

# EL PASO

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# COUNTY

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

July 2, 2019

Mule Deer Investments, LLC  
2727 Glen Arbor Drive  
Colorado Springs, CO 80920

Peter M. Susemihl  
Susemihl, McDermott & Cowan, P.C.  
660 Southpointe Court, Suite 210  
Colorado Springs, CO 80906

RE: Gardens at North Carefree Metropolitan District – Service Plan – (ID-19-001)

This is to inform you that the above-reference request for approval of the above listed service plan 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 the service plan. The proposed District is generally located at the southeast corner of the North Carefree Circle and Akers Drive intersection and within Section 29, Township 13 South, Range 65 West of the 6th P.M.

The applicant is proposing the following: a maximum debt authorization of \$5 million, a debt service mill levy of 30 mills with a maximum of 40 mills, and an operations and maintenance mill levy of 10 mills. The statutory purposes of the proposed District includes: 1) design, construction, financing, maintenance, and ownership of water and wastewater lines; 2) street improvements and safety protection; 3) design, construction, financing, and maintenance of drainage facilities; 4) design, acquisition, construction, and maintenance of recreation facilities; 5) mosquito control; and 6) covenant enforcement. The applicant has stated in the proposed service plan that a separate HOA will not be created and that covenant enforcement will be the responsibility of the district. The parcels to be included within the proposed District are not located within a comprehensive planning area. (Parcel Nos. 53294-00-012 and 53294-11-002)

This recommendation for approval is subject to the following:

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



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

www.ELPASOCO.COM

## **CONDITIONS OF APPROVAL**

1. As stated in the proposed amended service plan, the maximum combined debt service and operational mill levy shall not exceed 50 mills (Gallagher-adjusted) for any property within the District, with no more than 40 mills devoted to debt service and not more than 10 mills devoted to operations and maintenance until and unless the District receive Board of County Commissioner approval to increase the maximum mill levies.
2. As stated in the attached service plan, the maximum authorized debt for the District shall be limited to \$5 million until and unless the District receives Board of County Commissioner approval to increase the maximum authorized debt.
3. The use of eminent domain powers by the District shall be considered a material modification of the service plan requiring prior approval by the Board of County Commissioners at an advertised open and public hearing. If, at the PCD Director's discretion, the proposed material modification to allow the use of eminent domain authority requires an amendment to the service plan, such amendment shall be heard by both the Planning Commission and the Board of County Commissioners.
4. As stated in the attached amended Service Plan, any future annexation of territory by the District (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 District 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 Gardens at North Carefree 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 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)(I).

7. As stated in the attached service plan, approval of the proposed service plan hereby gives the District the express authority of covenant enforcement, including the imposition of fees for such enforcement.
8. As stated in the attached service plan, the District shall not have the authority to apply for or utilize any Conservation Trust ("Lottery") funds without the express prior consent of the Board of County Commissioners. The District shall have the authority to apply for and receive any other grant funds, including, but not limited to, Great Outdoors Colorado (GOCO) discretionary grants.
9. 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 District.
2. Any expansions, extensions, or construction of new facilities by the 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).

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,



Nina Ruiz, Planner III

File No. ID-19-001