applications due to the immediate adjacency of the site to Interstate 25, which is even more pertinent when compared to the rest of the Key Area. Other locations in the Tri-Lakes Key Area would not be appropriate for increased residential densities due to concerns over use-to-use or even zoning-to-zoning compatibility such as in areas located to the east that are currently zoned RR-5 or RR-2.5. As the Tri-Lakes Key Area continues to build out the most logical location for meaningful residential growth is along the Interstate 25 corridor on large, undeveloped parcels, whether within the

incorporated boundaries of the Towns of Monument or Palmer Lake, or on centralized services in unincorporated El Paso County, as would be the case with this site.



“Potential Areas for Annexation” Key Area

The remaining portion of the property that is located outside the boundaries of the “Tri-Lakes” Key Area is shown in the Plan as being within the “Areas for Potential Annexation” Key Area. The Plan describes the Potential Areas for Annexation as follows:

“A significant portion of the County’s expected population growth will located in one of the eight incorporated municipalities. As the largest municipality in El Paso County, Colorado Springs is expected to grow in population over the next several decades. As a result of this growth, Colorado Springs, and other municipalities including Fountain and Monument, will need to annex parts of unincorporated County to plan for and ***accommodate new development***. This will either occur through new development within existing municipal limits or the annexation of subdivisions in unincorporated parts of the County.”

“This Key Area outlines the portions of the County that are *anticipated to be annexed as development occurs*. It is imperative that the County continue to coordinate with the individual cities and towns as they plan for growth. Collaboration with the individual communities will prevent the unnecessary duplication of efforts, overextension of resources, and spending of funds. The County should coordinate with each of the municipalities experiencing substantial growth the development of an intergovernmental agreement similar to that developed with Colorado Springs.”

The challenge for owners of land located within the “Potential Areas for Annexation” Key Area is that the final decision as to whether to annex the land into the respective incorporated city or town lies exclusively with the city or town itself. The owner of the property experienced this challenge firsthand while twice attempting to annex the property into the Town of Monument. The first attempt at annexing the land into the Town of Monument in 2022 ultimately resulted in the property owner withdrawing the annexation petition after an unfavorable and formally continued Town Planning Commission hearing. Delaying the hearing via a continuance strategically allowed for the then-recently elected but not yet seated Town Trustees to hear the request instead of the then-seated Trustees.

On the property owner’s second attempt to annex the land into the Town of Monument, which occurred in 2023, the Town Board of Trustees denied an annexation petition for a portion of the property within the proposed initial inclusion area located at the southwest corner of Interstate 25 and County Line Road. Denial of the annexation petition effectively rendered annexation of the rest of the property proposed to be in the initial inclusion area impractical due to contiguity issues. On both occasions, Town staff invited and encouraged the property owner to annex into the Town only to then have the proposed development meet political opposition.

One of the main reasons for annexing land into a municipality is to obtain centralized water and wastewater service, which can help justify an overall increase in development intensity, whether that be as more intense commercial or industrial development or higher density residential development, as was the intent of the landowner in requesting annexation into the Town of Monument. Centralized water and wastewater services can, however, still be provided to developments in the County via a special district(s). In this case, Woodmoor, was already going to provide water and wastewater service to the development on the east side even if the property was annexed into the Town of Monument due to Monument’s inability to serve new development on the east side of Interstate 25 in this area. Woodmoor has confirmed its commitment to providing municipal-level water and wastewater services to the proposed development, including if it develops in unincorporate El Paso County.

Even though annexation of the land has been repeatedly rejected by the Town of Monument, the intent of the Key Area designation of the land as a “Potential Area for Annexation” can still be maintained with water and wastewater service provided by Monument Sanitation and Woodmoor Water and Sanitation District. All of this suggests that development of the subject

property in unincorporated El Paso County is equivalent if not more sustainable in this area of the County than it might have otherwise been in the Town of Monument.

