

Service Plan Review Procedures

May 2013

Service Plan Review Procedures

Intent

To provide for the process and review of: service plan applications, service plan amendment applications, and service plan consolidation applications in accordance with Title 32 of the Colorado Revised Statutes.

Relevant Authority and Standards

Service plans and service plan amendments shall comply with C.R.S. §§ 32-1-201 through 209 (the “Control Act.”), which set forth the items to be included in the service plan. The Control Act also provides that the Board of County Commissioners (the “Board”) review the service plan to determine its compliance with specific criteria set forth in the Control Act. The process by which service plans shall be reviewed is set forth below.

Overview

It is recommended that the applicant meet with Planning Services staff regarding the proposed application, prior to draft service plan submittal, to review procedures and submittal requirements.

Additionally, the applicant should submit the draft service plan to Planning Services with sufficient time to allow for the possibility of multiple public hearings of the Board. In accordance with C.R.S. § 32-1-204(4), the Board will not issue a resolution of approval until all requested modifications are included in the service plan.

The applicant should be prepared to discuss all aspects of the service plan application during the public hearing process and to provide explanations regarding the following areas of interest:

- § Mill levy
- § Mill levy roll-off provision
- § Inclusions and exclusions
- § Condemnation powers
- § Debt limits, developer advances, system development fees
- § Provision of extraterritorial service
- § Consolidation and transition plan
- § Provisions for long-term, renewable water service (including infrastructure and financial information), if applicable

Service Plan Application Submittal Requirements

The service plan for the proposed special district, hereinafter referred to as “district”, shall include the following items required by C.R.S. §§ 32-1-202(2)(a) through (i), as amended:

- § A description of the proposed services. (C.R.S. § 32-1-202(2)(a), as amended).
- § A financial plan showing how the proposed services are to be financed, including the proposed operating revenue derived from property taxes for the first budget year of the district, which shall not be materially exceeded except as authorized pursuant to C.R.S. § 32-1-207, as amended. All proposed indebtedness for the district shall be displayed together with a schedule indicating the year or years in which the debt is scheduled to be issued. The board of directors of the district shall notify the Board of any alteration or revision of the proposed schedule of debt issuance set for the in the financial plan. (C.R.S. § 32-1-202(2)(b), as amended).
 - § The recommended format for all financial plans is to state the source of each category of numbers presented and show the calculations performed. (See **Attachment 1**)
 - § The financial plan should show the number of units or non-residential square footage proposed per year.
- § A preliminary engineering or architectural survey showing how the proposed services are to be provided (C.R.S. § 32-1-202(2)(c), as amended), including the following information:
 - § A general description of the facilities to be constructed, including local and regional infrastructure improvements and the standards of such construction, including a statement of how the facility and service standards of the district are compatible with the facility and service standards of the county and/or other service providers. (C.R.S. § 32-1-202(2)(e), as amended).
 - § A list of total costs of proposed improvements and costing assumptions.
- § A map of the district boundaries and an estimate of the population and valuation for assessment of the district. (C.R.S. § 32-1-202(2)(d), as

amended). This information can be more clearly shown on two maps, as follows:

- § Vicinity map clearly showing district boundaries, section lines, existing and proposed roads within the district, surrounding roads, jurisdictional boundaries and other districts in the area.
- § Larger scale map of district showing district boundaries and proposed infrastructure improvements.
- § A general description of the estimated cost of acquiring land, engineering services, legal services, administrative services, initial proposed indebtedness, and estimated proposed maximum interest rates and discounts and other major expenses related to the organization and initial operation of the district. (C.R.S. § 32-1-202(2)(f), as amended).
- § A description of any arrangement or proposed agreement with any political subdivision for the performance of any services between the district and such other political subdivision, and, if the form of contract to be used is available, it shall be attached to the service plan. (C.R.S. § 32-1-202(2)(g), as amended).
- § Information, along with other evidence presented at the hearing, satisfactory to establish that each of the criteria set forth in C.R.S. § 32-1-203, if applicable, is met. (C.R.S. § 32-1-202(2)(h), as amended).
- § Such additional information as the Board may require by resolution on which to base its findings pursuant to C.R.S. § 32-1-203. (C.R.S. § 32-1-202(2)(i), as amended).
- § If water service is proposed, submittals required in the Water Supply Overlay District Section of the Douglas County Zoning Resolution.

Formatting

The attached service plan guide is not mandated by the Board and may be updated from time to time by the County; it is a guide recommended for use by the applicant (See **Attachment 2**). If any changes are made to the template, such changes should be red-lined and an explanation provided. The italicized text highlights the Board's areas of interest, and the applicant should be prepared to discuss them during the public hearing process.

The service plan and service plan appendix should be formatted on 8.5"x11" paper with lettering at 12 point.

Supplemental Information

While not required, it is recommended that the following information be submitted to better ensure efficient processing and to aid staff and the Board during the review process. This is supplemental information and should not be part of the service plan:

- § Proposed dates for service plan review by the Planning Commission and the Board and notification of any proposed election deadlines.
- § Sufficient background information supporting the growth rates utilized in the financial alternatives or a market study to support the alternative financial scenarios.
- § Planning Services may request that the applicant submit an additional financial plan using assumptions provided by Planning Services. (See **Attachment 1**)
- § A mill levy comparison of proposed operating and overlapping mill levies with at least 5 other similar districts in the County.
- § If the district is proposed to provide wastewater treatment, additional information regarding the wastewater treatment facility, including any existing local and state reviews of the facility plan for wastewater treatment facilities and arrangements and agreements relating to wastewater treatment and effluent disposal. If treatment is proposed by another entity, a letter should be provided from that entity showing agreement with the proposal, capacity and willingness to serve, and compliance with the Clean Water Plan, including any phosphorous allocation requirements.
- § A separate analysis addressing how each of the approval standards set forth in the Control Act have been met.
- § Planning Services may request additional information to assist in the evaluation of the service plan as related to criteria listed in C.R.S. §§ 32-1-203(2) and (2.5).

General Application Submittal Requirements

Generally, the review process is separated into two steps; the presubmittal application review and the formal application review. The following is a list of general application requirements for both processes. A service plan application flowchart is attached as **Attachment 3**.

- § An application form provided by Planning Services shall be submitted, including the name of the applicant, all representatives and all landowners.
- § Referral agency list requirements will be provided to the applicant during the presubmittal review. Copies of referral packets in unsealed manila envelopes, addressed to the appropriate referral agency, with all submittal information properly folded and compiled shall be submitted. Names and addresses of referral agencies can be obtained from the Assessor's Office prior to submittal of the application. To help streamline the process, each referral packet needs to contain a copy of the application form and service plan, excluding appendix items.
 - Referral packets are required for all agencies during the presubmittal review.
 - Additional referral packets will only be required for those agencies with substantial comments that should be addressed during the formal application review period.
- § During the formal application review period, a copy of the written comments from the presubmittal review shall be submitted. The staff planner will provide a copy of all comments regarding the presubmittal review to the applicant.
- § During the formal application review period, 1 copy of the service plan and a fee of \$500 shall be submitted to the County Clerk and Recorder (the "Clerk").
- § In the event an additional consultant is required for review, a fee paid to Planning Services in an amount determined by the County in accordance with the Control Act will be collected after the application is heard by the Board.

Presubmittal Review

The applicant should submit the draft service plan to Planning Services at least 4 weeks prior to the anticipated formal service plan submittal. The draft service plan will be reviewed by the Douglas County Special District Review Committee comprising planning, finance, engineering, and legal staff; a financial consultant selected by the County; the County's water consultant (if water service is proposed); and, all districts and jurisdictions within a 3-mile radius of the proposed service area boundary.

