



**OFFICE OF THE COUNTY ATTORNEY**  
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MEMORANDUM

To: Kari Parson, Project Manager, Planner II  
From: Cole Emmons, Senior Assistant County Attorney  
Re: TimberRidge Metropolitan District – Service Plan Review  
Date: July 20, 2017

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Kari:

You sent me your redline version of the Service Plan for TimberRidge Metro District Tuesday and your draft review comment letter requesting that I review and provide comments.

I have reviewed the Plan submitted (with Exhibits), your redline version of the Plan, the LDC and Special District Policies, and the relevant statutes, particularly § 32-1-202, C.R.S., which identifies what shall be contained in a service plan. Based on the statute, I am not seeing that the following have been addressed:

1. Preliminary engineering or architectural survey showing how proposed services are to be provided.
2. General description of estimated cost of acquiring land, engineering services, legal services, administrative services.

Section 32-1-203, C.R.S., provides review criteria for BoCC to consider.

There are statements in the Plan (XI. Conclusion) as to the following, but there is no supporting detail:

1. Evidence of sufficient existing and projected need of the services proposed.
2. Evidence that existing service in the area is inadequate. There are other Title 32 districts in the area—why can't they provide services?



Other statements in the Conclusion section are just that—conclusory without any substantiation:

1. Facility and service standards of the proposed District are compatible with the facility and service standards of the County. Explain.
2. The proposal is in substantial compliance with the County master plan. Explain.
3. Creation of the proposed District is in the best interests of the area proposed to be served. Explain.

Page 15 of Kari's redline Plan, Section VI. Financial Plan Summary. Kari states in Comment KP19 that she defers to CAO [County Attorney's Office]. The questions raised, and the proposed maximum mill levys, need review by someone with financial expertise regarding bonds, mill levies, and Gallagher Adjustments. I do not have that expertise. I suggest that Planning have an appropriate person in Finance review this section. What does not appear to me to add up are the statements in VI.C.1.a. that the Maximum Debt Service Mill Levy shall be 40 mills subject to Gallagher Adjustment, but in the Executive Summary and in Exhibit D, Proposed Debt Mill Levy is 30 Mills. VI.C.2. states Maximum Operational Mill Levy Cap is 10 mills, subject to Gallagher adjustment, and VI.C.4.states that the Maximum Combined Mill Levy is 40 mills subject to Gallagher Adjustment. Unless I am not following the terminology, if the Maximum Debt Service Mill Levy is 40 mills and Operational Mill Levy is 10 mills, that looks to me to add up to 50 mills for Maximum Combined Mill Levy. Also, the County's Special District Policy states that for metro districts, Gallagher Adjustment is not allowed for Operational Mill Levy unless the District has de-Tabored. That is not claimed or explained.

The final concern I have is the logistical issues presented by relying on Sterling Ranch Metropolitan District for water and wastewater services. Sterling Ranch Metro District has barely begun the review process required to establish its service system. It faces challenges of having to obtain County 1041 Permit(s). All of those County approvals, in addition to construction and facility approvals by applicable state agencies, will have to be in proper place before TimberRidge is going to be able to move forward with its plans for development. TimberRidge may also have to obtain County 1041 Permit(s), the timing of which should be considered in its Service Plan as other additional information.

Cole

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