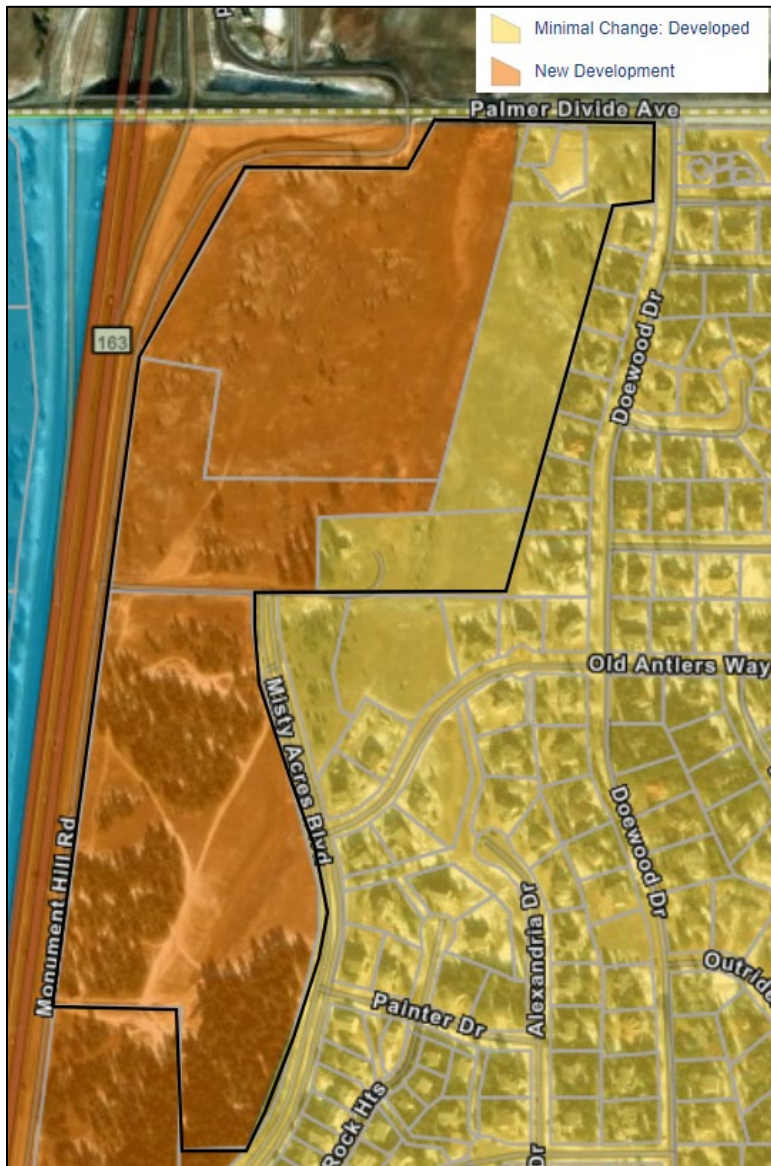
Area of Change Analysis: “Minimal Change: Developed” and “New Development”

The property proposed to be within the initial inclusion area is identified in the Areas of Change map within the Plan as being primarily with the “New Development” area of change with a smaller portion within the “Minimal Change: Developed” area of change (see the map on the next page for the delineation of the two areas).

“New Development” Area of Change

Page 21 of the Plan characterizes areas of “New Development” by stating:

“These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. ***Undeveloped portions of the County that are adjacent to a built out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one*** such as an employment hub or business park adjacent to an urban neighborhood.” (Emphasis added.)



Your El Paso Master Plan identifies only 9% of land within unincorporated El Paso County as being within an Area of Change for “New Development.” For comparison purposes, 90% of unincorporated El Paso County is identified expected to see minimal change, if any. These areas are comprised with 70% as “Minimal Change: Undeveloped”, 6% as “Minimal Change: Developed”, and the remaining 14% as “Protected/Conservation Area”. Page 20 of the Plan states the following:

“As El Paso County plans for growth and development over the coming decades, it is anticipated that some areas of the County will change more significantly than other areas.”

Further down on page 20 the Plan goes on to focus the discussion of change specifically on the need to address housing affordability, without regard for existing demographics or localized preferences, when it says:

“A key factor in identifying areas of new development, particularly for residential uses, is affordability. Housing affordability is addressed in Chapter 4 Housing & Communities page 58).”