Formal Service Plan Application Review

The same materials, not including the Supplemental Materials listed above, shall be submitted during the formal service plan application review process with any applicable changes resulting from comments made by the various reviewing entities and an explanation regarding those changes.

- § If the staff planner determines that the applicant has submitted the necessary components of the service plan, the planner will sign and stamp the service plan application form “complete.”
- § If an application is incomplete, the staff planner will notify the applicant of inadequacies within 3 working days, and the applicant must submit missing items prior to obtaining a “complete” stamp.
- § If, within a period of 3 working days from the submittal of the application a “complete” stamp is not given, or if the applicant is not notified of the inadequacies of the application, the applicant may request a “complete” stamp, which Planning Services shall provide, if all required materials have been submitted.
- § The applicant should formally submit the service plan by submitting to the Clerk a copy of the service plan, the service plan application form and the applicable Clerk’s fee as specified herein. The service plan application form should contain the “complete” stamp as described herein or the Clerk will not accept the service plan.
- § The staff planner will schedule the Planning Commission public meeting, the Board public meeting to set the public hearing and the Board public hearing for the service plan application and notify the applicant and Clerk of the dates, times, and locations of these meetings.
- § The Planning Commission shall evaluate the application, referral comments, staff report and public testimony given at the public hearing, and make a recommendation to the Board on whether the criteria set forth in C.R.S. §§ 32-1-203(2)(a) and (b) and (2.5), as amended, have been met.

Pursuant to C.R.S. § 32-1-202(1), as amended, the Planning Commission shall make its recommendation to the Board within 30 days of formal submittal of the service plan, unless the applicant consents to a continuance.

- § At least 10 days after the Planning Commission recommendation, the Board, at its next public meeting, shall set a date for a public hearing on the service plan. This public hearing date shall be within 30 days of the public meeting. (C.R.S. § 32-1-202(1), as amended).
- § The applicant shall provide public notice in accordance with the Control Act. A guide to public notice requirements is attached to this guide (See **Attachment 4**).
- § At least 14 days prior to the Board public hearing, the applicant shall provide an electronic draft copy of a Board resolution of approval.
- § The Board may continue the public hearing for a period not to exceed 30 days, and the applicant and the Board may agree to continue the public hearing for a longer period. (C.R.S. § 32-1-202(1), as amended).
- § The Board shall approve, disapprove, or conditionally approve the service plan, and may exclude territory from the district prior to approval of the service plan in accordance with the Control Act. (C.R.S. § 32-1-203(1), as amended).
- § Within 20 days after completion of the public hearing, the Board shall advise the applicant in writing of its action on the proposed service plan in accordance with the requirements set forth in the Control Act. (C.R.S. § 32-1-204(4), as amended).

Post Election Action

If the organization of the district is approved by the voters, 1 copy of the service plan and the Order and Decree from the Court shall be submitted to the Clerk (See C.R.S. § 32-1-306, as amended), and 3 final copies of the service plan and the Order and Decree provided to Planning Services.

Public Notice Requirements

The applicant is responsible for public notice of the Board public hearing in accordance with the Control Act (See C.R.S. § 32-1-204, as amended). At least 5 days prior to the Board public hearing, the applicant shall provide to Planning Services the following:

- § A publisher's affidavit of published notice.
- § A certificate of mailing which sets forth the list of names and addresses to whom the notices were mailed and copies of the notices sent.

See **Attachment 4** for guidance regarding noticing.

Consolidation of Special Districts

Any proposed consolidated special district which is subject to the Control Act shall comply with the following procedures (C.R.S. § 32-1-601, *et seq.*, as amended):

The procedure and submittal requirements shall be the same as for a new service plan. Copies of existing service plans for all districts that are proposed to be consolidated should also be submitted. Notice requirements shall be the same as an application for a new district.

Upon request, the Planning Services Director may waive submittal requirements determined by the County not to be necessary for review.

Amendments to Service Plans

An amendment to the service plan shall be required when material modifications are made to the service plan, which include changes of a basic or essential nature, including those set forth in C.R.S. § 32-1-207(2), as amended.

The Board may determine that an amendment is required for changes proposed to district boundaries to include territory located in Douglas County if the district in question is currently located outside the unincorporated County boundaries. (C.R.S. § 32-1-207(2), as amended).

Amendments shall be processed in substantially the same manner as an application for a new service plan as described above.

Service plan and appendix contents are substantially the same as for a new service plan. The fee shall be \$250 paid to the Clerk. A copy of the existing service plan must also be submitted. Upon request, the Planning Services Director may waive submittal requirements determined not to be necessary for the review of the material modification by the County. Notice requirements shall be the same as an application for a new service plan.

ATTACHMENT 1

RECOMMENDED FORMAT FOR FINANCIAL PLAN

- Larger font is preferable, using more than one page for the spreadsheet.
- Source, definition, calculation or explanation for each cost and revenue item shall be shown. See following example.
- All assumptions shall be listed.

Example of Source, Definition, Calculation and Explanation

- (1) Assessed valuation multiplied by mill levy equals property taxes.
- (2) Property taxes multiplied by 6.00% equals specific ownership taxes.
- (3) Property taxes from Name of Metropolitan District.
- (4) Succeeding years square feet of commercial multiplied by 1.884 equals non-residential development fees.
- (5) Bond proceeds equal the amount received through issuance of bonds.
- (6) Residential development fees equal \$8,000 multiplied by the number of residential units.
- (7) Sales and use tax rebate equals the amount returned to the district from state and local sales and use tax.
- (8) Investment income equals ending cash available from prior year multiplied by 4.00%.
- (9) Total annual income equals the sum of rows (1) through (9).
- (10) Debt service equals interest paid on bond proceeds.
- (11) Construction equals cost of improvements as set forth on schedule __.
- (12) Tax collection fees equal the sum of property taxes plus specific ownership taxes multiplied by 1.50%.
- (13) Operating expenses equal ___ or as shown on schedule ___.
- (14) Total annual expenses equal the sum of rows (10) through (13).
- (15) Ending cash available equals total annual income minus total annual expenses.

ATTACHMENT 2
SERVICE PLAN GUIDE

SERVICE PLAN

FOR

_____ METROPOLITAN DISTRICT
DOUGLAS COUNTY, COLORADO

Prepared

by

[NAME OF PERSON OR ENTITY]

[ADDRESS]

[ADDRESS]

[DATE]

[APPROVAL DATE (ON FINAL SERVICE PLAN)]

APPROVAL SUMMARY

This Service Plan for the (District Name) was approved by the Douglas County Board of County Commissioners on (date). Resolution No. _____, approving this Service Plan, has been recorded at Reception No. _____ on (date). The organizational and TABOR elections took place on (date). The court decree organizing the District was recorded with the Douglas County Clerk and Recorder on (date) at Reception No. _____.

TEMPLATE

ORGANIZERS AND CONSULTANTS

This Service Plan has been prepared by the Organizers and the following participating consultants:

<u>Organizer</u> Company Attn: Address City, State Zip Phone: Fax: Email:	<u>District Counsel</u> Company Attn: Address City, State Zip Phone: Fax: Email:
<u>Financial Advisor</u> Company Attn: Address City, State Zip Phone: Fax: Email:	<u>Engineer</u> Company Attn: Address City, State Zip Phone: Fax: Email:

[ADDITIONAL CONSULTANTS MAY BE ADDED AT THE DISCRETION OF THE ORGANIZERS.]

EXECUTIVE SUMMARY

This service plan is for the _____ (the “District”), which will serve the public improvement needs of (name of development). The District is generally located at _____ and contains approximately _____ acres. The District will include _____ residential units and _____ square feet of commercial space.

The District will have a single district structure. This structure will allow the District to control both financing and services.

