

SPECIAL DISTRICT (Recommend Approved)

Commissioner Trowbridge moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION**

**OF THE COUNTY OF EL PASO**

**STATE OF COLORADO**

**RESOLUTION NO. ID-21-002**  
**Waterview II Metropolitan District**

**WHEREAS**, Waterview II Metropolitan District did file an application with the Planning and Community Development Department of El Paso County, pursuant to Section 32-1-204 (2), C.R.S., for the review of a service plan modification for Waterview II Metropolitan District, and;

**WHEREAS**, a public hearing was held by this Commission on December 2, 2021; 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 Waterview II 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. There is sufficient existing and projected need for organized service in the area to be served by the proposed Special District.
6. Existing service in the area to be served by the proposed Special District is adequate for present and projected needs.

7. The proposed Special District is capable of providing economical and sufficient service to the area within its proposed boundaries.
8. 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. Adequate service is, or will 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. 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. The proposal is in substantial compliance with a Master Plan adopted pursuant to Colorado Revised Statutes Section 30-28-106.
12. The proposal is in compliance with any duly adopted County, regional or state long-range water quality management plan for the area.
13. 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 Waterview II 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 residential mill levy shall not exceed 65 mills for any residential property within the Waterview II Metropolitan District, with no more than 50 mills devoted to residential debt service, no more than 10 mills devoted to operations and maintenance, no more than 5 mills devoted to a special purpose unless the District receive 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 Waterview II Metropolitan District shall be limited to \$50 million until and unless the District receive Board of County Commissioner approval to increase the maximum authorized debt.
3. Approval of the service plan for the Waterview II 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 district shall not exercise the statutory authority granted in C.R.S. § 18-12-214 by enacting an ordinance, resolution, rule, or other regulation restricting or prohibiting the carrying of a concealed handgun in a building or specific area within its jurisdiction or under its direct control by a person holding a permit to do so.
5. The Waterview II Metropolitan District shall provide a disclosure form to future purchasers 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.
6. The Waterview II 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)(I).
7. As stated in the attached service plan, the Waterview II Metropolitan 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.
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 to guarantee the construction of improvements.
9. Any future proposed development of the subject parcels will require approval of a map amendment (rezone), preliminary plan, and 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.

10. The Waterview II Metropolitan District shall not be authorized to issue debt until and unless the underlying map amendment (rezoning) is approved by the Board of County Commissioners.
11. A material change to the land use assumptions identified in the service plan, and associated attachments, or any future material modification to the service plan shall require an amendment(s) to the service plan.
12. COLA, LLC, shall deed the openspace, drainage, and private road platted tracts with the Trails at Aspen Ridge Filing Nos. 1 and 2 to Waterview II Metropolitan District for ownership and maintenance upon approval of service plan modification.

#### **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 Waterview II 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.

Commissioner Brittain Jack seconded the adoption of the foregoing Resolution.

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

Commissioner Risley	aye
Commissioner Fuller	aye
Commissioner Lucia-Treese	aye
Commissioner Carlson	aye
Commissioner Merriam	aye
Commissioner Brittain Jack	aye
Commissioner Trowbridge	aye
Commissioner Schuettpelz	aye
Commissioner Moraes	aye

The Resolution was adopted by a vote of 9 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: December 2, 2021



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Brian Risley, Chair

## EXHIBIT A

LEGAL DESCRIPTION: PLAT "TRAILS AT ASPEN RIDGE FILING NO.1"

A TRACT OF LAND LOCATED IN A PORTION OF THE WEST 1/2 OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 9; THENCE S00°19'32"E ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 9, A DISTANCE OF 1613.76 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION:

1. THENCE S00°19'32"E CONTINUING ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 9, A DISTANCE OF 3638.37 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 9;
2. THENCE S89°33'35"W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF 2495.44 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF POWERS BOULEVARD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;
3. THENCE N00°29'10"W ON SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 1914.54 FEET;
4. THENCE S90°00'00"E A DISTANCE OF 515.00 FEET;
5. THENCE N00°00'00"E A DISTANCE OF 148.75 FEET TO A NON-TANGENT CURVE TO THE LEFT;
6. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 260.00 FEET, A DELTA ANGLE OF 13°32'35", AN ARC LENGTH OF 61.46 FEET, WHOSE LONG CHORD BEARS N28°47'53"E A DISTANCE OF 61.31 FEET;
7. THENCE N22°01'35"E A DISTANCE OF 538.15 FEET;
8. THENCE N67°58'24"W A DISTANCE OF 40.00 FEET TO A NON-TANGENT CURVE TO THE RIGHT;
9. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 450.00 FEET, A DELTA ANGLE OF 35°44'30", AN ARC LENGTH OF 280.72 FEET, WHOSE LONG CHORD BEARS N39°54'03"E A DISTANCE OF 276.19 FEET;
10. THENCE N57°46'18"E A DISTANCE OF 68.47 FEET TO POINT OF CURVE TO THE LEFT;
11. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 75.00 FEET, A DELTA ANGLE OF 43°29'55", AN ARC LENGTH OF 56.94 FEET, WHOSE LONG CHORD BEARS N36°01'21"E A DISTANCE OF 55.58 FEET;
12. THENCE N15°39'12"W A DISTANCE OF 394.68 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;
13. THENCE N74°20'48"E ON SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 120.00 FEET;
14. THENCE S15°39'12"E A DISTANCE OF 392.40 FEET TO A NON-TANGENT CURVE TO THE LEFT;
15. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 75.00 FEET, A DELTA ANGLE OF 60°04'25", AN ARC LENGTH OF 78.64 FEET, WHOSE LONG CHORD BEARS S75°37'00"E A DISTANCE OF 75.08 FEET;
16. THENCE N74°20'48"E A DISTANCE OF 199.80 FEET;
17. THENCE S15°39'12"E A DISTANCE OF 40.00 FEET;
18. THENCE N74°20'48"E A DISTANCE OF 160.21 FEET;
19. THENCE N15°39'12"W A DISTANCE OF 469.99 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADLEY ROAD AS RECORDED IN BOOK 5307 AT PAGE 1472 OF THE RECORDS OF SAID EL PASO COUNTY;

THE FOLLOWING FOUR (4) COURSES ARE ON SAID SOUTHERLY RIGHT-OF-WAY OF BRADLEY ROAD;

20. THENCE N74°20'48"E A DISTANCE OF 385.14 FEET;
21. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 2,759.79 FEET, A DELTA ANGLE OF 15°09'41", AN ARC LENGTH OF 730.29 FEET, WHOSE LONG CHORD BEARS N81°55'38"E A DISTANCE OF 728.16 FEET;
22. THENCE N89°30'29"E A DISTANCE OF 3.77 FEET TO THE POINT OF BEGINNING.

THE ABOVE TRACT OF LAND CONTAINS 7,352,922. SQUARE FEET OR 168.800 ACRES, MORE OR LESS.