These statements indicate that the proposed service plan and associated RS-6000 and RM-12 rezoning requests, which will allow for new development to occur on the property, are consistent with the “New Development” Area of Change designation and are even more uniquely supported by the Plan as an opportunity to help address the County-wide issue of housing affordability. This is particularly critical in the Tri-Lakes Area of the County which is generally void of any form of affordable housing or even mid-level housing. The proposed change to the property is residential in nature and would provide an appropriate transition between existing residential to the east and Interstate 25 to the west. The residential “character” of the area is, therefore, maintained, which would not necessarily be the case if the property were to be developed pursuant to the current mix of residential and commercial zoning.

“Minimal Change: Developed” Area of Change

Page 21 of the Plan characterizes areas of “Minimal Change: Developed” by stating:

“These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.”

The mapping of the boundary of the “Minimal Change: Developed” Area of Change on the property is not consistent with the actual developed status of the property. The exhibit provided above shows an aerial image of the property underlying the Area of Change designations. The aerial image clearly shows that no development has occurred on the property, which suggests that all of the property probably should have been designated as “New Development.”

Placetype Analysis: “Suburban Residential”

The subject property is shown on the Placetypes map of Your El Paso Master Plan as being within the Suburban Residential Placetype.

Page 28 of the Plan identifies the following land uses as being Primary Land Uses within the Suburban Residential Placetype:

- Single-Family Detached Residential with lot sizes smaller than 2.5 acres per lot, up to 5 units per acre.

In addition, the Placetype includes the following Supporting Land Uses:

- Single-Family Attached
- Multifamily Residential
- Parks/Open Space
- Commercial Retail
- Commercial Services
- Institutional

The Suburban Residential Placetype is described further on page 28 as follows:

“Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.

Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.

Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.”

A review of this area of the County in the context of the mapped Placetypes in the County Master Plan reveals a significant amount of single-family residential development ranging from neighborhoods located immediately east of the subject property all the way east to Furrow Road and beyond as well as north to the Douglas County/El Paso County line. Similarly, single family residential is found west of the property including properties located along Beacon Lite Road all the way west to the Town of Palmer Lake. These areas are typical of the Suburban Residential Placetype Designation. It is important to note, however, that the Suburban Residential Placetype also includes single-family attached and multi-family residential as supporting land uses, which would be consistent with the proposed Service Plan and the associated RS-6,000 and RM-12 rezoning as evidenced by the list of allowed land uses included above. Roughly six (6) square

miles (or approximately 3,956 acres) of Suburban Residential Placetype-designated land located in this area of the County is already predominately developed with single family residential dwellings, suggesting that there is almost an overabundance of existing single family residential in the area when compared to the supporting single-family attached and multi-family residential land uses, of which there is basically none within the same six (6) square mile area.

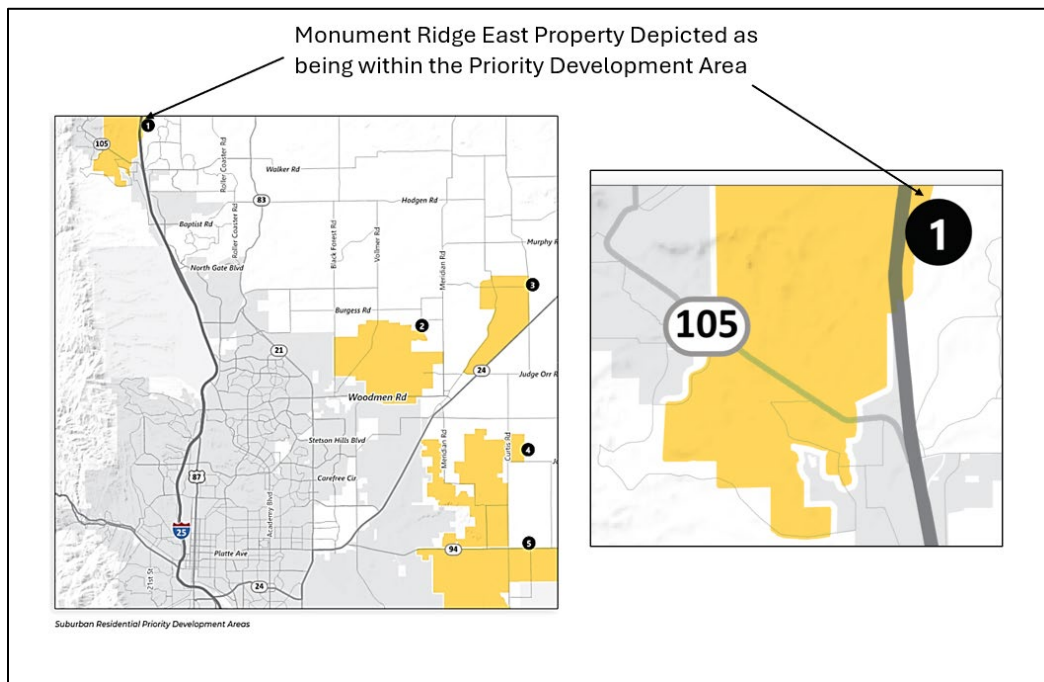
The property proposed to be included in the Districts and that is within the proposed rezoning area are estimated to represent less than 2% of the land included in the local Suburban Residential Placetype area. This means that the proposed development is not only a “Supporting Land Use” to the expansive single-family residential development that exists in this area today, but it can also be characterized as “Supportive” in terms of its size and scale in the context of the overall surrounding Suburban Residential Placetype area.