The District shall be authorized to provide the following services: (List the proposed services for this District from the following services defined in C.R.S. § 32-1-103(10): fire protection, mosquito control, parks and recreation, safety protection, sanitation, solid waste disposal facilities or collection and transportation of solid waste, street improvement, television relay and translation, transportation, and water and other services as described in C.R.S. §§ 32-1-1001 and 1004, as amended.)

The total authorized debt limit for the District shall be _____ (\$000.00). The District anticipates the issuance of an initial series of bonds in the amount of _____ (\$000.00) on (date). The initial debt service mill levy will be _____ mills, with a Maximum Debt Service Mill Levy of _____ mills. The initial operations and maintenance mill levy will be _____ mills, with a Maximum Operations and Maintenance Mill Levy of _____ mills. The combined initial mill levy for the District will be _____ mills, with a maximum combined mill levy of _____ mills.

TABLE OF CONTENTS

I. INTRODUCTION 1

II. PURPOSE OF THE DISTRICT 2

III. DISTRICT FRAMEWORK 2

IV. NEED FOR DISTRICT 2

V. LOCATION AND BOUNDARIES..... 2

VI. ASSESSED VALUATION/PROJECTIONS/LAND USE/POPULATION 2

VII. POWERS AND RESPONSIBILITIES 3

VIII. DISTRICT SERVICES, FACILITIES, AND IMPROVEMENTS 4

IX. EXISTING AND PROPOSED AGREEMENTS 8

X. FINANCIAL INFORMATION 8

XI. DEVELOPER ADVANCES AND REIMBURSEMENTS 10

XII. ANNUAL REPORT 10

XIII. MODIFICATION OF SERVICE PLAN 10

XIV. DISCLOSURE STATEMENT 11

XV. DISSOLUTION 11

XVI. DEFINITIONS..... 11

XVII. RESOLUTION OF APPROVAL 13

XVIII. STATUTORY FINDINGS AND CONCLUSIONS 13

EXHIBITS

- Exhibit A** Vicinity Map
- Exhibit B** Legal Description
- Exhibit C** District Boundary Map
- Exhibit D** Cost of Improvements
- Exhibit E** Map of Improvements
- Exhibit F** Financial Plan
- Exhibit G** Resolution of Approval
- Exhibit H** Compliance with Section 18A, Water Supply – Overlay District
- Exhibit I** Compliance with DRCOG Clean Water Plan
- Exhibit J** Advance and Reimbursement Agreement
- Exhibit K** Intergovernmental Agreements
- Exhibit L** Annual Report Requirements
- Exhibit M** District Court Decree

I. INTRODUCTION

This service plan (the “Service Plan”) for the _____ (the “District”) is for a special district organized under Title 32 of the Colorado Revised Statutes to serve the public improvement needs of (name of development) (the “Project”). The District is generally located _____ (see **Exhibit A**, Vicinity Map) and contains approximately _____ acres (see **Exhibits B & C**, Legal Description and District Boundary Map).

Pursuant to the requirements of the Special District Control Act, C.R.S. §32-1-201, *et seq.*, as amended, and the Special District Service Plan Review Procedures for Douglas County (the “County”), the following items are included in this Service Plan:

1. A description of the powers granted to and services to be provided by the District;
2. A general description of the facilities to be constructed and the standards of such construction, including a statement of how the facility and service standards of the District are compatible with facility and service standards of the County and of any municipalities and special districts which are interested parties;
3. A general written description of the estimated cost of acquiring land, engineering services, legal services, administrative services, initial indebtedness and estimated maximum interest rates and discounts, and other major expenses related to the organization and initial operation of the District;
4. A summary of general conditions regarding oversight of the District by the County;
5. A legal description and map of the District’s boundaries and an estimate of the population and valuation for assessment of the District;
6. A summary of estimated costs for improvements to be financed and constructed by the District;
7. A preliminary engineering and architectural survey showing how the improvements and services are to be provided;
8. A financial plan showing how District improvements and services are to be financed, including the operating revenue for the first budget year of the District;
9. The resolution of approval adopted by the Board of County Commissioners;
10. Information demonstrating compliance with Section 18A, Water Supply – Overlay District, of the Douglas County Zoning Resolution, as amended, and compliance with the Denver Regional Council of Governments’ Clean Water Plan;
11. A description of any advance and reimbursement agreements;
12. A description of any arrangement or agreement with any political subdivision for the performance of any services between the District and such other political subdivision; and
13. The recorded court decree organizing the District.

Exhibits A through M, attached hereto, are hereby incorporated into the Service Plan.

II. PURPOSE OF THE DISTRICT

The purpose of the District is to provide public improvements and services for the benefit of all anticipated inhabitants and taxpayers of the District, either within or without its boundaries. The District also serves to finance and oversee the construction of these public improvements and to provide for ongoing operations and maintenance services.

III. DISTRICT FRAMEWORK

The District will be organized under a single district structure and will be responsible for all aspects of financing and services authorized under this Service Plan.

IV. NEED FOR DISTRICT

There are currently no other governmental entities, including the County, located in the immediate vicinity of the District that consider it desirable, feasible, or practicable to undertake the planning, design, acquisition, construction, installation, relocation, redevelopment, financing, and ongoing operations of the public improvements needed for the Project. Formation of the District is therefore necessary in order for the public improvements and services required for the Project to be provided in the most economical manner possible.

V. LOCATION AND BOUNDARIES

The District is located _____. A vicinity map is attached hereto as **Exhibit A**. The area of the initial District's boundary encompasses approximately _____ acres. A legal description of the District's boundaries is attached hereto as **Exhibit B**. A map of the initial District's boundaries is attached hereto as **Exhibit C**.

It is anticipated that the District's boundaries may change from time to time as it undergoes inclusions and exclusions pursuant to C.R.S. §§ 32-1-401, et seq., and C.R.S. §§ 32-1-501, et seq., as amended. Future inclusion and exclusion areas are identified in Exhibit C. Prior to any inclusions or exclusions that are not identified in Exhibit C, the District shall provide forty-five (45) days published notice and written notice to the Board of County Commissioners pursuant to C.R.S. § 32-1-207(3)(b). If, within such forty-five (45) day period, the Board of County Commissioners objects to the inclusion or exclusion, then the inclusion or exclusion shall be prohibited and constitute a material modification of this Service Plan requiring an amendment, pursuant to Section XIII of the Service Plan and C.R.S. § 32-1-207(2).

VI. ASSESSED VALUATION/PROJECTIONS/LAND USE/POPULATION

The property within the District is zoned _____ as of (date). The current assessed value of property within the initial boundaries of the District is _____ (\$000.00) as of (date). The estimated assessed value at full build-out is _____ (\$000.00) and is expected to be sufficient to reasonably discharge the debt under the Financial Plan. Initially, the

Service Plan Guide

District will include _____ residential units and _____ square feet of commercial space. Based upon an estimated _____ (0.00) persons per residence, the population of the District at build-out will be _____ (00) residents.

Approval of this Service Plan by the County does not constitute nor imply approval of the development of a specific area within the District, nor does it constitute or imply approval of the number of residential units or the total site/floor area of commercial or industrial buildings identified in this Service Plan or any of the exhibits attached hereto, unless such land use plans have been approved by the Board of County Commissioners as part of a separate development review process.

VII. POWERS AND RESPONSIBILITIES

The District shall have the power and authority to provide the public improvements and related operation and maintenance services within and without the boundaries of the District as such power and authority is permitted by this Service Plan and described in the Special District Act, C.R.S. Title 32, and other applicable statutes, common law, and the Colorado Constitution, subject to the limitations set forth herein.

A. General Powers

The District shall have the authority to construct, operate, and maintain the services and facilities as described in Section VIII.A of this Service Plan.

B. Miscellaneous Powers

In addition to the powers enumerated above, the District's Board shall have the power and authority:

1. To amend this Service Plan as provided for in Section XV, Modification of Service Plan;

2. To forego, reschedule, or restructure the financing and construction of certain improvements and facilities in order to better accommodate the pace of growth, resource availability, and potential inclusions and exclusions of property within the District, with prior notice to the County in accordance with C.R.S. § 32-1-202(2)(b), as amended; and

3. To have and exercise all rights and powers necessary or incidental to, or implied from, the specific powers granted to the District in this Service Plan.

4. To have and exercise the power of eminent domain, but only as necessary to construct, install, access, relocate or redevelop the public improvements identified in this Service Plan in the locations shown in Exhibit E. Any other use of eminent domain shall require the District to provide forty-five (45) days published notice and written notice to the Board of County Commissioners pursuant to C.R.S. § 32-1-207(3)(b). If, within such forty-five (45) day period, the Board of County

Service Plan for _____ Metropolitan District

Commissioners objects to the use of eminent domain, then it shall be prohibited and constitute a material modification of this Service Plan requiring an amendment, pursuant to Section XIII of the Service Plan and C.R.S. § 32-1-207(2).

VIII. DISTRICT SERVICES, FACILITIES, AND IMPROVEMENTS

A. Services and Facilities

The District shall have the authority pursuant to C.R.S. §§ 32-1-1001 and 32-1-1004, as amended, to provide the following services and public improvements described in this section.

(Please include the following paragraphs for those services and facilities that will be provided by the District.)

1. Water

The District shall have the power and authority to finance, design, construct, acquire, install, maintain, and provide for potable water and irrigation water facilities and systems, including, but not limited to, water rights, water supply, treatment, storage, transmission, and distribution systems for domestic, irrigation, fire control, and other public purposes, together with all necessary and proper reservoirs, treatment facilities, wells, equipment, and appurtenances incident thereto, which may include, but shall not be limited to, transmission lines, pipes, distribution mains and laterals, storage facilities, and ditches, with all necessary and incidental and appurtenant facilities, land and easements, together with extensions and improvements thereto. The District shall have the power and authority to contract with other private or governmental entities to provide any or all of the services the District is authorized or empowered to provide.

As identified in the Service Plan Review Procedures, the Board of County Commissioners is interested in the provision of long term renewable water supplies in the County. Please be prepared to discuss any plans for long-term, renewable water service (including infrastructure and financial information), if applicable.

2. Storm Sewer

The District shall have the power and authority to finance, design, construct, acquire, install, maintain, and provide for flood and surface drainage improvements, including, but not limited to, culverts, dams, retaining walls, access way inlets, detention and retention ponds, paving, roadside swales, curbs and gutters, disposal works and facilities, water quality facilities, and all necessary and proper equipment, with all necessary and incidental and appurtenant facilities, land and easements, together with extensions and improvements thereto.

Stormwater improvements subject to Colorado Discharge Permit System Regulations, if applicable, shall be owned and maintained by the District or such other governmental entity that may accept dedication. Dedication to another governmental

Service Plan for _____ Metropolitan District

Service Plan Guide

entity of stormwater improvements subject to such regulations shall be subject to approval by the County. In no event will the District dedicate such detention ponds or facilities to a private homeowner's association, or other property owner's association, for operations or maintenance.

3. Sanitation and Wastewater Treatment

The District shall have the power and authority to finance, design, construct, acquire, install, maintain, assess tap or other facility fees, and provide for sanitary sewers and to transport wastewater to an appropriate wastewater treatment facility, with all necessary and incidental and appurtenant facilities, land and easements, together with extensions and improvements thereto.

4. Street Improvements

The District shall have the power and authority to finance, design, construct, acquire, install, maintain, and provide for arterial and collector streets and roadway improvements including, but not limited to, bridges, curbs, gutters, culverts, storm sewers and drainage facilities, detention and retention ponds, retaining walls and appurtenances, sidewalks, paving, lighting, grading, landscaping, streetscaping, placement of underground utilities, snow removal, tunnels, and other street improvements, and architectural enhancements to any or all of the above, with all necessary and incidental and appurtenant facilities, land and easements, together with extensions and improvements thereto.

5. Traffic Safety Protection

The District shall have the power and authority to finance, design, construct, acquire, install, maintain, and provide for safety protection through traffic control devices and safety controls on streets, as well as such other facilities and improvements as are necessary or prudent, including, but not limited to, signalization at intersections, traffic signs, area identification signs, directional assistance and driver information signs, with all necessary and incidental and appurtenant facilities, and land and easements, together with extensions and improvements thereto. All traffic and safety control devices will be consistent with and in compliance with County rules and regulations.

6. Parks and Recreation

The District shall have the power and authority to finance, design, construct, acquire, install, maintain, and provide for public park and public recreation centers and other recreation facilities, services, or programs including, but not limited to, grading, soil preparation, sprinkler systems, fencing, pavilions, playgrounds, playing fields, open space, bike trails, pedestrian trails, pedestrian bridges, picnic areas, common area landscaping, streetscaping, storage buildings and facilities, weed control, paving, decorative paving, outdoor functional and decorative lighting, community events, and

Service Plan Guide

other services, programs and facilities, with all necessary and incidental and appurtenant facilities, land and easements, together with extensions and improvements thereto.

7. Television Relay and Translation

The District shall have the power and authority to finance, design, construct, install, acquire, operate, and maintain television relay and translator facilities, with all necessary and incidental and appurtenant facilities, land and easements, together with extensions and improvements thereto.

8. Mosquito Control

The District shall have the power and authority to finance, design, construct, acquire, install, operate, maintain, and provide for systems and methods for elimination and control of mosquitoes.

9. Fire Protection

The District shall have the power and authority to provide fire protection, ambulance, and emergency medical and rescue services, including necessary equipment, personnel, and facilities.

10. Covenant Enforcement and Design Review

The District shall have the power and authority to provide covenant enforcement and design review services subject to the limitations set forth in C.R.S. § 32-1-1004(8), as amended.

11. Security

The District shall have the power and authority to provide security services within the boundaries of the District, subject to the limitations set forth in C.R.S. § 32-1-1004(7), as amended. In no way is this power and authority intended to limit or supplant the responsibility and authority of local law enforcement (i.e., the Douglas County Sheriff's Department) within the boundaries of the District.

B. Estimated Costs and Phasing of Improvements

An estimate of the costs of the public improvements which may be planned for, designed, acquired, constructed, installed, relocated, redeveloped, maintained, or financed was prepared based upon a preliminary engineering survey on the property and is approximately _____ (\$000.00) as shown in **Exhibit D**. **Exhibit D** includes an engineer's opinion of costs in current dollars of each public improvement, together with an explanation of methods, basis, and/or assumptions used. All descriptions of the public improvements to be constructed, and their related costs, are estimates only and are subject to modification as engineering, development plans, economics, the County's

Service Plan Guide

requirements, and construction scheduling may require. The District will continue to develop and refine cost estimates contained herein and prepare for issuance of debt. Any increase in public improvement costs greater than twenty percent (20%), but less than forty percent (40%), of the stated amount in **Exhibit D**, exclusive of any contingency shown in **Exhibit D**, shall require an administrative review by County staff. Any increase in public improvement costs in excess of forty percent (40%) of the stated amount in **Exhibit D**, exclusive of any contingency shown in **Exhibit D**, will constitute a material modification of the Service Plan and will require review by the County and action by the Board of County Commissioners in accordance with Section XIII. All construction cost estimates assume construction to applicable local, State, or Federal requirements.

Maps showing the preliminary location of the public improvements that the District is authorized to acquire or construct are attached hereto as **Exhibit E**. Phasing of construction shall be determined by the District to meet the needs of taxpayers within its boundaries. The District shall own, maintain, and replace public improvements constructed, installed, or acquired by the District or shall dedicate such public improvements to such other entity as shall accept dedication, subject to any limitations specified in this Service Plan.