Inclusion of compatible, but not necessarily the same, residential land uses such as multi-family and single-family attached within the Suburban Residential Placetype demonstrates the overall vision of the Master Plan. No better location exists in this area, or perhaps even throughout the County as a whole, to locate a RM-12 and RS-6000 zoned development than within the proposed Districts located immediately adjacent to Interstate 25.

Chapter 4 Housing & Communities

In addition to supporting and being in compliance with the applicable Areas of Change, Key Area, and Placetype designations and policies in Chapter 3 of the Master Plan, the proposed service plan and associated rezoning are also in total alignment with the Residential Priority Development Area designation found in Chapter 4 of the Plan. The Monument Ridge East property is identified as being within the Highway 105 & Interstate 25 Priority Development Area. Page 52 of the Plan describes this area as follows:

“The area is located between Monument, Woodmoor, and Palmer Lake. Due to its proximity to these communities, this area has largely developed to match that community’s style of suburban residential and should continue to do so without impediment. It would also be supported by commercial and public services, both of which are important factors when considering denser development. ***Furthermore, increased density at the north end of the County would help support residents who commute north for work every day.***” (Emphasis added.)



The Suburban Residential Priority Development Areas section then goes on to support well-planned higher-density residential development in this area by stating:

“Single-family attached and detached housing units should be developed in a cohesive manner that establishes a seamless transition between different housing types, as opposed to large, isolated clusters or blocks of a single type of housing. Maintaining this mixed development pattern should be prioritized by the County to preserve the existing residential character of this area.”

By including RS-6,000 zoning between the proposed RM-12 zoning and the existing single family residential lots to the east, and by proposing a condition of that RS-6,000 zoning that requires a minimum of 15,000 square foot lots adjacent to the existing residences, the development is helping to establish a seamless transition along the properties only shared border with existing residential development. Furthermore, the proposed development can be served by centralized services funded by the Districts which justify “increased density” so as to support residents who commute north to the Denver Metropolitan Area for work every day.

The multi-family and attached single family supporting land use allowance in the Suburban Residential Placetype found in Chapter 3 of the Plan combined with the encouraging and prioritizing language in Chapter 4 specifically supporting increased residential density on the subject property as a “Priority Development Area” result in a County Master Plan that overwhelmingly supports the proposed RS-6,000 and RM-12 rezoning requests and formation of the Districts, which are necessary to implement the County’s plan

for the property. Housing availability and affordability is one of the main issues facing the Pikes Peak Regional today. Projects like the Monument Ridge East project cannot by themselves resolve that issue, but they can be part of the solution. The housing solutions for the otherwise homogenously developed Tri-Lakes Area are evident throughout the Master Plan as discussed above. It is through this rezoning request that the applicant is championing those solutions for the Tri-Lakes Area and proposing to aid the County as a whole as it continues to address the ever-increasing Countywide housing challenge.

2. Compliance with Water Master Plan

The property within the proposed Districts is located within Planning Region 2 of the Water Master Plan, pursuant to Figure 3-1 on page 25, which includes Woodmoor Water and Sanitation District along with several other central water providers. Table 5-3 of the Plan identifies that Region 2 has a current demand of 7,532 acre-feet per year and a current supply of 13,607 acre-feet per year, which results in current excess water supplies in the amount of 6,075 acre-feet per year. Tables 5-4 and 5-5 projects Region 2 as continuing to have excess water supplies at year 2040 and again at full buildout (2060) in the amount of 1,894 acre-feet and 353 acre-feet, respectively. A Water Resources Report is not required with submittal of a special district service plan or with the associated rezoning applications and, therefore, has not been provided. A finding of water sufficiency will be required at the subdivision stage of development.