In all instances, the District shall ensure that the public improvements are designed and constructed in accordance with the standards and specifications of the County or other such entity that may have authority over such design and construction. The District shall obtain approval of civil engineering and other plans and any applicable permits for the construction and installation of public improvements from the County and/or other appropriate regulatory agencies.

C. Services to be Provided by Other Governmental Entities

(List all services to be provided by other governmental entities, including other special districts.)

D. Compliance with Section 18A, Water Supply – Overlay District, of the Douglas County Zoning Resolution, as amended

The (District or name of existing or extraterritorial district) shall provide water supply services to the Project. **[PICK ONE OF THE FOLLOWING SENTENCES, AS APPROPRIATE]** (1) _____ has met the requirements of Section 18A, Water Supply – Overlay District, of the Douglas County Zoning Resolution, as amended, as described in its letter in **Exhibit H**. (2) _____ has met the requirements of Section 18A, Water Supply – Overlay District, of the Douglas County Zoning Resolution, as amended, as described in the Water Supply Plan in **Exhibit H**.

E. Compliance with DRCOG Clean Water Plan

Service Plan Guide

_____ has asserted its compliance with the DRCOG Clean Water Plan as demonstrated in **Exhibit I**.

IX. EXISTING AND PROPOSED AGREEMENTS

(Explain any existing or proposed agreements with other governmental entities.)

X. FINANCIAL INFORMATION

A. General

This section describes the nature, basis, and method of funding and debt and mill levy limitations associated with the District's public improvements. A detailed Financial Plan and statement of assumptions is contained in **Exhibit F**.

B. Assumptions

The maximum debt limitation contained herein is based on the assumption that each of the _____ residential properties in the District will have an average value of approximately _____ (\$000.00), and commercial space will have an average value of _____ (\$000.00) per square foot. The Financial Plan demonstrates that the District has the ability to finance the public improvements identified herein, will be capable of discharging the indebtedness on a reasonable basis, and will operate on a sound fiscal basis.

C. Identification of District Revenue

The District will impose a mill levy on taxable property within its boundaries as a primary source of revenue for repayment of debt and for operations and maintenance. The District may also rely upon various other revenue sources authorized by law. At the District's discretion, these may include the power to assess fees, rates, tolls, penalties, or charges as provided for in C.R.S. § 32-1-1001(1), as amended.

A Maximum Total Mill Levy of _____ mills is authorized to support debt service and operations and maintenance of the District. The District may request an amendment to the Service Plan, in accordance with Section XIII, to eliminate mill levy caps when the debt to assessed value ratio falls below fifty percent (50%).

In the event of legislation implementing changes in the ratio of actual valuation to assessed valuation for residential real property, pursuant to Article X, section 3(1)(b) of the Colorado Constitution, the mill levy limitations provided herein will be increased or decreased as to all taxable property in the District to reflect such changes so that, to the extent possible, the actual tax revenues generated by the mill levy, as adjusted, are neither diminished nor enhanced as a result of such changes ("Gallagher Adjustment"). If there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut, or abatement, the mill levy limitation applicable to such operating and maintenance expenses may be increased or decreased to reflect such

Service Plan Guide

changes, such increases or decreases to be determined by the Board in good faith so that to the extent possible, the actual tax revenue generated by the mill levy are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

D. Debt Service Mill Levy

A maximum mill levy of ____ mills is authorized to support the debt service of the District, subject to the limitation of the Maximum Total Mill Levy. An initial debt service mill levy of ____ mills will produce revenue sufficient to support debt service costs through the bond repayment period (see **Exhibit F**, Financial Plan).

E. Operations and Maintenance Mill Levy

A maximum mill levy of ____ mills is authorized to support the operations and maintenance of District services and public improvements, subject to the limitation of the Maximum Total Mill Levy. An initial operations and maintenance mill levy of ____ mills will produce revenue sufficient to support the operations and maintenance of District services and public improvements (see **Exhibit F**, Financial Plan).

F. District Expenditures

The estimated cost of public improvements for the District is ____ (\$000.00). **Exhibit D** includes, in current dollars, the estimated cost of each public improvement, together with an explanation of the methods, basis, and/or assumptions used to establish such costs.

The District will require operating funds to plan and cause the public improvements contemplated herein to be constructed, operated, and maintained as permitted herein. Such costs are expected to include reimbursement of organizational costs, legal, engineering, accounting, bond issuance costs, and compliance with State budgeting, audit, and reporting, and other administrative and legal requirements. The organizational costs for the District for legal, engineering, surveying, and accounting services are estimated to be ____ (\$000.00). The first year's operating budget is estimated to be ____ (\$000.00).

G. Debt

1. Debt Limitation

The total debt limit for the District is ____ (\$000.00), inclusive of costs of issuance, inflation, and other similar costs. For purposes of this Service Plan, debt shall be considered any outstanding bonds, notes, contracts, or other financial obligations of the District payable in whole or in part from *ad valorem* taxes or other revenues of the District for the purposes of financing, acquiring, constructing, or improving any of the

Service Plan Guide

public improvements contemplated herein. The debt limit shall not be increased unless approved by the County and as permitted by statute and the Colorado Constitution. Any change in debt limit shall be considered a material modification of the Service Plan, subject to the provisions of Section XIII of this Service Plan. ***The maximum term of any bond issue, including refunding and refinancing, shall be thirty (30) years from the original date of issuance.***

2. Maximum Voted Interest Rate and Maximum Underwriting Discount

The interest rate on any debt is limited to the market rate at the time debt is issued. ***In the event of a default, the maximum voted interest rate on any debt shall not exceed twelve percent (12%). The maximum underwriting discount shall be five percent (5%).*** Debt, when issued, shall comply with all relevant requirements of this Service Plan, State law, and Federal law as is then applicable to the issuance of public securities.

XI. DEVELOPER ADVANCES AND REIMBURSEMENTS

The District anticipates receiving initial funding for both capital and ongoing administrative requirements from developer advances. Such advances may be made to the District subject to the District's obligation to reimburse the same, as may be evidenced by short-term reimbursement agreements or other acceptable agreements or resolutions. ***The interest rate on developer reimbursements shall not exceed the current Bond Buyer 20-Bond GO Index plus four percent (4%).***

Such advances, which the Board is obligated to appropriate on an annual basis, shall count against the maximum allowable debt limit under this Service Plan and may be repaid by the District from bond proceeds or other legally available sources of revenue. Developer advances shall be subordinate to the District general obligation bonds and refinancing of the same shall not require County approval. Any amount of outstanding principal and accrued interest on such developer advances that remains unpaid as of the expiration of the Maximum Debt Service Mill Levy term shall be deemed to be forever discharged and satisfied in full. The total developer advances are anticipated to be _____ (\$000.00). Developer contributions, which will not be repaid by the District, are anticipated to be _____ (\$000.00).

XII. ANNUAL REPORT

The District shall be responsible for submitting an annual report to the County no later than (date) of each year in accordance with the procedures set forth in C.R.S. § 32-1-207(3)(c) and (d), as amended. The annual report shall conform to the format attached hereto as **Exhibit L**, or in a format agreed to by the County.

XIII. MODIFICATION OF SERVICE PLAN

Service Plan for _____ Metropolitan District

Service Plan Guide

Pursuant to C.R.S. § 32-1-207, as amended, the District shall obtain prior written approval of the County before making any material modification to this Service Plan. Material modifications require a Service Plan amendment and include modifications of a basic or essential nature, including, but not limited to, the following: any addition to the types of services provided by the District; a decrease in the level of services; a decrease in the financial ability of the District to discharge the existing or proposed indebtedness; or a decrease in the existing or projected need for organized service in the area. Inclusion of property that is located in a county or municipality with no other territory within the District may constitute a material modification of the Service Plan.