3. Compliance with EPC Major Transportation Corridor Plan

The 2040 Roadway Plan (Classification and Lanes) exhibit of the 2016 El Paso County Major Transportation Corridors Plan (MTCP) identifies Interstate 25 to the west of the project as a “Freeway” and it depicts several other “Collector” level roads in the area. No new roadways or roadway classification upgrades are depicted for any of the roads within or immediately serving the planned development within the proposed Districts.

A northern extension of Misty Acres Boulevard connecting to County Line Road has been planned for well over a decade but is not depicted on the 2016 MTCP. Nevertheless, the applicant is proposing to construct the planned extension of Misty Acres Boulevard and will seek County Road Impact Fee credits therefrom. The anticipated intersection of Misty Acres Boulevard and County Line Road will likely need to be phased from a three-way stop-controlled intersection to a signalized intersection. A fourth leg of the intersection coming from north of County Line Road in Douglas County is not anticipated at this point since the property in that area is subject to a conservation easement.

At the request of the County, the development also plans to construct an easterly extension of Monument Hill Road through the proposed development as a connection to Misty Acres Boulevard. This connection has also been planned for some time and will eliminate the dead-end terminus of Monument Hill Road that exists today.

4. Compliance with EPC Parks Master Plan

The El Paso County Parks Master Plan (2022) depicts the property as having “local access” within five (5) miles of two parks, Palmer Lake Recreation Area and Fox Run Regional Park. The Plan does not depict any planned trails or open space within or adjacent to the subject property. Land dedication, or fees in lieu of land dedication are not required with submittal of a special district service plan or with the concurrent rezoning stage of development but will be required at the final plat stage of development.

5. Other Topical Elements of the County Master Plan

The proposed rezone is in compliance with the other topical elements of the County Master Plan, including the Master Plan for Mineral Extraction and the El Paso County Wildlife Habitat Maps and Descriptors.

E. Service Plan Conformity

The Districts’ Service Plan is in conformance with the statutory requirements as well as the County’s Special District Policies. The Service Plan further contains evidence of each of the following requirements for the Board of County Commissions to approve the Service Plan:

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

Provide evidence that
Misty Acres cant
provide services via a
letter related to a
portion of D3 and or
is excluding the land
in D3; staff doesnt
see the need for D4
as it serves no areas
within the proposed
Districts
Boundary...and the
D4 is not supported in
the Financial Plan.
Misty Acres Service
Plan indicate that the
parcel proposed to be
in D3 is currently
intended to provide
revenue for
commercial property
as identified in the
Misty Acres service
Plan.

The Districts’ purposes are to finance and construct certain public improvements and to provide additional services as necessary to support the Project. The Project is not presently served with the facilities and/or services proposed to be provided by the Districts, nor does the County nor any other special district have any plans to provide such services within a reasonable time and on a comparable basis. To develop the Project, a significant investment in public infrastructure is required, including, but not limited to water systems improvements, sanitary sewer and storm drainage improvements, street and roadway improvements, and parks and recreation improvements. The Districts’ formation is therefore necessary to provide the most economic development of the public improvements required for the Project.

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

There are currently no private parties or other governmental entities, located in the immediate vicinity of the Districts 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 Project.

Only 2 and 3 are addressed; D4 is not considered in analysis also please clarify that the cost of infrastructure in the exhibit is only for D 1-3; Clarify need for D4 at this time.

The financial analysis does not include any land use in D4 which is a small pocket east of I-25 and includes a planned area as the future inclusion area west of I-25 and has no proposed uses in review.

District No. 3's boundaries will overlap with the Adjacent District's boundaries. It is anticipated District No. 3's boundaries will be excluded from the Adjacent District. The Adjacent District is not willing or able to undertake the planning, design, acquisition, construction, installation, relocation, redevelopment, and financing of the public improvements that are necessary to serve the Project. The Adjacent District's written confirmation of the same is in process and will be provided upon receipt.

3. The proposed Districts are capable of providing economical and sufficient service to the Project;

Creation D4 is a placeholder appearing to avoid a modification to add a district once a known landuse is determined in the future inclusion area.

The Districts will provide public improvements and services necessary for the Project and will ensure the public improvements are constructed in a reasonable and timely manner. The public improvements will be constructed for the use and benefit of all anticipated inhabitants, property owners and taxpayers of the Districts. Further, public financing tools available to the Districts will help lower the costs of the public improvements.

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

The estimated costs of the improvements and facilities to be constructed are set forth in the Service Plan. Based on these development assumptions and the financial assumptions contained in the Financial Plan for the Districts, the projected revenue is sufficient to allow the Districts to discharge the proposed indebtedness on a reasonable basis.

The Board of County Commissioners may consider the following measures:

1. 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;

The Project is not presently served with the facilities and services proposed to be provided by the Districts, nor does the County nor any other special district have any plans to provide such services within a reasonable time and on a comparable basis. While there is an existing special district in the vicinity of the Project, this district has already issued debt or has plans to issue debt in the near future. If the Project were included within the boundaries of these existing districts, it would be subject to its debt service mill levies but would not have an opportunity to benefit from the issuance of such debt in a way that is consistent with the Developer's timing and plans for development.

Misty acres is already created and has proposed D3 lands in the existing Misty acres District and would generate the commercial tax revenue to pay down debt for the Misty acres District. How is it beneficial for Misty to exclude the land if they agree to do? How is it beneficial to overlap the milllevys?

2. The facility and service standards of the proposed Districts are compatible with the facility and service standards of the County;

The proposed facilities and services will be constructed in accordance with the County's standards and specifications as well as any other appropriate jurisdictions.

3. The proposal is in substantial compliance with the County master plan; ~~BOCC at time of rezonings~~ ^{to be determined by}

The Developer has reviewed the County's Master Plans and maintains the Project is compatible with the County's policies and desires for future sustainable growth. Additional information about the proposal's compliance with the County's Master Plans is discussed in Section D above.

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

The Developer anticipates Woodmoor will provide water and sanitary sewer services to the Project following construction and of the public improvements. Additional information about the proposal's compliance with the water quality management is discussed in Section D above.

5. The creation of the proposed Districts is in the best interests of the area proposed to be served.

The Project is not presently served with the facilities and/or services proposed to be provided by the Districts, nor does the County nor any other special district have any plans to provide such services within a reasonable time and on a comparable basis. The Districts' formation is therefore necessary to provide the most economic development of the public improvements required for the Project.

Town disagrees and provided a formal resolution opposing zoning (density) which supports the service plans financial plan. Please provide a counter to address

Major Service Plan Points

- The Districts' boundaries are approximately 65 acres of land.
- Anticipated development of 342 residential units.
- Completion of approximately \$15,462,475 of public improvements, including water, sanitation, streets, transportation, safety protection, drainage, parks and recreation, mosquito control, fire protection, television relay and translation, security services, and solid waste disposal.
- Requested debt authorization of \$33,000,000 to allow for inflation, contingencies, and unanticipated changes from the date of approval of the Districts' Service Plan.

Does include a
refinance of senior
bonds at X years?

- 30-year maximum period of maturity for issuance of any Debt (excluding Developer Funding Agreements). The Districts are specifically authorized to refund or restructure existing Debt so long as the period of maturity for the refunding or restructured Debt is no greater than 30 years from the date of the issuance thereof.
- Maximum Aggregate Mill Levy of 65 mills, consisting of a Debt Mill Levy of 50 mills, Operational Mill Levy of 10 mills, and a Special Purpose Mill Levy of 5 mills.
- Public improvements will be constructed in accordance with County and other applicable standards and specifications.
- **CDOT**
An Annual Report and Disclosure Form will be submitted to the County regarding the Districts' activities, and filed with the Division of Local Government and the State Auditor.

F. Conclusion

The Districts' organization is in the best interests of the future residents of the proposed service area. The Districts will ensure that construction of the public improvements occurs in a timely manner and in accordance with applicable standards. The Districts will further generate tax revenue sufficient to pay for the costs of those public improvements, services, maintenance, and operations.