In the event the District plans to undertake an action which may not be permitted by this Service Plan, it shall be the District's responsibility to contact County staff to seek an administrative determination as to whether the action in question is permitted by the Service Plan. If County staff determines that the action may constitute a material modification, the District shall submit a proposal for action to the Board of County Commissioners. Thereafter, the Board of County Commissioners will determine whether the proposed action constitutes a material modification. If the Board of County Commissioners determines that the proposed action constitutes a material modification, then the action shall be prohibited and constitute a material modification of this Service Plan requiring an amendment, pursuant to Section XIII of the Service Plan and C.R.S. § 32-1-207(2).

XIV. DISCLOSURE STATEMENT

The District shall provide notice to all purchasers of property in the District regarding the District's authority to levy and collect *ad valorem* taxes and to impose and collect rates, fees, tolls, and charges, by recording a disclosure statement against the property within the District with the Office of the Douglas County Clerk and Recorder. Such disclosure statement shall also provide information concerning the structure of the Board and summarize how purchasers may participate in the affairs of the Board. The disclosure statement shall be recorded within thirty (30) days following the recordation of the court decree organizing the District.

XV. DISSOLUTION

It shall be mandatory for the District to initiate dissolution proceedings when the District has neither any financial obligations nor operations and maintenance obligations. The District may file a petition in the district court for dissolution when there are no financial obligations or outstanding bonds, or any such financial obligations or outstanding bonds are adequately secured by escrow funds or securities meeting the investment requirements in C.R.S. §§ 24-75-601, *et seq.*, as amended. The District's dissolution shall be subject to approval of a plan of dissolution in the district court of the County, pursuant to C.R.S. § 32-1-704, as amended.

XVI. DEFINITIONS

Service Plan Guide

In this Service Plan, the following terms shall have the meanings indicated below, unless the context hereof clearly requires otherwise:

Board: the board of directors of the District

Board of County Commissioners: the Board of County Commissioners of Douglas County, Colorado

Control Act: Part 2 of Title 32 (Special Districts) of the Colorado Revised Statutes (C.R.S.), which outlines review procedures for service plans for a special district

County: Douglas County, Colorado

Debt: any bond, note debenture, contract, or other multiple-year financial obligation of a District

Developer: the owner of the property proposing development of the project

District: the _____ Metropolitan District

District Boundaries: the boundaries of the area described in the legal description attached hereto as **Exhibit B**

District Boundary Map: the map attached hereto as **Exhibit C**, showing the District's boundaries

Financial Plan: the Financial Plan described in Section X and attached as **Exhibit F**, which describes: (a) how the public improvements are to be financed; (b) how the debt is expected to be incurred; and (c) the estimated operating revenue derived from property taxes for the first budget year.

General Obligation Bond: bonds or other obligations for the payment of which the District has promised to impose an *ad valorem* property tax mill levy

Maximum Debt Service Mill Levy: the maximum mill levy the District is permitted to impose for payment of debt as set forth in Section X.D

Maximum Operations and Maintenance Mill Levy: the maximum mill levy the District is permitted to impose for the payment of operating and maintenance expenses as set forth in Section X.E

Maximum Total Mill Levy: the maximum mill levy the District is permitted to impose for the payment of debt as set forth in Section X.D. and operating and maintenance expenses as set forth in Section X.E

Project: the development or property commonly referred to as _____

Service Plan for _____ Metropolitan District

Service Plan Guide

Public Improvements: the improvements authorized to be planned, designed, acquired, constructed, installed, relocated, redeveloped, and financed as generally described in the Special District Act to serve the future taxpayers and inhabitants of the District as determined by the Board of the District

Revenue Bond: bonds issued by the District to finance a specific project, the income from which will be used for repaying the bond

Service Plan: the service plan for the District approved by the Board of County Commissioners

Special District Act: C.R.S. § 32-1-101, *et seq.*, as amended

State: the State of Colorado

XVII. RESOLUTION OF APPROVAL

The District incorporates the Board of County Commissioner’s resolution approving this Service Plan into this Service Plan to be presented to the district court attached hereto as **Exhibit G**.

XVIII. STATUTORY FINDINGS AND CONCLUSIONS

It is submitted that this Service Plan for the District, as required by C.R.S. § 32-1-203, as amended, establishes that:

[PLEASE INCLUDE A PARAGRAPH WITH EACH CONCLUSION EXPLAINING HOW THE DISTRICT HAS MET THIS REQUIREMENT]

1. There is sufficient existing and projected need for organized service in the area to be served by the District;
2. The existing service in the area to be served by the District is inadequate for present and projected needs;
3. The District is capable of providing economical and sufficient service to the area within its boundaries;
4. The area to be included in the District has, or will have, the financial ability to discharge the indebtedness on a reasonable basis;
5. Adequate service is not, or 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;

Service Plan Guide

6. The facility and service standards of the District are compatible with the facility and service standards of each county within which the District is to be located and each municipality which is an interested party under C.R.S. § 32-1-204(1), as amended;

7. The proposal is in substantial compliance with the Douglas County Comprehensive Master Plan, as amended, adopted pursuant to C.R.S. § 30-28-106, as amended;

8. The proposal is in compliance with the regional Clean Water Plan, as amended; and

9. The creation of the District will be in the best interests of the area to be served.

**Exhibit A
Vicinity Map**

**Exhibit B
Legal Description**

DIRECTIONS:

The legal description shall match that of the development project the District is proposed to serve.

The legal description shall be signed and stamped by a licensed surveyor.

If the District consists of multiple parcels, each shall be described individually. They may be contained or grouped within an overall description, though clearly distinguished from one another.

Exhibit C
District Boundary Map

DIRECTIONS:

The District Boundary Map shall correspond to the legal description in **Exhibit B**. All boundary courses shall be shown and legible on the map. Tables may be used. Use 11"x17" sheets folded or multiple sheets with match lines, as necessary.

Exhibit D
Cost of Improvements

DIRECTIONS:

Cost estimates are expected to be preliminary, and shall be shown based on units of measure (e.g., 8,000 LF of 36 ft. wide asphalt roadway @ \$ per LF, or 12,000 LF of 10" steel waterline @ \$ per LF). Each type of improvement shall be shown separately (i.e., water, sewer, roads, drainage, etc.) with subtotals for each and a total with any contingencies and soft costs. The cost groupings shall have corresponding maps in **Exhibit E**. Total costs should correspond to the figures shown in the body of the Service Plan and in the Financial Plan in **Exhibit F**. If phasing is proposed, this shall be reflected in the cost estimates.

Exhibit E
Map of Improvements

DIRECTIONS:

Each type of improvement (i.e., water, sewer, roads, etc.) shall have an individual map that shows the location of improvements proposed to be constructed and financed by the District, and shall correspond to the cost estimates in **Exhibit D**. If phasing is proposed, it shall be depicted on the maps.

**Exhibit F
Financial Plan**

DIRECTIONS:

The Financial Plan shall include a list of explicit assumptions about the development of the pro forma spreadsheets.

The Financial Plan shall include the following elements:

- Expenses and revenues shown separately, including any advance and reimbursement agreements
- Mill levies and revenues for debt service
- Mill levies and revenues for operations
- Other revenues, including, but not limited to, specific ownership taxes, and facility fees and tap fees. Such revenues shall be listed with anticipated revenues shown.
- Build-out schedule by year for both residential and non-residential uses
- Etc.

**Exhibit G
Resolution of Approval**

DIRECTIONS:

A draft resolution of approval shall be included with the Service Plan application. This is subject to review and comment by the County Attorney's Office prior to the hearing before the Board of County Commissioners.

The final, approved, and recorded version of the resolution shall be included in the Service Plan provided to the County following the election and recordation of the court decree organizing the District.

RESOLUTION NO. R-013- _____

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

A RESOLUTION APPROVING THE SERVICE PLAN OF

WHEREAS, on [INSERT DATE], a service plan for the proposed [INSERT NAME OF DISTRICT] (“Service Plan”) was filed with the Douglas County Clerk and Recorder (“Clerk”), and the Clerk, on behalf of the Board of County Commissioners (“Board”), mailed a Notice of Filing of Special District Service Plan to the Division of Local Government in the Department of Local Affairs on [INSERT DATE]; and

WHEREAS, on [INSERT DATE], the Douglas County Planning Commission recommended approval of the Service Plan to the Board; and

WHEREAS, on [INSERT DATE], the Board set a public hearing on the Service Plan for [INSERT DATE] (“Public Hearing”), and (1) ratified publication of the notice of the date, time, location and purpose of such Public Hearing, which was published in *The Douglas County News-Press* on [INSERT DATE]; and (2) caused notice of the date, time and location of the Public Hearing to be mailed on [INSERT DATE], to the governing body of the existing municipalities and special districts which have levied an *ad valorem* tax within the next preceding tax year and which have boundaries within a radius of three miles of the proposed boundaries of [INSERT NAME OF DISTRICT] (“District”) and, on [INSERT DATE], to the petitioners and to the property owners, pursuant to the provisions of § 32-1-204(1.5), C.R.S.; and

WHEREAS, on [INSERT DATE], a Public Hearing on the Service Plan was opened at which time all interested parties, as defined in § 32-1-204, C.R.S., were afforded an opportunity to be heard, and all testimony and evidence relevant to the Service Plan and the organization of the proposed District was heard, received and considered.

Service Plan Guide

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, STATE OF COLORADO, THAT:

Section 1. The Board does hereby determine that all procedural requirements of §§ 32-1-201, *et seq.*, C.R.S., relating to the Service Plan have been fulfilled and that the Board has jurisdiction in the matter.

Section 2. The Board does hereby find:

(a) that there is sufficient existing and projected need for organized service in the area to be serviced by the proposed District; and

(b) that the existing service in the area to be served by the proposed District is inadequate for present and projected needs; and

(c) that the proposed District is capable of providing economical and sufficient service to the area within the proposed boundaries; and

(d) that the area to be included in the proposed District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis; and

(e) that adequate service is not, or will not be, available to the area through Douglas County or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis; and

(f) that the facility and service standards of the proposed District are compatible with the facility and service standards of Douglas County and each municipality which is an interested party under § 32-1-204, C.R.S.; and

(g) that the proposal is in substantial compliance with the Douglas County Comprehensive Master Plan; and

(h) that the proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area; and

(i) that the creation of the proposed District will be in the best interests of the area proposed to be served; and

Service Plan for _____ Metropolitan District

Service Plan Guide

(j) that the Service Plan, based upon the statements set forth in the Service Plan and upon all evidence presented at the Public Hearing on the Service Plan, meets all conditions and requirements of §§ 32-1-201, *et seq.*, C.R.S.

Section 3. The Board hereby approves the Service Plan without conditions; provided, however, that such action shall not imply the approval of any land development activity within the proposed District or its service area, or of any specific number of buildable units identified in the Service Plan, unless the Board has approved such development activity as part of a separate development review process.

Section 4. The legal description of the District shall be as provided in **Exhibit A**, attached hereto and incorporated herein by reference.

Section 5. A certified copy of this resolution shall be filed in the records of Douglas County.

PASSED AND ADOPTED this ____ day of _____, 200__, in Castle Rock, Douglas County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

BY: _____
_____, Chair

ATTEST:

Deputy Clerk

Service Plan Guide

EXHIBIT A

(Legal Description)

Exhibit H
Compliance with Section 18A, Water Supply – Overlay District

DIRECTIONS:

This exhibit shall include either a copy of the will-serve letter from the water provider (i.e., other district actually providing water service), or a copy of the water supply plan required by Section 18A of the Douglas County Zoning Resolution, as amended, for new districts. The final, approved version of the water supply plan shall be included in the Service Plan and provided to the County following the election and recordation of the court decree organizing the District.

Exhibit I
Compliance with DRCOG Clean Water Plan

DIRECTIONS:

This exhibit shall consist of a letter from either DRCOG or the entity providing wastewater treatment stating that the entity is in compliance with the Regional Clean Water Plan.

Exhibit J
Advance and Reimbursement Agreement

DIRECTIONS:

This exhibit shall include copies of any and all agreements proposed by the District with the Developer and/or others who will provide funding for capital expenditures, operational expenses, and organizational costs in advance of the District issuing debt.

Exhibit K
Intergovernmental Agreements

DIRECTIONS:

This exhibit shall include copies of any and all intergovernmental agreements proposed between the District and other entities. If the intergovernmental agreement is not complete, then a detailed description of the agreement shall be included in this exhibit.

Exhibit L
Annual Report Requirements

The District shall be responsible for submitting an annual report to the County no later than (date) of each year. The annual report shall conform to the following format:

Name of District

Year ANNUAL REPORT

(For Activities Completed in Year, and With Information About Prospective Years)

- I. District Description - General Information
 - a. Board members, officers' titles, and terms
 - b. Changes in board membership in past year
 - c. Name and address for official District contact
 - d. Elections held in the past year and their purpose

- II. Boundary changes for the report year and proposed changes for the coming year

- III. List of intergovernmental agreements (existing or proposed) and a brief description of each detailing the financial and service arrangements
 - a. Contracts for operations, debt, and other contractual obligations with sub-districts or operating and taxing districts
 - b. Reimbursement agreements with developers and/or builders for advances to fund capital costs and administrative/operational and maintenance costs of the District

- IV. Service Plan
 - a. List and description of services authorized in Service Plan
 - b. List and description of facilities authorized in Service Plan
 - c. List and description of any extraterritorial services, facilities, and agreements

Service Plan Guide

- V. Development Progress
 - a. Indicate the estimated year of build-out, as set forth in the Service Plan
 - b. List the services provided with the date service began compared to the date authorized by the Service Plan
 - c. List changes made to the Service Plan, including when the change was authorized, when it was implemented or is expected to be implemented
 - d. List facilities to be acquired or constructed or leased back as set forth in the Service Plan and compare the date of completion or operation with the date authorized by the Service Plan
 - e. List facilities not completed. Indicate the reason for incompleteness and provide a revised schedule, if any
 - f. List facilities currently under construction with the percentage complete and an anticipated date of completion
 - g. Indicate the population of the District for the previous five (5) years and provide population projections for the next five (5) years
 - h. List the planned number of housing units by type and the number of commercial and industrial properties with respective square footage and anticipated dates of completion/operation. Compare the completed units and completed commercial and industrial properties to the amount planned in the Service Plan.
 - i. List any enterprises created by and/or operated by or on behalf of the District, and summarize the purpose of each

- VI. Financial Plan and Financial Activities
 - a. Provide a copy of the audit or exemption from the audit for the reporting year.
 - b. Provide a copy of the budget, showing the reporting and previous years.
 - c. Show revenues and expenditures of the District for the previous five (5) years and provide projections for the next five (5) years. Include any non-District or non-governmental financial support. Include and list individually all fees, rates, tolls, etc., with a summary of the purpose of

Service Plan Guide

- each. Show other miscellaneous tax revenue, such as specific ownership taxes. For the same period, show actual and projected mill levies by purpose (showing mill levies for each individual general obligation, revenue-based obligation, or contractual obligation).
- d. List all debt that has been issued, including all individual issuances with a schedule of service until the debt is retired
 - e. List individually all authorized but unissued debt, including the purpose, ballot issue letter designation and election date, and amounts authorized and unissued
 - f. List the total amount of debt issued and outstanding as of the date of the annual report and compare to the maximum authorized debt level as set forth in the Service Plan
 - g. Enterprises of the District
 - i. Include revenues of the enterprise, showing both direct support from the District and all other sources
 - ii. Include expenses of the enterprise, showing both direct payments to the District and all other obligations
 - h. Detail contractual obligations
 - i. Describe the type of obligation, current year dollar amount, and any changes in the payment schedule, e.g. balloon payments.
 - ii. Report any inability of the District to pay current obligations that are due within the current budget year
 - iii. Describe any District financial obligations in default
 - i. Actual and Assessed Valuation History
 - i. Report the annual actual and assessed valuation for the current year and for each of seven (7) years prior to current year
 - ii. For each year, compare the certified assessed value with the Service Plan estimate for that year. If Service Plan estimates are not available, indicate the same and report the certified value.