Sincerely,

WHITE BEAR ANKELE TANAKA & WALDRON



Erin K. Stutz
Attorney

Enclosure

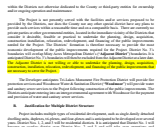
V1_Letter of Intent.pdf Markup Summary

dsdparsons (18)



Subject: Highlight
Page Label: 2
Author: dsdparsons
Date: 8/27/2024 10:57:33 AM
Status:
Color: ■
Layer:
Space:

boundaries will overlap Misty Acres Metropolitan District's ("Adjacent District") boundaries. It is anticipated District No. 3's boundaries will then be excluded from the Adjacent District at a later date.



Subject: Highlight
Page Label: 2
Author: dsdparsons
Date: 8/27/2024 10:57:39 AM
Status:
Color: ■
Layer:
Space:

The Adjacent District is not willing or able to undertake the planning, design, acquisition, construction, installation, relocation, redevelopment, and financing of the public improvements that are necessary to serve the Project.



Subject: Callout
Page Label: 2
Author: dsdparsons
Date: 8/27/2024 10:58:13 AM
Status:
Color: ■
Layer:
Space:

Please provide documentation from Misty Acres Board that this is the case



Subject: Callout
Page Label: 2
Author: dsdparsons
Date: 8/27/2024 10:59:13 AM
Status:
Color: ■
Layer:
Space:

Will Woodmoor own and Maintain infrastructure or only provide water and WW?



Subject: Callout
Page Label: 3
Author: dsdparsons
Date: 8/27/2024 11:16:29 AM
Status:
Color: ■
Layer:
Space:

Concern: IF District 1 is the control district, and overlap, will the residents be able to gain control or will the developer retain Board control for Covenants and O and M over Districts 1-3? Will Commercial Lot owners have Board control over 4?



Subject: Callout
Page Label: 3
Author: dsdparsons
Date: 8/28/2024 7:58:44 AM
Status:
Color: ■
Layer:
Space:

Staff is reading this to be a placeholder District 4 to eventually include land located west of I25 and no applications have been submitted at this time- is that correct? D4 is not generating revenue in Financial Plan provided. How is there a need now for District 4?

Public is currently not included. The Service Plan represents...
The proposed Se help support the existing...
concurrent (identify BoCC hearing dates if known)

Subject: Callout
Page Label: 3
Author: dsdparsons
Date: 8/27/2024 11:28:55 AM
Status:
Color: ■
Layer:
Space:

Please discuss why applicant is asking for greater than 100% the \$33 Million debt a max allowance; this has not been requested before. Typically less than 22% contingency is requested. Please discuss the amount of district eligible improvements.

the nonp easy acc variety of...
concurrent (identify BoCC hearing dates if known)

Subject: Callout
Page Label: 4
Author: dsdparsons
Date: 8/27/2024 11:57:52 AM
Status:
Color: ■
Layer:
Space:

concurrent (identify BoCC hearing dates if known)

There is a...
The proposed Se help support the existing...
concurrent (identify BoCC hearing dates if known)

Subject: Callout
Page Label: 14
Author: dsdparsons
Date: 8/28/2024 10:32:44 AM
Status:
Color: ■
Layer:
Space:

Provide evidence that Misty Acres cant provide services via a letter related to a portion of D3 and or is excluding the land in D3; staff doesnt see the need for D4 as it serves no areas within the proposed Districts Boundary...and the D4 is not supported in the Financial Plan. Misty Acres Service Plan indicate that the parcel proposed to be in D3 is currently intended to provide revenue for commercial property as identified in the Misty Acres service Plan.

Only 2 and 3 are...
concurrent (identify BoCC hearing dates if known)

Subject: Callout
Page Label: 15
Author: dsdparsons
Date: 8/28/2024 7:56:57 AM
Status:
Color: ■
Layer:
Space:

Only 2 and 3 are addressed; D4 is not considered in analysis also please clarify that the cost of infrastructure in the exhibit is only for D 1-3; Clarify need for D4 at this time.

Creation D4 is a placeholder...
concurrent (identify BoCC hearing dates if known)

Subject: Callout
Page Label: 15
Author: dsdparsons
Date: 8/28/2024 8:06:29 AM
Status:
Color: ■
Layer:
Space:

Creation D4 is a placeholder appearing to avoid a modification to add a district once a known landuse is determined in the future inclusion area.