Service Plan Guide

- j. Mill Levy History
 - i. Report the annual mill levy for the current year and for each of the seven (7) years prior to current year. Break the mill levies out by purpose (e.g., debt issuance and operations and maintenance)
 - ii. For each year, compare the actual mill levy with the Service Plan estimate for that year. If Service Plan estimates are not available, indicate the same and report the actual mill levies.
- k. Miscellaneous Taxes History
 - i. Report the annual miscellaneous tax revenue for the current year and for each of the seven (7) years prior to the current year. Break the tax revenue out by purpose (e.g., general operations, revenue-based obligations, debt by issue, contractual obligations, other)
 - ii. For each year, compare the actual miscellaneous tax revenue with the Service Plan estimate for that year (if provided in Plan). If the Service Plan estimates are not available, indicate the same and report the actual taxes.
- l. Estimated Assessed Valuation of District at 100% Build-Out
 - i. Provide an updated estimate and compare this with the Service Plan estimate.
- m. Estimated Amount of Additional General Obligation Debt to be Issued by the District between the End of Current Year and 100% Build-Out.
 - i. Provide an updated estimate based on current events. Do not include refunding bonds.

**Exhibit M
District Court Decree**

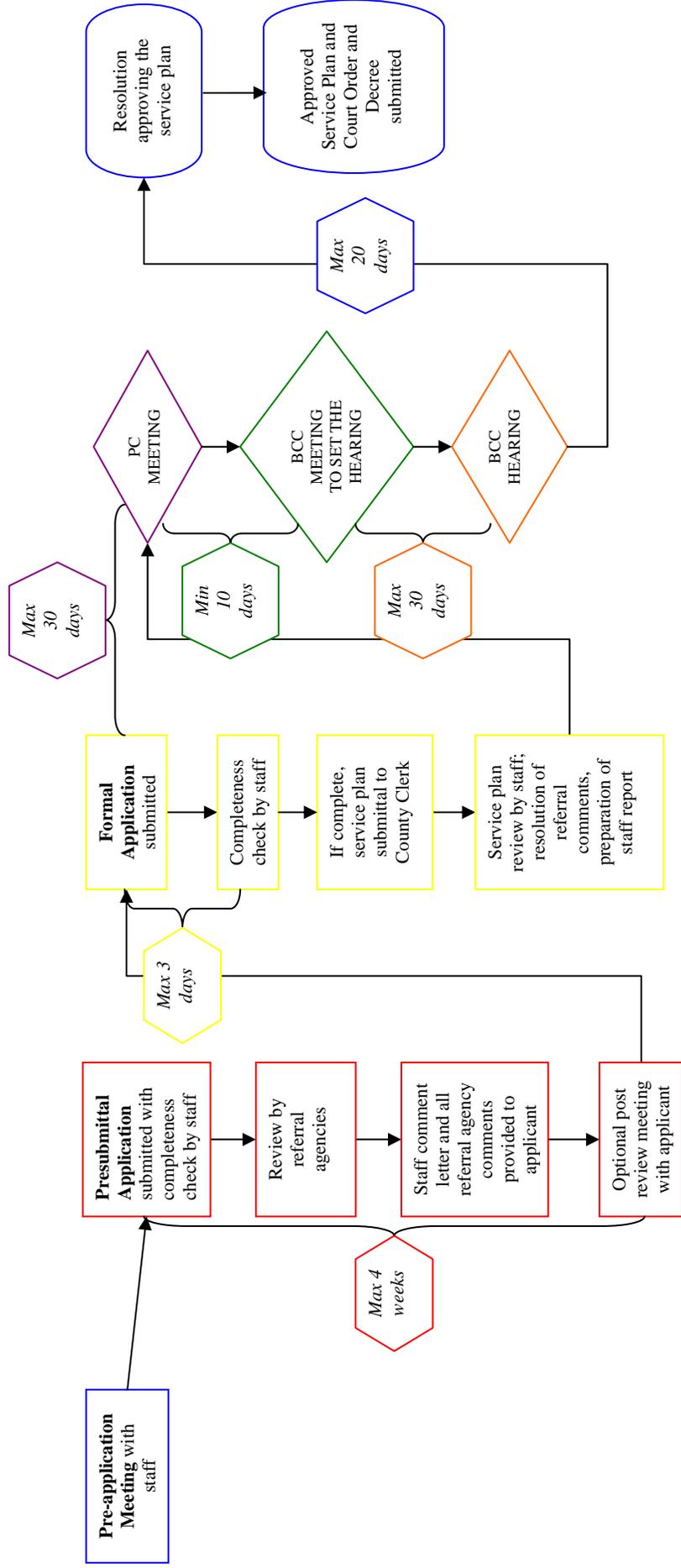
DIRECTIONS:

This exhibit shall include a copy of the recorded district court decree certifying the election and organizing the District.

ATTACHMENT 3

SERVICE PLAN APPLICATION FLOWCHART

Service Plan Review Flowchart



ATTACHMENT 4

GUIDELINES TO THE PREPARATION OF PUBLIC NOTICES

1 Newspaper Notice

- 1.1 A notice shall be published in a daily or weekly newspaper of general circulation, printed or published at least in part in Douglas County, at least 20 days before the Board public hearing. The notice shall include the date, time, location, purpose of the hearing and a general description of the land contained within the boundaries of the proposed special district, and information outlining methods and procedures pursuant to C.R.S. § 32-1-203 (3.5), as amended, concerning the filing of a petition for exclusion of territory.
- 1.2 It is recommended that the applicant provide Planning Services an opportunity to review a copy of the draft notice before it is sent to the newspaper for publishing.

2 Written Notice

- 2.1 Existing surrounding Municipalities and Special Districts
 - 2.1.1 A written notice stating the date, time and location of the Board public hearing shall be sent to the governing body of any existing municipality or special district which has levied an ad valorem tax within the next preceding tax year and which has boundaries within a radius of 3 miles of the proposed special district boundaries. (C.R.S. § 32-1-204(1), as amended).
 - 2.1.2 It is recommended that the applicant provide Planning Services with a copy of the above draft notice and a list of the municipalities or special districts prior to mailing the notice.
 - 2.1.3 This notice shall be sent out at least 20 days prior to the Board hearing.
- 2.2 Property Owners
 - 2.2.1 Not more than 30 days or less than 20 days prior to the Board hearing, a notice stating the date, time, location, and purpose of the Board public hearing, a reference to the

type of special district, maximum mill levy, if any, or stating that there is no maximum that may be imposed by the proposed special district, and procedures for the filing of a petition for exclusion pursuant to C.R.S. § 32-1-203(3.5), as amended, shall be sent to the owners of property within the proposed special district as listed on the records of the County Assessor. (C.R.S. § 32-1-204(1.5), as amended).

- 2.2.2 If the applicant represents 100 percent of the landowners, no mailing is required. The applicant shall submit evidence of ownership in the form of a title commitment dated within 30 days of the formal submittal of the application to Planning Services.