The financial analysis does not include any land use in D4...
concurrent (identify BoCC hearing dates if known)

Subject: Text Box
Page Label: 15
Author: dsdparsons
Date: 8/28/2024 7:57:04 AM
Status:
Color: ■
Layer:
Space:

The financial analysis does not include any land use in D4 which is a small pocket east of I-25 and includes a planned area as the future inclusion area west of I-25 and has no proposed uses in review

...County's comprehensive long-term planning process...
...Districts are comparable with the...
...be constructed in accordance with the...
...as any other appropriate jurisdiction...
...to be determined by...
...the County Board... BOCC at time of...
...hearings...
...County's Master Plans and maintains the...
...policies and desires for future sustainable...
...growth's compliance with the County's...
...advised County Council on state laws...

Subject: Callout
Page Label: 15
Author: dsdparsons
Date: 8/28/2024 8:10:46 AM
Status:
Color: ■
Layer:
Space:

Misty acres is already created and has proposed D3 lands in the existing Misty acres District and would generate the commercial tax revenue to pay down debt for the Misty acres District. How is it beneficial for Misty to exclude the land if they agree to do? How is it beneficial to overlap the milllevys?

...Districts are comparable with the...
...be constructed in accordance with the...
...as any other appropriate jurisdiction...
...to be determined by...
...the County Board... BOCC at time of...
...hearings...
...County's Master Plans and maintains the...
...policies and desires for future sustainable...
...growth's compliance with the County's...
...advised County Council on state laws...

Subject: Callout
Page Label: 16
Author: dsdparsons
Date: 8/28/2024 8:13:24 AM
Status:
Color: ■
Layer:
Space:

to be determined by BOCC at time of rezonings

...Town disagrees and provided a formal resolution opposing zoning (density) which supports the service plans financial plan. Please provide a counter to address...
...means, including water...

Subject: Text Box
Page Label: 16
Author: dsdparsons
Date: 8/28/2024 8:15:50 AM
Status:
Color: ■
Layer:
Space:

Town disagrees and provided a formal resolution opposing zoning (density) which supports the service plans financial plan. Please provide a counter to address

...the best interests of the area prop...
...with the facilities and/or service...
...County nor any other special di...
...reasonable time and on a compa...
...necessary to provide the most...
...required for the Project...

Subject: Arrow
Page Label: 16
Author: dsdparsons
Date: 8/28/2024 8:15:03 AM
Status:
Color: ■
Layer:
Space:

Town disagrees and provided a formal resolution opposing zoning (density) which supports the service plans financial plan. Please provide a counter to address

...District Nos. 1-4
...Community Development
...Does include a...
...reference of senior...
...bonds at 5 years?
...period of interest are...
...and The Districts are...
...to pay the debt on the...
...in Mill Levy of 45 mills, consisting of 1-Dist-Mill Levy of 50 mills...
...of 10 mills, and a Special Purpose Mill Levy of 5 mills...
...will be constructed in accordance with... and other...

Subject: Planner
Page Label: 17
Author: dsdparsons
Date: 8/28/2024 8:19:39 AM
Status:
Color: ■
Layer:
Space:

Does include a refinance of senior bonds at X years?

...erational Mill Levy of 10 mills, an...
...blic improvements will be const...
...licable standards and specification...
...CDOT...
...Annual Report and Disclosure For...
...strategies' activities, and filed with th...
...ditor.


Subject: Planner
Page Label: 17
Author: dsdparsons
Date: 8/28/2024 8:20:12 AM
Status:
Color: ■
Layer:
Space:

CDOT

EthanJacobsEPC (1)

collaboration, education, redevelopment, and financing of the public improvements that serve the Project.

Under the proposed Title Deed Modification, the Project Developer shall provide the land and the "Wetlands" to the "Wetlands" and the "Wetlands" shall provide the same services to the Project as the "Wetlands" provide to the Project. The Project Developer shall provide the same services to the Project as the "Wetlands" provide to the Project. The Project Developer shall provide the same services to the Project as the "Wetlands" provide to the Project.

Subject: Callout
Page Label: 2
Author: EthanJacobsEPC
Date: 8/26/2024 10:32:15 AM
Status:
Color: 
Layer:
Space:

Looks like District 1 is solely a Wetlands area.